

ANNUAL REPORT

2015-2016



NATIONAL HUMAN RIGHTS COMMISSION
INDIA

ANNUAL REPORT

2015-2016



National Human Rights Commission
India

CONTENTS

CHAPTER 1	INTRODUCTION	1
CHAPTER 2	HIGHLIGHTS	5
CHAPTER 3	NHRC : ORGANIZATION AND FUNCTIONS	27
CHAPTER 4	CIVIL AND POLITICAL RIGHTS	35
	A. Terrorism and Militancy	37
	B. Custodial Violence and Torture	38
	C. Important Illustrative Cases	39
	a) Custodial Deaths	39
	<i>Judicial Custody</i>	39
	1. Death of Undertrial Ram Avtar Baitha in Central Jail, Siwan, Bihar Case No.1679/4/37/2012-JCD)	39
	2. Death of Undertrial in Central Jail, Tihar, New Delhi (Case No.764/30/9/2012-JCD)	40
	<i>Police Custody</i>	43
	3. Death of Devu Sattababu in Puducherry Police Custody (Case No.56/32/4/2011-PCD)	43

4.	Death of Dineshwar Prasad Yadav in Central Jail, Dumka, Jharkhand due to Negligence by Prison Authorities (Case No. 164/34/5/2013)	44
b)	Unlawful, Arrest, Illegal Detention and Torture	47
5.	Illegal Detention and Torture of Vijay Singh and His Nephew Jitendra Singh of Village Mdhaka by Constables of P.S. Cantt. Agra, Uttar Pradesh (Case No.18400/24/1/2013)	47
6.	Illegal Detention of Maujvir Singh by Police at Nai Mandi, Muzaffarnagar, Uttar Pradesh (Case No. 15083/24/54/2013)	49
c)	Police High-handedness	51
7.	Harassment to Arif by Police at P.S. Janakpuri, Saharanpur, Uttar Pradesh (Case No. 18702/24/64/2012)	51
8.	Non-registration of Case by Police Relating to a Vehicular Accident at SBS Nagar District Police, Punjab (Case No. 250/19/0/2014)	52
9.	A 19 Year Old Suspect and Three Other 17 Year Old Juveniles Forced to Have Unnatural Sex with Each Other in Police Custody in Chennai, Tamil Nadu (Case No. 134/22/13/2015)	52
10.	A Journalist Mercilessly Beaten-up by Police near Village Barara and Then Brought to Police Station Barara in Ambala, Haryana (Case No. 6029/7/1/2012)	53

11. A Fourteen Year Old Accused of Theft Loses Eye Sight due to Alleged Police Torture in Virudhunagar District, Tamil Nadu (Case No. 2861/22/45/2012)	54
12. A Boy Allegedly Beaten Brutally and Later Shot Dead by Police in Mathura, Uttar Pradesh (Case No. 10704/24/52/2013)	57
13. Violation of Human Rights of a Person Implicated in a False Case by Police (Case No. 4499/4/3/2014)	59
d) Police Firing and Encounter	62
14. Death of 20 Red Sanders Smugglers in an Alleged Encounter with Joint Team of Special Police and Forest Personnel in Seshachalam Forests of Chittoor District, Andhra Pradesh (Case No.475/1/3/2015-AFE)	62
15. Killing of Sixteen Year Boy in Fake Encounter by BSF Jawan in Srinagar, Jammu & Kashmir (Case No. 35/9/13/2010-PF)	69
16. Death of Six Persons in Police Firing during Communal Clashes Between Muslims and Christians at Cheriya Junction in Kerala (Case No.115/11/12/2010)	73
e) Electrocution Cases	76
17. Death of Youth due to Negligence of Electricity Department of Government of Uttar Pradesh (Case No.26993/24/13/2014)	76

18. Death of a Poor Farmer due to Negligence of Electricity Department in Bhadrak District, Odisha (Case No. 1179/18/18/2014)	78
19. Death of Pavement Dweller due to Electrocution in Royapettah, Chennai, Tamil Nadu (Case No. 3175/22/13/2012)	79
20. Death of Class-IV Girl Student in School Hostel due to Electrocution in Malkangiri, Odisha (Case No. 3072/18/29/2014)	81
f) Pollution and Environment Cases	83
21. Severe Water Pollution due to Encroachment of Land Along Mandakini River Bed in Chitrakoot District, Uttar Pradesh (Case No. 8488/24/20/2016)	83
22. Air Pollution Caused by Cement Godowns at Jyoti Nagar, Delhi (Case No.708/30/2/2016)	84
g) Other Important Cases	85
23. Death of a Para Military Official at his Work Place due to Medical Negligence (Case No. 12025/24/69/2014)	85
24. Alleged Corruption and Usage of Abusive Language by Block Education Officers of Khalilabad District, Uttar Pradesh (Case No.15666/24/65/2014)	86
25. Acid Attack on Jagdish Chander in Pilibhit, Uttar Pradesh (Case No.20006/24/60/2015)	88
D. Conditions in Prisons	88
a) Visit to Jails	88
b) Analysis of Prison Population	90



E. Prison Reforms	92
a) Constitution of Expert Committee in NHRC for Amendment to Prison Act, 1894	91
F. Pilot Study on Undertrials in Uttar Pradesh	92
CHAPTER 5 REACHING OUT	93
A. Commission Meeting	93
B. NHRC Camp Sitzings and Open Hearings	94
C. Statutory Full Commission Meeting	95
D. Special Rapporteurs	97
E. Core and Expert Groups	98
CHAPTER 6 RIGHT TO HEALTH	101
A. Silicosis	104
B. NHRC Acting Chairperson Attends a Function on Occupational Health	105
C. NHRC Western Region Public Hearing on Right to Health Care	106
D. Illustrative Cases on Health Dealt by NHRC	108
1. Suo motu Cognizance of a News Item Reporting Delivery of Stillborn Baby Done by Helpers at Government Sub-Division Hospital, Amarpur, Tripura (Case No.1691/23/3/2013)	108
2. Death of Infants due to Medical Negligence at Community Health Centre, Jugsalai in Jamshedpur, Jharkhand (Case No. 130/34/6/2014)	110
3. A Woman Patient Faced Trauma and Mental Agony due to Wrong HIV Report Given by Sub-District Hospital, Indapur Taluka of Pune District, Maharashtra (Case No. 2839/13/23/2015)	111

4. Right Foot of Suresh Dharamdas Naik Amputated due to Negligence of Doctors in District Hospital Nandurbar, Maharashtra
(Case No.2851/13/36/2015) 112
5. One-year Child Loses Finger at Government Hospital in Barmer District, Rajasthan
(Case No. 791/20/4/2013) 112
6. Death of an Infant in District Hospital Balia, Uttar Pradesh
(Case No. 25612/24/10/2013) 114
7. Denial of Adequate Health Care Leads to Death of a Class-III Student and Indisposition of Five Other Students Residing in School Hostel in Keonjhar District, Odisha
(Case No.4724/18/7/2014) 116

CHAPTER 7 RIGHT TO FOOD 119

- A. Meeting of NHRC Reconstituted Core Advisory Group on Right to Food 123
- B. A Study of Prevailing Right to Food Situation among BPL Families in Bihar and Uttar Pradesh 129
- C. Illustrative Case on Right to Food Dealt by NHRC 129
 1. A Family of Five Persons Including Three Visually Challenged on the Verge of Starvation at Chaudwar in Cuttack District, Odisha due to Inadequate Livelihood
(Case No. 2681/18/3/2014) 129
 2. No BPL or Antodaya Card to an Aged Woman and Her Dependent Handicapped Daughter
(Case No. 4417/18/24/2014) 131



CHAPTER 8	RIGHT TO EDUCATION	133
A.	Research Study on Human Rights Issues Related to Right to Education of Children of Migrant Labourers in Kerala	134
B.	Illustrative Cases Related to Right to Education Dealt by NHRC	135
1.	Seven Students of Baunsapal UGME School in Balasore District, Odisha, Deprived from Appearing for JNV Test (Case No. 2014.1115/18/1/2014)	135
2.	Two Students Critically Injured When a Wooden Beam in College Pada Upper Primary School of Angul in Odisha Fell due to Poor Maintenance of School Premises (Case No.973/18/16/2014)	136
3.	Death due to Snake Bite at Government-run Baburam Murmu Hostel, Kusumasala, Mayurbhanj District, Odisha (Case No. 2974/18/9/2014)	137
4.	A Student Sustains Serious Head Injuries due to Negligence in Patapur Nodal Primary School, Nimapada Town, Odisha (Case No.2350/18/12/2014)	139
CHAPTER 9	RIGHTS OF SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER VULNERABLE GROUPS	141
A.	Research Study on Atrocities against Dalits : An Empirical Study on the Performance of Special Courts in Tamil Nadu	142
B.	Bonded Labour System	143
	<i>Workshops on Bonded Labour</i>	143
	<i>Reconstitution of NHRC Core Group on Bonded Labour</i>	144
C.	Illustrative Cases Related to Scheduled Castes, Scheduled Tribes and Other Vulnerable Groups Dealt by NHRC	144

1. Illegal Detention and Torture of a Scheduled Caste Person by Police Personnel of Hathras Police Station, Uttar Pradesh (Case No. 49639/24/37/2014) 144
2. Death of a Tribal Girl Student for Want of Timely Health Care on Part of Hostel Warden in Dhar, Madhya Pradesh (Case No.554/12/15/2015) 146
3. Death of a Child due to Hanging Him Upside Down in a Pit for Cleaning (Case No. 2100/12/17/2014) 147
4. Excessive Force by Police on Christians Holding Demonstrations to Protest Against Attacks on their Religious Places in Dakshina Kannada District, Mangalore (Case No.326/10/1/08-09) 149
5. Killings of Innocent Muslims in Hashimpura, Meerut District, Uttar Pradesh (Case No. 11623/24/54/2015) 151
6. Identification, Rescue, Release and Rehabilitation of Bonded Labourers from a Brick Kiln Under P.S. Rohnia, Varanasi, Uttar Pradesh (Case No. 9344/24/72/2012) 154
7. Release and Rehabilitation of Bonded Labourers from a Brick Kiln in Basti District, Uttar Pradesh (Case No.25510/24/15/2011-BL; L.F. 5685/24/65/2012-BL) 155



CHAPTER 10 RIGHTS OF WOMEN AND CHILDREN	161
A. Interrogating Violence against Women from the Other Side : An Exploratory Study into the World of Perpetrators	162
B. National Research on Human Trafficking in India	163
C. Study on Human Rights of Transgender as a Third Gender	164
D. Country Assessment/National Inquiry on Human Rights in Context of Sexual and Reproductive Health and Well Being	165
E. Illustrative Cases Relating to Rights of Women and Children Dealt by NHRC	165
1. Alleged Child Sex Slavery in Connivance with Police in Puducherry (Case No.67/32/0/2014-WC)	165
2. Seventy Year Old Man in Haryana Buys a 12 Year Girl from Bihar for Marriage (Case No.612/7/19/2010)	167
3. An Adolescent Raped by Rajputana Rifles Personnel at Swaraj Garden in Pune, Maharashtra (Case No.778/13/23/2010-AF)	168
4. A Minor Class V Girl Gives Birth to a Female Child (Case No.2106/18/14/2013-WC)	170
5. Alleged Sexual Assault of a Visually Challenged 10-year Girl Student by her Teacher and Two Students (Case No.629/12/8/2014)	173
6. Twenty-five Children of Anganwadi Centre in Village Silpuri, District Raisen, Madhya Pradesh Fall Sick After Consuming its Meal (Case No. 2695/12/33/2014)	173

7. Alleged Sexual Harassment of a Girl Student by a Teacher in a School in Haryana
(Case No.1438/7/15/2012) 174
8. Sexual Harassment of Class VI Girl Student by her 55 Years Teacher in the Government Primary School in Pandavapura Taluka, Mandya District, Karnataka
(Case No. 538/10/14/2013-WC) 177
9. Alleged Rape of a Tribal Class-VI Student by the Principal of a Government Middle School at Kota, Rajasthan
(Case No.2664/20/21/2013-WC) 178

CHAPTER 11 RIGHTS OF ELDERLY PERSONS 181

- A. Human Rights of Elderly Persons : Laws, Policies and Implementation – A Study with Special Reference to Kerala 185
- B. Illustrative Case Related to Rights of Elderly Persons Dealt by NHRC 186
 1. Delay in Sanctioning of Family Pension to a Widow After Death of her Husband in District Beed, Aurangabad, Maharashtra
(Case No.2500/13/21/2013) 186
 2. Fifty Senior Citizens and Widows Denied Minimum Sustenance of Life
(Case No.2479/18/7/2013) 189
 3. Misappropriation of Social Security Pension Amount of 109 Beneficiaries of Ward No. 16 from Hindol Notified Area Council, Dhenkanal
(Case No. 2041/18/4/2014) 190
 4. Pathetic Condition of Elderly and Destitute Persons in the State of Andhra Pradesh
(Case No.837/1/8/2013) 192



CHAPTER 12	RIGHTS OF PERSONS WITH DISABILITIES	195
A.	Meeting of NHRC Core Group on Mental Health	196
B.	Directions Given by Supreme Court on NHRC Petition to Improve Functioning of Mental Health Care Institutions	203
C.	National Conference on Leprosy	210
D.	Meeting of State Health Secretaries on Mental Health Care	215
E.	Illustrative Case Relating to Rights of Persons with Disabilities Dealt by NHRC	216
1.	Detention of a Mentally Ill Girl in Gwalior Mental Hospital by the In-charge and Attendant of the Hospital (Case No. 2450/12/18/2014)	216
CHAPTER 13	HUMAN RIGHTS EDUCATION, TRAINING AND AWARENESS	221
A.	Training Programmes Organized by NHRC	221
B.	Summer and Winter Internship Programmes	222
C.	Short-term Internship Programmes and Visit to NHRC	222
D.	Organization of National Seminars in Hindi on Human Rights	222
E.	Observance of Hindi Fortnight at NHRC	223
F.	Two-day Training Programme for Judicial Officers	223
G.	Awareness Programme on Drug Abuse Prevention	224
H.	NHRC – ILI Media Workshop	224
I.	Development of Booklets on Different Human Rights Themes	224
J.	Painting Competition for Children	225
K.	NHRC Celebrates 22nd Foundation Day	225
L.	Observance of Human Rights Day and Release of NHRC Publications	226

M. All India Inter-Central Armed Police Forces' Debate Competition 2015	227
N. Debate Competition in English, Hindi and Regional Languages for Police	228

CHAPTER 14 **HUMAN RIGHTS DEFENDERS** 229

A. Focal Point for Human Rights Defenders in NHRC	231
B. NHRC's Course of Action for Protection of Human Rights Defenders	232
C. Illustrative Cases Relating to Human Rights Defenders Dealt by NHRC	233
1. Alleged Intimidation and Harassment of Human Rights Activist Kirity Roy and Other Members of Masum NGO in Serampore, Hooghly (Case No. 1063/25/6/2016)	233
2. Police Threatens a Human Rights Defender for Refusing to be Police Informer about Maoist Activities (Case No. 362/18/24/2012)	234
3. Human Rights Activist Threatened by Police for Advocating a Case of Rape (Case No. 20903/24/72/2011)	235
4. Attack on Human Rights Defender by Local Politician in Puri, Odisha (Case No. 1972/18/17/2015)	236

5.	Refusal of Postal Authorities to Deliver Dak of Human Rights Activist (Case No. 3021/18/12/2014)	236
6.	Alleged Lathi Charge on Dalit Protesters and Assault on a Woman Human Rights Defender at Bhubaneswar, Odisha (Case No. 3494/18/28/2015)	237
D.	Follow-up : Action Taken on Cases Reported in the Annual Report of 2014-2015	238
1.	Arrest of Human Rights Defenders in Kerala (Case No. 74/11/8/2015)	238
2.	Harassment of RTI Activist for Complaints Against District Officials (Case No. 12054/24/31/2014)	238
3.	RTI Activist Commits Suicide in Pune (Case No. 816/13/23/2014)	239
4.	Human Rights of RTI Activist Violated (Case No. 2280/18/27/2014)	239
5.	Eighty Year Old Human Rights Activist Attacked (Case No. 530/13/14/2015)	240
6.	Arrest of Woman Human Rights Defender (Case No. 1062/12/2/2013)	240
7.	Illegal Arrest and Torture of Human Rights Defenders (Case No. 31/14/12/2013)	241

CHAPTER 15	INTERNATIONAL COOPERATION	243
A.	Cooperation with the Asia Pacific Forum of National Human Rights Institutions	244
B.	Cooperation with Global Alliance of National Human Rights Institutions	245
C.	Universal Periodic Review	247
D.	NHRC Participation in Other International Meetings	248
E.	Interaction with Foreign Delegates in NHRC	250
CHAPTER 16	STATE HUMAN RIGHTS COMMISSIONS	253
CHAPTER 17	ADMINISTRATION AND LOGISTIC SUPPORT	257
A.	Staff	257
B.	Promotion of Official Language	257
C.	NHRC Library	258
D.	Right to Information	260
CHAPTER 18	NON-ACCEPTANCE OF NHRC RECOMMENDATIONS BY STATE GOVERNMENTS	261
CHAPTER 19	PROBLEMS FACED BY NHRC IN ITS EFFECTIVE FUNCTIONING	263
CHAPTER 20	SUMMARY OF PRINCIPAL RECOMMENDATIONS AND OBSERVATIONS	269

ANNEXURES

1	Statement Showing Number of Cases Registered from 01/04/2015 to 31/03/2016	289
2	Statement Showing Disposal of Cases During 2015-2016	291
3	Statement Showing Number of Cases Pending as on 31/03/2016	293
4	Total Number of Cases Where NHRC Recommended Monetary Relief During 2015-2016	295
5	Details of Cases Where NHRC Recommendations for Monetary Relief Made During 2015-2016 are Pending for Compliance	297
6	Details of Cases Pending Compliance of NHRC Recommendations During 2014-2015 for Payment of Monetary Relief	321
7	Details of Cases Pending Compliance of NHRC Recommendations From 2008-2009 to 2013-2014 for Payment of Monetary Relief/Disciplinary Action/ Prosecution	325
8	Recommendations for the State of Gujarat Emerging from Sessions on 7 January 2016, Regarding Systemic Issues and Cases Studies on Right to Health Care During the Two-day Western Region Public Hearing on Right to Health Care	335

9	Recommendations for the State of Maharashtra Emerging from Sessions on 7 January 2016, Regarding Systemic Issues and Cases Studies on Right to Health Care During the Two-day Western Region Public Hearing on Right to Health Care	339
10	Recommendations for the State of Rajasthan Emerging from Sessions on 7 January 2016, Regarding Systemic Issues and Cases Studies on Right to Health Care During the Two-day Western Region Public Hearing on Right to Health Care	344
11	NHRC Sought the Intervention of the Supreme Court on Following 13 Alarming Issues with the Objective of Seeking Suitable Directions for the Central and State Governments Whereby Remedial Action is Taken to Improve the Existing Situation in Mental Health Care Institutions	349
12	Recommendations of the Meeting of State Health Secretaries on Mental Health Care Held on 4 September 2015 in New Delhi	352
13	Details of Training Programmes Organized During 2015-2016	358
14	NHRC Letter to the Chief Secretaries of all States to Create a Favorable Environment for the Functioning of the Human Rights Defenders	369
15	NHRC Message on 9 th December 2015 (Human Rights Defenders Day) Pledging Continued Support to the Human Rights Defenders	370

GRAPHS & CHARTS

1	State/UT-wise Graph on Number of Cases Registered in NHRC During 2015-2016	377
2	State/UT-wise Chart on Number of Cases Registered in NHRC During 2015-2016	378
3	State/UT-wise Graph on Number of Cases Registered as Suo-motu Cognizance in NHRC During 2015-2016	379
4	State/UT-wise Chart on Number of Cases Registered as <i>Suo Motu</i> Cognizance in NHRC During 2015-2016	380
5	State/UT-wise Graph on Intimations Registered in NHRC Relating to Custodial Deaths/Rapes During 2015-2016	381
6	State/UT-wise Chart on Intimations Registered in NHRC Relating to Custodial Deaths/Rapes (Judicial) During 2015-2016	382
7	State/UT-wise Chart on Intimations Registered in NHRC Relating to Custodial Deaths/Rapes (Police) During 2015-2016	383
8	Graph Relating to Cases Transferred by NHRC to SHRCs During 2015-2016	384

9	State/UT-wise Graph on Number of Report Cases Disposed of by the NHRC During 2015-2016	385
10	Chart on Cases Dismissed 'In Limine' by NHRC During 2016-2016	386
11	Chart on Cases Disposed of with Directions by NHRC During 2015-2016	387
12	Chart on Cases Transferred to SHRCs by NHRC During 2014-2015	388
13	Chart Depicting Cases Disposed of by NHRC During 2015-2016	389
14	Graph Depicting Cases Registered by NHRC From 2013-2014 to 2015-2016	390
15	Graph Depicting Number of Custodial Deaths/Rapes Cases Registered & Disposed of During 2015-2016	391
ABBREVIATIONS		393

Introduction

1.1 This report of the National Human Rights Commission (NHRC) covers the period from 1 April 2015 to 31 March 2016. It is the twenty-third Annual Report of the Commission.

1.2 The twenty-second Annual Report of the Commission, covering the period from 1 April 2014 to 31 March 2015, was submitted to the Central Government on 8 July 2016 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, Chairperson, NHRC on completing his five-year term in the Commission relinquished office on 11 May 2015. On 13 May 2015, Justice Shri Cyriac Joseph, the senior most Member in the Commission, took over as the Acting Chairperson of the NHRC, which post he continued to hold till 28 February 2016. On 29 February 2016, Justice Shri H.L. Dattu joined as the new Chairperson of the NHRC. Prior to joining the Commission, Justice Shri Dattu was the Chief Justice of India from 28 September 2014 to 2 December 2015. Justice Shri D. Murugesan and Shri S.C. Sinha continued to serve as Members in the Commission.

1.4 Section 3 (3) of the PHRA provides that 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, the Chairperson of the National Commission for the Scheduled Castes, Dr. Rameshwar Oraon, the Chairperson of the National Commission for the Scheduled Tribes, Shri Naseem Ahmad, the Chairperson of the National Commission for Minorities and Ms. Lalitha Kumaramangalam, the Chairperson of the National Commission for Women continued to be deemed Members of the NHRC.

1.5 Shri Satya N. Mohanty, IAS (1980 : Andhra Pradesh Cadre and later Telangana Cadre) posted earlier as the Secretary, Department of Higher Education, Ministry of Human Resource Development, succeeded Shri Rajesh Kishore (1980: Gujarat Cadre), as the Secretary General and Chief Executive Officer of NHRC on 3 June 2015. Shri J.S. Kochher and Dr. Ranjit Singh continued to function as Joint Secretary (Training & Research) and Joint Secretary (Programme & Administration) respectively in the NHRC. Shri C. K. Chaturvedi, an officer of the Delhi Higher Judicial Services, who worked as a District Judge, joined the NHRC as the Registrar (Law) on 1 December 2015.

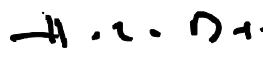
1.6 During 2015-2016, the Commission focussed its attention on a wide range of activities in accord with the various functions prescribed under Section 12 of the PHRA. It took *suo motu* cognizance of media reports as well as on the basis of complaints about occurrences hinting towards use of excessive force by police personnel in different parts of the country resulting in loss of many lives; rape and death in police and judicial custody; violation of human rights of prisoners in jails; illegal detention and torture; deaths in encounter; deaths due to electrocution; delay in payment of pension to retired employees;

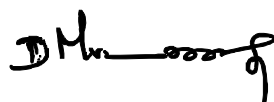
lack of educational facilities and basic amenities like drinking water, toilet, safe building and infrastructure in schools; children falling ill after consuming mid-day meals in schools; dubious functioning of IVF clinics; sexual assault, rape and trafficking of children and women; killing of persons on allegations of practising witchcraft; suicide by farmers; enticing children for begging; stray dog menace; pesticides in vegetables and fruits; botched up cataract surgery; separate anganwadis for children of dalits; poor facilities in Primary Health Centres resulting in death of new born babies; increasing incidents of missing children; and atrocities against vulnerable sections like the Scheduled Castes, Scheduled Tribes, Minorities, Other Backward Classes, children, women, disabled and the elderly. In all these, apart from making important interventions by way of issuing directives to the concerned State Governments and sending its own team from the Investigation Division for conducting spot inquiries, the Commission also recommended payment of monetary relief to the victims whose rights were violated or their next-of-kin along with furnishing of proof of payments it recommended.


1.7 It held Camp Sitzings and Open Hearings in the States of Andhra Pradesh, Telangana and Puducherry; explored areas of cooperation and coordination between NHRC and State Human Rights Commissions for protecting and promoting human rights; dealt with the issue of leprosy; rescue, release and rehabilitation of bonded and child labourers; right to health care including mental health care; right to food; right to education; sexual and reproductive health and well being; and concentrated on issues forming part of the second cycle of the universal periodic review of India undertaken in 2012 by the United Nations Human Rights Council which had the concurrence of the Government of India. All this, the NHRC felt would facilitate in preparing its independent report for the third cycle of the periodic review that is to take place in 2017. In addition, the NHRC continued to spread human rights literacy among various sections of society including key stakeholders like the judicial officers, police personnel,

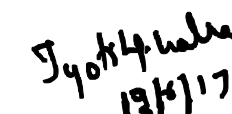
government officials, media persons, representatives of non-governmental and civil society organizations, and university and college students through its training and internship programmes, publications, seminars, workshops, consultations and other available means.

1.8 These issues have been detailed out in different chapters of the Annual Report for the year 2015-2016.


(H. L. Dattu)
Chairperson


(D. Murugesan)
Member


(S. C. Sinha)
Member


(Jyotika Kalra)
Member

13th June, 2017

New Delhi

Highlights

2.1 The National Human Rights Commission (NHRC) of India 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. Given below are the highlights of the Commission during the period under report.

New Chairperson

2.2 Justice Shri H. L. Dattu, former Chief Justice of India, took over as the seventh Chairperson of the National Human Rights Commission of India on 29 February 2016. He succeeded Justice Shri K. G. Balakrishnan, who demitted office on 11 May 2015. Justice Shri Dattu, a renowned legal luminary, is recognized for delivering several significant judgments. Given his illustrious career, he emerged as the unanimous choice to be elected as a Member of the Global Alliance of National Human Rights Institutions (GANHRI) Bureau during

its 29th Annual General Meeting held in Geneva from 21-23 March 2016. GANHRI was earlier known as the International Coordinating Committee of the National Human Rights Institutions for the Promotion and Protection of Human Rights.

2.3 The presence of Justice Shri Dattu in GANHRI Bureau will facilitate NHRIs in implementation of international human rights standards at the national level as well as perform core protection issues, such as, the prevention of torture and degrading treatment, arbitrary detention and disappearances, and the protection of the human rights defenders.

Upgradation of Complaint Management System

2.4 The NHRC has upgraded its complaint management system by implementing a web-based version of the complaint management system with the technical support of the National Informatics Centre. This has led to improvement in the existing modules of the software along with addition of other modules, all of which together has facilitated the Commission in handling of the complaints. With the usage of latest information and communication technology in this software, the complainants are now being constantly updated about the status of their complaints via SMS and e-mails.

Installation of Real Time Management Information System

2.5 The NHRC has designed and developed Real Time Management Information System software which provides minute to minute status of complaints received, disposed and pending for action by the Commission through a dashboard. Number of pending action on cases registered, number of reminders to be sent to the authorities and number of reports or comments received from the authorities or complainants are communicated daily to concerned officers of NHRC for taking required action through e-mail and SMS.

Foundation Day Celebrations

2.6 The 22nd Foundation Day of the NHRC was celebrated on 12 October 2015. The Chief Guest on the occasion was Nobel Peace Laureate Shri Kailash Satyarthi, Founder of Bachpan Bachao Andolan in New Delhi. Justice Shri Cyriac Joseph, Acting Chairperson, NHRC delivered the Presidential Address. During the event, 10 special children from Government-run Asha Kiran, a Home for Mentally Challenged in Delhi who brought laurels to India by winning medals in the Special Olympics World Summer Games 2015 held in Los Angeles, United States of America, were felicitated. Awards were also presented to the winners of the Painting Competition especially organized for the children of NHRC employees. In addition, awards were given to the writers from Scheduled Castes, Scheduled Tribes and Other Backward Classes categories for best essay in Hindi on the theme of 'Good Governance, Social Justice and Human Rights'. The Foundation Day function culminated with a cultural show in which special children from Asha Kiran, representatives from Association for Learning Performing Arts and Normative Action (ALPANA), artists of Song and Drama Division and employees of the Commission performed.

Painting Competition for Visually Impaired Children

2.7 As a run up to Human Rights Day Celebrations, the NHRC organized an on-the-spot painting competition on 30 November 2015 for visually impaired children in collaboration with the National Association for the Blind. The competition was organized in two age groups – 5 to 12 years and 12 to 18 years. The awards presented carried cash prizes of ₹10,000/-, ₹ 8,000/- and ₹ 6,000/- along with citations for the first, second and third positions in both the categories.

Competition of Short Films for Human Rights Award

2.8 The NHRC for the first time invited entries for short films having duration of maximum 10 minutes on a range of human rights issues in English as well as in any Indian language. In all, 44 entries were received by the NHRC out of which the six Member Jury selected three short films for award of ₹ 1,00,000/-, ₹ 75,000/- and ₹ 50,000/- respectively. The names of the films winning the award for first, second and third positions were 'The Rice Mill Story' (Tamil), 'Sapno Ka Basar' (Hindi) and 'Kulfi' (Tamil) made by Shri A. Krishnan from Chennai, Shri Aditya Kapur from Kolkata and Shri Vivek K. R. from Palakkad respectively. These awards were presented on Human Rights Day.

Observance of Human Rights Day and Release of NHRC Publications

2.9 The NHRC observed the Human Rights Day on 10 December 2015 at a function organized in the DRDO Auditorium, New Delhi. The Chief Guest on the occasion was Justice Shri T.S. Thakur, Hon'ble Chief Justice of India. Shri Kiren Rijju, Minister of State for Home Affairs, Government of India was the Guest of Honour. Justice Shri Thakur inaugurated the photo and children's paintings exhibition, including the paintings made by the visually impaired children and released six publications of the Commission. Justice Shri Cyriac Joseph, the then Acting Chairperson, delivered the Presidential Address on the occasion. A festival of the selected short films was also held as part of the function.

2.10 For the first time, there was a live coverage of NHRC Human Rights Day programme on Doordarshan. On the eve of Human Rights Day, Justice Shri Cyriac Joseph also delivered a Message to the public.

First Secretary Level Meeting of National Commissions

2.11 The First Secretary Level Meeting of National Commissions, who are deemed Members of the NHRC for the discharge of its functions as specified in Clauses (b) to (j) of Section 12 of the PHRA, was held on 25 February 2016 under the chairmanship of Shri Satya N. Mohanty, Secretary General, NHRC. The issues discussed during this Meeting were inter-linking the CMIS of the NHRC with the National Commissions, strengthening convergence between the National Commission for Protection of Child Rights and the NHRC, framework devised by the NHRC for monitoring the implementation of 67 recommendations accepted by the Government of India during the second universal periodic review held in Geneva in 2012, continued cases of violence against women and effectiveness of the Criminal Law (Amendment) Act, 2013.

Meetings of the Commission

2.12 The Full Commission deliberated upon and decided 493 cases of human rights violations in 49 sittings. In addition, the two Division Benches considered 496 cases in 45 sittings. Eight cases of Kashmiri migrants were furthermore considered in the open court of the Commission.

NHRC Camp Sitzings

2.13 The Commission has been organizing camp sittings in State capitals so as to expedite disposal of pending complaints and sensitize the State functionaries on human rights of critical importance. This year, it held Camp Sitzings in Thiruvananthapuram, Kerala (8 – 10 April 2015) and Hyderabad for the States of Andhra Pradesh and Telangana (22 – 24 April 2015). In addition, Justice Shri D. Murugesan, held a Single Bench camp sitting in Puducherry from 28 to 30 April 2015.

NHRC Open Hearings

2.14 The NHRC held Open Hearings on atrocities against Scheduled Castes at Thiruvananthapuram, Kerala (8 April 2015) and Hyderabad for the States of Andhra Pradesh and Telangana (22 April 2015).

Towards Third Universal Periodic Review 2017 – Follow up of UPR-2 Recommendations & Organization of Regional Consultations

2.15 With the objective of submitting an independent report to the UN Human Rights Council about the human rights situation of India towards the third universal periodic review in 2017, the NHRC developed a framework indicating action required along with monitorable outcomes on each of the 67 recommendations accepted by the Government of India. This framework was shared with the concerned 16 Ministries of the Government of India and was followed up by meetings with their respective Secretaries/Joint Secretaries. Thereafter, two Regional Consultations, one at Chandigarh for Northern States of India in collaboration with Panjab University in October 2015 and the other in Kolkata for the Eastern and Central States in collaboration with the West Bengal National University of Juridical Sciences in February 2016 were organized to know the human rights situation at the ground level with regard to the accepted 67 recommendations of the Government of India.

Dissemination of NHRC Information and Interaction with Media

2.16 The NHRC, through its Media and Communication (M&C) Unit, disseminates information about the NHRC activities through various means. These include press releases and statements, media briefings, press conferences and interviews of Chairperson and Members of the Commission. The M&C Unit also provides feedback to the Commission about significant human rights

issues reported in the media by way of press clippings, which forms the basis of taking *suo motu* cognizance by the Commission about human rights violations in the country.

2.17 During the period under report, about 196 press releases and statements were prepared and issued by the M&C Unit about the various interventions and activities of the Commission. A total of about 286 news clippings were brought to the notice of the Commission for consideration of *suo motu* cognizance. In order to give an overall picture about the issues reported in the media, in particular, the role played by the NHRC and the interventions made by it, news clippings on day-to-day basis were uploaded on the website of the Commission. A monthly compendium of these news clippings was further prepared and sent to the NHRC Library for purposes of dissemination to other Libraries and reference by all those visiting the Library.

2.18 Overall, 10 press conferences and 19 interviews of Chairperson, Members and senior officers of NHRC with the All India Radio, Doordarshan and other media organizations were organized. Special efforts were made to organize press conferences and day-to-day media briefings for all the Camp Sitzings and Open Hearings of the Commission apart from other activities held in different parts of the country during 2015-2016 like the “Western Region Public Hearing on Right to Healthcare” at Mumbai in January 2016 and three “Workshops on Elimination of Bonded Labour” in Bhubaneswar, Odisha and Rajasthan.

2.19 Besides, a monthly Newsletter is published by the Unit both in English and Hindi, which is circulated free of cost to all the important stakeholders of the Government at the Centre and State level, academic/technical institutions, media, NGOs and civil society organizations, etc. for spreading awareness about human rights issues and interventions and recommendations made by the NHRC from time to time. These are posted on the website of the NHRC as well. The copies of the Newsletter are made available to the visitors at the reception area of the NHRC.

2.20 A 'Weekly News Digest' on human rights issues reported in the media is moreover prepared for the feedback of the Commission, a copy of which along with the monthly compendium, is forwarded to all the major Libraries for information.

Number and Nature of Complaints

2.21 The Commission continued to receive complaints in large numbers from different parts of the country on a wide range of issues where rights of the people were allegedly violated or negligence shown by the public servants in the prevention of such violations. These complaints by and large 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 like the Scheduled Castes, the Scheduled Tribes and the Minorities, communal violence, bonded and child labour, non-payment of retiral benefits, negligence by public authorities, etc. The Commission further 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 the print and electronic media was taken including those cases which came to the notice of the Chairperson, Members, Special Rapporteurs and senior officers of the Commission during their visits to different parts of the country

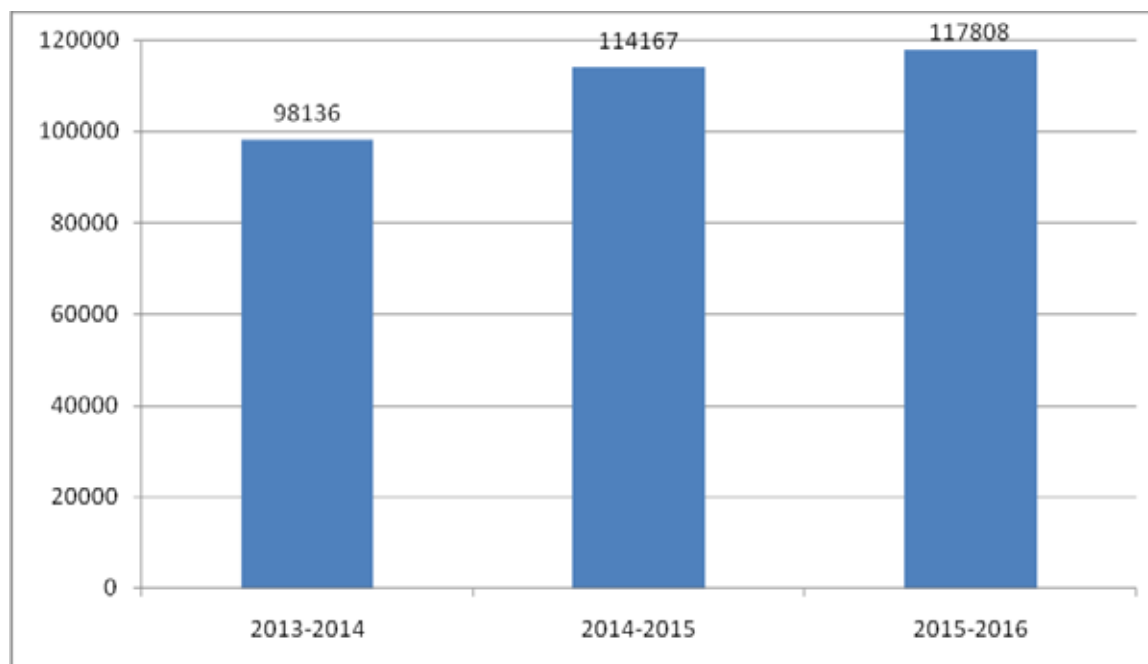
Human Rights Violation Cases

2.22 A total of 1,17,808 cases were registered in the Commission (**Annexure-1**) during 2015-2016. It disposed of 1,18,254 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, 65,220 were dismissed '*in limine*'

while 15,975 were disposed of with directions to the appropriate authorities for remedial measures. In all, 24,622 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 2015-2016, see **Annexure-2**. At the end of the reporting period, that is, on 31 March 2016, the total number of cases pending with the Commission was 40,766. These covered 2,001 cases awaiting preliminary consideration and 38,765 cases pending either for want of reports from the authorities concerned or the reports received being pending for consideration by the Commission (**Annexure-3**).

2.23 The Graph below gives a comparative analysis of total number of cases registered in the NHRC from 2012-2013 to 2015-2016:

**Total Number of Cases Registered
(2013-2014 to 2015-2016)**

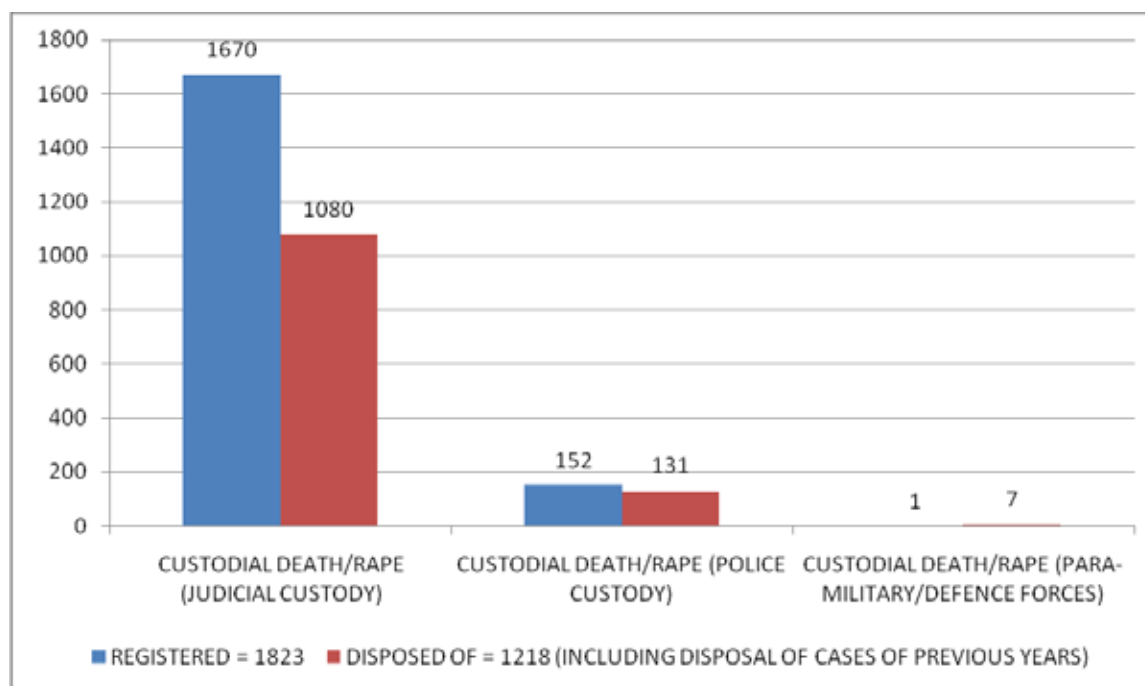


CIVIL AND POLITICAL RIGHTS

Preventing Custodial Violence

2.24 The NHRC received 1,670 intimations concerning death in judicial custody^[1], 152 intimations of death in police custody, and one intimation of death in para-military / defence forces custody during the year 2015-16. It disposed of 1218 cases of custodial death, 1,080 cases of death in judicial custody, 131 cases of death in police custody and 7 cases of death in the custody of para-military forces/defence forces. These figures contain cases of previous years as well. See the Graph below for all details.

**NUMBER OF CUSTODIAL DEATHS/RAPES CASES
REGISTERED & DISPOSED OF DURING 2015-2016**



NHRC Recommendations for Monetary Relief and its Compliance

2.25 During the period, the Commission recommended Rs. 6,05,60,000 as payment of monetary relief/ compensation to the victims/next of kin of the

^[1]In the Annual Report, judicial custody means persons in jails as per the orders of the court.

deceased in 332 cases. Out of the 332 cases in which monetary relief was recommended, compliance reports were received only in 33 cases, wherein a total amount of Rs. 50,55,000 was paid to the victims/next of kin of the deceased. The State and Union Territory-wise details of these cases are at **Annexure-4**.

2.26 As on 31 March 2016, compliance reports were awaited in 299 cases wherein monetary relief amounting to Rs. 5,55,05,000/- was recommended during the year. Out of these cases, the Commission's recommendations to the Railway Board in Case No. 984/34/15/08-09 (mentioned at Sl. No. 94 of **Annexure-5**), for payment of Rs. 5,00,000/- (Rupees Five Lakhs only) to Ms. Sangeeta Devi, widow of the deceased Shri Sanjay Kumar Aggarwal, has been challenged by the Union of India through Assistant Security Commissioner Prosecution, East Central Railway by filing of a Writ Petition (Civil) No. 5974/2015, in the High Court of Ranchi. The matter is pending in the High Court. Further, the Government of Madhya Pradesh and the Government of Maharashtra have conveyed their reluctance for compliance of the Commission's recommendations for payment of monetary relief to the victims or next-of-kin of the deceased victim, in Case Nos. 2214/12/28/2013 and 2838/13/28/2012 respectively (see Sl. Nos. 105 and 115 of **Annexure-5**). In response, the Commission has observed that it is now for the aggrieved persons to resort to legal action for compliance of these recommendations and have closed the cases.

2.27 Apart from the recommendations made for monetary relief, the Commission in 30 cases also recommended disciplinary/departmental action against the errant public servants. In Case No. 5888/7/5/2015, pertaining to custodial torture and false implication of one Smt. Nisha Singh, Councilor, Ward 30, Gurgaon, Haryana, was challenged by Rani Devi, the wife of the errant police official by filing a Civil Writ Petition No. 24079/2016 before the High Court of Punjab & Haryana in Chandigarh. The remaining 29 cases were closed

by the Commission, on receipt of compliance reports. The Commission, once again, recommends to all those States and Union Territories, in particular the Government of 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. As is evident from the given Annexure, during 2015-2016, a total of 94 cases were found to be pending with the Government of Uttar Pradesh, 19 with the Government of Odisha and 17 each with the Governments of NCT of Delhi and Jharkhand for compliance in which an amount of Rs. 1,31,45,000, 30,60,000, 22,30,000 and 60,30,000 respectively was recommended by the Commission as monetary relief. Bihar (16/23,45,000), Madhya Pradesh (14/2,27,000), Haryana (13/29,25,000), Chhattisgarh (12/18,60,000), Rajasthan (12/14,45,000), Maharashtra (10/35,00,000), Manipur (10/61,00,000), West Bengal (9/18,75,000) and Telangana (8/16,00,000) Andhra Pradesh (7/8,30,000), Tamilnadu (6/9,25,000), Gujarat (5/11,25,000), Punjab (5/7,25,000), Uttarakhand (5/4,35,000), Tripura (4/1,30,000), Assam (3/4,50,000) Karnataka (3/2,50,000), Pondacherry (3/8,00,000), Himachal Pradesh (2/2,00,000), Kerala (2/1,50,000), Arunachal Pradesh (1/1,00,000), Jammu & Kashmir (1/5,00,000), Meghalya (1/5,00,000) were the other States in descending order where the compliance is pending.

2.28 With regard to compliance reports relating to cases pertaining to previous years, compliance was awaited in 138 (66+72) cases, for details see **Annexures - 6 & 7.**

2.29 Annexure-6 gives details of cases pending compliance for the year 2014-2015 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 24 cases, most of which relate to civil and political rights. Other States, which had yet to forward their compliance reports in this respect were – Bihar (6), Rajasthan (6), NCT of Delhi (5), Odisha (5), Kerala (3), West Bengal (3), Chhattisgarh (2), Gujarat (2), Jharkhand (2), Madhya Pradesh (2), Maharashtra (2), Andhra Pradesh (1), Assam (1), Tamil Nadu (1), Telangana (1). All the cases pertaining to these States primarily relate to civil and political rights except for a few that address concerns of sexual harassment of women

including by army/paramilitary personnel, indignity to women, irregularities/malfunctioning in primary health centres and government hospitals, abduction/rape including of a scheduled caste/scheduled tribe/other backward class woman, and non-payment of pension. The details of these cases have been reported in the earlier Annual Reports of the NHRC. The Commission once again calls upon all the aforementioned State Governments to take immediate steps for sending their compliance reports to the NHRC and simultaneously take comprehensive steps for protection and promotion of civil, political, economic, social and cultural 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.

2.30 Annexure-7 gives details of cases pending compliance on the recommendations made by the Commission for the period 2008-2009 to 2013-2014 for payment of monetary relief, disciplinary action and prosecution. It would be seen that out of the 72 cases cited in the specified Annexure, in four 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 Jammu and Kashmir (2), Odisha (1) and Kerala (1). The Commission makes an ardent appeal to these Governments to expedite the cases pending in their respective High Courts. It believes that the Governments of other States listed in Annexure-7 will adhere to the recommendations made by the Commission and provide immediate respite to the victims/next of their kin at the earliest.

Spot Enquiries

2.31 During the period 1 April 2015 to 31 March 2016, the Investigation Division conducted spot enquiry in 108 cases of alleged violations pertaining to civil, political, economic, social and cultural rights. These cases related to

custodial deaths / rapes; sexual harassment by policemen; custodial torture; false implication; illegal detention; bonded and child labour; atrocities on scheduled castes, scheduled tribes, and other disadvantaged groups; medical negligence and lack of proper medical facilities in Government hospitals; death due to negligence of various State authorities; inhuman conditions in jails and shelter homes for children.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Regional Public Hearing on Right to Health Care

2.32 A two-day Western Region Public Hearing on Right to Health Care was organized by the Research Division of the NHRC in collaboration with the Union Ministry of Health and Family Welfare, Government of India; Public Health Resource Society, New Delhi and Jan Swasthya Abhiyan (JSA), in Mumbai on 6 and 7 January 2016. JSA is a civil society coalition consisting of over 20 networks and 1,000 organizations as well as a large number of individuals working for the health rights of the people across the country. The Regional Hearing had the participation of the States of Gujarat, Maharashtra and Rajasthan. Government health officials from these States along with a large number of complainants whose health rights were violated, including representatives of non-governmental and civil society organizations participated in the Regional Public Hearing.

Reconstitution of NHRC Core Group on Food

2.33 The Commission on 26 August 2015 reconstituted its Core Advisory Group on Right to Food to advise it on issues relating to right to food in India. The Core Group consists of 13 distinguished experts in the field of right to food from the Government, Universities, non-governmental and civil society

organizations across the country. The reconstituted Group met for the first time on 14 March 2016.

Swachh Bharat Abhiyan in NHRC

2.34 As part of the Swachh Bharat Abhiyan launched by the Government of India in the entire country, the NHRC undertook significant measures during the year by way of displaying banners at strategic points of its building, periodic cleaning of the building and its surroundings by the employees, weeding out of old files by all the Divisions, and posting the snapshots of these events on the website of the Commission and its Newsletters. The designated Nodal Officer also issued circulars to all Divisional Heads requesting them to ensure their participation as well as of their staff in the cleanliness drives undertaken by the Commission from time to time.

Human Rights of Elderly Persons : Law, Policies and Implementation – A Study with Special Reference to Kerala

2.35 The above research study was commissioned by the NHRC to the Centre for Human Rights, the National University of Advanced Legal Studies, Kochi in February 2016. The research is to be completed within a span of 18 months. Its main objective is to assess the human rights of elderly persons in the backdrop of social realities, laws, policies and programmes evolved for them by the Government.

Country Assessment/National Inquiry on Human Rights in Context of Sexual and Reproductive Health and Well-Being

2.36 The above research project was initiated by the NHRC in collaboration with SAMA-Resource Group on Women and Health (SAMA), New Delhi and Partners for Law in Development, New Delhi in March 2016. Its prime objective

is to make an assessment of sexual and reproductive health and well-being in India in the light of existing international and national standards. The duration of the project is of 12 months.

Meeting of NHRC Core Group on Mental Health

2.37 A Meeting of the NHRC Core Group on Mental Health was held in the Commission on 15 April 2015. Its aim was to discuss the initiatives so far taken by the NHRC in the field of mental health including future course of action in respect of the petition filed by the Commission in the Supreme Court of India pertaining to improving the existing mental health care situation in the country. The above Meeting was chaired by Shri S. C. Sinha, Member, NHRC.

National Conference on Leprosy

2.38 A one-day National Conference on Leprosy was organized by the NHRC at Vigyan Bhawan Annexe, New Delhi on 17 April 2015. Its objectives were two-fold : (i) follow up of the suggestions/recommendations of the National Conference on Leprosy organized by the NHRC on 18 September 2012; and (ii) focus on issues of concern related to leprosy and suggest appropriate strategies to deal with them. The Conference was inaugurated by Justice Shri K. G. Balakrishnan, Chairperson, NHRC. Speaking in the inaugural session of the Conference, Shri Bhanu Pratap Sharma, Secretary, Ministry of Health and Family Welfare, Government of India highlighted the steps taken by the Ministry in containing the problem of leprosy in the country.

Meeting of State Health Secretaries on Mental Health Care

2.39 A Meeting of the State Health Secretaries was organized by the NHRC on 4 September 2015 at India International Centre, New Delhi. Its objectives were to (i) discuss ways for better implementation of the National Mental Health

Programme (NMHP), in particular, the District Mental Health Programme (DMHP), infrastructure and manpower development in the States and Union Territories; (ii) talk about strategies for better utilization of funds allocated by the Government of India for various components of NMHP; (iii) sharing of good practices on mental health care including rehabilitation in States and Union Territories; and (iv) discuss ways for proper rehabilitation of cured patients in the community. The Meeting was inaugurated by Justice Shri Cyriac Joseph, then Acting Chairperson of the NHRC and was attended by Members, Special Rapporteurs and senior officials of NHRC, Health Secretaries or their representative officials from all States and Union Territories; experts in mental health care; and officials of mental care hospitals.

TRAINING PROGRAMMES AND WORKSHOPS

NATIONAL

Important Programmes Organized by NHRC

2.40 During the financial year 2015-2016, the Commission approved 90 training programmes of 70 institutes in human rights and related issues, out of which 71 training programmes were conducted by 59 institutes. In addition, 09 training programmes to be conducted during 2014-2015 were organized, taking the total to 80.

Training of Trainers Programme on Gender Sensitization

2.41 The NHRC organized a three-day Training of Trainers Programme on Gender Sensitization in collaboration with Karnataka Police Academy, UN Women Multi-country Office, and the Centre for Social Research, New Delhi at Karnataka Police Academy, Mysuru from 5 to 7 May 2015. The programme was

inaugurated by Justice Shri K. G. Balakrishnan, Chairperson, NHRC. Also present on the occasion were Dr. Rebecca Reichmann Tavares, UN Multi-country Office and Smt. Meera C. Saxena, Member, Karnataka State Human Rights Commission.

Two-day Training Programme for Judicial Officers

2.42 A two-day Training Programme for Judicial Officers at the District Level was organized by the NHRC in collaboration with the Indian Law Institute, New Delhi on 3 and 4 October 2015. The programme was inaugurated by Justice Shri Cyriac Joseph, Acting Chairperson and Justice Shri D. Murugesan, Member, NHRC addressed the Valedictory Session as the Chief Guest.

Awareness Programme on Drug Abuse Prevention

2.43 The Commission sponsored a day-long State Level Awareness Programme on Drug Abuse Prevention jointly organized by Manipur University and the Department of University and Higher Education, Government of Manipur at D. M. College of Teacher Education, Imphal on 18 February 2016. The awareness programme was attended by 450 students from the University of Manipur, different colleges located in Imphal and adjoining districts of Manipur.

NHRC – ILI Media Workshop

2.44 The NHRC in collaboration with the Indian Law Institute, New Delhi organized a day-long Training Programme on Media and Human Rights : Issues and Challenges at the premises of the Institute on 12 March 2016. The training programme was inaugurated by Shri S. C. Sinha, Member, NHRC. The participants included media persons, officers working for media communication, both at the Centre and at the State level, and students of law and journalism.

National Moot Court Competition on Human Rights

2.45 The Fourth National Moot Court Competition on Human Rights was organized by the NHRC in collaboration with the Law Centre-I of University of Delhi from 18 to 20 March 2016. The event was inaugurated by Justice Shri Cyriac Joseph, Member, NHRC and concluded by Justice Shri D. Murugesan, Member, NHRC. In all, 48 Teams representing different Law Colleges and Universities of India took part in this competition. The Moot Court Competition focussed on 'surrogacy and human rights'.

INTERNATIONAL

NHRC Officers Participate in Different Learning Programmes of APF

2.46 Smt. Sumedha Dwevedi, Sr. Superintendent of Police, Shri T. Raveendran, Section Officer and Smt. Monia Uppal, Inspector participated in a Workshop on Women and Girls Human Rights in Kathmandu, Nepal from 13 to 17 April 2015. Prior to this, the participants had undergone an online training on human rights of women and girls for five weeks.

2.47 Shri Inder Pal Singh, Inspector took part in the Regional Workshop on Investigating and Documenting Torture organized by the Asia Pacific Forum of NHRIs and the Association for the Prevention of Torture in Manila, Philippines from 20 to 24 April 2015.

2.48 Shri D.M. Tripathy, Under Secretary (General Administration) and Shri Mukesh Kumar, Assistant Registrar (Law) attended the Regional Workshop on the United Nations Declaration on the Rights of Indigenous People (UNDRIP) in Dhaka, Bangladesh from 4 to 8 May 2015.

2.49 Dr. Ranjit Singh, Joint Secretary (Programme and Administration) attended the Face-to-Face Training on Business and Human Rights in Bangkok, Thailand from 5 to 7 May 2015.

2.50 Dr. Sanjay Dubey, Director (Administration) attended a Seminar on International, Regional and National Human Rights Mechanisms at Vientiane, Lao PDR from 7 to 8 December 2015.

INTERNATIONAL EVENTS

NHRC Participation in AGM and Biennial Conference of APF

2.51 A three-member delegation comprising Justice Shri Cyriac Joseph, Acting Chairperson; Shri S.C. Sinha, Member and Shri Satya N. Mohanty, Secretary General participated in the 20th Annual General Meeting and Biennial Conference of Asia Pacific Forum of NHRIs at Ulaanbaatar, Mongolia from 26 to 28 August 2015.

Participation in 12th ICC Conference of NHRIs

2.52 A two-member delegation comprising Justice Shri Cyriac Joseph, the then Acting Chairperson and Shri S.C. Sinha, Member participated in the 12th International Coordinating Committee Conference of the National Human Rights Institutions for the Promotion and Protection of Human Rights including the ICC Bureau Meeting & Regional Asia Pacific Forum Meeting at Merida, Yucatan, Mexico from 6 to 10 October 2015. The Conference was organized by the NHRC of Mexico in collaboration with the OHCHR and ICC. The Conference deliberated upon the role for the NHRIs in achieving the Sustainable Development Goals (SDGs).

2.53 On 8 October 2015, Justice Cyriac Joseph addressed the Fourth Session on “SDGs, NHRIs, Non-discrimination and Vulnerable Groups”. The Conference concluded with the adoption of the Merida Declaration, which encourages all NHRIs, in line with their mandates under the Paris Principles, to collaborate in mutual capacity building and sharing of experiences towards attainment of 2030 Agenda for Sustainable Development.

Participation in NHRI Special Session on Rights of Older Persons

2.54 Justice Shri Cyriac Joseph, Acting Chairperson and Shri J.S. Kochher, Joint Secretary (Training & Research) attended the NHRI Special Session on the Role of NHRIs in the Promotion and Protection of the Rights of Older Persons and ASEM Conference on Global Ageing and Human Rights of Older Persons, at Seoul, South Korea from 26 to 28 October 2015. Justice Shri Cyriac Joseph also presented a paper in the Special Session.

Biennial Meeting of Commonwealth Forum of NHRIs

2.55 A two member delegation from NHRC, India consisting of Justice Shri Cyriac Joseph, Acting Chairperson and Dr. Savita Bhakhry, Joint Director (Research) visited Malta to participate in the 2015 Biennial Meeting of Commonwealth Forum of National Human Rights Institutions held from 23 to 25 November 2015. During the course of the Meeting, Justice Shri Joseph made a presentation about the structure, jurisdiction and functioning of NHRC, India. In the end, the CFNHRI Outcome Statement of the Biennial Meeting was unanimously adopted by the participating NHRIs. It was based on the existing and emerging areas of concern including child, early and forced marriage in furtherance of the Kigali Declaration; freedom of expression, association and peaceful assembly; strengthening cooperation between governance institutions; and migration.

The Meeting also adopted the St. Julian's Declaration on Climate Justice on behalf of the Commonwealth NHRIs in response to the 21st Conference of the Parties (COP 21) to the 1992 United Nations Framework Convention on Climate Change.

Participation in APF Regional Meeting, CFNHRI Annual Meeting & 29th Annual Meeting of ICC

2.56 Justice Shri H.L. Dattu, Chairperson along with Shri S.N. Mohanty, Secretary General, Dr. Ranjit Singh, Joint Secretary (P&A) attended the Asia Pacific Forum Regional Meeting, Commonwealth Forum of National Human Rights Institutions (CFNHRI) Annual Meeting and 29th Annual General Meeting of International Coordinating Committee on Promotion and Protection of Human Rights (ICC), at Geneva, Switzerland from 21 to 23 March 2016. The 29th Annual Meeting was significant as the ICC was renamed as the Global Alliance of National Human Rights Institutions (GANHRI). Justice Shri Dattu also emerged as the unanimous choice to be elected as a Member of the Bureau of the GANHRI in Geneva. NHRC, India will now be representing the Asia Pacific Region along with Mongolia, Qatar and Australia. On the sidelines of the GANHRI meeting, NHRC, India for the first time organized a 'Knowledge Fair' giving an insight into the work of the Commission towards building and spreading awareness on protection and promotion of human rights.



NHRC : Organization and Functions

3.1 The NHRC, India was set up by an act of Parliament on 12 October 1993, known as the Protection of Human Rights Act, 1993 (PHRA). The reason for enacting it was the 'better protection and promotion of human rights'. It is an institution which acts as a compliment to the judiciary and is engaged in – the protection and promotion of the constitutionally enshrined fundamental human rights of people in the country.

3.2 As per the Act, 'human rights' means the 'rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India'. "International Covenants" means the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all Forms of Racial Discrimination (CERD). The Government of India acceded to the ICCPR and ICESCR in 1979. It ratified the CEDAW in 1993, the CRC in 1991 and the CERD in 1968. It would not be out of place to mention that the Constitution of India takes into account all those features that have been spelt out in the above-mentioned

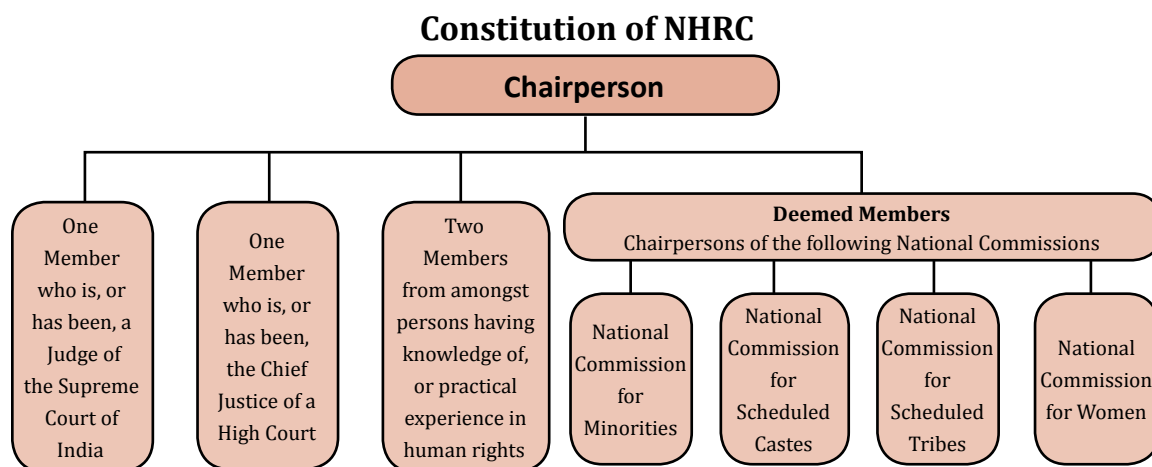
conventions. Many of the rights referred to in the ICCPR and the ICESCR were available to Indian citizens when India became independent as these rights are primarily reflected in Part III and Part IV of the Constitution under the broad heading of Fundamental Rights and Directive Principles of State Policy.

3.3 Unquestionably, the greatest strength of the PHRA has been to provide the Commission with ‘independence, functional autonomy and broad mandate’, which are essential to the composition and proper functioning of a NHRI conforming with the Paris Principles. NHRC, India is an embodiment of India’s concern for the promotion and protection of human rights.

3.4 The experience of NHRC-India, ever since it came into existence, has shown that its independence and strength is well guaranteed by the requirements of the statute relating to its composition, appointments procedure, powers relating to inquiries, extensive range of functions and specialized divisions and staff.

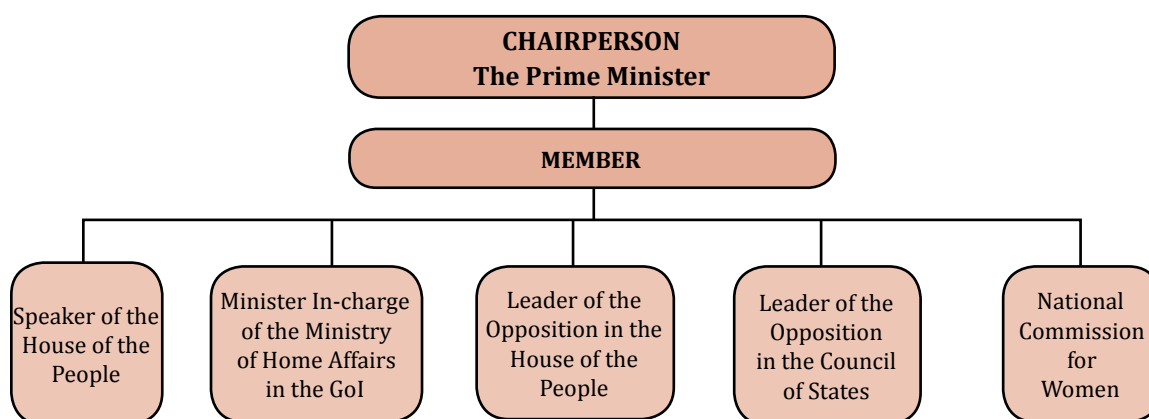
Constitution

3.5 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.



3.6 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



3.7 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.

3.8 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.

Powers Relating to Inquiries

3.9 The NHRC has been given all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, in particular in respect of summoning and enforcing the attendance of witnesses and examining them on oath; receiving

evidence through affidavits; requisitioning any public record or copy thereof from any court or office; and any other matter that may be prescribed. In case of breach, it calls upon the concerned government to take remedial measures and pay compensation to the victim or to the next of their kin and also remind public servants of their duties and obligations. Depending on the case, it may further initiate proceedings for prosecution, or any other suitable action that it may deem fit, against the person(s) concerned.

3.10 Another important feature, which it fully utilizes, is *suo motu* cognizance of serious matters, which it takes on the basis of newspaper and media reports.

Extensive Range of Functions

3.11 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.

Specialized Divisions and Staff

3.12 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.

3.13 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 victim or 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 2015-2016, 1,17,808 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 few important publications like “NHRC & HRDs : The Growing Synergy”, etc. 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.

3.14 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.

3.15 The *Investigation Division* carries out spot investigations all over the country on behalf of the NHRC. Furthermore, it facilitates collection of facts relating to varied complaints made to the Commission, scrutiny of reports received from the police and other investigation agencies and 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.

3.16 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 facilitates in monitoring the implementation of NHRC recommendations by the Central, State and Union Territory authorities. It further helps 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 Joint Director (Research), Assistant, Research Consultants, Research Associates, Research Assistants and other secretarial staff.

3.17 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.

3.18 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, Under Secretaries, Section Officers, Assistants and other secretarial staff.

3.19 The Media and Communication 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'. The Publication Unit, responsible for bringing out all the publications of the Commission, is another crucial Unit of the NHRC. The Annual Report, NHRC English and Hindi Journal, Know Your Right Series are few of the salient publications brought out by this Unit. Furthermore, it looks into applications and appeals received under the Right to Information Act, 2005.

Special Features

3.20 The reach of the Commission is considerably enhanced by the appointment of Special Rapporteurs and the constitution of Core and Expert Groups. It has evolved transparent systems and procedures for discharging its functions. The Commission has laid down procedures to transact its own business by formulating regulations.



Chapter - 4





Civil and Political Rights

A. Terrorism and Militancy

4.1 Today, India is facing the daunting challenge of protecting the human rights of common man in the face of terrorism. With the grim spectre of terrorism continuing to target innocent 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 individual's accountability. The concern for justice has been of paramount importance while dealing with the vexed issue of terrorism. 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, enhance security at important places and also to control and maintain law and order whenever required.

4.4 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.

4.5 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 success and failures. The endeavor 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.

B. Custodial Violence and Torture

4.6 Custodial violence and torture continue to be rampant in the country. It 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 of vulnerable and voiceless categories of victims. The Commission, therefore, is deeply committed to ensure that such illegal practices are stopped and human dignity is respected in all cases. Besides awarding compensation to the victims or next of their kin, the efforts of the Commission are also geared towards bringing an end to an environment in which human rights violations are committed with impunity under the shields of "uniform" and "authority within the four walls of a police station, lock-up and prison, where the victims are totally helpless".

4.7 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 reports, 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 quick disposal of cases relating to 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.

4.8 In the year 2015-2016 the Investigation Division has dealt with a total of 3,848 cases of custodial deaths, including 3,606 cases of death in judicial custody and 242 cases of death in police custody. The Division has also dealt with 156 cases of deaths in encounter with security forces/police forces. The forensic experts empanelled with the NHRC have given expert opinion in 204 cases of custodial deaths and encounter deaths. The Investigation Division has collected reports and analyzed 1,827 fact finding cases relating to complaints regarding allegation of threat to life in fake encounter, false implications, illegal detention, custodial torture and other complaints of violation of human rights.

C. Important Illustrative Cases

a) Custodial Deaths

Judicial Custody

1. *Death of Undertrial Ram Avtar Baitha in Central Jail, Siwan, Bihar*
(Case No.1679/4/37/2012-JCD)

4.9 The Commission took cognizance of the matter on 10 June 2012 on the basis of intimation received from the Superintendent, Central Jail, Siwan that an undertrial Ram Avtar Baitha lodged therein had died on 19 May 2012. The NHRC called for the requisite reports and observed that in the inquest report,

blood was coming out from the mouth and shoulder of the deceased. Besides, there were scratches on the right hand. In the post mortem examination, there were external injuries over the nose, lips and forehead. The cause of death as opined by the Doctors was due to shock and hemorrhage of “head injury”. The Judicial Magistrate, First Class, Siwan, Bihar who conducted the Magisterial Enquiry found that the deceased undertrial Ram Avatar Baitha died due to head injury caused by falling on the ground on 19 May 2012. On falling down, he was breathing and throwing his legs here and there, indicating that he was alive after the fall. The Doctor as well the Compounder of Siwan Jail Hospital admitted that they were not present in the prison at the time of the incident. The Magistrate concluded that there appeared to be negligence on the part of medical staff of the jail hospital. It was the duty of the jail authorities to ensure medical facilities for the inmates round the clock.

4.10 On perusal of the reports available on record, the Commission noted that in the Magisterial Enquiry Report (MER), the Magistrate found the jail authorities liable for the delay in providing first aid. This clearly indicated that it is a case of violation of human rights of the deceased. Accordingly, the Commission on 1 April 2015 recommended under Section 18(a)(i) of the Protection of Human Rights Act, 1993, a sum of Rs. 1,00,000/- (Rupees One Lakh only) to be paid to the next-of-kin of the deceased as compensation. The compliance report is awaited.

