



National *Human*
Rights Commission
New Delhi, India
Annual Report - 2008-2009





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INTRODUCTION

Chapter -1

1.1 This is the sixteenth Annual Report of the National Human Rights Commission (NHRC). It covers the period from 1 April 2008 to 31 March 2009.

1.2 The fifteenth Annual Report of the Commission, for the period 1 April 2007 to 31 March 2008, was submitted to the Central Government on 27 August 2009 for preparing the Memorandum of Action Taken and placing the same before each House of Parliament in consonance with the procedure envisaged under Section 20 (2) of the Protection of Human Rights Act, 1993 and its amendment thereby in September 2006.

1.3 During the period under review, Justice Shri S. Rajendra Babu, former Chief Justice of the Supreme Court of India, continued to hold the office as its fifth Chairperson. He had assumed office in NHRC on 2 April 2007. Justice Shri G.P. Mathur and Justice Shri B.C. Patel joined the Commission as Members on 15 April and 23 July 2008. The year saw the departure of three Members, namely, Justice Shri Y. Bhaskar Rao, Shri R. S. Kalha and Shri P.C. Sharma who demitted office after completing their 5-year term in the Commission. The former two Members completed their tenure on 25 June and 11 September 2008 whereas the latter on 2 March 2009 respectively. On 2 March 2009, Shri Satyabrata Pal, assumed office as a new Member in the Commission. A 1972 batch Indian Foreign Service Officer, Shri Pal was the High Commissioner to South Africa and Pakistan prior to joining the NHRC. On 25 March 2009, the Commission regained its full strength once again as Shri P.C.Sharma was re-appointed as a Member of the Commission for another term.

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

1.5 Shri Akhil Kumar Jain, IAS (WB:73) continued to serve as the Secretary-General and the Chief Executive Officer of the Commission during the period under review, while Shri Sunil Krishna, IPS (UP:73) succeeded Shri Damodar Sarangi, IPS (WB:72) as Director General

(Investigation) upon the retirement of the latter. Shri A.K. Garg continued as Registrar (Law) in the Commission.

1.6 The current Annual Report gives a description of the Commission's efforts to fulfill the mandate conferred on it by the PHRA, the objective of which is to ensure the 'better protection and promotion' of human rights in the country. There is no denial of the fact that the objective assessment of the Commission's work must come from the people of India, whom it seeks to reach out and serve amid multiplicity of cultures and varying circumstances. Given the range of issues that the Commission has dealt with and the variety of expectations concerning it, different views have been expressed with regard to its overall approach and functioning.

1.7 This kind of a mixed reaction from the people at large is justified. At the same time, it is indicative of the fact that an institution that was unknown sixteen years ago is now very much part of life of the nation, and increasingly, of consequence to the quality of its governance.

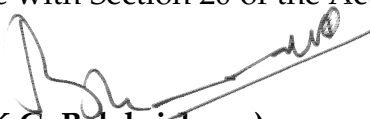
1.8 Each day, hundreds of our fellow citizens seek the intervention of the Commission for redressal of their grievances, stemming from what they perceive to be the violation of their human rights. They belong to all parts of the country irrespective of the fact whether there is a State Human Rights Commission or not. This again denotes that awareness of the rights guaranteed by the Constitution, and included in the international instruments to which India is a State Party, has increased manifold.

1.9 Indisputably, NHRC has played a predominant role in promoting and spreading a culture of human rights across the country. In that sense, it can be stated with conviction that the Commission has immensely contributed to a deepening of the meaning of democracy and rule of law in the country. It has time and again ensured that human rights entail both rights and obligations. States assume obligations and duties under international and national law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level too, while we are entitled to our human rights, we should also respect the human rights of others so that justice and respect for human rights march hand-in-hand for the greater good of the country.

1.10 It is precisely these concerns that have over the years relentlessly driven the NHRC to insist that those responsible for human rights violations, be it in any part of the country, must be held accountable for their acts. Only when it is clear that no one is above the law, will those who may be inclined to commit serious crimes and human rights violations be deterred from doing so.

1.11 As in the past, during the year 2008-2009, the NHRC continued to work for civil and political rights, on the one hand, and economic, social and cultural rights, on the other. On all of these matters, the views and actions of the Commission are recounted in detail in the chapters that follow. These chapters deal, *inter alia*, with a range of civil liberties, including the protection of human rights in areas affected by terrorism and militancy; custodial violence and torture; conditions in prisons and analysis of prison population; systemic reforms of the police and criminal justice system; they deal with the laws and international instruments relevant to the protection of human rights; the right to health, food and education; the rights of women and children; the rights of vulnerable sections of society, including child and bonded labour; the efforts to spread human rights education and awareness; to undertake research projects and programmes; and to encourage the efforts of non-governmental organizations. In addition, the Annual Report deals with the efforts of the NHRC to ensure appropriate action on the complaints addressed to it, summaries being provided of some of the principal cases handled during the year under review.

1.12 The NHRC presents this Annual Report to the Central Government to place it before each House of Parliament, in accordance with Section 20 of the Act.



(K.G. Balakrishnan)
Chairperson

(G.P. Mathur)
Member

(B.C. Patel)
Member

(Satyabrata Pal)
Member

(P.C.Sharma)
Member

9 September 2010
New Delhi



HIGHLIGHTS : 2008-2009

Chapter -2

2.1 The defence of human rights is, in essence, the defence of human dignity. It is for this purpose that the NHRC was established in the country in the year 1993. It is a purpose that derives not only from the Statute of the Commission but from the Constitution itself, for Article 21 of the Constitution, as interpreted by the Supreme Court, means that all who live in India have a right to live with human dignity.

2.2 The Annual Reports of the NHRC, including this Report, give an account of the incremental efforts of the Commission to reach out towards that goal – that is, respect for the integrity of the human being. This has led to a further observation: it is essential for the Commission to focus, in equal measure, on economic, social and cultural rights, just as it does on civil and political rights. The indivisibility and inter-related nature of these rights is a reality and there is a symbiosis between them.

2.3 The ensuing paragraphs highlight some of the major events and activities of the NHRC during the period April 2008 to March 2009.

Meetings of the NHRC

2.4 During the year under review, the Full Commission deliberated upon and decided various cases of human rights violations in 102 meetings/Court hearings. The other programme and administrative agenda items were dealt with in 28 meetings. The Statutory Full Commission, which includes deemed Members, also met once.

CIVIL AND POLITICAL RIGHTS

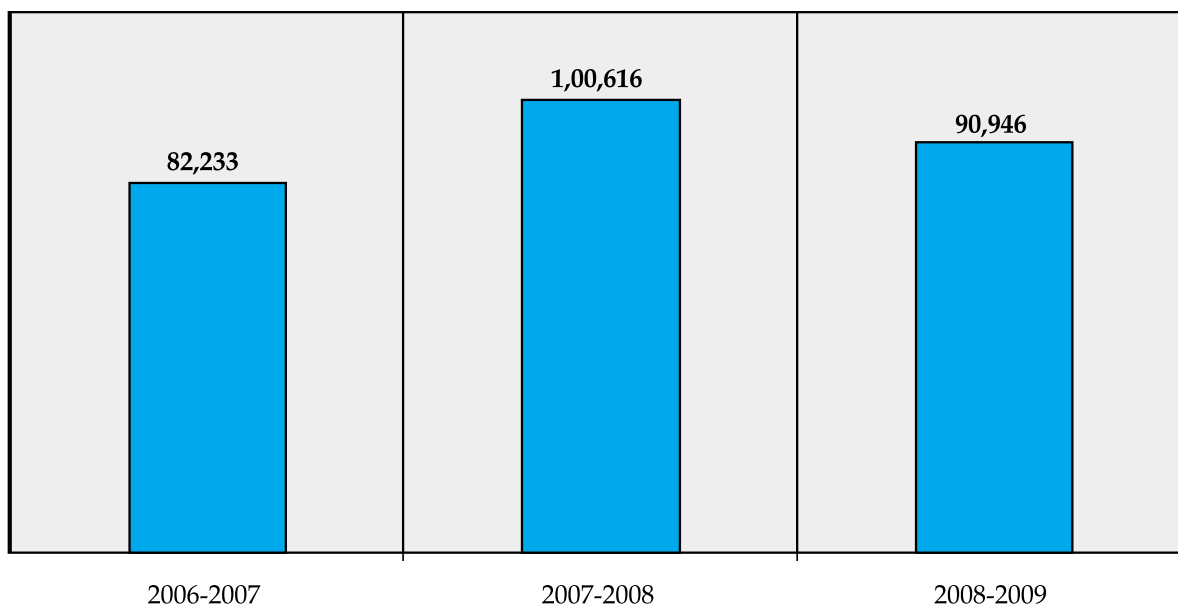
Disposal of Human Rights Violation Cases

2.5 During the year under review, 90,946 cases were registered and 1, 03,996 cases were disposed off by the Commission. The latter figure includes cases of previous years also.

Preventing Custodial Violence

2.6 The NHRC received 1,527 cases of deaths in judicial custody*, 127 cases of deaths in police custody and 6 cases of deaths in para-military/defence forces custody during the period under review. It disposed off 2,349 cases of custodial deaths – comprising 2,147 cases of deaths in judicial custody, 201 cases of deaths in police custody and 1 case of death in para-military/defence forces custody. These figures also include cases of previous years.

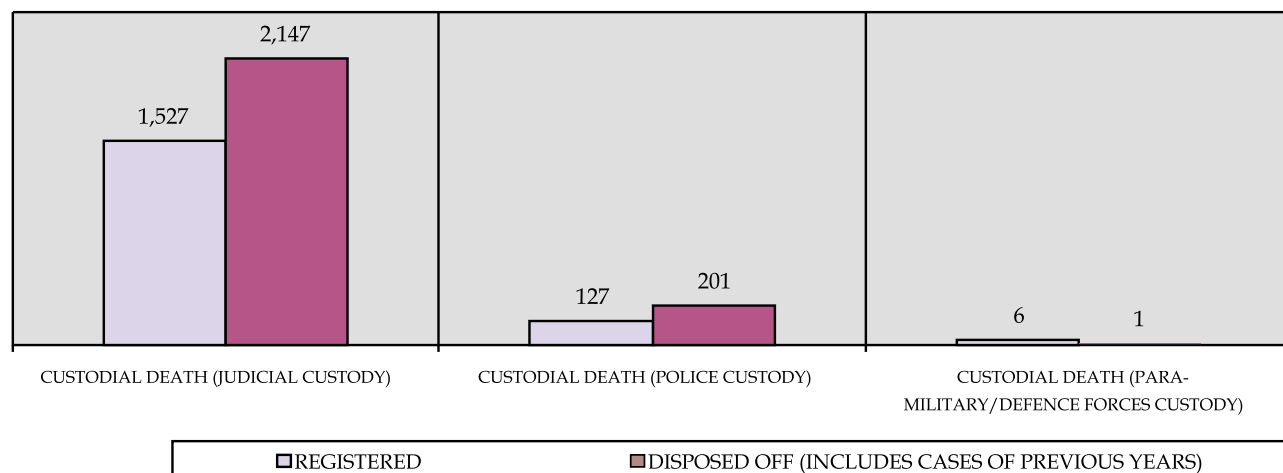
CASES REGISTERED DURING THE LAST THREE YEARS



Inspection of Jails

2.7 Five Special Rapporteurs of the Commission visited 10 jails located in different States of the country. The names of the jails visited by them were : Shillong District Jail in Meghalaya (June and July 2008); Puzhal Central Prison I, II & III in Chennai (July 2008); Yerwada Central Prison in Pune (July 2008); Munger District Jail and Jamui Jail in Bihar (August 2008); Rongyek Central Prison in Sikkim (September 2008); Khunti Sub-Divisional Jail in Jharkhand (September 2008); Tezpur Central Jail in Assam (October 2008); Aguada Central Jail in Goa (December 2008);

NUMBER OF CUSTODIAL DEATH CASES REGISTERED & DISPOSED OFF DURING THE YEAR 2008-2009



and Bhabanipatna District Jail in Orissa. The main objective of these visits was to oversee the functioning of these prisons as well as study the human rights situation of the inmates there.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Right to Health

2.8 In order to address the shortage of doctors in rural areas, the views of the Commission with regard to one year of compulsory rural service for MBBS students was conveyed to the Sambasiva Rao Committee constituted by the Ministry of Health and Family Welfare, Government of India for examination. The Sambasiva Rao Committee in its report had suggested that instead of extending the internship of MBBS students for another year to facilitate rural posting, rural work up to one year should be made mandatory for candidates who want to pursue their post-graduation. For this purpose, the students will be appointed by their respective State Governments/Union Territories on contractual basis for a period of one year. In the meantime, the Government of India too has proposed to introduce one year of mandatory posting in rural areas for purposes of employment.

Mental Health

2.9 The NHRC continued with its efforts of creating a better understanding and awareness about the rights of mentally-ill persons by organizing conferences and undertaking visits of mental health hospitals in the country.

Issue of Silicosis

2.10 The issue of silicosis was given utmost attention during 2008-2009. The NHRC examined individual complaints related to the problem of silicosis and directed the Union Government and the States/Union Territories to furnish information related to the problem of silicosis and the steps taken by them for diagnosis and its treatment including compensation by industries/factories/quarries/mines to the victims of silicosis.

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

2.11 The NHRC selected 28 backward districts, one from each State, for spreading awareness among the people on human rights issues like food security, education, custodial justice, health, hygiene, sanitation, etc. For this purpose, it undertook field visits to schools, primary health centres, community health centres, hospitals, police stations, jails, ration shops functioning under the public distribution system, and various other departments located in the district for the empowerment of children, women, scheduled castes, scheduled tribes and other vulnerable sections of the society. Concurrently, it also organized a workshop on "Human Rights Awareness and Facilitating Assessment of Enforcement of Human Rights Programme at District Level Administration" with all the stakeholders in the identified districts that were visited.

2.12 During the period under review, the Commission visited nine districts – Chamba (Himachal Pradesh), Ambala (Haryana), North Sikkim, Jalpaiguri (West Bengal), Dhalia (Tripura), South Garo Hills (Meghalaya), Sonbhadra (Uttar Pradesh), Dang (Gujarat) and South Goa (Goa).

Right to Education

2.13 In order to facilitate the implementation of the Eighty-sixth Constitution Amendment Act, 2002, the Commission organized a two-day National Seminar on Right to Education in New Delhi on 11-12 September 2008.

Human Rights Education and Awareness

2.14 A one-day National Conference on Human Rights Education at School Level was organized by the NHRC in New Delhi on 20 March 2009. The main objective of the Conference was to incorporate human rights education (HRE) in the existing education curricula of school system.

Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women

2.15 The Commission finalized the draft Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women (INPoA) and forwarded the same to the Ministry of Women and Child Development (MWCD), Government of India for taking required action in the matter. A copy of the INPoA was also forwarded to the National Commission for Women (NCW), National Commission for Protection of Child Rights (NCPCR) and the Ministry of Labour, Government of India for appropriate action.

Elimination of Bonded Labour and Child Labour System

2.16 The Commission continued to monitor the implementation of Bonded Labour System (Abolition) Act, 1976 and the Child Labour (Prohibition & Regulation) Act, 1986 in the country.

TRAINING PROGRAMMES AND WORKSHOPS

National

2.17 Some important training programmes and workshops organized by the NHRC during the period under review were : 'Basic Training on Human Rights', 'Training of Trainers on Human Rights', 'Advanced Training on Human Rights', 'Training Programme on Women's Issues' and 'Disability and Human Rights'. The NHRC also conducted a two-day attachment programme for Probationers of Indian Foreign Service. Besides, it conducted an 'In-house Training Programme' for newly recruited officers and staff of the Commission and 'Summer & Winter Internship Programmes' of one month duration each for university and college students and short-term attachment for students interested in the field of human rights. During the period under review, 114 training programmes/workshops/seminars were organized by the Training

Division of the Commission in collaboration with the Administrative Training Institutes, Police Training Institutes, State Human Rights Commissions, Universities, NGOs and other institutions across the country.

International

2.18 A two-day Workshop on Detention was organized by the Commission in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in New Delhi on 11-12 October 2008.

INTERNATIONAL ACTIVITIES

Meeting of the International Coordinating Committee of National Institutions

2.19 The Commission participated in the 20th Session of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) held in Geneva from 14 to 18 April 2008.

Ninth International Conference of National Institutions

2.20 A high-level delegation from NHRC of India, headed by the Chairperson, participated in the Ninth International Conference of National Institutions for the Promotion and Protection of Human Rights in Nairobi, Kenya from 21-24 October 2008. The theme of the Conference was 'NHRIs and the Administration of Justice', with a focus on expanding NHRIs' capacity in ensuring accountability in the administration of justice. The Conference was organized by Kenya National Commission on Human Rights in cooperation with OHCHR and the ICC.

22nd Session of the ICC

2.21 The 22nd Session of the ICC was held in Geneva from 23 to 27 March 2009. A three-member delegation from the NHRC of India, comprising the Chairperson, Secretary General and Director (Research) participated in it.

Universal Periodic Review

2.22 On 10 June 2008, a statement was made on behalf of the NHRC of India by its Joint Secretary at the 8th Plenary Session of the Human Rights Council concerning the adoption of the final outcome relating to India with regard to the Universal Periodic Review (UPR).

Annual Meeting of the Asia Pacific Forum of NHRIs

2.23 A high-level delegation from NHRC-India participated in the 13th Annual Meeting of the Asia Pacific Forum of NHRIs held in Kuala Lumpur, Malaysia from 28-31 July 2008.

Commonwealth Forum Meeting

2.24 The Chairperson of the Commission participated in the Commonwealth Forum Meeting held in Nairobi, Kenya on 20 October 2008.



NHRC : ORGANIZATION AND FUNCTIONS

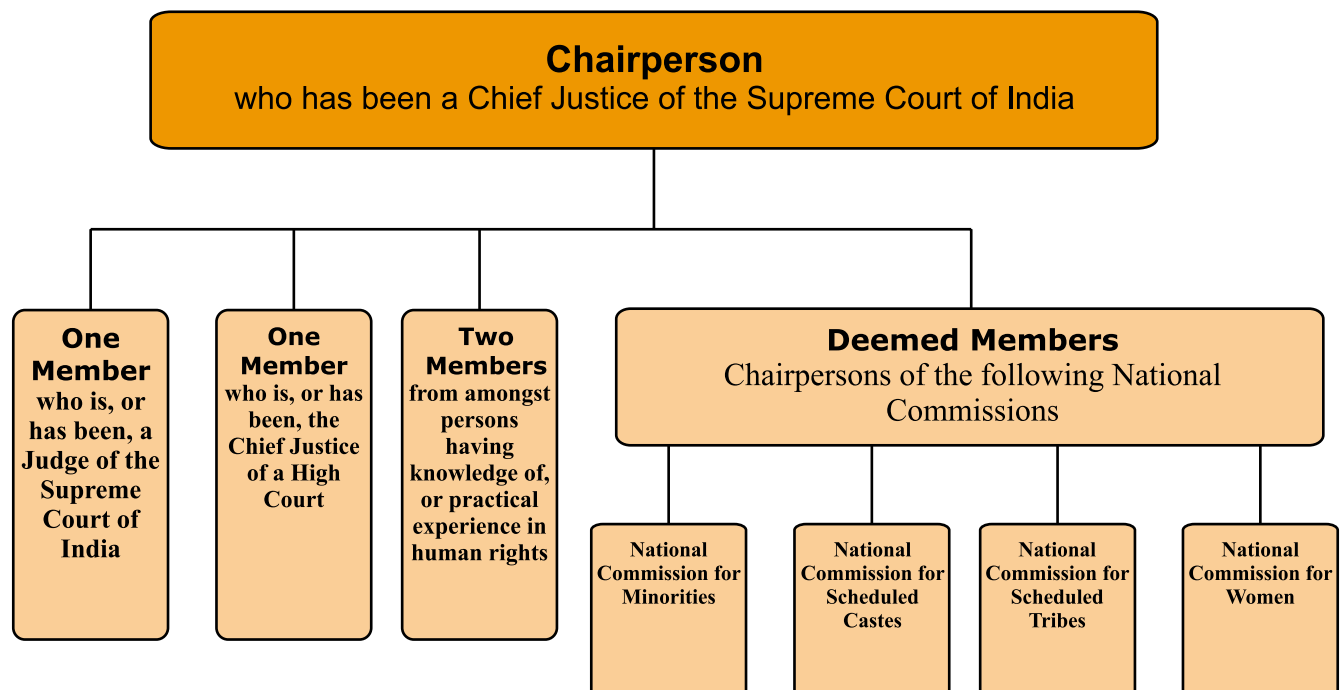
Chapter -3

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

Composition

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

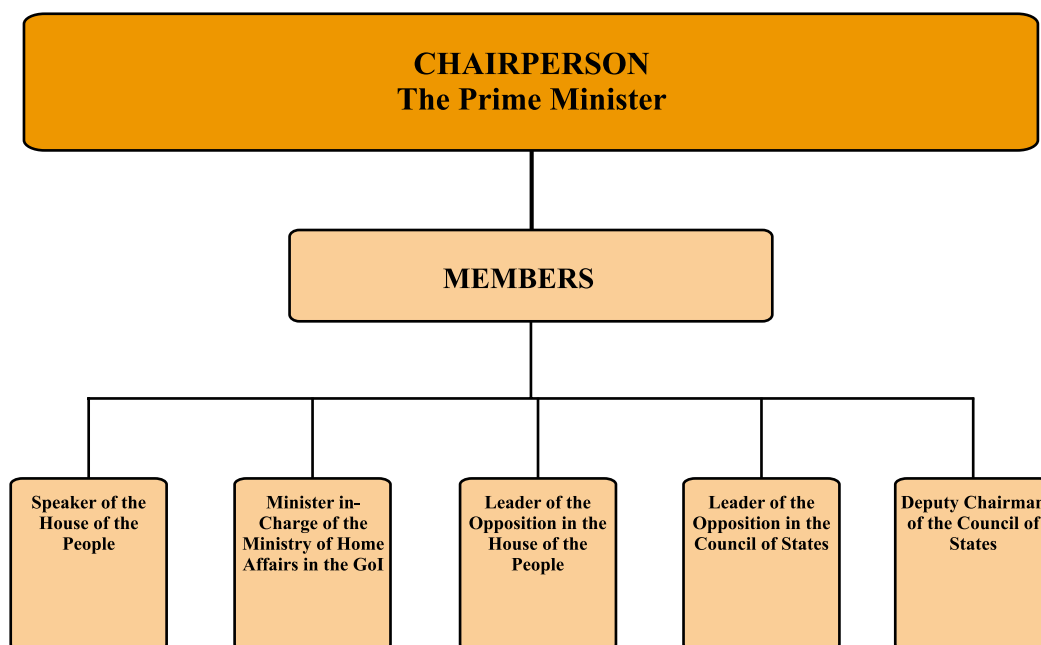
Composition of NHRC



Appointment

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

Selection Committee for Appointment of Chairperson and Members of NHRC



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

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

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

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

reports received from the police and other investigation agencies and in looking into reports of custodial violence or other misdemeanours. In addition, the Division analyzes the intimations and reports from the State authorities regarding deaths in police and judicial custody as well as deaths in police encounters. It also renders expert advice on other matters related to police or armed forces. The Division has setup a Rapid Action Cell to attend to complaints that require immediate attention and action. Other than this, it facilitates the Training Division in spreading human rights literacy as envisaged in Section 12(h) of the PHRA.

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

The *Training Division* is responsible for training and sensitizing various officials and functionaries of the State and its agencies, NGOs, students and the civil society, etc., about human rights concerns.

The *Information and Public Relations Division* disseminates information relating to the activities of the NHRC through the print and electronic media. It brings out a bilingual monthly Human Rights Newsletter and other publications of the Commission. Besides, it looks into applications and appeals received under the Right to Information Act, 2005. The *Administration Division* looks after the establishment, administrative and related requirements of the Chairperson and Members of the NHRC. It also looks into personnel (including cadre matters), accounts, library and other requirements of the officers and staff of the NHRC.

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

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

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

Functions

3.10 The Commission has a wide mandate. Its functions as laid down in Section 12 of the Protection of Human Rights Act (PHRA) include:

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

- Spread human rights literacy among various sections of society and promote awareness about the safeguards available for the protection of these rights through publications, the media, seminars and other available means.
- Encourage the efforts of non-governmental organizations and institutions working in the field of human rights.
- Such other functions as it may consider necessary for the protection of human rights.

Powers

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

Special Features

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



HUMAN RIGHTS VIOLATION CASES

Chapter ~ 4

A. Number and Nature of Complaints

4.1 One of the most important functions of NHRC is to inquire *suo motu* or on a petition presented to it by a victim or any person on his/her behalf or on a direction or order of any court, into complaint of violation of human rights or abetment thereof; or negligence in the prevention of such violation, by a public servant. The Commission has devised a simple procedure for receiving and dealing with complaints. A complaint can be filed in the NHRC either by post or via phone or in person. As a part of Human Rights Day celebrations on 10 December 2008, the system of filing of complaints in electronic format was also introduced in the Commission. The NHRC does not charge any fee from people for filing of complaints.

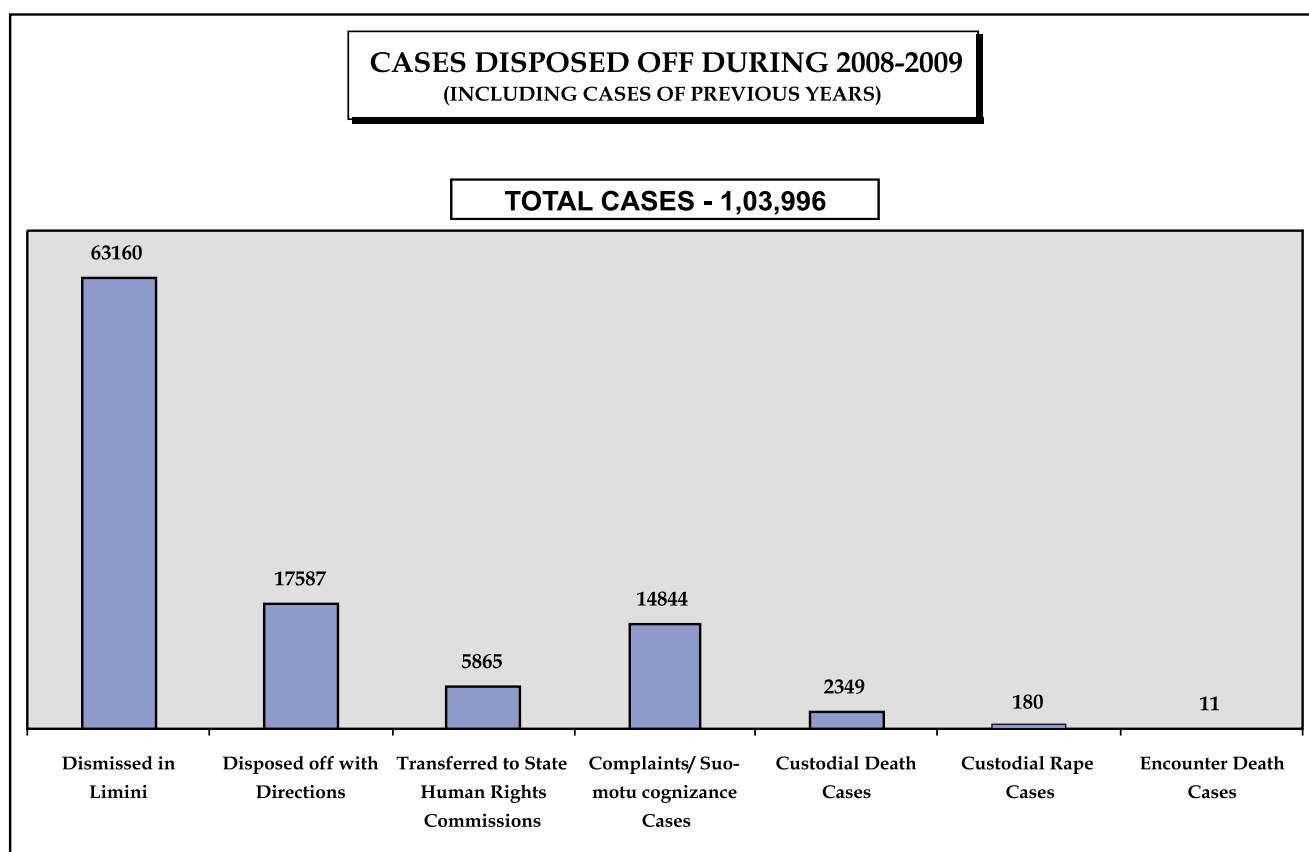
4.2 During the year under review, the NHRC had a total of 1, 20,595 cases for examination. Out of these, 29,649 cases (**Annexure-1**) were those which had been brought forward from the preceding years. The number of fresh cases registered were 90, 946 (**Annexure-2**). It disposed off 1, 03,996 cases (**Annexure-3**).

4.3 Of the fresh cases that were registered during the year under review, 89,109 cases were complaints of alleged human rights violations, 1,660 cases were intimations of custodial deaths, and 132 related to police encounters. As per guidelines issued by the Commission, every death in police and judicial custody is to be reported to it within 24 hours for enquiry from the perspective of human rights angle irrespective of the fact whether such a death has taken place in natural circumstances or otherwise. Of the custodial deaths that were reported during 2008-2009, six deaths had allegedly taken place in the custody of defence / para-military forces, 127 deaths in police custody and 1,527 deaths in judicial custody. Most of the deaths in judicial custody had resulted either from illness or old age.

4.4 In comparison to number of cases registered in the Commission during 2007-2008, the number of cases registered during 2008-2009 showed a relative decline. The main reason for this could be mainly attributed to the strengthening and upgradation of the Complaint Management System (CMS) in the NHRC which has streamlined the entire process of complaint registration. The other factor for this could be the opening up of State Human Rights Commissions in other States/Union Territories. Despite these positive developments, as in the preceding years, the largest number of complaints registered was from the State of Uttar Pradesh — 53,492. The NCT of Delhi came next with 5,433 cases.

4.6 Of the total number of 1, 03,996 cases disposed off during 2008-2009, 63,160 were dismissed '*in limini*', while 17,587 were disposed off with directions to the appropriate authorities for remedial measures (**Annexure- 3**).

4.7 The Commission also disposed off 2,349 intimations relating to custodial deaths, 11 intimations relating to custodial rapes, 180 cases of encounter deaths and 14,844 other cases after calling for reports from the concerned authorities (See **Graphs** below). The other cases included alleged disappearances (35), illegal detention/ illegal arrest (2,527), alleged false implications (427), custodial violence (11), alleged 'fake encounters' (84), failure to take appropriate action (2,269) and complaints related to other alleged police excesses (3,823). The State/Union Territory-wise details are given in **Annexure 5**.

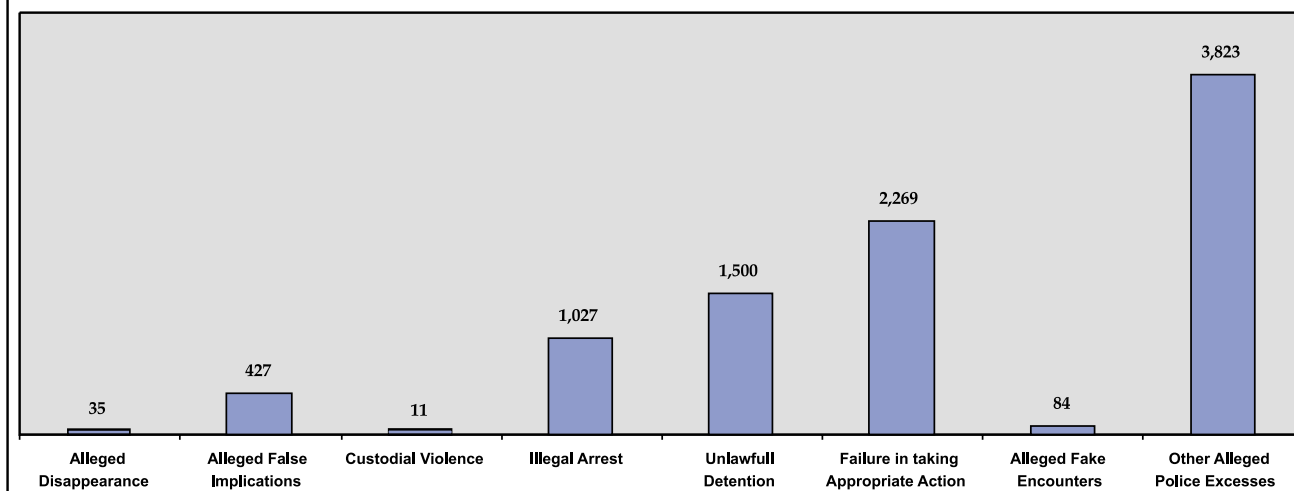


4.8 During the period under review, the Commission also dealt with a large number of complaints relating to rights of women. It disposed off cases relating to allegations of violating the dignity of women (100); sexual harassment (82); abduction, rape and murder (420); dowry deaths (448); dowry demand (125); exploitation (70); and that of rape (120). For details see **Annexure 5**. The Commission also disposed off 30 cases concerning child labour, 30 cases relating to child marriages and 156 cases pertaining to bonded labour. The State/Union Territory-wise details are given in **Annexure-5**.

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

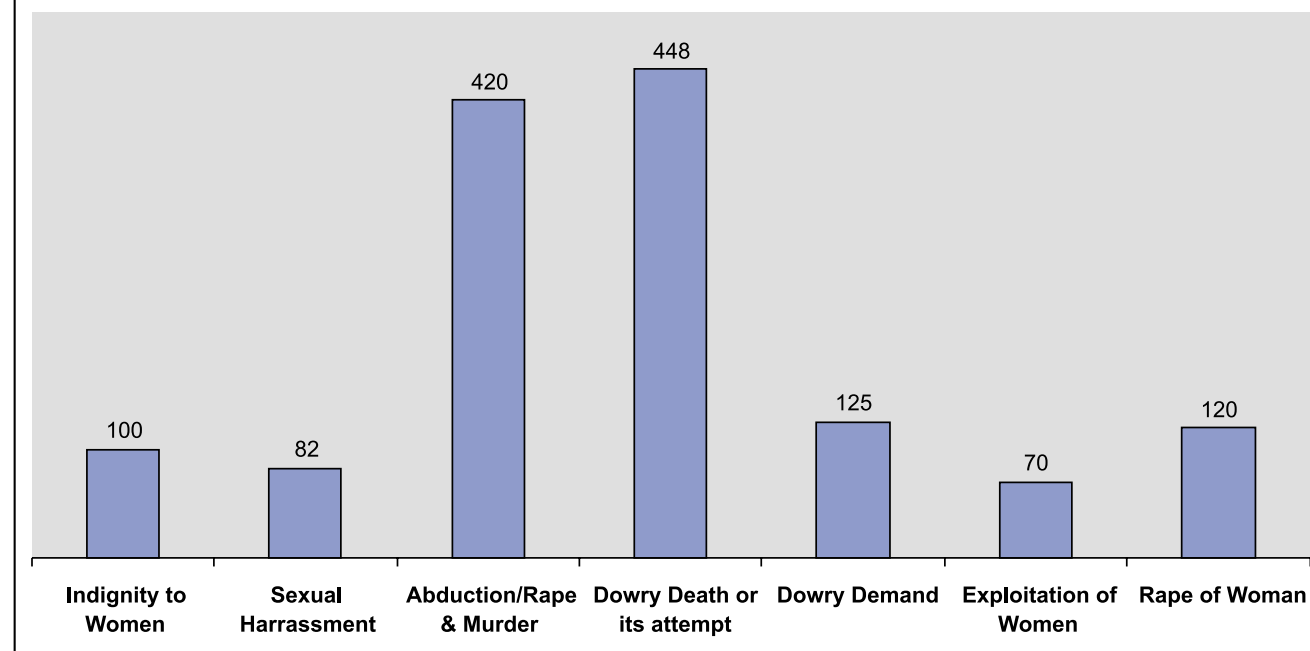
DISPOSAL OF REPORT CASES* RELATING TO POLICE
(CATEGORY-WISE) DURING 2008-2009
 (INCLUDES CASES OF PREVIOUS YEARS)

TOTAL CASES - 9,176



DISPOSAL OF REPORT CASES* CONCERNING WOMEN
(CATEGORY-WISE) DURING 2008-2009
 (INCLUDES CASES OF PREVIOUS YEARS)

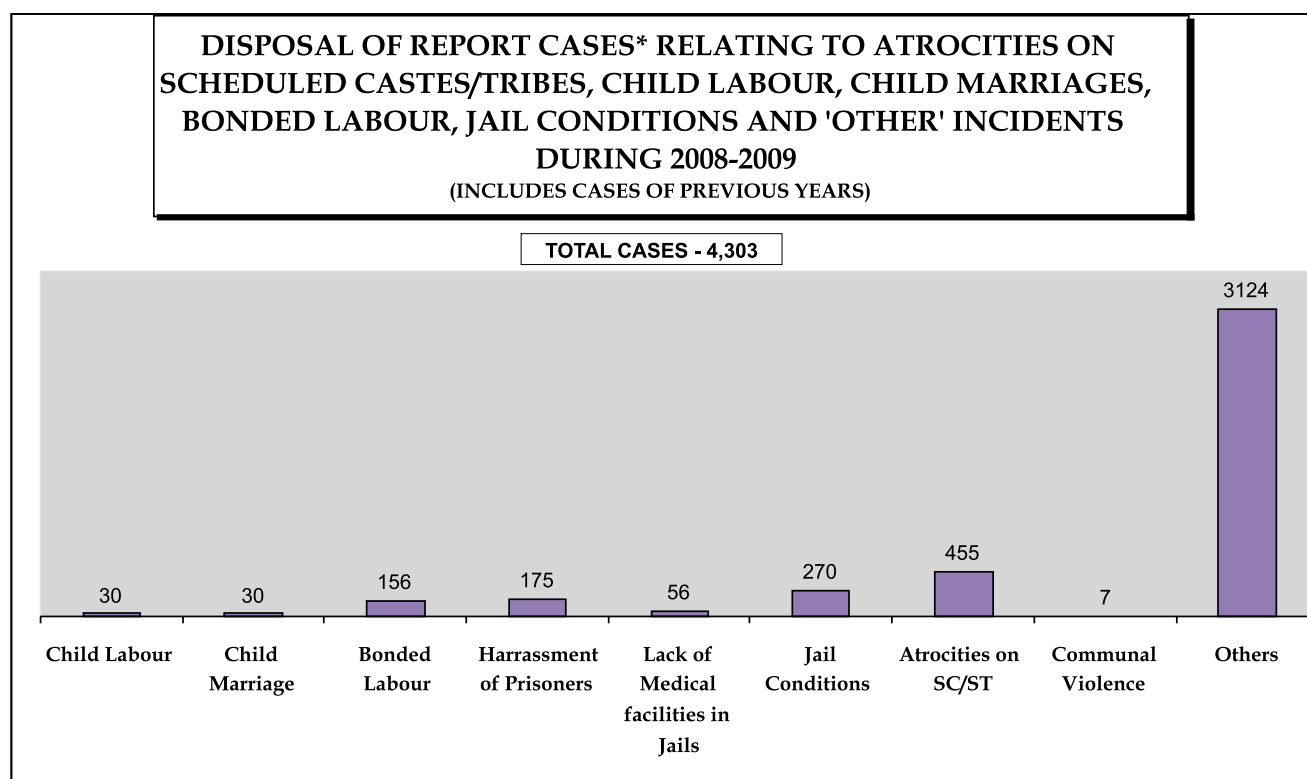
TOTAL CASES - 1,365



4.9 The Commission also considered complaints relating to conditions in prisons. It disposed off 175 cases alleging harassment of prisoners, 56 cases alleging lack of medical facilities in jails and 270 cases relating to other aspects of conditions in jails with appropriate recommendations. For details see **Annexure 5**.

4.10 In addition to the above, 455 cases alleging atrocities against members of the Scheduled Castes/Scheduled Tribes were disposed off by the Commission, as also 7 cases of communal violence and 3,124 cases relating to 'other' incidents. For details see **Annexure 5**.

4.11 The Protection of Human Rights Act, 1993 (PHRA) is based on the premise that full cooperation will be extended to the NHRC by both the Central and State Governments. It is therefore incumbent on the part of the Centre and States to support the Commission in its efforts to dispose off cases relating to human rights violation promptly and efficiently, in order to ensure better protection of human rights, as envisaged under the Act. The Commission would like to reiterate that it is of utmost importance that both the Central and State Governments



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

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

should respond promptly to requests for reports made by it. Further, they need to act without delay on recommendations made by the Commission so as to inspire confidence and retain the trust of the people.

B. Illustrative Cases of 2008-2009

a) Custodial Deaths

1. *Death of Undertrial Prisoner Momin in Judicial Custody in NCT of Delhi*
(Case No.2098/30/2004-2005-CD)

4.12 On 16 August 2004 the Commission received intimation from the Superintendent, District Jail No. 4, Tihar, New Delhi regarding the death of one undertrial prisoner Momin s/o Waris Ali, aged about 36 years. It called for the requisite reports including the post-mortem report (PMR) and the magisterial enquiry report (MER) from the concerned authorities.

4.13 The MER revealed that a case was registered u/s 302/201 IPC on 26 October 2005. The Commission on 4 July 2008 observed that the concerned jail officials were *prima facie* responsible for violating the human rights of Momin, which also resulted in his death. It thus issued a notice u/s 18 (c) of the PHRA to the Chief Secretary, Government of NCT of Delhi, requesting him to show-cause as to why immediate monetary relief should not be recommended in favour of the next of kin of the deceased.

4.14 The Deputy Secretary, Home, Government of NCT of Delhi in response submitted that the said case may not be treated as a fit case for grant of monetary relief. Citing the judgement delivered by Delhi High Court, in W.P. (Crl.) No. 980/2003 concerning Gurcharan Kaur vs. State of NCT of Delhi & Others, the reason stated for non-payment of compensation by Government of NCT of Delhi was that the fundamental rights of the victim had not been violated nor was it a case of custodial torture.

4.15 The Commission observed that in the instant case, the Magistrate in his enquiry report had also concluded that violent action had been taken against Momin by the jail officials which led to his death. It was thus a clear case where the human rights of a person had been violated and the reason stated by the Government of NCT of Delhi was not justified at all. Considering the matter on 27 November 2008, the Commission recommended to the Government of NCT of Delhi to make a payment of Rs. 1,00,000 to the next of kin of the deceased and submit a compliance report along with proof of payment.

4.16 The same was complied and the case closed.

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

4.17 Radha Krishnan, an undertrial prisoner detained in Ottapalam sub-jail in Pallakkad District of Kerala was addicted to liquor. One day, while in judicial custody, he showed

withdrawal symptoms and became restless. In order to provide relief to the undertrial prisoner, the prison officials used force to manage him so that an injection could be given. In the ensuing melee, Radha Krishnan's ribs were fractured and he died.

4.18 The NHRC observed that the prison officials may have found it necessary to use force to administer some injection to the prisoner but there could be no justification for them to behave in a cruel manner that led to his death. The undertrial prisoner should have been handled with reasonable care. A compensation of Rs. 2, 00,000 was thus recommended by the NHRC for payment to the next of kin of the deceased.

3. *Death of Undertrial Prisoner Takala in District Jail, Balasore, Orissa*
(Case No. 494/18/1/2007-2008-CD)

4.19 An undertrial prisoner named Takala was lodged in District Jail, Balasore in Orissa. He was an alcoholic. On account of withdrawal symptoms, he behaved in an unruly manner in the jail on 27 August 2007. On seeing the rowdy behaviour of the undertrial prisoner, the Warden on duty tied his hands at the back and made him stand for three hours. Takala could not bear the strain and collapsed.

4.20 On being informed of his death, the Commission called for requisite reports from the State Government. The State Government defended the action of the Warden and pleaded that he had acted in good faith to bring the unmanageable prisoner under control. The plea of the State Government was rejected on the grounds that there were better and civilized ways to deal with the prisoner. For example, a doctor could have been called and the undertrial prisoner could have been given a sedative. The Commission felt that it was utterly inhumane on the part of the Warden to tie the hands of the prisoner behind his back and make him stand for more than three hours. The fatigue and pain caused by standing out for more than three hours perhaps may have triggered the heart attack and also caused the death of the undertrial prisoner. The Commission recommended that a monetary compensation of Rs. 1,00,000 be paid to the next of kin of the deceased.

4.21 The compliance report and proof of payment has since been received. The case has been closed by the Commission.

4. *Death of Juvenile in Government Observation Home in Rudrapur, Uttarakhand*
(Case No.43/35/12/2007-2008-CD)

4.22 Mool Chand, a juvenile was sent to an Observation Home run by the State Government in Rudrapur, District Udham Singh Nagar, Uttarakhand. There he committed suicide by hanging himself from the ceiling fan. On consideration of the facts on record, the Commission observed that the watch and ward staff of the Observation Home were careless and not vigilant. For negligence on part of the guard on duty, the NHRC recommended that the State Government should pay Rs. 1,00,000 as monetary relief to the next of kin of the deceased.

4.23 The compliance report and proof of payment has been received. The case was thus closed by the Commission.

5. *Death of Balakrishnan in Police Custody due to Negligence of Medical Care in Tiruchirapalli*
 (Case No.124/22/2004-2005-CD)

4.24 One Balakrishnan was engaged in distillation of liquor. He was arrested by the police from his village located in Tiruchirapalli District on 12 November 2006. While he was being taken to the police station, he complained of abdominal pain. The police, instead of taking him to the nearest dispensary/health centre, took him to the KMC Hospital which was at a distance of 25 km. The delay thus proved to be fatal for the prisoner as it resulted in his death. The police officials escorting Balakrishnan were indicted of negligence in the MER. The Commission held that the omission to give prompt medical aid to the prisoner renders the State liable to pay monetary relief to the next of kin of the deceased. A compensation of Rs. 1,00,000 was thus recommended by the Commission to the next of kin of the deceased.

4.25 The principle laid down in this case by the Commission was that a person is not denuded of his/her human rights simply because he/she has been taken into custody. A person in custody is as much entitled to prompt and adequate medical care as a free man is.

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

4.26 Two children of tender age were caught stealing food at a marriage party in Jalandhar, Punjab on 21 January 2003. They were handed over to the police at Police Post, Bhargo. The two children were mercilessly beaten at the Police Post due to which one child died. The dead body of the child was thrown on the road. The In-charge of the Police Post and two other police officials were prosecuted but all of them were acquitted later as the witnesses in the case turned hostile.

4.27 On careful examination of the judgement, the Commission found that the material evidence in the case had been ignored. The delinquent police officials were given the benefit of doubt as the witnesses turned hostile. After going through the material evidence, the Commission found that *prima facie* the children had been subjected to torture in police custody. It thus held that it is the constitutional duty of the State to feed the children. If the State cannot provide food to the children, the State should at least show compassion towards them. Subjecting the children to torture on the charge of stealing at a marriage party is by all means an inhuman act and the police officials who committed such an act should not be allowed to escape punishment. The Commission also reminded the State Government of its duty to humanize the police force.

4.28 The Commission on 2 February 2009 recommended that monetary relief of Rs. 3,00,000 be paid to the family of the deceased child u/s 18 (a) (i) of the PHRA. It also recommended to the State Government to initiate disciplinary action against the delinquent police officers.

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

4.29 Bobby, a woman prisoner was admitted in District Jail, Agra on 20 June 2006. She was in an advanced stage of pregnancy. She delivered a female child on 23 August 2006 in the jail. On 17 September 2006 the child became ill and died.

4.30 On consideration of magisterial enquiry report, the Commission found that the child was born in the toilet of the prison and neither the mother nor the child was given nutritious diet. The Commission recommended to the State Government to pay a sum of Rs. 1,00,000 as monetary relief to the bereaved mother. It also emphasized the need to provide basic minimum facilities in jails for delivery of children as well as for providing pre-natal and post-natal care to the mother and the child.

4.31 The compliance report and the proof of payment are awaited.

8. *Death of Undertrial Prisoner Mangal Singh due to Improper Diet in Baripada Jail, District Mayurbhanj, Orissa* (Case No.502/18/2004-2005-CD)

4.32 The case pertains to a death of one undertrial prisoner named Mangal Singh in judicial custody. According to the post-mortem report, the death was caused on account of "acute gastroenteritis due to disseminated tuberculosis". Though, the magisterial enquiry conducted in the case did not suspect of any foul play, it was however observed by the Commission that when the loss of weight in the prisoner was noticed by the doctor on 29 July 2004, he should have been immediately admitted in the District Hospital, Baripada for special treatment. It was also observed by the Commission that the diet scale prescribed for the undertrial prisoners at the rate of Rs.19 per day in Baripada jail was paltry and insufficient. A balanced diet to a TB patient cannot be provided with the prescribed scanty amount.

4.33 The Commission thus directed for a detailed enquiry which led to the delay in referring the undertrial prisoner to the State District Hospital and also directed the State Government to look into the matter relating to the increase in the diet scale of the prisoners.

4.34 The Inspector General of Prisons, Orissa vide his communication dated 22 June 2007 reported to the Commission that a thorough and careful enquiry had been conducted and the same revealed that there was no intentional neglect either on the part of any jail or district hospital authorities. As regards the matter relating to enhancement of the diet scale of prisoners was concerned, it was reported by the Inspector General of Prisons that the same has been considered by the State Government and accordingly the amount of diet has been increased from Rs. 19 to Rs. 34 per day.

4.35 On being satisfied by the report that the death of undertrial prisoner Mangal Singh was a case of natural death, the case was closed by the Commission.

b) Illegal Detention & Torture

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

4.36 The Commission received a complaint dated 6 May 2004 alleging that the police took two persons – Suresh and Satish to Patti Police Station where they were beaten up severely which caused grievous injuries to them.

4.37 An enquiry report of the Circle Officer, Patti Police Station in District Pratapgarh revealed that the accused police officials were guilty of detaining the victims, as they suspected that illicit liquor was being carried by them. After verifying the facts that the liquor was not illicit, the two victims were released and an entry in the General Diary of Police Station was also made to this effect.

4.38 The Commission obtained the comments of the two complainants on the basis of the police report. The complainants reiterated their allegations and also questioned the fairness of the inquiry report. The Commission then recommended to the Director General of Police, Uttar Pradesh to order an enquiry by CB-CID into the conduct of the then Station House Officer of Patti Police Station as well as other police officials who were present on the occasion.

4.39 The report received from the Superintendent of Police, CB-CID revealed that FIR Crime No.152/07 u/s 323/325 IPC was registered against the errant police officials. Further, *prima facie* charges u/s 323/325 IPC against the delinquent police officials were also established. In addition, the tainted police officials, being public servants, a charge sheet shall be submitted against them in the court, on completion of legal formalities.

4.40 Considering the details of the case, the Commission recommended to the Chief Secretary, Government of Uttar Pradesh to pay a monetary relief of Rs. 25,000 each to Suresh and Satish under the PHRA. The compliance report along with proof of payment has been received from the Government of Uttar Pradesh. The case has been closed by the Commission.

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

4.41 The case relates to a complaint received from one Barjesh Kumar alleging illegal detention of his father by police for nine days in Daurala Police Station, District Bulandshehar, Uttar Pradesh.

4.42 The inquiry report of the Circle Officer, Daurala revealed that the complainant's brother was a wanted person in crime No.27/07 u/s 363/366 IPC with regard to kidnapping of a girl. He surrendered in the court on 7 February 2007. The report however indicated that the concerned person was yet to be arrested. The allegations with regard to the arrest of the complainant's father were nonetheless denied in the report.

4.43 The Commission observed that the facts of the inquiry report were contradictory and thus directed the Deputy Inspector General of Police, Meerut to order a fresh enquiry into the matter.

4.44 A fresh enquiry report by the Circle Officer of Bulandshehar city that was received in the Commission revealed that the then Station House Officer, Vinod Kumar of Daurala Police Station; Sub-Inspectors Tej Pal Singh and Phool Singh were found to be guilty for detaining the father of the complainant. The Commission observed that the report was silent regarding departmental action against errant police personnel.

