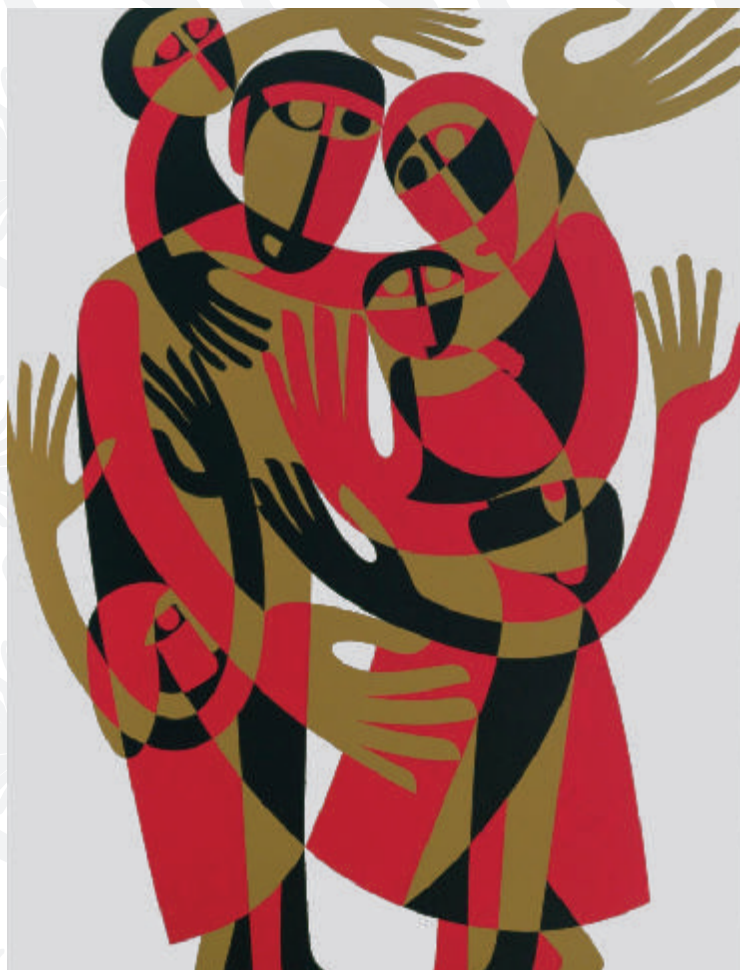




# Annual Report 2009-2010

**National Human Rights Commission  
India**







# Annual Report 2009-2010

**National Human Rights Commission**  
**India**





# CONTENTS

<b>CHAPTER – 1</b>	<b>INTRODUCTION</b>	<b>1</b>
<b>CHAPTER – 2</b>	<b>HIGHLIGHTS : 2009-2010</b>	<b>3</b>
<b>CHAPTER – 3</b>	<b>NHRC : ORGANIZATION AND FUNCTIONS</b>	<b>9</b>
<b>CHAPTER – 4</b>	<b>HUMAN RIGHTS VIOLATION CASES</b>	<b>15</b>
	A. Number and Nature of Complaints	15
	B. Illustrative Cases of 2009-2010	18
	<i>a) Custodial Deaths</i>	18
	1. Death of Undertrial Prisoner Surendra Kumar Pawan in Beur Central Jail, Patna (Case No. 2600/4/2005-2006-CD)	18
	2. Death of Undertrial Prisoner Babu Lal due to Assault in Indore Central Jail, Madhya Pradesh (Case No. 2193/12/2006-2007)	19
	3. Death of Bhagat Ram in Police Custody in Rajasthan (Case No. 376/20/2006-2007-CD)	20
	4. Death of Akhilesh in Hardoi District Jail of Uttar Pradesh (Case No. 13366/24/36/07-08-JCD)	21
	5. Death of Bipin Kumar Yadav in Begusarai District Jail, Bihar (Case No. 2420/4/29/08-09-JCD)	21
	6. Death of Undertrial Ram Kumar in Korba District, Chhattisgarh (Case No. 286/33/2003-2004-CD)	22
	7. Death of Sheroo Khan in Police Custody in Bastar District of Chhattisgarh (Case No. 250/33/2001-2002-CD)	23
	8. Death of Kandula Tirupathi in Police Custody in Karimnagar, Andhra Pradesh (Case No. 886/1/2004-2005-CD)	24
	<i>b) Illegal Detention &amp; Torture</i>	25
	9. Torture of Geeta Devi by Police Officials in her House (Case No.1522/34/2005-2006)	25
	10. Death of a Pregnant Woman due to Torture Inflicted by Constables of Government Railway Police (Case No.10789/24/46/09-10)	25

11.	Torture and False Implication of a Press Reporter by Uttar Pradesh Police (Case No.14303/24/2006-2007)	26
12.	Illegal Detention of Three Children by Uttar Pradesh Police (Case No.23018/24/25/08-09)	27
13.	Rape and Murder of Shanno alias Aarti Gopal Kale by Maharashtra Police (Case No.187/13/2005-2006-CD)	27
14.	Death of Shiv Raj Dubey due to Torture by Police in Allahabad, Uttar Pradesh (Case No. 16662/24/2001-2002-AD)	28
15.	Illegal Detention of Rajesh Kashyap in Ghazipur Police Station, Uttar Pradesh (Case No. 35033/24/2003-2004)	29
16.	Illegal Detention of Manoj Kumar Jha in Bokaro, Jharkhand (Case No. 66/34/1/07-08)	29
	<i>c) Police High-handedness, Firing and Encounter</i>	30
17.	Death of Ram Singh Chauhan and Jawaharlal Gaur due to Police Firing in Karbi Anglong District of Assam (Case No. 89/3/8/08-09)	30
18.	Death of Manisha in Agra, Uttar Pradesh (Case No. 21198/24/2000-2001)	31
19.	Death of Maya Devi in Police Firing in Hamirpur District of Uttar Pradesh (Case No.49828/24/35/07-08)	32
20.	Death of Jaipal in Fake Encounter in Hathras, Uttar Pradesh (Case No. 29826/24/2003-2004)	33
21.	Death of Innocent Persons in Police Encounter in Begusarai, Bihar (Case No. 622/4/2003-2004)	34
22.	Death of Sunil Kumar Bhardwaj in Police Firing (Case No. 20712/24/2005-2006)	34
23.	Killing of Dhananjoy Debbarma in Police Firing in Tripura (Case No. 41/23/4/07-08-PF)	35
24.	Killing of Rajendar Bhahdur Singh and his Driver in Fake Encounter in District Sultanpur, Uttar Pradesh. (Case No.6902/24/2003-2004-FC)	36
25.	Killing of Kuldeep Singh in Fake Encounter in District Muzaffarnagar of Uttar Pradesh (Case No.24389/24/2003-2004-FC)	37
	<i>d) Illegal Detention, Torture or Firing by Military or Para-military Forces</i>	39
26.	Suo motu Cognizance of Death of a Civilian in Army Firing (Case No. 95/9/2003-2004-AF)	39
27.	Death of Undertrial Prisoner Burman Moran in Custody of Army Personnel (Case No. 158/3/2002-2003-CD)	40
28.	Loss of Eye Sight of a Civilian due to Beating by CRPF Personnel (Case No.1555/19/8/07-08-PF)	41
	<i>e) Violation of Rights of Scheduled Castes &amp; Scheduled Tribes</i>	42
29.	Derogatory Name Given by Revenue Officials to a Village Inhabited by People of Berwa Community in Rajasthan (Case No.1251/20/2006-2007)	42

30. Discrimination of Scheduled Castes and Scheduled Tribes in Jhabua, Ujjain, Katni and Sheopur Districts of Madhya Pradesh (Case No.186/12/0/09-10-FC)	43
<i>f) Atrocities on Women &amp; Children</i>	44
31. Suo motu Cognizance of News Report Concerning Death of Two School Children and a Volunteer (Case No. 362/1/13/07-08)	44
32. Suo motu Cognizance of News Aired by 'Aaj Tak' Relating to Sexual Exploitation of Female Prisoner in Tihar Jail, Delhi (Case No. 1172/30/9/09-10-AR)	45
33. Gang Rape and Merciless Killing of a Minor by RPF Personnel in Kanpur Police Station, Uttar Pradesh (Case No.52571/24/43/07-08-PF)	46
34. Suo motu Cognizance Pertaining to Miserable Conditions Prevailing in Salaam Balak Trust, a Shelter for Street Children in Connaught Place, New Delhi (Case No. 2688/30/2005-2006-FC)	47
35. Eye Injury Caused to Government School Student Navin Paswan due to Corporal Punishment (Case No. 2348/4/27/07-08)	50
<i>g) Bonded Labour &amp; Child Labour</i>	51
36. Bonded Labour in Ferozepur District of Punjab (Case No. 144/19/2002-2003)	51
37. Inordinate Delay in Rehabilitation of Bonded Labourer due to Non-Availability of Funds in Jamui District of Bihar (Case No.2349/4/2006-2007)	52
38. Non-rehabilitation of Child Labourers in Bihar (Case No. 1797/4/2005-2006)	53
39. Rescue of Children Found to be Working in Mines in Hospet, Sandur and Iikal Belt of Karnataka (Case No.45/10/2005-2006-FC)	54
<i>(h) Right to Health</i>	57
40. Death of Rajender Kumar in Bareilly Mental Hospital, Uttar Pradesh (Case No 26166/24/2004-2005)	57
41. Prevalence of Unhygienic Conditions in Sanjay Gandhi Memorial Hospital and Lok Nayak Jai Prakash Narayan Hospital, Delhi (Case No.2539/30/2004-2005-FC)	58
42. Silicosis Disease a Health Hazard to the Workers of Sand Stone Quarries Located Around Jodhpur in Rajasthan (Case no. 1573/20/19/09-10)	60
<i>(i) Electrocution Cases</i>	61
43. Death of Deepu due to Electrocution in Allahabad City (Case No. 429/24/2003-2004)	61
44. Death of Ramadhar Yadav due to Electrocution in Uttar Pradesh (Case No. 21808/24/53/08-09)	61
<i>(j) Other Cases</i>	63
45. Suo Motu Cognizance Concerning the Death of a Man Thrown out of a Train (Case No. 557/25/4/07-08)	63

46.	Death of 11 Workers in a Cracker Factory due to Blasts in Saharanpur, Uttar Pradesh (Case No.33497/24/2004-2005)	64
47.	Loss of Samar Singh's Right Leg and Hand due to Being Pushed Out of a Running Train by TTE (Case No. 265/18/34/08-09)	65
48.	Village Named Badarpur Khadar in Delhi Deprived of Electricity Even After 63 Years of Independence (Case No.3132/30/5/09-10)	65
49.	Death of Two Students and Injury to 26 Others due to Collapse of Railing of a College in Ranga Reddy District of Andhra Pradesh (Case No. 506/1/18/08-09)	66
50	Alleged Abduction and Selling of a Minor Boy of District Morena, Madhya Pradesh (Case No. 32448/24/38/09-10)	67
C.	Follow-up	67
a)	Action Taken on Cases Reported in the Annual Reports of 2004-2005 & 2005-2006	67
1.	Alleged Abduction and Killing of Jalil Andrabi, Advocate, Jammu & Kashmir (Case No- 9/123/95-LD).	67
2.	Kidnapping of Minor Girls from Outside BSF Camp in Kishanganj District, Bihar (Case No. 2610/4/2005-2006-WC)	67
3.	Illegal Detention and Torture of a Minor by Haryana Police (Case No.1453/7/2005-2006)	68
4.	Killing of Innocent Person by Meghalaya Police (Case No. 11/15/2005-2006)	68
5.	Prolonged Detention of Undertrial Prisoner Jag Jeevan Ram in Uttar Pradesh (Case No. 35741/24/2005-2006)	68
6.	Detention of Undertrial Prisoner Shankar Dayal for 44 Years in Unnao Jail, Uttar Pradesh (Case No. 37484/24/2005-2006)	68
b)	Action Taken on Cases Reported in the Annual Report of 2006-2007	69
1.	Illegal Detention of Santosh by Chandigarh Police (Case No.72/27/2006-2007-WC)	69
2.	Killing of Four Scheduled Caste Persons by a Crowd in Police Presence in Ara, Bihar (Case No.1099/4/2006-2007)	69
3.	Rape of Four Dalit Women in Lakhisarai, Bihar (Case No.1375/4/2006-2007-WC)	69
4.	Punjab Mass Cremation Case (Case No. 1/97/NHRC)	69
5.	76 Army Men Punished for Human Rights Violation (Case No. 122/9/2006-2007-AF)	69
6.	Death of a Child Due to Alleged Beating by a School Teacher in Punjab (Case No.621/19/2006-2007-WC)	70
7.	Selling of Girls by Parents in Andhra Pradesh (Case No. 658/1/2006-2007-WC)	70
c)	Action Taken on Cases Reported in the Annual Report of 2007-2008	71



1. Death of Convict Kaluji alias Kaliyo Bhaguji Sorthi in District Prison, Junagarh, Gujarat (Case No. 653/6/2002-2003-CD)	71
2. Alleged Custodial Death of Shanti Dashrath Naik due to Alleged Police Beating in Mumbai, Maharashtra (Case No.2021/13/2000-2001-CD)	71
3. Illegal Detention of Ramesh, Santosh and Ram Gopal at Raja Khera, Dholpur, Rajasthan (Case No.1635/20/2002-2003)	71
4. Severe Injuries to Kamleshwar Prasad Jaiswal due to Indiscriminate Police Firing in East Champaran, Bihar (Case No. 4112/4/2000-2001)	71
5. Abduction and Killing of Three Civilians, Mohd. Khadam, Mohd. Rayaz and Mohd. Rashid by Army Personnel in Poonch, Jammu and Kashmir (Case No.179/9/2002-2003-AD)	72
6. Violence Against Christians in Kandhamal District of Orissa (Case No. 825/18/26/07-08, Linked File 923/18/26/07-08)	72
7. Suo Motu Cognizance of Programme "Operation Kalank" on Aaj Tak on Post Godahara Violence (Case No.426/18/07-08)	72
8. Villagers Killed and Injured during Police Firing in Nandigram, West Bengal (Case No. 725/25/12/07-08)	72
9. Severe Injuries Caused to Subham Das (4 years) by 12 Bore Gun of Security Guard of North Searsole Colliery in West Bengal (Case No. 589/25/2002-2003)	72
10. Child Labourers in M/s. Salguti Plastic Limited at Mahabubnagar, Andhra Pradesh (Case No. 401/1/2006-2007)	73
11. Dharam Pal and 28 Others Held as Bonded Labourers Along With Their Families in District Meerut, Uttar Pradesh (Case No. 36851/24/2006-2007)	73
12. Death of Venugopalan Nair in Thiruvananthapuram, Kerala, due to Denial of Medical Treatment (Case No. 95/11/1999-2000)	73
13. Suffering Faced by Sunita due to Negligence by CGHS Dispensary, Pushp Vihar, Delhi (Case No. 102/30/2005-2006)	73
14. Infants Die due to Bacterial Infections in Sree Avittam Tirunal Hospital in Thiruvananthapuram, Kerala (Case No. 14/11/12/07-08)	73
15. Eleven Workers Killed due to an Explosion in a Cracker Factory at Saharanpur, Uttar Pradesh (Case No. 33497/24/2004-2005)	73
16. Sochan Dies Waiting for his Retirement Benefits, Held by North-Eastern Railways, Varanasi (Case No. 37757/24/2000-2001)	74
d) Action Taken on Cases Reported in the Annual Report of 2008-2009	74
1. Death of Radha Krisnan, an Undertrial Prisoner in Sub-Jail, Ottapalam, Kerala (Case No.295/11/2000-2001-CD)	74
2. Death of Undertrial Prisoner Takala, in District Jail, Balasore, Orissa (Case No. 494/18/1/07-08-CD)	75
3. Death of a Juvenile, in Government Observation Home in Rudrapur, Uttarakhand (Case No. 43/35/12/07-08-CD)	75

4.	Death of Balakrishnan in Police Custody due to Negligence of Medical Care in Tiruchirapalli, Tamil Nadu (Case No. 124/22/2004-2005-CD)	75
5.	Death of a Child Caught Stealing Food in a Marriage Party by Police (Case No.952/19/2002-2003-CD)	75
6.	Death of a Child Born in Agra Jail due to Non-availability of Basic Minimum Facilities (Case No. 24687/24/2006-2007)	75
7.	Illegal Detention and Torture of Suresh Kumar and Satish by Police in District Pratapgarh, Uttar Pradesh (Case No. 5055/24/2004-2005)	76
8.	Illegal Detention of Complainant's Father in Daurala Police Station in District Bulandshahr, Uttar Pradesh (Case No. 42104/24/2006-2007)	76
9.	Torture and Illegal Detention of Surendra Singh by Police in NCT of Delhi (Case No. 1508/30/2003-2004)	76
10.	Death of Bijendar due to Torture by Police (Case No. 19671/24/98-99)	76
11.	Killing of Farmers in Police Firing During Demonstration in Greater Noida Development Authority Against Acquisition of Land (Case No. 19866/24/30/08-09)	76
12.	Killing of Yogesh in Fake Encounter in Indore, Madhya Pradesh (CaseNo.1247/12/2002-2003)	77
13.	Custodial Death of Javed Ahmed Magrey by Army Personnel in Jammu & Kashmir (Case No. 22/9/2003-2004-AD)	77
14.	Suicide by a 3rd Year Dalit Student due to Torture by Head of Pathology Department, Medical College, Jhansi (Case No. 20640/24/2003-2004)	77
15.	Attempt to Rape a School Girl by Headmaster of Government Middle School in Rewari District of Haryana (Case No. 2705/7/2006-2007-WC)	78
16.	Sexual Exploitation of a Helpless Woman by a Police Officer in Prakasam District, Andhra Pradesh (Case No. 284/1/2004-2005)	78
17.	Sexual Assault of a Girl by a Co-student in a Deaf & Dumb School (Case No. 31/8/2001-2002)	78
18.	Sexual Assault of a Woman by Collector of Jaspur District, Chhattisgarh (Case No. 123/33/2003-2004)	78
19.	Labourers Kept in Bondage at Brick Kilns in Village Dhar, Gautam Budh Nagar District, Uttar Pradesh (Case No. 44697/24/30/07-08)	78
20.	Bonded Labourers Engaged in Mines Owned in Raisen District of Madhya Pradesh (Case No. 1314/12/33/07-08)	78
21.	Death of an Adivasi Woman in Betul District of Madhya Pradesh due to Want of Proper Medical Care in Hospital (Case No. 743/12/2001-2002)	79
22.	Death of Sushmita Biswas due to Negligence of Hospital Staff in Kolkata, West Bengal (Case No. 556/25/2003-2004)	79
23.	Surgical Scissors Left in Abdomen of a Woman due to Negligence of Doctors (Case No.202/18/3/07-08)	79
24.	Death of Suresh Chander Engaged by Uttarakhand Power Corporation Limited (Case No. 921/35/2003-2004)	79

25.	<i>Man Languishing in Rajasthan Jail for 34 Years</i> (Case No. 55/20/26/08-09)	80
26.	100 Children Killed by Man-eater in Balrampur District of Uttar Pradesh (Case No. 28667/24/2004-2005)	80
27.	Death of 28 Children and 2 Adults due to Collapse of a Bridge Over Damanganga, Goa (Case No.4/29/2003-2004)	80
28.	Death of Nutan Kumari, due to Beating-up by Teacher (Case No.1633/4/2005-2006)	80
D.	Commission's Recommendations on Grant of Monetary Relief to Victims of Human Rights Violations/Next of Kin of the Deceased/ Disciplinary Action/Prosecution Against Errant Public Servants	80
<b>CHAPTER – 5</b>	<b>CIVIL AND POLITICAL RIGHTS</b>	<b>83</b>
A.	Terrorism and Militancy	83
B.	Custodial Violence and Torture	84
	- Custodial Deaths	84
C.	Conditions in Prisons	85
	- Visits to Jails	85
	- Analysis of Prison Population	85
<b>CHAPTER – 6</b>	<b>ECONOMIC, SOCIAL AND CULTURAL RIGHTS</b>	<b>87</b>
A.	Right to Health	87
	Silicosis	87
B.	Mental Health	89
C.	Rights of Persons with Disability	91
D.	Human Rights Awareness and Facilitating Assessment & Enforcement of Human Rights Programme in Selected 28 Districts of India	92
E.	Elimination of Bonded Labour System	96
F.	Elimination of Child Labour System	99
G.	Right to Food	101
H.	Action on Mushrooming of Bogus Colleges, Universities and Medical Institutions	101
I.	Roles and Responsibilities of the Concerned Statutory Commissions to Monitor Child's Right to Education	101
J.	Identifying Best Practices in Early Detection and Intervention for Children with Disabilities	102
K.	Second Phase of World Programme for Human Rights Education	102

<b>CHAPTER – 7</b>	<b>HUMAN RIGHTS EDUCATION AND AWARENESS</b>	<b>103</b>
A.	Conference of NHRIs of South Asian Countries on Human Rights Awareness and National Capacity Building	103
B.	Workshop on Human Rights Defenders	103
C.	National Seminar on Right to Information, Human Rights and Present Scenario	105
D.	Training Programmes Organized by NHRC	105
E.	Summer and Winter Internship Programmes	105
F.	Training Programme for Indian Foreign Service Probationers	106
G.	In-house Training Programmes	106
H.	Interaction with Visiting Students/Trainees from Various Colleges/ Universities of India	106
I.	Online Training Programme on Human Rights for Police Personnel	106
J.	Hindi Fortnight in NHRC	107
K.	Foundation Day Function	107
L.	Celebration of Human Rights Day	107
M.	Inter-University Debate Competition	107
N.	Inter-Paramilitary Forces Debate Competition	107
<b>CHAPTER – 8</b>	<b>INTERNATIONAL COOPERATION</b>	<b>109</b>
A.	NHRC-India Participation in International Meetings	109
B.	Visits, Seminars and Workshops Abroad	109
C.	Exchange and Other Interactions	110
<b>CHAPTER – 9</b>	<b>NON-GOVERNMENTAL ORGANIZATIONS</b>	<b>111</b>
<b>CHAPTER– 10</b>	<b>STATE HUMAN RIGHTS COMMISSIONS</b>	<b>113</b>
<b>CHAPTER– 11</b>	<b>REVIEW OF LAWS, IMPLEMENTATION OF TREATIES AND OTHER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS</b>	<b>115</b>
A.	1951 Convention Relating to the Status of Refugees and it's 1967 Protocol	115
B.	1977 Protocols Additional to 1949 Geneva Conventions	115
<b>CHAPTER – 12</b>	<b>RESEARCH STUDIES AND PROJECTS</b>	<b>117</b>
A.	Research and Review of Strengthen Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act's Implementation Across Key States	117

B.	Terrorism and Human Rights Concerning Evolution of Counter-Terrorism Strategy to Minimize Human Rights Abuses	118
C.	Effective Border Area Management and It's Implication on Human Rights – A Case Study of Jammu & Kashmir, Punjab and Rajasthan	118
<b>CHAPTER – 13</b>	<b>ADMINISTRATION AND LOGISTIC SUPPORT</b>	<b>119</b>
A.	Staff	119
B.	Internship System	119
C.	Special Rapporteurs	119
D.	Core and Expert Groups	119
E.	Use of Official Language	120
F.	Library	120
G.	Right to Information	120
<b>CHAPTER – 14</b>	<b>SUMMARY OF PRINCIPAL RECOMMENDATIONS AND OBSERVATIONS</b>	<b>123</b>
<b>ANNEXURES</b>		<b>133</b>
1.	State/UT-wise Number of Cases Pending with NHRC as on 01/04/2009	135
2.	State/UT-wise Number of Cases Registered in NHRC from 01/04/2009 to 31/03/2010	136
3.	State/UT-wise Disposal of Cases by NHRC during 2009-2010	137
4.	State/UT-wise Number of Cases Pending with NHRC as on 31/03/2010	138
5.	State/UT-wise and Category-wise Report Cases Disposed off by NHRC during 2009-2010	139
6.	Total Number of Cases where NHRC Recommended Monetary Relief / Disciplinary Action during 2009-2010	142
7.	Details of Cases Pending Compliance of NHRC's Recommendations during 2009-2010 for Payment of Monetary Relief/Disciplinary Action/ Prosecution	144
8.	Details of Cases Pending Compliance of NHRC's Recommendations during 2009-2010 for Disciplinary Action Against Public Servants	156
9.	Details of Cases Pending Compliance of NHRC's Recommendations from 1993-1994 to 2007-2008 for Payment of Monetary Relief/ Disciplinary Action/Prosecution	157
10.	Details of Cases Pending Compliance of NHRC's Recommendations during 2008 -2009 for Payment of Monetary Relief/Disciplinary Action	159
11.	Human Rights Training Programmes Organized by NHRC during 2009-2010	162

<b>CHARTS &amp; GRAPHS</b>	<b>169</b>
1 State/UT-wise Cases Registered in NHRC during Last Three Years	171
2 State/UT-wise Number of Cases Registered in NHRC during 2009-2010	172
3 State/UT-wise Intimations Registered in NHRC Relating to Custodial Deaths during 2009-2010	173
4 Cases Transferred by NHRC to SHRCs during 2009-2010	174
5 Nature and Categorization of Report Cases Disposed Off by NHRC during 2009-2010	175
6 Cases Disposed Off/Pending Disposal by NHRC during 2009-2010	176
7 Cases Dismissed 'In Limini' by NHRC during 2009-2010 in States/UTs with a Dismissal Rate of more than 3%	177
8 Cases Disposed Off with Directions by NHRC during 2009-2010 in States/UTs with a Disposal Rate of more than 3 %	178
<b>ABBREVIATIONS</b>	<b>179</b>

## INTRODUCTION

**1.1** This is the seventeenth Annual Report of the National Human Rights Commission (NHRC). It covers the period from 1 April 2009 to 31 March 2010.

**1.2** The sixteenth Annual Report of the Commission, for the period 1 April 2008 to 31 March 2009, was submitted to the Central Government on 21 December 2010 for preparing the Memorandum of Action Taken and placing the same before each House of Parliament in consonance with the procedure envisaged under Section 20 (2) 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 S. Rajendra Babu, former Chief Justice of the Supreme Court of India, continued to hold the office as its fifth Chairperson till 31 May 2009. He had assumed office in NHRC on 2 April 2007. On completion of the tenure of Justice Shri S. Rajendra Babu as the Chairperson of NHRC, Justice Shri G.P. Mathur, Member, NHRC was authorized to function as the Acting Chairperson of the Commission with effect from 1 June 2009 till the time the President of India appointed a new Chairperson. Justice Shri B.C. Patel, Shri Satyabrata Pal and Shri P.C. Sharma continued to work as Members of NHRC during 2009-2010.

**1.4** Dr. Girija Vyas, Chairperson of the National Commission for Women; Shri Mohammad Shafi Qureshi, Chairperson of the National Commission for Minorities; Dr. Buta Singh, Chairperson of the National Commission for Scheduled Castes and Smt. Urmila Singh, Chairperson of the National Commission for Scheduled Tribes, continued to be deemed Members of the NHRC in accordance with Section 3 (3) of the PHRA, for discharge of functions specified in clauses (b) to (j) of Section 12 of the PHRA.

**1.5** Shri Akhil Kumar Jain, IAS (WB:73) continued to function as the Secretary-General and Chief Executive Officer of NHRC till he retired on 31 December 2009. He was succeeded by Shri Kuriampalackal Sankar Money, IAS (RJ:76) on 15 February 2010. Shri Sunil Krishna, IPS (UP:73) continued to serve as Director General (Investigation) and Shri A.K. Garg as Registrar (Law) in the NHRC. Prior to joining of the new Secretary-General in the Commission, Shri J.P. Meena, IAS (AM:83) assumed office as Joint Secretary (Programme & Administration) on 3 August 2009. Shri Michael V. Sirimony, IAS (KL:82), on deputation to NHRC as Joint Secretary (Training), completed his tenure on 11 December 2009 to join Rajiv Gandhi National Institute of Youth Development in Sriperumbudur, Tamil Nadu.

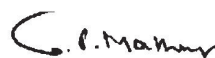


**1.6** The protection of civil liberties continued to be the central preoccupation of the Commission during the period under review. This entailed the Commission to ensure the implementation of its Statute in true spirit. The Statute, in essence, requires the Commission to function on two tracks simultaneously : one, fast, so as to protect and provide immediate relief to the victims or their kith and kin for wrongs committed on them; the other, more measured, so as to strive for the development of a culture of human rights over the length and breadth of the country. The experience of the last sixteen years has brought to the fore another home truth for the Commission. And, that is, it is the calibre and integrity of the Chairperson and Members, and their determination to promote and protect human rights with independence and without fear, which in a way, also determines the credibility, effectiveness and reach of the Commission. Fundamental to this has been the determination of the Commission to strengthen the pillars of autonomy and transparency on which its performance and integrity must rest. The past year has seen these pillars being reinforced, through the stand it took on matters relating to civil and political rights, including the protection of human rights in areas affected by terrorism and militancy, and custodial violence and torture.

**1.7** At the same time, it took important decisions relating to economic, social and cultural rights, which incorporated among others the right to health, the right to food, the right to education, the rights of women and children, the rights of other vulnerable groups, human rights education and awareness, and facilitating assessment and enforcement of human rights programme in selected 28 districts of India. The current Annual Report gives a description of all these efforts of the Commission. In addition, as per the mandate conferred on it by the PHRA, the Annual Report covers human rights violation cases dealt by the Commission during the year under review, abstracts being provided on some of the major cases handled by it. Other than this, it provides information relating to action taken on cases reported in its earlier Annual Reports, thereby fulfilling and assuring 'better protection and promotion' of human rights in the country.



(K. G. Balakrishnan)  
Chairperson



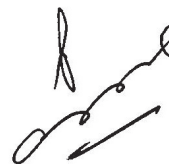
(G.P. Mathur)  
Member



(B.C. Patel)  
Member



(Satyabrata Pal)  
Member



(P.C. Sharma)  
Member

11 March 2011  
New Delhi



### HIGHLIGHTS : 2009-2010

**2.1** In the light of the extraordinary range of functions assigned to the NHRC and the scope of powers conferred on it, the Commission is playing a role complementary to that of the superior courts in the country in the defence of human rights and constitutional guarantees, a role that has often been described as symbiotic. It is interesting to see that the “core” issues identified by the NHRC in the beginning have persisted over the years. At the same time, however, it is appealing to note how at different stages over the years and in the face of challenges that arose, the Commission’s understanding of those issues has widened and deepened and how in the process other important concerns have been added to its “core” agenda. This is primarily because human rights are indivisible, inter-related and inter-dependent, and precisely for that reason, the defence of human dignity must also be all-encompassing and all-inclusive.

**2.2** The ensuing paragraphs highlight some of the major events and activities of the NHRC during the period April 2009 to March 2010.

#### **Acting Chairperson**

**2.3** On completion of the tenure of Justice Shri S. Rajendra Babu as the Chairperson of the NHRC on 31 May 2009, Justice Shri G.P. Mathur, Member, NHRC was authorized to function as the Acting Chairperson of the Commission with effect from 1 June 2009, till the time the President of India appointed a new Chairperson.

#### **Meetings in NHRC**

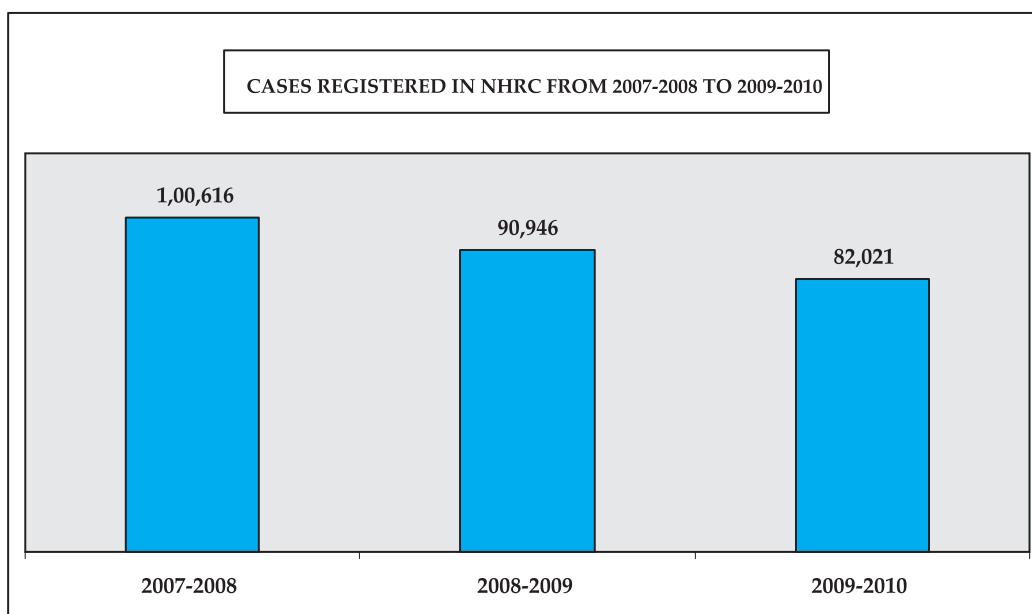
**2.4** During the year under review, the Full Commission deliberated upon and decided various cases of human rights violations in 79 sittings. In addition, the two Division Benches considered 594 cases in 63 sittings. Twenty other cases were considered in three sittings during court hearings. The other programme and administrative agenda items were dealt in 17 meetings. The Statutory Full Commission, which includes deemed Members, also met thrice.

### **CIVIL AND POLITICAL RIGHTS**

#### **Disposal of Human Rights Violation Cases**

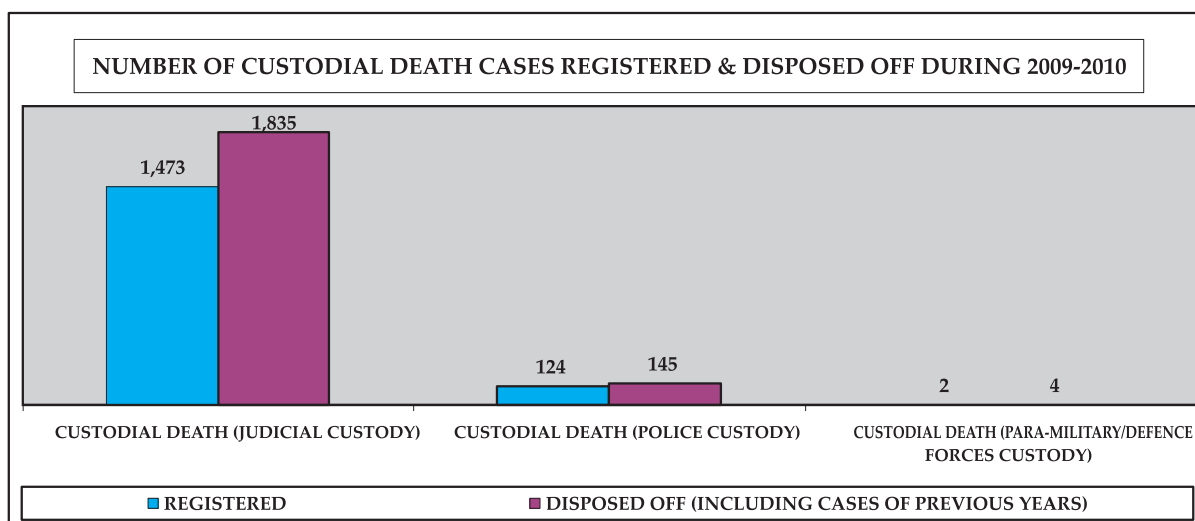
**2.5** During the year under review, 82,021 cases were registered and 85,587 cases were disposed off by the Commission. The latter figure includes cases of previous years as well. The

total number of cases registered by NHRC from 2007-2008 to 2009-2010 have been detailed out in the Graph below.



## Preventing Custodial Violence

**2.6** The NHRC received 1,473 cases of death in judicial custody\*, 124 cases of death in police custody and 2 cases of death in para-military/defence forces custody during the period under review. It disposed off 1,984 cases of custodial death – comprising 1,835 cases of death in judicial custody, 145 cases of death in police custody and 4 cases of death in para-military/defence forces custody. These figures also include cases of previous years. See the Graph below.



\*In the Annual Report, judicial custody means persons in jails as per the orders of the court.

## Inspection of Jails

**2.7** The Acting Chairperson and two Special Rapporteurs of the Commission visited five jails located in Prothrapur (Andaman & Nicobar Islands), Nagpur (Maharashtra), Keonjhar (Orissa), Thane (Maharashtra) and Agra (Uttar Pradesh). The main objective of these visits was to oversee the functioning of the jails and the human rights situation of the undertrials and prisoners there.

## Spot Investigations

**2.8** During the period under review, the Commission directed its Investigation Division to conduct 152 spot investigations. Out of these, 80 spot investigations were of alleged bonded labour cases from different parts of the country. Some of the other important cases in which spot investigations were conducted by various teams of the Investigation Division pertained to -- prevalence of illegal mining activities in certain districts of Karnataka; rehabilitation of child labourers in Bihar; monitoring the functioning of shelter homes being run for children in NCT of Delhi; alleged fake encounters; and alleged discrimination of dalits by health functionaries in four districts of Madhya Pradesh. Some of these cases have been detailed out in Chapter 4 of this Annual Report.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### Right to Health

**2.9** Being deeply concerned about the illegal medical practices of doctors having fake certificates/degrees in tribal areas as well as to ensure that people in the country have access to quality health care, the NHRC organized a one-day Meeting of the Health Secretaries of all the States/Union Territories on "Illegal Medical Practices and Health Care Facilities in the Tribal Areas" on 29 January 2010 at the National Institute of Health and Family Welfare (NIHFW), New Delhi.

### Right to Food

**2.10** A meeting of the Core Group on Right to Food was convened on 10 September 2009 in the NHRC.

### Regional Review Meetings on Rights of Mentally-Ill Persons

**2.11** The NHRC continued with its efforts of creating a better understanding and awareness about the rights of mentally-ill persons by organizing regional review meetings in the country. During the year under review it organized four such meetings. The Eastern Regional Review Meeting was conducted in Ranchi on 5 June 2009, the Western Regional Review Meeting took place in Pune on 24 July 2009, the North-Eastern Regional Review Meeting was convened in Tezpur on 11 February 2010 and the Southern Regional Review Meeting was organized in Chennai on 12 March 2010.

## **Issue of Silicosis**

**2.12** The Expert Group on Silicosis convened its first meeting in the NHRC on 5 January 2010. It identified the silicosis prone industries in the country and agreed to work on preventive remedial and rehabilitative measures with regard to the problem of silicosis.

## **Human Rights Awareness and Facilitating Assessment of Enforcement of Human Rights Programme in Selected Districts of India**

**2.13** In order to spread awareness among the people on different human rights issues like education, health, hygiene, sanitation, food security, custodial justice, etc., as well as facilitate assessment and enforcement of human rights programme in identified backward districts of the country, the Acting Chairperson, Members and senior officers of the NHRC visited Wayanad (Kerala), Jamui (Bihar), Hoshiarpur (Punjab), Kalahandi (Orissa) and Saiha (Mizoram) during 2009-2010.

## **Reconstitution of Core Group on Disability**

**2.14** The Core Group on Disability was reconstituted by the Commission under the chairmanship of Shri P.C. Sharma, Member, NHRC. Shri Prasanna Kumar Pincha, Special Rapporteur, NHRC; Dr. Uma Tuli, Founding and Managing Secretary, Amar Jyoti Rehabilitation & Research Centre, New Delhi; Dr. G.N. Karna, Honorary President, Society for Disability and Rehabilitation Studies, New Delhi; Shri Ian Cardozo, Major General (Retd.) and Chairman, Rehabilitation Council of India, New Delhi and Shri S.K. Rungta, General Secretary, National Federation of Blind, New Delhi were nominated as new Members of the Core Group.

**2.15** The reconstituted Core Group on Disability convened its first meeting in the NHRC on 5 November 2009.

## **Roles and Responsibilities of Statutory Commissions to Monitor Child's Right to Education**

**2.16** A one-day National Consultation on the Roles and Responsibilities of the Concerned Statutory Commissions to Monitor Child's Right to Education was organized by the National Commission for Protection of Child Rights (NCPCR) and the National Human Rights Commission on 12 January 2010 in New Delhi. The main objective of the Consultation was to outline the steps for implementation of the Right of Children to Free and Compulsory Education Act, 2009.

## **Identifying Best Practices in Early Detection and Intervention for Children with Disabilities**

**2.17** A Consultation on Identifying Best Practices in Early Detection and Intervention for Children with Disabilities was organized at New Delhi by the NHRC in collaboration with the NCPCR on 17 February 2010. The main objectives of the Consultation were to analyze the existing situation of disabled children in India in the light of existing international/national framework; throw light on specific disability tools, processes and programmes in early identification, intervention, treatment and rehabilitation of children with disabilities; and

develop appropriate linkages and coordination between the formal system and voluntary agencies working for the rights of children with disabilities.

## **Elimination of Bonded Labour and Child Labour System**

**2.18** The Commission continued to monitor the implementation of the Bonded Labour System (Abolition) Act, 1976 and the Child Labour (Prohibition & Regulation) Act, 1986 in the country. It organized three regional workshops on the issue of bonded labour and two regional workshops on the issue of child labour in Bhubaneswar (Orissa), Raipur (Chhattisgarh) and Ahmedabad (Gujarat).

## **TRAINING PROGRAMMES AND WORKSHOPS**

### **National**

**2.19** Some important training programmes and workshops organized by NHRC during the period under review were : 'Basic Training on Human Rights', 'Training of Trainers on Human Rights', 'Advanced Training on Human Rights', 'Training Programme on Women's Issues', 'Training Programme on Children's Issues', 'Health and Human Rights' and 'Human Rights in Prison Management'. The NHRC also conducted a two-day attachment programme for Probationers of Indian Foreign Service. Besides, it conducted an 'In-house Training Programme' for newly recruited officers and staff of the Commission and 'Summer & Winter Internship Programmes' of one month duration each for college and university students and short-term attachment for students interested in the field of human rights. During the period under review, a total of 86 training programmes, workshops and seminars were organized by the Training Division of NHRC in collaboration with the Administrative Training Institutes, Police Training Institutes, State Human Rights Commissions, Universities, NGOs and other institutions/organizations across the country.

### **Workshop on Human Rights Defenders**

**2.20** A one-day Workshop on Human Rights Defenders was organized by the NHRC on 12 October 2009 in New Delhi.

### **Online Training Programme on Human Rights for Police Personnel**

**2.21** The NHRC and Indira Gandhi National Open University (IGNOU), New Delhi agreed to jointly develop an Online Training Programme on Human Rights for Police Personnel. The programme is designed to target police personnel at the cutting edge level of the rank of Constables to Sub-Inspectors. The main objective of the programme is to spread awareness on human rights issues and equip them to implement human rights in their day-to-day functioning with the public at large.

### **International**

**2.22** A two-day Conference of National Human Rights Institutions of South Asian Countries on Human Rights Awareness and National Capacity Building was organized by NHRC-India in New Delhi on 16 and 17 April 2009.

## INTERNATIONAL ACTIVITIES

### Durban Review Conference

**2.23** A two-member delegation from NHRC - India consisting of a Member and Director (Research) participated in the Durban Review Conference convened in Geneva, Switzerland from 20 to 24 April 2009.

### Sixteenth Annual Meeting of Special Rapporteurs, Representatives, Independent Experts and Chairpersons of Working Groups of Human Rights Council

**2.24** The Acting Chairperson and Secretary-General of NHRC - India participated in the above meeting held in Geneva from 29 June to 3 July 2009.

### Second Phase of the World Programme for Human Rights Education

**2.25** The Second Phase of the World Programme for Human Rights Education (2010-2014) focuses on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel.

**2.26** The NHRC-India communicated its views on the same to the Office of the United Nations High Commissioner for Human Rights on 23 July 2009.

### Annual Meeting of Asia Pacific Forum of NHRIs

**2.27** The Secretary-General of NHRC - India participated in the 14th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions that was organized in Amman, Jordan from 3-6 August 2009.

### Meeting of ICC Bureau in Rabat

**2.28** A delegation led by the Acting Chairperson of the Commission participated in the Meeting of the Bureau of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in Rabat on 1 - 2 November 2009.

### NHRI Workshop on Universal Periodic Review Mechanism

**2.29** An officer of NHRC-India participated in the aforementioned two-day Workshop convened in Sydney, Australia on 2 - 3 March 2010.

### 23rd Session of the ICC

**2.30** The 23rd Session of the ICC was convened in Geneva from 22 to 25 March 2010. A two-member delegation from the NHRC of India, consisting of a Member and the Joint Secretary (P & A) participated in it.

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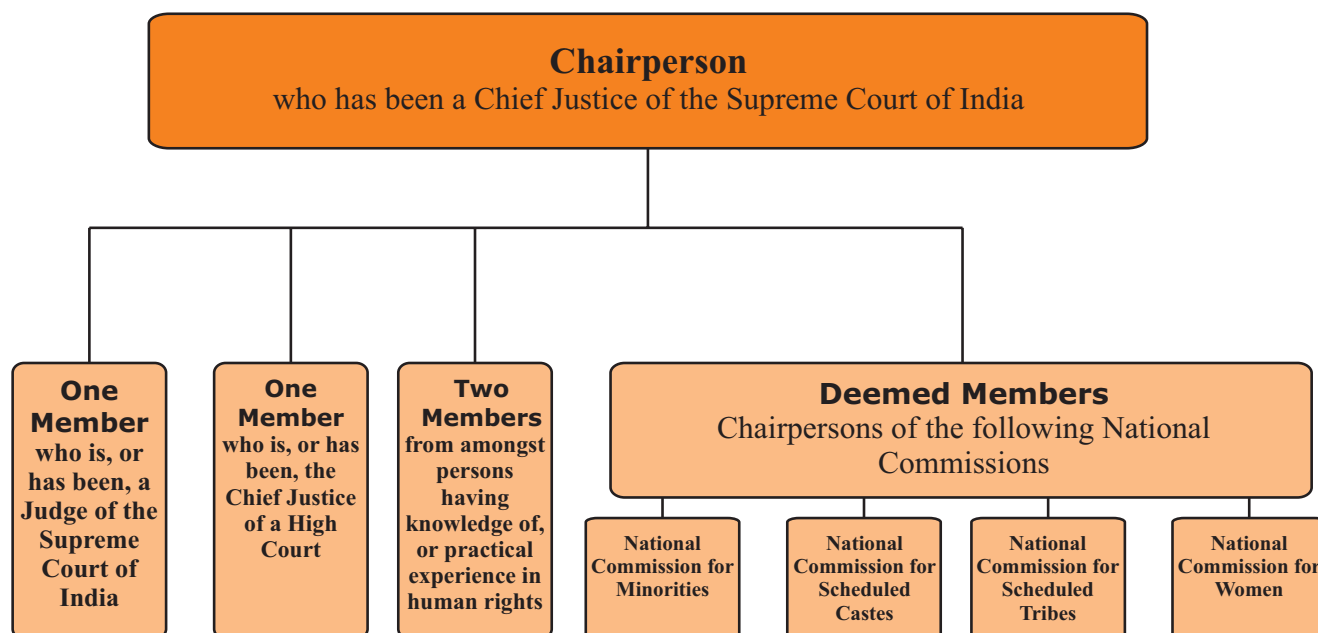
## NHRC : ORGANIZATION AND FUNCTIONS

**3.1** The NHRC was established on 12 October 1993. Its Statute is contained in the Protection of Human Rights Act, 1993 as amended vide the Protection of Human Rights (Amendment) Act, 2006. The constitution of NHRC is in conformity with the Paris Principles that were 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 an embodiment of India's concern for the promotion and protection of human rights.

### Composition

**3.2** The Commission comprises a Chairperson, four full-time Members and four deemed Members. The Statute lays down high qualifications for the appointment of the Chairperson and Members of the Commission.

#### Composition of NHRC

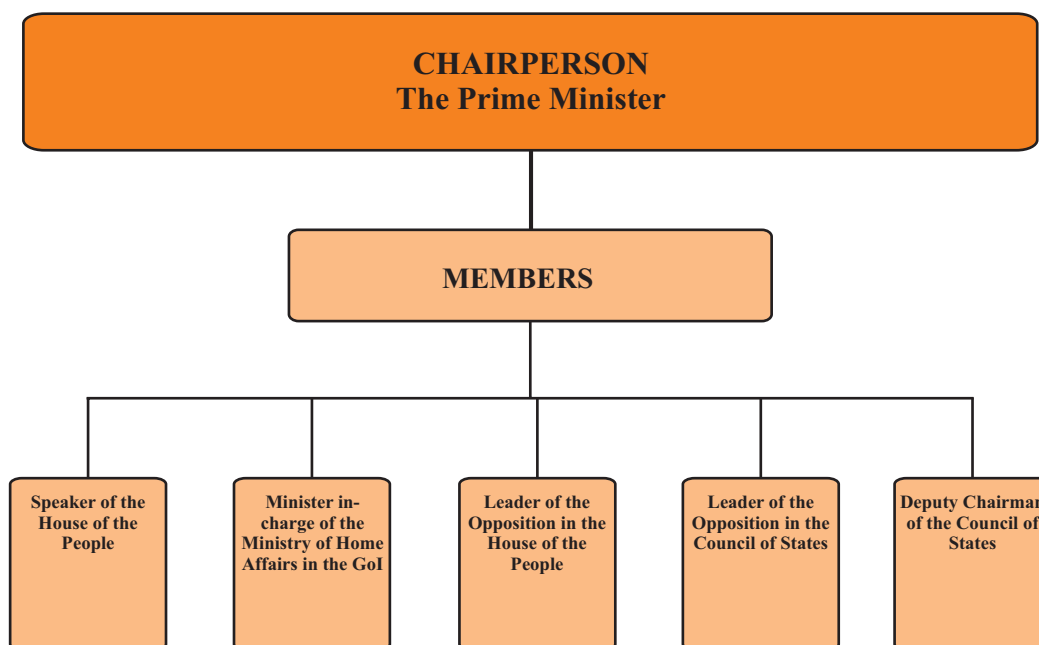




## Appointment

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

### Selection Committee for Appointment of Chairperson and Members of NHRC



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

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

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

**3.7** The Law Division services the Commission in receipt and disposal of human rights violation cases based on either complaints or registered *suo motu* or on the basis of information received. The Investigation Division carries out spot investigations all over the country on



behalf of the NHRC. Furthermore, it facilitates in collection of facts from all parts of the country relating to varied complaints made to the Commission, in scrutinizing reports received from the police and other investigation agencies, and in looking into reports of custodial violence or other misdemeanours. In addition, the Division analyzes the intimations and reports from the State authorities regarding deaths in police and judicial custody as well as deaths in police encounters. It also renders expert advice on other matters related to police or armed forces. The Division has set-up a Rapid Action Cell to attend to complaints that require immediate attention and action. Other than this, it facilitates the Training Division in spreading human rights literacy as envisaged in Section 12(h) of the PHRA. The Policy Research, Projects and Programmes Division undertakes and promotes research on human rights and organizes conferences, seminars and workshops on important human rights issues. Whenever the Commission, on the basis of its hearings, deliberations or otherwise, arrives at a conclusion that a particular subject is of importance, it is converted into a project/programme to be dealt with by the PRP&P Division. Besides, it reviews policies, laws, treaties and other international instruments in force for the protection and promotion of human rights. It assists in monitoring the implementation of the Commission's recommendations by Central and State/Union Territory authorities. It also aids the Training Division in spreading human rights literacy and in promoting awareness about the safeguards available for the protection of human rights. The Training Division is responsible for training and sensitizing various officials and functionaries of the State and its agencies, NGOs, students and the civil society, about human rights concerns. The Administration Division looks after the establishment, administrative and related requirements of the Chairperson and Members of the NHRC. It also looks into personnel (including cadre matters), accounts, library and other requirements of the officers and staff of the NHRC. The Information and Public Relations Unit under the Administration Division disseminates information relating to the activities of the NHRC through the print and electronic media. It brings out a bilingual monthly Newsletter 'Human Rights' and other publications of the Commission. Besides, it looks into applications and appeals received under the Right to Information Act, 2005.

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

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

- Core Advisory Group on Health
- Core Group on Mental Health
- Core Group on Disability
- Core Group of NGOs
- Core Group on Legal Issues
- Core Group on Right to Food
- Expert Group on Emergency Medical Care
- Expert Group on Refugees
- Expert Group on Silicosis
- Expert Group on Unsafe Drugs & Medical Devices

## Functions

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

- Inquire, *suo motu* or on a petition presented to it by a victim or any person on his behalf or on a direction or order of any court, into complaint of (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation, by a public servant.
- Intervene in any proceeding involving any allegation of violation of human rights pending before a court, with the approval of such court.
- Visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of inmates thereof and make recommendations thereon to the Government.
- Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.
- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- Study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- Undertake and promote research in the field of human rights.
- Spread human rights literacy among various sections of society and promote awareness about the safeguards available for the protection of these rights through publications, the media, seminars and other available means.

- Encourage the efforts of non-governmental organizations and institutions working in the field of human rights.
- Such other functions as it may consider necessary for the protection of human rights.

## **Powers**

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

## **Special Features**

**3.12** The NHRC is fully compliant with the Paris Principles for National Human Rights Institutions adopted by the United Nations General Assembly in the year 1993. It has a very wide mandate and functions. The Commission has evolved transparent systems and procedures for discharging its functions.

\* \* \* \* \*



## HUMAN RIGHTS VIOLATION CASES

### A. Number and Nature of Complaints

**4.1** As in the previous year, the Commission received a wide range of complaints relating to human rights violations from various parts of the country. The complaints included cases alleging custodial deaths, torture, police high-handedness, violations committed by security forces, prison conditions, atrocities on women and children and other vulnerable sections, bonded labour, negligence of public authorities, etc. The Commission also took *suo motu* cognizance of many incidents of violation of human rights based on reports in newspapers, television and visits undertaken by its Chairperson, Members, Special Rapporteurs and senior officers. The following paras summarize the number and nature of the complaints and also observations made by the Commission in some important cases.

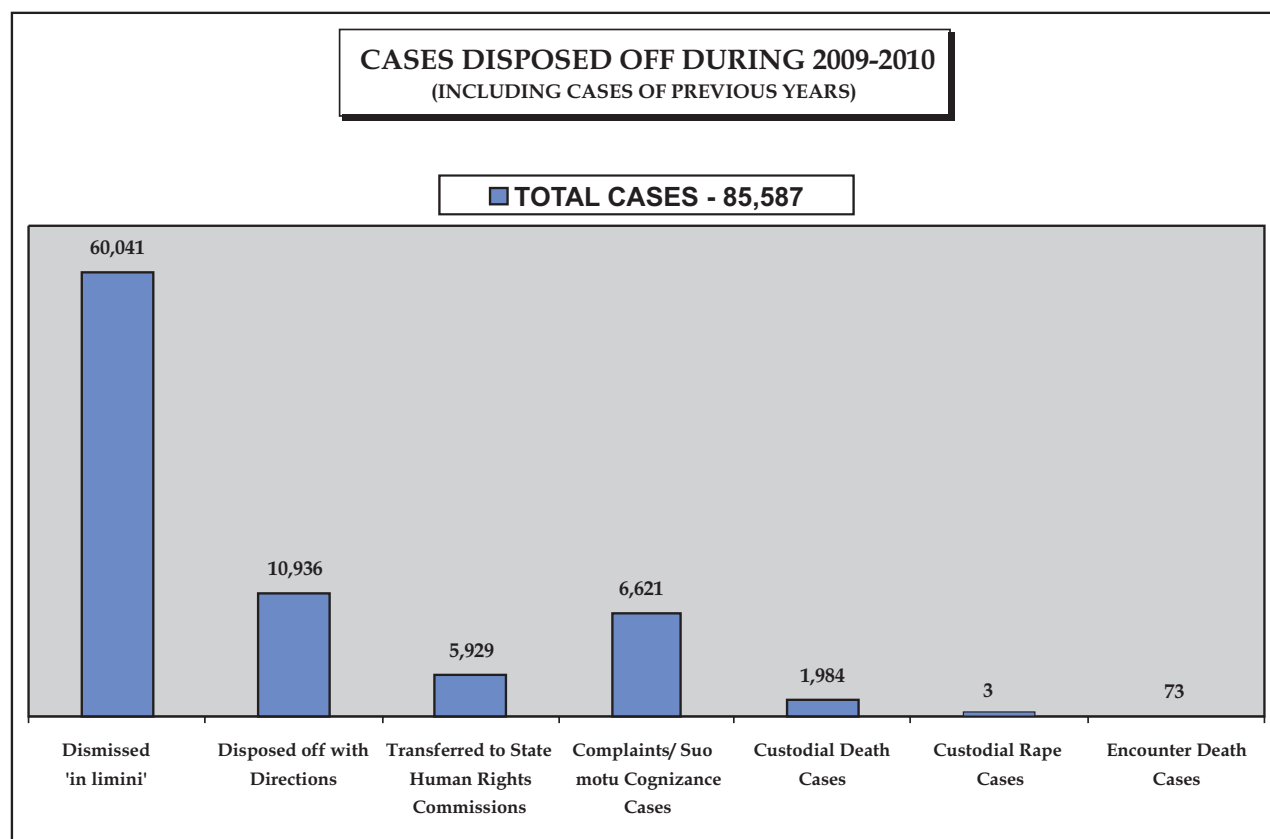
**4.2** During the year under review, the NHRC had a total of 1,00,167 cases for examination. These figures include cases that were brought forward from previous years as well as fresh cases registered during the period under report (**Annexure 1& 2**). It disposed off 85,587 cases. These figures include 5,929 cases which were transferred by the NHRC to the State Human Rights Commissions (SHRCs) in accordance with the provisions of the PHRA. The State-wise and category-wise details of all these cases are shown in **Annexure - 3**.

