



**National Human
Rights Commission
India**

**Annual Report
2017-2018**

*25 Years in Service of Protection
and Promotion of Human Rights*



ANNUAL REPORT

2017-2018

**NATIONAL HUMAN RIGHTS COMMISSION
INDIA**



**Chairperson
NHRC, INDIA**

Foreword

The National Human Rights Commission is pleased to present to the Parliament and people of India, its **twenty-fifth** Annual Report for the period, **01 April 2017 to 31 March 2018**.

2. The National Human Rights Commission was established under the Protection of Human Rights Act, 1993 and this year, the Commission will be commemorating its **Silver Jubilee on 12th October, 2018** to mark 25 years of its pioneering work in the protection and promotion of human rights.

3. The Commission has relentlessly endeavored to fulfill the aspirations of the citizen of the country in leading a life of dignity and self respect, over the past twenty five years. It has consistently worked towards bringing a human rights-centered approach in functioning of the Government at central and state level, as well as towards creating human rights awareness and sensitization amongst public authorities and civil society. As in the past, the themes of justice and human dignity can be found consistently in the efforts of the commission, rendering unified work for civil and political rights on one hand, and economic, social and cultural rights on the other.

4. Since its inception, the Commission has elevated strenuously and effectively on the opportunities provided to it by the Protection of Human Rights Act, 1993 to serve the people of India in varying circumstances and in the process, it has become an essential part of the nation. This is evident from the fact that each day, hundreds of our compatriots seek the intervention of the Commission for redressal of their grievances stemming mainly from the violation of their human rights. This is indicative not only of the growing awareness of human rights among the citizens, but also their growing confidence that the Commission is an 'able, accountable and authoritative' institution, firmly committed to defend their human rights.

5. The Commission, consistent with its mandate, took up issues involving human rights that are of significance, either *suo motu*, or when brought to its notice by the civil society, the media, concerned citizens, or expert advisers. Further, in fulfillment of its mandate and diverse functions envisaged under Section 12 of the Act, the Commission also continued to

address rights relating to health, food, education, rights of persons belonging to Scheduled Caste and Scheduled Tribe communities as well as other vulnerable groups, including women, children and persons with disabilities etc.

6. Further, to expand its reach across the country, the Commission is forging newer and more comprehensive partnerships with various sections including key stakeholders such as, the judiciary, police personnel, government officials, media, representatives of NGOs and civil society organizations, and academia (including students), most notably through its coveted internship programmes, publications, seminars, conferences, workshops, training programmes, consultations and other such means. Also, the Commission is making full-scale efforts to strengthen the internal system for handling complaints more effectively. Therefore, a web-based version of Complaint Management System software using technical support of National Informatics Centre (NIC), is designed, developed and implemented for the complainant.

7. The present Annual Report for the year 2017-2018, of the National Human Rights Commission, *inter alia*, describes at length, the important activities of the Commission and its numerous initiatives undertaken for a more robust protection and promotion of human rights in the country. The chapters deal, *inter alia*, with the range of issues concerning civil liberties, including the protection of human rights in areas affected by terrorism and militancy, custodial violence and torture. The systemic reforms of the prisons and criminal justice system; deal with the laws and international instruments relevant to the protection of human rights; the right to health; the rights of women and children, including the grave question of trafficking; the rights of vulnerable sections of society, particularly SC/ST, children, LGBTQ; the rights of the displaced people/communities by mega-projects and those exploited by bonded labour; the rights of the people with disability. In addition, the report deals with the efforts of the Commission to ensure appropriate action on the complaints addressed to it, summaries being provided of some of the principal cases handled during the period under report.

8. It is the Commission's ardent hope that the present Annual Report will not only serve to inform its readers of the important initiatives undertaken by the Commission during the last year, but also encourage both, government and civil society, to think and act more closely on the challenges pertaining to human rights, so that we collectively face as a nation and to chart ways to address these challenges in an inclusive and holistic manner.


(Justice H.L. Dattu)
(Former Chief Justice of India)

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ABBREVIATIONS

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Chapter 1

INTRODUCTION

1.1 This report of the National Human Rights Commission (NHRC) covers the period from 1st April 2017 to 31st March 2018. It is the twenty-fifth Annual Report of the Commission.

1.2 The twenty-fourth Annual Report of the Commission, covering the period from 1 April 2016 to 31 March 2017, was submitted to the Central Government on 10th April, 2018 for preparing the Memorandum of Action Taken and placing the same before each House of Parliament in accordance with the procedure laid down under Section 20 of the “Protection of Human Rights Act (PHRA), 1993” and its amendment thereby in September 2006.

1.3 During the period under report, Justice Shri H.L. Dattu (former Chief Justice of India) continued to serve as Chairperson in the Commission. Justice Shri D. Murugesan (former Chief Justice of High Court of Delhi), Shri S.C. Sinha (former Director General, NIA) and Smt. Jyotika Kalra (Advocate on record, Supreme Court of India) continued to serve as Members in the Commission. Justice Shri P.C. Ghose (former Judge Supreme Court of India) taken over as Member in the Commission w.e.f. 30.06.2017.

1.4 Dr. Satya Narayan Mohanty, IAS (1980: Telangana Cadre), former Secretary General, retired from service on 30.06.2017 on attaining the age of superannuation. Shri Ambuj Sharma, IAS (Tamil Nadu: 1983) earlier posted as Additional Chief Secretary/Industries Commissioner & Director of Industries and Commerce, Government of Tamil Nadu, taken over as Secretary General and Chief Executive Officer of NHRC w.e.f. 05.08.2017. Shri Gurbachan Singh, Director General (Investigation) joined the NHRC w.e.f., 27th December, 2017, Shri Surajit Dey, Registrar(Law) joined NHRC w.e.f. 30th October, 2017 and Shri Dilip Kumar, IAS (1995: Punjab) joined NHRC as Joint Secretary(T&R) on 16th May, 2018 respectively.

1.5 As provided in Section 3 (3) of the PHRA(1993), Prof. (Dr.) Ramshankar Katheria, the Chairperson of the National Commission for the Scheduled Castes, Shri Nand Kumar Sai, the Chairperson of the National Commission for the Scheduled Tribes, Shri Syed Ghayorul Hasan Rizvi, the Chairperson of the National Commission for Minorities and Smt. Rekha Sharma, the



Member - Additional Charge Chairperson of the National Commission for Women, continued to be the deemed Members of the NHRC for the discharge of functions specified in clauses (b) to (j) of Section 12 of the PHRA.

1.6 The Annual Report of the Commission not only provides a description about the overall activities undertaken by it but also serve as a principal source of information on the situation of human rights in the country. During 2017-18, the Commission focussed its attention on a wide range of activities in accordance with the various functions prescribed under Section 12 of the PHRA. It took *suo motu* cognizance on the basis of media reports as well as of complaints about occurrences hinting towards use of excessive force by police personnel in different parts of the country resulting in loss of many lives; rape and death in police and judicial custody; violation of human rights of prisoners in jails; illegal detention and torture; deaths in encounter; deaths due to electrocution; delay in payment of pension to retired employees; lack of educational facilities and basic amenities like drinking water, toilet, safe building and infrastructure in schools; children falling ill after consuming mid-day meals in schools; dubious functioning of IVF clinics; sexual assault, rape and trafficking of children and women; killing of persons on allegations of practicing witchcraft; suicide by farmers; enticing children for begging; stray dog menace; pesticides in vegetables and fruits; botched up cataract surgery; separate *anganwadis* for children of *dalits*; poor facilities in Primary Health Centres resulting in death of new born babies; increasing incidents of missing children; and atrocities against vulnerable sections like the Scheduled Castes(SCs), Scheduled Tribes(STs), Minorities, Other Backward Classes(OBCs), children, women, disabled and the elderly. In all these matters, apart from making important interventions by way of issuing directives to the concerned State Governments and sending its own teams from the Investigation Division for conducting spot inquiries, the Commission also recommended payment of monetary relief to the victims whose rights were violated or to their next-of-kin along with furnishing of proof of payments.

1.7 The Commission has always been sensitive to the concerns of vulnerable sections of the society, particularly Scheduled Castes and Scheduled Tribes. In its endeavour to implement the recommendations made by Shri K.B. Saxena, IAS (Retd.) in his report submitted by him after carrying out a study about the atrocities against persons belonging to Scheduled Castes, on the request of the Commission, Camp Sitings/Open Hearings of the Commission are being held in different States and Union Territories of the country. During the period under report, the Commission held Camp Sitings/Open Hearings in the States of Nagaland, Assam & Meghalaya, Uttarakhand, Uttar Pradesh and Rajasthan.

1.8 This Annual Report (2017-18) deals with the issues pertaining to civil and political rights including deaths in police/judicial custody, illegal detention, high handedness of

police, death in police encounters etc. The Report also focuses on economic and social rights, such as the rights relating to health care including mental health care; right to food; right to education; rights of vulnerable groups including women, children, disabled and elderly persons; rescue, release and rehabilitation of bonded and child labourers. The Commission also explored areas of cooperation and coordination between NHRC and State Human Rights Commissions for protecting and promoting human rights. In addition, the NHRC continued to spread human rights literacy among various sections of society including key stakeholders like the judicial officers, police personnel, government officials, media persons, representatives of non-governmental and civil society organizations, university and college students through its training and internship programmes, publications, seminars, conferences, workshops, consultations and other available means.

1.9 These issues have been detailed out in different chapters of the Annual Report for the year 2017-2018.

Chapter 2

HIGHLIGHTS

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

Additional Modules in Web-based Complaints Management System

2.2 The Commission has added Files Weedout module, Scrutiny Consultants module, Database updation request module and General Correspondence module in Web-based version of the Complaint Management Software.

Additional Reports in Real Time Management Information System (RTMIS)

2.3 The Commission has added useful reports in the web-based **Real Time Management Information System (RTMIS)** software which provides information regarding time taken during different stages of case disposal, identify unattended CR diaries for Law Division and reports for average time taken for cases disposal.

Library e-Granthalaya (Cloud Version)

2.4 Old version of Library Software (e-Granthalaya) has been replaced with cloud version of e-Granthalaya Library Software in the Library/e-Documentation Centre of NHRC.

File Movement System

2.5 NHRC has re-commenced the use of File Movement System in all of its Divisions/ Sections.

Migration of Website to NIC Cloud

2.6 NHRC has elevated its present official website from shared and co-located server to virtual machines on National Information Centre (NIC) Cloud.

NHRC Today Software

2.7 The Commission has developed software for publishing of Aaj ka Sabdh, Today's Quote, Greetings on special occasions on digital signage.

Online Human Rights Pledge

2.8 National Human Rights Commission has started a 'Online Human Rights Pledge', on the 26th January, 2018. This pledge can be taken by individual or organisation through MyGov portal or NHRC website.

Logo, Slogan/Tagline and Painting Competitions on MyGov Portal

2.9 NHRC is using MyGov platform for spreading awareness about Human Rights. For this purpose, Logo and Slogan/ Tagline and painting competitions have been launched on MyGov Portal.

MIS for Parliament Questions Replied by NHRC

2.10 NHRC has designed, developed and implemented software for maintaining records of the Parliament Questions received in the Commission.

Guidelines for Indian Government Websites (GIGW) Compliance for NHRC Website

2.11 NHRC has started re-designing and re-developing the official website as per GIGW norms using Content Management Framework with the technical assistance of NIC.

Toll Free Number

2.12 NHRC initiated the process of implementing a Human Rights Helpline using Toll Free Services.

E-wishes

2.13 A software has been designed, developed and implemented for sending birthday wishes to the employees of NHRC through SMS and e-mail.

Foundation Day Celebration

2.14 The Foundation Day of the Commission is being celebrated by the Commission on 12th October each year. In 2017, also it was celebrated at Dr. D.S. Kothari Auditorium, DRDO Bhawan, Rajaji Marg, New Delhi. Justice Shri Dipak Misra, Hon'ble Chief Justice of India, was the Chief Guest on the occasion.

Observance of Human Rights Day

2.15 Human Rights Day is being celebrated by the Commission on 10th of December every year. This year, i.e., in 2017, the Human Rights Day was celebrated by the Commission at Plenary Hall, Vigyan Bhawan, New Delhi on 10.12.2017. Hon'ble Vice President of India, Shri Venkaiah Naidu, was the Chief Guest on the occasion.



Human Rights Day Celebrations, 10th December, 2017

NHRC Silver Jubilee Celebrations

2.16 The National Human Rights Commission of India will be celebrating its **Silver Jubilee on 12th October, 2018**. As part of the Silver Jubilee Celebrations, the NHRC has proposed to organize a **one day International Human Rights Conclave at New Delhi on 1st October, 2018**.

2.17 As part of the Silver Jubilee Celebrations, it is also proposed to organize a **Silver Jubilee Lecture** in New Delhi on **10th September, 2018**, which will have distinguished participants from the government, NGOs, Diplomatic Corps, etc. The Noble laureate Mr. Kailash Satyarthi has agreed to be the Chief Guest on the occasion and will deliver the Silver Jubilee Lecture on **10th September, 2018**. Dr Ajay Mathur, Director General of 'The Energy and Resources Institute' (TERI), and Shri Prakash Singh, former Director General of Police (DGP), BSF, UP & Assam, have agreed to be the Guests of Honour on the aforementioned occasion.

Sittings of the Commission

2.18 During the year under review, the Full Commission took up 361 cases of human rights violations in its 32 sittings. In addition, the two Division Benches considered 863 cases in 71 sittings. Further, 22 cases of Kashmiri migrants were also considered in 5 sittings of the Commission in the open court hearings.

B. NHRC Camp Sittings

2.19 The Commission has been organizing camp sittings in different States in order to expedite disposal of pending complaints and to sensitize the State functionaries on the issues of human rights. During the period under report, the Commission held Camp Sittings at Kohima, Nagaland (24th April, 2017), Assam & Meghalaya (17th -18th May, 2017), Uttarakhand (13th -14th July, 2017), Uttar Pradesh (9th -11th August, 2017) and Rajasthan (18th -19th January, 2018). The Commission considered 77 cases in its sittings of Full Commission and 98 cases in Division Benches in these camp sittings.

C. NHRC Open Hearings on Atrocities against Scheduled Castes (SCs)

2.20 During the period under report, the Commission took up 375 cases in its Open Hearings held at Kohima, Nagaland (24th April, 2017- 8 cases), Uttarakhand (13th July, 2017 - 27 cases), Uttar Pradesh (9th August, 2017 - 171 cases) and Rajasthan (18th January, 2018 - 169 cases).



Dissemination of Information

2.21 The NHRC, through Media and Communication (M&C) wing, disseminates information about the NHRC activities through various means. These include press releases, media briefings, press conferences, interviews of Chairperson and Members.

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

2.22 During the period from 01.04.2017 to 31.03.2018, about 120 press releases/statements were prepared and issued by the Media & Communication (M&C) wing about the various interventions and activities of the Commission. 05 Press Conferences were organised after the Open Hearings and Camp Sitings. Besides this, 01 Interview of the Chairperson was organised for a leading newspaper in connection with a full page article on 25 years of the journey of the Commission.

2.23 About 100 news clippings were brought to the notice of the Commission for consideration of *suo motu* cognizance. In order to give an idea about the issues reported in a media about the NHRC's role and interventions, daily news clippings were uploaded on the website of the Commission. A monthly compendium of these news clippings was also prepared and sent to the library for record and reference of the people visiting the Commission's library. Besides this, efforts were made to explore various alternative media platforms to expand the outreach through people's participation.

2.24 A monthly *Newsletter* was published in English and Hindi, which is circulated free of cost among all the important functionaries of the Government(s), academic institutions, NGOs, media persons, individuals, etc., for spreading awareness about the importance of human rights and NHRC interventions and recommendations. It was also uploaded on the NHRC website with links to data on the number of complaints received, disposed of and under the process of disposal. The copies of the *Newsletters* were also available for the visitors in the reception area of the Commission.

2.25 In 2017, added 04 more pages and several new columns to the NHRC *Newsletter* making it a 12 page periodical with more colorful and attractive cover and inside layout design.

2.26 In addition to providing information to media persons on some specific issues during the period, the (M&C) Wing invited them for the coverage of **14** Camp Sitings and Open Hearings/Workshops/ Seminars/Conferences of the Commission organized in different parts of the country. Apart from the activities in the Headquarters, special efforts were made for some specific outstation events for media coverage during the period, which were as follows:

1. NHRC's day long Open Hearing and Camp Sitting at Kohima, Nagaland on 24th April, 2017.
2. NHRC's Two days' workshop for Northern India on 'Good Governance, Development and Human Rights' in Northern India States of Punjab, Haryana, Jammu & Kashmir and Himachal Pradesh from 28th - 29th April, 2017.
3. NHRC's Two days' Open Hearing and Camp Sitting at Guwahati, Assam from 17th -18th May, 2017.
4. NHRC's one day Regional Workshop for North-East on 'Elimination of Bonded Labour' in Collaboration with the Government of Assam on 19th May, 2017.
5. NHRC's one day workshop on 'Role of Media in promotion and protection of human rights' in collaboration with the National Law School of India University, NLSIU at Bangalore, Karnataka on 22nd June, 2017.
6. NHRC's Two days' Open Hearing and Camp Sitting in Dehradun, Uttarakhand from 13th-14th July, 2017.
7. NHRC's one day Workshop on Elimination of Bonded Labour in collaboration with the Government of Bihar in Patna on 21st July, 2017.
8. NHRC's Three days' Open Hearing and Camp Sitting at Lucknow, Uttar Pradesh from 09th-11th August, 2017.
9. NHRC's Two days' National Seminar on 'Good Governance, Development and Human Rights' in New Delhi from 21st - 22nd September, 2017.
10. NHRC's Two days' Conference on child rights and Implementation of related laws in the southern region at Chennai from 5th - 6th September, 2017.
11. NHRC's Conference on the National Food Security Act in New Delhi from 27th October, 2017.
12. NHRC's Two days' Open Hearing and Camp Sitting in Jaipur, Rajasthan from 18th - 19th January, 2018.
13. NHRC's one day Workshop on Elimination of Bonded Labour in collaboration with the Government of Kerala in Kochi on 12th January, 2018.
14. NHRC's National Conference on Business and Human Rights in collaboration with the Bharat Heavy Electricals Limited at Bengaluru on 12th January, 2018.

In-house Feedback Mechanism

2.27 Besides providing news clippings on various aspects of human rights to the Chairperson, on a daily basis, a 'Weekly News Digest on Human Rights' issues reported in the media was



prepared for the feedback of the Commission, a copy of which is also sent to the library for others' information.

2.28 A monthly compendium of media reports on human rights issues and such events and activities, which may have direct or indirect bearing on human rights, was also prepared for reference.

2.29 During, the period of 2017-18, added more features were added to the 'Weekly News Digest on Human Rights', besides enriching monthly 'NHRC in News' folder as well as 'Human Rights News clippings' folder by including more reports, articles and editorials for record, reference and research purposes.

2.30 Besides getting uploaded NHRC specific news clippings on the NHRC website, the display boards on all the floors of the Commission were made more vibrant with the mounting of such clippings under 'NHRC in News' on regular basis for the awareness and information of the visitors to the Commission as well as the in-house functionaries.

2.31 Started giving daily quote for the 'Thought of the Day' related with human values and rights for display in the reception of the Manav Adhikar Bhawan through the website of the Commission.

SOME OTHER MAJOR ACTIVITIES

NHRC's Short Film Awards

2.32 The Commission decided to continue with the 2015 initiative of its Media & Communication (M&C) wing to award three best short films on human rights with more value addition. The award carries three prizes of ₹ One Lakh ((1,00,000/-), seventy five thousand (75000/-) and fifty thousand (50,000/-) respectively with a certificate and a specially designed trophy. In 2017, 65 entries were received out of which 57 fulfilled the conditions; a Jury of outside experts comprising Mr. Shankar Mohan, Former Director, Directorate of Film Festivals of India, Mr. Arun Chaddha, National Award Winner & FTII Alumni, Mr. Utpal Borpujari, National Film Award Winner & FTII Alumni and Ms. Aditi Kapoor, Communication Professional, South Asia Media and Advocacy Coordinator was constituted. They selected 3 best films for the awards, which were: *Knights of Terror*, by Ms. Eeshrat Brar from Chandigarh, *Varvanta*, by Ms. Sayli Mathadhikari from Maharashtra, *Savitri Ka Syapa*, by Mr. Mahesh Kumar Mishra from Uttar Pradesh. They also recommended for a certificate of 'Special Mention' to four films 1. *Har Kutte Ka Din Aata Hai*, 2. *Parallel*, 3. *Romeo Weds Juliet*, 4. *Naya Manjha*, which was accepted by the Commission. Additionally, the jury recommended 08 more films, which the Commission could use for the awareness purposes. The three awardees were invited to

Delhi to receive awards at a function organised by the Commission to celebrate Human Rights Day.

Children's Painting and Photo Exhibition

2.33 A children's painting and photo exhibition about NHRC's activities was also mounted on the occasion of Human Rights Day, 2017. The exhibition also included posters of award winning films and archival collage, which was opened by the Chief Guest, Mr. M. Venkaiah Naidu, Vice President of India at the venue of the function at Vigyan Bhawan in New Delhi.

Archival Gallery of News Clippings and Photographs

2.34 A collection of year wise news clippings and photographs on the activities of the Commission is being prepared in-house by the M&C Wing and is released by the Chief Guest on Human Rights Day function each year. This process was initiated in 2014, the concept was followed up in 2015, 2016 and 2017 also in order to create an 'Archival Gallery' of news clippings and , which could give a glimpse into various important facets of the Commission's work during different years to the visitors.

New Initiatives for the Silver Jubilee Celebration of the NHRC

2.35 In run up to the Silver Jubilee celebrations of the NHRC in the year 2018, plans for several new activities were chalked out and policies were laid down for the approval of the Commission before taking action on them. These included, among others: Tagline/Slogan writing, Logo designing and Painting competitions to be held through MyGov portal, conceiving and structuring a documentary on NHRC and a short film on women's rights issues and outsourcing their production to the Films Division, NHRC's first Street Theatre Festival and Award Scheme - 2018, linking Common Services Centre (CSC) portal, Government of India with NHRC website for online complaint filing and outsourcing to CSC team, the preparation of e-content, including short films, for building human rights awareness, NHRC's fourth Short Films Award Scheme - 2018, Screening of Films and Panel discussion on the "Role of Media in creating awareness on human rights", conceptualizing and initiating work on mapping the milestones of the Commission's 25 years of journey in the form and shape of a book, encouraging Newspapers and Magazines to carry articles/features on the 25 years of the journey of the NHRC etc.

Number and Nature of Complaints

2.36 The human rights literacy has been continuously increasing in the country. The



spectrum of the human rights has also significantly widened through legislation as well as judicial pronouncements, bringing new concepts of human rights and more rights in the ambit of human rights. There is wider discussion and debate about the fourth generation human rights. People are coming forward voluntarily for the cause of protection of human rights, and the number of volunteers and NGOs working for safeguard of human rights is increasing manifold. As a result, the number of complaints of alleged human rights violation was bound to increase. The State Human Rights Commissions (SHRCs) are also redressing a big chunk of such complaints now, and the sensitivity and the respect for human rights amongst civil authorities is increasing day by day. Due to these factors, the number of complaints of alleged human rights violations, received in the Commission, has slightly come down from 91,887 cases registered by the Commission in the year 2016-2017, to 79,612 cases in the year 2017-2018. The complaints, received in the Commission, cover a wide range of issues such as alleged human rights violation due to negligence by a public servant in the prevention of such violation, alleged custodial deaths, torture, fake encounters, police high-handedness, violations committed by security forces, conditions relating to prisons, atrocities committed on women and children and other vulnerable sections, communal violence, bonded and child labour, non-payment of retiral benefits, negligence by public authorities and atrocities on SC/ST, etc. The Commission also took cognizance of the intimation received regarding deaths in police encounters and police custody, judicial custody and in the custody of defence/para military forces.

Suo motu cognizance of many incidents based on reports in print and electronic media was taken, including those cases which came to the notice of Chairperson, Members, Special Rapporteurs and Senior Officers of the Commission during their visits to different parts of the country.

2.37 Details of the last five years perspectives on certain important parameters are given below:

Statement Showing No. of Cases Registered (Data as per CMS)					
Financial Year	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Death in Police Encounter (Inc. Code 812)	137	188	179	169	164
Custodial Death (Judicial) (Intimation)(Inc. Code 301)	1577	1588	1668	1616	1636
Custodial Death (Police) (Intimation)(Inc. Code 807)	140	130	151	145	148

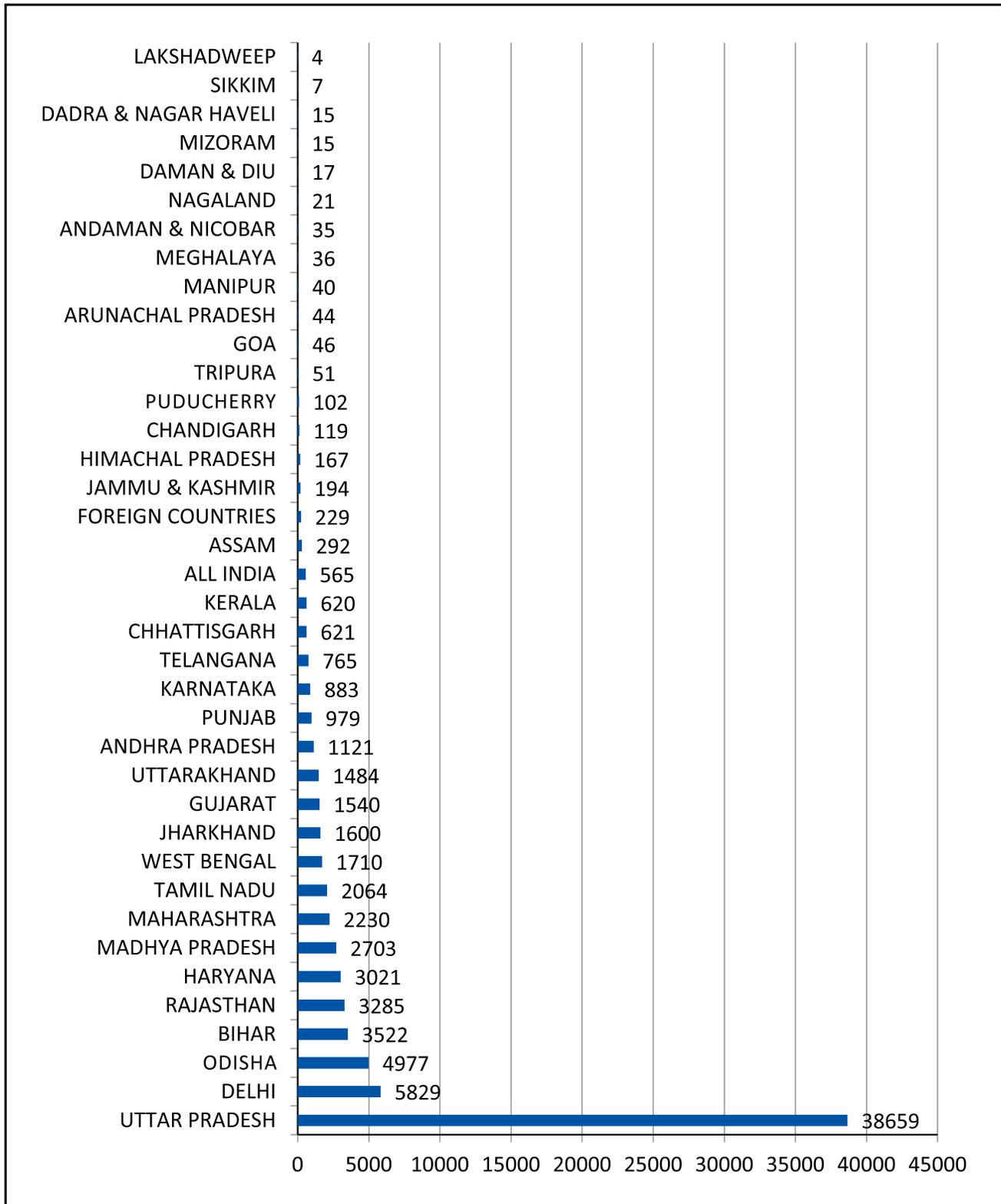
Statement Showing No. of Cases Registered (Data as per CMS)					
Financial Year	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Child Labour (Inc. Code 101)	63	716	66	50	46
Bonded Labour (Inc. Code 601)	3174	1017	3345	240	210
Inaction by the State Government/ Central Govt. Officials (Inc. Code 1505)	9546	14799	16258	13578	9982
Gang Rape (Inc. Code 1307)	659	759	572	455	392
Rape (Inc. Code 1311)	827	978	707	535	498
Children (Inc. Code 100-112)	1568	2560	1657	1211	906
Health (Inc. Code 200-205)	1475	2738	2535	1832	1210
Jail (Inc. Code 300-318)	2597	2583	2670	2447	2416
Police (Inc. Code 800-823)	32968	34954	35533	27845	26391
Pollution/Ecology/Environment (Inc. Code 900-904)	271	334	457	446	403
Women (Inc. Code 1300-1314)	8991	9904	8105	7413	7460
Defence Forces (Inc. Code 1600-1617)	144	144	128	72	103
Para-Military Forces (Inc. Code 1700-1717)	141	178	160	152	95
SC/ST/OBC (Inc. Code 1900-1904)	3210	3555	3454	3207	2679

Human Rights Violation Cases

2.38 A total of 79,612 cases were registered in the Commission (**Annexure-1**) during 2017-2018. Out of these 79,612 cases, 38,659 cases related to the State of Uttar Pradesh, 5,829 cases to Delhi, 4,977 to State of Odisha, 3,522 to Bihar and 3,285 to Rajasthan. The State-wise break-up of the number of cases registered is given in the chart on next page.



State/UT-wise Number of Cases Registered in NHRC during 2017-2018

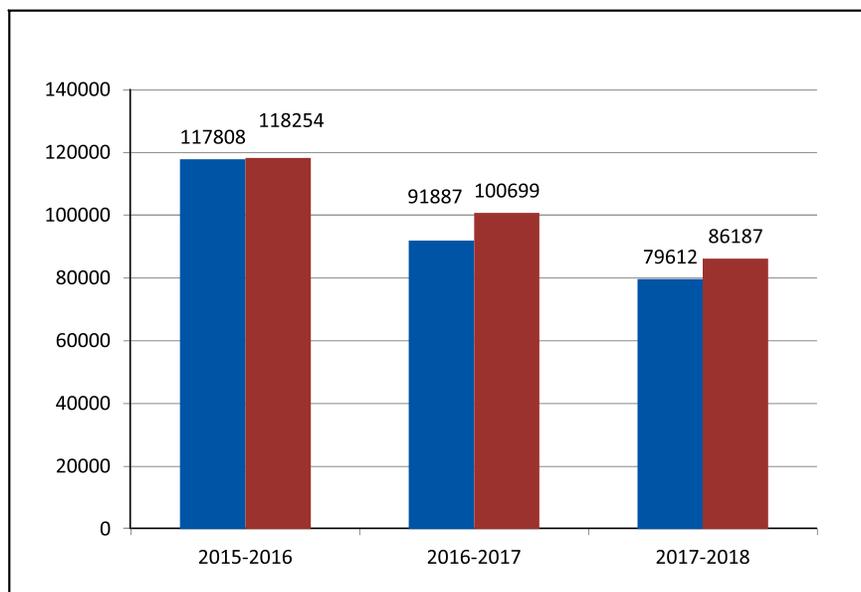




2.39 The Graph below gives a comparative analysis of the total number of cases registered and disposed in the NHRC from 2015-2016 to 2017-2018

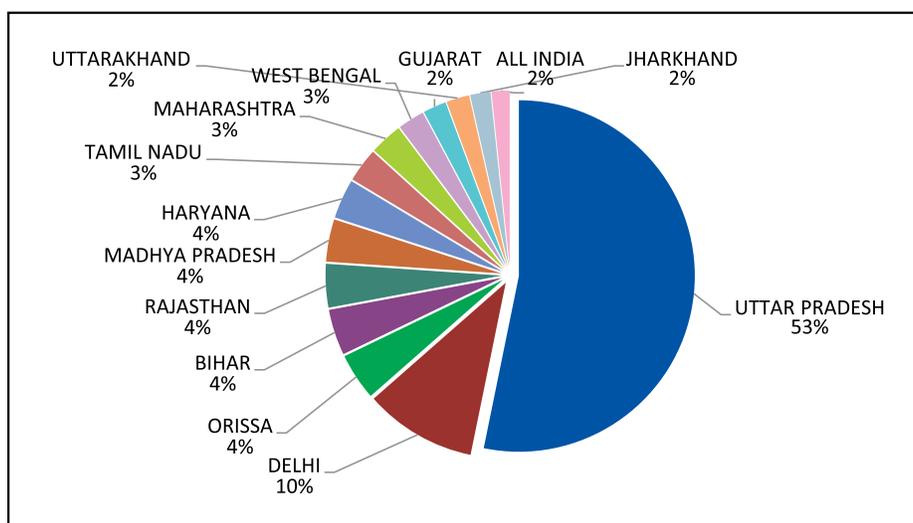
Total Number of Cases Registered and Disposed (2015-2016 to 2017-2018)

Year	No. of Cases Registered	Disposed (including backlog)
2015-2016	1,17,808	1,18,254
2016-2017	91,887	1,00,699
2017-2018	79,612	86,187



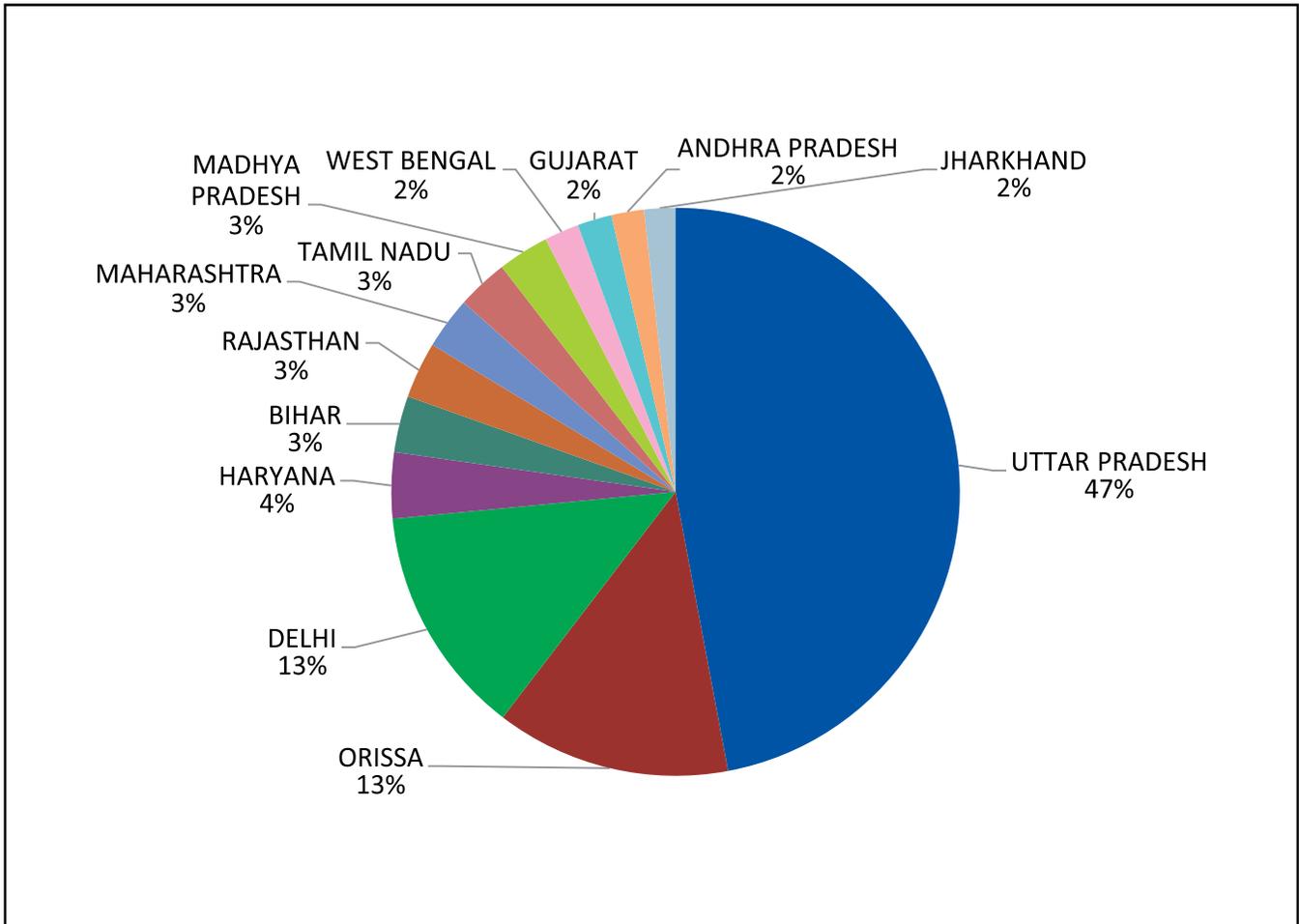
2.40 It disposed of 86,187 cases during 2017-18, which included cases of previous years as well. Of the total number of cases disposed of by the Commission during the year under review, 33,290 were dismissed ‘in limine’. The state wise break up of these cases is furnished in the chart below:

Cases ‘Dismissed in Limine’ by NHRC during 2017-2018



2.41 The Commission disposed off 15,364 cases with directions to the appropriate authorities for remedial measures during 2017-2018. The state wise break up of these cases is furnished in the chart below:-

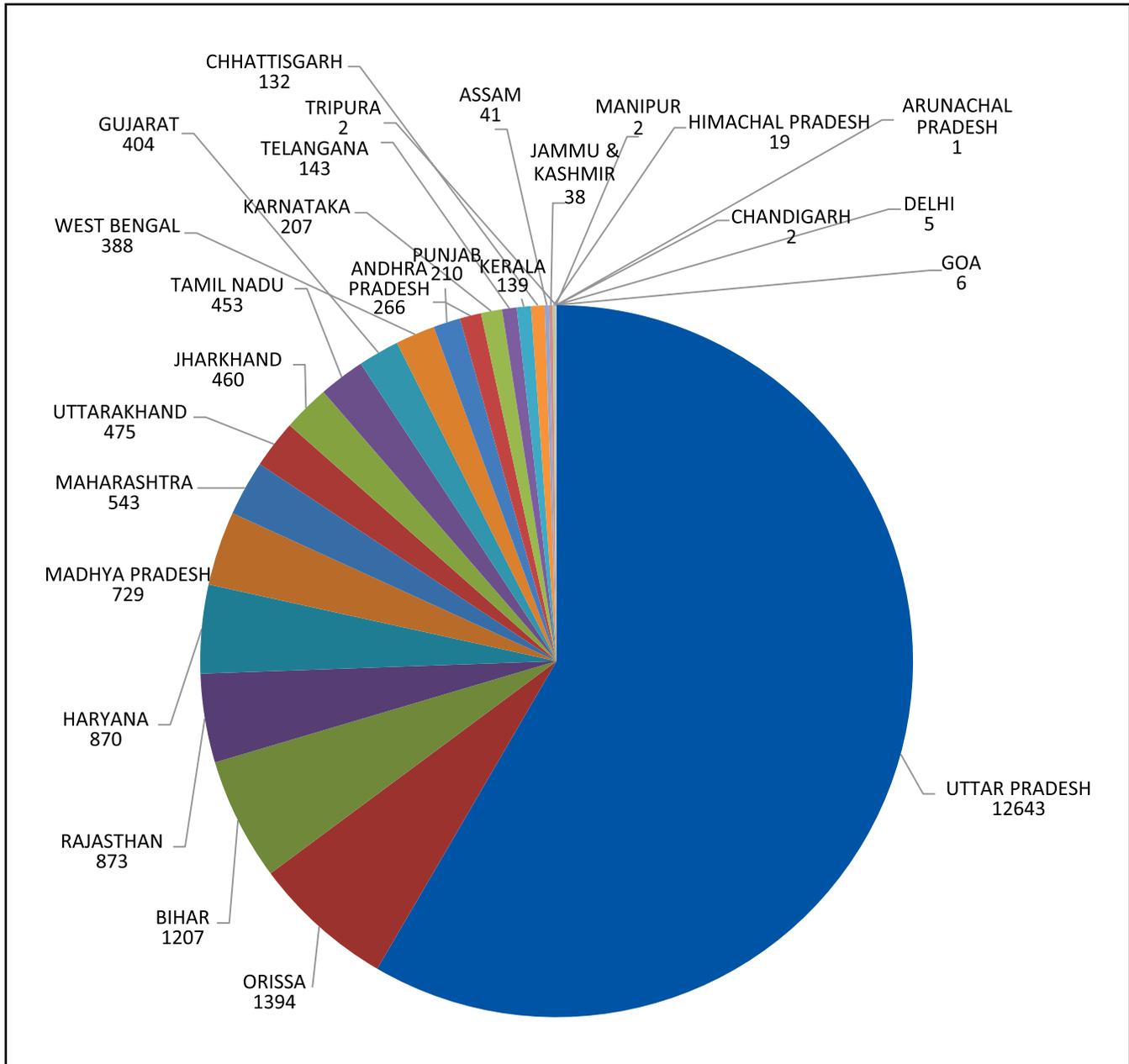
Cases 'Disposed of with Directions' (DWD) by NHRC during 2017-2018



2.42 21,652 cases were transferred to the State Human Rights Commission (SHRCs) for disposal in accordance with the provision of PHRA. This is also reflected in the chart below. For details of State/Union Territory-wise cases disposed of by the NHRC during 2017-18 please see **Annexure 2**.