4.45 The Commission once again directed the Deputy Inspector General of Police, Meerut to submit the action taken report against the aforementioned errant police personnel. The Commission also issued a notice u/s 18(a) (i) of the PHRA to the Chief Secretary, Government of Uttar Pradesh to show-cause as to why monetary relief should not be recommended to the victims.

4.46 Subsequently, the Commission obtained a report from the Secretary Home (Human Rights), Government of Uttar Pradesh which revealed that the departmental proceedings against the errant police personnel were pending.

4.47 The Commission thus recommended to the Chief Secretary, Government of Uttar Pradesh to award Rs. 10,000 as monetary relief to the victim u/s 18 (a)(i) of the PHRA along with the factum of proof of payment to the Commission within four weeks. The compliance report along with proof of payment is awaited by the Commission.

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

4.48 One Surendra Singh was earning his living by making polystone idols. He had some transactions with one Pal and there emanated a money dispute between the two. At the instance of Pal, one Head Constable and a Constable went to the house of Surendra Singh in his absence and took away a few idol moulds.

4.49 On enquiry, it was revealed that there was no criminal case registered against Surendra Singh and the police had gone to his house without any proof. However, the seized articles from Surendra Singh's house were found to be illegal. The Commission observed that the police force should conduct itself as per the law. In case a police officer commits an illegal act in the guise of official duty, the victim in all respects should be compensated by the State. It thus recommended to the Government of NCT of Delhi to pay a sum of Rs. 1, 00,000 as monetary relief to the complainant Surendra Singh.

12. *Death of Bijender due to Torture by Police*
(Case No. 19671/24/1998-1999)

4.50 On 8 February 1999, the police party went to the village of one Subedar Major Roop Singh in Badayun District and arrested his nephew Bijender. When Subedar Major Roop Singh protested against the arrest, the police gave a blow on his chest with the butt of a rifle. The old man could not bear the assault and died instantaneously. The relatives of Subedar Major Singh approached the authorities in the night itself when the incident occurred but no FIR was registered by the police nor any direction was given for post-mortem and the dead body was cremated hastily. A CB-CID enquiry was thereafter conducted. It was found out during the course of the enquiry that a police party had gone to the village of the deceased in the night when the incident took place. It was also established that the relatives of deceased Subedar Major Roop Singh had made a complaint to the local authorities against the police party but no case was registered. The police officials were found guilty of dereliction of duty but CB-CID did not find any evidence to support the allegation that the death was caused by a blow of rifle butt.

4.51 On consideration of all reports, the Commission observed that the omission to order a post-mortem was inexplicable. If a post-mortem had been conducted the cause of death would have been known and the truth would also have been revealed. After considering all aspects of the case including the broad probabilities, the Commission recommended to the Government of Uttar Pradesh to pay a sum of Rs. 3,00,000 as monetary relief to the next of kin of the deceased Subedar Major Roop Singh.

4.52 The proof of payment in the case is awaited.

c) Supreme Court Remit Case

13. Gross Violation of Human Rights by Salwa Judum and Naxalites in Chhattisgarh (Case No. 57/33/2006-2007)

4.53 On 16 April 2008, while hearing the Writ Petition (Civil) No. 250/07- Nandini Sundar & Others Vs. State of Chhattisgarh and another Writ Petition (Criminal) No.119/07 - Kartam Joga & Others Vs State of Chhattisgarh, the Supreme Court observed that in view of the serious allegations relating to violation of human rights by Salwa Judum and Naxalites and the deplorable living conditions of inhabitants in the refugee settlement colonies, it would be appropriate for the National Human Rights Commission to examine/verify the allegations.

4.54 Subsequently, the Commission directed that a Fact Finding Committee consisting of its officers from the Investigation Division be constituted to conduct a spot enquiry.

4.55 In order to assess the living conditions in the camps, the Fact Finding Committee visited 21 temporary relief camps out of 23 in Dantewada and Bijapur districts. Other than this, the Fact Finding Committee visited a number of villages (36) located in the jurisdiction of different police stations.

4.56 Two officers of the enquiry team also visited a few villages in Warangal and Khammam districts of Andhra Pradesh, to interact with tribals who had allegedly been forced out of

Chhattisgarh due to violations committed by Salwa Judum. A public hearing was organized too at Cherla in Khammam District, while one day was earmarked to meet the villagers brought along by the petitioners at Dantewada.

4.57 The spot enquiry was conducted in two phases, during which the Fact Finding Committee looked into 168 specific allegations made by the petitioners. The Committee completed the enquiry despite the difficult terrain, inaccessibility of the villages, and hostility of the Naxalites.

4.58 The findings of the Fact Finding Committee revealed that formation of Salwa Judum was a spontaneous revolt of the tribals against years of atrocities and harassment suffered by them at the hands of Naxalites. Ever since it was started, there were many areas, both in Dantewada and Bijapur districts, which were previously inaccessible due to the presence of the Naxalites, but these were now under the control of the local police and security forces. The local police and the security forces had succeeded in reducing the prevailing tension between the tribals and Naxalites.

4.59 Since the support of the villagers was found to be an essential ingredient for the sustenance of Salwa Judum, the Naxalites, on the other hand, were also trying their best to win over the tribals who had joined Salwa Judum. The Special Police Officers (SPOs), recruited under Section 17 of the Police Act, 1861 and Section 9 of Chhattisgarh Police Act, 2000 also had a very vital role to play in curbing the menace of Naxalism in Bijapur and Dantewada districts. However, in some instances, the security forces and the SPOs *prima facie* seemed to be responsible for extra-judicial killings. It was indicated in the report that such instances need to be enquired into, for those acting on behalf of the State must act within the boundaries of law (howsoever grave the provocation) and be accountable. The State authorities were able to provide information relating to seven instances only in which criminal cases had been registered against the SPOs. It was learnt that 1,579 SPOs had been dismissed from the service for various misdemeanours.

4.60 Though the petitioners had listed a number of cases of killings, rapes and other crimes, hardly any of the alleged incidents had been verified by the petitioners themselves. Moreover, many of the allegations were found to be based on hearsay. Allegations leveled in the petition against Salwa Judum were *prima facie* true to the extent of burning of houses and looting of property. The allegations against Salwa Judum with regard to a large number of killings were not found to be true. During the enquiry of some specific allegations, the Fact Finding Committee did not come across any case of rape which could be substantiated.

4.61 On the other hand, it was ascertained that the Naxalites had not only selectively killed Salwa Judum leaders and supporters, but they were also responsible for the indiscriminate killing of many tribals and security personnel. During the course of the enquiry it was revealed that many villagers were found to be missing. It was, however, not clear whether they had joined the Naxalites, or were hiding in the jungles, or had moved out of Chhattisgarh, or had since been killed.

4.62 The enquiry team did not come across any evidence to suggest that the district administration had deliberately withdrawn any development activity or service from a village because the villagers had not supported Salwa Judum. Instead of providing alternate accommodation, the State Government had in many instances allowed the security forces to occupy school and ashram buildings which were specifically meant for imparting education. This tendency of the State Government has to be checked and corrective action needs to be taken accordingly. Except on certain specific counts, the overall condition in the temporary relief camps was found to be satisfactory.

4.63 A large number of civilians had been displaced ever since Salwa Judum movement was started. Few of the civilians had taken temporary shelter in various camps in Bijapur and Dantewada districts, while the others had been forced to go to Andhra Pradesh. On the whole, the movement of Salwa Judum cannot be held solely responsible for these displacements. Moreover, the State Government of Chhattisgarh cannot be said to have deliberately or actively pursued a displacement policy for civilians. These displacements, by and large, were a fallout of the decision taken by the tribals to take on the Naxalites.

4.64 The selective killings of Salwa Judum leaders, activists and other attacks on them by the Naxalites was to a large extent responsible for changing the complexion of the movement from a non-violent one to that of an armed resistance.

4.65 It was the submission of the Fact Finding Committee that the State Government cannot be held responsible for sponsoring the Salwa Judum movement though it certainly had extended its support to it by way of providing security to the processions and meetings of Salwa Judum and also to the inhabitants of the temporary relief camps.

4.66 While the Naxalites were involved in violations of human rights, there had been instances where the activists of Salwa Judum, SPOs and the security personnel too were found to have been involved in activities that resulted in violation of human rights. In fact, the violations committed by the latter were of more serious nature as the State must act within the prescribed rule of law even in the face of grave provocation.

4.67 The report of the Fact Finding Committee was submitted to the Commission, which recorded its appreciation on the commendable work done by the Investigation Division under extreme difficult conditions. The Commission subsequently forwarded the entire report of the Fact Finding Committee to the Supreme Court. The Apex Court too placed on record its appreciation for the "meticulous work" carried out by the Commission's Fact Finding Committee. The Supreme Court directed the State Government of Chhattisgarh to implement the recommendations given by NHRC.

d) Police High-handedness, Firing and Encounter

14. *Police High-handedness on Students in Saifai Village, Etawah District, Uttar Pradesh*
(Case No. 50920/24/0/2007-2008-WC Linked File No. 47231/24/23/2007-2008)

4.68 A complaint was made by one of the opposition parties of Uttar Pradesh against the policies and misuse of powers by officials and other functionaries of Government of Uttar Pradesh. The complaint highlighted two incidents, one that had taken place in K.K.C. Degree College in Lucknow on 8 January 2008; and the other in front of Chaudhary Charan Singh College in Saifai Village, Etawah District on 9 January 2008.

4.69 On 8 January 2008, a function was organized in K.K.C. Degree College wherein two ministers from the State Government were invited as Chief Guests. On their arrival, some of the students started shouting slogans demanding restoration of student union elections in all the colleges of Uttar Pradesh, which had been banned by the existing State Government. On the orders given by the two Ministers, the police started beating up the students, many of whom were injured. The seriously injured students were admitted in government hospitals but without giving them proper treatment, they were forcibly taken away by the police to the jail. Later when senior leaders of the concerned political party, along with their followers went to the bungalow of the Senior Superintendent of Police with a request that the injured students be given proper treatment, the police not only attacked them but also misbehaved with the leaders.

4.70 On the following day, that is on, 9 January 2008, there was a road blockade by the people of Saifai village in front of Chaudhary Charan Singh College (Hainwra College). The public had gathered to protest against the high-handedness of the State Police in the incident that had taken place on 8 January 2008 in Lucknow. Some of the students standing inside the college compound were watching the activities taking place on the road through the college gate, which was locked. The Senior Superintendent of Police, Etawah, along with his team, reached the spot and ordered firing of tear gas shells as well as lathi charged on the innocent public who were part of the peaceful blockade. During this incident, three students received bullet injuries, out of which one student, named Mukesh, s/o Shri Ram Singh, who was pursuing graduation, died of bullet injury.

4.71 Sh. Ram Gopal, a Peon of Chaudhary Charan Singh College went to Saifai Police Station to lodge an FIR against the Senior Superintendent of Police, Etawah and other officials. But, no FIR was registered at Saifai Police Station. On the contrary, the police lodged an FIR against the Principal and 500 students of Chaudhary Charan Singh College (Hainwra College).

4.72 On the directions of the Commission, a team of officers from the Investigation Division of NHRC conducted an enquiry and subsequently also submitted its report.

4.73 On consideration of the report submitted by the Investigation Division, the following was stated by the Commission:

“The NHRC’s investigation team has disbelieved the police version that the students indulged in stone pelting. As per the enquiry report, six students were injured in the lathi charge by the police. They were taken to Balrampur hospital for treatment, but they were got discharged by

the police on the same day in a hurry and then admitted to jail. The Investigation Division team also referred to a VCD which showed one constable slapping a senior leader of a political party.

As regards the incident at Saifai, the plea of firing in self-defence taken by the local police was also disbelieved by the team from the Investigation Division in the report submitted by it. The investigation team further pointed out that an FIR No.1(B)/2008 u/s 147/148/149/302/307 IPC was registered at PS Saifai on the direction of the ACJM, Etawah u/s 156(3) Cr.P.C. against the Senior Superintendent of Police, Etawah, and five other policemen. The investigation was, however, closed on the very next day and the final report was submitted in the court.

After examining the enquiry report submitted by the Investigation Division team, the Commission finds it difficult to believe that an honest investigation of such a serious crime could have been reasonably concluded within a matter of one day in FIR No. 1 (B)/2008. It is, therefore, desirable that the incident in which one boy namely Mukesh lost his life and another boy Avnish received bullet injuries should be investigated by an independent agency to ensure a fair and impartial investigation. It is also desirable that the officer who was posted as Senior Superintendent of Police in Etawah, on 9 January 2008, should be transferred to some other place.

Immediate interim relief should be given to the injured student Avnish and to the next of kin of the deceased Mukesh. The Commission ordered issuance of notice u/s 18 (c) of the PHR Act, 1993, to the Government of Uttar Pradesh.

The Director General of Police, Uttar Pradesh is directed to submit a report explaining as to why six injured students were removed from Balrampur hospital in a hurry on 8 January 2008 itself. He is further directed to inform the Commission whether any action had been taken against the Constable who was seen in the VCD slapping a political leader on 8 January 2008.

The Government of Uttar Pradesh is directed to immediately order investigation of FIR No. 1 (B)/2008 of PS Saifai by CBCID u/s 173 (8) of Cr.P.C. after obtaining permission from the concerned court. The Government is further directed to transfer the then Senior Superintendent of Police, Etawah, in order to ensure fair investigation.

The Director General of Police, Uttar Pradesh, and the District Magistrate and the Senior Superintendent of Police, Etawah, Uttar Pradesh are also directed to take appropriate action with regard to the investigation of the case as per guidelines laid down by the Commission in a letter dated 2 December 2003 of the Chairperson, NHRC to the Chief Ministers' of all States. Action taken according to the above guidelines and the final outcome thereof be reported to the Commission within four weeks. Magisterial Enquiry Report, Post-Mortem Report along with report of independent investigation may be submitted to the Commission within six weeks".

4.74 The report is awaited and the matter is under consideration of the Commission.

15. *Killing of Farmers in Police Firing during Demonstration in Greater Noida Development Authority Against Acquisition of Land*
(Case No.19866/24/30/2008-2009)

4.75 The case relates to a complaint from one Kisaan Sangarsh Samiti, alleging police excesses and killing of farmers in firing near the office of Greater Noida Development Authority, Uttar Pradesh. It was alleged that the police resorted to indiscriminate lathi charge, firing, and usage of tear gas shells on the farmers who were peacefully demonstrating against the acquisition of their land, which resulted in killing of 15 to 20 farmers and injuries to many others.

4.76 A report received from the Senior Superintendent of Police, Gautam Budh Nagar stated that during the demonstration, on account of damage to property, stone pelting and firing by the demonstrators, the police resorted to use of tear gas and force for maintaining peace. In this melee, some police personnel and farmers also got injured. In all, 15 cases were registered with regard to this incident. The Commission called for copies of the inquest report, MER and status of criminal cases 480/2008 and 481/2008 registered at Police Station Kasna as well as information concerning compensation, if any, granted to the next of kin of the deceased.

4.77 The Senior Superintendent of Police, Gautam Budh Nagar also submitted an investigation report dated 24 October 2008 of Deputy Superintendent of Police, Dadri which stated that for controlling the agitating farmers in Greater Noida on 13 August 2008 the police had resorted to firing in self-defence resulting in the death of five persons. In this connection, two cases -- Crime No. 480/2008 and 481/2008 registered in Kasna were under investigation. The report denied the allegations about destruction of evidence of harassment, beating or murder of the farmers by the police. The report submitted by the Deputy Superintendent of Police, also mentioned that Rs. 2,00,000 was granted as ex-gratia relief to the families of the deceased by the District Magistrate; Rs. 8,00,000 was granted by the Greater Noida Development Authority; Rs. 9,00,000 was granted by the J.P. Group; Rs. 2,00,000 by a Member of the Legislative Assembly, Surender Nagar; and Rs. 3,00,000 was granted by the State Government. In addition, 13 persons who were seriously injured, had been provided a financial assistance of Rs. 50,000 each and 131 persons who had received simple injuries were provided financial assistance of Rs. 25,000 each.

4.78 The office of the Director General of Police, Uttar Pradesh submitted copies of the inquest report and the post-mortem report in respect of the deceased mentioning that death in each case was due to injury sustained on the body. It was also mentioned that no magisterial enquiry at District level had been ordered.

4.79 The Commission on considering the reports, directed the District Magistrate of Gautam Budh Nagar to submit other related reports to apprise it regarding the compensation paid by the State Government, Industrial Houses, Member of Legislative Assembly and others to the next of kin of the deceased; seriously injured persons; and other injured persons along with details of the total amount paid to the next of kin of each deceased and to each injured.

4.80 The report, as called for, is awaited by the Commission.

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

4.81 One Yogesh Chaudhary was shot dead by a police man on 15 October 2002 within the jurisdiction of Police Station Annapurna in Indore District of Madhya Pradesh. The police took the plea of self-defence. According to the police, Yogesh Chaudhary and one other person had committed robbery and when they were asked to surrender, they attacked the police party. The police resorted to firing in self-defence.

4.82 On examination of the post-mortem report, the Commission found that blackening, charring and tattooing had been observed around the fire arm entry wound on the body of the deceased. It was also found that the victim had fallen after being hit by one bullet and yet two more bullets were fired at him. The Commission found that the police version of the incident was doubtful. It also observed that the guidelines issued by it for investigation of cases of death resulting from police encounter had not been scrupulously complied with. As such, the Commission recommended monetary relief of Rs. 3, 00,000 for the next of kin of the deceased.

4.83 The compliance report and proof of payment has been received. The case was thus closed by the Commission on 29 December 2008.

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

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

4.84 The Commission took *suo motu* cognizance of a news report published in 'The Kashmir Times' on 8 June 2003 regarding the custodial death of one Javed Ahmed Magrey and called for a report from the concerned authority.

4.85 Pursuant to the directions of the Commission, the Director General of Police of Jammu & Kashmir vide letter dated 7 February 2006 informed that the army personnel of 119 Bn. Assam Regiment had been held responsible for the death of Javed Ahmed Magrey in an inquiry held by District Collector, Budgam. Subsequently, the Director General of Police of Jammu & Kashmir conveyed vide letter dated 20 May 2008 that the Ministry of Defence had been requested to accord sanction for prosecution of the concerned Army personnel.

4.86 Upon consideration of the reports, the Commission vide its proceedings dated 23 June 2008 issued notice to the Ministry of Defence to show-cause as to why monetary relief should not be given to the next of kin of the deceased. However, no response was received from the Ministry of Defence.

4.87 The inquiry held by the District Collector, Budgam established the involvement of army personnel in the killing of Javed Ahmed Magrey and the Ministry of Defence also failed to show any cause against the grant of monetary relief. The Commission observed that the security

forces undoubtedly are performing a very onerous duty in Jammu & Kashmir by operating in difficult terrain to fight terrorism at the cost of risking their own lives. It further observed that though the fight of army personnel against the terrorists deserves all support, the State Government has a duty to ensure that no harm is caused to innocent citizens.

4.88 Since the allegations were substantiated in the magisterial enquiry and later on by police investigation, the Commission vide its proceedings dated 28 January 2009 recommended to the Ministry of Defence to pay a sum of Rs. 3, 00,000 as monetary relief to the next of kin of Javed Ahmed Magrey. The Secretary, Ministry of Defence was asked to submit a compliance report along with the proof of payment within eight weeks. The compliance report from the Ministry of Defence is awaited.

f) Communal Violence

18. *Violence Against Christians in Seven Districts of Karnataka*
(Case No. 336/10/1/2008-2009)

4.89 The Commission received a complaint from one Dr. Sajan George, President of Global Council of Indian Christians, Bangalore. In the complaint, Dr. George had expressed concern about the fundamentalist attack on Christians and their institutions in the State of Karnataka. A list of 96 incidents in which the Christians were attacked by Hindus or their places of worship were desecrated or damaged was furnished by him. He thus urged the Commission to ensure protection and appropriate relief to the minority Christian community of Karnataka.

4.90 Taking cognizance of the matter, the Commission called for a factual report from the Government of Karnataka. It also directed the Investigation Division to enquire into the incidents.

4.91 The team deputed by the Investigation Division of the Commission inquired into 44 incidents, spread over seven districts of Karnataka, namely, Dakshin Kannada, Bangalore, Udipi, Chickmagalur, Chickballapur, Tumkur and Kolar districts.

4.92 The team found that after the murder of Swami Laxmnanda Saraswati in Kandhamal district of Orissa, the Christians in Karnataka were simultaneously attacked and their churches and prayer halls were damaged or desecrated. In many cases, the police registered criminal cases, but in some cases, the registration of FIRs was delayed or an effort was made by the police to dilute the gravity of offences. The team found that there were instances where the police played a partisan role and instead of taking action against the miscreants, booked the victims. The inquiry report highlighted cases where no compensation was given at all or the relief given was not in proportion with the degree of loss. It also observed that the State Government made an effort to play down the incidents. The team made several recommendations to foster a sense of security among the minority community.

4.93 The Commission considered the report submitted by the Investigation Division team and directed that a copy of the same be sent to the Government of Karnataka for taking appropriate action. The Chief Secretary, Government of Karnataka was further directed to send the action taken report to the NHRC.

g) Violation of Rights of Scheduled Castes and Scheduled Tribes

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

4.94 The NHRC received a complaint from one Harish Chandra Verma, alleging that his son, a 3rd year student of Medical College, Jhansi committed suicide due to torture inflicted upon him by one Dr. B. K. Sharma, Head of Pathology Department, Medical College, Jhansi. He prayed to the Commission for suitable action against Dr. B.K. Sharma.

4.95 A report received from the Special Secretary to the Government of Uttar Pradesh revealed that Dr. B.K. Sharma was guilty. The Commission issued a notice u/s 18 (a) (i) of the PHRA to the Chief Secretary, Government of Uttar Pradesh, to show-cause as to why it should not grant monetary relief to the next of kin of the deceased. The Chief Secretary, Government of Uttar Pradesh was also directed to submit the status of the action taken against the accused Dr. B.K. Sharma.

4.96 The Special Secretary, Medical Education, Government of Uttar Pradesh forwarded a report that departmental enquiry had been recommended against Dr. B.K. Sharma. However, response to show-cause notice is still awaited from the State Government. The matter is under consideration of the NHRC.

h) Atrocities on Women and Children

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

4.97 Gangavalli Pushpakumari became a victim of lust of a police officer in Prakasam District of Andhra Pradesh. Unable to bear the trauma, she set herself ablaze and died. She made a dying declaration implicating the delinquent police officer. A criminal case was registered and after completion of investigation a charge sheet was also submitted in the court.

4.98 The Commission issued a show-cause notice under section 18 of the PHRA to the State Government. The State Government, on its part, pleaded with the Commission to await the outcome of criminal trial before recommending any kind of monetary relief. The plea of the State Government was rejected by the Commission on the grounds that if a police officer abuses his position to sexually exploit a helpless woman, the matter has to be dealt with a sense of urgency and the relief cannot be withheld merely because the criminal trial of the delinquent police officer was pending. It thus recommended that the State must pay Rs. 5, 00,000 as monetary relief to the family of the deceased.

4.99 The State Government has issued necessary sanction for payment of the monetary relief. The proof of payment is awaited.

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

4.100 One Sher Singh of Kullu got his deaf and dumb daughter admitted in Bal Sadan School, Dhalli, Simla. In June 2001 he received a telegram from the school authorities that his daughter was sick. He rushed to Dhalli and there he discovered that his daughter was seven months pregnant. When he complained to the Warden, he was roughed up by the school staff. He complained to the Commission about the entire incident on 4 July 2000.

4.101 The Commission got the matter enquired by the Superintendent of Police, Shimla. It was reported that a criminal case under section 376 IPC had been registered at Police Station Dhalli. On examination of the various reports, the Commission found that the school authorities had been negligent. It was due to the school's negligence that the poor girl had become a victim of rape. The Commission observed that when a child is admitted in a residential school, the staff of the school is under an obligation to take care of the safety and health of the child. If the residential school is run by the Government, the failure of protective obligation renders the State liable for the wrong suffered by the child. It thus recommended a monetary relief of Rs. 5, 00,000 to the victim. On receiving the proof of payment, the case was closed by the Commission.

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

4.102 The case relates to a complaint alleging rape of a woman by the Collector of Jaspur District in Chhattisgarh. A report received from the Police HQs., Raipur revealed that FIR No. 113/2004 u/s 342, 376 & 506 IPC had been registered against the accused Collector. He was also arrested and a charge sheet was filed against him in the court.

4.103 The Commission observed that the complainant was entitled for payment of compensation by the State as a public servant was involved in the crime against a citizen which resulted in violation of her human rights. It thus directed to issue a show-cause notice u/s 18(a) (i) of the PHRA to the Chief Secretary, Government of Chhattisgarh, as to why suitable monetary relief should not be granted to the victim.

4.104 The State Government communicated to the Commission that it had no objection with regard to payment of monetary relief to the victim. It finally recommended to the Government of Chhattisgarh to pay an amount of Rs. 1, 00,000 as monetary relief to the victim. On receiving the proof of payment, the Commission closed the case.

i) Bonded Labour

23. *Labourers Kept in Bondage at Brick Kilns in Village Dhar, Gautam Budh Nagar District, Uttar Pradesh* (Case No. 44697/24/30/2007-2008)

4.105 On 17 December 2007 the Commission received a complaint alleging that 27 labourers were being forced to work as bonded labourers at the brick kilns in village Dhar of Gautam Budh Nagar District, Uttar Pradesh.

4.106 Taking cognizance of the matter, the Commission directed its Director General (Investigation) to immediately depute a team for an on-the-spot enquiry and take necessary action for release of bonded labourers, if any. The District Magistrate, Gautam Budh Nagar was also asked to provide assistance in the matter.

4.107 A team of officers from the Investigation Division of NHRC who probed the matter submitted a detailed report, which revealed that 15 out of the 27 labourers worked as bonded labourers in the brick kilns. These labourers were neither paid any wages nor were complete records of their wages being maintained. All the 15 labourers who were kept in bondage were released and sent to their homes safely after the release certificates were handed over to them. Out of the 15 bonded labourers, 4 belonged to Aligarh District and 11 were from the District of Bulandshehar. The concerned District Magistrates were simultaneously informed and asked to take necessary action about their rehabilitation. It was also reported that a case bearing No. 1/2008 u/s 16/17/18 of Uttar Pradesh Bonded Labour (Abolition) Act was registered against the accused owners of the brick kilns and others associated with it. Each of the accused was convicted and sentenced by the Court of Sub-Divisional Magistrate, Sadar, Gautam Budh Nagar whereby a fine of Rs. 2,000 was imposed on them and they were also imprisoned.

4.108 Keeping in view the fact that the accused persons were prosecuted and punished and the concerned District Magistrates were informed to take suitable steps for rehabilitation of released bonded labourers, the Commission directed that the District Magistrates should also submit to it their action taken reports.

4.109 The case is under the consideration of the Commission as the action taken reports of the District Magistrates are awaited.

24. *Bonded Labourers Engaged in Mines Owned by Sanjay Sahu in Raisen District, Madhya Pradesh*
(Case No. 1314/12/33/2007-2008)

4.110 An NGO, named *Bachpan Bachao Andolan* brought to the notice of the NHRC that a few labourers were kept in bondage in the Stone Mines owned by one Sanjay Sahu in Raisen District of Madhya Pradesh.

4.111 After examining the matter, the Commission issued a notice to the District Collector, Raisen, Madhya Pradesh calling for a report. The report received from the Collector revealed that some labourers belonging to village Bhaindua had complained against one Sanjay Sahu, Contractor of the stone mines for keeping them as bonded labourers for almost 15 years. The complaint further stated that the labourers were beaten up and subjected to abusive language by the accused Contractor. On enquiry, FIR No. 79/2007 u/s 294/323/506/34 IPC and u/s 3(1) (10)

of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was registered and the accused Contractor was arrested and produced in the Court. The concerned Labour Officer was also instructed to take appropriate action under the Labour Laws.

4.112 The report received from the District Collector was examined by one of the Special Rapporteurs of NHRC. After examination of the report, it was recommended that 21 labourers whose names figured in the Panchnama, needed to be identified and recognized as bonded labourers and release certificates were required to be issued to them. Besides, necessary measures to rehabilitate them need to be taken up under the Land Based and Non-land Based or Art/Craft/Skill Based Programmes of the Ministry of Labour. The NHRC directed the District Collector, Raisen to submit a compliance report in the matter.

4.113 The compliance report is awaited from the District Collector and the matter is under consideration of the Commission.

25. *Rescue of Bonded Labourers from 38 Brick Kilns in Haryana and Uttar Pradesh*
(Case No. 365/7/2006-2007)

4.114 The NHRC receives numerous complaints every year concerning bonded labour. Some of these complaints have been verified on the spot by different teams of NHRC. On-the-spot verification of these complaints has confirmed the existence of bonded labour system in the country.

4.115 On receipt of one such complaint from Shri Bapu Rao Pakhiddey, a social activist and lawyer, the NHRC in the month of February 2009 carried out a detailed investigation about the existing bonded labour system in two States of India. For this purpose, four teams from the Investigation Division of NHRC, each headed by a Senior Superintendent of Police, visited 38 brick kilns in the States of Haryana and Uttar Pradesh. The investigation conducted by the four teams revealed the following salient features about the prevalent bonded labour system:

- (a) The bonded labour system continues to exist in the State of Haryana. The NHRC teams were able to identify 98 bonded labourers in Jhajjar district of Haryana. All these bonded labourers were released with the help of local authorities as per the provisions contained in the Bonded Labour System (Abolition) Act, 1976.
- (b) The labour contractors do pay advance to the labourers, which they actually take from the kiln owners. The payment of advance is however illegal as per the provisions of the Bonded Labour System (Abolition) Act, 1976. The labourers make use of this advance amount to repay their previous loans and to meet their travel expenses and purchase of essential items.
- (c) The provisions of Inter-state Migrant Workmen Act, 1979 are hardly being followed by the labour contractors.
- (d) The labour contractors play a key role in harassing the bonded labourers as well as the Bhatta owners. In many instances, they provide labour against the advance and disappear

from the scene, leaving the labourers at the mercy of the Bhatta owner, who in turn forces the labourers to work without payment till he recovers the entire money paid as advance to the labour contractor(s).

- (e) The maintenance of records in most of the Bhattas was found to be very poor. This is because the brick kiln owners and contractors concealed the payments made to the labourers to avoid any kind of inspections made by the authorities.
- (f) At various places, the Vigilance Committees u/s 13 of the Bonded Labour System (Abolition) Act, 1976 had not been constituted, and if constituted, hardly carried out their mandate as envisaged u/s 14 of the Act.

4.116 The above observations were placed before the Commission, whereby it directed the District Magistrates of Aligarh, Bulandshahr and Badaun districts of Uttar Pradesh for their rehabilitation. It also directed the District Magistrate of Jhajjar district of Haryana to initiate legal action against the brick kiln owners.

4.117 The response of the District Magistrates is awaited and the matter continues to be under consideration of the Commission.

j) Right to Health

- 26. *Death due to Negligence of Medical Officers in Rajasthan*
(Case No. 1618/20/2000-2001)

4.118 One Rakesh Sharma complained to the NHRC about the alleged negligence of Medical Officers of Mahavir Bhim Singh Government Hospital in Rajasthan which resulted in the death of four patients.

4.119 A report received from the Assistant Secretary, Government of Rajasthan revealed that one of the victims named Suresh Mathur was referred to another hospital in Jaipur on the request of his family members. There was nothing on record regarding the death of the second victim, named Om Prakash. The cause of death about the third victim named Baby Sunita was enquired into by the Lok Auykta and the matter was dropped as the allegations could not be proved. As far as the case of Abdul Majid, the fourth victim was concerned, the Government of Rajasthan decided to initiate departmental proceedings against the neuro surgeon, Dr. Krishna Hari Sharma.

4.120 The Commission recommended Rs. 1, 00,000 as monetary relief to be paid to the next of kin of the deceased, Abdul Majid. The case was closed by the NHRC on receipt of the compliance report.

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

4.121 Ramrati Bai, an Adivasi woman was a patient of tuberculosis and was admitted to the District Hospital at Betul in Madhya Pradesh. On 11 April 2001 at about 8.40 a.m. her condition started deteriorating. The doctor on duty was summoned to the ward but he refused to attend to the ailing patient. The Adivasi woman thus died on the same day around noon. On consideration of various reports, the Commission found that Ramrati Bai had died for want of proper medical care. It held that if a doctor on duty in a Government Hospital refuses to attend to a needy patient or is otherwise negligent, it is a sheer case of violation of his/her human rights. The failure of the hospital staff to provide adequate medical care renders the State liable to make monetary amends. With these observations the Commission recommended to the State Government to pay a sum of Rs. 1, 00,000 as monetary relief to the next of kin of Ramrati Bai.

4.122 The case was closed by the NHRC on receipt of the compliance report from the State Government.

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

4.123 A complainant on the basis of a newspaper report drew the attention of the NHRC towards the alleged death of one Sushmita Biswas due to negligence of the hospital staff.

4.124 On 24 November 2003, the Commission directed that the complaint be transferred to the Health Secretary, Government of West Bengal, Kolkata with a request to examine the same and forward their action taken report to it within four weeks.

4.125 In response to the Commission's directions and reminders, the Special Secretary, Department of Health & Family Welfare, Government of West Bengal vide letter dated 14 December 2007 submitted that in the departmental enquiry some of the medical officers mentioned in the report were found to be guilty for dereliction of their duty. The matter had been referred to West Bengal Public Service Commission by them for advice regarding the imposition of punishment to the errant Medical Officers. The Commission on 25 January 2008 asked the Secretary, Health and Family Welfare, Government of West Bengal to apprise it about the final outcome of the departmental proceedings initiated against the delinquent officers. The Commission also directed to issue show-cause notice to the Chief Secretary, Government of West Bengal u/s Section 18(a) (i) of the PHRA.

4.126 In response, the Additional Chief Secretary, Department of Health & Family Welfare, Government of West Bengal vide letter dated 25 April 2008 submitted that the two doctors - Dr. Debasis Roy and Dr. Tushar Kanti Ghosh had been charge sheeted. The penalty of "censure" and "withholding of one increment without cumulative effect" had subsequently been imposed on them. The Additional Chief Secretary in his letter further disclosed that one Dr. D.D. Chattopadhyay was also found guilty. His annual increment too had been withheld for a year. And that the matter of award of punishment was still pending with West Bengal Public Service Commission for advice.

4.127 After considering all the reports of the Government of West Bengal on 2 March 2009, the Commission observed and directed as under:-

“In the light of the reports, the Commission finds it a fit case for award of compensation. The Commission therefore awards Rs. 1, 00,000 as monetary relief to the next of kin of the deceased. The proof of payment be submitted to the Commission within six weeks”.

4.128 Despite repeated reminders, the proof of payment is awaited from the Government of West Bengal.

29. *Suo Motu Cognizance Concerning Deplorable Hygienic Conditions of Hospitals in NCT of Delhi* (Case No. 2539/30/2004-2005)

4.129 The NHRC took *suo motu* cognizance of a newspaper report highlighting the deplorable hygienic conditions of two hospitals in National Capital Territory (NCT) of Delhi, namely, Sanjay Gandhi Memorial Hospital (SGMH) and Lok Nayak Jai Prakash Narayan (LNJP) Hospital. It directed to send copies of these reports to the Secretary, Health, Government of NCT of Delhi and also to the Medical Superintendents of SGMH and LNJP Hospital, for obtaining their comments.

4.130 The replies received from the Medical Superintendents of both the hospitals were found to be imprecise by the NHRC. Thus, vide its proceedings dated 4 May 2005, the Commission directed the Secretary, Health, Government of NCT of Delhi to submit a detailed report, enumerating the steps taken to improve the hygienic conditions in the two hospitals.

4.131 In response, a report dated 27 June 2005 was submitted by the Additional Secretary, Health and Family Welfare, Government of NCT of Delhi. However, the said report was found to be a mere repetition of what had been mentioned earlier by the Medical Superintendents of the two hospitals. The Commission thus ordered that a team be deputed from the Investigation Division of NHRC to oversee the prevailing conditions in the two hospitals and assess whether there was any improvement in the hygiene conditions or not. It further ordered that the visiting team should include a doctor, to be nominated by the convener of the Core Group on Health constituted by the NHRC.

4.132 In pursuance of these directions, a team from the Investigation Division of NHRC visited the two hospitals and thereafter submitted its report. It stated in its report that some improvements with regard to hygiene were definitely noticed by the team, but the overall condition by and large, was found to be unsatisfactory. In LNJP Hospital, the team found the garbage scattered near the dumping side. It noticed that the waste material had been lying there for a long time. Lack of co-ordination between the Municipal Corporation of Delhi (MCD) and the hospital authorities was also noticed. The team recommended that the dumping site should be shifted immediately to some other place. In Sanjay Gandhi Memorial Hospital, the drains were found open at some places and an over-powering foul smell existed.

4.133 After perusal of the report submitted by the team of Investigation Division, the Commission ordered that a copy of the report be sent to the Secretary, Health, Government of NCT of Delhi for comments and appropriate action. The response from the Government of NCT of Delhi is awaited and the matter is under consideration of the NHRC.

30. *Inhuman Treatment of Patients in a Home for Mentally Challenged at Delhi*
(Case No. 450/30/2005-2006)

4.134 A complaint was received from one Shri Mohan Snehi, President, Society for Environmental Protection and Human Rights, referring to a news channel report about Asha Kiran, a Home run by Delhi Administration for mentally challenged children and adults in NCT of Delhi. It was alleged that the mentally challenged children of the said Home were forced to carry out different kinds of activities such as sweeping, mopping, cooking and other odd jobs. Besides, inhuman, unhygienic and pathetic conditions prevailed in the Home. These children as well as other patients were not provided nutritious food nor sufficient clothing or other items of daily usage like beds, bed sheets, blankets, etc., and were also beaten.

4.135 Pursuant to the directions given by the Commission on 21 August 2006, a team from the Investigation Division of NHRC visited the Home and submitted its report. The facts stated by the NHRC's investigation team was considered by the Commission and forwarded to the Department of Social Welfare, NCT of Delhi for appropriate action. The Department of Social Welfare, Government of NCT of Delhi subsequently submitted a compliance report and the Commission vide its proceedings dated 27 October 2008 directed the NHRC team to re-visit Asha Kiran Home to ascertain on the spot progress.

4.136 The team visited Asha Kiran Home for the second time on 3 and 4 December 2008. It found no progress with regard to reduction in over-crowding of the patients, increase in the number of staff, improvement in the hygienic conditions related to toilets and bathrooms, improvement in the quality of cooked food, lodging of patients as per their IQ in male wards, segregation of patients having infectious diseases, provision of winter clothings for patients and improvement in the nutrition level of food served to the patients. The team from the Investigation Division also noticed patients working in the kitchen, ironing clothes and doing other odd jobs. Due to the absence of a Special Educator in the Home, no improvement was found in its co-curricular activities.

4.137 On the basis of the report submitted by the officers of the Investigation Team, summons were issued by the Commission to the Secretary, Social Welfare Department, Government of NCT of Delhi to appear before it on 6 April 2009 so that the problems and other issues of the Home could be discussed. The matter is thus under consideration of the Commission.

31. *Surgical Scissors Left in the Abdomen of a Woman during Operation due to Negligence of Doctors*
(Case No.202/18/3/2007-2008)

4.138 The NHRC took cognizance of a complaint which alleged that a pair of surgical scissors was left inside the abdomen of one Binapani Khatua of Radharampur village in Cuttack District by the doctors of SCB Medical College and Hospital in Cuttack, Orissa during an operation. When the patient complained of pain, her uterus was removed.

4.139 A report received from the Chief Medical Officer, Cuttack confirmed negligence on the part of the accused doctors. Another report received from the Secretary, Department of Health & Family Welfare, Government of Orissa revealed that departmental proceedings had been initiated against the two accused doctors. The NHRC viewed the entire incident as a serious case of professional negligence resulting in violation of human rights of the victim, who not only suffered physical pain for years, but was also deprived of her motherhood. The NHRC recommended to the State Government of Orissa to pay Rs. 5, 00,000 as monetary relief to the victim, to follow-up the departmental proceedings against the accused doctors, and also submit an action taken report.

4.140 The proof of payment of monetary relief to the victim has been received by the NHRC. However, action taken report on the departmental proceedings is still awaited from the State Government.

k) Electrocutation Case

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

4.141 One Suresh Chander became a victim of electrocution on 28 May 2003. He had been engaged by the maintenance staff of Uttarakhand Power Corporation to work on 440 watt lt. line in an unauthorized manner. While making repairs of the transmission line he died of electrocution.

4.142 On examination of the report of the Electrical Inspector, the NHRC found that at the instance of the maintenance staff of the Corporation, Suresh Chander was found to be working in an unlawful manner at the time of the accident. The Commission held that although his name was not entered in the muster roll, he was entitled to claim compensation on the same lines as a regular worker. With these observations, the Commission recommended to Uttarakhand Power Corporation Limited to pay a sum of Rs. 2, 00,000 as monetary relief to the next of kin of the victim. Disciplinary action against the maintenance staff was also recommended by the Commission.

4.143 The compliance report, along with proof of payment, is awaited and the matter is under consideration of the Commission.

l) Other Cases

33. *Man Languishing in Jail for 34 years in Rajasthan*
 (Case No. 55/20/26/2008-2009 & Case No.2978/20/26/2007-2008)

4.144 The NHRC took *suo motu* cognizance of a press report which appeared in the *Asian Age* dated 31 March 2008 about a man languishing in a jail for 34 years in Rajasthan.

4.145 In the report received from the Inspector General of Prisons, Rajasthan, it was revealed that one Prabhunath was arrested by the local police on Indo-Pak Border of Srikanpur and an FIR No. 40/1974 under the Indian Passport Act was registered at Police Station, Srikanpur. Prabhunath was remanded to judicial custody by the local court and was lodged in Sub-jail, Srikanpur. On being found insane, Prabhunath was then sent to a Mental Hospital in Jaipur for medical treatment under the court order dated 3 January 1976. He was provided regular treatment at the Mental Hospital in Jaipur.

4.146 The report also stated that the Directorate of Jail, Government of Rajasthan, requested the State Government on 13 March 2008 to issue an order declaring Prabhunath a 'non-criminal lunatic', but the Home Department, for this purpose, asked for the court order. On the request of Station House Officer, Srikanpur, Prabhunath was released on 1 April 2008 vide an order of Additional Chief Judicial Magistrate, Srikanpur under section 169 Cr.PC. and handed over to his younger brother in his village on 8 April 2008.

4.147 The Commission observed that Prabhunath should have been released immediately after 31 March 1975 when the final report was accepted by the court. Moreover, as per the report and documents received from the Inspector General of Prisons, Rajasthan, the court had maintained that Prabhunath suffered incarceration in the jail for a long period of 34 years for an offence under the Indian Passport Act for which the punishment prescribed was imprisonment of few years.

4.148 The Commission held that *prima-facie* it had been established that Prabhunath suffered incarceration in jail for a long period of 34 years due to the negligence of the concerned authorities of the Government of Rajasthan. It thus found it a fit case for payment of compensation and awarded Rs. 5, 00,000 as monetary relief to the victim or next of kin within a period of six weeks.

4.149 The proof of payment from the Government of Rajasthan is awaited by the NHRC.

34. *100 Children Killed by Man-eater in Balrampur District of Uttar Pradesh*
(Case No. 28667/24/2004-2005)

4.150 The case relates to a complaint alleging non-action by concerned authorities to stop the terror created by a man-eater which resulted in killing of 100 children in the forest infested areas adjoining Balrampur District in Uttar Pradesh. It was apprehended that in the garb of killing children by the man-eater, some persons might be kidnapping the children and selling them.

4.151 A report received from the Superintendent of Police, Human Rights, Police HQs., Lucknow revealed that terror had been created by wolves in the forest infested areas adjoining

Balrampur District and the forest authorities were taking appropriate remedial measures. The apprehension of kidnapping of the children was however rejected as baseless in the report.

4.152 Later a report received from the Secretary, Forest Department, Government of Uttar Pradesh stated that between January 2002 and March 2006 the wolves/hyenas had killed 98 children and injured 51 children and appropriate compensation amounting to Rs. 9,82,000 had been given to the families of the killed children and Rs.90,000 to the families of the injured children. With the help of sharp-shooters, hunters, local administration and villagers, 4 man-eater wolves and 9 hyenas were killed under a special drive to stamp out the terror created by these wild animals.

4.153 The Commission felt that it was amply clear there was no conspiracy related to kidnapping of children and selling them. Since it was reported by the Special Secretary, Uttar Pradesh Administration that no compensation could be paid to the families of the children whose dead bodies could not be found, the Commission directed the State Government that those children who were killed but their bodies could not be recovered be indemnified after confirming the identity of the killed children with the help of the villagers, local administration and Police and a sum of Rs.50,000 each be given to the families of these children and an action taken report be sent to the NHRC within 6 weeks.

4.154 The proof of payment and the action taken report is still awaited from the Government of Uttar Pradesh.

35. *Death due to Negligence of Delhi Jal Board Official*
(Case No. 1671/30/1999-2000)

4.155 The NHRC received a complaint alleging death of one Manoj Kumar, a contractual labour due to negligence of Delhi Jal Board Executive Engineer of Rohini Zone.

4.156 Taking cognizance of the matter, the Commission obtained a report from the Director (Administration & Personnel) of Delhi Jal Board, Government of NCT of Delhi. The report revealed that the Zonal Engineer and Junior Engineer were awarded punishment after a departmental inquiry was conducted by the Vigilance Cell of Delhi Jal Board. The Commission thus directed that an amount of Rs. 1, 00,000 as monetary relief be paid to Rita Devi, widow of the deceased Manoj Kumar along with the proof of payment.

4.157 The case has been closed by the NHRC as Delhi Jal Board has submitted the proof of payment.

36. *Death of 28 Children and 2 Adults due to Collapse of Bridge over Damanganga in Goa*
(Case No.4/29/2003-2004)

4.158 A bridge constructed by the Administration of Goa over Damanganga collapsed on 28 August 2003 resulting in the death of 28 children and two adults. The Ministry of Home Affairs

appointed a Commission of Enquiry headed by Justice Shri R.J. Kochar, a retired Judge of the High Court of Mumbai. The Commission of Enquiry found that the bridge was only a temporary foot bridge and it had outlived its life. The NHRC indicted the Administration of Goa for negligence in maintenance, repairs and renovation of the bridge.

4.159 On consideration of the report, the Commission recommended to the Ministry of Home Affairs, Government of India, to pay a sum of Rs. 2, 00,000 each as monetary relief to the next of kin of the victims.

4.160 On receipt of the compliance report the case was closed by the NHRC.

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

4.161 Nutan Kumari, an 11 year old girl was studying in Class VI in a Government School at Samastipur, Bihar. She had a quarrel with one of her class mates. When the class teacher came to know about this, she pushed the child on the ground in a violent and brutal manner. The child sustained grievous injuries that eventually led to her death.

4.162 The NHRC observed that inflicting of corporal punishment to children definitely amounts to violation of their human rights. Therefore, in order to put an end to the practice of corporal punishment in schools, it is the duty of the teachers to treat all children with affection and compassion. The State too has a duty to properly educate the teachers in this regard. It thus directed the State Government to pay a sum of Rs. 2, 00,000 as monetary relief to Nutan's family on account of cruel treatment meted out to her.

4.163 On receipt of the compliance report the case was closed by the NHRC.

38. *Death of a Person and Other 100 Persons Falling Ill due to Chlorine Gas Leakage from a Water Filtration Plant in Sambalpur, Orissa* (Case No. 307/18/2005-2006)

4.164 The case relates to death of a person and over 100 persons falling ill due to leakage of chlorine gas from a water filtration plant in Sambalpur, Orissa on the night of 2 September 2005.

4.165 Pursuant to the notice issued by the NHRC, a report was received from the District Magistrate & Collector, Sambalpur. It was communicated in the report that on receipt of information about the leakage of chlorine gas, the Additional District Magistrate and Assistant Fire Officer of Sambalpur were asked to rush to the spot for relief and rescue operations. Concurrently, the medical teams were asked to prepare themselves for the treatment of the patients. The leakage point in the chlorine gas cylinder was sealed at about 12.40 p.m. The people were also asked to keep wet cloth on their faces to minimize the effect of chlorine gas in the area through the public address system.

4.166 Keeping in view the gravity of the situation, the Government of Orissa ordered an enquiry into the matter by the Revenue Divisional Commissioner, Sambalpur. The enquiry disclosed that in the incident, 222 people were affected. Out of them, one died and the rest became unwell. A financial relief of Rs. 2, 57,500 was awarded to all the affected victims at the rate of Rs. 500, Rs. 5,000 and Rs. 15,000 respectively.

4.167 The views of the complainants were also elicited in the report. It was submitted by one of the complainants that a sum of Rs. 10, 00,000 be paid to the next of kin of the deceased.

4.168 The Commission furthermore obtained a copy of the Enquiry Report from the Divisional Commissioner, Northern Division, Sambalpur. The report revealed that there was a significant lapse on the part of the Railway authorities who failed to inform the District Administration instantaneously on the gas leakage. The resultant effect of all this was that relief and rescue measures were gratuitously delayed by at least half-an-hour. The report also revealed that adequate financial relief amounting to Rs. 1,00,000 in the case of the deceased, Rs. 10,000 in the case of all those grievously affected and Rs. 2,500 in case of those who were not grievously affected, was paid by the Railway Administration, i.e. Divisional Railway Manager, East Coast Railways, Sambalpur. In addition, the report pointed out towards the fact that the Railways did not have the required technical knowhow to handle the water treatment plant. The Divisional Commissioner, Sambalpur had also made certain suggestions relating to training of operators, handling of chlorine gas, installation of leakage detection/alarm system, need for leakage testing kit, life saving equipment like breathing apparatus, gas mask and awareness programme on 'Do's and Don'ts' concerning handling of chlorine, etc.

4.169 Accordingly, it was directed by the NHRC that a copy of the enquiry report be sent to the Divisional Railway Manager, East Coast Railways, Sambalpur with a request that an action taken report be sent to it immediately.

4.170 The action taken report received from the Divisional Regional Manager, Sambalpur, has ruled out the possibility of an unfortunate incident like this again in the future. Keeping in view the fact that the victims and the next of kin of the deceased had already been given financial relief and the fact that the Divisional Regional Manager, Sambalpur had taken appropriate action to rule out the possibility of an incident like this again, the NHRC did not call for any further action in the matter and closed the case.

C. Follow-up

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

1. *Violation of Human Rights by Panchayat in Baghpat, Uttar Pradesh*
(Case No. 16755/24/2005-2006-WC)

4.171 The case relates to settlement and hushing up of a rape and murder incident by a caste panchayat in Baghpat, Uttar Pradesh. The Superintendent of Police, Baghpat informed that criminal cases were registered against the culprits with regard to the incident of rape and murder. Since the allegation of murder and rape was not substantiated, the NHRC directed the State Government of Uttar Pradesh to apprise it about the steps taken by them to prevent the interference of caste panchayats in the criminal justice delivery system. The case was closed by the NHRC with appropriate directions to the State Government.

2. *Alleged Abduction and Killing of Jalil Andrabi, Advocate, Jammu & Kashmir*
(Case No- 9/123/1995-LD)

4.172 The matter relates to alleged abduction and subsequent killing of Jalil Andrabi, an Advocate in Srinagar by the Security Forces. Pursuant to the Commission's direction, the report received revealed that a case FIR No. 139/1996 under section 302/365/364/201 Ranbir Penal Code, was registered against the accused Major Avtar Singh, who had been absconding. The NHRC had directed the Ministry of Defence, Government of India and the Secretary to the Chief of the Army Staff to ensure that Major Avtar Singh appears in the court of Chief Judicial Magistrate, Budgam for undergoing trial in the case. In response, the Ministry of Defence communicated that the court of enquiry has declared TA-42277 Major Avtar Singh a deserter, and as such the Army was not in a position to produce the officer in the court. The NHRC, on consideration of the report received from the Ministry of Defence, has closed the case.