**4.3** At the end of the reporting period, that is on 31 March 2010, the total number of cases pending with the Commission was 14,580, which included 2,809 cases awaiting preliminary consideration and 11,771 cases in respect of which reports were either awaited from the authorities concerned or the reports had been received but were pending further consideration off the Commission (**Annexure-4**). In the beginning of the year, that is on 1 April 2009 a total number of 18,146 cases were pending before the Commission **Annexure - 1**

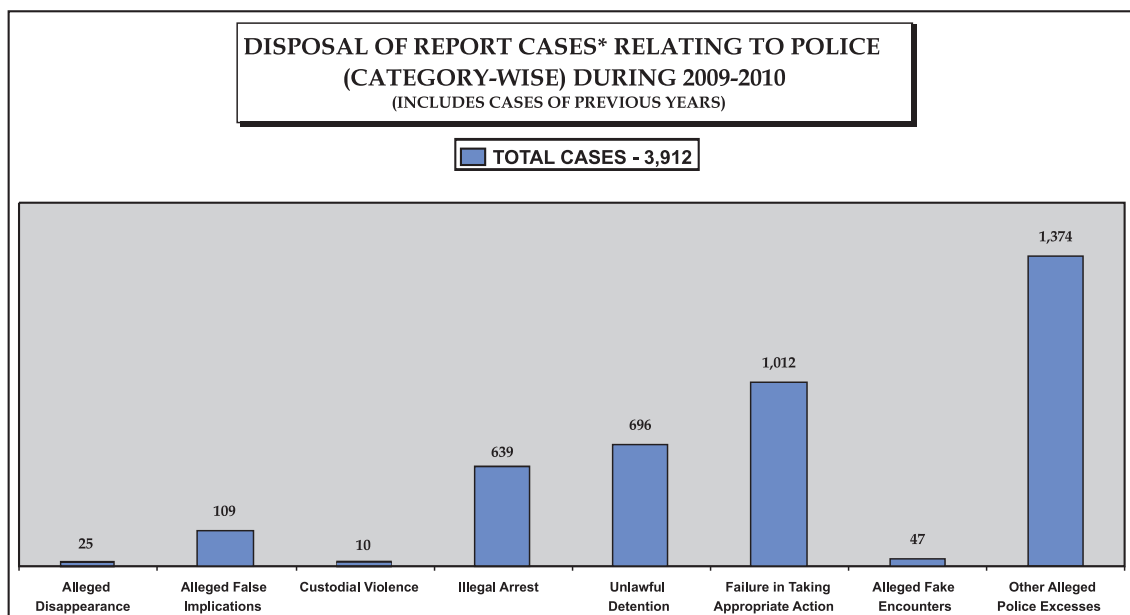
**4.4** 82,021 cases were registered in the Commission during 2009-2010, while the corresponding figure for the year 2008-2009 was 90,946. Of the cases that were registered during the year under review, 80,260 cases were complaints of alleged human rights violations 1,599 cases were about intimations of custodial deaths, 2 related to intimations of custodial rapes and 111 pertained to encounters (104 encounters by Police and 7 encounters by Defence Forces). As per the guidelines issued by the Commission, every death in police and judicial custody is to be reported to the NHRC for its scrutiny irrespective of such death being natural or otherwise. Of the custodial deaths that were reported in the course of the year 2009-2010, 2 deaths allegedly occurred in the custody of defence / para-military forces, 124 deaths occurred in police custody, 1,473 deaths in judicial custody. Most of the deaths in judicial custody were due to prolonged illness, old age and other incapacitating factors (**Annexure-2**).

4.5 In comparison to the large number of complains being registered in the Commission upto 2007-2008, the number of complains registered during 2009-2010 was distinctly less. However, as in the past, the largest number of complaints registered was from the State of Uttar Pradesh. Out of the total number of complaints registered by the Commission, Uttar Pradesh accounted for 51,270 (62 per cent) complaints, followed by Delhi with 5,228 (6 per cent) complaints and Haryana coming third with 2,921 (3.5 per cent) complaints. It once again goes on to show that the establishment of SHRCs has so far not brought out any significant reduction in the number of complaints being received by the NHRC as more than 85 per cent of the complaints received were from the States having their own Human Rights Commissions.

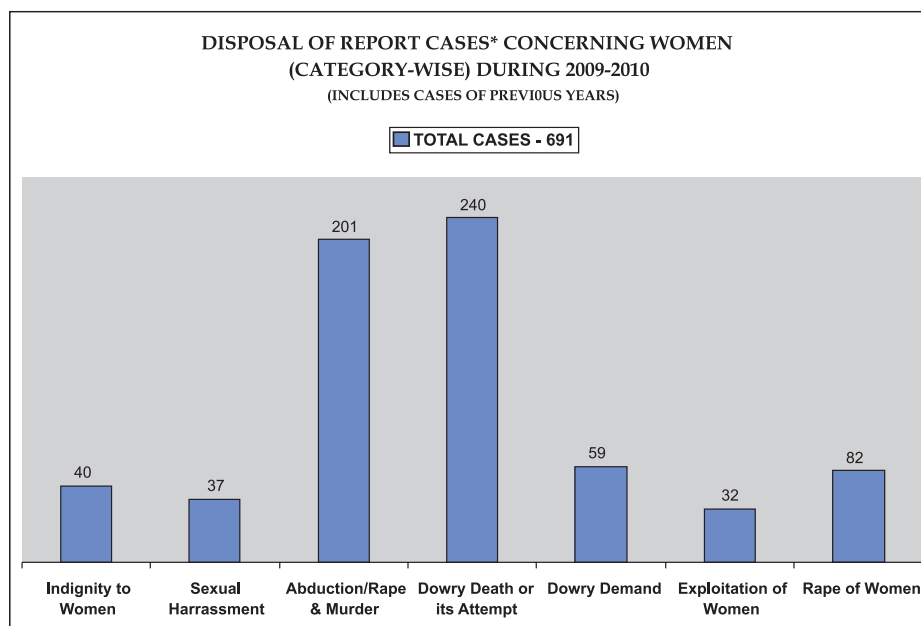
4.6 Of the total number of 85,587 cases disposed off in 2009-2010; 60,041 were dismissed '*in limini*'; while 10,936 were disposed off with directions to the appropriate authorities for remedial measures. 1,984 intimations relating to custodial deaths and 3 intimations relating to custodial rapes; 73 cases of encounter deaths; and 6,621 other cases were also disposed off after calling for reports from the concerned authorities (**Annexure-3**). Also see the Graph below.



4.7 In the latter group (6,621 other cases), 25 cases pertained to alleged disappearances; 1,335 cases related to illegal detention/illegal arrest; 109 cases were of alleged false implication; 10 cases were of custodial violence; 47 cases of alleged 'fake encounters'; 1,012 instances related to failure to take appropriate action; and 1,374 complaints related to other alleged police excesses. See the Graph on the next page.



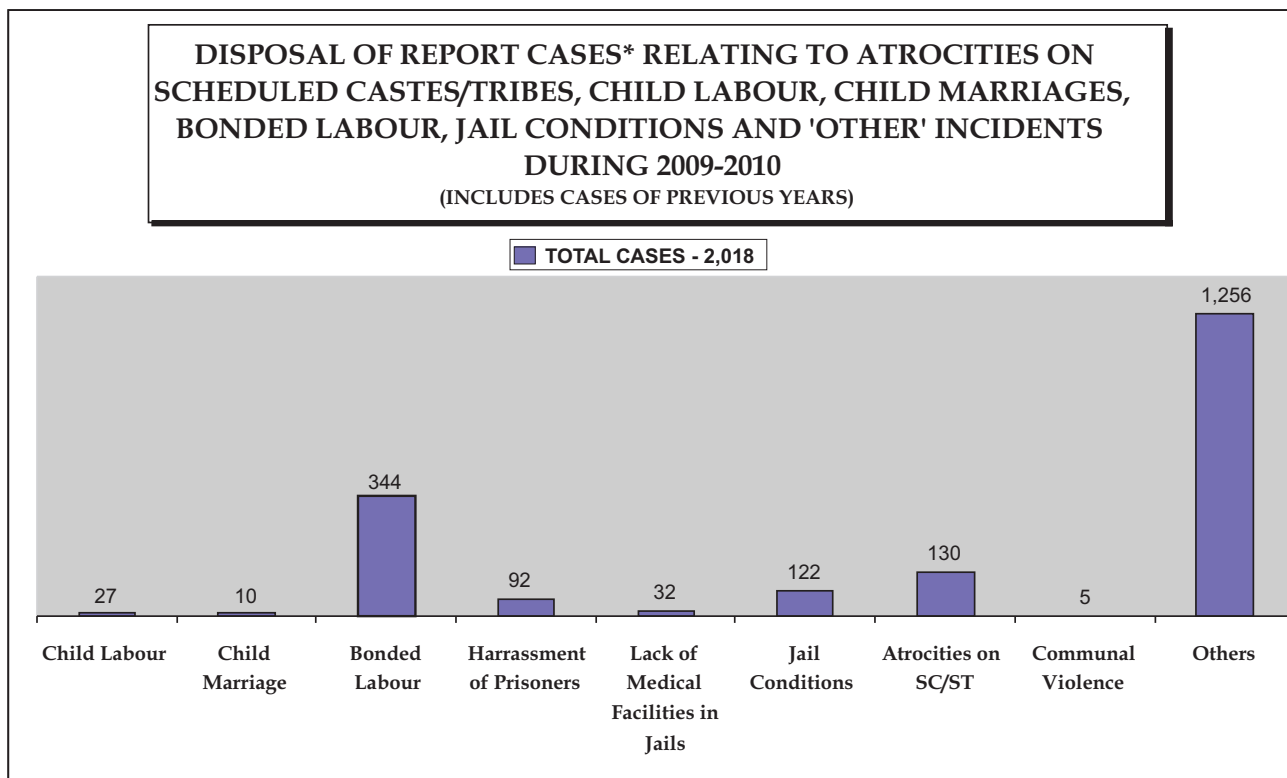
4.8 During the period under review, the Commission dealt with a number of complaints relating to rights of women. Out of these, 40 cases pertained to allegations of violating the dignity of women; 37 cases alleging sexual harassment of women; 201 cases were of alleged abduction, rape and murder; 240 cases related to dowry deaths; 59 cases were of dowry demand; 32 cases alleging exploitation of women; and 82 cases were those alleging rape of women were all disposed off. In addition, the Commission disposed off 27 cases of child labour; 10 cases relating to child marriages; and 344 cases of bonded labour. See the related Graph below.



\* Report cases are the cases other than those dismissed 'in limini' or disposed off with directions or transferred to SHRCs.

**4.9** The Commission dealt with complaints relating to conditions in prisons as well. Their details are — 92 cases were of alleged harassment of prisoners; 32 cases pertained to alleged lack of medical facilities in jails; and 122 cases related to other aspects of conditions in jails. All these cases were disposed off by the Commission with appropriate recommendations. See the Graph below.

**4.10** Other than these, 130 cases alleging atrocities against members of the Scheduled Castes/Scheduled Tribes were disposed off by the Commission, as also 5 cases of communal violence and 1,256 cases relating to 'other' incidents. For State/Union Territory-wise details see **Annexure -5**.



**4.11** The PHRA, 1993 is based on the premise that the fullest cooperation will be extended to the NHRC both by the Central and State Governments. It is therefore, incumbent on their part to assist the NHRC in its overall efforts to dispose off cases promptly and efficiently. This will ensure better protection of human rights, as envisaged under the Act. The Commission would like to reiterate that it is of utmost importance that both the Central and State Governments respond promptly to requests for reports made by it. Further, they need to act swiftly on its varied recommendations in respect of individual cases.

## B. Illustrative Cases of 2009-2010

### a) Custodial Deaths

1. *Death of Undertrial Prisoner Surendra Kumar Pawan in Beur Central Jail, Patna*  
(Case No. 2600/4/2005-2006-CD)

**4.12** On 26 September 2005 the NHRC received intimation about an undertrial prisoner



Surendra Kumar Paswan who had died on 25 September 2005. He was lodged in Beur Central Jail in Patna on 24 September 2005. Pursuant to the directions given by the Commission on 13 October 2005, the NHRC Director General (Investigation) called for all the relevant reports from the Government of Bihar for examination.

**4.13** As per the postmortem report, 12 antemortem injuries were found on the body of the deceased and the Autopsy Surgeon stated that the cause of death was “haemorrhage and shock due to combined effect of the 12 antemortem injuries which were sufficient to cause death”.

**4.14** The Magistrate, in his inquiry, found the death of the deceased undertrial prisoner as ‘unnatural’ while examining the facts and circumstances of the case. During the course of the inquiry, the relatives of the deceased stated that Surendra Kumar Paswan was picked-up by one Police Officer Abhaynarayan Singh of Gardani Bagh Police Station on 22 September 2005 at 8:00 a.m. while the FIR bearing No. GBH-731/05 under section 272/273 of the Indian Penal Code (IPC) and Section 47 (A) of the Excise Act was registered only on 24 September 2005.

**4.15** Upon consideration of the reports, the Commission vide its proceedings dated 26 December 2008, *prima facie* found it to be a case of death in custody due to torture and issued a notice u/s 18 (a) (i) of the PHRA to the Government of Bihar to show-cause as to why suitable monetary relief should not be paid to the next of kin of the deceased. It further directed the Chief Secretary of the State to register a criminal case in respect of the custodial death in question and get the same investigated by the CB-CID of the State.

**4.16** Since the State Government failed to submit any response to the show-cause notice even after reminders, the Commission presumed that the Government of Bihar had nothing to say against the show-cause notice. Keeping in view the facts and circumstances of the case, the Commission vide its proceedings dated 16 July 2009 recommended to the Chief Secretary, Government of Bihar to pay a compensation of Rs.3,00,000/- to the next of kin of the deceased. It also directed the Chief Secretary to submit the compliance report along with proof of payment and inform whether as per its directions a criminal case in respect of the custodial death of the undertrial prisoner had been registered.

**4.17** The compliance report is awaited on the part of the State Government.

## 2. *Death of Undertrial Prisoner Babu Lal due to Assault in Indore Central Jail, Madhya Pradesh* (Case No. 2193/12/2006-2007)

**4.18** The NHRC took cognizance of the matter from the Superintendent of Indore Central Jail in Madhya Pradesh regarding the death of an undertrial prisoner, Babu Lal, aged 26 years on 7 March 2007 while undergoing treatment in a hospital. The reports received from the State authorities, however, revealed that Babu Lal was beaten by fellow-prisoners in the presence of prison personnel and that he had sustained seven antemortem injuries. The postmortem report indicated the cause of death on account of cardio-respiratory failure. In addition, it came to light that the deceased was suffering from chronic lung disease. An opinion of a Forensic Expert on the panel of the NHRC was consequently taken in the matter to ascertain the exact cause of the death of the undertrial prisoner.

**4.19** The Commission upon consideration of the entire record observed that as per the expert opinion, the deceased had died on account of the cumulative effect of bronchitis of both the lungs and injuries that were inflicted by his co-inmates while confined in the jail. The fact that the deceased was in the care and custody of the State, it failed to protect his life, hence violating his human rights.

**4.20** In response to the show-cause notice served by the Commission, the State Government reported that on the complaint of the Sub-Divisional Magistrate a case—Crime No. 310/07 for the offences punishable u/s 302/147/148/149/323/325/326 IPC was registered against all the offenders. Their reply further revealed that sanction of the State had been obtained for prosecution but the matter was pending in the court. The Commission noted that in the reply received, it had been admitted by the State Government that *prima facie* the jail officials were guilty. The victim Babu Lal, who was ailing from a lung disease, was beaten inside the jail by other inmates in the presence of the jail officials, which resulted in his death. In the given circumstances, the Commission recommended to the State Government to pay a monetary relief of Rs.3,00,000/- to the next of kin of the deceased.

**4.21** The proof of payment from the Government of Madhya Pradesh is awaited in the case.

3. *Death of Bhagat Ram in Police Custody in Rajasthan*  
(Case No. 376/20/2006-2007-CD)

**4.22** The NHRC on 15 June 2006 received information about the death of one Bhagat Ram in police custody from the Superintendent of Police, Kota, Rajasthan. It was divulged by the concerned Police Officer that the victim had died on 15 June 2006 itself. The deceased had been arrested on 15 June 2006 in a case u/s 306 IPC registered at Ramganj Mandi Police Station in Kota, Rajasthan. While being taken in a private vehicle to Ramganj Mandi Police Station, the vehicle was stopped on the road side at the request of the victim for allowing him to ease. The deceased, however, ran towards a truck and jumped in front of it. In the ensuing melee, the victim was crushed to death.

**4.23** During the magisterial enquiry, the ADM of Kota city, while criticizing the police escort party for using a private vehicle believed the police version and concluded that the accused himself had invited death by jumping in front of a speeding truck.

**4.24** The Commission in its proceedings dated 2 September 2008 observed that *prima facie* the police escort party was negligent and hence issued a show-cause notice to the Government of Rajasthan u/s 18 of the PHRA.

**4.25** In its response to the show-cause notice issued by the Commission, the State Government of Rajasthan contended that the police was not negligent in any manner. The Commission, however, vide its proceedings dated 3 August 2009 stated that lack of vigilance on the part of the police escort gave the accused Bhagat Ram an opportunity to escape from police custody and jump before a speeding truck. If the police escort had been attentive, the deceased Bhagat Ram would not have got an opportunity to escape from the custody of the police and jump before a speeding truck. From all aspects, the incident was a result of negligence on the part

of the police escort party. The Commission accordingly recommended to the Government of Rajasthan to pay Rs. 1,00,000/- as monetary relief to the next of kin of the deceased Bhagat Ram.

**4.26** The compliance report along with proof of payment has been received from the Government of Rajasthan. Consequently, the case was closed by the NHRC on 30 March 2010.

*4. Death of Akhilesh in Hardoi District Jail of Uttar Pradesh*  
(Case No. 13366/24/36/07-08-JCD)

**4.27** On 10 June 2007, the Jail Superintendent of District Jail Hardoi informed to the NHRC about the death of one undertrial, named Akhilesh, in the jail. The deceased was incarcerated in District Jail Hardoi on 16 January 2005 in connection with a murder case. On 9 June 2007, the deceased committed suicide by hanging himself behind the jail latrine.

**4.28** On 15 July 2009, the Commission considered the postmortem and the magisterial enquiry reports and observed that Akhilesh got an opportunity to commit suicide because the prison staff had failed in its duty to keep proper vigil on him. The State must therefore take the onus of Akhilesh's death. Consequently, pursuant to the Commission's directions, a show-cause notice dated 10 August 2009 u/s 18 of the PHRA was issued to the Chief Secretary of the Government of Uttar Pradesh to explain as to why monetary relief should not be given to the next of kin of the deceased.

**4.29** The Inspector General of Prisons Administration and Correctional Services, Government of Uttar Pradesh vide letter dated 16 October 2009 responded that departmental action had already been initiated against the delinquent police officials. The Commission as such was requested to consider the grant of interim relief to the next of kin the deceased only after the departmental action was completed.

**4.30** The matter was considered by the Commission again on 9 November 2009 wherein it observed that the human rights of the deceased had been violated on account of omission caused on part of the police officials, who gave an opportunity to the deceased to commit suicide in judicial custody. While rejecting the plea taken by the State Government for deferring its decision about payment of interim relief to the next of kin of the deceased, the Commission reiterated that the human rights of the deceased had been admittedly violated by the State authorities. The outcome of the disciplinary proceedings will, therefore, have no bearing on the question of grant of monetary relief. Accordingly, the Commission recommended that a sum of Rs. 1,00,000/- be paid to the next of kin of the deceased Akhilesh by the State Government.

**4.31** The compliance report from the Government of Uttar Pradesh is awaited in the case.

*5. Death of Bipin Kumar Yadav in Begusarai District Jail, Bihar*  
(Case No. 2420/4/29/08-09-JCD)

**4.32** The case relates to the death of a 26-year old undertrial prisoner Bipin Kumar Yadav in Begusarai District Jail of Bihar. The NHRC was informed about the incident on 14 November 2008 by its Jail Superintendent. The deceased was booked in a case u/s 290 IPC and was imprisoned on 26 March 2008. He was found to be suffering from various ailments. On 13 November 2008, the deceased died in Begusarai Sadar Hospital during the course of treatment.

The doctor who conducted the postmortem opined that the cause of death was “long standing chronic debilitating disease leading to degeneration and multi-system failure.”

**4.33** Pursuant to the directions given by the Commission, the magisterial enquiry report revealed that the deceased on 5 November 2008 was examined by a team of doctors. After the examination, the team had recommended that Bipin should be immediately taken to Patna Medical College Hospital for specialized treatment. However, no police escort could be provided for eight days. Thus, as advised by the team of doctors, the deceased could not be taken to Patna Medical College Hospital for his specialized treatment. The delay in providing specialized treatment on time became a cause for the untimely death of Bipin Kumar Yadav.

**4.34** Considering that the detaining authorities had failed to provide timely medical care to the deceased, the Commission issued a show-cause notice u/s 18 of the PHRA to the Government of Bihar. The State Government did not respond to the notice. The Commission thus observed that the State had submitted no justification for its failure to provide a police escort on time. If police escort was provided and the prisoner had been taken to Patna Medical College Hospital on time as advised by the team of doctors, his life could have been probably saved. His right to life was adversely affected due to inaction on part of the State. Considering all circumstances from all angles, the Commission recommended to the Government of Bihar to pay a sum of Rs. 1,00,000/- as monetary relief to the next of kin of the deceased Bipin Kumar Yadav.

**4.35** The compliance report along with proof of payment is awaited in the case.

**6. *Death of Undertrial Ram Kumar in Korba District, Chhattisgarh***  
(Case No. 286/33/2003-2004-CD)

**4.36** On 9 November 2003 the NHRC received intimation from the Superintendent of Police that one Ram Kumar who was wanted in a case u/s 306 IPC registered at Pali Police Station of District Korba in Chhattisgarh had died. The deceased had been arrested on 8 November 2003. He was found to be very weak at the time of arrest. The police was told that Ram Kumar was suffering from malaria. After the arrest, he was produced before a Magistrate by the police and then remanded to judicial custody. Initially, he was taken to Katghora jail but the prison authorities refused to admit him there. He was then taken to a Primary Health Centre and later to the District Hospital located in Korba. However, when he was brought to the District Hospital on 9 November 2003, he was declared ‘as dead’ by the hospital authorities.

**4.37** Pursuant to the directions given by the Commission, an inquiry into the circumstances of death was conducted by the Sub-Divisional Magistrate of Korba. He observed that in view of the frail health of the accused, the police should have either deferred the arrest or if it was absolutely necessary to arrest him, the Investigation Officer should have promptly made arrangement for providing medical care to the arrestee.

**4.38** On consideration of the magisterial enquiry report, the Commission felt that Ram Kumar had been dealt in an inhuman manner and a show-cause notice u/s 18 of the PHRA was issued to the Government of Chhattisgarh. The State Government did not respond to the notice issued by the Commission.

**4.39** The Commission observed that the offence made by the accused u/s 306 IPC was cognizable. The police undoubtedly was empowered to arrest Ram Kumar without a warrant. At the same time, humanitarian concerns should not have been completely overlooked by the police while exercising the power conferred on it by the law. In the instant case, the arrest of Ram Kumar could have been reasonably deferred for some time in view of his frail health. If, for some reasons, the Investigation Officer thought it absolutely necessary to make the arrest on that day itself, he should have taken care to promptly arrange medical care for the arrestee. Instead of doing so, he first took him to the court and then to the jail. It was only when the prison authorities refused to admit him that he was taken to a dispensary for medical aid. It appears that the accused could not bear the physical stress of being taken from one place to another in that state of health and he collapsed. Considering the circumstances, the State cannot be absolved of its share of blame and it must bear liability for the negligence shown by the police.

**4.40** Considering all the circumstances, the Commission on 3 June 2009 recommended to the Government of Chhattisgarh to pay a sum of Rs. 1,00,000/- as monetary relief to the parents of deceased Ram Kumar.

**4.41** On receipt of the compliance report, the case was closed by the Commission.

**7. *Death of Sheroo Khan in Police Custody in Bastar District of Chhattisgarh***  
(Case No. 250/33/2001-2002-CD)

**4.42** Intimation was received by the NHRC on 1 November 2001 from the District Magistrate of Bastar with regard to the death of one Sheroo Khan aged 30 years in police custody. The police version of the incident was that the deceased was creating nuisance at a public place in a drunken state and while he was being brought to the Police Station Jagadalpur on a bike, he jumped from the bike and sustained fatal injuries.

**4.43** The postmortem report revealed about 12 antemortem injuries including eight contusions. The cause of death according to the Autopsy Surgeon was shock due to 'spleen trauma and haemorrhage.'

**4.44** Shri A.K. Toppo, Sub-Divisional Megistrate, Jagdalpur inquired into the circumstances of the death. The inquiry report submitted by him negated the police version. During the course of inquiry, he interrogated Dr. Sunil Kumar Yadav, Assistant Surgeon in Maharani Hospital in Jagadalpur. Dr. Kumar stated that the injuries found on the body of the deceased were caused by a '*danda*' and not on account of falling from some vehicle. The Magistrate concluded that Constable Subash Vishwas and Guard Sunil Das were responsible for the death of Sheroo Khan.

**4.45** Later, a communication dated 22 October 2007 was received from the Deputy Secretary, Home, Government of Chhattisgarh. It was informed by him that an FIR No. 218/2006 u/s 302/34 IPC was registered at Bodhghat Police Station against Constable Subash Vishwas and Guard Sunil Das. Both of them were arrested on 6 August 2007 and on completion of investigation, a charge sheet too was submitted against them in the court of Chief Judicial Magistrate, Jagadalpur.



**4.46** Since the magisterial inquiry and the police investigation established culpable liability on part of the concerned police personnel in the homicidal death of Sheroo Khan, the Commission vide its proceedings dated 24 January 2008 issued a show-cause notice to the State of Chhattisgarh u/s 18 (c) of the PHRA.

**4.47** The State Government responding to the show-cause notice of the Commission vide its communication dated 7 April 2008 made a request that it would be improper to award monetary relief to the next of kin of the deceased victim pending a final decision in the criminal case being pursued in the court. While considering the request made by the State Government, the Commission noted that the proceedings before it are independent of any other proceedings pending in any other forum. Moreover, the Commission does not insist on rigorous proof as is done in a criminal case trial. It acts on preponderance of probabilities. For the purpose of recommending monetary relief, it is sufficient that the homicidal death occurred in police custody. Moreover, the findings of the magisterial inquiry cannot be ignored.

**4.48** Considering all the circumstances, the Commission on 30 June 2008 recommended to the Government of Chhattisgarh to pay a sum of Rs. 3,00,000/- as monetary relief to the next of kin of the deceased Sheroo Khan.

**4.49** On receipt of the compliance report from the State Government, the case was closed by the Commission in November 2009.

*8. Death of Kandula Tirupathi in Police Custody in Karimnagar, Andhra Pradesh  
(Case No. 886/1/2004-2005-CD)*

**4.50** The Superintendent of Police of Karimnagar, Andhra Pradesh on 21 February 2005 informed the NHRC about the death of one Kandula Tirupathi in police custody on 20 February 2005. The deceased was suspected to be involved in a terrorist activity. He was arrested from Marripally village on 20 February 2005. During the time of arrest, some arms and ammunitions were recovered from Kandula. He then took the police party to a hillock for further recovery. There he allegedly pushed a Constable and jumped from the hillock in a bid to escape. He sustained fatal injuries and died on the spot.

**4.51** Pursuant to the directions given by the Commission, the Magistrate who enquired into the death of Kandula Tirupathi concluded that he had committed suicide by jumping from the hillock. He observed that the deceased was afraid of reprisal by the extremists.

**4.52** Considering the manner in which the incident occurred, the Commission felt that the police escort was not vigilant and alert. It observed that if the policemen had been watchful and cautious, the deceased would not have been able to elude grasp. The fact that the deceased was able to free himself from the custody of the police indicates negligence on their part and therefore renders the State liable for the incident. Consequently, the Commission issued a notice to the Chief Secretary, Government of Andhra Pradesh u/s 18 of the PHRA and also asked to show-cause as to why monetary relief should not be given to the next of kin of the deceased.

**4.53** As the State failed to submit any reply to the show-cause notice, the Commission presumed that the State has nothing to say in defence.

4.54 Taking note of all the circumstances related to the case, the Commission on 5 October 2009 recommended to the Government of Andhra Pradesh to pay a sum of Rs. 1,00,000/- as monetary relief to the next of kin of the deceased Kandula Tirupathi.

4.55 The compliance report relating to the case is awaited by the Commission.

b) Illegal Detention and Torture

9. *Torture of Geeta Devi by Police Officials in her House*  
(Case No.1522/34/2005-2006)

4.56 The Commission received a complaint dated 10 March 2006 from one S.R. Nag, General Secretary, People's Union for Civil Liberties alleging that one Geeta Devi was beaten in front of her husband by the police officials. When she protested, an FIR was lodged against her father, Umesh Prasad, by a Tempo Driver. It was also alleged that the local administration were trying to shield the police officials.

4.57 In response to a notice issued by the Commission, the Senior Superintendent of Police, East Singhbhum District, Jharkhand vide his letter dated 1 June 2007 reported that a Sub-Inspector along with his team had gone to the house of Umesh Prasad with regard to FIR No.13/06 u/s 387/379/427 IPC to arrest him when Geeta Devi started protesting and even hit the police officials with a footwear. Geeta Devi in her statement during the course of investigation stated that the police had come without any women staff member in the absence of any male family member in the house. She further confessed that she was beaten-up by the police. The Superintendent of Police also reported that Sub-Inspector Satish Kumar Sinha had been issued an advisory warning and adverse recommendations had been made in his Annual Confidential Report. Further, he had been told to take women staff along with him during such actions to avoid incidents of this kind in future.

4.58 The Commission considered the report and stated that since ill-treatment meted out to Geeta Devi by policemen was not denied and adverse recommendations had been made against the Sub-Inspector, the present case clearly 'is a case of violation of human rights' and directed to issue a show-cause notice u/s 18 of the PHRA as to why monetary relief should not be recommended to the victim. The Government of Jharkhand did not respond to the show-cause notice issued by the Commission.

4.59 The Commission in its proceedings dated 17 November 2008 opined that since no reply had come from the Government of Jharkhand, it may be presumed that the State has no defence to offer. The Commission thus directed that an amount of Rs.10,000/- be paid by the State Government to the victim Geeta Devi.

4.60 In conformity with the directions given by the Commission, the payment of proof made to victim Geeta Devi has been received from the State Government and the case closed.

10. *Death of a Pregnant Woman due to Torture Inflicted by Constables of Government Railway Police*  
(Case No.10789/24/46/09-10)

4.61 The Commission took *suo motu* cognizance of a newspaper report published in the "Times of India" on 20 June 2009 wherein it was reported that one pregnant woman was pushed from

a moving train going from Mallani to Gonda by the Constables of the Government Railway Police (GRP) when she failed to pay a bribe of Rs.100/- for travelling without a ticket. The pregnant woman died and the accompanying child was hurt in the incident.

**4.62** On receipt of a report from the Director General of Police, Lucknow, it was learnt by the Commission that in the given incident a Crime Case No.45/09 u/s 304/383/384 IPC had been registered against the Constables at the GRP Station in Lakhimpur and relevant action was being taken against the erring police personnel. The Commission found the act of the policemen as a clear violation of human rights and accordingly directed the Chief Secretary, Government of Uttar Pradesh to show-cause as to why interim relief should not be recommended in the case. The Government of Uttar Pradesh, on its part, agreed that the committed act amounted to violation of human rights and payment of interim relief is justified.

**4.63** The Commission in its proceedings dated 16 November 2009 thus directed that a payment of Rs.3,00,000/- be made to the next of kin of the deceased. The compliance report, along with the proof of payment, is awaited from the State Government.

*11. Torture and False Implication of a Press Reporter by Uttar Pradesh Police  
(Case No.14303/24/2006-2007)*

**4.64** The case relates to victimization of a Press Reporter, named Samiuddin alias Neelu, by police officials belonging to Lakhimpur Khiri District of Uttar Pradesh since 2006. The Press Reporter has been fighting a lone battle against the misuse of authority by the then Superintendent of Police of Lakhimpur Khiri and others. The most paradoxical part of this case was the overall approach that was adopted by the State administration including the senior police officials. The State violated Samiuddin alias Neelu's human rights by implicating him in a false case which led to his arrest, and protected the police officials, especially the Superintendent of Police, Ms. N. Padmaja.

**4.65** What was worse is that when Samiuddin approached the concerned officers for redressal of his grievances, he was deprived of his due right to be heard. As a result, he was unable to evoke a considerate response from the State. That his life was also in danger is evident from the fact that the State Police extended him security from 4 April 2006 to 15 May 2007. The security was later withdrawn by the State for reasons best known to it. The case is a stark example of total apathy and out-right antagonism of the State towards a person, whose right to life was seriously endangered.

**4.66** In response to the notice issued to the Government of Uttar Pradesh by the Commission, the Secretary to the Government of Uttar Pradesh vide his letter dated 10 November 2009 admitted that there was apparent violation of human rights of Samiuddin alias Neelu.

**4.67** Taking all the above factors into consideration, the Commission recommended to the Government of Uttar Pradesh that a sum of Rs.5,00,000/- be paid as monetary relief to Samiuddin alias Neelu under section 18 (a)(i) of the PHRA.

**4.68** The compliance report along with proof of payment is awaited from the Government of Uttar Pradesh.



12. *Illegal Detention of Three Children by Uttar Pradesh Police*  
 (Case No.23018/24/25/08-09)

4.69 The case relates to a complaint made by Jagdish Sonkar, National President, Shambuk Sena, Unnao, Uttar Pradesh wherein it was reported to the Commission about the illegal detention of three children in Farukhabad on account of false implication by Uttar Pradesh Police. The complaint was supported with a newspaper clipping of "Rashtriya Sahara" dated 18 July 2008.

4.70 The Commission took cognizance of the matter on 16 September 2008 and called for a report from the Superintendent of Police, Farrukhabad, Government of Uttar Pradesh. On examination of the report, it was found that the three minor children, namely, Aijaz, Ramu and Subhash Chandra had been falsely implicated under the Goonda Act of Uttar Pradesh and hence illegally detained. The concerned Sub-Divisional Magistrate, quashed the proceedings against the minor children under the Goonda Act. Departmental action was also taken against the Station House Officer, Brijesh Kumar Tripathi, and after conclusion of the enquiry he was 'censured'. Apart from the Station House Officer, one Head Constable Ashok Kumar too was found responsible in the departmental enquiry, and he was departmentally punished.

4.71 The Commission on finding that the case was clearly of illegal detention and gross violation of human rights of the minor children issued a notice to the Chief Secretary, Government of Uttar Pradesh u/s 18(c) of PHRA. As no reply was received from the Chief Secretary of Uttar Pradesh, the Commission on 14 May 2009 recommended payment of Rs.10,000/- each to the victims, Aijaz, Ramu and Subhash Chandra.

4.72 The compliance report along with proof of payment has been received from the Government of Uttar Pradesh and the case closed.

13. *Rape and Murder of Shanno alias Aarti Gopal Kale by Maharashtra Police*  
 (Case No.187/13/2005-2006-CD)

4.73 The case was reported by the Superintendent of Police of Ahmednagar in Maharashtra. One Shanno alias Aarti Gopal Kale, who as per complaint of her brother Gauri Gopal Kale, was taken to Shirdi Police Station on the night of 2 March 2005. There she was raped and murdered by the police and later her body was thrown in a dry well in Soygaon Shivar of Rahata Police Station so as to destroy the evidence.

4.74 The Commission took cognizance of the matter on 26 May 2005 and pursuant to its directions, the requisite reports were received from the Government of Maharashtra. In the inquest report, it was opined by the Panchayat that the "woman was killed by pressing of the neck and throat and disposed off with the intention of hiding the evidence and thrown in the well of Kisan Damu Shendge in half-burnt position and also half-buried". In the postmortem report, the concerned doctors reserved their opinion and preserved the viscera. The final cause of death was given "as a result of compression of neck violent asphyxial death due to hanging". Magisterial enquiry report conducted by the Sub-Divisional Magistrate of Shrirampur concluded that the deceased Shanno Kale was brought to Shirdi Police Station and died in police custody between 1.30 a.m. to 5.00 a.m. when, Mr. Kahar and Mr. Mali,

two police officers were present in the Police Station. They made an attempt to destroy the evidence by throwing the dead body of Shanno Kale in a dry well. Thus, Shanno Gopal Kale alias Aarti died in Shirdi Police Station only under suspicious circumstances. Consequently, a case bearing Crime No. 24/05 u/s 302/201/34 IPC was registered at Rahata Police Station and all the guilty police officers were charge sheeted.

**4.75** On finding that the State CID had submitted an investigation report against the police officers who had murdered Shanno alias Aarti Gopal Kale and that it was a serious violation of human rights and a fit case in which payment of immediate interim relief to the next of kin of the deceased should be recommended, the Commission issued a notice u/s 18 (c) of the PHRA to the State of Maharashtra. In response to the notice, the reply received from the State revealed that on inspection of the reports received from the State CID and District Magistrate, Ahmadnagar, the Government of Maharashtra agrees that monetary relief need to be given to the next of kin of the deceased Shanno Gopal Kale. The Commission accordingly recommended that a sum of Rs.5,00,000/- be paid to the next of kin of the deceased by the Government of Maharashtra.

**4.76** The compliance report along with proof of payment called for is awaited.

*14. Death of Shiv Raj Dubey due to Torture by Police in Allahabad, Uttar Pradesh  
(Case No. 16662/24/2001-2002-AD)*

**4.77** The Commission received a complaint dated 22 June 2001 from one K. K. Roy alleging that Shiv Raj Dubey, a Trade Union Leader of Allahabad, was taken to Civil Lines Mahila Thana on 19 August 2001 and there he was subjected to third degree torture in order to extract a confession. The victim died of brain injury on the same day. A criminal case No.252/2001 u/s 147/148/149/302/504 IPC was registered on behalf of the son of the deceased. The case was investigated by CB-CID. The investigation substantiated the allegation of torture and a charge sheet was filed in the case. The investigating agency moreover recommended disciplinary action against the four Constables and two women Constables.

**4.78** Pursuant to the notice issued by the Commission, a report was received from the Inspector General of Police (Human Rights), Government of Uttar Pradesh stating that an inquiry into the matter was conducted by the Superintendent of Police of Allahabad city and it was found that a CrI. Case No. 252/01 u/s 147/148/149/302/504 IPC was registered in the Police Station on the report of Manoj Dubey, the son of the deceased. A charge sheet too had been filed against the guilty police personnel in the court on the basis of investigation by CB-CID, Allahabad.

**4.79** A magisterial enquiry was also conducted by the City Magistrate of Allahabad. He too held the police responsible for the death of Shiv Raj Dubey.

**4.80** The Commission upon consideration of the above reports observed that *prima facie* the police officials had been held responsible for the death of Shiv Raj Dubey at P.S. Mahila Thana, Civil Lines, Allahabad. Further, a charge sheet had been filed against the accused in the case and disciplinary proceedings had been recommended against the erring police personnel. Under the given circumstances, the Commission found it to be an apt case to grant interim relief to the next of kin of the deceased. In view of that, the Commission on 10 June 2008 issued a show-cause notice to the State of Uttar Pradesh. The State Government, however, did not respond to the show-cause notice.

**4.81** Considering the matter on 27 May 2009, the Commission as a consequence recommended to the Government of Uttar Pradesh that a sum of Rs. 3,00,000/- be paid to the next of kin of the deceased.

**4.82** The compliance report in the case has been received from the Government of Uttar Pradesh. The case as such was closed.

*15. Illegal Detention of Rajesh Kashyap in Ghazipur Police Station, Uttar Pradesh  
(Case No. 35033/24/2003-2004)*

**4.83** The Commission received a complaint dated 6 February 2004 from one Smt. Sushila Devi alleging that her son Rajesh Kashyap was picked up from his house by the Station House Officer of P.S. Saidpur in District Ghazipur on 4 February 2004 and kept in illegal detention for three days.

**4.84** Pursuant to the directions of the Commission, the Under Secretary, Home (Human Rights), Government of Uttar Pradesh vide communication dated 10 May 2007 forwarded a copy of the report dated 24 May 2007 received from the Inspector General of Police (Human Rights), Government of Uttar Pradesh wherein it was stated that the Inspector In-charge of the Police Station Saidpur, namely, Ram Lakhan Saroj had already been reprimanded.

**4.85** While considering the matter on 28 March 2007, the Commission directed that considering the facts of the case, a show-cause notice u/s 18(3) of the PHRA be issued to the Chief Secretary, Government of Uttar Pradesh as to why an interim relief be not awarded to the complainant's son.

**4.86** In response, Ms. Manju Chandra, Special Secretary, Government of Uttar Pradesh truthfully admitted to the Commission vide her communication dated 22 April 2008 that the victim needs to be compensated in all respects.

**4.87** In view of the stand taken by the State Government, the Commission on 4 August 2008 recommended that a sum of Rs.10,000/- be paid as monetary relief to Rajesh Kashyap, son of the complainant.

**4.88** The compliance report in the case has been received from the State Government. Accordingly, the case was closed on 28 August 2009.

*16. Illegal Detention of Manoj Kumar Jha in Bokaro, Jharkhand  
(Case No. 66/34/1/07-08)*

**4.89** The Commission received a complaint dated 13 April 2007 from Smt. Bhadu Jha of Baru village, P.S. Jarideeh, District Bokaro, alleging that her son Manoj Kumar Jha had been taken to the police station by the local police on 8 April 2007 at 10.00 a.m. on the pretext that he was to identify a motorcycle but was detained in the police station without disclosing the reasons for the same.

**4.90** The Commission called for a report from the Superintendent of Police Bokaro in which it was stated that a Bullet motorcycle bearing registration No. BR20-7368 was recovered from the house of Manoj Kumar Jha on 15 April 2007. The said registration number had been allotted

to a scooter and not to a motorcycle by the Transport Authority. Manoj Kumar Jha could neither produce any document nor could he account for the possession of the motorcycle. Consequently, he was arrested after an arrest memo and a Criminal Case No. 28/2007 u/s 414 IPC was registered against him. After investigation of the case a charge sheet was filed in the court on 5 June 2007.

**4.91** A copy of the judgment delivered by the court in the case arising from Criminal Case No. 28/2007 at P.S. Jarideeh was received in the Commission as well. The prosecution examined two public witnesses to prove the factum of recovery of the motorcycle from the house of Manoj Kumar Jha. Both witnesses, however, stated in the court that they had signed the seizure memo at the instance of the police and that they had not entered the house of the accused. The court also observed that no local witness had been associated by the police at the time of recovery of the motorcycle. The court thus held that the recovery was doubtful and the accused was acquitted.

**4.92** Since the court did not believe the police version that a stolen motorcycle had been recovered from the house of the complainant's son on 15 April 2007, the Commission stated that it would be difficult to believe that he was actually arrested on 15 April 2007 and not earlier. The possibility of his being arrested on 8 April 2007 as alleged by the complainant cannot be just ruled out. It is significant that the complaint was sent to the Commission on 13 April 2007. If the son of the complainant had been arrested on 15 April 2007 as claimed by the police, there could have been no occasion for the complainant to approach the Commission on 13 April 2007.

**4.93** Considering the infirmity in the police version, the Commission on 17 June 2009 *prima facie* found that the son of the complainant had been unlawfully deprived of his liberty. Accordingly, the Commission directed that a show-cause notice u/s 18 of the PHRA be issued to the Government of Jharkhand.

**4.94** As the State Government did not respond to the notice, the Commission raised a presumption that perhaps the State had nothing to say in defence of the police. As a result, it was liable to compensate the victim for the wrongful act of the police. Considering all the circumstances, the Commission on 14 October 2009 recommended to the Government of Jharkhand to pay a sum of Rs. 15,000/- as monetary relief to the victim Manoj Kumar Jha.

**4.95** The compliance report along with proof of payment is awaited from the Government of Jharkhand.

c) Police High-handedness, Firing and Encounter

17. *Death of Ram Singh Chauhan and Jawaharlal Gaur due to Police Firing in Karbi Anglong District of Assam (Case No. 89/3/8/08-09)*

**4.96** Shri Suhas Chakma, Director of one NGO based in New Delhi complained to the NHRC about the killing of two persons, namely, Ram Singh Chauhan and Jawaharlal Gaur due to excessive use of firearms by the police on the protestors in Mailu area falling under Kheroni Police Station in Karbi Anglong District of Assam on 16 August 2008. He prayed for action against the erring police officials as well as compensation to the next of kin of the deceased. The Commission taking cognizance of the case called for reports from the State of Assam.



**4.97** The reports received from the State authorities revealed that during the course of checking of a vehicle an argument took place between one Ram Nath, Advocate, and another person Sanjay Basumatary, who was a Police Home Guard. Thereafter, there was a protest by the public. The In-charge of the Police Station went up to the spot for an assessment of the situation and controlling of the crowd. The protestors became violent and started pelting stones as a result wind screen of two police vehicles were damaged. In the meantime, Home Guard Sanjay Basumatary went to his barrack and took his .303 Rifle and without any order from the concerned authority loaded the same and opened fire injuring Ram Singh Chauhan and Jawaharlal Gaur who later succumbed to their injuries. A case bearing FIR No.50/08 for the offences punishable u/s 294/341/325/302 IPC was later registered. The Home Guard Sanjay Basumatary was immediately taken into custody.

**4.98** The Commission issued a show-cause notice to the Chief Secretary, Government of Assam stating as to why monetary relief u/s 18 (c) of PHRA should not be recommended to the next of kin of the deceased. In response, the State Government declared that it has been recommended to expel the errant Police Home Guard from the service and a charge sheet was being filed against him in the given criminal case.

**4.99** The Commission upon consideration of the matter observed that as per the report, the In-charge of the Police Station had failed to control the crowd and the Home Guard opened indiscriminate firing on the mob resulting in the death of two persons. Other than this, the In-charge of the Police Station failed to control the Home Guard under him and also failed to prevent the firing incident. The case, as such, clearly indicates that the firing resorted to by the errant Home Guard which resulted in the death of two persons was not at all under the authority of law. The human rights of the two victims had definitely been violated. The Commission hence recommended that an amount of Rs.5,00,000/- each be paid to the next of kin of the two deceased.

**4.100** The compliance report along with the proof of payment is awaited from the Chief Secretary, Government of Assam.

*18. Death of Manisha in Agra, Uttar Pradesh*  
(Case No. 21198/24/2000-2001)

**4.101** The Commission received a complaint dated 15 September 2000 from one Shri Gafoor, a resident of Agra in Uttar Pradesh alleging that his mother Manisha, aged 40 years, was shot dead by the local police within the jurisdiction of Tajganj Police Station in Agra on 8 September 2000. He prayed to the Commission that a thorough enquiry be conducted in the incident.

**4.102** The report submitted by the police to the Commission claimed that it was a case of death in encounter. According to the police, Manisha had illicit relations with one Shiv Narayan and on the night when she had gone with Shiv Narayan and other accomplices of his to a tube well, Champa Ram, the owner of the tube well was present in the vicinity. Suddenly, when the lights went off, Champa Ram fearing that some criminals had taken shelter at the site of his tube well raised an alarm. Two Constables, namely, Netrapal and Vijendra happened to pass by. On noticing some movement at the site of the tube well they both asked the persons there to surrender. As a result, there was firing from the side of the tube well. The Constables fired one

round each in self-defence. Manisha was hit by one bullet and Shiv Narayan was apprehended at the tube well while the other accomplices managed to run away. An FIR No.336/2000 u/s 307 IPC was registered at Tajganj Police Station after the incident. On investigation, Shiv Narayan was sent for trial, but he was acquitted by the court.

**4.103** Pursuant to the directions of the Commission, the case was probed by the State CB-CID. It was found that Manisha and Shiv Narayan had no arms with them and the police had concocted a false story of encounter. The investigation of CB-CID also revealed that the seizure memos and other police records had been fabricated. The CB-CID recommended prosecution of the two Constables under section 304 IPC.

**4.104** Upon consideration of the investigation report of CB-CID, the Commission found that Manisha was deprived of her life for no fault of hers. This had resulted in grave violation of her human rights. The Commission therefore issued a notice u/s 18 of the PHRA, 1993 to Government of Uttar Pradesh requiring it to show-cause why it should not recommend monetary relief to the next of kin of the deceased Manisha.

**4.105** In response to the show-cause notice issued by the Commission to the Government of Uttar Pradesh, the State conceded in its communication dated 2 April 2009 that the next of kin of the deceased Manisha are entitled for payment of compensation. Accordingly, the Commission vide its proceedings dated 15 July 2009 recommended that an amount of Rs. 3,00,000/- be paid to the next of kin of Manisha as monetary relief.

**4.106** As the compliance report along with proof of payment was received, the case was closed by the Commission on 18 March 2010.

*19. Death of Maya Devi in Police Firing in Hamirpur District of Uttar Pradesh  
(Case No.49828/24/35/07-08)*

**4.107** In this case, the complainant alleged non-registration of FIR by the police when his mother Maya Devi died on account of firing by Police Constable Surinder Kumar. He requested for instant action on the part of the Commission. The death of complainant's mother took place when she went to the place where her three sons were ruthlessly being beaten up by two Police Constables, namely, Surinder and Patiram.

**4.108** In response to the notice issued by the Commission, the Superintendent of Police, Hamirpur, Uttar Pradesh submitted a report. As per the report, the deceased was killed by a Constable when she tried to save her three sons being beaten-up by the police. The entire incident took place in the premises of the *Thana* where Constable Surinder Kumar was posted. However, none of the policemen on duty took any steps to pacify Constable Surinder Kumar or for that matter arrest him even after he indiscriminately fired on the complainant's mother, Maya Devi. The firing proved to be fatal and led to the death of Maya Devi.

**4.109** On examination of the facts, the Commission felt that the family of the deceased deserves sympathy, compassion and relief. Accordingly, it issued a show-cause notice to the Government of Uttar Pradesh u/s 18(a) (i) of the PHRA as to why the next of kin of the deceased should not be granted monetary relief for the wrong committed on them. In response, the Government

of Uttar Pradesh informed to the Commission that the Police Constable Surinder Kumar had been dismissed from service. Other than this, Sub-Inspector Asharam was punished and an adverse entry had been made in his confidential report. A crime case u/s 302 IPC had also been registered against the accused policeman. It further conveyed that the case was fit for grant of monetary relief as the concerned policeman was found to be guilty of his act.

**4.110** The Commission thus recommended to the State of Uttar Pradesh to pay Rs.4,00,000/- as immediate monetary relief to the next of kin of the deceased Maya Devi and requested the Chief Secretary, Government of Uttar Pradesh to submit a compliance report along with proof of payment within a period of six weeks.

**4.111** The compliance report along with proof of payment has been received from the Government of Uttar Pradesh and the case was closed by the Commission.

*20. Death of Jaipal in Fake Encounter in Hathras, Uttar Pradesh  
(Case No. 29826/24/2003-2004)*

**4.112** The Commission received a complaint dated 15 December 2003 from Dr. Shahid Hussain, a resident of Muradabad, Uttar Pradesh, stating that one Jaipal was picked up by the police from his house in village Sithrapur in Hathras on 10 December 2003 at about 8 p.m. and within an hour thereafter, he was killed in the guise of an encounter.

**4.113** Pursuant to the directions given by the Commission, the incident was probed by the Sub-Divisional Magistrate of Hathras. The Magistrate in his magisterial enquiry report concluded that the police action was justified. As the magisterial enquiry report was not found convincing by the Commission, vide its proceedings dated 29 April 2005 it directed the State Government to get the matter investigated by an independent agency. In pursuance to the directions given by the Commission, an investigation was conducted by the Crime Branch.

**4.114** The investigation by Crime Branch revealed that the deceased Jaipal was kidnapped by Inspector N.K.Yadav and killed in a fake encounter. A criminal case No.C-1/2004 was registered against Inspector N.K.Yadav and other police officers at Sadabad Police Station under applicable sections of the IPC. As the investigation report established gross violation of human rights of the deceased, the Commission while observing that his next of kin are entitled to be compensated monetarily by the State, directed to issue a notice u/s 18 (a) (i) of the PHRA to the Chief Secretary, Government of Uttar Pradesh, requiring him to show-cause as to why suitable monetary compensation should not be granted to the next of kin of the deceased.

**4.115** In reply to the show-cause notice, the State Government honestly admitted that the next of kin of the deceased deserved to be compensated. In view of the confession made by the State Government and considering the circumstances of the case, the Commission on 22 June 2009 recommended to the Government of Uttar Pradesh to pay a sum of Rs. 3, 00, 000/- as monetary relief to the next of kin of the deceased Jaipal. The Director General of Police, Uttar Pradesh was also directed to inform the status of the criminal case arising out of FIR No. C-1/2004 registered at P.S. Sahabad.

**4.116** The compliance report from the Government of Uttar Pradesh is still awaited in the case.



21. *Death of Innocent Persons in Police Encounter in Begusarai, Bihar*  
(Case No. 622/4/2003-2004)

**4.117** The Commission received a complaint dated 5 March 2003 from Shri Nirmal Kumar alleging that the police had killed two innocent persons, namely, Rajni Rajan and Rakesh Kumar in Begusarai District. A preliminary enquiry was conducted by the concerned Superintendent of Police, but no action was taken against the guilty police officers even after the submission of the enquiry report.

**4.118** Pursuant to the directions given by Commission, the concerned Sub-Divisional Police Officer, submitted a report dated 9 May 2006 stating that a criminal case No.130/2002 u/s 302/307/34 IPC had been registered against some police officers at Cheria Baryarpur Police Station and the investigation was entrusted to the Central Bureau of Investigation. The report submitted by CBI stated that on 23 December 2002 at about 8 p.m. a firing had taken place in Majhaul falling under the jurisdiction of Cheria Baryarpur Police Station due to which Rajni Rajan and Rakesh Kumar who were travelling in a vehicle were killed and two others were injured. On 24 December 2002 at about 1.30 p.m., a criminal case No.130/2002 was registered against the Deputy Superintendent of Police Maheshwar Mehto and some other police personnel on the basis of a written complaint made by Rajiv Ranjan, one of the injured. On completion of the investigation, the CBI filed a chargesheet in the Court of Judicial Magistrate, Patna against the Deputy Superintendent of Police Maheshwar Mehto and six others.

