



**NATIONAL
HUMAN RIGHTS
COMMISSION
INDIA**

**ANNUAL
REPORT
2018-19**





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Chairperson NHRC

Foreword

The National Human Rights Commission is pleased to present to the Parliament and public of India, its twenty-sixth Annual Report for the period, 01 April 2018 to 31 March 2019.

2. The National Human Rights Commission was established under the Protection of Human Rights Act (PHRA), 1993. Last year, the Commission commemorated its Silver Jubilee on 12 October, 2018 to mark 25 years of its pioneering work in the protection and promotion of human rights and this year it successfully completed its 26 years of foundation. The NHRC in its 26 years of journey, has persistently endeavoured to fulfil its mandate of the protection and promotion of human rights as enunciated in the Protection of Human Rights Act, 1993. The Commission discharges multifarious responsibilities, the important amongst is to link the Government and civil society. The Commission seeks to bridge the gap between responsibilities of the state and the rights of individuals to ensure that each citizen lives a life of self-respect and dignity.
3. Over the years, the Commission has concerted its efforts largely on the opportunities to serve the people of India and has unceasingly strived to accomplish the basic human rights. The key focus has been on rights relating to women, children and persons with disabilities, LGBTI, food, education, rights of persons belonging to Scheduled Caste and Scheduled Tribe and other vulnerable minorities and marginalized communities. In the process, the Commission has become an essential part of the nation. Today, the growing awareness amongst the citizens about the human rights is a reflection of the NHRCs commitment and intervention at the grassroots level for speedy redressal of the grievances stemming mainly from the violation of their human rights. The growing confidence of public makes the Commission an 'able, accountable and authoritative' institution which is firmly committed to defend the human rights.
4. Since its inception, the NHRC has followed a human rights-centered approach in its functioning with the Government at both the central and state level. The significant issues pertaining to human rights, either suo motu, or when brought to the notice of Commission by the civil society, the media, concerned citizens, or expert advisers have been meticulously raised by the Commission.
5. The Commission is forging into more comprehensive partnerships with prior key stakeholders such as, the judiciary, police personnel, government officials, media, representatives of NGOs and civil society organizations, and academia (including students), most notably through its



coveted internship programmes, publications, seminars, conferences, workshops, training programmes, consultations, so as to expand its reach across the country. Also, in order to handle complaints more effectively within the Commission, the upgraded Complaint Management System (CMS) software is being used for a more advanced internal system.

6. In this Annual Report, the important activities of the Commission and its numerous initiatives undertaken are being described at length. The consequent chapters deal with a range of issues concerning civil liberties, including the protection of human rights in areas affected by terrorism and militancy, custodial violence and torture. In addition, the visit reports from various Special Rapporteurs, recommendations from Core Group meetings reflect upon the efforts of the Commission to resolve the issues emerged from these meetings and ensure appropriate action on the complaints. Also, the summaries of some of principal cases, handled during the period under report are illustrated here. These involve cases related to the systemic reforms of the prisons and criminal justice system that primarily deals with the laws and international instruments relevant to the protection of human rights; the right to education, right to health; the rights of women and children, including the grave question of trafficking, rights of the elderly, etc.
7. The Commission hopes that this Annual Report for the period 2018-2019, will not only serve to inform its readers about the important initiatives undertaken by the Commission, but also encourage both, government and civil society, to think and act more promptly on the challenges pertaining to human rights, so that we as citizens collectively stand as a nation and find ways to address these challenges with an all-encompassing approach.

(Justice H.L. Dattu)

(Former Chief Justice of India)



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CHAPTER

1

INTRODUCTION

- 1.1 This report of the National Human Rights Commission (NHRC) covers the period from 1 April, 2018 to 31 March, 2019. It is the twenty-sixth Annual Report of the Commission.
- 1.2 The twenty-fifth Annual Report of the Commission, covering the period from 1 April, 2017 to 31 March, 2018, was submitted to the Central Government on 28 December, 2018 for preparing the Memorandum of Action Taken and placing the same before each House of Parliament in accordance with the procedure laid down under Section 20 of the "Protection of Human Rights Act (PHRA), 1993" and its amendment thereby in September, 2006.
- 1.3 During the period under review, Justice Shri H.L. Dattu (former Chief Justice of India) continued to serve as Chairperson in the Commission. Shri S.C. Sinha (former Director General, NIA) and Justice Shri D. Murugesan (former Chief Justice of High Court of Delhi) demitted the office of Member, NHRC on 07.04.2018 and 20.09.2018 respectively. Justice Shri P.C. Ghose (former Judge Supreme Court of India) demitted the office of Member, NHRC on 22.03.2019. Smt. Jyotika Kalra (Advocate on record, Supreme Court of India) continued to serve as Member in the Commission.
- 1.4 Shri Jaideep Govind, IAS (1984: Madhya Pradesh) joined the National Human Rights Commission, on the 14 January, 2019 and has taken over as Secretary General and also the Chief Executive Officer of NHRC as Shri Ambuj Sharma, IAS (Tamil Nadu: 1983) superannuated on 31 December, 2018 from the Commission. He was the 15th Secretary General of the Commission. Shri Prabhat Singh, IPS (1985: AGMUT) took over as Director General (Investigation) on 23 January, 2019, as Shri Gurbachan Singh, Director General (Investigation) superannuated from the NHRC on 31 December, 2018. Dr. Ranjit Singh continued to be the Joint Secretary (Programme & Research). Shri Dilip Kumar IAS, (1995: Punjab) took over as the Joint Secretary (Training & Research) on 16 May, 2018.
- 1.5 As provided in Section 3 (3) of the PHRA (1993), Prof. (Dr.) Ram Shankar Katheria, the Chairperson of the National Commission for the Scheduled Castes, Shri Nand Kumar Sai, the Chairperson of the National Commission for the Scheduled Tribes, Shri Syed Ghayorul Hasan Rizvi, the Chairperson of the National Commission for Minorities and Smt. Rekha Sharma, Chairperson of the National Commission for Women continued to be deemed Members of the NHRC for the discharge of functions specified in clauses (b) to (j) of Section 12 of the PHR Act, 1993.
- 1.6 The Annual Report of the Commission not only provides a description about the overall activities undertaken by it each year but also serve as a principal source of information on the human rights situation in the country. During the year 2018-19, the Commission focused its attention on a wide range of activities in accord with the various functions as prescribed under Section (12) of the PHR Act, 1993. It took suo motu cognizance of media reports as well as on the basis of complaints about occurrences that hint towards the use of excessive force by police personnel



in different parts of the country resulting in loss of many lives; rape and death in police and judicial custody; violation of human rights of prisoners in jails; illegal detention and torture; deaths in encounter; deaths due to electrocution; delay in payment of pension to retired employees; lack of educational facilities and basic amenities like drinking water, toilet, safe building and infrastructure in schools; children falling ill after consuming mid-day meals in schools; dubious functioning of IVF clinics; sexual assault, rape and trafficking of children and women; killing of persons on allegations of practicing witchcraft; suicide by farmers; enticing children for begging; stray dog menace; pesticides in vegetables and fruits; botched up cataract surgery; separate anganwadis for children of dalits; poor facilities in Primary Health Centres resulting in death of new born babies; increasing incidents of missing children; and atrocities against vulnerable sections like the Scheduled Castes(SCs), Scheduled Tribes(STs), Minorities, Other Backward Classes(OBCs), children, women, disabled and the elderly. In all these, apart from making some important interventions by way of issuing directives to the concerned State Governments and sending its own teams from the Investigation Division for conducting on the spot inquiries, the Commission also recommended the payment of monetary relief to the victims whose rights were violated or their next-of-kin (NOK) along with furnishing of proof of payments.

- 1.7 The Commission has always been sensitive to the concerns of vulnerable sections of the society, particularly Scheduled Castes (SCs) and Scheduled Tribes (STs). In its endeavour to implement the recommendations made by Shri K.B. Saxena, IAS (Retd.) in the report submitted by him after carrying out a study about the atrocities against persons belonging to Scheduled Castes, on the request of the Commission, Camp Sitings/Open Hearings of the Commission are being held in different States and Union Territories of the country. During the period under review, the Commission took up 517 cases in its 4 Open Hearings held at Gandhi Nagar, Gujarat- 136 cases (26 -27 April, 2018), Itanagar, Arunachal Pradesh - 57 cases (25 May, 2018),Bengaluru, Karnataka-184 cases (2 August, 2018), Kolkata, West Bengal - 140 cases (13 -14 December, 2018).
- 1.8 This Annual Report for the year 2018-2019 deals with the issues pertaining to civil and political rights including deaths in police/judicial custody, illegal detention, high handedness of police, death in police encounters etc. The Report also focuses on economic and social rights, such as rights relating to health care including mental health care, Right to Food, Right to Education, Rights of vulnerable groups including women, children, disabled and elderly persons, rescue, release and rehabilitation of bonded and child labourers.
- 1.9 The Commission also explored areas of cooperation and coordination between NHRC and State Human Rights Commissions (SHRCs) for protecting and promoting human rights. In addition, the NHRC continued to spread human rights literacy among various sections of society including key stakeholders like the judicial officers,police personnel, government officials, media persons, representatives of non-governmental and civil society organizations, and university and college students through its comprehensive training and internship programmes, publications, seminars, workshops, consultations and other available means.
- 1.10 These issues have been detailed out in different chapters of the Annual Report for the year 2018-2019.

CHAPTER 2

HIGHLIGHTS

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

The Launch of a Revamped Website of NHRC



The Prime Minister, Shri Narendra Modi launching the new version of the NHRC website on 12 October, 2018 at Vigyan Bhawan, New Delhi

- 2.2 NHRC has re-designed and re-developed its website as per GIGW guidelines using CMF framework with the technical assistance of NIC. The revamped website was launched on 12 October, 2018 by the Hon'ble Prime Minister of India. The website is now more user-friendly,



accessible to the people with disabilities, responsive to mobile devices and easy to maintain for a long period.

Additional reports in Real Time Management Information System (RTMIS)

- 2.3 The Commission has added useful reports in web-based Real Time Management Information System (RTMIS) software which provides information regarding letters dispatched by NHRC by different modes of post.

Additional modules in Web-CMS software

- 2.4 The Commission has added following modules in Web-CMS software:

- Investigation Division module
- Scrutiny consultants module
- Database updation request module
- General correspondence module

NHRC Today Software

- 2.5 The Commission has developed software for publishing of Aaj ka Shabd, Today's Quote, the greetings on special occasions are displayed on digital signage.

Toll Free Number

- 2.6 National Human Rights Commission launched the Commission's Toll free number - 14433 to expand its outreach within the country.

Human Rights Commission Network (HRCNet)

- 2.7 HRCNet portal software has been designed, developed and launched on 7 December, 2018. The portal has a provision of online complaint registration and tracking of the case status. The software is also being rolled out in the SHRCs all over India.

Integration of Online Complaint Filing System with Common Service Centres (CSC)

- 2.8 As part of the collaborative programme with the Common Service Centre (CSC) team, NHRC integrated its Online Complaint Filing System with Common Service Centre (CSC) - Portal of Government of India. In addition to sending their complaints of human rights violations to the Commission by post, fax, e-mail, online through NHRC website; (www.nhrc.nic.in), complainants can also send them through the Common Service Centres (CSCs).

Centralised Firewall

- 2.9 Network traffic of NHRC has been transferred to Central Firewall of National Informatics Centre (NIC) for better monitoring of cyber security threats by expert team of NIC.

Foundation Day Celebration

- 2.10 The National Human Rights Commission of India celebrated its Silver Jubilee Foundation Day Function on 12 October, 2018 on the occasion of its 25th Foundation Day at the Plenary Hall, Vigyan Bhawan, New Delhi. The occasion was graced by the Hon'ble Prime Minister of India, Shri Narendra

Modi, Chief Guest, and Guests of Honour – Hon'ble Union Minister for Home Affairs, Shri Rajnath Singh and Hon'ble Minister for Communications, Shri Manoj Sinha and members of NHRC.



**Prime Minister, Shri Narendra Modi releasing the commemorative postal stamp
on 12 October, 2018 at Vigyan Bhawan, New Delhi**

The Prime Minister, Shri Narendra Modi also released a commemorative postal stamp and cover, marking the silver jubilee of the National Human Rights Commission, India at Foundation Day function on **12 October, 2018** organized at Vigyan Bhawan, New Delhi.

Observance of Human Rights Day



**Human Rights Day' being celebrated on 10 December, 2018 by NHRC at Dr. D.S. Kothari
Auditorium, DRDO Bhawan, Rajaji Marg, New Delhi**



- 2.11 Human Rights Day Function is celebrated by the Commission on 10th of December every year to commemorate the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly by organizing a special function. As the culminating function of the Silver Jubilee of the Commission, this year i.e. in 2018, the National Human Rights Commission celebrated 'Human Rights Day' on 10 December, 2018 at Dr. D.S. Kothari Auditorium, DRDO Bhawan, Rajaji Marg, New Delhi. Shri Mukhtar Abbas Naqvi, Hon'ble Union Minister of Minority Affairs, Government of India was the Chief Guest on the occasion.

NHRC Silver Jubilee Celebrations

- 2.12 As part of the Silver Jubilee Celebrations, the National Human Rights Commission also organised various events. A one day **International Human Rights Conclave** was organised in New Delhi on **1 October, 2018**, at The Ashok Hotel, New Delhi which was inaugurated by the Hon'ble Vice President of India, Shri M. Venkaiah Naidu. This Conclave was aimed at providing a platform to National Human Rights Institutions (NHRIs), regional networks of NHRIs, the Global Alliance of NHRIs (GANHRI), government, SHRCs, NGOs and other stakeholders to share their views, experiences, challenges, and the best practices on the important thematic human rights issues. The **Silver Jubilee Lecture** was organised in New Delhi on **10 September, 2018**, which had distinguished participants from the Government, NGOs, diplomatic Corps etc. Nobel Peace Prize Laureate, Shri Kailash Satyarthi was the Chief Guest and, Dr Ajay Mathur, Director General of The Energy and Resources Institute (TERI), and Shri Prakash Singh, former Director General of Police (DGP), BSF, (UP and Assam), were the Guests of Honour on the occasion.



International Human Rights Conclave in New Delhi on 1 October, 2018



Besides, various other events such as Panel discussions and Interaction with the Media, Human Rights Film show and Award for best HRs Short Film, Silver Jubilee Foundation Day Function, Human Rights Mela and Street Theatre Festival, Human Rights Walk, Online Human Rights Pledge, Tagline/Slogan Writing Competition, Logo designing competition, Painting Competition, Documentary film on NHRC, Fourth Short Films Award Scheme, 2018, publishing of Annual Hindi and English Journals were organized by the Commission to commemorate its Silver Jubilee Foundation, 2018 and the same are enumerated in **Chapter - 3**.

Commission Meetings

2.13 During the year under review, the Full Commission took up around 198 cases of human rights violations in its 13 sittings. In addition, two Division Benches considered in total 595 cases in 33 sittings.

NHRC Camp Sitzings

2.14 The National Human Rights Commission (NHRC) has been organising Camp sittings in different States in order to expedite disposal of pending complaints and sensitize the State functionaries on the issue of human rights. During the period under review, the Commission held Camp Sitzings in Gujarat, Arunachal Pradesh, Karnataka and West Bengal. The Commission considered 40 cases in its sittings of Full Commission.

The details of last 5 years perspectives on certain important parameters are given below:-

Financial Year	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
DEATH IN POLICE ENCOUNTER (Inc. Code 812)	137	188	179	169	164
CUSTODIAL DEATH (Judicial) (Intimation)					
(Inc. Code 301)	1577	1588	1668	1616	1636
CUSTODIAL DEATH (Police) (Intimation)					
(Inc. Code 807)	140	130	151	145	148
CHILD LABOUR (Inc. Code 101)	63	716	66	50	76
BONDED LABOUR (Inc. Code 601)	3174	1017	3345	240	355
INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT.OFFICIALS (Inc. Code 1505)	9546	14799	16258	13578	10929
GANG RAPE (Inc. Code 1307)	659	759	572	455	422
RAPE (Inc. Code 1311)	827	978	707	535	701
CHILDREN (Inc. Code 100-112)	1568	2560	1657	1211	1340
HEALTH (Inc. Code 200-205)	1475	2738	2535	1832	1377
JAIL (Inc. Code 300-318)	2597	2583	2670	2447	2669
POLICE (Inc. Code 800-823)	32968	34954	35533	27845	27491
POLLUTION/ECOLOGY/ENVIRONMENT					



(Inc. Code 900-904)	271	334	457	446	471
WOMEN (Inc. Code 1300-1314)	8991	9904	8105	7413	7843
DEFENCE FORCES (Inc. Code 1600-1617)	144	144	128	72	98
PARA-MILITARY FORCES (Inc. Code 1700-1717)	141	178	160	152	132
SC/ST/OBC (Inc. Code 1900-1904)	3210	3555	3454	3207	2660

NHRC Open Hearings on Atrocities against Scheduled Castes

2.15 During the period under review, the Commission took up around 517 cases in its 4 Open Hearings held at Gandhi Nagar, Gujarat - 136 cases (26 -27 April, 2018), Itanagar, Arunachal Pradesh - 57 cases (25 May, 2018), Bengaluru, Karnataka-184 cases (2 August, 2018), Kolkata, West Bengal- 140 cases (13 -14 December, 2018).

Dissemination of Information (Outside and in-house)

2.16 The NHRC, through Media and Communication wing, disseminates information about the NHRC activities through various means. These include press releases, media briefings, press conferences, interviews of Chairperson and Members. Deputy Director (M&C) also provides feedback to the Commission about human rights issues reported in the media and thus, it is a major source of news clippings for suo motu cognizance taken by the Commission.

Outreach mechanism: Press Releases, Press Conferences, Interviews, Newsletter

2.17 During the period from 01.04.2018 to 31.03.2019, about 151 press releases/statements were prepared and issued by the Media & Communication wing about the various interventions and activities of the Commission. Around 119 news clippings were brought to the notice of the Commission for consideration of suo motu cognizance. Those press conferences were held by the Commission after the Camp Sitzings. An Interview of Chairperson NHRC was coordinated for a magazine. Besides this, one interview of JS (P&A) was coordinated for the prime time at 9.00 P.M. bulletin of Doordarshan News on the Foundation Day of the Commission i.e. 12 October, 2018. In addition to this, live coverage of the main function addressed by the Prime Minister, Mr. Narendra Modi, Union Home Minister, Mr. Rajnath Singh and NHRC Chairperson, Mr. Justice H. L. Dattu from the Vigyan Bhawan, New Delhi. The Deputy Director (M&C) was deputed to participate in a Phone-In programme on All India Radio focusing on human rights dated 11.02.2019.

2.18 In order to give an idea about the issues reported in media about the NHRC's role and interventions, daily news clippings were uploaded on the website of the Commission. A monthly compendium of these news clippings were also prepared and sent to the library for record and reference of the people visiting the Commission's library. Besides this, the efforts were made to explore various alternative media platforms to expand outreach through people's participation.

2.19 Apart from this, a monthly Newsletter was published in both languages English and Hindi, which is circulated free of cost among all the important functionaries of the Government(s),



academic institutions, NGOs, media persons, individuals etc. for spreading awareness about the importance of human rights, including NHRC interventions and recommendations. It was also uploaded on the NHRC website with links to the data on number of complaints received, disposed of and under the process of disposal. The copies of the Newsletters were also available for the visitors in the reception area of the Manav Adhikar Bhawan.

2.20 In addition to providing the information to media persons on some specific issues during the period under review, the M&C Wing invited them for the coverage of 09 Camp Sitzings and Open Hearings/Workshops/ Seminars/Conferences of the Commission organized in different parts of the country. Apart from the various activities at the Headquarter, special efforts were made for the media coverage of all the NHRC Silver Jubilee events including their live coverage on Doordarshan and All India Radio (AIR). Some of the specific outstation events for which efforts were made for media coverage were as follows:

- (i) NHRC's One day Regional Workshop on 'Elimination of Bonded Labour' in Collaboration with the Government of Punjab on 5 April, 2018.
- (ii) NHRC's Two day' Open Hearing and Camp Sitting at Gandhinagar, Gujarat from 26 -27 April, 2018.
- (iii) NHRC's day long Open Hearing and Camp sitting at Arunachal Pradesh on 25 May, 2018.
- (iv) NHRC's One day workshop on 'Elimination of Bonded Labour' at Kolkata on 20 July, 2018.
- (v) NHRC's Two day' Open Hearing and Camp Sitting in Bengaluru from 2- 3 August, 2018.
- (vi) NHRC's Two day' Open Hearing and Camp Sitting in West Bengal from 13-14 December, 2018.
- (vii) NHRC's one- day workshop on "Elimination of bonded and child labour" with focus on illegal mining' in Meghalaya on 8 February, 2019.
- (viii) NHRC's day long 'Open House discussion on 'Rural Development and Human Rights' at Manav Adhikar Bhawan, New Delhi on 27 February, 2019.
- (ix) NHRC's Two day' National Seminar on the 'Role of Budha's preaching in realization of human rights' in collaboration with Sikkim University from 7-8 March, 2019.

2.21 In-house feedback mechanism

Besides providing the news clippings on various aspects of human rights to the Chairperson on a daily basis, a '**Weekly News Digest on Human Rights**' on issues reported in the media, was specially prepared for the feedback of the Commission, a copy of which is also sent to the library for others' information.

2.22 During the year under review, more number of features were added to the '**Weekly News Digest on human rights**' i.e. adding information on major issues of editorials comments in the Newspapers. In addition, two monthly folders were enriched i.e., '**NHRC in News**' folder and '**Human Rights News clippings**' folder by including more number of reports, articles and editorials for record, reference and research purposes.

2.23 Besides getting the NHRCs specific news clippings uploaded on the NHRC website, the display boards on all the floors of the Commission were also made more vibrant with the mounting



of clippings under '**NHRC in News**' on regular basis for the awareness and information of the visitors to the Commission as well as the in-house functionaries.

- 2.24 The Commission continued giving daily quote for the '**Thought of the Day**' related with the human values and rights for display in the reception area of the Manav Adhikar Bhawan through the website of the Commission.

Some other major activities

NHRC's Short Film Awards

- 2.25 The Commission decided to continue with the fourth run of the Short Film Award Scheme – 2018. The Media & Communication Wing (M&C) awarded the three best short films on human rights with more value addition. The award carries three prizes of Rs. one lakh, seventy five thousand and fifty thousand respectively, with a certificate and a specially designed trophy. In 2018, in total 54 entries were received, out of which 50 fulfilled the conditions. A Jury headed by Mr. Justice P.C. Ghose, Member, NHRC comprising of Mr. Ambuj Sharma, Secretary General, Mr. Surajit Dey, Registrar (Law), Ms. Chhaya Sharma, DIG and Mr. Jaimini Kumar Srivastava, Dy. Director (M&C), Mr. Sunit Tandon, Director, IHC and Former DG, IIMC and Mr. Arun Chaddha, National Award Winner Film Maker & FTII Alumni was constituted. They selected total 3 best films for the awards, which were: ***Behind the Bars***: By Dr. Ms. Dev Kanya from Shimla, ***Third Gender***: By Mr. Biplab Majumdar from Maharashtra, and ***It's Possible***: By Mr. Jayajose Raj CL from Kerala. The jury also recommended a certificate of '**Special Mention**' to four films **1. Tritio Chad, 2. No Women's Land, 3. El Amasung Eihak, 4. Nazariya**. Additionally, the jury recommended 3 more films, which the Commission could use for spreading awareness. The three awardees were invited to Delhi to receive awards at a function organised by the Commission at IIMC, New Delhi.

Silver Jubilee Events

2.26 NHRC Logo design and Tagline/Slogan Writing Competition

The Media & Communication Wing of the Commission organized Silver Jubilee Logo Design, Tagline/Slogan Writing and Painting competition in connection with the Silver Jubilee celebration of the Commission to encourage people's participation in building awareness about the promotion and protection of human rights. These were organized online through MyGov.-portal. **For Logo designing** total 893 entries and around 4237 entries for **Slogan/Tagline** were received from people of varied age groups from different parts of the country. The Selection Committee selected Mr. Bansilal Ketki, Mumbai Maharashtra as the winner of NHRC's Logo design competition for a prize of Rs. 50,000/- alongwith a certificate. **For the Tagline/Slogan** writing competition, the selection committee selected three winners, which were: Mr. Tabrej Qureshi from Chhindwara, Madhya Pradesh for the first prize of Rs. 20,000/- alongwith a certificate, Mr. Rajat Sebastian from Ernakulum, Kerala, for the second prize of Rs. 15,000/- and Ms. Ranjna Goyal from Chandigarh, Punjab, for the third prize of Rs.10,000/- alongwith certificates. A jury head by Justice Shri P. C. Ghosh, Member, NHRC decided the winners.

NHRC's Painting Competition Awards

- 2.27 The theme of the painting competition was: 'My idea of human rights and promotion and protection thereof'. A total of 525 entries were received from different parts of the country. The

Selection Committee headed by Mrs. Jyotika Kalra, Member, NHRC comprised of Mr. Ambuj Sharma, Secretary General, Mr. Dilip Kumar, JS(T&R), Mr. Jaimini Kumar Srivastava, DD(M&C), Mr. Indrajeet Kumar, AR (Law), NHRC and Ms. Rekha Shingari, an artist as members. The first prize of Rs. 15,000/- was given to Ms. Neha Agarwal, Kolkata, West Bengal, second prize of Rs. 10,000/- was given to Ms. Shikha Verma, Lakhimpur Kheri, Uttar Pradesh and third prize of Rs. 5,000/- was given to Mr. Soumya Ranjan Samal, Jajpur, Odisha respectively. Besides this, 08 consolation prizes of Rs. 2500/- each along with certificates were given and 03 participants out of 11 other shortlisted painting were given the prize of Rs. 1000/- each along with certificates.

NHRC Street Theatre Festival and Competition

- 2.28 The Media & Communication Wing organized the NHRC human rights street theatre festival and competition as part of the **NHRC's Silver Jubilee Human rights Mela**. A Selection Committee headed by Mr. Justice P.C. Ghose, Member, NHRC comprising of Mr. Ambuj Sharma, Secretary General, Mr. Gurbachan Singh, DG(I), Mr. Dilip Kumar J.S. (T&R), NHRC, selected 07 street plays out of total 19 entries. The duration of each street play was about 10-15 minutes. Out of these seven plays, the selection committee selected three for the first, second and third prize respectively. First prize of Rs. 1,00,000/- was given to the play **Maila Kuchaila** representing '**Anubhuti**'- (The Street Play Society of JDM College, Delhi), Second prize of Rs.60,000/- was given to the play **Apna Adhikaar Pehchano** representing '**Rudraksh Kala Mandal**', Delhi. The third prize was given to the play **Bhookh** of '**Jazba Theatre Group**' Delhi alongwith certificates of participation. Besides this, all the seven groups which performed plays were given Rs. 25000/- each alongwith certificates.



NHRC Human Rights Walk being organized on 14 October, 2018

NHRC Human Rights Walk on 14 October, 2018

- 2.29 The Dy. Director (M&C) wrote slogans in Hindi and English for display in NHRC **Human Rights Walk** organized on 14 October, 2018. It was flagged off by the NHRC Chairperson, Mr. Justice H.L. Dattu, and celebrated sportspersons, Ms. J. Mary Kom, Boxer and Mr. Vijay Kumar, shooter.



NHRC Documentary

- 2.30 The Media & Communication wing got produced a documentary on National Human Rights Commission “**NHRC: 25 years-Billion Hopes**” through the Films Division, Ministry of Information & Broadcasting, Government of India. The Commission also entrusted the making of a short film on women’s rights issues to the Films Division.

The DD (M&C) also prepared bilingual short films ‘**Epilogue to the Silver Jubilee of NHRC**’ on NHRC which were screened at the venue of NHRC Foundation Day Function at Vigyan Bhawan Plenary Hall on the 12 October, 2018.

Common Service Centre (CSCs)

- 2.31 The ‘MyGov’ and Common Service Centres (CSCs) are digital platforms of the government, which host services as well as information about them to citizens in rural and remote areas of the country and are open for collaborative efforts between different organizations/departments in this regard. Hence, the Commission decided to seek their cooperation in order to raise awareness about human rights and the silver Jubilee celebrations of the NHRC. Three online contests, as mentioned earlier, were organized through MyGov portal.
- 2.32 Accordingly, the CSC while making a presentation before the Commission proposed cooperation on four counts including building awareness on human rights, violation thereof and redressal mechanism, films/animation on some major issues/themes of human rights violations, complaint filing procedure by post, e-mail, fax as well as online and NHRC mobile application for complaints. The technical lies of linking the NHRC online complaint system with the CSC portal and its operation was to be monitored and looked into by the Computer Cell under the SSA, NHRC, the online complaint proforma had to be suitably updated by the SSA in consultation with the JR (Law), NHRC and the third component about information related material particularly the shorts films was to be look into by the DD (M&C) in coordination with the Law Division and creative team of CSC. Accordingly, the CSC made 08 short films on the following issues/themes of human rights: 1. Bonded Labour; 2. Manual Scavenging; 3. SC/ST; 4. Human Trafficking; 5. Women Rights; 6. Child Labour; 7. Old Age and 8. One composite film on ‘when and how to file complaints in NHRC’.

Children’s painting and photo exhibition

- 2.33 A children’s painting and photo exhibition about NHRC’s activities was also organized on the occasion of Human Rights Day, 2018. The exhibition also included posters of award winning films and archival collage, which was opened by the Chief Guest, Mr. Mukhtar Abbas Naqvi, Hon’ble Minister of Minority Affairs, India at the venue of the function at Vigyan Bhawan in New Delhi.

Archival Gallery of Collage

- 2.34 A collage of year wise news clippings and photographs on the activities of the Commission is being prepared in-house by the M&C Wing and got released by the Chief Guest on Human Rights Day function. This practice began in 2014 and the concept was followed up in subsequent years-2015,



2016, 2017 and 2018 also in order to create an 'Archival Gallery' of such collage, which could give a peep into various important facets of the Commission's work during different years to the visitors.

Number and Nature of Complaints

2.35 The National Human Rights Commission, in coordination with media and human right activists has been continuously working to create awareness about human rights as well as functioning of the National Human Rights Commission. The Commission has also been organizing its camp sittings and open hearings in different parts of the country to provide justice to the victims of the human right violations at their doorsteps. During these camp sittings and open hearings the media persons and NGOs are also associated. This has resulted wide spread awareness about the human rights, the National Human Rights Commission, and its functioning.. People are coming forward voluntarily for the cause of protection of human rights, and the number of volunteers and NGOs working for safeguards of human rights is increasing manifolds. The Commission, with the collaboration of NIC has taken an important stride by providing the facility of online registration of complaints through Common Service Centers, at district headquarters. For online registration of complaints a common link has been developed where the complainant may register the complaint with the National Human Rights Commission or with the State Human Rights Commission. As a result a chunk of complaints has shifted to State Human Rights Commissions. The number of complains registered by the Commission which has crossed the figure one lakh,(1,17,808 cases registered in the year 2015-2016), has reflected a decreasing trend ie - 91,887 cases in the 2016-2017, 79612 cases in the year 2017-2018. However the number of complains registered in the year 2018-2019, has slightly increased to 89,584 cases.. This trend may be attributed to the awareness created by the National Human Rights Commission about the nature of complaints entertained by the Commission. Due to lack of this awareness, such complaints which were not entertain-able by the Commission, were received in large number, consequently the number of complaints dismissed in limini was very high. In the year 2018-2019, only 28,116 complaints are dismissed in limni, where as the number of such complaints has been 33070 in 2017-2018 and 42,527 in 2016-2017.

The 87,406 complaints, received in the Commission in the year 2018-2019 cover a wide range of issues such as alleged human rights violation due to negligence by a public servants in the prevention of such violations, alleged custodial deaths, torture, fake encounters, police high-handedness, violations committed by security forces, conditions relating to prisons, atrocities committed on women and children and other vulnerable sections, communal violence, bonded and child labour, non-payment of retiral benefits, negligence by public authorities and atrocities on SC/ST etc. The Commission also took cognizance of the intimations received regarding deaths in police encounters and police custody, judicial custody and in the custody of defence/para military forces. Suo motu cognizance of many incidents based on reports in print and electronic media was taken including those cases which came to the notice of Chairperson, Members, Special Rapporteurs and senior officers of the Commission during their visits to different parts of the country.

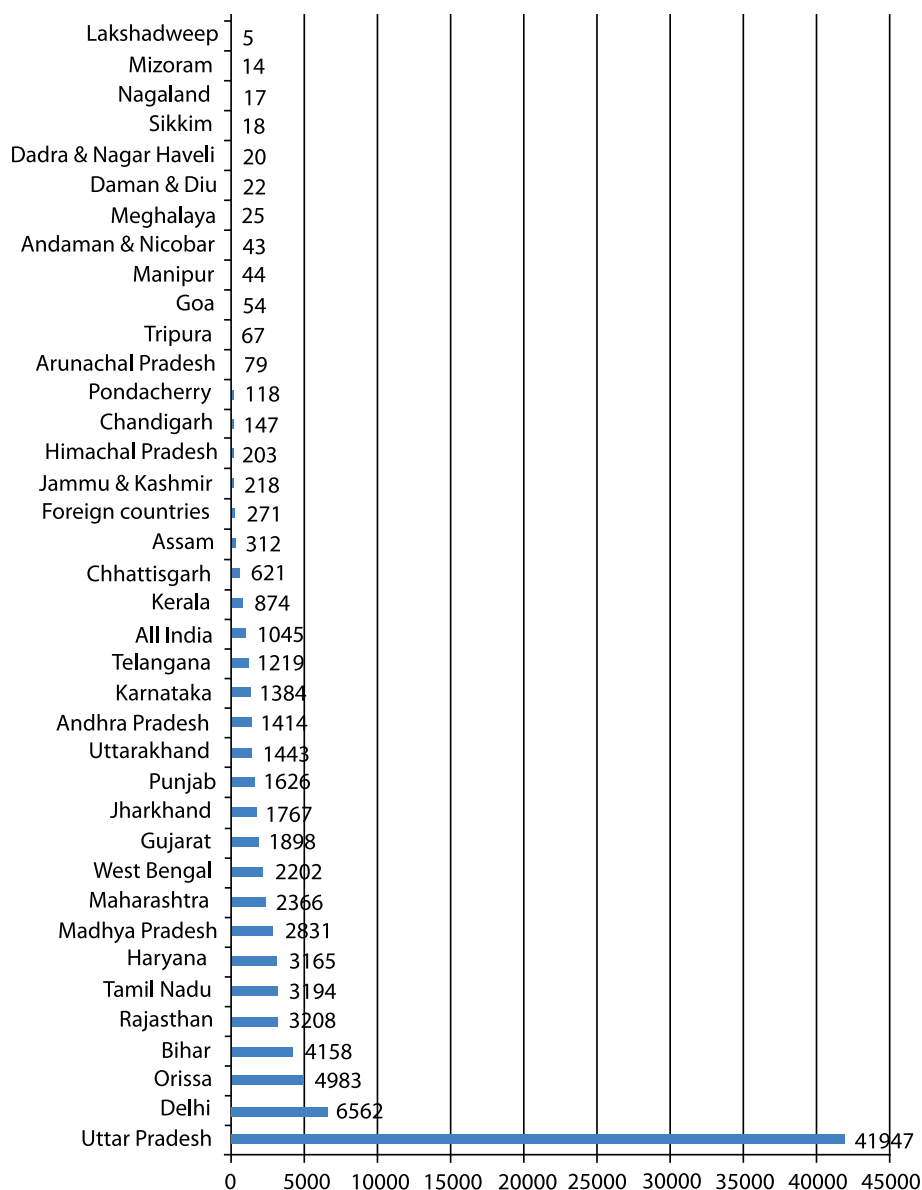


Human Rights Violation Cases

2.36 A total 89,584 cases are registered in the Commission (Annexure-1) during 2018-2019. Out of these 41,947 cases related to the State of U.P., 6562 to State of NCT of Delhi, 4983 cases to Odisha, 4158 cases to Bihar and 3165 cases to Haryana. The state wise break up of the number of cases registered is given in the chart below:

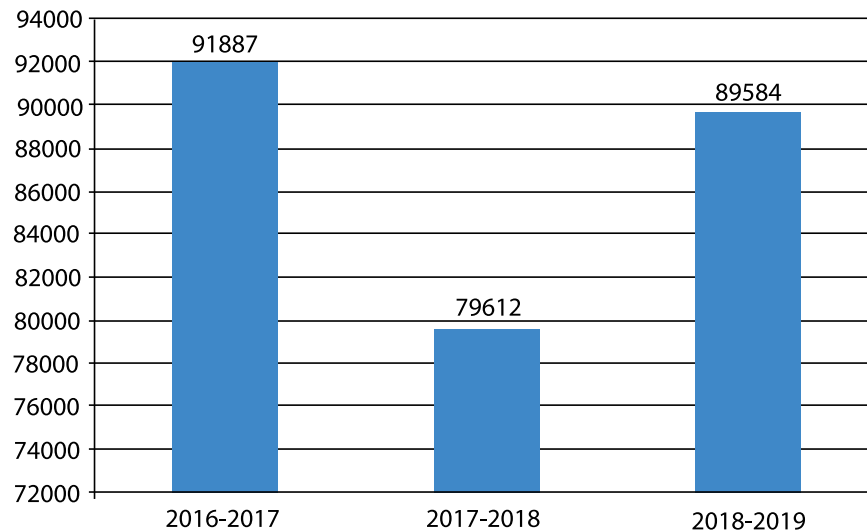
A. STATE/UT-WISE NUMBER OF CASES REGISTERED IN NHRC DURING 2018-2019

2.37 To reflect the states in the descending order of number of complaints registered, the chart below may please be glanced at.



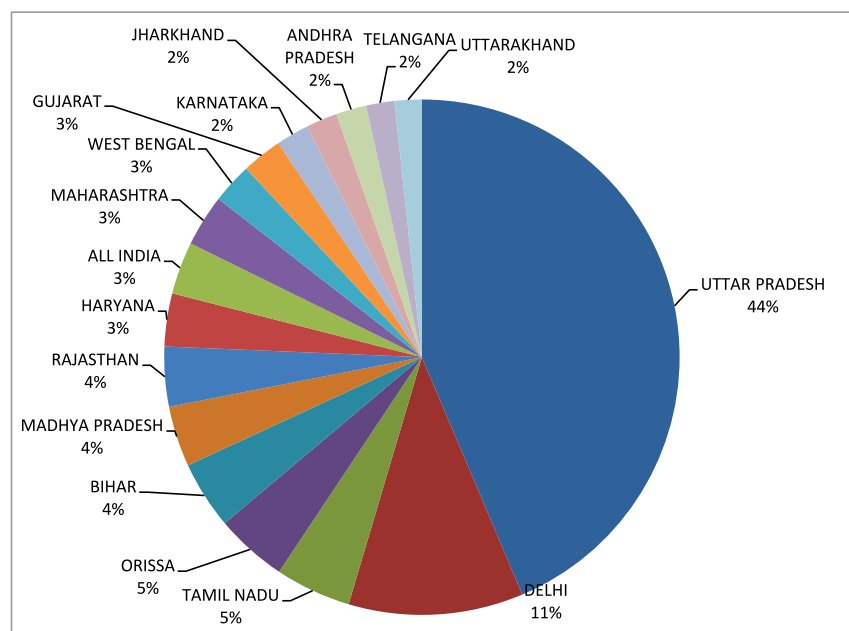
B. The Graph below gives a comparative analysis of total number of cases registered in the NHRC from 2016-2017 to 2018-2019:

**Total Number of Cases Registered
(2016-2017 to 2018-2019)**



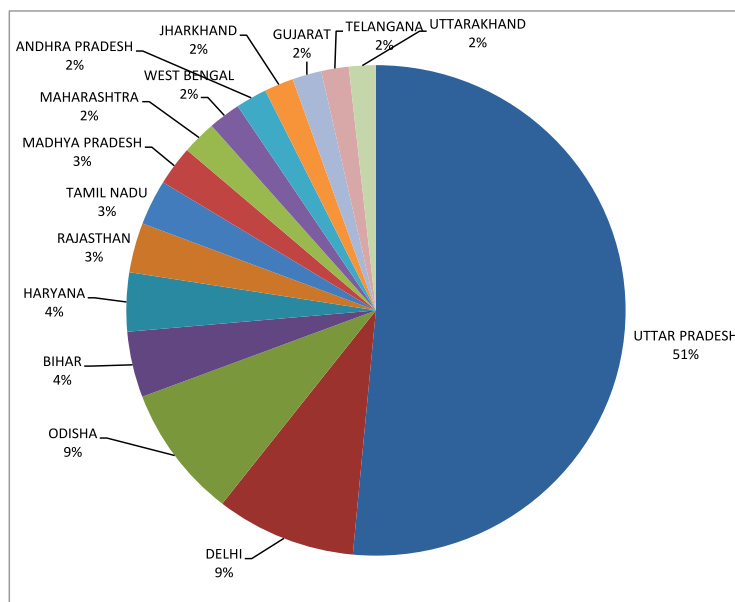
2.38 It disposed of 94,739 cases which included cases of previous years as well. Of the total number of cases disposed of by the Commission during the year under review, 28,116 were dismissed '*in limine*'. The state wise break up of these cases is furnished in the chart below:

CASES 'DISMISSED IN LIMINI' BY NHRC (2018-2019)



2.39 The Commission disposed of **33,721 cases** with directions to the appropriate authorities for remedial measures during 2018-2019. The state wise break up of these cases is furnished in the chart below:

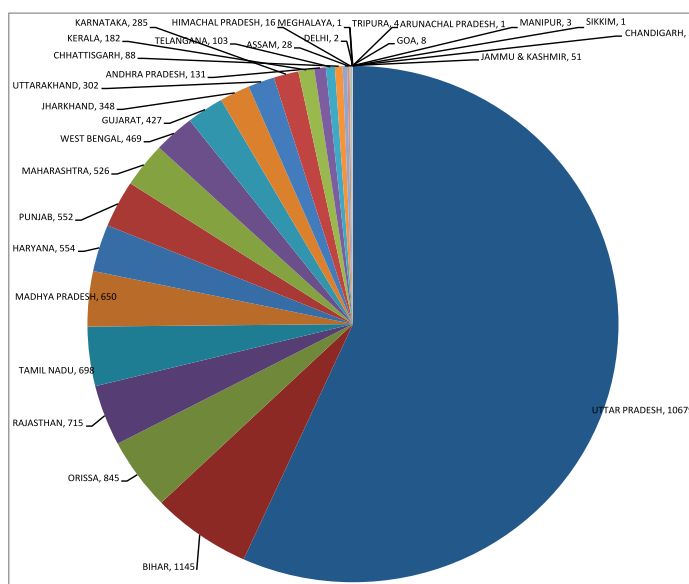
CASES 'DISPOSED OF WITH DIRECTIONS' (DWD) BY NHRC DURING 2018-2019



2.40 **18,811 cases** were transferred to the State Human Rights Commissions for disposal in accordance with the provisions of the PHRA. For details of State/Union Territory-wise cases disposed of by the NHRC during 2018-2019 please see **Annexure-2**. This also reflected in the chart below:

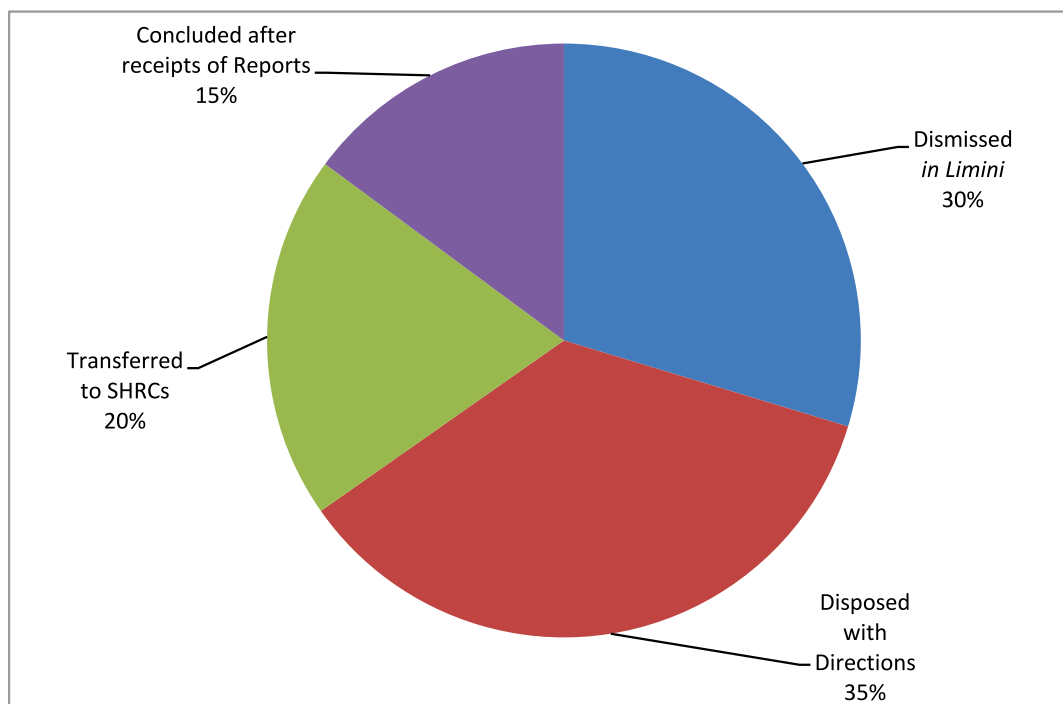
CASES TRANSFERRED TO SHRCs BY NHRC DURING 2018-2019

TOTAL CASES = 18, 816



2.41 The disposal of the cases during the year in different ways, by dismissal of the complaint (DIL), by directions to the authorities for taking appropriate action, transferring of the complaint to the State Human Rights Commissions, closure of the case upon consideration of the reports received in pursuance to the Commissions, is indicated in the chart below

CASES DISPOSED OF BY NHRC DURING 2018-2019



2.42 At the end of the reporting period, i.e. on 31 March 2019, the total number of cases pending with the Commission was 20,813. These covered 1,188 cases awaiting preliminary consideration and 19,625 cases pending either for want of reports from the authorities concerned or the reports received being pending for consideration by the Commission (**Annexure-3**).

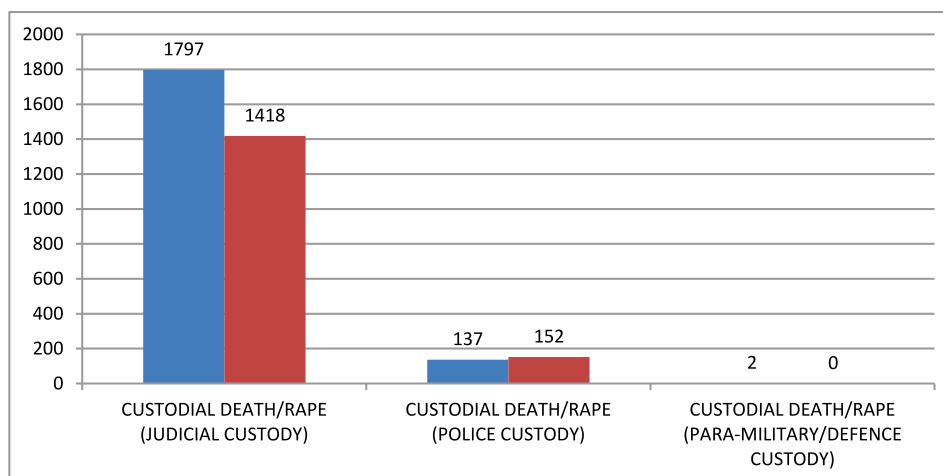
CIVIL AND POLITICAL RIGHTS

Preventing Custodial Violence

2.43 The NHRC received 1,797 intimations concerning death in judicial custody¹, and 136 intimations of death in police custody during the year 2018-19. 2 intimations of death in para-military / defence forces custody was also reported during the review period. It disposed of 1568 cases of custodial death. Out of these 1568 cases, 1417 cases relate to death in judicial custody, 151 cases of death in police custody and one case of death in the custody of para-military forces. These figures contain cases of previous years as well. See the Graph below for all details.

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

2.44 NUMBER OF CUSTODIAL DEATH/RAPE CASES REGISTERED & DISPOSED OF DURING 2018-2019



REGISTERED = 1936

DISPOSED OF CASES= 1570 (INCLUDING DISPOSAL OF CASES OF PREVIOUS YEARS)

Recommendations of NHRC for Monetary Relief and its Compliance

2.45 Recommendations of NHRC for Monetary Relief and its Compliance

- i. During the period 1 April 2018 to 31 March 2019, the Commission recommended Rs. 25,38,35,000 as payment of monetary relief/compensation to the victims/next of kin of the deceased in 691 cases. Out of the 691 cases in which monetary relief was recommended, compliance reports were received only in 125 cases, wherein a total amount of Rs. 2,18,15,000 was paid to the victims/next of kin of the deceased. The State/ Union Territory-wise details of these cases are at **Annexure-4**.
- ii. As on 31.03.2019, compliance reports were awaited in 566 cases wherein monetary relief amounting to Rs. 23,20,20,000 was recommended during the year (details of the cases at **Annexure- 5**). Apart from the recommendations for monetary relief, the Commission also recommended disciplinary/ departmental action against the errant public servants in 25 cases (details of the cases at Annexure-5A) The Commission, once again, recommends to all those States/Union Territories, in particular the Government of Uttar Pradesh, to take speedy action on cases pending with them for compliance so that the monetary relief recommended in each case is immediately given to the victim/next of their kin.
- iii. As is evident from the given Annexure 4, during 2018-2019, a total of 211 cases were found to be pending with the Government of Uttar Pradesh, 52 with the Government of Odisha and 34 cases with the Government of NCT of Delhi, 29 cases with the Government of Jharkhand, 28 cases with the Government of West Bengal, 25 with the Government of Bihar, 22 Cases with the Government of Rajasthan, 19 Cases with the Government of Maharashtra, 18 cases each with the Government of Haryana and the Government of



Chhatisgarh, 17 with the Government of Madhya Pradesh, 15 cases with the Government of Assam, 14 cases with the Government of Punjab, 13 Cases with cases with the Government of Andhra Pradesh, 6 cases each with the Government of Gujarat, Government of Tamil Nadu and Government of Telengana, 5 cases each with the Government of Arunachal Pradesh and Government of Kerala, 4 cases with the Government of Manipur, 3 cases each with the Government of Mizoram and Government of Pudduchery, Meghalaya, 2 cases each with the Government of Karnataka, Meghalaya, and UttraKhand and 1 case with the Government of Nagaland.

- iv. With regard to compliance reports relating to cases pertaining to previous years, compliance was awaited in 249 (155+94) cases, for details see **Annexures - 6 & 7**.
- v. **Annexure-6** gives details of cases pending compliance for the year 2017-2018 in respect of payment of monetary relief. As is apparent, the State of Uttar Pradesh tops the list again as the Commission till date has not received proof of payment in 65 cases, most of which relate to civil and political rights. Other States, which had yet to forward their compliance reports in this respect were – Jharkhand and NCT of Delhi each 9 cases, Bihar 8 cases, Madhya Pradesh 7 cases, Andhra Pradesh, Rajasthan and Telangna 6 cases each, Assam, Chhatisgarh, Manipur, Odisha and Punjab 4 cases each, Maharashtra and West Bengal 3 cases each, Haryana and Karnataka 2 cases each, Arunachal Pradesh, Gujarat, Himachal Pradesh, Jammu & Kashmir, Kerala, Nagaland, Tamil Nadu and Uttarakhand 1 case. These cases involved allegation of mal functioning in primary health centres and government hospitals, abduction/rape including of a scheduled caste/scheduled tribe/other backward class woman, and non-payment of pension etc.. The details of these cases have been reported in earlier Annual Reports of NHRC. The Commission once again calls upon all the aforementioned State Governments to take immediate steps for sending their compliance reports to the Commission and simultaneously take comprehensive steps for protection and promotion of civil, political, economic, social and cultural rights, along with special measures to prevent acts of violence and discrimination towards women, including those belonging to the scheduled castes, scheduled tribes and other backward classes.
- vi. **Annexure-7** gives details of 94 cases pending compliance on the recommendations made by the Commission for the period 2009-2010 to 2017-2018 for payment of monetary relief.
- vii. Out of the 94 cases, where the compliance on the recommendations made by the Commission during 2009-2010 to 2017-2018, have been pending, the concerned State Governments /authorities have challenged the recommendations of the Commission in four cases by filing Writ Petitions in the respective High Courts, These are mentioned at Sl.No.7, 9, 19 and 27 of the **Annexure-7** and the authorities who had challenged the recommendations are Govt. of Bihar(Sl. No.7), Indian Railway (sl. No.9 & 27) and, State of Jammu and Kashmir (Sl. No.19) respectively.. Further the recommendations made by the Commission during the current year 2018-2019, in 5 cases as mentioned at Sl. No. 65, 226, 246, 273 and Sl. No.441 of the **Annexure 5**, have been challenged by, Jawahar



Lal Nehru Hospital & Research Centre (Sl.No65), Executive Engineer, South Co. Utility (sl. No.226 & 246), Amestha Ganesan (sl. No. 273) and Indian Oil Corporation(sl. No.441) by filing Civil Writ Petitions in the respective High Courts.. Further details of theses 5 cases is given at **Annexure 5B**. The Commission nonetheless makes a fervent appeal to these Governments to expedite the cases pending in their respective High Courts. It also trusts that the Governments of other States, as well as authorities under the Government of India, who are recommended to make the payments, or initiate disciplinary action against guilty public servants as mentioned at Annexure-5 to Annexure 7, will adhere to the recommendations made by the Commission and provide immediate respite to the victims/next of their kin at the earliest.

Commission Meetings

During the year under review, the Full Commission took up 198 cases of human rights violations in its 13 sittings. In addition, the two Division Benches considered 595 cases in 33 sittings

NHRC Open Hearings on Atrocities against Scheduled Castes

During the period under review, the Commission took up 517 cases in its 4 Open Hearings held at Gandhi Nagar, Gujarat - 136 cases (26th -27th April, 2018), Itanagar, Arunachal Pradesh - 57 cases (25th May, 2018), Bengaluru, Karnataka-184 cases (2nd August, 2018), Kolkata, West Bengal- 140 cases (13th -14th December, 2018)

NHRC Camp Sitzings

The National Human Rights Commission (NHRC) has been organising in different States in order to expedite disposal of pending complaints and sensitize the State functionaries on the human rights. During the period under review, the Commission held Camp Sitzings in Gujarat, Arunachal Pradesh, Karnataka and West Bengal. The Commission considered 40 cases in its sittings of Full Commission.

Details of the last 5 years perspectives on certain important para –meters is given below :

Financial Year	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
DEATH IN POLICE ENCOUNTER (Inc. Code 812)	137	188	179	169	164
CUSTODIAL DEATH (Judicial) (Intimation) (Inc. Code 301)	1577	1588	1668	1616	1636
CUSTODIAL DEATH (Police) (Intimation) (Inc. Code 807)	140	130	151	145	148
CHILD LABOUR (Inc. Code 101)	63	716	66	50	76
BONDED LABOUR (Inc. Code 601)	3174	1017	3345	240	355



Financial Year	2013- 2014	2014- 2015	2015- 2016	2016- 2017	2017- 2018
INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT.OFFICIALS (Inc. Code 1505)	9546	14799	16258	13578	10929
GANG RAPE (Inc. Code 1307)	659	759	572	455	422
RAPE (Inc. Code 1311)	827	978	707	535	701
CHILDREN (Inc. Code 100-112)	1568	2560	1657	1211	1340
HEALTH (Inc. Code 200-205)	1475	2738	2535	1832	1377
JAIL (Inc. Code 300-318)	2597	2583	2670	2447	2669
POLICE (Inc. Code 800-823)	32968	34954	35533	27845	27491
POLLUTION/ECOLOGY/ENVIRONMENT(Inc. Code 900-904)	271	334	457	446	471
WOMEN (Inc. Code 1300-1314)	8991	9904	8105	7413	7843
DEFENCE FORCES (Inc. Code 1600-1617)	144	144	128	72	98
PARA-MILITARY FORCES (Inc. Code 1700-1717)	141	178	160	152	132
SC/ST/OBC (Inc. Code 1900-1904)	3210	3555	3454	3207	2660

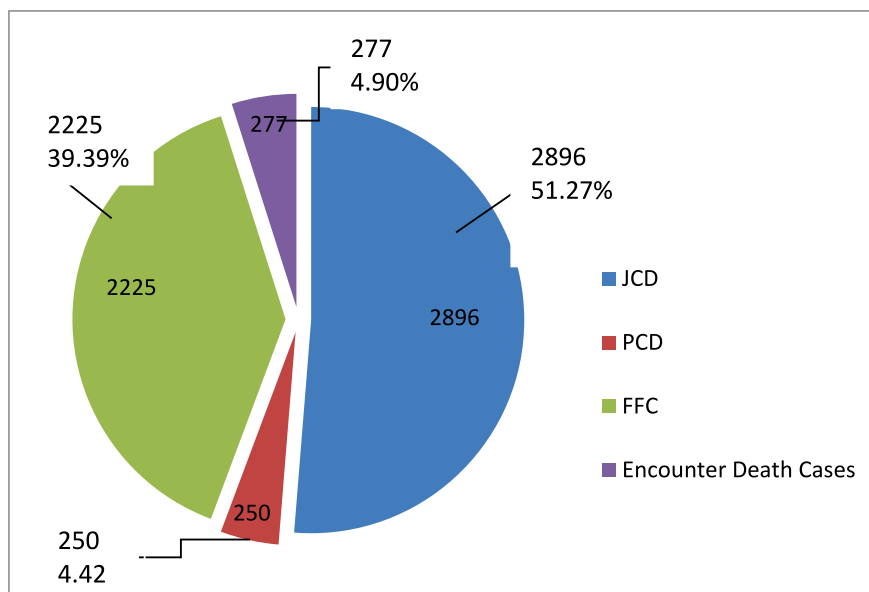
Cases dealt by investigation Division

2.46 During the given period from 01-04-2018 to 31-12-2018, the Investigation Division of NHRC has dealt with a total 2,271 number of cases, including 1104 cases of deaths in Judicial custody, 77 cases of deaths in Police custody and 1090 fact-finding cases. The division has also dealt with 194 cases of death in police encounters.

Spot Enquiries

2.47 During the period under review, the Investigation Division conducted spot enquiry in 88 cases (including 16 cases of police encounter in Uttar Pradesh) cases of alleged violations of civil and political rights, economic, social & cultural rights. These cases relate to custodial deaths / rapes; sexual harassment by policemen; custodial torture; false implication; illegal detention; bonded and child labour, atrocities on scheduled castes, scheduled tribes, and other disadvantaged groups; medical negligence and lack of proper medical facilities in Government hospital, death due to negligence of various State authorities; inhuman conditions in jails and shelter homes for children.

Cases Dealt by Investigation Division



ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Core Group of NGOs

2.48 In pursuance of Section 12 (i) of the Protection of Human Rights Act (PHRA), 1993, the Commission, right from its inception, has been encouraging the efforts of the non-governmental organizations (NGOs) and institutions working in the field of human rights. The Commission associates and partners with the reputed NGOs in various programmes and projects initiated by it in the area of human rights awareness. As awareness of human rights is an important factor in the better protection of human rights, there is greater scope of increasing interaction with the NGOs. In order to facilitate its interaction with the NGOs and civil society organizations, the Commission constituted a Core Group of NGOs on 17 July, 2001. The Group was last reconstituted on 16 September, 2011 with 11 Members only. The matter regarding reconstitution of the Core Group of NGOs is again under consideration of the Commission for giving wide representation of credible NGOs from diverse fields of human rights across the country.

2.49 Open House Discussion on 'Rural Development and Human Rights: Interaction with Civil Society Organizations/NGOs' on 27 February, 2019

- i. NHRC has been working to promote awareness of human rights issues at the ground level. Therefore the Commission decided to spread the human rights awareness focused on human rights issues, by organizing workshops and conducting field visits in selected districts of the States. The 28 districts, one from each State, has been selected from the commonality of the list of backward districts in India, getting "Backward Regions Grant Fund", prepared by Ministry of Panchayati Raj and also endorsed by Planning Commission and the list of backward districts selected for the National Agricultural Innovation Project by ICAR. The grounds of selection are the percentage of illiteracy, percentage of SC and



ST population, percentage of forest area, State wise BPL poverty ratio, percentage of State wise rural household, percentage of State wise Urban Household and Infant Mortality Rate.

- ii. The implementation of an aforesaid awareness programme by NHRC is expected to achieve good results in better implementations of the programmes, policies, and schemes which have been based upon human rights issues. It will give an opportunity to the Commission to have first hand idea of situation on the ground level and will also help it in planning its future strategies for better protection and promotion of human rights. The review will be done with the help of Special Rapporteurs, State Human Rights Commissions, Government and local NGOs. The proposed strategy is expected to be a benchmark for all the district administrations and will also benefit the State Human Rights Commissions. The Commission also organizes Human Rights Awareness for Panchayati Raj Officials to create sensitivity pertaining to human rights amongst them.
- iii. In order to develop a comprehensive understanding of the contribution of Rural Development Schemes in the promotion and protection of Human Rights, the Commission is organizing an **Interactive Session with Civil Society Organizations/NGOs and Open House Discussion: Rural Development And Human Rights** was held on 27 February, 2019, under the Chairmanship of Hon'ble Justice Shri H.L. Dattu, Chairperson NHRC and attended by Justice Shri P.C. Ghose, Smt. Jyotika Kalra, Hon'ble Members of NHRC, Shri Jaideep Govind, Secretary General, Shri Surajit Dey, Registrar (L), Dr. Ranjit Singh, JS (P&A), Mr. Dilip Kumar, JS (T&R) and other Senior officials of NHRC. Other participants of the Open House Discussion included Shri Amarjeet Sinha, Secretary, Ministry of Rural Development and representatives of NGOs and civil society organizations.

2.50 The objective of the Open House Discussion was to raise the awareness amongst all the stakeholders with regard to rural development along with exploring the linkage between 'Rural Development and Human Rights'.

The following issues were discussed in the Open House Discussion:

1. Intricacies of Rural Development and Linkages to Human Rights
2. Rural Development and Sustainable Development Goals (SDGs) for the Promotion and Protection of Human Rights
3. Grassroots Democracy and Empowerment of Women and Weaker Section
4. Role of Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs) in raising awareness of Rural Development Schemes
5. Future strategies to strengthen Rural Development

The recommendations generated from the Open House discussion will be shared with all the stakeholders.



State Human Rights Commissions

- 2.51 The National Human Rights Commission was constituted in 1993, in accordance with the Protection of Human Rights Act (PHRA), 1993. In Section 21 (PHRA), provides for constitution of the State Human Rights Commissions (SHRCs) in all the States. The existence and functioning of a Human Rights Commission in the States will go a long way in the protection of human rights in the remote areas of the country. The Commission has been urging the State Governments, where no State Commission has been constituted, to initiate action to constitute a State Human Rights Commission to fulfill its responsibilities to the people in accordance with the Protection of Human Rights Act (PHRA), 1993 and the 'Paris Principles'.
- 2.52 The Commission organised a Secretary level meeting of the Secretaries / senior officers of 26 State SHRCs and Senior Officers of NHRC in New Delhi on 7 December, 2018. The objective of this conference was to share the experiences and explore human rights issues of mutual interest. Issues like upgradation of complaint management system, measures to raise human rights awareness at the grass root level, SOP on investigation methods and role of social media in protection of human rights were discussed at length during the brain storming sessions.

Activities at International level

- 2.53 National Human Rights Institutions (NHRIs) that comply with the principles relating to the status of national institutions, commonly known as the Paris Principles, are playing a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level. Through the Universal Periodic Review, treaty monitoring bodies, and other international human rights mechanisms, every State is being encouraged to establish an effective, independent NHRI that complies with the Paris Principles as well as strengthen it where already existing. NHRIs encourage cooperation with a range of actors, among which the United Nations and, in particular, the Office of the United Nations High Commissioner for Human Rights (OHCHR) besides the Global Alliance of National Human Rights Institutions (GANHRI) and the Asia Pacific Forum of National Human Rights Institutions (APF) are of significance.
- 2.54 During the period under review, the National Human Rights Commission of India, which is a member of the GANHRI and a founder member of the APF participated in a number of meetings, seminars, workshops and interaction with foreign delegates in the Commission.

Annual Meetings of Global Alliance of National Human Rights Institutions (GANHRI)

- 2.55 NHRC India was a member of the GANHRI Bureau in the year 2003 and from 2007 to 2011. The NHRC India Delegation led by Chairperson Justice Shri H. L. Dattu, accompanied by the Secretary General and Joint Secretary attended the 29th Annual Conference of the Global Alliance of National Human Rights Institutions (GANHRI) on promotion and protection of human rights at Geneva from 21.03.2016 to 23.03.2016. In the General Meeting was elected India as a Bureau Member of GANHRI from Asia Pacific Region (APF). Thus, after a gap of four years, NHRC India has again become a member of the GANHRI Bureau with the election of Justice Shri H. L. Dattu,



the present Chairperson of the Commission from 2016. In the opening plenary session, Justice Shri H.L. Dattu, Chairperson, NHRC India delivered a statement on the role of NHRC India on the priority theme of “Business and Human Rights”.

2.56 NHRC Participation in Other International Meetings

- i. International Conference on *“Identifying Challenges, Assessing Progress, Moving Forward: Addressing Impunity and Realizing Human Rights in South Asia”* from 9 – 11 April, 2018 at Hotel Yak and Yeti, Kathmandu, Nepal.
- ii. *Commonwealth Forum of National Human Rights Institutions (CFNHRI) Biennial Meeting from 16 to 17 April, 2018* and Commonwealth Women’s Forum on 18 April, 2018 at London, U.K.
- iii. Conference on AICHR International Dialogue: Sharing Good Practices on Business & Human Rights from 4- 6 June, 2018 at Bangkok, Thailand.
- iv. 9th Session of UN Open Ended Working Group on Ageing from 23 - 26 July, 2018 at New York.
- v. Face-to-face workshop related to RWI Regional Blended Learning course on human rights, gender equality and environment/climate change in the framework of SDGs, with focus on South Asia. Face-to-face workshop in Colombo on 25-29 June, 2018 at Colombo, Sri Lanka and the Regional Meeting of NHRI which was organized on 20 – 21 November, 2018 at Bangkok, Thailand.
- vi. Global Alliance of National Human Rights Institutions (GANHRI) 2018 Bureau Meeting from 8 – 9 October, 2018 and GANHRI International Conference from 10 - 12 October, 2018 at Marrakesh, Morocco.
- vii. The 2018 United Nations Forum on Business and Human Rights from 26 - 28 November, 2018 Geneva, Switzerland.

2.57 Interaction with Foreign Delegates in the Commission

- i. A delegation from UNDP Business & Human Rights, UNDP Business and Human Rights, Bangkok, visited the Commission on 2 July, 2018 for a meeting on Business and Human Rights with Secretary General, NHRC India.
- ii. The United Nations Assistance Mission in Kabul, Afghanistan visited the Commission to have a Courtesy Meeting with Chairperson on 4 July, 2018.
- iii. The Political Counsellor, Germany visited the Commission on 24 August, 2018 to have a Courtesy Meeting with Secretary General, NHRC to understand the work of the Commission.
- iv. The Asian NGO Network on Human Rights Institutions (ANNI) visited the Commission on 24 August, 2018.



- v. The Member of German Parliament & Federal Govt. Commissioner for Human Rights Policy and Humanitarian Aid at the Federal Foreign Office visited the Commission on 23 October, 2018 for an interaction with NHRC India for an overview of India's human rights initiatives and the role of the NHRC in the year of its Silver Jubilee.
- vi. The World Organization Against Torture (OMCT) from Geneva, Switzerland visited the Commission on 25 October, 2018 for a formal meeting to discuss the matters relevant to the OMCT's mandate, including the ratification of the UN Convention against Torture.
- vii. The Embassy of Norway visited NHRC, India on 30 January, 2019 for a courtesy meeting with Chairperson.
- viii. A Delegation from British High Commission, New Delhi and British Dy. High Commission, Mumbai visited NHRC on 5 February, 2019 for a meeting with Secretary General, NHRC to discuss on how to work together in the context of open cases where British Nationals have raised torture and mistreatment.
- ix. The NHRC Nepal delegation visited NHRC, India from 4 - 5 February, 2019 to have a briefing and sharing regarding the operation, protection, promotion and law review process of NHRC India and to get the practical knowledge in term of overall process of protection and promotion of human rights and understand its management better.
- x. A Japanese Delegation alongwith the Bar Association of India visited the NHRC, India on 8 February, 2019 for an interaction with the Member and officers of the NHRC on human rights issues and areas of work pertaining to the NHRC.