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

4.173 In this case, the NHRC on 18 May 2007 had directed the Chief Secretary of Bihar to get the complaint concerning alleged kidnapping of two daughters of the complainant enquired through CB-CID. The report of CB-CID is still awaited in the matter.

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

4.174 The case relates to torture of a 12 year old boy Mukesh by Haryana police. It was reported that the accused policeman was arrested and a charge sheet had been filed against him. The policeman, however, was released on bail by the court. The State authorities further reported that the Supreme Court was also seized of the matter and that further action would be taken as per the orders of the Apex Court.

4.175 However, it was observed by the Commission that the name of the victim had been mentioned in the State authorities report as Sumit Kumar whereas in the news report, in question, the name was mentioned as Mukesh. The NHRC, therefore, directed the Director General of Police, Haryana to clarify the discrepancy with regard to the name of the victim. He was also directed to inform the NHRC about the order passed by the Supreme Court in the matter. The response of the State Government is awaited.

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

4.176 The NHRC has received the requisite reports from the Director General of Police, Meghalaya in respect of allegations of killing of five suspected National Socialist Council of Nagaland – Isak-Muivah (NSCN-IM) cadres by a Special Operation Team of Meghalaya Police at Mawlyngade, Sohryngkhan, East Khasi Hills District. The matter is still under consideration of the Commission.

6. *Death of Two Employees of Delhi Jal Board while Working in a Sewer*
(Case No. 716/30/2005-2006)

4.177 In response to the show-cause notice issued by the NHRC to Delhi Jal Board, it was informed by the Jal Board that Rs. 3, 56,980 and Rs. 3, 11,755 had already been paid to the next of kin of the deceased Junior Engineer and Beldar respectively. Besides, compassionate appointments had also been given to the wives of the deceased. The case has since been closed by the NHRC.

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

4.178 The NHRC had called upon the Chief Secretary, Government of Uttar Pradesh to apprise it as to how long the victim remained in the hospital after being declared fit and sent to the jail on 21 September 2005. Despite a reminder to the Chief Secretary, Government of Uttar Pradesh, the report is still awaited by the NHRC.

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

4.179 The NHRC was informed that one Shankar Dayal, an undertrial prisoner who was mentally sick was declared fit on 25 November 2005 and released on 18 February 2006, as per the orders of the Chief Judicial Magistrate. The Commission as such directed the Director General Health Services (DGHS), Government of Uttar Pradesh to examine whether there had been some lapse on the part of the Mental Hospital, Varanasi, in treating the victim.

4.180 In response, a report was received from the Director General of Health Services, Government of Uttar Pradesh, which revealed that Shankar Dayal was given treatment at the Psychiatric Hospital in Varanasi as per the report of the Medical Board. He was produced before the Visitors Board on 19 April 2005 but was not declared mentally fit. Thereafter, he was again produced before the Visitors Board on 25 November 2005, and was declared medically and mentally fit. Consequently, recommendations were made to transfer him to the jail concerned. The allegations of negligence in the matter were denied in the report. The Commission on consideration of the report closed the case.

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

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

4.181 The case relates to illegal arrest of an innocent woman named Santosh by the police in place of an accused woman with a similar name. The Commission directed the Secretary, Home, Chandigarh Administration to inform it about the status of the departmental enquiry against the guilty police personnel, as well as the outcome of the report of Forensic Expert regarding thumb impression for ascertaining the identity of the actual accused. The report is still awaited.

2. *Police Atrocities on Farmers in Chabba, Amritsar, Punjab* (Case No.640/19/2006-2007)

4.182 The case relates to alleged atrocities on farmers by the police in Chabba, Amritsar District, Punjab. The allegations made against the police could not be substantiated. The NHRC, however, directed the Deputy Superintendent of Police, Jandiala, Amritsar, Punjab to submit the status of the criminal case registered against the mob who had attacked the police. On consideration of the report received from the police, the Commission observed that no further intervention in the matter was called for, and closed the case.

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

4.183 The NHRC had observed that the report submitted by the Superintendent of Police, Bhojpur, Ara, was silent about the monetary relief to be given to the families of the deceased. It thus directed the Director General of Police, Government of Bihar, to inform whether the next of kith and kin of the deceased were entitled for monetary relief of any kind. He was also directed to intimate the status of the criminal case. The report is still awaited from the Government of Bihar.

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

4.184 The NHRC had reported in the Annual Report for the year 2007-2008 that it had directed the District Magistrate, Lakhisarai to submit the status of four criminal cases registered against the accused persons. The report is still awaited.

5. *Death of Professor due to Beating by Students in Ujjain, Madhya Pradesh* (Case No.886/12/2006-2007)

4.185 Pursuant to the directions of the NHRC, the Inspector General of Police, Bhopal reported that Inspectors Y.K.Roonwal and Y.P.Singh had been exonerated in the departmental enquiry initiated against them.

4.186 On consideration of the material on record including the magisterial enquiry report, the Commission observed that Professor Sabharwal had become a victim of vandalism of some

students. There was no reliable evidence to support that the police was present in immediate vicinity at the time of assault on the Professor. As such, it was difficult to hold the police responsible for violence unleashed by a group of students. It further held that there was no basis to conclude that the negligence of police or any other authority resulted in violation of human rights of the deceased. Even though the NHRC condemns the incident in its strongest terms, it will not be possible for it to recommend any relief. Accordingly, the case was closed by the NHRC.

6. *Mass Cremation by Punjab Police (Case No. 1/97/NHRC)*

4.187 The follow-up of this case has been continuously reported in the earlier Annual Reports of NHRC.

4.188 The Supreme Court of India vide its order dated 12 December 1996 had remitted the aforementioned case to the NHRC for facilitating identification of 2,097 dead bodies cremated by Punjab Police in the three districts of Amritsar, Majitha and Taran Taran between 1984 and 1994.

4.189 Till 31 March 2008, on account of the efforts made by the NHRC in association with the Government of Punjab, a total of 1,388 deceased persons could be identified. An amount of Rs. 25, 75, 25,000 was also recommended by the NHRC for payment to the next of kith and kin of the deceased.

4.190 For identification of the remaining 657 unidentified bodies (excluding duplicate names), the NHRC vide its proceedings dated 17 June 2008, constituted a Committee headed by Shri N.S. Kang, Secretary to the Government of Punjab along with two other members. The Report of the Committee is awaited. The matter is under consideration of the NHRC.

7. *76 Army Men Punished for Human Rights Violations in Kashmir*
(Case No. 122/9/2006-2007-AF)

4.191 The NHRC, on taking *suo motu* cognizance of a newspaper report learnt that 72 army personnel had been punished during the last couple of years on account of charges of human rights violations against them. It called for information from the Defence Secretary, Ministry of Defence, Government of India and the Chief Secretary, Jammu & Kashmir to apprise it about the ex-gratia relief, if any, awarded to the victims or next of kin of the deceased victims. The response is still awaited from the concerned authorities despite reminders.

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

4.192 Pursuant to the directions given by the NHRC, a report was received from the Additional Director General of Police, Punjab. The allegation of beating by the school teacher was denied as false and baseless. It was further reported that the girl was ill for some days prior to her death and she was being treated at Bimal Hospital in Amritsar.

4.193 The Commission directed the Director General of Police, Government of Punjab to submit a report about the final cause of the death of the victim. The report is still awaited by the NHRC.

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

4.194 Upon consideration of the report received from the Superintendent of Police, East Godavari, Kakinada that criminal cases had been registered and charge sheets filed against the accused, the NHRC directed that an up-to-date report about the action taken for the rehabilitation of the victims of the flesh trade be submitted to it. The report is still awaited.

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

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

4.195 The NHRC had recommended to the State Government to pay Rs.2, 00,000 as monetary relief to the next of kin of the deceased. In response, the State Government informed to the NHRC that the father of the deceased had filed a Special Civil Application No.6248/2004 in Gujarat High Court for payment of compensation in the matter. It thus ordered that the decision of the High Court may be awaited. The matter is pending as Gujarat High Court has not disposed off the case.

2. *Death of Remand Prisoner Chinna Purapu Ramesh in Judicial Custody in Rajamundry, Andhra Pradesh* (Case No. 531/1/2005-2006-CD)

4.196 The NHRC had recommended to the State Government to pay Rs.2, 00,000 as monetary relief to the next of kin of the deceased. The recommendations of the NHRC have been complied with by the State Government and the case has been closed.

3. *Death of Chandrakant in Police Custody at Beed, Maharashtra*
(Case No. 1287/13/2002-2003-CD)

4.197 The NHRC had recommended to the State Government to pay Rs.2, 00,000 as monetary relief to the next of kin of the deceased. The recommendations of the NHRC have been complied with by the State Government. The case has since been closed.

4. *Death of Kishan Singh in Police Custody in Delhi*
(Case No. 5060/30/2004-2005-CD)

4.198 The NHRC recommended to the State Government to pay Rs. 2, 00,000 as monetary relief to the next of kin of the deceased. The recommendations of the NHRC have been complied with by the Government of NCT of Delhi and the case has hence been closed.

5. *Death of Olik Tayeng in Police Lock-up at Itanagar, Arunachal Pradesh*
(Case No. 14/2/2003-2004-CD)

4.199 The NHRC had recommended to the State Government to pay Rs.1, 00,000 as monetary relief to the next of kin of the deceased. The recommendations of the NHRC have been complied with and the case has been closed.

6. *Death of an Undertrial Prisoner Abhishek Sahu due to Lack of Treatment in Judicial Custody at Special Jail, Bhubaneswar, Orissa (Case No. 42/18/2003-2004-CD)*

4.200 In this case, the NHRC recommended to the State Government to pay Rs.1, 00,000 as monetary relief to the next of kin of the deceased. In response, the State Government reported that there was a dispute among the next of kin of the deceased. The Commission thus directed the State Government to disburse the amount of monetary relief among those who were the actual next of kin of the deceased after a proper enquiry. The case has since been closed by the NHRC.

7. *Alleged Custodial Death of Mugalia in Satna, Madhya Pradesh (Case No. 1996/12/1999-2000)*

4.201 The NHRC had recommended to the State Government to pay Rs.3, 00,000 as monetary relief to the next of kin of the deceased. The NHRC's recommendations have been complied with by the State Government and the case has been closed.

8. *Death of Convict Padum Sorren in District Jail, Bhagalpur, Bihar (Case No. 2848/4/2002-2003-CD)*

4.202 The NHRC had recommended to the State Government to pay Rs.1, 50,000 as monetary relief to the next of kin of the deceased. The State has complied with the recommendations of the NHRC. The case has been closed.

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

4.203 In this case, the NHRC recommended to the State Government to pay Rs. 2, 00,000 as monetary relief to the next of kin of the deceased. The proof of payment from the Government of Maharashtra is awaited. The matter is under consideration of the NHRC.

10. *Death of Ram Chander in Police Custody at PS Sehrau, District Shahjahanpur, Uttar Pradesh (Case No. 12975/24/1999-2000)*

4.204 In this case, the NHRC recommended to the State Government to make a payment of Rs. 3, 00,000 as monetary relief to the next of kin of the deceased. The recommendations of the NHRC have been complied with and the case has been closed.

11. *Death of Undertrial Prisoner Vishal Krishna Madekar in Central Jail, Bangalore, Karnataka (Case No. 671/10/2001-2002-CD)*

4.205 The NHRC had recommended to the State Government to pay Rs. 3, 00,000 as monetary relief to the next of kin of the deceased. The State Government has complied with the directions of the NHRC. The case has since been closed.

12. *Death of Devendranath Deka at Gauripur Outpost, Kamrup, Assam*
(Case No.25/3/2002-2003-CD)

4.206 In this case, the NHRC had recommended to the State of Assam to pay Rs. 1, 00,000 as monetary relief to the next of kin of the deceased. The Commission's recommendations have been complied with and the case has been closed.

13. *Beating up of Susheel Kumar and his Wife by the Police of Gautam Budh Nagar, Uttar Pradesh*
(Case No. 28117/24/2006-2007)

4.207 The Commission had recommended to the Government of Uttar Pradesh to pay Rs. 25, 000 as monetary relief to victim Susheel and Rs. 50,000 to his wife. The directions of the NHRC have been complied by the State Government. The case has been closed.

14. *Illegal Detention and Physical Torture of Jaswant Singh Patel by the Police of Jahanabad, Uttar Pradesh* (Case No. 5782/24/2003-2004)

4.208 The Commission recommended to the Government of Uttar Pradesh to pay Rs.1, 00,000 as monetary relief to the victim. The directions of the NHRC have been complied. The case has since been closed by the NHRC.

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

4.209 The NHRC had recommended to the State Government to pay a sum of Rs.10, 000 as monetary relief to each of the three victims for their wrongful detention. The amount of monetary relief has been sanctioned by the State Government. However, the proof of final payment is awaited from the Government of Rajasthan.

16. *Death of Nishu Sharma and Injuries to Rakesh Sharma during Police Firing at Domana, Jammu & Kashmir* (Case No. 97/9/2005-2006)

4.210 The Commission had recommended to the State Government to pay Rs. 2, 00,000 as monetary relief to the next of kin of the deceased and Rs. 50,000 to the other injured victim. The recommendations of the NHRC have been complied by the State Government and the case has since been closed.

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

4.211 In this case, the Commission recommended to the State Government to pay Rs. 7, 00,000 as monetary relief to the complainant. However, the State Government agreed to pay Rs. 1, 00,000 only and requested the NHRC to review its directions. The NHRC, after considering the request of the State Government, has reiterated that its recommendations be complied with. The compliance report from the State Government is awaited.

18. *Illegal Detention and Torture by CRPF Personnel in Thinguchingjin, Manipur*
 (Case No.38/14/1999-2000-AF)

4.212 The NHRC had recommended to the Union Ministry of Home Affairs, Government of India to pay an amount of Rs. 10,000 each to the six victims for the injuries caused to them by the CRPF personnel. The directions of the Commission have been complied with and the case closed.

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

4.213 The Commission in this case recommended to the Government of India to pay Rs. 2, 00,000 each as monetary relief to the next of kin of the three deceased. The Ministry of Defence, Government of India has agreed to pay the monetary relief. The proof of payment from the Government of India is awaited by the NHRC.

20. *Killing of Ranjen Singh during Firing by Security Forces at Indo-Bangla Border, Malda, West Bengal* (Case No.128/25/1998-1999-AD)

4.214 The NHRC in the said case recommended to the Ministry of Home Affairs, Government of India to pay Rs. 3, 00,000 to the next of kin of the deceased Ranjen Singh. The directions of the Commission have been complied with. The case has hence been closed.

21. *Violence Against Christians in Kandhamal District, Orissa*
 (Case No.825/18/26/200720-08 Linked File 923/18/26/2007-2008)

4.215 The case relates to violence that broke out in Kandhamal District of Orissa on 24 and 25 December 2007 few churches and Christian institutions were destroyed and several houses and other properties were damaged during the violence that erupted.

4.216 Pursuant to the directions of the Commission, the Director General (Investigation), NHRC and the Inspector General of Police, Orissa, submitted a report and also forwarded the enquiry report of the High Level Committee set up by the Government to look into various aspects of the incident. The Committee concluded that the incidents were part of a sudden flare-up of communal passions and that the attacks were not part of a planned effort by anti-social and fundamentalist elements to disturb communal peace. The report also stated that a sum of Rs. 2, 00,000 each was provided to all the riot-affected institutions. Ex-gratia payment of Rs. 20,000 and Rs.50, 000 respectively was also paid to the owners of partially and fully-damaged houses. The report and findings of NHRC's investigation team was more or less on the same lines as those of the High Level Committee.

4.217 After considering the report of the High Level Committee and the report of the investigating team vide its proceedings dated 14 May 2008, the Commission directed the Director General of Police, Orissa, to report whether any person died or sustained injury in the incidents

and whether any compensation was paid to them. He was also directed to apprise the Commission of the action taken by the State Government on the recommendations of the High Level Committee.

4.218 Thereafter, the Additional Director General of Police (HQs.), Orissa, submitted a report dated 16 July 2008 stating that three persons had died and 34 persons were injured during the riots and that a financial assistance of Rs. 1, 00,000 each had been given to the next of kin of the deceased persons. Action taken report in respect of the recommendations made by the High Level Committee was also submitted by the Additional Director General of Police. The said report was considered by the NHRC on 21 November 2008 whereby it observed that the report was silent about any compensation paid to 34 injured persons. It also observed that the progress of implementation of the recommendations made by the High Level Committee was very slow. It further noted that the Central Government was yet to take a decision on the proposal of inclusion of Kandhamal under the Security Related Expenditure (SRE) scheme.

4.219 The Commission on 21 November 2008 thus directed the Director General of Police, Orissa, to furnish a complete report giving details of all the deaths as well as those injured along with proof of ex-gratia payment made to the affected persons. He was also directed — (a) to ensure that investigation of all the violence related criminal cases was expeditiously concluded, and (b) to take steps for filling up of all the vacant posts in the police force etc. and submit an action taken report thereof. In addition, the Commission recommended to the Central Government to take a quick decision on the proposal of the State Government for inclusion of Kandhamal under the SRE scheme.

4.220 The case is under consideration of the Commission.

22. *Suo motu Cognizance of Programme "Operation Kalank" on 'Aaj Tak' on Post- Godhra Violence (Case No.426/6/18/2007-2008)*

4.221 Pursuant to the directions given by the NHRC, the Central Bureau of Investigation (CBI) submitted its report to the Commission. It concluded that the recordings in the 'Sting Operation' were found to be authentic as per Forensic Science Laboratory Report and most of the concerned persons appearing in the sting operation had admitted that they were contacted and had spoken on the subject.

4.222 Meanwhile, the Chairman, Special Investigation Team, which was constituted by the Supreme Court, requested that all the material collected by the CBI in connection with the sting operation be sent to him. The CBI informed that the two spy cameras and the recorder used in the sting operation had been returned to *Tehelka*. However, 16 DVDs of sting operation and five CDs of 'Operation Kalank' were handed over to the Special Investigation Team.

4.223 The NHRC, while observing that the matter was being investigated by the Special Investigation Team under the directions of the Supreme Court, and the concerned DVDs and CDs had already been handed over by the CBI to the Special Investigation Team, closed the

case with directions to forward the inquiry report of CBI to the Chairman, Special Investigation Team.

23. *Villagers Killed and Injured during Police Firing in Nandigram, West Bengal*
(Case No. 725/25/12/2007-2008)

4.224 The State Government of West Bengal vide its communication dated 6 May 2008 expressed its inability to accept the remaining three recommendations concerning inviting of fresh applications, enhanced compensation for damaged houses and monetary relief for the next of kin of those who were killed after 15 March 2007. The NHRC vide proceedings dated 21 July 2008 directed that the Chief Secretary, Government of West Bengal should tender explanation for non-compliance of the above three recommendations made by it and again instructed the State Government that the same be complied with. There being no response from the State Government, the NHRC on 28 January 2009 directed that a final reminder be issued to the Chief Secretary, Government of West Bengal to take action on its earlier communication dated 19 August 2008 within a time-frame of six weeks.

4.225 In response, the Special Secretary, Home Department submitted that the remaining three recommendations were under active consideration of the State Government and that the State would take some more time to reach a consensus about the implementation of its decision. Accordingly, as per request made by the State, an additional time of one month was granted to it by the Commission.

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

4.226 The NHRC had recommended to the Ministry of Coal and Mines, Government of India to deposit an amount of Rs. 10,00,000 in the name of victim Subham Das under the guardianship of his father in a nationalized bank. In compliance of the directions given by the NHRC, the amount was deposited in the State Bank of India (SBI), Asansol. Later, an amount of Rs. 75,000 was released for treatment of the child. The father of the victim boy, Shri Surjit Das, informed the NHRC that Rs. 16,210 had been spent on the treatment of his child. The Commission directed that the balance amount be deposited in the Savings Account of the nationalized bank for further utilization on the treatment of the victim boy.

25. *Discovery of Half-Burnt Foetuses from a Well in Pataudi Town, Gurgaon, Haryana*
(Case No. 795/7/5/2007-2008)

4.227 Pursuant to the directions given by the NHRC, the Director General Health Services, Government of Haryana submitted an exhaustive report. The report detailed out the various steps taken by the State Government to check such malpractices in the State. During the various raids conducted in the State, 104 unauthorized ultrasound machines were seized and registrations of 176 centres were suspended. The NHRC on observing that the doctors indulging in unlawful practices had been prosecuted, the delinquent health officials also had been departmentally

prosecuted, and that the State Government had taken effective steps to implement the provisions of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT Act) in the entire State, closed the case.

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

4.228 The NHRC had directed the Secretary, Department of Education to submit the latest report with regard to compensation, if any, awarded to the injured person who had lost his legs. The State Government in its report informed that the victim had been paid a sum of Rs. 35,500 as per section 4(1) (d) read with section 7 of the Workmen Compensation Act, 1923. In addition, a sum of Rs. 1,10,000 had also been paid to the victim towards his medical and other expenses. The final report regarding compensation under the Workmen's Compensation Act 1923 is awaited by the NHRC.

27. *Dharampal and 28 Others Kept as Bonded Labourers along with their Families at Meerut District, Uttar Pradesh* (Case No. 36851/24/2006-2007)

4.229 The NHRC had directed the District Magistrate, Meerut to formally release all the bonded labourers from bondage and issue a certificate of release to each of them. He was also directed to sanction Rs.5,80,000 (at the rate of Rs. 20,000 each) to all the bonded labourers towards their rehabilitation. The NHRC had further directed that Rs.43,800 be paid to the labourers towards minimum wages, which had been outstanding against the employer.

4.230 The Deputy District Magistrate, Meerut, reported that the release of 25 bonded labourers had been notified. The status of the remaining three bonded labourers could not be included in the concerned list as they were minors. The NHRC directed the District Magistrate, Meerut to submit a report with regard to payment of amount for rehabilitation of the bonded labourers, as recommended by it. The report is awaited from the District Magistrate, Meerut.

28. *Death of Waiter Due to Denial of Medical Care* (Case No.2272/30/2005-2006)

4.231 The Commission had recommended to the Government of NCT of Delhi to pay Rs.50,000 to the next of kin of the deceased Waiter. Since the legal heirs of the deceased were not traceable, the NHRC closed the case with the observation that the amount be paid to the next of kin of the deceased as and when they approach for payment.

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

4.232 In this case, the NHRC had recommended to the State Government to pay an amount of Rs. 50,000 as monetary relief to the next of kin of the deceased. However, on considering the matter again, the NHRC learnt that a Writ Petition No. 36890/2007 has been filed by the State

Government in the High Court of Kerala, Ernakulam against the complainant and the NHRC. The matter is *sub judice*.

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

4.233 The Commission in this case had recommended to the Director of Central Government Health Scheme (CGHS) to pay an amount of Rs. 1, 00,000 to the complainant. The Government in response filed a Civil Writ Petition No. 9776/2007 in the High Court of Delhi against the recommendation made by the Commission. The matter is *sub judice*.

31. *Infants Die due to Bacterial Infections in Sree Avittam Thirunal Hospital in Thiruvananthapuram, Kerala* (Case No. 14/11/12/2007-2008)

4.234 The Secretary, Department of Health and Family Welfare, Government of Kerala was directed to submit a factual report in the matter. Since the factual report was not received by the NHRC despite a reminder, it issued summons to the Secretary to appear before it along with the report.

4.235 Pursuant to the directions of the NHRC, a report was received from the Secretary, Department of Health and Family Welfare, Government of Kerala. The report revealed that remedial measures had been taken by the State Government to reduce the mortality rate of the infants in the Sree Avittam Thirunal Hospital. On consideration of the report, the case was closed by the NHRC.

32. *Death of Ravikant Puri due to Electrocution in Alamganj, Patna, Bihar* (Case No.1902/4/2000-2001)

4.236 The NHRC in this case had recommended to Bihar State Electricity Board (BSEB) to pay Rs.50,000 to the next of kin of Satya Narayan Beldar, Rameshwara Prasad, Umesh Kumar and Ravikant Puri. The Commission's recommendations have been complied with. The case has since been closed by the NHRC.

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

4.237 The Commission had issued notice u/s 18(a) (i) of PHRA to the Chief Secretary, Government of Uttar Pradesh to show-cause as to why the State Government should not be asked to give monetary relief to the families of the workers who died in the occurrence. Since no response was received from the State, a reminder was issued by the NHRC.

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

4.238 The Commission had observed that the Railway Department had violated the human rights of the complainant, now deceased, by delaying payment of his dues and thus issued notice to show-cause as to why it should not recommend compensation to the next of kin of the deceased for violation of his human rights. It also directed to initiate departmental inquiry against all those officials responsible for delay in release of legitimate dues to the complainant. Moreover, the NHRC called for a report whether any interest has been paid to the widow of the deceased on delayed payments and the amount thereof. The report is awaited by the Commission.

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

4.239 During 2008-2009, the NHRC recommended monetary relief amounting to Rs.5,02,49,000 to the victims/next of kin of the deceased in 373 cases. Out of these 373 cases, it also recommended disciplinary action against the delinquent police officials/public servants in 11 cases and prosecution of the errant police officials in one case. The State-wise details of these cases are given in **Annexure-6**.

4.240 The NHRC received compliance reports in 111 cases out of 373 cases relating to monetary relief and a total amount of Rs. 1,02,90,000 was paid to the victims/next of kin of the deceased. It also received compliance report in 1 case, in response to its recommendations for disciplinary action against the delinquent public servant. It is yet to receive compliance reports in 262 cases where monetary relief amounting to Rs. 3,99,59,000 was recommended by the Commission (**Annexure-7**). It is also awaiting compliance reports in 10 cases relating to recommendation for disciplinary action against the delinquent police officials (**Annexure-8**) and in one case pertaining to recommendation for prosecution of the errant police officials (**Annexure-9**).

4.241 As regards compliance reports relating to previous years, the NHRC has not received compliance reports in 71 cases for the period from 1999-2000 to 2007-2008 (**Annexure-10**). The details of these cases have been reported in the earlier Annual Reports of the NHRC.



CIVIL AND POLITICAL RIGHTS

Chapter ~ 5

A. Terrorism and Militancy

5.1 The issue of civil liberties and human rights has become increasingly complex in recent years especially in countries like India which are facing the scourge of terrorism and militancy. Terrorism and militancy, aim at destabilization of the society and the State. It is therefore essential that they must be fought and defeated in all their forms and manifestations. This is of paramount importance for the protection of human rights.

5.2 Acts of terrorism and militancy, of late, have spread their tentacles all over the world, thereby affecting the lives of innocent people indiscriminately. India alone has witnessed some of the worst forms of terrorism and militancy in the recent past. Terrorists and militants, undoubtedly, are the sworn enemies of human rights and there can be no equivocation on this matter. Terrorism and militancy, in all forms and manifestations, must be fought and defeated, if at all the human rights of people are to be protected, for the right to life – the target of terrorists – is the most basic right, without which human beings can exercise no other right.

5.3 The crucial question that arises next is the means to be adopted to achieve this goal. The NHRC has all along maintained that anti-terrorism and anti-militancy measures must be carried out by the State in conformity with the Constitution, the laws of the land, and the treaty obligations of the country. The NHRC further believes that the menace of terrorism and militancy must not be left to the agencies of the State like the police and the armed forces alone, rather it should be collectively fought by all sections of the society. That is why it has continued to lay emphasis on the socio-economic dimensions of the problem and also called for an effective enforcement of laws and good governance to ensure transparency and accountability in dealing with those who may be guilty of human rights violations.

B. Custodial Violence and Torture

5.4 The curbing of custodial violence and torture has been one of the core concerns of the NHRC ever since it came into existence in 1993. As early as 14 December 1993, it issued instructions that it must be informed of any incident of custodial death or rape within 24 hours of its occurrence; it was added that the failure to report promptly would give rise to the presumption that an attempt was being made to suppress the incident. In subsequent instructions,

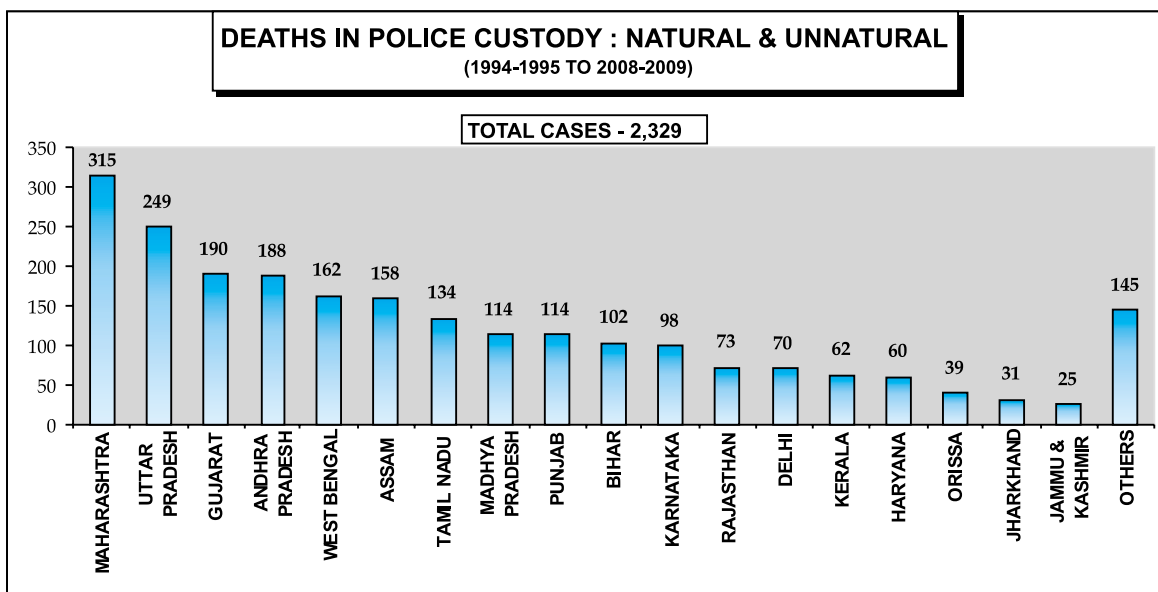
it was stated that information on custodial deaths was to be followed by a post-mortem report, a videography report on the post-mortem examination, an inquest report, a magisterial enquiry report, etc. In order to avoid delays in the scrutiny of such cases, the NHRC issued additional guidelines in December 2001, asking the States/Union Territories to send the required reports within two months of the incident; it was underlined, *inter alia*, that the post-mortem report should be submitted in accordance with the new format that had been devised by it. These instructions, over the years, have facilitated the NHRC to exercise checks on custodial violence and torture by the police and other public servants. In cases where there have been delays in reporting of such incidents, the NHRC has had good reason to draw an adverse inference as to the conduct of public servants involved. In such instances, it has probed the matter further, to see as to whether the death has been caused by custodial violence or negligence, and to take the matter to its logical conclusion.

5.5 The pursuit of the truth in such cases is of crucial importance to the protection of the rights of those who are in the custody of the State. When a wrong has been done, it is not surprising that an effort is sometimes made to conceal the truth or to underplay the responsibility of those involved. As observed in the preceding Annual Report, the NHRC had cautioned against custodial violence and torture, pointing out that the hostile attitude of law enforcement agencies in turn breeds lawlessness and contempt for the enforcing authorities. The NHRC is of the firm belief that one way of ensuring reduction in custodial crimes is to ensure stern action, including prosecution, against the perpetrators of all forms of custodial violence, even those relating to torture. In several such cases, the Commission has recommended disciplinary action against the delinquent officials and granted monetary relief to the victims or their next of kin. However, in many cases, punishment awarded by the authorities in departmental actions is not proportionate to the offence committed.

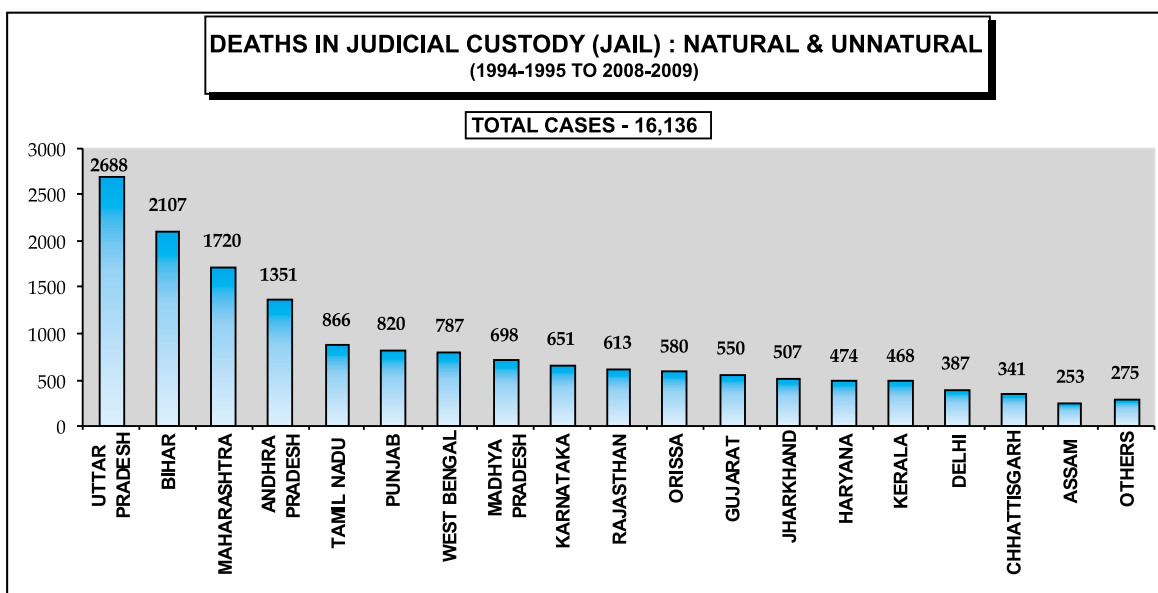
Custodial Deaths

5.6 During the period under review, the Commission received 1,527 cases of deaths in judicial custody, 127 cases of deaths in police custody and 6 cases of deaths in para-military/defence forces custody. It disposed off 2,349 cases of custodial deaths – comprising 2,147 cases of deaths in judicial custody, 201 cases of deaths in police custody and 1 case of death in para-military/defence forces custody. These figures also include cases of previous years.

5.7 The number of cases of deaths in police and judicial custody registered by the NHRC during 1993-1994 was 34. From 1994-1995 till 2008-2009, the NHRC registered 2,329 cases of death in police custody and 16,136 cases of death in judicial custody. The statement showing State/Union Territory-wise and year-wise details of cases registered in the NHRC relating to death in police and judicial custody from 1993-1994 to 2008-2009 is given at **Annexure-11**. The highest number of deaths in police custody during the period 1994-1995 to 2008-2009 were reported from the State of Maharashtra (315), followed by Uttar Pradesh (249), Gujarat (190), Andhra Pradesh (188) and West Bengal (162) as indicated in the Graph below.



5.8 The highest number of deaths in judicial custody during the years 1994-1995 to 2008-2009 were reported from the State of Uttar Pradesh (2,688), followed by Bihar (2,107), Maharashtra (1,720), Andhra Pradesh (1,351) and Tamil Nadu (866). For details concerning other States, see Graph below.



Conditions in Prisons

5.9 As per the PHRA, one of the functions of the Commission is to visit jails under the control of the State Governments where persons are detained or lodged for purposes of treatment, reformation or protection, so as to assess the living conditions prevalent therein and make recommendations thereon to the Government.

5.10 The NHRC has, time and again, reiterated that human rights of prisoners are inviolable and the fact of being detained or imprisoned does not take away their rights as human beings. This is because they have been temporarily deprived – by due process of law – only of their liberty on account of their involvement in the commission of certain offences (alleged or proven, as the case may be). They are kept in prison not only to undergo punishment as a deterrent against the crime committed, but also for reformation.

5.11 As already mentioned above, the NHRC has always laid emphasis on total prohibition of torture or any kind of cruel, inhuman and degrading treatment. It also underlines that though the prisoner's right to family contact may be restricted by the procedure established by law, it cannot be completely taken away. At the same time, it has stressed that special consideration must be given to women prisoners. Accordingly, over the years, the NHRC has issued several guidelines, made observations after conducting spot investigations and taken several other steps to improve the conditions in prisons so that prisoners can lead their lives with dignity and enjoy their rights even as they await judgement or complete their sentence.

C. Visits to Jails

5.12 In consonance with the functions elucidated under the PHRA, five Special Rapporteurs of the Commission visited 10 jails located in different States of the country during 2008-2009. The names of the jails visited by them were : Shillong District Jail in Meghalaya (June and July 2008); Puzhal Central Prison I, II & III located in Chennai, Tamil Nadu (July 2008); Yerwada Central Prison in Pune, Maharashtra (July 2008); Munger District Jail and Jamui Jail in Bihar (August 2008); Rongyek Central Prison in Sikkim (September 2008); Khunti Sub-Divisional Jail in Jharkhand (September 2008); Tezpur Central Jail in Assam (October 2008); Aguada Central Jail in Goa (December 2008); and Bhabanipatna District Jail in Orissa. The main objective of these visits was to oversee the functioning of these prisons as well as study the human rights situation of the inmates there. Based on the reports of the visits made by the Special Rapporteurs, the following issues require immediate attention:-

Overcrowding

Most of the jails visited were found to be overcrowded either marginally or enormously. On account of this, the living conditions of prisoners were found to be far from satisfactory. For example, in the District Jail located in Shillong, a large number of male inmates slept under beds occupied by other inmates on account of paucity of space, whereas in the District Jail of Jamui in Bihar the prisoners were devoid of requisite space to even sleep. One of the most significant factors responsible for overcrowding in jails was the exceeding number of undertrials in comparison to that of convicts. The District Jail in Jamui, Bihar had 629 undertrials and 28 convicts on the day of the visit made by the Special Rapporteur in contrast to the sanctioned capacity of 188 prisoners. The District Jail in Munger (Bihar) also had 521 undertrials and 57 convicts in comparison to the sanctioned capacity of 482 prisoners. Barring the Puzhal Central

Prison in Chennai, Yerwada Central Prison in Pune, and Rongyek Central Prison in Sikkim, the undertrials and convicts were lodged together in all the other jails visited, be it the male or female wards. This is an area of concern which needs to be looked into immediately by the jail authorities and rectified. One way of solving the existing problem of overcrowding in jails could be construction of new jails in States and Union Territories across the country.

Undertrials

A significant number of undertrials were found to be languishing in most of the jails for unduly long periods. In several instances, they were unable to secure bails, whereas in other cases despite the bail granted to them they were unable to furnish the surety as prescribed by the court. Majority of the undertrial prisoners lodged in various jails were those who had committed petty offences. Such cases could be promptly disposed off by holding camp courts inside the jail premises. In Rongyek Central Prison, it was informed that the court at times did not accept bail bonds unless the sureties happen to be government servants or owned more than 5 acres of land. The resultant outcome of this has been that many of the undertrials have remained confined to prison for more than three years. Their cases need to be brought to the notice of the respective courts for early disposal. The Central Prison in Yerwada too had a large number of undertrials who have been granted bail by the court but could not be released as no sureties were available. Other than this, it was difficult to get police escort for taking undertrials to the court from the prison. In Munger District Jail of Bihar, it was alleged by some undertrials that their thumb impressions were taken by the authorities when taken to the court; but they were not actually produced before the Magistrate. Being a serious allegation, the matter needs to be investigated and the production of undertrials before the Magistrate also need to be ensured. The undertrials lodged in Khunti Sub-Divisional Jail, Jharkhand also made a request for speedy disposal of their cases.

Convicts

It was observed in Munger District Jail of Bihar that some of the convicts had not been provided uniforms. It was also brought to light that some of the convicts of this jail were being used as watchmen in the Juvenile Home located in the jail premises. The Inspector General of Prisons needs to look into this issue and ensure that provisions contained in the Jail Manual of Bihar are not violated. It was observed that appeals of many convicts in different jails visited were pending in the respective High Courts of their States for a long period of time. For example, in Central Prison I, Puzhal, appeals of 11 convicts were pending in the High Court of Chennai. Cases of 5 life convicts were also before the Advisory Board for consideration of their premature release. Likewise, in Bhabanipatna District Jail, Orissa, 39 appeal petitions of convicts were pending before the State High Court. Twenty-four of these appeals had been pending for more than five years whereas the remaining for more than eight years. Most of these appellants were poor and not in a position to engage lawyers at their own cost. Similarly, 241 appeals of convicts imprisoned in Yerwada Central Prison, Pune were found to be pending with the State High Court. Some of these appeals were pending for more than 7 years.

Paucity of Jail Staff

It was noticed that there were number of vacancies in various categories in most of the jails visited. For instance, in Central Prison II at Puzhal in Chennai, Tamil Nadu, there were altogether 46 posts, which were lying vacant. The Central Prison III at Puzhal meant for accommodating women prisoners only, had 30 vacancies and among them the maximum vacancies were with regard to the post of Wardens. In the same way, Yerwada Central Prison had more than 60 vacancies. The District Jail in Munger, Bihar did not have a regular Jail Superintendent. Key posts like that of the Warden and the Head Warden were also found to be vacant. An analogous situation existed in Jamui District Jail in Bihar and Rongyek Central Prison in Sikkim. In the latter jail, out of the total sanctioned posts, one post of Sub-Jailor, one post of Assistant Sub-Jailor and 31 posts of Wardens were lying vacant.

Provision of Medical Facilities

Yerwada Central Prison had its own hospital within the jail premises. Depending on the nature of ailment, prisoners are admitted either as indoor patients or referred to Sasoon General Hospital for expert opinion and treatment. However, no proper liaison and coordination existed between the prison officials/doctors and the medical staff of Sasoon General Hospital. Many a times, the prisoners suffering from serious ailments had to wait endlessly for want of police escort to be taken to the General Hospital for treatment. Eighty-five prisoners were found to be psychologically disturbed in Yerwada Prison. They were kept in the observation ward of the prison hospital and should have been admitted for proper treatment elsewhere. In addition, there were 21 prisoners who were afflicted with HIV/AIDS and needed to be given special medical care and attention. The Hospital in Munger District Jail was in an appalling condition and the in-door patients were kept in extremely inhuman manner. In Bhabanipatna District Jail of Orissa, there is a provision of a six-bedded hospital. However, the only post of Medical Doctor was found to be vacant during the course of the visit made to the jail. In the same way, in Khunti Sub-Divisional Jail, there was a hospital within the jail precincts. However, there was no full-time Doctor. The Central Prison in Rongyek did not have a hospital of its own. The prisoners were thus referred for treatment to the local government hospital. A Medical Doctor visited the prison once in a fortnight.

Provision of Legal Aid

In most of the jails visited, there is a need to strengthen the legal aid system so that qualified lawyers are provided to all those who cannot afford their services. In Khunti Sub-Divisional Jail at Jharkhand, there were a large number of prisoners who were deprived of legal assistance. Correspondingly, in Bhabanipatna District Jail, Orissa, though many of the prisoners were availing the services of lawyers through the Legal Aid Authority, these lawyers by and large had a very lackadaisical approach towards their clients. Many of the undertrials housed in Rongyek Central Prison also complained about the indifferent attitude of the lawyers provided

to them under the Legal Aid Scheme. Few of them divulged that these lawyers made all kinds of unlawful demands on them and their family members.

Constitution/Meeting of Board of Visitors

The Board of Visitors is an important institutional arrangement involving civil society in keeping a watch on the jail administration. It comprises both official and non-official members. Most of the jails visited did not have the Board of Visitors as per the State Jail Manual. In Puzhal Central Prison I, a proposal for the constitution of a Board of Visitors had been submitted but the same was awaiting approval of the State Government. However, in its absence, the District Judge, Collector/District Magistrate, Superintendent of Police and other Officers from the State Human Rights Commission were making regular visits from time to time. In Rongyek Central Prison, though the State Government had constituted a Board of Visitors but it had not met for a very long time. The Board of Visitors in Tejpur Central Jail, Assam was reported to be non-functional. In Bhabanipatna District Jail, the Board of Visitors had been constituted but did not make a single visit to any jail after it was last constituted in the year 2007.

Repair and Maintenance of Buildings

Most of the jails visited were housed in old dilapidated buildings and thus required frequent repairs for its proper upkeep. In few of the old jail buildings, the drainage system posed to be a perennial problem.

Literacy and Vocational Training Programmes

In almost all the jails literacy and vocational programmes were being run by the jail staff either independently or with the help of non-governmental organizations. Few of the jails, like the District Jail in Shillong, Aguada Central Jail in Goa, Munger District Jail in Bihar and the Tezpur Central Jail in Assam, need to improve upon their literacy and vocational training programmes. One way of doing this by the jail authorities could be by way of eliciting the support of non-governmental organizations in running their literacy and vocational training programmes. The District Jail at Shillong in Meghalaya had rudimentary facilities for imparting vocational training to convicts but the same was not carried on in a sustained manner due to space constraint.

Training

There is an urgent need to train and sensitize all the officials and staff of the jails visited. In fact, training of officials and staff should be an on-going aspect of all the jails in the country. A step in this direction would not only motivate the jail personnel to carry out their role and responsibilities in a conscientious manner but also make them aware about various issues concerning prisoners.

Other Issues

Two of the inmates lodged in Khunti Sub-Divisional Jail in Jharkhand appeared to be juveniles. The Jail Superintendent was advised by the concerned Special Rapporteur to look into the matter.

There was a girl child above the age of 6 years in Yerwada Jail and is required to be sent to a Children's Home set-up under the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 where her access to education, health, medical care, etcetera is fully ensured. A number of old and infirm prisoners were found in Bhabanipatna District Jail of Orissa. One among them was 85 years old. In the Special Prison for Women in Puzhal, a crèche is being run from the jail premises catering to six children. However, all these children were found to be underweight. This is an issue which needs to be looked into by the State Government. Other than this, there is need to separate the judiciary from the executive in Meghalaya and other tribal States of North Eastern Region. Currently, Executive Magistrates 'double-up' as Judicial Magistrates for which they are not trained. Furthermore, the Executive Magistrates, who have many administrative duties, are usually unavailable for judicial work. This has led to mechanical extension of judicial custody thus violating the human rights of prisoners. Another unique feature of Meghalaya with regard to administration of justice is the presence of District Council Courts. These courts were established under the Sixth Schedule of the Constitution to deal with cases involving parties only belonging to the Scheduled Tribes. These courts, with the passage of time, have been empowered to even deal with cases pertaining to murder. However, there seems to be no yardstick on the basis of which cases are actually divided between the State Courts and the District Council Courts. This aspect needs to be carefully examined.

Summary of Recommendations/Suggestions Concerning Visits Made to Different Jails in the Country

5.13 In view of the visits made by the Special Rapporteurs to different jails in the country, the issues requiring immediate attention in all the jails are more or less the same. Most of the jails were overcrowded and the convicts and the undertrials were lodged together which needs to be rectified. The concerned State Governments need to ensure that the convicts and the undertrials are segregated and lodged separately. Most of the jail buildings being old need repair/renovation. Almost all the jails visited had vacant posts. These posts need to be filled-up immediately by the jail authorities. The budget prescribed for diet of prisoners in each State needs to be examined in the light of escalating cost of food items and transport. The issue of clothing and bedding provided to the convicts and the undertrials including those who are poor also needs to be examined by the respective State Governments. In order to equip the jail officials and staff with latest information, knowledge and skills, due emphasis should be laid on their training at regular intervals. Emphasis also needs to be laid on imparting different kinds of vocational skills to the inmates in all the jails. This would not only promote different kinds of work in the jails but also keep the inmates busy and in the process make them confident and self-reliant. Likewise, attention needs to be paid towards their educational and recreational requirements. The grievances of the prisoners regarding bail, sureties, parole, wages, remissions, appeals, transfer to jails nearer home, speedy trial, legal defence, interview with lawyers and family members for legal purposes, provision of legal aid, etc., also needs to be looked into and rectified by the respective State Governments. It would be pertinent to mention that the reports

of the visits made by the Special Rapporteurs to different jails in the country have been forwarded to the concerned State Governments for taking remedial measures.

D. Analysis of Prison Population

5.14 The NHRC compiles an analysis of prison statistics bi-annually. During the period under report, it analysed prison statistics up to 31 December 2007. The total prison population of the country was 3, 73,948 against the authorized jail capacity of 2, 76,960. Out of these, the percentage of undertrials was 67.9 per cent. Given the authorized capacity of all the jails and sub-jails, there is an overcrowding to the extent of 35 per cent for the country as a whole, as compared to 40.15 per cent as on 31 December 2006. The current trend is an encouraging one and efforts are further required to maintain this declining trend in future. Twelve States – Uttar Pradesh, Chhattisgarh, National Capital Territory of Delhi, Jharkhand, Gujarat, Madhya Pradesh, Uttarakhand, Himachal Pradesh, Kerala, Orissa, Assam and Punjab – had overcrowding ranging from 36 per cent to 101.3 per cent, which is above the authorized capacity.

5.15 Among these States, the NCT of Delhi (85.7%) and Gujarat (67.3%) have made remarkable progress in reducing overcrowding in jails. Other than this, States in which overcrowding has been reduced in comparison to the percentage as on December 2006 are – Jharkhand (68.2%), Orissa (44.9 %), Bihar (33.8%), Haryana (24.3%), Maharashtra (23.9%), Andhra Pradesh (18%), Lakshadweep (12.5%), Sikkim (12.4%) and Goa (1.7%). The States in which the percentage of overcrowding has risen as compared to the position in December 2006 are – Uttar Pradesh (101.3%), Chhattisgarh (99.5%), Uttarakhand (50.2%), Himachal Pradesh (45.2%), Kerala (45.1%), Punjab (36%), Andaman & Nicobar Islands (33.7%) and Puducherry (13.1%). Seven States and three Union Territories – West Bengal, Rajasthan, Tamil Nadu, Mizoram, Jammu & Kashmir, Manipur, Nagaland, Daman & Diu, Chandigarh and Dadra & Nagar Haveli – had an idle capacity in their jails as on 31 December 2007.

5.16 The undertrial prisoners constituted 67.9 per cent of the total prison population in the country as on 31 December 2007, a slight improvement from the previous year's 68.3 per cent. The States/Union Territories of Andhra Pradesh, Assam, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Tripura and Uttarkhand were having undertrials less than the all India level of 67.9 per cent.

5.17 The percentage of women prisoners in relation to the total prison population in the country remained almost the same as in the preceding year – 4 per cent. In this regard, Mizoram has consistently held the 'top slot' in the analysis from December 2004 to December 2007. Children up to the age of 5 to 6 years are permitted to live in jails with their mothers in pursuance of the directions given by the Supreme Court in R.D. Upadhyay vs. State of Andhra Pradesh. There were 2,071 children (upto the age of 6 years), as on 31 December 2007, who were staying with their mothers in jails across the country.



ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Chapter – 6

6.1 Following the adoption of the Universal Declaration of Human Rights by the General Assembly, the then Commission on Human Rights together with the Third Committee of the General Assembly began work on a text which was intended to form the basis of binding treaty obligations. Eventually from this work emerged two independent treaties and protocol in 1966 – International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR) and an Optional Protocol to the latter document. The Second Optional Protocol to ICCPR was adopted in 1989, and in the year 2008, the Optional Protocol to ICESCR was also adopted by the UN General Assembly. The ICESCR represents a substantial development in respect of human rights, although its language is much more the language of recognition than of obligation. In contrast, the principle of obligation in the ICCPR is more firmly specified. However, the preambles of both the international covenants are virtually identical as they recognize that human rights derive from the inherent dignity of human beings.

6.2 The Constitution of India also elucidates certain Directive Principles of State Policy that are fundamental to the governance of the country. It is the duty of the State to ensure the implementation of these Directive Principles for overall development of its citizens. These are essentially related to economic, social and cultural rights. They include, among others, the right to work; right to education; raising the level of nutrition; and improvement of public health.