**4.119** As the culpable liability of police officers was disclosed by CBI investigation, the Commission on 5 December 2007 issued a notice u/s 18 of the PHRA and called upon the Chief Secretary, Government of Bihar to show-cause why monetary compensation should not be given to the two injured persons and the next of kin of the two deceased.

**4.120** While the State Government did not respond to the show-cause notice, the Commission on 9 September 2009 observed that the police personnel opened fire without any justification and in the course of action two persons were deprived of their lives and two others had to suffer injuries for no fault of theirs. Considering the facts and circumstances of the case, the Commission recommended to the Government of Bihar to pay a sum of Rs. 5,00,000/- each to the next of kin of the deceased Rajni Rajan and Rakesh Kumar and to pay Rs. 1,00,000/- each to the injured Rajiv Ranjan and Md. Firoz as monetary relief.

**4.121** The compliance report from the Government of Bihar is awaited in the case.

22. *Death of Sunil Kumar Bhardwaj in Police Firing*  
(Case No. 20712/24/2005-2006)

**4.122** The Commission received a complaint dated 7 July 2005 from Shri Munni Lal, father of deceased Sunil Kumar Bhardwaj alleging that a contingent of XXth Bn. of PAC was deployed at Kashi Vishwanath Temple complex for security purposes. On 28 February 2005, when there was a change of guard at 09.45 a.m. and the members of the unit were boarding the bus for returning to the base, a Constable named Ram Dhyan Prajapati lost his mental disposition and started firing indiscriminately on his colleagues. In the process, six Police Constables and one poor adolescent boy named Sunil Kumar Bhardwaj received bullet injuries. Later, Sunil Kumar

and three Constables succumbed to their injuries and died. An FIR crime No.24/05 u/s 302/307 IPC was thereby registered at Police Station Varanasi Chowk. Shri Munni Lal, the father of deceased Sunil Kumar thus approached the Commission for relief.

**4.123** Pursuant to the directions of the Commission, the Commandant of XXth Bn. of PAC Azamgarh vide letter dated 16 December 2005 admitted to the occurrence of the incident and submitted that a crime case No.24/05 was registered against Constable Ram Dhyan in which he had been chargesheeted.

**4.124** The Commission issued a show-cause notice u/s 18 of the PHRA to the Government of Uttar Pradesh. In response to the notice, the State Government stated in its communication dated 7 January 2009 that Constable Ram Dhyan Prajapati had been held guilty by the court and sentenced to undergo rigorous imprisonment for 10 years. The State Government further conceded that the family of the deceased Sunil Kumar deserves monetary relief.

**4.125** While considering the matter on 12 August 2009, the Commission observed that the deceased Sunil Kumar was a poor young boy working in a flower shop near the temple. He died at a very young age for no fault of his. His death was not only an emotional trauma for the family, but also meant loss of all financial support. His father, Shri Munni Lal had stated in the petition that he was the only earning member of the family. The monetary relief therefore has to be in consonance with the loss suffered by the family.

**4.126** Considering all the circumstances, the Commission recommended to the Government of Uttar Pradesh to pay a sum of Rs. 5,00,000/- as compensation to the next of kin of the deceased Sunil Kumar. The Commission also directed the Chief Secretary, Government of Uttar Pradesh to inform whether any ex-gratia payment had been made to the families of other police personnel who were killed or injured in the incident.

**4.127** The compliance report along with the proof of payment is awaited from the Government of Uttar Pradesh.

*23. Killing of Dhananjoy Debbarma in Police Firing in Tripura  
(Case No. 41/23/4/2007-08-PF)*

**4.128** The Commission received a complaint dated 8 January 2008 from Shri Paritosh Chakma, Programme Coordinator, Asian Indigenous & Tribal People's Network alleging that a tribal youth named Dhananjoy Debbarma was killed by the personnel of 11<sup>th</sup> Battalion of Tripura State Rifles near Sarbang village of West Tripura on 7 January 2008. While the police claimed that Dhananjoy was killed in a cross-fire between Tripura State Rifles and a group of militants, the villagers who were with the deceased at the time of the incident stated that Tripura State Rifles had opened fire on a group of villagers who had gone to gather fire-wood, without any warning or provocation.

**4.129** A report received from the Government of Tripura stated that an FIR No. 3/2008 u/s 326/307/34 IPC had been registered at P.S. Kalyanpur on the complaint of a villager named Baman Debbarma. Further, the investigation of the said case had been entrusted to CID and the same was in progress.

**4.130** A magisterial enquiry was also conducted by the District Magistrate and Collector of West Tripura. During the course of inquiry, Sanjit Debbarma, Special Police Officer with the Tripura State Rifles (TSR) party at the time of the incident was examined and he stated that the firing was made only from the side of the TSR party and there was no firing from any militant group. On consideration of the evidence, the Magistrate stated that the TSR personnel had mistook the villagers to be militants and began firing without giving them an opportunity to disclose their identity.

**4.131** On consideration of the magisterial inquiry, the Commission on 22 September 2009 established that Dhananjay Debbarma had become a victim of reckless firing by Tripura State Rifles. He was not a militant and on the date of incident he had gone to the forest to collect fire-wood. The claim of the TSR party that he was killed in a cross-fire was *prima facie* negated by the testimony of Special Police Officer Sanjit Debbarma. For the reckless act of the security personnel the State must bear the liability. Accordingly, the Commission directed that a notice u/s 18 of the PHRA be issued to the Government of Tripura through its Chief Secretary requiring him to show-cause why monetary relief should not be given to the next of kin of the deceased Dhananjay Debbarma.

**4.132** In response to the show-cause notice, the Government of Tripura communicated vide its letter dated 20 November 2009 that an amount of Rs.15,000/- was paid to the family of the deceased and it had also decided to provide a government job to the brother of the deceased.

**4.133** While considering the matter on 11 January 2010, the Commission observed that the amount of Rs.15,000/- was grossly inadequate for the loss of a human life. The deceased Dhananjay Debbarma had no criminal history. He became a victim of reckless firing by TSR personnel. The State Government must, therefore, pay adequate compensation to the bereaved family. The amount of compensation must be proportionate to the loss caused to the family by the reckless act of the TSR personnel.

**4.134** Considering all the circumstances, the Commission recommended to the Government of Tripura to pay a sum of Rs. 5,00,000/- as monetary relief to the next of kin of the deceased.

**4.135** The compliance report along with the proof of payment is awaited in the case.

*24. Killing of Rajendar Bhahdur Singh and his Driver in Fake Encounter in District Sultanpur, Uttar Pradesh (Case No.6902/24/2003-2004-FC)*

**4.136** The Commission received a complaint from one Smt. Kewla alleging that her elder son Rajendar Bhahdur Singh and his driver Dinesh Kumar Singh who were prime eye witnesses in the murder case of her husband Pratap Bahadur Singh and younger son Arvinder Kumar Singh, were shot dead by the police on 19 April 2003 in District Sultanpur of Uttar Pradesh. The police claimed that the slain persons were involved in a bank dacoity and on receipt of information were intercepted at a railway crossing. The complainant on the other hand alleged that victims were eliminated at the instance of the accused persons involved in the murder case, from the point of view of destroying all the evidence relating to the murder. The explanation with regard to killing of Rajendar Bhaadur in an encounter by the police was therefore fictitious to justify their action.

**4.137** An inquiry into the alleged encounter was conducted by the Sub-Divisional Magistrate, Amethi. On consideration of the evidence, the Magistrate concluded that the police action was justified. The Commission observed that according to the complainant, the incident occurred near a cinema hall. The police on the contrary claimed that the encounter took place near a railway crossing. The police claimed recovery of GMM Carbine, a revolver and a rifle besides stolen currency notes from the dead bodies of the deceased. For the said reason, the Commission felt that an examination of the seizure memos was also required. Further, the magisterial enquiry report mentioned that the two witnesses, namely, S.P. Gaur and Navin Kumar had identified one of the deceased persons as being involved in the bank robbery. If that was so, the FIR of the bank robbery case was equally relevant for the purpose of enquiry in this case. Since the two police officers, namely, Yashwant Singh and I.P. Singh were stated to have sustained gun shot injuries in the incident, the medico-legal reports of the said two officers was required for the purpose of enquiry as well.

**4.138** The Commission called upon the Superintendent of Police, Sultanpur to send the medico-legal reports of Yashwant Singh and I.P. Singh along with the seizure memos of currency notes and weapons, the inquest report and the postmortem reports of the deceased persons, and a legible copy of the FIR in the bank robbery case.

**4.139** It further directed that a team from the Investigation Division of NHRC be deputed to visit the spot and examine all the persons who appeared as witnesses during the magisterial inquiry including such other witnesses as it may consider relevant. The team was asked to collect the inquest reports, postmortem reports and a copy of the FIR relating to the commission of robbery in the Bank of Baroda at Raniganj.

**4.140** The NHRC investigation team found many loopholes in the police version. Considering the circumstances of the case and the reports submitted by the investigation team, the Commission observed that a thorough investigation of the case by an independent agency is necessary to find out the truth. It, therefore, directed the Principal Secretary, Home Department, Government of Uttar Pradesh to order a CB-CID enquiry of the incident and submit the investigation report.

**4.141** The enquiry report of the CB-CID is awaited. Meanwhile the Commission passed directions that a copy of the report submitted by the Fact Finding Team of the Investigation Division be sent to the State Government to facilitate investigation by the CB-CID. The response from the State Government is awaited and the matter is under consideration of the Commission.

*25. Killing of Kuldeep Singh in Fake Encounter in District Muzaffarnagar of Uttar Pradesh  
(Case No.24389/24/2003-2004-FC)*

**4.142** One Harpal Singh of village Fahimpur Kalan in District Muzaffarnagar of Uttar Pradesh made a complaint to the NHRC alleging that his younger son Kuldeep Singh had been eliminated by the local police in the guise of an encounter on 23 October 2003. He alleged that one Sachin Jain, an informer of police, had taken away his son in the morning of 23 October 2003 and thereafter he never returned home. In the year 1999, his elder son too had been killed in a police encounter.



**4.143** Pursuant to the directions of the Commission, an enquiry report by the Superintendent of Police, Muzaffarnagar and the magisterial enquiry report was submitted to the NHRC. The enquiry report of the Superintendent of Police, Muzaffarnagar revealed that a police party led by Sub-Inspector Adarsh Kumar Sharma Police Station of Babari was busy in the search of wanted criminals of crime No. 197/03 u/s 147,148,307,303,452,323 IPC. During this process, a motor-cycle was spotted. The motorcycle rider was asked to stop, but he did not stop and on the contrary fired on the police party. The police retaliated in self-defence. The motorcycle rider, named Kuldeep Singh, sustained injuries in the firing and died while he was being taken to the hospital. He was later identified as the son of the complainant. Crime Case No.815/03 u/s 307 of the IPC and Crime Case No. 816/03 u/s 25 of the Arms Act were registered in the matter at Kotwali Nagar Police Station of Muzaffarnagar. The other two riders of the motorcycle fled away. The report furthermore revealed that an order had been passed in the aforesaid crimes which stated the matter be investigated by the State CB-CID of Uttar Pradesh and a magisterial enquiry too be conducted.

**4.144** In the magisterial enquiry, the Magistrate did not find any foul play with regard to the death of the deceased and held the death of the deceased was on account of fire by the police personnel in self-defence. The deceased was a habitual offender and was involved in a number of crimes of armed robbery, murder, abduction, etcetera.

**4.145** On perusal of the magisterial enquiry report, the Commission called upon the Additional Director General, CB-CID to submit the outcome of the investigation relating to Crime Case No.815/03 and No. 816/03. In response, the Commission was informed that initially though the investigation was entrusted to CB-CID but later on it was again reverted to the local police. The local police subsequently submitted a final report in the case and the matter was now in the Court of Judicial Magistrate, Muzaffarnagar.

**4.146** While examining the report, the Commission observed that the State Government had given no reason for withdrawal of the case from CB-CID and handing it over to the local police for investigation. It cannot ignore the fact that the elder son of the complainant Harpal Singh had been killed in a police encounter earlier. Elimination of two sons of the complainant in an encounter creates a serious doubt about the intentions of the local police. It is, therefore, desirable that the matter should be investigated by an independent agency like CB-CID. Consequently, it directed the Secretary, Home Department, Government of Uttar Pradesh to entrust the investigation of the case to CB-CID after completion of all necessary formalities and report the progress of the investigations conducted to the Commission. In addition, it deputed a team from the Investigation Division of NHRC to enquire into the incident. The team found the police version of the incident to be distrustful.

**4.147** An enquiry into the incident was also held by the Sub-Divisional Magistrate, Sadar, Muzaffarnagar. The enquiry report revealed that one Surem had appeared before the Magistrate and made a statement that she had seen Kuldeep and Sachin Jain in front of Shekhar Nursing Home on 23 October 2003 at about 5 p.m. or 6 p.m. Other than this, one Rajbiri had made a statement on 15 December 2003 and confirmed the testimony of Surem. Later on, she submitted an affidavit dated 7 May 2004 and retracted from her earlier statement. During the interregnum between the two statements, Rajbiri's son Raju was kidnapped on 24 January 2004 and an FIR

No.151/2004 u/s 364 IPC was registered at Nai Mandi Police Station, Muzaffarnagar. While the magisterial enquiry was in progress, Sachin Jain was also kidnapped on 24 January 2004 and FIR No.24/2004 was registered at Nai Mandi Police Station, Muzaffarnagar with regard to his abduction. The NHRC investigating team expressed its suspicion that there might be a link between the killing of Kuldeep and the kidnapping of Sachin Jain and Raju.

**4.148** The Commission considered the above report and directed the Government of Uttar Pradesh to order a CB-CID investigation of FIR No.815/2003 relating to the death of Kuldeep Singh in the alleged encounter. However, as there was no response from the State Government, it directed to issue a reminder to the Principal Secretary, Home Department, Government of Uttar Pradesh for conducting a CB-CID enquiry with regard to FIR No.815/2003 registered in Kotwali Police Station, Muzaffarnagar concerning the alleged encounter at the earliest. Furthermore, it directed to look into the kidnapping of Sachin Jain and Raju as well as interrogate Rajbiri. The Government of Uttar Pradesh was directed to conduct the investigation and submit the report to the Commission within eight weeks, failing which coercive process u/s 13 of the PHRA will be taken. The report of CB-CID is awaited by the Commission.

d) Illegal Detention, Torture or Firing by Military or Para-military Forces

26. *Suo motu Cognizance of Death of a Civilian in Army Firing*  
(Case No. 95/9/2003-2004-AF)

**4.149** The Commission took *suo motu* cognizance of a newspaper report appearing in the 'Indian Express' dated 17 September 2003 captioned "Army Takes Away Groom on Day One of Wedding, Sends his Body Back". As per the report, one girl named Afroza whose marriage took place on 11 September 2003 lasted for just about 10 hours. The morning after her wedding, a group of Army personnel took away her husband Tahir Hussain Peer and subsequently the family was told that he had been killed in an explosion at a militant camp.

**4.150** Pursuant to the directions of the Commission, a report dated 12 February 2008 received from the Ministry of Defence, Government of India, revealed that Tahir Hussain Peer was apprehended by troops of 22 Rashtriya Rifles Bn. of Bumai Camp for questioning with regard to his involvement in terrorist activities. During the course of questioning, Tahir disclosed about a cache at Tanzem and on 15 September 2003 at about 01:45 hours he led the army patrol party to the cache and when he along with some personnel of the patrol party were making their way, there was a loud explosion in which Tahir Hussain died and five personnel of the patrol party too sustained injuries. The report further stated that an FIR No. 321/03 dated 15 September 2003 was registered at Sopore Police Station on the basis of a complaint made by the father of Tahir Hussain in connection with the picking-up of his son by the troops of 22 Rashtriya Rifles Bn. on 12 September 2003 and later his killing in the explosion. The Army also lodged an FIR No. 322/03 on 15 September 2003 with regard to this incident.

**4.151** The Court of Enquiry held by the army found no foul play in the death of Tahir Hussain Peer. However, it was observed that extra care should have been taken by the Company Commander when a civilian had accompanied the troops and directed administrative action against the Commanding Officer and Company Commander. Accordingly, they were awarded 'displeasure' by the General Officer Commanding, Counter Insurgency Force.

**4.152** In a subsequent communication dated 30 September 2008, the Additional Superintendent of Police of Sopore informed that during the course of investigation it was established that Tahir Hussan Peer was picked-up on 12 September 2003 by the troops of 22 Rashtriya Rifles Bn. of Camp Bomai under the command of Major Rajender Singh. The army had returned only some parts of the body of the deceased. The report further stated that the concerned army officers failed to produce before the police the five army personnel who had allegedly sustained injuries during the incident in which Tahir was killed and due to non-cooperation of the army, investigation in both the cases relating to the death of Tahir was pending.

**4.153** Deploring the failure of the army to produce the army personnel before the police for investigation, the Commission opined that the story put forth by the army regarding the death of Tahir Hussan Peer cannot be believed. The Commission held that Tahir Hussan Peer died while in the custody of the army personnel of 22 Rashtriya Rifles Bn. and since the army failed to submit a satisfactory explanation regarding his death, it issued a notice to the Secretary, Ministry of Defence, Government of India, requiring him to show-cause as to why suitable monetary relief should not be recommended to the next of kin of the deceased.

**4.154** In reply to the show-cause notice, the Ministry of Defence denied any non-cooperation on the part of the army and stated that names of the army personnel who sustained splinter injuries in the incident along with the details of their injuries had been submitted to the Addl. Superintendent of Police, Sopore on 11 May 2004. The Commission observed that injuries received by the army personnel who allegedly accompanied deceased Tahir Hussain Peer were minor abrasions and lacerations and did not inspire confidence as Tahir's body was blown into pieces in the alleged explosion while the injuries allegedly suffered by the army personnel were minor and insignificant. The Commission further observed that even Major General Satvir Yadav, GOC, in his revised directions concerning the Court of Enquiry constituted for the purpose of investigating the alleged death of Tahir Hussain Peer, had stated that "although the death of Tahir Hussain Peer, s/o Ghulam Hassain Peer, r/o Tujar Sharief, occurred due to explosion, yet extra care and caution should have been exercised by Coy. Cdr., more so where a civilian informer voluntarily had accompanied the troops".

**4.155** After examining all the facts, the Commission vide its proceedings dated 13 April 2009 held that Tahir Hussain Peer lost his life due to the negligence of the army personnel, as admitted by the army itself and recommended to the Ministry of Defence through its Secretary to pay a compensation of Rs. 2,00,000/- to the next of kin of the deceased.

**4.156** The compliance report along with the proof of payment is awaited from the Ministry of Defence, Government of India.

*27. Death of Undertrial Prisoner Burman Moran in Custody of Army Personnel  
(Case No. 158/3/2002-2003-CD)*

**4.157** The Commission on 26 February 2003 took cognizance of an intimation received from the Dy. Commissioner (Home), Dispur, Assam, regarding the death of an undertrial prisoner Burman Moran on 19 February 2003 during the course of his treatment in Assam Medical College and Hospital in Dibrugarh.



**4.158** Pursuant to the directions of the Commission, the Joint Secretary, Government of Assam submitted a copy of the inquiry report, inquest report and postmortem report. As per the reports, the deceased Burman Moran was suspected of having links with ULFA extremists. He was apprehended by the Army on 5 February 2003 and on the very next day he was produced at Doodooma Police Station by Hawaldar Bunti Ram of 6<sup>th</sup> Jat Regiment where FIR No.18/2003 under various sections of the IPC was registered against him. At the time of his admission to jail on 8 February 2003, he had multiple injuries which were allegedly caused by the army personnel and he succumbed to those injuries on 19 February 2003.

**4.159** After examining all the facts of the case, the Commission vide its proceedings dated 29 April 2009 concluded that the deceased died, *prima facie*, on account of torture subjected by the personnel of the 6<sup>th</sup> Jat Regiment, 99 APO, Rupai. It thus ordered that a show-cause notice be issued to the Secretary, Ministry of Defence, Government of India. Despite a reminder, the Defence Secretary failed to respond to the show-cause notice of the Commission.

**4.160** The Commission thereafter received a communication dated 10 August 2009 from the Under Secretary (AG), Ministry of Defence informing that the case was forwarded to the Army Headquarters for investigation and reporting. He sought time upto 25 September 2009 for submission of report in the matter. But the Commission did not receive any report in the matter.

**4.161** The matter was next considered by the Commission on 27 October 2009 and taking note of all the facts and circumstances of the case, it presumed that the Ministry of Defence had nothing to say against the show-cause notice ordered by it. Consequently, the Commission recommended to the Secretary, Ministry of Defence, Government of India to pay monetary relief of Rs.5,00,000/- to the next of kin of the deceased Burman Moran and also submit the compliance report along with proof of payment within six weeks. The Defence Secretary was further directed to ensure that the required information regarding the present posting of 6<sup>th</sup> Jat Regiment is provided to the Superintendent of Police, Tinsukhia, at the earliest so that progress is made in the investigation of FIR No.18/03.

**4.162** The compliance report along with proof of payment is awaited in the case from the Ministry of Defence, Government of India.

28. *Loss of Eye Sight of a Civilian due to Beating by CRPF Personnel*  
(Case No.1555/19/8/07-08-PF)

**4.163** In the given case, the complainant brought to the notice of the Commission, an incident in which one Chetan lost his eye sight and few of the journalists too got injured due to beating by CRPF personnel belonging to 45 Battalion posted at Football Chowk in Jalandhar, Punjab. The CRPF personnel responsible for the incident were allegedly in an inebriated state.

**4.164** Pursuant to the directions given by the Commission, the report received indicated that one person had been awarded "severe censure" in the given case and two others were reprimanded. Further, departmental action against other three personnel was being taken and the case continued to be under the investigation of Deputy Inspector General of Police, Jalandhar Range. On completion of the investigation, the outcome would be communicated to the Commission.

**4.164** In response to a show-cause notice issued u/s 18(c) of the PHRA, the Director General, Central Reserve Police Force (CRPF), however, made a request to the Commission not to award any kind of compensation to the victim till the time all the investigations by the police and departmental enquiry initiated against the personnel of CRPF were complete.

**4.166** The Commission on scrutiny of records, in particular, the injury report dated 4 January 2010 submitted by Dr. V.K. Mahajan observed that the victim had suffered serious injuries in both the eyes on account of which one eye had no vision at all. The other record showed that three erring Constables had been punished on completion of a joint departmental enquiry. On the basis of enquiry held, one Constable on general duty, Ishaq Ahmed, had been punished with compulsory retirement from service. Other two Constables on general duty, Prem Das Damle and Jeshai Unchai had also been punished and their annual increment was stopped for a period of one year. Investigation of criminal cases registered against the accused CRPF personnel was however under progress.

**4.167** The Commission thus observed that *prime facie* a serious case of violation of human rights of a young man had taken place on account of which serious injuries were caused in both his eyes. Besides, the injuries caused in both the eyes were so fatal that it had led to total loss of vision in the left eye. After careful examination of the facts and replies received in connection with the show-cause notice issued to the Director General, CRPF; the Commission concluded that the stand of CRPF is legally not tenable.

**4.168** Accordingly, the Commission recommended to the Secretary, Ministry of Home Affairs, Government of India as well as to the Director General, CRPF to pay Rs.3,00,000/- to the victim who had lost sight in one eye due to negligence of the CRPF personnel and submit a compliance report along with proof of payment within six weeks.

**4.169** The compliance report along with proof of payment has been received by the Commission and the case was closed.

e) Violation of Rights of Scheduled Castes & Scheduled Tribes

29. *Derogatory Name Given by Revenue Officials to a Village Inhabitated by People of Berwa Community in Rajasthan (Case No.1251/20/2006-2007)*

**4.170** In this case, the villagers of “Chamaron Ka Vas” situated in Hingota Village Panchayat, Dausa District of Rajasthan sent a complaint to the Commission wherein it was communicated that in the year 1987 the name of their Village “Kurwan Ka Vas” was changed to “Chamaron Ka Vas” by a Lekhpal (Revenue Record Keeper) of the area due to ill-will. The village was inhabited by people belonging to Berwa community. On 12 September 2006, the villagers had also made a request to the concerned authorities to look into the matter and resume the earlier name given to their village.

**4.171** The Chief Secretary, Government of Rajasthan vide communication dated 9 September 2009 informed the Commission that alternative names received from the District Collector of Dausa in Rajasthan had been sent to the Ministry of Home Affairs, Government of India for approval.

**4.172** While considering the matter, the Commission observed that the name “Chamaron Ka Vas” assigned to the village was highly derogatory. In a democratic country like India, the continuance of such a derogatory name was certainly a blot to the society. The Commission took up the matter with the Ministry of Home Affairs, Government of India as well as with the State Government of Rajasthan. Accordingly, the Revenue Department of Government of Rajasthan issued a notification declaring that it had changed the name of the village from “Chamaron Ka Bas” to “Kuwan Ka Bas”.

*30. Discrimination of Scheduled Castes & Scheduled Tribes in Jhabua, Ujjain, Katni and Sheopur Districts of Madhya Pradesh (Case No.186/12/0/09-10-FC)*

**4.173** The Commission took *suo motu* cognizance of a news report which appeared in the ‘Hindustan Times’ on 5 and 6 May 2009, highlighting discrimination against the Scheduled Castes and Scheduled Tribes in four districts of Madhya Pradesh, namely, Jhabua, Ujjain, Katni and Sheopur by the State health functionaries. It called upon the Chief Secretary, Government of Madhya Pradesh to give explanation on the said incident. The Director General (Investigation) of the NHRC was also asked to depute a team to visit the places mentioned in the news report for an on-the-spot inquiry and submit its report.

**4.174** In response to the explanation sought by the Commission, the Additional Secretary, Scheduled Caste Welfare Department, Government of Madhya Pradesh, Bhopal, denied all the allegations as baseless. Nevertheless, he informed that their Department had sought reports from the respective District Magistrates and other concerned Departments about the alleged incident.

**4.175** A team from NHRC’s Investigation Division was simultaneously deputed to carry out on-the-spot inquiry in the districts of Jhabua and Ujjain from 25 May to 3 June 2009. During the course of their spot investigation, the NHRC team discovered that the school children of a particular village in Ujjain district were being served mid-day meal after queuing them up on caste basis. When this was brought to the notice of the district administration by the NHRC team, disciplinary proceedings were initiated against the concerned teachers.

**4.176** The Commission next considered the matter on 20 June 2009 and took a serious view of the entire issue. It directed the State to send a report of the action taken against the concerned school teachers expeditiously. Subsequently, a report was received from the Government of Madhya Pradesh, Bhopal but the same was merely a copy of the report already collected by the NHRC team from the office of the State Chief Secretary.

**4.177** In the light of the above facts, another team from the Investigation Division of NHRC was sent for conducting spot investigation in the other two districts of Madhya Pradesh, namely, Katni and Sheopur from 7 to 11 September 2009. The team in its report submitted that caste based discrimination existed in primary and middle schools in some of the villages. The team, however, disapproved the allegation that the Scheduled Caste and Scheduled Tribe students were allowed to take food only after the upper caste students had taken their food. The team did not find any truth in the allegation that Scheduled Caste and Scheduled Tribe students were not provided meals in plates.

**4.178** Nevertheless, the NHRC team found that in some places the Scheduled Caste students were not allowed to enter the school kitchen and they were also not allowed to drink water from the pot kept in the kitchen. The spot investigation report highlighted an incident wherein upper caste students of a certain school had stopped taking meals once they learnt that it had been prepared by a Scheduled Caste woman. In another incident, it was discovered that due to mounting pressure from upper castes, two Scheduled Caste women cooks had to be replaced.

**4.179** The allegation that doctors and nurses discriminated Scheduled Caste and Scheduled Tribe patients was not found to be true by the NHRC investigation team. But it observed that some of the Self-Help Groups operating at the village level differentiated persons belonging to the Scheduled Castes and Scheduled Tribes and many of the officials working at the grassroots lacked sensitivity towards them and their problems.

**4.180** The team from the Investigation Division recommended that the District Magistrates of Katina and Sheopur may possibly be directed to take measures to prevent caste-based discrimination existing in some of their schools as well as among the Self-help Groups. Despite continuous reminders by the NHRC, the Government of Madhya Pradesh has taken no action in the matter.

**4.181** Consequently, the Commission on 5 March, 2010 directed the Chief Secretary, Government of Madhya Pradesh to submit an action taken report on the incidents which came to light during the spot investigations conducted by the Investigation Division team of NHRC.

**4.182** The action taken report from the Chief Secretary, Government of Madhya Pradesh is awaited by the NHRC.

(f) Atrocities on Women & Children

*31. Suo motu Cognizance of News Report Concerning Death of Two School Children and a Volunteer (Case No. 362/1/13/07-08)*

**4.183** The Commission on 27 June 2007 took *suo motu* cognizance of a news report captioned as “Mugguru Mingina Badi Bhojanam” which appeared in Telugu Daily ‘Andhra Jyoti’ dated 18 June 2007. As per the report, two school children and one teacher of RBC School in Papannapeta village of Medak District in Andhra Pradesh died in the night after they had consumed the left over mid-day meal served to children in the afternoon. The Commission called for the report from the Chief Secretary, Government of Andhra Pradesh.

**4.184** As per the report dated 11 December 2008 received from the Principal Secretary, School Education Department, Government of Andhra Pradesh, the Commission learnt that an NGO named Sapandana Rural Development Society was entrusted with the responsibility of distributing mid-day meal to the children of RBC School situated in Papannapeta in November 2006. On 17 June 2007, two children belonging to the school, namely, Desari Jayamma, and L.Vasanth, aged 9 years, and one volunteer Shri N. Anjaneyulu, aged 42 years, had fallen sick and they all died on the next day in hospital while undergoing treatment. The hospital authorities suspected that the death was on account of snake bite and not food poisoning. The police too claimed that the deaths were accidental due to snake bite.



**4.185** The report stated that an amount of Rs.20, 000/- as ex-gratia payment was sanctioned for the next of kin of the two deceased children. It was further stated that Sapandana Rural Development Society did not maintain its Centre in a proper way especially where the food is cooked for children. The Mandal Education Officer in Papannapet was also suspended for lack of supervision and the contract of the NGO cancelled.

**4.186** The Commission considered the aforementioned report vide its proceedings on 12 February 2009 and called for the postmortem reports and forensic science laboratory reports in respect of the three deceased persons.

**4.187** As per the Forensic Science Laboratory report, no poison was detected in the viscera of any of the three deceased persons and the Autopsy Surgeon was not able to pin-point any definite cause for the three deaths that had taken place in the school.

**4.188** Upon consideration of all the reports, the Commission observed that the same belied the claims of the State Government that the three deceased persons had died due to snake bite. The Commission held that, in any case, it was clear that the two children and one volunteer had died due to the negligence of the authorities in maintaining the school properly. As action against the Mandal Education Officer and the Sapandana Rural Development Society had already been taken, the State was liable to compensate the next of kin of the two children who died at the tender age of 8 and 9 years. The Commission opined that the ex-gratia payment of Rs.20,000/- sanctioned by the Government of Andhra Pradesh for the kin of the two deceased children was highly inadequate. It thus recommended to the Chief Secretary, Government of Andhra Pradesh vide proceedings dated 7 July 2009 to pay an additional compensation of Rs. 2,00,000/- each to the next of kin of the deceased two children and submit a compliance report along with proof of ex-gratia payment as well as additional compensation within six weeks. The Commission furthermore held that the next of kin of the deceased volunteer Shri N. Anhaneyulu too was entitled to be compensated by the State and directed to issue a notice u/s 18 (a) (i) of the PHRA to the Government of Andhra Pradesh as to why suitable monetary compensation should not be given to the next of kin of the deceased volunteer.

**4.189** The State Government subsequently furnished the proof regarding payment of additional compensation of Rs. 2 lakh each to the next of kin of the two deceased children -- Desari Jayamma and L. Vansantha. Besides, it recommended that it would pay a sum of Rs. 2 lakh as monetary relief to the next of kin of the deceased Shri Anjaneyulu.

**4.190** As the directions of the Commission were complied with by the State Government, the case was closed.

*32. Suo motu Cognizance of News Aired by 'Aaj Tak' Relating to Sexual Exploitation of a Female Prisoner in Tihar Jail, Delhi (Case No. 1172/30/9/09-10-AR)*

**4.191** Shri Gaurav Aggarwal, an Advocate, brought to the notice of the Commission a story carried by 'Aaj Tak' news channel on 28 May 2009 wherein it was alleged that a woman prisoner who was imprisoned in Tihar Jail had become pregnant. Taking cognizance of the matter, the Commission vide its proceedings dated 19 June 2009 called for a report from the Inspector General of Prisons, Delhi.

**4.192** The report received from the jail authorities confirmed the alleged incident of a female prisoner being pregnant while in judicial custody. The Commission was also informed that on the request of the female prisoner, the pregnancy was medically terminated at D.D.U. Hospital of Delhi on 26 May 2009. Further, fearing the stigma and other repercussions, the victim refused to divulge the details of the incident to the jail authorities.

**4.193** The Commission after considering the report observed that although the victim did not make any complaint against any person or official of the jail and also refused to divulge the name of the person, it was clear from the report that the victim became pregnant while in judicial custody. It clearly showed a lapse on the part of the jail administration.

**4.194** Pursuant to the Commission's order dated 13 November 2009, a spot inquiry of the victim was conducted in camera by the NHRC's Investigation team.

**4.195** The team from the Investigation Division of the Commission too failed to establish the identity of the person who caused the pregnancy and concluded that there was no evidence to suggest any forced physical relationship with her nor there existed any other form of sexual exploitation in Tihar Jail. The team, however, pointed to the fact that a female prisoner becoming pregnant in the jail showed a serious lapse in the security arrangements of the prison. The Tihar Jail Administration also did not report thereafter about any steps taken by it for improving its security.

**4.196** The Commission considered the report of the investigation team and called forth from Tihar Jail Administration a report with regard to the steps taken by it to ensure complete security of the inmates, in particular the female prisoners. The said report is under examination of the Commission.

*33. Gang Rape and Merciless Killing of a Minor by RPF Personnel in Kanpur Police Station, Uttar Pradesh (Case No.52571/24/43/07-08-PF)*

**4.197** The complaint relates to a shocking incident which was reported in almost all the news channels and newspapers about the gang rape of an eleven year old girl by RPF personnel in one of the police stations of Kanpur and then her merciless killing. As per the complaint, it was a well thought out plan as the father of the minor girl was jailed on frivolous charges and the mother had left the child in the home so as to visit her husband in the jail. The complainant prayed for the intervention of the Commission.

**4.198** Pursuant to the directions of the Commission, the Railway Board, Government of India reported that a Crime Case No. 57/08 u/s 147/148/376/302 IPC had been registered against RPF Constables Vinay Kumar Singh, Amar Singh Contractor, Lambu, Pappu and four others. During investigation, on the basis of evidence, RPF Constable Vinay Kumar Singh was also arrested on 16 February 2008 and sent to jail. On completion of the investigation, chargesheet against the three accused persons was filed in the court on 13 May 2008. RPF Constable Vinay Kumar Singh was placed under suspension immediately and continues to be in judicial custody as the matter is pending in the court of Kanpur.

**4.199** In response to the notice issued by the Commission u/s 18 (a) (i) of the PHRA, it observed that the reply received from the State Government clearly indicated that it did not want to pay

any monetary relief to the next of kin of the deceased on the ground that the family of the deceased was illegally living on the railway lines.

**4.200** On examining all the facts of the case, the Commission observed in the given case the issue under consideration was whether the act of the Constable was a violation of human rights of the deceased or not. The allegation against the RPF Constable was rape of an 11 year old female child and subsequently her murder. Subsequently, the matter was investigated and a chargesheet too was filed in the court. Thus, it *prima facie* showed that the Constable had committed rape of an 11 year old female child and later murdered her which was a clear violation of human rights and the next of kin of the deceased was entitled for monetary relief. The Commission accordingly recommended payment of Rs. 3,00,000/- to the next of kin of the deceased child, as immediate monetary relief by the Railway Board, Ministry of Railways, Government of India.

**4.201** The Commission has received the compliance report along with proof of payment and the case was closed.

34. *Suo motu Cognizance Pertaining to Miserable Conditions Prevailing in Salaam Balak Trust, a Shelter for Street Children in Connaught Place, New Delhi*  
(Case No. 2688/30/2005-2006-FC)

**4.202** The NHRC took *suo motu* cognizance of a press report dated 25 September 2005 published in a magazine named 'The Week' about the miserable conditions prevailing in *Salaam Balak Trust*, a shelter for street children in Connaught Place, New Delhi. It called for comments of the Chief Secretary, Government of NCT of Delhi and the Commissioner of Police, Delhi. The shelter was reportedly started by Mira Nair, a film maker. It is one of the Trust's six centers in the capital. The shelter was in the news on account of the visit made by the British Prime Minister, Mr. Tony Blair and his wife.

**4.203** Pursuant to directions given by the Commission, an enquiry report was received from the Deputy Commissioner of Police, Vigilance, Delhi. It was stated in the enquiry report that the *Trust* was established with the objective to look into survival, development and protection issues of destitute children. The Trust was being run from a temporary center near New Delhi Railway Station. One of its contact point and temporary center was at Hanuman Mandir in Connaught Place. The Trust did not have any place allotted in its name in the vicinity of Hanuman Mandir. It was being run from the sheds made for shops in the market adjoining Hanuman Mandir. During lean time when the kiosk owners do not run their shops, the same sheds were used by *Salaam Balak Trust* for purpose of shelter. These sheds were open, having temporary walls and scant furniture. The children in these sheds, were provided with meals and books. The children who took shelter there were also admitted in the NDMC Primary School located on Hanuman Road, New Delhi.

**4.204** 'The Week' had further stated in the given area from where the *Salam Balak Trust* operated, one more NGO by the name of *Prayas* functioned and dealt with the welfare of children. Both the NGOs had set-up places to give shelter to children in need, engaged staff to look after them, besides providing medical facilities, clothes, food and education to destitute children. The NGOs also claimed they were working for prevention of drug abuse among children and took all those



addicted to drugs for de-addiction therapy. But the press report did not endorse the role of the two NGOs regarding this, and apprehended it may harm the children, as the concerned coordinators were not trained in the field of drug de-addiction. It was reported one of the coordinators belonging to Salam Balak Trust had been accused of raping a girl and was arrested u/s 376 IPC. The said case was pending trial in the court.

**4.205** A report was received in the matter from the Dy. Secretary (Home), Government of NCT of Delhi. It was pointed out in the report that *Salaam Balak Trust* was unofficially running the day care centre and the space being used by it was not allotted to it for the purpose and directions had already been issued to it to shift the day care centre and relocate it at any other functional centre being run by the organization.

**4.206** While considering the reports, the Commission expressed its concern about the plight of destitute children and observed the Government of India had reportedly launched a scheme known as "An Integrated Programme for Street Children" under which the services of education, health and food are provided to the destitute children. It was mentioned in the report itself that *Salaam Balak Trust* had received Rs. 18 lakh as funds from the Government during the relevant financial year. There has to be some kind of mechanism in place to monitor the utilization of funds given by the Government. The Commission thus directed the Ministry of Social Justice and Empowerment, Government of India be called upon to inform whether it has any system of monitoring the utilization of funds given to *Salaam Balak Trust* and other such organizations. The Commission further directed that a team of officers from the Investigation Division may visit the shops bearing No. 7 and 8 behind Hanuman Mandir, Connaught Place and report whether the day-care centre for street children was being run there or was shifted to some authorized place as instructed by the Government of NCT of Delhi. The team should also study the conditions prevailing in the centre and submit its report with suggestions, if any.

**4.207** After the spot-investigation, the team from the Investigation Division reported that the day-care centre under the name of *Kishalaya* was still being run by *Salaam Balak Trust* from Shop No.7-A and 8-A behind Hanuman Mandir in Connaught Place. The total area of the two shops was about 200 sq. ft. and it could accommodate about 25-30 children. During the visit of the team, 15 children in the age group of 6-16 years were found to be present in the centre. They were being taught by three students pursuing Bachelor of Social Work (BSW) Degree from B.R. Ambedkar College, University of Delhi. The team also reported that the children were being provided lunch by the *Trust*. The lunch was prepared in a kitchen located in Paharganj which supplied the food daily at the centre. The children were also given clothes, soap, toothpaste, etc. They used public convenience facilities for bath and lavatory. The centre assisted the school going children of beggars in completing their school homework. Children having drug addiction problems were sent to de-addiction centre and homeless children were sent to permanent homes through the Child Welfare Committee. As per record of the centre, 44 children were restored to their families, 18 children were sent to de-addiction centres and 34 children were referred to the Child Welfare Committee during the last six months. The team of the Investigation Division thus concluded that the day-care centre run by *Salaam Balak Trust* in Hanuman Temple complex is working for a good cause and doing a good job.

**4.208** On consideration of the report submitted by the team of the Investigation Division, the Commission directed the Ministry of Women & Child Development, Government of India to make surprise inspections of the day-care centre in Hanuman Temple, Connaught Place and other such centres run by *Salaam Balak Trust* for street children in Delhi and observe all the activities being carried out in these centres. The Commission furthermore directed Ms. Kalyani Chadha, Director, Ministry of Women and Child Development to submit a detailed report.

**4.209** While passing the above order, the Commission felt that it is necessary to ensure that the financial aid given by the Government to NGOs for care and protection of street children is properly utilized. In addition, it directed that a team of Investigation Division shall visit the day-care centre at Hanuman Temple, Connaught Place and one or two other centres being run by *Salaam Balak Trust* in Delhi and see whether the street children were being given the care and protection envisaged under the Integrated Child Protection Scheme and present its report.

**4.210** Accordingly, a team from the NHRC Investigation Division visited *Kishalaya*, *Aasra* and *Arushi* centres run by *Salaam Balak Trust* for the care and up-keep of street children. *Kishalaya* is a day care centre near Hanuman Temple, Connaught Place, Delhi. *Aasra* is a shelter for boys in Paharganj, New Delhi whereas *Arushi* is a shelter for girls in Gurgaon, Haryana.

**4.211** The team observed that *Kishalaya* was being run from an open space under the sky. The team found out of 47 children enrolled with the centre, only 13 happened to be street children and the others were the children of local labourers working in the temple. It was moreover observed that the purpose of the day-care centre had been reduced to providing only food during lunch time.

**4.212** During their visit to *Aasra*, the team found 30 to 40 boys in the age group of 7 to 15 in the shelter. The hygiene condition in the room where the children were kept was not satisfactory. It was noted that the *Trust* had not made any effort to restore the children to their parents. The contact point of this shelter was on the First Floor of P.S. GRP, Paharganj. The team was informed that the contact point was functional up to 2 p.m. only.

**4.213** In *Arushi*, the overall environment including food, hygiene and medical care was found to be satisfactory. The shelter was located in the building of the *Trust* itself. It provided 24 hours shelter to young girls. It had staff strength of 10 with 53 girls in the age group of 4 to 22 years. Out of these 53 girls, 29 girls were regular school students, 7 girls were studying through the National Open School and 17 girls were being given non-formal education in the shelter home itself.

**4.214** After studying the conditions of all the three shelter homes, the Investigation Division team of the Commission made the following recommendations:

- The day-care centre at *Kishalaya* should not be reduced to a mere feeding point. Programmes for imparting education to the street children should be initiated.
- The contact point at Paharganj Railway Station should be functional all the 24 hours for the benefit of runaway children who may come any time by train.

- Continuous efforts should be made by the *Trust* to restore the child back to his/her family.

**4.215** Upon considering the report, the Commission directed that the report and recommendations of the Investigation Division team be forwarded to the Ministry of Women and Child Development, Government of India and also to *Salaam Balak Trust* for their response. The Commission, in addition, directed its Registry to prepare a comprehensive report regarding the maintenance and up-keep of *Salaam Baalak Trust* as well as regarding the existing child protection mechanism. The said report along with the relevant material should then be forwarded to the National Commission for Protection of Child Rights for relevant action in the matter.

**4.216** The response is awaited and the matter is under consideration of the Commission.

*35. Eye Injury Caused to Government School Student Navin Paswan due to Corporal Punishment (Case No. 2348/4/27/07-08)*

**4.217** Shri Suhas Chakma, Director of a Delhi based NGO vide his complaint dated 5 September 2007 to the Commission alleged one Navin Paswan, a nine year old student of Class IV of a Government School, falling under the jurisdiction of Ajho Kopa Circle in Purnia District, lost vision of his right eye on account of corporal punishment inflicted on him by the Head Master and one Teacher named Sekhar Bharti.

**4.218** The Principal Secretary, Department of Human Resource Development, Government of Bihar, on enquiry admitted the child had been beaten by the Teacher with a firewood stick as he asked for more food during the mid-day meal distribution programme. It was admitted that the child had sustained an injury below his right eye but denied that he had lost vision. A medical certificate issued by Sadar Hospital in Purnia District of Bihar was forwarded as well to the Commission by the State Government which showed that the vision of the right eye of the child was intact. In the disciplinary proceedings initiated, the delinquent teacher was exonerated because the enquiry committee found that he had not intentionally hurt the child.

**4.219** On examination of various reports submitted by the State Government, the Commission issued a show-cause notice to the Government of Bihar u/s 18 of the PHRA. The State Government in turn replied that the issue of monetary relief should at best be left to the discretion of the Commission. However, it contended that it would not be proper to award monetary relief in this case. The Commission felt the very fact that a 9 year old child was given corporal punishment with a firewood stick by a teacher of the school had not been denied by the State Government. The child's only fault was he had asked for some more food while the mid-day meal was being distributed. Besides, it is not denied by the State Government that the child had sustained injury below his right eye. Fortunately, his vision was not damaged but this did not dilute the gravity of the situation. Children of tender age must be handled with care and affection by the teachers. Cruel behavior of the teacher is one of the reasons for children feeling scared to go to school. Taking note of all the circumstances, the Commission on 5 November 2009 recommended to the Government of Bihar to pay a sum of Rs. 50,000/- as monetary relief to the victim and also submit a compliance report along with proof of payment.

**4.220** The compliance report along with proof of payment is awaited from the Government of Bihar.

g) Bonded Labour and Child Labour

36. *Bonded Labour in Ferozepur District of Punjab (Case No. 144/19/2002-2003)*

**4.221** The Commission received a complaint dated 9 May 2002 from Shri Jai Singh, President of Dalit Dasta Virodhi Andolan alleging that Balvir Singh, a Majbi Sikh and Scheduled Caste belonging to Ferozepur Tehsil and District was being forced to work as bonded labourer by one Harwinder Singh in consideration of a bond debt of Rs.10,000/- taken at the interest rate of 5 per cent per month. It was further alleged that he was working as *siri* with the landlord at a paltry salary of Rs.20,000/- per annum. However, the landlord had been paying him a petty amount of Rs.300/- per month only. In spite of working with the landlord for the last 7 years, the landlord still claimed Rs.70,000/- as a balance amount towards him which he was not able to pay back. He was not allowed to go anywhere else where he could earn a better wage. It was hence prayed by the complainant to the Commission to facilitate release of Balvir Singh from the bonded debt and rehabilitate him.

**4.222** Pursuant to the directions of the Commission, it was informed by the Addl. Deputy Commissioner of Ferozepur that criminal action u/s 16 of the Bonded Labour System (Abolition) Act had been initiated against the said employer. Since a release certificate had not been issued, a fresh enquiry was ordered. It was further reported by the Deputy Commissioner of Ferozepur vide letter dated 5 December 2008 that during the course of a fresh enquiry, statements were recorded which indicated a compromise was reached between the employer and the employee as Balvir Singh had no complaint against the landlord. The allegations of bonded labour as such could not be substantiated.

**4.223** The Commission considered the report on 25 March 2009 and observed as under:

“Bonded labour is a socio-economic evil. The purpose of the Bonded Labour System (Abolition) Act is to eradicate this evil. Even if an employer makes peace with the bonded labourer, the District Administration is not absolved of its responsibility to take appropriate action under the provisions of the Act. The District Magistrate is required to hold an inquiry and find out whether a bond debt was advanced to the labourer and whether he was forced to render services in consideration of such a debt. If these two questions are answered in the affirmative, the labourer has to be rehabilitated in an appropriate manner.

Since a compromise between the employer and the bonded labourer cannot efface the provisions of the Bonded Labour System (Abolition) Act, the Deputy Commissioner of Ferozepur is directed to hold an inquiry and determine whether Balvir Singh was a bonded labourer and depending on the result of the inquiry take appropriate action. The inquiry report be submitted to the Commission within eight weeks”.



**4.224** An additional report dated 9 July 2009 was considered by the Commission on 9 November 2009 wherein the Commission observed as under :-

“There is no doubt that the house has been restored to Balvir Singh. However, the real issues, namely, (a) whether a bond debt was advanced to the labourer; (b) whether he was paid minimum wage; and (c) whether he was forced to render service in consideration of such debt have not been properly addressed by the SDM, Ferozepur in his report”.

**4.225** Holding that this was a clear case of bonded labour, the Commission directed the Deputy Commissioner of Ferozpur to take appropriate steps for issue of release certificate in favour of Balvir Singh and also pay to him a sum of Rs. 20,000/- as admissible under the Central Scheme.

**4.226** The compliance report along with the proof of payment is awaited in the given case.

*37. Inordinate Delay in Rehabilitation of Bonded Labourer due to Non-Availability of Funds in Jamui District of Bihar (Case No.2349/4/2006-2007)*

**4.227** The Commission received a complaint dated 6 November 2006 from one Jamni Devi, wife of Baldev Ravidas and resident of Mohanpur Village falling under the jurisdiction of Laxmipur Police Station in Jamui District of Bihar. In her complaint, she alleged inaction on the part of the police with regard to the fact that her husband was still being treated as a bonded labourer, and further physical and mental harassment was being caused to her husband by all those persons whom she had indicted in her complaint for the last 12 to 13 years and thus requested the Commission to look into the matter.

**4.228** The Commission took cognizance of the matter on 24 November 2006 and in response a preliminary report dated 10 January 2007 was received from the Superintendent of Police, Jamui. The report stated that in the concerned matter, a case Crime No.176/06 u/s 344/347/420/468/34 of the IPC, Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 16 and 20 of the Bonded Labour System (Abolition) Act, had been registered and the same was being investigated. Reports further received from the District Magistrate, Jamui vide letter dated 3 October 2009, enclosing therein the report of the Superintendent of Police, Jamui dated 30 September 2009, revealed that Rs.20,000/- had been sanctioned in favour of the victim for his rehabilitation under the Bonded Labour System (Abolition) Act, 1976 and a sum of Rs.10,000/- was paid and the remaining balance of Rs.10,000/- will be paid on receipt of grants from the Central Government, for which the Department of Labour & Employment, Government of India have already been requested. In addition, the report mentioned that Criminal Case No.174/06 had been registered against all the five named accused persons and chargesheet too against one of the accused Rana Singh had been filed in the court on 8 December 2007. The main accused Kishto Singh had died on 11 September 2007 and warrants against the remaining three, namely, Pinkoo Singh, Nawal Singh and Shankar Singh were awaited from the court. It was also informed that a departmental proceeding against Investigating Officer Chander Prakash Jha whose conduct was found to be doubtful was being initiated.

**4.229** The Commission considered the matter on 29 October 2009 and observed the concerned bonded labourer was identified more than three years ago, but the victim had not yet been

rehabilitated. It is sad that attempts have been made by public servants to dilute the case by filing false claims. Moreover, the loan sanctioned hitherto had not been paid on account of non-availability of remaining grant by the Central Government. Considering it to be a serious case of violation of human rights of a given person, the Commission directed to issue a notice to the State of Bihar to show-cause as to why it should not recommend monetary relief to the victim u/s 18(c) of the PHRA.

**4.230** Taking-up the matter again on 21 January 2010, the Commission opined as per the report received from the Under Secretary, Ministry of Labour & Employment, Government of India, no proposal had been received from the Government of Bihar for rehabilitation of any bonded labourer in Jamui District for the year 2006-2007, 2007-2008 and 2008-2009. A proposal was received from the Government of Bihar in November 2009 only for rehabilitation of 264 bonded labourers and the State Government was yet to submit a utilization certificate for an unspent amount of Rs.4.30 lakhs lying with the State.

**4.231** The Commission *inter alia* directed the Chief Secretary, Government of Bihar, to submit the status of rehabilitation of 264 freed bonded labourers from 26 Districts of Bihar. Shri Damodar Sarangi, Special Rapporteur, NHRC was also requested to discuss the entire issue of bonded labour with the Chief Secretary and later submit a detailed report to the Commission expeditiously. The Commission also issued a notice to the concerned 23 District Magistrates of the State directing them to submit a detailed report with regard to the rehabilitation of already identified bonded labourers, clearly indicating the name of the bonded labourer and relief provided to them under the Centrally Sponsored Scheme as well as that provided by the State of Bihar along with proof of payment. The District Magistrate/Superintendent of Police, Jamui in Bihar were further directed to submit the status report of Crime Case No. 174/06 dated 14 November 2006 u/s 344/345/420/466/34 IPC and u/s 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and Crime No. 25/07 registered at P.S. Laxmipur, and the outcome of departmental proceedings initiated against Assistant Sub-Inspector Chander Prakash Jha. The Director of Scheduled Castes and Schedule Tribes Welfare in Bihar was asked to submit a report in respect of release of grant of Rs. 10,000/- as well as loan of Rs.10,000/-.

**4.232** The reply to the show-cause notice and other directions has since been received and the case is under consideration of the Commission.

### 38. *Non-rehabilitation of Child Labourers in Bihar (Case No. 1797/4/2005-2006)*

**4.233** Shri Ghuran Mehto, State President, *Bachpan Bachao Andolan*, Bihar vide his complaint dated 8 August 2005 to the Commission alleged that the child labourers who had been rescued from the carpet industry and repatriated to their native districts in Bihar had been left in bewilderment and appropriate steps for their rehabilitation had not been taken by the local administration. The complainant submitted a detailed list of the rescued child labourers. According to the list, 35 labourers belonged to Saharsa District, 23 to Madhepura District, 24 to Darbhanga District, 22 to Khagria District, 28 to Araria District, 6 to Gaya District and one to Supaul District.

**4.234** On consideration of various reports received from the District Collectors of the seven Districts, the Commission on 18 May 2009 deputed its team of officers to Saharsa, Madhepura, Khagria, Araria, Gaya and Supaul Districts for perusing the matter and ascertaining the factual

position from the District authorities whether necessary action was taken for rehabilitation of the children after obtaining their release certificate. The report submitted by the team of officers from NHRC brought to the forefront the fact that out of 143 child labourers, two had expired and only 39 had been rehabilitated. Due to intervention made by the NHRC team, 42 more cases were resolved. In 10 other cases, the photocopies of release certificates were handed over to the concerned authorities for initiating the process of rehabilitation regarding which the authority's response was positive. As regards the status of other 50 child labourers, the concerned District Magistrates had initiated action to procure the release certificates from their counterpart in Uttar Pradesh.

**4.235** The matter is still under consideration of the Commission as there are still 60 child labourers waiting for want of rehabilitation.

39. *Rescue of Children Found to be Working in Mines in Hospet, Sandur and Ilkal Belt of Karnataka (Case No.45/10/2005-2006-FC)*

**4.236** The Commission took *suo motu* cognizance of a news item which appeared in the 'The Hindu' captioned "Lakhs of Children Employed in State Mines : Report" on 16 May 2005. It was reported that an NGO named 'HAQ : Centre for Child Rights' published a report stating that several lakh children starting from the age of five were working in the mines in Hospet, Sandur and Ilkal belt of Karnataka in hazardous and horrible conditions in violation of child and labour laws. These children were handling high level of toxic wastes and exposed to mine dust which was above permissible level and, therefore, were susceptible to serious chronic health problems. Taking *suo motu* cognizance of the news report, the Commission directed the Chief Secretary, Karnataka State and Secretary of the then Department of Women and Child Development, Government of India to look into the matter and submit their comments.

**4.237** A response was received from the Ministry of Labour & Employment, Government of India, enclosing therewith a copy of the communication received from the Principal Secretary, Labour Department, Government of Karnataka. It was revealed that a large-scale surface digging was taking place in Bellary and Bagalkot Districts of the State, where migrant labourers from the drought-affected districts of Karnataka and neighbouring States had converged and were employed by owners of these tracts on piece-meal rate basis. The magnitude of the problem was nowhere projected. It was further stated that the allegation concerning several lakh children were engaged in the mining activities in Bellary and Hospet region alone seemed to be highly exaggerated. The Commission was concurrently informed about various schemes for rehabilitation of working children and action taken in the matter.

