



NATIONAL HUMAN RIGHTS COMMISSION



ANNUAL
REPORT
2014-15



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2014 - 2015



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भवन्तु सुखिनः

National Human Rights Commission

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Introduction

1.1 This report of the National Human Rights Commission (NHRC) covers the period from 1 April 2014 to 31 March 2015. It is the twenty-second Annual Report of the Commission.

1.2 The twenty-first Annual Report of the Commission, covering the period from 1 April 2013 to 31 March 2014, was submitted to the Central Government on 8 May 2015 for preparing the Memorandum of Action Taken and placing the same before each House of Parliament in accordance with the procedure laid down under Section 20 of the “Protection of Human Rights Act, 1993” and its amendment thereby in September 2006 (PHRA).

1.3 During the period under review, Justice Shri K.G. Balakrishnan, former Chief Justice of the Supreme Court of India continued to hold the office of Chairperson in the NHRC. Justice Shri Cyriac Joseph (former Judge of Supreme Court of India), Justice Shri D. Murugesan (former Chief Justice of High Court of Delhi) and Shri S.C. Sinha (former Director General, National Investigation Agency), all of whom assumed office in the Commission in the year 2013, continued to serve as Members of the Commission.

1.4 In accordance with Section 3 (3) of the PHRA, the Chairperson of the National Commission for Minorities, the National Commission for Scheduled Castes, the National Commission for the Scheduled Tribes and the National Commission for Women shall be deemed to be Members of the Commission for the discharge of functions specified in clauses (b) to (j) of Section 12 of the PHRA. Accordingly, Dr. P. L. Punia, Chairperson of the National Commission



for Scheduled Castes, Dr. Rameshwar Oraon, Chairperson of the National Commission for Scheduled Tribes and Shri Naseem Ahmad, Chairperson of the National Commission for Minorities continued to be deemed Members whereas Ms. Lalitha Kumaramangalam, Chairperson of the National Commission for Women assumed office on 29 September 2014.

1.5 Shri Rajesh Kishore, IAS (GUJ:1980) succeeded Dr. Parvinder Sohi Behuria (IRS : 77), as the Secretary General and Chief Executive Officer of the NHRC on 8 July 2014 upon the superannuation of the latter on 31 March 2014. Prior to joining the NHRC, Shri Rajesh Kishore was posted as Additional Chief Secretary in the Department of Health and Family Welfare (Medical Services & Medical Education), Government of Gujarat. Smt. Kanwaljit Deol, IPS (AGMU : 77), continued to work as Director General (Investigation) in the NHRC and superannuated on 31 October 2014. Shri A. K. Garg and Shri J. S. Kochher (IES:1986) continued to function as Registrar (Law) and Joint Secretary (Training & Research) in the NHRC respectively. On 27 October 2014, Dr. Ranjit Singh assumed office as Joint Secretary (Programme & Administration) in the NHRC. Before joining the Commission he was working as Colonel (Guards), Station Head Quarters, Amritsar Cantonment.

1.6 During the period under review, the Commission continued to focus on a wide range of activities in consonance with the diverse functions envisaged for it under Section 12 of its Statute. Needless to mention these functions are vast in scope. In essence, the Statute requires the Commission to function on two tracks simultaneously : one, immediate, in order to seek redress and remedy for immediate wrongs; the other, long-term, to strive for the development of a culture of human rights over the length and breadth of the country. These, at the same time, are inter-related. Together, these have determined the issues on which focussed attention is being given by the Commission.

1.7 Accordingly, the Commission remained engaged, suo-motu or on the basis of complaints, with instances of custodial death and rape, death in police custody, illegal detention and torture, police high-handedness, death in police and para-military firing and encounter, atrocities against vulnerable sections of society – women, children, disabled and the elderly – often compounded when they belong to the Scheduled Castes and Scheduled Tribes. In fact, the Commission from 2012 onwards started the process of holding open hearings on atrocities committed against Scheduled Castes in different parts of the country. Many of these atrocities relate to police inaction, biased investigation by police officers, crime against women, sexual assault, civil disputes and other violations. It is for similar reasons that social evils such as human trafficking and bonded and child labour continued to receive the attention of the Commission along with concerns relating to economic, social and cultural rights. The Commission furthermore remained occupied in addressing concerns raised as part of the second cycle of the universal periodic review of India undertaken by the United Nations Human Rights Council in 2012. It will be seen



that concerns, 67 in all, relating to the second cycle of the universal periodic review come across as cross-cutting issues and therefore has been dealt in various chapters of this Annual Report. In addition, the Commission ensured how best it can promote, through human rights education and training, a culture of human rights in the country given the diverse and pluralistic nature of India.

1.8 These matters are more fully commented upon in the sections of the report that follow.

(H. L. Dattu)
Chairperson

(Cyriac Joseph)
Member Member

(D. Murugesan)
Member

(S. C. Sinha)

New Delhi
21 June 2016





Highlights : 2014-2015

2.1 Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. Human rights are inherent in all human beings and are founded on respect for the dignity and worth of each person. They stem from cherished human values that are common to all cultures and civilizations. Human rights have been enshrined in the Universal Declaration of Human Rights and codified in a series of international human rights treaties ratified by States and other instruments adopted after the Second World War. There are also regional human rights instruments, and most States have adopted constitutions and other laws that formally protect basic human rights and freedoms. While international treaties and customary law, together with interpretation by treaty bodies, form the backbone of international human rights law, other non-binding instruments such as declarations, guidelines and principles adopted at the international level contribute to its understanding, implementation and development.

2.2 Human rights are universal, inalienable, interrelated, interdependent and indivisible. Taken together, these characteristics, ensure that all human rights are to be realized, whether they are civil and political rights, economic, social and cultural rights or collective rights, for all people and at all times. The level of enjoyment of one right is dependent on the realization of other rights. For instance, the right to vote and participate in public affairs may be of little importance to someone who has nothing to eat. Furthermore, their meaningful enjoyment is dependent, for instance, on the realization of the right to education. Similarly, improvement in the enjoyment of any human right cannot be at the expense of



the enjoyment of any other right. Thus, the realization of civil rights is as important as the realization of economic rights.

2.3 The significance of human rights, more so their realization, remind us of the necessity to place the human being at the centre of our overall development and adjust our analytical lens accordingly. In its last Annual Report pertaining to the year 2013 – 2014, the Commission had stated that all human rights for all people in all countries should be the goal of the 21st century whereby everybody lives a life of dignity and enjoys freedom from fear and want, without discrimination. In accord with the same, the Commission continued to focus its attention on proper and just implementation of civil, political, economic, social and cultural rights in the country during the period under review and in the process made efforts to empower people, especially the most vulnerable and the most marginalized.

2.4 The ensuing paragraphs give an overview of the significant activities undertaken by the Commission during the period April 2014 to March 2015.

Meetings of the Commission

2.5 During the year under review, the Full Commission deliberated upon and decided a number of cases of human rights violations in its 57 sittings. In addition, the Division Benches considered 477 cases in 45 sittings. The Full Commission further took up eight cases of Kashmiri migrants in an open court hearing held in the premises of the Commission on 24 March 2015.

2.6 In accordance with Section 3(3) of the PHRA, the Statutory Full Commission consisting of deemed Members of National Commissions for Minorities, Scheduled Castes, Scheduled Tribes and Women for the discharge of functions specified in clauses (b) to (j) of Section 12 of the PHRA, met on 3 February 2015 to discuss issues of concern.

NHRC Camp Sittings and Open Hearings

2.7 The NHRC has been organizing Camp Sittings and Open Hearings from 2007-2008 and 2012-2013 onwards respectively primarily in State capitals. The main objective of the Camp Sittings is to expedite disposal of pending complaints and sensitize the State functionaries about various human rights concerns including follow-up with the State authorities the compliance status of NHRC recommendations. The aim of the Open Hearings is confined to hearing of complaints pertaining to atrocities inflicted on the Scheduled Castes.

2.8 Earlier, NHRC used to hold separate Camp Sittings and Open Hearings of two to three days each but during the period under review, it conducted these together during a span of three days in Bhopal, Madhya Pradesh from 10 – 12 September 2014 and in



Chandigarh from 26 – 28 November 2014 (for the States of Haryana, Himachal Pradesh, Punjab and Union Territory of Chandigarh). The first day was exclusively devoted to the Open Hearing, the second day to the Camp Sitting and the third day for interaction with NGO functionaries followed by a meeting with senior State Government officials.

Dissemination of NHRC Information and Interaction with Media

2.9 In 2011, the Commission, through its Media & Communication Unit, devised a Media and Outreach Policy with the aim of guiding its various Divisions in planning and organizing their activities in a manner that amplifies the outreach of the Commission using, more effectively, diverse platforms, including the media.

2.10 In line with the NHRC Media and Outreach Policy, the Unit, during the period under review, issued a record number of 210 press releases and statements about the various interventions made by the Commission and activities undertaken. It further organized five press conferences and 17 interviews of Chairperson, Members and senior officers of NHRC with the All India Radio, Doordarshan and other media organizations. Special efforts were made to organize press conferences and day-to-day media briefings for the two camp sittings and open hearings organized by the NHRC. The media was also invited to be part of all important national level conferences, seminars and workshops. In addition, the Unit referred 208 press clippings for suo motu cognizance to the Commission on the basis of media reports about various human rights violations.

2.11 In addition, the Unit published a monthly “Human Rights Newsletter”, in English and in Hindi, giving an insight into various significant activities undertaken by the Commission, circulating it to important stakeholders of the Government, academia, non-governmental organizations and civil society.

Number and Nature of Complaints

2.12 As in the past, the Commission continued to receive complaints from different parts of the country on a wide range of issues where rights of the people had been violated or negligence was shown by a public servant in the prevention of such violations. These complaints included cases alleging custodial deaths, torture, fake encounters, police high-handedness, violations committed by security forces, conditions relating to prisons, atrocities committed on women and children and other vulnerable sections, communal violence, bonded and child labour, non-payment of retiral benefits, negligence by public authorities, etc. The Commission furthermore took cognizance of the intimations received regarding



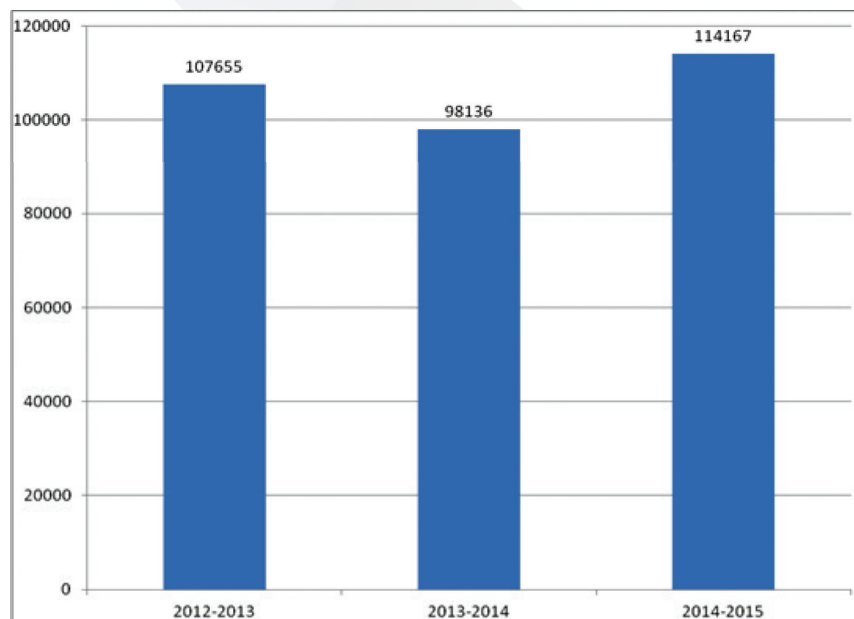
deaths in police encounters and police custody, judicial custody and in the custody of defence/para military forces. Suo motu cognizance of many incidents based on reports in print and electronic media was taken including those cases which came to the notice of Chairperson, Members, Special Rapporteurs and senior officers of the NHRC while on visits to different parts of the country.

Human Rights Violation Cases

2.13 A total of 1,14,167 cases were registered in the Commission (Annexure-1) during 2014-2015. It disposed of 1,02,400 cases which included cases of previous years as well. Of the total number of cases disposed of by the Commission during the year under review, 60,278 were dismissed 'in limine' while 25,696 were disposed of with directions to the appropriate authorities for remedial measures. A total of 7,193 cases were transferred to the State Human Rights Commissions for disposal in accordance with the provisions of the PHRA. For details of State and Union Territory-wise cases disposed of by the NHRC during 2014-2015, see Annexure-2. At the end of the reporting period, i.e. on 31 March 2015, the total number of cases pending with the Commission was 41,050. These covered 3,422 cases awaiting preliminary consideration and 37,628 cases pending either for want of reports from the authorities concerned or for want of consideration by the Commission (Annexure-3).

2.14 The Graph below gives a comparative analysis of total number of cases registered in the NHRC from 2012-2013 to 2014-2015:

Total Number of Cases Registered (2012-2013 to 2014-2015)





CIVIL AND POLITICAL RIGHTS

CHAPTER 2

Preventing Custodial Violence

2.15 The NHRC received 1,589 intimations concerning death in judicial custody and 133 intimations of death in police custody. No intimation was received during the review period about death in para-military / defence forces custody. It disposed of 1,283 cases of custodial death – 1,187 cases of death in judicial custody, 96 cases of death in police custody and one case of death in the custody of para-military forces. The Commission received 192 intimations about deaths in police encounters/police action and disposed off 112 cases of deaths in police encounters, which include cases registered in previous years also. These figures contain cases of previous years as well. See the Graph below for all details.

Recommendations of NHRC for Monetary Relief and its Compliance

2.16 During the period 1 April 2014 to 31 March 2015, the Commission recommended Rs. 9,07,90,000 as payment of monetary relief/compensation to the victims/next of kin of the deceased in 367 cases. Out of the total number of cases in which monetary relief was recommended, compliance reports were received in 59 cases only wherein a total amount of Rs. 1,00,85,000 was paid to the victims/next of kin of the deceased. The State/ Union Territory-wise details of these cases are at Annexure-4.

2.17 During the period under review, the NHRC awaited compliance reports in 308 cases wherein monetary relief amounting to Rs. 8,07,05,000 was recommended (Annexure-5). As is evident from the given Annexure, during 2014-2015, a total of 105 cases were found to be pending with the Government of Uttar Pradesh, 23 with the Government of Odisha and 21 with the Government of Bihar for compliance in which an amount of Rs. 2,05,25,000, Rs. 1,01,15,000 and Rs. 23,40,000 respectively was recommended by the Commission as monetary relief. Madhya Pradesh (17 / Rs. 78,00,000), Rajasthan (17 / Rs. 46,75,000), National Capital Territory of Delhi, (16 / Rs. 43,75,000), Jharkhand (13 / Rs. 1,17,00,000), Haryana (12 / Rs. 21,00,000), Maharashtra (12 / Rs. 15,25,000), Chhattisgarh (9/ Rs. 13,10,000), Tamil Nadu (7/ Rs. 10,50,000) , Kerala (6 / Rs. 16,00,000) and Uttarakhand (6 / Rs. 12,50,000) were the other States in descending order where the pendency was noticeable. The Commission, once again, recommends to all the States/Union Territories, in particular, the Governments of Bihar, NCT of Delhi, Haryana, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Uttar Pradesh, to take speedy action on cases pending with them for compliance so that the monetary relief recommended in each case is immediately given to the victim/next of their kin.

2.18 With regard to compliance reports relating to cases pertaining to previous years, compliance was awaited in 238 (193+45) cases, for details see Annexures - 6 & 7.



2.19 Annexure-6 gives details of cases pending compliance for the year 2013-2014 in respect of payment of monetary relief. As is apparent, the State of Uttar Pradesh tops the list again as the Commission till date has not received proof of payment in 75 cases, most of which relate to civil and political rights. Other States, which had yet to forward their compliance reports in this regard were – Assam (20), Manipur (15), Maharashtra (14), Jharkhand (9), Andhra Pradesh (8), Bihar (8), NCT of Delhi (8), Madhya Pradesh (7), Rajasthan (6), Odisha (4), West Bengal (3), Tamil Nadu (3), Arunachal Pradesh (3), Punjab (2), Karnataka (2), Kerala (2), Jammu and Kashmir (2), Uttarakhand (1), Gujarat (1). The details of these cases have been reported in earlier Annual Reports of NHRC. The Commission once again calls upon all the aforementioned State Governments to take immediate steps for sending their compliance reports to the Commission and simultaneously take comprehensive steps for protection and promotion of civil, political, economic, social and health rights, along with special measures to prevent acts of violence and discrimination towards women, including those belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes.

2.20 Annexure-7 gives details of cases pending compliance on the recommendations made by the Commission for the period 1998-1999 to 2012-2013 for payment of monetary relief, disciplinary action and prosecution. It would be seen that out of the 45 cases cited in the specified Annexure, in seven cases the concerned State Governments have challenged the recommendations of the Commission in their respective High Courts, and in most of these cases, the final decision is awaited. These States are Odisha (3), Jammu and Kashmir (2), Kerala (1) and NCT of Delhi (1). The Commission makes a fervent appeal to all these State Governments to reconsider their stand or speed up the process of justice. Besides, it trusts that the other States listed in Annexure-7 will adhere to the recommendations made by the Commission and provide immediate respite to the victims or next of their kin at the earliest.

National Seminar on Prison Reforms

2.21 The NHRC organized a two-day National Seminar on Prison Reforms in New Delhi on 13 - 14 November 2014. The aim of the seminar was to assess the status of the implementation of the recommendations made in its earlier seminar on the subject held on 15 April 2011 and discuss future course of action in order to improve the condition of prisoners and prison administration from the perspective of human rights. The Hon'ble Union Home Minister, Shri Rajnath Singh addressed the participants of the seminar on 14 November 2014. The National Seminar made some important recommendations which have been elucidated in Chapter 4 of this Annual Report.

Inspection of Police Stations and Jails



2.22 Six Special Rapporteurs of the Commission visited eight Central Jails, 22 District Jails, one Sub-division Jail and one all women police station located in different parts of the country during the period under review. Other than this, one of the Special Rapporteurs made an assessment of the magnitude of human rights violations inflicted on incarcerated persons by the police in the State of Tamil Nadu as well as an analysis of arrest and release on bail from police station in hurt cases in Ootakamund and Kancheepuram Districts of Tamil Nadu.

Pilot Study of Undertrials in State of Uttar Pradesh

2.23 The NHRC in collaboration with the Centre for Equity Studies, New Delhi took up a pilot study on Undertrials in the State of Uttar Pradesh in February 2015. The main objectives of the study are to grasp the socio-economic and educational profile of the undertrials including nature of offences committed by them and the sections under which their trial is undertaken by the authorities; the causes of sufferings of undertrials due to the possible inter-play of inadequate legal representation, institutional biases and deficiencies; and make an assessment of justice given including the mechanisms by which they are denied timely and quality justice. The time frame of the study is ten months.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

National Conference on Mental Health and Human Rights on 30 May 2014

2.24 The NHRC organized a one-day National Conference on Mental Health in New Delhi on 30 May 2014. The main objectives of the Conference were to - (i) discuss ways in which the mental health services could be strengthened from the perspective of human rights, in terms of availability, accessibility, affordability and quality of mental health care; (ii) discuss the approach of involving the community in the management of mentally ill persons and sharing of best practices; (iii) discuss ways in which the human resources for mental health care can be improved so that proper care and treatment is given to mentally ill persons; and (iv) discuss strategies for creating awareness among people especially in rural areas regarding the factual information about mental illness and ways to deal with it scientifically.

National Conference on Silicosis

2.25 A one-day National Conference on Silicosis was organized by the NHRC at New Delhi on 25 July 2014. The main objective of the Conference was to discuss the status of action taken by Union Ministry of Labour & Employment and States/Union Territories on the earlier recommendations made by the NHRC in the prevention, detection, and eventual elimination of silicosis.



Study on Atrocities against Dalits: An Empirical Study on the Performance of Special Courts in Tamil Nadu

2.26 The NHRC undertook the above research study in collaboration with the Annamalai University in Tamil Nadu in July 2014. The main objectives of the study are to – identify the reasons for increasing atrocities against Scheduled Castes in Tamil Nadu; find out the reasons for delay in filling of the First Information Reports (FIRs) in police stations; average time taken by the Courts to decide cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The duration of the study is two years.

National Workshop to Discuss the Juvenile Justice (Care and Protection of Children) Bill, 2014

2.27 The NHRC organized the above mentioned National Workshop on 27 August 2014 in New Delhi. The main objectives of the Workshop were to formulate recommendations for making modifications in the 2014 Bill with regard to (i) the age of criminal responsibility; (ii) the core elements of juvenile justice; and (iii) lay emphasis on rehabilitation, reformation, reintegration and skill development. The suggestions that emanated out of the Workshop were further discussed with the experts in the field and later in the Commission. On finalization, these were submitted to the Rajya Sabha Department-Related Parliamentary Standing Committee on Human Resource Development in response to their advertisement inviting suggestions on the 2014 Bill.

National Consultative Meet on Safeguarding Rights of Elderly

2.28 The NHRC in collaboration with Anugraha, a Regional Resource & Training Centre of the Ministry of Social Justice and Empowerment, Government of India in Delhi organized a one-day National Consultative Meet on Safeguarding Rights of the Elderly in India in Context of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in Chandigarh on 29 August 2014.

Implementation of Swachh Bharat Abhiyan in NHRC

2.29 As part of the launch of Swachh Bharat Abhiyan in the country on 2 October 2014, the NHRC too initiated a cleanliness drive by taking an oath initially which was then followed by cleaning-up of the office premises and its surroundings. The NHRC also issued circulars to all Divisional Heads requesting them to carry out special drives under the Swachh Bharat Abhiyan and each officer and staff to voluntarily devote minimum of two hours per week for the ongoing Abhiyan. For this purpose, Director (Administration) was made the Nodal Officer by the Commission.



NHRC Comments on Disabilities Bill, 2014

2.30 The NHRC examined the Rights of Persons with Disabilities Bill, 2014 for which several meetings were held in the Commission with Government officials, experts and civil society organizations. Based on the suggestions received, the Commission concretized its comments and forwarded the same to the Lok Sabha Department Related Standing Committee on Social Justice and Empowerment on 24 October 2014. Later, the Committee also heard the views of the Commission in person on 3 December 2014.

Meeting of Experts on Silicosis

2.31 A meeting of experts was held in the NHRC on 23 December 2014 to discuss the Memorandum of Action Taken Report on the Special Report of NHRC on Silicosis that was laid in the Parliament earlier. The meeting was chaired by Shri S. C. Sinha, Member, NHRC.

Study on Human Rights Issues Related to Right to Education of Children of Migrant Labourers in Kerala

2.32 The above study was undertaken by the Commission in collaboration with Sacred Heart College in Thevara, Cochin, Kerala in July 2014. The research aims to study - (i) the levels of enrolment of children of migrant labourers in schools; (ii) the dropout rates of children of migrant labourers in schools; (iii) the levels of enrolment of children of migrant labourers in higher education; (iv) the living conditions of the migrant labourers; (v) analyze the economic state of affairs of the migrant labourers; and (vi) the cultural dilemma faced by the children of migrant labourers. The study commenced in December 2014 and is to be completed within a span of two years.

National Research on Human Trafficking in India

2.33 The above research has been undertaken by the NHRC in collaboration with the Tata Institute of Social Sciences, Mumbai as a sequel to the Action Research on Trafficking in Women and Children in India undertaken in 2004 by it. The main objectives of the study are to understand the changing dimensions of human trafficking; make an assessment of the extent of human trafficking; the economics of trafficking; the processes involved in human trafficking, plus cross-border trafficking, trafficking in militancy and other affected areas; the current response system, including the legal framework, State and non-State intervention; and the way forward to address the identified gaps.



NHRC Comments on Draft National Health Policy 2015

2.34 The Commission commented on the Draft National Health Policy 2015 brought out by the Ministry of Health and Family Welfare, Government of India. For this purpose, it held a day long meeting with health experts on 30 January 2015 in Vigyan Bhawan Annexe, New Delhi. The main objective of the meeting was to examine how well the Draft Health Policy addressed the human rights concerns of the people of the country. Based on the deliberations, the meeting made valuable recommendations for consideration and inclusion in the National Health Policy by the Government of India.

Meeting of NHRC Core Group on Bonded Labour

2.35 The NHRC has constituted a Core Group on Bonded Labour which renders advice to it from time to time on different issues relating to bonded labour. One such meeting was held in the Commission on 28 January 2015. Its main objective was to discuss ways and means of strengthening the implementation of Bonded Labour System (Abolition) Rules, 1976.

National Workshop on Human Rights Defenders

2.36 A day long National Workshop on Human Rights Defenders was organized by the NHRC in New Delhi on 19 February 2015. The Workshop took stock of the implementation of its recommendations made earlier during a ‘National Seminar on Human Rights Defenders’ held in 2009 and also with the aim of strengthening the mechanism of protecting human rights defenders and acknowledging their work towards good governance.

Reconstitution of NHRC Core Advisory Group on Health

2.37 The NHRC reconstituted its Core Advisory Group on Health on 3 March 2015 having on board prominent health experts with rich experience in varied fields of health representing both the government and non-government sector.

Study on Human Rights of Transgender as a Third Gender

2.38 The Commission has undertaken the above research study in collaboration with Kerala Development Society, New Delhi in March 2015. Its main objectives are : (i) study their overall profile and examine whether RGI includes transgender in Census and other enumerations; (ii) examine various kinds of discrimination and human rights violations faced by them including the coping mechanisms; (iii) evaluate the entitlements given to them by Central and State Governments under various schemes/programmes and problems faced by them in accessing those entitlements; (iv) make an analysis of the laws and



policies taking care of them and steps taken for their overall development in the light of the given policy and laws; and (v) examine the prevalent practices towards transgender in other countries. The study is to be completed in one year.

TRAINING PROGRAMMES AND WORKSHOPS

NATIONAL

Important Programmes Organized by NHRC

2.39 During the year 2014-2015, the Commission had approved 92 training programmes of 73 institutes relating to various aspects of human rights. Out of these, 74 training programmes were successfully organized by 57 institutions/State Human Rights Commissions/Universities/Police Training Institutes/National Law Institutes/Non-Governmental Organizations.

Attachment of RPF Probationers

2.40 Five Assistant Security Commissioners (Probationers) from Jagjivan Ram Railway Protection Force Academy in Lucknow were attached to NHRC for one day on 29 January 2015. During this attachment, the officials were sensitized to the overall composition, functioning of its various Divisions and the complaint management system of NHRC.

National Moot Court Competition on Human Rights

2.41 A National Moot Court Competition on Human Rights was organized by NHRC in collaboration with Law Centre – I of University of Delhi from 20 to 22 February 2015. In all, 36 teams from different Law Colleges and Universities of India took part in the competition.

INTERNATIONAL

APF Master Trainers' Meeting and Human Rights Educators Workshop

2.42 The NHRC hosted the Asia Pacific Forum Master Trainers' Meeting and Human Rights Educators Workshop in New Delhi from 9 to 13 June 2014. The Meeting was attended by Master Trainers and Training Experts of 13 National Human Rights Institutions (NHRIs) of the Asia Pacific Region, including the NHRC, India.



Commonwealth Mediation and Negotiation Training for NHRIs

2.43 Justice Shri K.G.Balakrishnan, Chairperson and Shri A.K.Parashar, Joint Registrar (Law) participated in the above programme organized by the Commonwealth Secretariat in collaboration with the African Centre for the Constructive Resolution of Disputes (ACCORD) in Kuala Lumpur, Malaysia in August 2014. The training was hosted by the Human Rights Commission of Malaysia (SUHAKAM) in its capacity as the Chair of the Commonwealth Forum of NHRIs (CFNHRI).

APF Induction Training Workshop

2.44 Shri J.S.Kochher, Joint Secretary (Training & Research) was a Resource Person in the capacity of being a Certified Master Trainer of Asia Pacific Forum (APF) at the Induction Training Workshop organized by the APF for Newly Recruited Staff of the Mongolian National Human Rights Commission held at Ulaanbaatar, Mongolia from 9 to 13 March 2015.

INTERNATIONAL ACTIVITIES

Visit to Vatican

2.45 Justice Shri Cyriac Joseph, Member, NHRC visited Vatican, Rome as part of the delegation headed by Shri Oscar Fernandes, Minister for Road, Transport and Highways to attend the canonization ceremony of John Paul II on 27 April 2014.

OHCHR Officials Visit NHRC, India

2.46 Ms. Jyoti Sanghera, Chief of Section of the Human Rights and Social and Economic Issues at the United Nations Office of the High Commissioner for Human Rights in Geneva along with Mr. Charles Radcliffe, Chief of the Global Issues Section, OHCHR in New York visited the NHRC on 29 April 2014.

Roundtable Meeting of SEOs of NHRIs

2.47 The annual roundtable meeting of Senior Executive Officers of NHRIs was convened by the Asia Pacific Forum of National Human Rights Institutions in Sydney, Australia on 23 and 24 June 2014. Smt. Kanwaljit Deol, Director General (Investigation), NHRC, India participated in the meeting.



NHRC Chairperson Attends International Conference of Jurists in London

2.48 Justice Shri K.G.Balakrishnan, Chairperson, NHRC participated in the International Conference of Jurists & Writers-2014 in London, United Kingdom on 23 and 24 June 2014.

Working Group Meeting of APF Council

2.49 The Asia Pacific Forum Council, the decision making body of the APF, constituted a Working Group to oversee the formulation of its five year Strategic Plan 2015-2020. Justice Shri K.G. Balakrishnan, Chairperson, NHRC, attended its first meeting held in Sydney, Australia from 25 to 27 June 2014.

Participation of NHRC, India in 58th Session of CEDAW

2.50 A two-member delegation from NHRC, India consisting of Justice Shri K. G. Balakrishnan and Shri J. S. Kochher, Joint Secretary (Training and Research) participated in the 58th Session of CEDAW in Geneva from 30 June to 2 July 2014.

19th Annual Meeting of the Asia Pacific Forum of NHRIs

2.51 The NHRC hosted the 19th Annual Meeting of the Asia Pacific Forum of NHRIs in New Delhi from 3 to 5 September 2014. The meeting was attended by Chairperson, Members and senior officers from 21 NHRIs of the Asia Pacific region. The key aspect of this year's meeting was the development of the APF Strategic Plan 2015-2020.

Meeting between NHRIs, Independent Monitoring Mechanisms and Committee on Rights of Persons with Disabilities

2.52 The Commission for the first time participated through video conferencing in the first meeting of National Human Rights Institutions, independent monitoring bodies, designated under Article 33.2 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and the Committee on the Rights of Persons with Disabilities that was held in Geneva on 25 September 2014. The main objective of the meeting was to contribute to the development of Committee Guidelines for effective monitoring. The meeting was attended by the Secretary General, Joint Secretary (Training & Research) and Joint Director (Research) of NHRC. During the course of deliberations, a statement was also made by Shri Rajesh Kishore, Secretary General, NHRC.



Participation in APF Programme on Social Integration and Rights of Older Persons

2.53 Shri Rajesh Kishore, Secretary General, NHRC participated in the above programme organized by the Asia Pacific Forum of National Human Rights Institutions in Bangkok, Thailand from 30 September to 2 October 2014.

South Asian NHRIs Discuss Regional Human Rights Protection System

2.54 Justice Shri K.G.Balakrishnan, Chairperson participated in a two-day Regional Seminar involving the NHRIs of South Asia titled “Towards a South Asian Human Rights Mechanism : Prospects and Challenges”. The Seminar was organized by the National Human Rights Commission of Bangladesh in Dhaka University from 17-18 November 2014. The Regional Seminar concluded with the adoption of the Dhaka Resolution.

Seminar for Asia-Pacific Parliaments

2.55 Justice Shri Cyriac Joseph, Member represented NHRC at the Seminar for Asia Pacific Parliaments organized jointly by the Senate of the Philippines and the Inter-Parliamentary Union, in collaboration with the Office of the United Nations High Commissioner for Human Rights, in Manila, Philippines on 26 and 27 February 2015. The seminar was part of a series of regional events aimed at strengthening the contribution of Parliaments to the work of the Human Rights Council.

28th Annual Meeting of ICC

2.56 A delegation headed by Justice Shri K.G.Balakrishnan, Chairperson, Justice Shri D.Murugesan, Member and Shri Rajesh Kishore, Secretary General, NHRC visited Geneva to participate in the 28th Annual Meeting of the International Coordinating Committee of National Institutions from 11 to 13 March 2015. The main themes of the meeting were : Post-2015 Development agenda; national inquiries by NHRIs; NHRIs’ governance; violence against women; and NHRIs and the rights of persons with disabilities.

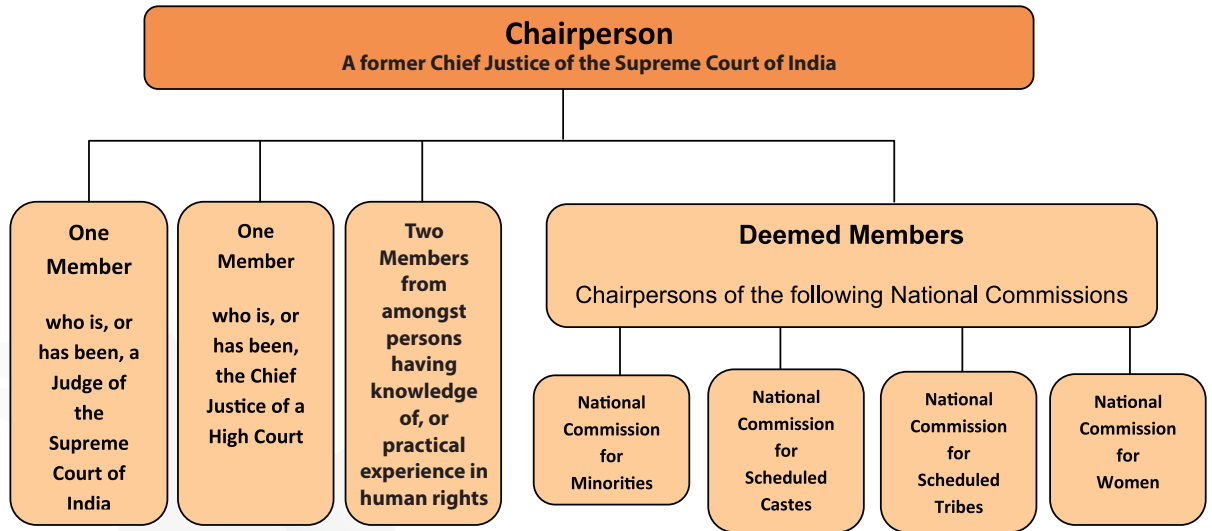


NHRC : Organization and Functions

3.1 The National Human Rights Commission (NHRC) was established on 12 October 1993. Its mandate is contained in the Protection of Human Rights Act, 1993 as amended vide the Protection of Human Rights (Amendment) Act, 2006 (PHRA). The constitution of NHRC is in conformity with the Paris Principles that was adopted at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights organized in Paris in October 1991, and endorsed by the General Assembly of the United Nations in Resolution 48/134 of 20 December 1993. The Commission is a symbol of India's concern for the promotion and protection of human rights.

Composition

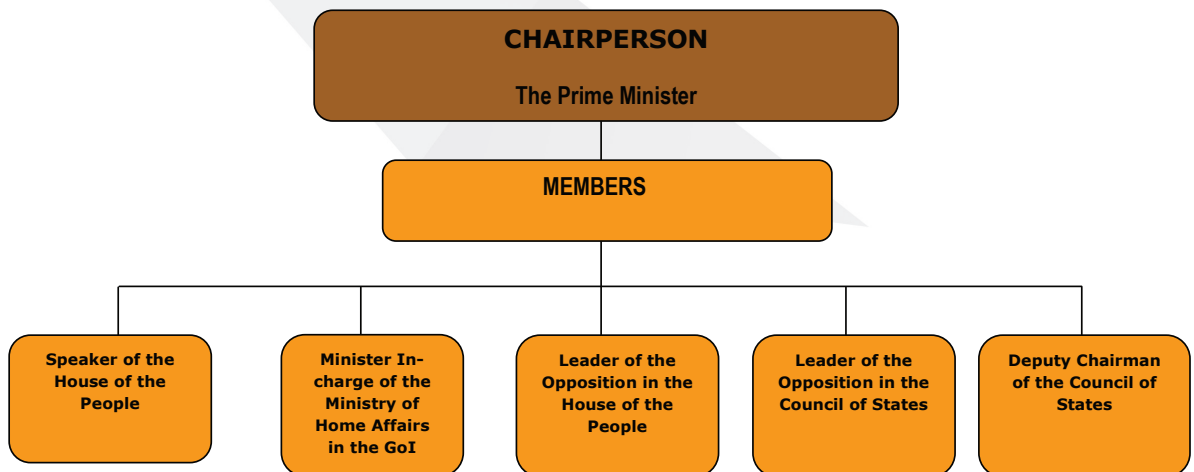
3.2 The Commission consists of a Chairperson, four full-time Members and four deemed Members. The statute lays down qualifications for the appointment of the Chairperson and Members of the Commission.



Composition of NHRC

3.3 The Chairperson and the Members of the NHRC are appointed by the President of India, on the recommendations of a high-level Committee comprising the Prime Minister (as Chairperson), the Speaker of the Lok Sabha (House of the People), the Minister in-charge of the Ministry of Home Affairs in the Government of India, the Leaders of the Opposition in the Lok Sabha and Rajya Sabha (Council of States), and the Deputy Chairman of the Rajya Sabha.

Selection Committee for Appointment of Chairperson and Members of NHRC



3.4 The statutory requirements relating to the qualifications of the Chairperson and Members of the Commission, as well as their selection by a high-level and politically-balanced Committee ensures a high degree of independence and credibility to the functioning of the NHRC.



3.5 The Chief Executive Officer of the Commission is the Secretary-General, an officer of the rank of Secretary to the Government of India. The Secretariat of the Commission works under the overall guidance of the Secretary-General.

3.6 There are five Divisions in the Commission. These are the – (i) Law Division, (ii) Investigation Division, (iii) Policy Research, Projects and Programmes Division, (iv) Training Division, and (v) Administration Division.

3.7 The Law Division of the Commission handles registration and disposal of around one lakh cases, registered on the complaints of human rights violation made to it either by the victim or any other person on behalf of the victimor on receipt of an intimation from authorities concerned, regarding custodial death, custodial rape, death in police action, or on suo motu cognizance by the Commission or on a direction or order of any court. The Division also receives intimations regarding deaths in police/judicial custody, deaths in the custody of defence/para military forces and custodial rapes. Suo motu cognizance of serious matters taken by the Commission is also dealt with by the Division. During the year 2013-14, more than 98,000 complaints were received in the Commission. All complaints received in the Commission are assigned a diary number and thereafter scrutinized and processed using the Complaint Management and Information System (CMIS) software especially devised for this purpose. After registration of complaints, they are placed before the Commission for its directions and accordingly, follow up action is taken by the Division in these cases till their final disposal. Cases of important nature are taken up by the Full Commission and matters pertaining to deaths in police custody or police action are considered by the Division Benches. Some important cases are also considered in sittings of the Commission in open court hearings. The Division has also been organizing camp sittings in State capitals to expedite disposal of pending complaints and sensitize the State functionaries on the human rights issues. The Commission has also been organizing open hearings regarding atrocities on Scheduled Castes in the country to have direct interaction with the affected persons belonging to Scheduled Castes. The Division further provides its views / opinion on various Bills/draft legislations referred to it for better protection and promotion of human rights. The Law Division has come out with the publication titled “NHRC & HRDs : The Growing Synergy”. The book details the role being played by the National Human Rights Commission in promoting and protecting the rights of HRDs. The publication has received encouraging feedback from different sections of the society. There is also a Focal Point for Human Rights Defenders who is accessible to HRDs round the clock through (i) Mobile No. 9810298900, (ii) Fax No. 24651334, and (iii) E-mail: hrd-nhrc@nic.in. Another compilation on the initiatives taken by the Commission on retrial benefits as human right is almost in its final stages. The Division is headed by a Registrar (Law), who is assisted by Presenting Officers, a Joint Registrar, a number of Deputy Registrars, Assistant Registrars, Section Officers and other secretarial staff.



3.8 The Investigation Division carries out spot investigations all over the country on behalf of the NHRC. Furthermore, it facilitates in collection of facts relating to varied complaints made to the Commission, in scrutinizing reports received from the police and other investigation agencies and in looking into reports of custodial violence or other misdemeanours. In addition, the Division analyzes the intimations and reports from the State authorities regarding deaths in police and judicial custody as well as deaths in police encounters. It also renders expert advice on other matters related to police or armed forces. The Division has set-up a Rapid Action Cell to attend to complaints that require immediate attention and action. Other than this, it assists the Training Division in spreading human rights literacy as envisaged in Section 12(h) of the PHRA. Investigation Division is headed by an officer of the rank of Director General of Police, and is assisted by a Deputy Inspector General of Police, Senior Superintendents of Police, Deputy Superintendents of Police, Inspectors, Constables and other secretarial staff.

3.9 The Policy Research, Projects and Programmes Division (PRP&P Division) undertakes and promotes research on human rights and organizes conferences, seminars and workshops on important human rights issues. Whenever the Commission, on the basis of its hearings, deliberations or otherwise, arrives at a conclusion that a particular subject is of importance, it is converted into a project/programme to be dealt with by the PRP&P Division. Besides, it reviews policies, laws, treaties and other international instruments in force for the protection and promotion of human rights. It assists in monitoring the implementation of NHRC recommendations by the Central, State and Union Territory authorities. It further aids the Training Division in spreading human rights literacy and in promoting awareness about the safeguards available for the protection of human rights. The work of the Division is handled by Joint Secretary (Training & Research) and Joint Secretary (Programme & Administration), a Director/Joint Director, a Senior Research Officer, Research Consultants/ Research Associates, Research Assistants and other secretarial staff.

3.10 The Training Division is responsible for spreading human rights literacy among various sections of the society. As such, it trains and sensitizes various government officials and functionaries of the State and its agencies, non-government officials, representatives of civil society organizations and students on different human rights issues. For this purpose, it collaborates with the Administrative Training Institutions/ Police Training Institutions and Universities/Colleges. Besides, it conducts internship programmes for college and university students. The Division is headed by a Joint Secretary (Training & Research), who is supported by a Senior Research Officer (Training), an Assistant and other secretarial staff.

3.11 The Administration Division looks after the establishment, administrative and related requirements of the Chairperson and Members of the NHRC. Besides, it looks into personnel, accounts, library and other requirements of the officers and staff of the NHRC. The work of



the Division is handled by the Joint Secretary (P&A) who is assisted by a Director/Deputy Secretary, Under Secretaries, Section Officers and other secretarial staff. The Information and Public Relations Unit under the Administration Division disseminates information relating to the activities of the NHRC through the print and electronic media. It brings out a bilingual monthly Newsletter 'Human Rights' and other publications of the Commission. Furthermore, it looks into applications and appeals received under the Right to Information Act, 2005.

3.12 The reach of the Commission is considerably enhanced by the appointment of Special Rapporteurs and the constitution of Core and Expert Groups. Special Rapporteurs are senior officers who, prior to their retirement, have served as Secretaries to the Government of India or Directors General of Police or have done exemplary service in a human rights related field. They are either assigned specific subjects to deal with, such as bonded labour, child labour, custodial justice, disability, etc., or a zone comprising of a group of States/ Union Territories to look into human rights concerns and violations.

3.13 Core/Expert Groups consist of eminent persons or representatives of bodies working on human rights issues. These Groups render expert advice to the Commission on various issues. Some of the important Core/Expert Groups currently functioning in the NHRC are:

- Core Advisory Group on Health
- Core Group on Mental Health
- Core Group on Disability
- Core Group on NGOs
- Core Group on Lawyers
- Core Group on Right to Food
- Core Group on Protection and Welfare of Elderly Persons
- Core Advisory Group on Bonded Labour
- Expert Group on Silicosis
- Expert Group on Emergency Medical Care

Functions

3.14 The Commission has a wide mandate. Its functions as laid down in Section 12 of the PHRA include:

- Inquire, suo motu or on a petition presented to it by a victim or any person on his behalf or on a direction or order of any court, into complaint of (i) violation of human



rights or abetment thereof; or (ii) negligence in the prevention of such violation, by a public servant.

- Intervene in any proceeding involving any allegation of violation of human rights pending before a court, with the approval of such court.
- Visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of inmates thereof and make recommendations thereon to the Government.
- Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.
- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- Study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- Undertake and promote research in the field of human rights.
- Spread human rights literacy among various sections of society and promote awareness about the safeguards available for the protection of these rights through publications, the media, seminars and other available means.
- Encourage the efforts of non-governmental organizations and institutions working in the field of human rights.
- Such other functions as it may consider necessary for the protection of human rights.

Powers

3.15 While inquiring into complaints under the PHRA, the Commission has all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908.

Special Features

3.16 The NHRC is fully compliant with the Paris Principles for National Human Rights Institutions adopted by the United Nations General Assembly in the year 1993. It has a very wide mandate and functions. The Commission has evolved transparent systems and procedures for discharging its functions. The Commission has laid down procedures to transact its own business by formulating regulations.



Civil and Political Rights

A. Terrorism and Militancy

4.1 Over recent years, India has been facing the daunting challenge of protecting the human rights in the face of terrorism and militancy. With the grim spectre of terrorism continuing to target innocent, unarmed and defenseless people, the task of protection of human rights has become all the more challenging.

4.2 A peaceful society rests on the pillars of justice and State accountability. In most of the tragedies associated with terrorism, it is mostly the common people, whose rights are violated.

4.3 An increase in the activities of terrorists and Naxalites has made the role of security forces even more demanding. They are increasingly called upon to control civil unrest, ensure security at important places and also to control and maintain law and order whenever required.

4.4 The United Nations General Assembly adopted a Resolution 34/169 on 17 December 1979 that all security personnel shall respect and protect human dignity and uphold the human rights of all persons. Towards this objective, they are expected to abide by the laws of the country, international conventions against torture and other cruel punishments and the principles of international cooperation in detention, arrest, and extraditions.

4.5 The Commission is of the firm view that proper observance of human rights is not a hindrance to the promotion of peace and security. Rather, it is an essential



element in any worthwhile strategy to preserve peace and security and to defeat terrorism. The purpose of anti-terrorism measures must, therefore, be to protect democracy, rule of law and human rights, which are fundamental values of our society and the core values of the Constitution.

4.6 The Commission from time to time has reiterated that terrorism creates an environment that destroys the right of people to live in freedom from fear. Terrorism's goal is to destroy the very fabric of democracy. It has today emerged as a serious threat to humanity. India remains an important ally in the global war on terrorism. It has fought against terrorism for over fifty years and has learnt a great deal from its successes and failures. The endeavour of the Commission is to call on the international community to co-operate in combating terrorism. At the same time, the Commission has always emphasized that in doing so, the approach should be humane, rational and secular.

4.7 The Commission has always taken up the cause of the victims of acts of terrorism and has taken steps for providing relief and rehabilitation to them. It is the firm view of the Commission that though the terrorism threats we are facing now are of an unprecedented scale, since the rationale of anti-terrorism measures is to protect human rights and democracy, counter-terrorism measures should not subvert these values through violation of human rights in contravention to the rule of law. While fighting the war against terrorism, the State cannot be permitted to be either selective in its approach or go overboard and declare a war on the civil liberties of the people.

B. Custodial Violence and Torture

4.8 Custodial violence of different kinds including torture represents the worst form of excesses by public servants entrusted with the duty of law enforcement. The Commission regards crimes like rape, molestation, torture, fake encounter in police custody as manifestations of a systemic failure to protect human rights. Therefore, it is deeply committed to ensure that such illegal practices are stopped and human dignity is respected in all cases. Besides recommending compensation to the victims or next of their kin, the Commission's efforts are also geared towards bringing an end to an environment in which human rights violations are committed with impunity under the shield of "uniform" and "authority" within the four walls of a police station, lock-up and prison, where the victims are helpless.

4.9 The Commission has issued various guidelines in this regard. One of such guidelines is that a death in custody has to be reported to the Commission within 24 hours. Though all custodial deaths may not be crimes or the results of custodial violence or medical negligence, it is important that no assumption is made without thorough enquiry and analysis of reports like inquest report, post mortem report, initial health screening report, magisterial enquiry



report, etc. Compliance of the guidelines of the Commission by the State authorities, therefore, plays a crucial role in keeping check on incidence of custodial deaths. However, it has been seen that some deaths are reported after considerable delay, and in many cases reports are forwarded to the Commission only after issuance of conditional summons to the authorities concerned.

4.10 In the year 2014-2015, the Investigation Division has dealt with a total of 7,347 cases, including 5025 cases of death in judicial custody and 471 cases of death in police custody. The Investigation Division has collected reports and analyzed 1,851 fact finding cases relating to complaints regarding allegations of threat to life in fake encounter, false implications, illegal detention, custodial torture and other complaints of violation of human rights. The Division has also dealt with 162 cases of deaths in encounter with security forces and police. The forensic experts empanelled with the NHRC have given expert opinion in 346 cases of custodial deaths and encounter deaths.

C. Important Illustrative Cases

a) Custodial Deaths

Judicial Custody

1. Death of Convict due to Negligence in Medical Treatment by Authorities of Sriganganagar Central Jail, Rajasthan (Case No. 348/20/26/2013-JCD)

4.11 The Commission received an intimation dated 12.2.2013 from Superintendent, Central Jail Sriganganagar regarding the death of convict Som Dutt on 10.2.2013 in the custody of Central Jail Sriganganagar, Rajasthan. According to the intimation, the prisoner was a patient of heart disease and was under treatment. The report discloses that on 10.2.2013, the prisoner complained of chest pain and was referred to the Government Hospital, Sriganganagar immediately but he died at 11.40 p.m. during the treatment.

4.12 Subsequently on 13.2.13, the Commission received a complaint from one Daulatram from District of Sriganganagar. In his complaint, the complainant alleged that despite written request made by him, the deceased prisoner was not given proper treatment and as a result of medical negligence, he died. The complainant alleged that Shri Rajiv Sharma was an eye witness to the entire episode. However, his statement was also not recorded during the magisterial enquiry. Later on, the necessary copies of the complaint with signatures of the co-prisoners were circulated among the District Collector and Enquiry Magistrate and others for appropriate action. The Commission also transmitted the copy of the said



complaint to the District Magistrate and Superintendent, Central Jail, Sriganaganar for comments.

4.13 Pursuant to the direction of the Commission, the Superintendent, Central Jail, Sriganaganar submitted the detailed report, health screening report, treatment record, inquest report and PMR. Later on, the viscera report, final cause of death, CD of post mortem examination and the copy of magisterial enquiry report were received.

4.14 The Commission considered the reports on 09.07.2014 when it observed and directed as under:-

“The detailed report reveals that the prisoner was admitted in the jail on 14.8.2011 on transfer from sub Jail Suratgarh. According to the report, at the time of admission in the Jail, the health condition of the prisoner was normal. He fell ill on 8.2.2013 and was admitted in Ganganagar Government hospital and he was discharged from the hospital on 10.2.2013. Again, he was admitted in the jail Hospital on the same day and in the night when his health suddenly deteriorated, he was referred to Sriganaganar hospital, the prisoner was declared brought dead.

The inquest report does not show any external injury on the body of the deceased and the opinion formed was that the deceased died due to heart attack. The post mortem report too does not indicate existence of any external injury on the body of the corpse and the doctor who conducted the post mortem examination has not given his opinion pending the findings on the viscera report. The chemical examination report on the viscera gave negative test for metallic poisons, ethyl and methyl alcohol, cyanide alkaloids, barbiturates, tranquilizers and insecticides. The enquiring magistrate, who considered the evidence & other materials before him, has held that the death of the deceased prisoner Som Dutt had already taken place before he was shifted to the District Hospital and the cause of death was due to cardiac arrest. According to the magistrate, there was no evidence suggesting negligence on the part of the jail authorities and the deceased died a natural death due to cardiac arrest.

The Commission finds that the material on record, though does not suggest any contrary opinion vis-à-vis the opinion of the medical board, its anxious concern is that whether there was any negligence in giving proper treatment by jail authorities. In fact, during course of magisterial enquiry, a co-prisoner of the deceased viz. Rajiv Sharma who claims to be an eye witness to the entire facts and circumstances that led to the death of the deceased, has testified that the deceased was not at all given medical attention despite specific request by him and other co-prisoners in the jail. Even they went to the extent of resorting to mass protest. The enquiry magistrate has simply rejected the testimony of Rajiv Sharma on the ground that there was no



corroboration from many other co-prisoners. But from the statements of witnesses, it is established that Rajiv was the person at whose instance prisoner Som Dutt was taken to the dispensary and Rajiv was with the deceased and he helped the jail staff to take the deceased to the dispensary. The statement of Rajiv Sharma indicates that deceased was not feeling well since mid day and he was assured by a guard that he would be sent to Bikaner if any vehicle comes, but no vehicle came till 9 pm. At that time the deceased felt pain in his head and when there was no response, Rajiv started shouting. Then, 15 minutes later the guards came and he himself assisted the deceased being taken to the dispensary and the patient was made to lie on the bed with severe pain without any treatment. As a result, the deceased became un-conscious. Thereafter, Rajiv was forcibly taken back to his barrack.

The materials on records indicate that on 10.2.2013 at 10.30 p.m., the deceased complained of chest pain and he was referred to Government Hospital Sriganganagar immediately and the patient died at 11.40 p.m. during treatment. But this is contrary to the detailed report by the Superintendent, Central Jail which claimed that when the patient was referred to the District hospital with a complaint of chest pain the patient was declared brought dead. The self conflicting postures of the Superintendent, Central Jail, Sriganganagar is, prima facie, a testimony of an attempt to suppress his own negligence in assisting the prisoner to get the appropriate treatment.

At the outset, it is seen that the prisoner was a young man of only 28 years of age at the time of his entry into Jail and his health condition was normal as per the health screening report. Undisputedly, the prisoner was admitted to Sriganganagar Hospital on 8th February 2013 and remained in the hospital till 10.02.2013. A medical advice was given to the Jail staff to get the prisoner have an echo test for further evaluation of the patient's condition. Notwithstanding the said fact, the patient was discharged from the hospital on 10.2.2013. Here, two questions arise:

- i) When the doctors felt that Echo test is required, how could they discharge the patient without such test being taken in the hospital?
- ii) How can the jail officials ignore such advice and failed to have an echo test?

It is admitted fact that the deceased was a heart patient and he had been admitted to the hospital for an effective treatment and for recovery from the ailment but the way he was received and discharged from the hospital authorities was a mere ritual under the pretext of a medical care. Right to medical care of a prisoner is a fundamental as well as a human right. The negligence shown to him by the hospital and the jail authorities is a clear instance of violation of the human rights of the deceased prisoner.



In the aforesaid background, the Chief Secretary, Government of Rajasthan is directed to show cause why an appropriate monetary compensation u/s 18 of the Protection of Human Rights Act, 1993, of Rs. 3,00,000/- should not be awarded to the next of the kin of the deceased convict prisoner Som Dutt who breathed his last due to negligence of both Hospital as well as Jail authorities Sriganganagar, Rajasthan. Further, a report be submitted showing as to what actions are taken/ contemplated against the erring officials for whose negligence the prisoner died. Reply within six weeks.”

4.15 Pursuant to the directions of the Commission, a reply dated 21.10.2014 from the Deputy Secretary to the Government of Rajasthan, Home (Human Rights) Department has been received. In the report, the concerned authority has replied that the deceased prisoner died of a heart attack and his pulse rate showed nil. The prison authorities tried their level best to save the life of the prisoner but to no avail. According to the report, the concerned authorities have not wasted a single opportunity to give another chance but ultimately the deceased prisoner did not respond. The report replies that under the circumstances, the next of kin of the deceased prisoner are not entitled to any compensation.

4.16 The matter was further considered by the Commission on 16.2.2015 when it observed and directed as under:-

- “The Commission has carefully considered the reply. The reply does not address the core issue of negligence as discussed in the order of the Commission dated 9.7.2014. It must be understood that even though the prisoner was in jail custody his Right to Life under Article 21 of the Constitution is still guaranteed and it is inviolable. No justification has been shown by the concerned authority as to why the prisoner was discharged without an echo-test having been done as advised. When it is a question of human rights of a prisoner, the State Authorities cannot be permitted to repudiate its obligation to ensure safety of the prisoner under a self justifying proposition. There is a violation of the human rights of the prisoner and the State is strictly liable to make necessary compensation to the next of the kin of the deceased prisoner for the loss of life. The Chief Secretary to the Government of Rajasthan is to make a compensation of Rs. 3 lakhs as recommended and submit compliance within six weeks with proof of payment.”

4.17 Compliance report is awaited and the matter is still under consideration of the Commission.

2. Death of Detenuue due to Negligence in Medical Treatment by Authorities of Central Prison, Trichy District, Tamil Nadu (Case No. 1551/22/36/2011-JCD)



4.18 Superintendent, Central Prison, District Trichy, Tamil Nadu vide his intimation dated 5.11.2011 informed the Commission about the death of detenue Suresh Kumar, son of Shri Chellmuthu, aged 26 years on 5.11.2011 while getting treatment in the hospital. As per intimation, he was admitted in the prison on 24.8.2011.

4.19 Pursuant to the directions of the Commission dated 22.11.2011, all the requisite reports were received from the State authorities.

4.20 As per inquest report and the postmortem report there were no external injuries on the body of the deceased except surgical wound. It opined that the deceased had died due to “kidney and liver disease”. No poisonous substance was found in the viscera report. As per health screening report, the deceased was suffering from abdomen pain and was a diabetic at the time of admission. The magisterial enquiry concluded that the deceased had died because of illness. As per treatment record, the deceased was a known case of diabetes on irregular treatment. He was admitted in the prison hospital on 2.11.2011 in semi-conscious condition with complaint of chest pain and, on the recommendations of the prison doctor, he was referred to AGM Government Hospital, Trichy on 2.11.2012 at 10:40 p.m. where he died during treatment on 5.11.2011. The medical treatment record of the deceased was placed before the Forensic Expert on the panel of the Commission in order to find out as to whether or not there was any negligence in the treatment of the deceased. The Forensic Expert gave his opinion and thereafter the Commission sought clarification from the Superintendent of Prison, Central Prison, Trichy regarding treatment rendered to the deceased between 24.8.2011 to 2.11.2011.

4.21 The Commission further considered the matter on 10.7.2013 when it observed and directed as under:-

“Keeping in view the opinion of the Forensic Expert and the treatment given to the deceased during the period 25.8.2011 to 2.11.2011, the Commission is prime facie of the view that proper and timely medical treatment was not provided to the deceased despite his being a known case of diabetes for which, the jail authorities are vicariously liable. Accordingly, the Commission directs that a notice under Section 18 of the Protection of Human Rights Act, 1993 be issued to the Chief Secretary, Government of Tamil Nadu to show cause as to why a recommendation be not made for paying compensation to the next of kin of the deceased who died at a very young age because of non-availability of timely medical aid.

Superintendent of Prisons, Central Prison, Trichy, Tamil Nadu is also directed to initiate appropriate enquiry against the delinquent medical officials for not ensuring proper medical treatment to the deceased and take appropriate disciplinary action against them. A report in this regard be submitted within four weeks.”



4.22 In response, the Superintendent, Central Prison, Trichy has informed that necessary documents have been forwarded to the Director Medical Services, Chennai who is competent to initiate disciplinary action against 3 delinquent officers, viz. (i) Dr S. Nepoleon (ii) Dr R N Venkatasubu and (iii) Dr Manian along with a copy of explanation dated 13.8.2013 of Dr S. Nepoleon, Assistant Surgeon, Central Prison, Trichy. The Joint Secretary to the Government of Tamil Nadu also submitted and reiterated the steps taken by the State Government with respect to conduct of disciplinary proceedings to be initiated against the three delinquent medical officers for the death of Shri Suresh Kumar. The State Government sought eight weeks time to conclude the disciplinary proceedings against the three delinquent medical officers and submit the Action Taken Report to the Commission.

4.23 While considering the matter on 06.06.2014, the Commission observed and directed as under:-

“Let the disciplinary proceedings against the three delinquent medical officers to be concluded and the Action Taken Report to be submitted to the Commission within 8 weeks. As regards the reply to the show-cause notice, the reply of Joint Secretary to the Government of Tamil Nadu dated 30.10.2013 that the sanction of compensation to the next of kin of the deceased Thiru Suresh alias Suresh Kumar is under consideration awaiting the Action Taken Report of the enquiry to be concluded against the three delinquent medical officers are not interlinked. The Commission has already held its considered opinion that due to non-availability of timely medical aid to the deceased Suresh Kumar, he died at the very young age which is a great loss to his entire family. In the circumstances, the Commission directs the Chief Secretary to the Government of Tamil Nadu to make payment of compensation of Rs. 3,00,000/- (Rupees Three Lakhs) to the next of kin of deceased Suresh Kumar within the aforesaid period and submits the report of such payment along with acknowledgement of its receipt by the victim family.”

4.24 The compliance report together with the proof of payment has been received and the case has been closed.

3. Death of Undertrial in Central Prison, Kadapa, Andhra Pradesh (Case No. 739/1/3/08-09-JCD)

4.25 The Commission received an intimation from the Superintendent, Central Prison, Kadapa about the death of an undertrial Chappidi Pavan alias Lurdharaj alias Pottodu, aged 25 years. It was reported that the above said prisoner was admitted to the jail on 26.6.2008 and was suffering from renal disease. On 16.12.2008 at 06.00 a.m., he was referred to RIMS, Kadappa from where he was further referred to SVRR Hospital, Tirupathi Town, Chittoor District where he expired on the same day at 11.30 a.m. while undergoing the treatment.



4.26 The Commission took cognizance of the matter and requested its Director General (Investigation) to collect requisite reports from concerned authorities.

4.27 As per the report received from authorities, the incident was inquired into by Revenue Divisional Officer, Kadappa. During the course of inquiry, the Magistrate examined the relatives of the deceased and other witnesses including jail officials, prison doctor and co-prisoners. The relatives of the deceased including his mother raised doubts that the deceased was beaten by the jail officials while he was in jail. However, the co-prisoners stated that he was never beaten by the jail authorities. On appraisal of the evidence, the Magistrate discarded the statements of the relatives of the deceased and concluded that the death had occurred due to renal failure.

4.28 The Commission examined the various reports carefully and observed that it would appear from the reports and records made available to the Commission that Chappidi Pavan was suffering from renal disease and he was being treated at the jail hospital ever since he was admitted to the jail. On 16.12.2008, when his condition deteriorated, the jail doctor referred him to RIMS Hospital, Kadapa from where he was further referred to SVRR Hospital, Tirupathi where he died on the same day while undergoing the treatment. The Commission expressed the view that it was, prima facie, satisfied that there was negligence on the part of jail authorities in providing timely and adequate treatment to the deceased and for the death of the prisoner the State was liable to compensate. Therefore, the Commission vide its proceedings dated 16.07.2014 directed to issue notice to the Government of Andhra Pradesh to show cause as to why monetary relief u/s 18 of the Protection of Human Rights Act, 1993 be not recommended to the next of kin of deceased Chappidi Pavan @ Lurdharaj @ Pottudu.

4.29 In response to the show cause notice, the State Government contended that there was no negligence in giving treatment to the deceased prisoner and the prisoner was given symptomatic treatment in the jail and he never complained of any serious complications.

4.30 The Commission did not find any merit in the plea of the State Government and made these observations:

“The prisoner was a chronic patient of renal failure. The prison authorities were aware of his ailment. Still he was treated in the jail for six months. He was never referred to any specialist during this period. It was only when his condition deteriorated, he was sent to RIMS on 16.12.2008. If the jail authorities had been sensitive, they would have referred him to a Nephrologist to seek an expert opinion.

The omission to refer him to a specialist for six months indicates that the jail authorities did not take the ailment seriously. Moreover, the post mortem report shows that there



were eight injuries including two contusions on the right and left front temporal region of scalp. These injuries have not been satisfactorily explained by the State.”

4.31 Considering all the facts and circumstances of the case, the Commission in its proceedings dated 16.07.2014 recommended to the Government of Andhra Pradesh to pay a sum of Rs. 2 lakhs as monetary relief to the next of kin of the deceased Chappidi Pavan alias Lurdharaj.

4.32 On receipt of proof regarding payment of Rs. 2 lakhs to the mother of the convict prisoner Chappidi Pavan alias Lurdharaj alias Pottodu, the Commission closed the case.

Police Custody

4. Death of an Accused in Lock-up at Police Station Sadar Dadri, Bhiwani, Haryana (Case No.898/7/2/2012-PCD)

4.33 As per the guidelines of the National Human Rights Commission, the Commission received intimation from the Superintendent of Police, Bhiwani, Haryana regarding death of one Satish, s/o Bhagat in the lock up of Sadar Dadri Police Station of District Bhiwani at about 12.20 a.m. The deceased was arrested on 13.3.2012 in a case u/s 498-A/304-B/34 IPC. In the morning, during the checking of police lockup, the accused was found hanging with a piece of quilt. He was taken to hospital where he was declared dead.

4.34 The Commission took cognizance of the intimation and requested its Director General (Investigation) to collect requisite reports from concerned authorities. Pursuant to the directions of the Commission, its Investigation Division obtained relevant reports from authorities.

4.35 As per the reports received from authorities, a crime case No.46/2012 was registered at Police Station City Dadri against the SHO and some other persons on the complaint of one Devi Lal. The allegations could not be, however, substantiated during investigation and a closure report has been submitted in the court.

4.36 The post mortem revealed eight abrasions/contusions besides a ligature mark. The doctor opined that the death had occurred due to ante mortem hanging. An inquiry into the circumstances leading to the death of Satish was conducted by Judicial Magistrate, First Class, Charkhi Dadri. The Magistrate did not believe the police version and rejected the story of suicide.

4.37 The Commission took note of the fact that the injuries observed during post mortem had remained unexplained. On consideration of the post mortem report, magisterial inquiry



and other material available on record, the Commission issued notice to the Government of Haryana requiring it to show cause why monetary relief be not recommended to be paid to the next of kin of deceased Satish.

4.38 Responding to the show cause notice, the State Government submitted that the Commission may take such action as it deems fit with regard to the issue of awarding suitable monetary relief.

4.39 In view of the stand taken by the State Government and also on consideration of various reports available on the record, the Commission vide its proceedings dated 13.08.2014 recommended to the Government of Haryana to pay a sum of Rs. 3 lakhs as monetary relief to the next of kin of deceased Satish. The Commission further directed that if the deceased was survived by children, the amount should be kept in fixed deposit in a nationalized bank and the children would get the money on attaining majority. It also directed that the amount of monetary relief should be paid to the parents of the victim, if the deceased had left behind no child.

4.40 The Additional Chief Secretary, Government of Haryana (Home Department) has conveyed the sanction accorded by the Government of Haryana for payment of compensation of Rs. 3,00,000/- to the next of kin of the deceased Satish as recommended by the Commission. However, proof of payment was still awaited.

5. Suicidal Death in Police Custody in Azamgarh, Uttar Pradesh (Case No. 16296/24/6/2011-pcd)

4.41 The Commission received intimation from the Superintendent of Police, Azamgarh, regarding suicidal death of Kamlesh Kumar Singh in police custody. It was reported that a murder case was registered at Police Station Gambhirpur on 6th April, 2011 and during investigation of the case, the name of Kamlesh Kumar Singh came to light. He was arrested on 14th April, 2011 and the next day he committed suicide in the toilet of the police lock up by hanging himself with shirt and pant from the lamp post at about 8.03 a.m. The Commission also received two more complaints on the issue and they were separately registered and the two cases were linked up with this case.

4.42 The Commission took cognizance of the intimation and vide its proceedings dated 18.05.2011 requested its Director General (Investigation) to collect requisite reports from concerned authorities. Relevant reports were received from the authorities. The postmortem report revealed abrasions and bruises on the neck of the deceased and the surgeon who conducted post mortem opined that the death had occurred due to pressure on neck and thoracic cage resulting in asphyxia and shock.



4.43 An inquiry into the circumstances of death was conducted by Judicial Magistrate, Azamgarh who did not believe the story of suicide. Dr. Vimlesh Kumar, who conducted the postmortem, deposed before the Magistrate that the postmortem started at 3.10 PM on 15th April, 2011 and the Rigor Mortis had fully developed. He stated that it takes at least 12 hours for full development of Rigor Mortis. This would mean that the death had occurred between 3.00 a.m. and 4.00 a.m. and not at 8.00 a.m. as alleged by the police. The Magistrate also noted that pressure marks and not ligature mark were observed on the neck. The pressure marks were parallel and not oblique. Considering the observations made by the post mortem surgeon, the Magistrate concluded that it was a case of homicidal death.

4.44 On consideration of the Magisterial Enquiry Report and postmortem report, the Commission in its proceedings dated 15.01.2014 did not believe the police version that Kamlesh Kumar Singh hanged himself in the police lock up. The Commission observed that it appeared to be a case of homicidal death and therefore, directed to issue a notice under Section 18 of the Protection of Human Rights Act, 1993, to the Government of Uttar Pradesh to show cause as to why monetary relief be not recommended to be given to the next of kin of the deceased Kamlesh Kumar Singh. Chief Secretary, Government of Uttar Pradesh.

4.45 In response to the show cause notice, Special Secretary, Government of Uttar Pradesh vide communication 02.7.2014 informed that after the death of Kamlesh Kumar Singh, the crime case No.236/2011 P.S. Gambhirpur which was registered against the police personnel was inquired into by Judicial Magistrate, Azamgarh. After completion of the investigation, a final report dated 5.1.2012 was filed in the court and the same was accepted by Chief Judicial Magistrate, Azamgarh on 12.3.2012. It was also reported that a PIL No.25922, PUCL & Others Vs State of Uttar Pradesh was filed in the High Court of Allahabad and the same was dismissed by the High Court.

4.46 Upon perusal of the order passed by Chief Judicial Magistrate (CJM), Azamgarh and also the order passed by the High Court, called for from the State government, the Commission in its proceedings dated 10.02.2015 made these observations:

“The PIL was dismissed by the High Court because it was not pressed by the petitioner. The closure report filed by the local police was accepted by CJM, Azamgarh in crime No.236/2011 P.S. Gambhirpur on the ground that the mother of deceased Kamlesh Kumar Singh on whose complaint, the case was registered had stated in the court that she was satisfied with the investigation of police and she also stated that she had made the complaint against police under some wrong impression.

On perusal of the order passed by CJM, Azamgarh, we find that the Learned Magistrate did not at all discuss the merits of the case in the order. We cannot, however, ignore



the medical evidence which points to a homicidal death. According to the police, Kamlesh Kumar Singh committed suicide at about 08.00 a.m., whereas the post mortem report suggests that the death had taken place between 03.00 to 04.00 a.m. Moreover, the parallel pressure marks on the neck suggest that it could not be a case of hanging as suggested by the police.”

4.47 With the aforesaid observations, the Commission recommended to the Government of Uttar Pradesh to pay a sum of Rs. five lakhs as monetary relief to the next of kin of deceased Kamlesh Kumar Singh. Chief Secretary, Government of Uttar Pradesh was asked to submit the compliance report with proof of payment within eight weeks. Compliance report is awaited.

6. Custodial Death in Ambaji Police Station, District Banaskantha, Gujarat (Case No. 237/6/4/08-09-PCD)

4.48 The Commission received intimation from the Superintendent of Police, Banaskantha, Gujarat regarding the custodial death of one Rupabhai. It was reported that Rupabhai was arrested on 13.4.2008 at 07.30 p.m. along with nineteen other persons. He was kept in the Community Hall of Ambaji Police Station where he hanged himself with a scarf in the toilet. Constable Hareshbhai Dahyalal saw him hanging in the toilet on 14.4.2008 at 05.15 p.m. The Commission also received a complaint from Shri Damore Ishwarbhai, nephew of deceased Rupabhai alleging that his uncle had become victim of police torture.

4.49 The Commission took cognizance of the matter and requested its Director General (Investigation) to collect requisite reports from concerned authorities.

4.50 According to the reports received from authorities, Additional Civil Judge and Judicial Magistrate First Class, Danta made an inquiry into the matter. He examined several witnesses and on consideration of evidence, he concluded that Rupabhai had committed suicide.

4.51 The allegation of torture made by the complainant Damore Ishwarbhai was also negated by the post mortem report as no evidence of injury was found.

4.52 Upon consideration of the matter on 18.09.2013, the Commission observed as under:

“That is not, however, the end of the matter. It was the duty of the detaining authority to safeguard the life of the prisoner. The dead body was seen by a Constable at 05.15 p.m. This would mean that the suicide was committed during day time. If the police staff had been vigilant, the unfortunate incident could have been averted. The death of Rupabhai is thus attributable to the negligence of police.”



4.53 Hence, the Commission directed to issue a notice to the Government of Gujarat requiring it to show cause as to why monetary relief u/s 18 of the Protection of Human Rights Act, 1993 be not recommended to be paid to the next of kin of deceased Rupabhai. The Chief Secretary, Government of Gujarat was asked to respond to the show cause notice within six weeks.

4.54 In response to the show cause notice, Deputy Secretary, Home Department, Government of Gujarat pointed out that the Additional Civil Judge, who inquired into the circumstances of death did not make any adverse remark against the police in his report. It was contended by the State that the deceased had taken wrong advantage of the right of privacy and went inside the latrine and committed suicide.

4.55 Upon consideration of the reply of the State, the Commission observed that the incident took place in the latrine and the accused person undoubtedly had the right of privacy but the response of the State has to be considered as a whole. The Commission emphasized on the following part of the response of the State:

“In this case, if the police staff had been vigilant, the unfortunate incident could have been averted and for this investigation was started and as per recommendation of the inquiry report, ASI Ramjibhai Bhurjibhai was given punishment to stop one increment for one year (with future effect) and PSI T.B. Rathod was given punishment to stop one increment for six months (without future effect).”

4.56 Considering that two police officers were punished for negligence in connection with the death of Rupabhai, the Commission in its proceedings dated 19.07.2014 further observed that the State cannot escape its vicarious liability and therefore, recommended to the Government of Gujarat to pay an amount of Rs. One lakh as monetary relief to the next of kin of deceased Rupabhai. Chief Secretary, Government of Gujarat was asked to submit compliance report with proof of payment within six weeks.

4.57 On receipt of proof regarding payment of Rs. 1.00 lakh as recommended by the Commission to Shri Bhoj Bhai, brother of deceased Rupabhai Jalmabhai by the Government of Gujarat, the Commission closed the case.

7. Death of Undertrial due to Hanging from Iron Rod Affixed on Roof of Lock-up in Ahmednagar, Maharashtra (Case No. 4099/13/1/08-09-JCD)

4.58 The Commission received an intimation from District Magistrate, Ahmednagar regarding the death of one Biranya Chingya Bhosle in the lockup on 8.3.2009 by hanging from the iron rod affixed on the roof of the lockup. Deceased was an accused of Case Crime



No. 12/2009 u/s 395 IPC, Police Station Shevgaon and was confined in magisterial custody.

4.59 The Commission took cognizance of the matter and requested its Director General (Investigation) to collect requisite reports from concerned authorities.

4.60 Pursuant to the directions of the Commission, relevant reports were received from authorities.

4.61 Superintendent of Police, Ahmednagar submitted that one Biranya Chingya Bhosle, aged 40 years was arrested by police in connection with Crime No. 12/2009 u/s 395 IPC, Police Station Shevgaon. He was in police custody from 3rd to 6th February, 2009 and was remanded to magisterial custody on 06.02.2009. He was transferred to Govrai police station in connection with Case Crime No. 89/2007 u/s 395/396/307/341 IPC and thereafter he was sent back to Shevgaon Police Station.

4.62 On 08.03.2009 at 5 a.m., the Head Constable Markad who was on guard duty found Biranya Chingya Bhosle hanging from the roof iron bar of the magisterial custody room and was found dead. An ADR No. 14/09 u/s 174 Cr. P.C. was registered at Police Station Shevgaon.

4.63 The cause of death was given as “asphyxia due to compression of neck” in the post mortem report.

4.64 Sub-Divisional Magistrate, Nagar Division, Ahmednagar who inquired into the circumstances of death concluded in his inquiry report that the sentry guards who were on duty were negligent in their duties.

4.65 The Commission also received a report from Superintendent of Police, CID (Crime), Nashik. The report revealed that Superintendent of Police, Ahmednagar had placed four police personnel of Police Station Shevgaon under suspension for dereliction of duties. After completion of departmental enquiry, PHC/1331 Bharat Dhondiba Markad was found guilty in discharge of his duties and his one increment was stopped for one year.

4.66 On careful consideration of various reports placed on record including the report received from Superintendent of Police, CID (Crime), Nashik where it was found that there was negligence on the part of its officials in discharge of their duties which facilitated the suicide of Biranya Chingya Bhosale while in judicial custody, the Commission was prima facie satisfied that there was negligence on part of the sentry guards on duty to keep a watch on the deceased. The Commission observed that if the sentry guards on duty had been alert, the deceased could not have got an opportunity to commit suicide. Hence, the Commission vide its proceedings dated 30.01.2014 directed to issue a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Govt. of Maharashtra to show cause as to why monetary



relief be not recommended to be paid to the next of kin of deceased Biranya Chingya Bhosale.

4.67 However, the State Government did not respond to the show cause notice and therefore, the Commission was constrained to proceed on the assumption that they had nothing to say in response to the show cause notice and had no objection to the proposed recommendation of the Commission. In such circumstances, the Commission in its proceedings dated 02.07.2014 recommended to the Government of Maharashtra to pay a sum of Rs. 1.00 lakh as monetary relief to the next of kin of deceased Biranya Chingya Bhosle. Chief Secretary, Government of Maharashtra was asked to submit compliance report with proof of payment within eight weeks.

4.68 Compliance report is awaited and the matter is still under consideration of the Commission.

8. Death in Police Custody due to Alleged Torture in GaroHills Area of Meghalaya (Case No.40/15/1/2014-AD)

4.69 The Commission has received a complaint from Ms. Agatha Sangma, former Minister, Government of India, ex-MP, National Peoples alleging human rights violation in the Garo Hills area of Meghalaya by the State Police. It has been alleged that Witson M. Sangma has died on 27.5.2014 in the police custody due to extreme police torture. The complainant has requested the Commission for an enquiry into the matter and action be taken against the irresponsible police officers.

4.70 Pursuant to the directions of the Commission, all the relevant reports have been received.

4.71 The inquest report in respect of Witson M. Sangma indicates that the inquest proceedings were conducted by ADM, South Garo Hills who noticed bruised injuries on the back, buttocks and thigh area which have turned blackish. The post mortem report indicated seven bruises on the person of the deceased. The cause of death as opined in the post mortem report was shock due to injury to different parts of body caused by blunt trauma and the antecedent cause is hypertension. The death was homicidal in nature.

4.72 The magisterial enquiry report prepared by ADM, South Garo Hills, Baghmara revealed that Witson M. Sangma was picked up from Chokpot by the Chokpot police in the morning hours of 27.5.2014 in connection with a criminal case. The report further revealed that Witson M. Sangma was arrested vide GD No. 322 dated 27.5.2014 and medically examined by Dr. Roswell Sangma at CHC Chokpot at 4.45 p.m. wherein upon examination of the patient, the concerned doctor found the patient to be hypertensive and his BP was



measures by 150 by 110 mmHg. He opined that the medical reports do not indicate any physical injury on the body of the deceased. According to him, the deceased was brought back to the Police Station and again kept in the lock up after medical check-up at around 6.15 PM and his close relatives i.e. wife, brother and brother-in-law met him in the lockup. He was again interrogated for 15-20 minutes by Shri A.K. Marak, OIC, Chokpot, SI Robio Nongrum, SI Lucious A. Sangma, SI T.S. Mawdoh and again put back in the lockup. The enquiry report indicated that the on duty sentry checked up at 9 PM and found him alive. But sometimes later on, when he again checked him at 11.30 p.m., the deceased did not respond. After which, the said sentry informed all his seniors about the condition of the patient. Subsequently, the doctor was called in to check up the condition of the deceased but he declared him dead at 12.20 a.m. The Enquiring Magistrate concluded that the deceased Witson M. Sangma was found bruises on his lower back, buttocks, lateral aspect of upper thigh, left arm, dorsal aspect of right middle finger and ventral aspect of right index finger. The Enquiry Magistrate after perusing the relevant records had concluded that the deceased got these injuries after his first medical examination while he was interrogated by the above mentioned police officials. According to him, the bruises seen on the medial aspect of the left arm is also suggestive of injuries made when his hands were tied and raised upwards. The Judicial Magistrate finally concluded that the bodily injuries caused to Witson M. Sangma must have been precipitated by already hypertensive condition and that is why he died while in the lockup.

4.73 The Commission further considered the matter on 02.01.2015 when it observed and directed as under:-

“Undeniably the deceased was in the police custody and it is established that the injuries sustained by the deceased on his person was because of police torture that ultimately led him to death. This is a case of gross violation of human rights of the deceased. The State is strictly liable for the loss of his life. The Chief Secretary, Government of Meghalaya is directed to show cause u/s 18(1) of the PHR Act, 1993 as to why a monetary compensation of Rs. 5 lakhs should not be recommended to be paid to the next of the kin of the deceased within six weeks. The report should indicate what legal action both criminal and departmental have been taken against the erring police officials involved in the incident. Report within six weeks.”

4.74 In response, the State Government has submitted that during their enquiry, five police personnel have been found blameworthy and departmental enquiry has been initiated against them. The Commission upon consideration of the matter has directed the State Government to submit the compliance report together with proof of payment.



(b) Unlawful Arrest, Illegal Detention and Torture

9. Kidnapping, Illegal Confinement and Attempted Rape of Minor Girls by Delhi Police Personnel under P.S. Mukherjee Nagar, Delhi (Case No. 6232/30/6/2013)

4.75 The Commission received a complaint from one R. H. Bansal of an NGO that on 5.10.13 two policemen kidnapped three minor girls from Vikaspuri area and took them in a government quarter in police colony, Mukherjee Nagar. The policemen forced them to consume liquor and tried to rape a girl. The girls raised hue and cry and the neighbour took the matter to the police and a case has been registered at P.S. Mukherjee Nagar.

4.76 Pursuant to the directions of the Commission, the enquiry report of the Assistant Commissioner of Police, Model Town, North West District was received stating that on 5.10.13, a Police Control Room call was received at Police Station Mukherjee Nagar regarding molestation of a girl. During enquiry the statement of the victim, aged 13, was recorded. She stated that the accused Amit Tomar had brought her along with two other minor girls, aged 10 and aged 11, to the government accommodation of Gurjinder Singh where both the accused forced her to consume liquor and tore off her clothes in order to rape her. Both the accused persons were posted in 3rd Battalion, Delhi Armed Police as Constables. On her statement, a case vide FIR No.407/13 u/s 363/342/328/354-B/34 IPC read with section 10 of the Protection of Children from Sexual Offences Act, 2012(POCSO)was registered. Both the accused were arrested on the same day. Chargesheet u/s 366-A/342/328/354/354-A/354-B/308/506/120-B/34 IPC r/w section 10 POCSO Act and 23 Juvenile Justice Act against both the accused persons was filed in the Court on 25.10.13. The erring police personnel have been dismissed from service. Presently, the case is pending trial in the Court.

4.77 The Commission upon further consideration of the matter on 7.4.2014 has inter-alia observed and directed as under:-

“The Commission observes that the human rights of the victims have been violated by the public servants for which the State must bear the liability. Issue a Show Cause Notice to the Government of National Capital Territory of Delhi through its Chief Secretary and to the Commissioner of Police, New Delhi as to why monetary relief of Rs.3,00,000/- each (Rupees Three Lakhs each) u/s 18 of the Protection of Human Rights Act, 1993, be not recommended to be paid to the victims mentioned in the report. Response within eight weeks.”



4.78 In response to the show cause notice, the Deputy Commissioner of Police (Vigilance), Delhi has stated that at the time of incident, the two police officials Gujendra Singh and Amit Tomar were not performing any official duties and they had committed the crime in their personal capacity as such the Commission may take a lenient view in the matter.

4.79 The Commission again considered the above explanation sent on behalf of the Government of National Capital Territory of Delhi on 23.7.2014 when it observed and directed as under:

“As per enquiry report, the offence of attempt to rape was committed by the two accused persons who were then posted in 3rd Battalion of Delhi Armed Police as Constables. The offence was committed by them at the official accommodation provided to the Constable Gujinder Singh in the Police Colony, Kingsway Camp, Delhi on account of the said offence/misconduct committed by the accused police constables, they were dismissed from service.

In the above circumstances, it is seemed that both the police officials were employees of the Government of NCT of Delhi at the time of the incident and committed the said crime in the Government accommodation provided to one of the accused in his capacity as police constable. Thus, it cannot be said that the accused police officials had lost official capacity of a Government Servant at the time of committing the offence.

In the above circumstances, the Commission recommends u/s 18 (a) (i) of the Protection of Human Rights Act, 1993 to the Government of NCT of Delhi through its Chief Secretary to pay a sum of Rs. 3 lakhs (Rupees Three Lakhs Only) to the victim through her guardian at an early date and send a report along with proof of payment within six weeks positively.”

4.80 In response, the Deputy Commissioner of Police, North West District, Delhi has submitted that an amount of Rs. 3,00,000/- as recommended by the Commission has been paid to the victim. The Commission has accordingly closed the case.

10. Illegal Detention and Torture by Special Staff Hodel, Haryana, during Interrogation (Case No. 1308/7/22/2012)

4.81 Shri Bhudev Shastri, s/o Rewti Lal, Bharatpur, Rajasthan filed a complaint alleging about his illegal detention and torture by Police Officials of Haryana and Uttar Pradesh. He was arrested on 16.02.2012 on suspicion of being a thief and wasn't produced before a Magistrate within 24 hours. He was released only after a bribe of Rs. 40,000, as demanded, was given to the Station Officer named Rishi Pal. As the Superintendent of



Police, Palwal sent a report denying the allegations and the complainant reiterated the same, the Commission obtained the report of CB-CID, Haryana. The Inspector General of Police (Crimes), Haryana, reported that the allegations made by the complainant against police officials were found to be true.

4.82 The Director General of Police, Haryana, conveyed that FIR u/s 323, 343 and 34 IPC has been registered against delinquent Police officials at P.S. Hodal, Haryana.

4.83 The Commission has considered the material on record and directed the Haryana Government to pay Rs. 1 lakh as compensation to the complainant and submit the updated status of investigation in FIR and departmental action.

4.84 The Superintendent of Police, Palwal has reported that the accused in the case has been arrested and challaned in the Court. It was further informed that the departmental enquiry was being conducted by Deputy Superintendent of Police, Palwal, Haryana. He also informed that a sum of Rs. 1 lakh as relief has been paid through cheque to Bhudev Shastry alias Bhudev Sharma resident of village Kirawata, District Bharatpur, Rajasthan.

11. False Implication and Torture of Two Persons by Sheikhpura Police, Bihar (Case No.349/4/34/2013)

4.85 The Commission received a complaint from one R.H. Bansal of an NGO alleging that one Mukesh, aged 22 years was illegally picked up by Sheikhpura Police on 24.01.2013 and physically tortured. The victim was got admitted in Patna Medical College and Hospital on 25.01.2013 in a critical condition. The complainant further alleged that Rajiv, brother-in-law of Mukesh was also brutally beaten by the police and sent to jail. He requested appropriate action in the matter.

4.86 The Commission took cognizance of the matter on 06.02.2013 and directed Director General of Police, Bihar to submit an action taken report within six weeks. In response, Deputy Inspector General of Police (Headquarters), Patna, Bihar vide his letter dated 18.6.2013 had informed that in respect of the alleged incident, two criminal case Nos.21/2013 and 6/2013 have been registered and the investigation has been transferred to the CB CID. The letter further mentioned that the delinquent police official, Shri Babu Ram, I.P.S. has been transferred from Sheikhpura and disciplinary action has also been proposed against him.

4.87 A report was also received from Assistant Inspector General of Police, Bihar, Patna. As per report, after investigation of crime no. 6/13 u/s 273 IPC and Section 47(A) Excise Act, the allegations made against accused Rajiv were found totally false. The IO has been directed to submit a final report in the matter. Further, the SP, Sheikhpura has been directed to



take appropriate disciplinary action against the delinquent police officials SI Gagan Kumar Sudhakar, then SO, PS Jairampur, HC Shri Ram Naresh and constable Ranjit Kumar Yadav for false implication. The report further stated that on investigation of crime no. 21/13 u/s 341/323/326/338 and 120B/34 IPC, the allegations made against the accused Shailendra Singh alias Montu Singh, ASI Mukesh Kumar, constable driver Shailendra Singh and constables Sandip Kumar Paswan, Vinod Kumar, Rakesh Kumar, Kundan Kumar, Manu Pratap alias Sushil Kumar and also two unknown associates of Montu Singh were found true and sufficient evidence was collected to submit a charge sheet against the said accused persons. The IO has been directed to arrest the accused and to secure their presence.

4.88 The Commission upon further consideration of the matter on 30.6.2014 interalia observed and directed as under:-

“As the investigation of the above crime, it was found that Mukesh Kumar and his brother-in-law Rajiv Kumar were arrested illegally on false charges and thereafter subjected to custodial violence out of whom Mukesh was inflicted grievous injuries endangering his life so prima facie there was serious violation of human rights to life, liberty and dignity of the above named two persons by then SP, Sheikhpura and subordinate police officials of PS Sheikhpura and Jairampur, Bihar as such the State Government of Bihar being employer was vicariously liable to compensate the victim for the atrocities committed by its employees.

The Commission, therefore, directs that a show cause notice be issued to the State Government of Bihar through its Chief Secretary to show cause within six weeks as to why the Commission may not recommend payment of suitable monetary relief/compensation to the victims by the State Government along with payment/reimbursement of entire cost of medical treatment of these two persons by the State Government.

The DGP, Bihar, Patna is also directed to get FIR registered against the delinquent police officials to prosecute them for the abuse, misuse of their power for arrest and detention of the victims on false charges and causing violence resulting in physical and mental agony to the victims. The ATR be sent in six weeks.”

4.89 The Commission upon further consideration of the matter on 24.3.2015 interalia observed and directed as under:-

“The Commission has carefully considered the reports. It is now crystal clear that victims Mukesh Kumar and his brother-in-law Rajiv Kumar were falsely implicated and subject to police torture by police personnel of Sheikhpura police. They sustained grievous injuries on their persons. Besides, the torture meted out to the victim were barbaric and unprecedented. In this background, the Commission recommends that the victims Mukesh Kumar and Rajiv Kumar each be paid a monetary compensation of Rs. 25,000/- (Rupees Twenty Five



Thousand each) and Rs. 20,000/- (Rupees Twenty Thousand each) towards their medical expenses.