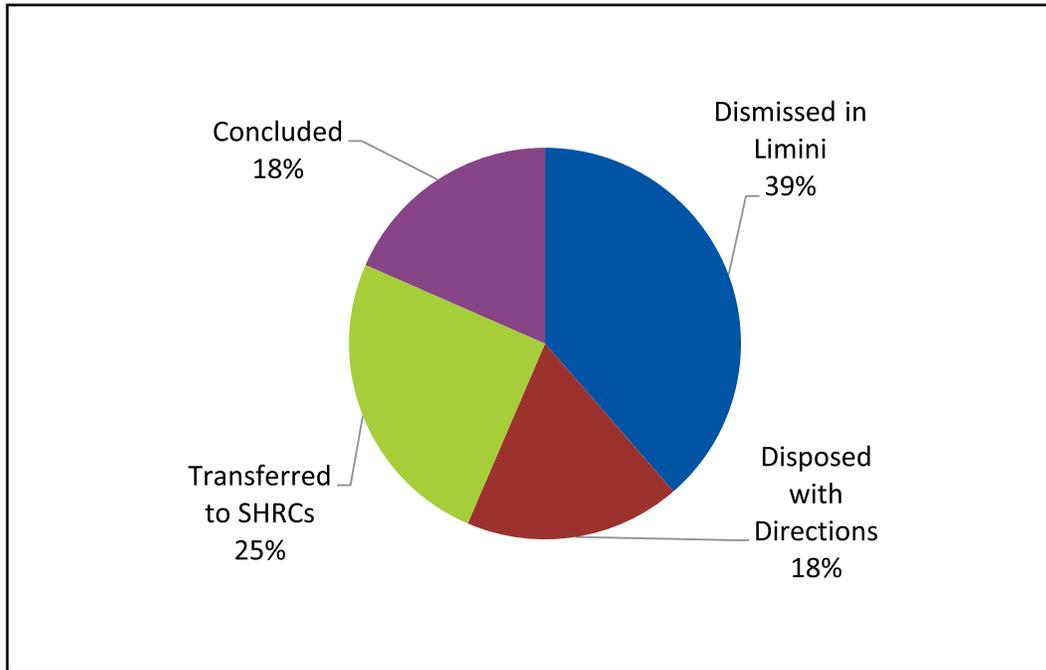


Cases Transferred to SHRCs by NHRC during 2017-2018



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

Cases Disposed of by NHRC during 2017-2018



2.44 At the end of the reporting period i.e., on 31st March, 2018, the total number of cases pending with the Commission was 25,775. These covered 2,212 cases awaiting preliminary consideration and 23,563 cases pending either for want of reports from the authorities concerned or the reports received being pending for consideration by the Commission (**Annexure -3**).

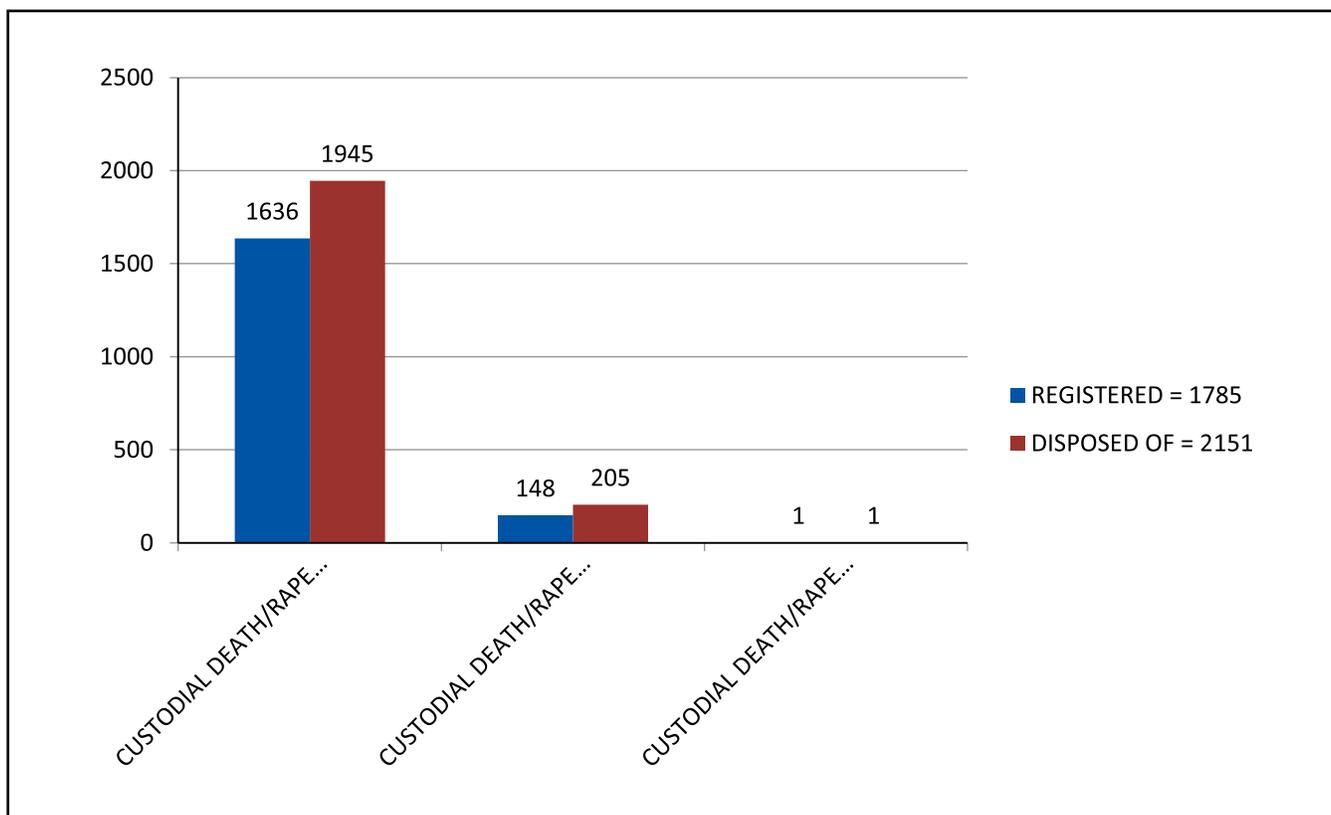
CIVIL AND POLITICAL RIGHTS

Preventing Custodial Violence

2.45 The NHRC received 1,636 intimations concerning death in judicial custody¹, and 148 intimations of death in police custody during the year 2017-18. One intimation of death in para-military/defence forces custody was also reported during the review period. It disposed of 2,151 cases of custodial death. Out of these 2,151 cases, 1,945 cases relate to death in judicial custody, 205 cases of death in police custody and one case of death in the custody of para-military forces. These figures contain cases of previous years as well. The Graph below gives the details.

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

Number of Custodial Deaths/Rape Cases Registered & Disposed of during 2017-2018



NHRC Recommendations for Monetary Relief and its Compliance

2.46 During the period 01.04.2017 to 31.03.2018, the Commission recommended ₹ 22,69,80,000/- as payment of monetary relief/ compensation to the victim/next-of-kin of the deceased in 757 cases. Out of the 757 cases, in which monetary relief was recommended, compliance reports were received in 151 cases, wherein a total amount of ₹ 5,67,75,000/- was paid to the victim/next-of-kin of the deceased. The State/Union Territory-wise details of these cases are at **Annexure-4**.

2.47 As on 31.03.2018, compliance reports were awaited in 606 cases, wherein monetary relief amounting to ₹ 17,02,05,000/- was recommended during the year (details of the cases at **Annexure-5**). Apart from the recommendations for monetary relief, the Commission also recommended disciplinary/departmental action against the errant public servants in 38 cases and prosecution of errant public servants in 02 cases. The Commission, once again, recommends to all those States/Union Territories to take speedy action on cases pending with them for compliance so that the monetary relief recommended in each case is immediately given to the victim/next-of-their kin.

**State-wise details for Recommendations made by the Commission during 2017-18, for Monetary Relief, Compliance of which is pending (as on 31.03.2018)**

Sl. No.	Name of State Government	No. of Cases
1.	Government of Uttar Pradesh	212
2.	Government of Odisha	49
3.	Government of Bihar	40
4.	Government of Rajasthan	37
5.	Government of NCT of Delhi	34
6.	Government of Maharashtra	25
7.	Government of Jharkhand	24
8.	Government of Haryana	22
9.	Government of West Bengal	21
10.	Government of Madhya Pradesh	20
11.	Government of Andhara Pradesh	17
12.	Government of Telangana	14
13.	Government of Punjab	13
14.	Government of Gujarat	13
15.	Government of Manipur	13
16.	Government of Chhatishgarh	11
17.	Government of Tamil Nadu	9
18.	Government of Assam	6
19.	Government of Karnataka	5
20.	Government of Arunachal Pradesh	3
21.	Government of Kerala	3
22.	Government of Meghalaya	3
23.	Government of Uttarakhand	3
24.	Government of Himachal Pradesh	2
25.	Government of Nagaland	2
26.	Government of Tripura	2
27.	Government of Jammu & Kashmir	1
28.	Government of Mizoram	1
29.	Administration of UT of Andaman & Nicobar	1
	Total	606



2.48 With regard to compliance reports relating to cases pertaining to previous years, compliance was awaited in 274 cases, for details see **Annexures - 6 & 7**.

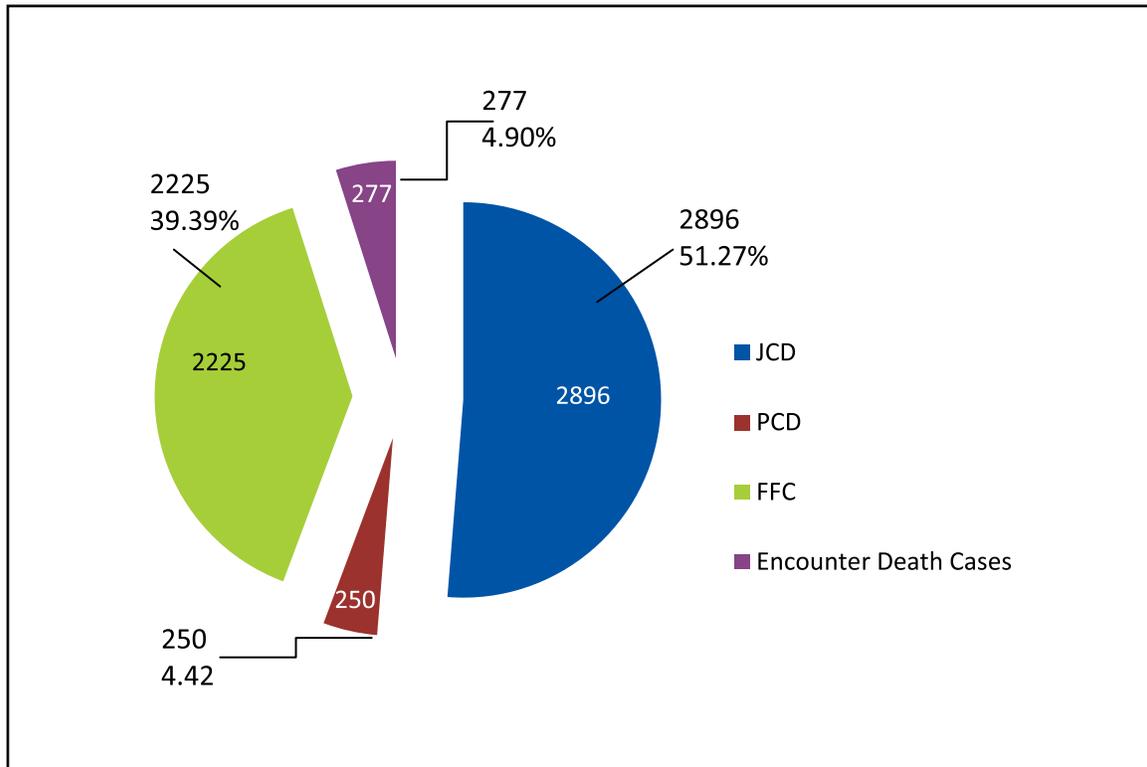
2.49 Annexure-6 gives details of 172 cases pending compliance for the year 2016-2017 in respect of payment of monetary relief. The State of Uttar Pradesh tops the list as the Commission, till date, has not received proof of payment in 50 cases, most of which relate to civil and political rights. Other States, which had yet to forward their compliance reports in this respect were – Maharashtra 19, Odisha 18, Jharkhand 13, Rajasthan 12, NCT of Delhi 09, Bihar 09, Madhya Pradesh 07, Andhra Pradesh 05, West Bengal 04, Assam 04, Gujarat 04, Kerala 04, Tamil Nadu 04, Manipur 03, Punjab 03, Karnataka, Haryana, Telangana and Chhattisgarh 01 each. These cases involved allegation of malfunctioning in primary health centers and government hospitals, abduction/rape, including of a Scheduled Caste (SCs)/ Scheduled Tribe (STs)/Other Backward Class (OBC) woman, and non-payment of pension, etc. The details of these cases have been reported in the earlier Annual Reports of NHRC. The Commission once again calls upon all the aforementioned State Governments to take immediate steps for sending their compliance reports to the Commission and simultaneously take comprehensive steps for protection and promotion of civil, political, economic, social and cultural rights, along with special measures to prevent acts of violence and discrimination towards women, including those belonging to the Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs).

2.50 Annexure-7 gives details of 102 cases pending compliance on the recommendations made by the Commission for the period 2000-01 to 2015-16 for payment of monetary relief, disciplinary action and prosecution. It would be seen that out of the 101 cases cited in the aforementioned Annexure, in 5 cases the concerned State Governments/Ministry of Railways have challenged the recommendations of the Commission in their respective High Courts, wherein the final decision is awaited. These States are Jammu and Kashmir (2), Odisha (1) and Ministry of Railways (2) (Sl. Nos. 48, 49, 50, 56 & 71 of **Annexure-7**). The Commission, nonetheless, makes a fervent appeal to these Governments to expedite the cases pending in their respective High Courts. It also trusts that the Governments of other States listed in **Annexure-7** will adhere to the recommendations made by the Commission and shall provide immediate respite to the victims/next of their kin at the earliest.

Cases dealt by Investigation Division

2.51 During the given period from 01-04-2017 to 31-03-2018, the Investigation Division of NHRC has dealt with a total of 5,371 cases, including 2,896 cases of deaths in judicial custody, 250 cases of deaths in police custody and 2225 Fact Finding cases. The Division has also dealt with 277 cases of deaths in police encounters.

Cases dealt by Investigation Division



Spot Enquiries

2.52 During the period 01-04-2017 to 31-03-2018, the Investigation Division conducted spot enquiry in 63 cases of alleged violations of civil and political rights, economic, social & cultural rights. These cases relate to custodial deaths/rapes; sexual harassment by policemen; custodial torture; false implication; illegal detention; bonded and child labour, atrocities on scheduled castes, scheduled tribes, and other disadvantaged groups; medical negligence and lack of proper medical facilities in Government hospital, death due to negligence of various State authorities; inhuman conditions in jails and shelter homes for children.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Silicosis

2.53 The Commission has been pursuing the issue of silicosis through series of Regional Review meetings, Conferences, making recommendations, including Special Report on Silicosis

to Parliament. The Commission had adopted twin pronged approach to deal with the issue of silicosis. On one side, it has made recommendations to pay compensation on individual complaint received by it and on the other side, it has recommended and reviewed various legislations, policy and monitoring mechanisms to deal with this occupational hazard. The Commission organized a series of meetings with the Experts on Silicosis, which were held on 23rd January, 7th February and 6th April 2017 to give concrete suggestions with regard to preventive, remedial, compensatory and rehabilitative measures to alleviate the problem of silicosis suffered by the affected workers and their family members. The suggestions were later drafted in the form of recommendations. The Commission has filed an affidavit in the Supreme Court of India in writ petition (Civil) No. 110 of 2006 (Peoples' Rights and Social Research Centre Vs Union of India), submitting its recommendations on preventive, remedial, rehabilitative and compensation aspects of Silicosis.

Core Group of NGOs

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

State Human Rights Commissions

2.55 The National Human Rights Commission was constituted in 1993, in accordance with the Protection of Human Rights Act (PHRA), 1993. The PHRA, in Section 21, provides for constitution of the State Human Rights Commissions (SHRCs) in the States. The existence and functioning of a Human Rights Commission in the States will go a long way in the protection of human rights in the remote areas of the country. The Commission has been urging the State Governments, where no State Commission has been constituted, to initiate action to constitute a State Human Rights Commission to fulfill its responsibilities to the people in accordance with the Protection of Human Rights Act (PHRA), 1993 and the 'Paris Principles'.



2.56 The Commission takes the initiative to hold regular interactions with the State Human Rights Commissions to explore and further strengthen the areas of cooperation and partnership.

2.57 As per the information received from the State Governments, 26 States have set up State Human Rights Commission (SHRCs) viz., Andhra Pradesh and Telangana (Combined SHRCs), Assam, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Karnataka, Kerala, Jammu & Kashmir, Jharkhand, Madhya Pradesh, Maharashtra, Manipur, Odisha, Punjab, Rajasthan, Sikkim, Tripura, Tamil Nadu, Uttar Pradesh, Uttarakhand, Haryana, Goa, West Bengal and Meghalaya.

2.58 The Commission has taken up with the Government, the issues for evolving a basic structure, minimum manpower and financial requirement of SHRCs to enable them to discharge their functions assigned under the Protection of Human Rights Act (PHRA), 1993 and to streamline complaint disposal by the SHRCs. In response, Government of India has requested to send the details of complaints registered, disposed off and pending division-wise existing manpower, financial allocation, details of shortage being experienced and justification for providing additional amount etc. by each SHRC. The details, as received from SHRC, have been sent to the Government of India on 23rd March, 2015. Further, the response from the Government of India is awaited.

2.59 The Commission has organized a Conference of SHRCs in New Delhi on 17th February, 2017. The Conference was attended by Chairpersons/ Acting Chairpersons, Members, Secretaries, SHRCs and State Government officers, besides the Chairperson, Members, Secretary General and other officers of the NHRC.

2.60 One of the key motivations for India's law makers, the NHRC and SHRCs under the Protection of Human Rights Act (PHRA), 1993 was the protection and promotion of the inviolable rights of the people of India. The powers bestowed upon these Commissions as well as the broad and inclusive definition of human rights contained in the PHR Act, 1993 mandate the NHRC and SHRCs to address the whole range of civil, political, social, economic, and cultural rights. The Commission had attempted to draw up an agenda for the NHRC-SHRC Meeting which was broad-ranging and which would attempt to address several issues of concern to both, including the matter concerning suitable amendments to the PHR Act to lend greater power to the decisions of these Commissions as well as greater financial and functional autonomy to enable these Commissions to function more effectively. Another objective of the meeting would be to deliberate upon other important concerns regarding human rights defenders, promotion of human rights through training and awareness programmes, as well as sharing of best practices of the NHRC with SHRCs, particularly in the area of conducting inquiries and investigation.

2.61 Justice Shri Dalveer Bhandari, Member of the International Court of Justice, while inaugurating the conference, stated that the principle of ‘universality’ is the cornerstone of human rights. This principle was first emphasized in the Charter of the United Nations in 1945 and reiterated through the adoption of the Universal Declaration on Human Rights (UDHR) in 1948. He added that the Preamble to the Constitution of India is also premised on the principle of the dignity inherent in all human life. Justice Bhandari expressed his appreciation for the role that NHRC and SHRCs have played in the protection and promotion of human rights, reflected in the increase in the number of complaints received by the NHRC since its inception. Justice Bhandari further emphasized that there is a need to further strengthen these Commissions, especially the SHRCs to enable them to function more effectively.

Swachh Bharat Abhiyan

2.62 The Commission imbibes the idea of **Swachh Bharat Abhiyan** and has organized Special drives for Weeding out of old records and also organized Special cleanliness drives in and around the Manav Adhikar Bhawan, office building of the Commission.

2.63 Following activities have been carried out during the year 2017-18 for:-

S.No.	Programmes/Schemes/Activites
1.	Display of Banners on the NHRC Website and at main entrance, exit gate, central courtyard area in the MAB building, office premises of the Commission.
2.	Swachhta Pledge has been administered on 13.12.2017.
3.	Organizing of Special drive for cleanliness of office premises from inside and outside and at GPO Complex on 28.09.2017 and 13.12.2017.
4.	Organizing of Special drive for cleanliness in front of AIIMS main gate on 29.09.2017 and 14.12.2017.
5.	Circulars dated 26.09.2017 and 12.12.2017 issued to all Divisional Heads of the Commission requesting to organize of Special drives to undertake the cleanliness / weeding out of old records at their respective divisions.
6.	Procurement of house-keeping / toiletry items for special drives.

Regional Workshop on Good Governance, Development and Human Rights

2.64 The Commission strives to promote not only human rights but good governance as well. The objective of this regional workshop is to solidify the ground for the furtherance of human rights awareness and attainment of good governance.



S.No.	States	Date of Workshop
1	UT. of Chandigarh with participating States Haryana, Punjab, Himachal Pradesh and Jammu & Kashmir	28 th -29 th April, 2017

National Seminar on Good Governance, Development and Human Rights

2.65 The NHRC organized a two day 'National Seminar on Good Governance, Development and Human Rights at New Delhi on 21st -22nd September, 2017. The Seminar was inaugurated by Justice Shri H.L. Dattu, Hon'ble Chairperson, NHRC. Shri Rajnath Singh, Hon'ble Union Home Minister was the Chief Guest during the inaugural session on 21st September 2017 and Shri. Ravi Shankar Prasad, Hon'ble Minister, Ministry of Law & Justice and Electronics and Information Technology delivered the valedictory address on 22nd September 2017. This seminar was a culmination of three Regional Workshops organized at Shillong (Meghalaya) for the North-Eastern region, Bangalore (Karnataka) for the Southern region and in U.T. Chandigarh (Punjab) for the Northern region.

2.66 The participants of the Seminar were Senior Officers of the Union Ministries/States/UTs, representative(s) State Human Rights Commission (SHRC), National Commissions, International Labour Organization (ILO), United National Development Programme (UNDP), Special Rapporteurs & Members of Core Group on Bonded Labour of NHRC, NGOs, Academic, research scholars from Universities.

2.67 The objective of this Seminar was to raise awareness amongst all stakeholders about the importance of good governance in relation to human rights and development. This Seminar provided a platform to share the best practices amongst the States, identify the development gaps and how these gaps can be bridged at the grass root level, with focus on Nyaya, Niti, Niyam and Neeyat. The recommendations emerging out from the Conference are given below:-

- 1. Sharing and Adoption of Best Practices amongst the States/UTs:** Best practices of all states should be shared and uploaded on the State Portal so that other states can replicate rather than reinvent the wheel and it will further enable the states to learn from each other.
- 2. Maximize Governance and Minimize Government:** The hallmark to minimize government and maximize governance is proactive investment in empowering the people. This includes simplification of procedures, identification and repeal of obsolete laws, identification and shortening of various applications and reporting forms like registration of house, opening of bank accounts, leveraging technology to bring in

transparency in public interface and putting up a robust public grievance redress system in place.

3. **Dovetail Technology in Good Governance Initiatives and in Promotion of Human Rights:** Technology should be dovetailed in Good Governance Initiatives, keeping in mind aspirations of the people. For instance, Social Networking Sites could be used to create awareness about job opportunities, skill development and sharing of information of good welfare schemes. Use of GIS Technology in imparting citizen services, security and effective delivery system and e-filing of FDI applications by Foreign Investment Promotion Board (FIPB).
4. **Swachh Bharat Abhiyan:** There is a need to raise awareness and change the mindset of people towards cleanliness which could be achieved by self-introspection and 'build a culture of safai- in and around us'. Littering in public spaces is made an offence and has a system of 'Zero Hour' in every school and institutions earmarked towards cleanliness. Incentivize and honour Good Safaikaramchari at regular intervals. We need to clean rural areas, towns and big cities by an integrated effort of all stakeholders.
5. **Good Governance Should not be an Exception but it should be a Rule of Law:** There is a need to bring more awareness about various welfare schemes and flagship programmes at the grassroot level using Media. The emphasis should be given to make the system more accountable and efficient with the use of technology.
6. **Benchmark for Service Delivery:** Benchmarking in all departments of service delivery system should be established and implemented in a time bound manner. The service delivery by the State shall be through a twofold review of the experience with contracting out of services and performance-based approaches. The State can set optimum "benchmark" for all services and departments and make them achievable in a time bound manner.
7. **Role of Media and Civil Society including NGOs in Raising Awareness of Good Governance Initiatives:** The media needs to play a proactive role by focusing on facts and presenting a pragmatic and unbiased view on issues affecting our governance. Social media could also be used for monitoring of public work and take the feedback from the public. NGOs should be made partners with the Government in designing of development projects. Thus, all stakeholders should work in a coordinated manner in raising awareness about Good Governance, Development and Human Rights.
8. **Speedy Redressal of Grievances through Single Window System:** The service delivery module should be based on 'single delivery system' and speedy redressal of grievances. Public servants should be made accountable to ensure timely redressal of grievances,



including visible action against the defaulters as per the government rules on the subject.

9. **Combating Corruption:** Prevention of Corruption Act, effective implementation of RTI Act, Digital India, E-governance, Demonetization and formation of Special Investigation Team (SIT), to fight black money and corruption are few steps that will greatly help to combat corruption and facilitate holistic development thereby promoting transparency, accountability and equitability.
10. **Improvement of Health Care and Infrastructure:** Adequate budget allocation towards holistic health care, including creation of health care infrastructure is needed. Create 'digital doctors' with tele-consultation. Senior citizens need special care and protection. There should be provisions for the fulfilment of those needs and requirements that are unique to senior citizens.
11. **Need for Focus on Quality Education:** Modification of curriculum of education which includes quality infrastructure, quality of teachers and building a culture of human rights is required. There is a need to develop teaching/training curriculum for making /enabling Apps in structured norms for the school students. Further, there is also a need to develop technology driven initiatives which can also check/plug leakage in the mid-day meal scheme under ICDS.
12. **Encourage Research and Create Data Baseline:** New research is essential for finding ways to prevent or mitigate the impact of economic, climate and population changes as well. More than 93 per cent of workers work in the unorganized sector and migrate from one State to the other. Such workers are not even paid minimum wages and are exploited due to their vulnerability. The recipient state should register; maintain data of migrant workers working in organized and unorganized sectors on an online portal which should be regularly updated by the State.
13. **Creation of Effective Vigilance Committee at the State, District and Sub-District Level:** There should be effective vigilance committees at the State, District and Taluka levels to identify, rescue, release, rehabilitate and reintegrate bonded and child labourers into society. Vigilance committees should be fully functional and contact details of all the members with the phone numbers, e-mail details should be uploaded on the State web portal.
14. **Enhance Gender Sensitivity:** To enhance gender sensitivity there is a need to change our mindset and attitudes of the people towards women, gender sensitization programmes should be held in various government offices through sensitization campaigns, training, workshop, programs etc. at regular intervals.

15. **Automation and Computerization:** The policy initiatives for e-governance should focus upon enhancing and improving the Central, State and District Level administration. The Modernization of Targeted Public Distribution System (TPDS) including its end-to-end computerization for the Department of Food & Public Distribution (DoF&PD) has been progressive steps towards good governance. All States should incorporate automation and computerization of PDS.
16. **Constitution of State High Power Committee in every States/UTs:** A State High Power Committee for Good Governance, Development and Human Rights should be constituted in every state under the Chief Secretary. Further, they should meet at regular intervals, preferably at a frequency of three months, to review the progress and follow-up with all the other Government Departments.
17. **Corporate Social Responsibility:** The corporate ensure that they provide for occupational health safety of employees and promote and protect of their Human Rights through their business operations as well as protect land rights and labour rights of employees. The corporation should ensure timely arrangement and payment of minimum wages and prevent harassment at work place. Corporate social sector must integrate with all stakeholders to promote Good Governance initiatives.
18. **Creation of Institutional Checks and Balances:** Creating a monitoring and evaluation board within the institution will help check large scale cases of corruption.
19. **Police Initiatives:** Police is a service; the general perception about Police as a force needs to be changed. Police does not violate human rights of people and people should not be scared to go to the police. The attitude should be changed by sensitization programmes.
20. **Regulation of Traffic through Technology:** There is a need to put in Intelligent Transportation Systems referring to the use of technology (computing, communications, and sensors) to optimize the movement of vehicles over transport networks. There shall also be Automation of number plates, use of Automatic Number Plate Recognition (ANPR) system, to improve identification of traffic rule violations, within a shorter time-frame, and without having to increase number of monitoring personnel. This would also check and reduce the number of road accidents per year.
21. **Cleanliness and Sanitation:** Government should focus on using renewable energy, especially solar and green products which are cost effective, install garbage pits, biogas plants and bulk disposal plants to recycle waste in all urban and rural areas. Existing laws and regulations should be made more stringent by imposing fine and penalties for defaulters.



- 22. Social Audit:** Social audit helps in identification of accurate documents, prioritization of developmental activities, check proper utilization of funds, and confirm the development activity with the stated goals and guarantee quality of service essential for good governance. Thus, making it available at district level will make the governance more effective and transparent.
- 23. Fix Timelines and Standardized Procedures:** A quantum improvement would come only when the Executive, Judiciary, and Legislature would work collectively for promoting good governance and protecting human rights which enables time bound implementation of Good Governance initiatives and timely disposal of common man's grievances - fix timelines and standardized procedures.
- 2.68** The recommendations emerged during the seminar were sent to all States/UTs for calling an Action Taken Report. The same is also available on the NHRC website.

Regional and National Conference on Business and Human Rights

- 2.69** The Commission organized a series of meetings with Industry Federations/Organizations to encourage voluntary compliance of human rights Principles by the Business. It was finally culminated with development of a Self Assessment Tool to be used by industry on voluntary basis. The Self Assessment Tool draws upon the United Nations Guiding Principles, National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business, and other existing guidelines available for assessing corporate's impact on human rights.
- 2.70** The Commission thereafter, organized three Regional Conference namely, the South Regional Conference on Business and Human Rights in Chennai on 17th January, 2017, West Regional Conference in Mumbai on 22nd February, 2017 and the third in the series, East Regional Conference, on 2nd June, 2017 in Kolkata. The Conferences provided a platform for sharing the national and international developments in the area of Business and Human Rights besides hearing experiences/views of various stakeholders.
- 2.71** The NHRC India organized the National Conference on Business and Human Rights on 12th January, 2018. The Conference provided a platform for developing a National Action Plan on Business and Human Rights. The Conferences was attended by Senior Officers from the Government of India as well as State Governments, State Human Rights Commissions (SHRCs), CEOs and other representatives of various business enterprises/industries/federations, PSUs and Civil Society Organizations working in the area of business and human rights.

TRAINING PROGRAMMES AND WORKSHOP

NATIONAL

2.72 During the year 2017-18, the Commission had approved 171 training programmes of 147 institutes relating to various aspects of human rights. Out of these, 96 training programmes were successfully conducted by 90 institutions Universities / Colleges/ PTI/ ATI/ NGOs. In addition, 07 training programmes of 06 institutes approved for the year 2016-17 were also conducted during 2017-18, thus taking the overall total of training programmes conducted to 103 Training Programmes by 96 institutes attended by 9669 participants.

INTERNATIONAL

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

2.74 During the period under report, the National Human Rights Commission of India, which is a member of the GANHRI and a founder member of the APF participated in a number of meetings, seminars, workshops and interaction with foreign delegates in the Commission.

Cooperation with Global Alliance of National Human Rights Institutions (GANHRI)

2.75 The Global Alliance of National Human Rights Institutions (GANHRI) is a representative body of National Human Rights Institutions established for the purpose of creating and strengthening National Human Rights Institutions (NHRIs) which are in conformity with the Paris Principles. It performs this role through encouraging international co-ordination of joint activities and co-operation among these National Human Rights Institutions(NHRIs), organizing international conferences, liaison with the United Nations and other international organizations and, where requested, assisting governments to establish a National Institution.



The GANHRI works to create and strengthen the National Institutions and to ensure that they conform to the Paris Principles. In all its activities and in its Presidency, Committees, Working Groups, etc., the GANHRI will ensure gender equality. NHRC, India is a GANHRI member with 'A' status accreditation which was earlier accredited in 1999 and reaccredited in 2006, 2011 and so forth.

2.76 The Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) awarded '**A' status Accreditation** to the National Human Rights Commission of India in 2017 as acknowledgement of the important work that the Commission has carried out for the protection of human rights and promotion of human rights awareness within the country.

Annual Meetings of GANHRI

2.77 NHRC India was a member of the GANHRI Bureau in the year 2003 and from 2007 to 2011. The NHRC India Delegation led by Chairperson Justice Shri H. L. Dattu, accompanied by the Secretary General and Joint Secretary attended the 29th Annual Conference of the Global Alliance of National Human Rights Institutions (GANHRI) on promotion and protection of human rights at Geneva from 21st -23rd March, 2016. The General Meeting elected India as a Bureau Member of GANHRI from Asia Pacific Region (APF). Thus, after a gap of four years, NHRC India has again become a member of the GANHRI Bureau with the election of Justice Shri H. L. Dattu, the present Chairperson of the Commission from this year i.e. 2016. In the opening plenary session, Justice Shri H.L. Dattu, Chairperson, NHRC India delivered a statement on the role of NHRC India in the priority theme of "Business and Human Rights".

2.78 The National Human Rights Commission, India delegation consisting of Justice Shri P.C. Ghose and Shri Ambuj Sharma, Secretary General, NHRC attended the **GANHRI Bureau meeting** at San Jose, Costa Rica from 1st -3rd November, 2017.

2.79 The National Human Rights Commission, India delegation consisting of Justice Shri H. L. Dattu, Chairperson, Shri P. C. Ghose, Member, Shri Ambuj Sharma, and Secretary General attended the various meetings i.e. GANHRI Bureau Meeting & GANHRI General Assembly Meeting, APF Forum Counsellor Meeting, and Commonwealth Forum of NHRIs Annual Meeting (CFNHRI) from 19th -23rd February, 2018.

NHRC Participation in Other International Meetings

2.80 Shri D.M. Tripathy, Under Secretary (GA/Estt) attended the ongoing programme of cooperation between the APF and UNDP to strengthen the capacity of NHRIs in the region

to work with LGBTI communities and better advocate for their human rights, - A two day Regional Conference on *The Yogyakarta Principles* being organized by APF: *What have we learnt and where to now?* From 25th -26th April, 2017, Bangkok, Thailand” - being organized by APF, at Bangkok, Thailand.

2.81 Shri B.S Nagar, US (Coord.) attended the Training of NHRI opportunity on International Human Rights Mechanisms at Geneva, Switzerland from 01.05.2017 to 05.05.2017.

2.82 Justice Shri H.L. Dattu, Chairperson and Dr. Ranjit Singh, Joint Secretary (P&A) participated in the 8th Session of the Working Group on Ageing at New York from 05.07.2017 to 07.07.2017.

2.83 Shri Ambuj Sharma, Secretary General participated in the Senior Executive Officers (SEO) Network Meeting at Melaka, Malaysia from 29.08.2017 to 30.08.2017.

2.84 Shri J.S. Kochher, Joint Secretary (T&R) participated in the Plenary Session of the Human Rights Council on the adoption of India’s report on UPR, at Geneva, Switzerland from 20.09.2017 to 21.09.2017.

2.85 Dr. Sanjay Dubey, Director (Adm) attended the Regional Conference on effective and innovative models and strategies to advance transgender health, at Bangkok, Thailand from 20.09.2017 to 22.09.2017.

2.86 Shri U.N. Sarkar, Assistant Director (Publications) participated in the APF Communication Network Collaboration Workshop at Dhaka, Bangladesh from 21.11.2017 to 23.11.2017.

2.87 Shri Ambuj Sharma, Secretary General attended 22nd Annual General Meeting & Biennial Conference of APF at Bangkok, Thailand from 29.11.2017 to 30.11.2017.

2.88 Mrs. Jyotika Kalra, Member attended the International Seminar on Sustainable Development Goals (SDG’s) and Human Rights at Dhaka, Bangladesh from 12.12.2017 to 13.12.2017.

2.89 Shri Dushyant Singh Tyagi, Dy. Superintendent of Police participated in the APF of NHRIs Facilitators Training Workshop at Jakarta, Indonesia from 12.12.2017 to 16.12.2017.

Interaction with Foreign Delegates in the Commission

2.90 Mr. J.S. Dattan, Deputy High Commissioner, Canada visited the Commission to have a Courtesy meeting with the Chairperson, NHRC on 28.04.2017.



2.91 The NHRC Bangladesh delegation consisting of Ms Nurun Naher Osmani, Honorary Member, Mr. Md. Shorif Uddin, Director, Mr. Md. Gazi Salauddin, DD, Ms Sushmita Paik, Asstt Director, Ms Nayeema Pradhan, Assistant Director and Mr. Md. Jumman Hossain, Super (Accounts), made a learning visit to NHRC India from 28.06.2017 to 30.06.2017 with the view to equip the officers with practical knowledge and best practices, and strengthen their experience through interaction.

2.92 Mr. Oboth Jacob Marksons, Chairman of the Parliamentary Committee on Legal & Parliamentary Affairs, Parliament of Uganda along with five other Members visited the Commission on 13.09.2017 for a study regarding the working of the Commission.