Miscellaneous

2.58 Strategic Plan and Annual Action Plan: The NHRC India has evolved a comprehensive institutional mechanism of an Annual Action Plan (2018-19) and a three-year Strategic Plan for 2018-2021 to streamline the Commission's work more effectively. One of the key objectives of these plans is to further strengthen the Commission's engagement with NGOs, Human Rights Defenders, and Civil Society actors, and to make the existing mechanisms even more robust within its mandate. Our Focus areas are on Bonded & child labour issues, human dignity for all, protection of rights of the people from marginalized sections of society, prison reforms, women & child rights, rights of disabled, elderly, LGBTI rights, environment protection, health care & mental health, human rights education, good governance, business & human rights, actively engage with the human right defenders, NGOs/civil society and encourage research on the same. It also encourages spread of awareness and work with all the stakeholder for improvement in laws & schemes to promote and protect human rights. These plans are being reviewed regularly.



CHAPTER 3

NHRC: ORGANIZATION AND FUNCTIONS

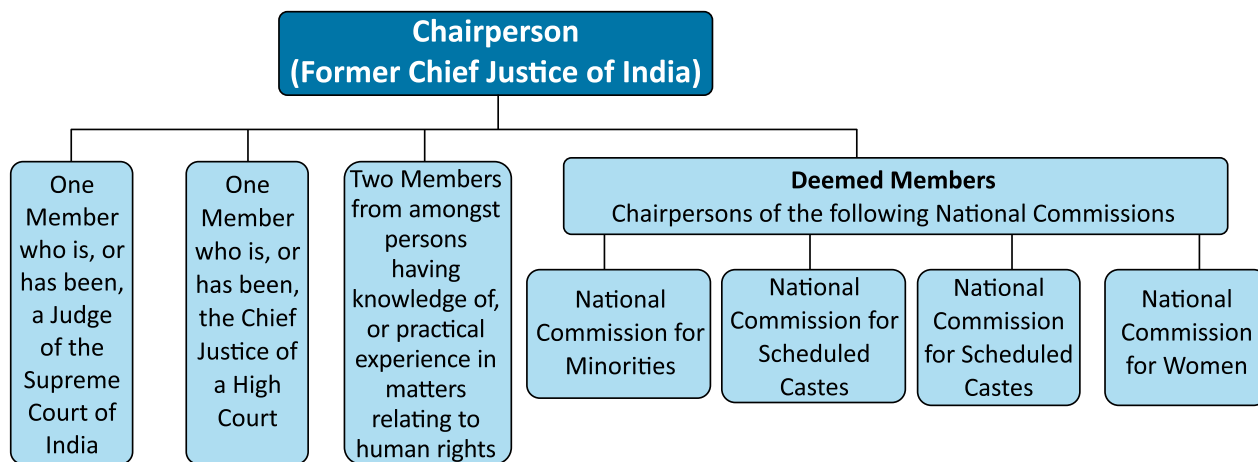
- 3.1 The NHRC, India was set up by an act of the Parliament on 12 October, 1993, known as the Protection of Human Rights Act (PHRA), 1993. The reason for enacting it was the 'better protection and promotion of human rights'. It is an institution which acts as a compliment to the judiciary and is engaged in – the protection and promotion of the constitutionally enshrined fundamental human rights of all people in the country.
- 3.2 As per the Act, 'human rights' means the 'rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India'. "International Covenants" means the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all Forms of Racial Discrimination (CERD). The Government of India acceded to the ICCPR and ICESCR in 1979. It ratified the CEDAW in 1993, the CRC in 1991 and the CERD in 1968. It would be pertinent to mention that the Constitution of India takes into account all those features that have been spelt out in the above-mentioned conventions. Many of the rights referred to in the ICCPR and the ICESCR were available to the Indian citizens when India became independent as these rights are primarily reflected in Part III and Part IV of the Constitution under the broad heading of Fundamental Rights and Directive Principles of State Policy (DPSP).
- 3.3 Unquestionably, the greatest strength of the PHRA, 1993 has been to provide the Commission with 'independence, functional autonomy and broad mandate', which are essential to the composition and proper functioning of a NHRI conforming with the Paris Principles. NHRC, India is an embodiment of India's concern for the promotion and protection of human rights.
- 3.4 The experience of NHRC-India, ever since its inception, has reflected that its independence and strength is well guaranteed by the requirements of the statute relating to its composition, appointments procedure, and powers relating to inquiries, extensive range of functions and specialized divisions and staff.

Constitution

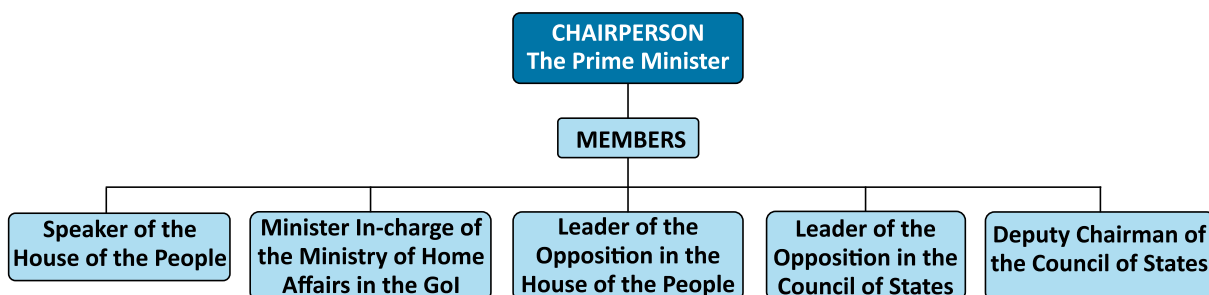
- 3.5 The Commission consists of a Chairperson, four full-time Members and four deemed Members. The statute lays down qualifications for the appointment of the Chairperson and Members of the Commission.



Constitution of NHRC



Selection Committee for Appointment of Chairperson and Members of NHRC



- 3.6 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.
- 3.7 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.
- 3.8 The Chief Executive Officer of the Commission is the Secretary-General, an officer of the rank of Secretary to the Government of India. The Secretariat of the Commission works under the overall guidance of the Secretary-General.

Powers Relating to Inquiries

- 3.9 The NHRC has been given all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, in particular in respect of summoning and enforcing the attendance of witnesses and examining them on oath; receiving evidence through affidavits; requisitioning any public record or copy thereof from any court or office; and any other matter that may be prescribed. In case of breach, it calls upon the concerned government to take remedial measures



and pay compensation to the victim or to the next of their kin and also remind public servants of their duties and obligations. Depending on the case, it may further initiate proceedings for prosecution, or any other suitable action that it may deem fit, against the person(s) concerned.

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

Extensive Range of Functions

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

- Inquire, suo motu or on a petition presented to it by a victim or any person on his behalf or on a direction or order of any court, into complaint of (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation, by a public servant.
- Intervene in any proceeding involving any allegation of violation of human rights pending before a court, with the approval of such court.
- Visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purpose 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.

Specialized Divisions and Staff

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

3.13 The Law Division of the Commission handles registration and disposal of around one lakh cases each year, registered on the complaints of human rights violation made to it either by the victim or any other person on behalf of the victim or on receipt of intimation from authorities concerned, regarding custodial death, custodial rape, death in police action, or on suo motu cognizance by the Commission or on a direction or order of any court. The Division also receives intimations regarding deaths in police/judicial custody, deaths in the custody of defence/



para military forces and custodial rapes. Suo motu cognizance of serious matters taken by the Commission is also dealt with by the Division.

- 3.14 During the year, 2018-19, 77,589 complaints were received in the Commission. All complaints received in the Commission are assigned a diary number and thereafter scrutinized and processed using the Complaint Management and Information System (CMIS) software especially devised for this purpose. After registration of complaints, they are placed before the Commission for its directions and accordingly, follow up action is taken by the Division in these cases till their final disposal. Cases of important nature are taken up by the Full Commission and matters pertaining to deaths in police custody or police action are considered by the Division Benches. Some important cases are also considered in sittings of the Commission in open court hearings. The Division has also been organizing camp sittings in different State capitals to expedite disposal of pending complaints and sensitize the State functionaries on the human rights issues. The Commission has also been organizing open hearings regarding atrocities on Scheduled Castes in the country to have direct interaction with the affected persons belonging to Scheduled Castes. The Division further provides its views / opinion on various Bills/draft legislations referred to it for better protection and promotion of human rights. The Law Division has come out with few important publications like "NHRC & HRDs: The Growing Synergy", etc. There is also a Focal Point for Human Rights Defenders who is accessible to HRDs round the clock through (i) Mobile No. 9810298900, (ii) Fax No. 24651334, and (iii) E-mail: hrd-nhrc@nic.in.
- 3.15 The Law Division is headed by a Registrar (Law), who is assisted by Presenting Officers, a Joint Registrar, a number of Deputy Registrars, Assistant Registrars, Section Officers and other Secretarial staff.
- 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 (NGOs) and institutions working in the field of human rights.
 - Such other functions, as it may consider necessary for the protection of human rights.
- 3.16 The Investigation Division is headed by an officer of the rank of Director General of Police, assisted by one DIG and three Senior Superintendents of Police. Each Senior Superintendents of Police heads a group of investigative officers (comprising of Deputy Superintendent of Police and Inspectors). The functioning of Investigation Division is analytical and multi dimensional such as follows:-
- (a) **Spot Enquiries:** The Investigation Division conducts spot enquiries and recommends suitable action in the cases revealing human rights violation. The spot enquiries conducted by the Investigation Division not only bring out the truth before the Commission, but



also send a message to all concerned – complainants, public servants, etc. The Commission orders a Spot enquiry in a range of cases concerning a variety of public authorities – from illegal detention, extra judicial killing, etc. by the police to the lack of facilities in a hospital leading to unnatural deaths. Spot enquiries enhance the confidence of general public too and instill their faith in NHRC's role in protection of Human Rights. The Investigation Division also gives its comments / observations, whenever sought, in the cases of advice / analysis, besides monitoring cases whenever referred to it.

- (b) **Custodial Deaths:** As per the guidelines issued by the Commission to the State authorities, the latter are supposed to intimate the Commission in case of any death occurring in custody (whether in police or judicial custody) within 24 hours. The Investigation Division on receiving of such intimations analyzes the reports in order to find out if there was any human rights violation involved. In order to make the analysis more professional and accurate, Investigation Division seeks opinion from the forensic experts on the panel of NHRC.
- (c) **Deaths in course of Police firing /encounters:** The Commission has laid down detailed guidelines for such cases in which people /criminals/extremists get killed during during a police action such as firing. The matter is mandatorily to be reported to the Commission within 48 hours followed by detailed report, PM reports, status of investigation by an independent agency, Ballistics report, magisterial enquiry reports, etc. The investigation division is entrusted with the work of analysis of such incidents and brings out the fallacies/ anomalies, if any, and put them before the Commission.
- (d) **Fact Finding Cases:** The Investigation Division also calls upon the different authorities to submit reports in "Fact Finding" Cases as directed by the Commission. The Investigation Division critically analyzes these reports with a view to assist the Commission in deciding whether there is any violation of Human Rights or not. In cases where reports received are misleading or not factual, the Commission orders a spot enquiry as well.
- (e) **Training:** The officers of the Investigation Division deliver lectures in training institutes and other forums, wherever they are invited to spread human rights literacy and promote awareness of the safeguards available for the protection of the human rights.
- (f) **Rapid Action Cell:** From the year 2007, the Investigation Division has taken the initiative of making a Rapid Action Cell functional in the Commission. Under RAC cases, the Investigation Division deals with cases which are of a very urgent nature e.g. the allegation may be regarding child marriage likely to be performed the very next day or else the complainant fears that a relative or friend picked up by the police may be killed in a false encounter. In all such cases, the Investigation Division takes up the urgent follow up required by the Commission. It may require speaking to them personally over telephone to ascertain facts, faxing the complaint to various authorities for reference and asking them to send their replies expeditiously – all these actions are performed by the Investigation Division.



During the period 01.04.2018 to 31.12.2018, the Investigation Division has dealt with 261 such Rapid Action Cases (RACs) where immediate intervention by the Commission was able to prevent not only Human Rights violation but also threats to human life & liberty.

- (g) **Debate Competition for personnel of Central Armed Police Forces:** In order to promote human rights awareness and spread sensitization towards it among the personnel of the Central Armed Police Forces, the Investigation Division has been regularly organizing a debate competition on such issues every year since 1996. Moreover, since 2004, as desired by the Hon'ble Chairperson, zone-wise debate competitions have also been organized as a run up to the final competition, for larger participation of the CAPFs all over the country. The semi-final and the final rounds of teams selected during the zonal competitions are subsequently organized in the Capital. Each year this event sees enthusiastic participation and an outstanding level of brainstorming sessions. The Commission provides necessary financial assistance to CAPFs for conducting these debates
- (h) **Debate Competition for personnel of State Police Forces:** The police today are duty bound to conform to the principles of Human Rights in discharging their duties. The lower and middle levels in the police forces are extremely crucial from the viewpoint of human rights because they directly come into contact with general public while discharging their duties. Since the year 2004, an attempt has been made by the Investigation Division of National Human Rights Commission to increase the level of Human Rights awareness among the police officials by providing necessary financial assistance to State/UTs Police Forces for conducting Debate Competitions for State Police Force personnel.
- (i) **Visits to places of detention:** There are a large number of complaints related to living conditions in the jails and other institutions where persons are detained or lodged for the purpose of treatment, reformation or protection. The IOs of the Investigation Division visits Jails and other institutions in different states as and when directed by the Commission and submit reports presenting the facts regarding specific allegations or the general condition of prisoners or inmates with regard to their human rights.

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



Joint Director (Research), Section Officer, Assistant, Research Consultants, Research Associates, Research Assistants and other secretarial staff.

- 3.18 The Training Division is responsible for spreading human rights literacy among various sections of the society. As such, it trains and sensitizes various government officials and functionaries of the State and its agencies, non-government officials, representatives of civil society organizations and students on different human rights issues. For this purpose, it collaborates with the Administrative Training Institutions/Police Training Institutions and Universities/Colleges. Besides, it conducts internship programmes for college and university students. The Division is headed by a Joint Secretary (Training & Research), who is supported by a Senior Research Officer (Training), an Assistant, Research Consultant and other secretarial staff. Coordination Section, under the Training Division, deals with all the international matter, including international treaties and conventions. Besides, it coordinates with Camp Commission Sitzings/Open Hearings in various States /UTs, organizes Commission's annual functions, viz., Foundation Day and Human Rights Day. It is also tasked with taking care of protocol duties as well as organizing visits of Chairperson/Members/senior officers of the Commission, both at the national and international levels. Coordination Section consists of an Under Secretary, Section Officer, Assistants, Research Consultant and other secretarial staff.
- 3.19 The Administration Division looks after the establishment, administrative and related requirements of the Chairperson and Members of the NHRC. Besides, it looks into personnel, accounts, library and other requirements of the officers and staff of the NHRC. The work of the Division is handled by the Joint Secretary (P&A) who is assisted by a Director, Under Secretaries, Section Officers, Assistants and other secretarial staff.
- 3.20 The Media and Communication (M&C) Wing under the Administration Division disseminates information relating to the activities of the NHRC through the print and electronic media. It brings out a bilingual monthly Newsletter 'Human Rights'. The Publication Unit, responsible for bringing out all the publications of the Commission, is another crucial Unit of the NHRC. The Annual Report, NHRC English and Hindi Journal, "Know Your Right" Series are a few of the salient publications brought out by this Unit. Furthermore, it looks into applications and appeals received under the Right to Information Act, 2005.

Special Features

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



CHAPTER 4

CIVIL AND POLITICAL RIGHTS

A. Terrorism and Militancy

- 4.1 Today, India is facing a daunting challenge of protecting the human rights of a common man on the face of terrorism. With the grim spectre of terrorism continuing to target innocent and defenceless people, the task of protection of human rights has become all the more challenging.
- 4.2 A peaceful society rests on the pillars of justice and individual's accountability. The concern for justice has been of paramount importance, while dealing with the vexed issue of terrorism. In most of the tragedies associated with terrorism, it is mostly the common people, whose rights are violated.
- 4.3 An increase in the activities of terrorists and Naxalites has made the role of security forces even more demanding. They are increasingly called upon to control civil unrest, to enhance the security at important places and also to control and maintain law and order whenever required.
- 4.4 The Commission is of the firm view that proper observance of human rights is not a hindrance to the promotion of peace and security. Rather, it is an essential element in any worthwhile strategy to preserve peace and security and to defeat terrorism. The purpose of anti-terrorism measures must, therefore, be to protect democracy, rule of law and human rights, which are fundamental values of our society and the core values of the constitution.
- 4.5 The Commission from time to time has reiterated that terrorism creates an environment that destroys the right of people to live in freedom from fear. Terrorism's goal is to destroy the very fabric of democracy and society. India remains an important ally in the global war on terrorism. It has fought against terrorism for more than fifty years and has learnt a great deal from its success and failures. The endeavor of the Commission is to call upon the international community to co-operate in combating terrorism. At the same time, the Commission has always emphasized that in doing so, the approach should be human, rational and secular.

B. Custodial Violence and Torture

- 4.6 Custodial violence and torture is so rampant in this country that it can be seen as embedded in the normal way of life. It represents the worst form of excesses by public servants entrusted with the duty of law enforcement. The Commission regards crimes like rape, molestation, torture, fake encounter in police custody as manifestations of a systemic failure to protect human rights of one of the most vulnerable and voiceless categories of victims. Therefore, the Commission is deeply committed to ensure that such illegal practices are stopped and human dignity is respected in all cases. Besides awarding compensation to the victims or next of their kin, the Commission's efforts are also geared towards bringing an end to an environment in

which human rights violations are committed with impunity under the shields of “uniform” and “authority within the four walls of a police station, lock-up and prison, where the victims are totally helpless”.

- 4.7 The Commission has issued various guidelines in this regard. One of such guidelines is that a death in custody has to be reported to the Commission within 24 hours. Though all custodial deaths may not be crimes or the results of custodial violence or medical negligence, it is important that no assumption is made without thorough enquiry and analysis of reports like inquest report, post mortem reports, initial health screening report, magisterial enquiry report etc. Compliance of the guidelines of the Commission by the State authorities, therefore, plays a crucial role in quick disposal of the cases relating to custodial deaths. However, it has been seen that some deaths are reported after considerable delay or not reported at all, and also in many cases the reports are forwarded to the Commission only after issuance of conditional summons to the authorities concerned.

C. Important Illustrative Cases

Custodial deaths

(Covering judicial custody, police custody, para-military/defence forces custody)

1. Death of a convict prisoner Sujan Bagdi, aged 22 years, in the custody of District Correctional Home, Howrah, West Bengal,

(Case No. 1452/25/9/2013-JCD)

- i. The Commission received intimation from the Office-in-Charge, PS Howrah, West Bengal regarding the custodial death of a convict prisoner Sujan Bagdi, aged 22 years, in the custody of District Correctional Home, Howrah, West Bengal.
- ii. In response to the Commission's directions, the requisite reports were received. The inquest report revealed a black mark on the neck and throat on the body of the deceased. The post-mortem examination report indicated one oblique non-continuous ligature mark around the neck. In the viscera examination report, no poison was detected. However, the cause of death was given as “due to ante mortem hanging”. The magisterial enquiry concluded that it appears from the post-mortem and the statement of the doctor who conducted autopsy that the death was caused by ante mortem hanging.
- iii. The Commission referred the matter to a Forensic expert on the panel of the Commission who opined that it does not appear to be a case of hanging. It may be a case of strangulation or even throttling (by someone else), which is homicidal in nature.
- iv. The Commission observed that the deceased convict Sujan Bagdi was in the care and custody of the State and the State was responsible for providing him adequate and timely treatment. But due to negligence and carelessness in providing timely treatment to the deceased by the Jail authorities, he died. For this lapse, the State is vicariously liable to make reparations to the next-of-kin of the deceased convict, Sujan Bagdi.



- v. The Commission issued a notice under Section 18 of the Protection of Human Rights Act (PHRA), 1993 to the Government of West Bengal, through its Chief Secretary, requiring it to show cause within six weeks as to why the Commission should not recommend payment of Rs.2,00,000/- as compensation to the next-of-kin of the deceased convict, Sujan Bagdi, who died in the custody of District Correctional Home, Howrah, West Bengal, on 13 December 2013.
- vi. The reply to the Show Cause Notice is awaited.

2. **Death of convict prisoner Thota Chenchu Maddilety @ Maddelagaddus, s/o Machu Nagadu, on 7.10.2013 in the custody of Central Jail, Kadapa, Andhra Pradesh.**

(Case No.1108/1/4/2013-JCD)

- i. This case pertains to the death of convict prisoner Thota Chenchu Maddilety @ Maddelagaddus, s/o Machu Nagadu, on 7.10.2013 in the custody of Central Jail, Kadapa, Andhra Pradesh.
- ii. Pursuant to the directions of the Commission, the reports received from the authorities were considered by the Commission and observed that the deceased was a 41 years old prisoner who died due to, "Chronic lung disease" which is curable if diagnosed in time and treated properly. Therefore, the Commission sought opinion Dr. Thejaswi H.T., Assistant Professor, Forensic Medicine, PGIMER & Dr. RML Hospital, New Delhi and Forensic Expert on the panel of the NHRC who opined as under : -

"Chronic lung diseases are seldom curable by treatment. However, one can prevent chronic changes in the lungs, by adequate management of clinical condition at the initial stages. The term chronic means something which has been persisting for a long time, designating one showing little change or extremely slow progression over a long period. It includes numerous conditions caused due to infection (tuberculosis), auto immune causes (asthma), vascular causes (cardiac causes like congestive heart failure), smoking, substance abuse, etc. Here in my opinion, the deceased was suffering from chronic lung disease in the form of Chronic Obstructive Pulmonary Disease. Due to acute exacerbation of chronic infection, he developed fever with convulsions (at 08.45 AM), for which he was referred to higher centers where he was declared brought dead at 09.30 AM on 02.07.2014.

Here we can see that the deceased prisoner patient was suffering from fever with cough and was treated on numerous occasions in the jail hospital from 24.04.2011 till 15.09.2013. Had the Medical officer in the prison did a thorough workup, including Chest X-ray, Sputum for AFP, Sputum culture and sensitivity etc., he could have been managed in a better way. On the contrary, he was just given treatment on OPD Basis.

Hence, there is inadequacy of treatment in this case."

- iii. The Commission considered the report of the Forensic Expert on the panel of the Commission and observed that the facts and circumstances as brought out in the report, as



well as the opinions of the experts lead to a conclusion that there was medical negligence in the treatment of the Prisoner. Therefore, the State is vicariously liable for the negligence of the public servant.

- iv. The Commission, therefore, directed to issue notice to the Chief Secretary, Govt. of Andhra Pradesh, calling upon him to show cause as to why monetary compensation of Rs. 2,00,000/- Only should not be recommended u/s 18 (a)(i) of the Protection of Human Rights Act, 1993 to the Next-of-Kin (NoK) of the deceased prisoner Thota Chenchu Maddilety @ Maddelagaddus for violation of his human rights.
- v. In response to the show cause notice the Director General Prisons and Correctional Services Andhra Pradesh Vijayawada submitted that the convict prisoner Thota Chenchu Maddilety@Machu Nagadu was provided treatment from 11.11.2005 to 15.09.2013 in the jail hospital for various minor ailments. On 07.10.2013 he developed Convulsions and immediately taken to higher medical centre for treatment. However, he was declared brought dead in the hospital. The prisoner was provided symptomatic treatment in the jail hospital. He was never referred to outside jail hospital. However, there was no negligence or delay on the part of the prison authorities in his treatment.
- vi. The Commission further considered the matter and observed that the forensic expert on the panel of the Commission has observed that the deceased prisoner was suffering from cold & cough and was treated on numerous occasions in the jail hospital from 24.04.2011 till 15.09.2013. Had the Medical officer in the prison did a thorough workup, including Chest X-Ray, Sputum for AFP, Sputum culture and sensitivity etc., he could have been managed in a better way. On the contrary, he was just given treatment on OPD basis. Therefore, the jail authorities were negligent for inadequacy of treatment in this case. Hence the Commission reiterate its stand and recommends u/s18(a)(i) of the of the Protection of Human Rights Act, 1993, monetary compensation of Rs.2,00,000/-to be paid to the next-of-kin (NoK) of the deceased prisoner Thota Chenchu Maddilety@Machu Nagadu, for violation of his human rights.
- vii. The Commission directed Chief Secretary of Govt. of Andhra Pradesh to submit the compliance report along with the proof of payment.
- viii. The response from the Chief Secretary is still awaited.

3. **Death of an under trial prisoner Tukmesh S/o Puran Singh in the District Jail, Badaun, Uttar Pradesh**

(Case No. 14047/24/7/2016-JCD)

1. The Commission received an intimation from the Superintendent, District Jail, Badaun, Uttar Pradesh regarding the custodial death of an under trial prisoner Tukmesh S/o Puran Singh on 24.04.2016.

2. Pursuant to the directions of the Commission, the requisite reports were received. As per Inquest Report there was bleeding from nose, fresh injury on ear, cheek and leg. The 'Panchas' opined that the deceased died due to beating and use of some poisonous substance. However, the "Panchas" recommended for post mortem to know the exact cause of death. Postmortem Report revealed red abrasion on ear, brownish/black abrasion on elbow and ankle. Black contusion on eye. The forensic report revealed no poisonous substance. The MER concluded that the deceased died due to sudden cardiac arrest due to epilepsy and there was no evidence of the deceased given poison.
 3. Having considered the reports, the Commission, in view of the facts and circumstances, referred the matter to a Forensic Expert on the panel of the Commission who opined that the treatment in this case was inadequate. Even the diagnosis was never made. The patient should have been referred to the neurology department in a medical college for proper diagnosis.
 4. The Commission further observed that the State and the prison authorities are responsible to ensure that all medical help is extended to the prisoner in their custody. In this case, they have failed to do so and, therefore, are liable to compensate the NoK of the deceased.
 5. The Commission issued a notice u/s 18(a)(i) of the PHR Act 1993 to the Chief Secretary, Govt. of Uttar Pradesh directing him to show cause within four weeks as to why the Commission should not recommend payment of compensation of Rs.200,000/- to the NoK of the deceased UTP Tukmesh who lost his life because of medical negligence and inadequate treatment, while in custody of District Jail, Badaun, Uttar Pradesh.
 6. The reply is awaited.
4. **Death of an under trial prisoner Chunni Lal S/o Ram Awadh in the District Jail, Basti, Uttar Pradesh**
- (Case No. 23479/24/15/2013-JCD)**
- i. The Commission received an intimation from the Sr. Superintendent, District Jail, Basti, Uttar Pradesh regarding the custodial death of an under trial prisoner Chunni Lal S/o Ram Awadh on 30.06.2013.
 - ii. Pursuant to the directions of the Commission, the requisite reports were received. The health screening at the time of admission to jail report revealed that the deceased was alcoholic. There was some injury noted by the medical officer of the District Hospital Basti. The inquest report revealed seven injuries, including a ligature mark on the body of the deceased. The post mortem examination report revealed six abrasions on the left and right legs of the deceased and a ligature mark on the body of the deceased.
 - iii. The final cause of death was given as 'asphyxia due to ante-mortem injury'. The magisterial enquiry concluded that the death of the undertrial prisoner Chunni Lal was suspicious and occurred due to strangulation and not because of hanging. The Superintendent, District Jail Basti, conducted an inquiry into the conduct of Const. Ashok Kumar, Const. Ashok Kumar Arya and Const. Arun Sharma, who were punished for their dereliction of duty.



- iv. The Commission further observed and directed that the Under Trial Prisoner (UTP) was in the care and custody of the State, which was responsible to ensure his safety and security. In this case, the Magistrate has concluded that death of the undertrial prisoner Chunni Lal is suspicious and occurred due to strangulation and not because of hanging. For this death due to strangulation, the State is liable to compensate the next- of-kin (Nok) of the deceased.
- v. The Commission issued a notice u/s 18(a)(i) of The Protection of Human Rights Act, 1993, to the Government of UP, through its Chief Secretary, requiring it to show cause, within six weeks, as to why the Commission should not make a recommendation for payment of Rs. 1,00,000/- to the next-of-kin of the deceased undertrial prisoner Chunni Lal, S/o Ram Awadh.
- vi. The reply is awaited.

5. **Death of accused Musan Sahni S/o late Ramaj Sahni in the jurisdiction of PS Singhwada (Case No. 3676/4/10/2013-PCD)**

- i. The Commission received intimation from the Sr. Supdt. of Police, Darbhanga, Bihar regarding the custodial death of accused Musan Sahni S/o late Ramaj Sahni in the jurisdiction of PS Singhwada on 23.09.2013.
- ii. Pursuant to the directions of the Commission, the requisite reports were received. The inquest report revealed abrasions on the back, bruises below the knee and faecal matter was seen in his dhoti. The post-mortem examination report indicates bruises and abrasions on the body of the deceased. The histopathological examination report indicates that he might have died due to heart failure as a result of myocardial infarction. The magisterial enquiry concluded that Musan Sahni had died due to heart failure.
- iii. The Commission further observed that although, it was evident that the death of the deceased had been caused due to myocardial infarction, as opined by the Department of Forensic Medicine, Darbhanga Medical College, Leheriasarai, the Police did not fulfill its moral responsibility to shift the sick accused to the hospital instead of handing him over to his family members. The Police ought to have evacuated the deceased to the nearest hospital to save his life, as he was already taken into custody, but it failed to do so, and the deceased was let off by the Police in complete abdication of its duties and responsibilities. Such apathy towards a human life amounts to violation of human rights for which the State is liable to make reparations to the next-of-kin (NoK) of the deceased accused Musan Sahni.
- iv. The Commission has issued a notice under Section 18 of the Protection of Human Rights Act, 1993 to the Government of Bihar, through its Chief Secretary, requiring it to show cause within six weeks as to why the Commission should not recommend payment of Rs.200, 000/- as compensation to the next-of-kin (NoK) of the deceased accused, Musan Sahni, son of late Shri Ramraj Sahni.
- v. The reply is awaited.



6. Death of an under trial prisoner Gobinda Barman S/o Lajbat Barman in the Raiganj District Correctional Home, Uttar Dinajpur, West Bengal

(Case No. 969/25/16/2013-JCD)

- i. The Commission received an intimation from the Superintendent, Raiganj District Correctional Home, Uttar Dinajpur, West Bengal regarding the custodial death of an under trial prisoner Gobinda Barman S/o Lajbat Barman on 04.08.2013.
- ii. Pursuant to the directions of the Commission, reports were received from the concerned authorities. The proforma for health screening of prisoner at the time of admission to the Home reveals that the deceased was not suffering from any disease at the time of admission to the Home. The inquest report did not reveal any injury on the body of the deceased except ligature mark on the neck. The post mortem examination report also shows one ligature mark obliquely around neck. No antemortem external or internal injury was found on the body of the deceased. The cause of death was given as 'asphyxia due to ante-mortem hanging, suicidal in nature'. The magisterial enquiry concluded that death of Gobinda Barman is due to 'antemortem hanging, suicidal in nature.
- iii. The Commission further observed and directed that it is absolute duty of the State to ensure the safety and security of a person in its custody and to ensure that he does not cause any harm to himself or to anybody else. In the case in hand, it would appear that the prison staff committed negligence in keeping surveillance on the activities of the deceased and this negligence gave him an opportunity to commit suicide. For this breach of duty to take care of a person in its custody, the State must bear the liability to make reparations to the next-of-kin (NoK) of the deceased undertrial prisoner Gobinda Barman.
- iv. The Commission has issued a notice u/s 18(a)(i) of The Protection of Human Rights Act(PHRA), 1993, to the Government of West Bengal, through its Chief Secretary, to show cause, within six weeks, as to why the Commission should not make a recommendation for payment of Rs.100,000/- as compensation to the next-of-kin(NOK) of the deceased undertrial prisoner Gobinda Barman.
- v. The reply is awaited.

b) Unlawful Arrest, Illegal Detention and Torture

7. Alleged illegal arrest, custodial torture and false implication by the police of PS Baba Hari Das Nagar, Delhi

(Case No. 3052/30/7/2016)

- i. The Commission received a complaint from Shri Mohit Kumar, Najafgarh, Delhi alleging that he along with his brother-in-law Harsh Sharma, brother Vishal and and his father Rohit Kumar were brutally beaten up by the police and all were implicated in a false case registered at PS Baba Haridas Nagar, Delhi.



- ii. Pursuant to the directions of the Commission, a report was received from the Deputy Commissioner of Police, Vigilance, Delhi stating that during investigation, the video CD provided by the complainant revealed that the alleged police officer of PS Hari Das Nagar were trying to get the complainant and Harsh Sharma into police Gypsy but they were resisting to sit inside the police vehicle and consequently scuffle took place among them. No beating by Lathies or Danda etc. is seen in the video CD at the spot, however, one police official was seen slapping one of the complainants. The SHO as well as I.O. /ASI Ram Kishan could not give any satisfactory response/reply as to why they were trying to detain and take the persons to the police station. When the father of the complainant went to police station, he was also beaten up by the police and arrested. Since, there was no call or complaint against Mohit Kumar and Harsh Sharma, hence it appears that case FIR No. 130/16 u/s 186/353/332/34 IPC, P.S. Baba Hari Das Nagar was registered by these police officials against the complainant party just to cover up their misdeeds of unauthorized detention and physical torture to the complainant and his relatives. On the basis of enquiry report, the Commissioner of Police, Delhi has approved for a regular Departmental Enquiry against the ASI Ram Kishan No. 3016/SW and Inspector Raj Kumar, No. D-I/984(SHO/BHD Nagar) for their above mentioned lapses and gross misconduct and also the case FIR 130/16 of Baba Hari Das Nagar to be transferred to the DIU/Outer for fair and impartial investigation by an I.O. of Inspector Rank who will carry out investigation by taking into consideration the shortcomings pointed out. The case FIR No. 130/16, P.S. Baba Hari Das Nagar has been transferred to DIU/Outer District. The matter regarding a regular D.E. against Inspector Raj Kumar and ASI Ram Kishan is under process.
- iii. The Commission further observed that prima-facie; the allegations of the complainant had been substantiated. The police officers had violated the human rights of the complainant, his brother, his brother-in-law and his father. Departmental action against Inspector Raj Kumar and ASI Ram Kishan further makes an established case of violation of human rights. The State is liable to compensate the victims.
- iv. The Commission issued notice u/s 18 (a) (i) of the PHR Act, 1993 to the Home Secretary, Government of India directing him to show cause within four weeks as to why the Commission should not recommend payment of compensation of Rs. 50,000/- to each of the victims Mohit Kumar, Harsh Kumar, Vishal and Rohit Kumar as their human rights have been violated by the police.
- v. In response, the Under Secretary, Ministry of Home Affairs, Govt. of India informed that the financial powers have been delegated to the Commissioner of Police, Delhi in respect of NHRC compensation cases relating Delhi Police. Hence, notice should be issued to the Commissioner of Police, Delhi.
- vi. Accordingly, a Show Cause Notice has been sent to the Commissioner of Police, Delhi.
- vii. The reply is awaited.



8. Illegal detention and mental torture of one Ms. Aparna Marandi and her son by the police of PS Kathikund, Dumka, Jharkhand.

(Case No. 1598/34/16/2012)

- i. The Commission received a complaint from Smt. Tania Devaiah, a human rights activist, alleging that on 8.12.2012, at 4.00 p.m., Smt. Aparna Marandi, her four year old son Alok Chandra, along with her relative Satish, aged 16-years, and her two friends Baby Turi and Sushila Ekka were picked up by the Police from Hatiya Railway Station, near Ranchi, Jharkhand. They were illegally detained and mentally tortured. Baby Turi, Sushila Ekka and Satish were released on 9.12.2012 but Ms. Aparna Marandi and her son were detained illegally for more than 24 hours without being produced before the Magistrate.
- ii. Pursuant to the directions of the Commission, the Inspector General, Special Branch, Jharkhand, Ranchi forwarded the report of the Supdt. of Police, Dumka stating that Smt. Santoshani @ Aparna Marandi @ Majhali Marandi w/o Zeetan Marandi was arrested on 8.12.2012 along with her four year old son Alok Marandi from Hatiya Railway Station of Ranchi in crime No. 52/2012 u/s 147/149/342/386/435/427 IPC, Section 17 Criminal Law Amendment Act and Section 13 of UPA Act of PS Kathikund along with her baby Devi, Sushila Ekka and Satish Marandi @ Dodo Majh were also called to the police station for interrogation. These three persons were released on personal bond. It is clear from the report that baby Turi, Sushila Ekka and Satish were not accused in FIR No. 52/12 of PS Kathikund, District Dumka. The Director General of Police, Jharkhand, was requested to explain under what law they were taken into custody on 8 December, 2012 and illegally detained and released only on 9.12.2012 at 14.45 hours after they executed a personal bond. Smt. Aparna Marandi and her four years old son were produced before the Court and were remanded to the judicial custody.
- iii. The Commission while considering the matter on 16.04.2018 inter alia, observed that despite repeated reminders no response was received from the Director General of Police, Jharkhand. The Commission, therefore, presumed that the victims Baby Turi, Sushila Ekka and Satish were taken into custody on 8.12.2012, illegally detained and released only on 9.12.2012, violating their human rights, for which the State is vicariously liable to make reparations to them. The Commission directed to issue a notice under Section 18 of the Protection of Human Rights Act, 1993 to the Principal Secretary, Department of Home, Government of Jharkhand, through its Chief Secretary, requiring it to show cause within six weeks as to why the Commission should not recommend payment of Rs.10,000/- each to the victims Baby Turi, Sushila Ekka and Satish, as compensation for violation of their human rights.
- iv. Accordingly, a Show Cause Notice has been sent to the Principal Secretary, Department of Home, Government of Jharkhand, through the Chief Secretary, Government of Jharkhand.
- v. The reply is awaited despite reminder.



9. **Illegal detention and false implication of one Shri Anirudh Prasad Verma S/o Shri Hardwar Prasad Verma, resident of village Pakra Dewariya, PS Nanpara, District Bahraich, Uttar Pradesh, by the Police of PS Risiya, Bahraich, Uttar Pradesh.**

(Case No. 25395/24/9/2015)

- i. The Commission received a complaint from Shri Anirudh Prasad Verma S/o Shri Hardwar Prasad Verma, resident of village Pakra Dewariya, PS Nanpara, District Bahraich, Uttar Pradesh, alleging that on 27.06.2015, at 2300 hours, his son Lekhraj was picked up by the Police of PS Risiya, Bahraich, Uttar Pradesh from his house. He apprehended that the Police may implicate his son in some false case or kill him in fake encounter. He had prayed for the release of his son from the custody of the Police.
- ii. Pursuant to the directions of the Commission, the Deputy Inspector General, Devipatan Range, Gonda, Uttar Pradesh, forwarded an enquiry report of the Additional Superintendent of Police (West), Gonda. The report revealed that the complainant's son Lekhraj was arrested on 30.06.2015 in a theft case of motorcycle registered vide case crime No. 641/2015 dated 29.6.2015 u/s 379 IPC PS Risiya. The complainant's son Lekhraj Verma was picked up by police at 11:00 pm on 27.06. 2015 from his residence as per his complaint whereas in PS Risiya Behraich a case of motorcycle theft vide case crime No. 641/2015 dated 29.06.2015 u/s 379 IPC was registered, in connection with which accused Lekhraj Verma was said to be arrested alongwith stolen motorcycle on 30.06.2015 at 8:00 am. There is difference of two days between the allegations of the complainant and police version that in the case registered on 29.06. 2015 accused Lekhraj was arrested on 30.06. 2015. During inquiry it was prima facie found that Lekhraj Verma was illegally detained and false entry was made in records of the PS. Hence, in this case a case should also be registered against the police officials who are involved in it and investigated accordingly.
- iii. The Commission further observed that the report of SP (W) Gonda revealed that prima facie Lekhraj Verma was detained in PS illegally and false entries made in the records of the PS.
- iv. The Commission issued a notice u/s 18(a)(i) PHR Act, 1993 to the Government of UP through its Chief Secretary requiring it to show cause within 6 weeks as to why the Commission should not recommend payment of Rs.30,000/- as compensation to the victim Lekhraj Verma.
- v. The reply is awaited.

10. **Illegal detention of one Dharmendra Singh, (aged 30 years) by the police of PS Kotwali Unnao, Uttar Pradesh.**

(Case No. 29000/24/71/2015)

- i. The Commission received a complaint from Shri Raj Bahadur Katiyar alleging that his son Dharmendra Singh, aged 30 years, was arrested on 4.07.2015 by the Police, PS Bangarmau,



- District Unnao, Uttar Pradesh and tortured. The SO, PS Bangarmau, extorted Rs. 2 lakhs from the Complainant's son for releasing him.
- ii. Pursuant to the directions of the Commission, the Superintendent of Police, Unnao, Uttar Pradesh sent a report stating that the SHO, PS Kotwali Unnao, arrested the accused Dharmendra on 12.05.2015, in connection with Case No. 4/14 u/s 406/428/467/468 IPC PS Kotwali Mainpuri, and sent him to Mainpuri. In this regard, a GD Entry No. 41 at 22.45 hours was also made in the Rozenamcha on 12.07.2015. The report refutes the allegations of illegal detention and torture of complainant's son.
 - iii. The Commission considered the report and observed that the Enquiry Officer did not verify the call details of victim's mobile No. 8400947563 from 4 to 12 July, 2015 so as to find out the location of the Complainant's son. Thus, the Police report does not seem reliable. Therefore, the Commission directed the Deputy Inspector General, Lucknow Zone, Uttar Pradesh, to conduct an enquiry into the matter from a senior officer other than that of District Unnao.
 - iv. The Inspector General, Lucknow Zone, Lucknow has sent a report stating that the complainant's son and Shri Amit Sarikwal were jointly doing the business of potato trading. After a dispute over money, Shri Amit Sarikwal filed a complaint Case No. 4/14 under Sections 406/428/467/468 IPC in the Mainpuri Court. After issuance of warrant against Dharmender Katiyar on 6 July 2015, the Police, PS Bangarmau arrested him on 12 July, 2015 and was produced before the Magistrate on the same day. As regards tracking the location of the given mobile no. of the Complainant's son, it was mentioned that Dharmender Katiyar is a resident of Bangarmau area of Unnao, and he might be moving in the area for his work, so it is possible that his location is shown in the given area. Supporting the earlier report, this report also refutes the allegations of illegal detention and commissioning of bribe.
 - v. The Commission considered the matter on 07.05.2018 and inter alia observed that the Commission is still not convinced with the contention given in the report. In the light of the fact that the complainant had sent his complaint to the Commission on 9.07.2015 through FAX and the same was received in the Commission on 10.07.2015, i.e. prior to the alleged date of said arrest (12.07. 2015) shown by the Police, the enquiry reports of the Police cannot be relied upon in view of the fact that the Complainant could not anticipate on 9.07.2015 that his son would be arrested on 12.07.2015. Hence, there is strong probability that Dharmender Katiyar was picked up by the Police on or before 9.07.2015, i.e., prior to 12.07.2015, and kept in illegal detention. However, no direct evidence is available regarding payment of Rs. 2, 00,000/- as bribe to the Police by the complainant.
 - vi. The Commission has issued a notice under Section 18 of the Protection of Human Rights Act, 1993 to the Government of Uttar Pradesh, through its Chief Secretary, requiring it to show cause as to why the Commission should not recommend payment of Rs. 50,000/- as compensation to the victim for his illegal detention in police custody.
 - vii. No reply to the notice has been received from the Chief Secretary, Government of U.P.



11. Death of a person due to torture while in the custody of Mizoram Police and Indian Reserve Police at Kanhmun Police Station of Mamit Distt, Mizoram

(Case No. 10/16/7/2013-AD)

- i. The Commission received a complaint dated 22.04.2013 from Shri Tejang Chakma, Complaints Coordinator, Asian Centre for Human Rights, Delhi alleging death of one Sehbaram Reang, aged 23 years, S/o Sofrongon Reang on 20.4.2013 due to torture while in the custody of Mizoram Police and Indian Reserve Police at Kanhmun Police Station of Mamit Distt, Mizoram.
- ii. The Commission on 01.05.2013 took cognizance of the Complaint and obtained various reports including the inquest report, post-mortem report and magisterial inquiry report from the concerned authorities and got the reports analyzed by the Investigation Division.
- iii. The Enquiry Magistrate raised the following lapses/points in his report :
 - a. There were procedural irregularities in the way in which the deceased was arrested by the police;
 - b. There was negligence on the part of Mizoram and Tripura police team which took the deceased for search operation;
 - c. Very little effort was made by the police to nab or search for the deceased after he is said to have escaped from the police custody;
 - d. It is not clear whether the death of the deceased is suicidal or homicidal;
 - e. As the circumstances under which the deceased disappeared and the dead body was found are suspicious, he recommended through police investigation.
- iv. The Post Mortem Report indicated presence of maggots present all over the body of the deceased. No bruises could be detected due to the decomposition of the body, ligature mark was found present around the neck. Three teeth were found broken and also there was fracture and dislocation of Atlanto occipital joint. Hand cuffs with broken chain were present over both hands. As per PMR the deceased died of Asphyxia due to hanging but it could not be proven whether it was suicidal or homicidal.
- v. Upon consideration of material on record, the Commission observed the following points indicated towards gross negligence on the part of the Police authorities of Mizoram:-
 - a. As per the reports, the deceased managed to run away from the custody of police in handcuffs. It shows that the Police authorities were not vigilant in their supervision of the security of the arrested person. Moreover, it is very strange that a person in hand cuffs can run so fast that he cannot be apprehended by the police which was accompanying him all the time;
 - b. The dead body of the deceased was found hanging from a tree with broken handcuffs. It seems unrealistic that the deceased committed suicide after he managed to escape from the police custody;



- c. To cover up their negligence, the police gave the version that the deceased committed suicide after escaping from the police custody. If at all it is taken that he committed suicide, it is the prime duty of the Police to guard and take care of any person in their custody, including from self harm, round the clock and they cannot run away from their responsibility. Here the police were negligent in handling the accused which caused his death. Had the police been little more careful, the life of the deceased could have been saved. The Commission is of the opinion that the deceased was tortured before he was found hanging. The PMR specifically mentioned that three teeth were found broken and there was fracture and dislocation of Atlanto occipital joint.
 - d. MER raised suspicion over the disappearance of the deceased from police custody and the investigation carried out to find out him.
 - e. The overall circumstances as they stand today suggest that the accused person was not provided adequate security and protection by the Police. The offence of murder registered on the complaint of the brother of the deceased is still under consideration.
- vi. Taking into consideration of the above-mentioned facts and circumstances of the case, the Commission issued a notice u/s 18 of the Protection of Human Rights Act 1993 to the Government of Mizoram to show cause why a sum of Rs.3.00, 000 as monetary compensation should not be recommended to be paid to the next of kin of the deceased, Shebaram Reang..
 - vii. In response to the Show Cause Notice, the Deputy Secretary to the Govt. of Mizoram, Home Department vide communication dated 26.03.2018 submitted a detailed reply and requested for re-consideration of the Show Cause Notice.
 - viii. The Commission considered the reply of the State Govt. thoroughly and observed that the reasons adduced by the Commission in its proceedings dated 14.12.17 were based on a detailed analysis of various reports by the Investigation Division of this Commission, particularly placing heavy reliance on the MER. Therefore, the Commission declined to accept the reasons given in the report and accordingly confirmed its show cause notice and recommended to the Chief Secretary, Government of Mizoram to pay a sum of Rs. Three Lakhs as monetary compensation to next of kin of the deceased Shebaram Reang. The Chief Secretary, Govt. of Mizoram was required to submit compliance report along with proof of payment within six weeks.
 - ix. Compliance report along with proof of payment is still awaited.



c) Police High-handedness

12. **Seven School girls injured in an indiscriminate lathi charge by Rajasthan Police during a peaceful demonstration in Uniara Tehsil, District Tonk, Rajasthan.**

(Case No. 2611/20/28/2015)

- i. Shri Henri Tiphagne, a Human Rights Activist, brought to the notice of the Commission that 150 school girls of Government Senior Secondary School, Uniara Tehsil, District Tonk, Rajasthan, who were demonstrating against non-availability of teachers in their school, were lathi-charged indiscriminately causing serious injuries to some girls. It was also informed that there were no women police during the lathi-charge.
- ii. Pursuant to the directions of the Commission, District Magistrate, Tonk, Rajasthan reported to the Commission that an enquiry in the matter was conducted by the Addl. Supdt. of Police, Malpura, which revealed that a school teacher named Birbal Meena was transferred to another school but he was unwilling to join there. He instigated the students to block the Highway. When the police force put mild force, some students fell down on the road and sustained injuries. It was also reported that the protestors caused injuries to the police party and damaged police vehicle. The SHO, P.S. Aligarh was found negligent of duties. He was placed under suspension and a departmental action was initiated against him. The SP, Tonk, also submitted a report in the matter, which revealed that seven girl and four police officials were injured in the incident.
- iii. While considering the reports, the Commission observed that the police, prima facie, did not follow established procedure to control and disperse the protesting school girls. Admittedly the police used excessive force without any provocation. The Commission also took note that SHO, P.S. Aligarh was found negligent in the matter causing injuries to seven girls. He was later on, placed under suspension and a departmental action was initiated against him. It will be, therefore, appropriate that the State Government should monetarily compensate the victims. The Commission accordingly issued a notice to the Government of Rajasthan to show cause as to why a sum of Rs.25,000/- as monetary relief to each victim, be not recommended u/s 18 of the Protection of Human Rights Act, 1993. In spite of the said notice, followed by reminders, the Commission no response to the show cause notice was received from the State Govt.
- iv. The Commission took up this matter during its camp sitting held at Jaipur on 19.01.2018. The Chief Secretary, Govt. of Rajasthan was present before the Commission at the time of hearing of the matter. He sought six weeks further time for submitting response in the matter, which was conceded with. But the Govt. of Rajasthan could not submit any response. The matter was further considered by the Commission on 18.04.2018. It was presumed that the Govt. of Rajasthan had no objection for payment of monetary compensation to the seven victims. Hence, the Commission recommended to the Chief Secretary, Govt. of Rajasthan to pay an amount of Rs.25,000/- each to the seven school victim and submit the proof of payment within six weeks.



- v. The Govt. of Rajasthan instead of complying with recommendations of the Commission stated that as per the report received from the SP, Tonk, the victim girls were neither assaulted nor tortured by the Police. They suffered injuries during the stampede. The Govt. of Rajasthan requested to close the matter.
- vi. The Commission considered the matter on 27.07.2018, when it rejected the explanation furnished by the Govt. of Rajasthan. The Commission reiterated its earlier recommendation and directed the Chief Secretary, Govt. of Rajasthan to pay a sum of Rs. 25,000/- each as monetary relief to the seven school girls who sustained injuries due to lathi charge by the Police. Compliance report along with proof of payment is still awaited.

13. Incarceration of a youth Mohammad Amir, in a solitary high security cell for 14 years, being charged as a terrorist, and falsely implicated in 20 criminal cases.

(Case No. 1361/30/9/2014)

- i. The Commission came across a distressing news report captioned "Charged with terror, damned by aliases", that appeared in 'The Hindu' dated 07.02.2014. It carved the incredible story of a boy 'terrorist' Mohammad Amir whose youth was destroyed because of his wrongful arrest and 14 year long incarceration. Amir, who had just turned 18, was ambushed by a police van on 01.02.1998 and a month after he found himself in the capital's Tihar Jail with the charges of murder, terrorism and waging war against the nation. He was named the main accused in 20 low intensity bomb blasts executed between December, 1996 and October, 1997 in Delhi, Rohtak, Sonapat and Ghaziabad. Five explosions occurred during a single evening in places as wide apart as Sadar Bazaar in Delhi and Ghaziabad, many miles away. The charge sheet filed in April 1998 said that Amir had been trained in Pakistan by the dreaded Abdul Karim 'Tunda gang'. It was also mentioned that Amir and co-accused Shakeel collaborated to make bombs out of a factory rented by Shakeel in Pilakhua, Ghaziabad, U.P. Amir and his co-accused Shakeel were charged with physically planting the bombs. However, Shakeel was discharged before the start of hearing in ten cases but in 2009 he was found hanging from the ceiling of his barrack in Dasna Jail. Then Superintendent of Dasna Jail V K Singh was charged with Shakeel's murder.
- ii. As per the news report, Amir left for Pakistan in December, 1997 to visit his sister who was married to a family in Pakistan and returned on February, 1998. A fortnight later he was arrested on the charges of executing the bomb blasts subsequent to his training in Pakistan. The last of the bomb blast was in October 1997 i.e. two months before he went on his first and last trip to Pakistan. Amir who was confined in a solitary high security cell for 14 years, lost his father without knowing about his death and his mother, also suffered a brain haemorrhage, losing her voice and became paralytic. Amir was acquitted in 18 of the 20 terror cases for want of evidence against him. Chandrabhan the witness connecting him to the blasts, on whose evidence the entire terror case rested, refused to support the prosecution during the trial and stated that he had never seen



Amir and he was taken to the Chankya Puri, Police Station where he was made to sign on blank papers. The trial court acquitted him in 17 cases with an observation in each judgment there is absolutely no incriminating evidence against the accused'. The Delhi High Court also acquitted him in one case as prosecution has miserably failed to adduce any evidence to connect the accused with the charges framed. As such the victim Amir lost 14 years of his prime youth in solitary confinement in Tihar Jail without committing any crime.

- iii. Pursuant to the directions of the Commission, Ministry of Home Affairs, Government of India forwarded an enquiry report submitted by Deputy Commissioner of Police, Special Cell, Delhi, which revealed that Mohd. Amir Khan was arrested in fifteen cases in a series of bomb blasts which took place in Delhi and adjoining states, between December, 1996 and December, 1997. It was stated that, with the arrest of Mohd. Amir Khan and six other accused persons, the series of bomb blasts that were taking place during 1996-1997, were stopped. It was also stated that, Amir had attended all the training camp being run by LeT in Pakistan, in preparation of different types of bombs and coded language for communication. After completion of training, Amir was sent to India to select places for executing terrorist strikes. He was convicted in three cases by the Trial Court and appeals filed by him against his conviction in two cases are pending in the High Court of Delhi.
- iv. The Commission observed that police play significant role in maintaining the order and enforce laws fairly and not unjustly. Police, as protector of law have both legal and moral obligations to uphold Human Rights and act strictly in accordance with law. Implicating innocent persons would not go only against all cannons of justice and rule of law but it would also amount to escape of real accused from the clutches of law. The Commission noted that he has been acquitted in 17 cases and one by the High Court of Delhi. He has suffered a lot. He has been issued a conduct certificate by the Jailor of the District Jail, Ghaziabad to the effect that during the stay in jail, the victim complied with the rules of the Prison and his conduct as a prisoner had been very satisfactory and praise worthy. According to the State Authorities, the entire episode of his traumatic experience revolves around the primacy of national security. It cannot be disputed that the security of the nation stands atop all other consideration and security of the nation is primary and sacred duty of every organ of the State. But the execution of such duty is strictly subject to the mandate of relevant statutes and procedures established by the Apex Court. Under the given circumstances, the law enforcement authorities has a legitimate right to suspect somebody's involvement in any crime but a suspicion to be legitimate must not be imaginary or trivial, but it must be a reasonable, justified and should be supported by some materials/facts. The conduct of police authorities which grossly violate the distinct human rights of its citizens cannot be justified in the name of security of the nation.

It transpires from the case record that the victim was subjected to State action only on suspicion. Not an iota of evidence was produced in the court to connect him with any of the alleged crimes. He has been acquitted in 18 out of 20 terror cases for lack of evidence against him. It is held by the Court that there is absolutely no incriminating evidence against him and the prosecution has miserably failed to adduce any evidence to connect him with the charges framed.

- v. He was taken in the police custody at the age of 18 years. After spending 14 prime and precious years in jail, when he was supposed to take off his flights to fulfill the dreams of his life and that of his parents as well, he is set at liberty by the court of law at the age of 32-33 years. His life has been completely ruined. He has lost his parents and there is nobody to console him or listen to his trauma. His victimization for years together has widespread reactions in different National Newspapers. All the Newspaper reports are unanimous over the human rights violation of the victim and the Commission cannot afford to differ with the wisdom displayed by the courts and Media.
- vi. The Commission is also of the view that the sufferings faced by the victim had been long and arduous, and the damage caused to him by the conduct of the State Authorities is immense. In the circumstances, the State must compensate the damage caused by its officers to the victim. He has lost his parents, his career, his hopes, dreams and everything has been shattered. The Commission, therefore directed the Chief Secretary, Government of NCT of Delhi to show cause u/s 18 (a) (i) of the PHR Act, 1993, as to why a compensation of Rs. 5, 00,000/- should not be recommended to be paid to the victim.
- vii. In response, a compliance report is received in the Commission which revealed that an amount of Rs.5, 00,000/- as recommended by the Commission has been paid to victim Mohammad Amir. The Commission closed the case.

d) Police Firing and Encounter

14. Death of five KPLT militants in a joint operation on 20.4.2012 by army and police at Borpung Singner Bosti in Karbi Anglong District, Diphu, Assam

(Case No. 166/3/8/2012-ED)

- i. The Commission received an intimation dated 21.4.2012 from the Superintendent of Police, Karbi Anglong District, Diphu, Assam about the death of five KPLT militants in a joint operation by army and police on 20.4.2012 at Borpung Singner Bosti in the area of police station Chowkiholla. According to the intimation, on 20.4.2012 at about 4 A.M., the operational party cordoned the Singnar Basti village and proceeded towards a suspected house. On seeing the security forces, the suspected KPLT cadres opened heavy volume of fire with an intention to kill the security forces. In self defense, the security force also retaliated and during the exchange of fire five KPLT militants died. The deceased persons



were identified as Krishna Hanse @ Nilip Enghi, Sedong Ronghang, Longpangsing Phangcho, Dhani Terang and Cholangdo @ Raju Killing. The Commission on 18.05.2012 took cognizance of the intimation and called for requisite reports from concerned authorities. According to the post mortem report, the cause of death was opined to be hemorrhagic shock as a result of gunshot injuries.

- ii. The magisterial enquiry of the incident was conducted by SDM (Civil), Bokajan Sub Division, Bokajan, Karbi Anglong. The Magistrate on examination of the statement of the witnesses and other evidence held that on 20.4.2012, a joint team of Army, Police & COBRA (CRPF) were fired upon by the alleged KPLT militants who were hiding in a house of village Singar Basti of Borpong area. In self defense the security force also retaliated and in the ensuing encounter five militants were killed. Huge quantity of arms and ammunition were also recovered from the possession of the five deceased persons. The ballistic examination report of the seized weapons indicated that they were used for firing prior to its receipt in the FSL. The report received from Ministry of Defence, Govt. of India indicated that the five KPLT militants died in a bonafide army operation and there was no violation of human rights of the deceased persons in this case.
- iii. Upon a careful examination of the various reports available on record, the Commission drew an inference that the five deceased persons were eliminated by the joint operation team of Army and local police in an extra judicial manner. For this gross violation of human rights, the Commission vide its proceedings dated 15.03.2018 issued a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Govt. of Assam requiring it to show cause as to why an amount of Rs. Five Lakhs each be not recommended to be paid to the NoK of the five deceased persons as mentioned above.
- iv. No reply to the Show Cause Notice was received inspite of reminder dated 17.07.2018. Under these circumstances, the Commission vide its proceedings dated while presuming that the Govt. of Assam had nothing to urge in the matter, confirmed the Show Cause Notice and recommended to the Govt. of Assam to pay an amount of Rs. Five Lakhs as monetary compensation to the NoK of the five deceased persons. Compliance report along with proof of payment is still awaited.

15. **Five under trial militants shot dead on the outskirts of Tangupuru village in Aler Mandal of Nalgonda district in Telangana.**

(Case No. 324/36/7/2015-AD)

- i. The Commission took suo motu cognizance of a news report published in the English daily 'The Hindu' dated 07.04.2015 reporting therewith that five under trial militants were shot dead by the Telangana police while returning from the court. The press report, inter alia, stated that one of the under trials asked the police to halt the vehicle for a toilet break. While getting back to the van, he allegedly snatched an INSAS rifle from a policeman and



fired two bullets on a sub-inspector sitting in the front row, who ducked and escaped. On this the constables on convey duty immediately retaliated and opened fire resulting in the instant death of all the five under trials.

- ii. On perusal of the news report, the Commission observed that it transpires that at the time of the incident, at least four of the under trials were inside the van duly guarded by the accompanying policemen and, prima facie, it appeared to the Commission that it was an instant blatant use of disproportionate force resulting in loss of lives of 5 under trials who were in judicial custody and gross violation of their human rights. The Commission issued notice to Chief Secretary and DGP, Telangana calling for a detailed report.
- iii. The Commission took up this matter for hearing at its camp held at Hyderabad on 23rd April, 2015, when Shri Mohammed Ahmed, father of deceased Viqar Ahmed appeared before the Commission and alleged that the police had shot his son and four others UTPs and later on described the incident as an encounter. He had also alleged the torture of his son in prison. Complaints were also received in the matter from various Human Rights activists, alleging killing of the the five Under Trial Prisoners in a fake encounter. It was also alleged that their transfer from Hyderabad Central Prison to Warangal Prison was aimed to eliminate them. It was also questioned as to how the prisoners could snatch the rifle and fire at the escort party, when they were handcuffed and their legs chained to the seat of the mini-van.
- iv. The Inspector General of Police, Telangana, submitted that they were involved in serious crimes of the murder of four policemen. Keeping in view the security threat they were shifted to Warangal Prison pursuant to the court's orders. The Commission sought reports from the Special Team of SIT regarding the post mortem reports, inquest report and the FSL report. The Commission also called for report on injury to any police officials in the incident.
- v. Pursuant to the directions of the Commission, relevant reports were received. Having carefully gone through the entire records of the case including Inquest, Post Mortem and Magisterial Enquiry Reports, the Commission observed that the escort policemen outnumbered the under trials by 3 : 1 and the movement of the under trials was severely restricted due to handcuffing and their legs being chained. If the sequence of events, as per the police story, are believed, then the Constable Ram Babu whose weapon is stated to have been snatched away by the UTP Viqaruddin Ahmad, was practically in bodily contact and hence natural target, but surprisingly the UTP fired at RSI K Uday Bhaskar, who was standing at some distance..
- vi. The Commission further viewed that as per the extant law, once the snatched weapon was restored to the police party, the imminent and instant threat to the lives of policemen ceased to exist. As a result, the right of private defense had ceased to exist and any use of force to kill the UTPs has to be necessarily treated as excessive and undue use of force. It was also easy to overpower the UTPs.



- vii. Further no attempt was made to rush the injured to the hospital, on the other hand RSI K Uday Bhaskar himself also did not go to the hospital. Rather, he went to the Police Station to report the matter. This conduct is also considered abnormal by the Commission and lends strength to the inference that the encounter was not genuine.
- viii. The UTPs were produced in Hyderabad court on 06.04.2015 i.e., a day prior to the day of encounter also. The UTPs being high security prisoners, prudence demanded that rather than taking them back to Warangal just for the night to be brought again to Hyderabad the next day, they could have been kept in the Hyderabad Jail. Therefore, taking them back to Warangal was against the security drill and this violation of basic security norm also is indicative of premeditation on the part of the police to eliminate the UTPs in an extra-judicial and illegal manner.
- ix. Thus, the Commission on the basis of its enquiries and analysis of the facts before it was of the view that prima-facie the rights of the five deceased UTPs had been violated and they had been deprived of their lives in a totally illegal and unconstitutional manner. The Commission observed that the State of Telangana had a vicarious liability for the violation of human rights and was also vicariously liable to compensate the NoK of the deceased UTPs. The Commission, therefore, directed to issue a notice u/s 18 (a) (1) of Protection of Human Rights Act to Chief Secretary, Government of Telangana to show cause as to why the Commission shall not recommend payment of Rs. Five Lakhs each as compensation to the NoK of the deceased.
- x. In response to the show cause notice, DGP, Telangana vide communication dated 05.06.2018 submitted that it would be pre-mature to come to a decision on the payment of compensation to the NoK of the five deceased persons as the investigation by SIT as well as the writ petition filed before the Hon'ble High Court by the victim's father, were pending. Hence, the Commission was requested to hold its recommendation for payment of monetary compensation to the NoK of the deceased persons till the conclusion of the case.
- xi. The Commission considered the reply to the show cause notice and vide its proceedings dated 28.06.2018 rejected the same. The Commission found that no satisfactory explanation had been offered for the issues on which the show cause notice was based. The Commission did not consider it appropriate to wait for the SIT to complete its investigation or the High Court to decide the writ petition pending before it. Hence, the Commission recommended to the Chief Secretary, Govt. of Telangana to pay a sum of Rs.Five Lakhs as monetary compensation to each of the five deceased persons, and submit the compliance report along with proof of payment within six weeks. Compliance is awaited.



e) Encounter and Firing by Para-Military Forces

16. Death of three alleged naxalites in a joint operation by CRPF and local police on 12/13.9.2014 in Daldiliya Forest within the area of P.S. Lokayanpur in Girdih district in Jharkhand

(Case No. 1471/34/8/2014-ED)

- i. The Commission received intimation from the Superintendent of Police, Giridih about the death of three alleged naxalites namely Dinesh Pandit, Sahdev Murmu and Jeevan Lal Rai in a joint operation by CRPF and local police in Daldiliya Forest within the area of P.S. Lokayanpur. According to the intimation, on information about the presence of naxalites in the jurisdiction of P.S. Lokayanpur near Jharkhand and Bihar Border, a joint operation team of local police and CRPF reached Daldiliya Forest. On seeing the operation team, alleged naxalites fired upon the team. The security forces also retaliated in self defence, killing three naxalities. A crime case No.6/14 P.S Lokayanpur was registered after the incident. The Commission also received two more complaints from Shri R.H.Bansal and Shri T.Duryodhana Reddy in connection with the incident.
- ii. Pursuant to the directions of the Commission, Investigation Division of the Commission obtained various reports from the concerned authorities and examined them. The Investigation Division also obtained the opinion of the medical expert on the panel of the NHRC regarding the blackening found on the bullet injuries on the deceased persons. According to the Medical Expert, the blackening suggested that the deceased persons were shot at from a close range. However, neither the FIR nor any report of the police authorities mentioned that there was a close battle between the security forces and the alleged naxalites. Even the site plan of the alleged encounter indicated that the security forces were fired upon by the naxalites from a distant of 150 mtrs.
- iii. No explanation was furnished by the police about the blackening of the bullet injuries found on the bodies of the deceased persons. Thus, an inference can be drawn that the deceased persons were fired upon from a close range. This contradicted the police version of the encounter.
- iv. Further, the police also failed to provide FSL report of the weapons seized by the place of the incident to indicate that these weapons were used by the alleged naxalites during the encounter and also the report of the hand wash or finger prints to suggest that these weapons were handled by the alleged naxalites. All the bullet injuries found on the bodies of the three deceased persons were inflicted on the upper parts of the body, except one bullet injury on the left side of buttock of a deceased. It suggested that the intention of the police was to kill the deceased persons by firing on the vital parts of the body than to incapacitate them.



- v. The Commission also considered the magisterial enquiry report of the incident and expressed its displeasure on the way in which the magisterial enquiry had concluded in favour of the State basically on the ground that the deceased persons were criminals and serious threat to the society ignoring the principle that even the criminals have human rights and that they cannot be eliminated in a fake encounter.
- vi. In the light of the above, the Commission expressed the view that the three deceased persons were killed by the security force in an extra judicial manner and their human rights were grossly violated. Holding the State vicariously liable to pay monetary compensation to the next of kin of the three deceased persons, the Commission issued notice u/s 18 of the Protection of Human Rights Act, 1993 to the Govt. of Jharkhand to show cause as to why an amount of Rs.Five Lakhs to the NoK of each of the victim, be not recommended. Addl. IGP, CB-CID, Jharkhand, Ranchi, in his response to the show cause notice did not oppose the payment of monetary compensation to the NoK of the three deceased persons and stated that a recommendation had been made by the police to the State Government for providing monetary relief to the NoK of the three deceased persons.
- vii. Keeping in view the willingness of the State Government for payment of monetary compensation to the NoK of the three deceased persons, the Commission recommended to the Chief Secretary, Govt. of Jharkhand to pay a sum of Rs.Five Lakhs to each of the NoK of the three deceased persons, and to submit compliance report along with proof of payment.
- viii. Since the identity of third victim as Sahdev Murmu was reportedly doubtful, the Commission directed that efforts should be made to identify the third person and as and when his identification is ascertained, the monetary compensation of Rs.Five Lakhs be paid to his NoK and the proof of payment be sent to the Commission within the same period.
- ix. Compliance report is awaited. The matter is under consideration of the Commission.