6.3 The focus of this chapter is on 'Right to Health', 'Right to Food', 'Right to Education' and 'Rights of Women and Children'.

A. Right to Health

6.4 Intrinsic to the dignity and worth of human beings is the enjoyment of the right to health. The International Covenant on Economic, Social and Cultural Rights, to which India is a State Party, specifically recognizes that 'the enjoyment of the highest attainable standard of health' is the right of every human being. It must therefore be treated as a State responsibility, with the State having an obligation to ensure that this right is respected, protected and promoted. Indeed, in the Indian context, the provisions of Article 21 of the Constitution have been judicially interpreted to expand the meaning and scope of the right to life to include the right to health and to make the latter a guaranteed fundamental right which is enforceable by virtue of the constitutional remedy under Article 32 of the Constitution. For the Commission it has been important to link the issue of health to that of human rights. When linked together, more can be

done to advance human well-being than when health and human rights are considered in isolation.

Availability of Medical Care and Manpower

6.5 For realization and enjoyment of the right to health, it is important that doctors and other paramedical staff are available in sufficient numbers in rural areas and in the remote parts of the country.

6.6 In the earlier Annual Reports of the Commission, it was reported that in order to discuss the availability of manpower in remote parts of the country, a meeting with Medical Council of India, Indian Nursing Council and the Ministry of Health and Family Welfare was held in the Commission in August 2007. In that meeting it was decided that in order to overcome the shortage of doctors, one year rural posting be made compulsory for the MBBS students. The views of the Commission on the issue of compulsory rural attachment were conveyed to the Sambasiva Rao Committee constituted by the Ministry of Health and Family Welfare from the point of view of examining this issue. During the year under review, the Commission received the report of the Sambasiva Rao Committee. The Committee suggested that instead of extending the internship of MBBS students for another year to facilitate their rural posting, rural work up to one year should be made mandatory for candidates who want to pursue their post-graduation. For this purpose, the students will be appointed by their respective State Governments/Union Territories on contractual basis for a period of one year. In the meantime, the Government too has proposed to introduce one year of mandatory posting in rural areas for employment purposes.

6.7 The Commission has also recommended to the Ministry of Health & Family Welfare that one year rural posting should be made mandatory irrespective of the fact whether MBBS students want to pursue their post-graduation or not.

Silicosis

6.8 In the last Annual Report of the Commission, it was reported that silicosis is a serious lung disease caused by inhalation of dust containing free crystalline silica, a major component of sand, rock and mineral ores. It is thus disabling, non-reversible and sometimes a fatal lung disease, which progresses even when contact with silica stops. Lakhs of workers in India encounter high-risk silica exposures. The majority of them are in the unorganized sector like slate and pencil cutting, stone cutting and the agate industry.

6.9 It was further reported that given its adverse effects on the enjoyment of human rights, the NHRC had pointed out that silicosis is an occupational hazard that needs necessary intervention and convergence of Ministries of Industry, Labour and Health; the National Institute of Occupational Health (NIOH); and the National Institute of Miner's Health (NIMH). It had also recommended comprehensive legislation and an effective operational mechanism to ensure

both care for all affected persons and prevention of further cases. Accordingly, the NHRC had constituted a Task Force on silicosis under the chairmanship of one its Members.

6.10 During 2008-2009, the NHRC received individual complaints on the problem of silicosis. In a meeting held on 1 May 2008, the Commission reiterated that silicosis is an occupational hazard and it could be prevented if the working conditions of workers are properly regulated and proper warnings are adhered to by the employers, both in the organized and unorganized sector. Since none of the States/Union Territories have a policy that encompasses preventive, curative and rehabilitative measures that could be taken for the benefit of silicosis victims, the NHRC directed that the Union Government and the States/Union Territories should furnish complete information with regard to the following points:

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

6.11 At the time of writing of this Annual Report, the Commission had received responses from 18 States only. It had also received a copy of the Supreme Court order dated 5 March 2009 in the Writ Petition (Civil) No. 110 of 2006 in the case of People's Rights and Social Research Centre (PRASAR) v. Union of India and Ors. In this case the Supreme Court has issued directions

to the Ministries of Health and Labour to provide all necessary assistance to NHRC for any action with regard to the issue of silicosis. Looking at the gravity of the problem, the Commission has recently constituted an Expert Group on the problem of silicosis.

B. Mental Health

6.12 The NHRC, right from its inception, has been giving special attention to the human rights of mentally-ill persons in view of their vulnerability and need for special protection. As part of the mandate given to it by the Supreme Court in 1997, the Commission has been monitoring the functioning of three mental health hospitals at Agra, Gwalior and Ranchi. In 1999, in collaboration with the National Institute of Mental Health and Neuro-Sciences (NIMHANS), Bangalore, it brought out a monograph titled “Quality Assurance in Mental Health”. All this has generated considerable awareness among people about the right of mentally-ill persons in our country. During the year 2008-2009, the NHRC continued with its efforts of creating a better understanding and awareness about the rights of mentally ill persons by organizing conferences and undertaking visits to mental hospitals across the country.

6.13 A National Conference on Mental Health and Human Rights was organized at the National Institute of Human Rights, National Law School of India University in collaboration with NIMHANS at Bangalore from 29 to 30 April 2008.

6.14 It also organized a meeting of the Health Secretaries and State Mental Health authorities at NIMHANS, Bangalore on 8 and 9 May 2008. The main objective of the meeting was to review the status of implementation of Commission’s recommendations on ‘quality assurance in mental health’ and simultaneously update the publication on “Quality Assurance in Mental Health”. The suggestions received during the meeting were subsequently incorporated in the NHRC publication entitled “Mental Health Care and Human Rights”. The latter publication was released by the Commission on 11 October 2008 and sent to the concerned Union Ministry, all States/Union Territories as well as to all mental hospitals in the country.

6.15 During the meeting convened with the Health Secretaries and Mental Health authorities, the issue of shortage of psychiatrists was also discussed. The Commission requested the Medical Council of India (MCI) to increase the intake of number of psychiatrists in the country. It was informed by the MCI to the Commission that it had granted permission for the commencement of MD degree course in Psychiatry in 18 institutes by 2008 as well as launch DPM course in 7 institutes. In addition, it had granted permission for increasing the number of seats in 4 institutes by 2008 which would result in additional 25 seats in MD (Psychiatry) and 28 seats in DPM. The Commission, however, is of the firm view that it is nowhere near meeting the demand and that the resultant treatment gap is a serious human rights violation. The NHRC, therefore, once again urges the MCI and the Ministry of Health and Family Welfare, Government of India, to intensify its efforts in order to meet the demand for adequate manpower in the field of mental health.

6.16 The Ministry of Health & Family Welfare had further informed that during the Eleventh Five Year Plan period, it proposes to establish at least 11 centers of excellence in mental health by upgrading and strengthening identified existing mental health institutions. All Government Medical Colleges, Government General Hospitals, State run Central Health Institutes would also be supported for starting Post-Graduate (PG) courses to increase the intake capacity for PG training in mental health.

6.17 On 20 January 2009, another meeting was convened under the chairmanship of Justice Shri G.P. Mathur, Member, NHRC at NIMHANS in Bangalore. In this meeting the issue of shortage of psychiatrists was discussed in detail. It was recognized that there is a need for MCI to relax its standards from the present 1 : 1 (one Professor : one student) to 1 : 2 (one Professor : two students) for a 10 year period. Based on the discussions held in the meeting, the MCI was urged to inform the NHRC about their views concerning the issue of relaxation of norms to overcome the shortage of psychiatrists in the country at the earliest. At the time of writing of this Annual Report, the response of MCI was still awaited.

6.18 As already mentioned above, on being entrusted with the responsibility of overseeing the functioning of three major mental health hospitals in Ranchi, Agra and Gwalior by the Supreme Court of India on 11 November 1997, the NHRC has been incessantly monitoring the functioning of these three hospitals. During 2008-2009, apart from visiting the Gwalior Mansik Arogyashala (GMA) and the Institute of Mental Health and Hospital (IMHH) in Agra, one of the Special Rapporteurs of the Commission visited five other mental health hospitals/institutions in the country, namely — Mental Health Hospital in Bareilly, Uttar Pradesh (April 2008), Institute of Mental Health in Kilpauk, Tamil Nadu (July 2008), Yerwada Regional Mental Hospital in Pune, Maharashtra (July 2008), Mental Health Hospital in Cuttack, Orissa (December 2008) and Government Hospital for Mental Care in Visakhapatnam, Andhra Pradesh (March 2009). Based on the reports of the visits made by the Special Rapporteur, the following issues require immediate attention:-

(i) Physical Structure and Infrastructure

Most of the mental health hospitals were functioning from old dilapidated buildings and thus suffered from many deficiencies in terms of physical structure as well as infrastructure. The building in which Bareilly Mental Health Hospital is housed was 137 years old. It had seven wards and one family ward but there were no proper facilities whereby any family member could stay. Further, there were inadequate number of beds; as a result, patients were made to lie on the floor. The Mental Health Hospital in Bareilly did not have an emergency ward or a library or proper avenues for recreation. The Out-Patient Department (OPD) was devoid of proper sitting arrangements and did not have any provision of potable drinking water. The Institute of Mental Health at Kilpauk in Chennai is also functioning from a building which is 216 years old. However, in comparison to Bareilly Mental Health Hospital, Kilpauk Mental Health Institute was spacious, endowed with adequate budgetary resources and thus had a

good administrative infrastructure. There were no gaps found in the management of drugs in the Mental Health Institute either in terms of storage or distribution or dispensation of medicines. In the OPD, there were proper seating arrangements along with facility of potable drinking water. The OPD, on an average, daily catered to about 350-450 patients. The Regional Mental Hospital at Yerwada in Pune was 93 years old. Having 2,540 sanctioned beds, it comes in the category of a very big mental hospital. Even so, the average occupancy during the last three years had not exceeded 1700. One of the reasons for this could be that unlike Agra, Gwalior and Ranchi mental hospitals, it did not have a Managing Committee with delegation of administrative and financial powers. The Mental Health Hospital at SCB Medical College in Cuttack is an adjunct of SCB Medical College and is dependent on the latter for (a) pathological tests; (b) referral cases for specialized treatment of mentally ill persons suffering from various other ailments; (c) diet; (d) laundry; and (e) major administrative and financial decisions. It also did not have a proper drug dispensing unit or a half-way home for rehabilitation of mentally ill patients.

In contrast to other Mental Hospitals, the infrastructure at the Government Hospital for Medical Care in Visakhapatnam was found to be better as it had almost all the facilities and amenities like potable water, well-lighted rooms with proper ventilation, separate observation rooms for keeping violent patients and proper consultation rooms for OPD patients. In the In-Patient Department (IPD), new wards had been constructed with a total capacity of 315 beds. This to a very large extent has brought down congestion and overcrowding in the Government Hospital. However, no serious efforts had been made to establish a Half-way Home with the involvement of NGOs. Notable changes were noticed during the visit made to Gwalior Mansik Arogyashala. For example, other than bringing about improvement in cleanliness, few of the wards had been expanded. An enhancement had been made in the budget concerning food for in-house patients, introduction of yoga and meditation classes, decentralization of drug management and easy access to recreation facilities. The Arogyashala did not have a psychological laboratory or a physiotherapy unit. Prominent changes were seen in the Institute of Mental Health and Hospital in Agra. For example, a new OPD Block was under construction.

(ii) Shortage of Professionals and Other Staff

Almost all the hospitals were deprived of required number of professionals like psychiatrists, clinical psychologists, psychiatric social workers and other trained technicians. In the absence of the same, it could easily be concurred that either very little emphasis is laid on psycho-social inputs like individual therapies, group counselling, family therapy, psychological testing, case work, etcetera or no emphasis is laid on these aspects in many of the hospitals. Besides, a number of them were deprived of staff nurses and attendants. For instance, in Bareilly Mental Health Hospital, a separate building had been constructed for running of a pathological laboratory but in the absence of a pathologist/laboratory technician the same was non-functional. In addition, the Hospital did not have a Yoga Teacher and a Dietician. The posts of staff nurses and female attendants at Kilpauk too had not been filled up. The Regional Mental Hospital at Yerwada in

Pune altogether had 74 posts in various grades which were found to be vacant. In the Government Hospital for Mental Care, Visakhapatnam, none of the 54 appointed nurses (12 head nurses and 42 staff nurses) were trained in Psychiatry. The post of Occupational Therapist had not been filled up since August 1995. In Gwalior Mansik Arogyashala, contrary to the directions of the Supreme Court, there existed no continuity in the tenure of the Director. Other than this, curbs continued to be imposed on the administrative, financial and other powers attached to the post of Director.

In the Institute of Mental Health and Hospital, Agra, various posts required to be filled up had been advertised and a good number of Class III and Class IV posts had been filled up on contractual basis. Simultaneously, requisite steps had been taken for in-house training of nurses and other para-medical staff.

(iii) Medical Records

Most of the Mental Health Hospitals were devoid of proper record rooms with computer facility of storing and retrieving data concerning the personal and family history of mentally ill patients. This was found to be true for the Institute of Mental Health at Kilpauk and the Mental Health Hospital at SCB Medical College in Cuttack. The record room of the Arogyashala too needs to be expanded or shifted to a more spacious room/place.

(iv) Incarceration of Cured Mentally-Ill Patients

Non-acceptance of mentally cured persons by their immediate family members/relatives was one of the major factors that resulted in their long confinement in the mental hospitals. The primary reason cited by the family members/relatives for this kind of behaviour was the fear factor related to 'relapse' of cured mentally ill patients. In Yerwada Regional Mental hospital, there were 595 patients whose average duration of stay ranged between 5 and 30 years. The predicament of cured patients posed to be a continuous problem in Government Hospital at Visakhapatnam and Institute of Mental Health and Hospital in Agra.

6.19 The observations made by the Special Rapporteur during the course of visits made to seven Mental Hospitals/Institutions were considered by the Commission and the same were subsequently forwarded to the concerned State Governments for taking required necessary action. The concerned State Governments were also requested to send in their action taken report to the NHRC.

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

6.20 The Commission has undertaken a programme of "Human Rights Awareness and Facilitating Assessment of Enforcement of Human Rights Programme" across the country. For this purpose, 28 districts, one from each State, have been selected from the list of identified districts availing the 'Backward Regions Grant Fund' of the Ministry of Panchayati Raj,

Government of India. The 'Backward Regions Grant Fund' has also been endorsed by the Planning Commission of Government of India and the Indian Council of Agricultural Research for their National Agricultural Innovation Project. The parameters on which these backward districts have been identified are – rate of illiteracy, percentage of Scheduled Castes and Scheduled Tribes population, infant mortality rate, etc. The names of the 28 districts identified by the Commission are as follows:

S. No.	State	District
1.	Andhra Pradesh	Adilabad
2.	Arunachal Pradesh	Upper Subansiri
3.	Assam	Karbi Anglong
4.	Bihar	Jamui
5.	Chhattisgarh	Dantewada
6.	Gujarat	Dang
7.	Goa	South Goa
8.	Haryana	Ambala
9.	Himachal Pradesh	Chamba
10.	Jammu & Kashmir	Kupwara
11.	Jharkhand	Chatra
12.	Karnataka	Bidar
13.	Kerala	Wayanad
14.	Madhya Pradesh	Jhabua
15.	Maharashtra	Gadchiroli
16.	Manipur	Tamenglong
17.	Meghalaya	South Garo Hills
18.	Mizoram	Saiha
19.	Nagaland	Mon
20.	Orissa	Kalahandi
21.	Punjab	Hoshiarpur
22.	Rajasthan	Banswara
23.	Sikkim	North Sikkim

S. No.	State	District
24.	Tamil Nadu	Tiruvannamalai
25.	Tripura	Dhalai
26.	Uttar Pradesh	Sonbhadra
27.	Uttarakhand	Champawat
28.	West Bengal	Jalpaiguri

6.21 The main objective of the programme is to spread awareness among the people in the identified districts on focused human rights issues like food security, education, custodial justice, health, hygiene and sanitation, etc. by undertaking field visits to the schools, primary health centers, community health centers, hospitals, police stations, prisons, panchayats, ration shops functioning under the public distribution system, various Departments working for the empowerment of children, women, Scheduled Castes, Scheduled Tribes and other vulnerable sections of the society, etc. and concurrently organize a Workshop on “Human Rights Awareness and Facilitating Assessment & Enforcement of Human Rights Programme” at District Level Administration. The basic purpose of organizing a Workshop in each selected District is to enlighten people about their rights as well as monitor the implementation of the recommendations of the Commission, issued from time to time on specific human rights issues.

6.22 During the period under review, the following districts were visited by the Commission for human rights awareness and facilitating assessment of enforcement of Human Rights Programme:

Sl. No.	District	State	Dates/Month
1.	Chamba	Himachal Pradesh	3-5 July 2008
2.	Ambala	Haryana	6-8 August 2008
3.	North Sikkim	Sikkim	26, 27 & 30 September 2008
4.	Jalpaiguri	West Bengal	3-6 November 2008
5.	Dhalai	Tripura	25-28 November 2008
6.	South Garo Hills	Meghalaya	16-19 December 2008
7.	Sonbhadra	Uttar Pradesh	2-5 February 2009
8.	Dang	Gujarat	10-12 February 2009
9.	South Goa	Goa	25-27 February 2009

D. Food Security

6.23 A meeting was convened under the chairmanship of Justice Shri G. P Mathur, Member, NHRC on 6 May 2008 to discuss Food and Agriculture Organization's (FAO) initiative of preparing a guide on legislating Right to Food. The participants to this meeting were representatives of FAO, senior officers of NHRC and Members of NHRC's Core Group on Right to Food.

6.24 The meeting deliberated upon the question of providing legal remedy at affordable cost and simple mechanism; enforcement of right to food; regulation of private sectors; monitoring the implementation of right to food at micro and macro level; defining the standards of food security; and research and resource support for addressing the issue of right to food.

E. Right to Education

6.25 The National Human Rights Commission has been advocating for the cause of right to education ever since it came into existence in the year 1993. In order to facilitate the implementation of the Constitution (Eighty-sixth Amendment) Act, 2002, the Commission organized a two-day National Seminar on Right to Education at New Delhi on 11 and 12 September 2008. The Seminar discussed many issues in depth related to right to education. Based on the detailed deliberations in the Seminar, the recommendations made were adopted by the Commission and circulated to the Ministry of Human Resource Development, Government of India, concerned Ministries/Departments of the State Governments / Union Territories and other stakeholders. These recommendations are as follows:

- In order to achieve some basic uniform standards, the Central Government should enact appropriate legislation at the earliest, as considerable time has already elapsed since the adoption of the 86th Constitutional Amendment Act, 2002 by the Parliament. However, as free education upto some level is already being provided in almost all the States, the State Governments need not wait for the Central Act in order to take measures for facilitating enforcement of this right.
- Right to free and compulsory education should encompass all children until they complete elementary education, i.e. class VIII instead of only the age criteria.
- The terms like 'equitable quality of education', 'free and compulsory education', 'norms' and 'standards', need to be defined or elucidated.
- Adequate focus should be given to crafts and vocational training.
- Central, State and Local Governments must assume the responsibility of ensuring right to education. Local Government bodies should strive to ensure participation and involvement of parents, local management committees, communities, non-governmental organizations, etc. in this regard.

- Role and responsibility of each level of government/administration must be clearly defined in ensuring enforcement of the right to education.
- The Government should make necessary provisions for early childhood care, education and development for the children of the age group of 0 to 6.
- Minimum standards for all aspects of quality of education, including infrastructure, curriculum, teachers training, education and other pedagogic dimensions must be prescribed in consultation with professional bodies.
- Universal access to quality education has to be treated as non-negotiable. Provision for free textbooks, uniforms and mid-day meal should be made universal.
- There is a need to eventually convert short-term interventions like Sarva Shiksha Abhiyan (Universal Elementary Education Programme) into the formal system of education.
- The scheme of para-teachers needs to be abolished altogether and fully qualified and trained teachers need to be recruited. For this purpose there is a need to expand and strengthen the teacher education/training institutions.
- There is a need for substantial hike in the financial allocation to education. The allocations need to be periodically reviewed and enhanced to meet the requirements. Expenditure on education should not be treated merely as expenditure but as an investment.
- The educational objectives must be made realistic and achievable. There is a need for a strict time-frame for implementation of the right to education.
- “Education for all” implies that education is extended to all children in a conducive environment without discrimination and disparities in gender, socio-economic groups and other vulnerable sections of society being eliminated.
- While education should follow common norms, it should also be adapted to local situations. Every child should be taught in the first language/mother tongue at least for the first two years, during which the child should be helped to learn in the prescribed medium of instruction(s) in the State. The Three Language Policy should be strictly implemented.
- Effective regulatory and evaluation mechanisms should be put in place to ensure implementation and quality assurance in the school education system.
- Private unaided schools should also enroll children of poorer sections.
- Continuous assessment should become the norm, both for teachers and children in school including the Sarva Shiksha Abhiyan (SSA).
- The existing norm of teacher-pupil ratio of 1:40 in primary schools and 1:35 in upper-primary schools should be maintained throughout. However, as a long-term goal, efforts should be made to reach a ratio of 1:20/25.

- The long-term goal of education policy should be towards developing a uniform common school system. Strength of India is having a high percentage of young population. The challenge is with us to transform it into an asset.

F. Rights of Women and Children

a) Rights of Women

Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women

6.26 In the last Annual Report of NHRC, it was reported that when the Task Force constituted for finalizing the Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women (INPoA) had not completed its task, the Commission on its part approved the draft INPoA and forwarded the same to the Ministry of Women and Child Development (MWCD), Government of India on 12 January 2009 for taking further necessary action in the matter. A copy of the same was also forwarded to the National Commission for Women, the National Commission for Protection of Child Rights and the Ministry of Labour, Government of India, for appropriate action.

6.27 Subsequently, the MWCD had convened a meeting on 11 June 2009 inviting the concerned representatives of the Ministry of Home Affairs, Ministry of Labour, NHRC and NCW for a discussion whereby the INPoA is formally adopted by the Government of India. The MWCD drew the attention of all those present on the occasion towards the time-frame matrix evolved by them detailing out the action points, activities to be carried out by each of the concerned Ministries/ Departments/Academies/Institutions including the time-frame during which the required action point and activities associated with it have to be completed.

6.28 The participants in principle agreed to the adoption of the INPoA and suggested that:

- The INPoA should be in line with the Standard Operating Procedures (SOP) developed for the implementation of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.
- The INPoA should also include the action points provided in the Gender Convergence Action Plan which is being formulated separately.
- The matrix developed should clearly identify the Ministry which would be responsible for implementation of that particular action point. Also, the serial numbers followed in the INPoA and that of the matrix should tally with one another.
- The INPoA should identify monitorable indicators wherever possible.
- The issue of child adoption leading to trafficking should be incorporated in the INPoA.
- A study may be undertaken in high source areas to find out whether poverty alleviation programmes under NREGA have had any effect on the incidences of trafficking and its reduction.

b) *Rights of Children***Issue of Missing Children**

6.29 In the last Annual Report for the year 2007-2008, the Commission had informed that it had constituted a Committee to look into the issue of missing children and forwarded its recommendations/suggestions to all the Chief Secretaries and Directors General of Police of all the States/Union Territories, as well as to the National Commission for Women, National Commission for Protection of Child Rights and the Ministry of Women and Child Development, Government of India for their necessary compliance. While sending the same, a reporting format devised by the Commission was also forwarded to all the States/Union Territories from the point of view of gathering information on different aspects concerning missing children.

6.30 During the period under report, the Commission had received information from the States of Andhra Pradesh, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and Uttarakhand. Andaman & Nicobar Islands, Dadra & Nagar Haveli, Lakshadweep and Puducherry are the Union Territories which have also forwarded information in the required format. Information has been received from NCT of Delhi too. The NHRC once again urges all those States and Union Territories which have so far not forwarded the required information to expedite doing the same.

Monitoring of Juvenile Justice System in India

6.31 The Commission had reported in the last Annual Report that it had forwarded the recommendations of the two-day National Conference on Juvenile Justice System in India that was organized by it earlier to all the Secretaries of Departments of Social Welfare/Social Defence/Social Justice in all States/Union Territories for compliance in order to bring about quality improvement in the juvenile justice system. As the response to the same was poor, the NHRC designed a reporting format for obtaining feedback from various States/Union Territories on the issue of juvenile justice system.

6.32 Till date the Commission has received responses only from Andhra Pradesh, Assam, Bihar, Chandigarh, NCT of Delhi, Haryana, Kerala, Maharashtra, Madhya Pradesh, Rajasthan and Sikkim. From the available data received so far, it seems that the States/Union Territories who have forwarded information are gradually becoming sensitive to the plight of children in need of care and protection and juveniles in conflict with law. However, the Commission once again requests all those States and Union Territories who have not responded, to expedite sending the required information as per the devised reporting format.



ELIMINATION OF BONDED LABOUR AND CHILD LABOUR SYSTEMS

Chapter – 7

A. Bonded Labour System

7.1 The right against exploitation is enshrined in Article 23 of the Constitution of India. The Article prohibits traffic in human beings and *begar* and other similar forms of forced labour. The system of forced or bonded labour essentially represents the relationship between a creditor and a debtor under which a debtor agrees to render service to the creditor from whom obligations, whether in kind or money, have been taken. Though the system was deeply embedded in a feudal and semi-feudal social structure of the past, it continues to exist in India even today in diverse forms. Earlier too, the bonded labour was known by different names in different parts of the country such as *kamiya*, *harwah*, *gothi* or *jeeta* or *jeetam* or *sagri*. Its perpetuation, to a large extent, was accentuated by the uneven social structure and iniquitous social system. The problem of bonded labour is closely linked to other factors as well, such as, surplus labour, unemployment/underemployment, low wages, distress migration, antiquated social customs, poor implementation of tenurial land reforms, tribal land alienation, illiteracy and indebtedness.

7.2 In order to deal with the problem of bonded labour system in the country, the Bonded Labour System (Abolition) Act (BLSA Act) was enacted in the year 1976. The salient features of this Act are as under:-

- on commencement of the Act the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render bonded labour;
- any custom, agreement or other instrument by virtue of which a person is required to render any service as a bonded labourer shall be void;
- liability to repay bonded debt shall be deemed to have been extinguished;
- property of the bonded labourer is required to be freed from mortgage, etc;
- freed bonded labourers shall not be evicted from homestead land or other residential premises which she/he was occupying as part of consideration for the bonded labour;
- District Magistrates have been entrusted with certain duties and responsibilities for implementing the various provisions of the Act;
- Vigilance Committees are required to be constituted at District and Sub-Divisional levels;

- offences for contravention of provisions of the Act are punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees;
- powers of Judicial Magistrates are required to be conferred on Executive Magistrates for trial of offences under the Act. Offences under the Act may be tried summarily;
- every offence under the Act shall be cognizable and bailable.

7.3 The Supreme Court of India has also given a meaningful interpretation to the definition of the bonded labour system through its various judgements by retaining its essential spirit. Despite this, the process of identification of bonded labour system is fraught with problems and difficulties. Further, as per the directions of the Supreme Court, a survey was conducted by all the States/Union Territories during 1996. The outcome of this survey revealed that seven States alone had identified 28,916 bonded labourers. The names of these States are Arunachal Pradesh, Bihar, Karnataka, Madhya Pradesh, Maharashtra, Uttar Pradesh and Tamil Nadu. The remaining States/Union Territories had filed affidavits in the Supreme Court stating that no incidences of bonded labour were found during the survey.

7.4 It has been observed that the bonded labour system is a constant problem as it can occur and recur at any point of time in agriculture or its allied activities or non-agricultural activities. The identification of the bonded labour system, therefore, should be a continuous process which requires continuous vigilance and surveillance on the part of the Chairperson and Members of the Vigilance Committees at the District and Sub-Divisional level. Some of the problems encountered in identification of bonded labourers are:

- for fear of reprisals and loss of employment, the bonded labourers, mostly belonging to Scheduled Castes and Scheduled Tribes do not come forward to lodge any complaint against the perpetrators of the crime themselves;
- the aggressive environment created by the masters for maintenance or restoration of status quo, does not make filing of complaint possible;
- lack of alternative employment opportunities further compounds this problem ; and
- malfunctioning of Vigilance Committees, insensitivity and lack of awareness of local officials of the peculiarities and complexities of the bonded labour system and its issues, paucity of voluntary agencies to identify bonded labourers and to prevent cases of fraudulent identification.

7.5 The problem of bonded labour system has drawn the attention of the NHRC as well, ever since it came into existence in the year 1993. In order to tackle the problem, the NHRC has been undertaking State-wise reviews and conducting workshops for sensitizing and creating awareness among all stakeholders on issues concerning bonded labour system in the country.

7.6 During the year 2008-2009, one of the Special Rapporteurs of NHRC conducted a review of the status of implementation of the BLSA Act in the State of Bihar in April 2008. A gist of the Special Rapporteur's observations and recommendations, as contained in his report, is given below.

State Review of Bihar

7.7 The visit to the District of Muzaffarpur in Bihar revealed that 51 residents belonging to the District who had migrated out of the State in search of work were working as bonded labourers. On identification, all the 51 were released from bondage and later brought back to Muzaffarpur for rehabilitation purposes. However, till date, all of them have not been fully rehabilitated. Out of the total numbers who were brought back to Muzaffarpur, 11 were children in the age group of 10 to 15 and belonged to a minority community. Eight of these children were residents of Chit Bhagwatipur village. They were lured into employment by a recruiting agent who was also from the same village. The agent acted as a middleman and took all the children to a zari manufacturing unit in Delhi. These children were spotted by an NGO, namely, *Bachpan Bachao Andolan*, who facilitated the release and repatriation of all the children back to Muzaffarpur.

7.8 During the course of the visit made by the Special Rapporteur, only five out of eight children were located. On interrogation, the children revealed that they had worked for a zari manufacturing unit in Gadi Shera Mohalla of Delhi for almost 18 to 20 hours. During their stay, the children were not given any wages except three meals a day. The Head of the Village Panchayat (*Mukhiya*) of Chit Bhagwatipur disclosed that births in the village were not being registered under the Registration of Births and Deaths Act. In the absence of the same, it was a little difficult to determine the correct age of the children in the village. The Panchayat had no inkling as to when people move out of the village either on account of their own volition or when approached by the agents/middlemen who recruited them on behalf of employers residing outside the village/district/State. It later transpired that recruitment of children by recruiting agents at a very tender, formative and impressionable stage of their development to districts within and outside Bihar is an on-going phenomenon. These kinds of movements usually took place in a surreptitious manner and the Village Panchayat had no clue about it even though work rendered by children at tender age especially in a hazardous occupation like zari manufacturing is clearly at the cost of health, safety and total development of children. According to the Special Rapporteur, it was distressing to know from the *Mukhiya* that he had no information about the functioning of the Village Primary and Upper Primary Schools.

7.9 In recent years, no survey had been conducted for identification of bonded labourers in the State of Bihar. Yet, the State Labour Department maintained that bonded labourers were being identified by government functionaries and civil society organizations and the number of bonded labourers identified during the last 5 years was as under:-

S.No.	Year	No. of identified bonded labourers
1.	2003-2004	305
2.	2004-2005	281
3.	2005-2006	141
4.	2006-2007	146
5.	2007-2008	120

7.10 It is a well-known fact that the identification of bonded labourers and their enumeration is the first step in the entire process concerning their release and rehabilitation. Similarly, the role of Vigilance Committees is to regularly go to the field; keep eternal vigilance and surveillance as to what is happening in reality; take the help of good, reliable and committed NGOs, wherever essential and make sincere and determined efforts to identify the bonded labourers instead of sitting comfortably in their respective offices and taking altogether a pessimistic view on the issue. The District Magistrates and Sub-District Magistrates as Chairpersons of these Committees must provide the desired leadership and the required wherewithal for their proper functioning.

7.11 In addition, the constitution of a State Level Monitoring Committee is equally essential for monitoring the work of Vigilance Committees and in coordinating the role and responsibilities of a number of Departments (like Education, Home, Health, Industry, Information Technology, Labour, Law, Revenue, Rural Development, Social Welfare/Scheduled Castes/Scheduled Tribes Welfare, Urban Development, Women and Child Development). It was revealed by the Special Rapporteur, that currently the stand of the nodal Department with regard to the constitution of a State Level Monitoring Committee was not very positive. It would be ideal if the overall role, functions and importance of having such a Committee is perceived in a proactive way.

7.12 In the light of the directions given by the Apex Court in *Neerja Chaudhury vs. Madhya Pradesh* in W.P. (Civil) No. 1263 of 1982, (AIR 1984 SC 1099) that there should be constant check and supervision over the activities of the officials (assigned with the task of identification, release and rehabilitation of bonded labourers), the Special Rapporteur's opinion was that at least one review should be conducted by the nodal Department in order to know the correct factual situation about the existence of bonded labour system in the State of Bihar. As of now, the State does not have any clue about the following:-

- whether Government functionaries and civil society organizations have actually conducted a survey and whether they have submitted reports to the concerned Executive Magistrates for pronouncing orders u/s 21(2) of the BLSA Act;
- the total number of cases that have been registered, disposed off and those that are pending;
- the total number of bonded labourers that have been released;

- whether release certificates have been handed over to all the freed bonded labourers after verifying their identity in person.

7.13 While identification and release are reported to be coterminous, there is a gap of one year between the date of release and date of sanction of rehabilitation assistance. Other than this, a much longer time lag existed with regard to the implementation of the rehabilitation proposal. As a result, the freed bonded labourer either migrated or returned to the erstwhile bonded labour keeper, both of which are not desirable. It was felt by the Special Rapporteur that the special problems relating to inter-state migrant workmen, especially those migrating from Bihar to Punjab, Haryana, Maharashtra, Gujarat and thus obtaining the status of bonded labourers at the destination point, should engage the serious and urgent attention of the nodal Department in general and of the State Government in particular.

B. Child Labour System

7.14 Ever since the NHRC came into existence, it has been continuously monitoring the situation of child labour in the country and in the process has issued recommendations for compensation as well as penal action against all offenders.

State Reviews

7.15 In order to facilitate the practice of eliminating the problem of child labour in the country, the Commission since 2000 has been making status reviews of all those States/Union Territories where this predicament seems to be rampant. During the year under review, the NHRC through its Special Rapporteur focussed its attention on Tamil Nadu (July 2008), Uttar Pradesh (July 2008) and Maharashtra (July 2008). The observations and recommendations contained in Special Rapporteur's reports are summarized below:

Tamil Nadu

7.16 Periyar, North Arcot, Coimbatore, Madurai, Ramanathapuram and Thiruvallur districts account for a high proportion of child labour in the State of Tamil Nadu. In comparison, the proportion of child labour is relatively lower in districts like Thanjavur and Chengalpattu. On the other hand, in Dharmapuri and Salem districts, child workers form a strikingly higher proportion to the total work force available in the districts. Sivakasi in Virudhachan district has the dubious distinction of having the world's highest concentration of working children that is employed in production of safety matches, firework explosives and printing industry. Other occupations where working children are found in large number in Tamil Nadu is the *beedi* industry (Vellore, Tiruchi and Thiruvallur districts), silk handloom weaving and handloom industry (Chengalpattu, Vellore and Thanjavur districts), gemstone cutting and polishing (Tiruchi and Pudukottai districts), tanneries (Vellore, Dindigul and Chennai districts), powerlooms (Periyar, Coimbatore and Salem districts) and cotton rope manufacturing (Vellore and Madurai districts). Additionally, a large number of children are employed in the service sector which officially may not be accounted for.

7.17 Poverty, backwardness and agro-climatic conditions are considered to be three major factors responsible for employment of children in the State. This correlation is most pronounced in Sivakasi in Viruddhanagar district. The region remains arid due to low rainfall for more than 300 days in a year. Being a drought prone area, the percentage of cultivators depending full-time on agriculture is very low. The bleak prospect of agriculture has led to a situation where cheap labour is available in abundance for doing any kind of work. Among them are also children in the age group of 5-14 having nimble fingers who become easy target and source of cheap labour by the unscrupulous employers for production of safety matches. These children work in deplorable conditions for 10 to 12 hours daily under tiring conditions, at times even more without any break for months together and at times without any payment. Many of these children start their day as early as 4 in the morning. At times, children are motivated to work for more than 14 hours a day for a paltry incentive of Rs. 5/-. Other than this, the employers typically played Tamil film songs to induce women and children to work faster. Long working hours coupled with unhygienic and unsafe surroundings, less than subsistence wages are the characteristic features of child labour scenario in Sivakasi match industry. The risk of fire looms large on these children as all the chemicals used in the manufacture of matches are highly inflammable.

7.18 In order to eliminate the problem of child labour from the State, the Government of Tamil Nadu has initiated a series of steps. These are : formulation of a State and district level action plans; creation of State and district level institutional mechanisms for supervision, coordination and monitoring; launching of National Child Labour Projects (NCLPs) in 12 child labour prone districts; launching of INDUS Child Labour Projects and Sarva Shiksha Abhiyan (SSA); mobilizing and organizing parents into Self-Help Groups (SHGs), imparting vocational skills to SHG members, creating a revolving fund for them; and generating awareness among all sections of the society about the scourge of child labour. The resultant effect of all this has been that in Tamil Nadu today, Collectors/District Magistrates of various districts are vying with each other to declare their district totally free of child labour. Besides, the notification dated 10 October 2006 issued by the Ministry of Labour prohibiting employment of children as domestic servants; workers in *dhabas* (road side eateries), restaurants, hotels, motels, tea shops, resorts, spas or in other recreational centres has also played a positive role in curbing the menace of child labour in the State.

7.19 Inspection Committees have been formed in taluk and panchayat level consisting of officials from the Department of Revenue, Factories, Labour, Education, Police, Health, Rural Development and Local Administration. Officials and staff of SSA, NCLP and INDUS Project are also continuously inspecting the hazardous and non-hazardous units and their work is being overseen by the concerned Collector/District Magistrate periodically. During the course of interaction of Special Rapporteur with officials of the State Labour Department, it was reported that on the strength of instructions received from the Government of India and the State Labour Department, intensive raids were conducted on establishments from 14 - 30 November 2007.

During this period, 351 hazardous industries were inspected whereby 7 working children were identified, rescued and enrolled in schools. In addition, 1,045 households were surveyed but no case of child labour was found. Besides, 486 hotels and *dhabas*; and 2,417 other establishments were inspected, from where 22 working children were identified and rescued. It was further informed that from January 2008 to April 2008; 2,711 inspections were conducted by special squads constituted by the District Administration. A redeeming feature of the inspections was that they were being conducted with a view to identifying working children and releasing them from work. While all rescued children were enrolled in SSA, Special Schools of NCLP and INDUS Project Transition Education Centres (TECs), legal and penal action was simultaneously being taken against the offending employers.

7.20 A visit was made by the Special Rapporteur to a TEC functioning from CSM School at Pillaiyar Palayam in Kancheepuram. Children studying here shared their experiences while they were employed which deprived them of their right to education and the joy of having access to education on being rescued from their employers. They narrated at length how they enjoyed and participated in class room activities like reading, writing, drawing and singing. One of the students who was mainstreamed from a TEC to a regular school and was studying in Class 12 explained to the Special Rapporteur the overall process of blood circulation as outlined in a chart displayed in the classroom. In the ensuing question and answer session, the students patiently answered to all kinds of queries related to their area of study. According to the Special Rapporteur, it was refreshing to observe that education had brought about a qualitative change in the lives of these children.

7.21 A visit was also made by the Special Rapporteur to a TEC operating in Thimiyampettai. Despite difficult economic conditions, long distance and geographical barriers, children from economically poor families who had dropped out earlier from the school at some point of time, were mobilized and enrolled in the concerned TEC. Out of the total number enrolled, 75 per cent of them were attending their classes regularly. However, the TEC at Thimiyampettai had only one woman teacher and she found it difficult and strenuous to do justice to the learning needs of 24 children who being drop-outs were placed in different levels/grades spanning between Class V to Class IX. The other grey areas of concern were that despite the academic session being in full swing, old text books were being used by children. There is a need to provide functional literacy to all the parents of children who have been weaned away from child labour.

7.22 Simultaneous attention needs to be given in the State for eradication of poverty, unemployment, hunger, starvation and malnutrition. Along with this, there is a need to create suitable conditions in Tamil Nadu whereby there is cent percent enrolment of children in schools and cent percent retention so that education of all children in the 6 – 14 age group becomes a reality.

Uttar Pradesh

7.23 Prior to reviewing the situation of child labour in the State of Uttar Pradesh, an elaborate questionnaire was prepared by the concerned Special Rapporteur. This was then forwarded to the Principal Secretary, Labour and Labour Commissioner, Government of Uttar Pradesh well in advance by the Special Rapporteur so as to facilitate a proper and objective review of the prevailing situation in the State. The questionnaire focussed on issues like magnitude of the problem of child labour in the State; its causes and contributory factors; existing administrative infrastructure to look into the problem of child labour, its adequacy and effectiveness thereof; process adopted for determining the age of children; strategy for identification of child labour in the State; steps taken for withdrawal of child labour from work and their subsequent rehabilitation; and compliance of the directions issued by the Supreme Court in Civil Writ Petition No. 465 – M.C. Mehta vs. State of Tamil Nadu and Others.

7.24 It was revealed to the Special Rapporteur by the State officials that the total number of working children in the State was 2,09,588. According to them, as per survey conducted in 41 Districts of the State; 36,051 children in 5-8 age group and 1, 08,273 children in the age group of 9-13 were found to be working in hazardous occupations. In comparison, only 19,483 children in 5-8 age group and 45,731 children in 9-13 age group were found to be working in non-hazardous occupations. The occupations in which children were employed in large numbers in the State of Uttar Pradesh are : carpet weaving; *zari* and embroidery work on textiles; pottery making; glass and bangle making; lock making; knife making; brassware and tanning. A large number of children are also engaged in dhabas, restaurants and motels; *beedi* rolling; construction work; auto workshops; brick kilns and tile making; artificial jewellery making, dhoop/agarbatti and detergent making. Poverty coupled with illiteracy were the two main factors responsible for child labour in the State. Keeping in view the alarming number of children working in the State, the Government of Uttar Pradesh has formulated a comprehensive State Level Action Plan that aims for total eradication of child labour by 2012.

7.25 The Department of Labour in the State is responsible for the administration of Children (Pledging of Labour) Act, 1933; Factories Act, 1948; Minimum Wages Act, 1948; Motor Transport Workers Act, 1961; Beedi and Cigar Workers (Conditions of Employment) Act, 1966; Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; Bonded Labour System (Abolition) Act, 1976; Child Labour (Prohibition and Regulation) Act, 1986 and Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996; all of which have a bearing on the minimum age of entry for work and elimination of child labour.

7.26 The Labour Commissioner with its headquarters in Kanpur is one of the major departments under the Department of Labour. The Directorate of Factories is also under the administrative control and supervision of the Labour Commissioner. The Labour Commissioner as the Head of the Department and a Controlling Officer is saddled with heavy responsibilities.

Apart from monitoring, supervision and control over the functioning of nearly 300 field officers and smooth management of the office, she/he is the member convener of a number of statutory Committees like the State Minimum Wages Advisory Board, State Contract Labour Advisory Board and State Child Labour Advisory Board and non-statutory bodies like the State Labour Advisory Board, and the meetings of these bodies take place at prescribed intervals. Apart from convening their meetings, she/he has to record the gist of decisions taken, get them approved by the Chairperson and initiate follow-up action. In addition, she/he has to undertake field visits to oversee the functioning of a large number of inspecting officials. In such a situation it may be desirable if the Directorate of Factories and its functioning is segregated from the overall control of the Labour Commissioner. This will provide the much needed respite to the Labour Commissioner. Concurrently the office of the Labour Commissioner also needs to be strengthened in terms of : (a) administrative infrastructure; (b) physical and communication infrastructure; and (c) academic infrastructure. All vacant posts at the headquarters and in the field need to be filled up without further delay. It would be ideal if e-connectivity is established between the office of the Labour Commissioner and all other field offices.

7.27 In order to eradicate the problem of child labour, the State is implementing the National Child Labour Programme in 37 districts and INDUS Child Labour Project in 5 districts. Through these schools, services like free text books and note books; mid-day meal at the rate of Rs.5/- per day; vocational training skills; stipend at the rate of Rs. 100/- per month and mainstreaming of children to nearby senior school on completion of Class V are being delivered. During the course of the visit to the State of Uttar Pradesh, the Transition Education Centres (TECs) being run under the INDUS Child Labour Project at Moti Nagar, Gajju Purwa, Shorea Godown in Kanpur District were also visited by the Special Rapporteur. These TECs were being managed by three different non-governmental organizations, namely, Parivartan Sewa Sansthan, Zilla Bal Kalyan Samiti and Saraswati Shiksha Samiti. Despite a few constraints, the attendance and participation of children in all the TECs was found to be praiseworthy. All the children were in the age group of 9-13 and had undergone some kind of schooling but dropped out at some stage to work were able to read, write and do arithmetic. The main objective of TEC is to sharpen the literacy and numeracy skills of the enrolled children whereby after reaching an equivalence of Class V they are facilitated to enter mainstream education.

7.28 Visits were also made to two Lead Schools in Kanpur District being managed or aided by the Department of Basic Education, Government of Uttar Pradesh for the purposes of mainstreaming children from TECs into the formal education system. The school located in Moti Nagar was wholly managed by the State Government itself and the other located in Jajmau by an NGO named Bal Niketan. The latter was being aided by the State Government as well. The attendance in the former school was found to be far from satisfactory. Out of the total strength of 419 children from Class I to Class V, only 130 were present on the day of the visit. Among them, a number of children had stunted growth on account of severe malnutrition. These children were unable to read the blackboard. This Lead School though located in the

heart of the city was bereft of electricity. The student-teacher ratio was found to be disproportionate. Out of the sanctioned five posts of teachers for 419 children, only two teachers were employed. In Bal Niketan, on the other hand, it was observed that special care and attention was being given to all children by the teachers. A *Bal Manch* had been formed in Bal Niketan and the Parents-Teachers Association meetings were taking place regularly. However, it was revealed by the teachers that majority of the children who attended the school came from poor socio-economic background and shouldered many household responsibilities to enable their parents to eke out a living for survival. These children were thus deprived of friendly environment at home to study and improve their overall proficiency. Besides, there existed no school in the nearby vicinity where the children after completing Class VIII in the Lead School could go for higher studies in Class IX, X and XI, particularly those who showed keenness for higher studies.

7.29 An interaction with few boys and girls in the age group of 14 to 18 who had passed out from the Vocational Training Centres was also held. This was followed by a meeting with representatives of few non-governmental organizations running TECs under the INDUS Child Labour Project. Meetings were held with Members of the Self-Help Groups and officers from the Office of Labour Commissioner. During the course of interaction with the aforementioned people, attention was drawn towards the following:

- Need for enhancing the honorarium of teachers working in special schools both under the NCLP and TECs of INDUS Child Labour Project. Similarly, their service conditions needs to be improved. Currently, they are not able to avail any kind of leave even on health grounds.
- All Lead Schools meant for the purpose of mainstreaming children from Special Schools of NCLP or TECs of INDUS Child Labour Project into the formal education system must be within a close proximity of Special Schools/TECs. The teacher-pupil ratio in the Lead Schools must be proportionate to that of 1:30.
- Need to improve the physical infrastructure of Special Schools, TECs and Lead Schools. Further, all sanctioned posts of teachers and other staff members need to be filled-up. The newly appointed teachers as well as other teachers need to be sensitized to the requirements of children and their parents.
- Need for compulsory registration of all births in rural and urban areas. The Gram Panchayats, Sub-Centres and Primary Health Centres must play a pro-active role in this process.
- Need to evolve a perfect system of health check-up for children studying in Special Schools, TECs and Lead Schools. The Medical Officer visiting these schools should be sensitized so that special attention is given to the growth – physical, mental and emotional – of each and every child. In case any child is found to be stunted or wasted or underweight; special

measures need to be evolved so that the problem of mal-nutrition/undernourishment is immediately looked into and eradicated.

- The Basic Education Department in the Government of Uttar Pradesh should undertake a survey to assess the needs of students who have been mainstreamed from TECs to Lead Schools and are desirous of pursuing higher studies after Class VIII. On the basis of this assessment, Lead Schools from Class IX to Class XII should be started.

Maharashtra

7.30 In terms of area and population, Maharashtra is the second largest State of India after the State of Uttar Pradesh. Agriculture is the prime occupation in which the major work force of Maharashtra is engaged. Despite this, the contribution of income from this sector is only 16 per cent whereas the contribution from the secondary and tertiary sector is 73 per cent and 33 per cent respectively.

7.31 As reported by the Special Rapporteur, in the State of Maharashtra, following categories of working children are to be found — (i) children employed on regular wages in factories, mines, plantations, shops and commercial establishments, motor transport undertakings and various other occupations and processes which have been listed in Part A and Part B of the Schedule attached to Child Labour (Prohibition and Regulation) Act, 1986. As per the Act, in all these places, employment of children is legally prohibited. (ii) Children working on piece rate basis along with their parents and other family members in activities like *beedi* rolling, its labeling and packaging; garment making; embroidery work; *bindi* making; gem polishing, stitching of soccer balls, making of incense sticks; *vadi* and *papad* making. In all such activities, raw materials are supplied by the contractor and the finished products collected later. In all such activities, children work in sedentary conditions for long hours to maximize their earnings. (iii) Children working in agriculture and its allied activities as part of household work, such as collecting fodder, fuel and water; feeding and grazing the cattle, sheep and goats; rearing poultry and pigs; transplanting of rice; food processing and discharge of other household work. In all these activities, it is the girls who are primarily engaged. In comparison, boys are engaged in digging and ploughing; threshing and harvesting; grazing of cows; and carrying of goods and commodities for sale in the market. (iv) Children working in the urban informal sector as vendors and hawkers; porters, rag-pickers, sweepers and shoe-shine boys; helpers in shops, restaurants, canteens, garages, hosiery units, tanneries and construction sites; and domestic help. (v) Children accompanying their migrant parents and being pushed to work in the formal or informal sector, with or without wages at the destination points. Irrespective of the fact whether these children are employed directly or indirectly, whether they are adequately paid or not; they work under extremely difficult and hazardous conditions, are vulnerable to dust, smoke, fume, heat, gaseous and other toxic substances and in the process also become victims of educational deprivation.

7.32 In the absence of any definition on 'child labour' in the Child Labour (Prohibition and Regulation) Act, 1986, there are three different estimates about the number of child labour in

Maharashtra. As per Census 2001 data, Maharashtra has 0.76 million working children. The National Sample Survey (55th round) data, on the other hand claims that there are 2.4 million working children in the State. The Sarva Shiksha Abhiyan (SSA) household survey that was undertaken in the year 2004 shows that there were 3.3 lakh out of school children in Maharashtra. Since all the three surveys were undertaken at different points of time in the State, the estimates of child labour are bound to vary. Moreover, in the Census and National Sample Survey (NSS), the age group covered was 5-14 whereas in the SSA the age group covered was 6-14. The Special Rapporteur is of the opinion that indeed it is a little difficult to straight away come to a conclusion that all out of school children should be reckoned as working children. Therefore, in order to make use of available statistics as a tool of action for eradication of child labour, it would be prudent on the part of Government of Maharashtra to invite senior representatives of Census, NSS and SSA for a discussion whereby through consensus a definition of child labour is evolved that would facilitate them in identification and enumeration of child labour within the State.

7.33 Ever since two child labourers were brutally beaten up in April 2005 by their employers which also resulted in the death of one of them, the Government of Maharashtra, in order to curb the scourge conducted a number of raids in Dharavi and Govandi to save the children. Thereafter, it constituted a Task Force consisting of the Commissioner of Labour; Additional Commissioner of Labour; Deputy Commissioners of Labour of Mumbai city, Mumbai suburbans (East and West); Regional Deputy Commissioner of Police; District Women and Child Development Officer; Chief Shop Inspector, BMC; Deputy Chief Shop Inspector and representatives of three NGOs. The Task Force since 18 May 2005 has conducted 93 raids and rescued 2,315 working children from 1,228 establishments. A total of 528 employers have also been arrested on the spot. These raids have made a perceptible difference in Bhuleswar, known for manufacture of gold ornaments; Madanpura, known for hand embroidery; Dharavi, known for *zari* work and leather tanning; Sion Koliwada, known for manufacture of automobile parts; Kurla (West), Meghwadi Jogeswari and Bharat Nagar, known for hand embroidery work; and Thakkar Bapa Colony, known for shoe manufacturing.