2.93 Ms. Kate Gilmore, Dy. High Commissioner, office of the High Commission for Human Rights. (OHCHR), Ms. Christine Chung, Human Rights Officer, OHCHR and Rineeta Naik, Social Policy Officer, O/o the UN Resident Coordinator visited the Commission on 31.10.2017 to meet with the Chairperson, NHRC.

2.94 Ms. Liv Hernaes Kvanvig, Project Coordinator, Asia and Africa, the Norwegian Human Rights Fund visited the Commission on 30.11.2017 for a courtesy meeting with the Chairperson, NHRC.

2.95 Justice Shri Anup Raj Sharma, Chairperson, NHRC Nepal, Ms. Mohna Ansari, Commissioner, NHRC Nepal and Shri Bed Prasad Battarai, Secretary with two other officers of NHRC Nepal visited the Commission on 10.1.2018 for a meeting with the Chairperson and other senior officers of the Commission to discuss the issues pertaining to International Conference on "Identifying Challenges, Assessing progress Moving Forward: Addressing Impunity & Realizing Human Rights in South Asia - scheduled to take place at Hotel Yak & Yeti, Kathmandu, Nepal on 9th - 11th April, 2018.

2.96 Mr. Stephan Lanzinger, Political Counsellor from German visited the Commission on 15.01.2018 for courtesy meeting with the Secretary General, NHRC to understand the work of the Commission.

Chapter 3

NHRC: ORGANIZATION AND FUNCTIONS

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

3.2 As per the Act, ‘human rights’ means the ‘rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India’. “International Covenants” means the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all Forms of Racial Discrimination (CERD). The Government of India acceded to the ICCPR and ICESER in 1979. It ratified the CEDAW in 1993, the CRC in 1991 and the CERD in 1968. It would not be out of place to mention that the Constitution of India takes into account all those features that have been spelt out in the above-mentioned conventions. Many of the rights referred to in the ICCPR and the ICESCR were available to Indian citizens when India became independent as these rights are primarily reflected in Part III and Part IV of the Constitution under the broad heading of Fundamental Rights and Directive Principles of State Policy.

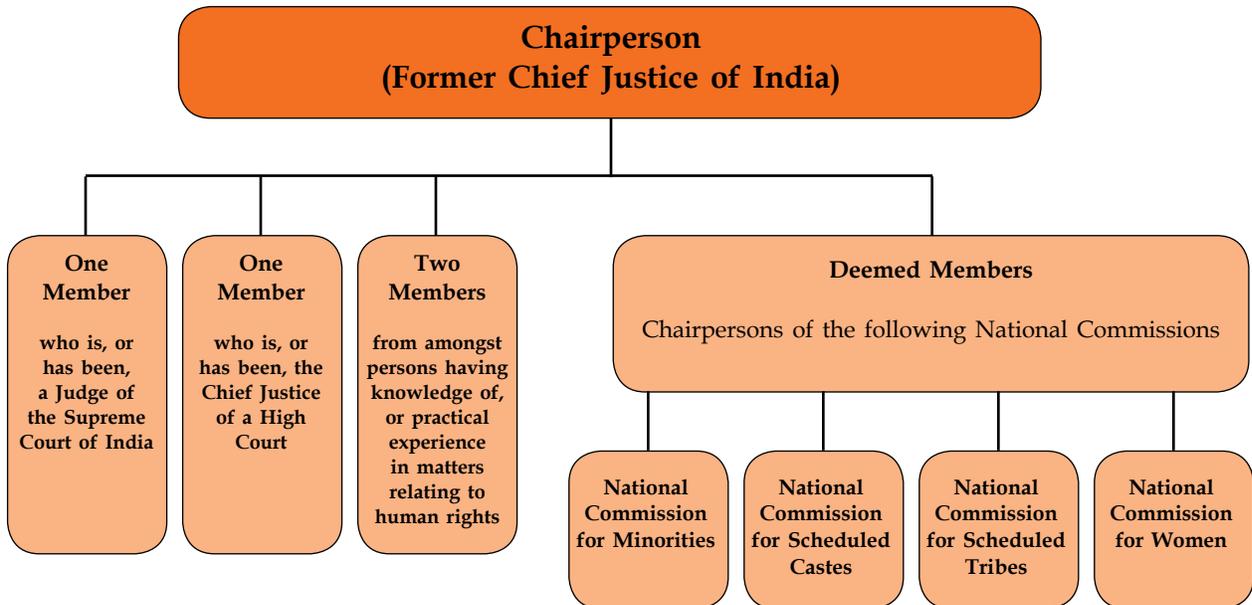
3.3 Unquestionably, the greatest strength of the PHRA has been to provide the Commission with ‘independence, functional autonomy and broad mandate’, which are essential to the composition and proper functioning of a NHRI conforming with the Paris Principles. NHRC, India is an embodiment of India’s concern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

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

Constitution

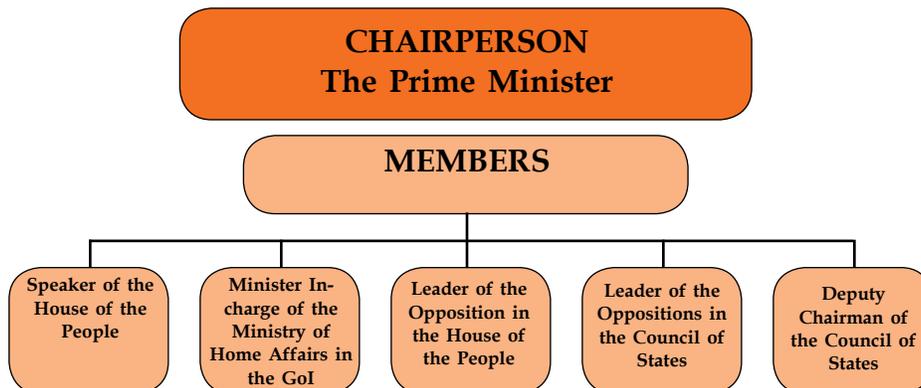
3.5 The Commission consists of a Chairperson, four full-time Members and four deemed Members. The statute lays down qualifications for the appointment of the Chairperson and Members of the Commission.

Constitution of NHRC



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

Selection Committee for Appointment of Chairperson and Members of NHRC



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

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

Powers Relating to Inquiries

3.9 The NHRC has been given all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, in particular in respect of summoning and enforcing the attendance of witnesses and examining them on oath; receiving evidence through affidavits; requisitioning any public record or copy thereof from any court or office; and any other matter that may be prescribed. In case of breach, it calls upon the concerned government to take remedial measures and pay compensation to the victim or to the next of their kin and also remind public servants of their duties and obligations. Depending on the case, it may further initiate proceedings for prosecution, or any other suitable action that it may deem fit, against the person(s) concerned.

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

Extensive Range of Functions

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

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



- Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.
- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- Study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- Undertake and promote research in the field of human rights.
- Spread human rights literacy among various sections of society and promote awareness about the safeguards available for the protection of these rights through publications, the media, seminars and other available means.
- Encourage the efforts of Non-governmental Organizations(NGOs) and institutions working in the field of human rights.
- Such other functions, as it may consider necessary for the protection of human rights.

Specialized Divisions and Staff

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

3.13 The Law Division of the Commission handles registration and disposal of around one lakh cases each year, registered on the complaints of human rights violation made to it either by the victim or any other person on behalf of the victim or on receipt of intimation from authorities concerned, regarding custodial death, custodial rape, death in police action, or on *suo motu* cognizance by the Commission or on a direction or order of any court. The Division also receives intimations regarding deaths in police/judicial custody, deaths in the custody of defence/para military forces and custodial rapes. *Suo motu* cognizance of serious matters taken by the Commission is also dealt with by the Division. During the year, 2017-18, 77,589 complaints were received in the Commission. All complaints received in the Commission are assigned a diary number and thereafter scrutinized and processed using the Complaint Management and Information System (CMIS) software especially devised for this purpose. After registration of complaints, they are placed before the Commission for its directions and accordingly, follow up action is taken by the Division in these cases till their final disposal. Cases of important nature are taken up by the Full Commission and matters pertaining to deaths in police custody or police action are considered by the Division Benches. Some

important cases are also considered in sittings of the Commission in open court hearings. The Division has also been organizing camp sittings in different State capitals to expedite disposal of pending complaints and sensitize the State functionaries on the human rights issues. The Commission has also been organizing open hearings regarding atrocities on Scheduled Castes in the country to have direct interaction with the affected persons belonging to Scheduled Castes. The Division further provides its views / opinion on various Bills/draft legislations referred to it for better protection and promotion of human rights. The Law Division has come out with few important publications like “NHRC & HRDs: The Growing Synergy”, etc. There is also a Focal Point for Human Rights Defenders who is accessible to HRDs round the clock through (i) Mobile No. 9810298900, (ii) Fax No. 24651334, and (iii) E-mail: hrd-nhrc@nic.in.

3.14 The Law Division is headed by a Registrar (Law), who is assisted by Presenting Officers, a Joint Registrar, a number of Deputy Registrars, Assistant Registrars, Section Officers and other Secretarial staff.

3.15 The *Investigation Division* is headed by an officer of the rank of Director General of Police, assisted by one DIG and three Senior Superintendents of Police. Each Senior Superintendent of Police heads a group of investigative officers (comprising of Deputy Superintendents of Police and Inspectors). The functioning of Investigation Division is multi-dimensional, details of which are as follows:

- (a) **Spot Enquiries:** The Investigation Division conducts spot enquiries and recommends suitable action in the cases revealing human rights violation. The spot enquiries conducted by the Investigation Division not only bring out the truth before the Commission, but also send a message to all concerned – complainants, public servants, etc.. The Commission orders a Spot enquiry in a range of cases concerning a variety of public authorities – from illegal detention, extra judicial killing, etc., by the police to the lack of facilities in a hospital leading to avoidable deaths. Spot enquiries enhance the confidence of general public too and instill their faith in NHRC’s role in protection of Human Rights. The Investigation Division also gives its comments / observations, whenever sought, in the cases of advice / analysis, besides monitoring cases whenever referred to it.
- (b) **Custodial Deaths:** As per the guidelines issued by the Commission to the State authorities, the latter are supposed to intimate the Commission in case of any death occurring in custody (whether in police or judicial custody) within 24 hours. The Investigation Division, on receiving such intimations, analyzes the reports in order to find out if there was any human rights violation involved. In order to make the analysis more professional and accurate, Investigation Division seeks help from the forensic experts on the panel of NHRC.



- (c) **Fact Finding Cases:** The Investigation Division also calls upon different authorities to submit reports in “Fact Finding” Cases as directed by the Commission. The Investigation Division critically analyzes these reports with a view to assist the Commission in deciding whether there is any violation of human rights or not. In cases where reports received are misleading or not factual, the Commission orders a spot enquiry as well.
- (d) **Training:** The officers of the Investigation Division deliver lectures in training institutes and other forums, wherever they are invited to spread human rights literacy and promote awareness of the safeguards available for the protection of the human rights.
- (e) **Rapid Action Cell:** From the year 2007, the Investigation Division has taken the initiative of making a Rapid Action Cell functional in the Commission. Under RAC cases, the Investigation Division deals with cases which are of a very urgent nature e.g. the allegation may be regarding child marriage likely to be performed the very next day or else the complainant fears that a relative or friend picked up by the police may be killed in a false encounter. In all such cases, the Investigation Division takes up the urgent follow up required by the Commission. It may include require speaking to them personally over telephone to ascertain facts, faxing the complaint to various authorities for reference and asking them to send their replies expeditiously- all these actions are performed by the Investigation Division. During the period 01-04-2017 to 31-03-2018, the Investigation Division has dealt with 515 such Rapid Action Cases where immediate intervention by the Commission was able to prevent not only Human Rights violation but also threats to human life & liberty.
- (f) **Debate Competition for Personnel of Central Armed Police Forces:** In order to promote human rights awareness and spread sensitization towards it among the personnel of the Central Armed Police Forces (CAPFs), the Investigation Division has been regularly organizing a debate competition on such issues every year, since 1996. Moreover, since 2004, as desired by the Hon’ble Chairperson, zone-wise debate competitions have also been organized as a run up to the final competition, for larger participation of the CAPFs all over the country. The semi-final and the final rounds of teams selected during the zonal competitions are subsequently organized in the Capital. Each year, this event sees enthusiastic participation and an outstanding level of debate.
- (g) **Debate Competition for Personnel of State Police Forces:** The police today are duty bound to conform to the principles of Human Rights in discharging their duties. The lower and middle levels in the police forces are extremely crucial from the viewpoint of Human Rights because they directly come into contact with general public while discharging their duties. Since the year 2004, an attempt has been made by the

Investigation Division of National Human Rights Commission to increase the level of human rights awareness among the police officials by providing necessary financial assistance to State/UTs Police Forces for conducting Debate Competitions for State Police Force personnel. At present Commission is providing amount of ₹15000/- for holding debates in States/UTs.

- (h) **Visits to Places of Detention:** There are a large number of complaints related to the living condition in jails and other institutions where persons are detained or lodged for the purpose of treatment, reformation or protection. The IOs of the Investigation Division visit Jails and other institutions in different states, as and when directed by the Commission and submit reports presenting the facts regarding specific allegations or the general condition of prisoners or inmates with regard to their human rights based on which needed follow-up action is pursued by the Commission.

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

3.17 The Training Division is responsible for spreading human rights literacy among various sections of the society. As such, it trains and sensitizes various government officials and functionaries of the State and its agencies, non-government officials, representatives of civil society organizations and students on different human rights issues. For this purpose, it collaborates with the Administrative Training Institutions/Police Training Institutions and Universities/Colleges. Besides, it conducts internship programmes for college and university students. The Division is headed by a Joint Secretary (Training & Research), who is supported by a Senior Research Officer (Training), an Assistant and other secretarial staff. Coordination Section, under the Training Division, deals with all the international matter, including international treaties and conventions. Besides, it coordinates with Camp Commission Sittings/Open Hearings in various States /UTs, organizes Commission's annual functions, viz.,



Foundation Day and Human Rights Day. It is also tasked with taking care of protocol duties as well as organizing visits of Chairperson/Members/senior officers of the Commission, both at the national and international levels. Coordination Section consists of an Under Secretary, Section Officer, Assistants, Research Consultant and other secretarial staff.

3.18 The Administration Division looks after the establishment, administrative and related requirements of the Chairperson and Members of the NHRC. Besides, it looks into personnel, accounts, library and other requirements of the officers and staff of the NHRC. The work of the Division is handled by the Joint Secretary (P&A) who is assisted by a Director, Under Secretaries, Section Officers, Assistants and other secretarial staff.

3.19 The Media and Communication (M&C) Wing under the Administration Division disseminates information relating to the activities of the NHRC through the print and electronic media. It brings out a bilingual monthly Newsletter '*Human Rights*'.

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

Special Features

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

Chapter 4

CIVIL AND POLITICAL RIGHTS

A. Terrorism and Militancy

4.1 Today, India is facing the daunting challenge of protecting the human rights of common man on the face of terrorism. With the grim spectre of terrorism continuing to target innocent and defenseless people, the task of protection of human rights has become all the more challenging.

4.2 A peaceful society rests on the pillars of justice and individual's accountability. The concern for justice has been of paramount importance while dealing with the vexed issue of terrorism. In most of the tragedies associated with terrorism, it is mostly the common people, whose rights are violated.

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

4.4 The Commission is of the firm view that proper observance of human rights is not a hindrance to the promotion of peace and security. Rather, it is an essential element in any worthwhile strategy to preserve peace and security and to defeat terrorism. The purpose of anti-terrorism measures must, therefore, be to protect democracy, rule of law and human rights, which are fundamental values of our society and the core values of the Constitution.

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



B. Custodial Violence and Torture

4.6 Custodial violence and torture is so rampant in India that it has become almost routine. It represents the worst form of excesses by public servants entrusted with the duty of law enforcement. The Commission regards crimes like rape, molestation, torture, fake encounter in police custody as manifestations of a systemic failure to protect human rights of one of the most vulnerable and voiceless categories of victims. Therefore, it is deeply committed to ensure that such illegal practices are stopped and human dignity is respected in all cases. Besides awarding compensation to the victims or their next-of-kin, the Commission's efforts are also geared towards bringing an end to an environment in which human rights violations are committed with impunity under the shields of "uniform" and "authority within the four walls of a police station, lock-up and prison, where the victims are totally helpless".

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

4.8 In the year 2017-18, the Investigation Division of NHRC has dealt with a total of 5,371 cases including 2,896 cases of deaths in judicial custody, 250 cases of deaths in police custody and 2225 fact finding cases. The Division have also dealt with 277 cases of death in police encounters.

C. Important Illustrative Cases

a) Custodial Deaths

1) *Death of 28 years old Undertrial Prisoner Deepak on 12.08.2015 in the Custody of Tihar Jail, New Delhi*

(Case No. 4533/30/9/2015-JCD)

4.9 The Commission received intimation from the Superintendent, Tihar Jail, Delhi that an under-trial prisoner Deepak (28 years) lodged therein had died on 12th August, 2015. The intimation revealed that the deceased was admitted in the Jail on 22.03.2013. On 11.8.2015,

he was attacked by some named inmates of the said prison with improvised sharp object, causing serious injuries on his person. He was immediately referred to DDU Hospital, Hari Nagar where he was declared brought dead by the attending Doctor.

4.10 The Commission examined all the reports in the matter received from the State authorities and observed that in the magisterial enquiry report it was concluded that the deceased died due to continuous beating. It was a case of unnatural death and homicidal in nature. The post mortem report recorded 18 visible injuries on the body of the deceased which were collectively sufficient to cause death in the ordinary course of nature.

4.11 The Commission considered the matter on record, took note of the facts and circumstances of the case and observed that admittedly, the prisoner was in the care and custody of the State. It was the bounden duty of the prison officials to ensure safety and security of the prisoner but as seen in this case, due to lack of required safety and security in the prison, the prisoner was subjected to deadly attack by his co-prisoners. It appeared that there was complete lawlessness inside the prison. The inaction, indifference and negligence shown to the prisoner by the prison officials amounted to a gross violation of his human rights.

4.12 The Commission has directed the Chief Secretary, Govt. of NCT of Delhi to show cause u/s 18 (a) (i) of PHR Act, 1993 as to why a monetary compensation of ₹2,00,000/- (Rupees Two Lakh only) should not be recommended to be paid to the next of the kin of the deceased. The Commission, vide further proceedings dated 21.02.2018, confirmed the Show Cause Notice and directed the Chief Secretary, NCT of Delhi to submit Compliance Report which is awaited.

4.13 The matter is still under consideration of the Commission.

2) *22 year old Afzal S/o Akbar Khan Commits Suicide by Hanging in District Jail, Gonda, UP due to Negligence of Jail Staff.*

(Case No. 7699/24/33/2015-JCD)

4.14 The Commission received an intimation from Superintendent of District Jail, Gonda, Uttar Pradesh regarding the custodial death of an undertrial Prisoner Afzal aged 24 years s/o Shri Akbar Singh, in its custody. He was admitted in the prison on 5.8.2014 in connection with case Cr No. 376/14 under Section 8 and Section 21 NDPS Act.

4.15 One complaint was also received in the Commission from the mother of the deceased, wherein it was alleged that some of the jail staff officials including the Superintendent assaulted/tortured the UTP and even deprived him of food for many days for refusing to pay money they asked for. The mother of the deceased requested for compensation and action against erring prison officials.



4.16 Pursuant to the Commission's direction, reports were received from the authorities. The post-mortem report revealed no external injury except ligature mark present all around neck. The cause of death was opined as asphyxia due to ante mortem hanging. The magisterial enquiry stated that the deceased died due to "asphyxia due to ante mortem hanging" and there was no foul play. The allegations made by the mother and brother of the deceased against Jail officials could not be substantiated and no jail officials were found guilty for dereliction of duty.

4.17 A careful examination of the available record, the commission observed that admittedly, the prisoner was in the care and custody of the State. It was the bounden duty of the prison officials to ensure safety and security of the prisoner in their custody and to ensure that he does not cause any harm to himself or anybody else but as seen in this case, it would appear that the prison authority was negligent in keeping surveillance over the activities of the prisoners giving the deceased an opportunity to commit suicide. The negligence of the authority was further manifested by the fact that a few days before the death of the under trial prisoner, i.e. on 21.1.2015 the deceased climbed up a tree located in the premises of the jail but on that day he got down safely. Thereafter the deceased was kept in isolation chamber and released only after tendering his apology on 26.1.2015.

4.18 According to the Commission, a case of violation of human rights of the accused was made out and the State of Uttar Pradesh was vicariously liable to compensate the NoK of the deceased, Afzal.

4.19 The Commission has directed the Chief Secretary, Govt. of U.P. u/s 18 (a) (i) of PHR Act, 1993 to show cause within six weeks as to why the Commission shall not recommend monetary compensation to the tune of ₹2,00,000/- (Rupees Two Lakh only) to the next-of-kin of the deceased, Afzal.

4.20 In response, the Secretary, Department of Home, Government of Uttar Pradesh, vide communication of 23.10.2017, forwarded the response of the Prison Department. The reply was very detailed but there was no reply as to how the prisoner could commit suicide by hanging himself from a tree in the premises of the jail in the broad day light.

4.21 The Commission, rejected the response of the Prison Department and recommended to the Government of Uttar Pradesh to pay ₹ 2,00,000/- (Rupees Two Lakh only) as compensation to the next-of-kin of the deceased remand prisoner, Afsal, son of Shri Akbar Khan, and directed the Chief Secretary, Government of Uttar Pradesh to send the compliance report along with the proof of payment, which is awaited.

3) *Death of one Manoj Rana in the Police Custody of P.S. Bindapur, Delhi*
(Case No. 2929/30/9/2014-AD)



4.22 The Commission received a complaint dated 27.05.2014 from Shri. R.H. Bansal, Chief Editor, Human Rights Observer, Delhi regarding death of one Manoj Rana on 26.05.2014, in the police custody of PS Bindapur, Delhi. The complainant alleged that the victim was picked up from his house by five police personnel of PS Bindapur, Delhi and took him to Police Post, Matiala where he was subjected to inhuman treatment/ assaulted/tortured, due to which the condition of the victim became critical. He was taken to DDU Hospital, New Delhi, for treatment but he was declared “brought dead” by the doctors.

4.23 The Commission took cognizance of the matter on 03.06.2014 and obtained the requisite reports after protracted correspondence. The Commission perused the record on 25.01.2017 and observed that the police officials of Police Station Bindapur, New Delhi picked up the deceased from his house and took him to Police Station where he was /tortured and beaten up. Later his dead body was found in DDU Hospital, New Delhi which was left abandoned by unknown persons in muffled faces. The enquiry magistrate has concluded that the deceased had been beaten by police officials and there were as many as 20 injury marks on the body of the deceased. The enquiry magistrate concluded that the death of the deceased was unnatural and homicidal in nature. Moreover, a charge sheet had been filed against the accused police officials in the Court.

4.24 The Commission took note of the shocking state of affairs that indicated that the police officials were involved in a criminal act of beating, torturing and killing the victim without anybody’s knowledge. No civilized law allowed custodial cruelty. The police officials crossed all the limits of civility. The conduct of the said police officials amounted to the human rights violation of the deceased, especially the right to life of the victim.

4.25 The Commission, therefore issued a notice to the Chief Secretary Government of NCT of Delhi calling upon him to show-cause as to why monetary compensation of ₹ 5,00,000/- (Rupees Five Lakhs only) should not be recommended u/s 18(a)(i) of Protection of Human Rights Act, 1993 to be paid to the next-of-kin of the deceased Manoj Rana for violation of his human rights.

4.26 Pursuant to the directions of the Commission, Deputy Commissioner of Police, Vigilance, Delhi submitted report dated 12.5.2017 which revealed that the accused police officials namely Ct. Bhoop Singh, Ct. Rajesh Solanki, Ct. Uttam, Ct. Rajesh, Ct. Sudhir and Ct. Arvind brought the victim to the old building of PS Bindapur (PP East Uttam Nagar). The deceased Manoj was subjected to torture to extract information about a gunshot fire incident and recovery of firearm and due to torture and beating he died. The police personnel took Manoj to DDU Hospital in Maruti Alto Car No. HR 19F 3741 of the accused Ct. Arvind Kumar and left his body abandoned. The report further revealed that after completion of investigation, charge sheet against the above named accused police personnel was filed before the Court on 22.8.2014.



The case was pending trial before the Court. The report admitted that in the circumstances narrated above, the above police officials have, prima facie, violated the human rights of the deceased, especially the right to life of the victim Manoj Rana. Hence, compensation may be given to the next of kin of deceased Manoj Rana.

4.27 The Commission again considered the matter on 23.05.2017 and recommended a monetary compensation of ₹ 5,00,000/- (Rupees Five Lakhs only) to be paid to the next of kin of the deceased Manoj Rana for violation of human rights.

4.28 Pursuant to the directions of the Commission, the Additional Commissioner of Police/ Complaint (Vigilance) Delhi submitted the report dated 12.01.2018 along with proof of payment of ₹ 5,00,000/- (Rupees Five lakhs only) to the next-of-kin of the deceased Manoj Rana. Since the monetary compensation has been paid to the next-of-kin of the deceased, the Commission closed the case on 31.01.2018.

4) *Death of an Undertrial Prisoner, Kamal Singh, while in the Judicial Custody, in the District Jail, Baikunthpur, Chhattisgarh due to Medical Negligence*
(Case No. 614/33/10/2013-JCD)

4.29 The Commission received intimation from the Supdt. Distt. Jail, Baikunthpur, Korea, Chhattisgarh, that an UTP Kamal Singh died in custody on 24.07.2013 while undergoing medical treatment at District Hospital, Baikunthpur.

4.30 The Commission obtained the requisite reports from the authorities and examined the same. The Commission perused the records and observed that the younger brother of UTP Kamal Singh was beaten by Prem, Charku and Sushil in their village and when the deceased intervened to save his brother from these people, he was also beaten on the head and back with an iron rod. The deceased was arrested and was lodged in the jail on 20.07.2013. On 21.07.2013, the UTP complained of fever and was provided treatment in the jail hospital. When the condition of the UTP did not improve, he was referred to CHC Manendragarh for further treatment. The treating doctor did not carefully examine the UTP while checking up his condition. The health of the deceased was not good as he was having internal injuries on his head. The UTP was subsequently referred to District hospital, Baikanthpur on 24.07.2013, where he died during treatment on the same day. The CHC doctor had not recorded the injury of the UTP in the treatment chart and rather provided medicines for fever and bleeding rectum. There appears to be medical negligence on the part of the CHC doctors in diagnosing the actual disease (head injury) of the deceased UTP Kamal Singh. Hence, the Commission took the view that human rights of the deceased have been violated and for this the State must bear the liability. The Commission, therefore, issued a notice to the Chief Secretary, Government of Chattisgrah to show cause u/s 18 of the PHRA, 1993, as to why monetary

compensation should not be recommended to be paid to the next-of-kin of the deceased undertrial prisoner Kamal Singh for violation of his human rights.

4.31 In response to the Show Cause Notice issued under section 18(e) of the Protection of Human Rights Act 1993, the State government opposed the grant of compensation on the ground that the health of the deceased (prisoner) was found perfect on 20.07.2013. On 21.07.2013 to 24.07.2013 he was admitted at CHC Mahendragarh where he was attended by three physicians and the best possible treatment was provided. Moreover, no external injury was noted on his person. Further it has been said that due to non-availability of CT scan and MRI facility at CHC Mahendragarh, the internal injuries could not be detected. Afterwards, he was sent to District Hospital, Baikunthpur where he died.

4.32 The Commission on 03.07.2017 considered the report of the State Government and observed that the report is self contradictory. If the deceased was not having any problem on 20.07.2013 then why was he admitted to CHC Mahendragarh on 21.07.2013 and kept upto 24.7.2013? Secondly, if the MO thought of some problem with his internal organs why no steps were taken to get his CT scan and MRI done at a place where these facilities were available? The suspicion of internal injury, itself is indicative of the fact that deceased was subjected to torture in jail. The Commission was therefore not satisfied with the explanation submitted and rejected the same.

4.33 The Commission, recommended to Chief Secretary, Government of Chhattisgarh to pay a monetary compensation of ₹ 2,00,000/- (Rupees Two Lakhs only) to the next of kin of the deceased undertrial Kamal Singh. After receipt of the compliance report along with proof of payment, the Commission has closed the case on 10.11.2017.

(b) Unlawful Arrest, Illegal Detention and Torture

5) *Illegal Detention and Torture of Complainant's Nephew Phuleshwar Yadav by Maharashtra Police*

(Case No. 476/13/16/2012)

4.34 The Commission received a complaint from one Anju Ramesh Yadav alleging that her nephew **Phuleshwar Yadav** was subjected to illegal detention and torture on 2.11.2011 by Maharashtra Police for reasons best known to him. The complainant disclosed that the victim was a kidney patient and after torture, the victim has suffered loss of hearing in one ear.

4.35 Pursuant to the directions of the Commission, a reply dt. 13.7.2012 received from the SP, Thane, admitted that the victim had been taken by the concerned officer to his custody for



an enquiry into a case of theft but he was neither detained nor assaulted, rather after enquiry he was let off. But the report failed to give the case number and name of the informant of the case in connection with which the victim was taken into in his custody for an enquiry. The information furnished in the report appeared not to be convincing and satisfactory. So the Commission directed for a fresh enquiry into the matter by another officer. In response to the same, a report dt. 16.3.2016 was received from the DCP, Zone-X, Mumbai according to which the victim was involved in a crime No. 448/2011 u/s 454/457/380 IPC, but on verification it was found that the said case was related to an offence u/s 302 IPC of a different Police station in which the trial had already been concluded and the accused were acquitted. The victim had nothing to do with the said case as he was in no way connected to the facts and circumstances of the case. In both the reports, the Police version was that the complainant's husband and nephew both had criminal antecedents and nexus. A copy of the report was transmitted to the complainant for her comments.

4.36 In her comments, the complainant made very serious allegations against the Police of concealing the truth to save the skin of a named officer whose misconduct was clearly established. The complainant while asserting that none of her family members had any criminal nexus and antecedents, challenged Police authority of Mumbai to substantiate the charges made against the complainant and her family members. She asserted that not an iota of evidence could be produced against her family members of their involvement in any crime whatsoever.

4.37 The Commission carefully considered the facts and circumstances of the case and examined the material on record. Police wanted a custodial interrogation of the nephew of the complainant for his alleged nexus with some crime. Though, Police stated that the victim was neither detained nor assaulted but it miserably failed to explain why he was taken to custody at all without any entries in the Police Station records. Besides, they failed to comply with the direction of the Hon'ble Apex Court on custodial interrogations and could not give an iota of evidence of his involvement in any crime whatsoever. Therefore, it was crystal clear that the victim was subjected to an illegal police action in violation of his human rights for which the State should be held vicariously liable.

4.38 In the circumstances, vide proceedings dated 28.07.2017, the Commission directed the Chief Secretary, Govt. of Maharashtra to show cause u/s 18 (a) (i) of PHR Act, 1993 as to why a compensation of ₹ 10,000/- (Rupees Ten Thousand only) should not be recommended to be paid to the victim. Vide its further proceedings dated 02.05.2018, the Commission recommended Government of Maharashtra to make payment of compensation to the victim and submit compliance report, which is awaited.

4.39 The matter is under consideration of the Commission



(c) Police High-handedness

6) *Suicide by a Family due to Police Inaction*

(Case No. 2981/7/6/2013)

4.40 The matter related to an unfortunate incident of death of an entire family (except a lone survivor) by consumption of poison due to the indignity, stigma and insult perceived by poor Mahender, father of the victim who was subjected to sexual assault by a miscreant. Ironically, the miscreant was acquitted by the trial court due to the inability of the prosecution to produce the victim girl in the court at the time of trial despite several opportunities given to them.

4.41 The Commission vide its proceedings dated 04.02.2016 directed the DGP, Haryana to get an enquiry conducted into the matter by CB/CID under his personal supervision and take disciplinary action against the erring police official/s found responsible. Further the Director, (Prosecution), Haryana was also directed to examine the possibility of filing an appeal against the judgment of acquittal.

4.42 In response, a report dated 09.06.2016 was received from the DGP, Haryana informing that the matter in question had been enquired into by the CB/CID and necessary instructions were issued to the DSP, Barwala in FIR No. 2212/2013 u/s 346/363 IPC to rescue the victim girl with all sincerity. It was intimated that the departmental action has been initiated against the erring police personnel. A report dated 25.05.2016 was also received from the Director (Prosecution), Haryana stating that the matter was re-examined by him thoroughly and no additional ground was found for preferring an appeal against the judgment of acquittal.

4.43 The Commission, considered the matter again when it found that after recording the statement of the victim u/s 164 Cr.P.C. on 23.05.2012 she was found missing from her house. The Commission observed that missing of a victim soon after registration of a rape case was very serious which should have been taken note of by the Police with abundant precaution. The police only made a DD Entry and the same was endorsed to PS Uklana, Hissar. No sincere efforts seem to have been made by the Police to rescue her. Finally Police registered a case on 22.02.2013 vide FIR No. 54/2013 u/s 346 IPC at P.S. Uklana, Hissar by converting the DD Entry to FIR but by then much time had elapsed and whereabouts of the victim remained a mystery for which the prosecution failed to produce the victim at the time of trial. During this period, the parents of the victim turned hostile due to circumstances beyond anybody's comprehension. The incidents that engulfed the poor Mahender during this period cost him his entire family leaving behind the missing daughter. Though negligence in absolute terms could not be attributed to the entire police authorities but the negligence of particular officials played a major role to dishearten the man against the system that drove him to take



a decision to eliminate his entire family. Hence, the Commission was of the view that the loss of family of Mahender due to Police negligence amounted to a violation of his human rights. In the circumstances, the Chief Secretary, Government of Haryana was directed to show cause u/s 18 (a) (i) of PHR Act, 1993 as to why a compensation of ₹ 1,00,000/- should not be recommended to be paid to the victim.

4.44 Vide its further proceedings dated 14.03.2018, the Commission directed the Govt of Haryana to submit the compliance report. The matter is under consideration of the Commission.

7) *Death of one Villager Ismail Miah in Firing by BSF in Ram Nagar, Tripura*
(Case No.19/23/4/2015-PF)

4.45 Shri Duryodhana Reddy, a human rights activist has drawn the attention of the Commission towards a newspaper report published in "The Hindu" on 08.06.2014 relating to the death of a villager, Ismile Miah in firing by the BSF on 07.06.2014 at Ramnagar in Tripura. It was alleged that no ex-gratia amount was paid to the family of the deceased as yet.

4.46 Pursuant to the directions of the Commission, the Director-General of Police reported that the complaint was inquired into by the Superintendent of Police, West Tripura. 06.06.2014, some villagers were passing their time in the open air near the NAKA point. At around 8:30 p.m., Constable Sandeep Kumar, suddenly came and started arguing with the villagers. When one Mr. Kanu Miah protested against the behaviour of the jawan, the said BSF jawan thrashed him and left. When an alarm was raised in this regard, many villagers instantly gathered at the spot. At this juncture, Constable Sandeep Kumar, suddenly advanced from NAKA Point towards the villagers and began firing indiscriminately from his service weapon without any caution to the villagers. On account of the indiscriminate firing, the victim died at the spot and more than 12 civilians received injuries. A large number of people also assembled there and seeing the scenario the said BSF constable committed suicide using his service rifle. A case under section 302/307/326 and 28 of the Arms Act was registered against the BSF personnel who got abated on account of death. An amount of ₹ 120,000 was sanctioned for cost of medicine in connection with treatment of 10 injured persons by SDM, Sadar and an amount of ₹ 15,000 (Rupees fifteen thousand only) was paid to the wife of deceased victim.

4.47 The Commission considered the matter on 22.05.2017 and observed that it stands established that the victim died on account of the injuries suffered in the indiscriminate firing by the BSF soldier on 6 June 2014. The compensation of ₹ 15,000 rendered by the SDM, Sadar is highly inadequate. Hence, the Commission directed the Government of Tripura to pay a compensation of ₹ 3,00,000 to the family of the victim.

4.48 The compliance report is awaited.

8) *20 year old Mayur Singh Picked up and Tortured in Custody by Satna Police, Madhya Pradesh*

(Case No. 1701/12/38/2013)

4.49 The Commission received a complaint dated 14.8.2013 from Mahima Singh w/o Amarjeet Singh stating that her son Mayur Singh, aged 20, was picked up by the police in civil dress from her home under P.S Kalgawa, District Satna, Madhya Pradesh at night of 6.08.2013 and also took away the licensed gun of her husband with them. He was tortured in police custody and was produced in the Court on 07.08.2013 and sent to judicial custody. He was admitted in district jail hospital and on the advice of the Medical Officer, was referred to District Hospital, Satna.

4.50 Vide proceedings dated 26.08.2014, the Commission considered the Inquiry report conducted by the Superintendent of Police, Satna wherein the allegation of custodial torture was denied.

4.51 The Commission after much follow up obtained the health screening report along with treatment records of Mr. Mayur Singh and got them examined through the medical expert in the panel of the Commission. It was reported that Mr. Mayur Singh was diagnosed with Proctitis (inflammation of the anus and the lining of the rectum). On anal examination, it was noted that his anus was tender and inflamed. In the opinion of the medical expert, the spectrum of clinical findings noted in Mr. Mayur Singh could be possible due to injection of petrol into anal orifice.

4.52 The Commission vide proceedings dated 30.11.2015 issued a notice u/s 18(i)(a) of the PHR Act, 1993 to the Govt. of M.P. through its Chief Secretary asking him to show cause within 6 weeks as to why the monetary relief of ₹ 50,000/- should not be recommended to be paid to the victim for violation of his human rights.

4.53 Although after considerable delay, the Commission has received compliance reports along with proof of payment. Case was closed on 21.01.2018.

9) *One Uday Singh set ablaze by Personnel of Delhi Police, P.S. Neb Sarai*

(Case No. 6565/30/8/2013)

4.53 In a complaint received by the Commission, it was alleged that two police officials named in the complaint set ablaze the victim Uday Singh on 09.11.2013, who suffered 95% burn injuries and was struggling for his life in Safdarjung Hospital, New Delhi. It was stated that the policemen attempted to extort ₹ 20,000/- as bribe from an Auto driver Navin and when he refused to pay the amount, they attacked his father Uday Singh.



4.54 As directed by the Commission, Investigation Division of the Commission conducted the spot inquiry. It was reported that in this connection, Crime No. 536/13 was registered at PS, Neb Sarai against the erring police officials. During investigation the victim Udai Singh died and the accused were arrested on the basis of the dying declaration of the deceased. Departmental action was initiated against the accused.

4.55 Having considered the report the Commission directed the Chief Secretary, Govt. of NCT of Delhi to pay monetary relief of ₹ 200,000 (Rupees Two Lakhs only) to the Next-of-Kin of the deceased Udai Singh and ₹ 50,000 (Rupees Fifty Thousand only) to injured Naveen.

4.56 The Dy. Commissioner of Police, Vigilance, Delhi vide communication dated 04.08.17 informed that the recommended amount has been paid to the Next-of-Kin of the deceased and the injured. Proof of payment has been enclosed. The case has been closed on 21.11.2017.

10) A Minor Girl Raped by Sub-Inspector, District Osmanabad, Maharashtra
(Case No. 1803/13/21/2016-WC)

4.57 The Commission received a complaint from one Shri Triveni Bansal, a Human Rights Activist alleging that on 05.08.2016, a minor girl (aged 16 years) was raped by a Sub Inspector of Maharashtra Police in Osmanabad District, Maharashtra. He further alleged that an FIR was lodged by the victim at Anand Nagar Police Station and rape was confirmed in the medical examination. The complainant requested for a high-level inquiry, action against the accused person and compensation to the victim.