2. *Death of Undertrial in Central Jail, Tihar, New Delhi*
(Case No.764/30/9/2012-JCD)

4.11 The Superintendent, Central Jail, Tihar, New Delhi informed the Commission on 31 January 2012 that an undertrial Naim *alias* Nadeem aged about 25, who was admitted to Tihar jail on 28 January 2012 in a Case FIR No. 185/2011 under Section 307 and 506 of IPC pertaining to Police Station Sabji Mandi, Delhi, was found dead. According to the communication at the time of

entry in Tihar, the Naim *alias* Nadeem was having a history of mental illness. On 29 January 2012, he took a medicine for hyper-acidity and for pain in right shoulder from the jail dispensary but thereafter in the morning of 30 January 2012, he was found dead.

4.12 The Commission on 21 February 2012 took cognizance of the case and obtained requisite reports through the Director General (Investigation), NHRC. The MER dated 7 May 2012 concluded that, undoubtedly, the deceased was lodged at the time of his death in jail no. 8/9 and as per jail rules, the inmates are not permitted to consume or possess any Narcotic or Psychotropic substance like charas, nicotine, etc. during their stay in the jail or in the lock up during the court hearing. The presence of three packets containing nicotine and charas on the body of the deceased at the time of his death and the subsequent opinion of the Doctors that the deceased undertrial died due to nicotine poisoning, raised serious questions regarding the circumstances wherein the deceased died and hence the foul play in the death of the deceased within jail no. 8/9 on the fateful day cannot be ruled out. Further, in view of the statement of another inmate Shabir Ali, who observed white froth around the lips of the deceased on 28 January 2012 during the court hearing which was not present before going to the court, there is every possibility that something foul may have happened with the deceased on his way from the lock up to the Court or in the lock up. A thorough and specialized investigation was required for finding out the real cause behind the death of the accused during his judicial custody with the connivance of the inmates, people who met the deceased during court visit on 28 January 2012 and the jail/lock up officials regarding the availability of nicotine with the deceased before his death cannot be ruled out.

4.13 On consideration of the MER, the Commission on 21 April 2013 observed that it appears that the officials who escorted the accused or who had the supervision over him in the prison, were negligent which led to his death. The

State is vicariously liable for the protection of the inmates of the prison and the death of Naim *alias* Nadeem in the prison was definitely a violation of human rights.

4.14 In view of that, the Commission directed to issue a notice under section 18(a)(i) of the Protection of Human Rights Act, 1993 to the Chief Secretary, NCT of Delhi, calling upon him to show cause as to why compensation should not be recommended to the next-of-kin of the deceased. The Government of NCT of Delhi was also directed to inform about the action taken on the Magisterial Enquiry Report.

4.15 Pursuant to the directions of the Commission, the Law Officer (Prison), Tihar, New Delhi, submitted a report dated 17 July 2014. It was contended that no responsibility can be put on the Prison authority as the deceased was handed over to the custody of DAP, III BN. on 28 January 2012 and it had stated that the accused was received in a hale and hearty condition. The report further revealed that the matter was referred to the Station House Officer (SHO), Hari Nagar, Delhi, and an FIR No. 185/12 u/s 304 A IPC was registered at P.S. Hari Nagar and the matter is being investigated by the police. Hence, there is no case of penalty being imposed on the Prison authorities.

4.16 The Commission perused the report on 21 April 2015 and observed that it is an admitted fact that 03 plastic packets were found in the stomach of the deceased during post mortem examination and the vomiting samples of the deceased were found to contain continine, nicotine, *charas* and non-metallic poison, etc. was found. The subsequent information from the Doctor revealed that the deceased undertrial died due to nicotine poisoning. This raised a serious question regarding the circumstances in which the deceased came in possession of nicotine continine and *charas* which all were found in his vomiting samples. The deceased was in continuous custody of public servants of the Government of NCT of Delhi and Delhi Police. The fact that he was able

to procure and had consumed a narcotic substance while being in the judicial custody is sufficient to conclude that the above authorities had been negligent in performing their duties. On the day he was taken to Tis Hazari Court, that is on 28 January 2012 he was initially in the custody of the Prison authorities and then he was handed over to the DAP men. Thereafter, he remained in the custody of DAP during transit from Tihar Jail to Tis Hazari Court, during his appearance in the Tis Hazari Court and during his transit from Tis Hazari Court to Tihar Jail. And, then he was handed over to the Prison authorities. For that reason, it is sufficient to conclude that the Prison authorities and Delhi Police were jointly responsible for the death of the accused undertrial Naim *alias* Nadeem.

4.17 As negligence on the part of the above two authorities was proved, the Commission found it to be a fit case for recommendation of interim relief u/s 18 (c) of the Protection of Human Rights Act, 1993 to the next-of-kin of the deceased. The Commission on 21 April 2015 recommended a sum of Rs.1,00,000/- (Rupees One Lakh only) to be paid to the next-of-kin of the deceased in the ratio of 50:50 by the Government of NCT of Delhi and the Ministry of Home Affairs, Government of India, which is the concerned Ministry for Delhi Police. The Chief Secretary, Government of NCT of Delhi and the Secretary, Ministry of Home Affairs, Government of India were consequently directed to submit the compliance report along with proof of payment to the Commission within six weeks. The compliance report is awaited.

Police Custody

3. Death of Devu Sattababu in Puducherry Police Custody (Case No.56/32/4/2011-PCD)

4.18 The Commission received a complaint from Devu Chandra Kala alleging that her husband Devu Sattababu was taken away by the police on 10 November 2011 and he died on 11 November 2011 while in police custody. It was further

alleged by her that she was even deprived of right to meet her husband. Moreover, the police did not file any FIR as to the death of her husband. She thus prayed for action against the police officer on duty as well as compensation for violation of her rights. The Commission also received intimation from the District Magistrate, Puducherry in this regard.

4.19 The Commission took cognizance of the complaint on 14 December 2011 and pursuant to its directions, the report dated 2 February 2015 was received from the Deputy Inspector General of Police, Puducherry wherein it was stated that Devu Sattababu died on account of consuming poison which fact was known to five police officers and a case had been registered. On completion of investigation a charge sheet too had been filed in the case.

4.20 On consideration of the report, the Commission on 28 April 2015 observed that the report itself admits that the death had occurred while in police custody and due to negligence of their officers, hence the next of kin of the deceased must be compensated. The Commission, thus awarded a compensation of Rs. 3,00,000/- (Rupees Three Lakhs only) to the complainant, that is the wife of the deceased Devu Sattababu and the Chief Secretary, Government of Puducherry was asked to submit the compliance report within eight weeks.

4.21 The compliance report has since been received conveying payment of compensation of Rs. 3,00,000/- (Rupees Three Lakhs only) to the next of kin of the deceased. The case has been closed by the Commission.

4. *Death of Dineshwar Prasad Yadav in Central Jail, Dumka, Jharkhand due to Negligence by Prison Authorities*
(Case No. 164/34/5/2013)

4.22 The Commission received a complaint from Binay Sinha and a large number of other inmates of Central Jail, Dumka, Jharkhand alleging one prisoner named Dineshwar Prasad Yadav, s/o Ramu Mehto was arrested by the

police on false charges averring him to be one Chando Mehto. It was further alleged that Chando Mehto had already died but Dineshwar Prasad Yadav was convicted in the name of Chando Mehto and he was roughly tortured in the jail with the connivance of the Jailor and the opponents of the victim. It was also alleged that on 4 January 2013, the Jailor had brutally beaten the said prisoner as a result of which he remained unconscious for about 72 hours. Thereafter on 8 January 2013, he was taken away from the jail for being produced in the court at Deogarh but since then the said prisoner did not return to the jail. The complainants suspected that he might have been murdered somewhere on the way to the court. All of them requested for stern action against the Jailor of the Central Jail, Dumka.

4.23 Meanwhile, an intimation dated 11 March 2013 was also received from the Medical Superintendent, RINPAS, Kanke, Ranchi stating that one prisoner named Dineshwar Prasad Yadav, s/o Late Shri Mundal Mehto, of Central Jail, Dumka who was admitted at Ranchi Institute of Psychiatry and Allied Sciences (RINPAS), Kanke on 9 January 2013 for treatment had committed suicide on 10 March 2013 in the toilet of the hospital. The said intimation was registered as Case No. 377/34/16/2013-JCD. One Shyam Sunder had also sent a complaint praying for appropriate enquiry and action against the Jailor of the Central Jail, Dumka regarding the death of his uncle Dineshwar Prasad Yadav alleging that he was shot dead by the Jailor through one Bhola Pandey. The said complaint of Shyam Sunder was registered as Case No. 189/34/5/2013 and clubbed with the complaint of Binay Sinha and others.

4.24 In response, the Superintendent of Police, Dumka intimated vide report dated 1 May 2013 that the enquiry conducted by the Deputy Superintendent of Police, Dumka revealed that on the recommendation of a Specialist Doctor of Civil Hospital, Dumka on 8 January 2013, the prisoner D.P. Yadav *alias* Chando Mehto who was ill was sent from the jail with the permission of the Dy.

Commissioner and the court to RINPAS for treatment. He remained in RINPAS under treatment from 9 January to 10 March 2013. On 10 March 2013, the prisoner committed suicide. The Dy. Commissioner, Ranchi had reported vide letter dated 11 July 2013 that as per enquiry report, Chando Mehto *alias* D.P. Yadav was one and the same person. He was not tortured or beaten by any jail official being a mentally ill person and the Dy. Commissioner as well as the Addl. Sessions Judge, Deoghar had permitted the Jail Superintendent to refer him to RINPAS, Ranchi for proper treatment.

4.25 The Executive Magistrate, Dumka who had conducted enquiry into the cause of death of the above named prisoner also concluded vide report dated 16 April 2013 that the death was due to suicide committed by him as he was a patient of paranoid schizophrenia and was not able to keep a mental balance.

4.26 The report of the Superintendent, Central Jail, Dumka dated 22 April 2013 revealed that the prisoner Chando Mehto *alias* D.P. Yadav aged about 77 years was admitted to the jail on 3 July 2011 on transfer from District Jail, Deoghar. He was suffering from abnormal behavior and insomnia. He was admitted to the jail hospital on 30 December 2012 for treatment. Subsequently, on 8 January 2013, he was referred to the RINPAS, Kanke, Ranchi for better treatment where he committed suicide on 10 March 2013. The inquest report also showed that the deceased died due to suicide committed by him.

4.27 The Commission considered the above reports which indicated that the deceased prisoner Chando Mehto *alias* Dineshwar P. Yadav who was a psychiatric patient was undergoing treatment at RINPAS. He was under the care and custody of the guards of Central Jail, Dumka but due to their negligence and not taking proper care and adequate precaution for the safety of the prisoner, the prisoner got an opportunity to commit suicide inside the toilet of the hospital by hanging on account of which he died. Thus, the State Government of Jharkhand was *prima facie* responsible to compensate the next of kin/legal

heirs of the deceased prisoner Chando Mehto *alias* D.P. Yadav for the negligence committed by the officials of the Central Jail, Dumka.

4.28 The Commission thus on 18 November 2015 directed that a notice be issued to the State Government of Jharkhand through its Chief Secretary to show cause within six weeks as to why the Commission may not direct the State Government to pay Rs.1,00,000/- (Rupees One Lakh only) as appropriate compensation to the next of kin/legal heirs of the deceased prisoner Chando Mehto *alias* D.P. Yadav, s/o Mandal Mehto. The report in the matter is still awaited.

b) Unlawful Arrest, Illegal Detention and Torture

5. *Illegal Detention and Torture of Vijay Singh and His Nephew Jitendra Singh of Village Mdhaka by Constables of P.S. Cantt. Agra, Uttar Pradesh (Case No.18400/24/1/2013)*

4.29 The case under reference relates to illegal detention and torture by police of P.S. Cantt. Agra on 6 May 2013 without registration of a FIR. The complainant Vijay Singh, s/o Ram Singh of Village Mdhaka, P.S. Sadabad, District Hathras, Uttar Pradesh in his complaint dated 11 May 2013 alleged that on 6 May 2013 at 6.45 a.m. he along with his nephew Jitendra Singh had gone to Agra. As soon as they reached the Railway Station of Agra Cantt., Rajveer Singh, father-in-law of Jitendra used abusive language and directed the police constables of P.S. Cantt to take them into custody. Both the complainant Vijay Singh and Jitendra Singh were kept in the lock-up of Police Station Cantt and tortured by the police personnel without registering any FIR. The complainant appealed for appropriate action against Rajveer Singh, father-in-law of Jitendra and police personnel who had tortured the complainant along with his nephew Jitendra.

4.30 Pursuant to the directions of the Commission, Addl. Superintendent of Police, Rural forwarded the report of Superintendent of Police, City Agra

who during enquiry recorded the statement of Vijay Singh, Rajveer Singh, Dalbir Singh, Jitendra and Constable Clerk Ravinder Singh and concluded that the nephew of the complainant Jitender Singh was married to Rajni. After the marriage they had some differences. Consequently, Rajni submitted a report at Mahila P.S., Agra which was registered as Crime Case No. 135/13 u/s 498A/323/504/50/307/406 IPC and u/s 3/4 of the Dowry Prohibition Act, 1961. This case was pending in Reconciliation Centre. Police Constable Ravinder Singh had picked up victim Jitender Singh and complainant Vijay Singh at P.S. Cantt. He handcuffed them and took them to Cantt Agra police station. Thus, Constable Ravinder Singh without the permission/directions of senior officers and without any complaint being registered caught hold of the victims which indisputably was a violation of human rights. According to Addl. Superintendent of Police, Rural during departmental enquiry Constable Ravinder Singh was found guilty and on 5 September 2013 he was given a punishment of three days' physical drill (PD).

4.31 The Commission on consideration of the matter on 1 September 2014 concluded that it was a clear case of violation of human rights of complainant and his nephew by Constable Ravinder Singh and issued a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Chief Secretary, Government of Uttar Pradesh to show cause as to why the victims be not awarded monetary relief.

4.32 The Commission considered the matter again on 29 August 2015 and observed that the Chief Secretary, Government of Uttar Pradesh, had not submitted any reply to the show cause notice u/s 18 of the Protection of Human Rights Act, 1993, issued on 9 September 2014. Hence, it presumed that the State of Uttar Pradesh had nothing more to urge in the matter. As the Commission had established that Constable Ravinder Singh of Police Station Cantt handcuffed the complainant Vijay Singh and Jitendra Singh, he was guilty

and this was proved during the departmental enquiry as well and further more on 5 September 2013 he was awarded three days PD. It being a case of violation of human rights of the complainant Vijay Singh and Jitendra Singh, the Commission recommended a sum of Rs. 50,000/- each as compensation to be paid to the victims Vijay Singh and Jitendra Singh u/s 18 of the Protection of Human Rights Act, 1993. The Chief Secretary, Government of Uttar Pradesh, was directed to submit the compliance report along with the proof of payment. The compliance report has since been received by the Commission and the case stands closed.

6. *Illegal Detention of Maujvir Singh by Police at Nai Mandi, Muzaffarnagar, Uttar Pradesh*
(Case No. 15083/24/54/2013)

4.33 In the above mentioned case, the complainant alleged illegal detention of her husband in police custody in P.S. Nai Mandi. The report submitted by the Senior Superintendent of Police, Muzaffarnagar dated 2 January 2014 was not found satisfactory by the Commission. Therefore, a fair enquiry report was called for from the DIG, Meerut Range (Uttar Pradesh). Accordingly, the report dated 12 September 2014 from DIG, Meerut disclosed that the complainant's son Nitin was involved in Crime Case No. 280/13 u/s 392/411 IPC along with 3 others. The son of the complainant surrendered in the court on 17 June 2013 and thereafter was sent to jail. The Enquiry Officer did not find any entry in the General Diary of P.S. Nai Mandi regarding picking up of Maujvir Singh by the police of P.S. Nai Mandi on 22/23 April 2013 and being kept in the police custody for 6 days. The statement of other concerned police officials could not be recorded by the Enquiry Officer as they could not present themselves before him. But, as per the telephonic statement of Head Constable, Ramesh Chander (Head writer of P.S. Nai Mandi) and scrutiny of General Diary (GD),

FIR, the Enquiry Officer concluded that the Investigating Officer of Case No. 280/13, Sub-Inspector Rafiq Parvej and SHO, P.S. Nai Mandi may have picked up Maujvir Singh, and kept him in police custody to pressurize for the arrest of her son Nitin in Case No. 392/411, but, no entry in this regard was made in the GD of P.S. Nai Mandi. Hence, Inspector Vinod Sirohi, SHO, P.S. Nai Mandi and Sub-Inspector Rafiq Parvej, Investigating Officer of Case No. 280/13 were held responsible for keeping the complainant's husband in police custody illegally.

4.34 The Commission on scrutiny of the police report observed that the complainant's husband Maujvir Singh was picked up by the police of P.S. Nai Mandi on 22/23 April 2013 and kept in police custody illegally for 6 days for which Inspector Vinod Sirohi and SI Rafiq Parvej have been found to be responsible and that the human rights of the complainant's husband were violated by the action of the then Inspector Vinod Sirohi and SI Rafiq Parvej. Therefore, the Chief Secretary to the Government of Uttar Pradesh was directed to show cause as to why a monetary compensation of Rs. 25,000/- (Rupees Twenty Five Thousand only) should not be recommended to be paid to the victim Maujvir. In response, the Joint Secretary, Home (Human Rights) Department, Government of Uttar Pradesh vide communication received on 19 May 2016 submitted that an amount of Rs. 25,000/- had been paid to victim Maujvir Singh on 18 April 2016. As the proof of payment was annexed, the Commission closed the case with the directions that the Inspector General of Police, Meerut Zone, Uttar Pradesh and the Joint Secretary, Home (HR) Department, Government of Uttar Pradesh shall see that the departmental proceedings initiated against the Inspector Vinod Sirohi and Sub Inspector Rafique Parvez Khan of Muzaffar Nagar District Police are concluded expeditiously.

c) Police High-handedness

7. *Harassment to Arif by Police at P.S. Janakpuri, Saharanpur, Uttar Pradesh (Case No. 18702/24/64/2012)*

4.35 The complainant in this case alleged that on 3 June 2012 at 10 a.m., her son Arif aged 17 was picked up by the police of P.S. Janakpuri, Saharanpur from his shop at the instance of certain persons who had to recover money from the complainant's son and was beaten by the police. It was further alleged that the complainant approached the Station House Officer for release of her son but he refused to release him till the time the money was returned to those persons. Instead, the SHO threatened the complainant to implicate her son in a false case.

4.36 The Commission upon consideration of the matter and material placed on record directed the Government of Uttar Pradesh for payment of compensation of Rs. 25,000/- (Rupees Twenty-five Thousand only) to the complainant, Smt. Wasim Akhtar.

4.37 In response, the Superintendent of Police (Rural) and Nodal Officer (Human Rights), Saharanpur, Uttar Pradesh vide communication dated 8 July 2016 and the Joint Secretary, Home (Human Rights) Department, Government of Uttar Pradesh, Lucknow vide communication dated 21 July 2016 submitted the compliance report along with proof of payment. In view of the fact that departmental action had already been taken against the delinquent Inspector/SHO, for keeping the victims in illegal detention, the Commission closed the case.

8. *Non-registration of Case by Police Relating to a Vehicular Accident at SBS Nagar District Police, Punjab*
(Case No. 250/19/0/2014)

4.38 The case pertains to non-registration of an FIR, for 22 months by SBS Nagar District Police, Punjab, in a case of death on account of a vehicular accident. The Commission recommended an amount of Rs.25,000/- (Rupees Twenty-five Thousand only) as interim relief and legal/departmental action against the delinquent police personnel. In response, the Additional Director General of Police, Human Rights, Punjab vide his communication dated 4 March 2016 and the Senior Superintendent of Police, SBS Nagar, Punjab vide communication dated 21 March 2016 submitted that the recommended amount of Rs. 25,000/- had been paid to the petitioner who is the father of the deceased on 21 March 2016. Proof of payment was also annexed. It was also stated that a criminal case had been registered against the ASI Hardeep Singh on 26 February 2016, u/s 166A IPC at Police Station, Rahon for non-registration of case and departmental action against him too had been initiated.

4.39 Upon considering the report, the Commission closed the case with directions to the Chief Secretary, Government of Punjab to ensure that the departmental proceedings initiated in the matter got concluded expeditiously.

9. *A 19 Year Old Suspect and Three Other 17 Year Old Juveniles Forced to Have Unnatural Sex with Each Other in Police Custody in Chennai, Tamil Nadu*
(Case No. 134/22/13/2015)

4.40 The complainant, Shri G. Dsouza, a human right activist, alleged that two police personnel forced a 19 year old suspect and three other 17 year old juveniles to have unnatural sex with each other, while they were in police custody in Chennai. It was pointed out by the complainant that though CB-

CID had registered an FIR against the two erring police personnel there was no information about their arrest. The complainant had thus sought the intervention of the Commission in the matter.

4.41 Pursuant to the directions given by the Commission, it was informed that a case vide Crime No. 01/2015 u/s 323/330/355 IPC r/w Section 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 and 20, 12 and Section 23 of the Juvenile Justice Act, was registered against the named police personnel, which was under investigation and the erring police personnel have also been suspended from their services.

4.42 The Commission further considered the matter and observed that it is unfortunate that police personnel who were entrusted with the safety and security of its citizens, are shockingly found indulging in the act of forcing young boys to have unnatural sexual that may have an everlasting effect on their minds. The subjection of the young boys to such an act inside the police custody is a gross violation of the human rights of the victims. The Chief Secretary to the Government of Tamil Nadu was thus directed to show cause u/s 18 (a) (i) of the PHR Act, 1993 as to why a monetary compensation of Rs. 25,000/- (Rupees Twenty-five Thousand only) should not be recommended to be paid to each of the victims. The matter continues to be under the consideration of the Commission.

10. *A Journalist Mercilessly Beaten-up by Police near Village Barara and Then Brought to Police Station Barara in Ambala, Haryana*
(Case No. 6029/7/1/2012)

4.43 The complainant Shri Sandeep Kumar, a journalist, complained to the Commission that in the evening of 17 August 2012, when he wanted to take photograph of the SHO of Police Station Barara and other Police Constables,

beating a youth, at a crowded place near Village Barara, the SHO got enraged and thrashed him mercilessly. Subsequently, he was brought to the Police Station, Barara and again beaten up ruthlessly in the Police Station.

4.44 Upon consideration of the reports obtained from the police authorities, the Commission observed that the facts and circumstances of the case clearly indicated that the injuries on the body of the complainant were caused by the police. The Commission thus issued a notice to the Chief Secretary, Government of Haryana to show cause as to why monetary relief be not recommended for payment to the complainant whose human rights were violated by the police of Haryana.

4.45 In response, the Commissioner of Police simply stated that the complainant was pushed and shoved by the crowd and not beaten up by the police. Taking a view that the observations of the Commission were not rebutted by cogent evidence, the Commission recommended payment of Rs. 1,00,000/- (Rupees One Lakh only) to the victim.

4.46 As the compliance report along with proof of payment was received by the Commission, the case was closed.

*11. A Fourteen Year Old Accused of Theft Loses Eye Sight due to Alleged Police Torture in Virudhunagar District, Tamil Nadu
(Case No. 2861/22/45/2012)*

4.47 Shri Anup Srivastava, Member, People's Vigilance Committee on Human Rights (PVCHR) vide his e-mail dated 3 October 2012 forwarded a news report captioned "Kuravar boy loses sight in alleged police torture" that appeared in 'The New Indian Express' dated 3 October 2012. The report alleged that one Pathampriyan, aged 14 years (student of 9th class) and resident of Kannagi Colony near Thiruthangal Village in Virudhunagar belonging to Kuravar community, was allegedly picked up by the police on 24 September 2012 on the

charges of theft and beaten up by the police in Virudhunagar District till he lost sight of his right eye. It was further mentioned in the report that the victim was being treated in Government Rajaji Hospital in Madurai. Taking cognizance, the Commission called for reports from the Director General of Police, Tamil Nadu and the District Magistrate, Madurai in the matter.

4.48 In response, the District Collector, Virudhnagar submitted a copy of Writ Petition (MD) No. 12783/2012 filed by Tmt. G. Paripooranam w/o Ganesan, Kannagi Colony, Tirhuthangal Village, Sivakasi, Virudhnagar District in Madurai Bench of Madras High Court seeking compensation of Rs. 5,00,000/- (Rupees Five Lakhs only) for torture of her son Pathampriyan by the police.

4.49 The Commission also received a detailed report from the Revenue Divisional Officer, Sivakasi. The report of RDO, Sivakasi concluded that the affected boy Pathampiriyen had been tortured and the boy too in his statement disclosed that one policeman named Chelliah had beaten him below the shoulder by a plastic tube and then another policeman named Subburam had taken him to a separate room and beat him up by a stem, palmirah leaf stick on the feet, legs, buttocks, thighs and below the shoulder. He was beaten up by Thiruthangal Police Constables also. The Doctor who treated the boy had found injury marks on the body of the boy.

4.50 Upon consideration of the reports, the Commission found that the boy was subjected to brutal torture by the police. Consequently, the Commission issued notice u/s 18 of the Protection of Human Rights Act, 1993 to the Government of Tamil Nadu to show cause as to why suitable monetary relief be not recommended to be paid to the victim boy who was tortured by the police.

4.51 In response the District Collector, Virudhunagar, on behalf of the State Government submitted that in the preliminary inquiry report it was not concluded whether the police excess was found in this case or not. He was

directed to send a detailed final report along with specific remarks. Thereafter, RDO, Sivakasi sent a final report dated 29 May 2013. In the final report, the Inquiry Officer referred to a report submitted by the Dean of Government Rajaji Hospital, Madurai stating that the current visual loss in the right eye was due to complicated cataract retinal detachment pthysis and there was no sign of recent injury in the eye. It was also pointed out by the District Collector in his response that no other eye witness except the boy and his companions had come forward to prove the torture inflicted by the police. The allegation that the eye was damaged due to recent police torture could not be proved against the police.

4.52 Upon considering the reply to the show cause notice and material on record, the Commission observed and directed as under:

“The Commission has carefully examined the reply submitted by District Collector, Virudhunagar and also the final inquiry report of RDO, Sivakasi. It is to be noted that the same set of witnesses was examined by RDO, Sivakasi during the preliminary inquiry and the final inquiry. The four boys who were summoned to the police station along with Pathampriyan testified at both stages that while Pathampriyan was being interrogated in a room, they had heard sounds of beating and cries of Pathampriyan. The testimony of the boys is corroborated by medical evidence. So, there can be no doubt that Pathampriyan was subjected to torture during interrogation by the police.

As regards the visual loss in the right eye, the Dean of Government Rajaji Hospital, Madurai where the boy was treated shortly after the incident, opined in his report that the visual loss in the right eye is due to long standing cataract and there is no sign of recent injury in the eye. The witnesses stated during inquiry by the RDO that when

Pathampriyan was being beaten, he kept his hand on the head and the Constable gave beating on his hand. Dr. T. Ayyanar also stated during the inquiry that Pathampriyan was taken to Madurai Rajaji Hospital for treatment of wound in the right eye. The Commission would not, however, go deep in this aspect in view of the opinion given by the Dean, Rajaji Government Hospital, Madurai.

Even if, the Commission accepts the contention that the loss of vision in the right eye was not due to beating by the police, it is established by reliable evidence that the boy was subjected to torture during interrogation by the police. The Commission, therefore, recommends to the Government of Tamil Nadu to pay a sum of Rs. 50,000/- (Rupees Fifty Thousand only) as monetary relief to the victim boy. If the Hon'ble High Court eventually finds that the loss of vision in the right eye was caused by police beating and a higher amount of compensation is awarded by the Hon'ble High Court, the amount of Rs. 50,000/- shall be adjusted. Chief Secretary, Government of Tamil Nadu shall submit the compliance report with proof of payment within eight weeks."

4.53 On compliance of its recommendation, the Commission closed the case.

12. *A Boy Allegedly Beaten Brutally and Later Shot Dead by Police in Mathura, Uttar Pradesh*
(Case No. 10704/24/52/2013)

4.54 The Commission took *suo motu* cognizance of a report telecast on IBN-7 on 20 March 2013 about the death of one Jitender, aged 18 years, a resident of Shergarh Kasba in Mathura, Uttar Pradesh during the course of police action in Mathura. It was reported that Jitender was stopped by police personnel and bribe was demanded from him while he was on his way for selling goods on his tractor. On refusal to pay, he was brutally beaten and later shot dead. After the

incident, the local people blocked the road, ransacked the local police station and set it on fire. The police fired upon the protesting mob which resulted in bullet injuries to five persons. It was also reported that after the intervention of the Inspector General of Police, a case u/s 302 IPC was registered against the SHO and four Constables of Shergarh Police Station.

4.55 Pursuant to the directions of the Commission, the Joint Secretary to the Government of Uttar Pradesh vide communication dated 19 December 2014 forwarded a copy of the investigation report dated 11 December 2014 of Superintendent of Police, CB-CID, Uttar Pradesh, Lucknow. On perusal of the report, it was noticed that a Case Crime No.88/2013 had been registered against five Constables and one Sub -Inspector of P.S. Shergarh in connection with the death of Jitender. In the CB-CID inquiry report, charges against five accused Constables involved in the death of Jitender were *prima facie* proved and it was informed that chargesheet was being filed in the court after completing the legal formalities. The CB-CID also recommended departmental action against the guilty police personnel.

4.56 Upon consideration of the CB-CID inquiry report, the Commission took a view that the State is liable to pay compensation to the bereaved family of the deceased Jitender and issued a notice to the Government of Uttar Pradesh 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 the deceased named Jitender.

4.57 In response to the show cause notice, the Joint Secretary, Government of Uttar Pradesh vide communication dated 27 June 2015 forwarded a letter of Superintendent of Police (HR), Lucknow, which stated that a proposal for the prosecution of the five delinquent policemen had been submitted to the Government and recommendation had also been made for departmental action against the then Deputy Superintendent of Police, Sheel Kumar.

4.58 The Commission considered the matter on 30 October 2015 when it observed and directed as under :

“The State Government has not made any submission on the aspect of monetary relief in spite of a reminder. It can be, therefore, reasonably presumed that the State Government has nothing to say against the grant of monetary relief. Even otherwise, the investigation report of CB-CID shows prima facie that Jitender was deliberately killed by five policemen because he refused to pay bribe. The act of the policemen amounts to grave violation of human rights. The family of the deceased deserves to be adequately compensated. Therefore, considering all the facts and circumstances of the case, the Commission recommends to the Government of U.P. to pay a sum of Rs.5.00 lakhs to the next of kin of deceased Jitender. Chief Secretary, Government of Uttar Pradesh shall submit compliance report along with proof of payment within eight weeks. The Chief Secretary, Government of U.P. shall also report within eight weeks whether chargesheet has been filed against the five delinquent policemen.”

4.59 Pursuant to the directions of the Commission the Government of Uttar Pradesh vide communication dated 21 March 2016 informed that in compliance to the directions of the Commission, monetary relief of Rs.5,00,000/- (Rupees Five Lakhs only) had been paid to the next-of-kin of deceased Jitender on 11 February 2016 and also forwarded a copy of the proof of payment.

4.60 On compliance of the directions of the Commission, the case was closed.

13. *Violation of Human Rights of a Person Implicated in a False Case by Police (Case No. 4499/4/3/2014)*

4.61 Shri Anil Kumar Thakur, Judicial Magistrate – First Class, Banka, Bhaglpur, Bihar vide his letter dated 26 August 2014 informed the Commission about a judgement passed by him in a case of false implication. In the said judgement,

he held that the accused, namely, Gautam Kumar Singh, s/o Shri Rajendra Prasad Singh, r/o Village Karsop, P.S. Sambhuganj, District Banka, Bihar was implicated in a false case on account of which he remained in jail for seven months. This led to infringement of his basic constitutional and human rights. He thus requested that the matter be brought before the NHRC.

4.62 The Commission on 22 December 2014 took cognizance of the matter.

4.63 The facts of the case were that Sanjay Kumar Pandey, the then Officer-in-Charge of P.S. Sambhuganj registered Case Crime No.145/2007 u/s 25 & 26 of the Arms Act alleging that on 24 October 2007 at about 05.00 p.m., he had gone with his staff to village Karsop in connection with the investigation of aforementioned case. He entered the house of Rajendra Singh along with two independent witnesses Jai Kishore Thakur and Sunil Kumar Singh. Seeing the entry of the police inside the house, a boy ran out of the house. The police chased him and apprehended him. A country made Musket was recovered from the hand of the boy. He was identified by the two independent witnesses as Gautam Kumar Singh.

4.64 On completing the investigation of the case, the police submitted a chargesheet in the Trial Court. The case was heard by Shri Anil Kumar Thakur, Judicial Magistrate-First Class. The accused was acquitted on 19 July 2014. As stated above, the Magistrate while acquitting the accused observed that it was a case of false implication.

4.65 The State appealed against the judgment of the Magistrate. It also filed an application for pardoning the delay in filing of the appeal. The appeal was admitted by Sessions Judge, Banka on 27 January 2015, but the question of limitation was left for consideration at the time of the final hearing of the appeal. The operation of the judgment of the Trial Court was not stayed by the Appellate Court.

4.66 Upon consideration of the judgment and reports received, the Commission vide proceedings dated 31 August 2015, observed and directed as under:

“The Commission has carefully examined the judgment delivered by Judicial Magistrate First Class on 19 July 2014. Shri Sanjay Kumar Pandey had alleged in the FIR that he had gone with his staff to village Karsop in connection with the investigation of Case Crime No.144/2007 and when he entered the house of Rajendra Singh at about 05.00 p.m., a boy ran out of the house and a country made Musket was recovered from him. The Magistrate rightly observed that the investigation of Crime Case No.144/2007 was the basis, reason and occasion in the case. He summoned the case diary of crime No.144/2007 and on its perusal, it was found that Sanjay Kumar Pandey was at Sambhuganj Bazar from 04.00 p.m. to 05.30 p.m., on 24 October 2007. He could not have been in village Karsop on that day at 05.00 p.m. and, therefore, the story of recovery of Musket was a fabricated one. The Magistrate also noted that the Musket when produced in Court was in a dilapidated condition. Its firing barrel was tied with rope. The striker and trigger was found completely unfixed and tied with a string. The bolt for fixing the striker to firing barrel was found absent. Thus, the Musket was not in a working condition. The Magistrate also discussed the testimony of Sergeant Major Umesh Kumar, who had examined the seized firearm. He noted that the witness had not test fired the weapon and had given opinion without disclosing the basis of its finding. He also noted that the two independent witnesses of the alleged recovery of firearm had refused to support the prosecution in the court. Both of them stated that they had been called to the police station and their signatures were obtained on the seizure memo at the police station. With these observations, the Magistrate acquitted the accused.

We find that Shri Anil Kumar Thakur, Judicial Magistrate First Class, Banka has given cogent and sound reasons for his judgment while acquitting the accused. No doubt, an appeal from the judgment of the Magistrate is pending, but the pendency of the appeal cannot detain us from proceeding with the inquiry. More so, because the Appellate Court has not stayed the operation of the impugned judgment. Considering all the facts of the case, we are satisfied prima facie that Gautam Kumar Singh was falsely implicated in a criminal case. The matter becomes all the more serious because admittedly, the victim had no criminal antecedents. A notice be, therefore, issued to the Government of Bihar 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 Gautam Kumar Singh. Chief Secretary, Government of Bihar shall submit reply to the show cause notice within six weeks."

4.67 The matter is scheduled to be taken up during the Camp Sitting of the Commission at Patna, Bihar on 22 April 2016.

d) Police Firing and Encounter

*14. Death of 20 Red Sanders Smugglers in an Alleged Encounter with Joint Team of Special Police and Forest Personnel in Seshachalam Forests of Chittoor District, Andhra Pradesh
(Case No.475/1/3/2015-AFE)*

4.68 The Commission came across a media report in The Times of India dated 7 April 2015 under the caption "Police kill 20 sandalwood smugglers in Andhra Pradesh". It was reported that 20 red sanders smugglers were killed in an alleged encounter with a joint team of special police and forest personnel in the Seshachalam forests of Chittoor District, Andhra Pradesh in the early hours of Tuesday, 7 April 2015. According to the report, the incident took place

at Etagunta and Vacchinodu Banda hamlets, in the deep forests in Chandragiri Mandal. From the media reports, it appeared that the police and forest officials opened fire as the smugglers attacked them with stones, axes and knives.

4.69 Taking *suo motu* cognizance of the media reports, the Commission vide its proceedings dated 7 April 2015 observed and directed as under:

"The Commission considers the incident a serious violation of human rights of the individuals and the act of police and forest officials should be explained by the Government of Andhra Pradesh. The Commission is also constrained to note that this incident has taken place at a time when a similar incident was reported from the bordering districts of Andhra Pradesh and Tamil Nadu in the month of December, 2014 wherein Andhra Pradesh forest officials were seen physically torturing and assaulting a man in a naked position and reports are awaited from concerned authorities and the issue is under consideration of the Commission.

Issue notice to the Chief Secretary and the DGP of Andhra Pradesh. Response within two weeks. The matter shall be taken up for hearing in the Camp Sitting of the Commission to be held at Hyderabad on 23rd April, 2015."

4.70 The Commission also received an intimation dated 7 April 2015 on the above incident from the District Magistrate, Chittoor which was registered separately but tagged along with the main file.

4.71 On 13 April 2015, two villagers, namely Shri Sekhar and Shri Balachandran appeared before the Commission along with the wife of the former and gave information about the death of 20 persons who were killed in the above incident. These witnesses wanted to give oral statement before the Commission. Their statements were got recorded by the Registrar (Law) of the Commission, with

the help of a Tamil knowing Officer of the NHRC. Since the two persons who gave statements before the Commission apprehended threat to their lives and to their family members and relatives, the Commission directed that police protection by the Director General of Police, Tamil Nadu, be provided to them.

4.72 Considering the gravity of the situation and the large number of persons involved in the incident, the Commission vide proceedings dated 13 April 2015 directed that -

1. A Magisterial Enquiry be conducted by a Judicial Magistrate First Class as laid down u/s 176 (1)(A) Cr.P.C.;
2. Ensure that names of all forest officials and police officials who were on duty and were part of the Special Task Force (STF) be submitted to the NHRC on or before 22 April 2015;
3. Post mortem, if any, of the dead persons may be conducted as per the Guidelines issued by the NHRC;
4. Ensure that all the weapons allegedly used by the STF and the deceased persons be placed in safe custody; and,
5. Police Register, Log Books, GD Entries and any other documents relating to the incident shall not be destroyed, tampered with or weeded out during the pendency of the NHRC proceedings.

4.73 The Commission also deputed its Joint Registrar to record the statement of one more witness, who was in the custody of an NGO - The Peoples' Watch and who was able to divulge details regarding the incident but he was unable to reach Delhi. Pursuant to the directions given by the Commission, Shri A.K. Parashar, Joint Registrar (Law) recorded the statement of Shri M. Illango at Government Guest House, Puducherry on 15 April 2015.

4.74 The case was then taken up at Hyderabad on 23 April 2015 during the Camp Sitting of the Commission held for the Southern States. There, the Commission heard Shri Henri Tiphagne of People's Watch; Shri Chilka Chandra Shekar, Advocate and representatives of PUCL, Telangana; Human Rights Forum, Hyderabad; and Social Initiative for Legal Remedies, Secunderabad. Shri Lingaraju Panigrahi, Special Chief Secretary and Shri Vinay Ranjan, ADGP (Legal) also appeared before the Commission on behalf of the Government of Andhra Pradesh. Quoting the order passed by the Andhra Pradesh High Court on 13 April 2015 in PIL No. 91 of 2015, they expressed inability to share any information with the Commission. The Commission pointed out to them that the High Court had restrained the State Government only from divulging the result of investigation and not the information like post mortem report of all deceased persons, the medico-legal reports of the injured STF personnel, details of weapons used by STF on the deceased persons, the police register, log book, G.D. entries, details of mobile phones, etc. The Commission categorically told the officers of the State Government that the High Court would not do anything to prevent a statutory institution like NHRC from discharging its statutory functions or from exercising its statutory powers conferred by the PHR Act 1993. The officers of the State Government were asked to interpret the order of the High Court in a proper and reasonable manner. The purpose of the order was to ensure a fair and independent investigation so as to instill faith in the minds of the people and that the order could never have been intended to obstruct an enquiry by NHRC. When the officers of the State Government were made to understand the order of the High Court in proper perspective, Shri Vinay Ranjan, ADGP (Legal) submitted that the directions given by the Commission on 13 April 2015 shall be complied with.

4.75 During the Camp Sitting on 23 April 2015, Shri Lingaraju Panigrahi, Shri Vinay Ranjan and Shri M. Naga Raju were also informed that a team would be visiting the place of occurrence for an on the spot enquiry and the

State Government was asked to extend all the facilities to the NHRC team for purposes of enquiry. A team of the Commission led by Shri Pupul Dutta Prasad, SSP contacted Shri S.P. Tirupathi, I.G. Special Investigation Team (SIT), the Chief Secretary, Government of Andhra Pradesh and the District Collector of Chittoor but all of them gave evasive replies and did not extend any cooperation. In spite of the defiant and non-cooperative conduct of the Government of Andhra Pradesh, the Commission had to proceed with the enquiry based on whatever documents and information were available at the given time.

4.76 Considering the background of the victims, the delay in registration of the FIR, improvements made by the officers of the State Government, the nature of weapons allegedly seized from the spot, the testimony of Shri Sekhar, Shri A. Balachandran, Shri M. Illango and the reluctance of the State Government to share even basic information with the NHRC, the Commission found that -

- i) There are good grounds to think that there was serious violation of human rights of 20 persons who were killed by STF personnel on 7 April 2015 in Sheshachalam forest of Chittoor district.
- ii) The victims were very poor and their families suffering under deprivation.
- iii) The families cannot be allowed to starve and die waiting for the final outcome of the enquiry by NHRC or investigation by an unbiased investigating agency.

4.77 The Commission observed that undoubtedly some monetary relief u/s 18 (c) of the PHR Act 1993 should be immediately recommended to be paid to the next of kin of the deceased victims. The Commission vide its proceedings dated 28 May 2015 made the following directions/recommendations :

1. The Government of Andhra Pradesh shall pay Rs. 5,00,000/- (Rupees Five Lakhs only) as immediate interim relief to the dependents of each of the 20 persons who were killed by the STF on 7 April 2015 in Sheshachalam

forest of Chittoor District. The compliance report with proof of payment shall be submitted to the Commission within eight weeks.

2. The District Magistrate, Chittoor shall promptly take steps to disburse financial assistance to the dependents of 13 victims who belonged to Scheduled Tribe under rule 12(4) r/w Annexure I of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules and submit action taken report to the Commission within eight weeks.
3. The Government of India and the Government of Andhra Pradesh shall have FIR No. 42/15, 43/15 and 46/15 registered at P.S. Chandragiri investigated by the CBI after completion of necessary formalities and shall submit an action taken report to the Commission within four weeks.
4. The present Investigating Officer of FIR No. 42/15, 43/15 and 46/15 shall get the statements of witnesses recorded u/s 164 Cr.P.C before a competent Magistrate in Tamil Nadu at the earliest.
5. The DGP, Tamil Nadu shall continue to provide adequate protection to the witnesses namely Shri Sekhar, Shri A. Balachandran and Shri M. Illango, their families and the Presidents of the Panchyats where they are living.
6. The Chief Secretary, Government of Andhra Pradesh and the DGP Andhra Pradesh shall appear in person before the Commission on 9 June 2015 at 11:00 am to furnish the information and produce the record as directed by the Commission in its proceedings dated 13 April 2015 and 23 April 2015.

4.78 The Commission received a FAX message from the Chief Secretary, Government of Andhra Pradesh forwarding copy of the order dated 5 June 2015, passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in Writ Petition No.15767/2015. The Order of

the Court showed that notice had been issued to the Respondent - The National Human Rights Commission – returnable on 3 July 2015 and till the next date of hearing the directions issued by the Commission in the order dated 29 May 2015 had been stayed.

4.79 Upon consideration of the said order of the High Court, the Commission vide its proceedings dated 9 June 2015 observed and directed as under:

“In view of the Order of the High Court, the Commission cannot proceed with this case. Since notice and copy of the Writ Petition have not been received by the Commission, the case is adjourned to 16 June 2015.

In the meanwhile, the Registrar (Law) is requested to examine the matter and suggest further steps to be taken by the Commission in this case.

The Registry is directed to request the Andhra Pradesh State Human Rights Commission to intimate to this Commission the date of its taking cognizance in the case relating to the killing of 20 persons in Seshachalam forest area in Chittoor District of Andhra Pradesh on 7 April 2015. The Secretary, State Human Rights Commission may be requested to furnish the information before 16 June 2015.”

4.80 Upon consideration of the notice issued to the Commission by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in Writ Petition No. 15767 of 2015 filed by the Chief Secretary to the Government, State of Andhra Pradesh, Hyderabad and two others challenging the Order of the Commission dated 28 May 2015 and also the Order dated 5 June 2015 passed by the High Court in the above Writ Petition staying the Commission’s Order dated 28 May 2015 and perusing the Affidavit filed on behalf of the petitioners in the above Writ Petition No. 15767 of 2015, the

Commission vide proceedings dated 22 June 2015 directed and authorized the Registrar (Law) to make necessary arrangements for filing a Counter-Affidavit in the Writ Petition before the High Court and to oppose the Interim Order passed by the High Court. On behalf of the Commission, counter affidavit was filed and the matter at present is under consideration of the High Court.

15. Killing of Sixteen Year Boy in Fake Encounter by BSF Jawan in Srinagar, Jammu & Kashmir
(Case No. 35/9/13/2010-PF)

4.81 The Commission received a complaint from Shri R.H. Bansal, Chief Editor, Human Rights Observer, alleging that an innocent boy named Zahid Farooq Ahmed Sheikh, aged about sixteen years was killed by a BSF Jawan in a fake encounter. Another complaint regarding the same incident was made by Shri Prabir Kumar. Both the cases were linked up.

4.82 The Commission took cognizance of the matter and issued notices to the Director General, BSF, New Delhi, the District Magistrate and Sr. Superintendent of Police, Srinagar, Jammu & Kashmir to conduct an enquiry into the incident and submit the report in eight weeks time.

4.83 Pursuant to the directions of the Commission, the DG, BSF vide his communication dated 9 April 2010 informed that the police investigation was in progress. The Addl. Deputy Commissioner, Srinagar vide communication dated 1 April 2010 informed that ex-gratia relief amounting to Rs. 1,00,000/- (Rupees One Lakh only) had been sanctioned in favour of Zahid Farooq Ahmad Sheikh, s/o Farooq Ahmad Sheikh vide order dated 20 March 2009 by the Government of Jammu and Kashmir.

4.84 The DIG (Ops.), BSF on 21 July 2010 informed the Commission that the investigation had been completed and chargesheet submitted in the Court of Chief Judicial Magistrate, Srinagar on 6 April 2010 u/s 302, 201 and 109 RPC

against R.K. Birdi, Commandant and Constable Lakwinder Kumar. It was further submitted that BSF had filed an application u/s 80 of the BSF Act, 1948 in the Court of Chief Judicial Magistrate, Srinagar on 7 April 2010 to claim the case for trial by a Security Force Court.

4.85 Thereafter, on 13 December 2010, DIG(Ops.), BSF informed that the Chief Judicial Magistrate had transferred the case to BSF Court for trial. The accused, R.K. Birdi, Commandant and Lakhwinder Singh, Constable had been taken into custody from Central Jail, Srinagar on 25 November 2010 and they had been placed under arrest on 25 November 2010 by DIG, BSF, Srinagar. At present, they were in BSF custody at Panthachowk. Srinagar and proceedings under the BSF Act had already commenced. It was further submitted that a criminal revision petition had been filed in the High Court of Jammu and Kashmir, Srinagar against the order of Chief Judicial Magistrate, Srinagar dated 25 November 2010 by the State Government where the High Court had directed to stay further proceedings till the next date of hearing.

4.86 Upon consideration of the reports, the Commission vide its proceedings dated 22 July 2011 observed and directed as under:

“On the basis of above, it is a case of committing death of a 16 year old boy, Zahid Farooq Ahmad Shekh by Commandant R.K. Birdi and Constable Lakhwinder Kumar by AK-47 rifle. The amount of Rs. 1,00,000/- (Rupees One Lakh only) is inappropriate for the death of a minor child.

This indicates a clear case of violation of human rights by public servants/BSF personnel and it is a fit case in which notice u/s 18 of Protection of Human Rights Act, 1993 be issued.

Accordingly, it is directed that a notice u/s 18(a)(i) of the Protection of Human Rights Act, 1993 be issued to the Secretary, Ministry of

Home Affairs, Government of India calling upon him to show cause as to why compensation may not be recommended in favour of the next-of-kin of the deceased. Response to be submitted within six weeks.”

4.87 In response to the show cause notice, DIG(Ops.) submitted a communication dated 6 September 2011 that the incident regarding the death of Zahid Farooq Ahmed Sheikh had been investigated by the State Police and chargesheet submitted in the Court of Chief Judicial Magistrate, Srinagar. As revealed from the chargesheet, Commandant R.K. Birdi and Constable Lakhwinder Kumar had been charged u/s 302/301/109 of RPC for alleged killing of Zahid Farooq Ahmed. It was further stated in the communication dated 6 September 2011 that the State Government had filed a Criminal Revision Petition in the High Court of Jammu and Kashmir against the order of Chief Judicial Magistrate and the High Court had stayed the proceedings with liberty to the BSF to complete the Record of Evidence. It was also communicated that the statements of 74 witnesses had been recorded and it was contended that the matter was *subjudice* and it would be premature to comment on the evidence or on the final outcome of the case. The Commission was requested to keep the issue of compensation in abeyance.

4.88 Upon consideration of the reply to the show cause notice, the Commission vide proceedings dated 1 April 2015 observed and directed as under:

“We are of the considered opinion that the pendency of the criminal case need not detain us from recommending compensation. The BSF itself admits that its officers were found guilty after police investigation. Therefore, the violation of human right is prima facie established. The Commission always proceeds on the broad probabilities of the case without insisting on rigorous proof. Since the guilt of the BSF officials has been established in police investigation, the Commission need not wait for any further evidence. Considering all the circumstances, we recommend to the Ministry of Home

Affairs, Government of India to pay a sum of Rs. 5,00,000/- as monetary relief to the next-of-kin of deceased Zahid Farooq Ahmed. The Secretary, Ministry of Home Affairs, Government of India shall submit the compliance report with proof of payment within eight weeks."

4.89 In response to the recommendation of the Commission, the Under Secretary, Ministry of Home Affairs, Government of India forwarded a report from the Directorate General, BSF. It was submitted that compensation should not be paid to the next-of-kin of deceased Zahid Farooq Ahmed as the disciplinary case against Commandant R. K. Birdi, and Constable Lakhwinder Kumar were pending. It was also submitted that in case the accused persons are found guilty of the offence later on, compensation could be paid at that juncture.

4.90 The Commission considered the matter on 14 January 2016 when it observed and directed as under:

"The Commission has considered the stand taken by the Directorate General, BSF. Under the provisions of the Protection of Human Rights Act, 1993, the Commission is competent and entitled to recommend payment of compensation to the victims of violation of human rights, if the Commission is prima facie satisfied that there was violation of human rights. In this case, after considering all the materials available, the Commission was satisfied that there was violation of human rights and hence, recommendation was made to pay compensation. The satisfaction of the Commission or the recommendation of the Commission cannot be dependent on the outcome of any disciplinary case or criminal case. The Commission's satisfaction and its recommendation are based on the materials and evidence brought before the Commission. If the payment of monetary

relief has to wait and depends on the outcome of a criminal case or disciplinary case, it would result in serious breach and hardship to the victims of violation of human rights and it will be against the spirit of the provisions contained in the Protection of Human Rights Act, 1993, particularly Section 18.

Therefore, the Commission hereby reiterates its recommendation to the Ministry of Home Affairs, Government of India to pay monetary relief to the next-of-kin of the deceased Zahid Farooq Ahmed and requests the Secretary, Ministry of Home Affairs, Government of India to submit the compliance report along with the proof of payment within eight weeks."

4.91 The recommendation of the Commission has not yet been complied with.

16. *Death of Six Persons in Police Firing during Communal Clashes Between Muslims and Christians at Cheriya Junction in Kerala*
(Case No.115/11/12/2010)

4.92 Reporting on the six monthly statement with regard to deaths in Police action in the State of Kerala for the period 1 January 2009 to 31 March 2009, the Director General of Police, Kerala vide letter dated 14 December 2009 reported about the communal clashes between the Muslims and Christians at Cheriya Junction and subsequent police firing on 16 and 17 May 2009 resulting in death of six persons and registration of Case Crime No.84/CR/S1/09 (crime 247/09 of Valiyathura P.S. u/s 143/144/145/147/148/149/151/152/153 (A) 332,307,436 IPC and u/s 27 Arms Act and section 3,4,5 Explosive Substances Act 1908) and other 65 cases and investigation of the case being carried out by CB-CID, SIG-I, Thiruvanthapuram.

4.93 The Commission took cognizance of the intimation on 28 April 2010 and after subsequent extension of time, obtained a report dated 9 April 2012 from

the Superintendent of Police, Crime Branch CID, OCW 1, Thiruvananthapuram which revealed that in connection with the incident that occurred on 16 and 17 May 2009 at Cheriyaathura - Beemapally area, altogether 66 cases were registered by the local police. The said crimes included *suo motu* crimes, crimes registered in pursuance to the oral complaints of the victims and complaints forwarded for investigation by the Courts u/s 156(3) Cr. P.C. Out of 66 cases, one case was registered as *suo motu* by Shri C. G. Sureshkumar, Assistant Commissioner of Police and 65 cases were registered by recording the statements of the victims. Out of the total 65 registered cases, 30 cases were registered on the basis of complaints by Muslims; 32 cases were registered on the basis of complaints made by Christians and one case was registered on the statement given by the then Sub-Inspector of Valiyathura Police Station Sri K.J. Johnson and 2 cases were registered on the basis of complaint of victims belonging to the Hindu community. All the cases were transferred to CB-CID and were investigated by Crime Branch CID, OCW-1, Thiruvananthapuram vide DGO No. D1/41541/09 dated 18 May 2009. One case with crime No. 2/CR/OCW-1/10 was registered as *suo motu* by CB-CID to unearth the source of explosive used in Cheriyaathura. Crime 84/CR/S1/09 (Valiyathura P.S. Crime 247/2009) was the main case registered in connection with the police firing incident by C.G. Sureshkumar, Asstt. Commissioner of Police, Sanghumugham Sub Division for dispersing the unruly mob armed with deadly weapons, country missiles, etc. All these cases were clubbed together and are under investigation. It was further submitted that the investigation conducted so far had revealed that six persons died and 42 others were injured in the violence by unruly mob and the subsequent police firing. Four persons died due to the bullet injuries sustained and one person died of heart attack while undergoing treatment in the hospital for the injuries sustained. One person died due to the blunt force injury sustained on the head during the group clashes. It was also revealed that the injuries caused to nine persons were from the bullets of .303 rifle and others sustained injuries from

fragmented parts of bullets, fired by the police, and by the metal fragments, missiles of country bombs, stones and other weapons used by the clashing miscreants. From the FSL examination report, all the MOs collected during the investigation, it was revealed that the metal pieces recovered from the bodies of one Ahammed Khani Noushad and Arshad were the parts of 0.303 bullets. It was informed that 13 accused were identified in CB-CID Crime 84/CR/S1/2009 and reports were submitted before the Court by arraying them as accused. The details of another 41 accused were also collected and steps were being taken to include them in the array of accused. Out of the total 67 cases two cases were charge- sheeted in which the complainants were Muslims and 14 cases were finally reported as false out of which 13 complainants were Muslims and one a Christian. One case at Crime No. 2/CR/OCW-1/10 was transferred to CBI STF Mumbai Unit on 9 February 2012. Remaining cases were under investigation at CB/CID, OCW-1, Thiruvananthapuram.

4.94 The Commission on consideration of the reports on 15 September 2015 directed the Addl. DGP, Crime Branch, CID, Thiruvananthapuram to submit report about – (i) total number of cases under investigation after clubbing, (ii) case wise number of arrests made, (iii) details of cases in which chargesheet was submitted including the names of the chargesheeted accused, (iv) number of cases finally reported, (v) number of cases still under investigation, and (vi) copy of the report of Judicial Commission. The response of all this was to be submitted within eight weeks.

4.95 Pursuant to the directions of the Commission, the State Police Chief, Kerala, vide communication dated 2 May 2014, informed the Commission that from the report of CB-CID, Crime No.84/CR/SI/09 (Cr.No.247/09 of Valiyathura P.S.) received from the Additional Director General of Police (Crime), it is revealed that number of accused persons alleged to have been involved in the above case was around 2000, including members of both Muslim and Christian

communities and the final report in Crime No.84/CR/SI/09 could be laid only after identifying the remaining accused after proper verification and by interrogating witnesses of both the sides. All the independent witnesses of the case were either relatives or from the same community or opposite communities scared of the accused. Hence, considerable time is required to complete the investigation and all efforts are being taken to find out the accused involved in the crime. On the basis of the above, the Police Chief, Kerala demanded time for the conclusion of the investigation.

4.96 The Commission on consideration of the matter on 15 July 2016 directed the State Police Chief, Kerala to submit the response within eight weeks.

e) Electrocution Cases

17. Death of Youth due to Negligence of Electricity Department of Government of Uttar Pradesh
(Case No.26993/24/13/2014)

4.97 In the aforementioned case, the complainant Shri Ashok Shankaram, a social activist alleged death of Fakhruddin, aged 20 years, on 2 August 2014 due to the negligence of the Electricity Department of Government of Uttar Pradesh and failure of the State Government to address the menace of electrocution deaths on account of negligence and irresponsible maintenance of electric wires and equipments. He requested for action against the delinquent employees of the Electricity Department, and to recommend compensation to the next-of-kin of the deceased, Fakhruddin.

4.98 The Superintendent Engineer (SE), Electric Distribution Division, Ramsnehighat, Barabanki, submitted a report dated 19 October 2015 stating that a compensation of Rupees 1,00,000/- (Rupees One Lakh only), had been paid to the mother of the deceased Fakhruddin on 23 August 2014 vide cheque No. 223106. The incident was also being examined by the Assistant Director,

Electrical Safety, Government of Uttar Pradesh. However, the report from him was still pending. The SE furthermore enclosed a copy of the statement of Bank Account of the Executive Engineer, EDD, Distribution, showing debit of Rupees One Lakh on 30 August 2014. The Principal Secretary, Government of Uttar Pradesh, submitted a report dated 26 October 2015 stating that electricity line of 33/11 KV Tikat Nagar to 11 KV Bilkhara, 11 KV Over Head line was passing through Village Kasba Echauli. The 400 KVA Plinth Mounted Transformer a LT Over Head line had been given to Village Kasba Echauli. In the night of 1 August 2014, one electric phase of this Line got snapped and fell on the land near the pond. On 2 August 2014 at about 5.40 a.m. when Fakharuddin, the deceased, went for the call of nature, came into contact with the live wire near the pond and died of electric shock. The report further stated that the above said LT Line had not been properly maintained, the fuses fixed to the side of LT Transformers were not of appropriate capacity and non-fixing of guarding, resulted in the accident. Under Rule 29/50(i) b(ii)/91, of Indian Electricity Rules, 1956, the Maintenance staff was, responsible for the accident. The Dy. Director, Electrical Safety, Government of Uttar Pradesh, recommended payment of compensation to the next-of-kin of the deceased and action against Maintenance Staff responsible for maintenance of Electric Transformers and the LT Side Fuses.

4.99 The report received from the State authorities was considered by the Commission on 19 November 2015 when it observed that the electrocution and consequent death of Fakhruddin was due to the negligence on part of Maintenance Staff of the Electricity Department of Government of Uttar Pradesh. As the amount of Rs.1,00,000/- paid to the next-of-kin of the deceased was insufficient, the Commission recommended u/s 18(a)(i) of the Protection of Human Rights Act, 1993, for payment of an additional sum of Rs. 1,00,000/- (Rupees One Lakh only) to the next-of-kin of the deceased Fakhruddin. The compliance report has since been received and the case closed.

18. *Death of a Poor Farmer due to Negligence of Electricity Department in Bhadrak District, Odisha*
(Case No. 1179/18/18/2014)

4.100 Shri Subash Mohapatra an activist from Odisha in his complaint dated 18 March 2014 intimated to the Commission about the death of a poor Scheduled Caste farmer, named Gati Krushna Malick of village Malik Sahi, Kasimpur Block falling under P.S. Dhusuri in the District of Bhadrak, Odisha on account of electrocution on 13 March 2014.

4.101 It was reported by the State authorities that at 63KVA 11./0.4KV Sub-station in Bodak Sasan, power supply was being given to a private L.I. Point belonging to Sri Pradeep Kumar Jena. From one year this point was defunct and the LT line lay in a damaged condition. As such, it was disconnected by the Department to avoid any mishap. According to the nearby villagers, some persons illegally charged the damaged LT line for running of their motor in the night. On the previous night of the accident also, these villagers mentioned a truck had passed over the last length of the LT line which resulted in the conductor being dragged along with the tilting of the pole. The victim farmer while walking through that way came in contact with the live line which led to his immediate death on account of electrocution.

4.102 The Commission upon consideration of the matter observed that the report submitted by the Superintendent of Police, Bhadrak *prima facie* makes it a strong case of gross negligence by the electrical authorities. The report submitted by the State moreover admitted the said facts and concluded that the unfortunate accident could have been prevented, had the fuse system/tripping system in the substation been in working condition. From the facts established above, it is crystal clear that the death of deceased Gati Krushna Mallik was due to gross negligence of the electrical authorities which is a violation of the human rights of the deceased farmer. The Chief Secretary, Government of Odisha was

directed to show cause u/s 18 a (i) of the Protection of Human Rights Act, 1993, as to why a payment of compensation of Rs.1,00,000/- (Rupees One Lakh only) should not be awarded to the next of the kin of the deceased. A report showing the departmental action taken against the erring officials was called for too.

4.103 The Commission upon further consideration of the matter directed the Chief Secretary, Government of Odisha to submit compliance with proof of payment of Rs. 1,00,000/- (Rupees One Lakh only) to the next of the kin of the deceased Gati Krishna Malik. The compliance report is awaited.

19. *Death of Pavement Dweller due to Electrocution in Royapettah, Chennai, Tamil Nadu*
(Case No. 3175/22/13/2012)

4.104 Shri G. Dsouza, P.O. Box 8476, Mumbai vide his email dated 20 November 2012 forwarded a press clipping captioned “Pavement dweller electrocuted” dated 25 October 2012 from the website of English daily, “The Times of India”. According to the press report, one Renuka, a 40 year old pavement dweller came in contact with a live cable lying in stagnant water on Thayar Sahib Street in Royapettah, Chennai, Tamil Nadu on 24 October 2012. By the time the police was alerted and the power was switched off, Renuka had already died due to electrocution.

4.105 In response to the notices issued, the Commission received reports from various authorities of the State.

4.106 Upon consideration the report of the Electrical Inspector, Chennai-North Division, the Commission found that *prima facie* it appeared that the accidental death occurred due to the negligence of the officials of the Tamil Nadu Electricity Board or Tamil Nadu Generation and Distribution Corporation Limited.

4.107 Hence, the Commission vide its proceedings dated 17 November 2014 issued notice u/s 18 of the Protection of Human Rights Act, 1993 to the Chief Secretary, Government of Tamil Nadu and the Chairman-cum-Managing Director, Tamil Nadu Generation and Distribution Corporation Limited to show cause why the Commission should not recommend payment of compensation to the next-of-kin of the deceased Renuka.

4.108 Upon consideration of the reply to the show cause notice, the Commission vide proceedings dated 21 March 2016 observed and directed as under :

“The Commission has considered the reply sent by the State Government and the chargesheet filed in the Court of Metropolitan Magistrate, Allikulam, Chennai. The State Government has resubmitted the earlier version of Superintending Engineer, CED/Central, Chennai, TANGEDCO that electrocution was not due to any fault of cable line maintained by TANGEDCO, though it is admitted that electricity supply was disconnected only after electrocution of Ms. Renuka. The Police Department, however, contradicted the stand of the Government by filing a chargesheet u/s 304A IPC in Crime Case No.1627/2012, P.S. Anna Salai against T.Wilson Sathyanathan, Assistant Engineer, Operation & Maintenance, Tamil Nadu Electricity Board, Walaja Road, Chennai-5 and case was filed before the Learned XIII Metropolitan Magistrate Court, Allikulam, Chennai. The chargesheet in vernacular states that the said Engineer was callous and had not handled properly the work of electricity connection by getting appropriate protection which resulted in electrocution of Ms. Renuka.

Considering the entire facts and circumstances of the case, the Commission is of the view that deceased Renuka lost her life due to the negligence of Tamil Nadu Generation & Distribution Corporation

Limited. Hence, the Commission recommends that a sum of Rupees One Lakh be paid as monetary relief to the next –of-kin of deceased Renuka”.

4.109 Compliance report along with proof of payment is awaited.

20. *Death of Class-IV Girl Student in School Hostel due to Electrocution in Malkangiri, Odisha*
(Case No. 3072/18/29/2014)

4.110 The Commission received a complaint dated 4 August 2014 from Shri Sudhanshu Kumar Nanda, Advocate and human rights activist who on the basis of a newspaper report dated 4 August 2014 published in “SAMBAD” Sambalpur Edition of Odisha, alleged that a class-IV student, namely Urmila Kbasi, died in her hostel due to electrocution on 2 August 2014. The hostel was being run by the Scheduled Castes and Scheduled Tribes Development Deptt. of Odisha. It was alleged that the school hostel building had less space for accommodating 100 students, and the children lived with little amenities. When the victim girl tried to hang the mosquito net, she came into contact with charged iron pole, fell unconscious and afterwards died. The hostel building was charged with electric power as it got wet due to heavy rain for the last three days and the pole used for hanging the mosquito net got charged due to the wall. It is alleged that the death occurred due to negligence on the part of the school authorities as well as the Department. The complainant sought impartial enquiry into the matter and compensation to the next-of-kin of the victim.

4.111 The Commission took cognizance of the matter on 11 August 2014 and obtained a report from the Commissioner-cum-Secretary, Scheduled Castes and Scheduled Tribes Development Department, Government of Odisha, vide his letter dated 23 April 2015 which revealed that Jayanti Sahoo, Asstt. Teacher of PUP School, Kalimela, Superintendent In-charge of that Hostel, left the hostel

at about 9.00 p.m. on 2 August 2014, leaving the inmates under the supervision of Cook-cum-Attendant and Watch Ward. The inquiry revealed that an electric wire was extending from the electric socket and was not concealed properly. Due to continuous rain and seepage of rain water, the wall and switch board got wet and the student got electrocuted due to negligence in supervision and monitoring of the hostel infrastructure. It was further reported that the Superintendent of hostel was suspended by the District Education Officer, Malkangiri vide order dated 3 August 2014 and draft charges were framed under Rule 15 of OCS (CCA) Rules, 12962 vide order dated 12 September 2014. A police case was lodged against the Hostel Superintendent u/s 138 of Indian Electricity Act and she was arrested. Further, complete electric wiring was redone in the hostel building after the incident. The report stated that ex-gratia payment in favour of the next-of-kin of the deceased student was being processed.

4.112 The Commission considered the report on 30 September 2015 and observed that the student got electrocuted and died due to negligence in supervision and monitoring of the hostel infrastructure. The negligence of the hostel staff is established and the State Government is vicariously liable. Accordingly, the Commission issued a notice u/s 18(a) (i) of the Protection of Human Rights Act, 1993 to the Government of Odisha, through its Chief Secretary, to show cause as to why the Commission should not recommend monetary relief to the next-of-kin of the deceased girl Urmila Khasi. The Commission also directed the Commissioner-cum-Secretary, Scheduled Castes and Scheduled Tribes Development Department, Government of Odisha to inform the outcome of the police case lodged against Hostel Superintendent u/s 138 of Indian Electricity Act and outcome of the departmental enquiry initiated against her within four weeks. The response of the State Government was awaited.

f) Pollution and Environment Cases

21. *Severe Water Pollution due to Encroachment of Land Along Mandakini River Bed in Chitrakoot District, Uttar Pradesh*
 (Case No. 8488/24/20/2016)

4.113 The Commission received a complaint on 7 March 2016 from Yogesh Jain of Chitrakoot in Uttar Pradesh stating that most of the people in Chitrakoot District depend upon Mandakini river for their daily existence. However, on account of encroachment of land along the river bed and serious water pollution caused by the encroachers, the people of Chitrakoot were getting deprived of safe drinking water for their daily use. The local people had made several complaints to the District Administration, but no action was taken by it to redress their grievances. Thus, the complainant sought the intervention of the Commission for necessary action.

4.114 The Commission vide its proceedings dated 9 March 2016 directed the Chief Secretaries of Government of Madhya Pradesh and Uttar Pradesh and Secretary, Ministry of Water Resources and River Development, Government of India, New Delhi for their responses within four weeks.

4.115 In response to the same, vide letter dated 8 May 2016, the Addl. Secretary, Urban Development and Environment Department, Government of Madhya Pradesh enclosed a report of M.P. Pollution Control Board. It was intimated therein that an inquiry into the matter was conducted on 3 May 2016 by a Senior Scientist of the M.P. Pollution Control Board which revealed that the available water at all the seven ghats of Mandakini River was of 'B' Grade category and better than the condition found earlier. However, the subject matter of the present case was *subjudice* as it was before the National Green Tribunal (NGT) and as per the orders passed by the said Tribunal, 14 encroachments had already been removed from the river bed. But, four other

encroachments still existed due to stay order passed by the Tribunal. The Local Municipal Corporation was also taking steps to check pollution of the river water. The report indicated that necessary steps were taken by the concerned authorities to check the domestic waste and polluted water being mixed into the river water. It was reported that a pumping unit was established to transmit the solid waste and other waste material to a Sewerage Treatment Plant located outside.

4.116 The Commission carefully considered the contents of the report. As no response was received from the Chief Secretary, Government of Uttar Pradesh and the Ministry of Water Resources and River Development, Government of India, both were reminded.

4.117 The Chief Secretary, Government of Madhya Pradesh was further directed to submit the details of the case pending before the National Green Tribunal. The matter is under consideration of the Commission.