7.34 It was apprised by the Labour Commissioner to the Special Rapporteur of NHRC that ever since the Task Force was constituted in Mumbai, the scenario pertaining to child labour has undergone a sea change and there have been some positive and appreciable results too. He also outlined the process of rescuing and rehabilitating child labourers. The prime objective of any raid is to unearth children at the work place and rescue them. Soon after any child is rescued, his/her custody is handed over to the Department of Women and Child Development who then produces the child before the Child Welfare Committee (CWC) constituted under the Juvenile Justice Act for the concerned District. On the directions of the CWC, the child is sent to one of the Children's Homes. If the child happens to be a migrant working child, he/she is then repatriated with an escort to their native place and finally restored back to the parents. Simultaneously, prosecution against the offending employer under the relevant sections of the

Indian Penal Code, Child Labour (Prohibition and Regulation) Act, Factories Act, Shops Act and the Juvenile Justice (Care & Protection of Children) Act is instituted.

7.35 A Resolution dated 25 April 2006 (bearing No. CLA – 2006 (299)/Kamgar 7A, Mantralay, Mumbai) has also been issued by the Government of Maharashtra. The central objective of the Resolution is to make Maharashtra free of child labour. The Resolution envisages constitution of a District Level Task Force under the direct control and supervision of the District Collector. The composition of the said Task Force is quite broad based and is expected to maintain considerable vigilance and surveillance over the existence, continuance and perpetuation of child labour. The Resolution for the first time has removed the differential or discriminatory treatment meted out to children employed in hazardous and non-hazardous work. It very clearly states that even if the child is engaged in non-hazardous occupation(s) he/she shall be rescued from the employer and handed over to the police so that each one of them is eventually educated. The Resolution for the first time recognizes the concept and practice of child bonded labourers. For example, if parents take any kind of loan/advance from any contractor and mortgage the services of their children to such contractors, the children will be treated as child bonded labourers and a report to this effect shall be filed before the District Collector and a copy endorsed to the State Government through the Commissioner of Labour. It reiterates the importance of recovering a sum of Rs. 20,000/- each from every offending employer who is responsible for engaging a child in hazardous work and depositing the same in the District Child Labour Welfare-cum-Rehabilitation Fund as decreed by the Supreme Court on 10 December 1996 in CWA No. 465 of 1986 (*M.C. Mehta vs. State of Tamil Nadu*). Likewise, it has reiterated the importance of providing employment to every able bodied adult member in a family who have been sending their child for work, failing which a sum of Rs. 5,000/- per child would be deposited in the said District Child Labour Welfare-cum-Rehabilitation Fund as decreed by the Supreme Court in the aforementioned judgement.

7.36 After Tamil Nadu, Maharashtra is the other State which has formulated a State Level Action Plan for elimination of child labour. The Plan has been formulated in the context of Government Resolution Number CLA – 2006 (299) Kamgar – 7A dated 25 April 2006 and the directions contained in the Supreme Court judgement dated 10 December 1996.

C. Workshop on Bonded and Child Labour

7.37 A one-day Workshop was organized at Chandigarh on 21 April 2008 for sensitization of State and District level functionaries on elimination of bonded and child labour. This Workshop was convened under the chairmanship of Justice Shri Y.Bhaskar Rao, Member, NHRC. Subsequently, a spate of district level workshops on the same subject was organized in all the Districts of Haryana State.



HUMAN RIGHTS EDUCATION AND AWARENESS

Chapter – 8

8.1 The promotion of 'Human Rights Education' has assumed tremendous significance today. The endeavour of creating, assimilating and disseminating knowledge and awareness is a robust way of bringing about an attitudinal change among the people from all walks of life especially with regard to their archaic perceptions and thoughts. During the period under review, the Commission undertook various initiatives to promote the cause of human rights education.

i) Workshop on Detention

8.2 The Office of United Nations High Commissioner for Human Rights (OHCHR) had earmarked 6 to 12 October 2008 as 'Dignity and Justice for Detainees Week'. As a part of its activities, the Commission with the support of the OHCHR organized a two-day Workshop on Detention at New Delhi on 11-12 October 2008. The main objective of the Workshop was to identify gaps, if any, in implementation of constitutional and statutory safeguards for the protection of the rights of detainees and suggest remedial measures; and share best practices amongst States/Union Territories. The participants of the Workshop included Directors General of Police, Directors General of Prisons, Directors of Police Training Institutes, Secretaries of Welfare Departments, Forensic Science Laboratories, Nodal Officers of Human Rights from different States/Union Territories, senior representatives of Central and State Governments, Special Rapporteurs and senior officers of NHRC and representatives of selected NGOs.

8.3 In the two-day Workshop, a range of issues were discussed including the responsibilities of the State Governments to ensure basic human rights of detainees in police custody and in prisons, etc. The recommendations that emanated from the deliberations of the Workshop are at **Annexure-12**.

ii) National Conference on Human Rights Education at School Level

8.4 A one-day National Conference on Human Rights Education at School Level was organized by NHRC at New Delhi on 20 March 2009. The main objectives of the conference were to : incorporate human rights education (HRE) in the existing school education system; discuss the challenges relating to human rights education in respect of curriculum and introduction of human rights education at different levels in the school system; policies and perspectives for spread of human rights education at primary, secondary and senior secondary levels; implementation and monitoring of HRE components at different levels in the school system; and deciding a future plan of action in this regard.

8.5 The participants to the conference were Education Secretaries and Directors of School Education of various States/Union Territories, Directors of NCERT, NCTE, AICTE, CBSE, academicians and experts from the field of human rights education and representatives of civil society organizations. The senior officers of NHRC also participated in the conference.

8.6 Based on the deliberations held in all the technical sessions, the following recommendations / suggestions were made by the delegates of the conference:-

1. Human rights education should become an integral part of 'right to education'. The inculcation of human rights values in the formative years paves the way for a society in which people have sensitivity and respect for dignity and rights of others.
2. There is a need to ensure that the integration of human rights education at the primary, middle, secondary and senior secondary levels in the school system should be carried out in a child-friendly and child-centric manner so that children of different age groups are gradually oriented to human rights education. It was suggested that the story-telling mode for human rights education could be used for primary and middle level school children. This would enable the students to have an overall understanding about human values, rights and duties while they are growing up. The National Curriculum Framework 2005 drawn up by the NCERT also lays emphasis on this aspect.
3. Currently, human rights education is not being taught as a separate subject in schools. The concepts relating to different human rights like dignity, equality, non-discrimination, freedom, tolerance, education, health, environment, sanitation, hygiene and cleanliness, protection of life and personal liberty, etc. are being taught through subjects like Social Studies, Civics, Sociology and Political Science in schools at the middle, secondary and senior secondary levels. It was thus recommended that there is a need to introduce human rights education as a separate discipline altogether in schools at the senior secondary level.
4. As there is no uniformity with regard to imparting of human rights education in schools, it was recommended that the schools across the country should have a universal syllabus for human rights education. For this purpose, there is a need to review and analyze the different syllabi, text books and other materials on human rights education including that of NCERT being used in schools at various levels. The said task could be carried out by key stakeholders like representatives of concerned ministries, departments, boards, technical institutions, NGOs, civil society organizations and experts working in the field. This would facilitate in planning and working out a national strategy for implementation of human rights education in the country.
5. While devising a national strategy for human rights education, it was felt that the integration of human rights education in the school system should not be limited to a mundane curriculum and its related textbooks alone. It should, in effect, go beyond the boundaries of the school system whereby children are given an opportunity to interact with others

and through their practical experience learn about human rights values and duties. Adoption of this kind of an approach would not only make human rights education in the school system interesting but also all encompassing in terms of building their overall human personality and character as it would enable them to understand basic meaning of concepts like rights, freedom, democracy, tolerance, peace, secularism, etc.

6. In order to bring about a smooth integration of human rights education at different levels in the school system, due emphasis needs to be given on training of teachers who would be dealing with this subject so that they are able to internalize basic human rights concerns as well as overcome barriers imposed by their own conditioning. The training of teachers should be of practical and participatory nature rather than theoretical. Their training should also draw attention to the practice of corporal punishment in schools which is a serious violation of children's rights.
7. It was felt that in order to spread the culture of human rights education in schools, teachers from other disciplines too should be acquainted to this component through in-service training and other kinds of training imparted to them from time to time. Likewise, parents of school children should also be oriented and sensitized to the discipline of human rights education.
8. Efforts should simultaneously be made to ensure that human rights education is imparted to children who are not studying in schools or those in difficult circumstances.
9. For universalizing the contents of human rights education in schools, it was unanimously expressed that the Recommendations of NHRC with regard to - Module on Human Rights Education for Teaching Professionals Imparting Education in Primary, Secondary, Higher Secondary Levels, and Human Rights Education at the University and College Levels be used for reference purposes as it contained comprehensive information on different human rights concerns, some of which could be easily integrated into the syllabus of human rights education in the school system.
10. For inclusion of human rights education component in the school system, it was articulated that the Central and State Governments should either enhance the existing budget for education in schools or have a separate budget altogether for human rights education.
11. Emphasis was also laid on preparing a comprehensive plan of action for integration of human rights education in the school system at the national level. For this purpose, cooperation of different stakeholders both from within and outside the country may be solicited from the point of view of knowing their experiences and best practices. This would also facilitate in planning and preparing a road map for future actions.
12. Likewise, each State/Union Territory should also draw a plan of action for implementation of human rights education in the school system including a mechanism for its effective implementation.

13. It was recommended that for implementation of human rights education at different levels of the school system, there is a need to constitute a Monitoring Committee both at the national and state levels as well as building-up of supportive networks and partnerships with parents, civil society organizations and the community at large.

iii) Summer and Winter Internship Programmes

8.7 In order to sensitize university/college students about various human rights concerns, the Commission since 2000 has been regularly conducting two internship programmes of one month duration each every year. During 2008-2009, the summer internship programme was organized by it from 19 May to 18 June 2008 in which 53 students from 35 universities/colleges of 17 States of India participated. The winter internship programme was organized from 17 December 2008 to 15 January 2009 by the Commission. 53 students from 20 universities/colleges of 14 States attended this programme. Both these programmes covered various human rights issues being dealt by the Commission. In order to give first hand information, the students of both the internship programmes were taken for field visits to SOS Children's Village and other organizations. As part of the internship programme, the students were also given project assignments and were required to make presentations on them as well.

iv) Training Programmes Organized by the NHRC

8.8 As part of accomplishing its mandate, the Commission approved 123 training programmes of 65 institutions/universities/NGOs on various aspects of human rights to be organized during the reporting period all over the country with special focus on the North-Eastern States and other backward States/Union Territories. Out of these, 114 training programmes were successfully organized by 58 institutions/universities/NGOs. For details see **Annexure-13**.

v) Summer Training Programme

8.9 In order to sensitize university students about human rights issues, the Commission in collaboration with Dr. Ram Manohar Lohia National Law University, Lucknow organized a summer human rights training programme from 16 June to 15 July 2008. The programme was attended by 62 participants from the State of Uttar Pradesh. The programme was inaugurated by Chairperson, State Law Commission of Uttar Pradesh. The Chairperson, NHRC also addressed the participants.

vi) Training Programme for Indian Foreign Service Probationers

8.10 The Commission organized a two-day attachment programme for 15 Indian Foreign Service Probationers of the 2007 batch on 5 & 6 June 2008. During this attachment programme, the probationers interacted with the Chairperson, Members, Secretary General and other senior officials of the Commission.

vii) In-house Training Programme

8.11 A one-day in-house training programme was organized for newly recruited officers and staff of the Commission on 18 July 2008. In all 26 officials/staff were trained in this programme.

viii) Interaction with Visiting Students/Trainees from Various Colleges/Universities of India

8.13 During 2008-2009, the Commission interacted with 776 students/trainees who visited the Commission from 18 different colleges/universities across the country. These students were found to be pursuing different disciplines like law, sociology, social work, human rights, political science, etc.

ix) Interaction with Foreign Diplomats

8.14 A group of 23 foreign diplomats from various countries along with two officials of the Foreign Service Institute visited the Commission on 18 March 2009. The Chairperson, Secretary General, Director General (Investigation), Registrar (Law) and Joint Secretary (Trg.) interacted with them.

x) Hindi Fortnight at the NHRC

8.15 The NHRC's Annual Hindi Fortnight, to promote the use of official language in its day-to-day working, was held from 15 to 29 September 2008. The employees of the Commission actively participated in the debate, quiz programme and creative writing competition as well as other programmes organized for the promotion of Hindi language.

xi) Foundation Day Function

8.16 The NHRC marked the completion of its 15th year on 12 October 2008 with a Foundation Day function organized at the FICCI Golden Jubilee Auditorium in New Delhi. Justice Shri S. Rajendra Babu, Chairperson, NHRC presided over the function in which the staff and officers of the Commission, children from SOS Children's Village in Faridabad and other artistes performed.

xii) Human Rights Day

8.17 The NHRC celebrated the Human Rights Day on 10 December 2008 at a function organized in the FICCI Golden Jubilee Auditorium in New Delhi. Shri Somnath Chatterjee, Speaker of the Lok Sabha was the Chief Guest and Thiru. A. Raja, Union Minister for Communications and Information Technology was the Guest of Honour. On this occasion, a postage stamp was released signifying the importance of the Universal Declaration of Human Rights (UDHR). A booklet of UDHR in different languages was also released along with NHRC Journal (English), Vol. No. 7, 2008; NHRC Journal (Hindi) *Nai Dishayein*, Vol. No. 5; Proceedings of NHRC's Workshop on Detention; and NHRC Wall Calendar for the year 2009. The Chief Guest also inaugurated the on-line registration system of complaints with NHRC.

xiii) Inter-College Debate Competition for College Students

8.18 To celebrate the observance of Human Rights Day on 10 December 2008, the Commission in collaboration with Jesus & Mary College, New Delhi organized an inter-college debate competition in which students from various colleges of University of Delhi participated.

xiv) School Children's Race

8.19 To commemorate the 60th Anniversary of Universal Declaration of Human Rights that was adopted in 1948 by the United Nations General Assembly as well as the observance of Human Rights Day on 10 December every year, a race competition was organized by NHRC for school children at India Gate on 7 December 2008.

xv) Inter-Paramilitary Forces Debate Competition

8.20 To commemorate the significance of Human Rights Day on 10 December 2008, a debate competition in Hindi and English was organized by the Commission for the personnel of Central Police Organizations (CPOs) in collaboration with Central Reserve Police Forces (CRPF) on 20 November 2008.

xvi) Painting Competition

8.21 A painting competition for young children in the age group of 8-12 years and 13-16 years was organized by the Commission in collaboration with the National Bal Bhawan at New Delhi on 16 November 2008. Differently-abled children also participated in the painting competition. The theme of the competition for 8-12 years children was 'Pollution-free Diwali'; the theme for 13-16 years children was 'Hygiene, Sanitation and Health' and for the differently-abled children it was 'Education as a Human Right'.



INTERNATIONAL COOPERATION

Chapter ~ 9

Universal Periodic Review

9.1 It was reported in the Annual Report for the year 2007-2008 that based on the Human Rights Council Resolution 5/1, the Commission actively coordinated with the Government of India and played a key role in the preparation of India country paper.

9.2 The Commission had also submitted a separate brief paper on India for Universal Periodic Review (UPR) to the Office of the UN High Commissioner for Human Rights in January 2008. The NHRC India paper flagged important human rights challenges relating to right to education, right to health, right to food, rights of children, rights of persons with disabilities and corruption and human rights. While reviewing international human rights instruments, the Commission stressed the need to ratify the 1951 UN Convention relating to the Status of Refugees and the Convention against Torture.

NHRC, India Participation in International Meetings

9.3 A high-level delegation from NHRC-India, consisting of the Chairperson, Secretary-General and Director (Research) visited and interacted with the Irish Human Rights Commission at Dublin on 11 April 2008, the Northern Ireland Human Rights Commission at Belfast on 12 April 2008 and the Commonwealth Secretariat at London on 14 April 2008.

9.4 A delegation from NHRC-India, comprising the Member, Secretary-General and Director (Research) visited Geneva from 14 to 18 April 2008 to participate in the 20th Session of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). During the course of the session, NHRC-India was requested to maintain the website of NHRIs which it instantly accepted. The said website can be viewed at www.nhri.net or at www.nhri.nic.in. The inputs given by NHRC-India with regard to the accreditation process of the ICC of National Institutions for the promotion and protection of human rights were acknowledged as well. The NHRC-India delegation also expressed its concern over lack of speaking rights for NHRIs in Working Group meetings for consideration of country reports under the Universal Periodic Review.

9.5 The Joint Secretary, NHRC attended the Plenary Session of Human Rights Council at Geneva in Switzerland from 9 to 11 June 2008. The Plenary Session pertained to the adoption

of the final outcome relating to India under the UPR. The Joint Secretary made a statement on behalf of the NHRC of India.

9.6 The Chairperson, a Member and the Secretary-General of NHRC- India participated in the Thirteenth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions in Kuala Lumpur, Malaysia from 28 to 31 July 2008.

9.7 A high-level delegation from NHRC of India, headed by the Chairperson, participated in the Ninth International Conference of National Institutions for the Promotion and Protection of Human Rights in Nairobi, Kenya from 21-24 October 2008. The theme of the Conference was 'NHRIs and the Administration of Justice', with a focus on expanding NHRIs' capacity in ensuring accountability in the administration of justice. It was organized by Kenya National Commission on Human Rights in cooperation with OHCHR and the ICC.

9.8 A three-member delegation from the Commission consisting of the Chairperson, Secretary-General and Director (Research) visited the Council of Europe and the European Court of Human Rights on 27 March 2009, the National Consultative Commission of France (an ICC Accredited NHRI of France) on 30 March 2009 and the Danish Institute for Human Rights on 31 March 2009. Prior to this, the 22nd Session of the ICC was held in Geneva from 23 to 27 March 2009. A two-member delegation from the NHRC of India, consisting of the Chairperson and the Secretary General participated in it.

Visits, Seminars and Workshops Abroad

9.9 NHRC-India officials attended various programmes during the year under review. These included :

- Forum on 'Security Development and Human Rights' organized by China Society for Human Rights Studies at Beijing from 21 to 23 April 2008.
- The Right to Food Forum organized by United Nations Food and Agriculture Organization in Rome, Italy from 30 September to 4 October 2008.
- The Regional Meeting on Millennium Development Goals and Human Rights co-hosted by the Office of the United Nations High Commissioner for Human Rights and UNESCAP at Bangkok in Thailand from 16 to 17 October 2008.
- "International Conference on Systematic Work for Human Rights Implementation" at Sweden from 6 to 7 November 2008.
- Regional Training Course for NHRIs in the Asia Pacific at Bangkok, Thailand from 24 November to 3 December 2008.

Commonwealth Forum Meeting

9.10 The Chairperson of NHRC-India participated in the meeting of the Commonwealth Forum of National Human Rights Institutions at Nairobi, Kenya on 20 October 2008.

Conference of Chairpersons, Secretaries of State Human Rights Commissions, Public Functionaries and NGOs

9.11 In order to have an interaction with Ms. Navanethen Pillay, United Nations High Commissioner for Human Rights, a half-a-day Conference of Chairpersons, Secretaries of State Human Rights Commissions, Public Functionaries and NGOs was organized by NHRC on 23 March 2009. On this occasion, Ms. Pillay said that the strength of India's democratic and legal institutions, as well as that of a highly engaged civil society and a free press, rests on solid foundations. India must be proud of its national protection system, which includes the National Human Rights Commission. Ms. Pillay said that the National Human Rights Commission of India enjoyed a very good reputation in the Office of UN High Commissioner for Human Rights and this was one of the motives for her visit. She suggested that the National Human Rights Institutions in the region should work together on common human rights issues such as gender and poverty and share best practices.

Exchanges and Other Interactions

9.12 The following individuals/delegations visited the Commission in 2008-2009.

- i) Two staff members of the Indonesian National Commission for Human Rights (KOMNAS HAM) – 28 April to 12 May 2008.
- ii) A four-member delegation led by Mr. Paulo Vannuchi, Minister of Human Rights, Brazil – 16 October 2008.
- iii) A delegation of Swedish Parliament Standing Committee on Foreign Relations – 13 January 2009.
- iv) Officials of the Embassy of United States of America at New Delhi – 15 January 2009.
- v) Dr. Richard Bennett, Representative of United Nations High Commissioner for Human Rights at Nepal – 16 January 2009.
- vi) Prof. John G. Ruggie, UN Special Representative on Business and Human Rights along with his Special Advisor, Mr. Gerald Pachoud – 4 February 2009.
- vii) Dr. David Bayley, Criminologist and Police Scholar, Criminal Justice University at Albania, USA – 13 February 2009.
- viii) Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights – 23 March 2009.



NON-GOVERNMENTAL ORGANIZATIONS

Chapter ~ 10

10.1 In pursuance of Section 12 (i) of the Protection of Human Rights Act, 1993, the Commission since its inception has been encouraging the efforts of non-governmental organizations (NGOs) and institutions working in the field of human rights. The Commission in association with credible NGOs and institutions has undertaken many projects including human rights awareness programmes. The Commission is of the firm opinion that the promotion and protection of human rights cannot gain momentum without the fullest cooperation between the Commission, NGOs and other related institutions. They are the Commission's most important allies and most honest critics. This has proven to be of considerable value both to the Commission and to the NGOs, reinforcing their understanding of each other and their capacity to work together in the furtherance of human rights across the country. Together with the Special Rapporteurs appointed by the Commission, the NGOs have provided a "multiplier effect" to the efforts of the Commission, giving to it a vast infusion of high ability and public support.

10.2 From the point of view of facilitating its interaction with the NGOs, the Commission constituted a Core Group of NGOs in July 2001. This Core Group was reconstituted in October 2006 and new members were later added again in November 2006, August 2008 and September 2008. The members of the Core Group are leading representatives of credible NGOs.

10.3 During the period under review, a meeting of the Core Group was convened in the Commission in July 2008 to review the action taken on the minutes of the meeting of the Core Group of NGOs held in September 2007. In the meeting, the members of the Core Group deliberated at length on the agenda items of the 13th Asia Pacific Forum (APF) Meeting that took place at Kuala Lumpur from 28 to 31 July 2008, the report to be presented by the NHRC in the aforementioned APF meeting, activities to be undertaken for the observance of the 60th anniversary of the Universal Declaration of Human Rights (UDHR) and strategies for better cooperation between the NGOs and NHRC-India.

10.4 As per deliberations held in the meeting, it continued to work closely with NGOs in respect of specific issues identified during the course of discussions held between the members of the Core Group on NGOs and the Commission. Moreover, it continued to receive complaints relating to serious violations of human rights from NGOs, who acted as the eyes and ears of the Commission in the remotest corners of the country. It provided financial assistance to a number

of NGOs/institutions for organizing programmes on human rights awareness. The Commission is pleased to report that with the gradual passage of time, the support from NGOs has increased steadily in its work. This is evident from the number and variety of NGOs that have shown their keenness to receive the Commission's Newsletter and to participate in its activities. The Commission greatly welcomes this trend.



STATE HUMAN RIGHTS COMMISSIONS

Chapter – 11

11.1 In accordance with Section 21 of the Protection of Human Rights Act, 1993, State Human Rights Commission (SHRCs) have been set-up in 18 States – Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal.

11.2 The National Human Rights Commission is keen that every State sets up a State Human Rights Commission. The Commission recommends to all those States which have not yet constituted their Commissions to do so at the earliest. Further, the Commission has taken the initiative to hold regular interactions with the SHRCs to explore and further strengthen areas of cooperation and partnership.

11.3 In order to promote mutual cooperation between the NHRC and the State Human Rights Commission, the Joint Secretary of NHRC-India along with the Secretary of West Bengal Human Rights Commission participated in a three-day 'International Conference on Systematic Work for Human Rights Implementation' held at Sweden from 6-7 November 2008.

11.4 The Chairpersons and Secretaries of all the State Human Rights Commission were also invited for an interaction with Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights when she visited NHRC-India on 23 March 2009.

11.5 The Chairpersons and Secretaries of the different State Human Rights Commissions were also invited for various Conferences/Workshops organized by the Commission wherein they were requested to chair different sessions and hence contribute to the deliberations.

11.6 The NHRC once again recommends to all those State Governments/Union Territory Administrations who have so far not constituted their State Human Rights Commissions to take immediate steps to constitute their respective State Commissions. And in States/Union Territories, wherever such Commissions have been constituted, they are provided the required resources and other paraphernalia that is essential for their proper functioning.



REVIEW OF LAWS, IMPLEMENTATION OF TREATIES & OTHER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

Chapter ~ 12

Convention Relating to the Status of Refugees, 1951 and the 1967 Protocol

12.1 The views of NHRC-India on the protection of the rights of refugees have been mentioned in detail in its earlier Annual Reports. It has advocated for the ratification of the Convention relating to the Status of Refugees, 1951 and the 1967 Protocol thereto and the enactment of a national law in this regard.

12.2 During the period under report, it engaged the concerned Ministries towards the enactment of a national law on refugee protection. Based on detailed exchange of views with highest echelons of the Government, the Commission asked the Ministry of Home Affairs and the Ministry of External Affairs to formulate necessary proposals and send them to the Commission at the earliest. At the time of writing this report, their response was still awaited.

Convention Against Torture, Inhuman, Degrading Treatment or Punishment, 1984

12.3 The Commission has been advocating for the ratification of the Convention Against Torture for the past several years. Pursuant to its efforts, India signed the Convention Against Torture in 1997. Deeply concerned about delay in ratification, the Commission commented on it in earlier Annual Reports thus urging the Government to expedite ratifying the same. The prohibition of torture is part of domestic law of the country and therefore its ratification would only serve to strengthen this prohibition.

12.4 As mentioned in the last Annual Report, the Commission had conveyed its comments on the Bill for ratification concerning the Convention Against Torture to the Ministry of Home Affairs. On following upon Ministry of Home Affairs reply in August 2007 that the comments of the Commission and other ministries/agencies have been sent to the Ministry of External Affairs, the NHRC took up the matter with the concerned Ministry. The Ministry of External Affairs informed the Commission that their comments have been sent to the Ministry of Home Affairs vide letter dated 7 September 2007. The Commission is following-up the matter with the Ministry of Home Affairs to know the status of ratification of Convention Against Torture.

12.5 The Supreme Court has already issued a number of orders in this regard. Torture has been criminalized in the Indian Penal Code and other legislations. The NHRC has been recommending immediate interim relief in instances where torture has been established. In the

interest of protection and promotion of human rights, the Commission once again urges the Government of India to ratify the Convention at the earliest.

The 1977 Protocols Additional to the Geneva Conventions of 1949

12.6 Protocol I to the Geneva Conventions 1949 provides for new rules on international armed conflicts and Protocol II develops international humanitarian law on non-international armed conflicts.

12.7 In response to the Commission's request for comments on both the Protocols, the Ministry of External Affairs referred to changing nature of armed conflict and the need to hold detailed consultations with other agencies in this regard. The Commission intends to pursue this matter further.



RESEARCH STUDIES AND PROJECTS

Chapter ~ 13

A. Completed Research Study

Action Research on Land, Labour and Human Rights Violations in Bundelkhand and Sonbhadra Region of Uttar Pradesh

13.1 The aforementioned Action Research was entrusted to a retired Professor of Sociology from Punjab University in Chandigarh. Its main objective was to understand the intensity of violations of land, labour and other human rights of the people living in Bundelkhand and Sonbhadra region so as to bring about overall improvement in their basic living conditions especially those belonging to vulnerable sections like dalits, tribals and women.

Freedom Mortgaged and Future Abandoned : Bonded Child Labour in Karnataka's Silk Industry

13.2 The above study was commissioned to the Institute of Social and Economic Change (ISEC) in Bangalore. The main objective of the study was to analyze the existing household conditions which contributed to the occurrence of bonded child labour in Karnataka silk industry; magnitude of bonded child labour; and policies and programmes of the State Government and non-governmental organizations to check and eliminate bonded child labour in the silk industry of Karnataka. The Commission has sought some clarifications on the study reports submitted by the ISEC.

B. On-going Research Study

Research and Review of Strengthen Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act's Implementation Across Key States

13.3 The above study was undertaken by the Commission last year (2007-2008) in collaboration with the United Nations Fund for Population. The main objectives of the study are to :

- identify difficulties in receiving information about the activities in contravention of the Act and difficulties in filing cases;
- create an understanding of the process within the law for filing of the cases, the road blocks in doing it and taking necessary steps to ensure conviction;

- identify the difficulties in implementation of the law through the review and analysis of the cases filed and the resultant case law;
- identify key weaknesses from the evidentiary and prosecution side that has contributed to the failure to secure conviction;
- identify key actions and processes that have lead to successful convictions; and
- build-up capacities of the Appropriate and Judicial Authorities and strengthen the implementation of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT Act).

13.4 Eighteen States are being covered for the study. These States are Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttarakhand, Uttar Pradesh, West Bengal and NCT of Delhi. Data has been collected from all these States. At the time of writing of this Annual Report, the drafts of the State Reports and the National Report were being written.



ADMINISTRATION AND LOGISTIC SUPPORT

Chapter ~ 14

A. Staff

14.1 The NHRC has a total sanctioned strength of 343 employees consisting of various ranks. The Commission has taken recourse to a variety of methods for building and developing a cadre of its own. These include direct recruitment, re-employment, deputation and contractual employment. During the period being reported upon, options were obtained from the employees on deputation for permanent absorption in the Commission.

14.2 NHRC-India has also institutionalized an internship system for talented students, both from India and abroad, to assist the Commission in its day-to-day activities. Few of these interns are selected for short-term contracts in the Commission and are assigned specific duties and responsibilities for which they have an aptitude and the required capacities.

B. Special Rapporteurs

14.3 The system of having Special Rapporteurs to facilitate the NHRC in discharging its sensitive and demanding responsibilities continued during the year 2008-2009. In all, there were eight Special Rapporteurs who functioned as representatives of NHRC for the assigned State(s) in the area of civil and political rights; economic, social and cultural rights; and in providing guidance to people with regard to the provisions contained in the PHRA as well as the procedure for obtaining redressal from the NHRC in case of violation of their rights.

C. Core and Expert Groups

14.4 As mentioned in Chapter 3 of this Annual Report, the NHRC continued with its arrangement of Core and Expert Groups consisting of eminent persons or representatives of bodies working on different human rights issues. In the NHRC the practice of constituting Core and Expert Groups on varied human rights concerns has been of immense help in protecting and promoting the human rights of people, especially those who are vulnerable and belong to the lower strata of the society. These Core and Expert Groups, comprising some of the most knowledgeable and committed persons in their respective fields, have greatly strengthened the competence and capacity of the NHRC to fulfill the functions assigned to it under its statute. Some of the important Core and Expert Groups constituted in the Commission are:

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

D. Use of Official Language

14.5 The NHRC has an Official Language Section. It is responsible for the translation of complaints/representations and responses received in regional and foreign languages. The Section is also responsible for translation of the Annual Report, Monthly Newsletter and Budget documents of the Commission in Hindi. The scheme for giving cash awards to those engaged in original writing in Hindi on human rights subjects, as well as for the translation of books in regional languages or English into Hindi, was continued during the year.

14.6 In order to create awareness among the masses about issues related to human rights, the Official Language Section, following the past practice of NHRC, brought out the annual Journal in Hindi entitled *Nai Dishayein*.

E. Library

14.7 The NHRC library is well equipped with books on human rights and related subjects. The library of the NHRC is meant for research and reference purposes for all those working in it. Of late, the library is increasingly being used by interns, research scholars and others working in the field of human rights. It maintains liaison with almost all the libraries in New Delhi through inter-library loan facilities. At present, the library has a collection of 16,542 books and back volumes of journals that cover a wide spectrum of human rights concerns and related subjects. During 2008-2009, 1,100 books on human rights were added to the existing collection of the library. It also houses a collection of 200 CD/DVD/Cassettes. It subscribes to 50 Indian and foreign journals, 100 serial publications, 28 magazines and 23 national & regional newspapers.

14.8 The library is equipped with SCC Online (Supreme Court Case Finder CD-ROM) and Library Management System Software Package (E - Granthalaya) developed by NIC, New Delhi. The facility of Online Public Access Catalogue (OPAC) has been specially developed in the

library for quickly ascertaining the availability and location of any book available through any access point such as the author, title, subject, keyword and publisher.

14.9 The library has institutional membership of British Council Library and DELNET (Developing Library Networking) which promotes resource sharing among the libraries. A new indexing service – “Current Contents”, was initiated in the library in the year 2007-2008. It indexes articles from the journals received in the library under broad subject headings and key words used in the text of the articles.

F. Right to Information

14.10 As reported in the Annual Report for the year 2007-2008, the Information and Public Relations Officer of the NHRC has been appointed as the Central Public Information Officer and the Joint Secretary (Personnel & Administration) as Appellate Authority under the Right to Information Act, 2005 (RTI Act). As the concerned Joint Secretary joined another office in the month of February 2009, the Joint Secretary (Training) was designated as the Appellate Authority.

14.11 The details of applications and appeals received under the RTI Act during the period from 1 April 2008 to 31 March 2009 are indicated below:

1	No. of applications received	865
2	No. of applications disposed off within 30 days	865
3	No. of applications pending but disposed off beyond one month	Nil
4	No. of applications pending but are within one month	Nil
5	No. of applications transferred to other Ministries/ Departments/ Organizations	20

Details of 1st Appeals

1	No. of appeals received by the Appellate Authority	29
2	No. of such appeals disposed off within one month	29
3	No. of appeals pending	Nil

Details of 2nd Appeals with C.I.C.

1	No. of notices received from C.I.C.	Nil
2	No. of hearings attended by C.P.I.O./Appellate Authority	Nil
3	No. of hearings in r/o which compliance report submitted to C.I.C.	Nil
4	No. of hearings in r/o which compliance report not submitted to C.I.C.	Nil



SUMMARY OF PRINCIPAL RECOMMENDATIONS AND OBSERVATIONS

Chapter ~ 15

SUMMARY OF PRINCIPAL RECOMMENDATIONS AND OBSERVATIONS

15.1 NHRC has played a predominant role in promoting and spreading a culture of human rights across the country. In that sense, it can be stated with conviction that the Commission has immensely contributed to a deepening of the meaning of democracy and rule of law in the country. It has time and again ensured that human rights entail both rights and obligations. States assume obligations and duties under international and national law to respect, to protect and to fulfill human rights. It is precisely these concerns that have over the years relentlessly driven the NHRC to insist that those responsible for human rights violations, be it in any part of the country, must be held accountable for their acts. Only when it is clear that no one is above the law, will those who may be inclined to commit serious crimes and human rights violations be deterred from doing so (**Paras 1.9 & 1.10**).

Human Rights Violation Cases

15.2 During the year under review, the NHRC had a total of 1, 20,595 cases for examination. Out of these, 29,649 cases were those which had been brought forward from the preceding years. The number of fresh cases registered were 90, 946. It disposed off 1, 03,996 cases (**Para 4.2**).

15.3 Of the fresh cases that were registered during the year under review, 89,109 cases were complaints of alleged human rights violations, 1,660 cases were intimations of custodial deaths, and 132 related to police encounters. Of the custodial deaths that were reported during 2008-2009, six deaths had allegedly taken place in the custody of defence / para-military forces, 127 deaths in police custody and 1,527 deaths in judicial custody (**Para 4.3**).

15.4 In comparison to number of cases registered in the Commission during 2007-2008, the number of cases registered during 2008-2009 showed a relative decline. The main reason for this could be mainly attributed to the strengthening and upgradation of the Complaint Management System (CMS) in the NHRC which has streamlined the entire process of complaint registration. The other factor for this could be the opening-up of State Human Rights Commissions in other States/Union Territories. Despite these positive developments, as in the preceding years, the largest number of complaints registered was from the State of Uttar Pradesh — 53,492. The NCT of Delhi came next with 5,433 complaints, followed by Maharashtra with

4,321 complaints. The NCT of Delhi did not have any State Human Rights Commission during the period reported upon (**Para 4.4**).

15.5 At the end of the reporting period that is on 31 March 2009, the total number of cases pending with the NHRC was 18, 146. Of these, 1,547 cases were those awaiting preliminary consideration and 16,599 cases were those in which the reports were either awaited from the authorities concerned or were pending further consideration by the Commission. Of the total number of 1, 03,996 cases disposed off during 2008-2009, 63,160 were dismissed '*in limini*', while 17,587 were disposed off with directions to the appropriate authorities for remedial measures (**Paras 4.5 & 4.6**).

15.6 The Protection of Human Rights Act, 1993 (PHRA) is based on the premise that full cooperation will be extended to the NHRC by both the Central and State Governments. It is therefore incumbent on the part of the Centre and States to support the Commission in its efforts to dispose off cases relating to human rights violation promptly and efficiently, in order to ensure better protection of human rights, as envisaged under the Act. The Commission would like to reiterate that it is of utmost importance that both the Central and State Governments should respond promptly to requests for reports made by it. Further, they need to act without delay on recommendations made by the Commission so as to inspire confidence and retain the trust of the people (**Para 4.11**).

15.7 During 2008-2009, the NHRC recommended monetary relief amounting to Rs.5,02,49,000 to the victims/next of kin of the deceased in 373 cases. Out of these 373 cases, it also recommended disciplinary action against the delinquent police officials/public servants in 11 cases and prosecution of the errant police officials in one case (**Para 4.239**).

15.8 The NHRC received compliance reports in 111 cases out of 373 cases relating to monetary relief and a total amount of Rs. 1,02,90,000 was paid to the victims/next of kin of the deceased. It also received compliance report in 1 case, in response to its recommendations for disciplinary action against the delinquent public servant. It is yet to receive compliance reports in 262 cases where monetary relief amounting to Rs. 3,99,59,000 was recommended by the Commission. It is also awaiting compliance reports in 10 cases relating to recommendation for disciplinary action against the delinquent police officials and in one case pertaining to recommendation for prosecution of the errant police officials (**Para 4.240**).

15.9 As regards, compliance reports relating to previous years, the NHRC has not received compliance reports in 71 cases for the period from 1999-2000 to 2007-2008. The details of these cases have been reported in the earlier Annual Reports of the NHRC (**Para 4.241**).

Terrorism and Militancy

15.10 Acts of terrorism and militancy, of late, have spread their tentacles all over the world, thereby affecting the lives of innocent people indiscriminately. India alone has witnessed some

of the worst forms of terrorism and militancy in the recent past. Terrorists and militants, undoubtedly, are the sworn enemies of human rights and there can be no equivocation on this matter. Terrorism and militancy, in all forms and manifestations, must be fought and defeated. It is therefore essential to fight and defeat terrorism and militancy in all its forms, if at all the human rights of people are to be protected, for the right to life – the target of terrorists – is the most basic right, without which human beings can exercise no other right **(Para 5.2)**.

15.11 The NHRC has all along maintained that anti-terrorism and anti-militancy measures must be carried out by the State in conformity with the Constitution, the laws of the land, and the treaty obligations of the country. The NHRC further believes that the menace of terrorism and militancy must not be left to the agencies of the State like the police and the armed forces alone, rather it should be collectively fought by all sections of the society. It has continued to lay emphasis on the socio-economic dimensions of the problem and called for an effective enforcement of laws and good governance to ensure transparency and accountability **(Para 5.3)**.

Custodial Violence and Torture

15.12 The curbing of custodial violence and torture has been one of the core concerns of the NHRC ever since it came into existence in 1993. As early as 14 December 1993, it issued instructions that it must be informed of any incident of custodial death or rape within 24 hours of its occurrence. In subsequent instructions, it was stated that information on custodial deaths was to be followed by a post-mortem report, a videography report on the post-mortem examination, an inquest report, a magisterial enquiry report, etc. In order to avoid delays in the scrutiny of such cases, the NHRC issued additional guidelines in December 2001, asking the States/Union Territories to send the required reports within two months of the incident; it was underlined, *inter alia*, that the post-mortem report should be submitted in accordance with the new format that had been devised by it. These instructions, over the years, have facilitated the NHRC to exercise checks on custodial violence and torture by the police and other public servants. In cases where there have been delays in reporting of such incidents, the NHRC has had good reason to draw an adverse inference as to the conduct of public servants involved. In such instances, it has probed the matter further, to see as to whether the death has been caused by custodial violence or negligence, and to take the matter to its logical conclusion **(Para 5.4)**.

15.13 The NHRC is of the firm belief that one way of ensuring reduction in custodial crimes is to ensure stern action, including prosecution, against the perpetrators of all forms of custodial violence even those relating to torture. In several such cases, the Commission has recommended disciplinary action against the delinquent officials and granted monetary relief to the victims or their next of kin. However, in many cases, punishment awarded by the authorities in departmental actions is not proportionate to the offence committed **(Para 5.5)**.

Custodial Deaths

15.14 The number of cases of deaths in police and judicial custody registered by the NHRC during 1993-1994 was 34. From 1994-1995 till 2008-2009, the NHRC registered 2,329 cases of death in police custody and 16,136 cases of death in judicial custody. The highest number of deaths in police custody during the period 1994-1995 to 2008-2009 were reported from the State of Maharashtra (315), followed by Uttar Pradesh (249), Gujarat (190), Andhra Pradesh (188) and West Bengal (162). The highest number of deaths in judicial custody during the years 1994-1995 to 2008-2009 were reported from the State of Uttar Pradesh (2,688), followed by Bihar (2,107), Maharashtra (1,720), Andhra Pradesh (1,351) and Tamil Nadu (866) (**Paras 5.7 & 5.8**).

Visits to Jails

15.15 In view of the visits made by the Special Rapporteurs to different jails in the country, the issues requiring immediate attention in all the jails are more or less the same. Most of the jails were overcrowded and the convicts and the undertrials were lodged together which needs to be rectified. The concerned State Governments need to ensure that the convicts and the undertrials are segregated and lodged separately. Most of the jail buildings being old need repair/renovation. Almost all the jails visited had vacant posts. These posts need to be filled up immediately by the jail authorities. The budget prescribed for diet of prisoners in each State needs to be examined in the light of escalating cost of food items and transport. The issue of clothing and bedding provided to the convicts and the undertrials including those who are poor also needs to be examined by the respective State Governments. In order to equip the jail officials and staff with latest information, knowledge and skills, due emphasis should be laid on their training at regular intervals. Emphasis also needs to be laid on imparting different kinds of vocational skills to the inmates in all the jails. Likewise, attention needs to be paid towards their educational and recreational requirements. The grievances of the prisoners regarding bail, sureties, parole, wages, remissions, appeals, transfer to jails nearer home, speedy trial, legal defence, interview with lawyers and family members for legal purposes, provision of legal aid, etc., also needs to be looked into and rectified by the respective State Governments. It would be pertinent to mention that the reports of the visits made by the Special Rapporteurs to different jails in the country have been forwarded to the concerned State Governments for taking remedial measures (**Para 5.13**).

Analysis of Prison Population

15.16 The NHRC compiles an analysis of prison statistics bi-annually. During the period under report, it analysed prison statistics up to 31 December 2007. The total prison population of the country was 3,73,948 against the authorized jail capacity of 2,76,960. Out of these, the percentage of undertrials was 67.9 per cent. Given the authorized capacity of all the jails and sub-jails, there is an overcrowding to the extent of 35 per cent for the country as a whole, as compared to 40.15 per cent as on 31 December 2006. The current trend is an encouraging one and efforts are further required to maintain this declining trend in future. Twelve States –

Uttar Pradesh, Chhattisgarh, National Capital Territory of Delhi, Jharkhand, Gujarat, Madhya Pradesh, Uttarakhand, Himachal Pradesh, Kerala, Orissa, Assam and Punjab – had overcrowding ranging from 36 per cent to 101.3 per cent, which is above the authorized capacity (**Para 5.14**).

15.17 Among these States, the NCT of Delhi (85.7%) and Gujarat (67.3%) have made remarkable progress in reducing overcrowding in jails. Other than this, States in which overcrowding has been reduced in comparison to the percentage as on December 2006 are – Jharkhand (68.2%), Orissa (44.9 %), Bihar (33.8%), Haryana (24.3%), Maharashtra (23.9%), Andhra Pradesh (18%), Lakshadweep (12.5%), Sikkim (12.4%) and Goa (1.7%). The States in which the percentage of overcrowding has risen as compared to the position in December 2006 are – Uttar Pradesh (101.3%), Chhattisgarh (99.5%), Uttarakhand (50.2%), Himachal Pradesh (45.2%), Kerala (45.1%), Punjab (36%), Andaman & Nicobar Islands (33.7%) and Puducherry (13.1%). Seven States and three Union Territories – West Bengal, Rajasthan, Tamil Nadu, Mizoram, Jammu & Kashmir, Manipur, Nagaland, Daman & Diu, Chandigarh and Dadra & Nagar Haveli – had an idle capacity in their jails as on 31 December 2007 (**Para 5.15**).

15.18 The undertrial prisoners constituted 67.9 per cent of the total prison population in the country as on 31 December 2007, a slight improvement from the previous year's 68.3 per cent. The States/Union Territories of Andhra Pradesh, Assam, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Tripura and Uttarakhand were having undertrials less than the all India level of 67.9 per cent (**Para 5.16**).

15.19 The percentage of women prisoners in relation to the total prison population in the country remained almost the same as in the preceding year – 4 per cent. In this regard, Mizoram has consistently held the 'top slot' in the analysis from December 2004 to December 2007. Children up to the age of 5 to 6 years are permitted to live in jails with their mothers in pursuance of the directions given by the Supreme Court in R.D. Upadhyay vs. State of Andhra Pradesh. There were 2,071 children (upto the age of 6 years), as on 31 December 2007, who were staying with their mothers in jails across the country (**Para 5.17**).

Silicosis

15.20 During 2008-2009, the NHRC received individual complaints on the problem of silicosis. In a meeting held on 1 May 2008, the Commission reiterated that silicosis is an occupational hazard and it could be prevented if the working conditions of workers are properly regulated and proper warnings are adhered to by the employers, both in the organized and unorganized sector. Since none of the States/UTs have a policy that encompasses preventive, curative and rehabilitative measures that could be taken for the benefit of silicosis victims, the NHRC directed that the Union Government and the States/UTs should furnish complete information with regard

to the implementation of relevant laws, laying down the appropriate mechanism to monitor, steps taken to control silicosis, etc. **(Para 6.10).**

15.21 At the time of writing of this Annual Report, the Commission had received responses from 18 States only. It had also received a copy of the Supreme Court order dated 5 March 2009 in the Writ Petition (Civil) No. 110 of 2006 in the case of People's Rights and Social Research Centre (PRASAR) v. Union of India and Ors. In this case the Supreme Court has issued directions to the Ministries of Health and Labour to provide all necessary assistance to NHRC for any action with regard to the issue of silicosis. Looking at the gravity of the problem, the Commission has recently constituted an Expert Group on the problem of silicosis **(Para 6.11).**

Mental Health

15.22 During the year 2008-2009, the NHRC continued with its efforts of creating a better understanding and awareness about the rights of mentally-ill persons by organizing conferences and undertaking visits of mental hospitals across the country **(Para 6.12).**

15.23 It organized a meeting of the Health Secretaries and State Mental Health authorities at NIMHANS, Bangalore on 8 and 9 May 2008. The Commission requested the Medical Council of India (MCI) to increase the intake of number of Psychiatrists in the country. The MCI has granted permission for the commencement of MD degree course in Psychiatry in 18 institutes by 2008 as well as launch DPM course in 7 institutes. In addition, it had granted permission for increasing the number of seats in 4 institutes by 2008 which would result in additional 25 seats in MD (Psychiatry) and 28 seats in DPM. The NHRC again urges the MCI and the Ministry of Health and Family Welfare, Government of India, to intensify its efforts in order to meet the demand for adequate manpower in the field of mental health **(Paras 6.14 & 6.15).**

15.24 On 20 January 2009, another meeting was convened under the chairmanship of Justice Shri G.P. Mathur, Member, NHRC at NIMHANS in Bangalore. Based on the discussions held in the meeting, to overcome the shortage of Psychiatrists in the country the MCI was urged to inform their views on relaxation of its standards from the present 1 : 1 (one Professor : one student) to 1 : 2 (one Professor : two students) for a 10 year period **(Para 6.17).**

15.25 On being entrusted with the responsibility of overseeing the functioning of three major mental health hospitals in Ranchi, Agra and Gwalior by the Supreme Court of India on 11 November 1997, the NHRC has been incessantly monitoring the functioning of these three hospitals. During 2008-2009, apart from visiting these three hospitals, a Special Rapporteur of the Commission also visited five other mental health hospitals/institutions in the country, namely — Mental Health Hospital in Bareilly, Uttar Pradesh (April 2008), Institute of Mental Health in Kilpauk, Tamil Nadu (July 2008), Yerwada Regional Mental Hospital in Pune, Maharashtra (July 2008), Mental Health Hospital in Cuttack, Orissa (December 2008) and Government Hospital for Mental Care in Visakhapatnam, Andhra Pradesh (March 2009). Based on the reports

of the visits made by the Special Rapporteur, the issues relating to physical structure and infrastructure of mental hospitals, shortage of professionals and other staff therein, medical records of mentally-ill patients and incarceration of cured mentally-ill patients require immediate attention. The observations made by the Special Rapporteur during the course of visits to these Mental Hospitals/Institutions were considered by the Commission and the same were subsequently forwarded to the concerned State Governments for taking required necessary action. The concerned State Governments were also requested to send in their action taken report to the NHRC (**Paras 6.18 & 6.19**).

15.26 A gist of the observations made by the Special Rapporteur with regard to the issue of mental health have been given in Chapter 6 (para 6.18) of this Annual Report.

Issue of Missing Children

15.27 The recommendations/suggestions of the Committee constituted by the Commission to look into the issue of missing children were forwarded by the NHRC to the Chief Secretaries and Directors General of Police of all the States/Union Territories, as well as to the National Commission for Women, National Commission for Protection of Child Rights and the Ministry of Women and Child Development, Government of India for their necessary compliance. A reporting format devised by the Commission was also forwarded to all the States/Union Territories from the point of view of gathering information on different aspects concerning missing children. The NHRC had received information from the States/Union Territories of Andhra Pradesh, Andaman & Nicobar Islands, Chhattisgarh, Dadra & Nagar Haveli, Goa, Gujarat, Haryana, Himachal Pradesh, Lakshadweep, Karnataka, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and Uttarakhand. Information has been received from NCT of Delhi too. The NHRC once again urges to all those States and Union Territories which have so far not furnished the required information to expedite doing the same (**Paras 6.29 & 6.30**).

Monitoring of Juvenile Justice System in India

15.28 The NHRC had designed a reporting format for obtaining feedback from various States/Union Territories on the issue of juvenile justice system. Till date it has received responses only from Andhra Pradesh, Assam, Bihar, Chandigarh, NCT of Delhi, Haryana, Kerala, Maharashtra, Madhya Pradesh, Rajasthan and Sikkim. From the available data received so far, it seems that the States/Union Territories who have forwarded information are gradually becoming sensitive to the plight of children in need of care and protection and juveniles in conflict with law. However, the Commission once again requests all those States and Union Territories who have not responded, to expedite sending the required information as per the devised reporting format (**Paras 6.31 & 6.32**).