4.58 Pursuant to the directions of the Commission, Addl. S.P., Osmanabad, Maharashtra sent a report stating that case crime No.101/2016 u/s 376, 376(i) (A), 376(2) (I), 376(2) (N), 376(2)(K), 354, 354 A(II) (III), 506 IPC and section 3(a), 4, 5(4) 6, 8, 10, 11 (3), 12 of POCSO r/w Section 67 B (b) IT Act , 2000 was registered in connection with the incident at Anand Nagar police station on 06.08.2016 . After investigation of the case, charge sheet No.35/2016 dated 21.10.2016 was filed in the Court of Chief Judicial Magistrate, Osmanabad and the case was pending trial.

4.59 Upon consideration of the above report, the Commission noted that the public servant had committed an offence on a minor girl and took the view that she should be monetarily compensated for violation of her human rights. The Commission vide its proceedings dated 20.04.2017 issued notice u/s 18 of the Protection of Human Rights Act, 1993 to the Government of Maharashtra requiring it to show cause as to why an amount of ₹ 3,00,000 (Rupees Three Lakhs only) be not recommended to be paid to the minor girl, who was raped by the S.I. of Police.

4.60 In response to the show cause notice, Superintendent of Police, Osmanabad vide communication dated 17.09.2017 informed that a sum of ₹ 3.00,000 (Rupees three lakhs only) had been paid to the victim girl under the Manodhairya Scheme of Maharashtra State Government.

4.61 In view of compliance of its recommendation, the Commission vide proceedings dated 05.10.2017 closed the matter.

(d) Police Firing and Encounter

11) Death of one Lakhan Boro aged 28 Years in an Encounter with Army in Baksa, Mushalpur, Assam

(Case No. 380/3/0/2012-AF)

4.62 The Commission received intimation from the Superintendent of Police, Baksa, Mushalpur, Assam regarding death of one Lakhan Boro, aged 28 years on 11.02.12 in an encounter with Army. A complaint was also received from Shri Tejang Chakma on the same incident which was registered as case No. 161/3/0/2013-AF and clubbed with the instant case.

4.63 The Commission perused the record, particularly the post-mortem report, magisterial enquiry report, inquest report and other relevant material, received in response to its direction. The Inquest Report indicated multiple bullet injury marks on the body of the deceased while the post mortem report indicated more than nine injuries. The cause of death was opined to be due to hemorrhage and shock caused by firearm injuries.

4.64 The magisterial enquiry of the incident was conducted by SDM Tamulpur. The Enquiry Magistrate recorded the statements of Army personnel involved in encounter, police personnel who were present at the spot at the time of encounter, wife of the deceased and also examined the relevant records. A case vide FIR No. 101/12 u/s 379/302 IPC at PS Goreswar was also registered on the complaint of wife of deceased. The Enquiry Magistrate had observed some contradictions in the statements of Army personnel and opined that firing was prompted by the fear of attack. No firing took place from the side of the deceased while he was trying to run away.

4.65 Upon consideration of the reports, the Commission in its proceedings dated 13.04.2017 took the view that the encounter was not genuine and observed that the State Govt. must, therefore, compensate the next of kin of the deceased person. The Commission, therefore, issued a notice to the Chief Secretary, Government of Assam u/s 18 of the Protection of Human Rights Act, 1993 to show cause as to why it should not make a recommendation for payment of compensation of ₹ Five lakhs for their next-of-kin of the deceased Lakhan Boro.



4.67 In response to the show-cause notice, the Joint Secretary to the Government of Assam, Home & Political Department vide communication dated 19.07.2017 stated that the Commission might consider the submissions made in the report and pass necessary orders as deemed appropriate.

4.68 In view of the reasoning mentioned by the Commission in its proceedings dated 13.4.2017, the Commission confirmed the show-cause notice and recommended to the Chief Secretary, Government of Assam to pay a sum of ₹ 5 lakhs to the next of kin of the deceased Lakhan Boro. Compliance report is still awaited.

4.68 The matter is under consideration of the Commission

(e) Atrocities in Prisons

12) *Death of Chandrahas S/o Babu Rajput dies while in District Jail, Muzaffarnagar, U.P.*

(Case No.26132/24/57/2016-JCD)

4.69 This case pertains to the custodial death of a convict prisoner Chandrahas (age 38 years), S/o Babu Rajput on 24.06.2016 while in the custody of District Jail Muzaffarnagar, U.P.

4.70 Pursuant to the directions of the Commission, Supdt. District Jail, Muzaffarnagar submitted a report dated 14.07.2016 stating that the prison guards, Shri Subhash Kumar, Shri Sanjay Singh and Shri Ulfat Singh were suspended for prima facie negligence on their part and departmental action has been proposed against them.

4.71 The Commission perused the record, particularly the medical treatment records, post-mortem report and the magisterial enquiry report, received in response to its directions. It was observed that 30 year old man was beaten by his co-prisoners inside the prison and the deceased died of injuries caused to him during the fight. He went into coma as a result of ante-mortem injuries. The enquiry Magistrate also concluded that the death of prisoner Chandrahas took place due to injuries caused to him by other co-prisoners.

4.72 The Commission, therefore, took the view that the life of the prisoner Chandrahas could not be protected by the jail authorities. It was the duty of the State to protect the life of prisoners in the prison and in the instant case the prison officials had failed to do so. Therefore, the State was vicariously liable for the death of prisoner Chandrahas for violation of his human rights. The Commission, therefore issued a notice to the Chief Secretary, Govt.

of Uttar Pradesh, calling upon him to show cause as to why monetary compensation of ₹ 3,00,000/- (Rupees three lakhs) should not be recommended u/s 18(a)(i) of the Protection of Human Rights Act, 1993 for violation of the human rights of deceased Chandrahas to be paid to the NOK of the deceased.

4.73 The Commission considered the response filed by the prison authorities, Government of UP, on 01.12.2017 and observed that Chandrahas was handed over to jail administration as per law to produce him before the court concerned as and when required. It was the responsibility of the jail officials to keep him safe, fit and fine so as to face the trial before the competent court. The jail authorities cannot escape their liability for the death of the deceased Chandrahas by taking the plea that he was killed by the co-prisoners. The facts reflect that there was lack of supervision and watch over the activities of the inmates by the jail officials. The most important aspect of the incident is that the prisoners were having weapons to cause injuries to the fellow prisoner. These instruments of causing hurt could not have found its way into the prison without the connivance or negligence of the jail staff. The then jail staff was highly negligent in performance of their duty and as a result this incident took place. Had the jail authorities taken preventive action, the life of deceased Chandrahas could have been saved.

4.74 The Commission therefore rejected the contentions of the State and recommended monetary compensation of ₹ 300,000/- (Rupees Three Lakhs only) to be paid to the next of kin of the deceased prisoner Chandrahas by the Government of UP for violation of human rights by the prison authorities of Muzzaffarnagar. The Commission further directed the Chief Secretary, Government of UP, to submit the outcome of departmental enquiry against the remaining jail officials/officers. The compliance report along with proof of payment and status of departmental action is awaited.

13) Female Undertrial Prisoner raped by Jail Staff in District Jail, Shaikhpura, Bihar
(Case No.1856/4/34/2013)

4.75 The Commission received a complaint dated 19.05.2013 from Sh. R.H. Bansal, Secretary General, Antarrashtriya Manav Adhikar Nigrani Parishad, Delhi informing that in District Jail, Sheikhpura, Bihar, an under trial female prisoner was raped by prison staff Devendra Ram.

4.76 The Commission took cognizance on 22.5.2013 and obtained a report from the District Magistrate, Sheikhpura, Bihar on 30.5.2013 which revealed that in connection with the incident a case at crime No. 150/13 dated 17.5.2013 was registered u/s 376(2)(c)/34 IPC on receipt of the complaint on 15.5.2013. The case was under investigation. The victim was sent to hospital for examination and the exhibits taken were sent to FSL, Patna for examination. In



the statement of prosecutrix/victim recorded u/s 164 Cr.P.C, she categorically stated before the court that she was raped by prison staff, Devendra in the women ward on 5.4.2013

4.77 The report was considered by the Commission on 10.07.2014 and being a clear case of violation of human rights of the woman in custody, issued a notice u/s 18(a)(1) of Protection of Human Rights Act (PHRA), 1993 to Chief Secretary, Government of Bihar to show cause as to why the victim should not be recommended monetary relief.

4.78 The response from the State Government was considered by the Commission on 22/11/2017. The Commission observed that the fact cannot be denied by the authorities that the prosecutrix had levelled serious allegations of rape by the jail official, inside the premises of the jail. It is an offence against the body of the individual which is protected under Article 21 of the Constitution. The police authorities after thorough investigation, prima facie, found the allegation to be true and had submitted the charge sheet against the accused person for trial before the competent court. In these circumstances, the Commission does not find any merit in the response submitted by the State of Bihar. Accordingly, the Commission recommended the Government of Bihar for payment of ₹ 3, 00,000/- (Rupees three lakhs only) to the victim for violation of her human rights. The compliance report is awaited.

14) Prisoner not taken to Court for Hearings due to Non Availability of Police Guards
(Case No.27705/24/1/2016)

4.79 The Commission received a complaint dated 12.07.16 wherein the complainant, Shambhu, an inmate of Central Jail, Agra alleged that he is not taken to the Court on the dates of hearing of his case due to non availability of police guards, causing delays in the adjudication of his case by the Court.

4.80 In response to the directions of the Commission, a communication dated 31.12.16 was received from the DM, Agra, UP according to which the complainant is a life convict in one case as well as under trial in two other cases which are pending in different Courts. The jail administration placed demand for guards to SSP, Agra and Inspector, Police Lines, Agra for producing the jail inmates in different Courts. The jail inmates could be produced before the Courts only when the police guards were provided. There is no negligence on the part of the jail administration in this regard. Details of the dates of hearing by the Courts and the availability/non-availability of guards on those dates were given.

4.81 The Commission considered the material placed on record on 14.06.2017 and noted that the police guards were not provided on 9 hearings out of 23. It is the responsibility of the police administration to provide guards on the dates of hearing for taking the jail inmates to the Courts and bringing them back. It is apparent from the details of non-availability of

police guards, that the police administration is acting in a casual manner and lacks seriousness on the issue of providing police guards for Court hearing which results in delays in the hearing of the cases. In these circumstances, the Commission directed the DGP, UP to issue instructions to the concerned SSPs to ensure that police guards are provided without fail to jail authorities for taking the jail inmates to Court for hearing of the cases and bringing them back so as to avoid delays in the hearing of case.

4.82 In response, a report dated 2.9.2017 was received from the SP (HR), o/o DGP UP stating that between January to July 2017, ten requests were received out of which in five requests police guard was made available for taking the complainant from District Agra to District Amroha. In remaining five requests guards were not provided due to VVIP duties, by-polls and fair duties of the police officials. Instructions have been issued to the Police Line Agra to provide security guards to jail authorities on priority.

4.83 The Commission further considered the matter on 26.12.2017 and observed that complaints are periodically received regarding non-availability of security guards for taking the convict prisoners either for medical treatment or for producing them on court dates. The complaints are received on Pan India basis and directed to place the matter before the Full Commission for issuance of general guidelines on all India basis so as to avoid multiplicity of such cases.

4.84 The matter is under consideration of full Commission.

15) Disability Caused to the Tihar Jail Inmate Chander due to the Injury Sustained in Jail kitchen while working

(Case No. 3595/30/9/2015)

4.85 The Complainant, convict Chandar, lodged in Central Jail-5, Tihar, New Delhi has alleged about not providing adequate compensation for the loss of his hand crushed in the atta kneading machine of jail kitchen.

4.86 Pursuant to the directions of the Commission, the Director General (Prisons), Headquarters, Tihar, New Delhi reported that the complainant is serving life sentence and was assigned labour in Langar to prepare food along with other inmates. On 03.04.2015, it was found that right hand of the convict got accidentally stuck in the Atta Kneading Machine. The jail officials immediately pulled his hand out with the help of other prisoners. After giving first aid, prisoner was taken to the DDU Hospital for further management and later referred to the Trauma Centre of AIIMS, where he was operated and kept in the ICU. An amount of ₹ 50,000/- was handed over to Ms. Kavita, wife of Shri Chandar Singh. The process for providing artificial hand to the said convict was under process.



4.87 The Commission considered the matter on 21.11.2016 and directed the DG (Prisons), Tihar, New Delhi to send a report on the percentage of disability caused to the victim due to the injury sustained and status of providing artificial hand to him.

4.88 The Superintendent, PHQ, Delhi Prisons reported that according to the report of the Jail Medical Officer, the disability caused to the victim due to injury is permanent in nature and as per the DDU Hospital, the disability is 69%. An artificial hand was got prepared from the AIIMS, but the inmate refused to take the hand prepared by the PMR Department of AIIMS. The convict submitted an application with the request to provide him mechanical hand by which he can do his day-to-day work and the matter was under consideration for needful possible.

4.89 The Commission considered the matter on 11.10.2017 and observed that violation of human rights is, prima facie, made out and directed to issue a notice under Section 18 of the Protection of Human Rights Act, 1993 to the Government of NCT of Delhi through its Chief Secretary as to why the Commission should not recommend an adequate amount as compensation to the victim. Also directed the Director General (Prison), Tihar, New Delhi to ensure that the convict is provided the latest artificial hand by the Administration and send a report in this regard.

4.90 The Commission rejected the reply of the Prison Department that the accident was result of victim's negligence and reiterated to pay ₹ 1,00,000/- as compensation to the convict, Chandar, in addition to ₹ 50,000/- already paid to his wife, Smt. Kavita. Also directed the Director General (Prisons), Headquarters, Tihar, New Delhi to send a report as to whether the convict has been provided with latest artificial hand by the Administration or not.

4.91 The matter is under consideration of the Commission.

(f) Electrocution Cases

16) *Death of a 15 Year Old Boy Shoaib due to Electrocution while causing Injuries to his Brothers*

(Case No.17753/24/19/2014)

4.92 The Commission received a complaint dated 20.05.2014, from Sh. Imtiyaz Khan, Vice Chairman of an NGO, enclosing therewith a copy of a newspaper cutting, published in the "Bharat Ekta Times". As per the newspaper report, Sohaib, aged 15 years died due to electrocution and five other villagers got severe injuries due to flow of high voltage of current into their houses. The incident took place due to negligence of the officials of Electricity Department.

4.93 The Commission on 06.06.2014 took cognizance and obtained reports from Principal Secretary, Electricity Department, Govt. of Uttar Pradesh. The Commission considered the matter on 04.02.2016 and observed that the incident took place due to flow of very high voltage of electric current in the LT Line, transmitting the electricity to the Villages as a result of which a high voltage of current passed to the pedestal Fan, resulting in death of Shoaib Ahmed and injuries to his brothers and one Shakuntala Devi. Therefore the death was caused due to negligence on the part of Electricity Department. Secondly it was the duty of the Electricity Department to prevent use of illegal electric connection which they failed to discharge. Therefore the State Govt. is vicariously liable for the death of Shoaib Ahmed and injuries to others. In this regard the Commission placed reliance on the decisions of the Hon'ble Supreme Court of India in the matter of MC Mehta Vs Union of India (AIR 1987 SC 965) and M.P. Electricity Board Vs Shail Kumari & Others [(SCC (2002) 2, 162].

4.94 The Commission took the considered view that the human rights of the deceased as well as the persons who have got injured due to negligence of the Electricity Deptt. of Govt. of UP, have been violated. And, therefore, the Commission issued a Notice u/s 18 of Protection of Human Rights Act (PHRA), 1993, to the Chief Secretary, Govt. of UP, calling upon him to Show Cause within six weeks as to why compensation should not be recommended to be paid to the Next-of-Kin of the deceased Sh. Shoaib Ahmed and 03 other injured persons namely, Suhail Ahmed, Gulfam Ahmed and Smt. Shakuntala Devi.

4.95 The Commission further considered the matter on 23/11/2017 and having received no response from the Chief Secretary, Government of UP, assumed that the Government of UP has nothing to say in the matter. Thus the Commission recommended payment of monetary compensation of a sum of ₹ 200,000 (Rupees Two lakhs only) to the next of kin of the deceased Shoaib Ahmad for violation of his human rights. Injured Suhail Ahmed and Gulfam Ahmad who got injured due to electrocution were recommended monetary compensation of ₹ 15,000/- each and Smt. Shankutala Devi w/o Kallu Ram was recommended monetary compensation of Rs 40,000/- to be paid by the Government of UP for violation of their human rights within eight weeks.

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

17) *Low Lying 11 KV Electric live-line causes Death of 60 Year Old Braj Kishore Sahu in Village Badarupa, District Badrak, Odisha.*

(Case No.5685/18/18/2016)

4.97 The Complainant, Shri Radhakanta Tripathy, a human rights activist alleged that on 16.09.2016, one Braja Kishor Sahu, aged about 60 years of Village Badarupa, District Bhadrak,



Odisha was going to his paddy fields where he came in contact with low hanging live 11 KV electric line and died on the spot.

4.98 Pursuant to the directions of the Commission, the Superintendent of Police, Bhadrak reported that a case under Sections 304A/34 IPC was registered and investigation was in progress. The Additional Secretary, Department of Energy, Government of Odisha reported that the Executive Engineer-cum-Deputy Electrical Inspector, Bhadrak, during enquiry found that due to tilting of the pole, the conductor was hanging at a low height of about 2 mtrs. for more than one year which was informed to the NESCO officials by the local villagers. But the NESCO authorities had not taken timely action to bring back the sagged conductor to a healthy position. As the accident spot was nearly 12 kms. from feeding sub-station, the tripping mechanism of circuit breaker was not sufficient to isolate the line at the time of accident. Hence, NESCO authorities are responsible for this accident.

4.99 The Commission considered the reports and observed that since the Executive Engineer-cum-Deputy Electrical Inspector, Bhadrak, has found the NESCO authorities responsible for the accident, the Government of Odisha was vicariously liable for the death of the farmer, Braja Kishor Sahu and it should make reparations to his next-of-kin. The Commission directed the Government Odisha through its Chief Secretary to Show Cause as to why the Commission should not recommend payment of ₹ 2 00,000/- as compensation to the next-of-kin of the deceased Braja Kishor Sahu.

4.100 In response, the Executive Engineer of Bhadrak North Electrical Division, NESCO Utility, stated that on the fateful day, the conductor was not snapped and was in safe condition. The accident might have caused due to lightening.

4.101 The Commission considered the report and observed that the explanation given by NESCO has no credence in the light of the enquiry report dated 30.05.2017 of the Executive Engineer-cum- Deputy Electrical Inspector, Bhadrak, who has found NESCO responsible for the accident with sound reasoning. The Commission, therefore, recommended to the Government of Odisha to pay ₹ 2, 00,000/- as compensation to the next-of-kin of the deceased Braja Kishor Sahu. Compliance report is awaited.

(g) Pollution and Environment Cases

18) Septic Tank in the Railway Colony at Palakkad causes Contamination of Adjacent Water Bodies posing Environmental Hazard

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

4.102 The complainant K. Meenakshi Amma is a senior citizen, residing next to railway compound at Ganeshgiri of Shoranur Municipality of Kerala. Her grievance was that the

Railway has constructed a septic tank in the Railway Colony premises for the purpose of cleaning the toilet cum waste water of the inhabitants of the Railway Colony. Since the construction was not perfect, the sewage is coming out, contaminating the water in her well and the surrounding areas. The matter was reported to the concerned authorities but no action was taken by them. On account of the aforesaid reason, she is not getting drinking water. People living in surrounding areas of the railway quarters also depend on her well water in summer season.

4.103 The Commission took cognizance on 11.05.17 and called for a report from the Divisional Railway Manager, Palakkad Division, Kerala. In response to the directions of the Commission, the Divisional Railway Manager (Works), vide communication dated 08.06.17, informed that complaints were received about the broken earthen pipes, clogged sewages and frequent toilet blocks. The matter was enquired and accordingly, tender was called and the work was done. Further on the basis of the agitation from local public, Pollution Control Board officials have inspected the site and observed that septic tank was structurally alright with no leakage being found, but advised to shift the leach pit further away from the well. But the local residents did not agree to divert the sewage to new septic tank. In order to satisfy the public, the entire sewage is being diverted to old septic tank and the work is nearing completion.

4.104 A communication has also been received from the complainant wherein she has thanked the Commission for intervention and getting the problem resolved. The Commission has considered the report submitted by the Divisional Railway Manager (Works) Southern Railway, Palghat and also the comments of the complainant, on 03.05.2018. Since the complaint has been resolved and the complainant is satisfied, no further action is called for in the Commission. The matter stands closed.

Other important Cases

19) 7 Year Old Boy loses Life due to Attack by Stray Dogs in Jamia Nagar, Delhi (Case No. 4375/30/8/2015)

4.105 This case relates to a news report published in the Hindustan Times, Delhi, dated 05.08.2015 under the caption "Five stray dogs attack 7-year-old in Jamia Nagar". The boy died due to attack and bite of five stray dogs.

4.106 The Commission, vide its Proceedings of 01.01.2018, having considered the report of the South Delhi Municipal Corporation and the Under Secretary, Ministry of Health & Family Welfare, Government of India, came to the conclusion that the South Delhi Municipal Corporation failed in its duty towards the victim child who succumbed to his injuries of dog



bite. This amounted to violation of his human rights (right to life) for which the Government of NCT of Delhi was liable to make reparations to the next-of-kin of the deceased child.

4.107 Hence, the Commission, vide its Proceedings of 01.01.2018, issued a notice under Section 18(a) (i) of the Protection of Human Rights Act, 1993, to the Government of NCT of Delhi, through its Chief Secretary, requiring it to show cause as to why the Commission should not make a recommendation for the payment of ₹ 100000/- to the next-of-kin of the deceased child.

4.108 In response, the Additional Director (VS)-II, South Delhi Municipal Corporation, New Delhi, sent his reply dated 28.02.2018, giving details of infrastructure available for sterilization and immunization of stray dogs at the four veterinary hospitals of the Government of NCT of Delhi. The South Delhi Municipal Corporation was to establish the additional dog sterilization centers in order to control the population of the stray dogs in a time bound manner. The reply claimed that in the Delhi Municipal Corporation Act, there was no provision for making the payment of compensation in such matters.

4.109 The Commission considered the reply of the South Delhi Municipal Corporation, New Delhi, and observed that it is needless to reiterate that it is the duty of the South Delhi Municipal Corporation to protect the children from menace of stray dogs. The South Delhi Municipal Corporation failed in its duty towards the victim child amounting to violation of his human rights (right to life), for which the Government of NCT of Delhi is vicariously liable to make reparations to the next-of-kin of the deceased child.

4.110 The Commission, therefore, vide its Proceedings of 23rd March, 2018, recommended to the Government of NCT of Delhi to pay ₹ 1,00,000/- (Rupees One Lakh only) as compensation to the next-of-kin of the deceased seven year old child, and directed the Chief Secretary, Government of NCT of Delhi to send within six weeks the compliance report along with the proof of payment.

4.111 The matter is under consideration

20) *Death of 39 Villagers in an Attack by a group of unidentified miscreants suspected to be members of banned outfit of NDFB(S) in the villages of Kokrajhar and Baksa Districts of Assam*

(Case No. 215/3/11/2014)

4.112 This case pertains to two incidents in which a group of unidentified miscreants suspected to be members of banned outfit of NDFB(S), armed with deadly weapons attacked the villagers of Balapara and Nonke Khagrabari villages, Assam on 1.5.2014 and 2.5.2014 respectively. 39 villagers had died and four persons received bullet injuries in the incident.

Some of the survivors made a specific complaint that when the villagers rushed to the forest beat office in Khagrabari, the forest personnel instead of helping, fired at them and set some of the houses on fire

4.113 During the inquiry initiated by the Commission, it was informed that the investigation of the two incidents in question had been taken over by National Investigation Agency (NIA). The charge sheet was also filed in both the cases before the court. It was also revealed that 36 villagers were killed by the alleged cadres of NDFB in the incident in collusion with the forest officials and involvement of four forest officials had also been established.

4.114 The Commission while considering the report of NIA on 06.01.2017, observed that since the forest officials had colluded with the NDFB cadres to massacre 36 villagers of Nonke Khagrabari and Balapara, the State of Assam is vicariously liable for the death of innocent villagers. Hence, a notice was issued under Section 18(a) (i) of the Protection of Human Rights Act, 1993, to the Government of Assam, through its Chief Secretary, requiring it to show cause as to why an amount of ₹ 5,00,000 (Rupees Five Lakhs only) each as monetary relief be not recommended to be paid to the NoK of the deceased persons and ₹ 100,000 (One Lakh) each to the four injured persons.

4.115 Secretary to the Govt. of Assam, Revenue & Disaster Management Department vide communication dated 21.08.2017 informed the Commission that the four persons, who were injured in the incident, had been paid an amount of ₹ One Lakh each. The proof of payment of ₹ One Lakh paid to the four injured persons along with the proof of payment of ₹ Five Lakhs each paid to the NoK of the 39 deceased persons died in the incident had also been enclosed.

4.116 Since the charge-sheets has been filed in the Court and the monetary compensation recommended by the Commission had also been paid to the Nok of the deceased persons as well as to the injured persons by the State Government, the Commission vide proceedings dated 06.11.2017 closed the matter.

***21) Delay in Acceptance of Nomination for Family Pension by Ministry of Defence
(Case No. 156/11/1/2016)***

4.117 The Complainant, Shri S. Natarajan, resident of Haripad, District Alappuzha, Kerala, in his complaint dated 08.03.2016, has stated that, he superannuated from AFHQ civil services from the office of OFC, Ministry of Defence on 31.01.2001. At the time of retirement, he nominated his wife for family pension after his death. After the death of his wife in December 2014, the Complainant wants his disabled son, Prasant Natrajan, who is suffering from cerebral palsy with hemiparasis(R), to get family pension after the death of the pensioner/Complainant.



The Complainant has already given representations to the Ministry of Defence to this effect. In spite of sending revised medical certificate, the PCDA (P), Allahabad is not accepting the case.

4.118 Pursuant to the directions of the Commission, the Joint Secretary (Trg.) and CAO, Ministry of Defence, Government of Kerala, sent its report dated 25.05.2016. As per the report, the case for inclusion of name of the disabled son in the PPO of the Complainant was again forwarded to the PCDA through PCDA (HQ), New Delhi on 26.04.2016.

4.119 Having considered the report, the Commission vide speed-post dated 09.08.2016, transmitted a copy of the report to the Complainant for his comments, if any. The Complainant vide his comments dated 18.08.2016, informed the Commission that the name of his permanently disabled son Prashant Natrajan was added in his PPO. Thus, his grievance in the matter stood addressed.

4.120 Since the grievance of the Complainant was addressed, no further intervention of the Commission was required, and the case was closed on 12th February 2018.

22) *Delay in Settling Terminal Benefits to Shri Sunhera Singh, Retired as an Accountant from Paschimanchal Vidyut Vitran Nigam, Meerut*

(Case No.19804/24/57/2016)

4.121 The Commission received a complaint on 13.05.16 wherein the complainant alleged that he has not received his pension after his retirement in 2013 from the Department of Power, U.P.

4.122 Pursuant to the directions of the Commission a report dated 22.09.2016 from the Managing Director, Paschimanchal Vidut Vitran Nigam Ltd., Meerut was received according to which all the terminal benefits like provisional pension, gratuity and provident fund have been sanctioned by the Corporation to Shri Sunhera Singh, Accountant (Retd.) vide letter no. 5159/Dy. G.M. (Accounts)/Pension/13305/13-14 dated 19.09.2016. A copy of the sanction letter was attached to the report.

4.123 The Commission considered the material placed on record on 01.06.2017. As per the report received from the Managing Director, Paschimanchal Vidut Vitran Nigam Ltd., Meerut, sanction towards pension, gratuity, provident fund has been issued in respect of the complainant. Copy of the sanction order was also attached. In these circumstances, no further intervention of the Commission was called for and the case was closed.

23) *Pitiable Living Conditions in Vagrant Homes in West Bengal*

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

4.124 In this case, the complainant Tapas Kumar Ray, Founder secretary, SEVAC drew attention of the Commission towards the condition of inmates of the seven Vagrant Homes established under the Bengal Vagrancy Act, 1943 in West Bengal. The complainant, enclosing a press clipping published in the Ananda Bazar Patrika dated 02.06.2013, claimed that 32 inmates, including 21 males and 11 females, of the Mahalandi Lunatic Vagrant Home, District Murshidabad, West Bengal died within a period of 5 months due to malnutrition and lack of medical aid.

4.125 The Commission vide its order dated 06.06.2013 got a spot inquiry conducted through its own Investigation Division which found several disquieting conditions in the Homes with regard to basic infrastructure, Identification, Screening and Classification of vagrants, staffing requirements, medical facilities, rehabilitation measures etc. The above issues were brought to the notice of State Government and specific recommendations were made to address the same.

4.126 The Commission, vide further proceedings dated 28.11.16 had called for a report from the Chief Secretary, Govt. of West Bengal, Kolkata regarding progress made in the improvement of conditions of inmates of Vagrant Homes in West Bengal.

4.127 In response, the Commission received a report dated 06.09.17 from the Additional Secretary, Department of Women and Child Development & Social Welfare. As per the report, a number of steps were taken in respect of the Vagrant Homes in West Bengal.

4.128 Additional capacity and improvement in the infrastructure has been created by constructing 3 storey building in five Homes, namely Casual Vagrants Home, Andul, Leprosy Vagrant Home Beliaghata, T.C.P.C. Tantigeria, Paschim Midnapur, New Vagrant Home Dhakuria and Home for Lunatic Vagrant (Femal Wings) Mahalandi, Murshidabad. A new three storey building has been sanctioned and construction was started in the Female Vagrant Home, Uttarpara. Allotment of ₹ 2,39,44,235/- had been utilized during 2016-17. Acqua-guard/water filter have been installed in all the Homes. Cook/cook-mates and quality cooked food have been ensured. Sweeping agencies/washing agencies have been engaged. Summer and winter garments are regularly supplied to the inmates. Medical Officer has been engaged for Vagrants Home. Categorization of Beggars/Vagrants has been done to restrain the non-vagrants in to the Vagrants and District Authority and Judicial Department have been requested so that only vagrants as defined in the Bengal Vagrancy Act, 1943 are sent to the Vagrant Homes. Additional manpower has been engaged in the Vagrant Homes. Training is being imparted in different trade to the vagrants to make them self dependent. Bengal Vagrancy Act, 1943 is being reviewed and the Review Committee has submitted its recommendations.

4.129 The Commission considered the material placed on record on 06.11.2017 and directed the Special Rapporteur of the Commission for West Bengal for spot inspection of the Vagrant



Homes in Murshidabad, Howrah, Kolkata, North 24 Paraganas and Midnapore Districts of West Bengal and submit a report thereafter. The report is still awaited.

24) *Pits Dug for Road construction left Open: Two Children Die due to Drowning in Ranpur Dist. Naykgarh, Odisha*

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

4.130 This case pertains to a complaint dated 10.01.16 alleging that mining mafia is indulging in illegal mining of stone quarries in Ranpur area of Nayagarh District in connivance with the local administration. On 09.01.2016, two children died by drowning in an open quarry in which rain water had got filled.

4.131 In response to the notice, the SP, Nayagarh, Odisha vide his communication dated 10.5.2016 informed that in this connection UD case nos. 1 & 2 dated 09.01.2016 were registered at Ranpur PS and was enquired into. The pit was dug for construction of a road in order to use its morum during the year 2014-15. The rain water got collected in the said pit and on 9.1.2016, two children namely Sipun Parida (3 years) and Shubham Parida (10 years) fell into it and died due to drowning. An unnatural death case was registered and an amount of Rs, 10,000 each was sanctioned as monetary relief to be paid to the next of kin of the deceased. He further reported that no foul play was detected on the death of the two children. The cause of death was asphyxia due to drowning.

4.132 The Commission vide proceedings dated 12.09.2017 considered the material placed on record and recommended to the Govt. of Odisha through its Chief Secretary to make payment of Rs. 1,00,000/- (Rupees One Lakh) each to the NOK of deceased Sipun Parida and Shubham Parida and submit a report within six weeks along with the proof of payment. Compliance report is awaited.

25) *Rights to Live Life with dignity - Ponywallas, Palakiwallas Pithus and Similar Workers at Shri Mata Vaishno Devi Holy Shrine, Katra, Jammu*

(Case No. 135/9/5/2014)

4.133 The Commission received a complaint dated 07.05.2015 from Dr. Yogesh Dubey on the plight of Ponywallas, Palakiwallas, Pithus and other such workers at Mata Vaishno Devi Shrine, who are leading a miserable life due to absence of any social security scheme for them by the J&K Government. The complainant alleged that due to acute poverty, boys below the age of 18 years were engaged in heavy physical work to earn a livelihood for themselves and their family resulting in deprivation of their right to education and other such avenues. Thus he sought the intervention of the Commission for justice to these poor people.



4.134 In response to the Commission's directions, the Dy. Secretary, Home Department, Government of J&K had submitted that the Municipal Committee, Katra had taken the burden of the welfare of these workers since 2013, and satisfactorily looked into the problems of these labourers. It was reported that due to the orders passed by the Hon'ble High Court of J&K, the activities of the Municipal Committee was stayed and the matter was now sub-judice. According to the report, consequent upon this order, the said labourers had to take care of themselves. But subsequently, Mata Vaishno Devi Shrine Board was in the process of taking over the management of the track of Mata Vaishno Devi and in course of the same, they were likely to look into the welfare of these labourers.

4.135 Pursuant to the further directions of the Commission, it was intimated that several welfare steps have been taken for the benefits of the poor Ponywala, Palkiwala and Pithhus. These deprived classes of labourers were registered, issued identity cards, got compulsory insured with coverage of Rupees Two Lakhs. Besides, individual Jandhan accounts were opened in favour of these labourers engaged at the Shrine. The provision for their medical check-up and other such facilities for their family members were duly addressed to. Apart from that they were enlisted for other central welfare schemes such as Atal Pension Yojana and Prime Minister's Jeewan Jyoti Bima Yojana. In case of glander diseases of their animals, the Government provided cash compensation of ₹ 25,000/- for its replacement. Besides, the report contained several other valuable measures which were specifically taken for the skill development of the concerned labourers, improvement in the design of their traditional palki, provisions for supply of subsidized food and other social security measures by the Government for the welfare of the said labourers.

4.136 The Commission carefully considered the contents of the report and took note of the measures taken by the Government of J&K for the welfare of the aforesaid poor labourers. A copy of the same was transmitted to the complainant for his information and comments, if any. In response to the same, the complainant furnished his detailed comments and raised very important and pertinent issues which required to be examined by the State authorities of J&K. A copy of the same has been transmitted to the Chief Secretary, Government of J&K for his examination and necessary action.

4.137 The matter is under consideration of the Commission.

D Conditions in Prisons

Visit to Jails

As per the Protection of Human Rights Act, 1993, one of the functions of the Commission is to visit jails and other correctional institutions, 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 (s/c-12(c) of the Act).



- a) During the period of 01/04/2017 to 31/03/2018, following visits were under-taken by the Members, NHRC and the Special Rapporteurs appointed by National Human Rights Commission:

S.No.	Name of Members/ Special Rapporteur	Date of visit	Place of visit
1.	Dr. Ashok Sahu	9-19 April, 2017	Mumbai, Raigad and Thane, Maharashtra (child/bonded labour)
2.	Dr. Vinod Aggarwal	26 April, 2017	Lok Nayak Jai Prakash Narayan Jail, Hazaribagh
3.	Sh. Jacob Punnosse	29 April, 17	Ernakulam District Jail
4.	Smt. S. Jalaja	15-21 May, 2017	Central / District Jails in Nagpur, Chandrapur, Gadchiroli and Bhandara, Maharashtra
5.	Smt. S. Jalaja	15-20 May, 2017	Maharashtra (Nagpur, Chandrapore, Gadechiroli, Bhandara and Gondia)
6.	Shri S.C. Sinha, Member, NHRC	25-26 May, 2017	inspection visit of Central Prison, Mumbai
7.	Dr. Vinod Aggarwal	7-8 June, 2017	Beur Central Jail, Patna
8.	Dr. Ashok Sahu	18-24 June, 2017	Lucknow, Barabanki and Sitapur, U.P. (child/bonded labour)
9.	Dr. Vinod Aggarwal	22-Jun-17	Birsa Munda Central Jail Hotwar and women probation home, Namkun, Ranchi
10.	Sh. Sunil Krishna	23-25 June, 2017	Naini Central Jail, Allahabad and 04 Govt. Homes for children
11.	Sh. Anil Pradhan	26-30 June, 2017	Flagship programe in Dibrugarh District, Assam
12.	Sh. Jacob Punnosse	28-29 June, 2017	Trivandrum, Kerala (tribal areas)
13.	Dr. Ashok Sahu	11-16 September, 2017	Kerala (Thiruvananthapuram, Ernakulam and Thrissur)
14.	Dr. Vinod Aggarwal	12 Sep., 2017	Central Jail, Ghagidih, Jamshedpur
15.	Dr. Vinod Aggarwal	14 Sep., 2017	Alipore central Jail, Kolkata

S.No.	Name of Members/ Special Rapporteur	Date of visit	Place of visit
16.	Smt. S. Jalaja	9-12 Oct., 2017	Sub Jail Diu and New Modern Central jail Colvale, North Goa
17.	Smt. S. Jalaja	9-12 Oct., 2017	UT of Diu (on HR conditions)
18.	Dr. Ashok Sahu	9-13 Oct., 2017	Assam (Dispur, Goalpara and Kamrup)
19.	Smt. S. Jalaja	10-12 Oct., 2017	Goa (HR conditions)
20.	Dr. Vinod Aggarwal	12 Oct., 2017	Buxar Central Jail and Buxar Open Jail
21.	Dr. Ashok Sahu	6-11 Nov., 2017	Rajasthan (Jaipur, Jaisalmer and Jodhpur)
22.	Smt. S. Jalaja	26 Nov.-1 Dec, 2017	District Prisons in Satara, Ratnagiri, Sindhudurg and Central Prison, Kolhapur, Mah.
23.	Sh. Sudhir Kumar	26-30 Dec., 2017	Sajiwa Central jail, Manipur
24.	Dr. Vinod Aggarwal	28-30 Dec., 2017	Sanganer Open Jail, Jaipur and Sawai Madhopur Sub Jail Rajasthan
25.	Dr. Vinod Aggarwal	10-12 Jan., 2018	Model Jail Lucknow & District Jail, Dasna
26.	Dr. Ashok Sahu	15-20 Jan., 2018	Telangana (Hyderabad, Rangareddy and Medak)
27.	Smt. S. Jalaja	21-26 Jan., 2018	Ockhi Cyclone in Tamil Nadu
28.	Smt. S. Jalaja	21-26 Jan., 2018	Central Jail Palayamkottai, Special Sub Jail for Women Kokkirakulam Tirunelveli, District Prisons Ramanathapuram, Toothukudi & Kanyakumari, T.N.
29.	Justice Shri P.C. Ghose Member, NHRC	23-27 & 29-30 Jan., 2018	(i) Presidency Correctional Home, Alipore (ii) Alipore Women's Correctional Home (iii) Alipore Central Correctional Home
30.	Dr. Vinod Aggarwal	25-29 Jan., 2018	Tihar Central Jail, Delhi
31.	Dr. Vinod Aggarwal	31 Jan., 2018	Central Jail, Indore
32.	Dr. Vinod Aggarwal	1 Feb., 2018	District Jail, Indore
33.	Dr. Vinod Aggarwal	10 Feb., 2018	Revisit to Beur Central jail, Patna



S.No.	Name of Members/ Special Rapporteur	Date of visit	Place of visit
34.	Dr. Ashok Sahu	11-17 Feb., 2018	Punjab (Chandigarh, Jalandhar and Amritsar)
35.	Dr. Vinod Aggarwal	19 Feb., 2018	District Jail Faridabad
36.	Dr. Vinod Aggarwal	20 Feb., 2018	District Jail, Rohtak
37.	Smt. S. Jalaja	21-26 Feb., 2018	District Prisons Nalconda and Mahbubnagar and Sub Jail, Nagarkunoolo, Telangana
38.	Dr. Vinod Aggarwal	22 Feb., 2018	Boys Observation Home, Ambala
39.	Justice Shri P.C. Ghose, Member, NHRC	28 Feb.-1 March, 2018	Dum Dum Central Correctional Home, Kolkata
40.	Justice Shri P.C. Ghose, Member, NHRC	5-6 March, 2018	Barackpore Sub Correctional Home, Kolkata
41.	Dr. Ashok Sahu	5-9 March, 2018	Andaman & Nicobar Islands
42.	Dr. Vinod Aggarwal	6 March, 2018	Central jail, Jodhpur, Rajasthan
43.	Dr. Vinod Aggarwal	12-14 March, 2018	Central & District Jail Agra & District Jail Mathura
44.	Dr. Vinod Aggarwal	19-20 March, 2018	Central jail Amritsar, Punjab
45.	Smt. S. Jalaja	19-23 March, 2018	Sub Jails Navsari and Dharampur, Gujarat
46.	Smt. S. Jalaja	21-23 March, 2018	Sub Jails Daman, Dadra & Nagar Haveli
47.	Shri Sudhir Kumar	22-27 March, 2018	District Prisons Lucknow and Kanpur
48.	Dr. Vinod Aggarwal	26-27 March, 2018	Neta Ji Subhash Chandra Bose, Central jail Jalalpur, M.P.