17. **A businessman named Anil Kapoor, r/o Pathankot, Punjab beaten to death by the officers of Army**

(Case No. 424/19/22/2015)

- i. The complainant Shri R.H. Bansal, Director, Centre for Human Rights, Rohini, Delhi has alleged that one businessman named Anil Kapoor, r/o Pathankot, Punjab was brutally beaten to death by the officers of Army viz. Lt. Col. Arjun Kaistha and Major Rahul Palak on 20.3.2015.
- ii. Pursuant to the Commission's directions, the Under Secretary (AG-I), Ministry of Defence has sent a report stating that army authorities ie. Lieutenant Colonel Arjun Kaistha, Major Raoul Pallat Ramesh and Brigadier (Retd.) Arun Kaistha were produced in Court on 23.3.2015 and remanded them to judicial custody for 14 days. The last date of hearing was



on 23.12.2015 and the Police have submitted closure report in the matter. An administrative action against Lieutenant Colonel Arjun Kaistha for behaving immaturely with a civilian has been taken at appropriate level. The case is presently sub-judice before the Sessions Judge Court, Pathankot and on receipt of the outcome/decision of the Hon'ble Court appropriate action will be taken.

- iii. The Commission, issued a notice under Section 18(a)(i) of the Protection of Human Rights Act, 1993 to the Secretary, Ministry of Defence, Government of India, directing him to show cause as to why the Commission should not recommend payment of compensation of Rs. 1,00,000/- to the next-of-kin (NOK) of the deceased victim Anil Kapoor.
- iv. The Under Secretary (AG-I), Ministry of Defence, Government of India reported that the instant case is presently sub-judice in the Additional Session Judge Court, Pathankot, and is being defended by the individuals (accused) in their personal capacity. Army is in no way involved in defending the case and there is no onus on the Army.
- v. While considering the response of the Ministry of Defence, the Commission observed that since these Army officers committed violation of human rights of the deceased when they were in service and at the place of posting, the Ministry of Defence, Government of India, could not deny their liability to make reparations to the next-of-kin (NoK) of the deceased Anil Kapoor, whose human rights were violated. The Commission, therefore, recommended to the Secretary, Ministry of Defense, Government of India, to make a payment of Rs. 1,00,000/- as compensation to the next-of-kin(NoK) of the deceased Anil Kapoor and to send within three months, the compliance report along with proof of payment.
- vi. The Under Secretary to the Government of India, Ministry of Defence, submitted that the crime was committed by the Army personnel, in their private capacity and the matter is presently sub judice in the court of Additional Sessions Judge, Pathankot. The same is being defended by the individual in his own capacity. The necessary administrative action has already been taken against these Army personnel. Therefore, no vicarious liability can be fixed on the Government of India, to pay compensation to the next of kin of the deceased and the case may be treated as 'dropped'.
- vii. The Commission considered the matter on 08.10.2018 and in view of the stand taken by the Government of India closed the case.

18. Three innocent persons namely, Anmol Jadhav, Gopal Shinde and Prashant killed, by a Jawan of State Reserve Police Force

(Case No. 387/13/23/2018)

- i. Shri R.H. Bansal, a human rights activist, brought to the notice of the Commission that a Jawan of State Reserve Police Force killed three innocent persons, namely, Anmol Jadhav, Gopal Shinde and Prashant Pawar by his service firearm in PS Daund, Pune District, Maharashtra.



- ii. Pursuant to the directions of the Commission, the ADGP, State Reserve Police Force, M.S. Mumbai, submitted a report, which revealed that on enquiry in the matter an Armed Police Inspector holding charge of Company Commander was suspended, and had appointed Assistant Police Sub-Inspector Sanjay Baliram Shinde as a Head of the Armoury (Kot Commander) without considering his service record and also did not follow the instructions given by the ADGP, State Reserve Police Force, M.S. Mumbai's Circular No. 10/2015 which mandated that Kot Commander of Armory should have a clean record and should not have any addictions. However, concerned State Reserve Police Force's Assistant Police Sub-Inspector had around five major defaults (i.e., fine, reprimand, stoppage of increment, suspension, offence registered in Daund PS CR. No. 401/2016 dated 31.03.2016 under Sections 323/504/506/34 IPC) against him. Considering the serious default of Assistant Sub-Inspector Sanjay Baliram Shinde, and also the case registered against him in Daund PS vide CR No. 51/2018 u/s 302 IPC r/w Sections 3/25/27 of the Indian Arms Act, he was suspended on 18.01.2018 and thereafter dismissed from the service w.e.f. 29.01.2018.
- iii. The Commission considered the matter on 31.05.2018 and has inter alia observed that from the perusal of the report, it is clear that the Assistant Sub-Inspector Sanjay Baliram Shinde, the accused, was appointed as the Head of the Armory without considering his past service record and he killed three persons by a firearm taken from the Armory. The Daund PS Case vide CR No. 51/2018 under Section 302 IPC r/w Sections 3/25/27 of the Indian Arms Act was registered against him. Departmental action has already been taken against him, and he has been dismissed from the service. This act of the Assistant Sub-Inspector Sanjay Baliram Shinde, certainly amounts to violation of the human rights of the deceased persons, namely, Anmol Jadhav, Gopal Shinde and Prashant Pawar, as a Government servant with the help of firearm taken from the Armoury, committed the heinous crime. The Government of Maharashtra is, therefore, vicariously liable for violation of human rights of the deceased persons and to pay a compensation to the next of kin of the three deceased persons.
- iv. In view of the above, the Commission issued a notice under Section 18(a)(i) of the Protection of Human Rights Act, 1993, to the Government of Maharashtra, through its Chief Secretary, requiring it to show cause, within six weeks, as to why the Commission should not recommend payment of Rs. 2,00,000/- each as compensation to the next-of-kin of the of the three deceased persons, namely, Anmol Jadhav, Gopal Shinde and Prashant Pawar, who were killed by an Assistant Sub-Inspector of the State Reserve Police Force.

19. **Killing of one Serajul Haque by the BSF personnel at Cooch Behar, West Bengal.**

(Case No. 24/25/6/2018)

- i. The Commission received a complaint from Shri Biplab Mukerjee, Secretary, MASUM, drawing the attention of the Commission towards an incident in which Ms. Achima Khatun @ Bibi, w/o the victim Serajul Haque, has sent a complaint to the Superintendent of Police,



Cooch Behar on 22.10.2016 stating that, on 08.10.2016 at 05.00 p.m., her husband Serajul Haq was apprehended by the BSF personnel of BSF Out-Post No. 4 under Singimari BSF BOP Camp, Bn. No. 21 and taken to a place near border fencing and he was killed by the BSF personnel in their custody by beating him to death.

- ii. Pursuant to the directions of the Commission, the District Magistrate, Cooch Behar, West Bengal, has sent a report stating that it was found that Sitai PS Case No. 133/17 dated 28.12.2017 u/s 302/201 IPC was started against BSF personnel (21st Bn.) Singimari BOP on the basis of a written complaint of Achhima Khatun, w/o Shri Sirajul Haque of Chhat Singimari, PS Satai, District Cooch Behar to the effect that the victim was taken to the Indo-BD border fencing by the BSF personnel of Singimari BOP (21 Bn. BSF) under Sitai PS area and beaten to death. The complainant found the dead body of her husband at the M.J.N. Hospital on 09.10.2016. During investigation of the Sitai PS Case No. 133/17, dated 28.12.2017, the victim Sirajul Haque was found to be a cattle smuggler operating through Indo-BD border in the jurisdiction of Singhimari BOP (100 Bn of BSF). On the night of 08/09 Oct 2016, Sirajul Haq along with his associates were trying to smuggle cattle through the Indo-BD border and BSF tried to stop them but the smuggler party started pelting stones on BSF. Finally, ACP Party of BSF managed to disperse the gang of smugglers. After searching the area the BSF Party seized 06 cows and also found an unknown injured person who was subsequently identified as Sirajul Haque of Chat Singhimari, PS Sitai, district Cooch Behar. The BSF personnel shifted him first to Sitai PHC and thereafter shifted him to MJN Hospital Cooch Behar where he died on 09.10.2016.
- iii. The Supdt. of Police, Cooch, Bihar has sent a further report stating that investigation of the case it was learnt that ACP party of BSF forced to stop cows smuggling through Indo Pak border. A prima facie charge u/s 304 IPC was established against HC Ram Bharose, Ct Rai Kumar and Ct Mrinal Sharma of 100 BN BSF D-coy. After completion of investigation of the case, the Investigating Officer submitted chargesheet vide Sitai PS case No. 91/2018 dated 31 Aug 2018 u/s 304 IPC against the above noted BSF personnel.
- iv. The Commission considered the matter on 05.12.2018 and has inter alia observed that since the Investigating Officer has investigated the case and submitted chargesheet against BSF personnel, it is prima facie established that human rights of deceased Serajul Haque were violated by the BSF personnel for which the Government of India is vicariously liable to make reparations to the next-of-kin of the deceased.
- v. In view of the above, the Commission issued a notice u/s 18 of the PHR Act, 1993 to the Secretary, Ministry of Home Affairs, Government of India, New Delhi to show cause within 6 weeks as to why the Commission should not recommend Rs. 2,00,000/- as compensation to the Next-of-kin of the deceased Serajul Haque.



f) Electrocution Cases

20. Death of one Dilip Kumar Das, Kalahandi, Odisha due to electrocution when he came into contact with a snapped live conductor lying on the road due to negligence of Electricity Department.

(Case No. 2217/18/13/2018)

- i. The Commission received a complaint from Shri Dilip Kumar Das, Kalahandi, Odisha drawing the attention of the Commission towards an incident of electrocution death of a senior citizen Bhikari Guru of Village Gopapolli under PS Ainthapali area of District Sambalpur, Odisha on 15.04.2018 when he came into contact with a snapped live conductor lying on the road due to negligence of officials of department of energy of Government of Odisha.
- ii. Pursuant to the directions of the Commission, the Addl. Secretary, Department of Energy, Government of Odisha, has sent a report stating that the fatal accident of Bhikari Guru occurred on 15.04.2018 at 5 am near a small irrigation canal on the outskirts of Village Gopapalli where charged conductor of LT live had snapped and fell on the road across small irrigational canal. The victim Bhikari Guru had gone to pluck flowers and came in contact with live snapped LT conductor and got electrocuted. The accident occurred due to lack of protection system at the sub-station and non-observance of safety regulations by WESCO utility. The authority of WESCO is responsible for the accident as they did not maintain the sub-station line property as per CEA Regulations, 2010.
- iii. The Commission considered the matter on 06.12.2018 has inter alia observed that since the occurrence took place due to lack of protection system at the sub-station and non-observance of safety regulations by WESCO utility resulting in death of victim Bhikari Guru. Certainly his human rights were violated due to the negligence of the officials of department of energy, Government of Odisha for which the Government of Odisha is vicariously liable to make reparations to the next-of-kin of the deceased Bhikari Gurul.
- iv. In view of the above, the Commission issued a notice u/s 18(a)(i) PHR Act, 1993 to the Government of Odisha through its Chief Secretary requiring it to show cause within 6 weeks as to why the Commission should not recommend a monetary relief of Rs.100,000/- to the next-of-kin(NOK) of the deceased Bhikari Guru.

21. Death of one 40-year old lady Kuni Dakua in a fatal electrical accident at Chhatrapur, Ganjam, Odisha.

(Case No. 4804/18/5/2017)

- i. The Commission received a complaint from Shri Dilip Kumar Das, Kalahandi, Odisha drawing the attention of the Commission towards an incident where one 40-year old lady Kuni Dakua died due to electrocution on 13.10.2017.
- ii. Pursuant to the directions of the Commission, the Addl. Secretary, Department of Energy, Govt. of Odisha has submitted a report along with the enquiry report of Executive



Engineer-cum-DEI, Ganjam, Chhatrapur. The report concluded that the fatal electrical accident of deceased Kuni Dakua occurred primarily due to total negligence on the part of the Southco field officials as they failed miserably to maintain their installation in a condition free from danger.

- iii. The Commission considered the matter on 02.11.2018 and inter alia observed that the report of Executive Engineer-cum-DEI, Ganjam, Chhatrapur clearly established that the fatal accident occurred due to total negligence on the part of the Southco Field Officers as they failed to maintain their installation in a condition free from danger. The State, therefore, is liable to compensate the NOK of the deceased for violation of her right to life.
- iv. In view of the above, the Commission issued a notice u/s 18 (a) (i) of the PHR Act, 1993 to the Chief Secretary, Govt. of Odisha directing him to show cause within four weeks as to why the Commission should not recommend compensation of Rs.200,000- to the NOK of the deceased Kuni Dakua who lost her life because of the negligence of the officials of the electricity department.
- v. The Commission considered the matter on 1.1.2019 and observed that in response to the Show Cause Notice, the Addl. Secretary, Department of Energy, Government of Odisha had sent the same report which was already considered by the Commission and thereafter the recommendations for payment of compensation were made.
- vi. The Commission, therefore, directed the Chief Secretary, Government of Odisha once again to pay a compensation of Rs. 2 00,000 to the NoK of the deceased Kuni Dakua who lost her life because of the negligence of the officials of the Electricity Department. He will submit the Compliance Report along with proof of payment.

22. **Electrocution death of Smt. Surati Devi, aged 55 years, when she came in contact with the snapped charged phase due to the negligence of the maintenance staff of Electricity Department.**

(Case No. 28294/24/15/2016)

- i. The Commission received a complaint from Shri R. H. Bansal, a human rights activist who drew the attention of the Commission towards an incident in which, Smt. Surati Devi, aged 55 years died due to electrocution while working in the field when she came in contact with a snapped high tension wire.
- ii. Pursuant to the directions of the Commission, the Director, Electrical Safety, Uttar Pradesh, Lucknow, has forwarded an inspection report wherein it is stated that during inspection, it was found that on 10.10.2015, a phase of overhead line snapped and fell down. Smt.Surati Devi, who was irrigating her fields, came in contact with the snapped charged phase and died due to electrocution. This happened due to the negligence of the maintenance staff Bhunesh Pratap Singh, Junior Engineer, who did not have provision of guarding line.



- iii. The Commission consider the matter on 09.07.2018 and inter alia observed that since the report of the Director, Electrical Safety, Uttar Pradesh, Lucknow, revealed that Smt. Surati Devi had died due to electrocution of snapped wire, and this happened due to negligence of the maintenance staff of the Department, as such it implicit that the human rights of the deceased were violated, for which the State is vicariously liable to make reparations to the next-of-kin of the deceased. The Commission directed to issue a notice under Section 18(a)(i) of the Protection of Human Rights Act, 1993, to the Government of Uttar Pradesh, through its Chief Secretary, requiring it to show cause within six weeks as to why the Commission should not recommend payment of Rs.100000/- as compensation to the next-of-kin of the deceased Smt. Surati Devi, who died due to electrocution on 10.10.2015.
- iv. The Commission considered the matter on 29.10.2018 and has observed that in response, the Principal Secretary to the Government of UP vide communication dated 10.07.2018 has intimated the Commission that Rs. 2 00,000 as compensation has been paid to the next-of-kin of Smt. Surati Devi through DM Basti. The DM Basti was directed to send within six weeks proof of payment of Rs. 2 00,000 compensation paid to the next-of-kin (NoK) of deceased Smt. Surati Devi.

23. **Electrocution death of one Virendra of village Dharampur, PS Mugrabad-Shahpur, District Jaunpur, U.P. due to the negligence of the officials of the Electricity Department.**

(Case No. 9617/24/39/2018)

- i. The Commission received a complaint from Shri R.H. Bansal, a human rights activist, Ghaziabad, Uttar Pradesh drawing the attention of the Commission towards an incident in which the electrocution death of one Virendra of village Dharampur, PS Mugrabad-Shahpur, District Jaunpur on 16.03.2018 due to the negligence of the officials of the Electricity Department.
- ii. Pursuant to the directions of the Commission, the Executive Engineer, EDD Machlishahar, Pashchimanchal Vidhyut Vitran Nigam Limited, District Jaunpur, Uttar Pradesh has sent a report stating that on 16.03.2018 Virendra Yadav climbed on the Neem tree near the 33 KV line to pluck a branch of the tree and came in contact with the wire of the 33 KV line and died. Shri Virendra Kumar Yadav died due to his own carelessness. As per the inquiry report, the incident took place due to non-maintenance of 33 KV electrical lines, according to the Rules, Junior Engineer Lineman and other maintenance personnel are responsible and the next-of-kin of the deceased should be compensated.
- iii. The Commission considered the matter on 18.12.2018 and issued a notice to the Principal Secretary, Department of Energy, Government of UP requiring him to send a reply as to why the Commission should not recommend Rs. 1,00,000/- as compensation to be paid to the next-of-kin of the deceased Virendra Kumar Yadav.



24. Electrocution death of one Sidam Kumar Sen on 09.05.2017 due to the negligence of the Electricity Board, BESCOM, Bangaluru, Karnataka.

(Case No. 843/10/1/2017)

- i. The Commission received a complaint from Shri Sudam Kumar Sen, Tolla Chatti, Bokaro District, Jharkhand alleging death of his brother Shri Sidam Kumar Sen on 09.05.2017 due to the negligence of the Electricity Board, BESCOM, Bangaluru, Karnataka.
- ii. Pursuant to the directions of the Commission, report has been received from the Director (Technical) Bangalore Electricity Supply Company Limited (BESCOM) stating that an accident has occurred at High mast street light pole which is erected in the road divider by BBMP and this pole had housed the control box. The insulation of one wire from the control box was worn out and was touching the metal portion of the said pole. Incidentally at 7 PM, when the unknown person touched this pole and got electrocuted. Further opined that the concerned officer of BBMP Sub division would have done the maintenance of this electric installation periodically or if ELCB of the required rating is provided to this installation, this accident would have been avoided. It is the sole responsibility of City Corporation BBMP to install, maintain the street light and hence BBMP is the consumer under the category LT-6 to BESCOM. It is clear that there is no fault on the Electricity Distribution Company BESCOM & hence, this case has to be handled by City Corporation BBMP. The Commissioner of Police, Bangalore City has forwarded the report of DCP, Whitefield Division, Bangalore City stating that Case No. 391/17 u/s 304 A IPC was registered in the matter. During the course of investigation, BBMP contractor/maintenance In-charge Sri Kantharaj was arrested and charge sheet was filed against the contractor.
- iii. The Commission, on consideration of the matter on 18.07.2018 has inter alia observed that both the Bangalore Electricity Supply Company Limited and Commissioner of Police have found BBMP responsible for the incident. Had due diligence been exercised, the life of the brother of the complainant could have been saved. The Right to Life of the deceased victim Sidam Kumar Sen has been violated and the State is liable to compensate for the same. Moreover, he was the sole bread earner of the family and is survived by his wife, a seven year old son and his father.
- iv. In view of the above, the Commission issued a notice u/s 18 (a) (i) of the PHR Act 1993 to the Chief Secretary, Govt. of Karnataka directing him to show cause within two weeks as to why the Commission should not recommend payment of compensation of Rs.500000/- to the NoK of the deceased Sidam Kumar Sen, who had lost life because of the negligence by the officials of BBMP.
- v. The Commission considered the matter on 2.8.2018 and observed that the Executive Engineer, Bruhath Bengaluru Mahanagara Palika had submitted a detailed reply to the



Show Cause Notice and informed that the contractor has agreed to give compensation to the family of deceased Sidam Kumar Sen as per directions of the Commission. He also presented a copy of the cheque No. 429289 dated 2.8.2018 for a sum of Rs. 500,000/- , drawn on Syndicate Bank, Krishnarajapuram Branch Bangalore. Executive Engineer, Bruhath Bengaluru Mahanagara Palika was advised that payment be made to the NOK and proof of payment be forwarded to the Commission.

- vi. The Commission directed the Chief Secretary, Govt. of Karnataka to ensure that compensation of Rs. 500,000/- is paid to the Nok of the deceased and proof of payment is furnished to the Commission.

g) Pollution and Environment Cases

25. Illegal mining of stone quarries in Ranpur area in District Nayagr, Odisha

(Case No.1209/18/31/2016)

- i. This case pertains to a complaint dated 10.01.16 alleging that mining mafia is indulged in illegal mining of stone quarries in Ranpur area in District Nayagr in connivance with the local administration. On 09.01.2016, two children died by drowning in an open quarry in which rain water had got filled.
- ii. In response to notice, the SP, Nayagarh, Odisha vide his communication dated 10.5.2016 informed that in this connection UD case nos. 1 & 2 dated 09.01.2016, were registered at Ranpur PS and was enquired into. The pit was dug for construction of a road in order to use its morum during the year 2014-15. The rain water got collected in the said pit and on 09.01.2016, two children namely Sipun Parida (3 years) and Shubham Parida (10 years) fell into it and died due to drowning. An unnatural death case was registered and an amount of Rs, 10,000 each was sanctioned as monetary relief to be paid to the next of kin of the deceased. He further reported that no foul play was detected on the death of the two children. The cause of death was asphyxia due to drowning.
- iii. The Commission considered the material placed on record and recommended to the Govt. of Odisha through its Chief Secretary to make payment of Rs. 1,00,000/- (Rupees One Lakh) to the NoK of deceased Sipun Parida and Shubham Parida and submit a report within six weeks along with the proof of payment.
- iv. In response FA-cum-Addl. Secretary Department of Rural Development Govt. of Odisha has informed the Commission that Rs. 1 Lakh each to the NoK of the deceased Sipun Parida & Shubham Parida has been paid by way of credit to their SBI Account.
- v. The Commission considered the material placed on record. Closed the case and informed the complainant accordingly.



26. Fluoride contamination in drinking water in the Districts of Jharkhand

(Case No. 1054/34/7/2011)

- i. The Commission came across a news report captioned "No succor for Jharkhand's fluorosis-crippled district- living on the edge high fluoride level in underground water is maiming and killing people in Garhwa District; government officials are cagey about the problem" which appeared in the Hindustan Times dated 16.08.2011. As per the report, almost every other house had a person either crippled or bed ridden in Pratappur a hamlet of 70 Dalit families in Garhwa District of Jharkhand, as they had fluorosis, a disease caused by drinking water with high fluoride content. The fluoride level in water in several villages in the district was 3.5ppm (parts per million) as against a permissible level of 1ppm prescribed by the World Health Organisation. In Pratappur, the fluoride level in water taken from hand pumps was more than twice the permissible limit. All fluoride control machine installed in the village hand pumps five years ago were reportedly either defunct or have been stolen. Atleast 12 people were reported to have died of fluorosis in the last six years. However, Special Secretary, Health claimed that they had not received any reports on fluorsis from Garhwa.
- ii. The Commission on 17.08.2011 took suo motu cognizance of the news report and issued notice to the Chief Secretary, Govt. of Jharkhand, calling for a detailed factual report. He was also directed to clearly mention in his report as to what action has been taken by the government for controlling the level of fluoride content in the underground water in the district, for supply of potable water in the district and medical facilities to the affected people. .
- iii. The Commission also sent an officer from the Investigation Division accompanied by an expert to visit the district for a factual report.
- iv. The Commission received the report from Dr. T. N. Sathyanarayana, Asstt. Professor, Indian Institute of Public Health Bangalore Campus, Public Health Foundation of India on the action taken report/para-wise comments received from Govt. of Jharkhand on the recommendations made by the Expert Team constituted by the Ministry of Drinking Water, Sanitation & Rural Development, Govt. of India. In report, Dr. T.N. Sathyanarayana has made various suggestions. One of the suggestions was that the NHRC team should visit the District to assess the current action plan to provide safe drinking water to Pratapur Grampanchayath area of Garhwa District.
- v. Before taking any action in the matter, the Commission requested its Special Rapporteur for the State of Jharkhand to visit the place and give a comprehensive report regarding the action taken report given by the State.
- vi. Smt. S. Jalaja, Special Rapporteur filed a report regarding the problems of Fluorosis in the District of Garhwa. Various Short-Term and Long-Term measures have been suggested and



the urgently required short-term measures like making the RWS in Pratappur functional with immediate effect by ensuring minimum power supply to the plant, distribution of safe drinking water to the villagers, construction of water harvesting tanks.

- vii. Upon consideration of the report of Spl. Rapporteur, the Commission directed the Chief Secretary, Government of Jharkhand to draw the attention of the concerned authorities to the serious problem and to submit a status report on the urgent implementation of the Short-Term measures. The Commission also directed that Municipality should take immediate steps for supply of two tankers of drinking water daily in the three villages namely, Partapur, Darmi and Parsi in Garhwa District without any further loss of time. The Commission also asked its Secretary General to send a copy of the report of Smt. S.Jalaja, the Special Rapporteur to the Governor of the State of Jharkhand for such consideration as he may deem fit.
- viii. In response an Action Taken Report was received from the Government of Jharkhand, which was forwarded to Smt. S.Jalaja, Special Rapporteur to ascertain whether the contents of the report were factually correct and to seek a report on further steps taken by the State Government in the matter.
- ix. The Drinking Water & Sanitation Department, Govt. of Jharkhand reported the progress made for providing safe drinking water to the fluoride affected areas of all Districts of Jharkhand, which revealed that the State has established 23 district laboratories, 5 Sub-Divisional laboratories and one state level laboratory for testing the quality of water. The state has also retained NABL status since 2016 and in a recent assessment carried out in the first week of April, 2018, the State Laboratory was found to be running as per standard of NABL for which certificate will be issued shortly. It was also reported that steps are taken to re-verify all the previous sources and habitations found positive for fluoride contamination. Habitations reported as affected with fluoride were 1199 which had been re-tested at state NABL laboratory and this resulted in only 502 habitations presently having fluoride contamination above the permissible level.
- x. Further, in order to address issues on priority basis, the state government has worked out short term, midterm and long term measures. It was also stated in the report that departmental coordination is being closely monitored at Chief Secretary level through regular video conferencing with state officials/Deputy Commissioners/Civil Surgeons/Executive Engineers-DWSD/ICDS/Food and Civil Supply. DMFT funds are being utilized for developing pipe based water supply schemes in the state. During the financial year 2017-18, 66 rural pipe water supply schemes worth Rs.2343.48 crores have been sanctioned and more such similar schemes will be sanctioned in near future also. In view of the action taken by the State Government the Commission closed the matter with the observations that the state will continue to work for providing safe drinking water to the people of the fluoride affected areas.



h) Bonded Labour

27. Non-registration of FIR in the matter of the bonded labourer rescued by the SDM, Defence Colony and the police of PS Hazrat Nizamuddin

(Case No. 5588/30/0/2017)

- i. The Commission received a complaint from one Akhil Koshy, Advocate, Justice Ventures India Trust, New Delhi, stating that on 09.02.2017, the bonded labourer, namely, Walter Kerketta, aged 45 years, was rescued by SDM, Defence Colony and a release certificate was issued on 11.05.2017 by the aforesaid SDM. It was alleged that despite directions of the SDM, the police of PS Hazrat Nizamuddin did not register a criminal case in the matter. It was further alleged that the victim were yet to get his past wages besides his rehabilitation to be undertaken by the State authorities.

- ii. The Commission on 21.07.2018 had considered the matter when it observed and directed as under:

"The SDM has, though, conducted the proceedings in accordance with law but has failed to appreciate that he has to launch prosecution and conduct Summary trial in accordance with the provisions of the Bonded Labour System (Abolition) Act, 1976. He ought not to have directed the Police for registration of a case under the aforesaid Act since the Parliament has conferred upon him powers of holding summary trial under the Act. Nevertheless, he should have directed the local Police to register the case under the provisions of Indian Penal Code and violation of other laws for taking up investigation in the matter. He should have also directed the Labour Department to launch prosecution against the errant employer for violation of Labour laws and also for recovery of the past wages of the victim. On perusal of the papers placed in the file, it appears that the District Magistrate, Gumla, Jharkhand has yet not taken any steps for rehabilitation of the victim besides the Labour Commissioner, Government of Jharkhand, Ranchi. It also appears that the SDM is also not aware of the New Central Sector Scheme for Rehabilitation of Bonded Labourers in vogue where financial burden is now only on the Central Government. In these circumstances, let a notice be issued to the District Magistrate, South East District, Delhi; SDM, Defence Colony, New Delhi; Labour Commissioners of Govt. of NCT of Delhi, Government of Jharkhand, Ranchi, DCP (South East District), Delhi, SHO, Police Station Hazrat Nizamuddin, New Delhi calling upon them to submit their respective reports in the light of allegations made in the complaint and also in the light of aforesaid observations within a period of six weeks without fail"

- iii. In response to the Commission's direction, the Addl. CP(Vigilance), vide his communication dated 27.8.2018 forwarded an enquiry report which revealed that South East District police conducted an enquiry in this regard, which revealed that a case vide FIR No.309/2017 dated 27.12.2017 u/s 16 of the Bonded Labour System (Abolition) Act 1976 P.S. Hazrat Nizamuddin had been registered and investigation of the case was taken up. Later on, the case was finalized as "cancelled" due to double jeopardy, as Additional District Magistrate



vide order dated 25.5.2018 had pronounced a sentence for a term of 15 days and a fine of Rs.2000/- to the accused Shri Bhagwat Swaroop Meena u/s 16 of the Bonded Labour System (Abolition) Act 1976. Cancellation report has been filed in the Hon'ble Court accordingly and next date of Hearing the matter was fixed for 020.08.2018. The Bonded Labour, Shri Walter Karketta @ Raju, aged about 40 years was rescued on 9.2.2017 in a joint raid and release certificate was issued on 11.5.2017. When last contacted, he was living in Najafgarh, Delhi. A claim petition bearing MW/SD/627/2017/ 5996 under Minimum Wages Act was pending before the office of Labour Commissioner, Pushp Vihar, New Delhi to decide compensation / past wages.

- iv. The SDM, Defence Colony, New Delhi, vide his communication dated 3.8.2018 has submitted that Shri Walter Kakreta was rescued and declared bonded labour, vide their order dated 11.5.2017. The Summary Trial under the provisions of Bonded Labour System (Abolition) Act 1976 has already been completed and the ADM(SE) has convicted the employer with imprisonment of 15 days & a fine of Rs. 2000/-.
- v. The Labour Department was also directed to take necessary action for recovery of dues from the employer of the rescued bonded labour. Deputy Labour Commissioner, vide letter dated 16.8.2017 has been asked to launch a prosecution against the errant employer for violation of Labour Laws and also for recovery of past wages of the victim. Further, a cheque of Rs.20,000/- under the Central Sector Scheme for Rehabilitation of Bonded Labour has already been sent to District Magistrate, Gumla for disbursement to concerned. The Bonded Labour Fund has already been created by the Govt. of NCT of Delhi with Rs.10 lakhs in each district at the disposal of District Magistrate for immediate financial assistance to rescued Bonded Labourers as a financial assistance.
- vi. The Labour Commissioner, Jharkhand, Ranchi, vide communication dated 06.11.2018 has submitted that the victim is based in Delhi and therefore the process of rehabilitation could not be concluded. However, the District Vigilance Committee under the Chairmanship of Deputy Commissioner, Gumla was taking further steps for rehabilitation of the released bonded labourer. The Sub-Divisional Magistrate, Defence, Colony, South East District, Delhi submitted that the errant employer has already been convicted and sentenced with imprisonment of 15 days and fine of Rs.2000/-.The Labour Department has already been directed for recovery of past wages and prosecution under Labour laws. A cheque of Rs.20,000/- as interim relief under Central Sector Scheme has been sent to District Magistrate, Gumla, Jharkhand for disbursement. Copies of the relevant documents have also been annexed. The Labour Commissioner, Govt.of Jharkhand vide his further communication dated 16.11.2018 has submitted the total amount of Rs.1 lakh under the Central Sector Scheme has been paid to the victim. The victim has also been granted pension and extended benefits under Social Welfare Schemes. The Joint Labour Commissioner (S) Govt. of NCT of Delhi has submitted that the process for recovery of past wages and prosecution for violation of labour laws were already been launched against the



errant employer before the appropriate courts. The Under Secretary, Home Department, Govt. of Jharkhand has submitted that the Government was in close coordination with their counterparts in Delhi and that benefits to the victim under Social Welfare legislation have been extended. A similar report was also received from District Magistrate cum Deputy Commissioner, Gumla, Jharkhand.

- vii. The Commission again considered the matter on 25.02.2019 when it closed the case with observation that:-

"Appropriate action has already been taken by the concerned state authorities. The errant employer convicted and sentenced under the provisions of the Bonded Labour System (Abolition). The victim had also been rehabilitated under the new Central Sector Scheme and an amount of Rs.1 lakh paid towards his rehabilitation. Benefits under Social Welfare legislation, as such no further intervention by the Commission in the matter is called for.

28. Exploitation of bonded labour by the brick kiln owner at Arniwala, District Fazilka, Punjab (Case No. 518/19/21/2015-BL)

- i. The Commission received a complaint from one Jai Singh of an NGO on behalf of Dalip Singh s/o Hansa Singh resident of Dhani Machchi Ram Lahoriya Shajrana, Tehsil Arniwala, District Fazilka Punjab alleging that he along with other labourers (4) are being held as bonded labourers in a brick kiln "Shiv Shambhu" owned by Amit Kumar Singla and Pankaj Kumar at Arniwala, District Fazilka, Punjab. It was also alleged that they were being exploited and assaulted by the brick kiln owner and his men. A prayer has been made for release of their wages and rescue from bondage.
- ii. In response to the directions by the Commission a report was received from the Deputy Commissioner, Fazilka. Perusal of the same revealed that the errant employer had been convicted by the Deputy Commissioner, Fazilka and sentenced till rising of the court. An amount of Rs.1,000/- as fine was also imposed and deposited in the Government treasury. It was further submitted that an amount of Rs.1 Lakh each had been paid to both the victims towards their rehabilitation. It was also submitted that action against the errant public servants who delayed in rehabilitation of the victims was also being taken.
- iii. The Commission considered the matter on 19.09.2018 when it observed and directed as under:-

"The instant case of bonded labour has ended in conviction and an amount of Rs.1 Lakh has also been paid to both the labourers under New Central Scheme. Since the requisite action has already been taken by the State authorities, no further intervention on the part of the Commission is called for and the case is closed".



Other Important Cases

29. **Households of Sewa Singh S/o Khajan Singh of Prem Nagar, Gohana, Sonapat caught fire and the family member suffered burn injuries, when his XOLO mobile set exploded. (Case No. 2761/7/19/2017)**
- i. The Commission, came across a complaint alleging that in the midnight of 25.09. 2017 a XOLO mobile set exploded due to which his households caught fire and the family members of the owner of mobile suffered burn injuries. A number of press clippings reporting therewith incidents of explosion in mobile phones causing fatal injuries and even deaths in some cases were also brought to the notice of the Commission. Since the matter relates to the safety of human life, it implicates the violations of the right to life. The Commission expressed its deep concerns over the issue and emphasized upon the need of a mechanism for quality control of the mobile sets manufactured in India as well as imported ones, to ensure that mobile sets do not pose any hazard to the human life.
 - ii. The Commission directed the Secretary, Ministry of Commerce, and the Secretary, Department of Electronics & Information Technology, New Delhi to get these issues looked into, particularly with the following aspects:
 - a. Whether mobile phones (imported/domestic) are covered under the Scheme of Compulsory Registration by the Bureau of Indian Standards?
 - b. What are the consequences if the mobile phones (imported/domestic) are not registered under the Compulsory Registration by the Bureau of Indian Standards?
 - c. Whether there is a forum or Department, where the owner of the mobile can get it verified whether the same is safe for use or not?
 - d. Whether there is a need to create awareness on this issue amongst the consumers and if so the steps taken thereon?
 - iii. In response Under Secretary Ministry of Commerce & Industry Department of Commerce informed the Commission that Ministry of Electronics & Information Technology is a nodal Ministry to frame safety standards of the mobile sets and according to its reply, the Xolo mobile phone was purchased in 2014, and at that time "Electronic and IT Goods (Requirement for Compulsory Registration) Order 2012" had not come into effect for the mobile phones. At that point of time, it was not mandatory to get the product tested as per Indian Safety Standards and seeks registration from BIS based on safety of the products. The Ministry of Electronics & Information Technology has notified only the safety standards for the notified products vide their OM No.37 (5)/2018-IPHW dated 21.02.2018. After notification of mobile phones under CRO, M/s Xolo has taken registration for the mobile phones, manufactured domestically or imported.
 - iv. On perusal of the report the Commission got the copy of report sent to the complainant for his comments. The matter is under consideration of the Commission.



30. **Non-payment of insurance claim to a widow in respect of her deceased husband, a postman who passed away while on duty.**

(Case No. 15966/24/48/2016)

- i. The Commission received a complaint from one Shanti Devi w/o Late Manohar Lal Kashyap, Sitapur, UP, stating that her husband, Manohar Lal, who was Postman in the Postal Department died on 29.12.2001. But despite running from pillar to post, the insurance claim was not paid by the postal department. A prayer has been made for intervention by the Commission.
- ii. In response to notice, the AD (Legal Cell), Office of the CPMG, UP Circle, Lucknow had submitted that the payment of CGEGIS has been made to the petitioner on 03.08.2016.
- iii. The Assistant Director, Legal Cell, CPMG Office, Uttar Pradesh Circle, Lucknow, further submitted that there was delay in payment of terminal benefits in respect of the deceased Postman to his wife and departmental action was initiated against the delinquent employees of the Postal Department. The names S/Shri Vivek the then Sub Divisional Central Inspector, Sitapur, Ram Pal, Sub Divisional Central Inspector, Sitapur, Sachender Singh, the then Accountant, Sitapur H.O. and J.P. Yadav, the then Office Assistant (Receipt/Dispatch), Divisional Office, Sitapur and Assistant Postmaster, Sitapur H.O. were found negligent on the matter. Two of the delinquents, namely, Ram Pal and J.P. Yadav were dealt with and punished departmentally, while action was being taken against the remaining two delinquents.
- iv. The Commission considered the matter on 24.11.2017 when it observed and directed as under :-

"The petitioner, Smt. Shanti Devi had alleged that her husband Manohar Lal had died on 29.12.2001, but, she was not paid her dues towards CGEGIS claims. The petition was received in the Commission on 07.05.2016. As per report, the dues were paid to the petitioner after considerable delay on 03.08.2016. It has been reported that out of four indicted officers, two have already been dealt with and punished departmentally. The inaction and inordinate delay on the part of the Postal authorities in payment of dues to the wife of their late employee has resulted in violation of human rights of the petitioner by the public servants.

In these circumstances, a Notice under Section 18 of the Protection of Human Rights Act, 1993 be sent to the Chief Postmaster General, Uttar Pradesh Circle, Lucknow to Show Cause within six weeks as to why an amount of Rs. 25,000/- (Rupees Twenty Five Thousand) as interim relief may not be recommended to be paid to the petitioner".

- v. As per the reports received, the amount of interim relief has been paid to the petitioner.
- vi. The matter is under consideration of the Commission.



31. Gopal Lal Aheer a student of Class 12th of Govt. School, Adana, P.S. Rashmi, District Chittorgarh, Rajasthan assaulted and beaten up by his teacher

(Case No. 910/20/9/2018)

- i. The Commission received a complaint from Shri R.H. Bansal, a human rights activist, Ghaziabad, Uttar Pradesh drawing the attention of the Commission towards an incident in which Shri Kishan Lal, a teacher of a Govt. School, Adana, P.S. Rashmi, District Chittorgarh, Rajasthan assaulted and beat Gopal Lal Aheer student of Class 12th of that School. The victim was injured and admitted in a hospital for treatment.
- ii. Pursuant to the directions of the Commission, a report was received from the Superintendent of Police, Chittorgarh, Rajasthan stating that FIR No. 91/2018, u/s 341/323 IPC, P.S. Raashmi was registered against the accused teacher, who had assaulted the victim student. Charge sheet no. 42/2018 dated 30.06.2018 had been filed before the Hon'ble Court. Another report was received from the Under Secretary, Education Department (Group-2), Govt. of Rajasthan stating that the said PTI Kishanlal had been charge sheeted under the CCA Rules, 2017.
- iii. The Commission considered the report on 19.12.2018 and inter alia observed that there was admittedly a lapse on the part of the accused govt. school teacher. The said officials have been duly punished by his department. The state is vicariously liable for this act. The Commission considers this case to be a fit case for award of compensation.
- iv. Therefore, the Commission issued a notice u/s 18a (i) of PHR Act, 1993 to the Chief Secretary, Jaipur, Govt. of Rajasthan directing him to show cause within four weeks as to why the Commission should not recommend payment of compensation of Rs.100, 000/- to the victim, whose human rights had been infringed due to lackadaisical behavior of the PTI teacher. The State Government is at liberty to recover the amount from the accused PTI teacher.

32. Plight of the school children swimming across bridgeless river to reach to the school of Kaneri Village of District Junagadh (Gujarat)

(Case No. 1344/6/12/2014)

- i. The Commission received a complaint from Shri Pankaj Buch, Convener, Ground Reality Foundation drawing the attention of the Commission towards the plight of the school children swimming across bridgeless river to reach to the school of Kaneri Village of District Junagadh (Gujarat). It is alleged in the complaint that in the absence of a bridge over the river Rupen, the school children of Village Kaneri and other members of 50-60 families of the Village had to swim across the river to go to the school or other places.
- ii. The Commission called for a report from the Chief Secretary, Govt. of Gujarat.
- iii. Since report was not forthcoming, the Commission took up this matter during its Camp Sitting at Ahmedabad on 27.04.2018 when Secretary, R&B Department, Govt. of Gujarat,

appeared before the Commission. He stated that necessary budget had been sanctioned for construction of a bridge over river Rupen passing through village Kaneri to enable the school going children as well as villagers for their convenience. He gave an undertaking that the bridge would be constructed by October, 2018.

- iv. Under Secretary (P.R.)2, Roads & Building Department, Govt. of Gujarat also informed that the bridge of Kaneri Village taluka-Gir Gadhdha, District Somnath had been completed and sim para of Kaneri Village Bokherpara has been connected with all weather road.
- v. In view of appropriate action taken by the District Administration for construction of bridge across the river, the Commission closed the matter.

33. Death of three children due to drowning in a pond while going to wash their utensil after taking mid-day meal in a Primary School at Village Dudha under PS Jaso, Satna, Madhya Pradesh

(Case No. 2756/12/38/2014)

- i. The Commission received a complaint from Shri R.H. Bansal, Director, Centre for Human Rights, New Delhi alleging the death of three children due to drowning in a pond while they were going to wash their utensil after mid-day meal in a Primary School at Village Dudha under PS, Jaso, Satna, Madhya Pradesh.
- ii. Pursuant to the directions of the Commission, the Supdt. of Police, Satna submitted a report stating that FIR was registered on the death of three deceased children namely Ashwini Kumar Kushwah S/o Tondu Lal, Kumari Shivani Kushwah D/o Sudama Kushwah and Ravi Kushwah S/o Kamlesh On investigation this fact was confirmed that above named children died because of drowning after mid day meal in school. The Cooks of the School, Smt. Krishna Devi w/o Shiv Prasad Vishwakarma and Smt. Gulab Bai w/o Sona Lal Yadav were booked in crime No. 10/15 u/s 304 (A) IPC and a charge sheet No. 40/15 had been submitted before the Judicial Magistrate and the matter is sub judice.
- iii. The Commission considered the matter on 08.03.2018 and observed that it is clear from the report that the school administration (Head Master) was basically responsible for not taking care about the food served at the mid day meal, and thereafter about cleaning of utensils by the students of the school at the pond. It was the duty of the school administration to see that the utensils were properly cleaned after the meal is taken by the students, within the premises of the school. They forced the students to wash the utensils themselves by going at the pond. Had the Head Master of the school and other persons responsible for serving the mid day meal have not allowed the children to go out of the school to wash the utensils, the three precious lives might not have been lost. The school administration is responsible for the violation of human rights of deceased Ashwani Kushawa, Ravi Kushawa and Km. Shivani Kushawaha.
- iv. The Commission, therefore, issued a notice u/s 18 (a) (i) of PHR Act, 1993 be issued to the Chief Secretary, Government of Madhya Pradesh to show cause as to why the Commission

should not recommend monetary compensation to the next of kins of the deceased Ashwani Kushwaha, Ravi Kushwaha and Km. Sivani Kushwaha for violation of their human rights.

- v. The Commission considered the matter on 11.09.2019 and observed that no response could be received from the Government of Madhya Pradesh despite reminders. The Commission therefore recommended to the Government of Madhya Pradesh, through its Chief Secretary, to pay Rs.1,00,000/- each, as compensation to the next of kins of the deceased Ashwani Kushwaha, Ravi Kushwaha and Km. Sivani Kushwaha for violation of their human rights and to send the compliance report along with proof of payment.

Outcome Report on the Open House: Torture Bill, 2017

- i. An Open House Discussion on Analysis of Prevention of Torture Bill, 2017 was held on 15.11.2018, under the Chairmanship of **Hon'ble Justice, Shri H. L .Dattu, Hon'ble Chairperson, NHRC**. The objective of the Open House Discussion was to discuss and analyze the Prevention of Torture Bill, 2017, the outcome of which is the following;
- ii. It was agreed that the definition of torture needs to be expanded. Under section 3(b) (i), simple hurt needs to be incorporated too under the definition of Torture.
- iii. The CAT definition also includes torture, "**for any reason based on discrimination of any kind**". This needs to be added to the present definition of Torture to incorporate torture committed without any specific reason or purpose.
- iv. Denial of Timely and Adequate Medical care of a person in custody also tantamount to Torture, hence the bill should account for this.
- v. In Section 3(b) (iv), in the case of death, it has been suggested that the compensation needs to be given to the next of kin.
- vi. In case of alleged torture wherever the government officials justify the use of force, it should be of the same scale and nature as is prescribed for use of force in scenarios like mob, riots etc. Disproportionate use of force must not be used by the Police. [With reference to S 130(3) CrPC].
- vii. It has been suggested that under Section 4(3), the term "**just and reasonable**" should be in compliance with **CGHS provisions**.
- viii. The payment of treatment expenses to victims of torture is dependent on recovery from Public Servants. As this would deny timely treatment, it has been suggested that both need to be delinked and treatment be given out of Government funds. Hence, the term "**in addition to**" in Section 4(5) needs to be substituted with "**notwithstanding**".
- ix. Designated Courts presided by Session Judge for torture cases need to be provided for as in SC/ST cases, POCSO cases etc. to expedite the trial process.



- x. It has been suggested the period of cognizance under section 6(1) should be any time within custody period and extending up to six months from the date of discharge and release, including parole and furlough. Also, the provision of cognizance in the bill can be aligned to that of the CrPC's mandate.
- xi. Under S9(5) it has been suggested that the State shall ensure proper medical examination of every person remanded to **custody in jail and at the time of release**, and the report of such medical examination shall be transmitted to the concerned trial court.
- xii. Under S10 (2), **denial of anticipatory bail** to Public Servant is not reasonable and is tantamount to denial of his/her basic human rights.
- xiii. **Article 3** of UNCAT **relating to extradition of persons** needs to be added to the Bill.

Article 3:

- a. *No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.*
- b. *For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.*
- Xiii. As regards the issue of providing **civilian oversight** to prevent torture in custody, Jail Visitors Board in prison/ Jail provide for such mechanism and the same should be effectively implemented.
- Xiv. **SOP for independent tool of investigation** must be duly adopted and incorporated in day to day functioning of the police and prison authorities.
- xiv. In cases of complaints against torture, investigation should be done **by an officer of a rank higher** than that of the accused.

D. CONDITIONS IN PRISONS

Visits to Jails

- 4.16 Under the provision of Section 12(c) of PHR Act 1993, of Commission in order to study the living conditions of the inmates, the Commission can visit any jail or other institution under the control of the state govt. where persons are detained or lodged for the purpose of treatment, reformation or protection. Accordingly, Special Rapporteurs appointed by the Commission undertake visit to various jails in the country and facilitate the Commission in discharging its sensitive and demanding responsibilities by making suggestion/recommendations after observing the conditions prevailing.



S. No.	Name of Special Rapporteur and Member	Date of Visit	Place of visit
1.	Smt. Jyotika Kalra	6 April, 2018	Tihar Jail Delhi
2.	Dr.Vinod Aggarwal	16-20 April, 2018	Central Jail Gwalior, Taillaiya Police Station Bhopal, Purani Bhilai Police Station and Women Police Station Bhilai, Durg District, Chhattisgarh
3.	Smt. S. Jalaja	18 April, 2018	Central Jail Nashik, Maharashtra
4.	Smt. S. Jalaja	19 April, 2018	District Prison Dhule, Maharashtra
5.	Smt. S. Jalaja	20 April, 18	District Prison Nandubar, Maharashtra
6.	Shri Sudhir Kumar	20-27 April, 2018	Model Jail Chandigarh, Rupnagar Jail, Modern Jail Kapurthala and Central Jail Ludhiana
7.	Shri B.B.Mishra	21 April, 2018	District Jail Karimganj
8.	Dr. Ashok Sahu	23-27 April, 2018	Karnataka (Bengaluru, Bellary and Mandya) on bonded labour issues
9.	Dr. Vinod Aggarwal	26 April, 2018	Central Jail Bikaner
10.	Dr. Vinod Aggarwal	7, 9 & 11 May 2018	Katihar, Purnea and Kisanganj Jails, Bihar
11.	Shri Sudhir Kumar	11-12 May, 2018	District Jail Mathura
12.	Dr.Vinod Aggarwal	15 May, 2018	Central Jail Alwar, Rajasthan
13.	Smt. S. Jalaja	21 May, 2018	Central Prison Rajkot, Gujarat
14.	Smt. S. Jalaja	22 May, 2018	District Prison Jamnagar, Gujarat
15.	Smt. S. Jalaja	24 May, 2018	Special Prison Porbandar, Gujarat
16.	Dr.Vinod Aggarwal	5 June, 2018	District Jail Chhattarpur, M.P.
17.	Dr.Vinod Aggarwal	6 June, 2018	Central Jail Satna, M.P.
18.	Dr. Ashok Sahu	18-22 June, 2018	Manipur (Imphal, Churachandpur and Imphal West) on bonded labour issues
19.	Dr. Vinod Aggarwal	18 June, 2018	Central Jail Udaipur, Rajasthan
20.	Dr. Vinod Aggarwal	20 June, 2018	District Jail Chitaurgarh, Rajasthan
21.	Dr. Vinod Aggarwal	21 June, 2018	Sub Jail Abu Road, District Sirohi, Rajasthan
22.	Smt. S. Jalaja	25-30 June, 2018	C.P. Amrawati and D.Ps Wardha, Yavatmal and Washim
23.	Dr. Ashok Sahu	8-13 July, 2018	Gujarat (Ahmedabad, Surat and Vadodara) on bonded labour issues
24.	Smt. S. Jalaja	16-17 July, 2018	District Prison Nandiad and Sub Jail Godra, Gujarat
25.	Smt. S. Jalaja	18-19 July, 2018	Sub Jails Dahod and Chhota Udaipur, Gujarat
26.	Dr.Vinod Aggarwal	24 July, 2018	Central Jail Bilaspur, Chattisgarh
27.	Dr. C.K.Mathew	25-27 July, 2018	Telangana State

S. No.	Name of Special Rapporteur and Member	Date of Visit	Place of visit
28.	Dr. Vinod Aggarwal	27 July, 2018	Central Jail Raipur
29.	Dr. Ashok Sahu	6-10 August, 2018	Tripura (Agartala, Dhalai and Gomati) on bonded labour issues
30.	Dr. Ashok Sahu	16-21 September, 2018	Himachal Pradesh (Shimla, Mandi and Kangra) on bonded labour issues
31.	Dr. Ashok Sahu	22-26 October, 2018	Mizoram (Aizawal, Kolasib and Serchip) on bonded labour issues
32.	Dr. Ashok Sahu	12-16 November, 2018	Arunachal Pradesh (Itanagar, East Kameng and Papum Pare) on bonded labour issues
33.	Smt. Jyotika Kalra	13 November, 2018	District Jail, Rohini, Delhi
34.	Dr. Vinod Aggarwal	20-24 November, 2018	Patna District, Bihar (Bonded / child labour)
35.	Dr. Vinod Aggarwal	20-24 November, 2018	Nawada District, Bihar (Bonded / child labour)
36.	Dr. Vinod Aggarwal	20-24 November, 2018	Gaya District, Bihar (Bonded / child labour)
37.	Dr. Vinod Aggarwal	20-24 November, 2018	Visit of Bihar with regard to bonded/child labour who were released from Telangana in 2015
38.	Smt. Jyotika Kalra	16-17 January, 2019	Visit to Central Prison Cherlapalli, Telangana
39.	Dr. Vinod Aggarwal	30 January - 2 February, 2019	Brick kilns in Khunti, Saraikela and Ramgarh (Jharkhand)
40.	Dr. Vinod Aggarwal	12 March, 2019	Visit to District Jail Morena, M.P.
41.	Dr. Vinod Aggarwal	14 March, 2019	District Jail Khandwa, M.P.

E. Open House Discussion on Prisoners Welfare and Prison Reforms 29 June, 2018

The Commission organized an Open House Discussion on Prisoners Welfare and Prison Reforms on 29 June 2018 under the Chairmanship of Justice Shri H.L. Dattu, Hon'ble Chairperson, NHRC wherein various issues related to Prisons were discussed with inputs from various Civil Society Members and the Ministries. Around 57 recommendations were made under various heads like Under Trial Prisoners, Long Term Prisoners, Women Prisoners, Foreign Prisoners, Release and Rehabilitation, Crime in Prison by Prison Staff and Timely Disposal of Cases. These recommendations were sent to all the States and an Action Taken report was requested therein. The recommendations are available on NHRC website.



I. **Workshop on Best Practices in Prisons held on 21.12.2018**

- a) A meeting indicating the best practices/initiatives of the State Prisons and their impacts on the respective Prison Administration was held in the Commission on 21.12.2018. The meeting was chaired by Justice Shri. H.L Dattu, Chairperson NHRC, and was attended by Mrs. Jyotika Kalra, Member, NHRC, and Mr. Ambuj Sharma, Secretary General, NHRC, senior NHRC officials, DG of Prisons and Senior Officers from various States and representatives of various venerated Civil Society Groups and Senior Officers from Ministry of Home Affairs.
- b) The objective of the meeting was to compile a single compendium consisting of the good initiatives and best practices which are being implemented in different Prison Administration. Subsequently, the compendium will be circulated among different jails across the country for them to emulate the recognised good initiatives and best practices. The work for the compilation is ongoing at present.

II. **Meeting on 'Legal Aid to Prisoners in collaboration with NLU Delhi and DLSA'**

The Commission on **15 March, 2019 held a meeting on 'Legal Aid to Prisoners in collaboration with NLU Delhi and DLSA'**. The meeting saw the participation of representatives from Tihar Jail, DLSA, NALSA and senior officials of NHRC. The objective of the meeting was to explore the ways in which the students of National Law University, Delhi can facilitate the prisoners in filing bail, appeals, applications etc in various courts through the Delhi Legal Service Authority and help the prisoners in early settlement of their pending issues. The proposed initiative will have two main objectives:

- a) Promoting human rights of the prisoners by improving their access to the legal system.
- b) Fostering professionalism and a sense of public service amongst the students.

III. **Open House Discussion on Analysis of Prevention of Torture Bill, 2017**

An Open House Discussion on Analysis of Prevention of Torture Bill, 2017 was held on 15.11.2018, under the Chairmanship of Shri H.L.Dattu, Hon'ble Chairperson, NHRC and was attended by NHRC officials, members of Civil Society along with the representatives from the Government. The objective of the Open House Discussion was to discuss and analyze the Prevention of Torture Bill, 2017.

IV. **Committee on Amendment to Prison Act, 1894**

- a) On the basis of the deliberation held in the National Seminar on Prison Reforms (13-14 November, 2014), it was recommended to constitute a committee of experts to suggest amendment to the Prisons Act, 1894 to make it conform to the human rights norms, Supreme court judgments and International Convention/Covenants binding on India.
- b) A Committee was constituted to this effect on 18.3.2015 under the Chairmanship of Shri Sanjay Kumar IAS Principal Secretary, Home (jails) Punjab for the amendments to the Prison Act, 1894. The Committee consisted of nine esteemed member including two NGOs Viz CHRI and Prison Ministry while NHRC was represented by DIG and SSP-I.



- c) The Last meeting on the Amendment to Prison Act was held on 10 October, 2018 where it was decided that the final draft send by Dr. Nirmaljit Singh Kalsi, Addl. Chief Secretary, (Jails) Home Affairs & Justice, Govt. of Punjab should be forwarded to CHRI for comments/ inputs. Subsequently the Commission received comments and suggestions from CHRI, which was then sent to Dr. Kalsi for scrutiny.
- d) Later, Shri Kripa Shankar Saroj, Principal Secretary, Govt. of Punjab sent the corrected final draft of the Prison Act, 1894 to the Commission on 08.02.2019. The final draft will be communicated to the Ministry of Home Affairs.

V. Prisons Reforms

Follow-up of National Seminar of Prison Reforms

- a) The National Human Rights Commission organised a two-day National Seminar on Prison Reforms in New Delhi from the 13-14 November, 2014. The aim of the seminar was to assess the status of the implementation of the recommendations made in its earlier seminar on the subject held on the 15 April, 2011 and to discuss what further steps would require to be taken to improve prisoners' condition and prison administration with a human rights perspective. The recommendations that emerged from the Seminar were sent to all States/UTs calling for an Action Taken Report.
- b) Action Taken Report has been received from all the States except the States of Uttarakhand, Madhya Pradesh, Rajasthan and UT of Lakshadweep are still awaited despite reminder. The Commission is pursuing with the State Govt.
- c) The recommendations of the seminar are also available in the NHRC's website.

F. Research Initiatives

The Commission has been engaging in administering various socially impactful and relevant researches pertaining to Bonded Labour, Child Labour, Criminal Justice System, Rights of Minorities and Terrorism. In this regard, the Division calls for research proposals from credible candidates/institutions and scrutinize them. This is a continuous process carried out every year by the Division and the shortlisted deserving studies are finally considered by the Commission.

The following are the ongoing research topics:

- (1) The Commission approved research proposal titled 'An Empirical Study on the Status of Undertrial Prisoners in Gujarat Central Jails' by Prof. (Dr.) Purvi Pokhariyal, Director, Institute of Law, Nirma University, Ahmedabad, Gujarat on 14.09.2018. The duration to complete the research project is nine months with a financial assistant of Rs. 1, 15,000/-.

The area/ coverage of study: Four major Gujarat Jails: Sabarmati Central Jail, Vadodara Central jail, Rajkot Central jail & Lahore Central Jail (Surat).

Purpose of study: To conduct an empirical research study on the status of undertrial prisoners in the prisons with focus on their health, growing number of suicides and



overstay/lingering on in the prisons for longer duration even after expiry of sentence terms.

Objective and scope of study:

- i. To collect empirical evidences on the implementation of NHRC guidelines on prevention of suicides in prisons.
- ii. To collect evidence on the implementation of the Model Prison Manual and Gujarat State Prison Manual guidelines on living conditions, health and hygiene in the four major prisons of Gujarat.

- (2) The Commission approved research proposal titled '**Status of the Manual Scavenging and Sewerage Water Workers in the Hyderabad Karnataka (HK) Region – Policy and Practice**' by Dr. Mohan Das K., Associate Professor, Department of Studies in Political Science, Vijayanagar Sri Krishnadevaraya University, Ballari, Karnataka on 11.10.2018. The duration to complete the research project in six months with a financial assistant of Rs. 4, 00,000/-.

The scope of the study: To observe the various forms of the manual scavenging practices, the socio-economic conditions of the manual scavengers and the discrimination and exploitation in the society. The study will look into the laws, the Government machinery and organization working for abolition of manual scavenging in a Human Rights perspective. The study would helps the research institutes, academicians, the social action groups, the Government department to understand the existing manual scavenging practices and its dimensions and to take effective measures for total eradication of the practice.

Objective of the Study

- i. To know the socio-economic status of Manual scavengers in HK regions from a Human Rights perspective.
- ii. To understand the various laws and policy legislations to eradicate the inhuman practice.
- iii. To assess the nature and magnitude of the problem of manual scavengers in the study area.
- iv. To assess the family livelihood condition including financial and non-financial aspects of Manual scavengers.
- v. To trace the impact of socio-economic condition of manual scavengers at work.
- vi. To attain the expected social relations and health hazards.
- vii. To assess their social status and professional recognition.
- viii. To suggest policy measures to removal of social disorders of the scavengers in the HK Regions.



- (3) The Commission approved research proposal titled '**From Cell to Society: A Study on the re-integration of Released Prisons in Kerala and Tamil Nadu**' by Dr. R. Santhosh, Asst. Professor (Sociology), Dept. of Humanities and Social Sciences, IIT Madras, Chennai on 14.09.2018. The duration to complete the research project is nine months with a financial assistant of Rs. 11,23,375/.

Purpose of the Study

- i. To examine the psychological factors affecting the released prisoners.
- ii. To look into the complex process of social integration in which are number of components like familial relations, role of community dealing with social stigma and discrimination and so on.
- iii. To understand the questions related to livelihood issues and economic independence.
- iv. To reflect on the efficacy of various schemes & programmes in the prison as well as on the wider social factors including social stigma, livelihood issues, familial conditions etc.

Aim: To explore the theme of social integration of released prisoners from central prisons of Kerala and Tamil Nadu.

Objectives and scope

- i. To examine & evaluate the role of various welfare & skill enhancement programmes in the prisons in facilitating successful integration of released prisoners in the study.
 - ii. To examine the challenges faced by released prisoners in integrating with the wider society in terms of psychological, social, economic familial hardships & the strategies they adopted to overcome this.
 - iii. To identify the supporting mechanism facilitated by both state as well as civil society organizations that enable released prisoners to get integrated in the society.
 - iv. To examine the incidences & contributing factors for recidivism among the released prisoners.
 - v. To make policy suggestions to facilitated better social integration of released prisoners.
- (4) The Commission has awarded a pilot study on 'Undertrial Prisoners for the State of Uttar Pradesh' to Centre for Equity Studies (CES). The main objectives of the study is to establish their social demographic profiles including age, gender, religion, social category, domicile and education and also to know what offence have the undertrial been charged with. The final report submitted by the CES was considered by the Commission on 03.03.2017 and directed "the Secretariat is to examine and list out the recommendations which are practical, feasible and tenable. They will also be listed as per the authority to which it is to be sent i.e. the State Govt., State police, Judiciary and Prison Department. The same is under consideration by the Commission.



- (5) The Commission approved a long term research project submitted by Registrar, Annamalai University, Tamil Nadu entitled '**Atrocities against Dalits: An Empirical Study on the Performance of Special Courts in Tamil Nadu**'.

The objectives of the Study are:

- i. To find out the reason for the increasing atrocities against Scheduled Castes in Tamil Nadu.
- ii. To study the reason for delay in filing the FIR.
- iii. To find out the average time taken by the Courts to finalize cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- iv. To explore whether after establishment of Exclusive Special Courts in Tamil Nadu, any change noticed with regard to quick finalization of cases.
- v. To examine how many hearings are generally held to dispose of cases under the Courts.
- vi. To analyze the percentage and reasons of convictions/acquittals under the Scheduled Cases and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

The final report has been received and examined. The Commission directed the University to make a presentation on the study report. The outcome of the study report after presentation is still awaited.



CHAPTER 5

REACHING OUT

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

A. Commission Meetings

5.2 During the year under review, the Full Commission took up 198 cases of human rights violations in its 13 sittings. In addition, the two Division Benches considered 595 cases in 33 sittings.

B. NHRC Open Hearings on Atrocities against Scheduled Castes

5.3 During the period under review, the Commission took up 517 cases in its 4 Open Hearings held at Gandhi Nagar, Gujarat - 136 cases (26 -27 April, 2018), Itanagar, Arunachal Pradesh - 57 cases (25 May, 2018), Bengaluru, Karnataka-184 cases (2 August, 2018), Kolkata, West Bengal- 140 cases (13 -14 July, 2018) .

C. NHRC Camp Sitzings

5.4 The National Human Rights Commission (NHRC) has been organising camp sittings in different States in order to expedite disposal of pending complaints and sensitize the State functionaries on human rights. During the period under review, the Commission held Camp Sitzings in Gujarat, Arunachal Pradesh, Karnataka and West Bengal. The Commission considered 40 cases in its sittings of Full Commission.

D. Statutory Full Commission Meeting

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

- a) Chairperson of the National Commission for Minorities
- b) Chairperson of the National Commission for Scheduled Castes



- c) Chairperson of the National Commission for Scheduled Tribes
 - d) Chairperson of the National Commission for Women.
- 5.6 Together with the Chairperson and Members of the NHRC, the Chairpersons of these bodies constitute its Statutory Full Commission (SFC), which meets regularly. In addition, the NHRC, India invites the Chairperson of the National Commission for the Protection of Child Rights as a 'Special Invitee' to all its Statutory Full Commission Meetings since the NCPCR has a significant bearing on all issues concerning the rights of children.
- 5.7 The Statutory Full Commission meetings are convened regularly to discuss the issues of common interest and participate in the conference/seminars of the Commission. The last meeting of the Statutory Full Commission was held on 27.11.2018 in the Commission to discuss the comprehensive and punitive measures to protect the members of Scheduled Tribes from the atrocities, Sexual Harassment of women at workplace, Right of women workers and Children in unorganized sector and also to discuss the mechanism of Interlinking of Complaint Management System (CMIS) of NHRC with the Deemed Member Commissions. The meeting of the SFC was chaired by Justice Shri H.L. Dattu, Chairperson, National Human Rights Commission and attended by Justice Shri P.C. Ghose, Member; NHRC Smt. Jyotika Kalra, Member, NHRC; Shri Gurbachan Singh, Director General (Investigation); Shri Surajit Dey, Registrar (Law), NHRC; Shri Dilip Kumar, Joint Secretary (Training & Research), NHRC; Dr. Ranjit Singh, Joint Secretary (P&A), NHRC; Smt. Rekha Sharma, Chairperson, National Commission for Women; Dr. Nand Kumar Sai, Chairperson, National Commission for Scheduled Tribes; Shri Syed Ghayorul Hasan Rizvi, Chairperson, National Commission for Minorities; Shri S.K. Ratho, Joint Secretary, National Commission for Scheduled Tribes and Shri Sudhir Chandra, Director, NIC.
- 5.8 A range of issues was discussed at the meeting, i.e. (i) Comprehensive and punitive measures to protect the members of Scheduled Tribes from atrocities as per provisions in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; (ii) Sexual Harassment of women at workplace; (iii) Rights of Women workers in unorganized Sector; (iv) All the Commissions i.e. National Commission for Scheduled Caste, National Commission for Scheduled Tribe, National Commission for Women and National Commission for Minorities while taking care of the interest / issues of the specific segments of population are especially required to take care of the interests of Children belonging to these segments of population; (v) Sharing research studies recently Commissioned by NHRC and (vi) Interlinking of the Complaint Management Information System (CMIS) of NHRC with the National Commission.
- 5.9 The major recommendations emanating out of the meeting on 27.11.2018 have been circulated to Secretaries of all stakeholders for information and necessary action.

E. Special Rapporteurs of the Commission

- 5.10 The Special Rapporteurs of the Commission are human rights experts who are specifically appointed with the directive to report and advice on human rights concerns from a thematic or state-specific perspective. The system of Special Rapporteurs is a central element of the NHRC



machinery and covers all human rights: civil, political, economic, social and cultural. In addition, they cover sensitive issues like child labour, bonded labour, disability concerns; etcetera and spread awareness among the people about the provisions contained in the PHRA from the point of view of seeking redressal from the NHRC in case of violation of their rights or that of others. Special Rapporteurs are senior officers who, prior to their retirement, have served as Secretaries to the Government of India or Directors General of Police or have done exemplary service in a human rights related field. A copy of the Special Rapporteurs scheme is posted on the website of the NHRC -

http://www.nhrc.nic.in/Documents/Scheme_And_Guidelines_for_Engagement_of_Special_Rappoteurs_05 01_2016.pdf

I. Prisons Visit by Special Rapporteur

Under the provision of Section 12(c) of PHR Act 1993, the Commission engages Special Rapporteur to “examine, monitor, evaluate, advise and report” on human rights violations through “activities undertaken by special procedures, conducting visits and providing advice” on emerging issues from the perspective of human rights.

The Special Rapporteur is mandated to visit any jail or other institution under the control of the state govt. where persons are detained or lodged for the purpose of treatment, reformation or protection. Accordingly, they are also directed to make suggestion/recommendations after observing the conditions prevailing in jails or other institutions. The Special Rapporteurs in position during the period under report are listed below.