**4.238** While considering the matter, the Commission on 4 June 2007 directed that a fact-finding team from the Investigation Division should visit the Districts of Bellary and Bagalkot in Karnataka and submit a report regarding the employment of child labourers in mining activities and the action taken by the State Government.

**4.239** The report of the fact-finding team of the Investigation Division revealed that 1,051 pattadars in 40 villages of Bellary District were engaged in unauthorized "float-ore" mining and a number of children were engaged therein.

**4.240** In the District of Bagalkot, the team of the Investigation Division found several children



working in granite processing units which used kerosene for cutting and polishing purposes. It was reported that prosecution had been launched against 119 persons under the Child Labour (Prohibition and Regulation) Act, 1986. The fact-finding team made some recommendations too for prevention of illegal mining and for ameliorating the conditions of child labourers.

**4.241** The Commission considered the above report and directed to forward a copy of the report of the fact-finding team to the State of Karnataka for comments.

**4.242** In response, the Chief Secretary, Government of Karnataka reported to the Commission that the State Department of Labour had taken appropriate steps in the matter. An action taken report prepared by the Labour Department was also forwarded to the Commission. It was observed by the Commission that while the report of the Labour Secretary, Government of Karnataka mentioned the number of raids conducted during the years 2006 and 2007, it did not disclose the number of children rescued. It did not even indicate whether a rehabilitation fund had been set-up as directed by the Supreme Court in the case of *M.C.Mehta vs State of Tamil Nadu and others* and whether the amount of Rs.20,000/- for each rescued child was recovered from the concerned employer.

**4.243** In *M.C.Mehta vs State of Tamil Nadu* [1996 (6) SCC 756], the Supreme Court has held that the employer would be liable to pay compensation of Rs.20,000/- for every child employed in contravention of the provisions of the Child Labour (Prohibition and Regulation) Act, 1986. The amount so recovered from the employer is to be deposited in the Child Labour Rehabilitation-Cum-Welfare Fund. Other than this, the Government is to provide employment to one adult member of the family of the child withdrawn from the work and if that is not possible an additional contribution of Rs.5,000/- is to be made by the State Government to the Welfare Fund. The guardian of the child is entitled to be paid per month the interest earned on the corpus of Rs.20,000/- or Rs.25,000/- .

**4.244** The Labour Department, Government of Karnataka, reported that 369 children were rescued during 2005-2006 and all of them had been rehabilitated in 8 National Child Labour Project (NCLP) schools. The report further stated 637 children were rescued during 2006-2007 and all these children were rehabilitated in 19 tent schools. Rehabilitation funds had been set-up in all the Districts of the State. The contribution of District Bellary to the rehabilitation fund was Rs.60,000/- during 2005-2006 and Rs.40,000/- during 2006-2007.

**4.245** On further consideration of the matter, the Commission observed that it was strange given the total number of children (369) who were rescued in Bellary during 2005-2006 only Rs.60,000/- was deposited towards the welfare fund. The State Government on its part clarified that majority of the rescued children were working with their parents who were migrant workers and in most of the cases no employers were found with regard to the rescued child labourers. The response of the State Government, the Commission felt was devoid of merits. The person on whose mines the child was found working should be liable to pay the amount of Rs.20,000/- irrespective of whether the child was working with the consent of his parents or otherwise. It appeared the Government lacked the will to recover the amount from the errant employers. The Commission thus directed to the Government of Karnataka to recover the amount of Rs.20,000/- for each rescued child and deposit the amount so recovered along

with its contribution of Rs.5,000/- in the Rehabilitation Fund and then disburse the monthly income earned on the deposit to the parents of the child. It also directed the State Government to submit an Action Taken Report.

**4.246** Besides, the Commission directed that a team from the Investigation Division should again visit the Districts of Bellary and Bagalkot to find out whether 1,006 child labourers rescued during 2005-2006 and 2006-2007 had been properly rehabilitated and whether the State had recovered compensation from the delinquent employers in accordance with the directions of the Supreme Court. The Investigation Team was also asked to find out whether illegal mining activity persisted in the Districts of Bellary and Bagalkot and whether child labourers continued to work in the mines. Besides, the team was directed to look into maintenance of records as required under the relevant labour laws and mining laws.

**4.247** Accordingly, the team from the Investigation Division of NHRC visited the Districts of Bellary and Bagalkot in the first week of December 2009. The team reported that none of the 1,006 (639+369) children, the list of which was provided by the District authorities were actually rescued by the administration. The District authorities had just provided the list of children admitted in the Tent School and NCLP schools without verification. None of them was found to be rehabilitated by the District Administration as claimed.

**4.248** However, the District authorities informed the team out of 369 children reportedly rescued by them, only 129 were working in the mines, while the rest worked in hotels, construction work, etc. They furthermore informed that 167 children were rescued by the Labour Department from 2005 to 2009 and prosecutions had been launched against 123 employers. During their visit, the team interacted with 51 children in various NCLP schools of Bellary District, who informed they had worked in float-ore mines along with their parents. In the year 2007 also, a spot investigation team from the Commission had found 9 children working in float-ore mines. The Commission vide its letter dated 20 May 2010 sent a list of children (129+167+51+9) who had reportedly been working in float-ore mines to the Government of Karnataka with a direction to recover an amount of Rs.20,000/- each from the concerned employer in accordance with the directions of the Supreme Court in M.C. Mehta's case.

**4.249** A status report dated 24 July 2010, regarding rehabilitation of the child labourers was received from the Labour Department, Government of Karnataka. Upon consideration of the report, the Commission observed rehabilitation had been given a narrow meaning by the State Government. It has a monetary aspect as well. The process of rehabilitation of child labourer cannot be complete unless some monetary relief is also given so as to dissuade the parents from sending their children for labour. Moreover, there is no reason to disbelieve the report of the NHRC Investigation Team. The term "potential labour" which has been coined by the Labour Department of the State Government cannot be applicable in the case of children who were working with their parents in float-ore mines. Even with regard to the 167 child labourers who were admittedly found working with 123 employers in float-ore digging areas of Hospet and Sandur, the approach of the State Government had been lethargic. It failed to understand the reasons behind non-recovery of Rs.20,000/- for each child from the delinquent employers in

all the 167 cases. The status of prosecution launched against the employers had also not been reported.

**4.250** The Chief Secretary, Government of Karnataka was directed to submit a report dealing specifically with each of the following queries:-

- Why the 129 children who were rescued during 2005-2006 and 2006-2007 and treated as 'potential labour' by the State Government were not given monetary relief in accordance with the directions of the Supreme Court in M.C. Mehta's case?
- The aforesaid 129 children were working in float-ore mines and why recovery proceedings could not be initiated against the persons holding the 'patta' of the land where they were working?
- Why the 51 children who interacted with the NHRC team during their visit in December 2009 were not given monetary relief in accordance with the directions of the Supreme Court?
- Why prompt action for recovery of Rs.20,000/- from each of the employers in the float-ore digging areas of Hospet and Sandur had not been taken for all the 167 child labourers?
- What is the status of the criminal proceedings launched against the erring 123 employers of Hospet and Sandur?

**4.251** This matter was considered by the Commission in its Camp Sitting at Bengaluru on 15 September 2010 and the Commission *inter alia* observed and directed as under:

"Many child labourers who were found working at various places were rescued. Vide proceedings dated 2 August 2010, the Commission raised specific queries and requested the Chief Secretary, Government of Karnataka to submit a report. Today the report is submitted. After discussing the matter at length, now it is stated that the matter will be re-examined in the light of the reports already filed earlier and a fresh report will be submitted."

**4.252** In response a point-wise report was received from the Secretary, Labour Department, Government of Karnataka in the Commission, which is under consideration.

(h) Right to Health

40. *Death of Rajender Kumar in Bareilly Mental Hospital, Uttar Pradesh*  
*(Case No 26166/24/2004-2005)*

**4.253** The Commission vide its proceedings dated 10 November 2004 took cognizance of a complaint received from Shri Mahender Kumar. As per the complaint, the complainant's brother, namely, Rajender Kumar was a mental patient and was under the treatment of one Dr. Rakesh Saxena in a private mental hospital. However, as the cost of treatment was high, the complainant got his brother shifted to the Mental Hospital in Bareilly. The resultant outcome of this was that Dr. Saxena got annoyed and threatened the patient Rajendra Kumar of dire

consequences. On 4 October 2004, when the complainant visited his brother in the hospital, he complained that three employees of the hospital -- Mahesh Mota, Pothi Ram and Devki Nandan used to beat him at the instance of Dr. Saxena. The complainant talked to all the three employees and they told him to clear the account of Dr. Saxena as well as asked for a bribe of Rs.1, 000/-. On 6 October 2004, Rajender Kumar died in the hospital. Injury marks were noticed by the complainant on the forehead, eyes and near the ears of the deceased body. The complainant's suspicion was that his brother had been killed by Dr. Saxena and the aforementioned three employees of Bareilly Mental Hospital.

**4.254** Pursuant to the directions of the Commission, the Additional District Magistrate of Bareilly city submitted an enquiry report. On the basis of the evidence recorded, the enquiry officer concluded the deceased was severely beaten-up by the hospital attendant Bala Sahai along with other mental patients Shalender Mehra and Bahadur Singh. As a result, the deceased's small intestine was ruptured. He also held the Medical Officer and the staff of the Mental Hospital responsible for negligence in preventing the incident. However, allegations against Dr. Saxena were not substantiated during the course of the enquiry.

**4.255** Later, it was informed that a departmental enquiry had been initiated against Dr. Saxena for negligence as the Medical Officer of Bareilly Mental Hospital.

**4.256** On consideration of the facts and circumstances of the case, the Commission vide its proceedings dated 13 April 2009 directed to issue notice under Section 18 (a) (i) of the PHRA to the Government of Uttar Pradesh. The Chief Secretary of the State was directed to inform the Commission of the action taken against the hospital attendant Bala Sahai and mental patients Shalender Mehra and Bahadur Singh in terms of the inquiry report.

**4.257** The Commission did not receive any response to the show-cause notice issued by it to the Chief Secretary, Government of Uttar Pradesh, despite reminders. A communication dated 30 September 2009 was later on received from the State Government informing that Dr. Saxena had been punished with 'censure' and stoppage of two increments. The report was silent about any action taken against the Hospital Attendant and others.

**4.258** Since the Government of Uttar Pradesh failed to submit any response to the show-cause notice, the Commission presumed the State Government had nothing to say in the matter. The Commission on 3 November 2009 recommended to the Government of Uttar Pradesh, through its Chief Secretary, to pay a compensation of Rs.2,00,000/- to the next of kin of the deceased. The Chief Secretary of the State was directed to submit a compliance report along with proof of payment within six weeks, and inform the Commission of any action taken against the Hospital Attendant Bala Sahai and others.

**4.259** The case is under consideration of the Commission as the compliance report along with proof of payment is awaited.

*41. Prevalence of Unhygienic Conditions in Sanjay Gandhi Memorial Hospital and Lok Nayak Jai Prakash Narayan Hospital, Delhi (Case No.2539/30/2004-2005-FC)*

**4.260** The Commission took *suo motu* cognizance of newspaper reports published in "The Asian Age" and "The Hindustan Times" dated 20 September 2004 titled 'Unhygienic Hospital' /



'Hospital in Need of Treatment'. The two reports indicated that North Delhi's most prominent medical centre - Sanjay Gandhi Memorial Hospital was in a bad shape. Although, more than 2,000 patients visited the hospital everyday for treatment, yet everything from its security to hygiene was in desperate need of improvement. Besides, stray dogs loitering in the hospital premises, there were dirty water tanks, leaking taps, open sewer and an overpowering foul smell. Apart from security, infrastructure was a major problem in the hospital. A similar report in respect of Lok Nayak Jai Prakash Narayan (LNJP) Hospital mentioned about dumping of garbage in the premises of the hospital which was both a nuisance and health hazard for residents and patients alike.

**4.261** Pursuant to the directions of the Commission, the Medical Superintendent of Sajany Gandhi Memorial Hospital, Delhi presented a report stating the hospital catered to the residents of the jhuggi-jhopri area only, who had very little or no education and were economically poor. The hospital had 100 beds only but catered to a population of about 12 lakhs and about 2,500 to 3,500 patients along with attendants visited the hospital every day. All efforts were made to take due care of all the patients and ensure that no patient is denied admission. For this purpose, many a times two to three patients were put in one bed. The hospital is not in a position to transfer the patients to other bigger hospitals as the patients and their attendants are not willing to go to any other hospital. Construction of an additional building having 150 beds was currently going-on in full swing. In spite of the construction activity, the hospital was trying to do its utmost for clinical care, maintenance of cleanliness and security. The hospital had strengthened its security too by appointing additional 14 Security Guards. Despite limited hospital staff and budgetary constraints, the doctors and staff were putting additional working hours to meet the expectations of people and thereby make all the efforts in providing proper treatment to the poor patients and that 1/6<sup>th</sup> population of Delhi was getting health care from this hospital only. The newspaper report in no way represented the actual situation.

**4.262** The Medical Superintendent, LNJP Hospital, Delhi submitted that the MCD *dhallao* near the incinerator plant, was an open dump without any boundary wall. The general waste from the hospital and the household waste from the nearby colonies was being dumped in this *dhallao*. There were around 10 to 15 ragpickers/scavengers who sorted the general waste to earn their bread and butter. While doing so, the waste many times got scattered outside the dumping site. The hospital is in the process of constructing a wall in front of the Municipal *dhallao* and wanted to connect it with the biomedical waste treatment plant at LNJP Hospital, and post a guard to prevent any unauthorized entry in the *dhallao* and thus improve upon the cleanliness and hygiene of the vicinity.

**4.263** The Medical Superintendent further reported that the MCD *dhallao* cleaning was being done twice a day and a minor change was carried out on its design. The gate of the garbage bin had been strengthened and the guard posted at the Autoclave Facility had been instructed not to allow rag pickers inside the MCD *dhallao*.

**4.264** The Medical Superintendent of Sanjay Gandhi Memorial Hospital had mentioned that the area where the general waste was earlier dumped was being upgraded with proper flooring, aesthetics and clean environment.

**4.265** The Commission considered the reports of the two Medical Superintendents on 29 March 2010 and directed the team of the Investigation Division of NHRC to visit the two hospitals in April 2010 and report whether perceptible improvement in hygiene and cleanliness in the two hospitals had actually taken place as stated by the concerned Medical Superintendents in their reports.

**4.266** The case as such continues to be under consideration of the Commission.

**42. *Silicosis Disease a Health Hazard to the Workers of Sand Stone Quarries Located Around Jodhpur in Rajasthan (Case No. 1573/20/19/09-10)***

**4.267** An NGO named Mine Labour Protection Campaign brought to the notice of the NHRC a grave health hazard issue prevailing in areas around Jodhpur in Rajasthan. According to the NGO, 40,000 odd workers in about 7,000 sand stone quarries were working in extremely polluted working conditions having a very high stone dust level. All these workers in due course of time would become victims of a deadly disease silicosis, which is a fibrotic lung disorder caused by inhalation, retention and pulmonary reaction to crystalline silica during mining, stone crushing and quarrying. A list of 53 workers suffering from silicosis and 7 others who died was also attached. Since the workers were unorganized and had not even been issued identity cards, they were not in a position to file any claim for compensation under the Workmen Compensation Act.

**4.268** Taking cognizance of the matter, the Commission deputed a team from its Investigation Division for an on the spot inquiry. The team after visiting the area from 12 to 15 January 2010 confirmed the gravity of the problem and found that 21 persons had died and 44 others had become victims of silicosis disease. The recommendations made by the team were sent to the Chief Secretary calling for a report as to: (i) whether next of kin of the 21 persons who had died due to silicosis had been given any monetary relief ; and (ii) the steps taken for medication and rehabilitation of those who had contracted the disease. It also directed the Chief Secretary to convene a meeting on the issue with the officers of Mines and Geology Department and Labour Enforcement Department of Government of Rajasthan; Pollution Control Board, Labour Enforcement Department and Mines Safety Department of Government of India.

**4.269** Subsequently, the State Government informed that a proposal for compensating the next of kin of the 21 workers who died on account of silicosis was under consideration. So far, only Rs. one lakh had been paid as interim relief from the Chief Minister's Relief Fund. It was also informed the affected persons were being treated by the Primary Health Centers and Regular Health Check-up Camps were being organized.

**4.270** The Commission called for comments from the complainant NGO on the report received from the State Government. The complainant NGO stated that there was no mechanism for registration of workers and they were still working without any identity card and proof of payment. In view of the alleged inaction by the State, the Commission called upon the Chief Secretary, to submit an additional report. The report is awaited and the matter is under consideration of the Commission.



## (i) Electrocution Cases

43. *Death of Deepu due to Electrocution in Allahabad City*  
 (Case No. 429/24/2003-2004)

**4.271** On 6 June 2003, the Commission took cognizance of a complaint received from one Munnu Singh. As per the complaint, Munni Singh's son Deepu was employed as a khalasi on Truck No. 78-T-0935. While travelling to Guwahati on 19 July 2000, the truck broke down at Eklavya Crossing in Allahabad and when Deepu was trying to figure out the fault in the truck, he came into contact with a high tension live electric wire which had fallen on the road and was electrocuted. A complaint vide Daily Diary No. 62 at Civil Lines Police Station, Allahabad, was registered in this regard. The postmortem examination confirmed Deepu's death by electrocution. The complainant approached the Uttar Pradesh Power Corporation Limited in Lucknow for compensation, but in vain.

**4.272** Pursuant to the directions of the Commission, the Senior Superintendent of Police, Allahabad, sent a report confirming the incident vide his communication dated 18 July 2003. Thereafter, a report was called from the General Manager, Uttar Pradesh Power Corporation Limited, Lucknow. A belated report after issuance of several summons, was received from the Corporation. The report stated that a cheque for an amount of Rs.20,000/- had been sanctioned as ex-gratia payment in favour of the complainant and it was forwarded to the District Magistrate, Kannauj, for disbursement.

**4.273** The Commission observed that the very endorsement of ex-gratia payment to the complainant was indicative of admission of liability by Uttar Pradesh Power Corporation Limited. At the same time, it opined that the amount of Rs. 20,000/- appeared to be too meager for the death of a young person. Keeping in view the facts and circumstances of the case, the Commission on 7 January 2010 recommended to the Chairperson of Uttar Pradesh Power Corporation Limited, to pay a total compensation of Rs. 2, 00,000/- to the next of kin of the deceased and submit the compliance report along with proof of payment within six weeks.

**4.274** The compliance report along with proof of payment is awaited from the Chairperson of Uttar Pradesh Power Corporation Limited.

44. *Death of Ramadhar Yadav due to Electrocution in Uttar Pradesh*  
 (Case No. 21808/24/53/08-09)

**4.275** The Commission received a complaint dated 13 August 2008 from Naubal Yadav of village Tajpur, Mau District in Uttar Pradesh alleging that the Junior Engineers and Linemen of the Electricity Department had been engaging his father Ramadhar Yadav for repairs of transmission lines in the area of Kotwa Sub-Station. On 6 August 2008 at about 7 a.m. his father was taken from his house by S.S.O. Chandrapati Pandey and Markhande Singh of the Electricity Department for repair of an 11 K.V. Transmission Line in village Honhaich. While his father was repairing the line, he was electrocuted and fell down from the electric pole. He was taken to hospital, but could not be saved.

**4.276** In response to the notice issued by the Commission to the Police Department in Mau as well as the General Manager of Uttar Pradesh Power Corporation Limited; the Superintendent of Police in Mau ordered for an enquiry to be made by the Circle Officer. Later, a report dated 26 October 2008 was also submitted to the Commission. The inquiry revealed that the father of the complainant used to repair transmission lines and on 6 August 2008, he had climbed one of the electric poles for repair work but was subsequently electrocuted. He was then taken by Markandhe Singh and others to the hospital. It was also mentioned in the report that the complainant Naubal Yadav had filed a criminal complaint in the Court of Chief Judicial Magistrate, Mau. The postmortem report of Ramadhar Yadav was sent along with the report to the Commission. According to the postmortem report, the cause of death was shock resulting from electrocution.

**4.277** The Uttar Pradesh Power Corporation Limited further conducted an inquiry into the matter by R.N. Singh, an Executive Engineer. The inquiry report was then forwarded to the Commission vide their letter dated 31 July 2009. It was stated in the report that Ramadhar Yadav had not been engaged either by Markhande Singh or by Chandrapati Pandey to repair the transmission lines. He had climbed the electric pole on his own in an unofficial manner and was himself responsible for the unfortunate incident.

**4.278** On consideration of the reports, the Commission issued a show-cause notice to the Chairman of Uttar Pradesh Power Corporation Limited calling upon him to explain as to why monetary relief should not be paid to the next of kin of the deceased.

**4.279** The General Manager, Uttar Pradesh Power Corporation Limited responded to the show-cause notice vide its communication dated 6 March 2009. It was submitted that the Corporation had not been held responsible for the incident either in the police enquiry or in the departmental enquiry. The family of the deceased, therefore, was not entitled to receive any compensation.

**4.280** While considering the response to the show-cause notice on 26 October 2009, the Commission observed that on perusal of the police report and the report of the Executive Engineer R.N. Singh, it was clear that Ramdhar Yadav became a victim of unlawful practice of Uttar Pradesh Power Corporation Limited. The employees of the Corporation not only engaged Ramadhar Yadav for maintenance of transmission lines in an unauthorized manner but the Corporation also failed in its duty to ensure the statutory enquiry contemplated by Section 33 of the Indian Electricity Act was duly held. The deceased Ramadhar Yadav was the bread earner of his family. His untimely death has resulted in immense hardship to his dependents. He may not have been a regular employee of the Corporation, but there is every reason to believe that he died an untimely death while repairing the transmission lines at the instance of the employees of Uttar Pradesh Power Corporation.

**4.281** The Commission thus recommended to the General Manager of the Uttar Pradesh Power Corporation Limited to pay a sum of Rs. 3,00,000/- as monetary relief to the next of kin of the deceased Ramadhar Yadav

**4.282** The compliance report along with the proof of payment is awaited in the case.

## (j) Other Cases

45. *Suo motu Cognizance Concerning the Death of a Man Thrown out of a Train*  
(Case No. 557/25/4/07-08)

**4.283** The Commission on 6 September 2007 took cognizance of a news item which appeared in the 'Times of India' dated 3 September 2007 captioned "Thrown Out of Train by TTEs, Man Dies. As per the news item, one Suraj Pandey, aged 24 years, was caught travelling without a ticket by a team of five TTEs in a local train. He was fined Rs. 200/-, but he had only Rs. 40/- with him and that too he was unwilling to part with. Anil Biswas, one of the TTEs suddenly plunged at the money that was in Suraj Pandey's hand. This led to an altercation and in the process Suraj Pandey was pushed. As the team of TTEs was standing near the gate of the compartment, Pandey fell down near a level crossing and was run over by the same train.

**4.284** Pursuant to the directions of the Commission, the Superintendent of Police, G.R.P., Howrah, West Bengal, submitted a report confirming the incident in question. The report further stated that FIR No.7/07 dated 1 September 2007 u/s 336,308 read with section 34 IPC had been registered at General Railway Police Station Katwa against the TTE Anil Biswas and others. Section 304 IPC was added to the FIR later on.

**4.285** The report received from the Superintendent of Police, G.R.P., Howrah, revealed that *prima facie*, a case under Section 336 and 304 IPC read with Section 34 IPC had been established against the five TTEs, though investigation was still pending on account of non-receipt of the viscera report from the FSL, Kolkata.

**4.286** The Commission thus issued a notice under Section 18 (a) (i) of the PHRA to the Secretary, Railway Board to show-cause as to why compensation should not be recommended to be paid to the next of kin of the deceased.

**4.287** The grant of monetary relief to the next of kin of the deceased was opposed by the Railways on the following grounds:-

- Since criminal case has already been registered against the Railway employees by the G.R.P. and the same is now sub-judice in the court of law, it will not be proper to come to a conclusion at this stage that owing to misconduct on part of the railway employees the untoward incident took place.
- Only the Railway Claims Tribunal is competent to award compensation in respect of death of Suraj Pandey.

**4.288** Rejecting the above objections, the Commission observed that the Superintendent of Police, G.R.P., Howrah, has already stated in his report that *prima facie* a case under Section 336 and 304 IPC read with Section 34 IPC has already been established against the five TTEs during the investigation. This is sufficient to charge, the delinquent TTEs concerned, with the violation of human rights of the deceased and there is no need to wait for the decision of the court in the matter for grant of monetary compensation to the next of kin of the deceased. As to the second objection, the Commission observed that the Director, Traffic Commercial (G),

Railway Board, did not appear to be conversant with the provisions of Section 2 (d), Section 12 (a) and Section 18 (a) (i) of the PHRA as in a case of violation of human rights of a victim by a public servant, the NHRC is competent to grant monetary relief under Section 18 (a) (i) of the Act.

**4.289** The Commission vide its proceedings dated 14 September 2009 recommended to the Secretary, Railway Board, to pay a compensation of Rs.2,00,000/- to the next of kin of the deceased and to submit the compliance report along with proof of payment.

**4.290** The case has been closed as the directions of the Commission have been complied with.

*46. Death of 11 Workers in a Cracker Factory due to Blasts in Saharanpur, Uttar Pradesh  
(Case No.33497/24/2004-2005)*

**4.291** Shri Jitendra Singh, Convenor, Campaign Against Child Labour brought to the notice of the Commission that an explosion took place in a cracker factory on 18 October 2004 which was being run from the godown of Om Babu Transport Company at Rakesh Cinema Road in Saharanpur, Uttar Pradesh. In the incident, 11 workers lost their lives and two were injured. On 28 December 2004, the Commission took cognizance of the matter and called for a report from the District Magistrate, Saharanpur, Uttar Pradesh.

**4.292** On receipt of reports from the authorities, the Commission observed the District Magistrate as well as the Commissioner for Workmen's Compensation seemed to have forgotten to protect the rights of workers as they had not given any relief to their families and had left them at the mercy of their employers. The Commission further observed that since the concerned authorities were negligent in protecting the human rights of the workers, the State became accountable for failure of obligation and it must pay monetary relief to the 11 families which lost their bread earners in the explosion.

**4.293** In reply to the show-cause notice issued by the Commission, the State Government submitted a report stating therein that dependants of the deceased persons have filed four cases before the Commissioner of Workmen's Compensation. Out of these, three cases were withdrawn by them on the ground that they had already received the monetary relief and their petitions were dismissed as 'withdrawn'. A total sum of Rs. 8,62,105/- had been paid in these three cases. The fourth case too had recently been dismissed as 'withdrawn'.

**4.294** Since dependents of only 3 out of the 11 deceased workmen received compensation, the Commission in its proceedings dated 18 December 2008 directed to the Chief Secretary of the State to show-cause as to why suitable monetary relief should not be granted to the next of kin of the remaining deceased persons. Since the State Government did not respond to the show-cause notice despite reminders, the Commission presumed that the State Government had nothing to say against the notice. Keeping in view the total amount of Rs. 8,62,105/- paid to the dependants of three deceased workmen, the Commission on 5 January 2010 recommended to the Government of Uttar Pradesh through its Chief Secretary, to pay a compensation of Rs. 3, 00,000/- each to the next of kin of the remaining eight deceased workmen and also submit a compliance report along with proof of payment within six weeks.

**4.295** The compliance report in the given case along with proof of payment is awaited from the Government of Uttar Pradesh.

*47. Loss of Samar Singh's Right Leg and Hand due to Being Pushed Out of a Running Train by TTE (Case No. 265/18/34/08-09)*

**4.296** The Commission received two complaints—one dated 10 July 2008 from Shri Ramesh Kumar Mandal, and another dated 4 July 2008 from the President of Pragatisila Shramika Manch, Jhasuguda. In both the complaints, it was informed that one Samar Singh, aged 12 years, was voluntarily serving as a Sweeper on Geetanjali Express train on 2 July 2008 and while sweeping he found Rs.50 in one of the compartments. The TTE Navneet Mishra, who was on duty, claimed that money and asked for it but the boy refused to give it to him. The TTE then allegedly pushed him out of the train as a result of which the boy received severe physical injuries and lost his right hand and leg.

**4.297** The Commission vide proceedings dated 18 July 2008, directed the Chairman, Railway Board, New Delhi and Superintendent of Police, Railways, Rourkela, to submit their reports within four weeks.

**4.298** Pursuant to the directions of the Commission, the Superintendent of Police, Railways in Rourkela, reported that the aforesaid accident took place on 2 July 2008 and an FIR bearing case No.76 dated 2 July 2008 under Sections 341, 337, 338, 307 and 325 of IPC was registered on the written complaint of Shri Arjun Singh against the TTE Navneet Mishra and subsequently he was arrested on 4 July 2008 and was produced before the court of Sub-Divisional Judicial Magistrate on the same day.

**4.299** Keeping in view the facts and circumstances of the case, the Commission vide proceedings dated 25 August 2009 directed to issue show-cause notice under Section 18(a)(i) of the PHRA, to the Secretary, Railway Board.

**4.300** Since, no response was received from the Railway Board despite reminder dated 28 October 2009, the Commission presumed that the Railway Board had nothing to say against the notice. The Commission also observed the callous, insensible and heartless act of the TTE concerned who had made Master Samar Singh disabled for life and would now have to live a miserable life. Keeping in view the life long misery of the victim, the Commission vide proceedings dated 5 March 2010 recommended to the Railway Board, through its Secretary, to pay a compensation of Rs. 5,00,000/- to the victim within six weeks. Since the victim was a minor, the Commission directed that the relief amount should be deposited in his name in in the form of a fixed deposit in a nationalized bank with a facility to withdraw interest accrued thereon every month. It was further recommended that the Railway Board shall arrange to provide artificial limbs to the victim on its own expenses. The compliance report is still awaited in the case.

*48. Village Named Badarpur Khadar in Delhi Deprived of Electricity Even After 63 Years of Independence (Case No.3132/30/5/09-10)*

**4.301** The residents of Village Badarpur Khadar, near Tronica City in Delhi through a complaint alleged that their village falls within the territory of Delhi but is without electricity even



after 63 years of independence. The resultant effect of this was that they all lived a primitive life and the education of their children had been affected severely. Their representations to the Government, local Member of Parliament and MLA have yielded no results and hence requested intervention of the Commission for providing electricity and other civic amenities in their village.

**4.302** Pursuant to directions given by the Commission, the Government of National Capital Territory of Delhi informed that Delhi Electricity Regulatory Commission (DERC) has conveyed its approval in-principle to the BSES Yamuna Power Limited for electrification of Badarpur Khadar village. The compliance report in the matter however is awaited in the case.

*49. Death of Two Students and Injury to 26 Others due to Collapse of a Railing of a College in Ranga Reddy District of Andhra Pradesh (Case No. 506/1/18/08-09)*

**4.303** The case relates to a complaint about an incident of death of one student and injury to 27 others when the railing of Narayana Junior College at Chengicherla, Ghatkeshar Mandal, Ranga Reddy District of Andhra Pradesh collapsed in the afternoon of 20 September 2008. The incident occurred due to the poor-maintenance of the building by the college administration.

**4.304** The Commission on 20 October 2008 took cognizance of the matter and in response to the notice issued to the Chief Secretary, Government of Andhra Pradesh, a report was received from the Principal Secretary of the State vide communication dated 20 May 2009 which confirmed the occurrence of the incident. The report further stated a case Crime No.793/2008 was registered against the management of Narayana College for their criminal negligence in the matter. The report revealed that the District Collector of Ranga Reddy District had been requested to direct the management of Narayana Junior College in Chengicherla for payment of Rs.5.00 lakhs to the parents of the deceased student, Lokesh Reddy who was a first year student, and to pay Rs.10,000/- each to the other 27 injured students as ex-gratia amount as the incident occurred due to the negligence of the college management.

**4.305** Pursuant to further directions of the Commission, the Principal Secretary of the Secondary Education, Government of Andhra Pradesh, vide communication dated 10 February 2010 submitted that the District Collector of Ranga Reddy and Secretary of the Board of Intermediate Education, Andhra Pradesh, Hyderabad have informed that Narayana Junior College had made ex-gratia payment to the accident victims at Chengicherla Village, Ghatakesar Mandal on 20 September 2008 as under:

- A sum of Rs.14,00,000/- (Rupees fourteen lakhs only) had been paid to the father of Lokesh Reddy, namely, Sri B. Janaki Reddy on 20 September 2008 and an ex-gratia of Rs.1,00,000/- (Rupees one lakh only) was paid towards his cremation and other expenses.
- Sri A. Srinivas Reddy, father of another deceased student, Saketh Reddy, who expired after 20 days of the accident was paid Rs.15,00,000/- (Rupees fifteen lakhs only) vide two cheques No.1430521 and No.1430522, and the same were duly acknowledged by him on 27 November 2008.



- All the other 26 students, who were injured were paid compensation of Rs.30,000/- (Rupees thirty thousand only) each by the management.
- The management had also promised to provide free education to all the 26 students, who were injured.

**4.306** As all the concerned were given ex-gratia payments appropriately, the Commission ordered for closure of the case.

*50. Alleged Abduction and Selling of a Minor Boy of District Morena, Madhya Pradesh  
(Case No. 32448/24/38/09-10)*

**4.307** The Commission received an anonymous complaint dated 02 November 2009 alleging one Chhotu, aged about 15 years, was abducted from Morena District, and sold to Ram Kumar Niranjana of Dirawati Village, P.S. Konch, Jalaun District (Urai), in Uttar Pradesh. It was further alleged that he was subjected to physical torture, and devoid of proper food.

**4.308** Pursuant to the directions given by the Commission a team from the Investigation Division of NHRC was directed to look into the matter. It was found that the child was neither kept in bondage nor physically tortured, as alleged in the complaint. He had not been abducted either has he himself ran away from his house. It was found that he was treated well by Ram Kumar Niranjana and his family.

**4.309** During the investigation Shri Surender Sharma, father of the alleged victim, stated he had no complaint against Ram Kumar Niranjana who looked after Chhotu as his own son. He requested not to take any legal action, as he was happy to get his son back.

**4.310** The Commission appreciated the efforts made by the Investigation Division team in restoring a lost child to his family and closed the case.

### C. Follow-Up

a) Action Taken on Cases Reported in the Annual Reports of 2004-2005 & 2005-2006

*1. Alleged Abduction and Killing of Jalil Andrabi, Advocate, Jammu & Kashmir  
(Case No- 9/123/95-LD)*

**4.311** The matter relates to alleged abduction and killing of Jalil Andrabi, Advocate, Jammu & Kashmir. On consideration of the material on record and the report received from the Assistant Director, Human Rights Cell, Office of Additional Directorate General, Discipline and Vigilance Adjutant General's Branch, Integrated HQs. of Ministry of Defence, New Delhi, the Commission vide its proceedings dated 9 November 2009 closed the case in view of the provisions of Regulation 9 of the National Human Rights Commission (Procedure) Regulations 1994 (as amended).

*2. Kidnapping of Minor Girls Outside the BSF Camp in Kishanganj District, Bihar  
(Case No. 2610/4/2005-2006-WC)*

**4.312** The matter relates to alleged dragging and kidnapping of the complainant's minor

daughter by the accused person. The Commission had directed that the allegations be enquired into by the CB-CID. The report of CB-CID was awaited in the matter.

3. *Illegal Detention and Torture of a Minor by Haryana Police*  
(Case No.1453/7/2005-2006)

**4.313** The matter relates to *suo motu* cognizance by the Commission of a news item about alleged illegal detention and torture of a 12 year old child by Haryana Police wherein he was hanged from a tree with his hands tied-up. The Commission called for a report from the Director General of Police, Haryana about the manner in which the Supreme Court became seized of the matter. He was also directed to clarify the discrepancy regarding the name of the victim. A report was accordingly received in the Commission. On perusal of the report the case was closed by the Commission.

4. *Killing of Innocent Persons by Meghalaya Police*  
(Case No. 11/15/2005-2006)

**4.314** The case relates to the gunning down of five suspected NSCN(IM) cadre by a Special Operation Team of Meghalaya Police. On perusal of the report received from the Director General of Police, Meghalaya, the Commission observed that the magisterial enquiry report and final outcome of the investigation of Cr.No.81 (10)/2005 and Case No.16/2005 registered at P.S. Mandanrting, was still awaited. The matter as such continues to be under consideration of the Commission.

5. *Prolonged Detention of Undertrial Prisoner Jag Jeevan Ram in Uttar Pradesh*  
(Case No. 35741/24/2005-2006)

**4.315** In this case, the Commission reminded the Chief Secretary, Government of Uttar Pradesh, to submit the required report. However, the requisite report has not been received so far. The matter is under consideration of the Commission.

6. *Detention of Undertrial Prisoner Shankar Dayal for 44 Years in Unnao Jail, Uttar Pradesh*  
(Case No. 37484/24/2005-2006)

**4.316** The case relates to *suo motu* cognizance by the Commission concerning a news report published in 'The Asian Age' on 13 February 2006 captioned "44 Years In Jail – No Trial", regarding one Shankar Dayal, a resident of Maswasi village in Unnao district, who languished in a jail on the charges of assaulting his neighbour.

**4.317** The report received from the District Magistrate, Unnao revealed that Shankar Dayal was accused in a case u/s 323, 324 IPC and was ordered to be released on bail on 11 October 1961. However, as nobody gave surety for him he was sent to a mental asylum. The victim was declared fit by the Visitors Board on 25 November 2005 and vide an order dated 18 February 2006 he was sent to Unnao District Jail from where he was released immediately without any further delay. Further, a report received from the Director General of Health Services, Uttar

Pradesh revealed that Shankar Dayal was given treatment in a Varanasi Psychiatric Hospital and no negligence had been committed in the matter.

**4.318** Accepting the report, the case was closed by the Commission.

b) Action Taken on Cases Reported in the Annual Report of 2006-2007

1. *Illegal Detention of Santosh by Chandigarh Police*  
 (Case No.72/27/2006-2007-WC)

**4.319** The case relates to arrest of an innocent woman by the police in place of an accused woman whose name was similar. The Commission directed the Secretary, Home, Chandigarh Administration to inform the status of departmental enquiry against the guilty police personnel, as well as the outcome of the report of Forensic Expert regarding the thumb impression for ascertaining the identity of the actual accused. The report is awaited.

2. *Killing of Four Scheduled Caste Persons by a Crowd in Police Presence in Ara, Bihar*  
 (Case No.1099/4/2006-2007)

**4.320** On perusal of a report received from the Superintendent of Police, Bhojpur, Ara, the Commission had observed that the report was silent about the monetary relief to be given to the families of the deceased and called upon the Director General (Police), Government of Bihar, to inform as to whether any relief had been granted to the families of the deceased. He was also directed to intimate the status of the criminal case. The report is awaited in spite of a reminder.

3. *Rape of Four Dalit Women in Lakhisarai, Bihar*  
 (Case No.1375/4/2006-2007-WC)

**4.321** The case relates to a complaint by a delegation of Members of Parliament led by Smt. Kanti Singh, the then Minister of State for Women and Child Development, Government of India against the alleged rape committed on four Dalit women at Ram Nagar, Suryagarh District, Lakhisarai. The Commission had directed District Magistrate, Lakhisarai to submit the status of the four criminal cases registered against the accused persons. A report has been received from the District Magistrate, Lakhisarai, which is under consideration of the Commission.

4. *Punjab Mass Cremation Case*  
 (Case No. 1/97/NHRC)

**4.322** The Commission had constituted a Committee headed by Shri N.S. Kang, Principal Secretary, Government of Punjab for identification of the remaining 657 bodies. Report of the Committee is still awaited.

5. *76 Army Men Punished for Human Rights Violation*  
 (Case No. 122/9/2006-2007-AF)

**4.323** The case relates to *suo motu* cognizance by the Commission of a news about 76 army men having been punished for human rights violations. The Commission had called for information from the Secretary, Ministry of Defence, Government of India.

4.324 The report from the Ministry revealed that there had been eighty-seven incidents of human rights violations in which the Army personnel were found guilty and appropriately punished. Only one of the said incidents occurred within one year of cognizance and all the other incidents had taken place earlier. Section 36 of the PHRA 1993 precludes the Commission from making enquiry in respect of those eighty-six incidents. As regards the only incident which had taken place within the period prescribed by Section 36 of the PHRA, the Ministry informed that financial assistance of Rs.two lakhs was given to each victim by the Central Government and the State Government had also paid ex gratia of Rs.one lakh each to the victims.

4.325 Upon consideration of the report, the Commission closed the case as appropriate monetary relief had been given by the Government.

6. *Death of a Child due to Alleged Beating by a School Teacher in Punjab*  
(Case No.621/19/2006-2007-WC)

4.326 The case relates to death of a girl child Simran due to alleged beating by her school teacher in Punjab.

4.327 A report received from the Additional Director General of Police, Chandigarh revealed that on enquiry the allegations leveled on the school and its staff were found to be false and baseless. It was further reported that the girl was ill for some days prior to her death and she was being treated at Bimla Hospital.

4.328 As per the medical examination report, microbiology report and histopathology report of the viscera, the cause of death stated was "septicemia as result of bilateral bronchopneumonia" which is sufficient to cause death in an ordinary course."

4.329 Upon consideration of the report, the Commission observed that since the deceased child had died due to illness and under the circumstances intervention of the Commission was not called for, it closed the case.

7. *Selling of Girls by Parents in Andhra Pradesh*  
(Case No. 658/1/2006-2007-WC)

4.330 The case relates to *suo motu* cognizance by the Commission of a news report about young girls being sold and forced into flesh trade by their own parents.

4.331 A report received from the Director General of Police, Andhra Pradesh, Hyderabad revealed that three cases of Crime No. 38/07, No.48/07 and No.39/07 were registered in connection with the incident. In all these three cases, 16 accused were arrested and 11 girls, of which 5 were minor, were rescued. The report also revealed that the victims were poverty-stricken and forced into prostitution. Since the problem of prostitution has its moorings in poverty, efforts are being made to address the problem. The assistance of NGOs and other departments was being taken in mitigating the menace.

4.332 The Superintendent of Police, East Godavari, Kakinada further reported that chargesheets in all the three cases had been submitted and the minor girls were sent to the rehabilitation centers. run by voluntary organizations.

**4.333** Upon consideration of the reports, the Commission called upon the Superintendent of Police, East Godavari, Kakinada to submit an up-to-date report about the action taken for the rehabilitation of the victims. A report has since been received. The matter is under consideration of the Commission.

(c) Action Taken on Cases Reported in the Annual Report 2007-2008

1. *Death of Convict Kaluji alias Kaliyo Bhaguji Sorthi in District Prison, Junagarh, Gujarat*  
(Case No. 653/6/2002-2003-CD)

**4.334** The case relates to the death of Kaluji alias Kaliyo Bhaguji, a prisoner in District Prison, Junagarh due to alleged assault by three co-prisoners.

**4.335** On consideration of reports received from the Superintendent of the Jail, the Commission recommended the State of Gujarat to pay an amount of Rs. 2,00,000/- as monetary relief to the next of kin of the deceased. While the compliance in the matter is pending, the State Government informed the Commission that the father of the deceased had filed a Special Civil Application No. 6248/2004 in Gujarat High Court to claim compensation for the death of his son. The Commission directed on 31 December 2008 to await the decision of the High Court, which has not been given so far.

2. *Alleged Custodial Death of Shanti Dashrath Naik due to Alleged Police Beating in Mumbai, Maharashtra*  
(Case No.2021/13/2000-2001-CD)

**4.336** The case relates to picking-up and severely beating-up of Shanti Dashrath Naik, a hawker, by the police, who subsequently succumbed to injuries sustained during beating by the police. On perusal of the report received from the State Government, the Commission recommended Rs. 2,00,000/- as monetary relief to the next of kin of the deceased.

**4.337** Since the compliance report has been received, the Commission directed the State of Maharashtra to submit proof of payment within two months. The proof of payment is thus awaited in the case.

3. *Illegal Detention of Ramesh, Santosh and Ram Gopal at Raja Khera, Dholpur, Rajasthan*  
(Case No.1635/20/2002-2003)

**4.338** Pursuant to the directions given by the Commission, the State Government had sanctioned monetary relief of Rs. 10,000/- each to the three victims for wrongful detention. The proof of payment was awaited in the case by the Commission.

**4.339** The proof of payment has since been received from the Government of Rajasthan and the case closed by the Commission.

4. *Severe Injuries to Kamleshwar Prasad Jaiswal due to Indiscriminate Police Firing in East Champaran, Bihar*  
(Case No. 4112/4/2000-2001)

**4.340** While considering the request of the State Government to review its recommendations for monetary relief of Rs. 7,00,000/- to the victim, the Commission had reiterated its recommendations. As the reports received from the State Government revealed that the victim



had been paid an amount of Rs. 7 lakh as monetary relief, on the recommendation of the Commission, the case was closed.

5. *Abduction and Killing of Three Civilians, Mohd. Khadam, Mohd. Rayaz and Mohd. Rashid by Army Personnel in Poonch, Jammu & Kashmir*  
(Case No.179/9/2002-2003-AD)

**4.341** Pursuant to the Commission's directions, the Ministry of Defence has sanctioned monetary relief of Rs. 2, 00,000/- to the next of kin of each of the three victims. However, the proof of payment was awaited. As the proof of payment has now been received from the Ministry of Defence, the case is closed.

6. *Violence Against Christians in Kandhamal District of Orissa*  
(Case No.825/18/26/07-08, Linked File 923/18/26/07-08)

**4.342** The Commission on 19 August 2009 considered the report submitted by its Investigation Team which observed that Orissa Government had formed a Commission of Enquiry under the Commission of Enquiry Act, 1952, headed by Justice S.C. Mohapatra to enquire into the incidents of violence in the aftermath of killing of Swami Lakshmananda Saraswati. The Commission had called for response from the State Government on the recommendations made by its Investigation Team.

**4.343** The matter is still under consideration of the Commission.

7. *Suo motu Cognizance of Programme "Operation Kalank" on Aaj Tak on Post-Godahra Violence*  
(Case No.426/18/07-08)

**4.344** The Commission vide its proceedings dated 22 September 2009 observed that the matter was being investigated by a Special Investigation Team (SIT) under the directions of the Supreme Court and the relevant DVDs and CDs have already been handed over by the CBI to SIT. Hence, it was not required to do anything more. While closing the case, it forwarded the report of CBI to Chairman, SIT, as desired by him.

8. *Villagers Killed and Injured during Police Firing in Nandigram, West Bengal*  
(Case No. 725/25/12/07-08)

**4.345** In this case, the Commission had observed that an appeal was pending in the Supreme Court against the judgement of the High Court of Kolkata awarding Rs. 5.00 lakh each as compensation to the next of kin of those who were killed in the incident of March 2007. The Commission had sought opinion of Ld. Solicitor General of India on the two incidents as to steps that can be taken in the matter.

9. *Severe Injuries Caused to Subham Das (4 years) by a 12-Bore Gun of Security Guard of North Searsole Colliery in West Bengal*  
(Case No. 589/25/2002-2003)

**4.346** Pursuant to the directions of the Commission, M/s. Eastern Coal Field Ltd., deposited an amount of Rs. 10 lakh in the State Bank of India, Asansol for medical treatment of Subham Das, who had sustained grievous injuries as a result of indiscriminate firing by a guard of the

company. The case has been closed as the recommendations of the Commission were complied with.

10. *Child Labourers in M/s. Salguti Plastic Limited at Mahabubnagar, Andhra Pradesh*  
 (Case No. 401/1/2006-2007)

4.347 The Commission had directed the Secretary, Department of Education to submit the latest report with regard to compensation, if any, awarded to the injured person who had lost his legs. The State Government in its interim report informed the victim had been paid a sum of Rs. 35,500/- towards his half month's salary as per section 4(1) (d) read with section 7 of the Workmen Compensation Act, 1923. In addition, a sum of Rs. 1,10,000/- had also been paid to the victim towards his medical and other expenses.

4.348 The report of the status of the compensation under the Workmen Compensation Act, 1923 called for from the Labour, Employment, Training & Factories Deptt., Government of Andhra Pradesh is awaited.

11. *Dharam Pal and 28 Others Held as Bonded Labourers Along With Their Families in District Meerut, Uttar Pradesh*  
 (Case No. 36851/24/2006-2007)

4.349 As the compliance report was not received, the Commission directed the District Magistrate, Muzaffarnagar to pursue the matter of rehabilitation of bonded labourers with the Labour Commissioner, Kanpur and submit the compliance report.

12. *Death of Venugopalan Nair in Thiruvananthapuram, Kerala, due to Denial of Medical Treatment*  
 (Case No. 95/11/1999-2000)

4.350 The decision of the Kerala High Court in Writ Petition No. 36890 of 2007 is still awaited. Hence, the matter is pending.

13. *Suffering Faced by Sunita due to Negligence by CGHS Dispensary, Pushp Vihar, Delhi*  
 (Case No. 102/30/2005-2006)

4.351 The Criminal Writ Petition No. 9676/2007 filed by the Government challenging the recommendations of the Commission is still pending decision.

14. *Infants Die due to Bacterial Infections in Sree Avittam Tirunal Hospital in Thiruvananthapuram, Kerala*  
 (Case No. 14/11/12/07-08)

4.352 Upon consideration of the report from the concerned authorities, the Commission observed that remedial measures have already been taken by the Government of Kerala to reduce the death rate of infants in the Hospital. The case as such was closed.

15. *Eleven Workers Killed due to an Explosion in a Cracker Factory at Saharanpur, Uttar Pradesh*  
 (Case No. 33497/24/2004-2005)

4.253 Pursuant to the directions of the Commission, a report was received from the Principal Secretary, Labour Department-III stating therein that ten workmen and one a-and-half-year old

daughter of workman Krishna had died in the incident. Dependents of eight of the deceased persons were provided financial assistance of Rs. 40,000/- each from the Chief Minister's Fund and they were also provided Rs. 50,000/- each by the concerned employers of the deceased. The State too has paid Rs. 15,000/- each to the three injured persons.

**4.354** Upon consideration of the report, the Commission recommended to the State Government through its Chief Secretary, to pay a compensation of Rs. 2,00,000/- each to the next of kin of the 11 deceased persons. This compensation shall be inclusive of the payment of Rs. 40,000/- already paid by the State to the next of kin of some of the deceased persons. The Chief Secretary was further directed to submit a compliance report along with proof of payment. The report is awaited.

*16. Sochan Dies Waiting for his Retirement Benefits, Held by North Eastern Railway Varanasi  
(Case No. 37757/24/2000-2001)*

**4.355** In this case, the complainant was allegedly forced to retire from the service of Railways and even his retirement benefits were not paid by the employer.

**4.356** Pursuant to the Commission's directions dated 8 May 2001, a report was received from the Executive Director (Establishment), Railway Board, Government of India, New Delhi stating that the dues of the petitioner amounting to Rs. 1,31,583/- was paid through a cheque dated 7 August 2007 and a PPO dated 16 August 2007. Thereafter, an amount of Rs. 1,90,302/- as arrears of family pension and difference in revision of pension was paid through the Union Bank of India, Ghazipur to the widow of the petitioner, as the petitioner had expired.

**4.357** The Commission while considering the material on record observed and directed as under:

It may be noticed that some payment, as per the report of the Executive Director (Establishment), Railway Board, New Delhi was made first to the petitioner when he was alive and the remaining amount, after his death, has been paid to his widow. No further complaint in this regard has been received in the Commission. The matter is an old one. Under the circumstances it is of no use to continue the proceeding.

**4.358** The case as such was closed.

**(d) Action Taken on Cases Reported in the Annual Report of 2008-2009**

*1. Death of Radha Krisnan, an Undertrial Prisoner in Sub-Jail, Ottapalam, Kerala  
(Case No.295/11/2000-2001-CD)*

**4.359** The Commission in this case had recommended a compensation of Rs. 2,00,000/- for payment to the next of kin of the deceased. The compliance report was awaited in the case.

**4.360** The Additional Chief Secretary, Government of Kerala later informed the Commission that the payment of compensation could not be disbursed to the next of kin of the deceased Radhakrishnan due to non-production of heirship certificate by the legal heirs. The Commission directed the State Government that the next of kin of the deceased be identified at the earliest

and the amount of Rs. 2.00 lakh as compensation recommended by the Commission, be disbursed without further loss of time. Compliance report is awaited in the case.

2. *Death of Undertrial Prisoner Takala, in District Jail, Balasore, Orissa*  
 (Case No. 494/18/1/07-08)

**4.361** The Commission in this case had recommended a monetary relief of Rs. 1,00,000/- as payment to the next of kin of the deceased. The proof of payment has since been received and the case closed.

3. *Death of a Juvenile, in Government Observation Home in Rudrapur, Uttarakhand*  
 (Case No. 43/35/12/07-08-CD)

**4.362** The Commission in this case held that the Watch & Ward staff in the Observation Home was not vigilant and recommended Rs. 1,00,000/- as monetary relief to the next of kin of the deceased. The proof of payment has been received. The Commission has closed the case.

4. *Death of Balakrishnan in Police Custody due to Negligance of Medical Care in District Tiruchirapalli, Tamil Nadu*  
 (Case No. 124/22/2004-2005-CD)

**4.363** The Commission in this case observed that the police officials were negligent in the magisterial enquiry. The Commission held that omission to give prompt medical aid to the prisoner rendered the State liable to pay monetary relief and recommended Rs. 1,00,000/- compensation for payment to the next of kin of the deceased.

**4.364** The proof of payment has been received. The Commission has closed the case.

5. *Death of a Child Caught Stealing Food in a Marriage Party by Police*  
 (Case No. 952/19/2002-2003-CD)

**4.365** The Commission in this case observed that on thorough examination of evidence, it was found that *prima facie* the child had been subjected to torture in police custody and recommended to the State Government to pay Rs. 3,00,000/- as monetary relief to the family of the deceased child.

**4.366** Since the compliance report about payment of Rs. 50,000/- as compensation to Master Bhola had not been received, the Commission, issued a reminder to the Chief Secretary, Government of Punjab to furnish the proof of payment within six weeks. The reply is awaited.

6. *Death of a Child Born in Agra Jail due to Non-availability of Basic Minimum Facilities*  
 (Case No. 24687/24/2006-2007)

**4.367** On consideration of the magisterial enquiry report in the matter, the Commission found that the child was born in a toilet of the prison and neither the mother nor the child were given nutritious diet and recommended to the State Government to pay a sum of Rs. 1,00,000/- as monetary relief to the bereaved mother.

4.368 The proof of payment has been received in the case. The matter was closed by the Commission.

7. *Illegal Detention and Torture of Suresh Kumar and Satish by Police in District Pratapgarh, Uttar Pradesh*  
(Case No. 5055/24/2004-2005)

4.369 The Commission in this case recommended to the Government of Uttar Pradesh to pay a monetary relief of Rs. 25,000/- each to the victims as they were beaten-up and illegally detained by the police. The Commission's directions have been complied with. The case has been closed.

8. *Illegal Detention of Complainant's Father in Daurala Police Station in District Bulandshahr, Uttar Pradesh* (Case No. 42104/24/2006-2007)

4.370 The Commission in this case recommended to the Government of Uttar Pradesh to pay a monetary relief of Rs. 10,000/- to the victim Shri Jai Karan as he was illegally detained by the police. The compliance report was awaited in the matter. The compliance report in the matter has now been received. The case has been closed by the Commission.

9. *Torture and Illegal Detention of Surendra Singh by Police in NCT of Delhi*  
(Case No. 1508/30/2003-2004)

4.371 The Commission had observed that the enquiry report in the matter revealed that there was no criminal case registered against the victim and the police had gone to his house without any authority and illegally seized the articles from the house. The Commission had recommended to the Government of NCT of Delhi to pay a sum of Rs. 1,00,000/- as monetary relief to the victim.

4.372 The proof of payment has been received and the Commission has closed the case.

10. *Death of Bijendar due to Torture by Police*  
(Case No. 19671/24/98-99)

4.373 On consideration of various reports, the Commission observed that the omission to order a postmortem was inexplicable due to which the cause of death could not be known. On consideration of broad probabilities, the Commission recommended to the Government of Uttar Pradesh to pay a sum of Rs. 3,00,000/- as monetary relief to the next of kin of the deceased.