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

Chapter 5

REACHING OUT

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

A. Commission Meeting

5.2 During the year under review, the Full Commission took up 361 cases of human rights violations in its 32 sittings. In addition, the two Division Benches considered 863 cases in 71 sittings. Also, 22 cases of Kashmiri migrants were also considered in 5 sittings of the Commission in the open court hearings.

B. NHRC Camp Sittings

5.3 The National Human Rights Commission (NHRC) has been organizing camp sittings in different States in order to expedite disposal of pending complaints and sensitize the State functionaries on the human rights. During the period under report, the Commission held Camp Sittings in Kohima, Nagaland (24th April, 2017), Assam & Meghalaya (17th -18th May, 2017), Uttarakhand (13th -14th July, 2017), Uttar Pradesh (9th -11th August, 2017) and Rajasthan (18th -19th January, 2018). The Commission considered 77 cases in its sittings of Full Commission and 98 cases in Division Benches in these camp sittings.

C. NHRC Open Hearings

5.4 During the period under report, the Commission took up 375 cases in its Open Hearings held at Kohima, Nagaland (24th April, 2017- 8 cases), Uttarakhand (13th July, 2017- 27 cases), Uttar Pradesh (9th August, 2017- 171 cases) and Rajasthan (18th January, 2018- 169 cases).

DETAILS OF CAMP SITTING/OPEN HEARING DURING THE YEAR 2017-2018

Sl. No.	Name of the State/Union Territory	Date	Number of Cases	Number of Cases disposed of	Compensation Amount Recommended
1.	Nagaland	24th April, 2017	8	Nil	Nil
2.	Assam & Meghalaya	17th-18th May, 2017	43	20	Nil
3.	Uttarakhand	13th-14th July, 2017	27	15	3,00,000/-
4.	Uttar Pradesh	9th-11th August, 2017	254	67	21,00,000/-
5.	Rajasthan	18th-19th January, 2018	183	62	13,90,000/-

D. Statutory Full Commission Meeting

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

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

5.6 Together with the Chairperson and Members of the NHRC, the Chairpersons of these bodies constitute its Statutory Full Commission (SFC), which meets regularly. In addition, the NHRC, India invites the Chairperson of the National Commission for the Protection of Child Rights as a 'Special Invitee' to all its Statutory Full Commission Meetings since the NCPDR has a significant bearing on all issues concerning the rights of children.

E. SPECIAL RAPPORTEURS

5.7 The Special Rapporteurs of the Commission are human rights experts who are specifically appointed with the directive to report and advice on human rights concerns from a thematic or state-specific perspective. The system of Special Rapporteurs is a central element of the NHRC machinery and covers all human rights: civil, political, economic, social and cultural. In addition, they cover sensitive issues like child labour, bonded labour, disability concerns; etcetera and spread awareness among the people about the provisions contained in the PHRA from the point of view of seeking redressal from the NHRC in case of violation of their rights or that of others. Special Rapporteurs are senior officers who, prior to their retirement, have served as Secretaries to the Government of India or Directors General of Police or have done exemplary service in a human rights related field. A copy of the Special Rapporteurs scheme is posted on the website of the NHRC - http://www.nhrc.nic.in/Documents/Scheme_And_Guidelines_for_Engagement_of_Special_Rappoteurs_05_01_2016.pdf.

5.8 The Special Rapporteurs in position during the period under report are listed below.

5.9 ZONAL SPECIAL RAPPORTEURS

(BOTH ZONAL AND THEMATIC) IN POSITION AS ON AUGUST, 2018

ZONAL SPECIAL RAPPORTEURS

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

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

THEMATIC SPECIAL RAPORTEURS

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

F. Core and Expert Groups

5.10 Core and Expert Groups consist of eminent persons or subject experts or representatives of Government or technical institutions or NGOs in a given field required by the Commission, be it health, mental health, disability, bonded labour, etc. These Groups render expert advice to the Commission as per their expertise. Some of the important Core and Expert Groups that functioned in the NHRC during 2016-2017 were:

- Core Advisory Group on Health and Mental Health

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

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

Meeting of Core Group of NGOs and Human Rights Defenders

5.12 In pursuance of Section 12(i) of the Protection of Human Rights Act (PHRA), 1993, the Commission, right from its inception, has been encouraging the efforts of non-governmental organizations and institutions working in the field of human rights. The Commission associates and partners with reputed NGOs in various programmes, projects initiated by it in the area of human rights awareness. As awareness of human rights is an important factor in the better protection of human rights, there is greater scope of increasing the interaction with NGOs.

5.13 In order to facilitate its interaction with the NGOs and civil society organizations, the Commission constituted a Core Group of NGOs on 17.07.2001. The Group was last reconstituted on 16.09.2011 with 11 members. The matter regarding reconstitution of the Core Group of NGOs is again under consideration of the Commission for giving wide representation of credible NGOs from diverse fields of human rights across the country.

Chapter 6

RIGHT TO HEALTH

6.1 India has achieved significant economic growth over the past decades but the progress on health has not been proportionate. As quoted in Amartya Sen in his book 'An Uncertain Glory- India and its Contradictions' cited two major interrelated problems faced by health care in India: first, its massive inadequacy and second, the near absence of public discussion of this inadequacy. According to the India State-level Disease Burden Initiative Report (2016) by Ministry of Health and Family Welfare, Life expectancy at birth improved in India from 59.7 years in 1990 to 70.3 years in 2016 for females, and from 58.3 years to 66.9 years for males. Of the total disease burden in India, 61% was due to communicable, maternal, neonatal, and nutritional diseases (termed infectious and associated diseases in this for simplicity) in 1990, which dropped to 33% in 2016. On the contrary, the contribution of most of the major non-communicable disease groups to the total disease burden has increased all over India including cardiovascular diseases, diabetes, chronic respiratory diseases, mental health and neurological disorders, cancers, musculoskeletal disorders, and chronic kidney disease.

6.2 In this context, provision of health services is one of the most important welfare responsibilities of the Government of India and the various state governments. It is relevant to mention here that the Indian Constitution has not included Right to Health care as a constitutional right, however, the Constitution of India has provisions regarding the right to health. The obligation of the State to ensure the creation and the sustaining of conditions congenial to good health is cast by the Constitutional directives contained in Articles 38, 39 (e) (f), 42, 47 and 48 A in Part IV of the Constitution of India. Further, the Supreme Court in its judgments has interpreted Article 21 (Fundamental right to life) and Article 47 of the Directive Principles of State Policy which mentions improving health of the citizens as one of the duties of the government to mean right to life as right to life with dignity, including access to basic health care as a right.

6.3 Since October 1993, the time that NHRC came into existence, the Commission has consistently taken the view that the Right to Life with dignity, enshrined in the Constitution, must result into the strengthening of measures to ensure that all people, and particularly

those belonging to the economically disadvantaged sections of the society, have access to better, affordable, accessible and more comprehensive health care facilities. The given chapter throws light on the work on the right to health undertaken by the Commission during the year 2017-2018.

A. Silicosis

6.4 Silicosis is a fibrotic lung disorder caused by inhalation, retention and pulmonary reaction to reaction to crystalline silica, as a result of exposure during mining, stone crushing and quarrying activities. The Commission has been pursuing the issue of silicosis through series of Regional Review meetings, Conferences, making recommendations, including Special Report on Silicosis to Parliament. The Commission had adopted twin pronged approach to deal with the issue of silicosis. On one side, it has made recommendations to pay compensation on individual complaint received by it and on the other side, it has recommended and reviewed various legislations, policy and monitoring mechanisms to deal with this occupational hazard. The Commission organized a series of meetings with the Experts on Silicosis, which were held on 23rd January, 7th February, and 6th April 2017 to give concrete suggestions with regard to preventive, remedial, compensatory and rehabilitative measures to alleviate the problem of silicosis suffered by the affected workers and their family members. The suggestions were later drafted in the form of recommendations.

6.5 The Commission has filed an affidavit in the Supreme Court of India in writ petition (Civil) No. 110 of 2006 (Peoples' Rights and Social Research Centre Vs Union of India), submitting its recommendations on preventive, remedial, rehabilitative and compensation aspects of Silicosis.

6.6 Some of these important recommendations pertain to Survey on silicosis which includes mapping of factories/mines/industries/establishment to assess the extent/dimensions of the problem of silicosis; laying of uniform standards for permissible limit of silica dust; medical examination of individuals before commencing their employment in silica prone industries; rehabilitative measures including extending the Rashtriya Swasthya Bima Yojana to silicosis victims and their families; monthly pension to the widow of the deceased victim along the lines of the Old Age Pension; further extending the interim relief of Rs 3 lakhs to 5 lakhs in cases of deaths due to silicosis; strengthening of legislative framework by covering all the mining, quarrying and stone crushing units irrespective of their number of employees under one of the health and safety Acts, namely, The Mines Act, 1952, The Factory Act, 1948 and The Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

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



B. Charter on Patient's Rights

6.7 The Core Advisory Group on Health of NHRC has prepared the 'Charter of Patient's Rights'. The Charter of Patients' Rights draws upon all relevant provisions, inspired by international charters and guided by national level provisions, with the objective of consolidating these into a single document, thereby making them publicly known in a coherent manner. The role of the Charter is to generate widespread public awareness and educate citizens regarding what they should expect from their governments and health care providers – about the kind of treatment they deserve as patients, in health care settings. The Charter has been sent to the Ministry of Health and Family Welfare and all the State Governments/Union Territories for their comments. The Charter of Patients Rights is a pioneering document to ensure the protection and promotion of Human rights of those who are among the most vulnerable sections of society – ordinary patients and citizens seeking health care across India as it includes, Right to information, Right to records and reports, Right to Emergency Medical Care, Right to informed consent, Right to confidentiality, human dignity and privacy, Right to second opinion, Right to transparency in rates, and care according to prescribed rates wherever relevant, Right to non-discrimination, Right to safety and quality care according to standards, Right to choose alternative treatment options if available, Right to choose source for obtaining medicines or tests, Right to proper referral and transfer, which is free from perverse commercial influences, Right to protection for patients involved in clinical trials, Right to protection of participants involved in biomedical and health research, Right to take discharge of patient, or receive body of deceased from hospital, Right to Patient Education and lastly, Right to be heard and seek redressal.

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

6.8 The research study on "Assessing the Status of Health System Delivery and Factors Determining Access to Quality Health Care for Tribal Communities" is undertaken by NHRC in collaboration with SAMA- Resource Group for Women and Health, New Delhi. The study will enable to understand the status of prevailing health delivery system in terms of its availability and utilization by the tribal population in the States of Jharkhand, Chhattisgarh and Odisha. The objectives of the study are – to understand the current status of public health care utilization among the tribal communities in the study areas and barriers faced in access to healthcare, and to explore differential access to public healthcare among tribal communities and other population in the study areas and reasons for the same. The said study is to be completed within a period of 12 months.

6.9 During the period under report, 'SAMA' made a presentation before the Commission

and was advised to suggest the actionable points/measures which could lead to policy intervention by the NHRC and the government at the national and state level for the benefit of the tribal population in remote, isolated area.

D. Special Rapporteur Visits

6.10 The Special Rapporteur, Central Zone, NHRC, visited Jharkhand to review the functioning of the Institutions namely, Ranchi Institute of Medical Sciences, Ranchi, District hospital Khunti, Community Health Centre (CHC) Torpa, Kalamati Health Sub-centre (HSC) and Ranchi Institute of Neuro Psychiatry and Allied Sciences (RINPAS). Observations/suggestions of Special Rapporteur were sent to state government. In Rajendra Institute of Medical Sciences (RIMS) Ranchi, Jharkhand, there is a need to chalk out a work plan for each department and individual Medical Officer (MO). There is a need that the number of surgeries and bed turnover ratio for each surgery should be defined and targets be fixed accordingly. At District hospital Khunti, the State Government should appoint specialists in the District Hospital as there is no purpose of running the district hospital with 60 beds unless specialists are appointed. The Institute of Neuro-Psychiatry and Allied Sciences (RINPAS) should have at least 5 PG seats and be able to cater the requirement of people of psychiatric illness in the State of Jharkhand.

6.11 The Special Rapporteur, West Zone, NHRC, visited Kanyakumari and Turunelveli districts of Tamil Nadu to make an assessment of status of human rights. The key health indicators in the Kanyakumari district are very good and the targets under the National Health Mission have already been achieved. The Commission has recommended to the state government to undertake steps to minimize the shortage of doctors and medical staff and better incentives for those who work in rural areas. Starting indoor treatment in PHCs, providing better infrastructure for deliveries, close monitoring of ASHAs, maintenance of quarters for doctors and medical staff/, better design of buildings, introduction of solar lighting/heating/ water harvesting in health facilities are some of the suggested areas of improvement.

6.12 The Special Rapporteur, West Zone, NHRC visited Goa to review the status of human rights in the Union Territory. The UT has a highly acclaimed healthcare system. It was learned that the Rogi kalyan Samiti (RKS) has not been constituted so far which means that the PHC is unable to utilize the grant provided by the Central Government under the National Health Mission. It has been recommended that the Rogi Kalyan Samiti ought to be constituted in all new PHCs without delay.

6.13 The Special Rapporteur, North Zone, NHRC, during his visit to Saharanpur and Muzaffarnagar districts of Uttar Pradesh, inspected multiple institutions including Anganwadi Centres, health and educational institutions. At Community Health Centre Puwarka, which



has 30 bedded indoor-hospitalization facilities, there is an acute shortage of infrastructural facilities and specialists in the Centre and a good accommodation is lying unutilized. It is suggested that an appropriate directions need to be issued by the State Government to post suitable medical personnel and start utilization of the 30-bed indoor hospital facilities at the Centre.

6.14 The Special Rapporteur, North Zone, NHRC, visited Nagaland to observe the status of State's health care. The Nagaland State Government has withdrawn the monetary benefits of 2/4/6 advance increments, which was earlier granted to doctors to achieve Post Graduate Diploma and Degree Qualifications, the net result of this would be that in future when all the top echelons of the departmental doctors would retire then there would be no qualified Naga doctor holding PG Diploma/degree qualifications even at the highest levels in the Department. The Commission has recommended the state government to take appropriate measure in this regard.

6.15 The Special Rapporteur, Central Zone, NHRC, visited Patna Medical College and Hospital (PMCH) in Patna, Bihar to assess the functioning of the institution. The replacement and purchase of the required equipments must be done at the earliest. The PMCH is facing more of a planning and procurement issue than the shortage of funds. There is a need to form a management committee consisting of some local and outside experts, patients bodies, and political representative along with health department together to set out the monthly targets and to review them on regular basis.

E. Illustrative Cases on Health Dealt by NHRC

1. Death of Workers due to Silicosis in West Bengal

(Case No. 1209/25/15/2014)

6.16 The Commission received a complaint dated 23.7.2014 from Shri Samit Kumar Carr, Secretary General, Occupational Safety and Health Association of Jharkhand, drawing attention of the Commission about the death of workers suffering from Silicosis in West Bengal. According to him, out of 189 workers who had gone to work in Asansol, Burdwan, 12 workers had died because of occupational lung disease. He enclosed the death certificates of Saifuddin Molla, Nasir Molla, Abul Paik, Mujaffar Molla and Babusona

6.17 A similar complaint was also received in the Commission from Shri Naba Dutta from Nagarik Manch, Kolkata alleging migration of large number of workers from Sundarbans, South 24 Parganas to Burdwan District to work in different mines and stone crushing factories during the period between 2010- 2013. It was alleged that out of these, 13 workers died as they contracted silicosis and many more are counting their days. It was requested that the

Silicosis affected workers be given proper treatment and in the case of those who died of Silicosis, their next of kin be awarded compensation and rehabilitation.

6.18 Pursuant to the directions of the Commission, Joint Secretary Government of West Bengal Labour Department Kolkata vide communication dated 11.8.2015 informed the Commission that out of 13 persons 8 workers had died due to exposure in silica dust for varying periods of time (2 to 5 years).

6.19 The Commission considered the matter on 06/06/2016 and observed that it is clear that the above mentioned five workers had died due to the carelessness of the enforcement agencies of the State of West Bengal, who had not ensured that the factory management provides necessary equipments for the protection of the workers from silica dust. If the enforcement agencies of the State of West Bengal had been cautious and ensured that the safety equipments were provided to the workers by the factory management, the lives of the said workers could have been saved. Consequently, the report indicates that the State of West Bengal had failed to protect the lives of five Silicosis affected workers. Thus, it is prima-facie a case of violation of human rights of the victims and the next of kin of the deceased are entitled for monetary compensation.

6.20 Accordingly, the Commission issued a notice to the Chief Secretary, Government of West Bengal, calling upon him to show-cause within six weeks as to why the next of kin of the five deceased victims (i) late Babusona @ Manirul Molla, (ii) late Mujaffar Molla, (iii) late Bhiswa @ Visho Mondal, (iv) late Abul Paik, and (v) late Biswajit Mondal be not recommended monetary compensation of Rupees Four Lakhs (Rs.4.00 lakhs) u/s.18(a)(i) of the Protection of Human Rights Act, 1993, to be paid by the Government of West Bengal. Out of ₹ 400,000 each, ₹ 2,00,000 is proposed to be given to the next-of-kin of the deceased in cash and rest of the amount of ₹ 2,00,000 be kept in their Fixed Deposit account, which will be available to the next of kin of the deceased in the shape of monthly interest.

6.21 The Commission also directed the Joint Secretary, Labour Department, Government of West Bengal to submit report about Late Hossain Molla, Late Azgar Ali and Late Alamin Molla, after examination of the X-ray plates, as to whether they had been suffering from Silicosis or not and to inform the Commission about the treatment provided to the victims, Hasanur Molla and Nur Hossain.

6.22 The Commission further considered the matter on 04.05.2017 and observed that the State of West Bengal has analysed the quantum of compensation in terms of provisions of some of the labour laws or schemes prevalent in State of West Bengal, whereas the Commission is contemplating to recommend the compensation for violation of human rights of the deceased workers. The compensation to be paid under the provisions of the Protection of Human Rights Act (PHRA), 1993 is over and above the compensation to be paid under



other legislation & or ex-gratia. The Commission reiterated that from the records before it, it was clear that the above mentioned five workers had died due to carelessness/negligence of the enforcement agencies of the State of West Bengal, who had not ensured that the factory management provides necessary protective equipments for the protection of workers from inhaling silica dust. It is also important to mention here that Silicosis can be prevented but it is an incurable disease. A person who contracts Silicosis has to die ultimately. Therefore, the State is vicariously liable for these deaths. Further, the Commission made it clear that it has consistently been awarding ₹ 4 lakhs, as compensation, in cases of death due to Silicosis, to be paid to their NOK of the deceased persons. Moreover, these workers died during 2012 to 2013 and long period of time has passed since then. The recommendations of the Commission to make payment of ₹ 400,000 to NOK of each of workers who had died due to Silicosis are being honoured by the other State Governments such as State of Jharkhand etc.

6.23 The Commission, therefore, recommended a monetary compensation of ₹ 4,00,000, u/s 18(a) (i) of the Protection of Human Rights Act, 1993, to be paid to the next-of-kin of the five deceased victims Late Babusona @ Monirul Molla, Late Muzaffar Molla, Late Bhiswa @ Visho Mondal, Late Abul Paik, Late Biswajit Mondal. This amount, ₹ 4,00,000 would include ₹ 2,00,000 which the State Govt. is already contemplating to pay to the NOK of the 5 deceased persons. Out of ₹ 4,00,000, ₹ 2,00,000 may be given to the next of kin of the deceased in cash and rest of the amount of ₹ 2,00,000 may be kept in their Fixed Deposit accounts, whose interest will be paid to their next-of-kin of the deceased regularly. The compliance report along with proof of payment is awaited from Chief Secretary, Govt. of West Bengal.

2. Thriving Diamond Mining in Panna District, Madhya Pradesh versus Workers Falling Prey to Silicosis

(Case No. 430/12/32/2012)

6.24 The Commission received a complaint dated 31.01.2012 from Shri Mohit Gupta, Environics Trust mentioning therein that Panna is a city in Madhya Pradesh famous for its diamond. The plight of thousands of workers working in numerous stone quarries is abysmal. Stone quarries turned out to be the single largest source of non-agricultural employment in the district as the fury of recurring drought and other conditions make agriculture a risky occupation. As a result, the quarry business is thriving but there are hard realities for workers. The work is done in extremely hazardous conditions in these quarries. It has been further submitted that the workers have not been provided any employment proof or any protective equipment in the course of their work. The workers are mostly illiterate and are not aware of the risks caused by the silica dust.

6.25 A medical camp was organized in Panna by Environics Trust in the month of August 2011. Renowned Dr. V. Murlidhar held the camp in which 40 stone quarry workers came



for check-up. Out of the, 36 workers found to be suffering from Silicosis, one has already succumbed to death due to Silicosis. He has enclosed a list of 35 persons who are suffering from Silicosis and a list of persons who died due to Silicosis. He sought intervention of the Commission with the request to direct the State Government to pay adequate compensation to the family of the deceased and provide immediate and comprehensive medical treatment to the victims who are still alive.

6.26 The Commission on 21.2.2012 forwarded a copy of report along with the list of annexures to Chief Secretary, Government of MP for submitting report about the measures taken to prevent silicosis and the rehabilitation package to be given to the victims of silicosis.

6.27 The Commission on 11.09.2014 considered the reports of the State Government and observed that State Government has been taking the stand that mines, its regularization and its employees are coming under the Central Government as the Chief Inspector appointed under the Mines Act has to look into various mines and its activities. It was emphasized to the officials of the State Government that health is included in the State List of Schedule (7) of the Constitution and the State Government has to provide assistance to their workers in case of illness, disablement and it has to take care of their workers and have to pay the compensation or any other benefits to them.

6.28 In view of the above, the Commission recommended to the Government of Madhya Pradesh to pay a sum of ₹ 300, 000 each as monetary relief to the next of kin of the four deceased persons namely Shahabuddin, Asharam Gaund, Balkishan Durga and Ramzan Khan. Chief Secretary, Govt. of Madhya Pradesh shall submit the compliance report with proof of payment within eight weeks

6.29 It was informed that in the State of Rajasthan there is a separate scheme formulated for the benefit of the mine workers which gives relief to meet such contingency. Shri K. Suresh, Principal Secretary, GAD has assured the Commission that they will send a team to the State of Rajasthan to study the scheme existing in Rajasthan and would try to emulate and implement that scheme if it benefits its workers. The Commission recorded the statement of the Principal Secretary, GAD and expected a report in this regard within eight weeks.

6.30 The State Government was also directed to conduct a health survey of the mine workers and to formulate policy for the welfare of the labourers and submit report to the Commission.

6.31 The complainant Shri Mohit Gupta on 12.04.2016 categorically mentioned that three workers at Sl. No. 11 Mast Ram Bhagona S/o Bhagona Gaund, Sl. No. 19 Shyamu S/o Jugal and Sl. No. 22 Kamta @ Kintu S/o Baldev appearing in the original list had also died on 16.2.2012, 8.2.2015 and 16.2.2012 respectively and four persons mentioned at Sl. No. 1 of



the subsequent list namely Ram Milan S/o Ameera had also died on 28.11.2015. The State Government of Madhya Pradesh has not intimated the Commission regarding providing compensation to the next of kin of these deceased persons. They have also not mentioned anything about the remaining 46 workers who were suffering from Silicosis (list submitted by the complainant on 12.4.2016).

6.32 The Commission perused the record on 05.07.2017 and observed that the State of Madhya Pradesh, instead of taking steps to provide monetary relief to the deceased workers have stated that the worker shall be paid compensation under the provisions of Employees Compensation Act, 1923. Further, they have also stated that Health and Mines Safety is subject of the Director General, Mines Safety, therefore, the compensation, should be paid by DGMS. The Commission is of considered view that the lease of the mines is granted by the State Government, they earn revenue out of lease of the mines. Further, the pollution control is the subject matter of the State Government and therefore, it is the responsibility of the State Government to give compensation to the deceased workers. Further the compensation for violation of human rights is contemplated under the provisions of the Protection of Human Rights Act, 1993. The Commission, therefore, directed Chief Secretary, Govt. of Madhya Pradesh to make payment of ₹ 1,00,000/- (Rupees One Lakh only) in cash and ₹ 2,00,000/- (Rupees Two Lakhs only) in Fixed Deposit in the name of the next of kin of each of the four deceased workers namely Ram Milan, Mast Ram s/o Bhagona Gaud, Shyamu S/o Jugal, Kamta @ Kintu S/o Baldev. The compliance report alongwith proof of payment is awaited and the matter is under consideration of the Commission.

3. Victims of Silicosis in Anand District, Gujarat : "Agate" Workers in Village Khambat

(Case No. 351/6/3/2010)

6.33 The Commission received a complaint dated 15/04/2010 from Shri Jagdish Patel, Director, Peoples Training & Research Centre, Vadodara, Gujarat with the submission that Khambhat District Anand, Gujarat is one of the oldest centers for Agate Craft. Hundreds of showcase and jewellery items are manufactured here from Agate, Quartz and other stones. While giving shapes to the stones on the emery wheels, lots of dust is generated. These stones have high content of free silica.

6.34 According to complainant, the Agate workers in Khambhat are not self-employed workers but may be termed as supply chain workers because they do not buy raw material nor do they sell finished goods. There are 5 to 6 different processes like breaking of stones, grinding of stones, grilling of beads and polishing of stones etc. During this process, the workers carry a risk of getting exposed to fine silica dust. Workers are not free to give the shape as per their own but they work as directed by the traders. He also enclosed a list of

workers who died of Silicosis and has enclosed certificate of expert doctors of Shri Krishna Hospital and PS Medical College, Karamsad, District Anand.

6.35 The Commission on 21.04.2010 took cognizance and forwarded a copy of complaint along with list of 45 person and related documents, who died of Silicosis to the Chief Secretary, Govt. of Gujarat for submitting report as to whether Next-of-Kins of the persons, who died of Silicosis have been financially compensated or not. Copy of the complaint alongwith related documents was also sent to District Magistrate, Anand, Gujarat for necessary action.

6.36 The Commission on 06.05.2015 considered the matter and directed DG In-charge investigation Division to conduct an inquiry and as per Commission's directions dated 15.10.2015, copy of the report was sent to the Chief Secretary, Government of Gujarat for para-wise comments on the report.

6.37 The Commission on 21.12.2017 perused the record and observed that Government of Gujarat has accepted that there has been epidemic menace of Silicosis in the Khambhat region and they have paid financial assistance of ₹ 100,000 to NOK's of 61 persons who died of Silicosis so far and the complainant has given lists of 415 persons, who were either suffering from Silicosis or died of Silicosis. 157 out of 415 persons have died of Silicosis. The menace of Silicosis had been traced in 1961 or so and it has been confirmed by the specialised organisation such as NIOH etc. in the year 1980, 2002 and 2010. Further, the complainant has contended that the menace of Silicosis is frequent in Jambusar Taluka of Bharuch district of Gujarat. But the State Government has neither conducted any survey nor come out with any action taken report on the menace, in the area. Further, State Government has not made any Rehabilitation Scheme for the persons who are suffering from Silicosis and NOK of the persons who died of Silicosis. The financial relief paid by the State Government is also very meagre.

6.38 The State Government has also failed to register registerable units under the Factories Act and has not taken any steps as per recommendation of the NHRC team to formulate a comprehensive policy to regulate functioning of Agate units; addressing problem of Agate workers in general and in the light of the Supreme Court Judgement in the matter of P.M. Patel & Sons Vs Union of India and Ors [1986-(001)-LLJ-0088-Supreme Court and 1986-(001)-SCC-0032-SC].

6.39 The State Government instead of implementing the directions of Hon'ble Supreme Court of India in the above stated matters have argued that they do not want to implement/introduce PF in Agate Industries. In fact, the directions of Hon'ble Supreme Court of India in this matter is that "In the context of the conditions and the circumstances set out earlier in which the home workers of a single manufacturer go about their work, including the receiving of raw material, rolling the beedis at home and delivering them to the manufacturer subject to the

right of rejection there is sufficient evidence of the requisite degree of control and supervision for establishing the relationship of master and servant between the manufacturer and the home worker. It must be remembered that the work of rolling beedis is not of a sophisticated nature, requiring control and supervision at the time when the work is done. It is a simple operation which, as practice has shown, has been performed satisfactorily by thousands of illiterate workers. It is a task which can be performed by young and old, men and women, with equal facility and it does not require a high order of skill. In the circumstances, the right of rejection can constitute in itself an effective degree of supervision and control. The Hon'ble Court further held that: "In our opinion, the home workers are "employees" within the definition contained in Cl. (f) of S.2 of the Employees' Provident Funds Act". Further, the Hon'ble Supreme Court in the matter of *Shining Tailors vs. Industrial Tribunal Li, UP* (AIR 1984 SC 23) held that:

"The Tribunal ignored the well laid test in law and completely misdirected itself by showing that piece rate itself indicates a relationship of independent contractor and error apparent on the record disclosing a total lack of knowledge of the method of payment in various occupations in different industries. The right of rejection coupled with the right to refuse work would certainly establish master servant relationship and both these tests are amply satisfied in the facts of this case. Viewed from this angle, the respondents were the workmen of the employer and the preliminary objection therefore, raised on behalf of the appellant-employer was untenable and ought to have been overruled and we hereby overrule it" ..

6.40 Hence these Agate workers are similarly placed as stated in above referred cases decided by the Hon'ble Supreme Court of India, and they are workers of the 'Suppliers' and their establishments are notional extension of the establishment of the Suppliers hence these units are factories under the notification of State Government dated 29.11.2008 extending coverage to Agate Units under factories Act under Section (85) of Factories Act.

6.41 Therefore, the Agate workers are employees of the suppliers and their establishment (factory) is factory due to notional extension of the premises of the suppliers and therefore all the applicable Labour laws shall apply to them.

6.42 Applicability of the Factories Act, Minimum Wages Act, Payment of Wages Act, Equal Remuneration Act, Bonus Act, ESI Act etc. shall make the Agate workers entitled for Minimum Rate Wages; the regulation of hours of remuneration, health and safety measures as provided in the Factories Act; the benefits available under the Employees State Insurance Act; payment of wages equal to the male workers; Gratuity under the Payment of Gratuity Act; Bonus under the Payment of Bonus Act. They shall be entitled to take recourse to the labour legislation mechanism for redressal of their grievance and ultimately they will not die in harness unattended due to deceases such as Silicosis. The Commission is of the opinion

that the provisions in Factories Act shall take care of health and safety measures for these poor labourers.

6.43 Further, the Commission directed the Chief Secretary, Govt. of Gujarat, to take necessary action to implement the following points:-

- i. Stop work of Agate cutting and polishing etc, in residential areas completely, in the line of Slate Industry in Mandsaur, Madhya Pradesh.
- ii. Set up a Welfare Board for welfare of Agate workers and levying cess on production, sale and export of Agate on the line of Madhya Pradesh State Government has done for Slate Industries in Mandsaur.
- iii. Prohibition of electricity connection in residential areas for commercial purposes, especially for Agate polishing etc.
- iv. Any agate cutting unit established in industrial area or otherwise, it should get environmental clearance before starting work. All such units must be monitored on a continuous basis by State Pollution Control Board, after they commence manufacturing.
- v. Fixation of piece rates by the State for Agate workers which at present are decided arbitrarily by the traders, under Minimum Wages Act and after conducting time/motion study.

6.44 The Commission, therefore, directed the Chief Secretary, Govt. of Gujarat to take up necessary steps on the above stated issues also and submit action taken report within six weeks. The Commission recommended u/s 18(a)(i) of the Protection of Human Rights Act, 1993, an additional sum of ₹ 3,00,000 to NOK of each of the 61 confirmed death cases of Silicosis (list attached) who have been paid financial assistance of ₹ 1,00,000 by the State Government. ₹ 1,00,000 out of ₹ 3,00,000 shall be paid in cash and ₹ 2,00,000 shall be deposited in the Fixed Deposit account in the name of NOK of the deceased person so that the interest can help them to live the life of dignity.

6.45 The Commission also directed the State Government of Gujarat to make provisions for condonation of delay in present scheme for the Silicosis victim. The State should revise its schemes for monetary relief to Agate workers of unorganised sector making it more human rights sensitive. It may use the scheme modelled by the Haryana State Government. Duly revised scheme be sent to the Commission for perusal. The revised scheme shall be given wide publicity so that the victim could avail benefits of the scheme.

6.46 The State Government should create a fund for welfare of Agate workers in the line of the welfare fund created by the Govt. of MP for slate workers in Mandsaur, MP. The State



Government should make one time contribution towards that scheme and a cess may be levied in the line of a cess levied under the Building and other Construction Workers Act, 1996. The amount from that fund may be used for the prevention, diagnosis, payment of compensation and rehabilitation of the Silicosis patients in the Agate industry.

6.47 Chief Secretary, Govt. of Gujarat, was asked to send detailed action taken report on the various directions given above within eight weeks. He was also asked to submit compliance report alongwith proof of payment of monetary compensation to the deceased victims of Silicosis within eight weeks. The compliance report along with proof of payment is awaited.

4. Scheduled Caste female Tuni Naik, Leprosy patient administered anti-TB drugs by Medical Officer in CHC, Bantala, Odisha

(Case No.1042/18/16/2015)

6.48 Shri Ranjit Sutar, Civil Society Forum on Human Rights, Bhubaneswar, Odisha has alleged that Ms.Tuni Naik, who belonged to Scheduled Caste suffered medical complications after she was given wrong medicines. She was suffering from leprosy but she was administered medicines of TB. Only after admission in the hospital she recovered. The matter was reported to the Medical Officer but he did not take any action. The complainant requested for intervention of the Commission in the matter, action against the accused and compensation for the victim.

6.49 Pursuant to the Commission's directions, the Principal Secretary, Department of Health and Family Welfare, Government of Odisha reported that a joint inquiry was conducted in the matter and it was revealed that though the victim was suffering from Leprosy, she was administered Anti TB drop because of carelessness of Dr. Prasanni Gadanayak, contractual Medical Officer of CHC, Bantala. Hence, Dr. Gadanayak was disengaged from contractual engagement from CHC, Bantala.

6.50 The Commission considered the report and observed that admittedly, the victim Tuni Naik was administered wrong dose of medicines. Her right to health has been violated by the doctor on duty. Further disengagement of the contractual doctor makes this an established case of violation of human rights. The doctor was performing duty in the Government Health Centre and therefore the State is vicariously liable for violation of human rights of the victim. The Commission directed the Chief Secretary, Government of Odisha to show cause as to why the Commission should not recommend compensation of ₹ 25,000/- to the victim whose right to health has been violated in the Government Health Centre where she was given wrong medicines.

6.51 The Commissioner-cum-Secretary to Government, Health and Family Welfare Department, Government of Odisha reported that it is true that Tuni Naik suffering from Leprosy was

wrongly administered anti-TB drugs. Due to the lapses, the contractual Medical Officer has been disengaged from duty. However, this incident happened due to ignorance of the treating physician which was not intentional and the patient did not suffer from any adverse effects due to this. He has prayed for absolving the treating physician from charges.

6.52 The Commission considered the report and observed that admittedly, enquiry disclosed that the Right to Health of the victim has been violated. Therefore, the Commission reiterated its earlier stand and recommended to the Chief Secretary, Government of Odisha for payment of compensation of ₹ 25,000/- to the victim Tuni Naikam and also to send the proof of payment, which is awaited.

5. Ward Boy poses as Doctor in Dist. Hospital, Varanasi resulting in amputation of leg of 9 Year Old Boy

(Case No.46982/24/72/2015)

6.53 The Complainant Dr. Lenin Raghuvanshi, General Secretary, Manavadhikar Jan Nigrani Samiti, Varanasi, Uttar Pradesh alleged in his complaint that leg of a nine-year old boy had to be amputated because of the negligence of the Ward boy of District Hospital of Varanasi. The Ward boy posing himself as the doctor performed the surgery on the victim boy.

6.54 The Special Secretary, Government of Uttar Pradesh reported that a three-member committee was constituted to inquire into the matter. The Ward boy was, prima-facie, found responsible for the incident and he has been suspended.

6.55 The Commission considered the report and observed that the 9 year old boy has been permanently disabled because of the negligence on the part of the Ward boy of the hospital. The suspension of the Ward boy substantiates the fact that he was responsible for the incident. The right to health of the victim boy has been violated and the Commission considered this a fit case for award the compensation. The Commission issued a notice u/s 18a (i) of the PHR Act, 1993 to the Chief Secretary, Govt. of Uttar Pradesh directing him to show cause as to why the Commission should not recommend payment of compensation of ₹ 2, 00,000 to the nine-year old victim boy whose right to health has been violated

6.56 In response to the Commission's directions, the Joint Secretary, Government of Uttar Pradesh reported that the Department of Medical and Health has no objection if any compensation is paid to the victim Yash Choudhary @ Aakash Choudhary under the PHR Act, 1993.

6.57 The Commission considered the matter on 04.08.2017 and recommended to the Government of Uttar Pradesh, through the Chief Secretary, to pay a compensation of ₹ 2 00,000 to the



victim boy whose human rights were violated and to submit the compliance report along with proof of payment within four weeks. The compliance report is, however, awaited.