II. Zonal Special Rapporteurs

(Both zonal and Thematic in position)

Sl. No	Zone/area covered as per new scheme	Name of Special Rapporteur	Tenure	Remarks
1.	NORTH ZONE Punjab, Haryana, Chandigarh, Delhi, Himachal Pradesh, Jammu & Kashmir, Uttarakhand & Uttar Pradesh	Shri Sudhir Kumar, Former Member-CAT	30.03.2017 to 29.03.2019	
2.	WEST ZONE Maharashtra, Goa, Gujarat, Dadra & Nagar Haveli and Daman & Diu	Additional charge of Maharashtra and Goa given to Dr. C.K. Mathew, Special Rapporteur for South Zone. Additional charge of Gujarat, Dadra & Nagar Haveli and Daman & Diu given to Dr. Vinod Aggarwal, Special Rapporteur for Central Zone		
3.	CENTRAL ZONE Madhya Pradesh, Chattisgarh, Rajasthan, Bihar & Jharkhand	Dr. Vinod Aggarwal, IAS (Retd.) (Jharkhand Cadre)	30.03.2017 to 29.03.2019	Additional charge as mentioned in column 2 above

Sl. No	Zone/area covered as per new scheme	Name of Special Rapporteur	Tenure	Remarks
4.	EASTZONE West Bengal, Odisha and Andaman & Nicobar Islands Additional charge of NORTH- EAST ZONE Nagaland, Manipur, Mizoram, Tripura, Assam, Meghalaya, Sikkim and Arunachal Pradesh	Shri B.B. Mishra IPS (Retd) (Assam-Meghalaya Cadre)	12.03.2018 to 11.03.2019	
5.	SOUTH ZONE Tamil Nadu, Poducherry, Kerala, Lakshadweep, Andhra Pradesh, Telengana & Karnataka	Dr. C.K. Mathew IAS (Retd) (Rajasthan Cadre)	01.04.2018 to 31.03.2019	Additional charge as mentioned in column 2 above. Resigned w.e.f. 15/11/18. Submitted for approval

III. Thematic Special Rapporteurs

1.	Disabilities	Shri P.K. Pincha	01.12.2015 to 30.11.2018	
2.	Bonded Labour / Child Labour/Migrant Labour	Dr. Ashok Sahu, IES (Retd.)	01.07.2016 to 31.12.2018	

F. Core and Expert Groups

- i. Core and Expert Groups consist of eminent persons or subject experts or representatives of Government or technical institutions or non-governmental organizations in a given field required by the Commission, be it health, mental health, disability, bonded labour, etc. These Groups render expert advice to the Commission as per their expertise. Some of the important Core and Expert Groups that functioned in the NHRC during the year, 2018-2019 were:

- Core Advisory Group on Health and Mental Health
- Core Group on Disability and Elderly Persons
- Core Group on NGOs and Human Rights Defenders
- Core Group on Right to Food
- Constitution of NHRC Core group on Business, Environment and Human Rights
- Core Advisory Group on Bonded Labour
- Core Group on Women
- Core Group on Children
- Core Group on LGBTQ



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

G. Meeting of Core Group of NGOs and Human Rights Defenders

- i. In pursuance of Section 12(i) of the Protection of Human Rights Act (PHRA), 1993, the Commission, right from its inception, has been encouraging the efforts of non-governmental organizations and institutions working in the field of human rights. The Commission associates and partners with reputed NGOs in various programmes, projects initiated by it in the area of human rights awareness. As awareness of human rights is an important factor in ensuring better protection of human rights, there is greater scope of increasing the interaction with NGOs.
- ii. In order to facilitate its interaction with the NGOs and civil society organizations, the Commission constituted a Core Group of NGOs on 17.07.2001. The Group was last reconstituted on 16.09.2011 with 11 members. The matter regarding reconstitution of the Core Group of NGOs is again under consideration of the Commission for giving wide representation of credible NGOs from diverse fields of human rights across the country.



CHAPTER 6

Right to Health and Mental Health

- 6.1 India has achieved significant economic growth over the past decades, but the progress in health has not been commensurate. Despite notable gains in improving life expectancy, reducing fertility, maternal and child mortality, and addressing other health priorities, the rates of improvement have been insufficient, falling short on several national and global targets. Furthermore, there are wide variations across States in their health outcomes and systems performance. The contribution of most of the major non-communicable disease groups to the total disease burden has increased all over India including cardiovascular diseases, diabetes, chronic respiratory diseases, mental health and neurological disorders, cancers, musculoskeletal disorders, and chronic kidney disease.
- 6.2 The mental health which forms an integral part of health, is the area where the country is facing a serious predicament. According to the World Health Organization (WHO), mental health is *"a state of well-being in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community"*¹. Enumerating the burden of those suffering from mental health problems like neurological disorders and substance abuse, the National Mental Health Survey (NMHS), 2015-16 points out to the huge burden of mental health problems where nearly 150 million Indians need mental health care services while less than 30 million are seeking care.
- 6.3 It is important to consider that promotion of mental health has both human rights and economic aspects attached to it. It has long been the case that individuals with mental health conditions are amongst the most abused and discriminated against in the country and deserve to be treated with dignity. Further, neglecting mental health could impact economic development through loss of production and consumption opportunities at both the individual and societal level. Acknowledging this, Sustainable Development Agenda, which was adopted at the United Nations General Assembly in September, 2015 within the health goal, has included two targets directly related to mental health and substance abuse as it requests the countries: *"By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being"* and *"Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol"* respectively. Therefore, it has been a globally recognized fact that health is a crucial prerequisite for sustainable human development, but there can be no health without mental health.
- 6.4 Since the time the National Human Rights Commission (NHRC) came into existence in October 1993, the Commission has consistently taken the view that the right to

¹ WHO definition of mental health.

Available at https://www.who.int/features/factfiles/mental_health/en/



life with dignity, enshrined in the Constitution, must result into the strengthening of measures to ensure that all people, and particularly those belonging to the economically disadvantaged sections of the society, have access to better, affordable, accessible and more comprehensive health care facilities. The given Chapter throws light on the work on the right to health and mental health undertaken by the Commission during the year 2018-2019.

A. Charter on Patient's Rights

- I. The Core Advisory Group on Health of NHRC has prepared the 'Charter of Patient's Rights' which draws upon all relevant provisions, inspired by international charters and guided by national level provisions, with the objective of consolidating these into a single document, thereby making them publicly known in a coherent manner. The role of the Charter is to generate widespread public awareness and educate citizens regarding what they should expect from their governments and health care providers—about the kind of treatment they deserve as patients and human beings, in health care settings.
- II. The Charter of Patients Rights is a pioneering document to ensure the protection and promotion of Human rights of those who are among the most vulnerable sections of society – ordinary patients and citizens seeking health care across India as it includes, Right to information, Right to records and reports, Right to Emergency Medical Care, Right to informed consent, Right to confidentiality, human dignity and privacy, Right to second opinion, Right to transparency in rates, and care according to prescribed rates wherever relevant, Right to non-discrimination, Right to safety and quality care according to standards, Right to choose alternative treatment options if available, Right to choose source for obtaining medicines or tests, Right to proper referral and transfer, which is free from perverse commercial influences, Right to protection for patients involved in clinical trials, Right to protection of participants involved in biomedical and health research, Right to take discharge of patient, or receive body of deceased from hospital, Right to Patient Education and lastly Right to be heard and seek redressal.
- III. A proposal for 'Charter of Patient's Rights' was placed before the full commission in its meeting held on 9 March, 2018. The Commission directed that the Charter for Patients' Rights be sent to the Nodal Ministry and all the State Governments for seeking comments within three months. Thereafter, the Ministry of Health and Family Welfare issued a notice stating that as per recommendations of the National Council of Clinical Establishments, the said Ministry invited comments/suggestions on the Draft of Charter of Patient's Rights (prepared by the NHRC) after making certain changes/additions to it. Meanwhile, the Commission also received responses from various State Governments in respect of the Draft Charter of Patients' Rights. Meaningful suggestions were received from the State of Jharkhand. Among the other responses received, States of '*Meghalaya, Madhya Pradesh and Chhattisgarh, Puducherry, UT of Dadra and Nagar Haveli*' have appreciated the draft Charter citing no comments on the same. The comments received from the State Governments along with some small correction in the draft charter



circulated by the Ministry. Accordingly, a letter was sent to the Ministry of Health and Family Welfare for finalizing the comments on the draft Charter of Patients' Rights and to ensure its implementation.

- IV. A meeting was held in the Commission under the chairmanship of Shri Jaideep Govind, Secretary General, NHRC, to discuss the status/progress of the 'Charter of Patients' Rights' prepared by the NHRC Core Group on Health and was also sent to the Ministry of Health and Family Welfare and all the State Governments for seeking their comments.
- V. Dr. Anil Kumar, Additional Deputy Director General, and Shri D.D. Maheshwari, Deputy Secretary, Ministry of Health and Family Welfare submitted that the draft Charter of Patients' Rights was examined by the Ministry of Health and Family Welfare and was discussed in the Meeting of the National Council for Clinical Establishments held on 13 July, 2018. Subsequently, as per recommendations of the National Council of Clinical Establishments, the said Ministry invited comments/suggestions on the Draft Charter of Patient's Rights (prepared by the NHRC) after making certain changes/additions to it. It was further informed that a total of 235 comments were received on the Draft Charter by the Ministry which are being processed for consideration. The Ministry of Health and Family Welfare stated that the draft Charter would be taken up in the forthcoming meeting of the National Council for Clinical Establishments and is committed to finalizing the comments on Charter of Patients' Rights at the earliest.

B. Research Study on Assessing the Status of Health System Delivery and Factors Determining Access to Quality Health Care for Tribal Communities

- i. The research study on "*From the Margins to the Centre - A Study on the Health Inequities among the Tribal Communities in Selected Districts of Chhattisgarh, Jharkhand and Odisha*" was undertaken by NHRC in collaboration with SAMA- Resource Group for Women and Health, New Delhi. The study enabled to understand the nature and extent of the burden of illness borne by tribal communities, and the barriers faced by them in accessing the public healthcare facilities.
- ii. The study was conducted in three States- Chhattisgarh, Jharkhand and Odisha. Further, two districts were selected from each of the three above mentioned states for the study, where the percentage of the tribal population is above 30 per cent. These were Gumla and Latehar districts of Jharkhand, Jashpur and Koriya districts of Chhattisgarh, and Nuapada and Rayagada districts of Odisha. The study used qualitative methods and involved data collection from various primary and secondary sources. Focus Group Discussions (FGDs) and in-depth interviews were used for filling the information gaps.
- iii. In-depth interviews were conducted with health system officials such as district and block medical officers, district programme managers, hospital managers, and other consultants under the National Health Mission. Further, interviews and discussions were also carried out with frontline workers including ASHAs and ANMs.



- iv. Some of the important recommendations that emerged from the study were:
1. Ensure that all CHCs in tribal areas have functional blood storage units with the minimum requirement of blood (which is of double the number of units as compared to the average daily requirement/consumption) available at all times.
 2. Ensure that no user charges are collected for blood transfusions and replacement is not imposed for blood transfusions.
 3. Ensure the availability of requisite drugs for Haemoglobinopathies like Sickle Cell Disease (SCD) and Thalassemia, such as Hydroxyurea, iron chelation therapy and pain killers across different facilities free of cost.
 4. Ensure the availability of diagnostic facilities like solubility tests at Sub-centre and PHCs, and Hb electrophoresis at CHC and DH to confirm or rule out Sickle cell anaemia.
 5. Ensure the availability, regular maintenance and replacement of diagnostic services as per the Indian Public Health Standards like radiology services including X-Ray (for Chest, Skull, Spine, Abdomen, bones), Dental X-Ray and Ultrasonography (USG) in all CHCs and District Hospitals without user charges.
 6. Ensure all essential drugs as per the Essential Drug List (EDL) and IPHS are available for free in all government facilities. Ensure regular audits of prescriptions to ascertain prescription of generic medicines from the facilities.
 7. Ensure that both community based and facility based maternal deaths are documented and reviewed. Maternal death audits should be conducted periodically and the analysis of maternal deaths should not focus on clinical causes alone. Emphasis should be on social causes and should highlight implementation gaps.
 8. The data entry of ANC, PNC, maternal deaths should be disaggregated on the basis of social groups and particularly the data from the PVTGs.
 9. Guarantee regular stock and storage of Anti Snake Venom (ASV) at PHCs as per IPHS guidelines, particularly in areas reporting a high incidence of snakebite cases.
 10. Ensure adequate supply of free, quality TB medicines, including drugs for MDR-TB, Bedaquiline and Delamanid, are made easily available and affordable by issuing compulsory licenses to local manufacturers under the Patents Act.
- v. The above recommendations have been sent to the State Governments of Chhattisgarh, Jharkhand and Odisha and the Union Ministry of Health and Family Welfare for consideration.

C. Special Rapporteur Visits

- i. The Special Rapporteur, Central Zone, visited Ratnagiri and Sindhudurg districts of Maharashtra to assess the status of human rights. It was observed that Ratnagiri and Sindhudurg districts have a shortage of doctors and paramedical staff and public facilities are not functioning at



optimum level. The public health expenditure is only 8 per cent of total expenditure on health in Maharashtra. As a result, healthcare delivery system suffers from insufficient health coverage, sharp reductions in capital investments in public health infrastructure and deterioration in the quality of public health services, leading to higher dependence on highly unregulated private healthcare services. In Ratnagiri, the number of Severely Actuate Malnourished (SAM) children, was 510 and Moderate Acute Malnutrition (MAM) was 126. In Sindhudurg district 42 SAM and 347 MAM cases were reported. Instead of only targeting children through ICDS and providing treatment facilities in hospitals, it appears necessary to track entire households of affected children and ensure that they are sufficiently food secure.

- II. The Special Rapporteur, West Zone, NHRC, during the visit to Kanyakumari and Turunelveli districts of Tamil Nadu observed that the key health indicators in the district are very good and the targets under the National Health Mission have already been achieved. Among all women in the age group of 15- 49 years, 45.1 % were reported to be anemic. The institutional delivery reported to be 99.1 %. Further, the percentage of women who had their deliveries in a public health facility was 27 per cent. The Commission has recommended that the steps need to be undertaken to minimize the shortage of doctors and medical staff, better incentives for those who work in rural areas/starting indoor treatment in PHCs, providing better infrastructure for deliveries, close monitoring of ASHAs, maintenance of quarters for doctors and medical staff/, better design of buildings, introduction of solar lighting/heating/water harvesting in health facilities are some of the suggested areas of improvement.
- III. The Special Rapporteur, West Zone, NHRC, during the visit to health facilities in Ramanathapuram and Thoothukudi districts of Tamil Nadu noted that every aspect of health has been taken care of while providing services including chronic diseases, mainstreaming of AYUSH and mental health. However, infrastructure remain old in health facilities and the PHCs were somewhat congested. The Commission has recommended to the State Government that special attention needs to be given to the income levels and health, educational, nutritional aspects of SC/ST population in the two districts by tracking individual households, based on disaggregated data. Conviction rates in cases relating to SC/ST are found to be low. Police administration in both districts ought to make efforts to ensure better quality in investigation of cases and securing higher conviction rates.
- IV. The Special Rapporteur, Central Zone, during his visit to Alwar and Jaipur districts in Rajasthan, reported on the status of Integrated Child Development Services (ICDS) and the government health system respectively. It was observed that there was a discrepancy in the figures coming from Aanganwadi Centers of moderately malnourished children and the NFHS (2015-16) data, as the former provides 27% lesser figure for moderately malnourished children than the latter. Therefore, the Commission suggested that the children selection of Aanganwadi Centers should match the state/district NFHS data, and the number of malnourished or severely underweight coverage should be higher. It was also observed that the number of severely malnourished children ought to be around 8.7%, but the district administration officials present



an unbelievably low figure of only 0.001%. Therefore, it has been recommended to the State Government that the district authorities must relook at the figures and get redone the survey. These severely malnourished children must be treated in an NRC for 2-4 weeks, and this must be made mandatory. The Commission recommended that they should be brought from the severe to moderate category within 6-9 months, and this ought to be the parameter of AWC work performance in ICDS.

- V. The Special Rapporteur, Central Zone, during the visit to Gumla, Lohardaga, and Ranchi districts of Jharkhand observed that the majority of the hospitals have less than 20 per cent capacity utilization. The specialist posts have been created without a plan and appointed without much planning. The balance of staffing and workload is skewed. The Gumla and Lohardaga district hospitals have more specialists than general duty medical officers. The Commission recommended that the excess MBBS doctors from KHUNTI Sardar hospital should be removed and shifted to Ranchi, Gumla and Lohardaga hospital and some gynecologists along with anaesthesia trained doctors should be shifted to Khunti Sardar hospital for optimum utilization of resources.
- VI. The Special Rapporteur, Central Zone, visited Bikaner district in Rajasthan to review the status of implementation of the Integrated Child Development Services (ICDS). It was observed that there was a very little difference between the numbers of children shifting from moderately malnourished category to normal weight category and vice versa. Of the total 7110 malnourished children, 288 showed some improvement whereas 221 showed declining health parameters, nearly cancelling out the progress made. The Commission has recommended that there should be a fixation of period in which a moderately malnourished child is restored to a normal weight range in 9-12 months, from the date he/she starts attending the ICDS. In March 2018, 11 per cent of the 79,239 children were reported to be underweight, but only 4 children were indicated as severely malnourished. This implies that only 0.001 per cent have been reported severely malnourished, as compared to the National Family Health Survey (2015-16) indication of 8 per cent. The Commission has recommended that the district authorities should be taken to task for under-reporting and be asked to relook at the said figures.

D. Mental Health

In order to protect the human rights of mentally ill persons, the Commission on 20.07.2017 filed an application for direction in (No. CRL.MP.NO 8032 of 2013 in W.P (CRL) No.1900 of 1981, Dr. Upendra Baxi vs. State of U.P and Ors and National Human Rights Commission) for seeking suitable directions for remedial action in the following areas of concern:

- i. Psychiatry to be made a compulsory and qualifying subject in the MBBS course.
- ii. All MBBS doctors in the provincial Medical Services and the Central Government Health Services undergo a training programme in mental healthcare/psychiatry of approximately 4 weeks duration.



- iii. The mental health funds to be allocated in separate head in budget document of Ministry of Health and Family Welfare. The funds allocated for mental health services by Union Government and State Government should be quadrupled in real terms by the year 2014-25.
- iv. The seats in MD programme in Psychiatry and DNB in the Psychiatry be increased preferably doubled w.e.f. 2019-20.
- v. Each state must establish state level mental healthcare helpline to provide authentic information to those seeking help.
- vi. All states to establish dedicated pediatric and geriatric wards/OPDs with adequate number of beds in all mental hospitals under their control.
- vii. Separate de-addiction clinics and centres are to be established in mental health institution with separate dedicated ward and separate dedicated trained manpower.
- viii. Government may be directed to fund expansion of the District Mental Health Programme to all the 640 plus districts of the country in next 3 years.
- ix. Mental health institution of the level of NIMHANS may be ordered to be set up within next five years in other parts of the country also i.e. in the Northern region, Western region and the Eastern region in the Central sector.
- x. The Mental Health Care Act, 2017 got the assent of the President of India on 7 April 2017 and came into force from July 7, 2018. In this connection, the Central Government in exercise of powers conferred by sub-sections (1) and (3) of Section 121 of the Mental Healthcare Act, 2017, has notified Mental Healthcare (Central Mental Health Authority and Mental Health Review Boards) Rules, 2018 on 29 May 2018.
- xi. Under Section 73 of the aforementioned Act and Rule 17 of the Mental Healthcare (Central Mental Health Authority and Mental Health Review Boards) Rules, 2018, at least one Mental Health Review Board is to be constituted in each district and wherever, it is not feasible, one Board for a group of two or more districts, not exceeding three districts required to be constituted. The Commission will review the implementation of such provisions under the Act.

E. Special Rapporteur Visits to Mental Health Institutions

- I. The Special Rapporteur, West Zone, NHRC, visited the Mental Hospital in Erwadi, Ramanathapuram district of Tamil Nadu in order to review the functioning of the institutions. It was observed that the facilities available in the institution do not justify its existence as a mental health institution and therefore required to be upgraded into a full-fledged modern mental health institution with teaching and research facilities. The institution has basic facilities like drinking water, sanitation etc. But there were no indoor facilities for family members. Since many patients come from outside the district/state, the Commission has recommended to the State Government that facilities be provided by the administration in partnership with NGOs at affordable charges.



- II. Hon'ble Member, NHRC, Justice Shri P.C. Ghose had visited the Pavlov Mental Hospital in Kolkata. It was observed that there were no psychiatric social workers and social nurses. However, the staff in position was qualified but inadequate. The Commission has recommended to the State Government to take steps to sanction the required number of posts of psychiatric social workers and psychiatric social nurses. Further, an inspecting officer to be appointed who should regularly inspect the Psychiatric hospital including the Calcutta Pavlov mental hospital.
- III. Hon'ble Member, Smt. Jyotika Kalra during her visit to Asha Kiran home for mentally retarded people in Delhi observed that the said Home is overcrowded against the sanctioned strength. The Commission has recommended the State Government of NCT to sought report from the Chief Secretaries of the neighbouring States as to whether they have such Homes to accommodate destitute mentally retarded persons since mentally retarded persons from neighbouring States also come to this home resulting in its overcrowding. It was also found that there was no clinical psychologist posted in the home which is the prime requirement as well as the facility of path lab, X-ray, Ultrasound and ECG was not available. It has been further recommended by the Commission to the State Government of NCT to take necessary steps to post a Clinical Psychologist at the earliest as well as to ensure that the facilities of X-ray, Ultrasound and ECG, etc., are made available in the Home.
- IV. Hon'ble Member, NHRC, Justice Shri P.C. Ghose had visited the Lumbini Park Mental Hospital in Kolkata on 20-21 August, 2018, to inspect its functioning and living conditions of the inmates. It is observed that there are no sanctioned posts for psychiatric social workers and psychiatric nurses for treatment of patients in the hospital. Psychiatric social workers perform a useful role in recording the family history, personal history and medical history of the patient, in escorting the discharged patients to their homes, in changing mindsets of family member in a stigmatized society and in hastening the pace of rehabilitation of the discharged patients, who have been effectively treated and who have substantially recovered. The Commission has recommended to take steps to sanction the required number of posts of psychiatric social workers and psychiatric nurses. It was also observed that food in the hospital is served in a very hygienic manner. However, a separate counter should be opened in the modular kitchen building through which ward-wise distribution of cooked food could take place in a neat and orderly manner. The Commission has also recommended that the mentally retarded patients admitted in the hospital by instance of order of the Court and declared 'Fit' by the hospital authorities, should bring them back to the main stream. Further, all admissions to mental healthcare establishments, treatment and release of patients from mental healthcare establishments should be done in accordance of the Mental Healthcare Act, 2017 by the authorities.



F. Illustrative Cases on Health and Mental Health Dealt by NHRC

1. A pregnant woman delivered a child in the open due to failure to admit her by District Women Hospital at Bilaspur, Chhattisgarh causing death of child for want of medical care.

(Case No.844/33/2/2014)

- i. The Commission received a complaint from Shri Rajhans Bansal, a human rights activist, New Delhi stating that in the District Women Hospital at Bilaspur, Chhattisgarh the doctor failed to admit a pregnant woman for delivery in the hospital and as a result she delivered a child in the open and the child died for want of medical care.
- ii. Pursuant to the directions of the Commission, the Special Secretary, Department of Health & Family Welfare, Government of Chhattisgarh has sent a report stating that Regional Joint Director, Medical Services, Bilaspur punished the staff nurse Smt. S.R. Cherrian of District Hospital and her two increments were withheld. The Departmental proceedings were pending at the level of Director Health, against Dr. Kamla Patnaik, the Medical Officer. The Under Secretary, Department of Health & Family Welfare, Government of Chhattisgarh, also sent a report stating that during the inquiry it was revealed that on 21.09. 2014 in the District Hospital Bilaspur a pregnant woman delivered a still born outside the ward and for this Dr. Kamla Patnaik and Smt. S.R. Cherian, Staff Nurse were found to be negligent due to which reputation of the District Hospital was also adversely affected. Dr. Kamla Patnaik, the Medical Officer on probation in District Hospital Bilaspur was found guilty under Rule-3 of Service Conduct Rules, 1965 and a report has been sent for taking disciplinary action against her.
- iii. The Commission considered the matter on 11.01.2019 and inter alia observed that admittedly, a still born was delivered by a lady outside the ward as she was refused admission in the ward for delivery. This negligence is prima facie on the part of Medical Officer and the para-medical staff of District Hospital Bilaspur. Since human rights of the victim lady were violated, the Government of Chhattisgarh is vicariously liable to make reparations to her. In view of the above, the Commission directed to issue a notice u/s 18(a)(i) of the PHR Act, 1993 to the Government of Chhattisgarh through Chief Secretary requiring him to show cause as to why the Commission should not recommend Rs. 100,000/- as monetary compensation to the victim named Smt. Sangita.

2. Death of two infants and seven fallen ill after they were administered injections by the health workers at Aganwadi Centre of Chindagiri Dodi, Karnataka

(Case No. 201/10/14/2018)

- i. The Commission received a complaint from Shri Rajhans Bansal, a human rights activist, Indirapuram, Ghaziabad, Uttar Pradesh has brought to the notice of the Commission about an incident in the Aganwadi Centre of Chindagiri Dodi, Karnataka, where two infants died and seven fell ill after they were administered injections by the health workers, on 08.02.2018.



- ii. As per the report of Dr. Sarala S, HOD & Prof. of Pediatrics, Vanivilasa Hospital, Bangalore it was stated that since two AEFI deaths occurred at one point of time and clustering and programmatic error cannot be ruled out.
- iii. The Commission considered the report during its camp sitting at Bangaluru on 02.08.2018 and inter alia observed and directed that it is a case of negligence on the part of the medical personnel which has resulted in death of two children.
- iv. In view of the above, the Commission issued a show-cause notice under Section 18 of the Protection of Human Rights Act, 1993 be issued to the Govt. of Karnataka through its Chief Secretary as to why an amount of Rs. 3,00,000/- each may not be recommended to be paid to the next of kin of the deceased.

3. **32 inmates, including 21 male and 11 female, of the Mahalandi Lunatic Vagrant Home, District Murshidabad, West Bengal died within a period of 5 months due to malnutrition and lack of medical aid.**

(Case No.694/25/13/2013)

- i. In this case, the complainant has drawn attention of the Commission towards the condition of inmates of the seven Vagrant Homes established under the Bengal Vagrancy Act, 1943 in West Bengal. The complainant, while enclosing a press clipping published in the Ananda Bazar Patrika dated 02.06.2013, claimed that 32 inmates, including 21 male and 11 female, of the Mahalandi Lunatic Vagrant Home, District Murshidabad, West Bengal died within a period of 5 months due to malnutrition and lack of medical care.
- ii. The Commission, called for a report from the Chief Secretary, Govt. of West Bengal, Kolkata regarding progress made in the improvement of conditions of inmates of Vagrant Homes in West Bengal. The Commission received a communication dated 02.06.2017 from the Joint Secretary, Govt. of West Bengal seeking extension of time for two months in the submission of the report.
- iii. The Commission acceded to the request of the Joint Secretary, Govt. of West Bengal and granted time of two months and directed to submit the requisite report by the end of August, 2017 positively.
- iv. In response, the Commission received a report dated 06.09.17 from the Additional Secretary, Department of Women and Child Development & Social Welfare on the status of the Vagrant Homes in West Bengal. As per the report, following steps have been taken in respect of the Vagrant Homes in West Bengal:-
 1. Additional capacity and improvement in the infrastructure was created by constructing 3-story building in five Homes, namely Casual Vagrants Home, Andul, Leprosy Vagrant Home Beliaghata, T.C.P.C. Tantigeria, Paschim Midnapur, New Vagrant Home Dhakuria and Home for Lunatic Vagrant (Femal Wings) Mahalandi, Murshidabad. A new three stories building was also sanctioned and construction



had started in the Female Vagrant Home, Uttarpara. Allotment of Rs. 2, 39, 44,235/- had been utilized during 2016-17.

2. Acqua-guard/water filter have been installed in all the Homes.
 3. Cook/cook-mates and quality cooked food have been ensured.
 4. Sweeping agencies/washing agencies have been engaged.
 5. Summer and winter garments are regularly supplied to the inmates.
 6. Medical Officer has been engaged for Vagrants Home.
 7. Scale of expenditure towards inmates has been enhanced.
 8. Categorisation of Beggars/Vagrants has been done to restrain the non-vagrants in to the Vagrants and District Authority and Judicial Department have been requested so that only vagrants as defined in the Bengal Vagrancy Act, 1943 are sent to the Vagrant Homes. Additional manpower has been engaged in the Vagrant Homes.
 9. Training is being imparted in different trade to the vagrants to make them self dependent.
 10. Bengal Vagrancy Act, 1943 is being reviewed and the Review Committee has submitted its recommendations.
- v. In the mean time, the Commission has also received a communication dated 18.10.17 from the complainant wherein he has stated that the State Government has not taken the responsibility for extending psychiatric treatment and human care to the vagrants. As a result the living condition of the mental patients dumped in different vagrant Homes (i.e. Mahalandi Lunatic Vagrant Home of the Murshidabad District, Andul Vagrant Home of the Howrah District, Beliaghata Vagrant Home and Dhakuria Vagrant Home of Kolkata and the Vagrant Homes located at the North 24 Paraganas and Midnapore Districts) has reduced to a subhuman state. No significant improvement has taken place in the living condition of the mentally ill inmates of the Vagrant Homes.
- vi. The Commission considered the material placed on record on 06.11.2017 and observed thus as per the report of the Additional Secretary, Department of Women and Child Development & Social Welfare, Govt. of West Bengal, a number of steps were taken for the improvement in the condition of the Vagrant Homes. However, the complainant has contended that no significant improvement has taken place. Especially he has emphasized the need for extending psychiatric treatment to the inmates of the Vagrant Homes. Earlier, a spot inquiry was conducted by NHRC team in the year 2013 (05.08.13 to 09.08.13) and the Commission vide proceedings dated 20.11.13 had recommended to the Government of West Bengal a number of steps to be taken. The Commission directed the Special Rapporteur, West Bengal for spot inspection of the Vagrant Homes in Murshidabad, Howrah, Kolkata, North 24 Paraganas and Midnapore Districts of West Bengal and to submit a report within eight weeks.



- vii. Accordingly, Sh. Damodar Sarangi, Special Rapporteur was requested to conduct the spot inspection in the meantime, the Special Rapporteur for East Zone was changed and Sh.B.B.Mishra was appointed as the new Spl. Rapporteur for East Zone.
 - viii. In these circumstances, the Commission directed the new Spl.Rapporteur Sh.B.B.Mishra to conduct spot inspection of the vagrant homes in the Districts of West Bengal and to submit a report. A Copy of the last proceedings dated 06.11.2017 was also transmitted to him.
 - ix. Sh. Damodar Sarangi, Ex-Spl.Rapporteur, East Zone was also directed to intimate whether the case has been assigned to the new incumbent Sh.B.B.Mishra within 4 weeks.
4. **Pathological Laboratories, Ultrasound Centres, and Hospitals running illegally without any registration in Chandauli, U.P. in connivance with the District CMO. (Case No.39136/24/19/2015)**
- i. The complainant in his petition to the Commission alleged that illegal Pathological Laboratories, as also hospitals and Ultrasound Centres were running without registration are functioning in Chandauli with the connivance of the District CMO.
 - ii. After the issuance of summons, a report was received from the Special Secretary, Health Department, Govt. of Uttar Pradesh, stating that 27 establishments were inspected between 14.09.2014 to 17.10.2016 in district Chandauli and notices were issued to un-registered Nursing Homes, Diagnostic Centres. An Additional CMO also raided 10 premises in Chakia Tehsil on 20.06.2015 and notices were issued against the establishments which could not produce evidence about their registration etc. An inspection drive under PCPNDT Act was initiated between 12.10.2015 to 19.10.2015 and legal action was recommended against 4 Centres. Another such drive under PCPNDT Act was earlier initiated between 15-30 May, 2015 and one Centre Sealed. Poonam Diagnostic Centre, Sakalhida, Chandauli has also been sealed and legal action recommended to the Director General Health Services, Uttar Pradesh.
 - iii. The Commission has perused the aforesaid report and directed that a copy of complainant for his comments, if any, within four weeks may be asked for. But no response was received from the complainant.
 - iv. In these circumstances, the Commission was not inclined to intervene further in the matter and closed the case.



CHAPTER 7

Right to Food

- 7.1 Despite achieving rapid economic growth and reduction in poverty rate, India is still saddled with high levels of hunger and malnutrition. Though with recent initiatives, it has reduced hunger only marginally over the past two decades. India's Goal for 2030 is to end hunger and malnutrition by ensuring that quality food is accessible to all, to meet their nutritional needs for a healthy life. Ending hunger and malnutrition demands resilient food production systems and sustainable agricultural practices. Additionally, it requires ensuring equitable access to nutritious food by all, improving sanitation and hygiene, and reducing vulnerability to shocks and disasters.
- 7.2 According to the National Family Health Survey (2015-2016), almost half of the pregnant Indian women aged 15 to 49 years are anaemic, and more than one-third of women have a low body mass index. Among children younger than five years of age, 38.4 per cent have low height for age and 21 per cent have low weight for height, age. Food security and nutrition pose a challenge in India because number of factors such as inadequate access to food, structural inequalities, lack of water and sanitation, micronutrient deficiencies and illiteracy.
- 7.3 The Government of India is implementing food, livelihood and social security programmes, such as the Integrated Child Development Services (ICDS) Scheme, Mid-day Meal Scheme (MDMS), Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), National Social Assistance Programme (NSAP) and Public Distribution System (PDS), supporting vulnerable people so that they can have access to basic requirements, especially food.
- 7.4 The Government of India has put in place a massive food and safety programme by enacting the National Food Security Act, 2013 which seeks to ensure food and nutritional security of the people. The National Food Security Act (NFSA) 2013, seeks to deliver food security to the targeted beneficiaries. It combines and expands the scope of some existing food-based welfare schemes like Targeted Public Distribution System (TPDS), Supplementary Nutrition Programme (SNP) of Integrated Child Development Services (ICDS) and Mid-day Meal (MDM) schemes and a conditional cash transfer scheme called the Maternity Benefit Programme [erstwhile Indira Gandhi Matritva Sahyog Yojana, (IGMSY)].
- 7.5 The National Human Rights Commission has been emphasizing on the proper implementation of the National Food Security Act, 2013 and also the flagship schemes namely, the Integrated Child Development Services (Scheme) and the Mid-day Meal Scheme. It has also been requesting its Special Rapporteurs to provide feedback on the status of implementation of these schemes as well as the food security legislation in the States.



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

- i. It was reported in the Annual Report of the year (2015-16), of the NHRC that its Research Division had commissioned a research study to HARYALI Centre for Rural Development, New Delhi. Its specific objectives were – to find out the socio-economic status and living conditions of the BPL families; understand whether the BPL families have physical and economic access to adequate food or the means for its procurement; assessment of dietary pattern of male and female children and adults at the household level; and study the extent of gender discrimination practiced with regard to food items; assess the impact of food grains provided under the public distribution system as well as food provided under the ICDS and Mid-day Meal Schemes in overcoming the problem of malnutrition and starvation particularly among children; ascertain the incidence and prevalence of morbidity and mortality among BPL families and children due to under-nutrition and starvation; assess the role of civil society organizations and private institutions in catering to the needs of BPL families; and to devise strategies for overcoming the problem of starvation among BPL families and children by improving their nutritional status.
- ii. During the period under report, 'HARYALI' made a presentation before the Commission and was advised to improve upon its draft report by addressing the shortcomings noticed in it.

B. Research project on Agrarian Crisis and Farmers Suicides - An Empirical Study of the Endemic States-Issues and Concerns

- I. The research study titled "Agrarian Crisis and Farmers' Suicide - An Empirical Study of the Endemic States - Issues and Concerns" was undertaken by NHRC in collaboration with National Institute of Rural Development & Panchayati Raj (NIRD&PR), Hyderabad. The study attempted to analyze the causes of farmers' suicides, post-suicide condition of the households, measures for rehabilitation, successful interventions and possible policy interventions not only to prevent the suicide but also to mitigate the adverse impact on the family. The study used both primary and secondary sources of data to accomplish the objectives of the study and was carried out in four States namely, Maharashtra, Telangana Karnataka and Madhya Pradesh.
- II. The selection of the States for studying the state of agrarian distress was based on the maximum number of suicides taken place in a particular state. The information on the number of suicides was obtained from Accidental Deaths & Suicides in India (ADSI) for the year 2014-15, an annual publication of National Crime Records Bureau (NCRB). Eight districts were selected from four States at the rate of two districts from each State on the basis of the highest number of farmers' suicides and the variation in cropping pattern as per rain-fed and irrigated areas. These districts were i) Yavatmal and Beed in Maharashtra, ii) Haveri and Mandya in Karnataka, iii) Alirajpur and Rewa in Madhya Pradesh, and iv) Nalgonda and Siddipet in Telangana.
- III. Based on the findings of the study, majority of the farmer suicide households were under the category of marginal (43%) with an average holding 1.5 acres followed by small (39%) and semi-medium (16.5%) category with an average size of holding 3.7 and 7.8 acres respectively. Further, majority of the Farmers' Suicide households (FSHs) from Maharashtra, Karnataka and Telangana



states belongs to other backward castes except in case of Alirajpur of Madhya Pradesh with STs. In Yavatmal of Maharashtra, majority Vimukta Jati Non Tribe (VJNT) households who belong to OBC category were found to commit suicide.

IV. Some of the major Recommendations emanating from the research study are mentioned as under:

1. Ministry of Agriculture should direct the National Agriculture Research Stations especially those who are involved in plant breeding, to converge with community based self help groups (SHGs), FIGs and Farmer Producer Organisations (FPOs) for seed multiplication and processing.
2. Awareness about the procurement agencies, about MSP of the crops and the quality standards have to be reached to the farmers by the State Agriculture Marketing Department in a campaign mode in collaboration with State Agriculture Departments.
3. Department of Land Resources of MoRD should undertake the responsibility of enacting The draft Model Agricultural Land leasing Act, 2016 drafted by Expert committee on Land Leasing sponsored by NITI Aayog in 2016.
4. National Rural Livelihood Mission (NRLM) through Society for Elimination of Rural Poverty (SERP) of respective state governments should encourage the SHGs with Capital Subsidy on Micro Irrigation Systems along with necessary support systems such as providing training on the maintenance of these systems, for custom hiring to the farmers.
5. NRLM through SHGs should promote Back yard poultry which is a major source of nutrition for rural households. Necessary training in the form of chick rearing and vaccination could be provided through self help groups (SHGs).
6. A Village Knowledge Centre should be promoted at every Panchayat with ICT services which should be a platform for all the information systems.
7. Nutri Cereals such as Ragi, Bajra , Sorghum and Korra are to be encouraged under Public Distribution System by introducing systems for procurement.
8. Extensive subsidy based financial support systems for the value chain of the Nutri Cereals such as Ragi, Bajra, Sorghum are to be promoted by NABARD.
9. Department of Agriculture should promote Input dealerships to FPOs in the villages. For doing so, the FPOs should be provided with necessary infrastructural facilities.
10. The compensation for the distress households provided by the Government of Karnataka is better compared to other states with more amount and relatively hassle free which could be emulated by other states.

The above recommendations have been sent to the concerned Union Ministries/State Governments/ Departments and other authorities for consideration.



C. Pilot project on Food on Ensuring Food Security

As a part of the Silver Jubilee Celebrations of NHRC, 2018, the Commission commenced a number of activities to commemorate the occasion. One of the activities being under-taken during the celebration was to initiate Small Scale Pilot Projects.

- a. The Pilot Project on addressing the issue of food security by gathering surplus food from Restaurants, Hotels, Government and Private Hostels, and large social gatherings and distribute them to necessitous people was allocated to Hon'ble Member Smt. Jyotika Kalra, and Nodal Officer Dr. Mahesh Bhardwaj, SSP. Subsequently, the responsibility of the Pilot Project was handed over to the Director (A) Unit to carry forward the same under the Chairmanship of Hon'ble Member, Smt Jyotika Kalra.
- b. The first meeting with regard to the Project was held on 20 September, 2018 where several NGOs from the NCR region working on the issue of food security were invited. The Objective of the meeting was to seek their cooperation and conduct a productive deliberation regarding the operationalisation of the project. After this meeting it was decided that NHRC will collaborate with NGO Mera Parivar and Feeding India to initiate the Pilot Project.
- c. The subsequent follow up meetings were held on 26 November, 2018 and 1 February, 2019 and 14 February, 2019 respectively. After which it was decided that NHRC and NGO- Mera Parivar will collaborate to work on the gathering of excess raw food items available in the Azadpur Mandi, New Delhi. With regards to this, both the partners of the Pilot Project (NHRC and Mera Parivar) have come to the conclusion that a community fridge shall be installed at the Mandi to facilitate the preservation and distribution of collected raw food items.
- d. The last meeting was held on 14 March, 2019 in the Commission. The objective to discuss and formulate further action plan for the proposed initiative after deliberation with the Secretary and other senior officials of Azadpur Mandi and representative of Mera Parivar (NGO).

D. Visits of Special Rapporteur

- I. The Special Rapporteur, Central Zone, during his visit to Lucknow and Ghaziabad districts in Uttar Pradesh observed that in the district of Ghaziabad, the internet connectivity in some of the fair price shops is poor, causing the beneficiaries to wait for long hours for their turn to get their finger prints and biometrics verified by PoS (Point of Sale) machines. The Commission has recommended that the internet services should be improved tremendously to ensure proper functioning of e-PoS machines and timely delivery of ration to the beneficiaries. Further, it was observed that in the Municipal cities of the State many middle class families are being given the benefits of Public Distribution System (PDS) indicating the fact that the exclusion criteria in the urban areas to be liberal. The Commission has recommended to the State Government to review the exclusion criteria in urban areas under the PDS.
- II. The Special Rapporteur, West Zone, NHRC, during her visit to Kanyakumari and Tirunelveli districts of Tamil Nadu observed that addressing the issue of malnutrition through ICDS/



MDM in the districts may not yield complete results on a sustainable basis. The Commission has recommended tracking the families of malnourished children and careful monitoring of their income levels and consumption pattern and linking with Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) and other employment generation schemes in order to effectively deal with the problem of malnutrition in the districts.

- III. The Special Rapporteur, Central Zone, NHRC, during his visit to Jaipur district in Rajasthan reported that the linking of units with Aadhaar is only 58 per cent which the district supply officer seemed unconcerned about. The Commission has recommended the State Government to that the remaining verification and linking of Aadhaar must precede in a way that it is completed in the fixed time frame (3 months). It was also found that the urban agglomeration (especially the Jaipur City) have only 13 per cent National Food Security coverage, as compared to 49 percent for urban areas in the State. Also, a large number of above poverty line citizens have been covered under NFSA. The Commission has further recommended to the State Government to review whether it lies within its power to include larger number of APL families in National Food Security Act, 2013.

E. Illustrative Cases on Right to Food Dealt by NHRC

1. Non-distribution of Fair Price ration for last 03 months PDS shop of Village Kalotha, in Sub-Division of Ratia, Fatehabad, Haryana

(Case No.No.9389/7/4/2014)

- i. The complainant, Shri Rakesh Verma from an NGO, brought to the notice of the Commission towards a News paper report captioned “Dipo Holder Ke Khilaph Pradarshan” (Teen Mahine Se Rashan Na Vitrit Karne Se Gussaiye Grameen)”, reported in the Hindi Daily Dainik Sabera, dated 30.03.2014. The report revealed that the PDS shop of Village Kalotha, in Sub-Division of Ratia, Fatehabad, has not distributed the Fair Price ration for last 03 months, therefore, the Villagers staged a Dharna before the PDS Shop and demanded change of the Distributor.
- ii. Pursuant to the directions of the Commission, the Superintendent, Home-IV, for Additional Chief Secretary to Govt. of Haryana, has directed the Dy. Commissioner, Fatehabad to conduct an enquiry into the matter.
- iii. The Dy. Commissioner, Fatehabad, submitted reports of District Food & Supply Controller, Fatehabad, dated 27.10.2015, 30.05.2014, 07.04.2014 and 26.06.2014. The reports revealed that a Notice was issued to the PDS Distributor as various irregularities have been found in the record, to show cause as to why his licence should not be cancelled and security money should not be forfeited.
- iv. During the enquiry, it was found that PDS holder was not maintaining register/record for issue of the ration and kerosene oil to the beneficiaries. He was distributing 05 litres of kerosene instead of 06 litres, allotted to a family and was charging Rupees 80/- more



than the price fixed for the same. He was distributing 05 Kgs of wheat lesser than what was entitled by the beneficiaries. He had shown that kerosene oil was issued to 41 beneficiaries but the receipt of issue had been signed by 01 person. He had not maintained the details of the money taken for the ration given to the BPL Card Holders and therefore, his security amount of Rs. 1,000/- was forfeited u/s 13 (i) of the Haryana Sarvajanic Vitran Pranali (Anugyapti Tatha Niyantaran) Order 2009. He has also been warned to be vigilant in future.

- v. The Commission on 29/03/2016 perused the record and observed that the Distributor of PDS, Village - Kalotha, Tehsil- Ratia, Distt.- Fatehabad, Haryana, had charged higher prices from the BPL Card Holders for kerosene oil, he has supplied lesser quantity of kerosene oil as well as wheat to the beneficiaries of PDS. He has also failed to maintain the requisite statutory register/record required by a PDS shop. Moreover, he has not distributed ration for many months. Therefore, Right to Life of the beneficiaries of PDS which includes their right to food so that hunger/starvation is prevented has been violated and it is a violation of Human Rights of the beneficiaries of PDS. The Commission, therefore, directed to issue a notice to the Chief Secretary, Govt. of Haryana, u/s 18 (a) (i) of Protection of Human Rights Act, 1993, to show cause within eight weeks as to why monetary compensation should not be awarded to each of the beneficiary of the PDS Distributor of Village - Kalotha, Tehsil- Ratia, Distt. Fatehabad. The Commission also directed the District Magistrate, Fatehabad, Haryana to submit list of beneficiaries of PDS shop, Village - Kalotha, Tehsil- Ratia, Distt. Fatehabad, Haryana within four weeks.
- vi. The Commission further considered the matter on 20/06/2018 and observed that it is an admitted fact that the PDS depot holder Shri Hukam Chand, Village Kalotha, District Fatehabad was involved in malpractices. His license was cancelled and security amount was forfeited by the District Food and Supplies officials, Fatehabad.
- vii. But, the Appellate Authority-cum-Deputy Commissioner, Fatehabad restored license of the depot holder with security amount vide his order dated 24.4.2015. Strange to note that the supply of the depot holder Shri Hukam Chand was suspended on 15.4.2014 but he did not lift the supplies for almost two years i.e. upto 21.4.2016. The Commission was also pained to note that the PDS depot holder had involved in criminal act of charging high prices, issuing lesser quantity and showing in records normal quantity and other malpractices like non-maintenance of record etc. However, it is very strange to note that the district administration has not only restored his license but also his security money.
- viii. Further, the depot holder had not lifted supplies of the food grain etc. for almost two years since 07.04.2014 to 21.04.2016. Surprisingly, the District Administration has asked the beneficiaries, after two years as to whether they want to avail the services of such depot holder or not. The Commission is of the considered view that the District Administration and Directorate of Food and Supplies, Govt. of Haryana has helped the depot holder to evade the provisions of the Food Security Act. It is an admitted fact and also the record



clearly indicate that the PDS depot holder did not lift the supplies of food grain etc. for two years, which was flagrant violation of human rights of the beneficiaries of village Kalotha.

- ix. Even though the District Administration has been justifying existence of such dishonest; incapable and unwarranted depot holder in their area. It made clear that non-existence of any provision in the PDS Control Order for payment of compensation does not bar the Commission from recommending monetary compensation under the provisions of Protection of Human Rights Act, 1993. The Commission, therefore, recommended u/s 18(a)(i) of the Protection of Human Rights Act, 1993 a sum of Rs. 2,00,000/- (Rupees Two Lakhs only) each to the beneficiaries of Village Kalotha as per the list given by the Deputy Collector, Fatehabad dated 11.07.2016.
- x. The compliance report along with proof of payment called for from Chief Secretary, Govt. of Haryana within eight weeks is awaited.

2. **Fifty students of 9th Standard belonging to SCs/STs Community of Garokhpur High School, Kashipur Block, District Rayagada Odisha left the hostel due to their continuous torture and denial of adequate food.**

(Case No.3746/18/32/2013)

- i. Dr. Subash Mohapatra, Executive Director, Global Human Rights Communications, District Puri, Odisha on 02.12.2013 informed the Commission that fifty students of 9th Standard belonging to SCs/STs Community of Garokhpur High School, Kashipur Block, District Rayagada in Odisha had left the hostel on 27.11.2013 due to the continuous torture and denial of adequate food. The behaviour of the headmaster and teachers of the school with the students has also been very torturous. He requested the Commission that enquiry be conducted into the behaviour of the teaching staff.
- ii. In response to the Commission's directions, Shri Surender Kumar, IAS, Commissioner cum Secretary, Government of Odisha, SC/ST Development Department, submitted a report along with the enquiry report of District Welfare Officer, Rayagada regarding the denial of adequate food and torture of SC/ST students of Government (SSB) High School, Gorakhpur under Kashipur Block, District Rayagada.
- iii. The Commission perused the report on 15.12.2017 and observed that this fact is clearly mentioned in the report of Commissioner cum Secretary that the allegations regarding the slapping of 9th class student by the Head Master of the school had been confirmed on enquiry. It is submitted that there was a verbal fight between the Superintendent and Assistant Superintendent of the hostel on various issues. The Ex-Head Master had uttered filthy language against the Assistant Superintendent of the hostel Shri Benudhar Jhodia on the issue of the management of the hostel inside the premises of the kitchen. Student Ranjan Majhi of class 9 who was the food minister of the school intervened but the Head Master went out of his frustration by slapping the student Shri Ranjan Majhi. All the students boycotted the half yearly examination and went out of the school. They were



subsequently brought back. He had further reported that there is a sufficient stock of food material. The concerned Head Master had been transferred.

- iv. The Commission further observed that it is established from the report that the school authorities had used force against the student Ranjan Majhi and everything was not fine with the management of the hostel and food which was served to the students. The teachers of the government school had violated the human rights of student Ranjan Majhi by slapping him mercilessly and violated his human rights.
- v. The Commission thus directed to issue a notice u/s 18(a)(i) of PHR Act 1993 to the Chief Secretary, Government of Odisha, to show cause within four weeks as to why the Commission should not recommend monetary compensation of Rs. 10,000/- only for violation of the human rights of Ranjan Majhi.
- vi. In response to the show cause notice, the Commissioner-cum-Secretary to the Govt. SC/ ST Development Deptt., Govt. of Odisha submitted a report dated 20.02.2018 alongwith Enquiry Report of District Welfare Officer, Rayagada. The report revealed that the enquiry of District Welfare Officer Raigarh established that the Ex-Headmaster had uttered filthy language against the Assistant Supdt. of Hostel. He was also found guilty of slapping one student namely Sh.Ranjan Majhi (of class ix). The report concluded that the Hon'ble Commission may graciously pass order for payment of compensation or otherwise as deem fit.
- vii. The Commission perused the record on 26.11.2018 and in view of the above report of the Govt. of Odisha, the Commission recommended Chief Secretary to Govt. of Odisha u/s18 (a)(i) of PHR Act 1993, to pay a sum of Rs.10,000/- (Rupees ten thousand only) to the victim student Ranjan Majhi for violation of his human rights and to submit the compliance report alongwith proof of payment within 8 weeks. The compliance report along with proof of payment is awaited.



CHAPTER 8

Right to Education

- 8.1 Education is a process of learning and gaining knowledge and it can be acquired by inculcating skills, values and beliefs in different aspects of an individual's life. According to international human rights law, primary education shall be compulsory and free of charge for the children. In fact, international law makers have propagated that secondary and higher education should also be made progressively free of charge. Free primary education is fundamental in guaranteeing everyone has access to education. However, in many developing countries, families often cannot afford to send their children to school, leaving millions of children of school-age deprived of education. Despite international obligations, some states keep on imposing fees to access primary education. In addition, there are often indirect costs associated with education, such as for school books, uniform or travel, that prevents children from low-income families from accessing school.
- 8.2 In India, the Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) is an Act of the Parliament of India enacted on 4 August, 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 years of age in India under Article 21-A of the Indian Constitution. India became one of 135 countries to make education a fundamental right of every child when the Act came into force on 1 April, 2010. The Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools. It requires all private schools to reserve 25% of seats to children (to be reimbursed by the state as part of the public-private partnership plan). Children are admitted in to private schools based on economic status or caste based reservations. It also prohibits all unrecognized schools from practice, and makes provisions for no donation or capitation fees and no interview of the child or parent for admission. The Act also provides that no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education. There is also a provision for special training of school drop-outs to bring them up at par with students of the same age.
- 8.3 The cornerstone of Right to Education (RTE) is provision of free and compulsory primary education, though the aim is also to provide increasing access to learning opportunities at secondary, technical and higher levels. It was envisaged that under the RTE Act, teaching and learning processes would be stress-free. A programme for curricular reform was also envisaged to provide for a child friendly learning system, which is at once relevant and empowering. In this regard the Indian government has taken many major steps and initiatives for increasing the literacy rate in India. The comparison of data provided by the National Literacy Mission in 2001 and 2011 clearly shows that the literacy rate of country has increased tremendously. For the year of 2011, the literacy rate was 74.04 per cent which was only 64.84 per cent in 2001.



- 8.4 It is important to recognize that as a large majority of students in India study in Government schools or Government aided schools, it is fundamental to improve the implementation of the RTE in terms of infrastructure, teacher quality and targeted learning for children from disadvantaged groups so as to build up a more equitable system. Even now, a significant number of children drop out before completing five years of primary school and a large percentage before finishing upper primary school. These drop-out trends raise troubling questions about equity for there is a huge difference between urban and rural education and the education received by the rich and the poor. Therefore, aside from the investment of huge financial and human resources, a lot of work on the ground level is required to access this right meaningfully and in full measure.

A. Research Study on Human Rights Education in Schools in India: A Comparative Study of Syllabus Prescribed by the State Education Boards

- i. The above study was undertaken by the National Human Rights Commission in collaboration with Rajiv Gandhi National University of Law, Punjab, to analyze course content of the syllabus prescribed by the State Education Boards at the Primary, Secondary and Senior Secondary level in order to know the status of human rights education imparted in schools in India.
- ii. The study was descriptive and analytical in nature. For the purpose of analysis of the course content of the syllabus prescribed by state education boards, the classes have been grouped into four levels that is, 'Class I-V', 'Class VI-VIII', 'Class IX-X' and 'Class XI-XII'. Further, the analysis has been done in following three ways:
 1. **Subject wise and level wise analysis:** In order to carry out the class and subject wise analysis, the Principal Investigator (PI) has used the content analysis technique and the pages depicting direct human rights and indirect human rights have been counted.
 2. **Level wise analysis:** The PI has grouped classes into four levels Class I-V, Class VI-VIII, Class IX-X and Class XI-XII.
 3. **Class wise and subject wise comparative analysis:** The PI in order to carry out the class wise comparative analysis calculated the percentage of direct and indirect human rights in all the classes from class I-XII in respective states. For subject wise comparative analysis, the PI has taken only those subjects which are uniformly taught in majority of the state boards schools across India.
- iii. Overall, it has been found that human rights are a part of the curriculum but in negligible percentage. In majority of the States, the students are taught fundamental rights and environment related issues only. As per the findings of the study, there are very few states in which students are taught to enjoy and exercise their rights, and to respect and uphold the rights of others.
- iv. Some of the major recommendations emanated from the study are mentioned as under:
 1. **Introduction of basic human rights** at early stage as presently the entire focus at the early childhood level is on languages.



2. **Inclusion of Rights:** In addition to the above the following rights should also be taught as a part of school curriculum:
 - a. The Juvenile Justice (Care and Protection of Children) Act, 2015
 - b. The Criminal Law (Amendment) Act, 2013
 - c. The Rights of Persons with Disabilities Act, 2016
3. 3rd standard (Class-III) is a good entry point for environmental studies as a separate subject uniformly across all boards.
4. Awareness of Impact of food choices: As part of 'environmental studies', children must be made aware of the impact of each individual's food choices on the environment as well as their own health.
5. Non-evaluative informative workshops: Non-evaluative informative workshops on obtaining basic amenities such as gas connections, opening bank accounts, making Aadhaar cards and driving licenses etc. must be held from time to time.
6. Awareness on various schemes: Various government schemes such as Sarva Shiksha Abhiyan, Swachh Bharat Abhiyan, MNREGA, government housing schemes, insurance schemes, pension schemes etc. must be highlighted in the classroom and the children must be persuaded to share such information with their elders.
- v. The above recommendations alongwith the sample taken from the curriculum of various boards that may be adopted by other boards as best practices have been sent to the State Governments/UTs and the Union Ministry of Human Resource Development for consideration.

B. Research Study on Status of Human Rights Education in Colleges and Universities

- i. The above study was undertaken by the National Human Rights Commission in collaboration with the Centre for Research in Rural and Industrial Development (CRRID). The objectives of the study were to make an assessment about the availability of courses on human rights in the higher education system; examine the problems involved in students gaining access to higher education especially courses on human rights; assess the existing course contents on human rights education, at different levels ranging from graduation to post-doctorate in the area of Social Sciences – covering the whole gamut of issues relating to civil, political, economic, social and cultural rights; and help identify the constraints and gaps and make suggestions for policy makers in plan formulations relating to human rights education especially relating to Social Science disciplines.
- ii. The academic institutions of higher education; mainly Central, State, Deemed-to-be and Private Universities along with the colleges in various states and union territories of India formed the universe of study. Further, teaching faculty, academic staff and students of the institutions formed the unit of the study. Out of 789 universities and colleges across India, 65 universities and colleges, where courses on Human Rights are being offered at any level, have



been selected using a mix of non-probability and probability sampling methods and another 65 such institutions where no such course is being offered were also consulted for in-depth analysis (Total sample =130). In order to ensure an inclusive and representative sample size equal number of institutions has been selected.

- iii. Based on the findings of the study, there are less number of human rights centres/study programmes for higher academic research such as M. Phil and PhD in both Central, State, Deemed and Private Universities. On the other hand, courses like Post Graduate Diploma and Post Graduate degree programmes are in large numbers and the degree courses are mostly part of the LLM programmes. Further, It was a general concern among the teachers and students to whom the research team contacted that employment opportunities are not adequate in human rights especially in government organisations. Moreover, in civil society organisations, graduates from Law, Sociology, Political Science, Economics and Social Work are more referred as these subjects have a wider thematic canvas unlike more specialized curriculum in human rights.
- iv. Some of the major recommendations emanated from the study are mentioned as under:
 1. Adequate and sustainable source of financial assistance to universities and colleges for offering the course is a prerequisite. Financial assistance should not be sporadic rather every institution should be provided long term grants for smooth conduct of the course or functioning of the centres/departments which offer the course on human rights. Grants should not be restrictive and adequate weightage should be given to promotion of research and extension activities along with recruitment of faculty and support staff. The UGC needs to pay urgent attention to this issue.
 2. The provision for financial assistance to universities and colleges for HRE should be separated from GDA and there should be exclusive, adequate and sustainable financial assistance to the colleges and universities for promotion of HRE.
 3. Financial assistance to the two nodal centres (Central University of Hyderabad and Tata Institute of Social Sciences (TISS) at Mumbai) should be reinstated with provisions of recruitment and maintenance of teaching and support staff. As envisioned during the XIth Plan, the remaining four nodal centres should be established as soon as possible in different parts of the country.
 4. To promote employment in universities and colleges, applicants with human rights background should be given weightage and priority in recruitments in departments offering HRE. Even if a faculty from other social science discipline is recruited, there should be compulsory provision for obtaining a suitable degree in human rights within a specified period. Doing so, would not only ensure specialized and motivated teaching atmosphere in human rights, but also provide employment avenues to students and researchers in human rights.



5. There should be a national level online freely accessible data bank with sufficient information about the availability and nature of courses at various levels in the country. Provisions could also be made for students with degrees in human rights to register themselves so that employer could directly approach them.
 6. Adequate advertisement of courses available in human rights should be made through both online and printed materials. Magazines and journals which are more popular among students could be targeted for these promotional activities.
 7. UGC offers National Eligibility Test (NET) in human rights which allow post-graduate students to be eligible for employment in universities and colleges. Similarly, the Union Public Service Commission and State Service Commissions should introduce Human Rights subject in their competitive exams so that the respective commissions get its young officials already trained in human rights issues.
- v. The above recommendations have been sent to the Secretary, Department of Higher Education, Ministry of Human Resource Development, and the Secretary, University Grant Commission for consideration.

C. Illustrative Cases on Right to Education Dealt by NHRC

1. The name of a student of class 7 of Uttkramit Madhya Vidyalaya, Baghoni, Bahedi, Darbhanga, Bihar, illegally removed from the school

(Case No.4164/4/10/2016)

- i. This case pertains to the allegations by the complainant Ms. Sunita Kumari that when was a student of Uttkramit Madhya Vidyalaya, Baghoni, of 7th standard in the year 2016 vide Roll No.54, the accused Minto Kumar who belongs to the same village committed rape upon her and a case Crime No. 168/16 was registered in Police Station Bahedi. The Principal of the school had illegally removed her name from the school stating that the complainant is not the student of his school. Hence, legal action should have been taken against the Principal, the accused be punished and her education may be restarted in the school. Hence, the complainant sought intervention of the Commission.
- ii. Pursuant to the directions of the Commission, the Secretary, Education Department, Government of Bihar, filed a report when revealed that the Principal of the School Shri Ram Kumar Nirala has been suspended with immediate effect.
- iii. The Commission on 25/09/2018 has considered the report and observed that in view of the report, the Principal of the School Shri Ram Kumar Nirala had been suspended with immediate effect.
- iv. Hence, the Commission directed the Secretary, Education Department, Government of Bihar, Patna, to file further report of action taken against the Principal Shri Ram Kumar Nirala, within six weeks. The report should also mention about the steps taken by him to resume the studies of the victim student.



- v. The Commission also directed the Superintendent of Police, Darbhanga, Bihar, to file the action taken report regarding the allegations of rape of the complainant, within six weeks. These reports are awaited.

2. **Failure in supervising the mid-day meal programme at Sevashram school at Gatangi in Sudra Panchayat under Baliguda Block of District Kandhamal, Odisha depriving the students of healthy environment, with all the basic infrastructure of the school.**

(Case No.5016/18/26/2014)

- i. This case relates to a complaint by Shri Radhakanta Tripathy, Advocate and Rights Activist, alleging that in Sevashram school at Gatangi in Sudra Panchayat under Baliguda Block of District Kandhamal, there are 176 boys and girls and the school is run by SC/ST Department, having two regular teacher and one Sikshya Sahayak and a Gana Sikshak for these 176 students. At the time of serving mid day meal in school, stray dogs and pigs also used to gather causing unhygienic conditions and raising fear of outbreak of an epidemic. According to the complainant this negligence and failure of State Authority to ensure basic human rights of the school children, amounts to serious violation of human rights of the children. He sought intervention of the Commission.
- ii. In response to the Commission's directions, the District Collector, Kandamal, submitted a report dated 21/04/2015 on which the complainant filed his comments and submitted that the report admitted the negligence of the authorities. The SC/ST students who were victims of the negligence were not compensated. He had requested that payment of compensation should be recommended to be paid to the victim students and to ensure healthy environment, with all the basic infrastructure of the school and to ensure the basic human rights of the unfortunate students.
- iii. The Commission had considered the report submitted by the Commissioner cum Secretary to the Government of Odisha and observed that it is clearly mentioned in the report that the assistant teacher who was in-charge head master at that time and a staff of Gatangi Sewa Ashram had failed to supervise the mid-day meal programme. The SHG members who were managing the mid-day meal programme have also neglected their duties of serving meals to the students in hygienic and clean environment. Because of the broken boundary wall, dogs and pigs found route to enter into the school premises on 26.8.2014 at the time of mid-day meal. The repair of the boundary wall needs immediate action.
- iv. The Commission, on consideration of the reports and the objection filed thereon, is of the view that the school administration had failed to protect the basic human rights of the children to have meal in clean environment. The presence of dogs and pigs at the time of serving of the meal contaminates the atmosphere which affects the human body, the children cannot take the food and are being attacked by the pigs and the dogs. Further has been disclosed in the entire report as to what steps had been taken by the school



administration for stopping the menace of dogs and pigs presence in the school premises more particularly when the mid-day meal was served to the children.

- v. The Commission thus directed to issue a notice u/s 18 of the Protection of Human Rights Act 1993, to the Chief Secretary, Government of Odisha, to show cause within eight weeks as to why the Commission should not recommend compensation of Rs. 1,000/- each to be paid to all the students of Gitangi Sewa Ashram, a government run school. The Commission further directed that the boundary wall of the school should be raised to a level so as to check entry of pigs and dogs in the school premises within three months and report be submitted to this Commission within eight weeks.
- vi. Pursuant to the directions of the Commission, the Commissioner-cum-Secretary to the ST & SC Development Department, Government of Odisha, has filed his report dated 21/09/2017. The Commission while considering the reports observed that the ST & SC Development Department, Government of Odisha, has taken appropriate steps to protect the children and they have also issued guidelines and SOPs besides taking other steps for the safety and security of children, especially girl child in the hostel and schools of the Department.
- vii. However, it is also a truth that the ST & SC Development Department, Government of Odisha, had taken these steps after the intervention by the Commission. It was evident that in Seva Ashram School at Gatangi in Sudra Panchayat under Baliguda Block of Kandhamal District, had been forced to take Mid-day meal in the company of stray dogs and pigs and in abject and unhygienic environment, which shows that pathetic conditions were prevailing in the schools in Odisha. This is a clear case of violation of human rights of the children, specially the children who belong to Scheduled Caste and Scheduled Tribes community and down trodden class. The Commission, therefore, is of the considered view that the Government and public servants are responsible for such inhuman condition, in which the children have been studying and taking mid-day meal.
- viii. Therefore, the Commission recommended u/s 18 (a) (i) of Protection of Human Rights Act, 1993, a sum of Rs.1,000/- (Rupees One Thousand Each) each to be paid to 175 students of Seva Ashram School at Gatangi in Sudra Panchayat under Baliguda Block of Kandhamal District, for the year 2014-15.
- ix. The compliance report alongwith proof of payment, called for within eight weeks is awaited from Chief Secretary, Government of Odisha.



CHAPTER 9

Rights of Scheduled Castes, Scheduled Tribes and Bonded Labour

- 9.1 The Commission has been proactive in monitoring the adherence of the States towards implementation of Protection of Civil Rights (PCR) Act, 1955 & Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The Investigation Division of the Commission has been entrusted with the responsibility to carry out investigations in cases filed under SC/ST Act. The matter relating to the Compensation as per the SC/ST Act, role of police and analyzing various rules and notifications issued by the Government for relief and rehabilitation of the victims of discrimination has been regularly undertaken by the Commission.
- 9.2 The Commission has been taking suo motu cognizance as well in cases of human rights violations committed on SC/ST or any other vulnerable sections of the society. The workshops and seminars conducted by the commission aims at sensitizing all the pillars of Indian Criminal Justice System towards protecting the rights of vulnerable fellow beings. The issues of SC/STs are given special priority during the 28 district visits.