Elimination of Bonded Labour System

15.29 During the year 2008-2009, one of the Special Rapporteurs of NHRC conducted a review of the status of implementation of the BLSA Act in the State of Bihar in April 2008. In the light of the directions given by the Apex Court in *Neerja Chaudhury vs. Madhya Pradesh* in W.P. (Civil) No. 1263 of 1982, (AIR 1984 SC 1099) that there should be constant check and supervision over the activities of the officials (assigned with the task of identification, release and rehabilitation of bonded labourers), at least one review should be conducted by the nodal Department to have access to the correct factual situation existing on the ground. It is necessary and desirable for the nodal Department to be fully aware of the situation (**Paras 7.6 & 7.12**).

15.30 While identification and release are reported to be coterminous, there is a gap of one year between the date of release and date of sanction of rehabilitation assistance. Other than this, a much longer time lag is involved in implementation of the rehabilitation proposal. As a result, the freed bonded labourer either migrates or returns to the erstwhile bonded labour keeper either of which is not desirable. The special problems of interstate migrant workmen migrating from Bihar to Punjab, Haryana, Maharashtra, Gujarat and getting into the status of bonded labourers at the destination point should engage the serious and urgent attention of the nodal Department in general and of the State Government in particular (**Para 7.13**).

Elimination of Child Labour System

15.31 Ever since the NHRC came into existence, it has been continuously monitoring the situation of child labour in the country and in the process has issued recommendations for compensation as well as penal action. In order to facilitate the practice of eliminating the problem of child labour in the country, the Commission since 2000 has been making status reviews of all those States/Union Territories where this predicament seems to be rampant. During the year under review, the NHRC through its Special Rapporteur focussed its attention on Tamil Nadu (July 2008), Uttar Pradesh (July 2008) and Maharashtra (July 2008) (**Paras 7.14 & 7.15**).

15.32 The observations and recommendations contained in Special Rapporteur's report have been summarized in Chapter 7 of this Annual Report from **paras 7.16 to 7.36**.

Training Programmes Organized by the NHRC

15.33 As part of accomplishing its mandate, the Commission approved 123 training programmes of 65 institutions/universities/NGOs on various aspects of human rights to be organized during the reporting period all over the country with special focus on the North-Eastern States and other backward States/UTs. Out of these, 114 training programmes were successfully organized by 58 institutions/ universities/NGOs (**Para 8.8**).

Universal Periodic Review

15.34 The Commission actively coordinated with the Government of India and played a key role in the preparation of the India country paper. The Commission had also submitted a separate

brief paper on India for Universal Periodic Review (UPR) to the Office of the UN High Commissioner for Human Rights in January 2008. The NHRC India paper flagged important human rights challenges relating to right to education, right to health, right to food, rights of children, rights of persons with disability and corruption and human rights. While reviewing international human rights instruments, the Commission stressed the need to ratify the 1951 UN Convention relating to the Status of Refugees and the Convention against Torture. The Joint Secretary, NHRC attended the Plenary Session of Human Rights Council at Geneva in Switzerland from 9 to 11 June 2008. The Plenary Session pertained to the adoption of the final outcome relating to India under the UPR. The Joint Secretary made a statement on behalf of the NHRC of India **(Paras 9.1, 9.2 & 9.5).**

State Human Rights Commissions

15.35 In accordance with Section 21 of the Protection of Human Rights Act, 1993, State Human Rights Commission (SHRCs) have been set up in 18 States – Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. The National Human Rights Commission is keen that every State sets up a State Human Rights Commission. The Commission recommends to all those States which have not yet constituted their Commissions to do so at the earliest. Further, the Commission has taken the initiative to hold regular interactions with the SHRCs to explore and further strengthen areas of cooperation and partnership **(Paras 11.1 & 11.2).**

Convention Relating to the Status of Refugees, 1951 and the 1967 Protocol

15.36 The Commission's views on the protection of the rights of refugees have been mentioned in detail in the earlier annual reports. The Commission has advocated for the ratification of the Convention relating to the Status of Refugees, 1951 and the 1967 Protocol thereto and the enactment of a national law in this regard **(Para 12.1).**

15.37 In the past year, the Commission has engaged the concerned Ministries towards the enactment of a national law on refugee protection. Based on detailed exchange of views with the highest echelons of the Government, the Commission asked the Ministry of Home Affairs and the Ministry of External Affairs to formulate necessary proposals and send them to the Commission at the earliest. At the time of writing this report, their response was still awaited **(Para 12.2).**

Convention Against Torture, Inhuman, Degrading Treatment or Punishment, 1984

15.38 The Commission has been advocating for the ratification of the Convention Against Torture for the past several years. Following upon Ministry of Home Affairs' reply in August

2007 that the comments of the Commission and other ministries/agencies have been sent to the Ministry of External Affairs, the Commission took up the matter with the concerned Ministry. The Ministry of External Affairs informed the Commission that their comments have been sent to the Ministry of Home Affairs vide letter dated 7 September 2007. The Commission is following-up the matter with the Ministry of Home Affairs to inform it about the status of ratification of Convention Against Torture (**Paras 12.3 & 12.4**).

15.39 The Supreme Court has already issued a number of orders in this regard. Torture has been criminalized in the Indian Penal Code and other legislations. The NHRC has been recommending immediate interim relief in instances where torture has been established. In the interest of protection and promotion of human rights, the Commission once again urges the Government of India to ratify the Convention at the earliest (**Para 12.5**).

The 1977 Protocols Additional to the Geneva Conventions of 1949

15.40 Protocol I to the Geneva Conventions 1949 provides for new rules on international armed conflicts and Protocol II develops international humanitarian law on non-international armed conflicts (**Para 12.6**).

15.41 In response to the Commission's request for comments on both the Protocols, the Ministry of External Affairs referred to changing nature of armed conflict and the need to hold detailed consultations with other agencies in this regard. The Commission intends to pursue this matter further (**Para 12.7**).

ANNEXURES

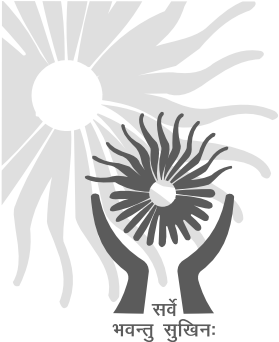


Annexure ~ 1

Para 4.2

STATE/UT-WISE NUMBER OF CASES PENDING AS ON 01/04/2008

S. No.	Name of the State/ Union Territory	Cases awaiting preliminary Consideration				Pendency of cases where reports have either been received or awaited from the State Authorities			
		Complaints/ Suo-motu cognizance	Intimation about		TOTAL	Complaints/ Suo-motu cognizance Cases	Custodial Deaths/ Rapes	Encounter Deaths	TOTAL
1	2	3	4	5	6	7	8	9	10
1	ALL INDIA	3	0	0	3	4	0	0	4
2	ANDHRA PRADESH	18	7	1	26	379	389	47	815
3	ARUNACHAL PRADESH	1	0	0	1	7	5	0	12
4	ASSAM	14	0	2	16	85	67	33	185
5	BIHAR	105	6	0	111	1449	533	5	1987
6	GOA	1	0	0	1	13	5	0	18
7	GUJARAT	10	3	0	13	350	238	3	591
8	HARYANA	109	1	0	110	696	172	10	878
9	HIMACHAL PRADESH	1	0	0	1	24	7	0	31
10	JAMMU & KASHMIR	6	0	0	6	184	9	5	198
11	KARNATAKA	13	8	0	21	237	273	18	528
12	KERALA	5	2	0	7	75	132	1	208
13	MADHYA PRADESH	64	3	0	67	422	172	13	607
14	MAHARASHTRA	25	17	0	42	451	453	46	950
15	MANIPUR	3	0	0	3	73	1	6	80
16	MEGHALAYA	2	0	0	2	15	8	1	24
17	MIZORAM	0	0	0	0	9	1	0	10
18	NAGALAND	0	0	0	0	2	4	0	6
19	ORISSA	31	1	0	32	275	76	5	356
20	PUNJAB	57	5	0	62	514	106	1	621
21	RAJASTHAN	68	1	0	69	528	117	34	679
22	SIKKIM	2	0	0	2	1	1	0	2
23	TAMILNADU	35	13	0	48	502	434	5	941
24	TRIPURA	0	0	0	0	26	20	2	48
25	UTTAR PRADESH	1451	5	0	1456	12556	873	413	13842
26	WEST BENGAL	42	1	0	43	368	91	7	466
27	ANDAMAN & NICOBAR	0	0	0	0	9	1	0	10
28	CHANDIGARH	2	0	0	2	32	10	0	42
29	DADAR & NAGAR HAVELI	0	0	0	0	2	1	0	3
30	DAMAN & DIU	0	0	0	0	3	0	0	3
31	DELHI	120	1	0	121	1317	106	29	1452
32	LAKSHADWEEP	0	0	0	0	1	0	0	1
33	PUDUCHERRY	2	0	0	2	11	7	0	18
34	CHATTISGARH	18	1	0	19	168	98	2	268
35	JHARKNAND	31	0	0	31	568	228	8	804
36	UTTARAKHAND	57	1	0	58	464	47	25	536
37	FOREIGN COUNTRIES	4	0	0	4	46	0	0	46
TOTAL		2300	76	3	2379	21866	4685	719	27270
GRAND TOTAL(6+10) = 2379+27270=29649									



Annexure -2

Para 4.2

STATE/UT-WISE NUMBER OF CASES REGISTERED DURING 01/04/2008 TO 31/03/2009

S. No	Name of the State/ Union Territory	Complaints	Suo-motu cognizance	Intimation Received about Custodial Deaths/Rapes*			Intimation received about Encounter Deaths	Total (3+4+5+6+7+8)
				Police Custody	Judicial Custody	Defence/ Para-Military Custody		
1	2	3	4	5	6	7	8	9
1	ALL INDIA	261	0	0	0	0	0	261
2	ANDHRA PRADESH	850	1	12	131	0	2	996
3	ARUNACHAL PRADESH	26	0	2	1	0	0	29
4	ASSAM	158	1	7	27	2	15	210
5	BIHAR	3352	0	5	133	0	0	3490
6	GOA	65	0	0	2	0	0	67
7	GUJARAT	2805	1	12	74	0	0	2892
8	HARYANA	3318	3	6	52	0	3	3382
9	HIMACHAL PRADESH	165	2	0	5	0	0	172
10	JAMMU & KASHMIR	199	1	0	1	0	1	202
11	KARNATAKA	662	0	2	72	0	2	738
12	KERALA	284	0	2	40	0	0	326
13	MADHYA PRADESH	2219	3	5	86	0	4	2317
14	MAHARASHTRA	4157	3	23	124	0	14	4321
15	MANIPUR	45	0	0	0	0	3	48
16	MEGHALAYA	19	0	1	3	0	0	23
17	MIZORAM	23	0	0	0	0	0	23
18	NAGALAND	9	0	0	3	0	0	12
19	ORISSA	750	0	2	48	0	0	800
20	PUNJAB	921	2	4	70	0	2	999
21	RAJASTHAN	2473	1	4	56	0	1	2535
22	SIKKIM	14	0	0	0	0	0	14
23	TAMILNADU	2535	1	6	69	0	6	2617
24	TRIPURA	36	0	1	6	1	0	44
25	UTTAR PRADESH	53101	11	24	287	0	69	53492
26	WEST BENGAL	1063	0	4	99	2	0	1168
27	ANDAMAN & NICOBAR	22	0	0	0	0	0	22
28	CHANDIGARH	105	0	1	3	0	0	109
29	DADAR & NAGAR HAVELI	8	0	1	0	0	0	9
30	DAMAN & DIU	9	0	0	0	0	0	9
31	DELHI	5401	12	0	19	0	1	5433
32	LAKSHADWEEP	0	0	0	0	0	0	0
33	PUDUCHERRY	76	0	0	2	0	0	78
34	CHATTISGARH	533	2	1	40	1	0	577
35	JHARKHAND	1482	1	2	61	0	6	1552
36	UTTARAKHAND	1790	0	0	13	0	3	1806
37	FOREIGN COUNTRIES	173	0	0	0	0	0	173
GRAND TOTAL		89109	45	127	1527	6	132	90946

* No case of Custodial Rape was reported by the Authorities as per the NHRC guidelines. However, 4 cases of Alleged Custodial Rape were received and included in the complaints (Column 3)

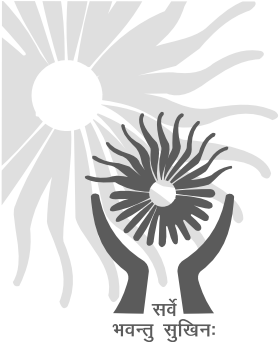


Annexure - 3

Para 4.2

STATE/UT-WISE DISPOSAL OF CASES DURING THE YEAR 2008-2009

S. No.	Name of the State/Union Territory	Dismissed in Limini	Disposed of with Directions	Transferred to State Human Rights Commissions	Concluded after receipt of Reports				Total
					Complaints/ <i>Suo-motu</i> cognizance Cases	Custodial Death Cases	Custodial Rape Cases	Encounter Death Cases	
1	2	3	4	5	6	7	8	9	10
1	ALL INDIA	233	25	0	0	0	0	0	258
2	ANDHRA PRADESH	562	199	49	301	92	1	7	1211
3	ARUNACHAL PRADESH	15	1	0	13	3	0	0	32
4	ASSAM	104	33	3	90	45	0	4	279
5	BIHAR	2460	735	80	967	363	1	1	4607
6	GOA	45	18	0	8	4	0	0	75
7	GUJARAT	2169	414	66	203	53	0	2	2907
8	HARYANA	2233	887	0	573	87	0	2	3782
9	HIMACHAL PRADESH	124	26	2	26	3	0	0	181
10	JAMMU & KASHMIR	133	35	2	130	4	2	2	308
11	KARNATAKA	489	141	27	160	63	0	4	884
12	KERALA	217	52	3	79	33	0	0	384
13	MADHYA PRADESH	1666	454	72	349	92	0	4	2637
14	MAHARASHTRA	3415	521	279	321	117	0	8	4661
15	MANIPUR	7	10	2	46	0	0	0	65
16	MEGHALAYA	16	3	0	12	1	0	0	32
17	MIZORAM	22	1	0	9	1	0	0	33
18	NAGALAND	8	0	0	3	5	0	0	16
19	ORISSA	516	174	13	205	67	0	3	978
20	PUNJAB	661	197	33	277	116	0	1	1285
21	RAJASTHAN	1763	571	82	516	66	0	33	3031
22	SIKKIM	13	2	0	2	0	0	0	17
23	TAMILNADU	1781	481	153	453	184	0	2	3054
24	TRIPURA	29	1	0	16	5	0	0	51
25	UTTAR PRADESH	36566	10519	4898	7903	614	4	92	60596
26	WEST BENGAL	784	154	87	214	85	0	0	1324
27	ANDAMAN & NICOBAR	17	4	0	4	0	0	0	25
28	CHANDIGARH	74	22	0	24	7	0	0	127
29	DADAR & NAGAR HAVELI	7	1	0	1	1	0	0	10
30	DAMAN & DIU	7	2	0	1	0	0	0	10
31	DELHI	3924	1187	0	1089	36	2	4	6242
32	LAKSHADWEEP	0	0	0	1	0	0	0	1
33	PUDUCHERRY	49	24	0	9	0	0	0	82
34	CHATTISGARH	414	99	14	72	63	0	0	662
35	JHARKHAND	1144	278	0	266	122	1	1	1812
36	UTTARAKHAND	1354	284	0	476	17	0	10	2141
37	FOREIGN COUNTRIES	139	32	0	25	0	0	0	196
GRAND TOTAL		63160	17587	5865	14844	2349	11	180	103996



Annexure - 4

Para 45

STATE/UT-WISE NUMBER OF CASES PENDING AS ON 31/3/2009

S. No.	Name of the State/ Union Territory	Cases awaiting preliminary consideration				Pendency of cases where reports have either been received or awaited from the State Authorities			
		Suo-motu Complaints/ Suo-motu cognizance	Intimation about Custodial Deaths/ Rapes	Encounter Deaths	TOTAL Suo-motu	Complaints/ Deaths/ cognizance Cases	Custodial Deaths Rapes	Encounter Deaths	TOTAL
1	2	3	4	5	6	7	8	9	10
1	ALL INDIA	2	0	0	2	10	0	0	10
2	ANDHRA PRADESH	6	3	0	9	150	433	43	626
3	ARUNACHAL PRADESH	5	0	0	5	4	6	0	10
4	ASSAM	0	0	0	0	-63	153	42	132
5	BIHAR	37	1	0	38	541	436	4	981
6	GOA	1	0	0	1	7	4	0	11
7	GUJARAT	102	1	0	103	312	276	1	589
8	HARYANA	26	1	0	27	434	141	12	587
9	HIMACHAL PRADESH	0	0	0	0	14	9	0	23
10	JAMMU & KASHMIR	5	0	0	5	92	5	1	98
11	KARNATAKA	3	0	0	3	102	283	18	403
12	KERALA	3	1	0	4	22	134	1	157
13	MADHYA PRADESH	23	0	0	23	170	170	14	354
14	MAHARASHTRA	43	5	1	49	143	460	49	652
15	MANIPUR	1	0	0	1	63	1	2	66
16	MEGHALAYA	0	0	0	0	5	11	1	17
17	MIZORAM	0	0	0	0	0	0	0	0
18	NAGALAND	0	0	0	0	2	0	0	2
19	ORISSA	11	0	0	11	125	83	2	210
20	PUNJAB	7	3	0	10	303	94	0	397
21	RAJASTHAN	19	1	0	20	137	113	2	252
22	SIKKIM	1	0	0	1	0	1	0	1
23	TAMILNADU	15	0	0	15	202	334	16	552
24	TRIPURA	0	0	0	0	17	23	1	41
25	UTTAR PRADESH	1093	6	1	1100	7057	735	404	8196
26	WEST BENGAL	8	0	0	8	223	125	5	353
27	ANDAMAN & NICOBAR	0	0	0	0	6	1	0	7
28	CHANDIGARH	1	0	0	1	18	8	0	26
29	DADAR & NAGAR HAVELI	0	0	0	0	1	1	0	2
30	DAMAN & DIU	0	0	0	0	2	0	0	2
31	DELHI	48	0	0	48	651	85	28	764
32	LAKSHADWEEP	0	0	0	0	0	0	0	0
33	PUDUCHERRY	0	0	0	0	7	8	0	15
34	CHATTISGARH	8	1	0	9	104	96	2	202
35	JHARKHAND	17	0	0	17	384	182	9	575
36	UTTARAKHAND	34	1	0	35	194	43	22	259
37	FOREIGN COUNTRIES	2	0	0	2	27	0	0	27
TOTAL		1521	24	2	1547	11466	4454	679	16599
GRAND TOTAL(6+10) = 1547 + 16599 = 18146									



Annexure - 5

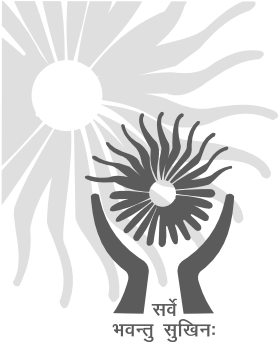
Paras 4.7, 4.8, 4.9 & 4.10

STATE/UT-WISE & CATEGORY-WISE REPORT CASES*

DISPOSED OFF DURING 2008-2009

S. No.	Name of the State/Union Territory	Alleged Disappearances	Alleged False Implications	Custodial Violence	Illegal Arrests	Unlawful Detention	Failure in taking Action	Alleged Fake Encounters	Other Alleged Police Excesses
1	2	3	4	5	6	7	8	9	10
1	ALL INDIA	0	0	0	0	0	0	0	0
2	ANDHRA PRADESH	0	3	0	13	23	41	3	56
3	ARUNACHAL PRADESH	0	1	0	0	1	0	0	3
4	ASSAM	0	0	0	2	0	3	1	28
5	BIHAR	3	40	1	8	10	247	6	165
6	GOA	0	0	0	0	1	3	0	1
7	GUJARAT	1	17	0	2	4	34	1	40
8	HARYANA	3	19	1	13	35	187	0	100
9	HIMACHAL PRADESH	0	1	1	0	0	7	0	1
10	JAMMU & KASHMIR	0	0	0	2	2	5	1	29
11	KARNATAKA	0	4	0	2	4	14	3	45
12	KERALA	0	1	0	0	3	4	3	26
13	MADHYA PRADESH	1	11	0	6	4	66	0	60
14	MAHARASHTRA	0	6	0	4	7	38	1	56
15	MANIPUR	0	0	0	2	1	2	0	11
16	MEGHALAYA	0	0	0	0	0	1	0	4
17	MIZORAM	0	0	0	0	0	0	0	0
18	NAGALAND	0	0	0	0	0	0	0	1
19	ORISSA	0	10	0	2	7	26	0	37
20	PUNJAB	2	13	0	2	11	31	0	63
21	RAJASTHAN	0	9	0	3	19	61	1	80
22	SIKKIM	0	0	0	0	0	0	0	0
23	TAMILNADU	0	11	0	21	54	40	0	128
24	TRIPURA	0	0	0	0	0	1	0	6
25	UTTAR PRADESH	18	194	6	846	1150	1115	59	2397
26	WEST BENGAL	1	4	0	0	5	26	0	42
27	ANDAMAN & NICOBAR	0	0	0	0	0	1	0	1
28	CHANDIGARH	0	2	0	0	2	7	0	7
29	DADAR & NAGAR HAVELI	0	0	0	0	0	1	0	0
30	DAMAN & DIU	0	0	0	0	0	0	0	0
31	DELHI	5	52	0	32	85	200	0	239
32	LAKSHADWEEP	0	0	0	0	0	0	0	0
33	PUDUCHERRY	0	2	0	0	0	0	0	4
34	CHATTISGARH	0	4	0	0	2	14	0	7
35	JHARKHAND	0	11	0	1	4	49	3	47
36	UTTARAKHAND	1	12	2	66	66	45	2	139
37	FOREIGN COUNTRIES	0	0	0	0	0	0	0	0
	TOTAL	35	427	11	1027	1500	2269	84	3823
*Report cases are the cases other than those dismissed 'in limini' or disposed off with directions or transferred to SHRCs									

Annexure-5 contd.



Annexure - 5

Paras 4.7, 4.8, 4.9 & 4.10

STATE/UT-WISE & CATEGORY-WISE REPORT CASES* DISPOSED OFF DURING 2008-2009

S. No.	Name of the State/Union Territory	Indignity to Women	Sexual Harrassment	Abduction/ Rape & Murder	Dowry Death or its attempt	Dowry Demand	Exploitation of Women	Rape of Women
11	12	13	14	15	16	17	18	19
1	ALL INDIA	0	0	0	0	0	0	0
2	ANDHRA PRADESH	2	2	3	3	3	1	1
3	ARUNACHAL PRADESH	0	0	0	0	0	0	1
4	ASSAM	0	1	0	1	0	1	0
5	BIHAR	15	1	33	75	20	8	22
6	GOA	0	0	0	0	0	0	0
7	GUJARAT	0	2	4	5	0	0	2
8	HARYANA	6	4	22	11	3	1	8
9	HIMACHAL PRADESH	0	0	0	0	1	0	0
10	JAMMU & KASHMIR	0	1	1	1	0	1	0
11	KARNATAKA	3	3	2	3	2	3	0
12	KERALA	1	0	0	0	0	0	0
13	MADHYA PRADESH	5	0	12	24	1	3	2
14	MAHARASHTRA	2	5	5	5	0	1	0
15	MANIPUR	0	0	0	0	0	0	0
16	MEGHALAYA	0	0	0	0	0	0	0
17	MIZORAM	0	0	0	0	0	0	0
18	NAGALAND	0	0	1	0	0	0	0
19	ORISSA	3	2	1	4	2	2	2
20	PUNJAB	2	1	2	6	4	3	0
21	RAJASTHAN	8	3	10	15	3	1	8
22	SIKKIM	0	0	0	0	0	0	0
23	TAMILNADU	4	5	4	2	2	2	3
24	TRIPURA	0	0	0	0	0	0	0
25	UTTAR PRADESH	34	37	246	243	58	26	62
26	WEST BENGAL	3	1	2	5	0	2	0
27	ANDAMAN & NICOBAR	0	0	0	0	0	0	0
28	CHANDIGARH	0	1	0	0	0	1	0
29	DADAR & NAGAR HAVELI	0	0	0	0	0	0	0
30	DAMAN & DIU	0	0	0	0	0	0	0
31	DELHI	5	5	51	25	13	8	5
32	LAKSHADWEEP	0	0	0	0	0	0	0
33	PUDUCHERRY	0	0	0	0	1	0	0
34	CHATTISGARH	1	1	3	0	1	0	1
35	JHARKHAND	4	2	9	13	3	3	2
36	UTTARAKHAND	2	5	9	7	7	2	1
37	FOREIGN COUNTRIES	0	0	0	0	1	1	0
	TOTAL	100	82	420	448	125	70	120
*Report cases are the cases other than those dismissed 'in limini' or disposed off with directions or transferred to SHRCs								

Annexure-5 contd.



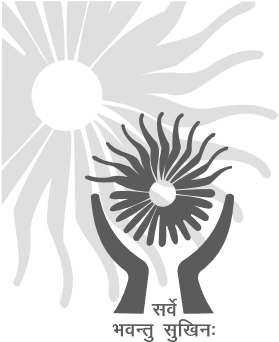
Annexure ~ 5

Paras 4.7, 4.8, 4.9 & 4.10

STATE/UT-WISE & CATEGORY-WISE REPORT CASES* DISPOSED OFF DURING 2008-2009

S. No.	Name of the State/Union Territory	Child Labour	Child Marriage	Bonded Labour	Harrassment of Prisoners	Lack of Medical Facilities in Jails	Jail Conditions	Atrocities on SC/ST	Communal Violence	Others	TOTAL
20	21	22	23	24	25	26	27	28	29	30	31
1	ALL INDIA	0	0	0	0	0	0	0	0	0	0
2	ANDHRA PRADESH	3	2	2	0	0	5	23	0	112	301
3	ARUNACHAL PRADESH	0	0	1	0	0	0	0	0	6	13
4	ASSAM	1	0	0	2	0	1	1	0	48	90
5	BIHAR	3	2	2	13	3	27	42	0	221	967
6	GOA	0	0	0	1	0	0	0	0	2	8
7	GUJARAT	0	0	2	0	1	6	18	2	62	203
8	HARYANA	1	2	24	14	4	7	22	0	86	573
9	HIMACHAL PRADESH	0	0	0	0	0	0	3	0	12	26
10	JAMMU & KASHMIR	0	0	1	0	0	2	0	0	84	130
11	KARNATAKA	1	1	4	1	0	4	7	0	54	160
12	KERALA	0	0	0	0	0	2	3	0	36	79
13	MADHYA PRADESH	2	2	3	3	2	8	13	1	120	349
14	MAHARASHTRA	1	0	2	3	2	40	9	0	134	321
15	MANIPUR	0	0	0	1	0	0	0	0	29	46
16	MEGHALAYA	0	0	1	0	0	0	0	0	6	12
17	MIZORAM	0	0	0	0	0	1	1	0	7	9
18	NAGALAND	0	0	0	0	0	1	0	0	0	3
19	ORISSA	3	2	0	1	0	6	8	3	84	205
20	PUNJAB	0	0	23	12	2	8	4	0	88	277
21	RAJASTHAN	0	2	10	5	0	14	121	0	143	516
22	SIKKIM	0	0	0	0	0	0	0	0	2	2
23	TAMILNADU	1	0	4	1	0	6	35	0	130	453
24	TRIPURA	0	0	0	0	0	0	0	0	9	16
25	UTTAR PRADESH	8	12	66	79	38	85	117	1	1006	7903
26	WEST BENGAL	1	1	0	1	0	2	0	0	118	214
27	ANDAMAN & NICOBAR	0	0	0	0	0	0	0	0	2	4
28	CHANDIGARH	0	0	0	1	0	0	0	0	3	24
29	DADAR & NAGAR HAVELI	0	0	0	0	0	0	0	0	0	1
30	DAMAN & DIU	0	0	0	0	0	0	0	0	1	1
31	DELHI	5	1	7	19	2	21	6	0	303	1089
32	LAKSHADWEEP	0	0	0	0	0	0	0	0	1	1
33	PUDUCHERRY	0	0	0	0	0	0	0	0	2	9
34	CHATTISGARH	0	0	0	1	0	2	2	0	33	72
35	JHARKHAND	0	1	0	10	0	9	12	0	83	266
36	UTTARAKHAND	0	2	4	7	2	9	8	0	78	476
37	FOREIGN COUNTRIES	0	0	0	0	0	4	0	0	19	25
	GRAND TOTAL	30	30	156	175	56	270	455	7	3124	14844

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



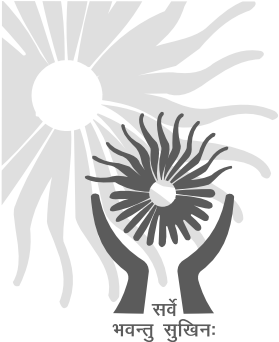
Annexure-6

Para 4.239

TOTAL NUMBER OF CASES WHERE THE COMMISSION RECOMMENDED MONETARY RELIEF/DISCIPLINARY ACTION/PROSECUTION DURING 2008-2009

Serial No.	Name of State	No. of cases in which recommendations were made during 2007-2008	Amount recommended	No. of cases where recommendations have been complied with	Amount paid	No. of cases pending for compliance	Amount recommended in the cases pending for compliance
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Andhra Pradesh	Monetary relief in 21 cases	3610000	11	1900000	10	1710000
	Arunachal Pradesh	Monetary relief in 1 cases	25000	—	—	1	25000
2	Bihar	Monetary relief in 28 cases including disciplinary action in 1 case.	3040000	2	150000	26 including disciplinary action in 1 case.	2890000
3.	Chhattis garh	Monetary relief in 5 cases	650000	3	250000	2	400000
4	Daman & Diu	Monetary relief in 1 case	6000000	—	—	1	6000000
5	Delhi	Monetary relief in 33 cases	4010000	26	2585000	7	1425000
6	Gujarat	Monetary relief in 5 cases including disciplinary action in 1 case.	650000	1 - monetary relief as well as disciplinary action	300000	4	350000
7	Haryana	Monetary relief in 5 cases	395000	2	125000	3	270000
8	Himachal Pradesh	Monetary relief in 2 cases	800000	—	—	2	800000
9	Jammu & Kashmir	Monetary relief in 6 cases	1735000	1	300000	5	1435000
10	Jharkhand	Monetary relief in 10 cases including disciplinary action in 1 case.	835000	—	—	10 including disciplinary action in 1 case	835000
11	Karnataka	Monetary relief in 4 cases	450000	4	450000	—	—
12	Kerala	Monetary relief in 5 cases including disciplinary action in 1 case.	475000	2	75000	3 including disciplinary action in 1 case.	400000
13	Madhya Pradesh	Monetary relief in 8 cases	1055000	4	455000	4	600000
14	Maharashtra	Monetary relief in 9 cases	1000000	1	100000	8	900000
15	Meghalaya	Monetary relief in 1 case	100000			1	100000
16	Mizoram	Monetary relief in 1 case	25000	1	25000		
17	Orissa	Monetary relief in 5 cases	2050000	1	50000	4	2000000

Serial No.	Name of State	No. of cases in which recommendations were made during 2007-2008	Amount recommended	No. of cases where recommendations have been complied with	Amount paid	No. of cases pending for compliance	Amount recommended in the cases pending for compliance
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
18	Pondicherry	Monetary relief in 1 case	300000			1	300000
19	Punjab	Monetary relief in 8 cases including disciplinary action in 1 case.	1000000	3	250000	5 including disciplinary action in 1 case	750000
20	Rajasthan	Monetary relief in 6 cases	390000	2	150000	4	240000
21	Tamil Nadu	Monetary relief in 7 cases	952000	---	---	7	952000
22	Tripura	Monetary relief in 1 case	200000	---	---	1	200000
23	Uttar Pradesh	Monetary relief in 180 cases including disciplinary action in 6 cases and prosecution in 1 case	18317000	42	2475000	138 disciplinary action in 6 cases and prosecution in 1 case	15842000
24	Uttarakhand	Monetary relief in 10 cases	1210000	3	500000	7	710000
25	West Bengal	Monetary relief in 9 cases	775000	1	50000	7	625000
26	Ministry of Railways, Govt. of India	Monetary relief in 1 cases	200000	--	--	1	200000
	TOTAL	Monetary relief in 373 cases including disciplinary action in 11 cases & prosecution in 1 case.	50249000.	111 including disciplinary action in 1 case	10290000	262 including disciplinary action in 9 cases and prosecution in 1 case.	39959000



Annexure – 7

Para 4.240

STATEMENT SHOWING DETAILS OF CASES PENDING COMPLIANCE OF THE COMMISSION'S RECOMMENDATIONS DURING 2008-2009 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/ PROSECUTION

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
1	Andhra Pradesh	175/1/2005-2006-CD	Death in police custody (intimation)	100000	23.6.2008	Compliance report awaited
2	Andhra Pradesh	580/1/2004-2005-CD	Death in judicial custody (intimation)	100000	30.6.2008	Compliance report awaited
3	Andhra Pradesh	284/1/2004-2005	Alleged sexual harassment and rape of a woman by sub-Inspector Of Police, resulting in suicidal death. (Complaint)	500000	27.10.2008	Compliance report awaited
4	Andhra Pradesh	821/1/2004-2005-CD	Death in police custody (intimation)	100000	04.3.2009	Compliance report awaited
5	Andhra Pradesh	179/1/2003-2004	Alleged death in fake encounter by police. (Complaint)	280000	01.10.2008	Compliance report awaited
6	Andhra Pradesh	332/1/2004-2005	Illegal detention of a minor boy by Police (complaint)	10000	27.01.2009	Compliance report awaited
7	Andhra Pradesh	397/1/2005-2006	Death in judicial custody (intimation)	200000	18.3.2009	Compliance report awaited
8	Andhra Pradesh	457/1/2004-2005	Harassment of inmates of a school by the School Authorities under Jail Department (complaint)	20000	24.02.2009	Compliance report awaited
9	Andhra Pradesh	124/1/2005-2006-CD	Death in judicial custody (intimation)	300000	09.02.2009	Compliance report awaited
10	Andhra Pradesh	246/1/2005-2006-CD	Death in police custody (intimation)	100000	01.8.2008	Compliance report awaited
11	ARUNACHAL PRADESH	17/2/20062007-CD	Death in police custody (intimation)	25000	31.7.2008	Compliance report awaited
12	Bihar	2588/4/2000-2001	Death in judicial custody (intimation)	100000	04.8.2008	Compliance report awaited
13	Bihar	2452/4/1999-2000	illegal detention by police (Complaint)	25000	06.10.2008	Compliance report awaited
14	Bihar	1631/4/2002-2003-AD	Death in police custody (Complaint)	300000	13.10.2008	Compliance report awaited
15	Bihar	849/4/2002-2003-CD	Death in judicial custody (intimation)	100000	15.10.2008	Compliance report awaited
16	Bihar	1216/4/6/07-08	Death due to electrocution (Complaint)	50000	12.11.2008	Compliance report awaited
17	Bihar	180/4/2002-2003-AD I/F 188/4/2000-2001-CD	Death in judicial custody (intimation as well as complaint)	200000	31.12.2008	Compliance report awaited
18	Bihar	332/4/2003-2004-CD	Death in police custody (intimation)	200000	25.02.2009	Compliance report awaited
19	Bihar	1504/4/2003-2004-CD	Death in police custody (intimation)	100000	02.9.2008	Compliance report awaited
20	Bihar	2289/4/2002-2003	Non-registration of FIR in a kidnapping case, resulting into killing of the victim (Complaint)	25000	12.9.2008	Compliance report awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
21	Bihar	429/4/37/07-08	Torture of a prisoner in jail (Complaint)	10000	15.9.2008	Compliance report awaited
22	Bihar	1863/4/2003-2004-CD	Death in judicial custody (intimation)	250000	21.11.2008	Compliance report awaited
23	Bihar	2170/4/2002-2003-WC	Inaction by authorities in a case of a woman burnt with iron rod (Complaint)	200000	24.9.2008	Compliance report awaited
24	Bihar	2131/4/02/03	Non registration of FIR in a kidnapping case (complaint)	25000	24.9.2008	Compliance report awaited
25	Bihar	1820/4/2002-2003-DH	Death in Juvenile Home. (intimation)	100000	03.10.2008	Compliance report awaited
26	Bihar	974/4/2003-2004-CD	Death in judicial custody (intimation)	100000	05.11.2008	Compliance report awaited
27	Bihar	1764/4/2002-2003	Torture in police custody (complaint)	25000	10.02.2009	Compliance report awaited
28	Bihar	1353/4/2002-2003-AD	Death in judicial custody (complaint)	100000	10.02.2009	Compliance report awaited
29	Bihar	2236/4/2004-2005	Picking up and beating up, a person by police, for not gratifying the police (complaint)	25000	16.3.2009	Compliance report awaited
30	Bihar	621/4/2002-2003	A mentally deranged person languishing in jail (complaint)	200000	19.3.2009	Compliance report awaited
31	Bihar	422/4/2003-2004-CD	Death in judicial custody (intimation)	100000	24.3.2009	Compliance report awaited
32	Bihar	4317/4/2000-2001	Death of a woman due to negligence of doctors at Family Planning Health Centre (complaint)	100000	21.5.2008	Compliance report awaited
33	Bihar	3023/4/2001-2002-CD	Death in judicial custody (intimation)	300000	19.8.2008	Compliance report awaited
34	Bihar	4378/4/2005-2006-cd	Death in judicial custody (intimation)	50000	17.07.2008	Compliance report awaited
35	Bihar	335/4/2003-2004-CD	Death in judicial custody (intimation)	100000	16.9.2008	Compliance report awaited
36	Bihar	3527/4/2001-2002	Alleged unlawful detention and demand of gratification of by RPF personnel of RPF police station, Patna Junction (complaint)	5000	16.7.2008	Compliance report awaited
37	Bihar	563/4/2004-2005-CD	Death in judicial custody (intimation)	100000	05.3.2009	Compliance report awaited
38	Chhatisgarh	416/33/2005-2006-CD	Death in judicial custody (intimation)	100000	17.11.2008	Compliance report awaited
39	Chhatisgarh	250/33/2001-2002-CD	Death in police custody (intimation)	300000	30.6.2008	Compliance report awaited
40	Daman & Diu	4/29/2003-2004	Death of 28 children & 2 adults in Damanganga collapse (complaint)	6000000 (20,000 to 30 persons)	04.02.2009	Compliance report awaited
41	Delhi	3249/30/2003-2004	Death of 3 labourers due to suffocation in Gutter (suo motu cognizance)	600000 (200000 to 3 persons)	21.5.2008	Compliance report awaited
42	Delhi	956/30/2000-2001	Death in judicial custody (intimation)	100000	07.7.2008	Compliance report awaited
43	Delhi	408/30/2003-2004-CD	Death in judicial custody (intimation)	300000	05.01.2009	Compliance report awaited
44	Delhi	1508/30/2003-2004	Abuse of power by police (complaint)	100000	05.01.2009	Compliance report awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
45	Delhi	846/30/2005-2006	Death of child due to negligence by Delhi Jal Board Tanker((suo motu cognizance)	100000	12.02.2009	Compliance report awaited
46	Delhi	4192/30/2/07-08	Death of a student due to corporal punishment by teacher (suo motu cognizance)	200000	27.02.2009	Compliance report awaited
47	Delhi	1075/30/3/07-08	Abuse of power by police (complaint)	25000	16.02.2009	Compliance report awaited
48	Gujarat	36/6/98-99-ACD	Death in police custody (complaint)	100000	21.4.2008	Compliance report awaited
49	Gujarat	372/6/2002-2003-CD	Death in judicial custody (intimation)	100000	23.7.2008	Compliance report awaited
50	Gujarat	604/6/2006-2007	Failure in taking lawful action (complaint)	50000	12.01.2009	Compliance report awaited
51	Gujarat	442/6/2002-2003-CD	Death in police custody (intimation)	100000	18.3.2009	Compliance report awaited
52	Haryana	1127/7/2001-2002	Death of a person at General Hospital for want of timely medical care (complaint)	50000	15.10.2008	Compliance report awaited
53	Haryana	1691/7/2001-2002	Death of a new born baby at the Government Hospital due to the negligence of the medical staff (complaint)	20000	22.12.2008	Compliance report awaited
54	Haryana	1576/7/2000-2001 LW 1637/7/00-01&1638/7/00-01	Death in police custody (complaint)	200000	26.02.2009	Compliance report awaited
55	Himachal Pradesh	31/8/2001-2002	A dumb girl sexually assaulted by a co-student at School, resulting in her pregnancy, due to lack of supervision by the school authorities. (complaint)	500000	20.8.2008	Compliance report awaited
56	Himachal Pradesh	91/8/2004-2005-WC	Death of a pregnant woman due to negligence by hospital/doctor(complaint)	300000	04.02.2009	Compliance report awaited
57	Jammu & Kashmir	22/9/2003-2004-AD	Death in police custody (suo motu cognizance)	300000	28.01.2009	Compliance report awaited
58	Jammu & Kashmir	179/9/2002-2003-AD	Death of 3 civilians in the custody of security forces (complaint)	600000	03.08.2007	Compliance report awaited
59	Jammu & Kashmir	49/9/2005-2006-AF	Death in custody of security forces(intimation)	300000	17.09.2008	Compliance report awaited
60	Jammu & Kashmir	23/9/2005-2006-AF	Killing of three persons by armed forces (complaint)	200000	11.11.2008	Compliance report awaited
61	Jammu & Kashmir	171/9/2002-2003	Injury due to police firing (complaint)	35000	09.02.2009	Compliance report awaited
62	Jharkhand	324/34/11/07-08	Death in police firing (complaint)	100000	11.12.2008	Compliance report awaited
63	Jharkhand	852/34/2006-2007-CD	Death in judicial custody (intimation)	50000	23.02.2009	Compliance report awaited
64	Jharkhand	624/34/2003-2004-CD L.F. 907/34/2003-2004	Death in judicial custody (intimation).	100000	17.12.2008	Compliance report awaited
65	Jharkhand	714/34/2004-2005	Illegal detention (complaint)	200000	10.02.2009	Compliance report awaited
66	Jharkhand	479/34/2003-2004	False implication (complaint)	25000	15.10.2008	Compliance report awaited
67	Jharkhand	1522/34/ 2005-2006	Abuse of power by police (complaint)	10000	17.11.2008	Compliance report awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
68	Jharkhand	1175/34/ 2002-2003-CD	Death in judicial custody (intimation)	100000	24.11.2008	Compliance report awaited
69	Jharkhand	25388/24/2004-2005-cd	Death in judicial custody (intimation)	100000 + Action taken against Govt. officials.	30.01.2009	Compliance report awaited
70	Jharkhand	1182/34/2002-2003-CD	Death in police custody (intimation)	100000	15.9.2008	Compliance report awaited
71	Jharkhand	642/34/2005-2006-WC	Illegal trespass in the house in drunken state at night and misbehavior with the women by the police (complaint)	50000	24.12.2008	Compliance report awaited
72	Kerala	295/11/2000-2001-CD	Death in judicial custody (intimation)	200000	12.12.2008	Compliance report awaited
73	Kerala	43/11/2002-2003-CD	Death in judicial custody (intimation)	150000	12.9.2008	Compliance report awaited
74	Kerala	159/11/2006-2007 LW 169/11/2006-2007	Illegal detention and harassment by police (complaint)	50000	02.4.2008	Compliance report awaited
75	Madhya Pradesh	181/12/98-99-ACD	Death in police custody (complaint)	300000	12.5.2008	Compliance report awaited
76	Madhya Pradesh	743/12/2001-2002	Malfunctioning by Medical professionals (complaint).	100000	10.12.2008	Compliance report awaited
77	Madhya Pradesh	71/12/2003-2004	Death in police custody (complaint)	100000	06.11.2008	Compliance report awaited
78	Madhya Pradesh	1310/12/2004-2005	Death in judicial custody (suo motu)	100000	16.03.2009	Compliance report awaited
79	Maharashtra	1562/13/1999-2000-CD	Death in police custody (complaint)	100000	17.9.2008	Compliance report awaited
80	Maharashtra	1167/13/2005-2006-CD	Death in police custody (intimation)	100000	10.11.2008	Compliance report awaited
81	Maharashtra	661/13/2001-2002	Death in police custody (intimation)	100000	08.12.2008	Compliance report awaited
82	Maharashtra	415/13/2002-2003-CD	Death in police custody (intimation)	100000	30.01.2008	Compliance report awaited
83	Maharashtra	2021/13/2000-2001	Death in police custody (complaint)	200000	14.01.2008	Compliance report awaited
84	Maharashtra	2790/13/2003-2004	Death in police custody (intimation)	100000	16.02.2009	Compliance report awaited
85	Maharashtra	550/13/2002-2003-CD	Death in police custody (intimation)	100000	18.02.2009	Compliance report awaited
86	Maharashtra	1860/13/2001-2002-CD	Death in police custody (intimation)	100000	10.6.2008	Compliance report awaited
87	Meghalaya	6/15/2/07-08-PCD	Death in police custody (intimation)	100000	09.02.2009	Compliance report awaited
88	Orissa	334/18/0/07-08	13 persons lost their eyes due to negligence of the doctors (complaint)	1300000	19.11.2008	Compliance report awaited
89	Orissa	202/18/3/07-08	Malfunctioning by Medical professionals (complaint)	500000	18.12.2008	Compliance report awaited
90	Orissa	343/18/2002-2003	Malfunctioning by Medical professionals (complaint).	100000	10.9.2008	Compliance report awaited
91	Orissa	494/18/1/07-08	Death in judicial custody (intimation)	100000	12.10.2008	Compliance report awaited
92	Pondicherry	8/32//2005-2006-CD	Death in judicial custody (intimation)	300000	16.4.2008	Compliance report awaited
93	Punjab	952/19/2002-2003-CD	Death in police custody (intimation)	350000 (300000 to deceased and 50000 to injured)	02.02.2009	Compliance report awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
94	Punjab	3/19/2002-2003-CD	Death in police custody (intimation)	100000	18.02.2009	Compliance report awaited
95	Punjab	997/19/2003-2004-CD	Death in police custody (intimation)	100000	25.02.2009	Compliance report awaited
96	Punjab	382/19/2003-2004-CD	Death in judicial custody (intimation)	100000	11.12.2008	Compliance report awaited
97	Punjab	492/19/2001-2002-CD	Death in judicial custody (intimation)	100000	05.3.2009	Compliance report awaited
98	Rajasthan	78/20/2002-2003-CD	Death in judicial custody (intimation)	100000	24.11.2008	Compliance report awaited
99	Rajasthan	20/599/96-LD	Two labourers died & two injured in mishap	30000	18.08.2008	Compliance report awaited
100	Rajasthan	820/20/2000-2001-cd	Death in judicial custody (intimation)	100000	23.01.2009	Compliance report awaited
101	Rajasthan	1534/20/2000-2001	Custodial torture (complaint)	10000	10.6.2008	Compliance report awaited
102	Tamil Nadu	552/22/2002-2003-CD	Death in police custody (intimation)	300000	27.8.2008	Compliance report awaited
103	Tamil Nadu	777/22/2002-2003-CD	Death in judicial custody (intimation)	100000	08.9.2008	Compliance report awaited
104	Tamil Nadu	124/22/2004-2005-CD	Death in police custody (intimation)	100000	13.10.2008	Compliance report awaited
105	Tamil Nadu	41/22/2003-2004-CD	Death in judicial custody (intimation)	50000	03.11.2008	NOK being traced
106	Tamil Nadu	329/22/2003-2004-cd	Death in judicial custody (intimation)	100000	25.8.2009	Compliance report awaited
107	Tamil Nadu	60/22/2003-2004-CD	Death in judicial custody (intimation)	300000	28.01.2009	Compliance report awaited
108	Tamil Nadu	1420/22/2003-2004	Picking up and slapping of the victim by the police resulting in puncture of ear drum (complaint)	2000	24.9.2008	Compliance report awaited
109	Tripura	24/23/3/07-08	Abuse of power by police (complaint)	200000	08.12.2008	Compliance report awaited
110	Uttar Pradesh	24/48/96-LD (107/96-97/NHRC)	Death in police custody (complaint)	50000	14.5.2008	Compliance report awaited
111	Uttar Pradesh	12864/24/2000-2001-CD	Death in police custody (intimation)	100000	09.6.2008	Compliance report awaited
112	Uttar Pradesh	1692/24/2000-2001-ACD	Death in police custody (complaint)	300000	11.6.2008	Compliance report awaited
113	Uttar Pradesh	904/24/2000-2001	Death in police custody (intimation)	300000	14.7.2008	Compliance report awaited
114	Uttar Pradesh	6527/24/2000-2001-CD	Death in judicial custody (intimation)	100000	16.7.2008	Compliance report awaited
115	Uttar Pradesh	25510/24/2000-2001-ACD	Death in police custody (complaint)	100000	21.7.2008	Compliance report awaited
116	Uttar Pradesh	37050/24/2001-2002-AD	Death in police custody (complaint)	100000	23.7.2008	Compliance report awaited
117	Uttar Pradesh	3889/24/2000-2001-CD	Death in judicial custody (intimation)	100000	23.7.2008	Compliance report awaited
118	Uttar Pradesh	35033/24/2003-2004	Abuse of power by police (complaint)	10000	04.8.2008	Compliance report awaited
119	Uttar Pradesh	6741/24/2001-2002 L/F 12215/24/2001-2002-ACD	Death in judicial custody (intimation)	100000	11.8.2008	Compliance report awaited
120	Uttar Pradesh	32260/24/2001-2002-CD	Death in judicial custody (intimation)	300000	13.8.2008	Compliance report awaited
121	Uttar Pradesh	10561/24/98-99-CD	Death in police custody (intimation)	300000	18.8.2008	Compliance report awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
122	Uttar Pradesh	11208/24/2001-2002	Inaction by the State Government(complaint)	100000	01.9.2008	Compliance report awaited
123	Uttar Pradesh	5080/24/2002-2003-CD	Death in judicial custody(intimation)	100000	08.9.2008	Compliance report awaited
124	Uttar Pradesh	30342/24/2000-2001	Death due to electrocution (complaint)	200000	06.10.2008	Compliance report awaited
125	Uttar Pradesh	9801/24/2003-2004-CD L/F 15203/24/2003-2004-AD	Death in police custody (intimation)	100000	06.10.2008	Compliance report awaited
126	Uttar Pradesh	9425/24/2000-2001-ACD	Death in police custody (complaint)	200000	13.10.2008	Compliance report awaited
127	Uttar Pradesh	34204/24/2000-2001	Abuse of power by police (complaint)	40000(10000 each)	15.10.2008	Compliance report awaited
128	Uttar Pradesh	36644/24/2004-2005	Immoral traffic of child (complaint)	50000	22.10.2008	Compliance report awaited
129	Uttar Pradesh	33308/24/2003-2004-AD	Death in police custody (complaint)	50000	13.10.2008	Compliance report awaited
130	Uttar Pradesh	871/24/2006-2007	Gang rape by police personnel(intimation)	300000	27.12.2008	Compliance report awaited
131	Uttar Pradesh	1323/24/2005-2006-CD	Death in police custody (intimation)	100000	24.11.2008	Compliance report awaited
132	Uttar Pradesh	39996/24/2005-2006-WC	Rape by police personnel (complaint)	25000	24.11.2008	Compliance report awaited
133	Uttar Pradesh	30811/24/2002-2003-CD	Death in police custody (complaint)	300000	17.12.2008	Compliance report awaited
134	Uttar Pradesh	3296/24/2005-2006	Death due to electrocution (complaint)	50000	29.12.2008	Compliance report awaited
135	Uttar Pradesh	35068/24/2001-2002	Irregularities in Government Hospital (complaint)	25000	07.01.2009	Compliance report awaited
136	Uttar Pradesh	11257/24/2003-2004	Death of a child accidentally in Govt School (complaint)	50000	14.01.2009	Compliance report awaited
137	Uttar Pradesh	38565/24/2000-2001	Abuse of power by police (complaint)	300000	26.02.2009	Compliance report awaited
138	Uttar Pradesh	19671/24/98-99	Death due to assault by police (complaint)	300000	04.02.2009	Compliance report awaited
139	Uttar Pradesh	5081/24/2002-2003-AD	Death in police custody (complaint)	300000	11.02.2009	Compliance report awaited
140	Uttar Pradesh	31703/24/2000-2001-ACD	Death in police custody (complaint)	300000	11.02.2009	Compliance report awaited
141	Uttar Pradesh	25962/24/2001-2002	Death due to not giving proper treatment (complaint)	100000	18.02.2009	Compliance report awaited
142	Uttar Pradesh	33348/24/2003-2004-CD	Death in police custody (intimation)	100000	02.3.2009	Compliance report awaited
143	Uttar Pradesh	2174/24/18/07-08-CD	Death in police custody (intimation)	100000	02.3.2009	Compliance report awaited
144	Uttar Pradesh	32492/24/2006-2007	Death in police custody (complaint)	300000(150000 has been paid)	09.3.2009	Compliance report awaited
145	Uttar Pradesh	14652/24/2002-2003	Death due to electrocution (complaint)	200000	18.3.2009	Compliance report awaited
146	Uttar Pradesh	9821/24/2002-2003-CD L/F 9802/24/2002-2003-AD	Death in police custody (intimation)	100000	25.3.2009	Compliance report awaited
147	Uttar Pradesh	1895/24/2003-2004	Death in police custody (complaint)	100000	25.3.2009	Compliance report awaited
148	Uttar Pradesh	17012/24/2001-2002-CD	Death in judicial custody (intimation)	50000	14.02.2008	Compliance report awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
149	Uttar Pradesh	27493/24/2003-2004-CD	Death in judicial custody (intimation)	100000	12.8.2008	Compliance report awaited
150	Uttar Pradesh	21229/24/2005-2006-CD	Death in judicial custody (intimation)	25000	25.11.2008	Compliance report awaited
151	Uttar Pradesh	30157/24/2003-2004-cd	Death in judicial custody (intimation)	300000	21.8.2008	Compliance report awaited
152	Uttar Pradesh	8496/24/2002-2003-CD	Death in judicial custody (intimation)	100000	02.9.2008	Compliance report awaited
153	Uttar Pradesh	20141/24/2002-2003-cd	Death in judicial custody (intimation)	100000	12.9.2008	Compliance report awaited
154	Uttar Pradesh	28667/24/2004-2005	Killing of children by wild animals (complaint)	50000	12.9.2008	Compliance report awaited
155	Uttar Pradesh	26827/24/2005-2006-CD L.F. 29477/24/05-06	Death in judicial custody (intimation)	100000	07.7.2008	Compliance report awaited
156	Uttar Pradesh	149/24/2002-2003-CD	Death in judicial custody (intimation)	50000	16.6.2008	Compliance report awaited
157	Uttar Pradesh	19847/24/2004-2005	Illegal detention by police (complaint)	100000	07.7.2008	Compliance report awaited
158	Uttar Pradesh	22492/24/2003-2004-CD	Death in judicial custody (intimation)	100000	22.7.2008	Compliance report awaited
159	Uttar Pradesh	36729/24/2002-2003-CD	Death in judicial custody (intimation)	100000	22.7.2008	Compliance report awaited
160	Uttar Pradesh	27952/24/2002-2003-AD	Death in police custody (complaint)	300000	24.9.2008	Compliance report awaited
161	Uttar Pradesh	23655/24/2004-2005	Illegal detention by police (complaint)	15000	07.10.2008	Compliance report awaited
162	Uttar Pradesh	38748/24/2005-2006	Illegal detention by police (complaint)	15000	07.10.2008	Compliance report awaited
163	Uttar Pradesh	4082/24/57/07-08	Death due to negligence by Electricity Deptt. (complaint)	200000	26.10.2008	Compliance report awaited
164	Uttar Pradesh	20975/24/2003-2004-CD	Death in judicial custody (intimation)	100000	12.8.2008	Compliance report awaited
165	Uttar Pradesh	21358/24/2005-2006-CD	Death in judicial custody (intimation)	300000	07.11.2008	Compliance report awaited
166	Uttar Pradesh	38027/24/2006-2007	Failure in lawful action by police (complaint)	100000	06.11.2008	Compliance report awaited
167	Uttar Pradesh	703/24/2003-2004-CD	Death in judicial custody (intimation)	50000	19.11.2008	Compliance report awaited
168	Uttar Pradesh	580/24/2002-2003-CD L.F. 4717/24/2002-2003-CD	Death in judicial custody (intimation)	100000	26.11.2008	Compliance report awaited
169	Uttar Pradesh	28567/24/2002-2003-CD	Death in judicial custody (intimation)	100000	25.11.2008	Compliance report awaited
170	Uttar Pradesh	8496/24/2002-2003-CD	Death in judicial custody (intimation)	100000	02.9.2008	Compliance report awaited
171	Uttar Pradesh	25223/24/2004-2005	Illegal detention by police (complaint)	100000	11.11.2008	Compliance report awaited
172	Uttar Pradesh	3504/24/2004-2005	Abuse of power by Police (complaint)	10000	06.11.2008	Compliance report awaited
173	Uttar Pradesh	4433/24/2004-2005-wc	Abuse of power by Police (complaint)	25000	17.12.2008	Compliance report awaited
174	Uttar Pradesh	4484/24/2004-2005	Illegal detention by police (complaint)	100000	09.02.2009	Compliance report awaited
175	Uttar Pradesh	18685/24/2005-2006-CD	Death in judicial custody (intimation)	100000	10.02.2009	Compliance report awaited
176	Uttar Pradesh	10647/24/2003-2004	Illegal detention & implication in false criminal case by police (complaint)	25000	10.02.2009	Compliance report awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
177	Uttar Pradesh	26405/24/40/07-08	Abuse of power by police (complaint)	10000	12.02.2009	Compliance report awaited
178	Uttar Pradesh	20365/24/2004-2005	Illegal detention by police (complaint)	50000 (25000 each)	24.02.2009	Compliance report awaited
179	Uttar Pradesh	10548/24/2003-2004-CD	Death in judicial custody (intimation)	100000	27.02.2009	Compliance report awaited
180	Uttar Pradesh	30149/24/2005-2006	Abuse of power by police (complaint)	50000	27.02.2009	Compliance report awaited
181	Uttar Pradesh	24669/24/2004-2005	Illegal detention by police (complaint)	10000	16.3.2009	Compliance report awaited
182	Uttar Pradesh	36483/24/2004-2005	Abuse of power by police (complaint)	100000	16.3.2009	Compliance report awaited
183	Uttar Pradesh	19801/24/25/07-08	Death of student due to corporal punishment by teacher(suo motu cognizance)	200000	24.3.2009	Compliance report awaited
184	Uttar Pradesh	21647/24/2005-2006-CD	Death in judicial custody (intimation)	100000	24.3.2009	Compliance report awaited
185	Uttar Pradesh	16909/24/2003-2004	Illegal detention by police (complaint)	60000	24.3.2009	Compliance report awaited
186	Uttar Pradesh	37027/24/ 2002-2003-CD	Death in judicial custody (intimation)	50000	16.10.2008	Compliance report awaited
187	Uttar Pradesh	10548/24/ 2003-2004-CD	Death in judicial custody (intimation)	100000	27.02.2009	Compliance report awaited
188	Uttar Pradesh	5286/24/2005-2006CD	Death in judicial custody (intimation)	100000	19.12.2008	Compliance report awaited
189	Uttar Pradesh	42104/24/2006-2007	Illegal detention by police (complaint)	10000	05.3. 2009	Compliance report awaited
190	Uttar Pradesh	40759/24/2004-2005	Abuse of power by police (complaint)	50000	18.3. 2009	Compliance report awaited
191	Uttar Pradesh	38876/24/2006-2007	Illegal motivated arrest by police (complaint)	50000	25.3. 2009	Compliance report awaited
192	Uttar Pradesh	19681/24/3/07-08	Illegal arrest by police (complaint)	50000	25.3. 2009	Compliance report awaited
193	Uttar Pradesh	21630/24/1999-2000	Abuse of power by police (complaint)	50000	20.8. 2008	Compliance report awaited
194	Uttar Pradesh	34571/24/2004-2005-cd LW 50143/24/2006-2007	Death in judicial custody (intimation)	100000	24.11.2008	Compliance report awaited
195	Uttar Pradesh	13241/24/2003-2004	Illegal detention in Tehsil lock up and later in District Jail for non-payment of loan amount(complaint)	5000	12.12.2008	Compliance report awaited
196	Uttar Pradesh	31586/24/2004-2005	Illegal detention and apprehension of implication in false criminal case.(complaint)	10000 +action taken against the erring police officials.	18.12.2008	Compliance report awaited
197	Uttar Pradesh	682/24/2003-2004-cd	Death in judicial custody (intimation)	100000 + action taken against the erring police officials.	13.01.2009	Compliance report awaited
198	Uttar Pradesh	28248/24/2006-2007-cd	Death in police custody (intimation)	100000	27.01.2009	Compliance report awaited
199	Uttar Pradesh	27235/24/2006-2007	Illegal detention, torture and apprehension of implication in false criminal case (complaint)	50000	29.01.2009	Compliance report awaited
200	Uttar Pradesh	27693/24/2006-2007	Illegal arrest and torture by police(Complaint)	50000	30.01.2009	Compliance report awaited
201	Uttar Pradesh	28977/24/54/07-08	Illegal detention and torture by police (complaint)	20000	03.02.2009	Compliance report awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
202	Uttar Pradesh	17038/24/2004-2005	Failure in taking any lawful action by police(complaint)	150000 + Departmental proceedings against five policemen	04.02.2009	Compliance report awaited
203	Uttar Pradesh	40606/24/2006-2007	Abuse of power by police (complaint)	10000	11.02.2009	Compliance report awaited
204	Uttar Pradesh	28360/24/2006-2007	Illegal arrest and torture by police (Complaint)	25000	16.02.2009	Compliance report awaited
205	Uttar Pradesh	24507/24/2004-2005-cd	Death in judicial custody (intimation)	100000	16.02.2009	Compliance report awaited
206	Uttar Pradesh	25412/24/2001-2002	Malfunctioning by Medical professionals (complaint)	50000	18.02.2009	Compliance report awaited
207	Uttar Pradesh	32405/24/2005-2006	Illegal arrest and torture by police (Complaint)	25000	23.02.2009	Compliance report awaited
208	Uttar Pradesh	20073/24/2006-2007	Illegal arrest and torture by police (Complaint)	25000	23.02.2009	Compliance report awaited
209	Uttar Pradesh	27657/24/2006-2007	Illegal arrest and torture by police(Complaint)	25000.	23.02.2009	Compliance report awaited
210	Uttar Pradesh	15037/24/2005-2006-cd	Death in judicial custody (intimation)	100000	25.02.2009	Compliance report awaited
211	Uttar Pradesh	8331/24/2005-2006-cd	Death in judicial custody (intimation)	25000	26.02.2009	Compliance report awaited
212	Uttar Pradesh	8332/24/2005-2006-cd	Death in police custody (intimation)	100000	31.7.2008	Compliance report awaited
213	Uttar Pradesh	482/24/2000-2001-CD	Death in judicial custody (intimation)	100000	08.8.2008	Compliance report awaited
214	Uttar Pradesh	7233/24/23/07-08	Death due to negligence by police (complaint)	300000	11.11.2008	Compliance report awaited
215	Uttar Pradesh	28366/24/1999-2000	Death due to fake encounter by police (complaint)	300000	30.3.2009	Compliance report awaited
216	Uttar Pradesh	9551/24/2004-2005-CD	Death in judicial custody (intimation)	100000	06.01.2009	Compliance report awaited
217	Uttar Pradesh	22199/24/2004-2005-CD	Death in judicial custody (intimation)	100000	22.5.2008	Compliance report awaited
218	Uttar Pradesh	38776/24/2003-2004-CD	Death in judicial custody (intimation)	300000	04.9.2008	Compliance report awaited
219	Uttar Pradesh	23039/24/2006-2007	Illegal detention by police (complaint)	15,000 (5000 each to three person)	23.02.2009	Compliance report awaited
220	Uttar Pradesh	21294/24/2003-2004-CD	Death in judicial custody (intimation)	300000	26.3.2009	Compliance report awaited
221	Uttar Pradesh	1271/24/2002-2003-CD	Death in judicial custody (intimation)	100000	01.02.2009	Compliance report awaited
222	Uttar Pradesh	8184/24/2000-2001	Illegal detention by Police (complaint)	2000	18.8.2008	Compliance report awaited
223	Uttar Pradesh	25932/24/2002-2003-CD	Death in judicial custody (intimation)	100000	05.5.2008	Compliance report awaited
224	Uttar Pradesh	28291/24/2000-2001	Illegal detention by Police (complaint)	100000	20.6.2008	Compliance report awaited
225	Uttar Pradesh	24720/24/2006-2007-CD	Death in judicial custody (intimation)	200000	17.3.2009	Compliance report awaited
226	Uttar Pradesh	19895/24/2005-2006-CD	Death in judicial custody (intimation)	100000	02.3.2009	Compliance report awaited
227	Uttar Pradesh	18473/24/2005-2006	Abuse of power by police (complaint)	10000	10.9.2008	Compliance report awaited
228	Uttar Pradesh	5979/24/2005-2006-CD	Death in judicial custody (intimation)	300000	28.01.2009	Compliance report awaited
229	Uttar Pradesh	13915/24/20002001	Illegal detention by police (complaint)	25000	23.02.2009	Compliance report awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
230	Uttar Pradesh	33308/24/2003-2004-AD	Death in police custody (complaint)	50000	13.10.2008	Compliance report awaited
231	Uttar Pradesh	24111/24/2002-2003-CD	Death in judicial custody (intimation)	100000	09.9.2008	Compliance report awaited
232	Uttar Pradesh	23424/24/2003-2004-CD	Death in judicial custody (intimation)	100000	17.3.2009	Compliance report awaited
233	Uttar Pradesh	4235/24/2003-2004-CD	Death in judicial custody (intimation)	200000	17.3.2009	Compliance report awaited
234	Uttar Pradesh	7234/24/13/07-08	Suicide by an under-trial prisoner due to harassment by police (complaint)	200000	17.3.2009	Compliance report awaited
235	Uttar Pradesh	22469/24/2003-2004-CD	Death in judicial custody (intimation)	300000	06.01.2009	Compliance report awaited
236	Uttar Pradesh	21774/24/2001-2002-cd	Death in judicial custody (intimation)	100000	06.11.2008	Compliance report awaited
237	Uttar Pradesh	6755/24/2004-2005	Illegal detention by police (complaint)	30000 (10000/- each to three person)	04.6.2008	Compliance report awaited
238	Uttar Pradesh	33078/24/2004-2005-CD	Death in judicial custody (intimation)	300000	09.9.2008	Compliance report awaited
239	Uttar Pradesh	26759/24/2000-2001	False implication in a criminal case by police (complaint)	10000	10.6.2008	Compliance report awaited
240	Uttar Pradesh	36089/24/2001-2002	Abuse of power by police (complaint)	15000	04.11.2008	Compliance report awaited
241	Uttar Pradesh	24350/24/2003-2004-CD	Death in judicial custody (intimation)	100000	06.11.2008	Compliance report awaited
242	Uttar Pradesh	13272/24/2003-2004-CD	Death in judicial custody (intimation)	300000	19.8.2008	Compliance report awaited
243	Uttar Pradesh	17885/24/2004-2005	Illegal detention by the police (complaint)	50000	16.3.2009	Compliance report awaited
244	Uttar Pradesh	24/1733/96-LD	Illegal detention by the police (complaint)	10000	09.4.2008	Compliance report awaited
245	Uttar Pradesh	30658/24/2002-2003-CD	Death in judicial custody (intimation)	300000	02.02.2009	Compliance report awaited
246	Uttar Pradesh	32753/24/2002-2003-AD	Alleged death in Police Custody (complaint)	300000	04.3.2009	Compliance report awaited
247	Uttar Pradesh	44204/24/2005-2006	Severe burn due to electrocution resulting in amputation right hand and toes of both legs of the victim (complaint)	50000	16.9.2008	Compliance report awaited
248	Uttarakhand	884/35/2001-2002	Handicapped due to electrocution (complaint)	50000	18.8.2008	Compliance report awaited
249	Uttarakhand	1617/35/2001-2002	Unlawful detention by Tehsildar (complaint)	20000	18.8.2008	Compliance report awaited
250	Uttarakhand	921/35/2003-2004	Death due to electrocution (complaint)	200000	08.9.2008	Compliance report awaited
251	Uttarakhand	43/35/12/07-08-CD	Death in judicial custody (intimation)	100000	22.9.2008	Compliance report awaited
252	Uttarakhand	1540/35/2002-2003-CD	Death in judicial custody (intimation)	100000	05.11. 2008	Compliance report awaited
253	Uttarakhand	980/35/2001-2002-CD	Death in judicial custody (intimation)	200000	13.3.2009	Compliance report awaited
254	Uttarakhand	1547/35/2004-2005	Picking up and beating up of the complainant's husband by the Revenue Officials resulting into his death (complaint)	40000	24.11.2008	Compliance report awaited
255	West Bengal	656/25/2002-2003-CD	Death in police custody (complaint)	100000	18.02.2009	Compliance report awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
256	West Bengal	321/25/2002-2003-AD	Death in BSF custody (complaint)	100000	02.9.2008	Compliance report awaited
257	West Bengal	401/25/2003-2004	Death due to negligence of Doctor in Hospital (complaint)	100000	27.6.2008	Compliance report awaited
258	West Bengal	502/25/2002-2003	Death due to negligence of Doctor in Hospital (complaint)	100000	10.10.2008	Compliance report awaited
259	West Bengal	213/25/2004-2005-CD	Death in police custody (intimation)	100000	17.10.2008	Compliance report awaited
260	West Bengal	301/25/2003-2004-WC	Attempt of rape and sexual harassment of a 16-year old tribal orphan girl by the officer-in-charge of police station (complaint)	25000	25.8.2008	Compliance report awaited
261	West Bengal	556/25/2003-2004	Death due to negligence of Doctor in Hospital (complaint)	100000	09.3.2009	Compliance report awaited
262	Ministry of Railways, Govt. of India.	6352/24/97-98	Torture of the victim by Inspector and other staff of RPF resulting into his death (complaint)	200000	21.5.2008	Compliance report awaited