**6. Violation of the dignity and personal liberty of a HIV patient in Lala Lajpat Rai Memorial Medical College, Meerut by displaying Her HIV Status
(Case No. 25825/24/54/2015)**

6.58 A news report captioned “Inhuman treatment: UP hospital brands AIDS patient, reveals her HIV positive status” appeared in the “Times of India” dated 26th June, 2015. It was reported that a 30 year old female patient was admitted to Lala Lajpat Rai Memorial Medical College, Meerut on 19.6.2015 for delivery. Allegedly, the doctors not only pasted a big piece of paper on her bed that screamed ‘Bio Hazard +ive’, complete with the red AIDS ribbon, the patient was also made to clear her own medical waste and was even abused by a senior doctor for bringing another diseased child into the world.

6.59 The Commission took *suo motu* cognizance of the news report and called for a detailed report from Secretary (Health), Govt of Uttar Pradesh as well as the SSP, Meerut.

6.60 Joint Secretary, Govt. of Uttar Pradesh, forwarded a copy of an enquiry report of a Medical Board which revealed that on 19/20.06.2015, a patient (victim) who was HIV+ got admitted into the Gynaecology Department, Medical College, Meerut. According to the report, the doctor on duty (Dr. Sampadha) while on a round in the ward in the evening on 23.06.2015, noticed the patient and she left a symbol in the medicine trolley of the patient, which indicated that the victim was an HIV patient. But it was explained that the concerned doctor did it only for the purpose of bio-medical disposal as per the guidelines. On 24.06.2015, when the relations/attendants of the patient arrived, they noticed the same and orally complained to the said doctor that the symbol so marked unnecessarily made the medical identity of the patient public. When the fact came to the notice of Dr. Abhilasha, she removed the said symbol and talked to the patient and assured her that it was just a mistake. Subsequently, the attendants of the patient had no grievance and they gave in writing that they were satisfied with the cooperation received from the staff of the hospital. On the same day, in the evening hours, somehow, the matter was got published in ‘The Times of India’ newspaper. Soon thereafter, when the Superintendent of the Medical College, Dr. Subash Singh visited the Gyne Ward in the presence of several journalists, the patient stated that she had no grievance with respect to the incident. However, the authorities immediately discharged the concerned junior doctor from her duty. Thereafter, on 29.06.2015, the patient was discharged from the hospital.

6.61 While considering the response received from the State Government, the Commission noted that although the State authorities had admitted their mistake and taken necessary remedial measures and issued directions to all Government Medical Colleges/Organizations

under the Health Education Department, the facts and circumstances disclosed that the act by the hospital was a violation of the dignity and personal liberty of the victim. Therefore, the Commission vide its proceedings dated 28.08.2017 directed issuance of a notice to the Chief Secretary, Govt. of Uttar Pradesh to show cause as to why a sum of ₹ 25, 000/- be not recommended to be paid to the victim u/s 18 of the Protection of Human Rights Act, 1993 for the humiliation suffered by her at the hands of the hospital authorities.

6.62 Having received no response despite reminders the Commission vide its proceedings dated 08.01.2018 confirmed the show cause notice and recommended to the Govt. of Uttar Pradesh to pay an amount of ₹ 25,000/- to the victim as monetary compensation.

6.63 In view of compliance of recommendation of the Commission, the case was closed on 18.01.2018.

7. Death of 39 Tribal Children due to Malnutrition in Attappady area of Palakkad District, Kerala

(Case No. 437/11/10/2013)

6.64 The Commission received a complaint from Tejang Chakma, Asian Centre for Human Rights alleging that 27 tribal children had died due to malnutrition in Attappady area of Palakkad District, Kerala. It was also alleged that 500 such malnutrition cases and 412 cases of Anemia had been detected between January, 2012 to April, 2013.

6.65 Responding to the notice to the Chief secretary, the Deputy Secretary, Department of Health and Family Welfare, Government of Kerala vide his communication dated 15.07.2013 submitted that 38 children had died and majority of the infants who died were either premature or low birth weight babies who did not need any nutrition intervention on the part of government. The report enumerated the action taken to tackle the problem of poor maternal health and malnourishment in expectant mothers.

6.66 Another complaint was received in the matter on 25.07.2013 from one Gerturd Casel, Secretary General, German Commission for Justice and Peace, Bonn, raising the similar issues.

6.67 Subsequently, the Joint Secretary, Department of SC/ST Dev. (E), Government of Kerala vide his letter dated 04.01.2014 submitted an Action Taken Report which revealed that various steps had been taken to improve the Nutrition and Medical Aid facilities in the Attappady area. 849 patients were identified for regular treatment and were being treated through Mobile Medical Units. NRHM also started distribution of medical kits in the affected areas. Distribution of milk, eggs, fruits, food grains, to the patients had been started. The improvement of medical facilities at the Tribal Super Specialty Hospital, Kottahara had been initiated. MGNREGA wage arrears to the tune of ₹ 25 lakhs etc. had been distributed.



6.68 The Commission transmitted the aforesaid reports to both the complainants Tejang Chakma and Gertrud Case for their comments but they did not respond.

6.69 The Commission considered the matter on 17.07.2014 when it observed that:

“there was inaction on part of State Government to protect the lives of infant children and to administer the welfare scheme, in time. It appeared that State Government woke up after the incident and particularly after cognizance of matter by the Commission. Had the State Administration been functional earlier, the death of 38 tribal children could be avoided. The mapping of 849 patients for regular medical treatment clearly speaks that there was lack of medical facilities in the State. The payment of outstanding wages under MGNREGS after the deaths of children and malnutrition in women indicates the callous attitude of State Government towards the fundamental rights of citizens for food and livelihood. The State Administration has miserably failed to discharge its functions to protect the human rights of citizens.

The Commission took a serious note of inaction on part of State Government of Kerala and issued a notice to Chief Secretary, Govt. of Kerala to show cause, why interim relief of ₹ 1,00,000/- each, shall not be granted to the 38 deceased tribal children/victims' families as per Section 18 of the Protection of Human Rights Act, 1993. Further, the Chief Secretary, Government of Kerala was asked to report the action taken to prevent the occurring of such malnutrition death in future and medical facilities provided to pregnant women in Attappady and other affected areas of Palakkad District, Kerala.”

6.70 After repeated reminders, the District Collector, Palakkad, Kerala vide letter dated 30.11.2017 informed that the Government of Kerala had allotted ₹ 38 Lakhs to pay monetary relief of ₹ 1,00,000 each to the next-of-kin of the 38 deceased infants. The amount was released to the mothers of the deceased infants by issuing Treasury Savings Bank Cheques (Cheque No. 0431922 to 0431948 and 0431950 to 0431960). He further informed that the Government of Kerala had again issued another order to allot ₹ 34 Lakhs to pay ₹ 1,00,000 each to the next of kin of remaining 34 deceased infants in Attappady. The amount will be released to the beneficiaries as and when the online allotment is received.

6.71 On compliance of the recommendation of the Commission, the matter was closed on 11.12.2017.

8. Death of more than 80 infants/children in a Government run Hospital in the District Banswara of Rajasthan

(Case No. 2064/20/3/2017)

6.72 The Commission came across a news item published in the Hindi daily, Nai Duniya on 05.09.2017, stating that during last two months, more than 80 infants/children have died in a government run hospital in the district Banswara of Rajasthan. After the deaths were reported by the media, the officers of the State Medical Department visited the hospital and found a number of shortcomings. As per news report, the State Government has placed the Chief Medical Officer, Gynaecologist and the Block Medical Officer, under suspension. Apart from this, 6 doctors have been issued Show Cause Notices and 6 others have been removed from the service.

6.73 The senior officers of the State medical department reportedly found that the 'Labour Room' of the hospital was not properly sterilized and even the Towels, being used, were found to be dirty. There was no proper sanitation in the Labour Room. As per record, the pregnant women were found to be underweight and proper consultation regarding appropriate diet was not being provided to them by the hospital. Due to weakness, the pregnant ladies, delivered babies at pre-mature stage and the infants suffered lung diseases, due to viral infection.

6.74 The Commission took *suo-motu* cognizance of the media report and vide its proceedings dated 05.09.2017 observed and directed as under:

"The Commission has carefully examined the news report. The contents are disgusting. The particular government hospital is certainly in a dilapidated condition resulting into deaths of the infants and the children in such a large number. The negligence on the part of the hospital authorities amounts to violation of right to life of the poor victims. Many such cases from various parts of the country have come to the notice of the Commission, wherein a large number of human lives are lost due to lack of infrastructure and callous attitude of the doctors/officers in the government run hospital.

The Commission takes suo motu cognizance of the news report and directs issuance of Notice to the Chief Secretary, Government of Rajasthan calling for a report in the matter within four weeks along with the steps taken and proposed to be taken to improve the conditions in the hospital. The Chief Secretary is also expected to inform the Commission whether any instructions in the recent past have been issued by the State Government to the hospitals and other Medical Care institutions sensitizing them to be attentive and careful to prevent such tragic deaths due to any human errors/negligence."

6.75 Pursuant to the directions of the Commission, a report dated 27.9.2017 was received from the Dy. Secretary, Medical Health Department, Govt. of Rajasthan. It was reported that on the basis of Joint Enquiry Committee report, the guilty doctor and nurses were suspended and departmental actions were initiated against them.



6.76 This matter was taken up by the Commission during its Camp Sitting at Jaipur on 19.1.2018 when the Chief Secretary, Government of Rajasthan and Ms. Veenu Gupta, ACS Medical and Health Department conceded during the course of discussion that the families of the deceased children were entitled to some monetary relief. Accordingly, the State government submitted that it has no objection in case monetary relief of ₹ 10,000/- each for the next-of-kin of the 80 children is recommended by the Commission.

6.77 In view of the submission made by the State government, the Commission recommended to the Chief Secretary, Government of Rajasthan to pay a sum of ₹ 10,000/-each to the family of the 80 deceased children. Compliance report is awaited.

Chapter 7

RIGHT TO FOOD

7.1 Nobel laureate Prof. Amartya Sen has strongly emphasized the need to strengthen people's entitlements in order to ensure food security to them in his famous work "Poverty and Famines". He advocated human development alone to be the real economic development. Despite rapid economic growth and gains in reducing its poverty rate, India is saddled with among the highest levels of hunger and malnutrition in the world. Not only does India have high levels of hunger and malnutrition but it has also reduced hunger only marginally over the past two decades. The National Family Health Survey 4 (2015-16), reflects upon this problem as more than half of the women (53 per cent) between (15- 49) years are anaemic in the country and 22 per cent have Body Mass Index (BMI) below normal. Among children younger than 5 years, 35.7 per cent have low weight for age and 21 per cent have low weight for height.

7.2 India is an active member of the United Nations and is a State Party to the International Covenant on Economic, Social and Cultural Rights. The United Nations Sustainable Development Goals (SDGs) for transforming the world by 2030 have also been endorsed by the Government of India. These, 17 goals, offer a vision of more prosperous, peaceful and sustainable world in which no one is left behind. They seek to build on the 2000 Millennium Development Goals. This all the more casts an obligation on the Government to respect, protect and fulfill the right to food of every citizen of India. The Government of India is implementing food, livelihood and social security programmes, such as the Integrated Child Development Services (ICDS) Scheme, Mid-day Meal Scheme (MDMS), Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), National Social Assistance Programme (NSAP) and Public Distribution System (PDS), supporting vulnerable people so that they can have access to basic needs, especially food.

7.3 The Government of India has put in place a massive food and safety programme by enacting the National Food Security Act, 2013 which seeks to ensure food and nutritional security of the people. The National Food Security Act (NFSA), 2013 seeks to deliver food security to the targeted beneficiaries. It combines and expands the scope of some existing



food-based welfare schemes like Targeted Public Distribution System (TPDS), Supplementary Nutrition Programme (SNP) of Integrated Child Development Services (ICDS) and Mid-Day Meal (MDM) schemes and a conditional cash transfer scheme called the Maternity Benefit Programme [erstwhile Indira Gandhi Matritva Sahyog Yojana, (IGMSY)].

7.4 The National Human Rights Commission (NHRC) has been emphasizing on the proper implementation of the National Food Security Act, 2013 and also the flagship schemes namely, the Integrated Child Development Services or ICDS and the Mid-day Meal Scheme. It has also been requesting its Special Rapporteurs to provide feedback on the status of implementation of these schemes as well as the Food Security legislation in the States. The meeting of the NHRC's Core Advisory Group on Right to Food was held in the Commission on 6th June, 2017 under the chairmanship of Shri S.C. Sinha, Member, NHRC. The meeting was convened to discuss the implementation of the National Food Security Act, 2013 (NFSA, 2013). The issues raised during the discussion included (i) Exclusion of beneficiaries by linking AADHAR to the PDS (ii) cash transfer to the beneficiary when food grains are not provided (iii) use of SECC data to identify beneficiary (iv) migrant workers, connectivity and transparency. The Core Group Members who participated in the said meeting were Dr. Kirit S. Parikh, Former Member-Planning Commission, Chairman, Integrated Research & Action for Development, New Delhi; Dr. S.M. Jharwal, Chancellor, Indira Gandhi National Tribal University, Amarkantak, Dwarka, Ms. Suman, Vice President, FIAN, New Delhi; and Shri Pradip Kumar Pradhan, State Convener, Right to Food Campaign, Odisha.

A. National Conference on Implementation of National Food Security Act, 2013 in Relation to Children & Lactating Mothers and Pregnant Women

7.5 Keeping in mind, the existing reality on the ground where many are still struggling with the problem of poverty, hunger and malnutrition in the country, the NHRC organized National Conference on "Implementation of National Food Security Act, 2013 In Relation To Children & Lactating Mothers and Pregnant Women" on 27th October, 2017 at New Delhi. The objective of the conference was to make a state wise assessment of the implementation of the National Food Security Act, 2013 across States/UTs with special reference to provision of nutritional support to children and pregnant women and lactating mothers. The Conference deliberated on two major themes in its plenary sessions as follows:

Session-I: Implementation of National Food Security Act, 2013 by States- Mid-day Meal Scheme for Children between 6 to 14 years - Steps taken, structural problems, operational issues and bottlenecks

Session-II: Implementation of National Food Security Act, 2013 by States-Nutritional Support to Pregnant Women and Lactating Mothers and Children up to 6 years - Steps taken, operational issues and bottlenecks

The two Working Groups constituted in the Conference made recommendations on the issues of (i) Nutritional Support to Pregnant Women and Lactating Mothers and Children up to 6 years (ii) Mid-day Meal Schemes. The recommendations were later sent to the concerned Union Ministries and to all the States/UTs.



National Conference on Implementation of National Food Security Act, 2013 held on 27th October, 2017

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

7.6 The research study titled “Agrarian Crisis and Farmers’ Suicide - An Empirical Study of the Endemic States - Issues and Concerns” has been undertaken by NHRC in collaboration with National Institute of Rural Development & Panchayati Raj (NIRD&PR), Hyderabad. The study will attempt to analyze the causes of farmers’ suicides, post-suicide condition



of the households, measures for rehabilitation, successful interventions and possible policy interventions not only to prevent the suicide but also to mitigate the adverse impact on the family. The study will use both primary and secondary sources of data to accomplish the objectives of the study which will be carried out in the States of Maharashtra, Telangana, Odisha and Punjab. The duration of this study is 10 months.

7.7 The findings of the study will suggest necessary policy measures to be taken by the government to prevent the incidence of farmer's suicides and to ensure that the affected families obtain the ideal rehabilitation benefits with minimum bureaucratic hassles.

C. Special Rapporteur Visits

7.8 The Special Rapporteur, North Zone during his visit to Varanasi district of Uttar Pradesh inspected seven Anganwadi Centres (AWCs) in the district. The number of registers and documents maintained at the AWCs are too large for the meager staff working at the Centres. Government had ordered creation of 'Mega Call Centre' for monitoring the service delivery for the services provided on the 'Village health and nutrition day'. The Commission has recommended to the state government that the similar efforts be made to electronically obtain and store data which is presently being maintained at the AWCs and reduce the number of registers.

7.9 The Special Rapporteur, Central Zone, NHRC, visited fair price shops in Lucknow and Ghaziabad districts in Uttar Pradesh on 10th -11th January, 2018. In the district of Ghaziabad, it has been observed that in some fair price shops, the internet connectivity is poor causing the beneficiaries to wait for long hours for their turn to get their finger prints and biometrics verified by the PoS (Point of Sale) machines. Further, the state government vides its order dt. 18th October, 2017, directed linking of the AADHAR based biometric system with the ration cards within a period of six months. It was observed that the verification of the ration cards along with the linking of the same with the AADHAR card is still in progress. Taking in view the lacunae, the Commission has recommended following to the state government:

- I. The internet service needs to be improved tremendously to ensure proper functioning of e-PoS machines and timely delivery of ration to the beneficiaries.
- II. A review at the Chief Secretary level is required for timely completion of the linking of the AADHAR based biometric system, with the ration card and improvement in per cent distribution of ration based AADHAR seeding.
- III. A monthly review should be carried out by District Magistrates and State Supply Department as the district units are not keeping an eye on bogus/ghost cards (ration cards).

7.10 The Special Rapporteur, West Zone, NHRC, visited Kanyakumari and Tirunelveli districts of Tamil Nadu to make an assessment of status of human rights. Public Distribution System (PDS) in Kanyakumari district is being run through 588 full time and 179 part time fair price shops while 1006 full time and 444 part-time fair price shops in Tirunelveli districts. The ICDS services are being provided through 1401 Anganwadi and 34 Mini Anganwadi Centres in Kanyakumari district while in Tirunelveli district the said services are being provided through 2562 Anganwadi and 258 Mini Anganwadi Centres. On the issue concerning food security and malnutrition the Commission has recommended the state government to ensure tracking the families of malnourished children and careful monitoring of their income levels and consumption patten and linking with Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) and other employment generation schemes, if needed could help in holistically and effectively dealing with malnutrition.

7.11 The Special Rapporteur, North East Zone, NHRC, visited North Sikkim district of Sikkim to review the implementation of the Flagship Programmes of Government of India. The Special Rapporteur visited Anganwadi Centres in Lachung and Lachen districts of Sikkim. It was observed that the Supplementary Nutrition Programme articles are supplied regularly at AWCs. However, no money is being provided for the fuel and for the carriage charges of the food items. Further, the AWC staff is paid a meager amount of salary. The Commission has recommended that the State Government should create some contingency money which should be made available to the staff of the AWC for such exigencies and the salary of the AW staff should be revised. The Special Rapporteur, North East Zone also visited 12 Anganwadi Centres in Meghalaya, Assam-Greater Guwahati Area and Assam-Nagaon Town from 13th -15th September, 2017 to obtain the current status on functioning of the Anganwadi Centres. It has been observed that the existing funds provided to the Anganwadi Centres are not enough to take care of the needs of the children such as electricity, cooking fuel, drinking water, better infrastructure of buildings of AWCs. The Commission has recommended to the state government to ensure adequate funds are available to the Anganwadi Centres so that these needs of the children are taken care of.

7.12 The Special Rapporteur, West Zone, NHRC, visited five districts of Maharashtra namely, Bhandara, Nagpur, Chandrapur, Gadchiroli and Ghondia to assess the status of human rights from 15th -20th May 2017. The rural healthcare in the districts is constrained by the shortage of doctors and medical staff, poor condition of living quarters, lack of good educational facilities for children and medical officers and staff. The Special Rapporteur NHRC also visited Goa to review the status of human rights in the Union Territory. In terms of ICDS services, it is generally seen that actual attendance of children in 03-06 years age group is lower than the enrolled. Enrollment of children and women ought to be physically verified.

7.13 The Special Rapporteur, South Zone, NHRC, visited Fair Price Shops in Thoothukudi and Virudhanagar districts of Tamil Nadu to review the implementation of the National



Food Security Act, 2013. The Commission recommended to the State Government that the types of grains (raw rice, boiled eggs etc.) given should be of type required and commodity used by the people of the locality and the card holder should be given the option to choose freely within overall ration limit either in full or part, instead of putting compartmentalized ceiling on the type of grains. The state government in its action taken report has responded that that presently, there is no compartmentalized ceiling on the type of grains, like raw rice and boiled rice and the card holder has liberty to choose food grains of his choice within the overall ceiling. The Commission also recommended completing the task of linking of Aadhar numbers and mobile phones numbers expeditiously. The State Government mentioned in its ATR has mentioned that 100 per cent Aadhaar seeding has already been completed and 96.95 per cent of mobile phone numbers have been linked.

D. Illustrative Cases on Right to Food Dealt by NHRC

1. Sixty-Eight Students Falling Sick After Consuming Mid-Day Meal In Baitul District, Madhya Pradesh

(Case No. 1746/12/5/2013)

7.14 The case is related to an incident in which 68 students of the Middle School, Malajpur Village, Chicholi Block, District Baitul, Madhya Pradesh, became sick after consuming mid-day meal. In this regard, an FIR No. 171/13 dated 15.08.2013 under Sections 336/34 IPC was registered at PS Chicholi against the persons who had prepared the meal. After completion of the investigation, a charge-sheet was filed in the Court on 11.12.2013.

7.15 Having considered the report of the State Coordinator, Mid-day Meal Programme, Madhya Pradesh, the Commission, vide its Proceedings of 13.08.2014, directed as under:

"The State Coordinator, Mid-day Meal Programme, Madhya Pradesh, is directed to answer the following queries:

- (i) Whether any departmental action has been taken against the teachers Shri Sulabh Arya and Shri R.B. Gangare, whose duty it was to taste the food before being served to the students, for dereliction of duty?*
- (ii) Whether the in-charge of mid-day meal and the President and Secretary of the Narmada Self Help Group are also accused in the charge-sheet filed in the case?*
- (iii) If the teacher in-charge of mid-day meal is different from the teachers Shri Sulabh Arya and Shri R.B. Gangare, whether any departmental action has been taken against him?*

(iv) *How long were the affected 68 students hospitalized?"*

7.16 In response, the Joint Commissioner, Mid-day Meal Programme Board, Bhopal, Madhya Pradesh, vide communication dated 18.12.2017 sent replies to the questions raised by the Commission. As per the reply, firstly, on 14.08.2013, i.e., day of incident, both the Teachers, Shri Sulabh Arya and Shri R. B. Gangwar, had tasted the mid-day meal before its service to the children, and they also fell ill, as such no action was taken against these two Teachers. Secondly, the Mid-day Meal In-charge, Shri R. K. Vanshkar, and the President, Narmada Self Help Group, were removed from the work of mid-day meal. Thirdly, In-charge Teacher of Mid-day Meal, Shri R. K. Vanshkar, was suspended. And finally, it was informed that due to consumption of contaminated mid-day meal, 68 affected children remained in the hospital from 14.08.2013 to 15.08.2015.

7.17 The Commission considered the report and came to the conclusion that since the competent authority had taken action in the matter, no further intervention of the Commission was required, and the case was closed.

2. Death of parents pushes Five Minor Children to starvation in Nayagarh District, Odisha

(Case No. 2525/18/31/2013)

7.18 The complainant activist Shri Radhkanta Tripathy intimated the Commission through his complaint dt 5.11.13 that on 1.11.13, a helpless woman Kunti Dharua widow of Hita Dharua died due to medical negligence in the Nayagarh Dist of Odisha. After death of the deceased her five minor children most of whom were girls became orphans. The complainant narrated their condition to be so miserable that they were not able to perform the last rites of their deceased mother. The first two children who were adolescent daughters left their studies to earn a livelihood for the family despite odds against them as child labourers. The complainant termed their state of lives to be a starving family. Thus he sought the indulgence of the Commission for the restoration of their basic human rights by the State.

7.19 Pursuant to the direction of the Commission, a report dt 11.7.2014 was received from the Principal Secretary to the Government of Odisha wherein the condition of the distressed family as narrated by the complainant was admitted by the Government. It was disclosed that the family was included in the BPL list of beneficiaries and 25 kg of rice at the rate of ₹ 1/- was being provided to them besides a financial assistance of ₹ 3000/- was paid and another similar amount was recommended to the Collector Nuapada from Chief Minister's Relief Fund.

7.20 The Special Secretary to Government of Odisha explained the background of the sufferings of the deceased Kunti Dharua that she was a TB patient and her treatment was



undertaken at DHH Nuapada and VSS Medical College & Hospital Burla. It was reported that deceased Kunti Dharua died due to shock for the loss of her husband and daughter. The report detailed out the steps taken and cash assistance given by the Govt to meet the requirement of the orphan children's food, education and shelter & security related problems.

7.21 The Commission upon further consideration of the matter called upon the Chief Secretary to the Government of Odisha to submit a status report on the question of shelter to the orphans. The Collector, Nuapada, Odisha intimated that Shakuntala Dharua, elder daughter of (mother- late Kunti Dharua and father - late Hite Dharua) of Village Sihinamunda, PS Komna, District Nuapada was allotted with a pucca house under the Biju Pucca Ghar Yojana 2013-14 and all the installments have been released.

7.22 The Commission carefully considered the fact that the grievance raised by the complainant was duly considered by the District Collector Nuapada, Odisha and took note of the compliance furnished by the State authorities. The daughters of deceased Shakuntala Dharua were now under the protection of the District Administration. The Commission hoped and expected that the protection extended to the distressed orphans would continue as per law.

7.23 In the circumstances, the Commission vide proceedings dated 15.05.2017 observed that the matter required no further intervention of the Commission, accordingly closed the case.

Chapter 8

RIGHT TO EDUCATION

8.1 Education is a process of learning and gaining knowledge and it can be acquired by inculcating skills, values and beliefs in different aspects of an individual's life. According to international human rights law, primary education shall be compulsory and free of charge for the children. In fact, international law makers have propagated that secondary and higher education should also be made progressively free of charge. Free primary education is fundamental in guaranteeing everyone has access to education. However, in many developing countries, families often cannot afford to send their children to school, leaving millions of children of school-age deprived of education. Despite international obligations, some states keep on imposing fees to access primary education. In addition, there are often indirect costs associated with education, such as for school books, uniform or travel, that prevents children from low-income families accessing school.

8.2 In India, the Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) is an Act of the Parliament of India enacted on 4th August, 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21-A of the Indian Constitution. India became one of 135 countries to make education a fundamental right of every child when the Act came into force on 1st April, 2010. The Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools. It requires all private schools to reserve 25% of seats to children (to be reimbursed by the state as part of the public-private partnership plan). Children are admitted in to private schools based on economic status or caste based reservations. It also prohibits all unrecognized schools from practice, and makes provisions for no donation or capitation fees and no interview of the child or parent for admission. The Act also provides that no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education. There is also a provision for special training of school drop-outs to bring them up to par with students of the same age.

8.3 The cornerstone of Right to Education (RTE) is provision of free and compulsory primary education, though the aim is also to provide increasing access to learning opportunities at



secondary, technical and higher levels. It was envisaged that under the RTE Act, teaching and learning processes would be stress-free. A programme for curricular reform was also envisaged to provide for a child friendly learning system, which is at once relevant and empowering. In this regard, Indian government has taken many major steps and initiatives for increasing the literacy rate in India. The comparison of data provided by the National Literacy Mission in 2001 and 2011 clearly shows that the literacy rate of country has increased tremendously. For the year of 2011, the literacy rate was 74.04 per cent which was only 64.84 per cent in 2001.

8.4 Further, it has been quoted in many assessment reports that RTE Act is still a mirage in a number of places in India. There are prominent regional disparities across India in the execution of the Act. In regard with enrollment of the children, the enrollment rate has improved but learning outcomes have not shown much progress. The percentage of girls' total enrollment in upper primary has increased from 48 per cent in FY (2009-10) to 49 per cent in FY (2013-14). Also, the gender parity index (the number of females divided by the number of males enrolled in a given level) has increased from 0.93 in FY (2009-10) to 0.95 in FY 2013-14. The enrollment numbers for Children With Special Needs (CWSN) has increased to nearly twice of the number in FY (2009-10) and the annual dropout rate has considerably dropped from 9 per cent in FY (2009-10) to below 5 per cent in FY (2013-14). The Net Enrolment Rate (NER) in primary education increased from 84.5 per cent in FY (2005-06) to 88.08 per cent in FY (2013-14).

8.5 The quality indicators reveal that most of the states have adopted the curriculum mandate under the RTE Act. In government schools, 80 per cent of the teachers have the prescribed professional qualification to teach. However, average attendance of students and teachers in primary as well as upper primary schools still is an area of concern. The teacher indicator indicates the increase in the number of teachers working in government and aided schools. There has been a drop in the number of schools that do not fulfill the Pupil Teacher Ratio (PTR) as laid down by the Act. The PTR ratio, as mentioned in the RTE Act, is meant to ensure that schools maintain smaller classrooms which will enable personal attention to each student by the teacher which would serve as the basis of the Continuous and Comprehensive Evaluation policy. There have been significant improvements in the schools when we compare the social infrastructure indicators in FY (2013-14) to FY (2009-10). Playground, boundary wall and kitchen sheds have still not been developed in many schools. There has been significant increase in the percentage of schools that are equipped with toilets for girl students, from 59 per cent in FY (2009-10) to 85 per cent in FY (2013-14), but there's still a long way to go to achieve full compliance.

8.6 As stated above, despite significant gains in increasing access to literacy rate and schooling, there are still major glitches in the implementation of the RTE by States, especially

with regard to basic infrastructure requirements, such as proper classrooms, toilet and boundary walls for schools, availability of drinking water, having trained teachers in place, filling up of vacant posts of teachers and pupil-teacher ratio. There are still habitations that do not have a school within three kilometers. RTE is illusory for many children from tribal and minority communities and conflict zones. Furthermore, all States do not have the Commissions for Protection of Child Rights needed to monitor the implementation of the RTE. Much of the narrative around the RTE continues to focus on the 25% reservation of seats for children from disadvantaged background in private schools.

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

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

8.8 The above study was undertaken by the National Human Rights Commission in collaboration with the Sacred Heart College (SHC) in Thevara, Cochin, Kerala. The concerns to be addressed by the study are: (i) the levels of enrolment of children of migrant labourers in schools; (ii) the dropout rates of children of migrant labourers in schools; (iii) the levels of enrolment of children of migrant labourers in higher education; (iv) the living conditions of the migrant labourers; (v) analyze the economic state of affairs of the migrant labourers; and (vi) the cultural dilemma faced by the children of migrant labourers.

The final report of the study has been received. The study pointed out that one of the main constraints that the state has in charting strategies for the welfare of the migrant labourers is the absence of authentic data about them. Collecting the demographic profile of the Domestic Migrant Labourer (DML) in Kerala is a difficult task as the migrant workers are a floating population; they may come to Kerala and stay here for some time and go back to their home state or often shift from one place to another. It further reported that the migrant laborers get much higher wages in Kerala than in their native places. But they work for longer hours and have higher cost of living on food, shelter and transport. Most of the DML families



live in single rooms in unhygienic circumstances without proper basic amenities. One of the most striking aspects of the life of migrant workers in Kerala is their segregation from the local population.

8.9 The following main recommendations emanated from the study:

- I. To improve the school enrollment of DML children in Kerala, the government should seriously monitor the activities of all SSA's in Kerala. Ernakulum SSA is a good model.
- II. More teachers with proficiency in North Indian languages could be appointed in schools located near DML settlements.
- III. Special hostel free of cost modeling tribal students hostel could be started for the children of DML in Kerala, so that the change of workplace of the parents will not affect the education of children.
- IV. The government should take steps to register all the DML in Kerala and insist the Education department to keep a list of DML students. This is a basic requirement for planning and implementing the welfare programs. Presently there is not such list with the Department of education.
- V. Encourage the involvement of genuine NGOs in the SSA programs for the DML children.

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

- 1. Fifteen Students of Eklavya Model Residential School in Khumulwng, Tripura Deprived from Appearing for NEET Examination**
(Case No. 21/23/4/2017)

8.10 The Commission had received a complaint from Sh. Sanjit Debbarma, a resident of district Dhalai, Tripura alleging that due to negligence of the Ministry of Tribal Welfare Department, Government of Tripura, 15 Scheduled Tribes (STs) students of Eklavya Model Residential School at Khumulwng, Jiraniya, Tripura could not appear in NEET examination, as they could not afford the examination fee, which was supposed to be provided by the Government.

8.11 A report has been received from the Tribal Welfare Department of the Government of Tripura stating that the Principal of EMRS, Khumulwng completed the filling of online application for the students, but failed to remit the requisite fees within the stipulate time. The responsibility was given to one teacher who could not accomplish the task. As soon

it came to the notice of the Tribal Welfare Department, the matter was taken up with the Chairman, CBSE, New Delhi. The request was not accepted by the CBSE as the admit cards of the successful candidates were already dispatched by them. Action against the negligent Principal and teacher had been taken and the disciplinary proceedings have been initiated against them. The 15 students who are affected shall be provided free coaching by the Tribal Welfare Department, Government of Tripura for the NEET examination of the year 2018. These students were also provided free coaching for appearing in the NEET Examination, 2017.

8.12 The negligence on the part of Principal and the teacher has been accepted by the Government of Tripura. The Eklavya Model Residential School (EMRS) are run by the State government through Tripura Tribal Welfare Residential Educational Institutions Society (TTWREIS). Due to negligence by the Principal and the concerned teacher of the EMRS, Khumulwng, 15 innocent students belonging to Scheduled Caste, could not appear in the NEET examination, 2017 in spite of preparation done by them, throughout the year. The examination fee was to be paid by the government, through school administration. There is no fault on the part of the students. The right to education and equal opportunity of the 15 students had been grossly violated and they have lost an entire precious year of their academic career. Hence on 30.08.2017 the Commission directed to issue Show Cause Notice to the Government of Tripura, through its Chief Secretary, as to why suitable compensation to all 15 students be not paid by the State Government.

8.13 Pursuant to the directions of the Commission, the Additional Secretary, Tribal Welfare Department, Government of Tripura, had submitted report dated 24.10.2017, in which it is stated that the Principal and teacher were suspended immediately when the matter came to the notice of the authority. Chargesheets have been framed against the Principal and teacher, who were responsible in the matter and also departmental proceedings have been initiated against them. They have been transferred to EMRS at Kumarghat and Rajnagar of Unokuti and Khowai District respectively. It was further stated that out of 15 students, 5 students have passed in AISSCE, 5 students were compartmental and 5 students failed. Necessary arrangements for appearing in AISSCE Examination 2018, for 10 students who could not pass the examination has also been made. Besides this the Tribal Welfare Department, Government of Tripura, has arranged for joint entrance coaching for appearing in NEET- 2018 for all the students.

8.14 The Commission is of the opinion that a clear case of violation of human rights of the concerned students is made out and they deserve to be compensated. Hence on 27.11.2017, the Commission recommended to the Chief Secretary, Tripura, to pay compensation of ₹ 2,00,000/- each to all the 15 victim students. A communication dated 19.1.2018 has been received from the Tribal Welfare Department, Government of Tripura stating that the State Government has paid compensation of ₹ 2,00,000 each to the 15 students of Eklavya Model



Residential School, Khumulwng, Jirania, on 17.1.2018. The proof of payment was enclosed with the report.

Consequently, the case has been closed on 16.02.2018.

**2. 9 Girl Students became Unconscious due to Insufficient Food in a Government Tribal Girls Residential Schools in Baran District, Rajasthan
(Case No. 339/20/33/2014)**

8.15 The Commission received a complaint from Shri P.L. Mimroth, Advocate and Chief Patron, Centre for Dalit Rights regarding an incident in which 9 girl students became unconscious due to insufficient food on 04.02.2014 in a Government Tribal Girls Residential School, Shahabad, District Baran, Rajasthan. It was further alleged that due to mismanagement of the hostel, sufficient and quality food was not provided to the girl students and when the students raised voice, they were badly abused and threatened not to speak anything. The authorities were informed, but no action was taken.

8.16 The Commission obtained a report dated 10.6.2016 from the Joint Secretary, SC/ST Regional Development Department, Jaipur, Rajasthan according to which action had been initiated against the lady teacher, Smt. Shamim Bano. However, the enquiry report along with the action taken against the delinquent lady teacher and the other staff of the hostel in pursuance of the enquiry was not submitted.

8.17 The Commission took up this matter during its Camp Sitting at Jaipur on 19.01.2018. Having regard to the fact that the teacher Shamim Bano was prima-facie found negligent in discharge of her duties and chargesheet was submitted against her, the Commission recommended to the Government of Rajasthan to make payment of ₹ 10,000/- each to the nine victim children who suffered mental as well as physical agony. The State Govt. has been asked to submit compliance report along with proof of payment within eight weeks and the same is awaited.

Chapter 9

RIGHTS OF SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER VULNERABLE GROUPS

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

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

9.3 The NHRC over the years has looked into various matters ranging from the still prevalent untouchability to systematic exclusion of the SC/ST. The pattern of complaints under this category mainly involves the issues of discrimination, exploitation and evasive or indifferent attitude of the police in bringing justice to them.

9.4 The Commission has conducted an exhaustive study on Prevention of Atrocities against Schedule Caste and Schedule Tribes. This study was undertaken to identify, prevent atrocities and subsequently to prepare a plan of action for reducing incidence of violence against SCs/STs. Approximately 150 recommendations emerged from this study which were then sent to the concerned authorities thereby requesting them to send an action taken report. The Commission has also been taking *suo motu* cognizance and redressal of individual complaints in cases of human rights violations committed on SC/ST or any other vulnerable sections of the society.

9.5 Further, the Commission has been proactive in monitoring the adherence of the States towards implementation of the Protection of Civil Rights Act, 1955, the Schedule Castes and



the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006. The Investigation Division of the Commission has been entrusted with the responsibility to carry out investigations in cases filed under Schedule Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The matter relating to the Compensation as per the Schedule Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, role of the police and analysis of various rules and notifications issued by the Government for relief and rehabilitation of the victims of discrimination have been regularly undertaken by the Commission. In reference to victimization of SC/ST/OBC, the Commission has registered 2679 numbers of cases from 01.04.2017 to 31.03.2018.

A. Elimination of Bonded Labour System

9.6 The National Human Rights Commission has been overseeing the implementation of the Bonded Labour System (Abolition) Act, 1976 in different parts of the country in pursuance of the directions of the Supreme Court dated 11th November 1997 in Writ Petition (Civil No 3922/1985). The Apex Court in its judgment said Writ Petition dated 15th October 2012 had given further directions to all States/UTs with regard to monitoring and survey of bonded labour.

a. Regional Workshop on Elimination of Bonded Labour

S.No.	District/State	Date of Workshop
1	Assam (Guwahati) with participating States of Manipur, Mizoram, Meghalaya, Sikkim, Tripura, Arunachal Pradesh and Nagaland.	19/05/2017
2	Patna (Bihar)	21/07/2017
3	Pune (Maharashtra)	06/10/2017
4	Goa	27/10/2017
5	Kochi, Kerala	12/01/2018
6	Ahmedabad, Gujarat	23/02/2018

9.7 The objective of the workshops will help in establishing conceptual and definitional clarity as also clarity about strategy and methodology of identification, release and rehabilitation of bonded labourers. The workshop would help in exchange of ideas and experiences amongst the participants.



Workshop on Elimination of Bonded Labour System, 27th October, 2017

b. Half Yearly Reports on Bonded Labour

9.8 The National Human Rights Commission (NHRC) has been overseeing the implementation of the Bonded Labour System (Abolition) Act, 1976 in different parts of the country in pursuance of the directions of the Supreme Court dated 11th November, 1997 in Writ Petition (Civil No 3922/1985). The Apex Court in its judgment in said Writ Petition dated 15th October, 2012 had given further directions to all States/UTs with regard to monitoring and survey of bonded labour.

9.9 As per the Judgment of Supreme Court dated 5th May, 2014, all the States/UTs are required to submit half yearly feedback on identification, release and rehabilitation of bonded labourers in the prescribed form. Accordingly the Commission vide its letter dated 9th November, 2011 had directed all the States/UTs to submit the Half Yearly Reports.