A. Bonded Labour

- i. The Honorable Supreme Court of India has entrusted to the Commission, the task of implementation and monitoring of the Bonded Labour System (Abolition) Act, 1976. As part of this mandate, the Commission has set up a Cell to monitor issues of bonded and child labour, and the action taken by public authorities on its various recommendations. The Commission has been undertaking state-wise reviews and conducting workshops to sensitize all stakeholders on the issues of bonded and child labour.
- ii. From the year 1999, the Dir. (A) Unit has successfully organized two National Seminars and conducted 48 Workshops till date on matters related to Bonded Labour in various parts of the Country. The Division aims for proactive approach towards elimination of bonded labour by sensitizing concerned state authorities and spreading awareness among citizens of India. So far, these workshops have played pivotal role in sensitizing concerned State authorities in matters related to Bonded Labour.
- iii. In the recommendation of the Commission, the Ministry of labour & Employment issued a revised order on 'Central Sector Scheme for Rehabilitation of Bonded Labour', 2016.



a) Regional Workshop on Elimination of Bonded Labour System

- i. The Commission organized the following workshop in the current period

S.No.	District/State	Date of Workshop
1	Chandigarh, Punjab (Regional Workshop) Other participating States of Haryana, Himachal Pradesh, J&K and UT of Chandigarh	05.04.2018
2	Kolkata, West Bengal	20.07.2018
3	Shillong, Meghalaya	08.02.2019

- ii. These workshops will help in establishing conceptual and definitional clarity and also clarity about strategy and methodology of identification, release and rehabilitation of bonded labourers. The workshop would help in exchange of ideas and experiences amongst the participants on the issues related to bonded labour, child labour, migration and human trafficking. It is observed that modern forms of bonded labour like employment in mines, road constructions, constructions of malls/multi story buildings and agriculture forms may increase in the times to come. Hence, we need to take pro active measures to sensitize all the stakeholders and awareness about this menace prevailing in our society.

b) Half Yearly Reports on Bonded Labour

- i. The National Human Rights Commission (NHRC) has been overseeing the implementation of the Bonded Labour System (Abolition) Act, 1976 in different parts of the country in pursuance of the directions of the Supreme Court dated 11.11.1997 in Writ Petition (Civil No 3922/1985). The Apex Court in its judgment in said Writ Petition dated 15 October, 2012 had given further directions to all States/UTs with regard to monitoring and survey of bonded labour.
- ii. As per the Judgment of Supreme Court dated 5 May, 2014, all the States/UTs are required to submit half yearly feedback on identification, release and rehabilitation of bonded labourers in the prescribed form. Accordingly the Commission vide its letter dated 9 November, 2011 had directed all the States/UTs to submit the Half Yearly Reports.
- iii. During the period under review, Seventeen States/UTs viz. Arunachal Pradesh, Bihar, Gujarat, Haryana, Madhya Pradesh, Meghalaya, Odisha, Punjab, Haveli, Rajasthan, Tripura, Uttarakhand, Andaman & Nicobar, Chandigarh, Dadra & Nagar, Telangana, Karnataka and Daman & Diu have submitted the requisite information to the Commission. Lastly, the Half Yearly Reports from the rest of the States/UTs are awaited.

B. Meeting of Core Group on Bonded Labour

- i. A meeting of the Core Group on Bonded Labour, chaired by Justice Shri D. Murugesan, Hon'ble Member, NHRC was held on 29.05.2018 in the Commission.
- ii. The objective of the Meeting was to discuss the issues on Bonded Labour Comments viz. comments given by Commission on



- a. Bonded Labour System (Abolition) Act, 1976,
 - b. Bonded Labour System (Abolition) Rules, 1976 and the revised scheme on rehabilitation of Bonded Labour.
- iii. The following agenda points were discussed in the meeting:
1. Generating awareness with respect to Bonded and Child Labour
 2. Prosecution/Convictions under Bonded and Child labour law
 3. Effective functioning of Vigilance Committees
 4. Legal Loopholes
 5. Measures for rehabilitation of Bonded and Child Labour

C. Research Initiatives

- i. The Commission has been engaged in administering various socially impactful and relevant researches pertaining to Bonded Labour, Child Labour, Criminal Justice System, Rights of Minorities and Terrorism. In this regard, the Division calls for research proposals from credible candidates/institutions and scrutinize them. This is a continuous process carried out every year by the Division and the shortlisted deserving studies are finally considered by the Commission.
- ii. The following are the ongoing research topics:
 - (1) The Commission approved research proposal titled '**An Empirical Study on the Status of Undertrial Prisoners in Gujarat Central Jails**' by Prof. (Dr.) Purvi Pokhariyal, Director, Institute of Law, Nirma University, Ahmedabad, Gujarat on 14.09.2018. The duration to complete the research project is nine months with a financial assistant of Rs. 1,15,000/-.
 - i. **The area/ coverage of study:** For major Gujarat Jails: Sabarmati Central Jail, Vadodara Central jail, Rajkot Central jail & Lahore Central Jail (Surat).
 - ii. **Purpose of study:** To conduct an empirical research study on the status of undertrial prisoners in the prisons with focus on their health, growing number of suicides and overstay/lingering on in the prisons for longer duration even after expiry of sentence terms.
 - iii. **Objective and scope of study:**
 1. To collect empirical evidences on the implementation of NHRC guidelines on prevention of suicides in prisons.
 2. To collect evidence on the implementation of the Model Prison Manual and Gujarat State Prison Manual guidelines on living conditions, health and hygiene in the four major prisons of Gujarat.
 - (2) The Commission approved research proposal titled '**Status of the Manual Scavenging and Sewerage Water Workers in the Hyderabad Karnataka Region – Policy and**



Practice' by Dr. Mohan Das K., Associate Professor, Department of Studies in Political Science, Vijayanagar Sri Krishnadevaraya University, Ballari, Karnataka on 11.10.2018. The duration to complete the research project is six months with a financial assistant of Rs. 4,00,000/-.

i. **Scope of the study:** To observe the various forms of the manual scavenging practices, the socio-economic conditions of the manual scavengers and the discrimination and exploitation in the society. The study will look into the laws, the Government machinery and organization working for abolition of manual scavenging in a human rights perspective. The study would help the research institutes, academicians, the social action groups, the government departments to understand the existing manual scavenging practices and its dimensions and to take effective measures for total eradication of the practice.

ii. **Objective of the Study:**

1. To know the socio-economic status of manual scavengers in HK regions from a human rights perspective.
2. To understand the various laws and policy legislations to eradicate the inhuman practice.
3. To assess the nature and magnitude of the problem of manual scavengers in the study area.
4. To assess the family livelihood condition including financial and non-financial part of manual scavengers.
5. To trace the impact of socio-economic condition of manual scavengers at work.
6. To attain the expected social relations and health hazards.
7. To access their social status and professional recognition.
8. To suggest policy measures for removal of social disorder of t scavengers in the HK Regions.

(3) The Commission approved research proposal titled '**From Cell to Society: A Study on the re-integration of Released Prisons in Kerala and Tamil Nadu**' by Dr. R. Santhosh, Asst. Professor (Sociology), Dept. of Humanities and Social Sciences, IIT Madras, Chennai on 14.09.2018. The duration to complete the research project is nine months with the financial assistant of Rs. 11,23,375/- only.

i. **Purpose of the study:**

1. To examine the psychological factors affecting the released prisoners.
2. To look into the complex process of social integration in which a number of components like familial relations, role of community dealing with social stigma and discrimination and so on.



3. To understand the questions related to livelihood issues and economic independence.
4. To reflect on the efficacy of various schemes & programmes in the prison as well as on the wider social factors including social stigma, livelihood issues, familial conditions etc.
- ii. **Aim:** To explore the theme of social integration of released prisoners from central prisons of Kerala and Tamil Nadu.
- iii. **Objectives and scope**
 1. To examine & evaluate the role of various welfare & skill enhancement programmes in the prisons in facilitating successful integration of released prisoners into the study.
 2. To examine the challenges faced by released prisoners in integrating with the wider society in terms of psychological, social, economic familial hardships & the strategies they adopted to overcome this.
 3. To identify the supporting mechanism-facilitated by both state as well as civil society organizations that enable released prisoners to integrate well with the society.
 4. To examine the incidences & contributing factors for recidivism among the released prisoners.
 5. To make policy suggestions to facilitated better social integration of released prisoners.
- (4) The Commission has approved a pilot study on '**Undertrial Prisoners for the State of Uttar Pradesh**' to Centre for Equity Studies (CES).
 - i. The main objectives of the study is to establish their social demographic profiles including age, gender, religion, social category, domicile and education and also to know what offence have the undertrial been charged with.
 - ii. The final report submitted by the CES was considered by the Commission on 03.03.2017 and directed "the Secretariat is to examine and list out the recommendations which are practical, feasible and tenable. They will also be listed as per the authority to which it is to be sent i.e. the State Govt., State police, Judiciary and Prison Department. The same is under consideration by the Commission.
- (5) The Commission approved a long term research project submitted by Registrar, Annamalai University, Tamil Nadu entitled '**Atrocities against Dalits: An Empirical Study on the Performance of Special Courts in Tamil Nadu**'. The objectives of the study are:
 1. To find out the reason for the increasing atrocities against scheduled castes in Tamil Nadu.



2. To study the reason for delay in filing the FIR.
3. To find out the average time taken by the Courts to finalize cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. To explore whether after establishment of Exclusive Special Courts in Tamil Nadu, any change is noticed with regard to quick finalization of cases.
5. To examine how many hearings are generally held to dispose of cases under the Courts.
6. To analyze the percentage and reasons of convictions/acquittals under the Scheduled Cases and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
7. The final report has been received and examined. The Commission directed the University to make the presentation on the study report. The outcome of the study report after presentation is still awaited.

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

1. Non-registering FIR by the police the provisions of SC/ST Act regarding murder of one Roshan Lal of scheduled caste by the accused belonging to upper caste

(Case No.14800/24/60/2014)

- i. The complainant Smt. Jag Dei W/o Late Roshan Lal alleged non registration of FIR by the police including provisions of the SC/ST Act in the case of murder of her husband by one Rajender Khatri S/o Sheru Khatri who belongs to upper caste. She sought intervention of the Commission.
- ii. The Commission took cognizance and obtained report from Superintendent of Police, Pilibhit. The report revealed that on 23.2.2014, one unknown person inflicted injuries to Roshan Lal, aged about 80 years by means of brick. While he was being shifted to hospital, he died. Consequently, on the complaint of Pramod Kumar son of Shravan Kumar, a case at crime No.237/2014 u/s 304 IPC was registered at PS Jahanabad. The name of the unknown person was Rajender Khatri son of Singh Bahadur, resident of Village Kherighat Bela Dandi, District Kanchanpur, Nepal. The case was investigated and charge-sheet was submitted to court on 6.3.2014. Now, the case is pending before the court. According to SP Pilibhit, since the I.O. had no knowledge about the caste of the accused and that of Roshan Lal, the provisions of SC/ST Act were not included.
- iii. The Commission considered the report on 12.05.2015 and observed that it is surprising that deceased Roshan Lal and his family members were associated during investigation and the accused was arrested on the spot by the public and police. Even then, the investigation officer could not find out the caste of the accused and



the deceased Roshan Lal and he could not include the provisions of the SC/ST Act in crime No.237/2014 u/s 304 IPC.

- iv. The Commission thus directed the SP, Pilibhit, UP to appear before the Commission on 17.07.2015 at 11:00 A.M. at Manav Adhikar Bhavan, C-Block, INA, New Delhi-110023 along with the explanation of the investigating officer as under what circumstances the provisions of the SC/ST Act could not be included at the time of submitting charge-sheet in the court.
- v. Pursuant to Commission's directions, SP, Pilibhit, UP vide communication dated 16.07.2015 forwarded a report from Additional SP, Pilibhit. It was stated therein that Smt. Jagdei had lodged a report at PS Jahanabad about the murder of her husband by a Nepali person Rajender Khatri. Consequently, a case at crime No.237/2014 u/s 304 IPC was registered at the PS Jahanabad. Initially, it was not known that deceased belong to scheduled caste, thus provisions of the SC/ST Act, 1989 were not included. Thereafter, when this fact came to the knowledge of the investigating officer, an additional charge-sheet was submitted u/s 3(2)(5) of SC & ST Act, 1989 and a proposal has been sent to District Social Welfare Officer, Pilibhit for providing financial assistance of Rs.1,87,500/- to the next of kin of deceased.
- vi. The Commission considered the report on 20.07.2015 and directed the SP, Pilibhit to submit details of proof of payment of the relief to the next-of-kin of the deceased which should be received in the Commission within six weeks. Pursuant to the issuance of summons issued for personal appearance Additional SP, Pilibhit filed the report dated 09.10.2018 along the statement of accounts of Smt. Jagdei was received that payment of Rs. 1,87,500/- has been paid to her on 24.02.2016. As the monetary compensation of Rs. 1,87,500/- has been paid to Smt. Jagdei wife of deceased Roshan Lal, the Commission on 31.12.2018 observed that no further intervention is required and closed the case.

2. **Threats to disposses from the land allotted to one Shri Buddha of village Bela Bathiya Ahiri District Magistrate, Satna, M.P. who belongs to scheduled caste.**

(Case No.1738/12/38/2014)

- i. The complainant Shri Buddha S/o Late Shri Teja, resident of village Bela Bathiya Ahiri Tola alleged that one acre of land comprised in khasra No. 49/1T in village Bela, Tehsil, Raghurajnagar, District Satna was allotted to him in the year 1972-73 because he had been a landless labourer of scheduled caste. The allotment letter was given to him in the year 1991 and the land was demarcated in the year 1993. The allotment was cancelled later on the ground that the land was situated within the limits of Nagar Nigam. The allotment was however restored by Minister of State, Revenue, vide order dated 10.06.2013. The complainant alleged that one Yaduvir Singh executed a power of attorney in favour of his son Rajinder Singh and on the basis of said



power of attorney Rajinder Singh filed a suit in the Court of Tehsildar Raghurajnagar praying for eviction of the complainant from his land. The complainant alleged further that the Tehsildar in collusion with Rajinder Singh, who belongs to upper caste, has threatening to disposses him and issued warrants of arrest against him.

- ii. The Commission taking cognizance on the matter obtained a report from the concerned authorities. The Commission considered the matter on 20.10.2016 when it was observed that the Minister of State for Revenue, Government of Madhya Pradesh, after holding Court, in his order dated 08.10.2013, has directed that the villager, who is in possession of land for the last 42 years and created the barron land into a cultivable land, cannot be dispossessed from the land and has set aside the order passed by the District Magistrate, Satna dated 18.07.2006 and order of the Additional Commissioner, Reeva dated 30.10.2008.
- iii. The Commission, therefore, directed the District Magistrate, Satna to hear the petitioner Buddha and opposite party Yaduveer Singh and thereafter, taking a practical viewed, pass a speaking order and submit a copy of the decision taken by him to the Commission within four weeks. The Commission further directed the District Magistrate, Satna that while conducting enquiry he should also look after the issue of detention of Buddha Harijan in the Civil Prison by the Revenue Authorities and submit his report as on what basis, victim Buddha Harijan was sent to Civil Prison for 15 days. He should also initiate departmental action against the then Tehsildar, who had passed the detention order against victim Buddha Harijan, and thereafter, submit action taken report within four weeks.
- iv. Pursuant to the directions of the Commission, District Collector, Satna, submitted a report dated 24.12.2016 along with an Order in Case No. 28/A74/2016-17 dated 20.12.2016 in the matter of Buddha s/o Teja Chamar v/s Yaduveer Singh s/o Anirudh Singh. The report revealed that the victim Buddha Chamar s/o Teja Chamar is allowed to be in possession of the land allotted to him i.e. Khasra No. 49/1T as per demarcation in the year 1993. The Order further stated that the then Tehsildar, Raghurajnagar, who dispossessed Buddha s/o Teja Chamar vide his order in Case No. 33/A70/2012-13 as per demarcation order dated 19.2.2013 did not adhered to the standard procedures. Yaduveer Singh, the opponent who is a Sarhadi Kashtkaar and was so in 1993 also remains present during the demarcation in the year 2013. Therefore, he got demarcation of the land in 2013 and Buddha s/o Teja Chamar was found to be in illegal possession of the piece of the land Rakba 0.98. The Order further states that demarcation of his land after 23 years by the opponent Yaduveer Singh in itself is suspicious. The then Tehsildar, Raghurajnagar had not given intimation as to demarcation to Buddha s/o Teja Chamar, as per law. As it was clear that the proceeding dated 19.2.2013 regarding demarcation of the land, service of processes of Buddha s/o Teja Chamar were recorded by the Tehsildar Shri Manoj Shrivastava,



the then Tehsildar, Raghurajnagar who had not kept in mind the above points while initiating any action against Buddha Chamar s/o Teja Chamar. The report further stated that he had submitted that the Tehsildar submitted before the Court that he acted as per Section 25 of MP Land Revenue Rules and had given ample opportunity to the Buddha Chamar s/o Teja Chamar. Buddha s/o Teja Chamar was sent to jail after two years of his decision. The District Collector has also stated that the Collector was not the appropriate authority to take action against Tehsildar and it is to be taken by the State Government.

- v. The Commission perused the record on 16.07.2018 and observed that the victim Buddha s/o Teja Chamar had been given possession of his land in question by the order of the District Collector, Satna. The District Collector, Satna also found the conduct of Shri Manoj Shrivastava, the then Tehsildar, Raghurajnagar, guilty of not adhering to the standard procedures and acted in arbitrary and illegal manner to dispossess the victim Buddha s/o Teja Chamar from his lawful possession of land. And he was also guilty of not giving appropriate opportunity to the victim to present his case.
- vi. The Commission, therefore, directed Chief Secretary, Govt. of MP to initiate departmental proceedings against Shri Manoj Shrivastava, the then Tehsildar, Raghurajnagar, Satna and submit a report within 8 weeks.
- vii. The Commission further observed that the then Tehsildar, Manoj Shrivastava, Raghurajnagar, Satna was found guilty of not adhering to the standard procedure and rules and also he had not given appropriate opportunity to the victim Buddha s/o Teja Chamar to present his case. It was evident from the records of the revenue department that the conduct of opponent of Buddha was suspicious because he had requested for demarcation of his land after 23 years of his demarcation in 1993. Shri Manoj Shrivastava, the then Tehsildar ignored these facts while sending victim Buddha s/o Teja Chamar to jail for 15 days. Therefore, the right to life and liberty of the victim Buddha s/o Teja Chamar was violated by the then Tehsildar, Raghurajnagar, Satna, MP and he has violated the human rights of the victim.
- viii. The Commission, therefore, directed to issue notice to the Chief Secretary, Govt. of MP, calling upon him to show cause as to why monetary compensation of Rs. 2,00,000/- (Rupees Two Lakhs only) should not be recommended u/s 18 (a)(i) of the Protection of Human Rights Act, 1993, to be paid to the victim Buddha s/o Teja Chamar for violation of his human rights. Response within 8 weeks is awaited.
- ix. The Commission further considered the matter on 27.01.2019 and observed that no reply to the show cause notice was received. The land of the victim Buddha s/o Teja Chamar was illegally demarcated in the name of opponent in connivance with the Revenue Officials of the Govt. of MP. The Commission vide its proceedings dated



16.07.2018 has categorically pointed out that the then Tehsildar Manoj Shrivastava of Raghurajnagar, Satna, MP, who was found guilty for not adhering to the standard legal procedures and rules, and also for not giving appropriate opportunity to the victim Buddha Chamar to present his case, due to his connivance with the opponents of Buddha Chamar. The victim Buddha Chamar was also sent to jail for 15 days and therefore the right to life and liberty of the victim Buddha Chamar was violated by the public servant and the public servant has violated the human rights of the victim.

- x. The Commission, therefore, recommended the Chief Secretary, Government of Madhya Pradesh u/s 18(a)(i) of the Protection of Human Rights Act, 1993 to pay a sum of Rs. 2,00,000/- (Rupees Two Lakh only) to the victim Buddha Chamar s/o Tej Chamar for violation of his human rights and to submit the compliance report alongwith proof of payment within six weeks. Chief Secretary, Govt. of MP, was also asked to submit the progress of Departmental proceedings against Manoj Srivastava, the then Tehsildar of Raghurajnagar, Satna, MP, within 6 weeks failing which the Commission shall be constrained to invoke its powers u/s 13 of the PHR Act, 1993.

3. **Brutal torture of the complainant's father and brother, belonging to scheduled caste, by the police of Azamgarh, U.P. at the instance of the opponents who were grabbing his land.**

(Case No. 24830/24/6/2016)

- i. The complainant Raj Kumar S/o Gudri Ram has alleged brutal torture of his father and brother by the police in police custody under the influence of the opponents on making a complaint regarding grabbing his land by the opponents and on raising objection abusing him by the name of his caste. The complainant has sought intervention of the Commission.
- ii. The Commission took cognizance in the matter and obtained a report from the ASP, Ratal, Azamgarh, UP. The report revealed that the complainant and the opponents are having a dispute over the possession of land and there was incident of attack on each other on 08.08.2015. In this regard the complainant has got registered a FIR No.49/15 u/s 147/323/504/506 & 452 of the IPC and u/s 3(1)10 of the SC/ST Act against the accused persons namely Ashok Yadav, Dharmendra Yadav, Jitendra Yadav, Ramsunder Yadav, Lozari Yadav, Shatender Yadav and Ramsunder Yadav etc. in PS Mehnazpur on 18.08.2015. During the investigation the allegations u/s 147 & 452 could not be substantiated and the allegations against the accused Dharmendra Yadav, Satendra Yadav and Ramsundver Yadav also could not be substantiated. The challan was filed vide challan No. 31/15 dated 12.09.2015.
- iii. The opponent Shri Ashok Yadav had also got registered an FIR No. 50/15 on 18.08.2015 against the accused persons Shri Raj Kumar Ram, Rajesh Ram, Praveen, Dinesh, Savita, Monika and Saroja u/s 147/323/504/506/452 of the IPC in PS Mehnazpur. The allegations



of offences u/s 452 could not be substantiated and the allegations against the accused Dinesh & Saroja also could not be substantiated. The challan has been filed vide No. 35/15 dated 02.10.2015. The preventive action u/s 151 CrPC has also been taken against both the parties to maintain peace. The other allegations could not be substantiated.

- iv. The Commission on consideration of the matter on 02.04.2018 observed that both the parties had got registered cases against each other and after investigation challan filed in both the cases and preventive action has already been taken against both the parties. The Commission also further observed that the report is silent whether any monetary relief was granted in this case to the victim in this case FIR No. 49/15 u/s 147/323/504/506 & 452 of the IPC and u/s 3(1) 10 of the SC/ST (POA) Act.
- v. The Commission, therefore, directed the District Magistrate (DM), Azamgarh, to file a report whether any monetary relief was granted in this case to the victims under the provision of SC/ST (POA) Act, within six weeks.
- vi. In compliance of the directions of the Commission, the Superintendent of Police, Azamgarh, UP submitted a report dated 22.6.2018. The report revealed that an amount of Rs.15,000/- each had been paid by way of e-payment to the three victims namely Raj Kumar, Savita and Rajesh on 6.5.2018. Proof of payment has also been enclosed.
- vii. Since the monetary compensation had been paid to the three victims, the Commission closed the case on 17.08.2018.

4. **Inaction by police in the matter of torture and humiliation in the name of caste, of one Smt. Nav Raji Devi, belonging to scheduled caste by the opponent who wants to grab her land.**

(Case No.19861/24/4/2013)

- i. The complainant Smt. Nav Raji Devi W/o Shobha Nath Chamar has alleged that Gulab Chand Tiwari S/o Tribhuvan Nath Tiwari attempted to grab her land. He used to torture her and also called on her by caste based name. When she contacted the police also demanded bribe. She sought intervention of the Commission.
- ii. The Commission took cognizance in the matter and obtained a report from SSP, Allahabad, UP along with the report of Circle Officer, Meza, Allahabad who after enquiry concluded that Sh. Shobha Nath husband of the complainant stated that his wife has not moved any application. Someone else might have sent the application to the Commission. The complaint did not want any action over her application.
- iii. Copy of the report was sent to the complainant Smt. Nav Raji Devi who on 10.12.2013 reiterated the allegations and requested action against the culprits.
- iv. The Commission on 19.09.2014 directed DIG, Allahabad Range to order registration of FIR on the complaint submitted by Smt. Nav Raji Devi and also on the comments submitted by Nav Raji Devi on 10.12.2013. After registration of FIR the case be investigated by a



gazetted officer other than of District Allahabad. Outcome of investigation be submitted to the Commission within six weeks.

- v. Pursuant to the directions of the Commission, DIG, Allahabad forwarded a report submitted by the of Circle Officer, Manjhanpur, Kaushambi in which it was mentioned that on the direction of the Commission, a case at crime No.223/2014 u/s 452/447/294 IPC and u/s 3(1) (10) SC & ST (POA) Act, 1989 was registered at PS Manda against Gulab Chand, Constable Om Parkash and Constable Jagdish Parsad. After investigation, charge-sheet was submitted to the court on 15.12.2014. The report was silent about the disbursement of compensation under Rule 12 (4) of the SC & ST (POA) Rules, 1995.
- vi. The Commission on 27.05.2015 directed the SP, Kaushambi, UP to inform the Commission as to whether any amount of compensation was provided to Smt. Navraji Devi wife of Shobha Nath under rule 12(4) of the SC & ST Rules, 1995. If yes, he should provide the details of disbursement of compensation which should be received in the Commission within six weeks.
- vii. Pursuant to the Commission's directions, IGP, Allahabad Zone, Allahabad vide letter dated 25.01.2018 which revealed that an amount of Rs.15,000/- towards 25% of the total amount of entitlement i.e. Rs.60,000/- u/s 12(4) of SC&ST Rules, 1995, has been paid to the complainant on 8.10.2015. Proof of payment has also been enclosed. The Divisional Commissioner, Allahabad has also submitted a report dated 20.3.2018 which reveals that the complainant has already been paid an amount of Rs.15,000/- towards 25% of the total amount of Rs.60,000/-, on 8/10/2015 and the complainant has also given written statement that she has no complaint against police or Social Welfare Department nor she has given any complaint regarding delay in payment of compensation.
- viii. The Commission considered the report dated 25.10.2018 and observed that the monetary compensation under SC/ST Act has been paid to the complainant victim and the Commission is not inclined to proceed further in the matter. Hence, the case is closed.



CHAPTER 10

Rights of Women, Children and LGBTI

- 10.1 NHRC-India is committed to the protection of human rights of women and children due to their vulnerability and therefore gives more importance in both the thematic areas. In India, as elsewhere, women and children confront manifold violations of their human rights and are often discriminated against despite the fact that the Constitution of India provides for their survival, development, protection, participation and empowerment. India is also a party to the international conventions which explicitly addresses the issues pertaining to human rights of women and children. The conventions were framed to ensure equality in the field of civil and political rights as well as economic, social and cultural rights.
- 10.2 The key international agreement on women's human rights is the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) that has 189 UN Member States as Parties. CEDAW encompasses a global consensus on the changes that need to take place in order to realize women's human rights. Likewise, the key international agreement on children's human rights is the 1989 Convention on the Rights of the Child (CRC). The CEDAW was ratified by the Government of India in 1993, whereas the CRC was ratified in 1992. Having ratified the CRC and the CEDAW, its provisions are reflected in numerous policies, laws, schemes and programmes that are being implemented for children and women by the Government of India.
- 10.3 However, the intergenerational cycle of multiple deprivation and violence faced by girls and women is amply clear by the adverse child sex ratio in children under 6 years of age. Hence it is important to work in the direction so as to provide protective and safe environment for women and children, including those from the most deprived socio-religious communities.
- 10.4 In order to facilitate adequate coverage on current focus areas/issues, the Commission divided the existing NHRC Core Group of Trafficking, Women and Children into two separate Core Groups one on Women and other on Children. Further, a Core Group on LGBTI was also created. The paragraphs given below highlight some of the important activities undertaken by the Policy Research, Projects and Programmes Division, in short, Research Division of NHRC, on rights of women, children and LGBTI.

A. Core Group on Women



Core Group meeting on Women being held in the Commission on 02 November, 2018

The first meeting of the reconstituted Core Group on Women was held in the Commission on 02 November, 2018 under the chairmanship of Hon'ble Member, Smt. Jyotika Kalra. It was co-chaired by Shri.Ambuj Sharma, Secretary General, NHRC and attended by Senior Officers Shri Dilip Kumar, Joint Secretary (T&R), NHRC, Smt. Chhaya Sharma, DIG (Investigation), NHRC, Smt. Anuradha S. Chagti, Joint Secretary, Ministry of Women and Child Development, Smt. Shipra Roy, Deputy Secretary, Ministry of Women and Child Development, other members of the Core Group on Women and Special Invitees. The Core Group discussed the issues relating to the rights of women, enabling women for decision making roles, sexual and reproductive health rights of women, surrogacy, child sex ratio and the status of implementation of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013'. The meeting provided a platform for the Core Group Members to review the existing government policies, laws, rules, orders, etc, relating to women from the perspective of human rights and make suggestions/ recommendations for changes or for their better implementation in the light of the relevant provisions of the Protection of the Human Right Act, 1993.

Recommendations can be seen in Chapter-19 of this report



B. Interrogating Violence against Women from the Other Side: An Exploratory Study into the World of Perpetrators

- i. The study 'Interrogating Violence against Women from the other Side: An Exploratory Study into the World of Perpetrators' was initiated by NHRC in collaboration with Centre for Women's Development Studies (CWDS), New Delhi. The rationale of the research is to gain insight into the perceptions of male perpetrators accused of crimes against women and girls in Delhi in order to arrive at some inferences on the intersections between gender, violence, crime and social transformation with a particular focus on urban India.
- ii. The study has completed the collection of primary data by interviewing 43 Juvenile Offenders and 20 Convicted adult offenders of crimes against women of Tihar Jail. 15 Interviews with activists/academicians were also conducted. The final report is awaited for submission to the Commission.

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

- i. The final report of the project 'Country Assessment/National Inquiry on Human Rights in the Context of Sexual and Reproductive Health and Well-being' has been submitted to the NHRC. For the purpose of the national inquiry, the research study has been commissioned to two Delhi-based organizations namely, 'Partners for Law in Development' (PLD) and 'SAMA- Resource Group for Women and Health'.
- ii. The main objectives of the research study were to - cover the domestic/national laws, policies and existing gaps pertaining to the sexual and reproductive health rights as in accordance to international standards. Further, it explored the overlapping components of sexual rights and reproductive rights. The Research work was carried out in two stages – desk work and interactions with key experts working in the area covering North to South and West to East zone. The final report is available on the website of NHRC.

D. Legal Rights and Challenges of Surrogates from Mumbai and Delhi

- i. The National Human Rights Commission along with Council for Social Development (CSD), New Delhi initiated the above research project in March 2017. The study made an attempt to understand surrogacy practices in two Indian cities, i.e. the National Capital Region of Delhi and Mumbai, in particular, to explore the challenges faced by surrogate mothers. The objectives of the study were (i) To understand the impact of new law proposed on surrogacy practices in these two cities, (ii) To explore the challenges and difficulties in seeking justice by surrogate mothers due to violation of their rights; (iii) to develop best practices in the domain of surrogacy to minimize the exploitation involved in both commercial and altruist surrogacy.
- ii. The study adopted an empirical approach and includes in-depth interviews with semi-structured open-ended interview schedule along with the Focus Group Discussions (FGDs) among the surrogate mothers and their family members. The study also conducted structured interview



with IVF specialists and doctors, and used observation and unstructured interviews with IVF clinics staff and agents. The study provided recommendations to propose changes in law and policy concerning surrogacy. The final report is available on the website of NHRC.

E. Open House Discussion' on 'Rising Incidents of Sexual Violence against Children' at the Commission

An Open House Discussion' on 'Rising Incidents of Sexual Violence against Children' was held by the National Human Rights Commission on 15 May, 2018 which was chaired by Justice Shri H.L. Dattu, Chairperson, NHRC and was attended by Hon'ble members of NHRC, Justice Shri P.C. Ghosh, Justice Shri D. Murugesan, Smt. Jyotika Kalra, Shri Ambuj Sharma, former Secretary General, and other senior officials of NHRC and Ministry of Women and Child Development. The meeting was also attended by representatives from NCPCR, NCM, DCW, DCPCR, Police Officers, academia and civil society organizations/NGOs, etc.

The recommendations of the same can be seen in Chapter-19 of this report.

F. North West Regional Review Conference on Juvenile Justice (Care and Protection of Children) Act, 2015, the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Restorative Justice (Victim Compensation & Rehabilitation) a Panchkula (Haryana) on 18-19 June, 2018 at Kisan Bhawan, Panchkula

A North-West Regional Conference on 'Juvenile Justice (Care and Protection of Children) Act, 2015, the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Restorative Justice (Victim Compensation & Rehabilitation)' was organized by the National Human Rights Commission on 18-19 June, 2018 at Kisan Bhawan, Panchkula, in collaboration with the Department of Women & Child Development, Government of Haryana. It was held under the Chairmanship of Smt. Jyotika Kalra, Member, NHRC, with eight participating States/UTs, viz. Himachal Pradesh, Haryana, Punjab, Rajasthan, Uttar Pradesh, Uttarakhand, Chandigarh and Delhi was attended by the Government officials from Department of Women and Child, Development from these States, Chairpersons/members of Child Welfare Committees, Chairpersons/Members State Commission for Protection of Child Rights, police officers, legal experts, officers from Department of Judiciary, Resource Persons and representatives of around NGOs/CSOs/HR organizations and academic institutions.

Recommendations of the same can be seen in Chapter-19 of this report.

G. National Conference on Child Marriage

The National Human Rights Commission had organized a National Conference on Child Marriage in collaboration with South Asia Initiative to End Violence Against Children (SAIEVAC), on 29-30 August, 2018 at Indian Habitat Centre in New Delhi. It was held under the Chairmanship of Smt. Jyotika Kalra, Member, NHRC and, was attended by Shri Ambuj Sharma, Secretary General, NHRC, Dr. Rinchen Chopel, Director General, SAIEVAC, Shri. Dilip Kumar, Joint Secretary (T&R), NHRC, Ms. Chhaya Sharma, DIG (Investigation), NHRC, Mr. Sudhir Kumar, Special Rapporteur,

NHRC, ten participating States viz. Bihar, Gujarat, Haryana, Karnataka, Maharashtra, Madhya Pradesh, Odisha, Rajasthan, Uttar Pradesh and West Bengal, Member of NCPCR, Chairperson of Rajasthan SCPCR and Karnataka SCPCR, Senior Government Officials, legal experts, Resource Persons, academicians and representatives of NGOs/CSOs.

Recommendations of the same can be seen at Chapter-19 of this report.



National Conference on Child Marriage in collaboration with South Asia Initiative to End Violence Against Children (SAIEVAC) being organized on 29-30 August, 2018 at Indian Habitat Centre in New Delhi

H. Meeting on the occasion of “Universal Children’s Day”

The National Human Rights Commission organized “Universal Children’s Day” Celebrations on 20 November, 2018 in the Commission. The main theme of the function was a discussion on Child Rights and Sustainable Development Goals. The meeting held under the Chairmanship of Smt. Jyotika Kalra, Hon’ble Member, NHRC was attended by Senior Officers of the Commission, Shri Ambuj Sharma, Secretary General, Shri Gurbachan Singh, Director General (Investigation), Shri Surajit Dey, Registrar (Law), Shri. Dilip Kumar, Joint Secretary (T&R), Dr. Ranjit Singh, Joint Secretary (P & A), Ms. Chhaya Sharma, DIG (Investigation), Mr. Sudhir Kumar, Special Rapporteur and Dr. M.D.S Tyagi, Jt. Director (Research). The meeting was also attended by subjects experts namely Ms. Razia Ismail, (Convener, CSO Coalition), Ms. Bharti Ali, (Co- Director, HAQ), Prof. Anita Julka, (NCERT) and Mr. Amitabh Behar, (CEO, OXFAM India) and other members of the NHRC Core Group on Children.



I. Core Group on Children

A meeting of the Core Group on Children was held on 20 November, 2018 in the Conference Hall of the Commission under the chairmanship of Smt. Jyotika Kalra, Hon'ble Member, NHRC, and was attended by Shri Ambuj Sharma, Secretary General, NHRC, Shri Dilip Kumar, Joint Secretary (T&R). The list of participants Shri Sudhir Kumar, Special Rapporteur, Smt. Chhaya Sharma, DIG (Inv.) Dr. M.D.S. Tyagi, Joint Director (Research), the Core Group Members and Special Invitees is annexed (Annex-I). Shri Dilip Kumar, Joint Secretary (T&R), NHRC, welcomed all the members of the Core Group and the Special invitees and gave a brief description of the agenda of the meeting. Smt. Jyotika Kalra, Hon'ble Member, NHRC, highlighted that the Govt. run Child Care Institutions (CCIs) are often not utilised fully whereas privately run CCIs are overcrowded. Regarding the rehabilitation of trafficked children, she emphasised that the problem is more serious in case of rescued children who belong to neighbouring states.

Recommendations can be seen in Chapter-19 of this report

J. The Sub-Committee on UNCRC

The Sub-Committee on UNCRC constituted under the chairmanship of Hon'ble Member Jyotika Kalra, in the year 2017, to study and identify the gaps between the international convention (UNCRC) and relevant domestic legislations on Rights of the Child, has finalized its report. The Report is approved by the Commission and is sent to the concerned Ministry.

K. Core Group on LGBTI

The first meeting of the newly constituted Core Group on LGBTI was held in the Commission on 14 August, 2018 to discuss the issues pertaining to the human rights violations of LGBTI persons, the challenges faced by them and to have views & suggestions on the Transgender Persons (Protection of Rights) Bill, 2016, along with the Standing Committee and Expert Committee Report on the issue related to transgender persons. The meeting also provided a platform for the LGBTI people to present their grievances, views and suggestions on the gaps in the policies and to suggest policy interventions required to be taken for protection of their human rights and to promote the inclusion of persons of diverse groups relating to sexual orientation, gender identity, gender expression and sex characteristics. The meeting was chaired by Hon'ble Member, Smt. Jyotika Kalra, and co-chaired by Shri Ambuj Sharma, Secretary General, NHRC.

L. Illustrative Cases Relating to Rights of Women, Children and LGBTI dealt by NHRC

1. A 15 year old girl was raped by a police official at Athamalik, Angul, Odisha (Case No. 1795/18/16/2014-WC)

- i. The Commission received a complaint from Dr. Subash Mohapatra, Executive Director, Global Human Rights Commission, Puri, Odisha drawing the attention of the Commission towards an incident in which a 15 year old girl was raped by a police official at Athamalik, Angul, Odisha on 13.04.2014, while he trespassed her house and committed the act. He has also threatened her with dire consequences.



- ii. Pursuant to the directions of the Commission, a report was received from the Superintendent of Police, Angul, Odisha stating that P.S. Case No. 29/2014, u/s 376(2)(i) IPC read with section 4 POCSO Act, P.S. Thakurgarh was registered against the AD-580 Duryodhan Kissan and the accused had been acquitted by the Trial Court u/s 235 Cr.P.C. In this connection, Angul District proceeding No. 17/2014 was initiated against the accused official for his alleged involvement in the aforesaid incident. Forfeiture of his increment for the period of 18 months with cumulative effect carrying the value of 3 black marks which is highest paper punishment, was awarded. The period for suspension from 14.04.2014 to 19.06.2014 (i.e. 66 days) has been treated as such.
- iii. The Commission considered the matter and further observed that as per the report there is an admitted lapse on the part of the erring official. The said official was duly punished by his department and therefore considers this case to be a fit case for award of compensation.
- iv. The Commission issued a notice u/s 18 (a)(i) of PHR Act, 1993 to the Chief Secretary, Govt. of Odisha directing him to show-cause within four weeks as to why the Commission should not recommend payment of compensation of Rs.3,00,000/- to the victim, whose human rights had been infringed due to lackadaisical behaviour of police personnel. The State Government is at liberty to recover the amount from the erring public servant.
- v. The reply was awaited.

2. **Rape of a 20 year old girl by police in Raipur, Chhattisgarh
(Case No.630/33/14/2017)**

- i. The Commission received a complaint from Shri Rajhans Bansal, a human rights activist, New Delhi alleging that one police personnel named Hiralal Nirmalkar of PCR Van raped a 20 year old girl in Raipur, Chhattisgarh, on 07.12.2017. He was helped by another police personnel named Tikaram Tarak. The police is also blackmailing the victim and asking for Rs. 50,000/- as bribe.
- ii. Pursuant to the directions of the Commission, a report was received from the Sr. Supdt. of Police, Raipur stating that a Case Crime No. 335/17 u/s 384/376(2)(A)/34 IPC and 3(1) (12) SC/ST Act was registered in the matter and the accused was arrested and a high level enquiry was carried out in the matter and disciplinary action was also initiated against both the guilty police personnel. The proposal for monetary relief has also been sent. Chargesheet had also been filed in the court.
- iii. The Commission observed that the two police personnel were found guilty of raping a 20 year old girl. It's a matter of concern that instead of providing protection to the girl, the two policemen violated her Right to Life and Right to Dignity. The State is vicariously liable to compensate the victim.
- iv. The Commission issued a notice u/s 18 (a)(i) of the PHR Act, 1993 to the Chief Secretary, Government of Chhattisgarh directing him to show cause within four weeks as to why the



Commission should not recommend payment of compensation of Rs.5,00,000/- to the victim girl whose human rights had been violated by two police personnel, who are the public servants.

- v. In response, the Deputy Secretary, Department of Home, Government of Chhattisgarh vide his letter dated 26.11.2018 forwarded report submitted by Addl. Superintendent of Police, Police Headquarters, Chhattisgarh. It is reported that the victim was entitled for compensation of Rs. four lakhs under the SC/ST(POA) Rules. She had been paid a compensation of Rs. three lakhs.
- vi. The Commission further observed that the compensation recommended by the Commission is independent of the compensation received by the victim under SC/ST(POA) Rules. The Commission has recommended the compensation of Rs. Five Lakhs u/s 18a(i) of the PHR Act, 1993 when the enquiry has disclosed violation of human rights of the victim by two police personnel, who are public servants.
- vii. The Commission, therefore, reiterated its recommendations and directed the Chief Secretary, Government of Chhattisgarh to pay a compensation of Rs. Five Lakhs to the victim, in addition to compensation of Rs. three lakh received by the victim under SC/ST(POA) Rules, and submit the Compliance Report along with proof of payment to the Commission within four weeks
- viii. The response is awaited.

3. **Gang Rape of a woman constable in Maoranipur, District Jhansi, Uttar Pradesh
(Case No. 41860/24/40/2015)**

- i. The Commission took cognizance of a media report dated 06.10.2015 according to which, a woman constable who had gone to Maoranipur, Jhansi for duty at the Jal Vihar Fair was gang raped by her two colleagues who got her in the car under false pretenses. She was admitted in a critical condition to District Hospital, Etawah. The report further mentioned that IG Kanpur, had suspended the two constables with regard to the same. Post registration of case, the victim was medically examined and the case was transferred to Jhansi.
- ii. The Commission vide its proceedings dated 20.10.2015 called for a factual report from the Senior Superintendent of Police, Jhansi.
- iii. Pursuant to the directions of the Commission, SSP, Jhansi informed that an inquiry into the incident was conducted wherein during the course of enquiry, victim Lady Constable submitted an application to IG, Kanpur Zone stating that she had gone for official duty from District Etawah at Jal Vihar Mela District Mauranipur along with Lady Constable Mithilesh Kumari and other Lady Constables. After the duty, she met Constables Ajay Yadav and Raja Bhaiya along with another person who offered them lift in their car up-to Police Lines, Jhansi and enroute the car was taken towards jungle where she was raped



by Const. Ajay Yadav, Raja Bhaiya and the driver of the car. She was threatened against the disclosure of the crime. On the basis of the information, a case was registered at Women Police Station Saifai, District Etawah against the two Constables and the unidentified driver on 04.10.2015 and after medical examination, the case was registered u/s 376D/506 IPC at P.S. Mauranipur. The report also revealed that the accused Constable Ajay Yadav was suspended from service and the other Constable Raja Bhaiya was posted in District Auraiya.

- iv. SSP, Jhansi vide communication dated 02.08.2016 informed the Commission that on preliminary investigation of the case, it was found that on the basis of location CDR and eye witnesses statements, no evidence was found which could indicate that any crime was committed upon the complainant. Therefore, a final report for cancellation of FIR was submitted which was stated to be pending before the court.
- v. Upon consideration of the above report, the Commission directed SSP, Jhansi to inform the Commission whether medical examination was conducted on the victim Lady Constable and also to furnish the entire record of the case file containing the statements of the witnesses, statement recorded u/s 164 Cr.P.C. of the victim, etc. and also a copy of the final report dated 12.04.2016 filed in the court.
- vi. Pursuant to the directions of the Commission, SSP, Jhansi, sent a report copy and informed the Commission that the victim Lady Constable was medically examined in District Ambedkar Joint Hospital (Female), Etawah and her statement duly recorded under S 164 CrPC. Reference was also made to the record of statement of witnesses u/s 161 Cr.P.C.
- vii. The Commission considered the matter on 21.08.2017 when it observed and directed as under :-
 - It is apparent from the record that no proper medical examination of the victim was carried out. The medical examination after about a week of the incident on 28.9.2015 was perfunctory and no report on physical/medical examination has been submitted.
 - She has adequately narrated the manner of sexual assault on her as well as the unnatural offence committed on her U/S164 CrPC.
 - No effort appears to have been made to trace the driver.
 - Other policemen who were on duty on the fateful day have not been examined
 - The shoddy investigation, coupled with the failure to seize and examine the clothes worn by the victim on the fateful day, aggravated the human rights violation of the victim. The statement of witnesses recorded by the police u/s 161 Cr.P.C. cannot be given much credence since the witnesses did not at all witness the incident. For this violation of the human rights, the State is vicariously liable.



- The Commission Issued notice u/s 18 of the Protection of Human Rights, 1993 to the Govt. of Uttar Pradesh requiring it to show cause as to why to an amount of Rs. Five Lakhs be not recommended to be paid to the victim as monetary compensation for violation of her human rights. Chief Secretary, Govt. of Uttar Pradesh shall respond to the show cause notice within six weeks.
 - viii. Despite reminder dated 13.4.2018, reply to the Commission's show cause notice, no response was received from the State Govt.
 - ix. Under these circumstance, the Commission presumed that the State Government had nothing to say against the show cause notice and therefore, vide its proceedings dated 28.05.2018 recommended to the Govt. of Uttar Pradesh to pay a sum of Rs. Five Lakhs as monetary compensation to the victim lady Constable. Chief Secretary, Govt. of Uttar Pradesh was asked to submit the compliance report along with proof of payment within six weeks. Report dated 20.06.2018, received from SSP, Jhansi is under consideration.
4. **Ms. Roshan Jahan of Varanasi, U.P. harassed and physically assaulted by her neighbours by branding her a witch. (Case No. 34940/24/72/2013)**
- i. The Commission received a complaint from one Sageer of an NGO alleging that a woman Ms. Roshan Jahan in Varanasi was being harassed and physically assaulted by the persons of her neighbourhood by branding her a witch. A prayer was made for intervention by the Commission in the matter. While considering the matter, the Commission directed to call for status of NCR No. 100/2013 along with medical examination report of the victim within four weeks.
 - ii. In response, the Supdt. of Police, Rural Varanasi, UP submitted that the case vide NCR No. 100/2013, PS Lohta, u/s 323, 504, 506 IPC, dated 22.09.2013 was still pending with investigation. Accused Kallu had also been prosecuted u/s 151 Cr.P.C. Copy of the medical examination report of the victim was also forwarded.
 - iii. The Commission further considered the matter when it observed and directed as under:
"Perusal of the papers placed in the files reveals that the victim was got medically examined at 1500 Hrs on 22.09.2013 by the police of PS Lohta. Two external injuries on arms of the victim besides pain all over whole body, neck and muscles of jaw have also been recorded. The medical officer had referred the victim to SSPG Hospital for X-Ray of chest and for other tests for internal examination. The reports of these examinations was not forwarded. It is not known whether the victim was further got medically examined or not. The facts and circumstances of the case indicate that in the light of allegations made, the police has rather diluted the case. The fact remains that despite lapse of considerable time, investigation in the case has not been concluded. In these circumstances, the Dy. Inspector General of Police, Varanasi Range is asked to get the matter enquired in to by an officer of his choice other than from district Varanasi and submit the report within six weeks."



- iv. In response, the Deputy Inspector General of Police, Varanasi Range, submitted that the matter was enquired into by the Addl. Supdt. of Police, Chandauli, UP. It was stated that upon completion of investigation in NCR No. 100/2013, PS Lohta u/s 323/504/506 IPC dated 22.09.2013 chargesheet was also filed in court on 26.09.2015. It was also found that the Investigating Officer did not get the victim medically examined in accordance with law, no further legal action was taken, superficial enquiry was conducted and a mere formality under section 151,107,116 CrPC was carried out against the offenders. Sub-Inspector Shyam Bihari was thus found blameworthy of police inaction and the DIG, Varanasi Range had directed the SSP, Varanasi for enquiry and punitive action against the delinquent police officer.
- v. The Commission further considered the matter and observed that the allegations of police inaction were found true by the Range DIG. The Investigating Officer had not only diluted the case but also did not collect the evidence and has thus favoured the offenders. During the enquiry, the Investigating Officer was found guilty of violating human rights of the victim, the commission directed to issue a notice u/s18 of Protection of Human Rights, Act, 1993 to the Government of UP through its Chief Secretary to Show Cause within six weeks as to why an amount of Rs.50,000/- (Rupees Fifty Thousand only) may not be recommended to be paid to the victim. The Commission also issued a notice to the DGP, UP calling upon him to submit the details of departmental action taken against the delinquent police personnel within this period.
- vi. Pursuant to the directions of the Commission, the Special Secretary, UP Administration has forwarded a copy of a report of the SSP, by Varanasi alongwith forwarding letter which revealed that Sub-Inspector Shri Shyam Bihari, PS Lohta, Varanasi closed the case only after proceedings u/s 151/107/116 Cr.P.C. relating to the Lohta PS NCR No.100/2013 u/s 323/504/506 IPC and for not taking action according to law on the basis of record. He was found guilty for carelessness. He was awarded punishment of censure in departmental proceedings. There is no objection if the victim is paid interim relief.
- vii. The Commission recommended to pay Rs.50,000/- as compensation to the victim. However, no report was submitted to the effect that the said amount has been paid to the victim.
- viii. The Commission further considered the matter. The Chief Secretary, Govt of UP, is directed to submit compliance report regarding payment of Rs.50,000/- to the victim alongwith proof of payment within six weeks.
- ix. The Commission directed to issue a final reminder to the Chief Secretary, Govt. of UP, Lucknow to submit compliance report regarding payment of Rs.50,000/- to the victim and the proof of payment within six weeks positively.



5. **Sexual harassment at the workplace i.e. M/s Akbar Travels of India Pvt. Ltd., First Floor, Plot No. 17, Pusa Road, Karol Bagh, New Delhi.
(Case No.17/30/0/2017-WC)**

- i. This complaint pertains to delay in registration of FIR on the complaint of sexual harassment at the workplace i.e. M/s Akbar Travels of India Pvt. Ltd., First Floor, Plot No. 17, Pusa Road, Karol Bagh, New Delhi of the complainant.
- ii. The case was earlier disposed of with directions to the authority concerned to take appropriate action in the matter. The complainant further informed the Commission about the action taken in the matter. She did not get any communication from the Commissioner of Police, Police Headquarters, New Delhi. No FIR was registered. The Commission reopened the case and directed the Commissioner of Police, Police Headquarters, New Delhi directing him to send a report in the matter within eight weeks positively failing which the Commission shall be constrained to invoke coercive process u/s 13 of the Protection of Human Rights Act, 1993.
- iii. Since, the requisite report was not received by the Commission, directions were not given to issue conditional summons to the Commissioner of Police, Delhi to appear before the Commission on 27.12.17 at 11.00 AM. However, the requisite report be received on or before 20.12.17, the personal appearance of the Commissioner of Police, Delhi would stand dispensed with.
- iv. In response, the Commission has received a communication dated 18.12.17 from the Addl. Commissioner of Police, Vigilance, Delhi forwarding therewith a report dated 13.12.17 of the Addl. DCP, Central District New Delhi. It was requested to dispense with the personal appearance of the Commissioner of Police, Delhi. As per the report, the complainant had given a written complaint dated 06.10.16 against Vinod Manon, General Manager and Mr. Gagan Kakkar, Business Development Head of the company regarding sexual harassment at work place. However, SI Yogender Kumar filed the complaint on the grounds that the allegations were an afterthought with the intention to put pressure on the alleged persons and to take advantage in a case pending in a Labour Court. Thereafter, the Addl. DCP personally examined the complaint and FIR No. 263/17 dated 05.09.17 u/s 509 was registered at PS Karol Bagh, Delhi. For the lapses made in dealing with the complaint, Show Cause Notice for Censure has been issued to the Sub-Inspector Yogender Kumar and SI Suman. Explanation of Inspector Mukesh Tyagi has also been called for not getting registered the case on the complaint of the complainant dated 06.10.16. The complainant was personally heard by the Addl.DCP-I, Central District, Delhi and apprised of the action taken. She is satisfied with the police action.
- v. The Commission considered the material placed on record dated 26.12.2017. The personal appearance of the Commissioner of Police, Delhi was dispensed with as the requisite report had been received in time in the Commission. The police report mentions that

there was lapse on the part of the police officials for not registering FIR, for which Show Cause Notice has been issued to 2 Sub-Inspectors and explanation of one Inspector has been called. Human right of the complainant had been violated for which state was vicariously liable. In these circumstances, the Commission directs to issue Notice to the Chief Secretary, Govt. of NCT of Delhi to show cause within four weeks as to why the Commission should not recommend monetary compensation for Rs.25,000/- (Rupees Twenty five thousand only) to be paid to the complainant for violation of her human rights. DCP, Central District, New Delhi is directed to intimate why FIR u/s 166A has not been registered against the police personnel who failed to record the information given to him relating to cognizable offence punishable u/s 509 IPC and the present status of the FIR No. 263/17 PS Karol Bagh, New Delhi within four weeks.

- vi. A report dated 06.02.2018 has been received from the DCP, Central District and report dated 28.02.2018 has been received from the MHA, both are under consideration of the Commission.

6. **One minor girl lured away by the accused to Agra where she was forced to live as his wife and to have physical relations with his friends**

(Case No. 21532/24/1/2013-WC)

- i. Ms Vinika Karoli, State Coordinator of the NGO 'Quality Institutional Care and Alternative for Children', UP has sent a complaint stating that one minor girl Yashoda, who was living with her sister and brother-in-law, was lured away by one Goldy Upadhyay took her to Agra where he kept her as wife without a formal marriage. When Yashoda became pregnant, Goldy forced her to abort. He also used to pressurize Yashoda to have physical relations with his friends. Yashoda escaped from his clutches on 30.04.13 and she lost her way. The "Mahila Shanti Sena" got her admitted to Ram Lal Old-Age Home.
- ii. Pursuant to the directions of the Commission, the Addl. SP, Rural, Agra, was sent a report stating that Yashoda gave in writing that she had voluntarily married one Sh. Brahm Dutt and that she did not want any action against any one. A copy of the statement of Yashoda was annexed to the report of the Circle Officer.
- iii. The Commission considered the report and observed that the real question involved in this case is that Yashoda was sexually exploited by one Goldy Upadhyay when she was a minor, and the CWC, Agra, passed an order dated 16.05.2013 directing the Station Officer of police station Hariparvat, Agra to register a case under the provisions of Protection of Children from Sexual Offences Act, 2012. However, the police did not comply with this order. The report of the Addl. SP, Rural, does not answer this question. Hence, the SSP, Agra District, is once again directed to submit a proper report and give reasons for not complying with the order dated 16.5.2013 passed by the Child Welfare Commission.
- iv. In response, the SSP Agra sent a report stating that despite orders of the Magistrate of the Juvenile Court, FIR was not registered by the then Inspector In Charge. Departmental



action against the then Inspector In Charge had been initiated. It was also reported that case Crime No. 706/17 u/s 342, 376, 323, 34 IPC was registered against Goldi Upadhyay and others. The investigation of the case is in progress.

- v. The Commission considered the matter and observed that the police had failed to take necessary action as per law in this matter. Despite directions of the court, the concerned police officer failed to register the FIR thereby denying the victim access to justice. The human right of the victim has been violated and the State is liable to compensate for the same.
- vi. The Commission, therefore, issued notice u/s 18 (a)(i) of the PHR Act, 1993 to the Chief Secretary, Government of Uttar Pradesh directing him to show cause within four weeks as to why the Commission should not recommend payment of compensation of Rs. 1,00,000/- to the victim as her human right has been violated because of the inaction of the police.
- vii. SSP, Agra was also directed to inform the Commission within four weeks about the status of investigation in Case Crime No. 706/2017, PS Hariparvat, Agra.
- viii. The Under Secretary to the Government of UP, Department of Home forwarded the reports of the concerned authorities. As per the reports, in accordance with the order of the Child Welfare Committee Agra, the then Inspector In Charge PS Hari Parvat, did not register a case against the accused persons. For arbitrariness/insensitiveness of the then Officer In Charge PS Hari Parvat Shri Ram Pratap Singh (retired), a preliminary enquiry was conducted by Addl SP Rural, East, who found him guilty for non-registration of the case. The report concludes that in such circumstances, the police had no objection, if a monetary relief is provided to the victim, Yoshoda D/o Hotilal.
- ix. The Commission has considered the report and observed that since the police PS Agra have no objection, if an interim relief is paid to the victim, Yoshoda D/o Hotilal, and recommended to the Government of UP through the Chief Secretary, to pay Rs. 1,00,000/- as compensation to the victim, Yoshoda for violation of her human rights due to inaction of the police and to send the compliance report along with proof of payment. SSP, Agra is also directed to send a report on action that had been taken against the then SHO, Hariparvat, Shri Ram Pratap Singh (retired), during departmental proceedings.



CHAPTER 11

Rights of Elderly Persons

- 11.1 According to Census 2011, there are nearly 103.8 million elderly persons (aged 60 years or above) in India; 52.7 million females and 51.1 million males. Both the share and size of elderly population is increasing over time due to increasing longevity and improved health care facilities. From 5.6% in 1961 the proportion has increased to 8.56 % in 2011. The projections indicate an increase to 14.3 crore in 2021.
- 11.2 The UN defines a country as “Ageing” or “Greying Nation” where the proportion of people over 60 years reaches 7% to the total population. India has exceeded that proportion in 2001 and is expected to reach 12.6 % in 2025. According to United Nations Development Programme’s (UNDP) Human Development Report, life expectancy at birth in India is 68.8 years.
- 11.3 Elderly persons are not a homogenous group, and the challenges they face in the protection or enjoyment of their human rights vary greatly. While some continue to lead active lives as part of their overall personality, family and community, many others face homelessness, lack of adequate care and isolation. In fact, most of them are victims of multiple discrimination, prominent among these being – poverty, violence, abuse, insecurity, poor health and well-being, lower earning capacity, limited availability of old-age pensions, threats and limited control over assets and property, and unequal participation in private and public decision-making.
- 11.4 Compared to other developing countries, India is considered to be a younger nation. However, a countervailing force may offset some of the gains from having a relatively young population, and that is the rapid ageing at the top end of the scale. This is a cause of deep concern as India already has the world’s second largest population of the elderly. With changing socio-economic scenario coupled with the emerging trend of nuclear families, the lives of the elderly is further changing and they are likely to become more vulnerable in the years to come. The challenge is to ensure that they are able to lead secure, healthy and comfortable lives.
- 11.5 With a steady increase in the number of the elderly, the rate of human rights violations especially crimes against them are also increasing. Moreover, a vast majority of elderly persons, being illiterate are ignorant of their human rights due to which they face serious discrimination. Further, there is a lack of awareness among elderly towards their rights and entitlement mentioned in the Act.
- 11.6 The well being of elderly persons is mandated in the Constitution of India under Article 41, which states that “The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to public assistance in cases of old age”. There are other provisions too, which direct the State to improve the quality of life of its citizens. Right



to Equality has been guaranteed by the Constitution as a Fundamental Right. These provisions apply equally to elderly persons.

A. Meeting of Core Group on Disability and Elderly Persons

- i. This year, the Commission reconstituted the Core Group on Disability and Elderly Persons. A meeting of the Core Group was held on 24 August, 2018 under chairpersonship of Smt. Jyotika Kalra, Member, NHRC. After intensive discussions, several important recommendations emerged which, if implemented properly, may help in better protection of rights of elderly persons. The meeting was attended by Senior Officials of Ministry of Social Justice and Empowerment, Ministry of Health and Family Welfare, academicians and eminent personalities from civil society working in the area of elderly.
- ii. The major recommendations related to elderly persons emanating from the meeting are as under:
 1. Old Age Pension: The old age pension being given to elderly persons be revised on the basis of need based index. The Commission would request an appropriate body like National Council of Applied Economic Research (NCAER) to develop a need based index for fixing the amount of pension for elderly persons. Till the time need based index is prepared, pension should be price indexed. (Action: NHRC)
 2. Removal of cap on the number of beneficiaries: Cap on the number of beneficiaries to be given coverage in a State/UT old age pension under the National Social Assistance Programme should be removed by the Central Government and all needy/eligible persons covered. (Action: Ministry of Rural Development)
 3. Nodal Police Officer: As in the case of JJ Act, 2015, wherein there is a provision of designating a Child Welfare Police Officer in every police station to look into the issues of violation of child rights, on the same lines a police official in every police station may be nominated as Nodal Officer for dealing with the issues concerning elderly persons. (Action: M/o Home Affairs, Ministry of Social Justice and Empowerment)
 4. Time Bank: Many of the elderly are now living alone in their home without any support from the family. A 'Time Bank' Scheme was launched by Switzerland wherein people save time for taking care of elderly who need help. Their service hours get deposited into their personal account of social security system. When the volunteer himself gets old and needs someone to take care, he/she could use the 'time bank' and a volunteer is assigned to take care of him/ her. This model was also adopted by the United Kingdom, and Singapore is also considering implementing it. The Ministry of Social Justice and Empowerment may consider developing a scheme of 'Time Bank' at least on a pilot basis for taking care of older persons who need help on the lines of the models adopted by Switzerland and United Kingdom. (Action: M/o Social Justice and Empowerment)



5. CSR Funds: CSR funds of Corporate India could also be utilized for construction of old age homes in the states. This could be facilitated by including the same under Schedule 7 of the Companies Act, 2013, as one of the CSR activities which may be included by the companies in their CSR policies/schemes. (Action: M/o Corporate Affairs, Department of Public Enterprise)
 6. The Ayushman Bharat Scheme should also cover elderly persons who are living alone and not covered under any scheme. (Action: Ministry of Health and Family Welfare).
 7. Access Audit: Access audit by professional auditor be conducted to check that all public buildings (including those owned privately) conform to the 'Harmonised Guidelines and Space Standards on Barrier Free Built Environment for Persons with Disability and Elderly Persons' (HG), 2016. (Action: Ministry of Urban Development)
- iii. The recommendations from the meeting have been sent to the concerned Ministries for necessary action at their end.

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

- i. The Commission had entrusted a study on human Rights of Elderly Persons: Laws, Policies and implementation- A study with Special Reference to Kerala". The above study was commissioned by the NHRC to the Centre for Human Rights, the National University of Advanced Legal Studies (NUALS), Kochi in February, 2016. The objectives of the research study are to – analyze the categories of elderly persons; examine the problems faced by them; examine the rationale in enacting laws to protect the rights of elderly persons in the backdrop of social realities; inspect the scope of protection given to elderly persons; scrutinize the reach of policies and programmes proposed by the Government for them; analyze the provisions of all laws applicable to them; make an assessment of the implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and other related laws in Kerala, including the adjoining Southern states; and come up with recommendations for effective reforms for their betterment.
 1. Karunya pharmacy and such government medical stores which are established on a State level shall offer subsidies to the elderly and also have provisions for free home delivery of medications regularly taken. Now only selected medicines have subsidies and the availability of medicines is not meeting the demands.
 2. Full body check-ups with subsidized rates must be offered to elderly of low income in government hospital.
 3. Introduction of Tele-Medicine Services and Mobile Medicine facilities must be implemented in remote areas where there is a lack of pharmacies and hospitals. A 24-hour helpline can be opened up for the elderly citizens or their care takers to call up when there is an urgent requirement of medicines.



4. Mobile pharmacies can be introduced in such remote and backward areas that will provide door-to-door facilities for the sick and the needy. Doctors/ paramedical officers can also accompany these mobile pharmacies for on the spot medical care and attention and to ensure that correct medicines are being prescribed.
5. Mental health camps with seminars and sessions with therapists must be organized. These therapists can later be visiting specialists in local hospitals where the special timings and days can be allotted just for the older people.
6. The elderly can be involved in jobs such as baby sitting, stitching and other suitable vocation that would put their expertise and at the same time would not be so physically taxing.
7. There can be a provision to provide incentives and tax deduction for the companies who employ the elderly.
8. The knowledge and tenderness of the elderly can be utilized in day care centre for children.
9. There is a need to avoid disruption in the disbursement of the amount to the beneficiaries. The amount must be dispersed at least on a monthly basis.
10. Properties of the senior citizen are to be protected and it is necessary that a clause is to be added that bars senior citizen's caretakers from selling the property without their consent.
11. Further, a clause is to be added in the Act for revoking right over of the old persons the property which is already transferred if they are not provided basic amenities. This case is to be applicable even if there is no specific clause in the transfer deed.
12. Organizing themselves into self-help groups can also be useful in holding regular legal awareness classes. This can also be done following a pyramid scheme, for eg. one older person can be selected from each Taluk of a particular district for a state-wise awareness camp. Thereafter these representatives can be given funds and requisite training to hold similar camps in their respective residential areas.
13. Need to have a program for regular medical check-up in old age homes. Public Health Centres shall have a tie up with the nearest old age homes where a doctor and a nurse visit every 2 weeks.
14. Medical students shall be made required to work for a fixed number of hours in an old age home while fulfilling their bond requirements.
15. Pharmacy facility should be made available in old age home.
16. The basic qualifications of old age home staff must be regulated and a legislation or rules must be made in consultation with expert bodies such as ICMR. The staff must be trained in basic life-saving skills.
17. Senior citizen can voluntarily come together to save regular small sums of money, mutually agree to a common fund and to meet their emergency needs on the basis of mutual help.



18. Moreover, the SHGs will improve interaction and help them to socialize among themselves. They can come together can bring out changes in their desired areas and engage themselves in activities such as gardening, nursing, craft work etc.
- ii. NUALS submitted the final research report and it was approved by the Commission on 23.10.2018. The findings of the research identified the need to address some core areas such as health, employment, pension, properties, legal awareness, old age homes and self help groups, for the realisation of the human rights of the elderly population. The recommendations have been sent to the concerned authorities.

C. Visits of Special Rapporteur

- i. Special Rapporteur, Central Zone, NHRC visited Shree Madhapar Leva Patel "Aapnu Ghar", Old Age Home, Gujarat on 5 December, 2018 to review functioning of the establishment which accommodates 100 elderly persons across 24 rooms. It was observed that the Home had separate rooms designated for kitchen, store, dinning, recreation, office, library, guest house, mortuary facilities. While due verification of economic and social condition of the elderly is done by social workers of the Home before admission, it was noted by the Special Rapporteur that large number of residents paid to be in the Home and did not really require support. The following were the recommendations made:
 1. Transparency in the enrollment process: It is recommended that the admission committee have a government representative to ensure greater diversity in enrollment in terms of the elderly person's community, and ensuring that most elderly are ones who cannot finance themselves.
 2. Identification of work for elderly: As more than 9% of the population consists of people above 60 years of age and is expected to increase further, there is a need to identify work which can make them partly or fully productive to be able to sustain themselves.
 3. Utilization of budgetary allocation for elderly: 3-5% of the total budget allocated for the elderly needs to be used for old age homes, coaches in train, metros and making transportation facilities elderly friendly.
- ii. Special Rapporteur, Central Zone, NHRC, visited "Jasodaba Charitable Trust", Old Age Home, Vadodara, Gujarat on 7 December, 2018. The institution is run with an aim to provide comfortable life to elderly persons without home or family support. The Special Rapporteur observed that the Home was well equipped with rooms for facilities for kitchen, dining hall, recreation room, office room, library, guest house and garden. The Home also maintains health card of each resident and also has a nurse to assist people with daily activities and their health needs. The following were the recommendations made:
 1. Admission to Jasodaba Charitable Trust Old Age Home, according to the management, follows a process and each applicant has equal chances of getting admitted. However, it is known that admission is based on choice of the owners of the Trust. Thus the selection



process of old persons to be residing in the campus should be more transparent. It is recommended that the admission management committee should have government representation to ensure that 75% of the residents of the Home are without means.

2. The place can accommodate more old persons and there is scope for adding a full floor. But the management does not want to increase load and this is definitely a case of soft intervention on part of the Trust and collector.
3. Special Rapporteur, Central Zone, NHRC, visited “Jagmaal Welfare Institute”, a NGO run old age home, in Bhaniyana, district Jaisalmer, Rajasthan on 20 December, 2018 to review its functioning. It has been reported that presently the Home’s capacity is 25 people, but only 24 elderly stay there. Two toilets and bathrooms are shared among the 24 occupants. Each inmate is provided with toiletries such as mug, buckets etc. However it was observed that the inmates did not have their individual cupboards to keep their belonging and cleanliness in the Home was below satisfactory level. In terms of the management, it was noted that only four personnel were in charge of the Home and their honorarium being very less.