4.374 The proof of payment has been received. The Commission has closed the case.

11. *Killing of Farmers in Police Firing During Demonstration in Greater Noida Development Authority Against Acquisition of Land* (Case No. 19866/24/30/08-09)

4.375 The Commission had called upon the District Magistrate, Gautam Budh Nagar to apprise it regarding the monetary relief paid by the State Government.



**4.376** Pursuant to the Commission's directions, the District Magistrate, Gautam Budh Nagar, Uttar Pradesh submitted a report along with a statement containing details of the amount of monetary relief paid to the next of kin of the six deceased; five persons who sustained bullet injuries; 41 others who sustained serious injuries and 231 persons who sustained simple injuries. In addition, the details of the amount paid to the two persons who had lost their eye sight and sustained head injury, was also furnished.

**4.377** The Commission considered the report and called for comments of the complainant. However, no comments were received.

**4.378** The Commission observed that the petitioner has nothing to say on the report and closed the case.

*12. Killing of Yogesh in Fake Encounter in Indore, Madhya Pradesh  
(Case No. 1247/12/2002-2003 )*

**4.379** The Commission observed that the reports in the matter revealed that the victim had fallen after being hit by one bullet and yet two bullets were fired at him. It thus recommended payment of Rs. 3,00,000/- as monetary relief to the next of kin of the deceased victim.

**4.380** The Commission's recommendations have been complied with and the proof of payment has also been received. The Commission has closed the case.

*13. Custodial Death of Javed Ahmed Magrey by Army Personnel in Jammu & Kashmir  
(Case No. 22/9/2003-2004-AD)*

**4.381** The Commission observed that the allegations were substantiated in the magisterial enquiry report and later on by police investigation. The Commission recommended to the Ministry of Defence to pay a sum of Rs. 3,00,000/- as monetary relief to the next of kin of the deceased victim.

**4.382** The Ministry of Defence requested the Commission for extension of time till 31 May 2006 for payment of monetary relief. The Commission granted the required extension of time and called upon the Ministry of Defence to submit proof of payment. The compliance report is awaited.

*14. Suicide by a 3rd Year Dalit Student due to Torture by Head of Pathology Department, Medical College, Jhansi (Case No. 20640/24/2003-2004)*

**4.383** The Commission had recommended to the Government of Uttar Pradesh to pay a compensation of Rs. 2 lakh (one lakh under violation of human rights and one lakh under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act) to the next of kin of the deceased. Since the compliance report to the recommendations made by the Commission had not been received, it issued conditional summons to Principal Secretary, Medical Education, Uttar Pradesh for appearance before it. In response, a report from the Principal Secretary, Uttar Pradesh has been received but the proof of payment is awaited.

15. *Attempt to Rape a School Girl by Headmaster of Government Middle School in Rewari District of Haryana*  
(Case No. 2705/7/2006-2007-WC)

4.384 On consideration of the report received in the matter, the Commission recommended to the State of Haryana to pay a sum of Rs. 1,00,000/- as interim relief to the victim. Since the compliance report has been received, the Commission has closed the case.

16. *Sexual Exploitation of a Helpless Woman by a Police Officer in Prakasam District, Andhra Pradesh*  
(Case No. 284/1/2004-2005)

4.385 On consideration of the reports received in the matter, the Commission recommended monetary relief of Rs. 5,00,000/- for the family of the deceased victim. The proof of payment has been received and the case closed.

17. *Sexual Assault of a Girl by a Co-student in a Deaf & Dumb School*  
(Case No. 31/8/2001-2002)

4.386 On consideration of the reports received, the Commission observed that the school authorities had been negligent due to which the poor child became a victim of rape. The Commission recommended a monetary relief of Rs. 5,00,000/- for the victim. The proof of payment has since been received. The Commission has closed the case.

18. *Sexual Assault of a Woman by Collector of Jaspur District, Chhattisgarh*  
(Case No. 123/33/2003-2004)

4.387 The report received in the matter revealed that the allegation of rape of the victim by the Collector of Jaspur District, Chhattisgarh was found to be correct. The Commission recommended Rs. 1,00,000/- as monetary relief to the victim. The proof of payment has been received by the Commission and the case was closed.

19. *Labourers Kept in Bondage at Brick Kilns in Village Dhar, Gautam Budh Nagar District, Uttar Pradesh*  
(Case No. 44697/24/30/07-08)

4.388 The Commission had called upon the District Magistrates of Aligarh and Bulandshahar, Uttar Pradesh to forward reports regarding rehabilitation of released bonded labourers from a brick kiln of Uttar Pradesh. The authorities concerned were reminded. Their response is awaited.

20. *Bonded Labourers Engaged in Mines Owned in Raisen District of Madhya Pradesh*  
(Case No. 1314/12/33/07-08)

4.389 The Commission had called upon the District Collector, Raisen to issue formal Release Certificates to 21 bonded labourers and also to take measures to rehabilitate them under the Land Based and Non-land Based or Art/Craft/Skill Based Programmes, under the Centrally Sponsored Scheme of the Ministry of Labour. The Commission had also asked the District Collector to submit a compliance report.

4.390 Pursuant to the Commission's directions, a report was received from the District Collector, Raisen, Madhya Pradesh. After considering the report the Commission observed that under

the rehabilitation scheme, sixteen labourers had been paid and in respect of the remaining four labourers, the administration was searching their addresses while one labourer had died. It was also established that the administration had taken action under the rehabilitation scheme and further intervention by the Commission was not called for, hence the case was closed.

21. *Death of an Adivasi Woman in Betul District of Madhya Pradesh due to Want of Proper Medical Care in Hospital (Case No. 743/12/2001-2002)*

4.391 The reports revealed that the victim had died for want of proper medical care. The Commission observed that the failure of the hospital staff to provide adequate medical care rendered the State liable to pay monetary relief. The Commission recommended to the State Government to pay a sum of Rs.1,00,000/- as monetary relief to the next of kin of the deceased victim.

4.392 The proof of payment has since been received and the case closed.

22. *Death of Sushmita Biswas due to Negligence of Hospital Staff in Kolkata, West Bengal (Case No. 556/25/2003-2004)*

4.393 The Commission had recommended to the Government of West Bengal to pay a monetary relief Rs. 1 lakh to the next of kin of the deceased who died due to negligence in the Government Hospital. As the Commission's directions were complied with, the case was closed.

23. *Surgical Scissors Left in Abdomen of a Woman due to Negligence of Doctors (Case No.202/18/3/07-08)*

4.394 The Commission recommended to the State Government of Orissa to pay Rs. 5 lakh as monetary relief to the victim and to pursue the departmental proceedings drawn up against the accused doctors, and submit an action taken report. The proof of payment of monetary relief to the victim has been received. However, action taken report on the departmental proceedings was awaited.

4.395 A report has since been received from the Government of Orissa, Health and Family Welfare Department. On perusal of the report the Commission observed that the departmental proceedings against the two doctors had been finalized. The case was closed as no further action was called for on the part of the Commission.

24. *Death of Suresh Chander Engaged by Uttarakhand Power Corporation Limited (Case No. 921/35/2003-2004)*

4.396 On perusal of the reports received, it was found that the victim was not a permanent employee of Uttarakhand Power Corporation Ltd. At the time of the accident, he was working on the lines at the instance of the maintenance staff of the Corporation. The Commission observed that although the victim's name was not entered in the muster roll, he was entitled to claim compensation on the same ground as any other regular worker. The Commission thus recommended to the Corporation to pay Rs. 2,00,000/- as monetary relief to the next of kin of the deceased victim.

4.397 The compliance report has so far not been received by the Commission. A reminder for compliance of the report was sent.

25. *Man Languishing in Rajasthan Jail for 34 Years*  
(Case No. 55/20/26/08-09)

4.398 The Commission recommended to the Government of Rajasthan to pay a sum of Rs. 5.00 lakh as monetary relief to Prabhunath who was unlawfully incarcerated in Central Jail, Jaipur for nearly 34 years. Subsequently, the Commission received a report that Prabhunath has again gone missing from the village though he was handed over to his younger brother Shahdeo. The Commission directed the District Magistrate, Sidharthnagar to find out the whereabouts of Prabhunath and report back to the Commission so that further action to disburse the amount is taken. The report is awaited.

26. *100 Children Killed by Man-eater in Balrampur District of Uttar Pradesh*  
(Case No. 28667/24/2004-2005)

4.399 The Commission directed the State Government that those children who were killed but their bodies could not be recovered, be identified after confirming the identity of the killed children with the help of villagers, local administration and the police and a sum of Rs. 50,000/- each be given to the families of children and action taken report be sent to the Commission. The compliance report is awaited in the case.

27. *Death of 28 Children and 2 Adults due to Collapse of a Bridge Over Damanganga, Goa*  
(Case No.4/29/2003-2004)

4.400 The requisite reports revealed that the bridge was only a temporary foot bridge which had outlived its life. The reports also indicted the administration for negligence in maintenance, repair and rehabilitation of the bridge. On consideration of the reports, the Commission recommended to the Ministry of Home Affairs, Government of India to pay a sum of Rs. 2,00,000/- each as monetary relief to the next of kin of the deceased victims.

4.401 The proof of payment has been received. The Commission has closed the case.

28. *Death of Nutan Kumari, due to Beating-up by Teacher*  
(Case No.1633/4/2005-2006)

4.402 The Commission had held that children studying in schools should be treated with affection and compassion by the teachers. The State has a duty to properly educate the teachers in this regard. For cruel treatment meted out to the victim, the Commission recommended to the State Government to pay a sum of Rs. two lakhs as monetary relief to her family.

4.403 The proof of payment has been received and the case closed by the Commission.

#### **D. Commission's Recommendations on Grant of Monetary Relief to Victims of Human Rights Violations/Next of Kin of the Deceased/ Disciplinary Action/Prosecution Against Errant Public Servants**

4.404 During the period from 1 April 2009 to 31 March 2010, the Commission recommended

Rs.6,29,33,000 as payment of monetary relief/compensation to the victims/next of kin of the deceased in 398 cases. Out of these 398 cases, the Commission also recommended disciplinary action against the delinquent police officials/public servants in 5 cases. Compliance reports were received in 132 cases and a total amount of Rs. 1,98,83,000 was paid to the victims/next of kin of the deceased. The State/Union Territory-wise details of these cases is at **Annexure 6**.

**4.405** The NHRC is awaiting compliance reports in 266 cases wherein monetary relief amounting to Rs. 4,30,50,000 has been recommended. The compliance reports were also awaited in 5 cases relating to disciplinary action against the delinquent police officials (**Annexures 7 & 8**).

**4.406** As regards, compliance reports relating to cases pertaining to previous years, no reports have been received in 68 cases (**Annexures 9 & 10**). The details of these cases have been reported in NHRC's earlier Annual Reports.

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# CIVIL AND POLITICAL RIGHTS

### A. Terrorism and Militancy

**5.1** Today, the world at large and India in particular, is facing daunting challenges in the task of protecting human rights of common people. No country in the world can be said to be free from the deadly scourge of terrorism. With the grim spectre of terrorism continuing to target innocent and defenseless people, the task of protection of human rights has become ever challenging for the institutions around the world.

**5.2** A peaceful society rests on the pillars of justice and individual accountability. The concern for justice has been of paramount importance while dealing with the vexing issue of terrorism. In most of the tragedies associated with terrorism, it is mostly the common people, men, women and children, whose rights have been violated. During the year under review too, terrorism continued to raise its head again and again and hundreds of innocent people across the length and breadth of this country became the targets.

**5.3** Since there has been an increase in the activities of the terrorists, including the naxalites, the role of security forces has become even more important. They have increasingly been called upon to control civil unrest, enhance security, and also to maintain law and order whenever and wherever required.

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

**5.5** The NHRC 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 Indian Constitution.

**5.6** The Commission from time to time has reiterated that terrorism creates an environment with the aim of destroying the right of people to live in freedom. The goal of terrorism is to wipe out 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 been waging this war for over fifty years and has learnt a great deal from its successes and failures. The endeavour of the

NHRC is to call on the international community to co-operate in combating terrorism. At the same time, it has always emphasized that in doing so, the overall approach should be humane, rational and secular.

**5.7** The Commission has always taken up the cause of the victims relating to acts of terrorism and correspondingly taken steps for providing relief and rehabilitation to them. While condemning the killing of more than 70 CRPF personnel in Dantewada district of Chhattisgarh in April 2010, the Commission in its press release stated “.....*The police and para-military forces are the instruments of the State to enforce rule of law and order and thus protect human rights of the citizens. In this process they are themselves exposed to high risks to their own lives as well as their families. The Commission acknowledges the vital role played by the police and para-military forces in maintaining the security of the State. It is expected that the State will take note of the sacrifices made by the personnel of CRPF and the police in maintaining the rule of law and creating an environment of peace and security for the citizens of the country. The Commission accords importance to the protection of the human rights of all the citizens in the country. It needs no emphasis that the aggrieved families would be suitably compensated.*”

**5.8** The Commission believes all persons responsible for acts of terrorism should be prosecuted in accordance with the law and that the existing laws are, by and large, sufficient. It is the firm view of the Commission that the terrorist threats under which the country is presently reeling are of an unprecedented scale, but since the fundamental rationale of anti-terrorism measures is to protect human rights and democracy, counter-terrorism measures should not undermine democratic values, violate human rights, and subvert the rule of law. While fighting the war against terrorism, the State cannot be permitted to be either selective in its approach or to go overboard and declare a war on the civil liberties of the people.

## **B. Custodial Violence and Torture**

**5.9** Custodial violence is a calculated assault on human dignity. The Commission has remained deeply engaged in efforts to bring to an end the egregious violations of human rights resulting in custodial deaths. A systematic effort to curb custodial violence has been a major priority of the NHRC. In accordance with its guidelines, the agencies of the States/Union Territories across the country have, by and large, been found to be prompt in informing the NHRC, within 24 hours, about any occurrence of a death in custody. However, the subsequent reports like inquest report, postmortem report, magisterial enquiry report, etc. are not being received promptly in many cases.

### **Custodial Deaths**

**5.10** During the period 2009-2010, the custodial deaths that were reported to the NHRC, two deaths allegedly occurred in the custody of defence / para-military forces, 124 deaths took place in police custody and 1,473 deaths were in judicial custody.

**5.11** It is pertinent to mention not all the cases of custodial deaths can be attributed to custodial violence or torture. In fact, many of these deaths were due to natural factors such as illness and old age. In the remaining cases, there appeared to be a variety of other reasons, *inter alia*, illness aggravated by medical negligence, violence on the part of public servants or between prisoners, suicide and other incapacitating factors.

### **C. Conditions in Prisons**

**5.12** As per the PHRA, one of the functions of the Commission is to visit jails under the control of the State Governments where persons are detained or lodged for purposes of treatment, reformation or protection, so as to assess the living conditions prevalent therein and make recommendations thereon to the Government. As reiterated in the earlier Annual Reports of the NHRC, it has always laid emphasis on total prohibition of torture or any kind of cruel, inhuman and degrading treatment towards undertrials and prisoners in the jails. It has also underlined that though the prisoner's right to family contact may be restricted by the procedure established by law, it cannot be completely taken away. At the same time, it has stressed that special consideration must be given to women prisoners. Accordingly, over the years, the NHRC has issued several guidelines, made observations after conducting spot investigations and taken several other steps to improve the prevailing conditions in prisons so that undertrials and prisoners can lead their lives with dignity and enjoy their rights even as they await judgment or complete their sentence.

#### **Visits to Jails**

**5.13** In consonance with the functions elucidated under the PHRA, two Special Rapporteurs and the Acting Chairperson of the Commission visited five jails located in different States of the country during 2009-2010. The names of the jails visited by them were : Prothrapur District Jail in Andaman & Nicobar Islands (April 2009); Nagpur Central Jail in Maharashtra (May 2009); Keonjhar District Jail in Orissa (November 2009); Nashik Central Jail in Maharashtra (January 2010) and Agra Jail in Uttar Pradesh (March 2010). The main objective of these visits was to oversee the functioning of these prisons as well as study the human rights situation of the inmates there.

#### **Analysis of Prison Population**

**5.14** The NHRC compiles and analyzes State/Union Territory-wise statistics on prison population in the country to ascertain the actual position of overcrowding in the prisons and accordingly suggests measures for its decongestion. This is carried out by obtaining data from the Prison Headquarters of each State/Union Territory in a prescribed format every six months. During the period under review, it compiled and analyzed the prison statistics based on the information received as on 31 December 2008.

**5.15** These statistics reveal that the trend of continuous increase in the percentage of overcrowding in prisons seems to have been contained by December 2006 due to several factors. A decline of 5.15 per cent was noticed up to December 2007. A further decline of 3.05 per cent

was recorded up to the period December 2008. The reason for this continuous decline in the percentage of overcrowding in jails could be attributed to continuous monitoring by the NHRC and steps taken by the Ministry of Home Affairs, Government of India in providing requisite funds to the State Governments for improving the conditions in jails as well as increasing the capacity of their respective jails by way of constructing new blocks. These corrective measures perhaps are bringing out the desired results. The analysis up to December 2008 has moreover confirmed that the declining trend observed in December 2006 seems to have continued till December 2008 and it is presumed that this trend would persist in the future too. Interestingly, while the percentage of overcrowding in jails had considerably come down in 17 States/Union Territories, there seemed to be a reverse trend in 9 States/Union Territories. The States/Union Territories where substantial decrease in the overall percentage of overcrowding was seen were Bihar, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa and Puducherry. The decrease in the overall percentage of overcrowding was found to be vast in Orissa and deserves appreciation. The position of N.C.T of Delhi which earlier ranked foremost in overcrowding seems to have been surpassed now by Chhattisgarh followed by Uttar Pradesh. The increase in the percentage of overcrowding was found to be alarmingly high in the State of Chhattisgarh. Overcrowding in the concerned State up to December 2007 was to the extent of 99.5 per cent, whereas in December 2008 it was reported to be 202.53 per cent.

**5.16** The continuing but minuscule decline in the percentage of undertrials observed in previous years was also noticed during the period under report as there was a further marginal decline of 0.50 per cent. The percentage of undertrial prisoners was 74.5 per cent as on 31 December 2006. This slowly and steadily had come down to 67.9 per cent as on 31 December 2007 and decreased marginally further in December 2008. The number of States/Union Territories experiencing minor changes, in terms of increase/decrease in percentage, was altogether 14 in December 2006. This number augmented up to 21 in December 2008. States/Union Territories like Mizoram, Nagaland, West Bengal, Andaman & Nicobar Islands, Chandigarh and Daman & Diu registered a drop of more than five per cent whereas Chhattisgarh, Goa, Gujarat, Manipur and Sikkim registered an increase of more than five per cent. Nine States/Union Territories were having women who had children in jails and their overall percentage seemed to be higher than the all-India figure of 13.27 per cent. Prominent among them were West Bengal (28.73%), followed by Jharkhand (21.04%) and Uttar Pradesh (17.22%).

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## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### A. Right to Health

**6.1** Intrinsic to the dignity and worth of a human being is the enjoyment of the right to health. The International Covenant on Economic, Social and Cultural Rights, to which India is a State Party, specifically recognizes that ‘the enjoyment of the highest attainable standard of health’ is the right of every human being. It must therefore be treated as a State responsibility, with the State having an obligation to ensure that this right is respected, protected and promoted.

**6.2** The NHRC has adopted a pro-active role with regard to the issue of right to health and consistently taken the view that the State must ensure that the people of the country, in particular the vulnerable sections, have access to better and more comprehensive health care facilities.

**6.3** During 2009-2010, the NHRC drew its attention towards illegal medical practices of doctors having fake certificates/degrees, presence of quacks in the medical profession, inadequate health care facilities in the tribal areas, and the production and distribution of spurious medicines/ drugs in the country.

**6.4** In order to ensure that people in the country have access to quality health care, the NHRC organized a one-day Meeting of the Health Secretaries of all the States/Union Territories on “Illegal Medical Practices and Health Care Facilities in the Tribal Areas” at the National Institute of Health and Family Welfare, New Delhi, on 29 January 2010.

**6.5** Apart from the Health Secretaries of the States/Union Territories, the Meeting was attended by the representatives of the Medical Council of India, Delhi Medical Council, NGOs, civil society organizations, Members of NHRC’s Core Advisory Group on Health and Members and senior officers of the NHRC. Justice Shri G.P. Mathur, the Acting Chairperson of the NHRC inaugurated the Meeting.

**6.6** The Meeting was conducted in three plenary sessions. Session I was devoted to the issue of ‘Illegal Medical Practice by Fake Doctors/Quacks in India’. The focus of Session II was on ‘Health Care Facilities in Tribal Areas : Problems and Gaps’. Session III dealt with ‘Spurious Drugs’.

### Silicosis

**6.7** Silicosis is an occupational disease caused by inhalation, retention and pulmonary reaction to crystalline silica during mining, stone crushing, quarrying and such other activities. It profoundly affects the work productivity, economic and social well-being of workers, their

families and dependents. The NHRC has adopted a two-pronged approach to tackle the issue of silicosis. On the one hand, it is considering individual cases, and on the other hand, it is devising preventive, rehabilitative and remedial measures to deal with the issue of silicosis.

**6.8** The NHRC is of the view that the occupational hazard of silicosis is preventable if the working conditions are properly regulated, proper warning is given and protective equipments are used. Once a worker or any other person is afflicted by silicosis, it becomes a constitutional obligation on the part of the State to take appropriate short-term and long-term measures from the point of view of providing medical facilities and rehabilitation to the victims. However, by and large, NHRC's observation has been that neither the Central Government nor any of the State Governments have come out with a comprehensive policy which encompasses preventive, curative and rehabilitative measures for the benefit of silicosis victims.

**6.9** The Commission had earlier requested the Ministry of Labour to collect relevant information from all the States/Union Territories. The Ministry, on its part, informed that they had directed the Directorate General of Factory Advice Service Labour Institute (DGFASLI) to collect the requisite information from all the States/Union Territories. At the time of writing of this Annual Report, it was reported to the Commission that responses had been received from 26 States/Union Territories.

**6.10** With a view to assist in devising strategies for dealing with the problem of silicosis and evolving necessary preventive, remedial, rehabilitative measures to solve the problem of silicosis in the country, the NHRC has constituted an Expert Group on Silicosis under the chairmanship of one of its Member (Shri P. C. Sharma). The following are the other Members:

1. Director General, Directorate General of Factory Advice Services Labour Institute, Mumbai (Ministry of Labour & Employment, Government of India).
2. Director General, Directorate General of Mines Safety, Dhanbad (Ministry of Labour & Employment, Government of India).
3. Director, National Institute of Occupational Health, Ahmedabad (Ministry of Health & Family Welfare, Government of India).
4. Representative of Ministry of Commerce & Industry, Government of India.
5. Representative of Ministry of Environment and Forests, Government of India.
6. Shri S.A. Azad, People's Rights and Social Research Centre (PRASAR), New Delhi.
7. Ms. Anita Shenoy, Advocate, Supreme Court of India, New Delhi.
8. Joint Secretary (P&A), National Human Rights Commission, New Delhi.

**6.11** The first meeting of the Expert Group was convened in the NHRC on 5 January 2010. The Expert Group identified the silicosis-prone industries and decided to evolve preventive, remedial, rehabilitative measures to deal with the problem of silicosis. Moreover, it opined payment of compensation to the affected persons.

**6.12** The silicosis prone industries identified by the Expert Group were:

- a. All stone quarries and crushers

- b. Quartz mining
- c. Foundries
- d. Sand blasting
- e. Ceramics
- f. Gem cutting and polishing
- g. Slate/pencil
- h. Construction
- i. Glass manufacture
- j. Other mining industries.

## B. Mental Health

**6.13** As a part of the larger mandate of promotion and protection of human rights of each and every citizen of the country, the NHRC has been making efforts to reach out to those sections of the population that have hitherto remained naturally or socially excluded. The Commission is mandated under section 12 of the PHRA to visit mental institutions under the control of the State Government, where persons have been 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”. Besides discharging this specific responsibility, the NHRC, right from its inception, has been giving special attention to the human rights of the mentally-ill patients because of their vulnerability and need for special protection.

**6.14** Realizing that persons with mental disabilities constitute the most disabled, yet forgotten and ignored section of the Indian society, the NHRC had taken early steps by way of sponsoring the preparation and publication of a monograph titled – ‘Quality Assurance in Mental Health’, way back in 1999 in collaboration with the National Institute of Mental Health and Neuro Sciences (NIMHANS) in Bengaluru. With the growing consciousness about the right to mental health (RMH) both at the national and global level, the NHRC has renewed its efforts in the direction of creating a better understanding and awareness about the RMH in the country.

**6.15** As reported in its earlier Annual Reports, the Commission is deeply concerned about the shortage of psychiatrists in the country. As such, it had requested the Medical Council of India (MCI) to increase the intake of number of psychiatrists in the country. It urged the MCI and the Ministry of Health and Family Welfare, Government of India to redouble their efforts to meet the demand for adequate human resource in the field of mental health. The NHRC had also asked the MCI to relax its standards from the present 1:1 (one Professor : one student) to 1 : 2 ( one Professor : two students) for a 10-year period to overcome the shortage of psychiatrists in the country at the earliest. The MCI informed the Commission that their General Body in its meeting held on 13 November 2008 had approved the amendment in the Post-Graduate Medical Association Regulation, 2000 under Clause 12 (1) (2) and (3). As per the proposed amendments, the ratio of Post-Graduate Teachers to the number of students to be admitted for the super speciality course will be 1:2 for Professor/Associate Professor and 1:1 for other cadre

in each unit per year. It was further informed that the above decision of the Council has been communicated to the Government of India for initiating the required action. The NHRC is of the view that the new proposal will allow 1-2 additional seats in the Post-Graduate courses which is a step in the right direction.

**6.16** The Commission's intent is to equip doctors with the knowledge of psychiatry. It is of the definite view that in the light of inadequate human resources in the field of mental health, it is essential that whatever human resources are otherwise available, their capacities should be built up to the extent that they are able to deal with problems relating to mental health. It has addressed this issue to the Ministry of Health & Family Welfare as well as to the Medical Council of India. In response, the Ministry has informed to the Commission that in a meeting of the Central Mental Health Authority, it has been decided to prepare a proposal for introduction of compulsory medical examination in psychiatry as a part of medicine examination in both theory and clinical examination.

**6.17** As a part of the mandate given to it by the Supreme Court in 1997, the Commission has been involved in overseeing the functioning of three mental hospitals at – Ranchi, Agra and Gwalior. On receipt of the Channabasavanna report, the Commission expanded its role by taking the responsibility of monitoring all the mental hospitals in the country. In this context, the Chairperson, Members, Special Rapporteurs and senior officers of the NHRC have been visiting mental hospitals across the country to know the conditions of the inmates therein. With a view to ascertain the status of compliance of its recommendation, the Commission also decided to organize five Regional Review Meetings on Mental Health for Northern, Eastern, Western, Southern and North-Eastern Regions. During the year under review, it organized four such meetings. In these Review Meetings, senior officials from the specified States dealing with the subject of mental health, Directors of Mental Health Hospitals from the regions concerned, officials from the Union Ministries of Health and Family Welfare, Social Justice & Empowerment, State Human Rights Commissions, Medical Council of India, Members of NHRC's Core Group on Mental Health and representatives of civil society organizations were invited for participation. These meetings mainly focused on the following four issues:

- Overall conditions prevailing in mental hospitals.
- Status of implementation concerning the District Mental Health Programme.
- Status of proposals concerning mental health hospitals and district mental health hospitals pending with the State Government for augmentation of facilities.
- Steps, if any, proposed for modifications.

**6.18** The States/Union Territories covered in the four Regional Review Meetings were as follows:

- The States covered in the Eastern Regional Review Meeting were Bihar, Jharkhand, West Bengal, Orissa and Chhattisgarh. The meeting was convened at the Ranchi Institute of Neuro-Psychiatry and Allied Sciences, Ranchi in Jharkhand on 5 June 2009.

- The States and Union Territories covered in the Western Regional Review Meeting were Gujarat, Madhya Pradesh, Maharashtra, Goa, Daman & Diu and Dadra & Nagar Haveli. It was organized in Pune on 24 July 2009 in collaboration with the Maharashtra Institute of Mental Health.
- The North-Eastern Regional Review Meeting was convened on 11 February 2010 in Tezpur in partnership with the L.G.B Regional Institute of Mental Health.
- The Southern Regional Review Meeting was organized in association with the Institute of Mental Health in Chennai on 12 March 2010. The States/Union Territories covered in the meeting were Karnataka, Andhra Pradesh, Tamil Nadu, Kerala, Puducherry, Andaman & Nicobar Islands and Lakshadweep.

### C. Rights of Persons with Disability

**6.19** The NHRC played a major role in the drafting of the United Nations Convention on Rights of Persons with Disabilities (CRPD) and advocated for incorporating of Article 33 in the said convention which relates to national implementation and monitoring mechanisms. It also advocated to the Government of India for earlier ratification of CRPD. The Government of India ratified the CRPD on 1 October 2007. As reported in the last Annual Report, the NHRC as a follow-up measure, constituted a Core Group on Disability and organized five Regional Review Meetings on the issue of disability during the year 2008-2009 across the country from the point of view of making an overall assessment of the existing programmes and policies relating to persons with disabilities.

**6.20** During the year under review, the Core Group on Disability was reconstituted under the chairmanship of Shri P.C. Sharma, Member, NHRC. Its other Members were as follows:

1.	Shri Prasanna Kumar Pincha, Special Rapporteur, NHRC	Member
2.	Dr. (Smt.) Uma Tuli, Founder and Managing Secretary, Amar Jyoti Rehabilitation & Research Centre, New Delhi	Member
3.	Dr. G.N. Karna, Honorary President, Society for Disability and Rehabilitation Studies, New Delhi	Member
4.	Major General (Retd.) Ian Cardozo, Chairman, Rehabilitation Council of India, New Delhi	Member
5.	Shri S.K. Rungta, General Secretary, National Federation of Blind, New Delhi	Member

**6.21** The re-constituted Core Group has the following terms of reference:

- Advise the Commission on implementation of rights mentioned in CRPD and gaps in implementation, if any, from time to time.
- Study the functioning of focal points/coordination mechanism set up by the Centre and States and suggest improvements to the Commission for greater effectiveness.



- Monitor recommendations made by NHRC since 1993 for protection and promotion of human rights of persons with disabilities.
- Any other matter assigned by the Commission from time to time.

## D. Human Rights Awareness and Facilitating Assessment & Enforcement of Human Rights Programme in Selected 28 Districts of India

**6.22** During the period under review, the following five districts were visited by different teams of NHRC as a part of human rights awareness and facilitating assessment & enforcement of human rights programme out of the identified 28 districts in the country:

S.No.	District	State	Programme
1.	Wayanad	Kerala	15-18 September 2009
2.	Jamui	Bihar	17-19 November 2009
3.	Hoshiarpur	Punjab	27 November-1 December 2009
4.	Kalahandi	Orissa	24-26 February 2010
5.	Saiha	Mizoram	15-17 March 2010

### Wayanad District

The visit to Wayanad District in Kerala was led by Shri Satyabrata Pal, Member, NHRC. The Joint Secretary (Trg.) and Senior Research Officer of NHRC assisted the Member during the visit. The team visited the local police stations; primary, secondary and senior secondary schools; ration shops; the office of the public distribution system; primary and community health centers; hospitals; Scheduled Caste and Scheduled Tribe communities; hostels for students belonging to deprived sections; panchayats and various other Departments working for the empowerment of women, children and disadvantaged populations. The main objective of these visits was to review the implementation of various programmes of the government as well as directions passed by the NHRC concerning food, education, custodial justice, health and hygiene. Following this, a one-day workshop was also organized in the District in which there was a fairly good participation of the complainants whose rights had been violated but no respite; panchayat members, representatives of NGOs, senior state government officials and functionaries working in different Departments and media persons.

Few of the major recommendations/suggestions that emerged out of the deliberations of the one-day workshop in Wayanad District were as follows:

- BPL ration cards to be issued only to Scheduled Castes/Scheduled Tribes beneficiaries. It should be ensured by the District authorities that all the beneficiaries are issued uniform and identical BPL ration cards. This would enable the beneficiaries to take their rations on regular basis and in the process prevent the pilferage and diversion of rations meant for them. Moreover, the State should

ensure that the beneficiaries also have the required economic means to purchase their rations.

- It was highlighted that many tribals did not take-up work under the NREGA scheme on account of long distances. It was therefore recommended that the Collectorate should find-out projects for them that are closer to their settlements. Other than this, payment to the tribals under the NREGA scheme should be made instantly.
- There being a dearth of hostels for post-matric students belonging to Scheduled Castes and Scheduled Tribes, it was recommended that the State Department of Education be directed to look into the matter so that suitable number of hostels are constructed for them in the District and more number of students are accommodated from the nearby villages. Furthermore, the State must give utmost priority to upgradation of schools.
- As the primary and community health centers located in Wayanad did not have the required minimum basic facilities, it was recommended that these be equipped with latest super-speciality facilities with regard to medical care. This would facilitate patients to avail all health related facilities in the District itself.
- It was pointed out that the only jail, in Vythiri, was extremely overcrowded. As such, it was recommended that the Manantavadi jail under construction, needs to be made operational at the earliest.
- It was deliberated that the prescribed budget concerning food given to inmates in Vythiri jail was grossly inadequate in the light of escalating prices of essential food items. It was thus recommended that the sanctioned budget needs to be looked into and revised.

### *Jamui District*

The visit to Jamui District in Bihar was again headed by Shri Satyabrata Pal, Member NHRC. Other officials from NHRC who assisted the Member were Joint Secretary (Trg.) and Senior Research Officer (Trg.). One of the Special Rapporteurs of the Commission was also a part of the entourage. The NHRC team in Jamui District visited the local police station; primary, secondary and senior secondary schools; ration shops; the office of the public distribution system; primary and community health centers, hospitals, Scheduled Caste and Scheduled Tribe communities; panchayats and various other Departments working for the empowerment of disadvantaged sections. The main objective of these visits was to review the implementation of various programmes of the government as well as directions given by the NHRC concerning food, education, custodial justice, health and hygiene. After these visits, a one-day workshop was also convened in the District. The workshop was attended by members of the District Council and the Panchayat Committee, academicians, journalists, NGOs, and officers of the District administration. Some of the major recommendations/suggestions that emanated out of the one-day workshop organized in Jamui District were :

- NGOs alone should be made responsible for distribution of the mid-day meal scheme in the District. The identified NGOs should be directed to pay special attention to the over all nutritional quality of the food to be served under the scheme as well as its related aspects in terms of maintaining cleanliness when the food is cooked and its transportation to the respective schools for distribution.
- The District police should carry out proper investigations on complaints lodged in the police stations and in no way should illegally arrest innocent persons on false accusations. Other than this, undertrials and convicts need to be treated in a humane manner. Complaints of torture against undertrials and convicts should be looked into instantaneously.
- The District authorities should immediately recruit teachers in all the schools as per the prescribed student-teacher ratio. The policy relating to transfer of teachers also needs to be reviewed by the District authorities. The services of teachers should only be used for work concerning education and not for non-educational work.
- There is also an immediate need to fill-up all the vacant posts in primary and community health centres and hospitals and facilities being provided therein must have all the required essentials.

### *Hoshiarpur District*

The NHRC team in Hoshiarpur District of Punjab was led by Justice Shri G. P. Mathur, Acting Chairperson, NHRC. Other officers in the team were the Secretary-General and Director (Admn.). The NHRC team during its visit assessed the situation of anganwadi centres; schools; police stations and community health centres functioning in the District. The team also visited the District jail in Hoshiarpur. Thereafter, a workshop was convened in the District which was attended by representatives from various Departments like the police, prisons, food, women and child development, panchayati raj and functionaries of NGOs. Some of the major recommendations/suggestions of the workshop organized in Hoshiarpur were as follows :

- It was observed during the workshop that some wealthy people had been issued BPL cards. It was thus recommended that there is a need to scrutinize all the BPL cards issued by the District authorities so far and in future it should be ensured that these cards are given to people only as per the required eligibility criteria failing which strict action would be taken against the concerned officials.
- Similarly, there is a need to constitute Vigilance Committees in the District as the same had not been constituted in the last two years.
- There is an immediate need to fill-up all vacant posts of school teachers in all the schools as per the prescribed qualifications and experience.

- As the Hoshiarpur jail hospital had maintained two different types of registers - one as per the jail manual and another as per instructions and guidelines issued by the NHRC from time to time, it was recommended to merge the two registers to avoid duplication of work.
- It was emphasized that the guidelines and instructions issued by the NHRC on different human rights issues/concerns since 1993 must be adhered to strictly by all concerned in the District.
- It was reported that few juveniles of foreign origin were in the District Juvenile Home. It was recommended to look into those cases so that immediate relief is provided to them by the authorities concerned.
- It was stated that the procedure for issuing of disability certificates in the hospital needs to be simplified. The new procedure adopted should ensure that disability certificates are issued in a reasonable time-frame.
- It was mentioned that there is a need to deploy sufficient staff at the tehsil/district level so as to facilitate checking of drug adulteration.

### ***Kalahandi District***

The visit to Kalahandi District was directed by Justice Shri B. C. Patel, Member, NHRC. Others who assisted the Member from NHRC were Director (Admn.) and one of the Special Rapporteurs. The team during the visit reviewed the functioning of local police stations, schools, health facilities in primary/community health centers, hospitals, *anganwadi* centres and a home for destitutes in the District. The team also visited the District Jail at Bhawanipatna. On the last day of the visit, a workshop was organized at Bhawanipatna under the chairmanship of Justice Shri B. C. Patel, Member, NHRC. The District Collector along with other senior officials from various Departments participated in the said workshop. Few of the significant recommendations/suggestions emerging out of the workshop were as follows :

- There is a need to recruit more number of doctors and para-medical staff in the District Hospital. The medical record of all the prisoners undergoing treatment in the District Hospital needs to be properly maintained as well.
- Similarly, there is a need to provide mobile dispensaries and multi-service mobile units to the tribal and rural population living in the far-flung parts of the District. This would ensure the health rights of all the tribal and rural population in the District.
- The District authority should ensure that the medical examination of all the undertrials is carried in a speedy manner.
- The teachers and supporting staff of all the schools in the District should focus only on work related to education. In no way, they should be directed to carry out work related to census, election and surveys.

- In order to ensure greater transparency in the implementation of existing schemes, there is a need for the District Authority to evolve a reporting mechanism that takes care of both physical and financial performance.

### ***Siaha District***

Siaha District in Mizoram was led by Shri Satyabrata Pal, Member, NHRC. The other two officers who assisted the Member were Director (Research) and Senior Superintendent of Police-I. The objective of the visit was to take stock of the facilities available in the District and the implementation of various policies/programmes/schemes of the State and Central Government designed to promote and protect civil, political, economic and social rights. The team visited various organizations, institutions including the offices of the District Magistrate, Superintendent of Police and public distribution system. Besides, the team visited the local police station and the District jail, *anganwadi* centres, schools, an orphanage and the District hospital. After the field visit, a workshop was convened on 17 March 2010 which was attended by senior officials of the District, representatives of various NGOs and members of Mara Autonomous District Council. Some of the major recommendations/suggestions of the workshop were :

- The quantity and quality of food supplied through the public distribution system, as well as to the beneficiaries of the integrated child development services scheme and mid-day meal programme needs to be monitored regularly.
- Qualified teachers in all subjects must be appointed in sufficient numbers in all the schools, particularly in rural and tribal areas of the District.
- The infrastructure and quality of services being provided in the district hospital needs to be improved, including the availability of medical supplies and equipments.
- Vacant posts of medical and para-medical staff needs to be filled-up in a time-bound manner. The primary health centers in the District must function '24x7', that is, round the clock on all the days.
- Undertrials and convicts must be medically examined at the time of their admission in the district jail, and all their tests should be carried out in the district hospital itself.
- In the district jail, the convicts need to be segregated from the undertrials.

## **E. Elimination of Bonded Labour System**

**6.23** There still exists in different parts of our country a system under which the debtor or his descendents have to work along with one or more than one member of the family of the creditor for a specified or an unspecified period without any market wage or without minimum wage notified by the Government in order to discharge a debt. This system originated from the uneven social structure characterized by feudal and semi-feudal conditions. It is an outcome of certain categories of indebtedness, like customary obligations, forced labour, *begar* or indebtedness which have been prevailing for a long time involving certain economically exploited, helpless



and weaker sections of the society. They agree to render service to the creditor in lieu of a debt. At times, several generations work under bondage for the repayment of a paltry sum, which had been taken by some remote ancestor, often at usurious rates of interest. This is an unequal exchange system which in its totality represents one of the worst violations of basic human rights and a disgrace to the dignity of labour.

**6.24** Absence of stable and durable avenues of employment leads to unemployment and under-employment and denial of minimum wages notified by the Government in respect of a scheduled employment. Other than this, the pernicious practice of payment of wages in kind forcing the labourer in a monetized economy to approach a moneylender for loan/debt/advance in cash to defray a number of household expenses, landlessness and assetlessness, caste hierarchy, landless and assetless families being forced to migrate from one part of the country to another in search of alternative or better quality jobs with higher wages at the destination point and in the process getting into bondage at that point due to (a) faulty system of advances; (b) usurious rate of interest on the amount advanced; (c) faulty system of adjustment of wages with the amount advanced; (d) loss of freedom to leave the worksite in the face of persisting advance; (e) pervasive ignorance, illiteracy and social backwardness; (f) lack of organization on the part of debtors to bargain for what is just, fair and equitable; and (g) lack of alternative means of cheap credit for ceremonial, consumption and development purposes are responsible for the origin, perpetuation and reinforcement of bonded labour system.

**6.25** The bonded labour system is not a one time or one occupation phenomenon. It may occur and recur at any point of time in any industry, occupation or process. Prevalence of the system is dependent on the relationship which occurs at the workplace between the employer and the employee. If the relationship is just, fair and equitable based on dignity, decency, equality and freedom there is no cause for worry. If instead the relationship is based on extortion, torture, expropriation and exploitation, all the excitement and joy associated with work is lost and the worker is reduced to the level of a serf.

**6.26** The issue of 'bonded labour' came to the forefront at the national level when it was included in the old 20-Point Programme announced to the nation by the then Prime Minister on 1 July 1975. Thereafter based on the constitutional provisions, 'The Bonded Labour System (Abolition) Ordinance' was promulgated and was replaced by 'The Bonded Labour System (Abolition) Act, 1976'.

**6.27** The Act provides for punishment for compelling any person to render any bonded labour. It also provides for (a) punishment for advancement of bonded debt; (b) punishment for extracting bonded labour; (c) punishment for omission or failure to restore possession of property of bonded labourers; and (d) abatement. The Act provides for appointment of Executive Magistrates for trial of all such offences and provides for vesting them with powers of a Judicial Magistrate, first or second class for summary trial of all offences under the Act.

**6.28** Several important judgements have been pronounced in public interest litigations which were admitted as a Writ Petition by the Supreme Court under Article 32 of the Constitution.

Clear, precise and authoritative directions have been issued by the Apex Court to competent authorities responsible for the enforcement of the provisions of the Bonded Labour System (Abolition) Act, 1976.

**6.29** The Apex Court in its order dated 11 November 1997 in *Public Union for Civil Liberties vs State of Tamil Nadu & Others* (Writ Petition Civil No. 3922 of 1985) case directed that the NHRC should be involved in monitoring the implementation of the law, national policy and programme of action as well as its directions issued from time to time.

**6.30** The NHRC viewed the responsibility assigned to it from the angle of the constitutional guarantee and took up the monitoring of implementation of the Bonded Labour System (Abolition) Act, 1976 in early 1998 through its Special Rapporteurs. It has since been undertaking State-wise reviews and conducting workshops for sensitization and spreading awareness among the District officials. The Commission keeps the Supreme Court informed about the steps taken by it to discharge the responsibility entrusted to it.

**6.31** During the period under review, three workshops pertaining to elimination of bonded labour system were organized by the NHRC. The overall direction for organization of these workshops was provided by Justice Shri B. C. Patel, Member, NHRC. All the workshops were conducted in coordination with the respective State Governments. Their details are as follows:

S.No.	District/State	Date of Workshop
1.	Bhubaneswar (Orissa)	21 August 2009
2.	Raipur (Chhattisgarh)	11 September 2009
3.	Ahmedabad (Gujarat)	15 January 2010

**6.32** The first one-day workshop on elimination of bonded labour system was conducted in Bhubaneswar on 21 August 2009. Its objective was to familiarize and sensitize the senior officials of the Government of Orissa about the identification, release and rehabilitation of bonded labour. The workshop was attended by the Minister of Panchayati Raj Department, Government of India; Justice Shri B.C. Patel, Member, NHRC; Special Rapporteur, NHRC; Director (Admn.), NHRC; Economic Adviser, Ministry of Labour, Government of India; Commissioner-cum-Secretary, Labour & Employment Department; and Commissioner-cum-Secretary, Panchayati Raj Department. A major recommendation of the workshop was :

- The State Government should finalize a State Level Action Plan for eradication of bonded labour system in consultation with all the concerned Departments and NGOs working in the field.

**6.33** The second one-day workshop on elimination of bonded labour system was organized in Raipur on 11 September 2009. Its objective again was to familiarize and sensitize the senior officials of the Government of Chhattisgarh about the identification, release and rehabilitation of bonded labour. Some of the redeeming features of the workshop were : (a) active participation of the Minister, Secretary and senior officers of the Labour & Employment Department; District

Magistrates; Police officers and Members of Vigilance Committees; and (b) free and frank expression of views, sharing of experiences including success stories, positive and constructive suggestions for improving the ground level situation. Few of the recommendations/suggestions made during the course of the workshop were :

- Every complaint of bonded labour needs to be looked into objectively by deputing Members of the Vigilance Committees or senior officers.
- The definitional problems relating to bonded debt, bonded labour, bonded labourers, bonded labour system needs to be resolved immediately.
- Vigilance Committees should be constituted and re-constituted wherever required by person(s) of character, integrity, dedication and commitment towards eradication of the bonded labour system.
- Impact of NREGA and other schemes relating to creation of work opportunities in villages needs to be continuously reviewed.

**6.34** The third one-day workshop on elimination of bonded labour system was convened at Ahmedabad on 15 January 2010. The primary objective of the said workshop was to sensitize the State and district level officials with the provisions of Bonded Labour System (Abolition) Act, 1976; and other related legislations. The workshop concluded by laying emphasis on Article 21 of the Constitution of India – ‘Right to Life’. The said right, the participants felt entailed many other rights like right to health, right to food, right to education, right to water, right to land, right to lead a decent and dignified existence based on equality and freedom. A bonded labourer is a victim of deprivation of all these rights and, therefore, is one of the worst victims of denial of the right to life as guaranteed by the Constitution. If this right is to be promoted, protected and preserved, elimination of bonded labour system becomes a direct corollary or concomitant for exercise of that right.

**6.35** In addition to the above, a proposal is under consideration to conduct five zonal workshops (Eastern, Western, Northern, Central & Southern States) on Minimum Wages Act.

## **F. Elimination of Child Labour System**

**6.36** India has the largest number of working children in the world. Withdrawing them from work and ensuring their rehabilitation is a major challenge presently facing the country. The proportion of working children to the total labour force is, nevertheless, lower in India as compared to many other developing countries.

**6.37** In India, as per the provisions contained in the Child Labour (Prohibition and Regulation) Act, 1986, any person below the age of fourteen years should not be employed to work in any factory or mine or engaged in any other hazardous employment. In other words, child labour refers to employment of children in certain occupations and processes which are hazardous by nature and where the said employment has been prohibited. In the remaining occupations and processes, employment of children is not prohibited but it is to be regulated.

**6.38** The Act further lays down a procedure to decide modifications to the Schedule of banned occupations or processes as well as enhanced penalties for employment of children in violation

of the provisions of the Act, and other Acts, which forbid the employment of children.

**6.39** The NHRC has been deeply concerned about the employment of children below 14 years in hazardous occupations and processes. It has been monitoring the problem of child labour in the country through its Special Rapporteurs and visits made by various Chairpersons and Members of the NHRC from time to time; including organization of sensitization programmes and workshops in States affected by child labour; interface with other concerned agencies and NGOs; and by way of co-ordination with the State Governments where child labour is prevalent to ensure that adequate steps are taken for its eradication. The Commission has specifically monitored the carpet belt area, the glass/ bangle and the lock industries in the State of Uttar Pradesh, and the silk production units in Karnataka.

**6.40** During the period under review, two workshops on elimination of child labour system were organized by the NHRC in collaboration with the respective State Governments. Justice Shri B.C. Patel, Member, NHRC guided the organization of these two workshops. Their details are as follows:

S.No.	District/State	Date of Workshop
1.	Bhubaneswar (Orissa)	22 August 2009
2.	Ahmedabad (Gujarat)	16 January 2010

**6.41** The first one-day workshop on elimination of child labour system was organized in Bhubaneswar on 22 August 2009. Its main objective was to sensitize the officers and functionaries of Government of Orissa dealing with child labour to the concerned law and other related aspects. Besides the presence of Justice Shri B. C. Patel, Member, NHRC, the workshop was graced by the State Minister of Panchayati Raj. Others who attended the workshop were officials and functionaries from the Union Ministry of Labour, State Departments of Labour and Panchayati Raj. One of the Special Rapporteurs of NHRC and its Director (Admn.) were also part of the workshop. Some of the major recommendations/suggestions of the workshop were :

- The Government of Orissa should finalize a State Level Action Plan in consultation with all concerned for elimination of child labour system in the State.
- The minimum age of entry for any work should be 18 years and there should be a universal law prescribing a uniform age of entry for work in the country.
- District Child Labour Welfare-cum-Rehabilitation Fund should be set-up in all the districts under the chairmanship of the District Magistrate as per directions given by the Apex Court
- Employment of children on roadside hotels/motels/*dhabas*/eateries need to be dealt with an iron hand in coordination with other Departments of the State.

**6.42** The second one-day workshop on elimination of child labour system was convened in Ahmedabad on 16 January 2010. The primary objective of the workshop was to sensitize

the officers and functionaries of Government of Gujarat dealing with the problem of child labour to the concerned law(s) and other related aspects. The workshop concluded with a note stating that the district administration should recognize the existence of child labour. Once its existence is admitted, the State machinery would be in a better position to tackle the problem of child labour with regard to their identification, release and rehabilitation.

## **G. Right to Food**

**6.43** The NHRC, during the period under report, had a Core Group on Right to Food consisting of 11 eminent Members. A meeting of the Core Group on 'Right to Food' was convened in the NHRC on 10 September 2009 under the chairmanship of Shri P.C. Sharma, Member, NHRC. In the meeting, it was decided to reconstitute the existing Core Group so as to include representatives from the Department of Food & Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution, Government of India.

## **H. Action on Mushrooming of Bogus Colleges, Universities and Medical Institutions**

**6.44** The NHRC has been deeply concerned about the mushrooming of bogus colleges, universities and medical institutions in the country. Many of them apart from duping the students by charging hefty fees were also issuing bogus certificates/degrees. This not only has serious ramifications on the quality of education being imparted by them but also mars the career prospects of students enrolled there. On 12 November 2009, it thus wrote to the Chief Secretaries of all the States and Union Territories requesting them to take strong action against these bogus institutions and people involved in issuing bogus certificates/degrees. It further called for stern action on the part of all those who have entered into different professions particularly in medical care by taking recourse to such bogus degrees. An action taken report has been called by the NHRC from all the States/Union Territories.

## **I. Roles and Responsibilities of the Concerned Statutory Commissions to Monitor Child's Right to Education**

**6.45** A one-day National Consultation on the Roles and Responsibilities of the Concerned Statutory Commissions to Monitor Child's Right to Education was organized jointly by the NCPCR and the NHRC at the India International Centre in New Delhi on 12 January 2010. Its main objectives were to : (i) examine the provisions of the Right of Children to Free and Compulsory Education Act, 2009 as well as the entitlements guaranteed to children under it; (ii) examine the possibilities of joint action for identifying all out of school children in diverse and varying circumstances and raise a collective voice for soliciting and ensuring Government's positive response; (iii) initiating collective action for highlighting the barriers and difficulties faced by out of school children and establishing procedures for quarterly review of all complaints received by respective Commissions' and then bringing it to the knowledge of the Government; and (iv) working out a mechanism for sharing the information about complaints and activities among the Statutory Commissions.



## **J. Identifying Best Practices in Early Detection and Intervention for Children with Disabilities**

**6.46** A Consultation on Identifying Best Practices in Early Detection and Intervention for Children with Disabilities was organized at New Delhi by the NCPCR in collaboration with the NHRC on 17 February 2010. The main objectives of the Consultation were to: (i) analyze the existing situation of disabled children in India in the light of existing international/national framework; (ii) throw light on specific disability tools, processes and programmes in early identification, intervention, treatment and rehabilitation of children with disabilities; and (iii) develop appropriate linkages and coordination between the formal system and voluntary agencies working for the rights of children with disabilities.

## **K. Second Phase of World Programme for Human Rights Education**

**6.47** The second phase of the World Programme for Human Rights Education (2010-2014) focuses on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel.

**6.48** The NHRC-India communicated its views on the same to the Office of the United Nations High Commissioner for Human Rights on 23 July 2009. It stated that it would like to focus on the identified children and teachers in schools and colleges as one possible target sector. In view of the importance of good governance, the second target sector would be the elected representatives of people and field-level functionaries of the Government or organizations under the Government. The third possible target group could be the rights holders, namely, women, vulnerable groups, persons with disabilities and labourers, including migrant labourers. Global thematic areas for the second phase could include climate change and environmental issues, which have a bearing on the right to food, water, clean air and life; and gender equality, with a view to empowering women. Thematic areas specific to India would include food security; right to education; right to health, hygiene and sanitation; conditions in places of custody; HIV/AIDS; and right to development. The second phase, according to NHRC-India, could last for three to five years.

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# HUMAN RIGHTS EDUCATION AND AWARENESS

### **A. Conference of NHRIs of South Asian Countries on Human Rights Awareness and National Capacity Building**

**7.1** A two-day Conference of NHRIs of South Asian Countries on Human Rights Awareness and National Capacity Building was organized by NHRC in collaboration with the Ministry of External Affairs on 16 and 17 April 2009. Chairpersons, Members and Officials of six countries, namely, Afghanistan, Bangladesh, Maldives, Nepal, Sri Lanka and India attended the Conference. The representatives of the participating NHRIs adopted a resolution at the end of the Conference agreeing to - (i) work towards national capacity building through sharing of information, experience and best practices on human rights, (ii) take steps to promote human rights awareness; and (iii) hold conference of NHRIs at least once in two years in addition to exchange of visits, training programmes and bilateral or regional cooperation between the NHRIs.

### **B. Workshop on Human Rights Defenders**

**7.2** The NHRC organized a Workshop on Human Rights Defenders on 12 October 2009 in New Delhi.

**7.3** The objectives of the workshop were to - (i) discuss and analyze roles, functions and obligations of the State and the human rights defenders in promotion and protection of human rights and fundamental freedoms especially with reference to international standards; and (ii) share difficulties faced by human rights defenders and suggest appropriate remedial measures.

**7.4** The participants to the workshop included Chief Secretaries/Directors General of Police from various States/Union Territories, Chairpersons/Members of State Human Rights Commissions, Special Rapporteurs of NHRC and Members of the Core Group constituted by NHRC-India concerning NGOs, legal issues, health, mental health, disability, right to food, etc. The recommendations emanating out of the workshop were circulated to all the State Governments/Union Territories, concerned Ministries in the Centre, NGOs and Members of various Core Groups constituted by the NHRC along with a copy of the Declaration on the Rights and Responsibilities of Individuals, Groups and Organizations of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. These were also posted on the NHRC-India website – [www.nhrc.nic.in](http://www.nhrc.nic.in).