9.10 During the period from 01.04.2017 to 31.03.2018, 17 (Seventeen) States/UTs viz. Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Kerala, Maharashtra, Meghalaya, Nagaland, Punjab, Rajasthan, Tripura, Uttarakhand, Andaman & Nicobar, Dadra & Nagar Have and Daman & Diu have submitted the requisite information to the Commission. Half Yearly Reports from the rest of the States/UTs are awaited.



B. Research Project

9.11 The Commission approved research proposal titled 'Human Rights issues of Migrant Construction Workers in Kerala' by Dr. Jomon Mathew, Assistant Professor of Economics, University College of Thiruvananthapuram, Kerala in its meeting held on 16.11.2012. The duration of the research project was 12 months with financial assistant of ₹ 300,000.

9.12 The final report along with recommendations submitted by Dr. Mathew was considered by the Commission and directed to transmit the report to State Govt. of Kerala along with the summary of observation and recommendation for seeking response. The summary, findings and recommendations of the study is uploaded in the website of NHRC.

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

- 1. Alleged Rape and Sexual Harassment of 18 Students by the Head Master of a Government School under SC/ST Development in Puri District, Odisha**
(Case No. 1799/18/30/2014-WC)

9.13 Dr.Subash Mohapatra, Executive Director of Global Human Rights Communications, District Puri Odisha submitted a complaint alleging that 18 girl students of Kukurimundi Sevashram, Nuapada were raped and sexually harassed by the headmaster of a Government school under SC/ST Development Department.

9.14 The Commission on consideration of the reports of the concerned authorities came to the conclusion that the Human Rights of Sakhiya Majhi (Scheduled Tribe) victim were violated by the public servant and she, therefore, deserves to be compensated by the authority. The Commission, therefore, issued show cause notice to the Chief Secretary, Government of Odisha to show cause as to why the Commission should not recommend payment of appropriate compensation to the victims.

9.15 In response to the notice, the Deputy Secretary to the Government of Odisha, SC/ST Development Department has forwarded an Action Taken Report dated 27.1.2016 of Commissioner-cum-Secretary to the Government. As per the report the headmaster of Kukurimundi Sevashram, Nuapada school called the victim girl and tried to molest her, but somehow girl escaped from his clutches. Later again, he tried to sexually harass the victim. The victim girl disclosed this to her class mates. In this regard, a FIR u/s 354/506 IPC R/W Section 3(i)(xi) of SCs/STs (PoA) Act and Section 10 of Protection of Children from Sexual Offence Act, 2012 was registered and the concerned headmaster was arrested. The investigating

officer investigated the case and submitted a chargesheet against the accused headmaster and an ex-gratia of ₹ 30,000/- was sanctioned by the Government in favour of the victim. The Government of Odisha has taken several steps to prevent recurrence of such incidents and details of the steps taken have been given in the report.

9.16 The Commission considered the report and observed that the response of the Government mentions that the accused headmaster has been sent to jail, and charge sheeted by the I.O. of the case. An ex-gratia of ₹ 30,000/- only has been given to the victim girl. This amount of ₹ 30,000/- is not in consonance with the gravity of the violation of human rights of the victim girl. The Commission, therefore, recommended to the Government of Odisha to pay compensation of ₹ 70,000/- in addition to the ex-gratia amount of ₹ 30,000/- to the victim girl. The Chief Secretary, Government of Odisha was also directed to send the proof of payment of both the amounts which is awaited.

9.17 The Commission however noted that the report was silent about the sexual exploitation of the other girls' students as alleged in the complaint. S.P., Naupada has been directed to conduct a detailed inquiry regarding the same and submit report which is awaited.

Bonded Labour

2. Anu George, Activist rescue/release of 33 Persons (28 identified as Bonded Labour including 7 children) at SBI Brick-Kiln near Bathula Village in Hoshiarpur District of Punjab

(Case No.142/19/7/2014-BL)

9.18 The Commission received a complaint from an Activist Anu George of an NGO regarding rescue/release of 33 persons (28 identified as bonded labour including 7 children) at SBI Brick-kiln near Bathula village in Hoshiarpur district of Punjab and their rehabilitation in concerned districts of Chhattisgarh.

9.19 Pursuant to the directions of the Commission, the Distt. Magistrate Hoshiarpur vide communication dated 09.5.2014 had submitted report alongwith copy of letter dated 28.4.2014 of the SDM, Hoshiarpur and copy of release certificates.

9.20 Pursuant to further directions of the Commission, the District Magistrate Janjgir Champa vide communication dated 31.8.2017 submitted report alongwith enclosures informing that all the 24 released labourers have been paid ₹ 40,000/- each towards State Govt. share. The Central Govt. share is not available due to which the same has not been paid. Proof of payments was furnished with details of providing Social welfare scheme benefit to them.



9.21 The District Magistrate Raigarh, vide communication dated 25.9.2017 also submitted report which revealed that four released labourers were rehabilitated and ₹ 40000/- to each labourer was paid.

9.22 The District Magistrate Hoshiarpur, vide communication dated 06.10.2017 has submitted report alongwith enclosure which reveals that no case has been registered u/sec.16,17 of bonded labour system (Abolition) Act,1976 against the owner of Suresh Bricks industry, village Bathula.

9.23 Upon consideration of the reports, the Commission directed the District Magistrates, Janjgir Champa & Raigarh (Chhatisgarh) to take necessary steps for payment of rehabilitation amount of Central Govt. share to the released labourers. Distt. Magistrate Hoshiarpur was also directed to get the case registered under Bonded Labour System (Abolition) Act, 1976 against the owner of Suresh Bricks Klin, village Bathula, and intimate the Commission accordingly. The Commission closed the case with these observations.

3. Dr. K. Krishnana, Activist Rescued and Rehabilitation of Five Released (Women) Bonded Labourers

(Case No.184/22/44/2014-BL)

9.24 The Commission received a complaint from an Activist Dr. K. Krishnana regarding rehabilitation of five released (women) bonded labourers. The Commission directed DMs of Kondagaon and Kanker to verify the residential status of five released labourers and submit an action taken report with respect to their rehabilitation who were released in the year 2013-14 from Namakkal District of Tamil Nadu.

9.25 In response to the same, a report dated 23.4.2016 was received from the DM, Kondagaon, Chhattisgarh. It was intimated that four released women bonded labourers of the said Kondagaon District were paid ₹ 40,000/- under Bandhak Shramikk Punarwas Yojana and in addition to that they were also paid an assistance of ₹ 4000/- by the Chhattisgarh Building and Other Construction Workers Welfare Board. It was reported that the amount was paid to them through account payee cheques. Besides, it was intimated that the released labourers were also distributed ration cards and they were enlisted for allotment of a house under Indira Awas Yojana (IAY) of the Government.

9.26 Another report dt. 2.5.2017 was also received from the DM, Kanker, Chhattisgarh who intimated that the released labourer Kumari Rajeshwari Salam was paid rehabilitation Assistance of ₹ 40,000/- under Bandhak Shramik Punarwas Yojana. Further, she was given a family ration card, Rozgar Guarantee Card and she was also enlisted for allotment of a house under IAY scheme.

9.27 The Commission carefully took note of the substance of the said reports. The DMs of Kondagaon and Kanker were directed to submit the proof of payment of the said assistance to the released labourers within six weeks. Besides, the DM, Kanker was asked to inform as to why Rajeshwari Salam was not included for benefits under the Chhattisgarh Building and Other Construction Workers Welfare Board.

9.28 In response to the same, a report dated 15.6.2017 was received from the Collector and DM, Kanker, Chhattisgarh. It was intimated that Kumari Rajeshwari Salam was found to have been engaged in an agro farm and she was doing pickle manufacturing work for which she could not be included under the Chhattisgarh building and other Construction Worker Welfare Scheme.

9.29 The Commission noted that the released labourers were disbursed their rehabilitation assistance and they were extended other benefits under the social welfare schemes of the Government. In the circumstances, the matter required no further intervention of the Commission and, accordingly, the case was closed.

Chapter 10

RIGHTS OF WOMEN AND CHILDREN

10.1 NHRC-India is committed to the protection of human rights of women and children due to their vulnerability and therefore gives importance to it in its work in all thematic areas. In India, as elsewhere, women and children confront manifold violations of their human rights and are often discriminated against despite the fact that the Constitution of India provides for their survival, development, protection, participation and empowerment. India is also party to the international conventions which explicitly address the issues and advances human rights of women and children. The conventions were framed to ensure equality in the field of civil and political rights as well as economic, social and cultural rights.

10.2 The key international agreement on women's human rights is the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is ratified by 185 UN Member States. CEDAW encompasses a global consensus on the changes that need to take place in order to realize women's human rights. Likewise, the key international agreement on children's human rights is the 1989 Convention on the Rights of the Child (CRC). The CEDAW was ratified by the Government of India in 1993, whereas the CRC was ratified in 1992. Having ratified the CRC and the CEDAW, its provisions are reflected in numerous policies, laws, schemes and programmes being implemented for children and women by the Government of India.

10.3 However, the intergenerational cycle of multiple deprivation and violence faced by girls and women is amply clear by the adverse child sex ratio in children under 6 years of age. Hence it is important to work in the direction so as to provide protective and safe environment for women and children, including those from the most deprived socio-religious communities.

10.4 The paragraphs given below highlight some of the important activities undertaken by the Policy Research, Projects and Programmes Division, in short, Research Division of NHRC, on rights of women and children.

A. South Regional Conference on Juvenile Justice (Care and Protection of Children) Act, 2015 and the Protection of Children from Sexual Offences Act, 2012

10.5 The Commission had organized South Regional Conference on Juvenile Justice Act 2015 and POCSO Act, 2012 at Chennai on 5th -6th September 2017. The Venue of the Conference was Tamil Nadu State Judicial Academy.

10.6 The Conference was organized to review the implementation of important legislations like the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Protection of Children from Sexual Offences Act, 2012. The objective of the Regional Conference was to review the infrastructure available in the States for the protection of child rights and implementation of the registered legislations. The States/UTs of Tamil Nadu, Karnataka, Andhra Pradesh, Telangana, Kerala and Puducherry were covered.

10.7 The State Government had nominated a team from their States comprising of (i) Senior Officers dealing with Women and Child Development, (ii) Senior Police Officials, (iii) Member of Juvenile Justice Board, (iv) Probation Officers, (v) Senior Officials of State Legal Services Authority, (vi) An Officer of Special Juvenile Police Unit (vii) Superintendents of Observation Homes (viii) Chairperson/Members of Child Welfare Committee, (ix) Child Welfare Officers (x) Superintendent of Children Homes (xi) An Officer from District Child Protection Unit (xii) Special Public Prosecutors. Besides the State Government officials, State Human Rights Commission, State Commission for Protection of Child Rights and NGO were also present.

10.8 The Two-Day Conference observed healthy discussion and participation from all the States/UTs and a number of recommendations emerged which were then discussed with the participants at the end of the second day. The recommendation emanating from the conference would be finalized as well as incorporated in the planning of national conferences on JJA, 2015 and POCSO, 2012 and would be available on the NHRC website after the National Conference.

B. One-day Meeting on One Stop Centre

10.9 A One Day Meeting on 'One Stop Centers' was held in the Commission on 26th September 2017 in Manav Adhikar Bhawan. The meeting was chaired by Smt Jyotika Kalra, Member, NHRC. The objective of this meeting was to review the status of implementation of One Stop Centre Scheme, assess the existing ground situation, to have inputs from all the stakeholders and sharing of the best practices. In this meeting Senior Officials from the States of Delhi, Himachal Pradesh, Haryana, Punjab, Rajasthan, Uttarakhand and Uttar Pradesh,



Ministry of Women and Child Development, Ministry of Health and Family Welfare, NALSA, Senior Officials from Delhi Police, NGOs and civil society organizations had participated.

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

C. Gender Sensitizing Training for Officers and Staff of National Human Rights Commission

10.10 The Asia Pacific Forum in collaboration with NHRC had organized a Gender Sensitizing Training for Officers and Staff of National Human Rights Commission-India (NHRCI).

The objectives of the training were:

- i. Put into practice the publication 'Promoting and Protecting the Human Rights of Women and Girls: A Manual for National Human Rights Institutions'.
- ii. Provide skills and knowledge to support NHRCI to promote and protect women's and girls' human rights and address sex discrimination and gender inequality through the NHRI's functions.
- iii. Expand skills and competencies of NHRCI staff to integrate gender analysis within their work and to undertake specialized projects for promoting and protecting women's and girls' human rights.

10.11 The training was conducted in two batches. Batch I for Junior and Middle level Officers on 30th -31st October, 2017 and Batch II for Senior Level officers on 1st -2nd November, 2017. The participants also formulated an action plan to be undertaken by the Commission. Few of the things that the Action Plan mentioned are as follows:

- Provision of crèche
- Rest/changing room exclusively for women
- Women's washroom on each floor
- Medical investigation room
- Women's and gynecology doctors on need basis
- Counseling on health, parental and marital issues
- Physical and moral training for self defense
- Emergency transport
- Mini gym for exercise by pregnant and lactating women

- Flexible working hours
- Capacity for working from home
- Menstrual, maternity and child care leave to be given to all employees without discrimination, including contractual and outsourced staff
- Leave reserve
- Training on stress management
- Provisions of yoga and meditation
- Improved cleanliness and hygiene of the office
- Sensitization of the needs of pregnant and lactating women and mothers of young children

D. Regional Conference for the North Eastern Region on Juvenile Justice (Care and Protection of Children) Act 2015 and POCSO Act, 2012

10.12 The Commission had organized its second Regional Conference for the North Eastern Region on JJ Act, 2015 and POCSO Act, 2012 at Imphal on 10th -11th November, 2017. The Conference has been organized to review the implementation of the important legislations like the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Protection of Children from Sexual Offences Act, 2012. The objective of the regional Conference was to review the infrastructure available in the States for the protection of child rights and implementation of related legislation. The States/UTs of Assam, Manipur, Mizoram, Nagaland, Tripura, Arunachal Pradesh, and Meghalaya were covered.

E. Regional Conference to End Child Marriage

10.13 The Commission organized a Regional Conference on Child Marriage, on 4th -5th January 2018 at Bhubaneswar, Odisha. The objective of this Regional Conference was to spread awareness about the menace of child marriage, which is not only against the law but also a violation of the child's human rights. In the Conference all the stakeholders deliberated upon the areas of vital concerns, challenges and measures to prevent child marriages.

10.14 The Regional Conference was attended by the Senior Officers/representatives of the State Government Department of Women and Child Development/ Department of Social Welfare, State Commissions for Protection of Child Rights, State Commissions for Women, Senior Police Officers, NGOs/Civil Society Organizations, from the States of Assam, West Bengal, Odisha, Chhattisgarh, Bihar and Jharkhand. The Conference observed healthy discussions



and the working groups prepared recommendations on the four areas: (a) Child Marriage: A reality Check of Present Status, Issues and Challenges (b) Policy Framework: Programmatic and Legal aspects of Child Marriage (c) Dynamics of influencing factors including Social, Cultural, Economic and Environmental Aspects of child marriage : Preventive Measures (d) Human Trafficking and Child Marriage : Issues Challenges and Road Ahead.

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

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

10.15 The study 'Interrogating Violence against Women from the other Side: An Exploratory Study into the World of Perpetrators' was initiated by NHRC in collaboration with Centre for Women's Development (CWDS), New Delhi. The rationale of the research is to gain insight into the perceptions of male perpetrators accused of crimes against women and girls in Delhi in order to arrive at some inferences on the intersections between gender, violence, crime and social transformation with a particular focus on urban India.

10.16 The study has completed the collection of primary data by interviewing 25 adult offenders of crimes against women of Tihar Jail. The final report is yet to be submitted to NHRC.

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

10.17 The research study entitled 'Study on Human Rights of Transgender as a Third Gender' has been entrusted by NHRC to Kerala Development Society (KDS), New Delhi. The main objectives of the research project were to study the socio-economic profile of transgender as the third gender. Further, the study was to examine the various kinds of discrimination and the violation of human rights issues faced by transgender and to evaluate the problems faced by transgender for receiving the benefits of the various government programmes related to education and employment and reasons for their exclusion. Additionally, this study was to make in-depth analysis of the programmes/schemes launched and facilities provided for transgender by the Centre, State or Local Government as well as of the laws and policies, along with the Supreme Court judgment and the steps taken for the overall development of the transgender. Meetings were held with the Principal Investigator from Kerala Development Society before the Commission. The final report of the subject has been approved by the Commission and all the States/UTs have been requested to take necessary action and intimate the Commission within a 3 months' time period.

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

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

I. Core Group on Trafficking, Women and Children

10.19 The National Human Rights Commission had constituted a Core Group on Trafficking, Women and Children in November 2016. The Members of the Core group include experts on the subject representing Central Government, Police, Research Institutes, NGOs and Civil Society Organizations. The Core Group drafted a Standard Operating Procedures (SoP) and Guidelines for Combating Trafficking of Persons in India. The SoP on Combating Trafficking of Persons in India was released by the Commission in December 2017.

J. Illustrative Cases relating to Rights of Women and Children dealt by NHRC

1. **Two CRPF Constables Dismissed from Service for Molesting a 17 Year Old Girl in East Singbhum, Jharkhand**
(Case No. 1310/34/6/2012-WC)

10.20 Allegedly, a seventeen year old girl was molested by CRPF Jawans of 193 Battalion in East Singbhum, Jharkhand on 26.09.2012

10.21 Vide proceedings dated 14.2.2013, the Commission considered the report from the Ministry of Home Affairs, Govt. of India that both the CRPF personnel have been placed under suspension and further action would be taken on finalization of the departmental enquiry. On the statement of the girl FIR No. 50/12 dated 26.09.2012 u/s 341/342/384/354/34IPC was registered.



10.22 SSP, East Singhbhum, Jharkhand submitted a report dated 23.02.2013 that in FIR No.50/12 dated 26.09.2012 u/s 341/342/384/354/34 IPC both the accused CRPF personnel had been sent to judicial custody on 29.09.2012. The Commission has also received a report dated 08.04.2013 from the Under Secretary, Ministry of Home Affairs, Govt. of India enclosing a report dt. 04.04.2013 from DIG(Operations-II) Dte, Directorate General ,CRPF, Lodhi Road, New Delhi that both the accused CRPF personnel i.e. Constable /Driver Sandeep Kumar and Constable / Driver Sandeep Kumar Ranga of 193 BN, CRPF have been dismissed from service w.e.f. 28.2.13 (AN). Further, since both the accused Constable / Drivers are no more members of the Force, the onus of police and magisterial case lies entirely on them and as such the case may kindly be treated as closed as far as CRPF is concerned.

10.23 The Commission considered the material placed on record on 21.06.2013 and directed to issue a Show Cause Notice to the Secretary, Ministry of Home Affairs, Government of India as to why monetary relief u/s 18 of the Protection of Human Rights Act, 1993, be not recommended to be paid to the victim. In response, a Joint Secretary in the Ministry of Home Affairs reiterated the stand taken by the CRPF that since the two personnel involved had been dismissed from the service, orders for relief should be sent to them.

10.24 The Commission vide proceedings dated 29.10.2013 reiterated its earlier stand and directed the Secretary Ministry of Home Affairs to pay compensation for ₹ 3,00,000 to the victim.

10.25 Upon receipt of compliance report, the case was closed on 08.05.2017.

2. Sexual Exploitation of a Seven Year Old Child by Peon of a Kendriya Vidyalaya in Kanker, Chhattisgarh

(Case No. 671/33/8/2015)

10.26 The Commission took *suo motu* cognizance of media report captioned “Kendriya Vidyalaya ke bacche se chaprasi ne kiya aprakratik kritya”, published in Hindi newspaper ‘Nai Dunia, New Delhi’ dated 22.08.2015. According to the Newspaper report, in Kendriya Vidyalaya, Kanker, Chhattisgarh, a 7 year old child was subjected to continuous unnatural sexual exploitation by a peon. The parents of the child made a complaint to the principal of the school and being not satisfied with his response, they made a complaint to the police. The police arrested the accused from the school and sent the child for medical examination. According to the parents, the child was subjected to exploitation by the accused for many days and became disinterested in going to school.

10.27 The Commission called for a factual report from the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi and Superintendent of Police, Kanker, Chhattisgarh.

10.28 Pursuant to the directions of the Commission, the SP, North Bastar, Kanker submitted that on a complaint from the mother of the victim, Case Crime No. 289/2015 u/s 377/511/506 IPC and Section 4, 6 21(2) POCSO Act, 2012 was registered at Police Station, Kanker. It was submitted that during the investigation of the case, sufficient evidence was found against the accused working as a peon in Kendriya Vidyalaya and the Principal of the School Shri K.P. Patade was also found to have committed the crime of concealing evidence. Both the accused were arrested for committing the offence and sent to judicial custody. The report from Kendriya Vidyalaya Sangathan also disclosed that Shri K.P. Patade, Principal, Kendriya Vidyalaya was also placed under suspension for administrative failure to deal with this incident in the school.

10.29 Upon consideration of the above, the Commission found it to be a clear case of offence by a public servant on a student in a school due to administrative failure of the school and involvement of the Principal in the commission of offence leading to serious violation of human rights of the student. The Commission, therefore, issued a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Secretary, Ministry of HRD, Government of India to show-cause why the Commission should not recommend a sum of ₹ 300,000 as monetary relief to the victim of the crime.

10.30 Deputy Secretary, Department of School Education & Literacy, Ministry of Human Resource Department, Government of India vide communication dated 20.9.2016 submitted a reply to the show-cause notice. He submitted that KVS had clarified that Shri K.P.Patade, Principal being the administrative head of the Vidyalaya had been held responsible for failing to check the mishappening in the school premises, for which he had been suspended, charge-sheeted under Rule 14 of the CCS (CCA) Rules, 1965 and recommended for prosecution under POCSO Act/IPC by the State Police of Chhattisgarh. It was also submitted that the KVS could not take any action against the accused departmentally as he was not a KVS employee and he was being prosecuted under IPC/POCSO Act, by the State Government. It was also reported that the victim child was regularly attending the Vidyalaya and being taken care of by the school staff.

10.31 In view of the action taken by the KVS, it was requested to exempt the Sangathan from payment of the proposed monetary relief to the victim.

10.32 Upon consideration of the reply, the Commission vide proceedings dated 07.10.2016 observed and directed as under:

“The Commission has given a careful consideration of the above report. It has already been brought to the notice of the KVS the reasons for which the monetary relief was recommended to the hapless child for the trauma he had undergone at



the hands of the Peon who was employed by the KVS. Since KVS is the prime employer they are vicariously liable to pay the monetary relief to the victim child for the reasons already given by the Commission in its show-cause notice. The KVS comes under the Ministry of HRD, Government of India. Therefore, the Commission reiterates the recommendation made by its proceeding dated 27th June, 2016, to the Secretary, Ministry of HRD, and Government of India for payment of a sum of ₹ 300,000 as monetary relief to the victim Mohd. Varish within a period of eight weeks. Secretary, Ministry of HRD is required to submit compliance report along with proof of payment within a period of eight weeks.”

10.33 Pursuant to the direction of the Commission, Under Secretary to the Govt. of India vide communication dated 09.02.2017 informed that a cheque of ₹ 3,00,000 has been handed over to the father of deceased Mohd. Warish. Proof of payment was also enclosed with the communication.

10.34 In view of compliance of recommendation of the Commission, the case was closed on 24.04.2017.

Chapter-11

RIGHTS OF ELDERLY PERSONS

11.1 According to Census 2011, there are nearly 104 million elderly persons (aged 60 years or above) in India; 53 million females and 51 million males. Both the share and size of elderly population is increasing over time due to increasing longevity and improved health care facilities. From 5.6% in 1961 the proportion has increased to 8.6 % in 2011. The projections indicate an increase to 14.3 crore in 2021. For males it was marginally lower at 8.2 %, while for females it was 9.0 % where 71% of elderly population resides in rural areas while 29 % is in urban areas.

11.2 The UN defines a country as “Ageing” or “Greying Nation” where the proportion of people over 60 reaches 7% to total population. By 2011 India has exceeded that proportion 8.0 % and is expected to reach 12.6 % in 2025. According to World Bank Report life expectancy of India in 1960 was 41.17 years, whereas it is 68.35 years in 2015.

11.3 Elderly persons are not a homogenous group, and the challenges they face in the protection or enjoyment of their human rights vary greatly. While some continue to lead active lives as part of their overall personality, family and community, many others face homelessness, lack of adequate care and isolation. In fact, most of them are victims of multiple discrimination, prominent among these being – poverty, violence, abuse, insecurity, poor health and well-being, lower earning capacity, limited availability of old-age pensions, threats and limited control over assets and property, and unequal participation in private and public decision-making.

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



11.5 With the steady increase in number of the elderly, the rate of human rights violations especially crimes against them are also increasing. Moreover, a vast majority of elderly persons, being illiterate are ignorant of their human rights due to which they face serious discrimination. Further, there is a lack of awareness among elderly towards their rights and entitlement mentioned in the Act.

11.6 The well being of elderly persons is mandated in the Constitution of India under Article (41), which states that “The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to public assistance in cases of old age”. There are other provisions too, which direct the State to improve the quality of life of its citizens. Right to Equality has been guaranteed by the Constitution as a Fundamental Right. These provisions apply equally to elderly persons.

A. Meeting of Core Group on Protection and Welfare of the Elderly Persons

11.7 A meeting of the NHRC Core Group on Protection and Welfare of the Elderly Persons was held on 7th February, 2018 under the chairmanship of Shri S.C. Sinha, Member, NHRC. After intensive discussions, several important recommendations emerged which if implemented properly may help in better protection of rights of elderly persons.

11.8 The meeting was attended by Senior Officials of Ministry of Social Justice Empowerment, Ministry of Health and Family Welfare, academicians and eminent personalities from civil society working in the area of elderly.

11.9 The major recommendations concerning the Ministry of Social Justice and Empowerment and Ministry of Health and Family Welfare are as under:

- I. As per the Advisory of the Ministry of Home Affairs (MHA), GOI, every police station in the country must have a Committee formed for resolving the issues of senior citizens. The State Governments need to review the status of implementation of the Government of India Advisory and to ensure that the said Committees are actually functioning in every police station at all levels.
- II. Ministry of Health and Family Welfare, Government of India needs to come out with a new product in the National Programme for Health Care of the Elderly (NPHCE) persons which may also cover ‘consultation’ in addition to the hospitalization so that time to time medication could be prescribed and made available to the senior citizens.

- III. The large OAH with a capacity of 1000-1500 people should be constructed with the attached hospital/clinic and residential school based on the Gujarat model. This would provide opportunity to the elderly persons to interact with the younger generation and help them.
- IV. Para (IV) of Section (20) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides that the research activities for the chronic elderly diseases and ageing are to be expanded by the state governments. Therefore, considering this, research has to be directed towards keeping the senior citizens ambulant so that they continue to live at their place of living without getting shifted to OAH.
- V. Section 19(1) of the Act provides for the establishment of OAHs, but it mentions that the 'State Government "may" establish and maintain such number of OAH as it may deem necessary, in a phased manner, beginning with atleast one in each district and accommodate minimum of 150 senior citizens. It is recommended that the word "may" should be replaced by "shall" in the Act, 2007 as the word "may" gives an edge to the state governments to say that they have no money to build OAH.
- VI. Further, Rather than building OAH with a capacity of 150 people in every district, the OAH may house even lesser number of people, say around 50-60 so that it could be constructed in every district.
- VII. The construction of building of Old Age Homes requires massive expenditure on the part of the government, therefore, it is suggested that Corporate Social Responsibility (CSR) funds, as mandated under the Companies Act, 2013, may be utilized for this purpose to supplement the government's efforts in this regard.
- VIII. There is need to have a separate institute other than National Institute of Ageing where other aspects of ageing, i.e. financial, social and cultural, could be looked into. Such an institute could be called as 'School/Institute of Gerontology'.

11.10 During the period under report, these recommendations of Core Group are being considered by the Commission.

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

11.12 The above study was commissioned by the NHRC to the Centre for Human Rights, the National University of Advanced Legal Studies (NUALS), Kochi in February 2016. The

objectives of the research study are to – analyze the categories of elderly persons; examine the problems faced by them; examine the rationale in enacting laws to protect the rights of elderly persons in the backdrop of social realities; inspect the scope of protection given to elderly persons; scrutinize the reach of policies and programmes proposed by the Government for them; analyze the provisions of all laws applicable to them; make an assessment of the implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and other related laws in Kerala, including in adjoining Southern states; and come up with recommendations for effective reforms for their betterment.

11.13 NUALS has submitted the final report and the inferences drawn by the project team identified a few core areas which need to be addressed for the realisation of the human rights of the elderly population such as health, employment, pension, properties, legal awareness, old age homes and self help groups. The final report is being examined in the Commission.

C. Visit of Special Rapporteur

11.14 Special Rapporteur, NHRC visited Raipur, Durg and Rajnandgaon districts of Chhattisgarh to assess the functioning of Old Age Homes. He observed that the stores of the Home are not hygienic specially the store where the food items are stored. The most prominent difficulty faced by the inmates is due to not having attached toilets and bathrooms. Taking in view the lacunae, the Commission has recommended following to the state government:

- I. Kuldeep Nigam Smriti Vridhashram, Raipur** – Social Welfare Department should extend support to modify the living space. The food item store requires urgent attention. Proper cleanliness and hygiene should be ensured. The management needs to find ways to build attached toilets/bathrooms. Health of the inmates should be the primary concern.
- II. Red Cross Society – Old Age Home, Durg** – There should be an exclusive medical unit located separately. Health card of every inmate should be made. Simultaneously, there should be a monitoring surveillance system to ensure minimum standards of services. The management may evolve certain interesting vocations.
- III. Bhagvan Mahavir Samata Vridhashram, Rajnandgaon** – Special arrangement for family unit and entire feeding process needs to be re-looked. Comprehensive norms regarding the space and amenities ought to be worked out. Periodic visits needs to be conducted. It is a matter to examine whether the retention of individual pension is permissible.

General Recommendations - There should be an Annual Status Report on the functioning of the Old Age Homes. The Nodal Department also needs to place dedicated staff. Efforts should be made to gather information on the situation of the elderly in all dimensions. Necessary steps should be utilised to involve all mediums of media.

11.15 Special Rapporteur, NHRC, visited Jaipur, Ajmer, Sirohi and Udaipur Districts of Rajasthan from 5th May to 11th May, 2017 to assess the functioning of Old Age Homes and Day Care Centres in the State. Special Rapporteur visited the Nari Chetna Samiti Old Age Home, Jaipur, Rajakiya Vridhashram (Government Old Age Home), Pushkar, Ajmer District, Anand Vridhashram, Udaipur, Shivamani Home, Abu Road, Sirohi, Roshani Day Care Centre, Subhash Chowk, Jaipur and Day Care Centre, Jhalana, Jaipur.

11.16 During the visit, Special Rapporteur noted that the surroundings of the Old Age Homes were untidy. The environment of the old age home is critical to the health and mobility of the inmates. Washrooms are not kept clean. There is no supervision to ensure hygiene in the kitchen. The Anand Vridhashram proved to be better organized in every department. Shivamani Home is managed by the 'Brahma Samaj' and doesn't receive any Government Support.

11.17 The day care centres are for older women and men. The day care centre beneficiaries are entitled for ₹ 5/- per day for refreshment. They don't maintain any health related records. There is no furniture. Earlier, they used to arrange a doctor to visit the Centre once in a week. However, they have stopped this arrangement. Special Rapporteur has suggested some measures to be taken by the State Government for the proper functioning of Old Age Homes and Day Care Centres.

11.18 It was suggested to state government that the health care component should be the priority among the list of components while reviewing the old age homes. The NGO operating the Old Age Home needs to ensure a suitable and safe dwelling structure or accommodation. There is an urgent need to clean the kitchen and place all items in an organized manner. An arrangement should be made to ensure medical aid. Detailed information of elderly population should be recorded. Protection from violence and crime should be granted. The Department of Social Justice and Empowerment should examine the funding received and expenditure incurred in day care. Efforts should be made to keep the living place of beneficiaries in the day care centre clean and hygienic. They should arrange some chairs in the rooms and organize regular medical check-ups. Nodal Department should conduct regular meetings and surprise visits. The suggestion and observation were sent to Chief Secretary of concerned Governments. The response of the concerned Government is awaited.



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

1. Harassment and Ill Treatment of Satya Narayan Garg, Sr. Citizen by Collector, District Ajmer, Rajasthan

(Case No.2806/20/1/2015)

11.19 The Commission received a complaint from one Satya Narayan Garg, a Social Activist and a senior citizen alleging harassment / ill treatment by the District Collector, Ajmer on 23.10.2015 when he approached her in connection with corruption matters in local civic agency.

11.20 In response to the Commission's Show Cause Notice, the Home Secretary, Government of Rajasthan, vide his communication dated 22.7.2017, submitted that the then Collector, Ajmer had not misbehaved with the petitioner and prayed to the Commission to review its order on interim relief of ₹ 10,000/- to be paid to the petitioner.

11.21 The Commission further considered the matter on 12.9.2017 when it inter alia, observed and directed as under:-

“It is an admitted fact that the petitioner is a senior citizen and is in twilight zone of his life. The petitioner during the course of his statement recorded by the officers of the Rajasthan Government has narrated the circumstances under which he appeared before the District Collector. He has reiterated that he was misbehaved and was asked to get out of the chamber. He had to wait for a considerable time before this aforesaid meeting and when he came out; he fainted and was taken to his residence by one of the persons who accompanied him. He also made a complaint on 26.10.2015 to the Chief Minister, Government of Rajasthan against the said District Collector. The petitioner even otherwise vide his subsequent petition received in the Commission on 3.1.2017 has again prayed for action against the said District Collector.

11.22 On perusal of the papers / material placed in the file, it appears that the petitioner was misbehaved by the then District Collector otherwise there was no reason for him to approach the various authorities including the Commission to file complaints against the named officer. The response to the show cause notice is not based on merits. In these circumstances, an amount of ₹ 10, 000/- as interim relief is recommended to be paid to the petitioner. The Chief Secretary, Government of Rajasthan is called upon to submit the proof of payment made to the petitioner within a period of 8 weeks. He shall also submit the details of departmental action taken against the said officer within this period. The petitioner be informed accordingly.”

11.23 In response, the District Collector, Ajmer, vide his communication dated 27.11.2017 intimated that monetary relief of Rs 10,000/- as recommended by the Commission has been

paid to the petitioner.

11.24 The petitioner, in the meanwhile, vide his communication dated 26.02.2018 has submitted that an amount of ₹ 10, 000/-, as recommended by the Commission, has been received by him. He has returned the said amount on 28.11.2017 to the State Government by depositing the same with the Chief Minister Relief Fund as the amount which he had received was the tax payers' money. The petitioner has alleged that despite directions, the State Government has not taken any action against the named District Collector found blame-worthy in the matter. The said officer has even been promoted and given the benefits of higher scale. He has also mentioned the details of a criminal case registered against the said District Collector.

11.25 The Commission again considered the matter on 15.03.2018 and observed that the amount of interim relief, as recommended by the Commission, has been paid to the petitioner. Vide its proceedings dated 12.9.2017, the state Govt had already been called upon to take departmental action against the errant officer. It appears that no departmental action has yet been taken against the named officer. Let a copy of the communication dated 26.2.2018 received from the petitioner be forwarded to the Chief Secretary, Govt. of Rajasthan calling upon him to take departmental action against the errant officer as deemed fit at his end. With these directions, the Commission has taken the reports received from the State authorities on record and closed the case with intimation to the petitioner, if he still feels aggrieved, he may take recourse to legal remedies available to him.

2. Apathy and Delay in Payment of Insurance Claim Wife of Deceased Employee by Postal Department.

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

11.26 The Commission received a complaint from one Shanti Devi resident of Sitapur, UP stating that her husband, Manohar Lal who was Postman in the Postal Department had died on 29.12.2001 but despite running from pillar to post the insurance claim has not been paid by the postal department. A prayer has been made for intervention by the Commission in the matter.

11.27 In response to notice, the AD (Legal Cell), Office of the CPMG, UP Circle, Lucknow submitted that the payment of CGEGIS has been made to the petitioner on 3.8.2016. The Commission further considered the matter on 7.3.2017, when it observed that the report is silent on action taken against the delinquent officers and officials responsible for inordinate delay in disbursement to the petitioner. A notice was also issued to the Chief Post Master General, UP Circle, Lucknow calling upon him to submit the details of departmental action taken against the delinquent officers and officials.



In response, the Assistant Director, Legal Cell, CPMG Office, Uttar Pradesh Circle, Lucknow, vide his communication dated 05.05.2017 submitted that there was delay in payment of terminal benefits in respect of the deceased Postman to his wife and departmental action has been initiated against the delinquent employees of the Postal Department. The report indicted S/Shri Vivek, Ram Pal, Sub Divisional Central Inspectors, Sitapur, Sachender Singh, Accountant, Sitapur H.O. and J.P. Yadav, Assistant Postmaster, Sitapur H.O. Two of the delinquents, namely, Ram Pal and J.P. Yadav have been dealt with and punished departmentally, while action was being taken against the remaining two delinquents.

11.28 The Commission again considered the matter when it observed the inaction and inordinate delay on the part of the Postal authorities in payment of dues to the wife of their late employee has resulted in violation of human rights of the petitioner by the public servants. The Commission, therefore, issued a Notice under Section 18 of the Protection of Human Rights Act, 1993 to the Chief Postmaster General, Uttar Pradesh Circle, Lucknow to Show Cause as to why an amount of ₹ 25,000/- (Rupees Twenty Five Thousand) as monetary relief may not be recommended to be paid to the petitioner. A Notice was also sent to the Assistant Director General (SR and Legal), Department of Posts, Dak Bhavan, Sansad Marg, New Delhi, calling upon him to submit the details of departmental action taken against the remaining two delinquent Postal Department Officers.

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

Chapter 12

RIGHTS OF PERSONS WITH DISABILITIES

12.1 As per the 2011, Census of India, there are 2.68 crore persons with disabilities in India, constituting 2.21 per cent of the population. Out of these, 1.50 crore are males and 1.18 crore are females. They encompass persons with locomotor disability, visual impairment, hearing impairment, speech and language disability, intellectual disability, mental disability, disability caused due to chronic neurological conditions, blood disorder, multiple disabilities, and any other category. The Census data also illustrates that 69.50 per cent of persons with disabilities live in rural areas.

12.2 The Constitution of India through its Preamble, Fundamental Rights and Directive Principles of State Policy empowers the State to adopt measures of positive intervention in favour of persons with disabilities. This has led to framing of four principal Acts governing various aspects of disability, namely, (i) The Rights of Persons with Disabilities Act, 2016 (ii) The Rehabilitation Council of India Act, 1992, (iii) The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. Besides, there is a National Policy for Persons with Disabilities, 2006.

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

12.4 The year 2017 witnessed the notification of the Rights of Persons with Disabilities Rules, 2017 which is intended to bring Indian legislation in line with the United Nations Convention



on the Rights of Persons with Disabilities (UNCRPD). These Rules are being gradually adopted by all the states of India to bring positive changes in the lives of persons with disabilities.

12.5 The Commission, which played a prominent role in drafting of the UNCRPD, has all along been looking at the issue of disability from the lens of human rights so that people with disabilities are considered as holders of rights and not recipients of charity. During the year 2017-18, the Commission undertook the following activities with regard to persons with disabilities.