Annexure 8

Para 4.240

STATEMENT SHOWING DETAILS OF CASES PENDING COMPLIANCE OF COMMISSION'S RECOMMENDATIONS DURING 2008-2009 FOR DISCIPLINARY ACTION AGAINST PUBLIC SERVANTS

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
1.	Bihar	1863/4/2003-2004-CD	Death in judicial custody (complaint)	Departmental enquiries against the then Medical Officer and Superintendent of the Mandal Jail Ara, Bihar.	07.7.2008	Compliance report awaited
2.	Jharkhand	25388/24/2004-2005-cd	Death in judicial custody (intimation)	Disciplinary action against the guilty compounder and doctor.	30.01.2009	Compliance report awaited
3.	Kerala	159/11/2006-2007 LW 169/11/2006-2007	Illegal detention and harassment by police (complaint)	Disciplinary action against the guilty police personnel	02.04.2008	Compliance report awaited
4.	Punjab	952/19/2002-2003-CD the	Death in police custody (intimation)	Disciplinary action against the guilty police personnel	02.02.2009	Compliance report awaited
5.	Uttar Pradesh	149/24/2002-2003-CD	Death in judicial custody (intimation)	Disciplinary action against the guilty Supdt. of jail and the doctor	16.6.2008	Compliance report awaited
6.	Uttar Pradesh	19847/24/2004-2005	Illegal detention by police (complaint)	Disciplinary action against guilty police personnel	07.7.2008	Compliance report awaited
7.	Uttar Pradesh	23655/24/2004-2005	Illegal detention by police (complaint)	Disciplinary action against the guilty police personnel	07.10.2008	Compliance report awaited
8.	Uttar Pradesh	682/24/2003-2004-cd	Death in judicial custody (intimation)	Disciplinary action against the guilty police personnel	13.01.2009	Compliance report awaited
9.	Uttar Pradesh	23039/24/2006-2007	Illegal detention by police (complaint)	Disciplinary action against the guilty police personnel	23.02.2009	Compliance report awaited
10.	Uttar Pradesh	20073/24/2006-2007	Illegal arrest and torture by police (complaint)	Disciplinary action against the guilty police personnel	23.02.2009	Compliance report awaited



Annexure-9

Para 4.240

STATEMENT SHOWING DETAILS OF CASES PENDING COMPLIANCE OF THE COMMISSION'S RECOMMENDATIONS DURING 2008-2009 FOR PROSECUTION OF ERRANT PUBLIC SERVANT

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of	Remarks
1	Uttar Pradesh	20073/24/2006-2007	Illegal arrest and torture by police (Complaint)	Prosecution of guilty police personnel	23.2.2009	Compliance report awaited



Annexure – 10

Para 4.241

STATEMENT SHOWING DETAILS OF CASES PENDING COMPLIANCE OF COMMISSION'S RECOMMENDATIONS FROM 1999-2000 TO 2007-2008 FOR PAYMENT OF MONETARY RELIEF/DISCIPLINARY ACTION/ PROSECUTION

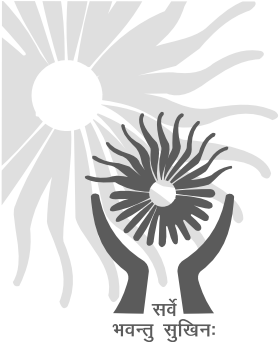
Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
1.	Andhra Pradesh	393/1/2002-2003-CD	Death in judicial custody(intimation)	Recommended Rs.50,000/-, as monetary relief.	26.12.2007	Compliance report awaited
2.	Andhra Pradesh	819/1/2004-2005-CD	Death in police custody. (intimation)	Departmental enquiry against the errant doctor.	15.02.2008	Compliance report awaited
3.	Arunachal Pradesh	14/2/2003-2004-CD	Death in police custody. (intimation)	Recommended Rs.1,00,000/-,as monetary relief.	12.12.2007	Proof of payment is still awaited
4.	Arunachal Pradesh	25/3/2002-2003-CD	Death in police custody. (intimation)	Recommended Rs.1,00,000/-,as monetary relief	27.8.2007	Proof of payment awaited
5.	Arunachal Pradesh	106/3/2001-2002-AF	Death of a colonel in the course of counter insurgency operation	Recommended Rs.2,00,000/-,as monetary relief	19.3.2008	Compliance report awaited
6.	Bihar	2214/4/2003-2004	Complaint regarding injuries sustained in police firing,	Recommended monetary relief of Rs.30,000/- .	07.02.2007	Compliance report awaited
7.	Bihar	3731/4/02-03	Death in fake encounter (intimation)	Recommended Rs.2,00,000/-,as monetary relief.	17.5.2007	Compliance report and proof of payment awaited
8.	Bihar	2812/4/97-98	Death in fake encounter (intimation)	Recommended Rs.3,00,000/-,as monetary relief.	01.8.2007	Compliance report awaited
9.	Bihar	1633/4/2005-2006	Death of a student due to severe beating by the School Teacher (suo motu cognizance)	Recommended Rs.2,00,000/-,as monetary relief.	08.8.2007	Compliance report awaited
10.	Bihar	689/4/2002-2003-CD	Death in judicial custody (intimation)	Recommended Rs.1,00,000/-,as monetary relief	09.12.2007	Compliance report and proof of payment awaited
11.	Bihar	2887/4/2005-2006-CD	Death in judicial custody (intimation)	Recommended Rs.1,00,000/-,as monetary relief.	03.12.2007	Compliance report and proof of payment awaited
12.	Bihar	1015/4/2002-2003-AD	Death in judicial custody (intimation)	Recommended Rs.3,00,000/-,as monetary relief	17.12.2007	Compliance report and proof of payment awaited
13.	Bihar	2252/4/2003-2004-CD	Death in judicial custody (intimation)	Recommended Rs.1,00,000/-,as monetary relief.	28.12.2007	Compliance report and proof of payment awaited
14.	Bihar	2848/4/2002-2003-CD	Death in judicial custody (intimation)	Recommended Rs.1,50,000/-,as monetary relief	02.01. 2008	Compliance report and proof of payment awaited
15.	Bihar	1676/4/2003-2004-CD	Death in judicial custody (intimation)	Recommended Rs.1,50,000/-,as monetary relief.	12.3. 2008	Compliance report and proof of payment awaited
16.	Bihar	838/4/2006-2007-CD	Death in judicial custody (intimation)	Recommended Rs.1,00,000/-,as monetary relief + disciplinary action	29.02.2008	Proof of payment awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
17.	Bihar	656/4/2000-2001-CD	Death in judicial custody (intimation)	Recommended Rs.1,00,000/-,as monetary relief.	18.02.2008	Compliance report and proof of payment awaited
18.	Chattisgarh	99/33/04-05-WC	Gang Rape of ST women(complaint)	Recommended Rs.5,00,000/- as monetary relief.	17.3. 2008	Compliance report and proof of payment awaited
19.	Delhi	2678/30/2004-2005	Alleged harassment and wrong challan under Motor Vehicle Act by the police for not fulfilling their demand of bribes. (complaint)	Recommended Rs.10,000/-,as monetary relief.+ Departmental action against the errant police personnel.	Police personnel have been punished in departmental proceedings. 12.12.2007	Proof of payment awaited
20.	Delhi	102/30/05-06	Severe health problems suffered by a girl due to supply of wrong medicine by CGHS dispensary (complaint)	Recommended the Director, CGHS to pay Rs. 1,00,000 as monetary relief.	30.7.2007	Compliance report not received due to challenge in the High Court of Delhi on the grounds of denial of medicines by the complainant; denial of opportunity to the petitioner to explain his stand; and condition of patient had worsened by administration of wrong medicine. Orders of WP No.9776/07 pending in the High Court of Delhi.
21.	Gujarat	608/6/2002-2003	Complaint against harassment and torture by the police	Recommended monetary relief of Rs. 20,000/- (Rs.10,000/- each to two victims and Disciplinary action against the delinquent police officials	23.01.2006	Compliance report awaited
22.	Gujarat	653/6/2002-2003-CD	Death in judicial custody (intimation)	Recommended Rs.2,00,000/-,as monetary relief..	03.9.2007	Outcome of case pending in the High Court awaited
23	Gujarat	310/6/2003-2004-cd	Death in judicial custody (intimation)	Recommended Rs.1,00,000/-,as monetary relief.	05.9.2007	Proof of payment awaited
24	Haryana	1906/7/2006-2007-WC	A girl allegedly abused by police, (suo-motu cognizance)	Recommended Rs.20,000/- As monetary relief +Departmental action against errant police personnel	29.02.2008	Compliance report awaited
25	Jammu & Kashmir	162/9/1999-2000	Illegal detention and torture by the local police (complaint)	Recommended Rs.1,00,000/- as monetary relief.	12.3.2008	Compliance report and proof of payment awaited
26	Jammu & Kashmir	97/9/2005-2006	Death in police firing (intimation)	Recommended Rs.2,50,000/- (i.e. Rs.2,00,000/- to Nishu Sharma and Rs.50,000/- to Rakesh Sharma)	22.8.2007	Compliance report and proof of payment awaited
27	Jammu & Kashmir	179/9/2002- 2003-AD	Alleging death of 3 persons by Army personnel (complaint)	Recommended to the Union Government of India to pay Rs. 2 lakh each to the next of the kin of the deceased (Rs. 6,00,000)	03.08.2007	Compliance report awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
28	Jharkhand	4/743/95-LD	Complaint alleging death in police custody	Recommended monetary relief of Rs. 4,00,000 and prosecution and departmental action against the two police officials	20.01.2000	Matter pending in Delhi High Court
29	Jharkhand	1253/34/2002-2003-CD	Death in judicial custody (intimation)	Recommended Rs.2,00,000/- as monetary relief.	09.5.2007	Proof of payment awaited
30	Jharkhand	1431/34/2001-2002	Alleged custodial torture by police (complaint)	Recommended Rs. 10,000/- as monetary relief. + departmental action against the errant police personnel/	11.02.2008	Proof of payment awaited
31	Jharkhand	312/4/2000-2001-CD	Death in judicial custody (intimation)	Recommended Rs.1,00,000/-,as monetary relief	20.02.2008	Compliance report and proof of payment awaited
32	Karnataka	180/10/2004-2005-CD	Death in police custody. (intimation)	Recommended Rs.3,00,000/-,as monetary relief	17.9.2007	Compliance report and proof of payment awaited
33	Kerala	235/11/98-99	Complaint from former Director, ISRO, Bangalore reg. false implication	Recommended monetary relief of Rs. 10,00,000/-	14.3.2001	The State Govt. has preferred Writ Appeals against the recommendations of the Commission, which is pending consideration.
34	Kerala	95/11/99-2000	Death of a Head Constable while on duty, for the want of timely medical care, (complaint)	Recommended Rs. 50,000/-,as monetary relief	29.8.2007	Compliance report not received due to challenge in the High Court of Kerala on the grounds of non-compliance with the provisions of Protection of Human Rights Act, 1993. Orders of WP No.36890/07 awaited from High Court of Kerala.
35	Maharashtra	2788/13/03-04-CD	Death in police custody. (intimation)	Recommended Rs.2,00,000/-,as monetary relief...	30.5.2007	Proof of payment awaited
36	Maharashtra	548/13/03-04-CD	Death in police custody. (intimation)	Recommended Rs.1,00,000/-,as monetary relief	11.6.2007	Proof of payment awaited
37	Maharashtra	1287/13/02-03-CD	Death in police custody. (intimation)	Recommended Rs.2,00,000/-,as monetary relief	18.6.2007	Compliance report/proof of payment awaited
38	Maharashtra	2021/13/2000-2001-AD	Death in police custody. (intimation)	Recommended Rs.2,00,000/-,as monetary relief.	14.01.2008	Compliance report and proof of payment awaited
39	Maharashtra	415/13/02-03-CD	Death in judicial custody. (intimation)	Recommended Rs.1,00,000/-,as monetary relief	30.01.2008	Compliance report and proof of payment awaited
40	Maharashtra	1299/13/2000-2001-CD	Death in judicial custody. (intimation)	Recommended Rs.1,00,000/-,as monetary relief	04.3.2008	Compliance report and proof of payment awaited
41	Orissa	123/18/1999-2000	Complaint alleging physical torture and illegal detention by police.	Recommended monetary relief of Rs.50,000 and disciplinary action against errant police personnel also.	31.7.2000	The State Govt. has preferred Writ Petition No.O.J.C.NO.8776/2000 in the High Court of Orissa, against the recommendations of the Commission, which is pending consideration.

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
42	Orissa	42/18/2003-2004-CD	Death in judicial custody. (intimation)	Recommended Rs.1,00,000/-,as monetary relief.	12.12.2007	Proof of payment awaited
43	Orissa	323/18/04-05	Death in judicial custody. (intimation)	Recommended Rs.1,00,000/-,as monetary relief.	23.01. 2008	Compliance report and proof of payment awaited
44	Rajasthan	1042/20/2003-2004	Complainant alleged about false implication of charges by the police	Recommended monetary relief of Rs. 10,000/-	21.6.2005	Compliance awaited
45	Rajasthan	20/599/96-LD (12462/96-97-NHRC)	Laborers sustained injuries at worksite due to collapse of a trench.	Recommended monetary relief of Rs. 80,000/- (Rs.25,000 to each of the 2 deceased victims, and Rs15,000 to each of the 2 injured victims.	25.10.2000	Rs.65,000 has been paid, compliance of payment of Rs.15,000, to one of the injured victims, is awaited
46	Rajasthan	1635/20/2002-2003	Unlawful detention by police (complaint)	Recommended Rs.30,000/-,as monetary relief.	08.10.2007	Proof of payment awaited
47	Tamilnadu	795/22/97-98-FC Linked Cases-222/10/97-98534/22/97-98249/10/98-9979/10/98-99248/10/97-98250/10/97-98318/10/97-98329/10/98-99	Complaints received from several individuals and NGOs alleging violation of human rights of harassment/torture to the villagers and tribals by the Joint Special Task Force set up to apprehend Veerappan, the sandalwood smuggler	Recommended monetary relief of Rs.2,80,00,000/- to 89 persons, Rs.2,69,00,000/- paid to 86 persons. Rs.11,00,000/- to 3 persons yet pending	15.01.2007	Compliance report awaited
48	Tamilnadu	1213/22/2002-2003	False implication in a theft case by police, for not fulfilling the demand of bribes (complaint)	Recommended Rs.50,000/-,as monetary relief	14.3.2008	Proof of payment awaited
49	Tamilnadu	728/22/04-05-CD	Death in police custody. (intimation)	Recommended Rs.,2,00,000/-,as monetary relief	31.3.2008	Rs. 1 lakh has already been paid whereas Rs. 1 lakh has yet to be paid.
50	Tamilnadu	333/22/2004-2005	Physical torture by police (complaint)	Recommended Rs.,1,00,000/-,as monetary relief + departmental action + prosecution against errant police personnel	07.3.2008	Compliance report awaited
51	Tamilnadu	18427/24/2001-2002	Illegal detention by police (complaint)	Recommended Rs.25,000/-,as monetary relief.	12.11.2007	Compliance report awaited
52	Uttar Pradesh	4122/24/2000-2001	Bonded labour	Recommended monetary relief of Rs.30,00,000/-, (Rs. 1000/- each to 300 Bonded labourers.	28.02.2005	Compliance report awaited
53	Uttar Pradesh	18413/24/2001-2002	Death in police custody (complaint)	Recommended monetary relief of Rs. 1,00,000	02.11.2005	Compliance report awaited
54	Uttar Pradesh	36867/24/2002-2003	Death of a bonded labour and inaction by local police	Recommended Rs.5,000/-,as monetary relief. +departmental action against errant police personnel.	08.11.2007	Compliance report awaited
55	Uttar Pradesh	26685/24/1999-2000	Unlawful detention by police (complaint)	Recommended Rs.25,000/-,as monetary relief.	12.11.2007	Compliance report and proof of payment awaited

Serial No.	Name of State	Case No.	Nature of complaint	Recommendations	Date of recommendation	Remarks
56	Uttar Pradesh	7049/24/2000-2001-CD	Death in judicial custody (intimation)	The Commission recommended Rs.3,00,000/- as interim relief	10.3. 2008	Proof of payment awaited
57	Uttar Pradesh	26626/24/2000-2001	Alleged death in judicial custody (complaint)	Recommended Rs. 10.50,000/- (i.e. rs. 1,50,000/- to NOK of 5 deceased and 3,00,000/- to one Vishwas Tyagi)	17.3. 2008	Compliance report and proof of payment awaited
58	Uttar Pradesh	43727/24/2005-2006	Illegal detention by police (complaint)	Recommended Rs. 10,000/- as monetary relief.	04.3.2008	Compliance report awaited
59	Uttar Pradesh	6310/24/2003-2004-cd	Death in judicial custody (intimation)	Recommended Rs.1,00,000/-,as monetary relief.	15.11.2007	Compliance report awaited
60	Uttar Pradesh	17012/24/2001-2002-cd	Death in judicial custody (intimation)	Recommended Rs.50,000/-,as monetary relief.	14.02.2008	Compliance report awaited
61	Uttar Pradesh	30093/24/2004-2005-WC	Alleged sexual harassment (Complaint)	Recommended Rs.20,000/-,as monetary relief.	26.12.2007	Compliance report awaited
62	Uttar Pradesh	19721/24/2005-2006	Illegal arrest by police (Complaint)	Recommended Rs. 10,000/- as monetary relief.	12.3.2008	Compliance report awaited
63	Uttar Pradesh	30217/24/2002-2003-CD	Death in judicial custody (intimation)	Recommended Rs. 10,000/- as monetary relief.	20.02.2008	Compliance Report awaited
64	Uttar Pradesh	24/2374/95-LD	A complaint about fake encounter.	Recommended Rs. 6,00,000/- as monetary relief.	04.07.2007	Compliance Report awaited
65	Uttar Pradesh	43972/24/2006-2007	A complaint about labourers being kept as bonded labour at brick kiln.	Recommended Rs. 5,60,000/- as monetary relief.	13.12.2007	Compliance Report awaited
66	Uttar Pradesh	974/24/2006-2007-CD	Death in judicial custody (intimation)	Recommended Rs. 1,00,000 as monetary relief.	29.01.2008	Compliance Report awaited
67	Uttar Pradesh	3519/24/2003-2004	A complaint alleging fake encounter by police.	Recommended Rs. 2,00,000 as monetary relief	04.3.2008	Compliance Report awaited
68	Uttarakhand	682/35/2002-2003-CD	Death in judicial custody (intimation)	Recommended Rs. 1,00,000/- as monetary relief.	26.02.2008	Compliance report awaited
69	West Bengal	147/25/2001-2002-CD	Death in judicial custody (intimation)	Recommended Rs.1,00,000/-,as monetary relief	07.3.2008	Proof of payment awaited
70	West Bengal	589/25/02-03	A boy allegedly severely injured being shot accidentally by a guard of a Colliery under Deptt. of Coal Government of India, (complaint)	Recommended Rs.1,00,000/-,as monetary relief.	28.12.2007	Compliance report and proof of payment awaited
71	West Bengal	222/25/19/07-08	Unlawful detention and physical torture by police (complaint)	Recommended Rs.50,000/-,as monetary relief.	13.3.2008	Compliance report awaited



Annexure - 11

Para 5.7

STATE/UT-WISE & YEAR-WISE DETAILS OF POLICE CUSTODY DEATH AND JUDICIAL CUSTODY DEATH CASES (NATURAL & UNNATURAL) REGISTERED BY THE COMMISSION FROM YEAR 1993-94 TO 2008-2009

NAME OF STATE & UT's	YEARS																TOTAL		
	*1993-94 PC+JC	1994-95		1995-96		1996-97		1997-98		1998-99		1999-00		2000-01		PC + JC (1993-94)	POLICE CUSTODY (3+5+7+9+ 11+13+15)	JAIL CUSTODY (4+6+8+10+ 12+14+16)	
		PC	JC	PC	JC	PC	JC	PC	JC	PC	JC	PC	JC	PC	JC				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
ANDAMAN & NICOBAR	0	0	0	0	0	0	0	0	0	0	2	1	2	0	2	0	1	6	
ANDHRA PRADESH	0	6	0	10	45	27	70	21	53	25	96	11	73	2	76	0	102	413	
ARUNACHAL PRADESH	0	0	0	0	0	2	0	2	2	2	1	4	0	1	1	0	11	4	
ASSAM	1	14	4	7	15	13	12	18	15	15	22	11	22	11	11	1	89	101	
BIHAR	4	17	0	8	67	14	79	10	107	10	182	7	155	2	137	4	68	727	
CHANDIGARH	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	0	1	2	
CHHATTISGARH	0	0	0	0	0	0	0	0	0	0	0	0	0	1	29	0	1	29	
DADAR & NAGAR HAVELI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
DAMAN & DIU	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	
DELHI	7	5	33	7	33	5	19	11	26	0	17	6	19	9	28	7	43	175	
FOREIGN COUNTRIES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
GOA	0	1	1	0	0	2	0	0	2	0	1	2	2	2	3	0	7	9	
GUJARAT	0	0	0	15	4	18	32	10	27	8	37	13	19	11	27	0	75	146	
HARYANA	1	2	0	4	5	2	7	3	7	4	18	5	24	4	20	1	24	81	
HIMACHAL PRADESH	0	2	0	0	1	1	0	0	0	2	0	1	0	1	2	0	7	3	
JAMMU & KASHMIR	1	0	0	15	0	4	0	2	0	0	0	0	0	0	1	1	21	1	
JHARKHAND	0	0	0	0	0	0	0	0	0	0	0	0	0	1	33	0	1	33	
KARNATAKA	0	1	0	3	10	8	28	7	33	10	40	6	35	5	41	0	40	187	
KERALA	1	3	0	2	2	6	9	6	30	4	25	6	14	1	26	1	28	106	
LAKSHADWEEP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
MADHYA PRADESH	1	2	8	2	7	8	7	17	43	19	99	13	58	11	37	1	72	259	
MAHARASHTRA	0	2	0	9	25	21	180	17	116	20	98	30	126	19	104	0	118	649	
MANIPUR	1	2	1	4	0	1	0	1	0	3	0	0	1	0	0	1	11	2	
MEGHALAYA	1	3	0	0	3	0	10	2	0	1	6	0	2	1	0	1	7	21	
MIZORAM	0	0	0	0	2	0	0	0	1	0	0	0	0	1	0	0	1	3	
NAGALAND	0	1	0	2	0	2	1	1	0	1	0	0	0	0	0	0	7	1	
ORISSA	0	3	1	2	8	3	10	4	19	0	68	1	45	2	55	0	15	206	
PUDUCHERRY	1	0	0	0	0	0	0	1	0	1	0	0	0	0	0	1	2	0	
PUNJAB	0	10	2	8	8	5	12	8	27	12	43	11	42	13	48	0	67	182	
RAJASTHAN	1	10	0	6	11	5	25	11	30	3	47	3	45	3	38	1	41	196	
SIKKIM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	
TAMIL NADU	6	7	0	4	1	3	18	13	54	14	41	9	48	4	24	6	54	186	
TRIPURA	0	1	0	0	0	0	0	2	0	0	0	0	0	2	0	0	5	0	
UTTAR PRADESH	8	5	0	13	24	32	139	14	172	20	222	18	141	10	121	8	112	819	
UTTARANCHAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	6	
WEST BENGAL	0	14	1	14	37	6	42	10	43	6	40	19	43	9	38	0	78	244	
Total	34	111	51	136	308	188	700	191	807	180	1106	177	916	127	910	34	1110	4798	
Total (YEAR-WISE)	34	162		444		888		998		1,286		1,093		1,037					

PC > POLICE CUSTODY DEATHS JC > JAIL(JUDICIAL) CUSTODY DEATHS

* No separate data available for Police Custody Deaths & Jail(Judicial) Custody Deaths

Annexure - 11 contd.

STATE/UT-WISE & YEAR-WISE DETAILS OF POLICE CUSTODY DEATH AND JUDICIAL CUSTODY DEATH CASES (NATURAL & UNNATURAL) REGISTERED BY THE COMMISSION FROM YEAR 1993-94 TO 2008-2009

NAME OF STATE & UT's	YEARS																			
	2001-02		2002-03		2003-04		2004-05		2005-06		2006-07		2007-08		2008-09					
	PC	JC	PC	JC	PC	JC	PC	JC	PC	JC	PC	JC	PC	JC	PC	JC				
20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
ANDAMAN & NICOBAR	0	0	0	0	0	0	0	0	1	0	2	0	0	0	0	0	0	1	9	10
ANDHRA PRADESH	16	81	10	112	10	114	13	116	11	134	5	118	9	132	12	131	0	188	1,351	1,539
ARUNACHAL PRADESH	2	0	2	2	2	1	0	2	1	0	1	1	0	1	2	1	0	21	12	33
ASSAM	10	20	15	13	6	18	4	11	7	27	8	17	12	19	7	27	1	158	253	412
BIHAR	2	144	4	153	9	139	3	150	1	246	2	193	8	222	5	133	4	102	2,107	2,213
CHANDIGARH	0	1	0	3	0	4	1	3	0	3	0	2	1	1	1	3	0	4	22	26
CHHATTISGARH	4	28	3	29	2	42	5	26	2	52	3	50	2	45	1	40	0	23	341	364
DADAR & NAGAR HAVELI	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1	1	2
DAMAN & DIU	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
DELHI	5	27	2	30	3	22	5	27	3	29	3	25	6	33	0	19	7	70	387	464
FOREIGN COUNTRIES	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	1
GOA	0	5	0	1	0	0	0	4	1	4	0	1	0	0	0	2	0	8	26	34
GUJARAT	8	44	17	34	20	37	15	54	20	52	7	54	16	55	12	74	0	190	550	740
HARYANA	5	34	6	41	2	49	2	49	4	58	2	51	9	59	6	52	1	60	474	535
HIMACHAL PRADESH	1	1	0	2	0	2	0	5	0	5	0	3	1	3	0	5	0	9	29	38
JAMMU & KASHMIR	0	0	0	0	0	0	0	0	1	0	0	0	3	2	0	1	1	25	4	30
JHARKHAND	4	55	6	41	3	53	5	66	4	62	3	59	3	77	2	61	0	31	507	538
KARNATAKA	9	41	16	49	4	52	9	51	5	67	8	56	5	76	2	72	0	98	651	749
KERALA	4	33	4	50	4	51	6	51	5	44	3	37	6	56	2	40	1	62	468	531
LAKSHADWEEP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MADHYA PRADESH	7	38	1	36	3	30	2	49	4	44	10	59	10	97	5	86	1	114	698	813
MAHARASHTRA	27	125	26	117	32	148	23	138	20	115	21	130	25	174	23	124	0	315	1,720	2,035
MANIPUR	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	11	3	15
MEGHALAYA	3	2	3	3	3	3	2	6	0	4	1	1	3	0	1	3	1	23	43	67
MIZORAM	0	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	0	1	7	8
NAGALAND	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	3	0	7	6	13
ORISSA	7	49	1	41	1	52	3	39	2	42	2	53	6	50	2	48	0	39	580	619
PUDUCHERRY	0	0	1	0	1	0	1	0	0	1	0	1	0	2	0	2	1	5	6	12
PUNJAB	7	70	9	65	7	81	6	65	6	100	1	87	7	100	4	70	0	114	820	934
RAJASTHAN	5	49	6	55	5	45	0	50	7	50	3	54	2	58	4	56	1	73	613	687
SIKKIM	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	2	1	3
TAMIL NADU	7	48	17	51	12	106	9	98	7	101	16	103	6	104	6	69	6	134	866	1,006
TRIPURA	1	0	1	1	0	0	1	4	1	4	1	5	1	4	1	6	0	12	24	36
UTTAR PRADESH	11	183	16	169	18	199	7	219	18	259	11	241	32	312	24	287	8	249	2,688	2,945
UTTARAKHAND	3	8	1	7	2	7	3	9	1	10	1	7	5	14	0	13	0	16	81	97
WEST BENGAL	17	54	16	49	13	43	11	64	8	76	7	69	8	89	4	99	0	162	787	949
Total	165	1140	183	1157	162	1300	136	1357	139	1591	119	1477	188	1789	127	1527	34	2329	16136	18,499
Total (YEAR-WISE)	1,305		1,340		1,462		1,493		1,730		1,596		1,977		1,654					

PC > POLICE CUSTODY DEATHS JC > JAIL(JUDICIAL) CUSTODY DEATHS

* No separate data available for Police Custody Deaths & Jail(Judicial) Custody Deaths



RECOMMENDATIONS OF NHRC WORKSHOP ON DETENTION

In the two-day workshop on Detention, a range of issues were discussed including the responsibilities of the State Governments to ensure basic human rights of the detainees in police custody and in prisons etc.

DETENTION IN PRISONS AND POLICE CUSTODY:

1. It is important to understand that a person in custody is under the care of the State and it is the responsibility of the State to ensure protection of his or her basic human rights. It should not be confused as advocacy for rights of criminals and terrorists.
2. The Convention against Torture *inter alia* seeks to prohibit torture in custody. Though India has signed the Convention against torture, it has not yet ratified it. The Central Government must take immediate steps in this regard.
3. India may have a low rate of just 32 persons being in jail per every 100,000 population but a high proportion among them are undertrial prisoners languishing in jails. To overcome the situation, speedy trial should be ensured through the following measures:
 - a) Establishment of more courts and filling the vacant posts in judiciary.
 - b) Expedite the process of recording of evidence and examination of the police officers and medical practitioners who are witnesses in certain cases as transferable nature of their services compounds any delay in this regard.
 - c) In addition, provisions for keeping undertrial prisoners and convicts separately should be strictly enforced.
4. Section 436-A of the Cr.P.C. provides for the release of a person in custody on personal bond, in case has been in custody for more than half the period of the sentence he would have undergone in case found guilty. However inspite of this, the number of undertrial prisoners is still very high. Strategies and modalities should be worked out to ensure that the undertrial prisoners get expeditious relief under this provision.
5. As per Section 62(5) of the Representation of People's Act, a person confined in a prison or a lawful custody of the police except those under preventive detention under any law is not allowed to vote although except for convicts, they are eligible to contest election. The

provisions related to right to vote in the Representation of People's Act be suitably amended to ensure this right for undertrial prisoners.

6. There is a need for implementing prison reforms including a Model Prison Code. This should *inter alia* cover vocational training of prisoners and providing them opportunity to work which besides keeping them engaged can also be a source of supplementary earning for them as well as a source of revenue for prison administration.
7. There is a need to pay special attention to orientation and training of prison staff to change their mindset from custodial to correctional approach. More training institutions should be set up to for such staff. More sensitization of police or prison officials is not enough. The prisoners are equally under stress and therefore sensitization programmes should also focus on prisoners as target group.
8. Suitable strategies and modalities should be worked out for ensuring the protection of rights of children between the age group of 0 to 6 years of mothers in prisons and for implementation of Supreme Court judgment in R.D. Upadhyay vs. State of Andhra Pradesh.
9. In case of deaths in custody, as per the present practice, the Police Administration is required to send the report within 24 hours of its occurrence to NHRC. In accordance with the amendment made to Cr.P.C. (Section 176(1) of Cr.P.C.) an inquiry by a judicial magistrate is made. There is a need for scrupulous implementation of procedure established under Section 176(1) of Cr.P.C. In addition, forensic experts and laboratories must be involved as their expertise and scientific manner of investigation can assist in providing accurate and reliable evidence.
10. It was also suggested that the penalty inflicted on a delinquent police official responsible for torture should be in proportion to the degree of torture by such officials rather than a mere reprimand or transfer.
11. Government should take steps to separate the investigation wing from law and order wing, as decided in the case of Prakash Singh vs. Union of India (2006 (8) S.C.C.1).
12. The UN Minimum Standard Rules for the Treatment of Prisoners should be enforced and monitored from the Human Rights perspective.
13. There is a need to make the prison more transparent and open to the civil society.
14. All sorts of unlawful detentions should be severely dealt with.

PREVENTIVE DETENTION

15. The difference between "preventive" and "punitive" detention must be clearly understood. Preventive detention is aimed at preventing the possibility of an activity by a person which may be detrimental to public order or national security. Preventive detention should not be

resorted as a substitute for the normal procedure established by law. There is a need to sensitize the authorities concerned that it should be resorted to as an exception in rare cases.

16. Certain safeguards are provided under law to the detainee under preventive detention. These include detailed recording of facts leading to satisfaction of authority, conveying the grounds of detention to the detainee, right to make representation to State or Central Government or to advisory board etc. These norms for detention should be strictly followed and all authorities should be sensitized about observance of these safeguards. People also should also be sensitized about various personal liberties.
17. Preventive detention laws need to keep a balance between human rights of liberty on the one hand and security of the nation or maintenance of public order.
18. In case the detainee is found unlawfully detained, there is a need to have provision for interim relief/compensation.

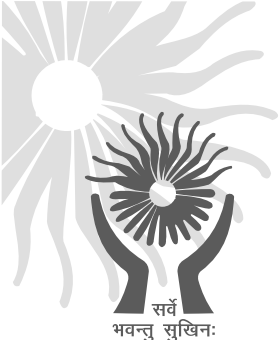
DETENTION IN JUVENILE JUSTICE HOMES

19. UN Minimum Standards for Treatment of Juveniles (Beijing Rules) should be strictly adhered to.
20. All the States must formulate rules under the Juvenile Justice Act, 2006 and constitute necessary institutions as required under the law. Constraints if any in implementing the provisions must be removed either by amendment to the law or by adopting a suitable strategy.
21. Juvenile justice system should be distinct from criminal justice system in adjudication and terminology.
22. Effective implementation of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, requires need based analysis on part of the State Governments to streamline their approach.
23. Juvenile justice should move up in the list of priorities for the State Governments to ensure that the financial, administrative and infrastructural needs are met, keeping in view the best interests of the child.
24. The authorities must comprehend the distinction between children in conflict with law and those in need for care and protection. The specific welfare needs of both the categories must be addressed.
25. The adjudicatory bodies (JJB) should ensure that the enquiries are completed within the stipulated time of 4 months as laid down in the Act.
26. Adequate number of qualified and trained personnel should be recruited under the JJ system. In cases of alleged abuse, strict action should be initiated against officers and staff responsible and pending such action, they should be immediately transferred.