The Chief Secretary to the Government of Bihar is directed to submit compliance after making the said compensation amount to the victims within six weeks.

The Director General of Police, Bihar is further directed to submit a report showing the final outcome of the disciplinary proceedings pending against the delinquent police officials including the then SP Shri Baburam. The report should also indicate what action has been taken against the erring officials under the criminal law.”

4.90 The response is awaited from authorities and the matter is under consideration of the Commission.

(c) Rape by Police

12. Gang Rape of a Woman by Three Constables in Police Lines, Mandi, Himachal Pradesh (Case No. 120/8/8/2013-WC)

4.91 The complainant alleged that three Constables of Police Lines, Mandi, gang raped a resident of village Gawal, Ladbharol area of Jogindernagar, District Mandi, Himachal Pradesh on 1-7-13.

4.92 The Superintendent of Police, District Mandi vide report dated 12/8/13 informed that on the statement of Smt. Jotan Devi FIR No. 167/13 dated 2/7/13 u/s 376(D)/342 IPC was registered at PS Sadar, Mandi and Constables Bhoop Singh, Subhas Chand and Maan Singh were arrested on 2/7/13 and departmental inquiry has been initiated against them.

4.93 The Commission on 11.11.2013 directed to issue Show Cause Notice to the Government of Himachal Pradesh through its Chief Secretary as to why monetary relief u/s 18 of the Protection of Human Rights Act, 1993, be not recommended to be paid to Smt. Jotan Devi. DGP, Government of Himachal Pradesh was also asked to submit a further report as to the outcome of the departmental action against the delinquent police personnel.

4.94 The Commission on 4.4.2014 recommended the Chief Secretary, Government of Himachal Pradesh to make payment of Rs. 3,00,000/- as monetary compensation to be paid to the victim.

4.95 The Chief Secretary, Government of Himachal Pradesh vide letter dated 02.09.2014 reported that during the trial of case No.167/13 dated 02.07.2012, Smt. Jotan Devi on 30.05.2014 denied the allegation of rape before the Additional Sessions Judge-I, Mandi. The Under Secretary(Home), Government of Himachal Pradesh vide letter dated 07.01.2015



forwarded copy of the judgment dated 14.11.2014 in ST No. 34/13 of Additional Sessions Judge (I) Mandi in Crime No. 167/2013 of Police Station Sadar Mandi along with deposition of the complainant. The Hon'ble Court acquitted the accused for the offences punishable u/s 342 and 376 D of I.P.C.

4.96 The Commission on 13.4.2015 closed the matter as the victim denied the allegations of rape and wrongful confinement before Court.

(d) Police High-handedness

13. Inaction by Police in Murder of a Scheduled Caste, whose Half Burnt Dead Body was Found at Kaladhungi Haldwani Road, Uttarakhand (Case No. 1684/35/7/2012)

4.97 Shri Laali Ram, s/o Dhaniram r/o Gulzarpur, Kaala Dhungi, District Nainital, Uttarakhand, requested the Commission for a CBI enquiry into the death of his son, Dhirendra Kumar.

4.98 The Inspector General of Police, Crime and Law & Order, Uttarakhand, reported that half-burnt dead body of Dhirendra Kumar was found lying at Ram Nagar Road, near petrol pump on 30.3.2012. Autopsy surgeon opined the cause of death as “shock due to antemortem burn injuries”. The CB CID report confirmed that Dhirendra Kumar had committed suicide due to failure in his love affair. The Inquiry Officer recommended departmental action against the Station Officer Shri Chander Mohan and Sub-Inspector Shri R.P.Kohli for negligence and non completion of enquiry in time. The Senior Superintendent of Police, Nainital, reported that Station Officer and Sub -Inspector Shri RP Kohli have been punished with ‘warning’ for committing negligence in the matter.

4.99 On consideration of the material on record, the Commission directed the Government of Uttarakhand, to pay compensation of Rs. 1.00 lakh to the complainant for the negligence of police officials.

4.100 In response, the Superintendent of Police (HR), Police Headquarters, Uttarakhand, has intimated that Rs. 1.00 lakh as compensation has been given to the complainant Shri Laali Ram.

14. Non-registration of FIR by Police in a Murder in Village Phogat, Bhiwani District, Haryana (Case No. 3072/7/2/2012)

4.101 Shri Kanwar Singh alleged about the non-registration of FIR in the matter of the death of his son even after the recovery of dead body.



4.102 On consideration of report received from Superintendent of Police, Bhiwani and copies of post mortem report, report of unnatural death, statement of Kanwar Singh etc., the Commission directed the Senior Superintendent of Police to explain as to why no FIR was registered u/s 154 and to fix responsibility for the same.

4.103 The Additional Director General (Crime), Haryana reported that FIR u/s 302 IPC was registered at Police Station Bondkalan and investigation is being conducted by Crime Branch. On consideration, the Commission held that despite non-registration of FIR, the Police conducted investigation. Further, the Superintendent of Police, Bhiwani had sent his response to the show cause notice and gave reason for not registering FIR in the letter was that the complainant did not specifically mention that it could be a case of murder. He further stated that the FIR was registered subsequently has been cancelled.

4.104 The Commission considered the material on record and rejected the reason for not registering the FIR and held that the Police was duty bound to register a case against unknown persons and conduct investigation. The Commission recommended the Government of Haryana through its Chief Secretary to pay a compensation of Rs 1 lakh to the complainant. The Director General of Police, Haryana was also directed to initiate Departmental action against the two officers as per rules.

4.105 In compliance, the Superintendent of Police, Bhiwani intimated that the compensation amount of Rs. 1.00 Lakh has been disbursed to the complainant Shri Kanwar Singh s/o Shri Ranjeet Singh.

15. Mentally Challenged Person Mercilessly Beaten by Railway Policeman in Purnea, Bihar (Case No. 3847/4/27/2013)

4.106 A press report appeared in “Hindustan Times” dated 24.10.2013 captioned “Bihar GRP thrash mentally challenged man”. As per the news report, a mentally challenged injured person named Gayanand Choudhary from Nepal was mercilessly beaten and tied up like an animal and dragged through the streets of Purnea by a group of Railway policemen for slipping out of a hospital where he was undergoing treatment. Shri Avinash Rai Khanna, Member of Parliament (Rajya Sabha), Punjab and Shri Radhakanata Tripathi, Advocate and Rights Activist also made complaints annexing a copy of the press report and requested the Commission to intervene in the matter.

4.107 The Commission took suo moto cognizance of the media reports and vide its proceedings dated 30.10.2013 called for a report from the Director General of Police, Bihar.

4.108 In response to the direction of the Commission, Inspector General of Police, Bihar Armed Police, Police Headquarters, Bihar, Patna forwarded a copy of the detailed report of Superintendent of Police (Railways), Katihar. As per the report, One Gayanand Choudhary



from Nepal fell down from Train No.55735 UP Katihar Jogbani Passenger at Purnea Junction and sustained injuries. He was taken to Sadar Hospital, Purnea for treatment. However, when he got the information that his family members are arriving there, he escaped from the hospital on the pretext of going to ease himself. Thereafter, he entered in the Panchmukhi Hanuman Temple in Farvisganj Mor and started causing damage to the temple and also attacked the people who gathered there. On getting the information, SHO (Railways), Purnea immediately reached there with his staff and was able to over-power Gayanand Choudhary with the help of the some people. He was again brought back to Sadar Hospital, tying his hands and legs. Later on, his family members took him back to Nepal in an ambulance. The report also states that the SHO (Railways), Purnea neither informed the Superintendent of Police (Railways), Katihar nor the Control Room of Railway Police, Katihar about the incident.

4.109 In his report, the Superintendent of Police (Railways), Katihar concluded that when the SHO (Railways), Purnea reached the spot with his staff, he should have avoided taking the victim to the hospital by tying his hands and legs. While taking the victim in a shameful and inhumane manner, the SHO had brought bad name to the department. For this dereliction of duties, Shri Rajinder Prasad Singh, SHO (Railways), Purnea, Assistant Sub-Inspector Yoganand Choudhary and Constable Baban Kumar were placed under suspension and a recommendation has been made to the District Collector, Katihar for dismissing Home Guard Mohammed Israfil.

4.110 Upon consideration of the report of Superintendent of Police (Railways), Katihar, the Commission observed that the victim, Gayanand Choudhary was a mentally challenged person, but he was given a humiliating treatment by the Railways Police personnel and in that condition, he was manhandled by the police.

4.111 Under the above circumstances, the Commission was of considered view that the victim, Gayanand Choudhary, a resident of Nepal be compensated for treating him in a humiliating manner by the Railway police. The Commission, therefore, recommended to the Government of Bihar to pay a sum of Rs. 25,000/- as monetary relief to the victim Gayanand Choudhary on proper identification at his Nepal address. The Commission directed that the money be transmitted to the Indian High Commissioner in Nepal for disbursing it to the victim at his Nepal address.

4.112 The Commission received a copy of letter dated 10.11.2014 addressed by Special Secretary (Home), Special Department, Bihar to DGP, Bihar conveying the sanction of the State Government for payment of Rs. 25,000/- as monetary relief to Gayanand Choudhary, a resident of Nepal. The DGP, Bihar was instructed to effect the payment to the victim through Indian Embassy at his Nepal address and to submit the compliance report. Compliance report was still awaited.



16. Discrimination by Police against 21 African Students of Lovely Professional University in Jalandhar, Punjab (Case No.1653/19/8/2013)

4.113 The Commission received a complaint dated 21/6/13 from Okito Kongo Christophe & Elisha Vakubu that on 15/6/13, 21 African students studying at Lovely Professional University in Jalandhar, Punjab were arrested and booked by police but the Indians, who had a scuffle with them, were freed.

4.114 The Commissioner of Police, Jalandhar, Punjab reported that an FIR No. 141 dated 16/6/13 u/s 382/160/323/186/149/506 IPC was registered against 21 African students and during inquiry all the accused were discharged from the case on 19/7/13. A police report u/s 173 Cr.P.C. recommending cancellation of the case has been submitted to the Court of the Area Judicial Magistrate and both the parties had arrived at compromise. In view of the above and the complainant has not submitted his comments, the Commission closed the case on 19.3.2014.

17. Burn Injuries Sustained by Four Chowkidars due to Explosion in a Bag of Crackers at Police Station Malkhana in Meerut District, Uttar Pradesh (Case No. 7876/24/54/2014)

4.115 The Commission received a complaint from Shri R.H. Bansal a Human Rights Activist on the basis of a news report. He says that on 05.02.2014 four persons namely Sattar, Ferru, Rajbeer and Salim were injured in an explosion at police station Sarurpur, District. Meerut.

4.116 Pursuant to the directions of the Commission, the Senior Superintendent of Police, Meerut, sent his report dated 28.04.2014, which said that a communication on the same subject was received in his office from the Deputy Inspector General of Police, Meerut on 06.02.2013 and inquiry report was submitted to him. He forwarded a copy of that inquiry report dated 05.03.2014 of the Superintendent of Police, Rural, Meerut. As per the inquiry report charge of the Malkhana police station was being handed over by constable Ram Gopal to Head Constable Balvir Singh on 05.02.2014. Some of the chowkidars who had come to the police station for official work, helped in taking out the seized properties from the Malkhana. During this process, 25 bags of fire crackers, which were the case properties of FIR 377/11 and 309/93, both under the Explosive Substances Act, were also taken out from the Malkhana. Suddenly there was an explosion in the fire crackers and four chowkidars sustained burn injuries. They were admitted in the Medical College hospital for treatment and have since been discharged. The Inquiry Officer concluded that the explosion was sudden and there was no negligence of any staff in it. Complainant's comments were invited on this report, which he has sent vide his letter dated 12.6.2014. He stated that



the police concealed the real reason for the explosion and that the injured were entitled to compensation.

4.117 On consideration of material on record including complainant's comments, the Commission directed the Government of Uttar Pradesh to pay Rs. 25,000/- as interim relief to each of the four injured.

18. Suomotu Cognizance of a News Report Published in "Beyond Headlines" about Suicide of RTI Activist in Pune (Case No. 816/13/23/2014)

4.118 The Commission came across a news report published in "Beyond Headlines" under the caption "Pune RTI Activist Committed Suicide". As per news report, an RTI activist named Vilas Dattatrey Baravakar, committed suicide by hanging himself and the suicide note left by him blamed several prominent politicians of the State of Maharashtra along with top serving and retired IPS officers. The report also revealed that the deceased activist was harassed in the past on several occasions. The Commission took cognizance of the matter vide its proceedings dated 7.4.2014 and directed to issue notice to the Chief Secretary and the Director General of Police, Maharashtra calling for a report in the matter.

4.119 In response to the notices issued to the Chief Secretary and the DGP, Maharashtra the Commission received a report from the Additional Superintendent of Police, Pune Rural stating that the matter was under investigation. During the course of investigation, statements of the relatives of the deceased, associates, neighbours and some of the persons mentioned in the suicide note, were recorded. The report revealed that the deceased mentioned the names of the said persons only out of grudge since they refused to cooperate with him. A dispute was also going on between the deceased and his brother for which a relative was trying for an amicable settlement. The wife of the deceased was not able to comment on the contents of the suicide note and categorically stated that she does not have any complaint against the police authorities as well as the persons whose names have been mentioned in the suicide note by her deceased husband. It also came out that the deceased had started making complaints against the police and other authorities with the help of Right to Information Act.

4.120 The Commission considered this response vide its proceedings dated 30.3.2015. No report from the Chief Secretary, Government of Maharashtra was received. The Commission directed the Chief Secretary to send a report in the matter and directed to remind the Director General of Police, Maharashtra to submit a fresh status report in the matter.

(e) Police Encounter or Firing



19. Death of a Person in Police Encounter in Varanasi, Uttar Pradesh (Case No. 7477/24/2006-2007)

4.121 The Commission received an intimation dated 22.5.2006, from Senior Superintendent of Police, Varanasi about the death of one Budhesh Mishra in an encounter with police in the area of Police Station Lanka, Varanasi, Uttar Pradesh. As per the intimation, two motorcycle borne criminals were seen in suspicious circumstances. They ignored the signal to stop and on being chased by the police, they fired at the police party. In the ensuing encounter, one of them was killed and the other managed to escape. Later on, it was found that shortly before the alleged encounter, deceased Budhesh Mishra and his companion had robbed one Himanshu Pandey of his motorcycle bearing No. UP 65 Z 3169. This very motorcycle was recovered from the place of alleged encounter.

4.122 The Commission took cognizance of the intimation and directed Director General of Police, Uttar Pradesh, and Senior Superintendent of Police, Varanasi, Uttar Pradesh to take appropriate action with regard to the investigation of the case as per guidelines laid down by the Commission.

4.123 Pursuant to the directions of the Commission, Senior Superintendent of Police, Varanasi reported that investigation of Crime Nos. 185 & 186 of 2006 u/s 307 IPC and 3/25 Arms Act respectively registered in connection with the aforesaid incident were transferred to SIB and District Magistrate, Varanasi was also requested to order magisterial inquiry into the death in an encounter.

4.124 During the course of magisterial inquiry, the relatives of the deceased alleged that Budhesh Mishra had been picked up by the police from the village on the night preceding the encounter. Their testimony was discarded by the Magistrate.

4.125 The Commission felt that objective analysis of the evidence had not been made by the Magistrate. Therefore, the Commission vide its proceedings dated 22.07.2010 directed the State Government to have the incident investigated by CB CID.

4.126 The report of CB CID investigation was forwarded to the Commission by Special Secretary, Government of Uttar Pradesh vide communication dated 30.3.2012. The investigating agency concluded that the encounter was genuine.

4.127 Upon consideration of the CB CID report, the Commission vide its proceedings dated 29 August 2013 observed and directed as under:

“On careful examination of the CB CID report, however, we are unable to agree with the findings. We are of the considered opinion that CB CID only tried to hush up the



matter and did not make an honest effort to unravel the truth.

Himanshu Pandey, owner of motorcycle No. UP 65 Z 3169 was examined by CB CID during inquiry. He stated that he had been robbed of his motorcycle on 22.5.2006 at gun point but, did not make any report to the police. He further stated that after the alleged encounter, he made an application to the court for custody of the motorcycle. In the application before the court, he stated that the motorcycle had been snatched from him by the police on 22.5.2006 and later on the motorcycle was planted at the scene of the encounter. He explained further that he had so written in the application on the advice of his lawyer.

CB CID is considered to be an independent agency. When a matter is entrusted to it for investigation, it is expected that the investigation will be efficient and fair. In the instant case, however, we see that the investigation by CB CID lacked the element of fairness. As a matter of fact, it is nothing but an attempt to hush up the matter. It is said that “man may tell lie, but documents do not”. Himanshu Pandey stated in his application before the court that the motorcycle had been snatched from him by policemen and that the same had been planted at the place of alleged encounter. This application was completely ignored by the investigating agency. Instead of relying on the application, CB CID obtained an explanation from Himanshu Pandey to the effect that the contents of the application were written on the advice of a lawyer. Such explanation could have been believed only by a naïve person. If we go by the contents of the application made by Himanshu Pandey before the court, the very foundation of the police story is knocked out.

In view of the above observation, we are unable to accept the investigation report of CB CID. The statement of Himanshu Pandey leaves no doubt that the motorcycle which the deceased Budhesh Mishra and his companion are stated to be riding at the time of the alleged encounter was in fact snatched from Himanshu Pandey by the police themselves and later on it was planted at the place of occurrence. The police story that two motorcycle borne criminals were seen in suspicious circumstances and were chased by the police stands completely discredited. We are convinced that the encounter was fake. A notice be, therefore, issued to the Govt. of Uttar Pradesh requiring it to show cause why monetary relief u/s 18 of the Protection of Human Rights Act, 1993 be not recommended to be paid to the next of kin of deceased Budhesh Mishra. Chief Secretary, Govt. of Uttar Pradesh shall respond to the notice within six weeks”



4.128 In response to the show cause notice, the State Government vide its communication dated 20.6.2014, highlighted the criminal antecedents of the deceased. The State Government also forwarded a report of DIG, CB CID. The DIG relied on CB CID investigation, which was conducted in pursuance of the Commission's direction in that case. The investigation report of CB CID was discussed in detail by the Commission and it was held that the investigating agency had tried to hush up the case.

4.129 Since the State Government did not make any comment about the observation of the Commission regarding the planting of a motorcycle at the place of occurrence, the Commission in its proceedings dated 18.02.2015 observed that the State admitted that the encounter in which Budesh Mishra was killed was not genuine as the planting of the motorcycle knocked out the very foundation of the police version. Therefore, the Commission recommended to the Govt. of Uttar Pradesh to pay a sum of Rs. five lakhs as monetary relief to the next of kin of the deceased Budesh Mishra. Chief Secretary, Government of Uttar Pradesh has been asked to submit the compliance report with proof of payment within eight weeks and the same is awaited.

20. Death of a Person by SOG Police in Alleged Fake Encounter in Aligarh, Uttar Pradesh (Case No.47628/24/3/08-09-AFE)

4.130 The Commission received a telegraphic complaint from one Viresh alleging that his younger brother Rakesh alias Chache had been picked up by the SOG (Special Operations Group) Police from the house of his relative on 10.02.2009 and eliminated in a fake encounter. Later on, another complaint was received from Smt. Kailashi Devi, mother of deceased Rakesh on 01.02.2010. She alleged that her son had been picked up by the police from the house of a relative named Sudhir Pachori on 10.02.2009 in the presence of her daughter Rachna. The complainant further alleged that on receiving information from her daughter Rachna, she had gone to P.S. Sasni Gate, Aligarh, along with Narender S/o Hotilal, Gaindahal Baghel, Mahboob and Hanuman on 10.02.2009 at 9:30 pm and she had seen Rakesh in the lock-up. She further claimed that the SHO had promised to release her son after enquiry. Addl. Superintendent of Police (City), Aligarh also sent an intimation regarding death of Rakesh in an encounter with SOG personnel.

4.131 The Commission took cognizance of the incident and requested its Director General (Investigation) to collect requisite reports from concerned authorities.

4.132 According to the police version, on 11.02.2009, SOG Incharge Avdesh Kumar along with his team was present in front of the main branch of State Bank of India in Aligarh when he received secret information that two criminals were standing with a motorcycle in front of the Mazar gate of Civil Court. On receipt of this information, the SOG team proceeded towards the court and saw two persons standing there with a motorcycle. On



seeing the police, they started the motorcycle and sped towards Jamalpur. The pillion rider fired at the police party. The police team chased them and flashed a message to the control room at 12:20 a.m. When the police team zeroed in, the pillion rider again fired and the bullet hit the police jeep. When the criminals reached Bhatedi turning, they found that a police party was already present there. Finding themselves cornered on both sides, the criminals turned the motorcycle towards Manjoor Garhi Railway station. The pillion rider continued to fire at the police party. The police retaliated the fire in self defense, as a result of which the pillion rider fell from the motorcycle. He took position in a pit and started firing indiscriminately. One bullet hit Constable Rakesh Kumar. The police fired again in self defense. At about 12:40 a.m., the firing stopped. The police then saw in the light of the jeep that a criminal was lying injured. A pistol of 32 bore was lying near his right hand. He was subsequently identified as Rakesh alias Cheche. He was sent to the hospital but there he was declared dead. The injured Constable was also sent to hospital for treatment.

4.133 An enquiry into the incident was conducted by Sub Divisional Magistrate, Aligarh and he believed the police version. The post mortem, however, revealed blackening in three fire arm wounds on the chest of the deceased. Therefore, vide proceedings dated 22.09.2011, the Commission asked the State Government to have the incident investigated by CB-CID.

4.134 The report of CB-CID investigation was forwarded to Commission by Special Secretary Home (HR), Government of Uttar Pradesh vide communication dated 30.10.2013. The investigating agency concluded that the encounter was genuine and the police had fired in exercise of the right of self defense.

4.135 Upon consideration of the CB-CID report, the Commission found the following infirmities in it:-

- (i) The record of the police control room containing the message said to have been flashed by the SOG team at 0:20 a.m. on 11.2.09 was not seized by the local I.O. who had initially investigated the case. CBCID noted this lapse on the part of the local I.O. but did not appreciate the adverse impact which the omission to seize the record would have on the police version.
- (ii) A photograph of the police vehicle allegedly hit by the bullet fired by the deceased was not taken.
- (iii) Rachna, daughter of complainant Kailashi Devi was not examined by CB-CID.
- (iv) Latter part of the statement of Kailashi Devi wherein she reiterated the allegations made in the complaint, was completely ignored by CB-CID.



- (v) CBCID ignored the telegraphic complaint sent to the Commission on 10.02.2009. Viresh may have stated before CB/CID that he had not sent the telegram but the fact remains that the telegram complaining of fake encounter was received in the Commission.
- (vi) Kailashi Devi had stated that she was accompanied by Narender Singh s/o Hotilal to P.S. Sasni Gate on 10.02.2009. CB-CID however recorded statement of Narender Singh s/o Ghanshyam Das.
- (vii) CB-CID did not examine Gaindalal Baghel or Hanuman who had gone with Kailashi Devi to the police station on 10.02.2009.
- (viii) Constable Rakesh who allegedly sustained a bullet injury in the incident stated during the magisterial enquiry that he had been taken to J.M. Medical College Aligarh for treatment. The medical record of J.N. Medical College was not seized by CBCID. Instead the record of Varun Hospital was seized.

4.136 In view of infirmities mentioned above, the Commission in its proceedings dated 18.12.2013 declined to accept the investigation report of CB-CID. On consideration of statements made by Kailashi Devi and other independent witnesses during magisterial enquiry, the Commission found that the police version of the incident was not credible. Hence, the Commission directed to issue a notice u/s 18 of Protection of Human Rights Act, 1993 to the Government of Uttar Pradesh requiring it to show cause why monetary relief be not given to the next of kin of deceased Rakesh alias Chache.

4.137 In its response to the show cause notice, the State Government contended that the encounter was genuine and also forwarded a report of Superintendent of Police, CB-CID with its reply.

4.138 Superintendent of Police, CBCID submitted in the report that the record of police control room was weeded out in accordance with rules. He also pointed out that the police vehicle which was damaged by a bullet in the incident was mechanically inspected by Sr. Foreman Raj Kumar Jain on 13.03.2009. It was further stated in the report that Kailashi Devi had admitted in her statement before CBCID that she had not gone to the police station or police post on 10.02.2009. As regards non examination of Gainda Lal Baghel and Hanuman, it was explained that Hanuman was a co-accused with deceased Rakesh alias Chache in several criminal cases.

4.139 Upon consideration of the response of the State Government, the Commission vide its proceedings dated 30.04.2014 observed as under:

“We are not impressed by the explanation given by S.P. CBCID. The record of police control room may have been weeded out on 16.02.2010 in accordance with rules. The



police should have however realized that the matter was under consideration of the Commission and therefore all vital evidence should have been preserved. CBCID has itself recommended departmental action against the local I.O. for omission to seize the record of control room. As regards the mechanical inspection of the police vehicle, we may point out that the incident took place on 11.02.2009 but the police vehicle was sent for mechanical examination on 13.03.2009. The intervening gap of one month has not been explained. In any case, no explanation has been given for omitting to take a photograph of the damaged police vehicle. As regards the statement of Kailashi Devi, CBCID has taken into consideration only a part of her statement. It has completely ignored the latter part in which she has reiterated the allegations made by her in the complaint. The other points raised by the Commission in its proceedings dated 18.12.2013 have not been answered at all.”

4.140 Hence, the Commission found no reason as to why monetary relief should not be recommended to be paid to the next of kin of deceased Rakesh alias Chache and recommended to the government of Uttar Pradesh to pay a sum of Rupees Five Lakhs as monetary relief to the next of kin of deceased Rakesh alias Chache. Chief Secretary Government of Uttar Pradesh was asked submit compliance report along with proof of payment within eight weeks but the same is still awaited.

21. Police Encounter Leads to Death in Dilshad Garden, Delhi (Case No. 4693/30/2005-2006)

4.141 The Commission received an intimation dated 19.03.2006 from the Joint Commissioner of Police, Special Cell, Delhi regarding the death of one Ashok alias Bunti in an encounter with police on 18.03.2006. As per intimation, the police received an information that Ashok alias Bunti would be coming to Sports Complex, Dilshad Garden to meet an associate. A trap was laid to nab him. At about 09.45 p.m., a green Maruti car came towards the Sports Complex from the side of Tahirpur. One person alighted from the car and stood waiting for someone. He was identified by the informer as Ashok alias Bunti. The police asked him to surrender, but he started firing and tried to flee. The police party returned the fire in self defence. In the ensuing encounter Ashok alias Bunti was injured. He was taken to GTB Hospital and there he was declared dead.

4.142 Pursuant to the Commission’s direction, the Additional Commissioner of Police, Vigilance, Delhi reported that the case file was missing and new case file had been reconstructed. The post mortem report was also sent, which reveals ten ante mortem injuries. The cause of death, according to medical opinion was “shock as a result of haemorrhage caused by multiple injuries and extensive craniocerebral damage”. Magisterial enquiry was not held in this case. The re-investigation was conducted by the local police after reconstruction of the case file. It was reported that the incident being seven-and-a-half years



old, no independent witness came forward to depose or reveal new facts. The Investigation Officer relied on statements of police witnesses and CFSL report. The doctors had preserved the hand wash of the deceased during post mortem. In reply to the Commission's show cause notice, reply was received from the Deputy Commissioner of Police (Vigilance), Delhi.

4.143 On consideration of the material on record, the Commission observed that State Government is conspicuously silent on the absence of gunshot residue in the hand wash of the deceased. If Ashok alias Bunti had used firearm to attack the police, the gunshot residue must have been necessarily found in the hand wash. The police could have justified its action only by invoking the plea of self defense. Such plea would be available to the police only if it was able to prove that deceased Ashok alias Bunti had fired at them. The absence of gunshot residue in the hand wash, however, indicates that he had not fired at the police and, therefore, the police could not have opened fire and then justified such act by taking the plea of self defense. As regards non-production of any public witness, Deputy Commissioner of Police, Vigilance explained that if any person from the public had been made to join the investigation, his life would have been at risk. If the police was so conscious of risk to the life of public witnesses, it should not have asked any public witness at all to join. The FIR, however, mentioned that the police did request some public witnesses to join them. As stated above, the incident took place in the month of March at about 09.45 p.m., a number of public persons must have seen the occurrence at that time. They could have been asked to join investigation because after the death of Ashok alias Bunti, there was no likelihood of their being exposed to any risk. It was pointed out by Deputy Commissioner of Police, Vigilance in the reply that there were five entry wounds and corresponding exit wounds on the body of the deceased Ashok. Out of these five wounds, two were on the hands of the deceased and one was on the shoulder. The remaining two entry wounds were on the neck and chest. It was also pointed out that there is no mention of blackening or tattooing on the margins of the firearm entry wounds in the post mortem report. It was contended that the post mortem report substantially corroborated the police version. The Commission, however, found no merit in the contention.

4.144 As observed above, the police would have been justified in opening fire at deceased Ashok alias Bunti, only if there was a reasonable danger to their life. In other words, the firing by police could have been justified only if Ashok alias Bunti had attacked the police. In the instant case, the absence of gunshot residue in the hand wash of the deceased shows that he had not used firearm to attack the police. Therefore, even if the Commission believed that the police had shot at Ashok alias Bunti from a distant range, their action would not have the sanction of law. Ashok alias Bunti might have been a dreaded criminal, but the police did not have the license to kill him. It ought to have acted within the four corners of law. Considering all circumstances of the case, the Commission did not accept the plea given by the Deputy Commissioner of Police, Vigilance in his response. The Commission



thus recommended the Government of NCT, Delhi to pay a sum of Rs. 5 lakhs as monetary relief to the next of kin of deceased Ashok alias Bunti.

22. Death of a Youth in Police Firing in Connaught Place, New Delhi (Case No. 4696/30/1/2013)

4.145 The Commission received intimation from Deputy Commissioner of Police, New Delhi District, Delhi regarding the death of one Karan Pandey during firing by Delhi Police in Connaught Place area in Delhi. It was reported that on 28.07.2013 around 02.10 to 02.15 a.m., PCR vehicle performing night checking duty between 11.00 p.m. and 05.00 a.m. against stunt bikers was attacked by violent bikers numbering about 35-40, who were performing stunts and dangerous manoeuvres at Windsor Place and Ashoka Road. The Police Control Room Van tried to contain the bikers by giving warnings over public address system, but they paid no heed. Thereafter, the bikers became more aggressive and started pelting stones on the PCR van. Inspector Rajneesh Parmar, In-charge as well as the Night Checking Officer of the PCR van fired two warning shots in the air from his service revolver to disperse the mob attacking the PCR van. The mob, however, continued pelting stones and threatened manoeuvres on the move. In order to contain the bikers, the Inspector-in-Charge, as a last resort, aimed and fired at the rear tyre of a threatening biker. However, the biker suddenly lifted the front portion of his bike in a daring stunt and the bullet hit the pillion rider on his back, instead of the rear tyre. The injured person was immediately taken to Ram Manohar Lohia Hospital, where he was declared 'brought dead' at around 02.50 a.m. The deceased was identified as Karan Pandey.

4.146 The Commission took cognizance of the intimation and requested its Director General (Investigation) to collect relevant report from concerned authorities, examine them and submit its report. The Commission also issued notice to the Commissioner of Police, Delhi calling for a detailed report in the matter. Five more cases were registered on the complaints received about this incident and all of them were clubbed with case No. 4696/30/1/2013.

4.147 During post mortem examination, one firearm entry wound measuring 1cm x 0.9 cm was found along with abrasion collar and blood was oozing. The doctor who conducted post mortem opined that the death had occurred due to hemorrhagic shock consequent upon firearm ammunition injury which was sufficient to cause death in the ordinary course of nature.

4.148 The Magisterial inquiry of the incident was conducted by District Magistrate, New Delhi District. During the course of inquiry, the Magistrate examined a number of independent eye witnesses including family members of the deceased, Puneet Sharma, the biker on whose bike the deceased Karan Pandey was the pillion rider, police officials, doctors who conducted the post mortem of the deceased, FSL and ballistic reports and the



CCTV footage from various spots. On appraisal of evidence, the Magistrate found that deceased Karan Pandey and his friend Puneet Sharma were also part of the group of stunt bikers who were performing stunt biking at the time of the incident. He further observed that Inspector Rajneesh Parmar, who fired at the deceased, did not adopt the standard procedure to control the stunt bikers and resorted to disproportionate use of force by firing directly towards the lone bike of the deceased when the threat perceptions to the lives of PCR officials had reduced. On the basis of the inquest report, post mortem report, FSL and ballistic reports, CCTV footage and the statements of witnesses, the Magistrate concluded that:-

- (i) There was negligence and error of judgment on the part of Inspector Rajneesh Parmar to open fire at the rear tyre of the bike which resulted in the death of Sh.Karan Pandey.
- (ii) There was unnecessary use of force by opening fire which was disproportionate to the amount of threat to PCR official's life.
- (iii) The entire incident of heavy stone pelting is highly doubtful in the light of CCTV footage and statements of witnesses except for Sh. Ram Niwas which could have caused life threatening risk to PCR officials.”

4.149 On careful consideration of various reports including the magisterial inquiry report, the Commission vide its proceedings dated 31.03.2014 opined that the next of kin of deceased Karan Pandey should be given suitable compensation and directed to issue notice to the Government of NCT of Delhi to show cause why monetary relief u/s 18 of the Protection of Human Rights Act, 1993 be not recommended to be paid to the next of kin of deceased Karan Pandey. He was also directed to furnish the Action Taken Report on the magisterial inquiry report to the Commission.

4.150 Since no reply to the show-cause notice issued to the Chief Secretary, Government of NCT of Delhi was received, the Commission vide its proceedings dated 07.07.2014 presumed that the Government of NCT of Delhi had no objection against the grant of monetary relief. Considering all the facts and circumstances of the case, it recommended to the Government of NCT of Delhi to pay a sum of Rs. 5.00 lakhs as monetary relief to the NOK of the deceased – the mother of the deceased. Chief Secretary, Government of NCT of Delhi was also required to submit compliance report along with proof of payment.

4.151 In response to the directions of the Commission, Deputy Secretary (Home), Government of NCT of Delhi informed that the Hon'ble Lt. Governor, Delhi had raised the amount of monetary relief recommended by NHRC from Rs. 5,00,000/- to Rs. 50,00,000/- to be paid to the next of kin of the deceased Karan Pandey. Addl. Commissioner of Police,



Vigilance, Delhi forwarded a copy of the receipt regarding payment of Rs. 50,00,000/- vide cheque No. 049831 dated 2.1.2015 drawn on Syndicate Bank to the mother of the deceased Karan Pandey.

4.152 Additional Commissioner of Police, Vigilance also informed that a regular departmental enquiry against Inspector Rajneesh Parmar had been initiated by the Special Commissioner of Police/Operation, Delhi and had been entrusted to Shri Dham Singh, DCP/PCR on 13.02.2014.

4.153 Since the directions/recommendation of the Commission were complied with, the case was closed on 02.03.2015.

23. Death of a 12 Year Old Boy in Firing by a Drunk Police Constable in Delhi (Case No.2064/30/4/2012)

4.154 Shri A.K. Srivastava, Manavadhikar Jan Nigrani Samiti, Varanasi, Uttar Pradesh had drawn the attention of the Commission towards a press clipping captioned ‘sipahi ne goli chalayi, Chhatra ki maut’ published in news paper ‘Dainik Jagran’ dated 13.03.2012. He alleged that Tarun aged 12 was killed during firing by a drunken constable of Delhi Police.

4.155 Pursuant to the directions dated 17.10.2012 of the Commission, Additional Commissioner of Police (Vigilance), Delhi sent a report stating that regarding the aforesaid incident an FIR no. 76/12 u/s 307/302/34 IPC dated 12/3/12 was registered at PS Mukherjee Nagar, Delhi on the complaint of Kailash Dev. On the day of the incident, Constable Jai Baba No. 399 had an altercation with Vinod Chauhan on parking of his motorcycle on the road near a marriage function. Thereafter, Constable Jai Baba along with his friend came to the spot in a drunken condition and fired at Tarun, a boy aged about 12 years, injuring him as he did not reveal whereabouts of Vinod Chauhan. Tarun was shifted to the hospital where he succumbed to his injury. The accused constable and his friend had been arrested on the same day and were remanded to custody. The weapon of offence along with 7 live cartridges were recovered. Charge sheet has been submitted against both the accused and the case is pending trial. The Commissioner of Police, Delhi was directed to intimate whether any compensation or monetary relief has been paid or is proposed to be paid to the next of kin of the deceased boy Tarun, who was killed when a drunken police Constable and his associate opened fire.

4.156 The Deputy Commissioner of Police, North West, Delhi that no compensation or monetary relief was provided or is proposed in this case. Legal and departmental action was taken against the constable.

4.157 The Deputy Commissioner of Police, District North West, Delhi reported that Legal and departmental action has been taken against the constable.



4.158 On consideration of material on record and the Commission observed that the abuse of power by the police constable, a public servant resulted in the loss of life of an innocent child, for which the State must bear liability and recommended the payment of Rs. 5 lakhs as monetary compensation to be paid to the next of kin of the deceased by the Government of NCT of Delhi.

4.159 After the receipt of the compliance report along with the proof of payment, the case has been closed.

(f) Encounter or Firing by Para-Military Forces

24. Death of a Bangladeshi Girl in Firing by Border Security Force at Anantpur Border (Case No. 7/99/4/2011-PF)

4.160 Prof. Mizanur Rehman, Chairman, National Human Rights Commission, Bangladesh drew the attention of the Commission towards the fact that innocent Bangladeshis are continuously being killed by the BSF personnel of India. In one of the incidents on 07.01.2010 a 15 year old girl named Felani was shot dead by BSF at Anantpur Border area.

4.161 The Commission took cognizance of the communication received from the Chairman of Bangladesh Human Rights Commission and issued notice to Secretary, Ministry of Home Affairs, Government of India, New Delhi calling for a report.

4.162 Pursuant to the directions of the Commission a report was received from the Ministry of Home Affairs. As per the report, the deceased girl Felani was killed by a bullet shot fired by Commandant Amiya Ghosh during ambush cum patrolling duty. The PMR indicated that the probable cause of death was due to shock and haemorrhage due to bullet injury which was ante-mortem and homicidal in nature. An FIR was also registered. The dead body was handed over to Bangladesh police. A staff Court of inquiry (SCOI) followed by an Addl. SCOI was conducted into the incident where, prima-facie it appeared that Ct. Amiya Ghosh exceeded his right of private defence.

4.163 Considering the findings of the Staff Court of Inquiry, the various orders issued by DIG (OPS), BSF Hqrs., and other circumstances of the case, the Commission asked the Ministry of Home Affairs to show cause why monetary relief be not recommended to be paid to the next of kin of the deceased girl.

4.164 In response to the show cause notice, the Ministry of Home Affairs forwarded a report of DIG(OPS), Directorate General, BSF. It was contended that Nural Islam, father of the deceased girl was responsible for the death because he had forced her to adopt illegal means to exit from India. He had put his daughter's life on risk by asking her to scale the



ladder in order to cross over the fence. It was stated that the family of the girl was illegally staying in India and they wanted to illegally cross over to Bangladesh with the aid of touts. It was further contended that payment of compensation in such case would send a wrong signal to the society and also demoralize the security forces.

4.165 While considering the matter on 08.08.2014, the Commission admitted that the security forces are discharging a sensitive job at the borders. It, however, observed that security forces must adhere to some discipline and norms while performing such duty. The Commission further observed that DIG (OPS), BSF Hqrs., had himself directed in order dated 05.05.2005 that even under grave provocation utmost distinction be made while dealing with unarmed women and children on one hand and armed intruders/criminals on the other hand in border areas. In the instant case, the victim was an unarmed girl. So the BSF Constable who shot at her obviously acted in disregard of the circular issued by the BSF Hqrs. Even the Staff Court of Inquiry held that he had exceeded the right of private defense.

4.166 The Commission held that there could be no justification for shooting at an unarmed girl and therefore, recommended to the Government of India, Ministry of Home Affairs to pay a sum of Rs. 5 lakhs as monetary relief to the next of kin of the deceased girl. The Commission also directed that the amount may be disbursed through the Indian High Commission in Bangladesh. Compliance report from the Ministry of Home Affairs was awaited.

(g) Conditions in Jails

25. Prisoner Languishes in Etawah District Jail Even After Completion of Sentence (Case No. 36219/24/23/2013)

4.167 Shri Kripal Singh complained about the illegal detention of himself in District Jail Etah, Uttar Pradesh beyond the sentence of imprisonment. The complainant co-accused Surender Singh has been released after completion of his sentence, but is still languishing in Jail.

4.168 The Additional Inspector General of Prisons (Admn.), Uttar Pradesh, reported that though the order of the High Court is of 23.09.2005, yet the Chief Judicial Magistrate, Etawah, sent the warrant of sentence to the jail only on 27.08.2010. In view of the warrant of sentence, the sentence of the complainant in the case started only on this date.

4.169 On consideration of material on record, the Commission found no merit in the contention of the State Government. The period of sentence should be reckoned from the date of the judgment. In this case complainant Kripal Singh and his brother Surender Singh



were convicted by the High Court on 23.09.2005 and they were sentenced to undergo 5 years rigorous imprisonment. Both the persons were in jail at that time. The sentence started running from the date of judgment i.e. 23.09.2005. As a matter of fact, Surender Singh was released in the year 2010. The complainant Kripal Singh still languishes in the jail. If the warrant of sentence in the case of the complainant was not sent in time by the concerned authority, it was a lapse on the part of the administration and the complainant cannot be made to suffer for such lapse. The complainant completed the term of sentence on 23.09.2010 and his detention in jail beyond that date is illegal. The Commission directed to the Government of Uttar Pradesh to pay a sum of Rs. 1 lakh as monetary relief to complainant Kripal Singh.

(h) Electrocutation Cases

26. Death of a Twenty-five Year Old Resident due to Electrocutation in Dabri, Delhi (Case No. 3849/30/0/2013)

4.170 The Commission took suo motu cognizance of a press report captioned “Youth dies of electric shock” that appeared in the ‘Times of India’ dated 18.06.2013. As per the press report Rajiv Sharda, a twenty-five year old resident of Mahavir Enclave in Dabri and his friend were walking to the market. The entire street was logged with water. After walking a few steps, they felt electric current in the water and when they tried to get out of the water, Rajiv lost balance and reached for the pole, which was charged. Neighbours pulled Rajiv off the pole and rushed him to nearby hospital where he was declared dead. The neighbours alleged that they had complained to BSES many times about the loosely hanging and shorting wires, but there was no action taken.

4.171 The Commission also received a complaint dated 17.6.2013 on the same incident from Shri R.H.Bansal, Secretary General Antarrashtriya Manavadhikar Nigrani Parishad.

4.172 The Commission issued notices to the Chairman, BSES Yamuna Power Limited, Delhi and Chief Secretary, Government of NCT of Delhi to submit a report in the matter.

4.173 In response to the directions of the Commission, Dy. Secretary (Power), Department of Power, Government of NCT of Delhi forwarded an inspection report of the incident submitted by Deputy Electrical Inspector Delhi, Labour Department, Government of NCT of Delhi. The Deputy Electrical Inspector concluded in his report that the provisions of the Central Electricity Authority (Measures relating to Safety & Electric Supply) Regulations, 2010 had not been complied with by the staff of BSES-Rajdhani Power Limited.

4.174 Upon consideration of the above report, the Commission expressed the view that the electrical installation of L.T. overhead had not been maintained in such a manner to



ensure safety of human beings. It was also stated that all metallic fittings fitted on the pole had not been earthed properly and there was leakage of current in electrical installation of L.T. distribution box. While observing that this negligence caused the electrocution of the victim Rajiv Sharda, the Commission issued a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Secretary, Department of Power, Govt. of NCT of Delhi to show cause as to why monetary relief be not recommended to be paid to the next of kin of the deceased Rajiv Sharda.

4.175 Deputy Commissioner of Police, Vigilance, Delhi was also directed to inform the Commission within six weeks about the outcome of FIR No.323/13 u/s 304A IPC Police Station Dabri.

4.176 In response to the notice, the Government of NCT of Delhi submitted that the distribution of electricity in Delhi was privatized and therefore, the DISCOMS were not under the operational or administrative control of the Government of NCT of Delhi.

4.177 While rejecting the stand of the Government of NCT of Delhi, the Commission vide its proceedings dated 16.06.2014 inter alia observed and directed as under:

“Whenever negligence has happened and the victim has suffered it is the primary duty of the Government to pay compensation though the distribution itself was allotted to some private agency. It is up to the Government to come to an agreement between the contracting agency and the Government that whenever negligence happened the compensation should have been paid by the private agency. Otherwise, the victim would be left without any remedy. Though the BRPL, the agency who made the supply is not a State coming within the purview of Article 12 of the Constitution, the Government of Delhi is solely responsible for payment of compensation.

It may be noted that “At the time of inspection, the following provisions of the Central Electricity Authority (Measures relating to Safety & Electric Supply) Regulations, 2010 had not been complied with by the staff of BSES (RPL)” . The electrical installation of the said L.T. overhead lines had not been maintained in such a manner as to ensure safety of human being, animal and property in contravention of regulation 12 (1) of the said Regulations. All metal supports and all metallic fitting fitted on the said pole had not been earthed efficiently as the condition of the earth wire was corroded/rottened in contravention of the provisions of Regulation 72(1) of the said Regulations.”

The Electricity authorities of the NCT of Delhi failed to oversee this violation and, in a way also, there is primary responsibility on the part of the State Government to pay compensation.



Therefore, a recommendation is made to the Government of NCT of Delhi to pay a sum of Rs.3.00 lakhs as compensation to the NOK of Rajiv Sharda. If any amount is already paid by the BRPL towards compensation, the balance amount shall be paid by the NCT of Delhi. Chief Secretary, Government of NCT of Delhi is required to submit compliance report along with proof of payment within a period of six weeks.

4.178 Deputy Secretary (Power), Government of NCT of Delhi vide communication dated 18.09.2014 informed that the amount of Rs. 3,00,000 as recommended by the Commission had been paid to Shri Surender Kumar Varun, father of deceased Rajiv Sharda through cheque No.0475819 dated 03.09.2014. The proof of payment was also received. Since the recommendation of the Commission had been complied with, the case was closed.

27. Death of Fourteen Persons in a Private Bus due to Electrocutation in Fatehpur District, Uttar Pradesh (Case No. 43616/24/27/2012)

4.179 Shri G. Dsouza from Mumbai vide his email dated 29.11.2012 forwarded a report published by 'Zee News' captioned "Eight electrocuted as high tension wire falls". As per the media report, a high tension electricity wire snapped and fell on a private bus in Jehanabad area of District Fatehpur, Uttar Pradesh. Although the local villagers rushed to the spot to rescue, eight precious lives were lost due to electrocution and 25 others were injured and admitted to different hospitals of Fatehpur, Bindki and Kanpur.

4.180 A similar complaint was also received from Shri R.H.Bansal which was registered as Case No.38373/24/27/2012 and both the files were clubbed together.

4.181 The Commission issued notice to the Chairman, UP Power Corporation Limited and Director General of Police, Government of Uttar Pradesh to submit a report in the matter.

4.182 Deputy General Manager, UP Power Corporation Limited sent a report stating that the line was laid in accordance with the standard prescribed. The Commission sought a report from the UP Power Corporation whether any inquiry was conducted by the Chief Electrical Inspector in this regard and if such an inquiry was conducted, it asked them to send a copy thereof to the Commission. The Commission further directed that if no such inquiry was conducted, the Chief Electrical Inspector be requested to conduct an inquiry into the incident and send a report to the Commission.

4.183 In response, Deputy General Manager, UP Power Corporation Ltd. forwarded the Inquiry report of Director, Electrical Security, UP Government. On perusal of the report, the Commission found that the height of the over-head transmission line above the ground level was less than the standard height prescribed under the Rules i.e. 5.8 meters which was



in contravention of Rule 77(2) of the Indian Electricity Rules, 1956. It was found during the inquiry that the over-head transmission line was not properly guarded as required by Rule 29 (1) of the Indian Electricity Rules. The Inquiry Officer concluded that the persons who died or were injured in the incident were entitled to compensation.

4.184 Upon consideration of the report, the Commission vide its proceedings dated 13.10.2014 observed and directed as under:

“Fourteen persons died in the incident and 27 sustained injuries. The Director of Electrical Security has observed in the inquiry report that these persons had acted in contravention of Rule 82 (A) of the Indian Electricity Rules, 1956. The question of imputing contributory negligence to the deceased and injured persons would, however, arise only if the UP Power Corporation had laid the over-head transmission line at a proper height and had taken care to properly safeguard it. It is reported that an amount of Rs. 1.00 lakh each is being paid to the NOK of those who died and an amount of Rs. 20,000/- each is being paid to the injured. In our opinion, the amount of Rs.1.00 lakh is grossly inadequate for the loss of human life.

Since the U.P. Power Corporation was negligent in erecting the over-head transmission line at a proper height and it also failed to properly guard the transmission line, we are of the view that the victims and their families should be suitably compensated. A notice be, therefore, issued to the Government of UP requiring it to show-cause why appropriate monetary relief u/s 18 of the Protection of Human Rights Act be not recommended to be paid to the NOK of the following deceased 1. Kaif S/o Abdul, 2. Nihal S/o Imran, 3. Smt. Ramrati wife of Kamlesh, 4. Ram Prakash S/o Gopi Diwakar, 5. Rithik Kumar S/o Ram Kumar, 6. Pramod Kumar S/o Krishna Kumar, 7. Smt. Aashma wife of Taufeed, 8. Shiv Kumar S/o Gilloo, 9. Abdul Salam S/o Abdul Karim, 10. Smt. Samshul wife of Mukthar Khan, 11. Smt. Shabnam wife of Naeem, 12. Smt. Sita wife of Guddu, 13. Shiv Shankar S/o of Bainam and 14. Smt. Munni wife of Imran. Chief Secretary, Government of UP shall respond to the show-cause notice within six weeks.”

4.185 Since no reply was received from the State Government despite sufficient time and opportunity was given to them, the Commission vide its proceedings dated 29.12.2014 observed and directed as under:

“The Rs. 1.00 lakh each proposed to be paid to the next of kin of the deceased persons is grossly inadequate. We, therefore, direct that additional amount of Rs. 1.00 lakh each shall be paid to the next of kin of fourteen deceased persons who died in the incident. Chief Secretary, Govt. of Uttar Pradesh shall submit the compliance report and proof of payment for the entire amount of Rs. 2.00 lakhs each disbursed to the next of kin of the fourteen deceased persons within six weeks. He shall also submit the proof of payment of Rs. 20,000/- proposed to be paid to the twenty-seven persons who sustained injury in the incident.”



4.186 Compliance report from the State Government is awaited and the matter is under consideration of the Commission.

28. Death of Two Boys and Injuries to Two Others due to Electrocutation in a Village of Jangir District, Chhattisgarh (Case No. 715/33/6/2013)

4.187 Shri R.H. Bansal, a human rights activist has brought to the notice of the Commission an incident which took place on 08.09.2013 in Village, Borsi, District Janjgir, Chhattisgarh, where two boys were electrocuted and two were injured when a High Tension (HT) wire broke and fell on them, while they were taking bath in the pond.

4.188 The Superintendent of Police, Janjgir reported that the villagers had verbally informed the linemen and officer incharge of Palngarh, Electricity Department to replace the damaged wire on the 11 K.V. line, but no action was taken by Electricity Department. Initially, an FIR No. 400/13 u/s 304A, 337 read with Section, 34 IPC was registered against a junior engineer and a lineman. The Deputy Secretary, Energy Department, reported that wires from the overhead 11 KV line had broken due to natural disaster and storm on 08.9.2013 and fell on four boys bathing in the pond. Two boys namely, master Rajesh and Master Vishal died in the incident, whereas master Virender khute and Master Suraj Bharwadaj were injured. The kin of the two deceased boys have been paid compensation of Rs. 50,000/- each. As to the two injured boys, the report stated that sums of Rs. 19,411/- and Rs. 22,367/- were spent on their treatment. Their kin were also paid Rs. 3,000/- each on the day of incident.

4.189 On consideration of reports, the Commission observed that the compensation of Rs. 50,000/- paid to the next of kin of the deceased boys is highly deficient. The Commission directed the Government of Chhattisgarh to pay additional compensation of Rs. 1,50,000/- each to the next of kin of deceased master Rajesh and master Vishal and Rs. 30,000/- each to injured boys namely master Suraj Bhardwaj and Virender Khute.

4.190 In compliance of Commission's directions, he Secretary, Energy Department, Govt. of Chhattisgarh, reported that recommended compensation has been paid. Pay orders are stated to have been issued on the State Bank of India, Akaltara. The proof of payment is still awaited.

29. Death of a Tribal Woman and Injuries to Three Persons due to Electrocutation in Baraguda Village of Koraput, Odisha (Case No. 2043/18/8/2014)

4.191 The case was registered on the complaint of Shri Subhas Mohapatra. The matter relates to death of a tribal woman, Sapai Saunta and injuries to three persons on 24.04.2014



due to electrocution at Baraguda village of Bhitargarh GP Koraput, due to negligence by the authorities of electricity department. It was alleged that due to poor maintenance of electricity lines, live wire fell down causing fire in the village. The Commission took cognizance in the matter and directed Secretary, Department of Power & Superintendent of Police, Koraput to submit action taken report in the matter. The matter was taken in the camp sitting held at Bhubaneswar. The Principal Secretary, Department of Energy, Government of Odisha submitted that the incident occurred within the licensed area of SOUTHCO, Behrampur which is a distribution licensee under the Orissa Electricity Regulatory Commission. Chief Electrical Inspector (T&D), Bhubaneswar also submitted an inquiry report which reveals that the incident occurred on 24.04.2014 inside the residence of the victim. It was further submitted that on the fateful day there was heavy rain and lightening and when the deceased tried to switch off the main switch to disconnect the power supply of the house, she got electrocuted. Three others also sustained injuries while trying to save her. The Principal Secretary stated that in view of the above, the negligence could not be attributed to DISCOM officials. The Commission has considered the submissions made by the Principal Secretary, Energy, Govt. of Odisha. From the report submitted, it is seen that the houses were provided with single phase energy meter, 16A main switch and service connection bracket. The service wire was supported by GI wire which was connected to neutral wire of AB cable at one end and other end was connected to body of the main switch. However, no earthing was done for the various BPL consumers including the deceased. The facts indicated that there was negligence on the part of the government authorities in ensuring that good quality material is used while providing connection for BPL consumers and that all due precautions such as providing earthing are taken and that responsibility for the accident cannot be shifted to the distribution agency and the State Government is vicariously liable to compensate for the death of Sapai Saunta. The Commission was also informed of a judgment of the Supreme Court of India in respect of grant of compensation to the victims of electrocution. Since the facts of the case make out a violation of human rights, therefore, Commission is of the view that the NOK of the deceased Sapai Saunta and the injured Bisi Saunta, Salai Jand, Sala Jani and Dambaru Jani deserve to be granted monetary relief. Chief Secretary, Government of Odisha was, therefore, directed to show cause as to why monetary relief may not be granted to the victim. The reply to the SCN is awaited.

(i) Pollution and Environment

30. Pollution due to Installation of a Unit of Stone Crusher in Judda-Dansal Village, Tehsil Mahore, Reasi District, Jammu and Kashmir (Case No. 238/9/0/2013)

4.192 Shri Ghulam Nabi of District Reasi, Jammu and Kashmir vide complaint dated 07.06.2013 alleged that M/s. ITD Cementation India Ltd. installed a unit of stone crusher



in their village, which is a residential area having educational institutions, mosques, etc., was causing great pollution in the area.

4.193 The Financial Commissioner, Industries and Commerce Department, Government of Jammu and Kashmir reported that the State Pollution Control Board had granted permission to install the crusher with certain conditions. The permission was granted for a period of one year only w.e.f. 27.04.2012. Thereafter, the permission was not renewed by the Jammu and Kashmir Pollution Control Board. The operation of the unit has been stayed by the District Administration and it is likely to be shifted in due course of time.

4.194 As the comments were not received from the complainant, the Commission on 31.10.2014 directed the Chief Secretary, Government of Jammu and Kashmir, to send a status report as to whether the stone crushing unit is running as on today or has been shifted from Village Judda-Dansal, Tehsil Mahore, District Reasi. The matter is under consideration of the Commission.

31. Suomotu Cognizance of a News Report about "Landfills threat to environment health" (Case No.2275/30/0/2014)

4.195 The Commission came across a news report published in "The Times of India", on 24 April 2014 captioned "Landfills threat to environment health" highlighting the plight of three garbage dumps situated at Gazipur, Okhla and Bhalswa in Delhi. As per report, the monstrous trash mountains including of hazardous waste are causing grave threat to the environment and the Municipal Corporations in Delhi are giving no thought to manage them. It is further added that hundreds of waste pickers roam in the vicinity and are contracting various diseases. The report also highlighted that heavy metals found in solid wastes are contaminating the ground water and the air quality in the surroundings of these dumping sites.

4.196 The Commission took cognizance of the matter vide its proceedings dated 29.04.2014 and directed to issue notice to the Secretary, Ministry of Environment & Forest, Government of India, New Delhi, Chief Secretary, Government of NCT of Delhi, and Commissioners of all three Municipal Corporations in Delhi calling for a report in the matter.

4.197 In response the Commission has received reports from the North Delhi Municipal Corporation, South Delhi Municipal Corporation, East Delhi Municipal Corporation and Delhi Pollution Control Committee. All the three corporations of Delhi have informed the Commission about the measures taken regarding solid waste management, facilities for disposal/processing of the waste and steps being taken to recycle the waste/garbage being dumped in these landfills. The report received from the Delhi Pollution Control Committee has revealed that the Municipal Corporations have not submitted the action



plan for developing the landfills sites and in the absence of the same the garbage is being continued to dispose of at these sites. The Delhi Pollution Control Committee has refused the authorization to disposal of Municipal Solid Wastes at the sites i.e. Gazipur, Okhla and Bhalswa vide its letters dated 09.11.2012 and 19.11.2012. It is also stated that due to scarcity of land in Delhi, the Municipal Corporations are facing problem for obtaining the land from DDA and the matter for obtaining the land from the DDA is under process.

4.198 The case is under the consideration of the Commission.

(j) Other Cases

32. Man Accused of Practicing Witchcraft Forced to Eat Human Excreta in a Village in East Khasi Hills District, Meghalaya (Case No. 33/15/2/2013)

4.199 A press report captioned, “Meghalaya man forced to eat human excreta” appeared in the ‘Indian Express’ dated 24.07.2013. The press report alleges that Noping Khongsit, resident of Wahkdait village in East Khasi Hills district was declared guilty of practicing witchcraft by the local ‘Dorbar; of the village 3 days back. As per report, four girls of the village alleged that Noping Khongsit used to appear in their dreams and frightened them with snakes. Believing their statements, the local ‘dorbar’ held him responsible for scaring the four girls in their dreams and punished him by making him eat human excreta.

4.200 The Commission took suo-motu cognizance of the media report and considering to be a serious violation of human right to live with dignity, called for a report from the District Magistrate and Superintendent of Police, East Khasi Hills, Meghalaya.

4.201 Superintendent of Police, East Khasi Hills, Shillong submitted his report. Upon consideration of the report, that Commission opined that it is clear from the report that the Dorbar held on 20.07.2013 had directed Shri Noping Khongsit to eat human excreta as punishment given to him for allegation of practicing witchcraft and accordingly he had consumed human excreta. Since, it amounted to violation of human right and the police and civil authorities failed to prevent the same, the Commission expressed the view that Shri Noping Khongsit whose human right was violated, prima facie, deserves to be paid compensation by the State Government. Therefore, it directed its Registry to issue a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Government of Meghalaya to show-cause why suitable monetary relief should not be recommended to be paid to the victim Shri Noping Khongsit for violation of his human right. The Commission also asked the State Chief Secretary to inform the action taken by the Government to prevent such violation of human rights and practicing of witch-hunting in the State. The Commission also recommended to the Government of Meghalaya to consider enactment of suitable anti



witch-hunting Legislation for prevention of such violation of human rights as has been done in some other States.

4.202 Pursuant to the directions of the Commission, Under Secretary to the Government of Meghalaya, Political Department submitted a report stating that the matter has been settled amicably among the concerned parties and therefore, no compensation needs to be paid to the victim. Since it was clear from the report that the victim Shri Noping Khongsit was directed to eat human excreta by the durbar as punishment for practicing of witchcraft which is a gross form of violation of human right, the Commission did not accept the contention of the State Government observed that the fact that the victim was directed to do this inhuman act by the village durbar amounts to violation of his human right and for that matter he needs to be compensated.

4.203 Hence, the Commission vide its proceedings dated 09.06.2014 recommended to the Government of Meghalaya to pay a sum of Rs. 25,000/- as monetary relief to the victim Shri Noping Khongsit for violation of his human right.

4.204 In response to the direction of the Commission, Political Department, Government of Meghalaya vide communication dated 19.12.2014 forwarded a copy of the receipt regarding payment of Rs. 25,000/- to the victim Noping Khongsit.

4.205 On compliance of the recommendation of the Commission, the case was closed on 17.03.2015.

33. Denial of Degree to Graduates Completing Nursing from Christian Medical and Training Centre School and College of Nursing, Damoh, Madhya Pradesh (Case No. 150/12/12/2014)

4.206 The Commission received a complaint dated 25.11.2014 from Ms. Rintu Jose and 8 other persons, all of whom had completed their graduation in Nursing from the Christian Medical and Training Centre School and College of Nursing, Damoh, Madhya Pradesh alleging that they have not been provided Degree completion of their graduation.

4.207 The Principal, Christian Medical and Training Centre School and College of Nursing, Damoh, Madhya Pradesh reported that the affiliated University, Dr. Harisingh Gour Vishwavidhyala, Sagar will send the Degree to all the students as soon as the same are printed.

4.208 Dr. Harisingh Gour Vishwavidhyala, informed that there were some discrepancies in the Degree format printed earlier, due to which the same could not be issued to the students and assured that it would be printed in one-and-a-half months time.



4.209 On consideration of the material on record, the Commission opined that by way of extending some solace to the complainants and also as an exemplary measure, the respondent University must be asked to pay an amount of Rs. 1,00,000/- (Rupees one lakh only) as compensation to each of the nine complainants who approached the Commission.

4.210 Hence, the Commission recommended that Dr. Harisingh Gour University, Sagar, Madhya Pradesh pay an amount of Rs. 1,00,000/- (Rupees one lakh only) to each of the nine complainants within six weeks as compensation for the unjustifiable denial of their Degree for almost four years. Compliance report along with proof of payment is to be submitted to the Commission within eight weeks, by the Registrar of the University.

4.211 Seven of the complainants and the authorized representatives of the other two complainants were present before the Commission and they received their Degree from the Registrar of the University in the presence of Registrar (Law) of the Commission. The Registrar of the University also produced proof of despatch of the Degrees to all other successful students who had applied for the same in the prescribed format, to the University. Further, the Registrar, Dr. Hari Singh Gaur Central University communicated to the Commission that in compliance of its recommendations, a cheque of Rs. 1,00,000/- has been despatched to each of the nine complainants by speed post. The Commission has closed the case.

34. Alleged Inhuman Treatment to Students and Escorting Teachers by Kendriya Vidyalaya Sangathan (Case No. 7298/30/3/2014)

4.212 The Commission received a complaint from one Vivek Pandey alleging gross violation of human rights of the girl students by the authorities in Kendriya Vidyalaya Sangathan, New Delhi. It has been stated that the Kendriya Vidyalaya Sangathan has been organizing National Sports Event in Ahmedabad from 13.10.2014 to 18.10.2014 being participated by several students (including girl students) of Kendriya Vidyalayas in the age group of 10 to 18 years from across the country. It has been alleged that the students in large number were sent from New Delhi to Ahmedabad by train in a cattle like situation in sleeper class compartments without reservation. The teachers also faced the same plight and had to struggle a lot in the trains while reaching Ahmedabad. The students are about to return to their respective places and their return tickets are without confirmed reservation. The aggrieved parents have approached the concerned authorities but it did not evoke any response. A prayer has been made for direction to the concerned authorities for safe return of the students.



4.213 The Commission upon consideration of the matter vide its proceedings dated 15.10.2014 has observed and directed as under:

“The facts of the case are disturbing. It is needless to mention that such a sport event at the National level could have been organized well in advance and for that the said authorities should have made proper arrangements for travel and other facilities to the students and teachers well in advance. In the given set of facts, it is clear that, no such arrangements were made well in advance which made the students to travel 16 - 17 hours in train without reservation. The authorities in Kendriya Vidyalaya must have planned the event long before and they ought to have contacted the railway authorities for booking of extra coaches so that the students, including girls, participating in games/sports could reach safely and can participate in games on a smooth note. The arrangements for safe return journey could also have planned accordingly. The food arrangements including enroute should have been planned accordingly.

The Commission finds that the authorities in Kendriya Vidyalaya Sangathan have not taken appropriate steps, keeping in view the best interests of the children. The participating students are undergoing mental agony due to lack of sensitivity on the part of authorities concerned. The human rights of not only the students but the escorting teachers appear to have also been violated in the matter. In these circumstances, let a notice be issued to the Secretary, Ministry of Human Resource Development, Government of India, New Delhi and the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi calling for a report within a week.”

4.214 In response to notice, the Joint Commissioner (ACAD), Kendriya Vidyalaya Sangathan (Hqrs.), New Delhi vide her communication dated 21.10.2014 had submitted that the National Girls sports meet was organized at Ahmedabad from 14th to 18th October in which 4734 girl students and their escort teachers have reported at the venue. The participating girl students have travelled from various parts of the country and have reached the venue safely and comfortably. No girl student or the escorting teacher travelled without confirmed reservation in their onward journey to Ahmedabad. The reservation status of the students from Ahmedabad to their respective places was obtained from the venue and it was seen that out of the total number of 4734 participants and their escort teachers, 540 students and teachers did not have confirmed reservation.

4.215 Safety and security of students is the prime concern of KVS. All efforts were made to ensure safe and comfortable return journey of these students by approaching railway authorities and getting the reservation confirmed or by arranging an extra coach or by arranging air-conditioned bus travel. All the reservations were eventually confirmed except that of three students from Bhubaneswar; who also travelled comfortably along with the other students in the contingent.



4.216 In addition to the above, the Deputy Secretary, Department of School Education and Literacy, Ministry of Human Resource Development, Government of India vide his communication dated 24.10.2014 has also stated that as per the report received from KVS all the students and teachers had confirmed reservations for their outward journey to Ahmedabad. For the return journey 17 contingents had confirmed reservations and 8 contingents travelling to Bhubaneswar, Chennai, Dehradun, Gurgaon, Jammu, Patna, Silchar and Delhi were yet to have their rail tickets confirmed. KVS has been able to get reservations in most of the cases prior to their departures and wherever possible additional coaches were arranged through the railways and in some cases the students were brought to Delhi in Volvo buses for onward journey in trains. All return reservations were confirmed prior to the commencement of the journeys, except that of three students from Bhubaneswar, who also travelled safely and comfortably along with a large number of other KVS students in the contingent who had confirmed reservations.

4.217 The Commission further considered the matter on 07.11.2014, when it inter alia observed and directed as under:-

“The Commission appreciates the steps taken by the Kendriya Vidyalaya Sangathan Authorities in making the safe return of the girl students from Ahmedabad to their respective destinations. It has been claimed that all the tickets of the escorting teachers and students of onward journey to Ahmedabad were confirmed. It has also been claimed that out of 4734 participants/escorting teachers only 540 students/escorting teachers did not have confirm reservation of their return journey but the reasons of the same have not been furnished. It has also been claimed that the Railway Authorities were approached for getting the reservation confirmed and even the extra coach was also arranged in the train. It has been further stated that all the reservations were eventually confirmed barring (3) students from Bhubaneswar in Odisha but they too travelled comfortably with the contingent.

The Deputy Secretary, Ministry of Human Resource Development on the contrary has claimed that out of 17 contingents, (8) contingents were not having confirmed tickets. He also claimed that the Kendriya Vidyalaya Sangathan has been able to get reservations in most of the cases confirmed prior to their departures and even arranged additional coaches through the Railways besides bringing the students to Delhi in Volvo Buses. He also claimed further that except for three students of Odisha reservations in trains were confirmed prior to the commencement of the journey. It has also been stated that necessary instructions have been issued to the Kendriya Vidyalaya Sangathan for ensuring better timely arrangements in future.

The Commission is at pains to note that after intervention in the matter by the Commission, some of the school Principals have made telephonic calls to parents of



the students in order to identify the students who have made complaint to the NHRC and as a result of which the complainant who is father of a student has prayed the Commission for closure of the case. The Commission understands the apprehensions of the parents given to the fact that the internal assessments of the students are in the hands of the schools and such students may perhaps get victimized in their annual results, likewise the escorting teachers may also face further harassment as they are vulnerable and prone to all India transfers and thus under the given circumstances may also have to suffer in silence. The Commission conveys its displeasure to the aforesaid acts of such authorities/principals and makes it categorically clear that no punitive action whatsoever be contemplated or initiated against any of the students or escorting teachers and non compliance of the same would be viewed very seriously. The authorities must understand that we are living in a civilized society governed by the Rule of Law and such intimidating acts can never be tolerated. Let the aforesaid authorities cause an enquiry on this behalf and submit an action taken report within six weeks.

The Commission is also shocked to know that one of the escorting teacher and a student have allegedly died during the National Event and no such information has been furnished to the Commission by the aforesaid authorities. Looking in totality of the facts, it appears that the authorities in Kendriya Vidyalaya Sangathan including the Regional Commissioners, their subordinate officers/staff and School Authorities needs to be sensitized on human rights and a training programme to inculcate the Human Rights culture in the Kendriya Vidyalaya Sangathan is certainly needs to be planned by the Commissioner, Kendriya Vidyalaya Sangathan in consultation with the Secretary, Ministry of Human Resource Development dealing with this case. Before the Commission proceeds further in the matter, let the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi and the Secretary, Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, New Delhi to submit the specified information within six weeks. Officers of the Commission shall thereafter verify version of the aforesaid authorities on ground.”

4.218 The reports are awaited and the matter is under consideration of the Commission.

35. Killing of a Woman and Confinement of her Husband for Allegedly Practicing Witchcraft ina Village in NavadaDistrict, Bihar (Case No. 920/4/25/2015-WC)

4.219 The complainant, a Scheduled Caste, came to the NHRC and submitted that his mother Smt. Bhagwania Devi has been killed by some villagers in connivance with the local MLA alleging that she was indulging in witchcraft. Now the accused have confined his father Shri Vishnu Dev Ravidas at village Badhona, Post Konandpur, Police Station Pakri



Barawan, district Navada, Bihar for last two days. The life of his father is at danger, and they are not allowed to approach the police. The complainant has requested an immediate intervention of the Commission to save life of his father, and to take legal action against the accused who have also killed his mother.

4.220 The Commission considered the matter same day on 20.03.2015 and passed the following directions :-

“The Deputy Inspector General (Investigation) be asked to have the facts collected over telephone from the concerned police officials asking them to ensure safety and security of Shri Vishnu Dev Ravidas, the father of the complainant, and to take necessary legal action in the matter.”

4.221 In compliance of the aforesaid directions, the case file was handed over by the Registry to the Deputy Inspector General, Investigation Division of the Commission. The Officers of the Investigation Division contacted SHO, Police Station, Pakri Barawan, District Navada, Bihar and conveyed directions of the Commission. The local police immediately swung into action, rescued Vishnu Dev Ravidas, father of the petitioner and brought him to the police Station. A criminal case vide FIR No. 43/2015, Police Station Pakri Barwan, u/s 143, 147, 149, 323, 341, 342, 365, IPC and Section 3,4 of Prevention of Witchcraft Practices Act, dated 20.03.2015 was registered in the matter. It has however been informed by the police that whereabouts of Smt. Bhagwaniam Devi, mother of the petitioner alleged to have been killed are being ascertained.

4.222 The petitioner visited Registry of the Commission again on 22.3.2015 expressing his happiness over timely rescue and recovery of his father and prayed for arrest the accused as they were mounting pressure on the victim to withdraw the complaint. The same facts were also conveyed to the Navada District Police, Bihar.

4.223 The Commission has considered the matter on 27.03.2015 when it observed and directed as under:-

“Facts of the case are disturbing. The Commission is constrained to observe that in a civilized society, governed by the rule of law, the evil practices like witchcraft are still in practice in the State of Bihar. The Commission feels satisfied that timely intervention on its part and by local police has saved the life of father of the petitioner who was rescued same day when the Commission passed orders. It is however sad that mother of the petitioner is yet to be located. The reasons for not invoking the provisions of the SC/ST Act have however not been explained by the Police. In these circumstances let a notice be sent to the District Magistrate, Navada and Senior Superintendent of Police, Navada, Bihar calling upon them to submit a complete report in the matter



including on alleged killing of mother of the petitioner and arrest of the accused within four weeks, failing which both the aforesaid officers shall appear before the Commission in person at 11.00 am on 22.5.2015 along with the report.”

4.224 The Commission has received a further report in the matter stating that the mother of the petitioner recovered on 13 April 2015 and her statement recorded under Section 164 Cr. P. C. Chargesheet has also been filed in the Court against the offenders. The police report has been forwarded to the petitioner for his comments, if any, within four weeks.

4.225 The matter is under consideration of the Commission.

36. Death of a Seven Year Student of Uttarhana, UGME School, in Chandanpur, Puri District, Odisha due to Falling of Big Almirah in Classroom (Case No. 1962/18/12/2013)

4.226 Shri Prabir Kumar Das vide complaint dated 05.08.2013 alleged death of Sony Pradhan, a student of class-II Uttarhana, UGME School, District Puri, Odisha. The deceased was injured on 29.7.2013 when a big almirah kept in the classroom fell on her. She was taken to the local government hospital from where she was shifted to SCB Medical College and Hospital, Cuttack where she succumbed to her injuries on 02.08.2013.

4.227 The Superintendent of Police, Puri reported that a UD case No. 21/13 was registered and post-mortem report opined death due to injury to small intestine caused by heavy blunt object.

4.228 The Commission upon consideration of the matter directed to issue a Show Cause Notice to the Government of Odisha through its Chief Secretary as to why monetary relief of Rs. 3,00,000/- u/s 18 of the Protection of Human Rights Act, 1993, be not recommended to be paid to the next of kin of the deceased.

4.229 The Joint Secretary, Department of School and Mass Education, Government of Odisha admitted the death of the 7 year old student in the school and reported that the teachers had spent Rs. 8,000/- during medical treatment but the student Sony Pradhan had expired on 02.08.2013.

4.230 The Commission on 13.08.2014 recommended to the Chief Secretary, Government of Odisha to make payment of Rupees Three lakhs as monetary compensation to be paid to the NoK of the deceased. The matter of non receipt of compliance report is under consideration of the Commission.



37. Death of 41 Persons in Cuttack and Khurda Districtson ConsumingAllegedly ContaminatedMedicinalPreparations (Case No.557/18/3/2012)

4.231 Shri Raghbir Ali, from Varanasi, Uttar Pradesh based on a newspaper clipping “Sambad” dated 09.02.2012, reported that in the month of February 2012 a total of 41 persons died in parts of Cuttack and Khurda Districts after consuming Epeecarm, Concentrated Cinnamon Water and Orange Tincture and Ginger Tincture having alcohol content that was suspected to be contaminated.

4.232 The Principal Secretary, Government of Odisha, Department of Excise vide communication dated 01.08.2014 forwarded a copy of the report of the Commission of Inquiry of Justice Shri A.S. Naidu (Vol. I and II) along with the Memorandum of the Action Taken on the Inquiry Report. The Justice Naidu Commission on page 465 of its report has observed as under:

“All the 41 persons who lost their lives belong to the lower echelon of the society. They are daily labourers and perform strenuous work. They are habitual drinkers. Considering their ability, generally they prefer intoxicants which are cheaper and stronger. The duty of the State, if it does not support on prohibition, is to assure such privilege. It appears, the State machinery has failed to do so and the untoward incident occurred due to negligence or lackadaisical attitude of the officers of the local administration. In view of the aforesaid position, the Commission feels it would be just and proper to award a compensation of Rs. 1.50 lakhs to the widow and dependants of each deceased person who succumbed after consuming contaminated medicinal preparation.”

4.233 However, in the Memorandum on the Action Taken Report, the Government of Odisha has taken a decision that no compensation will be paid to the next of kin of those who died in the liquor tragedy as well as who sustained infirmities.

4.234 The Commission on 08.09.2014 agreeing with the observations of the Justice Naidu Commission, directed to issue a show cause notice u/s 18 of the PHR Act, 1993 to the Government of Odisha why a recommendation for payment of Rs. 1,50,000/- to the next of kin of each deceased(41persons) be not made and Chief Secretary, Government of Odisha was also asked to send a report on action taken against the erring officials.

4.235 The Principal Secretary to Government of Odisha, Excise Department, vide letter dated 08.12.2014 informed that the issue regarding recommendation of Naidu Commission for grant of compensation @ Rs. 1.50 lakh to the deceased was deferred and subsequently, the Cabinet vide its meeting dated 17.07.2014 deliberated and decided that in consonance



with previous practice, the above recommended compensation should not be given. The Cabinet had taken a decision on 17.07.2014 that no compensation will be paid to the next of kin of those died in the liquor tragedy as well as to those who sustained infirmities. However, a small amount of Rs. 10,000/- each was given to the next-of-kin of the 41 deceased persons and Rs. 10,000/- each to 4 victims and Rs. 5,000/- to another.

4.236 The Commission on 09.02.2015 observed that taking the overall facts and circumstances of the case, it was a case of violation of human rights. Hence, it reiterated its earlier stand for payment of relief of Rs. 1,50,000/- to the next of kin of each deceased that was also recommended by the Justice Naidu Commission and rejected the claim of the State Government. The case continues to be under the consideration of the Commission.

38. Lack of Potable Water During Power Cuts in 30 Villages of Jind District in Haryana (Case No. 5730/7/8/2014)

4.237 The Commission took suo motu cognizance of a news item captioned, “Dept. to compile report on water crisis in Jind”, published in “The Tribune” dated 20.05.2014. As per the press report, reacting to the news, “in 30 Jind villages, taps running dry for 3 weeks”, the Safidon SDM formed a special team of the Public Health Department on the water problem being faced in the region. During inspection, it was revealed that though Public Health Department has taken enough steps to provide potable water to villagers, the erratic power supply has been creating problems for the Department. The power supply was being suspended due to unexpected weather conditions. Therefore, the villagers had to suffer for lack of potable water during the power cuts. However, the local MLA, alleged that power shortage is an excuse for the problem but in fact, the Department has not installed required number of pump sets and those already installed were not maintained properly.

4.238 The Commission vide its proceedings dated 28.05.2014 observed that the contents of press report, if true, raise a serious issue of violation of human rights of victim and issued notice to the Chief Secretary, Government of Haryana calling for a report within four weeks.

4.239 Report received in the matter from the Engineer in Chief, Public Health Engineering Department, Panchkula, Haryana is under consideration of the Commission.

D. Conditions in Prisons

a) Visit to Jails

4.240 Under the provision of Section 12(c) of the PHR Act 1993, the Commission in order to study the living conditions of the inmates, can visit any jail or other institution under the



control of the state govt. where persons are detained or lodged for the purpose of treatment, reformation or protection. Accordingly, Special Rapporteurs appointed by the Commission undertake visit to various jails in the country and facilitate the Commission in discharging its sensitive and demanding responsibilities by making suggestion/recommendations after observing the conditions prevailing.

4.241 During the period 1 April 2014 to 31 March 2015, six Special Rapporteurs of the Commission visited 8 Central Jails, 19 District Jails, two Sub-Division Jails and one all women police station located in different parts of the country from the viewpoint of studying the living conditions of the inmates. Other than this, one of the Special Rapporteurs made an assessment of the magnitude of human rights violation inflicted on incarcerated persons by the police in the State of Tamil Nadu as well as an analysis of arrest and release on bail from police station in hurt cases in Ootakamund and Kancheepuram Districts of Tamil Nadu.

S.No.	—	Date of Visit	Visited By
1.	<ul style="list-style-type: none">• District Jail Shillong, Meghalaya• District Jail Jowai, Meghalaya	01-07 April 2014	Shri Anil Pradhan
2.	<ul style="list-style-type: none">• District Jail Tura, Meghalaya• District Jail Williamnagar, Meghalaya	19-20 May 2014	Shri Anil Pradhan
3.	<ul style="list-style-type: none">• Analysis of arrest and release on bail from Police Station in hurt cases in Ootakamund District, Tamil Nadu	28-31 May 2014	Dr. K.R. Shyamsundar
4.	<ul style="list-style-type: none">• Central Jail Guwahati, Assam	10 June 2014	Shri Anil Pradhan
5.	<ul style="list-style-type: none">• Mahabalipuram Sub-Division Jail, Kancheepuram District, Tamil Nadu	13-15 June 2014	Dr. K.R. Shyamsundar
6.	<ul style="list-style-type: none">• District Jail Rajnandgao, Chhattisgarh• Police Station Rajnandgao, Chhattisgarh	20-28 June 2014	Shri S. Narayan



S.No.	—	Date of Visit	Visited By
7.	<ul style="list-style-type: none"> • Central Jail Buxar • Sub-Jail Buxar • District Jail Arrah • District Jail Sasaram • District Open Jail for Women, Buxar 	20 June – 04 July 2014	Smt. S. Jalaja
8.	<ul style="list-style-type: none"> • Magnitude of Violations of Human Rights of Arrested Persons by the Police in State of Tamil Nadu 		Dr. K.R. Shyamsundar
9.	<ul style="list-style-type: none"> • District Jail Bhojpur, Bihar • District Jail Buxar, Bihar • District Jail Rohtas, Bihar • District Jail Kaimur, Bihar 	30 June - 4 July 2014	Smt. S. Jalaja
10.	<ul style="list-style-type: none"> • Central Jail Silchar, Assam 	27 August 2014	Shri Anil Pradhan
11.	<ul style="list-style-type: none"> • District Jail Hailakadi, Assam 	28 August 2014	Shri Anil Pradhan
12.	<ul style="list-style-type: none"> • Central Jail Sabarmati, Ahmedabad 	10-12 September	Shri Ajay Kumar
13.	<ul style="list-style-type: none"> • Central Jail Chandigarh 	16 September 2014	Smt. S. Jalaja
14.	<ul style="list-style-type: none"> • Central Jail Patiala, Punjab 	16 September 2014	Smt. S. Jalaja
15.	<ul style="list-style-type: none"> • Central Jail Jalandhar, Punjab 	18 September 2014	Smt. S. Jalaja
16.	<ul style="list-style-type: none"> • District Jail Namchi, Sikkim 	23 September 2014	Shri Anil Pradhan
17.	<ul style="list-style-type: none"> • Central Jail Rongyek, Gangtok, Sikkim 	24 September 2014	Shri Anil Pradhan
18.	<ul style="list-style-type: none"> • Wayanad District, Kerala 	07-10 October 2014	Smt. S. Jalajaa
19.	<ul style="list-style-type: none"> • All Women Police Station, Madurai, Tamil Nadu 	08 December 2014	Dr. K.R. Shyamsundar



S.No.	—	Date of Visit	Visited By
20.	<ul style="list-style-type: none">• District Jail Muzaffarpur, Bihar• District Jail Sheohar, Bihar• District Jail Sitamarhi, Bihar• District Jail Darbhanga, Bihar• District Jail Samastipur, Bihar	9-14 March 2015	Smt. S. Jalaja

4.242 The reports submitted by the Special Rapporteurs of the NHRC, are placed before the Full Commission and on the basis of these reports, recommendations are made to the concerned State Governments for compliance. The above mentioned visit reports are available on website of Commission - www.nhrc.nic.in.

b) Analysis of Prison Population

4.243 The Commission has been deeply concerned about the pitiable condition of prisons and other detention facilities which are plagued with problems like severe overcrowding.

4.244 On analyzing the National Crime Records Bureau (NCRB) data for the year 2014, the problem of overcrowding was observed in large number of States. The highest number of 88,221 inmates (84,649 male: 3,572 female) were reported from Uttar Pradesh followed by Madhya Pradesh 36,433 (35,283 male: 1,150 female), Bihar 31,295 (30,204 male: 1,091 female), Maharashtra 27,868 (26,438 male: 1,430 female) and Punjab 26,007 (24,703 male: 1,304 female) at the end of the year 2014.

4.245 It has been observed that the main reason for overcrowding is the increasing number of undertrials day-by-day and the period for which they languish in jails is also a very long one. In few cases, it has been found that the undertrials are in judicial custody for years, which is far beyond the punishment prescribed for any offence under the penal law. The data collected shows that States like Uttar Pradesh (62,515), Bihar (26,800), Maharashtra (19,895), Madhya Pradesh (19,188), Punjab (15,467), Rajasthan (14,608), West Bengal (14,050), Jharkhand (13,790), Odisha (11,553) and Haryana (11,124) have the highest percentage of undertrials.

4.246 A total of 390 women convicts with their 457 children and 1,172 women undertrials with their 1,320 children were lodged in various prisons in the country at the end of 2014. Number of women prisoners was also noticeable in States of Uttar Pradesh, Madhya Pradesh, Bihar, Maharashtra, Punjab and Rajasthan.



4.247 Comparative analysis of the prison statistics data indicates the continuing need for all States to take serious steps to control overcrowding. To reduce overcrowding, provisions in the statutes (in terms of parole, bail, furlough, short leave and appeal petitions, etc.) should be exercised liberally by the concerned officers in the jails. Jail committee may also be constituted, having representatives from the inmates, to assist the jail authorities in the completion of such processes.

E. Prison Reforms

a) National Seminar on Prison Reforms

4.248 The NHRC organized a two-day National Seminar on Prison Reforms in New Delhi on 13 - 14 November 2014. The aim of the seminar was to assess the status of the implementation of the recommendations made in its earlier seminar on the subject held on 15 April 2011 and discuss future course of action so as to improve the condition of prisoners and prison administration from the perspective of human rights.

4.249 The seminar was inaugurated by the NHRC Chairperson, Justice Shri K. G. Balakrishnan wherein he expressed the need for uniformity in Prison Manuals so that prisoners in the jails of different States got the same treatment. The Union Ministry of Home Affairs, he stated, could suggest some Model Rules for amendment in the 1894 Prison Act. He said that the action taken reports of different States presented some good picture of reforms undertaken in prisons, yet much was required to be done. States need to focus and spend more on prison reforms. Justice Balakrishnan further stated that after filing of chargesheets in courts, the undertrial should be released on bail to reduce the burden of overcrowding in jails, which is a serious problem and may lead to violation of their basic human rights. Moreover, a large number of courts were required to be set up to clear the pending cases so that undertrial prisoners did not stay in jails beyond a year.

4.250 Addressing the participants on 14 November 2014, the Hon'ble Union Home Minister, Shri Rajnath Singh said that despite prisons being a State subject, the Centre would make all efforts to provide funds for modernization of jails. In fact, from the next financial year, the Centre would focus on the second phase of modernization of jails. For the first phase, the Centre has already provided Rs. 1800 crore. He applauded NHRC for reviewing the action taken by States on earlier recommendations made by it on prison reforms and mentioned that he too would visit some prisons in the country to see the overall action taken by different State Governments. He categorically stated that the Centre is committed to implement the recommendations made by the NHRC with the cooperation of State Governments. The Home Ministry had also issued advisories to the States on various aspects of prison reforms based on several recommendations. He observed that there was little improvement in some prisons, but by and large, they remained in a pathetic condition. Skill development of prisoners did not meet the expectations. A Model Prison Manual had been prepared, which also required some modifications.



4.251 Throwing light on the key recommendations of the Seminar, the NHRC Member, Justice Shri Cyriac Joseph said that there was near unanimity that Governments should provide sufficient funds to prisons. He said that prison should be perceived as a “home for corrective and reformatory custody and care” and that the prisoners were entitled to basic human rights within the limitations of imprisonment. The important recommendations made during the National Seminar were as follows:

- (i) The 1894 Prison Act, being very old, is needed to be replaced with a new Prison Act and the NHRC should prepare a draft Bill.
- (ii) Prison Manuals also require amendments with a human rights perspective.
- (iii) All possible measures should be taken to reduce overcrowding which is one of the biggest problems in most of the prisons.
- (iv) A separate Prison and Correctional Services Cadre should be set-up.
- (v) Promulgate and notify the rights of prisoners in a form of a Charter in multiple languages.
- (vi) Digitalise prisoners’ activities and details of all prisoners should be made available on the website of the concerned jail.
- (vii) The bail, parole and furlough should be made more liberalized.
- (viii) Construct separate prisons for women, which should be managed by women officers and staff.
- (ix) All Central Prisons should have necessary medical equipment and tele-medicine system should be introduced to address shortage of doctors.
- (x) Environmental friendly devices like solar energy, bio-gas, water harvesting should be set-up to reduce burden on the resources in jails.
- (xi) Provide effective grievance redressal system with the provisions of complaint box and CCTV cameras and alert system in the barracks of jails.
- (xii) Sanitation and potable drinking water facilities should be improved.
- (xiii) Skill development and capacity building of prisoners must be given high priority for which public-private partnership model must be exercised.
- (xiv) Foreign nationals should be shifted to detention centers from prisons after completion of their sentence till they are deported to their respective countries.



- (xv) Constitute Board of Visitors in all prisons who could periodically review and advise the prison authorities on various aspects of facilities, training, correctional work etc.
- (xvi) NHRC should conduct a study on the condition of the released prisoners.
- (xvii) Connect courts and jails through video conferencing to avoid physical production of Under Trial Prisoners in courts.

4.252 NHRC Members, Justice Shri D. Murugesan, Shri S.C. Sinha, former NHRC Members, Justice Shri V.S. Malimath and Justice Shri G.P. Mathur and NHRC Secretary General, Shri Rajesh Kishore along with senior officers of the Commission attended the two-day seminar. Others who participated were officials from the Union Ministry of Home Affairs, State Home Secretaries, Director Generals/Inspector Generals (Prisons) of different States and Union Territories, State Human Rights Commissions, Bureau of Police Research & Development, representatives of civil society working in the field.

b) Constitution of Expert Committee in NHRC for Amendment to Prison Act, 1894

4.253 In pursuance to the recommendations of the National Seminar on Prison Reforms organized by the Commission in November 2014, the NHRC on 18 March 2015 constituted a Committee of Experts in NHRC under the chairmanship of Shri Sanjay Kumar (IAS), Principal Secretary, Home (Jails), Government of Punjab. The Committee is to suggest amendments to the Prison Act, 1894, in conformity with human rights norms, judgments given by the Supreme Court of India from time to time, and international conventions binding on India.