*22. Air Pollution Caused by Cement Godowns at Jyoti Nagar, Delhi
(Case No.708/30/2/2016)*

4.118 In the given case, the complainant alleged that the residents of Jyoti Nagar in Delhi inhaled polluted air on account of innumerable cement godowns in the area. The godown owners bribed the police personnel of P.S. Jyoti Nagar, Delhi. The Commission vide its proceedings dated 18 February 2016, issued a notice to the Chief Secretary, Government of NCT of Delhi and the Commissioner of Police, Delhi calling for report within four weeks.

4.119 In response, the Deputy Commissioner of Police, Vigilance, Delhi vide letter dated 21 July 2016, forwarded an enquiry report received from the Addl. DCP, North East, Delhi. During enquiry Jyoti Nagar Police found that the

complaint was meritorious. But the complainant stated that he had never sent the complaint and someone had misused his name. However, on the basis of a similar complaint, proceedings u/s 133 Cr.P.C. was forwarded to the concerned authority for taking further action. No response has been received from the Chief Secretary.

4.120 The Commission considered the matter and directed the District Magistrate, North-East District, Delhi to send a report, regarding the outcome of the proceedings initiated u/s 133 Cr.P.C., in the matter vide DD number 13A, dated 12 April 2016 of Jyoti Nagar P.S., Delhi. A reminder was also issued to the Chief Secretary, Government of NCT of Delhi, calling for a report.

4.121 Reports from the concerned authorities have been received and the matter is under consideration of the Commission.

g) Other Important Cases

23. *Death of a Para Military Official at his Work Place due to Medical Negligence (Case No. 12025/24/69/2014)*

4.122 The matter relates to death of Constable Bhagirath Yadav of CISF on 13 January 2014 at his duty place in District Sonbhadra, Uttar Pradesh due to medical negligence.

4.123 An amount of monetary relief of Rs. 1,00,000/- (Rupees One Lakh only) as recommended by the Commission was paid to the wife of the deceased. The delinquent CISF personnel Y.C. Rajwar, Inspector was already dealt with and punished. The reports received from the State Authorities were taken on record and the case closed.

*24. Alleged Corruption and Usage of Abusive Language by Block Education Officers of Khalilabad District, Uttar Pradesh
(Case No.15666/24/65/2014)*

4.124 The Commission received a complaint from Smt. Ramraji Devi, Head Mistress, Purva Madhyamik Vidyalaya, Bargon in Khalilabad District area alleging use of abusive language and demand of Rs.1,000/- by Arjun Singh, Block Education Officer, Khalilabad and Chandra Shekher, School Coordinator, who on an inspection conducted in the school on 23 April 2014 found two children missing out of 59 children mentioned in the attendance register. It was alleged that threat was made to withhold the provident fund, pension and salary of Smt. R. Devi if she failed to pay the amount, despite explaining to the officials that the two children had gone to leave one sick child to his home, who had fallen sick in the school. Due to the uncalled behaviour shown by these officers, Smt. R. Devi was mentally hurt and became unconscious on account of which she had to be admitted in the District Hospital in an unconscious state and later on was referred to Gorakhpur Medical College by the Doctors attending on her. She appealed to the Commission to take action against the wrong Inspecting Officers.

4.125 The Commission took cognizance of the matter on 26 May 2014 and obtained a report dated 12 May 2015 from the Secretary, Government of Uttar Pradesh which revealed that on 23 April 2014 Arjun Singh, Block Education Officer, Khalilabad had only inspected the school and questioned Smt. Ramraji Devi, Head Mistress, but there was no harassment on their part. However, the District Basic Education Officer had not made it clear in his explanation as to how by mere questioning of the Head Mistress, she became unconscious to the extent that she had to be rushed to the District Hospital, Sant Kabir Nagar and later on to the Medical College, Gorakhpur. The report also stated

that had there been a discussion with the complainant, Smt. Ramraji Devi, Head Mistress in a cordial atmosphere, such situation would not have arisen. Therefore, the concerned Block Education Officer and Assistant Coordinator cannot be discharged from their liability. The report further stated that on 11 May 2015, the District Basic Education Officer was warned and Arjun Singh and Chandra Shekher, had been admonished and this was intimated to the Director of Education (Basic), Government of Uttar Pradesh.

4.126 Perusing these reports on 25 May 2015, the Commission observed that the old woman who had now retired from the Government School was undoubtedly humiliated to the extent that she became unconscious and had to be hospitalized, first in the District Hospital and later in the Medical College, Gorakhpur. The report of the Secretary, Government of Uttar Pradesh, dated 12 May 2015 clearly stated that the concerned Officers were punished for their misdeeds. The complainant too had alleged that as a result of the unwarranted behaviour of the public servants, she suffered mental, physical and economic losses. It was established that the complainant was humiliated by the public servants, which caused her hospitalization and thus violation of her human rights. The Commission accordingly issued a notice u/s 18 of Protection of Human Rights Act 1993, to the Chief Secretary, Government of Uttar Pradesh, to show cause as to why monetary compensation should not be awarded to be paid to the victim Smt. Ramraji Devi within six weeks. The Principal Secretary (Education), Government of Uttar Pradesh, was directed to submit an action taken report whether any discrepancy arose in the payment of the salary, pension, gratuity and also on the alleged non-payment/less payment of the pension, gratuity and salary to Smt. Ramraji Devi. Response of the State Government is awaited.

25. *Acid Attack on Jagdish Chander in Pilibhit, Uttar Pradesh*
(Case No.20006/24/60/2015)

4.127 The complainant, Shri Jagdish Chander, s/o Shyam Lal stated in his complaint that on the night of 18/19 March 2015 at 00:50 hours, Smt. Manju Devi, w/o Om Prakash, and Pooja Devi, daughter of Om Prakash threw acid on him. He sustained burn injuries on the whole body and had been undergoing treatment in District Hospital, Pilibhit. The complainant requested intervention of the Commission for action against the accused persons and financial assistance from the Government.

4.128 The Commission after consideration of the relevant records and reports received in the matter, observed that Shri Jagdish Chander was an acid attack victim. Taking reference of the Supreme Court Judgement in *Laxmi v. Union of India*, the Commission recommended payment of Rs. 3,00,000/- (Rupees Three Lakhs only) as after care and rehabilitation cost to the victim Jagdish Chander.

4.129 Proof of payment is awaited.

D. Conditions in Prisons

a) Visits to Jails

4.130 As per Section 12(c) of the Protection of Human Rights Act, 1993, the Commission can “visit 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 the inmates thereof and make recommendations thereon to the Government”. Accordingly, the Chairperson, Members, and senior officers of the Commission including Special Rapporteurs appointed by it visit various jails and other correctional institutions in the country throughout the year so as to fulfill its given mandate.

4.131 During the period from 1 April 2015 to 31 March 2016, visits undertaken to jails and other correctional institutions by the National Human Rights Commission were as follows :

S.No.	Name of Jail/ Institutions	Date of Visit	Visited by
1.	District Jail Kangra, Himachal Pradesh	9-14/03/2015	Smt. S. Jalaja, Special Rapporteur
2.	District Jail Ghumla, Jharkhand	27/07/2015	
3.	Seohar, Sitamarhi and Darbhanga, Bihar	15/08/2015	
4.	Central Jail Dhumka, Jharkhand	15/08/2015	
5.	District Jail Giridih, Jharkhand	13/08/2015	
6.	Central Jail Faridkot, District Jail Muksar and Mansa, Punjab	14/08/2015	
7.	Observation Home for Boys, Faridkot District Punjab	16/09/2015	
8.	Kawardha District of Chhattisgarh	16/09/2015	Shri S. Narayan, Special Rapporteur
9.	Kandhmal District Odisha		Shri P. P. Mathur and Shri Damodar Sarangi, Special Rapporteurs
10.	Visit to Ludhiana District Female Jail	14/01/2016	Shri Akhil K. Jain, Special Rapporteur
11.	Malerkotla, District Sangrur Jail, Punjab	15/01/2016	
12.	District Jail Rohtak, Haryana	02/01/2016	
13.	District Jail Hissar, Haryana	23/01/2016	
14.	Modal Jail Chandigarh	19/01/2016	Shri S.C. Sinha, Member
15.	Saharanpur District Jail	19-20/02/2016	Shri Sunil Krishna, Special Rapporteur
16.	Modern Jail District Lucknow	4-5/3/2016	Shri S. C. Sinha, Member

4.132 In addition, the officers from the Investigation Division also visited Central or State jails for assessing their living conditions as follows :

S.No.	Name of Jail	Date of Visit	Visited by
1.	Central Jail Jagdalpur, Bilaspur and Raipur, Chhattisgarh	05-13 October 2015	Shri Rajvir Singh, Dy. Superintendent of Police & Shri I. P. Singh, Inspector
2.	Central Jail, Lucknow	3-7 March 2016	Shri Ravi Singh, Dy. Superintendent of Police
3.	Tihar Jail, New Delhi	16-18 March 2016	Shri M.S. Gill, & Shri Ravi Singh, Dy. Superintendents of Police

4.133 The reports submitted by the Members, Special Rapporteurs and officers are placed before the Chairperson or Full Commission and the directions given thereto are forwarded to the concerned State Government for compliance.

b) Analysis of Prison Population

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

4.135 On analyzing the National Crime Records Bureau (NCRB) data for the year 2015, the problem of overcrowding was observed in large number of States. The highest number of 88,747 inmates (85,214 males and 3,533 females) were reported from the State of Uttar Pradesh followed by the States of Madhya Pradesh 38,458 (37,136 males and 1,322 females), Maharashtra 29,657 (28,321 males and 1,336 females), Bihar 28,418 (27,527 males and 891 females) and Punjab 23,645 (22,510 males and 1,135 females) at the end of the year.

4.136 It was observed that the main reason for overcrowding is the increasing number of undertrial prisoners day-by-day and the period for which they languish in jails is also a very long one. In few cases, it was found that the undertrials were in judicial custody for years, which is far beyond the punishment prescribed for any offence under the penal law. The data collected further shows that States like Uttar Pradesh (62,669) followed by Bihar (23,424), Maharashtra (21,667), Madhya Pradesh (21,300), West Bengal (15,342), Rajasthan (14,225), Jharkhand (13,588), Punjab (13,046), Odisha (12,584), Delhi (10,879) and Haryana (10,489) have the highest percentage of under trials.

4.137 Comparative analysis of the prison statistics data indicates the continuing need for all the States to take serious steps to control overcrowding. To reduce overcrowding, provisions stated 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 Committees may also be constituted, having representatives from the inmates, to assist the jail authorities in the completion of such processes.

E. Prison Reforms

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

4.138 In pursuance to the recommendations made in the National Seminar on Prison Reforms organized by the NHRC in November 2014, the Commission constituted a Committee of Experts on 18 March 2015 under the chairmanship Shri Sanjay Kumar, Principal Secretary, Home (Jails), Government of Punjab to suggest amendments to the Prison Act, 1894, in order to align it with human rights norms, judgments of the Supreme Court and International Conventions binding on India. The first meeting of the said Committee took place in the Commission on 17 July 2015 under the chairmanship of Shri Sanjay Kumar.

F. Pilot Study on Undertrials in Uttar Pradesh

4.139 As mentioned in the NHRC Annual Report of 2014-2015, in February 2015, the Commission took up a Pilot Study on Undertrials in collaboration with the Centre for Equity Studies, New Delhi in five districts of Uttar Pradesh. These districts are Banda, Ghaziabad, Kheri, Mau and Saharanpur. The main objectives of the study was 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 overall assessment of justice given including the mechanisms by which they are denied timely and quality justice.

4.140 In accordance with the time frame, the Centre for Equity Studies had submitted the final report of the pilot study, which is being examined by the Commission.



Reaching Out

5.1 The NHRC, India, overtime, has developed a robust set of monitoring mechanisms to oversee civil and political rights as well as matters concerning social and economic justice. While some of these mechanisms have been developed based on the mandate accorded to the Commission by the PHR Act, 1993, others have been developed along the lines of the instruments and special procedures adopted by the United Nations for human rights protection, monitoring and promotion. Some of the key mechanisms devised by the Commission include the Full Commission and Statutory Full Commission Meetings, Camp Sitzings and Open Hearings, engagement of Special Rapporteurs, and the establishment of Core and Expert groups on a range of human rights issues.

A. Commission Meetings

5.2 During the year under review, the Full Commission deliberated upon and decided 493 cases of human rights violations in 49 sittings. In addition, the two Division Benches considered 496 cases in 45 sittings. Eight cases of Kashmiri migrants were moreover considered in the open court of the Commission.

B. NHRC Camp Sitzings and Open Hearings

5.3 The Commission has been organizing camp sittings in State capitals in order to expedite disposal of pending complaints and sensitize the State functionaries on critical human rights concerns. During the period under review, the Commission held Camp Sitzings in Thiruvananthapuram, Kerala (8–10 April 2015) and Hyderabad for the States of Andhra Pradesh and Telangana (22–24 April 2015). A Single Member Camp Sitting was also held at Puducherry from 28 to 30 April 2015 by Member Justice Shri D. Murugesan.

5.4 During its three day Camp Sitting at Thiruvananthapuram in Kerala, the Full Commission headed by the Chairperson Justice Shri K.G. Balakrishnan heard 19 cases and 05 cases of death in police encounters were taken up in the sittings of the Division Bench. It expressed its dissatisfaction over the tardy progress in the setting up of a Tribunal to settle the claims of the victims of Endosulfan and asked the Government of Kerala to expedite the same.

5.5 During the camp sitting at Hyderabad for the States of Andhra Pradesh and Telangana, the Commission took up a total of 38 cases, 17 in Full Commission and 21 in the sittings of two Division Benches. These cases include the matter pertaining to the death of 20 red sanders during the course of police action in Chittoor district of Andhra Pradesh on the 7 April 2015.

5.6 The camp sitting at Puducherry held from 28 to 30 April 2015 dealt with forty-one cases.

5.7 In the past, the NHRC has held Camp Sitzings in the States of Uttar Pradesh, Bihar, Karnataka (Bengaluru for four southern States of Andhra Pradesh, Karnataka, Kerala and Tamil Nadu), Odisha, Gujarat, Assam, Meghalaya, Chhattisgarh, Manipur, Madhya Pradesh and Chandigarh (for the States of Punjab, Haryana, Himachal Pradesh and Union Territory of Chandigarh).

5.8 The NHRC held Open Hearings at Thiruvananthapuram, Kerala (8 April 2015) and Hyderabad for the States of Andhra Pradesh and Telangana (22 April 2015).

5.9 During its Open Hearing in Thiruvananthapuram, the Commission took up 85 cases. In most of the cases, the complainants raised their grievances before the Commission in the presence of concerned authorities. The intervention of the NHRC resulted in relief for many complainants.

5.10 During its Open Hearing at Hyderabad, the Commission heard a total of 61 cases in three benches respectively.

5.11 So far, such Open Hearings have been held in the States of Odisha, Gujarat, Tamil Nadu, Rajasthan, Maharashtra, Uttar Pradesh, Madhya Pradesh and at Chandigarh (for the States of Punjab, Haryana, Himachal Pradesh and Union Territory of Chandigarh)..

C. Statutory Full Commission Meeting

5.12 To ensure that NHRC, India represents the views of the most vulnerable sections of society, Section 3 (3) of the PHRA stipulates that the following shall be deemed to be members of the NHRC for the discharge of functions specified in clauses (b) to (j) of Section 12 of the PHR Act, 1993:

- a) Chairperson of the National Commission for Minorities;
- b) Chairperson of the National Commission for the Scheduled Castes;
- c) Chairperson of the National Commission for the Scheduled Tribes; and
- d) Chairperson of the National Commission for Women.

5.13 All the above, along with the Chairperson and Members of the NHRC, constitute the Statutory Full Commission (SFC) of NHRC and meets at regular

intervals. In addition, the NHRC, India invites the Chairperson of the National Commission for the Protection of Child Rights (NCPCR) as a 'Special Invitee' to all its Statutory Full Commission Meetings as the NCPCR has a considerable bearing on all issues concerning the rights of children.

5.14 The last meeting of the Statutory Full Commission was held on 3 February 2015. The meeting of the Statutory Full Commission (SFC) was chaired by Justice Shri K.G. Balakrishnan, Chairperson, National Human Rights Commission and attended by Justice Shri Cyriac Joseph, Justice Shri D. Murugesan, and Shri S C Sinha, Members, NHRC, 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). Shri V S Oberoi, Chairperson, National Commission for the Protection of Child Rights (NCPCR) attended the meeting as a Special Invitee.

5.15 A range of issues were discussed in this meeting, including, inter-linking the Complaint Management Information System of the NHRC with other National Commissions, independence and autonomy of the National Commissions, availability of basic infrastructure and resources to all National Commissions as per their requirements to fulfil, proposal for initiation of quarterly/half yearly meetings of Senior Executive Officers/Chief Executive Officers of all Member Commissions, including Special Invitee, National Commission for the Protection of Child Rights (NCPCR).

5.16 The Statutory Full Commission also approved a proposal to organize periodic meetings of the Senior Executive Officers/Chief Executive Officers of Member Commissions of the Statutory Full Commission, including the Special Invitee, NCPCR.

5.17 The First Secretary Level Meeting of National Commissions under the chairmanship of Secretary General, NHRC was held on 25 February 2016 to discuss the issue of inter-linking the CMIS of the NHRC with the National Commissions; strengthening convergence between NCPCR and NHRC; framework to monitor the implementation of the recommendations accepted

by the Government of India at the Second Universal Periodic Review, continued cases of violence against women, and effectiveness of the implementation of Criminal Law (Amendment) Act, 2013.

D. Special Rapporteurs

5.18 The Special Rapporteurs of the Commission are human rights experts who are specifically appointed with the directive to report and advice on human rights concerns from a thematic or state-specific perspective. The system of Special Rapporteurs is a central element of the NHRC machinery and covers all human rights: civil, political, economic, social and cultural. In addition, they cover sensitive issues like child labour, bonded labour, disability concerns; etcetera and spread awareness among the people about the provisions contained in the PHRA from the point of view of seeking redressal from the NHRC in case of violation of their rights or that of others. 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. A copy of the Special Rapporteurs scheme is posted on the website of the NHRC - [http://www.nhrc.nic.in/Documents/Scheme and Guidelines for Engagement of Special Rappoteurs 17 06 2015.pdf](http://www.nhrc.nic.in/Documents/Scheme_and_Guidelines_for_Engagement_of_Special_Rappoteurs_17_06_2015.pdf)

5.19 The Special Rapporteurs in position during the period under report were :

Sl. No	Zone/Area Covered	Name of Special Rapporteur
1.	North Zone-I (Punjab, Haryana, Chandigarh, Delhi, Himachal Pradesh, Jammu & Kashmir and Uttarakhand)	Shri A.K. Jain, IAS (Retd)
2.	North Zone-II (Uttar Pradesh)	Shri Sunil Krishna, IPS (Retd.)

Sl. No	Zone/Area Covered	Name of Special Rapporteur
3.	West Zone (Maharashtra, Goa, Gujarat, Dadra & Nagar Haveli and Daman & Diu)	Vacant
4.	Central Zone-I (Madhya Pradesh, Chhattisgarh and Rajasthan)	Shri Gopo Bihari Panda
5.	Central Zone-II (Bihar and Jharkhand)	Smt. S. Jalaja, IAS (Retd.)
6.	East Zone-1 (West Bengal, Odisha, Andaman & Nicobar Islands.)	Shri Damodar Sarangi, IPS (Retd.)
7.	South Zone-I (Tamil Nadu, Puducherry, Kerala & Lakshadweep)	Shri Jacob Punnoose, IPS (Retd.)
8.	South Zone-II (Andhra Pradesh, Telangana and Karnataka)	Lt. Gen. (Retd.) P.G. Kamath,
9.	North Eastern Zone-I (Nagaland, Manipur, Mizoram & Tripura)	Vacant
10.	North Eastern Zone-II (Assam, Meghalaya, Sikkim & Arunachal Pradesh)	Shri Anil Pradhan, IPS (Retd.)
11.	Bonded Labour / Child Labour	Dr. Ashok Sahu, IES (Retd.)

E. Core and Expert Groups

5.20 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

5.21 Meetings of the Core and Expert Groups are called by the NHRC 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.

Meeting of Core Group of NGOs

5.22 In pursuance of Section 12 (i) of the Protection of Human Rights Act, 1993, the Commission, right from its inception, has been encouraging the efforts of non-governmental organizations and institutions working in the field of human rights. The Commission associates and partners with reputed NGOs in various programmes, projects initiated by it in the area of human rights awareness.

5.23 In order to facilitate its interaction with the NGOs and civil society organizations, the Commission constituted a Core Group of NGOs on 17 July 2001. The Group was last reconstituted on 16 September 2011 with 11 members. The last meeting of the Core Group was held on 22 March 2013 in the Commission. Several issues relating to various aspects of human rights and awareness as suggested by Members of the Core Group were discussed such as, continued hunger strike by Ms. Irom Chanu Sharmila, a Manipuri activist and Poet; enactment of Prevention of Torture Bill, 2010; maintaining/uploading of proceedings of NHRC; denial of access to file mercy petitions to the President of India; children living with mothers in jails and visits to jails and legal aid to weaker sections; negligence in prevention of violation by a public servant; intervention in legal proceedings with the approval of Court; illegal eviction of 5,000 people at EWS Quarters, Bangalore; pending cases of STF in Karnataka; follow-up of National Conference on Human Rights Education held on 14 December 2012; amendments in Criminal Law; rescue and rehabilitation of missing children; and progress on declaration of District Courts as Human Rights Courts.

5.24 During the period under review, the matter regarding reconstitution of the Core Group of NGOs was again under consideration of the Commission for giving wide representation to credible NGOs from diverse fields of human rights across the country.



Chapter - 6





Right to Health

6.1 Right to health is universally recognized as fundamental to human dignity and well-being. This means that everyone has the right to the highest attainable standard of physical, mental and social well-being and not merely the absence of disease or infirmity. In other words, it includes access to all medical services, sanitation, adequate food, decent housing, healthy working conditions, and a clean environment. Right to health also entails that access to health care must be universal, guaranteed for all on an equitable basis. It must be affordable and all-inclusive for everyone, and physically accessible too when and where needed. In addition, there should be adequate health care infrastructure, that is, hospitals, community health centres, primary health centres, sub-centres, medicines, medical equipments, laboratories, trained health care professionals, para-professionals, etc. available in all geographical areas so as to reach out to all communities. Not only this, the health care system must be accountable to the people it serves and must be responsive to the needs based on gender, age, culture, language, income, social status and different ways of life and abilities, respecting medical ethics and confidentiality.

6.2 The right to health is guaranteed by international human rights treaties and declarations, including the Universal Declaration of Human Rights (Article 25), International Covenant on Economic, Social and Cultural Rights (Article 12),

Convention on the Elimination of all Forms of Racial Discrimination (Article 5), Convention on the Elimination of all Forms of Discrimination Against Women (Articles 12 & 14), Convention on the Rights of the Child (Article 24) and the Convention on the Rights of Persons with Disabilities (Article 25). 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. All these Conventions have been endorsed by the Government of India.

6.3 The right to health is also recognized by national constitutions around the world including by the Constitution of India. The Supreme Court of India has interpreted right to health as an essential constituent of right to life. Since the time the National Human Rights Commission (NHRC) came into existence in October 1993, it has been monitoring the issue of right to health with the aim of ensuring that all health services and facilities are not only of good quality and provided without discrimination but easily available, accessible and affordable to the people across the country, especially to those who are poor and vulnerable. The given Chapter throws light on the work undertaken by the Commission on right to health during 2015-2016.

A. Silicosis

6.4 The NHRC organized a one-day National Conference on Silicosis in New Delhi on 25 July 2014. 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.

6.5 Based on the deliberations held in the three plenary sessions, 20 recommendations emanated from the National Conference. These recommendations were reported in the NHRC Annual Report 2014-2015 under Chapter 6 titled as “Right to Health”. These recommendations were forwarded to the Chief Ministers of all the States and Union Territories in October 2014 by the then Chairperson of the Commission with the request that these be taken up on priority by the respective Governments for implementation and the Commission be informed of the action taken. Subsequently, a reminder was issued to the Chief Secretaries of all the States and Union Territories who had not forwarded their action taken report in the matter. The States and Union Territories who had forwarded their action taken reports to the Commission are Assam, Chhattisgarh, Daman & Diu, Gujarat, Goa, Himachal Pradesh, Haryana, Jharkhand, Maharashtra, Madhya Pradesh, Manipur, Nagaland, Puducherry, Tripura and West Bengal. The Chief Secretaries of the remaining States and Union Territories were again reminded on 24 February 2016 to send their action taken reports to the Commission at the earliest so that medical facilities and rehabilitation services are provided to the afflicted workers and their families.

B. NHRC Acting Chairperson Attends a Function on Occupational Health

6.6 Justice Shri Cyriac Joseph, Acting Chairperson, NHRC from 12 May 2015 to 28 February 2016, inaugurated and attended a function on “Occupational Health : From Statutory Compliance to Salutory Performance – Challenges

and Opportunities” organized by the Indian Association of Occupational Health (West Bengal) in Kolkata on 15 July 2015. The event was organized in collaboration with the Labour Department of the Government of West Bengal and the National Safety Council as part of the observance of the National Occupational Health Day.

6.7 Addressing the gathering, as the Chief Guest, Justice Shri Cyriac Joseph lauded the initiatives of the Doctors for bringing the State Government on board over the issue of occupational health. He said that such programmes help in creating awareness and motivating people to promote the importance of occupational health. He emphasized the need for proper implementation of the law, so that the law does not remain a dead letter on paper.

6.8 Shri Barun Kumar Sikdar, President, Indian Association of Occupational Health; Shri R. C. Dutta, Director of Factories, Government of West Bengal; Shri Amitava Sarkar, Director of Indian Institute of Social Welfare and Business Management; and Shri Gautam Ray, Chairman, National Safety Council were among the other prominent speakers.

C. NHRC Western Region Public Hearing on Right to Health Care

6.9 A two-day Western Region Public Hearing on Right to Health Care was organized by the NHRC in collaboration with the Union Ministry of Health and Family Welfare, Government of India; Public Health Resource Society, New Delhi and Jan Swasthya Abhiyan, a civil society network in Mumbai on 6 and 7 January 2016. The Regional Hearing covered the States of Gujarat, Maharashtra and Rajasthan. Government health officials from these States as well as a large number of non-governmental and civil society organizations participated in the Regional Public Hearing. The Ministry of Health and Family Welfare, Government of India was also represented in the Hearing.

6.10 The main objective of the Western Region Public Hearing was to make an assessment of human rights violations in public health care services and draw the attention towards key systemic and policy issues, and in the process come up with requisite recommendations ensuring protection of health rights of the people.

6.11 During the said regional public hearing, all instances of individuals/groups having suffered serious denial of their right to healthcare from a public health facility, or in context of publicly funded health insurance schemes, or in context of public-private-partnership (PPP) healthcare arrangements were taken up for hearing by a panel consisting of the Commission and health experts in the presence of various State health officials, non-governmental and civil society organizations. Cases of violation of health rights due to structural deficiencies or systemic gaps in public health services were also taken up.

6.12 On the first day of the Regional Public Hearing, out of 106 cases, the Commission took up 88 cases (Maharashtra – 38, Gujarat – 30 and Rajasthan – 20) in three separate Benches presided over by Justice Shri Cyriac Joseph, Acting Chairperson, NHRC; Justice Shri D. Murugesan, Member, NHRC and Shri S. C. Sinha, Member, NHRC. Justice Shri Bannurmat, Chairperson, Maharashtra State Human Rights Commission was part of the Bench of Justice Shri Cyriac Joseph during the Hearing. Eighteen cases from the State of Maharashtra could not be taken up due to paucity of time.

6.13 The Commission recommended compensation to the tune of Rs.4,25,000/- (Rupees Four Lakhs and Twenty-five Thousand only) in five cases. These included cases of amputation of limb because of medical negligence and delay in treatment; mental agony and trauma faced by a woman and child because of wrong HIV report; and taking of a patient to a private hospital by an Ambulance Doctor without consent on account of absence of PHC Doctor. Show cause notices were issued in three cases to the Government of Rajasthan

as to why compensation should not be recommended to be paid to the victim or their next-of-kin. The Commission further directed the State Governments to conduct detailed enquiries in a number of cases.

6.14 On the second day, case studies and presentations on a range of systemic issues were made by the representatives of non-governmental and civil society organizations before the Commission and the State officials. The recommendations emanating out of the deliberations that took place on the second day of the Hearing were later finalized by the Commission in its meeting held on 16 February 2016 with the direction that these be collated State-wise and forwarded to the concerned State Government for necessary action at their end. These recommendations are at **Annexures 8, 9, and 10**. So far there has been no response from the concerned State Governments. The Commission once again requests the State Governments of Gujarat, Maharashtra and Rajasthan to comply with its recommendations so that the health rights of people are taken care of.

D. Illustrative Cases on Health Dealt by NHRC

1. *Suo motu Cognizance of a News Item Reporting Delivery of Stillborn Baby Done by Helpers at Government Sub-Division Hospital, Amarapur, Tripura (Case No.1691/23/3/2013)*

6.15 The Commission on 10 June 2013 took *suo motu* cognizance of a news item captioned “Baby Stillborn as Delivery is Done by ‘Helpers’” that appeared in ‘The Hindu’ dated 4 June 2013. The report alleged that the baby was stillborn due to wrong handling by helpers in the absence of the concerned Doctor, who chose not to perform the delivery, at Sub-Division Hospital, Amarapur a Government hospital in south Tripura on 3 June 2013.

6.16 The Commission issued notice to the Secretary (Health), Government of Tripura to submit a report in the matter and also directed to inform the Commission about the nature of facilities and the number of medical and paramedical staff available in the hospital besides average number of patients visiting the hospital per day.

6.17 Pursuant to directions of the Commission, the report received from the State Government of Tripura indicated that the unfortunate incident of Smt. Sita Das was result of non-communication between health personnel and relatives of the patient and that there was no negligence as such in the care of the patient. In fact, the lack of professionalism and lack of Staff Nurse for labour room duty led to this episode.

6.18 The Commission on consideration of the matter on 8 June 2015 observed that it was the duty of the Doctor to inform the patient or her relatives about the suspected intrauterine foetal death at the time of admission in the hospital which led to the whole chaos and this indicates that the patient was not attended properly by the Doctor and Nurses of the hospital and thus it is a clear case of violation of human rights of the victim Smt. Sita Das.

6.19 In response to the show cause notice issued u/s 18 of the Protection of Human Rights Act, 1993 the Government of Tripura submitted that it was not a case of negligence on the part of the Doctor and hence not a case of violation of human rights. The Commission on 29 March 2016 observed that the Commission on 8 June 2015 had categorically observed that it was the duty of the Doctor to inform the patient or her relatives about the suspected intrauterine foetal death at the time of admission in the hospital. Therefore the Commission is of the view that Smt. Sita Das is entitled to get compensation for violation of her human rights and recommended Rs.10,000/- to be paid to her by the Government of Tripura. The compliance report is awaited.

2. *Death of Infants due to Medical Negligence at Community Health Centre, Jugsalai in Jamshedpur, Jharkhand*
(Case No. 130/34/6/2014)

6.20 The Commission received a complaint dated 15 January 2014 from one Satyender Singh alleging that at the Community Health Center, Jugsalai, Jamshedpur, four new born infants died during intervening night of 14/15 December 2013 due to non-availability of Doctor and negligence of the Officer-In-Charge at the Community Health Centre, Jugsalai. The complainant vide his letter dated 22 September 2014 further submitted that authorities are manipulating the case in order to save the guilty officers. The complainant prayed for independent and impartial enquiry in the matter.

6.21 In response, the Deputy Secretary, Department of Health, Education and Family Welfare, Government of Jharkhand vide his communication dated 14 October 2014 submitted that all the newly born infants were in good health at the time of their birth but due to negligence of Officer-In-Charge at the Community Health Centre, Jugsalai they died. As the Duty Chart was not prepared by the Officer-In-Charge, no Doctor was available on Sunday. Baby warmer was also not available at the Community Health Centre, Jugsalai and hence the Officer-In-Charge was held responsible for the incident.

6.22 The Commission issued a notice dated 21 March 2015 to the Chief Secretary, Government of Jharkhand to show cause, why monetary compensation of Rs.1,00,000/- each, shall not be granted to next-of-kin of four deceased children as per Section 18 of the Protection of Human Rights Act, 1993. Pursuant to the directions of the Commission, the Under Secretary, Home Department, Government of Jharkhand vide communication dated 21 July 2015 submitted that during the enquiry, it was found that four newly born infants had died at the Community Health Centre, Jugsalai on 14 December 2013 and the incident was kept under wraps for four days. The matter was informed to the

Civil Surgeon on 17 December 2013 who conducted an enquiry. It was stated that 'Radiant warmers' had been purchased and installed at the Community Health Center. The then Officer-In-Charge at the Community Health Centre, Jugsalai was found guilty and departmental proceedings were in progress.

6.23 The Commission upon further consideration of the matter observed that admittedly, there was negligence on the part of the State of Jharkhand to provide basic amenities at the Community Health Centre, Jugsalai for proper medical treatment. Dereliction of duties on part of a public servant had also been disclosed which resulted in the death of four newly born babies at the Community Health Centre, Jugsalai, Jharkhand. The Commission, taking a serious note of such human rights violation caused at the hands of government agencies, recommended that monetary compensation of Rs. 1,00,000/- each, be granted to next-of-kin of the four deceased infants as per Section 18 of the Protection of Human Rights Act, 1993 by the State of Jharkhand, the Chief Secretary, Government of Jharkhand was directed to submit his compliance report along with the proof of payment. The compliance report is awaited.

3. *A Woman Patient Faced Trauma and Mental Agony due to Wrong HIV Report Given by Sub-District Hospital, Indapur Taluka of Pune District, Maharashtra*
(Case No. 2839/13/23/2015)

6.24 The complainant alleged that one Smt. Sheetal Raju Bankar had to face severe difficulties and mental agony because she was given wrong HIV report.

6.25 In response to the directions of the Commission, it was reported that the Laboratory Technician gave her a wrong HIV report and later submitted an apology for the same.

6.26 The Commission observed that the victim had to undergo trauma, mental agony, and other difficulties due to negligence of staff and recommended payment of Rs. 1,00,000/- (Rupees One Lakh only) to the victim as compensation.

6.27 Compliance report along with proof of payment is awaited.

4. *Right Foot of Suresh Dharamdas Naik Amputated due to Negligence of Doctors in District Hospital Nandurbar, Maharashtra*
(Case No.2851/13/36/2015)

6.28 In the given case, the complainant alleged that right foot of one Suresh Dharamdas Naik had to be amputated because of the negligence shown by the Doctor.

6.29 On perusal of the records and the reports received, the Commission observed that had the surgery been conducted earlier, the harm caused to the patient could have been averted.

6.30 The Commission, as a result, recommended to the Government of Maharashtra to provide artificial limb to the victim and pay him Rs. 2,00,000/- (Rupees Two Lakhs only) as compensation.

6.31 Compliance report along with the proof of payment is awaited from the State Government.

5. *One-year Child Loses Finger at Government Hospital in Barmer District, Rajasthan*
(Case No. 791/20/4/2013)

6.32 The Commission came across a press report captioned “Sweeper plays doctor, cuts off baby’s finger” published in the ‘Times of India’ dated 10 April 2013. The press report alleged that a one-year child named Sadiq lost a finger of his right hand when a Sweeper tried to remove a device inserted in his wrist for administering intravenous fluids at the Government Hospital in Barmer. The press report stated that the child was admitted in the hospital after a sudden fever. After recovery, he was to be discharged when his father asked the hospital staff to remove the intracath so that Sadiq could be taken home. It was alleged that Sadri Lal, the Ward Sweeper, was acting on the orders of a Male

Nurse. After initial efforts to take out the intracath device proved futile, Sadri Lal picked up a pair of scissors lying nearby. While trying to take the adhesive tapes off the intracath with the scissors, he chopped off the child's finger.

6.33 After taking *suo motu* cognizance on 11 April 2013, the Commission called for reports from the Secretary, Ministry of Health & Family Welfare, Rajasthan and the Superintendent of Police, Barmer, Rajasthan.

6.34 Pursuant to the directions of the Commission, the Superintendent of Police, Barmer on 22 May 2013 submitted that SHO Kotwali Barmer recorded the statement of Dr. Hemraj Soni and Meer Mohamed Multani, Principal G.N.M. Training Centre, Barmer. From the enquiry it was revealed that Asib, s/o Allah Rakha, aged about 18 months was admitted in Hospital on 4 April 2013 and was discharged on 4 August 2013. While removing the intracath, a finger of right hand of the child was cut-off. He was again admitted in the hospital. This was done by the Sweeper of the hospital. The hospital administration also initiated departmental inquiry against the said sweeper.

6.35 It was further informed that the father of the victim had not lodged any report at the police station.

6.36 Upon consideration of the report, the Commission vide its proceedings dated 10 July 2014 observed and directed as under:

"The Commission is of the view that even if the father of the child has not lodged any report, it is the duty of the District Superintendent of Police to order registration of FIR on the basis of press clipping submitted by the complainant.

District Superintendent of Police, Barmer be asked to order registration of FIR against Badrilal and apart from departmental action the case be investigated and outcome of investigation be submitted to the Commission within six weeks.

Since the hospital administration has found Sadrilal responsible for amputation of the right hand finger, it is a carelessness on the part of Sadrilal and it is a case of violation of human rights of the child.

Accordingly, it is directed that a notice u/s 18(a)(i) of the Protection of Human Rights Act, 1993 be issued to the Chief Secretary, Government of Rajasthan to show cause as to why the victim be not monetarily awarded interim relief. Response be submitted within six weeks."

6.37 In response, a detailed report was furnished by the Superintendent of Police, Barmer wherein it was stated that certain actions had been taken against the persons responsible for the incident. It was also stated that the District Collector, Barmer had provided a financial assistance of Rs.10,000/- (Rupees Ten Thousand only) to the victim child.

6.38 The Commission opined that the amount paid to the victim child was too meager and the said financial assistance needed to be enhanced. Hence, the Commission vide its proceedings dated 28 March 2016 recommended to the Government of Rajasthan through its Chief Secretary to pay a further sum of Rs. 40,000/- (Rupees Forty Thousand only) apart from the amount already paid to the victim child. The Chief Secretary, Government of Rajasthan was asked to pay the aforesaid compensation and furnish compliance report to the Commission.

6.39 The recommendation of the Commission is yet to be complied with by the State Government.

6. *Death of an Infant in District Hospital Balia, Uttar Pradesh*
(Case No. 25612/24/10/2013)

6.40 The Commission took *suo motu* cognizance of a distressing news report telecast on NDTV with regard to death of an eight month old infant admitted

to District Hospital in Balia, Uttar Pradesh where a rickshaw-puller allegedly administered an injection on the infant as per the advice of the Doctor present on duty. The infant died immediately after administration of the injection. Notices were issued to the State authorities for calling of reports.

6.41 The Superintendent of Police, Balia vide communication dated 8 August 2013 forwarded a report stating that Case Crime No. 384/2013 u/s 304 IPC and 15(2)(3) Indian Medical Council Act was registered at the Police Station against Dr. Vinesh Kumar, Pharmacist Srikant and Bechu on the complaint of Smt. Sapna Singh, the grandmother of the victim. The Superintendent of Police, Balia further reported that chargesheet had been filed against accused Srikant and Bechu and the same was pending trial. Dr. Vinesh Kumar was not found guilty in the incident.

6.42 The Chief Medical Officer, Balia vide his letter written in August 2013 reported that Srikant, the Chief Pharmacist was *prima facie* found guilty by the Director General, Medical Health Services, Government of Uttar Pradesh. He also was suspended and departmental action was recommended against him. Besides, FIR was registered against Dr. Vinesh Kumar, Chief Pharmacist and the rickshaw puller. The CMO, Balia reported that Srikant, Chief Pharmacist, District Hospital, Balia continued to be under suspension and a chargesheet too had been served to him.

6.43 Further, inquiry into the incident was made by a three-member committee comprising Dr. P.K. Singh Gehlot, Dr. Arvind Kumar Singh and Dr. Tanvir Afroz. The Committee found that the Doctors were competent to treat the child and the medicines prescribed by them were also appropriate. They, however, concluded that the person who had administered the injection was an outsider and it could not be said whether he was duly trained or not.

6.44 The Commission considered the matter on 9 February 2015 and found it to be a fit case to issue notice to the State Government as life of an infant had

been lost due to the negligence of the authorities of the District Hospital. The Commission thus issued 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 child. The Chief Secretary, Government of Uttar Pradesh was asked to respond to the show cause notice within six weeks.

6.45 When no response was received from the Chief Secretary, the Commission vide its proceedings dated 31 August 2015 observed and directed as under:

“It can, therefore, be reasonably presumed that the State Government has no objection against grant of monetary relief. Even otherwise, it is conclusively established by the various reports that the hospital staff did not show the required sensitivity and care while treating the infant. Administration of injection by an outsider is conclusive proof of gross negligence on the part of the hospital staff. Considering all the facts and circumstances, the Commission recommends to the Government of Uttar Pradesh to pay a sum of Rs. 2,00,000/- (Rupees Two Lakhs only) as monetary relief to the next-of-kin of the deceased child Ajay. The Chief Secretary, Government of Uttar Pradesh shall submit compliance report with proof of payment within eight weeks.”

6.46 The compliance report along with the proof of payment is awaited from the State Government.

7. *Denial of Adequate Health Care Leads to Death of a Class-III Student and Indisposition of Five Other Students Residing in School Hostel in Keonjhar District, Odisha*
(Case No.4724/18/7/2014)

6.47 The Commission received a complaint dated 26 November 2014 from Dr. Subash Mohapatra, Executive Director, Global Human Rights Communications,

alleging that Ritesh Nag, a Class-III student residing in the school hostel for the Scheduled Castes and the Scheduled Tribes in Keonjhar District of Odisha died due to denial of adequate health care on 25 November 2014. It was alleged that along with Ritesh, five other school children residing in the hostel had fallen ill and were not given appropriate medical treatment and care. The police did not make proper investigation on the death of the child and the role of the school authorities. The complainant sought enquiry and compensation to the next-of-kin of the victim who lost his life.

6.48 The Commission took cognizance of the matter on 9 December 2015 and obtained a report dated 1 May 2015 from the Addl. Secretary to the Government of Odisha, Department of School & Mass Education which revealed that the incident occurred due to the lapses on the part of the Assistant Superintendent, that is, Smt. Ramamani Mohanty, who was an Assistant Teacher and Shri Prafulla Kumar Barik, the Headmaster of up-graded High School Balagoda, both of whom were placed under suspension and disciplinary proceedings were also initiated against them. Action was further being taken to place the Assistant Block Education Officer, Shri Artatrana Pradhan under suspension along with disciplinary proceedings under Rule 12 of OCS (CC&A) Rules, 1962, for lack of supervision and dereliction of duty. The report stated that as per enquiry report of Sub-Collector, Champua, the death of Ritesh Nag had occurred because of diarrhoea coupled with anaemia and malaria. The parents of the deceased boy had already been compensated by way of Rs.5,000/- from the Junior Red Cross Fund; Rs.10,000/- from the school authorities and Rs.1,00,000/- as ex-gratia from the District Welfare Officer, Keonjhar. In a joint enquiry further conducted on the death of Ritesh Nag, some deficiencies were found in the hostel campus. No sufficient space was available inside the hostel for free movement of 150 boarders. The double decker cots were kept in a single room due to want of rooms inside the hostel. They found acute scarcity of drinking water. No tube well was functioning and the water table of the sanitary well had receded

considerably creating problem for supply of water. The special repair of PSH building was incomplete. The sanitation was not as per required standards.

6.49 Considering the report on 15 October 2015, the Commission noted that the death occurred due to negligence in supervision and monitoring of the hostel infrastructure. The negligence of the hostel staff was established and the Government of Odisha too was vicariously liable. The ex-gratia amount released to the next-of-kin of the deceased was inadequate. Accordingly, the Commission issued a notice u/s 18(a)(i) of the Protection of Human Rights Act, 1993 to the Government of Odisha, through its Chief Secretary, to show cause, as to why additional monetary relief of Rs. 85,000/- (Rupees Eighty-five Thousand only) should not be recommended to be paid to the next-of-kin of the deceased Ritesh Nag. The Addl. Secretary to the Government of Odisha, Department of School & Mass Education, was directed to send a report regarding the current status/ outcome of the disciplinary proceedings initiated against the erring officials of Balagoda Upgraded High School and the action taken on the recommendations of the joint enquiry team. Their response is awaited by the Commission.



Right to Food

7.1 Right to food is an essential component of right to life, which is a Fundamental Right under Article 21 of the Constitution of India. Article 47 of the Constitution also states that it is the primary duty of the State to raise the “level of nutrition and the standard of living of its people” and “the improvement of public health”. Article 21 read along with Article 47 of the Constitution makes the State duty bound towards its obligations in effective realization of right to food of people of the country. India is an active member of the United Nations and is a State Party to the International Covenant on Economic, Social and Cultural Rights. This all the more casts an obligation on the Government to respect, protect and fulfil the right to food of every citizen of India.

7.2 It would be relevant to mention here the United Nations Sustainable Development Goals (SDGs) that promises to transform the world by 2030, have also been endorsed by the Government of India. These, 17 goals, offer a vision of more prosperous, peaceful and sustainable world in which no one is left behind. They seek to build on the 2000 Millennium Development Goals and complete what they did not achieve. Not only this, they seek to realize the human rights of all and achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development : the economic, social and environmental.

7.3 SDG 1 (End Poverty), SDG 2 (Zero Hunger) and SDG 12 (Sustainable Consumption and Production) are specific goals towards ending poverty in all its forms; ending hunger, achieving food security and improved nutrition, and promoting sustainable agriculture; and ensuring sustainable production and consumption patterns, along with its prescribed targets, thereby ushering in a new era of sustainable development. Without these, 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. In addition, the battle to end hunger and poverty must be principally fought in rural and tribal areas, which is where almost 80 per cent of the hungry and poor live.

7.4 The 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 so that they can have access to basic needs, especially food.

7.5 The judgement of the Supreme Court of India in People's Union for Civil Liberties vs. Union of India and Ors. case is till date an important judicial ruling protecting the right to food. The case dares to challenge the failure on part of the Government to address hunger and starvation deaths. The Supreme Court expanded the original reach of the case by focusing on larger systemic issues of food insecurity, poverty and unemployment. In the given case, the Court issued a series of interim orders recognizing the constitutional right to food as flowing from the right to life and providing directives on proper implementation of various programmes like the MDMS, ICDS and the PDS. It also ordered the creation of a new accountability mechanism, like Commissioners, for monitoring and reporting on compliance with the court orders.

7.6 The above case made a significant impact on realization of right to food in India hence paving the way for the enactment of the National Food Security Act (NFSA), 2013. As per the NFSA, every eligible household is entitled to receive five kilograms of foodgrains per person per month at subsidized prices (₹ 3, ₹ 2 and ₹ 1 per kg for rice, wheat and coarse grains respectively) under the Targeted Public Distribution System (TPDS). Households covered under Antyodaya Anna Yojana (AAY) shall be entitled to thirty-five kilograms of foodgrains per household per month at the prices specified. The NFSA further makes provision for nutritional support to pregnant women and lactating mothers as well as children through the ICDS and MDMS. In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons, a provision has been made to give food security allowance to each of them from the concerned State Government as prescribed by the Central Government. The NFSA called upon each State Government to prepare guidelines so as to identify priority households including those to be covered under the AAY. The timeframe given for this was one year, which was extended by three months and again extended by six months, that is, up to 4.4.2015.

7.7 As per information provided by the Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution, Government of India to the NHRC on 22 January 2015, “So far, 11 States/UTs viz., Haryana, Rajasthan, Delhi, Himachal Pradesh, Punjab, Karnataka, Chhattisgarh, Maharashtra, Chandigarh, Madhya Pradesh and Bihar have informed their readiness to implement the Act, and, foodgrains under the Act have been allotted to them”. As per latest information available on the website of Department of Food and Public Distribution (<http://dfpd.nic.in/writereaddata/images/COMPILATION-E-BOOK.pdf>) elucidating its significant activities and achievements, it is stated that “By the end of 2015, the number of States/UTs implementing the Act has increased to 25”. It is furthermore stated

that “During 2015, digitization of ration cards has been completed in 34 States while it was just 19 in the beginning of the year, the number of States with online foodgrains allocations increased from 9 to 19 during the year and online grievance redressal has been introduced by 36 States/UTs. Direct cash transfer of food subsidy to the beneficiaries started in Chandigarh and Puducherry in September, 2015”.

7.8 In consonance with the constitutional provisions, the National Human Rights Commission, ever since it came into being in October 1993, has consistently maintained that the right to food is intrinsic to living a life with dignity. Moreover, it has expressed that right to food includes nutrition at an appropriate level and these levels must be met and not remain a theoretical concept. There is thus an accompanying need for a paradigm shift in public policies and relief codes in this respect. In 1996, the Commission took cognizance of starvation deaths in Kalahandi, Bolangir and Koraput (KBK) Districts of Odisha as these constituted a gross denial and violation of right to life. From 2008 onwards, it embarked upon Human Rights Awareness and Facilitating Assessment and Enforcement of Human Rights Programmes in Selected 28 Districts of India, wherein one of the essential components is monitoring of the food security system. It has also constituted a Core Advisory Group on Right to Food comprising experts from across the country. The Core Group has deliberated upon many issues of concern impacting on right to food from time to time including the draft National Food Security Bill.

7.9 The NHRC also organized a one-day Conference on Right to Food in New Delhi on 4 January 2013. The Conference made recommendations relating to two specific heads: (i) Food Availability including PDS & National Food Security Bill, and (ii) Nutritional Issues including Programmes like ICDS, MDMS, etc. These were later forwarded to all concerned including State Governments for information and necessary action.

7.10 As part of the second cycle of the universal periodic review undertaken by the Human Rights Council of the United Nations in 2012, the NHRC as a follow-up towards that took the responsibility of monitoring all the 67 recommendations accepted by the Government of India which included two specific recommendations on right to food. These two recommendations were – (i) “Introduce a strategy to promote food security”, and (ii) “..... continue efforts and undertake measures to adopt the bill on food security and strengthen the Public Distribution System (PDS)”.

7.11 As the NFSA was enacted in 2013, the NHRC intends to rigorously monitor the implementation of the provisions of the Act in the country. The NHRC also 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 concerned Joint Secretary apprised the Commission about the developments that had taken place after the enactment of the NFSA, 2013 such as computerization of TPDS in the country, measures to strengthen its monitoring and vigilance, along with sharing of best practices in implementation of TPDS in States and Union Territories. However, NHRC is of the view that there is need for a comprehensive discussion with all the stakeholders, especially, the States and Union Territories on the obstacles and hurdles being faced in the way of effective implementation of the Act, which is so important to ensure food and nutritional security to the people of the country.

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

A. Meeting of NHRC Reconstituted Core Advisory Group on Right to Food

7.13 The first meeting of the reconstituted Core Advisory Group on Right to Food was held in the Commission on 14 March 2016 under the chairmanship

of Justice Shri Cyriac Joseph, Member, NHRC. The meeting was also attended by Shri S. C. Sinha, Member, NHRC having the overall responsibility of “Right to Food” subject in the Commission. The Core Group Members who participated in the said meeting were Shri Pradip Kumar Pradhan, State Convener, Right to Food Campaign, Odisha; Dr. Rosina Nasir, Assistant Professor, Jawaharlal Nehru University, New Delhi; Ms. Suman, Vice President, FIAN, New Delhi; Dr. S. M. Jharwal, Chancellor, Indira Gandhi National Tribal University, Amarkantak; Prof. Ravi Shrivastava, Jawaharlal Nehru University, New Delhi; Dr. Kirit S. Parikh, Former Member, Planning Commission, New Delhi; and Shri S. S. Ghonkrota, Secretary, Department of Food Supplies, Government of India, New Delhi.

7.14 The meeting was convened to discuss – (i) the status of implementation of the National Food Security Act (NFSA), 2013; (ii) functioning of the Targeted Public Distribution System (TPDS); (iii) identification of the beneficiaries; (iv) nutritional support to pregnant women, lactating mothers and children; (v) prevention and management of child malnutrition; and (vi) suggestions for the two-day National Conference on Right to Food to be organized by NHRC on 28 and 29 April 2016 at New Delhi.

7.15 The Meeting began with the Joint Secretary (Training & Research), Shri J. S. Kochher welcoming everybody and sharing the Agenda. Thereafter, Justice Shri Cyriac Joseph welcomed the participants and invited concerns about implementation of the national legislation and suggestions from the Members on the various Agenda items as also the scheduled National Conference to be organized by the NHRC.

7.16 Ms. Suman, Vice President, FIAN, New Delhi informed that the implementation of the National Food Security Act, 2013 (NFSA) was poor as it did not cater to migrants and homeless people among whom many were single women and widows for want of proper documents like Aadhaar Card. She suggested that the prescribed numerical ceiling of 5 kg foodgrains for

the beneficiaries of Antyodaya Anna Yojana (AAY) should be done away with as more amount is required by a person/month. She further expressed that nutritional support to pregnant women and lactating mothers through the ICDS Scheme was poor.

7.17 Shri Pradeep Kumar Pradhan, State Convener, Right to Food Campaign, Odisha told that NFSA was being implemented in the State of Odisha with effect from November 2015. The State Government had almost taken two years for identifying beneficiaries through survey and in the process left out many genuine beneficiaries. Moreover, the State Food Commission at present is almost defunct. The State Information Commission is playing the role of State Food Commission, he said. In addition, he highlighted the problem of wrong identification and informed that despite the auto-inclusion criteria to take in households without shelter and households with destitute living on alms as a beneficiary under the NFSA, the homeless people so far have not been covered. The nutritional support to pregnant women and lactating mothers as prescribed in Section 4 (a) and 4 (b) of the NFSA was not forthcoming. No Rules had been framed under the NFSA. ICDS, according to him, was a big disaster. There was no proper monitoring of programmes. He also stated that primitive tribal groups (PTGs) were not included among beneficiaries of TPDS.

7.18 Dr. Kirit S. Parikh, Former Member, Planning Commission and Chairman, Integrated Research and Action for Development, New Delhi pointed out that right to food is an extension of public distribution system and the major problem is to identify the poor who should be the actual beneficiaries. He was of the opinion that small PDS shop operators with small incomes from the commissions have an incentive to divert PDS food grains from the intended beneficiaries as they are able to gain from the difference in the PDS price and market price. He stated that although information technology use has brought in transparency, we have a long way to go. He suggested that the solution could

be that PDS shops could be run on cooperative basis. He also was of the opinion that the Aadhaar card did not help in identifying the poor. The Government should concentrate, therefore, on exclusion criteria and that there is no need for inclusion criteria. In this way, the bottom 65 – 70 per cent of population would be covered. He also stated that the prices being fixed for food grains at such low levels like ₹ 3/- for rice, ₹ 2/- for wheat and ₹ 1/- per kg for coarse grains will give an incentive for the farmer not to grow food grains for self consumption which is a matter to worry about. Furthermore, he threw light on the under-nutrition/malnutrition of children as it affected adversely in a significant way the cognitive development of children below two years and their productive capacity as grown-ups.

7.19 Justice Shri Cyriac Joseph drew the attention of all towards the recommendations made in the Justice Shri D. P. Wadhwa Committee Report on Public Distribution System. The said Committee was constituted by an order of the Supreme Court of India in Writ Petition No. (C). 196 of 2001 on 1 December 2006, and according to him, there was need to keep the recommendations of the Committee in view.

7.20 Dr. S. M. Jharwal, Chancellor, Indira Gandhi National Tribal University, Amarkanthak, like Dr. Parikh, opined that the provision of 35 kilograms of foodgrains per household per month at subsidized prices under the AAY was inadequate and there is need to provide more. He was not in favour of Direct Benefit Transfer system. He stated that there was problem with direct transfer as prices of commodities fluctuate and amount of direct transfer cannot be adjusted accordingly. He was further of the view that along with foodgrains, the NFSA should have a provision for edible oil and pulses.

7.21 Prof. Ravi Shrivastava from the Centre for the Study of Regional Development, School of Social Sciences, Jawaharlal Nehru University, New Delhi stated that food distribution system is extremely necessary and that the direct

cash transfer benefit cannot be a substitute especially in the time of inflation. The poor cannot be insulated against inflation by these direct cash transfers. He further stated that the Antyodaya Anna Yojana was useful as it gave food grains to the extremely poor at low prices and this scheme needs to continue, while other households can be provided food grains at higher prices. For the implementation of the National Food Security Act, 2013, States have carried out their own surveys. However, the Act, as per his information has been rolled out only in nine States by January, 2016. In this regard, the proposed conference to be organized by NHRC will be useful to find out how many States have started their implementation of the Act. He emphasized on the need for a push from the Central Government in this regard. He also pointed out that allocation from budget in ICDS programme has come down. Among points of concern, he stated that while the Right to Education provided for portability and migration was taken care of, the same is not in the case of National Food Security Act. He emphasized the need for full portability in view of large scale migration within the State and outside States. He also highlighted the need for an assessment of how Aadhaar is working out for homeless/migrant people. He drew attention to the Chauhan Committee Report on the implementation of flagship programmes. On an enquiry by Member, Shri S.C. Sinha regarding the Brazil experience, he conveyed that direct cash transfers were not being made in that country in lieu of food and that it was a separate scheme namely, conditional cash transfer scheme.

7.22 Shri S. S. Ghonkrokta, Secretary, Department of Food Supplies, Government of NCT of Delhi, apprised the Chair and participants about the steps being taken by Delhi Government in implementation of the NFSA with the help of information technology. He conveyed in Delhi, the PDS was 100 per cent Aadhaar based and six lakhs migrants were also covered among the total coverage of 72 lakhs.

7.23 Dr. Rosina Nasir, Assistant Professor from the Centre for Study of Discrimination and Exclusion, School of Social Sciences, Jawaharlal Nehru University, New Delhi revealed that the poor people with whom she worked in the ghettos of Delhi were apprehensive about giving information through the biometric system as they feared their involvement in criminal cases.

7.24 Ms. Suman added that till date there was no clear-cut definition of poverty in the country. Besides, she said there is need to take up the issue of natural disasters and their effect on access to food.

7.25 Shri S. C. Sinha then asked Prof. Ravi Shrivastava that during the two-day National Conference on Right to Food, the NHRC would be requesting the State Governments to make their presentations on implementation of NFSA. As such, he requested Prof. Shrivastava to highlight the salient points which each of the State Government must cover/ throw light upon while making their presentations.

7.26 Prof. Shrivastava listed out that the following issues may be conveyed to the State Governments for coverage under the presentations: (i) Implementation of the Act, (ii) Identification of beneficiaries, (iii) State-wise limit imposed by Union Government and whether there was an enlarged pool, (iv) Coverage of hard to reach groups like homeless, beggars, migrant population and those living in remote areas, (v) Leakages/ diversions under the system. In addition, Dr. Kirit stated that the States may also provide information about the number of grievance officials appointed, complaints received, resolved and pending. Ms. Suman was of the view that suggestions should also be invited from the States about the manner in which they could strengthen implementation of NFSA.

7.27 Justice Shri Cyriac Joseph reiterated that there is an urgent need to spread awareness about the NFSA and the National Conference on Right to Food being organized by the NHRC should strive to achieve this objective.

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

7.28 It was reported in the Annual Report 2014-2015 of the NHRC that its Research Division had commissioned a research study to HARYALI Centre for Rural Development, New Delhi in September 2012. Its specific objectives were – 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.

7.29 During the period under report, HARYALI submitted the draft report of the research study. This report was thoroughly examined by the Research Division of the Commission and HARYALI was requested to improve its draft report by addressing the shortcomings noticed in it. These shortcomings were also communicated to HARYALI.

C. Illustrative Case on Right to Food Dealt by NHRC

1. *A Family of Five Persons Including Three Visually Challenged on the Verge of Starvation at Chaudwar in Cuttack District, Odisha due to Inadequate Livelihood*
(Case No. 2681/18/3/2014)

7.30 Right to Food Campaign in Odisha, in their complaint dated 12 June 2014 alleged that one Noor Bibi aged about 75 years and her family members, namely,

son Abdul Rafique, aged about 20, visually challenged by birth and unmarried; son Abdul Hanif, aged about 25, visually challenged by birth; married daughter Nijbun Nisha, aged about 40 and visually challenged by birth; and Khubturun Nisha, daughter of Nijbun Nisha, aged about 12 were living in a small house in Ward no. 2 of Chaudwar Municipality of Cuttack District. Four of them were getting pension at the rate of Rs. 300/- per month, that is a total of Rs. 1,200/- per month besides 35 kg of rice at the rate of Re. 1/- per kg. The above arrangement is not adequate for the family of 5 and they are on the verge of starvation.

7.31 The Commission took cognizance of the matter on 9 July 2014 and obtained a report dated 25 August 2014 from the Collector, Cuttack which revealed that - (i) Noor Bibi, w/o Abdul Hamid had been given a family BPL card and was getting 25 kg rice at the rate of Re. 1/- per kg. She was also getting Old Age Pension of Rs. 300/- per month; (ii) Abdul Rafique, the eldest son of Noor Bibi, was getting Disability Pension; (iii) Abdul Hanif, the younger son, was getting Disability Pension as well as 10 kg rice through RDP Scheme Card No. 607170089; (iv) Nijbun Nisha, the visually challenged married daughter of Noor Bibi was getting Disability pension and 10 kg rice through RDP Scheme Card No. 007170091; and (v) Khubturun Nisha, d/o Nijbun Nisha was studying in Choudwar M.E. School. Thus out of a total of five members, four were getting pension under the Odisha Madhu Babu Pension Yojana, two were getting rice through Rice for Differently-abled Persons (RDP Scheme) and the family was getting 25 kg. rice through BPL Card too.

7.32 The Commission perused the record and observed that the family was getting pension as well as rice as per policy of the Government of Odisha. Since, the benefits under the welfare schemes of Government were being extended to the family and the complainant had not submitted any comments on the report of the authorities, the Commission closed the case.

2. *No BPL or Antodaya Card to an Aged Woman and Her Dependent Handicapped Daughter*
(Case No. 4417/18/24/2014)

7.33 The complainant, Shri Pradip Pradhan, an activist running “Right to Food Campaign” in Odisha, complained to the NHRC that an aged woman and her 41 years handicapped daughter, who were unable to earn their livelihood, were neither issued a Below Poverty Line (BPL) or Antodaya Card, nor any official help was extended to them.

7.34 Taking cognizance in the matter, the Commission obtained a report from the District Collector, Jajpur, Odisha which revealed that the old woman and her handicapped daughter had migrated from Keonjhar, District of Odisha, seven to eight months back. Hence, no BPL Card had been issued to them. As they did not have any BPL Card, they could not be allotted any habitat under the Indira Awas Yojana (IAY). However, now both the women were being paid Rs. 300/- (Rupees Three Hundred Only) each, per month under the old age pension scheme and OPD scheme, respectively. Further, their case was referred to CSO for inclusion in the Annapurna Scheme and also the local GRS was advised to engage them in MGNREGS.

7.35 On perusal of the report, the Commission directed the District Collector, Jajpur to report the following :

- (i) What steps were taken by the District Administration for preventing occurrence of such incidents in future?
- (ii) Whether any survey was conducted as to the status of the people who were not covered under the Social Welfare Scheme such as Old Age Pension Scheme, Widow Pension Scheme, IAY, etc. so as to prevent any eligible person remaining out of the purview of the Social Security Schemes.

7.36 Pursuant to the Commission's directions, the Collector & District Magistrate, Jajpur submitted the report. The Commission sent a copy of the report to the complainant for his comments, which have so far not been received. The matter is under the consideration of the Commission.



Right to Education

8.1 In 2009, India enacted a landmark legislation promising universal inclusion in primary education, paving the way for more learning opportunities at secondary and higher levels. This legislation, the Right of Children to Free and Compulsory Education Act (RTE), effectively made education a Fundamental Right of every child in the age group of 6-14. Six years on from its entry into force, there is still significant debate about the parameters through which that promise is supposed to be realized. Despite significant gains in increasing access to schooling, there are still major glitches in the implementation of the RTE by States especially with regard to basic infrastructure requirements like proper classrooms, toilets and boundary walls for schools; availability of drinking water; having trained teachers in place; filling up of vacant posts of teachers; and pupil-teacher ratio.

8.2 There are still habitations that do not have a school within three kilometers including slums. RTE is illusory for many children from tribal and minority communities and in conflict zones. Furthermore, all States do not have the Commissions for Protection of Child Rights needed to monitor the implementation of the RTE. Much of the narrative around the RTE continues

to focus on the 25% reservation of seats for children from disadvantaged background in private schools. It is important to recognize that as a large majority of students in India study in Government schools or Government aided schools, it is fundamental to improve the implementation of the RTE in terms of infrastructure, teacher quality and targeted learning for children from disadvantaged groups so as to build up a more equitable system. Even now, a significant number of children drop out before completing five years of primary school and a large percentage before finishing upper primary school. These drop-out trends raise troubling questions about equity for there is a huge difference between urban and rural education and the education received by the rich and the poor.

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

8.3 The above study was undertaken by the National Human Rights Commission during 2014-2015 in collaboration with the Sacred Heart College (SHC) in Thevara, Cochin, Kerala.

8.4 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.

8.5 The study commenced in December 2014 and is to be completed within a span of two years. During the period under review, the Commission facilitated the SHC in the preparation of their interview schedule. The prepared interview schedule was pre-tested and further improved upon and finalized.

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

1. *Seven Students of Baunsapal UGME School in Balasore District, Odisha, Deprived from Appearing for JNV Test*
(Case No. 2014.1115/18/1/2014)

8.6 The Commission received a complaint dated 6 March 2014 from Shri Radhakanta Tripathi, a human rights activist, alleging that seven students of Baunsapal UGME School, in Balasore District, Odisha, were deprived from appearing for the Jawahar Navodaya Vidyalaya Entrance Test (JNV Test) 2014. All these students had filled up forms before the due date. However, due to negligence of the school authorities, the students were deprived of writing the test. According to the complaint, the Headmaster of the school Sumanta Kumar Nayak and Abhaya Kumar Das, CRCC certified Counselor were responsible for the lapse and sought intervention of the Commission and compensation for the affected students.

8.7 The Commission took cognizance of the matter on 9 April 2014 and obtained a report dated 20 August 2014 from the Addl. Secretary, Deptt. of School and Mass Education, Government of Odisha which revealed that due to lapse and negligence in duties of Sumanta Kumar Nayak, Headmaster of UGME School and Abhaya Kumar Das, CRCC Counselor, the students of Baunsapal UGME School were debarred from appearing at the JNV Entrance Test-2014 and departmental proceedings had been initiated against the above two Government officials and they both were placed under suspension.

8.8 The Commission considered the above report on 7 August 2015 and observed that rights of seven students to appear in a public entrance test for admission to Navodaya Vidyalaya were denied on account of the lapses and negligence of the Headmaster of the Government School and the Counselor, who

were both public servants. Therefore, the State of Odisha was vicariously liable. The Commission issued a notice u/s 18(a)(i) of the Protection of Human Rights Act, 1993 to the Government of Odisha, through its Chief Secretary, to show cause, as to why the Commission should not recommend payment of compensation to the seven victim students, for violation of their human rights.

8.9 The Commissioner-cum-Secretary School and Mass Education Department, Government of Odisha submitted that in departmental proceedings initiated against S.K. Nayak and A.K. Das, warnings were given not to repeat such lapses in future and they had been reinstated in service. The Commission is, however, awaiting the reply to the SCN issued to the Chief Secretary, Government of Odisha.

2. Two Students Critically Injured When a Wooden Beam in College Pada Upper Primary School of Angul in Odisha Fell due to Poor Maintenance of School Premises
(Case No. 973/18/16/2014)

8.10 The Commission received a complaint dated 27 February 2014 from Shri Dillip Kumar Das alleging that on 26 February 2014 a wooden beam of College Pada Upper Primary School of Angul in Odisha fell on two students, namely Bidyadhar Gochhayat and Tapan Nayak and they were seriously injured and admitted in Angul District Hospital. The government run school building was an old one and had tiled roof which become unsafe for the students with the passage of time but the school administration did not pay any attention for its repair or for that matter shift the school to a safer building. The complainant sought intervention of the Commission in this matter and appropriate compensation for the victims.

8.11 The Commission took cognizance of the matter on 11 March 2014 and obtained a report dated 22 July 2014 from the Additional Secretary, Department

of School & Mass Education, Government of Odisha along with a copy of the action taken report received from the Commissioner- cum-Secretary, School & Mass Education Department. It was revealed from the report that after taking mid-day meal, the students were sitting in their respective classes. All of a sudden a damaged beam of Class IV fell down in a hanging position by which two boy students, namely Tapan Kumar Nayak and Bidyadhar Gochhayat were gravely injured. Immediately after the incident the Headmaster along with some Teachers and SMC Chairman admitted the injured students in Angul Hospital. After proper treatment, both the students were handed over to their parents. The two students on recovery came to school regularly. The report concluded that there were four tiled thatched rooms in the school which were in dilapidated condition and declared unsafe. No classes were run in these rooms.

8.12 The Commission considered the report on 15 October 2015 when it observed that the students got severe injuries due to negligence in supervision and monitoring of the infrastructure of the school. However, the report was silent with regard to the compensation paid to the victims. In this case the negligence of the school authorities was established and the State of Odisha was vicariously liable. Consequently, the Commission issued a notice u/s 18(1)(a) of the PHR Act, 1993 to the Government of Odisha through its Chief Secretary to show cause as to why compensation of Rs. 25,000/- (Rupees Twenty-five only) be not recommended by the Commission to be paid to each of the two victim students. The response of the State Government is awaited.

3. *Death due to Snake Bite at Government-run Baburam Murmu Hostel, Kusumasala, Mayurbhanj District, Odisha*
(Case No. 2974/18/9/2014)

8.13 The Commission received a complaint dated 22 July 2014 from Shri Dilip Kumar Das alleging that three tribal students, namely Baburam, Surendra

and Anama residing in the Government-run Baburam Murmu Hostel of the Department of Tribal Welfare at Kusumasala in Mayurbhanj District of Odisha were bitten by a poisonous snake while they were sleeping on the floor in their school hostel. Baburam died while his classmate Surendra was shifted to SCB Medical College Hospital at Cuttack after his condition worsened. The other student Anama was undergoing treatment at the District Headquarters Hospital. The incident happened due to negligence of the authorities. The complainant sought impartial enquiry and compensation to the next-of-kin of the deceased and the victims.