The recommendations made by the Special Rapporteur are as follows:

1. The honorarium given to the personnel managing the Home should be increased to encourage and attract more experienced people for management.
 2. A part time cleaner may be employed for improving the level of cleanliness of toilets. Annual whitewashing can also be done to improve the cleanliness of the Home in general.
 3. As some inmates have physical disability, it is recommended that toilets may be made disabled friendly and also increase the number of toilets.
- III. Special Rapporteur, Central Zone, NHRC, visited “Missionaries of Charity”, Old Age Home, Vadodara, Gujarat on 7 December, 2018. The old age home houses 164 residents spanned across 7 rooms. There are 9 toilets and 3 bathrooms. There are nine caretakers for the management, which according to the Special Rapporteur is low. Two physicians, a psychiatrist and a physiotherapist is also present in the Home for the medical concerns of the elderly. The following were the recommendations made:
1. The floor space ratio per person is less than 30 sq ft. and this is way lesser than the 75 sq ft. per person norm. The institution should either be asked to reduce the intake or increase the space.
 2. The toilets and bathrooms are also much smaller than the norms. Given that there are elderly persons with disability in the Home, the number of bathrooms needs to be increased.
 3. There are only 9 caretakers for the entire Home consisting of 164 residents. The caretaker resident ratio comes down to 1:18 which is very low.



4. The caretakers also need to be trained to be able to take care of elderly who have psychiatric conditions.

D. Illustrative Cases Relating to Rights of Women, Children and LGBTI dealt by NHRC

1. **A senior citizen residing next to railway compound at Ganeshgiri of Shoranur Municipality of Kerala suffered as sewage coming out of the Railway Colony contaminated the water in her well.**

(Case No.295/11/10/2017)

- i. The complainant is a senior citizen who has been residing next to railway compound at Ganeshgiri of Shoranur Municipality of Kerala. Her grievance is that the Railway has constructed a septic tank in the Railway Colony premises for the purpose of cleaning the toilet cum waste water of the occupant of the Railway Colony. Since the construction was not perfect, the sewage is coming out and contaminating the water in her well and the surrounding areas. The matter was reported to the concerned authorities but no action was taken by them. On account of the aforesaid reason she is not getting drinking water. People living in surrounding areas of the railway quarters also depend on her well water in summer season. She has prayed for action in the matter.
- ii. The Commission took cognizance on 11.05.17 and called for a report from the Divisional Railway Manager, Southern Railway, Palakkad Division, Kerala. In response to the directions of the Commission, the Divisional Railway Manager (Works), Southern Railway, Palghat vide communication dated 08.06.17, informed that the matter was enquired into, since the existing drainage system was very old the earthen pipes were broken and sewages were clogged and frequent toilet blocks were reported. Accordingly, tender was called and the work was done. On the basis of the agitation from local public Pollution Control Board officials have inspected the site and observed that septic tank was structurally alright and found no leakage from the septic tank, but advised to shift the leach pit further away from the well. But the local residents did not agree to divert the sewage to new septic tank, and to satisfy the public the entire sewage is being diverted to old septic tank but the work is nearing completion. A similar complaint had been given to the State Human Rights Commission and the same was disposed of directing the railways to take necessary action in the matter.
 - a. In response, the Commission has received a report dated 17.04.18 from the Divisional Railway Manager (Works) Southern Railway, Palghat. As per the report, the problem has been resolved as the entire sewage has been diverted back to the old septic tank from the new septic tank. The wells of the nearby residents have also been cleaned at Railway's cost. The residents have no issue at present and have appreciated the work of the Railways. A communication has also been received from the complainant wherein she has thanked the Commission for intervention and getting the problem resolved.



- b. The Commission has considered the report submitted by the Divisional Railway Manager (Works) Southern Railway, Palghat and also the comments of the complainant, on 03.05.2018. Since the complaint has been resolved and the complainant is satisfied, no further action is called for by the Commission. The matter stands closed.

2. **Atrocities and Harassment of a senior citizen woman and inaction by Rajasthan Police (Case No. 3000/20/14/2014)**

1. The Commission had received a complaint dated 01.12.2014 from one Naveern Saxena stating that his mother is the owner of the property bearing No. A-54, Jai Ambe Nagar, Tonk Road, Jaipur. His mother had made an agreement dated 23.04.2012 with the owners of M/s Icarus Builders & Developers Pvt Ltd. for construction of flats in above mentioned property. The said builder did not use quality material for construction of the flats and, moreover, he made false entries of complainant and his father in the visitor register maintained at construction site. Further, the alleged builder had forged signatures on site plan and affidavits which were submitted to JDA (Jaipur Development Authority) for getting approval for construction on the above property. On 23.04.2014, the complainant's mother, as per law, cancelled the agreement dated 23.04.2012. The complainant's mother got registered a case FIR No. 337/14 u/s 406/409/418/467//471/384/120B IPC at PS Bajaj Nagar through complaint u/s 156(3) Cr.PC against the alleged builder. The local police did not investigate the case properly, despite repeated requests. The complainant also approached the senior officials but no help was received from their end. The complainant prayed for Commission's intervention in the matter.
 - i. The Commission directed the DIG, Investigation Division of the Commission to depute a senior officer for spot enquiry in getting the matter thoroughly enquired into covering all the allegations made and submit report.
 - ii. During spot enquiry, the NHRC team met the complainant, his family members, examined police personnel associated with the case and alleged persons, examined records & visited construction site. The enquiry team observed the following acts of omission and Commission on the part of Rajasthan police:-
 - a. Poor investigation of FIR No. 337/14 by the IOs of PS Bajaj Nagar for almost seven months. Neither the alleged accused persons were examined by the police nor their sample signatures were taken to address the allegations of fake signature of Smt. Usha Saxena.
 - b. Sending wrong questioned documents to FSL for an expert opinion.
 - c. Sending Final Report in FIR No. 337/14 on the basis of FSL report only (false opinion on the basis of wrong questioned documents) without investigating the other allegations such as section 384 IPC etc.



- d. The State CID/CB had sent the correct questioned documents and received positive FSL Report suggesting that the signature on the questioned documents were different from the sample signature of Smt. Usha Saxena. The CID/CB enquiry recommended the arrest of Manish Kejriwal and to prepare charge sheet in this case. However, office of DCP/East, Jaipur did not respond to the recommendations and gave ample time to Manish for seeking re-investigation by CID/CB.
 - e. Re-investigation was ordered in this case more than three times and CID/CB was still investigating the case, even after a lapse of two years.
 - f. Rajasthan Police failed to respond to NHRC directions in this case and kept the case pending investigation without any valid reasons.
- iii. As per report of Enquiry Team, the police as well as the CID/CB, Jaipur have failed to provide copy of the case diaries, seizure memo, specimen of questioned documents and other relevant documents pertaining to the case, despite repeated requests by the NHRC team. The Jaipur Development Authority also failed to provide copies of the questioned documents and other relevant documents pertaining to the final sanctioned plan issued by JDA in this case. No officers appeared before the NHRC team during the spot enquiry at Jaipur, despite prior intimation. The alleged builder Manish Kejriwal has not only cheated the Saxena family but has also cheated many senior citizens in similar way. A list of the affected persons has been enclosed. A circular vide No. 23(60) Home-5/2012 issued by Addl. Chief Secretary (Home), Government of Rajasthan stated that investigation of a case shall not be transferred for more than three times. Hence, the CID/CB has violated the directions of the Addl. Chief Secretary (Home), Government of Rajasthan inviting disciplinary action against the delinquent officers. Due to inaction of Rajasthan Police, the complainant has suffered wrongful loss of huge money, besides causing irreparable damage to his family, reputation and human dignity.
- iv. The Enquiry Team of NHRC concluded that the human rights of complainant Shri Naveen Saxena and his family members had been violated due to fraudulent practices of alleged Builder Manish Kejriwal, as well as due to improper investigation and negligent/careless attitude of Rajasthan Police. The Enquiry team had made certain recommendations.
- v. The Commission had considered the report of Enquiry Team of NHRC and material available on record on 14.05.2018 when it observed and directed as under:-
- "In the facts and circumstances of the case, it appears that the human rights of the complainant & his family have been violated and the State is vicariously liable to compensate them. Issue a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Government of Rajasthan through its Chief Secretary, requiring it to show cause, as to why the Commission should not recommend payment of Rs.1,00,000/- (Rupees One lakh only), as compensation to the family of late Usha Saxena".*



- vi. In response to the Show Cause Notice, the Secretary, Home Department, Human Rights Section, Government of Rajasthan has submitted his report dated 03.08.2018. It was stated that investigation of the CB/CID regarding the allegations of the forgery is pending and the investigation would be completed soon. It was also stated that considering the gravity of the matter and independent and transparent investigation is being conducted, it would not be proper to pay any monetary compensation of Rs. One lakh to the victim in the case.
- vii. Superintendent of Police, CID, Human Rights, Rajasthan has submitted his report dated 12.09.2018. It stated that directions had been issued to Commissioner of Police, Jaipur for submitting the complete report within seven days for delay in conclusion of investigation in past four years and for taking action against the delinquent police officers in the case. However, no further report was submitted in this regard.
- viii. Secretary, Ministry of Home Affairs, Government of India had submitted its report dated 04.10.2018. It stated that the Government of India cannot refer the case to Central Bureau of Investigation without recommendation of the State Government and therefore the Commission was requested to seek the requisite report from the State Government.
- ix. The complainant through his further email communications had raised serious allegations against the State Government Officers to protect the land mafia and for not taking action against the culprits.
- x. The Commission had perused the record placed before it and considered the matter on 03.12.2018 and directed as under:

"Despite issuance of the specific direction by the Commission, the State Government has adopted the negligent attitude and the investigation of the criminal case could not be completed in past four years. The complainant has repeatedly levelled allegations on the superior officers of State Government of Rajasthan for patronising the culprits and no report has been submitted by the State Government regarding the action taken against the delinquent officers. No report has been furnished by the police authorities regarding the action taken against the delinquent police officers for causing inordinate delay in the investigation of the case. No report has been filed by the State Authorities regarding their concurrence to get the case investigated through Central Bureau of Investigation. Apparently, the State Authorities are trying to evade their duties and did not send any comprehensive report to the Commission in the case

Secretary, Home Department, Government of Rajasthan and Director General of Police, Rajasthan are directed to submit the comprehensive/conclusive report in the matter".
- xi. The matter was under consideration of the Commission.



CHAPTER 12

Rights of Persons with Disabilities

- 12.1 As per the 2011, Census of India, there are 2.68 crore persons with disabilities in India, constituting 2.21 per cent of the population. Out of these, 1.50 crore are males and 1.18 crore are females.
- 12.2 The Constitution of India through its Preamble, Fundamental Rights and Directive Principles of State Policy empowers the State to adopt measures of positive intervention in favour of persons with disabilities. This has led to framing of four principal Acts governing various aspects of disability, namely, (i) The Rights of Persons with Disabilities Act, 2016 (ii) The Rehabilitation Council of India Act, 1992, (iii) The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. Besides, there is a National Policy for Persons with Disabilities, 2006.
- 12.3 The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act(PWD), 1995 was replaced by the Rights of Persons with Disabilities (RPD) Act, 2016 so as to bring it in consonance with the United Nations Convention on the Rights of Persons with Disabilities, 2006 (UNCRPD). The UNCRPD was ratified by the Government of India on 1 October, 2007. The RPD Act takes into consideration a range of disabilities unlike the PWD Act of 1995 recognized only seven types of disabilities. Furthermore, the reservation for people with disabilities has been increased from three to four per cent of the total number of vacancies in a given government organization. In addition, there are gender-specific clauses as part of the recast disability legislation.
- 12.4 The year 2017 witnessed the notification of the Rights of Persons with Disabilities Rules, 2017 which is intended to bring Indian legislation in line with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). These Rules are being gradually adopted by all the states of India to bring positive changes in the lives of persons with disabilities.
- 12.5 The Commission, which played a prominent role in drafting of the UNCRPD, has all along been engaging with the issue of disability from the lens of human rights so that people with disabilities are considered as holders of rights and not recipients of charity. During the year 2018-19, the Commission undertook the following activities with regard to persons with disabilities.

A. Meeting of NHRC Core Group on Disability and Elderly Persons

- i. This year, the Commission reconstituted the Core Group on Disability and Elderly Persons. A meeting of the Core Group was held on 24 August, 2018 under chairpersonship of Smt. Jyotika Kalra, Member, NHRC. After intensive discussions, several important recommendations emerged which if implemented properly may help in better protection of rights of elderly persons. The meeting was attended by Senior Officials of Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Ministry of Health and Family Welfare,



Rehabilitation Council of India, and eminent personalities from civil society working in the area of disability.

- ii. The major recommendations which emanated from the meeting are as under:
 1. Removal of inconsistency between sub-sections (i) and (ii) of the RPD Act, 2016: There is an inconsistency between sub-sections (i) and (ii) of Section 14 of the RPD Act, 2016, as the sub-section (i) provides for limited guardianship for the persons with disabilities who are unable to take legally binding decisions while on contrary, sub-section (ii) provides for the total support to the persons with disabilities. It is recommended that the government should look into this and as such may remove the inconsistency between sub-sections (i) and (ii) of the Section 14 of the RPD Act, 2016.
 2. Harmonisation of RPD Act, 2016 with National Trust Act, 1991: There are two different authorities for appointing guardians for persons with disabilities under RPD Act, 2016 and the National Trust Act, 1999. Appointment of guardians has been designated to 'District Court or any designated authority' under sub-sections (i) and (ii) of the RPD Act, 2016 while 'Local Level Committee' is responsible for the same under Section 14 of the National Trust Act, 1999. There is a need to harmonise the Section 14 of the National Trust Act, 1999 with the sub-sections (i) and (ii) of Section 14 of the RPD Act, 2016.
 3. Department of Empowerment of Persons with Disabilities to send a status report to NHRC regarding the Implementation of Accessible India Campaign (Sugamya Bharat Abhiyan).
 4. The RPD Act provides for access of disabled persons to transport (Section 41), access to information (Sec 42), universally designed consumer products (Sec 43) and mandatory observance of accessibility norms (Sec 44), whereas in practice nothing is observed on the ground. As such substantial fund should be dedicated for implementation of these sections of the Act.
 5. Access Audit: Access audit by professional auditor be conducted to check that all public buildings (including those owned privately) conform to the 'Harmonized Guidelines and Space Standards on Barrier Free Built Environment for Persons with Disability and Elderly Persons' (HG), 2016.
- iii. The concerned Union Ministries have been asked to get these recommendations examined and issue necessary directions for early implementation.

B. Visits of the Special Rapporteur

- i. The Commission has appointed a Thematic Special Rapporteur for Disability with a view to assess whether existing programmes and policies for persons with disabilities have the desired impact and to identify gaps in implementation, if any, and to suggest appropriate strategies to deal with them.
- ii. In this year, the Special Rapporteur had visited Panaji, Goa and Chandigarh in the year 2018-2019 to:



1. Review the status of implementation of Rights of Persons with Disability Act, 2016
 2. suggest a road map/blueprint of action which, when acted upon, will increase the pace of the said Act
 3. Sensitize concerned officials /functionaries of the concerned government and other stakeholders including representatives of various organizations working in the disability sector, and official staff of the State Human Rights Commissions about the same.
- iii. The Special Rapporteur visited Chandigarh, Punjab from 23 to 26 April 2018 and observed that the State did not have a full-time State Commissioner for Persons with Disabilities. The State Advisory Board on Disability was incomplete as non-official members were yet to be notified. The academics and recruitment related uniform and comprehensive guidelines by Ministry of Social Justice and Empowerment in 2013 had not been implemented.
- iv. The Special Rapporteur visited to Pananji, Goa from 21 to 24 May 2018 and observed that lack of proper implementation of the provisions of the Act. The State Commissioner for Persons with Disabilities lately tendered her resignation as she was allegedly not given the minimum infrastructure & logistical support necessary for her to effectively discharge her functions. Another matter which causes concern is with regard to a blind officer of the Goa Civil Services who is currently posted in the state Social Welfare Department and who has not been assigned any responsibility for all practical purposes. Incidentally, there is no post of Officer on Special Duty in the Directorate of Social Welfare where he has been posted. The composition of the State Advisory board is not in line with the provisions of Section 66 of the RPD Act.
- v. The following are the recommendations which were given by the Special Rapporteur for better implementation of the RPD Act:
1. Finalization of rules under Section 101 of the RPD Act by constituting a committee including government officials and representatives of organizations of persons with disabilities for drafting the said rules.
 2. Institutionalizing monitoring, regulatory and enforcement mechanisms/authorities as envisaged in the RPD Act
 3. Issuance of Government orders/office memorandums pursuant to various provisions of the Act, such as in respect of the following: Reservation of posts including direct recruitment and also through promotion; reservation of 5% of seats for admission to government and governmental aided higher educational institutions; Free education in an appropriate environment upto the age of 18 years; 5% reservation in poverty alleviation schemes, preferential allotment of land, incentives to private employers, accessibility and reasonable accommodation etc.
 4. Public education and awareness raising amongst stakeholders such as elected representatives at various levels, bureaucracy, media persons, legal and judicial fraternity, and persons with disabilities themselves who are the primary stakeholders.



5. The suggestions and observations were sent to the concerned State Governments. The response of the concerned Government is awaited.

C. Sub-committee on UN Convention of the Rights of Persons with Disability

The Commission had constituted a Committee for conformity of Indian Laws with International Conventions ratified by the Government of India under the Chairmanship of Hon'ble Chairperson, NHRC. The Committee in its meeting held on 16 November, 2017 decided to constitute a sub-committee on UN Convention on Rights of Persons with Disabilities (UNCRPD) under the chairmanship of the Hon'ble Member, NHRC. The main aim of this Sub-committee is to be able to identify the gaps in the Indian Laws with respect to The UNCRPD and make recommendations accordingly for greater harmonization of Indian Laws. The two domain experts presently associated with the Sub-committee are Shri P.K. Pincha and Shri Rajiv Raturi, whose expertise is used to identify gaps and draw recommendations.

D. Illustrative cases related to Rights of persons with Disabilities dealt by NHRC

1. **Relief to a person R/o Begusarai, Bihar, under BPL category who was physically disabled in an accident due to fracture in his spinal cord.**
(Case No.151/4/4/2017)
 - i. The Commission received a complaint dated 27.12.17 wherein the complainant stated that he is a physically disabled person belonging to BPL category. He became physically disabled due to an accident in which his spinal cord was broken. He has no source of income and has a family to support. He had submitted several applications to the B.D.O., DM and the Public Grievances Cell. An investigation was also conducted by the SDO, Manjhol. However, he has received no relief. He requested the Commission to intervene so that he could get some relief from the administrative authorities.
 - ii. The Commission vide proceedings dated 25.01.17 called for a report from the DM, Begusarai, Bihar followed by a reminder dated 08.09.17. The Commission vide proceedings dated 14.11.17 directed the DM, Begusarai, Bihar to submit a report within four weeks positively on the action taken for providing financial/medical relief or employment to the victim under the social welfare scheme keeping in view the pathetic condition of the victim. The DM, Begusarai in his report dated 26.03.2018 has intimated that 21Kg rice and 14Kg wheat is being provided to Shri Sukhdev Sharma under Antyodya Scheme. Under the Chief Minister Social Security Scheme, a pension being provided to him. Also, a wheel chair as per provisions has also been provided. The case is under consideration of the Commission.
 - iii. The Commission has also received a communication from the complainant stating that he is not getting medicines prescribed by AIIMS, New Delhi from the Govt. Hospital.
 - iv. The Commission appreciates the relief provided by the Distt. Magistrate, Begusarai, Bihar to the complainant. Complainant who is a physically disabled person belonging to BPL



category. As the complainant is not able to get medicines prescribed to him by AIIMS, New Delhi, Distt. Magistrate, Begusarai, is asked to help him out for providing medicines from the Govt. Hospital, Begusarai and submit the report within four weeks.

- v. Further, the Complainant has submitted a fresh communication to the Commission making request to provide him an employment for maintaining himself and his family apart from financial and medical assistance.
- vi. The Commission vide proceedings dated 15.10.2018 has directed the DM, Begusarai to respond on the fresh communication received from the complainant, within six weeks. The response is still awaited.



CHAPTER 13

Business and Human Rights

- 13.1 The United Nations Human Rights Council endorsed the “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework” in 2011. This framework consists of the state duty to protect against human rights abuses; the corporate responsibility to respect human rights; and greater access by victims to effective remedies. The major contribution of the Guiding Principles has been to clearly set out the duties of States to protect human rights and provide access to a remedy when they are breached, and the responsibility of all businesses, regardless of their size, sector, location, ownership and structure, to respect human rights.
- 13.2 As part of the corporate responsibility to respect human rights, companies have joined together, in some cases with governments, international organizations and/or NGOs, in voluntary initiatives to address some human rights issues. An increasing number of companies are taking positive steps to promote human rights.
- 13.3 The Commission is of the view that National Human Rights Institutions (NHRIs) can contribute to the promotion and protection of human rights within the corporate sector through, among other things, monitoring and reporting on human rights abuses in the business sector, facilitating legal and administrative reforms, and building capacity of government institutions and private sector enterprises to enable them to protect and respect human rights respectively. In the context of UN Guiding Principles, National Human Rights Commission is uniquely positioned in the country to act as a convener for the associated initiatives. Since, the Commission is a symbol of India’s concern for the promotion and protection of human rights, this would enable it to engage effectively in the field of business and human rights.
- 13.4 The Commission is committed in taking forward the agenda of business and human rights.

A. International Human Rights Conclave

- i. As part of the Silver Jubilee celebrations, the Commission organized ‘International Human Rights Conclave’ on 1 October 2018 in New Delhi. The International Conclave was aimed at providing to NHRIs, global network of NHRIs, and other stakeholders to share their views, experiences, challenges, best practices and deliberate on the road ahead on important human rights concerns. Hon’ble Vice President, Shri Venkaiah Naidu was the Chief Guest of the International Human Rights Conclave and the same was attended by the NHRC Chairperson, Members, Secretary General and Senior Officers. The participants include representatives of GANHRI, all four regional networks of GANHRI, the Commonwealth Forum of National Human Rights Institutions (CFNHRI), and NHRIs to the International Human Rights Conclave. Other invitees to the Conclave included Secretaries of concerned Ministries of Government of India, State Human



Rights Commissions, National Commissions for Women, Scheduled castes, Scheduled tribes, Minorities, and Child Rights, Diplomatic Corps, civil society organisations, and other dignitaries.

- ii. The Conclave, besides the inaugural session, was divided into three thematic sessions. One of the sessions was on the subject of “Protect, respect and Remedy framework of Business and Human Rights”. The Conclave contributed to the dialogue about business and human rights through exchange of views and good practices on how the regional mechanisms, NHRIs and other stakeholders have been playing in helping mainstreaming the United Nations Guiding Principles on Business and Human Rights and the way in which these stakeholders could cooperate and collaborate further to enhance the effectiveness of the implementation of the UNGPs. It also helped in building the synergies in the area of business and human rights.

B. Multi-stakeholder Consultation on Updating National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business and Developing India's National Action Plan on Business and Human Rights

- i. In support of the Business and Human Rights Agenda, the Indian Government took an important initiative by formulating the ‘National Voluntary Guidelines on Social, Environment and Economic Responsibilities of Business 2011’. The first version of the National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Businesses (NVGs) were released by the Ministry of Corporate Affairs in 2011. Since that time, acknowledging that there have been significant international and national developments in the wider sustainable development and business responsibility landscapes that require to be integrated into the NVG Framework in a manner that supports their uptake by business, the Ministry of Corporate Affairs initiated the process of revising the said guidelines by holding multi-stakeholder consultations.
- ii. National Human Rights Commission took part in the multi-stakeholder consultation undertaken by the Ministry of Corporate Affairs for updating the National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business, 2011 and for developing the National Action Plan on Business and Human Rights. Further, a draft of the National Voluntary Guidelines as well as the draft of the National Action Plan was shared with the Commission and other relevant Ministries for inputs/comments. The Commission forwarded its comments/inputs on the said documents which were positively taken by the Ministry of Corporate Affairs and few of them have been incorporated in the revised Guidelines for Responsible Business Conduct released in March 2019.

C. Core Group Meeting on Business, Environment and Human Rights

- i. The meeting of the Core Group on Business, Environment and Human Rights was held on 12 March, 2019 in NHRC. The meeting was chaired by Shri Jaideep Govind, Secretary General, NHRC, and was attended by the Core Group members. NHRC officers, namely, Shri Dilip Kumar, Joint Secretary (T & R), Dr. Ranjit Singh, Joint Secretary (P&A), and Dr. M.D.S. Tyagi, Joint Director (Research) were present in the meeting.



- ii. The objective of the meeting was to discuss the zero draft National Action Plan prepared by Ministry of Corporate Affairs and formulate the suggestions/comments for forwarding it to the Ministry. The meeting also served as a ground for discussion on the framework including the methodology and general overview of conducting the National Baseline Assessment (NBA) which is one of the pre-requisites for developing the National Action Plan.

The Recommendations of the same can be seen in Chapter-19 of this report.

D. Research study entrusted by the Commission on the subject Business and Human Rights

- i. The Commission has entrusted research study on “Corporate Duty to Respect Human Rights in Indian Context- An Empirical Study on the State of Human Rights Practices Based on Ruggie’s Framework in Business Firms in India” to IIT Bombay, Mumbai. The study will attempt to empirically examine the state of human rights practices of business firms with different ownerships in India based on Ruggie’s framework of Business and Human Rights- “Protect, Respect and Remedy” which is the key framework in this domain. The study will provide the state of current practices in fulfilling the responsibility to respect human rights by business enterprises.
- ii. Another research study titled “Study to understand functioning of companies’ response systems vis-a-vis key Human Rights violations available in Public Domain” has been entrusted by the Commission to Partners in Change (PIC), Delhi with a total budget of Rs. 3,50,000/-. The objective of the research study is to create case studies with research based evidence generation, which can be used by the state, non-state actors and corporate for mobilizing efforts to institutionalize systems to address issues faced within and outside the workspace by the companies. During the period under study, PIC, made a presentation before the Commission in the Core Group Meeting of Business, Environment and Human Rights and was advised to include emerging industry such as electronics industry as one of the case studies as well as indicators of supply chains including child labour, collective bargaining and minimum wages.
- iii. The Commission has also initiated a research project “Assessment and Evaluation of Business and Human Rights Reporting by Corporate India” in collaboration with India Institute of Management, Bangalore. The study focuses on the labour/employee rights dimension of human rights, for which a framework/model of reporting on employee/labour rights will be developed, which would provide a more comprehensive picture of the current state. This framework will bring out the variables involved in employee/labour rights, stakeholders involved in the system, commitment management, aspects of employee/labour rights that are currently being looked into, possible risks and violations in Indian context.



CHAPTER 14

Human Rights Education, Training And Awareness

- 14.1 NHRC has the mandate to protect and promote human rights. Section 12 (h) also envisages that NHRC shall spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means. NHRC has been involved in spreading human rights awareness among functionaries of government, especially police besides students, NGOs and members of general public.
- 14.2 During the period under review, the National Human Rights Commission (NHRC) undertook various activities to promote human rights education, training and awareness in the country. The Training Division of NHRC is spreading human rights literacy through training programmes on Human Rights issues through collaboration with Administrative Training Institutes, Police Training Institutions, SHRCs, University and Colleges and through credible NGOs. Apart from these, a one month Internship Programme twice in a year, i.e. Summer & Winter is being organized by the NHRC within its premises for the university/ college students of different States of the Country and also the Short-term Internship Programme of fifteen days to thirty days for the students interested in the field of Human Rights throughout the year.

A. Training Programmes Organised by the NHRC

As part of its mandate, during the year 2018-19, the Commission had approved 157 training programmes of 137 institutes relating to various aspects of human rights. Out of these, 112 training programmes were successfully organized/conducted by 104 institutions Universities/ Colleges/PTI/ATI/NGOs. In addition, 20 training programmes of 20 institutes approved for the year 2017-18 were also conducted during 2018-19, thus taking the overall total of training programmes conducted to 132 Training Programmes by 124 institutes attended by more than 15,000 participants.

B. Summer and Winter Internship Programmes

The NHRC has been regularly conducting two internship programmes of one month duration each ever year, During the year 2018-19, the Summer Internship Programme was held from 15.05.2018 to 13.06.2018 in which 37 interns, 24 females and 13 males from diverse universities/ colleges of 15 States and Union Territories of India participated. The Winter Internship Programme was held from 20.12.2019 to 19.01. 2019 comprising of total 52 Interns consisting of 32 females and 20 males from different universities/colleges of 22 states and Union Territories of India. From the point of view of giving hands on experience to the participants of the internship programmes, the students were taken for field visits to District Jail, Central Jail, Police Stations and NGOs. The interns were also attached with various Division of the Commission and given project assignments on different aspects of human rights situation in the country on which they worked and submitted reports.



C. Short Term Internship Programmes

- i. In addition to the Summer and Winter Internship programmes, the NHRC also conduct short-term internship programme for a period of 15 days to one month. This programme is open throughout the year for students pursuing various disciplines including Law. During the short term internship/attachment, students are exposed to the functioning of the various Divisions of the Commission and they made to work for short stints in each Division. These students have their placement in the Facilitation Centre (MADAD) of the Commission also, where they get hands-on experience of interacting with victims of human rights violations. During the year 2018-19, 109 students from different universities/ colleges/institutes completed the short term internship/attachment with the NHRC.

D. Interaction with Visiting Students from various Universities/Colleges of India

In view of the mandate entrusted to the NHRC, it is approached regularly by various colleges, universities, educational institutions for allowing their students to visit the Commission so as to get direct information about its organizational structure, functioning and the manner in which complaints are dealt with. The Commission on its part views these participants as emissaries of human rights who, on acquiring knowledge, would zealously spread it to people in their vicinity. During the period 2018-19, more than 1387 students/volunteers of various universities/ colleges/ institutes/ NGOs visited the Commission. They also visited the Facilitation Centre (MADAD) and the Computer Cell of the NHRC to have hands on experience about the complaint management system of the Commission.

E. Training Programme for RPF Probationers

A batch of 6 probationer Assistant Security Commissioners of the Railway Protection Force (RPF) recruited through Civil Services Examination attended a training programme at the NHRC on 13.9.2018. During the programme, the Probationers were apprised about the structure and functioning of the Commission.

F. Sensitization Programme on Human Rights

Half-day 4 (four) sensitization programmes were attended by 104 Jailors, Sub-Jailors, etc. of Academy of Prisons & Correctional Administration, Vellore, Tamilnadu. The objective was to sensitize the senior level personnel of prisons about the human rights, so that they in turn could sensitize the lower staff of prison about the importance of human rights. Apart of this, 42 human rights course participants of LNJJN National Institute of Criminology & Forensic Sciences, Ministry of Home Affairs, New Delhi, consisting of Higher Judicial Officers, Supdt. of Police/ Dy. Commissioner of Police, Correctional Service Officers and Senior Public Prosecutors also visited the Commission to get direct information about its functioning and the manner in which complaints are dealt with.

G. Other activities

A national level Moot Court Competition was also organised by the Commission in collaboration with the Sikkim Law College, University of Sikkim, on 10-12 May, 2018 at Gangtok, Sikkim.



CHAPTER 15

Human Rights Defenders

- 15.1 Mr. Franklin Delano Roosevelt rightly said “Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights and keep them. Our strength is our unity of purpose. To that high concept there can be no end save victory.” It is, therefore equally important that the rights of all including that of Human Rights Defenders are promoted and protected. They work to strengthen the exercise of freedom of all.
- 15.2 “Human Rights Defender” is a term used to describe people who, individually or with others, act to promote or protect human rights. HRDs are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can be best explained.
- 15.3 There is no specific definition of who is or can be a human rights defender. The Declaration on HRDs refers to “individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals”
- 15.4 In accordance with this broad categorization, HRDs can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world’s largest cities to individuals working within their local communities. Defenders can be of any gender, of varying ages, from any part of the world and from diverse professional or other backgrounds. In particular, it is important to note that HRDs are not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector.

A. Declaration on Human Rights Defenders (HRDs)

- 15.5 One of the most important documents pertaining to HRD in the international is the Declaration on Human Rights Defenders. Deliberation on the Declaration on HRDs began in 1984 and concluded with the adoption of the text by the General Assembly in 1998, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights. A collective effort by a number of human rights non-governmental organizations and some State delegations helped to ensure that the final result was a strong, useful and pragmatic text. Perhaps most importantly, the Declaration is addressed not just to States and to HRDs, but to everyone. It tells us that we all have a role to fulfill as HRDs and emphasizes that there is a global human rights movement that involves us all. The Declaration’s full name is the “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” – with this longer title is frequently abbreviated to “The Declaration on HRDs”.



1. **Legal character:** The Declaration is not, in itself, a legally binding instrument. However, it contains a series of principles and rights that are based on human rights standards enshrined in other international instruments that are legally binding – such as the International Covenant on Civil and Political Rights. Moreover, the Declaration was adopted by consensus by the General Assembly and therefore represents a very strong commitment by States to its implementation. States are increasingly considering adopting the Declaration as binding national legislation.
2. **The Declaration's provisions:** The Declaration provides for the support and protection of HRDs in the context of their work. It does not create new rights but instead articulates existing rights in a way that makes it easier to apply them to the practical role and situation of HRDs. It pays attention to, access to funding by organizations of HRDs and, gathering and exchange of information on human rights standards and their violation. The Declaration outlines some specific duties of States and the responsibilities of everyone with regard to defending human rights, in addition to explaining its relationship with national law. Most of the Declaration's provisions are summarized in the following paragraphs. It is important to reiterate that HRDs have an obligation under the Declaration to conduct peaceful activities.
3. **Rights and protections accorded to HRDs:** Articles 1, 5, 6, 7, 8, 9, 11, 12 and 13 of the Declaration provide specific protections to HRDs, including the rights:
 - i. To seek the protection and realization of human rights at the national and international levels;
 - ii. To conduct human rights work individually and in association with others;
 - iii. To form associations and non-governmental organizations;
 - iv. To meet or assemble peacefully;
 - v. To seek, obtain, receive and hold information relating to human rights;
 - vi. To develop and discuss new human rights ideas and principles and to advocate their acceptance;
 - vii. To submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights;
 - viii. To make complaints about official policies and acts relating to human rights and to have such complaints reviewed;
 - ix. To offer and provide professionally qualified legal assistance or other advice and assistance in defence of human rights;
 - x. To attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
 - xi. To have unhindered access to and communication with non-governmental and intergovernmental organizations;



- xii. To benefit from an effective remedy;
- xiii. To the lawful exercise of the occupation or profession of human rights defender;
- xiv. To effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights;
- xv. To solicit, receive and utilize resources for the purpose of protecting human rights (including the receipt of funds from abroad).

B. The duties of states

States have a responsibility to implement and respect all the provisions of the Declaration. However, articles 2, 9, 12, 14 and 15 make particular reference to the role of States and indicate that each State has a responsibility and duty:

- To protect, promote and implement all human rights;
- To ensure that all persons under its jurisdiction are able to enjoy all social, economic, political and other rights and freedoms in practice;
- To adopt such legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms;
- To provide an effective remedy for persons who claim to have been victims of a human rights violation;
- To conduct prompt and impartial investigations of alleged violations of human rights;
- To take all necessary measures to ensure the protection of everyone against any violence, threat, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration;
- To promote public understanding of civil, political, economic, social and cultural rights;
- To ensure and support the creation and development of independent national institutions for the promotion and protection of human rights, such as ombudsmen or human rights commissions;
- To promote and facilitate the teaching of human rights at all levels of formal education and professional training.

C. The responsibilities of everyone

The Declaration emphasizes that everyone has duties towards and within the community and encourages us all to be HRDs. Articles 10, 11 and 18 outline responsibilities for everyone to promote human rights, to safeguard democracy and its institutions and not to violate the human rights of others. Article 11 makes a special reference to the responsibilities of persons exercising professions that can affect the human rights of others, and is especially relevant for police officers, lawyers, judges, etc.



D. The role of national law

Article 3 and 4 outline the relationship of the Declaration to national and international law with a view to assuring the application of the highest possible legal standards of human rights.

Challenges faced by HRDs

E. Human rights violations committed against defenders, and other difficulties they confront

- i. Not all human rights work poses a risk to HRDs, and in some states defenders are generally well protected. However, the severity and scale of reprisals committed against defenders were one of the primary motivations behind the adoption of the Declaration and the establishment of the mandate of the Special Rapporteur on the situation of HRDs.
- ii. A great many HRDs, in every region of the world, have been subject to violations of their human rights. They have been the target of executions, torture, arbitrary arrest and detention, death threats, harassment and defamation, as well as restrictions on their freedoms of movement, expression, association and assembly. Defenders have been the victims of false accusations and unfair trial and conviction.
- iii. Violations most commonly target either HRDs themselves or the organizations and mechanisms through which they work. Occasionally, violations target members of defenders' families, as a means of applying pressure on the defender. Some HRDs are at greater risk because of the nature of the rights they seek to protect. Women HRDs sometimes confront risks that are gender-specific and require particular attention.
- iv. In most cases, acts committed against HRDs are in violation of both international and national law. In some countries, however, domestic legislations which contravene human rights are used to clamp down defenders.

15.6 **WOMEN HRD's:** Violence against Women Human Rights Defenders (WHRDs) has recently caught the world's eye. As human rights defenders, WHRDs face similar risks faced by all defenders who work to protect the rights of people, society at large and the environment. In the light of the Declaration on the Elimination of Violence against Women and the Convention on the Elimination of All Forms of Discrimination against Women, it can be said that the importance to particularly protect their rights as women arises because not only are they exposed to life threats and harassment but also are exposed to gender-specific risks and are targets of gender-based violence. The U.N. has previously given attention to the cause of WHRD but the Resolution adopted by the General Assembly on 18 December 2013, "Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders" is a strategic initiative aimed to raise awareness of violations of the rights of WHRDs; strengthen mechanisms for their protection; and contribute to more gender-responsive and effective responses to WHRDs at risk.



15.7 NHRC AND HRDS:

- i. The National Human Rights Commission of India is mandated under Section 12(i) of Protection of Human Rights Act, 1993 to encourage the efforts of NGOs and institutions working in the field of human rights. Ever since NHRC came into existence, it has worked closely with a number of organizations and individuals, both governmental and non-governmental, to improve the human rights situation in the country along with rendering support and protection to HRDs. It has observed and complied with the United Nations Declaration on HRDs and consequently made efforts to promote the development of protective mechanisms for HRDs across the country. As part of its strategy, it works with non-governmental and civil society organizations; National and State Commissions; State Human Rights Commissions and other key institutions to raise awareness about HRDs and challenges faced by them.
- ii. To ensure regular and close interaction with the Human Rights Defenders and to provide them help immediately in case of threats to them, the Commission has appointed Shri Khaleel Ahmad, Deputy Registrar, as Focal Point for Human Rights Defenders, who is round the clock accessible to the Human Right Defenders on Mobile No.9810298900, and on e-mail hrd-nhrc@nic.com. He is in continuous contact with Human Rights Defenders. A number of Human Rights Defenders are frequently visiting him. During the year 2018-2019, a number of calls were received, even at the odd hours of midnight, by the Focal Point from the Human Rights Defenders (HRDs) under distress seeking urgent help. He immediately took their issues with the concerned authorities telephonically and impressed upon the authorities to ensure safety and security of Human Rights Defenders and to provide protection to them if the circumstances warrant so. This effort has been appreciated by the Human Rights Defenders. To understand and to handle the issues and challenges faced by the Human Rights Defenders, in a better way, the Commission has set up a Core Group of NGOs and Human Rights Defenders. The Commission has meetings with the Core Group where Human Right Defenders are sharing their concerns, views and suggestions to defend the Human Rights Defenders more effectively.
- iii. The Commission plays a very important role in handling and disposing of complaints pertaining to the Human Rights Defenders received by National Human Rights Commission. During the period 01.04.2018- 31.03.2019, the Commission received 92 complaints pertaining to Human Rights Defenders. Out of the same, the Commission disposed of 13 complaints on merits. Further, till 31.03.2019, 103 cases pertaining to HRDs are under consideration by the Commission.

F. Illustrative Cases Dealt by NHRC Relating to Human Rights Defenders

The brief of some important cases dealt with by the Commission during the period is as under:

1. **Alleged assault and brutal beatings of two young human rights defenders by the Railway Protection Force personnel.**

(Case No.1345/25/5/2014)



- i. The complainant Shri Amitra Sudan Chakraborty, alleged assault and brutal beatings of two young men-cum-human rights defenders by the Railway Protection Force personnel of Dumdum Cantonment Railway Station in West Bengal during checking, where they were being asked to show their identities.
- ii. The Commission after inquiry has recommended the Chairman, Railway Board, to pay a sum of Rs. 25,000/- each as compensation to the two victims, viz., Raj Kumar Saha and Shri Ashish Mondal. The Chairman Railway Board was also directed to send the compliance report along with proof of payment.

2. **Assault on Human Rights Defenders**
(Case No.21/15/3/2018)

- i. The complainant alleged that the victims, who are RTI activists, were human rights defenders who were stopped by a mob of 30-40 people. The key of the car was snatched and the driver was dragged out and was forced to leave, when they went to follow up a complaint against coal -laden trucks, on the National Highway. Both the victims were brutally attacked by the mob, dragged to nearby jungle, beaten with wooden logs, and severely injured, and found in the jungle in an unconscious state by the police.
- ii. Taking cognizance of the complaint, the Commission has called for report in the matter which is awaited.

3. **Murder of a Journalist**
(Case No. 87/34/16/2019)

- i. The complainant states that the victim's body was found under the Ghaghra Bridge and it is alleged that he was murdered for his fearless reporting as a journalist in the news portal 'News Code'. It is pertinent to note that he toured the trouble zone of Khunti extensively and posted in social media against illegal sand mafias, poor implementation of rural schemes and false cases registered against adivasis in Pathalgadi movement.
- ii. Taking cognizance of the complaint, the Commission has called for report in the matter which is awaited.

4. **Editor of a newspaper shot dead along with his two personal security officers outside his office**
(Case No.94/9/13/2018)

- i. The Commission came across a news item published in the "Greater Kashmir" under caption "SAMDEN appeals to NHRC, seeks swift probe into Shujaat Bukhari's killing." As per news report, the network of editors and media practitioners namely SAMDEN has urged the State Human Rights Commission as well as the National Human Rights Commission to push for swift investigation into the case.



- ii. As per news reports, Shri Shujaat Bukhari, Editor of a newspaper “Rising Kashmir” was shot dead along with his two personal security officers outside his office, on 14.06.2018, in Lal Chawk area of Srinagar in Jammu & Kashmir. SAMDEN has demanded swift action to be taken by the Central and the State Government along with necessary steps to ensure safety and security of all the journalists across the country.
- iii. As per news report, the deceased journalist had been under police protection since the year 2000. He was reportedly facing threats, being a rare voice of moderation and an advocate for peace and justice. Many other NGOs and Human Rights Defenders have also raised their voice against the threats, attacks and murders carried out against the media persons.
- iv. The Commission, looking into the gravity of the matter, took suo-motu cognizance of the news report and directed issuance of notice to the Chief Secretary and the Director General of Police of the State of Jammu & Kashmir calling for detailed report in the matter.
- v. The Commission further stated that the State Government was also expected to provide details of the attacks made on the media persons during last two years along with number of persons died/ injured and status of relief/ rehabilitation provided to the victims and their families.
- vi. The Commission also wanted to know as to what special measures have been taken by the State Government to stop such incidents in the State of Jammu & Kashmir. The response is expected within four weeks.
- vii. Pursuant to the directions of the Commission, a report dated 17.11.2018 was received from the Director General of Police, Jammu and Kashmir in which it is stated that a case crime No. 51/2018 has been registered regarding the incident. It further stated that investigation of the case is under progress.
- viii. The Director General of Police, Jammu and Kashmir has been directed to submit the current status/outcome of case crime No. 51/2018 and report regarding the other points as directed by the Commission.
- ix. As no report has been received from the Chief Secretary, Government of Jammu and Kashmir, a reminder has been issued for submission of his report.

Conclusion

NHRC, through its comprehensive efforts has managed to provide impetus to the work being done by the HRDs in the country. Cases of atrocities on HRDs, human rights activists, RTI activists have been readily taken up by the Commission and relief has been provided, on merits. The public servants who have been found guilty of misconduct against the HRDs have been brought under the scanner and action has been taken against them. The concerted efforts of the State Actors and the Non-State Actors will go a long way in strengthening the human rights regime in the country.



CHAPTER 16

International Cooperation

- 16.1 National Human Rights Institutions (NHRIs) that comply with the principles relating to the status of national institutions, commonly known as the Paris Principles, are playing a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level. Through the Universal Periodic Review, treaty monitoring bodies, and other international human rights mechanisms, every State is being encouraged to establish an effective, independent NHRI that complies with the Paris Principles as well as strengthen it where already existing. NHRIs encourage cooperation with a range of actors, among which the United Nations, and in particular, the Office of the United Nations High Commissioner for Human Rights (OHCHR) besides the Global Alliance of National Human Rights Institutions (GANHR) and the Asia Pacific Forum of National Human Rights Institutions (APF) are of significance.
- 16.2 During the period under review, the National Human Rights Commission of India, which is a member of the GANHRI and a founder Member of the APF, participated in number of meetings, seminars, workshops and interaction with foreign delegates in the Commission.

A. Cooperation with the Asia Pacific Forum of National Human Rights Institutions

- i. The Asia Pacific Forum of National Human Rights Institutions (APF) is the leading regional human rights organization in the Asia Pacific region established in 1996. It is a member-based organization that supports the establishment and strengthening of independent National Human Rights Institutions in the region. Its goal is to protect and promote human rights of people of the Asia Pacific region through network of member institutions. At the time of writing of the Annual Report, APF had 15 full members and 7 associate members. These members represent a diverse range of countries across the region. The National Human Rights Commission of India (NHRC, India) is one of its founding members. Any National Human Rights Institution in the Asia Pacific can apply to become a member of the APF. Decisions about membership are made by the Forum Council, the APF's governing body.
- ii. To be admitted as a full member, a National Human Rights Institution must comply with the minimum international standards set out in the Paris Principles. In addition, the Forum adopts the accreditation decisions of the International Coordinating Committee of National Human Rights Institutions to determine APF membership status. National Human Rights Institutions which are considered to fully comply with the Paris Principles are accredited as 'A status', while those that partially comply are accredited as 'B' status. 'A' status 'National Human Rights Institutions are allowed to participate in the work and discussions of the United Nations Human Rights Council and its subsidiary bodies.



B. Cooperation with the Global Alliances of National Human Rights Institutions (GANHRI)

- I. The Global Alliance of National Human Rights Institutions (GANHRI) is a representative body of National Human Rights Institutions established for the purpose of creating and strengthening National Human Rights Institutions which are in conformity with the Paris Principles. It performs this role through encouraging international co-ordination of joint activities and co-operation among these National Human Rights Institutions, organizing international conferences, liaison with the United Nations and other international organizations and, where requested, assisting governments to establish a National Institution. It works to create and strengthen National Institutions and to ensure they conform to the Paris Principles. In all its activities and in its Presidency, committees, working groups, etc., the GANHRI will ensure gender equality. NHRC, India is a GANHRI member with 'A' status accreditation which was earlier accredited in 1999 and reaccredited in 2006 and 2011.
- II. The Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) awarded **'A' status accreditation** to the National Human Rights Commission of India in 2017 as acknowledgement of the important work that the Commission has carried out for the protection of human rights and promotion of human rights awareness within the country.
- III. In the session deliberating the MERIDA declaration adopted in October, 2015, the NHRC-India Delegation led by Justice Shri H.L. Dattu, Chairperson, NHRC India delivered a statement on the Role of NHRIs in implementing Sustainable Development Goals in compliance with MERIDA declaration.
- IV. India actively participated in the Knowledge Fair organized by GANHRI on the last day of the three day Conference for all member States for interaction and providing an opportunity for face to face networking as well as cross regional sharing of information and experiences. NHRC-India established a Stall in which information was displayed on trends of Human Rights cases from 1993 to 2015. It was explained in the form of poster presentation demonstrating that in 1993, 30 cases were registered wherein in 2015 more than 1.20 lakh cases were registered which shows growing public trust reposed in NHRC-India. NHRC-India also displayed its publications and initiatives taken by the Commission on various human rights issues. In addition, NHRC-India displayed posters of short film competition organized by the Commission in the year 2015.
- V. India has been unanimously elected as Bureau Member of GANHRI for Asia Pacific Region. India can effectively contribute towards protection and promotion of human rights in the entire region. India's contribution in the field of human rights is not only traditional and historical but imbibes in the Indian Constitution with focus on human dignity, gender, governance, security and sustainable development.
- VI. The National Human Rights Commission, India delegation consisting of Justice Shri H.L. Dattu, Chairperson, NHRC and Joint Secretary (P&A), NHRC attended GANHRI Special Session on Human Rights of Older Persons on 14 June, 2016 and ASEM Expert Forum on Human Rights of



Older persons from 15 -16 June, 2016 at Seoul, South Korea on invitation from Mr. Sung-Ho-Lee, Chairperson, National Human Rights Commission, South Korea. The conference commenced on 14 June, 2016 with welcoming remarks by Sung-Ho Lee, Chairperson, National Human Rights Commission of Korea and Ms. Claudia Mahler, Senior Researcher, German Institute for Human Rights was the GANHRI Chair delegate. The GANHRI Special Session on Human Rights of Older Persons, co-sponsored by the Asia Pacific Forum of National Human Rights Institutions focused on exploring ways on how national human rights institutions contribute to the international community and share experiences to promote and protect human rights of older persons. As the ASEM Expert Forum on Human Rights of Older Persons, the right to health and eradication of poverty were discussed amongst ASEM members, experts from international organizations including the UN and NGOs for the benefit of all participants.

- VII. Justice Shri H. L. Dattu, Chairperson, NHRC India during his deliberations with other delegates highlighted the need for well being and protection of elderly persons which is mandated in the Constitution of India and the various Government policies such as Maintenance & Welfare of Parents and Senior Citizens Act, 2007. The Chairperson highlighted steep rise in population of older persons in India and challenges before India to provide older persons security, good health, dignity, equality and comfortable living. The Chairperson also focused on Commission's initiatives and best practices that promote and protect the rights of older persons in India from the perspective of human rights.
- VIII. Justice Shri H. L. Dattu, Chairperson, NHRC made a presentation on NHRC India initiatives regarding rights of older persons. Initially he introduced about demographic features with reference to population of older people in India and various Acts, policies and functional welfare schemes running for older people in India. The presentation also covered two major themes, viz., NHRC India initiatives and best practices of NHRC for the rights of older persons. The NHRC initiatives elaborated on constitution of Core Group on protection and welfare of the older persons, suggestions offered to government on National policy for senior citizens, promotion of research, spreading awareness through training, seminars and bringing out publications for wider dissemination of information on rights of the elderly. The best practices of NHRC India mentioned about having a robust & comprehensive Complaint Management System, organizing of open hearings & camp sittings regularly, awarding of monetary compensations, having a functional Focal Point for Human Rights Defenders, taking suo motu cognizance and issuance of directions for establishing Old-Age Homes and Appellate Tribunals, introduction of MD courses in Gerontology in Medical colleges, appointed Special Rapporteurs and calling for action taken reports from State Governments on recommendations made by the Commission.
- IX. The National Human Rights Commission, India delegation consisting of Justice Shri H.L. Dattu, Chairperson, NHRC and Shri Dilip Kumar, Joint Secretary (T&R) NHRC attended the GANHRI 2018 Bureau meeting and International Conference at Marrakesh, Morocco from 8 October to 12 October, 2018.



- X. The National Human Rights Commission, India delegation consisting of Justice Shri H.L. Dattu, Chairperson, NHRC, Justice Shri P.C. Ghose, Member, NHRC and Shri Jaideep Govind, Secretary General, NHRC attended the Global Alliance of National Human Rights Institutions (GANHRI) Bureau & Annual Meeting, Asia Pacific Forum of National Human Rights Institutions (APF) and Universal Periodical Review (UPR) event of Commonwealth Forum of National Human Rights Institutions (CFNHRI) from 4 – 7 March, 2019.

C. NHRC Participation in Other International Meetings & Programmes

- I. Justice Shri D. Murugesan, Member and Shri Surajit Dey, Registrar (Law) attended the International Conference on “Identifying Challenges, Assessing Progress, Moving Forward: Addressing Impunity and Realizing Human Rights in South Asia” from 9 – 11 April, 2018 at Hotel Yak and Yeti, Kathmandu, **Nepal**.
- II. Justice Shri H.L. Dattu, Chairperson and Dr. Ranjit Singh, Joint Secretary (P&A) attended the Commonwealth Forum of National Human Rights Institutions (CFNHRI) Biennial Meeting from 16 to 17 April, 2018 and Commonwealth Women’s Forum on 18th April, 2018 at **London, U.K.**
- III. Dr. Ranjit Singh, Joint Secretary (P&A) attended the Conference on AICHR International Dialogue: Sharing Good Practices on Business & Human Rights from 4 to 6 June, 2018 at **Bangkok, Thailand**.
- IV. Justice Shri H.L. Dattu, Chairperson attended the 9th Session of UN Open Ended Working Group on Ageing from 23 to 26 July, 2018 at **New York**.
- V. Ms. Sumedha Dwivedi, SSP has been nominated for the RWI Regional Blended Learning course on human rights, gender equality and environment/climate change in the framework of SDGs, with focus on South Asia. She attended the Face-to-face workshop in Colombo on 25-29 June, 2018 at Colombo, Sri Lanka. She attended the Regional Meeting of NHRI which was organized on 20 – 21 November, 2018 at **Bangkok, Thailand**.
- VI. Justice Shri H.L. Dattu, Chairperson and Shri Dilip Kumar, Joint Secretary (T&R) attended **Global Alliance of National Human Rights Institutions (GANHRI) 2018 Bureau Meeting (from 8 – 9 October, 2018)** and GANHRI International Conference from 10 - 12 October, 2018 at **Marrakesh, Morocco**.
- VII. Shri Ambuj Sharma, Secretary General attended the 2018 United Nations Forum on Business and Human Rights from 26 to 28 November, 2018 in **Geneva, Switzerland**.

D. Interaction with Foreign Delegates in the Commission

- I. A delegation consisting of Ms. Victoria de Mello, Programme Officer, Business & Human Rights, UNDP Business and Human Rights, Bangkok, Mr. Livio Sarandrea, Ms. Suruchi Aggarwal visited the Commission on 2 July, 2018 for a meeting on Business and Human Rights with Secretary General, NHRC India.



- II. Mr. Upendra Baghel, Head Police Advisory Unit, United Nations Assistance Mission in Afghanistan, Kabul visited the Commission to have a Courtesy Meeting with Chairperson on 4 July, 2018.
- III. Mr. Stephan Lanzinger, Political Counsellor, Germany visited the Commission on 24 August, 2018 to have a Courtesy Meeting with Secretary General, NHRC to understand the work of the Commission.
- IV. The Asian NGO Network on Human Rights Institutions (ANNI) - (i) Prof. Kwak Nohyun: Former Secretary General and Commissioner of the NHRC of Korea, and Former Supdt. of Education, Seoul, Korea and presently Adviser to ANNI; (ii) Ms. Rose Trajano: Secretary General of Philippines Alliance of Human Rights Advocates – PAHRA); (iii) Dr. Khoo Ying Hooi, Senior Lecturer at Deptt. of International and Strategic Studies at University of Malaya and (iv) Ms. Sutawan Chanprasert (NHRI Programme Coordinator of the ANNI Secretariat) visited the Commission on 24 August, 2018.
- V. Dr.(Ms) Barbel Kofler, Member of German Parliament & Federal Govt. Commissioner for Human Rights Policy and Humanitarian Aid at the Federal Foreign Office; (ii) Mr. Philip Herzog, Personal Assistant to Dr. Kolfer; (iii) Mr. Arno Kirchhof, Head of Political Section, German Embassy, (iv) Ms. Miriam Strobel, Political Counsellor, German Embassy, (v) Ms. Sakshi Arora, Political Advisor, German Embassy visited the Commission on 23 October, 2018 for an Interaction with NHRC India for a broad overview of India's human rights initiatives and the role of the NHRC in the year of its Silver Jubilee.
- VI. The World Organization Against Torture (OMCT) - (i) Mr. Claude Heller, Member of the UN Committee Against Torture; (ii) Ms. Stella Anastasia, OMCT Network, Coordinator; (iii) Mr. Gerald Staberock, OMCT Secretary General from Geneva, Switzerland visited the Commission on 25 October, 2018 for a formal meeting to discuss the matters relevant to the OMCT's mandate, including the ratification of the UN Convention against Torture.
- VII. A delegation consisting of Mr. Nils Rangnar Kamsvag, Ambassador, Embassy of Norway in New Delhi and Ms. Giske Lillehammer, Counsellor-Head Political, Embassy of Norway in New Delhi visited NHRC, India on 30 January, 2019 for a courtesy meeting with Chairperson. The courtesy meeting was hosted at the request of the Norwegian delegation to understand the human rights issues in India and the functioning of NHRC, India.
- VIII. A Delegation consisting of (i) Ms. Pallavi Jairath, Head of Consular Assistance, Northern & Eastern India, Consular Deptt, British High Commission, New Delhi, (ii) Ms. Daisy Chinoy, Head of Consular Assistance, Western India, Consular Deptt., British Dy. High Commission, Mumbai and (iii) Mr. Ed. Bossley, Consul – India & Bhutan (accompanied Ms. Pallavi Jairath and Ms. Daisy Chinoy for the meeting) visited NHRC on 5 February, 2019 for a meeting with Secretary General, NHRC to discuss on how to work together in the context of open cases where British Nationals have raised torture and mistreatment.



- IX. The NHRC Nepal delegation consisting of Shri Sudip Pathak, Commissioner and six officers, namely, Shri Bed Prasad Bhattarai, Secretary, Shri Murari Prasad Kharel, Director, Shri Shyam Babu Kafle, Deputy Director, Shri Loknath Bastola, Deputy Director, Ms. Taradevi Wagle Bhattarai, Human Rights Officer and Shri Jiban Neupane, Human Rights Officer visited NHRC, India from 4 to 5 February, 2019 to have a briefing and sharing regarding the operation, protection, promotion and law review process of NHRC India and to get the practical knowledge in term of overall process of protection and promotion of human rights and understand its management better.
- X. A Japanese Delegation consisting of 13 delegates who are the delegates for the Law Asia Human Rights Conference which is being organized and 5 representatives of The Bar Association of India visited the NHRC, India on 8 February, 2019 to interact with the Member and officers of the NHRC on Human Rights issues and areas of work pertaining to the NHRC.



CHAPTER 17

Administration and Logistic Support

A. Staff

As on 31.12.2018, 296 employees were in position against the total sanctioned strength of 331 consisting of various ranks. Over the years, NHRC has taken recourse through various methods with regard to selection of personnel for developing and building a cadre of its own. These methods include direct recruitment, re-employment, deputation, contractual appointments and outsourcing.

- Budget:** The Commission is financed through Grants-in-Aid by the Government of India u/s 32(1) of the Protection of Human Rights Act, 1993
- Budget Estimates & Revised Estimates:** The Budget estimates and Revised Estimates of the Commission are prepared by the Accounts Wing of the Commission according to the annual requirement of the Commission. This Estimate with the approval of Secretary General is placed before the Steering Committee of the Commission headed by Chairperson, NHRC. This Committee considers and approves the Annual Budget of the Commission. After approval of the Steering Committee the Budget Estimates are sent to the Government. This estimate of the Commission is scrutinized and approved by the Ministry of Home Affairs, in consultation with the Ministry of Finance.
- Audit :** The Accounts are audited by the Comptroller and Auditor General of India and any expenditure incurred in connection with such audit shall be payable by the Commission.
- Annual Accounts:** The Annual Accounts of the Commission is prepared in the format prescribed by the Government u/s 34(1) of the Act in consultation with Comptroller and Auditor General of India. The Accounts are authenticated and signed by the Secretary General, NHRC and approved by the Steering Committee. The printed Accounts along with the audit certificate are submitted to the Government for placing in both the Houses of the Parliament u/s 34(4) of the Act.
- Expenditure:** Grants received and expenditure incurred during the last three years is shown below:-

(Rs. In Lakhs)

Year	Budget Estimate	Expenditure
2016-17	4404.00	4044.24
2017-18	4648.20	4403.11
2018-19	4873.00 (upto Dec, 2018)	3618.45



B. Promotion of Official Language

In its efforts to promote official language in the NHRC, an Official Language Section has been set up within the Commission. Its prime role is that of translation, including translation of monthly Newsletter of the NHRC, Annual Report, Budget Report and important publications of the Commission. In addition, the Official Language Section of the Commission undertakes several other activities like raising awareness on human rights issues by organizing seminars and workshops in Hindi, Publishing Annual Journal (Manav Adhikar: Nai Dishayein and Manav Adhikar: Sanchayika), Organizing Hindi Essay Writing Competition and Mahatma Gandhi Biennial Hindi Writing Award Scheme.

C. Documentation Centre (E-Library)

- i. The Library of the Commission was established in the Year 1994 for research and reference purpose. It has been upgraded to NHRC Documentation Centre (E-Library) which is well equipped with computer and Internet services. Database of Books / Documents and Articles is available on the internet for the wider use of readers. These readers include Research Scholars of Universities and others readers working in the field of human rights.
- ii. The Quality Information is the backbone and an essential aspect of any documentation centre. The NHRC Documentation Centre (E-Library) keeps important information from different sources and documents to make it available to the Chairperson, Members, officers & Staff of the Commission, Interns, Research Scholars and others who are working in the field of Human Rights by providing value-added information services. The databank at the centre is continuously updated with documents and information that include books & Journals on Human Rights, Government Report, information received from United Nations, NGOs, NHRIs, research papers, unpublished Reports, Films, CDs, video cassettes, etc.
- iii. The compiled information and news paper clippings are readily available in the Library. In addition to its primary role of collecting, and preserving information on major topics of human rights. It also actively disseminates the current information to the users and individuals through electronic books, newsletter, and email services.
- iv. The Weekly News Digest of Human Rights is an initiative to provided data and information on various Human Rights violations in India. The Documentation Centre also compiles the Weekly News Digest. The collected documents and information are updated and uploaded in the website regularly and people from all over the world are making use of this documented information. The information on various subjects is also made available through e-mail on request.
- v. The Library has record of computer database of print books on Human Rights as well as a small collection of fiction and reference books. The Library is computerized, and has evolved into a fully automated library environment with the support of E-Granthalaya (Library software) developed by NIC, New Delhi. The online catalogue of the Library provides an excellent starting



point for anyone researching on violation of Human Rights in various sections of the society. Constant efforts are made to update the collection of Library books and documents so that the users can obtain the most recent books, documents, reports, etc.

- vi. The Library has about 36,497 books and back volumes of journals. It has also a collection of 540 CD/DVD/Cassettes. It subscribes to 54 Journals (Indian and Foreign), 40 Journals on gratis basis, 112 Serial Publications, 27 magazines and 22 National Language and 9 in regional languages newspapers. It has an extensive collection of books and documents covering a wide spectrum of Human Rights and related subjects. During the period under review 7256 new books, Acts and Documents pertaining to Human Rights and related subjects were added to the Library.
- vii. The Library is also equipped with 3 Online databases SCC Online, Manupatra Online and Westlaw India Online along with Software Package (E-Granthalaya) developed by National Informatics Centre (NIC), New Delhi. Library is modernized with state of the art computers, printers, CCTV Cameras and New furniture to provide better services to readers/ users of Library.
- viii. An online OPAC (Open Public Access Cataloguing) has been specially developed for quickly ascertaining the availability and location of any book or document available in the library through any access, such as Author, Title, Subject, Keyword and Publisher.
- ix. NHRC library is Institutional Member of British Council Library and DELNET (Developing Library Networking), New Delhi which promotes resource sharing amongst the libraries. Library also maintains close liaison with others Libraries through Inter- Library Loan facilities for accessing and borrowing books, documents and journals.



CHAPTER 18

Non Acceptance of NHRC Recommendations by State Governments

- 18.1 The NHRC in exercise of its powers under Section 18(a)(i)(ii) makes recommendations for payment of compensation or damages to the complainant or the victim of the Members of the family and/or to initiate proceedings for prosecution and such other suitable action as the Commission may deem fit against the concerned public servant.
- 18.2 Out of the 94 cases, where the compliance on the recommendations made by the Commission during 2009-2010 to 2017-2018, have been pending, the concerned State Governments / authorities have challenged the recommendations of the Commission in four cases by filing Writ Petitions in the respective High Courts. These are mentioned at Sl.No.7, 9, 19 and 27 of the **Annexure-7** and the authorities who had challenged the recommendations are Govt. of Bihar (Sl. No.7), Indian Railway (sl. No.9 & 27), State of Jammu and Kashmir (Sl. No.19) respectively.. Further the recommendations made by the Commission during the current year 2018-2019, in 5 cases as mentioned at Sl No. 65, 226, 246, 273 and Sl. No.441 of the **Annexure 5**, have been challenged by, Jawahar Lal Nehru Hospital & Research Centre (Sl.No65), Executive Engineer, South Co. Utility (sl.No.226 & 246), Amestha Ganesan (sl. No. 273) and Indian Oil Corporation (sl. No.441) by filing Civil Writ Petitions in the respective High Courts.. Further details of these 5 cases is given at **Annexure 5B** The Commission nonetheless makes a fervent appeal to these Governments to expedite the cases pending in their respective High Courts. It also trusts that the Governments of other States, as well as authorities under the Government of India, who are recommended to make the payments, or initiate disciplinary action against guilty public servants as mentioned at **Annexure-5 to Annexure 7**, will adhere to the recommendations made by the Commission and provide immediate respite to the victims/next of their kin (NoK) at the earliest.

NHRC RECOMMENDATIONS CHALLENGED BEFORE COURTS

S. No.	Case No. and name of complainant and nature of complaint	Date and Nature of Recommendations	Details of challenge before Court	Remarks
1.	3434/18/5/2016 (Radhakanta Tripathy) Electrocutation death of two persons and injury to two others in Laxmin arayan Village, Ganjam, Odisha on 9.11.2015	3.5.2018 Monetary relief of Rs. 3,00,000/- (Rupees Three lakhs only) for NOK of deceased.	W.P.(Civil) 17816 of 2018 before odisha High Court at Cuttack by SouthCo. Utility and Others vs NHRC & Others	Sl. No. 246 of Annexure-5
2.	1344/18/10/2015 (Dilip Kumar Das) Electrocutation death of Hiradei Bhatra on 4.2.2014 in Poknaguda Village, Nowrangpur, Odisha	12.10.2018 Monetary relief of Rs. 3,00,000/- (Rupees Three lakhs only) for NOK of deceased.	W.P.(Civil) 5797 of 2019 before odisha High Court by Executive Engineer SouthCo. Utility & Others vs NHRC & Others	Sl. No. 226 of Annexure-5



S. No.	Case No. and name of complainant and nature of complaint	Date and Nature of Recommendations	Details of challenge before Court	Remarks
3.	35109/24/52/2016 Complaint by Ashok Kumar, Mahoba, UP Death of Smt. Indirani on 5.7.2016 due to burn injuries from blast of leaking gas cylinder in Village Bhatipura, Mahoba	29.10.2018 Monetary relief of Rs. 2,00,000/- (Rupees Two lakhs only) for the NOK of deceased.	W.P. (Civil) 8878 of 2019 before Allahabad High Court by Indian Oil Corporation & Others vs NHRC & Others	Sl. No. 440 of Annexure-5
4.	27/32/0/2012-WC Complaint by K. Malliga (SC) about harassment by Dy. Inspector of Schools in Navarkulam, Puducherry	20.9.2018 Monetary relief of Rs. 1,00,000/- (Rupees One lakh only) recommended for the victim.	W.P. (Civil) 3524 of 2019 before Madras High Court by T. Amestha Ganesan against NHRC & Others	Sl. No. 273 of Annexure-5
5.	54/33/5/2017 Complaint by Subodh Kumar Deshpandey – Transfusion of HIV infected blood to 8 year old son Sarthak Deshpande in Bhilai, Chattisgarh on 29.6.2016.	28.1.2019 Interim relief of Rs. 1,00,000/- (Rupees One lakh only) for the victim.	W.P. (Civil) 3157 of 2018 before Chhattisgarh High Court by Jawaharlal Nehru Hospital & Research Centre vs UOI & Others.	Sl. No. 65 of Annexure-5
6.	1817/4/32/2011 (R.H. Bansal) Death of victims due to electrocution as high tension line collapsed due to negligence of Electricity Department	19.11.2012 Monetary relief of Rs. 2,00,000/- (Rupees Two lakhs only) each in addition to the amount of relief already paid to the next of kin of the deceased.	W.P. No. 3640/2014 filed in Patna High Court by North Bihar Power Distribution Company Ltd.	Sl. No. 7 of Annexure-7
7.	1951/4/7/2012-JCD Intimation from Superintendent, Central Jail, Buxar, Bihar Custodial death of Daroga Singh, an inmate, due to denial of medical care by Railway Hospital, Mughal Sarai	30.10.2015 Monetary relief of Rs. 1,00,000/- (Rupees One lakh only) for the NOK of deceased.	Railway authorities have moved the Delhi High Court in this custodial death case and the High Court of Delhi in W.P.C. No. 1194/2017	Sl. No. 9 of Annexure-7
8.	984/34/15/08-09 (Dheerendra Aggarwal, M.P. Lok Sabha) Death of victim Sanjay Kumar, due to beating up by RPF personnel, when he had objected the teasing of his wife by RPF Personnel.	6.5.2015 Monetary relief of Rs. 5,00,000/- (Rupees Five lakhs only) for the NOK of deceased.	W.P. No. 5974/2015 Deputy Director/ Secretary (Crime), Railway Board, Ministry of Railways.	Sl. No. 27 of Annexure-7
9.	55/9/2003-2004-AD (Suhas Chakma) Death of victim Mohan Lal, a rickshaw puller due to third degree torture in the police custody.	19.8.2009 Monetary relief of Rs. 5,00,000/- (Rupees Five lakhs only) for the NOK of deceased.	OWP No. 890/2011 titled State of J&K Vs. NHRC & Ors. is still pending before the Hon'ble High Court of Jammu & Kashmir	Sl. No. 19 of Annexure-7



CHAPTER 19

Summary of Principal Recommendations and Observations

A. Number and Nature of Complaints

Like previous years, the Commission continued to receive complaints from different parts of the country on wide range of issues relating to human rights violations. The complaints, received in the Commission, cover a wide range of issues such as alleged human rights violation due to negligence by a public servant in the prevention of such violation, alleged custodial deaths, torture, fake encounters, police high-handedness, violations committed by security forces, conditions relating to prisons, atrocities committed on women and children and other vulnerable sections, communal violence, bonded and child labour, non-payment of retiral benefits, negligence by public authorities and atrocities on SC/ST, etc. The Commission also took cognizance of the intimation received regarding deaths in police encounters and police custody, judicial custody and in the custody of defence/para military forces. Suo motu cognizance of many incidents based on reports in print and electronic media was taken, including those cases which came to the notice of Chairperson, Members, Special Rapporteurs and Senior Officers of the Commission during their visits to different parts of the country.