F. Research Project

Pilot Study of Undertrials in State of Uttar Pradesh

4.254 The NHRC in collaboration with the Centre for Equity Studies, New Delhi took up a pilot study on Undertrials in the State of Uttar Pradesh in February 2015. The main objectives of the study are to grasp the socio-economic and educational profile of the undertrials including nature of offences committed by them and the sections under which their trial is undertaken by the authorities; the causes of sufferings of undertrials due to the possible inter-play of inadequate legal representation, institutional biases and deficiencies; and make an assessment of justice given including the mechanisms by which they are denied timely and quality justice. The time frame given for the study was ten months.

Reaching Out

5.1 In order to reach out to people living in remote corners of the country from the perspective of protecting and promoting their rights, the Commission has evolved a number of mechanisms, some based on its mandate and few others on the pattern adopted by the United Nations. These mechanisms are – convening Full Commission and statutory Full Commission meetings, holding of camp sittings and open hearings, engagement of Special Rapporteurs, and constitution of core and expert groups on a range of issues.

A. Commission Meetings

5.2 During the year under review, the Full Commission deliberated upon and decided a number of cases of human rights violations in 57 sittings. In addition, the Division Benches considered 477 cases in 45 sittings. Eight cases of Kashmir migrants were further considered in one sitting of the Commission in the open court hearing.

B. NHRC Camp Sittings and Open Hearings

5.3 The NHRC has been organizing Camp Sittings and Open Hearings from 2007-2008 and 2012-2013 onwards respectively primarily in State capitals. The main objective of the Camp Sittings is to expedite disposal of pending complaints and sensitize the State functionaries about various human rights concerns including knowing from the State authorities the compliance status of NHRC recommendations. These camp sittings provide a good platform between the



Commission and the State authorities to know the views of each other on issues needing attention and in the process meet the functionaries of local NGOs working in the area to know the problems being faced by the inhabitants. The aim of the Open Hearings is confined to hearing of complaints pertaining to atrocities committed on the Scheduled Castes.

5.4 Earlier, NHRC would hold separate Camp Sittings and Open Hearings of two to three days each but during the period under review, it held these together during a span of three days in Bhopal, Madhya Pradesh from 10 – 12 September 2014 and in Chandigarh from 26 – 28 November 2014 (for the States of Haryana, Himachal Pradesh, Punjab and Union Territory of Chandigarh). The first day being devoted to the Open Hearing, the second day to the Camp Sitting and the third day for interaction with NGO functionaries followed by a meeting with senior State Government officials.

Bhopal, Madhya Pradesh

5.5 The Open Hearing in Bhopal, Madhya Pradesh was held on 10 September 2014. In response to the public notice published in national and local newspapers inviting complaints to be taken up for the public hearing in Bhopal, the Commission took up 74 complaints and also called from the State authorities their status reports. The Open Hearing was held in three Benches, one headed by the Chairperson, Justice Shri K. G. Balakrishnan; and the other two were headed by Members Justice Shri Cyriac Joseph and Shri S. C. Sinha. These complaints were mainly related to discrimination, land compensation, false implication, payment of retiral benefits, granting of Scheduled Caste status, payment of relief, rehabilitation and compensation on displacement.

5.6 Out of the 74 cases taken up for the Open Hearing, 31 cases were disposed off by the Commission after hearing both the parties. In the remaining cases, the Commission asked the concerned authorities to expedite their inquiries and on completion submit the same to it.

5.7 The Camp Sitting was held on 11 September 2014, wherein a total of 45 cases pending with the State Government were taken in Full Commission and two Division Benches. The Full Commission dealt with 31 cases and remaining 14 cases were taken up by the two Division Benches. An amount of Rs. 27 lakhs was recommended as relief in six cases. These included compensation of Rs. 3 lakhs each to the next-of-kin of four persons who died in Panna District due to silicosis, Rs. 25,000/- each to the 12 victims who developed serious complications after undergoing tubectomy surgery in Community Health Centre, Tyonda, Vidisha District, and Rs. 5 lakhs to the next-of-kin in a case of death in police custody in Datia District.

5.8 In addition, the Principal Secretary (Shri K. Suresh), General Administration Department, Government of Madhya Pradesh was directed to send a team to the State of Rajasthan to study its existing scheme formulated for mine workers from the point of



view of replicating the same in Madhya Pradesh and submit a report within eight weeks. The Chief Secretary of the Government of Madhya Pradesh was also directed to conduct a health survey of mine workers so as to formulate a policy for the welfare of labourers and submit a report within eight weeks. Directions were given by the Full Commission and Division Benches in the other matters as well.

5.9 Prior to holding the Open Hearing and Camp Sitting in Bhopal, the Commission sent a four member team to Satna and Reva Districts of Madhya Pradesh to carry out an assessment of the implementation of various flagship programmes of the Government of India and welfare schemes of the State Government.

5.10 On the third day, i.e., 12 September 2014, the Commission held a meeting with the functionaries of local NGOs. They apprised the Commission about the plight of bonded and child labourers, non-registration of FIRs by police, untouchability and discrimination practiced towards the Scheduled Castes and Scheduled Tribes, shortage of drinking water, erratic supply of electricity, problems encountered by the Adivasis in respect of land distribution on pattas, non-implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, concerns of missing children, non-establishment of Juvenile Justice Boards and Child Welfare Committees in 16 Districts, and issues relating to crimes against women.

5.11 Subsequently, the Commission discussed all these issues in a meeting held with the Chief Secretary, Director General of Police and other senior officers including the police and jail officers of Government of Madhya Pradesh. It also discussed with them the gaps in the implementation of flagship programmes of the Government of India and welfare schemes of the State Government, in particular, the steps being taken or envisaged for improving the same.

Chandigarh

5.12 The Commission held its second open hearing in Chandigarh on 26 November 2014 for the States of Haryana, Himachal Pradesh, Punjab and Union Territory of Chandigarh. In response to the notice published by the NHRC in national and local dailies of the concerned States and Union Territory, the Commission received 133 complaints. Some of the complaints received in Gurmukhi script was translated before being scrutinized. The Commission called for reports from the concerned authorities in 95 cases.

5.13 Three Benches headed by Members Justice Shri Cyriac Joseph, Justice Shri D. Murugesan and Shri S. C. Sinha heard all the complaints. The issues raised in the complaints pertained to rehabilitation of Scheduled Castes occupying Government land for decades and were recently evicted, the lack of concern on the part of police towards atrocities committed



on Scheduled Castes, the registration of construction workers under the Building, Other Construction Workers (Registration of Employment and Conditions of Service) Act, 1996, encroachment of upper castes on land allotted to Scheduled Castes and inaction on the part of revenue authorities to restore possession to the Scheduled Castes, filling up of Scheduled Caste vacancies, etc.

5.14 Disposing of these complaints, the Commission emphasized that the police needs to be more pro-active towards Scheduled Castes, especially in dealing with their atrocities. It also underlined that Scheduled Castes, who have been residing on government land from decades, should be evicted by the authorities only after proper steps are taken for their rehabilitation. Likewise, appropriate directions were given in other cases.

5.15 In its Camp Sitting held on the second day, 27 November 2014, 11 cases were taken in the Full Commission and 17 cases in Division Benches. The issues in the Full Commission cases related to functioning of Aanganwadis and stoppage of Special Nutrition Programme at some places, security of girl students going to schools and colleges, bonded labour, lack of infrastructure in primary schools and social boycott of Scheduled Castes in Sangrur District. The 17 cases dealt in the Division Benches pertained to custodial deaths and police encounters.

5.16 Out of the 11 cases taken up for hearing in the Full Commission, six matters were overall disposed off. While dealing with cases of custodial deaths and police encounters, five cases got disposed off completely. In addition, the Commission highlighted that the police force should abide by the law of land and recommended monetary relief to the victims in some cases.

5.17 On the third day that is on 28 November 2014 the Commission interacted with the representatives of NGOs working in the States of Haryana, Himachal Pradesh, Punjab and Union Territory of Chandigarh. These representatives informed the Commission about the exclusion of Scheduled Castes from natural resources, lack of basic amenities in habitations occupied by Scheduled Castes, segregation of Scheduled Castes students while serving mid-day meals in schools, discrimination in allotment of land to displaced persons, excesses committed on them by police, non-registration of their FIRs by the police, problems faced by human rights defenders, concerns of mental health and road safety, problem of child beggars and drug addiction, especially in the State of Punjab. These were simultaneously taken up for discussion with the senior Government officers of the concerned States. Besides, the Commission discussed with the State officials the functioning of ICDS Scheme, MGNREGA, Mid-Day Meals, National Rural Health Mission, Right to Education Act and existing infrastructure in schools, availability of potable drinking water and restructuring of jails. The Commission also made some suggestions with regard to bringing about improvement in the day-to-day governance of the concerned States to which the State officials gave an assurance to comply with.



5.18 In the past, the Commission has held exclusive Open Hearings in the States of Odisha, Gujarat, Rajasthan, Tamil Nadu, Maharashtra and Uttar Pradesh. Likewise, it has held Camp Sittings in Uttar Pradesh, Bihar, Bengaluru (for four southern States of Andhra Pradesh, Karnataka, Kerala and Tamil Nadu), Odisha, Assam, Meghalaya, Maharashtra, Chhattisgarh and Manipur.

C. Statutory Full Commission Meeting

5.19 Section 3(3) of the Protection of Human Rights Act, 1993 provides that the Chairperson of the National Commission for Minorities, National Commission for Scheduled Castes, National Commission for Scheduled Tribes and National Commission for Women shall be deemed to be Members of the Commission for the discharge of functions specified in clauses (b) to (j) of Section 12 of the Protection of Human Rights Act, 1993. The Chairperson, National Commission for Protection of Child Rights is invited as a special invitee to the Statutory Full Commission meetings organized by the NHRC. Other than the mandate given under Section 3(3) of the PHRA, the Statutory Full Commission meetings gives an opportunity to all the concerned Commissions to discuss issues of mutual concern and thus devise measures for joint collaboration and action on them.

5.20 The last meeting of the Statutory Full Commission was held on 3 February 2015 and was chaired by Justice Shri K.G. Balakrishnan, Chairperson, National Human Rights Commission. Justice Shri Cyriac Joseph, Justice Shri D. Murugesan, and Shri S C Sinha, Members, NHRC attended the said Meeting. Shri Naseem Ahmed, Chairperson, National Commission for Minorities (NCM), Shri P. L. Punia, Chairperson, National Commission for Scheduled Castes (NCSC), and Shri Ravi Thakur, Vice-Chairperson, National Commission for Scheduled Tribes (NCST) were others who participated in the Meeting. Shri V S Oberoi, Chairperson, National Commission for Protection of Child Rights (NCPCR) attended the meeting as a Special Invitee. Shri Narendra Kumar, Deputy Secretary represented the National Commission for Women (NCW).

5.21 A range of issues were discussed in the meeting, including interlinking the CMIS of the NHRC with other National Commissions, independence and autonomy of the National Commissions, strengthening convergence between National Commission for Protection of Child Rights and NHRC, framework to monitor the implementation of the recommendations accepted by the Government of India at the second Universal Periodic Review (UPR), initiatives for the protection of the rights of Scheduled Castes and Scheduled Tribes communities and implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, constant cases of violence against women and effectiveness of the Criminal Law (Amendment) Act, 2013, study of cases pertaining to communal riots registered in the Commission, availability of basic infrastructure and resources to all National Commissions as per their requirements, proposal for initiation of



quarterly/half-yearly meetings of Chief Executive Officers / Senior Executive Officers of all deemed Members of the NHRC, including the National Commission for Protection of Child Rights (NCPCR) which is called upon as a Special Invitee.

5.22 In the said meeting held on 3 February 2015, the proposal to organize periodic meetings of the Chief Executive Officers / Senior Executive Officers of all deemed Members including the Special Invitee was approved by the Statutory Full Commission.

D. Special Rapporteurs

5.23 The National Human Rights Commission has evolved a system of engagement of Special Rapporteurs who “examine, monitor, evaluate, advise and report” on human rights problems and concerns. This system of engaging Special Rapporteurs to facilitate the NHRC in discharging its sensitive and demanding responsibilities continued during the year 2014-2015.

5.24 The Special Rapporteurs engaged in the Commission are either assigned specific subjects to deal with, such as bonded labour, child labour, custodial justice, disability, etc., or are given a specified geographical zone comprising of a group of States and Union Territories to look into human rights concerns and violations. Their principal function is to inquire into specific complaints as assigned by the Commission; visit jails, police lock-ups and other places of detention for the study of the living conditions of inmates therein; analyze the relevant thematic issue or situation or project or programme in the assigned States and Union Territories on the directions of the Commission; give an opinion on the measures which need to be taken up by the Centre and State Government(s) concerned and other relevant actors; advocate on behalf of the Commission calling for urgent actions by concerned Governments of States and Union Territories to respond to specific allegations of human rights violations and provide redress; and continuously follow-up the recommendations made by the Commission from time to time.

5.25 The Special Rapporteurs in position during the given period were :

- i. Smt. S. Jajaja, IAS (Retd.). She was assigned Central Zone-II (Bihar, Jharkhand & Uttar Pradesh) and additionally assigned North Zone (Punjab, Haryana, Chandigarh, Delhi, Himachal Pradesh, Jammu & Kashmir and Uttarakhand).
- ii. Shri Anil Pradhan, IPS (Retd.). He was assigned North Eastern Zone (This covered all the 8 States of North East, i.e. Meghalaya, Manipur, Mizoram, Assam, Arunachal Pradesh, Nagaland, Tripura and Sikkim).
- iii. Shri Damodar Sarangi, IPS (Retd.). Was assigned East Zone-1 (West Bengal, Odisha, Andaman & Nicobar Islands).



- iv. Prof. S. Narayan. Was assigned Central Zone (Madhya Pradesh, Chhattisgarh and Rajasthan).
- v. Dr. K.R. Syamsundar, IPS (Retd.). He was assigned South Zone-I (Tamil Nadu, Kerala, Puducherry & Lakshadweep) and additionally asked to cover South Zone-II (Andhra Pradesh, Telangana and Karnataka).
- vi. Shri P.P. Mathur, IAS (Retd.). Was assigned work related to Tribal Issues.

E. Core and Expert Groups

5.26 Core and Expert Groups consist of eminent persons or subject experts or representatives of Government or technical institutions or non-governmental organizations in a given field required by the Commission, be it health, mental health, disability, bonded labour, etc. These Groups render expert advice to the Commission as per their expertise. Some of the important Core and Expert Groups that functioned in the NHRC during 2014-2015 were:

- Core Advisory Group on Health
- Core Group on Mental Health
- Core Group on Disability
- Core Group on NGOs
- Core Group on Lawyers
- Core Group on Right to Food
- Core Group on Protection and Welfare of Elderly Persons
- Core Advisory Group on Bonded Labour
- Expert Group on Silicosis
- Expert Group on Emergency Medical Care

5.27 Meetings of the Core and Expert Groups are called by the Commission periodically at regular intervals or as and when deemed necessary, in the Commission. The details of some of the Core and Expert Group meetings held in the Commission during the period under review are given in subsequent chapters of the Annual Report where these issues have been taken up.





Right to Health

6.1 Health is a fundamental human right indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life of dignity. The realization of the right to health may be pursued through numerous, complementary approaches, such as the formulation of health policies, or the implementation of health programmes, or the adoption of specific legal instruments.

6.2 The human right to health is recognized in numerous international instruments such as the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1979 Convention on the Elimination of All Forms of Discrimination against Women, the 1989 Convention on the Rights of the Child, and the 2006 Convention on the Rights of Persons with Disabilities. In addition, the treaty bodies that monitor the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child have adopted General Recommendations or General Comments on the right to health and health related issues. These provide an authoritative and detailed interpretation about the provisions found in their respective treaties.

6.3 In addition, the right to health has been proclaimed in the 1993 Vienna Declaration and Programme of Action and other international instruments like the 1994 Programme of Action of the International Conference on Population and Development, the 1995 Declaration and Programme of Action of the Fourth World Conference on Women. The 2000 Millennium Development Goals 4, 5



& 6, dealt with health issues – reducing child mortality, improving maternal health, and combating HIV/AIDS, malaria and other diseases. The 2016 Sustainable Development Goals too focuses on good health and well-being and the underlying determinants of health such as improved nutrition and safe healthy food, access to safe and potable water and adequate sanitation, healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health.

6.4 The right to health furthermore contains freedoms and entitlements. Freedoms include the right to control one's health and be free from non-consensual medical treatment, such as medical experiments and research or forced sterilization, and to be free from torture and other cruel, inhuman or degrading treatment or punishment. Entitlements include the right to a system of health protection providing equality of opportunity for everyone to enjoy the highest attainable level of health; the right to prevention, treatment and control of diseases; access to essential medicines; maternal, child and reproductive health; equal and timely access to basic health services; the provision of health-related education and information; participation of the population in health-related decision making at the national and community levels.

6.5 Non-discrimination is a key principle in human rights and is crucial to the enjoyment of the right to the highest attainable standard of health. Besides, all services, goods and facilities must be available, accessible, acceptable and of good quality. This means that public health and health-care facilities, goods and services must be available in sufficient quantity within a State. These must be accessible physically (in safe reach for all sections of the population, including children, adolescents, older persons, persons with disabilities and other vulnerable groups) as well as financially and on the basis of non-discrimination. The facilities, goods and services should moreover respect medical ethics, be gender-sensitive and culturally appropriate. Finally, they must be scientifically and medically appropriate and of good quality. This requires, in particular, trained health professionals, scientifically approved and unexpired drugs and hospital equipment, adequate sanitation and safe drinking water.

6.6 The right to health is also recognized by the Constitution of India. The Supreme Court of India has interpreted that right to life includes right to health. The Government of India, in addition, has endorsed all the international treaties mentioned above. Ever since the Commission was constituted, it has been closely monitoring right to health and its underlying determinants with the intent of ensuring that all health services and health facilities are of good quality and easily available, accessible, affordable and acceptable to the people especially those who are poor and vulnerable. The present chapter focuses on the work undertaken by the Commission on right to health during the year 2014-2015.



A. Silicosis

6.7 Silicosis is a fibrotic lung disorder caused by inhalation, retention and pulmonary reaction to crystalline silica. All those working in the stone quarries and crushers, sand blasting, foundries, ceramic, gem cutting, slate, glass manufacturing and polishing industries, construction and mining industries are particularly prone to silicosis. The Commission is of the view that the occupational hazard posed by silicosis is preventable if the working conditions are properly regulated and proper warning and protective equipments are used. Moreover, it is a constitutional obligation on part of the State to take appropriate short-term and long-term measures once a worker or any other person is afflicted by silicosis, from the point of view of providing medical facilities and rehabilitating the victims and their families.

6.8 The issue of silicosis was brought before the Commission during the course of the National Review Meeting on Health held on 6 March 2007. It had then pointed out that being an occupational hazard, it needed the intervention and convergence of the Ministries of Industry, Labour and Health; the National Institute of Occupational Health (NIOH); and the National Institute of Miners' Health (NIMH). Furthermore, it recommended framing of a comprehensive legislation and an effective operational mechanism to ensure care for all affected persons and prevention of further cases.

6.9 Following-up on its recommendations, the Commission organized a meeting of various stakeholders on 24 April 2007. After extensive deliberations, the meeting came out with short-term and long-term recommendations, the details of which can be seen in the NHRC Annual Report 2007-2008. Based on the recommendations, the NHRC also constituted a Task Force on Silicosis under the chairmanship of one of its Members.

6.10 During 2008-2009, the NHRC received individual complaints from persons afflicted with silicosis. In a hearing held in the Court Room of the Commission on 1 May 2008 in Case No. 1053/30/2003-2004 & other connected matters, it was reiterated that silicosis is an occupational hazard and could only be prevented if the working conditions of workers are properly regulated and needful precautions are adhered to by the employers, both in the organized and unorganized sector. As none of the States and Union Territories had a policy that encompasses preventive, curative and rehabilitative measures that could be taken for the benefit of silicosis victims, a direction was thus passed by the NHRC to the Union Government and all the States/Union Territories to furnish complete information on the following 10 points:

- (i) What steps the Government is taking to prevent and ultimately eliminate the problem of silicosis, within how much time-frame and how it proposes to monitor its actions?



- (ii) Whether the Government has undertaken any survey regarding the prevalence of silicosis? If yes, the total number of victims identified and the status of their treatment.
- (iii) How many complaints have been received by the States/Union Territories regarding the problem of silicosis and what steps have been taken by the Government?
- (iv) What steps have been taken to implement Schedule No. XIII prepared by the Directorate General Factory Advice Service and Labour Institute under model Rule 120 framed u/s 87 of the Factories Act, 1948?
- (v) How many Hospitals/Treatment Centres exist for diagnosis and treatment of the occupational disease – silicosis?
- (vi) Whether a policy has been formulated for simplifying the procedure to enable the workers to file claims for compensation?
- (vii) Whether the States/Union Territories have paid any compensation to the victims of silicosis? If yes, the details of such persons and the amount paid.
- (viii) What steps are contemplated by the Government to ensure that the workers employed in industries/ factories/quarries/mines receive compensation?
- (ix) Whether the Government has evolved any policy for prevention and cure of silicosis and payment of compensation to the persons working in the unorganized sector?
- (x) Whether the Government proposes to constitute any Board or set-up any fund for the rehabilitation and insurance of all the workers affected by silicosis?

6.11 In the meantime, the Commission received a copy of the Supreme Court order dated 5 March 2009 in the Writ Petition (Civil) No. 110 of 2006 in the case of People's Rights and Social Research Centre (PRASAR) vs. Union of India and Ors. In the given case, the Supreme Court directed to the Ministries of Health and Labour to extend all assistance to the NHRC for further action. Thereafter, looking at the gravity of the problem, in December 2009, the Commission constituted an Expert Group on Silicosis that would assist it in devising strategies for dealing with this occupational hazard and facilitate in evolving preventive, remedial, rehabilitative measures so as to alleviate the problem faced by the affected workers and their families. Based on the advice of the NHRC Expert Group, the Commission later came out with a set of recommendations on 'Preventive, Remedial, Rehabilitative and Compensation Aspects of Silicosis' and circulated it to all concerned on



13 December 2010. Before circulating the same, the Commission also sought inputs from related Ministries and technical institutes.

6.12 The Commission subsequently on 1 March 2011 organized a National Conference on Silicosis in New Delhi. Its objective was to assess the action taken by the States and Union Territories on the recommendations made by the NHRC with regard to preventive, remedial, rehabilitative and compensation aspects. Besides, NHRC wanted to know from them the action taken on the ten points made by it in the meeting convened on 1 May 2008. The other objective was to discuss the present status with various non-governmental organizations and technical institutions dealing with the issue of silicosis. The important recommendations that emerged from this National Conference too were circulated to the relevant stakeholders.

6.13 One of the major recommendations of the 2011 Conference was to convene review meetings with concerned officials of States and Union Territories in groups every two months. The Commission organized four regional review meetings. The first regional review meeting was held in New Delhi on 10 June 2011 and covered the Northern States of Haryana, Gujarat, Madhya Pradesh, Rajasthan and N.C.T. of Delhi. The second regional review meeting covering the southern States of Karnataka, Andhra Pradesh, Tamil Nadu, Kerala and Union Territory of Puducherry was organized in Bengaluru on 18 November 2011. The third regional review meeting covering the Eastern States of Bihar, Chhattisgarh, Jharkhand, Odisha and West Bengal was organized in the NHRC on 14 February 2012. A review meeting covering the States of Uttar Pradesh, Maharashtra, Himachal Pradesh, Goa, Uttarakhand and Punjab was organized in the NHRC on 4 May 2012. Apart from the participation of State Government officials, the review meetings were attended by the representatives of technical institutions and civil society organizations. During these meetings, the need for serious action by State Governments to address this problem through proper survey and other preventive, rehabilitative and compensatory measures was reiterated by the Commission.

6.14 In order to discuss the status of action taken by the Union Ministry of Labour & Employment and the States on the earlier recommendations made by the NHRC with regard to prevention, detection and elimination of silicosis, the Commission organized another one-day National Conference on Silicosis in New Delhi on 25 July 2014.

6.15 The Conference deliberated on three major themes in three plenary sessions as follows:

Session-I : Existing Status of Silicosis and Implementation of NHRC Recommendations on Preventive, Remedial, Rehabilitative and Compensation Aspects of Silicosis & Other Initiatives/Best Practices Undertaken



Session-II: Narration of Ground Realities – Perspective of Civil Society Regarding Way Forward

Session–III: Silicosis: Occupational Safety, Health, Welfare and Other Legislations and Regulations

6.16 Based on the deliberations held in the three plenary sessions, the following recommendations emanated from the National Conference:

- (i) All States and Union Territories should provide complete information along with action taken on the following recommendations which the Commission has earlier made on the problem of silicosis:
 - ▶ To furnish complete information with regard to ten points sent to the State/ UT Governments in the year 2008 for an action taken update.
 - ▶ To furnish the action taken by the State/UT Governments on the set of recommendations prepared by the Commission on Preventive, Remedial, Rehabilitative and Compensation aspects relating to silicosis forwarded vide its letter No. 11/3/2005-PRP&P dated 13 December 2010.
 - ▶ To furnish the action taken by the State/UT Governments on the recommendations emanating out of the National Conference on Silicosis held on 1 March 2011 forwarded vide its letter No. 11/3/2005-PRP&P dated 11 April 2011.

Action taken on all these three set of recommendations made by the Commission should be furnished by the end of December 2014. While doing so, the State/UT Governments must also furnish to the Commission their respective action plans for elimination of silicosis.

- (ii) All States and Union Territories must particularly report to Commission the findings of the detailed survey of industries conducted by them, especially of hazardous and suspected hazardous industries in both organized and unorganized sector, where workers are likely to be affected by silicosis. Besides, their survey should throw light on the status of ex-workers. States and Union Territories who have so far not acted upon to the aforementioned direction must complete their survey immediately and report its findings to the Commission latest by December 2014.
- (iii) The States/UTs should maintain and share detailed information on:



- a) Number of workers in silica prone industries;
 - b) Total number of incidents/cases of silicosis;
 - c) The status of treatment being given to victims;
 - d) Kind of screening test being carried out by the employers of various industries for detection of silicosis cases;
 - e) Type of special measures being taken by employers in suspected cases of silicosis;
 - f) Whether the employers of various industries were maintaining a proper register for purposes of recording the daily attendance of workers, salary paid to each worker, leave given to each worker including medical leave;
 - g) Steps taken by the State/UT for violation of labour laws regarding the erring employers;
 - h) Whether any kind of insurance cover given to the workers by their employers;
 - i) Measures undertaken for prevention of silicosis,
 - j) In the case of ex-workers, apart from making an assessment about their actual number, the kind of treatment, rehabilitation and compensation package given to them by their employers;
 - k) In case of death of a worker, their respective family is taken care of or not.
- (iv) The State and Union Territory Governments who have not yet notified smaller units having potential to cause silicosis notwithstanding that the number of persons employed therein being less than ten, if working with the aid of power as may be declared to be a factory under Section 85(1) of the Factories Act, 1948. Besides, States and Union Territories should ensure strict enforcement of the Factories Act, 1948 by appointing Inspectors and Certifying Surgeons under the Act.
- (v) Similarly, the manufacturing processes or operations carried out in factories in which manipulation of stone or any other material containing free silica is carried on need to be notified as “dangerous operations” under Section 87 of the Factories Act, 1948 by all States and Union Territories. The Ministry of Labour and Employment, Government of India through DGFASLI has framed modified Model Factories Rules (MFR 120) on 27 dangerous operations and



processes under Section 87 of the Factories Act 1948 including manipulation of stone or any other material containing free silica (Schedule XIII). These Model Factory Rules under Schedule XIII shall also apply to stone or other material that contain not less than 5 per cent of free silica, by weight which includes stone crushers, gem and jewellery, slate pencil making, agate industry, pottery and glass manufacturing. Precautionary measures need to be taken by employers for protection of all persons employed therein by way of periodical medical examination, providing welfare amenities and sanitary facilities and the supply of protective equipments and clothing. Employment of women, adolescents and children in any of the operations involving manipulation or at any place where such operations are carried out should be completely prohibited.

- (vi) As of now, there seems to be considerable variation in standards of medical protocol to confirm cases of silicosis. There is thus a need to adopt uniform diagnosis procedure across the country primarily consisting of detailed occupational history, chest radiography, C.T. scan and lung biopsy. There is also a need to create occupational disease centres in all ESI Hospitals and OPDs for occupational diseases in all civil hospitals. These should be well equipped with Chest Specialists, Radiologists and other technical staff for proper diagnosis, treatment and referral. In addition, districts having high rate of silicosis, their District Hospitals must be well prepared for diagnosis and management of silicosis.
- (vii) As prevention is the only remedy, it will be paramount to lay emphasis on preventive/control measures by all States/UTs as specified in their respective State Factories Rules, by taking recourse to engineering control, medical control and administrative control measures. Besides, imparting training to all workers and employers should become an annual feature whereby they are sensitized to the health effects of silica dust exposure including operations and material that produce silica dust hazards, application of engineering controls and work practices that reduce dust concentration, personal hygiene practices, etc. For this purpose, DGFASLI has also prepared a checklist for prevention of silicosis, which can be availed of by all States/UTs for usage of employers and workers. Moreover, there is need to empower State officials as this would enable them to judiciously undertake safety and occupational health survey.
- (viii) Immediate recruitment of Chest Specialists, Certifying Surgeons and Radiologists and their capacity building and training on dust diseases as per WHO and ILO standards.
- (ix) Need to issue identity cards to all workers so that the responsibility of employers is ensured and establish an employee-employer relationship.



- (x) In Andhra Pradesh, workers in the unorganized sector are covered under the Rajiv Aarogyasri Community Health Insurance Scheme. The scheme provides financial protection to families living below poverty line up to 2 lakhs in a year for the treatment of serious ailments requiring hospitalization and surgery. A scheme on similar lines could be put in place by other States/Union Territories if not already there in view of large number of affected workers in the unorganized sector.
- (xi) The Government of Andhra Pradesh has also constituted the Building and Other Construction Workers Welfare Board under which schemes for the welfare of building and other construction workers are being implemented for all those working in the unorganized sector and afflicted by silicosis. Workers employed in stone quarries and stone crushers have further been declared building workers and are entitled to benefits extended by the Construction Board. Likewise, the Government of Madhya Pradesh has established Slate Pencil Workers Welfare Board. The fund collected by the Board through cess is used for providing social security to workers and their dependents. A Policy on Silicosis has also been framed by the Government of Madhya Pradesh under which various schemes are being provided to affected workers. In addition, the Government of Madhya Pradesh has successfully relocated polluting units from residential areas to industrial estate, thereby reducing the exposure of silica. There is a need to replicate these best practices by other States and Union Territories as well.
- (xii) The Andhra Pradesh Factories Rules, 1950 under the Factories Act, 1948 and Madhya Pradesh Factories Rules, 1962 should be examined and similar Rules put in place in other States and Union Territories.
- (xiii) There is a need to set up a separate Silicosis Board/Fund, similar to the one set up by the Government of Odisha, in all the States and Union Territories as a single window for purposes of claiming compensation by workers affected by silicosis and in the event of death of the worker by their dependents.
- (xiv) Need for better coordination between various Departments of Central and State Governments to deal with the problem of silicosis which includes the Departments of Health, Labour, DG FASLI, Labour Institute, Occupational Health Institutes, T.B. Association and the civil society. Similarly, there is a need for better coordination among States from where the workers migrate for better opportunities. However, it would be useful to evolve a comprehensive strategy to check migration which can include modifications in the MGNREGA Scheme by providing for more number of wage days in the interest of migrant workers as recommended by the NHRC in its earlier National Conference on Silicosis held on 1 March 2011.



- (xv) States and Union Territories have not taken sufficient interest in dealing with the occupational health hazards of mining and related milling operations leading to silicosis. The implementation of the Mines Act, 1952 has revealed a number of defects and deficiencies which hamper its effective administration. Some of these necessitate new forms of control while others require strict enforcement of the existing legal provisions. Till the time, the existing Mines Act is recast, there is need to strictly enforce Sections 5-9, 11, 22, 23, 25, 26 & 27 of the Act. Simultaneously, there is need to strengthen the office of Director General of Mines Safety.
- (xvi) Pollution from thermal power stations across the country need to be brought under surveillance for risk of silicosis of not only to workers but to the neighbouring population in residential areas as coal and coal ash contains silica ranging from 18% to 30% approximately.
- (xvii) Silicosis is not only a notifiable disease under Section 89 of the Factories Act, 1948, Section 25 of the Mines Act, 1952 but also a compensable disease under Schedule III, Part C of Workmen's Compensation Act, 1923, now known as Employees' Compensation Act, 1923. As per the Act, amount of compensation is calculated on the basis of actual disability. For victims of silicosis, this disability should be considered 100% as per order passed by the High Court of Gujarat in case 3449 of 1999 (Babubhai vs. ESIC). ESIC should resolve to make it a rule so that the victim is compensated without the burden of proof.
- (xviii) Simplification of mechanism for compensation for occupational diseases needs to be carried out. For this purpose, there is a need to amend the Employees' Compensation Act, 1923 as well as Employees' State Insurance Act, 1948. In both these Acts, there is a 'qualifying period' for claiming compensation. This acts as a hindrance for workers to claim compensation. This should be removed and any worker found to be suffering from silicosis should be compensated. All compensation claims filed under the Acts should be processed urgently and disposed within three months from the date of filing of claims.
- (xix) 'Occupational Health' should be made part of MBBS curriculum.
- (xx) The Unorganized Workers Social Security Act, 2008 provides for National/State Social Security Boards. On the same lines, Mine Workers Welfare Boards may be constituted for recommending welfare schemes to be formulated for the welfare of mine workers employed in the unorganized sector.

6.17 These recommendations were later forwarded to the Chief Ministers of all the States and Union Territories by the Chairperson of the Commission with the request



that these recommendations be taken up on priority by their respective Governments for implementation and the Commission be informed about the action taken.

6.18 Prior to this, the Commission had prepared a Special Report on Silicosis for the Parliamentarians and forwarded the same to the Ministry of Home Affairs, Government of India for laying it before the Parliament. In this report, a large number of recommendations regarding the labour legislations were made by the Commission, on which the response of the Government of India was received. To discuss the Memorandum of Action Taken Report on the Special Report of NHRC on Silicosis, a meeting of NHRC Expert Group on Silicosis and other experts under the chairmanship of Shri S. C. Sinha, Member, NHRC was held in the NHRC on 23 December 2014.

6.19 On the basis of the deliberations held in the meeting, the following recommendations emanated:

- (i) There is need to ratify the ILO Convention 155 by Government of India to ensure health, safety and proper working environment for workers.
- (ii) The Directorate General of Mines Safety, Ministry of Labour and Employment, Government of India, should make it mandatory for every State Government to inform the DGMS, Government of India whenever a new license to operate a mine is given to a mine owner by a State Government. Further, as and when a mine lease holder submits the 'notice for opening' of the mine, a copy of the same i.e. information about opening of the mine should be given to DGMS.
- (iii) There is a need to issue a separate directive under the Mines Act, 1952, to resolve the issue of monitoring the stone quarries and stone crushers which at present, is not clearly covered by the Act. This is because in stone quarries when stones are dug out, the process comes under the purview of mining, however, crushing of the stone falls under the Factories Act.
- (iv) As per Section 17 of the Mines Act, 1952, it should be ensured by the mine owner that a Mine Manager is appointed with requisite qualifications to oversee the functioning of the mine. In case, the mine owner possesses the requisite qualifications, he may himself act as a Manager.
- (v) Each State should carry out a survey of all units where dust generating activities are being carried out and these units need to be registered under the Factories Act, 1948. All such units where dust is generated should be notified as per Section 85 of the Act.
- (vi) The Government of India should include a capsule on Occupational Health in MBBS curriculum/M.D. curriculum. Besides, the MCI may consider starting a



P.G. Course in Occupational Diseases in medical colleges. Further, the National Board of Examinations could also start a Diploma course on Occupational Health.

- (vii) It was recommended that each Doctor of ESI Hospital should undergo three months Associate Fellowship of Industrial Health being offered by DGFASLI and its Regional Labour Institutes.
- (viii) The Ministry of Health and Family Welfare, National Institute of Occupational Health (Ahmedabad) and the National Institute of Health and Family Welfare (New Delhi) should consider the possibility of starting a crash course on 'Occupational Diseases' like silicosis, asbestosis, etc. for Doctors in service in various States and Union Territories. The content and duration of these programmes need to be well defined.
- (ix) Welfare Boards should be setup in every State for providing relief fund for rehabilitation of workers ailing from silicosis and related diseases on the line of fund set up in the State of Madhya Pradesh where cess is collected from industries for welfare of workers.
- (x) Every hospital in each district should have proper diagnostic facilities for diagnosis of silicosis.
- (xi) The best practices based on the model of Mandsaur need to be replicated in other States as well.
- (xii) States to constitute a separate Board for construction workers so as to provide rehabilitation and compensation fund for workers suffering from occupational diseases being followed by the Government of Rajasthan.
- (xiii) As of now, the public hospitals do not have an OPD for occupational health. The Ministry of Health and Family Welfare should be requested to advice all the States to start an OPD on occupational health in one public hospital in each district, on a pilot basis, to begin with.
- (xiv) Every worker should have a medical insurance cover for health and safety purposes whereby he/she could have access to all hospitals for his treatment.
- (xv) Each mine worker and factory worker should be provided with a set of protective equipment/kit as prescribed under the Factories Act and the Mines Act. Shri Ashim Sinha and Shri Rajput shall provide a detailed list of the protective equipments/kit presently being given to workers along with its costing. The said list will then be given to State Governments to: (a) carry out a survey of strength of workers in each and every mine of the State, and (b) provide every worker with a protective gear free of cost and recover its cost from the employer.



- (xvi) The State Government should grant licenses for operation of mines to only those who adopt/follow wet grinding process. And, wherever dry grinding is being followed the same should be got converted to wet grinding by insisting in from the same at the stage of renewal of mining licence by the State Government.
- (xvii) State Government should set a telephone helpline so that complaints about mines can be lodged by workers immediately, especially in cases where there is non-compliance of the provisions of the related Acts.
- (xviii) DGFASLI and DGMS should put up the inspection reports of all factories and mines on their web portals.
- (xix) Number of posts for Inspectors lying vacant should be filled up immediately by the DGMS. If need be, more posts should also be created.
- (xx) There is need for greater involvement of State Governments in enforcement of Mines Act, which at present is lacking on their part. In order to reiterate this point, a meeting should be organized with the concerned representative of the State Governments by the NHRC along with the Ministry of Mines and Ministry of Labour and Employment, Government of India.

6.20 The Commission once again calls upon all the State Governments and Union Territories to forward their action taken report on suggestions and recommendations made by it on silicosis from time to time beginning 2008-2009. It would be pertinent to mention that all these recommendations have been made part and parcel of the final recommendations of the National Conference on Silicosis organized by the Commission on 25 July 2014. The Commission further makes an ardent appeal to all the State Governments and Union Territories to comply with the recommendations made by the NHRC Expert Group on Silicosis in its meeting held on 23 December 2014, referred to in para 6.18, recommendations of which have been detailed out in para 6.19 above.

B. NHRC Comments on Draft National Health Policy 2015

6.21 The Ministry of Health and Family Welfare in the Government of India in the past brought out two National Health Policies, one in the year 1983 and the other in the year 2002. These primarily guided the approach for the health sector in the Five Year Plans and for different schemes and programmes. Given the changing priorities in the health sector in the light of the attainment of Millennium Development Goals and its targets, the Ministry of Health and Family Welfare, Government of India framed a new draft National Health Policy in the year 2015. Through this new draft Policy, the primary aim of the Government of India is to inform, clarify, strengthen and prioritize the roadmap it would take to shape the health system in the country in all its dimensions – investment in health,



organization and financing of healthcare services, prevention of diseases and promotion of good health through cross sectoral actions, access to technologies, developing human resources, encouraging medical pluralism, building the knowledge base required for better health, financial protection strategies, and regulation and legislation for health.

6.22 Taking into consideration the achievements as well as the inequities in health outcomes, including access to healthcare services as evidenced by the desegregated data of various States down to the base level, the Commission decided to convene a meeting to discuss the draft National Health Policy 2015. The said meeting was held on 30 January 2015 in Vigyan Bhawan Annexe, New Delhi. Its objective was to see how well the draft Health Policy addressed the human rights concerns of the citizens. For purposes of discussion, the Commission invited health experts with whom it wanted to reconstitute its Core Advisory Group on Health.

6.23 Based on the deliberations that took place during the course of the meeting with the health experts, the following salient suggestions and recommendations were made :

- (i) The Draft National Health Policy of 2015 released by the Ministry of Health and Family Welfare, Government of India should adopt the rights framework of health and take into consideration the earlier Health Policy of 2002. It should also take stock of NRHM which is to complete a decade of its operation this year. The lessons learnt, experiences and shortcomings should feed into the proposed Policy of 2015.
- (ii) The 2015 Draft Health Policy should furthermore take into consideration the health rights of people from the perspective of community who are the real owners by seeking their decision-making involvement/participation in all facets of public-centered universal health care system including bottom up planning, ownership, monitoring by way of community led assessments, capacity building and accountability.
- (iii) It needs to underline immediate regulation of private medical sector that is spreading its wings all over, be it in private medical education, diagnostics, clinical trials by global pharmaceutical industry in the country, irrational vaccine promotion by the vaccine industry, and public funded health insurance schemes by the insurance industry. This will not only regulate the private medical sector but protect the rights of patients as well.
- (iv) As part of rights framework, there is need to launch a national debate on patients' rights as in India, there is very little perception about the rights of patients due to which there is blatant violation of human rights. However, this situation can



change if every citizen is aware about these rights including avenues for redressal of complaints.

- (v) There is need to include in the Draft Health Policy document, committed budget allocations for health rather than merely suggesting increased government spending on health and expanding the public delivery system.
- (vi) NHRC needs to update its 2004 National Action Plan on Right to Health Care (NAP) by organizing regional and national level workshops on the lines held earlier in association with Jan Swasthya Abhiyaan. The NAP had recommended enactment of a National Public Health Services Act.
- (vii) The Draft National Health Policy 2015 should lay emphasis on the need to strengthen the NRHM/NHM through capacity building and skill upgradation of health personnel of all ranks.
- (viii) The Draft Health Policy fails to tackle the core problem of the Indian health system – its management, administration and overall governance structure. Therefore, if health outcomes are to be improved, the Draft Policy needs to prioritize and lay far greater focus on these critical issues.
- (ix) The proposed National Health Policy, 2015 should make it mandatory for the doctors to go and work in the public health sector. Besides, it should lay emphasis on expanding the focus from primary care to a system assuring comprehensive care and effective referrals, strategic purchasing in secondary and tertiary care mainly from government providers, assured free drugs, diagnostics and emergency services in all public facilities, focus on infrastructure and human resource development for a more equitable distribution of health resources, integrating national health programmes with broad health systems like the Ayurveda, Yoga, Unani, Sidha and Homeopathy, plus linkages with other sectors like Nutrition Mission and the most recent Swachh Bharat Abhiyaan.
- (x) While the 2015 Policy talks about the rising burden of non-communicable diseases (NCDs), it fails to create a mechanism to address the concern. NCDs being the major cause of mortality in India, inclusion of an integrated action plan along with key intervening strategies should form part of the proposed Policy to address the mounting incidence of NCDs.
- (xi) Given the poor state of public healthcare infrastructure in India, the proposed 2015 Policy needs to stress upon Right to Healthcare legislation.



- (xii) The 2015 Draft Health Policy has no vision for human resources. It needs to highlight two types of health personnel, one for treating the patients and the other keeping people healthy. In other words, emphasis needs to be laid on disease prevention as well as health promotion. Besides, it should reflect the need to bring the nursing services at par with medical services. The Policy document should also focus upon the type of doctors required as well as their location.
- (xiii) There is need to regulate both government and private health sectors with certain degree of externalities on the lines of CAG. In addition, there is need for decentralization of clinical care and investing in skills of front line workers, investing in timely referrals, extending support to outreach care and accountability to the community, all of which have not been covered in the Draft 2015 Policy.
- (xiv) The proposed Health Policy does not touch all aspects of health nor is it supported by adequate statistics with regard to improvement and expansion of public health facilities in terms of number of doctors, nurses, paramedical staff, beds, etc. It needs to look into these aspects as well as lay emphasis on preventive measures like construction of toilets in each and every household and school along with promoting a culture of physical fitness in schools, colleges, work places and public awareness campaigns through folk and modern media.
- (xv) It should talk about role and involvement of voluntary organizations in realizing health goals as is the prevalent practice in many States across the country.
- (xvi) Commenting on the shortage of doctors mentioned in the Draft Health Policy document, especially gynecologists and anesthetists in the peripheral hospitals, the substitution of their services with AYUSH and Homeopathic doctors by authorizing them to dispense allopathic medicines calls for a review.
- (xvii) There is need to revive the 'General Practice' Departments in all hospitals of the country. And, only after the patients have been examined by the 'General Practice' Department, they should be referred to specialized doctors. This aspect needs to be looked into by the Medical Council of India and also reflected in the Draft Health Policy document of 2015. Furthermore, General Practice Departments should also be started in medical colleges.
- (xviii) The Draft National Health Policy 2015 needs to emphasize upon the creation of a multi-disciplinary public health service to perform key public health functions. This public health cadre could start from lowest level at sub-centre.
- (xix) In addition, mention should be made about the need to create a separate special cadre of health staff, equivalent to "Commando Force" for remote tribal and rural PHCs and CHCs. The pay and allowances of this cadre should be double than



that given to health personnel and doctors in rural/tribal areas. They should also be given other special benefits as is offered to army personnel like food, housing, and special education for their children. Their selection should be on competitive basis at all India level.

- (xx) The proposed health document should reflect the need for creation of separate public health service commission in each State and they should have speedy processes to fill up vacant posts along with a panel of wait listed candidates so that when the Medical Officer is on leave the wait listed candidate is called upon to work in his/her place rather than giving additional charge to some other Medical Officer as one doctor cannot conduct OPD at two places simultaneously. In addition, all human resource data should be computerized and this should drive various human resource management processes, including training.
- (xxi) As both the public and private health care system are devoid of ‘quality assurance’, the Central and State Governments should set up an independent body for Health Services Quality Assurance, comprising independent experts of high caliber with power to inspect both public and private health establishments routinely as well as in response to complaints. Furthermore, they should have the power to give notice to hospitals, publicize defects, and in extreme case close down the hospital or the health centre. The Draft National Health Policy 2015 needs to take all these points into consideration and also prescribe standards of time and care.

6.24 The suggestions/recommendations listed at Sl. Nos. (i), (ii), (iii), (iv), (v), (xi), (xii), (xiii), (xiv), (xv), (xvi) and (xxi) in para 6.23 above were later forwarded to the Ministry of Health and Family Welfare, Government of India as comments of NHRC for inclusion in the final version of the National Health Policy. The NHRC is optimistic that the suggestions/recommendations made by it to the Ministry of Health and Family Welfare will be taken note of when the final version of the National Health Policy of the Government of India is released.

C. Reconstitution of Core Advisory Group on Health

6.25 The Commission has constituted a Core Advisory Group on Health which advises it on issues relating to availability, affordability and accessibility of healthcare to the citizens of India. These issues include both references made by the Commission to the Core Group and any other issue, which the Members of the Core Group consider it appropriate to suggest to the Commission in the light of the relevant provisions of the Protection of Human Rights Act, 1993 as amended in 2006. Besides, the Core Group may be requested by the Commission to review Government laws, policies, rules, orders, etc. relating to health and other matters from human rights perspectives and make suggestions for changes or their



better implementation. The Core Group may furthermore be requested to suggest on the possibility as well as plan of action for making healthcare a justiciable right and enforceable in the country, and identify best practices relating to healthcare in India and abroad and recommend their possible implementation in different States and Union Territories of the country.

6.26 As the last Core Advisory Group on Health was constituted by the Commission on 28 July 2010, it reconstituted the Advisory Group on 3 March 2015 having on board prominent health experts having rich experience in diverse fields of health from the government and non-government sector.

D. Illustrative Cases on Health Dealt by NHRC

1. Negligence of Doctors Leads to Loss of Eye-sight of 15 Patients in an Eye Camp at Bagbehra, Dhamtari District, Chhattisgarh (Case No. 739/33/4/2012)

6.27 The Commission came across a distressing news report in the khabar.ndtv.com wherein it was reported that 15 patients lost their eye sight due to the negligence of the doctors while carrying out cataract surgery in a camp at Bagbehra in Dhamtari district of Chhattisgarh. It was reported that after the operation nine patients developed infection and their one eye had to be removed. The patients had been got admitted to MGM Eye Hospital, Raipur.

6.28 The Commission took suo motu cognizance of the news report and vide its proceedings dated 31 December 2012 called for a report in the matter from the Chief Secretary, Government of Chhattisgarh.

6.29 The State Government forwarded a copy of the report of Dr. Subhas Mishra, State Programme Officer, National Programme for Control of Blindness. But, no specific information was given in the report as to how many persons lost sight due to the operation and consequent infection. Therefore, the Commission vide its proceedings dated 10 February 2014 issued notice to the Chief Secretary, Government of Chhattisgarh directing him to submit specific information on the above point and also inform whether any compensation has been paid to the affected person(s).

6.30 Pursuant to the directions of the Commission, Deputy Secretary to the Government of Chhattisgarh, Health & Family Welfare Department reported that :-

- (i) 16 patients had lost their eye sight in cataract surgery in the Community Health Centre Bagbehra in Dhamtari District Chhattisgarh;



- (ii) Monetary relief of Rs. 50,000/- was paid to each of the 16 patients from the Chief Minister's Relief Fund;
- (iii) One Surgeon, two Eye Assistant Officers and two Staff Nurses had been suspended for negligence on their part in following the protocol set for cataract operation and departmental proceedings against them were in progress;
- (iv) Five medicines used during the operation were found to be below standard. Hence, suppliers and manufacturers of these medicines had been banned for supply of medicines to the Government.

6.31 Upon careful consideration of the report, the Commission vide its proceedings dated 12 May 2014 found the payment of Rs. 50,000/- as monetary relief to each of the 16 patients inadequate in an incident like this and recommended to the Government of Chhattisgarh to pay a further sum of Rs. 50,000/- to each of the 16 patients who lost their vision in addition to Rs. 50,000/- already paid.

6.32 As the report from the State Government showed that substandard medicines had been administered to the patients, the Commission also directed the State Government to conduct a detailed inquiry in this regard, prosecute the persons who were responsible for the same and initiate criminal action against them. The Commission further asked the State Government to send a status report regarding the disciplinary proceedings initiated against the three doctors who conducted the cataract surgery on the patients within eight weeks.

6.33 Joint Secretary, Government of Chhattisgarh, Health & Family Welfare Department, Raipur submitted that in addition to monetary relief of Rs. 50,000/- each paid earlier from the Chief Minister's Relief Fund to 16 patients, a further sum of Rs. 50,000/- each had been paid to them as per recommendations of the Commission. He also informed that departmental enquiry of the incident of eye infection during cataract surgery performed at Community Health Centre, Baghbehra is being conducted and departmental action will be taken against the errant doctors. It was also submitted that treatment of affected patients was conducted at MGM Eye Institution, Raipur with follow-up treatment at District Hospital.

6.34 As regards the action taken on the matter of supply of sub-standard medicines, it was reported that prosecution sanction had been issued on 30 April 2014 against the medicine production firm and vendors.

6.35 On compliance of its recommendations, the Commission vide its proceedings dated 10 November 2014 closed the case.



2. Death of an Infant due to Medical Negligence in District Hospital Balia, Uttar Pradesh (Case No. 25612/24/10/2013)

6.36 The Commission came across a distressing news report telecast on NDTV about the death of an eight month old infant admitted to District Hospital Balia, Uttar Pradesh after a rickshaw-puller allegedly administered an injection on the directions of the doctor present on duty. The infant died immediately after administration of the injection.

6.37 Taking suomotu cognizance of the news report, the Commission called for a report from the District Magistrate, Chief Medical Officer and Superintendent of Police, Balia, Uttar Pradesh.

6.38 Pursuant to the directions of the Commission, the Superintendent of Police, Balia sent a report stating that Case Crime No. 384/2013 u/s 304 IPC and 15(2)(3) Indian Medical Council Act was registered at Police Station Kotwali against Dr. Vinesh Kumar, Pharmacist, Srikant and Bechu on a complaint of Smt. Sapna Singh, the grandmother of the victim. The Superintendent of Police, Balia also reported that charge-sheet had been filed against the accused Srikant and Bechu on 28 September 2013. However, Dr. Vinesh Kumar was not found involved in the incident.

6.39 Chief Medical Officer, Balia further submitted a report stating that an 8 month old infant, Ajay was admitted to the District Hospital on 15 July 2013 and he was suffering from “cellulites with septicemia”. The patient was treated by Dr. Ram Phullar, Senior Consultant and Child Specialist and Dr. Anil Singh, Surgeon. As the condition of the infant was serious, he was referred to BHU, Varanasi, but the family members of the infant could not take him there and his treatment continued at the district hospital. On 17 July 2013 the infant was brought to the emergency ward in gasping condition where he died. It was furthermore reported that Srikant, Chief Pharmacist was prima facie found guilty by the Director General, Medical Health Services, Government of Uttar Pradesh and he was suspended and departmental action recommended against him. Besides, FIR was registered against Dr. Vinesh Kumar, Srikant, the Pharmacist and the rickshaw puller. The CMO, Balia also reported that Srikant, Chief Pharmacist, District Hospital, Balia was still under suspension and a charge-sheet had been served against him.

6.40 Upon consideration of the above reports, the Commission vide its proceedings dated 9 February 2015 found it to be a fit case to issue a notice to the State Government as the life of an infant was lost due to the negligence of the authorities of the District Hospital. Accordingly, the Commission directed to issue a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Government of Uttar Pradesh to show-cause why in the established facts and circumstances of the case, the Commission should not recommend grant of “monetary relief” to the next-of-kin of the deceased infant.



6.41 In compliance of the directions of the Commission, a notice was issued to the Chief Secretary, Government of Uttar Pradesh to show-cause why in the established facts and circumstances of the case, the Commission should not recommend grant of “monetary relief” to the next-of-kin of the deceased infant. Response from the State Government is awaited.

3. Death of Patients due to Failure of Oxygen Supply in Sushuruta Trauma Centre, Delhi (Case No. 7841/30/4/2012)

6.42 The Commission came across a distressing news report published in ‘The Indian Express’ on 5 December 2012 alleging that four patients on ventilator support at Delhi Government’s Sushuruta Trauma Centre in North Delhi died early morning on 4 December 2012 after oxygen supply in the ICU was apparently cut off for 12 minutes. As per the hospital authorities, the contractor in-charge responsible for maintaining regular oxygen supply failed to ensure adequate cylinders as backup when the supply of oxygen ran out.

6.43 Taking cognizance of the aforesaid report vide proceedings dated 12 December 2012, the Commission issued a notice to the Secretary Health, Government of NCT of Delhi calling upon him to submit a detailed report in the matter within two weeks.

6.44 In response, a report dated 25 February 2013 received from Deputy Secretary (Health & Family Welfare), Government of NCT of Delhi, inter alia mentioned that an FIR had been lodged by the hospital administration against the company which was providing services for operation and maintenance of the medical gas pipeline services in the hospital. The Commission called for a status report on the investigation of the case.

6.45 The report also mentioned that the Government had ordered an inquiry into the unfortunate incident on 4 December 2012 by a Committee headed by the Special Secretary (Health & Family Welfare) and the Committee gave its report on 6 December 2012 to the Government. It was additionally reported that a Committee of senior experts was constituted under the Chairmanship of Ex-Dean, MAMC with Head of Departments (Anesthesia) from Lok Nayak, G.B. Pant and GTB Hospitals as Members to review the facility and SOPs for critical care system in all government hospitals and the Committee had submitted its report with regard to ICUs and medical gas supply system on 12 February 2013.

6.46 The Commission called for the inquiry report dated 6 December 2012 submitted to the Government by Special Secretary (H&FW) and also the report dated 12 February 2013 submitted to the Government by the Experts Committee constituted under the Dean, MAMC with HODs (Anesthesia) from Lok Nayak, G.B. Pant and GTB Hospital.



6.47 Deputy Secretary (H&FW) Department, Government of NCT of Delhi, vide communication dated 16 December 2013, submitted a copy of inquiry report of the Expert Committee which found that the company, M/s. PES Installations Pvt. Ltd., had not followed SOP for the safe supply of oxygen from the main room to the various outlets in the hospital. Besides, it had recruited untrained persons and reduced their number causing risk to life of the patients. The Committee also found systemic failure and observed that the Medical Officer-in-Charge, for equipment repair and maintenance and the two junior specialists managing the ICU failed to fulfill their responsibilities. The Commission, on 30 June 2014, therefore, directed to issue notice u/s 18 of the PHR Act to the Government of NCT of Delhi to show cause why the Commission should not recommend payment of compensation for the next-of-kin of the five victims. Status of departmental proceedings instituted against the staff of the hospital and the action taken on the recommendations made by the Expert Committee, were also called for.

6.48 In response to the notice issued u/s 18 of the Protection of Human Rights Act, 1993, Deputy Secretary (H&FW), Government of NCT of Delhi vide communication dated 14 August 2014 reported that the Department of Health & Family Welfare, Government of NCT of Delhi had ordered an ex-gratia payment of Rs. 2.00 lakhs to the next-of-kin of each of the five deceased persons who died in Sushuruta Trauma Centre, Delhi due to failure of oxygen supply. The Commission on 29 September 2014 opined that the ex- gratia payment of Rs. 2.00 lakhs ordered by the Government of NCT of Delhi to the next-of-kin of each of the five deceased persons was insufficient. Moreover, as the proof of payment of the aforesaid ex- gratia relief to the beneficiaries had not been received, the Commission directed the Chief Secretary, Government of NCT of Delhi to submit within six weeks the proof of payment disbursed to the next-of-kin of the five deceased persons. The proof of payment is awaited by the Commission.

4. Two Pregnant Women Deliver their Babies in Public due to Negligence of Hospital Authorities (Case No. 128/6/23/2012)

6.49 Shri Parmar Hasmukh Bahecharbhai, Bharuch, Gujarat complained to the NHRC about the gross negligence of the staff of Civil Hospital in Surat, Gujarat, due to which two women had to deliver their babies in public.

6.50 The Additional Secretary, Health & Family Welfare Department, Gandhinagar, Gujarat reported that there had been negligence of hospital authorities. The patient Ramdulari had delivered premature twin babies in the parking area of the hospital and one Hasina Khatoon had given birth to a still female child due to the negligence of the hospital authorities. Since it was established that there was negligence on the part of the officials of the State Government and the said negligence resulted in violation of the dignity and honour of the two victims, the State Government is liable to compensate them for violation of their



human rights. The Commission directed the Chief Secretary, Government of Gujarat to pay compensation of Rs. 50,000/- (Rupees Fifty thousand only) to each of the two victims for the negligence on part of the State officials.

5. Poor Woman Gives Birth to a Child despite Undergoing Sterilization Operation in Bhopal, Madhya Pradesh (Case No. 3446/12/8/2014)

6.51 The Commission has received a complaint dated 17 December 2014 from Shri Champa Lal Chauhan r/o Dam Kheda, Jhuggi Bast, Kolar Road, Bhopal, Madhya Pradesh alleging negligence by the doctor who performed an unsuccessful sterilization operation on his wife. He submitted that he is a daily wage labourer and his wife supported him by working as a maid in various households. They had four children to look after. He alleged that his wife underwent sterilization operation in Jaiprakash Hospital, Bhopal. The sterilization operation was not successful and a girl child was born to his wife after the sterilization operation. This unplanned birth has not only pushed the family to poverty but has adversely affected the health of his wife as she is not in a position to sit even on the bed.

6.52 The Director, Directorate of Health Services, Madhya Pradesh reported that the Madhya Pradesh administration decided to pay compensation to the victim, Smt. Manju Chauhan, under the Family Planning Indemnity Scheme (FPIS) which came into effect from 1 April 2013. The matter will be put up before the District Quality Assurance Committee and State Quality Assurance Committee and the entire process is expected to take approximately one month.

6.53 The Commission considered the matter and observed that the complainant and his wife have been battling poverty, ill health, debt and burden of raising four children (including one handicapped child) for the last three years. Timely payment of monetary relief could have helped the family to recuperate. The inaction of the State functionaries has resulted in violation of right to health and right to life of not only the victim but also her family. The Commission directed to issue notice under Section 18(a)(i) of the PHR Act, to the Chief Secretary, Government of Madhya Pradesh to show cause as to why compensation, in addition to the amount to be paid under the FPIS, should not be given to Smt. Manju Chauhan for violation of her right to health and right to life because of the inaction on the part of the State functionaries. The case continues to be under the consideration of the Commission.

6. Death of 12 Women after Undergoing Sterilization during a Camp Organized by State Government in Takhatpur Block, Bilaspur District, Chhattisgarh (Case No. 943/33/2/2014)



6.54 The Commission took cognizance of a press report published in an English Newspaper “Indian Express” dated 12 November 2014 captioned “1 surgery every 4 minutes, in an abandoned hospital”. According to the newspaper report, 12 women had died after undergoing sterilization during a camp organized by the State Government in Takhatpur Block of Bilaspur District on 8 November 2014. The Bilaspur operations were conducted at a private charitable hospital in Pendri village which remained closed, almost abandoned for about a year. It was alleged that apart from medical negligence, guidelines and procedure outlined for such operations were violated. Out of the 83 women who underwent laparoscopic tubectomies, more than 50 were still in hospital and 25 of them were reported critical. The newspaper report also referred to Central Government guidelines in accordance with which a medical team cannot conduct more than 30 laparoscopic tubectomies in a day with 3 separate laparoscopes - that means not more than 10 tubectomies with a single instrument, as each instrument needs to be properly sterilized after every operation.

6.55 On consideration of the press report, the Commission directed the Principal Secretary, Department of Health & Family Welfare, Government of Chhattisgarh to submit a factual report in the matter.

6.56 The Joint Secretary, Department of Health and Family Welfare, Government of Chhattisgarh, reported that a Women Sterilization Camp was organized in village Sakari under Takhatpur block in the district of Bilaspur, Chhattisgarh on 08 November 2014. Similar camps were also organized in other villages, namely, Gaurela, Pendra and Marvahi in the same district on 10 November 2014. A total of 137 women were sterilized. The women, who were sterilized in these camps, had complained of vomiting, pain and respiratory problems since morning of 10 November 2014 and they were admitted in different hospitals. In all, a total of 12 women died. Apart from these deaths, 37 women, who were not operated, had also been admitted in different hospitals with the same problems. Out of these 37, five women died. It was decided that the children of the deceased would be looked after and provided free education by the State Government, which deposited Rs. 3.00 lakhs in the name of each child, who would get this amount after attaining majority. The next-of-kin of each deceased were paid Rs. 4.00 lakhs as relief by the State Government. So far as sterilization operations were concerned, it was found out that the prescribed standard process was not adopted by the doctors concerned.

6.57 As per the report of the Collector, Bilaspur dated 20 November 2014, Rs. 4.00 lakhs had been given to the next-of-kin of each Baiga tribe deceased. Their children were to be provided free education up to the age of 18. Furthermore, Rs. 50,000/- were given to each Baiga tribe patient undergoing treatment.

6.58 After consideration of the matter, the Commission directed the Secretary, Government of Chhattisgarh, Department of Health and Family Welfare to submit a report on the final



opinion of the team of doctors on the cause of death of the victims along with a copy of the report of the Judicial Enquiry Commission.

7. Medical Negligence Causes Death of Two Infants at Chandbali Community Health Centre in Bhadrak District, Odisha (Case No. 2463/18/18/2013)

6.59 The Commission received a complaint dated 23 October 2013 from one Prabir Kumar Das wherein the complainant reported that on the night of 17 and 18 October 2013, two male infants were born at the Community Health Centre (CHC), Chandbali in Bhadrak District, Odisha. On observing some difficulty in the respiratory system of the infants, the doctor asked the medical staff to put them on oxygen, but they could not be put on oxygen as the same could not be procured due to closure of the store room where the cylinders were kept and locked and the key was with the Store In-charge who was on leave. The infants struggled for some hours and later died for want of oxygen.

6.60 The Commission upon consideration of the matter vide its proceeding dated 7 November 2013, directed the Principal Chief Secretary, Department of Health and Family welfare, Government of Odisha and District Collector, Bhadrak for requisite reports within four weeks.

6.61 In response, the Special Secretary (T) to the Government of Odisha, Health and Family Department submitted that an enquiry had been conducted and it was found that one infant belonging to Smt. Kamalini Nayak who was admitted to CHC Chandbali on 17 October 2013 was a case of Primigravida and intra-uterine foetal death which was confirmed by ultra sonogram and there was no need of any oxygen. The other infant belonging to Smt. Rasmita Sahoo, was declared clinically dead on 18 October 2013. The death of the deceased child was due to non-availability of oxygen cylinder for one hour.

6.62 The Commission on 10 June 2014 considered the report dated 21 March 2014 along with the enquiry report which clearly established the death of the deceased baby due to medical negligence and thus directed the Chief Secretary to show cause as to why compensation amounting to a sum of Rs. 3,00,000/- (Rupees Three Lakhs) u/s 18 of the Protection of Human Rights Act should not be given to Smt. Rasmita Sahoo within six weeks.

6.63 In response to the show cause notice u/s 18 of Protection of Human Rights Act 1993, a reply was submitted by the Chief Secretary to the Government of Odisha. In the reply the concerned authority submitted as follows:-

“The baby was resuscitated after birth and oxygen was administered. During the period of treatment the O&G specialist and staff nurse kept the baby under



continuous ambubag and mask ventilation which was a convenient method of resuscitation at peripheral hospital. Despite all efforts taken by the O&G Specialist & Staff Nurse, the condition of the baby did not improve. The baby was declared clinically dead at 3.45 AM on 18.10.2013 by Dr P K Sahoo, O&G Specialist. The baby was kept under continuous ambubag and mask ventilation which provides 21% oxygen. In the instant case it is crystal clear that lack of oxygen is not the direct cause of death as the baby was delivered as a deeply asphyxiated female baby and her condition was very precarious since birth. As such, it is appropriate to mention here that 10% of the total birth may develop asphyxia out of which 1% may require extensive resuscitation. That in spite of maximum care taken by the O&G Specialist & Staff Nurse to save the baby, she did not survive.”

6.64 The matter was further considered by the Commission on 26 September 2014 when it observed and directed as under:-

“The Commission has carefully taken note of the contents of the reply to the show cause notice. The contents seem to be an attempt to effectively defend the state of health administration in the concerned State. Medical negligence cannot be justified under any circumstances when it results in the loss of an infant. The death of the new born baby of the couple Rasmita Sahoo and Sujit Sahoo due to medical negligence (proved) is a gross violation of human rights. The Chief Secretary, Government of Odisha is directed to make an interim compensation of Rs. 3,00,000/- (Rupees three lakhs) to the victim’s mother Smt.Rasmita Sahoo and submit proof of payment with acknowledgement of its receipt by the victim’s mother within six weeks positively. Further, a report be submitted showing departmental action taken/ contemplated against the erring officials. Reply within said period.”

6.65 The compliance report is awaited and the matter is still under consideration of the Commission.

8. Negligence of Hospital Staff Leads to Transfusion of HIV+ Contaminated Blood in Five Patients in Darrang Civil Hospital, Assam (Case No. 206/3/3/2013)

6.66 The complainant vide complaint dated 16 June 2013 alleged that due to negligence of the public servants, HIV+ contaminated blood was transfused into five patients in Civil Hospital, Darrang, Assam in December 2012.

6.67 The Deputy Secretary, Health & Family Welfare Department, Government of Assam vide report dated 31 August 2013 reported that (i) Government had already sanctioned



financial assistance of Rs. 5,00,000/- (Rupees five lakhs only) to the persons who allegedly contracted AIDS after blood transfusion at Mangaldoi Civil Hospital Blood Bank to meet their medical expenses, etc., (ii) Government had issued detailed instructions on Maintenance of Blood Banks to the Director of Health Services, Assam; Director of Medical Education, Assam; Joint Director of Health Services; Superintendent of Hospitals; etc. including private blood banks, (iii) Darrang District Police in Mangaldoi P.S. had registered a Case No. 418/13 u/s 166/270/420/34 IPC against the Medical Officer concerned and others and the matter is under investigation, (iv) the Medical Officer In-charge of the Blood Bank in Mangaldoi Civil Hospital and Laboratory Technician have since been placed under suspension, and (v) Health & Family Welfare Department of the State Government is in the process of conducting a Technical Enquiry through experts in Blood Transfusion and Safety from Department of AIDS Control, Government of India and local experts. On the basis of the report of the experts, further action as per law will be taken against persons found guilty.

6.68 The Joint Secretary, Health & Family Welfare, Government of Assam vide letter dated 13 December 2013 further reported that an Enquiry Committee of Shri P.P. Verma, Additional Chief Secretary, Health & Family Welfare Department concluded that professional donors are often allowed to donate, and it was difficult to say that infection in case of Rafiqul Haque and Taslima Begum was from the transfused blood, though possibility of this source cannot be totally ruled out. It is not possible to conclusively say that the tests performed on the sample of blood donors were wrong or fabricated due to fault of the officers and staff of the Blood Bank. In fact the technology used in Rapid Test conducted for this purpose has its limitation which may be the cause of wrong results recorded by the Technical Staff. ELISA test is not done in Blood Bank as it is not feasible in case of few blood samples. It is also not recommended by NACO. The committee has inter-alia recommended to investigate the links of professional blood donors to identify the entire chain. The Health & Family Welfare Department had initiated implementation of recommendations of Shri P.P. Verma Committee.

6.69 As the Commission observed that the State Government of Assam had provided financial assistance to the three victims at the rate of Rs. 5,00,000/- each, detailed instructions on maintenance of blood banks had been issued and the recommendations of Shri P.P. Verma Committee Report had been implemented, it closed the case.

9. Legs of Injured Ashutosh Sharma Amputated due to Negligence of Doctors in Deen Dayal Upadhyay Hospital, Delhi (Case No.2185/30/9/2013)

6.70 Shri R.H. Bansal, vide petition dated 12 April 2014 alleged that on 23 March 2013 the Doctors in an Emergency Ward of Deen Dayal Hospital, New Delhi did not attend



to Ashutosh Sharma who received serious injuries in both legs at Delhi Cantt. Railway Station. Being aggrieved, his relatives removed him to a private hospital, where both his legs were amputated due to excessive bleeding and lack of proper treatment on time.

6.71 The Deputy Secretary to the Government of NCT of Delhi, Department of Health and Family Welfare vide communication dated 26 May 2014 informed that an Enquiry Committee of senior medical professionals under the chairmanship of the Dean(Maulana Azad Medical College), concluded that the patient landed at the Deen Dayal Uppadhyay Hospital with bilateral below knee amputation after a train accident, his amputated limbs were attached to the proximal stumps by skin tags. He was provided adequate treatment and was advised admission at the Deen Dayal Upadhyay Hospital, presumably to carry out further treatment but he was removed from there without any further treatment. The Committee further concluded that in its considered view, no medical negligence is made out in this particular case.

6.72 The complainant vide his comments dated 17 December 2014 submitted that due to the negligence of the doctors at Deen Dayan Hospital, the legs of the injured Ashutosh Sharma were amputated. The Enquiry Committee did not record the statement of the victim or his family members and the other eyewitness of the incident.

6.73 The Commission on 2 March 2015 directed the Secretary, Department of Health & Family Welfare, Government of NCT of Delhi to get a fresh inquiry conducted into the matter and all concerned, including the victim and the eye witnesses, must be examined. The matter continues to be under the consideration of the Commission.

10. Three Year Old Child Dies due to Negligence of Doctors in Government Hospital, Karuli, Rajasthan (Case No.2321/20/20/2011)

6.74 Shri N.K. Dadhich vide complaint dated 8 January 2011 alleged death of a three year old child due to the negligence of the doctors of the Government Hospital, Karuli, Rajasthan on 4 January 2011.

6.75 The District Collector vide report dated 23 October 2013 informed that the parents of the deceased child, Deepesh, did come to the hospital but there was no evidence on record to suggest that the doctor refused to see the patient. The report concluded that the allegations of negligence against the said Dr. Aggarwal could not thus be substantiated.

6.76 The Commission on 17 December 2013 upon consideration of the matter directed to issue a show cause notice to the Government of Rajasthan through its Chief Secretary as to why monetary relief u/s 18 of the Protection of Human Rights Act, 1993, be not recommended to be paid to the next-of-kin of the deceased.



6.77 The Joint Secretary, Home (Human Rights Department) reported that during the inquiry Dr. Aggarwal was not found negligent and Rs. 10,000/- had been paid to the family member of the deceased. It appears that the financial assistance which had been provided is sufficient.

6.78 The Commission disagreeing with the contention of the State Government recommended the Chief Secretary, Government of Rajasthan to make an additional payment of Rs. 90,000/- as monetary compensation to be paid to the next-of-kin of the deceased.

6.79 The Commission on 16 December 2014 closed the matter as Rs. 90,000/- was paid to the father of the deceased, Shri Santoshi Lal Jatav vide cheque No. 194006 dated 9 September 2014.

11. Dead Body Bitten-off by Rats in Government Run Amrit Kaur Hospital Mortuary, Pali District, Rajasthan (Case No. 227/20/19/2012)

6.80 Shri Imtiaz Khan vide his complaint drew the attention of the Commission to a newspaper report appearing in Mail Today, dated 14 January 2012 titled “Rats make a meal of corpse in mortuary”. According to the newspaper report, Janta Devi, aged 25, a resident of District Pali, Rajasthan had died of drug reaction at the Government run Amrit Kaur Hospital on 11 January 2012. Her dead body was kept in the mortuary where next morning her relatives found that parts of her right ear and left eye were bitten off by rats. The open door of the deep freezer and several holes in the mortuary walls were enough to explain the incident.

6.81 The Commission on 10 December 2012 considered the reports of the Principal Secretary, Medical, Health & Family Welfare Department, Rajasthan and the enquiry report submitted by the Joint Director Medical & Health Department Services, Ajmer, wherein Dr. Bharat Singh Gehlot, Principal Medical Officer of Amrit Kaur Hospital, Beawar was found guilty of supervisory negligence, Dr. K.K. Chouhan, Deputy Controller and Medical Jurist, Shri Ram Prakash, Nursing Superintendent, Shri Rohit Parihar, trolley-man (handler) and Shri Munna, Sweeper were also found responsible for the unfortunate incident. The Deputy Secretary, Department of Medical & Health, Government of Rajasthan vide subsequent communication dated 13 September 2013 submitted a report that the services of Shri Rohit Parihar were terminated. Dr. B.S. Gehlot, S.S. (Surgery), Dr. K.K. Chouhan, (Dy. Controller & Medical Jurist), Shri Ram Prakash Verma & Shri Munna had been charge sheeted under CCA rules and their case sent to Administrative Department. Dr. B.S. Gehlot retired on 31 December 2012 and enquiry against him was closed by the Government. The departmental enquiry was in process against the remaining personnel in the Department of Personnel, Government of Rajasthan.



6.82 The Commission observed that the hospital authorities of the State Government had failed to maintain the dignity of the victim and directed to issue a show cause notice to the Government of Rajasthan through its Chief Secretary as to why monetary relief u/s 18 of the Protection of Human Rights Act, 1993, be not recommended to be paid to the next-of-kin of the deceased.

6.83 The Commission on 8 August 2014 considered serious violation of human dignity of the dead body of the woman and infringement of the human rights of its relatives and recommended a compensation of Rs. 1.00 lakh to be paid to the next-of-kin of the deceased.

6.84 The Commission on 22 October 2014 closed the case as Rs. 1.00 Lakh was paid to Shri Beeram Singh, husband of the deceased vide DD no. 802811 dated 1 October 2014.

12. Death of Woman due to Negligence of Doctor at Lucknow Trauma Centre in Uttar Pradesh (Case No.26885/24/48/2011)

6.85 Sh. Imtiaz Khan vide his complaint dated 24 June 2011 to the Commission alleged poor medical facilities and negligence of doctors in the Trauma Center, Lucknow. He also alleged death of a woman due to administration of wrong injection by a doctor.

6.86 The enquiry report of the Registrar, King George's Medical University, Uttar Pradesh revealed that Dr. Mayank Jadon was found guilty of putting CVP line for which he did not inform his seniors or send a call to the anesthesia team, which is available 24 hours in the Emergency Trauma Centre. While putting CVP line, Smt. Dulara Devi, the patient went into shock and finally expired in spite of resuscitative measures. The Enquiry Committee concluded that there has been impropriety on the part of Dr. Mayank Jadon and recommended punishment for him.

6.87 The Commission on 10 January 2014 directed to issue notice u/s 18 of Protection of Human Rights Act to the Government of Uttar Pradesh through its Chief Secretary to show cause why the Commission should not recommend payment of relief to the next-of-kin of late Smt. Dulara Devi w/o late Nankan.

6.88 As there was no reply to the show cause notice of the Commission dated 13 January 2014, even after a period of more than 11 months, the Commission on 16 December 2014 recommended the Chief Secretary, Government of Uttar Pradesh to pay Rs. 3,00,000/- as interim relief to the next-of-kin of the deceased Smt. Dulara Devi, w/o late Nankan, and to submit proof of payment to the Commission within eight weeks. The matter is under consideration of the Commission.



13. Suo Motu Cognizance of News Item Captioned “India has highest number of maternal deaths” (Case No. 22/90/0/2014-WC)

6.89 The Commission on 13 May 2014 took suomotu cognizance of a news item captioned “India has highest number of maternal deaths”, published in the “National Network” dated 7 May 2014. The press report stated that India accounts for maximum number of maternal deaths in the world -- 17% or nearly 50,000 of the 2.89 lakh women who died as a result of complications due to pregnancy or childbearing in 2013. It further stated that maternal deaths have witnessed 45% drop, globally since 1990. However, in India the MMR reduced to 178 in 2010-12 from 560 in 1990. But India needed to reduce it to 103. Though, MMR, in India, is reducing at the rate of 4.5% p.a. but the situation is worse in States like Bihar, Uttar Pradesh and certain belts of Rajasthan, even though overall MMR has declined but due to these States India is not able to achieve two digit figure. The Commission thus directed to issue a notice to the concerned Secretary, Ministries of Health and Women & Child Development, Government of India and Secretary Health, Governments of Uttar Pradesh, Bihar and Rajasthan calling for a report. Pursuant to the direction, reports were received from the Secretary, Ministry of Women and Child Development, Government of India; Secretary Health, Governments of Uttar Pradesh and Rajasthan. However, reports were awaited from the Secretary, Health & Family Welfare, and Health Secretary, Government of Bihar. The matter continues to be under the consideration of the Commission.

14. NHRC Takes Suo Motu Cognizance of Quacks and Fake Doctors in Tamil Nadu (Case No. 1892/22/6/2014)

6.90 The Commission came across a distressing press report published in Tamil Newspaper “Dinamalar” dated 22 September 2014 captioned “30,000 fake doctors in Tamil Nadu.” According to the newspaper report, during a meeting of the Indian Medical Association held at Namakkal, Tamil Nadu, the State President of the Association stated that there are 30,000 fake doctors in Tamil Nadu. In fact, in the backward districts of Dharmapuri and Krishnagiri, a number of fake doctors were found, which badly affected the health of the people.

6.91 The Commission took cognizance in the matter on 4 December 2014 and issued a notice to the Chief Secretary, Government of Tamil Nadu; Secretary, Medical Council of India, New Delhi and Secretary, Tamil Nadu State Medical Council calling for a factual report within two weeks. They were furthermore directed to submit a report on the action taken to prosecute the fake doctors.

6.92 Pursuant to the directions of the Commission, a report dated 21 February 2015 from the Secretary, Health and Family Welfare Department, Government of Tamil Nadu with an action taken report dated 16 February 2015 from the District Collector, Dharmapuri



was received. It was intimated that Director, Medical and Rural Health Services formed a Committee under the Chairmanship of Joint Director of Health Services with Drug Inspector and an Inspector of Police to:-

- (i) receive and enquire the complaint of quacks in the District;
- (ii) to organize the Committee for surprise raids;
- (iii) to search and seize the materials in the premises of quacks;
- (iv) to file cases against quacks in the competent courts.

6.93 According to the report, in the State of Tamil Nadu, about 600 cases had been registered against quackery since 3 June 2010. The substance of the action taken report dated 16 February 2015 from the District Collector, Dharmapuri disclosed that in order to cater to the comprehensive medical needs of the general public in Dharmapuri District, the Government provided a holistic full-fledged medical care facility with Primary, Secondary and Tertiary Medical Care Units for the needy public. According to the report, the primary health care with 48 Primary Health Centres and 223 Sub-Centres treated approximately 4,962 in-patients and 2,05,364 out-patients per month. Secondary care was being provided through four Government Hospitals with extension of medical services to 9,000 in-patients and 90,000 out-patients in a month. The Tertiary care was located in Dharmapuri Municipality having a medical college hospital and support of medical services catering to 6,000 in-patients and 60,000 out-patients per month.

6.94 In addition to the above, outreach activity was also provided through 118 VHN and 23 SHN along with the organization of medical camps. It was asserted that effective medical care was ensured for all the needy general public. It further reported that up-gradation of facilities had been undertaken. But inspite of the said efforts, incidents of quacks treating public were reported at times and the District Administration put in place 24 x 7 surveillance and monitoring mechanism to check the menace of quacks. To monitor the presence of quacks on a massive mode, Committees at District level, Block level with flying squads had been constituted to lodge FIRs at block level. According to the report, public awareness campaigns were regularly being held through print and electronic media. Even the doctors of 48 private hospitals were requested to share information about such quacks.

6.95 The report is still under consideration of the Commission



15. Non-implementation of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Case No.86/30/0/2014)

6.96 The Commission on 7 January 2014 took suo motu cognizance of Section 20 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 which provides for medical care of senior citizens in the country. It is of the view that with the passage of time, the percentage of aged persons in the country is likely to go up considerably. To deal with the health issue of the old parents and senior citizens it is necessary that our health care system should be well equipped with necessary knowledge and wherewithal to deal with the problem of elderly persons. As such, there is a need for starting MD course in Gerontology in various medical colleges of the country. This course is necessary keeping in view the welfare of parents and senior citizens in the country for providing earmarked facilities to them in every District Hospital. The Commission as such directed to issue notice to Secretary, Medical Council of India and Secretary, Ministry of Health and Family Welfare, Government of India to analyze the suggestion of the Commission and submit a report.

6.97 Pursuant to the directions of the Commission, the Director, Ministry of Health & Family Welfare, Government of India vide communication dated 23 April 2014 submitted that the Ministry had noted the order of the Commission that there is a need for starting MD courses in Gerontology in various medical colleges of the country and this course is necessary keeping in view the welfare of parents and senior citizens in the country for providing earmarked facilities to them in every District Hospital. It was further submitted that the Medical Council of India (MCI), the regulating body, had been requested vide Ministry's DO letter dated 23 April 2014 to examine the proposal regarding starting of MD course in Gerontology in various medical colleges in the country as per provisions contained in Section 10A of the Indian Medical Council Act, 1956 and regulations made therein and furnish its comments/views directly to the Commission.

6.98 Pursuant to the direction, the Medical Council of India vide communication dated 30 September 2014 submitted a report which is presently under consideration of the Commission.

16. Residents of Sirsa in Haryana Face Health Problems due to Heavy Smoke Emitting from Guru Gobind Singh Refinery in Bathinda, Punjab (Case No.8051/7/18/2014)

6.99 The Commission came across a news item captioned, "Bathinda refinery a nightmare for 12 Sirsa Villages", published in the English daily, 'The Tribune' dated 14 July 2014. The news paper report stated that Guru Gobind Singh Refinery in, Bathinda Punjab,



owned by Hindustan Mittal Energy Limited, a joint venture of the Hindustan Petroleum Corporation Limited (HPCL) and Mittal Energy Investment Private Limited, Singapore, emitted heavy smoke thus causing grave health problems to the residents of 12 villages of Dabwali Assembly segment of Sirsa, Haryana. The news paper report further stated that residents of these villages were being treated for asthma, cough, eye infections and allergic conditions. However, there was no one to listen to their woes, neither the Government of Haryana nor the State of Punjab had taken any action. The Refinery was least bothered about the health hazards being faced by the local residents. Moreover on 21 June 2014 an accident in VGO unit of the Refinery caused a blast and metal splinters measuring one feet, fell in the villages.

6.100 Taking suo motu cognizance of the news report, the Commission vide its proceedings dated 18 July 2014 observed that if the contents of news paper report are true, it is a health hazard to the residents of 12 Sirsa villages and is therefore, a serious violation of right to life of the residents. The Commission called for a detailed report from the Chief Secretaries of Punjab and Haryana and CMD, HPCL, calling upon them to submit a detailed report within four weeks.

6.101 Reports received from authorities in the matter are under consideration of the Commission.

17. Shortage of Drugs for HIV Patients across India, Especially in Delhi and Mumbai (Case No. 6223/30/0/2014)

6.102 The Commission came across a news report published in the 'The Times of India' dated 26 August 2014 captioned "Drug shortage hits HIV patients". According to the newspaper report, treatment of HIV patients across India was badly affected, especially in Delhi and Mumbai due to severe out of stock of life saving medicines at Government owned centres. The report stated that treatment and control of HIV, including dispensing drugs and testing, was being handled by the Government run public health programme through its 355 odd centres. According to the report, stock-outs had hit centres in Delhi, Maharashtra, Gujarat, Karnataka and Manipur the worst. Through a legal notice sent to the Health Ministry, Delhi Network of Positive People (DNP+) representing HIV patients have sought emergency procurement and relocation of stocks to the Government owned centres experiencing stock-outs of ARVS. They also sought strengthening and streamlining of drug forecasting, procurement and supply chain mechanism to prevent future shortages.

6.103 Taking suo motu cognizance of the news report, the Commission vide its proceedings dated 15 September 2014 called for a factual report from the Secretary, Ministry of Health and Family Welfare, Government of India and also directed him to submit a report on the short-term and long-term measures proposed for preventing shortages of such essential



medicines.

6.104 Response received from the Ministry of Health and Family Welfare, Government of India is under consideration of the Commission.

18. Risk of Health to Habitants of Number of States due to Presence of Fluoride above the Permissible Level in Drinking Water (Case No.3094/20/0/2014)

6.105 The Commission came across a news item published in ‘The Hindu’ dated 29 December 2014 under the caption “Huge population at fluorosis risk”. It reported that drinking water in 14,132 habitations in the State of Bihar, Karnataka, Odisha, Maharashtra, Uttar Pradesh, Kerala, Chhattisgarh, West Bengal, Jharkhand, Gujarat, Assam, Haryana, Uttaranchal, Tamil Nadu, Himachal Pradesh, Jammu & Kashmir, Punjab, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura contained fluoride above the permissible level. It is thus feared that the huge population is at risk of a very serious health condition such as skeletal fluorosis.

6.106 The Commission took suo motu cognizance of the news item and vide its proceedings dated 29 December 2014 observed that the contents of the press report were serious as it affected the citizens right to health and asked the Secretary, Drinking Water and Sanitation Ministry, Government of India to make a presentation on the gravity of the problem and the steps taken by the Central Government and various State governments to combat it.

6.107 Shri Satyabrata Sahu, Joint Secretary, Ministry of Drinking Water & Sanitation, Government of India made a presentation before the Commission on 20 January 2015. He informed that the National Rural Drinking Water Programme had been launched to provide every rural person with adequate safe water for drinking, cooking and other domestic needs on a sustainable basis. The achievements under N.R.D.W.P. on water quality were further highlighted. The challenges and new initiatives of the Central Government for providing safe drinking water were also outlined. Shri Sahu also discussed the fluoride and arsenic problem in different States. He threw light on the extent of fluoride and arsenic problem in drinking water in various States and suggested short-term, medium-term and long-term solutions for mitigating the problem of contamination in drinking water. According to the presentation made by Shri Sahu, there were more than 1,000 habitations affected by fluorosis in Rajasthan, Andhra Pradesh and Madhya Pradesh. The problem of fluorosis was also acute in the States of Bihar, Karnataka, Odisha, Maharashtra, Uttar Pradesh, Kerala, Chhattisgarh, West Bengal, Jharkhand, Gujarat, Assam, Haryana, Uttaranchal, Tamil Nadu, Himachal Pradesh, Jammu & Kashmir, Punjab, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura.



6.108 Dr.D.K.Shukla, Scientist - “G” & Head, Division of Non-Communicable Disease, ICMR, New Delhi also presented a document of ICMR contributions in the field of fluorosis.

6.109 After listening to the presentations of Shri Satyabrata Sahu, Joint Secretary, Ministry of Drinking Water & Sanitation, Government of India and Dr.D.K.Shukla, Scientist - “G” & Head Division of Non-Communicable Disease, ICMR, New Delhi, the Commission directed to issue notice to the Chief Secretaries of Rajasthan, Andhra Pradesh, Madhya Pradesh, Bihar, Karnataka, Odisha, Maharashtra, Uttar Pradesh, Kerala, Chhattisgarh, West Bengal, Jharkhand, Gujarat, Assam, Haryana, Uttaranchal, Tamil Nadu, Himachal Pradesh, Jammu & Kashmir, Punjab, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura requiring them to submit a detailed report on the steps taken by the State Government to address the problem of fluorosis in drinking water.

6.110 Pursuant to the above directions, reports have been received from the States of Andhra Pradesh, Madhya Pradesh, Bihar, Maharashtra and Gujarat. Reminders have been issued to the remaining States for furnishing the requisite report sought for by the Commission.

19.Arbitrary Hike in Prices of 108 Essential Drugs (Case No.8/30/0/2015)

6.111 The Commission came across an article on ‘Drug Pricing’, published in the issue dated 14 November 2014 of ‘Frontline’ magazine. As per the article, in a significant reversal of a public health policy initiative, the National Pharmaceutical Pricing Authority (NPPA) withdrew a set of internal guidelines that were issued by it on 29 May 2014, following an order dated 19 September 2014, from the Department of Pharmaceuticals (DoP). These guidelines had put a cap on the prices of 108 cardiovascular and anti-diabetes drugs thereby insulating drug prices from arbitrary hikes through market mechanisms.