7.5 The recommendations of the workshop approved by the Commission were as follows:

- (i) It is the obligation of the State to protect the human rights of all. Individuals, groups or associations who work for promotion and protection of human rights, commonly referred to as Human Rights Defenders, should be provided protection by the State against any violence, threats, retaliation, adverse discrimination, pressure or any arbitrary action as a consequence of their activities for promotion & protection of human rights & fundamental freedoms. NHRC and SHRCs can also play an important role in this regard.
- (ii) There is a need to draw a clear line of distinction between genuine human rights defenders and those who wear the garb of human rights defenders to gain advantages for their personal ends.
- (iii) The human rights defenders have also duties towards the society. In carrying out their activities, they should act in a peaceful manner and should not take the law into their own hands.
- (iv) There is a need to set-up a Focal Point for Human Rights Defenders, preferably at NHRC, so that human rights defenders can reach out to it for support. The Focal Point should be accessible through a phone number or email, etc.
- (v) For protection of human rights, modern technology like satellite T.V. coverage and SMSs etc. could be effectively utilized. Print media and electronic media can play an important role in this regard.
- (vi) Complaints of harassment of human rights defenders could be posted on NHRC/SHRC websites to draw specific attention of the people to such cases.
- (vii) The UN Declaration on the "Rights and Responsibilities of Individuals, Groups and Organisations of Society to Promote and Protect Universally Recognized Human Rights & Fundamental Freedoms" adopted by the General Assembly in 1998 should be disseminated to the Chief Secretaries and Directors General of Police of all the States and Union Territories as also other Government functionaries. Likewise, other National and State Commissions/ institutions working on human rights issues should also be apprised about the aforementioned Declaration and other important international covenants and instruments.
- (viii) NHRC may consider including cases of violation of rights of human rights defenders along with action taken thereon in a section of its Annual Report.
- (ix) NHRC may consider writing to the Government of India for granting permission to the UN Special Rapporteur on Human Rights Defenders to visit India.
- (x) All training institutions for public functionaries in the country like LBS National Academy of Administration, SVP National Police Academy, should incorporate human rights awareness including international declarations and covenants and role of human rights defenders in their training programmes.
- (xi) The human rights defenders should also focus more attention to the victims of

human rights violations by the non-State actors.

- (xii) Human rights defenders should not only focus attention on civil & political rights but also on economic & social rights, especially in the backward areas. Some of these could be rights of persons with disabilities and rights of children.
- (xiii) There is also a need to disseminate knowledge about provision of various laws, rules, regulations as well as international covenants etc. amongst NGOs working in the field of human rights such as rights of women, children, persons with disabilities, etc. Human rights defenders should take initiative in this regard too.

### **C. National Seminar on Right to Information, Human Rights and Present Scenario**

**7.6** A National Seminar on Right to Information, Human Rights and Present Scenario was organized by the Official Language Section of NHRC in New Delhi on 21-22 May 2009. The Chief Guest on the occasion was well-known Hindi scholar, writer and Gyanpeeth Award winner Shri Kunwar Narayan. Prominent personalities, well-versed with the theme of the seminar, took part in it. The seminar deliberated upon the importance of transparency in day-to-day functioning of the Government both in the Centre and in States/Union Territories across the country. While asserting the importance of Right to Information Act, it was furthermore deliberated that there is a need to improve the overall administrative and decision-making process at all levels in the Government hierarchy as this would ensure transparency and accountability in the mode of their functioning.

### **D. Training Programmes Organized by NHRC**

**7.7** As a part of its mandate, the Commission had approved 82 training programmes of 64 institutions/NGOs on various aspects of human rights during 2009-2010. Out of these, 71 training programmes were successfully organized by 59 institutions/universities/NGOs. The details of the training programmes organized by the Training Division of NHRC are at **Annexure-11**.

### **E. Summer and Winter Internship Programmes**

**7.8** In order to sensitize college/university students to various human rights issues, the NHRC has been regularly conducting two internship programmes of one-month duration each every year. During the year under review, the Summer Internship Programme was organized from 18 May to 16 June 2009 in which 48 students from 28 colleges/universities of 15 States/Union Territories of India participated. The Winter Internship Programme was organized from 17 December 2009 to 15 January 2010 in which 50 students from 27 colleges/universities of 20 States / Union Territories of India participated. From the point of view of giving hands-on experience to the interns of both the internship programmes, they were taken for field visits to NGOs and District Jails. The interns were also attached with various Divisions of the Commission and given project assignments which they completed and submitted to it.

## **F. Training Programme for Indian Foreign Service Probationers**

**7.9** The Commission organized a two-day attachment programme for 19 Indian Foreign Service Probationers of the 19<sup>th</sup> batch on 14-15 May 2009. The programme was organized in collaboration with the Institute of Foreign Services, Ministry of External Affairs, Government of India. During the attachment programme, the probationers interacted with the Chairperson, Members, Secretary-General and other senior officers of the Commission.

## **G. In-house Training Programmes**

**7.10** The Training Division of the NHRC along with the National Institute of Information and Technology at New Delhi, initiated a special drive from 27 August 2009 to 3 November 2009 in which computer skills were imparted to 192 officers and staff belonging to various Divisions of the Commission. All the participants were divided in small batches and each batch was given one-week thorough exposure during the post-lunch session about various components of MS-Office -- Word, Excel, Power-point and Internet. Each session was followed by practical 'hands-on' training. The officers and staff were also given a deep insight about the complaint handling mechanism of NHRC. On completion of the one-week training, the newly acquired skills of the participating NHRC personnel were assessed and a certificate was awarded to them for successful completion of their training.

**7.11** Other than this, the Training Division organized a one-month Basic Training Programme for Non-Matric Group 'D' Employees of NHRC. The main objective of the training programme was to equip Group 'D' employees with requisite knowledge and skills that would facilitate their day-to-day functioning in the NHRC. During the course of the Basic Training, due emphasis was laid on their required conduct and behaviour in the NHRC.

## **H. Interaction with Visiting Students/Trainees from Various Colleges/Universities of India**

**7.12** During 2009-2010, the Commission interacted with 447 students/trainees who visited the NHRC from 15 different colleges/universities/institutes/schools of law across the country along with their faculty members.

## **I. Online Training Programme on Human Rights for Police Personnel**

**7.13** The NHRC and Indira Gandhi National Open University (IGNOU), New Delhi signed a Memorandum of Understanding on 30 December 2009 for developing a joint Online Training Programme on Human Rights for Police Personnel. The programme is specifically designed to target police personnel at the cutting edge level of the rank of Constables to Sub-Inspectors. The main objective of the programme is to spread awareness on human rights issues and equip them to implement aspects of human rights in their day-to-day functioning with the public at large. For this purpose, the Director Generals of State Police were consulted by the Director General (Investigation) of NHRC for their views.



## **J. Hindi Fortnight in NHRC**

**7.14** The NHRC's Annual Hindi Fortnight event, to promote the use of official language in its day-to-day working, was organized from 14 - 28 September 2009. The officers and staff of the NHRC actively participated in the debate, quiz programme and essay writing competition as well as in other programmes organized on the occasion for the promotion of Hindi language.

## **K. Foundation Day Function**

**7.15** The NHRC marked the completion of its 16<sup>th</sup> year on 12 October 2009 with a Foundation Day function organized at its premises. The Acting Chairperson of NHRC Justice Shri G.P. Mathur presided over the function in which the staff and officers of the Commission, children from SOS Children's Village in Bawana and other artistes performed.

## **L. Celebration of Human Rights Day**

**7.16** The NHRC celebrated the Human Rights Day on 10 December 2009 at a function organized in Teen Murti Bhawan, New Delhi. Shri P. Chidambaram, Union Home Minister was the Chief Guest and Dr. Buta Singh, Chairperson, National Commission for Scheduled Castes; Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes; Members of NHRC were the other Guests of Honour.

**7.17** On the occasion, the NHRC Journals in English (Vol. No. 8, 2009) and Hindi (*Nai Dishayain*, Vol. No. 6, 2009) were released along with the NHRC Wall and Desk Calendars for the year 2010. The theme of both the calendars was based on the life of Mahatma Gandhi.

## **M. Inter-University Debate Competition**

**7.18** To commemorate the significance of Human Rights Day on 10 December 2009, an Inter-University Debate Competition was organized on 3 February 2010 by NHRC in collaboration with the University School of Law and Legal Studies, Guru Gobind Singh Indraprastha University, New Delhi. Its objective was to create awareness about human rights amongst the university students. The topic of the debate was "Access to Justice for All as Human Right is More an Illusion than a Reality for the People of India". Ten teams of students from different law schools/ law universities of India participated in the competition.

## **N. Inter-Paramilitary Forces Debate Competition**

**7.19** From the perspective of promoting human rights awareness and sensitizing the personnel of the Central Police Organizations (CPOs) as well as to celebrate the significance of Human Rights Day (10 December) among them every year, the Investigation Division of the NHRC since 1996 is coordinating the organization of a national level debate competition on a subject related to human rights. In order to have a larger participation of the CPOs from all over the country, zone-wise debate competitions are being organized from 2004 onwards, as a run-up to the final debate competition. The semi-final and the final rounds of the zonal competitions are organized in New Delhi.

**7.20** During the year under review, the semi-final and the final rounds of the debate competition were organized in New Delhi by the Indo-Tibetan Border Police Force. The Acting Chairperson of NHRC acted as the chief of the jury in the final round of the debate competition. The Border Security Force was declared winners of the debate competition for the year 2009-2010.

**7.21** In 2009-2010, the Investigation Division was also involved in coordinating the organization of debate competitions by the State/Union Territory Police Forces so as to enhance human rights awareness among the police personnel. For this purpose, the NHRC provided a financial assistance of Rs.15, 000/- to each State and Union Territory for organization of the debate competition.

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### INTERNATIONAL COOPERATION

#### **A. NHRC- India Participation in International Meetings**

**8.1** A two-member delegation from NHRC-India consisting of a Member and Director (Research) participated in the Durban Review Conference convened in Geneva, Switzerland from 20 to 24 April 2009.

**8.2** The Acting Chairperson and the Secretary-General of NHRC-India visited Switzerland and Germany from 29 June to 3 July 2009. In Switzerland, they participated in the Sixteenth Annual Meeting of Special Rapporteurs, Representatives, Independent Experts and Chairpersons of Working Groups of Human Rights Council convened in Geneva. While in Germany, they visited the German Institute for Human Rights at Berlin and the Human Rights Centre of the University of Potsdam at Potsdam.

**8.3** The Secretary-General of NHRC, India participated in the 14th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions in Amman, Jordan from 3-6 August 2009.

**8.4** A delegation led by the Acting Chairperson of NHRC-India participated in the Meeting of the Bureau of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in Rabat, Morocco from 1 - 2 November 2009.

**8.5** A two-member delegation consisting of a Member and the Joint Secretary of the NHRC participated in the 23<sup>rd</sup> Session of the ICC Meeting organized in Geneva, Switzerland from 22 to 25 March 2010.

#### **B. Visits, Seminars and Workshops Abroad**

**8.6** The officials of NHRC-India participated in various programmes during the year under review. These included:

- Validation Meeting of the Core Support Group of Tool Kit for UN Staff in Johannesburg, South Africa from 25 to 27 May 2009.
- Workshop on NHRIs and Human Rights Defenders in Kathmandu, Nepal from 15 to 19 June 2009.
- Workshop on NHRI Library and Resource Centre Management in Bangkok, Thailand from 7 to 11 September 2009.

- Regional Training Workshop for NHRIs in Bangkok, Thailand from 23 November to 2 December 2009.
- Regional Consultation on the Advancement of Women's Rights in Asia Pacific Region in Jakarta, Indonesia from 1 to 2 December 2009.
- Workshop on the Universal Periodic Review Mechanism in Sydney, Australia from 2 to 3 March 2010.
- Regional HIV/AIDS and Human Rights Workshop for NHRIs in Asia-Pacific Region in Bangkok, Thailand from 10 to 12 March 2010.

## C. Exchange and Other Interactions

8.7 The following individuals/delegations visited NHRC-India during 2009-2010:

- A delegation from the Human Rights Commission of Malaysia (SUHAKAM) - 27 to 28 April 2009.
- A 16 member delegation from Afghanistan Independent Human Rights Commission – 29 May 2009.
- A delegation from Ethiopian Human Rights Commission – 3 to 5 July 2009.
- A delegation of Rwanda National Commission for Human Rights – 12 to 19 July 2009.
- Mr. Arthur Mattli, Charge d'affaires, Embassy of Switzerland – 17 August 2009.
- A seven member delegation from the United Kingdom Liberal Democratic Party Friends of India Group – 29 September 2009.
- The Board of Directors of Human Rights Watch, New York, USA – 13 October 2009.
- A 16 Member delegation from Nepal comprising representatives of political parties, civil service, media, academia and the civil society – 27 November 2009.
- Dr. S. Kalantry, Professor from Cornell Law School in New York – 22 January 2010.
- A 15 Member delegation from Afghanistan Independent Human Rights Commission – 23 March 2010.

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### NON-GOVERNMENTAL ORGANIZATIONS

**9.1** In pursuance of Section 12 (i) of the PHRA, 1993, as amended in 2006, the NHRC since its inception has been encouraging the efforts of non-governmental organizations (NGOs) and civil society organizations working in the field of human rights. The NHRC in association with credible NGOs and civil society organizations has undertaken many projects including human rights awareness programmes. It is of the firm opinion that the promotion and protection of human rights cannot gain momentum without the fullest cooperation between the Commission, NGOs and civil society organizations. The Commission considers them to be their most important allies and most honest critics. This has proven to be of considerable value both to the Commission and to the NGOs, reinforcing their understanding of each other and their capacity to work together in the furtherance of human rights across the country. Together with the Special Rapporteurs appointed by the Commission, the NGOs have provided a “multiplier effect” to the efforts of the NHRC, giving to it a vast infusion of high ability and public support.

**9.2** In order to facilitate its interaction with the NGOs and civil society organizations, the Commission constituted a Core Group of NGOs in July 2001. This Core Group was reconstituted in October 2006 and a few new members were later included again in November 2006, August 2008 and September 2008. The members of the Core Group are leading representatives of NGOs and civil society organizations working primarily in the field of human rights.

**9.3** During the period under review, a meeting of the Core Group of NGOs was convened in the NHRC on 10 September 2009 under the chairmanship of Justice Shri G.P. Mathur, Acting Chairperson, NHRC. Other Members of the Commission, namely, Justice Shri B.C. Patel, Shri Satyabrata Pal and Shri P.C. Sharma also attended the meeting. Some of the senior officers of the NHRC participated in the meeting as well. In the said meeting, Members of the Core Group of NGOs were apprised about all the activities undertaken by the Commission including those in which they had participated since July 2001.

**9.4** In the above meeting, the Commission clarified that given its other roles and responsibilities; it would not be possible to convene NGO Core Group Meetings on quarterly basis. However, a half-yearly meeting of members of the NGO Core Group would be a more



feasible and practical step. It was thus agreed that the NHRC henceforth would convene meetings of NGO Core Group on half-yearly basis. Other issues discussed in the meeting were: encounter deaths; the national action plan on human rights being prepared by the NHRC; economic, social and cultural rights; human rights education; bonded labour; plight of homeless mentally-ill persons; anti-begging laws; and having a policy on human rights defenders.

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### STATE HUMAN RIGHTS COMMISSIONS

**10.1** Section 21 of the PHRA, 1993 as amended in 2006, provides for constitution of State Human Rights Commissions (SHRCs) in all the States. The existence and functioning of a Human Rights Commission in the State goes a long way in the 'better' protection and promotion of human rights. It is now an accepted fact that good governance and human rights go hand in hand. The SHRCs have been set-up in 18 States. The names of these States are : Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. In Himachal Pradesh, however, the State Government had so far only appointed a Secretary to the State Human Rights Commission. Other appointments pertaining to the Chairperson and Members had not taken place. During 2009-2010, information was received from the Government of Sikkim too about the constitution of a State Human Rights Commission. However, a copy of the notification, name of the Chairperson and Members were awaited from the State.

**10.2** The NHRC is keen that SHRCs are set-up in all the States so that each and every citizen of the country has easy recourse to better protection of 'human rights' as well as for matters connected therewith or incidental thereto. The Commission earnestly recommends to all those States which have not yet constituted SHRCs to follow suit at the earliest in the interest of better protection and promotion of human rights. Besides, the Commission has taken the initiative to hold regular interactions with the SHRCs to explore and further strengthen areas of cooperation and partnership amongst themselves.

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# REVIEW OF LAWS, IMPLEMENTATION OF TREATIES AND OTHER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

## A. 1951 Convention Relating to the Status of Refugees and it's 1967 Protocol

**11.1** The Commission's views on the protection of the rights of refugees have been mentioned in detail in its earlier Annual Reports. The Commission has advocated for the ratification of the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol thereto as well as the enactment of a national law in this regard.

**11.2** In the past years, the NHRC has engaged the concerned Ministries towards the enactment of a national law on refugee protection. Based on detailed exchange of views with the highest echelons of the Government, the Commission requested the Ministry of Home Affairs and the Ministry of External Affairs, Government of India to formulate necessary proposals and send them to the NHRC at the earliest. The Ministry of Home Affairs informed the Commission that an Inter-Ministerial Committee constituted for the purpose has prepared a draft bill which is being examined by the Ministry of External Affairs. On receipt of comments from the concerned Ministry, the Committee will finalize its report. The Commission then asked the Ministry of Home Affairs to forward to it a copy of the draft bill. At the time of writing of this Annual Report, the Ministry of Home Affairs had not responded.

## B. 1977 Protocols Additional to 1949 Geneva Conventions

**11.3** Protocol I to the 1949 Geneva Conventions provides for new rules on international armed conflicts and Protocol II develops international humanitarian law on non-international armed conflicts.

**11.4** In response to the Commission's request for comments on both the Protocols, the Ministry of External Affairs, Government of India, has drawn the attention towards the changing nature of armed conflict and the need to hold detailed consultations with other agencies in this regard. The NHRC urges the Government of India to reconsider the issue of accession to the 1977 Protocols Additional to 1949 Geneva Conventions.

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### RESEARCH STUDIES AND PROJECTS

#### **A. Research and Review to Strengthen Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act's Implementation Across Key States**

**12.1** The above study was undertaken by the NHRC in the year 2007-2008 in collaboration with the United Nations Fund for Population. The main objectives of the study are to :

- identify difficulties in receiving information about the activities in contravention of the Act and difficulties in filing cases;
- create an understanding of the process within the law for filing of the cases, the road blocks in doing it and taking necessary steps to ensure conviction;
- identify the difficulties in implementation of the law through the review and analysis of the cases filed and the resultant case law;
- identify key weaknesses from the evidentiary and prosecution side that has contributed to the failure to secure conviction;
- identify key actions and processes that have lead to successful convictions; and
- build-up capacities of the Appropriate and Judicial Authorities and strengthen the implementation of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT Act).

**12.2** The study covers eighteen States. These States are -- Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttarakhand, Uttar Pradesh, West Bengal and NCT of Delhi. Data has been collected from all these States. For collection of primary data from the field and writing of the National and the State Reports, the NHRC requisitioned the services of Public Health Foundation of India (PHFI), New Delhi.

**12.3** In the last Annual Report, it was mentioned that the drafts of the State Reports and the National Report were being finalized. However, the drafts of the National and the 18 State Reports submitted by the PHFI were not found to be satisfactory. As a result, PHFI requested that an extension of one month be granted to their organization for completing all the reports pertaining to the research project. This was agreed to by the NHRC.

## **B. Terrorism and Human Rights Concerning Evolution of Counter-Terrorism Strategy to Minimize Human Rights Abuses**

**12.4** The above study was undertaken by an officer of the Indian Army as a part of the project work in the NHRC. The concerned officer was on study leave from the Indian Army for research work in the NHRC.

## **C. Effective Border Area Management and It's Implication on Human Rights – A Case Study of Jammu & Kashmir, Punjab and Rajasthan**

**12.5** The aforementioned study was carried out by an Indian Army officer. He was on study leave from the Indian Army for research work in the NHRC.

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### ADMINISTRATION AND LOGISTIC SUPPORT

#### A. Staff

**13.1** As on 31 March 2010, 309 persons were in position against the total sanctioned strength of 343 employees consisting of various ranks. The NHRC over the years, has taken recourse to a variety of methods with regard to selection of personnel for developing and building a cadre of its own. These methods include direct recruitment, re-employment, deputation and contractual appointments.

#### B. Internship System

**13.2** The NHRC has institutionalized an internship system whereby talented students, both from India and abroad, pursuing various disciplines and professional courses, are given one or two month's placement in the NHRC from the point of view of learning and assisting in its day-to-day activities. Based on their overall performance, few of these interns are selected for short-term contracts in the NHRC and are assigned specific duties and responsibilities for which they have an aptitude and the required capacities.

#### C. Special Rapporteurs

**13.3** The system of having Special Rapporteurs to facilitate the NHRC in discharging its sensitive and demanding responsibilities continued during the year 2009-2010. In all, there were four Special Rapporteurs who functioned as representatives of NHRC for the assigned States in the area of civil and political rights; economic, social and cultural rights; and in providing guidance to people with regard to the provisions contained in the PHRA as well as the procedure for obtaining redressal from the NHRC in case of violation of their rights.

#### D. Core and Expert Groups

**13.4** As mentioned earlier in the Annual Report, the NHRC continued with its arrangement of Core and Expert Groups consisting of eminent persons or representatives of bodies working on different human rights issues. In the NHRC, the practice of constituting Core and Expert Groups on varied human rights concerns is of immense help in protecting and promoting the human rights of people, especially those who are vulnerable and belong to the lower strata of the society. The formulation of these Core and Expert Groups has greatly strengthened the competence and capacity of the NHRC to fulfill the functions assigned to it under its Statute.

## E. Use of Official Language

**13.5** The NHRC has an Official Language Section, which is mainly responsible for the translation of complaints/representations and responses received in regional languages. Other than this, it translates in Hindi office memorandums, circulars, charge sheets and RTI representations. The Section is also responsible for translation of the Annual Report, Monthly Newsletter and Budget documents of the NHRC in Hindi. In order to create awareness among the people about issues related to human rights, the Section brings out a yearly Journal in Hindi entitled *Manav Adhikar : Nai Dishayen*. The Section gives cash awards under the biennial award scheme of NHRC to all those persons writing on various human rights issues in Hindi, as well as for the translation of books in Hindi from English or regional languages.

## F. Library

**13.6** The Library of the NHRC was primarily established for research and reference purposes in the year 1994. Over the years, it has been upgraded to a full-fledged Documentation Centre and is well-equipped with computer and internet facilities. With the aim of facilitating readers within the NHRC and outside, the complete database of books, documents and articles are available on the internet and intranet. The Library is also equipped with SCC (Supreme Court Case) Online and Library Management System Software Package (e-granthalaya). The latter has been developed by the NHRC National Informatics Centre (NIC), New Delhi.

**13.7** During the period under review, 1,205 new books pertaining to human rights and related subjects were added to the existing collection of 16,542 books, journals and documents in the NHRC Library. In addition, it has a collection of 200 CDs, DVDs and cassettes. The Library of the NHRC subscribes to 50 Indian and foreign journals, 100 serial publications, 28 magazines and 23 national/regional newspapers.

**13.8** An Online Public Access Catalogue (OPAC) has been specially developed to facilitate quick availability and location of any book available in the Library through access points, such as author, title, subject, keyword and publisher.

**13.9** NHRC is an institutional member of the British Council Library and DELNET (Developing Library Network) which promotes resource sharing among the libraries. The NHRC Library maintains liaison with other libraries through inter-library loan facilities for accessing and borrowing of books and documents.

## G. Right to Information

**13.10** The Information and Public Relations Officer of the NHRC has been appointed as the Central Public Information Officer and the Joint Secretary (Personnel & Administration) in the NHRC as the Appellate Authority under the Right to Information Act, 2005 (RTI Act).

**13.11** The details of applications and appeals received under the RTI Act during the period 1 April 2009 to 31 March 2010 are indicated below:

1.	No. of applications received	1,454
2.	No. of applications disposed off within 30 days	1,454
3.	No. of applications pending but disposed off beyond one month	Nil
4.	No. of applications pending but are within one month	Nil
5.	No. of applications transferred to other Ministries/Departments/Organizations	48

### Details of 1<sup>st</sup> Appeals

1.	No. of appeals received by the Appellate Authority	47
2.	No. of such appeals disposed off within one month	47
3.	No. of appeals pending	Nil

### Details of 2<sup>nd</sup> Appeals with C.I.C.

1.	No. of notices received from C.I.C.	20
2.	No. of hearings attended by C.P.I.O./Appellate Authority	20
3.	No. of hearings in r/o which compliance report submitted to C.I.C.	20
4.	No. of hearings in r/o which compliance report not submitted to C.I.C.	Nil

\* \* \* \* \*





### SUMMARY OF PRINCIPAL RECOMMENDATIONS AND OBSERVATIONS

**14.1** The protection of civil liberties continued to be the central preoccupation of the Commission during the period under review. This entailed the Commission to ensure the implementation of its Statute in true spirit. The Statute, in essence, requires the Commission to function on two tracks simultaneously : one, fast, so as to protect and provide immediate relief to the victims or their kith and kin for wrongs committed on them; the other, more measured, so as to strive for the development of a culture of human rights over the length and breadth of the country. The experience of last sixteen years has brought to the fore another home truth for the Commission. And, that is, it is the calibre and integrity of the Chairperson and Members, and their determination to promote and protect human rights with independence and without fear, which in a way, also determines the credibility, effectiveness and reach of the Commission. Fundamental to this has been the determination of the Commission to strengthen the pillars of autonomy and transparency on which its performance and integrity must rest. The past year, has seen these pillars being reinforced, through the stand it took on matters relating to civil and political rights, including the protection of human rights in areas affected by terrorism and militancy, and custodial violence and torture (**para 1.6**).

**14.2** At the same time, it took important decisions relating to economic, social and cultural rights, which incorporated among others the right to health, the right to food, the right to education, the rights of women and children, the rights of other vulnerable groups, human rights education and awareness, and facilitating assessment and enforcement of human rights programme in selected 28 districts of India. The current Annual Report gives a description of all these efforts of the Commission. In addition, as per the mandate conferred on it by the PHRA, the Annual Report covers human rights violation cases dealt by the Commission during the year under review, abstracts being provided on some of the major cases handled by it. Other than this, it provides information relating to action taken on cases reported in its earlier Annual Reports, thereby fulfilling and assuring better ‘protection and promotion’ of human rights in the country (**para 1.7**).

#### Human Rights Violation Cases

**14.3** As in the previous year, the Commission received a wide range of complaints relating to human rights violations from various parts of the country. The complaints included cases alleging custodial deaths, torture, police high-handedness, violations committed by security forces, prison conditions, atrocities on women and children and other vulnerable sections, bonded labour, negligence of public authorities, etc. The Commission also took *suo motu* cognizance of many incidents of violation of human rights based on reports in newspapers, television

and visits undertaken by its Chairperson, Members, Special Rapporteurs and senior officers **(Para 4.1)**

**14.4** During the year under review, the NHRC had a total of 1,00,167 cases for examination. These figures include cases that were brought forward from previous years as well as fresh cases registered during the period under report. It disposed off 85,587 cases. These figures include 5,929 cases which were transferred by the NHRC to the State Human Rights Commissions (SHRCs) in accordance with the provisions of the PHRA **(para 4.2)**.

**14.5** At the end of the reporting period, that is on 31 March 2010, the total number of cases pending with the Commission was 14,580, which included 2,809 cases awaiting preliminary consideration and 11,771 cases in respect of which reports were either awaited from the authorities concerned or the reports had been received but were pending further consideration of the Commission. In the beginning of the year, that is on 1 April 2009, a total number of 18,146 cases were pending before the Commission **(para 4.3)**.

**14.6** 82,021 cases were registered in the Commission during 2009-2010, while the corresponding figure for the year 2008-2009 was 90,946. Of the cases that were registered during the year under review, 80,260 cases were complaints of alleged human rights violations besides 1,599 cases were about intimations of custodial deaths, 2 related to intimations of custodial rapes and 111 pertained to encounters (104 encounters by Police and 7 encounters by Defence Forces). As per the guidelines issued by the Commission, every death in police and judicial custody is to be reported to the NHRC for its scrutiny irrespective of such death being natural or otherwise. Of the custodial deaths that were reported in the course of the year 2009-2010, two deaths allegedly occurred in the custody of defence / para-military forces, 124 deaths occurred in police custody, and 1,473 deaths in judicial custody. Most of the deaths in judicial custody were due to prolonged illness, old age and other incapacitating factors **(para 4.4)**.

**14.7** In comparison to the large number of complaints being registered in the Commission up to 2007-2008, the number of complaints registered during 2009-2010 was distinctly less. However, as in the past, the largest number of complaints registered was from the State of Uttar Pradesh. Out of the total number of complaints registered by the Commission, Uttar Pradesh accounted for 51,270 or 62 per cent, followed by Delhi with 5,228 (6 per cent) complaints while Haryana coming third with 2,921 (3.5 per cent) complaints. It once again goes on to show that the establishment of SHRCs has so far not brought out any significant reduction in the number of complaints being received by the NHRC as more than 85 per cent of the complaints received were from the States having their own Human rights Commissions **(para 4.5)**.

**14.8** Of the total number of 85,587 cases disposed off in 2009-2010; 60,041 were dismissed '*in limini*'; while 10,936 were disposed off with directions to the appropriate authorities for remedial measures. 1,984 intimations relating to custodial deaths and 3 intimations relating to custodial rapes; 73 cases of encounter deaths; and 6,621 other cases were also disposed off after calling for reports from the concerned authorities **(Para 4.6)**.

**14.9** In the latter group (6,621 other cases), 25 cases pertained to alleged disappearances; 1,335 cases related to illegal detention/illegal arrest; 109 cases were of alleged false implication; 10

cases were of custodial violence; 47 cases of alleged 'fake encounters'; 1,012 instances related to failure to take appropriate action; and 1,374 complaints related to other alleged police excesses (para 4.7).

**14.10** During the period under review, the Commission dealt with a number of complaints relating to rights of women. Out of these, 40 cases pertained to allegations of violating the dignity of women; 37 cases alleging sexual harassment of women; 201 cases alleging abduction, rape and murder, 240 cases related to dowry deaths; 59 cases were of dowry demand; 32 cases were alleged of exploitation of women; and 82 cases were those alleging rape of women were disposed off. In addition, the Commission disposed off 27 cases of child labour, 10 cases relating to child marriages and 344 cases of bonded labour (para 4.8).

**14.11** The Commission dealt with complaints relating to conditions in prisons as well. Their details are — 92 cases were of alleged harassment of prisoners, 32 cases pertained to alleged lack of medical facilities in jails and 122 cases related to other aspects of conditions in jails. All these cases were disposed off by the Commission with appropriate recommendations (para 4.9).

**14.12** Other than these, 130 cases alleging atrocities against members of the Scheduled Castes/ Scheduled Tribes were disposed off by the Commission, as also 5 cases of communal violence and 1,256 cases relating to 'other' incidents (para 4.10).

**14.13** The PHRA, 1993 is based on the premise that the fullest cooperation will be extended to the NHRC both by the Central and State Governments. It is, therefore, incumbent on their part to assist the NHRC in its overall efforts to dispose off cases promptly and efficiently. This will ensure better protection of human rights, as envisaged under the Act. The Commission would like to reiterate that it is of utmost importance that both the Central and State Governments respond promptly to requests for reports made by it. Further, they need to act swiftly on its varied recommendations in respect of individual cases (para 4.11).

**14.14** During the period from 1 April 2009 to 31 March 2010, the Commission recommended Rs.6,29,33,000 as payment of monetary relief/compensation to the victims/next of kin of the deceased in 398 cases. Out of these 398 cases, the Commission also recommended disciplinary action against the delinquent police officials/public servants in 5 cases. Compliance reports were received in 132 cases and a total amount of Rs. 1,98,83,000 was paid to the victims/next of kin of the deceased (para 4.404).

**14.15** The NHRC is awaiting compliance reports in 266 cases wherein monetary relief amounting to Rs. 4,30,50,000 has been recommended. The compliance reports were also awaited in 5 cases relating to disciplinary action against the delinquent police officials (para 4.405).

**14.16** As regards, compliance reports relating to cases pertaining to previous years, no reports have been received in 68 cases. The details of these cases have been reported in NHRC's earlier Annual Reports (para 4.406).

## Terrorism and Militancy

**14.17** The NHRC 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 Indian Constitution (**para 5.5**).

**14.18** The Commission from time to time has reiterated that terrorism creates an environment with the aim of destroying the right of people to live in freedom. The goal of terrorism is to wipe out 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 been waging this war for over fifty years and has learnt a great deal from its successes and failures. The endeavour of the NHRC is to call on the international community to co-operate in combating terrorism. At the same time, it has always emphasized that in doing so, the general approach should be humane, rational and secular (**para 5.6**).

**14.19** The Commission has always taken up the cause of the victims relating to acts of terrorism and correspondingly taken steps for providing relief and rehabilitation to them. While condemning the killing of more than 70 CRPF personnel in Dantewada district of Chhattisgarh in April 2010, the Commission in its press release stated “.....*The police and para-military forces are the instruments of the State to enforce rule of law and order and thus protect human rights of the citizens. In this process they are themselves exposed to high risks to their own lives as well as their families. The Commission acknowledges the vital role played by the police and para-military forces in maintaining the security of the State. It is expected that the State will take note of the sacrifices made by the personnel of CRPF and the police in maintaining the rule of law and creating an environment of peace and security for the citizens of the country. The Commission accords importance to the protection of the human rights of all the citizens in the country. It needs no emphasis that the aggrieved family would be suitably compensated*” (**para 5.7**).

**14.20** The Commission believes all persons responsible for acts of terrorism should be prosecuted in accordance with the law and that the existing laws are, on the whole, sufficient. It is the firm view of the Commission that the terrorist threats under which the country is presently reeling are of an unprecedented scale, but since the fundamental rationale of anti-terrorism measures is to protect human rights and democracy, counter-terrorism measures should not undermine democratic values, violate human rights, and subvert the rule of law. While fighting the war against terrorism, the State cannot be permitted to be either selective in its approach or to go overboard and declare a war on the civil liberties of the people (**para 5.8**).

## Custodial Violence and Torture

**14.21** Custodial violence is a calculated assault on human dignity. The Commission has remained deeply engaged in efforts to bring to an end the egregious violations of human rights that result in custodial deaths. A systematic effort to curb custodial violence has been a

major priority of the NHRC. In accordance with its guidelines, the agencies of the States/Union Territories across the country have, by and large, been found to be prompt in informing the NHRC, within 24 hours, about any occurrence of a death in custody. However, the subsequent reports like inquest report, postmortem report, magisterial enquiry report, etc. are not being received promptly in many cases (**para 5.9**).

## Custodial Deaths

**14.22** During the period 2009-2010, the custodial deaths that were reported to the NHRC, two deaths allegedly occurred in the custody of defence/para-military forces, 124 deaths took place in police custody and 1,473 deaths were in judicial custody (**para 5.10**).

**14.23** It is pertinent to mention that not all the cases of custodial deaths can be attributed to custodial violence or torture. In fact, many of these deaths were due to natural factors such as illness and old age. In the remaining cases, there appeared to be a variety of other reasons, *inter alia*, illness aggravated by medical negligence, violence on the part of public servants or between prisoners, suicide and other incapacitating factors (**para 5.11**).

## Conditions in Prisons

**14.24** As per the PHRA, one of the functions of the Commission is to visit jails under the control of the State Governments where persons are detained or lodged for purpose of treatment, reformation or protection, so as to assess the living conditions prevalent therein and make recommendations thereon to the Government. As reiterated in the earlier Annual Reports of the NHRC, it has always laid emphasis on total prohibition of torture or any kind of cruel, inhuman and degrading treatment towards undertrials and prisoners in the jails. It has also underlined that though the prisoner's right to family contact may be restricted by the procedure established by law, it cannot be completely taken away. At the same time, it has stressed that special consideration must be given to women prisoners. Accordingly, over the years, the NHRC has issued several guidelines, made observations after conducting spot investigations and taken several other steps to improve the prevailing conditions in prisons so that undertrials and prisoners can lead their lives with dignity and enjoy their rights even as they await judgement or complete their sentence (**para 5.12**).

## Analysis of Prison Population

**14.25** The NHRC compiles and analyzes State/Union Territory-wise statistics on prison population in the country to ascertain the actual position of overcrowding in the prisons and accordingly suggests measures for its decongestion. This is carried out by obtaining data from the Prison Headquarters of each State/Union Territory in a prescribed format every six months. During the period under review, it compiled and analyzed the prison statistics based on the information received as on 31 December 2008 (**para 5.14**).

**14.26** These statistics reveal that the trend of continuous increase in the percentage of overcrowding in prisons seems to have been contained by December 2006 due to several factors. A decline of 5.15 per cent was noticed up to December 2007. A further decline of 3.05 per cent



was recorded up to the period December 2008. The reason for this continuous decline in the percentage of overcrowding in jails could be attributed to continuous monitoring by NHRC and also steps taken by the Ministry of Home Affairs, Government of India in providing requisite funds to the State Governments for improving the conditions in jails as well as increasing the capacity of their respective jails by way of constructing new blocks. These corrective measures perhaps are bringing out the desired results. The analysis up to December 2008 has moreover confirmed that the declining trend observed in December 2006 seems to have continued till December 2008 and it is presumed that this downward trend would persist in the future too. Interestingly, while the percentage of overcrowding in jails had considerably come down in 17 States/Union Territories, there seemed to be a reverse trend in 9 States/Union Territories. States/Union Territories where substantial decrease in the overall percentage of overcrowding was seen were Bihar, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa and Puducherry. The decrease in the overall percentage of overcrowding was found to be vast in Orissa and deserves appreciation. The position of N.C.T of Delhi which earlier ranked foremost in overcrowding seems to have been surpassed now by Chhattisgarh followed by Uttar Pradesh. The increase in the percentage of overcrowding was found to be alarmingly high in the State of Chhattisgarh. Overcrowding in the concerned State up to December 2007 was to the extent of 99.5 per cent, whereas in December 2008 it was reported to be 202.53 per cent (**para 5.15**).

**14.27** The continuing but minuscule decline in the percentage of undertrials observed in previous years was also noticed during the period under report as there was a further marginal decline of 0.50 per cent. The percentage of undertrial prisoners was 74.15 per cent as on 31 December 2006. This slowly and steadily had come down to 67.9 per cent as on 31 December 2007 and decreased marginally further in December 2008. The number of States/Union Territories experiencing minor changes, in terms of increase/decrease in percentage, was altogether 14 in December 2006. This number augmented up to 21 in December 2008. States/Union Territories like Mizoram, Nagaland, West Bengal, Andaman & Nicobar Islands, Chandigarh and Daman & Diu registered a drop of more than five per cent whereas Chhattisgarh, Goa, Gujarat, Manipur and Sikkim registered an increase of more than five per cent. Nine States/Union Territories were having women who had children in jails and their overall percentage seemed to be higher than the all India figure of 13.27 per cent. Prominent among them were West Bengal (28.73%), followed by Jharkhand (21.04%) and Uttar Pradesh (17.22%) (**para 5.16**).

## Right to Health

**14.28** The NHRC has adopted a pro-active role with regard to the issue of right to health and consistently taken the view that the State must ensure that the people of the country, in particular the vulnerable sections, have access to better and more comprehensive health care facilities. During 2009-2010, the NHRC drew its attention towards illegal medical practices of doctors having fake certificates/degrees, presence of quacks in the medical profession, inadequate health care facilities in the tribal areas, and the production and distribution of spurious medicines/ drugs in the country (**paras 6.2 & 6.3**).



## Silicosis

**14.29** The NHRC has adopted a two-pronged approach to tackle the issue of silicosis. On the one hand, it is considering individual cases, and on other hand, it is devising preventive, rehabilitative and remedial measures to deal with the issue of silicosis. It is of the view that the occupational hazard of silicosis is preventable if the working conditions are properly regulated, proper is given warning and protective equipments are used. Once a worker or any other person is afflicted by silicosis, it becomes a constitutional obligation on part of the State to take appropriate short-term and long-term measures from the point of view of providing medical facilities and rehabilitation to the victims. NHRC's observation has been that neither the Central Government nor any of the State Governments have come out with a comprehensive policy which encompasses preventive, curative and rehabilitative measures for the benefit of silicosis victims (**paras 6.7 & 6.8**).

**14.30** The Commission had earlier requested the Ministry of Labour to collect relevant information from all the States/Union Territories. The Ministry, on its part, informed that they had directed the Directorate General of Factory Advice Service Labour Institute (DGFASLI) to collect the requisite information from all the States/Union Territories. At the time of writing of this Annual Report, it was reported to the Commission that responses had been received from 26 States/Union Territories. With a view to assist in devising strategies for dealing with the problem of silicosis and evolving necessary preventive, remedial, rehabilitative measures to solve the problem of silicosis in the country, the NHRC has constituted an Expert Group on Silicosis under the chairmanship of one of its Member. The Expert Group has identified the silicosis prone industries and decided to evolve preventive, remedial, rehabilitative measures to deal with the problem of silicosis. Moreover, it opined payment of compensation to the affected persons (**paras 6.9, 6.10 & 6.11**).

## Mental Health

**14.31** With the growing consciousness about the right to mental health (RMH) both at the national and global level, the NHRC has renewed its efforts in the direction of creating a better understanding and awareness about the RMH in the country. Its intent is to equip doctors with the knowledge of psychiatry. It is of the firm view that in the light of inadequate human resources in the field of menial health, it is essential that whatever human resources are otherwise available their capacities should be built-up to the extent that they are able to deal with problems relating to mental health. It has addressed this issue to the Ministry of Health & Family Welfare as well as to the Medical Council of India. In response, the Ministry has informed to the Commission that in a meeting of the Central Mental Health Authority, it has been decided to prepare a proposal for introduction of compulsory medical examination in psychiatry as part of medicine examination in both theory and clinical examination (**paras 6.14 & 6.16**).

## Second Phase of the World Programme for Human Rights Education

**14.32** The Second Phase of the World Programme for Human Rights Education (2010-

2014) focuses on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel (**para 6.47**).

**14.33** The NHRC'-India communicated its views on the same to the Office of the United Nations High Commissioner for Human Rights on 23 July 2009. It stated that it would like to focus on the identified children and teachers in schools and colleges as one possible target sector. In view of the importance of good governance, the second target sector would be the elected representatives of people and field-level functionaries of the Government or organizations under the Government. The third possible target group could be the rights holders, namely, women, vulnerable groups, persons with disabilities and labourers, including migrant labourers. Global thematic areas for the second phase could include climate change and environmental issues, which have a bearing on the right to food, water, clean air and life; and gender equality, with a view to empowering women. Thematic areas specific to India would include food security, right to education, right to health, hygiene and sanitation; conditions in places of custody; HIV/AIDS; and right to development. The second phase, according to NHRC-India, could last for three to five years (**para 6.48**).

### **Training Programmes Organized by NHRC**

**14.34** As a part of its mandate, the Commission had approved 82 training programmes of 64 institutions/NGOs on various aspects of human rights during 2009-2010. Out of these, 71 training programmes were successfully organized by 59 institutions/universities/NGOs (**para 7.7**).

### **State Human Rights Commissions**

**14.35** Section 21 of the PHRA, 1993 as amended in 2006, provides for constitution of State Human Rights Commissions (SHRCs) in all the States. The existence and functioning of a Human Rights Commission in the State goes a long way in the 'better' protection and promotion of human rights. It is now an accepted fact that good governance and human rights go hand in hand. The SHRCs have been set up in 18 States. The names of these States are : Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. The NHRC is keen that SHRCs are set up in all the States so that each and every citizen of the country has easy recourse to better protection of 'human rights' as well as for matters connected therewith or incidental thereto. The Commission earnestly recommends to all those States which have not yet constituted SHRCs to follow suit at the earliest in the interest of better protection and promotion of human rights (**paras 10.1 & 10.2**).

### **1951 Convention Relating to the Status of Refugees and its 1967 Protocol**

**14.36** The Commission's views on the protection of the rights of refugees have been mentioned in detail in its earlier Annual Reports. The Commission has advocated for the ratification of

the Convention relating to the Status of Refugees and the 1967 Protocol thereto as well as the enactment of a national law in this regard (**para 11.1**).

**14.37** In the past years, the NHRC has engaged the concerned Ministries towards the enactment of a national law on refugee protection. Based on detailed exchange of views with the highest echelons of the Government, the Commission requested the Ministry of Home Affairs and the Ministry of External Affairs, Government of India to formulate necessary proposals and send them to the NHRC at the earliest. The Ministry of Home Affairs informed the Commission that an Inter-Ministerial Committee has prepared a draft bill which is being examined by the Ministry of External Affairs. On receipt of comments from the concerned Ministry, the Committee will finalize its report. The Commission then asked the Ministry of Home Affairs to forward to it a copy of the draft bill. At the time of writing of this Annual Report, the Ministry of Home Affairs had so far not responded (**para 11.2**).

### **1977 Protocols Additional to 1949 Geneva Conventions**

**14.38** Protocol I to the 1949 Geneva Conventions provides for new rules on international armed conflicts and Protocol II develops international humanitarian law on non-international armed conflicts. In response to the Commission's request for comments on both the Protocols, the Ministry of External Affairs Government of India, has drawn the attention towards the changing nature of armed conflict and the need to hold detailed consultations with other agencies in this regard. The NHRC urges the Government of India to reconsider the issue of accession to the 1977 Protocols Additional to 1949 Geneva Conventions (**paras 11.3 & 11.4**)

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# ANNEXURES





## Annexure - 1

Paras 4.2 &amp; 4.3

## STATE/UT-WISE NUMBER OF CASES PENDING WITH NHRC AS ON 01/04/2009

S. No.	Name of the State/ Union Territory	Cases awaiting preliminary consideration				Pendency of cases where reports have either been received or awaited from the Concerned Authorities			
		Complaints/ Suo-motu cognizance	Intimation about		TOTAL (3+4+5)	Complaints/ Suo-motu cognizance Cases	Custodial Deaths/ Rapes	Encounter Deaths	TOTAL (7+8+9)
			Custodial Deaths/ Rapes	Encounter Deaths					
1	2	3	4	5	6	7	8	9	10
1	ALL INDIA	2	0	0	2	10	0	0	10
2	ANDHRA PRADESH	6	3	0	9	150	433	43	626
3	ARUNACHAL PRADESH	5	0	0	5	4	6	0	10
4	ASSAM	0	0	0	0	49	48	35	132
5	BIHAR	37	1	0	38	541	436	4	981
6	GOA	1	0	0	1	7	4	0	11
7	GUJARAT	102	1	0	103	312	276	1	589
8	HARYANA	26	1	0	27	434	141	12	587
9	HIMACHAL PRADESH	0	0	0	0	14	9	0	23
10	JAMMU & KASHMIR	5	0	0	5	92	5	1	98
11	KARNATAKA	3	0	0	3	102	283	18	403
12	KERALA	3	1	0	4	22	134	1	157
13	MADHYA PRADESH	23	0	0	23	170	170	14	354
14	MAHARASHTRA	43	5	1	49	143	460	49	652
15	MANIPUR	1	0	0	1	63	1	2	66
16	MEGHALAYA	0	0	0	0	5	11	1	17
17	MIZORAM	0	0	0	0	0	0	0	0
18	NAGALAND	0	0	0	0	2	0	0	2
19	ORISSA	11	0	0	11	125	83	2	210
20	PUNJAB	7	3	0	10	303	94	0	397
21	RAJASTHAN	19	1	0	20	137	113	2	252
22	SIKKIM	1	0	0	1	0	1	0	1
23	TAMILNADU	15	0	0	15	202	334	16	552
24	TRIPURA	0	0	0	0	17	23	1	41
25	UTTAR PRADESH	1093	6	1	1100	7057	735	404	8196
26	WEST BENGAL	8	0	0	8	223	125	5	353
27	ANDAMAN & NICOBAR	0	0	0	0	6	1	0	7
28	CHANDIGARH	1	0	0	1	18	8	0	26
29	DADAR & NAGAR HAVELI	0	0	0	0	1	1	0	2
30	DAMAN & DIU	0	0	0	0	2	0	0	2
31	DELHI	48	0	0	48	651	85	28	764
32	LAKSHADWEEP	0	0	0	0	0	0	0	0
33	PUDUCHERRY	0	0	0	0	7	8	0	15
34	CHHATTISGARH	8	1	0	9	104	96	2	202
35	JHARKHAND	17	0	0	17	384	182	9	575
36	UTTARAKHAND	34	1	0	35	194	43	22	259
37	FOREIGN COUNTRIES	2	0	0	2	27	0	0	27
TOTAL		1521	24	2	1547	11578	4349	672	16599
GRAND TOTAL (6+10) = 1547 + 16599 = 18146									

# Annexure -2

## Paras 4.2 & 4.4

### STATE/UT-WISE NUMBER OF CASES REGISTERED IN NHRC FROM 01/04/2009 TO 31/03/2010

S.No	Name of the State/ Union Territory	Complaints	Suo-motu cognizance	Intimation Received about Custodial Deaths/Rapes				Intimation received about Encounter Deaths	Total (3+4+5+6+7+8+9)
				Police Custody Deaths	Judicial Custody Deaths	Defence/ Para-Military Custody Deaths	Custodial Rapes		
1	2	3	4	5	6	7	8	9	10
1	ALL INDIA	285	0	0	0	0	0	0	285
2	ANDHRA PRADESH	863	0	9	105	0	0	2	979
3	ARUNACHAL PRADESH	19	0	0	1	0	0	0	20
4	ASSAM	160	0	6	14	1	0	31	212
5	BIHAR	2747	3	4	137	0	0	2	2893
6	GOA	49	0	0	1	0	0	0	50
7	GUJARAT	1218	2	9	58	0	0	1	1288
8	HARYANA	2871	4	6	39	0	0	1	2921
9	HIMACHAL PRADESH	132	1	3	3	0	0	0	139
10	JAMMU & KASHMIR	183	2	0	3	1	0	0	189
11	KARNATAKA	493	1	3	32	0	0	2	531
12	KERALA	245	0	6	44	0	0	0	295
13	MADHYA PRADESH	2130	2	8	85	0	1	2	2228
14	MAHARASHTRA	2473	0	20	108	0	0	8	2609
15	MANIPUR	63	0	0	0	0	0	0	63
16	MEGHALAYA	41	0	1	2	0	0	0	44
17	MIZORAM	12	0	0	0	0	1	0	13
18	NAGALAND	7	0	1	1	0	0	0	9
19	ORISSA	1075	2	3	45	0	0	1	1126
20	PUNJAB	876	0	3	107	0	0	0	986
21	RAJASTHAN	2162	4	4	79	0	0	0	2249
22	SIKKIM	6	0	0	2	0	0	0	8
23	TAMILNADU	1384	2	8	68	0	0	4	1466
24	TRIPURA	35	0	0	2	0	0	0	37
25	UTTAR PRADESH	50865	10	16	332	0	0	47	51270
26	WEST BENGAL	854	0	8	64	0	0	1	927
27	ANDAMAN & NICOBAR	19	0	0	0	0	0	0	19
28	CHANDIGARH	92	0	0	2	0	0	0	94
29	DADAR & NAGAR HAVELI	5	0	0	0	0	0	0	5
30	DAMAN & DIU	13	0	0	0	0	0	0	13
31	DELHI	5205	13	0	10	0	0	0	5228
32	LAKSHADWEEP	0	0	0	0	0	0	0	0
33	PUDUCHERRY	50	0	0	2	0	0	0	52
34	CHHATTISGARH	411	2	1	41	0	0	0	455
35	JHARKHAND	1226	0	5	70	0	0	5	1306
36	UTTARAKHAND	1849	1	0	16	0	0	4	1870
37	FOREIGN COUNTRIES	142	0	0	0	0	0	0	142
GRAND TOTAL		80260	49	124	1473	2	2	111	82021

## Annexure -3

## Para 4.2

## STATE/UT-WISE DISPOSAL OF CASES BY NHRC DURING 2009-2010

S. No.	Name of the State/Union Territory	Dismissed in Limini	Disposed of with Directions	Transferred to State Human Rights Commissions	Concluded after Receipt of Reports				Total
					Complaints/ Suo-motu cognizance Cases	Custodial Death Cases	Custodial Rape Cases	Encounter Death Cases	
1	2	3	4	5	6	7	8	9	10
1	ALL INDIA	263	20	0	4	0	0	0	287
2	ANDHRA PRADESH	660	159	131	110	161	0	4	1225
3	ARUNACHAL PRADESH	15	1	0	7	1	0	0	24
4	ASSAM	112	24	12	24	25	0	8	205
5	BIHAR	2138	473	144	379	215	1	1	3351
6	GOA	34	12	0	3	1	0	0	50
7	GUJARAT	936	212	100	114	116	0	1	1479
8	HARYANA	2005	615	0	321	73	0	1	3015
9	HIMACHAL PRADESH	94	27	1	16	7	0	0	145
10	JAMMU & KASHMIR	132	22	7	46	0	0	0	207
11	KARNATAKA	383	73	45	77	136	0	2	716
12	KERALA	165	55	38	23	72	1	0	354
13	MADHYA PRADESH	1669	332	124	128	69	0	0	2322
14	MAHARASHTRA	1968	315	253	125	104	0	4	2769
15	MANIPUR	15	8	0	15	0	0	0	38
16	MEGHALAYA	18	7	0	6	4	0	0	35
17	MIZORAM	7	1	0	2	0	0	0	10
18	NAGALAND	3	2	0	2	0	0	0	7
19	ORISSA	470	128	46	89	52	0	1	786
20	PUNJAB	642	176	99	200	87	0	0	1204
21	RAJASTHAN	1659	378	116	134	37	0	0	2324
22	SIKKIM	6	0	0	0	0	0	0	6
23	TAMILNADU	928	367	98	156	173	0	1	1723
24	TRIPURA	24	3	0	5	14	0	0	46
25	UTTAR PRADESH	38114	5987	4560	3523	366	1	41	52592
26	WEST BENGAL	596	163	107	104	64	0	2	1036
27	ANDAMAN & NICOBAR	13	4	0	4	1	0	0	22
28	CHANDIGARH	64	23	0	12	3	0	0	102
29	DADAR & NAGAR HAVELI	5	0	0	0	0	0	0	5
30	DAMAN & DIU	11	0	0	1	0	0	0	12
31	DELHI	3905	937	0	539	34	0	6	5421
32	LAKSHADWEEP	0	0	0	0	0	0	0	0
33	PUDUCHERRY	37	8	0	7	3	0	0	55
34	CHHATTISGARH	323	57	48	50	46	0	0	524
35	JHARKHAND	984	176	0	175	98	0	0	1433
36	UTTARAKHAND	1516	159	0	211	22	0	1	1909
37	FOREIGN COUNTRIES	127	12	0	9	0	0	0	148
GRAND TOTAL		60041	10936	5929	6621	1984	3	73	85587

# Annexure -4

Para 4.3

## STATE/UT-WISE NUMBER OF CASES PENDING WITH NHRC AS ON 31/03/2010

S. No.	Name of the State/ Union Territory	Cases Awaiting Preliminary Consideration				Pendency of Cases where Reports have either been Received or Awaited from the State Authorities			
		Com-plaints/ Suo-motu cognizance	Intimation about		TOTAL (3+4+5)	Com-plaints/ Suo-motu cognizance Cases	Custodial Deaths/ Rapes	Encounter Deaths	TOTAL (7+8+9)
			Custodial Deaths/ Rapes	Encounter Deaths					
1	2	3	4	5	6	7	8	9	10
1	ALL INDIA	5	0	0	5	3	0	0	3
2	ANDHRA PRADESH	27	5	1	33	129	306	39	474
3	ARUNACHAL PRADESH	2	0	0	2	1	5	0	6
4	ASSAM	3	1	3	7	80	40	59	179
5	BIHAR	94	3	0	97	459	283	5	747
6	GOA	3	0	0	3	7	4	0	11
7	GUJARAT	28	5	0	33	231	168	1	400
8	HARYANA	82	1	0	83	397	97	12	506
9	HIMACHAL PRADESH	3	0	0	3	15	7	0	22
10	JAMMU & KASHMIR	6	0	0	6	121	6	1	128
11	KARNATAKA	18	0	0	18	88	150	18	256
12	KERALA	17	2	0	19	34	83	1	118
13	MADHYA PRADESH	56	3	0	59	190	145	16	351
14	MAHARASHTRA	97	3	2	102	143	407	55	605
15	MANIPUR	6	0	0	6	95	1	4	100
16	MEGHALAYA	0	0	0	0	20	9	1	30
17	MIZORAM	0	0	0	0	7	1	0	8
18	NAGALAND	0	0	0	0	3	1	0	4
19	ORISSA	21	2	0	23	573	58	2	633
20	PUNJAB	18	3	0	21	204	64	0	268
21	RAJASTHAN	57	3	0	60	146	104	2	252
22	SIKKIM	0	0	0	0	1	2	0	3
23	TAMILNADU	40	6	0	46	176	180	18	374
24	TRIPURA	2	0	0	2	23	9	0	32
25	UTTAR PRADESH	1835	8	2	1845	3533	569	391	4493
26	WEST BENGAL	30	1	0	31	183	95	5	283
27	ANDAMAN & NICOBAR	3	0	0	3	4	0	0	4
28	CHANDIGARH	5	0	0	5	14	7	0	21
29	DADAR & NAGAR HAVELI	0	0	0	0	0	1	0	1
30	DAMAN & DIU	2	0	0	2	1	0	0	1
31	DELHI	171	0	0	171	487	57	22	566
32	LAKSHADWEEP	0	0	0	0	0	0	0	0
33	PUDUCHERRY	1	0	0	1	11	7	0	18
34	CHHATTISGARH	12	1	0	13	77	65	2	144
35	JHARKHAND	30	4	0	34	271	145	14	430
36	UTTARAKHAND	73	1	0	74	221	37	24	282
37	FOREIGN COUNTRIES	2	0	0	2	18	0	0	18
TOTAL		2749	52	8	2809	7966	3113	692	11771
GRAND TOTAL (6+10) = 2809 + 11771 = 14580									

## Annexure -5

Para 4.10

### STATE/UT-WISE & CATEGORY-WISE REPORT CASES\* DISPOSED OFF BY NHRC DURING 2009-2010

S. No.	Name of the State/Union Territory	Alleged Disappearance	Alleged False Implications	Custodial Violence	Illegal Arrest	Unlawful Detention	Unlawful Detention	Alleged Fake Encounters	Other Alleged Police Excesses
1	2	3	4	5	6	7	8	9	10
1	ALL INDIA	0	0	0	0	0	0	0	0
2	ANDHRA PRADESH	0	3	0	7	8	14	4	9
3	ARUNACHAL PRADESH	0	1	0	0	0	0	0	3
4	ASSAM	1	0	0	0	0	3	1	5
5	BIHAR	1	17	2	1	6	89	2	55
6	GOA	0	0	0	0	0	2	0	0
7	GUJARAT	1	2	0	1	4	19	0	16
8	HARYANA	2	3	1	10	20	99	1	25
9	HIMACHAL PRADESH	0	0	0	1	0	1	0	2
10	JAMMU & KASHMIR	0	0	0	0	2	4	0	13
11	KARNATAKA	1	0	1	3	4	8	1	21
12	KERALA	0	0	0	0	1	1	0	6
13	MADHYA PRADESH	1	1	0	3	3	23	1	16
14	MAHARASHTRA	0	1	0	1	4	18	2	15
15	MANIPUR	0	0	0	0	0	0	1	3
16	MEGHALAYA	0	1	0	0	0	3	0	2
17	MIZORAM	0	0	0	0	0	0	0	2
18	NAGALAND	0	0	0	0	0	0	0	1
19	ORISSA	0	0	1	1	1	15	0	11
20	PUNJAB	1	3	2	2	2	10	0	21
21	RAJASTHAN	0	2	0	1	10	19	0	20
22	SIKKIM	0	0	0	0	0	0	0	0
23	TAMILNADU	0	5	0	8	15	10	0	67
24	TRIPURA	0	0	0	0	0	0	0	1
25	UTTAR PRADESH	9	49	1	520	518	488	27	859
26	WEST BENGAL	2	1	1	3	3	15	0	15
27	ANDAMAN & NICOBAR	0	0	0	0	0	0	0	0
28	CHANDIGARH	0	0	0	0	0	4	0	4
29	DADAR & NAGAR HAVELI	0	0	0	0	0	0	0	0
30	DAMAN & DIU	0	0	0	0	0	0	0	0
31	DELHI	4	16	0	33	53	103	1	98
32	LAKSHADWEEP	0	0	0	0	0	0	0	0
33	PUDUCHERRY	0	0	0	1	1	1	0	1
34	CHATTISGARH	0	0	0	0	3	9	0	8
35	JHARKHAND	0	4	1	0	9	22	3	29
36	UTTARAKHAND	2	0	0	43	29	31	3	46
37	FOREIGN COUNTRIES	0	0	0	0	0	1	0	0
<b>TOTAL</b>		<b>25</b>	<b>109</b>	<b>10</b>	<b>639</b>	<b>696</b>	<b>1012</b>	<b>47</b>	<b>1374</b>

\*Report cases are the cases other than those dismissed 'in limini' or disposed off with directions or transferred to SHRCs

Annexure 5 contd.