B. Human Rights Violation Cases

- i. During the year 2018-2019, a total 89,584 number of cases were registered in the Commission (Annexure-1). Out of these around 41,947 cases related to the State of U.P, around 6562 cases related to State of NCT of Delhi, 4983 cases related to Odisha, 4158 cases related to Bihar and 3165 cases related to Haryana respectively. It disposed of 94,739 cases which included cases of previous years as well. Of the total number of cases disposed of by the Commission during the year under review, 28,116 were dismissed 'in limine'. During the year 2018-2019, the Commission disposed of around 33,716 cases with directions to the appropriate authorities for remedial measures. The 18,816 number of cases were transferred to the State Human Rights Commissions for disposal in accordance with the provisions of the PHRA.
- ii. The disposal of cases during the year under review has been done in different ways i.e. either by dismissal of the complaint (DIL), by directions to the authorities for taking appropriate action or through transferring of the complaint to the State Human Rights Commissions or by closure of the case upon consideration of the reports received in pursuance to the Commission. At the end of the reporting period, i.e. on 31 March, 2019, the total number of cases pending with the Commission was 20,813 cases. These covered 1,188 cases awaiting preliminary consideration and 19,625 cases were pending either for want of reports from the authorities concerned or the reports received being pending for consideration by the Commission (Annexure-3).



C. Preventing Custodial Violence

- i. During the year 2018-19, the NHRC received 1,797 intimations concerning death in judicial custody¹, and 136 intimations of death in police custody. 2 intimations of death in para-military / defence forces custody was also reported during the review period. It disposed of 1568 cases of custodial death. Out of these 1568 cases, 1417 cases relate to death in judicial custody, 151 cases of death in police custody and one case of death in the custody of para-military forces. These figures contain cases of previous years as well. See the Graph for all specified details and the chart in Chapter 2

D. Recommendations of NHRC for Monetary Relief and its Compliance

- i. During the period under review, the Commission recommended Rs. 25,38,35,000 as payment of monetary relief/compensation to the victims/next of kin of the deceased in 691 cases. Out of these 691 cases in which monetary relief was recommended, compliance reports were received only in 125 cases, wherein a total amount of Rs. 2,18,15,000 was paid to the victims/next-of-kin of the deceased. The State/ Union Territory-wise details of these cases are at Annexure-4.
- ii. As on 31.03.2019, the compliance reports were awaited in 566 cases wherein monetary relief amounting to Rs. 23,20,20,000 was recommended during the year (see Annexure- 5). Apart from the major recommendations for the monetary relief, the Commission also recommended disciplinary/ departmental action against the errant public servants in 25 cases (see Annexure- 5A). The Commission, once again, recommends to all those States/Union Territories, in particular the Government of Uttar Pradesh, to take speedy action on cases pending with them for compliance so that the monetary relief recommended in each case is immediately given to the victim/next-of their-kin.
- iii. With regard to compliance reports relating to the cases pertaining to previous years, compliance was awaited in 249 (155+94) cases. (see Annexures - 6 & 7).

E. Pilot project on Food on Ensuring Food Security

- i. As a part of the Silver Jubilee Celebrations of NHRC, 2018, the Commission commenced a number of activities to commemorate the occasion. One of the activities being under-taken during the celebration was to initiate Small Scale Pilot Projects.
- ii. The Pilot Project on addressing the issue of food security by gathering surplus food from Restaurants, Hotels, Government and Private Hostels, and large social gatherings and distribute them to necessitous people was allocated to Hon'ble Member Smt. Jyotika Kalra, and Nodal Officer Dr. Mahesh Bhardwaj, SSP. Subsequently, the responsibility of the Pilot Project was handed over to the Director (A) Unit to carry forward the same under the Chairmanship of Hon'ble Member, Smt Jyotika Kalra.
- iii. The first meeting with regard to the Project was held on 20 September, 2018 where several NGOs from the NCR region working on the issue of food security were invited. The Objective of

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



the meeting was to seek their cooperation and conduct a productive deliberation regarding the operationalisation of the project. After this meeting it was decided that NHRC will collaborate with NGO Mera Parivar and Feeding India to initiate the Pilot Project.

- iv. The subsequent follow-up meetings were held on 26 November, 2018 and 1 February, 2019 and 14 February, 2019 respectively. After which it was decided that NHRC and NGO- Mera Parivar will collaborate to work on the gathering of excess raw food items available in the Azadpur Mandi, New Delhi. With regards to this, both the partners of the Pilot Project (NHRC and *Mera Parivar*) have come to the conclusion that a community fridge shall be installed at the Mandi to facilitate the preservation and distribution of collected raw food items.
- . The last meeting was held on 14 March, 2019 in the Commission. The objective was to discuss and formulate further action plan for the proposed initiative after deliberation with the Secretary and other senior officials of Azadpur Mandi and representative of *Mera Parivar* (NGO).

F. Open House Discussion' on 'Rising Incidents of Sexual Violence against Children' at the Commission

- i. An Open House Discussion' on 'Rising Incidents of Sexual Violence against Children' was held by the National Human Rights Commission on 15 May, 2018 which was chaired by Justice Shri H.L. Dattu, Chairperson, NHRC.
- ii. Some of the major recommendations/suggestions emanated from the meeting were as under:
 - 1. **A National Action Plan** in a mission mode needs to be drawn up to address this grave and serious issue in a time bound manner. Such an action plan should clearly lay down the rules and responsibilities of each stakeholder including Central and State Governments law enforcing agencies, district administrations, panchayat raj bodies, schools, colleges, universities, media, parents etc., based on proper scientific planning and collaboration between all concerned agencies.
 - 2. Need to have a **systematic evaluation and monitoring of critical legislations** impacting or concerning children including JJ Act, POCSO, IPC, Cr.PC, Indian evidence Act etc., so as to remove any contradictory/ambiguous provisions which might be hampering their proper implementation. Proper harmonization of 14 legal provisions across different laws is urgently needed.
 - 3. An analysis needs to be done regarding the **issue of burden of proof** in such cases as it is seen that nearly 60-70 per cent of the cases end up in acquittal mainly because of main witnesses turning hostile, particularly in cases involving close relatives / friends which may be due to societal/family pressure.
 - 4. The legally required steps with **regard to appointment of support persons, provision of child remand/detention homes etc.** under POCSO may be followed up in a time bound manner and hundred percent progress achieved within one year, i.e. by end of 2019.



5. **Appointment of fast track courts and code of conduct for police personnel** in the matter of proper scientific investigation and review of monitoring of cases involving sexual violence against children.
6. Government may set up a *strategy group* for **school children to come up with a comprehensive set of guidelines**, within a fixed time frame, which would lay down the details of security and safety parameters/protocol to be observed within school premises (both Govt. & private alike) to ensure prevention of such incidents within the school premises. This would include technology interventions (e.g. CCTVs, bio-metric identification, etc), provision of socio-psycho counselors, proper complaint redressal mechanism, early detection and warning system, close liaison with the law enforcement agencies, sensitization of teachers and staff, inviting cooperation of parents/guardians etc.
7. A suitable scheme at **national level for the rehabilitation of victims** as different States has varying level of resource constraints etc.
8. The experiment of '**Bharosa**', a special one-stop centre at Hyderabad is deemed to be a success story. Other one or two similar experiments (e.g. Women Power Help Line 1090 in U.P) may be studied and a comprehensive One Stop Centre Policy/Scheme for children related issues may be drawn up at the national level.
9. **The appropriate use of technology for detection, investigation, conduct of cases, follow up of victims' rehabilitation etc**, needs to be drawn up and implemented uniformly across the country instead of having just one or two good examples here and there.
10. A **nationwide awareness scheme in a campaign mode particularly in rural areas**, is required to create widespread awareness about this issue as well as remedial measures being taken/proposed to be taken by different agencies as well as to garner support from critical stakeholders like NGOs and civil society, media, panchayat raj bodies etc., which can go a long way in improving the current situation.
11. While NCRB data shows approximately 40,000 cases per year, it is widely believed that a large number of cases of sexual violence against children go unreported, particularly those involving close relatives/friends, upper class urban 16 families etc. Therefore, appropriate measures need to be taken to devise ways and means **to get maximum number of unreported cases also within the system**.
12. Extensive **capacity building/training and orientation at regular intervals** of critical police personnel such as Constables, ASIs, SIs and Inspectors at the police station level are needed as the investigation and filing of cases, etc., is done at this level which is often found to be shoddy ending up in high rate of acquittals.



13. **Appropriate norms should be drawn up on a scientific basis for creation of new/ additional forensic science laboratories across the country** so as to ensure that all forensic samples are analyzed and reports given within a maximum period of 30 days as this step alone will go a long way in expeditious disposal of such cases. Till the new FSLs are created, priority needs to be given to cases involving sexual violence against children, particularly those involving murder.
14. **Greater involvement of grass-root level staff** including ASHA workers, ANMs, Health workers, education department and extension staff of development wing, agriculture department, extension staff etc., for creation of awareness and early detection and reporting of cases at the village level
15. Based on proper scientific planning and estimation, **the requirement of funds** in real terms (may be as percentage of GDP/ Per Capita Government spend) may be calculated for a higher level of law and order maintenance regime. This should be done on the basis of clear cut, tangible outcomes and a 5-10 year improvement scheme / plan drawn up. Efficient basic law & order set up throughout the country is a basic minimum requirement of high GDP growth rate and general well-being of the population.

G. North West Regional Review Conference on Juvenile Justice (Care and Protection of Children) Act, 2015, the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Restorative Justice (Victim Compensation & Rehabilitation) a Panchkula (Haryana) on 18-19 June 2018 at Kisan Bhawan, Panchkula

- i. A North-West Regional Conference on 'Juvenile Justice (Care and Protection of Children) Act, 2015, the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Restorative Justice (Victim Compensation & Rehabilitation)' was organized by the National Human Rights Commission on 18-19 June 2018 at Kisan Bhawan, Panchkula, in collaboration with the Department of Women & Child Development, Government of Haryana. It was held under the Chairmanship of Smt. Jyotika Kalra, Member, NHRC
- ii. Some of the major recommendations/suggestions emanated from the meeting were as under:
 1. **Sensitization and awareness about provisions of the JJ Act 2015:** Training on regular basis should be made mandatory for all the stake holders including government officers, police officers, judicial officers, members of JJ Board and CWC, Probation officers, staff posted in DCPUs and general public.
 2. **The highlights of the Juvenile Justice Act** needs to be emphasized on the conspicuous places in the police stations; the ignorance of actual provisions of the Act: The principles of Juvenile Justice as prescribed in section 3 of the Act should be prominently displayed in every police station.



3. **Provisional registration should be encouraged to attract more CCIs to register.**
The process to Lodge a complaint against the un registered CCIs should be specified in the Act. Secondly, the Supreme Court guidelines in Re: Exploitation of Children in Orphanages in the State of Tamil Nadu Vs Union of India and Ors should be strictly complied with.
4. **The design of CCIs, especially of the Observation Home, Special Home and Place of Safety is not child friendly:** A model design should be prepared and states may be asked to replicate it. Central Government and State Government should accord priority to build CCIs in government sector. The NGOs may be included to run these CCIs but as per the standard laid down in the JJ Act, NGOs are not in a position to construct CCIs. A separate CCI for CNCP of the age of 16 years is needed to house CNCP who are capable of exploiting young CNCP.
5. **The States must frame the rules so that funds are made available to the DCPUs.** At least one drug de-addiction clinic for child in conflict with law should be established in each state, preferably in each zone/range.
6. It is recommended that **Sarpanchs/Gram Pradhan may be declared as Child Community Welfare Officer** to ensure mandatory registration of birth and getting AADHAR card made for every child.
7. **Compensation:**
 - (i) There is a need to work out on compensation plans, to ensure interim relief to the victim and reintegration to the main stream as soon as possible.
 - (ii) Further, 25% of compensation should be given on registration of FIR, 50% on charge sheet and rest on conviction. Also, the fine on the accused may be given to the victim in addition to compensation.
 - (iii) There is also a need to look into the recent NALSA scheme.
8. **Emergency Care at SJPU:** SJPU should be given an amount for emergency care – medical treatment, food, clothes etc for POCSO victims, which can be disbursed to each thana. This will also increase ownership within police of child protection systems.
9. **Recruitment of Women Police Officers:** The police force needs to increase the number of women recruits and ensure that there are enough women Investigating Officers (to conduct investigations) as well as PSIs to take statements of women/ child victims as per law in all police station across the country.
10. **Need for the Counselor and Psychologists:** Trained counselors must be appointed to involve both the victims and offender to form a balanced approach in understanding their behavior and its consequences. (ii) Trained psychologist must be a part of Child Protection Team



11. **Fixed Time period for CNCP** in Shelter Homes and Follow up Action for released children. The time for which a CNCP may be kept in an open shelter should be defined properly in the Act.
12. **Provisions to undertake follow up action** for children after they are released from CCLs need to be established adequately in rules.
13. It is recommended that **Sarpanchs/Gram Pradhan may be declared as Child Community Welfare Officer** to ensure mandatory registration of birth and getting AADHAR card made for every child.
 - i. Block and Village Level Committees: ICPS should have a financial provision for Block and Village level committees that can carry out ground level sensitisation activities.
 - ii. Courts:
 - (i) There is a need to appoint separate judicial officer for POCSO Courts and ensure in-camera trial.
 - (ii) Further, capacity building of Judges on specific provisions of POCSO needs to be done.
 - iii. The Kangaroo courts should not be allowed to do anything pertaining to POCSO cases and a penal provision should be introduced for the same.
 - iv. The courts are required to be child friendly and there should always be a screen between victim and accused, as provided in the Act.
14. **Appointment of Nodal Teachers in Schools:** A nodal teacher may be appointed in every school and he/she should be provided with proper training for identification of suspected cases of child abuse. Also, awareness about POCSO Act in schools needs to be done through different mediums.
15. **Restorative Justice:** Rehabilitation of CICL inside the observation home through vocational training or other means must be the priority for the JJB.

For mandatory reporting to be successful, there must be adequate resources and training available to the reporting department i.e. the police and child welfare committees. Special training modules must be prepared in consultation with NIMHANS/other Universities, involving trained psychosocial workers.
16. **Need to have Individual Care Plans:** Individual care plans must be prepared by the experts and it must be made as a mandatory document. Periodical review of all plans relating to individual care is necessary with close monitoring. (iii) Special care plan for geographically affected states like Uttarakhand where SJPU concept is practically difficult to implement.



H. National Conference on Child Marriage held in New Delhi on 29-30 August, 2018 at Indian Habitat Centre in New Delhi

- i. The National Human Rights Commission had organized a National Conference on Child Marriage in collaboration with South Asia Initiative to End Violence Against Children (SAIEVAC), on 29-30 August, 2018 at Indian Habitat Centre in New Delhi. It was held under the Chairmanship of Smt. Jyotika Kalra, Member, NHRC
- ii. Some of the major recommendations/suggestions emanated from the meeting were as under:
 1. To make all **marriages below 16 years age to be 'void'** and between 16-18 years to be 'voidable'.
 2. **Time limits for annulment of child marriage** and other actions including the filing of application for injunctions should be specified in the Act
 3. **Recognize NGOs and prominent people** who play a role in ending child marriage as 'next friends' along with the Child Marriage Prohibition Officer under subsection 2 of Section 3 of PCMA for strengthening support systems to the minor victims.
 4. Based on the Law Commission's Report No.205, published in 2008, the Government may **examine the case for fixing uniform age of marriage for both girls and boys** as in the case in over 125 countries in the world, based on a detailed and critical consideration of all pros and cons in the Indian context.
 5. **Appropriate changes in Right to Education Act:** The term 'Compulsory education' under RTE Act may be extended up to the age of 18 years and completion of Senior Secondary Education i.e. till Class 12 instead of 14 years and completion of elementary education at present. Action: Ministry of Human Resource Development/ Ministry of Law and Justice
 6. **Inclusion of child related laws in schools' curricula:** There should be convergence with MHRD at national level and Department of Education (DoE) at the state level to integrate gender and rights education in the school curriculum, highlighting focus on child marriage. Action: Ministry of Human Resource Development/ Ministry of Law and Justice.
 7. **Common Minimum Programme:** There is a need for the Government of India to undertake an in-depth research to understand the underlying causes of social and cultural factors contributing to child marriage and develop a uniform Common Minimum Programme at the national level and the State Governments to follow up the messages specific to each state [local language] to combat child marriage. Action: Ministry of Women & Child Development/ Concerned Department of State Governments/UTs.
 8. **Sensitization and Awareness Campaign:** Develop, launch and roll-out of State and District wide campaigns through media, use of role models, and dissemination of communication materials through different means. At the block level and village level, link the dissemination of the campaign to other types of folk media and community



- mobilization efforts, such as street theatre, radio shows and rallies. Further, the most important provisions of the PCM Act should be taken out, highlighted and then published in vernacular languages in all Districts. Action: Ministry of Women & Child Development/ Department WCD of State Governments/UTs.
9. **Vulnerability Mapping:** Assign responsibility to empower and engage PRIs and standing committees to periodically map the vulnerable areas at village and block level where child marriage takes place, monitor and track every child's status on education until the legal age of 18. The support of School Management Committees [SMCs] and VLCPCs may be considered in achieving the above. For the purpose, technology should be used for real time data collection, recording, tracking, analysis and identification of hotspots and for awareness generation Action: Concerned Departments of State Governments/UTs.
10. **States to develop and undertake monitoring and evaluation** for measuring outcomes through participation of all stakeholders involved.
- Efforts from all the stake holders are required to address the problem of Child Marriage in a mission mode.
 - Registration of marriages to be made compulsory.
 - States to constitute a Task force involving representatives of all line departments (WCD, Education, Health and Family Welfare, Labour and Employment, Panchayati Raj, Revenue) at all levels of administration from State to Village level to ensure the effective convergence between the various line departments.
 - Task Force to conduct frequent deliberations involving NGOs and Civil Society members at all levels to ensure convergence between State and non State players.
 - State Task Force to undertake half yearly evaluation to gauge outcomes and impact. Action: Concerned Departments of State Governments/UTs.
11. Tracking and Follow-up of registered cases: Both the cases of (i) child marriage still pending prosecution and (ii) in those cases where child marriage was effectively stopped, there is a need for tracking and follow up of all such cases. Action: Concerned Departments of State Governments/UTs.
12. Rehabilitation of the victim: The State Governments need to formulate a financial plan for rehabilitation of girl victims regarding maintenance, both for the period during annulment proceedings before the Courts and after such annulments also, 12 where the circumstances of the case so require. Action: Concerned Departments of State Governments/UTs.
13. **Appointment of Child Marriage Prohibition Officer:** There is a need to appoint sufficient number of Child Marriage Prohibition Officers (CMPO) at the block level and village level by involving government functionaries of Education, Health departments, etc, available at that level and the statistics of incidence of child marriage to be maintained for routine follow up. Action: Concerned Departments of State Governments/UTs.
14. **Develop Life skill education curriculum for adolescent girls:** institutionalize the training of adolescent girls on life skills education through Anganwadi and/or ASHA



workers at community level and the teachers at school level. There is a need for integrating Job oriented vocational training in higher education to ensure girls and women are empowered with employable skills and increase their presence in workforce. Action: Concerned Departments of State Governments/UTs.

15. **Involvement of Religious Leaders:** Engage religious leaders of all faiths so as to enthuse their commitment in Saying NO to SOLEMNIZING marriages before legal age. This also calls for registration of all religious leaders who are engaged in solemnizing marriage and to restrain them from solemnizing Child Marriage without age proof and consent of the bride and groom. Action: Concerned Departments of State Governments/UTs.
16. **Community policing:** There is a need to introduce community based policing in every State for strengthening the police effectiveness in preventing child marriages as this would help in police officers and private citizens work together in creative way. One such programme in this direction is AMA Police Project introduced by the Odisha Police. Action: Concerned Departments of State Governments/UTs.
17. **Linking of welfare benefits with child marriage:** Create a linkage between the financial benefits from the state and central government schemes and Birth and Marriage Registration Certificates to ensure delay in marriage of girls and boys until legal age of marriage. Action: Concerned Departments of State Governments/UTs
18. **NPAC to be translated into vernacular languages** and be disseminated at every level Action: Concerned Departments of State Governments/UTs.

I. **Core Group meeting on Women was held in the Commission on 02 November, 2018**

The first meeting of the reconstituted Core Group on Women held in the Commission on 02 November 2018 under the chairmanship of Hon'ble Member, Smt. Jyotika Kalra. The major recommendations emanated from this meeting are as under:

1. **Political participation** is a major component of empowerment. The continuing under-representation of women prevents their proper participation in the decision making process in the country. Women must be involved in the decision making process. Political consensus needs to evolve to facilitate early, the 33 percent reservation of women in positions of public representation officers at all levels.
2. **Mahila Pradhans** have been working as proxy administrators, where their spouses/son carries on their roles. Thus, Mahila Pradhans must be provided with training/orientation program on leadership roles, skill development and must also be made aware of their duties and responsibilities towards their village as Pradhans.
3. **Involvement of women at community level** in decision making roles is pivotal towards improving local governance and social justice. It is thus, essential to engage both men and women to work together through community mobilization process. Community women collective or Mahila Sabha must be formed and promoted to participate in the welfare of the community and conduct social audits such as safety audits.



4. **Research on Women's Voices must be promoted** to analyze and explore their struggles and negotiations of everyday lives for a better perspective on the status of women in India.
5. **Effective implementation of Ministry's guidelines** must be ensured through regular monitoring and evaluation. Vernacular translation of guidance and guidelines must be prepared focusing on the target population, so that they are easily understandable and are provided with simple procedural formalities to enabling access to the System.
6. **Awareness programs of Government policies** must be in coherent with the technological advancement. WhatsApp messages and facebook must also be used to ensure the awareness of government policies, programs and schemes.
7. **Inclusion of men in the debate of women's empowerment** is essential to achieve holistic development. Women's empowerment as a movement must not be a movement for women and by women; the support of men is crucial and must be promoted.

J. Core Group on Children

A meeting of the Core Group on Children was held on 20 November, 2018 in the Conference Hall of the Commission under the chairmanship of Smt. Jyotika Kalra, Hon'ble Member, NHRC. The major recommendations are as under:

1. **Mandatory Registration of CCI:** *As mandated under the provisions of the JJ (Care and Protection) Act 2015*, all Child Care Institutions (Government and Non Governmental, irrespective of receiving grants or not) should be registered under the Act in such a manner as prescribed and it should also be linked to the Specialized Adoption Agencies. It should be ensured that timely inspections and follow up actions are carried out meticulously as per the guidelines of the Ministry of Women and Child Development. (Action by MWCD and the States /UTs)
2. **Compliance of Registration formalities Compliance of legal and other formalities of the proposed Societies** *should be ensured from the time of registration itself under the relevant Acts/Rules.* It must be made mandatory to submit quarterly Report on continuation of those compliances and its routine evaluation by the authorities concerned. (Action by MWCD and the States /UTs).
3. **Profiling and redundant Monitoring of CCIs:** The guidelines contained in the WCD manuals for Institutional Care and protection of Children should be followed by every CCIs working in the field. The monitoring and inspection of CCIs and effective functioning of the Internal Management Committee must be ensured by the State Inspection Committee. Child Welfare Committees should also give preference to Govt run CCIs over the private run CCIs. Profiling of CCIs, random checking and routine inspections should be strictly followed as per the guidelines of MWCD. Additional mechanism to monitoring the system and some level of accreditation or ranking may be given to the CCIs on the basis of its functioning with the required level of transparency and accountability (Action by MWCD and the States /UTs)
4. **Installation of CCTV Cameras:** Premises of the CCIs should be under CCTV coverage. It is an effective deterrent measure although not a substitute for human care and accountability; therefore senior officers must be held responsible for its effective deployment, functioning, utilization and accountability. (Action by MWCD and the States /UTs)



5. **Accessibility of help line Number 1098:** It should be ensured that the helpline is effectively working and is accessible freely to the children. The advantageous utility of it the same to be made known to every inhabitant of the CCI. Also, it should be ensured that the access to the phone should not be under the coverage of CCTV. (Action by MWCD and the States /UTs).
6. **Background and character antecedents** to check Periodical background and character antecedent check in respect of the people working in the CCIs, this must be compulsorily carried out. (Action by MWCD and the States /UTs).
7. **Enhancement of Remuneration of the Staff of CCIs:** The State must ensure payment of the reasonable amount to the employees of the CCIs to enable the staff to stay longer into these institutions and also, there will be a fear of accountability attached to it. (Action by the States / UTs) Rights of the Children with Disabilities.
8. **Sensitization, early Intervention and Community based management Sensitization and awareness campaigns** to be organized for early detection of disability among the children and interventions by the local stakeholders, Panchayati Raj Institutions, Administrators, Legislators, Doctors, Nurses, Aanganwadi, Asha workers, Para medical workers, etc. Training programmes and workshops should be organized for creating awareness about the rights of the disabled children and to provide them with compulsory elementary education in an appropriate environment. (Action by the States /UTs/MHRD/Department of Empowerment of Persons with Disabilities, Ministry of Social Justice, Ministry of Information and Broadcasting).
9. **Mapping and survey:** The States/UTs need to undertake specific survey of the disabled children, ascertaining their special needs and the extent to which these are being met. The survey also needs to be carried out to promote and facilitate inclusive education and their empowerment from the primary level itself. Also, there should be an attempt to develop a child tracking system to keep updated information of whereabouts of the child. (Action by the States /UTs /MHRD/ Department of Empowerment of Persons with Disabilities, Ministry of Social Justice).
10. **Promotion of retrofitting of environment:** There should be initiative in creating a universal design of all products, technologies, the assistive/supportive devices with which we can help children overcome the major difficulties in their development. (Action by the States /UTs)/ MHRD/Department of Empowerment of Persons with Disabilities, Ministry of Social Justice).
11. **Funding for Action Research:** Preferential research funding for action research on the subject of disability, especially for the poor children with disability who are not only disadvantaged but also vulnerable, to be considered. (Action by the States /UTs/ICSSR/ NHRC/ NCERT/ MHRD/ MSJ).

K. Rights of Elderly

Meeting of Core Group on Disability and Elderly Persons on 24 August, 2018

- i. This year, the Commission reconstituted the Core Group on Disability and Elderly Persons. A meeting of the Core Group was held on 24 August, 2018 under chairmanship of Smt. Jyotika Kalra, Member, NHRC.



- ii. The major recommendations related to elderly persons emanating from the meeting are as under:
1. **Old Age Pension:** The old age pension being given to elderly persons be revised on the basis of need based index. The Commission would request an appropriate body like National Council of Applied Economic Research (NCAER) to develop a need based index for fixing the amount of pension for elderly persons. Till the time need based index is prepared, pension should be price indexed. (Action: NHRC)
 2. **Removal of cap on the number of beneficiaries:** Cap on the number of beneficiaries to be given coverage in a State/UT old age pension under the National Social Assistance Programme should be removed by the Central Government and all needy/eligible persons covered. (Action: Ministry of Rural Development)
 3. **Nodal Police Officer:** As in the case of JJ Act, 2015, wherein there is a provision of designating a Child Welfare Police Officer in every police station to look into the issues of violation of child rights, on the same lines a police official in every police station may be nominated as Nodal Officer for dealing with the issues concerning elderly persons. (Action: M/o Home Affairs, Ministry of Social Justice and Empowerment)
 4. **Time Bank:** Many of the elderly are now living alone in their home without any support from the family. A 'Time Bank' Scheme was launched by Switzerland wherein people save time for taking care of elderly whoever needs the help. Their service hours get deposited into their personal account of social security system. When the volunteer himself gets old and needs someone to take care, he/she could use the 'time bank' and a volunteer is assigned to take care of him/ her. This model was also adopted by the United Kingdom, and Singapore is also considering implementing it. The Ministry of Social Justice and Empowerment may consider developing a scheme of 'Time Bank' at least on a pilot basis for taking care of older persons who need help on the lines of the models adopted by Switzerland and United Kingdom. (Action: M/o Social Justice and Empowerment).

L. Core Group Meeting on Business, Environment and Human Rights

The meeting of the Core Group on Business, Environment and Human Rights was held on 12 March, 2019 in NHRC. The meeting was chaired by Shri Jaideep Govind, Secretary General, NHRC. Post intensive discussions, the following recommendations were made:

- i. **NHRC to invite research proposal on UNGPs:** NHRC to invite research proposals on the three pillars of the United Nations Guiding Principles, i.e., (i) state duty to protect human rights, (ii) corporate responsibility to respect human rights and (ii) access to remedy to victims of human rights abuse.
- ii. **NAP to include action plan:** There should be a clear action oriented plan in the NAP including the focused and realistic measures for operationalizing the business and human rights agenda
- iii. **Review of complaints by NHRC:** In order to identify the key priority areas for government's effective implementation of the UNGPs, the Commission may review the complaints it has received for the number of complaints pertaining to business violation of human rights.

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ANNEXURES



Annexure – 1

Statement Showing State-Wise no. of Cases Registered from 01/04/2018 to 31/03/2019

Name of the State/ UT	Complaints	“Suo- Motu Cogn- izance”	“Police Custodial Deaths/ Rapes”	“Judicial Custodial Deaths/ Rapes”	“Defence/Para- Military Forces Custodial Deaths/Rapes”	Intimation Received about Encounter Deaths	Total
All India	1040	5	0	0	0	0	1045
Andhra Pradesh	1363	1	5	43	0	2	1414
Arunachal Pradesh	65	0	2	6	0	6	79
Assam	268	2	5	30	0	7	312
Bihar	4023	6	5	114	1	9	4158
Goa	51	0	0	3	0	0	54
Gujarat	1814	2	13	67	0	2	1898
Haryana	3084	4	7	65	0	5	3165
Himachal Pradesh	186	0	1	15	0	1	203
Jammu & Kashmir	210	0	0	8	0	0	218
Karnataka	1375	1	7	1	0	0	1384
Kerala	835	2	3	33	0	1	874
Madhya Pradesh	2672	3	12	143	0	1	2831
Maharashtra	2189	6	11	149	0	11	2366
Manipur	41	0	3	0	0	0	44
Meghalaya	21	0	0	3	0	1	25
Mizoram	9	0	1	4	0	0	14
Nagaland	15	0	0	0	0	2	17
Orissa	4902	2	4	61	0	14	4983
Punjab	1502	1	5	117	0	1	1626
Rajasthan	3121	5	8	74	0	0	3208
Sikkim	15	0	0	3	0	0	18
Tamil Nadu	3090	4	11	89	0	0	3194
Tripura	62	0	0	5	0	0	67
Uttar Pradesh	41442	18	13	452	0	22	41947
West Bengal	2078	3	5	115	1	0	2202
Andaman & Nicobar	42	0	0	1	0	0	43
Chandigarh	143	0	0	4	0	0	147
Dadra & Nagar Haveli	20	0	0	0	0	0	20
Daman & Diu	21	0	0	1	0	0	22
Delhi	6493	15	8	44	0	2	6562
Lakshadweep	5	0	0	0	0	0	5
Pondacherry	117	0	0	1	0	0	118
Chhattisgarh	509	1	3	55	0	53	621
Jharkhand	1683	0	3	64	0	17	1767
Uttarakhand	1423	0	2	18	0	0	1443
Telangana	1207	2	0	9	0	1	1219
Foreign Countries	270	1	0	0	0	0	271
Grand Total	87406	84	137	1797	2	158	89584



Annexure – 2

Statement Showing State-Wise Disposal of Cases During 2018-2019

Name of the State/UT	Dismissed in Limini	Disposed with Directions	Transferred to SHRCs	Concluded after receipts of Reports			Total
				Complaints/ Suo-Motu Cases	Custodial Deaths/ Rapes	Intimation Received about Encounter Deaths	
All India	875	154	0	15	0	0	1044
Andhra Pradesh	507	644	131	149	36	2	1469
Arunachal Pradesh	10	28	1	25	5	2	71
Assam	93	114	28	68	20	23	346
Bihar	1130	1373	1145	599	81	1	4329
Goa	17	23	8	4	2	0	54
Gujarat	673	598	427	274	91	2	2065
Haryana	884	1228	554	705	20	2	3393
Himachal Pradesh	79	77	16	42	1	0	215
Jammu & Kashmir	73	68	51	38	9	0	239
Karnataka	550	375	285	215	9	0	1434
Kerala	352	254	182	106	23	0	917
Madhya Pradesh	1012	821	650	411	126	0	3020
Maharashtra	864	704	526	298	129	11	2532
Manipur	6	14	3	31	2	5	61
Meghalaya	4	11	1	19	5	7	47
Mizoram	0	5	0	5	5	0	15
Nagaland	3	7	0	4	1	1	16
Orissa	1200	2760	845	680	44	2	5531
Punjab	378	445	552	251	166	0	1792
Rajasthan	997	1037	715	778	67	1	3595
Sikkim	2	8	1	3	2	0	16
Tamil Nadu	1265	944	698	262	73	1	3243
Tripura	11	30	4	21	4	1	71
Uttar Pradesh	11602	16298	10679	5093	354	23	44049
West Bengal	674	664	469	342	117	3	2269
Andaman & Nicobar	10	26	0	10	0	0	46
Chandigarh	65	60	2	23	1	0	151
Dadra & Nagar Haveli	10	10	0	6	0	0	26
Daman & Diu	7	11	0	4	0	0	22
Delhi	2915	2875	2	1184	37	4	7017
Lakshadweep	4	0	0	2	0	0	6
Pondacherry	50	56	0	33	0	0	139
Chhattisgarh	204	157	88	74	38	4	565
Jharkhand	521	600	348	348	48	3	1868
Uttarakhand	453	551	302	161	27	0	1494
Telangana	471	564	103	130	27	0	1295
Foreign Countries	145	122	0	10	0	0	277
Grand Total	28116	33716	18816	12423	1570	98	94739



Annexure – 3

“Statement Showing Number of Cases Pending as on 31/03/2019 (Data as per cms as on 12/04/2019)”

Name of the State/UT	Case Awaiting Preliminary Consideration				Pendency of Cases where Reports have either been received of Awaited from the Authorities				Grand Total
	“Complaints/ Suo-Motu Cases”	Custodial Deaths/ Rapes cases	Encounter Cases	Total	“Complaints/ Suo-Motu Cases”	Custodial Deaths/ Rapes cases	Encounter Cases	Total	
All India	19	0	0	19	19	0	0	19	38
Andhra Pradesh	26	0	0	26	221	121	10	352	378
Arunachal Pradesh	2	0	0	2	33	25	18	76	78
Assam	4	1	0	5	105	83	186	374	379
Bihar	68	3	0	71	948	339	24	1311	1382
Goa	0	0	0	0	11	1	0	12	12
Gujarat	34	3	0	37	304	63	2	369	406
Haryana	50	1	1	52	809	167	17	993	1045
Himachal Pradesh	3	0	0	3	53	25	1	79	82
Jammu & Kashmir	5	0	0	5	65	2	0	67	72
Karnataka	16	0	0	16	153	10	3	166	182
Kerala	17	0	0	17	111	104	0	215	232
Madhya Pradesh	48	3	0	51	511	120	13	644	695
Maharashtra	51	3	0	54	363	237	31	631	685
Manipur	1	0	0	1	70	6	25	101	102
Meghalaya	0	0	0	0	17	8	36	61	61
Mizoram	1	0	0	1	11	10	0	21	22
Nagaland	0	0	0	0	17	5	1	23	23
Odisha	40	0	0	40	812	95	27	934	974
Punjab	16	1	0	17	346	137	3	486	503
Rajasthan	49	0	0	49	781	204	3	988	1037
Sikkim	0	0	0	0	6	3	0	9	9
Tamil Nadu	79	1	0	80	353	105	1	459	539
Tripura	0	0	0	0	35	15	0	50	50
Uttar Pradesh	392	0	0	392	5834	1095	80	7009	7401
West Bengal	49	3	0	52	447	285	28	760	812
Andaman & Nicobar	1	0	0	1	10	3	0	13	14
Chandigarh	4	0	0	4	29	7	0	36	40
Dadra & Nagar Haveli	0	0	0	0	3	1	0	4	4
Daman & Diu	0	0	0	0	5	1	0	6	6
Delhi	95	1	0	96	1370	126	9	1505	1601
Lakshadweep	0	0	0	0	4	0	0	4	4
Puducherry	1	0	0	1	30	2	0	32	33
Chhattisgarh	11	0	1	12	182	142	226	550	562
Jharkhand	30	0	0	30	526	179	66	771	801
Uttarakhand	20	0	0	20	180	27	2	209	229
Telangana	27	2	0	29	202	64	5	271	300
Foreign Countries	5	0	0	5	15	0	0	15	20
Grand Total	1164	22	2	1188	14991	3817	817	19625	20813



Annexure – 4

“Total Number of Cases Where NHRC Recommended Monetary relief During 2018-2019 (Data as per CMS as on 10/05/2019)”

Name Of The State/Ut	No. of Cases In Which Recommendation Made	Amount Recommended For Victims/Next of Kins	No. of Cases in which Recommendations Have been Complied with	Amount Paid	No. of Cases Pending For Compliance	Amount Recommended in the Cases Pending Compliance
All India	0	0	0	0	0	0
Andhra Pradesh	14	4,425,000	1	100,000	13	4,325,000
Arunachal Pradesh	10	2,740,000	5	1,990,000	5	750,000
Assam	15	8,800,000	0	0	15	8,800,000
Bihar	31	6,130,000	6	1,100,000	25	5,030,000
Goa	0	0	0	0	0	0
Gujarat	14	17,125,000	8	1,625,000	6	15,500,000
Haryana	26	93,970,000	8	1,205,000	18	92,765,000
Himachal Pradesh	5	1,110,000	1	200,000	4	910,000
Jammu & Kashmir	0	0	0	0	0	0
Karnataka	6	1,200,000	4	675,000	2	525,000
Kerala	6	1,340,000	1	100,000	5	1,240,000
Madhya Pradesh	27	7,700,000	10	2,200,000	17	5,500,000
Maharashtra	22	5,435,000	3	500,000	19	4,935,000
Manipur	5	3,500,000	1	500,000	4	3,000,000
Meghalaya	4	1,800,000	2	300,000	2	1,500,000
Mizoram	4	675,000	1	200,000	3	475,000
Nagaland	1	100,000	0	0	1	100,000
Orissa	65	18,430,000	13	3,275,000	52	15,155,000
Punjab	15	2,700,000	1	100,000	14	2,600,000
Rajasthan	35	3,460,000	13	935,000	22	2,525,000
Sikkim	0	0	0	0	0	0
Tamil Nadu	10	1,275,000	4	425,000	6	850,000
Tripura	2	700,000	0	0	2	700,000
Uttar Pradesh	232	37,125,000	21	2,035,000	211	35,090,000
West Bengal	35	6,160,000	7	1,350,000	28	4,810,000
Andaman & Nicobar	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	0
Dadra & Nagar Haveli	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0
Delhi	39	6,545,000	5	1,075,000	34	5,470,000
Lakshadweep	0	0	0	0	0	0
Pondacherry	3	220,000	0	0	3	220,000
Chhattisgarh	20	9,660,000	2	300,000	18	9,360,000
Jharkhand	31	6,635,000	2	400,000	29	6,235,000
Uttarakhand	5	550,000	3	425,000	2	125,000
Telangana	9	4,325,000	3	800,000	6	3,525,000
Foreign Countries	0	0	0	0	0	0
Grand Total	691	253,835,000	125	21,815,000	566	232,020,000



Annexure – 5

Details of Cases Pending Compliance of NHRC's Recommendations During 2018-2019 (Data as per CMS as on 10/05/2019)

Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
1	ANDHRA PRADESH	1005/1/5/2013-pcd	807	CUSTODIAL DEATH (Police)	100,000	12-06-2018
2	ANDHRA PRADESH	1053/1/4/2015	804	ABUSE OF POWER	25,000	18-07-2018
3	ANDHRA PRADESH	1108/1/4/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	26-11-2018
4	ANDHRA PRADESH	1209/1/6/2013-jcd	301	CUSTODIAL DEATH (Judicial)	500,000	26-11-2018
5	ANDHRA PRADESH	1292/1/6/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	27-02-2019
6	ANDHRA PRADESH	1359/1/15/2015-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	14-11-2018
7	ANDHRA PRADESH	1376/1/15/2014-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	23-07-2018
8	ANDHRA PRADESH	1495/1/5/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	1,800,000	14-11-2018
9	ANDHRA PRADESH	1655/1/3/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	21-06-2018
10	ANDHRA PRADESH	294/1/4/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	18-06-2018
11	ANDHRA PRADESH	388/1/21/2012-wc	1903	RAPE OF SC/ST/OBC	100,000	04-04-2018
12	ANDHRA PRADESH	45/1/15/2018	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	300,000	13-11-2018
13	ANDHRA PRADESH	890/1/3/2013-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	06-12-2018
14	ARUNACHAL PRADESH	156/2/4/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	13-11-2018
15	ARUNACHAL PRADESH	160/2/0/2014-PCD	807	CUSTODIAL DEATH (Police)	200,000	23-08-2018
16	ARUNACHAL PRADESH	30/2/9/2015-pcd	807	CUSTODIAL DEATH (Police)	100,000	02-05-2018
17	ARUNACHAL PRADESH	31/2/0/2018	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	50,000	15-10-2018
18	ARUNACHAL PRADESH	4/2/15/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	14-09-2018
19	ASSAM	126/3/0/2013-af	1605	CUSTODIAL DEATH (Defence)	1,000,000	21-02-2019
20	ASSAM	166/3/8/2012-ED	812	DEATH IN POLICE ENCOUNTER	2,500,000	30-08-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
21	ASSAM	216/3/8/2011-AF	1610	DEATH IN ARMY ENCOUNTER	1,000,000	18-04-2018
22	ASSAM	222/3/24/2015-jcd	301	CUSTODIAL DEATH (Judicial)	500,000	04-02-2019
23	ASSAM	225/3/8/2015-wc	1307	GANG RAPE	200,000	27-08-2018
24	ASSAM	259/3/5/2013-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	26-03-2019
25	ASSAM	284/3/24/2012-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	20-08-2018
26	ASSAM	311/3/11/2011-ed	812	DEATH IN POLICE ENCOUNTER	500,000	25-10-2018
27	ASSAM	359/3/15/2013-pcd	807	CUSTODIAL DEATH (Police)	500,000	28-06-2018
28	ASSAM	416/3/6/2012-ED	812	DEATH IN POLICE ENCOUNTER	500,000	04-04-2018
29	ASSAM	441/3/15/2014-pcd	807	CUSTODIAL DEATH (Police)	300,000	18-02-2019
30	ASSAM	524/3/21/2014-ed	812	DEATH IN POLICE ENCOUNTER	500,000	30-05-2018
31	ASSAM	559/3/7/2014-pcd	807	CUSTODIAL DEATH (Police)	200,000	18-02-2019
32	ASSAM	8/3/1/2012-ed	812	DEATH IN POLICE ENCOUNTER	500,000	14-11-2018
33	ASSAM	99/3/4/2015-pcd	807	CUSTODIAL DEATH (Police)	200,000	15-02-2019
34	BIHAR	1211/4/26/2014-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	12-12-2018
35	BIHAR	1240/4/9/2014-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	23-10-2018
36	BIHAR	1407/4/39/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	20-09-2018
37	BIHAR	199/4/25/2012-ad	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500,000	18-02-2019
38	BIHAR	2321/4/8/2013-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	12-09-2018
39	BIHAR	255/4/39/2012-PCD	807	CUSTODIAL DEATH (Police)	50,000	12-09-2018
40	BIHAR	2603/4/9/2014-JCD	301	CUSTODIAL DEATH (Judicial)	500,000	06-04-2018
41	BIHAR	2878/4/26/2013-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	12-02-2019
42	BIHAR	2899/4/23/2013-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	20-09-2018
43	BIHAR	2921/4/36/07-08-pcd	807	CUSTODIAL DEATH (Police)	500,000	18-02-2019
44	BIHAR	3143/4/23/2012	814	FAILURE IN TAKING LAWFUL ACTION	300,000	02-07-2018
45	BIHAR	3209/4/5/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	02-01-2019
46	BIHAR	3370/4/21/2014-ad	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	300,000	28-05-2018
47	BIHAR	3824/4/23/2015-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	15-06-2018
48	BIHAR	3901/4/2/2014	814	FAILURE IN TAKING LAWFUL ACTION	50,000	11-12-2018
49	BIHAR	3961/4/38/2014-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	28-05-2018
50	BIHAR	402/4/26/2015-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	09-08-2018
51	BIHAR	4116/4/24/2016-JCD	301	CUSTODIAL DEATH (Judicial)	500,000	18-12-2018
52	BIHAR	4341/4/9/2014-PCD	807	CUSTODIAL DEATH (Police)	100,000	07-12-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
53	BIHAR	490/4/30/2016	1202	NON-PAYMENT OF PENSION/COMPENSATION	25,000	27-02-2019
54	BIHAR	516/4/9/2017-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	13-07-2018
55	BIHAR	630/4/27/2014	814	FAILURE IN TAKING LAWFUL ACTION	25,000	18-01-2019
56	BIHAR	701/4/26/2016-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	09-01-2019
57	BIHAR	857/4/26/2015	106	SEXUAL HARASSMENT	30,000	04-01-2019
58	BIHAR	969/4/18/2017-wc	1311	RAPE	50,000	04-05-2018
59	CHHATTISGARH	1009/33/0/2014	804	ABUSE OF POWER	250,000	29-01-2019
60	CHHATTISGARH	254/33/18/2013-ed	812	DEATH IN POLICE ENCOUNTER	500,000	14-02-2019
61	CHHATTISGARH	261/33/3/09-10	809	CUSTODIAL TORTURE	10,000	27-07-2018
62	CHHATTISGARH	345/33/14/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	19-02-2019
63	CHHATTISGARH	469/33/14/2012-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	26-10-2018
64	CHHATTISGARH	514/33/12/2016-ar	823	ALLEGED CUSTODIAL RAPE IN POLICE CUSTODY	200,000	12-11-2018
*65	CHHATTISGARH	54/33/5/2017	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	100,000	28-01-2019
66	CHHATTISGARH	554/33/6/2013-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	26-10-2018
67	CHHATTISGARH	611/33/0/2013-ed	812	DEATH IN POLICE ENCOUNTER	500,000	13-02-2019
68	CHHATTISGARH	630/33/14/2017	804	ABUSE OF POWER	500,000	29-01-2019
69	CHHATTISGARH	644/33/10/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	29-11-2018
70	CHHATTISGARH	7/33/6/2018	106	SEXUAL HARASSMENT	200,000	27-06-2018
71	CHHATTISGARH	760/33/1/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	13-11-2018
72	CHHATTISGARH	764/33/16/2015-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	04-01-2019
73	CHHATTISGARH	823/33/17/2015-wc	803	RAPE OUTSIDE POLICE STATION	3,700,000	28-05-2018
74	CHHATTISGARH	863/33/8/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	08-10-2018
75	CHHATTISGARH	891/33/8/2013-WC	1311	RAPE	100,000	30-10-2018
76	CHHATTISGARH	98/33/18/2014-afe	813	ALLEGED FAKE ENCOUNTERS	1,500,000	27-07-2018
77	DELHI	1246/30/6/2018	804	ABUSE OF POWER	100,000	11-12-2018
78	DELHI	1308/30/7/2015-PF	1704	ABUSE OF POWER	50,000	01-03-2019
79	DELHI	1337/30/0/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	25,000	28-02-2019
80	DELHI	1446/30/0/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	25-06-2018
81	DELHI	147/30/7/2013	1501	DISAPPEARANCE	100,000	03-12-2018
82	DELHI	169/30/9/2018-WC	1311	RAPE	200,000	08-08-2018
83	DELHI	1857/30/6/2017-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	28-11-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
84	DELHI	212/30/6/2017	804	ABUSE OF POWER	10,000	28-02-2019
85	DELHI	2206/30/9/2015	814	FAILURE IN TAKING LAWFUL ACTION	25,000	20-06-2018
86	DELHI	2222/30/5/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	25,000	11-02-2019
87	DELHI	2504/30/2/2014	814	FAILURE IN TAKING LAWFUL ACTION	25,000	06-06-2018
88	DELHI	3048/30/6/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	26-09-2018
89	DELHI	3052/30/7/2016	804	ABUSE OF POWER	200,000	01-03-2019
90	DELHI	3055/30/6/2017	804	ABUSE OF POWER	50,000	26-09-2018
91	DELHI	3153/30/9/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	01-03-2019
92	DELHI	3400/30/5/2013-pcd	807	CUSTODIAL DEATH (Police)	300,000	18-02-2019
93	DELHI	3848/30/8/2016-WC	1313	SEXUAL HARASSMENT AT WORKPLACE (GOVT. OFFICES)	100,000	11-12-2018
94	DELHI	4763/30/0/2017-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	25-02-2019
95	DELHI	5161/30/0/2017	814	FAILURE IN TAKING LAWFUL ACTION	25,000	19-02-2019
96	DELHI	5168/30/5/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	26-11-2018
97	DELHI	5275/30/7/2016	804	ABUSE OF POWER	25,000	24-10-2018
98	DELHI	5467/30/5/2017	100	CHILDREN	50,000	19-11-2018
99	DELHI	5496/30/3/2016	1202	NON-PAYMENT OF PENSION/COMPENSATION	10,000	25-07-2018
100	DELHI	584/30/6/2018	819	POLICE MOTIVATED INCIDENTS	200,000	08-08-2018
101	DELHI	5889/30/0/2013-wc	1309	INDIGNITY OF WOMEN	100,000	01-11-2018
102	DELHI	5921/30/10/2013-WC	1309	INDIGNITY OF WOMEN	100,000	24-10-2018
103	DELHI	593/30/0/2017	804	ABUSE OF POWER	50,000	20-09-2018
104	DELHI	6595/30/7/2011	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	26-11-2018
105	DELHI	6839/30/5/2015	814	FAILURE IN TAKING LAWFUL ACTION	50,000	17-10-2018
106	DELHI	6929/30/5/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	525,000	31-10-2018
107	DELHI	7057/30/4/2011	814	FAILURE IN TAKING LAWFUL ACTION	400,000	06-12-2018
108	DELHI	7199/30/1/2014	106	SEXUAL HARASSMENT	200,000	23-05-2018
109	DELHI	7387/30/8/2015	804	ABUSE OF POWER	25,000	11-05-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
110	DELHI	826/30/9/2018	804	ABUSE OF POWER	600,000	19-03-2019
111	GUJARAT	1035/6/25/2015	819	POLICE MOTIVATED INCIDENTS	1,100,000	28-02-2019
112	GUJARAT	1115/6/23/2015-pCD	807	CUSTODIAL DEATH (Police)	500,000	21-02-2019
113	GUJARAT	1126/6/1/2017	205	LACK OF PROPER MEDICAL FACILITIES IN THE STATE	900,000	17-09-2018
114	GUJARAT	1510/6/9/2014-pcd	807	CUSTODIAL DEATH (Police)	100,000	13-07-2018
115	GUJARAT	260/6/18/2011	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	12,400,000	27-04-2018
116	GUJARAT	789/6/25/2013-jcd	301	CUSTODIAL DEATH (Judicial)	500,000	04-02-2019
117	HARYANA	11036/7/3/2014	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100,000	12-12-2018
118	HARYANA	1330/7/12/2015	100	CHILDREN	200,000	21-02-2019
119	HARYANA	2419/7/3/2017	814	FAILURE IN TAKING LAWFUL ACTION	100,000	26-10-2018
120	HARYANA	2540/7/17/2013	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	600,000	02-11-2018
121	HARYANA	2616/7/1/2017-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	13-08-2018
122	HARYANA	2981/7/6/2013	1901	ATROCITIES ON SC/ST/OBC	100,000	29-10-2018
123	HARYANA	3729/7/21/2012-AFE	813	ALLEGED FAKE ENCOUNTERS	500,000	09-05-2018
124	HARYANA	4492/7/3/2014	809	CUSTODIAL TORTURE	60,000	18-01-2019
125	HARYANA	4770/7/15/2016	804	ABUSE OF POWER	50,000	20-09-2018
126	HARYANA	5771/7/17/2013-pcd	807	CUSTODIAL DEATH (Police)	200,000	22-01-2019
127	HARYANA	597/7/22/2018	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	300,000	11-12-2018
128	HARYANA	618/7/20/2012	821	VICTIMISATION	200,000	11-10-2018
129	HARYANA	6807/7/3/2015	1901	ATROCITIES ON SC/ST/OBC	25,000	24-10-2018
130	HARYANA	7548/7/17/2013-jcd	301	CUSTODIAL DEATH (Judicial)	500,000	15-12-2018
131	HARYANA	8161/7/3/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	06-12-2018
132	HARYANA	8872/7/6/2014	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200,000	19-12-2018
133	HARYANA	9336/7/5/2014	1901	ATROCITIES ON SC/ST/OBC	30,000	03-10-2018
134	HARYANA	9389/7/4/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	89,200,000	20-06-2018
135	HIMACHAL PRADESH	108/8/5/2013-pcd	807	CUSTODIAL DEATH (Police)	200,000	09-05-2018
136	HIMACHAL PRADESH	124/8/9/2017-PCD	807	CUSTODIAL DEATH (Police)	500,000	14-11-2018
137	HIMACHAL PRADESH	15/8/3/2016-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	26-12-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
138	HIMACHAL PRADESH	87/8/9/2016	801	ARBITRARY USE OF POWER	10,000	03-01-2019
139	JHARKHAND	1007/34/2/2016	1202	NON-PAYMENT OF PENSION/COMPENSATION	50,000	20-02-2019
140	JHARKHAND	1015/34/14/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	11-12-2018
141	JHARKHAND	1029/34/6/2016	604	HAZARDOUS EMPLOYMENTS	400,000	27-01-2019
142	JHARKHAND	1074/34/3/2016	1901	ATROCITIES ON SC/ST/OBC	25,000	30-01-2019
143	JHARKHAND	1168/34/23/2012-pcd	807	CUSTODIAL DEATH (Police)	200,000	09-05-2018
144	JHARKHAND	1383/34/16/2016	804	ABUSE OF POWER	100,000	10-10-2018
145	JHARKHAND	1430/34/6/2013	802	ABDUCTION/KIDNAPPING	300,000	18-02-2019
146	JHARKHAND		807	CUSTODIAL DEATH (Police)		21-06-2018
147	JHARKHAND	1453/34/12/2016-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	01-11-2018
148	JHARKHAND	1471/34/8/2014-Ed	812	DEATH IN POLICE ENCOUNTER	1,500,000	16-05-2018
149	JHARKHAND	1481/34/18/2015-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	26-11-2018
150	JHARKHAND	1525/34/7/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	29-08-2018
151	JHARKHAND	331/34/16/2017	804	ABUSE OF POWER	200,000	09-08-2018
152	JHARKHAND	388/34/4/2018-WC	803	RAPE OUTSIDE POLICE STATION	200,000	11-12-2018
153	JHARKHAND	393/34/10/2013-ed	812	DEATH IN POLICE ENCOUNTER	500,000	13-02-2019
154	JHARKHAND	408/34/4/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200,000	07-06-2018
155	JHARKHAND	514/34/11/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	25,000	13-03-2019
156	JHARKHAND	60/34/6/2011-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	03-10-2018
157	JHARKHAND	696/34/3/2017-WC	1313	SEXUAL HARASSMENT AT WORKPLACE (GOVT. OFFICES)	50,000	04-12-2018
158	JHARKHAND	704/34/18/2016	821	VICTIMISATION	10,000	30-08-2018
159	JHARKHAND	784/34/15/2014-PCD	807	CUSTODIAL DEATH (Police)	300,000	08-08-2018
160	JHARKHAND	811/34/6/2015	817	UNLAWFUL DETENTION	50,000	04-07-2018
161	JHARKHAND	811/34/7/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	03-10-2018
162	JHARKHAND	830/34/12/2016	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100,000	25-09-2018
163	JHARKHAND	875/34/2/2015	804	ABUSE OF POWER	25,000	21-02-2019
164	JHARKHAND	917/34/11/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	19-02-2019
165	JHARKHAND	929/34/16/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	12-06-2018
166	JHARKHAND	943/34/3/2014-WC	1307	GANG RAPE	100,000	19-02-2019
167	JHARKHAND	993/34/10/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	01-01-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
168	KARNATAKA	602/10/18/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	25,000	19-03-2019
169	KARNATAKA	843/10/1/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	500,000	02-08-2018
170	KERALA	120/11/11/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	23-10-2018
171	KERALA	389/11/8/2013-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	30-10-2018
172	KERALA	406/11/12/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	290,000	28-01-2019
173	KERALA	540/11/15/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	06-04-2018
174	KERALA	677/11/12/2013	804	ABUSE OF POWER	50,000	26-09-2018
175	MADHYA PRADESH	1019/12/35/2013	815	FALSE IMPLICATIONS	500,000	02-11-2018
176	MADHYA PRADESH	1172/12/18/2017	804	ABUSE OF POWER	75,000	15-10-2018
177	MADHYA PRADESH	1232/12/35/2014	804	ABUSE OF POWER	200,000	27-01-2019
178	MADHYA PRADESH	1252/12/4/2016	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100,000	17-07-2018
179	MADHYA PRADESH	1640/12/38/2013-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	300,000	11-12-2018
180	MADHYA PRADESH	1695/12/4/2017-pcD	807	CUSTODIAL DEATH (Police)	100,000	18-02-2019
181	MADHYA PRADESH	1738/12/38/2014	1904	VICTIMISATION	200,000	27-01-2019
182	MADHYA PRADESH	1902/12/46/2017	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	200,000	29-05-2018
183	MADHYA PRADESH		804	ABUSE OF POWER		29-07-2018
184	MADHYA PRADESH	2258/12/29/2010-ed	812	DEATH IN POLICE ENCOUNTER	2,000,000	16-08-2018
185	MADHYA PRADESH	2471/12/56/2015-WC	1301	ABDUCTION, RAPE AND MURDER	25,000	02-07-2018
186	MADHYA PRADESH	2565/12/38/2016	814	FAILURE IN TAKING LAWFUL ACTION	100,000	23-04-2018
187	MADHYA PRADESH	2756/12/38/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	11-09-2018
188	MADHYA PRADESH	279/12/15/2017	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	200,000	14-09-2018
189	MADHYA PRADESH	2808/12/21/2014	1202	NON-PAYMENT OF PENSION/COMPENSATION	200,000	27-01-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
190	MADHYA PRADESH	3048/12/18/2014-ed	812	DEATH IN POLICE ENCOUNTER	500,000	18-02-2019
191	MADHYA PRADESH	35/12/37/2013-JCD	301	CUSTODIAL DEATH (Judicial)	500,000	09-08-2018
192	MAHARASHTRA	1069/13/13/2011-pcd	807	CUSTODIAL DEATH (Police)	500,000	29-08-2018
193	MAHARASHTRA	1119/13/30/2011-ad	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	100,000	05-04-2018
194	MAHARASHTRA	1240/13/19/2015-WC	1301	ABDUCTION, RAPE AND MURDER	300,000	30-10-2018
195	MAHARASHTRA	1627/13/15/2012	821	VICTIMISATION	300,000	18-04-2018
196	MAHARASHTRA	1957/13/16/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	12-09-2018
197	MAHARASHTRA	2007/13/20/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	26-11-2018
198	MAHARASHTRA	205/13/16/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	21-08-2018
199	MAHARASHTRA	2163/13/16/2014-wc	1312	SEXUAL HARASSEMENT (GENERAL)	100,000	01-07-2018
200	MAHARASHTRA	2411/13/30/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	17-09-2018
201	MAHARASHTRA	309/13/16/2016	804	ABUSE OF POWER	100,000	17-04-2018
202	MAHARASHTRA	363/13/16/2012-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	05-10-2018
203	MAHARASHTRA	476/13/16/2012	816	ILLEGAL ARREST	10,000	02-05-2018
204	MAHARASHTRA	541/13/23/2015	816	ILLEGAL ARREST	25,000	29-03-2019
205	MAHARASHTRA	600/13/20/2016	801	ARBITRARY USE OF POWER	325,000	29-03-2019
206	MAHARASHTRA	721/13/16/2014-PCD	807	CUSTODIAL DEATH (Police)	300,000	27-07-2018
207	MAHARASHTRA	757/13/30/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	300,000	30-01-2019
208	MAHARASHTRA	771/13/16/2017	604	HAZARDOUS EMPLOYMENTS	975,000	12-02-2019
209	MAHARASHTRA	932/13/19/2017-WC	803	RAPE OUTSIDE POLICE STATION	300,000	02-11-2018
210	MAHARASHTRA	934/13/16/2015-pcd	807	CUSTODIAL DEATH (Police)	200,000	28-01-2019
211	MANIPUR	106/14/15/2012-ed	812	DEATH IN POLICE ENCOUNTER	1,000,000	16-08-2018
212	MANIPUR	116/14/15/2012-ed	812	DEATH IN POLICE ENCOUNTER	500,000	21-02-2019
213	MANIPUR	2/14/4/09-10-AFE	813	ALLEGED FAKE ENCOUNTERS	1,000,000	09-05-2018
214	MANIPUR	55/14/15/2012-AFE	813	ALLEGED FAKE ENCOUNTERS	500,000	14-02-2019
215	MEGHALAYA	1/15/0/2013-ED	812	DEATH IN POLICE ENCOUNTER	1,000,000	02-05-2018
216	MEGHALAYA	9/15/5/2015-ed	812	DEATH IN POLICE ENCOUNTER	500,000	30-08-2018
217	MIZORAM	10/16/7/2013-ad	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	300,000	21-06-2018
218	MIZORAM	2/16/7/2017-pcd	807	CUSTODIAL DEATH (Police)	100,000	04-09-2018
219	MIZORAM	7/16/3/2016	821	VICTIMISATION	75,000	06-09-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
220	NAGALAND	23/17/1/2017-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	18-04-2018
221	ODISHA	1174/18/5/2014	804	ABUSE OF POWER	100,000	28-01-2019
222	ODISHA	1191/18/17/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	600,000	18-09-2018
223	ODISHA	12864/18/17/2015-pcd	807	CUSTODIAL DEATH (Police)	500,000	12-04-2018
224	ODISHA	130/18/5/2015	814	FAILURE IN TAKING LAWFUL ACTION	25,000	05-12-2018
225	ODISHA	13304/18/8/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	21-12-2018
*226	ODISHA	1344/18/10/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	12-10-2018
227	ODISHA	15826/18/7/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100,000	03-10-2018
228	ODISHA	1647/18/26/2016	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	200,000	21-08-2018
229	ODISHA	1658/18/28/2012-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	29-03-2019
230	ODISHA	1922/18/19/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	1,000,000	31-08-2018
231	ODISHA	2104/18/32/2015-WC	1311	RAPE	50,000	18-09-2018
232	ODISHA	2177/18/31/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100,000	02-04-2018
233	ODISHA	2195/18/24/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	25,000	08-08-2018
234	ODISHA	2240/18/24/2017	1500	MISCELLANEOUS	1,000,000	20-03-2019
235	ODISHA	2386/18/28/2016-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	29-01-2019
236	ODISHA	2609/18/18/2016	100	CHILDREN	50,000	08-06-2018
237	ODISHA	2661/18/10/2017	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100,000	11-03-2019
238	ODISHA	2676/18/18/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	24-10-2018
239	ODISHA	2897/18/33/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	02-04-2018
240	ODISHA	2927/18/31/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	21-12-2018
241	ODISHA	2982/18/9/2017	104	EXPLOITATION OF CHILDREN	300,000	15-12-2018



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242	ODISHA	3008/18/24/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	600,000	25-10-2018
243	ODISHA	3031/18/20/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	02-04-2018
244	ODISHA	3251/18/6/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	26-09-2018
245	ODISHA	3282/18/29/2015-wc	1311	RAPE	400,000	25-10-2018
*246	ODISHA	3434/18/5/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	03-05-2018
247	ODISHA	3486/18/2/2014	100	CHILDREN	200,000	22-06-2018
248	ODISHA	3489/18/27/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	27-12-2018
249	ODISHA	3490/18/6/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	19-12-2018
250	ODISHA	3510/18/3/2016	104	EXPLOITATION OF CHILDREN	300,000	28-03-2019
251	ODISHA	3607/18/30/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	27-01-2019
252	ODISHA	3746/18/32/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	10,000	26-11-2018
253	ODISHA	4017/18/12/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	11-01-2019
254	ODISHA	4061/18/9/2015-wc	1309	INDIGNITY OF WOMEN	400,000	27-01-2019
255	ODISHA	4075/18/5/2017	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	50,000	29-10-2018
256	ODISHA	4084/18/9/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	31-10-2018
257	ODISHA	4097/18/30/2014	600	LABOUR	400,000	15-12-2018
258	ODISHA	4236/18/28/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	400,000	19-12-2018
259	ODISHA	4326/18/28/2014	809	CUSTODIAL TORTURE	200,000	23-10-2018
260	ODISHA	4345/18/2/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	500,000	01-11-2018
261	ODISHA	4550/18/7/2017-WC	1903	RAPE OF SC/ST/OBC	1,800,000	27-01-2019



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262	ODISHA	4600/18/19/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300,000	14-11-2018
263	ODISHA	4601/18/2/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100,000	26-09-2018
264	ODISHA	4649/18/18/2017	1500	MISCELLENIOUS	200,000	22-11-2018
265	ODISHA	4761/18/31/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	14-11-2018
266	ODISHA	4804/18/5/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	01-01-2019
267	ODISHA	4822/18/0/2014-cl	101	CHILD LABOUR	10,000	02-11-2018
268	ODISHA	4912/18/9/2017	804	ABUSE OF POWER	100,000	14-01-2019
269	ODISHA	5016/18/26/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	175,000	04-07-2018
270	ODISHA	5915/18/10/2016	205	LACK OF PROPER MEDICAL FACILITIES IN THE STATE	200,000	06-12-2018
271	ODISHA	7449/18/26/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	06-09-2018
272	ODISHA	7609/18/27/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	160,000	05-11-2018
*273	PUDUCHERRY	27/32/0/2012-WC	1309	INDIGNITY OF WOMEN	100,000	20-09-2018
274	PUDUCHERRY	66/32/0/2016	804	ABUSE OF POWER	20,000	14-11-2018
275	PUDUCHERRY	68/32/1/2017	814	FAILURE IN TAKING LAWFUL ACTION	100,000	13-03-2019
276	PUNJAB	1506/19/5/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	03-10-2018
277	PUNJAB	1591/19/9/2013-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	14-05-2018
278	PUNJAB	1646/19/3/2014-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	17-12-2018
279	PUNJAB	1673/19/1/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	24-10-2018
280	PUNJAB	1726/19/15/2013-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	20-06-2018
281	PUNJAB	1866/19/1/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	04-07-2018
282	PUNJAB	1918/19/1/2013-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	05-07-2018
283	PUNJAB	1989/19/15/2013-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	17-12-2018
284	PUNJAB	2284/19/15/2013-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	23-10-2018
285	PUNJAB	539/19/10/2016-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	22-01-2019
286	PUNJAB	541/19/5/2016-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	27-02-2019
287	PUNJAB	61/19/1/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	10-12-2018
288	PUNJAB	729/19/22/2015	814	FAILURE IN TAKING LAWFUL ACTION	300,000	29-10-2018