6.112 The Commission took suo motu cognizance of the article and vide its proceedings dated 31 December 2014 made the following observations:

- ▶ It appears that the decision to withdraw these guidelines had been taken by NPPA in consultation with and as per the advice of the Department of Pharmaceuticals.
- ▶ This decision of the DoP has had an adverse impact on an already fragile public health system. Furthermore, it favours drug manufacturers and undermines the autonomy of the NPPA, which was set up by the Union Government in 1997 to monitor the prices of decontrolled drugs and formulations and oversee the implementation of DPCO provisions in order to ensure that essential drugs are available to the public at affordable prices.
- ▶ The NPPA had issued the internal guidelines so as to have a uniform policy for price fixation under the DPCO of 2013. The NPPA’s September order,



however, does not present any robust logic for doing away with a policy move that was aimed at easing access of the common man to medicines.

- ▶ Availability of essential drugs at reasonable prices is extremely important for fullest enjoyment of right to health by the citizens of the country, especially the poor and the marginalized. Withdrawal of the guidelines dated 29 May 2014 is likely to lead to an increase in the prices of the 108 essential drugs, a cap on whose prices was put by the said order. As this is likely to impinge on access to health and medicare of the common man, therefore, it tantamounts to violation/denial of right to health to poor and marginalized citizens of the country.

6.113 Hence, the Commission directed the Secretary, Department of Pharmaceuticals and the National Pharmaceuticals Pricing Authority to submit a report in the matter.

6.114 Report received from the Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers, Government of India in the matter is under consideration of the Commission.

20. Suo Motu Cognizance of a News Item Captioned “Delhi hospitals suffer acute staff crunch” (Case No. 5407/30/0/2014)

6.115 The Commission on 5 August 2014 took suo motu cognizance on a news item captioned “Delhi hospitals suffer acute staff crunch” published in ‘The Hindu’ dated 13 July 2014. The news paper report stated that there were 223 posts of Doctors, 287 posts of Nurses and 690 posts of para-medical and technical staff lying vacant in premier institutes like AIIMS, Safdarjung Hospital, Lady Hardinge Medical College, RML Hospital, etc. The shortage of specialist, doctors, nurses & para-medical staff was causing hindrance in the smooth functioning of these institutions. The Commission thus directed to issue notice to the Health Secretary, Government of India, to submit an action taken report in the matter. The report from the Secretary, Health is still awaited.

21. Suo Motu Cognizance of a News Item Captioned “Docs play truant in health centres, pulled up” (Case No. 2659/30/0/2014)

6.116 The Commission on 13 May 2014 took suomotu cognizance of a news item captioned “Docs play truant in health centres, pulled up” published in ‘The Indian Express’ dated 7 May 2014. The news paper stated that a surprise check was conducted by the Health Department of Delhi Government, in which it was revealed that most of the doctors in Primary Health Centers were found to be missing from duty on working days. The patients who come to the dispensaries after travelling for hours had to go back without treatment and they were forced to go to hospitals for minor ailments. The Commission issued a notice to Secretary, Health Department, Government of NCT to submit a report in the matter.



6.117 In response, the Dy. Secretary, Health and Family Welfare, Government of NCT, Delhi vide 5 August 2014 informed that pro-active measures by Directorate of Health Services were being taken to step up the level of health services at primary level and thus strengthen the health care delivery system. The Commission perused the report and on 22 December 2014 directed the Secretary (Health), Government of NCT of Delhi to constitute a team for conducting surprise checks and install biometric system at the PHCs and submit a report in the matter. Pursuant to the directions, the Dy. Secretary, Health and Family Welfare Department, Government of NCT of Delhi vide communication dated 5 March 2015 submitted a report which is presently under consideration of the Commission.

22. Suo Motu Cognizance of a News Report Captioned “19 go blind after surgery in Panipat” (Case No.2703/7/15/2014)

6.118 The Commission came across a media report published in the English daily “The Hindu” on 15 March 2015 captioned “19 go blind after surgery in Panipat”. As per the report, 19 persons lost their vision caused by infection after being operated upon at Jeevan Medical LLP Hospital in Panipat on 11 March 2015. As was reported, 14 persons were admitted to the Post Graduate Institute of Medical Education and Research, Chandigarh while the remaining were put under treatment at Panipat. The patients were operated upon for cataract removal.

6.119 Taking cognizance of the matter the Commission vide its proceedings dated 19 March 2015 directed to issue notice to the Principal Secretary, Department of Health, Government of Haryana for submission of factual report in the matter. The Commission also asked to mention about any ex-gratia payments made to the victims and action, if any, taken against the hospital for any medical negligence found.

6.120 In response the Commission received a report from the Health and Medical Education Department, Government of Haryana on 3 July 2015. The report revealed that a team was constituted by the Government of Haryana to investigate into the matter which included the SDM and the CMO of Panipat district along with two Ophthalmologists and one Microbiologist. The Committee opined that due care was not taken by the doctors and the staff involved during the operations. The Samiti who organized the event also came under the scanner of investigation. An FIR No. 279/2015 had been registered u/s 337, 338 IPC and 18/27/28 of Drugs and Cosmetics Act, 1940 at Police Station Panipat city.

6.121 The report is under the consideration of the Commission.

Right to Food

7.1 The right to food is an inclusive right. It is not simply a right to a minimum ration of calories, proteins and other specific nutrients. It is a right to all nutritional elements that a person needs to live a healthy and active life, and to the means to access them. The Committee on Economic, Social and Cultural Rights describes that the right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. In other words the right to be free from hunger is the minimum essential level of the right to adequate food.

7.2 The core content of the right to food implies : (a) the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances and acceptable within a given culture; and (b) the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights. The ‘availability of food’ refers to the possibilities of either feeding oneself directly from productive land or other natural resources, or a well-functioning distribution, processing and market system that moves food from the site of production to where it is needed in accordance with demand.

7.3 The ‘accessibility of food’ encompasses both economic and physical accessibility. ‘Economic accessibility’ implies that personal or household costs associated with the acquisition of food for an adequate diet should be at such a level that the satisfaction of other basic needs is not compromised. ‘Physical accessibility’ implies that adequate food must be accessible to everyone, including the vulnerable.



7.4 The notion of sustainability is intrinsically linked to the notion of ‘adequate food’, implying long-term availability and accessibility. The right to adequate food also encompasses food safety and food security. Food safety implies that food shall be safe for human consumption and free from adverse substances whether from adulteration, poor environmental hygiene or other causes. Adequate food should also be culturally acceptable. The term “food” covers not only solid foods but also the nutritional aspects of drinking water, which is vital for life.

7.5 At the time of writing of this Annual Report, the identified 17 United Nations Sustainable Development Goals (SDGs) and its targets for achieving the new universal Agenda of Sustainable Development by 2030 offer a vision of a fairer, more prosperous, peaceful and sustainable world in which no one is left behind. The new Agenda builds on the 2000 Millennium Development Goals and seeks to complete what they did not achieve, particularly in reaching the most vulnerable. SDG 1 (End Poverty), SDG 2 (Zero Hunger) and SDG 12 (Sustainable Consumption and Production) are important goals towards ending poverty, achieving zero hunger and ushering in a new era of sustainable development. Without rapid progress in reducing and eliminating hunger and malnutrition by 2030, the full range of SDGs cannot be achieved. At the same time, achieving the other SDGs will pave the way for ending hunger and extreme poverty. Needless to mention, the world can advance faster by working together. In addition, the battle to end hunger and poverty must be principally fought in rural areas, which is where almost 80 percent of the hungry and poor live.

7.6 In India, the right to food is an essential component of right to life and is a Fundamental Right under Article 21 of the Constitution. Accordingly, Government of India is implementing food, livelihood and social security programmes, such as the Integrated Child Development Services (ICDS) Scheme, Mid-day Meal Scheme (MDMS), Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), National Social Assistance Programme (NSAP) and Public Distribution System (PDS) supporting vulnerable people whereby they can have access to basic needs, including food.

7.7 As mentioned in the Annual Report for the period 2013-2014, the case of People’s Union for Civil Liberties vs. Union of India and Ors. in the Supreme Court of India, till date, is the most spectacular case of a Court protecting the right to food. Initiated in 2001, the case challenged the failure of the Government to address hunger and starvation deaths. The case continues to be before the Supreme Court, but in the last decade, the court expanded its original reach, focusing on larger systemic issues of food insecurity, poverty and unemployment. The Supreme Court, in the given case, has issued a series of interim orders recognizing the constitutional validity of right to food as flowing from the right to life. Furthermore, in the given case, it has identified a number of schemes as legal entitlements, and provided directives on proper implementation of various programmes like



the Mid-Day Meal Scheme, Integrated Child Development Services Scheme and the Public Distribution System. The Supreme Court also ordered the creation of a new accountability mechanism, like the appointment of Commissioner(s), to monitor and report on compliance with the court orders.

7.8 The above case has been instrumental in realization of right to food in India so much so that the Government of India passed the National Food Security Act (NFSA), 2013, whereby every eligible household is entitled to a fixed amount of food grain per person per month at a nominal price (Rs. 3, Rs. 2 and Rs. 1 per kg for rice, wheat and coarse grains respectively). The NFSA has received significant criticism for being at best a food entitlement law not in line with the more holistic approach of the right to food. More specifically, criticism has been raised that the law does not address production issues directly, has no relief for farmers, does not adequately address questions of nutrition and has placed much emphasis on public distribution without tackling the root causes of poverty and hunger.

7.9 Yet, effective implementation of NFSA would make an important contribution to food security and improved nutrition. Recent experience shows that a well-functioning PDS makes a big difference to people who live on the margin of subsistence. The Act is also an opportunity to strengthen valuable child nutrition programmes such as school meals and the Integrated Child Development Services.

7.10 In consonance with the constitutional provisions, the National Human Rights Commission of India has given due importance to the issue of right to food ever since it was constituted. Furthermore, it has constituted a Core Group on Right to Food comprising experts from across the country. As reported in its earlier Annual Reports, it took cognizance of the starvation deaths in Kalahandi, Bolangir and Koraput (KBK) Districts of Odisha as starvation constitutes a gross denial and violation of right to life.

7.11 During the period under report, the subsequent activities were undertaken in the Commission.

A. A Study of Prevailing Right to Food Situation among BPL Families in Bihar and Uttar Pradesh

7.12 The Research Division of the NHRC continued to monitor the above research study assigned to HARYALI Centre for Rural Development, New Delhi in September 2012. The specific objectives of the study being—to find out the socio-economic status and living conditions of the BPL families; understand whether the BPL families have physical and economic access to adequate food or means for its procurement; study the extent of gender discrimination practiced with regard to food items and assessment of dietary pattern of male



and female children and adults at the household level; find out the impact of foodgrains provided under the public distribution system as well as food provided under the ICDS and Mid Day Meal Schemes in overcoming the problem of malnutrition and starvation particularly among children; ascertain the incidents and prevalence of morbidity and mortality among BPL families and children due to under-nutrition and starvation; assess the role of civil society organizations and private institutions in catering to the needs of BPL families; and prepare strategies for reducing the problem of starvation among BPL families and children and improve their nutritional status.

B. Monitoring of Recommendations Relating to Right to Food under the Second Cycle of Universal Periodic Review

7.13 As part of the second cycle of the universal periodic review undertaken by the United Nations Human Rights Council in 2012, the NHRC is monitoring recommendations pertaining to right to food accepted by the Government of India. These recommendations are – “Introduce a strategy to promote food security” and “Carry on efforts with respect to environmental and health policies, and continue efforts and undertake measures to adopt the bill on food security and strengthen the public distribution system”. Related to these, it is monitoring several cross-cutting recommendations focussing on “poverty eradication” and “provision of more resources to the vulnerable groups”.

7.14 For this purpose, as mentioned in the 2013-2014 Annual Report of the NHRC, the Commission has devised a framework detailing out action required on each of these recommendations along with the indicators/ monitorable outcomes. Besides, it has zeroed on the agency responsible for its implementation. Accordingly, the NHRC held a meeting with the Joint Secretary of the Department of Food & Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution on 22 January 2015. In the said meeting, the Joint Secretary gave details about the developments that had taken place after the enactment of the NFSA, 2013 such as computerization of Targeted Public Distribution System (TDPS) in the country. He also shared best practices in implementation of TDPS in States and Union Territories along with measures to strengthen its monitoring and vigilance. Meetings were subsequently held with the concerned Joint Secretary of Ministry of Rural Development (22 January 2015), and Additional Adviser of Ministry of Drinking Water (18 February 2015), on cross-cutting issues impacting on right to food. The NHRC intends to further monitor these developments across the country by way of organizing regional consultations during 2015-2016 so as to assess the actual situation on the ground for reporting towards the third cycle of the universal periodic review and seeks the support of all stakeholders – governmental and non-governmental, in this endeavour.

C. Illustrative Cases on Right to Food Dealt by NHRC



1. Death of Infants due to Malnutrition in Attappadi Region, Kerala (Case No.443/11/10/2013)

7.15 The Commission came across an editorial captioned, “Between DISH TV and death” that appeared in ‘The Sunday Express’ dated 12 May 2013.

7.16 According to the editorial, several deaths of infants in Attappadi region of Kerala, particularly in Kadambara South, Vellakulam colony and Nellipathy colony occurred since January 2012 on account of malnutrition. As per the report, the Health Department had screened 23,597 people in 7,565 houses in the three Panchayats of Attappadi. Among them, 496 adults, 70 pregnant women and 283 children below the age of 12 were found to be anaemic.

7.17 The editorial further alleged that many residents of Vellakulam colony suffered from sickle cell disease and consequently children of such parents were born under weight. They also suffered from Type 1 diabetes and Vitamin A deficiency. It was alleged that Attappadi region lacked better medical facilities in as much as, there was no Surgeon or Anesthetist in the tribal Speciality Hospital and hence tribal women did not come to the hospital for delivery. Besides, the Speciality Hospital did not have a blood bank. As a result, an ambulance has to go to the District Headquarters at Palakkad, 85 kms. away to bring a bag of blood.

7.18 The Commission took suo motu cognizance of the media report on 15 May 2013 and issued a notice to the Chief Secretary, State of Kerala to submit a report within six weeks.

7.19 In response to the above directions, Principal Secretary/ Secretary to Health & Family Welfare Department, Government of Kerala vide communication dated 28 June 2013 and 3 September 2014 submitted a status report on the steps taken to prevent infant mortality including effective implementation of various schemes in Attappadi besides details of the infant deaths in the Block from January 2013 to May 2014.

7.20 Information in respect of infant deaths in Attappadi Block from June 2013 to December 2014 called for, was awaited by the Commission.

2. Failure to Identify Beneficiaries under National Food Security Act, 2013 (Case No.3623/4/0/2014)

7.21 The Commission on 9 October 2014 took suo motu cognizance of news item captioned “Food Security Act beneficiaries yet to be identified,” reported in English daily, ‘The Hindu’ in Delhi, on 15 September 2014. The newspaper report stated that even after a lapse of one year ever since the National Food Security Act (NFSA), 2013 was



passed the State Governments have failed to identify the beneficiaries. Some of the State Governments are said to have changed the criteria for identification of the beneficiaries and therefore the verification process was delayed. It also stated that the Socio-Economic Caste Census (SECC) was being considered as a comprehensive survey for identification of beneficiaries under the NFSA. But, the same too got delayed as it was to be completed by May 2012. The agency involved in the process viz., the Ministry of Rural Development (MoRD), the Electronics Corporation of India Limited (ECIL) (the nodal agency to provide enumeration devices and data entry operators), and the State Officials, blamed each other for the delay. The claims and objection process, which followed the draft lists, were under way in 272 districts out of the total 640 districts and that Rs. 3,237 crores out of a total allocation of Rs. 3,543 crores had already been spent. The newspaper report further stated that some of the States had proposed their own criteria for the purpose which seems to be less transparent than the process evolved by the Socio-Economic Caste Census (SECC). Some of the States like Rajasthan have added new BPL beneficiaries using old Census data of 2004. The MoRD and State officials have cited mis-management, technological difficulties, manpower shortage and delays in payment of surveyors' wages for delay in the Socio-Economic Caste Census.

7.22 The Commission considered all this as a serious violation of the human rights of the poorest of poor in providing food security to them and slackness on the part of the Central Government as well as the State Governments for implementing the Socio-Economic policies framed for the poor. A notice to the Secretary, Rural Development, Government of India, was issued directing to submit detailed report in the matter. Pursuant to the direction, the concerned authority vide communication dated 11 November 2014 has submitted a report which is presently under consideration of the Commission.

3. Suo Motu Cognizance of a News Item Captioned "Hunger deaths stalk Bengal tea country" (Case No. 1041/25/10/2014)

7.23 The Commission on 7 August 2014 took suo motu cognizance on a news item captioned "Hunger deaths stalk Bengal tea country" published in 'The Times of India' dated 30 July 2014. The news paper report stated that in five closed tea gardens in Alipurduar District, nearly 100 people reportedly died due to malnutrition. The newspaper claimed that these deaths were on account of malnutrition, if not starvation deaths. However, the State Government declined to acknowledge these deaths as starvation deaths or for that matter malnutrition death. Some of the workers who got employment under MNREGA, their wages was not paid on time, thus adding to their plight. The Commission directed to issue a notice to Chief Secretary, Government of West Bengal to submit a report in the matter.

7.24 In response, the Special Secretary, Home Department, Government of West Bengal vide communication dated 27 March 2015 submitted a report. The report categorically



denied the media reports, such as the number of deaths, sale of their children by the workers for their own survival, etc. and stated that a total of 71 deaths had taken place from January to July 2014 in two districts which was owing to diseases and not because of malnutrition, etc. It further stated that the Government had provided health and nutrition assistance, other basic facilities and materials to the workers and their family members. It reported that the District Magistrates of Jalpaiguri and Alipurduar have been reviewing the situation on weekly basis. The report is presently under consideration of the Commission.

4. Suo Motu Cognizance of a News Item Captioned “Mid-day meals land 350 kids in hospital” (Case No. 807/10/1/2014)

7.25 The Commission on 9 October 2014 took suo motu cognizance of a news item captioned “Mid-day meals lands 350 kids in hospital”, published in ‘The Asian Age’, Delhi dated 20 September 2014. The newspaper stated that about 350 children of State Government run Urdu Primary School in Karnataka fell ill after taking the Mid-day meal on 19 September 2014. The children complained headache, stomach ache and vomiting and were admitted to Dr. Ambedkar Medical College Hospital. It was stated that doctors were told by a school teacher that a lizard fell in the food served to these children. As soon as the lizard was found in the meal, they stopped serving it to other children. The Commission directed to issue a notice to the Chief Secretary, Government of Karnataka to submit report in the matter.

7.26 In response, the Joint Director, Mid-day Meal Scheme, Bangalore vide communication dated 4 February 2015 forwarded the report of the Education Officer, Zilla Panchayati, Bangalore. However, on perusal of the report, it was found that all the Annexures as mentioned in the report were not attached. Accordingly, vide communication dated 20 August 2015, the Joint Director, Mid-day Meals was asked to submit complete report for consideration by the Commission.

5. Students Fall Sick due to Contaminated Mid-Day Meal Served in a Government School in Uttar Pradesh (Case No. 35370/24/7/2013)

7.27 The complaint dated 9 September 2013 forwarded by an NGO contained a news report released by the Press Trust of India in which it was reported that on 4 September 2013 as many as 125 students of two Government schools in Badaun District of Uttar Pradesh fell ill after taking their mid-day meal which comprised “kheer” (a milk based sweet dish) served to them. The children also complained of vomiting and stomach ache after eating the sweet dish. The intervention of the Commission was sought in the matter.

7.28 In response, the Special Secretary, Education Department, Uttar Pradesh vide his communication dated 25 February 2014 submitted that in the incident 25 students were



admitted in the hospital on 5 September 2013 and one student was admitted on 6 September 2013, and they all were discharged on 9 September 2013. It was also stated that samples of the food were sent to the laboratory for examination.

7.29 Shri Chander Prakash Tewari, District Magistrate, Badayun further submitted that during enquiry it was found that some poisonous substance (carbonate insecticide) was found in the mid- day meal, which might have contaminated the meal either at the time of cooking or during distribution. The Principal of the school and Village Headman were found negligent in this matter. The cooks were removed from service and various steps were taken to maintain the overall quality of the food served and avoid recurrence of such an incident.

7.30 The Commission further considered the matter on 2 February 2015 when it observed and directed as under:-

“Due to negligence of State actors 26 children suffered illness and were admitted in hospital for about four days. Even after enquiry no action has been reported to be taken against the wrong doers. There could have been penal prosecution of the wrongdoers under applicable laws. Mere removal of cooks does not absolve the State Authorities from their duties. There was violation of human rights of the children and the violators need to be dealt with in accordance with law. Notice be issued to Chief Secretary, Government of Uttar Pradesh to show cause, why interim relief of monetary compensation of Rs. 10,000/- shall not be granted to each of the twenty-six victim students as per Section 18 of the Protection of Human Rights Act, 1993. Response within four weeks. District Magistrate, Badayun is directed to submit his further report as to action taken against the wrongdoers in the matter. Response within four weeks.”

7.31 The response of the State Government is awaited and the matter is under the consideration of the Commission.



Right to Education

8.1 The role of education and literacy in facilitating social and economic progress is well recognized. Linked to this is the fact that any improvement in the education system will not only enhance efficiency but increase the overall quality of life as well. The enactment of the Right of Children to Free and Compulsory Education, 2009 (RTE Act) is a step in the right direction as it is the first official Central Government legislation to fully confer this right by law and extends it to children in the age group of 6-14 years across the country. The 2013-2014 Annual Report of the NHRC had given a brief overview about the enactment of the RTE Act in 2009.

8.2 Consequent upon enactment of the said Act, much attention has been focussed on Section 12(1)(c) requiring all private schools to allocate 25 per cent of their places in Class I (or pre-primary, as applicable) for free to “children belonging to weaker section and disadvantaged group” to be retained until they complete elementary education. Private schools are to be reimbursed for each child enrolled under the provision at the level of State expenditure per child or tuition fee charge at the school, whichever is less (Section 12(2)).

8.3 Undoubtedly, the RTE Act mandates fundamental changes in elementary education. Moreover, it calls for a fundamental reorientation of conceptualizing education as a right. The removal of barriers, like relaxation of documentary requirements, doing away with admission tests, no expulsion, prohibition of corporal punishment, continuous comprehensive evaluation, and joyful inclusive learning, pave the way for securing right to education. All this, in the long run, would facilitate in providing basic and quality education to the so-called ‘demographic dividend’ of the country.



A. Monitoring of Recommendations Relating to Right to Education of Children under the Second Cycle of Universal Periodic Review

8.4 The NHRC is monitoring its concerns, by way of recommendations relating to right to education of children accepted by the Government of India, as part of the second cycle of the universal periodic review undertaken by the United Nations Human Rights Council in 2012. These recommendations primarily deal with addressing challenges of – further promoting children’s right to education, reinforcing efforts in provision of free and compulsory primary education, continue implementing a non-discriminatory and inclusive policy and guarantee quality education to all girls and boys in the country, enhancing the coordination of both [the central and state governments] in an effective manner in order to guarantee the smooth implementation of the Right of Children to Free and Compulsory Education Act, prioritize efforts to ensure that children with disabilities are afforded the same right to education as all children, and introduce legislation to prohibit corporal punishment of children. Related to this, it is monitoring several cross-cutting recommendations impacting on right to education of children.

8.5 For this purpose, as mentioned in Chapter 7 of this Annual Report of the NHRC, it has devised a framework detailing out the action required on each of these recommendations along with the indicators/ monitorable outcomes. Besides, the Commission has zeroed on the agency responsible for its implementation. A copy of the framework has been shared with the respective Ministries/Departments of Government of India, on whose part the action is called for. Accordingly, it held a meeting with the Director of Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, on 4 February 2015. In the light of the discussions held in the meeting followed by a reminder later, no information has been furnished on the recommendations/concerns listed above by the Director, Department of School Education and Literacy. The Commission once again requests the Department to furnish information on all the recommendations/concerns so that an assessment can be made by the Commission about the progress made on each of them.

B. Illustrative Case Related to Right to Education Dealt by NHRC

1. Acute Shortage of Middle Schools and Primary Schools Forces Children to Walk Miles in Bihar (Case No. 2199/4/0/2014)

8.6 The Commission on 11 June 2014 took suo motu cognizance of a news item captioned “2,974 Tolo Mai Middle School Nahi”, published in “Pratish Nav Vihar” Patna dated 25 May 2014. The press report stated that in the State of Bihar, there was acute shortage of middle schools and the children have been walking miles, even for primary education. It



elaborated, the State Government after conducting a survey has come to the conclusion that there are still 1,896 habited locations wherein elementary education is not available within 1 km and 2,974 habited locations have no middle school within 3 kms. The news report further stated that there are 2,100 locations in the State which are still deprived of education even now after independence. The Director of Bihar Education Department admitted that the Government was to open 21,419 new primary schools but only 20,907 could be opened. The remaining 578 are to be opened in the current year. The report states that according to Director of Bihar Education Department, non-availability of the land is one of the factors for not opening new primary schools. The Chief Secretary, Government of Bihar was issued a notice to submit a report about the steps taken by the State administration to fulfill the shortage of schools in the State; the time frame in which the entitlements as per RTE Acts, shall be fulfilled and the status of availability of primary School Teachers in the State. Pursuant to the direction, Government of Bihar has submitted an interim reply which is under consideration of the Commission.





Rights of Scheduled Castes, Scheduled Tribes and Other Vulnerable Groups

9.1 The Scheduled Castes (SCs) and Scheduled Tribes (STs) are officially designated as historically disadvantaged segment of the society. To revive these vulnerable groups from suppression, the Constitution of India secured reservation status for their upliftment and progressive inclusion back into society. The Constitution further framed protective arrangements to improve status of SCs and STs across the country.

9.2 Since its inception, the National Human Rights Commission has been actively engaged in affirmative actions towards development of SC and ST communities. The Commission in order to eliminate perpetual inequalities have also strongly recommended for punitive measures against discriminatory practices. In furtherance to it, the Commission also gets valuable inputs from the Chairpersons of the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes who are also the sitting ex-officio in the NHRC.



9.3 The NHRC over the years has looked into various matters ranging from the still prevalent untouchability to systematic exclusion of minorities. The pattern of complaints under SC/ST category in the Commission mainly involves issues of upper caste harassing SCs and STs, non-response from the police if complainants seek for immediate action.

9.4 The Commission has been proactive in monitoring the adherence of the States towards implementation of Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Investigation Division of the Commission has been entrusted with the responsibility to carry out investigations in cases filed under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The matter relating to compensation as per the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the role of police and analyzing various other rules and notifications issued by the Government for relief and rehabilitation of the victims of discrimination has been regularly undertaken by the Commission.

9.5 The Commission has been taking suo motu cognizance as well in cases of human rights violations committed on SCs and STs or any other vulnerable sections of the society. The workshops and seminars conducted by the Commission from time to time aim at sensitizing all the pillars of Indian criminal justice system towards protecting the rights of vulnerable fellow beings.

A. Study on Atrocities against Dalits : An Empirical Study on the Performance of Special Courts in Tamil Nadu

9.6 The above research study was undertaken by the NHRC in collaboration with the Annamalai University in Tamil Nadu in July 2014. The main objectives of the study are to – identify the reasons for rising atrocities against Scheduled Castes in Tamil Nadu; find out the reasons for delay in filing of the First Information Reports (FIRs) in police stations; average time taken by the Courts to decide cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The time period for the study is two years.

B. Bonded Labour System

9.7 In pursuance of the directions of the Supreme Court dated 11 November 1997 in Writ Petition (Civil No. 3922) 1985, the Commission continues to monitor the implementation of the Bonded Labour System (Abolition) Act, 1976 in the country. This is being done by calling for information from States and Union Territories on half-yearly basis in a prescribed format that focuses on identification, release and rehabilitation of bonded labourers.

9.8 During the period under review, the Commission continued to receive six-monthly information in a prescribed format on identification, release and rehabilitation of bonded



labourers. Sixteen States and Union Territories furnished the requisite six monthly reports in the prescribed format of the Commission.

C. Meeting of NHRC Core Group on Bonded Labour

9.9 The Commission also has a core group on bonded labour which advises it on different matters relating to bonded labour from time to time. The last meeting of the core group on bonded labour was held in the Commission on 28 January 2015. The main agenda of the meeting was to discuss the ways and means for strengthening the Bonded Labour System (Abolition) Rules, 1976 by way of amendments in it. The suggestions which emanated were as follows:

- (i) Time limit to be fixed for completion of process by District Magistrates and bringing the case to a logical conclusion.
- (ii) Inquiry to be conducted by DM/SDM within the prescribed time limit.
- (iii) Accountability of all stakeholders should be clearly defined and fixed for effective implementation and monitoring.
- (iv) NGOs should be included in the investigation and rehabilitation process of the bonded labourers.
- (v) At least three Workshops be organized in a year by NHRC in collaboration with NCPCR/ SHRCs/ NGOs for sensitization of DMs/SPs, State Departments and other stakeholders for effective implementation of the Act.

D. Illustrative Cases Related to Scheduled Castes, Scheduled Tribes and Other Vulnerable Groups Dealt by NHRC

1. Misappropriation of Funds Pertaining to Old Age Pension Scheme in District Dhenkanal, Odisha (Case No. 2041/18/4/2014)

9.10 The case was registered on the complaint of one Shri Subhas Mohapatra wherein he referred to misappropriation of social security pension amount of 109 beneficiaries of Hindol Notified Area Council, Dhenkanal, Odisha. The Commission took cognizance of the matter on 6 May 2014 and directed the District Magistrate, Dhenkanal to submit an action taken report in the matter. The DM, Dhenkanal, informed that an inquiry had been conducted in the matter and the inquiry revealed that for the period October 2013 to January 2014, an amount of Rs. 1,400/- as old age pension was due to each of the 109 beneficiaries but only Rs. 900/- was paid to each beneficiary thereby misappropriating Rs. 500/-. It was further



brought out that the old age pension accounts of these 109 beneficiaries were kept by the Executive Officer and Chairman of the Notified Area Council of Hindol in their custody and when the beneficiaries were being given their old age pension, they used to siphon-off Rs. 500/- out of the total amount. The DM, Dhenkanal, informed that departmental action had been initiated against Shri Manas Ranjan Bhoi, Chief Executive Officer, Hindol NAC, and a showcause notice too had been issued to the concerned Chairman of Hindol NAC. The facts of the case clearly made it a criminal offence. The DM, Dhenkanal was directed to lodge an FIR in this regard with the local police so that a criminal case was registered in the matter and taken-up for investigation and then taken to a logical conclusion.

9.11 Since some of the beneficiaries who were denied part of their pension were tribal, it was directed to incorporate Section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in the FIR. A perusal of the report received from the DM, Dhenkanal, showed that graft charges to the Revenue Department against Shri Manas Ranjan Bhoi had been communicated. However, it was submitted that the chargesheet had yet to be issued to him. As charges against Shri Manas Ranjan Bhoi were serious, it was for consideration of the Principal Secretary, Revenue, whether he deserved to be placed under suspension. Denial of part of the old age pension to old people even though for a short duration amounts to violation of their right to life and their right to life with dignity. Hence, a clear case was made out for issuance of a notice under Section 18 of the Protection of Human Rights Act, 1993, to the Chief Secretary, Government of Odisha, to showcause as to why monetary relief may not be granted to these 109 old age beneficiaries who were denied a part of their old age pension for the period October 2013 to January 2014.

9.12 Pursuant to the directions of the Commission, Addl. Secretary, Revenue & the DM vide communication dated 11 February 2015 stated that 109 beneficiaries who had earlier complained were paid their pension dues. The matter was further considered by the Commission on 9 July 2014, where it observed that in view of release of all the bonded labourers, their rehabilitation as per law, and the necessary action taken against the owner of the brick kiln for violation of the Bonded Labour System (Abolition) Act, 1976, and other laws, no further action is required. The case thus was closed by the Commission.

2. Suicide by Secretary of Self Help Group, Mahichapalli, Rajnagar and Kendrapara in Odisha (Case No. 119/18/27/2011)

9.13 Shri Tapan Samal, General Secretary, Ambedkar-Lohia Bichar Mancha alleged that the Secretary, Maa Ambika Self Help Group, Mahichapalli, Rajnagar and Kendrapara committed suicide after having been harassed and misbehaved by the District Magistrate, Kendrapara. They further alleged that the District Magistrate did not take any action against the erring upper caste people of Mahichapalli who had instigated children and other students to boycott the mid-day meal (MDM) because it was being cooked by the said Self Help



Group, which was constituted by the Dalit caste. The Commission took cognizance of the matter on 25 February 2011 and directed to issue notice to the Chief Secretary, Government of Odisha calling for a factual report in the matter.

9.14 The issues involved in the case were :Firstly, there was a disruption of MDM Scheme in village Sidha Marichani. This disruption took place as one of the members of the Village Educational Committee, Niranjana Pradhan, drove out all the students and teachers from the premises and locked the school gates and stated that as long as food was prepared by a Dalit, the upper caste students of the school will not consume the food. Subsequently, the Dalit woman cook was replaced by an upper caste woman. Regarding the above criminal conduct of Niranjana Pradhan, a criminal case under Section 342/294/506 IPC read with Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was registered on 22 January 2010. A charge sheet too was issued in the case. Subsequently, after Niranjana Pradhan was bailed out, he again visited the school and instigated the upper caste students against the Dalit cook. Another FIR No. 20/10 under Section 294/506/34 IPC read with Section 3(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was registered in the case against Niranjana Pradhan on 10 March 2010. Chargesheet was issued in this case as well. On filing of the chargesheet, as per orders of the District Magistrate, Kendrapara, Rs. 6,250/- each was given to each of the two victims in the two cases. The attention of the District Magistrate was also invited to the revised Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. As per the revised Rules, the amount of relief due in cases where an offence is committed under Section 3(1)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, Rs. 60,000/- or more depending upon the nature and gravity of the offence is payable to the victim, 25% of which has to be paid at the time of filing of the chargesheet. Therefore, in the instant case the difference between the amount already paid, i.e. Rs. 6,250/- and the amount due, i.e. Rs. 15,000/- was payable to the victims. The District Magistrate, Kendrapara, was directed to get the difference of amount sanctioned and pay the same to the victims.

9.15 Secondly, in the instant matter, an unnatural death case was registered pertaining to the suicide of Saraswati Sethy. It was alleged that she had committed suicide due to her harassment of being a Dalit woman. On this aspect, the Superintendent of Police, Kendrapara, stated that no linkage was found between her suicide and her alleged harassment being a Dalit and hence no case under Section 306 IPC was registered. On this point, the Secretary, Department of Scheduled Castes and Scheduled Tribes, Government of Odisha, stated that an inquiry into the matter was conducted by Revenue Divisional Officer, Central Division. He came to the conclusion that there was no immediate linkage between the suicide of Saraswati Sethy and her alleged harassment. Thirdly, the report of ADG, HRPC, which was made available by the State Government to the Commission, was perused. A perusal of the recommendations made by the ADG, HRPC, showed that one of his recommendations



was, “legal actions should be initiated against those people who have been harassing the Dalit cooks and SHG members”. The ADG, HRPC was advised to look into the matter and send a report about the action taken on this recommendation. The Commission directed the Chief Secretary, Government of Odisha, to submit a detailed report on the basis of written comments submitted by the complainant Shri Tapan Samal on 15 August 2011. The Secretary, SC/ST Department, Government of Odisha, was directed to immediately provide report on the comments submitted by Shri Tapan Samal. Pursuant to the direction, a report dated 18 April 2015 was received from ADG, HRPC. However, a report from the Chief Secretary & the Secretary, SC/ST is still awaited.

3. Denial of Safe Drinking Water to Scheduled Tribe Families of Sahupada and Majhisahi Hamlets under Baliapal Revenue Village, Salijanga Gram Panchayat, District Jajpur (Case No. 1859/18/24/2014)

9.16 The case was registered on the complaint of Shri Subhas Mohapatra. The matter relates to denial of safe drinking water to around 150 Scheduled Tribe families of Sahupada and Majhisahi hamlets under Baliapal Revenue village of Salijanga Gram Panchayat of District Jajpur. The villagers are dependent on three tube wells for safe drinking water. According to the villagers of these two hamlets, three tube wells are inadequate to meet their needs of water. As such, they had demanded one more tube well for their hamlets. The Commission took cognizance on the matter on 13 May 2014 and directed the DM, Jajpur to submit an action taken report in the matter. The matter was taken up in the Camp Sitting of the Commission held at Bhubaneswar. The SDM, Jajpur, who was present at the camp sitting, stated that the demand of the villagers was accepted by the district administration and the fourth tube well was sanctioned by the District Collector and work order issued and installation of the tube well was likely to be completed in a short period. The SDM, Jajpur, was directed to ensure the installation of the tube well and submit a report in the matter. Pursuant to the direction, the Collector & DM, Jajpur vide communication dated 19 February 2015 submitted a compliance report, which is presently under consideration of the Commission.

4. Social Boycott of Two Tribal Families in Village Ghunghutti, District Korba, Chhattisgarh (Case No. 307/33/10/2014)

9.17 The Commission took suo motu cognizance of a news report captioned “Panchayat ka Talibani farmaan, do adivasi parivaro ka bahishkar”, appeared in a Hindi daily ‘Nai Duniya’ on 30 April 2014. As per the report, two tribal families were facing social boycott for the last fourteen months in pursuance of a diktat of Panchayat in village Ghunghutti (urfRampur) in district Korba, Chhattisgarh. People of the village were forbidden even to talk to members of these two families by the Sarpanch and strong men of Gram Panchayat.



There were about 18 families of the Gand caste and the affected tribal families of Srisingh Markam and Parmeshwar Markam also belonged to that caste. The report further stated that the matter was reported to the police but no action was taken. The affected families also approached the Collector and Superintendent of Police, Korba. It was, however, reported that a police team visited the village on 15 April 2014 but the police officers leveled allegations against the affected families.

9.18 The Commission vide its proceedings dated 5 February 2014 called for a detailed report from the Chief Secretary and Director General of Police, Government of Chhattisgarh.

9.19 Addl. Director General of Police, New Raipur vide communication dated 12 June 2012 reported that on the complaint of Srisingh Markam, Case No. 112/14 u/s 294,500,384, 34 IPC was registered at Police Post, Hardibazar. However, no arrest was made as both the parties belonged to Scheduled Caste community and were living in their village Dhora Batha, Police Station Kusmunda in Korba District.

9.20 Deputy Secretary, Department of Panchayat and Rural Development, Government of Chhattisgarh also forwarded a report dated 20 June 2014 of Collector, Korba wherein it was stated that the matter was inquired by the SDPO, Katgorha. The SDPO reported that Srisingh Markam, Parmeshwar Jagat and Sri Shyamlal, victims of social boycott, were not deprived of any government facility such as PDS, Anganwadi services, education and community health. It was further reported that no restriction was imposed on their movement in public places, etc. And, that the SDPO got the matter compromised and the atmosphere in the village was cordial and the villagers were living in peace and communal harmony.

9.21 Since the affected persons and the Sarpanch belonged to the same caste and an amicable settlement was brought about by the SDPO, Katgorha, the Commission vide its proceedings dated 5 January 2015 observed that there was no need to proceed any further in the matter and closed the case.

5. Social Boycott of 106 Scheduled Caste Families in Village Baopur of Moonak Sub-Division, District Sangrur, Punjab (Case No.563/19/18/2014)

9.22 The Commission came across a distressing news item captioned, “Moonak Dalits allege social boycott”, published in “The Tribune” Punjab dated 30 May 2014. The press report mentioned that 15 Dalits living in Baopur village of Moonak Sub-Division of District Sangrur, Punjab were facing social boycott by upper caste people since 15 May 2014. According to the report, around 106 Scheduled Caste families were living in the village, and the upper caste people were boycotting them socially since they had decided to



cultivate 26 acres of Panchayat land reserved for the Scheduled Castes. This land was being cultivated by upper caste people on contract basis through auction in the name of Dalits.

9.23 Taking suo motu cognizance of the matter, the Commission vide its proceedings dated 11 June 2014 called for a report from the Chief Secretary, Government of Punjab.

9.24 The Director, Department of Rural Development & Panchayat, Punjab submitted a report stating that the dispute had been resolved and auction was held on 3 July 2014 and the land had been given to the members of the Scheduled Caste community at the rate of Rs. 25,000/- per acre per year for cultivation.

9.25 On receipt of the above report that there existed no dispute between the Scheduled Castes and upper caste communities and furthermore as there was no social boycott of families, the Commission vide its proceedings dated 27 November 2014 closed the case.

6. Murder of Pastor Rev. B. Sajeevulu, Vikarabad, Ranga Reddy and other Atrocities on Christians in Andhra Pradesh (Case No. 157/1/18/2014)

9.26 A complaint was received from the Andhra Pradesh Federation of Churches (APFC) regarding the brutal murder of Pastor Rev. B. Sajeevulu, Vikarabad, Ranga Reddy and other atrocities committed on Christians in the State of Andhra Pradesh. The APFC requested the Government of both the States of Andhra Pradesh and Telangana to protect the lives of Christians and safeguard their human rights.

9.27 The Commission perused the case and observed that right to freedom of conscience and freedom of religion is a constitutionally guaranteed Fundamental Right and any attempt to restrict or deny the same is against the goals and ideals of the Constitution of India. The State is bound to take all necessary steps to promote and protect this right. The Commission directed to issue a notice to the Chief Secretary, Government of Andhra Pradesh as well as to the Chief Secretary Government of Telangana to submit an Action Taken Report in the matter.

7. Attack on St. Alphonsa Church in Vasant Kunj, New Delhi (Case No. 512/30/8/2015)

9.28 The Commission came across media reports regarding the incident of breaking open the doors of St. Alphonsa Church located in Vasant Kunj, New Delhi and defiling of the place of worship along with the objects held sacred by the members of the Catholic Church in the early hours of 2 February 2015. Shri Manoj V. George, Advocate, telephonically informed the Commission that in spite of a formal written complaint submitted by Fr.



Vincent Salvatore, Parish Priest, the Police was not taking necessary and appropriate action by registering a proper FIR and effective investigation.

9.29 Taking suo motu cognizance of the matter, Justice Shri Cyriac Joseph, Member, National Human Rights Commission along with Shri Pupul Datta Prasad, SSP, Investigation Division and Shri Mahabeer Singh, Principal Private Secretary visited the Church after informing the local police. At the time of the visit, ACP Smt. Usha Rangnani and SHO Shri Virendar Singh Sejwan were present at the Church premises. Shri Manoj V. George, Fr. Vincent Salvatore and some members of the Church were also present. Fr. Vincent Salvatore explained the nature and extent of the damage caused to the Church.

9.30 The ACP Smt. Usha Rangnani and SHO Virendar Singh Sejwan informed the Commission that on getting telephonic information about the incident, the police reached the spot immediately and took all necessary steps including the action to collect forensic evidence with the help of forensic experts. The ACP admitted that the written complaint of Fr. Vincent Salvatore was received by the Station House Officer and the process is on for registering the FIR. She denied the reports that an FIR had already been registered showing the offence as theft or burglary. In addition, she denied the allegation that there was an attempt to downplay the incident. She assured that the FIR would be registered on the basis of the written complaint dated 2 February 2015 and in the light of the statement recorded by the Police from Fr. Vincent Salvatore. She asserted that there was no inaction on the part of the Police and that the investigation would be conducted strictly in accordance with the law.

9.31 After the visit to the Church, Justice Shri Cyriac Joseph, Member made the following observations:

“Since the incident involves breaking open the door of a Christian Church and defiling of the place of worship and the objects held sacred by the faithful of the Church and since the intention of the offenders appears to be to insult a particular religion and to outrage the religious feelings and to insult their religious beliefs and since the incident is likely to promote disharmony, enmity, hatred and ill-will on the ground of religion, the matter involves serious issues relating to violation of human rights and requires the intervention of the Commission to ensure that prompt, efficient and impartial investigation is conducted by the police and the culprits are booked at the earliest to restore the confidence and sense of security of the religious minority and to protect their freedom of religion.”

9.32 The Commission vide its proceedings dated 2 February 2015 issued notices to the Secretary, Ministry of Home Affairs, Government of India, the Chief Secretary, Government of NCT of Delhi and the Commissioner of Police, New Delhi requiring them to submit a



detailed report in the matter including the status of investigation.

9.33 Vide its proceedings dated 2 March 2015, conditional summons were also issued to the Secretary, Ministry of Home Affairs, Government of India; the Chief Secretary, Government of NCT of Delhi and the Commissioner of Police, Delhi to appear before the Commission on 17 March 2015 along with the report sought for by the Commission.

9.34 The Commission considered the matter on 17 March 2015, wherein it noted that reports received from the Under Secretary to the Government of India, Ministry of Home Affairs, the Additional Commissioner of Police, Vigilance, Delhi and the Dy. Secretary (Home), Government of NCT of Delhi were not satisfactory. In such circumstances, the Commission requested the Commissioner of Police, Delhi to be present in person before the Commission on 30 March 2015, at 11.00 a.m. for a discussion.

9.35 On 30 March 2015, the Commissioner of Police deputed Shri Prem Nath, DCP, South District, Delhi. He stated that high security alert had been given in various churches/schools and hospitals situated in South District and that in 60% of such institutions CCTV cameras had already been installed. He also stated that sufficient police personnel were deployed in night as well as in the day and PCR vehicles and motor cycles were also deployed to keep a watch in those areas. However, Shri Prem Nath was not able to explain about the incidents of vandalisation of churches in other districts of Delhi.

9.36 Considering the sensitive nature of the case and repetition of the incidents at different churches, the Commission considered it necessary to have an interaction with the Delhi Police Commissioner himself. Hence, the Commission again directed the Commissioner of Police, Delhi to appear in person on 5 May 2015 at 11.00 a.m. so as to give detailed explanation in consultation with various Dy. Commissioners of Police on the following:-

- (i) Action that had been taken so far to apprehend the culprits who were involved in defiling/vandalizing the place of worship and the objects held sacred by the members of various churches in Delhi; and,
- (i) The steps that are being taken by the Department to prevent such incidents in future.

9.37 The matter continues to be under the consideration of the Commission.

8. Rehabilitation of 13 Labourers by SDM and RDO in Ponneri Mandal, Tiruvallur District, Tamil Nadu (Case No. 2840/18/30/2012-BL)

9.38 On the complaint of one Kulwant Singh Nagra, 13 labourers belonging to six families were released by the SDM and RDO, Ponneri Mandal, Tiruvallur District of Tamil Nadu



on 29 April 2011 from the bondage of SLG Brick Kiln owner in Village Pandavakkam, Ponneri Taluk, District Tiruvallur, Tamil Nadu.

9.39 Pursuant to directions of the Commission, all the 13 released labourers who belonged to District Nuapada, Odisha were paid rehabilitation grant along with other help and facilities under various schemes of the Government for purposes of their overall rehabilitation. Further a sum of Rs. 48,500/- was sanctioned under Mo-KudiaScheme in favour of families of bonded labourers for construction of their houses. Besides, all families of bonded labourers were covered under the public distribution system and the head of the families issued job cards for 100 days work under NREGS. As per the report of the Collector & District Magistrate, Nuapada, legal action too was initiated against one Gobind Tandi of Kantabanji, District Bolangir, Odisha for illegal recruitment of the labourers.

9.40 Pursuant to subsequent directions of the Commission, the District Adi Dravidar and Tribal Welfare Officer, Tiruvallur was intimated that on the complaint of Tehsildar Ponneri, Crime No. 51/2011 u/s 16/18 of the Bonded Labour System (Abolition) Act, 1976 and Section 374/323 IPC r/w Section 3 (1) (iv) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was registered at P.S. Arani on 27 April 2011 against the SLG Brick Kiln owner.

9.41 The Commission upon consideration of the matter vide its proceedings dated 9 July 2014 observed and directed as under:-

“In view of the above reports, it is shown that all the released bonded labourers have been rehabilitated as per law and necessary legal action has been taken against the owner of the brick kiln for violation of the Bonded Labour System (Abolition) Act, 1976 and other laws. No further action is required. The case is closed.”

9. Bonded Labour Found Working in a Brick Kiln in Village Therpatti, District Tirupur, Tamil Nadu (Case No. 1011/22/52/2012)

9.42 The Commission received a complaint from one V.A. Rameshnathan associated with an NGO alleging that labourers reported to be working in UMR Brick Kiln, situated near Village Therpatti in District Tirupur of Tamil Nadu, were bonded labourers for more than 10 years. The District Magistrate, Tirupur, was directed to get an inquiry conducted in the matter and submit a report to the Commission.

9.43 The matter was taken up by the Commission in its Public Hearing held in Chennai, wherein vide its proceedings dated 27 August 2012 it was inter alia observed and directed as under:-



“It is a matter of surprise that inspite of the process calling upon the District Collector, Tirupur, he has chosen not to remain present and the representative is not posted with the correct facts as when specific questions are put, he is not able to answer. The complaint speaks about the bonded labour and violation of the provisions contained in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 but it seems that no proper inquiry has been made whether the labourers were paid minimum wages or not, whether the brick kiln owner was maintaining records as per the labour legislations or not, whether payment of Wages Act was being followed or not and the representative of the District Collector could not answer these questions. The District Magistrate, under the provisions contained in the Bonded Labour (Abolition) Act, has been empowered to take action against the wrong doers who are exploiting and harassing the poor labourers. But it seems that the complaint, which has been forwarded by the Commission, has been treated in a mechanical way.

In view of the above, the District Magistrate, Tirupur, is called upon to submit a reply in detail, within a period of four weeks, failing which the Commission may issue a coercive process to remain present before the Commission for which he will not be entitled to get any monetary assistance from the State Government.”

9.44 In response, a letter dated 7 September 2012 was received from District Collector, Tirupur along with the copy of the report received from Revenue Divisional Officer, Tirupur. Perusal of the same revealed that Lallikavunder and others who were working in UMR Chamber, Kolathupalayam filed a complaint to Dy. Supdt. of Police. The police after investigation closed the case as mistake of fact. It was revealed that the brick kiln chamber was inspected on 24 July 2012 and 14 August 2012. At the time of inspection 19 persons were found working who in their statement stated that they were being paid weekly salary. They came from neighbouring hamlets of town panchayats. The complainant too was present and concluded that labourers were not being kept as bonded labourers.

9.45 The Commission upon further consideration of the matter on 6 November 2012 observed as under:-

“In the report it has not been stated as to whether the brick kiln owner has been maintaining the books of accounts as mandated under various labour laws. He has also not stated as to whether the labourers are being paid minimum wages as fixed by the Government. No copy of the muster roll, work done and wages paid has been annexed.

The report received is an eye wash. Parliament has enacted various legislations including Bonded Labour System (Abolition) Act, 1976. Various other Statutes, such as Minimum Wages Act, 1948; the Scheduled Castes and the Scheduled Tribes



(Prevention of Atrocities) Act, 1989; Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979; Contract Labour (Regulation and Abolition) Act, 1970; Child Labour (Prohibition and Regulation) Act, 1986; and Weekly Holidays Act, 1942 were required to be examined. It was the duty of the enquiry officer to have seen whether there is complete compliance of all the labour legislations.

The provisions contained in Section 10 of the Act are not strictly followed while making an inquiry. Attention is not paid to the provisions contained in sub-clause (g) of Section 2, which points out the system of forced or partly forced labour where one has to presume that labourer has entered into an agreement with the creditor to the effect that in consideration of an advance obtained by him or for any economic consideration received by him, he would render services without wages or with nominal wages and he forfeits the freedom of employment or other means of livelihood or he forfeits the right to move freely or forfeits the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family. This includes the system of forced or partly forced labour and presumption is required to be raised.

Sub-clause (i) of Section 2 defines ‘nominal wages’. If the wages, which are less than the Minimum Wages fixed by the government, are paid the provision is attracted. The officer should know about the decision of the Apex Court wherein the broad, liberal and expansive interpretation of the definition of ‘bonded labour system’ is given. According to the interpretation, it is not necessary to prove beyond doubt the element of loan/debt/advance in the creditor/debtor relationship. Such an element can always be implied or assumed. This is on account of the fact that the creditor and the debtor represent two diametrically opposite sections of the society. Traditionally, the debtor is poor, resourceless and in need of defence, whereas the creditor is rich, resourceful and dominant. Thus, their relationship is an unequal exchange relationship. If the debtor is rendering certain services to the creditor without any wage or with nominal wage, it is to be presumed that he is doing it not out of any charity but out of some economic consideration. It is on account of this that it is not necessary to prove beyond doubt the element of loan/debt/advance.

The provisions contained in Article 23 of the Constitution of India are also not noticed by the officers. Even if remuneration is paid, labour supplied by the persons would be hit by Article 23 if it is forced labour i.e. service has been rendered by force or compulsion. Article 23 strikes at all forms of forced labour even if it has its origin in a contract voluntarily entered into by the person obligated to provide labour or service.



It should not be forgotten that the poor people in this country, who are uneducated or mostly belong to Scheduled Castes and Scheduled Tribes, have no other alternative but to survive on the earth with whatever is paid. They are required to do work as directed by their masters and they have no alternative but to accept whatever is paid to them. It is for the officers exercising powers under the Bonded Labour System (Abolition) Act, 1976, to read between the lines and to understand the circumstances under which a poor person is compelled to work. He would send a complaint as a last resort. Without making any inquiry from such labourers and accepting the version of the employer is nothing but breach of the duty cast upon them. It is their duty to raise a presumption when the employer has failed to produce relevant records required to be maintained under the Minimum Wages Act and to declare labourers as bonded labourers when they are not paid Minimum Wages according to law and no satisfactory evidence is produced as pointed out under the Minimum Wages Act.

Law mandates that the employer shall maintain registers and records giving particulars of employees employed by him, the work performed by them, the wages paid to them and the receipt obtained. When the brick kiln owner claims that he has paid minimum wages under Minimum Wages Act then it is for him to produce documentary evidence in proof of payment to show that he has paid wages in accordance with law. It is for this purpose that he is required to maintain muster roll. If the employer fails to produce the books of accounts then the District Magistrate or the officer authorized by him must raise the presumption that the labourers were kept as bonded labourers.

Every employer is required to maintain a register of wages in form X. He shall mention the details of the person employed complete the entries pertaining to wage period. A wage slip in form XI shall be issued by every employer to every person employed by him. He shall get the signature or thumb impression of every person employed, on the register of wages and wage slip. These entries in the register shall be authenticated by the employer or any person authorized by him in this behalf. A muster roll shall be maintained by every employer at the work spot and kept in form IX and the attendance of each person employed in the Establishment shall be recorded daily in that form within three hrs. of the commencement of the work shift. It has been observed by the Commission that the team who visits the brick kiln for inspection does not take trouble to verify as to whether the employer is maintaining these records as mandated by Law. The team also does not verify if the entries in the register of wages and wage slips have been authenticated by the employer or by any other person authorized by him in this behalf. In the absence of these books of accounts a duty is cast on Distt. Magistrate to presume that the allegations made in the complaint are true and they are being kept as bonded labourers.

The Commission, while calling upon the District Magistrate to submit the report, specifically pointed out that he shall not only report about the functioning of the



Vigilance Committee but shall also convey about the assistance taken of Member / Members of such Committee, a Non-Governmental Organization or a Social Worker during the enquiry giving all details. The Supreme Court, in case Neeraja Choudhary Vs. State of M.P. reported in (1984) 3 SCC 243, has pointed out that it would be difficult to rely on the enquiry or investigation made by subordinate officers such as Tehsildars and Patwaris as they are found either in sympathy with the exploiting class or lacking in social commitment or indifferent to the misery and sufferings of the poor and the downtrodden. Panchayats may have vested interests and having regard to the functioning, may not be more effective in the task of identification and release of bonded labourers. The Apex Court pointed out the incident about the Tehsildar making an enquiry and submitting a report. Apex Court pointed out that whenever any officer of the District Administration goes to a place for identification and release of bonded labourer on the basis of the information given by such representative of the Social Action Group, he shall take such representative with him and a copy of report made by him shall be handed over immediately to such a representative. Despite this decision reported in 1984, today, the situation has not at all improved. The District Magistrate was, therefore, asked to take the assistance of a Member of the Vigilance Committee or a Social Worker or an NGO, who can in a friendly manner talk to the labourers. The labourers realizing that the person, who has come to enquire, is a friend and may communicate the truth. To suppress these aspects, it is found that in no case so far it is reported that the District Magistrate or his subordinate has taken the assistance of an NGO or a Social Worker or a Member of a Vigilance Committee despite pointing out the need. Report prepared without assistance of such independent agency cannot be relied upon.

If the enquiries are not conducted immediately by the officer concerned amounts to nothing but frustrating the object of the Act. The philosophy of the Constitution, the intention of the Parliament in enacting and amending Labour Welfare Legislation and interpreted by Supreme Court that the denial of minimum wages tantamount to forced labour and infringement of Article 23 of Constitution of India thus, affecting the provisions of Bonded Labour System (Abolition) Act.

It is clear that there is a violation of human rights and various labour welfare legislation. The damage caused cannot be repaired but can be remedied by declaring them as bonded labourers and further by rehabilitating after issuance of certificate in accordance with the policy of the Government”.

9.46 In response, a letter dated 5 March 2013 was received from SDM and Revenue Divisional Officer, Dharapuram. It revealed that release certificates had been issued in the name of the labourers.

9.47 The Commission further considered the matter on 4 April 2013 when it directed for issuance of notice to District Magistrate and District Collector Tiruppur, District Tamil Nadu



calling upon him to inform the Commission regarding the steps taken for rehabilitation of released bonded labourers.

9.48 In response, District Collector, Tiruppur informed that Rs. 1,000/- each had already been paid to the released bonded labourers and the remaining amount of Rs. 19,000/- had also been sanctioned to be paid to each of the released bonded labourers. The District Magistrate further furnished details extending benefits of various welfare schemes to the families of the released bonded labourers.

9.49 The Commission upon subsequent consideration of the matter vide its proceedings dated 11 June 2014 inter alia observed and directed as under:-

“The Collector and DM, Tiruppur, Tamil Nadu had earlier informed vide his report dated 9.3.2013 that the Inspector of Factories (Circle III), Tiruppur had filed complaints against owner of UMR Brick Kiln Chamber on 28.2.2013 before CJM, Tiruppur for violation of the various labour laws and for not maintaining the required records. In view of the above reports received from the DM and Collector, Tiruppur, and Nagpattinam Tamil Nadu, all the released labourers stood rehabilitated. The necessary legal action has been taken against the brick kiln owner for violation of the labour laws. No further action is required. The case is closed.”

10. Rescue, Release and Rehabilitation of Bonded Labourers in Bihar under ‘Kamiya’ System of Bondage (Case No.4187/4/21/2014-BL)

9.50 The Commission received a complaint from one Tojo Jose of an NGO alleging that more than 38 families were being exploited under an illegal bonded labour system in the revenue jurisdiction of Benipatti Sub-Division, Madhubani District of Bihar. These labourers were forced to work by their respective employers at their respective agricultural lands under “Kamiya” bonded labour custom. The labourers were working since generations. The labourers were not paid their statutory minimum wages, instead they receive in kind two kilograms each (husband and wife) of raw rice per day against their hard labour rendered. Most of the labourers belong to the Scheduled Caste category (Mushahar), and work more than 10 hours a day. They are trapped in a customary bonded labour system in which the labourers are not free to move out or to be employed elsewhere.

9.51 In compliance of the directions given by the Commission, a team from NHRC comprising Joint Registrar (Law), Assistant Registrar (Law), Deputy Superintendent of Police and Inspector visited District Madhubani and conducted a spot enquiry from 22 to 24 January 2015. The NHRC team on return submitted its report.

9.52 The Commission having taken note of the facts and circumstances of the case in totality and the report of NHRC team vide its proceedings dated 30.1.2015 directed as under:-



- 1) The District Magistrate, Madhubani to issue ‘Release Certificates’ forthwith in respect of all the labourers as mentioned in the complaint and forward the same to the Commission by return.
- 2) The District Magistrate will also ensure that the victims are paid their past wages and are extended all the benefits under Social Welfare Schemes and an amount of Rs. 20,000/- as mandated under law is paid to them without loss of further time.
- (3) The District Magistrate will ensure safety and security of the victims and will ensure legal action in the matter against the offenders.
- (4) Let a copy of the Interim report submitted by the NHRC team together with the copies of subsequent petitions including dated 21.1.2015 and 23.1.2015 be forwarded to the District Magistrate, Madhubani, Sub Divisional Magistrate, Benipatti, District Madhubani, Superintendent of Police, Madhubani and Labour Superintendent, Madhubani, Bihar to explain their conduct and submit their response within two weeks.
- (5) Let a copy of the complaint dated 30.1.2015 received from the petitioner be also transmitted to the District Magistrate, Madhubani, Sub Divisional Magistrate, Benipatti, District Madhubani, Superintendent of Police, Madhubani and Labour Superintendent, Madhubani, Bihar calling for their response in two weeks.
- (6) The District Magistrate, Madhubani and Sub Divisional Magistrate, Madhubani are also directed to appear before the Commission in person on 27.2.2015 at 11.00 a.m. without fail alongwith their response to the report and the compliance report. The Commission is constrained to observe, having regard to the shocking facts of the case that in case the said officers fail to comply and to appear before the Commission in person alongwith the aforesaid report, Bailable Warrants for their arrest shall be issued in their names.

Let a copy of these proceedings be also transmitted togetherwith the report of NHRC team to the Chief Secretary, Government of Bihar for appropriate action and report within a period of four weeks.”

9.53 In response to the notice issued by the Commission vide its proceedings dated 30 January 2015, the District Magistrate, Madhubani, Bihar vide communication dated 8 February 2015, submitted a detailed compliance report. The report, interalia, indicated that a criminal case vide FIR No.10/2015, Police Station Arer, u/s 3(1) (VI) SC/ST Act, dated 1 February 2015 had been registered. The Sub Divisional Magistrate, Benipatti had issued the ‘Release Certificates’ in the names of 101 bonded labourers of 38 families and copies of the same were forwarded to the Commission.



9.54 It was further stated that special camps have been organized to extend the benefits of Social Welfare Schemes to these labourers under Antodaya Anna Yojna; Home Based New Born Care; Indira Awas Yojna; Janani Bal Shishusuraksha Yojna; Kerosene Oil; Public Distribution System; Primary Household; Routine Immunization; TB Treatment; Swarnajayanti Gram Swarojgar Yojna; Self Help Group, Take Home Ration; Vaccination and Vitamin A as per their entitlement. The details of the same together with the beneficiaries were also furnished.

9.55 Another case vide FIR No. 14/2015, u/s 16,17 and 18 of the Bonded Labour System (Abolition) Act, section 3 (1) (vi) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, section 14 of the Child Labour Act, section 23 of the Juvenile Justice Act, section 22 of the Minimum Wages Act and sec. 344, 370, 374, 34 IPC had been registered at Police Station Arer on 6 February 2015 against 18 named employers.

9.56 In addition, it was informed that benefits under several social welfare schemes had been extended to the victims and prescribed amount of financial relief of Rs. 22,500/- each in accordance with the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and Rules had been paid to 99 released bonded labourers belonging to the Scheduled Castes. It was stated that land had been allotted to all the 38 families for construction of their houses and possession of the said land had been given to them. Necessary entries in the revenue records of their ownership had also been made. As per the report, necessary funds had been sought from the Labour Commissioner, Government of Bihar towards State share in respect of 37 remaining released bonded labourers and Central share in respect of all the 101 released bonded labourers towards their rehabilitation. Moreover, the Superintendent of Police, Madhubani and District Prosecution Officer, Madhubani had been directed to expeditiously conclude investigation in both the criminal cases and get the same adjudicated through speedy trial.

9.57 The Commission further considered the matter on 31 March 2015 wherein it observed and directed as under:-

“The Commission has heard Shri Giriwar Dayal Singh, District Magistrate, Madhubani and Shri Rajesh Meena, Sub Divisional Magistrate, Benipatti in person on 27.2.2015 and conveyed its displeasure and anguish the way both the officers had conducted when the NHRC team conducted the enquiry in the matter. The District Magistrate, Madhubani now takes the stand that the enquiry conducted by the officers of Labour Department on 21.1.2015 was based on a complaint dated 17.1.2015 received from an NGO. The Commission without going in details would like to remind the District Magistrate that the records including of his own office speak otherwise. Both the officers have however tendered their unconditional apology and the same is accepted.



As per reports, the District Magistrate, Mahubani and his subordinate officers have taken laudable steps by providing land, financial relief and by extending benefits to the victims under various Social Welfare Schemes as described in the reports in order to rehabilitate the released bonded labourers in a meaningful and sustainable manner. It is praiseworthy to note that District Magistrate is monitoring the investigation being carried out by the police in both the criminal cases besides the cases launched by the Labour Department in Benipatti Court. He has also assured to have taken all necessary steps for ensuring safety and security of the victims, mostly belonging to the Scheduled Caste.

Now having considered both the enquiry reports of the NHRC team, having heard both the officers in person and the reports submitted by District Magistrate, Madhubani and Sub Divisional Magistrate, Benipatti, Madhubani, Bihar the Commission directs as under :

- 1) A notice be sent to the Secretary, Ministry of Labour and Labour Commissioner, Government of Bihar, Patna to submit a report on release of funds from the Central share in respect of 101 released bonded labourers and from the State share in respect of remaining 37 released bonded labourers towards rehabilitation of the released bonded labourers within six weeks.
- 2) A notice be also sent to the District Magistrate, Madhubani, Bihar to submit a report on further steps taken for rehabilitation of the victims and status of all the cases pending investigation with police and pending adjudication before the courts within six weeks.
- 3) Let both the officers of Law Division who were involved in the spot enquiry in the matter visit the victims after about three months to assess the rehabilitation measures and steps taken by the State Govt. towards their rehabilitation.
- 4) The Commission also places on record its appreciation for Shri A. K. Parashar, Joint Registrar, (Law) and Shri O.P. Vyas, Assistant Registrar, (Law) for conducting the spot enquiry with perfection having brought relief to 38 families who were in bondage from generations together. Let the Secretary General, NHRC appreciate their role and place the same in the service records. The report of the NHRC team be also put up on the Commission's website."

9.58 The matter is still under consideration of the Commission.



11. Suo Motu Cognizance Pertaining to Existing Bonded Labour in Mirzapur and Varanasi Districts of Uttar Pradesh (Case no. 10928/24/72/2014-BL)

9.59 The Commission took suo motu cognizance on 3 April 2014 based on the report of Joint Registrar (Law) of the Commission, wherein it was stated that on the way to Chunar, a large number of brick kilns on both the sides of the road (Varanasi-Mirzapur Highway) were functional. It was observed that a large number of children, women along with men were working in these brick kilns. On inquiry, it was revealed that most of the workers were from the State of Chhattisgarh and Jharkhand. It was also informed that these workers lived in pathetic conditions and there is no effective control of Government machinery over them. No raids reportedly, were being conducted by the State machinery due to terror of mafia. The Commission, therefore, directed the District Magistrate, Varanasi and District Magistrate, Mirzapur to submit their respective reports.

9.60 According to the reports there were about 250 brick kilns operating in the Varanasi range but there was no mechanism under the Labour Dept of Uttar Pradesh to verify as to how many units were operating under valid licenses. Therefore the Labour Dept had no authentic information about the same. This is because issuance of licenses to the brick kiln owners is not under the control of the said Dept. Similarly details of the total number of labourers engaged in the brick kilns (including males, females & children) were also not available with the Labour Dept. Since the owners of the bricks kiln are not liable to submit the same before the Labour Dept, similar is the problem with respect to the categories of communities of the labourers such as SCs, STs, OBCs, etc. to which they belonged.

9.61 The Commission further considered the matter on 25 November 2014 when it observed and directed as under:-

“The report has not answered the required information on special points as called for. No information is given whether the released labourers have been rehabilitated or not with details. It is to be noted that the DM is the appropriate authority specified u/s 10 of the provision of the Bonded Labour System (Abolition) Act, 1976 for implementing the provisions of the Act. Further he is the Chairman of the Dist. Vigilance Committee and he is obliged to obtain all the reports as required by the law and he is required to perform his function in terms of Sec. 14 of the said Act. He has been entrusted with the powers to instruct the vigilance committees to ensure that brick kilns operate as per the mandate of law and comply all the statutory requirements.

The report seems to have not been prepared as required. The DMs of Varanasi & Mirzapur are directed to submit their reports strictly as per the direction of the Commission. Reply within 8 weeks positively.”



9.62 The requisite reports have still not been received. The matter is continues to be under the consideration of the Commission.

12. Physical Exploitation of More Than 35 Families of Bonded Labourers Working at a Brick Kiln in Village Bamnoli Jaunti Border, Bahadurgarh, District Jhajjar, Haryana (Case No.4684/7/7/2014-BL)

9.63 The Commission received a complaint dated 30 April 2014 from Shri Karan Paul, Project Manager of “Udaan Project of Humaari Umeed” in Mayur Vihar, Delhi alleging that more than 35 families of labourers, were being held as bonded labourers in a brick kiln, named “S.S. Brick Kiln”, owned by Hawa Singh & Anand, situated at Village - Bamnoli Jaunti Border, Bahadurgarh District Jhajjar, Haryana. It was also alleged that they were being exploited and assaulted by the brick kiln owners. They were not paid their wages either.

9.64 The Commission took cognizance of the complaint on 1 May 2014 and directed for an on the spot enquiry for identification of the bonded labourers, if any, and to take further action in accordance with the provisions of law and to a submit report to the Commission.

9.65 The spot enquiry in the matter was conducted by the Investigation Division of the NHRC and a report was submitted by it. During the enquiry, the Investigation team recorded the statements of the complainant; owner of the brick kiln; version of labourer Shri Chandan from Patna, Bihar; joint statement of family heads of 146 labourers and the version of officers of District Administration. The team also interacted with the officers of Distt. Administration, Jhajjar in Haryana and collected relevant documents.

9.66 On the basis of its findings, the Investigation team in its report concluded that the labourers working at the brick kiln were bonded labourers.

9.67 Upon consideration of the findings of the NHRC Team and on the basis of facts, circumstances and evidence in hand, the Commission vide its proceedings dated 7 July 2014 arrived at the conclusion that the labourers working at the brick kiln were bonded labourers and therefore, the allegations contained in the complaint were true.

9.68 Therefore, the Commission directed the concerned State Governments/District Magistrates/District Authorities of the State Governments to take the following action and submit a report to the Commission within a period of eight weeks:-

- 1) Distt. Magistrates of Gaya, Nawada, Patna, Jehanabad (Bihar), Agra (U.P.), Sonapat (Haryana), Cooch Behar (West Bengal), Bilaspur (Chhattisgarh) to submit report on the steps taken for rehabilitation of the 146 released bonded labourers who are residents of their districts;



- 2) District Magistrate, Jhajjar and Supdt. of Police, Jhajjar to submit report with regard to outcome / status of case FIR No.180/2014, P.S. Sadar, Bahadurgarh u/s 342, 34 IPC, Sec.16, 17, 20 Bonded Labour System (Abolition) Act, Section 3(1)(vi), 3(1)(x) Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act, dated 7.5.2014 together with proof of payment of prescribed amount of financial relief required to be paid to victims (143) in accordance with the amended provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Rules made thereunder;
- 3) Labour Commissioner, Government of Haryana to submit the proof of payment of contingency amount of Rs. 1,000/- each which was payable to all the 146 released bonded labourers together with proof of payment of their wages, proof of payment of Rs. 20,000/- each to the 20 child labourers in accordance with the provisions of the Child Labour (Prohibition and Regulation) Act and status/ outcome of all the cases registered under the Labour Laws against the errant employer; and,
- 4) District Magistrate, Jhajjar, Haryana to submit a report on the functioning of the District and Sub Divisional Vigilance Committees in the District, i.e. as to how many meetings of the Committees were held during 2012 and 2013 and a summary of business transacted and decisions taken.

9.69 The Commission took up this matter for hearing during its camp sitting at Chandigarh on 27 November 2014 and expressed concern for non-compliance of its directions. The Commission directed the District Magistrate, Jhajjar to appear before the Commission on 29 December 2014.

9.70 Shri Anshaj Singh, District Magistrate, Jhajjar appeared before the Commission on 29 December 2014 and stated that the Release Certificates in respect of the child labourers had already been issued and sent to the respective District Magistrates. He further submitted that there were about twenty child labourers and instructions had been issued to recover Rs. 20,000/- each for the child labour from the concerned employers in compliance of the orders of Supreme Court in M.C. Mehta case.

9.71 The Commission directed the District Magistrate, Jhajjar to expedite the proceedings for recovery of Rs. 20,000/- each due for the twenty released child labour and submit the compliance report with proof of payment. He was further directed to inform the Commission about the number of meetings held by the Vigilance Committee in the Sub-Divisions and District levels in the previous years.

9.72 Report from District Magistrate is still awaited and the matter is under consideration of the Commission.



13. Three Labourers Die and Three Others Sustain Injuries in a Factory in Bawana Industrial Area, Delhi due to Negligence of Management (Case No. 1059/30/0/2014)

9.73 Shri R.H. Bansal, vide communication dated 31 January 2014 drew the attention of the Commission towards an incident in which one labourer died and four others were injured in an accident, when a gas cylinder exploded in a factory in Bawana Industrial Area, Delhi on 29 August 2014 due to negligence of the factory owner.

9.74 The Addl. D.C.P.(I), Outer District, Delhi vide communication dated 29 May 2014 informed that on 30 August 2013, an incident of fire had taken place in the factory No.F-68, Sector-2 of Bawana Industrial Area, Delhi where one labourer, Mukesh was found dead in the factory and five other labourers sustained burn injuries. Out of these five injured, Sonu and Harish expired during treatment at Safdarjung Hospital, Delhi. A Case FIR No.347/13 dated 31 August 2013 u/s 287, 337, 304A IPC, P.S. Bawana was registered, the owner of factory arrested and a charge sheet was to be submitted in the Court.

9.75 The Additional Labour Commissioner, Government of NCT of Delhi, Labour Department, vide letter dated 3 March 2015 reported that initially no complaint had been filed before the Commissioner Employees Compensation (District North West), the SHO, PS Bawana was requested to furnish the copy of FIR No.347/13 dated 31 August 2014 and investigation report vide letter dated 20 November 2014. The matter was fixed before the Commissioner Employees Compensation and during the proceedings, it was reported by the Management/Respondent, that the deceased was covered under ESI and the matter was under consideration before the ESIC authorities. The report further mentioned that since the matter was covered under the ESI Act, 1948, the claim under Employees Compensation Act, 1923 was not maintainable as per section 53 of ESI Act, 1948. Hence, the case had been closed on 5 January 2015 by the Commissioner Employees Compensation.

9.76 The Commission on 8 May 2015 directed to send a copy of the report dated 3 March 2015 to the complainant for his comments, if any, within six weeks. The matter is under consideration of the Commission.

14. Non-setting of Social Security Boards, State Social Security Boards and Workers Facilitation Centers & Non- registration of Unorganized Workers for Provision of Social Security Benefits to Eligible Workers under “The Unorganized Workers’ Social Security Act, 2008” (Case No. 5706/30/0/2014)

9.77 The Commission observed that an Act “The Unorganized Workers’ Social Security Act, 2008” was passed by the Parliament on 30 December 2008, with the objectives inter



alia, framing of schemes u/s 3 of the Act by the Central Government as well as the State Governments on the issues enumerated in sub-section (1) of Sec. 3 and sub-section (4) of Sec. 3, respectively; to constitute National Social Security Boards u/s 5 of the Act & State Social Security Board u/s 6 of the Act; setting up of Workers Facilitation Centres u/s 9 of the Act; and registration of unorganized worker for providing the social security benefits to the eligible workers u/s 10 of the Act. The Commission further observed that even after 8 years of passing of the social welfare legislation, the Central Government as well as the State Governments had failed to comply with the provisions of the Act in letter and spirit.

9.78 A notice was issued to the Secretary, Labour and Employment and Secretary, Social Justice and Empowerment, Union of India calling upon them to submit report on: (a) Framing of schemes under sub-section (1) of Section 3 of the Act. The details thereof and the present status of the schemes under each of the Sub-head (a) to (d) of sub-section (1) of Section 3 of the Act. (b) Constitution of National Security Boards under Section 5 of the Act and details of the functions performed by the National Security Board so far specifically under sub-section (8) of Sec. 5 of the Act. c) The contributions made by the Central Government in respect of any schemes as envisaged under sub-section 5 of Sec. 10 of the Act.

9.79 Notices were also issued to the Chief Secretary of all the State Governments and Administrators of all the Union Territories directing them to submit a detailed report as to: (a) the welfare schemes formulated and notified by them including schemes envisaged in sub-sub-section (a) to (g) of sub-section (4) of Sec. 3 of the Act. (b) Constitution of respective State Social Security Boards as envisaged under sub-section (1) of Sec. 6 of the Act. (c) Setting up of workers Facilitation Centres as envisaged under sub-section (a) to (d) of Section of the Act. (d) The number of unorganized workers registered so far State wise & Industry wise and number of workers who have been issued identity cards so far u/s 10(3) of the Act. Responses received from the authorities are presently under consideration of the Commission.



Rights of Women and Children

10.1 There is no denial of the fact that the rights of women and children are inextricably linked and complementary. The first international consensus on the centrality of human rights in the women's rights and children's rights agenda was forged at the World Conference on Human Rights in Vienna in 1993. The Vienna Declaration and the Platform of Action states that "the human rights of women and the girl child are an inalienable, integral and indivisible part of human rights".

10.2 The link between human rights and development came to the forefront during the last decade of the twentieth century. A concrete example of this is the international policy documents of the 90s, in particular UNICEF in the post-CRC era, referring to the importance of programming to achieve the human rights of both women and children. It may be recalled that the UNDP Human Development Report of 2000 also took up as its theme, "Human Rights and Human Development."

10.3 Rights-based approaches are aimed towards enforcing accountability in the development process by identifying claim-holders and corresponding duty-bearers. These approaches examine the positive obligations imposed upon duty bearers and the entitlements of claim-holders. Such approaches also seek development of strong laws, policies, institutions and administrative practices and call for the adoption of benchmarks for measuring progress and accountability.



Rights-based approaches require a high degree of participation from all people, including women and children.

10.4 Human rights and sustainable human development are interdependent and mutually reinforcing. For example, human rights are enhanced when gender equity or poverty reduction programmes empower people to claim their rights. The links between human rights and development are clearly present in the people-centered, rights-based approach to development, poverty eradication, human rights mainstreaming, good governance and globalization. A human rights based approach to programming will thus create a context for integrating both women's rights and children's rights agendas into all development work.

10.5 Keeping in view the essential elements of a human rights based approach to women and children, the NHRC, from the very beginning has been making efforts to protect and promote the rights of women and children in a variety of inter-connected ways focussing on issues relating to discrimination against women and children, violence against women and children, basic health concerns of women and children, including women's sexual and reproductive health, education of women and children, administration of juvenile justice and special protection measures towards women and children.

10.6 The paragraphs given below highlight some of the important activities undertaken by the Policy Research, Projects and Programmes Division (in short Research Division) of NHRC on rights of women and children.

A. Interrogating Violence Against Women from the Other Side : An Exploratory Study into the World of Perpetrators

10.7 The abovementioned research study was undertaken by the NHRC in August 2014 in collaboration with the Centre for Women's Development Studies, New Delhi. The central objectives of the research are to – analyze the existing literature on perceptions of crimes against women from an inter-disciplinary perspective with particular focus on India; profile a sample of perpetrators of such crimes encompassing juveniles, adults, undertrials and convicted offenders; tracking of specific cases to gauge the viewpoint of specific victims; and response of the criminal justice system towards the changing contours of crimes against women and their perpetrators. The time duration of the study is two years.

B. Participation of NHRC, India in 58th Session of CEDAW

10.8 The Secretary to the Committee on the Elimination of Discrimination against Women, Mr. Jakob Schneider on 10 April 2014 extended an invitation to the Chairperson of NHRC, India, Justice Shri K. G. Balakrishnan to provide country specific information on the implementation of the Convention on the Elimination of Discrimination against



Women (CEDAW) in the Republic of India, whose combined fourth and fifth periodic reports were scheduled for consideration at the Fifty-eighth Session of the Committee on the Elimination of Discrimination against Women from 30 June to 18 July 2014 at the office of the United Nations in Geneva. Furthermore, his letter stated that the Committee also invites representatives of NHRIs to brief the Committee in a public meeting on the status of women's rights.

10.9 Accordingly, the Commission prepared its report and submitted it to the CEDAW Committee on 9 June 2014. A copy of the text of the report submitted by NHRC, India is at Annexure-8. Thereafter, a two-member delegation from NHRC, India comprising Justice Shri K. G. Balakrishnan and Shri J. S. Kochher, Joint Secretary (Training and Research) visited Geneva wherein an oral statement was made before the CEDAW Committee by the Chairperson of NHRC on 30 June 2014. The text of his oral statement is at Annexure-9.

C. National Research on Human Trafficking in India

10.10 The above research was undertaken by the NHRC in collaboration with the Tata Institute of Social Sciences, Mumbai as a sequel to the Action Research on Trafficking in Women and Children in India undertaken by it way back in 2004. The main objectives of the study are to understand the changing dimensions of human trafficking; make an assessment of the extent of human trafficking; the economics of trafficking; the processes involved in human trafficking, plus cross-border trafficking, trafficking in militancy and other affected areas; the current response system, including the legal framework, State and non-State intervention; and the way forward to address the identified gaps.

10.11 During the period under review, two meetings were held in the NHRC under the chairmanship of Justice Shri Cyriac Joseph. The aim of these meetings was to discuss the overall objectives, methodology and other nuances of the National Research.

D. Study on Human Rights of Transgender as a Third Gender

10.12 The Commission undertook the above research entitled "Study on Human Rights of Transgender as a Third Gender" in collaboration with Kerala Development Society, New Delhi in March 2015. The objectives of the study are to : (i) study the overall profile of transgender as a third gender encompassing important socio-economic variables, like age, caste, religion, education, employment, income, etc. and the RGI includes transgender in Census and other enumerations; (ii) examine various kinds of discrimination, human rights violations faced by them in all aspects concerning their lives, including coping mechanisms, both in urban and rural areas; (iii) evaluate entitlements given to transgender by Central and State Governments under various schemes/programmes like education, health, employment, food, pension, etc. and reasons for their inclusion/exclusion,



including problems faced by them in accessing those entitlements; (iv) study in-depth the programmes/schemes launched/facilities provided for transgender by the Centre, State or Local Government and critically identify the areas of economic activities for self-reliance; (v) make an in-depth analysis of the existing laws and policies, if any, for transgender along with the Supreme Court judgement and steps taken by the Central and State Governments for their overall developments in the light of the given policy, law(s) and judgement; (vi) examine the prevalent practices towards transgender in other countries and also study the UN Yogyakarta Principles of international human rights law in relation to sexual orientation and gender identity; and (vii) develop and build database and come up with actionable recommendations to protect and promote their human rights – civil, political, economic, social and cultural rights.

10.13 The aforementioned study is to be completed within a time span of one year.

E. National Workshop to Discuss the Juvenile Justice (Care and Protection of Children) Bill, 2014

10.14 The National Human Rights Commission organized the above mentioned National Workshop on 27 August 2014 in New Delhi. The main objectives of the Workshop were to formulate recommendations for making modifications in the 2014 Bill with regard to (i) the age of criminal responsibility; (ii) the core elements of juvenile justice; and (iii) lay emphasis on rehabilitation, reformation, reintegration and skill development.

10.15 The Juvenile Justice (Care and Protection of Children) Bill, 2014 was primarily an outcome of the public outrage following the 16 December 2012 gang rape in Delhi, where a juvenile was among the five accused, which led to demands that minors 16 years and above, accused of serious crimes, should be tried as adults. This found strong resonance in the media and many political parties. While the earlier Government did contemplate on the issue, the Government in office went ahead and incorporated this demand in the Juvenile Justice (Care and Protection of Children) Bill, 2014 and introduced the same in the Lok Sabha for enactment of a new law. In this respect, the Commission too had received submissions from the non-governmental and civil society organizations working for juvenile justice in the field stating that the 2014 Bill in its present form will not serve any purpose and furthermore it is not in conformity with the core principle of juvenile justice under Article 37 of the United Nations Convention on the Rights of the Child or for that matter Article 6.5 of the International Covenant on Civil and Political Rights (ICCPR), both of which are ratified by the Government of India. Apart from these international instruments, there are four main supporting juvenile justice instruments which the 2014 Bill seems to have completely ignored. These are the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines); United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules); United Nations Rules for Protection



of Juveniles Deprived of Their Liberty (Havana Rules); and the Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines). These are the accepted minimum standards to which States should adhere to when setting up or amending their existing juvenile justice system. Moreover, they felt that the 2014 Bill seems to have ignored General Comment No. 10 of the UN Committee on the Rights of the Child.

10.16 The suggestions that emanated out of the one-day Workshop were subsequently discussed with the experts, many of whom had served in the Juvenile Justice Boards and Child Welfare Committees, few among them had been Chairperson and Members of State Commissions for Protection of Child Rights, lawyers dealing with cases of children in conflict with law and those in need of protection, NGOs and civil society organizations working in the field. These suggestions were again taken up for discussion by the Chairperson, Members and senior officers of the NHRC in few of its Full Commission Meetings and later concretized for onward submission to the Rajya Sabha Department-Related Parliamentary Standing Committee on Human Resource Development.

10.17 The suggestions/recommendations of the National Human Rights Commission on the 2014 Bill are as under:

(i) Lowering of Age

- At the outset, it is pointed out that Article 1 of the Convention on the Rights of the Child defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” Further, the draft Bill defines in Section 2 (12) a child as “a person who has not completed eighteen years of age.” Thus, it is clear that any person who has not completed eighteen years of age should be treated as a child, regardless of whether he/she is in conflict with the law or is in need of care and protection.
- As per the Bill, some of the children who have completed or are above 16 and below the age of 18, and are in conflict with law as a result of commission of heinous crimes, are to be tried as adults under the criminal justice system. This is in complete contravention to the Child Rights Convention and the Bill’s stated purpose of adopting “a child-friendly approach in the adjudication and disposal of matters in the best interests of children.
- Moreover, by resorting to judicial proceedings under the adult criminal justice system for juveniles in conflict with law goes against Articles 3, 37 and 40 of the United Nations Convention on the Rights of the Child adopted by the UN General Assembly in 1989 and ratified by the Government of India in December 1992. A guiding principle in all these is that the best interests of



the child are to be kept in mind. In dealing with the child in conflict with the law, the Convention, which India has ratified, has specified “a variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocation training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.” NHRC is of the view that the adult criminal justice system and the correctional services will not be able to take care of these dispositions in the best interests of the child offender. Thus, the proposal in the Bill in Section 19(3) is not justified and should be dropped. All child offenders up to the age of 18 years should be treated under the same set of dispositions irrespective of the nature of the offence. Subjecting a child of 16 to 18 years to the adult penal system with the object of deterrence will not work. Rather, it will have serious repercussions on child psyche as the adult criminal justice system instead of reforming will transform the child into a hardened criminal.

- In addition, the Bill goes against the general principles of care and protection of children as elucidated in Chapter II, in particular, principles of presumption of innocence, best interest, safety, non-stigmatizing semantics, privacy and confidentiality, equality and non-discrimination, fresh start and diversion.
- With regard to reduction of age in respect of juveniles, the Report of the Verma Committee on Amendments to the Criminal Law also concludes “that the age of ‘juveniles’ ought not to be reduced to 16 years.” The Report further states that “It is time that the State invested in reformation for juvenile offenders and destitute juveniles. We think this is possible in India but it requires a determination of a higher order.” In addition, to immediately curing the systemic problems affecting the juvenile justice system in the country, the Verma Committee articulated that the terms “harm” and “health” need to be defined in the Juvenile Justice (Care and Protection of Children) Act, 2000 in the manner suggested by them on page 216 of the Report.

(ii) Distinction between Heinous and Other Offences

- The distinction made between heinous and other offences in the 2014 Bill denies children between 16 to 18 years of their rights under the juvenile justice system. Besides, it is denying the Juvenile Justice Boards (JJB) the discretion to pass any of the rehabilitative orders for children between 16 and 18 years as listed under Section 19(1) and 19(2) of the Bill. The juvenile justice system which has evolved under the international child rights law is based upon the fact that the mental, cognitive and emotional capacity of



the child is not sufficiently developed till he/she attains the age of 18 years and therefore should not be held responsible for the omissions/commissions made. There is thus a need to continue with the differential approach and treatment adopted towards children in conflict with law as being followed presently.

- The above, by implication, will lead to automatic transfers of several children aged 16 and above, alleged to have committed a heinous offence, to the adult criminal justice system. These children are thus denied of orders aimed at care, protection, development, treatment and social reintegration, a legislative commitment stated in the Preamble of the 2014 Bill itself.
- It would be pertinent to mention here that as per the latest available crime statistics, the percentage of juvenile offenders to the total IPC crime offenders is 1.19%, which is very negligible. The number of juvenile offenders compared to total number of IPC offenders is even lower for offences like murder, rape, abduction, etc. Since the percentage of juvenile offenders involved in crimes specially the heinous crimes is extremely small, hence, there is no reason to necessitate changes in the existing juvenile justice system.
- Section 15 (3) of the Bill requires the JJB to conclude a preliminary inquiry in case of heinous offences within a period of one month from the date of first production of the child before the Board. In normal course of crimes committed by adults, no charge sheet is even filed within the stipulated period. But the JJB is required to take a decision of transferring such a child to the Children's Court within a period of one month without a proper investigation by the investigating agency or before such investigation is completed and the child is prima facie found to have committed such heinous offences. This provision proceeds on the assumption that the alleged offence has been committed by the child and is contrary to the presumption of being innocent till proved guilty. It thus violates Fundamental Rights guaranteed under Article 14 and 21 of the Constitution by directing the JJB to inquire into the culpability prior to prima facie establishment of the guilt.
- Even the Criminal Law (Amendment) Act, 2013 has not provided for harsher treatment to juveniles committing heinous offences. The Hon'ble Supreme Court has recently also examined these issues in depth in two cases – Salil Bali v. Union of India and Subramaniam Swamy v. Union of India, and found no justification for any changes in the existing Juvenile Justice Act.