8.14 The Commission took cognizance of the matter on 5 August 2014 and obtained a report from the Deputy Secretary to the Government of Odisha, Scheduled Tribes and Schedule Castes Development Department, Bhubaneswar. As per the report, three Scheduled Tribe students, namely Baburam, Surendra and Anama Murmu of Kusumasala High School falling under Suliapada Block were admitted in the District Headquarters Hospital, Baripada on 21 July 2014 at 6.30 a.m. due to snake bite. One of the students, namely Baburam, s/o. Late Bikala Murmu of Class-VIII was declared dead by the Doctors at about 8.30 a.m. on 21 July 2014. While Surendra was shifted to SCB Medical College & Hospital in Cuttack as per the advice of the Doctors. These students subsequently recovered. The report further indicated that they were students of a recognized private hostel in School & Mass Education Department, i.e. Kusumasala High School, which was recognized by the District Education Officer, Mayurbhanj and the Pre-Matric Scholarship was paid by the Scheduled Tribes and Scheduled Castes Development Department. The report further stated that an amount of Rs.10,000/- had been paid to Smt. Sebati Murmu, mother of the deceased, Baburam, out of the Red Cross Fund. The Collector, Mayurbhanj had also submitted a proposal to Scheduled Tribes and Scheduled Castes Development Department for sanction of Rs.1,00,000/- (Rupees One Lakh only) as ex-gratia payment in favour of the next-of-kin of the deceased. However, as the Hostel did not belong to the Scheduled Castes and Scheduled Tribes Development

Department, being run privately, there had been no provision for sanction of ex-gratia to the next-of-kin of the deceased Baburam Murmu.

8.15 The Commission considered the report on 18 December 2015 wherein it observed that the incident occurred in a private school hostel, which was recognized by the Education Department. The deceased and the other two tribal victims were admitted in the hostel and taken care of by the fees paid or remunerated by the Scheduled Tribes and Scheduled Castes Development Department. Thus, the school despite being a private school was engaged in the performance of public duty entrusted by the State Government. It was the duty of the State Government to ensure the minimum necessary living conditions in the hostel. From the facts of the case, it was clear that the State Government had failed to do so. Thus, human rights of the tribal students had been violated, for which the State Government is vicariously liable. Hence, the Commission directed to issue a notice u/s 18(a) (i) of the Protection of Human Rights Act, 1993 to the Government of Odisha, through its Chief Secretary, to show cause as to why the Commission should not recommend the monetary relief of Rs.1,00,000/- (Rs. One Lakh only) to be paid to the next-of-kin of the deceased tribal inmate Baburam of Kusumasala High School. The response of the State Government is awaited in the case.

4. *A Student Sustains Serious Head Injuries due to Negligence in Patapur Nodal Primary School, Nimapada Town, Odisha*
(Case No.2350/18/12/2014)

8.16 On the basis of a newspaper report Dilip Kumar Das, vide his complaint dated 22 May 2014 submitted that Nilakantha Nayak, a student of Patapur Nodal Primary School of Nimapada Town sustained serious head injuries in the school, when a fan fell upon him, and had to be admitted to a local hospital. According to the complainant, the school administration failed to pay attention to the repairs of the school and the Headmistress of the school tried to hide the incident. The complainant requested the Commission to look into the incident

and compensate the victim for the injuries caused to him due to negligence of the school authority.

8.17 The Commission took cognizance of the case on 3 June 2014 and obtained a report dated 18 July 2014 from the Block Education Officer, Nimapada. It was stated that on 23 April 2014 at 10.00 a.m. all the students were playing in the school premises after taking their mid-day-meal. Nilakantha Nayak, one of the students of Class VII entered his class room and as soon as he switched on the fan, it fell and dashed against the wall of the class room and the blade of the fan touched the back side head of the child, causing grave injury which led to profuse bleeding. The Headmistress, parents of Nilakantha Nayak and members of the School Management Committee (SMC) took the child to nearest Nimapada Hospital for immediate treatment. All the medical expenditure was borne by the school. After five days, the child was fully recovered and started attending the classes as usual. The fallen fan was kept in the store room of the school and it was suspected that it had manufacturing defect as it got detached from the capacitor setting position of the fan and not from the roof hook. The Headmistress and the SMC members were directed to replace all the old fans and accordingly new fans were purchased for usage in the school.

8.18 The Commission considered the matter on 27 October 2015 and noted that the enquiry report revealed that the student, Nilakantha Nayak sustained injuries from the falling of the fan in the class room on account of the negligence in supervision and monitoring of the school infrastructure by the public servants, for which the State is vicariously liable. Hence, the Commission issued a notice u/s 18(a) (i) of the Protection of Human Rights Act, 1993 to the Government of Odisha, through its Chief Secretary, to show cause as to why the Commission should not recommend monetary relief of Rs. 25,000/- (Rupees Twenty-five Thousand only) to be paid to the victim Nilakantha Nayak. Reply to the show cause notice is awaited by the Commission.



Rights of Scheduled Castes, Scheduled Tribes and Other Vulnerable Groups

9.1 Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Vulnerable Groups in India like the Backward Classes, Minorities and marginalized groups like the differently abled are some of the most disadvantaged groups in India. In order to ensure a level playing field for them, the Government of India as per constitutional provisions has enacted progressive legislation for their overall development and empowerment. The Protection of Civil Rights Act, 1955; the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and its amendment in 2015; the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996; Minor Forest Produce Act, 2005; the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA); the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and the Scheduled Caste Sub-Plan and the Tribal Sub-Plan Strategy are focused on the socio-economic empowerment of the SCs and STs. In addition, ombudsman function is discharged by respective Commissions meant SCs, STs both at the national and state level.

9.2 The Government of India has also evolved special programmes and schemes to facilitate their access to opportunities including scholarships for education, financial support and skill building for setting up enterprises, reservations in jobs, and special courts to address instances of atrocities and violence.

9.3 Since its inception, the National Human Rights Commission has been actively engaged in affirmative action towards development of SCs, STs and other vulnerable communities. In order to eliminate perpetual inequalities, it has strongly recommended punitive measures against discriminatory practices. Furthermore, the Commission gets valuable inputs from the Chairpersons of the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes who are the sitting ex-officio Members of the NHRC for the discharge of functions specified in clauses (b) to (j) of Section 12 of the PHRA.

9.4 The NHRC over the years has looked into various issues ranging from untouchability to their systemic exclusion. The pattern of complaints under the SC or ST category in the Commission mainly pertain to their harassment by upper castes and deliberate neglect of duty by the public servants.

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

9.5 As mentioned in the Annual Report of the NHRC for the year 2014-2015, the Commission has undertaken a research study on the above subject. The main objectives of the study are to – identify the reasons for rising atrocities against the 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 the Scheduled Tribes (Prevention of Atrocities) Act, 1989; explore whether after establishment of the Exclusive Special Courts in Tamil Nadu, any change has been noticed with regard to speedy delivery of justice; examine how many hearings are generally held to dispose of cases in the Courts; and analyze the percentage and reasons of convictions or acquittals under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

9.6 The final report of the research study is to be submitted by the University.

B. Bonded Labour System

9.7 The Supreme Court vide its order dated 11 November 1997 in W.P. (Civil) No. 3922/1985 People's Union for Civil Liberties vs. State of Tamil Nadu and Others entrusted the Commission with the responsibility of monitoring the implementation of provisions of the Bonded Labour System (Abolition) Act, 1976 (BLSA) in all the States and Union Territories. Accordingly, the Commission has been visiting all the major States and Union Territories where the problem of bonded labour is widespread and organizes sensitization workshops.

Workshops on Bonded Labour

9.8 During the period under review, the NHRC organized regional workshops in the following States as under:

Sl. No		State/UT	Participating States	Date	NHRC Delegation
1.	Regional Workshops	Chandigarh	Haryana, Punjab & Himachal Pradesh	30 July 2015	<ul style="list-style-type: none"> • Justice Shri D. Murugesan, Member • Secretary General • Joint Secretary (P&A) • Special Rapporteur Concerned • Joint Registrar (Law) • Assistant Registrar (Law)
2.		Chennai	Kerala	7 August 2015	<ul style="list-style-type: none"> • Justice Shri D. Murugesan, Member • Secretary General • Joint Secretary (P&A) • Special Rapporteur Concerned
3.		Lucknow	Uttarakhand	11 September 2015	<ul style="list-style-type: none"> • Justice Shri D. Murugesan, Member • Special Rapporteur Concerned

Sl. No	State/UT	Participating States	Date	NHRC Delegation
4.	Bhubaneswar (Odisha)		12 January 2016	<ul style="list-style-type: none"> • Justice Shri D. Murugesan, Member • Joint Secretary (P&A) • Special Rapporteur Concerned
5.	Jaipur (Rajasthan)		29 January 2016	<ul style="list-style-type: none"> • Justice Shri D. Murugesan, Member • Special Rapporteur Concerned

Reconstitution of NHRC Core Group on Bonded Labour

9.9 The Commission constituted a Core Group on Bonded Labour which advises it on wide-ranging matters relating to bonded labour from time to time. During the meeting of the Core Group on Bonded Labour held on 28 January 2015 in the Commission, it was decided to reconstitute the Core Group on Bonded Labour. Accordingly, during the review period, the Core Group on Bonded Labour was reconstituted.

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

- Illegal Detention and Torture of a Scheduled Caste Person by Police Personnel of Hathras Police Station, Uttar Pradesh*
(Case No. 49639/24/37/2014)

9.10 The Commission received a complaint dated 10 December 2014 from one Deepak alleging that he was picked up by Police on 24 November 2014 from his house and taken to Hathras Police Station. There, he was allegedly subjected to brutal torture by the Police by way of chilli powder, petrol and physical bashing. After beating him up black and blue, Police left him at his house. A complaint

was made to the Superintendent of Police, Hathras and a case was registered. The police got his false medical examination report prepared under pressure. The complainant enclosed various newspaper clippings, medical reports and his complaints to Police Authorities in support of his allegations.

9.11 According to the Hathras Police, a case vide FIR No. 710/14 u/s 323/324 IPC, and Sec.3(1)(x) Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was registered against three Police Constables of Hathras Police Station in the alleged incident. After investigations, a chargesheet u/s 323/504 IPC, Sec. 3(1)(x) SC and ST (Prevention of Atrocities) Act, was filed against one Police Constable, and chargesheet u/s 323/504 IPC was filed against the other two Police Constables.

9.12 The Commission upon further consideration of the matter called upon the Chief Secretary, Government of Uttar Pradesh to show cause as to why interim relief of Rs. 25,000/- (Rupees Twenty-five Thousand only) should not be granted to the victim as per Section 18 of the Protection of Human Rights Act, 1993. In response, the Joint Secretary, Home (Human Rights) Department, Government of Uttar Pradesh vide his communication dated 2 September 2015 submitted that all the three guilty Police Constables had been punished with penal censure entry in their records.

9.13 The Commission further considered the matter and observed that the abduction of and brutal assault on the complainant by the Police Constables had resulted in serious violations of his human rights. All the three Police Constables were found involved in the crime and departmental action was taken against them. The rehabilitation of and compensation to the victim under the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, was also essential in the matter. It was a shocking case, where the protectors of citizens had committed brutalities on an innocent citizen. The Commission took a serious note of human rights violations caused by the public servants in

the matter and recommended monetary compensation of Rs. 25,000/- (Rupees Twenty-five Thousand only) to be paid to the victim as per Section 18 of the Protection of Human Rights Act, 1993, by the State of Uttar Pradesh.

9.14 In response, the Under Secretary, Home (HR) Department, Government of Uttar Pradesh vide communication dated 22 April 2016 submitted that an amount of Rs.25,000/- had been paid to the victim named Deepak on 17 March 2016. Proof of payment was also annexed.

9.15 The Commission further considered the matter and observed that the interim relief of Rs. 25,000/- as recommended by the Commission had been paid to the victim. The delinquent police personnel were chargesheeted and also dealt with by their respective Department. The District Magistrate, Hathras, Uttar Pradesh was, however, directed to ensure that the statutory benefits under the SC and ST (POA) Act and Rules made there under were extended to the victim forthwith. With these the reports received from the State Authorities were taken on record and the case closed.

*2. Death of a Tribal Girl Student for Want of Timely Health Care on Part of Hostel Warden in Dhar, Madhya Pradesh
(Case No.554/12/15/2015)*

9.16 Shri Raj Hans Bansal, a human rights activist sent a complaint to the Commission alleging that a seven-year-old tribal girl student, Praveena, residing in Government Hostel at Dhar, Madhya Pradesh, was sick for six days, but the Hostel Warden, did not get her treated on time. Only when her condition deteriorated on 18 December 2014 whereby she vomitted blood, she was referred to Indore, where she breathed her last on 19 December 2014.

9.17 In response to the Commission's directions, it was reported that the Warden of the Hostel was guilty of dereliction of duty and was removed from service. An amount of Rs. 25,000/- (Rupees Twenty-five Thousand only) was paid to the next-of-kin of the deceased under the Students Welfare Scheme.

9.18 The Commission, after considering the reports, observed that a precious life was lost due to negligence of the public servant and recommended additional compensation of Rs. 25,000/- (Rupees Twenty-five Thousand only) to the next-of-kin of the deceased.

9.19 The proof of payment was awaited in the given case.

3. *Death of a Child due to Hanging Him Upside Down in a Pit for Cleaning*
(Case No. 2100/12/17/2014)

9.20 Shri Vijay Kumar Taneja, C.L.S. (Retd.) formerly Chief Adviser (Labour Welfare), Ministry of Labour & Employment, Government of India forwarded to the Commission a press report captioned “Safai Ke liye bacche ko 8 feet gahare gadde me ulta latka diya”, published in the Hindi newspaper ‘Dainik Bhaskar’ dated 24 July 2014. According to the report, a child was hung upside down in a pit which was dug for erecting an electric pole at Railway Station Guna, Madhya Pradesh. The child was made to clean the pit.

9.21 In response to the notice issued by the Commission, the Superintendent of Police, Guna sent a report dated 7 October 2014, according to which Case Crime No. 4171/14/ was registered at the Police Station Guna on 24 July 2014 based on the news report. During the investigation, the child Nandu, s/o of Om Prakash Jatav aged 11 years was located and his statement recorded. The statement of the child corroborated the facts stated in the newspaper report. It was also reported by the Superintendent of Police, Guna that on completion of investigation, chargesheet had been filed in the court. Three persons, namely, Sandip Shukla, Chandrsekhar Dubey and Chagki *alias* Arjun Banjara had been arrayed as accused for charges u/s 336 and 34 IPC.

9.22 Upon consideration of the report, the Commission vide proceedings dated 30 November 2015 observed and directed as under:

“Since the child Nandu belongs to Jatav Caste which is a Scheduled Caste, the S.P. Guna may be directed to explain within four weeks why the offences under the Scheduled Caste and Scheduled Tribe (POA) Act, 1989 and the Child Labour (Prohibition & Regulation) Act, 1986 were not included in the chargesheet.

As per the chargesheet one Chandrasekhar Dubey, Railway Supervisor has been found guilty along with others and, therefore, the Railway Board is vicariously liable to compensate the victim child Nandu Jatav for the cruelty and injustice done to him. Hence, issue notice to the Railway Board through the Chairman, Railway Board directing him to show cause within four weeks why the Commission should not recommend to the Railway Board to pay a sum of Rs.50,000/- as compensation to the victim child Nandu Jatav. It is made clear that this compensation amount of Rs.50,000/- is in addition to any amount of compensation found liable to be paid to him under the provisions of the SC/ST (POA) Act.”

9.23 Pursuant to the show cause notice issued, a reply dated 2 February 2016 was received on behalf of Railways from Chief Electrical Engineer, Jabalpur, wherein it was stated that Chandrasekhar Dubey was not their employee and, therefore, they were not vicariously liable to pay any compensation to the victim.

9.24 Upon consideration of the reply to the show cause notice, the Commission vide proceedings dated 7 March 2016 *inter alia* observed and directed as under:

“The Railway Board had entrusted certain works to the contractor. The contractor, in turn, in order to get the work done, had made the child hang upside down in a pit. It was the responsibility of the Railway Board to have advised the contractor to treat people with human dignity, which has not been done and, therefore,

compensation requires to be paid by them to the victim child and recover the amount thereafter from the contractor.

In view of the above, Registry to issue a fresh notice to the Chairman, Railway Board to show cause within four weeks why we should not direct the Chairman, Railway Board to pay an amount of Rs. 50,000/- to the victim child Nandu Jatav u/s 18 of the Protection of Human Rights Act, 1993 and recover the same from the contractor."

9.25 Reply to the NHRC show cause notice is awaited from the Railway Board.

4. *Excessive Force by Police on Christians Holding Demonstrations to Protest Against Attacks on their Religious Places in Dakshina Kannada District, Mangalore*
(Case No.326/10/1/08-09)

9.26 This is a case relating to the complaint of Dr. Sajan K. George alleging use of excessive force by the police on Christians who were holding demonstrations to protest against attack on their religious places in Dakshina Kannada District, Mangalore by fundamentalist elements in September 2008 resulting in injury to 30 people. The Commission had got an inquiry conducted by sending a team from its Investigation Division.

9.27 The Commission on 6 May 2015 considered the report received from the State Government of Karnataka through the Additional Chief Secretary vide letter dated 27 October 2014 which indicated that the report of the Commission of Inquiry held under Justice Shri B. K. Somashekar had been rejected by the State Cabinet.

9.28 The Commission, however, decided to examine and act on the recommendations made by the NHRC team which had visited the State from 10 to 15 November 2008 and inquired into the incident.

9.29 As regards the allegation of police throwing tear gas shells in a school at Kulashekar, the finding of the enquiry team was as under :

“The photographs and video recordings collected with regard to this incident by the enquiry team from the police, the Arch Bishop, and independent sources show that excessive and unnecessary force (lathi charge) was used by the police after they entered the St. Joseph School at Kulashekar. The video recording shows the police beating up women and children and thereby causing a stampede in the corridors of the school. It is also pertinent to note that the police did not take any steps to provide first aid or medical treatment to any of those injured in the police action at Kulashekar.”

9.30 Regarding the incident of expired tear gas shells being used to disperse the Christian agitators in Mangalore, the enquiry team examined two doctors namely Dr. L. N. Joshua from Father Mueller’s Hospital and Dr. Venkatesh N. from Government District Hospital Wenlock. Both Doctors stated that no patient came to the hospital with the history of tear gas exposure.

9.31 Thus, on examination of the NHRC team’s enquiry report it was found that no Christian agitator was exposed to toxicity as a result of use of tear gas shells by the police in Mangalore. It was also seen from the report that 12 persons received injuries as a result of excesses committed by the police in St. Joseph School at Kulashekar. The names of the 12 injured persons were: Ashma Dorothy Montero, Francis, Renil D’Souza, Senior Sister Denisia, Senior Sister Selma, Sister Preeti Fernando, Sister Greta Gomes, Rison Fernando, Francis D’Silva, Savitha Shanti Pinto, Alice Rodrigues and Ms. Nishal D’Souza. It was not disputed that the religious places of Christians were attacked by fundamentalists. It was natural for the followers of Christianity to feel agitated. It was their fundamental right to protest against the desecration of their religious places. Even if it became necessary for the police to use force to disperse the

agitating mob, it should have used such force with utmost restraint. The enquiry report of the NHRC team established that the police had used excessive force. Therefore, the 12 persons who received injuries in police action were entitled to be compensated.

9.32 The Commission after careful consideration of the report of the NHRC team observed that the police used excessive force and 12 persons received injuries as a result of excesses committed by the police in St. Joseph School at Kulashekar. Therefore, these 12 persons are entitled to be compensated. The Commission, therefore, recommended the Government of Karnataka to pay each a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as monetary relief.

9.33 On receipt of the compliance report from the Government of Karnataka, the case was closed.

5. *Killings of Innocent Muslims in Hashimpura, Meerut District, Uttar Pradesh (Case No. 11623/24/54/2015)*

9.34 The NHRC received an email dated 24 March 2015 from Shri Oscar Fernandes, Andheri in Mumbai, Maharashtra inviting attention of the Commission towards an incident of year 1987 wherein 42 persons of Muslim community were picked up by the Provincial Armed Constabulary (PAC) from village Hashimpura in Meerut district of the State of Uttar Pradesh. All these men were allegedly taken in a PAC Truck. They were shot and killed by PAC Jawans on the way and their bodies were thrown into Gang Nahar, Murad Nagar and Hindon River, Ghaziabad in Uttar Pradesh.

9.35 The Additional Sessions Judge, West-04, Delhi while delivering the judgment on the completion of trial of the accused, held that the evidence adduced by the prosecution was not sufficient to record the guilt for the offences the accused persons had been charged with. It was further stated that it was painful to observe that several innocent persons had been traumatized

and their lives had been taken by the State agency but the investigation agency as well as the prosecution had failed to bring on record the reliable material to establish the identity of culprits. The accused persons facing trial are entitled to benefit of doubt existing in the case of prosecution. With these directions, the Court acquitted all the accused persons of the charges framed against them in its judgment dated 21 March 2015.

9.36 The Commission took cognizance of the matter on 13 April 2015 when it observed and directed as under:

“The Commission has perused the communication received from Shri Oscar Fernandes as well as the judgment of the Court, passed on 21.03.2015. All the persons had allegedly been killed in police action which resulted in violation of their human rights. The matter was pending in the Court for a long time. Taking cognizance of these facts, the Commission would like to have a detailed report from the Government of Uttar Pradesh on steps taken by them for grant of relief to the next of kin of the deceased and rehabilitation of their families.

Issue notice to the Chief Secretary, Government of Uttar Pradesh calling for a response within two weeks.

Registry will examine the judgment and suggest what steps can be taken to bring the culprits of 1987 incident to justice. The matter be placed before the Full Commission on 27.04.2015.”

9.37 The Full Commission considered the matter on 27 April 2015 when it observed and directed as under:

“On perusal of the judgment of the Sessions Judge, it is seen that the finding of the Sessions Judge is bristled with several contradictions. There is a serious failure of justice and a fit case where an appeal

could be filed before the High Court against the judgment. The Law Division will explore the possibility of filing an appeal before the High Court of Delhi.

The finding of the Additional Sessions Judge clearly established that 42 persons of the Muslim community were abducted from Mohalla Hashimpura and later they were shot at and their bodies disposed of. The observations of the Learned Sessions Judge in para 15.11 of his judgment is to the following effect:-

It has been established that about 42 persons abducted from Mohalla Hashimpura were put in a yellow colour PAC truck by PAC officials, the said truck, instead of police station or police line, was taken first to Gang Nahar Murad Nagar where several abducted persons were shot at and thrown into waters of Gang Nahar, Murad Nagar and thereafter the remaining persons were shot at Hindon River near Makan Pur Village, Ghaziabad and thrown into waters of Hindon River by presuming all of them dead.

The above finding shows that the PAC officials have committed serious violation of human rights by doing away with 42 innocent persons. For the above illegal act the State of Uttar Pradesh is vicariously liable to pay compensation. Hence, Registry to issue a notice u/s 18 of the Protection of Human Rights Act, 1993 to show cause why suitable monetary relief should not be recommended to be paid to the next-of-kin of the deceased persons as also to the injured persons who had survived the attempt on their lives. Chief Secretary, Government of Uttar Pradesh shall submit response to the show cause notice within a period of six weeks”.

9.38 In response to the show cause notice, the Commission received a letter dated 20 July 2015 from Joint Secretary (Home), Government of Uttar Pradesh, according to which an amount of Rs. 34,20,000/- (Rupees Thirty-four Lakhs and Twenty Thousand only) had been paid to seven persons (next-of-kin of the deceased/injured persons). It was further stated that sanction had been issued for payment of Rs. 5,00,000 (Rupees Five Lakhs only) each to next-of-kin of 38 deceased/untraced persons.

9.39 Reply to the show cause notice received from the State Government is under consideration of the Commission.

6. *Identification, Rescue, Release and Rehabilitation of Bonded Labourers from a Brick Kiln Under P.S. Rohnia, Varanasi, Uttar Pradesh*
(Case No. 9344/24/72/2012)

9.40 The Commission received a complaint from one Zila Mushar wherein it was alleged that he along with his family members were engaged in brick moulding work at a brick kiln and that they were not paid their due wages. A complaint was made to the District Magistrate, Varanasi but no action was taken.

9.41 In response to the notice, the Addl. District Magistrate, Administration, Varanasi informed that the labourers were paid as diet money per week. However, they were never paid proper wages and were compelled to work under threat. On 3 May 2012, the complainant Zila Mushar along with other 14 persons were got released from Jagat R. Brick Kiln. FIR No.37/12 was registered at P.S. Rohnia against the owner of the brick kiln. Labour Enforcement Officer also initiated legal action against the brick kiln owner.

9.42 The Commission upon consideration of the matter observed that the release certificates had been issued in the name of all the 15 released bonded labourers and called upon the District Magistrate, Varanasi to update regarding the steps taken for their rehabilitation.

9.43 Pursuant to the directions of the Commission, the District Magistrate, Azamgarh and District Magistrate, Jaunpur, Uttar Pradesh informed that two of the released labourers each from these Districts had been rehabilitated. The District Magistrate, Varanasi intimated that all the 11 released labourers of Varanasi District were also rehabilitated.

9.44 The Commission upon further consideration of the matter observed that all the 15 released labourers who had been issued release certificates had been duly rehabilitated by payment of their rehabilitation assistance through the District Magistrates of Jaunpur (2 labourers), Varanasi (11 labourers) and Azamgarh (2 labourers). Thus, the matter needs no further intervention of the Commission. Accordingly, the case was closed by informing the complainant.

7. Release and Rehabilitation of Bonded Labourers from a Brick Kiln in Basti District, Uttar Pradesh
(Case No.25510/24/15/2011-BL; L.F. 5685/24/65/2012-BL)

9.45 The Commission received a complaint from Sh. Ashok, s/o Shri Surajpal, r/o Village Raipur, Tehsil and P.S. Sikandara Rau, District Hathras in Uttar Pradesh alleging that the complainant and other persons were being held as bonded labourers at a brick kiln in District Basti in Uttar Pradesh. He requested the NHRC to get the aforesaid persons held as bonded labourers by the brick kiln owners released from their clutches as well as get their wages paid to them.

9.46 The Commission while issuing the notice to the District Magistrate reminded him that the provisions contained in Section 10 of the Bonded Labour System (Abolition) Act, 1976 (hereinafter referred to as 'The Act') are required to be followed strictly while making an inquiry. Attention must be paid to the provisions contained in sub-clause (g) of Section 2 of the Act, which points out the system of forced or partly forced labour where one has to presume that the 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.

9.47 Sub-clause (i) of Section 2 of the Act, 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.

9.48 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 form of forced labour even if it has its origin in a contract voluntarily entered into by the person obligated to provide labour or service.

9.49 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 to accept 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.

9.50 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 and other record. 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.

9.51 Every employer is required to maintain a register of wages in Form X. He shall mention the details of the person employed and the entries pertaining to the wages for a period for which he worked. 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 in Form IX and the attendance of each person employed in the Establishment shall be recorded daily in that form within three hours 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 regard. In the absence of these documentary evidence and books of accounts, a duty is cast on the District Magistrate to presume that the allegations made in the complaint are true and they are being kept as bonded labourers.

9.52 Not conducting the enquiries 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 the Law interpreted by the Supreme Court is that the denial of minimum wages tantamounts to forced labour and infringement of Article 23 of Constitution of India thus, affecting the provisions of the Act.

9.53 The officer conducting an enquiry shall also report whether the employer has committed breach of any of the provisions contained in the labour legislations, particularly, the Bonded Labour System (Abolition) Act, 1976; the Payment of Wages Act, 1936; the Minimum Wages Act, 1948; the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; the Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979; the Contract Labour (Regulation and Abolition) Act, 1970; the Child Labour (Prohibition and Regulation) Act, 1976; and the Weekly Holidays Act, 1942.

9.54 He shall also report about the Vigilance Committee constituted under the Act for the area wherein brick kiln is situated and its constitution, if constituted. He/she shall also report about the function of such committee and the assistance taken of member or members of such committee, a non-governmental organization or a social worker during the inquiry giving all details.

9.55 He shall also verify the license issued by the competent authority under the provisions contained under the environmental laws and shall record his satisfaction about the same with license number, etc. and the name of issuing authority.

9.56 He shall also collect the names and addresses of all the labourers referred in the complaint and found at that place, namely, brick kiln - owned by Karim Bhai, situated at Village Tehra, Nagehari, Near Mathurapur Police Chowki, Bagh Nagar, P.S. Basti, District Basti in Uttar Pradesh and shall forward the same to the Commission along with his detailed report.

9.57 The District Magistrate, in this case, Basti (Uttar Pradesh), is directed to depute a competent officer immediately for a spot enquiry and identification of bonded labour, if any. If bonded labourers are found, immediate steps shall be taken for their release and consequential benefits which they are entitled. An action taken report was to be submitted to the Commission.

9.58 Pursuant to the directions of the Commission, it was intimated that the Sub-Divisional Magistrate, Khalilabad had released six labourers including the complainant Shri Ashok. In response to the directions of the Commission, compliance reports were received from the District Magistrate, Hathras and District Magistrate, Aligarh respectively. As per the said reports, all the six released labourers were rehabilitated. Accordingly, the case was closed with intimation to the complainant.



Rights of Women and Children

10.1 Equality for women and children is at the very heart of human rights. A fundamental principle of the United Nations Charter adopted by world leaders in 1945 is equal rights for all and is the responsibility of all States. The Constitution of India also contains provisions for their survival, development, protection, participation and empowerment. Yet, women and children continue to experience discrimination despite the fact that India is a party to the Convention on the Elimination of all Forms of Discrimination against Women, 1993 (CEDAW) and the Convention on the Rights of the Child, 1992 (CRC). Perhaps, a lack of sufficient, effective, inclusive and efficient public spending on women and children is one of the main barriers to the realization of their rights. Relevant policy and legislative commitments remain empty promises unless the Government in power generates and equitably allocates adequate resources for their implementation in their state and national budgets, and ensure effective and efficient use of resources.

10.2 Equitable, continuous and broad based investment in women and children can level the playing field by providing every woman and child with the same opportunities for survival, development, protection, participation and empowerment. Inadequate investment, especially in the most vulnerable

and marginalized, can perpetuate the inter-generational transmission of poverty and inequality, leading to irreversible negative impact on their all-round development. In fact, responsive budgeting will ensure that human rights principles and standards of universality, indivisibility, accountability, transparency and the rule of law of women and children are upheld.

10.3 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

10.4 As mentioned in the NHRC Annual Report of 2014-2015, the above research study was undertaken in August 2014 in collaboration with the Centre for Women's Development Studies (CWDS), 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.

10.5 During the period under review, the NHRC facilitated CWDS with the research work and a presentation was also made by the CWDS in the Commission on 9 July 2015. In the light of the presentation made by the CWDS, their attention was drawn towards the Terms of Reference of the research project as the research conducted so far by them had drastically been limited and confined to juveniles between the age of 16-18 years only. As the other

categories of perpetrators of crimes/violence against women including adults had been removed from the scope of the study unilaterally, CWDS was communicated that this will not serve the purpose of NHRC. Furthermore, there is need to probe into the minds of the perpetrators keeping in view their overall background rather than restrict just to their socio-economic criteria which is generally a known factor. Moreover, it would be useful to follow the case study method, as this would cover the entire spectrum of factors linked to the commission of crime by the perpetrator and bring out meaningful findings and policy prescriptions. Last but not the least, there is a need to establish necessary linkages between the theories taken up under the desk review and the methodology.

B. National Research on Human Trafficking in India

10.6 The Commission embarked on the above research in collaboration with the Tata Institute of Social Sciences (TISS), Mumbai as a follow up to the Action Research on Trafficking in Women and Children in India undertaken by the NHRC from 2002-2004. The main objectives of the ongoing research are to – (i) understand the changing dimensions of human trafficking; (ii) make an assessment of the extent of human trafficking; (iii) assess the economics of human trafficking and the processes involved in human trafficking including cross-border trafficking, situation of trafficking in militancy/extremism affected areas and naxal affected areas; (iv) the current response system, including the legal framework, State and non-State intervention and community; and (v) the way forward to address the identified gaps.

10.7 A meeting under the chairmanship of Justice Shri Cyriac Joseph, Member, NHRC was held in the Commission during 2015-2016 to review the overall progress made in the research.

C. Study on Human Rights of Transgender as a Third Gender

10.8 This research has been undertaken by the NHRC in collaboration with Delhi-based NGO, Kerala Development Society. Its main objectives are to : (i) study the overall profile of transgender as a third gender by focussing on their essential socio-economic variables, like age, caste, religion, education, employment, income, etc. and whether Registrar General of India (RGI) includes transgender in Census and other enumerations; (ii) examine various kinds of discrimination, human rights violations faced by them in different spheres 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 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.

10.9 The research was started in March 2015 and its draft report submitted by Kerala Development Society in February 2016. On examination of the draft report, the Commission informed the Principal Investigator of the study about the prevalent gaps in the report and the need for strengthening the same.

D. Country Assessment/National Inquiry on Human Rights in Context of Sexual and Reproductive Health and Well Being

10.10 This study was initiated by the Commission in March 2016 in collaboration with SAMA-Resource Group on Women and Health and Partners for Law in Development (PLD) , New Delhi with the following objectives :

- Document existing international framework and language on human rights relating to sexual and reproductive health and well-being.
- Map and analyze legal and policy framework, demographic data on sexual and reproductive health and rights in India towards identifying compliance, gaps and making recommendations for reform in law, policy and praxis.

10.11 While SAMA would focus and work on the national and international scenario pertaining to “Reproductive Health and Rights”, PLD will concentrate on the national and international scenario relating to “Sexual Health and Well Being”. The assessment will be carried out through mapping and analysis of Sexual and Reproductive Health Rights (SRHR) standards in India from secondary sources as well as through questionnaires, interviews and discussions with key stakeholders. Besides, it will cover (i) international policy and legal framework on SRHR, and (ii) national laws, national and state policies, programmes and schemes. The duration of the research project is of one year.

E. Illustrative Cases Relating to Rights of Women and Children Dealt by NHRC

1. *Alleged Child Sex Slavery in Connivance with Police in Puducherry*
(Case No.67/32/0/2014-WC)

10.12 This case relates to the complaint of Dr. Subash Mohapatra, Executive Director, Global Human Rights Communications, Bhubaneswar, Odisha alleging

that in the Union Territory of Puducherry police officials were engaged in child sex slavery. Upon his complaint the police had busted a racket in May 2014. Following a tip from the Child Welfare Committee and Childline the police arrested the accused and rescued four minor girls who were forced into prostitution.

10.13 The Commission took cognizance of the complaint on 15 September 2014 and called for a report from the Chief Secretary, Union Territory of Puducherry. The report received admitted the allegations. The police found that 18 persons were involved and out of this given number, nine were police personnel. Furthermore, out of these nine, five were arrested and four were found to be absconding. The other nine persons who were not from the police were also arrested. Departmental inquiry had also been initiated against all those nine police personnel and they were dismissed from service. A chargesheet too had been filed against eight persons who were not from the police and chargesheet was to be filed in respect of one person. As far as police personnel were concerned, investigation was in progress as four officers were still absconding.

10.14 The Commission considered the report on 28 April 2015 and observed that in all two victims were minor girls and remaining were also minor girls in conflict with law. The facts as put forth in the report were very serious in nature and of great concern to the Commission and for all law abiding citizens of this country. Minor children were used for prostitution and that too by some of the police officials who had no respect for law. It was seen that they had made a good sum of money apart from vehicles, gold jewellery out of the earnings by forcing minor girls into prostitution. At the same time, the police had busted the racket and had taken action against its own officials by registering cases against them under the relevant provisions of law. However, there was another side of the picture, namely that law enforcing machinery using their power had resorted to such illegal acts. The victims were all minors and were

presently in the custody of the Child Welfare Committee. These victims, the Commission opined, must be adequately compensated. It was of the view that while determining the amount of compensation, the pains and sufferings of the victims need to be considered. The Commission was informed that all rehabilitation measures had been taken by the Union Territory of Puducherry to guarantee dignity of life to them. The Government had so far not undertaken any exercise for payment of compensation.

10.15 Accordingly, the Commission directed the Chief Secretary, Union Territory of Puducherry to pay a sum of Rs. 1,00,000/- (Rupees One Lakh only) each to the four victim girls and submit a compliance report within eight weeks. On receipt of the compliance report, the case was closed.

2. *Seventy Year Old Man in Haryana Buys a 12 Year Girl from Bihar for Marriage*
(Case No.612/7/19/2010)

10.16 In the given case a complaint dated 16 March 2010 from Shri R.H. Bansal, Chief Editor, Human Rights Observer was received in the Commission wherein it was alleged that in Village Nuran Khera District of Sonapat, Haryana a 70 year old man Balram bought a 12 year girl from Village Ghogia, District Chhapra, Bihar and married her. The complainant alleged that the girl was sold by her parents due to abject poverty. He prayed for intervention of the Commission to issue directions for a high level enquiry into the incident and action against the culprits for solemnizing marriage with a 12 year child.

10.17 The Commission took cognizance of the matter on 12 April 2010 and issued a notice to the respective Secretaries, Department of Social Welfare, Government of Haryana and Bihar as well as to the Director General of Police, Haryana directing them to inquire into the incident and submit a report within four weeks.

10.18 According to the report received from the State authorities, it was conveyed that a case was registered with Mashruk P.S., District Saran, Bihar vide case No.16/11 under the Prohibition of Child Marriage Act, 2006 and Hindu Marriage Act, 1955.

10.19 The Commission on consideration of the matter on 26 January 2014 observed that it took almost one year for registration of FIR by police in a case of child marriage and the delay in registration of FIR had violated the rights of the victim. Consequently, it issued a notice to the Chief Secretary, Government of Bihar 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 victim.

10.20 After consideration of the reply to the show cause notice, issued u/s 18 of the Protection of Human Rights Act, 1993, the Commission on 6 May 2015 recommended to the State Government of Bihar to pay a sum of Rs.25,000/- (Rupees Twenty-five Thousand only) to the victim. Although the State Government of Bihar sanctioned Rs.25,000/- to be paid to the victim, the amount could not be paid, as the victim could not be traced by the police and administrative officers. Hence the case was closed by the Commission on 28 June 2016 with the directions to the District Magistrate, Saran to make continued efforts for searching the victim and to hand over the amount if she is traced out.

3. *An Adolescent Raped by Rajputana Rifles Personnel at Swaraj Garden in Pune, Maharashtra*
(Case No.778/13/23/2010-AF)

10.21 A complaint dated 12 April 2010 was received from the Director, National Campaign for Prevention of Torture, New Delhi stating that on 7 April 2010, a 19 year adolescent was raped by Rajnish Kumar Suresh Chandra and Saminder Singh, personnel of Rajputana Rifles at Swaraj Garden in Pune.

The complainant prayed for intervention of the Commission and directions to be given to the Ministry of Defence, Government of India and the State Government of Maharashtra for inquiry into the matter, arrest of the accused personnel and appropriate legal action and payment of interim compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) to the victim.

10.22 The Commission took cognizance of the complaint on 13 May 2010 and called for a report from the Secretary, Ministry of Defence, Government of India, New Delhi and the Senior Superintendent of Police, Pune, Maharashtra. Pursuant to the directions given by the NHRC, the Under Secretary to the Government of India, Ministry of Defence on 14 February 2012 submitted that on 9 April 2010 both the individuals against whom the FIR was lodged were handed over to the police and they were produced in the court and sent to jail. The outcome of the case along with latest status of the matter would be intimated to NHRC as and when the same is received from Army HQrs. It was subsequently informed that a case No. 639/10 State of Maharashtra vs. Samunder and Rajnish Kumar Suresh Chandra Kumar was pending in the Court of Addl. Session Judge, Pune and on 6 May 2013 both the accused were convicted and sentenced to rigorous imprisonment for 10 years and pay a fine of Rs. 15,000/- (Rupees Fifteen Thousand only) each. In case the fine was not deposited, they would undergo rigorous imprisonment for one more year. Both the accused were also convicted u/s 506(ii) r/w 34 IPC and sentenced rigorous imprisonment for five years and fine of Rs.5,000/- (Rupees Five Thousand only) each. In the event of non-payment of fine, they were to undergo rigorous imprisonment of 6 more months.

10.23 The Commission considered the matter on 11 April 2014 and observed that both the accused persons had been punished and thus it was a confirmed case of violation of human rights of the girl. Accordingly, the Commission issued a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Secretary,

Ministry of Defence, Government of India to show cause as to why the victim be not recommended interim relief.

10.24 The Director (AG-1), Government of India, Ministry of Defence, New Delhi submitted a reply dated 6 June 2014 to the show cause notice intimating that no compensation is required to be paid by it on the plea that both the accused persons were not performing any official duty at the time of commission of offence and had committed the offence purely in the capacity of being civilians and they have been convicted by the court by imposing a fine of Rs.40,000/- (Rupees Forty Thousand only) and out of this amount to pay a sum of Rs.35,000/- (Rupees Thirty-five Thousand only) to the victim.

10.25 The Commission on consideration of the matter on 6 May 2015 observed that the recommendation made by it is different from the amount awarded by the court at the conclusion of the trial. The amount recommended by the Commission is for violation of human rights of a victim by a public servant. The Commission also found that the accused persons were in military and thus the submission made by the Ministry of Defence that the accused persons were not performing any official duty at the time of commission of offence cannot be believed and it is a clear case of sexual abuse by two army officials in the cantonment area which is a clear violation of human rights. Finding the amount awarded by the court being insufficient, the Commission recommended to the Central Government through the Ministry of Defence, Government of India to pay Rs.50,000/- (Rupees Fifty Thousand only) to the victim. The compliance report is awaited.

4. *A Minor Class V Girl Gives Birth to a Female Child*
(Case No.2106/18/14/2013-WC)

10.26 In a complaint dated 7 August 2013 to the Commission, Global Human Rights Communications alleged that a Class V student, named Sarita Minz and

residing in Bhogpara Primary Sevashram, an educational institution run by the Government of Odisha had given birth to a female child. The School authorities instead of taking care of the minor girl and child tried to hush up the matter and sent the girl to her parents. The complainant stated that the care which was due to the new born child at the time of birth was denied to her. She was born in the toilet of the Sevashram and was not taken to the hospital and this amounts to violation of her human rights and prayed for payment of compensation to the victim.

10.27 The Commission took cognizance of the matter on 16 September 2013 and transmitted a copy of the complaint to the Secretary, Department of Education, Government of Odisha, Bhubaneswar and the Superintendent of Police, Sundargarh, Odisha calling for a report. In response, the Commission received a report from the Collector, Sundergarh as forwarded by Director (ST)-cum-Additional Secretary, Government of Odisha, ST & SC Development Department vide letter dated 13 December 2013 and a report dated 28 October 2013 from the Superintendent of Police, Sundargarh.

10.28 The Commission further considered the matter on 10 November 2014 when it observed that it was informed that on the basis of an inquiry conducted in the matter it was revealed that the girl had become pregnant due to the physical relations between her and one of her relatives during one of her visit to her home. Further a case had been registered under Section 376(2)(i) IPC with Section 4 of the Protection of Children from Sexual Offences Act (POCSO) and the relative had since been chargesheeted. Further, the Headmaster of the school (Head Sewak) had been placed under suspension and departmental action had been initiated against him. The Welfare Extension Officer, Kutra Block, was also found to be negligent in performance of his duties for which a show cause notice had been issued to him.

10.29 Shri B.S. Punia, District Magistrate, Sundargarh, along with Supdt. of Police, Sundargarh, appeared before the Commission and stated that a chargesheet had been filed in the criminal case registered against Anuranjan Kawa, the relative of the minor girl on 17 February 2014. He further stated that a recommendation had been sent to the District & Sessions Judge for grant of monetary compensation of Rs. 1,50,000/- (Rupees One Lakh and Fifty Thousand only) under the Odisha Victim Compensation Scheme, 2005 which was pending. The Supdt. of Police, Sundargarh, was advised to carefully go through the guidelines issued under the POCSO Act, 2012 and in case any monetary compensation is due under the said Act which is over and above the compensation already recommended to the victim of the sexual crime then a recommendation for grant of monetary compensation under the POCSO Act should also be sent to the concerned authority under the State Administration.

10.30 The Commission further observed that in this matter where a young girl aged 14 years had suffered not only at the hands of her relative by way of rape but also at the hands of the authorities of a school of which she was a student. It thus appeared to be a fit case where monetary compensation deserves to be granted to the victim. The Commission thus issued a notice under Section 18 of the Protection of Human Rights Act, 1993, to the Chief Secretary, Government of Odisha, to show cause as to why monetary compensation should not be recommended to be paid to Ms. Sarita Minz,, daughter of Buddhu Minz, for the alleged violation of her human rights and the rights of her new born baby.

10.31 In response to the show cause notice issued to the Chief Secretary, Government of Odisha, the State Government pleaded for exemption. The Commission on consideration of the matter on 31 August 2015 rejected the State Government's plea and reiterated the recommendation for a sum of Rs.1,00,000/- (Rupees One Lakh only) be paid to Sarita Minz for the alleged violation of her human rights. The compliance report in the case is awaited.

5. *Alleged Sexual Assault of a Visually Challenged 10-year Girl Student by her Teacher and Two Students*
(Case No.629/12/8/2014)

10.32 As per the complaint, a visually challenged 10-year-old girl student was sexually assaulted by her Teacher.

10.33 In response to the directions of the Commission, it was reported that a case was registered u/s 376 IPC and the POCSO Act. After investigation, a chargesheet was filed against the Teacher. During investigation, it was found that she was also raped by two students and chargesheet was also filed against them. The Commission issued a show cause notice to the Chief Secretary, Government of Madhya Pradesh as to why compensation may not be paid to the victim. In response, it was reported that the DNA of the accused Teacher did not match with the foetus and the Teacher was reinstated. The authorities reported that further action will be taken after the decision of the Criminal Case.

10.34 The Commission observed that as chargesheets were filed against the accused Teacher and the two students, *prima facie* a case of breach of human rights of the victim was established. Further, DNA profile of the accused students match with that of the foetus. Hence, grant of compensation may not be delayed till the final verdict in the criminal case. The Commission, therefore, recommended payment of Rs. 2,00,000/- (Rupees Two Lakhs only) to the victim. Compliance report along with proof of payment is awaited.

6. *Twenty-five Children of Anganwadi Centre in Village Silpuri, District Raisen, Madhya Pradesh Fall Sick After Consuming its Meal*
(Case No. 2695/12/33/2014)

10.35 The Commission received a complaint dated 26 August 2014 from Shri R. H. Bansal, alleging that 25 children and three women fell sick at the Anganwari

Centre in Village Silpuri, District Raisen, Madhya Pradesh after consuming the meal served therein in which a dead lizard was found.

10.36 In response to the directions of the Commission, it was reported that a criminal case had been registered about the incident and the accused Paan Bai and Geeta Bai were arrested. A dead lizard was found at the bottom of the utensil containing *kheer* (cooked rice in milk and sugar). The agreement of the contractor providing food was cancelled and the Anganwadi worker Shyama Bai was issued notice for her removal.

10.37 The Commission observed that the children must have undergone a traumatic experience after consuming the *kheer* and a case of breach of human rights was made out. The Commission issued a show cause notice to the Chief Secretary, Government of Madhya Pradesh as to why monetary compensation should not be recommended for payment to the affected children. While the reply is awaited, the matter continues to be under the consideration of the Commission.

7. *Alleged Sexual Harassment of a Girl Student by a Teacher in a School in Haryana*
(Case No.1438/7/15/2012)

10.38 In this case the complainant Dr. Lenin, General Secretary, Manavadhikar Jan Nigrani Samiti, Varanasi, Uttar Pradesh in a complaint dated 9 April 2012 alleged that a Teacher in a school in Haryana, teased a girl student for allowing her extra time for completing the question paper, and made sexual advances to her during the Board examination. The matter was reported to the Police as well to the Department of Education, Government of Haryana. The Police had reportedly registered a case against the Teacher. The complainant requested the Commission to intervene in the matter for action against the guilty Teacher.

10.39 The Commission obtained a report in the matter from the Addl. Superintendent of Police, Sonipat, Haryana. It was reported therewith that Ritu Podia, d/o Rajbir Singh belonging to Scheduled Caste community, and r/o Saini Colony Ward No. 11, Panipat lodged a complaint against Adesh Kumar, Junior Basic Training (JBT) Teacher which was registered as Crime No. 300 dated 29 March 2012 u/s 354 IPC at P.S. Chandani Bagh, Panipat. The case was investigated and the accused Teacher was arrested and after investigation charge sheet was filed in the court.

10.40 The Joint Director, Elementary Education, Haryana also forwarded a report submitted by the Addl. Director, Elementary Education, Haryana. It was concluded in the report that the accused Adesh Kumar, JBT Teacher, Government Primary School, Krishna Puri, Panipat was at fault. A girl student of Class X appearing in her final examination cannot dare to have two answer sheets without the consent of the Teacher on duty in the examination hall. Moreover, the statement of another girl student namely Priyanka, a friend of Ritu Podia, in her statement had also stated that after submitting her paper she was waiting outside the class room for Ritu Podia but the accused Adesh Kumar told her to go away and not to stand there, makes it clear that the accused Teacher wanted to have a secluded environment in the room where Ritu Podia was writing her music paper, so that he could easily tease and make sexual advances to her. The accused himself had confessed his mistake, in an affidavit. Consequent upon the said report, the accused Adesh Kumar, JBT Teacher was suspended with immediate effect and he was attached to Mudula Block Elementary Education Office. The outcome of departmental enquiry was awaited.

10.41 Upon considering the report, the Commission observed that registration of criminal case and thereafter a chargesheet in court, *prima facie* indicates that the accused Teacher outraged the modesty of Ritu Podia, which is a clear

case of violation of human rights. Accordingly, the Commission issued a notice u/s 18(a)(i) of Protection of Human Rights Act, 1993 to the Chief Secretary, Government of Haryana to show cause as to why interim relief to be paid to Ritu Podia by the State Government of Haryana be not recommended.

10.42 In response the Joint Director (ET-I), Directorate of Elementary Education, Haryana, submitted that the accused was proceeded against vide a Departmental Enquiry as well as through criminal proceedings vide FIR No. 300 dated 29 March 2012 u/s 354 IPC, P.S. Chandibagh, Panipat. However, the accused was given benefit of doubt and acquitted by the Additional Chief Judicial Magistrate.

10.43 The Commission further perused the record and observed that Adesh Kumar, the accused in the above said FIR had been acquitted by the Additional Chief Judicial Magistrate giving him the benefit of doubt. It implied that the accused was acquitted by the Court on technical grounds. The acquittal based on the benefit of doubt to the accused, means that the court had not pronounced a verdict of “not guilty”. The Commission is of the view that the burden of proof required in the court of law is of a very high order. The charge against the accused has to be proved beyond reasonable doubt and if that did not happen the accused gets the benefit of doubt and is acquitted. On the contrary, the National Human Rights Commission while dealing with an alleged incidence of violation of human rights only ascertains as to whether *prima facie* violation of human rights has taken place. In this case the victim Ritu Podia alleged that she was molested, i.e., her human rights had been violated. On her complaint the criminal case was registered and a charge sheet was filed. Further, a fact finding enquiry was also conducted by the Additional Director Elementary Education, Haryana and the allegation of molestation by the accused was found true and as a result a departmental enquiry was ordered against the accused Adesh Kumar. These two pieces of information are sufficient to establish *prima facie*

a violation of human rights. It was in view of the above that the Commission had issued a notice and recommended monetary compensation u/s 18(a) (i) of Protection of Human Rights Act, 1993. The Commission considered the information received from the Government of Haryana about the acquittal of accused Adesh Kumar. The Commission is of the view that his acquittal in no way alters the status of the case. The Commission is satisfied that there was a violation of the human rights of victim Ritu Podia a student, in a Government Girls School, Krishna Puri, Panipat. Hence, the Commission recommended a monetary compensation of Rs. 50,000/- (Rupees Fifty Thousand Only) u/s 18(a)(i) Protection of Human Rights Act, 1993 to be paid to the victim Ritu Podia. The Chief Secretary Government of Haryana was asked to submit the compliance report which is awaited.

8. *Sexual Harassment of Class VI Girl Student by her 55 Years Teacher in the Government Primary School in Pandavapura Taluka, Mandya District, Karnataka*
(Case No. 538/10/14/2013-WC)

10.44 The Commission received a complaint dated 20 August 2013 from Dr. Subash Mohapatra, Executive Director, Global Human Rights Communications, alleging that an 11-year-old girl student of Class VI was sexually harassed by her 55-year-old Teacher in the Government Primary School in Pandavapura Taluka in Mandya District of Karnataka. The accused Teacher used to harass other girl students also when they were alone and threatened to fail them in the examination if they complained. Though it was brought to the notice of the police, the accused was not arrested. The complainant sought intervention of the Commission and compensation for the victim.

10.45 The Commission obtained a report in the matter from the Superintendent of Police, District Mandya, Karnataka, which revealed that on the basis of written complaint lodged by Shri Jayaramgowda, father of the victim a case was

registered in Pandavapura P.S. vide Cr. No.303/2013 u/s 354/376/511/506 IPC and Sec.7/9(c) and (F) of Protection of Children from Sexual Offence Act, 2012. The accused Teacher Basavaraju was arrested on 9 October 2013 and produced before the Court. He was still under judicial custody. After completion of investigation, final report will be submitted to the Court as per the law. A copy of the FIR was also enclosed with the report.

10.46 The complainant in his comments on the police report submitted that the report was silent about the departmental proceedings against the accused Teacher and the medical and psychological care provided to the child victim. The report also did not mention about the education and compensation to the victim.

10.47 Upon considering the report as well as comments of the complainant thereon, the Commission observed that *prima facie*, it is established that a minor girl was subjected to sexual assault in a Government school by a public servant. As human rights of the victim had been violated, the Commission issued a notice u/s 18(a) (i) of the Protection of Human Rights Act, 1993 to the Government of Karnataka, through its Chief Secretary, to show cause as to why monetary relief of Rs. 1,00,000/- (Rupees One Lakh only) be not recommended to be paid to the victim girl. The Commission also asked the State authorities to inform the current status/outcome of the departmental action initiated against the accused Teacher and investigation in Cr. No.303/13 of Pandavapura P.S. The matter continues to be under active consideration of the Commission.

9. *Alleged Rape of a Tribal Class VI Student by the Principal of a Government Middle School at Kota, Rajasthan*
(Case No.2664/20/21/2013-WC)

10.48 The NHRC received a complaint dated 9 December 2013 from Dr. Subash Mohapatra, Executive Director, Global Human Rights Communications, Puri

Odisha. In the complaint, it was alleged that a tribal student of Class-VI was raped by the School Principal Abdul Hamid Siddiqui, aged 53 years old of a Government Middle School in December 2013. The complainant thus sought intervention of the Commission.

10.49 The Commission obtained a report in the matter from Additional Superintendent of Police, Kota Rajasthan vide communication dated 7 February 2014. The report revealed that on the complaint of Kumari Jyoti Saharia, a Scheduled Caste student, P.S. Nayapura, Kota City had registered a case crime No.776/2013 u/s 354A IPC, section 11/12 of Protection of Children from Sexual Offences Act, 2012 and section 3 of the Scheduled Castes and the Scheduled Tribes (Protection of Atrocities) Act, 1989. During investigation, the Investigating Officer recorded the statements of Kumari Jyoti Saharia, her father Shri Pappu, Smt. Prem Bai, Shri Kedar Lal Gochar and other staff members of the school. Her date of birth as per certificate of age was 24 January 2001. After recording the statements of the witnesses, the Investigating Officer submitted a chargesheet against the accused person Abdul Hamid Siddiqui u/s 354A IPC, section 11/12 of Protection of Children from Sexual Offences Act, and section 3 (1) (11) of the Scheduled Castes and the Scheduled Tribes (Protection of Atrocities) Act. The accused was arrested on 7 December 2013 and sent to jail. The statement of Kumari Jyoti Saharia was also recorded u/s 164 Cr.P.C. before the Magistrate. Chargesheet was submitted in the court on 23 December 2013.

10.50 On 8 December 2015, the Commission considered the report and observed that from the report it was clear that the accused person Abdul Hamid Siddiqui was a Principal of Government School at Kota and he had outraged the modesty of Kumari Jyoti Saharia, student of Class VI. This was a grave violation of human rights of Kumari Jyoti Saharia. Accordingly, a notice u/s 18 (a) (1) of the Protection of Human Rights Act, 1993 was issued to the Chief Secretary, Government of Rajasthan to show cause as to why victim Kumari Jyoti Saharia

be not recommended compensation by the State Government of Rajasthan. The District Magistrate, Kota, Rajasthan be asked to inform the Commission as to what amount of compensation had been awarded under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules to the victim Kumari Jyoti Saharia. The Commission also directed initiation of departmental enquiry against the accused Principal Abdul Hamid Siddiqui and for his transfer from the place of present posting to some other school so that he may not influence the witnesses of the departmental enquiry. Response is awaited.

ॐ नमो भगवते वासुदेवाय

Rights of Elderly Persons

11.1 Of late, there have been considerable promotional efforts at the global level calling for thinking and action on the rights of elderly persons. Various stakeholders have called for more visibility and increased use of human rights standards to address the concerns of elderly persons around the world. This is primarily due to the fact that the number of persons aged 60 and above is increasing at an exceptional rate, and is likely to reach 1 billion from its current 740 million by the end of 2020. The increase in numbers has also thrown light on the lack of adequate protection mechanisms, and on the existing gaps in policies and programmes to address the situation of elderly people. Today, two-thirds of the world's elderly population lives in low and middle-income countries and this proportion will rise to 80 per cent by 2050.

11.2 Furthermore, elderly persons are not a homogenous group, and the challenges they face in the protection or enjoyment of their human rights vary greatly. While some continue to lead active lives as part of their overall personality, family and community, many others face homelessness, lack of adequate care or isolation. In fact, most of them are victims of multiple discrimination, prominent among these being – poverty, violence, abuse,

insecurity, poor health and well-being, lower earning capacity, limited availability of old-age pensions, threats and limited control over assets and property, and unequal participation in private and public decision-making.

11.3 While both elderly men and elderly women face age-based discrimination, elderly women also face the additional cumulative effects of gender discrimination throughout their lives. Forms of discrimination against elderly women include negative stereotypes that render women in old age as unimportant; limited access to services and entitlements owing to lack of education, decision-making and participation in public life; lack of access to age-appropriate health care; lower earning capacity and the additional hurdle of discriminatory gender-based laws and customs that apply to property and inheritance. Despite growing evidence on how discrimination affects women in older age and the challenges they face, the issue seems to have remained unresolved despite the galvanized progress to promote gender equality through Goal 3 of the Millennium Development Goals. The issue once again received little attention during the post-2015 discussions. The truth of the matter is that ageing and rights of elderly persons fits within the framework of the post-2015 development agenda, including the sustainable development goals.

11.4 Compared to other developing countries, India is considered to be a young nation. However, a countervailing force may offset some of the gains from having a relatively young population, and that is the rapid ageing at the top end of the scale. This is a cause of deep concern as India already has the world's second largest population of the elderly, defined as those above 60 years of age. With changing socio-economic scenario coupled with the emerging trend of nuclear families, the lives of the elderly is further changing and they are likely to become more vulnerable in years to come. The challenge is to ensure that they are able to lead secure, healthy and comfortable lives.

11.5 With the steady increase in number of the elderly, the rate of human rights violations especially crimes against them are also increasing. Moreover, a vast majority of elderly persons, being illiterate are ignorant of their human rights due to which they face serious discrimination. All this has definitely affected their way of life and sense of well-being.

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 Simultaneously, India is also adhering to international norms and standards related to rights of elderly persons. Prominent among these being the Vienna International Plan of Action on Ageing adopted at the World Assembly on Ageing in 1982, the 1991 United Nations Principles for Older Persons, the 2002 Madrid International Plan of Action on Ageing adopted at the Second World Assembly on Ageing, and endorsed by the General Assembly in its Resolution 57/167.

11.8 The National Social Assistance Programme (NSAP) which came into effect from 15 August 1995 represents a significant step towards the fulfilment of the Directive Principles in Article 41 of the Constitution. The programme introduced a National Policy for Social Assistance for the poor and aims at ensuring minimum national standard for social assistance in addition to the benefits that States are currently providing or might provide in future. NSAP at present comprises Indira Gandhi National Old Age Pension Scheme (IGNOAPS), Indira Gandhi National Widow Pension Scheme (IGNWPS), Indira Gandhi National Disability Pension Scheme (IGNDPS), National Family Benefit Scheme (NFBS) and Annapurna.

11.9 The Parliament of India has also enacted the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to ensure need based maintenance for parents and senior citizens including their welfare. The Government of India has come up with a National Pension Scheme and Atal Pension Yojana Scheme. Besides, there is the Rashtriya Swasthya Bima Yojana for below poverty line families.

11.10 The involvement of NHRC in respect of rights of the elderly persons initially began with redressal of complaints received from them. This association increased gradually in 2000 when it participated in the work of the National Council for Older Persons constituted by the Ministry of Social Justice & Empowerment, Government of India and gave suggestions on its Action Plan (2000-2005) in relation to the implementation of the National Policy on Older Persons. Since then, it has kept close contact with groups and organizations working for the rights of elderly and has been making recommendations to the Central Government. It recommended to the Ministry of Health & Family Welfare, Government of India to make provision for a separate queue for elderly persons in all hospitals. The concerned Ministry, on its part, circulated this recommendation to all the States and Union Territories.

11.11 It also expressed its concern over the plight of elderly persons belonging to economically weaker sections of society, especially those in the unorganized sector. Furthermore, in collaboration with non-governmental organizations working for the elderly, NHRC has been organizing health awareness camps and lectures focusing on different ailments affecting older persons. 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.

11.12 It has constituted a Core Group in NHRC on Protection and Welfare of the Elderly Persons. In 2014, it gave suggestions on the Government Draft National Policy for Senior Citizens, 2013. During the period under report, it pursued with various Ministries of Government of India the follow up action taken on the recommendation related to ensuring better protection for elderly persons, accepted by the Government of India as part of the second cycle of the UN Universal Periodic Review.

A. Human Rights of Elderly Persons : Laws, Policies and Implementation – A Study with Special Reference to Kerala

11.13 The above study was commissioned by the NHRC to the Centre for Human Rights, the National University of Advanced Legal Studies, Kochi in February 2016 to be completed within a time frame of 18 months. The objectives of the research study are to – analyze the categories of elderly persons; examine the problems faced by them; examine the rationale in enacting laws to protect the rights of elderly persons in the backdrop of social realities; inspect the scope of protection given to elderly persons; scrutinize the reach of policies and programmes proposed by the Government for them; analyze the provisions of all laws applicable to them; make an assessment of the implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and other related laws in Kerala, including in adjoining Southern States; and come up with recommendations for effective reforms for their betterment.

11.14 In view of the large scale migration of Keralite youth to countries abroad, the study will also examine whether these migration trends are leading to possible isolation of elderly people, lack of their security in physical as well as financial terms. In addition, the research study will examine whether the benefits of social security schemes for elderly persons are reaching the right intended beneficiaries or not.

B. Illustrative Case Related to Rights of Elderly Persons Dealt by NHRC

1. *Delay in Sanctioning of Family Pension to a Widow After Death of her Husband in District Beed, Aurangabad, Maharashtra*
(Case No.2500/13/21/2013)

11.15 The Commission received a complainant dated 27 August 2013 from Smt. Kusum Shivaji Kasbe, stating that her husband died on 6 November 2012. He was getting pension vide PPO No. 7893 through State Bank of India (SBI), Parli (Vaidyanath), District Beed, Aurangabad, Account No. 11154269953. After his death, she requested for sanctioning the family pension and sending the same in her Account No. 32690975948, SBI, District Osmanabad. However, even after a lapse of almost two years, her family pension was not sanctioned.

11.16 The Commission transmitted a copy of the complaint to the Principal Secretary, Department of Energy, Government of Maharashtra, Mumbai, calling for a report in the matter. Pursuant to the directions of the Commission, the Executive Director (Human Resources), Department of Industries, Energy and Labour, Government of Maharashtra, submitted a report which revealed that the deceased employee Shri Shivaji Baburao Kasbe was a member of the Employees Provident Fund Scheme and he was sanctioned pension by the Employees Provident Fund Organization (EPFO), i.e. Regional Provident Fund Commissioner SRO, CIDCO, Aurangabad. Therefore, family pension had to be sanctioned by the EPFO to the complainant Smt. Kusum Shivaji Kabse. The report further revealed that Maharashtra State Power Generation Company Ltd., Organisation (erstwhile MSEB) has requested the Regional Provident Fund Commissioner SRO, Aurangabad to sanction family pension to the complainant. The report concluded that the Regional Provident Fund Commissioner SRO, Aurangabad, has to release the family pension to the complainant, therefore, the matter be referred to EPFO.

11.17 On perusal of the report, the Commission observed that the family pension is to be sanctioned by the Regional Provident Fund Commissioner SRO, Aurangabad, Maharashtra and it directed to issue notice to the Central Provident Fund Commissioner, New Delhi and the Regional Provident Fund Commissioner SRO, Aurangabad, Maharashtra, calling upon them to submit the Action Taken Report.

11.18 On consideration of the report received, the Commission on 14 October 2015 observed that there has been a delay of almost 2 years and three months in sanctioning and making payment of the family pension of the complainant and therefore the negligence on the part of the officers/officials of Sub-Regional Office, Aurangabad and Sub-Regional Office, Solapur of EPF Organization, Ministry of Labour is admitted and evident. The inaction on the part of the officers/officials forced the family of the deceased employee to live an undignified life. Therefore their right to life and right to live with dignity had been infringed upon by these public servants.

11.19 The Commission issued a notice u/s 18 (a) (i) of the Protection of Human Rights Act, 1993 to the Central Provident Fund Commissioner, EPF Organization, Ministry of Labour & Employment, Government of India, to show cause as to why monetary compensation should not be recommended to be paid to the family members of the deceased employee Shivaji B Kasbe. He was also asked to initiate departmental proceedings against the delinquent Officers of EPFO for delaying the payment of family pension and other arrears to the complainant Smt. Kusum Shivaji Kasbe.

11.20 In response, the Addl. Central Commissioner-II (Pension & IWU), in the office of CPFC, EPFO, New Delhi, submitted a report. The report explained in details the process of transfer of pension from the Bank/Branch under the jurisdiction of one office to another Bank/Branch and the reasons for delay in payment of pension to the complainant. The reply further stated that the

arrear of the pension of the deceased Shivaji B Kasbe and the arrear of the family pension to Smt. Kusum Shivaji Kasbe was released on 16 December 2014. The present case, if viewed from perspective of the complainant, there has been an inordinate delay in the release of due pension and reparations in terms of interest would be called for. Since the pension that was to be released to Smt. Kusum Shivaji Kasbe had remained in the Fund and had continued to earn interest at the statutory rates declared by the organization from year to year and therefore an interest for the period 18.12.2012 to 16.12.2014 can be paid on the monthly pension of Smt. Kusum Shivaji Kasbe at the rate of 8.5% for the year 2012-13 and 8.75% for the year 2013-14 and 2014-15. The actual interest payment would be determined and paid into the Bank Account of Smt. Kusum by SRO, Aurangabad.

11.21 The Commission on 30 December 2015 perused the record and observed that the Central Provident Fund Commissioner, New Delhi, had not submitted the departmental action taken against the delinquent employees in the case and he was directed to submit the action taken report against errant officials within six weeks. The Commission further observed that there had been a delay of almost two years and three months in sanctioning and making payment towards the family pension to Smt. Kusum Shivaji Kasbe and therefore, the negligence on the part of Officers/Officials of SRO, Aurangabad and SRO, Solapur of EPF Organization, Ministry of Labour, is admitted & evident. The inaction on the part of the Officers/officials had forced the family of the deceased employee to live an undignified life. Therefore, their right to life and right to live with dignity were infringed upon by these public servants. The Commission thus recommended compensation u/s 18 (a)(i) of Protection of Human Rights Act, 1993, of a sum of Rs. 25,000/- only (Rupees Twenty Five Thousand only) to be paid to the next-of-kin of the deceased Sh. Shivaji B Kasbe for violation of their human rights. The Central Provident Fund Commissioner, EPFO, Ministry

of Labour & Employment, was asked to submit compliance report along with proof of payment. Having received the compliance report, the case was closed.

2. *Fifty Senior Citizens and Widows Denied Minimum Sustenance of Life*
(Case No. 2479/18/7/2013)

11.22 Shri Radhakanta Tripathy, Advocate and Human Rights Activist, brought to the attention of the Commission, a news report published in 'Sambad', Odiya daily alleging that about 50 senior citizens and widows, including those who belonged to BPL category, in Dudugaon Village, Samana Panchayat of Hatadihi, Keonjhar District, Odisha, were being denied minimum sustenance of life, such as old age pension and widow pension. They approached the various Government officials but no action was taken to ensure old age pension to these victims. Out of them, Gagan Parida and Baikuntha Sankhua, both more than 80 years old were dying each day without any justice coming forth. The complainant further alleged the failure of State in ensuring justice to these BPL families, senior citizens and widows of the village. He sought impartial investigation and immediate directions for the State to pay old age pension, widow pension to ensure justice to these victims.

11.23 Taking cognizance in the matter, the Commission obtained a report from the District Collector, Keonjhar, which revealed that as per the enquiry report of Block Development Officer, Hatadihi, out of 371 voters in the Voter list of Village Dudugaon, 57 persons were eligible to get pension as per Pension Rules considering the age criteria. Thirty-six of them were getting pension under different schemes and the applications of 26 applicants had already been sent to the Sub-Collector, Anandapur for sanction of the pension. Subsequently, another report was received from the Addl. District Magistrate, Keonjhar, Odisha which revealed that six senior citizens died facing financial hardship and languishing for grant of old age pension or widow pension. It was further

reported that Old Age Pension was sanctioned in favour of two senior citizens, namely (i) Giridhari Samal, (ii) Kamali Jena, while widow pension was also sanctioned to one Bela Sahu. Further on attaining the age of 80 years, the Old Age Pension of Gagan Parida and Baikunth Sankhua, was enhanced to Rs.500/-. Further efforts were reportedly being made to identify all eligible beneficiaries for sanction of Old Age Pension.