# Annexure -5

## Para 4.10

### STATE/UT-WISE & CATEGORY-WISE REPORT CASES\* DISPOSED OFF BY NHRC DURING 2009-2010

S. No.	Name of the State/Union Territory	Indignity to Women	Sexual Harrassment	Abduc-tion/Rape & Murder	Dowry Death or its attempt	Dowry Demand	Exploitation of Women	Rape of Woman
11	12	13	14	15	16	17	18	19
1	ALL INDIA	0	0	0	0	0	0	0
2	ANDHRA PRADESH	1	0	1	2	0	1	0
3	ARUNACHAL PRADESH	0	0	0	0	0	0	0
4	ASSAM	0	0	0	0	0	0	0
5	BIHAR	3	0	11	46	3	8	6
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	0	0	3	3	1	0	4
8	HARYANA	1	2	15	7	3	0	3
9	HIMACHAL PRADESH	0	0	0	1	0	0	1
10	JAMMU & KASHMIR	1	0	1	0	0	0	0
11	KARNATAKA	0	1	2	0	0	0	0
12	KERALA	0	0	0	0	0	0	0
13	MADHYA PRADESH	2	1	6	6	1	1	2
14	MAHARASHTRA	0	0	1	3	2	1	0
15	MANIPUR	0	0	1	0	0	0	0
16	MEGHALAYA	0	0	0	0	0	0	0
17	MIZORAM	0	0	0	0	0	0	0
18	NAGALAND	0	0	0	0	0	0	0
19	ORISSA	1	0	0	3	1	1	3
20	PUNJAB	0	2	3	1	1	0	2
21	RAJASTHAN	4	3	5	4	0	1	3
22	SIKKIM	0	0	0	0	0	0	0
23	TAMILNADU	0	2	2	2	0	0	1
24	TRIPURA	0	0	0	0	0	0	0
25	UTTAR PRADESH	16	17	121	134	35	9	42
26	WEST BENGAL	0	2	0	1	1	0	1
27	ANDAMAN & NICOBAR	0	0	0	0	0	0	0
28	CHANDIGARH	0	0	0	0	1	0	0
29	DADAR & NAGAR HAVELI	0	0	0	0	0	0	0
30	DAMAN & DIU	0	0	0	0	0	0	0
31	DELHI	6	5	21	13	5	9	5
32	LAKSHADWEEP	0	0	0	0	0	0	0
33	PUDUCHERRY	0	1	0	0	0	0	1
34	CHATTISGARH	0	0	1	0	1	0	0
35	JHARKNAND	3	0	6	13	2	0	7
36	UTTARAKHAND	2	1	1	1	2	1	1
37	FOREIGN COUNTRIES	0	0	0	0	0	0	0
TOTAL		40	37	201	240	59	32	82
*Report cases are the cases other than those dismissed 'in limini' or disposed off with directions or transferred to SHRCs								



## Annexure -5

Para 4.10

### STATE/UT-WISE & CATEGORY-WISE REPORT CASES\* DISPOSED OFF BY NHRC DURING 2009-2010

S. No.	Name of the State/Union Territory	Child Labour	Child Marriage	Bonded Labour	Harrasment of Prisoners	Lack of Medical facilities in Jails	Jail Con-ditions	Atroci-ties on SC/ST	Com-munal Violence	Others	TOTAL (3+30)
20	21	22	23	24	25	26	27	28	29	30	31
1	ALL INDIA	0	0	0	0	0	0	0	0	4	4
2	ANDHRA PRADESH	2	1	4	0	0	1	0	0	52	110
3	ARUNACHAL PRADESH	0	0	0	0	0	0	1	0	2	7
4	ASSAM	0	0	0	0	0	0	0	1	13	24
5	BIHAR	2	0	4	6	3	15	17	0	82	379
6	GOA	0	0	0	1	0	0	0	0	0	3
7	GUJARAT	0	0	6	1	0	0	21	1	31	114
8	HARYANA	2	0	49	7	1	7	5	0	58	321
9	HIMACHAL PRADESH	0	0	1	0	0	1	1	0	7	16
10	JAMMU & KASHMIR	0	0	5	0	0	1	0	0	19	46
11	KARNATAKA	0	0	2	3	0	2	1	1	26	77
12	KERALA	0	0	0	1	0	0	0	0	14	23
13	MADHYA PRADESH	0	0	1	1	0	2	7	1	49	128
14	MAHARASHTRA	0	0	0	3	2	2	0	1	69	125
15	MANIPUR	0	0	0	0	0	0	0	0	10	15
16	MEGHALAYA	0	0	0	0	0	0	0	0	0	6
17	MIZORAM	0	0	0	0	0	0	0	0	0	2
18	NAGALAND	0	0	0	0	1	0	0	0	0	2
19	ORISSA	2	0	1	1	0	4	1	0	42	89
20	PUNJAB	3	0	109	3	2	4	2	0	27	200
21	RAJASTHAN	1	0	7	1	2	7	15	0	29	134
22	SIKKIM	0	0	0	0	0	0	0	0	0	0
23	TAMILNADU	1	0	3	2	0	0	11	0	27	156
24	TRIPURA	0	0	0	0	0	0	0	0	4	5
25	UTTAR PRADESH	10	7	145	44	19	51	33	0	369	3523
26	WEST BENGAL	0	0	0	1	0	5	1	0	52	104
27	ANDAMAN & NICOBAR	0	0	0	0	0	0	0	0	4	4
28	CHANDIGARH	0	0	0	0	0	0	0	0	3	12
29	DADAR & NAGAR HAVELI	0	0	0	0	0	0	0	0	0	0
30	DAMAN & DIU	0	0	0	0	0	0	0	0	1	1
31	DELHI	2	0	1	10	0	2	4	0	148	539
32	LAKSHADWEEP	0	0	0	0	0	0	0	0	0	0
33	PUDUCHERRY	0	0	0	0	0	0	0	0	1	7
34	CHATTISGARH	0	0	0	1	1	1	1	0	24	50
35	JHARKHAND	2	1	0	4	0	9	8	0	52	175
36	UTTARAKHAND	0	1	6	1	1	7	1	0	31	211
37	FOREIGN COUNTRIES	0	0	0	1	0	1	0	0	6	9
GRAND TOTAL		27	10	344	92	32	122	130	5	1256	6621

\*Report cases are the cases other than those dismissed 'in limini' or disposed off with directions or transferred to SHRCs

# Annexure - 6

Para 4.404

## TOTAL NUMBER OF CASES WHERE NHRC RECOMMENDED MONETARY RELIEF / DISCIPLINARY ACTION DURING 2009-2010

Sl. No	Name of State/ UT	No. of cases in which Recommendations were made	Amount Recommended (Rs.)	No. of cases where Recommendations have been Complied with	Amount paid (Rs.)	No. of cases Pending for Compliance	Amount Recommended in the cases Pending for Compliance
1	2	3	4	5	6	7	8
1	Andhra Pradesh	Monetary relief in 17 cases including disciplinary action in 1 case	5075000/-	8	3375000/-	9 including disciplinary action in 1 case	1700000/-
2.	Arunachal Pradesh	Monetary relief in 1 case	100000/-	0	---	1	100000/-
3	Assam	Monetary relief in 7 cases including disciplinary action in 1 case	2350000/-	0	---	7 including disciplinary action in 1 case	2350000/-
4	Bihar	Monetary relief in 29 cases including disciplinary action in 1 case	5385000/-	7	1025000/-	22 including disciplinary action in 1 case	4360000/-
5	Chhattisgarh	Monetary relief in 4 cases	400000/-	1	100000/-	3	300000/-
6	Delhi	Monetary relief in 15 cases	1549000/-	10	905000/-	5	644000/-
7	Goa	Monetary relief in 1 case	100000/-		---	1	100000/-
8	Gujarat	Monetary relief in 15 cases	2845000/-	10	1845000/-	5	1000000/-
9	Haryana	Monetary relief in 15 cases	2070000/-	6	725000/-	9	1345000/-
10	Himachal Pradesh	Monetary relief in 1 case	100000/-	----	---	1	100000/-
11	Jammu & Kashmir	Monetary relief in 4 cases	1200000/-	1	200000/-	3	1000000/-
12	Jharkhand	Monetary relief in 19 cases	2210000/-	5	650000/-	14	1560000/-
13	Karnataka	Monetary relief in 12 cases	1950000/-	4	800000/-	8	1150000/-

14	Kerala	Monetary relief in 2 cases	400000/-	1	300000/-	1	100000/-
15	Madhya Pradesh	Monetary relief in 7 cases including disciplinary action in 1 case.	850000/-	1	50000/-	6 including disciplinary action in 1 case.	800000/-
16	Maharashtra	Monetary relief in 6 cases	1910000/-	---	---	6	1910000/-
17	Manipur	Monetary relief in 3 cases	575000/-	---	---	3	575000/-
18	Mizoram	Monetary relief in 1 case	650000/-	---	---	1	650000/-
19	Orissa	Monetary relief in 2 cases	600000/-	1	100000/-	1	500000/-
20	Puducherry	Monetary relief in 1 case	100000/-	---	---	1	100000/-
21	Punjab	Monetary relief in 8 cases	1320000/-	1	500000/-	7	820000/-
22	Rajasthan	Monetary relief in 10 cases	1715000/-	7	1015000/-	3	700000/-
23	Tamil Nadu	Monetary relief in 12 cases	1565000/-	4	500000/-	8	1065000/-
24	Tripura	Monetary relief in 1 case	500000/-	-----	---	1	500000/-
25	Uttar Pradesh	Monetary relief in 193 cases including disciplinary action in 1 cases	25479000/-	59	7053000/-	134 including disciplinary action in 1 case	18426000/-
26	Uttarakhand	Monetary relief in 5 cases	540000/-	4	440000/-	1	100000/-
27	West Bengal	Monetary relief in 7 cases	1395000/-	2	300000/-	5	1095000/-
	TOTAL	Monetary relief in 398 cases including disciplinary action in 5 cases	62933000/-	132 cases	19883000/-	266 cases including disciplinary action in 5 cases	43050000/-

# Annexure - 7

Para 4.405

## DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS DURING 2009 -2010 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT	Case No.	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks
1	Andhra Pradesh	38/1/2006- 2007-CD	Death in Police Custody, (Intimation)	100000/-	10/06/2009	Proof of payment awaited
2	Andhra Pradesh	820/1/2004- 2005-CD	Death in Police Custody (Intimation)	100000/-	05/01/2010	Proof of payment awaited
3	Andhra Pradesh	790/1/2005-2006	Death in Judicial Custody (Intimation)	300000/-	30/09/2009	Proof of payment awaited
4	Andhra Pradesh	10/1/2003-2004	Death in Jail	300000/-	13/07/2009	Proof of payment awaited
5	Andhra Pradesh	476/1/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	02/09/2009	Proof of payment awaited
6	Andhra Pradesh	318/1/2002-2003	Death in Judicial Custody (Intimation)	100000/-	17/09/2009	Proof of payment awaited
7	Andhra Pradesh	672/1/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	13/10/2009	Proof of payment awaited
8	Andhra Pradesh	316/1/2002-2003-CD	Death in Judicial Custody (Intimation)	300000/-	10/12/2009	Proof of payment awaited
9	Andhra Pradesh	223/1/2004-2005-CD	Death in Judicial Custody (Intimation)	300000/-	03/03/2010	Proof of payment awaited
10	Arunachal Pradesh	1/2/2005-2006-CD	Death in Police Custody, (Intimation)	100000/-	04/02/2010	Proof of payment awaited
11	Assam	20/3/2002-2003-CD	Death in Police Custody (Intimation)	300000/-	13/05/2009	Proof of payment awaited
12	Assam	158/3/2002-2003- CD	Death in Judicial Custody (Intimation)	500000/-	27/10/2009	Proof of payment awaited
13	Assam	203/3/15/08-09-AF	Torture by Army	100000/- (50000/-each 2 victims)	02/03/2010	Proof of payment awaited
14	Assam	29/3/2003-2004-AD	Death in Judicial Custody (Intimation)	50000/-	20/01/2010	Proof of payment awaited
15	Assam	108/3/2004-2005-CD	Death in Judicial Custody (Intimation)	300000/-	08/01/2010	Proof of payment awaited
16	Assam	89/3/8/08-09	Death in Police Firing (Complaint)	500000/-	30/09/2009	Proof of payment awaited
17	Assam	163/3/2002-2003-CD	Death in Judicial Custody (Intimation)	100000/-	13/10/2009	Proof of payment awaited
18	Bihar	3141/4/26/08-09-JCD	Death in Judicial Custody (Intimation)	150000/-	13/10/2009	Proof of payment awaited
19	Bihar	2835/4/2005-2006-CD	Death in Judicial Custody(Intimation)	300000/-	16/12/2009	Proof of payment awaited

20	Bihar	487/4/2003-2004-CD	Death in Judicial Custody (Intimation)	300000/-	05/03/2010	Proof of payment awaited
21	Bihar	2102/4/23/07-08-JCD	Death in Judicial Custody (Intimation)	100000/-	30/03/2010	Proof of payment awaited
22	Bihar	1844/4/2001-2002	Fake encounter by police (Complaint)	500000/-	31/03/2010	Proof of payment awaited
23	Bihar	622/4/2003-2004	Alleged killing of two innocent persons by Police District Begusarai, Bihar (Complaint)	1200000/- (500000/- each to 2 victims & 100000/- each to 2 injured persons)	09/09/2009	Proof of payment awaited
24	Bihar	2349/4/98-99-ACD	Alleged death due to torture in Police Custody (Complaint)	100000/-	24/06/2009	Proof of payment awaited
25	Bihar	2420/4/29/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	16/11/2009	Proof of payment awaited
26	Bihar	3413/4/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	23/11/2009	Proof of payment awaited
27	Bihar	2570/4/4/08-09-JCD	Death in Judicial Custody (Intimation)	150000/-	21/10/2009	Proof of payment awaited
28	Bihar	1583/4/26/07-08	Multiple fractures to one Rakesh Kumar Paswan as he was thrown by RPF personnel (Complaint)	50000/-	12/05/2010	Proof of payment awaited
29	Bihar	2436/4/2001-2002	Torture by the Police (Complaint)	25000/-	12/01/2010	Proof of payment awaited
30	Bihar	3609/4/2005-2006	Death due to Police negligence (Complaint)	500000/-	05/03/2010	Proof of payment awaited
31	Bihar	175/4/26/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	31/03/2010	Proof of payment awaited
32	Bihar	2402/4/2001-2002-CD	Death in Judicial Custody (Intimation)	100000/-	30/07/2009	Proof of payment awaited
33	Bihar	3587/4/13/07-08-JCD	Death in Judicial Custody (Intimation)	5000/-	03/02/2010	Proof of payment awaited
34	Bihar	2724/4/2001-2002	False implication in murder Case (Complaint)	30000/-	23/12/2009	Proof of payment awaited
35	Bihar	2348/4/27/07-08	Beating by the Teacher (Complaint)	50000/-	05/11/2009	Proof of payment awaited
36	Bihar	2367/4/9/07-08	Death due to Electrocution, (Complaint)	200000/-	19/11/2009	Proof of payment awaited
37	Bihar	518/4/25/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	15/10/2009	Proof of payment awaited
38	Bihar	563/4/2002-2003	Irregularities in Civil Hospital, Saharasa, Bihar (Complaint)	100000/-	30/12/2009	Proof of payment awaited
39	Bihar	1455/4/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	13/07/2009	Proof of payment awaited
40	Chhattisgarh	377/33/2002-2003-AD	Alleged death in Police Custody, (Complaint)	100000/-	16/09/2009	Proof of payment awaited
41	Chhattisgarh	170/33/2005-2006-CD	Death in Police Custody (Intimation)	100000/-	05/11/2009	Proof of payment awaited
42	Chhattisgarh	3/33/14/09-10-PCD	Death in Police Custody (Intimation)	100000/-	31/03/2010	Proof of payment awaited
43	Delhi	1966/30/2001-2002	Manhandling and mis-behaviour by an Inspector of police (Complaint)	20000/-	15/02/2010	Proof of payment awaited

44	Delhi	335/30/4/09-10	Illegal detention by the police (Complaint)	20000/- (10000/- to each 2 victims)	19/02/2010	Proof of payment awaited
45	Delhi	349/30/05-06	Death of road accident victim due to negligence by the hospital authorities (Suo-Motu cognizance)	100000/-	02/03/2010	Proof of payment awaited
46	Delhi	2316/30/2006-2007-CD	Death in Police Custody (Intimation)	500000/-	25/03/2010	Proof of payment awaited
47	Delhi	2305/30/2002-2003	Misused of Power by the Police Personnel (Complaint)	2000/- each (2) to each 2 victims)	08/05/2009	Proof of payment awaited
48	Goa	27/5/2/07-08	Death a person while under treatment who was arrested by Vaso-dao-Gama Police and admitted in the Hospital with sever injuries, (Complaint)	100000/-	04/03/2010	Proof of payment awaited
49	Gujarat	314/6/2005-2006-CD	Death in Police Custody (Intimation)	500000/-	27/01/2010	Proof of payment awaited
50	Gujarat	1025/6/2004-2005-CD	Death in Police Custody (Intimation)	100000/-	25/03/2010	Proof of payment awaited
51	Gujarat	156/6/2005-2006-CD	Death in Jail (Intimation)	100000/-	30/03/2010	Proof of payment awaited
52	Gujarat	153/6/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	04/01/2010	Proof of payment awaited
53	Gujarat	486/6/2002-2003-CD L.F. 486/6/2002-2003-CD	Death Judicial Custody (Intimation)	200000/-	01/06/2009	Proof of payment awaited
54	Haryana	2421/7/2003-2004	The complainant allegedly beaten up by ASI and constable of Rohtak police (Complaint)	5000/-	15/05/2009	Proof of payment awaited
55	Haryana	2933/7/2003-2004	Death in Judicial Custody (Intimation)	300000/-	01/02/2010	Proof of payment awaited
56	Haryana	1974/7/2002-2003-AD	Alleged tow persons shot dead by a team of Special Cell, Delhi Police (Complaint)	1000000/- (500000/- each to 2 persons)	18/02/2010	Proof of payment awaited
57	Haryana	1241/7/2004-2005-CD	Death in Police Custody (Intimation)	50000/-	03/03/2010	Proof of payment awaited
58	Haryana	3113/7/8/08-09-WC	Manhandling and indignity to woman by police (Complaint)	20000/- (10000/- to each 2 victims)	30/11/2009	Proof of payment awaited
59	Haryana	592/7/5/08-09	Failure in taking lawful action by SHO of PS, Manesar and DCP (South) Gurgaon (Complaint)	20000/-	14/05/2009	Proof of payment awaited
60	Haryana	1584/7/2005-2006-CD	Death in Police Custody (Intimation)	100000/-	03/12/2009	Proof of payment awaited
61	Haryana	3340/7/0/07-08-WC	Gang-raped of 40 year old woman by a Constable of Haryana Armed Police and his two accomplices in Chandigarh (Complaint)	300000/-	23/03/2010	Proof of payment awaited
62	Haryana	1759/7/15/08-09	Abuse of power by police (Complaint)	50000/-	25/03/2010	Proof of payment awaited
63	Himachal Pradesh	15/8/6/09-10-PCD	Death in Police Custody (Intimation)	100000/-	13/01/2010	Proof of payment awaited



64	Jammu & Kashmir	55/9/2003-2004-AD	Alleged death in the Custody of Jammu Police, (Complaint)	500000/-	19/08/2009	Proof of payment awaited
65	Jammu & Kashmir	95/9/2003-2004-AF	Alleged death in Army Custody (Suo-Motu cognizance)	200000/-	13/04/2009	Proof of payment awaited
66	Jammu & Kashmir	206/9/2003-2004	Damage of House by the Govt., (Complaint)	300000/-	23/11/2009	Proof of payment awaited
67	Jharkhand	33/34/2002-2003-CD	Death in Police Custody (Intimation)	100000/-	12/08/2009	Proof of payment awaited
68	Jharkhand	66/34/1/07-08	Illegal detention by Police (Complaint)	15000/-	14/10/2009	Proof of payment awaited
69	Jharkhand	836/34/5/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	23/11/2009	Proof of payment awaited
70	Jharkhand	448/34/02-03	Sexual abuse and beatings by employer to a 12 year old domestic help (Suo-Motu cognizance)	50000/-	22/09/2009	Proof of payment awaited
71	Jharkhand	327/34/2003-2004	Illegal detention and torture by police (Complaint)	20000/-	16/02/2010	Proof of payment awaited
72	Jharkhand	1377/34/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	10/02/2010	Proof of payment awaited
73	Jharkhand	878/34/2004-2005-CD	Death in Judicial Custody (Intimation)	300000/-	16/09/2009	Proof of payment awaited
74	Jharkhand	767/34/2004-2005	Death in Judicial Custody (Intimation)	100000/-	14/12/2009	Proof of payment awaited
75	Jharkhand	1148/34/2006-2007-CD	Death in Judicial Custody (Intimation)	300000/-	28/02/2010	Proof of payment awaited
76	Jharkhand	977/34/2003-2004	Death due to Electrocution (Complaint)	100000/-	07/10/2009	Proof of payment awaited
77	Jharkhand	821/34/13/07-08-JCD	Death in Judicial Custody (Intimation)	100000/-	06/01/2010	Proof of payment awaited
78	Jharkhand	536/34/2006-2007	False implication by Police (Complaint)	75000/-	23/03/2010	Proof of payment awaited
79	Jharkhand	477/34/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	30/12/2009	Proof of payment awaited
80	Jharkhand	33/34/2003-2004-CD	Death in Judicial Custody (Intimation)	100000/-	16/03/2010	Proof of payment awaited
81	Karnataka	411/10/2002-2003	Non-registration of FIR, and beating up of the complainant who has gone to PS to lodge the complaint in a case of burglary (Complaint)	30000/-	19/03/2010	Proof of payment awaited
82	Karnataka	37/10/2006-2007-CD	Death in Police Custody (Intimation)	100000/-	26/08/2009	Proof of payment awaited
83	Karnataka	1354/10/14/07-08	Illegal detention by the Police (Complaint)	20000/-	03/09/2009	Proof of payment awaited
84	Karnataka	177/10/2002-2003	Death in Judicial Custody (Intimation)	100000/-	17/03/2010	Proof of payment awaited
85	Karnataka	510/10/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/- (Departmental action against Jail official)	25/03/2010	Proof of payment awaited
86	Karnataka	35/10/2003-2004-CD	Death in Judicial Custody (Intimation)	300000/-	26/03/2010	Proof of payment awaited
87	Karnataka	290/10/2004-2005-CD	Death in Judicial Custody (Intimation)	300000/-	26/03/2010	Proof of payment awaited

88	Karnataka	501/10/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	26/03/2010	Proof of payment awaited
89	Kerala	160/11/2002-2003-CD	Death in Judicial Custody (Intimation)	100000/-	13/07/2009	Proof of payment awaited
90	Madhya Pradesh	513/12/1999-2000	Inaction by Police in a Case of Death by Forcible administration of poison by some persons (Complaint)	100000/-	22/02/2010	Proof of payment awaited
91	Madhya Pradesh	1887/12/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/- (Departmental action against delinquent 2 public servants)	23/02/2010	Proof of payment awaited
92	Madhya Pradesh	1904/12/2006-2007-CD	Death in Judicial Custody (Intimation)	1004000/-	13/07/2009	Proof of payment awaited
93	Madhya Pradesh	315/12/4/08-09-JCD	Death in Judicial Custody (Intimation)	1005000/-	09/09/2009	Proof of payment awaited
94	Madhya Pradesh	1275/12/20/07-08-JCD	Death in Judicial Custody (Intimation)	100000/-	26/11/2009	Proof of payment awaited
95	Madhya Pradesh	2193/12/2006-2007-CD	Death in Judicial Custody (Intimation)	300000/-	01/09/2009	Proof of payment awaited
96	Maharashtra	574/13/2006-2007-CD	Death in Police Custody (Intimation)	100000/-	24/02/2010	Proof of payment awaited
97	Maharashtra	887/13/2003-2004	Torture in police custody (Complaint)	10000/-	18/03/2010	Proof of payment awaited
98	Maharashtra	34/13/2002-2003 L/F 175/13/2002-2003	Alleged death by the Police in a Fake Encounter, (Complaint)	500000/-	20/01/2010	Proof of payment awaited
99	Maharashtra	2486/13/1/07-08 L/F 2480/13/16/07-08 L/F 2512/13/16/07-08	Exodus of people of Bihari origin from Maharashtra due to the inflammatory speeches against North Indians working in Maharashtra by MNS Chief Shri Raj Tackeray, (Suo-Motu Cognizance)	1000000/- (500000/- each to NOK of 2 deceased)	08/02/2010	Proof of payment awaited
100	Maharashtra	1003/13/2002-2003	Death in Police Custody (Intimation)	300000/-	17/04/2009	Proof of payment awaited
101	Maharashtra	187/13/2005-2006-CD	Death in Judicial Custody (Intimation)	500000/-	14/07/2009	Proof of payment awaited
102	Manipur	22/14/2004-2005	Alleged Death by the Police Personnel of Patsoi, Imphal (Complaint)	500000/-	20.01.2010	Proof of payment awaited
103	Manipur	24/14/4/07-08	Harassment and Torture by the army personnel (Complaint)	25000/-	04/02/2010	Proof of payment awaited
104	Manipur	31/14/2002-2003-AF	Harassment and Torture by Armed forces, (Complaint)	50000/-	19/11/2009	Proof of payment awaited
105	Mizoram	3/16/2006-2007-PF	Indiscriminate firing by BSF Personnel, (Complaint)	650000/- (50000/- each to 7 Injured)	11/11/2009	Proof of payment awaited
106	Orissa	265/18/34/08-09	A 12 year boy allegedly thrown out of train by TTE (Complaint)	500000/-	05/03/2010	Proof of payment awaited
107	Puducherry	45/32/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	12/03/2010	Proof of payment awaited

108	Punjab	1374/19/18/07-08-JCD	Death in Police Custody (Intimation)	100000/-	17/08/2009	Proof of payment awaited
109	Punjab	144/19/2002-2003	Labour held as bonded labour, (Complaint)	20000/-	09/11/2009	Proof of payment awaited
110	Punjab	953/19/2000-2001-CD	Death in Police Custody (Intimation)	100000/-	23/11/2009	Proof of payment awaited
111	Punjab	879/19/2003-2004-CD	Death in Judicial Custody (Intimation)	100000/-	30/04/2009	Proof of payment awaited
112	Punjab	825/19/2000-2001	Death in Judicial Custody (Intimation)	100000/-	17/09/2009	Proof of payment awaited
113	Punjab	1033/19/2003-2004-CD	Death in Judicial Custody (Intimation)	100000/-	29/10/2009	Proof of payment awaited
114	Punjab	1555/19/8/07-08-PF	One person lost eye- sight of both the eyes and some of the Journalist were hurt, beaten by CRPF personnel in Jalandhar (Complaint)	300000	04/02/2010	Proof of payment awaited
115	Rajasthan	2978/20/26/07-08	A person languishing in prison for 34 years, (Suo-Motu Cognizance)	100000/-	13.07.2009	Proof of payment awaited
116	Rajasthan	2182/20/5/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	10/12/2009	Proof of payment awaited
117	Rajasthan	1087/20/18/07-08-JCD	Death in Judicial Custody (Intimation)	100000/-	03/03/2010	Proof of payment awaited
118	Tamil Nadu	1079/22/2004-2005-CD	Death in Judicial Custody (Intimation)	50000/-	22/03/2010	Proof of payment awaited
119	Tamil Nadu	615/22/2005-2006	Lack of Proper Medical Facilities (Complaint)	60000/-	05/03/2010	Proof of payment awaited
120	Tamil Nadu	2400/22/37/07-08	Torture by the Police Official (Complaint)	5000/-	08/03/2010	Proof of payment awaited
121	Tamil Nadu	624/22/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	11/03/2010	Proof of payment awaited
122	Tamil Nadu	1/22/36/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	03/03/2010	Proof of payment awaited
123	Tamil Nadu	518/22/2003-2004-CD	Death in Judicial Custody (Intimation)	300000/-	14/07/2009	Proof of payment awaited
124	Tamil Nadu	946/22/2002-2003-CD	Death in Police Custody (Intimation)	300000/-	09/12/2009	Proof of payment awaited
125	Tamil Nadu	90/22/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	25/03/2010	Proof of payment awaited
126	Tripura	41/23/4/07-08-PF	Killing of a tribal youth by the Para Military Forces Personnel, (Complaint)	500000/-	11/01/2010	Proof of payment awaited
127	Uttar Pradesh	2386/24/2004-2005	Illegal detention and misbehaviour by police (Complaint)	25000/-	06/07/2009	Proof of payment awaited
128	Uttar Pradesh	15243/24/2002-2003-WC	Inaction by police in a case of abduction rape and murder of a minor girl (Complaint)	25000/-	24/09/2009	Proof of payment awaited
129	Uttar Pradesh	4197/24/15/07-08	Illegal detention and abuse of power by police (Complaint)	75000/-	07/10/2009	Proof of payment awaited
130	Uttar Pradesh	1737/24/57/07-08	Illegal detention police (Complaint)	25000/-	13/10/2009	Proof of payment awaited

131	Uttar Pradesh	4741/24/56/07-08	Inaction by police in the case of murder of ANM posted at the District Primary Dispensary, Gajrola, at her staff quarter (Complaint)	25000/-	20/11/2009	Proof of payment awaited
132	Uttar Pradesh	20992/24/2006-2007-CD	Death in Police Custody (Intimation)	100000/-	02/12/2009	Proof of payment awaited
133	Uttar Pradesh	40190/24/2002-2003	Death in Police Encounter, (Intimation)	500000/-	02/12/2009	Proof of payment awaited
134	Uttar Pradesh	19154/24/2006-2007	Illegal arrest by police (Complaint)	10000/-	18/01/2010	Proof of payment awaited
135	Uttar Pradesh	10043/24/2004-2005-CD	Death in Judicial Custody (Intimation)	300000/-	27/01/2010	Proof of payment awaited
136	Uttar Pradesh	29440/24/2002-2003-CD	Death in Judicial Custody (Intimation)	100000/-	01/02/2010	Proof of payment awaited
137	Uttar Pradesh	27743/24/42/08-09	Negligence by the officials of government hospital, due to which a pregnant lady had to deliver on road. (Complaint)	100000/-	25/03/2010	Proof of payment awaited
138	Uttar Pradesh	25886/24/0/08-09	Illegal detention from 7.9.2008 to 13.9.2008 by police (Complaint)	25000/-	25/03/2010	Proof of payment awaited
139	Uttar Pradesh	3188/24/43/07-08	Illegal detention by police (Complaint)	10000/-	31/03/2010	Proof of payment awaited
140	Uttar Pradesh	16223/24/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	15/02/2010	Proof of payment awaited
141	Uttar Pradesh	28383/24/2000-2001	Killing by the Police in a Fake Encounter, (Complaint)	300000/-	29/04/2009	Proof of payment awaited
142	Uttar Pradesh	12969/24/2002-2003	Death in Police Encounter, (Complaint)	300000/-	27/05/2009	Proof of payment awaited
143	Uttar Pradesh	14221/24/04-05 L/F 11506/24/2004-2005 L/F 17061/24/2004-2005	Killing Death by Police in a Fake Encounter, (Complaint)	300000/-	01/06/2009	Proof of payment awaited
144	Uttar Pradesh	26809/24/2005-2006-CD L/F 24435/24/2005-2006-CD	Death in Police Custody (Intimation)	300000/-	17/06/2009	Proof of payment awaited
145	Uttar Pradesh	29826/24/2003-2004	Killing by Police in a Fake Encounter, (Complaint)	300000/-	22/06/2009	Proof of payment awaited
146	Uttar Pradesh	39058/24/2003-2004	Killing of by Police in Fake Encounter, (Complaint)	600000/- (300000/- each 2 persons)	29/07/2009	Proof of payment awaited
147	Uttar Pradesh	15799/24/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	03/08/2009	Proof of payment awaited
148	Uttar Pradesh	20712/24/2005-2006	Alleged death due to bullet injury fired by PAC, (Complaint)	500000/-	12/08/2009	Proof of payment awaited
149	Uttar Pradesh	23524/24/2003-2004	Death in Police Encounter, (Complaint)	500000/-	05/10/2009	Proof of payment awaited
150	Uttar Pradesh	21808/24/53/08-09	Death due to Electrocutation, (Complaint)	300000/-	26/10/2009	Proof of payment awaited
151	Uttar Pradesh	13366/24/36/07-08-JCD	Death in Judicial Custody (Intimation)	100000/-	09/11/2009	Proof of payment awaited
152	Uttar Pradesh	25499/24/2004-2005-AD	Death due to pushing from the running train by the Escort Police, (Complaint)	100000/-	11/11/2009	Proof of payment awaited

153	Uttar Pradesh	25792/24/2005-2006-CD	Death in Judicial Custody, (Intimation)	100000/-	30/11/2009	Proof of payment awaited
154	Uttar Pradesh	26577/24/2000-2001	Alleged death in Judicial Custody, (Intimation)	100000/-	30/11/2009	Proof of payment awaited
155	Uttar Pradesh	8330/24/2005-2006-CD	Death in Judicial Custody (Intimation)	50000/-	07/12/2009	Proof of payment awaited
156	Uttar Pradesh	30006/24/2001-2002-CD	Death in Judicial Custody (Intimation)	100000/-	14/12/2009	Proof of payment awaited
157	Uttar Pradesh	11298/24/2002-2003-CD	Death in Police Custody (Intimation)	100000/-	24/12/2009	Proof of payment awaited
158	Uttar Pradesh	27538/24/23/07-08-CD	Death in Judicial Custody (Intimation)	100000/-	04/01/2010	Proof of payment awaited
159	Uttar Pradesh	5621/24/2003-2004-CD	Death in Police Custody (Intimation)	100000/-	07/01/2010	Proof of payment awaited
160	Uttar Pradesh	11763/24/2004-2005-CD	Death in Police Custody (Intimation)	300000/-	13/01/2010	Proof of payment awaited
161	Uttar Pradesh	27361/24/2001-2002-CD	Death in Judicial Custody (Intimation)	100000/-	25/01/2010	Proof of payment awaited
162	Uttar Pradesh	15814/24/2004-2005	Killing by Police in Fake Encounter, (Complaint)	500000/-	27/01/2010	Proof of payment awaited
163	Uttar Pradesh	25106/24/2006-2007	Killing by Police in Fake Encounter, (Intimation)	500000/-	04/02/2010	Proof of payment awaited
164	Uttar Pradesh	2992/24/2003-2004	Death in Police Encounter, (Intimation)	500000/-	25/02/2010	Proof of payment awaited
165	Uttar Pradesh	28279/24/2004-2005-CD	Death in Judicial Custody (Intimation)	100000/-	08/03/2010	Proof of payment awaited
166	Uttar Pradesh	42340/24/2005-2006	Illegal arrest by Police (Complaint)	20000/-	22/03/2010	Proof of payment awaited
167	Uttar Pradesh	42729/24/2006-2007	Illegal detention by the police (Complaint)	50000/-	24/07/2009	Proof of payment awaited
168	Uttar Pradesh	35714/24/2004-2005	Illegal detention by the police (Complaint)	75000/- (25000/- each to 3 victims)	01/09/2009	Proof of payment awaited
169	Uttar Pradesh	26166/24/2004-2005	Death of mentally ill patient due to torture by the hospital staff (Complaint)	200000/-	03/11/2009	Proof of payment awaited
170	Uttar Pradesh	19726/24/2004-2005-WC	Alleged dowry death at the hands of husband and in-laws (Complaint)	15000/-	05/11/2009	Proof of payment awaited
171	Uttar Pradesh	33497/24/2004-2005	Death of children due to fire in cracker factory (Complaint)	2400000/- (800000/- to each 8 victims)	05/01/2010	Proof of payment awaited
172	Uttar Pradesh	28221/24/2004-2005	Illegal detention by the police (Anonymous Complaint)	25000/-	07/01/2010	Proof of payment awaited
173	Uttar Pradesh	429/24/2003-2004	Death of complainant's son due to electrocution (Complaint)	200000/-	07/01/2010	Proof of payment awaited
174	Uttar Pradesh	18676/24/2005-2006	Harassment/injury to the prisoner due to negligence by the jail authorities (Complaint)	25000/-	14/01/2010	Proof of payment awaited
175	Uttar Pradesh	34594/24/2003-2004	Illegal detention (10000/- to each of two victims) by the police (Complaint)	20000/-	18/01/2010	Proof of payment awaited
176	Uttar Pradesh	3396/24/2004-2005	Non registration of FIR by the Police about murder of complainant's husband (Complaint)	15000/-	25/01/2010	Proof of payment awaited

177	Uttar Pradesh	43777/24/2005-2006-wc	Alleged dowry death (Complaint)	15000/-	25/01/2010	Proof of payment awaited
178	Uttar Pradesh	10649/24/2005-2006	Illegal detention by the police (Complaint)	25000/-	02/03/2010	Proof of payment awaited
179	Uttar Pradesh	35486/24/2004-2005	Abuse of power and physical assault by the police (complaint)	125000/- (50000/- to each the Complainant his son and 25000/- to the other son of the Complainant)	26/02/2010	Proof of payment awaited
180	Uttar Pradesh	25653/24/53/07-08	Abuse of power and injuries caused to a baby girl by the police during raid (Suo-Motu cognizance)	15000/-	19/02/2010	Proof of payment awaited
181	Uttar Pradesh	34342/24/2004-2005	Illegal detention by the police (Complaint)	20000/-	05/03/2010	Proof of payment awaited
182	Uttar Pradesh	30639/24/2004-2005	Illegal detention by the police (Complaint)	20000/-	10/03/2010	Proof of payment awaited
183	Uttar Pradesh	29551/24/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	15/05/2009	Proof of payment awaited
184	Uttar Pradesh	14004/24/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	07/12/2009	Proof of payment awaited
185	Uttar Pradesh	12148/24/2006-2007	Illegal detention, (Complaint)	10000/-	07/12/2009	Proof of payment awaited
186	Uttar Pradesh	14087/24/3/07-08	Unlawful Detention (Complaint)	10000/-	16/12/2009	Proof of payment awaited
187	Uttar Pradesh	10789/24/46/09-10	News paper report dated 20.06.2009 captioned "Pregent woman dies after cops throw her off train" (Suo-Motu Cognizance)	300000/-	16/11/2009	Proof of payment awaited
188	Uttar Pradesh	16604/24/32/09-10	Illegation detention by the Police (Complaint)	25000/-	28/02/2010	Proof of payment awaited
189	Uttar Pradesh	8642/24/2004-2005-WC	Unlawful detention by the Police (Complaint)	10000/-	20/10/2009	Proof of payment awaited
190	Uttar Pradesh	14428/24/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	09/11/2009	Proof of payment awaited
191	Uttar Pradesh	23948/24/2006-2007	Torture by the Police Official (Complaint)	20000/-	10/11/2009	Proof of payment awaited
192	Uttar Pradesh	21272/24/2004-2005	Torture by the Police Official (Complaint)	6000/-	09/12/2009	Proof of payment awaited
193	Uttar Pradesh	6036/24/60/07-08	Failure in taking Lawful action (Complaint)	600000/-	20/01/2010	Proof of payment awaited
194	Uttar Pradesh	27806/24/2005-2006	False implications by the Police (Complaint)	30000/-	31/01/2010	Proof of payment awaited
195	Uttar Pradesh	11325/24/2002-2003-CD	Death in Judicial Custody (Intimation)	100000/-	03/02/2010	Proof of payment awaited
196	Uttar Pradesh	18476/24/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	22/02/2010	Proof of payment awaited
197	Uttar Pradesh	505/24/2000-2001	Misuse of Power by the Police Personnel (Complaint)	70000/-	15/04/2009	Proof of payment awaited
198	Uttar Pradesh	23841/24/2005-2006	Torture and Illegal detention by the Police (Complaint)	15000/-	24/08/2009	Proof of payment awaited
199	Uttar Pradesh	8303/24/2005-2006-CD	Death in Judicial Custody (Intimation)	300000/-	25/08/2009	Proof of payment awaited



200	Uttar Pradesh	1974/24/2006-2007	Illegal Detention by the Police (Complaint)	30000/-	16/09/2009	Proof of payment awaited
201	Uttar Pradesh	27159/24/2002-2003	In action by the Police (Complaint)	100000/-	13/10/2009	Proof of payment awaited
202	Uttar Pradesh	4305/24/2001-2002	Misuse of Power by the Police (Complaint)	5000/-	15/10/2009	Proof of payment awaited
203	Uttar Pradesh	20525/24/2003-2004	Death in Police encounter (Complaint)	10000/-	23/11/2009	Proof of payment awaited
204	Uttar Pradesh	44745/24/2006-2007	Failure in taking lawful action (Complaint)	300000/-	04/02/2010	Proof of payment awaited
205	Uttar Pradesh	32585/24/2006-2007	Torture and illegal detention by the Police (Complaint)	20000/-	11/02/2010	Proof of payment awaited
206	Uttar Pradesh	34759/24/31/07-08	Atrocities on SC (Complaint)	10000/-	08/03/2010	Proof of payment awaited
207	Uttar Pradesh	39795/24/70/07-08-JCD	Death in Judicial Custody (Intimation)	300000/-	08/03/2010	Proof of payment awaited
208	Uttar Pradesh	32540/24/2002-2003-CD	Death in Judicial Custody (Intimation)	300000/-	24/06/2009	Proof of payment awaited
209	Uttar Pradesh	429/24/2006-2007-DH	Death in Government Observation Home (Intimation)	100000/-	08/09/2009	Proof of payment awaited
210	Uttar Pradesh	14975/24/2005-2006	Illegation detention by the Police (Complaint)	10000/-	18/11/2009	Proof of payment awaited
211	Uttar Pradesh	7283/24/2003-2004	Illegation Detention by the Police (Complaint)	10000/-	07/12/2009	Proof of payment awaited
212	Uttar Pradesh	11651/24/57/08-09	False implications (Complaint)	10000/-	09/12/2009	Proof of payment awaited
213	Uttar Pradesh	20735/24/2004-2005	Illegation gratification by the Police Officials (Complaint)	10000/-	09/12/2009	Proof of payment awaited
214	Uttar Pradesh	38350/24/2004-2005-CD	Death in Judicial Custody (Intimation)	300000/-	07/01/2010	Proof of payment awaited
215	Uttar Pradesh	150/24/2002-2003-CD	Death in Judicial Custody (Intimation)	300000/-	23/01/2010	Proof of payment awaited
216	Uttar Pradesh	33188/24/14/07-08	Falsely implicated in a Case (Complaint)	10000/-	31/01/2010	Proof of payment awaited
217	Uttar Pradesh	11730/24/2003-2004-CD	Death in Judicial Custody (Intimation)	100000/-	15/02/2010	Proof of payment awaited
218	Uttar Pradesh	42160/24/2004-2005-CD	Death in Judicial Custody (Intimation)	300000/-	27/07/2009	Proof of payment awaited
219	Uttar Pradesh	8783/24/2002-2003-CD	Death in Judicial Custody (Intimation)	100000/-	13/10/2009	Proof of payment awaited
220	Uttar Pradesh	38528/24/2005-2006	Death in firing of grenade by PAC personnel. (Complaint)	300000/-	22/04/2009	Rs. 1,50,000/- to NOK of 2 Victims, Proof of Payment awaited
221	Uttar Pradesh	11713/24/2003-2004-CD	Custodial death (Judicial) (Intimation)	200000/-	04/09/2009	Proof of payment awaited
222	Uttar Pradesh	31881/24/2005-2006	Illegal Detention and false implication by Police (Complaint)	50000/-	21/10/2009	Proof of payment awaited
223	Uttar Pradesh	37354/24/46/07-08	Alleged Illegal Detention by Police, (Complaint)	50000/-	20/10/2009	Proof of payment awaited

224	Uttar Pradesh	13864/24/40/07-08	Alleged Torture by Police, (Complaint)	100000/-	21/10/2009	Proof of payment as well as outcome of the action initiated against errant police personnel is awaited.
225	Uttar Pradesh	46674/24/59/07-08-PCR	Illegal detention and rape of minor girl in Police Custody, (Complaint)	200000/-	21/10/2009	Proof of payment awaited
226	Uttar Pradesh	40379/24/2006-2007	Illegal detention & torture by Police, (Complaint)	100000/- (50000/- to each)	26/10/2009	Proof of payment awaited
227	Uttar Pradesh	33074/24/2006-2007-CD	Death in Judicial Custody, (Intimation)	100000/-	27/10/2009	Proof of payment awaited
228	Uttar Pradesh	40126/24/2006-2007	Wrongful confinement by Police	50000/-	05/11/2009	Proof of payment awaited
229	Uttar Pradesh	6919/24/2004-2005	Non registration of FIR by Police (Complaint)	25000/-	05/11/2009	Proof of payment awaited
230	Uttar Pradesh	39210/24/2006-2007 (LF 1455/35/2006-2007)	Illegal detention by Police (Complaint)	50000/-	05/11/2009	Proof of payment awaited
231	Uttar Pradesh	8302/24/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	12/11/2009	Proof of payment awaited
232	Uttar Pradesh	15310/24/62/07-08	Illegal detention by Police (Complaint)	50000/-	14/12/2009	Proof of payment awaited
233	Uttar Pradesh	14358/24/23/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	16/12/2009	Proof of payment awaited
234	Uttar Pradesh	29465/24/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	21/12/2009	Proof of payment awaited
235	Uttar Pradesh	29591/24/2006-2007	Illegal detention by Police (Complaint)	50000/-	30/03/2010	Proof of payment awaited
236	Uttar Pradesh	5375/24/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	09/06/2009	Proof of payment awaited
237	Uttar Pradesh	7000/24/2005-2006-CD	Death in Judicial Custody (Intimation)	50000/-	07/07/2009	Proof of payment awaited
238	Uttar Pradesh	7767/24/48/08-09	Beating of two persons with sticks by Police, (Complaint)	10000/-	21/07/2009	Proof of payment awaited
239	Uttar Pradesh	37802/24/2006-2007	Alleged torture by Police (Complaint)	25000/-	24/08/2009	Proof of payment awaited
240	Uttar Pradesh	3278/24/24/07-08-JCD	Death in Judicial Custody (Intimation)	100000/-	09/09/2009	Proof of payment awaited
241	Uttar Pradesh	29278/24/68/07-08	False implication by the Police, (Complaint)	15000/-	08/10/2009	Proof of payment awaited
242	Uttar Pradesh	8006/24/2004-2005	Alleged torture by Police (Complaint)	50000/-	21/10/2009	Proof of payment awaited
243	Uttar Pradesh	3779/24/2005-2006-CD	Death in Judicial Custody (Intimation)	100000/-	28/10/2009	Proof of payment awaited
244	Uttar Pradesh	26839/24/2002-2003	Illegal detention and torture by Police, (Complaint)	10000/-	28/10/2009	Proof of payment awaited
245	Uttar Pradesh	38166/24/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	30/10/2009	Proof of payment awaited
246	Uttar Pradesh	26456/24/2006-2007	Alleged arrested by Special Operation Group (Complaint)	20000/-	05/11/2009	Proof of payment awaited

247	Uttar Pradesh	5642/24/2003-2004	Constable Jai Kumar who was under intoxication arrested him, committed misbehavior and taken to police station where after giving Rs. 500/- as bribery he was released (Complaint)	25000/-	13/11/2009	Proof of payment awaited
248	Uttar Pradesh	3096/24/2004-2005	Alleged misbehavior by Constable C-59 Lalu Tiwari and caused humiliation by calling Chamar etc.. (Complaint)	20000/-	17/11/2009	Proof of payment awaited
249	Uttar Pradesh	41130/24/17/07-08	Death in Police Custody (Complaint)	25000/-	09/12/2009	Proof of payment awaited
250	Uttar Pradesh	3803/24/2005-2006	Illegal arrest by police (Complaint)	25000/-	11/01/2010	Proof of payment awaited
251	Uttar Pradesh	49154/24/2006-2007	Illegal detention by police (Complaint)	25000/-	15/01/2010	Proof of payment awaited
252	Uttar Pradesh	14303/24/2006-2007	Victimization and harassment of a press reporter by police on behest of then SP Lkhimpur Khiri, against whom he had reported in the press. (Complaint)	500000/-	04/02/2010	Proof of payment awaited
253	Uttar Pradesh	33071/24/54/07-08	Illegal detention by police (Complaint)	10000/-	05/03/2010	Proof of payment awaited
254	Uttar Pradesh	30389/24/2001-2002-CD	Death in Judicial Custody (Intimation)	100000/-	10/03/2010	Proof of payment awaited
255	Uttar Pradesh	13285/24/48/09-10	Death of a child due to falling down in a manhole at Gomti Nagar, Lucknow, (Complaint)	300000/-	10/03/2010	Proof of payment awaited
256	Uttar Pradesh	2723/24/57/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	17/03/2010	Proof of payment awaited
257	Uttar Pradesh	24293/24/2002-2003-AD	Death of an under trial prisoner in jail, due to consuming poison (Complaint)	100000/-	17/03/2010	Proof of payment awaited
258	Uttar Pradesh	8229/24/2002-2003	Torture in police custody (Complaint)	75000/-	15/10/2009	Proof of payment awaited
259	Uttar Pradesh	1514/24/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	10/11/2009	Proof of payment awaited
260	Uttar Pradesh	33423/24/2004-2005	Illegal arrest by police (Complaint)	10000/-	26/11/2009	Proof of payment awaited
261	Uttarakhand	336/35/2004-2005-CD	Death in Judicial Custody (Intimation)	100000/-	27/01/2010	Proof of payment awaited
262	West Bengal	218/25/2003-2004	Illegal trespass in the house, and beating up of a pregnant woman by police, resulting in abortion (Complaint)	25000/-	19/03/2010	Proof of payment awaited
263	West Bengal	1001/25/15/08-09-PF	Atrocities committed by personnel of BSF (Complaint)	20000/- (10000/- to each 2 victims)	04/02/2010	Proof of payment awaited
264	West Bengal	562/25/5/07-08-JCD	Death in Judicial Custody (Intimation)	300000/-	17/03/2010	Proof of payment awaited
265	West Bengal	400/25/2005-2006	Death in the Custody of Custom Officials, (Complaint)	100000/-	29/07/2009	Proof of payment awaited
266	West Bengal	180/25/18/07-08-PF	Indiscriminate firing by BSF personnel, (Complaint)	650000/- 500000/- to NOK of deceased & 50000/- each to injured	26/11/2009	Proof of payment awaited

# Annexure – 8

Para 4.405

## DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2009-2010 FOR DISCIPLINARY ACTION AGAINST PUBLIC SERVANTS

Sl. No.	Name of the state/ ut	Case no.	Nature of complaint	Recommendation	Date of recommendation	Remarks
1.	Andhra Pradesh	672/1/2005-2006-CD	Death in Judicial Custody, (Intimation)	Departmental action against errant doctors.	13/10/2009	Compliance report awaited
2.	Assam	163/3/2002-2003-CD	Death in Judicial Custody (Intimation)	Departmental action against delinquent Jail officials	13/10/2009	Compliance report awaited
3.	Bihar	2402/4/2001-2002-CD	Death in Judicial Custody (Intimation)	Departmental action against delinquent officials of Prison Administration	30/07/2009	Compliance report awaited
4.	Madhya Pradesh	1887/12/2005-2006-CD	Death in Judicial Custody (Intimation)	Departmental action against delinquent officials of Prison Administration/Medical Officers.	23/02/2010	Compliance report awaited
5.	Uttar Pradesh	13864/24/40/07-08	Alleged Torture by Police, (Complaint)	Departmental action against the errant police personnel.	21/10/2009	Compliance report awaited