(iii) Transferring of Children to Children's Court

- As per the scheme of adjudication of juveniles under the Bill (Sections 15, 16, 19, 20 and 21), it is proposed to transfer the children alleged to have committed heinous offences to the Children's Court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012, wherever existing and where such Courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act. The aforementioned Sections are an antithesis to the entire concept of juvenile justice system. The objective of creating a separate juvenile justice system was to have a parallel system for children in conflict with law and not include them in the criminal justice system.
- Moreover, the Children's Court established under Section 25 of the Commissions for Protection of Child Rights Act, 2005 are specifically designed for speedy trial of offences committed by adults against children. In other words, these are designated courts for trial of adults to protect children. In most of the places, they are essentially Sessions Courts. However, as per the 2014 Bill, the alleged child offender will now be tried as an "adult" by these Courts rather than being protected. This, again, contradicts the Bill's stated purpose of "adopting a child-friendly approach in the adjudication and disposal of matters" in the best interests of children including their rehabilitation.

(iv) Need for Strengthening the Existing Juvenile Justice System

- Having acceded to the Convention on the Rights of the Child, the 2014 Bill contradicts and deviates from the constitutional provisions and related international instruments adopted by the Government of India, in particular, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (Beijing Rules), United Nations Rules for Protection of Juveniles Deprived of their Liberty, 1990 (Havana Rules), United Nations Guidelines for the Prevention of Juvenile Delinquency, 1990 (Riyadh Guidelines).
- There have been gross failures in the existing juvenile justice system primarily because its provisions, in particular those relating to rehabilitation, vocational training and social reintegration, have not been implemented in their letter and spirit. The need of the hour is to give effect to the provisions contained in the Juvenile Justice (Care and Protection of Children) Act, 2000 and Rules framed thereunder so that children in conflict with law as well as



those in need of care and protection are provided the requisite infrastructure, prescribed standards of care in institutions, education, counselling, vocational training, individual care plan, etc., as per their development needs and best interests.

F. Research Study on Human Rights Issues Related to Right to Education of Children of Migrant Labourers in Kerala

10.18 The above study was undertaken by the National Human Rights Commission during 2014-2015 in collaboration with the Sacred Heart College in Thevara, Cochin, Kerala.

10.19 The concerns to be addressed by the study are : (i) the levels of enrolment of children of migrant labourers in schools; (ii) the dropout rates of children of migrant labourers in schools; (iii) the levels of enrolment of children of migrant labourers in higher education; (iv) the living conditions of the migrant labourers; (v) analyze the economic state of affairs of the migrant labourers; and (vi) the cultural dilemma faced by the children of migrant labourers.

10.20 The study commenced in December 2014 and is to be completed within a span of two years.

G. Monitoring of Recommendations on Women/Sexual and Reproductive Health Rights and Rights of Children Relating to Second Universal Periodic Review

10.21 As already explained in Chapters 7 and 8 of this Annual Report, the Commission is monitoring recommendations pertaining to women/sexual and reproductive health rights and rights of children accepted by the Government of India during the second cycle of the universal periodic review undertaken by the United Nations Human Rights Council in Geneva in September 2012. These recommendations primarily deal with addressing challenges of maternal health, maternal and child mortality, access to adequate obstetric delivery services and sexual and reproductive health services, including safe abortions and gender-sensitive comprehensive contraceptive services, promoting the rights of women in their choice of marriage and their equality of treatment independent of caste and tribe or other considerations, act to effectively balance the skewed sex ratio among children including by combating pre-natal sex selection with a view to ensuring stringent enforcement of the legal prohibition of such practice, sensitize medical professionals on the criminal nature of pre-natal sex selection, incorporation of gender perspective in programmes and development plans, re-examination of budgets and social laws taking into account gender issues, continue legal efforts in the protection of women as well as children's rights so as to



improve measures to prevent violence against women and girls, and members of religious minorities, improve women empowerment and emancipation, and provide them with a bigger role to play in the society, redouble efforts on ensuring gender equality and take measures to prevent gender discrimination, continue to promote its many initiatives for the eradication of all forms of discrimination against women, including through awareness raising and strengthening of relevant legal and institutional frameworks, strengthen legislation to combat sexual offences against minors, take effective measures to dissuade child marriage, accelerate efforts to combat human trafficking, and reinforce efforts to protect and rehabilitate the victims of trafficking. Related to this, it is monitoring several cross-cutting recommendations impacting on rights of women and children.

10.22 For this purpose, as mentioned earlier, it has devised a framework detailing out action required on each of the recommendations accepted by the Government of India. Accordingly, at the time of writing of this Annual Report, it had held a meeting with the Director of the Ministry of Women and Child Development, Government of India in July 2015 wherein information was furnished on some of the aforementioned issues. Later more information was shared by the Ministry highlighting number of Protection Officers appointed and service providers identified across the country under the Protection of Women from Domestic Violence Act, 2005; number of Session Courts designated as Special Courts under Section 28 of the Protection of Children from Sexual Offences Act, 2012; and launching of the Beti Bachao Beti Padhao (BBBP) programme in January 2015 to improve the child sex ratio.

10.23 However, the information shared by the Ministry of Women and Child Development is of rudimentary nature. Other than this, on many significant issues like the signing and ratifying of the Optional Protocol to CEDAW by the Government of India, an action earlier called for by the NHRC on the part of the Ministries of External Affairs and Women and Child Development in response to one of the recommendations accepted by the Government of India during the first universal periodic review held in 2008, the Ministry of Women and Child Development has conveyed that the Ministry of External Affairs will take the final view in this matter. Similarly, on another recommendation pertaining to the second universal periodic review – “continue legal efforts in the protection of women as well as children’s rights as well as improve measures to prevent violence against women and girls, and members of religious minorities” – the action called for by NHRC is to ensure effective administration of enabling legislations for women and children by all concerned stakeholders. In this context, one of the Acts highlighted for women in the framework devised by the NHRC is the Dowry Prohibition Act, 1961. On this issue, the Ministry of Women and Child Development has simply communicated that the number of cases registered under the Dowry Prohibition Act, 1961 is being maintained by the National Crime Records Bureau of the Ministry of Home Affairs. It further goes on to state that the implementation of the given Act is the responsibility of the respective State Governments and Union Territory Administrations in the country.



10.24 The Commission on its part once again urges the Ministry of Women and Child Development to apprise the Commission about the action taken and progress made at the ground on concerns admitted by the Government of India in the United Nations. It also calls upon the Ministry to look into the signing and ratification of the Optional Protocol to CEDAW in coordination with the Ministry of External Affairs. This point was made by the NHRC earlier too in its Annual Report 2013-2014.

H. Illustrative Cases Relating to Rights of Women and Children Dealt by NHRC

1. 28 Year Old Women Gang Raped by Three Employees of Sagar District Hospital, Madhya Pradesh (Case No. 92/12/8/2013-WC)

10.25 The Commission received a complaint from Shri Amitra Sudan, a Human Rights Activist alleging that a 28 year old woman was gang raped by three sweepers of the District Hospital, Sagar in the State of Madhya Pradesh where the victim had gone for the treatment of her two-year-old daughter.

10.26 The Commission took cognizance of this complaint vide its proceedings dated 21 January 2013 and directed to transmit a copy of the complaint to the Senior Superintendent of Police & the CMO, Bhopal, Madhya Pradesh calling for an action taken report in the matter. The Superintendent of Police, Sagar, submitted a report to the Commission vide communication dated 30 January 2013. The report confirmed the incident and revealed that an FIR No. 482/12 u/s 376(2)(d)&(g)/342/323/506/34 IPC had been registered against the three accused persons, namely, Shany Balmiki, Rahul Balmiki and Sachin Balmiki. The accused were arrested on the same day and after completion of the investigation, a charge sheet was filed in the court on 18 January 2013.

10.27 The Commission held that in view of the report of the Superintendent of Police, it was a clear case of violation of human rights. The Commission thus directed to issue a notice u/s 18 of the Protection of the Human Rights Act, 1993 to the Government of Madhya Pradesh, through its Chief Secretary, to show cause as to why the Commission should not recommend monetary relief for the victim. No response from the State Government was received in the Commission. The Commission recommended to the Government of Madhya Pradesh, through its Chief Secretary, to pay compensation of Rs. 3,00,000/- (Rupees Three Lakhs only) to the victim. A compliance report along with proof of payment was called for from the Government of Madhya Pradesh within six weeks. The compliance report was not received from the State Government in spite of a reminder vide directions of the Commission dated 29 April 2014. This matter was also taken up by the Commission with the Government of Madhya Pradesh at the time of the Camp Sitting of the Commission



held at Bhopal on 11 September 2014. The Secretary (Home), Government of Madhya Pradesh who was present before the Commission, reassured that the State Government will accept the recommendations made by the Commission for payment of compensation of Rs. 3,00,000/- as monetary relief to the victim. The undertaking of the Secretary (Home), Government of Madhya Pradesh was taken on record. The compliance report along with the proof of payment from the State Government is however awaited.

2. Class III Girl Raped by Teacher at Naveen Government Primary School, Village Lato, Madhya Pradesh (Case No. 365/12/27/2013-WC)

10.28 The Commission received a complaint through an e-mail from one Dr. Subhash Mohapatra, Executive Director, Global Human Rights Communication, Odisha bringing a gruesome incident to its notice where a Class III, girl student was raped by a school teacher in Naveen Government Primary School at Lato village in Mandla District of Madhya Pradesh.

10.29 The Commission took cognizance of the matter vide its proceedings dated 6 March 2013 and directed to transmit a copy of the complaint to the concerned authority calling for an action taken report in the matter. A copy of the complaint was transmitted to the Superintendent of Police, Mandla, Madhya Pradesh and an action taken report was called for in the matter.

10.30 The Superintendent of Police, Mandla sent a report vide communication dated 10 April 2013 stating that a criminal case No. 14/13 u/s 376 (f), 506 IPC and 3, 4, 5, and 6 of the Protection of Children from Sexual Offences Act, 2012 had been registered at Police Station, Ghughri. As mentioned in the report the accused was arrested on 4 February 2013 and a charge sheet in the matter too was filed in the court.

10.31 While considering the report vide its proceedings dated 26 July 2013, the Commission held that the report received in the matter confirmed the incident and it was established that human rights of the girl child had been violated by a public servant and therefore the State is liable to compensate the victim.

10.32 The Commission directed to issue a notice to the Chief Secretary, Government of Madhya Pradesh u/s 18(a) (i) of the Protection of Human Rights Act, 1993 to show cause as to why the Commission should not recommend monetary relief to the victim.

10.33 In response to the show cause notice issued by the Commission, the Government of Madhya Pradesh submitted its comments vide communication dated 30 August 2013 stating that the victim did not belong either to the Scheduled Caste or Scheduled Tribe community and therefore, was not entitled for any monetary relief under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995.



10.34 While considering the response received from the State Government vide its proceedings dated 19 December 2013, the Commission observed while at no place it was mentioned the victim belonged to the Scheduled Caste or Scheduled Tribe community, however, as the girl child was raped in the school premises by a Teacher, the State cannot escape its liability to compensate the victim. The Commission recommended to the Government of Madhya Pradesh, through its Chief Secretary, to pay a compensation of Rs. 2,00,000/- (Rupees Two Lakhs only) to the victim girl. The Chief Secretary, Government of Madhya Pradesh, was thus directed to submit a compliance report along with proof of payment to the Commission within six weeks.

10.35 The Deputy Secretary to the Government of Madhya Pradesh, informed the Commission vide communication dated 21 July 2014, that the State Government had sanctioned Rs. 2 lakhs to be paid to the victim girl.

10.36 The Commission considered the response vide its proceedings dated 11 December 2014 and further directed the Government of Madhya Pradesh to submit the proof of payment that the monetary compensation had been paid to the victim. The response from the State Government is awaited.

3. Molestation of a Girl Student by Staff of Ideal Institute of Management & Technology, Karkardooma, Delhi (Case No. 196/30/2/2013)

10.37 The complainant, Miss Sakshi Jain in her complaint to the NHRC alleged that she was molested by Atul Gupta and Amit Mittal, Clerks of Ideal Institute of Management & Technology, Karkardooma, Delhi on 21 September 2012. The complainant had gone there to collect her character certificate. A written complaint was lodged at Anand Vihar P.S. on the same day. Later, the Investigation Officer informed the complainant's father on telephone that her case had been closed. But the complainant was never approached by the Police. The complainant nonetheless prayed for registration of an FIR.

10.38 On consideration of report of the Deputy Commissioner of Police (Vigilance), Delhi, the Commission observed that the incident had occurred on 21 September 2012 and the FIR No.526/2012 was registered only on 31 December 2012. FIR was registered only after the complainant sent the complaint for consideration of the Commission on 24 December 2012.

10.39 The Commission considered the material on record and found that it was an admitted fact that the incident took place on 21 September 2012 but the FIR was registered only on 31 December 2012. It was also an admitted fact that the Police received the complaint on 21 September 2012. There was delay of more than three months for registration of the FIR, but that delay was not explained. It was also significant that FIR was registered only after



the victim submitted her complaint to the NHRC. In such circumstances, the Commission directed the Government of NCT of Delhi to pay a sum of Rs. 50,000/- (Rupees Fifty Thousand) as compensation to Miss Sakshi Jain, the complainant/victim.

10.40 The compliance report is awaited.

4. Death of Ms. Harpreet Kaur in Acid Attack in Ludhiana, Punjab (Case No. 99/19/10/2014-WC)

10.41 Shri R.H. Bansal, Antarrashtriya Manav Adhikar Nigarani Parishad, Delhi complained about the death of a woman Ms. Harpreet Kaur and injuries to two other women, Geeta and Amarjeet Kaur, due to acid attack on them in Ludhiana, Punjab.

10.42 The Commissioner of Police, Ludhiana reported that seven accused were arrested and after completion of investigation, charge sheet was filed in the Court. The report further stated that a sum of Rs. 12,51,000 was spent on the medical treatment of the deceased Ms. Harpreet Kaur paid by the Police Department.

10.43 The Commission considered the material on record and keeping in view the directions of the Supreme Court held that Ms. Harpreet Kaur was entitled to monetary relief and directed the Government of Punjab to show cause as to why Rs. 3,00,000/- be not recommended to be paid to Harpreet Kaur as monetary relief.

5. Acid Attack on Baldev, His Wife and Minor Daughter in Village Devru, District Sonapat, Haryana (Case No. 1572/7/19/2014)

10.44 Shri R.H. Bansal, General Secretary, Antarashtriya Manav Adhikar Nigarani Parishad, Rohini, New Delhi complained about an acid attack upon a couple and their young daughter in Sonapat, Haryana.

10.45 The Superintendent of Police, Sonapat reported that FIR No. was registered at P.S. Sonapat Sadar on the statement of the injured Shri Baldev. As per the FIR, acid was thrown by some unknown persons on the family on the night of 5/6 October 2013 at about 2 a.m. through the window of the room in which they were sleeping. The accused Darshan, Randhir and Gurjant were arrested and charge sheet too was filed in the Court.

10.46 The Commission considered the material on record and observed that the Police had done the needful and in view of the Supreme Court guidelines, victims, Khushpreet Kaur, Baldev and Karanjeet Kaur were entitled to monetary relief for being victims of acid attack. The Commission directed to the Government of Haryana, to show cause as to why Rs. 3.00 lakhs should not be recommended to be paid to the victims.



6. Rape of Woman in Civil Lines, Allahabad (Case No. 42028/24/4/2013)

10.47 In this case, a woman employee was raped by her senior officer and later by the Police in Police Station. The petitioner, Shri Arun Pandey, r/o Meerapur, Allahabad, Uttar Pradesh facilitated in getting her legal remedy. Because of his pro-active support to the rape victim, he was targeted both by the offenders and the police. The petitioner alleged that an important piece of evidence in the case was destroyed and another piece of evidence in possession of the victim could also be destroyed, if the same was handed over to the Police.

10.48 The Commission taking into consideration the serious allegations directed the applicant to go to the office of the Director General of Police, Uttar Pradesh in Lucknow and handover to him personally the clothes which the victim wore at the time of the incident. The Commission also directed the DGP, Uttar Pradesh to receive the clothes from the applicant and get them sealed in his presence under his signature. The DGP, Uttar Pradesh was directed to ensure that FIR No. 65/2014 P.S. Attar Suia and FIR No. 67/2014 P.S. Attar Suia, Allahabad were investigated in a fair and impartial manner by the same officer. For that purpose, he may transfer the investigation of both the cases to a competent officer, preferably a female officer, of appropriate rank. He was further directed to make arrangements to afford adequate security to the applicants.

7. Sexual Assault of Twenty Year Girl Trainee in Bhubaneswar, Odisha (Case No. 2296/18/28/2013)

10.49 The Commission received a reference dated 11 September 2013 from Shri Damodar Sarangi, Special Rapporteur, NHRC, whereby he forwarded a complaint letter of Prof. Asha Hans, Executive Vice President of Shanta Memorial Rehabilitation Center alleging that on 6 August 2013, a twenty year old girl trainee was raped three times within a period of six hours by an Instructor of Vocational Rehabilitation Center for Handicapped in Bhubaneswar, Odisha. It was stated that the said Center was established and run by the Ministry of Labour, Government of India. There exists no established complaint mechanism in such centers to meet the demands of women and many cases of sexual abuse of girls with disability have been occurring across the country. It was further stated that an FIR was registered and the accused was arrested on 11 August 2013.

10.50 Pursuant to the directions of the Commission, the Deputy Commissioner of Police, Bhubneswar submitted that Case No. 199, dated 10 August 2013, P.S. Bhubneswar Mahila, Odisha was registered in the matter and during investigation, prima facie evidence was established against the accused Dhiraj Kumar Sribasthav and Priya Singh. Both the accused were arrested and forwarded to the Court. Charge sheet No. 286 dated 3 December 2013 had been filed against the accused persons.



10.51 The Commission further considered the matter on 20 June 2014 when it observed and directed as under:-

“Notice be issued to Chief Secretary, Govt. of Odisha to show cause, why compensation of Rs. 1,00,000/- (Rupees One Lakh) shall not be granted to the victim as per Section 18 of the Protection of Human Rights Act, 1993. Further, the Chief Secretary, Government of Rajasthan, shall submit his report indicating the quantum of compensation, if any, paid to the victim under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Response within four weeks, positively.

Notice be issued to the Secretary, Ministry of Labour, Government of India to submit an Action Taken Report in the matter within four weeks, positively. The report shall inter alia indicate the action taken against the guilty officers involved in the matter.”

10.52 In response, the Under Secretary, Ministry of Labour and Employment, Government of India vide communication dated 29 September 2015 stated that the victim has been paid Rs. 1,00,000/- as recommended by the Commission. The matter is under consideration of the Commission.

8. Suicide Attempt by Woman Police Constable in State Legislative Assembly Premises in Mumbai due to Sexual Harassment (Case No.855/13/16/2013-WC)

10.53 Shri R.H. Bansal, vide communication dated 19 March 2013 alleged that on 27 February 2013, a woman Constable, of Aurangabad District made an attempt to commit suicide by consuming poison, in the premises of Vidhan Bhawan, Mumbai as she was fed up of continuous sexual harassment by her senior police officers.

10.54 The DCP, Zone-I, Mumbai vide communication dated 22 July 2013 informed that on 27 February 2013, Amruta Avinash Akolkar, a woman Constable of Aurangabad Headquarters attempted to commit suicide in front of the Vidhan Bhawan, Mumbai, Maharashtra and case FIR No.30/2013 u/s 309 IPC was registered against her in P.S. Marine Drive, Mumbai. The Commissioner of Police, Aurangabad, vide report dated 20 August 2013 informed a three member committee had been constituted for conducting enquiry on the allegations of woman Police Constable, Amkruta Avinash Akolkar against the ACP, Naresh Megh Rajani, ACP, K.S. Bahurey and ACP, Sandeep Bhaji Bakhare and it was found that several mobile calls and SMSs (including obscene SMS) were sent by the ACP, Sandeep Bhaji Bakhare to the woman police constable, who had also made mobile calls and pasted SMSs to the ACP, Sandeep Bhaji Bakhare. An offence vide CR No.155/2012 u/s 509 IPC was registered at P.S., Satara, Aurangabad against the ACP, Sandeep Bhaji Bakhare and charge sheet was filed in the court. The ACP Sandeep Bhaji Bakhare was suspended for his misconduct.



The victim also filed a complaint case before the JMFC Court, Aurangabad u/s 354, 509 IPC against the ACP, Naresh Megh Rajani, ACP, K.S. Bahure and the ACP, Sandeep Bhaji Bakhare.

10.55 The Commissioner of Police, Aurangabad vide letter dated 14 January 2015 reported that the then ACP Sandip Bhajbhakare (alleged accused in the case) filed Criminal Writ Petition No.1101/2013 and 1102/2013 in the High Court bench at Aurangabad to quash the FIR and private case in the Court. Subsequently, the High Court quashed the above FIR and the proceedings in private case. The Government of Maharashtra had started departmental enquiry against the accused ACP and the same is pending with the Regional Departmental Enquiry Officer, Aurangabad Division, Aurangabad.

10.56 As the comments had not been received from the complainant, the Commission on 7 May 2015 directed to transfer the complaint to the Maharashtra State Commission for Women for its disposal as per Section 13 (6) of The Protection of Human Rights Act, 1993, since that Commission had already taken cognizance in the matter on 23 August 2012.

9. Rape of Woman by Three Persons in a Bogie of Kiul-Gaya Passenger Train at Railway Station in Lakhisarai, Bihar (Case No.1037/4/19/2013-WC)

10.57 The complainant vide complaint dated 19 March 2013 alleged rape of a woman, who was a resident of Village Ranisagar of District Raigarh, Chhattisgarh, by three persons in a bogie of the Kiul-Gaya passenger train when it was at platform number 5 at railway station, Lakhisarai, Bihar, on 27 August 2012.

10.58 The Superintendent of Police, Railway, Jamalpur, reported that on the basis of a statement of the victim's father, Case no. 63/12 was registered u/s 376 IPC, and the accused had been arrested and charge sheet was filed on 25 November 2012.

10.59 The Commission on 25 April 2014 recommended to the Chairman, Railway Board, New Delhi to pay Rs. 3,00,000/- (Rupees Three Lakhs Only) as monetary relief to the victim. Compliance report along with proof of payment is still awaited and the matter is under consideration of the Commission.

10. Children Go Missing in Ghaziabad, Uttar Pradesh (Case No.22368/24/31/2012)

10.60 Based on a news item captioned "Chhai Maha Mein Gayab Huyai 90 Bachhe" the Commission took suo motu cognizance of the matter that appeared on 10 July 2012. According to the press report 90 children had gone missing in Ghaziabad, Uttar Pradesh



from 1 January to 1 July 2012. It was also reported that 251 children had gone missing from the district in the year 2011 and out of them, 115 children were not traced. The Commission directed the Investigation Division to conduct a spot enquiry and obtain requisite information pertaining to missing children and action taken by local police to trace them.

10.61 During the visit, the NHRC Team collected report from SSP, Ghaziabad and met some of the parents of missing children to ascertain the reasons behind missing and cooperation received from police in this regard.

10.62 After analysis of the report received from the SSP, Ghaziabad, the NHRC team found that:-

- (i) Out of 117 missing children (from 1.1.2012 to 1.7.2012), 90 had been recovered but 27 were still untraced;
- (ii) Out of 203 missing children in the year 2011, 172 had been recovered but 31 still remained untraced;
- (iii) In the year 2012 (from 1.1.2012 to 1.7.2012) almost 52% of children were recovered after one month from their date of missing. This shows lack of promptness on the part of the police;
- (iv) The main reason behind missing of the children was found to be parents ill-treatment (31%) and leaving of house at their own will (56%);
- (v) During the year 2008 to 2013 (up to October), especially 2009 onwards a rising trend in the incident of missing children had been noticed. In all these years, incident of male children going missing was comparatively higher than that of female children;
- (vi) Out of 161 unrecovered/untraced children in the period from 2008-2013 (up to 31.10.2013), 121 children were in the age group of 10-18 years; and,
- (vii) There is delay in registration of FIR. Neither prompt nor proper efforts were being made at P.S. level to trace the missing children. Tracing of children was not a priority issue at the P.S. Level.

10.63 On scrutiny of documents and reports, following shortcomings were noticed:-

- (a) No registration/delay in registration of missing reports/FIRs despite orders of Hon'ble Supreme Court;



- (b) Poor follow up after the registration of missing reports/FIRs despite orders of Hon'ble Supreme Court;
- (c) ZIPNET is not available at P.S. level;
- (d) No announcement of reward for tracing missing children in the year 2012 and 2013;
- (e) No proper publicity regarding missing children especially at Railway Station and Bus stands; and,
- (f) No cases had been transferred to Anti-Human Trafficking Unit (AHTU) till 31 October 2013.

10.64 After careful consideration of the report submitted by the Investigation Team of the NHRC, the Commission made the following recommendations on 27 January 2014 to the Chief Secretary, Home Secretary and Director General of Police, Government of Uttar Pradesh for submission of an action taken report to the Commission within a period of six weeks:-

- (a) Sensitization/training programme should be conducted for police personnel;
- (b) Correct and complete details of complainant including mobile/telephone number, should be taken for regular follow-up with the parent of missing children;
- (c) The implementation of guidelines elucidated by NHRC with regard to missing children and orders of Hon'ble Supreme Court in Writ Petition (Crl.) No. 610/1996 Hori Lal Vs. Commissioner of Police, Delhi and the orders of Hon'ble Supreme Court in Writ No. 75/2012 Bachpan Bachao Andolan V/s Union of India should be ensured;
- (d) The SP/Crime as a nodal officer should play pro-active role and be accountable for effective registration and follow-up in missing children cases;
- (e) Anti-Human Trafficking Unit of the district should be activated. The State Government should make necessary budgetary provisions for the purpose; and,
- (f) On the line of the practice adopted by DLSA in following up the cases of missing children in Delhi, similar procedure should be replicated in Ghaziabad District.

10.65 The Commission also called for the following information from the Chief Secretary and the DGP, Uttar Pradesh:-



- (ii) Total number of children reported missing from all the Districts of the State during the year 2013 and during the current year till 31.5.2104 (to be mentioned separately) and total number of First Information Reports (FIRs) registered in the Districts regarding these missing children during these periods;
- (ii) In how many criminal cases relating to missing children rewards were declared during the year 2012 and 2013? (Only the number of cases for the entire State may be mentioned);
- (iii) How many of the criminal cases so registered regarding missing children were entrusted to women police officers for investigation in the entire State?
- (iv) During the year 2012 and the year 2013 (to be mentioned separately) how many criminal cases were transferred to the District Anti-Human Trafficking Units (AHTUs) for investigation in the State? and,
- (v) What is the strength of the AHTUs in the districts and what is the total manpower posted to Anti- Human Trafficking Units of all the Districts of the State taken together?

10.66 Vide Proceedings dated 8 December 2014, the Commission also called for an Action Taken Report from the State Government functionaries on the following aspects :-

- i. It is observed that rewards for tracing the missing children are declared in few cases. It is recommended that in more and more cases, rewards should be declared in tracing the missing children.
- ii. For investigation of missing children, more and more cases should be handed over to the Women Police Officers.
- iii. Use of social media should be explored to trace the missing children.
- iv. Involvement of NGOs and society in tracing of the missing children and creating awareness of the problems of the missing children should also be considered.

10.67 The requisite information was still awaited from the Government of Uttar Pradesh. The matter continues to be under the consideration of the Commission.

11. 157 Children Go Missing from Haridwar, Uttarakhand During Last Five Years (Case No. 124/35/6/2013)

10.68 The Commission received a complaint from Shri R.H.Bansal, a Human Rights Activist alleging that 157 children had gone missing in Haridwar district of the State of



Uttarakhand during the last five years. The Commission vide its proceedings dated 21 January 2013, directed to issue a notice to the Senior Superintendent of Police, Haridwar, Uttarakhand calling for a report in the matter.

10.69 The Senior Superintendent of Police, Haridwar, submitted a report to the Commission stating that 57 children were reported missing in Police Station Kotwali Gangnagar, Roorkee and out of them 53 children were recovered safely. In Police Station Kotwali, Roorkee, six cases of missing children were registered and three out of them were traced. Likewise, cases regarding missing of children were registered in areas such as Kotwali City, Police Station Pathri, Police Station Kotwali Jwalapur and Police Station Kotwali Ranipur. The Senior Superintendent of Police, Haridwar stated in his report that efforts were being made to trace the remaining missing children and adequate publicity had been made through photographs, pamphlets, newspapers, CDRB, SCRB, NCRB and various TV channels.

10.70 The Commission considered the report and held that efforts had been made to trace the missing children. The Commission inter alia directed as under:-

“A copy of the report be sent to the IGP, Uttarakhand. He is advised to establish a separate Missing Person Bureau in every district regarding missing children and people and a website be established, in which the data of missing persons be uploaded which can be seen by the people. He is further directed to monitor the efforts and performance of the police personnel in this regard. He is also expected that an effort be made to maintain a better and smooth coordination between all the districts of the State, so that information be exchanged between the districts about the missing and found children. It is further expected that special directions be issued to the concerned authorities who look after the Beggars Home and the Protection Homes for Children in the State as well as in other States of the country. It should be made mandatory for all these institutions that details of inmates be furnished to the IG of their respective State. Inspector General of Police of other States too are expected to follow the same pattern to maintain a better coordination and communication between the States about the missing children. Media/TV channels, Press and NGOs be also involved in this process. Central Government is expected to form a body / bureau to monitor the progress of the States and ensure smooth coordination between authorities of the States. A copy of these proceedings be sent to the IGPs of all the States and Secretary, Home, Central Government, for doing the needful. With these directions the case is closed.”

10.71 Pursuant to the directions of the Commission the proceedings dated 11 April 2014 were communicated to the DGPs/IGPs of all the States/UTs and to the Home Secretary, Government of India for doing the needful.



12. Suicide by Child due to Torture Meted out in Children Home (Case No. 4177/4/2005-2006)

10.72 Shri R.H. Bansal, General Secretary, Antarashtriya Manav Adhikar Nigarani Parishad, Rohini, New Delhi complained about the suicide of a child and escape of 11 children from a Children Home in Ara, Bihar due to torture by the employees of Home.

10.73 The Superintendent of Police, Bhojpur reported that no case was registered about the unnatural death of the deceased and no records were available in the office of SDM, Patna Sadar. It was also not known whether any attempt to record the statement of the deceased was made by the police (as he died 2 days after the incident).

10.74 On consideration of material on record, the Commission observed that the deceased was in the custody of the State and that it was the absolute duty of the State to ensure that such a person did not cause harm to self or anybody else. The deceased committed suicide due to negligence of the staff of the Home and he wasn't provided timely treatment because no doctor was posted at the Home. Thus, prima facie, a case of violation of human rights was made out. In these circumstances, the Commission directed the Government of Bihar to pay Rs. 1.00 lakh to the next of kin of the deceased child Bhima Dom.

10.75 In compliance of Commission directions, the District Magistrate, District Bhojpur, Bihar reported that the amount of Rs. 1.00 Lakh had been paid to Pinki Kumari, the only surviving sister of the deceased. The Commission closed the matter on compliance of its directions.

13. Incidence of Child Marriage at District Madhepura, Bihar (Case No. 676/4/20/2013)

10.76 The Commission received a complaint dated 4 March 2013 from Shri R. H. Bansal alleging marriage of a 15 year old boy with a 13 year old girl in District Madhepura, Bihar under the directions of the Panchayat on 1 March 2013.

10.77 Vide report dated 6 December 2013, the Officer on Special Duty, Home Special Department reported that Kumari Parvati alias Kajal Kumari, d/o Phuleshwar Prasad Yadav stated that at the time of marriage her age was 19 years and her husband was 22 years old and the marriage was solemnized pursuant to their love affair. Inquiry revealed that the boy's age was 18 and there was a practice in the village where parents recorded lower age of their children to avail the benefits under Social Welfare Schemes. However, it was decided to constitute a Medical Board to ascertain the age of the girl for further action under the Prohibition of Child Marriage Act, 2006 and Bihar Prohibition of Child Marriage Rules 2010. The Commission on 11 July 2014 asked the District Collector, Madhepura to



further submit a report as to the status of action taken, if any, under the provisions of the Prohibition of Child Marriage Act, 2006 and Bihar Prohibition of Child Marriage Rules 2010 within four weeks.

10.78 The District Magistrate, Madhepura, Bihar, vide letter dated 23 May 2015 informed that a Medical Board was constituted under the chairmanship of CS-cum-CMO, Madhepura, to ascertain the age of Prem Akash alias Laltu and Parvati Kumari alias Kajal Kumari. As per the report, the age of Akash Kumar alias Laltu was between 20-22 years and the age of Parvati Kumari alias Kajal Kumari was in the age group of 19 to 21 years.

10.79 The Commission on 2 July 2015 directed to send a copy of the report dated 23 May 2015 to the complainant for his comments, if any, within six weeks.





Rights of Elderly Persons

11.1 The world's population is ageing. Almost 700 million people are now over 60. In 2050, for the first time in human history, there will be more persons over 60 than children in the world – more than one in five of the world's population will be aged 60 or older. Women already outnumber men among those aged 60 or older, and are twice as numerous among those aged 80 or over.

11.2 A 2011 Report of the UN Secretary-General as a Follow-up to the Second World Assembly on Ageing examines the human rights challenges and trends presented by population ageing faster than at any other time in history.

11.3 Whilst the report stresses that persons over 60 face diverse challenges depending on their context, nonetheless, there are a number of clearly identifiable challenges – like discrimination, poverty, violence and abuse, lack of age-specific measures and services, social protection, long-term care, participation, access to justice and life-long pensions, which require strategies at the national and global levels. All of these questions should be viewed through a human rights prism, in developed and developing countries alike.

11.4 The Report also delves into international norms and standards related to elderly persons. It elaborates that since 1982, the international community has explored the situation of elderly persons in a series of international declarations such as the Madrid International Plan of Action on Ageing (endorsed by the General Assembly in 2002) which called for the elimination of age discrimination, neglect, abuse and violence. International obligations to elderly persons are implicit in most core human rights treaties, such as the two Covenants, on Economic, Social



and Cultural Rights and on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities. However, explicit references to elderly persons in binding international human rights instruments are scarce.

11.5 Some treaty monitoring mechanisms and Special Rapporteurs have applied existing norms specifically to the situation of elderly persons, including in relation to the right to social security, the right to health, equality before the law, and guarantees of an adequate standard of living without discrimination on any ground. However, the situation by and large, remains grim.

11.6 The well being of elderly persons is mandated in the Constitution of India under Article 41, which states that “The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to public assistance in cases of old age”. There are other provisions too, which direct the State to improve the quality of life of its citizens. Right to equality has been guaranteed by the Constitution as a Fundamental Right. These provisions apply equally to elderly persons.

11.7 The involvement of the Commission in respect of rights of the elderly persons initially began with acting upon complaints received from them. Its involvement gradually increased in 2000 when it participated in the work of the National Council for Older Persons constituted by the Ministry of Social Justice & Empowerment and gave suggestions on its Action Plan (2000-2005) in relation to the implementation of the National Policy on Older Persons. From that year onwards, it has kept close contact with groups and organizations working for the rights of elderly persons and has been forwarding suggestions to the Union Government as and when necessary. For example, the Commission sought the response of Ministry of Health & Family Welfare with regard to provision of separate queues for older persons in hospitals. The concerned Ministry, on its part, circulated the recommendation for the provision of separate queues for older persons in hospitals to all States and Union Territories. The Commission has also expressed its concern over the plight of elderly persons belonging to economically weaker sections of society, especially those in the unorganized sector. A Core Group on Protection and Welfare of Elderly Persons too has been constituted in the Commission. Of late, the Commission in collaboration with non-governmental organizations working for the elderly has been organizing health awareness camps and events like lectures focusing on different ailments affecting people in old age. Besides, it has focused its attention on cases relating to non-payment, delayed payment and partial payment of retirement benefits to employees after their retirement and in cases where the retired person dies, timely payment of all statutory dues to their legal heirs.



A. National Consultative Meet on Safeguarding Rights of Elderly in Context of Maintenance and Welfare of Parents and Senior Citizens Act, 2007

11.8 The above consultative meet was organized by the Commission in collaboration with Delhi based Regional Resource and Training Centre Anugraha and the Ministry of Social Justice and Empowerment in Chandigarh on 29 August 2014. Its main objective was to increase public awareness and knowledge about human rights of elderly persons including key provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The meet was attended by more than 100 persons.

B. Illustrative Cases Related to Rights of Elderly Persons Dealt by NHRC

1. Deprivation of Social Welfare Schemes Including Old Age Pension to Residents of Pyarepur Village in District Ambedkar Nagar, Uttar Pradesh (Case No. 37687/24/24/2013)

11.9 Dr. Lenin, CEO and Founder of PVCHR, Varanasi alleged deprivation of social welfare schemes including old age pension to villagers of Pyarepur in District Ambedkar Nagar, Uttar Pradesh.

11.10 The Block Development Officer, Tanda, Ambedkar Nagar, Uttar Pradesh vide communication dated 16 August 2014 informed that the persons named in the complaint were already availing the benefits of Social Welfare Schemes including Indira Awas Yojna, BPL Cards, Rani Laxmi Bai Pension and Samajwadi Pension Schemes and the allegations made were denied.

11.11 The Commission on 2 July 2015 accepted the report and closed the case as the complainant failed to submit his comments.

2. Harassment and Torture of Aged Parents in Chikkodi Village Relating to Dispute over Agricultural Land (Case No. 13/10/2/2013)

11.12 Shri Dayanand S. Bagi, vide complaint dated 12 December 2012 alleged harassment, torture and assault by the opponents on his aged parents residing in village Chikkodi and having dispute with collaterals over agricultural piece of land.

11.13 The Superintendent of Police, Belgaum reported that the complainant and his opponents had adjoining agricultural fields and in connection with extraction of trees, they picked up a quarrel. The opposite party nevertheless extracted the trees, which were



on the edge of the well and whose leaves fell over the well and polluted the water. The complainant's father approached the police station, Chikkodi to lodge his complaint on which the PSI, Chikkodi called both the parties and directed them to get survey of their lands through Government agency. Both the parties agreed and resolved the issue. Rs. 3,000/- was fixed as the value of the extracted trees and the amount was kept with an older person of the village till the survey of their land was concluded.

11.14 The complainant vide his comments on the police report raised the issue of beating and torture of his parents by the police in connivance with the opposite party.

11.15 The Superintendent of Police, Belgaun vide communication dated 24 June 2014 reported that the petitioner's father had stated that there was no harassment by the opponents and opined that no further enquiry need to be done on the said petition.

11.16 The Commission on 4 February 2015 closed the matter as the matter was amicably settled between the parties.

3. Delay in Settlement of PF/EDLI Claim of a Deceased Employee (Case No. 1866/25/5/2012)

11.17 The Commission received a complaint on 20 November 2012 from Smt. Bandana Bhattacharya, wife of Late Bijan Kumar Bhattacharya stating that her husband died on 13 December 1995 but the employees provident fund organization, Kolkata was not paying her the provident fund and other claims despite submission of the claim form. Moreover, she was being harassed by the authorities making the life of her and three children miserable.

11.18 In response, it was stated that the pension claim of the complainant had been settled long back, i.e. in 2001 and the pension too had been released up-to-date. Besides, the PF claim amounting to Rs. 2,11,048/- (Rupees Two Lakhs Eleven Thousand Forty Eight only) had also been settled on 26 April 2013. As regards the settlement of EDLI Claim (Form - 5(IF)), it was stated that the complainant was not eligible for this benefit as the death of the member did not take place during his service period. The above report was sent to the complainant on 30 August 2013 for submission of comments, but no response was received within the stipulated time.

11.19 The Commission further considered the matter on 3 July 2014 when it observed and directed as under:-

“Bipin Kumar Bhattacharya, husband of the petitioner, has died on 13.12.1995. As per the report, the Provident Fund claim has been settled only on 26.4.2013. The delay has not been explained. The petitioner has alleged that she had submitted the



claim form on 17.7.2007 but the Provident Fund Officer was harassing her and on this account, she had prayed for intervention by the Commission in the matter. Therefore, prima facie, there appears to be violation of human rights of the petitioner in this matter. Before the Commission proceeds further in the matter u/s 18 of the PHR Act, 1993, let a notice be sent to the Commissioner, Central Provident Fund Organization, New Delhi and Regional Provident fund Commissioner - II, SRO, Howrah, West Bengal to conduct an enquiry on inordinate delay in settlement of the P.F. Claim, fix the responsibility and submit the action taken report within 06 weeks. The Central Provident Fund Commissioner shall also apprise the Commission of remedial measures taken at his end for such cases elsewhere as well within this period”.

11.20 In response, the Additional Central P.F. Commissioner (CSD) submitted that as per directions of the Commission, an enquiry by the Regional Office, Kolkata was conducted for delay in settlement of PF/EDLI claim of the late member. As per enquiry, the establishment, M/s. Shivmoni Pvt. Ltd, was initially under the jurisdiction of SRO Park Street. In the year 2006, jurisdiction of Kolkata Regional office was reorganized and the said establishment was shifted to Regional Office, Kolkata. As per enquiry, the reason for delay has been ascertained and Charge Memorandum to the concerned officers/officials, i.e. two Enforcement Officers, Section Supervisor and concerned dealing Assistants had been issued and appropriate action as deemed fit would be taken by the Disciplinary Authority on receipt of their reply.

11.21 The Commission upon further consideration of the matter observed and directed as under:-

“It is an admitted fact that Bipin Kumar Bhattacharya, husband of the petitioner who was working with Ms. Shivmoni Pvt. Ltd. had died on 13.12.1995. The Employees’ Provident Fund Organization claims that the Widow Pension and Children Pension were settled in the year 2001. The date of commencement of the pension to the aggrieved family has however not been indicated. It is also an admitted fact that the petitioner had resubmitted her claim for payment of provident fund on 11.7.2007. The plea of the department now taken that they were required to ascertain the family details after submission of this claim hold no ground as the family pension had already been sanctioned in the year 2001. Obviously the details of family were known to the department way back in 2001. It is difficult to believe that further enquiries with regard to genuineness of the provident fund claim and further processing will take around six years for final payment in the year 2013. The Additional Central Provident Fund Commissioner has therefore failed to explain this inordinate delay. Nevertheless, an enquiry on reasons for delay has now been conducted. Based on the said enquiry charge sheet against two Enforcement Officers, Section Supervisor and concerned



dealing Assistants have been issued by the department for the said delay. It is to be understood by the officers that when the petitioner could not get redressal of her grievance at the hands of authorities in Employees Provident Fund Organization, she submitted her complaint dated 20.11.2012 to the Commission alleging harassment by the officers of Regional Provident Fund Organization of Kolkata. Notice followed by reminders were issued time to time, and it is only when the Conditional Summons were issued then the Section Officer of Employees Provident Fund Organization vide his communication dated 6.5.2013 submitted the report on behalf of the Commissioner of the Employees Provident Fund Organization informing the Commission that the Provident Fund claim has been settled on 26.4.2013. It, thus, appears that had the petitioner not approached the National Human Rights Commission her grievance would not have been redressed by this time. This shows lack of sensitivity, carelessness and lackadaisical attitude of the supervision officers and staff of the said organization towards the helpless, hapless and poor people of the society. The enquiry conducted in the matter has already found certain officers blameworthy for inordinate delay in settlement of the provident fund claim of the petitioner. Human rights of the petitioner and her family have thus been violated. In these circumstances, let a notice be sent to the Secretary, Ministry of Labour and Employment, Government of India to show cause under section 18 of the Protection of Human Rights Act, 1993 as to why monetary relief of Rs. 1 lakh may not be recommended to be paid to the petitioner for violation of human rights in the matter. Response in 6 weeks.”

11.22 The Commission next considered the matter on 23 September 2014 and on hearing the oral submissions made by Shri P.K. Mishra, Regional Provident Fund Commissioner, Kolkata observed that the reply to the ‘show cause notice’ is neither convincing nor based on merits. The officers/officials of the Employees Provident Fund Organization, Kolkata have settled the terminal benefits and Family Pension of the aggrieved family after considerable delay. Eight of the officers/officials have already been punished departmentally and charge sheets have been issued to remaining two officials/officers. Human Rights of the petitioner have been violated by the said officers/officials and the State is therefore vicariously liable to compensate the petitioner. In these circumstances, an amount of Rs. 1,00,000/- (Rupees one lakh only) as interim relief was recommended to be paid to the petitioner within six weeks. The Secretary, Ministry of Labour and Employment, Government of India, shall submit the proof of payment made to the petitioner within six weeks. The Central Provident Fund Commissioner, Employees Provident Fund organization, Bhavishya Nidhi Bhavan, 14, Bhikaji Cama Place, New Delhi was directed to submit outcome of the departmental action initiated against the remaining delinquent officers/officials in the matter within this period.



11.23 In response, the Under Secretary, Ministry of Labour and Employment, Government of India submitted that an amount of Rs. 1,00,000/- had been paid to the petitioner Smt. Bandana Bhattacharya on 29 January 2015.

11.24 The Commission then considered the matter on 20 May 2015 when it observed and directed as under:-

“The Commission has considered the matter. An amount of interim relief of Rs. 1,00,000/- as recommended by the Commission has been paid to the petitioner. The delinquent Employees Provident Fund Organization personnel (8) have already been dealt with departmentally and action is in progress against the remaining two. The Under Secretary, Ministry of Labour and Employment, Govt. of India Shram Shakti Bhavan, Rafi Marg, New Delhi and Central Provident Fund Commissioner, Employees Fund Organization Ministry of Labour and Employment, Govt. of India/ Head Office, Bhavishya Nidhi Bhavan, 14, Bhikaji Cama Place, New Delhi-66 shall however ensure that the departmental proceedings against the remaining officers/ officials are concluded expeditiously. With these directions, the reports received from the State Authorities are taken on record and the case is closed.”

4. Non-payment of Pension and Other Retiral Benefits to a Scheduled Caste Employee Retired from Ministry of Labour & Employment, Government of India (Case No.507/3/9/2014)

11.25 Shri Trinath Behera, a Scheduled Caste and an ex-RLC (C), Guwahati, in a complaint dated 28 August 2014 stated that he retired from the Ministry of Labour & Employment, Government of India on 31 March 2014 but so far he had not been paid his Pension, Gratuity, Provident Fund, Leave Encashment and other retiral benefits despite the submission of all retirement papers from his side. The Commission took cognizance of the matter on 20 September 2014 and directed the Secretary, Labour & Employment, Government of India, New Delhi to submit an action taken report.

11.26 Pursuant to the directions of the Commission, Under Secretary (SS-1), Government of India, Ministry of Labour and Employment, (Public Grievance Cell), New Delhi, vide communication dated 21 and 27 October 2014 forwarded a copy of the Notice to the Chief Labour Commissioner (Central), Ministry of Labour & Employment, Government of India. The complainant vide letter dated 13 September 2014 & 17 November 2014 again stated that he had not yet received Provisional Pension/Pension, PF, Leave Encashment, Gratuity and other retirement benefits, till date and was facing hardships. He requested to be heard in person in the Commission. The Commission perused the records and observed that a Scheduled Caste Officer of Ministry of Labour & Employment, Government of India, had



not been paid even “Provisional Pension”. He also had not been paid his retirement dues, such as Leave Encashment, PF and Gratuity which could not be stopped under any provision of the Law and his other retirement dues were also pending. It seems that even his sanction order had not been issued for making payment, which was a serious violation of his human rights, right to life and right to live with dignity. A final reminder was thus issued to the Secretary (Labour & Employment), Ministry of Labour & Employment, Government of India, New Delhi, to submit the calculation sheet of Gratuity, Leave Encashment, Pension and other retirement benefits as well as the status of payment of Provisional Pensions/ Pension and other retirement benefits to Sh. T. Behera till date.

11.27 Pursuant to the direction, the Ministry of Labour vide communication dated 2 January 2015 stated that GPF and leave encashment of the individual had been released and PPO had been issued for release of pension. The report is presently under consideration of the Commission.

Rights of Persons with Disabilities

12.1 According to the 2011 Census of India, there are 2.68 crore persons with disabilities in India who constitute 2.21 per cent of the population. Out of this, 1.50 crore are male and 1.18 crore are female. They include persons with visual, hearing, speech, locomotor, mental disabilities, multi disabilities, etc. The Census data also exemplifies that 69.50 per cent of persons with disabilities live in rural areas.

12.2 The Constitution of India through its Preamble, Fundamental Rights and Directive Principles of State Policy empowers the State to adopt measures of positive intervention in favour of persons with disabilities. These primarily have been reiterated by the 2006 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) that was ratified by the Government of India on 1 October 2007. For example, Article 14 of the Indian Constitution guarantees equality to all citizens before law and equal protection of law. Article 5.1 of the UNCRPD recognizes the same too. Article 15 of the Indian Constitution furthermore prohibits discrimination on the grounds of religion, race, caste, sex, place of birth or any of them, whereas Article 16 provides for equality of opportunity in matters of public employment. These Articles dealing with Fundamental Rights of Indian citizens cover persons with disabilities as well. Article 5.2 of the UNCRPD reiterates the same.



12.3 Article 41 of the Constitution dealing with Directive Principles of State Policy directs the States to, within the limits of its economic capacity and development; make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement. This again includes persons with disabilities. Besides, the constitutional provisions, there are four Acts governing various aspects of disability, namely, (i) The Mental Health Act, 1987, (ii) The Rehabilitation Council of India Act, 1992, (iii) The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; and (iv) The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. In addition, there is a National Policy for Persons with Disabilities, 2006.

12.4 Undoubtedly, the Central Government has been playing an important role on the issue of ‘disability’, but by and large, the subject remained with the State Governments, Panchayats and Municipalities. The entry into force of the UNCRPD and its Optional Protocol in May 2008 marked the beginning of a new era in the efforts “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”. Although persons with disabilities have always been entitled to the same rights as everyone else, it is the first time that their rights are set out comprehensively in a binding international instrument, calling for strong commitment from States Parties to the Convention to ensure and enforce the protection and promotion of their rights.

12.5 The Commission, which had earlier played an active role in drafting of the UNCRPD has all along been looking at the issue of disability from the perspective of human rights so that they are considered holders of rights and not recipients of charity. During the year under report, the Commission undertook the following activities.

A. Mental Health

12.6 The provisions contained in Article 21 of the Constitution of India – “Protection of life and personal liberty” has been judicially interpreted to expand the meaning and scope of the right to life to include the right to health and make it a guaranteed Fundamental Right. It is therefore imperative that the mentally-ill persons receive good quality mental health care and human living conditions not only in institutions but also in their homes. Despite this, mental health care is not perceived as an important aspect of public health care. The mental health legislations in India, in particular, the Mental Health Act, 1987 and the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, have one common objective, that is, to provide dignified living, protect human rights and address the promotive, preventive and curative aspects of mental health. However, due to their ineffective implementation, these Acts have not provided the desired results.



12.7 Given the inherent vulnerability of mentally-ill persons in the country, the NHRC has been concerned about the protection of their rights. In particular, it is concerned with the inadequacy of mental health care infrastructure in the country as many of the hospitals lack basic infrastructural facilities. As a part of its statutory mandate to protect and promote human rights, the Commission from the very beginning has been making efforts to secure to this section of the population a life of dignity. In fact, it is the endeavour of the Commission that they are provided proper care and protection in the institutions where they are lodged for treatment. As such, it has been visiting mental healthcare institutions under the control of the State Government across the country, where persons have been detained or lodged for the purposes of treatment, reformation or protection, so as to study their living conditions and make recommendations to the Government for bringing about improvement.

12.8 In 1997, as per the directions given by the Supreme Court of India in W.P (Criminal) No. 1900/1981, Dr. Upendra Buxi vs State of Uttar Pradesh and others, it has been monitoring the functioning of three mental hospitals in Agra, Gwalior and Ranchi. In the same year, the NHRC also commissioned a project to NIMHANS to review the mental health situation in the country, particularly in the mental hospitals. The outcome of this project resulted in a publication titled “Quality Assurance in Mental Health”. It has also constituted a Core Group on Mental Health to study the problems of mentally-ill persons and the manner in which their basic needs should be met including access to entitlements like health insurance and pension.

12.9 In the year 2008-2009, the Commission urged the Medical Council of India (MCI) and Ministry of Health & Family Welfare to augment their efforts for meeting the demand of adequate manpower in the field of mental health. It proposed to the MCI to relax its Post-Graduate standards from the present norm of ‘one Professor for one student’ in Psychiatry to ‘one Professor and two students’. Later, in collaboration with NLSIU and NIMHANS in Bangalore, the Commission organized a “National Conference on Mental Health and Human Rights”. Thereafter, five Regional Review Meetings on Mental Health were organized by the Commission during 2009-2011 and a series of recommendations made and forwarded to all the stakeholders for compliance.

12.10 It took a serious note of the condition of mentally challenged persons wrongly languishing in prisons without proper medical care and attention. It is due to Commission’s effective monitoring that the number of mentally ill persons languishing in various jails has come down considerably. At the same time, it has been deeply concerned about the plight of mentally ill persons wandering in streets without any proper care and treatment. These persons are often subjected to ill-treatment and even sexual exploitation in the case of women. This is largely due to the poor implementation and limited knowledge about the provisions of the Mental Health Act, 1987 by the law-enforcing authorities. In this regard, it has reiterated to all the State Governments and Union Territory Administrations to lay



emphasis on Section 25 of the Mental Health Act, 1987, which specifies the powers and duties of police officers in respect of certain mentally ill persons.

12.11 Subsequently, it drew its attention towards the predicament of persons with mental illness languishing in Chamatkari Hanuman Temple in the Chindwara district of Madhya Pradesh due to a mistaken belief that with the blessings of the deity, the mentally ill people will be cured. On the request of NHRC, the Union Ministry of Health and Family Welfare sent a team from NIMHANS, Bangalore to visit Hanuman Temple and the Civil Hospital in Chindwara District. On the basis of the recommendations of report, the Commission suggested the Government of Madhya Pradesh to ensure that district authorities create a proper home for mentally ill persons where they stay and get themselves treated and rehabilitated.

12.12 Taking forward the concerted efforts towards the protection of human rights of mentally ill persons, the Commission on 27 February 2013 once again sought the intervention of the Hon'ble Supreme Court (vide Petition No. CRLMP.NO.8032/2013 in W.P. (CrI.) No. 1900 of 1981, Dr. Upendra Baxi Vs. State of U.P. & Ors. and National Human Rights Commission) for seeking suitable directions for remedial action in the following areas of concern:

- Need to undertake a country wide epidemiological survey to identify the magnitude of the problem of mental health and evolve a perspective plan covering the task, financial implications, time-frame, etc. keeping in view the present as well as future requirement of the problem.

(Action : Ministry of Health and Family Welfare, Government of India)

- As the mental health institutes/hospitals are facing serious financial constraints as adequate resource allocation is not being made to meet their requirements, the Central and State Governments should accord priority in allocation of financial resources both for the regular maintenance and upgradation of the physical infrastructure of these institutes/hospitals.

(Action : Ministry of Health and Family Welfare, Government of India and State Governments)

- Lack of adequate administrative and financial powers to the Directors and the Superintendents of the Mental Hospitals are seriously affecting their functioning, these institutions should be made completely autonomous in managing their own affairs.

(Action : State Governments)



- Existing State run mental hospitals should be converted into Teaching-cum-Training Institutes with adequate financial and manpower resources.

(Action : Ministry of Health and Family Welfare, Government of India and State Governments)

- The concerned State Governments may be directed to sanction medical and para-medical manpower to these institutions/hospitals as recommended by the NHRC, without delay.

(Action : State Governments)

- Sufficient number of seats may be created in medical colleges in MD Psychiatry, M. Phil in Clinical Psychology and Psychiatric Social Work by relaxing the existing norms of Medical Council of India.

(Action : Ministry of Health and Family Welfare, Government of India)

- There is need to train an integrated team of Psychiatrists, Neurologists, Neurosurgeons, Clinical Psychologists, Psychiatric Social Workers, Nurses and other personnel required to manage mental hospitals, Medical College Hospitals & District Hospitals in the country.

(Action : Ministry of Health and Family Welfare, Government of India and State Governments)

- Central and State Governments should include short term programmes in Psychiatry of 3 to 12 months duration for their medical officers in established hospitals so that every district may be provided with a trained doctor where there are no psychiatrists available

(Action: Ministry of Health and Family Welfare, Government of India and State Governments).

- Psychiatry and mental health care should be made a compulsory independent subject in the MBBS examination so that the young medical professionals become capable of identifying the problem at the initial stage itself.

(Action: Ministry of Health and Family Welfare, Government of India)

- Every State/Union Territory must have at least one mental health hospital fully equipped with latest equipments, a well-developed infrastructure and sufficient medical and para medical manpower as per the norms.

(Action: State Governments).



- Every State Government should set up an institutional mechanism for designing Information, Education and Communication (IEC) messages on mental health in the local language and disseminate the same among the masses (Action: State Governments).
- Removal of all the deficiencies in the existing mental health hospitals w.r.t. living conditions, providing nutritious and balanced food, water supply, cleanliness and hygiene, environment, sanitation, recreation, etc. in a time bound manner must receive top attention of the concerned State Government/ Union Territory Administration.

(Action: State Governments).

- A national database of services and human resource manpower on mental health care should be created by the Central Government which should be periodically updated.

(Action: Ministry of Health and Family Welfare, Government of India).

12.13 On hearing the matter, the Supreme Court directed the Union Ministry of Health and Family Welfare, Government of India and to all the State Governments to file their status report through Secretary, Health in response to the application of NHRC, including the extent of implementation of National and District Mental Health Programme, funds received and utilized on these programmes.

12.14 During the period under report, the Supreme Court had received the response of the Union Ministry of Health and Family Welfare and few States. In the meantime to assess the actual situation in the field, the Commission requested its Special Rapporteurs to visit government run mental health care institutions falling in the States being covered by them as well as the respective Departments for verification of facts stated in the affidavit of the State Governments from whom responses were received and submit a detailed report to the Commission so that actual situation is reported to the Supreme Court for proper directions in the matter.

12.15 For this purpose, the Commission evolved a detailed questionnaire and placed before the Supreme Court through its counsel. The said questionnaire was further vetted and sent to all the concerned authorities in respective States and Union Territories for giving of information to the questions addressed and was used by the NHRC Special Rapporteurs as well.

12.16 In order to examine the information received from the State Governments and the Special Rapporteurs in response to the questionnaire circulated and used as well as other related documents forwarded along with it, the Commission constituted a four Member



Technical Committee on Mental Health on 23 March 2015 having a representative each of National Institute of Mental Health and Neuro Sciences, Bangalore; Institute of Mental Health and Hospital, Agra; Institute of Human Behaviour and Allied Sciences, Delhi; and National Human Rights Commission. The purpose of constituting this Committee was to facilitate the Supreme Court and the Commission in examining the state of mental health care infrastructure in the country on the basis of information collected and identify the gaps therein along with providing specific and actionable suggestions for improvement.

12.17 At the time of writing of this Annual Report, the Supreme Court had directed the Central Government, Ministry of Health, Government of India to constitute a Committee headed by the Secretary or the Joint Secretary, along with the Health Secretaries of the respective State/Director Health Services of the Union Territories, the Member Secretary of the State Human Rights Commission and the State Legal Services Authority, including two eminent Doctors of each State/Union Territories, for making physical verification of the actual state of affairs existing in different institutions situated across the country.

B. National Conference on Mental Health and Human Rights

12.18 In order to look and further discuss the need for a coordinated and concerted effort on the part of all stakeholders to ensure dignified care and treatment, rehabilitation and reintegration of the mentally-ill persons back into the society, the Commission organized a National Conference on Mental Health and Human Rights on 30 May 2014 in New Delhi. The main objectives of the Conference were to - (i) discuss ways in which the mental health services could be strengthened from the perspective of human rights, in terms of availability, accessibility, affordability and quality of mental health care; (ii) discuss the approach of involving the community in the management of mentally ill persons and sharing of best practices; (iii) discuss ways in which the human resources for mental health care can be improved so that proper care and treatment is given to mentally ill persons; and (iv) discuss strategies for creating awareness among people especially in rural areas regarding the factual information about mental illness and ways to deal with it scientifically.

12.19 The Conference deliberated on the three substantive issues in three technical sessions which included, strengthening infrastructure & human resources for mental health care (session-I), mental health care in India : existing status of programmes and policies (session-II), and management of mentally-ill persons : sharing of best practices (session III).

12.20 The recommendations of the deliberations of the National Conference on Mental Health and Human Rights are at Annexure-10. These were later forwarded to the Ministry of Health & Family Welfare, Government of India, and to the Chief Secretary of all the States and Union Territories for compliance in their respective States with the request that the Commission be informed about the action taken. At the time of writing of the Annual



Report, the NHRC had received response from the Social Welfare Department, N.C.T. of Delhi and the Medical Council of India. The Medical Council of India vide its letter dated 21 January 2015 has reported that the Executive Committee of the Council approved the following recommendations of the meeting of the Academic Committee held on 28 October 2014 :

“The Academic Committee took note of the recommendations of the National Human Rights Commission Conference held on May 30, 2014 and opined as under :

- The mandate of MCI is limited.
- The efforts taken by NHRC are taken note of.
- The remaining do not fall in the realm of Medical Council of India.

The Committee also recommended that of the total hours awarded for revalidation/recertification, 03 credit hours should be separately awarded for Mental Health and an update on Mental Health competencies should be incorporated in the appropriate CME programme.”

12.21 The Commission once again calls upon the Chief Secretaries of all the State Governments to pursue the implementation of NHRC recommendations as well as inform about the action taken.

C. Meeting of NHRIs, Independent Monitoring Mechanisms and Committee on Rights of Persons with Disabilities

12.22 The Commission for the first time participated through video conferencing in the first meeting of National Human Rights Institutions, independent monitoring bodies, designated under Article 33.2 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and the Committee on the Rights of Persons with Disabilities that was held in Geneva on 25 September 2014. The main objective of the meeting was to contribute to the development of Committee Guidelines in this regard. The meeting also served to identify further opportunities for engagement and cooperation between the Committee and NHRIs and other national monitoring mechanisms with respect to monitoring activities at the domestic level. The meeting was attended by the Secretary General, Joint Secretary (Training & Research) and Joint Director (Research) of NHRC. During the course of deliberations, a statement was also made by the Secretary General wherein he elucidated the role of NHRC in protecting and promoting the rights of persons with disabilities.



D. Rights of Persons with Disabilities Bill, 2014

12.23 In the last Annual Report of the Commission pertaining to 2013-2014, it was reported that the Commission was closely watching the development of Rights of Persons with Disabilities Bill, 2012 drafted by the Department of Disability Affairs, Ministry of Social Justice and Empowerment, Government of India in the light of the UNCRPD provisions. The Bill, on adoption, would replace the existing Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. While NHRC was ready with its observations/suggestions, the Department of Disability Affairs in the meantime changed the version of the 2012 Disability Bill and before making it public got the Bill cleared by the Cabinet in December 2013 for placing it before the Parliament. The Rights of Persons with Disabilities Bill, 2013 was introduced in the Parliament in 2014.

12.24 During this time, the Commission received several submissions from the civil society organizations that the Bill in its present form did not serve any purpose and neither was it in conformity with the UNCRPD. In order to examine the Rights of Persons with Disabilities Bill, 2014, the Commission held two meetings with the Members of NHRC Core Group on Disability and civil society organizations on 5 May and 10 October 2014 respectively. Based on the discussions held and comments received from them, it crystallized its views on the Bill. As the Bill later was referred to the Department Related Parliamentary Standing Committee on Social Justice and Empowerment, the Commission on 24 October 2014 forwarded its detailed suggestions to it and also made an oral presentation before the Committee on 3 December 2014.

E. Awareness Programme on Leprosy

12.25 Another initiative taken by the Commission was an awareness programme on leprosy in schools organized in partnership with Sasakawa India Leprosy Foundation (SILF), a Delhi based NGO. In the said programme, known as Young Partners Programme (YPP), the aim is to sensitize School Principals, Teachers and children about the disease of leprosy. In the year under report, the NHRC continued this collaboration with SILF and organized a Workshop to Sensitize School Principals and Teachers on 26 September 2014 at its premises under Phase I of the programme. The workshop was inaugurated by the Chairperson, NHRC, Justice Shri K.G. Balakrishnan. In this Workshop School Principals and one Teacher each from 23 Delhi based Government Schools were invited. Under Phase II of the programme – a workshop was conducted for the students of class VIII and IX in the respective schools followed by a poster competition.

F. NHRC on Mental Health Care Bill, 2013

12.26 Keeping in view the provisions of the UNCRPD, the Ministry of Health & Family



Welfare, Government of India has been wanting to amend the Mental Health Act, 1987. For this purpose, it came up with Mental Health Care Bill, in 2010 and 2011, on which the Commission also forwarded its comments to the Ministry of Health & Family Welfare, Government of India after holding extensive consultations with the Members of its Core Group on Mental Health and representatives of civil society organizations. But, many of its suggestions were not incorporated.

12.27 Thereafter, in July 2014 a copy of the official amendments to the Mental Health Care Bill, 2013, as recommended by the Department Related Parliamentary Standing Committee on Health and Family Welfare, was received in the Commission from the Human Rights Division in the Ministry of Home Affairs, Government of India for comments. Once again, the Commission examined the Mental Health Care Bill, 2013 in the light of the National Mental Health Policy of India released by the Ministry of Health and Family Welfare, Government of India in October 2014. The comments/suggestions forwarded by the Commission on 23 January 2015 are reproduced below.

- (i) The Bill is not in consonance with the National Mental Health Policy of the Ministry of Health and Family Welfare, Government of India that was introduced in October 2014. The vision of the Policy is to prevent mental illness, facilitate recovery from mental illness, promote de-stigmatization and de-segregation, and ensure inclusion of vulnerable populations affected by mental illness by providing accessible, affordable and quality health care to all persons through their life span, within a rights-based framework. In comparison, the Bill only makes a mere reference about de-segregation and de-stigmatization in Clause 19 (Chapter V) and in Clause 30 (Chapter VI). Besides, there is no clarity in the Clause 19(2) of the Bill as to how it would ensure desegregation.
- (ii) The Bill does not elaborate in depth the mental health services that need to be provided to vulnerable populations who bear a disproportionate and higher burden of mental health problems. Only in the “Statement of Objects and Reasons”, a reference has been made about vulnerable sections of society who are subject to discrimination. It would have been ideal if the Bill and the Policy were in congruence with each other. Although, the Bill lays emphasis on protection & promotion of the rights of persons with mental illness and devotes an entire chapter V (Clauses 18 to 28) towards this purpose.
- (iii) More Clarity is required in the Bill with regard to the definition of “mental illness” as given in 2 (1) (r). This is because there is ample scope to misinterpret mental conditions/disorders of thinking, mood, perception, orientation or memory that eventually does not give way to gross impairment of judgement, behavior, capacity to recognize reality or ability to meet the ordinary demands of life.



- (iv) Furthermore, present day psychiatry care is not confined to treating unmanageable or chronically ill patients with mental illness, as it also caters to a large number of patients who are suffering from depression, anxiety, obsessive compulsive disorder, stress, sex related problems, substance use disorders, adjustment problems, sleep disorders, learning and behavioral problems among children and adolescents and many more conditions diagnosed under the specialty of psychiatry. Though the definition given in the Bill does not include such patients, but their misinterpretation by the authorities implementing the Act is possible. Therefore, it is recommended to bring about more clarity in the given definition so that such patients are not brought within the purview of this Bill.
- (v) Chapter III of the Bill deals with “Advance Directive”. It contains nine Clauses. The concept of advance directive needs to be removed from the proposed Bill. Advance directive and nominated representative (Chapter IV) are western concepts and most unsuited for a country like India. Moreover, it is virtually impossible to predict for anybody well in advance the circumstances at the time of a major psychiatric illness. These provisions are likely to be misused and in the long run deny many patients appropriate treatment for mental illness. It is a big question mark whether those belonging to vulnerable sections will ever be able to make use of this provision.
- (vi) There is a need to replace Clause 103 (10) pertaining to “Emergency Treatment” as follows :

“Notwithstanding anything contained in this Act, Family Units means treatment setting for management of psychiatric emergencies where at least one relative or nominated representatives as defined in Clause 14 of the Bill must stay with the patient throughout the stay, that shall not exceed 28 days. Family Units can be a part of existing psychiatric hospital or a psychiatric nursing home, or part of a multi-specialty general hospital, or part of a district hospital under the Government’s District Mental Health Programme, or stand alone units either in private sector or others”.

Such a family unit, however, is to be covered under the provisions of the “Clinics and Establishment Act” or any other equivalent statute covering clinical establishments, hospitals or nursing homes”.

Any mentally ill person, who does not, or is unable to, express their willingness for admission as a voluntary patient, described in the Bill as requiring high support, and is in need for emergency psychiatric care, may be admitted and kept



as in-patient in a family unit on an application made in that behalf by his/her family member.

- (vii) The proposed Bill does not address in totally the human rights of mentally ill persons needing high level of support. The Bill in Clause 98 covers admission and treatment of persons with mental illness, with high support needs, in mental health establishment up to 30 days (supported admission) whereas Clause 99 covers supported admission beyond 30 days. The Bill thus overlooks the purpose, general principles and general obligations of UNCRPD ratified by the Government of India in the year 2007. Due to lack of clarity, the proposed Bill may compromise the mental health needs of a vast majority of persons with mental illness.
- (viii) The appropriate Government in Clause 104 (1) needs to notify such procedures which have been declared as prohibited from time to time rather than specifying four specific procedures which are not to be performed on any person with mental illness in the Bill.
- (ix) The Mental Health Care Bill, 2013 also ignores the scientific advancements and evidence that has emerged in the recent past with respect to treatment and care of persons with mental illness.
- (x) Amendment to Clause 124 (2) relating to “Presumption of Mental Illness in case of attempt to Commit Suicide” needs to be suitable modified in a manner that the State becomes duty bound to provide care, treatment and rehabilitation to the mentally ill persons.
- (xi) A further perusal of the Bill vis-à-vis the National Policy reveals that the proposed legislation is more focused on the regulatory aspects rather than provisions which will ensure universal access to mental health care or increased access of services especially to vulnerable sections. While paragraph 5.4 of the National Policy elaborates on the universal access to mental health care, this aspect is sought to be addressed in Chapter V of the Bill, dealing with Rights of Persons with Mental Illness (Clause 18). As per Sub-clause (30, the appropriate Government shall make sufficient provisions for a range of services for persons with mental illness. Sub-clause (5) further requires the appropriate Government to ensure important services/facilities. Chapter VI lists the duties of appropriate Government which focus on promotional and preventive activities and not the aspects covered at Clause 18. Duties of appropriate Government could have been more holistically dealt with in an integrated manner. However, more important point is the non-performance on the provisions of Clause 18.



- (xii) The Bill provides for Central /State Mental Health Authorities who can hear complaints for non-provision of services (Clause 43 & 55). But, the solution would not be cancellation of licenses of establishments for lack of services as provided for in the Bill. Chapter XV of the Bill also provides for penalty/imprisonment for running an establishment without license as well as contravention of provisions of the Bill. However, it is not clear as to how accountability will be fixed if the appropriate Government fails to perform as per requirement of Clause 18. The existing schemes in the mental health area are laudable but what lacks is implementation at the State/ District level. As a result funds lie unutilized and necessary facilities suffer.
- (xiii) The regulatory aspects like registration of establishments and authorities like Central/State Mental Health Authority (C/S MHA) as well as Mental Health Review Commission/Boards may be important and could be retained, there is greater need to have body under the Act which works proactively and positively towards creation/provision of the necessary services at the district level including promotional & preventive activities listed in Chapter VI. It could also be held accountable for non-performance. It could also be possible that C/S MHAs may be given this important role more clearly and explicitly.

12.28 The Commission is positive that the views expressed by it under para 12.27 will be taken care of in the recast Mental Health Act.

G. Illustrative Cases Relating to Rights of Persons with Disabilities Dealt by NHRC

1. A Special Recruitment Test for Physically Handicapped Held by Kerala Public Service Commission on Second Floor of T.T.I. Manacaud in Thiruvananthapuram District (Case No. 406/11/12/2014)

12.29 The Commission took suo-motu cognizance of a news report published in “Malayala Manorama” on 8 August 2014 regarding the insensitive act of Kerala Public Service Commission in conducting a special recruitment test for the physically handicapped (PH) persons on the second floor of the T.T.I., Manakkad in Thiruvananthapuram District. According to the report, around 200 candidates were physically handicapped and some of them had to be physically carried to the examination hall on the second floor. A photograph showing three physically handicapped girls on crutches climbing down the stairs was also published along with the news.



12.30 The Secretary, Kerala Public Service Commission reported that Smt. R. Geetha, District Officer was directly responsible for the conduct of the test. Had steps been taken to obtain more exam centres, the PH candidates could not have faced any difficulty. Therefore, disciplinary action was initiated against Smt. R. Geetha, District Officer, Thiruvanthapuram, for the grave lapse on her part. The Secretary, Kerala Public Service Commission assured that the centres for conducting examinations for the differently abled would be disabled-friendly in future. He also assured that Kerala Public Service Commission Members would visit the examination centres on the previous day of the examinations to make sure that adequate facilities for the disabled are arranged and the present timing of the examination will be rescheduled from 7.30 a.m. to 10.00 a.m. for the convenience of the disabled.

12.31 On consideration of the material on record, the Commission directed the Secretary, Kerala Public Service Commission to intimate the outcome of the disciplinary action initiated against Smt. R. Geetha, District Officer, Thiruvanthapuram.

12.32 The Commission took up the matter during the Open Hearing, and on perusal of the report received in the matter, issued a notice to the Secretary, Kerala Public Service Commission to show cause as to why a sum of Rs. 1,000/- be not recommended to be paid to each of the 290 physically challenged candidates as a token of compensation.

2. Differently Abled Girl Harassed by Railway Authorities (Case No.9750/24/57/2014)

12.33 The Commission received a complaint from one Rakesh Sharma alleging that his daughter Arti Sharma a physically challenged girl was required to undergo special treatment for improving her condition in Udaipur, Rajasthan. For her journey, she applied for a concessional ticket as per the Railway Rules, but the reservation clerk at the Muzaffarnagar Railway Station refused to acknowledge her certificate and did not issue her a concessional ticket. Not only was the complainant subsequently subjected to immense harassment and insult by the Railway Authorities for about 4 months, he was allegedly tortured for justifying his claim for the entitlement of his daughter. Thus the complainant sought intervention of the Commission.

12.34 Pursuant to the directions of the Commission, the Director Vigilance (Traffic) II, Railway Board intimated that the allegations made by the complainant were enquired into and were found to be correct. According to the report, the three personnel who were on duty at the reservation office Muzaffarnagar have been held responsible for causing harassment and disciplinary action was initiated against them and a penalty of withholding of increment for one year was imposed on two of them. Action for their transfer out of the reservation office, Muzaffarnagar is also proposed.



12.35 The Commission further considered the matter on 4 February 2015 when it observed and directed as under:-

“The report clearly admits a case of violation of human rights of both the complainant and his daughter. The Chairman, Railway Board, New Delhi is directed to show cause u/s 18 (a) (i) of the PHR Act, 1993 as to why a monetary compensation of Rs. 25,000/- should not be recommended to be paid to each of the complainant and his daughter. Response within six weeks positively. The report should indicate as to the steps taken to prevent repetition of such incidents in future.”

12.36 The report is awaited and the matter is under consideration of the Commission.

3. Exploitation of a Differently Able Girl Student in School Hostel in Banswara, Rajasthan (Case No.136/20/3/2014-WC)

12.37 The Commission received a complaint from one R.H. Bansal, a Human Rights Activist for Commission’s intervention on an incident dated 22 January 2014 in which an inmate of deaf and dumb school, Banswara who was aged 11 years gave birth to a child after 7 months of pregnancy. The complainant prayed for appropriate enquiry and action against the rapist and the Management of the Hostel along with adequate compensation for the victim.

12.38 In response, a report was received from the Collector and District Magistrate, Banswara, Rajasthan. It was submitted that during the last educational session of the school, the girl who was a student of Class V left the school on 25 April 2013 for summer vacation and she came back to the school on 19 July 2013 for the next session. Thereafter too, the girl used to leave the school along with her family members from time to time and ultimately in the night of 25.1.2014, when the girl complained of stomach pain, the Principal reached the Hostel and called for the Emergency Service 108. Thereafter, she gave birth to a child and then both of them were got admitted at Mahatma Gandhi Hospital. Her family members were also informed. As per report of the Principal, the girl might have conceived the child during the summer vacation when she was living with her parents.

12.39 The Superintendent of Police, Banswara informed that FIR No. 7/14 u/s 376(2) IPC and Section 5/6 of POCSO Act, 2012 was registered at Women Police Station and the case was under investigation. The DNA sample of the girl and the newly born child were taken and sent to FSL but the sample of the suspect is yet to be taken.

12.40 The District Magistrate, Banswara, vide his communication dated 05 December 2014 submitted that an amount of Rs. 50,000/- had been paid to the victim’s family by the State Government. It is also stated that Child Welfare Committee has conducted an enquiry



into the matter and found out that the alleged incident of sexual assault on victim girl had occurred perhaps in April-May 2013. The school administration was negligent in the whole issue as the physical changes in the body of the victim, her diet, her frequent absenteeism from the school were not noticed and informed to her parents. The school also failed to give satisfactory response in the matter which suggests that there was deliberate negligent attitude towards the victim girl. The post of Warden was found vacant and the children were found to be living under the security arrangement of only one guard. No information was given to the hospital or ambulance about the delivery of child in the school. The school authorities were thus held guilty in the matter.

12.41 The Commission further considered the matter on 3 February 2015 when it observed and directed as under:-

“Admittedly there was negligence of State Government’s School in the matter. The unfortunate incident has ruined the life of a minor girl who is also deaf and dumb. Investigating Authorities have also failed to trace the culprit so far. Though negligence of school administration has been found, no report is submitted as to action taken against erring officer and steps taken to prevent recurrence of such incident. The vacant post of Warden in hostel indicates that the State Government has adopted callous attitude towards the safety and security of the inmates. No information has been furnished as to rehabilitation of victim girl, rather the victim girl has been sent to her parents, which would adversely affect her right to education also. The amount of compensation as given by State Government is also not adequate to support the victim girl for her necessities of life. There are serious lapses on part of the Government authorities which have violated human rights of victim girl. The Commission has taken a serious note of such human rights violations.

Notice be issued to the Chief Secretary, Government of Rajasthan to show cause, why interim relief of monetary compensation of further Rs. 50,000/- shall not be granted to the victim as per Section 18 of the Protection of Human Rights Act, 1993. Response within four weeks.”

12.42 The response of the State Government is awaited and the matter is under consideration of the Commission.



HUMAN RIGHTS EDUCATION, TRAINING AND AWARENESS

13.1 NHRC has the mandate to protect and promote human rights. Section 12 (h) also envisages that NHRC shall spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means. NHRC has been involved in spreading human rights awareness among functionaries of Government, especially police besides students, NGOs and members of general public.

13.2 The Training Division of NHRC is spreading Human Rights literacy through training programmes on Human Rights issues through collaboration with Administrative Training Institutes, Police Training Institutions, SHRCs, University and Colleges and through credible NGOs. Apart from these, a one month Internship Programme twice in a year, i.e. Summer & Winter is being organized by the NHRC within its premises for the university / college students of different States of the Country. NHRC also organizes the Short-term Internship



Programme for the students interested in the field of Human Rights through-out the year except May-June and December-January.

13.3 During the year 2014-2015, 74NHRC sponsored training programmes on Human Rights and related issues were conducted by 57 institutions. Apart from this, Summer and Winter Internship programmes 2014 have also been held by Training Division of NHRC. Besides, a large number of students were given the opportunity of short term internship with NHRC during this period. Several delegations of students from university/ colleges, trainees/ officers from other institutions also visited NHRC and they were briefed on the working of the Commission and on Human Rights Issues during their visit in NHRC.

A. Training Programmes Organized by NHRC

13.4 As part of its mandate, during the year 2014-2015, the Commission had approved 92 training programmes of 73 institutes relating to various aspects of human rights. Out of these, 74 training programmes were successfully organized/ conducted by 57 institutions/ SHRCs/Universities/PTIs/NLIs/NGOs. The details of the training programme organized by the Training Division of NHRC are at Annexure-11.

B. Human Rights Awareness and Facilitating Assessment and Enforcement of Human Rights Programme in Selected 28 Districts of India

13.5 The above programme was undertaken by the NHRC in 2007-2008, wherein it selected 28 Districts, one from each State, from the list of identified Districts availing the Backward Regions Grant Fund of the Ministry of Panchayati Raj, Government of India and endorsed by the Planning Commission of India.

13.6 The main objective of the programme is to visit schools, primary health centres, community health centres, hospitals, police stations, prisons, panchayats, ration shops functioning under the public distribution system, district food office, various Departments working for the empowerment of children, women, scheduled castes, scheduled tribes and other vulnerable sections of the society, etc. so as to understand the actual situation on the ground and after that organize a Workshop on “Human Rights Awareness and Facilitating Assessment & Enforcement of Human Rights Programme at District Level Administration”. The aim of the Workshop is to inform people about their rights, direct the State and District authorities’ about proper implementation of Government of India flagship programmes and schemes of the State Government as well as compliance of NHRC recommendations issued from time to time on specific human rights issues.

13.7 From 2008 to 2012, the Commission has visited 16 Districts- Chamba (Himachal



Pradesh), Ambala (Haryana), North Sikkim (Sikkim), Jalpaiguri (West Bengal), Dhalai (Tripura), South Garo Hills (Meghalaya), Sonbhadra (Uttar Pradesh), Dang (Gujarat), South Goa (Goa), Wayanad (Kerala), Jamui (Bihar), Hoshiarpur (Punjab), Kalahandi (Odisha), Saiha (Mizoram), Chatra (Jharkhand) and Tiruvannamalai (Tamil Nadu). Review visits have further been made to Wayanad and Chamba Districts.

13.8 During the period under review, the Commission under the supervision of Shri S. C. Sinha, Member, NHRC revisited North Sikkim District from 25-29 June 2014. The details of the meetings held with the District officials and visits made by the NHRC team to different places under different programmes and the recommendations made thereunder are at Annexure-12.

13.9 As part of the programme, the Workshop on Human Rights Awareness and Facilitating Assessment and Enforcement of Human Rights was held in Gangtok on 27 June 2014 for State officials and District officials of Mangan. However, due to the functioning of the State Assembly in Gangtok, senior officers of the rank of Secretary representing various Departments did not attend the said Workshop. Officials of the rank of Special Secretary or Additional Secretary also did not attend. The Departments of Home, Social Welfare, Social Justice and Health were a few exceptions, and came only when called for. As the Workshop was devoid of participation of senior State officials, the Member, NHRC on the basis of interaction held with District functionaries of Mangan and few representatives of NGOs called for concerted action on improving the quality of services under the ICDS Programme, creation of Special Juvenile Police Unit in every District and city, amendment to the Sikkim Anti-Drug Act, 2006, spreading awareness about all programmes being implemented in the State, and improvement of services in Mangan District Hospital. The details of these action points are at Annexure-13.

13.10 The NHRC has not heard from the Government of Sikkim so far. It therefore once again requests the State Government to look into the matter and on the basis of recommendations made by it way back in 2014 expedite sending an action taken report to the Commission at the earliest.

C. Hindi Fortnight at NHRC

13.11 The NHRC Annual Hindi Fortnight, to promote the use of official language in its day-to-day working, was held from 14 – 28 September, 2014. The officers and staff of the Commission actively participated in the events organized on the occasion, such as the quiz programme, translation competition and Hindi Essay writing competition, etc.



D. Human Rights Day and NHRC Publications

13.12 The National Human Rights Commission celebrated the Human Rights Day on 10 December 2014 at a function organized in the FICCI Auditorium, New Delhi. It was on this day in 1948, the General Assembly of United Nations adopted the Universal Declaration of Human Rights. The theme of 2014 Human Rights Day was “Human Rights 365”.

13.13 The Chief Guest on the occasion was Smt. Sumitra Mahajan, Lok Sabha Speaker and she released the following six NHRC publications:

- NHRC English Journal on Human Rights (Vol.13, 2014).
- Manavadhikar-Nai Dishayein(Vol. 11, 2014) – NHRC Hindi Journal on Human Rights.
- Manavadhikar Sanchyika 2014 - A compilation of articles/papers presented in different National Conferences and Seminars organized by the Hindi Section.
- Handbook on Spot Enquiries (English) –It contains essential information about steps and processes undertaken in conducting spot enquiries by the Investigation Division of NHRC.
- Suicide in Prisons : Prevention Strategy and Implication from Human Rights and Legal Points of View (English).
- Retiral Benefits as a Human Rights : NHRC Initiatives (English).

13.14 The human rights theme based Wall and Table Calendar for the year-2015 were also released by the Commission.

E. Summer and Winter Internship Programmes

13.15 The Summer Internship Programme - 2014 was organized by the Training Division of NHRC from 2 June to 1 July 2014. It was attended by a total of 50 interns comprising 37 girls and 13 boys. Out of 50 interns, 20 were pursuing their Law Degree and the remaining 30 were post-graduate students pursuing various social science disciplines.

13.16 The Winter Internship Programme 2014 was held by Training Division of NHRC from 22 December 2014 to 20 January 2015. A total of 50 interns comprising 29 girls and 21 boys participated. Out of them, 19 were Law students and remaining 31 were post-graduate students from various disciplines of social sciences.



F. Short-term Internship Programmes and Visit to NHRC

13.17 A hundred and sixty (160) students participated in different Short-term Internship Programmes, of 15 days duration each, organized by the Training Division of NHRC between April 2014 and March 2015. In addition, 641 students and officers from various universities/ colleges and institutes visited NHRC who were told about the functioning of the Commission as well as human rights issues dealt by it.

G. Attachment of RPF Probationers

13.18 Five Assistant Security Commissioners (Probationers) from Jagjivan Ram Railway Protection Force Academy in Lucknow were attached to NHRC for one day on 29 January 2015. During this attachment, the officials were sensitized to the overall composition, functioning of its various Divisions and the complaint management system of NHRC.

H. National Seminars in Hindi

13.19 In its efforts towards creating awareness about human rights among the masses, the NHRC has been organizing National Seminars in Hindi on different 'Human Rights' themes in various parts of the country. In continuation of this, a two-day National Seminar was held in Vishva Bharati, Shantiniketan (West Bengal) on the subject of "Indian Literature, Science and Human Rights : A Dialogue" from 5-6 August 2014. The Chief Guest on the occasion was Justice Shri K. G. Balakrishnan, Chairperson, NHRC. Justice Shri Cyriac Joseph, Member, NHRC also participated in the Seminar. Renowned writer and thinker Prof. Nand Kishore Acharya was the Keynote Speaker of the Seminar.

13.20 The second Seminar was held on 29-30 October 2014 on the subject of "Satyagraha, Self Discipline and Gandhi : A Discussion" in collaboration with the University of Jammu. The Chairperson, NHRC was the Chief Guest and renowned Gandhian and Vice-Chancellor of Gujarat Vidhyapeeth, Dr. Sudarshan Iyengar was the Keynote Speaker in the Seminar.

13.21 The third Hindi Seminar on "Judiciary, Democracy and Tradition : An Evaluation" was held on 5-6 February 2015 in collaboration with Utkal University, Bhubaneswar, Odisha. Justice K. G. Balakrishnan was the Chief Guest of the Seminar. The fourth two-day National Seminar was organized in collaboration with Savitribai Phule Pune University, Pune on "Loksatta, Society & Emerging Dimensions of Human Rights" on 19-20 March 2015. Like the earlier Seminars, this too was inaugurated by Justice Shri K. G. Balakrishnan, Chairperson, NHRC.

13.22 The fifth Seminar on "Ragging : Legal & Human Rights Dimensions" was jointly organized by the NHRC, India and the National University of Advanced Legal Studies,



Kochi from 25-27 March 2015. Justice Shri Cyriac Joseph, Justice Shri D. Murugesan, Shri S.C. Sinha, Members, NHRC, Shri Rajesh Kishore, Secretary General and other senior Officers of the Commission, also took part in these Seminars. These Seminars had the distinguished presence of eminent personalities including well-known representatives from Shantiniketan, West Bengal, Jammu, Odisha, Maharashtra and Kerala. Besides, SHRCs, NGOs and media people from these States participated.

I. Trilingual Glossary of Human Rights Terms

13.23 The Commission has decided to prepare Trilingual Glossary of human rights terms in different Indian languages on the basis of its prior publication of “Glossary of Human Rights Terms” (English to Hindi and Hindi to English).

13.24 In view of the above, Hindi Section completed the 1st stage of work pertaining to the preparation of Trilingual Glossary of Human Rights Terms in English, Malyalam and Hindi. In this Glossary, approximately 12,000 translated Malyalam terms, pertaining to Human Rights have been incorporated with the help of proficient linguists and language experts, who have wide knowledge and experience in preparation of Glossary.

13.25 The 2nd stage (typing and printing) of this project was also initiated and is expected to be completed by the end of October, 2015. This Glossary is expected to be released on Human Rights Day in 2015 along with other publications.

13.26 Besides, the Commission has approved to prepare the Glossary in Telugu, Tamil and Punjabi Languages.

J. Translation of Awarded Books

13.27 The Commission has decided to publish the awarded books and manuscripts under its Biennial Award Scheme on Human Rights in Hindi and further get them translated in Bengali, Marathi, Malayalam, Tamil and Telugu. For this purpose, the National Book Trust, New Delhi has accepted the proposal of NHRC to carry forward this task and the two signed a Memorandum of Understanding during the period under review.

K. Dissemination of NHRC Information and Interaction with Media

13.28 In 2011, the Commission, through its Media & Communication Unit, devised a Media and Outreach Policy with the aim of guiding its various Divisions in planning and organizing their activities in a manner that amplifies the outreach of the Commission using, more effectively, diverse platforms, including the media.



13.29 In line with the NHRC Media and Outreach Policy, the Unit, during the period under review, issued a record number of 210 press releases and statements about the various interventions made by the Commission and activities undertaken. It further organized five press conferences and 17 interviews of Chairperson, Members and senior officers of NHRC with the All India Radio, Doordarshan and other media organizations. Special efforts were made to organize press conferences and day- to-day media briefings for the two camp sittings and open hearings organized by the NHRC. The media was also invited to be part of all important national level conferences, seminars and workshops. In addition, the Unit, on the basis of media reports referred 208 press clippings about various human rights violations to the Commission for consideration of suo motu cognizance.

13.30 In addition, the Unit published a monthly “Human Rights Newsletter”, in English and in Hindi, giving an insight into various significant activities undertaken by the Commission, circulating it to important stakeholders of the Government, academia, non-governmental organizations and members of the civil society.