11.24 On consideration of the report, the Commission transmitted copy of the above reports to the complainant for his comments. While comments of the complainant were awaited, the Commission further directed the Collector and District Magistrate, Keonjhar, Odisha, to apprise the Commission of the steps taken to ensure Old Age Pension to all eligible beneficiaries of Dudugaon Village, Hatadihi, Keonjhar District, Odisha. Pursuant to the Commission's directions a report was received from the Collector and District Magistrate, Keonjhar District, Odisha. The matter continues to be under the consideration of the Commission.

3. Misappropriation of Social Security Pension Amount of 109 Beneficiaries of Ward No. 16 from Hindol Notified Area Council, Dhenkanal (Case No. 2041/18/4/2014)

11.25 A human right activist from Odisha, namely, Shri Subash Mohapatra complained to the Commission that an amount of social security pension of 109 beneficiaries belonging to Ward No. 16 from Hindol Notified Area Council (NAC), Dhenkanal, Odisha was allegedly misappropriated. The Commission called for a report in the matter from the District Magistrate, Dhenkanal Odisha. Accordingly, the District Magistrate, Dhenkanal Odisha informed that an inquiry in the matter brought out that old age pension to these 109 persons was sanctioned at the rate of Rs. 1,400/-, but only Rs. 900/- was paid to them. As such an amount of Rs. 500/- was misappropriated out of the pension of

each of the 109 beneficiaries, for the period October 2013 to January 2014 by the Executive Officer and Chairman of the NAC of Hindol. It was further reported that departmental action was initiated against Manas Ranjan Bhoi, Chief Executive Officer, Hindol NAC, and a show cause notice was issued to the concerned Chairman of the Hindol NAC.

11.26 On perusal of the report, the Commission observed that the facts of the case clearly made it a criminal offence. The Commission thus directed the District Magistrate, Dhenkanal to lodge an FIR in this regard with the local police so that a criminal case is registered in the matter and taken-up for investigation and then taken to its logical conclusion. In this case, since some of the beneficiaries who were denied part of the pension were tribals, Section 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act was attracted, which may also have to be incorporated in the FIR. The Commission further directed to immediately file the chargesheet against Manas Ranjan Bhoi as the charges against him were of serious nature.

11.27 The Commission moreover observed that 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 right to life with dignity. It therefore considered that a clear case is 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 show cause within six weeks 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.

11.28 Pursuant to the directions of the Commission, the Additional Chief Secretary, Government of Odisha, Revenue & D.M. Department reported that 108 beneficiaries, who had complained about non-payment of pension, had already been paid their dues. Upon consideration of the report, the Commission

directed to send a copy of the report to the complainant for his comments. Accordingly the comments have been received. The matter continues to be under the consideration of the Commission.

4. *Pathetic Condition of Elderly and Destitute Persons in the State of Andhra Pradesh*

(Case No.837/1/8/2013)

11.29 Shri K.S. Chalam, Special Rapporteur of the Commission, brought to the notice of the Commission, a press clipping captioned as “Abandoned sick man awaits death in graveyard” indicating pathetic condition of old and sick persons in the State of Andhra Pradesh, and requested the Commission to take up the matter of the elderly and destitute persons with the Government of Andhra Pradesh.

11.30 The Commission obtained a report in the matter from the Principal Secretary, Government of Andhra Pradesh, Department of Women, Children, Disabled and Sr. Citizens. It was stated in the report that the family members of the sick man, Uppula Mallesham had given treatment to the individual and they were with him in the last moments of his life. After conducting enquiry, it was revealed that the family disputes arose only on account of the wife of his elder son. After hearing the news item, the individual was brought home and given treatment by the family members and the allegation was denied. After one month of the incident, Shri Uppula Mallesham died with Tuberculosis. Presently the elder son is looking after his mother, sister and brother by taking a separate house near his residence.

11.31 Pursuant to Commission’s directions dated 5 June 2014, a copy of the report was sent to the Special Rapporteur for his comments, if any. Prof. K.S. Chalam, Special Repporteur commented that only responses from the victim’s children was taken and forwarded to the Commission. But the fact of the

matter as to what role the Department played in looking after the destitute senior citizens was not brought out in the report, particularly with reference to Uppula Malleshram of Karimnagar in Andhra Pradesh.

11.32 The matter was further considered by the Commission, when it directed to seek a report from the Government of Andhra Pradesh about any scheme/plan to rehabilitate such destitute senior citizens in the State. Pursuant to the Commission's directions, the Principal Secretary to Government of Andhra Pradesh, Deptt. of Women, Children, Disabled & Sr. Citizens (Prog.II) reported that Shri Uppala Malleshram belonged to the State of Telangana after bifurcation of the State. However, a copy of the detailed report regarding schemes/plans implemented in the State of Andhra Pradesh for rehabilitation of destitute senior citizens was enclosed with the report. As per the report, Govt. Home for aged and disabled persons is functioning at Machilipatnam, Krishna District. Proposal has also been submitted to the Govt. for establishment of one old age home at each Revenue Division of Andhra Pradesh in May, 2015. The Government of Andhra Pradesh had constituted Tribunals and Appellate Tribunals under "Maintenance and Welfare of Parents and Senior Citizens Act, 2007" vide orders dated 19 August 2008. As per Government Order, Panchayati Raj and Rural Development Department order dated 19 June 2014, pension had been enhanced to Rs.1000/- per month to the eligible old age persons. Eighty-eight renewals and 13 fresh proposals for running Old Age Homes, Day Care Center, Mobile Medicare Units, etc., were submitted to the Government of India under the Integrated Programme for Older Persons during 2014-15. Proposals for establishment of 13 Homes for destitute and crippled aged persons in each District was under examination.

11.33 The matter further came to the consideration of the Commission, when it observed/directed that the allegation in the complaint was not

substantiated in the enquiry. The report stated that proposals have been made for establishment of more Homes for rehabilitation of destitute senior citizens. The State Government has constituted Tribunals and Appellate Tribunals for the maintenance and welfare of parents and senior citizens. Old-age pension has been enhanced for the eligible old age persons. The Commission was satisfied that no further intervention is required in the matter. Hence, the case was closed.



Rights of Persons with Disabilities

12.1 As per 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 these, 1.50 crore are males and 1.18 crore are females. They encompass persons with locomotor disability, visual impairment, hearing impairment, speech and language disability, intellectual disability, mental disability, disability caused due to chronic neurological conditions, blood disorder, multiple disabilities, and any other category. The Census data also illustrates 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. This has led to framing of four principal 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. Besides, there is a National Policy for Persons with Disabilities, 2006.

12.3 The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 was recast in December 2016 as the Rights of Persons with Disabilities Act, 2016 so as to bring it in consonance with the United Nations Convention on the Rights of Persons with Disabilities, 2006 (UNCRPD). The UNCRPD was ratified by the Government of India on 1 October 2007. The recast Act takes into consideration a range of disabilities under the broad heads mentioned in paragraph 12.1 above while the 1995 Act was restricted to limited disabilities. Furthermore, the reservation for people with disabilities has been increased from three to four per cent of the total number of vacancies in a given government organization. In addition, there are gender-specific clauses as part of the recast disability legislation.

12.4 The Commission, which played a prominent role in drafting of the UNCRPD, has all along been looking at the issue of disability from the lens of human rights so that people with disabilities are considered as holders of rights and not recipients of charity. During the year 2015-2016, the Commission undertook the following activities with regard to persons with disabilities.

A. Meeting of NHRC Core Group on Mental Health

12.5 A Meeting of the Core Group on Mental Health was held on 15 April 2015 in the NHRC. Its objective was to discuss the initiatives taken by the NHRC and future course of action required to be taken relating to the petition filed by the Commission in the Supreme Court of India with regard to improving mental health care in the country. The Meeting was chaired by Shri S. C. Sinha, Member, NHRC. The Meeting was attended by Members of the Core Group on Mental Health, Special Rapporteurs of the NHRC and senior officers of the Commission. On the basis of the deliberations held in the meeting, the following recommendations emerged:

1. North-Eastern Region of the country is not having any Centre of Excellence. Not having even one centre of excellence for eight states of North East region is a matter of concern. Accordingly, there is a requirement of at least one Centre of Excellence for the region.
2. There is a need to carry out a review of the implementation of DMHP in the districts where the District Mental Health Programme has been sanctioned and is being implemented or has been implemented. The Ministry may devise a mechanism to review these District programmes and wherever the implementation has not taken place, the concerned State may be advised accordingly. There is a need for the Ministry to have an exhaustive evaluation carried out on all the components of the National Mental Health Programme (NMHP) so as to bring out the factors which are responsible for the less than satisfactory implementation of these schemes at the State/UT level.
3. The objective of District Mental Health Programme (DMHP) was to extend Mental Health Care to the community and integrating it with general public health. This integration has not yet been taken place even after two decades. It is very important to find out the exact cause for not achieving proper integration of mental health care programme with general public health care.
4. There is a need to ensure that the DMHP is implemented in all districts of the country at the earliest. There is no reason why a large number of districts of the country are still outside this programme after so many years.
5. The Ministry of Health has created various ad hoc posts which are not regular under the DMHP scheme. The State Governments were required to subsequently, create equal number of posts and abolish the ad hoc posts. States may be requested to create these posts to fulfil the requirement of

manpower. Moreover, the staff is being paid a consolidated amount and not regular salaries. Thus the career prospects of Doctors/staff are not adequately safeguarded. The Central Government also needs to phase out withdrawal of funding of these posts so that DMHP is not adversely affected.

6. The provision of training to mental health professionals by various Mental Health Institutions should be strengthened on the pattern of NIMHANS which is providing training to the Mental Health professionals in Southern region. Similar training programmes may be initiated in other regions across the country with the help of NIMHANS and similar mental health training institutions should be identified and developed in other parts of country. Agra Training programmes can be also chalked out for preparing the trainers. Those master trainers can then disseminate the training/knowledge to the mental health professionals. Directions may be given to States, MCI and NCI to identify and convert State run Mental Hospitals into Teaching-cum-Training Institutions. NHRC may also write to State Governments to avail of NIMHANS training facilities.
7. A training module should be prepared where by the medical officers at the level of PHCs, CHCs etc. may be trained in minor mental health disorders so that they may be competent enough to treat minor problems and refer the major mental health disorders to Mental Health Care Institutions. This may be done by NIMHANS.
8. The Commission will write to all the States particularly those States which have the 241 districts where DMHP has been sanctioned to fully operationalize the programme. The Commission will also hold a meeting of all the State Health Secretaries for this purpose. This shall be done in the beginning of August 2015.

9. The deteriorating condition of physical infrastructure of Mental Health Institutions should be given priority for repair or replacing with new infrastructure, as most of the old buildings are now hundred plus years old.
10. Regional Mental Health Institutions should be identified so that training programmes may also be organized on regional basis.
11. Most of the institutions under DMHP are not receiving the funds regularly even after sending the audited utilization certificates to the Central Govt. The Ministry of Health & Family Welfare should immediately look into the matter and installments of funds may regularly be released under the DMHP scheme. The transfer of funds mechanism requires streamlining.
12. State Governments should draw up schemes/plans for utilization of funds placed at their disposal and ensure full utilization of funds and furnish utilization certificates in time. The officials of the Ministry should also visit the States to push for the Utilization of funds released earlier, so that fresh funds are disbursed.
13. Eleven centres of excellence already exist and ten more new centres are proposed to be created. The Ministry of Health & Family Welfare may consider identifying a few more well dispersed institutions because if more number of Centres of excellence are there, greater will be the opportunity for training. These trainings should be organized for local professionals and be available in proximity. If more Centres of excellence are operationalized, the problem of shortage of professionals could be addressed. The Ministry of Health & Family Welfare may be requested to give a presentation on the subject as to how large number of health care professionals will become available to society.

14. The Commission will write to each State Government especially to utilize the training facilities of NIMHANS, a pioneering institute imparting training to the mental health professionals.
15. Five to six institutions on the pattern of NIMHANS may be established across the country. The Institute of Human Behaviour and Allied Sciences (IHBAS) in Shahdara, Delhi and the Institute of Mental Health Care, Agra may be considered for upgrading to the level of NIMHANS by the Ministry of Health and Family welfare.
16. As per the mandate of Supreme Court, NHRC is regularly monitoring the three mental health care institutions i.e. Institute of Mental Health Care, Agra; Ranchi Institute of Neuro-Psychiatry & Allied Sciences (RINPAS); and Gwalior Mansik Arogya Shala since 1997. The NHRC visits to these hospitals may be continued.
17. Out of the three mental health institutions that have been regularly monitored by NHRC, only Institute of Mental Health and Hospital, Agra and Ranchi Institute of Neuro/Psychiatry and Allied Sciences have got the Centre of Excellence status whereas Gwalior Mansik Arogya Shala has been left out. Gwalior Mansik Arogya Shala may also be considered for granting the status of Centre of Excellence.
18. Gwalior Mansik Arogya Shala may be considered as Nodal Agency for implementation of DMHP in Madhya Pradesh.
19. There should be some mechanism for dealing with the wandering mentally ill patients which should be adhered to properly.
20. Ministry of Health and Family Welfare may ask the State Governments about the steps taken by them towards providing the community based mental health care and in this aspect, NGOs can play an important role.

21. Lessons learnt from monitoring and visits by Special Rapporteurs and the problems that have been encountered may be shared with the States so that the States can act take remedial measures. These reports may also be shared with the Ministry of Health & Family Welfare for remedial steps to be taken by them.
22. Mental Hospitals may be integrated with medical colleges. All the 29 mental hospitals may be integrated with medical colleges. Then the sanctioned strength of mental hospital and faculty strength of medical colleges will complement each other. As a result, manpower resources will be multiplied. The psychiatric wing of medical colleges should be integrated with the general health wings of these colleges.
23. There should be a provision of creating State Mental Health Commission, a quasi judiciary body, which will take care of the issues related to mental health care. The draft Mental Health Bill 2014 which is lying pending in the Parliament has provision for creating State Mental Health Commission.
24. In some States, most of the mental health institutions (Physical infrastructure) are more than 100 plus years old or so. Instead of repairing and maintaining these institutions, these institutions should be reconstructed. The Central Govt. should have a separate funding system for the purpose of construction of physical infrastructure.
25. Considering discrimination, stigmatization and denial which is commonly attached to the mentally ill persons, IEC services should be utilized to remove all these problems, which are prevalent even today. IEC material may be used as a weapon for making the people aware about the false and misleading presumption about the mental illness. There should be uniformity in the introduction of IEC material, awareness generation.

26. The funds under the DMHP are released by the Central Govt. to the nodal agency of State running the DMHP. Sometimes, no funds are transferred further to the concerned units. Accordingly, funds could be considered to be directly given to these smaller mental health units also under the DMHP. The nodal agency should only monitor the utilisation of these funds.
27. DMHP also exists at the sub-district level but nothing is happening at sub-district level which is an important part of NMHP. So the District Health Societies which are functioning under the NRHM should be specially authorized to look after the mental health programme at sub-district level also and funds could also be routed to them.
28. Best practices available from the better performing States should be listed together. These good practices should be recommended for adoption by the other States and therefore, should be widely circulated.
29. For getting the physical infrastructure for mental health care institutions constructed, the procedure for taking the clearance from various agencies like Environment Ministry, Urban Development Ministry, Tribal Ministry etc., should be made less cumbersome.
30. Prisoners' Mental Health is another area of concern which is always neglected in spite of having existing guidelines on this subject. These guidelines should be circulated to all the States/UTs Government.
31. Psychiatric treatment is not complete without rehabilitation and rehabilitation. This subject is dealt by Ministry of Social Justice and Empowerment. Unfortunately the Ministry is equating psychiatric rehabilitation to visual or deafness disability stating that psychiatric rehabilitation can be managed in similar manner as other disabilities. However, psychiatric rehabilitation is a long process and it has to be

managed by Psychiatric professionals. Some directions should come from Hon'ble Supreme Court for psychiatric rehabilitation to be independent and should be guided by Psychiatrists and should be linked to psychiatric institutions and not with other institutions where deafness or blindness etc. are attended to.

32. NHRC to write to the State Govt. about the status and data of non criminal mentally ill persons languishing in jails. It has been seen that a large number of such patients are languishing in jails for a very long period particularly in North-Eastern States.
33. A document laying common minimum standards for mental health institutions had been prepared by NIMHANS. These need to be circulated to State Governments for proper implementation across the country. State Governments must make efforts to ensure that all mental health care institutions adhere to these standards.

B. Directions Given by Supreme Court on NHRC Petition to Improve Functioning of Mental Health Care Institutions

12.6 In the year 1997, in a W.P. (Criminal) No. 1900/81 Dr. Upendra Buxi vs. State of Uttar Pradesh and Others, the Supreme Court of India called upon the NHRC to monitor the functioning of three mental health hospitals located in Agra, Ranchi and Gwalior. The National Human Rights Commission, since then, has been involved in the exercise of monitoring government mental health institutions not only in Agra, Ranchi and Gwalior but throughout the country. On account of this, there has been noticeable improvement in the care and treatment of the mentally ill persons housed in these institutions. Nonetheless, a large number of gaps still remain and there is ample scope of improvement in these institutions.

12.7 In view of the above, the Commission on 27 February 2013 once again sought the intervention of the Supreme Court (vide Petition No. CRLMP. NO.8032/2013 in W.P. (Crl.) No. 1900 of 1981, Dr. Upendra Baxi vs. State of U.P. & Ors. and National Human Rights Commission) on 13 imperative issues with the objective of seeking suitable directions for the Central and State Governments so that remedial action is taken to improve the existing situation of mental health care institutions in the country. These 13 issues are detailed out in **Annexure – 11**.

12.8 Pursuant to the petition filed by the NHRC, the Supreme Court directed the Union Ministry of Health and all the State Governments to file their status report through the Health Secretary, including the extent of implementation of National and District Mental Health Programme, funds received and utilized on these programmes. The Union Ministry submitted detailed information on all the 13 issues along with the schemes being implemented in the area of mental health care, that is, the District Mental Health Care Programme (DMHP) and the manpower development components under the National Mental Health Programme (NMHP) consisting of establishment of centres of excellence, and setting up/strengthening of post-graduate training departments of mental health specialties. It also furnished information concerning the funds disbursed to the States and the amount spent by them in this regard. The Union Government disclosed that the States did not spend all the disbursed funds nor were they submitting utilization certificates of the funds used by them or the progress reports to the Centre at regular intervals. The Union Ministry prayed that suitable directions be given to the States and Union Territories to file their status report on the concerns highlighted by NHRC as well as the extent of implementation of National and District Mental Health Programmes.

12.9 In response to this, the Supreme Court directed the States to file a counter-affidavit giving full details of the funds earmarked to them, amount utilized and

the reason(s) for non-utilization or partial utilization of the released funds. The Supreme Court moreover directed the States to enumerate the present living condition of mentally ill persons in mental health care hospitals and the steps taken to improve their living conditions along with the status of implementation of the DMHP. Accordingly, responses were received from the State Governments and the information shared was brought to the notice of the Supreme Court.

12.10 In order to verify the facts submitted by the State Governments in their respective affidavits to the Supreme Court, the Commission requested its Special Rapporteurs to visit Government run mental health care institutions in the States being monitored by them including their respective Departments followed by a detailed report. This step, the Commission felt, would facilitate in seeking proper directions from the Supreme Court. The Commission thus evolved a set of detailed questionnaire and placed the same before the Supreme Court through its Counsel. The said questionnaire was further vetted and sent to all the concerned authorities in the respective States and Union Territories for purposes of obtaining information. The Supreme Court directed the States to file the responses to these questionnaires in the form of an affidavit and the State Counsels were asked to facilitate this process. The same set of questionnaire was used by the Special Rapporteurs.

12.11 In March 2015, the Commission constituted a four Member Technical Committee on Mental Health 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 main objective of constituting this Technical Committee was to know the existing state of mental health care infrastructure in the country on the basis of information provided by the Union and State Governments, especially in response to the NHRC questionnaires so as to facilitate the Supreme Court in giving directions for addressing the inherent gaps and inadequacies.

12.12 On 9 April 2015, the Supreme Court too directed that the Technical Committee constituted by the NHRC shall verify all the data given by the States and Union Territories and forward the report to it. Furthermore, the Ministry of Health in the Government of India shall constitute a Committee headed by the Joint Secretary, who in turn, shall in association with the Health Secretaries of the respective State/Director Health Services of the Union Territories along with the Member Secretary of State Human Rights Commission and State Legal Services Authority, including two eminent Doctors of each State/Union Territory, shall make physical verification of the actual state of affairs existing in different institutions situated in the respective States/Union Territories. The said Committee shall finally prepare an exhaustive report and submit it to the Apex Court within three months. And, that this order be communicated to all concerned who would be part of the Committee, the Supreme Court reiterated. In addition, the Court directed that States/Union Territories, who had not filed their respective affidavits, should submit the same within four weeks, failing which the Chief Secretary/Administrator of that State/Union Territory will have to appear in person and explain the reasons for non-filing of the affidavit.

12.13 The four-Member Technical Committee met in the Commission on 16, 17 April; 1, 2, 25, 26 May; 21, 30 July; and 2, 3 September 2015 whereby it studied each and every report submitted by the State Governments and Union Territories and also the reports submitted by the Special Rapporteurs of the Commission. Having carried out this exercise, the Technical Committee brought out the Final Report on Mental Health in two volumes in February 2016. The first volume gives a consolidated report of all the States and Union Territories including the comparison and changing trends. It further gives the summary observations and recommendations of the Technical Committee followed by the Mental Health Care Action Plan – 2016 to 2025 pinpointing the work to be carried out by the State Governments at different levels, the Central Government and the National Human Rights Commission. The second volume gives an account of State level

responses largely based on the affidavits submitted to the Supreme Court. It also contains observations and comments made by the Special Rapporteurs of the Commission, where relevant. The two volumes of the Technical Committee Report were placed before the Supreme Court. The Court appreciated the work of the Technical Committee and stated that it had gone through the suggestions/recommendations made by it and directed the Central Government to respond to the same within six weeks and the State Governments were also directed to give their response/inputs on the Report so that the work of the Committee is not wasted. The Technical Committee Report on Mental Health in two volumes is available on the website of NHRC at http://nhrc.nic.in/Documents/Mental_Health_report_vol_I_10_06_2016.pdf and http://nhrc.nic.in/Documents/Mental_Health_report_vol_II_10_06_2016.pdf.

12.14 Prior to submission of the Final Report by the NHRC Technical Committee, the Inspection Committee constituted by the Government of India on the directions given by the Supreme Court, submitted its Final Report to the Court in September 2015. The Government of India in its Report submitted to the Supreme Court has come up with some remarkable observations. One of these observations being shortage of qualified and trained manpower, especially in the areas of psychiatric social work, clinical psychology and psychiatric nursing. The rehabilitation of mentally-ill patients is another grey area. In fact, there are a significant proportion of long stay patients who do not require in-patient treatment at the institutes. Such patients either require no treatment for mental illness or at best can receive treatment as out-patients. Yet many of them, either do not have relatives or their relatives are not keen to have these patients back with them, and hence they continue to stay as patients in the mental health institutions.

12.15 Cases of persons, found wandering, taken into custody by the police and presented before a Magistrate for a Reception Order, and thereafter admitted

into mental health institutions were also noticed. Some of these patients, whose stay in the mental health institutions was no longer necessary on medical grounds, wanted to go back to their homes. However, the institutions were not adequately equipped for accomplishing this task. Though recreation and vocational training facilities were available in most of the institutions in varying degrees, this is another grey area where more attention needs to be devoted. Most institutions did not have a separate geriatric, pediatric and de-addiction wards. These were found to be available in few institutions only. In addition, where the services of a regular anaesthetist were not available, the number of electro-convulsive therapy (ECT) sessions was found to be low and even nil. The frequency of visits by the officials of the State Mental Health Authority and State Human Rights Commission to the mental health institutions showed variation. In certain institutions, there were nil visits. According to the Report, autonomous governance structure for mental health institutions would, perhaps, be more suited to meet the needs of the mental health care delivery system as it provides for faster decision making and more operational flexibility.

12.16 The Report has come up with a number of recommendations. Prime among them being –

- (i) The human resources required for mental health care need to be strengthened in most of the institutions, in particular, Psychiatric Social Workers, Psychiatric Nurses, Clinical Psychologists and even Psychiatrists. Not only new posts need to be created, efforts are required to fill up the existing vacancies.
- (ii) The mental health institutions should impart academic training by offering courses to generate more Psychiatric Social Workers, Psychiatric Nurses, Clinical Psychologists and Psychiatrists.

- (iii) Each institution must have one or more Anesthetists to enable administering of ECT, including maintenance therapy, for the patients requiring such treatment.
- (iv) Rehabilitation of long stay patients, not requiring in-patient treatment must be addressed. Mental health institutions should not become old age homes or places of stay of persons who have nowhere else to go. They should focus on providing specialized mental health care.
- (v) The rehabilitation of cured patients or patients not requiring in-patient treatment, in the event such persons are not accepted by their relatives or have no home, should be dealt with by the Social Welfare or other relevant Departments of the State Government.
- (vi) Each institution must have separate paediatric, geriatric and de-addiction wards. Wards where mentally-ill undertrials and convicts are receiving treatment could be segregated from other wards for ensuring better security arrangements.
- (vii) The concept of Half-way Homes should be encouraged.
- (viii) Hygiene and sanitary conditions must be ensured in all the institutions. Dilapidated buildings must be repaired. Modern kitchen and laundry facilities should be provided.
- (ix) Recreational and vocational training needs to be developed and encouraged.
- (x) All medical records of patients should be properly maintained and ideally also be computerized.
- (xi) Linkages between the District Mental Health Programme and the Outreach Programme of the mental health institutions should be established, strengthened and nurtured.

- (xii) Every mental health institution should have a Rogi Kalyan Samiti. This will facilitate involvement of public representatives and civil society organizations, thus providing a forum of grievance redressal.

12.17 Pending directions of the Supreme Court, it would be best for the NHRC and the Ministry of Health, Government of India to join hands and chalk out the future course of action along with the State Governments to improve the overall functioning of mental health institutions in the country.

C. National Conference on Leprosy

12.18 A one-day National Conference on Leprosy was organized by the National Human Rights Commission at Vigyan Bhawan Annexe, New Delhi on 17 April 2015. The main objectives of the Conference were to: (i) follow up of the suggestions/recommendations of National Conference on Leprosy organized by National Human Rights Commission on 18 September 2012; and (ii) address issues of concerns related to leprosy and suggest appropriate strategies to deal with them.

12.19 The Conference was inaugurated by Justice Shri K. G. Balakrishnan, Chairperson, National Human Rights Commission. Before the inaugural address of Justice Shri Balakrishnan, Shri Bhanu Pratap Sharma, Secretary, Ministry of Health and Family Welfare, Government of India gave a brief account of the steps taken by the Government in containing the problem of leprosy in the country.

12.20 The Conference deliberated upon three major themes in three plenary sessions. These plenary sessions were as follows:

Session-I: Rights of Persons Affected by Leprosy: Follow up on Earlier Suggestions/Recommendations of NHRC on Leprosy

Session-II: Leprosy : Existing Status, Future Outlook and Challenges

Session-III : Rights of Persons Affected by Leprosy : Issues of Concern on Field Experiences

12.21 Based on the deliberations held in the three plenary sessions, the following recommendations were made in the National Conference:

1. There is need for vigorous dissemination of recommendations of the Conference organized by NHRC earlier on the issue of leprosy on 18 September 2012 for proper implementation by all concerned authorities. SHRCs involvement in implementation of recommendations of 2012 Conference and present Conference is a must, then only implementation is possible.
2. The detailed recommendations made by the Committee on Petitions of Rajya Sabha in its 131st Report should be followed up for implementation. The Action Taken Report of the Government(s) covered in the 138th Report of the Committee of Petition indicates that a large number of recommendations have still not been completely implemented. Hence, there is need to take up these recommendations for logical conclusion especially those relating to social and economic discrimination of leprosy affected persons and their families.
3. There is need to suitably address the issue of disability certificate to leprosy affected persons by evolving a separate set of criteria even when they do not fulfil the minimum disability of 40 per cent. The Department for Empowerment of Persons with Disabilities should revisit the guidelines issued on the subject in 2001 and also hold special camps for leprosy affected persons for distribution of disability certificate to them.
4. There is need to explore a sub quota of reservations in jobs for leprosy affected persons. In aggregate 5 per cent reservation may be provided for in the pending Bill for Persons with Disabilities.

5. In order to empower children of leprosy affected persons, there is need to provide free school education and free higher education to them. The children of leprosy affected parents need utmost help for their proper education. If the second generation is uplifted through education and employment, the poverty circle of the family would be broken and their quality of life will improve.
6. The Ministry of Social Justice & Empowerment have educational promotion scheme for persons with disabilities. These schemes need to be extended to children of persons affected with leprosy in view of the stigma and discrimination they face.
7. Centre and State Governments should elicit the support of the corporate sector in adopting leprosy colonies for rehabilitation and empowerment of the leprosy affected persons and their families under their corporate social responsibility.
8. Ministry of Social Justice and Empowerment have proposed to hold a camp for distributing assistive devices at New Delhi for especially leprosy cured persons. Such camps for leprosy cured persons should be organized countrywide.
9. Different State Governments are giving pensions to leprosy affected persons which are meagre. There are also some States which are giving no pension at all. It is necessary for the States to give a reasonable amount of pension for the disabled leprosy affected persons for their day-to-day sustenance.
10. There is need to prepare a comprehensive document of good practices being witnessed in various States of India, with regard to rehabilitation and empowerment of persons affected by leprosy and their children. NHRC will assist these efforts.

11. State Acts should be amended to remove discriminatory provisions in these as has been done in Odisha to allow leprosy affected persons to contest elections.
12. There is need for capacity building among new doctors to enable them to handle cases of leprosy.
13. There is a need to conduct a countrywide survey to find out, among others, new cases of leprosy, existing number of leprosy affected persons in colonies, and total number of leprosy cured persons integrated into the mainstream of society.
14. There is need to follow up on the recent 256th Law Commission Report on 'Eliminating Discrimination Against Persons Affected by Leprosy' which comprehensively deals with discriminatory nature of laws towards leprosy affected persons which need amendment or repeal. The model draft legislation, titled "Eliminating Discrimination Against Persons Affected by Leprosy" Bill, 2015 prepared by the Law Commission needs to be examined and enacted into a legislation at the earliest.
15. Furthermore, there is need to bring about greater synergy between different Departments to address the problems of leprosy affected persons and then families.
16. There is need for empowerment of leprosy affected persons and their families not only through education but also through vocational training and capacity building of various skills leading to self-employment as well as through self-help groups.
17. Most of the leprosy colonies are situated on the Government's land. It is necessary to give the land ownership/pattas to the leprosy affected persons and help them to build houses under the Government Schemes. The civic amenities in the leprosy colonies also need to be improved.

18. The social & economic empowerment of persons affected by leprosy and their family members is very important to integrate them into the main stream of the society. The Government should develop a special programme to support the affected persons.
19. WHO Guidelines for participation of persons affected by leprosy in leprosy services have been prepared involving the people affected by leprosy & professionals. These needs to be implemented by the Central and State Governments.
20. There is a need to develop a multifaceted strategic plan on reduction of stigma & discrimination and include the same in the National Leprosy Eradication Programme.
21. There is a need to make an absolute shift in our approach while dealing with concerns of leprosy affected persons and their children from welfare oriented to entitlement & empowerment approach. And, its ultimate aim should be to lead them away from marginalization to total reintegration in the mainstream of society. For this to happen, there is also a need to bring about an overall attitudinal change in the mindset of the community.

12.22 These recommendations were forwarded to the Chief Secretaries of all the States and Union Territories for implementation and action taken report called for. The Commission has received action taken report from the States and Union Territories of Andaman & Nicobar, Assam, Dadra & Nagar Haveli, Delhi, Goa, Gujarat, Haryana, Karnataka, Madhya Pradesh, Nagaland, Odisha, Sikkim, Telangana, Tripura and West Bengal. The Commission requests all those who have not forwarded their action taken reports to expedite sending the same.

D. Meeting of State Health Secretaries on Mental Health Care

12.23 A one-day Meeting of the State Health Secretaries was organized by the NHRC at India International Centre, New Delhi on 4 September 2015. The main objectives of the meeting were to (i) discuss ways for better implementation of the National Mental Health Programme (NMHP), especially the District Mental Health Programme (DMHP), infrastructure and manpower development in the States and Union Territories; (ii) discuss ways for better utilization of funds allocated by Government of India for various components of NMHP; (iii) sharing of good practices on mental health care including rehabilitation in States/Union Territories; and (iv) discuss ways for proper rehabilitation of cured patients in the community.

12.24 The Meeting was inaugurated by Justice Shri Cyriac Joseph, the then Acting Chairperson of NHRC and was attended by Members, Special Rapporteurs and senior officials of NHRC, Health Secretaries or their representative officials from all States/Union Territories; experts from the field of mental health care; and officials of mental care hospitals.

12.25 Keeping in view the objectives, the meeting deliberated on the following substantive issues in three technical sessions:

- ☂ District Mental Health Programme : Its Effective Functioning and Problems Encountered by States (Session-I)
- ☂ Strengthening Infrastructure and Human Resources for Mental Health Care (Session II)
- ☂ Community Care and Rehabilitation of Mentally Ill Persons (Session III)

12.26 The recommendations which emanated out of this meeting are at **Annexure - 12**. These recommendations were forwarded to all the Health Secretaries for compliance. The Commission urges all the State Governments

and Union Territory Administrations to forward their action taken reports at the earliest.

E. Illustrative Case Relating to Rights of Persons with Disabilities Dealt by NHRC

1. *Detention of a Mentally Ill Girl in Gwalior Mental Hospital by the In-charge and Attendant of the Hospital*
(Case No. 2450/12/18/2014)

12.27 The Commission received a complaint from Mohammad Aslam Qureshi, r/o Bahorapur, Lashkar, Gwalior, Madhya Pradesh on 30 July 2014 alleging illegal detention of a mentally ill girl Kumari Rizwana in a recreation room, where there was no water and food by Renuka Dixit, In-charge of Gwalior Mental Hospital and Sangeeta Sharma, an Attendant (Class-IV employee), on 5 July 2014. She was taken out of the room on the directions of one female Medical Officer, named Dr. Manu Dixit on 6 July 2014 at 1:30 p.m. on hearing her cry. It was alleged that no action was taken against Renuka Dixit and Sangeeta Sharma. According to the complainant, this was a case of grave violation of human rights of the victim Km. Rizwana and sought intervention of the Commission.

12.28 The Commission took cognizance of the matter on 15 September 2014 and obtained a report dated 8 June 2015 from the Deputy Secretary, Medical Education Department, Government of Madhya Pradesh, Bhopal. According to the report, an enquiry was conducted by a team of three Doctors who after recording the statements of the witnesses found that due to the carelessness of Sangeeta Sharma, a Class-IV employee, Kumari Rizwana had to remain in the recreation room from 2:00 p.m. on 5 July 2014 to 1:30 p.m. on 6 July 2014. The Deputy Secretary, Medical Education Department, Government of Madhya Pradesh, Bhopal further submitted that Sangeeta Sharma, the woman attendant was found guilty of being negligent and one increment of hers was withheld. The enquiry was pending against the Incharge.

12.29 The Commission subsequently considered the matter on 1 December 2015 whereby it observed that from the report it was clear that Sangeeta Sharma of Mental Hospital Gwalior had illegally detained Kumari Rizwana a mental-ill patient for almost 24 hours, which was a gross violation of her human rights. Accordingly, the Commission issued a notice under Section 18(a) (1) of the Protection of Human Rights Act, 1993 to the Chief Secretary, Government of Madhya Pradesh to show cause within six weeks as to why Kumari Rizwana be not recommended compensation from the State Government of Madhya Pradesh. Deputy Secretary, Health Education Department, Government of Madhya Pradesh was also asked to submit the outcome of the departmental enquiry pending against other employees of the Mental Hospital, Gwalior, Madhya Pradesh. Reply to show cause notice and outcome of departmental proceedings are awaited.



Chapter - 13





Human Rights Education, Training and Awareness

13.1 NHRC has 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 be achieved by sensitizing various functionaries in the Government/local bodies, etc., and also by awareness creation amongst.

13.2 In view of above, the Training Division of NHRC is spreading human rights literacy through training programmes in human rights in the society through Administrative Training Institutes, State Human Rights Commissions, Universities and Colleges and through non-governmental organizations (NGOs). Apart from these, the internship programme, twice in a year, is being organized for the university/college students of different States of the country.

A. Training Programmes Organized by NHRC

13.3 During the financial year 2015-2016, the Commission approved **90** training programmes of **70** institutes in human rights and related issues, out of which **71** training programmes were conducted by **59** institutes. In addition, **09** training programmes to be conducted during 2014-2015 were organized, taking the total to **80**. The details of these training programmes are at **Annexure – 13**.

B. Summer and Winter Internship Programmes

13.4 The one-month Summer Internship Programme - 2015, with 48 interns consisting of 28 females and 20 males from 11 different States and Union Territories was organized by the Training Division of the NHRC. Majority of the interns were Post-Graduate students pursuing different disciplines of social sciences while 13 were pursuing their Law Degree.

13.5 In the one-month Winter Internship Programme - 2015, a total of 49 interns comprising 34 females and 15 males from 13 different States and Union Territories participated in the programme. Out of the 49 interns, half of them pursued their Law Degree and the remaining half pursued their Post-Graduate Degree in different disciplines of social sciences.

C. Short-term Internship Programmes and Visit to NHRC

13.6 Apart from this, 98 students of different Universities and Colleges participated in the Short-term Internship Programme of 15 days duration organized by the Training Division of the NHRC.

13.7 In addition, 401 students from 13 Colleges/Universities/Institutes pursuing various disciplines visited the Commission along with their Faculty Members.

D. Organization of National Seminars in Hindi on Human Rights

13.8 In its efforts towards spreading awareness about human rights among the general public, the Official Language Section of the NHRC has been organizing National Seminars in Hindi on Human Rights related themes of two-day duration in different parts of the country. In continuation of this, the first National Seminar was organized with R.T.M. Nagpur University on 14 and 15

September 2015 at Dr. Babasaheb Ambedkar College of Law, Nagpur. The main theme of the Seminar was “Indian Society, Media and Challenges of Human Rights : A Dialogue”. The second Seminar was organized in collaboration with the National Law School of India University, Bangalore on “Rights of the Elderly People” on 11 and 12 February 2016. The third National Seminar was organized with Mizoram University on “Protection of Human Rights and Assuring the Unity and Integrity of the Nation” on 17 and 18 March 2016. These Seminars had the distinguished presence of Justice Shri H. L. Dattu, Chairperson, NHRC; Justice Shri Cyriac Joseph, as Acting Chairperson and Member, NHRC; Justice Shri D. Murugesan, Member, NHRC; Shri S. C. Sinha, Member, NHRC; Shri S. N. Mohanty, Secretary General, NHRC and other senior Officers of the Commission. Other than these, it was attended by well-known personalities, renowned subject experts, academicians, representatives of concerned State Human Rights Commissions, non-governmental and civil society organizations and the media fraternity.

E. Observance of Hindi Fortnight at NHRC

13.9 The Official Language Section of the NHRC organized its Annual Hindi Fortnight from 14 to 28 September 2015. During the two-week programme, several competitions were organized for officers and staff employed in the Commission from the point of view of promoting Hindi language. Typing, translation, handwriting, essay writing, poetry recitation, noting and drafting were some of the events organized.

F. Two-day Training Programme for Judicial Officers

13.10 The NHRC organized a two-day Training Programme for District Level Judicial Officers in collaboration with the Indian Law Institute, New Delhi on 3 and 4 October 2015. Justice Shri Cyriac Joseph, the then Acting Chairperson,

NHRC, inaugurated the programme. Justice Shri D. Murugesan, Member, NHRC gave the valedictory address.

G. Awareness Programme on Drug Abuse Prevention

13.11 The NHRC sponsored a day long State Level Awareness Programme on Drug Abuse Prevention that was jointly organized by Manipur University and the Department of University and Higher Education, Government of Manipur at D.M. College of Teacher Education, Imphal on 18 February 2016.

H. NHRC – ILI Media Workshop

13.12 The NHRC in collaboration with the Indian Law Institute, New Delhi organized a day-long workshop on Media and Human Rights : Issues and Challenges on 12 March 2016. The programme was inaugurated by Shri S. C. Sinha, Member, NHRC. The participants included media persons, officers working for media in the Centre and State Governments, and law students.

I. Development of Booklets on Different Human Rights Themes

13.13 The National Human Rights Commission in collaboration with Multiple Action Research Group (MARG), New Delhi took up a project in November 2015 to develop 27 booklets covering 11 human rights themes with the aim of spreading legal awareness about it in terms of knowledge of law; respect for rights and handiness to secure those rights. The 11 themes identified are as follows:

- (i) Rule of Law and Constitution
- (ii) Criminal Justice System
- (iii) Remedies in Law

- (iv) Child Rights
- (v) Rights of Scheduled Castes and Scheduled Tribes
- (vi) Women's Rights
- (vii) Rights in Conflict Areas
- (viii) Labour Rights
- (ix) Environmental Rights
- (x) Rights of Other Vulnerable Groups
- (xi) Right to Health

13.14 The project is to be completed in a span of 10 months time.

J. Painting Competition for Children

13.15 As part of its Foundation Day celebrations, the NHRC organized a painting competition for the children of its officers and staff at its premises in New Delhi on 19 September 2015. The event was also aimed to build awareness about human rights and orient the young generation towards it. The competition was held in three categories of children in the age group of 5-8 years, 8-13 years and 13-17 years and the three themes were 'My School', 'Home for Everyone', and 'Care for the Aged'. The winners were given prizes on Human Rights Day.

K. NHRC Celebrates 22nd Foundation Day

13.16 The 22nd Foundation Day of the NHRC was celebrated on 12 October 2015. The Chief Guest on the occasion was Nobel Peace Laureate Shri Kailash Satyarthi, Founder of Bachpan Bachao Andolan in New Delhi. Justice Shri Cyriac Joseph, Acting Chairperson, NHRC delivered the Presidential Address. Speaking on the occasion, Shri Satyarthi said that human rights and development are

two sides of the same coin and the development discourse will be incomplete without ensuring rights of one and all. Delivering the presidential address, Justice Shri Joseph expressed that the Foundation Day celebrations gives an opportunity to the Commission to self-introspect and resolve ourselves towards promotion and protection of human rights.

13.17 On the occasion, the NHRC felicitated 10 special children from Government-run Asha Kiran, a Home for Mentally Challenged in Delhi who brought laurels to India by winning medals in the Special Olympics World Summer Games 2015 in Los Angeles, United States of America. Awards were also given to the winners of the Painting Competition especially organized for the children of NHRC employees. Besides, awards were given to writers from Scheduled Castes, Scheduled Tribes and Other Backward Classes categories for best essay in Hindi on the theme of 'Good Governance, Social Justice and Human Rights'. The Foundation Day function culminated with a cultural show.

L. Observance of Human Rights Day and Release of NHRC Publications

13.18 The Commission observed the Human Rights Day on 10 December 2015 at a function organized in the DRDO Auditorium, New Delhi. The Chief Guest on the occasion was Justice Shri T.S. Thakur, Hon'ble Chief Justice of India. Shri Kiren Rijiju, Minister of State for Home Affairs, Government of India was the Guest of Honour. Justice Shri Thakur inaugurated the photo and children's paintings exhibition, including those by the visually impaired children. The Chief Guest on the occasion released the following six publications of NHRC:

- NHRC English Journal on Human Rights (Vol.No.14, 2015)
- Manavadhikar - *Nai Dishayein*, (Vol.No.12, 2015) – NHRC Hindi Journal on Human Rights

- Trilingual Glossary of Human Rights Terms - (English-Malayalam-Hindi) – This glossary contains English alternative of the terms used by a cross section of people in Malayalam and Hindi in human rights discourse.
- Recent Initiatives of National Human Rights Commission – Health Care as Human Rights – (in English).
- Schemes and Programmes of Government of India on Human Rights Related Issues – (in English).
- Monitoring of Economic, Social and Cultural Rights by NHRC – Inspection Formats for Schemes & Programmes in States/Union Territories – (in English)

13.19 Justice Shri Cyriac Joseph, Acting Chairperson, delivered the Presidential Address on the occasion. A festival of the selected short films was also shown as part of the function. For the first time, there was a live coverage of observance of NHRC Human Rights Day programme on Doordarshan. The event was attended by several prominent dignitaries, including Members of NHRC, Judges of Supreme Court, High Courts, former Judges of Supreme Court, UN representatives, diplomats, senior Government officials, representatives of non-governmental and civil society organizations, groups of specially privileged children, personnel of para-military forces and officers and staff of NHRC.

13.20 On the eve of Human Rights Day, Justice Shri Cyriac Joseph also delivered a Message to the public.

M. All India Inter-Central Armed Police Forces' Debate Competition 2015

13.21 The NHRC is engaged in a wide range of activities aimed at promoting and spreading human rights awareness among the police personnel. One of the activities carried out by it for sensitizing the Central Armed Police Forces (CAPF) is the organization of a debate competition by the Investigation Division

of the Commission on any relevant human right theme every year since 1996. From 2004 onwards, on the advice of the then Chairperson, Zone-wise Debate Competitions have also been organized as a run up to the Final Competition, for larger participation of the CAPF all over the country. The semi-final and the final rounds of the zonal competitions are organized in the Capital. In 2015, the debate competition for the CAPF was organized by the Central Industrial Security Force at New Delhi on 29 September 2015 and 04 November 2015 respectively.

13.22 The team championship for the 2015 debate competition was won by the Central Industrial Security Forces (CISF). However, the debate competition for personnel, Individual level, was won by Shri Man Mohan Sharma, AC, BSF for English language and by Shri Laxmikant Sharma, SI/Exe, CISF for Hindi language.

N. Debate Competition in English, Hindi and Regional Languages for Police

13.23 It is the duty of the Police to conform to the principles of human rights. The Police force in India at the cutting edge largely comprises the constabulary, who need to be made aware about human rights concerns. The lower and middle levels in the Police are extremely crucial from the viewpoint of human rights as they directly come into contact with the general public while fulfilling their duties. From 2004, an attempt was made by the NHRC to increase the level of human rights awareness among the Police by organizing debate competitions for them in English, Hindi and Regional languages. For this purpose, it provides a small financial assistance of ₹ 15,000/- to States and Union Territories for conducting Debate Competitions for the Police personnel. During 2015-2016, twenty States showed their interest and submitted their proposals to the NHRC for organization of debate competitions in their respective States.



Human Rights Defenders

14.1 The Commission is of the strong view that the human rights defenders are partners not only of the Commission but also of the Government, be it, at the level of local bodies, the State level or the Central level in the endeavour to ensure protection and promotion of human rights of the people. By raising various issues that thwart the Government's crusade to provide good governance to the citizens, human rights defenders, in fact, assist the Governments in taking remedial action in areas where needed. Any such actions that the Government takes to help solve the problems of the people pointed out by the human rights defenders, in turn, benefit the Government in discharging its constitutional obligations and its primary responsibility of protecting people's human rights. How can then the human rights defenders be treated in a manner other than as partners? Unfortunately, many a time, the State authorities miss this important point and view the human rights defenders and their raising various human rights concerns as irritants. It is this approach that the Commission is striving to remove by sensitizing various stakeholders. The Commission wish to emphasize once again that there is need for greater cooperation between the Government and the human rights defenders for mutual benefit and for overall benefit of the society at large.

14.2 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.

14.3 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.

14.4 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.

14.5 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.

14.6 In order to enhance awareness among the varied stakeholders about the important work being done by the Human Rights Defenders in promotion and protection of human rights and also to address the challenges they face in carrying out this work, the Commission organized a National Workshop at New Delhi on 19 February 2015. The workshop came up with 22 recommendations which were circulated to the concerned stakeholders including the Central and State Governments for implementation and the Commission is monitoring the same.

A. Focal Point for Human Rights Defenders in NHRC

14.7 The Focal Point for Human Rights Defenders set up by the Commission continued to discharge its role of a one point of contact for human rights defenders. The Focal Point was instrumental in ensuring that the complaints alleging harassment of human rights defenders by or at the instance of public authorities were taken up on priority by the Commission. The current Focal Point is Shri Srinivasa Kammath, Deputy 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 expeditiously. The update of the complaints of alleged harassment of Human Rights Defenders is also posted on the website of the Commission and the status thereof can be checked at any time.

14.8 The Focal Point for Human Rights has engaged in dialogues / discussions with NGOs / villagers / HRDs / State Government Officers to understand the status of promotion and protection of Human Rights at grassroot 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's Course of Action for Protection of Human Rights Defenders

14.9 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).

14.10 Important steps taken by NHRC for protection of HRD's 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. The letter is enclosed as **Annexure – 14**.
- NHRC has taken proactive steps to protect the cause of the HRDs by recommending prosecution, compensation etc.
- 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 9th 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 9th December 2015 pledging continued support to the Human Rights Defenders. The message is annexed as **Annexure – 15**.

C. Illustrative Cases Relating to Human Rights Defenders Dealt by NHRC

14.11 During the period under review, the Commission received 53 complaints concerning alleged harassment of Human Rights Defenders. 23 cases pertaining to HRDs were finally disposed of by the Commission during the year 2015-2016. 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 2015-2016 are as under :-

1. *Alleged Intimidation and Harassment of Human Rights Activist Kurity Roy and Other Members of Masum NGO in Serampore, Hooghly*
(Case No. 1063/25/6/2016)

14.12 The Commission received a complaint on mobile on 5 August 2016 and thereafter a complaint dated 11 August 2016 from the Observatory for the Protection of Human Rights Defenders alleging intimidation and harassment of Human Rights Activist Shri Kurity Roy and other members of MASUM, an NGO located in Serampore, Hooghly. Allegedly, they were targeted for taking up the cause of Mekhlignj rehabilitation and settlement camps meant for enclave dwellers in Cooch Behar.

14.13 Taking cognizance of the complaint, the Superintendent of Police, Cooch Behar was telephonically contacted and asked to ensure that no hindrance is caused to Shri Kirity Roy in his rightful human rights work. The Commission also called for a report from the Director General of Police, West Bengal and directed that Kirity Roy and other members of MASUM be assured of a congenial atmosphere in the State to carry out their lawful human rights work.

14.14 In response to the directions of the Commission, a report was received from the Inspector General of Police (Administration), West Bengal, which, in effect, denied the allegations in the complaint. The complainant was asked to submit his comments on the police report. The comments of the complainant are awaited and matter is under consideration.

*2. Police Threatens a Human Rights Defender for Refusing to be Police Informer about Maoist Activities
(Case No. 362/18/24/2012)*

14.15 Shri Bishwanath Patra, a Human Rights Defender in his complaint dated 4 March 2012 stated that the Superintendent of Police, Jajpur tried to induce him to work as a police informer with regard to activities conducted by Maoists else he would lose his life or rot in jail, if he did not cooperate. The complainant further stated that he did not give in to the demands of the Superintendent of Police, Jajpur. The complainant requested for investigation into the matter and action against the police officer.

14.16 The Commission took cognizance of the matter on 15 March 2012 and pursuant to the directions, the Director General (Investigation), contacted Shri Deepak Kumar, Superintendent of Police, Jajpur, Odisha telephonically. He informed that the complaint filed by Shri Bishwanath Patra was false. An enquiry in this regard is being conducted by the Deputy Inspector General, Police.

14.17 The complainant reiterated the allegations leveled in the complaint. After considering the submissions made by the complainant, the Commission vide its proceedings dated 10 November 2014 directed Shri Amrit Mohan Prasad, the Additional Director General, HRPC, Government of Odisha, to get an inquiry conducted in the matter through a Gazetted Officer and to submit a report within six weeks. The officer so deputed to inquire may also go to the village of the victim and record the statements of all concerned to ascertain the true facts.

14.18 The report received from the ADG, HRPC, Government of Odisha is under consideration of the Commission.

3. *Human Rights Activist Threatened by Police for Advocating a Case of Rape (Case No. 20903/24/72/2011)*

14.19 The complainant, Dr. Lenin, Executive Director, People's Vigilance Committee on Human Rights, Varanasi, in the above case alleged that one person named Shri Mangala Rajbhar, a human rights activist, was threatened by a police official because he advocated a case of rape of a girl. He was also threatened and abused.

14.20 Despite the intervention of the Commission, the real issue was not replied to by the Senior Superintendent of Police, Varanasi. The Commission took up the matter with the Director General of Police, Government of Uttar Pradesh who forwarded a copy of the report of the Senior Superintendent of Police, Varanasi denying the allegations as untrue. It was also informed that action under section 107/151 Cr.PC was also initiated against Shri Mangala Rajbhar. Based on the comments of the complainant and dissatisfied with the report, the Commission directed the Director General of Police, Government of Uttar Pradesh to get the matter inquired into by a Gazetted Officer of a District other than District Varanasi. It was also directed that during inquiry, all concerned must be examined.

14.21 The matter continues to be under the consideration of the Commission.

4. *Attack on Human Rights Defender by Local Politician in Puri, Odisha*
(Case No. 1972/18/17/2015)

14.22 The Commission received a complaint from Shri Akhand, journalist and human rights activist, Puri, Odisha drawing the attention of the Commission about the attack on a human rights defender, Shri Amitabh Patra by a local politician in Bargarh District of Odisha.

14.23 In response to the directions given by the Commission, it was reported that the allegations of threatening and collection of illegal money from the street vendors by local mafia was found to be baseless. It was also reported that both the parties filed cross cases against each other which are under investigation.

14.24 The Commission has sent a copy of the report to the complainant for his comments as well.

5. *Refusal of Postal Authorities to Deliver Dak of Human Rights Activist*
(Case No. 3021/18/12/2014)

14.25 The Commission received a complaint from Dr. Subash Mohapatra, Executive Director, Global Human Rights Communications, Puri, Odisha alleging that the postal authorities of Raigurupur Post Office in connivance with the local anti-social and vested interest groups do not provide his letters (*dak*) including letters from the National Human Rights Commission.

14.26 In response to the Commission's directions, it was reported that the complainant does not reside in his permanent address and in absence of any instructions from him to deliver mail to authorized persons, the mails were being sent back.

14.27 The complainant further submitted his comments on the report stating that there is no such information to him if there was any delivery issue. Even during inquiry the authorities did not contact him.

14.28 Copy of the comments has been sent to the Secretary, Department of Posts, Government of India directing him to conduct fresh inquiry into the matter by a responsible Senior Officer.

14.29 The report of the Government is awaited.

6. *Alleged Lathi Charge on Dalit Protesters and Assault on a Woman Human Rights Defender at Bhubaneswar, Odisha*
(Case No. 3494/18/28/2015)

14.30 The Commission received a complaint from Shri Chandranath Dani, Civil Society Forum on Human Rights, Bhubaneswar, Odisha alleging high-handedness of the Police In-charge of Capital Police Station, Rajpath, Bhubaneswar. According to the complainant, hundreds of protesters under the banner of National Confederation of Dalit Organization (NACDOR) were on their way to the house of the Chief Minister for demonstration raising demands like allotment of four decimals of land with pattas to the dalits and tribals who have been living on Government land since many years. The police allegedly resorted to lathi-charge on the protesters injuring Ms. Rina Bhoi a human rights activist and some others on 16 April 2015 at Bhubaneswar, Odisha.

14.31 In response to the Commission's directions, it was reported that the members of National Confederation of Dalit Organizations under the leadership of Shri Ashok Kumar Mallick were involved in an agitation. Section 144 Cr.P.C. was also promulgated in that area. The police force was also abused. FIR was registered in the matter and the investigation of the case was under progress.

14.32 Copy of the report has been sent to the complainant for his comments, and the same are awaited.

D. Follow-up : Action Taken on Cases Reported in the Annual Report of 2014-2015

1. *Arrest of Human Rights Defenders in Kerala* ***(Case No. 74/11/8/2015)***

14.33 The Commission took *suo motu* cognizance of media report relating to human rights defenders and Advocates Tushar Nirmal Sarathy and Jaison C. Cooper who were arrested under Unlawful Activities Prevention Act in Kerala and were in jail since 30 January 2015. While Jaison was arrested from Cochin on 29 January 2015, Tushar was arrested after a Press Conference in Kozhikode on the same day. It was alleged that the State Government was targeting human rights defenders and human rights activists by labeling them as 'Maoists sympathizers'. The media report also mentioned 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.

14.34 On consideration of the reports called from the concerned authorities, the Commission noticed that the police had observed all rules and prevailing guidelines of Courts in the arrest of the two persons.

14.35 The Commission did not find any violation of human rights and closed the case.

2. *Harassment of RTI Activist for Complaints Against District Officials* ***(Case No. 12054/24/31/2014)***

14.36 This complaint was sent to the Commission by one Shri Sushil Raghav, an RTI activist of Ghaziabad District, Uttar Pradesh. It was alleged by him that the Senior Superintendent of Police, Ghaziabad had unnecessarily harassed him by sending him "Red Warning" notice alleging that he may cause some disturbance during the election.

14.37 A copy of the report received from the authorities has been sent to the complainant for his comments.

3. *RTI Activist Commits Suicide in Pune*
(Case No. 816/13/23/2014)

14.38 On 26 March 2014, the Commission took *suo motu* cognizance of a newspaper article which reported that an RTI Activist had committed suicide and left a note wherein he blamed several prominent politicians of Maharashtra, including top serving and retired IPS Officers.

14.39 The Commission observed that since requisite action had been initiated by the police and the investigation was on, no further intervention of the Commission is required and closed the case.

4. *Human Rights of RTI Activist Violated*
(Case No. 2280/18/27/2014)

14.40 The Commission received a complaint dated 10 May 2014 from Dr. Subash Mohapatra, Executive Director, Global Human Rights Communications alleging that a RTI Activist who had sought information under RTI Act 2005 from the Irrigation Department, Kendrapara, Odisha was called by the accused persons; physically attacked and tortured by using filthy and derogatory remarks in public view. A complaint was thereafter lodged by the victim, but police did not register any FIR.

14.41 The Commission after consideration of the reports observed that as requisite monetary relief had been paid to the victim and that the departmental action against the police officials is *sub-judice*, further intervention of the Commission is not required. The case was closed.

5. *Eighty Year Old Human Rights Activist Attacked*
(Case No. 530/13/14/2015)

14.42 The Commission took cognizance of the case of an eighty year old activist Shri Govind Pansare and his wife who were shot at by some unidentified persons in Kolhapur, Maharashtra on 16 February 2015. The incident was reported widely in various newspapers including 'The Hindu' dated 16 February 2015 under the caption "CPI Leader Shri Govind Pansare, his wife shot at in Kolhapur". Reportedly the activist was associated with various social movements in Maharashtra and was leading an Anti-toll Movement in Kolhapur. On 16 February 2015 while on a morning walk, Shri Pansare was shot at thrice on his chest and neck, while his wife suffered a depressed skull fracture. According to media reports, passersby rushed them to a hospital where several surgeries had to be performed on the victims.

14.43 It was reported that one accused involved in the murder of Shri Govind Pansare had been arrested and a chargesheet was filed in the Court as well. Efforts were on to arrest other persons. A Writ Petition was also filed by the relatives of the deceased to monitor the investigation in the case. Under these circumstances, the Commission did not feel appropriate to continue with the proceedings and closed the case.

6. *Arrest of Woman Human Rights Defender*
(Case No. 1062/12/2/2013)

14.44 The complainant, an office-bearer of Front Line Defenders, an Ireland based NGO, alleged that a human rights defender Ms Madhuri Ramakrishnasway was arrested by police in Badwani district of Madhya Pradesh on 16 May 2013 as she was protesting for the rights of a woman named Baniya Bai who was victim of medical dishonesty in Public Health Centre, Menimata, District Badwani, Madhya Pradesh.

14.45 It was reported by the authorities that Ms. Madhuri Ramakrishnasway was not arrested by the police but for non appearance in the Court inspite of service of notice, the Court had sent her to judicial custody. As regards dereliction of duty it was reported that action had been initiated against the erring staff.

14.46 The Commission issued a show cause notice to the Chief Secretary, Government of Madhya Pradesh asking him to show cause as to why the Commission should not recommend payment of compensation to the victim Baniya Bai.

14.47 The report of the State Government is awaited.

7. *Illegal Arrest and Torture of Human Rights Defenders*
(Case No. 31/14/12/2013)

14.48 The complainant in the above case alleged illegal arrest and humiliation of two persons, namely, Mandir Laishram and Ningthoujam Hemo and their false implication in Thoubal Police Station. The complainant thus requested a thorough and independent investigation of the matter and punitive action against the guilty police officials.

14.49 Based on the report received from the concerned authorities, the Commission observed that the police personnel had used excessive force on the victims to cause injuries for which they needed medical aid. This was an abuse of power by the public servant, resulting in violations of human rights of the victims.

14.50 The Commission recommended payment of compensation of Rs.25,000/- (Rupees Twenty-five Thousand only) each to both the victims.

14.51 After receipt compliance report along with proof of payment, the Commission closed the case.



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 encourage 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, now known as GANHRI) 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 leading regional human rights organization 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.

Other Events Organized by APF & NHRC Participation

15.5 Smt. Sumeda Dwivedi, Sr. Superintendent of Police, Shri T. Raveendran, Section Officer and Smt. Monia Uppal, Inspector participated in the Asia Pacific Forum (APF) Sub-regional Workshop on Women and Girls Human Rights in Kathmandu, Nepal from 13 to 17 April 2015.

15.6 Shri Inder Pal Singh, Inspector attended the Asia Pacific Forum of NHRIs (APF) and the Association for the Prevention of Torture (APT) regional workshop on Investigating and Documenting Torture in Manila, Philippines from 20 to 24 April 2015.

15.7 Shri D. M. Tripathy, Under Secretary (GA) and Shri Mukesh Kumar, Assistant Registrar (Law) attended the Regional Workshop on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) being organized by Asia Pacific Forum of NHRIs (APF) in Dhaka, Bangladesh from 4 to 8 May 2015.

15.8 Dr. Ranjit Singh, Joint Secretary (P&A) attended the Asia Pacific Forum (APF) face-to-face training on Business and Human Rights, 2015 in Bangkok, Thailand from 5 to 7 May 2015.

B. Cooperation with Global Alliance of National Human Rights Institutions

15.9 The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), renamed as GANHRI is a representative body of National Human Rights Institutions established for the purpose of creating and strengthening National Human Rights Institutions which are 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 GANHRI will ensure gender equality. NHRC, India is a GANHRI member with 'A' status accreditation which was earlier accredited in 1999 and reaccredited in 2006 and 2011. Next re-accreditation of NHRC India with the Global Alliance of National Human Rights Institutions (GANHRI) scheduled in the Sub-Committee on Accreditation

(SCA) Session from 14 – 18 November 2016. The Commission participated in the following meetings of GANHRI during the year :

29th Annual Meeting in Geneva

15.10 NHRC India was a Member of the ICC Bureau in the year 2003 and from 2007 to 2011. The NHRC, India delegation led by Chairperson Justice Shri H. L. Dattu and consisting of Shri Satya N. Mohanty, Secretary General and Dr. Ranjit Singh, Joint Secretary attended the 29th Annual Conference of the ICC on Promotion and Protection of Human Rights in Geneva from 21 to 23 March 2016. The Conference commenced with ICC Bureau Meeting, chaired by Adv. Mabelde Lawrence Mushwana, Chairperson of ICC. On this occasion, the ICC officially adopted the new name Global Alliance of National Human Rights Institutions (GANHRI). The General Meeting elected India as a Bureau Member of GANHRI from Asia Pacific Region (APF). Thus, after a gap of four years, NHRC, India again became a member of the GANHRI Bureau with the selection of Justice Shri H. L. Dattu, the present Chairperson. In the opening plenary session, the Chairperson Justice Shri H.L. Dattu, read out a statement highlighting the role of NHRC, India.

15.11 Making a statement in the session on “The Merida Declaration” on the ‘Role of NHRIs in Implementing the 2030 Agenda for Sustainable Development’, Chairperson, Justice Shri H.L. Dattu said that NHRC, India in consonance with what the Merida Declaration promises, is actively engaged with the international mechanisms, such as the universal periodic review. And, it will put in all efforts within its jurisdiction to achieve the goals envisaged under the 2030 Agenda for Sustainable Development.

15.12 NHRC, India actively participated in the ‘Knowledge Fair’ organized by GANHRI on the last day of the three-day Conference. NHRC, India put up a stall in which information was displayed on trends of human rights cases from 1993 to 2015 as well as information about its publications and initiatives taken by

the Commission on various human rights issues. It also displayed posters of short film competition organized by the Commission in the year 2015.

C. Universal Periodic Review

15.13 As part of the second cycle of the universal periodic review (UPR) undertaken by the United Nations Human Rights Council in 2012, the NHRC, being an independent statutory body, took upon itself the task of monitoring all the 67 recommendations accepted by the Government of India and report its progress to the Council by submitting its own independent report. For this purpose, first and foremost, it devised a framework indicating action required on each of the 67 recommendations along with its monitorable outcomes as it felt this would not only provide information about the existing ground realities on a range of issues but also facilitate in providing a road map for improving the gaps therein. The 67 recommendations were grouped under 16 major heads. This exercise was initiated in October 2012 and continued in 2012 and 2013 with significant stakeholders who included among others national human rights institutions and civil society organizations. Simultaneously, the NHRC wrote to the respective Ministers of all the significant Ministries to inform the progress they had made towards implementation of UPR-1 and UPR-2 recommendations.

15.14 The framework was completed in February 2014 wherein it identified the specific Union Ministries, 16 in all, on whose part action was required. The NHRC further ensured that the completed framework developed by it was forwarded to all the 16 Ministries and other stakeholders besides posting it on its website (www.nhrc.nic.in) for wider dissemination. As response was received from only four Ministries (Minority Affairs, Food & Public Distribution, Justice and Rural Development), NHRC again addressed letters to the concerned Secretary of each of the 16 Ministries including NITI Aayog calling for a meeting in the Commission. The names of these Ministries are External Affairs, Home

Affairs, Law & Justice (Department of Justice), Health & Family Welfare, Women and Child Development, Minority Affairs, Human Resource Development, Rural Development, Social Justice and Empowerment, Finance, Consumer Affairs, Food & Public Distribution, Labour & Employment, Drinking Water & Sanitation, Housing & Urban Poverty Alleviation, Information & Broadcasting (Press Council of India) and Tribal Affairs. The Secretary General/Joint Secretary (Training & Research) of NHRC held these meetings with the Secretaries/Joint Secretaries/Directors of all the above Union Ministries during the first half of 2015. In these meetings a brief orientation was given about the UPR along with the framework evolved by NHRC. This was followed by a discussion on the action taken by their Ministry on the recommendation(s) related to their work. Despite these efforts and reminders, exact information did not come forth from most of the Ministries, a handful of them did not respond at all. In order to have complete information from all these Ministries, the NHRC then decided to have another round of meetings with each of the identified Ministries beginning 2016.

15.15 It also decided to organize five regional consultations and a national consultation with representatives of the government, human rights institutions including state human rights commissions (SHRCs), technical institutions, academics, experts, non-governmental and civil society organizations from the viewpoint of perceiving the actual ground situation across the country given the diversity of India. During the period under review, it held two regional consultations, one at Chandigarh (in collaboration with Panjab University) in October 2015 which covered the Northern States of the country. The second consultation covering the Eastern and Central States was held in Kolkata in February 2016 (in collaboration with the West Bengal National University of Juridical Sciences).

D. NHRC Participation in Other International Meetings

15.16 Shri A.K. Parashar, Joint Registrar (Law) and Dr. Savita Bhakhry, Joint Director (Research) participated in the Capacity Building Programme for

Commonwealth Forum of National Human Rights Institutions (CFNHRI) on Early and Forced Marriage and Sexual Violence in Conflict in Kigali, Rwanda from 4-7 May 2015.

15.17 Shri Jamini Kumar Srivastava, Information and Public Relations Officer and Shri Om Prakash, Librarian attended the Raoul Wallenberg Institute (RWI) Regional Conference on Human Rights Library Management at Bangkok, Thailand from 20 to 22 May 2015.

15.18 Justice Shri Cyriac Joseph, Acting Chairperson participated in the International Conference for National Human Rights Institutions (NHRIs) on Best Practices and Lessons Learned in Istanbul, Turkey from 12-13 June 2015. The programme was organized by the Human Rights Institution of Turkey.

15.19 Dr. Ranjit Singh, Joint Secretary (P&A) attended the Round Table Discussion Concerning the Shrinking Civic Space in Asia held in Dhaka, Bangladesh on 10 and 11 August 2015.

15.20 Justice Shri D. Murugesan, Member participated in the Consultation Meeting on the Strategic Plan (2016-2010) of NHRC held in Dhaka, Bangladesh on 16 August 2015.

15.21 A three-member delegation comprising Justice Shri Cyriac Joseph, Acting Chairperson; Shri S.C. Sinha, Member and Shri Satya N. Mohanty, Secretary General participated in the 20th Annual General Meeting and Biennial Conference of Asia Pacific Forum of NHRIs at Ulaanbaatar, Mongolia from 26 to 28 August 2015. Shri Mahabeer Singh, Principal Private Secretary to Acting Chairperson also accompanied the delegation.

15.22 Justice Shri Cyriac Joseph, Acting Chairperson and Shri S.C. Sinha, Member attended the 12th International Coordinating Committee Conference of National Human Rights Institutions including the ICC Bureau Meeting & Regional Asia Pacific Forum Meeting at Merida, Yucatan, Mexico from 6 to 10 October 2015.

15.23 Justice Shri Cyriac Joseph, Acting Chairperson and Shri J.S. Kochher, Joint Secretary (T&R) attended the NHRI Special Session on the Role of NHRIs in the Promotion and Protection of the Rights of Older Persons and ASEM Conference on Global Ageing and Human Rights of Older Persons, at Seoul, South Korea from 26 to 28 October 2015.

15.24 Justice Cyriac Joseph, Acting Chairperson and Dr. Savita Bhakhry, Joint Director (Research) participated in the CFNHRI Biennial Meeting at Malta from 23 to 25 November 2015.

15.25 Dr. Sanjay Dubey, Director (Administration) attended the Seminar on International, Regional and National Human Rights Mechanisms at Vientiane, Lao PDR on 7 and 8 December 2015.