## Annexure - 9

Para 4.406

## DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS FROM 1993-1994 TO 2007-2008 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/ PROSECUTION

Sl. No.	Name Of State/ut	Case No.	Nature Of Complaint	Recommendations	Date Of Recommendation	Remarks
1	Bihar	2812/4/97-98	Death in fake encounter (intimation)	300000/-	01/08/2007	Compliance report awaited
2	Bihar	838/4/2006-2007-CD	Death in judicial custody (intimation)	100000/- + disciplinary action	29/02/2008	Proof of payment awaited
3	Delhi	102/30/2005-2006	Severe health problems suffered by a girl due to supply of wrong medicine by CGHS dispensary (Complaint)	100000/-	30/07/2007	Compliance report not received due to challenge in the High Court of Delhi on the grounds of denial of medicines by the complainant; denial of opportunity to the petitioner to explain his stand; and condition of patient had worsened by administration of wrong medicine. Orders of WP No.9776/07 pending in the High Court of Delhi
4	Gujarat	653/6/2002-2003-CD	Death in judicial custody (intimation)	200000/-	03/09/2007	Outcome of case pending in the High Court awaited
5	Haryana	1906/7/2006-2007-WC	A girl allegedly abused by police (Suo-motu cognizance)	20000/- + Departmental action against errant police personnel	29/02/2008	Compliance report awaited
6	Jharkhand	4/743/95-LD	Alleged death in police custody (Complaint)	400000/- + prosecution and departmental action against the 2 police officials	20/01/2000	Matter pending in Delhi High Court
7	Karnataka	180/10/2004-2005-CD	Death in police custody (intimation)	300000/-	17/09/2007	Compliance report and proof of payment awaited
8	Kerala	235/11/98-99	Alleged false implication (Complaint)	1000000/-	14/03/2001	The State Govt. has preferred Writ Appeals against the recommendations of the Commission, which is pending consideration

9	Kerala	95/11/999-2000	Death of a Head Constable while on duty, for want of timely medical care (Complaint)	50000/-	29/08/2007	Compliance report not received due to challenge in the High Court of Kerala on the grounds of non-compliance with the provisions of Protection of Human Rights Act, 1993. Orders of WP No. 36890/07 awaited from High Court of Kerala
10	Maharashtra	2021/13/2000-2001-AD	Death in police custody (intimation)	200000/-	14/01/2008	Compliance report and proof of payment awaited
11	Maharashtra	415/13/2002-2003-CD	Death in judicial custody (intimation)	100000/-	30/01/2008	Compliance report and proof of payment awaited
12	Orissa	123/18/1999-2000	Alleged physical torture and illegal detention by police (Complaint)	50000/- + disciplinary action against errant police personnel also.	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
13	Uttar Pradesh	4122/24/2000-2001	Bonded Labour (Complaint)	300000/- (1000/- each to 300 Bonded labourers.	28/02/2005	Compliance report awaited
14	Uttar Pradesh	7049/24/2000-2001-CD	Death in judicial custody (Intimation)	300000/-	10/03/2008	Proof of payment awaited
15	Uttar Pradesh	30217/24/2002-2003-CD	Death in judicial custody (Intimation)	10000/-	20/02/2008	Compliance Report awaited
16	Uttar Pradesh	974/24/2006-2007-CD	Death in judicial custody (Intimation)	100000/-	29/01/2008	Compliance Report awaited
17	West Bengal	589/25/2002-2003	A boy allegedly severely injured being shot accidentally by a guard of a Colliery under Deptt. of Coal Government of India (Complaint)	100000/-	28/12/2007	Compliance report and proof of payment awaited



## Annexure -10

Para 4.406

## DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2008-2009 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION

Sl. No.	Name of State/UT	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
1	Bihar	180/4/2002-2003-AD L/F188/4/2000-2001-CD	Death in judicial custody (intimation as well as complaint)	200000/-	31/12/2008	Compliance report awaited
2	Bihar	332/4/2003-2004-CD	Death in police custody (intimation)	200000/-	25/02/2009	Compliance report awaited
3	Bihar	1863/4/2003-2004-CD	Death in judicial custody (intimation)	250000/- and Departmental enquiries against the then Medical Officer and Superintendent of the Mandal Jail Ara, Bihar.	21/11/2008	Compliance report awaited
4	Bihar	3023/4/2001-2002-CD	Death in judicial custody (intimation)	300000/-	19/08/2008	Compliance report awaited
5	Chhatisgarh	416/33/2005-2006-CD	Death in judicial custody (intimation)	100000/-	17/11/2008	Compliance report awaited
6	Jammu & Kashmir	22/9/2003-2004-AD	Death in police custody (Suo motu cognizance)	300000/-	28/01/2009	Compliance report awaited
7	Jammu & Kashmir	23/9/2005-2006-AF	Killing of three persons by armed forces (complaint)	200000/-	11/11/2008	Compliance report awaited
8	Jharkhand	1182/34/2002-2003-CD	Death in police custody (intimation)	100000/-	15/9/2008	Compliance report awaited
9	Jharkhand	642/34/2005-2006-WC	Illegal trespass in the house in drunken state at night and misbehavior with the women by the police-(Complaint)	50000/-	24/12/2008	Compliance report awaited
10	Kerala	295/11/2000-2001-CD	Death in judicial custody (intimation)	200000/-	12/12/2008	Compliance report awaited
11	Kerala	43/11/2002-2003-CD	Death in judicial custody (intimation)	150000/-	12/09/2008	Compliance report awaited
12	Kerala	159/11/2006-2007 LW 169/11/2006-2007	Illegal detention and harassment by police (Complaint)	50000/- and Disciplinary action against guilty police personnel	02/04/2008	Compliance report awaited
13	Maharashtra	415/13/2002-2003-CD	Death in police custody (intimation)	100000/-	30/01/2008	Compliance report awaited
14	Maharashtra	2021/13/2000-2001	Death in police custody (Complaint)	200000/-	14/01/2008	Compliance report awaited
15	Maharashtra	2790/13/2003-2004	Death in police custody (intimation)	100000/-	16/02/2009	Compliance report awaited

16	Orissa	334/18/0/07-08	13 persons lost their eyes due to negligence of the doctors (Complaint)	1300000/-	19/11/2008	Compliance report awaited
17	Punjab	952/19/2002-2003-CD	Death in police custody (intimation)	350000/- ( 300000/- to deceased & 50000/- to injured) and Disciplinary action against guilty police personnel	02/02/2009	Compliance report awaited
18	Tamil Nadu	41/22/2003-2004-CD	Death in judicial custody (intimation)	50000/-	03/11/2008	NOK being traced
19	Tripura	24/23/3/07-08	Abuse of power by police (Complaint)	200000/-	08/12/2008	Compliance report awaited
20	Uttar Pradesh	6527/24/2000-2001-CD	Death in judicial custody (intimation)	100000/-	16/07/2008	Compliance report awaited
21	Uttar Pradesh	37050/24/2001-2002-AD	Death in police custody (Complaint)	100000/-	23/07/2008	Compliance report awaited
22	Uttar Pradesh	3889/24/2000-2001-CD	Death in judicial custody (intimation)	100000/-	23/07/2008	Compliance report awaited
23	Uttar Pradesh	871/24/2006-2007	Gang rape by police personnel (intimation)	300000/-	27/12/2008	Compliance report awaited
24	Uttar Pradesh	39996/24/2005-2006-WC	Rape by police personnel (Complaint)	25000/-	24/11/2008	Compliance report awaited
25	Uttar Pradesh	25962/24/2001-2002	Death due to not giving proper treatment (Complaint)	100000/-	18/02/2009	Compliance report awaited
26	Uttar Pradesh	14652/24/2002-2003	Death due to electrocution (Complaint)	200000/-	18/03/2009	Compliance report awaited
27	Uttar Pradesh	9821/24/2002-2003-CD L/F 9802/24/2002-2003-AD	Death in police custody (intimation)	100000/-	25/03/2009	Compliance report awaited
28	Uttar Pradesh	1895/24/2003-2004	Death in police custody (Complaint)	100000/-	25/03/2009	Compliance report awaited
29	Uttar Pradesh	27493/24/2003-2004-CD	Death in judicial custody (intimation)	100000/-	12/08/2008	Compliance report awaited
30	Uttar Pradesh	20141/24/2002-2003-CD	Death in judicial custody (intimation)	100000/-	12/09/2008	Compliance report awaited
31	Uttar Pradesh	28667/24/2004-2005	Killing of children by wild animals (Complaint)	50000/-	12/09/2008	Compliance report awaited
32	Uttar Pradesh	36729/24/2002-2003-CD	Death in judicial custody (intimation)	100000/-	22/07/2008	Compliance report awaited
33	Uttar Pradesh	20975/24/2003-2004-CD	Death in judicial custody (intimation)	100000/-	12/08/2008	Compliance report awaited
34	Uttar Pradesh	10548/24/2003-2004-CD	Death in judicial custody (intimation)	100000/-	27/02/2009	Compliance report awaited
35	Uttar Pradesh	5286/24/2005-2006-CD	Death in judicial custody (intimation)	100000/-	19/12/2008	Compliance report awaited
36	Uttar Pradesh	34571/24/2004-2005-CD LW 50143/24/2006-2007	Death in judicial custody (intimation)	100000/-	24/11/2008	Compliance report awaited
37	Uttar Pradesh	27235/24/2006-2007	Illegal detention, torture and apprehension of implication in false criminal case (Complaint)	50000/-	29/01/2009	Compliance report awaited

38	Uttar Pradesh	24507/24/2004-2005-CD	Death in judicial custody (intimation)	100000/-	16/02/2009	Compliance report awaited
39	Uttar Pradesh	7233/24/23/07-08	Death due to negligence by police (Complaint)	300000/-	11/11/2008	Compliance report awaited
40	Uttar Pradesh	28291/24/2000-2001	Illegal detention by Police (Complaint)	100000/-	20/06/2008	Compliance report awaited
41	Uttar Pradesh	24720/24/2006-2007-CD	Death in judicial custody (intimation)	200000/-	17/03/2009	Compliance report awaited
42	Uttar Pradesh	19895/24/2005-2006-CD	Death in judicial custody (intimation)	100000/-	02/03/2009	Compliance report awaited
43	Uttar Pradesh	5979/24/2005-2006-CD	Death in judicial custody (intimation)	300000/-	28/01/2009	Compliance report awaited
44	Uttar Pradesh	24111/24/2002-2003-CD	Death in judicial custody (intimation)	100000/-	09/09/2008	Compliance report awaited
45	Uttar Pradesh	22469/24/2003-2004-CD	Death in judicial custody (intimation)	300000/-	06/01/2009	Compliance report awaited
46	Uttar Pradesh	13272/24/2003-2004-CD	Death in judicial custody (intimation)	300000/-	19/08/2008	Compliance report awaited
47	Uttar Pradesh	44204/24/2005-2006	Severe burn due to electrocution resulting in amputation right hand and toes of both legs of the victim (Complaint)	50000/-	16/09/2008	Compliance report awaited
48	Uttarakhand	1617/35/2001-2002	Unlawful detention by Tehsildar (Complaint)	20000/-	18/08/2008	Compliance report awaited
49	Uttarakhand	921/35/2003-2004	Death due to electrocution (Complaint)	200000/-	08/09/2008	Compliance report awaited
50	West Bengal	213/25/2004-2005-CD	Death in police custody (intimation)	100000/-	17/10/2008	Compliance report awaited
51	Ministry of Railways, Govt. of India.	6352/24/97-98	Torture of the victim by Inspector and other staff of RPF resulting into his death (Complaint)	200000/-	21/05/2008	Compliance report awaited

# Annexure -11

Para 7.7

## HUMAN RIGHTS TRAINING PROGRAMMES ORGANIZED BY NHRC'S DURING 2009-2010

Sl. No.	Name of the Institution	Theme of Training & No. of Programmes	Venue	Programme Date & No. of Participants
1	2	3	4	5
1.	Indira Mahila Mandali M.Nidamanuru (V), Tanguturu (M) – 523 274, Prakasam District, Andhra Pradesh	Seminar One Programme	Community Hall, Vengamukka Palem Village, Ongole Mandal, Prakasam Distt. A.P.	28 June 2009
2.	Jana Jagruthi D.No.1-65-75, Acharigarithota, Seethar-empuram, Tuni -533 401, East Godavari District, Andhra Pradesh	Basic Programme  One Programme	Rotary Hall, Tuni East Godavari District, AP	11 July 2009  65 participants
3.	Adikavi Nanaya University, Jaykrishna Puram, Rajahmundry, Andhra Pradesh	Human Rights Sensitization Programme  One Programme	College Premises	1 October 2009  100 participants
4.	Osmania Medical College, Hyderabad, Andhra Pradesh	One day programme on Human Rights & Health  One programme	Seminar Hall, R.B.V.R.R. Women's College, Narayanguda, Hyderabad	27 November 2009  40 participants
5.	Administrative Training Institute, D – Sector, Naharlagun Arunachal Pradesh	TOT programme  One Programme	Lecture Hall No.II, ATI, Govt. of AP, 'D' Sector, Naharlagun (Itanagar)	21 – 23 December 2009  30 participants
6.	Assam SHRC Statefed H O Bldg. Bhangagarh Guwahati 781005	Human Rights Awareness Programme  Three programmes	Bilasipara in Dhubri District  Sipajhar in Darrang District  Khowang in Dubrugarh District	14 November 2009 76 participants  10 December 2009 71 participants  29 January 2010 73 participants

7.	Barak Human Rights Protection Committee, NGO, Silchar, Assam	Basic Programme on Human Rights Awareness Creation  One Programme	Gandhi Bhawan Auditorium, Silchar, Assam	25 October 2009  265 participants
8.	Administrative Training Institute, Bihar, WALMI Complex, Pulwari Sharif, Patna, Bihar	Human Rights Awareness Programme  Two TOT Programmes	BIPARD Premises	27-29 January 2010  12 participants  29-31 March 2010  27 participants
9.	St. Xavier's College of Education, Digha Ghat P.O., Patna, Bihar	One day seminar on Human Rights : Issues, Challenges and Possibilities  One Programme	St. Xavier's College of Education, Auditorium	05 February 2010  150 participants
10.	Chhattisgarh Academy of Administration, Indrawati Khand, Mantralaya Parisar, Raipur (C.G.) – 492 001, Chhattisgarh	One TOT (3 days)  One Programme	Mantralaya Parisar, Raipur	29-31 March 2010  27 participants
11.	Atma Ram Sanathan Dharam College, Dhaula Kuan, New Delhi	One day Human Rights Awareness Seminar One Programme  (organizer conducted three programmes)	College Seminar Hall	12 August 2009  10 December 2009  02 March 2010  370 participants
12.	Indian Adult Education Association, 17-B Indraprastha Estate, New Delhi	One day Human Rights Training Programme  One Programme	Meeting Hall, Nehru Balvikas Samiti Vidhayala Block-8, Trilokpuri, Delhi	10 July 2009  88 participants
13.	All India Institute of Medical Sciences, Ansari Nagar, New Delhi	One – two days Orientation Training Programme on Health and Human Rights  One Programme	Seminar Room of Centre for Community Medicine, AIIMS & Lecture Theatre College of Nursing, AIIMS	5 - 6 February 2010  71 participants
14.	Indian Institute of Public Administration (IIPA), IP Estate, New Delhi	One – three days TOT programme on Human Rights  One Programme	Conference Hall, APRO HQ, Ulubari, Guwahati	4 – 6 March 2010  22 participants

15.	Goa Institute of Rural Development & Administration Ela Old Goa, Goa 403 402	One TOT Programme (3 days)  One Programme	GIRDA Lecture Hall	13 - 15 January 2010  16 participants
16.	Haryana Institute of Public Administration HIPA Complex, Sector- 18, Gurgaon - 122001, Haryana	Two TOT Programmes (3 days)  Two Programmes	ATI premises	19-21 January 2010 22 participants 2-4 February 2010 19 participants
17.	Bharat Gram Vikas Kendra, Chandandih, Lathehar, Jharkhand	One day programme on Human Rights  One Programme	Human Potential Development Centre (HPDC), Church Road, Bahubazar, Ranchi	31 January 2010  55 participants
18.	Administrative Training Institute, P.A. No. 2, Lalitha Mahal Road, Mysore - 570 010	One TOT Programme (3 days)  One Programme	K.D.P. Hall (Off. Campus) Zill Panchayat, Chamarajanagar	26-28 October 2009  41 participants
19.	Jayanthigram Women and Children Welfare Association, R.B. Patil Building, Near Maheswari, Mangal Karyalaya, Chalukya Nagara, Halakatti Road, Bijapur -586103, Karnataka	2 Days Workshop on Economic and Social Rights for Women  One Programme	Lecture Hall of SKVMS Pre University College, Matapati Galli, Bijapur	11-12 September 2009  68 participants
20.	Vanita Yuvati Sangh, NGO, Near Swastik Industry, Ankali Road, Post: Sankeshwar, Dist. Belgaum, Karnataka	One day programme on Human Rights  One Programme	I.M.A. Hall, Adarsha Nagar, Sankeshwar Distt. Belgaum, Karnataka	09 August 2009  72 participants
21.	Institute of Management in Government Vikas Bhavan P.O. Thiruvananthapuram Pin - 695 033, Kerala	One TOT Programme (3 days)  One Programme	IMG Main Campus, Thiruvananthapuram	15-17 February 2010  30 participants
22.	Alleppey Diocesan Charitable & Social Welfare Society , PB No.114, Convent Junction, Alleppey, Kerala - 688 001	One day Basic Programme on Human Rights  One Programme	ADC & SW Society, karmasadan Hall, Alleppey, Kerala	28 July 2009  154 participants
23.	Highrange Development Society, Idukki, Bishop's House, Karimpan, Manippara PO 685 602, Idukki, Kerala	one day Basic Programme on Human Rights  One Programme	Auditorium, Pavanatma College Murickassery, Idukki	14 November 2009  654 participants



24.	Apex Voluntary Agency for Rural Development, AVARD Bhavan, Chalakudy, Thrissur-680 307, Kerala	One day Seminar i.e Basic Programme on Human Rights  One Programme	Sacred Heart College, Chalakudy, Thrissur, Kerala	07 July 2009  162 students
25.	Little Flower Institute of Social Sciences & Health, 26th Mile, Kaithapoyil, Kozhikode, Kerala	One day Training on Human Rights Movement and Youth  One Programme	LISSAH, Kaithapoyil, PO, Kozhikode, Kerala	01 August 2009  375 participants
26.	N.A.M. College Kallikkandy, Vidyagiri, PO Kallikandy, Kannur District, Kerala	One day Basic Training Prog. on Human Rights  One Programme	Sumangali Auditorium, Panoor, Kannur, Dt. Kerala	10 December 2009  105 participants
27.	St. Joseph's College Devagiri Medical College, PO, Calicut – 08, Kozhikode, Kerala	One day programme on Displacement: A Human Rights Points of View  One Programme	College Premises	16 October 2009  221 participants
28.	R.C.V.P. Noronha Academy of Admn. Arera Colony, Near Shahpura Lake, (1100 Qrts.) Post Bag No. 506, Bhopal – 462016	Two TOT Programmes (3 days)  Two Programmes	RCVP Naronha Premises	28-30 October 2009 15 Participants  6 – 8 October 2010 19 Participants
29.	International Leprosy Union, C/o CASP-Pune Unit, 1789/84, Gurutrayee Smarak Building Sadashiv Peth, Bharat Scout Ground, Pune – 411 030 (India)	One day Basic Programme on Human Rights  One Programme	Bharat Scout Ground Hall, Sadashiv Peth, Pune	06 November 2009  44 participants
30.	Hansraj Jivandas College of Education, Dr. Madhuri Shah Campus, Ramkrishna Mission Marg, Khar (W), Mumbai – 400 052	One day programme on Children's Rights in the Schools – Training for Students Teachers' Capacity Building  One Programme	College Auditorium	27 November 2009  156 participants
31.	Chhatrapati Shivaji College, Satara – 414 001, Maharashtra	One day Seminar on Human Rights Situation of our country  One Programme	Sou. Laxmibai Bhaurao Patil Sahagrah, D.G. College of Commerce, Satara	27 November 2009  150 participants

32.	Administrative Training Institute, Main Secretariat Building, Shillong – 793002 Meghalaya	One TOT Programme (3 days) One Programme	ATI premises	14 – 16 December 2009 16 participants
33.	Administrative Training Institute, Mizoram, Aizawal	One TOT Programme (3 days) One Programme	Circuit House, Conference Hall, Lunglei	11 – 13 November 2009 56 participants
34.	SRUSTI (Society for Rural Upliftment & Socio Technological Initiative), At/ Po: Khariar, Distt. Nuapada, Orissa	One day programme on Human Rights One Programme	SRUSTI Training Centre, AT Khariar, Distt. Nuapada, Orissa	15 July 2009 82 participants
35.	Sramika Bhawan Cultural Centre, At Navin Ch. Das Niwas, Stewartpanta, PO Tulasipur, Cuttack, Orissa	One day programme on Human Rights One Programme	Hotel Akbari Continental, Dolamundai, Cuttak	29 July 2009 78 participants
36.	Collective Initiation For Social Solidarity (CISS), At/PO Kandabindha, Via Gadasila, Dist. Dhenkanal – 759 025, Orissa	One two days Workshop on Human Rights One Programme	Since Park, Dhenkanal	17-18 August 2009 67 participants
37.	Directorate of Prisons and Correctional Services, Bhubaneswar, Orissa	One (five day) Training Prog. on HR in Prison Management One Programme	Conference Hall of Institute on Management of Agricultural Extension, Siripur, Bhubaneswar	6-10 October 2009 43 participants
38.	Sushree Institute of Technical Education (SITE), Pallishree Vihar, Sadaipali, Balangir, Orissa	One day Sensitisation programme on Human Rights One Programme	Conference Hall of Sushree Institute of Technical Edu. Pallishree Vihar, Sadaipali, Balangir	26 July 2009 110 participants
39.	Baba Kakharua Baidyanath College, Manatri, Mayurbhan, Orissa	One day Sensitisation programme on Human Rights One Programme	College Premises	09 January 2010 150 participants
40.	HCM Rajasthan State Institute of Public Administration, Jawaharlal Nehru Marg, Jaipur – 302017	One TOT Programme (3 days) One Programme	ATI premises	8–10 December 2009 16 participants

41.	Rajasthan SHRC State Secretariat, Jaipur	1-Basic Prog. 1- TOT Prog. 1- Basic Prog.  Three Programmes	HCM (RIPA), Jaipur  HCM (RIPA), Jaipur  HCM (RIPA), Jaipur	20 November 2009 100 Partici- pants 3-4 Decem- ber 2009 120 partici- pants 5th March 2010 80 Partici- pants
42.	Tamil Nadu SHRC "Thiruvaramam" Bldg. No.161,P.S.Kumarasamy Raja Salai (Greenways Road), Chennai	One day Basic Pro- grammes on Human Rights  Two Programmes	Conference Hall, Collectorate, Madu- rai  District Development Council Hall, Salem	23 February 2010 150 partici- pants  31 March 2010 120 partici- pants
43.	COODU Trust, H-83, R.M. Colony, Dindigul -624 001, Tamil Nadu	One day Basic Programme on Human Rights  One Programme	Collectorate Conference Hall/ Hotel Residential, Karur Distt.	08 September 2009  65 partici- pants
44.	Akshaya Rehabilitation Trust, No.1, Ahim- sapuram Main Road, Near 3rd Street, Sellur, Madurai Tamil Nadu	One day Basic Programme on Human Rights  One Programme	Sivangangai District, Tamil Nadu	24 October 2009  72 partici- pants
45.	Periyar University, Salem -636011, Tamil Nadu	One day Sensitisation Programme on Human Rights  One Programme	College premises	27 August 2009  53 partici- pants
46.	Presidency College (Autonomous), Chennai - 600 005	One day Basic Training Prog. on Human Rights  One Programme	New Examination Hall, Presidency College, Chennai	25 September 2009  255 partici- pants
47.	St. Joseph's College, Tiruchirappalli Tamil Nadu	One day Basic Training Prog. on Human Rights  One Programme	College premises	28 August 2009  500 partici- pants
48.	Borok Peoples Human Rights Organization Palace Compound, P.B.No.88, GPO, Agartala-799 001, Tripura	One day Basic Programme on Human Rights  One Programme	Rajarshi Hotel (Hall) Opp. Governor House, Agartala, Tripura	11 October 2009  80 partici- pants

49.	Ramakrishna Mahavidyalaya, Govt. of Tripura, PO Kailashahar 799 277	One day National Seminar on Human Rights  One Programme	Ramakrishna Mahavidyalaya, Kailashahar, Tripura (North), India	03 January 2010  26 participants
50.	Belonia College, Tripura	One day Seminar/ Workshop on Human Rights  One Programme	Belonia Town Hall	19 August 2009  160 participants
51.	U.P. Academy of Administration & Management Sector-D, Aliganj, Lucknow	Two TOT Programmes (3 days)  Two Programmes	ATI premises	12-14 October 2009 23-25 November 2009 42 participants
52.	UP SHRC, Manav Adhikar Bhawan, TC/34 V-1, Vibhuti Khand, Gomti Nagar, Lucknow - 226010	One day Basic Programmes  One Programmes	UP Judicial Training & Research Institute, Gomti Nagar, Lucknow	29.08.09  110 participants
53.	Tanveer Mahila Prashikshan Evam Shikshan Sansthan, Bewar Road, Bholepur, Fatehgarh, Distt.Farrukhabad, U.P.	One day Basic Programme on Human Rights  One Programme	District Hardoi	03 August 2009  187 participants
54.	N.A.S. College, Meerut, U.P.	One day Basic Training Prog. on Human Rights  One Programme	College Hall	25 February 2010  90 participants

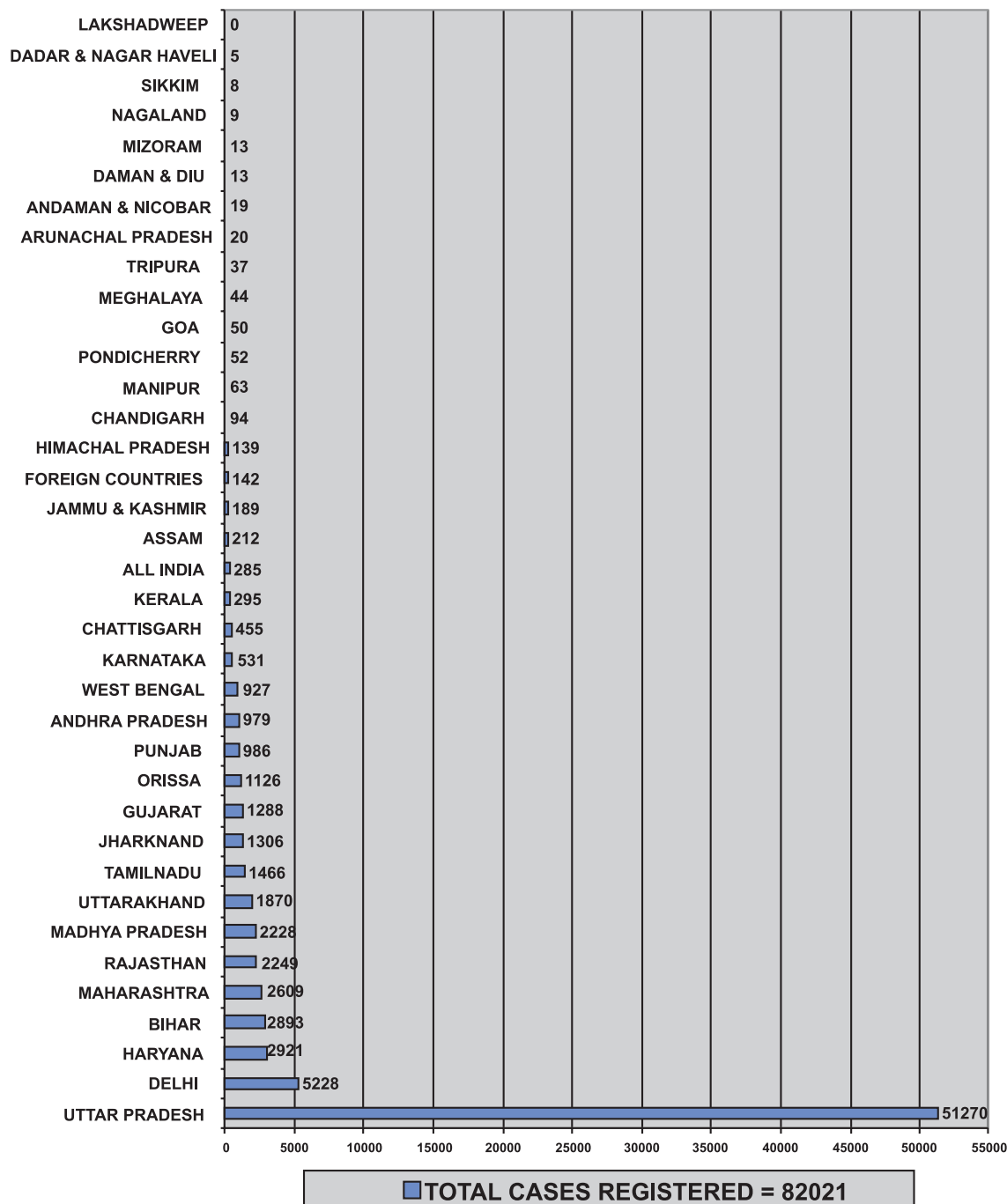
(59 Institutions conducted 71 programmes till 31/03/2010)

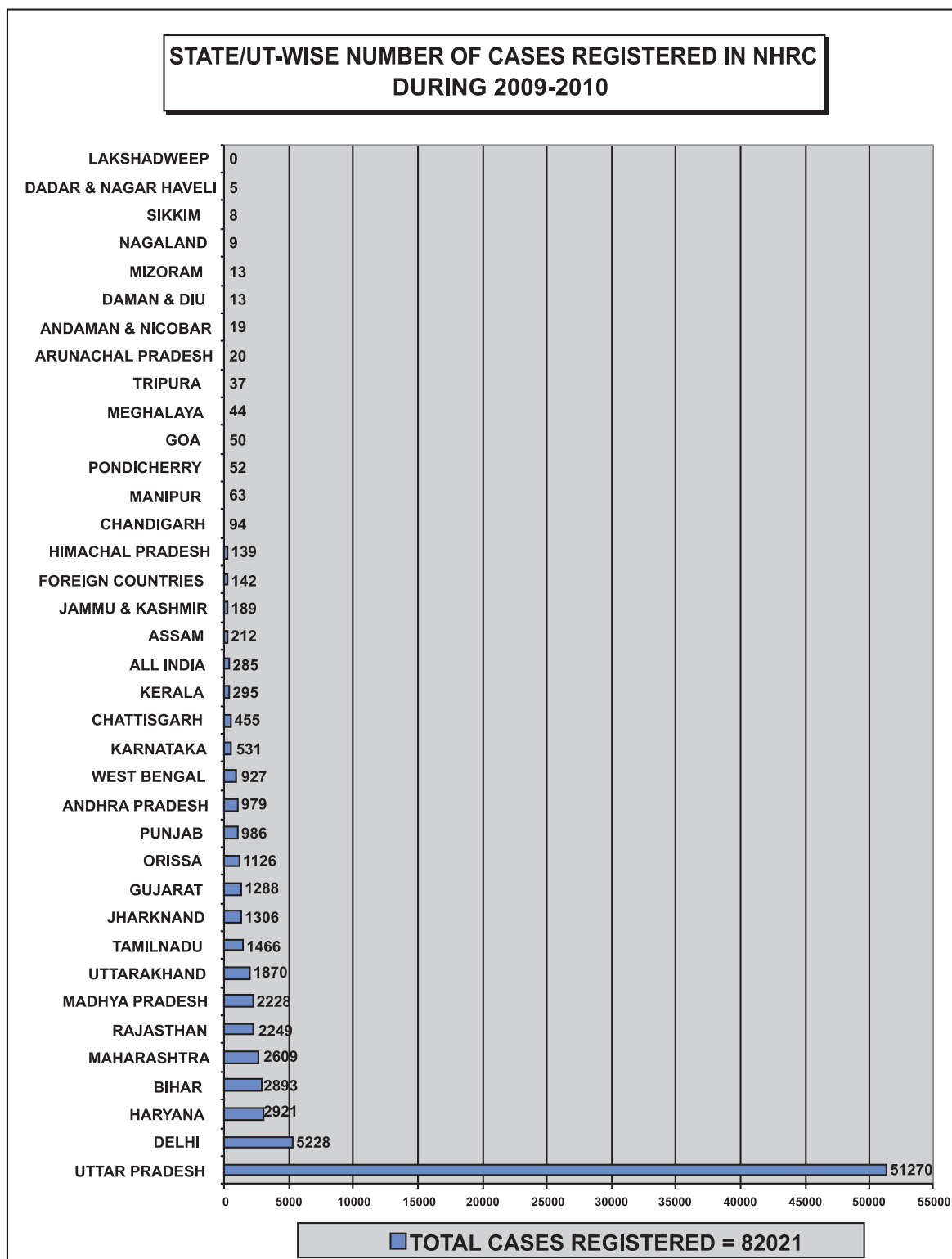
# CHARTS & GRAPHS

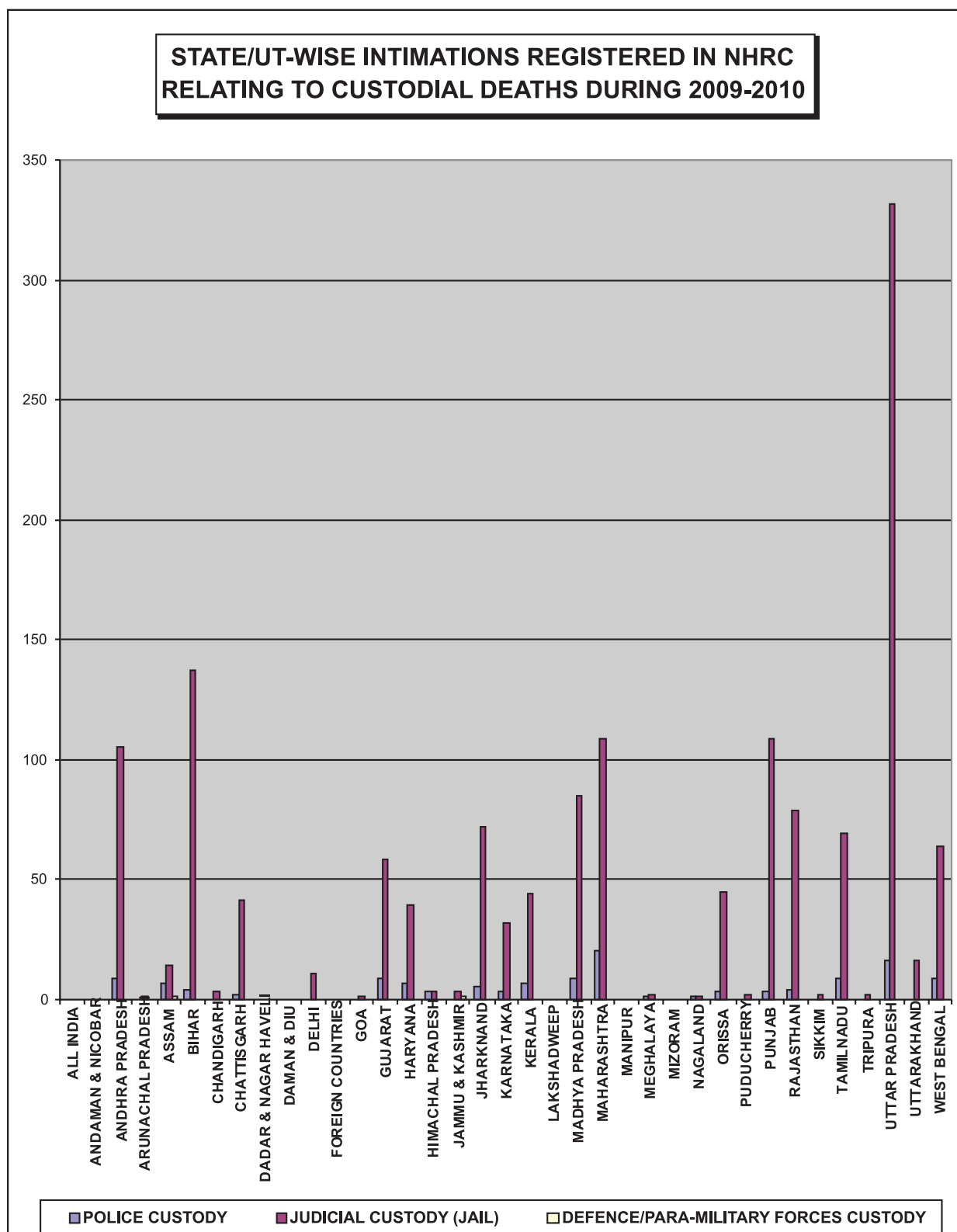




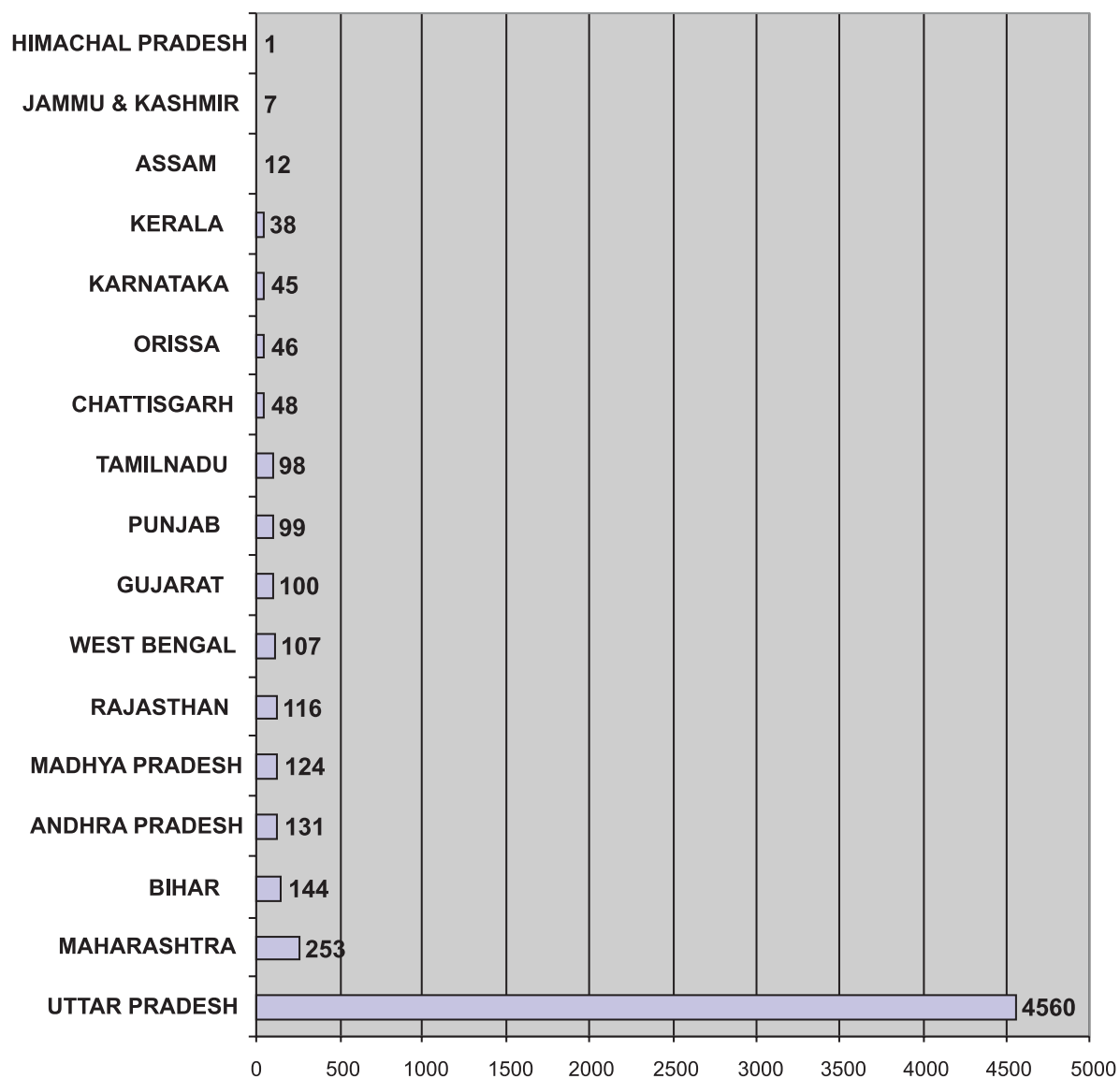
### STATE/UT-WISE NUMBER OF CASES REGISTERED IN NHRC DURING 2009-2010





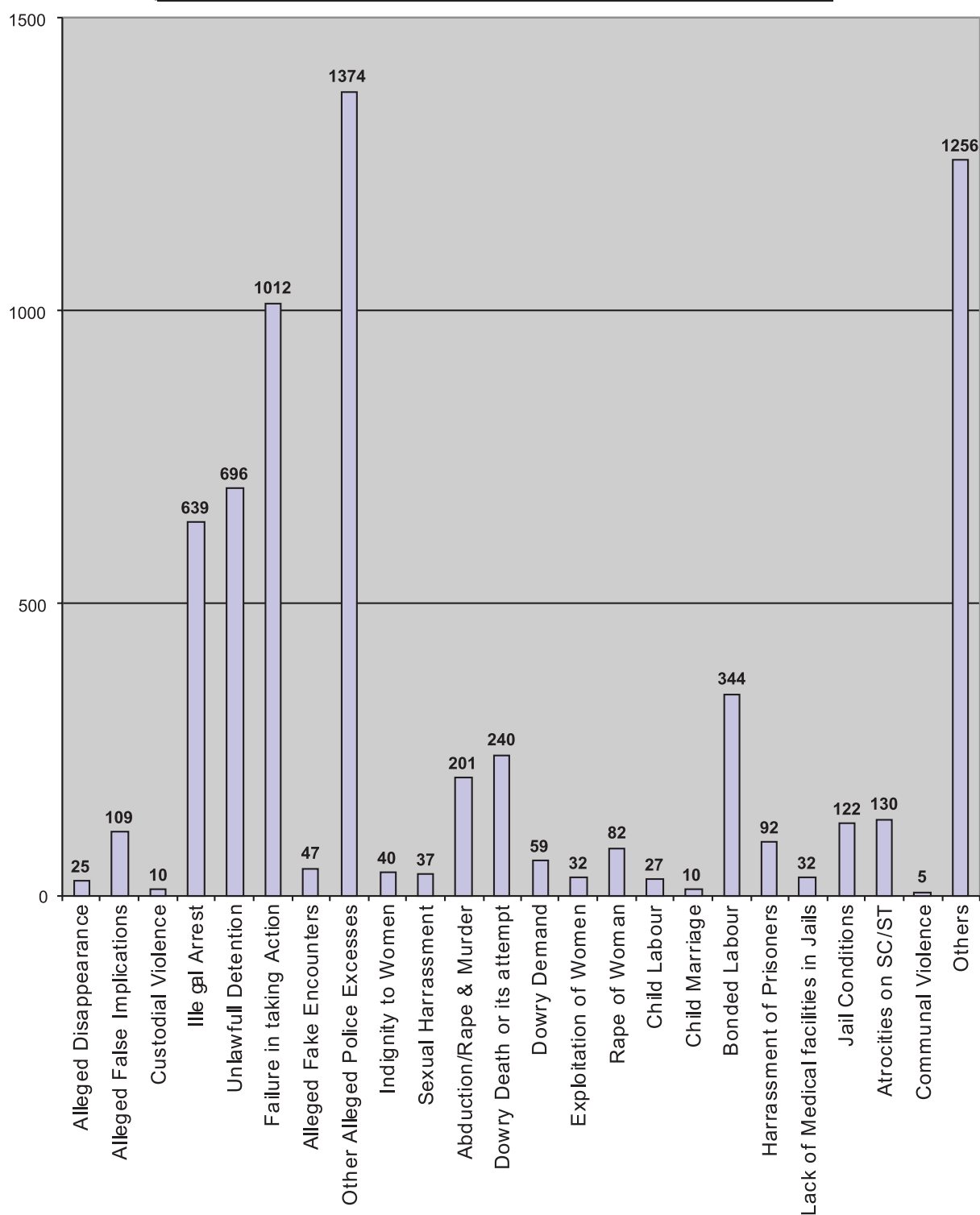


### CASES TRANSFERRED BY NHRC TO SHRCs DURING 2009-2010



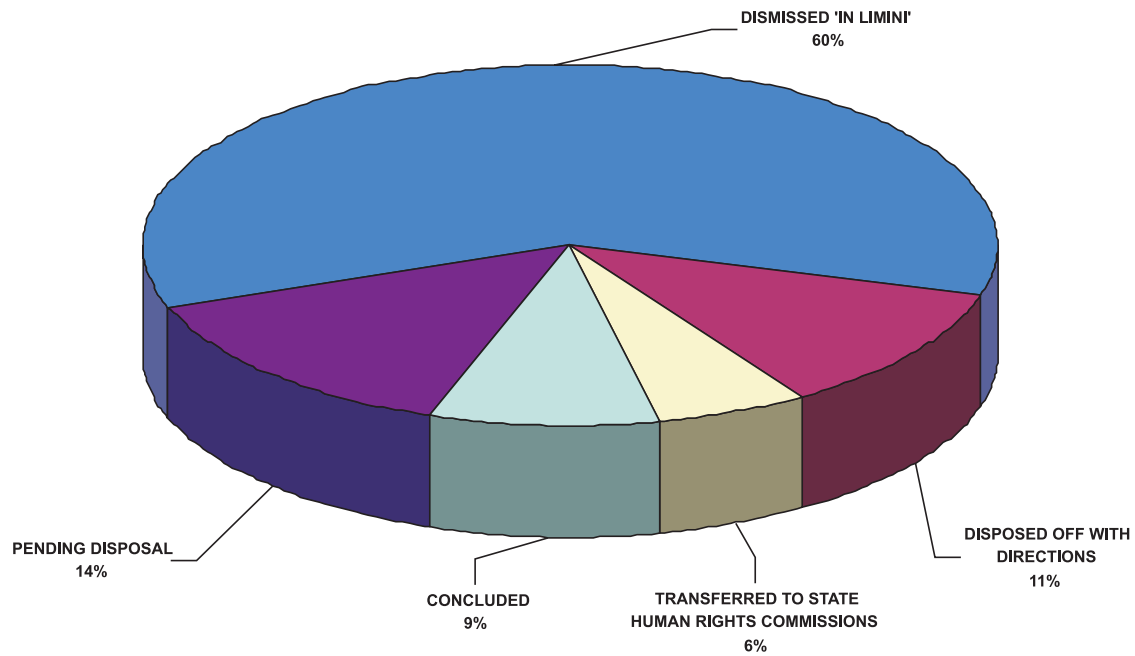
■ TOTAL CASES = 5929

### NATURE & CATEGORIZATION OF REPORT CASES \* DISPOSED OFF BY NHRC DURING 2009-2010



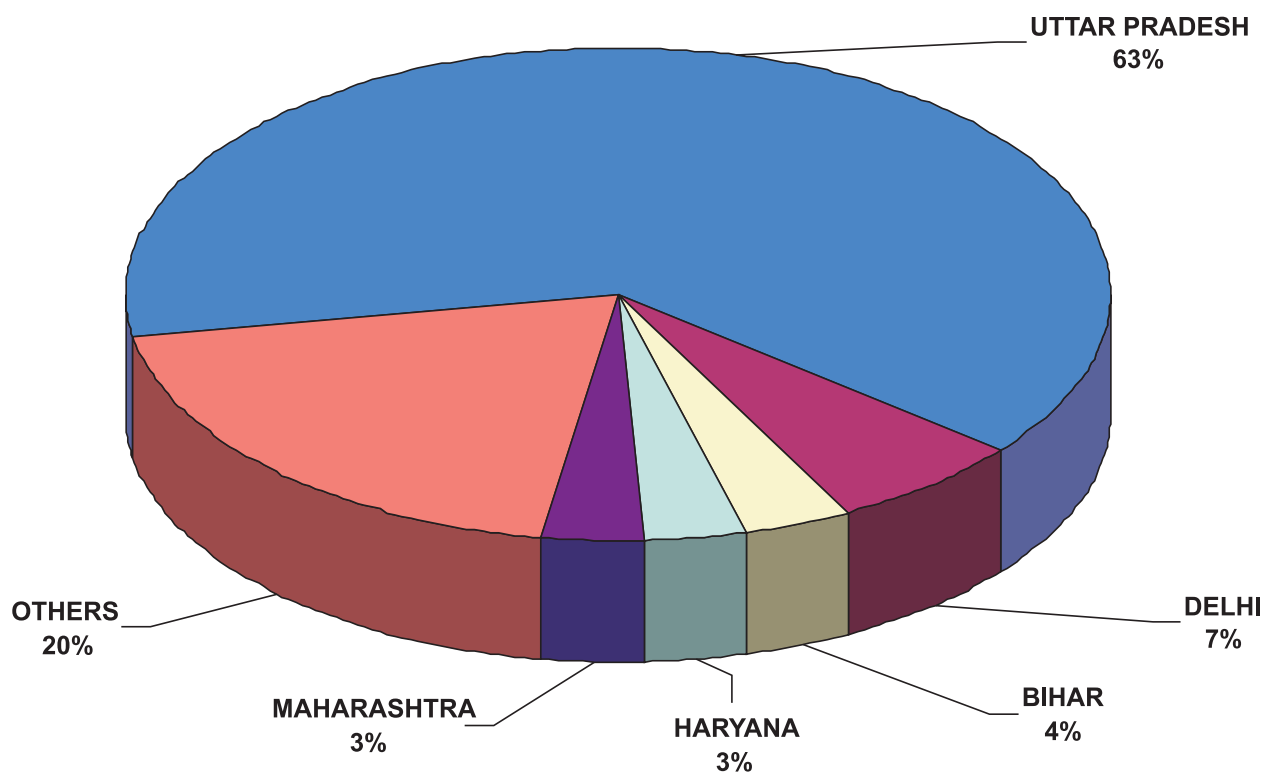
■ TOTAL CASES = 6621 (\* INCLUDING CASES OF PREVIOUS YEARS ALSO)

### CASES DISPOSED OFF/PENDING DISPOSAL BY NHRC DURING 2009-2010

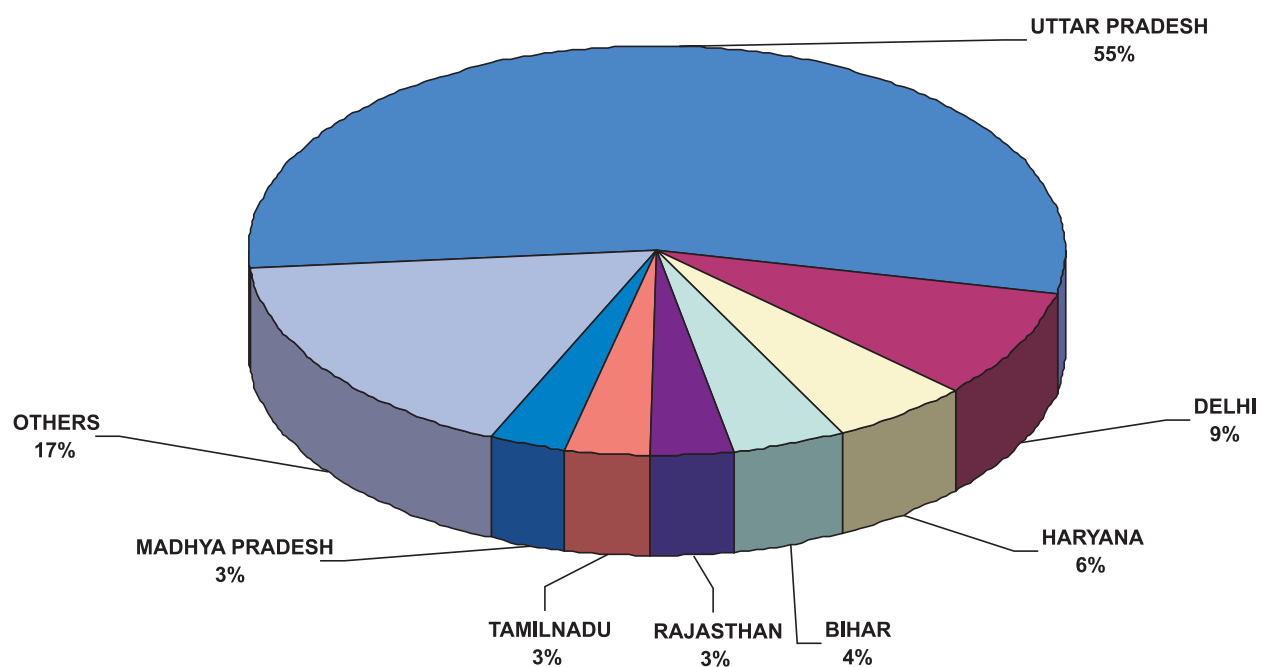




**CASES DISMISSED 'IN LIMINI' BY NHRC DURING 2009-2010 IN STATES/UTs WITH A DISMISSAL RATE OF MORE THAN 3%**



**CASES DISPOSED OFF WITH DIRECTIONS BY NHRC DURING  
2009-2010 IN STATES/UTs WITH A DISPOSAL RATE OF MORE  
THAN 3%**



## ABBREVIATIONS

Admn.	Administration
ADM	Additional District Magistrate
ADGP	Additional Director General of Police
APF	Asia Pacific Forum
ATI	Administrative Training Institute
BPO	Bank Pay Order
Bn.	Battalion
BPL	Below Poverty Line
BSF	Border Security Force
CRPF	Central Reserve Police Force
CBI	Central Bureau of Investigation
CB-CID	Crime Branch – Criminal Investigation Department
Cr.PC.	Criminal Procedure Code
Crl.	Criminal
Cdr.	Commander
DGP	Director General of Police
Deptt.	Department
FIR	First Information Report
FSL	Forensic Science Laboratory
GoI	Government of India
GOC	General Officer Commanding
GRP	General Railway Police
HQs.	Head Quarters
ICC	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
I.G.	Inspector General of Police

IPC	Indian Penal Code
MP	Member of Parliament
MLA	Member of Legislative Assembly
M/o	Ministry of
MCD	Municipal Corporation of Delhi
NGO	Non-governmental Organization
NGOs	Non-governmental Organizations
NREGA	National Rural Employment Guarantee Act
NCPCR	National Commission for Protection of Child Rights
NHRC	National Human Rights Commission
NHRIs	National Human Rights Institutions
NSCN – IM	National Socialist Council of Nagaland – Isak - Muivah
NOK	Next of Kin
OHCHR	Office of United Nations High Commissioner for Human Rights
P & A	Programme & Administration
PDS	Public Distribution System
PHCs	Primary Health Centres
P.S./PS	Police Station
PAC	Provincial Armed Constabulary
PCPNDT Act	Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
PHRA	Protection of Human Rights Act
r/o	respect of/resident of
RPF	Railway Protection Force
s/o	son of
SC	Scheduled Caste
ST	Scheduled Tribe
SDM	Sub-Divisional Magistrate
SP	Superintendent of Police

Sl.	Serial
SIT	Special Investigation Team
SC/ST (POA)	Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989
Trg.	Training
TTE	Train Ticket Examiner
UN	United Nations
UT	Union Territory
UTs	Union Territories
u/s	under section
W.P.	Writ Petition



*"The end-product of education should be a free creative man,  
who can battle against historical circumstances  
and adversities of nature."*

*Dr. Sarvapalli Radhakrishnan*



**National Human Rights Commission**

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