13.31 In consonance with the devised NHRC Media and Outreach Policy as well as spread awareness among the people about human rights, a proposal was evolved by the Unit and concurred to by the Commission for giving awards to short film makers focussing on different human rights aspects.





Human Rights Defenders

14.1 “Human rights Defender” is a term used to describe people who, individually or with others, act to promote or protect human rights. The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly known as the Declaration on Human Rights Defenders) is the main international instrument on human rights defenders. It was adopted by the United Nations General Assembly in December 1998, after 14 years of negotiation.

14.2 The Declaration codifies the international standards that protect the activity of human rights defenders around the world. It recognizes the legitimacy of human rights activity and the need for this activity and those who carry it out to be protected. Under the Declaration, human rights defender is anyone working for the promotion and protection of human rights. This broad definition encompasses professional as well as non-professional human rights workers, volunteers, journalists, lawyers and anyone else carrying out, even on an occasional basis, a human rights activity.

14.3 The Declaration articulates existing rights in a way that makes it easier to apply them to the situation of human rights defenders. It specifies how the rights contained in the major human rights instruments; including the right to freedom of expression, association and assembly, apply to defenders. The Declaration outlines specific duties of States as well as the responsibility of everyone with regard to defending human rights. For human rights defenders too, it is equally



important to subscribe to the two principles of universality and non-violence for invoking protection under the United Nations Declaration on Human Rights Defenders.

14.4 The National Human Rights Commission of India is mandated under Section 12(i) of the Protection of Human Rights Act, 1993 to encourage the efforts of non-governmental organizations and institutions working in the field of human rights. Therefore, ever since NHRC came into existence, it has worked closely with a number of organizations and individuals, both governmental and non-governmental, to improve the human rights situation in the country along with rendering support and protection to human rights defenders. It has observed and complied with the United Nations Declaration on Human Rights Defenders and consequently made efforts to promote the development of protective mechanisms for human rights defenders across the country. As part of its strategy, it works with non-governmental and civil society organizations; National and State Commissions including State Human Rights Commissions and other key actors to raise awareness about human rights defenders and challenges being faced by them.

A. Focal Point for Human Rights Defenders in NHRC

14.5 Acting on one of the recommendations of Workshop on Human Rights Defenders that was organized by the Commission on 12 October 2009 in New Delhi, a Focal Point for Human Rights Defenders has been set-up in the NHRC to deal with complaints alleging harassment of human rights defenders by or at the instance of public authorities. The designated contact person at the Focal Point is Shri A.K.Parashar, Joint Registrar (Law). The Focal Point is accessible to human rights defenders round the clock through (i) Mobile No. 9810298900, (ii) Fax No. 24651334, and (iii) E-mail: hrd-nhrc@nic.in. The Focal Point ensures that the directions of the Commission in every case of alleged harassment of human rights defenders are complied with on priority and also conveyed to the concerned human right defender. The update of the complaints of alleged harassment of Human Rights Defenders is also posted on the website of the Commission.

14.6 The Focal Point for Human Rights has traveled to places across India and engaged in dialogues / discussions with NGOs / villagers / HRDs / State Government Officers to understand the status of promotion and protection of Human Rights at grassroots level. The visit reports and the complaints received during visits were placed before the Commission on priority and immediate action thereon was taken.

B. NHRC Course of Action for Protection of Human Rights Defenders

14.7 The Commission has always extended its support for the cause of promotion and protection of Human Rights and has denounced the acts of reprisal, harassment etc against persons who fight for this cause. In fact, one of the most important aspects of civilian



safeguard that has been taken up by the Commission is the promotion and protection of the rights of the Human Rights Defenders (HRD).

14.8 Important steps taken by NHRC for protection of HRDs are:

- NHRC sends a strong message to the State not to victimize HRDs. In furtherance of the same the Secretary General, NHRC wrote a letter to the Chief Secretaries of all States to create a favorable environment for the functioning of the Human rights Defenders.
- NHRC has taken proactive steps to protect the cause of the HRDs by recommending prosecution, compensation etc.
- HRDs cases are being displayed on the website and updated regularly.
- Encompassing this chapter of Human Rights Defenders in the Annual Report is also a part of the steps to spread awareness.
- The National Human Rights Commission interacted with the representatives of NGOs and the HRDs during the Camp sittings and Open hearings. The feedback given by them regarding the bottlenecks and the problems being faced by them were taken up by the Commission. Cases of HRDs were assigned top priority and necessary relief, on merits, was given.
- The NHRC releases a message on 9 December every year which is the day when the UN Declaration on HRDs was adopted by the UN General assembly. The Commission released a message on 9 December 2014 regarding continued support to the Human Rights Defenders.

C. National Workshop on Human Rights Defenders

14.9 A day long National Workshop on Human Rights Defenders was organized by the NHRC in New Delhi on 19 February 2015. The Workshop took stock of the implementation of its recommendations made earlier during the course of a 'National Seminar on Human Rights Defenders' held in 2009 with the objective of strengthening the mechanism of protecting human rights defenders and valuing their work towards good governance.

14.10 The National Workshop made substantial recommendations which are as follows :

- (i) India must ratify the International Convention against Torture and bring in a domestic legislation against Torture on priority in accordance with the International Convention.



- (ii) Foreign funding of Non Governmental Organizations should not be at the cost of security concerns. However, at the same time, government may also not misuse the provisions of the Foreign Contribution Regulation Act to thwart the work of HRDs and silence dissent.
- (iii) There is a need to create a HRD Emergency Fund for providing for relief and assistance to HRDs in emergency situations, including medical treatment etc.
- (iv) The post of Secretary General, NHRC & Secretary of SHRCs should be having a fixed tenure of 2 years. PHR Act may be amended for this purpose.
- (v) There should be sensitization of the security as well as Armed Forces and law enforcement officials at all levels to promote understanding about the role of HRDs so that they can work together for the promotion and protection of human rights.
- (vi) Legal Service Authorities must be supported and strengthened throughout the country for providing necessary and free legal aid to the deprived sections of society.
- (vii) There is a need for greater transparency in the process of government funding of NGOs.
- (viii) The telephone numbers of the Focal Points of NHRC/SHRCs must be made toll free.
- (ix) There is need for establishment of SHRCs in all States and where they exist, strengthen them by providing adequate infrastructure viz., human, financial and other resources.
- (x) There is also a need for training for capacity building of HRDs on issues like safety/security of HRDs, data safety etc.
- (xi) There is a need to sensitize the Judiciary towards the challenges being faced by HRDs in the discharge of their work so that they may receive prompt assistance and relief whenever they are targeted by state and non-state actors.
- (xii) The National Human Rights Commission must call for the Action Taken by the States on the letter dated 11.12.2013 from Secretary General, NHRC to all States regarding the provision of a conducive environment to HRDs for the performance of their work.



- (xiii) The NHRC must recommend to the States to set up Human Rights Courts under Section 30 of the PHR Act, 1993 in their respective States.
- (xiv) NHRC, India must monitor and take necessary steps for the implementation of the UPR recommendations, especially those concerning HRDs.
- (xv) The NHRC must consider observing 9th December every year by acknowledging the work done by HRDs and also to encourage SHRCs to observe the same.
- (xvi) An interactive window can be created on the NHRC website for HRDs.
- (xvii) All SHRCs must set up Focal Points for HRDs as has been done by the NHRC and the role and functions of these focal points must be strengthened. A fast track procedure could also be devised in NHRC/SHRCs to deal with cases of harassment and intimidation of HRDs.
- (xviii) The NHRC and SHRCs must consider organizing workshops on HRDs once in 2 years, both at the National and State levels.
- (xix) Sensitization of the Parliamentarians/ Legislators on human rights issues.
- (xx) Like the NHRC, SHRCs should also have a separate section in their Annual Reports on HRDs.
- (xxi) HRDs should bring to the notice of these Commissions (NHRC and SHRCs), the instances where NGOs misuse the names of these Commissions and mislead the public for their own benefit.
- (xxii) There is need for greater solidarity even among various human rights defenders so that the cause of human rights protection is not diluted.

D. Illustrative Cases Relating to Human Rights Defenders Dealt by NHRC

14.11 During the period under review, the Commission received 100 complaints concerning alleged harassment of Human Rights Defenders. 27 cases pertaining to HRDs were finally disposed of by the Commission during the year 2014-2015. The details of pending cases along with action taken by the Commission are available on the website of the Commission and it is updated regularly. Some of the important cases dealt by the Commission during the year 2014-2015 are as under:-



1. Arrest of Human Rights Defenders in Kerala (Case No.74/11/8/2015)

14.12 The Commission took suo motu cognizance of a media report dated 25.02.2015 published by Asian Human Rights Commission in ‘Counter Currents.Org captioned “Release Human Rights Defenders Tushar and Jaison”. According to the report, Human Rights Defenders and advocates Tushar Nirmal Sarathy and Jaison C. Cooper had been arrested on 29.01.2015 under Unlawful Activities Prevention Act in Kerala and were in jail since 30 January 2015. It has been alleged that Government was targeting human rights defenders and rights activists by labeling them as ‘Maoists sympathizers’. The report also mentions that both Tushar and Jaison were actively engaged in peasants’ struggles against land acquisition, illegal rock quarrying, forcible evictions, and the violation of labour rights of migrant workers in Kerala as well as struggles against various polluting industries.

14.13 On consideration of media report, the Commission observed that the contents of the media report, if true, raise a serious issue of violation of human rights defenders and directed the Director General of Police, Govt. of Kerala to submit a factual report in the matter. The requisite report is awaited.

2. Harassment of RTI Activist for Complaints Against District Officials (Case No. 12054/24/31/2014)

14.14 Shri Sushil Raghav, an RTI activist of district Ghaziabad, Uttar Pradesh alleged that the Senior Superintendent of Police, District Ghaziabad unnecessarily harassed him by sending him “Red Warning’ notice alleging that he may cause some disturbance during the election.

14.15 Pursuant to the directions of the Commission, the Senior Superintendent of Police, District Ghaziabad reported that during the General Election of 2014, ‘Red Warning’ notices were issued to such people who could cause disturbance. One such ‘Red Warning’ notice was issued to the complainant also.

14.16 The complainant has further sent a mobile complaint and stated that S.O. link road has filed FIR against me because I made complaint of S.O. of taking bribe from a widow of Jhandapur village, Ghaziabad and filed RTIs.

14.17 On consideration of report of the SSP, Ghaziabad and the complaint of the petitioner, the Commission found that the report is silent as to why “Red Warning Notice” has been issued against the complainant. The report is also silent on the point whether the petitioner had any antecedents which compelled the District Police to issue a “Red Warning Notice” against him. The complainant is being falsely implicated because he has made a complaint



against SO for taking bribe from a widow of Jhandapur and filed RTIs. It appears that the complainant was targeted for the complaints made by him against the District Functionaries.

14.18 The Commission directed the Senior Superintendent of Police, Ghaziabad, Uttar Pradesh to explain the legal provision under which ‘Red Warning Notice’ is issued; the grounds on which ‘Red Warning Notice’ was issued to the complainant; and the antecedents, if any, of the complainant, warranting a ‘Red Warning Notice’. He was also directed to submit a report regarding the allegations contained in the mobile complaint sent by the complainant.

3. RTI Activist Commits Suicide in Pune (Case No. 816/13/23/2014)

14.19 The Commission took suo motu cognizance of news report captioned “Pune RTI Activist Commits Suicide” published in “BEYOND HEADLINES”. It is reported that a RTI activist named Vilas Dattatrey Baravaker, aged 53 years, committed suicide by hanging himself. The suicide note left by him blames several prominent politicians of Maharashtra including top serving and retired officers of the Indian Police Service for his suicide. It is also mentioned that he had been harassed several times in the past. The Commission observed that the news report, if true, raises a serious issue of violation of human rights of an RTI activist who was fighting for a social cause and directed the Chief Secretary, Government of Maharashtra and DGP Maharashtra to submit report in the matter.

14.20 In response, the Additional Superintendent of Police, Pune Rural reported that the deceased committed suicide by hanging himself with a rope at his house and had left behind a suicide note containing the names of 52 citizens and 27 police officers and employees while alleging harassment being met out to him at the hands of the said persons. Statements of the relatives of the deceased, neighbours and associates as well some of the persons mentioned in the suicide note had been recorded. As per the statements, the deceased had mentioned the names of the said persons only out of grudge since they refused to toe the line of the deceased. It is also reported that a dispute was going on between the deceased and his brother and the relatives were trying for an amicable settlement between the two brothers. The deceased was not happy with the interference of the relatives and had made complaints against the persons who were trying to settle the dispute with his brother. At one instance, assault had taken place between the brothers for which complaints were lodged by them against each other. Thereafter the deceased had also started making complaints against the police and after having studied the RTI Act, he had started making complaints and harassing the police officials and officers of the Government Department. The wife of the deceased had pleaded ignorance about the contents of the suicide note as well as the other two letters found near the body of the deceased and seized by the police. She had categorically stated that she had no complaint against the police officials or the citizens



mentioned in the suicide note. The documents seized during the investigation had been sent for examination to the Principal Government Examiner of Documents, State CID, Pune, Maharashtra and the report is awaited.

14.21 After considering the material/reports placed on record, the Commission directed DGP, Maharashtra to submit a fresh status report. The report is still awaited.

4. Human Rights of RTI Activist Violated (Case No.2280/18/27/2014)

14.22 The Commission received a complaint dated 10 May 2014 from Dr. Subhash Mohapatra, Executive Director, Global Human Rights Communications alleging that an RTI Activist who had sought information under RTI Act 2005 from the Irrigation Department, Kendrapada, Orissa was called by the accused persons; physically attacked and hurled filthy and derogatory remarks in public view. A complaint was lodged by the victim, but the police did not register the FIR.

14.23 The Superintendent of Police, Kendrapara, Odisha reported that a case u/s 341/294/323/506/34 IPC and u/s 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 had been registered against Pramod Kumar Sahoo, Junior Engineer and Shri Banka Bihari Samal, Assistant Executive Engineer of Irrigation Department. Both the accused named above were arrested and released on bail as per orders of the High Court of Odisha, Cuttack.

14.24 After consideration of material on record, the Commission observed that a case under various sections of IPC was found true against the two public servants and both of them had been arrested also. It appears to be a serious case of violation of human rights of an RTI Activist who was subjected to harassment and torture by public servants. However, no response to the show cause notice of the Commission issued u/s 18 of the PHRA Act 1993 was received from the Chief Secretary, Government of Odisha and the DM, Kendrapara.

14.25 The Superintendent of Police, Kendrapara, Orissa further reported that a chargesheet had been submitted vide C.S. No.55 dated 15.5.15 u/s 341/294/323/506/34IPC/3(I)(X)(2) (VII)SC/ST(PoA) Act against the accused and the matter was found to be subjudice. The monetary relief amounting to Rs. 60,000/- had been recommended in favour of victim and 25% of monetary relief amounting to Rs. 15,000/- was also given to the victim.

14.26 On consideration, the Commission observed that monetary relief to the victim had not been paid as per norms laid down in the SC/ST Act (PoA) Rules 1995 as amended in the year 2011.

14.27 The Commission thus directed the (i) Chief Secretary, Government of Odisha to respond to the formal show cause notice, (ii) DM, Kendrapara to submit report with regard



to payment of compensation to the victim under the provisions of SC/ST(PoA) Rules 1995 as amended in the year 2011, and (iii)SP, Kendrapara to submit status of Case Crime No. 56 dated 8.5.14 registered u/s 341/294/323/506/34 IPC/3(I)(X)(2)(VII) SC/ST(PoA) Act.

5. Eighty Year Old Human Rights Activist Attacked (Case No. 530/13/14/2015)

14.28 The Commission took suo motu cognizance of news reports captioned “CPI Leader Shri Govind Pansare, his wife shot at in Kolhapur” published in ‘The Hindu’ dated 16.2.2015. As per report, a eighty year old activist Shri Govind Pansare and his wife who were shot at by some un-identified persons in Kolhapur, Maharashtra. The activist was associated with various social movements in Maharashtra and was leading an Anti-toll Movement in Kolhapur. The Commission considers the Human Rights Defenders as its partners in promoting and protecting of human rights in the country. It is the duty of the State to recognize and acknowledge the valuable contribution made by the human rights defenders and create an environment in which the human rights defenders can act safely and freely. On consideration, the Commission directed the Chief Secretary and DGP, Maharashtra to submit report in the matter.

6. Arrest of Woman Human Rights Defender (Case No. 1062/12/2/2013)

14.29 The complainant, an office-bearer of Front Line Defenders, an Ireland based NGO, alleged that a human rights defender Ms Madhuri Ramakrishnasway has been arrested by police in Badwani district of Madhya Pradesh on 16.5.2013 as she was protesting for the rights of a woman Baniya Bai who was victim of medical dishonesty in Public Health Centre, Menimata, District Badwani, Madhya Pradesh.

14.30 The Commission considered the report received from the Superintendent of Police, District, Badwani, wherein it is reported that regarding a protest by a human right defender, the officials of the Government Hospital lodged crime No. 93/2008 u/s 353/332/147/427 IPC and Section 3/4 of the M.P. Hospitals Act, 2008 in which Madhuri Ben, a lady office bearer of Dalit Adivasi Organization was arrested under orders of the Court. The Commission observed that the report does not address the substance of the complaint that Smt. Baniya Bai was admitted at Menimata PHC for delivery. Since she could not pay bribe of Rs. 100/-, she was forced to leave the hospital, and gave birth in public view, on the road. In other report, the Additional Director General of Police, PHQ, Madhya Pradesh, reported that Madhuri Ram Krishna Swami was not arrested by the police. However, for non appearance in the court inspite of service of notice, the court had sent her to judicial custody. The documents enclosed with the report revealed that departmental action was initiated against the erring public servant, Government hospital staff, for dereliction of duties by Compounder, Vijay



Kumar who was placed under suspension and after conclusion of the inquiry, he had been penalized by way of censure of one annual increment without cumulative effect.

14.31 On consideration of material placed on record along with report received from the Deputy Secretary, GA Department, Government of Madhya Pradesh in compliance to the Show Cause Notice, the Commission recommended to the State of Madhya Pradesh to pay a sum of Rs. 3,00,000/- (Three Lakhs) by way of compensation to the victim Baniya Bai as a case of gross violation of her human rights including right to life and right to health has been established against public servant.

7. Human Rights Defender Arrested Illegally and Tortured (Case No. 31/14/12/2013)

14.32 An NGO, Asian Human Rights Commission brought to the notice of the Commission about the illegal arrest of a human rights defender and musician from Manipur by the police at Thoubal, Manipur. Mr. Mandir Laishram and Mr. Ninghtoujan Hemo were illegally arrested, humiliated and tortured by the police of Thoubal, Manipur.

14.33 The Inspector General of Police, Manipur reported that Mr. Mandir Laisaram and Ninghtoujan Hamo were accused in FIR No. 84(5)/2013 u/s 148/149/427/447/353 IPC r/w Section 342 IPC r/w Section 3 PDPP Act r/w Section 7 of Criminal Law Amendment Act and were sent to judicial custody on 17.5.2013. The vehicle in which Mr. Ninghtoujan Hemo one of the accused of the said FIR was travelling was asked by the police officer to stop for checking but the occupants resisted frisking and checking. Therefore, they were given minor punishment for obstructing police personnel on duty. After that, the slightly injured musicians were taken to a nearby hospital and were discharged after giving first-aid. The police official involved in the incident had transferred to another police station.

14.34 The Commission considered the material placed on record and observed that erring police personnel transferred to other police station on account of his conduct in the matter. It is therefore evident that both the personnel namely Laishram Mandir Singh and Ninghtoujam Hemosingh were ill treated and beaten up by police personnel of P.S Heirok and thus human rights of the victims has been violated. In these circumstances, the Commission recommended to the Chief Secretary, Government of Manipur to pay a sum of Rs. 25,000/- as compensation to both the victims.



INTERNATIONAL COOPERATION

15.1 National Human Rights Institutions (NHRIs) that comply with the principles relating to the status of national institutions, commonly known as the Paris Principles, are playing a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level. This role is increasingly being recognized by the international community. Through the Universal Periodic Review, treaty monitoring bodies, and other international human rights mechanisms, every State is being encouraged to establish an effective, independent NHRI that complies with the Paris Principles as well as strengthen it where already existing. NHRIs are also engaged in cooperation with a range of actors, among which the United Nations, and in particular, the Office of the United Nations High Commissioner for Human Rights (OHCHR) besides the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (International Coordinating Committee/ICC), and the Asia Pacific Forum of National Human Rights Institutions (APF) are of significance.

15.2 During the period under review, the National Human Rights Commission of India, which is a member of the ICC and a founder member of the APF participated in number of meetings which are detailed below along with details of participation in international meetings, seminars, workshops and interaction with foreign delegates in the Commission.



A. Cooperation with the Asia Pacific Forum of National Human Rights Institutions

15.3 The Asia Pacific Forum of National Human Rights Institutions (APF) is the regional human rights organization network in the Asia Pacific region established in 1996. It is a member-based organization that supports the establishment and strengthening of independent National Human Rights Institutions in the region. Its goal is to protect and promote human rights of people of the Asia Pacific region through network of member institutions. At the time of writing of the Annual Report, APF had 15 full members and 7 associate members. These members represent a diverse range of countries across the region. The National Human Rights Commission of India (NHRC, India) is one of its founding members. Any National Human Rights Institution in the Asia Pacific can apply to become a member of the APF. Decisions about membership are made by the Forum Council, the APF's governing body.

15.4 To be admitted as a full member, a National Human Rights Institution must comply with the minimum international standards set out in the Paris Principles. In addition, the Forum adopts the accreditation decisions of the International Coordinating Committee of National Human Rights Institutions to determine APF membership status. National Human Rights Institutions which are considered to fully comply with the Paris Principles are accredited as 'A status', while those that partially comply are accredited as 'B' status. 'A status' National Human Rights Institutions are allowed to participate in the work and discussions of the United Nations Human Rights Council and its subsidiary bodies.

15.5 The Commission successfully hosted the following international meetings in New Delhi :

- (i) APF Master Trainers' Meeting and Human Rights Educators' Workshop from 9 to 13 June 2014.
- (ii) The 19th Annual Meeting of the Asia Pacific Forum of NHRIs from 3 to 5 September, 2014.

15.6 The National Human Rights Commission hosted the APF Master Trainers' Meeting and Human Rights Educators Workshop in New Delhi from 9 to 13 June 2014. The meeting was attended by 13 National Human Rights Institutions (NHRIs) of the Asia Pacific region, including Shri J.S.Kochher, Joint Secretary (Training & Research), of the Commission who is an APF Master Trainer. During the workshop, the APF film maker also interviewed Chairperson on the work of the Commission in the field of Human Rights Education.



15.7 The National Human Rights Commission hosted the 19th Annual APF Meeting in New Delhi from 3 to 5 September 2014. The meeting was attended by Chairperson, Members and Senior level officers from 21 National Human Rights Institutions (NHRIs) from the Asia Pacific region. A key aspect of this year's meeting was the development of the APF Strategic Plan 2015-2020. Representatives from the Asian NGOs Network on National Human Rights Institutions (ANNI) also contributed to these discussions, as part of a dialogue with APF members on the first day. The 19th Annual Meeting examined international activities relevant to APF members, including engagement with the United Nations Open Ended Working Group on Ageing. An application for associate membership of the APF by the National Human Rights Ombudsman of Kazakhstan was considered and approved by the Forum Council. The APF members took part in a discussion on their work to implement the APF Action Plan on Women and Girl's Human Rights, with representatives from the national human rights institutions of India, Jordan and Mongolia making presentations on the recent activities they have undertaken.

Other Events Organized by APF & NHRC Participation

15.8 Dr. Savita Bhakhry, Joint Director (Research), Shri Jaimini Kumar Srivastava, Information & Public Relations Officer and Shri U.N.Sarkar, Assistant Information Officer attended the APF Sub-Regional Training Workshop for NHRIs on Media and Communications at Male, Maldives from 7 to 10 April 2014.

15.9 Shri J.S.Kochher, Joint Secretary (Training & Research) attended the APF Regional Workshop on the Rights of Older Persons in Sydney, Australia from 13 to 15 May 2014.

15.10 Shri Lal Bahar, Inspector attended the APF Regional Workshop on Undertaking Effective Investigations in Kuala Lumpur, Malaysia from 19 to 23 May 2014.

15.11 Smt. Kanwaljit Deol, Director General (Investigation) attended the Roundtable Meeting of the Senior Executive Officers (SEO) of the APF in Sydney, Australia from 23 to 24 June 2014. The meeting was aimed at providing an opportunity to share experiences, including lessons learnt and the best practices in the context of the promotion and protection of human rights and the administration of National Institutions.

15.12 Justice Shri K.G.Balakrishnan, Chairperson attended a High Level Meeting on Human Rights Issues with Prof. Gillian Triggs, President, Australia Human Rights Commission, Sydney, Australia on 25 June 2014.

15.13 The APF formed a Working Group to oversee the strategic planning process and the preparation of a draft plan for the period 2015-2020. Justice Shri K.G.Balakrishnan,



Chairperson, NHRC, acted as a Member to represent South Asia in the said Working Group and attended the first meeting of the APF Forum Council Working Group on Strategic Planning 2015-2020 held in Sydney, Australia on 26 and 27 June 2014.

15.14 Shri Rajesh Kishore, Secretary General attended the Workshop on Social Integration and the Rights of Older Persons in the Asia Pacific Region in Bangkok, Thailand organized by APF from 30 September to 2 October 2014.

15.15 Shri Sunil Arora, Deputy Registrar (Law) attended the APF Workshop on the Role of NHRIs in Promoting and Protecting the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex People (LGBTI) in the Asia Pacific Region and the United Nations Development Programme (UNDP) Regional Dialogue on LGBTI at Bangkok, Thailand from 24 to 27 February 2015.

15.16 Justice Shri K.G.Balakrishnan, Chairperson attended the meeting of the APF Forum Council Working Group on Strategic Planning on 10 March 2015, which was held on the sidelines of the 28th Annual Meeting of the ICC in Geneva from 10 to 13 March, 2015. In the meeting, the draft APF Strategic Plan 2015-2020 was presented and detailed discussions held on the proposed plan.

B. Cooperation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights

15.17 The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) is a representative body of National Human Rights Institutions established for the purpose of creating and strengthening National Human Rights Institutions in conformity with the Paris Principles. It performs this role through encouraging international co-ordination of joint activities and co-operation among these National Human Rights Institutions, organizing international conferences, liaison with the United Nations and other international organizations and, where requested, assisting governments to establish a National Institution. It works to create and strengthen National Institutions and to ensure they conform to the Paris Principles. In all its activities and in its Presidency, committees, working groups, etc. the ICC ensures gender equality. NHRC, India is an ICC member with 'A' status accreditation which was earlier accredited in 1999 and reaccredited in 2006 and 2011. Next re-accreditation is due in 2016. Given below are details of ICC Meetings in which the Commission participated during the period under report.

15.18 A delegation headed by Justice Shri K.G.Balakrishnan, Chairperson and comprising



Justice Shri D.Murugesan, Member and Shri Rajesh Kishore, Secretary General, NHRC participated in the 28th Annual General Meeting of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) held in Geneva from 10 to 13 March 2015. In the general meeting there was discussion on post-2015 development agenda, administrative matters relating to the ICC such as description of ICC activities, ratification of appointment of Bureau Members, ICC finances and funding issues as well as the ICC programme of activities upto 2025. The plenary session was devoted to issues relating to national enquiries, NHRI governance issues, issues of violence against women and on the rights of persons with disabilities. Justice Shri D.Murugesan, Member, NHRC in his presentation focused on the wide ranging autonomy, both statutory and financial, being enjoyed by the NHRC, India as well as the power to function as a civil court and enforce attendance of witnesses, facilitate discovery of documents and records as well as call for mandatory reports in any case of violation of human rights. The plenary noted that it was unusual to have an NHRI which was empowered to summon officials and enforce their attendance before the Commission. Such powers were not available with most of the NHRIs internationally. There was considerable appreciation of the statutory powers available with NHRC of India, which enables it to function in an autonomous and independent manner.

15.19 During the ICC meeting, there was also a side event on the Rights of Older Persons which was addressed by Justice Shri K.G.Balakrishnan, Chairperson, NHRC, India who gave a brief outline of the violation of rights of older persons and emphasized the need for development of a new international instrument on the Rights of Older Persons.

15.20 On the request of the OHCHR representative dealing with extra-judicial killings, a special meeting with NHRC, India was held in the context of the report of the Special Rapporteur on extra-judicial executions which was submitted a few years earlier. The OHCHR representative was informed about the role being discharged by NHRC, India in enquiring into all cases of extra-judicial executions. It was also informed that guidelines had been developed by NHRC and based on these guidelines, the Commission was enquiring into such events recommending the actions to be taken by the Government including taking suitable corrective and criminal action, in addition to awarding compensation to affected persons.

C. NHRC Participation in Other International Meetings and Programmes

15.21 Justice Shri Cyriac Joseph, Member, NHRC visited Vatican, Rome as part of the delegation headed by Shri Oscar Fernandes, Minister for Road, Transport and Highways to attend the canonization ceremony of John Paul II on 27 April 2014.



15.22 Justice Shri K.G.Balakrishnan, Chairperson participated in the International Conference of Jurists & Writers-2014 in London, United Kingdom from 23 to 24 June 2014

15.23 Justice Shri K.G.Balakrishnan, Chairperson and Shri J.S.Kochher, Joint Secretary (Training & Research) participated in the 58th Session of the United Nations Committee on Elimination of Discrimination Against Women (CEDAW) held in Geneva from 30 June to 2 July 2014. During the visit, the Chairperson made an oral statement before the CEDAW Committee on 30 June 2014.

15.24 Justice Shri K.G.Balakrishnan, Chairperson and Shri A.K.Parashar, Joint Registrar (Law) attended the Pilot Training on Mediation and Negotiation Skills organized by the Commonwealth Secretariat, London in Kuala Lumpur, Malaysia from 11 to 15 August 2014.

15.25 Shri Om Prakash, Librarian attended the Blended Learning Course on Human Rights Library and Information Management for NHRIs in Asia organized by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) in Kuala Lumpur, Malaysia from 22 to 26 September 2014.

15.26 Justice Shri K.G.Balakrishnan, Chairperson attended the International Conference on Regional Human Rights Mechanism in South Asia held in Dhaka, Bangladesh from 17 to 26 November 2014. The conference was a crucial step in setting the process for a viable regional human rights initiative in South Asia by establishing a South Asian Human Rights Mechanism to solve the common human rights challenges faced by all South Asian countries. The regional initiative was a platform of concerned citizens of South Asia who were long advocating for such a body.

15.27 Shri J.S.Kochher, Joint Secretary (Training & Research) participated in the Commonwealth Secretariat-UN Women Regional Consultation on Jurisprudence of Equality in regard to Violence against Women and Girls for the Asia Region held in Bangkok, Thailand from 25 to 27 November 2014.

15.28 Dr.Savita Bhakhry, Joint Director (Research) participated in a Workshop on Using Geospatial Technologies for Human Rights Documentation and Litigation organized by the American Association for the Advancement of Science (AAAS) in Washington DC, United States of America on 8 and 9 December 2014.

15.29 Justice Shri Cyriac Joseph, Member represented NHRC at the Seminar for Asia Pacific Parliaments organized jointly by the Senate of the Philippines and the Inter-Parliamentary Union, in collaboration with the Office of the United Nations High Commissioner for Human Rights, in Manila, Philippines on 26 and 27 February 2015.



15.30 Shri J.S.Kochher, Joint Secretary (Training & Research) was a resource person (Certified Master Trainer of APF) at the APF Induction Training Workshop for newly recruited staff of Mongolian National Human Rights Commission in Ulaanbaatar, Mongolia from 9 to 13 March 2015.

D. Interaction with Foreign Delegates

15.31 Ms. Jyoti Sanghera, Chief of Section of the Human Rights and Social and Economic Issues at the United Nations Office of the High Commissioner for Human Rights in Geneva along with Mr. Charles Radcliffe, Chief of the Global Issues Section, OHCHR in New York visited the NHRC on 29 April 2014.

15.32 A delegation consisting of five members headed by Jessica Rodgers, Foreign Affairs Officer, Office of Democracy, Human Rights and Labor (DRL), Washington visited the Commission to have a courtesy meeting with the Secretary General, NHRC on 16 July 2014.

15.33 A delegation consisting of six members headed by Mr. Miloon Kothari, Convenor, Regional Initiative for South Asia Human Rights Mechanism (RI-SAHRM) Task Force and former United Nations Special Rapporteur on Right to Housing visited the Commission on 28 August 2014.

15.34 An interview of Chairperson, NHRC was taken by Ms. Allison Corkery, Director, Rights Claiming and Accountability, Centre for Economic and Social Rights (CESR), United States of America with Chairperson in connection with the development of an APF Training Manual on Monitoring Economic, Social and Cultural Rights in New Delhi on 5 September 2014.

15.35 A meeting was held between Chairperson and Dr. Ali bin Samikh Al Marri, Chairman, National Human Rights Committee, Qatar on the issue concerning rights of migrant workers and mutual co-operation for the promotion and protection of human rights on 3 September 2014 in New Delhi. The meeting was also attended by the Secretary General & Joint Secretary (Training & Research) of the NHRC.

15.36 A delegation consisting of three members headed by Joao Cravinho, Ambassador of the European Union visited NHRC for a meeting to exchange views on the human rights situation with Chairperson and Members on 15 October 2014.

15.37 A meeting was held in the NHRC between Chairperson, Members and senior officers of the Commission and Mr. J.V.R. Prasada Rao, UN Secretary General Special Envoy for



AIDS (Asia & the Pacific) and Mr. Steve Kraus, Regional Director, UNAIDS Bangkok on 20 February 2015. The delegation was on a visit to India for an advocacy mission pertaining to AIDS.

15.38 H.E. Mr. Eivind Homme, Ambassador of Norway accompanied by Mr. Thoralf Stenvoid, Counsellor, Norway Embassy, New Delhi visited the Commission on 4 March 2015 and held discussions with the Chairperson, Members and senior officers of the NHRC.



State Human Rights Commissions

16.1 The National Human Rights Commission was constituted in the year 1993, in accordance with the Protection of Human Rights Act (PHRA), 1993. The PHRA, in Section 21, also provides for constitution of State Human Rights Commissions in the States. The existence and functioning of Human Rights Commissions in the States will go a long way in the ‘better’ protection of human rights.

16.2 The Commission has been urging the State Governments, where no State Commission has been constituted, to initiate action to constitute a State Human Rights Commission to fulfill its responsibilities to the people in accordance with the Protection of Human Rights Act, 1993 and the ‘Paris Principles’.

16.3 So far 25 States have set up State Human Rights Commissions (SHRCs). These are Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Jammu & Kashmir, Jharkhand, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Uttar Pradesh, Uttarakhand, Goa and West Bengal. Constitution of State Human Rights Commission in Meghalaya has been notified, but appointment of Chairperson and/or Members have not been made so far. The posts of Chairperson and Members of Jammu & Kashmir, Himachal Pradesh and Manipur Human Rights Commissions are lying vacant. The need for protection of human rights is felt in every part of the country and for that reason there is a need for speedy constitution of State Human Rights Commission in the remaining



States.

16.4 The Commission has thus written to the remaining States (Arunachal Pradesh, Tripura, Nagaland and Mizoram) to constitute their respective State Human Rights Commission. The Commission has also brought to the notice of these State Governments the provision in section 21(6) of the PHRA, 1993 whereby two or more State Governments may, with the consent of a Chairperson or Member of a State Commission, appoint such Chairperson or, as the case may be, such Member of another State Commission simultaneously if such Chairperson or Member consents to such appointment. This provision may be useful in States where SHRC is not constituted and they may be interested in sharing the Chairperson/ Members of the SHRCs in other State for want of suitable manpower/expertise in their own State.

16.5 The Commission has also proposed to the Government of India for an amendment in the PHRA, 1993 for constitution of Human Rights Commissions in the Union Territories.

16.6 The Commission has taken the initiative of holding regular interactions with the State Human Rights Commissions from the point of view of exploring and further strengthening areas of cooperation and partnership. It has been holding such meetings with the State Human Rights Commissions since 2004. The last meeting of the NHRC with the SHRCs was held on 27 July 2012 in New Delhi. Some of the important decisions taken during this meeting include the following:

- Officers and staff of SHRCs may visit the NHRC, India for learning about the working of NHRC, India, especially its Complaint Handling Management System
- SHRCs may send proposals for funding/financial assistance for research studies as well as organization of workshops/seminars etc aimed at promoting human rights awareness, to the NHRC, India
- Constitution of a Committee under the Chairmanship of a Member of NHRC, India or Chairperson of any SHRC on the issue of the 'Jurisdiction and Mandate of Human Rights Courts'.

16.7 Accordingly, the NHRC constituted a Committee under the chairmanship of Justice Shri K G Balakrishnan, Chairperson, NHRC, to consider amendments to Section 30 of the PHR Act, 1993, with a view to incorporating provisions for identifying the offences which could be tried by Human Rights Courts along with the specification of the procedure for the same. The final version of the draft amendments to Section 30 of the PHRA, 1993, as approved by the Committee and thereafter by the Commission, was sent to the Ministry of Home Affairs for necessary action.



16.8 Another important decision of the meeting held between NHRC and SHRCs was to forward the recommendations of the ‘Justice G. P. Mathur Committee on SHRCs’ constituted by the NHRC to the Prime Minister and Chief Ministers of States. The mandate of the said Committee was to look into the issue of evolving a basic structure, minimum manpower, and financial necessities of SHRCs so as to facilitate them to discharge their functions under the PHRA, 1993 as well as develop guidelines for complaint disposal by them.

16.9 The recommendations of Justice G. P. Mathur Committee were thus forwarded to the Hon’ble Prime Minister of India and Chief Ministers of all States vide letters dated 18December 2012. In response, the Ministry of Home Affairs (Human Rights Division), Government of India vide its letter dated 20 February 2013 requested for details of complaints registered, disposed off and pending during 2010-12, division-wise existing manpower, financial allocation, details of shortage being experienced and justification for providing additional amount, etc. by each SHRC. The details, as received, were sent to the Government of India on 23 March2015. Further response of the Government of India is awaited in the matter. The Commission is optimistic that the Ministry of Home Affairs, Government of India will expedite its reponse.



ADMINISTRATION AND LOGISTIC SUPPORT

A. Staff

17.1 As on 31 March 2015, 302 employees were in position against the total sanctioned strength of 343 consisting of various ranks. Over the years, the Commission has taken recourse to a variety of methods with regard to selection of personnel for developing and building a cadre of its own. These methods include direct recruitment, re-employment, deputation and contractual appointments.

B. Promotion of Official Language

17.2 In its efforts towards creating awareness of human rights among the masses, the Commission has been organizing National Seminars in Hindi on Human Rights related themes in different parts of India. In continuation of this chain, two days National Seminars was held in Vishva Bharati, Shantiniketan (W.B.) on the Subject of “Indian Literature, Science and Human Rights : A dialogue” on 05.08.2014 to 06.08.2014. Justice Shri K. G. Balakrishnan, Chairperson, NHRC was the Chief Guest. Justice Shri Cyriac Joseph, Member, NHRC also participated in the Seminar. Renowned writer and thinker Prof. Nand Kishore Acharya was the Keynote Speaker of the Seminar. Second Seminar was held on 29-30 October, 2014 on the subject “Satyagraha, Self Discipline and Gandhi : A Discussion” in collaboration with University of Jammu. Chairperson, NHRC was



the Chief Guest and Renowned Gandhian and Vice-Chancellor of Gujarat Vidhyapeeth Dr. Sudarshan Iyengar was the Keynote Speaker in the Seminar. Third Hindi Seminar on “Judiciary, Democracy and Tradition : An Evaluation” was held on 5-6 February, 2015 in collaboration with Utkal University, Bhubaneswar, Odisha. Justice K. G. Balakrishnan was the Chief Guest of the Seminar. Fourth two days National Seminar in collaboration with Savitribai Phule Pune University, Pune on “Loksatta, Society & emerging Dimensions of Human Rights” was organized on 19-20 March, 2015. Addressing the Inaugural Session of the Seminar as the Chief Guest, Chairperson, Justice Shri K. G. Balakrishnan, shared his happiness and delight on the fact that the University offers Human Rights course to all the students of the University. Fifth Seminar on “Ragging : Legal & Human Rights Dimensions” was Jointly organized by the NHRC India and the NUALS, Kochi on 25th -27th March, 2015. In continuation of this chain of Seminars for the First year 2015-16 Two days National Seminar was held in R.T.M. Nagpur University, Nagpur on the subject of “Indian Society, Media and Challenges of Human Rights : A dialogue”, dated 14th – 15th September, 2015. Justice Shri K. G. Balakrishnan, Chairperson, NHRC was the Chief Guest. Members, NHRC Justice Shri Cyriac Joseph, Justice D. Murugesan, Shri S.C. Sinha, Secretary General Shri Rajesh Kishore and other Senior Officers of the Commission, also participated in these Seminars. These Seminars were attended by distinguished personalities including representatives from Shantiniketan, Jammu, Utkal, Pune and Kochi, Nagpur, SHRC, various NGO’s and Media.

C. NHRC Library

17.3 The Library of the Commission was established in 1994 for research and reference purposes. It has been upgraded to NHRC Documentation Centre (E-Library) which is well equipped with computer and Internet services. Database of books, documents and articles are available on the internet for wider use of readers. These readers include Interns, Research Scholars and others working in the field of human rights.

17.4 Quality information is the backbone and an essential aspect of any documentation centre. The NHRC Documentation Centre (E-Library) keeps important information from different sources and documents to make it available to the Chairperson, Members, Officers and Staff of the Commission, Interns, Research Scholars and others who are working in the field of Human Rights by providing value-added information services. The databank at the Centre is continuously updated with documents and information that include books and journals on Human Rights, Government Reports, information received from United Nations, NGOs, NHRIs, research papers, unpublished reports, films, CDs, video cassettes, etc.

17.5 The news paper clippings are compiled and made readily available in the Library. In addition to its primary role of collecting and preserving information on major topics of Human Rights, it also actively disseminates the current information to the users.



17.6 The Weekly News Digest of Human Rights is an initiative of the Commission to provide data and information on various human rights violations in India. The Documentation Centre also compiles these Weekly News Digest.

17.7 The Library has stock of computer database of printed books on Human Rights as well as a small collection of fiction and reference books. The Library is computerized and has evolved into a fully automated library environment with the support of E-Granthalaya (Library software). The online catalogue of the Library provides an excellent starting point for anyone researching on violation of human rights of various sections of the society. Constant efforts are made to update the collection of Library books and documents so that the users can obtain the most recent books, documents, reports, etc.

17.8 The Library has about 25,925 books and back volumes of journals. It has also a collection of 423 CD/DVD/Cassettes. It subscribes to 62 journals (Indian and Foreign), 108 Serial Publications, 28 magazines and 26 national and regional newspapers. It has an extensive collection of books and documents covering a wide spectrum of human rights and related subjects. During the period under review, 1,501 new books pertaining to human rights and related subjects were added to the Library.

17.9 The Library is also equipped with SCC Online (Supreme Court Case Finder CD-ROM), AIR InfoTech containing AIR Supreme Court 1950-2014; AIR High Court's 1950-2014, Criminal Law Journal 1950-2014 and Software Package (E-Granthalaya) developed by National Informatics Centre (NIC), New Delhi.

17.10 An online (OPAC) Open Public Access Cataloguing has been specially developed for quickly ascertaining the availability and location of any book or document available, in the Library through any access, such as Author, Title, Subject, Keyword and Publisher.

17.11 NHRC Library is an institutional member of British Council Library and DELNET (Developing Library Networking), New Delhi which promotes resource sharing amongst the libraries. Library also maintains close liaison with others Libraries through Inter-Library Loan facilities for accessing and borrowing books, documents and journals.

D. Right to Information

17.12 The Commission in its Annual Report of last year, 2013-2014, had mentioned in detail the institutional mechanism evolved by it for replying to queries coming under the purview of the Right to Information Act, 2005 (RTI Act).

17.13 The details of applications and appeals and CIC notices received during the period 1 April 2014 to 31 March 2015 are indicated below:



Sr. No.	Details	On line	Postal	Total
1	No. of applications received	578	2820	3398
2	No. of applications disposed off within 30 days	426	2581	3007
3	No. of applications pending but disposed off beyond one month	---	----	----
4	No. of applications transferred to others Ministries/Departments/Organizations	123	197	320

Details of 1st Appeals

1	No. of appeals received by the Appellate Authorities	67	157	224
2	No. of such appeals disposed off within one month	66	147	213

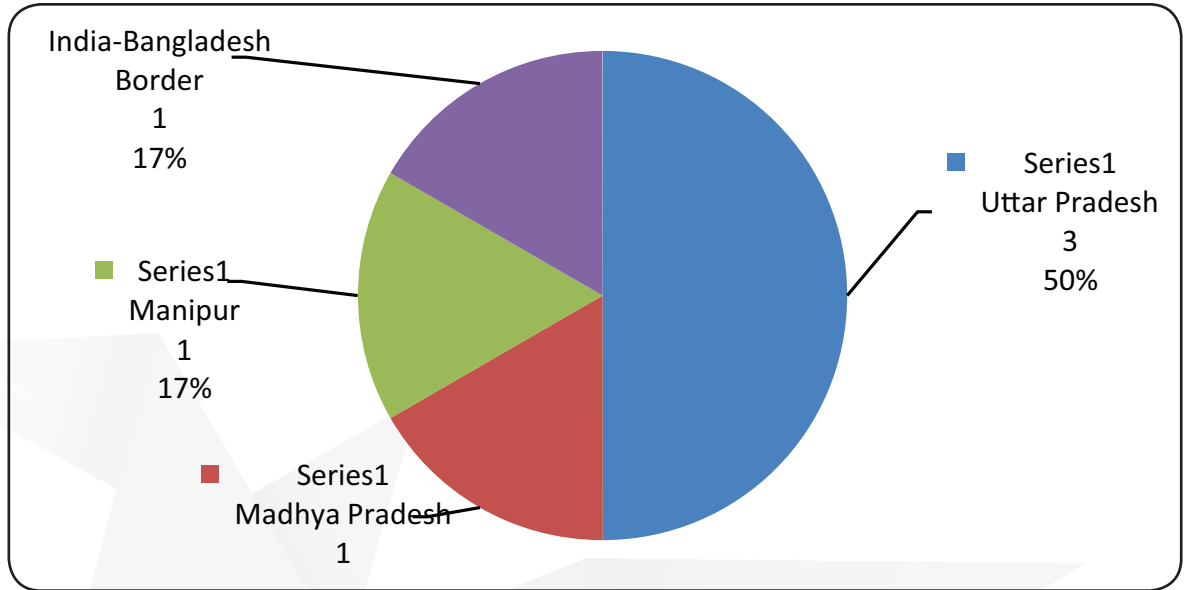
Details of 2nd Appeals with C.I.C.

1	No. of notices received from C.I.C.	04	21	25
2	No. of hearings attended by C.P.I.O./ Appellate Authority	04	21	25
3	No. of hearings in r/o which compliance report submitted to C.I.C.	---	---	---
4	No. of hearings in r/o which compliance report not submitted to C.I.C.	---	---	---



NON-ACCEPTANCE OF NHRC RECOMMENDATIONS BY STATE GOVERNMENTS

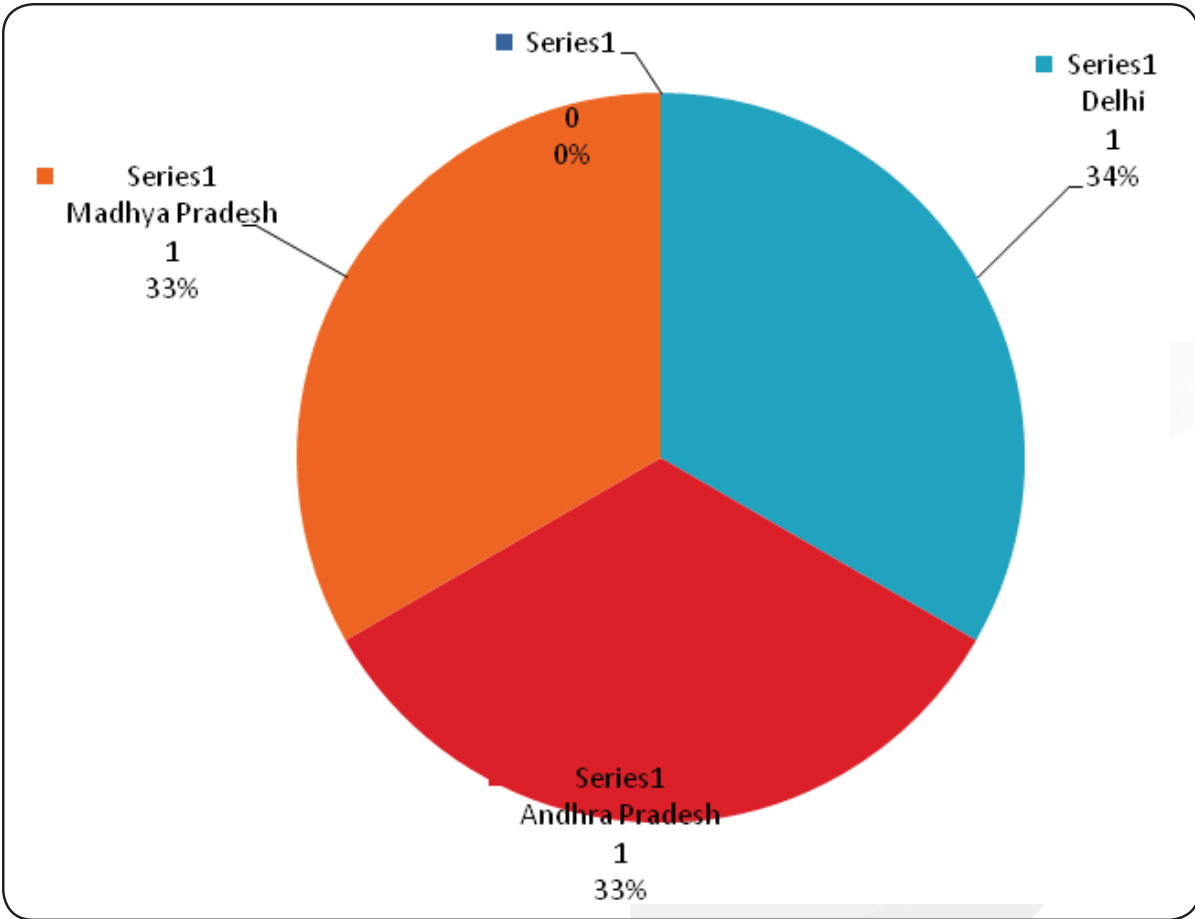
18.1 During the year 2014-2015, in a total of 09 cases, the recommendations for monetary relief made by the Commission were not accepted by the State/ Central Government. The State Governments of Madhya Pradesh, Manipur and Uttar Pradesh besides the Ministry of Home Affairs (in the case relating to BSF) refused to accept the recommendations made by the Commission for award of monetary relief to the next of kin of the deceased in six cases. See Chart below. These cases related to death in police encounter, death in police custody and death due to firing by BSF personnel. The details of these cases are given in Annexure-14. The Commission considered the responses received in five such cases and closed these cases. However, in one case, the Government of Uttar Pradesh was again asked to make payment of the amount of monetary relief as recommended by the Commission.



Details of Cases in which Central/State Governments Refused to Accept NHRC Recommendation for Payment of Compensation/Monetary Relief

(Total Number of Cases = 6)

18.2 During the same period, in three other cases(see Chart below), the recommendations made by the Commission for award of monetary relief were challenged by the State Governments before the High Court in their respective States and these are pending consideration in these Courts. The details of these cases are given in **Annexure-15**.



Details of Cases in which Central/State Governments have Challenged NHRC Recommendation for Payment of Compensation/Monetary Relief

(TOTAL NUMBER OF CASES = 3)





SUMMARY OF PRINCIPAL RECOMMENDATIONS AND OBSERVATIONS

19.1 During the period under review, the Commission continued to focus on a wide range of activities in consonance with the diverse functions envisaged for it under Section 12 of its Statute. Needless to mention these functions are vast in scope. In essence, the Statute requires the Commission to function on two tracks simultaneously : one, immediate, in order to seek redress and remedy for immediate wrongs; the other, long-term, to strive for the development of a culture of human rights over the length and breadth of the country. These, at the same time, are inter-related. Together, these have determined the issues on which focussed attention is being given by the Commission(para 1.6).

19.2 Accordingly, the Commission remained engaged, suo-motu or on the basis of complaints, with instances of custodial death and rape, death in police custody, illegal detention and torture, police high-handedness, death in police and para-military firing and encounter, atrocities against vulnerable sections of society – women, children, disabled and the elderly – often compounded when they belong to the Scheduled Castes and Scheduled Tribes. In fact, the Commission from 2012 onwards started the process of holding open hearings on atrocities committed against Scheduled Castes in different parts of the country. Many of these atrocities relate to police inaction, biased investigation by police officers,



crime against women, sexual assault, civil disputes and other violations. It is for similar reasons that social evils such as human trafficking and bonded and child labour continued to receive the attention of the Commission along with concerns relating to economic, social and cultural rights. The Commission furthermore remained occupied in addressing concerns raised as part of the second cycle of the universal periodic review of India undertaken by the United Nations Human Rights Council in 2012. It will be seen that concerns, 67 in all, relating to the second cycle of the universal periodic review come across as cross-cutting issues and therefore has been dealt in various chapters of this Annual Report. In addition, the Commission ensured how best it can promote, through human rights education and training, a culture of human rights in the country given the diverse and pluralistic nature of India(para 1.7).

Number and Nature of Complaints

19.3 As in the past, the Commission continued to receive complaints from different parts of the country on a wide range of issues where rights of the people had been violated or negligence was shown by a public servant in the prevention of such violations. These complaints included cases alleging custodial deaths, torture, fake encounters, police high-handedness, violations committed by security forces, conditions relating to prisons, atrocities committed on women and children and other vulnerable sections, communal violence, bonded and child labour, non-payment of retriial benefits, negligence by public authorities, etc. The Commission furthermore took cognizance of the intimations received regarding deaths in police encounters and police custody, judicial custody and in the custody of defence/para military forces. Suo motu cognizance of many incidents based on reports in print and electronic media was taken including those cases which came to the notice of Chairperson, Members, Special Rapporteurs and senior officers of the NHRC while on visits to different parts of the country (para 2.12).

Human Rights Violation Cases

19.4 A total of 1,14,167 cases were registered in the Commission (Annexure-1) during 2014-2015. It disposed of 1,02,400 cases which included cases of previous years as well. Of the total number of cases disposed of by the Commission during the year under review, 60,278 were dismissed 'in limine' while 25,696 were disposed of with directions to the appropriate authorities for remedial measures. A total of 7,193 cases were transferred to the State Human Rights Commissions for disposal in accordance with the provisions of the PHRA. For details of State and Union Territory-wise cases disposed of by the NHRC during 2014-2015, see Annexure-2. At the end of the reporting period, i.e. on 31 March 2015, the total number of cases pending with the Commission was 41,050. These covered 3,422 cases awaiting preliminary consideration and 37,628 cases pending either for want of reports from the authorities concerned or for want of consideration by the Commission (Annexure-3)(para 2.13).



Preventing Custodial Violence

19.5 The NHRC received 1,589 intimations concerning death in judicial custody and 133 intimations of death in police custody. No intimation was received during the review period about death in para-military / defence forces custody. It disposed of 1,283 cases of custodial death – 1,187 cases of death in judicial custody, 96 cases of death in police custody and one case of death in the custody of para-military forces. The Commission received 192 intimations about deaths in police encounters/police action and disposed off 112 cases of deaths in police encounters, which include cases registered in previous years also. These figures contain cases of previous years as well(para 2.15).

Recommendations of NHRC for Monetary Relief and its Compliance

19.6 During the period 1 April 2014 to 31 March 2015, the Commission recommended Rs. 9,07,90,000 as payment of monetary relief/compensation to the victims/next of kin of the deceased in 367 cases. Out of the total number of cases in which monetary relief was recommended, compliance reports were received in 59 cases only wherein a total amount of Rs. 1,00,85,000 was paid to the victims/next of kin of the deceased. The State/ Union Territory-wise details of these cases are at Annexure-4(para 2.16).

19.7 During the period under review, the NHRC awaited compliance reports in 308 cases wherein monetary relief amounting to Rs. 8,07,05,000 was recommended (Annexure-5). As is evident from the given Annexure, during 2014-2015, a total of 105 cases were found to be pending with the Government of Uttar Pradesh, 23 with the Government of Odisha and 21 with the Government of Bihar for compliance in which an amount of Rs. 2,05,25,000, Rs. 1,01,15,000 and Rs. 23,40,000 respectively was recommended by the Commission as monetary relief. Madhya Pradesh (17 / Rs. 78,00,000), Rajasthan (17 / Rs. 46,75,000), National Capital Territory of Delhi, (16 / Rs. 43,75,000), Jharkhand (13 / Rs. 1,17,00,000), Haryana (12 / Rs. 21,00,000), Maharashtra (12 / Rs. 15,25,000), Chhattisgarh (9/ Rs. 13,10,000), Tamil Nadu (7/ Rs. 10,50,000) , Kerala (6 / Rs. 16,00,000) and Uttarakhand (6 / Rs. 12,50,000) were the other States in descending order where the pendency was noticeable. The Commission, once again, recommends to all the States/Union Territories, in particular, the Governments of Bihar, NCT of Delhi, Haryana, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Uttar Pradesh, to take speedy action on cases pending with them for compliance so that the monetary relief recommended in each case is immediately given to the victim/next of their kin(para 2.17).

19.8 With regard to compliance reports relating to cases pertaining to previous years, compliance was awaited in 238 (193+45) cases, for details see Annexures - 6 & 7(para 2.18).



19.9 Annexure-6 gives details of cases pending compliance for the year 2013-2014 in respect of payment of monetary relief. As is apparent, the State of Uttar Pradesh tops the list again as the Commission till date has not received proof of payment in 75 cases, most of which relate to civil and political rights. Other States, which had yet to forward their compliance reports in this regard were – Assam (20), Manipur (15), Maharashtra (14), Jharkhand (9), Andhra Pradesh (8), Bihar (8), NCT of Delhi (8), Madhya Pradesh (7), Rajasthan (6), Odisha (4), West Bengal (3), Tamil Nadu (3), Arunachal Pradesh (3), Punjab (2), Karnataka (2), Kerala (2), Jammu and Kashmir (2), Uttarakhand (1), Gujarat (1). The details of these cases have been reported in earlier Annual Reports of NHRC. The Commission once again calls upon all the aforementioned State Governments to take immediate steps for sending their compliance reports to the Commission and simultaneously take comprehensive steps for protection and promotion of civil, political, economic, social and health rights, along with special measures to prevent acts of violence and discrimination towards women, including those belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes(para 2.19).

19.10 Annexure-7 gives details of cases pending compliance on the recommendations made by the Commission for the period 1998-1999 to 2012-2013 for payment of monetary relief, disciplinary action and prosecution. It would be seen that out of the 45 cases cited in the specified Annexure, in seven cases the concerned State Governments have challenged the recommendations of the Commission in their respective High Courts, and in most of these cases, the final decision is awaited. These States are Odisha (3), Jammu and Kashmir (2), Kerala (1) and NCT of Delhi (1). The Commission makes a fervent appeal to all these State Governments to reconsider their stand or speed up the process of justice. Besides, it trusts that the other States listed in Annexure-7 will adhere to the recommendations made by the Commission and provide immediate respite to the victims or next of their kin at the earliest(para 2.20).

Custodial Violence and Torture

19.11 Custodial violence of different kinds including torture represents the worst form of excesses by public servants entrusted with the duty of law enforcement. The Commission regards crimes like rape, molestation, torture, fake encounter in police custody as manifestations of a systemic failure to protect human rights. Therefore, it is deeply committed to ensure that such illegal practices are stopped and human dignity is respected in all cases. Besides recommending compensation to the victims or next of their kin, the Commission's efforts are also geared towards bringing an end to an environment in which human rights violations are committed with impunity under the shield of "uniform" and "authority" within the four walls of a police station, lock-up and prison, where the victims are helpless(para 4.8).



19.12 The Commission has issued various guidelines in this regard. One of such guidelines is that a death in custody has to be reported to the Commission within 24 hours. Though all custodial deaths may not be crimes or the results of custodial violence or medical negligence, it is important that no assumption is made without thorough enquiry and analysis of reports like inquest report, post mortem report, initial health screening report, magisterial enquiry report, etc. Compliance of the guidelines of the Commission by the State authorities, therefore, plays a crucial role in keeping check on incidence of custodial deaths. However, it has been seen that some deaths are reported after considerable delay, and in many cases reports are forwarded to the Commission only after issuance of conditional summons to the authorities concerned(para 4.9).

19.13 In the year 2014-2015, the Investigation Division has dealt with a total of 7,347 cases of custodial deaths, including 5,205 cases of death in judicial custody and 471 cases of death in police custody. The Division has also dealt with 162 cases of deaths in encounter with security forces and police. The forensic experts empanelled with the NHRC have given expert opinion in 346 cases of custodial deaths and encounter deaths. The Investigation Division has collected reports and analyzed 1,851 fact finding cases relating to complaints regarding allegations of threat to life in fake encounter, false implications, illegal detention, custodial torture and other complaints of violation of human rights(para 4.10).

Analysis of Prison Population

19.14 The Commission has been deeply concerned about the pitiable condition of prisons and other detention facilities which are plagued with problems like severe overcrowding. On analyzing the National Crime Records Bureau (NCRB) data for the year 2014, the problem of overcrowding was observed in large number of States. The highest number of 88,221 inmates (84,649 male: 3,572 female) were reported from Uttar Pradesh followed by Madhya Pradesh 36,433 (35,283 male: 1,150 female), Bihar 31,295 (30,204 male: 1,091 female), Maharashtra 27,868 (26,438 male: 1,430 female) and Punjab 26,007 (24,703 male: 1,304 female) at the end of the year 2014 (paras 4.243 & 4.244).

19.15 It has been observed that the main reason for overcrowding is the increasing number of undertrials day-by-day and the period for which they languish in jails is also a very long one. In few cases, it has been found that the undertrials are in judicial custody for years, which is far beyond the punishment prescribed for any offence under the penal law. The data collected shows that States like Uttar Pradesh (62,515), Bihar (26,800), Maharashtra (19,895), Madhya Pradesh (19,188), Punjab (15,467), Rajasthan (14,608), West Bengal (14,050), Jharkhand (13,790), Odisha (11,553) and Haryana (11,124) have the highest percentage of undertrials(para 4.245).

19.16 A total of 390 women convicts with their 457 children and 1,172 women undertrials



with their 1,320 children were lodged in various prisons in the country at the end of 2014. Number of women prisoners was also noticeable in States of Uttar Pradesh, Madhya Pradesh, Bihar, Maharashtra, Punjab and Rajasthan(para 4.246).

19.17 Comparative analysis of the prison statistics data indicates the continuing need for all States to take serious steps to control overcrowding. To reduce overcrowding, provisions in the statutes (in terms of parole, bail, furlough, short leave and appeal petitions, etc.) should be exercised liberally by the concerned officers in the jails. Jail committee may also be constituted, having representatives from the inmates, to assist the jail authorities in the completion of such processes(para 4.247).

Silicosis

19.18 Silicosis is a fibrotic lung disorder caused by inhalation, retention and pulmonary reaction to crystalline silica. All those working in the stone quarries and crushers, sand blasting, foundries, ceramic, gem cutting, slate, glass manufacturing and polishing industries, construction and mining industries are particularly prone to silicosis. The Commission is of the view that the occupational hazard posed by silicosis is preventable if the working conditions are properly regulated and proper warning and protective equipments are used. Moreover, it is a constitutional obligation on part of the State to take appropriate short-term and long-term measures once a worker or any other person is afflicted by silicosis, from the point of view of providing medical facilities and rehabilitating the victims and their families(para 6.7).

19.19 The Commission once again calls upon all the State Governments and Union Territories to forward their action taken report on suggestions and recommendations made by it on silicosis from time to time beginning 2008-2009. It would be pertinent to mention that all these recommendations have been made part and parcel of the final recommendations of the National Conference on Silicosis organized by the Commission on 25 July 2014. The Commission further makes an ardent appeal to all the State Governments and Union Territories to comply with the recommendations made by the NHRC Expert Group on Silicosis in its meeting held on 23 December 2014, referred to in para 6.18, recommendations of which have been detailed out in para 6.19(para 6.20).

NHRC Comments on Draft National Health Policy 2015

19.20 The suggestions/recommendations listed at Sl. Nos. (i), (ii), (iii), (iv), (v), (xi), (xii), (xiii), (xiv), (xv), (xvi) and (xxi) in para 6.23 above were later forwarded to the Ministry of Health and Family Welfare, Government of India as comments of NHRC for inclusion in the final version of the National Health Policy. The NHRC is optimistic that the suggestions/recommendations made by it to the Ministry of Health and Family Welfare will be taken



note of when the final version of the National Health Policy of the Government of India is released(para 6.24).

Monitoring of Recommendations Relating to Right to Food under the Second Cycle of Universal Periodic Review

19.21 As part of the second cycle of the universal periodic review undertaken by the United Nations Human Rights Council in 2012, the NHRC is monitoring recommendations pertaining to right to food accepted by the Government of India. These recommendations are – “Introduce a strategy to promote food security” and “Carry on efforts with respect to environmental and health policies, and continue efforts and undertake measures to adopt the bill on food security and strengthen the public distribution system”. Related to these, it is monitoring several cross-cutting recommendations focussing on “poverty eradication” and “provision of more resources to the vulnerable groups”(para 7.13).

19.22 For this purpose, as mentioned in the 2013-2014 Annual Report of the NHRC, the Commission has devised a framework detailing out action required on each of these recommendations along with the indicators/ monitorable outcomes. Besides, it has zeroed on the agency responsible for its implementation. Accordingly, the NHRC held a meeting with the Joint Secretary of the Department of Food & Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution on 22 January 2015. In the said meeting, the Joint Secretary gave details about the developments that had taken place after the enactment of the NFSA, 2013 such as computerization of Targeted Public Distribution System (TDPS) in the country. He also shared best practices in implementation of TDPS in States and Union Territories along with measures to strengthen its monitoring and vigilance. Meetings were subsequently held with the concerned Joint Secretary of Ministry of Rural Development (22 January 2015), and Additional Adviser of Ministry of Drinking Water (18 February 2015), on cross-cutting issues impacting on right to food. The NHRC intends to further monitor these developments across the country by way of organizing regional consultations during 2015-2016 so as to assess the actual situation on the ground for reporting towards the third cycle of the universal periodic review and seeks the support of all stakeholders – governmental and non-governmental, in this endeavour(para 7.14).

Monitoring of Recommendations Relating to Right to Education of Children under the Second Cycle of Universal Periodic Review

19.23 These recommendations primarily deal with addressing challenges of – further promoting children’s right to education, reinforcing efforts in provision of free and compulsory primary education, continue implementing a non-discriminatory and inclusive policy and guarantee quality education to all girls and boys in the country, enhancing the



coordination of both [the central and state governments] in an effective manner in order to guarantee the smooth implementation of the Right of Children to Free and Compulsory Education Act, prioritize efforts to ensure children with disabilities are afforded the same right to education as all children, and introduce legislation to prohibit corporal punishment of children. Related to this, it is monitoring several cross-cutting recommendations impacting on right to education of children (para 8.4).

19.24 For this purpose, it has devised a framework detailing out action required on each of these recommendations along with the indicators/ monitorable outcomes. A copy of the framework has been shared with the respective Ministries/Departments of Government of India, on whose part the action is called for. Accordingly, it held a meeting with the Director of Department of School Education and Literacy, Ministry of Human Resource Development, Government of India on 4 February 2015. In the light of the discussions held in the meeting followed by a reminder later, no information has been furnished on the recommendations/concerns listed above by the Director, Department of School Education and Literacy. The Commission once again requests the Department to furnish information on all the recommendations/concerns so that an assessment can be made by the Commission about the progress made on each of them (para 8.5).

Monitoring of Recommendations on Women/Sexual and Reproductive Health Rights and Rights of Children Relating to Second Universal Periodic Review

19.25 The recommendations being monitored by the Commission primarily address challenges of maternal health, maternal and child mortality, access to adequate obstetric delivery services and sexual and reproductive health services, including safe abortions and gender-sensitive comprehensive contraceptive services, promoting the rights of women in their choice of marriage and their equality of treatment independent of caste and tribe or other considerations, act to effectively balance the skewed sex ratio among children including by combating pre-natal sex selection with a view to ensuring stringent enforcement of the legal prohibition of such practice, sensitize medical professionals on the criminal nature of pre-natal sex selection, incorporation of gender perspective in programmes and development plans, re-examination of budgets and social laws taking into account gender issues, continue legal efforts in the protection of women as well as children's rights so as to improve measures to prevent violence against women and girls, and members of religious minorities, improve women empowerment and emancipation, and provide them with a bigger role to play in the society, redouble efforts on ensuring gender equality and take measures to prevent gender discrimination, continue to promote its many initiatives for the eradication of all forms of discrimination against women, including through awareness raising and strengthening of relevant legal and institutional



frameworks, strengthen legislation to combat sexual offences against minors, take effective measures to dissuade child marriage, accelerate efforts to combat human trafficking, and reinforce efforts to protect and rehabilitate the victims of trafficking(para 10.21).

19.26 Accordingly, at the time of writing of this Annual Report, it had held a meeting with the Director of the Ministry of Women and Child Development, Government of India in July 2015 wherein information was furnished on some of the aforementioned issues. Later more information was shared by the Ministry highlighting number of Protection Officers appointed and service providers identified across the country under the Protection of Women from Domestic Violence Act, 2005; number of Session Courts designated as Special Courts under Section 28 of the Protection of Children from Sexual Offences Act, 2012; and launching of the Beti Bachao Beti Padhao (BBBP) programme in January 2015 to improve the child sex ratio(para 10.22).

19.27 The information shared by the Ministry of Women and Child Development is of rudimentary nature. Other than this, on many significant issues like the signing and ratifying of the Optional Protocol to CEDAW by the Government of India, an action earlier called for by the NHRC on the part of the Ministries of External Affairs and Women and Child Development in response to one of the recommendations accepted by the Government of India during the first universal periodic review held in 2008, the Ministry of Women and Child Development has conveyed that the Ministry of External Affairs will take the final view in this matter. Similarly, on another recommendation pertaining to the second universal periodic review – “continue legal efforts in the protection of women as well as children’s rights as well as improve measures to prevent violence against women and girls, and members of religious minorities” – the action called for by NHRC is to ensure effective administration of enabling legislations for women and children by all concerned stakeholders. In this context, one of the Acts highlighted for women in the framework devised by the NHRC is the Dowry Prohibition Act, 1961. On this issue, the Ministry of Women and Child Development has simply communicated that the number of cases registered under the Dowry Prohibition Act, 1961 is being maintained by the National Crime Records Bureau of the Ministry of Home Affairs. It further goes on to state that the implementation of the given Act is the responsibility of the respective State Governments and Union Territory Administrations in the country(para 10.23).

19.28 The Commission on its part once again urges the Ministry of Women and Child Development to apprise the Commission about the action taken and progress made at the ground on concerns admitted by the Government of India in the United Nations. It also calls upon the Ministry to look into the signing and ratification of the Optional Protocol to CEDAW in coordination with the Ministry of External Affairs. This point was made by the NHRC earlier too in its Annual Report 2013-2014(para 10.24).



National Conference on Mental Health and Human Rights

19.29 The recommendations of the deliberations of the National Conference on Mental Health and Human Rights are at Annexure-10. These were later forwarded to the Ministry of Health & Family Welfare, Government of India, and to the Chief Secretary of all the States and Union Territories for compliance in their respective States with the request that the Commission be informed about the action taken. At the time of writing of the Annual Report, the NHRC had received response from the Social Welfare Department, N.C.T. of Delhi and the Medical Council of India. The Commission once again calls upon the Chief Secretaries of all the State Governments to pursue the implementation of NHRC recommendations as well as inform about the action taken (paras 12.20 & 12.21).

NHRC Comments on Mental Health Care Bill, 2013

19.30 The Commission is positive that the views expressed by it under para 12.27 will be taken care of in the recast Mental Health Act (para 12.28).

Human Rights Awareness and Facilitating Assessment and Enforcement of Human Rights Programme in Selected 28 Districts of India

19.31 During the period under review, the Commission under the supervision of Shri S. C. Sinha, Member, NHRC revisited North Sikkim District from 25-29 June 2014. The details of the meetings held with the District officials and visits made by the NHRC team to different places under different programmes and the recommendations made thereunder are at Annexure-12 (para 13.8).

19.32 As part of the programme, the Workshop on Human Rights Awareness and Facilitating Assessment and Enforcement of Human Rights was held in Gangtok on 27 June 2014 for State officials and District officials of Mangan. However, due to the functioning of the State Assembly in Gangtok, senior officers of the rank of Secretary representing various Departments did not attend the said Workshop. Officials of the rank of Special Secretary or Additional Secretary also did not attend. The Departments of Home, Social Welfare, Social Justice and Health were a few exceptions, and came only when called for. As the Workshop was devoid of participation of senior State officials, the Member, NHRC on the basis of interaction held with District functionaries of Mangan and few representatives of NGOs called for concerted action on improving the quality of services under the ICDS Programme, creation of Special Juvenile Police Unit in every District and city, amendment to the Sikkim Anti-Drug Act, 2006, spreading awareness about all programmes being implemented in the State, and improvement of services in Mangan District Hospital. The details of these action points are at Annexure-13 (para 13.9).



19.33 The NHRC has not heard from the Government of Sikkim so far. It therefore once again requests the State Government to look into the matter and on the basis of recommendations made way back in 2014 expedite sending an action taken report to the Commission at the earliest(para 13.10).

State Human Rights Commissions

19.34 So far 25 States have set up State Human Rights Commissions (SHRCs). These are Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Jammu & Kashmir, Jharkhand, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Uttar Pradesh, Uttarakhand, Goa and West Bengal. Constitution of State Human Rights Commission in Meghalaya has been notified, but appointment of Chairperson and/or Members have not been made so far. The posts of Chairperson and Members of Jammu & Kashmir, Himachal Pradesh and Manipur Human Rights Commissions are lying vacant. The need for protection of human rights is felt in every part of the country and for that reason there is a need for speedy constitution of State Human Rights Commission in the remaining States(para 16.3).

19.35 The Commission has thus written to the remaining States (Arunachal Pradesh, Tripura, Nagaland and Mizoram) to constitute their respective State Human Rights Commission. The Commission has also brought to the notice of these State Governments the provision in section 21(6) of the PHRA, 1993 whereby two or more State Governments may, with the consent of a Chairperson or Member of a State Commission, appoint such Chairperson or, as the case may be, such Member of another State Commission simultaneously if such Chairperson or Member consents to such appointment. This provision may be useful in States where SHRC is not constituted and they may be interested in sharing the Chairperson/ Members of the SHRCs in other State for want of suitable manpower/expertise in their own State(para 16.4).

19.36 The Commission has also proposed to the Government of India for an amendment in the PHRA, 1993 for constitution of Human Rights Commissions in the Union Territories (para 16.5).

19.37 The Commission has taken the initiative of holding regular interactions with the State Human Rights Commissions from the point of view of exploring and further strengthening areas of cooperation and partnership. It has been holding such meetings with the State Human Rights Commissions since 2004. It has also constituted a Committee under the chairmanship of Justice Shri K G Balakrishnan, Chairperson, NHRC, to consider amendments to Section 30 of the PHR Act, 1993, with a view to incorporating provisions for identifying the offences which could be tried by Human Rights Courts along with the specification of the procedure for the same. The final version of the draft amendments



to Section 30 of the PHRA, 1993, as approved by the Committee and thereafter by the Commission, was sent to the Ministry of Home Affairs for necessary action(paras 16.6 & 16.7).

19.38 Another important decision of the meeting held between NHRC and SHRCs was to forward the recommendations of the ‘Justice G. P. Mathur Committee on SHRCs’ constituted by the NHRC to the Prime Minister and Chief Ministers of States. The mandate of the said Committee was to look into the issue of evolving a basic structure, minimum manpower, and financial necessities of SHRCs so as to facilitate them to discharge their functions under the PHRA, 1993 as well as develop guidelines for complaint disposal by them(para 16.8).

19.39 The recommendations of Justice G. P. Mathur Committee were thus forwarded to the Hon’ble Prime Minister of India and Chief Ministers of all States vide letters dated 18 December 2012. In response, the Ministry of Home Affairs (Human Rights Division), Government of India vide its letter dated 20 February 2013 requested for details of complaints registered, disposed off and pending during 2010-12, division-wise existing manpower, financial allocation, details of shortage being experienced and justification for providing additional amount, etc. by each SHRC. The details, as received, were sent to the Government of India on 23 March 2015. Further response of the Government of India is awaited in the matter. The Commission is optimistic that the Ministry of Home Affairs, Government of India will expedite its response(para 16.9).