15.26 Justice Shri H. L. Dattu, Chairperson along with Shri S.N. Mohanty, Secretary General, Dr. Ranjit Singh, Joint Secretary (P&A) attended the Asia Pacific Forum Regional Meeting, Commonwealth Forum of National Human Rights Institutes (CFNHRI) Annual Meeting and 29th Annual General Meeting of International Coordinating Committee on Promotion and Protection of Human Rights, at Geneva, Switzerland from 21 to 23 March 2016.

E. Interaction with Foreign Delegates in NHRC

15.27 Jenny Grant-Curnow, Political Counsellor, Australian High Commission visited the NHRC to discuss about various human rights issues with NHRC, India on 28 May 2015.

15.28 Mr. D. B. Seetul Singh, Chairman, NHRC Mauritius paid a courtesy call to Justice Shri Cyriac Joseph, Acting Chairperson, NHRC on 23 February 2016.



Chapter - 16





State Human Rights Commissions

16.1 The Protection of Human Rights Act, 1993 (PHRA) lays down that all State Governments should have their own State Human Rights Commission to exercise the powers conferred upon this institution and to perform the functions assigned to it. The State Commission shall consist of a Chairperson who is a former Chief Justice of a High Court. One of its Members must either be a former Judge of a High Court or a District Judge in the State with a minimum of seven years experience. The second Member is to be appointed from amongst persons having knowledge and practical experience of human rights. A Committee that includes the leaders of both the ruling and opposition parties in the State Legislature recommends their appointment to the Governor, who appoints them. The State Commission is facilitated in their day-to-day task by a Secretary who functions as the Chief Executive Officer. The Headquarters of the State Commission shall be at such a place as the State Government may, by notification, specify.

16.2 During the period under report, 26 States in the country had their own State Human Rights Commission. These States are - Andhra Pradesh and Telangana (Combined SHRC), Assam, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Karnataka, Kerala, Jammu & Kashmir, Jharkhand, Madhya Pradesh, Maharashtra, Manipur, Odisha, Punjab, Rajasthan, Sikkim, Tripura, Tamil Nadu, Uttar Pradesh, Uttarakhand, Haryana, Goa, West Bengal and Meghalaya.

16.3 The National Human Rights Commission, as and when it considers it necessary or expedient, it may transfer any complaint filed or pending before it to the Human Rights Commission of the State from which the complaint has arisen, for disposal in accordance with the PHRA. However, it shall not forward a complaint to a State Human Rights Commission that does not have the jurisdiction to entertain the same. The complaints transferred by the National Human Rights Commission are dealt with and disposed of by the State Human Rights Commission as if it were a complaint initially filed before it. For example, during 2015-2016 the NHRC had a total of 1,17,808 registered cases. Out of these, a total of 24,622 cases were transferred to different State Human Rights Commission for disposal in accordance with the provisions of the PHRA.

16.4 The National Human Rights Commission has been continuously pursuing with the Government of India for the setting up of the State Human Rights Commissions in every State so that human rights protection is easily accessible to every citizen in the country. It has also proposed to the Government of India for an amendment in the PHRA for constitution of Human Rights Commissions in the Union Territories.

16.5 Furthermore, it has taken up with the Ministry of Home Affairs, Government of India, issues of concern like having a basic structure, minimum manpower and financial requirement for smooth functioning of State Human Rights Commissions (SHRCs) including streamlining of complaint disposal. In response, the Government of India requested the NHRC to forward details of each SHRC with regard to complaints registered, disposed off, pending, division-wise manpower, financial allocation, kind of shortage being experienced and justification for enhancing the same. The factual information, as received from different SHRCs, by the NHRC was collated and forwarded to the Ministry on 23 March 2015 along with the request to take required action on the recommendations made by the NHRC constituted "Justice Shri G. P. Mathur Committee on SHRCs" in 2011. As there was no response, the Human Rights Division of the Ministry of Home Affairs, Government of India was reminded

to communicate the status of action in the matter. At the time of writing of this Annual Report, the Ministry was reminded again. The NHRC is optimistic that the Ministry of Home Affairs will give due weightage to the functioning of the SHRCs so that the rationale of PHRA for better protection of human rights and for matters connected therewith or incidental thereto is fulfilled.

16.6 During the reporting period, the NHRC also organized a day-long National Conference of NHRC and SHRCs in New Delhi on 18 September 2015. The NHRC and SHRCs being autonomous and independent institutions, the aim of the Conference was to discuss the ways and means by which these could be made stronger and effective for the protection and promotion of human rights; explore the areas of cooperation and coordination between the NHRC and the SHRCs; and further assess the support provided by the State Governments towards the overall functioning of the SHRCs. The Conference was attended by Chairpersons/Acting Chairpersons, Members, Secretaries, Registrars and Inspectors General of the States, besides the Acting Chairperson, Members, Secretary General and senior officers of the NHRC.

16.7 Inaugurating the Conference, the Union Home Minister, Shri Rajnath Singh conveyed that maintaining the autonomy of the NHRC and the SHRCs will be in the interest of the country and assured all possible cooperation from the Centre to make these institutions more strong and effective. Reflecting on the issue, he stated that India has a long tradition of respecting the human rights of people and that he was in agreement with the suggestion that in order to make the SHRCs effective, it is necessary to provide them with basic infrastructure, financial and human resources and would look into the recommendations of Justice Shri G. P. Mathur Committee along with the suggestions emanating from today's meeting.

16.8 The Home Minister articulated that there should be no problem in moving the recommendation before the Parliament for an amendment in the Protection of Human Rights Act, 1993 for constitution of Human Rights Commissions in Union Territories also.

16.9 Speaking on the occasion, Justice Shri Cyriac Joseph, the then Acting Chairperson, NHRC, said that it is the constitutional obligation of the State to protect human rights. The NHRC and the SHRCs are recommendatory bodies but it is for the Government to ensure that these do not remain toothless tiger. It may review the PHR Act, 1993 in the light of the experience gathered during the last 22 years of its existence. The effective functioning of the NHRC, according to him, will definitely enhance the overall image of India as a nation governed by the rule of law.

16.10 Justice Shri Cyriac Joseph mentioned that the NHRC and the SHRCs are not envisaged to be a substitute for the judicial system but definitely complementary to the courts. The emphasis in a court of law is on penalizing the offender, whereas the emphasis in the Human Rights Commissions is towards rehabilitation and monetary relief to the victims or their dependents, without any prejudice to the criminal proceedings against the offenders. The court conducts trial after the offence is committed; the role of the Commissions is to create awareness with the aim of preventing violation of human rights.

16.11 He opined that the Government will consider expediting the Commission's recommendations seeking amendments in Section 30 and 31 of the PHR Act, 1993 vis-à-vis the establishment and jurisdiction of the Human Rights Courts and the procedure to be followed. According to him, the criticism against the NHRC in respect of procedure to be followed towards armed forces, that is, Section 19 of the PHRA, deserves serious consideration of the Government of India and the Parliament. The State Governments too should look into the grievances of the State Human Rights Commissions about the lack of infrastructure and filling of vacancies for their effective functioning.

16.12 Several important suggestions and recommendations that emerged during the day-long deliberations, focusing on making the NHRC and the SHRCs more strong and effective, were later forwarded to the Central and State Governments.



Administration and Logistic Support

A. Staff

17.1 As on 31 March 2016, 291 employees were in position in the National Human Rights Commission against the total sanctioned strength of 331 consisting of various ranks. Ever since NHRC came into existence, it has taken recourse to various methods for selection of personnel in developing and building a cadre of its own. These methods include direct recruitment, deputation, re-employment and contractual appointments.

B. Promotion of Official Language

17.2 In its efforts to promote official language in the NHRC, an Official Language Section has been set up within the Commission. Its prime role is that of translation, including translation of monthly Newsletter of the NHRC, Annual Report, Budget Report and important publications of the Commission. In addition, the Official Language Section of the Commission undertakes several other activities like raising awareness on human rights issues by organizing seminars and workshops in Hindi.

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 compiled by the Media and Communication Unit are 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 the 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 27,727 books and back volumes of journals. It has also a collection of 495 CD/DVD/Cassettes. It subscribes to 66 journals (Indian and Foreign), 112 Serial Publications, 28 magazines and 26 national and seven 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 1950-2015; AIR High Court's 1950-2015, Criminal Law Journal 1950-2015 and Software Package (E-Granthalaya) developed by National Informatics Centre (NIC), New Delhi.

17.10 An online Open Public Access Cataloguing (OPAC) 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 for the year 2014-2015, had mentioned in detail the institutional mechanism evolved by it for replying to the 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 1st April 2015 to 31st March 2016 are indicated below:

Sl. No.	Details	Online record
1.	No. of applications received	542
2.	No. of applications disposed off within 30 days	369
3.	No. of applications pending but disposed off beyond one month	--
4.	No. of applications transferred to Ministries/Departments/Organizations	178

Details of 1 st Appeals		
1.	No. of appeals received by the Appellate Authorities	42
2.	No. of such appeals disposed off within one month	42

Details of 2 nd Appeals with C.I.C.		
1.	No. of notices received from C.I.C.	--
2.	No. of hearings attended by C.P.I.O./Appellate Authority	--
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 The NHRC in exercise of its powers u/s 18(a)(i)(ii) makes recommendations for payment of compensation or damages to the complainant or the victim of the Members of the family and/or to initiate proceedings for prosecution and such other suitable action as the Commission may deem fit against the concerned public servant. The compliance reports in respect of Commission's recommendations for grant of monetary relief/disciplinary action against the errant public servant are awaited in 437 cases. Out of these, 299 cases were pertaining to the year 2015-2016, 66 cases were pertaining to the year 2014-2015 and 72 cases were pertaining to the years 2008-2009 to 2013-2014. Details may be seen at **Annexure-5** to **Annexure-7** respectively).

18.2 The recommendations of the Commission are usually being accepted by the authorities concerned. Rarely, the recommendations face resistance from the State Governments public authorities in so far as their compliance is concerned. There are delays in complying with the recommendations in certain cases on account of lack of co-ordination between the different wings of States. However, the Commission monitors such cases strenuously till the same reach their logical conclusion.

18.3 The Commission's recommendations dated 16 May 2015 to the Railway Board for grant of Rs. 5,00,000/- (Rupees Five Lakhs only) to Ms. Sangeeta Devi,

wife of the deceased victim Shri Sanjay Kumar Aggarwal, has been challenged by the Union of India, through Assistant Security Commissioner, (Prosecution) East Central Railway, by filing a Writ Petition (C) No. 5974 of 2015 before the High Court at Ranchi. Further in two cases, the State governments of Madhya Pradesh and Maharashtra respectively conveyed their reluctance to comply with the recommendations made by the Commission during the year 2015-2016 (details of these cases are mentioned at Sl. No. 94, 105 and 115 of **Annexure-5**, respectively).

18.4 The Commission's recommendations dated 19 August 2009 and 23 November 2009 to the State of Jammu & Kashmir for grant of monetary relief to the victim/next-of-kin of the deceased victim, in 2 cases, have been challenged by the State of Jammu & Kashmir by filing writ Petitions in the High Court of Jammu & Kashmir. The State Government of Kerala also challenged the Commission's recommendations dated 12 September 2008 for grant of monetary relief to the next-of-kin of the deceased victim by filing a Writ Petition in the High Court of Kerala. Further, the Commission's recommendations dated 31 July 2000 to the Government of Odisha for disciplinary action against the errant public servant have also been challenged by the Government of Odisha by filing a Writ Petition in the High Court of Odisha (details of these cases are mentioned at Sl. No. 59, 60, 62 and 65 of **Annexure-7**, respectively).

18.5 In another case pertaining to torture and false implication of one Smt. Nisha Singh, Counselor of Gurugram, Haryana, the Commission's recommendations dated 8 October 2015, in Case No.5888/7/5/2015, for disciplinary action against the erring police personnel was challenged in Civil Writ Petition No. 24079/2016 by Rani Devi, wife of the erring police officer, before the High Court of Punjab and Haryana.

18.6 All of the aforesaid petitions are pending consideration before the High Court as on the date of compilation of this report.



Problems Faced by NHRC in its Effective Functioning

19.1 NHRC, India was established in 1993, in consonance with the Paris Principles for National Human Rights Institutions (NHRIs). The Principles, drafted at an International Workshop in Paris in 1991 and adopted by the United Nations General Assembly Resolution 48/134 in 1993, are a set of international standards to guide the work of NHRIs.

19.2 The Principles envisage a National Institution with a broad and wide ranging mandate with the competence to protect and promote human rights, including the mandate to examine legislation and administrative provisions and recommend adoption of new legislation as well as amendment of legislation in existence. The Principles also require that an NHRI appoints its members in a manner that guarantees the pluralist representation of various sections of society. Most importantly, an NHRI must have infrastructure, particularly adequate funding, which can enable it to fulfil its mandate and conduct its activities without hindrance. The purpose of this funding should be to enable the NHRI to have its own staff and premises, be independent of the Government and not be subject to financial control which might affect its independence.

19.3 The problems faced by NHRC in its effective functioning may be seen from the above background and international requirements for National Human Rights Institution.

19.4 The scope of activities being undertaken by the Commission is expanding every year. This is applicable not only to its quasi-judicial function, where the number of complaints being handled is increasing, but also to the large number of issues falling under the category of civil and political as well as economic, social and cultural rights, which are being addressed by the Commission.

19.5 In this background, the effective functioning of the Commission is faced with constraints which are legal, administrative as well as financial in nature. These constraints severely handicap the Commission in dealing with human rights violations which are, at times, demanding more powers in the hands of the Commission to deal with the situation. This includes powers which are necessary to obtain better compliance from the State Governments and authorities.

Legal Constraints

19.6 As per the Section 18 of the Protection of Human Rights Act, 1993, the Commission may only recommend to the concerned Government or authority the steps listed in the said Section and not give any directions, 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.

19.7 Though Commission is of a firm view that the recommendations are binding on the Government, until same remain unchallenged, but there is a contrary view expressed by certain quarters that the recommendation of the Commission have no binding force. The stand of the Commission about the binding nature of its recommendations has been affirmed by the Allahabad High Court in Writ (C) No. 15570 of 2016 in which the Government of Uttar Pradesh instead of making the payment of monetary compensation of Rs. 2,00,000/- to the next-of-kin of deceased, who had died in custody due to lack of proper and

timely medical care, challenged the Commission's recommendations, in Case No. 16187/24/57/2012-JCD for the said payment of monetary compensation. The High Court dismissed the Writ Petition and observed that "the State Government is at liberty to challenge the order of the Commission on merits since no appeal is provided by the Act. But it cannot in the absence of the order being set aside, modified or reviewed, disregard the order at its own discretion. While a challenge to the order of the Commission is available in exercise of the power of judicial review, the State Government subject to this right is duty bound to comply with the order. Otherwise, the purpose of the enacting the legislation would be defeated."

19.8 Given the legal position referred to above, it is necessary to make suitable amendment in the PHRA, 1993 for incorporation of an express provision regarding binding nature of the recommendations made by the Commission.

19.9 The Section 19 of the Protection of Human Rights Act, 1993 lays down a separate procedure with respect to Armed Forces. This Section provides that while dealing with complaints of violation of human rights by members of the Armed Forces, the Commission may either on its own motion or on a receipt of petition seek a report from the Central Government. After receipt of the report, the Commission may either not proceed with the complaint or as the case may be, make its recommendations to that Government.

19.10 The National Human Rights Commission has been seeking complete documents along with the Report submitted by the Central Government under Section 19 of the Act. However, Government of India has been denying these documents. Since inception of the Act, the Ministry of Home Affairs invariably takes the stand that Section 19 of the Act imposes a restriction on the inquiry procedure when it comes to an inquiry involving armed force personnel and therefore what the Commission can ask for is a report from the Central Government and after receiving the report it may either may not proceed

with the complaint or may make appropriate recommendation to the Central Government. The Ministry of Home Affairs, Government of India, also relied upon a clarification to this effect issued by the Ministry of Law and Justice, Department of Legal Affairs dated 12.07.2013 to support their stand.

19.11 As a matter of record, the interpretation of Section 19 of the Act by the Ministry of Home Affairs is troubling the Commission since its inception. The Commission had earlier filed Writ Petition No. 335/1999 before this Hon'ble Court putting up broad interpretation of Section 19. This petition later on was permitted to be withdrawn vide order dated 22.09.2000 (2002(10) SCC 476) as the Commission had submitted a proposal to the Central Government for amendment of Section 19 of the Act. Unfortunately, the proposal for amendment of Section 19 of the Act was not incorporated by the Government.

19.12 The Commission, with its past experience in relation to the complaints against the armed forces, is of the clear opinion that there is no justification in giving immunity to the armed forces personnel from an independent inquiry by the Commission. There is no justification in carving out an exception in relation to the armed forces as no distinction can be carved out between an extra judicial killing by police personnel or armed force personnel. Section 19 is therefore required to be read down or to be liberally read/construed so to include an independent inquiry by the Commission, if the case so require.

19.13 The lack of clarity regarding the jurisdiction of the Human Rights Courts to be set up under Section 30 of the PHR Act, 1993 also contributes to the lack of implementation of this provision in the Act. Very few Human Rights Courts have been set up in the States and those which have been set up suffer from lack of clarity regarding their jurisdiction affecting the overall functioning of this arm of the human rights legal infrastructure. As a result, there is more burden of cases shared by the National Human Rights Commission.

19.14 Public officials/authorities quite often than not deliberately fail to submit/send a public record/report/order required by the Commission in an inquiry or send it late probably for the reason that the orders/recommendations of the Commission do not have a binding force. This adversely affects the efficiency of the working of the Commission as far as inquiry into cases is concerned or at least delays the action on the part of the Commission.

19.15 Powers are therefore required by the Commission to issue bailable warrants and to impose costs/penalties in case of non-submission of reports/non-appearance by authorities (on the lines of similar powers possessed by the Central Information Commission). These powers would be helpful towards increasing the efficiency of the Commission. Currently, it is limited to issuing summons under Section 13 of the PHR Act. The Government of India may, therefore, consider suitable amendment in the PHRA, 1993 to confer these powers to the NHRC to enable it to achieve the objective for which it has been established.

Manpower Constraints

19.16 Since the creation of the National Human Rights Commission in 1993-1994, the number of cases of human rights violations registered have increased manifold over the years. Additionally, there has been also a tremendous expansion in the activities of the Commission pertaining to areas other than its quasi-judicial mandate. The Commission is not only taking up matters of human rights violations by police/prison authorities and bonded labour but also intervening in a large number of economic, social and cultural rights.

19.17 Presently, the Commission has sanctioned the strength of 331 officers and staff, out of which, the present strength is 288. In spite of several attempts by publishing various posts in leading English Newspapers, Employment News, in the Website of NHRC and wide circulation of the posts to various Ministries,

the Commission has not been able to get suitable officers and staff for several posts. Since its inception, the Commission has never had the full sanctioned strength as compared to the available strength. As a result, it is compelled to engage retired Government officers and officers as Consultants on contract on short term basis. Shortage of experienced investigating officers required to be provided by the Government as per Section 11 (1) (b) of the Protection of Human Rights Act, 1993 is another area needing addressal. Early finalization of draft Recruitment Rules sent to Government of India would be helpful in this area. The Commission also requires creation of various posts for effectively and efficiently discharging its mandate.

19.18 Many of the vacant posts, especially at the senior level of Member, Director General (Investigations) remained to be filled by the Government, which placed undue burden on the in-position Members and officers of the Commission. The efficiency of the Commission could be enhanced with early filling up of the vacant positions.

Financial Constraints

19.19 As per Section 32(2) of the PHR Act, 1993, the Commission may spend such sums as it thinks fit for performing the functions under this Act and such sums shall be treated as expenditure payable out of the grants to be paid to the Commission under Section 32(1). While financial independence has been granted through these provisions, the Commission has been placed under limitations with regard to (i) foreign travel; (ii) purchase of vehicles; and (iii) creation of posts through an executive order dated 10 January 1995. There is need to re-look at the contents of this order as restrictions on foreign travel sometimes, severely affect NHRC's participation in international events having human rights significance.



Summary of Principal Recommendations and Observations

20.1 During 2015-2016, the Commission focussed its attention on a wide range of activities in accord with the various functions prescribed under Section 12 of the PHRA. It took *suo motu* cognizance of media reports as well as on the basis of complaints about occurrences hinting towards use of excessive force by police personnel in different parts of the country resulting in loss of many lives; rape and death in police and judicial custody; violation of human rights of prisoners in jails; illegal detention and torture; deaths in encounter; deaths due to electrocution; delay in payment of pension to retired employees; lack of educational facilities and basic amenities like drinking water, toilet, safe building and infrastructure in schools; children falling ill after consuming mid-day meals in schools; dubious functioning of IVF clinics; sexual assault, rape and trafficking of children and women; killing of persons on allegations of practicing witchcraft; suicide by farmers; enticing children for begging; stray dog menace; pesticides in vegetables and fruits; botched up cataract surgery; separate anganwadis for children of dalits; poor facilities in Primary Health Centres resulting in death of new born babies; increasing incidents of missing children; and atrocities against vulnerable sections like the Scheduled Castes, Scheduled Tribes, Minorities, Other Backward Classes, children, women, disabled and the elderly. In all these, apart from making important interventions

by way of issuing directives to the concerned State Governments and sending its own team from the Investigation Division for conducting spot inquiries, the Commission also recommended payment of monetary relief to the victims whose rights were violated or their next-of-kin along with furnishing of proof of payments it recommended **(para 1.6)**.

20.2 It held Camp Sitzings and Open Hearings in the States of Andhra Pradesh, Telangana and Puducherry; explored areas of cooperation and coordination between NHRC and State Human Rights Commissions for protecting and promoting human rights; dealt with the issue of leprosy; rescue, release and rehabilitation of bonded and child labourers; right to health care including mental health care; right to food; right to education; sexual and reproductive health and well being; and concentrated on issues forming part of the second cycle of the universal periodic review of India undertaken in 2012 by the United Nations Human Rights Council which had the concurrence of the Government of India. All this, the NHRC felt would facilitate in preparing its independent report for the third cycle of the periodic review that is to take place in 2017. In addition, the NHRC continued to spread human rights literacy among various sections of society including key stakeholders like the judicial officers, police personnel, government officials, media persons, representatives of non-governmental and civil society organizations, and university and college students through its training and internship programmes, publications, seminars, workshops, consultations and other available means **(para 1.7)**.

Number and Nature of Complaints

20.3 The Commission continued to receive complaints in large numbers from different parts of the country on a wide range of issues where rights of the people were allegedly violated or negligence shown by the public servants in the prevention of such violations. These complaints by and large 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 like the Scheduled Castes, the Scheduled Tribes and the Minorities, communal violence, bonded and child labour, non-payment of retiral benefits, negligence by public authorities, etc. The Commission further 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 the print and electronic media was taken including those cases which came to the notice of the Chairperson, Members, Special Rapporteurs and senior officers of the Commission during their visits to different parts of the country **(para 2.21)**.

Human Rights Violation Cases

20.4 A total of 1,17,808 cases were registered in the Commission (Annexure-1) during 2015-2016. It disposed of 1,18,254 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, 65,220 were dismissed 'in limine' while 15,975 were disposed of with directions to the appropriate authorities for remedial measures. In all, 24,622 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 2015-2016, see Annexure-2. At the end of the reporting period, that is, on 31 March 2016, the total number of cases pending with the Commission was 40,766. These covered 2,001 cases awaiting preliminary consideration and 38,765 cases pending either for want of reports from the authorities concerned or the reports received being pending for consideration by the Commission (Annexure-3) **(para 2.22)**.

Preventing Custodial Violence

20.5 The NHRC received 1,670 intimations concerning death in judicial custody, and 152 intimations of death in police custody during the year 2015-2016. No deaths in para-military / defence forces custody was reported during the review period. It disposed of 1,193 cases of custodial death – 1,064 cases of death in judicial custody, 129 cases of death in police custody and one case of death in the custody of para-military forces. These figures contain cases of previous years as well **(para 2.24)**.

NHRC Recommendations for Monetary Relief and its Compliance

20.6 During the period, the Commission recommended Rs. 6,05,60,000 as payment of monetary relief/ compensation to the victims/next of kin of the deceased in 332 cases. Out of the 332 cases in which monetary relief was recommended, compliance reports were received only in 33 cases, wherein a total amount of Rs. 50,55,000 was paid to the victims/next of kin of the deceased. The State and Union Territory-wise details of these cases are at Annexure-4 **(para 2.25)**.

20.7 As on 31 March 2016, compliance reports were awaited in 299 cases wherein monetary relief amounting to Rs. 5,55,05,000/- was recommended during the year. Out of these cases, the Commission's recommendations to the Railway Board in Case No. 984/34/15/08-09 (mentioned at Sl. No. 94 of Annexure-5), for payment of Rs. 5,00,000/- (Rupees Five Lakhs only) to Ms. Sangeeta Devi, widow of the deceased Shri Sanjay Kumar Aggarwal, has been challenged by the Union of India through Assistant Security Commissioner Prosecution, East Central Railway by filing of a Writ Petition (Civil) No. 5974/2015, in the High Court of Ranchi. The matter is pending in the High Court. Further, the Government of Madhya Pradesh and the Government of Maharashtra have conveyed their reluctance for compliance of the Commission's

recommendations for payment of monetary relief to the victims or next-of-kin of the deceased victim, in Case Nos. 2214/12/28/2013 and 2838/13/28/2012 respectively (see Sl. Nos. 105 and 115 of Annexure-5). In response, the Commission has observed that it is now for the aggrieved persons to resort to legal action for compliance of these recommendations and have closed the cases **(para 2.26)**.

20.8 Apart from the recommendations for monetary relief, the Commission also recommended disciplinary/ departmental action against the errant public servants in 30 cases. The Commission's recommendations for disciplinary action against the errant police officials, in Case No.5888/7/5/2015, regarding custodial torture and false implication of Smt. Nisha Singh, Councilor, Ward30, Gurgaon, Haryana, has been challenged by Rani Devi, the wife of the police official by filing Civil Writ Petition No.24079/2016 before the Punjab & Haryana High Court, Chandigarh. The remaining 29 cases have been closed by the Commission, on receipt of compliance reports. The Commission, once again, recommends to all those States/Union Territories, in particular the Government of 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. As is evident from the given Annexure, during 2015-2016, a total of 94 cases were found to be pending with the Government of Uttar Pradesh, 19 with the Government of Odisha and 17 cases each with the Delhi and Jharkhand for compliance in which an amount of Rs. 1,31,45,000, 30,60,000, 22,30,000 and 60,30,000 respectively was recommended by the Commission as monetary relief. Bihar (16 / 23,45,000), Madhya Pradesh (14 / 22,70,000), Haryana (13 / 29,25,000), Chhatisgarh (12 / 18,60,000), Rajasthan (12 / 14,45,000), Maharashtra (10/35,00,000) Manipur (10/ 61.00.000), West Bengal (9 / 18,75,000) and Telengana (8/ 16,00,000), Andhra Pradesh (7/8,30,000), Tamilnadu (6/9,25,000), Gujarat (5/11,25,000), Punjab (5/7,25,000), Uttarakhand (5/4,35,000), Tripura (4/1,30,000), Assam (3/4,50,000) Karnataka (3/2,50,000), Pondacherry (3/8,00,000), Himachal Pradesh (2/2,00,000), Kerala (2/1,50,000), Arunachal Pradesh (1/1,00,000),

Jammu & Kashmir (1/5,00,000), Meghalya (1/5,00,000) were the other States in descending order where the compliance is pending (**para 2.27**).

20.9 With regard to compliance reports relating to cases pertaining to previous years, compliance was awaited in 138 (66+72) cases, for details see **Annexures - 6 & 7 (para 2.28)**.

20.10 Annexure-6 gives details of cases pending compliance for the year 2014-2015 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 24 cases, most of which relate to civil and political rights. Other States, which had yet to forward their compliance reports in this respect were – Bihar (6), Rajasthan (6), NCT of Delhi (5), Odisha (5), Kerala (3), West Bengal (3), Chhatisgarh (2), Gujarat (2), Jharkhand (2), Madhya Pradesh (2), Maharashtra (2), Andhra Pradesh (1), Assam (1), Tamil Nadu (1), Telangna (1). All the cases pertaining to these States primarily relate to civil and political rights except for a few that address concerns of sexual harassment of women including by army/paramilitary personnel, indignity to women, irregularities/malfunctioning in primary health centres and government hospitals, abduction/rape including of a scheduled caste/scheduled tribe/other backward class woman, and non-payment of pension. 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 cultural 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 2.29**).

20.11 Annexure-7 gives details of cases pending compliance on the recommendations made by the Commission for the period 1998-1999 to 2013-2014 for payment of monetary relief, disciplinary action and prosecution. It would be seen that out of the 72 cases cited in the specified Annexure, in four

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 Jammu and Kashmir (2), Odisha (1) and Kerala (1). The Commission makes an ardent appeal to these Governments to expedite the cases pending in their respective High Courts. It believes that the Governments of other States listed in Annexure-7 will adhere to the recommendations made by the Commission and provide immediate respite to the victims/next of their kin at the earliest **(para 2.30)**.

Analysis of Prison Population

20.12 The Commission has been deeply concerned about the pitiable condition of prisons and other detention facilities which are plagued with problems like severe overcrowding **(para 4.134)**.

20.13 On analyzing the National Crime Records Bureau (NCRB) data for the year 2015, the problem of overcrowding was observed in large number of States. The highest number of 88,747 inmates (85,214 males and 3,533 females) were reported from the State of Uttar Pradesh followed by the States of Madhya Pradesh 38,458 (37,136 males and 1,322 females), Maharashtra 29,657 (28,321 males and 1,336 females), Bihar 28,418 (27,527 males and 891 females) and Punjab 23,645 (22,510 males and 1,135 females) at the end of the year **(para 4.135)**.

20.14 It was observed that the main reason for overcrowding is the increasing number of undertrial prisoners day-by-day and the period for which they languish in jails is also a very long one. In few cases, it was found that the undertrials were in judicial custody for years, which is far beyond the punishment prescribed for any offence under the penal law. The data collected further shows that States like Uttar Pradesh (62,669) followed by Bihar (23,424), Maharashtra (21,667), Madhya Pradesh (21,300), West Bengal

(15,342), Rajasthan (14,225), Jharkhand (13,588), Punjab (13,046), Odisha (12,584), Delhi (10,879) and Haryana (10,489) have the highest percentage of undertrials **(para 4.136)**.

20.15 Comparative analysis of the prison statistics data indicates the continuing need for all the States to take serious steps to control overcrowding. To reduce overcrowding, provisions stated 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 Committees may also be constituted, having representatives from the inmates, to assist the jail authorities in the completion of such processes **(para 4.137)**.

Silicosis

20.16 The NHRC had organized a one-day National Conference on Silicosis in New Delhi on 25 July 2014. Based on the deliberations held in the three plenary sessions, 20 recommendations emanated from the National Conference. These recommendations were reported in the NHRC Annual Report 2014-2015 under Chapter 6 “Right to Health”. These recommendations were forwarded to the Chief Ministers of all the States and Union Territories in October 2014 by the then Chairperson of the Commission with the request that these be taken up on priority by the respective Governments for implementation and the Commission be informed of the action taken. They were followed by a reminder to the Chief Secretary of all the States and Union Territories who had not sent their action taken report in the matter. The States and Union Territories who had forwarded their action taken reports to the Commission are Assam, Chhattisgarh, Daman & Diu, Gujarat, Goa, Himachal Pradesh, Haryana, Jharkhand, Maharashtra, Madhya Pradesh, Manipur, Nagaland, Puducherry, Tripura and West Bengal. The Chief Secretaries of the remaining States and Union Territories were again reminded on 24 February 2016 to send their action taken reports to the Commission at

the earliest so that medical facilities and rehabilitation services are provided to the afflicted workers and their families **(paras 6.4 & 6.5)** .

NHRC Western Region Public Hearing on Right to Health Care

20.17 A two-day Western Region Public Hearing on Right to Health Care was organized by the NHRC in collaboration with the Union Ministry of Health and Family Welfare, Government of India; Public Health Resource Society, New Delhi and Jan Swasthya Abhiyan, a civil society network in Mumbai on 6 and 7 January 2016. The Regional Hearing covered the States of Gujarat, Maharashtra and Rajasthan. The main objective of the Western Region Public Hearing was to make an assessment of human rights violations in public health care services and draw the attention towards key systemic and policy issues, and in the process come up with requisite recommendations ensuring protection of health rights of the people. **(paras 6.9 & 6.10)**

20.18 On the first day of the Regional Public Hearing, out of 106 cases, the Commission took up 88 cases (Maharashtra – 38, Gujarat – 30 and Rajasthan – 20) in three separate Benches. Eighteen cases from the State of Maharashtra could not be taken up due to paucity of time. The Commission recommended compensation to the tune of Rs. 4,25,000/- (Rupees Four Lakhs and Twenty-five Thousand only) in five cases. These included cases of amputation of limb because of medical negligence and delay in treatment; mental agony and trauma faced by a woman and child because of wrong HIV report; and taking of a patient to a private hospital by an Ambulance Doctor without consent on account of absence of PHC Doctor. Show cause notices were issued in three cases to the Government of Rajasthan as to why compensation should not be recommended to be paid to the victim or their next-of-kin. The Commission further directed the State Governments to conduct detailed enquiries in a number of cases **(paras 6.12 & 6.13)**.

20.19 On the second day, case studies and presentations on a range of systemic issues were made by the representatives of non-governmental and civil society organizations before the Commission and the State officials. The recommendations emanating out of the deliberations that took place on the second day of the Hearing were later finalized by the Commission with the direction that these be collated State-wise and forwarded to the concerned State Government for necessary action at their end. These recommendations are at Annexures 8, 9, and 10. So far there has been no response from the concerned State Governments. The Commission once again requests to the State Governments of Gujarat, Maharashtra and Rajasthan to comply with its recommendations so that the health rights of people are taken care of (**para 6.14**).

Right to Education

20.20 Six years on from its entry into force, there is still significant debate about the parameters through which that promise is supposed to be realized. Despite significant gains in increasing access to schooling, there are still major glitches in the implementation of the RTE by States especially with regard to basic infrastructure requirements like proper classrooms, toilets and boundary walls for schools; availability of drinking water; having trained teachers in place; filling up of vacant posts of teachers; and pupil-teacher ratio (**para 8.1**).

20.21 There are still habitations that do not have a school within three kilometers including slums. RTE is illusory for many children from tribal and minority communities and in conflict zones. Furthermore, all States do not have the Commissions for Protection of Child Rights needed to monitor the implementation of the RTE. Much of the narrative around the RTE continues to focus on the 25% reservation of seats for children from disadvantaged background in private schools. It is important to recognize that as a large

majority of students in India study in Government schools or Government aided schools, it is fundamental to improve the implementation of the RTE in terms of infrastructure, teacher quality and targeted learning for children from disadvantaged groups so as to build up a more equitable system. Even now, a significant number of children drop out before completing five years of primary school and a large percentage before finishing upper primary school. These drop-out trends raise troubling questions about equity for there is a huge difference between urban and rural education and the education received by the rich and the poor **(para 8.2)**.

Rights of Women and Children

20.22 Equitable, continuous and broad based investment in women and children can level the playing field by providing every woman and child with the same opportunities for survival, development, protection, participation and empowerment. Inadequate investment, especially in the most vulnerable and marginalized, can perpetuate the inter-generational transmission of poverty and inequality, leading to irreversible negative impact on their all-round development. In fact, responsive budgeting will ensure that human rights principles and standards of universality, indivisibility, accountability, transparency and the rule of law of women and children are upheld **(para 10.2)**.

Rights of Elderly

20.23 Compared to other developing countries, India is considered to be a young nation. However, a countervailing force may offset some of the gains from having a relatively young population, and that is the rapid ageing at the top end of the scale. This is a cause of deep concern as India already has the world's second largest population of the elderly, defined as those above 60 years of age.

With changing socio-economic scenario coupled with the emerging trend of nuclear families, the lives of the elderly is further changing and they are likely to become more vulnerable in years to come. The challenge is to ensure that they are able to lead secure, healthy and comfortable lives **(para 11.4)**.

20.24 With the steady increase in number of the elderly, the rate of human rights violations especially crimes against them are also increasing. Moreover, a vast majority of elderly persons, being illiterate are ignorant of their human rights due to which they face serious discrimination. All this has definitely affected their way of life and sense of well-being **(para 11.5)**.

Directions Given by Supreme Court on NHRC Petition to Improve Functioning of Mental Health Care Institutions

20.25 The Commission on 27 February 2013 once again sought the intervention of the Supreme Court (vide Petition No. CRLMP.NO.8032/2013 in W.P. (Crl.) No. 1900 of 1981, Dr. Upendra Baxi vs. State of U.P. & Ors. and National Human Rights Commission) on 13 imperative issues with the objective of seeking suitable directions for the Central and State Governments so that remedial action is taken to improve the existing situation of mental health care institutions in the country **(para 12.7)**.

20.26 Pursuant to the petition filed by the NHRC, the Supreme Court directed the Union Ministry of Health and all the State Governments to file their status report through the Health Secretary, including the extent of implementation of National and District Mental Health Programme, funds received and utilized on these programmes. The Union Ministry submitted detailed information on all the 13 issues along with the schemes being implemented in the area of mental health care, that is, the District Mental Health Care Programme (DMHP) and the manpower development components under the National Mental Health Programme (NMHP) consisting of establishment of centres of excellence,

and setting up/strengthening of post-graduate training departments of mental health specialties. It also furnished information concerning the funds disbursed to the States and the amount spent by them in this regard. The Union Government disclosed that the States did not spend all the disbursed funds nor were they submitting utilization certificates of the funds used by them or the progress reports to the Centre at regular intervals. The Union Ministry prayed that suitable directions be given to the States and Union Territories to file their status report on the concerns highlighted by NHRC as well as the extent of implementation of National and District Mental Health Programmes (**para 12.8**).

20.27 In response to this, the Supreme Court directed the States to file a counter-affidavit giving full details of the funds earmarked to them, amount utilized and the reason(s) for non-utilization or partial utilization of the released funds. The Supreme Court moreover directed the States to enumerate the present living condition of mentally ill persons in mental health care hospitals and the steps taken to improve their living conditions along with the status of implementation of the DMHP. Accordingly, responses were received from the State Governments and the information shared was brought to the notice of the Supreme Court (**para 12.9**).

20.28 In order to verify the facts submitted by the State Governments in their respective affidavits to the Supreme Court, the Commission requested its Special Rapporteurs to visit Government run mental health care institutions in the States being monitored by them including their respective Departments followed by a detailed report. This step, the Commission felt, would facilitate in seeking proper directions from the Supreme Court. The Commission thus evolved a set of detailed questionnaire and placed the same before the Supreme Court through its Counsel. The said questionnaire was further vetted and sent to all the concerned authorities in the respective States and Union Territories

for purposes of obtaining information. The Supreme Court directed the States to file the responses to these questionnaires in the form of an affidavit and the State Counsels were asked to facilitate this process. The same set of questionnaire was used by the Special Rapporteurs **(para 12.10)**.

20.29 In March 2015, the Commission constituted a four Member Technical Committee on Mental Health 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 main objective of constituting this Technical Committee was to know the existing state of mental health care infrastructure in the country on the basis of information provided by the Union and State Governments, especially in response to the NHRC questionnaires and facilitate the Supreme Court in giving directions for addressing the inherent gaps and inadequacies **(para 12.11)**.

20.30 On 9 April 2015, the Supreme Court too directed that the Technical Committee constituted by the NHRC shall verify all the data given by the States and Union Territories and forward the report to it. Furthermore, the Ministry of Health in the Government of India shall constitute a Committee headed by the Joint Secretary, who in turn, shall in association with the Health Secretaries of the respective State/Director Health Services of the Union Territories along with the Member Secretary of State Human Rights Commission and State Legal Services Authority, including two eminent Doctors of each State/Union Territory, shall make physical verification of the actual state of affairs existing in different institutions situated in the respective States/Union Territories. The said Committee shall finally prepare an exhaustive report and submit it to the Apex Court within three months. And, that this order be communicated to all concerned who would be part of the Committee, the Supreme Court reiterated. In addition, the Court directed that States/Union Territories, who had not filed

their respective affidavits, should submit the same within four weeks, failing which the Chief Secretary/Administrator of that State/Union Territory will have to appear in person and explain the reasons for non-filing of the affidavit **(para 12.12).**

20.31 The four-Member Technical Committee of the Commission submitted its Final Report on Mental Health in two volumes in February 2016. The said Technical Committee Report was also placed before the Supreme Court. The Court appreciated the work of the Technical Committee and stated that it had gone through the suggestions/recommendations made by it and directed the Central Government to respond to the same within six weeks and the State Governments were also directed to give their response/inputs on the Report so that the work of the Committee is not wasted **(para 12.13).**

20.32 Prior to submission of the Final Report by the NHRC Technical Committee, the Inspection Committee constituted by the Government of India on the directions given by the Supreme Court, submitted its Final Report to the Court in September 2015. Pending directions of the Supreme Court, it would be best for the NHRC and the Ministry of Health, Government of India to join hands and chalk out the future course of action along with the State Governments to improve the overall functioning of mental health institutions in the country **(paras 12.14 & 12.17).**

National Conference on Leprosy

20.33 The NHRC organized a National Conference on Leprosy in New Delhi on 17 April 2015. The main objectives of the Conference were to: (i) follow up of the suggestions/recommendations of National Conference on Leprosy organized by National Human Rights Commission on 18 September 2012; and (ii) address issues of concerns related to Leprosy and suggest appropriate strategies to deal with them. Based on the deliberations held in the Conference, a number of

constructive recommendations were made which were forwarded to the Chief Secretaries of all the States and Union Territories for implementation and action taken report. The Commission has received action taken report from States and Union Territories of Andaman & Nicobar, Assam, Dadra & Nagar Haveli, Delhi, Goa, Gujarat, Haryana, Karnataka, Madhya Pradesh, Nagaland, Odisha, Sikkim, Telangana, Tripura and West Bengal. The Commission requests all those who have not forwarded their action taken reports to expedite sending the same **(paras 12.18 & 12.22)**.

Meeting of State Health Secretaries on Mental Health Care

20.34 A one-day Meeting of the State Health Secretaries was organized by the NHRC in New Delhi on 4 September 2015. The main objectives of the meeting were to (i) discuss ways for better implementation of the National Mental Health Programme (NMHP), especially the District Mental Health Programme (DMHP), infrastructure and manpower development in the States/Union Territories; (ii) discuss ways for better utilization of funds allocated by Government of India for various components of NMHP; (iii) sharing of good practices on mental health care including rehabilitation in States/Union Territories; and (iv) discuss ways for proper rehabilitation of cured patients in the community **(para 12.23)**.

20.35 The recommendations which emanated out of this meeting were forwarded to all the Health Secretaries for compliance. The Commission urges all the State Governments and Union Territory Administrations to forward their action taken reports at the earliest **(para 12.26)**.

State Human Rights Commissions

20.36 The National Human Rights Commission has been continuously pursuing with the Government of India for the setting up of the State Human Rights Commissions in every State so that human rights protection is easily accessible

to every citizen in the country. It has also proposed to the Government of India for an amendment in the PHRA for constitution of Human Rights Commissions in the Union Territories (**para 16.4**).

20.37 The Commission has taken up with the Ministry of Home Affairs, Government of India, issues of concern like having a basic structure, minimum manpower and financial requirement for smooth functioning of State Human Rights Commissions (SHRCs) including streamlining of complaint disposal. In response, the Government of India requested the NHRC to forward details of each SHRC with regard to complaints registered, disposed off, pending, division-wise manpower, financial allocation, kind of shortage being experienced and justification for enhancing the same. The factual information, as received from different SHRCs, by the NHRC was collated and forwarded to the Ministry on 23 March 2015 along with the request to take required action on the recommendations made by the NHRC constituted “Justice Shri G. P. Mathur Committee on SHRCs” in 2011. As there was no response, the Human Rights Division of the Ministry of Home Affairs, Government of India was reminded to communicate the status of action in the matter. At the time of writing of this Annual Report, the Ministry was reminded again. The NHRC is optimistic that the Ministry of Home Affairs will give due weightage to the functioning of the SHRCs so that the rationale of PHRA for better protection of human rights and for matters connected therewith or incidental thereto is fulfilled (**para 16.5**).





ANNEXURES

Annexure – 1

Para 2.22

**STATEMENT SHOWING NUMBER OF CASES REGISTERED FROM
01/04/2015 TO 31/03/2016**

Name of the State/ Union Territory	Com- plaints	Suo- Motu Cogni- zance	Intimations Received about Custodial Deaths/Rapes			Intima- tions Received about En- counter Deaths	Grand Total
			Police Custodial Deaths/ Rapes	Judicial Custodial Deaths/ Rapes	Defence/ Para- Military Custodial Deaths/ Rapes		
All India	416	0	0	0	0	0	416
Andhra Pradesh	1280	3	6	41	0	5	1335
Arunachal Pradesh	29	0	3	3	0	3	38
Assam	284	1	9	22	1	49	366
Bihar	4019	5	8	106	0	3	4141
Goa	66	0	1	2	0	0	69
Gujarat	1393	3	10	39	0	0	1445
Haryana	11518	8	6	65	0	9	11606
Himachal Pradesh	216	0	0	7	0	0	223
Jammu & Kashmir	209	0	0	2	0	2	213
Karnataka	958	5	4	11	0	1	979
Kerala	942	2	5	49	0	0	998
Madhya Pradesh	2808	16	7	135	0	3	2969
Maharashtra	2867	6	24	115	0	3	3015
Manipur	66	0	0	1	0	9	76
Meghalaya	29	0	4	4	0	16	53
Mizoram	13	1	2	4	0	0	20
Nagaland	8	0	0	0	0	0	8

Name of the State/ Union Territory	Com- plaints	Suo- Motu Cogni- zance	Intimations Received about Custodial Deaths/Rapes			Intima- tions Received about En- counter Deaths	Grand Total
			Police Custodial Deaths/ Rapes	Judicial Custodial Deaths/ Rapes	Defence/ Para- Military Custodial Deaths/ Rapes		
Orissa	16215	4	6	45	0	8	16278
Punjab	1249	1	3	180	0	2	1435
Rajasthan	3169	7	5	82	0	0	3263
Sikkim	10	0	0	1	0	0	11
Tamil Nadu	3054	15	4	64	0	1	3138
Tripura	49	0	2	3	0	0	54
Uttar Pradesh	49323	28	15	350	0	5	49721
West bengal	1995	2	10	105	0	15	2127
Andaman & Nicobar	30	0	1	1	0	0	32
Chandigarh	200	0	0	6	0	0	206
Dadra & Nagar Haveli	8	0	0	0	0	0	8
Daman & Diu	22	0	0	0	0	0	22
Delhi	7533	37	3	51	0	2	7626
Lakshadweep	9	0	0	0	0	0	9
Puducherry	122	0	1	0	0	0	123
Chhattisgarh	704	4	3	61	0	50	822
Jharkhand	1573	11	5	64	0	17	1670
Uttarakhand	1799	2	1	19	0	0	1821
Telangana	1052	1	4	32	0	3	1092
Foreign Countries	379	1	0	0	0	0	380
Grand total	115616	163	152	1670	1	206	117808

Annexure – 2

Para 2.22

STATEMENT SHOWING DISPOSAL OF CASES DURING 2015-2016

Name of the State/ Union Territory	Dis-missed in Limini	Dis-posed with Direc-tions	Trans-ferred to SHRC's	Concluded after Receipts of Reports			Grand Total
				Com-plaints/ Suo-Motu Cases	Cus-todial Deaths/ Rapes	Intimation Received about Encounter Deaths	
All India	386	18	0	0	0	0	404
Andhra Pradesh	785	116	209	147	48	1	1306
Arunachal Pradesh	12	6	1	71	0	0	90
Assam	187	26	35	141	13	31	433
Bihar	2486	394	709	474	35	2	4100
Goa	44	11	4	7	1	0	67
Gujarat	875	87	286	222	39	1	1510
Haryana	9627	841	764	587	26	3	11848
Himachal Pradesh	155	26	9	51	4	0	245
Jammu & Kashmir	143	16	64	64	3	0	290
Karnataka	674	74	161	186	18	1	1114
Kerala	487	72	61	656	24	0	1300
Madhya Pradesh	1875	236	469	420	145	6	3151
Maharashtra	1880	218	447	312	183	2	3042
Manipur	31	8	3	28	1	2	73
Meghalaya	18	3	0	7	1	5	34
Mizoram	6	3	0	4	1	0	14
Nagaland	1	3	0	3	1	0	8

Name of the State/ Union Territory	Dis- missed in Limini	Dis- posed with Direc- tions	Trans- ferred to SHRC's	Concluded after Receipts of Reports			Grand Total
				Com- plaints/ Suo- Motu Cases	Cus- todial Deaths/ Rapes	Intimation Received about Encounter Deaths	
Orissa	3326	3822	9100	555	46	3	16852
Punjab	727	113	198	182	180	2	1402
Rajasthan	1967	274	374	475	31	4	3125
Sikkim	6	3	0	2	1	0	12
Tamil Nadu	2258	165	424	181	75	2	3105
Tripura	27	9	0	8	2	0	46
Uttar Pradesh	26453	7126	10601	4702	173	16	49071
West Bengal	1388	155	279	225	50	5	2102
Andaman & Nicobar	21	3	0	1	1	0	26
Chandigarh	152	22	2	24	2	0	202
Dadra & Nagar Haveli	6	3	0	1	0	0	10
Daman & Diu	16	3	0	2	0	0	21
Delhi	5536	1203	0	739	13	0	7491
Lakshadweep	6	0	0	6	0	0	12
Puducherry	80	22	0	29	1	0	132
Chhattisgarh	416	85	103	132	23	5	764
Jharkhand	937	193	231	230	16	5	1612
Uttarakhand	1214	411	77	163	9	2	1876
Telangana	695	147	11	89	27	6	975
Foreign Countries	317	58	0	14	0	0	389
Grand Total	65220	15975	24622	11140	1193	104	118254

Annexure – 3

Para 2.22

STATEMENT SHOWING NUMBER OF CASES PENDING AS ON 31/03/2016

Name of the State/ Union Territory	Cases Awaiting Preliminary Consideration				Pendency of Cases where Reports have either been Received or Awaited from the Authorities				Grand Total
	Com-plaints/ Suo-Motu Cases	Custo-dial Deaths/ Rapes	En-counter Deaths	Total	Com-plaints/ Suo-Motu Cases	Custo-dial Deaths/ Rapes	En-counter Deaths	Total	
All India	16	0	0	16	10	0	0	10	26
Andhra Pradesh	52	0	0	52	539	167	15	721	773
Arunachal Pradesh	2	0	0	2	34	22	16	72	74
Assam	7	0	0	7	258	75	284	617	624
Bihar	99	1	0	100	1518	365	12	1895	1995
Goa	2	0	0	2	20	5	0	25	27
Gujarat	64	0	0	64	509	152	2	663	727
Haryana	101	3	0	104	1556	162	16	1734	1838
Himachal Pradesh	7	0	0	7	126	14	0	140	147
Jammu & Kashmir	15	1	0	16	248	3	1	252	268
Karnataka	30	1	0	31	321	13	7	341	372
Kerala	21	2	0	23	518	109	0	627	650
Madhya Pradesh	54	2	0	56	977	182	19	1178	1234
Maharashtra	134	4	0	138	781	303	34	1118	1256
Manipur	1	0	0	1	187	6	48	241	242
Meghalaya	0	0	0	0	74	18	54	146	146
Mizoram	0	0	0	0	16	11	0	27	27
Nagaland	0	0	0	0	27	12	0	39	39
Odisha	118	1	0	119	3102	107	23	3232	3351

Name of the State/ Union Territory	Cases Awaiting Preliminary Consideration				Pendency of Cases where Reports have either been Received or Awaited from the Authorities				Grand Total
	Com-plaints/ Suo-Motu Cases	Custo-dial Deaths/ Rapes	En-counter Deaths	Total	Com-plaints/ Suo-Motu Cases	Custo-dial Deaths/ Rapes	En-counter Deaths	Total	
Punjab	40	2	0	42	636	195	4	835	877
Rajasthan	81	3	0	84	1474	213	3	1690	1774
Sikkim	1	0	0	1	5	2	0	7	8
Tamil Nadu	127	0	0	127	661	97	6	764	891
Tripura	4	0	0	4	49	15	2	66	70
Uttar Pradesh	598	14	0	612	14390	1046	96	15532	16144
West Bengal	58	4	0	62	718	266	31	1015	1077
Andaman & Nicobar	1	0	0	1	16	6	0	22	23
Chandigarh	6	0	0	6	83	11	0	94	100
Dadra & Nagar Haveli	0	0	0	0	4	1	0	5	5
Daman & Diu	0	0	0	0	5	0	0	5	5
Delhi	148	2	0	150	2664	135	21	2820	2970
Lakshadweep	1	0	0	1	5	0	0	5	6
Puducherry	5	0	0	5	44	4	0	48	53
Chhattisgarh	15	2	2	19	501	179	104	784	803
Jharkhand	56	4	0	60	747	178	53	978	1038
Uttarakhand	32	0	0	32	390	56	2	448	480
Telangana	45	0	0	45	372	147	9	528	573
Foreign Countries	12	0	0	12	41	0	0	41	53
Grand Total	1953	46	2	2001	33626	4277	862	38765	40766

Annexure – 4

Para 2.25

TOTAL NUMBER OF CASES WHERE NHRC RECOMMENDED MONETARY RELIEF DURING 2015-2016 (Data as per CMS as on 14/03/2017)

Name of State/ UT	No. of Cases Where Monetary Relief Recommended	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 Cases Pending for Compliance
All India	0	0	0	0	0	0
Andhra Pradesh	7	830000	0	0	7	830000
Arunachal Pradesh	1	100000	0	0	1	100000
Assam	4	750000	1	300000	3	450000
Bihar	19	2845000	3	500000	16	2345000
Goa	0	0	0	0	0	0
Gujarat	6	1225000	1	100000	5	1125000
Haryana	16	3350000	3	425000	13	2925000
Himachal Pradesh	2	200000	0	0	2	200000
Jammu & Kashmir	2	900000	1	400000	1	500000
Karnataka	5	530000	2	280000	3	250000
Kerala	2	150000	0	0	2	150000
Madhya Pradesh	15	3170000	1	900000	14	2270000
Maharashtra	13	3800000	3	300000	10	3500000
Manipur	10	6100000	0	0	10	6100000
Meghalaya	1	500000	0	0	1	500000
Mizoram	0	0	0	0	0	0
Nagaland	0	0	0	0	0	0

Name of State/ UT	No. of Cases Where Monetary Relief Rec- ommended	Amount Recom- mended For Vic- tims/ Next of Kins	No. of Cases in Which Recom- mendations Have Been Complied With	Amount Paid	No. of Cases Pending For Com- pliance	Amount Recom- mended in Cases Pending for Compli- ance
Orissa	20	3160000	1	100000	19	3060000
Punjab	5	725000	0	0	5	725000
Rajasthan	12	1445000	0	0	12	1445000
Sikkim	0	0	0	0	0	0
Tamil Nadu	8	1025000	2	100000	6	925000
Tripura	4	130000	0	0	4	130000
Uttar Pradesh	103	13945000	9	800000	94	13145000
West Bengal	9	1875000	0	0	9	1875000
Andaman & Nicobar	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	0
Dadra & Nagar Haveli	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0
Delhi	17	2230000	0	0	17	2230000
Lakshadweep	0	0	0	0	0	0
Puducherry	6	1150000	3	350000	3	800000
Chhattisgarh	14	2260000	2	400000	12	1860000
Jharkhand	18	6130000	1	100000	17	6030000
Uttarakhand	5	435000	0	0	5	435000
Telangana	8	1600000	0	0	8	1600000
Foreign Countries	0	0	0	0	0	0
Grand total	332	60560000	33	5055000	299	55505000

Annexure – 5

Para 2.26

DETAILS OF CASES WHERE NHRC RECOMMENDATIONS FOR MONETARY RELIEF MADE DURING 2015-2016 ARE PENDING FOR COMPLIANCE
(DATA AS PER CMS AS ON 14/03/2017)

Sl. 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	1061/1/15/2013-JCD	301	Custodial Death (Judicial)	1,00,000	18/08/2015
2	Andhra Pradesh	1065/1/19/2013-JCD	301	Custodial Death (Judicial)	3,00,000	10/12/2015
3	Andhra Pradesh	1239/1/3/2012-PCD	807	Custodial Death (Police)	1,00,000	10/12/2015
4	Andhra Pradesh	165/1/20/2013-JCD	301	Custodial Death (Judicial)	1,00,000	15/10/2015
5	Andhra Pradesh	251/1/10/2012-JCD	301	Custodial Death (Judicial)	50,000	26/02/2016
6	Andhra Pradesh	414/1/11/2010-AD	822	Alleged Custodial Deaths in Police Custody	80,000	23/04/2015
7	Andhra Pradesh	818/1/20/2012-JCD	301	Custodial Death (Judicial)	1,00,000	19/01/2016
8	Arunachal Pradesh	2/2/1/2013-PCD	807	Custodial Death (Police)	1,00,000	17/03/2016
9	Assam	141/3/17/2013-ED	812	Death In Police Encounter	3,00,000	10/08/2015
10	Assam	282/3/9/2013-WC	1309	Indignity of Women	50,000	29/03/2016

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
11	Assam	354/3/9/2013	1505	Inaction by the State / Central Government Officials	1,00,000	29/10/2015
12	Bihar	1266/4/32/2013-JCD	301	Custodial Death (Judicial)	1,00,000	10/12/2015
13	Bihar	1453/4/23/2013-JCD	301	Custodial Death (Judicial)	3,00,000	02/06/2015
14	Bihar	1556/4/11/2013	815	False Implications	1,00,000	04/04/2015
15	Bihar	1679/4/37/2012-JCD	301	Custodial Death (Judicial)	1,00,000	01/04/2015
16	Bihar	180/4/26/2013	204	Irregularities in Govt. Hospitals/ Primary Health Centres	3,00,000	01/03/2016
17	Bihar	183/4/30/2013-WC	1301	Abduction, Rape and Murder	1,00,000	26/11/2015
18	Bihar	1862/4/23/2013	814	Failure in Taking Lawful Action	25,000	06/07/2015
19	Bihar	1951/4/7/2012-JCD	301	Custodial Death (Judicial)	1,00,000	30/10/2015
20	Bihar	2129/4/26/08-09-JCD	301	Custodial Death (Judicial)	5,00,000	14/05/2015
21	Bihar	2542/4/25/2010-PCD	807	Custodial Death (Police)	50,000	12/11/2015
22	Bihar	275/4/5/2013-JCD	301	Custodial Death (Judicial)	1,00,000	08/07/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
23	Bihar	2766/4/1/2012-JCD	301	Custodial Death (Judicial)	1,00,000	15/10/2015
24	Bihar	2801/4/21/2012-JCD	301	Custodial Death (Judicial)	3,00,000	09/07/2015
25	Bihar	3433/4/26/2014	815	False Implications	10,000	25/05/2015
26	Bihar	3555/4/19/2012	804	Abuse of Power	60,000	18/01/2016
27	Bihar	4513/4/5/2012-JCD	301	Custodial Death (Judicial)	1,00,000	31/03/2016
28	Chhattisgarh	226/33/14/09-10-JCD	301	Custodial Death (Judicial)	1,00,000	12/11/2015
29	Chhattisgarh	271/33/5/2013-JCD	301	Custodial Death (Judicial)	3,00,000	08/05/2015
30	Chhattisgarh	298/33/16/2011-AFE	813	Alleged Fake Encounters	5,00,000	08/02/2016
31	Chhattisgarh	590/33/5/2013-WC	1300	Women	1,00,000	14/03/2016
32	Chhattisgarh	673/33/2/2014-JCD	301	Custodial Death (Judicial)	1,00,000	08/03/2016
33	Chhattisgarh	719/33/5/2014	816	Illegal Arrest	10,000	26/02/2016
34	Chhattisgarh	766/33/1/2013-PF	1702	Abduction/ Kidnapping	50,000	26/11/2015
35	Chhattisgarh	771/33/1/2013-WC	1311	Rape	1,00,000	24/02/2016
36	Chhattisgarh	835/33/14/2013-JCD	301	Custodial Death (Judicial)	1,00,000	09/12/2015
37	Chhattisgarh	836/33/15/2013-JCD	301	Custodial Death (Judicial)	1,00,000	24/09/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
38	Chhattisgarh	860/33/14/2013-JCD	301	Custodial Death (Judicial)	3,00,000	27/07/2015
39	Chhattisgarh	869/33/14/2014-JCD	301	Custodial Death (Judicial)	1,00,000	02/07/2015
40	Delhi	1458/30/5/2014-WC	1311	Rape	25,000	27/07/2015
41	Delhi	178/30/2/2013	804	Abuse of Power	50,000	31/03/2016
42	Delhi	1907/30/0/2011	1505	Inaction by the State / Central Government Officials	6,00,000	05/05/2015
43	Delhi	2315/30/10/2013	814	Failure in Taking Lawful Action	75,000	04/11/2015
44	Delhi	2597/30/0/2012-DH	111	Death in Home	1,00,000	17/04/2015
45	Delhi	2624/30/0/2013	804	Abuse of Power	50,000	22/06/2015
46	Delhi	3502/30/0/2014	804	Abuse of Power	25,000	14/03/2016
47	Delhi	3540/30/8/2014	104	Exploitation of Children	1,00,000	02/09/2015
48	Delhi	3925/30/7/2013-AD	822	Alleged Custodial Deaths in Police Custody	5,00,000	31/03/2016
49	Delhi	5467/30/9/2010-JCD	301	Custodial Death (Judicial)	1,00,000	26/11/2015
50	Delhi	5701/30/4/2014	100	Children	10,000	12/08/2015
51	Delhi	5755/30/6/2013	814	Failure in Taking Lawful Action	1,00,000	24/02/2016
52	Delhi	6565/30/8/2013	821	Victimization	2,50,000	27/11/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
53	Delhi	7146/30/0/2012	814	Failure in Taking Lawful Action	25,000	10/12/2015
54	Delhi	764/30/9/2012-JCD	301	Custodial Death (Judicial)	1,00,000	21/04/2015
55	Delhi	7931/30/6/2012	704	Victimization	20,000	21/05/2015
56	Delhi	969/30/1/2014-WC	1311	Rape	1,00,000	05/05/2015
57	Gujarat	1070/6/6/2014-PCD	807	Custodial Death (Police)	1,00,000	25/06/2015
58	Gujarat	1512/6/23/2013-JCD	301	Custodial Death (Judicial)	1,00,000	16/11/2015
59	Gujarat	358/6/4/2013-PCD	807	Custodial Death (Police)	1,00,000	06/07/2015
60	Gujarat	582/6/1/2013	1505	Inaction by the State / Central Government officials	7,25,000	19/08/2015
61	Gujarat	767/6/2/2012-PCD	807	Custodial Death (Police)	1,00,000	31/03/2016
62	Haryana	11927/7/15/2014	1901	Atrocities on SC/ST/ OBC	2,00,000	29/02/2016
63	Haryana	1195/7/3/2014	815	False Implications	1,00,000	24/06/2015
64	Haryana	1572/7/19/2014	503	Trouble by Anti-Social Elements	9,00,000	07/11/2015
65	Haryana	2942/7/14/2011	1505	Inaction by the State / Central Government Officials	50,000	27/05/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
66	Haryana	299/7/3/08-09	816	Illegal Arrest	50,000	07/05/2015
67	Haryana	3267/7/0/2011-BL	601	Bonded Labour	4,00,000	14/05/2015
68	Haryana	4689/7/10/2013	814	Failure in Taking Lawful Action	6,00,000	21/05/2015
69	Haryana	5390/7/1/2012-JCD	301	Custodial Death (Judicial)	1,00,000	07/07/2015
70	Haryana	6029/7/1/2012	804	Abuse of Power	1,00,000	22/01/2016
71	Haryana	612/7/19/2010	102	Child Marriage	25,000	06/05/2015
72	Haryana	6143/7/18/2012-JCD	301	custodial DEATH (Judicial)	1,00,000	29/10/2015
73	Haryana	6426/7/6/2015-JCD	301	Custodial Death (Judicial)	1,00,000	21/01/2016
74	Haryana	9267/7/17/2014	1505	Inaction by the State / Central Government Officials	2,00,000	15/09/2015
75	Himachal Pradesh	1/8/2/2010-PCD	807	Custodial Death (Police)	1,00,000	17/09/2015
76	Himachal Pradesh	246/8/11/2014-PCD	807	custodial death (Police)	1,00,000	07/09/2015
77	Jammu & Kashmir	35/9/13/2010-PF	1711	Alleged Fake Encounter(P-M FORCES)	5,00,000	01/04/2015
78	Jharkhand	1011/34/4/2012	804	Abuse of Power	50,000	09/07/2015
79	Jharkhand	1155/34/11/2013	804	Abuse of Power	50,000	11/06/2015
80	Jharkhand	1243/34/6/2013-PCD	807	Custodial Death (Police)	1,00,000	10/12/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
81	Jharkhand	1276/34/7/2012-JCD	301	Custodial Death (Judicial)	3,00,000	11/06/2015
82	Jharkhand	130/34/6/2014	203	Malfunctioning of Medical Professionals	4,00,000	10/12/2015
83	Jharkhand	1383/34/5/2012-JCD	301	Custodial Death (Judicial)	3,00,000	02/12/2015
84	Jharkhand	1393/34/10/2014-WC	803	Abduction/Rape	1,00,000	09/07/2015
85	Jharkhand	1459/34/3/2012-PCD	807	Custodial Death (Police)	1,00,000	23/06/2015
86	Jharkhand	164/34/5/2013	305	Harassment of Prisoners	1,00,000	18/11/2015
87	Jharkhand	165/34/14/2014	804	Abuse of Power	9,00,000	02/07/2015
88	Jharkhand	192/34/16/2013	821	Victimization	50,000	16/12/2015
89	Jharkhand	287/34/6/2013	809	Custodial Torture	50,000	11/06/2015
90	Jharkhand	345/34/9/2013	1505	Inaction by the State / Central Government Officials	24,00,000	11/06/2015
91	Jharkhand	550/34/20/2012	814	Failure in Taking Lawful Action	80,000	08/03/2016
92	Jharkhand	564/34/3/2013-WC	1307	Gang Rape	50,000	21/04/2015
93	Jharkhand	690/34/13/2012-PCD	807	Custodial Death (Police)	5,00,000	14/10/2015
*94	Jharkhand	984/34/15/08-09	804	Abuse of Power	5,00,000	06/05/2015
95	Karnataka	1022/10/33/2014	804	Abuse of Power	50,000	09/03/2016

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
96	Karnataka	509/10/2/2013	1505	Inaction by the State / Central Government Officials	0	28/07/2015
97	Karnataka	7/10/13/2011-AD	822	Alleged Custodial Deaths in Police Custody	2,00,000	24/02/2016
98	Kerala	15/11/6/2013-PCD	807	Custodial Death (Police)	1,00,000	09/04/2015
99	Kerala	432/11/13/2013-PCD	807	Custodial Death (Police)	50,000	09/04/2015
100	Madhya Pradesh	1210/12/30/2014	804	Abuse of Power	20,000	23/02/2016
101	Madhya Pradesh	1298/12/7/2014	1904	Victimization	1,00,000	26/02/2016
102	Madhya Pradesh	1351/12/11/09-10-JCD	301	Custodial Death (Judicial)	2,00,000	22/07/2015
103	Madhya Pradesh	1598/12/2002-2003	1500	Miscellaneous	3,00,000	02/07/2015
104	Madhya Pradesh	2032/12/7/2013-WC	803	Abduction/Rape	1,00,000	03/07/2015
**105	Madhya Pradesh	2214/12/28/2013	811	Death in Police Firing	2,00,000	12/06/2015
106	Madhya Pradesh	259/12/18/2012-PCD	807	Custodial Death (Police)	1,00,000	27/04/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
107	Madhya Pradesh	3446/12/8/2014	203	Malfunctioning of Medical Professionals	1,00,000	19/10/2015
108	Madhya Pradesh	405/12/10/2014	811	Death in Police Firing	3,00,000	14/07/2015
109	Madhya Pradesh	545/12/41/2014-WC	1301	Abduction, Rape and Murder	25,000	24/06/2015
110	Madhya Pradesh	554/12/15/2015	1505	Inaction by the State / Central Government Officials	25,000	24/02/2016
111	Madhya Pradesh	629/12/8/2014	106	Sexual Harassment	2,00,000	22/01/2016
112	Madhya Pradesh	704/12/13/2013-PCD	807	Custodial Death (Police)	5,00,000	02/09/2015
113	Madhya Pradesh	902/12/20/2013-PCD	807	Custodial Death (Police)	1,00,000	28/10/2015
114	Maharashtra	2500/13/21/2013	1202	Non-payment of Pension/Compensation	25,000	30/12/2015
**115	Maharashtra	2838/13/28/2012	1901	Atrocities on SC/ST/OBC	20,00,000	06/11/2015
116	Maharashtra	2839/13/23/2015	204	Irregularities in Government Hospitals/Primary Health Centres	1,00,000	06/01/2016

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
117	Maharashtra	2851/13/36/2015	204	Irregularities in Government Hospitals/Primary Health Centres	2,00,000	06/01/2016
118	Maharashtra	2852/13/3/2015	204	Irregularities in Government Hospitals/Primary Health Centres	25,000	21/01/2016
119	Maharashtra	2855/13/36/2015	204	Irregularities in Government Hospitals/Primary Health Centres	50,000	06/01/2016
120	Maharashtra	2857/13/2/2015	203	Malfunctioning of Medical Professionals	50,000	06/01/2016
121	Maharashtra	415/13/24/2010-PCD	807	Custodial Death (Police)	5,00,000	14/10/2015
122	Maharashtra	420/13/30/07-08-PCD	807	Custodial Death (Police)	5,00,000	17/09/2015
123	Maharashtra	778/13/23/2010-AF	1603	Abduction/Rape	50,000	05/06/2015
124	Manipur	16/14/6/2014-AD	822	Alleged Custodial Deaths in Police Custody	1,00,000	22/09/2015
125	Manipur	17/14/4/09-10-AFE	813	Alleged Fake Encounters	5,00,000	02/12/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
126	Manipur	21/14/12/08-09-AFE	813	Alleged Fake Encounters	5,00,000	02/09/2015
127	Manipur	22/14/4/09-10-AFE	813	Alleged Fake Encounters	20,00,000	13/04/2015
128	Manipur	3/14/15/2012-ED	812	Death in Police Encounter	5,00,000	28/05/2015
129	Manipur	38/14/4/08-09-FE	813	Alleged Fake Encounters	5,00,000	28/05/2015
130	Manipur	39/14/4/2011-AD	822	Alleged Custodial Deaths in Police Custody	5,00,000	10/03/2016
131	Manipur	48/14/0/08-09-FE	813	Alleged Fake Encounters	5,00,000	13/05/2015
132	Manipur	5/14/12/2010-AFE	813	Alleged Fake Encounters	5,00,000	02/09/2015
133	Manipur	9/14/4/2010-AFE	813	Alleged Fake Encounters	5,00,000	06/05/2015
134	Meghalaya	40/15/1/2014-AD	822	Alleged Custodial Deaths In Police Custody	5,00,000	22/07/2015
135	Odisha	1179/18/18/2014	1505	Inaction by the State / Central Government Officials	1,00,000	10/02/2016