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289	PUNJAB	791/19/0/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	16-04-2018
290	RAJASTHAN	1190/20/9/2014	1904	VICTIMISATION	50,000	18-09-2018
291	RAJASTHAN	1414/20/2/2017	821	VICTIMISATION	50,000	06-02-2019
292	RAJASTHAN	1742/20/16/2015	814	FAILURE IN TAKING LAWFUL ACTION	25,000	24-10-2018
293	RAJASTHAN	1784/20/12/2014	1901	ATROCITIES ON SC/ST/OBC	25,000	30-08-2018
294	RAJASTHAN	2119/20/34/2013-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	28-01-2019
295	RAJASTHAN	2122/20/7/2016-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	07-01-2019
296	RAJASTHAN	2359/20/19/2016	804	ABUSE OF POWER	25,000	27-08-2018
297	RAJASTHAN	2424/20/14/2011-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	27-01-2019
298	RAJASTHAN	2587/20/16/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	17-09-2018
299	RAJASTHAN	2611/20/28/2015	804	ABUSE OF POWER	175,000	18-04-2018
300	RAJASTHAN	264/20/14/2015	817	UNLAWFUL DETENTION	25,000	01-06-2018
301	RAJASTHAN	2666/20/11/2015	814	FAILURE IN TAKING LAWFUL ACTION	30,000	08-01-2019
302	RAJASTHAN	2734/20/23/2014	804	ABUSE OF POWER	25,000	30-10-2018
303	RAJASTHAN	2772/20/24/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	04-12-2018
304	RAJASTHAN	2868/20/22/2015-PCD	807	CUSTODIAL DEATH (Police)	500,000	08-08-2018
305	RAJASTHAN	295/20/23/2016-WC	1903	RAPE OF SC/ST/OBC	25,000	14-03-2019
306	RAJASTHAN	3039/20/33/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	250,000	19-12-2018
307	RAJASTHAN	535/20/10/2013	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300,000	17-05-2018
308	RAJASTHAN	851/20/21/2015-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	05-10-2018
309	RAJASTHAN	854/20/14/2015-PCD	807	CUSTODIAL DEATH (Police)	100,000	29-08-2018
310	RAJASTHAN	946/20/19/2016-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	25-06-2018
311	RAJASTHAN	990/20/2/2016	817	UNLAWFUL DETENTION	20,000	12-07-2018
312	TAMIL NADU	1008/22/13/2014-ad	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100,000	18-02-2019
313	TAMIL NADU	1295/22/5/2014	602	EXPLOITATION OF LABOUR	300,000	12-07-2018
314	TAMIL NADU	1605/22/13/2012	806	ATROCITIES ON SC/ST (BY POLICE)	50,000	21-12-2018
315	TAMIL NADU	1717/22/35/2014-PCD	807	CUSTODIAL DEATH (Police)	300,000	27-07-2018
316	TAMIL NADU		822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY		06-06-2018
317	TAMIL NADU	512/22/35/2013-PCD	807	CUSTODIAL DEATH (Police)	100,000	08-08-2018
318	TELANGANA	1102/1/16/2013-jcd	301	CUSTODIAL DEATH (Judicial)	25,000	30-01-2019
319	TELANGANA	202/1/14/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	16-07-2018
320	TELANGANA	324/36/7/2015-ad	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	2,500,000	28-06-2018



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321	TELANGANA	409/36/0/2017	804	ABUSE OF POWER	400,000	05-11-2018
322	TELANGANA	551/36/8/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	30-01-2019
323	TELANGANA	587/36/2/2015	814	FAILURE IN TAKING LAWFUL ACTION	300,000	09-11-2018
324	TRIPURA	34/23/5/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	27-08-2018
325	TRIPURA	40/23/4/2014-aD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500,000	14-02-2019
326	UTTAR PRADESH	10011/24/71/2015	1901	ATROCITIES ON SC/ST/OBC	50,000	14-09-2018
327	UTTAR PRADESH	10395/24/41/2017-wc	1304	DOWERY DEATH OR THEIR ATTEMPT	100,000	12-10-2018
328	UTTAR PRADESH	10547/24/54/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	22-05-2018
329	UTTAR PRADESH	10587/24/57/2017-wc	1309	INDIGNITY OF WOMEN	1,750,000	08-08-2018
330	UTTAR PRADESH	10594/24/75/2014-WC	1301	ABDUCTION, RAPE AND MURDER	25,000	06-12-2018
331	UTTAR PRADESH	10669/24/57/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	31-08-2018
332	UTTAR PRADESH	1074/24/31/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100,000	09-07-2018
333	UTTAR PRADESH	10813/24/57/2015	502	NUISANCE BY LOCAL RUFFIANS	25,000	02-07-2018
334	UTTAR PRADESH	10870/24/52/2015	804	ABUSE OF POWER	50,000	23-05-2018
335	UTTAR PRADESH	1092/24/7/2012-afe	813	ALLEGED FAKE ENCOUNTERS	500,000	30-08-2018
336	UTTAR PRADESH	10920/24/72/2015	1901	ATROCITIES ON SC/ST/OBC	25,000	01-06-2018
337	UTTAR PRADESH	1101/24/4/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	13-11-2018
338	UTTAR PRADESH	11220/24/8/2014-WC	1301	ABDUCTION, RAPE AND MURDER	50,000	04-05-2018
339	UTTAR PRADESH	1195/24/14/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	07-01-2019
340	UTTAR PRADESH	12031/24/60/2016-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	400,000	22-05-2018
341	UTTAR PRADESH	1268/24/25/2015	817	UNLAWFUL DETENTION	10,000	06-08-2018
342	UTTAR PRADESH	12801/24/22/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	04-07-2018
343	UTTAR PRADESH	12804/24/4/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	23-10-2018
344	UTTAR PRADESH	12808/24/26/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	05-07-2018
345	UTTAR PRADESH	12991/24/63/2014	109	DISAPPEARANCE / MISSING	50,000	14-03-2019
346	UTTAR PRADESH	13050/24/31/2013	817	UNLAWFUL DETENTION	400,000	05-09-2018
347	UTTAR PRADESH	1313/24/26/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	14-05-2018
348	UTTAR PRADESH	13131/24/1/2017	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200,000	06-07-2018



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349	UTTAR PRADESH	13410/24/42/2015-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	13-09-2018
350	UTTAR PRADESH	13540/24/48/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	14-03-2019
351	UTTAR PRADESH	13600/24/19/2015	809	CUSTODIAL TORTURE	200,000	31-12-2018
352	UTTAR PRADESH	14047/24/7/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	22-02-2019
353	UTTAR PRADESH	14080/24/48/2010	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	25-09-2018
354	UTTAR PRADESH	14996/24/31/2013	815	FALSE IMPLICATIONS	75,000	14-11-2018
355	UTTAR PRADESH	15520/24/72/2014	804	ABUSE OF POWER	600,000	02-11-2018
356	UTTAR PRADESH	15579/24/43/2014-ED	812	DEATH IN POLICE ENCOUNTER	500,000	30-01-2019
357	UTTAR PRADESH	15666/24/65/2014	1508	ATROCITIES BY CUSTOM/ EXCISE/ENFORCEMENT/ FOREST/INCOME-TAX Deptt., etc.OF CENTRAL/STATE Govts.	200,000	12-11-2018
358	UTTAR PRADESH	15966/24/48/2016	1202	NON-PAYMENT OF PENSION/ COMPENSATION	25,000	17-05-2018
359	UTTAR PRADESH	16121/24/61/2013	1202	NON-PAYMENT OF PENSION/ COMPENSATION	20,000	26-03-2019
360	UTTAR PRADESH	16334/24/57/2015-wc	1304	DOWERY DEATH OR THEIR ATTEMPT	100,000	05-10-2018
361	UTTAR PRADESH	16665/24/44/2017-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	05-11-2018
362	UTTAR PRADESH	16735/24/43/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100,000	10-07-2018
363	UTTAR PRADESH	16946/24/30/2014	804	ABUSE OF POWER	300,000	05-10-2018
364	UTTAR PRADESH	17074/24/14/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	12-12-2018
365	UTTAR PRADESH	17133/24/4/2015	106	SEXUAL HARASSMENT	50,000	27-07-2018
366	UTTAR PRADESH	17566/24/26/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	26-09-201
367	UTTAR PRADESH	17721/24/43/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	26-09-2018
368	UTTAR PRADESH	17765/24/48/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	03-10-2018
369	UTTAR PRADESH	17893/24/48/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	200,000	19-03-2019
370	UTTAR PRADESH	17937/24/64/2012-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	03-10-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
371	UTTAR PRADESH	18034/24/22/2013-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	28-06-2018
372	UTTAR PRADESH	18225/24/1/2016-WC	1309	INDIGNITY OF WOMEN	50,000	26-09-2018
373	UTTAR PRADESH	18226/24/42/2016	809	CUSTODIAL TORTURE	100,000	24-07-2018
374	UTTAR PRADESH	18379/24/4/2013	305	HARASSMENT OF PRISONERS	200,000	05-02-2019
375	UTTAR PRADESH	18516/24/66/2013-WC	1304	DOWERY DEATH OR THEIR ATTEMPT	200,000	23-10-2018
376	UTTAR PRADESH	1858/24/4/2016-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	30-05-2018
377	UTTAR PRADESH	18878/24/42/2014-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	04-01-2019
378	UTTAR PRADESH	18890/24/8/2016	1901	ATROCITIES ON SC/ST/OBC	100,000	10-10-2018
379	UTTAR PRADESH	18905/24/14/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	05-02-2019
380	UTTAR PRADESH	18908/24/30/2016-PCD	807	CUSTODIAL DEATH (Police)	200,000	30-08-2018
381	UTTAR PRADESH	19254/24/31/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	05-10-2018
382	UTTAR PRADESH	20380/24/34/2016-WC	1311	RAPE	10,000	17-07-2018
383	UTTAR PRADESH	20415/24/18/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	500,000	01-03-2019
384	UTTAR PRADESH	20452/24/42/2014	300	JAIL	200,000	11-09-2018
385	UTTAR PRADESH	2051/24/40/2014	804	ABUSE OF POWER	25,000	13-09-2018
386	UTTAR PRADESH	2072/24/34/2014	200	HEALTH	100,000	23-10-2018
387	UTTAR PRADESH	2150/24/57/2017-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	01-03-2019
388	UTTAR PRADESH	21532/24/1/2013-wc	1311	RAPE	100,000	05-10-2018
389	UTTAR PRADESH	21985/24/47/2016	814	FAILURE IN TAKING LAWFUL ACTION	50,000	15-12-2018
390	UTTAR PRADESH	22326/24/14/2013	814	FAILURE IN TAKING LAWFUL ACTION	50,000	24-08-2018
391	UTTAR PRADESH	22469/24/34/2016	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	300,000	03-10-2018
392	UTTAR PRADESH	22490/24/27/2015	1501	DISAPPEARANCE	25,000	23-07-2018
393	UTTAR PRADESH	22608/24/31/2015	817	UNLAWFUL DETENTION	25,000	08-10-2018
394	UTTAR PRADESH	22909/24/1/2015	802	ABDUCTION/KIDNAPPING	10,000	12-02-2019
395	UTTAR PRADESH	23091/24/31/2015	814	FAILURE IN TAKING LAWFUL ACTION	10,000	01-01-2019
396	UTTAR PRADESH	23308/24/39/2015	816	ILLEGAL ARREST	25,000	29-10-2018
397	UTTAR PRADESH	23538/24/16/2015-WC	1301	ABDUCTION, RAPE AND MURDER	25,000	16-08-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
398	UTTAR PRADESH	24012/24/8/2017	816	ILLEGAL ARREST	200,000	13-11-2018
399	UTTAR PRADESH	24424/24/26/2016-AD	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	200,000	08-10-2018
400	UTTAR PRADESH	24498/24/77/2015	817	UNLAWFUL DETENTION	120,000	26-10-2018
401	UTTAR PRADESH	24510/24/43/2013-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	05-06-2018
402	UTTAR PRADESH	24745/24/5/2013-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100,000	11-09-2018
403	UTTAR PRADESH	25392/24/22/2014-WC	1903	RAPE OF SC/ST/OBC	25,000	28-01-2019
404	UTTAR PRADESH	25410/24/33/2016-wc	1304	DOWERY DEATH OR THEIR ATTEMPT	300,000	26-11-2018
405	UTTAR PRADESH	25862/24/9/2014	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300,000	20-08-2018
406	UTTAR PRADESH	25867/24/48/2016	502	NUISANCE BY LOCAL RUFFIANS	100,000	12-12-2018
407	UTTAR PRADESH	26083/24/17/2014	817	UNLAWFUL DETENTION	25,000	03-10-2018
408	UTTAR PRADESH	26199/24/46/2016-WC	1304	DOWERY DEATH OR THEIR ATTEMPT	50,000	01-06-2018
409	UTTAR PRADESH	26214/24/9/2014	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100,000	14-09-2018
410	UTTAR PRADESH	26659/24/7/2014	814	FAILURE IN TAKING LAWFUL ACTION	100,000	13-07-2018
411	UTTAR PRADESH	27075/24/57/2014	814	FAILURE IN TAKING LAWFUL ACTION	200,000	31-01-2019
412	UTTAR PRADESH	27215/24/8/2015	814	FAILURE IN TAKING LAWFUL ACTION	50,000	05-11-2018
413	UTTAR PRADESH	28202/24/57/2016-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	12-11-2018
414	UTTAR PRADESH	28312/24/15/2017	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	300,000	11-12-2018
415	UTTAR PRADESH	29000/24/71/2015	816	ILLEGAL ARREST	50,000	27-02-2019
416	UTTAR PRADESH	29094/24/18/2014	815	FALSE IMPLICATIONS	100,000	12-11-2018
417	UTTAR PRADESH	29095/24/1/2015	814	FAILURE IN TAKING LAWFUL ACTION	100,000	12-11-2018
418	UTTAR PRADESH	29289/24/75/2015-WC	1301	ABDUCTION, RAPE AND MURDER	25,000	24-10-2018
419	UTTAR PRADESH	29348/24/22/2015	817	UNLAWFUL DETENTION	100,000	10-07-2018
420	UTTAR PRADESH	30196/24/30/2015	814	FAILURE IN TAKING LAWFUL ACTION	100,000	03-10-2018
421	UTTAR PRADESH	30273/24/37/2015	1202	NON-PAYMENT OF PENSION/COMPENSATION	50,000	09-08-2018
422	UTTAR PRADESH	3032/24/30/2018	804	ABUSE OF POWER	500,000	26-10-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
423	UTTAR PRADESH	30373/24/32/2011	202	PUBLIC HEALTH HAZARDS	100,000	27-03-2019
424	UTTAR PRADESH	30460/24/3/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	900,000	26-10-2018
425	UTTAR PRADESH	30658/24/51/2015	802	ABDUCTION/KIDNAPPING	50,000	25-02-2019
426	UTTAR PRADESH	30746/24/10/2013	109	DISAPPEARANCE / MISSING	25,000	14-03-2019
427	UTTAR PRADESH	31042/24/3/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100,000	17-08-2018
428	UTTAR PRADESH	31449/24/6/2017	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	200,000	29-07-2018
429	UTTAR PRADESH	31551/24/62/2017-AR	823	ALLEGED CUSTODIAL RAPE IN POLICE CUSTODY	200,000	29-06-2018
430	UTTAR PRADESH	31633/24/42/2014-WC	1307	GANG RAPE	100,000	26-10-2018
431	UTTAR PRADESH	31960/24/43/2016	106	SEXUAL HARASSMENT	200,000	28-02-2019
432	UTTAR PRADESH	32338/24/18/2016	814	FAILURE IN TAKING LAWFUL ACTION	25,000	01-03-2019
433	UTTAR PRADESH	32935/24/16/2016	814	FAILURE IN TAKING LAWFUL ACTION	50,000	09-10-2018
434	UTTAR PRADESH	33143/24/52/2014	809	CUSTODIAL TORTURE	25,000	05-12-2018
435	UTTAR PRADESH	33404/24/3/2012-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	15-02-2019
436	UTTAR PRADESH	33721/24/72/2015	1901	ATROCITIES ON SC/ST/OBC	25,000	28-01-2019
437	UTTAR PRADESH	34070/24/4/2013-wc	1307	GANG RAPE	100,000	08-10-2018
438	UTTAR PRADESH	34144/24/10/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	25-06-2018
439	UTTAR PRADESH	34585/24/33/2014	804	ABUSE OF POWER	25,000	01-01-2019
*440	UTTAR PRADESH	35109/24/52/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	29-10-2018
441	UTTAR PRADESH	35244/24/11/2014-AR	823	ALLEGED CUSTODIAL RAPE IN POLICE CUSTODY	950,000	05-02-2019
442	UTTAR PRADESH	3530/24/78/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	50,000	12-02-2019
443	UTTAR PRADESH	35303/24/34/2013-WC	1304	DOWERY DEATH OR THEIR ATTEMPT	25,000	28-08-2018
444	UTTAR PRADESH	35435/24/8/2017-wc	1307	GANG RAPE	500,000	27-02-2019
445	UTTAR PRADESH	35620/24/12/2016-wc	1301	ABDUCTION, RAPE AND MURDER	500,000	14-11-2018
446	UTTAR PRADESH	35675/24/52/2015	816	ILLEGAL ARREST	10,000	28-01-2019
447	UTTAR PRADESH	35677/24/12/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	23-07-2018
448	UTTAR PRADESH	35679/24/57/2015	816	ILLEGAL ARREST	10,000	23-07-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
449	UTTAR PRADESH	35781/24/30/2014	815	FALSE IMPLICATIONS	25,000	04-01-2019
450	UTTAR PRADESH	36044/24/23/2017	106	SEXUAL HARASSMENT	300,000	27-02-2019
451	UTTAR PRADESH	36121/24/68/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	27-01-2019
452	UTTAR PRADESH	36224/24/56/2013	1501	DISAPPEARANCE	25,000	07-12-2018
453	UTTAR PRADESH	36836/24/52/2010-AFE	813	ALLEGED FAKE ENCOUNTERS	500,000	12-04-2018
454	UTTAR PRADESH	3697/24/12/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	14-05-2018
455	UTTAR PRADESH	37168/24/31/2016	814	FAILURE IN TAKING LAWFUL ACTION	25,000	31-01-2019
456	UTTAR PRADESH	3733/24/30/2017	817	UNLAWFUL DETENTION	100,000	01-03-2019
457	UTTAR PRADESH	3733/24/30/2017	817	UNLAWFUL DETENTION	100,000	01-03-2019
458	UTTAR PRADESH	37408/24/12/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	50,000	02-11-2018
459	UTTAR PRADESH	37596/24/26/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	25-09-2018
460	UTTAR PRADESH	37607/24/72/2013	1202	NON-PAYMENT OF PENSION/COMPENSATION	200,000	29-05-2018
461	UTTAR PRADESH	37678/24/72/2017-WC	1903	RAPE OF SC/ST/OBC	25,000	03-12-2018
462	UTTAR PRADESH	37765/24/18/2014	816	ILLEGAL ARREST	25,000	25-07-2018
463	UTTAR PRADESH	38688/24/3/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	08-08-2018
464	UTTAR PRADESH	38815/24/8/2016	817	UNLAWFUL DETENTION	200,000	29-07-2018
465	UTTAR PRADESH	39109/24/28/09-10-ed	812	DEATH IN POLICE ENCOUNTER	500,000	21-06-2018
466	UTTAR PRADESH	39156/24/30/2015	814	FAILURE IN TAKING LAWFUL ACTION	25,000	26-11-2018
467	UTTAR PRADESH	39236/24/28/2015-pcd	807	CUSTODIAL DEATH (Police)	500,000	16-05-2018
468	UTTAR PRADESH	39420/24/1/2016-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	26-11-2018
469	UTTAR PRADESH	39959/24/72/2012-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	28-05-2018
470	UTTAR PRADESH	40329/24/36/2013	814	FAILURE IN TAKING LAWFUL ACTION	25,000	29-06-2018
471	UTTAR PRADESH	40336/24/25/2014	804	ABUSE OF POWER	10,000	03-10-2018
472	UTTAR PRADESH	40341/24/31/2015-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	13-02-2019
473	UTTAR PRADESH	40415/24/9/2015	814	FAILURE IN TAKING LAWFUL ACTION	100,000	13-06-2018
474	UTTAR PRADESH	4106/24/12/2017	305	HARASSMENT OF PRISONERS	200,000	14-03-2019
475	UTTAR PRADESH	41624/24/28/2014	814	FAILURE IN TAKING LAWFUL ACTION	50,000	11-02-2019



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476	UTTAR PRADESH	41823/24/70/2012-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	28-05-2018
477	UTTAR PRADESH	41860/24/40/2015-wc	803	RAPE OUTSIDE POLICE STATION	500,000	28-05-2018
478	UTTAR PRADESH	42069/24/39/2013	814	FAILURE IN TAKING LAWFUL ACTION	100,000	15-12-2018
479	UTTAR PRADESH	42293/24/37/2016-wc	1313	SEXUAL HARASSMENT AT WORKPLACE (GOVT. OFFICES)	50,000	13-11-2018
480	UTTAR PRADESH	42387/24/9/2015-WC	1311	RAPE	25,000	22-05-2018
481	UTTAR PRADESH	42608/24/30/2015	814	FAILURE IN TAKING LAWFUL ACTION	50,000	05-11-2018
482	UTTAR PRADESH	42681/24/6/2015-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	14-03-2019
483	UTTAR PRADESH	42747/24/25/2016	1904	VICTIMISATION	300,000	27-02-2019
484	UTTAR PRADESH	43620/24/31/2014	816	ILLEGAL ARREST	20,000	29-03-2019
485	UTTAR PRADESH	43766/24/10/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300,000	26-02-2019
486	UTTAR PRADESH	43800/24/52/2012-WC	1301	ABDUCTION, RAPE AND MURDER	50,000	20-09-2018
487	UTTAR PRADESH	43825/24/40/2016	814	FAILURE IN TAKING LAWFUL ACTION	50,000	20-09-2018
488	UTTAR PRADESH	4386/24/4/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	27-01-2019
489	UTTAR PRADESH	44325/24/28/2013-wc	1307	GANG RAPE	400,000	27-01-2019
490	UTTAR PRADESH	44748/24/28/2014-WC	1311	RAPE	25,000	23-10-2018
491	UTTAR PRADESH	44802/24/4/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	14-05-2018
492	UTTAR PRADESH	44809/24/72/2015-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	08-01-2019
493	UTTAR PRADESH	45218/24/51/2013	804	ABUSE OF POWER	100,000	14-09-2018
494	UTTAR PRADESH	45740/24/46/2014-WC	1301	ABDUCTION, RAPE AND MURDER	25,000	05-06-2018
495	UTTAR PRADESH	4577/24/38/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	500,000	27-02-2019
496	UTTAR PRADESH	45795/24/9/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	05-10-2018
497	UTTAR PRADESH	45806/24/6/2013-WC	1309	INDIGNITY OF WOMEN	25,000	01-06-2018
498	UTTAR PRADESH	4658/24/64/2018	804	ABUSE OF POWER	50,000	27-11-2018
499	UTTAR PRADESH	46752/24/4/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	14-05-2018
500	UTTAR PRADESH	47117/24/47/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	25,000	09-10-2018
501	UTTAR PRADESH	47462/24/51/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	02-01-2019
502	UTTAR PRADESH	4792/24/64/2015-BL	601	BONDED LABOUR	225,000	29-03-2019
503	UTTAR PRADESH	4818/24/42/2015-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	03-04-2018
504	UTTAR PRADESH	4834/24/42/2015	816	ILLEGAL ARREST	20,000	05-10-2018
505	UTTAR PRADESH	48355/24/45/2015-DH	1801	CUSTODIAL DEATH	300,000	23-10-2018



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506	UTTAR PRADESH	48490/24/62/2015	804	ABUSE OF POWER	100,000	05-12-2018
507	UTTAR PRADESH	49213/24/43/2014	814	FAILURE IN TAKING LAWFUL ACTION	50,000	29-03-2019
508	UTTAR PRADESH	49482/24/4/2015-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	13-09-2018
509	UTTAR PRADESH	49567/24/32/2014-WC	1311	RAPE	25,000	11-12-2018
510	UTTAR PRADESH	49853/24/57/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	12-11-2018
511	UTTAR PRADESH	50013/24/39/2015-PF	1704	ABUSE OF POWER	25,000	07-01-2019
512	UTTAR PRADESH	5135/24/30/2015	815	FALSE IMPLICATIONS	25,000	30-05-2018
513	UTTAR PRADESH	5277/24/22/2011-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	23-10-2018
514	UTTAR PRADESH	5334/24/31/2012-WC	1304	DOWERY DEATH OR THEIR ATTEMPT	25,000	31-08-2018
515	UTTAR PRADESH	5410/24/46/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200,000	27-08-2018
516	UTTAR PRADESH	5699/24/53/2014	815	FALSE IMPLICATIONS	25,000	03-01-2019
517	UTTAR PRADESH	5901/24/48/2015-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	05-04-2018
518	UTTAR PRADESH	650/24/43/2016-WC	1301	ABDUCTION, RAPE AND MURDER	50,000	18-09-2018
519	UTTAR PRADESH	6591/24/79/2013	804	ABUSE OF POWER	10,000	19-02-2019
520	UTTAR PRADESH	7023/24/23/2014	109	DISAPPEARANCE / MISSING	25,000	11-02-2019
521	UTTAR PRADESH	7053/24/31/2015-BL	601	BONDED LABOUR	100,000	29-03-2019
522	UTTAR PRADESH	7072/24/1/2016-JCD	301	CUSTODIAL DEATH (Judicial)	500,000	04-02-2019
523	UTTAR PRADESH	742/24/39/2015-WC	1301	ABDUCTION, RAPE AND MURDER	25,000	01-03-2019
524	UTTAR PRADESH	7941/24/52/2017	1807	IRREGULARITIES	100,000	12-11-2018
525	UTTAR PRADESH	8227/24/31/2014	814	FAILURE IN TAKING LAWFUL ACTION	20,000	28-06-2018
526	UTTAR PRADESH	8666/24/7/2017	1901	ATROCITIES ON SC/ST/OBC	50,000	29-10-2018
527	UTTAR PRADESH	8838/24/30/2013-BL	601	BONDED LABOUR	80,000	27-07-2018
528	UTTAR PRADESH	8988/24/61/2014-WC	1307	GANG RAPE	25,000	19-02-2019
529	UTTAR PRADESH	911/24/63/2017	821	VICTIMISATION	125,000	12-12-2018
530	UTTAR PRADESH	9322/24/26/2016-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	19-11-2018
531	UTTAR PRADESH	9430/24/9/2016	809	CUSTODIAL TORTURE	30,000	03-12-2018
532	UTTAR PRADESH	9491/24/74/2015-WC	1301	ABDUCTION, RAPE AND MURDER	25,000	10-01-2019
533	UTTAR PRADESH	9497/24/48/2014-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	09-10-2018
534	UTTAR PRADESH	9602/24/77/2014	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	50,000	07-06-2018
535	UTTAR PRADESH	9669/24/65/2018	100	CHILDREN	100,000	27-02-2019
536	UTTAR PRADESH	9989/24/3/2017-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	20-09-2018
537	UTTARAKHAND	1111/35/12/2014	814	FAILURE IN TAKING LAWFUL ACTION	25,000	27-02-2019



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538	UTTARAKHAND	2107/35/7/2013	814	FAILURE IN TAKING LAWFUL ACTION	100,000	29-06-2018
539	WEST BENGAL	1006/25/6/2016	1901	ATROCITIES ON SC/ST/OBC	50,000	25-09-2018
540	WEST BENGAL	1037/25/16/2018	106	SEXUAL HARASSMENT	300,000	13-12-2018
541	WEST BENGAL	1116/25/4/2013	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100,000	13-12-2018
542	WEST BENGAL	1149/25/3/2014-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	28-01-2019
543	WEST BENGAL	1188/25/15/2014	105	IMMORAL TRAFFIC ON CHILDREN	25,000	13-12-2018
544	WEST BENGAL	1268/25/6/2017	106	SEXUAL HARASSMENT	200,000	11-12-2018
545	WEST BENGAL	1337/25/15/2015	1500	MISCELLANEOUS	50,000	27-01-2019
546	WEST BENGAL	1345/25/5/2014	804	ABUSE OF POWER	50,000	22-02-2019
547	WEST BENGAL	1353/25/6/2015-pf	1704	ABUSE OF POWER	400,000	07-01-2019
548	WEST BENGAL	1417/25/15/2016-PF	1704	ABUSE OF POWER	25,000	14-02-2019
549	WEST BENGAL	1424/25/13/2014	804	ABUSE OF POWER	200,000	28-01-2019
550	WEST BENGAL	1476/25/5/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	08-10-2018
551	WEST BENGAL	1628/25/13/2016-pf	1704	ABUSE OF POWER	50,000	11-09-2018
552	WEST BENGAL	1628/25/4/2012-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500,000	18-02-2019
553	WEST BENGAL	1648/25/15/2015	814	FAILURE IN TAKING LAWFUL ACTION	50,000	12-06-2018
554	WEST BENGAL	1703/25/4/2015	1202	NON-PAYMENT OF PENSION/COMPENSATION	10,000	25-10-2018
555	WEST BENGAL	1722/25/13/2015-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	21-02-2019
556	WEST BENGAL	18/25/4/2017	809	CUSTODIAL TORTURE	100,000	23-01-2019
557	WEST BENGAL	1994/25/19/2015-pcd	807	CUSTODIAL DEATH (Police)	500,000	18-02-2019
558	WEST BENGAL	231/25/5/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	27-01-2019
559	WEST BENGAL	292/25/14/2015-PF	1704	ABUSE OF POWER	300,000	11-07-2018
560	WEST BENGAL	336/25/10/2016-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	01-03-2019
561	WEST BENGAL	386/25/5/2012-wc	1307	GANG RAPE	50,000	30-07-2018
562	WEST BENGAL	664/25/2/2016-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	31-01-2019
563	WEST BENGAL	666/25/7/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	31-01-2019
564	WEST BENGAL	669/25/22/2017-dh	310	DEATH IN HOMES	200,000	18-02-2019
565	WEST BENGAL	87/25/13/2013	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200,000	13-12-2018
566	WEST BENGAL	983/25/15/2016-pf	1704	ABUSE OF POWER	50,000	21-02-2019

*The recommendations made by the Commission in 5 cases as mentioned at SI No. 65, 226, 246, 273 and SI. No.441 above, have been challenged by, Jawahar Lal Nehru Hospital & Research Centre (SI.No65), Executive Engineer, South Co. Utility (SI.No.226 & 246), Amestha Ganesan (SI. No. 273) and Indian Oil Corporation (SI. No.441) by filing Civil Writ Petitions in the respective High Courts. The further details of these cases is at Annexure 5A.



Annexure-5A

**Total Number of Cases where NHRC Recommended Disciplinary Action and Prosecution
During 2018-19 (Data as per CMS as on 21/05/2019)**

NAME OF STATE/UT	NO. OF CASES (Disciplinary action)	NO. OF CASES (Prosecution)
ALL INDIA	0	0
ANDHRA PRADESH	0	0
ARUNACHAL PRADESH	0	0
ASSAM	1	0
BIHAR	1	0
GOA	0	0
GUJARAT	0	0
HARYANA	2	0
HIMACHAL PRADESH	0	0
JAMMU & KASHMIR	0	0
KARNATAKA	0	0
KERALA	0	0
MADHYA PRADESH	0	0
MAHARASHTRA	0	0
MANIPUR	0	0
MEGHALAYA	0	0
MIZORAM	0	0
NAGALAND	0	0
ODISHA	0	0
PUNJAB	0	0
RAJASTHAN	7	0
SIKKIM	0	0
TAMIL NADU	0	0
TRIPURA	0	0
UTTAR PRADESH	11	0
WEST BENGAL	1	0
ANDAMAN & NICOBAR	0	0
CHANDIGARH	0	0
DADRA & NAGAR HAVELI	0	0
DAMAN & DIU	0	0
DELHI	0	0
LAKSHADWEEP	0	0
PUDUCHERRY	0	0
CHHATTISGARH	0	0
JHARKHAND	0	0
UTTARAKHAND	2	0
TELANGANA	0	0
FOREIGN COUNTRIES	0	0
GRAND TOTAL	25	0



Annexure-5B

NHRC RECOMMENDATIONS CHALLENGED BEFORE COURTS

S.No.	Case No. and name of complainant and nature of complaint	Date and Nature of Recommendations	Details of challenge before Court	Remarks
1.	3434/18/5/2016 (Radhakanta Tripathy) Electrocution death of two persons and injury to two others in Laxminarayan Village, Ganjam, Odisha on 9.11.2015	3.5.2018 Monetary relief of Rs. 3,00,000/- (Rupees Three lakhs only) for NOK of deceased.	W.P.(Civil) 17816 of 2018 before Odisha High Court at Cuttack by South Co. Utility and Others vs NHRC & Others	Sl. No. 246 of Annexure-5
2.	1344/18/10/2015 (Dilip Kumar Das) Electrocution death of Hiradei Bhatra on 4.2.2014 in Poknaguda Village, Nowrangpur, Odisha	12.10.2018 Monetary relief of Rs. 3,00,000/- (Rupees Three lakhs only) for NOK of deceased.	W.P.(Civil) 5797 of 2019 before Odisha High Court by Executive Engineer SouthCo. Utility & Others vs NHRC & Others	Sl. No. 226 of Annexure-5
3.	35109/24/52/2016 Complaint by Ashok Kumar, Mahoba, UP Death of Smt. Indirani on 5.7.2016 due to burn injuries from blast of leaking gas cylinder in Village Bhatipura, Mahoba	29.10.2018 Monetary relief of Rs. 2,00,000/- (Rupees Two lakhs only) for the NOK of deceased.	W.P. (Civil) 8878 of 2019 before Allahabad High Court by Indian Oil Corporation & Others vs NHRC & Others	Sl. No. 440 of Annexure-5
4.	27/32/0/2012-WC Complaint by K. Malliga (SC) about harassment by Dy. Inspector of Schools in Navarkulam, Puducherry	20.9.2018 Monetary relief of Rs. 1,00,000/- (Rupees One lakh only) recommended for the victim.	W.P. (Civil) 3524 of 2019 before Madras High Court by T. Amestha Ganesan against NHRC & Others	Sl. No. 273 of Annexure-5
5.	54/33/5/2017 Complaint by Subodh Kumar Deshpandey – Transfusion of HIV infected blood to 8 year old son Sarthak Deshpande in Bhillai, Chattisgarh on 29.6.2016.	28.1.2019 Interim relief of Rs. 1,00,000/- (Rupees One lakh only) for the victim.	W.P. (Civil) 3157 of 2018 before Chhattisgarh High Court by Jawaharlal Nehru Hospital & Research Centre vs UOI & Others.	Sl. No. 65 of Annexure-5
6.	1817/4/32/2011 (R.H. Bansal) Death of victims due to electrocution as high tension line collapsed due to negligence of Electricity Department	19.11.2012 Monetary relief of Rs. 2,00,000/- (Rupees Two lakhs only) each in addition to the amount of relief already paid to the next of kin of the deceased.	W.P. No. 3640/2014 filed in Patna High Court by North Bihar Power Distribution Company Ltd.	Sl. No. 7 of Annexure-7
7.	1951/4/7/2012-JCD Intimation from Superintendent, Central Jail, Buxar, Bihar Custodial death of Daroga Singh, an inmate, due to denial of medical care by Railway Hospital, Mughal Sarai	30.10.2015 Monetary relief of Rs. 1,00,000/- (Rupees One lakh only) for the NOK of deceased.	Railway authorities have moved the Delhi High Court in this custodial death case in W.P.C. No. 1194/2017	Sl. No. 9 of Annexure-7
8.	984/34/15/08-09 (Dheerendra Aggarwal, M.P. Lok Sabha) Death of victim Sanjay Kumar, due to beating up by RPF personnel, when he had objected the teasing of his wife by RPF Personnel.	6.5.2015 Monetary relief of Rs. 5,00,000/- (Rupees Five lakhs only) for the NOK of deceased.	W.P. No. 5974/2015 Deputy Director/Secretary (Crime), Railway Board, Ministry of Railways.	Sl. No. 27 of Annexure-7
9.	55/9/2003-2004-AD (Suhas Chakma) Death of victim Mohan Lal, a rickshaw puller due to third degree torture in the police custody.	19.8.2009 Monetary relief of Rs. 5,00,000/- (Rupees Five lakhs only) for the NOK of deceased.	OWP No. 890/2011 titled State of J&K Vs. NHRC & Ors. is still pending before the Hon'ble High Court of Jammu & Kashmir	Sl. No. 19 of Annexure-7



Annexure – 6

Details of Cases Pending Compliance of NHRC's Recommendations During 2017-2018 (Data as per CMS as on 08/05/2019)

Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
1	ANDHRA PRADESH	1085/1/10/2013-jcd	301	CUSTODIAL DEATH (Judicial)	150000	12/16/2017
2	ANDHRA PRADESH	1160/1/15/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300000	11/8/2017
3	ANDHRA PRADESH	197/1/6/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300000	1/31/2018
4	ANDHRA PRADESH	225/1/19/2012-JCD	301	CUSTODIAL DEATH (Judicial)	100000	4/19/2017
5	ANDHRA PRADESH	556/1/4/2015-jcd	301	CUSTODIAL DEATH (Judicial)	100000	8/21/2017
6	ANDHRA PRADESH	81/1/10/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300000	1/16/2018
7	ARUNACHAL PRADESH	168/2/0/2014-JCR	302	CUSTODIAL RAPE (Judicial)	300000	11/23/2017
8	ASSAM	212/3/1/2011-ed	812	DEATH IN POLICE ENCOUNTER	100000	11/13/2017
9	ASSAM	239/3/9/2013-PCD	807	CUSTODIAL DEATH (Police)	100000	12/20/2017
10	ASSAM	422/3/5/2014-ed	812	DEATH IN POLICE ENCOUNTER	1000000	12/20/2017
11	ASSAM	43/3/5/2014	811	DEATH IN POLICE FIRING	450000	11/15/2017
12	BIHAR	2024/4/26/2013-ED	812	DEATH IN POLICE ENCOUNTER	500000	6/14/2017
13	BIHAR	2838/4/10/2014-pcd	807	CUSTODIAL DEATH (Police)	100000	12/20/2017
14	BIHAR	2879/4/0/08-09-PF	1709	DEATH IN FIRING	500000	4/19/2017
15	BIHAR	3083/4/10/2016	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	900000	3/1/2018
16	BIHAR	396/4/14/2011-AFE	813	ALLEGED FAKE ENCOUNTERS	500000	5/3/2017
17	BIHAR	4197/4/35/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	40000	12/15/2017
18	BIHAR	4689/4/24/2014	815	FALSE IMPLICATIONS	30000	3/19/2018



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
19	BIHAR	87/4/26/2014-WC	1307	GANG RAPE	200000	4/7/2017
20	CHHATTISGARH	212/33/17/2013-ED	812	DEATH IN POLICE ENCOUNTER	500000	12/13/2017
21	CHHATTISGARH	404/33/3/2011-pf	1711	ALLEGED FAKE ENCOUNTER(P-M FORCES)	500000	2/8/2018
22	CHHATTISGARH	640/33/17/2013	804	ABUSE OF POWER	150000	12/16/2017
23	CHHATTISGARH	776/33/18/2013-ED	812	DEATH IN POLICE ENCOUNTER	500000	11/22/2017
24	DELHI	1820/30/8/2012	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	400000	11/1/2017
25	DELHI	2634/30/9/2013	809	CUSTODIAL TORTURE	100000	1/29/2018
26	DELHI	3358/30/10/2013-wc	1309	INDIGNITY OF WOMEN	20000	7/3/2017
27	DELHI	4533/30/9/2015-JCD	301	CUSTODIAL DEATH (Judicial)	200000	2/21/2018
28	DELHI	5324/30/9/2011-jcd	301	CUSTODIAL DEATH (Judicial)	150000	12/16/2017
29	DELHI	5640/30/8/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	50000	6/22/2017
30	DELHI	5728/30/9/2013-pcd	807	CUSTODIAL DEATH (Police)	100000	10/4/2017
31	DELHI	6641/30/9/2014-JCD	301	CUSTODIAL DEATH (Judicial)	500000	12/11/2017
31	DELHI	8194/30/5/2014	814	FAILURE IN TAKING LAWFUL ACTION	100000	1/30/2018
33	GUJARAT	1012/6/9/2011	202	PUBLIC HEALTH HAZARDS	2000000	3/15/2018
34	HARYANA	2282/7/3/2014	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200000	10/17/2017
35	HARYANA	6177/7/10/2013-wc	1301	ABDUCTION, RAPE AND MURDER	100000	7/31/2017
36	HIMACHAL PRADESH	156/8/6/2016-pcd	807	CUSTODIAL DEATH (Police)	100000	11/2/2017
37	JAMMU & KASHMIR	70/9/8/2010-AF	1611	ALLEGED FAKE ENCOUNTER(DEFENCE)	500000	6/28/2017
38	JHARKHAND	1013/34/6/07-08	202	PUBLIC HEALTH HAZARDS	11600000	3/1/2018



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
39	JHARKHAND	1184/34/7/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	8/3/2017
40	JHARKHAND	1504/34/6/2013-JCD	301	CUSTODIAL DEATH (Judicial)	100000	11/13/2017
41	JHARKHAND	1545/34/9/2013-JCD	301	CUSTODIAL DEATH (Judicial)	100000	6/29/2017
42	JHARKHAND	1667/34/15/2014-pcd	807	CUSTODIAL DEATH (Police)	500000	2/7/2018
43	JHARKHAND	1743/34/16/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300000	7/4/2017
44	JHARKHAND	248/34/12/09-10	811	DEATH IN POLICE FIRING	300000	1/31/2018
45	JHARKHAND	8/34/17/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	9/12/2017
46	JHARKHAND	898/34/16/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300000	7/17/2017
47	KARNATAKA	122/10/2/2013-pcd	807	CUSTODIAL DEATH (Police)	100000	6/1/2017
48	KARNATAKA	418/10/1/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	1000000	11/15/2017
49	KERALA	879/11/13/2015-jcd	301	CUSTODIAL DEATH (Judicial)	300000	1/24/2018
50	MADHYA PRADESH	1211/12/2/2014	809	CUSTODIAL TORTURE	100000	12/1/2017
51	MADHYA PRADESH	1650/12/29/2013	100	CHILDREN	150000	12/15/2017
52	MADHYA PRADESH	2194/12/20/2013-wc	1311	RAPE	400000	12/19/2017
53	MADHYA PRADESH	231/12/23/2010	202	PUBLIC HEALTH HAZARDS	400000	4/3/2017
54	MADHYA PRADESH	2808/12/21/2014	1202	NON-PAYMENT OF PENSION/COMPENSATION	200000	12/16/2017
55	MADHYA PRADESH	730/12/18/2012	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	50000	12/7/2017
56	MADHYA PRADESH	884/12/22/2012	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	1800000	11/9/2017
57	MAHARASHTRA	1155/13/30/08-09-ed	812	DEATH IN POLICE ENCOUNTER	1000000	2/7/2018



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
58	MAHARASHTRA	2749/13/4/2015	806	ATROCITIES ON SC/ST (BY POLICE)	25000	8/23/2017
59	MAHARASHTRA	324/13/16/2016-ED	812	DEATH IN POLICE ENCOUNTER	500000	10/25/2017
60	MANIPUR	124/14/15/2011-AD	1716	ALLEGED CUSTODIAL DEATH	500000	5/4/2017
61	MANIPUR	137/14/10/2012-AD	1616	ALLEGED CUSTODIAL DEATH	500000	3/14/2018
62	MANIPUR	31/14/12/2010-PF	1711	ALLEGED FAKE ENCOUNTER(P-M FORCES)	500000	4/26/2017
63	MANIPUR	40/14/6/2016-AD	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	100000	2/12/2018
64	NAGALAND	36/17/1/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300000	11/29/2017
65	ODISHA	1009/18/8/2015	205	LACK OF PROPER MEDICAL FACILITIES IN THE STATE	200000	6/19/2017
66	ODISHA	11016/18/8/2015-PF	1704	ABUSE OF POWER	100000	3/1/2018
67	ODISHA	1241/18/0/2014-WC	1306	EXPLOITATION OF WOMEN	50000	10/25/2017
68	ODISHA	4777/18/16/2014	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	1400000	3/12/2018
69	PUNJAB	1857/19/15/2013-JCD	301	CUSTODIAL DEATH (Judicial)	500000	9/12/2017
70	PUNJAB	300/19/15/2015	814	FAILURE IN TAKING LAWFUL ACTION	100000	11/2/2017
71	PUNJAB	330/19/6/2016-jcd	301	CUSTODIAL DEATH (Judicial)	100000	10/5/2017
72	PUNJAB	827/19/7/2013-pcd	807	CUSTODIAL DEATH (Police)	100000	9/27/2017
73	RAJASTHAN	1004/20/14/2015-JCD	301	CUSTODIAL DEATH (Judicial)	100000	12/6/2017
74	RAJASTHAN	1532/20/2/2016-WC	1306	EXPLOITATION OF WOMEN	100000	3/27/2018
75	RAJASTHAN	2122/20/2/2014	814	FAILURE IN TAKING LAWFUL ACTION	150000	9/11/2017
76	RAJASTHAN	2655/20/14/2015	804	ABUSE OF POWER	15000	9/29/2017
77	RAJASTHAN	2664/20/21/2013-wc	1903	RAPE OF SC/ST/OBC	50000	12/15/2017



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
78	RAJASTHAN	883/20/19/2015	809	CUSTODIAL TORTURE	25000	1/10/2018
79	TAMIL NADU	1539/22/13/2011	809	CUSTODIAL TORTURE	300000	6/28/2017
80	TELANGANA	1060/1/7/2013-JCD	301	CUSTODIAL DEATH (Judicial)	100000	11/29/2017
81	TELANGANA	1186/1/18/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100000	3/20/2018
82	TELANGANA	1232/1/13/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300000	12/4/2017
83	TELANGANA	25/36/9/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200000	3/27/2018
84	TELANGANA	511/1/23/2013	305	HARASSMENT OF PRISONERS	500000	3/13/2018
85	TELANGANA	682/36/6/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	5400000	9/14/2017
86	TRIPURA	40/23/4/2016-WC	1311	RAPE	100000	9/11/2017
87	UTTAR PRADESH	10048/24/48/2015-WC	1311	RAPE	150000	3/8/2018
88	UTTAR PRADESH	11117/24/66/2013	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	6/19/2017
89	UTTAR PRADESH	11802/24/20/2014	805	ATTEMPTED MURDER	300000	1/10/2018
90	UTTAR PRADESH	12066/24/3/2014	814	FAILURE IN TAKING LAWFUL ACTION	100000	6/19/2017
91	UTTAR PRADESH	12435/24/39/2015-WC	1301	ABDUCTION, RAPE AND MURDER	100000	10/10/2017
92	UTTAR PRADESH	12978/24/31/2013	804	ABUSE OF POWER	50000	8/31/2017
93	UTTAR PRADESH	1310/24/43/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200000	1/22/2018
94	UTTAR PRADESH	14280/24/32/2013-wc	1311	RAPE	40000	12/15/2017
95	UTTAR PRADESH	1570/24/31/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	25000	2/8/2018
96	UTTAR PRADESH	16053/24/47/2017	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	200000	1/3/2018
97	UTTAR PRADESH	1607/24/33/2013	817	UNLAWFUL DETENTION	10000	9/19/2017



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
98	UTTAR PRADESH	16293/24/55/2012-JCD	301	CUSTODIAL DEATH (Judicial)	200000	11/16/2017
99	UTTAR PRADESH	16334/24/57/2015-wc	1304	DOWERY DEATH OR THIER ATTEMPT	100000	9/5/2017
100	UTTAR PRADESH	17753/24/19/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	70000	11/23/2017
101	UTTAR PRADESH	18245/24/14/2014	814	FAILURE IN TAKING LAWFUL ACTION	25000	1/31/2018
102	UTTAR PRADESH	18307/24/22/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100000	6/8/2017
103	UTTAR PRADESH	18309/24/18/2014-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	300000	10/25/2017
104	UTTAR PRADESH	18967/24/18/2014	814	FAILURE IN TAKING LAWFUL ACTION	25000	1/16/2018
105	UTTAR PRADESH	19216/24/54/2014-wc	1307	GANG RAPE	300000	7/19/2017
106	UTTAR PRADESH	22443/24/1/2013	809	CUSTODIAL TORTURE	800000	1/3/2018
107	UTTAR PRADESH	22512/24/19/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200000	10/25/2017
108	UTTAR PRADESH	24274/24/31/2015-WC	1309	INDIGNITY OF WOMEN	100000	8/31/2017
109	UTTAR PRADESH	24851/24/26/2014	804	ABUSE OF POWER	25000	8/22/2017
110	UTTAR PRADESH	25018/24/3/2014-WC	1301	ABDUCTION, RAPE AND MURDER	25000	3/20/2018
111	UTTAR PRADESH	26649/24/27/2014-WC	1301	ABDUCTION, RAPE AND MURDER	10000	1/16/2018
112	UTTAR PRADESH	26845/24/3/2015	814	FAILURE IN TAKING LAWFUL ACTION	50000	2/26/2018
113	UTTAR PRADESH	27236/24/18/2013-wc	1301	ABDUCTION, RAPE AND MURDER	50000	9/11/2017
114	UTTAR PRADESH	27480/24/31/2012-JCD	301	CUSTODIAL DEATH (Judicial)	100000	2/26/2018
115	UTTAR PRADESH	27556/24/32/2015	814	FAILURE IN TAKING LAWFUL ACTION	25000	8/24/2017



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
116	UTTAR PRADESH	27623/24/1/2012	817	UNLAWFUL DETENTION	75000	9/13/2017
117	UTTAR PRADESH	27675/24/21/2013	814	FAILURE IN TAKING LAWFUL ACTION	200000	10/5/2017
118	UTTAR PRADESH	27969/24/1/2011-ad	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	2/15/2018
119	UTTAR PRADESH	28399/24/19/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	12/7/2017
120	UTTAR PRADESH	2897/24/72/08-09-ed	812	DEATH IN POLICE ENCOUNTER	500000	8/10/2017
121	UTTAR PRADESH	2956/24/23/2016	809	CUSTODIAL TORTURE	25000	8/31/2017
122	UTTAR PRADESH	29891/24/4/2012	804	ABUSE OF POWER	200000	2/8/2018
123	UTTAR PRADESH	30053/24/1/2013	304	DEBARMENT OF LEGAL AID	50000	10/5/2017
124	UTTAR PRADESH	30738/24/27/2013-wc	1304	DOWERY DEATH OR THIER ATTEMPT	50000	1/31/2018
125	UTTAR PRADESH	34369/24/1/2013-wc	1311	RAPE	25000	2/1/2018
126	UTTAR PRADESH	34380/24/48/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	11/29/2017
127	UTTAR PRADESH	34940/24/72/2013	814	FAILURE IN TAKING LAWFUL ACTION	50000	2/28/2018
128	UTTAR PRADESH	35873/24/30/2013	1901	ATROCITIES ON SC/ST/OBC	25000	9/7/2017
129	UTTAR PRADESH	36039/24/51/2013	805	ATTEMPTED MURDER	500000	5/25/2017
130	UTTAR PRADESH	38349/24/48/2014	804	ABUSE OF POWER	500000	12/14/2017
131	UTTAR PRADESH	38500/24/6/2013	804	ABUSE OF POWER	60000	2/20/2018
132	UTTAR PRADESH	3854/24/8/2015	804	ABUSE OF POWER	100000	9/12/2017
133	UTTAR PRADESH	38707/24/46/2013	814	FAILURE IN TAKING LAWFUL ACTION	10000	11/29/2017
134	UTTAR PRADESH	39743/24/3/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	2/15/2018
135	UTTAR PRADESH	41657/24/53/2013-WC	1309	INDIGNITY OF WOMEN	10000	3/20/2018
136	UTTAR PRADESH	42304/24/77/2013	814	FAILURE IN TAKING LAWFUL ACTION	50000	10/16/2017
137	UTTAR PRADESH	43290/24/56/2011-WC	1307	GANG RAPE	100000	12/5/2017



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
138	UTTAR PRADESH	43970/24/73/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300000	11/29/2017
139	UTTAR PRADESH	44048/24/18/2015	814	FAILURE IN TAKING LAWFUL ACTION	25000	4/19/2017
140	UTTAR PRADESH	44077/24/57/2013-JCD	301	CUSTODIAL DEATH (Judicial)	100000	2/26/2018
141	UTTAR PRADESH	4424/24/22/2015	817	UNLAWFUL DETENTION	10000	3/22/2018
142	UTTAR PRADESH	45951/24/52/2011-ED	812	DEATH IN POLICE ENCOUNTER	500000	3/8/2018
143	UTTAR PRADESH	48000/24/31/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	12/14/2017
144	UTTAR PRADESH	48077/24/9/2015	814	FAILURE IN TAKING LAWFUL ACTION	100000	11/24/2017
145	UTTAR PRADESH	5306/24/55/2016-WC	1307	GANG RAPE	25000	8/21/2017
146	UTTAR PRADESH	53823/24/72/2011	817	UNLAWFUL DETENTION	100000	8/24/2017
147	UTTAR PRADESH	6198/24/57/2015-PCD	807	CUSTODIAL DEATH (Police)	100000	11/15/2017
148	UTTAR PRADESH	6621/24/1/2010-ED	812	DEATH IN POLICE ENCOUNTER	1000000	1/10/2018
149	UTTAR PRADESH	7402/24/14/2013-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100000	2/12/2018
150	UTTAR PRADESH	8414/24/61/2013	814	FAILURE IN TAKING LAWFUL ACTION	25000	10/3/2017
151	UTTAR PRADESH	9916/24/36/2015-WC	1903	RAPE OF SC/ST/OBC	25000	9/21/2017
152	UTTARAKHAND	156/35/6/09-10-ED	812	DEATH IN POLICE ENCOUNTER	500000	6/28/2017
153	WEST BENGAL	1485/25/16/2012-pf	1705	CUSTODIAL DEATH (Para - Military)	500000	8/24/2017
154	WEST BENGAL	730/25/22/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300000	12/11/2017
155	WEST BENGAL	77/25/13/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100000	4/5/2017



Annexure – 7

Details of Cases Pending Compliance of NHRC Recommendation from 2009-2010 to 2016-2017 for Payment of Monetary Relief/ Disciplinary Action/Prosecution

Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
1	ANDHRA PRADESH	232/1/10/2014-WC	1307	GANG RAPE	100,000	30/01/2015
2	ANDHRA PRADESH	5/1/3/2015	804	ABUSE OF POWER	20000	01/04/2016
3	ASSAM	358/3/4/2012-PCD	807	CUSTODIAL DEATH (POLICE)	200000	07/06/2016
4	ASSAM	354/3/9/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	29/10/2015
5	BIHAR	258/4/8/2012-JCD	301	CUSTODIAL DEATH (JUDICIAL)	100,000	08/09/2014
6	BIHAR	2166/4/23/2012-JCD	301	CUSTODIAL DEATH (JUDICIAL)	100000	06/02/2017
*7	BIHAR	1817/4/32/2011	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	1400000	19/11/2012
8	BIHAR	1818/4/1/2011	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	400000	30/08/2012
*9	BIHAR	1951/4/7/2012-JCD	301	CUSTODIAL DEATH (JUDICIAL)	100000	30/10/2015
10	DELHI	5494/30/0/2010	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	900000	15/10/2012
11	DELHI	2843/30/1/2010	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	1,00,000	20/01/2012
12	DELHI	252/30/8/2014	2006	VICTIMISATION (FOREIGNER'S/ NRI)	300,000	29/09/2014
13	DELHI	6429/30/1/2012	204	IRREGULARITIES IN GOVT. HOSPITALS/PHC	300,000	20/10/2014
14	DELHI	374/30/3/2013	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	300000	16/03/2017



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
15	DELHI	5494/30/0/2010	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	900000	28/11/2016
16	DELHI	1907/30/0/2011	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	600000	05/05/2015
17	GUJARAT	1012/6/9/2011	202	PUBLIC HEALTH HAZARDS	2500000	22/10/2013
18	HARYANA	9267/7/17/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	200000	15/09/2015
*19	JAMMU & KASHMIR	55/9/2003-2004-AD	822	ALLEGED DEATH IN THE CUSTODY OF JAMMU POLICE (COMPLAINT)	5,00,000	19/08/2009
20	JHARKHAND	589/34/22/2012-PF	1704	ABUSE OF POWER BY PARA MILITARY FORCES	100,000	09/07/2014
21	JHARKHAND	1188/34/18/2011-ED	812	DEATH IN POLICE ENCOUNTER	200000	02/03/2017
22	JHARKHAND	514/34/11/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	25000	21/02/2017
23	JHARKHAND	1155/34/11/2013	804	ABUSE OF POWER	50000	11/06/2015
24	JHARKHAND	1276/34/7/2012-JCD	301	CUSTODIAL DEATH (JUDICIAL)	300000	11/06/2015
25	JHARKHAND	1383/34/5/2012-JCD	301	CUSTODIAL DEATH(JUDICIAL)	300000	02/12/2015
26	JHARKHAND	550/34/20/2012	814	FAILURE IN TAKING LAWFUL ACTION	80000	08/03/2016
*27	JHARKHAND	984/34/15/08-09	804	ABUSE OF POWER	500000	06/05/2015
28	KERALA	354/11/13/2013-JCD	301	CUSTODIAL DEATH (JUDICIAL)	300,000	23/12/2014
29	KERALA	508/11/2/2016-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100000	27/03/2017
30	MADHYA PRADESH	430/12/32/2012	604	HAZARDOUS EMPLOYMENT	1,200,000	11/09/2014



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
31	MADHYA PRADESH	1328/12/18/2013-JCD	301	CUSTODIAL DEATH (JUDICIAL)	100000	20/12/2016
32	MADHYA PRADESH	2695/12/33/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	625000	22/03/2017
33	MADHYA PRADESH	3022/12/46/2014	809	CUSTODIAL TORTURE	200000	21/02/2017
34	MAHARASHTRA	228/13/21/2011-PCD	807	CUSTODIAL DEATH (POLICE)	100000	16/11/2016
35	MAHARASHTRA	390/13/22/2011-PCD	807	CUSTODIAL DEATH (POLICE)	500000	02/03/2017
36	MAHARASHTRA	501/13/2005-2006	812	DEATH IN POLICE ENCOUNTER	1000000	06/04/2016
37	MAHARASHTRA	545/13/6/2013-WC	1311	RAPE	100000	11/05/2016
38	MAHARASHTRA	848/13/16/2013-PCD	807	CUSTODIAL DEATH (POLICE)	500000	23/11/2016
30	MAHARASHTRA	2851/13/36/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	200000	06/01/2016
40	MAHARASHTRA	2855/13/36/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	50000	06/01/2016
41	MAHARASHTRA	2857/13/2/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	50000	06/01/2016
42	MAHARASHTRA	558/13/11/08-09-PCD	807	CUSTODIAL DEATH (POLICE)	500000	01/01/2014
43	MANIPUR	2/14/1/2010-PF	1711	ALLEGED FAKE ENCOUNTER(P-M FORCES)	500000	15/09/2016
44	MANIPUR	33/14/4/09-10-PF	1711	ALLEGED FAKE ENCOUNTER(P-M FORCES)	1000000	01/03/2017
45	MANIPUR	65/14/13/2012-PF	1711	ALLEGED FAKE ENCOUNTER(P-M FORCES)	1500000	30/11/2016
46	ODISHA	192/18/12/2014	100	CHILDREN	20000	03/05/2016
47	ODISHA	3098/18/10/2014	814	FAILURE IN TAKING LAWFUL ACTION	50000	30/12/2016



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
48	ODISHA	4060/18/2/2014	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	20000	07/10/2016
49	ODISHA	4959/18/12/2014-WC	1301	ABDUCTION, RAPE AND MURDER	150000	10/03/2017
50	PUNJAB	377/19/8/09-10-JCD	301	CUSTODIAL DEATH (JUDICIAL)	100000	30/11/2012
51	RAJASTHAN	1533/20/7/2013-JCD	301	CUSTODIAL DEATH (JUDICIAL)	300000	27/06/2016
52	RAJASTHAN	2033/20/19/2015-WC	1903	RAPE OF SC/ST/OBC	50000	10/11/2016
53	RAJASTHAN	344/20/24/2014	307	IRREGULARITIES IN JAIL	50000	16/05/2016
54	RAJASTHAN	84/20/29/2014-JCD	301	CUSTODIAL DEATH (JUDICIAL)	300000	04/10/2016
55	RAJASTHAN	1766/20/2/2013	804	ABUSE OF POWER	300000	16/07/2015
56						
57	TAMIL NADU	101/22/13/2014-WC	2003	RAPE OF FOREIGNERSS/ NRIS		
	100,000	17/02/2015				
58	TAMIL NADU	2715/22/30/2012-PCD	807	CUSTODIAL DEATH (POLICE)	500000	24/03/2017
59	TAMIL NADU	61/22/13/2014	816	ILLEGAL ARREST	300000	13/04/2016
60	TRIPURA	8/23/5/2012	814	FAILURE IN TAKING LAWFUL ACTION	25000	30/11/2015
61	UTTAR PRADESH	26885/24/48/2011	203	MALFUNCTIONING PF MEDICAL PROFESSIONALS	300,000	16/12/2014
62	UTTAR PRADESH	31257/24/3/2013	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300,000	20/01/2015
63	UTTAR PRADESH	33505/24/26/2012-JCD	301	CUSTODIAL DEATH (JUDICIAL)	300,000	06/06/2014
64	UTTAR PRADESH	39182/24/1/2012-AD	309	ALLEGED CUSTODIAL DEATH IN JUDICIAL CUSTODY	100,000	16/02/2015
65	UTTAR PRADESH	5581/24/72/2010	809	ALLEGED PHYSICAL TORTURE & ILLEGAL DETENTION BY POLICE		
	25,000	25/08/2014				



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
66	UTTAR PRADESH	10226/24/2006-2007	812	DEATH IN POLICE ENCOUNTER	500000	29/09/2016
67	UTTAR PRADESH	10642/24/40/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	21/07/2016
68	UTTAR PRADESH	10703/24/71/2014	804	ABUSE OF POWER	100000	22/03/2017
69	UTTAR PRADESH	12021/24/46/2013	814	FAILURE IN TAKING LAWFUL ACTION	25000	23/05/2016
70	UTTAR PRADESH	14505/24/62/2014	1202	NON-PAYMENT OF PENSION/ COMPENSATION	100000	14/03/2017
71	UTTAR PRADESH	18780/24/53/2012-JCD	301	CUSTODIAL DEATH (JUDICIAL)	100000	18/10/2016
72	UTTAR PRADESH	27930/24/18/2015	804	ABUSE OF POWER	100000	21/03/2017
73	UTTAR PRADESH	29674/24/54/2011	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	600000	08/07/2016
74	UTTAR PRADESH	3241/24/48/2013-JCD	301	CUSTODIAL DEATH (JUDICIAL)	500000	20/05/2016
75	UTTAR PRADESH	34791/24/43/2013	106	SEXUAL HARASSMENT	100000	21/06/2016
76	UTTAR PRADESH	36481/24/2002-2003-AD	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	500000	16/03/2017
77	UTTAR PRADESH	37313/24/48/2012-JCD	301	CUSTODIAL DEATH (JUDICIAL)	500000	29/01/2017
78	UTTAR PRADESH	39116/24/30/2013	814	FAILURE IN TAKING LAWFUL ACTION	25000	30/01/2017
709	UTTAR PRADESH	40420/24/75/2012	814	FAILURE IN TAKING LAWFUL ACTION	25000	20/06/2016
80	UTTAR PRADESH	7805/24/31/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	18/08/2016
81	UTTAR PRADESH	14844/24/39/2010	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	25/09/2013
82	UTTAR PRADESH	20804/24/24/2010	1202	NON-PAYMENT OF PENSION/ COMPENSATION	50000	27/01/2014
83	UTTAR PRADESH	2547/24/4/09-10-DH	108	DEATH IN JUDICIAL CUSTODY	300000	27/09/2013



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
84	UTTAR PRADESH	2655/24/34/2012-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	300000	31/03/2014
85	UTTAR PRADESH	3656/24/2005-2006	813	ALLEGED FAKE ENCOUNTERS	500000	15/01/2014
86	UTTAR PRADESH	39743/24/3/2010-ED	812	DEATH IN POLICE ENCOUNTER	500000	03/04/2013
87	UTTAR PRADESH	53582/24/72/07-08	812	DEATH IN POLICE ENCOUNTER	500000	19/12/2013
88	UTTAR PRADESH	41459/24/1/2010	814	FAILURE IN TAKING LAWFUL ACTION	100000	28/03/2013
89	UTTAR PRADESH	12023/24/46/2013	814	FAILURE IN TAKING LAWFUL ACTION	25000	26/10/2015
90	UTTAR PRADESH	29202/24/2006-2007-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	24/06/20
90	UTTAR PRADESH	29202/24/2006-2007-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	24/06/2015
91	UTTAR PRADESH	34021/24/72/2013	814	FAILURE IN TAKING LAWFUL ACTION	300000	26/05/2015
92	UTTAR PRADESH	39952/24/31/2012	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	250000	02/06/2015
93	UTTARAKHAND	1597/35/2006-2007	813	ALLEGED FAKE ENCOUNTERS	500000	05/02/2014
94	WEST BENGAL	127/25/15/2013-ED	812	DEATH IN POLICE ENCOUNTER	500000	09/11/2016

*the recommendations of the Commission in four cases, as mentioned at Sl.No.7, 9, 19 and 27 above have been challenged by filing Writ Petitions in the respective High Courts by the authorities concerned,

*the recommendations of the Commission in four cases, as mentioned at Sl.No.7, 9, 19 and 27 above have been challenged by filing Writ Petitions in the respective High Courts by the authorities concerned.



Abbreviations

AAY	:	Anthodya Anna Yojana
A.C.J.M.	:	Additional Chief Judicial Magistrate
Art.	:	Article
Arts.	:	Articles
ATR	:	Action Taken Report
ASI	:	Assistant Sub-Inspector
BPL	:	Below Poverty Line
CFNHRI	:	Commonwealth Forum of National Human Rights Institutions
COP 21	:	21st Conference of the Parties
CPCB	:	Central Pollution Control Board
Cr.P.C.	:	Criminal Procedure Code
CRPF	:	Central Reserve Police Force
DD	:	Daily Diary
DGP	:	Director General of Police
DM	:	District Magistrate
FIR	:	First Information Report
FSL	:	Forensic Science Laboratory
GANHRI	:	Global Alliance of National Human Rights Institutions
GD	:	General Diary
GPF	:	Gratuity Provident Fund
GRP	:	Government Railway Protection
HC	:	Head Constable



Abbreviations

HQs./Hqrs.	:	Headquarters
ICC	:	International Coordinating Committee on Promotion and Protection of Human Rights
IO	:	Investigating Officer
I&PRO	:	Information & Public Relations Officer
IPC	:	Indian Penal Code
JCL	:	Juveniles in conflict with law
JJA	:	Juvenile Justice (Care & Protection of Children) Act, 2000
LFs	:	Linked Files
MER	:	Magisterial Enquiry Report
MGNREG Scheme	:	Mahatma Gandhi National Rural Employment Guarantee Scheme
M/o	:	Ministry of
NCR	:	National Capital Region
NCRB	:	National Crime Record Bureau
NCT	:	National Capital Territory
OBC	:	Other Backward Classes
PC & PNDT Act	:	Pre-conception & Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
PD	:	Physical Drill
PDS	:	Public distribution system
PHR Act /PHRA	:	Protection of Human Rights Act, 1993
P.S./PS	:	Police Station



Abbreviations

r/o	:	resident of
r/w	:	read with
RTE	:	Right to Education
s/o	:	son of
SC	:	Scheduled Castes
SDM	:	Sub-Divisional Magistrate
SHO	:	Station House Officer
SMS	:	Short Message Service
SOPs	:	Standard Operating Procedures
SP	:	Superintendent of Police
SSP	:	Sr. Superintendent of Police
ST	:	Scheduled Tribes
STF	:	Special Task Force
UP	:	Uttar Pradesh
u/s	:	under section
w/o	:	wife of

Note

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