27. Rehabilitation and repatriation of the children should be the ultimate aim. Institutional care must include proper educational facilities and vocational training in order to ensure sustainable options for child after he/she is sent back.
28. Health care needs of all the children must be looked after. The specific requirements of children ailing from diseases like HIV, scabies, mental disability must be addressed.
29. Basic standards of hygiene and nutrition should be adhered to in the juvenile justice/ observation homes.
30. It must be ensured that regular inspections of the homes be undertaken by the Inspection committees that have been set up under the Act.

MENTAL HEALTH ISSUES OF DETAINEES

31. World over, on an average 32 per cent of all prisoners require psychological help. If one includes substance abuse, the figure goes beyond 60 per cent. Hence there is a need for focused attention on mental health. There is a need for early identification of mental illness among prisoners and for taking consequent steps.
32. There is little documentation of the problems of psychiatrically ill prisoners, problem of escorts for referrals/discharge, inadequate follow up and care while in custody, no follow-up of psychiatric treatment after discharge from custody. Arrangements be made for periodic visits of psychiatrists.
33. In view of little formal training of prison staff in mental health, there is a need for corrective measures.
34. A psychiatrist be posted in jail hospitals. If the same is not possible due to shortage of psychiatrists, arrangements should be made for visits of psychiatrist on a periodic basis, atleast once a week.
35. Normally, prisoners having mental problems should be kept separately, preferably shifted to mental hospitals. However, due to overall shortage of trained manpower in mental health care both in district hospitals or mental hospitals, this may not become possible. Thus there is a need to augment the Mental Health Care System, both in terms of manpower and infrastructure. Some general recommendations in this regard are as follows:
 - (a) There is a need to move from custodial care to community mental health care approach and also integrate mental health care with general health care system through District Mental health programme.
 - (b) The diet scale of persons in mental hospitals needs to be fixed based on 'minimum calorie terms' rather than monetary terms of offset inflation.
 - (c) Mental health care audit of all institutions of child care may be taken up by NHRC.



Annexure 13

Para 8.8

Human Rights Training Programmes Conducted During 2008- 2009

Sl.No.	Name of the Institution & Contact Number	Theme of Training & No. of Programmes	Venue	Programme Date & No. of Participants
1.	Uttar Pradesh State Human Rights Commission, 4/4, Vishal Khand, Gomti Nagar, Lucknow U.P.	Training on 'Human Rights Sensitization' One Programme	SHRC	4 - 5 April 2008 65 participants
2.	State Institute of Public Administration and Rural Development (SIPARD), A.D. Nagar, Agartala, Tripura (W)- 799 003	1. One Workshop on Human Rights ssues (Two days) 2. One Training of Trainers on Human Rights (two days) 1. Four District Level Trainings on Human Rights Six Programmes	(i) SIPARD (ii) SIPARD (iii) West District (iv) South District (v) North District (vi) Dhalai District	4 - 5 April 08 70 participants 29 - 31 May 08 31 participants 5 - 6 Sep 08 59 participants 11 - 12 September 08 52 participants 19 - 20 September 08 27 participants 24 - 25 September 08 30 participants
3.	UniversityDr. Ram Manohar Lohiya National University, Lucknow U.P.	Summer Human Rights Training (one month Intern-ship programme) One Programme	University Premises	16 June - 15 July 08 62 participants
4.	Administrative Training Institute, Aizawl Mizoram	1- TOT 7-District level Training on Human Rights Eight Programmes	(i) Kolasib (ii) Serchhip (iii) Champhai (iv) I& PR Conference Hall, Aizwal (v) Mamit District (vi) Saiha District (vii) Lawngtlai Distt. (viii) Lunglei Distt	9 - 11 July 08 25 participants 23 - 25 July 08 25 participants 12 - 14 August 08 25 participants 24 - 25 September 08 24 participants 17 - 19 December 08 25 participants 2 - 4 March 09 20 participants 5 - 7 March 09 30 participants 18 - 20 March 09 30 participants
5.	Meghalaya Administrative Training Institute, Shillong, Meghalaya	Four (two days) Advanced Training Programmes Four Programmes	ATI premises	10 - 11 July 08 20 participants 11 - 12 September 08 20 participants 3 - 4 October 08 20 participants 29 - 30 October 08 20 participants
6.	Tanveer Mahila Prashikshan Evam Shikshan Sansthan, Bebar Road, Bholepur, Fatehgarh, Dist. Farukhabad, U.P.	One (one-day)Training on Human Rights One Programme	Fatehgarh Distt.	10 August 08 490 participants
7.	Creative Education and Development society (CEADS GROUP)CEADS House, 155 Patiyali Gate, Etah - 207 001, UP	One (one-day)Promotion and protection of Women Rights and free legal aid to women awareness camps One Programme	Etah, UP	17 August 08 250 participants
8.	Akshaya Rehabilitation Trust, No.1, Ahimsapuram Main RoadNear 3 rd StreetMadurai 625 002TAMIL NADU	Seminar on Disability Human Rights Six Programmes	(i) Madurai District	17 August 08 55 participants

Sl.No.	Name of the Institution & Contact Number	Theme of Training & No. of Programmes	Venue	Programme Date & No. of Participants
			(ii) Sivagangai ist. (iii) Viruthunagar Dist. (iv) Kanniyakumari Dist. (v) Thirunelveli Dist. (vi) Tuticorin District	24 August 08 48 participants 31 August 08 58 participants 7 September 08 55 participants 14 September 08 50 participants 21 September 08 55 participants
9.	Mizoram University, Post Box No. 190, Aizawal – 796009, Mizoram	Advanced Training on Human Rights One Programme	Tourist Lodge, Chaltlang, Aizawl.	9 - 10 September 08 70 participants
10.	Indira Mahila Mandali, Prakasam distt. Andhra Pradesh	One day Basic Human Rights Training Programme One Programme	Prakasam District	13 - 14 September 08 120 participants
11.	Police Training College, Kangra distt. Himachal Pradesh	1. Two (one day) TOT programmes on Human Rights. 2. One (one) day Seminar on Human Rights. Three Programmes	All at PTC, Daroh, Kangra Distt. HP	15 September 08 36 officers 23 September 08 30 officers 23 October 08 67 participants
12.	Bihar Institute of Public Administration & Rural Development (BIPARD) WALMI Complex Pulwari Sharif Patna – 801 505 Bihar	Training on Human Rights Three Programmes	All are at BIPARD	15 - 16 September 08 30 participants 29 - 30 September 08 30 participants 23 - 24 October 08 30 participants
13.	Spandana Educational Society, Nellore district, Andhra Pradesh, NGO	One day Basic Human Rights Training Programme One Programme	TTDC, Sanghamitra Halla, Buchireddypalem.	18 - 20 September 08 100 participants
14.	Rajiv Gandhi Institute of Law, Kakinada, Andhra Pradesh	One day Basic Programme One Programme	Ranga Raya Medical College Auditorium Kakinada	27 September 08 700 participants
15.	The University of Burdwan (Department of Law), Burdwan, West Bengal	One day Seminar on Human Rights and Environment One Programme	Science Centre Auditorium, Golapbag, near the Department	27 September 2008 154 participants
16.	Haryana Police Academy, Karnal, Haryana	One (two days) TOT Programme One Programme	Madhuban	27 - 28 September 08 30 participants
17.	Samaj Kalyan Sangh, Dhanbad, Jharkhand	One day Basic Human Rights Training Programme One Programme	Head Quarters of District Dhanbad (Jharkhand)	28 September 08 80 participants
18.	Chhattisgarh Academy of Administration, Indrawati Khand, Mantralaya Parisar, Raipur (C.G.) – 492 001 Chhattisgarh	Advanced training programme on Women issues Two Programmes	(i) Bilaspur (ii) ATI premises	29 September - 1 October 08 35 participants 27 - 29 January 09 35 participants
19.	S.K. Sewa Samiti, Sriganganagar, Rajasthan	Two (One day) Basic Programmes on Human Rights Awareness Two Programmes	(i) Gaur Bharaman Sabha, Purani Abadi, Sriganganager Panchayati Dharamshala, Sriganganagar (ii)	14 October 08 65 participants 18 October 08 70 participants
20.	Uttarakhand Academy of Administration, Nainital, Uttarakhand	1. One TOT Programme 2. Three District level training programme Four Programmes	(i) UAOA, Nainital (ii) Dehradun (iii) Haridwar (iv) Almora	15 - 17 October 08 26 participants 10 November 08 38 participants 12 November 08 50 participants 02 December 08 54 participants
21.	Veena Memorial Sseewa Society, Karuali, Rajasthan	Five workshop/ seminars of Basic Human Rights Training Programme. (NGO conducted seven programmes) Five Programmes	(i) Karsai, Govt. Sec. School (village conferences) (ii) Karauli (Rally) (iii) Govt. Sr. Sec. School, Masalpur	21 October 08 226 participants 3 January 09 300 participants 7 January 09 70 participants

Sl.No.	Name of the Institution & Contact Number	Theme of Training & No. of Programmes	Venue	Programme Date & No. of Participants
			(iv) Veena Memorial College of Education (v) Bright Star Sr. Sec. School, Mandrail (vi) Govt. Sr. Sec. School, Chainpur (vii) Govt. UPS Village Khirkhan	10 January 09 103 participants 28 January 09 89 participants 31 January 09 75 participants 7 February 09 70 participants
22.	Uttar Pradesh State Human Rights Commission, Vishal Khand, Gomti Nagar, Lucknow, U.P.	One (two days) Human Rights Sensitisation workshop on Human Rights One Programme	SHRC	21 - 22 October 08 35 participants
23.	J&K Institute of Management, Public Administration & Rural Development Vikas Bhavan, Railhead Complex, Jammu – 180 004	Workshop on Human Rights Issues Two (five-days) Programmes	IMPA, Jammu	21 - 25 October 08 30 participants 10 - 14 February 09 30 participants
24.	HCM Rajas than State Institute of Public Administration, Jaipur, Rajasthan – ATI	One TOT Programme One Programme	HCM RIPA, Jaipur	23 - 25 October 08 30 participants
25.	Dibrugarh University, Dibrugarh, Assam –	One (two days) Advanced Training on Human Rights One Programme	Dibrugarh University	24 - 25 October 08 100 participants
26.	Goa University Taleigao plateau Goa 403 206	Workshop on Human Rights One Programme	Conference Hall, Goa University	24 - 25 October 08 90 participants
27.	Administrative Training Institute, Kohima Nagaland	Training on Human Rights issues (one TOT and one advanced training) Two Programmes	ATI, Kohima	3 - 4 November 08 25 participants 10 - 11 November 08 25 participants
28.	Dept. of Women's Studies, Alagappa University, Karaikudi, Tamil Nadu	One-day Basic Programme One Programme	Conference Room of Convention Hall, Alagappa University, Karaikudi.	5 November 08 125 participants
29.	Shakti Manav Sewa Sansthan, Kushinagar, U.P.	One day Basic Human Rights Training Programme One Programme	Gorakhpur, U.P.	9 November 08 95 participants
30.	North Eastern Police Academy (NEPA), Govt. of India, M/o Home Affairs, PO Umsaw, Meghalaya	One (two days) Training Programme on Human Rights One Programme	NEPA	10 - 11 November 08 136 participants
31.	SEVAC, Kolkata	Mental Health for Police personnel of North East and also for the local functionaries in Car Nicobar. Two Programmes	(i) Car Nicobar (ii) Assam Administrative Staff College.	13 - 14 November 08 52 participants 11 - 12 December 08 43 participants
32.	Tezpur University (A Central University), Tezpur, Assam	One (two days) Advanced Training on Human Rights One Programme	Tezpur University, Tezpur	14 - 15 November 08 120 participants
33.	Dept. of Human Rights and Social Development, SVU College of International Studies, Tirupati, Andhra Pradesh	One (one day) Basic Human Rights Awareness Creation Programme One Programme	Sri Venkateswara University Senate Hall	16 November 08 200 participants
34.	Nehru Yuva Kendra Sangathan, An Autonomous Body under the M/o Youth Affairs & Sports, Govt. of India, Port Blair	One (one day) Workshop on Human Rights Awareness Creation One Programme	JNR Mahavidyalaya, Port Blair	17 November 08 100 Participants
35.	Dept. of Political Science, Tripura University, Tripura	One day basic programme on Human Rights: Issues and Challenges One Programme	Dept. of Political Science	21 November 08 25 participants
36.	Bar Council of India, Bar Council of India Trust in collaboration with Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram, Arunachal Pradesh & Sikkim	National Seminar-2008 on following topics: (i) Corporate Social Responsibility in protection of environment (ii) Globalisation and its impact of Legal Profession (iii) Terrorism and Human Rights. * (*Topic recommended by Training Division) One Programme	High Court Building, Second Floor, Guwahati, Assam	21 - 23 November 08 45 participants
37.	Borok People's Human Rights Organization, Agartala, Tripura	One day Basic Human Rights Training Programme One Programme	Royal Guest House (Hotel), Colonel Chowmuhani, Krishnanagar, Agartala	24 November 08 56 participants

Sl.No.	Name of the Institution & Contact Number	Theme of Training & No. of Programmes	Venue	Programme Date & No. of Participants
38.	Holy Cross Women's College, Ambikapur, Chhattisgarh	One (one day) Basic Human Rights Awareness Creation Programme One Programme	College premises	25 November 08 150 participants
39.	Shri Krishna Institute of Public Administration, (SKIPA) Jharkhand, Ranchi	1. One TOT Programme 2. One district level programme Two Programmes	(i) Chatra District (ii) SKIPA	4 - 6 December 27 participants 16 - 18 December 08 17 participants
40.	Baba Kakhaura Baidyanath College, Manatri, Mayurbhanj, Orissa	Human Rights Awareness Programme One Programme	College premises	10 December 08 70 participants
41.	Department of Law, Assam University Silchar – 788011, Assam	One (one day) Basic Human Rights Awareness Creation Programme One Programme	Bipin Chandra Paul Seminar hall at Assam University, Silchar	10 December 08 130 participants
42.	Dept. of Political Science Guwahati University Guwahati – 781014, Assam	One (two days) Advanced Training on Human Rights One Programme	University Premises	10 - 11 December 08 135 participants
43.	Nobel Laureate Mother Teresa Charitable Trust, Chennai, Tamil Nadu	One day Basic Human Rights Training Programme One Programme	Krishanagiri	13 December 08 150 participants
44.	Office of the Chief Conservator of Forests, Guwahati-14, Assam	One (three days) training programme on Human Rights for Forest Officer Three (three days) training programmes on Human Rights for Line Staff. Four Programmes	(i) Neriwalm, Sonitpur West Division, Tezpur for Divisional Forest Officers (ii) Assam Forest Guards' School, Makum (iii) Assam Forest Guards' School, Makum (iv) Assam Forest Guards' School, Makum	15 - 16 December 08 78 participants 27 - 29 December 08 40 participants 23 - 25 March 09 25 participants 28 - 30 March 09 25 participants
45.	Institute of Management in Government (IMG) Vikas Bhavan PO Thiruvananthapuram – 695 033 Kerala	'Capacity Building for Protection of Human Rights' Three Programmes	(i) IMG Main Campus, Thiruvananthapuram (ii) IMG Main Campus, Thiruvananthapuram (iii) IMG, Regional Centre, Kozhikode Kerala	15 - 19 December 08 16 participants 12 - 16 January 09 29 participants 2 - 6 February 09 24 participants
46.	Addl. DGP (Human Rights) Uttar Pradesh Police, Lucknow U.P.	One (two days) TOT Programme One Programme	(i) Lucknow, U.P. (ii) Noida	18 December 08 75 participants 29 January 09 250 participants
47.	Administrative Training Institute, Lalitha Mahal Road, Mysore, Karnataka	One Training of Trainers (TOT) programme and One Advanced Training Programme on Human Rights Two Programmes	ATI Mysore	20 - 22 December 08 17 participants 15 - 17 January 09 25 participants
48.	Assam Administrative Staff College Khanapara Guwahati – 781 022 Assam	Two (three-days) Workshop/Training on Human Rights for the Staff/Officers of ATI, Assam Two Programme	Both at ATI, Assam	22 - 24 December 08 15 participants 23 - 25 February 09 35 participants
49.	Society for Social Justice and Human Resource Development (SOJAHUR), Puducherry	One day Basic Programme ocusing Women One Programme	Koonichampet, Pudcherry	30 December 08 100 participants
50.	Indian Scout and Guide Fellowship, Lakshmi Mazumdar Bhavan, Indraprastha Estate, 16, Mahatma Gandhi Marg, New Delhi – 110002	Two (one day) State Level & Regional level programmes each on Human Rights Awareness Two Programmes	(i) Amrawati, Maharashtra (ii) SDS Centre, Purulia Road, Ranchi	18 or 19 January 09 1 February 09
51.	Activists of Voluntary Action for Development of Humanity, Lucknow, U.P.	Basic Programme on Human Rights Awareness One Programme	Sitapur, UP	24 January 09 150 participants

Sl.No.	Name of the Institution & Contact Number	Theme of Training & No. of Programmes	Venue	Programme Date & No. of Participants
52.	Orissa SHRC, Plot No. A19 Neelkantha Nagar, Nayappalli, Bhubaneswar	One (four days) Programme One Programme	Koraput District	28 - 29 January 09 156 participants
53.	Indian Institute of Public Administration, Indraprastha Estate, Ring Road, New Delhi - 2	One (three days) Training of Trainers (TOT) programme One Programme	RIPA Rajasthan	28 - 30 January 09 24 participants
54.	Karnataka Law Society's Raja Lakshmgouda Law College, Belgaum, Karnataka	National Level Moot Court Competition in Human Rights One Programme	College Premises	14 - 16 February 09 100 participants
55.	Kerala State Human Rights Commission, Thiruvananthapuram, Kerala	Programmes on Human Rights Two Programmes	(i) Kottayam (ii) Idukki	28 February 09 400 participants 8 March 09 300 participants
56.	School of Studies in Political Studies & Public Administration, Jiwaji University, Gwalior, Madhya Pradesh	Workshop/Training Programmes on Human Rights for tribal people in Madhya Pradesh Seven Programmes	(i) Govt. College, Ashok Nagar (ii) Yuva Vyavsaai College, Guna (iii) Patara Village, Distt. Shivpuri (iv) Oxford Convent, Jora, Morena District (v) Gurukul College of Law, Datia (vi) Jiwaji University premises, Gwalior (2 days workshop) (vii) Karahal & Sesaipura Villages of Sheopur District	1 March 09 145 participants 1 March 09 140 participants 2 March 09 150 participants 4 March 09 135 participants 5 March 09 80 participants 7 - 8 March 09 175 participants 15 March 09 125 participants
57.	Hyderabad Karnataka Disabled Welfare Society, Gulbarga, Karnataka	One Two day programme highlighting differently disabled persons. One Programme	Gulbarga	2 - 3 March 09 85 participants
58.	Madhya Pradesh State Human Rights Commission, Paryavas Bhawan, Jail Road, Bhopal - 462011	Three Programmes (one day each) on Human Rights Training Three Programmes	(i) Satna District (ii) Jabalpur (iii) Conference Hall of Hotel Apsara, RNT Road, Opposite University, Indore	13 March 09 at 34 participants 26 March 09 111 participants 8 April 09 114 participants



Summary of Training Programmes conducted during 2008-09

Sr. NO.	Name/No. of Institution	Number of Programme conducted
1	14 - ATI	41
2	04 - SHRC	05
3	15 - NGOs	26
4	04 - PTIs	06
5	04 – NE Universities	06
6	11 – Other than NE Universities	16
7	1 – Summer Trg. Prog.	01
8	2 – National Level Institute	02
9	4 - Specialized subject trg. on HR	07
10	Internships (2) /IFS (1)/In-house (1)	04
	Total	114

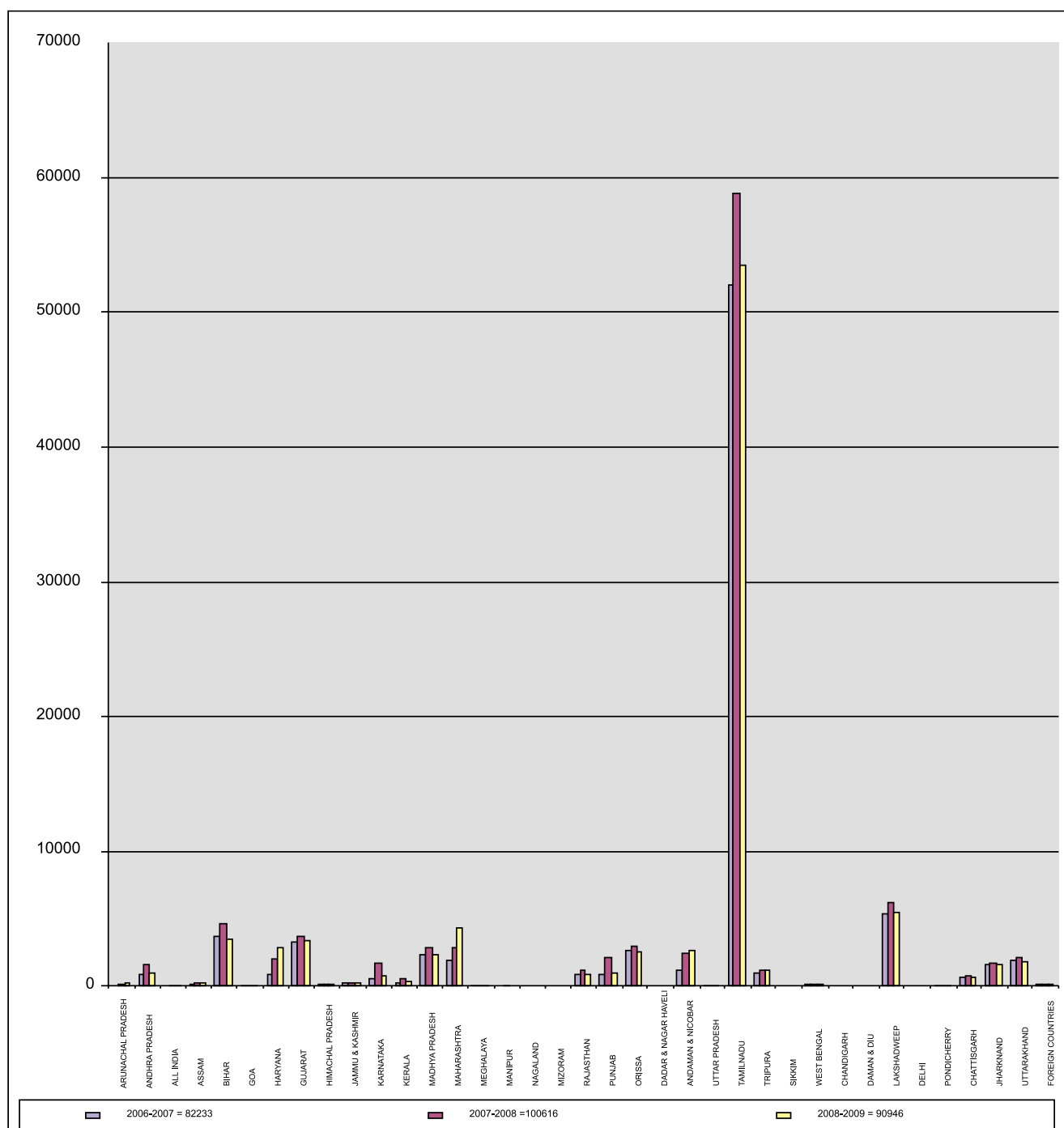


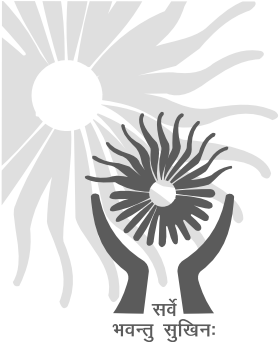
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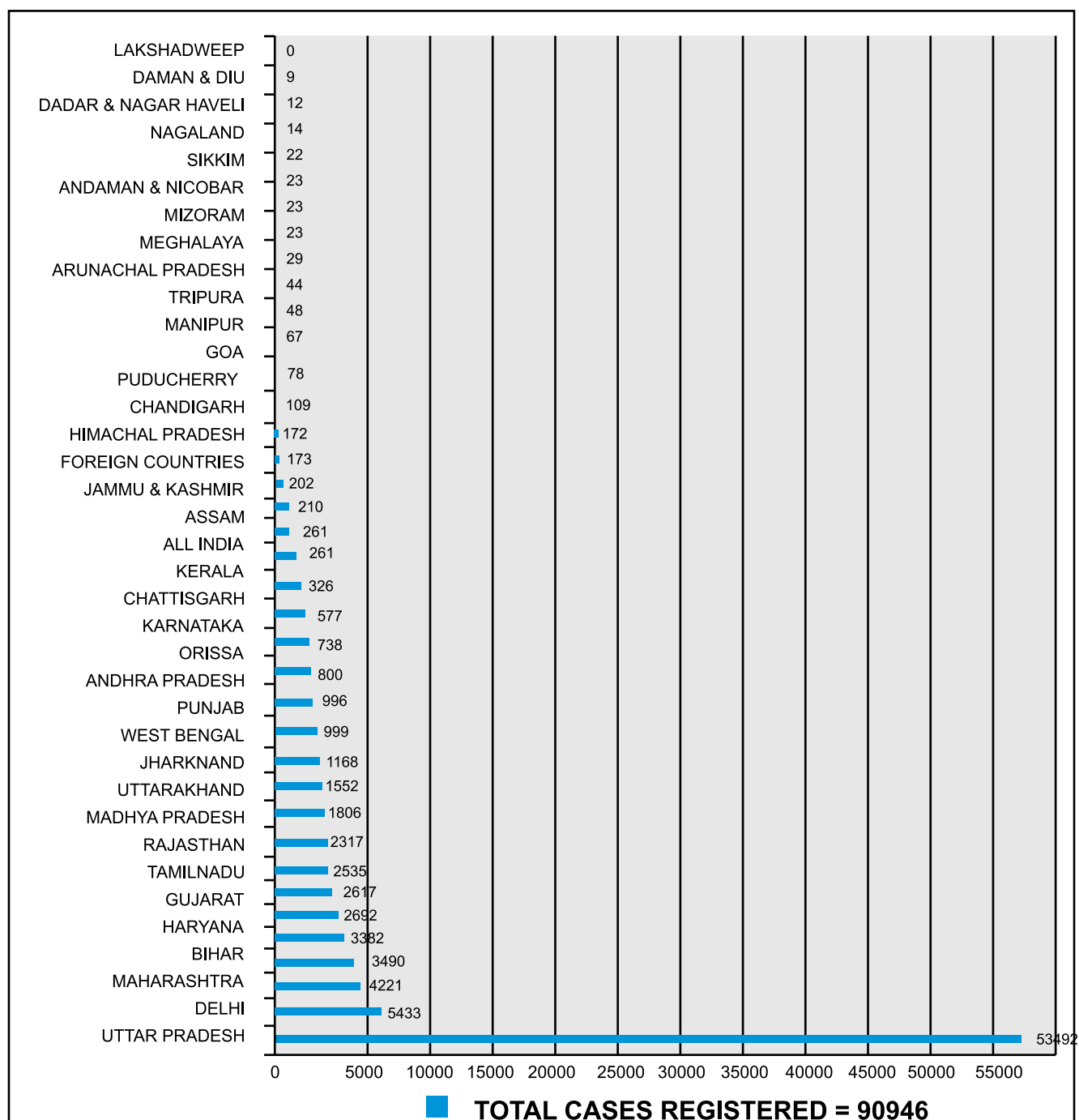


STATE/UT-WISE CASES REGISTERED DURING LAST THREE YEARS



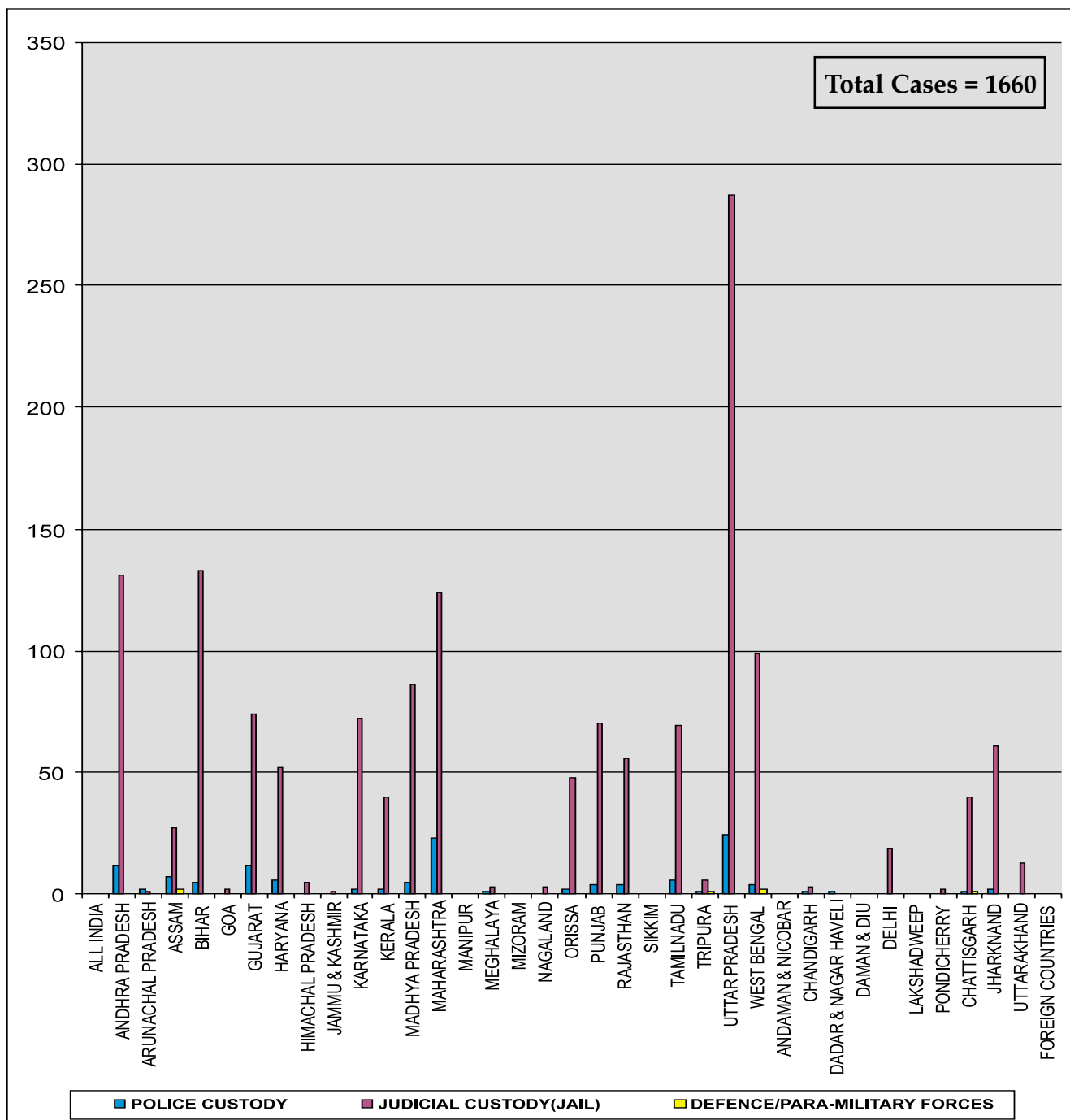


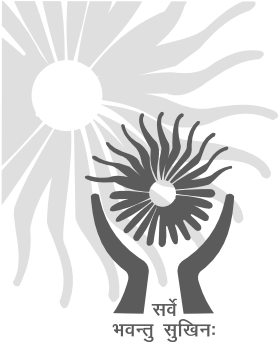
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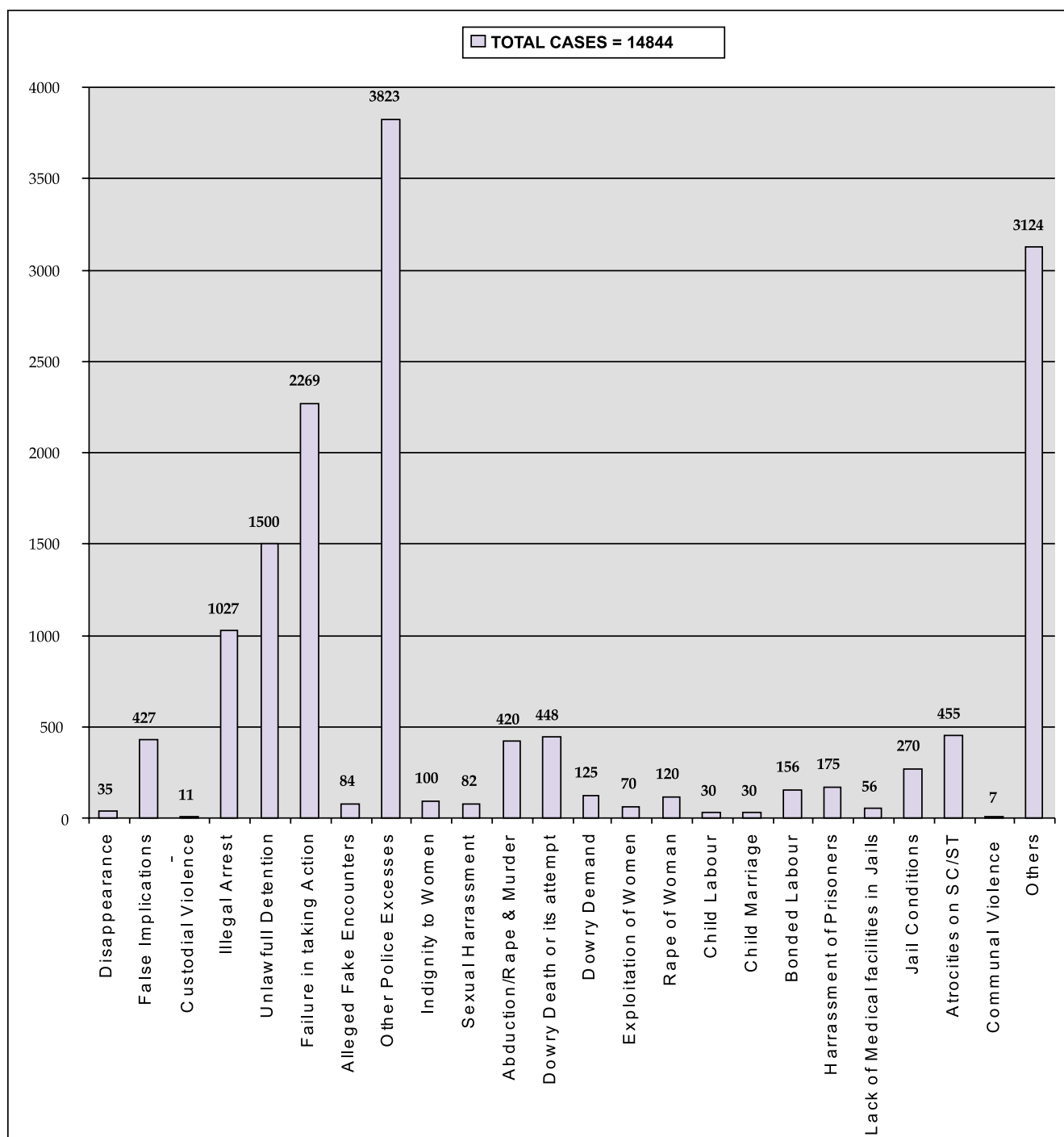
STATE/UT-WISE INTIMATIONS REGISTERED RELATING TO CUSTODIAL DEATHS DURING 2008-2009





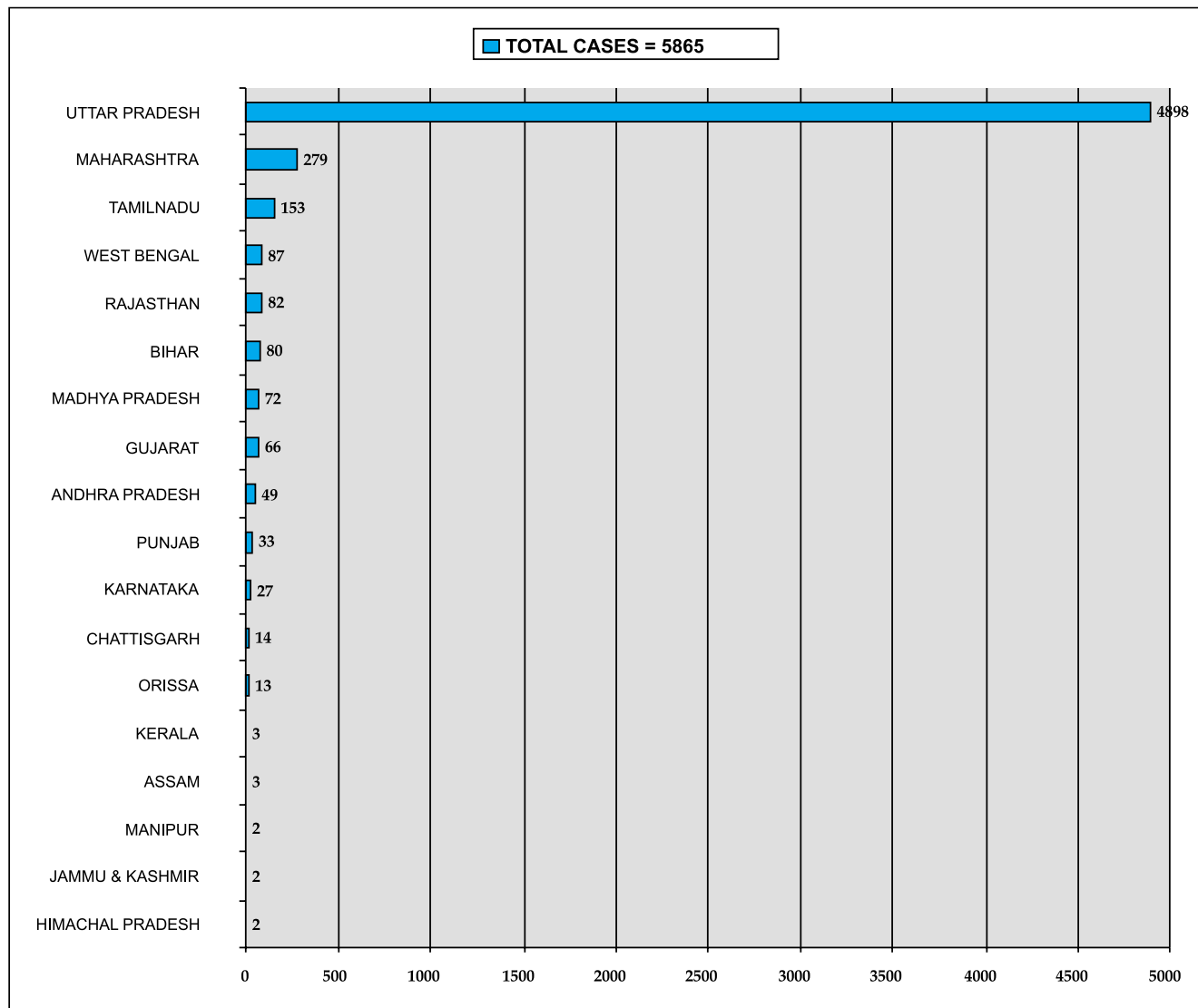
NATURE & CATEGORIZATION OF REPORT CASES*

DISPOSED OFF BY THE COMMISSION DURING 2008-2009



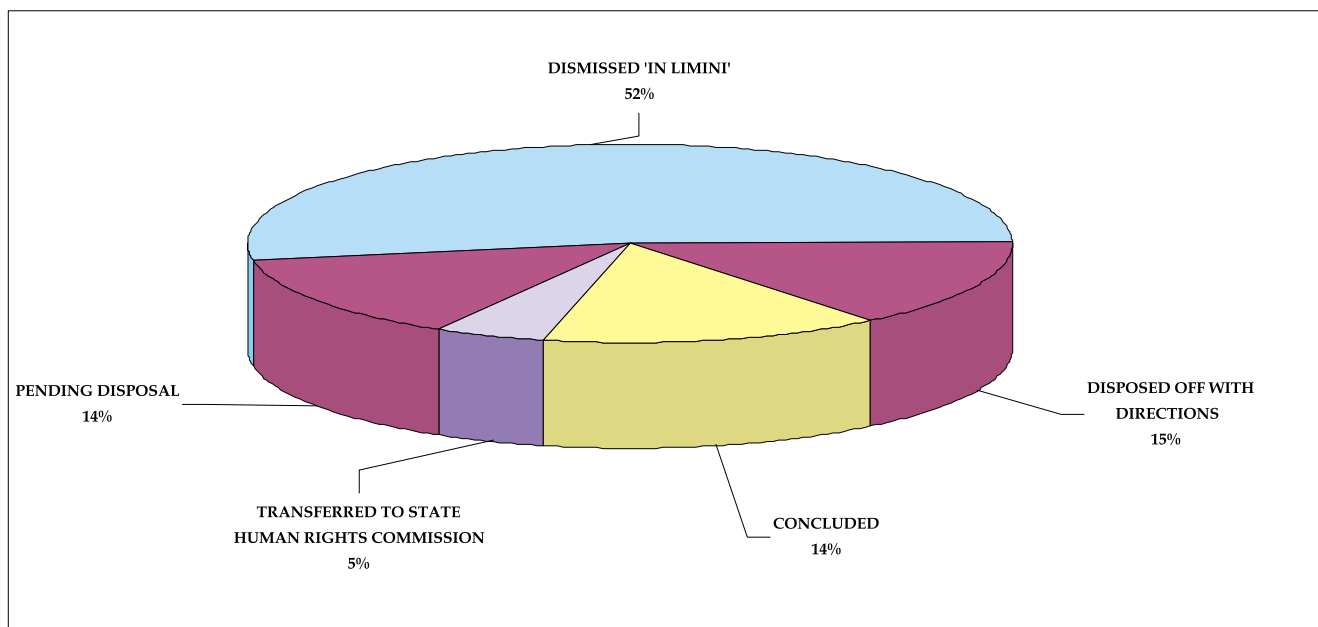


CASES TRANSFERRED TO STATE HUMAN RIGHTS COMMISSIONS DURING 2008-2009



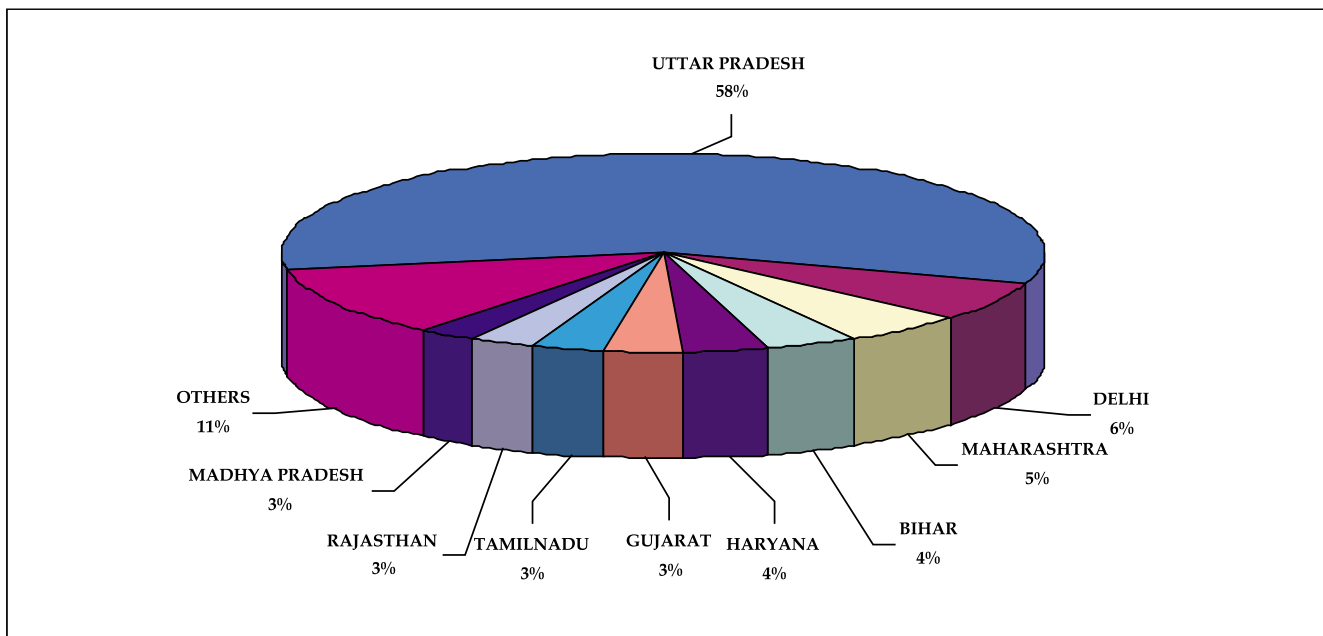


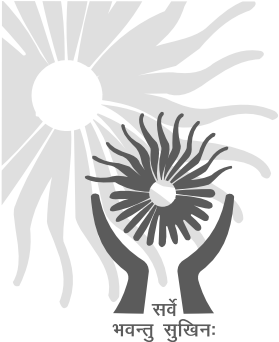
CASES DISPOSED OFF/PENDING DISPOSAL DURING 2008-2009



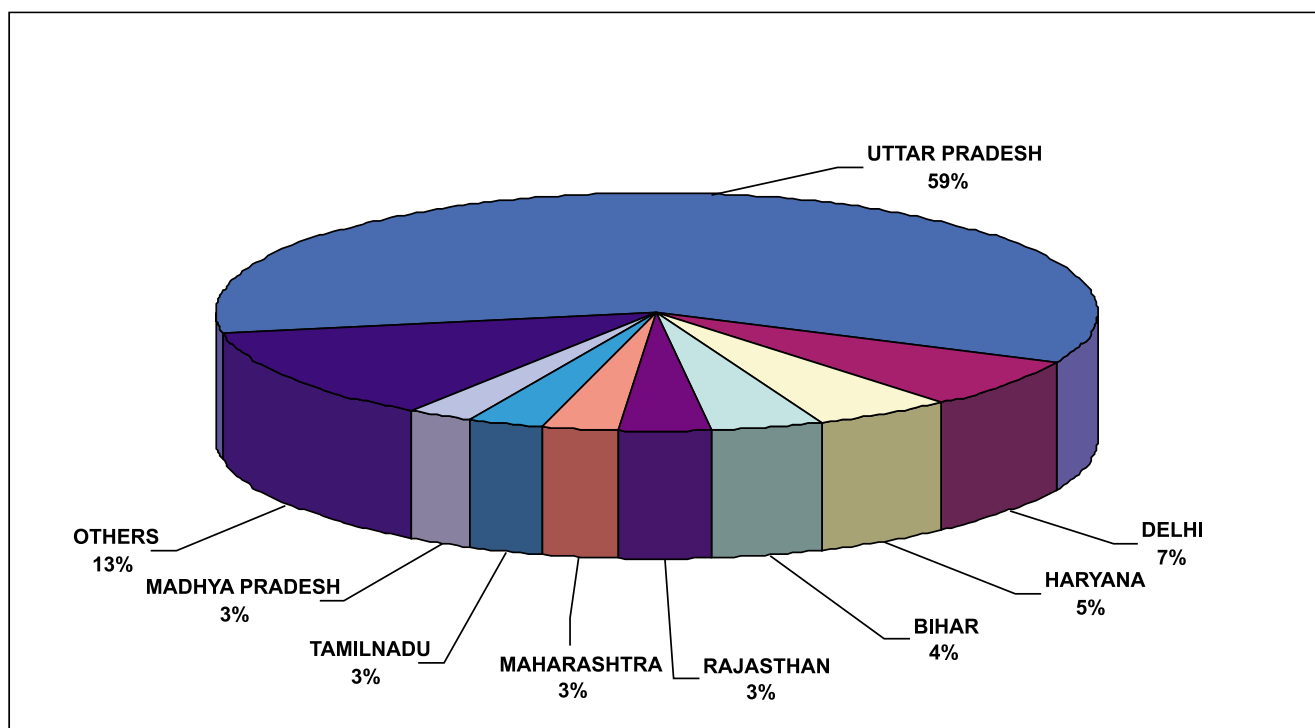


**CASES DISMISSED 'IN LIMINI' DURING 2008-2009 IN STATES/UTs WITH
A DISMISSAL RATE OF MORE THAN 3%**





**CASES DISPOSED OFF WITH DIRECTIONS DURING 2008-2009 IN
STATES/UTs WITH A DISMISSAL RATE OF MORE THAN 3%**

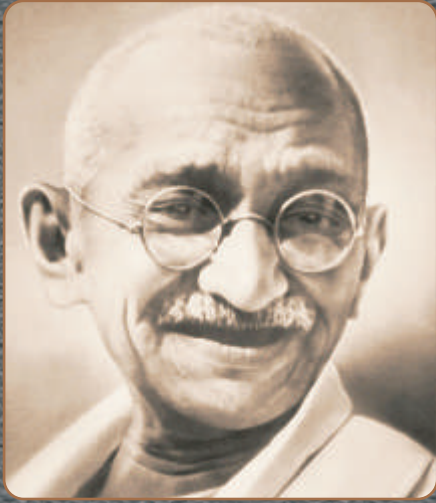




ABBREVIATIONS

APF	Asia Pacific Forum
BLSA Act	Bonded Labour System (Abolition) Act, 1976
CB-CID	Crime Branch-Criminal Investigation Department
CBI	Central Bureau of Investigation
CD	Custodial Death
CGHS	Central Government Health Scheme
CMS	Complaint Management System
CPOs	Central Police Organizations
Cr.PC	Criminal Procedure Code
Crl.	Criminal
CRPF	Central Reserve Police Force
CWC	Child Welfare Committee
DIB	District Intelligence Bureau
DPM	Diploma of Psychological Medicine
GOI	Government of India
GMA	Gwalior Mansik Arogyashala
FIR	First Information Report
HQs	Headquarters
HR	Human Rights
HRE	Human Rights Education
ICC	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IMHH	Institute of Mental Health and Hospital
INPoA	Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women
IPC	Indian Penal Code
IPD	In-Patient Department
LD	Law Division
MCI	Medical Council of India

MD	Doctorate of Medicine
MWCD	Ministry of Women and Child Development
NCPCR	National Commission for Protection of Child Rights
NCW	National Commission for Women
NCLP	National Child Labour Project
NGO	Non-Government Organization
NHRC	National Human Rights Commission
NIMHANS	National Institute of Mental Health and Neuro-Sciences
NREGA	National Rural Employment Guarantee Act
NSS	National Sample Survey
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPD	Out-Patient Department
PCPNDT Act	Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
PHRA	Protection of Human Rights Act
PMR	Post-Mortem Report
PRP&P	Policy Research, Projects and Programmes
PS	Police Station
PTI	Police Training Institute
SC	Supreme Court
Sl.	Serial
SCs	Scheduled Castes
SRE	Security Related Expenditure
SSA	Sarva Shiksha Abhiyan
STs	Scheduled Tribes
TEC	Transition Education Centre
Trg.	Training
UDHR	Universal Declaration of Human Rights
UN	United Nations
UPR	Universal Periodic Review
u/s	under section
UT	Union Territory
UTP	Under Trial Prisoners
UTs	Union Territories
WC	Women Cell



"Do not lose faith in humanity. Humanity is an ocean, if a few drops of the ocean are dirty, the ocean does not become dirty."

Mahatma Gandhi



National Human Rights Commission

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