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
136	Odisha	1237/18/4/2014	814	Failure in Taking Lawful Action	1,00,000	22/07/2015
137	Odisha	1492/18/3/2012-JCD	301	Custodial Death (Judicial)	1,00,000	08/12/2015
138	Odisha	1760/18/24/2014	204	Irregularities in Government Hospitals/Primary Health Centres	1,00,000	17/02/2016
139	Odisha	1847/18/5/2014	814	Failure in Taking Lawful Action	1,00,000	04/03/2016
140	Odisha	188/18/29/2014	1505	Inaction by the State / Central Government Officials	3,00,000	08/03/2016
141	Odisha	2106/18/14/2013-WC	1903	Rape of SC/ST/OBC	1,00,000	31/08/2015
142	Odisha	228/18/12/07-08	1904	Victimization	6,00,000	13/07/2015
143	Odisha	2296/18/28/2013-WC	1311	Rape	1,00,000	19/08/2015
144	Odisha	2372/18/16/2013	1505	Inaction by the State / Central Government Officials	60,000	25/12/2015
145	Odisha	2462/18/3/2012	816	Illegal Arrest	50,000	28/09/2015
146	Odisha	2522/18/5/2013	1505	Inaction by the State / Central Government Officials	2,00,000	15/02/2016

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
147	Odisha	2679/18/2/2014	809	Custodial Torture	5,00,000	17/02/2016
148	Odisha	3016/18/3/2014-WC	1311	Rape	50,000	27/07/2015
149	Odisha	3048/18/12/2013	1505	Inaction by the State / Central Government Officials	3,00,000	27/04/2015
150	Odisha	395/18/28/2013	1505	Inaction by the State / Central Government Officials	1,00,000	18/11/2015
151	Odisha	4369/18/3/2013	1505	Inaction by the State / Central Government Officials	50,000	10/12/2015
152	Odisha	4703/18/18/2013	1505	Inaction by the State / Central Government Officials	1,00,000	07/03/2016
153	Odisha	744/18/11/2011	1505	Inaction by the State / Central Government Officials	50,000	26/02/2016
154	Puducherry	2/32/0/2015-JCD	301	Custodial Death (Judicial)	1,00,000	15/09/2015
155	Puducherry	56/32/4/2011-PCD	807	Custodial Death (Police)	3,00,000	28/04/2015
156	Puducherry	67/32/0/2014-WC	1310	Immoral Trafficking on Women	4,00,000	28/04/2015
157	Punjab	100/19/10/2011-JCD	301	Custodial Death (Judicial)	50,000	28/07/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
158	Punjab	1410/19/1/2013-JCD	301	Custodial Death (Judicial)	1,00,000	03/11/2015
159	Punjab	250/19/0/2014	814	Failure in Taking Lawful Action	25,000	20/01/2016
160	Punjab	277/19/18/2013	106	SEXUAL HARASSMENT	2,50,000	06/05/2015
161	Punjab	541/19/10/2012-JCD	301	Custodial Death (Judicial)	3,00,000	09/06/2015
162	Rajasthan	1383/20/19/2012-JCD	301	Custodial Death (Judicial)	1,00,000	04/01/2016
163	Rajasthan	1617/20/26/2013-JCD	301	Custodial Death (Judicial)	1,00,000	28/10/2015
164	Rajasthan	1651/20/2/2012	814	Failure in Taking Lawful Action	1,50,000	22/07/2015
165	Rajasthan	1766/20/2/2013	804	Abuse of Power	3,00,000	16/07/2015
166	Rajasthan	1904/20/14/2011-JCD	301	Custodial Death (Judicial)	50,000	13/01/2016
167	Rajasthan	286/20/22/2011-PCD	807	Custodial Death (Police)	3,00,000	02/07/2015
168	Rajasthan	2908/20/25/2012	1203	Other Service Disputes	5,000	16/02/2016
169	Rajasthan	464/20/9/2014-JCD	301	Custodial Death (Judicial)	1,00,000	21/09/2015
170	Rajasthan	475/20/18/2014-WC	1311	Rape	1,00,000	25/06/2015
171	Rajasthan	57/20/17/2013-JCD	301	Custodial Death (Judicial)	1,00,000	03/09/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
172	Rajasthan	791/20/4/2013	204	Irregularities in Government Hospitals/Primary Health Centres	40,000	28/03/2016
173	Rajasthan	907/20/21/2013-JCD	301	Custodial Death (Judicial)	1,00,000	07/10/2015
174	Tamil Nadu	134/22/13/2015	106	Sexual Harassment	1,00,000	13/11/2015
175	Tamil Nadu	1389/22/46/2011-JCD	301	Custodial Death (Judicial)	1,00,000	23/07/2015
176	Tamil Nadu	3175/22/13/2012	1505	Inaction by the State / Central Government Officials	1,00,000	21/03/2016
177	Tamil Nadu	326/22/36/2013-JCD	301	Custodial Death (Judicial)	1,00,000	17/11/2015
178	Tamil Nadu	41/22/15/2012-JCD	301	Custodial Death (Judicial)	5,00,000	19/11/2015
179	Tamil Nadu	603/22/37/2013	1904	Victimization	25,000	16/06/2015
180	Telangana	1010/1/8/2013-WC	1301	Abduction, Rape and Murder	3,00,000	18/11/2015
181	Telangana	1271/1/14/2013-WC	1311	Rape	3,00,000	14/07/2015
182	Telangana	1493/1/7/2011-AD	822	Alleged Custodial Deaths in Police Custody	1,00,000	23/04/2015
183	Telangana	344/1/12/2012-JCD	301	Custodial Death (Judicial)	3,00,000	10/12/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
184	Telangana	41/1/7/2014-JCD	301	Custodial Death (Judicial)	1,00,000	20/05/2015
185	Telangana	495/1/18/2013-JCD	301	Custodial Death (Judicial)	1,00,000	03/11/2015
186	Telangana	838/1/9/2012-JCD	301	Custodial Death (Judicial)	1,00,000	09/07/2015
187	Telangana	880/1/23/2012-JCD	301	Custodial Death (Judicial)	3,00,000	02/11/2015
188	Tripura	1670/23/4/2013-JCD	301	Custodial Death (Judicial)	25,000	14/03/2016
189	Tripura	1691/23/3/2013	204	Irregularities in Government Hospitals/Primary Health Centres	10,000	29/03/2016
190	Tripura	4/23/0/2014	104	Exploitation of Children	70,000	19/05/2015
191	Tripura	8/23/5/2012	814	Failure in Taking Lawful Action	25,000	30/11/2015
192	Uttar Pradesh	10704/24/52/2013	805	Attempted Murder	5,00,000	30/10/2015
193	Uttar Pradesh	12023/24/46/2013	814	Failure in Taking Lawful Action	25,000	26/10/2015
194	Uttar Pradesh	12025/24/69/2014	804	Abuse of Power	1,00,000	16/02/2016
195	Uttar Pradesh	12165/24/36/2013-WC	1304	Dowry Death or Their Attempt	50,000	09/07/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
196	Uttar Pradesh	12338/24/72/2013-JCD	301	Custodial Death (Judicial)	1,00,000	25/02/2016
197	Uttar Pradesh	13079/24/1/2013-JCD	301	Custodial Death (Judicial)	1,00,000	14/07/2015
198	Uttar Pradesh	1314/24/64/2014-JCD	301	Custodial Death (Judicial)	3,00,000	27/07/2015
199	Uttar Pradesh	13538/24/63/2013	814	Failure in Taking Lawful Action	1,00,000	01/10/2015
200	Uttar Pradesh	13652/24/36/2013-WC	1301	Abduction, Rape and Murder	25,000	19/08/2015
201	Uttar Pradesh	14292/24/34/2013-WC	1304	Dowry Death or Their Attempt	25,000	20/01/2016
202	Uttar Pradesh	15083/24/54/2013	817	Unlawful Detention	25,000	17/11/2015
203	Uttar Pradesh	16081/24/17/2013-JCD	301	Custodial Death (Judicial)	1,00,000	22/07/2015
204	Uttar Pradesh	16187/24/57/2012-JCD	301	Custodial Death (Judicial)	2,00,000	04/04/2015
205	Uttar Pradesh	17572/24/38/2014-WC	1309	Indignity of Women	50,000	19/08/2015
206	Uttar Pradesh	17610/24/65/2013-WC	1301	Abduction, Rape and Murder	25,000	29/02/2016
207	Uttar Pradesh	18355/24/68/2010-AD	822	Alleged Custodial Deaths in Police Custody	5,00,000	13/05/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
208	Uttar Pradesh	18400/24/1/2013	817	Unlawful Detention	1,00,000	29/08/2015
209	Uttar Pradesh	18500/24/12/2014	1505	Inaction by the State / Central Government Officials	1,00,000	23/02/2016
210	Uttar Pradesh	18702/24/64/2012	816	Illegal Arrest	25,000	16/02/2016
211	Uttar Pradesh	18844/24/3/2012-JCD	301	Custodial Death (Judicial)	1,00,000	03/11/2015
212	Uttar Pradesh	18883/24/3/2014-JCD	301	Custodial Death (Judicial)	1,00,000	14/10/2015
213	Uttar Pradesh	19165/24/44/2014	804	Abuse of Power	10,000	17/11/2015
214	Uttar Pradesh	19995/24/65/2014	1901	Atrocities on SC/ST/OBC	25,000	01/04/2015
215	Uttar Pradesh	20006/24/60/2015	814	Failure in Taking Lawful Action	3,00,000	18/02/2016
216	Uttar Pradesh	21215/24/18/2014	814	Failure in Taking Lawful Action	25,000	30/09/2015
217	Uttar Pradesh	21267/24/32/08-09-ED	812	Death in Police Encounter	5,00,000	02/12/2015
218	Uttar Pradesh	21330/24/34/2013	821	Victimization	25,000	31/08/2015
219	Uttar Pradesh	22385/24/34/2013	814	Failure in Taking Lawful Action	25,000	24/06/2015
220	Uttar Pradesh	225/24/52/2014-JCD	301	Custodial Death (Judicial)	1,00,000	29/03/2016
221	Uttar Pradesh	22555/24/32/08-09-ED	812	Death in Police Encounter	5,00,000	01/06/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
222	Uttar Pradesh	22934/24/46/2013-WC	1311	Rape	25,000	26/10/2015
223	Uttar Pradesh	24179/24/13/2011-AD	822	Alleged Custodial Deaths in Police Custody	5,00,000	12/01/2016
224	Uttar Pradesh	24558/24/31/2013	817	Unlawful Detention	25,000	25/06/2015
225	Uttar Pradesh	25042/24/8/2014	814	Failure in Taking Lawful Action	25,000	03/07/2015
226	Uttar Pradesh	25612/24/10/2013	204	Irregularities in Government Hospitals/Primary Health Centres	2,00,000	31/08/2015
227	Uttar Pradesh	257/24/40/2014	806	Atrocities on SC/ST (By Police)	1,00,000	14/07/2015
228	Uttar Pradesh	26047/24/7/2014	814	Failure in Taking Lawful Action	15,000	01/10/2015
229	Uttar Pradesh	26195/24/14/2014-WC	1307	Gang Rape	1,00,000	31/07/2015
230	Uttar Pradesh	26993/24/13/2014	1505	Inaction by the State / Central Government Officials	1,00,000	19/11/2015
231	Uttar Pradesh	27481/24/71/2012-JCD	301	Custodial Death (Judicial)	1,00,000	09/11/2015
232	Uttar Pradesh	27603/24/77/2014-WC	803	Abduction/Rape	1,00,000	13/07/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
233	Uttar Pradesh	28397/24/31/2013-JCD	301	Custodial Death (Judicial)	1,00,000	27/04/2015
234	Uttar Pradesh	28980/24/56/2010-PCD	807	Custodial Death (Police)	1,00,000	23/09/2015
235	Uttar Pradesh	29202/24/2006-2007-AD	822	Alleged Custodial Deaths in Police Custody	5,00,000	24/06/2015
236	Uttar Pradesh	29362/24/31/2012	816	Illegal Arrest	25,000	03/08/2015
237	Uttar Pradesh	32411/24/3/2013-JCD	301	Custodial Death (Judicial)	50,000	24/02/2016
238	Uttar Pradesh	32498/24/1/2012-JCD	301	Custodial Death (Judicial)	1,00,000	31/03/2016
239	Uttar Pradesh	3323/24/4/2013-JCD	301	Custodial Death (Judicial)	3,00,000	31/07/2015
240	Uttar Pradesh	33255/24/30/2013-WC	803	Abduction/Rape	1,00,000	02/07/2015
241	Uttar Pradesh	3342/24/17/2014-WC	1311	Rape	1,00,000	10/06/2015
242	Uttar Pradesh	33623/24/2005-2006	814	Failure in Taking Lawful Action	3,00,000	05/05/2015
243	Uttar Pradesh	34021/24/72/2013	814	Failure in Taking Lawful Action	3,00,000	26/05/2015
244	Uttar Pradesh	34239/24/7/2013-JCD	301	Custodial Death (Judicial)	3,00,000	21/12/2015
245	Uttar Pradesh	34734/24/21/2012	817	Unlawful Detention	25,000	26/10/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
246	Uttar Pradesh	35618/24/31/2012	814	Failure In Taking Lawful Action	25,000	15/10/2015
247	Uttar Pradesh	36038/24/14/2013-PCD	807	Custodial Death (Police)	1,00,000	13/05/2015
248	Uttar Pradesh	36086/24/31/2013-WC	1304	Dowry Death or Their Attempt	1,00,000	24/06/2015
249	Uttar Pradesh	36139/24/51/08-09-PCD	807	Custodial Death (Police)	5,00,000	17/09/2015
250	Uttar Pradesh	36211/24/72/2013	1901	Atrocities on SC/ST/OBC	25,000	25/06/2015
251	Uttar Pradesh	36696/24/52/2013	814	Failure in Taking Lawful Action	25,000	18/08/2015
252	Uttar Pradesh	37566/24/1/2013	312	Lack of Medical Facilities	25,000	02/11/2015
253	Uttar Pradesh	39313/24/3/2014	1508	Atrocities By Custom/Excise/Enforcement/Forest/Income-Tax Dept., etc. of Central/State Governments	25,000	07/03/2016
254	Uttar Pradesh	39324/24/54/2012	817	Unlawful Detention	25,000	22/05/2015
255	Uttar Pradesh	39349/24/51/2012	1505	Inaction by the State / Central Government Officials	60,000	27/02/2016
256	Uttar Pradesh	39560/24/13/2013	804	Abuse of Power	1,00,000	24/06/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
257	Uttar Pradesh	39734/24/36/2013-WC	1304	Dowry Death or Their Attempt	1,00,000	19/08/2015
258	Uttar Pradesh	39942/24/62/2013	814	Failure in Taking Lawful Action	25,000	06/07/2015
259	Uttar Pradesh	39952/24/31/2012	1505	Inaction by the State / Central Government Officials	2,50,000	02/06/2015
260	Uttar Pradesh	40059/24/43/2012	804	Abuse of Power	1,00,000	04/01/2016
261	Uttar Pradesh	40134/24/6/2012-JCD	301	Custodial Death (Judicial)	1,00,000	15/10/2015
262	Uttar Pradesh	40404/24/21/2011-JCD	301	Custodial Death (Judicial)	1,00,000	25/06/2015
263	Uttar Pradesh	40572/24/14/2011	1500	Miscellaneous	50,000	05/08/2015
264	Uttar Pradesh	41114/24/25/2013-WC	1304	Dowry Death or Their Attempt	1,00,000	22/01/2016
265	Uttar Pradesh	42106/24/6/2011-JCD	301	Custodial Death (Judicial)	3,00,000	08/10/2015
266	Uttar Pradesh	426/24/52/2014	1501	Disappearance	1,00,000	22/09/2015
267	Uttar Pradesh	43480/24/54/2013-AD	822	Alleged Custodial Deaths in Police Custody	3,00,000	25/06/2015
268	Uttar Pradesh	43640/24/51/2013	817	Unlawful Detention	30,000	08/09/2015
269	Uttar Pradesh	43743/24/46/2012-WC	1307	Gang Rape	3,00,000	06/07/2015
270	Uttar Pradesh	43832/24/24/2013	810	Custodial Violence	1,00,000	03/09/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
271	Uttar Pradesh	44133/24/24/2013	1202	Non-payment of Pension/ Compensation	5,000	20/07/2015
272	Uttar Pradesh	44142/24/5/2011	1200	Service Matters	50,000	01/12/2015
273	Uttar Pradesh	44241/24/72/2012	804	Abuse of Power	50,000	20/01/2016
274	Uttar Pradesh	44339/24/62/2013	814	Failure in Taking Lawful Action	3,00,000	17/04/2015
275	Uttar Pradesh	45315/24/18/2013	814	Failure in Taking Lawful Action	25,000	15/09/2015
276	Uttar Pradesh	49639/24/37/2014	806	Atrocities on SC/ST (By Police)	25,000	19/11/2015
277	Uttar Pradesh	52622/24/48/08-09-AFE	813	Alleged Fake Encounters	5,00,000	12/11/2015
278	Uttar Pradesh	6083/24/31/2014	816	Illegal Arrest	1,00,000	19/08/2015
279	Uttar Pradesh	6294/24/57/2010-PCD	807	Custodial Death (Police)	1,00,000	24/06/2015
280	Uttar Pradesh	6689/24/31/2013-JCD	301	Custodial Death (Judicial)	1,00,000	02/12/2015
281	Uttar Pradesh	6973/24/2006-2007	812	Death in Police Encounter	5,00,000	23/09/2015
282	Uttar Pradesh	9375/24/10/2013	814	Failure in Taking Lawful Action	50,000	24/06/2015
283	Uttar Pradesh	9523/24/17/2013	817	Unlawful Detention	25,000	01/03/2016
284	Uttar Pradesh	9551/24/55/2013	100	Children	1,00,000	20/07/2015
285	Uttar Pradesh	9646/24/46/07-08-JCD	301	Custodial Death (Judicial)	5,00,000	23/09/2015

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
286	Uttarakhand	1020/35/8/2014-PCD	807	Custodial Death (Police)	1,00,000	18/03/2016
287	Uttarakhand	1179/35/6/2011	817	Unlawful Detention	25,000	13/01/2016
288	Uttarakhand	2003/35/13/2013	1505	Inaction by the State / Central Government Officials	1,00,000	29/02/2016
289	Uttarakhand	705/35/11/2011-AD	822	Alleged Custodial Deaths in Police Custody	2,00,000	12/01/2016
290	Uttarakhand	842/35/6/2012	804	Abuse of Power	10,000	18/11/2015
291	West Bengal	1137/25/15/2013-PF	1704	Abuse of Power	25,000	30/09/2015
292	West Bengal	12/25/22/2014-WC	1309	Indignity of Women	25,000	25/05/2015
293	West Bengal	1324/25/11/2013-WC	1309	Indignity of Women	50,000	24/02/2016
294	West Bengal	1532/25/5/2012-JCD	301	Custodial Death (Judicial)	1,00,000	24/02/2016
295	West Bengal	437/25/22/2013-JCD	301	Custodial Death (Judicial)	3,00,000	25/06/2015
296	West Bengal	523/25/15/2013	804	Abuse of Power	75,000	19/11/2015
297	West Bengal	614/25/16/2010-PCD	807	Custodial Death (Police)	5,00,000	02/12/2015
298	West Bengal	84/25/19/2014	1505	Inaction by the State / Central Government Officials	6,00,000	21/03/2016
299	West Bengal	971/25/17/2011	811	Death in Police Firing	2,00,000	19/11/2015

Annexure – 6

Para 2.28

**DETAILS OF CASES PENDING COMPLIANCE OF NHRC RECOMMENDATIONS
DURING 2014-2015 FOR PAYMENT OF MONETARY RELIEF**

Sl. No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
1	Andhra Pradesh	232/1/10/2014-WC	1307	1,00,000	30/01/2015
2	Assam	4/3/15/2012-JCD	301	1,00,000	22/04/2014
3	Bihar	1517/4/23/2011	100	50,000	02/09/2014
4	Bihar	1934/4/5/2013	106	1,00,000	16/12/2014
5	Bihar	2329/4/39/2011	106	25,000	20/02/2015
6	Bihar	258/4/8/2012-JCD	301	1,00,000	08/09/2014
7	Bihar	349/4/34/2013	816	90,000	24/03/2015
8	Bihar	3731/4/4/2013	804	25,000	15/01/2015
9	Chhattisgarh	559/33/5/2013	817	50,000	30/12/2014
10	Chhattisgarh	715/33/6/2013	100	3,60,000	17/07/2014
11	Delhi	1043/30/9/2012-JCD	301	2,00,000	05/12/2014
12	Delhi	252/30/8/2014	2006	3,00,000	29/09/2014
13	Delhi	2756/30/1/2012	1505	12,00,000	11/11/2014
14	Delhi	4693/30/2005-2006	812	5,00,000	08/10/2014
15	Delhi	6429/30/1/2012	204	3,00,000	20/10/2014

Sl. No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
16	Gujarat	128/6/23/2012	205	1,00,000	22/04/2014
17	Gujarat	500/6/19/2013-JCD	301	1,00,000	03/11/2014
18	Jharkhand	254/34/1/2010-AD	309	1,00,000	09/04/2014
19	Jharkhand	589/34/22/2012-PF	1704	1,00,000	09/07/2014
20	Kerala	354/11/13/2013-JCD	301	3,00,000	23/12/2014
21	Kerala	392/11/2/2013-JCD	301	1,00,000	08/09/2014
22	Kerala	763/11/13/2013-JCD	301	3,00,000	16/03/2015
23	Madhya Pradesh	342/12/36/2013	1505	30,00,000	24/04/2014
24	Madhya Pradesh	430/12/32/2012	604	12,00,000	11/09/2014
25	Maharashtra	3622/13/33/2012	814	25,000	22/12/2014
26	Maharashtra	4099/13/1/08-09-JCD	301	1,00,000	02/07/2014
27	Odisha	2463/18/18/2013	100	3,00,000	26/09/2014
28	Odisha	2482/18/7/2013	1505	1,00,000	04/03/2015
29	Odisha	2489/18/21/2013	1505	3,00,000	01/12/2014
30	Odisha	3070/18/30/2011	1505	1,50,000	04/08/2014
31	Odisha	3246/18/17/2012	804	25,000	16/02/2015
32	Rajasthan	1340/20/6/2012	809	25,000	14/10/2014

Sl. No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
33	Rajasthan	142/20/14/2014-WC	1301	3,00,000	22/12/2014
34	Rajasthan	258/20/29/09-10-JCD	301	2,00,000	16/07/2014
35	Rajasthan	2841/20/14/2012-JCD	301	1,00,000	30/03/2015
36	Rajasthan	2997/20/5/2012-JCD	301	1,00,000	04/02/2015
37	Rajasthan	348/20/26/2013-JCD	301	3,00,000	16/02/2015
38	Tamil Nadu	101/22/13/2014-WC	2003	1,00,000	17/02/2015
39	Telangana	634/1/7/2012-JCD	301	1,00,000	30/06/2014
40	Uttar Pradesh	13267/24/56/2013	814	1,00,000	21/10/2014
41	Uttar Pradesh	15672/24/1/2012	817	20,000	25/08/2014
42	Uttar Pradesh	18450/24/51/2013	804	20,000	23/03/2015
43	Uttar Pradesh	19687/24/4/2013	817	1,00,000	12/02/2015
44	Uttar Pradesh	20381/24/72/2013	809	1,00,000	28/10/2014
45	Uttar Pradesh	2061/24/54/2013	804	50,000	06/08/2014
46	Uttar Pradesh	25380/24/31/2013-JCD	301	1,00,000	30/12/2014
47	Uttar Pradesh	2629/24/54/2012	817	50,000	30/01/2015
48	Uttar Pradesh	26885/24/48/2011	203	3,00,000	16/12/2014
49	Uttar Pradesh	30596/24/3/2012-JCD	301	1,00,000	02/01/2015

Sl. No	Name of the State/UT	Case No.	Incident Code	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
50	Uttar Pradesh	31257/24/3/2013	203	3,00,000	20/01/2015
51	Uttar Pradesh	33505/24/26/2012-JCD	301	3,00,000	06/06/2014
52	Uttar Pradesh	34906/24/1/2012	1505	2,00,000	04/04/2014
53	Uttar Pradesh	35842/24/25/2011-WC	1307	1,00,000	05/03/2015
54	Uttar Pradesh	35845/24/4/2012-WC	1301	1,00,000	06/08/2014
55	Uttar Pradesh	38710/24/79/2013-WC	1903	75,000	16/02/2015
56	Uttar Pradesh	39032/24/68/2012	109	3,00,000	30/03/2015
57	Uttar Pradesh	39182/24/1/2012-AD	309	1,00,000	16/02/2015
58	Uttar Pradesh	43723/24/72/2012-JCD	301	1,00,000	09/09/2014
59	Uttar Pradesh	5581/24/72/2010	809	25,000	25/08/2014
60	Uttar Pradesh	6066/24/56/2014-AD	822	5,00,000	18/03/2015
61	Uttar Pradesh	7081/24/26/2012-JCD	301	1,00,000	28/07/2014
62	Uttar Pradesh	7876/24/54/2014	800	1,00,000	12/08/2014
63	Uttar Pradesh	8324/24/18/08-09-ED	812	5,00,000	17/07/2014
64	West Bengal	1160/25/15/2011	814	10,000	22/12/2014
65	West Bengal	1887/25/22/2012-JCD	301	1,00,000	12/02/2015
66	West Bengal	370/25/10/2013-JCD	301	2,00,000	27/03/2015



Annexure – 7

Para 2.28

**DETAILS OF CASES PENDING COMPLIANCE OF NHRC RECOMMENDATIONS FROM
2008-2009 TO 2013-2014 FOR PAYMENT OF MONETARY RELIEF/DISCIPLINARY ACTION/
PROSECUTION**

Sl. No.	Name of the State/ Union Territory	Case No.	Inci- dent code	Nature of Com- plaint	Amount Rec- ommended for Victims/ Next of Kins	Date of Rec- ommendation Remarks	Remarks
1.	Andhra Pradesh	1042/1/5/2012-PCD	807	Custodial Death (Police)	2,00,000	25-03-2014	Proof of payment awaited
2.	Arunachal Pradesh	2/2/11/2012-AF	1611	Alleged Fake En- counter (Defence)	15,00,000	01-01-2014	Proof of payment awaited
3.	Assam	259/3/7/2011-ED	812	Death in Police En- counter	10,00,000	05-12-2013	Proof of payment awaited
4.	Bihar	2572/4/8/08-09-AD	1716	Alleged Custodial Death	5,00,000	21-08-2013	Proof of payment awaited
5.	Bihar	4589/4/35/2012	1505	Inaction by the State/Central Govt. Officials	2,00,000	21-10-2013	Proof of payment awaited
6.	Delhi	1631/30/3/2010- JCD	301	Custodial Death (Judicial)	1,00,000	13-03-2014	Proof of payment awaited
7.	Delhi	3500/30/0/2011	800	Police	1,00,000	15-05-2013	Proof of payment awaited
8.	Delhi	4883/30/9/2010	814	Failure in Taking Lawful Action	20,000	21-01-2014	Proof of payment awaited

Sl. No.	Name of the State/ Union Territory	Case No.	Inci- dent code	Nature of Com- plaint	Amount Rec- ommended for Victims/ Next of Kins	Date of Rec- ommendation	Remarks
9.	Gujarat	1012/6/9/2011	202	Public Health Haz- ards	25,00,000	22-10-2013	Proof of payment awaited
10.	Jammu & Kash- mir	370/9/3/2012	203	Malfunctioning of Medical Profession- als	6,00,000	31-03-2014	Proof of payment awaited
11.	Jharkhand	380/34/11/2010	1505	Inaction by the State/Central Govt. Officials	1,50,000	18-12-2013	Proof of payment awaited
12.	Kerala	191/11/13/2012	305	Harassment of Pris- oners	50,000	12-07-2013	Proof of payment awaited
13.	Kerala	91/11/7/2012-JCD	301	Custodial Death (Judicial)	1,00,000	07-03-2014	Proof of payment awaited
14.	Madhya Pradesh	485/12/5/2012	104	Exploitation of Chil- dren	35,000	31-10-2013	Proof of payment awaited
15.	Madhya Pradesh	92/12/8/2013-WC	1307	Gang Rape	3,00,000	19-12-2013	Proof of payment awaited
16.	Maharashtra	1031/13/16/ 2010- PCD	807	Custodial Death (Police)	5,00,000	20-02-2014	Proof of payment awaited
17.	Maharashtra	334/13/2006-2007- CD	807	Custodial Death (Police)	5,00,000	08-08-2013	Proof of payment awaited

Sl. No.	Name of the State/ Union Territory	Case No.	Incident code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation Remarks	Remarks
18.	Maharashtra	558/13/11/08-09-PCD	807	Custodial Death (Police)	5,00,000	01-01-2014	Proof of payment awaited
19.	Manipur	108/14/4/2011-AD	309	Alleged Custodial Deaths in Judicial Custody	2,00,000	07-05-2013	Proof of payment awaited
20.	Manipur	11/14/4/08-09-ED	812	Death in Police Encounter	5,00,000	24-10-2013	Proof of payment awaited
21.	Odisha	2502/18/2/2011	1505	Inaction by the State/Central Govt. Officials	3,00,000	26-07-2013	Proof of payment awaited
22.	Rajasthan	1345/20/21/09-10-JCD	301	Custodial Death (Judicial)	3,00,000	26-08-2013	Proof of payment awaited
23.	Rajasthan	1838/20/17/2011-JCD	301	Custodial Death (Judicial)	1,00,000	27-01-2014	Proof of payment awaited
24.	Rajasthan	642/20/29/2013-WC	803	Abduction/Rape	3,00,000	07-03-2014	Proof of payment awaited
25.	Uttar Pradesh	14844/24/39/2010	203	Malfunctioning of Medical Professionals	300000	25-09-2013	Proof of payment awaited
26.	Uttar Pradesh	1553/24/2006-2007	812	Death in Police Encounter	5,00,000	16-01-2014	Proof of payment awaited

Sl. No.	Name of the State/ Union Territory	Case No.	Incident code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
27.	Uttar Pradesh	15725/24/20/2011	816	Illegal Arrest	50,000	12-03-2014	Proof of payment awaited
28.	Uttar Pradesh	20803/24/2006-2007	812	Death in Police Encounter	5,00,000	16-01-2014	Proof of payment awaited
29.	Uttar Pradesh	20804/24/24/2010	1202	Non-Payment of Pension/ Compensation	50,000	27-01-2014	Proof of payment awaited
30.	Uttar Pradesh	24089/24/12/08-09-FE	813	Alleged Fake Encounters	10,00,000	17-04-2013	Proof of payment awaited
31.	Uttar Pradesh	2547/24/4/09-10-DH	108	Death in Judicial Custody	300,000	27-09-2013	Proof of payment awaited
32.	Uttar Pradesh	2655/24/34/2012-AD	822	Alleged Custodial Deaths in Police Custody	3,00,000	31-03-2014	Proof of payment awaited
33.	Uttar Pradesh	2888/24/2005-2006	812	Death in Police Encounter	5,00,000	20-11-2013	Proof of payment awaited
34.	Uttar Pradesh	33018/24/20/2010-PCD	807	Custodial Death (Police)	1,00,000	11-12-2013	Proof of payment awaited
35.	Uttar Pradesh	34109/24/24/2011-AD	822	Alleged Custodial Deaths in Police Custody	1,00,000	27-06-2013	Proof of payment awaited
36.	Uttar Pradesh	34188/24/72/2013	1901	Atrocities on SC/ST/OBC	2,00,000	26-11-2013	Proof of payment awaited

Sl. No.	Name of the State/ Union Territory	Case No.	Incident code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
37.	Uttar Pradesh	3656/24/2005-2006	813	Alleged Fake Encounters	5,00,000	15-01-2014	Proof of payment awaited
38.	Uttar Pradesh	38084/24/2005-2006	812	Death in Police Encounter	5,00,000	08-01-2014	Proof of payment awaited
39.	Uttar Pradesh	3885/24/45/2012-ED	812	Death in Police Encounter	5,00,000	16-01-2014	Proof of payment awaited
40.	Uttar Pradesh	39743/24/3/2010-ED	812	Death in Police Encounter	5,00,000	03-04-2013	Proof of payment awaited
41.	Uttar Pradesh	40795/24/31/2011-ED	812	Death in Police Encounter	5,00,000	11-12-2013	Proof of payment awaited
42.	Uttar Pradesh	41496/24/2000-2001	816	Illegal Arrest	10,00,000	05-12-2013	Proof of payment awaited
43.	Uttar Pradesh	42032/24/27/2012-WC	1301	Abduction, Rape and Murder	1,00,000	20-01-2014	Proof of payment awaited
44.	Uttar Pradesh	43024/24/2006-2007	812	Death in Police Encounter	5,00,000	12-11-2013	Proof of payment awaited
45.	Uttar Pradesh	43091/24/17/2012-WC	1311	Rape	50,000	17-09-2013	Proof of payment awaited
46.	Uttar Pradesh	44122/24/40/2010-PCD	807	Custodial Death (Police)	1,00,000	16-01-2014	Proof of payment awaited
47.	Uttar Pradesh	452/24/37/2011-ED	812	Death in Police Encounter	5,00,000	15-01-2014	Proof of payment awaited

Sl. No.	Name of the State/ Union Territory	Case No.	Inci- dent code	Nature of Com- plaint	Amount Rec- ommended for Victims/ Next of Kins	Date of Rec- ommendation Remarks	Remarks
48.	Uttar Pradesh	47835/24/2006-2007	812	Death in Police En- counter	5,00,000	16-01-2014	Proof of payment awaited
49.	Uttar Pradesh	53582/24/72/07-08	812	Death in Police En- counter	5,00,000	19-12-2013	Proof of payment awaited
50.	Uttar Pradesh	6855/24/56/2012	203	Malfunctioning of Medical Profession- als	3,00,000	02-09-2013	Proof of payment awaited
51.	Uttar Pradesh	699/24/2006-2007	812	Death in Police En- counter	5,00,000	16-01-2014	Proof of payment awaited
52.	Uttar Pradesh	8584/24/57/2012	814	Failure in Taking Lawful Action	10,00,000	12-02-2014	Proof of payment awaited
53.	Uttarakhand	1597/35/2006-2007	813	Alleged Fake En- counters	5,00,000	05-02-2014	Proof of payment awaited
54.	Bihar	1817/4/32/2011	1505	Inaction by the State/Central Gov- ernment Officials	14,00,000	19/11/2012	Proof of payment awaited
55.	Bihar	1818/4/1/2011	1505	Inaction by the State/Central Govt. Officials	4,00,000	30/08/2012	Proof of payment awaited

Sl. No.	Name of the State/ Union Territory	Case No.	Incident code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
56.	Chandigarh	43/27/0/2010		Irregularities in Govt. Hospitals/Primary Health Centres	50,000	19.03.2012	Proof of payment awaited
57.	Delhi	5494/30/0/2010	1505	Inaction by the State/Central Govt. Officials	9,00,000	15/10/2012	Proof of payment awaited
58.	Delhi	2843/30/1/2010	1505	Inaction by the State/Central Govt. Officials	1,00,000	20.01.2012	Proof of payment awaited
59.	Jammu & Kashmir	55/9/2003-2004-ad	822	Alleged Death in the Custody of Jammu Police (Complaint)	5,00,000	19.08.2009	The State Government has challenged the recommendation of the Commission in the J & K High Court.
60.	Jammu & Kashmir	206/9/2003-2004 M-4	1508	Damage of House by the Govt. (Complaint)	2,00,000	23.11.2009	The State Government has challenged the recommendation of the Commission in the J & K High Court.

Sl. No.	Name of the State/ Union Territory	Case No.	Incident code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation Remarks	Remarks
61.	Jharkhand	1311/34/18/2012-WC		Sexual Harassment by Army/Paramilitary Personnel	50,000	14/02/2013	Proof of payment awaited
62.	Kerala	43/11/2002-2003-cd	301	Death in judicial custody	1,50,000	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
63.	Manipur	8/14/2004-2005-AF		Custodial Death (Defence)	10,00,000	26/07/2012	Proof of payment awaited

Sl. No.	Name of the State/ Union Territory	Case No.	Incident code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
64.	Odisha	157/18/24/09-10	1508	Atrocities BY Custom/Excise/Enforcement/Forest/Income-Tax Deptt. etc. of Central/State Govts.	4,00,000	27/12/2012	Proof of payment awaited
65.	Odisha	123/18/1999-2000	809	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.
66.	Punjab	377/19/8/09-10-JCD	301	Custodial Death (Judicial)	1,00,000	30/11/2012	Proof of payment awaited

Sl. No.	Name of the State/ Union Territory	Case No.	Incident code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
67.	Uttar Pradesh	31558/24/56/2010-WC	1309	Indignity Of Women	50,000	22/05/2012	Proof of payment awaited
68.	Uttar Pradesh	41459/24/1/2010	814	Failure In Taking Lawful Action	1,00,000	28/03/2013	Proof of payment awaited
69.	Uttar Pradesh	30217/24/2002-2003-cd	301	Death in judicial custody (intimation)	10,000	20.02.2008	Compliance report is awaited.
70.	Uttar Pradesh	39058/24/2003-2004 (FC)	813	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
71.	Uttar Pradesh	37802/24/2006-2007 M-5	809	Alleged torture by police (Complaint)	25000	24.08.2009	Proof of payment awaited
72.	Uttar Pradesh	38166/24/2006-2007-cd M-5	301	Death in Judicial Custody (Intimation)	100000	31.10.2009	Proof of payment awaited



Annexure – 8**Para 6.14****Western Region Public Hearing on Right to Health Care**

**Recommendations for the State of GUJARAT Emerging from
Sessions on 7 January 2016, Regarding Systemic Issues and Cases
Studies on Right to Health Care**

A. Case Studies Presented on Health Rights of Specific Groups of People, or Related to Specific Schemes from Various States

I. Denial of health rights to workers under ESI scheme

Recommendation :

- (i) ESI Corporation must ensure adequate number of dispensaries in the State of Gujarat, and should promptly fill all sanctioned posts so that health rights of all covered workers may be ensured. The State may upgrade ESI hospitals at major urban centres like Vadodara to ensure that they are properly equipped with ventilators and other necessary equipment, so that referrals to General hospitals may be minimised.

II. Denial of Services Related to Mental Health Issues

Recommendations :

- (i) Gujarat State Government must ensure accessibility of diagnostic care for mental health problems at the district hospital level, with support for transport and care.
- (ii) Gujarat State Government must make available free medication for mental health patients at Community Health Centre (CHC) level hospitals, with a provision for reimbursement of out of pocket expenditure to patients due to non availability of medicines in CHC.

- (iii) Mental health services be included in State level schemes for cashless treatment, and that community based mental health programmes, including rehabilitation of patients, be designed with community engagement.

B. Presentations on Systemic Issues Related to Various States

I. Women's Access to Health Care

Recommendations :

- (i) In the context of Gujarat, community based Maternal Death Reviews (MDR) / Social autopsies of maternal deaths with community and civil society participation should be institutionalised. States may incorporate NGO representatives in the District MDR committees, and should publish yearly reports.
- (ii) State Health Department should ensure that skills and understanding of peripheral health workers, regarding various forms of discrimination and vulnerability faced by women in context of maternal health, need to be improved through appropriate capacity building. This would enable these issues to be factored into birth preparedness plans, health care delivery and follow up plans for women during pregnancy and delivery.
- (iii) State Health Department should ensure adequate blood availability, to avoid denial of delivery services to women in rural health centres. Ensuring blood availability should not be treated as merely the responsibility of the family. Appropriate steps may be taken by the State Government to adopt the National Blood Policy, along with implementation of Indian Public Health Standards (IPHS) regarding blood availability in all public health facilities. It is recommended that the State Health Department

- may evaluate the option of Unbanked Direct Blood Transfusion to ensure availability of blood especially during emergencies.
- (iv) Hospitals empanelled for maternal health care services under the Chiranjeevi Yojana in Gujarat should ensure timely, safe, free and accompanied referral to higher facility, in case of emergencies which cannot be handled at their level.
 - (v) In case of denial of maternity services in public facilities, if women are forced to avail of private services for delivery, then in keeping with the Janani Shishu Suraksha Karyakram (JSSK) entitlements, free delivery care should be ensured in such cases also.
 - (vi) There should be a system of regular participatory monitoring of the Janani Shishu Suraksha Karyakram (JSSK) in western region States, and of the Chiranjeevi scheme in Gujarat, which provide entitlements for maternal health care. State should consider adopting a women-friendly grievance redressal mechanism for JSSK, and also for Chiranjeevi scheme. This should be accompanied by access to relevant medical records.
 - (vii) State Health Department should ensure that regular audit of referrals related to delivery care and maternal health care must be undertaken, and the State may implement a protocol for referrals.
 - (viii) State Health Department should ensure that free sonography services must be available at the level of Community Health Centres (CHCs) and Sub-Divisional Hospitals. State should also ensure that appropriate and prompt compensation is provided to women where these services are not available, and women are forced to access this essential service from the private sector. State may also consider operationalising arrangements with

locally available radiologists in the private sector, engaging them to provide sonography services in those public hospitals which do not presently have radiologists.

II. Human Resource Shortages in Rural Health Services

Recommendations :

- (i) To ensure regular presence of doctors in all Primary Health Centres and rural health facilities, the Government may make it compulsory for all freshly graduated doctors to work in Public rural health services for at least 3 years, which should be made a pre-requisite for licence to practice.
- (ii) To ensure improved presence of health services staff in rural areas, State Health Department may consider adopting the current model of staff placement being implemented in Karnataka, wherein transfer and posting is linked with a well-defined, transparent web-based system, and is accompanied by individual counselling with staff, while deciding on postings and transfers.

III. Role of Public Bodies in Redressing Denial of Patients Rights in Private Medical Sector

Recommendation :

- (i) State Government of Gujarat may act speedily to either adopt the central Clinical Establishments Act (CEA), or enact a similar State CEA, while ensuring inclusion of specific provisions for protection of patients' rights and grievance redressal mechanism for patients who seek care in private hospitals.



Annexure – 9**Para 6.14****Western Region Public Hearing on Right to Health Care**

Recommendations for the State of MAHARASHTRA Emerging from Sessions on 7 January 2016, Regarding Systemic Issues and Cases Studies on Right to Health Care

C. Case Studies Presented on Health Rights of Specific Groups of People, or Related to Specific Schemes from Various States

III. Denial of health rights to workers under ESI scheme in Maharashtra

Recommendation :

- (ii) Appropriate action be taken by ESIC Maharashtra to ensure prompt and effective coverage of all eligible workers, so that they can gain access to all ESI health services and entitlements.

IV. Community Based Monitoring of Health Services in Maharashtra

Recommendation :

- (i) Community based monitoring be expanded and strengthened in Maharashtra, in line with the mandate and support for this activity being given by the National Health Mission. The State Government may also prioritise regular functioning of the State level committees that have been formed to support this process.

V. Denial of Right to Health Care for Persons Living with HIV AIDS

Recommendations :

- (i) Maharashtra State Government must make adequate budgetary provisions for the crucial targeted intervention programme for persons living with HIV AIDS.

- (ii) Maharashtra State Government must ensure time bound and regular release of the budget, so that shortage of key supplies would be avoided in future.

VI. Denial of Right to Free Health Care to Poor Patients under the Charitable Trust Hospitals Scheme

Recommendations :

- (i) Maharashtra State Government may set up an effective, accountable and publicly accessible mechanism for monitoring of the charitable trusts hospital scheme across the State.
- (ii) Maharashtra State Government may set up a Grievance Redressal System, with a provision for complaint tracking in the context of expected free / concessional services to be provided by Trust hospitals.
- (iii) Maharashtra State Government may set up a real time website and call centre helpline, to provide information to public about real time availability of free and concessional beds in every charitable trust hospital involved in this scheme.

D. Presentations on Systemic Issues Related to Various States

IV. Women's Access to Health Care

Recommendations :

- (ix) In the context of Maharashtra, community based Maternal Death Reviews (MDR) / Social autopsies of maternal deaths with community and civil society participation should be institutionalised. States may incorporate NGO representatives in the District MDR committees, and should publish yearly reports.
- (x) State Health Department should ensure that skills and understanding of peripheral health workers, regarding various

forms of discrimination and vulnerability faced by women in context of maternal health, need to be improved through appropriate capacity building. This would enable these issues to be factored into birth preparedness plans, health care delivery and follow up plans for women during pregnancy and delivery.

- (xi) State Health Department should ensure adequate blood availability, to avoid denial of delivery services to women in rural health centres. Ensuring blood availability should not be treated as merely the responsibility of the family. Appropriate steps may be taken by the State Governments to adopt the National Blood Policy, along with implementation of Indian Public Health Standards (IPHS) regarding blood availability in all public health facilities. It is recommended that the State Health Departments may evaluate the option of Unbanked Direct Blood Transfusion to ensure availability of blood especially during emergencies.
- (xii) In case of denial of maternity services in public facilities, if women are forced to avail of private services for delivery, then in keeping with the Janani Shishu Suraksha Karyakram (JSSK) entitlements, free delivery care should be ensured in such cases also.
- (xiii) There should be a system of regular participatory monitoring of the Janani Shishu Suraksha Karyakram (JSSK) in western region States, which provide entitlements for maternal health care. States should consider adopting a women-friendly grievance redressal mechanism for JSSK in various States. This should be accompanied by access to relevant medical records.
- (xiv) State Health Department should ensure that regular audit of referrals related to delivery care and maternal health care must be undertaken, and the State may implement a protocol for referrals.

- (xv) State Health Department should ensure that free sonography services must be available at the level of Community Health Centres (CHCs) and Sub-Divisional Hospitals. The State should ensure that appropriate and prompt compensation is provided to women where these services are not available, and women are forced to access this essential service from the private sector. The State may also consider operationalising arrangements with locally available radiologists in the private sector, engaging them to provide sonography services in those public hospitals which do not presently have radiologists.

V. Human Resource Shortages in Rural Health Services

Recommendations :

- (iii) To ensure regular presence of doctors in all Primary Health Centres and rural health facilities, the Government of Maharashtra may make it compulsory for all freshly graduated doctors to work in Public rural health services for at least 3 years, which should be made a pre-requisite for licence to practice.
- (iv) To ensure improved presence of health services staff in rural areas, State Health Department may consider adopting the current model of staff placement being implemented in Karnataka, wherein transfer and posting is linked with a well-defined, transparent web-based system, and is accompanied by individual counselling with staff, while deciding on postings and transfers.

VI. Role of Public Bodies in Redressing Denial of Patients Rights in Private Medical Sector

Recommendations :

- (ii) Maharashtra State Government may conduct a review of the patient grievance redressal mechanism of the Maharashtra

Medical Council, especially keeping in view its large pendency of cases. Based on this, the Government may consider taking steps for expansion and re-structuring of the ethics committee of the Maharashtra Medical Council, to make this body more effective in addressing patients complaints related to private doctors. One option may be for State Medical Council to set up a separate tribunal to deal with patients complaints. Such a tribunal could include appropriate non-medical persons such as retired judges.

- (iii) Maharashtra State Government may conduct an independent review of the mechanism being implemented by J. J. Hospital, Mumbai for screening complaints by patients desiring to file FIRs against any private hospital in Mumbai. It needs to be ensured that this mechanism is fully transparent, time bound and patient-friendly. It is recommended to the Maharashtra State Government to ensure that patient complaints, which are intended for filing FIRs against private hospitals, are screened in a time bound manner within 7 days. It is recommended to consider inclusion of non-medical experts such as a retired judge in the screening panel, to ensure fairness during the screening process, and to arrange periodic rotation of responsibility among various public hospitals for screening of such complaints.
- (iv) The State Government of Maharashtra act speedily to either adopt the central Clinical Establishments Act (CEA), or enact a similar State CEA, while ensuring inclusion of specific provisions for protection of patients' rights and grievance redressal mechanism for patients who seek care in private hospitals.



Annexure – 10

Para 6.14

Western Region Public Hearing on Right to Health Care

Recommendations for the State of RAJASTHAN Emerging from Sessions on 7 January 2016, Regarding Systemic Issues and Cases Studies on Right to Health Care

E. Case Studies Presented on Health Rights of Specific Groups of People, or Related to Specific Schemes from Various States

VII. Ensuring Access to Health Services for Brick Kiln Workers in Rajasthan

Recommendations :

- (i) Provision be made for Mobile medical units, in order to ensure outreach of health services to the migrant population of brick kiln workers in various districts of Rajasthan, with a special focus on mother and child care services.
- (ii) Periodic visits of ASHA and ANMs, registration of pregnant mothers, organisation of Health camps and MCHN (Mother & Child Health Nutrition) days should be organized periodically at the brick kiln sites.
- (iii) The State may involve civil society organisations in implementing an appropriate monitoring mechanism in various Districts, to ensure effective outreach of essential health services to brick kiln workers.

VIII. Community Based Monitoring of Health Services in Rajasthan

Recommendation :

- (ii) Community based monitoring should be restarted by the State Government and State Health Mission in Rajasthan, including active involvement of appropriate NGOs and civil society organisations.

IX. Concerns Expressed due to Existing and Emerging PPP (Public Private Partnerships) in Health Sector in Rajasthan

Recommendations :

- (i) Rajasthan Government should ensure that any model of PPP (Public Private Partnerships) in healthcare should presently be on a short term and experimental basis, with stringent monitoring mechanisms and accountability indicators in place, while ensuring that this arrangement will not lead to any healthcare rights violation. The Government may conduct systematic scrutiny of any private bodies being contracted for operating public health facilities, prior to engaging with them in any partnership arrangement. For the Government of Rajasthan, the first priority for provision of health services to people must be through strengthened, improved and expanded Public Health services, in preference to outsourcing of services to private providers.

X. Denial of Right to Health Care for Persons Living with HIV AIDS in Rajasthan

Recommendation :

- (iii) Adequate number of ART centres, second line medicines and key tests such as viral load test should be made available in Rajasthan. ART centres and HIV related tests should be made available at all medical colleges in the State.

F. Presentations on Systemic Issues Related to Various States

VII. Women's Access to Health Care

Recommendations :

- (xvi) State Health Department should ensure that skills and understanding of peripheral health workers, regarding various forms of discrimination and vulnerability faced by women in context of maternal health, need to be improved through appropriate capacity building. This would enable these issues to be factored into birth preparedness plans, health care delivery and follow up plans for women during pregnancy and delivery.
- (xvii) State Health Department should ensure adequate blood availability, to avoid denial of delivery services to women in rural health centres. Ensuring blood availability should not be treated as merely the responsibility of the family. Appropriate steps may be taken by the State Government to adopt the National Blood Policy, along with implementation of Indian Public Health Standards (IPHS) regarding blood availability in all public health facilities. It is recommended that the State Health Department may evaluate the option of Unbanked Direct Blood Transfusion to ensure availability of blood especially during emergencies.
- (xviii) In case of denial of maternity services in public facilities, if women are forced to avail of private services for delivery, then in keeping with the Janani Shishu Suraksha Karyakram (JSSK) entitlements, free delivery care should be ensured in such cases also.
- (xix) There should be a system of regular participatory monitoring of the Janani Shishu Suraksha Karyakram (JSSK) in western region

States, which provide entitlements for maternal health care. States should consider adopting a women-friendly grievance redressal mechanism for JSSK. This should be accompanied by access to relevant medical records.

- (xx) State Health Department should ensure that regular audit of referrals related to delivery care and maternal health care must be undertaken, and the State may implement a protocol for referrals.
- (xxi) State Health Department should ensure that free sonography services must be available at the level of Community Health Centres (CHCs) and Sub-Divisional Hospitals. States should ensure that appropriate and prompt compensation is provided to women where these services are not available, and women are forced to access this essential service from the private sector. States may also consider operationalising arrangements with locally available radiologists in the private sector, engaging them to provide sonography services in those public hospitals which do not presently have radiologists.

VIII. Human Resource Shortages in Rural Health Services

Recommendations :

- (v) To ensure regular presence of doctors in all Primary Health Centres and rural health facilities, the State Government may make it compulsory for all freshly graduated doctors to work in Public rural health services for at least 3 years, which should be made a pre-requisite for licence to practice.
- (vi) To ensure improved presence of health services staff in rural areas, State Health Department may consider adopting the current model of staff placement being implemented in Karnataka, wherein

transfer and posting is linked with a well-defined, transparent web-based system, and is accompanied by individual counselling with staff, while deciding on postings and transfers.

IX. Role of Public Bodies in Redressing Denial of Patients Rights in Private Medical Sector

Recommendation :

- (v) Government of Rajasthan should promptly bring private hospitals in the State under the Clinical Establishments Act (CEA), starting by registering such hospitals under the Act, if not already done. The State Government should also ensure that the State Rules under CEA are notified at the earliest.



Annexure – 11

Para 12.7

NHRC Sought the Intervention of the Supreme Court on Following 13 Imperative Issues with the Objective of Seeking Suitable Directions for the Central and State Governments Whereby Remedial Action is Taken to Improve the Existing Situation in Mental Health Care Institutions

- 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 data base 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).



Annexure – 12**Para 12.26****Recommendations of the Meeting of State Health Secretaries on Mental Health Care Held on 4 September 2015 in New Delhi**

- Non-communicable diseases like cancer, diabetes, cerebral stroke, cardiovascular diseases, chronic pulmonary diseases, etc are getting much more attention, within the medical community and in the media. At the same time, one finds a gross lack of attention on mental health issues, which is a matter of great concern. The problems related to mental health deserve much greater attention and need more discussion in the society.
- There is a need to strengthen the five aspects regarding mental health care. These are; (a)human resources, of which, at present there is a significant shortage; (b)treatment linkages, that is linkages with other specialists like neurologists, anaesthetists, etc; (c)inter-sectoral action, that is promoting the fact that mental health care is not the responsibility of the medical community alone, but also that of the departments of social welfare, revenue, police and judiciary; (d)institutional framework, both at the Central and State Government level, civil society, State Legal Services Authority (SLSAs), NHRC, SHRCs etc.; and (e)physical infrastructure, in the field of mental healthcare. All these 5 pillars of mental health care must be fortified and nurtured simultaneously.
- There is a need for developing guidelines on the standards of treatment in the field of Mental Health Care and NIMHANS may take a lead in this direction.
- There is an under-utilisation of funds by States/UTs Government, including for infrastructural and manpower development. To this end, all state governments must initiate a quarterly review by State Health

Secretaries so that responsibility and accountability may be clearly fixed.

- The Ministry of Health & Family Welfare, Government of India, should consider for extending the DMHP to a minimum period of 10 years so that funds availability for this programme is assured.
- While the popular perception is that States are inefficient in so far as utilisation of funds is concerned, there are also certain impediments which the States face which must be recognised and attempts should be made to resolve these problems. There are several instances when there is delay in approval of funds and consequent delay in release of funds, delay in hiring manpower leading to under-utilisation of funds. This problem thus, needs to be addressed both, at the Central and State levels.
- Funds are difficult to access and are mired in bureaucracy, thus, causing delayed receipt of funds, irregular dispersal of funds as well as other administrative bottlenecks. This needs to be addressed jointly by the Centre and States.
- Training is a vital requirement in mental healthcare. All general medical practitioners must be provided training on basic mental healthcare so as to deal more effectively with the demands of mental health treatment.
- During visits to mental healthcare institutions, it has been observed that healthcare staff, such as, nurses, were being transferred across general and mental healthcare institutions/hospitals, and that these nurses had not necessarily received any specialised training on mental healthcare. This is an issue that requires immediate attention and specialised training on mental healthcare must be provided to medical staff who are likely to be transferred from general to mental healthcare institutions.

- Mental hospitals across the country must be converted to Mental Health Institutions and be enabled to develop the capacity to initiate their own academic courses and other training programmes for students and mental healthcare professionals.
- There is need to train civil servants regarding the aspects of converging mental health with other areas like Social Welfare, rehabilitation etc. Convergence of DMHP with other flagship programmes like NRHM should also be looked into seriously.
- There is a need for greater involvement of and better inter-ministerial coordination between the Ministries of Health, Social Justice and Empowerment, Education, Labour etc. to ensure more effective mental health care in general and DMHP in particular.
- There is also a need for 'action research', which essentially means that mental healthcare institutions must learn from their experiences and put their learning back into action as a continual process of improvement of their mental healthcare services. Thus, all research must be action oriented.
- Training of mental healthcare professionals through the internet/online, as is being currently done by NIMHANS, must also be looked into by the Centre and States.
- Currently, the DMHP places too much stress on four categories of mental healthcare professionals viz-a-viz Psychiatrists, Clinical Psychologists, Psychiatric Social Worker and Psychiatric Nurses. We must consider providing incentives to other categories of professionals such as ASHA workers/ANMs etc. to get them involved in the implementation of the DMHP, to ensure greater efficacy of service delivery and accessibility.



- There is an urgent need for decentralising the outreach programme of DMHP to the PHC level. Special focus is required in the outreach programme of DMHP in this respect.
- The Government of India must take steps to activate District Health Societies and ensure that they take up the task of monitoring the implementation of the DMHP.
- It is important for institutions such as the NHRC, India to shift focus from the macro to the micro level – that is, from the level of policy and programmes to the community level.
- One of the drawbacks of the DMHP in its present form is that it does not lay adequate emphasis on the aspect of rehabilitation of mentally ill persons who have received treatment and have been cured. Thus, the aspect of rehabilitation under the DMHP requires to be strengthened.
- The issue of livelihood must be linked to the treatment and rehabilitation of mentally ill persons.
- There is a need to innovate and fine-tune the DMHP when applying it to urban areas so as to meet specific urban needs which may differ from rural requirements.
- The GOI must consider bestowing upon IHBAS the status of a National Institution like NIMHANS, thus, providing States in the North Region an example to look upto, collaborate with and emulate with a view towards strengthening their respective mental healthcare systems.
- States and UTs must consider adopting some of the good practices which have been seen in the State of Tamil Nadu regarding implementation of the DMHP, as well as setting up of (a) **Family Federations**, which act

as support groups for families who have members who suffer from mental illness; (b) **Women Self Help Groups**, comprising Mothers and Care Givers from such families, who are engaged in microeconomic activities which enable such families to provide for finances to take care of treatment expenses of their family members; (c) **Job Fairs** for cured mentally ill persons; (d) **coverage for employment under the MGNREGA** for persons with mental illness, and (e) the **Engagement of Religious Leaders** in spreading awareness among families of those suffering from mental illness about scientific mental healthcare treatment and perhaps also collaborating with them for extending requisite facilities to mental health patients, as has been demonstrated by the Erwadi Dargah Committee, Tamil Nadu.

- There is a need to put together the best practices of all States with respect to mental healthcare in general and the DMHP in particular, in the form of a booklet for dissemination and generating greater awareness.
- It is vital that the partnership between the public and private sectors be enhanced so as to bridge the treatment gaps which exist in the area of mental healthcare.
- There is a need to strengthen the NGO support base in the mental healthcare sector so that these NGOs may act as an effective interface between the Government and people and help strengthen the overall service delivery of mental healthcare services. NGO support and partnership with the Government will be vital for the long-term sustainability and efficacy of the DMHP.
- A major challenge to the mental healthcare sector is the issue of homeless mentally-ill persons. There is need to pay special attention to this section of mentally ill persons, who are perhaps amongst the most vulnerable.

- The GOI must develop clear guidelines on salaries of various categories of mental healthcare professionals who are generally hired on contract and paid low wages. There is also need to ensure regular disbursement of funds for this purpose. So that this may act as an incentive to draw more professionals into the public mental healthcare sector.
- Provision should be made for free distribution of psychotropic drugs to mentally ill persons at district/ CHC level across the all States.
- There should be a provision of single window programme for identification of disabilities at Block Level including mental illness.
- Private Sector General Practitioner's (GPs) should be involved in mental health care as far as possible.
- There is a need for shift in training of mental health professionals to mental issues relating to simpler mental disorders such as stress, anxiety, etc.



Annexure – 13

Para 13.3

Status of the Training Programmes Conducted during Financial Year 2015-2016

Sl. No	Category	Name of the Institution / Organization	Topic of the Programme	Programme Date	Number of participants
1	University/ College	DBS (PG) College, Dehradun, Uttarakhand	One (One day) Training Programme on Rights of Women	18.12.2015	100
2	University/ College	Bharti Vidyapeeth University, Abhijit Kadam Institute of Management & Social Sciences, Solapur Maharashtra	One (One day) Training Programme on Human Rights	21.8.2015	100
3	NGO	Ekla Chalo, Balibhara, Uttarpara, Near Nabin Sangh Club, PO Nabannagar, West Bengal	One (One day) Basic Training Programme on Human Rights	04.7.2015	100
4	University/ College	Christian College, Chennur, Kerala	One (One day) Training Programme on Human Rights	22.7.2015	100
5	University/ College	Christian College, Thiruvananthapuram, Kerala	One (One day) Training Programme on Human Rights	18.8.2015	100
6	University/ College	Mar Baselios Institute of Technology, St. John's College Campus, Kollam, Kerala	One (One day) Training Programme on Human Rights	05.8.2015	100
7	PTI	Directorate General, East Block-V, Sashastra Seema Bal (SSB), R. K. Puram, New Delhi	Four (One day) Training Programme on Human Rights	20.8.2015, 26.8.2015, 17.8.2015 & 21.8.2015	50+50+50+50= 200

Sl. No	Category	Name of the Institution / Organization	Topic of the Programme	Programme Date	Number of participants
8	NGO	Tirumala Education & Social Welfare Society, SS Front Road, Bijapur, Karnataka	One (One day) Basic Training Programme on Human Rights	14.7.2015	100
9	PTI	Subsidiary training Centre, BSF, Humhana New Airport Road, Sri nagar, J&K	One (One day) Basic Training Programme on Human Rights	15.01.2016	50
10	PTI	Training Centre & School, BSF, Post Meru, Distt. Hazaribagh, Jharkhand	Three (One day) Training Programme on Human Rights	27.8.2015; 14.10.2015; & 09.12.2015	175+175+175= 525
11	PTI	Subsidiary Training Centre, BSF, Udhampur, Jammu & Kashmir	One (One day) Basic Training Programme on Human Rights	28.9.2015	50
12	PTI	Punjab Police Academy, Phillaur, Jalandhar, Punjab	One (Two days) Advance Level Training Programme on Human Rights	3-4.12.2015	50
13	University/ College	National Law University, Mandore, Jodhpur, Rajasthan	One (Two days) Advance Level Training Programme on Human Rights	18-19.09.2015	146
14	University/ College	Rajiv Gandhi National University of Law, Patiala, Punjab	One (One day) Training Programme on Rights of Child	17.10.2015	100

Sl. No	Category	Name of the Institution / Organization	Topic of the Programme	Programme Date	Number of participants
15	University/ College	Mahapurusha Srimata Sankardeva Viswavidyalaya (MSSV), Haladhar Bhuyan Path, Kalongpar, Nagaon, Assam	One (Two days) Advance Level Training Programme on Human Rights	3-4.9.2015	100
16	University/ College	Jawaharlal Nehru Raj-keeya Mahavidyalaya, Port Blair, Andman & Nicobar Island	One (One day) Basic Training Programme on Human Rights	17.2.2016	100
17	University/ College	Department of Law, University of Jammu, Jammu & Kashmir	One (One day) Basic Training Programme on Human Rights	9.12.2015	200
18	University/ College	Mahatma Gandhi Antar-rashtriya Hindi Vishwavidyalaya, Gandhi Hills, Wardha, Maharashtra	One (One day) Training Programme on Human Rights	3.10.2015	100
19	University/ College	Walchand College of Arts & Science, Solapur University, Solapur, Maharashtra	One (One day) Training Programme on Human Rights	5.2.2016	100
20	University/ College	Bharat Sevak Samaj, Manipur Branch, Assembly Road, Imphal, Manipur	One (One day) Training Programme on Human Rights	5.8.2016	100
21	NGO	Welness Solutions, Tharayil Building, Kundannur, Kochi, Kerala	One (One-Day) Training Programme in Prevention and Management of Life Style Diseases	8.8.2015	150

Sl. No	Category	Name of the Institution / Organization	Topic of the Programme	Programme Date	Number of participants
22	NGO	All India Lawyers Union, "Thusharam", St. Vincent Road, Kochi, Kerala	One (One-Day) Training Programme on Human Rights Violation in Criminal Investigation	12.9.2015	100
23	University/ College	JSS Law College (Autonomous) New Kantharaje Urs Road, Kuvempunagar, Mysore, Karnataka	One (One-Day) Basic Training Programme on Human Rights	07.11.2015	100
24	University/ College	Karnataka State Law University Navanagar, Hubli, Karnataka	One (One-day) Basic Training Programme on Human Rights	31.10.2015	100
25	University/ College	Department of Political Science, Shivaji University, Kolhapur, Maharashtra	One (One-Day) Basic Training Programme on Human Rights & One (One-Day) Training Programme on Rights of Women	31.10.2015 & 3.11.2015	100 + 185
26	University/ College	Chanakya National Law University Nyaya Nagar, Mithapur Patna, BIHAR	One (One-Day) Training Programme on Human Rights for Police Personnel	27.11.2015	100
27	University/ College	Vidyavardhaka Law College Sheshadri Iyer Road, Mysore Karnataka	One (One-Day) Training Programme on Human Rights	31.10.2015	200

Sl. No	Category	Name of the Institution / Organization	Topic of the Programme	Programme Date	Number of participants
28	ATI	Mahatma Gandhi State Institute of Public Administration, Sector - 26, Chandigarh	Three (One-Day) Basic Training Programmes on Human Rights; One (Two-Days) Advanced Level Training Programme on Human Rights; and One (Three-Days) Training of Trainers (TOT) Programme on Human Rights	1- Day = 27.7.2016, 05.08.2016 & 26.9.2016, 2-Day = 20-21.11.2016 and 3-Day= 30.01.2017-01.02.2017	1-Day = 56+ 50 + 43, 2 Day = 51 and 3-Day = 40
29	ATI	Dr. MCR Human Resource Development Institute of Telangana, Road No.25, Jubilee Hills, Hyderabad, Telangana	Two (One-Day) Basic Training Programmes on Human Rights; Two (Two-Days) Advanced Level Training Programmes on Human Rights; and One (Three-Days) Training of Trainers (TOT) Programme on Human Rights	18.11.2015 & 22.12.2015 to 23.12.2015	50

Sl. No	Category	Name of the Institution / Organization	Topic of the Programme	Programme Date	Number of participants
30	PTI	Rajasthan Police Academy Panipech, Nehru Nagar, Jaipur, Rajasthan	One (1-day) Training Programme; One (2-days) Advanced Level Training Programme and One (3-days) Training of Trainers Programme on Human Rights	17.11.2015, 15-16.12.2015 and 19-21.01.2016	50+50+50
31	PTI	Police Training School, Puducherry	One Day Basic Training Programme on Human Rights to the Police Personnel	12.12.2015	100
32	ATI	Indian Institute of Public Administration (IIPA), Puducherry Local Branch, No.3, IV Floor, PWD Building, Le Eveche Street, Puducherry	One (one-day) Basic Training Programme on "Human Rights"	11.7.2016	100
33	PTI	Sher-I-Kashmir Police Academy Udhampur, Jammu, Jammu & Kashmir	One (One) day Basic Programme on Human Rights; One (Three) days Training of Trainers (TOT) Programme on Human Rights; and One (Two) days Advance Level Programme on Human Rights	01.02.2016; 08.02.2016-10.02.2016; and 23.02.2016-24.02.2016	150

Sl. No	Category	Name of the Institution / Organization	Topic of the Programme	Programme Date	Number of participants
34	University/ College	Hamida Girls' Degree College Sultanpur Bhawa, Noor-ullah Road Allahabad, Uttar Pradesh	One (One-Day) Training Programme on Human Rights	28.11.2015	100
35	University/ College	Raja Shripatrao Bhagawantrao Mahavidyalaya, Aundh, Taluka-Khatav, District: Satara, Maharashtra	One (one-day) Basic Training Programme on Human Rights	23.12.2015	100
36	University/ College	Periyar EVR College Tiruchirappalli, Tamil Nadu	One (one-day) Basic Training Programme on Human Rights	6.1.2016	100
37	University/ College	Women's Studies Centre, Vidyasagar University Midnapore, West Bengal	One (one-day) Basic Training Programme on Human Rights	17.12.2015	100
38	University/ College	Faculty of Social Work, Maharaja Sayajirao University of Baroda, Opposite Fatehgunj Post Office Vadodara, Gujarat	One (one-day) Basic Training Programme on Human Rights	2.1.2016	100
39	University/ College	School of Youth Empowerment Madurai Kamaraj University, Palkalai Nagar, Madurai, Tamil Nadu	One (one-day) Basic Training Programme on Human Rights	10.12.2015	100

Sl. No	Category	Name of the Institution / Organization	Topic of the Programme	Programme Date	Number of participants
40	University/ College	Maharaja Ganga Singh University NH-15, Jaisalmer Road Bikaner, Rajasthan	One (one-day) Basic Training Programme on Rights of Women	25.1.2016	100
41	University/ College	Department of Economics, Amal College of Advanced Studies, Malappuram, Kerala	One (one-day) Basic Training Programme on Human Rights	16.12.2015	100
42	University/ College	S.B.C. First Grade College for Women, S.S. Layout, 'A' Block Davangere, Karnataka	One (one-day) Basic Training Programme on Rights of Women	30.1.2016	100
43	University/ College	VIT Business School, VIT University, Vandalur, Kelambakkam Road, Chennai, Tamil Nadu	One (one-day) Training Programme on Rights of Women	13.11.2015	100
44	University/ College	Dhempe College of Arts & Science Miramar, Panjim, Goa	One (One-Day) Training Programme on Human Trafficking	29.02.2016	100
45	University/ College	Good News Welfare Society's Arts & Commerce First Grade College, Kalghatagi, Karnataka	One (one-day) Basic Training Programme on Human Rights	21.01.2016	100
46	University/ College	MET Arts & Science College Nadapuram, P.O. Kallachi Kozhikode, Kerala	One (one-day) Basic Training Programme on Human Rights	21.01.2016	100
47	University/ College	CSI Ewart Women's Christian College, Kanchepuram, Tamil Nadu	One (One-Day) Training Programme on Rights of Women	17.12.2015	100

Sl. No	Category	Name of the Institution / Organization	Topic of the Programme	Programme Date	Number of participants
48	University/ College	Kasturbai College of Education Seth Walchand Hirachand Marg Ashok Chowk, Solapur Maharashtra	One (One-Day) Training Programme on Child Rights	10.12 2015	100
49	University/ College	Christ University, Hosur Road, Bengaluru, Karnataka	One (one-day) Training Programme on Human Rights	10.12.2015	100
50	University/ College	Central University of Haryana Jant-Pali, Post: Pali Mahendergarh, Haryana	One (One-Day) Training Programme on Human Rights	12.4.2016	100
51	University/ College	Central University of Punjab City Campus, Mansa Road Bathinda, Punjab	One (One-Day) Basic Training Programme on Human Rights	20.12.2015	100
52	University/ College	Hallo Swosti (NGO) AT/PO-Nischintakoili Cuttack, Odisha	One (One-Day) Basic Training Programme on Human Rights	19.12.2015	100
53	University/ College	Law Centre-1 University of Delhi Delhi-110 007	Three days - NHRC sponsored National Moot Court Competition – 2016	18.03.2016 to 20.03.2016	48 Teams
54	University/ College	Maulana Azad National Urdu University, Hyderabad	One (One-Day) Basic Training Programme on Human Rights	18.10.2016	115

Sl. No	Category	Name of the Institution / Organization	Topic of the Programme	Programme Date	Number of participants
55	University/ College	Tamil Nadu Open University 577, Anna Salai, Saidapet, Chennai, Tamil Nadu	Two (One-Day) Training Programme on Human Rights for Transgender and students	28.3.2016 & 30.3.2016	200
56	University/ College	Shri D.H. Agrawal Arts, Shri Rang Avadhoot Commerce & Shri C.C.Shah & M.G. Agrawal Science College, Navapur, District Nandurbar, Maharashtra	One (One-Day) Training Programme on Human Rights for Women	27.02.2016	100
57	University/ College	Rajiv Gandhi University, Rano Hills, PO Doimukh, Arunachal Pradesh	One (One-Day) Training Programme on Human Rights	15.3.2016	151
58	University/ College	Shillong College, PO Laitumkhrach, Shillong, Meghalaya	One (One-Day) Training Programme on Human Rights	15.3.2016	100
59	University/ College	Lingaya's Lalita Devi Institute of Management & Science, Mandi Road, Mandi, New Delhi-47	One (One-Day) Training Programme on Human Rights Awareness	22.2.2016	100
60	University/ College	Maharishi Dayanand College of Education, Near BSF, Hanumangarh Road, Abohar, Punjab	One (One-Day) Training Programme cum National Seminar on Human Rights	8.3.2016	100

Sl. No	Category	Name of the Institution / Organization	Topic of the Programme	Programme Date	Number of participants
61	University/ College	School of Management Studies, Kongu Engineering College, Erode, Tamil Nadu	One (One-Day) Training Programme on Human Rights	9.3.2016	100
62	NGO	Human Rights Front, Ganganagar, Bhubaneswar, Odisha	One (One-Day) State Level Seminar cum Training on Right to Health Care	14.3.2016	100
63	Govt. Org.	Special Officer, Office of the Special Officer to Report on Constitution of Regulatory Board for Protection of the Rights of Senior Citizens, Kochi, Kerala	One Day Sensitization Programme on Human Rights for Senior Citizens	25.02.2016	200
64	Govt. Org.	CBI Academy, Ghaizabad, Uttar Pradesh	One (Five-days) Basic Investigation Techniques and related Topics" for 20 Officers of NHRC	28.3.2016 to 01.4.2016	20



Annexure – 14

Para 14.10

NHRC Letter to the Chief Secretaries of all States to Create a Favorable Environment for the Functioning of the Human Rights Defenders

डॉ. परविन्दर सोही बिहुरिया, आई.आर.एस.
महाराष्ट्र
Dr. Parvinder Sohi Behuria, IRS
Secretary General



राष्ट्रीय मानव अधिकार आयोग
मानव अधिकार भवन, सी-ब्लॉक, जीपीओ कॉम्प्लेक्स आईएनए,
नई दिल्ली-110 023 भारत
National Human Rights Commission
Manav Adhikar Bhawan, C-Block, GPO Complex,
INA, New Delhi-110023 India

LD/MISC/CD-2013

11th December 2013

Dear

During the visits of the National Human Rights Commission to various States in the country, the NGOs and Human Rights Defenders have drawn the attention of the Commission to the functional environment in the States being not very conducive to their work. They have alleged that functionaries of NGOs and Human Rights Defenders are being threatened and some times have been physically manhandled by the State authorities. It has been stated by them that they live in constant fear of being implicated in false cases. These issues have also been discussed with the State Government officers during the Commission meetings. Open hearings and Camp sittings.