ANNEXURES



ANNEXURES







STATEMENT SHOWING NUMBER OF CASES REGISTERED FROM 01/04/2014 TO 31/03/2015 (Data as per CMS as on 30/07/2015)

Name of the State/ Union Territory	Complaints	Suo-Motu Cognizance	Intimation Received about Custodial Deaths/Rapes			Intima tion Receiv- ed about Encou- nter Deaths	Total
			Police Custodial Deaths/ Rapes	Judicial Custodial Deaths/ Rapes	Para-Mil- itary/ Defence Custodial Deaths/ Rapes		
ALL INDIA	79	1	0	0	0	0	80
ANDHRA PRADESH	1167	3	5	45	0	4	1224
ARUNACHAL PRADESH	145	0	3	6	0	4	158
ASSAM	527	4	7	22	0	84	644
BIHAR	4387	6	6	117	0	0	4516
GOA	52	0	0	2	0	0	54
GUJARAT	1508	3	13	41	0	0	1565
HARYANA	13267	17	5	40	0	2	13331
HIMACHAL PRADESH	279	3	2	1	0	0	285
JAMMU & KASHMIR	363	1	1	4	0	0	369
KARNATAKA	1499	3	4	8	0	1	1515
KERALA	617	4	4	23	0	0	648
MADHYA PRADESH	3498	13	3	132	0	6	3652
MAHARASHTRA	2834	6	26	103	0	11	2980
MANIPUR	122	0	0	1	0	1	124
MEGHALAYA	68	1	3	2	0	22	96



MIZORAM	16	0	0	3	0	0	19
NAGALAND	33	0	1	8	0	0	42
ODISHA	5790	2	2	53	0	6	5853
PUNJAB	1582	8	1	214	0	2	1807
RAJASTHAN	3126	6	4	59	0	0	3195
SIKKIM	20	0	0	0	0	0	20
TAMIL NADU	2213	9	9	49	0	0	2280
TRIPURA	79	0	0	4	0	0	83
UTTAR PRADESH	50326	39	11	341	0	7	50724
WEST BENGAL	1877	10	9	100	0	5	2001
ANDAMAN & NICOBAR	20	0	0	3	0	0	23
CHANDIGARH	201	0	0	1	0	0	202
DADRA & NAGAR HAVELI	13	0	0	1	0	0	14
DAMAN & DIU	10	0	0	0	0	0	10
DELHI	8991	39	2	42	0	2	9076
LAKSHADWEEP	11	0	0	0	0	0	11
PUDUCHERRY	91	0	0	1	0	0	92
CHHATTISGARH	1114	4	1	49	0	23	1191
JHARKHAND	1920	4	5	44	0	10	1983
UTTARAKHAND	3077	1	2	21	0	0	3101
TELANGANA	844	4	4	49	0	2	903
FOREIGN COUNTRIES	296	0	0	0	0	0	296
GRAND TOTAL	112062	191	133	1589	0	192	114167



**STATEMENT SHOWING DISPOSAL OF CASES DURING 2014-2015
(Data as per CMS as on 30/07/2015)**

Name of the State/Union Territory	Dismissed in Limini	Disposed with Directions	Transferred to SHRC	Concluded after Receipts of Reports			Total
				Complaints/ Suo-Motu Cases	Custodial Deaths/ Rapes	Intimation Received about Encounter Deaths	
ALL INDIA	56	15	0	0	0	0	71
ANDHRA PRADESH	521	166	240	60	36	2	987
ARUNACHAL PRADESH	11	46	0	18	1	1	77
ASSAM	170	142	29	63	25	31	460
BIHAR	2371	560	559	201	57	0	3748
GOA	26	11	1	5	3	0	46
GUJARAT	719	236	232	73	46	0	1306
HARYANA	10185	1534	524	539	45	3	12830
HIMACHAL PRADESH	134	35	11	48	2	0	230
JAMMU & KASHMIR	168	82	9	37	0	0	296
KARNATAKA	691	349	124	57	18	3	1242
KERALA	252	116	27	134	45	0	574
MADHYA PRADESH	1721	530	423	319	140	5	3138
MAHARASHTRA	1702	263	511	188	69	7	2740
MANIPUR	57	21	1	18	1	2	100
MEGHALAYA	17	10	0	6	2	8	43
MIZORAM	8	6	0	3	0	0	17



NAGALAND	15	2	0	0	1	0	18
ODISHA	1058	2690	548	332	31	10	4669
PUNJAB	726	183	276	114	203	1	1503
RAJASTHAN	1453	365	352	259	55	1	2485
SIKKIM	9	6	0	1	1	0	17
TAMIL NADU	1324	203	419	176	83	3	2208
TRIPURA	37	21	0	15	2	1	76
UTTAR PRADESH	26678	13963	2246	3487	223	19	46616
WEST BENGAL	911	255	273	169	87	4	1699
ANDAMAN & NICOBAR	15	4	0	4	2	1	26
CHANDIGARH	121	35	0	18	1	0	175
DADRA & NAGAR HAVELI	9	0	0	1	0	0	10
DAMAN & DIU	6	3	0	0	0	0	9
DELHI	4778	2472	0	1017	23	1	8291
LAKSHADWEEP	6	4	0	19	0	0	29
PUDUCHERRY	54	17	0	5	0	0	76
CHHATTISGARH	465	227	76	180	28	2	978
JHARKHAND	948	280	270	122	24	5	1649
UTTARAKHAND	2243	555	42	118	12	0	2970
TELANGANA	440	183	0	28	17	2	708
FOREIGN COUNTRIES	173	106	0	4	0	0	283
GRAND TOTAL	60278	25696	7193	7838	1283	112	102400



**STATEMENT SHOWING NUMBER OF CASES PENDING AS ON 31/03/2015
(Data as per CMS as on 30/07/2015)**

Name of the State/ Union Territory	Cases Awaiting Preliminary Consideration				Concluded after Receipts of Reports				Grand Total
	Complaints / Suo-Motu	Custodial Deaths/ Rapes	En- coun- ter Deaths	Total	Complaints/ Suo-Motu	Custodial Deaths/ Rapes	En- coun- ter Deaths	Total	
ALL INDIA	8	0	0	8	6	0	0	6	14
ANDHRA PRADESH	55	0	0	55	506	168	11	685	740
ARUNACHAL PRADESH	1	0	0	1	96	16	13	125	126
ASSAM	16	0	0	16	352	56	266	674	690
BIHAR	147	0	0	147	1499	289	11	1799	1946
GOA	2	0	0	2	20	3	0	23	25
GUJARAT	66	0	0	66	578	141	3	722	788
HARYANA	264	0	0	264	1683	118	10	1811	2075
HIMACHAL PRADESH	7	0	0	7	148	11	0	159	166
JAMMU & KASHMIR	15	0	0	15	311	16	1	328	343
KARNATAKA	52	0	0	52	428	17	7	452	504
KERALA	71	0	0	71	802	81	0	883	954
MADHYA PRADESH	94	1	0	95	1109	188	22	1319	1414
MAHARASHTRA	65	1	0	66	831	351	33	1215	1281
MANIPUR	7	0	0	7	184	6	41	231	238
MEGHALAYA	0	0	0	0	73	11	43	127	127
MIZORAM	0	0	0	0	15	6	0	21	21



NAGALAND	2	0	0	2	25	13	0	38	40
ODISHA	661	0	0	661	3128	104	18	3250	3911
PUNJAB	45	0	0	45	599	195	4	798	843
RAJASTHAN	94	0	0	94	1369	160	7	1536	1630
SIKKIM	2	0	0	2	5	2	0	7	9
TAMIL NADU	98	0	0	98	639	106	7	752	850
TRIPURA	1	0	0	1	46	12	2	60	61
UTTAR PRADESH	1060	5	0	1065	13383	865	108	14356	15421
WEST BENGAL	77	0	0	77	746	205	21	972	1049
ANDAMAN & NICOBAR	0	0	0	0	12	5	0	17	17
CHANDIGARH	6	0	0	6	82	7	0	89	95
DADRA & NAGAR HAVELI	1	0	0	1	5	1	0	6	7
DAMAN & DIU	0	0	0	0	4	0	0	4	4
DELHI	287	0	0	287	2422	96	19	2537	2824
LAKSHADWEEP	0	0	0	0	8	0	0	8	8
PUDUCHERRY	5	0	0	5	52	4	0	56	61
CHHATTISGARH	30	0	0	30	517	140	61	718	748
JHARKHAND	50	0	0	50	761	131	41	933	983
UTTARAKHAND	73	1	0	74	405	44	4	453	527
TELANGANA	34	1	0	35	269	137	12	418	453
FOREIGN COUNTRIES	17	0	0	17	40	0	0	40	57
[Select State]	0	0	0	0	0	0	0	0	0
GRAND TOTAL	3413	9	0	3422	33158	3705	765	37628	41050



TOTAL NUMBER OF CASES WHERE NHRC RECOMMENDED MONETARY RELIEF DURING 2014-2015

NAME OF STATE/UT	NO. OF CASES IN WHICH RECOMMENDATION WHERE MADE	AMOUNT RECOMMENDED FOR VICTIMS/NEXT OF KINS	NO. OF CASES IN WHICH RECOMMENDATIONS HAVE BEEN COMPLIED WITH	AMOUNT PAID	NO. OF CASES PENDING FOR COMPLIANCE	AMOUNT RECOMMENDED IN THE CASES PENDING COMPLIANCE
ANDAMAN & NICOBAR	0	0	0	0	0	0
ANDHRA PRADESH	7	1,100,000	2	400,000	5	700,000
ARUNACHAL PRADESH	0	0	0	0	0	0
ASSAM	4	750,000	0	0	4	750,000
BIHAR	21	2,340,000	0	0	21	2,340,000
CHANDIGARH	2	400,000	1	100,000	1	300,000
CHHATTISGARH	15	3,100,000	6	1,790,000	9	1,310,000
DAMAN & DIU	0	0	0	0	0	0
DELHI	23	5,510,000	7	1,135,000	16	4,375,000
FOREIGN COUNTRIES	1	500,000	0	0	1	500,000
GUJARAT	11	1,780,000	2	400,000	9	1,380,000
HARYANA	13	2,300,000	1	200,000	12	2,100,000
HIMACHAL PRADESH	3	1,100,000	1	500,000	2	600,000
JAMMU & KASHMIR	0	0	0	0	0	0
JHARKHAND	13	11,700,000	0	0	13	11,700,000
KARNATAKA	0	0	0	0	0	0
KERALA	6	1,600,000	0	0	6	1,600,000
MADHYA PRADESH	19	8,400,000	2	600,000	17	7,800,000
MAHARASHTRA	14	1,650,000	2	125,000	12	1,525,000
MANIPUR	7	4,050,000	0	0	7	4,050,000
MEGHALAYA	1	25,000	1	25,000	0	0
MIZORAM	1	50,000	1	50,000	0	0
NAGALAND	0	0	0	0	0	0



NAME OF STATE/UT	NO. OF CASES IN WHICH RECOMMENDATION WHERE MADE	AMOUNT RECOMMENDED FOR VICTIMS/NEXT OF KINS	NO. OF CASES IN WHICH RECOMMENDATIONS HAVE BEEN COMPLIED WITH	AMOUNT PAID	NO. OF CASES PENDING FOR COMPLIANCE	AMOUNT RECOMMENDED IN THE CASES PENDING COMPLIANCE
ODISHA	24	10,165,000	1	50,000	23	10,115,000
PUDUCHERRY	0	0	0	0	0	0
PUNJAB	5	650,000	1	100,000	4	550,000
RAJASTHAN	19	4,865,000	2	190,000	17	4,675,000
SIKKIM	0	0	0	0	0	0
TAMIL NADU	9	1,250,000	2	200,000	7	1,050,000
TELANGANA	4	400,000	0	0	4	400,000
TRIPURA	2	130,000	2	130,000	0	0
UTTAR PRADESH	125	23,545,000	20	3,020,000	105	20,525,000
UTTARAKHAND	7	1,520,000	1	270,000	6	1,250,000
WEST BENGAL	11	1,910,000	4	800,000	7	1,110,000
TOTAL	367	90,790,000	59	10,085,000	308	80,705,000



**DETAILS OF CASES PENDING COMPLIANCE OF NHRC RECOMMENDATIONS
DURING 2014-2015
FOR PAYMENT OF MONETARY RELIEF**

Sr.No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/Next of Kins	Date of Recommendation
1	ANDHRA PRADESH	1156/1/5/2013-JCD	301	100,000	3/17/2015
2	ANDHRA PRADESH	232/1/10/2014-WC	1307	100,000	1/30/2015
3	ANDHRA PRADESH	263/1/21/2010-JCD	301	200,000	9/2/2014
4	ANDHRA PRADESH	739/1/3/08-09-JCD	301	200,000	7/16/2014
5	ANDHRA PRADESH	74/1/22/2013-JCD	301	100,000	7/31/2014
6	ASSAM	136/3/16/2011-ED	812	500,000	8/8/2014
7	ASSAM	304/3/1/2010	804	50,000	4/23/2014
8	ASSAM	316/3/16/2013-JCD	301	100,000	8/27/2014
9	ASSAM	4/3/15/2012-JCD	301	100,000	4/22/2014
10	BIHAR	1037/4/19/2013-WC	1307	300,000	4/25/2014
11	BIHAR	114/4/8/2013-WC	1311	100,000	10/14/2014
12	BIHAR	1171/4/7/2012	312	50,000	11/19/2014
13	BIHAR	1517/4/23/2011	100	50,000	9/2/2014
14	BIHAR	1632/4/23/2013-JCD	301	100,000	3/30/2015
15	BIHAR	1934/4/5/2013	106	100,000	12/16/2014
16	BIHAR	1978/4/9/2012-JCD	301	100,000	3/24/2015
17	BIHAR	2006/4/23/2011	203	300,000	4/15/2014
18	BIHAR	2329/4/39/2011	106	25,000	2/20/2015
19	BIHAR	2345/4/2006-2007-AD	822	200,000	4/16/2014
20	BIHAR	258/4/8/2012-JCD	301	100,000	9/8/2014
21	BIHAR	3275/4/5/2012	815	50,000	6/9/2014
22	BIHAR	349/4/34/2013	816	90,000	3/24/2015
23	BIHAR	3731/4/4/2013	804	25,000	1/15/2015
24	BIHAR	3847/4/27/2013	804	25,000	9/1/2014
25	BIHAR	4111/4/26/2012-JCD	301	100,000	4/15/2014
26	BIHAR	4177/4/2005-2006	1805	100,000	1/29/2015
27	BIHAR	4478/4/8/2012-JCD	301	100,000	2/3/2015
28	BIHAR	4515/4/17/2012	106	300,000	4/25/2014
29	BIHAR	81/4/5/2013	814	25,000	9/8/2014
30	BIHAR	811/4/11/2011-PCD	807	100,000	2/25/2015
31	CHANDIGARH	177/27/0/2013-WC	803	300,000	10/13/2014
32	CHHATTISGARH	191/33/5/2013-JCD	301	200,000	3/30/2015
33	CHHATTISGARH	409/33/2/2013-JCD	301	100,000	2/6/2015



Sr.No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/Next of Kins	Date of Recommendation
34	CHHATTISGARH	438/33/3/2013-JCD	301	100,000	2/17/2015
35	CHHATTISGARH	454/33/2/2012-JCD	301	100,000	1/29/2015
36	CHHATTISGARH	513/33/14/2012-JCD	301	200,000	1/27/2015
37	CHHATTISGARH	559/33/5/2013	817	50,000	12/30/2014
38	CHHATTISGARH	618/33/5/2012-JCD	301	100,000	12/17/2014
39	CHHATTISGARH	646/33/5/2012-JCD	301	100,000	7/17/2014
40	CHHATTISGARH	715/33/6/2013	100	360,000	7/17/2014
41	DELHI	1043/30/9/2012-JCD	301	200,000	12/5/2014
42	DELHI	196/30/2/2013	814	50,000	2/2/2015
43	DELHI	2064/30/4/2012	100	500,000	4/2/2014
44	DELHI	252/30/8/2014	2006	300,000	9/29/2014
45	DELHI	2632/30/1/2012-JCD	301	300,000	12/31/2014
46	DELHI	2756/30/1/2012	1505	1,200,000	11/11/2014
47	DELHI	3922/30/0/2013	809	50,000	7/1/2014
48	DELHI	4693/30/2005-2006	812	500,000	10/8/2014
49	DELHI	5227/30/3/08-09	1900	50,000	3/23/2015
50	DELHI	5316/30/0/2010-PCD	807	100,000	4/7/2014
51	DELHI	6232/30/6/2013-WC	1311	300,000	7/23/2014
52	DELHI	6249/30/9/2012-JCD	301	100,000	8/29/2014
53	DELHI	6294/30/7/2013	806	100,000	7/1/2014
54	DELHI	6429/30/1/2012	204	300,000	10/20/2014
55	DELHI	6995/30/4/2013	100	25,000	3/26/2015
56	DELHI	987/30/8/2012	1505	300,000	9/15/2014
57	FOREIGN COUNTRIES	7/99/4/2011-PF	1709	500,000	8/8/2014
58	GUJARAT	1012/6/6/2012-JCD	301	100,000	3/24/2015
59	GUJARAT	121/6/23/2012-JCD	301	300,000	3/2/2015
60	GUJARAT	1226/6/14/2012-WC	803	180,000	3/24/2015
61	GUJARAT	128/6/23/2012	205	100,000	4/22/2014
62	GUJARAT	1701/6/23/2012-JCD	301	100,000	10/21/2014
63	GUJARAT	309/6/25/07-08-PCD	807	100,000	4/24/2014
64	GUJARAT	336/6/6/2012-PCD	807	100,000	2/9/2015
65	GUJARAT	500/6/19/2013-JCD	301	100,000	11/3/2014
66	GUJARAT	689/6/21/2013-JCD	301	300,000	1/2/2015
67	HARYANA	1308/7/22/2012	817	100,000	6/25/2014
68	HARYANA	2131/7/10/2012-JCD	301	100,000	10/17/2014
69	HARYANA	2192/7/22/2013	1505	600,000	8/26/2014
70	HARYANA	2929/7/4/2013	203	100,000	3/3/2015
71	HARYANA	2989/7/19/2010-PCD	807	100,000	2/10/2015
72	HARYANA	3072/7/2/2012	814	100,000	9/8/2014



Sr.No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/Next of Kins	Date of Recommendation
73	HARYANA	3270/7/2/08-09-PCD	807	50,000	11/5/2014
74	HARYANA	3410/7/11/2013-JCD	301	100,000	7/10/2014
75	HARYANA	5105/7/22/2013	815	200,000	11/20/2014
76	HARYANA	6823/7/22/2012	814	50,000	2/3/2015
77	HARYANA	7757/7/8/2012	814	300,000	9/22/2014
78	HARYANA	898/7/2/2012-PCD	807	300,000	8/13/2014
79	HIMACHAL PRADESH	120/8/8/2013-WC	1307	300,000	4/4/2014
80	HIMACHAL PRADESH	3/8/10/2013-JCD	301	300,000	6/9/2014
81	JHARKHAND	1013/34/6/07-08	202	9,600,000	7/18/2014
82	JHARKHAND	1038/34/4/2012-AD	822	200,000	1/6/2015
83	JHARKHAND	1148/34/16/2012	804	300,000	10/20/2014
84	JHARKHAND	1225/34/17/2010-JCD	301	100,000	4/28/2014
85	JHARKHAND	163/34/18/2012	202	400,000	9/25/2014
86	JHARKHAND	208/34/16/2013	804	50,000	6/11/2014
87	JHARKHAND	254/34/1/2010-AD	309	100,000	4/9/2014
88	JHARKHAND	302/34/12/2011-JCD	301	100,000	4/2/2014
89	JHARKHAND	464/34/18/2013-JCD	301	300,000	11/10/2014
90	JHARKHAND	589/34/22/2012-PF	1704	100,000	7/9/2014
91	JHARKHAND	610/34/4/2012	204	300,000	6/5/2014
92	JHARKHAND	663/34/19/2012-JCD	301	100,000	11/7/2014
93	JHARKHAND	785/34/6/2013	815	50,000	11/25/2014
94	KERALA	2/11/12/2013-JCD	301	300,000	6/10/2014
95	KERALA	22/11/2/2012-JCD	301	100,000	12/16/2014
96	KERALA	354/11/13/2013-JCD	301	300,000	12/23/2014
97	KERALA	392/11/2/2013-JCD	301	100,000	9/8/2014
98	KERALA	398/11/8/2013	203	500,000	3/16/2015
99	KERALA	763/11/13/2013-JCD	301	300,000	3/16/2015
100	MADHYA PRADESH	1062/12/2/2013	815	300,000	3/18/2015
101	MADHYA PRADESH	1071/12/18/2013-DH	108	200,000	9/11/2014
102	MADHYA PRADESH	1267/12/2004-2005	804	500,000	3/30/2015
103	MADHYA PRADESH	1714/12/47/2012-JCD	301	50,000	1/30/2015
104	MADHYA PRADESH	1879/12/22/2012-JCD	301	300,000	6/12/2014
105	MADHYA PRADESH	2203/12/30/2012-JCD	301	100,000	6/11/2014
106	MADHYA PRADESH	2210/12/21/08-09-ED	812	500,000	4/30/2014
107	MADHYA PRADESH	2242/12/33/2011-JCD	301	300,000	2/5/2015
108	MADHYA PRADESH	2281/12/10/08-09-PCD	807	200,000	9/11/2014
109	MADHYA PRADESH	285/12/38/2012	1505	300,000	4/9/2014
110	MADHYA PRADESH	342/12/36/2013	1505	3,000,000	4/24/2014



Sr.No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/Next of Kins	Date of Recommendation
111	MADHYA PRADESH	430/12/32/2012	604	1,200,000	9/11/2014
112	MADHYA PRADESH	505/12/15/2014	203	50,000	10/24/2014
113	MADHYA PRADESH	66/12/22/2012-JCD	301	100,000	2/16/2015
114	MADHYA PRADESH	709/12/17/09-10	809	300,000	9/11/2014
115	MADHYA PRADESH	752/12/18/2013-JCD	301	300,000	1/6/2015
116	MADHYA PRADESH	869/12/22/2013-JCD	301	100,000	2/6/2015
117	MAHARASHTRA	115/13/4/2012-JCD	301	100,000	9/24/2014
118	MAHARASHTRA	1228/13/14/2012-PCD	807	100,000	4/28/2014
119	MAHARASHTRA	1390/13/16/2012-JCD	301	100,000	6/12/2014
120	MAHARASHTRA	1608/13/15/2012-JCD	301	300,000	9/2/2014
121	MAHARASHTRA	1653/13/8/2013-JCD	301	100,000	3/24/2015
122	MAHARASHTRA	2146/13/14/2013-JCD	301	100,000	3/23/2015
123	MAHARASHTRA	311/13/17/2012-JCD	301	100,000	6/12/2014
124	MAHARASHTRA	3622/13/33/2012	814	25,000	12/22/2014
125	MAHARASHTRA	3699/13/3/2012-JCD	301	100,000	8/4/2014
126	MAHARASHTRA	3817/13/11/2012	203	50,000	3/4/2015
127	MAHARASHTRA	4070/13/23/08-09-PCD	807	350,000	7/3/2014
128	MAHARASHTRA	4099/13/1/08-09-JCD	301	100,000	7/2/2014
129	MANIPUR	26/14/4/08-09-AFE	813	500,000	6/28/2014
130	MANIPUR	31/14/12/2013	815	50,000	8/11/2014
131	MANIPUR	33/14/0/08-09-AFE	813	1,000,000	7/16/2014
132	MANIPUR	47/14/4/07-08-AD	822	500,000	3/4/2015
133	MANIPUR	51/14/4/07-08-AD	822	500,000	4/16/2014
134	MANIPUR	52/14/9/07-08	813	500,000	9/18/2014
135	MANIPUR	7/14/4/2010-AFE	813	1,000,000	12/10/2014
136	ODISHA	1211/18/12/2012	815	25,000	8/6/2014
137	ODISHA	1610/18/5/2011	1505	50,000	1/12/2015
138	ODISHA	1962/18/12/2013	100	300,000	8/13/2014
139	ODISHA	2040/18/10/2012-JCD	301	100,000	6/9/2014
140	ODISHA	2086/18/13/2013	1505	250,000	3/2/2015
141	ODISHA	2353/18/21/2011	1505	200,000	8/6/2014
142	ODISHA	2463/18/18/2013	100	300,000	9/26/2014
143	ODISHA	2469/18/2/2013-WC	1903	300,000	1/2/2015
144	ODISHA	2481/18/12/2013	1505	300,000	12/1/2014
145	ODISHA	2482/18/7/2013	1505	100,000	3/4/2015
146	ODISHA	2486/18/12/2013	1505	200,000	12/1/2014
147	ODISHA	2488/18/12/2013	1505	400,000	3/20/2015
148	ODISHA	2489/18/21/2013	1505	300,000	12/1/2014
149	ODISHA	2494/18/21/2013	1505	300,000	12/1/2014
150	ODISHA	2506/18/28/2013	1505	300,000	12/1/2014



Sr.No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/Next of Kins	Date of Recommendation
151	ODISHA	3070/18/30/2011	1505	150,000	8/4/2014
152	ODISHA	3246/18/17/2012	804	25,000	2/16/2015
153	ODISHA	3604/18/13/2013	203	100,000	3/5/2015
154	ODISHA	3722/18/6/2013-AR	317	100,000	11/10/2014
155	ODISHA	4728/18/13/2013	1505	240,000	2/26/2015
156	ODISHA	557/18/3/2012	205	6,000,000	2/9/2015
157	ODISHA	606/18/10/2011-PF	1703	50,000	8/13/2014
158	ODISHA	936/18/28/2013	804	25,000	11/14/2014
159	PUNJAB	1187/19/2/2013-JCD	301	300,000	9/9/2014
160	PUNJAB	207/19/10/09-10-JCD	301	100,000	4/22/2014
161	PUNJAB	611/19/11/2011	204	50,000	3/11/2015
162	PUNJAB	98/19/21/2013	814	100,000	3/18/2015
163	RAJASTHAN	1022/20/22/2012-JCD	301	100,000	10/31/2014
164	RAJASTHAN	1285/20/2/2012	1505	1,500,000	9/29/2014
165	RAJASTHAN	1340/20/6/2012	809	25,000	10/14/2014
166	RAJASTHAN	142/20/14/2014-WC	1301	300,000	12/22/2014
167	RAJASTHAN	1467/20/22/2011	204	400,000	4/2/2014
168	RAJASTHAN	1540/20/2006-2007	815	500,000	4/24/2014
169	RAJASTHAN	2421/20/29/2011-JCD	301	300,000	4/3/2014
170	RAJASTHAN	2519/20/17/2012-JCD	301	100,000	6/9/2014
171	RAJASTHAN	258/20/29/09-10-JCD	301	200,000	7/16/2014
172	RAJASTHAN	2841/20/14/2012-JCD	301	100,000	3/30/2015
173	RAJASTHAN	2997/20/5/2012-JCD	301	100,000	2/4/2015
174	RAJASTHAN	307/20/33/2014-WC	803	300,000	6/30/2014
175	RAJASTHAN	348/20/26/2013-JCD	301	300,000	2/16/2015
176	RAJASTHAN	515/20/3/2013-JCD	301	100,000	10/29/2014
177	RAJASTHAN	536/20/34/2012	804	150,000	12/1/2014
178	RAJASTHAN	594/20/32/2013	100	100,000	4/4/2014
179	RAJASTHAN	595/20/8/2013-WC	1311	100,000	9/30/2014
180	TAMIL NADU	101/22/13/2014-WC	2003	100,000	2/17/2015
181	TAMIL NADU	1551/22/36/2011-JCD	301	300,000	6/6/2014
182	TAMIL NADU	1578/22/31/08-09-JCD	301	100,000	5/21/2014
183	TAMIL NADU	218/22/13/2013	815	50,000	7/23/2014
184	TAMIL NADU	292/22/16/09-10	817	100,000	3/16/2015
185	TAMIL NADU	443/22/7/2013-PCD	807	300,000	12/5/2014
186	TAMIL NADU	857/22/37/2011-JCD	301	100,000	6/6/2014
187	TELANGANA	1094/1/7/2012-JCD	301	100,000	8/28/2014
188	TELANGANA	1369/1/7/2013	1505	100,000	3/2/2015
189	TELANGANA	634/1/7/2012-JCD	301	100,000	6/30/2014
190	TELANGANA	79/1/18/2013-PCD	807	100,000	3/30/2015



Sr.No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/Next of Kins	Date of Recommendation
191	UTTAR PRADESH	10019/24/48/2012-JCD	301	100,000	6/30/2014
192	UTTAR PRADESH	10248/24/52/2013-AD	309	600,000	7/9/2014
193	UTTAR PRADESH	1051/24/7/2013-WC	1301	10,000	8/25/2014
194	UTTAR PRADESH	10699/24/32/2013	1505	400,000	8/25/2014
195	UTTAR PRADESH	10725/24/32/09-10-AFE	813	500,000	11/19/2014
196	UTTAR PRADESH	11092/24/48/2014	1505	200,000	1/20/2015
197	UTTAR PRADESH	11233/24/6/2013-DH	108	300,000	8/28/2014
198	UTTAR PRADESH	11406/24/57/2013	817	100,000	2/17/2015
199	UTTAR PRADESH	11772/24/69/2011-WC	1309	900,000	10/29/2014
200	UTTAR PRADESH	121/24/36/2012	814	300,000	6/6/2014
201	UTTAR PRADESH	12161/24/79/2012-AD	309	300,000	12/29/2014
202	UTTAR PRADESH	1266/24/4/2012	804	50,000	12/11/2014
203	UTTAR PRADESH	1299/24/6/2014	815	10,000	2/3/2015
204	UTTAR PRADESH	13267/24/56/2013	814	100,000	10/21/2014
205	UTTAR PRADESH	1350/24/4/2010	203	200,000	8/25/2014
206	UTTAR PRADESH	14350/24/23/2013	804	20,000	10/10/2014
207	UTTAR PRADESH	14358/24/4/2013	305	125,000	12/16/2014
208	UTTAR PRADESH	14484/24/57/2013	816	200,000	12/16/2014
209	UTTAR PRADESH	14652/24/43/2013-JCD	301	300,000	7/23/2014
210	UTTAR PRADESH	14803/24/1/2012-JCD	301	200,000	4/28/2014
211	UTTAR PRADESH	15070/24/24/2013-DH	1801	100,000	8/28/2014
212	UTTAR PRADESH	15672/24/1/2012	817	20,000	8/25/2014
213	UTTAR PRADESH	16084/24/4/2013-JCD	301	50,000	2/6/2015
214	UTTAR PRADESH	16296/24/6/2011-PCD	807	500,000	2/10/2015
215	UTTAR PRADESH	17324/24/56/2012	817	20,000	9/16/2014
216	UTTAR PRADESH	18356/24/12/2014	1505	200,000	1/28/2015
217	UTTAR PRADESH	18450/24/51/2013	804	20,000	3/23/2015
218	UTTAR PRADESH	19687/24/4/2013	817	100,000	2/12/2015
219	UTTAR PRADESH	20087/24/3/2011-PCD	807	500,000	10/9/2014
220	UTTAR PRADESH	20381/24/72/2013	809	100,000	10/28/2014
221	UTTAR PRADESH	2061/24/54/2013	804	50,000	8/6/2014
222	UTTAR PRADESH	20767/24/43/2011	1505	100,000	4/2/2014
223	UTTAR PRADESH	20931/24/5/2010-AD	822	200,000	7/2/2014
224	UTTAR PRADESH	21146/24/4/2012-JCD	301	100,000	4/2/2014
225	UTTAR PRADESH	21470/24/54/2011-WC	803	100,000	5/16/2014
226	UTTAR PRADESH	22494/24/48/07-08	812	500,000	6/28/2014
227	UTTAR PRADESH	24217/24/39/2011	809	100,000	9/8/2014
228	UTTAR PRADESH	24510/24/43/09-10-AD	822	200,000	9/1/2014
229	UTTAR PRADESH	24780/24/78/2013-WC	1311	100,000	12/22/2014



Sr.No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/Next of Kins	Date of Recommendation
230	UTTAR PRADESH	24822/24/17/2012-JCD	301	1,00,000	4/1/2014
231	UTTAR PRADESH	25380/24/31/2013-JCD	301	100,000	12/30/2014
232	UTTAR PRADESH	2629/24/54/2012	817	50,000	1/30/2015
233	UTTAR PRADESH	26885/24/48/2011	203	300,000	12/16/2014
234	UTTAR PRADESH	27/24/47/2010	809	50,000	2/24/2015
235	UTTAR PRADESH	27032/24/13/2011	817	30,000	4/28/2014
236	UTTAR PRADESH	28279/24/36/08-09-PCD	807	100,000	7/16/2014
237	UTTAR PRADESH	29682/24/1/2012-JCD	301	100,000	9/8/2014
238	UTTAR PRADESH	29872/24/15/2012	815	25,000	9/8/2014
239	UTTAR PRADESH	29965/24/38/2011	816	50,000	12/22/2014
240	UTTAR PRADESH	30596/24/3/2012-JCD	301	100,000	1/2/2015
241	UTTAR PRADESH	30665/24/14/2013	1505	250,000	10/29/2014
242	UTTAR PRADESH	30734/24/36/2011	1505	200,000	4/23/2014
243	UTTAR PRADESH	31257/24/3/2013	203	300,000	1/20/2015
244	UTTAR PRADESH	31780/24/42/2012-JCD	301	300,000	6/10/2014
245	UTTAR PRADESH	32667/24/60/2010-AD	822	500,000	9/17/2014
246	UTTAR PRADESH	32777/24/2004-2005	802	500,000	8/13/2014
247	UTTAR PRADESH	32912/24/31/2012	809	50,000	8/25/2014
248	UTTAR PRADESH	33475/24/75/2012	806	50,000	6/9/2014
249	UTTAR PRADESH	33505/24/26/2012-JCD	301	300,000	6/6/2014
250	UTTAR PRADESH	33592/24/54/2012	817	25,000	3/24/2015
251	UTTAR PRADESH	34547/24/8/2013	817	150,000	1/20/2015
252	UTTAR PRADESH	34906/24/1/2012	1505	200,000	4/4/2014
253	UTTAR PRADESH	35004/24/60/2013-WC	1301	100,000	3/17/2015
254	UTTAR PRADESH	35222/24/7/2012-JCD	301	100,000	4/25/2014
255	UTTAR PRADESH	35563/24/3/2013	100	25,000	1/2/2015
256	UTTAR PRADESH	35842/24/25/2011-WC	1307	100,000	3/5/2015
257	UTTAR PRADESH	35845/24/4/2012-WC	1301	100,000	8/6/2014
258	UTTAR PRADESH	36096/24/56/2012	814	50,000	8/27/2014
259	UTTAR PRADESH	36219/24/23/2013	305	100,000	9/30/2014
260	UTTAR PRADESH	36508/24/72/2012-DH	112	100,000	9/18/2014
261	UTTAR PRADESH	36962/24/39/2013	1901	10,000	9/8/2014
262	UTTAR PRADESH	38710/24/79/2013-WC	1903	75,000	2/16/2015
263	UTTAR PRADESH	39032/24/68/2012	109	300,000	3/30/2015
264	UTTAR PRADESH	39114/24/11/2012	804	20,000	9/15/2014
265	UTTAR PRADESH	39182/24/1/2012-AD	309	100,000	2/16/2015
266	UTTAR PRADESH	39348/24/1/2011	1508	200,000	7/28/2014
267	UTTAR PRADESH	39710/24/1/2013-JCD	301	100,000	11/7/2014
268	UTTAR PRADESH	39963/24/33/2012	1505	400,000	6/6/2014



Sr.No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/Next of Kins	Date of Recommendation
269	UTTAR PRADESH	40078/24/38/2012	814	25,000	8/6/2014
270	UTTAR PRADESH	4023/24/26/2012-JCD	301	300,000	12/29/2014
271	UTTAR PRADESH	41117/24/7/2011-WC	1301	100,000	10/21/2014
272	UTTAR PRADESH	42115/24/43/2013	814	300,000	12/2/2014
273	UTTAR PRADESH	43069/24/4/2012-JCD	301	300,000	12/18/2014
274	UTTAR PRADESH	43616/24/27/2012	1505	1,400,000	12/29/2014
275	UTTAR PRADESH	43643/24/52/2013	804	100,000	12/1/2014
276	UTTAR PRADESH	43723/24/72/2012-JCD	301	100,000	9/9/2014
277	UTTAR PRADESH	45248/24/23/2011-JCD	301	100,000	9/24/2014
278	UTTAR PRADESH	47628/24/3/08-09-FE	813	500,000	5/5/2014
279	UTTAR PRADESH	4887/24/34/2010	810	500,000	10/13/2014
280	UTTAR PRADESH	49888/24/6/2011-JCD	301	100,000	1/30/2015
281	UTTAR PRADESH	5324/24/7/2012-JCD	301	100,000	9/8/2014
282	UTTAR PRADESH	5581/24/72/2010	809	25,000	8/25/2014
283	UTTAR PRADESH	6066/24/56/2014-AD	822	500,000	3/18/2015
284	UTTAR PRADESH	6651/24/24/2011-JCD	301	50,000	5/6/2014
285	UTTAR PRADESH	6798/24/31/2012	817	15,000	4/2/2014
286	UTTAR PRADESH	6873/24/6/2011-JCD	301	200,000	3/30/2015
287	UTTAR PRADESH	7081/24/26/2012-JCD	301	100,000	7/28/2014
288	UTTAR PRADESH	73/24/50/2012	1505	200,000	8/4/2014
289	UTTAR PRADESH	7355/24/1/2011	809	200,000	3/30/2015
290	UTTAR PRADESH	7477/24/2006-2007	812	500,000	2/18/2015
291	UTTAR PRADESH	7876/24/54/2014	800	100,000	8/12/2014
292	UTTAR PRADESH	8324/24/18/08-09-ED	812	500,000	7/17/2014
293	UTTAR PRADESH	8498/24/4/2012-JCD	301	300,000	12/15/2014
294	UTTAR PRADESH	8736/24/40/2012	305	25,000	7/7/2014
295	UTTAR PRADESH	9071/24/57/2014	1505	200,000	12/4/2014
296	UTTARAKHAND	1/35/3/2014	1505	200,000	9/8/2014
297	UTTARAKHAND	1684/35/7/2012	814	100,000	8/12/2014
298	UTTARAKHAND	1811/35/8/2013	804	50,000	9/8/2014
299	UTTARAKHAND	1864/35/12/2012-JCD	301	300,000	6/11/2014
300	UTTARAKHAND	451/35/12/2013	203	300,000	7/31/2014
301	UTTARAKHAND	818/35/5/2013-JCD	301	300,000	6/9/2014
302	WEST BENGAL	1160/25/15/2011	814	10,000	12/22/2014
303	WEST BENGAL	153/25/7/2014-JCD	301	300,000	1/6/2015
304	WEST BENGAL	177/25/13/2013-JCD	301	100,000	11/21/2014
305	WEST BENGAL	1887/25/22/2012-JCD	301	100,000	2/12/2015
306	WEST BENGAL	370/25/10/2013-JCD	301	200,000	3/27/2015
307	WEST BENGAL	501/25/22/2013-WC	1903	300,000	8/26/2014
308	WEST BENGAL	515/25/4/2013-JCD	301	100,000	2/3/2015



DETAILS OF CASES PENDING COMPLIANCE OF NHRC RECOMMENDATIONS DURING 2013-2014 FOR PAYMENT OF MONETARY RELIEF

Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
1	ANDHRA PRADESH	1042/1/5/2012-PCD	807	CUSTODIAL DEATH (Police)	200000	25-03-2014
2	ANDHRA PRADESH	199/1/13/2012-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100000	16-05-2013
3	ANDHRA PRADESH	269/1/3/2011-JCD	301	CUSTODIAL DEATH (Judicial)	300000	24-09-2013
4	ANDHRA PRADESH	300/1/7/2012-JCD	301	CUSTODIAL DEATH (Judicial)	100000	23-12-2013
5	ANDHRA PRADESH	322/1/19/09-10-PCD	807	CUSTODIAL DEATH (Police)	500000	21-11-2013
6	ANDHRA PRADESH	352/1/23/09-10-JCD	301	CUSTODIAL DEATH (Judicial)	100000	11-09-2013
7	ANDHRA PRADESH	373/1/7/2010-PCD	807	CUSTODIAL DEATH (Police)	100000	12-06-2013
8	ANDHRA PRADESH	528/1/25/2012	817	UNLAWFUL DETENTION	25000	30-01-2014
9	ARUNACHAL PRADESH	2/2/11/2012-AF	1611	ALLEGED FAKE ENCOUNTER (DEFENCE)	1500000	01-01-2014
10	ARUNACHAL PRADESH	28/2/2/2010-ED	812	DEATH IN POLICE ENCOUNTER	2000000	18-12-2013
11	ARUNACHAL PRADESH	4/2/14/08-09-JCD	301	CUSTODIAL DEATH (Judicial)	100000	01-11-2013
12	ASSAM	127/3/24/09-10-ED	812	DEATH IN POLICE ENCOUNTER	500000	12-12-2013
13	ASSAM	142/3/5/2011	817	UNLAWFUL DETENTION	20000	12-09-2013
14	ASSAM	200/3/11/2010-AFE	813	ALLEGED FAKE ENCOUNTERS	500000	08-01-2014
15	ASSAM	206/3/0/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	01-01-2014



Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
16	ASSAM	209/3/1/2011-ED	812	DEATH IN POLICE ENCOUNTER	1000000	12-02-2014
17	ASSAM	223/3/3/2010-ED	812	DEATH IN POLICE ENCOUNTER	1000000	30-01-2014
18	ASSAM	224/3/8/2010-ED	812	DEATH IN POLICE ENCOUNTER	1000000	30-10-2013
19	ASSAM	225/3/16/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	12-12-2013
20	ASSAM	226/3/11/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	13-11-2013
21	ASSAM	230/3/16/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	12-12-2013
22	ASSAM	241/3/15/2011-ED	812	DEATH IN POLICE ENCOUNTER	1000000	10-02-2014
23	ASSAM	242/3/22/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	30-01-2014
24	ASSAM	247/3/16/2011-PF	1710	DEATH IN ENCOUNTER	2500000	08-01-2014
25	ASSAM	258/3/15/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	30-01-2014
26	ASSAM	259/3/7/2011-ED	812	DEATH IN POLICE ENCOUNTER	1000000	05-12-2013
27	ASSAM	26/3/11/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	30-01-2014
28	ASSAM	266/3/8/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	06-02-2014
29	ASSAM	5/3/18/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	02-01-2014
30	ASSAM	54/3/8/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	18-12-2013
31	ASSAM	79/3/20/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	21-11-2013
32	BIHAR	1332/4/18/2012-WC	1309	INDIGNITY OF WOMEN	20000	14-05-2013
33	BIHAR	1933/4/28/2011-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100000	11-07-2013
34	BIHAR	2119/4/37/2011-PCD	807	CUSTODIAL DEATH (Police)	100000	07-06-2013



Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
35	BIHAR	2340/4/37/2011-JCD	301	CUSTODIAL DEATH (Judicial)	100000	22-01-2014
36	BIHAR	2572/4/8/08-09-AD	1716	ALLEGED CUSTODIAL DEATH	500000	21-08-2013
37	BIHAR	4140/4/2/2012	809	CUSTODIAL TORTURE	50000	07-11-2013
38	BIHAR	4589/4/35/2012	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	200000	21-10-2013
39	BIHAR	4608/4/23/2012-WC	1304	DOWERY DEATH OR THIER ATTEMPT	50000	18-12-2013
40	DELHI	1232/30/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	29-01-2014
41	DELHI	1631/30/3/2010-JCD	301	CUSTODIAL DEATH (Judicial)	100000	13-03-2014
42	DELHI	3500/30/0/2011	800	POLICE	100000	15-05-2013
43	DELHI	377/30/0/2011	804	ABUSE OF POWER	10000	20-11-2013
44	DELHI	4434/30/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	20-11-2013
45	DELHI	4883/30/9/2010	814	FAILURE IN TAKING LAWFUL ACTION	20000	21-01-2014
46	DELHI	6801/30/2/2011	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	29-04-2013
47	DELHI	897/30/9/2012	1508	ATROCITIES BY CUSTOM/EXCISE/ ENFORCEMENT/ FOREST/INCOME-TAX Deptt., etc.OF CENTRAL/STATE Govts.	200000	22-01-2014
48	GUJARAT	1012/6/9/2011	202	PUBLIC HEALTH HAZARDS	2500000	22-10-2013



Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
49	JAMMU & KASHMIR	103/9/2/2011	814	FAILURE IN TAKING LAWFUL ACTION	500000	08-04-2013
50	JAMMU & KASHMIR	370/9/3/2012	203		600000	31-03-2014
51	JHARKHAND	1192/34/17/2011	104	EXPLOITATION OF CHILDREN	200000	04-06-2013
52	JHARKHAND	1310/34/6/2012-WC	1314	SEXUAL HARASSMENT BY ARMY/ PARAMILITARY PERSONNEL	300000	29-10-2013
53	JHARKHAND	1445/34/4/2010-PCD	807	CUSTODIAL DEATH (Police)	300000	16-05-2013
54	JHARKHAND	165/34/4/09-10	503	TROUBLE BY ANTI-SOCIAL ELEMENTS	50000	06-02-2014
55	JHARKHAND	303/34/16/2011-ED	812	DEATH IN POLICE ENCOUNTER	1000000	04-07-2013
56	JHARKHAND	380/34/11/2010	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	150000	18-12-2013
57	JHARKHAND	468/34/8/08-09	811	DEATH IN POLICE FIRING	1000000	26-06-2013
58	JHARKHAND	746/34/11/09-10-PCD	807	CUSTODIAL DEATH (Police)	100000	28-11-2013
59	JHARKHAND	765/34/16/2011	811	DEATH IN POLICE FIRING	400000	03-07-2013
60	KARNATAKA	131/10/5/2012-PCD	807	CUSTODIAL DEATH (Police)	100000	26-03-2014
61	KARNATAKA	364/10/4/09-10-PCD	807	CUSTODIAL DEATH (Police)	400000	28-11-2013
62	KERALA	191/11/13/2012	305	HARASSMENT OF PRISONERS	50000	12-07-2013
63	KERALA	91/11/7/2012-JCD	301	CUSTODIAL DEATH (Judicial)	100000	07-03-2014
64	MADHYA PRADESH	2240/12/8/2011-PCD	807	CUSTODIAL DEATH (Police)	100000	05-04-2013



Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
65	MADHYA PRADESH	2591/12/5/2012	104	EXPLOITATION OF CHILDREN	500000	20-01-2014
66	MADHYA PRADESH	365/12/27/2013-WC	1311	RAPE	200000	19-12-2013
67	MADHYA PRADESH	485/12/5/2012	104	EXPLOITATION OF CHILDREN	35000	31-10-2013
68	MADHYA PRADESH	562/12/33/2012	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	250000	03-01-2014
69	MADHYA PRADESH	92/12/8/2013-WC	1307	GANG RAPE	300000	19-12-2013
70	MADHYA PRADESH	990/12/46/2012-JCD	301	CUSTODIAL DEATH (Judicial)	300000	06-06-2013
71	MAHARASHTRA	1031/13/16/2010-PCD	807	CUSTODIAL DEATH (Police)	500000	20-02-2014
72	MAHARASHTRA	1103/13/28/09-10-PCD	807	CUSTODIAL DEATH (Police)	100000	10-07-2013
73	MAHARASHTRA	1211/13/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	30-10-2013
74	MAHARASHTRA	1225/13/1/07-08-PCD	807	CUSTODIAL DEATH (Police)	100000	14-08-2013
75	MAHARASHTRA	18/13/14/2012-PCD	807	CUSTODIAL DEATH (Police)	100000	29-05-2013
76	MAHARASHTRA	196/13/16/2011-PCD	807	CUSTODIAL DEATH (Police)	100000	20-01-2014
77	MAHARASHTRA	3069/13/16/2012	804	ABUSE OF POWER	100000	04-10-2013
78	MAHARASHTRA	334/13/2006-2007-CD	807	CUSTODIAL DEATH (Police)	500000	08-08-2013
79	MAHARASHTRA	384/13/5/08-09-PCD	807	CUSTODIAL DEATH (Police)	500000	19-12-2013
80	MAHARASHTRA	420/13/30/07-08-PCD	807	CUSTODIAL DEATH (Police)	500000	06-03-2014
81	MAHARASHTRA	502/13/2005-2006	812	DEATH IN POLICE ENCOUNTER	500000	03-10-2013
82	MAHARASHTRA	558/13/11/08-09-PCD	807	CUSTODIAL DEATH (Police)	500000	01-01-2014
83	MAHARASHTRA	621/13/30/2011-PCD	807	CUSTODIAL DEATH (Police)	500000	21-11-2013



Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
84	MAHARASHTRA	821/13/30/08-09-ED	812	DEATH IN POLICE ENCOUNTER	1000000	30-01-2014
85	MANIPUR	10/14/10/2010-AFE	813	ALLEGED FAKE ENCOUNTERS	500000	20-02-2014
86	MANIPUR	108/14/4/2011-AD	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	200000	07-05-2013
87	MANIPUR	11/14/4/08-09-ED	812	DEATH IN POLICE ENCOUNTER	500000	24-10-2013
88	MANIPUR	11/14/4/2010-AFE	813	ALLEGED FAKE ENCOUNTERS	500000	08-01-2014
89	MANIPUR	16/14/14/2012-ED	812	DEATH IN POLICE ENCOUNTER	1000000	01-01-2014
90	MANIPUR	19/14/15/2012-ED	812	DEATH IN POLICE ENCOUNTER	500000	24-10-2013
91	MANIPUR	20/14/14/2012-ED	812	DEATH IN POLICE ENCOUNTER	500000	08-01-2014
92	MANIPUR	20/14/4/2010-AFE	813	ALLEGED FAKE ENCOUNTERS	500000	03-04-2013
93	MANIPUR	21/14/4/2011-PF	1709	DEATH IN FIRING	200000	21-10-2013
94	MANIPUR	22/14/13/07-08-AF	1611	ALLEGED FAKE	500000	05-02-2014
95	MANIPUR	31/14/12/07-08-PF	1710	DEATH IN ENCOUNTER	500000	24-10-2013
96	MANIPUR	32/14/1/08-09-AFE	813	ALLEGED FAKE ENCOUNTERS	1000000	24-10-2013
97	MANIPUR	5/14/4/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	06-02-2014
98	MANIPUR	53/14/4/07-08	811	DEATH IN POLICE FIRING	500000	15-05-2013
99	MANIPUR	6/14/4/2010-AFE	813	ALLEGED FAKE ENCOUNTERS	500000	29-01-2014
100	ODISHA	1479/18/5/2011	202	PUBLIC HEALTH HAZARDS	250000	03-06-2013
101	ODISHA	1570/18/25/2011-WC	1309	INDIGNITY OF WOMEN	400000	20-01-2014
102	ODISHA	2458/18/32/2013-WC	1301	ABDUCTION, RAPE AND MURDER	500000	08-11-2013



Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
103	ODISHA	2502/18/2/2011	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	26-07-2013
104	PUNJAB	506/19/15/2011	1500	MISCELLENOUS	1028086	28-02-2014
105	PUNJAB	52/19/15/2013-WC	1307	GANG RAPE	300000	29-11-2013
106	RAJASTHAN	1345/20/21/09-10-JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-08-2013
107	RAJASTHAN	1404/20/5/09-10-JCD	301	CUSTODIAL DEATH (Judicial)	100000	06-02-2014
108	RAJASTHAN	168/20/14/09-10-JCD	301	CUSTODIAL DEATH (Judicial)	500000	18-12-2013
109	RAJASTHAN	1838/20/17/2011-JCD	301	CUSTODIAL DEATH (Judicial)	100000	27-01-2014
110	RAJASTHAN	2221/20/7/2011-JCD	301	CUSTODIAL DEATH (Judicial)	200000	13-09-2013
111	RAJASTHAN	642/20/29/2013-WC	803	ABDUCTION/RAPE	300000	07-03-2014
112	TAMIL NADU	1350/22/36/2010-JCD	301	CUSTODIAL DEATH (Judicial)	200000	13-11-2013
113	TAMIL NADU	534/22/41/09-10-PCD	807	CUSTODIAL DEATH (Police)	500000	28-11-2013
114	TAMIL NADU	565/22/34/2010-PCD	807	CUSTODIAL DEATH (Police)	500000	08-01-2014
115	UTTAR PRADESH	1027/24/51/2012-JCD	301	CUSTODIAL DEATH (Judicial)	300000	27-03-2014
116	UTTAR PRADESH	10699/24/32/2013	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	400000	28-03-2014
117	UTTAR PRADESH	11054/24/4/2011	809	CUSTODIAL TORTURE	10000	07-11-2013
118	UTTAR PRADESH	11898/24/31/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	16-05-2013
119	UTTAR PRADESH	11900/24/48/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	28-11-2013
120	UTTAR PRADESH	14336/24/2005-2006	812	DEATH IN POLICE ENCOUNTER	500000	04-07-2013



Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
121	UTTAR PRADESH	14412/24/17/2013	804	ABUSE OF POWER	300000	29-10-2013
122	UTTAR PRADESH	14607/24/30/2010-ED	812	DEATH IN POLICE ENCOUNTER	1000000	15-01-2014
123	UTTAR PRADESH	14844/24/39/2010	203		300000	25-09-2013
124	UTTAR PRADESH	15025/24/30/2010	804	ABUSE OF POWER	20000	14-11-2013
125	UTTAR PRADESH	15387/24/22/07-08-PCD	807	CUSTODIAL DEATH (Police)	100000	06-06-2013
126	UTTAR PRADESH	1553/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	16-01-2014
127	UTTAR PRADESH	15725/24/20/2011	816	ILLEGAL ARREST	50000	12-03-2014
128	UTTAR PRADESH	18684/24/22/2011	106	SEXUAL HARASSMENT	30000	27-08-2013
129	UTTAR PRADESH	19559/24/2006-2007	813	ALLEGED FAKE ENCOUNTERS	500000	05-12-2013
130	UTTAR PRADESH	20226/24/28/2011	804	ABUSE OF POWER	50000	26-03-2014
131	UTTAR PRADESH	20332/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	16-01-2014
132	UTTAR PRADESH	20413/24/22/2011	809	CUSTODIAL TORTURE	25000	31-03-2014
133	UTTAR PRADESH	20803/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	16-01-2014
134	UTTAR PRADESH	20804/24/24/2010	1202	NON-PAYMENT OF PENSION/COMPENSATION	50000	27-01-2014
135	UTTAR PRADESH	20922/24/31/2010-AFE	813	ALLEGED FAKE ENCOUNTERS	1000000	03-10-2013
136	UTTAR PRADESH	21581/24/24/2011	1202	NON-PAYMENT OF PENSION/COMPENSATION	10000	26-09-2013
137	UTTAR PRADESH	21637/24/48/07-08	812	DEATH IN POLICE ENCOUNTER	500000	12-12-2013
138	UTTAR PRADESH	22654/24/7/2012-AR	823	ALLEGED CUSTODIAL RAPE IN POLICE CUSTODY	300000	11-12-2013



Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
139	UTTAR PRADESH	23388/24/2001-2002	812	DEATH IN POLICE ENCOUNTER	500000	15-01-2014
140	UTTAR PRADESH	23692/24/50/08-09-JCD	301	CUSTODIAL DEATH (Judicial)	100000	16-01-2014
141	UTTAR PRADESH	24089/24/12/08-09-FE	813	ALLEGED FAKE ENCOUNTERS	1000000	17-04-2013
142	UTTAR PRADESH	2547/24/4/09-10-DH	108	DEATH IN JUDICIAL CUSTODY	300000	27-09-2013
143	UTTAR PRADESH	26146/24/2004-2005	813	ALLEGED FAKE ENCOUNTERS	500000	05-06-2013
144	UTTAR PRADESH	2655/24/34/2012-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	300000	31-03-2014
145	UTTAR PRADESH	2888/24/2005-2006	812	DEATH IN POLICE ENCOUNTER	500000	20-11-2013
146	UTTAR PRADESH	30069/24/2005-2006	812	DEATH IN POLICE ENCOUNTER	500000	05-12-2013
147	UTTAR PRADESH	30410/24/52/2010	809	CUSTODIAL TORTURE	100000	29-05-2013
148	UTTAR PRADESH	33018/24/20/2010-PCD	807	CUSTODIAL DEATH (Police)	100000	11-12-2013
149	UTTAR PRADESH	33342/24/70/09-10-PCD	807	CUSTODIAL DEATH (Police)	500000	17-07-2013
150	UTTAR PRADESH	33397/24/2005-2006	812	DEATH IN POLICE ENCOUNTER	1000000	16-01-2014
151	UTTAR PRADESH	34109/24/24/2011-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100000	27-06-2013
152	UTTAR PRADESH	34188/24/72/2013	1901	ATROCITIES ON SC/ST/OBC	200000	26-11-2013
153	UTTAR PRADESH	34919/24/1/2012	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	400000	20-02-2014
154	UTTAR PRADESH	35522/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	31-10-2013



Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
155	UTTAR PRADESH	3656/24/2005-2006	813	ALLEGED FAKE ENCOUNTERS	500000	15-01-2014
156	UTTAR PRADESH	38084/24/2005-2006	812	DEATH IN POLICE ENCOUNTER	500000	08-01-2014
157	UTTAR PRADESH	38363/24/43/2011	809	CUSTODIAL TORTURE	550000	16-01-2014
158	UTTAR PRADESH	3885/24/45/2012-ED	812	DEATH IN POLICE ENCOUNTER	500000	16-01-2014
159	UTTAR PRADESH	39410/24/61/09-10	814	FAILURE IN TAKING LAWFUL ACTION	10000	10-12-2013
160	UTTAR PRADESH	39641/24/46/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	16-01-2014
161	UTTAR PRADESH	39743/24/3/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	03-04-2013
162	UTTAR PRADESH	40176/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	05-12-2013
163	UTTAR PRADESH	40377/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	15-05-2013
164	UTTAR PRADESH	40795/24/31/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	11-12-2013
165	UTTAR PRADESH	41033/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	07-11-2013
166	UTTAR PRADESH	41224/24/1/2012	1508	ATROCITIES BY CUSTOM/EXCISE/ ENFORCEMENT/ FOREST/INCOME-TAX Deptt., etc.OF CENTRAL/STATE Govts.	520000	22-11-2013
167	UTTAR PRADESH	41496/24/2000-2001	816	ILLEGAL ARREST	1000000	05-12-2013
168	UTTAR PRADESH	42032/24/27/2012-WC	1301	ABDUCTION, RAPE AND MURDER	100000	20-01-2014
169	UTTAR PRADESH	42925/24/14/2011	804	ABUSE OF POWER	10000	30-12-2013
170	UTTAR PRADESH	43024/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	12-11-2013



Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
171	UTTAR PRADESH	43091/24/17/2012-WC	1311	RAPE	50000	17-09-2013
172	UTTAR PRADESH	43952/24/3/2012	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	16-09-2013
173	UTTAR PRADESH	44122/24/40/2010-PCD	807	CUSTODIAL DEATH (Police)	100000	16-01-2014
174	UTTAR PRADESH	452/24/37/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	15-01-2014
175	UTTAR PRADESH	47291/24/45/07-08	812	DEATH IN POLICE ENCOUNTER	500000	16-01-2014
176	UTTAR PRADESH	4753/24/2005-2006	812	DEATH IN POLICE ENCOUNTER	500000	15-01-2014
177	UTTAR PRADESH	47835/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	16-01-2014
178	UTTAR PRADESH	4951/24/2005-2006	812	DEATH IN POLICE ENCOUNTER	500000	01-05-2013
179	UTTAR PRADESH	53582/24/72/07-08	812	DEATH IN POLICE ENCOUNTER	500000	19-12-2013
180	UTTAR PRADESH	6057/24/30/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	03-04-2013
181	UTTAR PRADESH	6224/24/2005-2006-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	10-07-2013
182	UTTAR PRADESH	6635/24/57/2011-ED	812	DEATH IN POLICE ENCOUNTER	1000000	16-01-2014
183	UTTAR PRADESH	6855/24/56/2012	203		300000	02-09-2013
184	UTTAR PRADESH	699/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	16-01-2014
185	UTTAR PRADESH	7562/24/32/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	15-01-2014
186	UTTAR PRADESH	8136/24/31/07-08	812	DEATH IN POLICE ENCOUNTER	500000	20-11-2013
187	UTTAR PRADESH	8323/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	2500000	05-02-2014



Sr. No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
188	UTTAR PRADESH	8584/24/57/2012	814	FAILURE IN TAKING LAWFUL ACTION	1000000	12-02-2014
189	UTTAR PRADESH	9734/24/43/2011	811	DEATH IN POLICE FIRING	200000	19-03-2014
190	UTTARAKHAND	1597/35/2006-2007	813	ALLEGED FAKE ENCOUNTERS	500000	05-02-2014
191	WEST BENGAL	335/25/13/2013	804	ABUSE OF POWER	500000	23-01-2014
192	WEST BENGAL	354/25/13/2011-PF	1715	VICTIMISATION	500000	19-06-2013
193	WEST BENGAL	727/25/13/2010-PF	1709	DEATH IN FIRING	500000	31-10-2013



**DETAILS OF CASES PENDING COMPLIANCE OF NHRC RECOMMENDATIONS
FROM 1998-1999 TO 2012-2013 FOR PAYMENT OF MONETARY RELIEF/
DISCIPLINARY ACTION/PROSECUTION**

Sl.No.	Name of the State/UT	Case No.	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation	Remarks
1	Arunachal Pradesh	3/2/14/08-09-PCD	Death In Police Custody(Intimation)	100000	12.11.2010	Proof of payment awaited
2	Bihar	1817/4/32/2011	Inaction By The State Government/ Central Govt. Officials	1400000	19/11/2012	Proof of payment awaited
3	Bihar	1818/4/1/2011	Inaction By The State Government/Central Govt.Officials	400000	30/08/2012	Proof of payment awaited
4	Chandigarh	43/27/0/2010	Irregularities In Govt. Hospitals/Primary Health Centres	50,000.00	19.03.2012	Proof of payment awaited
5	Delhi	5494/30/0/2010	Inaction By The State Government/Central Govt.Officials	900000	15/10/2012	Proof of payment awaited
6	Delhi	102/30/2005-2006 FC	Severe health problems suffered by a girl due to supply of wrong medicine by CGHS Dispensary	100000	30.07.2007	Compliance report not received due to challenge in the High Court of Delhi on the grounds of denial of medicines by the complainant; denial of opportunity to the petitioner to explain his stand; and condition of patient had worsened by administration of wrong medicine Orders of WP No.9776/07 pending in the High Court of Delhi.



Sl.No.	Name of the State/UT	Case No.	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation	Remarks
7	Delhi	2843/30/1/2010	Inaction By The State Government/ Central Govt. Officials	1,00,000.00	20.01.2012	Proof of payment awaited
8	Gujarat	580/6/14/2010-WC	Abduction/Rape	400000	04/09/2012	Proof of payment awaited
9	Jammu & Kashmir	42/9/0/2012	Malfunctioning Of Medical Professionals	100000	13/02/2013	Proof of payment awaited
10	Jammu & Kashmir	55/9/2003-2004-ad	Alleged death in the custody of Jammu Police (Complaint)	500000	19.08.2009	The State Govt. has challenged the recommendation of the Commission in the J & K High Court.
11	Jammu & Kashmir	206/9/2003-2004 M-4	Damage of House by the Govt. (Complaint)	200000	23.11.2009	The State Govt. has challenged the recommendation of the Commission in the J & K High Court.
12	Jammu & Kashmir	25/9/4/07.08.PCD	Custodial Death (Police)	5,00,000.00	27.07.2011	Proof of payment awaited
13	Jharkhand	108/34/2005-2006	Alleged Fake Encounters	500000	22/11/2012	Proof of payment awaited
14	Jharkhand	1311/34/18/2012-WC	Sexual Harassment By Army/ Paramilitary Personnel	50000	14/02/2013	Proof of payment awaited
15	Jharkhand	1620/34/16/2011-JCD	Custodial Death (Judicial)	500000	12/11/2012	Proof of payment awaited



Sl.No.	Name of the State/UT	Case No.	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation	Remarks
16	Kerala	43/11/2002-2003-cd	Death in judicial custody	150000	12.09.2008	The Government of Kerala filed a Writ Petition No. 21305/09 in the High Court of Kerala against the recommendation made by the Commission and the High Court. Outcome of the writ petition is awaited
17	Madhya Pradesh	921/12/2/09.10	Malfunctioning Of Medical Professionals	13,25,000.00	05.07.2011	Proof of payment awaited
18	Maharashtra	188/13/2005-2006-CD	Custodial Death (Police)	200000	13/06/2012	Proof of payment awaited
19	Maharashtra	1943/13/2002-2003-WC	Sexual Harassment (General)	100000	29/06/2012	Proof of payment awaited
20	Maharashtra	658/13/30/2010-ED	Death In Police Encounter	500000	03/05/2012	Proof of payment awaited
21	Maharashtra	1734/13/4/2010. PCD	Custodial Death (Police)	5,00,000.00	06.03.2012	Rupees one lakh sanctioned by the Govt. Matter referred to the Division Bench
22	Manipur	8/14/2004-2005-AF	Custodial Death (Defence)	1000000	26/07/2012	Proof of payment awaited
23	Odisha	157/18/24/09-10	ATROCITIES BY CUSTOM/EXCISE/ ENFORCEMENT/ FOREST/INCOME-TAX Deptt., Etc.OF CENTRAL/STATE Govts.	400000	27/12/2012	Proof of payment awaited
24	Odisha	408/18/32/2011-WC	Rape of SC/ST/ OBC	1200000	31/08/2012	Proof of payment awaited



Sl.No.	Name of the State/UT	Case No.	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation	Remarks
25	Odisha	123/18/1999-2000	Alleged physical torture & illegal detention by police	Disciplinary action	31.07.2000	The State Govt. has preferred writ petition No. O.J.C.No. 8776/2000 in the High Court of Orissa, against the recommendations of the Commission, which is pending consideration.
26	Odisha	256/18/2/09-10	Atrocities By Custom/Excise/ Enforcement/Forest/ Income-Tax Deptt., Etc.Of Central/State Govts.	700000	31.03.2011	NHRC orders challenged in the Court and its orders have been kept in abeyance till further orders
27	Odisha	176/18/6/2011	Inaction By The State Government/ Central Govt. Officials	3,00,000.00	05.01.2012	Commission's recommendation challenged in High Court of Odisha
28	Punjab	377/19/8/09-10- JCD	Custodial Death (Judicial)	100000	30/11/2012	Proof of payment awaited
29	Punjab	506/19/15/2011	Miscellaneous	900000	14/08/2012	Proof of payment awaited
30	Rajasthan	2585/20/2/2011- WC	Sexual Harassment (General)	100000	27/06/2012	Proof of payment awaited
31	Tamil Nadu	270/22/46/2011- JCD	Custodial Death (Judicial)	400000	13/03/2013	Proof of payment awaited
32	Uttar Pradesh	17622/24/2006- 2007	Death In Police Encounter	1000000	24/01/2013	Proof of payment awaited
33	Uttar Pradesh	31558/24/56/ 2010-WC	Indignity Of Women	50000	22/05/2012	Proof of payment awaited
34	Uttar Pradesh	36256/24/61/2010	Malfunctioning Of Medical Professionals	300000	10/12/2012	Proof of payment awaited



Sl.No.	Name of the State/UT	Case No.	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation	Remarks
35	Uttar Pradesh	40001/24/48/2011	Miscellaneous	50000	08/06/2012	Proof of payment awaited
36	Uttar Pradesh	41459/24/1/2010	Failure In Taking Lawful Action	100000	28/03/2013	Proof of payment awaited
37	Uttar Pradesh	44192/24/24/2011	Non-Payment Of Pension/ Compensation	25000	29/10/2012	Proof of payment awaited
38	Uttar Pradesh	9839/24/2006-2007-CD	Custodial Death (Judicial)	100000	11/05/2012	Proof of payment awaited
39	Uttar Pradesh	30217/24/2002-2003-cd	Death in judicial custody (intimation)	10000	20.02.2008	Compliance report is awaited.
40	Uttar Pradesh	12969/24/2002-2003 (FC)	Death in police encounter (Complaint)	300000	27.05.2009	Proof of payment awaited
41	Uttar Pradesh	39058/24/2003-2004 (FC)	Killing of by police in Fake Encounter (Complaint)	600000 (3,00,000/- each 2 persons)	27.07.2009	Proof of payment awaited in respect of deceased Prabhat Kumar
42	Uttar Pradesh	37802/24/2006-2007 M-5	Alleged torture by police (Complaint)	25000	24.08.2009	Proof of payment awaited
43	Uttar Pradesh	38166/24/2006-2007-cd M-5	Death in Judicial Custody (Intimation)	100000	31.10.2009	Proof of payment awaited
44	Uttar Pradesh	6384/24/2003-2004	Death In Police Encounter	500000	05.05.2010	Proof of payment awaited
45	West Bengal	511/25/13/09.10. JCD	Custodial Death (Judicial)	3,00,000.00	11.10.2011	Proof of payment awaited



**Combined Fourth and Fifth Periodic Reports of India : NHRC-India
Submission to the Committee on the Elimination of Discrimination
against Women on the Implementation of CEDAW in India – WRITTEN
SUBMISSION OF NHRC, INDIA**

Introduction

As per Census of India 2011, women constitute 48.46 per cent of the total population. Hence, the importance of women as human resource in the overall development and progress of the country is without doubt. The Constitution of India has enshrined the principle of gender equality. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive intervention in favour of women. Within the framework of a democratic polity, the development policies, programmes and laws have been aimed at women's empowerment. In the Government of India, the Ministry of Women and Child Development (MWCD) is the nodal Ministry for all matters concerning women. At the state level there are similar Departments dealing with women issues.

A number of other institutions are also in place like the National Commission for Women¹ and State Commissions for Women to help women get speedier justice like establishment of women police cells in police stations and exclusive women police stations. The MWCD, NCW and concerned Departments at the State level also work in partnership with bilateral, multilateral and UN agencies on women-specific and women related projects.

In a few metropolitan cities, Rape Crisis Intervention Centres have been set up in police stations. Helplines for women in distress have also been set up. Women self-help groups are being organized and involved in the formulation and implementation of various schemes and programmes.

However, despite the above institutional and programmatic framework, the women of India still suffers from a large number of problems due to poor implementation on ground.

Role of National Human Rights Commission of India in Protecting and Promoting Women's Rights

The NHRC is an embodiment for the promotion and protection of human rights. Ever since it came into existence in October 1993, its efforts to protect and promote the rights

¹The National Commission for Women (NCW) was established by an Act of Parliament in 1992 to safeguard the rights of women. It acts as a statutory ombudsperson for women. Its Chairperson is a deemed member of National Human Rights Commission.



f women have evolved in a variety of inter-connected ways over the past two decades. Gender related issues and especially discrimination against women have been a matter of concern for the Commission since it was constituted. During 1994-95, it recommended vigorous implementation of the country's obligations under the CEDAW. It also recommended that well-coordinated steps be taken to act upon the Declaration and Programme of Action adopted at Beijing.

The violation of the rights of women was also considered from the point of view of health. Maternal anaemia was identified as a rights issue in 1996-1997. In 2000, it focused on HIV/AIDS, Public Health and Human Rights related issues impacting on the rights of women. During 1999-2000, the Commission took up issues the elimination of gender discrimination in the light of the concluding observations made by the CEDAW Committee on India's first country report and the concluding observations and recommendations made by the CRC Committee on India's initial country report.

In 2000-2001, it called for a concerted effort to end the misuse of sex determination tests which encouraged the evil practice of prenatal sex selection having ramifications like adverse sex ratio.

In 2000, it took keen interest in the implementation of the Vishaka guidelines prescribed by the Supreme Court of India on preventing and combating sexual harassment of women at the workplace. It also organized a Colloquium on Population Policy, Development and Human Rights and took up the issue of incentives/disincentives in the population policies of State Governments/Union Territories vis-à-vis the National Population Policy.

It organized a National Conference in January 2013 on Violence against Women in the wake of the brutal rape and death of a young woman in Delhi. In February 2014, it again organized a two-day National Conference on Human Rights of Women and had detailed discussions with all stakeholders on the problem areas relating to rights of women. Many of the concerns raised below are an outcome of the work carried out by NHRC-India since its inception.

Civil and political rights

- Rising sexual crimes against women and girls is a cause of concern. A total of 293 cases of rape were registered in NHRC from January to April 2014, clearly indicating that women and young girls continue to be the worst victims of violence, in particular, sexual violence and have little or no access to justice. This is despite the recent Criminal Law (Amendment) Act, 2013 that seeks to make more rigorous various sections of the Indian Penal Code, Code of Criminal Procedure, 1973; the Indian Evidence Act, 1872; and the



Protection of Children from Sexual Offences Act, 2012. There is immense need for law enforcement officials including the judiciary to be sensitized and held accountable for not complying with laws if strict enforcement of the existing laws and policies for the protection of women is to be achieved. The national/state/district legal services authorities must also create awareness among women and girls about women enabling laws and their rights, which is not adequate at present. The NHRC is making efforts in this direction but other concerned agencies also need to devote attention to this issue.

- Similarly, women continue to be victims of domestic violence in the absence of a coordinated implementation mechanism consisting of protection officers, service in the form of facilities and shelter homes that are mandated to provide better access to justice and other support services under the Protection of Women from Domestic Violence Act, 2005. Despite guidelines issued by the MWCD to State Governments/UTs for proper implementation of the Act, there is still no proper coordination and the designated authorities remain dysfunctional.
- Acts of sexual harassment including sexual harassment of women at the workplace are still frequent and these acts take a variety of forms. In 1997, the Supreme Court in *Vishaka v. State of Rajasthan* recognized sexual harassment of women at the workplace as a human rights violation. However, even in 2006, 420 cases of sexual harassment of women (general), 63 cases of sexual harassment of women at the workplace (government offices) and two cases of sexual harassment (army/para military personnel) were registered in NHRC. In spite of India's obligations under CEDAW and other human rights instruments, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act was enacted as late as 2013.
- The status of implementation of the Family Courts Act, 1984 can also be easily gauged that only 212 Family Courts are functional across the country.
- The Armed Forces Special Powers Act remains in force in Jammu & Kashmir and the North-Eastern States, conferring an impunity that often leads to the violation of human rights, including that of women.
- The Hindu Succession (Amendment) Act, 2005 was enacted to guarantee property rights to a daughter and bring her at par with a son or any male member of a joint Hindu family. However, its implementation is poor on account of deep-rooted cultural mindsets and lack of knowledge and awareness of rights and entitlements among women and girls. There



is need for a codification of the property rights of women, regardless of caste, class, religion or ethnicity, which should take precedence over all personal laws and customary practices.

- The Pre-Conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act, 1994 was amended in 2003 prohibiting use of technologies for detection and disclosure of sex leading to termination of female foetuses and its resultant implication on sex ratio. Its implementation is still weak and to enhance its effectiveness, there is a need to sensitize all implementing authorities - Central Supervisory Board, State Supervisory Board, State Appropriate Authority, District and Sub-District Appropriate Authorities, Advisory Committee - regarding their role, functions, investigative powers and tasks including issues around adverse sex ratio and the given Act.
- The existing Immoral Traffic (Prevention) Act, 1956 is inadequate in need of a thorough review. There is a need to enact a new comprehensive legislation on human trafficking from a gender and rights perspective in accordance with the Trafficking Protocol, the CRC, the CEDAW and the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking.
- NHRC, carried out a comprehensive action research on trafficking in women and children, and then formulated an Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women along with MWCD, MHA and other line Ministries but the same is yet to be adopted and subsequently implemented by the Government. The Integrated Plan of Action (IPOA) on adoption by the Government of India would replace the 1998 Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, which is ineffective as to human trafficking and especially of women and girls is rampant. In fact, trafficking is taking new forms both for purpose of sexual exploitation as well as for forced/bonded labour.
- The 'Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill' was initially introduced in the Rajya Sabha in 2005. A parliamentary standing committee rejected the bill and called for a new bill. The new bill - 'Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011' - was approved by the Government for introduction in Parliament. But the same could not be tabled. It may be stated that the legal framework should be strictly used to prevent communal violence as it has severe repercussions on the rights of women and children.



- The scheduled caste and scheduled tribe women remain particularly vulnerable despite laws to protect them because of the indifference of public servants. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 seeks to protect people belonging to these communities. However, its implementation is ineffective, which results in the culprits not being punished even in cases of severe crimes like rapes, etc. This is equally true of other disadvantaged women, especially those belonging to minorities, older women and women with disabilities. Large number of widows suffer from lack of financial security and many of them are homeless and find refuge in cities like Vrindavan where they live on charity. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeks to protect the rights of older persons, including widows but its implementation is weak.
- The practice of bonded labour continues unabated both in the agriculture and non-agriculture sectors due to insensitiveness of the government machinery. In 2012, a total of 503 cases of females were registered under 'bonded labour' in NHRC. This is in spite of the Bonded Labour System (Abolition) Act, 1976 according to which no activity of bonded labour is permissible. The officials responsible for implementation of the Act are not only unaware of their provisions but also indifferent. As a result, not only male earning members but in many instances entire families including women suffer bondage.
- Protection of human rights defenders, especially women, is another area of concern. In 2011, the focal point for protection of human rights defenders that was set up in the NHRC in 2009, registered 33% of cases of female victims relating to different kinds of harassment including false implication and unlawful detention.
- Women's Reservation Bill that proposes 33.3% seats to be reserved for women in Parliament and state legislatures has been pending for long. The 16th Lok Sabha should urgently pass the Constitution (108th Amendment) Bill, to reserve for women one-third of the seats in the Lok Sabha and in the State Legislative Assemblies, since it will be critical for the success of other policies to have a much higher representation of women in political and public life and in power and decision-making.
- The Government needs to take urgent steps to sign and ratify the Optional Protocol to CEDAW.



Economic, social and cultural rights

The Government of India in its combined fourth and fifth periodic reports as well as in its replies to the list of issues and questions in relation to the combined reports has mentioned about health, employment, education and other programmes/measures concerning women. However, the actual status of these areas remain a matter of concern as follows :

- While there has been an appreciable gain in the overall sex ratio of 7 points from 933 in 2001 to 940 in 2011, the decline in child sex ratio (0–6 years) by 13 points from 927 in 2001 to 914 in 2011 is a matter of grave concern.
- India leads a group of high-burden countries with respect to one more health indicator – neonatal (0-27 days) deaths. Of the three million neonatal deaths globally in 2012, some 779,000 were in India. Also, globally there were 2.6 million stillbirths in the same year, of which 600,000 were in India. Of the one million newborns dying globally on the first day of birth, nearly one-third are in India. The country, which had a neonatal mortality rate of 29 per 1,000 live births in 2012, recorded an average annual rate of reduction of just 2.6 % during 1990-2012².
- Despite the National Rural Health Mission, a flagship programme of GoI, many deliveries still take place at home, especially in the States of Uttar Pradesh and Bihar. There is thus a dire need to increase the number of well trained birth attendants and an urgent need to improve the quality of care. These initiatives would not only save neonates but would also help in reducing maternal mortality. With 50,000 deaths, India has the highest maternal mortality in the world³.
- Emphasis should be laid on universal access to reproductive health by promoting full antenatal care of pregnant mothers, institutional deliveries, availability of Emergency Obstetrics Care (EmOC) and postnatal care irrespective of place of birth. Coupled with this, there should be universal access to information/ counselling, services for fertility regulation and contraception with a wide basket of choices for men and women, including spacing of births and information on sexuality, maternal health and HIV/AIDS. These were stressed upon by NHRC to all stakeholders during a national colloquium held in 2003.
- Public spending on total health (core and broad health components) continues to be meagre, 1.97% of GDP during the Eleventh Five Year Plan (2007-

²The Hindu. 5 June 2014, New Delhi.

³Ibid.



2012). It needs to increase much more over the next decade. The public health system has its own set of problems – vast numbers in the villages get little or no medical care in the absence of sub-centres, primary health centre, community health centres and district hospitals.

- Gender equality cannot be achieved without economic empowerment. Therefore, the macroeconomic policy framework and economic structures must be tailored to ensure that women have equal access to and control over economic resources.
- Women’s access to the labour market and decent work is another area of critical concern. Though in recent years, women’s access to employment opportunities has increased, they are concentrated in low-paid jobs with little security, while occupational segregation and gender wage gaps persist. This must change, and the principle of equal pay for work of equal value applied in practice.
- Another limitation which hinders the ability of women to fully participate in the labour market is the unequal sharing between women and men of unpaid work, including care-giving. It is important to promote practices that would redistribute unpaid work between women and men, including parental leave policies for both genders.
- There should be greater investment in infrastructure, such as energy, water and sanitation, childcare facilities and transportation systems, which would facilitate the participation of women in the labour market.
- Greater attention should be given to social protection measures such as unemployment insurance schemes, universal health coverage and social pensions, which have played critical roles in promoting gender equality and the empowerment of women.
- Measures such as cash transfers, the provision of cheap fertilizers, microcredit schemes, the establishment of women’s cooperatives and the promotion of women’s entrepreneurial activities, including through reservations and allotments for women’s self-help groups, should be used to tackle women’s poverty.
- Poverty alleviation programmes should focus on the rights and the empowerment of women.
- Closer attention must be paid to the critical role of holistic education and human rights education. While the school curriculum might vary between States,



all States should adopt a uniform message on gender equality, conducting a thorough review of text-books, weeding out passages that perpetuate gender stereotypes, and instilling an enlightened and modern approach on gender issues in the minds of children.

- The education of the girl-child is crucial, in itself and as a catalyst of social and economic change. It is essential to meet national targets for improving girls' access to education at the primary level. Along with this, it is important to ensure secondary, senior secondary and university education for girls. There is need to bridge the gender gaps in enrolment ratios at all levels, especially for scheduled castes and scheduled tribes children. Drop out rates among girls need to be brought down. One of the factors responsible for high drop out rates among girls is the lack of toilet facilities in schools in many States. Other reason is also that girls have to walk long distance to reach schools. This is in spite of the fact that implementation of Sarva Shiksha Abhiyan has made lot of improvement in the availability of physical infrastructure relating to schools. However, lot more needs to be done.
- Lack of toilet facilities in large percentage of households in many States resulting in open defecation has repercussions relating to health of people. Need for open defecation, especially in rural areas, also increases the vulnerability of girls to rape and other forms of violence.



Oral Statement by Justice Shri K.G. Balakrishnan, Chairperson, National Human Rights Commission, India at the Informal Meeting of the Committee on the Elimination of Discrimination against Women with NHRIs on 30th June, 2014

Respected Chair & Members of the CEDAW Committee,

India's ratification of the Convention on the Elimination of all forms of Discrimination against Women was in accordance with the spirit of the Article 14 and 15 of Constitution of India, which provide for equality before law and non-discrimination respectively. A large number of legislations are also in place seeking to protect and safeguard rights of women and promote their status in the society. However, proper implementation of these legislations as well as policies and programmes have been a problem area. Hence, a large percentage of women in India still suffer from various disadvantages and denial of their legitimate rights.

They still suffer from various forms of violence which include dowry deaths, domestic violence, abductions, acid attacks as well as female infanticide. Women belonging to rural areas and those from Scheduled Caste/Scheduled Tribe communities are especially prone to such forms of violence. This is despite the recent Criminal Law (Amendment) Act, 2013 brought in the wake of gruesome rape in Delhi of a young woman on 16th December, 2012. Despite the Dowry Prohibition Act, 1961 being in place, a large number of dowry demand related deaths take place. It reflects the need for an overhaul of the Criminal Justice System, which at present has proved to be unable to respond to the needs of widespread gender based violence. It also points to the need for greater accountability from the police authorities, who are seen to be insensitive to such cases due to traditional and patriarchal mind-sets.

Most often, in such cases, the legal process is unduly long before the final verdict is reached leading to lot of harassment of the women victims especially in cases of rape. Many a times, they are also discouraged by the community and even police, from resorting to legal redressal. This situation leads to impunity among the perpetrators and has a detrimental effect on the safety of women. Moreover, conviction rates are low. This fact is indicated by the Government's own admission as per NCRB statistics that conviction rate in 2012 for rape cases is only 24 per cent and for dowry deaths it is only slightly higher at 32 per cent. Many of these cases are not being well prosecuted and inadequate proof is tendered before the courts.



The Twelfth Plan document on the basis of NCRB data indicates total number of crimes against women having increased by 29.6% between 2006 and 2010. The NFHS-3 statistics for 2005-06 reported that one third of women between 15- 49 years had experienced physical violence and approximately 1 in 10 had been a victim of sexual violence. Early marriage makes women more vulnerable to domestic violence.

A total of 288 cases of sexual harassment against women and 59 cases of sexual harassment at workplace in Government offices were registered in the Commission during 2013 in spite of the Supreme Court guidelines laid down in the famous case of Vishakha Vs. State of Rajasthan in 1997.

Implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 is ineffective, resulting in culprits not being punished even in cases of severe crimes like rapes, etc. Cases of stripping, naked parading and other caste related abuses of women belonging to these communities are not rare. Other disadvantaged women like older women and women with disabilities face additional hardships. The practice of manual scavenging is still prevalent and many women are involved in this work.

Trafficking of women and girls still continues, both for sexual exploitation as well as for illegal labour, inspite of the Government initiatives like Ujjwala scheme.

Protection of human rights defenders, especially women, is another area of concern. They face different kinds of harassment including false implication and unlawful detention.

The Armed Forces Special Powers Act remains in force in Jammu & Kashmir and the North-Eastern States, conferring an impunity that often leads to the violation of human rights, including that of women.

Women's Reservation Bill needs to be passed so that one third of the seats in Parliament and State Legislature are reserved for women. In fact, much more needs to be done in this area as there is no dearth of evidence which indicates that dalit women elected representatives face severe barriers in accessing their legal rights and performing their role as leaders within the community.

Poor maternal health is reflected in high maternal mortality rate (MMR) of 212 deaths per 1,00,000 live births. As per the NFHS-3 statistics, the prevalence of anaemia in the age group of 15 – 49 years was 55.3 per cent in 2005-06. In spite of schemes like Janani Suraksha Yojana (JSY) being implemented since 2005 to bring down MMR, institutional deliveries at 73% in 2009 still need improvement.

The gaps between infant mortality rate(IMR) at 49 for girls as compared to 46 for boys as well as under 5 years mortality rate for girls at 64 as compared to 55 to 1000 live births for boys need to be reduced.



Pre-conception and Pre-natal Diagnostic Technique (Prohibition of Sex Selection) Act, 1994 as amended in 2003, prohibits use of diagnostic technologies for detection of sex. But, widespread misuse of the diagnostic techniques continues. As a result, while overall sex ratio has increased from 933 in 2001 to 940 in 2011, the child sex ratio (0 – 6 years) has dropped by 13 points from 927/1000 in 2001 to 914/1000 in 2011.

India also continues to have high number of child marriages despite legal and policy framework to eliminate this practice. High level of unmet needs for contraception, low couple protection rate and unsafe abortions as well as sterilizations are other problems needing to be addressed.

While overall literacy rate among women has increased between Census 2001 to Census 2011 from 53.67% to 65.46%, gender gap at 16.68% needs to be bridged.

In school education, the All India Gross Enrolment Ratios (GER) for girls is 36.1% as against 42.2% for boys at senior secondary level in 2010-11. Respective GER for SC girls is 36.1% and for ST girls is 24.8% against the corresponding ratio of 40.3% and 32.7% for boys indicative of the gender gaps in enrolment.

Open defecation is rampant due to lack of toilet facilities in large percentage of households in many States having repercussions on health of people especially women and children. Need for open defecation, especially in rural areas, also increases vulnerability of girls to rape as seen in the recent case of rape of girls in Budaun in Uttar Pradesh.

The progress towards reaching the millennium development goals (MDGs) by 2015 is slow and need renewed efforts especially in the area of maternal health.



Recommendations of the National Conference on Mental Health and Human Rights

1. The NHRC has been playing a pivotal role in monitoring and improving the standards of mental health care in mental hospitals under the Supreme Court directive and later extended the mandate of supervision to other mental hospitals and institutions across the country. It should continue to play the role of a facilitator and a watchdog by using ‘monitoring’ as a tool of correction and promotion of human rights of mentally ill persons.
2. Reflecting the paradigm shift from hospital to community-based care, which was also the basis of the National Mental Health Programme (NMHP) that was launched in 1982 and under it the District Mental Health Programme (DMHP) in 1996, a vast majority of patients, including those suffering from acute psychotic illness or severe depression can be safely treated in General Hospital Psychiatric Units (GHPUs) rather than in a mental hospital where de-socialization is an almost inescapable hazard. Many among them can also avail psychiatry OPD services. This calls for integration of mental health with general health and establishment of GHPUs in all medical colleges/district hospitals, and proper implementation of DMHP in all the districts of the country in order to take psychiatric in-patient/out-patient care to the community. This will also take care of the problems of chronicity and abandonment by the families.
3. Laying emphasis on community mental healthcare facilities, it was recommended that large custodial mental hospitals should be renovated/rebuilt to make the environment pleasing. Buildings with individual cells should be converted into blocks or dormitories. Availability of different services for mentally ill persons should be spread over in the premises so that the patients can move freely. This shift also requires health workers and rehabilitation services to be available at the community level, along with the provision of crisis support. Other different facilities required are day care centres, half-way homes, long-stay homes, de-addiction centres and suicide prevention centres. All these facilities should be made available at the district level first and gradually at the level of taluks.
4. Need to initiate mental health care for homeless persons with mental illness. One way of doing this could be by networking and liaison with NGOs and civil society organizations working in the community.
5. There is a need to fill up all posts lying vacant across mental health hospitals/institutions in the country on priority. Some mental hospitals do not have even



a single psychiatrist on their permanent roster. While the Medical Council of India (MCI) and the Ministry of Health & Family Welfare, Government of India have introduced Psychiatry at the undergraduate level and have also increased the total number of seats in MD (Psychiatry) during 2013-2014, they need to further augment their efforts in meeting the demand of adequate manpower in the field of mental health, especially that of Psychiatrists, Clinical Psychologists, Anaesthetists, Psychiatric Social Workers and Psychiatric Nurses. This would facilitate in overcoming the shortage of trained professionals and para-professionals in mental healthcare service delivery system in the country.

6. Development of adequate and trained manpower is another most glaring deficiency in mental healthcare service delivery system. Though there has been a marginal improvement in the number of hospitals/institutions offering post-graduate training in mental health care, majority of the hospitals/institutions still do not offer any post-graduate courses/training in any of the mental health disciplines. This shortage of training facilities for mental health care needs to be addressed. Correspondingly, there is a need to conduct basic and applied research in these fields. Such a measure will prepare general Doctors, Psychologists, Social Workers, Nurses and other health personnel/para-professionals to acquire the skills for taking care of the mentally ill.
7. There is a need to develop medical courses for Doctors/para-medical staff, which includes mental health care component in the curriculum. This would facilitate training of general health personnel in the essential skills of mental healthcare. Such training would ensure the best use of available knowledge in the management of mental disorders enabling them to deliver successfully.
8. It was recommended that an appropriate training module should be developed for families of mentally ill persons as families are primary care providers. Apart from making them understand mental illness, the module should focus on skills for care of the mentally ill. In addition, the module should cover information on aspects like medication compliance, regular checkups, encouraging positive changes, handling negative symptoms, recognizing early signs of relapse, swift resolution of crisis including short-term respite care whenever required. Such trainings can be organized for family members at the taluk and district level by mental health care professionals.
9. The advent of newer drugs and essential drugs should be made available at all levels of mental health care, i.e., PHC, taluk, district and State levels. These medicines should also be included in the essential drugs list and given free of cost to the patients as they often provide the first line treatment, especially in situations where psychosocial interventions and highly skilled professionals are unavailable.



10. There is a need to adopt and promote a multi-disciplinary approach to mental healthcare through convergence of various disciplines including psychiatry, social work, neurobiology, ayurveda, yoga for the overall well-being of mentally ill persons.
11. There is an urgent need to undertake public education and awareness campaigns on mental health in local vernacular with the aim of informing people about common mental disorders, mental illness, available treatment, the recovery process and the human rights of people with mental disorders. Well planned public awareness and education campaigns can reduce stigma and discrimination, increase the use of mental health services, and bring the branches of mental and general health care closer to each other. Such programmes should also target college going population. For this purpose, maximum usage must be made of the folk media, print media and electronic media.
12. Need to establish full-fledged Departments of Mental Health in all the proposed All India Institutes of Medical Sciences and also set up institutions like NIMHANS across various States in the country during the Twelfth Five Year Plan. This will ensure development of facilities for the undergraduate and postgraduate training of doctors in all branches of psychological medicine, the promotion of research in the field of mental health, and participation in the organization of a mental health programme for the area in which the institute is located.
13. Ensure that minimum standards of mental healthcare in prisons and correctional institution settings are followed and laws relating to the mentally ill are continuously reviewed in order to make them rights sensitive in accordance with the United Nations Charter and provisions of the Indian Constitution, and also bring them in tune with societal change/needs.
14. There is a need to expand the knowledge base of community healthcare workers on mental healthcare as well. This would ensure early identification of symptoms of mental disorder and treatment by way of referral.
15. There being a gross lack of information/database on mental illness in the country, it was recommended that the NIMHANS must seriously consider developing a 'Mental Illness Morbidity Index' (MIMI).
16. The proposed National Mental Health Policy encompassing extension of basic mental healthcare facilities to the primary level, strengthening of psychiatric training in medical colleges both at the undergraduate and postgraduate level, modernization and rationalization of mental hospitals to develop them into tertiary care centres of excellence, empowerment of Central and State Mental



Health Authorities for effective monitoring, regulation and planning of mental healthcare delivery systems and promoting research in frontier areas to evolve better and cost-effective therapeutic intervention and generate seminal inputs for future planning understanding should be expedited.

17. Efforts must be made to identify clusters in each district of the country and assign each of these to a nodal medical officer. These officers must be imparted training over a long duration of 3 months in mental health care and these nodal officers must, in turn, train other healthcare givers such as community health workers, NGOs, police personnel, nurses, general practitioners etc.
18. All cases pertaining to alleged human rights violations of mentally ill persons should be registered and given due consideration by concerned agencies. Where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, due compensation or damages to the victim or the members of his/her family be given and proceedings for prosecution should also be initiated against the culprits.
19. There is need to sensitize other stakeholders as well on mental health such as judicial officials, police officials, health officials, media personnel, NGOs, etc.
20. The Central and State Governments need to increase their overall budget earmarked for mental health. As part of their corporate social responsibility (CSR), the corporate sector also needs to spend a part of their CSR fund on mental healthcare.
21. There is a need to cover mental health under the Health Insurance Scheme. Limitations imposed on mentally ill in the area of insurance should be rectified.
22. There is a need to start a twenty four hours dedicated mental health helpline. This help line should provide psycho-social support, information on mental health resources, emergency management, access to preventive services, registration of complaints pertaining to human rights violation of mentally ill persons, and assistance on medico-legal issues.
23. The mental health care of vulnerable groups like children, women, elderly subject to domestic violence should receive priority attention. Similarly, women and girl children who are victims of rape, incest and sexual abuse require special care and their cases should be assigned to “fast-track courts” and dealt by specially trained judicial officers to ensure expeditious disposal.



Status of the Training Programmes Conducted During Financial Year 2014-2015

S. No	Name of the Institution / Organization	No. of Programmes Conducted	Venue	Programme Date & No. of Participants
1.	Kerala High Court Advocates Association, Kochi	One (Two-Days) Training Prog. On “Human Trafficking in Kerala: A Myth or Reality”	KHCA Association Hall, 1st Floor, High Court Building, Kochi.	12 – 13 July 2014 100 participants
2.	Sathyabama University Jeppiaar Nagar, Rajiv Gandhi Salai Chennai-600 119 (Tamil Nadu)	One (One-Day) Basic Training Programme on Human Rights for Women Teachers One (One-Day) Basic Training Programme on Human Rights for Women Teachers	Sathyabama University Administrative Block Auditorium, Sathyabama University	23 January 2015 25 March 2015
3.	Annamalai University, Annamalai Nagar, Tamil Nadu	One (One-Day) Training Programme on Human Rights	Libra Hall, Annamalai University	11 August 2014 100 participants
4.	Rajiv Gandhi National University of Law, Patiala, Punjab	One (One-Day) Basic Training Programme on Human Rights	University Campus	22 November 2014 participants
5.	Wellness Solutions Private Limited, Kochi	Four (One-Day) Training- cum-Awareness Programmes on Human Rights on the theme – “Change Your Life Style & Improve your Health” Two (One Day) Training-cum-Awareness Programmes	Kochi Saint George School, Kumbalangi, Ernakulam St. Peter’s Higher Secondary School Kumbalangi, Ernakulam	5 July 2014 12 July 2014 19 July 2014 & 26 July 2014 15,000 participants 25 January 2015 1 February 2015 14,140 participants



S. No	Name of the Institution / Organization	No. of Programmes Conducted	Venue	Programme Date & No. of Participants
6.	Centre for Women's Studies University of Calicut, Calicut University, Kerala.	One (One-Day) Basic Training Programme on Human Rights	EMS Seminar Complex	30 October 2014 104 participants
7.	Kerala University College of Teacher Education, Govt. Boys High School Campus, Kayamkulam, Kerala	One (One-Day) Basic Training Programme on Human Rights	KUCTE, Kayamkulam	29 October 2014 159 participants
8.	Arya Kanya Degree College, Allahabad Uttar Pradesh	One (One-Day) Basic Training Programme on Human Rights	College premises	1 November 2014 100 participants
9.	Karnataka State Law University, Hubli Karnataka	One (One-Day) National Seminar on Dynamics & Dialectics of Human Rights in India	KSL University	31 October 2014 100 participants
10	Kerala Development Society (KDS) Janakpuri, New Delhi	One (One-Day) Basic Training Programme on Human Rights	Marthoma Child Development Centre, A-11, Mandir Mohalla, Sameypur, Delhi	11 October 2014 participants
11	V.K. Krishna Menon Study Centre for International Relations, University of Kerala, Thiruvananthapuram	One (One-Day) Basic Training Programme on Protection & Promotion of Human Rights in India: The Basic Issues	VKKM Study Centre	21 May 2014 100 participants
12	Kasturbai College of Education, Solapur Maharashtra	One (One-Day) Basic Training Programme on Human Rights	College Premises	13 July 2014 120 participants
13	Good News Welfare Society's Arts & Commerce First Grade College, Dharwad, Karnataka	One (One-Day) Basic Training Programme on Human Rights	College Auditorium	26 September 2014 100 participants



S. No	Name of the Institution / Organization	No. of Programmes Conducted	Venue	Programme Date & No. of Participants
14	Central Industrial Security Force (C.I.S.F.) Saket, New Delhi	One (Two-Days) Advance Level Training Programme on Human Rights - North Sector	Conference Hall, CISF Campus, Saket, New Delhi.	4- 05 August 2014 42 participants
		One (Two-Days) Advance Level Training Programme on Human Rights – Western Sector	Office of IG, CISF Complex, Sector – 35, Navi Mumbai.	11– 12 August 2014 30 participants
		One (Two-Days) Advance Level Training Programme on Human Rights – Eastern Sector	Chota Nagpur Law College, Ranchi	11– 12 August 2014 50 participants
		One (Two-Days) Advance Level Training Programme on Human Rights – South Sector	Auditorium CPWD Rajaji Bhawan, Besant Nagar, Chennai.	05 – 06 August 2014 46 participants
15	Academy of Prisons & Correctional Administration (APCA) Thorapadi, Vellore-632002, Tamil Nadu	One (Two-Days) Advance Level Training Programme on Human Rights	APCA, Vellore	27 – 28 November 2014 59 participants
16	Jain Vishva Bharati Institute Naguar Rajasthan	One Day basic Training Prog. On Human Rights	Conference Hall	31 January 2015 105 participants
17	Human Rights Front Bhubaneswar, Odisha	Two (One Day)basic Training Prog. On Human Rights	Bhubaneswar	8 December 2014 118 participants
			Kalinga	15 December 2014 98 participants
18	Reachout Foundation S.C. Garden Bangalore, Karnataka	One Day basic Training Prog. On Human Rights	IIC, New Delhi	6 December 2014
19	Periyar EVR College, Tiruchirappalli Tamil Nadu	One Day basic Training Prog. On Human Rights	College Auditorium	10 December 2014 100 participants



S. No	Name of the Institution / Organization	No. of Programmes Conducted	Venue	Programme Date & No. of Participants
20	Indian Institute of Public Administration (IIPA), Kanpur Branch, Kanpur, U.P.	One Day Training Programme on Human Rights	Juhari Devi Girls P.G. College Auditorium, Canal Road, Cantt, Kanpur	20 February 2015 101 participants
21	Law Centre-1, Faculty of Law, Delhi University, Delhi	One (Three Days) NHRC- Law Centre-1, National Moot Court Competition-2015	LC-1, Faculty of Law, Delhi University	20 -22 February 2015 104 participants
22	Department of Education, Viva-Bharati (Central University) Santiniketan, Birbhum, West Bengal	One Day Training Programme Human Rights	Central Hall, Library, Visva-Bharati, Santiniketan	4 August 2014 100 participants
23	Central University of Bihar, Patna Bihar	One Day Training Programme on Human Rights	Gaya Campus, CUB, New Area Bisar, Gaya, Bihar	13 February 2015 109 participants
24	Jawaharlal Nehru Rajkeeya Mahavidyalaya, (JNRM) Port Blair.	One Day Basic Training Programme on Human Rights	JNRM, Port Blair	13 February 2015 100 participants
25	The West Bengal National University of Juridical Sciences Dr. Ambedkar Bhavan, Sector III, Salt Lake, Kolkata, West Bengal	One Day Basic Training Programme on Human Rights	West Bengal NUJS, Kolkata	17 January 2015 100 participants
26	West Bengal Human Rights Commission, Salt Lake, Kolkata	One Day State Level Orientation Programme on Human Rights One Day District Level Orientation Programme on Human Rights	Durgapur Coochbehar	6 February 2015 100 participants 13 February 2015 147 participants



S. No	Name of the Institution / Organization	No. of Programmes Conducted	Venue	Programme Date & No. of Participants
27	Shri D.H. Agrawal Arts, Shri Rang Avadoot Commerce, Shri C.C. Shah & M.G. Agrawal Science College, Navapur, District Nandurbar, Maharashtra	One Day Basic Training Programme on Human Rights of Women	Multi Purpose Hall of College	7 February 2015 100 participants
28	Ethiraj College for Women (Autonomous) Chennai.	Two (One Day) Training Programme on Human Rights	Library Conference Hall, Ethiraj College	27 & 29 January 2015 200 participants
29	Maharishi Dayanand College of Education, Abohar, Punjab.	One Day Training Programme on Human Rights of Children	MDCE, Abohar	28 February 2015 182 participants
30	Bareilly College, Bareilly, Uttar Pradesh	One Day Training Programme on Human Rights	Bareilly College	09 January 2015 117 participants
31	New Arts Commerce & Science College, Parner, Ahmednagar Maharashtra	One Day Basic Training Programme on Human Rights	NAC&S College, Parner	16 January 2015 102 participants
32	Maharaja Sayajirao University of Baroda, Opp. Fatehgunj Post Office, Vadodara Gujarat	One Day Basic Training Programme on Human Rights	Dr. I.G. Patel Seminar Hall, Faculty of Social Work	10 January 2015 193 participants
33	St. Teresa's Institute of Education, S.V. Road, Santa Cruz, Mumbai Maharashtra	One Day Basic Training Programme on Human Rights	Institute of Education, Santa Cruz	20 December 2014 100 participants
34	D.A.V. College of Education College Road, Fazilka Punjab	One Day Training Programme on Human Rights of Women	DAV College, Fazilka	26 February 2015 157 participants
35	Quaid-E-Millath Government College for Women (Autonomous) Anna Salai, Chennai	One Day Workshop on Women's Rights, Human Life and Quest for Justice	Quaid-E-Millath Govt. College	21 February 2015 242 participants



S. No	Name of the Institution / Organization	No. of Programmes Conducted	Venue	Programme Date & No. of Participants
36	St. Xavier's College, Kolkata, West Bengal	One Day Basic Training Programme on Human Rights	St. Xavier's College	1 November 2014
37	Swamy Vivekanand State Police Academy, Barrackpore, Kolkata	One Day Basic Training Programme on Human Rights	SVSP Academy	27 February 2015 50 participants
38	Directorate CRPF (Trg. Directorate) East Block No. 10, Level – 7, R. K. Puram New Delhi – 110066	Three (One Day) Training Programme on Human Rights at Guwahati, Raipur & Srinagar.	GC-CRPF, Guwahati (Assam) Conf. Hall, VIP Club Shankar Nagar, Raipur (Chhatisgarh) RTC, Srinagar (J&K)	24 February 2015 18 February 2015 28 March 2015
39	ITBP Training Centre, Karera, Shivpuri, Madhya Pradesh	One Day Basic Training Programme on Human Rights	Karera, Shivpuri	23 March 2015 50 participants
40	ITBP Training Centre, Papumpare, Arunachal Pradesh	One Day Basic Training Programme on Human Rights	Papumpare	27 March 2015 50 participants
41	ITBP Training Centre, Padamathur, Dist. Sivagangai, Tamil Nadu	One Day Basic Training Programme on Human Rights	Illupaikudi, Sivangangai	25 March 2015 50 participants
42	ITBP Academy, Mussoorie	One (Three Days) Training of Trainers (ToT) Programme on Human Rights	Mussoorie	25 – 27 March 2015 60 participants
43	ITBP Training Centre, Bhanu, Haryana	Two (One Day) Basic Training Programme & One (Three Days) Training of Trainers (ToT) Programme on Human Rights	Bhanu, Haryana	19 March 2015 20 March 2015 118 participants & 16 – 18 March 2015 50 participants



S. No	Name of the Institution / Organization	No. of Programmes Conducted	Venue	Programme Date & No. of Participants
44	Pillai College of Education & Research, Chembur Naka, Mumbai	Two (One Day) Basic Training Programmes on Human Rights	TISS Auditorium, Deonar	18 & 19 March 2015 200 participants
45	Bhaktavatsalam Memorial College for Women, No. 14, 31st St., Periyar Nagar, Korattur, Chennai	One Day Training Programme on Human Rights for Women and Children	College premises	13 March 2015 100 participants
46	Netaji Subhas Mahavidyalaya Udaipur Gomati-799 120 (Tripura)	One (One-Day) Training Programme on Human Rights in Post Independence India: The Way Forward	Institute Premises	22 August 2014 100 participants
47	T. K. Madhava Memorial College, Nangiarkulangara, Alappuzha.	One Day Training Programme on Human Rights	Seminar Hall, TKMM College	20 March 2015 111 participants
48	Government P.G. College, Lansdowne, Jaiharikhal, Pauri Garhwal	One Day Training Programme on Human Rights	GPG College, Lansdowne	20 March, 2015 210 participants
49	C.B. Khedgi's Basaveshwar Science, Raja Vijaysinh Commerce & Raja Jaysinh Arts College, Akkalkot, Dist. Solapur	One Day Basic Training Programme on Human Rights	CBKBSRVC & RJA College Akkalkot	22 March, 2015 142 participants
50	Queen Mary's College (Autonomous) Mylapore, Chennai	One Day Training Programme on Rights of Women	QM College, Mylapore	19 March, 2015 131 participants
51	Hindustan College of Arts & Science Rajiv Gandhi Salai Road (OMR) Padur, Kelambakkam Chennai-603 103 (Tamil Nadu)	One Day Training Programme on Human Rights	HCA&S, Chennai	25 March, 2015 104participants
52	Central University of Rajasthan, NH-8, Bandarsindri Kishangarh, Ajmer-305801 (Raj.)	One Day Training Programme on Human Rights	CURAJ, Rajasthan	24 March 2015



S. No	Name of the Institution / Organization	No. of Programmes Conducted	Venue	Programme Date & No. of Participants
53	Sree Narayana College S.N. Puram P.O. Cherthala-688 582 (Kerala)	One Day Training Programme on Human Rights	Seminar Hall	23 March 2015 100 participants
54	S.S. Arts College & T.P. Science Institute Sankeshwar-591 313 Tal: Hukkeri, District:Belgaum (Karnataka)	One Day Training Programme on Social Security & Rights of Women	Institute Premises	18 March 2015 113 participants
55	CARITAS INDIA CBCI Centre, 1 Ashok Place New Delhi-110 001	One Day Training Programme on Human Rights Defenders	Raipur, Chhattisgarh	26 February 2015
56	Dr. MGR Janaki College of Arts & Science for Women 11 & 13, Durgabai Desmukh Road Chennai-600 028 (Tamil Nadu)	One Day Training Programme on Women Rights	College premises	10 December 2014 More than 200 participants
57	Christ University Hosue Road Bangalore-560 029 (Karnataka)	One Day Basic Training Programme on Human Rights	Christ University	11 February 2015 100 participants

Total No. of Programmes Approved during 2014-15 : 92

No. of Programmes conducted : 74 (57 institutes)



Human Rights Awareness and Facilitating Assessment and Enforcement of Human Rights Programme in North Sikkim District (25-29 June 2014)

With regard to the above programme, the backward district of North Sikkim was revisited from 25 to 29 June 2014. The team was led by Shri S. C. Sinha, Member, NHRC. The officers in the team were Dr. Savita Bhakhry, Joint Director (Research); Shri C. S. Mawri, Assistant Registrar (Law); Shri K. H. C. Rao, Deputy Superintendent of Police; and Ms. Sonali Huria, Research Consultant.