It would, therefore, be of immense help if State Government functionaries are sensitized about the problems being faced by NGOs and Human Rights Defenders. The latter should be treated as partners in bringing about a positive change in the human rights environment in the States.

Yours sincerely,

Sd/-

(Parvinder Sohi Behuria)

To.

Chief Secretaries of all States/UTs

फोन : 91-11-24663260, फैक्स : 91-11-24651329
Phone : 91-011-24663260, Fax : 91-011-24663261, E-mail : sgnhrc@nic.in, Website : www.nhrc.nic.in

Annexure – 15**Para 14.10****NHRC Message on 9th December 2015 (Human Rights Defenders Day)
Pledging Continued Support to the Human Rights Defenders**

Justice Cyriac Joseph
(Former Judge, Supreme Court of India)
Acting Chairperson, NHRC



National Human Rights Commission
Manav Adhikar Bhawan, C-Block,
GPO Complex, INA, New Delhi-110023
Phone : 91-11-24663203 (O), 23012076 (R)
Mob. : 09910063518
E-mail : member1.nhrc@nic.in

MESSAGE

By Resolution A/RES/53/144 dated 9th December, 1998, the General Assembly of the United Nations adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, popularly known as “the Declaration on Human Rights Defenders”. Significantly, the Declaration on Human Rights Defenders was adopted on the occasion of celebrating the 50th anniversary of the Universal Declaration of Human Rights. ‘Human Rights Defender’ is a term used to describe people who, individually or with others, act to promote or protect human rights. The date on which the Declaration on Human Rights Defenders was adopted i.e. “9th December” is traditionally observed as “the International Human Rights Defenders Day”. The object of observing “9th December” as the Human Rights Defenders Day is to highlight and recognize the important role being played by Human Rights Defenders all over the world in the protection and promotion of human rights. The National Human Rights Commission considers the Human Rights Defenders as supporters, collaborators and partners in its endeavour to



NATIONAL HUMAN RIGHTS COMMISSION

promote and protect human rights. In this connection, it may be mentioned that protection of human rights is a Constitutional value and a Constitutional goal in India. As per the Constitution of India, the State has an obligation to protect human rights and the citizen also has a duty to promote and protect human rights. Thus, in India protection of human rights is not merely an obligation of the State, but it is a duty of the citizen as well.

It is a matter of deep concern that in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats and harassment and suffer insecurity as a result of those activities, including through the curtailment of freedom of association or expression or the right to peaceful assembly or the abuse of civil or criminal proceedings. It is also to be observed that women human rights defenders are at the risk of and suffer from violations and abuses, including systematic violations and abuses of their fundamental rights to life, liberty and security of person, to psychological and physical integrity, to privacy and respect for private and family life and to freedom of opinion and expression, association and peaceful assembly. They also experience gender based violence, rape and other forms of sexual violence, harassment and verbal abuse and attacks on reputation, online and offline, by State actors including law enforcement personnel and security forces, and non-State actors such as those related to family and community, in both public and private spheres The General



NATIONAL HUMAN RIGHTS COMMISSION

Assembly of the United Nations had to pass a Resolution on 18th December, 2013 for “Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : protecting women human rights defenders”.

Hence, on the occasion of observing Human Rights Defenders Day, I, on behalf of the National Human Rights Commission, salute all the Human Rights Defenders including the women human rights defenders in India and express solidarity with them in their endeavour to protect and promote human rights. I appeal to the Central Government and State Governments to take effective steps for protecting the recognized rights of the human rights defenders. I also appeal to the citizens of India to realize that they have a Constitutional duty to protect human rights and that protection of human rights is impossible without protecting the human rights defenders.

I wish to share with the esteemed human rights defenders the following verses from the Bible: -

“Fortunate are those who hunger and thirst for justice, for they shall be satisfied;



NATIONAL HUMAN RIGHTS COMMISSION

Fortunate are those who work for peace, they shall be called children of God; Fortunate are those who are persecuted for the cause of justice, for theirs is the kingdom of heaven:

(Gospel according to Saint Mathew, Chapter V)

The Human Rights Defenders are persons who hunger and thirst for justice and who work for peace. Even if they are persecuted for the cause of justice, let us hope that the kingdom of heaven will be theirs.

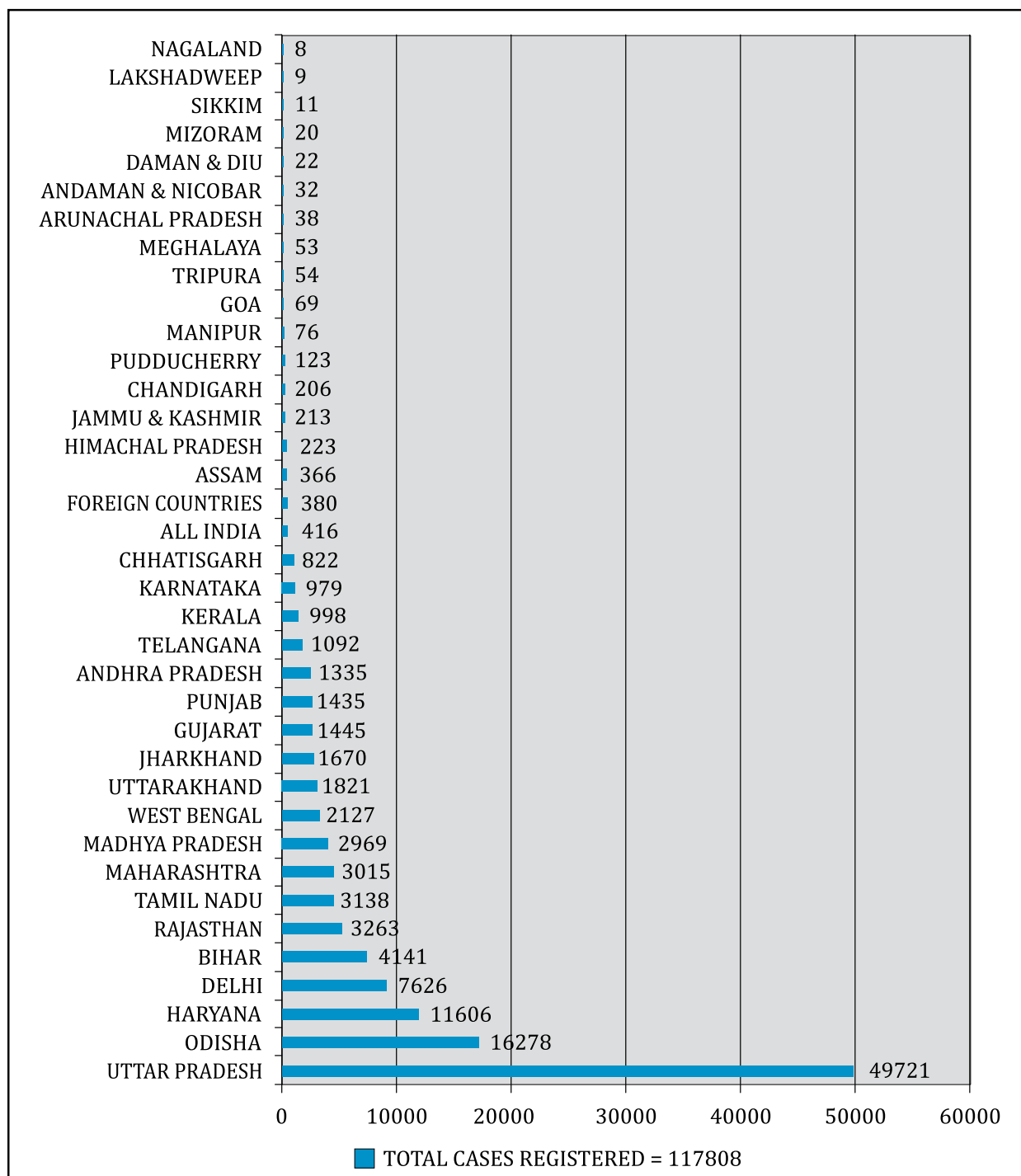
New Delhi
December 9, 2015

Justice Cyriac Joseph
Acting Chairperson

GRAPHS & CHARTS

Graph/Chart No. 1

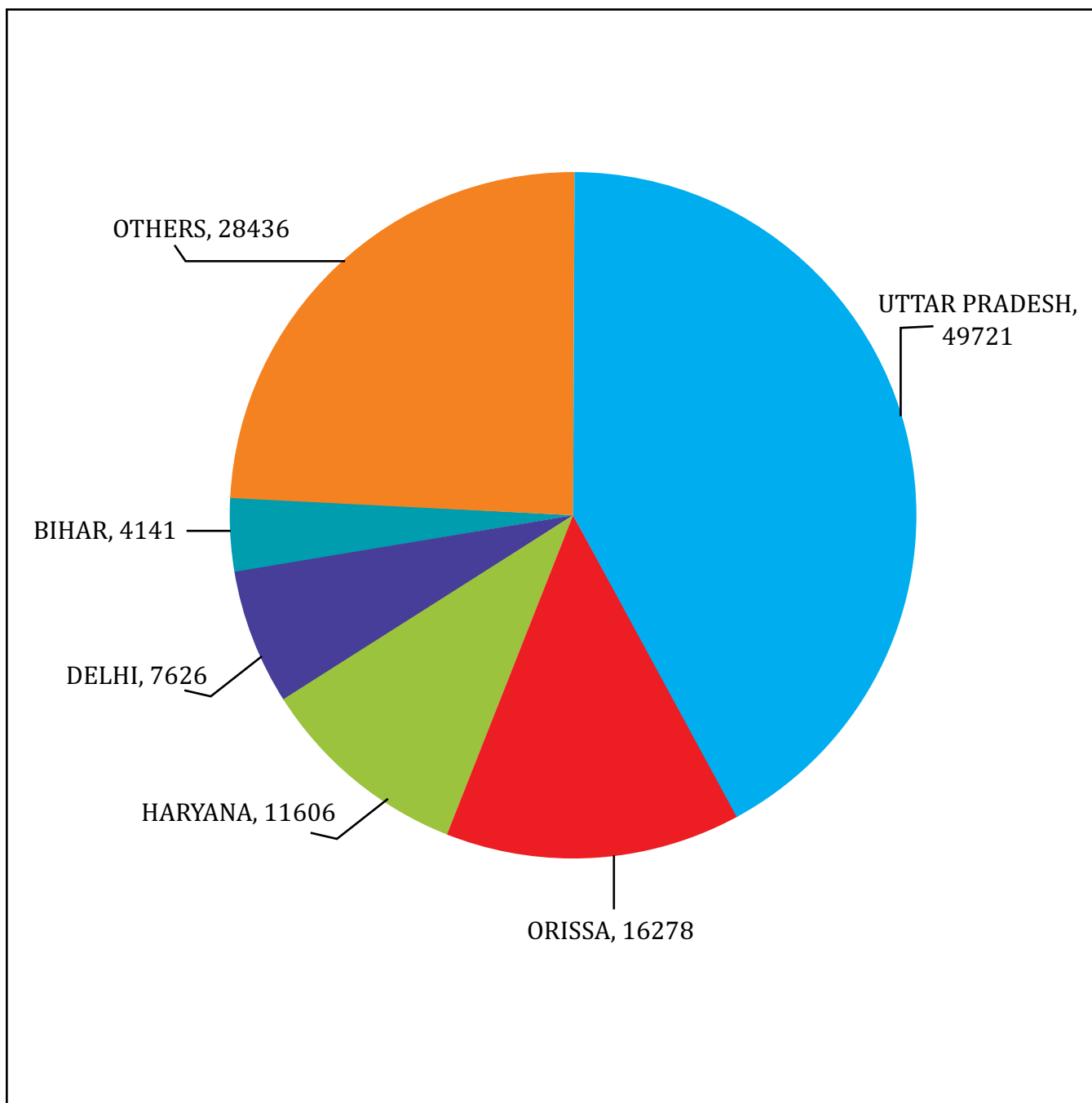
STATE/UT-WISE NUMBER OF CASES REGISTERED IN NHRC DURING 2015-2016

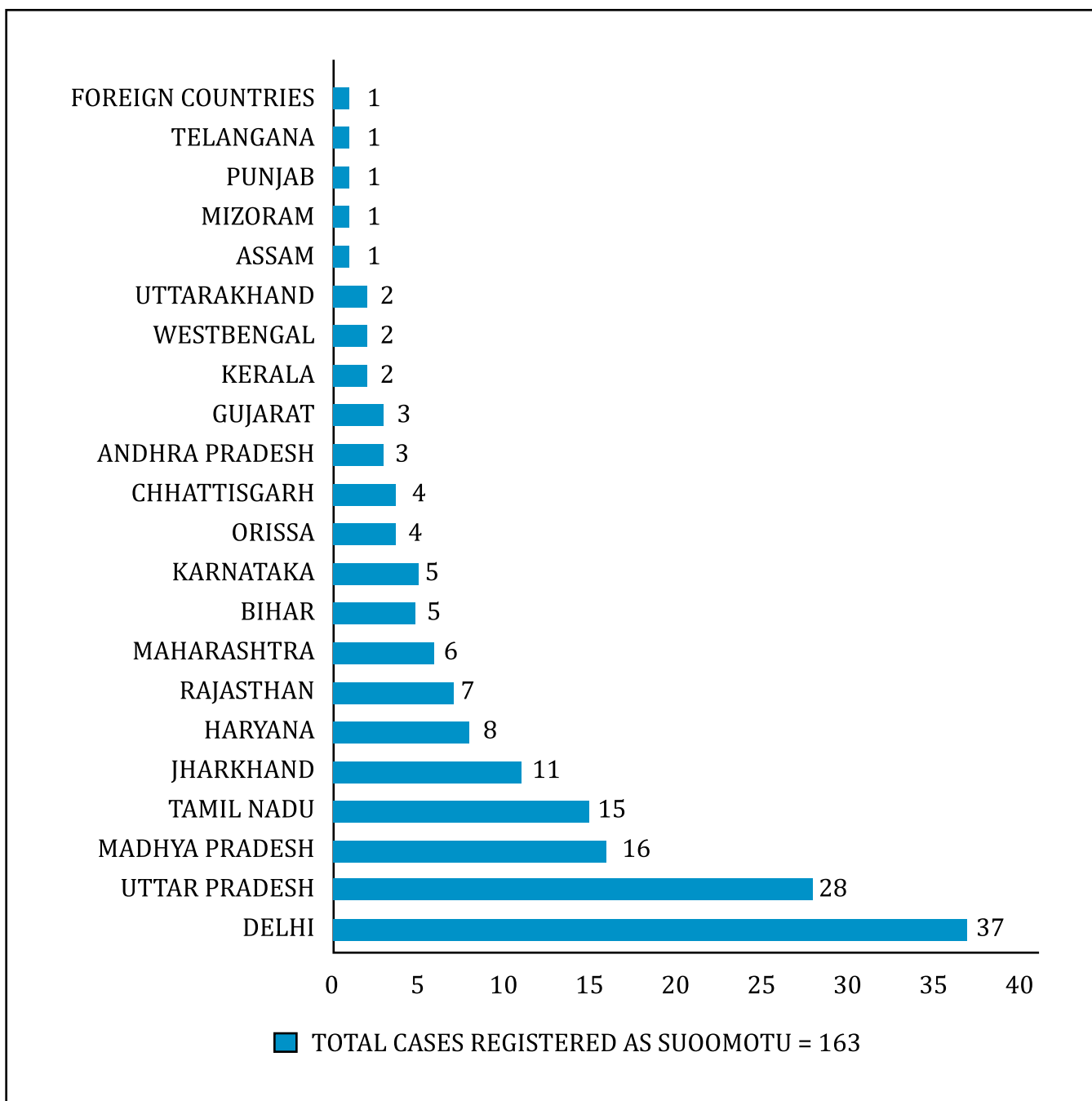


Graph/Chart No. 2

STATE/UT-WISE NUMBER OF CASES REGISTERED IN NHRC DURING 2015-2016

(TOTAL NUMBER OF CASES REGISTERED = 117808)

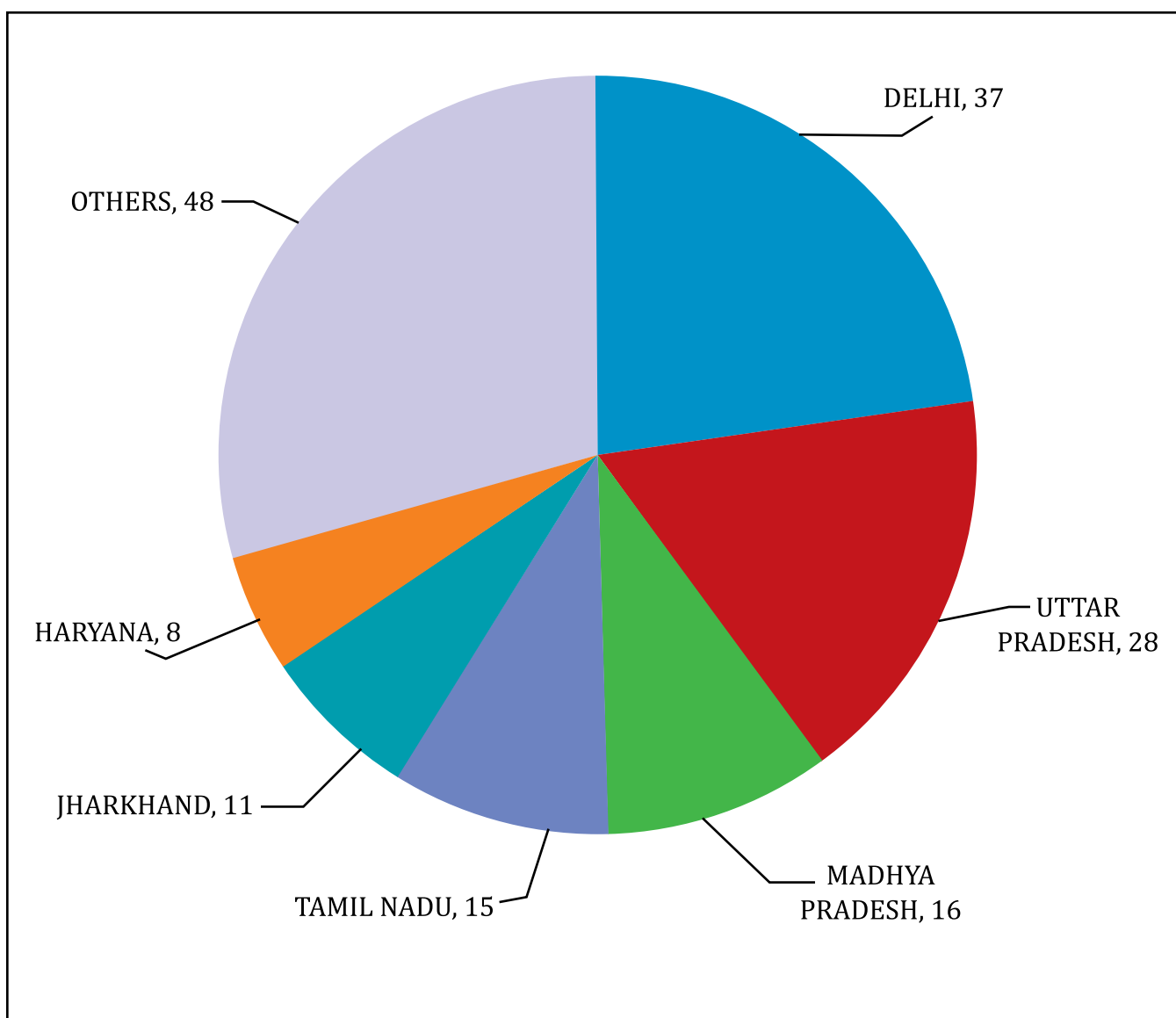


Graph/Chart No. 3
**STATE/UT-WISE GRAPH ON NUMBER OF CASES REGISTERED AS
 SUO-MOTU COGNIZANCE IN NHRC DURING 2015-2016**


Graph/Chart No. 4

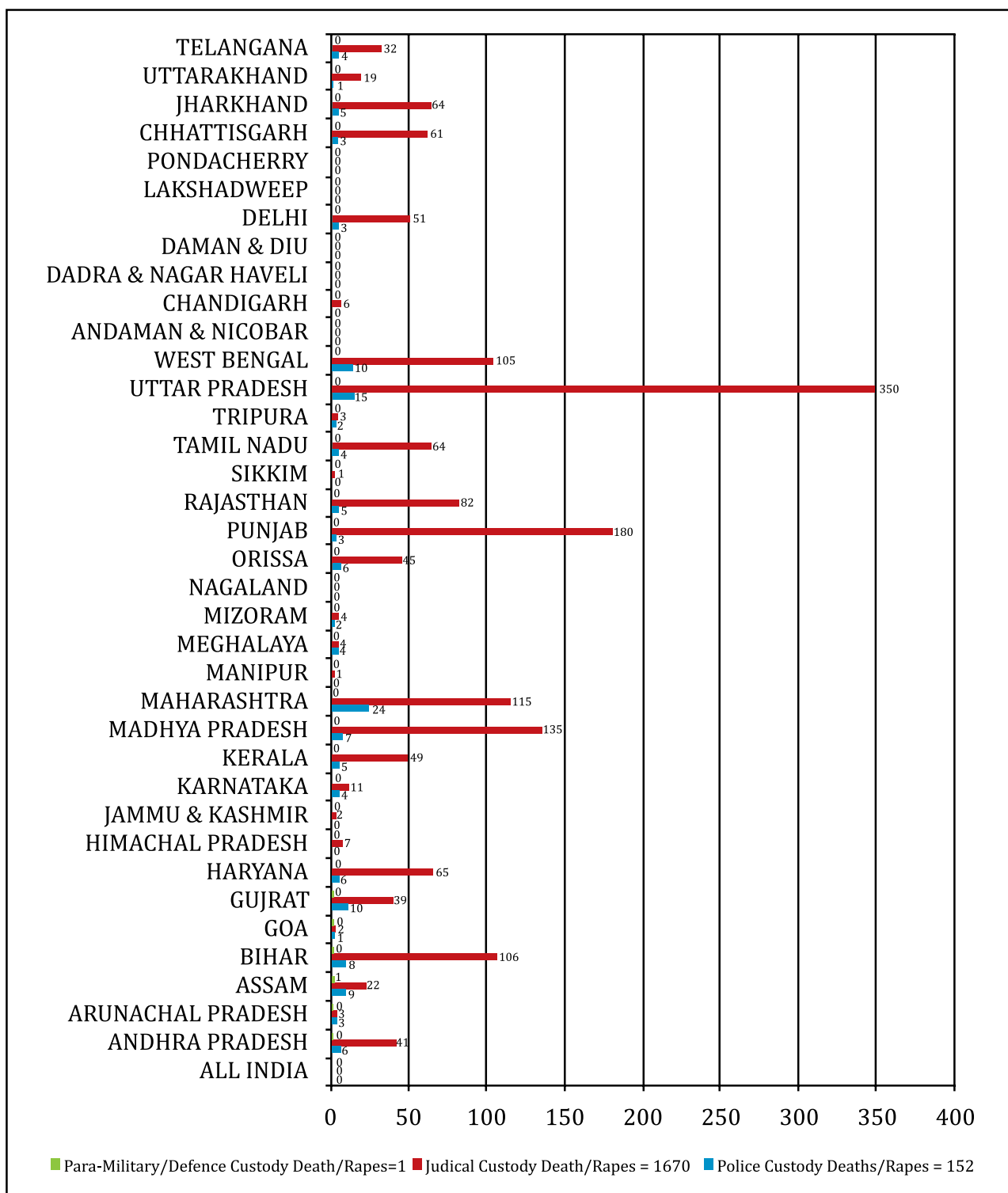
**STATE/UT-WISE CHART ON NUMBER OF CASES REGISTERED AS
SUO-MOTU COGNIZANCE IN NHRC DURING 2015-2016**

(TOTAL NUMBER OF CASES REGISTERED AS SUO-MOTU COGNIZANCE=163)



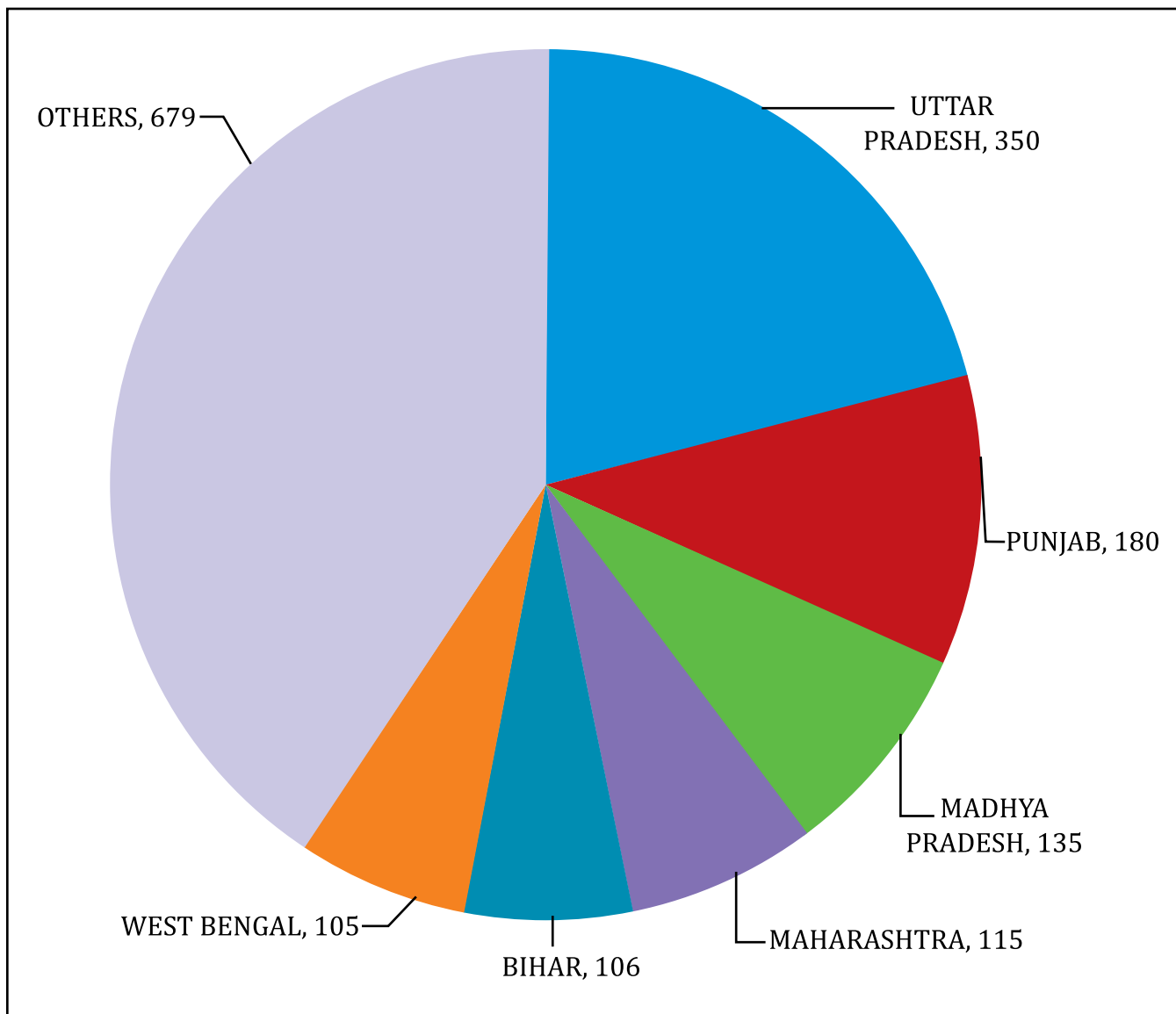
Graph/Chart No. 5

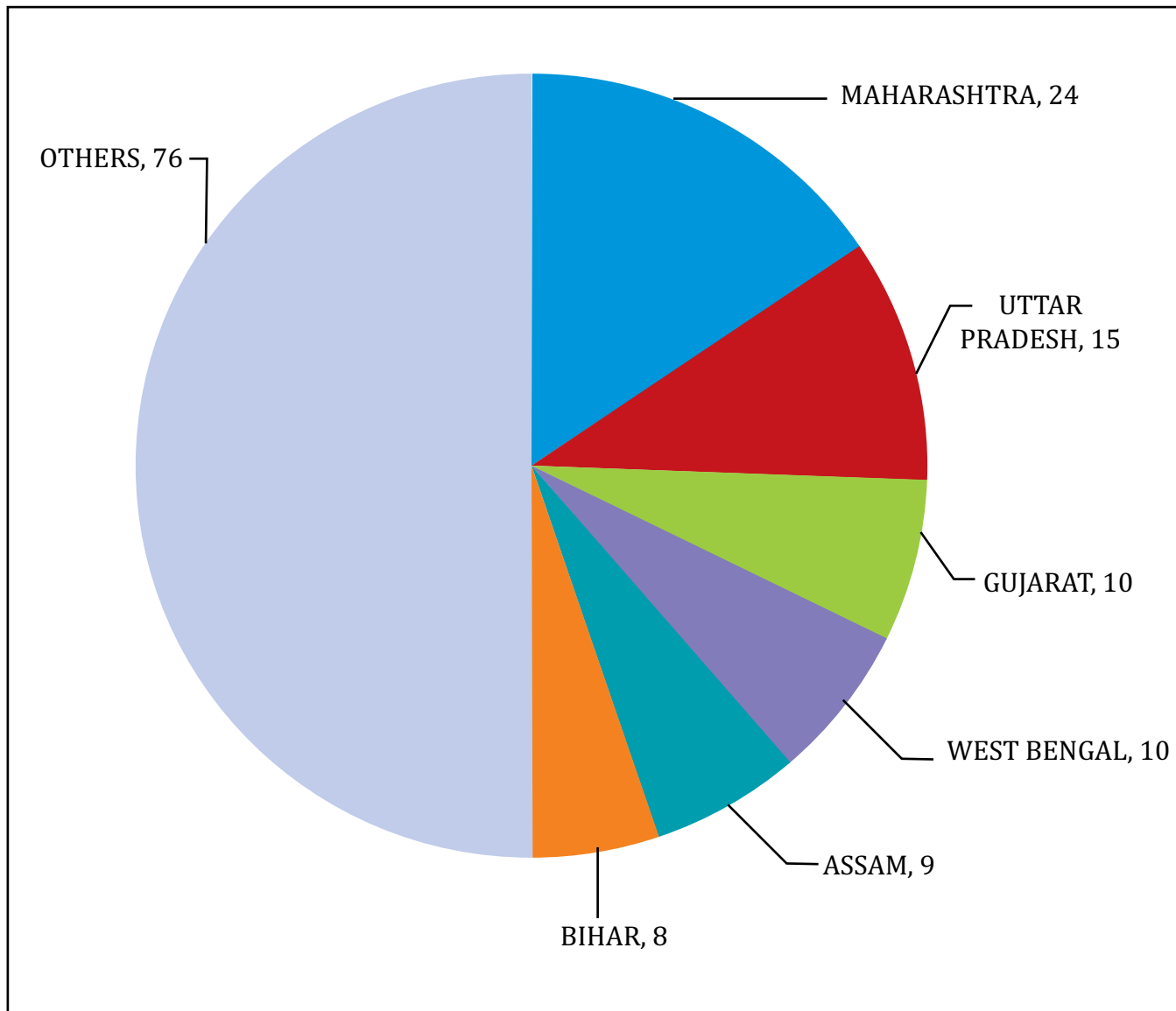
STATE/UT-WISE GRAPH ON INTIMATIONS REGISTERED IN NHRC RELATING TO CUSTODIAL DEATHS/RAPES DURING 2015-2016 (TOTAL CASES = 1823)



Graph/Chart No. 6

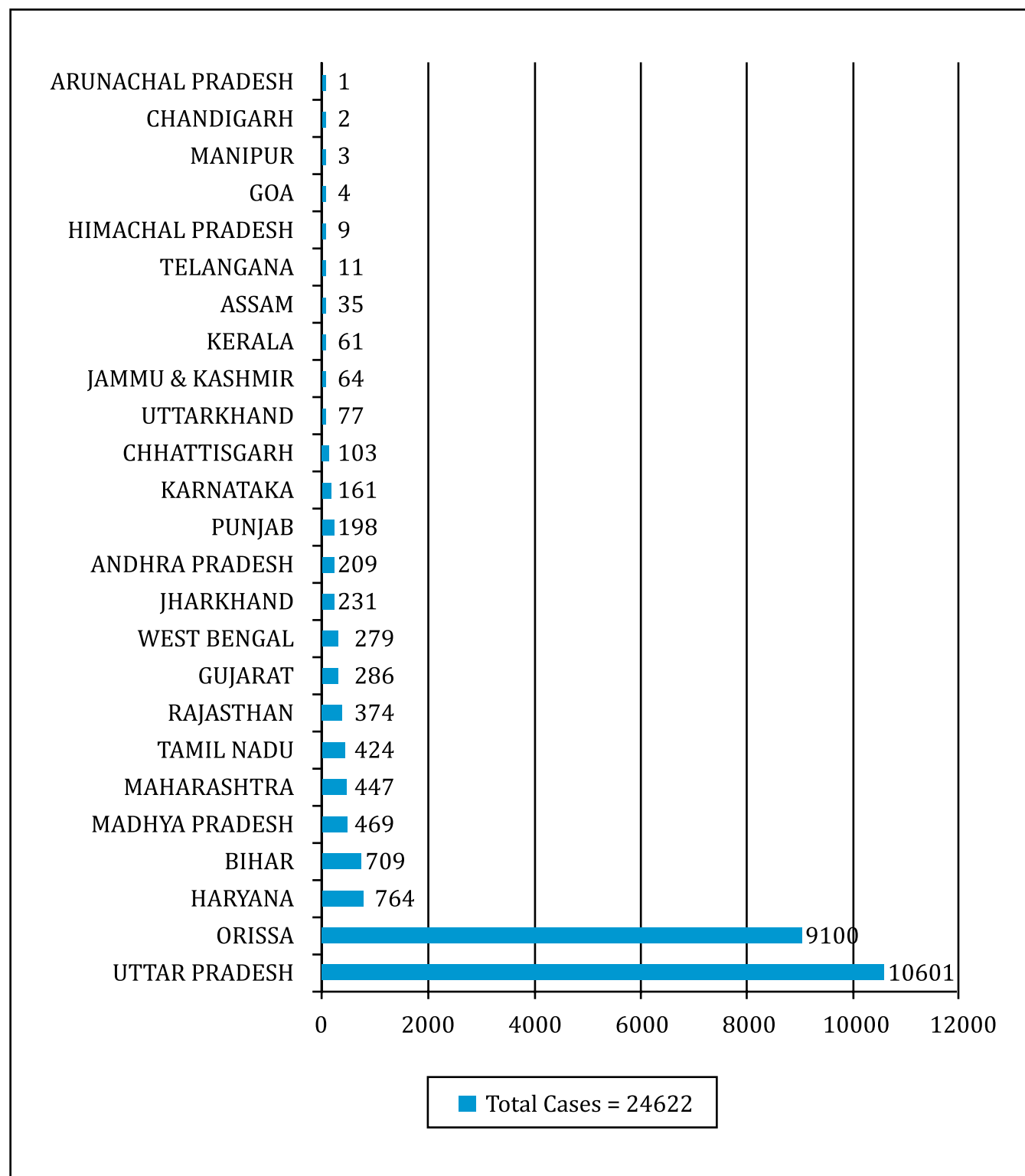
**STATE/UT-WISE CHART ON INTIMATIONS REGISTERED IN NHRC
RELATING TO CUSTODIAL DEATHS/RAPES (JUDICIAL) DURING 2015-2016
(TOTAL NUMBER OF CASES OF CUSTODIAL DEATHS/RAPES (JUDICIAL)= 1670)**



Graph/Chart No. 7**STATE/UT-WISE CHART ON INTIMATIONS REGISTERED IN NHRC
RELATING TO CUSTODIAL DEATHS/RAPES (POLICE) DURING 2015-2016****(TOTAL NUMBER OF CASES OF CUSTODIAL DEATHS/RAPES (POLICE) = 152)**

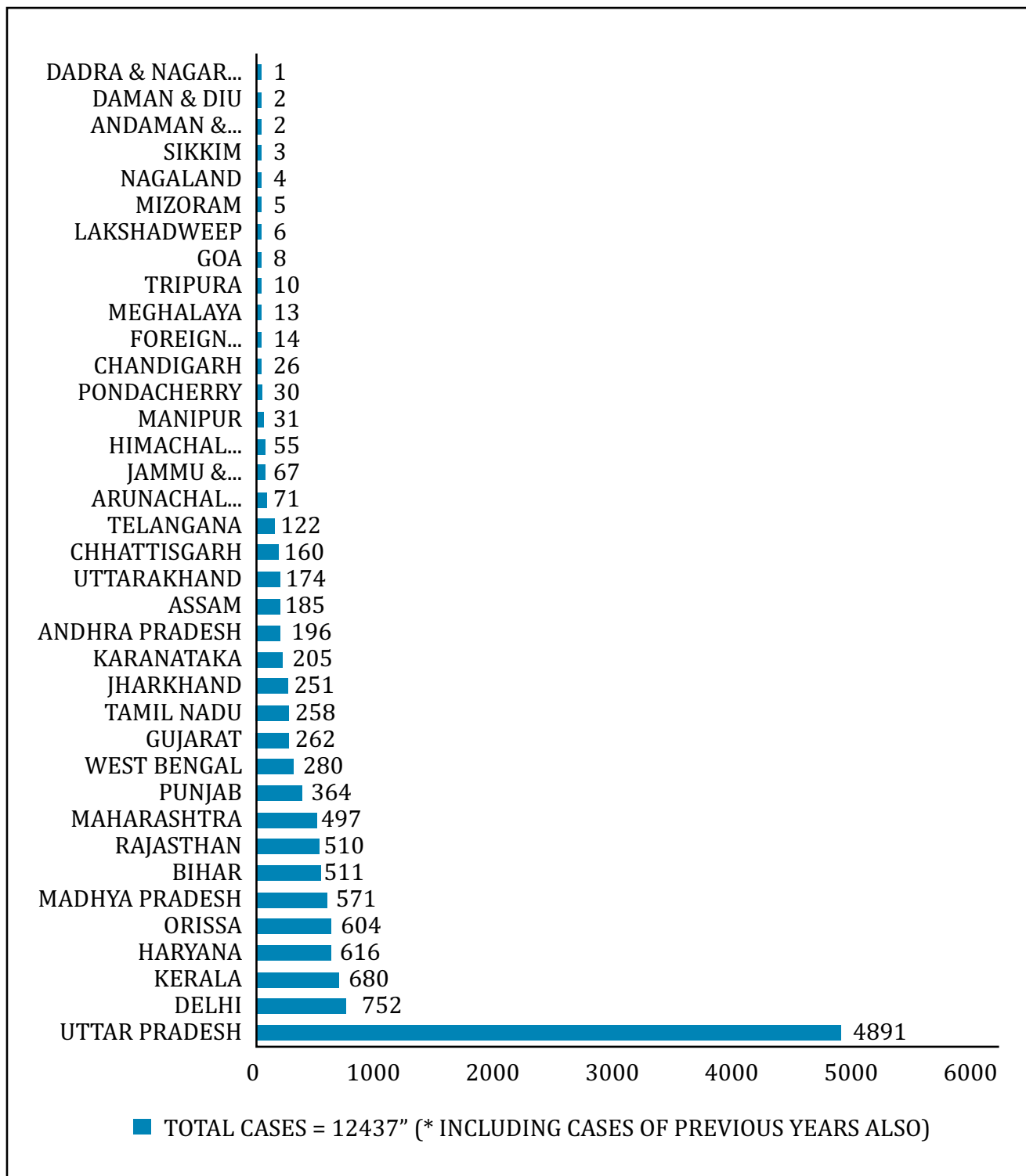
Graph/Chart No. 8

CASES TRANSFERRED BY NHRC TO SHRCs DURING 2015-2016



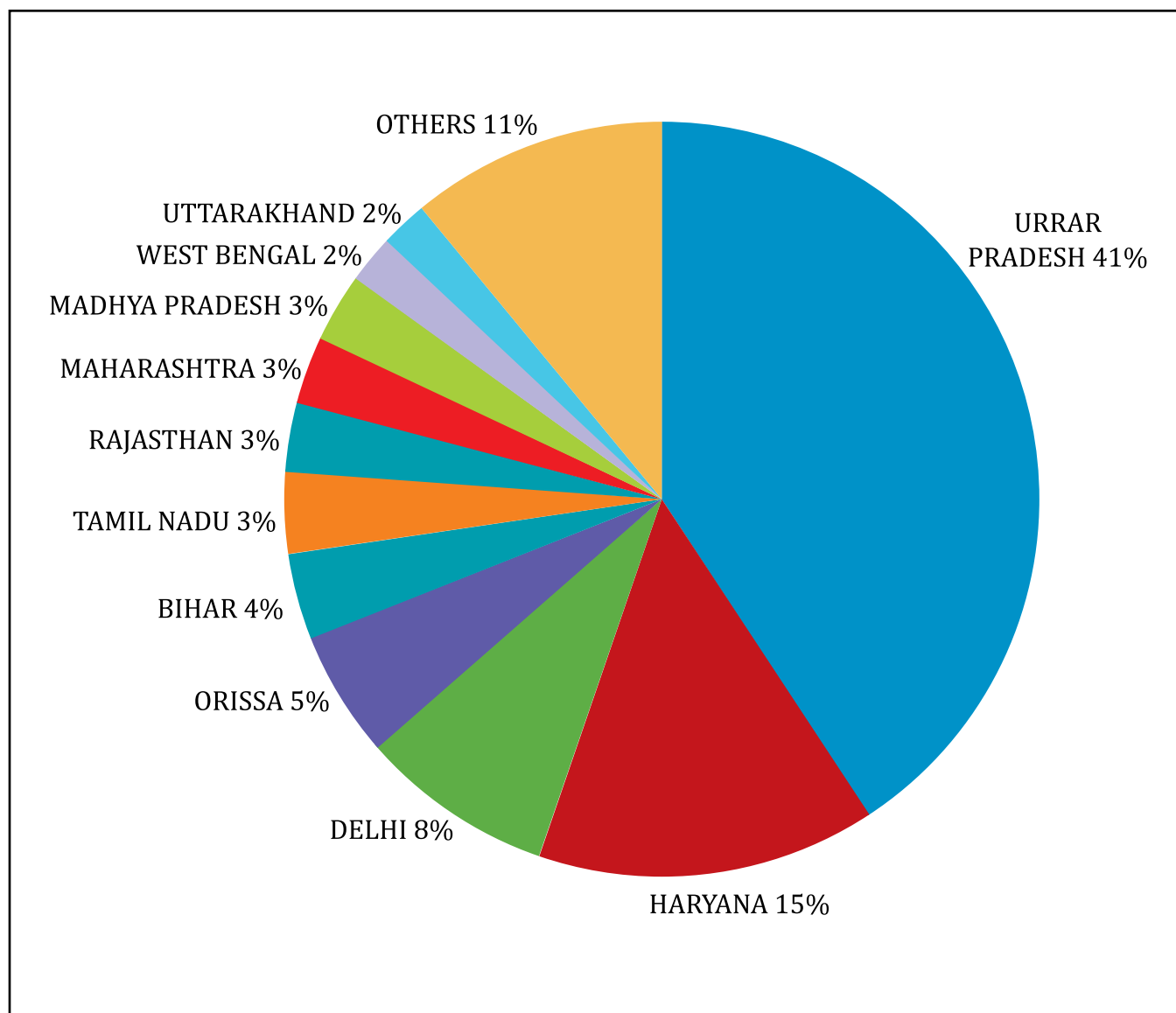
Graph/Chart No. 9

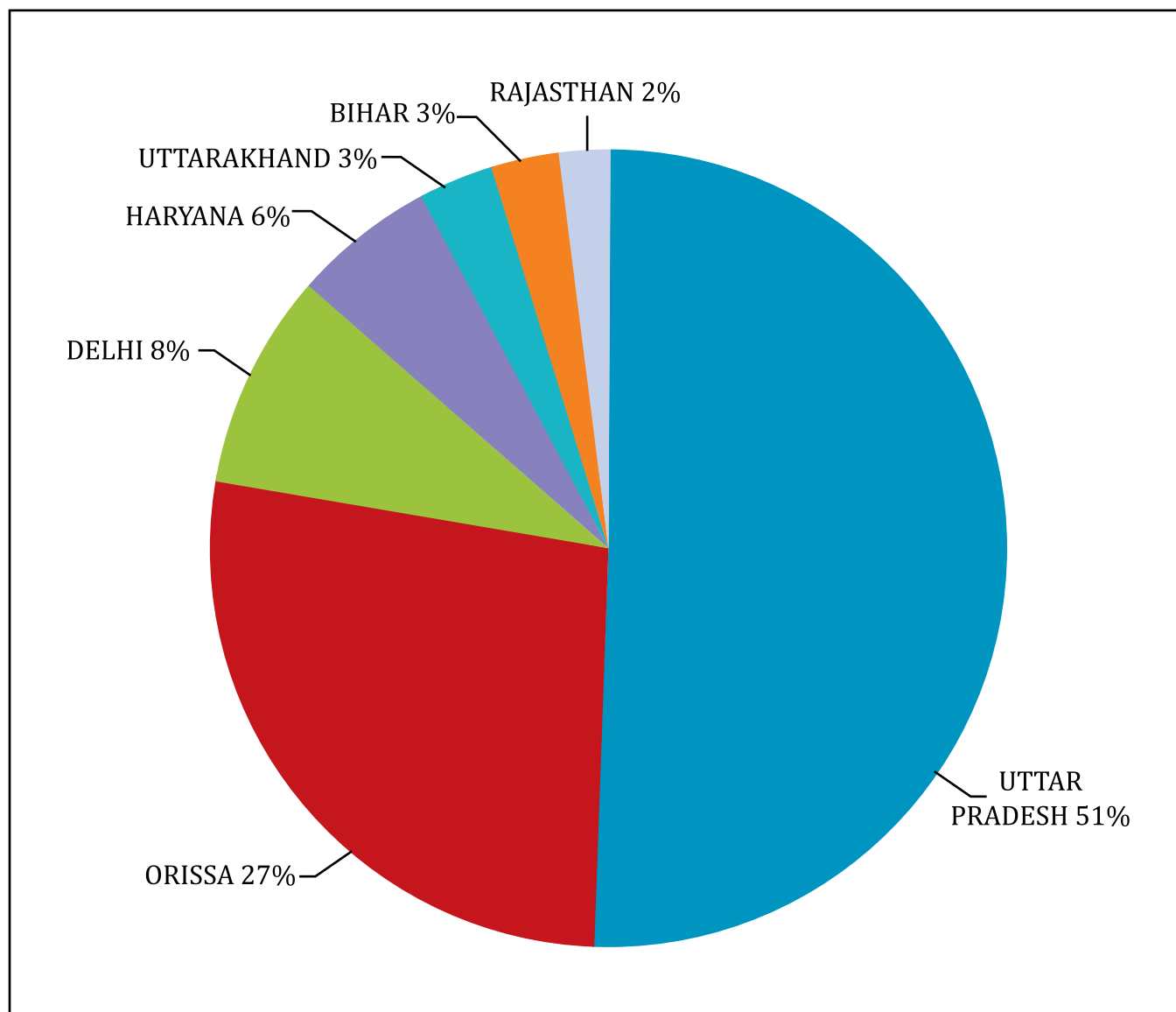
STATE/UT-WISE GRAPH ON NUMBER OF REPORT CASES* DISPOSED OF BY THE NHRC DURING 2015-2016



Graph/Chart No. 10

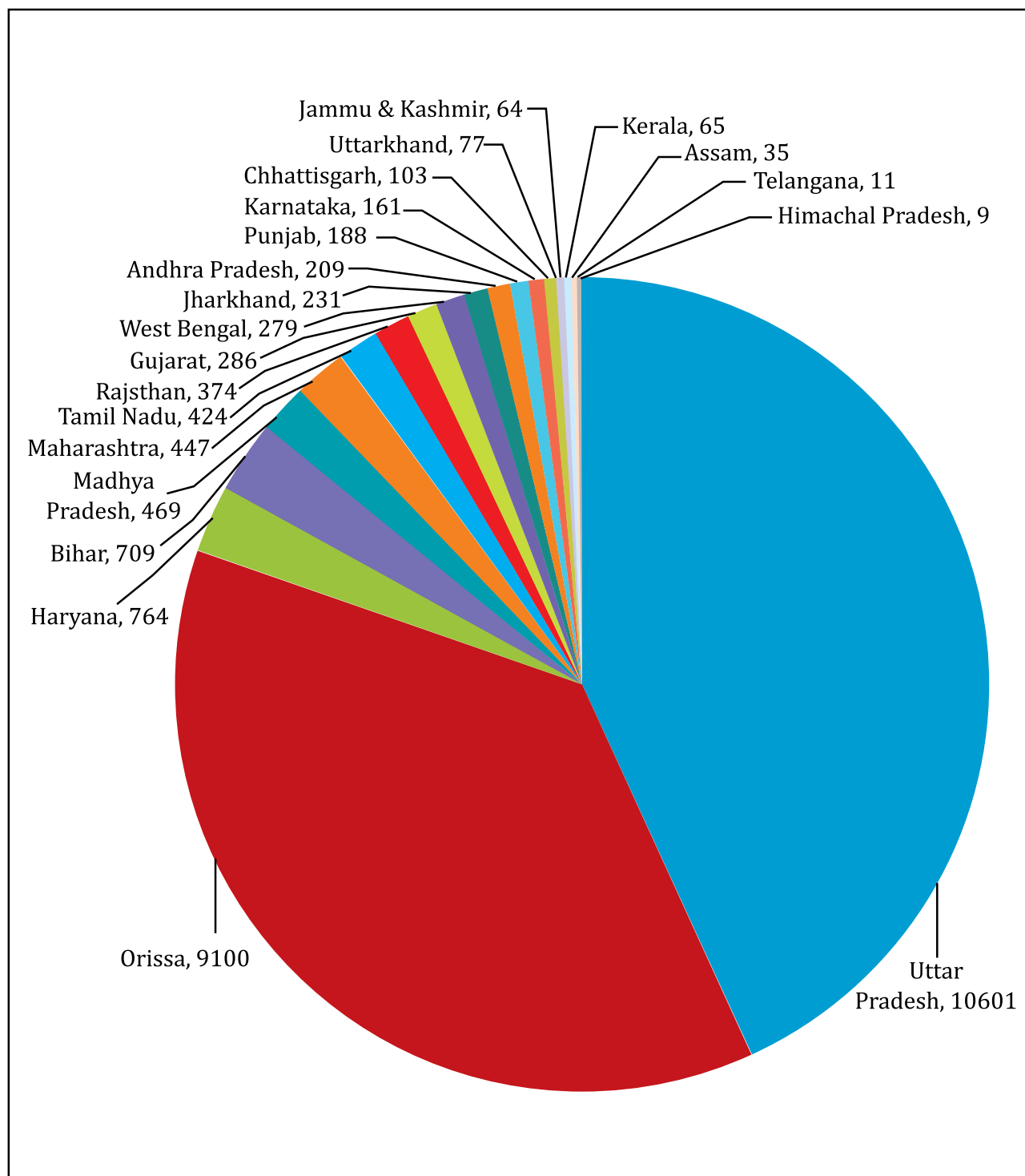
CASES 'DISMISSED IN LIMINE' BY NHRC DURING 2015-2016



Graph/Chart No. 11**CASES 'DISPOSED OF WITH DIRECTIONS' (DWD)
BY NHRC DURING 2014-2015**

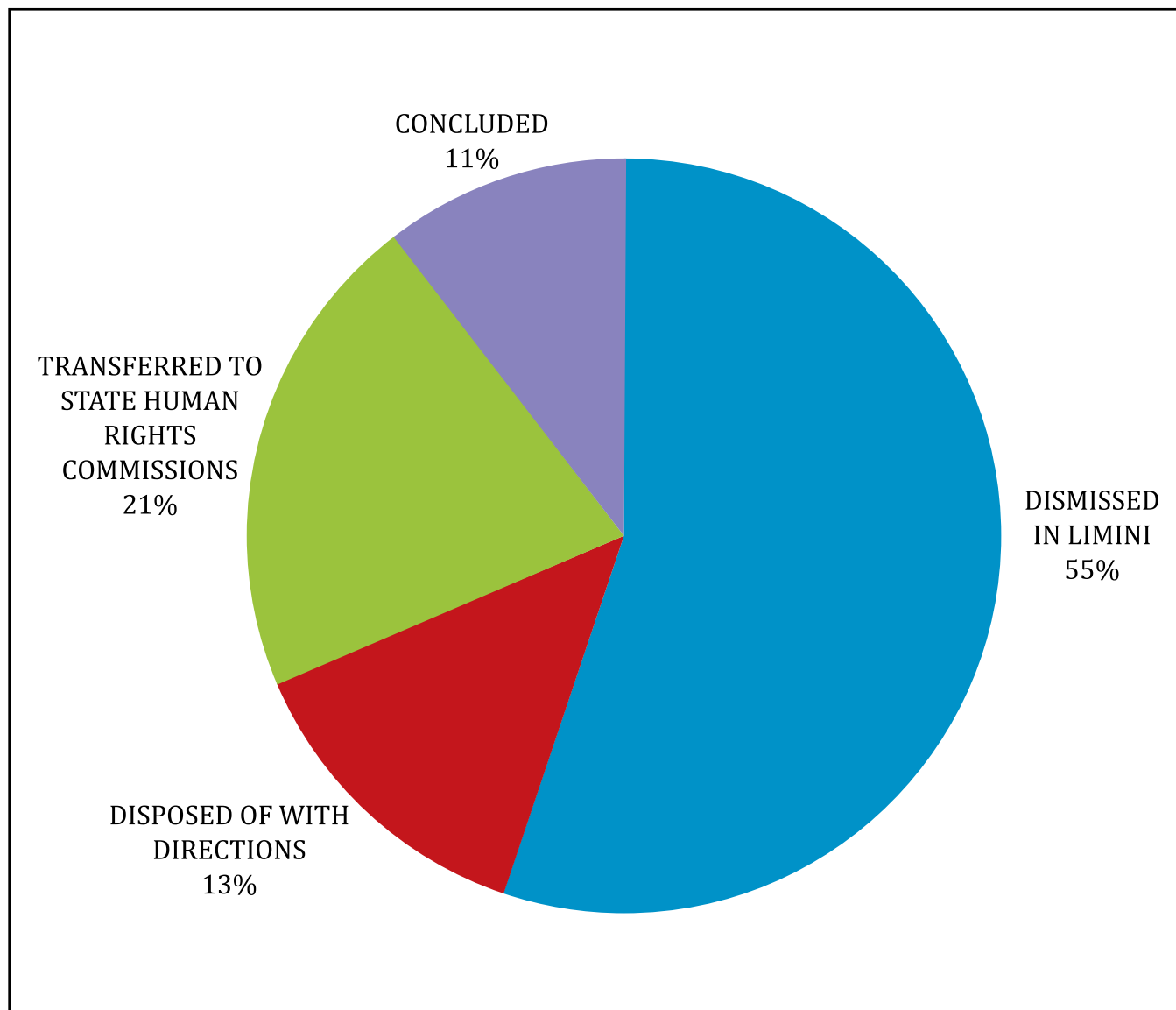
Graph/Chart No. 12

CASES TRANSFERRED TO SHRCs BY NHRC DURING 2014-2015 TOTAL CASES = 24622



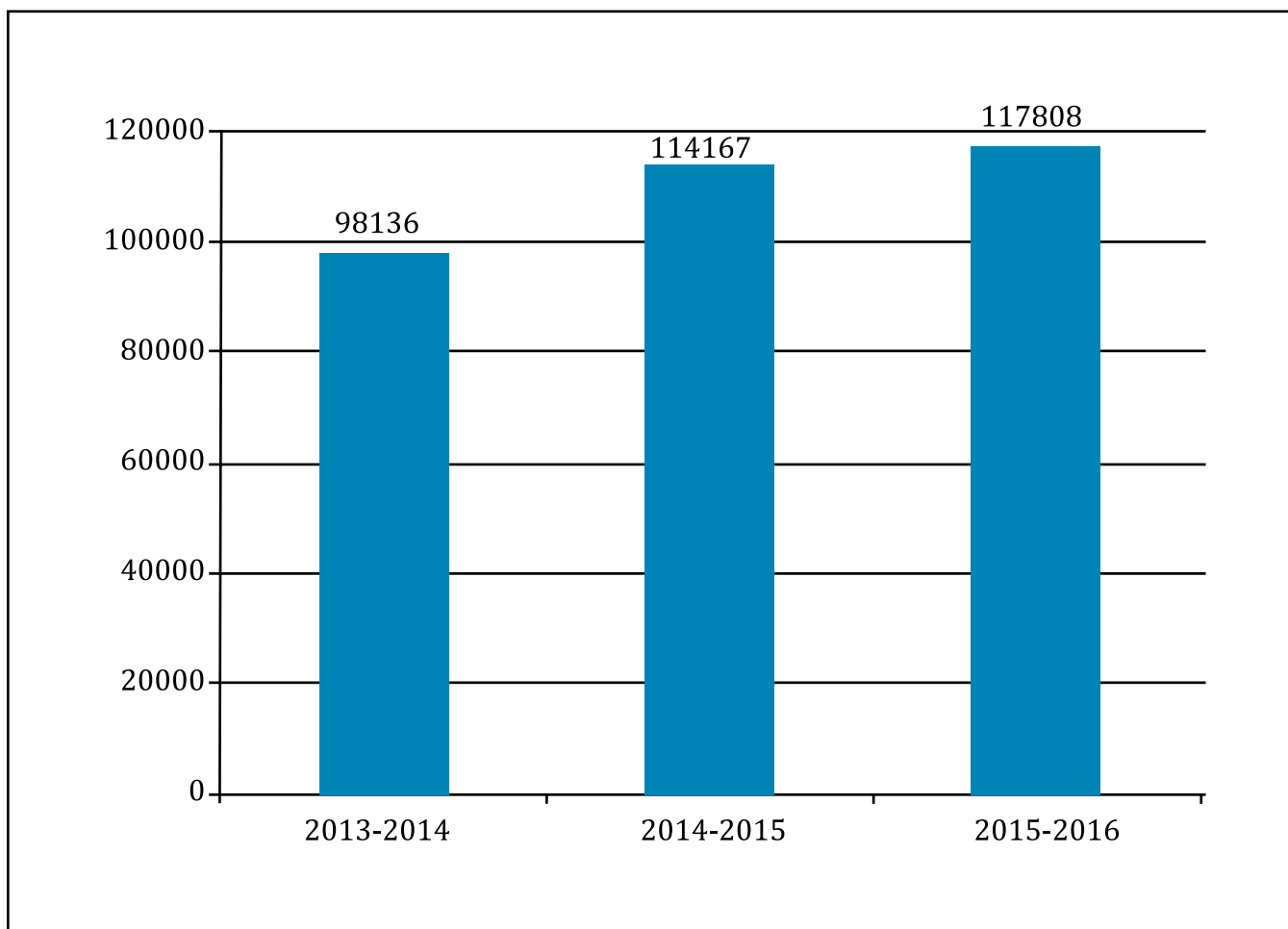
Graph/Chart No. 13

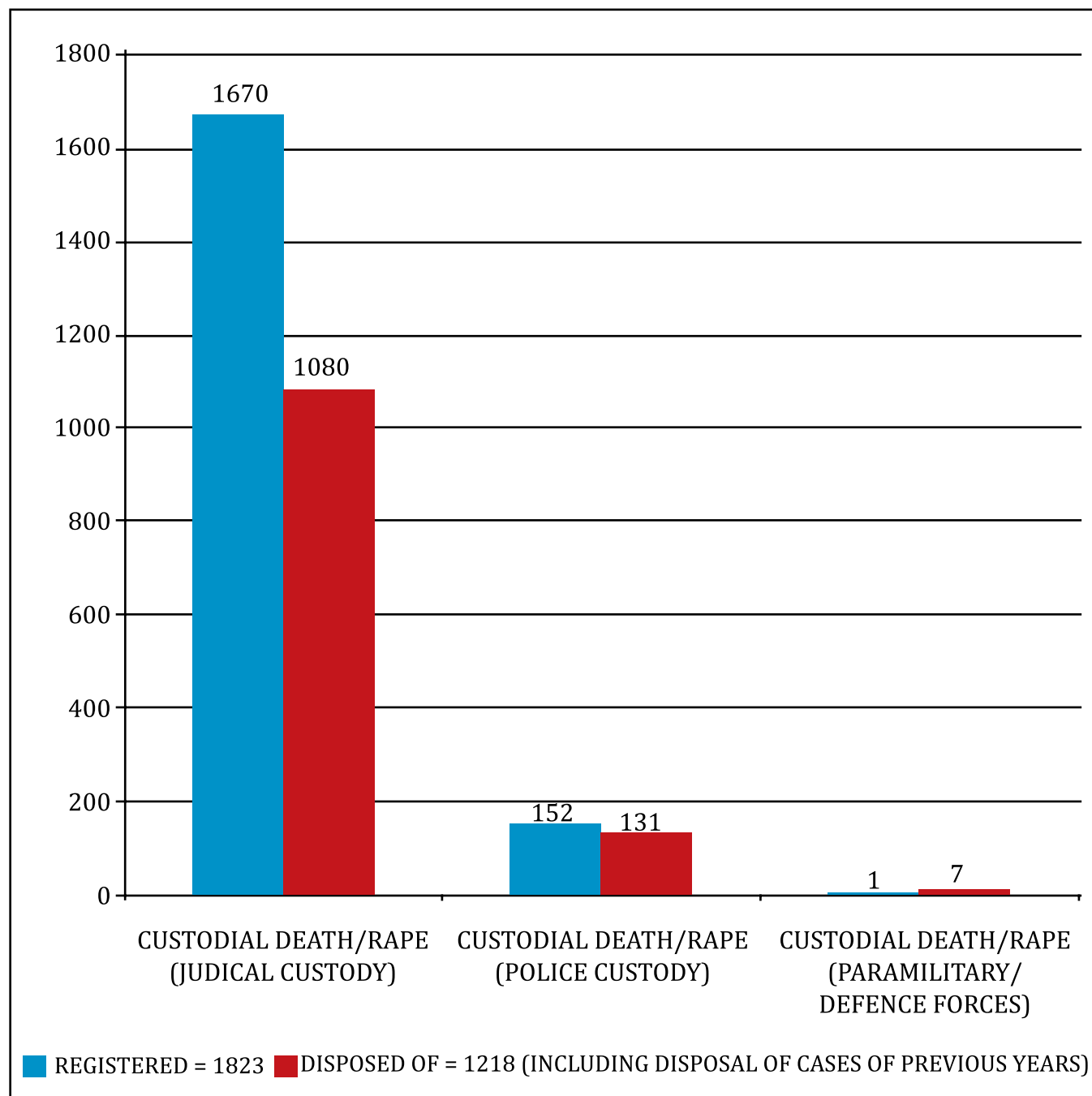
CASES DISPOSED OF BY NHRC DURING 2015-2016



Graph/Chart No. 14

Total Number of Cases Registered (2013-2014 to 2015-2016)



Graph/Chart No. 15
**NUMBER OF CUSTODIAL DEATHS/RAPES CASES
REGISTERED & DISPOSED OF DURING 2015-2016**


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
CFNHRI	: Commonwealth Forum of National Human Rights Institutions
COP 21	: 21 st Conference of the Parties
Cr. P. C.	: Criminal Procedure Code
CRPF	: Central Reserve Police Force
DAP III BN.	: Delhi Armed Police Third Battalion
DGP	: Director General of Police
DM	: District Magistrate
FIR	: First Information Report
FSL	: Forensic Science Laboratory
GANHRI	: Global Alliance of National Human Rights Institutions
GD	: General Diary
GPF	: Gratuity Provident Fund
GRP	: Government Railway Protection
HEP	: Hydro-Electric Project
HQs.	: Headquarters
ICC	: International Coordinating Committee on Promotion and Protection of Human Rights
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
MER	:	Magisterial Enquiry Report
MGNREG Scheme	:	Mahatma Gandhi National Rural Employment Guarantee Scheme
MOs	:	Material Objects
NCR	:	National Capital Region
NCRB	:	National Crime Record Bureau
NCT	:	National Capital Territory
OBC	:	Other Backward Classes
PC & PNDT Act	:	Pre-conception & Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
PD	:	Physical Drill
PDS	:	Public distribution system
PHR Act	:	Protection of Human Rights Act, 1993
PHRA	:	Protection of Human Rights (Amendment) Act, 2006
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
SIG-I	:	Special Investigation Group - I
SMS	:	Short Message Service
SOG	:	Special Operations Group
SOPs	:	Standard Operating Procedures
ST	:	Scheduled Tribes
STF	:	Special Task Force
u/s	:	under section
w/o	:	wife of





National Human Rights Commission

**Manav Adhikar Bhawan, C-Block
GPO Complex, INA, New Delhi - 110023
www.nhrc.nic.in**