The team, first and foremost, held a meeting with the District Collector and District functionaries representing various Departments of North Sikkim at its headquarters Mangan on 25 June 2014 afternoon. The salient features on which action was called for by the NHRC from the District Collector of Mangan are as follows :

Health

- The overall quality of services presently available in the District Hospital, five Primary Health Centres, one Mini-Primary Health Centre and 18 Sub-Centres in Mangan needs to be improved.
- There was no Psychiatric Ward in the District Hospital or any Psychiatrist. A Psychiatrist from Gangtok Hospital visited the District Hospital twice in a month. Likewise, a Medical Specialist and ENT Specialist from Gangtok Hospital visited the District Hospital at Mangan every Saturday. The Digital X-Ray machine received last year, i.e., in 2013 was yet to be installed; it should be installed and made functional at the earliest. The non-functional ultrasound machine should be replaced with a new one. The Mobile Medical Units and Ambulances that were out of order also need to be made operational or replaced at the earliest.
- It was informed that the Primary Health Centres located in Pentong and Salim were inaccessible by road and the inhabitants had to walk through hilly terrain to reach these Centres, which in the case of old persons, pregnant women and children was difficult. One solution to this problem could be PHC staff touring the villages in its jurisdiction and patients being treated in the villages itself. State may consider this suggestion. The Primary Health Centre (PHC) at Lachung was damaged during the last earthquake. Its reconstruction work needs to be expedited. Similarly, the PHC at Passingdom that was being operated from a Doctor's quarters needs to be shifted to a proper place. Besides, it needs to be ensured that all the five PHCs have a full time regular Doctor, Lady Health Visitor and a Health Worker.

MGNREGA

- The delivery of MGNREGA in the district appeared to be good. However, the Collector needs to address the issue of payment of 'unemployment allowance', which at present was not being given.



ICDS

- There is a vital need to improve the quality of services in all the Anganwadi Centres (AWCs) located in Mangan District in terms of supplementary nutrition, immunization, health check-up, referral services and pre-school education as this would ensure more and more number of children attending the AWCs.
- District Administration should ensure that electricity and safe drinking water are made available in all the AWCs.
- It must be ensured that the Child Development Project Officers (CDPOs), Supervisors, Anganwadi Workers and Helpers are imparted job training and refresher training from time to time. They should also be given other orientation and skill training to ensure that all of them carry out their roles and responsibilities effectively.

Education

- There is a need to recruit regular Teachers in all schools being run in Mangan District by the District Administration. It should further be ensured that all the regular Teachers are properly trained. Till this is done, the Teachers working in schools on contract basis need to be continued however they are to be trained appropriately.
- The children in all schools should be supplied with two sets of uniform instead of one.
- The District Administration must ensure regular supply of soap and/or adequate budgetary funds for the same, to all schools to promote better sanitation and hygiene practices among the school staff and students.

Tribal Welfare

- Skill development programmes for upliftment of tribals need to be encouraged and implemented. For this purpose, an Institute should be identified in Mangan or Gangtok which should be given the responsibility for skill training of tribals in sectors like, agriculture, horticulture, agro-industry, animal husbandry, etc.

Food

- The District Administration needs to apprise the Commission about the criteria of inclusion and exclusion of BPL/APL/AAY families. And, since the last identification of APL/BPL/AAY families was carried out in 2001, it needs to conduct a fresh survey.

Police

- Presently, there was no Jail in Mangan District. Criminals are sent to Jail in Gangtok. There is thus a need to set up a Jail/Sub-Jail in Mangan.



- The District Administration is directed to give details of cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 during the last five years along with other details like number of those cases investigated, chargesheeted and convicted.

Visit to Fair Price Shop in Mangan

- After the meeting with the District officials, a visit was made to the Fair Price Shop run by the Multipurpose Cooperative Society in Mangan by two members of the team. Based on the observations made by the two officials of NHRC, the following was recommended:
- Officials of the Department of Food Security in Mangan District should ensure that all Fair Price Shops display their names along with the existing stock on the prescribed board at a prominent place.
- Proper receipts must be issued by all Fair Price Shops to the beneficiaries after the allotted ration is given to them. Further, once the ration is given to the concerned beneficiaries, their authentic signatures/thumb impressions should be obtained in the prescribed registers maintained by the Fair Price Shops as per directions given by the Department of Food Security. Likewise, the stock registers should be maintained properly by each Fair Price Shop as prescribed by the Department of Food Security.
- Officials of the Department of Food Security need to apprise the Commission about the exact number of surprise visits/raids made to PDS shops and action taken on the gaps found during the raids conducted for the years 2013-2014 and from April to October 2014.

On 26 June, the team led by Shri S. C. Sinha was divided into two groups – Group I and Group II. Members of Group I went to Lingdong Block in Dzongu constituency wherein it visited its Primary Health Sub-Centre, Panchayat Ghar, NREGA Project, Passingdong Co-Ed. Secondary School and Passigndong PHC. Group II visited the District Hospital, Pentok ICDS Centre and the Government Senior Secondary School in Mangan.

Visits Undertaken by Group I

Primary Health Sub-Centre

- The Sub-Centre was found to be closed on the day of the visit as the two female Multi-Purpose Health Workers had been deputed for training. In future, deputation of staff for purposes of training should be done in such a manner that it does not hinder the functioning of the Sub-Centre.



- The Primary Health Centre needs to be provided the services of a male Multi-Purpose Health Worker as till the day of the visit no person had been provided against the post which fell vacant when the incumbent retired.
- It should be ensured that the Lingdong Sub-Centre and all other Sub-Centres in Mangan District have the requisite staff as well as essential medicines and supplements.

Panchayat Ghar & NREGA Project

- In the Panchayat Ghar, the team members interacted with villagers and office bearers of Lingdong Panchayat about the NREGA Projects currently in progress. The villagers, by and large, were satisfied as they had worked on varied NREGA projects – construction of roads, pucca houses, footpaths and in plantations, for 100 days and got wages as per the consumer price index. However, given the prevalent inflation, they expressed that their wages need to be increased and also the number of days should be increased under NREGA from 100 to 150 or 200 as this would reduce unemployment. The District Collector needs to bring this fact to the notice of the concerned Department in the State Government for taking up the matter with the Government of India.
- The team members also saw the NREGA Project of Cardamom Plantations as most of the people in the village were dependent on it for their livelihood. Earlier, the plantations were grown in a traditional manner and with the passage of time its production had decreased drastically. This time, under NREGA, the villagers were taught the latest organic way of growing cardamom and they were assured that there will be positive results. It was suggested that the District Administration, for other NREGA projects, should similarly make use of latest technology for better results.

Passingdong Co-Ed. Secondary School

- The school did not have a computer lab for school children or a Computer Teacher. In this age of information technology, computers are a necessity. The State Administration is therefore advised to provide computers/computer lab in all Secondary and Senior Secondary Schools in the Districts. It should also make a provision for recruitment of one or two permanent Computer Teachers in all schools.
- The school had two sanctioned posts of Maths Teacher. However, instead of permanent Teachers both the incumbents were appointed on contractual basis. School had no Drawing Teacher, a provision must be made for the post of a Drawing Teacher and also a Librarian. It should further be ensured by the District Administration that all schools have regular Teachers on their rolls and every school should have a Library, a regular Librarian and a Drawing Teacher.



- During the interaction held with school children, they expressed that the school should have extra-curricular activities like martial arts, music and dance. It would be in the “best interest of children” if provision is made for such activities.
- Mid-Day Meal was being served in the school as per Government of India norms. For this purpose, two cooks were appointed. However, there was a delay of 4-6 months in reimbursing the money to the school for purposes of Mid-Day Meal. Given the escalating cost of food grains, pulses, vegetables, edible oil and other essential requirements, the District Authorities should write to the Central Government to increase the grant given to each child per day in view of the escalating prices of all essential commodities along with the request that the salaries of Cooks and Helpers also need to be enhanced. The NHRC would also write separately to the Central Government on this issue and for timely release of grants given under MDMS.

Passingdong PHC

- The PHC had no ambulance though a permanent Driver was in position. One vehicle for organizing outreach programmes was there but it was not in proper working condition. The Doctors and other paramedical staff serving in the PHC were appointed on contractual basis, who often left the place as and when they got better opportunities. Besides, there was no X-RAY machine or a Dentist or a dental chair and related dental equipments. There was no provision for purchase of medicines on emergency basis. The District Authorities should ensure that Doctors and other paramedical staff posted in this PHC and other PHCs in Mangan are given “Difficult Area Allowance” under National Health Mission (earlier known as NRHM). It would be best if a special position is accorded to Mangan in North Sikkim being a backward District.
- The Doctors and paramedical staff appointed on contract basis should be given training as and when required.

Visits Undertaken by Group II

District Hospital, Mangan, North Sikkim District

Observations

- It was observed that while the District Hospital was by and large, clean on the day of the visit, there was a need for better upkeep of the Hospital.
- A key health programme of the Central Government, the Rashtriya Swasthya Bima Yojana (RSBY) was not functional in the District. State may like to look into reasons for the same and take corrective action.



- The Team found some medicines past their expiration dates in the District Hospital including Folic Acid and Iron tablets. This is highly improper, explanation of the concerned must be called in this regard.
- It was observed that there were no fans in the OPD. The District Medical Superintendent (DMS), Dr. (Ms.) Reggi Dadul stated that during summer it gets very warm and humid and that there was a need for at least 8-10 fans in the OPD wards of the Hospital. Needful in this regard be done immediately.
- It was observed that most of the information charts on display in the Hospital were in English, except for four informational charts in Nepali. It is felt that information displayed in the Hospital must be in the language(s) most widely spoken by the people in the District so as to make such information easily comprehensible to those visiting the Hospital. Action in this regard may be taken immediately.
- The Pediatrician at the District Hospital, Dr. Dichen stated that there was a need for a Stadiometer for measuring the height of children which needs to be ensured.
- The New Born Sick Unit (NBSU) in the Hospital was presently non-functional. While space had been identified for setting up the Unit, no infrastructural facilities were provided thereof. Unit should be made functional at the earliest.
- Some of the patients whom the Team interacted with, stated that the Hospital does not have a landline telephone connection nor any emergency number. Most people have the personal mobile phone numbers of the ANMs, Nurses and Doctors and it is through them that they make requests for ambulance/emergency services. Corrective action in this regard also needs to be taken immediately.
- The Operation Theatre in the Hospital was non-functional. It reflects very poorly on the state of health infrastructure in the district. State must ensure that the Operation Theatre is made functional by 31 December 2014 if not made functional already.
- While the Hospital has a blood storage room, it is yet to become operational due to a lack of necessary equipment.
- There is only one regular Class IV employee (Safai Karmachari) and two casual workers who have been engaged to assist in the cleaning work of the Hospital.
- There is no female Class IV employee for cleaning the female wards in the Hospital.
- The toilets in the Hospital were broken and unclean and the flushes were non-functional.
- While the Hospital has purchased a digital X-ray machine, it has not been installed yet as the X-ray facility is in the process of being re-located to the ground floor from the first floor. However, the X-ray machine in the mobile medical unit is functional and is presently being used by the Hospital.



- The Hospital did not have the following facilities: (a) ECG (b) CT Scan (c) blood bank (d) ENT Specialist (e) Eye Specialist (f) Psychiatric. The ENT and Eye specialists visit the Hospital every Friday and the Psychiatrist, every first Friday of the month.
- The Hospital had outsourced the kitchen on contract to a private contractor (Yanki Catering, Mangan) @ Rs.151 per patient per day. The kitchen was observed to be neat and well-kept. The food, which was tasted by a Team Member, was of good quality.
- A patient stated that while medicines were usually available at the Hospital, there are times when, due to the unavailability of certain medicines, patients are required to buy these from the medical store situated adjacent to the hospital building (within the hospital premises).
- The District Medical Superintendent (DMS) informed that while the State Government has ordered sanitary napkins for girls and women to be made available free of cost across all healthcare centres and hospitals, the same had not been supplied by the concerned Department to the District Hospital, Mangan.
- It was observed that there was a general laxity among the Hospital staff with regard to signing their attendance. It was observed that there was no record of attendance of visiting doctors to the Hospital. When asked, the DMS stated that since the visiting doctors might feel offended if asked to sign their attendance, the District Hospital had not insisted on the same.
- It was observed that the Mackintosh sheets being used in various Sections of the District Hospital were stained. The DMS informed that the sheets were being re-used after being washed regularly with water, soap and dis-infectant. While the said sheets are autoclavable, the District Hospital does not have an Autoclave. The DMS stated that despite repeated written requests, new mackintosh sheets had not been provided to the Hospital by the concerned Department.
- It was observed that some of the wards were unclean – there was litter on the floor and dampness in the rooms. It was also seen that none of the beds had bed sheets. When asked, the Superintendent stated that patients tend to take away the sheets with them when they leave and therefore, the Hospital had stopped providing bed sheets to the patients. When pointed out by the Team that the reason appeared specious and that the Hospital was supposed to provide such facilities, the Superintendent changed track to state that patients preferred using their own sheets to the ones provided by the Hospital.
- The Mobile Medical Units were seen to be functional. The DMS informed that the District Hospital organizes monthly meetings of the CMO, all Medical Officers of all PHCs and PHSCs under the Hospital's jurisdiction and ASHA workers to discuss matters of mutual concern and to distribute charts detailing visits of the Mobile



Medical Units to different villages. This information is subsequently relayed by the concerned medical staff to the Panchayats for onward transmission to villagers. The Team saw copies of the said charts for the month of June and previous months.

- During the interaction with the ‘Adolescent Counselor’, District Hospital, Mangan, it came to light that in the past few months, the Hospital had received a few cases of teenage pregnancies (girls between the ages of 14-16 years). In one such case, a 16-year old girl who had conceived was made to marry her partner by her local community. Further, the Counselor and District Medical Superintendent stated that it was common for village elders/local communities to get girls below the age of 18 years, married.
- The Counselor informed that there had been an increase in the cases/numbers of adolescents, particularly girls, suffering from anxiety and depression. In recent months, there have also been three cases of suicide (a boy of Standard VI and two girls between the ages of 16-17 years) in the District.
- The Counselor and DMS stated that there was an urgent need for a Psychiatrist (preferably a female psychiatrist) to be permanently posted at the District Hospital. Presently, the Hospital has a visiting (male) psychiatrist who visits the Hospital once a month.
- The Counselor and DMS stated that there had been an increase in the incidence of drug abuse among younger males. Some students had also been referred by their schools to the District Hospital; the said students had been caught consuming ganja (marijuana) in the school premises.
- Alcoholism was also reportedly on the rise in the District. While it is a major problem primarily among older males, it is believed to have become a problem even among younger males. The incidence of alcohol-addiction has become very high with several deaths having been reported due to excessive alcohol consumption over prolonged periods.

Recommendations

- The State Government must consider implementing the Rashtriya Swasthya Bima Yojana (RSBY) in the State.
- The District Hospital’s requirement for fans in the OPD wards must be ascertained and the same must be provided by the concerned Department to the Hospital at the earliest.
- In addition to English, the informational charts and other information displayed in the Hospital must be in the language(s) most widely spoken by the people in the District so as to make such information easily comprehensible to those visiting the Hospital.



- The requirement for the Stapediometer in the Pediatric Ward must be conveyed to the concerned Department with directions to provide the same at the earliest to the Pediatric Ward of District Hospital, Mangan.
- The Operation Theater, X-ray section, New Born Sick Unit (NBSU) and the Blood Storage Room in the Hospital must be provided all requisite equipments to make them operational at the earliest.
- The District Administration must provide a landline telephone connection to the Hospital to enable patients contact the Hospital Staff. Further, there must be a dedicated ‘emergency’/’helpline’ number at which people can call for ambulance/emergency services. These numbers must be widely advertised through the local media and prominently displayed on the mobile medical vans/ambulances of the District Hospital.
- The District Hospital must fill up all vacant staff positions, including posts for which the Hospital is presently utilising the services of visiting doctors, including the appointment of a psychiatrist (preferably a female psychiatrist) to be permanently posted at the District Hospital, as suggested by the District Medical Superintendent (DMS) and Adolescent Counselor, District Hospital, Mangan.
- As per the orders of the State Government, the concerned Department must ensure that sanitary napkins are made available free of cost across all healthcare centres and hospitals.
- The District Medical Superintendent must ensure a more meticulous cleanliness and maintenance of the wards, toilets and other facilities in the Hospital.
- The District Administration must ascertain if patients who visit the District Hospital are required to buy medicines from the medical store situated adjacent to the hospital building (within the hospital premises), as was pointed out by a patient at the Hospital.
- The DMS must also ensure that the Hospital staff (including visiting doctors) regularly sign the attendance registers.
- The concerned Department must provide new mackintosh sheets, as per the Hospital’s requirements, at the earliest.
- The District Administration through its State Government must provide to the Commission, a Report on the incidence of child marriage in the District, which according to the District Medical Superintendent, Mangan District Hospital, is a common practice among local communities.



- The District Administration must provide to the Commission, a Report on the medical and psychological support structures in place in the District and State for those suffering from alcohol and substance-abuse.
- The State Government must also send a copy of ‘The Sikkim Anti Drugs Act, 2006’ to the Commission so that it may examine the provisions of the said Act to ascertain if these are violative of the rights of those suffering from drug addiction, as was pointed out by NGO representatives during the Workshop organized by the Commission during its visit to North Sikkim District from 24-29 June 2014.
- The State Government must provide to the Commission statistics of persons arrested/detained under the said Act, particularly the number of students arrested under the said Act, if any.

Pentok ICDS Centre, Mangan

Observations

- Overall, the ICDS centre was in a good condition. The room where the children have their classes was clean and neatly organized on the day of the visit.
- The timings of the ICDS Centre are 10am to 02pm. There were 19 children between the ages of 03 and 06 years registered at the Centre. In addition, 40 adolescent girls and 07 lactating women were also registered.
- The ICDS Centre Helper cooked the meals and served them to the children registered at the Centre. The children were provided milk in the morning (around 10:30 am) and khichdi (comprising dal, rice and vegetables) in the afternoon.
- The Centre provided take-away supplementary food packets (net content weight of 2.5 Kgs per packet) to the adolescent girls, lactating and pregnant women and children between (0-3 years) who are registered at the Centre. Supplementary food packets for girls and women contain rice, channa, ground nut, sugar and soya bean. In addition to supplementary food packets, children (0-3 yrs) are also given 06 packets of biscuits every month. However, according to the ICDS Worker, no supply of these supplementary food packets had been received for the last two months by the Centre as a result of which it had been unable to provide any supplementary food to the women, children (0-3 yrs) and adolescent girls, registered at the Centre.
- The ICDS centre had one toilet/wash room. There was no provision for running water in the toilet. A plastic bucket filled with water, a plastic mug and soap have been placed inside the toilet. Except for the lack of running water, the toilet/washroom was in a reasonably good condition.



- The children's records, including, attendance, growth charts etc. were being maintained properly by the ICDS Worker. She has been unable to keep a record of the height of the children since she did not have a measuring tape or any other equipment to measure the same. In addition, stock registers were being meticulously maintained.
- It appeared that there was high degree of community participation in running of the Centre. The Team was informed that on the first Saturday of each month, a meeting of the Parents of the children registered at the Centre, a Panchayat representative, ASHA worker(s), the ICDS Centre Worker, and Helper, was held, to discuss among other things, the functioning of the Centre and concerns, if any.
- The ICDS Centre had a kitchen garden which grew seasonal vegetables and fruits. The ICDS Centre Helper provided these vegetables and fruits to the children as part of their daily meals.
- The ICDS Centre did not have electricity supply. The CDPO accompanying the NHRC Team informed that none of the ICDS centres across North District had electricity supply.
- The ICDS Centre Worker stated that at present, the amount for expenditure being provided per child came to Rs. 6/-. However, given the high cost of milk, ration and fuel, the ICDS Centre Worker stated that the per head expenditure must be increased to at least Rs. 25 [Rs. 10 for milk and Rs. 15 for ration and fuel].
- The ICDS Centre Worker stated that ration is taken on credit from the local market and the credit is paid off once the bills are cleared by the concerned Department. However, it takes at least two-three months for the bills to be cleared, which causes much inconvenience.
- Of the 19 children present on the day of the visit, three children were wearing their ICDS Centre uniforms. The ICDS Centre Worker informed the Team that the State Government had issued uniforms to children registered at all the ICDS Centres in the State. However, these uniforms were last provided in 2008. She expressed that the State Government should provide new uniforms across all Anganwadis/ICDS Centres as this might encourage families to send their children to ICDS centres. The ICDS Centre Worker felt that due to the non-provision of these uniforms, parents were more inclined to send their children to private schools.
- The Centre had a functional ICDS weighing scale.
- The Centre had also been provided the new WHO Growth Charts which were being used by the Worker to plot data for each child and assess his/her nutritional health. The ICDS Centre Worker stated that none of the children registered at the Centre were malnourished, and they all came in the 'normal' nutritional grade.



- The ICDS Centre Worker stated that she received an honorarium of INR 5,200 per month while the Helper received INR 3,000 per month.
- The ICDS Centre Worker stated that both she and the Centre Helper received regular training at the ICDS Training Centre located in Gangtok, Sikkim.
- The Centre made use of LPG gas for cooking purposes. The LPG gas cylinders were taken on credit from the local market and payments were made as and when bills got cleared by the concerned Department.
- The children were provided steel plates and glasses by the ICDS centre for their meals.

Recommendations

- There is an urgent need for the district administration to provide electricity supply to the Pentok ICDS Centre, Mangan as well as all other Centres which presently did not have electricity supply.
- The State administration should make an assessment and suitably enhance per head expenditure of children in consultation with the Government of India, taking into account the hike in the price of ration and fuel.
- It must be ensured that the ICDS Centre Workers, Helpers and Supervisors are provided regular training to keep them abreast of the latest developments in the social welfare policies of the central and state governments, relevant to ICDS Centres and are given regular skill training to ensure more effective discharge of their functions/duties.
- Periodic and regular checking of the water must be carried out by the local administration/concerned department/agency to ensure that the drinking water is safe to drink/of good quality and meets WHO standards. Alternately, ICDS Centres may be provided water filters of a capacity adequate for the purpose of respective Centres.
- The core services, sponsored by the ICDS and required to be provided by the Centres such as supplementary nutrition, referral services, pre-school non-formal education, nutrition and health information, must be prominently displayed in the premises of ICDS centres.

Government Senior Secondary School, Mangan

Observations

- Government Senior Secondary School, Mangan, a co-educational school with classes up to XII standard, had a total student strength of 1,016. The School was headed by Smt. Tshering Bhutia, the School Principal.



- It was encouraging to note that children up to Standard VIII were provided school uniforms (including shoes, socks, and sweaters), along with school bags, text books and note books once a year.
- While there was sufficient number of toilets for girls and boys, the toilets were unclean on the day of the visit. The toilets did not have water supply; the students are required to fill up water from a drum kept outside the toilet block for use in the toilets. There was no provision for a wash basin or soap for the students to wash their hands. Moreover, the girls' toilets were situated 200 meters down the hill.
- No purified/filtered water was provided to the students. They drank tap water made available through overhead water tanks. The School Principal informed the Team that a water purifier has been sanctioned by the Science and Technology Department and will be installed shortly in the Administrative Block of the School.
- Per head expenditure presently being provided to the School for mid-day meal was at Rs. 05 (for secondary school) and Rs. 03.50 (for primary school). The said amount, stated the Principal, must be increased to at least Rs. 08 per child.
- Mid-day meals are prepared by members (male and female) of a local Self-help Group (SHG). There is no kitchen shed in the school building; a temporary shack made of tin sheets has been erected in the open where the meals are cooked.
- While rice was provided by the concerned Department, other supplies for the mid-day meal, such as, vegetables, dal and firewood were procured by the SHG. The SHG was paid on a quarterly basis by the School for procuring ration.
- The Cooks stated that the school provided them a monthly honorarium of Rs. 1,000. However, given that there are two persons who prepare the meals, the per-head amount comes to a mere 500 rupees. The Cooks stated that they must be given a monthly honorarium of at least Rs. 2,500.
- The classes appeared to be filled beyond capacity. In addition, there was just one wall-mounted fan in a classroom occupied by nearly 60-70 children, making the room stuffy.
- Most students, whom the Team interacted with, stated that corporal punishment was the norm in the school and that teachers use bamboo sticks to thrash the students, particularly male students.



Recommendations

- The toilets were found to be extremely dirty on the day of the visit and in obvious need of cleaning. It was suggested that a full-time sweeper be appointed on priority by the School for the upkeep and maintenance of the school premises, toilets, and classrooms.
- The district administration needs to make provisions for running water in the School toilets at the earliest.
- The School must place waste paper bins at least within the Toilet Block and even in classrooms.
- The aspect of over-crowding in classrooms must be addressed on priority. Additionally, the school must provide ceiling fans in all classrooms.
- Till such time that the sanctioned water purifier does not become functional, periodic and regular checking of water must be carried out by the district administration/ concerned department to ensure that the drinking water is safe.
- Per head expenditure presently being provided to the School for mid-day meal was Rs. 05 (for secondary school) and Rs. 03.50 (for primary school). The said amount, stated the Principal, must be increased to at least Rs. 08 per child. The District administration needs to make an assessment in this regard and suitably enhance per head expenditure, taking into account the hike in the price of ration and fuel in recent times.
- The School must identify space for the construction of a pucca kitchen shed in the School premises at the earliest. The State Government must direct the District Administration to provide requisite funds for the construction of the kitchen shed on priority.
- The District Administration should consider an increase in the sanctioned honorarium for cooks/Self-Help Groups who prepare and supply mid-day meals in schools across the State. It is felt that the present amount of Rs. 1,000 rupees is indeed insufficient.
- The District Administration must also direct all Schools to issue necessary instructions/ guidelines to their Staff prohibiting corporal punishment in Schools.



**Workshop on Human Rights Awareness and Facilitating Assessment and Enforcement of Human Rights in Gangtok, Sikkim – Recommendations and Concerted Action
(27 June 2014)**

- For improving the quality of services provided under the ICDS programme, the District Collector of Mangan District should put up a comprehensive proposal to the State Government with the request that Departmental funds be enhanced for meeting the cost of supplementary nutrition. And, the State should accordingly consider enhancing the amount for supplementary nutrition programme from its budget.
- Boiled eggs should be part of the supplementary nutrition programme given to children coming to the AWCs.
- The District Collector as well as the Secretary responsible for implementation of the ICDS programme in the State should call for a report from all the AWCs/ICDS Centres about the availability of electricity and safe drinking water therein and remedial steps be taken accordingly wherever needed.
- The Secretary responsible for implementation of the ICDS programme in the State must also ensure that all Child Development Project Officers (CDPOs), Supervisors, Anganwadi Workers and Helpers are given regular training as well as refresher training. These functionaries should also be given other orientation and skill training to ensure that all of them carry out their roles and responsibilities effectively.
- Creation of Special Juvenile Police Unit (SJPU) in every District and City to ensure proper police treatment of the juveniles and children. All police officers designated as the ‘Juvenile or the Child Welfare Officer’ in these Units should be given appropriate training and orientation so as to handle the juvenile or the child in a friendly manner.
- Drug addiction being a major problem in the State for which Sikkim Anti-Drug Act, 2006 is in operation as well. The said Act controls, regulates and prevents the abuse of drugs and controlled substances with abuse potential being misused by addicts and traffickers and makes stringent provisions to deal with the ever increasing phenomenon of abuse of medicinal preparations and for matters connected therewith. But, the Act does not have any provisions for rehabilitation and reintegration of addicts who become victims in the hands of traffickers. The State Government needs to take steps to amend the said Act. In the interim, the State Government should appoint Counsellors, train them to deal with cases of addiction. Besides, it can identify NGOs who can avail the Central Sector Scheme of Assistance for Prevention of Alcoholism



and Substance (Drugs) Abuse of the Ministry of Social Justice & Empowerment, Government of India and thus facilitate the State in grappling with the problem of substance abuse and alcoholism.

- The State Government through Information, Education and Communication (IEC) programmes should publicize all the programmes being implemented in the State. This will enable more and more people across the State to avail the benefits given under various programmes/schemes.
- The District Hospital in Mangan had no basic diagnostic tools like ECG, Ultrasound, X-RAY machine, etc. The ambulance was there but non-functional. The State Government should ensure availability of all these facilities including upgradation of other health infrastructure and manpower in Mangan Hospital as well as other District Hospitals, especially those which are inaccessible, so that inhabitants living there are taken care of, more so during the course of an emergency.



DETAILS OF CASES IN WHICH CENTRAL/STATE GOVERNMENTS REFUSED TO ACCEPT NHRC RECOMMENDATION FOR PAYMENT OF COMPENSATION/ MONETARY RELIEF

Sl. No.	Case No.	Complainant/ Intimation Received from	Nature of Case	Date of Recommendation of Compensation	Name of State	Remarks
1.	2210/12/21/08-09-ED	SP, Indore	Death of Ram Singh @ Daddu in an encounter with police on 8.3.2009 in the area of P.S. Sanyogita Ganj, Indore.	30.04.2014	Madhya Pradesh	The Govt. of Madhya Pradesh refused to accept recommendation of the Commission and the case was closed.
2.	26/14/4/08-09-AFE	Thoun Aojam Ongbi Ibemcha Devi w/o Late Iboyaima Singh	Death of THOUNAOJAM IBOYAIMA @ SONU in an encounter with police on 1.11.2008 in Imphal West, Manipur	28.06.2014	Manipur	The Govt. of Manipur refused to accept recommendation of the Commission and the case was closed.
3.	20087/24/3/2011-PCD	SP, Aligarh	Death of Aziz @ Abdul Aziz in police custody on 8.5.2011 in Aligarh, U.P.	10.09.2014	Uttar Pradesh	The Govt. of Uttar Pradesh refused to accept recommendation of the Commission and the case was closed.
4.	8324/24/18/08-09-ED	SSP, Bulandshahar	Death of Jatan Sirohi in an encounter with police on 28.5.2008 in Bulandshahar, U.P.	17.07.2014	Uttar Pradesh	The Govt. of UP refused to accept the recommendation of the Govt. The Commission has again asked the State Govt. to pay compensation as per its recommendation.



Sl. No.	Case No.	Complainant/ Intimation Received from	Nature of Case	Date of Recommendation of Compensation	Name of State	Remarks
5.	7/99/4/2011-PF	Prof. Dr. Mizanur Rahman	Death of a Bangladeshi girl named Felani Khatun who was shot dead by a BSF Constable on patrol duty on 7.1.2011 when she was trying to cross over the border fence between BP No.947/3-S and BP No.948/2-S at Anantpur Border of Phulbari in Kurigram District.	08.08.2014	Bihar	The Ministry of Home Affairs, Govt. of India refused to accept recommendation of the Commission and the case was closed.
6.	7477/24/2006-2007	SSP, Varanasi	death of Budhesh Mishra in an encounter with police in the area of P.S. Lanka, Varanasi on 22.5.2006	18.02.2015	Uttar Pradesh	Upon consideration of the reply from the Govt. of U.P. urging the Commission to recall its order recommending monetary relief, the Commission accepted the pleas of the State Govt. and closed the matter.



DETAILS OF CASES IN WHICH CENTRAL/STATE GOVERNMENTS HAVE CHALLENGED NHRC RECOMMENDATION FOR PAYMENT OF COMPENSATION/MONETARY RELIEF

Sl. No.	Case No.	Complainant/ Intimation Received from	Nature of Case	Date of Recommendation of Compensation	Name of State	Remarks
1.	709/12/17/09-10	SHAILESH NIGAM	Death of a minor child named Sonu s/o Bhura Ojha who was picked up by the police of PS City Kotwali, District Guna in a theft case	11.09.2014	Madhya Pradesh	The recommendation of the Commission challenged in the High Court. The Commission has again asked the State Govt. to pay compensation as per its recommendation. (Writ Petition No. 10648//2014)
2.	232/1/10/2014-wc	R.H. BANSAL	Gang rape of a female passenger on 04.11.2013, at Vijayawada, Andhra Pradesh when she was going to East Godawari District from Tirupati.	30.01.2015	Andhra Pradesh	The Govt. of Andhra Pradesh has challenged the order of the Commission in High Court at Hyderabad (Writ Petition No. 10508/2015)
3.	6429/30/1/2012	R.H. BANSAL	Alleged death of more than 9000 children during last five years in Kalawati Saran Hospital, New Delhi due to mis-management and medical negligence.	20.10.2014	Delhi	The Govt. of NCT of Delhi has challenged the order of the Commission in High Court of Delhi (Writ Petition No. 9894/2015)





GRAPHS & CHARTS

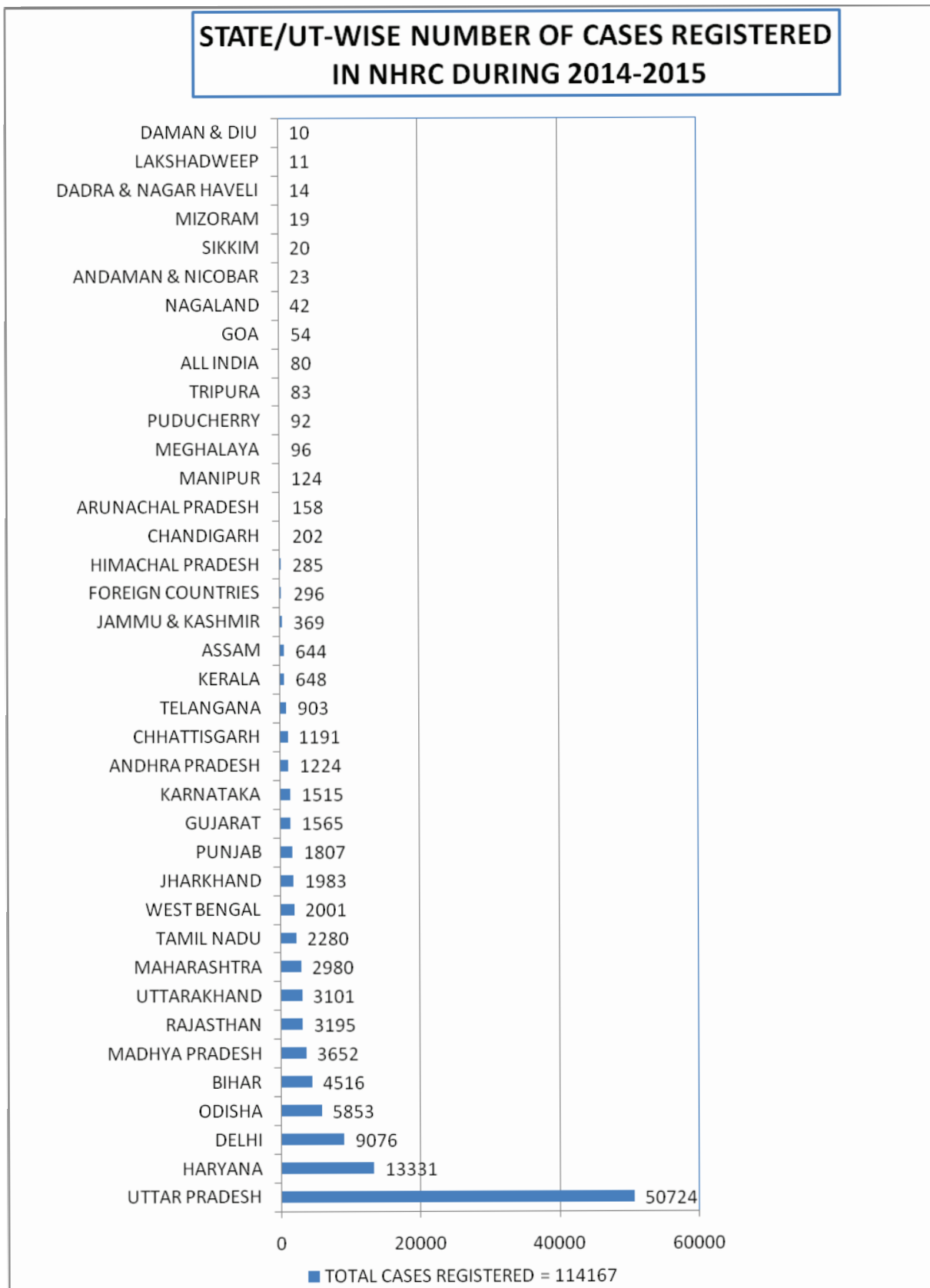


GRAPHS & CHARTS





Graph/Chart No. 1



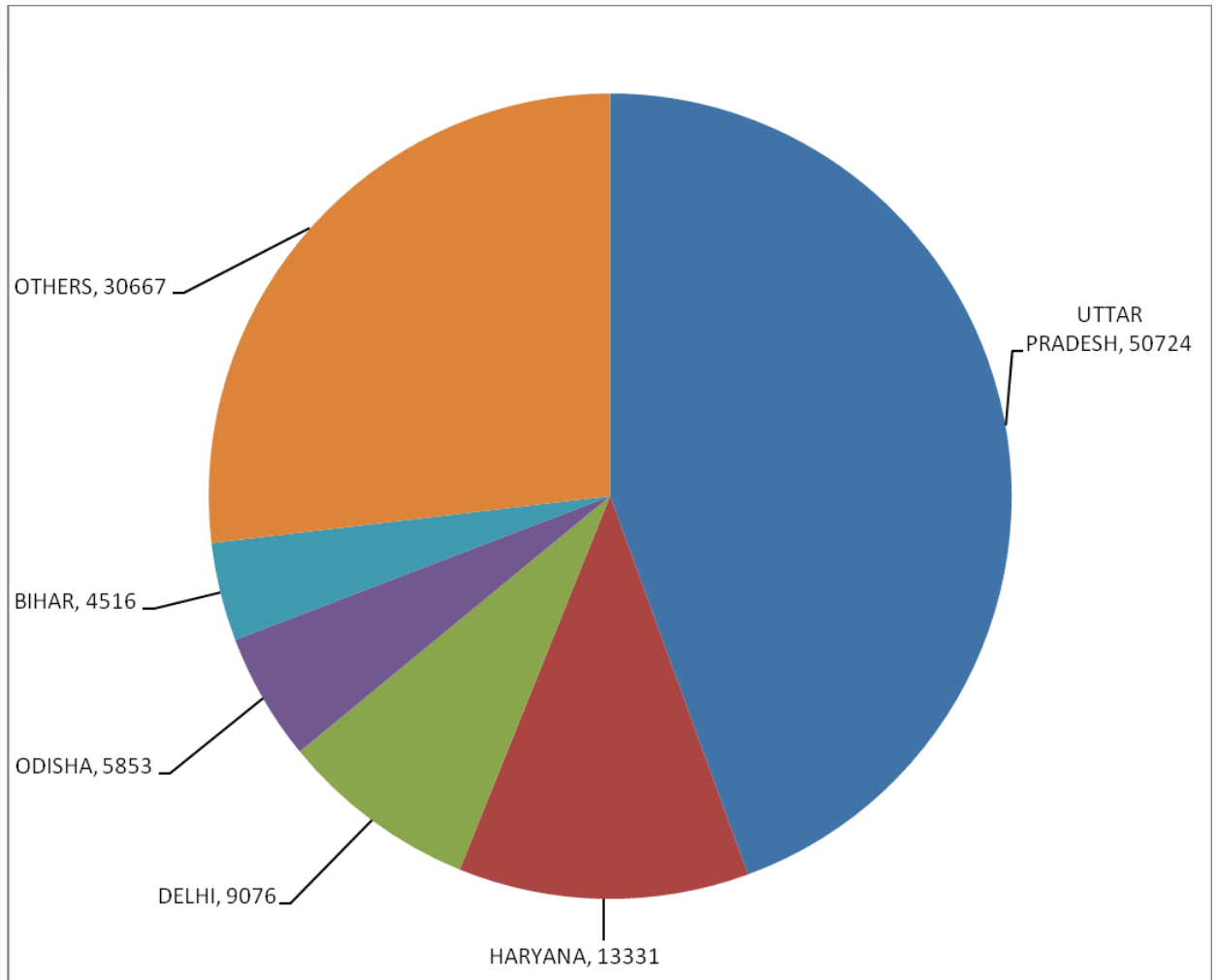


Graph/Chart No.2

STATE/UT-WISE CHART ON NUMBER OF CASES REGISTERED IN NHRC

DURING 2014-2015

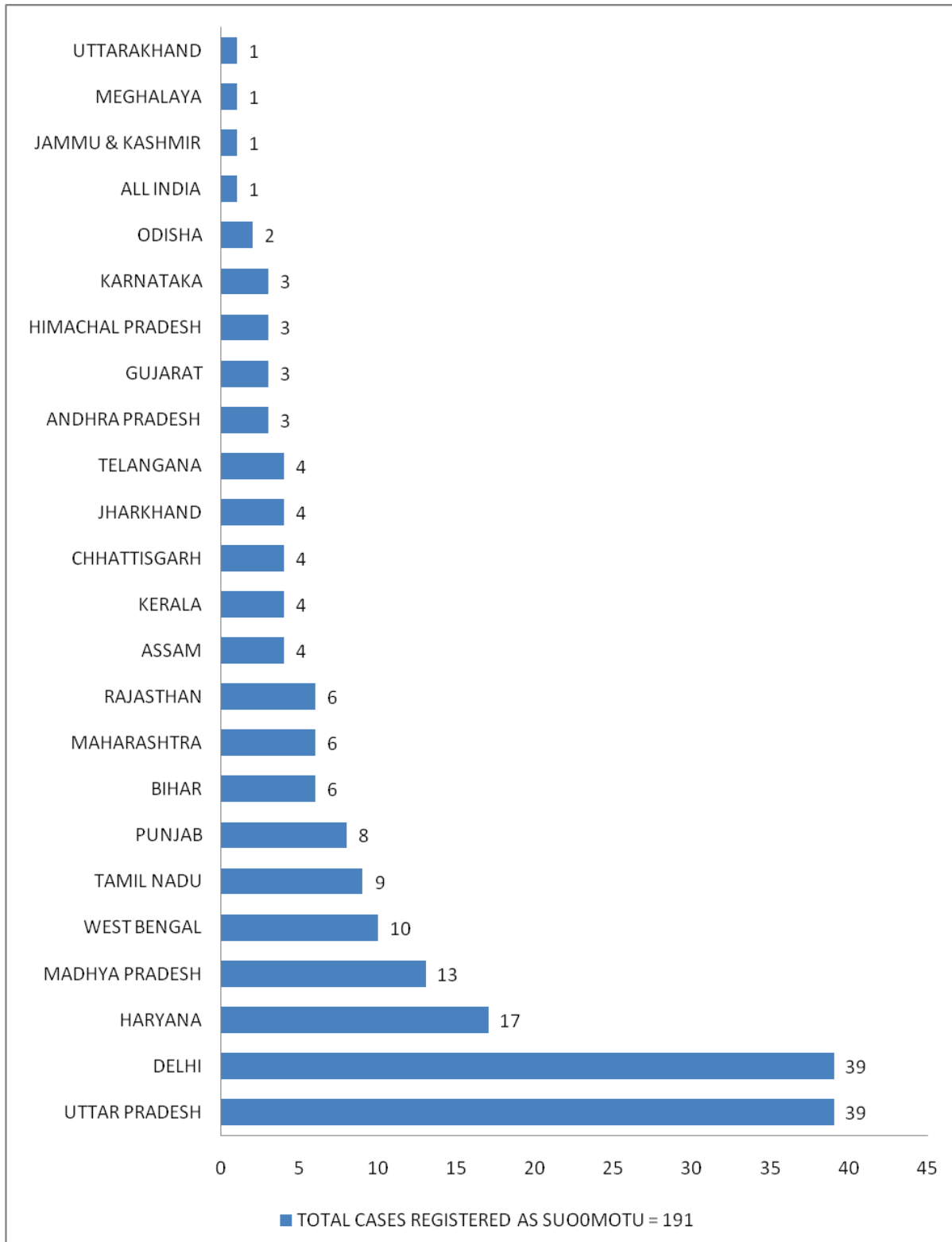
(TOTAL NUMBER OF CASES REGISTERED = 114167)





Graph/Chart No. 3

STATE/UT-WISE GRAPH ON NUMBER OF CASES REGISTERED AS SUO-MOTU COGNIZANCE IN NHRC DURING 2014-2015

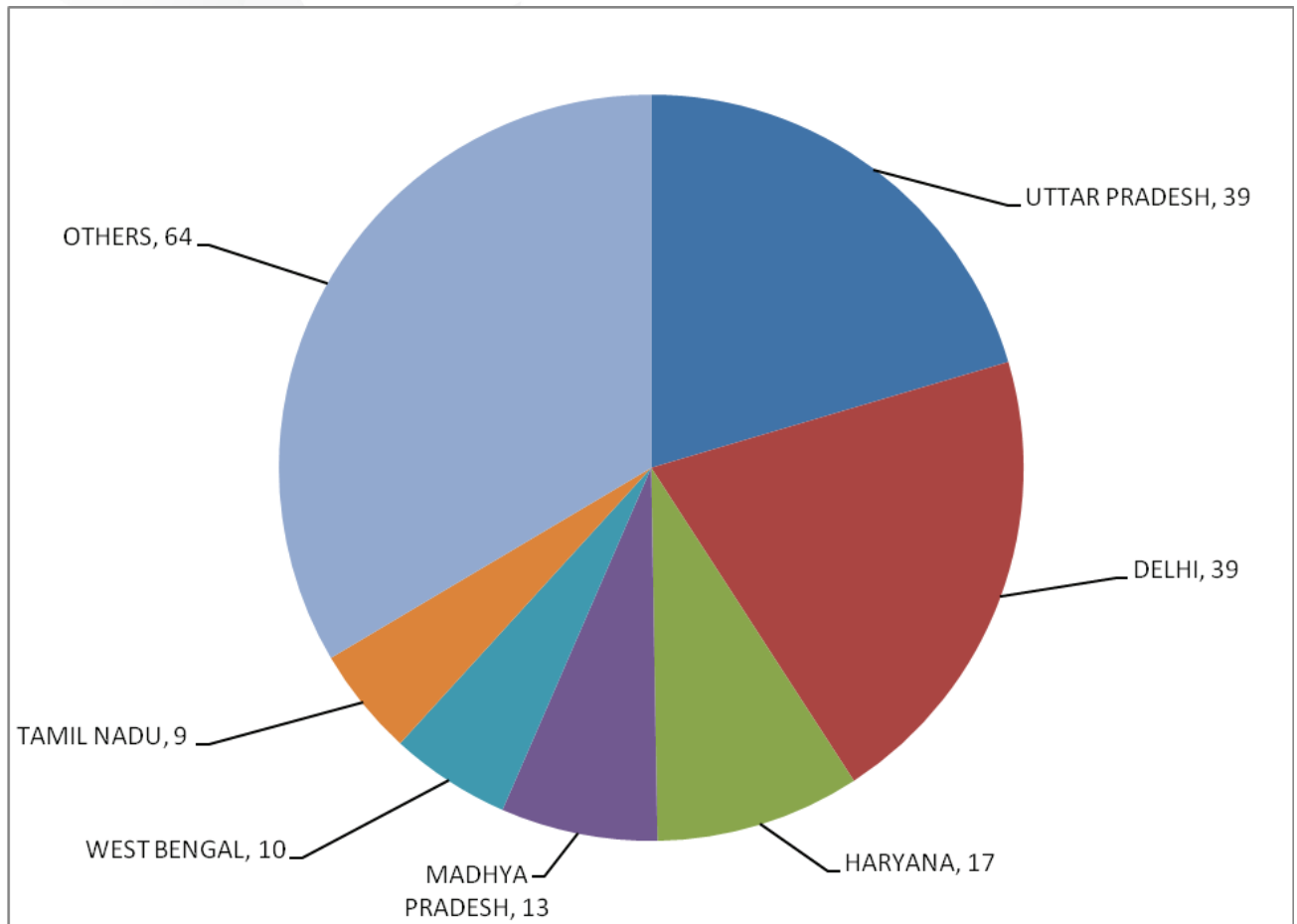




Graph/Chart No.4

STATE/UT-WISE CHART ON NUMBER OF CASES REGISTERED AS SUO-MOTU COGNIZANCE IN NHRC DURING 2014-2015

(TOTAL NUMBER OF CASES REGISTERED AS SUO-MOTU COGNIZANCE = 191)

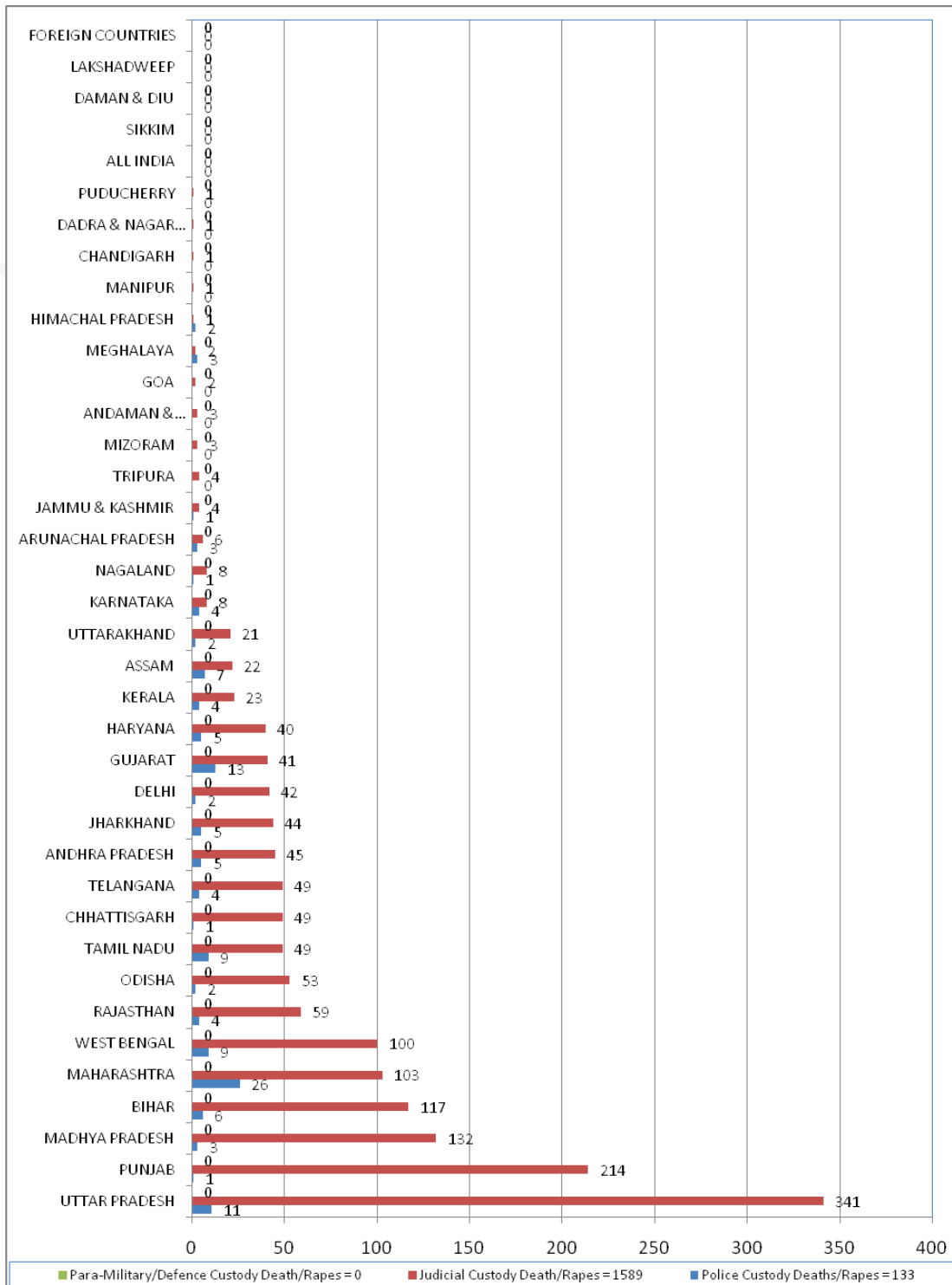




Graph/Chart No.5

STATE/UT-WISE GRAPH ON INTIMATIONS REGISTERED IN NHRC RELATING TO CUSTODIAL DEATHS/RAPES DURING 2014-2015

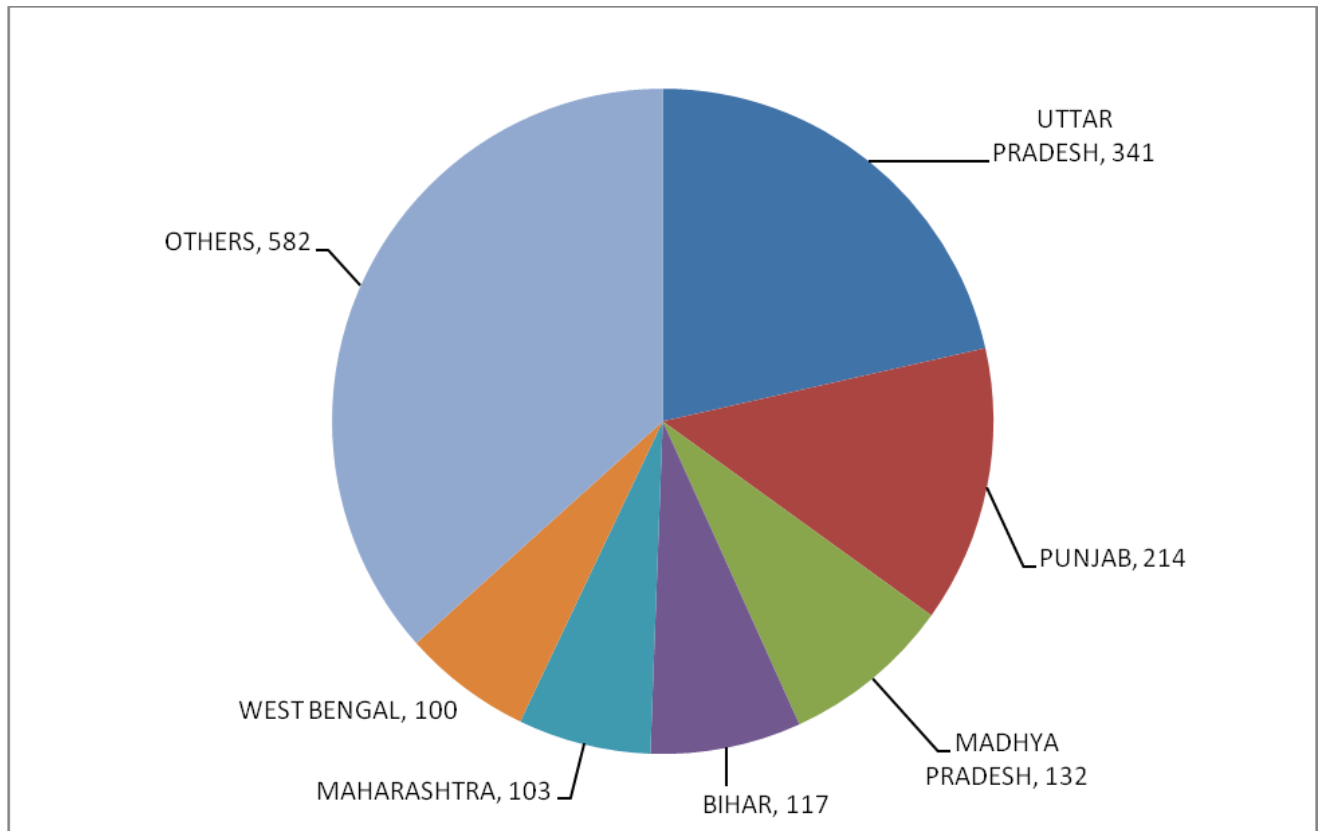
TOTAL CASES = 1722





Graph/Chart No.6

STATE/UT-WISE CHART ON INTIMATIONS REGISTERED IN NHRC RELATING TO CUSTODIAL DEATHS/RAPES (JUDICIAL) DURING 2014-2015 (TOTAL NUMBER OF CASES OF CUSTODIAL DEATHS/RAPES (JUDICIAL) = 1589)

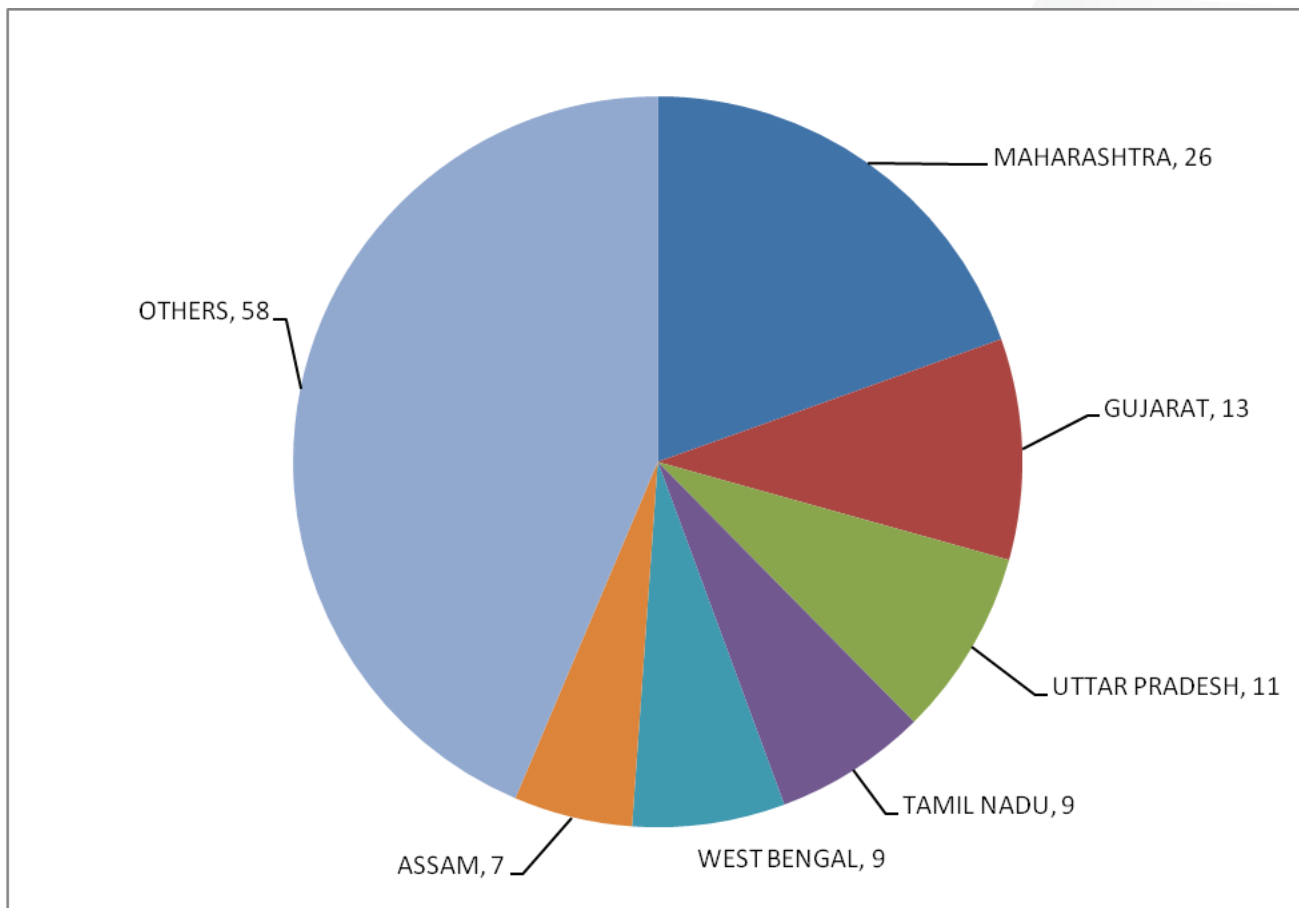




Graph/Chart No. 7

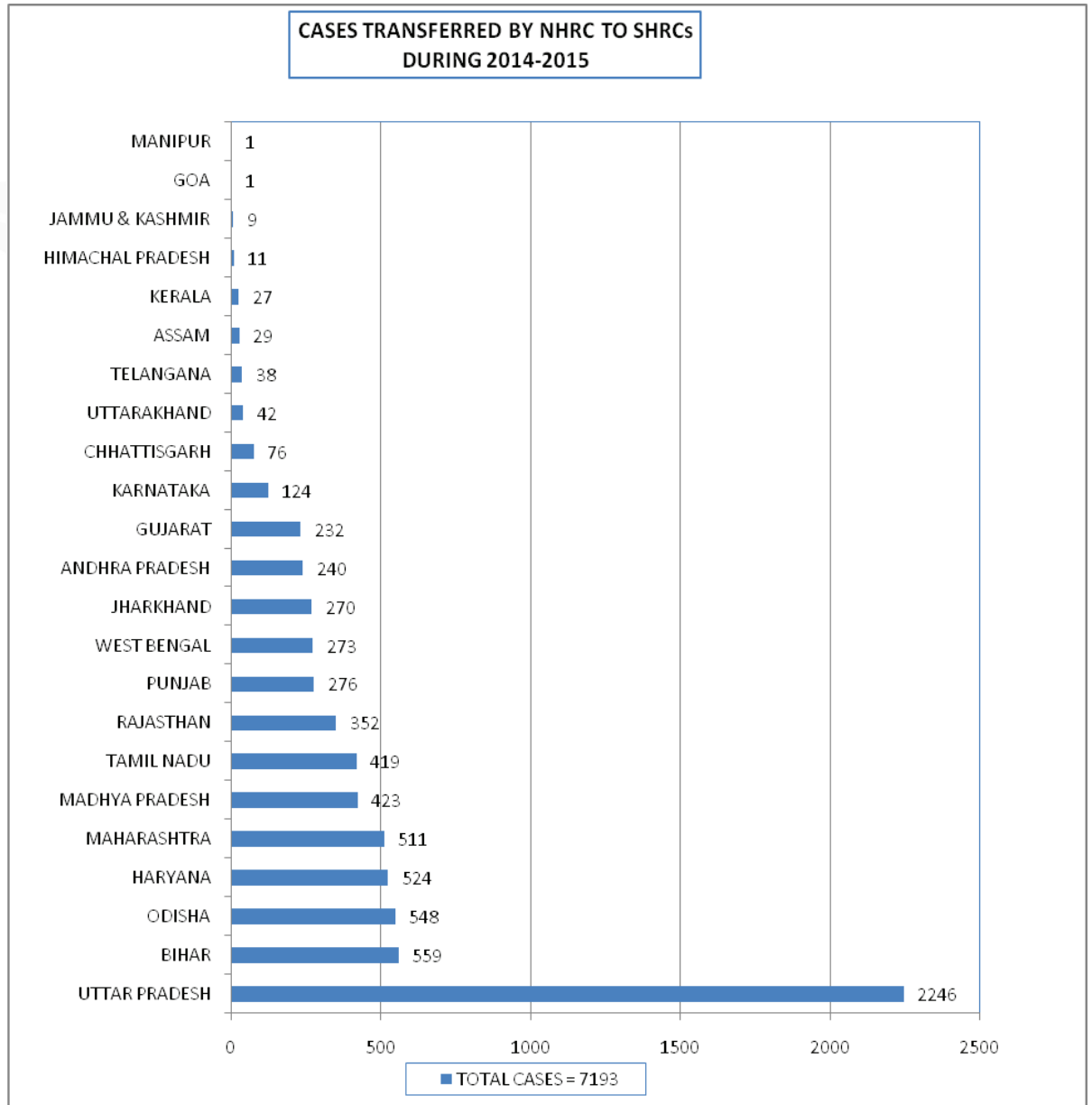
STATE/UT-WISE CHART ON INTIMATIONS REGISTERED IN NHRC RELATING TO CUSTODIAL DEATHS/RAPES (POLICE) DURING 2014-2015

(TOTAL NUMBER OF CASES OF CUSTODIAL DEATHS/RAPES (POLICE) = 133)





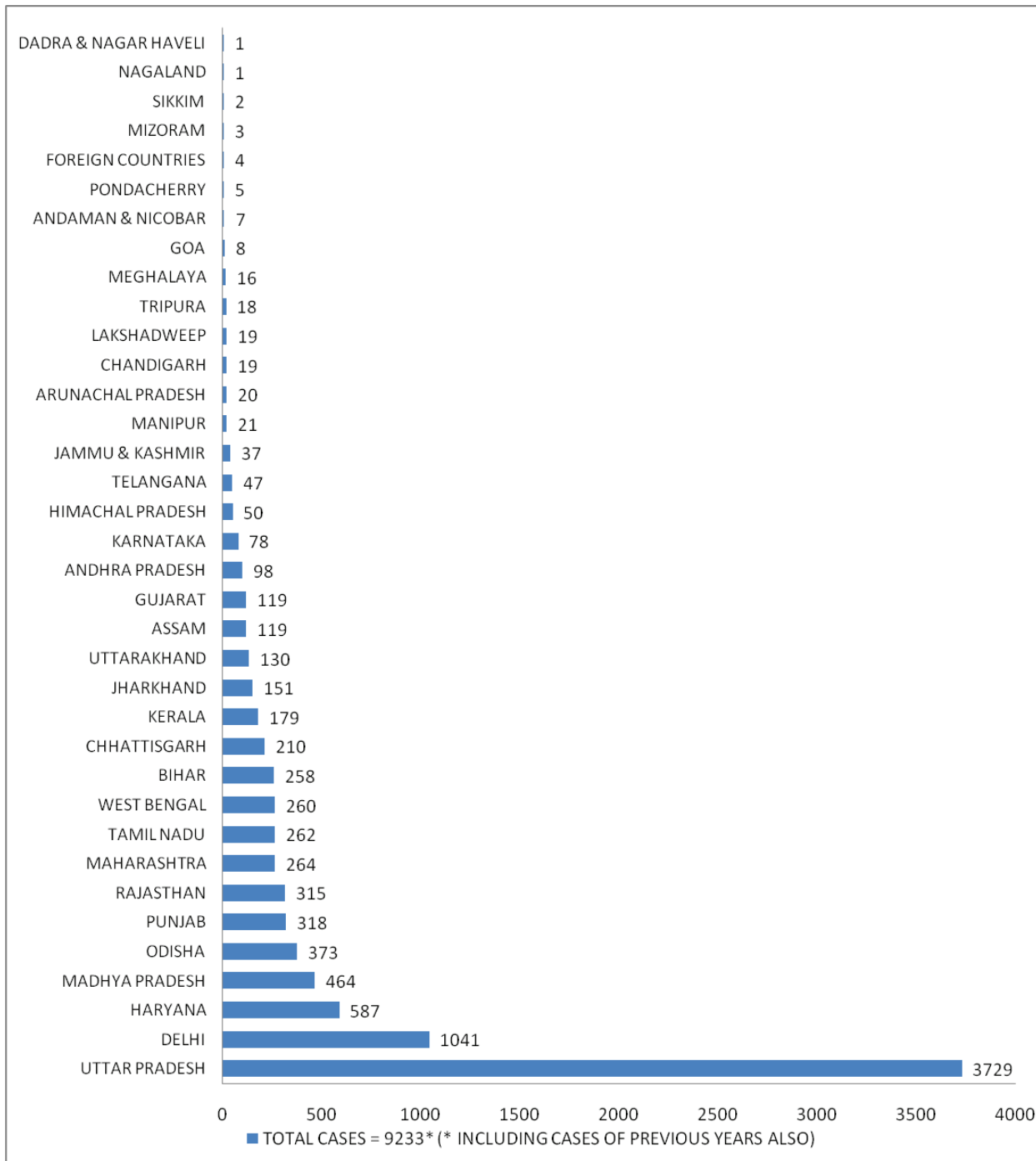
Graph/Chart No.8





Graph/Chart No. 9

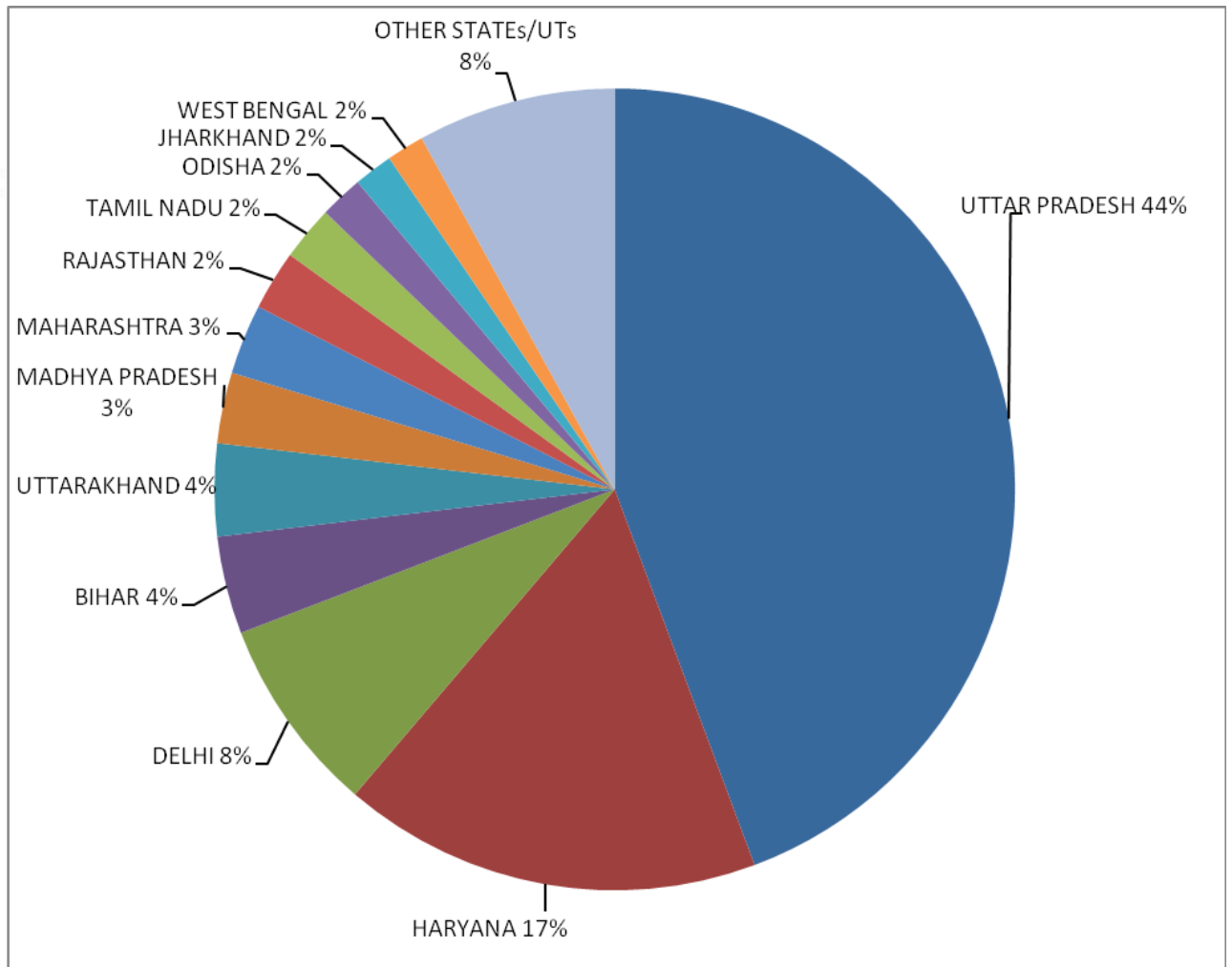
STATE/UT-WISE GRAPH ON NUMBER OF REPORT CASES* DISPOSED OF BY THE NHRC DURING 2014-2015





Graph/Chart No. 10

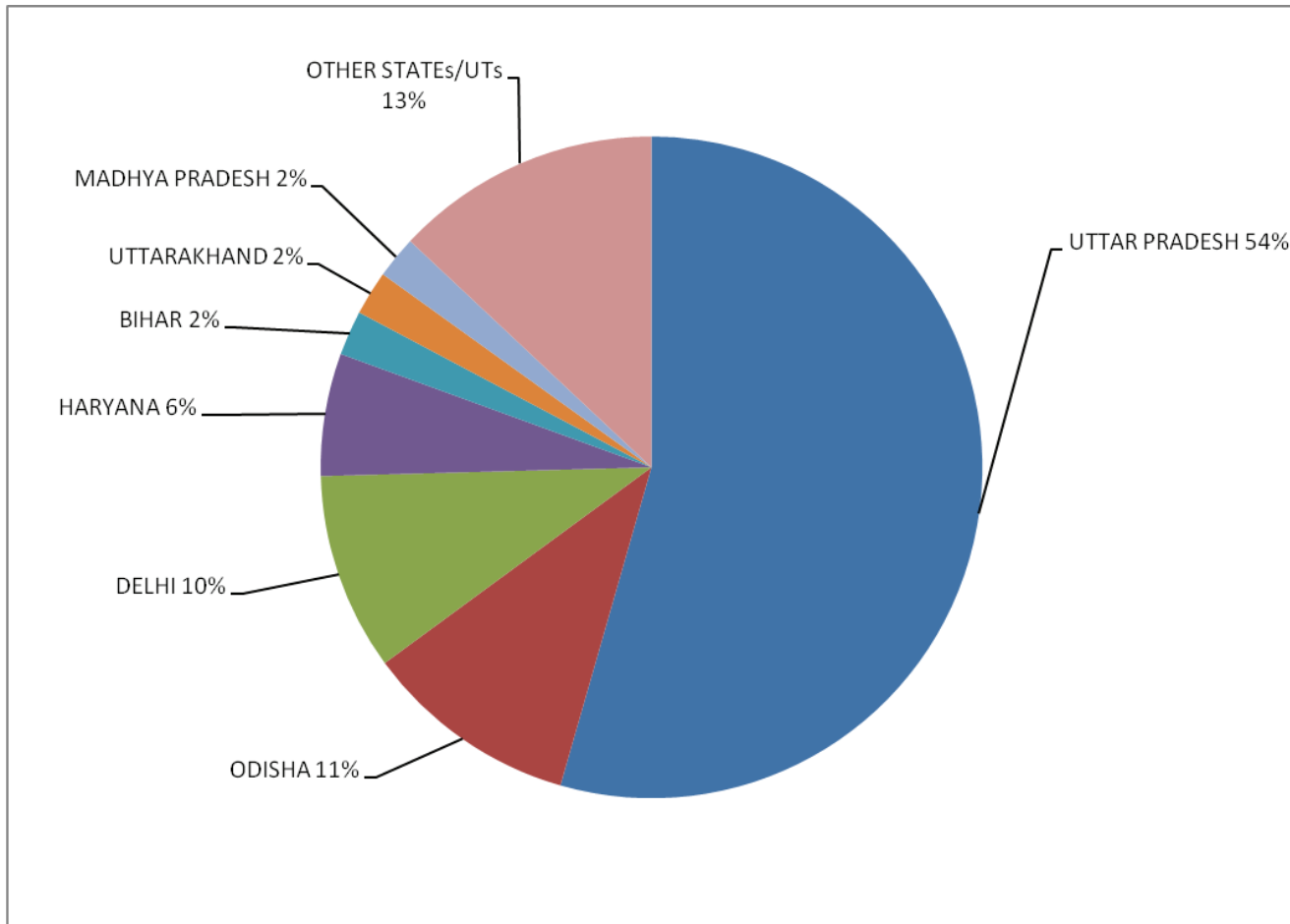
CASES 'DISMISSED IN LIMINE' BY NHRC DURING 2014-2015





Graph/Chart No. 11

CASES 'DISPOSED OF WITH DIRECTIONS' (DWD) BY NHRC DURING 2014-2015

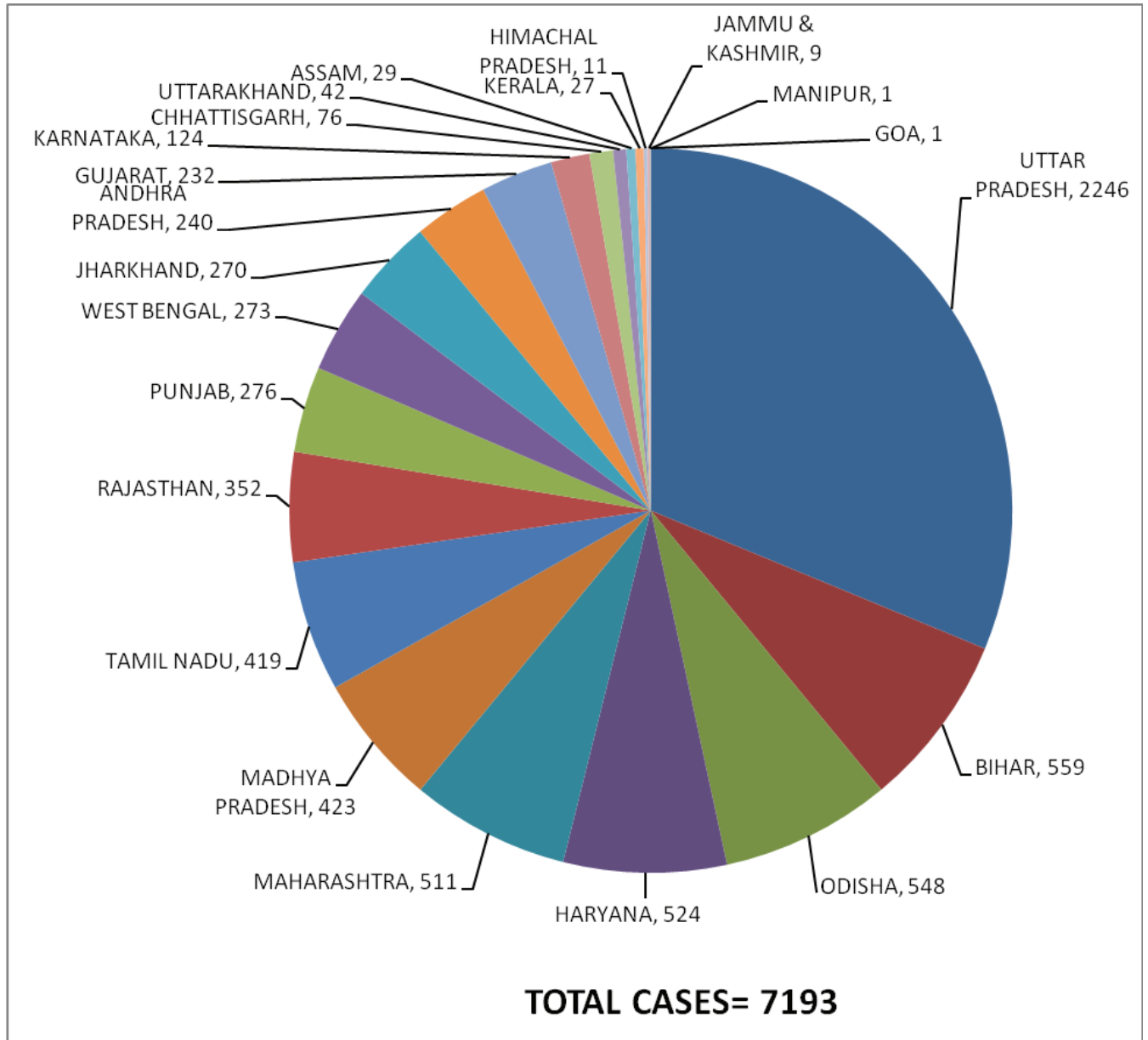




Graph/Chart No. 12

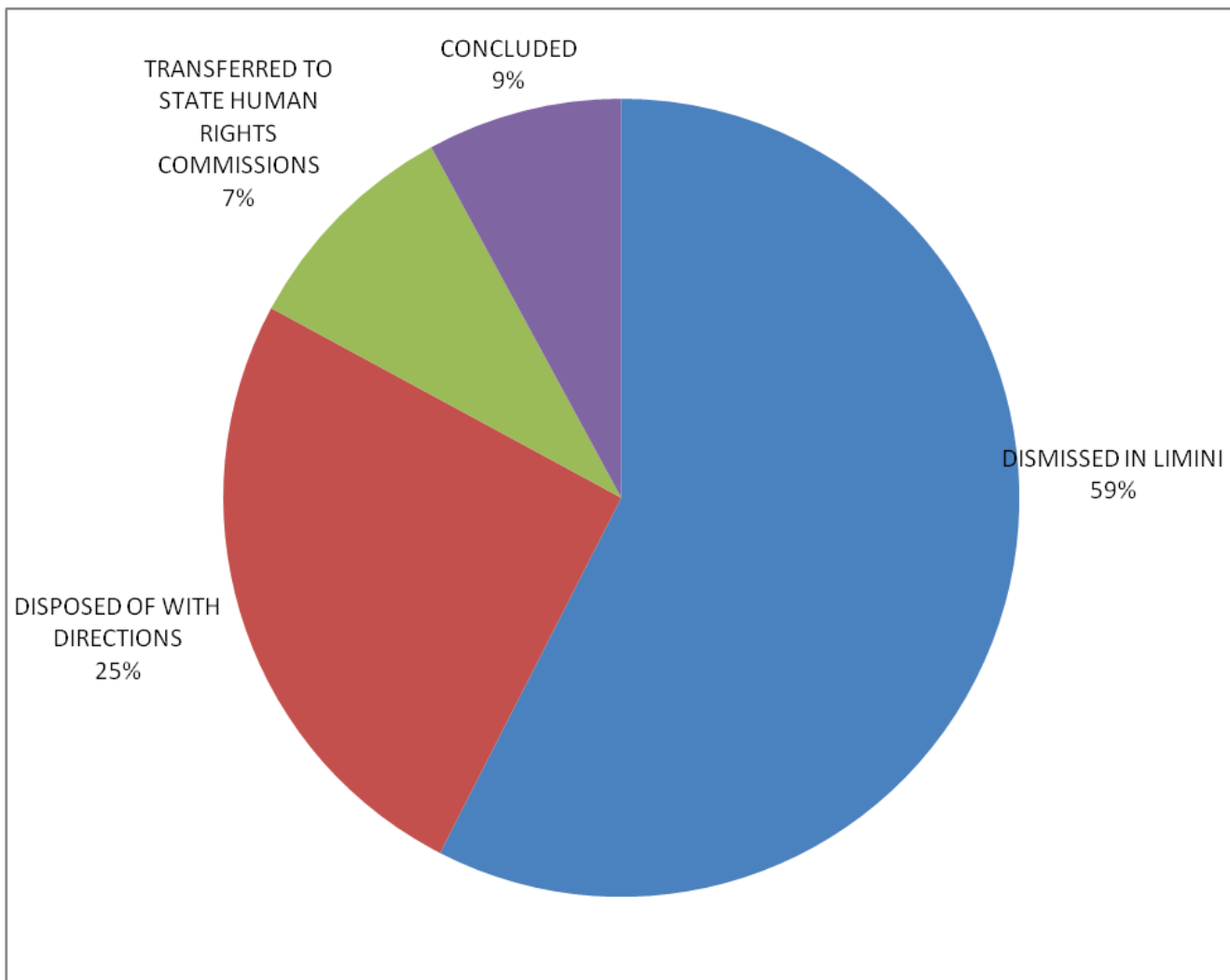
CASES TRANSFERRED TO SHRCs BY NHRC DURING 2014-2015

TOTAL CASES = 7193





Graph/Chart No. 13
CASES DISPOSED OF BY NHRC DURING 2014-2015







Abbreviations

AAV	:	Anthodya Anna Yojana
A.C.J.M.	:	Additional Chief Judicial Magistrate
Art.	:	Article
Arts.	:	Articles
ATR	:	Action Taken Report
ASI	:	Assistant Sub-Inspector
BPL	:	Below Poverty Line
Cr.P.C.	:	Criminal Procedure Code
CRPF	:	Central Reserve Police Force
DGP	:	Director General of Police
DM	:	District Magistrate
FIR	:	First Information Report
GPF	:	Gratuity Provident Fund
GRP	:	Government Railway Protection
HEP	:	Hydro-Electric Project
HQs.	:	Headquarters
IO	:	Investigating Officer
I&PRO	:	Information & Public Relations Officer
IPC	:	Indian Penal Code
JCL	:	Juveniles in conflict with law
JJR	:	Juvenile Justice (Care & Protection of Children) Rules
LFs	:	Linked Files
MACP	:	Assured Career Progress
MGNREG Scheme:		Mahatma Gandhi National Rural Employment Guarantee Scheme



NCR	:	National Capital Region
NCT	:	National Capital Territory
OBC	:	Other Backward Classes
PC & PNDT Act	:	Pre-conception & Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
PDS	:	Public distribution system
PHR Act	:	Protection of Human Rights Act, 1993
P.S./PS	:	Police Station
r/o	:	resident of
r/w	:	read with
RTE	:	Right to Education
s/o	:	son of
SC	:	Scheduled Castes
SDM	:	Sub-Divisional Magistrate
SHO	:	Station House Officer
SMS	:	Short Message Service
SOG	:	Special Operations Group
SOPs	:	Standard Operating Procedures
ST	:	Scheduled Tribes
u/s	:	under section
w/o	:	wife of