A. Meeting of NHRC Core Group on Disability

12.6 A meeting of the Core Group on Disability was held on 15th February, 2018 under the chairmanship of Shri S.C. Sinha, Member, NHRC and issues pertaining to Leprosy were also discussed on the meeting. After intensive discussions, several important recommendations emerged which if implemented properly may help in better protection of rights of persons with disabilities and persons affected by Leprosy.

12.7 The meeting was attended by Senior Officials of Department of Empowerment of Persons with Disabilities, Ministry of Social Justice Empowerment, Ministry of Health and Family Welfare, Rehabilitation Council of India, National Leprosy Eradication Programme and eminent personalities from civil society working in the area of disability and Leprosy.

12.8 The major recommendations concerning the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment and Ministry of Health and Family Welfare are as under:

- I. Section 3(3) of the Rights of Person with Disability Act, 2016 mentions that no person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving the legitimate aim. Since the Act is silent on what constitutes the 'legitimate aim', it would give unfettered power to the executives to discriminate on the ground of disability. It was suggested that this issue could be taken care of while framing Rules by the Government.
- II. Clause (1) of Article 15 of the Indian Constitution bars the State from discriminating citizens on grounds of religion, race, sex, caste, and place of birth or any of them while clause (3) of Article 15 provides that nothing in the article shall bar the state from making any special provision for women and children. It is recommended that disability should be added to clause (1) and clause(3) of Article 15 of the Constitution of India.

- III. The composition of the Office of the Chief Commissioner under Section 74 of the RPD Act, provides that only one out of three persons (1 Chief Commissioner and 2 Commissioners) shall be a persons with disabilities. It is suggested that there should be provision for two persons i.e. either '*one Chief Commissioner and one Commissioner*' or '*two Commissioners*' with persons with disabilities under Section 74 of the Act. Accordingly, government can issue notification in this regard under Section 98 of the RPD Act.
- IV. Ministry of Social Justice and Empowerment, in pursuance of the provisions of Section 32 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 {1 of 1996}, had constituted an Expert Committee for identification of posts for persons with disabilities. It is recommended that the Committee should be reconvened for identifying posts for persons with disabilities at Central level and if any State Government desires to take this task independently, it should form its own Committee. The Committee should also review the distribution of posts every three months.
- V. Rehabilitation Council of India Act, 1992 (as amended in 2000) and National Trust Act, 1999 needs to be harmonized.
- VI. There should be dedicated beds in the hospital for leprosy patients especially in endemic districts and it should not be isolated. Further, there should be dedicated hospitals also for leprosy patients in the endemic districts.

12.9 The Union Ministries have been asked to get these recommendations examined and issue necessary directions for early implementation.

B. Special Rapporteur on Disability

12.10 The Commission has appointed a Special Rapporteur on Disability with a view to assess whether existing programmes and policies for persons with disabilities are having the desired impact and to identify gaps in implementation, if any, and to suggest appropriate strategies to deal with them.

12.11 Special Rapporteur on Disability visited the following places during 2017-2018 :

- i. Patna, Bihar
- ii. Ranchi, Jharkhand
- iii. Lucknow, Uttar Pradesh



- iv. Mumbai, Maharashtra
- v. Chennai, Tamil Nadu

During the visits, the Special Rapporteur - Disability qualitatively reviewed the implementation of the Rights of Persons with Disabilities Act, 2016 and to sensitize concerned officials /functionaries of the concerned government and other stakeholders including representatives of various organizations working in the disability sector, and official staff of the State Human Rights Commissions.

12.12 During the visit he observed that the implementation of the Act is dismal in Bihar, Jharkhand, U.P and Maharashtra. Tamil Nadu is way ahead than most of the states in the matter of initiating concrete actions towards implementing the Act. In U.P there are various schemes which are running successfully in the State providing benefits to the disabled person like disabled person scholarship scheme, Chief Minister's Disabled. He has suggested a blueprint containing some points of action for the consideration by the State Government with a view of ensuring the implementation process of the RPD Act, 2016 which are as under:

I. Finalization of rules under Section 101 of the RPD Act:

To this end, the govt. may do the following:

1. Constitute a committee for drafting the said rules. The said committee should include Government officials and representatives of organizations of persons with disabilities.
2. The draft model rules for states, circulated by the Central Govt., may form the basis for developing the said rules for the state of Maharashtra.
3. The said rules be finalized and notified within a defined time-frame.

II. Institutionalizing monitoring, regulatory and enforcement mechanisms/authorities as envisaged in the RPD Act:

Following is recommended for this purpose:

1. Regularize the institution of State Commissioner for Persons with Disabilities so as to bring it in consonance with the provisions of this Act. Also, constitute a five-member committee as provided for in the Act to assist the State Commissioner.
2. Put in place the State Advisory Board on disability as stipulated in Section 66 of the Act.
3. Set up district level committees as per the stipulation of the Act.

4. Constitute State Committee on Disability Research as mentioned in the Act.
5. Designate special courts and special public prosecutors for trying offences committed against persons with disabilities.
6. Create state fund for persons with disabilities as provided for in Chapter 15 of the Act.
7. Constitute committee as per the provisions of Section 33 of the Act for identifying posts which can be reserved for persons with disabilities ensuring due representation to organizations of persons with disabilities as stipulated in the Act.
8. Expedite designation of grievance redressal officers in every Govt. establishment as mentioned in the Act.
9. Designate and notify medical authorities for certification of specified disabilities.
10. Designate authorities for certifying persons with disabilities having high support needs.
11. Any other mechanism/authority as may have been mentioned in the Act.

III. Issuance of Government orders/office memorandums:

It is imperative that the govt. issues orders/office memorandums/instructions etc. pursuant to various provisions of the Act, such as in respect of the following: Reservation of posts including direct recruitment and also through promotion; reservation of 5% of seats for admission to government and governmental aided higher educational institutions; Free education in an appropriate environment upto the age of 18 years; 5% reservation in poverty alleviation schemes, preferential allotment of land, incentives to private employers, accessibility and reasonable accommodation etc. schemes under various other provisions of the Act such as those under social security, health, rehabilitation and recreation etc. must be formulated and implemented forthwith.

IV. Public education and awareness raising amongst stakeholders:

The Govt. of Maharashtra needs to draw up a comprehensive plan for public education, sensitization and raising awareness amongst stakeholders which has to be an ongoing activity. This, inter alia, must include the following:

1. Sensitization of the elected representatives at various levels
2. Sensitization of the bureaucracy
3. Raising Awareness amongst media persons



4. Raising Awareness amongst the legal and judicial fraternity
5. Raising Awareness amongst persons with disabilities themselves who are the primary stakeholders.

Additionally, steps need to be taken for the inclusion of rights of persons with disabilities in the curriculum at the school, college and university levels as stipulated in the Act.

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

C. Meeting of NHRC Core Group on Mental Health

12.14 This year witnessed the enactment of the Mental Health Care Act, 2017, which replaces the old Mental Health Care Act, 1987. The Act got Presidential Assent on 7th April, 2017 and would come into force on 7th July, 2018. This Act has made some fundamental and vital changes in the way we look, deal, treat and rehabilitate persons suffering from mental disorders.

12.15 A meeting of the Core Group on Mental Health was held on 1st September, 2017 in the Commission. The meeting was chaired by Shri S.C Sinha, Member, NHRC. The meeting was attended by representative of Ministry of Health and Family Welfare, NIMHANS, IBHAS, academicians and eminent personalities from civil society working in the area of mental health.

12.16 The major recommendations emanated from the aforementioned Core Group meeting are as under:

- i. Creating awareness and educating about mental health and illness, by taking the help of ASHA workers.
- ii. Existing PHC systems should be empowered to deliver essential mental health care to the community and thus reaching out even to remote and rural areas.
- iii. Involving AYUSH in the Committee of Experts for framing rules under the Mental Health Care Act, 2017.
- iv. Expanding the reach of insurance cover by ensuring inclusion of mental illness under general health insurance cover by Insurance and Regulatory Development Authority (IRDA).

12.17 In order to protect the human rights of mentally ill persons, the Commission on 20th July 2017 filed an application for direction in No. CRL.MP.NO 8032 of 2013 in W.P (CRL) No.1900

of 1981, Dr. Upendra Baxi Vs. State of U.P & Ors. and National Human Rights Commission, for seeking suitable directions for remedial action in the following areas of concern:

- I. Psychiatry to be made a compulsory and qualifying subject in the MBBS course.
- II. All MBBS doctors in the provincial Medical Services and the Central Government Health Services undergo a training programme in mental healthcare/psychiatry of approximately 4 weeks duration.
- III. The mental health funds to be allocated in separate head in budget document of Ministry of Health and Family Welfare. The funds allocated for mental health services by Union and State Government should be quadrupled in real terms by the year 2024-25.
- IV. The seats in MD programme in Psychiatry and DNB in the Psychiatry be increased preferable doubled w.e.f. 2019-20.
- V. Each state must establish state level mental healthcare helpline to provide authentic information to those seeking help.
- VI. All states to establish dedicated pediatric and geriatric wards/OPDs with adequate number of beds in all the mental hospital under their control.
- VII. Separate de-addiction clinics and center is to be established in mental health institution with separate dedicated ward and separate dedicated trained manpower.
- VIII. Government may be directed to fund expansion of the District Mental Health Programme to all the 640 plus districts of the country in next 3 years.
- IX. Mental health institution of the level of NIMHANS may be ordered to be set up within next five years in other parts of the country also i.e. in the Northern region, Western region and the Eastern region in the Central sector.

D. Illustrative Case Related to Rights of Persons with Disability Dealt by NHRC

1. Non-Availability of Financial/Medical Relief to the Victim Under the Social Welfare Schemes

(Case No. 151/4/4/2017)

12.18 The complainant Sukhdev Sharma, village & P.O. Chandhani, Manchhol Begusarai, UP through his complaint dated 27.12.17 stated that he is a physically disabled person belonging



to BPL category. He became physically disabled due to an accident in which his spinal cord was broken. He has no source of income and has a family to support. He had submitted several applications to the B.D.O., DM and the Public Grievances Cell. An investigation was also conducted by the SDO, Manjhol. However, he has received no relief. He requested the Commission to intervene so that he could get some relief from the administrative authorities.

12.19 The Commission vide proceedings dated 25.01.17 called for a report from the DM, Begusarai, Bihar followed by a reminder dated 08.09.17. The Commission vide proceedings dated 14.11.17 directed the DM, Begusarai, Bihar to submit a report within four weeks positively on the action taken for providing financial/medical relief or employment to the victim under the social welfare schemes keeping in view his pathetic condition. The DM, Begusarai in his report dated 26.03.2018 has intimated that 21Kg rice and 14Kg wheat is being provided to Shri Sukhdev Sharma under Antyodya Scheme. Under Chief Minister Social Security Scheme, a pension is being provided to him. Also, a wheel chair as per provisions has also been provided.

12.20 The Commission further directed the DM, Begusarai to help out the victim by providing medicines from the Govt. Hospital Begusarai, Bihar. The matter is still under consideration of the Commission.

Chapter- 13

HUMAN RIGHTS EDUCATION, TRAINING AND AWARENESS

13.1 NHRC has the mandate to protect and promote human rights. Section 12 (h) also envisages that NHRC shall spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means. NHRC has been involved in spreading human rights awareness among functionaries of Government, especially police besides students, NGOs and members of general public.

13.2 The Training Division of NHRC is spreading Human Rights literacy through training programmes on Human Rights issues through collaboration with Administrative Training Institutes, Police Training Institutions, SHRCs, University and Colleges and through credible NGOs. Apart from these, a one month Internship Programme twice in a year, i.e. Summer & Winter is being organized by the NHRC within its premises for the university/ college students of different states of the Country and also the Short-term Internship Programme of two weeks for the students interested in the field of Human Rights throughout the year except May-June and December-January.

13.3 As part of its mandate, during the year 2017-18, the Commission had approved 171 training programmes of 147 institutes relating to various aspects of human rights. Out of these, 96 training programmes were successfully organized/conducted by 90 institutions Universities/Colleges/PTI/ATI/NGOs. In addition, 07 training programmes of 06 institutes approved for the year 2016-17 were also conducted during 2017-18, thus taking the overall total of training programmes conducted to 103 Training Programmes by 96 institutes attended by 9,669 participants.

A. Internship Programme

13.4 Apart from this, 97 (49 interns + 48 interns) interns from various universities of the country successfully completed their Summer and Winter Internship Programme- 2017. Besides,



136 students were given the opportunity of short term internship with NHRC during this period. Several delegations of students from university/colleges and representatives/officers from other institutions totaling 797 persons also visited NHRC and they were briefed on the working of the Commission and on Human Rights Issues their visit in NHRC. NHRC sponsored National Moot Court Competition - 2018 was also organized at Sikkim Law College, University of Sikkim, Gangtok, Sikkim.

B. Open Online Courses on Human Rights

13.5 The Commission has taken initiative for following Open Online Courses on Human Rights:

- 1) Massive Open Online Courses (MOOCs) on Human Rights through SWAYAM Portal by the University Grant Commission (UGC), and
- 2) Course Material on Training Programme of Human Rights and Online Training/Awareness Generation Programme on Human Rights for Police Personnel and Judicial Officers by the Indira Gandhi Open University (IGNOU).

C. Organization of National Seminars in Hindi on Human Rights

13.6 In its efforts towards creating awareness of Human Rights among the masses, the Commission has been organizing National Seminars in Hindi on Human Rights related themes in different parts of Country. In continuation of this chain (i) National Seminar was organized in collaboration with Punjab University, Chandigarh on from 1st -2nd February, 2018 on the Theme "Globalization, Environment & Human Rights". Shri S. C. Sinha Hon'ble Member, NHRC was the chief guest of the inaugural ceremony and Dr. Rajendra Singh, Magsaysay Award winner, also known as "waterman of India" was the Keynote Speaker (ii) National Seminar was organized in collaboration with University of Mysore, Karnataka on 9th March, 2018 on the Theme "Poverty, Social Justice & Human Rights". Hon'ble Members, Secretary General and other Senior Officers of the Commission also participated in these Seminars. Alongwith the distinguished personalities including representatives from Delhi, Nagaland, Chhattisgarh, SHRCs, various NGO's and Media also participated in these Seminars.

(ii) Mahatma Gandhi Biennial Hindi Writing Award Scheme on Human Rights

13.7 The main objective of the Scheme is to encourage original writing in Hindi on various subjects of Human Rights. For the Award Scheme 2014-15, file is under process to decide the

winners for this scheme and the advertisement has been published through DAVP and details of the scheme have been uploaded on Commission's website also for the year 2016-17.

(iii) Translation of awarded books

13.8 The Commission has proposed to publish the awarded books/manuscripts under this scheme and get them translated in Bengali, Marathi, Malayalam, Tamil and Telugu in the first phase to enable the intellectuals of the respective areas to take advantage of it. National Book Trust has accepted the proposal of NHRC to cooperate in this work. An MoU has been signed with NBT in this regard.

(iv) Publication of Annual Hindi Journal

13.9 Since the dimension of HRs literature is very limited in our country in Hindi language, NHRC started to publish the Hindi Journal in the year 2004 in order to create awareness about HRs through creative writing. NHRC published its 14th Volume and released it on Human Rights Day i.e. on 10th December, 2017. This year NHRC will be publishing its 15th Volume (Silver Jubilee edition) and will be releasing it on Foundation Day of NHRC i.e. on 12th October, 2018.

(v) Hindi Fortnight at NHRC

13.10 The NHRC's Annual Hindi Fortnight, to promote the use of official language in its day-to-day working, was held from 14th -28th September, 2017. The officers and staff of the Commission actively participated in the events, organized on the occasion. Quiz programme, translation competition and Hindi Essay, Typing and Sulekh competition etc., were held during the fortnight.

D. Development of Booklets on Different Human Rights Themes

13.11 NHRC in collaboration with Multiple Action Research Group (MARG), New Delhi, started a project to develop booklets on different human rights themes on the rights of vulnerable and marginalized and spread legal awareness about the same in terms of knowledge of law, respect for rights and skills to secure rights. In all, MARG would develop 27 booklets covering 11 themes. These booklets would be easy to use and could be accessed by those with basic literally skills. Each book would include illustrations for the purpose of better understanding of its users/readers. The booklets would be initially written in English, and later translated and printed in Hindi. MARG has submitted few booklets, which are under review by the Commission.

E. Essay Writing Competition for Citizens of India

13.12 In its efforts towards spreading awareness of Human Rights among the masses, the Commission organized an Essay competition for the Citizens of India. The details of the scheme were uploaded on Commission website also.

13.13 In 2017, the theme of the Essay competition was "Terrorism and the present Scenario of the Country". The last date for receiving the entries was 15th August, 2017. The four winners of this competition were awarded on the Foundation Day function of the Commission on 12.10.2017.

F. Debate Competition

a) All India Inter Central Armed Police Forces' Debate Competition 2017

13.14 As referred in Para 3.1(f) in 2017-18 the semi-final and final rounds of the debate competition for the CAPF were organized by SSB. The debate competition was successfully conducted on 14th September, 2017 at Shaurya, CRPF Officers' Institute, Vasant Kunj, New



Debate Competition on Human Rights awareness in English and Hindi / regional Language for State/UTs Police Forces for the year 2017-18

Delhi by SSB under the aegis of NHRC

13.15 The team Championship for Debate Competition 2017 was won by Central Industrial Security Forces (CISF) and the Rolling Trophy was awarded to them. Debate competition for personnel (Individual) was won by Shri Kanishk Chaudhari, AC, SSB in English and Shri R. P. Tripathi, ASI, BSF in Hindi.

13.16 As mentioned in Para 3.1(g) in the financial year 2017-18, a total of 12 states submitted their proposal for conducting the said Debate Competition. On receipt of their proposals, Rs 15,000/- each was disbursed for conducting the debates.

b. Debate Competition for Personnel of State Police Forces

13.17 The police today are duty bound to conform to the principles of Human Rights in discharging their duties. The lower and middle levels in the police forces are extremely crucial from the viewpoint of Human Rights because they directly come into contact with general public while discharging their duties. Since the year 2004, an attempt has been made by the Investigation Division of National Human Rights Commission to increase the level of Human Rights awareness among the police officials by providing necessary financial assistance to State/UTs Police Forces for conducting Debate Competitions for State Police Force personnel. At present Commission is providing amount of ₹ 15000/- for holding debates in States/UTs.

Chapter 14

HUMAN RIGHTS DEFENDERS

14.1 Swami Vivekananda once said: *“This life is short, the vanities of the world are transient, but they alone live who live for others, the rest are more dead than alive.”*

14.2 The above quote aptly sums up the relevance of the work being done by the Human Rights Defenders. They are people who, individually or with others, act to promote or protect human rights. The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly known as the Declaration on Human Rights Defenders) is the main international instrument on human rights defenders. It was adopted by the United Nations General Assembly in December, 1998, after 14 years of negotiation.

14.3 Past experience shows that Human Rights Defenders have actively contributed in addressing varied human rights concerns such as arbitrary arrest and detention, discrimination, forced evictions, access to health care etc. They also aim at protecting basic human rights such as the rights to life, to food and water, right to health, to adequate housing, to education, to freedom of movement and to non-discrimination. They also address the rights of categories of persons like women’s rights, children’s rights, the rights of refugees and internally displaced persons, and the rights of national, linguistic or sexual minorities.

14.4 Fighting for the rights of others is not only an arduous but a very risky job. A person jumps into the quagmire of certain conflicting personal and vested interests just for the sake of promoting and protecting human rights. This initiative makes them vulnerable to atrocities both by the State and Non-State Actors. On the one hand, on many occasions, they are subjected to police atrocities and harassment and on the other hand they are on the target of non state actors whose personal and economic interests are threatened by the activities of the Human Rights Defenders. There are umpteen examples of such intimidation, physical violence, harassment to the Human Rights Defenders.

14.5 The National Human Rights Commission of India is mandated under Section 12(i) of the Protection of Human Rights Act, 1993 to encourage the efforts of non-governmental

organizations and institutions working in the field of human rights. Therefore, ever since NHRC came into existence, it has worked closely with a number of organizations and individuals, both governmental and non-governmental, to improve the human rights situation in the country along with rendering support and protection to human rights defenders. It has observed and complied with the United Nations Declaration on Human Rights Defenders and consequently made efforts to promote the development of protective mechanisms for human rights defenders across the country. As part of its strategy, it works with non-governmental and civil society organizations; National and State Commissions including State Human Rights Commissions and other key actors to raise awareness about human rights defenders and challenges being faced by them.

Focal Point for Human Rights Defenders in NHRC

14.6 Acting on one of the recommendations of Workshop on Human Rights Defenders that was organized by the Commission on 12th October, 2009 in New Delhi, a Focal Point for Human Rights Defenders has been set-up in the NHRC to prioritise complaints alleging harassment of human rights defenders by or at the instance of public authorities. The current designated contact person at the Focal Point is Shri Srinivasa Kammath, Deputy Registrar (Law). The Focal Point is accessible to human rights defenders round the clock through (i) Mobile No. 9810298900, (ii) Fax No. 24651334, and (iii) E-mail: hrd-nhrc@nic.in. The Focal Point ensures that the complaints of alleged harassment of human rights defenders are placed before the Commission and directions of the Commission in every case are complied with on priority and also conveyed to the concerned human rights defender.

14.7 The Commission and its Focal Point for Human Rights Defenders has engaged in dialogues/ discussions with NGOs/HRDs/State Government Officers to understand the status of promotion and protection of Human Rights at grassroots level.

A. NHRC's Course of Action for Protection of Human Rights Defenders

14.8 The Commission has always extended its support for the cause of promotion and protection of Human Rights and has denounced the acts of reprisal, harassment etc against persons who fight for this cause. In fact, one of the most important aspects of civilian safeguard that has been taken up by the commission is the promotion and protection of the rights of the Human Rights Defenders (HRD).

Important steps taken by NHRC for protection of HRD's are:

- NHRC sends a strong message to the State not to victimize HRDs. In furtherance of the



same, the Secretary General, NHRC wrote a letter to the Chief Secretaries of all States to create a favorable environment for the functioning of the Human Rights Defenders.

- NHRC has taken proactive steps to protect the cause of the HRDs by recommending prosecution against the errant public servants and compensation to the victim, etc.
- Encompassing this chapter of Human Rights Defenders in the Annual Report is also a part of the steps to spread awareness.
- The National Human Rights Commission interacted with the representatives of NGOs and the HRDs during its Camp sittings and Open hearings. The feedback given by them regarding the bottlenecks and the problems being faced by them were taken up by the Commission. Cases of HRDs were assigned top priority and necessary relief, on merits, was given.
- The NHRC releases a message on 9th December every year which is the day when the UN Declaration on HRDs was adopted by the UN General assembly. The Commission released a message on 9th December, 2017 regarding continued support to the Human Rights defenders. The message is annexed as **Annexure "A"**.

B. International Development

14.9 There have been great initiatives by the international community when it comes to promotion and protection of the human rights of the human rights defenders. Since the Declaration on the HRDs in 1998, many more resolutions have been passed in this regard. All are not being mentioned in this chapter for the sake of brevity and as they have been mentioned in the earlier Annual reports. However, two resolutions passed recently are important in this regard.

14.10 The United Nations Human Rights Council in its 31st and 32nd sessions, adopted two resolutions (a) on protecting human rights defenders addressing economic, social and cultural rights (A/HRC/31/L.28) dated 21.3.2016; and (b) on civil society space ((A/HRC/32/L.29) dated 27.06.2016. The former resolution strongly condemns the reprisal and violence against human rights defenders amongst others, and calls upon all States to combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against human rights defenders. The latter Resolution on Civil society space *inter-alia* urges the States to create and maintain in law and in practice a safe and enabling environment in which civil society can operate free from hindrance and insecurity. Copies of the two resolutions are annexed as **Annexure "B"** and **Annexure "C"** respectively.

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

14.11 During the period under report, the Commission received 73 complaints concerning alleged harassment of Human Rights Defenders. 98 cases pertaining to HRDs were finally disposed of by the Commission during the year 2017-18. Some of the important cases dealt by the Commission during the year 2017-18 are as under:-

1) *Alleged Harassment of Human Rights Activist Kailash Chidiwal by Police Officials in Jaipur, Rajasthan*

(Case No. 158/20/1/2017)

14.12 The Commission received a complaint dated 05.01.2017 from P.L. Mimroth, a resident of Jaipur, Rajasthan alleging that the victim Kailash Chidiwal who works as a human rights defender has been harassed by the police officials. As per the complaint, the house of the victim was attacked by some persons as a consequence of which, the victim and his wife were seriously injured. It is further alleged that the police instead of registering FIR against such persons, took action u/s 107, 151 Cr.P.C. The police did not only compel the victims to sign on blank papers but also refused to take their blood stained clothes in custody for analysis. The complainant thus seeks the intervention of the Commission to take necessary action in this regard.

14.13 In response to notice issued by the Commission, a report dated 10.03.2017 was submitted by DM, Ajmer, Rajasthan stating therein that the accused persons in the year 2011 had attacked the victim and his wife. Pursuant to the said incident the victim and his wife had got an FIR registered wherein the accused persons had presented before the Court and had got themselves released on bail. It is since then that the accused persons developed enmity towards the victim and his wife. Thereafter, again in the year 2017, the accused persons forcefully barged into the house of victim and did not only brutally injure the victim but also his wife. Thus, the offences u/s 341, 323, 427, 325, 452, 34 IPC r/w Section 3 (1) (R) (S), 3 (2) (Va) SC/ST Act was found to be committed. A charge sheet no. 25/2017 has also been presented before the Court against the accused persons.

After considering the report, the Commission closed the case.

2) *Attack on RTI Activists in Lakhimpur Khiri District, Uttar Pradesh*

(Case No. 27778/24/46/2017)

14.14 In this case, some miscreants caught Shyam Kishor and other 10 RTI Activists and brutally attacked one of the activists with shoes on the left ear resulting into heavy bleeding



and deaf ears. The troublemakers called the police and the police caught the victims and put them in jail. Later, the wrongdoers made fun of the victims on facebook. The bleeding victim was sent from Isangar to Dhorahra and from there to Lakhimpur due to non availability of doctors. There had been lots of cases against the offenders like disturbing the girls by snatching of money and demanding money illegally from people at the Taxi stand.

14.15 On taking cognizance of the matter, the Commission has directed for issue of the notice to the Superintendent of Police, Lakhimpur Khiri, Uttar Pradesh and called for a report.

3) *Attack on the Director of Yuva Ekta Foundation*

(Case No. 51/7/5/2018)

14.16 After having murdered a 17 year old boy, his body and belongings were not returned. The Yuva Ekta Foundation reached the spot where the S.H.O misbehaved with them and he called up the police force from nearby police station and got the *lathicharge* done on the victims. The Director of the NGO was severely injured and threatened them to stay away from the matter. One night, Director of NGO and his family were attacked and he was dragged on beating badly not knowing where he was taken. Later, they came to know from social media that he was taken on remand and that he may face any kind of unexpected happenings.

The Commission has directed submission of an Action Taken Report.

4) *Harassment of a Reporter and his Family by Police for Reporting a Case of Corruption in Ration*

(Case No. 32073/24/7/2017-WC)

14.17 In this case, the victim, who was a reporter, had witnessed the transfer of Government *ration* for its private sale. Two police officials, without any warrant trespassed the victim's house at zero hours midnight and abused him. On resisting the police, the women members of the house were badly humiliated and assaulted. When the reporter opposed, his clothes were taken away and was brutally beaten by wooden planks. When they tried for any relief, one of the officials demanded ₹ 1 00,000 and threatened them that he had many approaches to the above officials and the victim would not be able to do anything. He was taken to jail in a false case of murder and theft on gun point.

14.18 The Commission has directed to transmit the petitions to the concerned authorities and called for an Action Taken Report.

14.19 A report has been received which is under consideration by the Commission.

5) *Alleged Intimidation and Harassment of a Researcher Working with an NGO "Human Rights Alert" in Manipur*

(Case No. 9/14/0/2018/NH)

14.20 This case involves harassment of Ms. Rajeeta Sadokpam, a researcher with Human Rights Alert (HRA), by joint team of police and army officials who knocked at her door and attempted to conduct a search at her home in Manipur. They were looking for an individual named "Somendro". Ms. Rajeeta spoke to the army official and cooperated by providing identity details of all her family members but her brother was taken out of the house forcefully and inquired him because he was suspected to be Somendro. The army officials forced the family members to sign a document which they were not allowed to read.

14.21 The Commission has taken cognizance of the matter and directed the concerned authorities to submit an Action Taken Report.

6) *Murder of a Human Rights Activist*

(Case No. 1167/22/5/2017)

14.22 Mr.H.Farook, an activist, had posted rationalistic views against his religion on Whatsapp and Facebook with a photo of handwritten slogan "Kadavul illai, Kadavul illai, Kadavul illai (No God, No God, No God)". He said, "I am an enemy to God, enemy of religion enemy of caste and enemy of all blind beliefs. But I am not an enemy of humans who believe in humanity." He was murdered and Mr. M. Ansradh surrendered before a local Magistrate court confessing to the murder. But the police believed it was carried out by a gang of four.

14.23 The Commission has directed for transmission of a copy of the complaint to the concerned authorities and called for an Action Taken Report.

7) *Alleged Harassment of Human Rights Activist and His Family Members by Army Personnel*

(Case No. 12/3/0/2017-AF)

14.24 Mr. Pranab Hazarika is a member of Manav Adhikar Sangram Saminti. Army personnel of Sonari Banphera Base Army Camp came to Mr. Pranab's residence and ordered to open the door by shouting. He was not present, so the perpetrators made an attempt to forcefully take his elder son but on the request of Pranab's wife, he was not taken but they ordered Ms. Lalita to produce her husband at the camp the next morning. The army personnel had also visited Pranab's younger brother's residence in search of Pranab and they harassed, kicked his brother on his stomach. The next day, they threatened Pranab's wife Ms. Lalita that if they get hold of Pranab, they would break his legs and throw him.



14.25 The DG(I) has been requested to collect the facts and requisite reports.

8) *Women Human Rights Defender Threatened on Social Media Platform*
(Case No. 60/3/7/2017)

14.26 Three people including minor, belonging to a Muslim Community, were arrested for possessing beef under the Cattle Preservation Act of Assam, 1950. It is to be noted that the said Act does not criminalize possession or consumption of beef. Reacting to this arrest, Ms. Bondita Acharya, a women human rights defender, had given some statement on facebook after which she started receiving threats online. She was receiving death and rape threats, vulgar, sexual and derogatory messages and threatened with acid attack. She was threatened with criminal complaint if she doesn't publicly apologise.

14.27 The matter was considered by the Commission and on notice an interim report has been received from SP stating that the Case Crime No.755/17 has been registered and statements of the complaint, victim and a few witness have been recorded.

14.28 The Commission has directed that the final outcome of investigation be sent to the Commission.

9) *Alleged Military Surveillance of Member and Staff of Centre for Social Development in Manipur and Meghalaya*
(Case No. 10/14/4/2018)

14.29 This case pertains to the members and staff of the Centre for Social Development who were continually under alleged military surveillance in Manipur and Meghalaya and the Secretary of CSD, Mr. Urikhimham Nobokishore is specifically targeted. Every movement is being watched, even when the workers are conducting personal activities. Mr. Nobokishore is being followed while he is travelling for personal matters and people around him are interrogated for details. Later, on 11.8.2017, six armed persons visited the CSD office and caused great fear in the minds of staff members and an employee was attacked. The police refused to file an FIR citing lack of sufficient evidence. On 4.10.2017, Nobokishore was attacked by a proscribed organization and no action was taken in this regard.

14.30 DG(I) has been requested to collect the facts and the requisite reports.

Chapter 15

INTERNATIONAL COOPERATION

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

15.2 During the period under report, the National Human Rights Commission of India, which is a member of the GANHRI and a founder Member of the APF, participated in number of meetings, seminars, workshops and interaction with foreign delegates in the Commission.

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

15.3 The Asia Pacific Forum (APF) of National Human Rights Institutions is the leading regional human rights organization in the Asia Pacific region established in 1996. It is a member-based organization that supports the establishment and strengthening of independent National Human Rights Institutions in the region. Its goal is to protect and promote human rights of people of the Asia Pacific region through network of member institutions. At the time of writing of the Annual Report, APF had 15 full members and 7 associate members. These members represent a diverse range of countries across the region. The National Human Rights Commission of India (NHRC, India) is one of its founding members. Any National Human Rights Institution in the Asia Pacific can apply to become a member of the APF. Decisions about membership are made by the Forum Council, the APF governing body.

15.4 To be admitted as a full member, a National Human Rights Institution must comply with



the minimum international standards set out in the Paris Principles. In addition, the Forum adopts the accreditation decisions of the International Coordinating Committee of National Human Rights Institutions to determine APF membership status. National Human Rights Institutions which are considered to fully comply with the Paris Principles are accredited as 'A status', while those that partially comply are accredited as 'B' status. 'A' status 'National Human Rights Institutions are allowed to participate in the work and discussions of the United Nations Human Rights Council and its subsidiary bodies.

B. NHRC Participation in Other International Meetings & Programmes

15.5 Shri D.M. Tripathy, Under Secretary (GA/Estt) attended the ongoing programme of cooperation between the APF and UNDP to strengthen the capacity of NHRIs in the region to work with LGBTI communities and better advocate for their human rights, - A two day Regional conference-'The Yogyakarta Principles: What have we learnt and where to now?' being organized by APF in Bangkok, Thailand" from 25.4.2017 to 26.4.2017.

15.6 Shri B.S Nagar, US (Coord.) attended the Training of NHRI opportunity on International Human Rights Mechanisms at Geneva, Switzerland from 01.05.2017 to 05.05.2017.

15.7 Justice Shri H.L. Dattu, Chairperson and Dr. Ranjit Singh, Joint Secretary (P&A) participated in the 8th Session of the Working Group on Ageing at New York from 05.07.2017 to 07.07.2017.

15.8 Shri Ambuj Sharma, Secretary General participated in the Senior Executive Officers (SEO) Network Meeting at Melaka, Malaysia from 29.08.2017 to 30.08.2017.

15.9 Shri J.S. Kochher, Joint Secretary (T&R) participated in the Plenary Session of the Human Rights Council on the adoption of India's report on UPR, at Geneva, Switzerland from 20.09.2017 to 21.09.2017.

15.10 Dr. Sanjay Dubey, Director (Adm) attended the Regional Conference on effective and innovative models and strategies to advance transgender health, at Bangkok, Thailand from 20.09.2017 to 22.09.2017.

15.11 Shri U.N. Sarkar, Assistant Director (Publications) participated in the APF Communication Network Collaboration Workshop at Dhaka, Bangladesh from 21.11.2017 to 23.11.2017.

15.12 Shri Ambuj Sharma, Secretary General attended 22nd Annual General Meeting & Biennial Conference of APF at Bangkok, Thailand from 29.11.2017 to 30.11.2017.

15.13 Mrs. Jyotika Kalra, Member attended the International Seminar on Sustainable Development Goals (SDG's) and Human Rights at Dhaka, Bangladesh from 12.12.2017 to 13.12.2017.

15.14 Shri Dushyant Singh Tyagi, Dy. Superintendent of Police participated in the APF of NHRIs Facilitators Training Workshop at Jakarta, Indonesia from 12.12.2017 to 16.12.2017.

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

15.15 The Global Alliance of National Human Rights Institutions (GANHRI) is a representative body of National Human Rights Institutions established for the purpose of creating and strengthening National Human Rights Institutions which are in conformity with the Paris Principles. It performs this role through encouraging international co-ordination of joint activities and co-operation among these National Human Rights Institutions, organizing international conferences, liaison with the United Nations and other international organizations and, where requested, assisting governments to establish a National Institution. It works to create and strengthen National Institutions and to ensure they conform to the Paris Principles. In all its activities and in its Presidency, committees, working groups, etc., the GANHRI will ensure gender equality. NHRC, India is a GANHRI member with '**A' status Accreditation** which was earlier accredited in 1999 and reaccredited in 2006 and 2011.

15.16 The Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) awarded '**A' status Accreditation** to the National Human Rights Commission of India in 2017 as acknowledgement of the important work that the Commission has carried out for the protection of human rights and promotion of human rights awareness within the country.

15.17 In the session deliberating the MERIDA declaration adopted in October, 2015, the NHRC-India Delegation led by Justice Shri H.L. Dattu, Chairperson, NHRC India delivered a statement on the Role of NHRIs in implementing Sustainable Development Goals in compliance with MERIDA declaration.

15.18 India actively participated in the Knowledge Fair organized by GANHRI on the last day of the three day Conference for all member States for interaction and providing an opportunity for face to face networking as well as cross regional sharing of information and experiences. NHRC-India established a Stall in which information was displayed on trends of Human Rights cases from 1993 to 2015. It was explained in the form of poster presentation demonstrating that in 1993, 30 cases were registered wherein in 2015 more than 1.20 lakh cases were registered which shows growing public trust reposed in NHRC-India. NHRC-India also displayed its publications and initiatives taken by the Commission on various human rights issues. In addition, NHRC-India displayed posters of short film competition organized by the Commission in the year 2015.



15.19 India has been unanimously elected as Bureau Member of GANHRI for Asia Pacific Region. India can effectively contribute towards protection and promotion of human rights in the entire region. India's contribution in the field of human rights is not only traditional and historical but imbibes in the Indian Constitution with focus on human dignity, gender, governance, security and sustainable development.

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

15.21 Justice H. L. Dattu, Chairperson, NHRC India during his deliberations with other delegates highlighted the need for well being and protection of elderly persons which is mandated in the Constitution of India and the various Government policies such as Maintenance & Welfare of Parents and Senior Citizens Act, 2007. The Chairperson highlighted steep rise in population of older persons in India and challenges before India to provide older persons security, good health, dignity, equality and comfortable living. The Chairperson also focused on Commission's initiatives and best practices that promotes and protects the rights of older persons in India from the perspective of human rights.

15.22 Justice Shri H. L. Dattu, Chairperson, NHRC made a presentation on NHRC India initiatives regarding rights of older persons. Initially, he introduced about demographic features with reference to population of older people in India and various Acts, policies and functional welfare schemes running for older people in India. The presentation also covered two major themes, viz., NHRC India initiatives and best practices of NHRC for the rights of older persons. The NHRC initiatives elaborated on constitution of Core Group on protection and welfare of the older persons, suggestions offered to government on National policy for senior citizens, promotion of research, spreading awareness through training, seminars and bringing out publications for wider dissemination of information on rights of elderly. The

best practices of NHRC India mentioned about having a robust & comprehensive Complaint Management System, organizing of open hearings & camp sittings regularly, awarding of monetary compensations, having a functional Focal Point for Human Rights Defenders, taking *suo-motu* Cognizance and issuance of directions for establishing Old-Age Homes and Appellate Tribunals, introduced MD courses in Gerontology in Medical colleges, appointed Special Rapporteurs and calling for action taken reports from State Governments on recommendations made by the Commission.

15.23 The National Human Rights Commission, India delegation consisting of Justice Shri P.C. Ghose and Shri Ambuj Sharma, Secretary General, NHRC attended the GANHRI Bureau meeting at San Jose, Costa Rica from 1st - 3rd November, 2017.

15.24 The National Human Rights Commission, India delegation consisting of Justice Shri H. L. Dattu, Chairperson, Shri P. C. Ghose, Member, Shri Ambuj Sharma, Secretary General attended the various meetings i.e. GANHRI Bureau Meeting & GANHRI General Assembly Meeting, APF Forum Counsellor Meeting, and Commonwealth Forum of NHRIs Annual Meeting (CFNHRI) from 19th - 23rd February, 2018.

15.25 NHRC India also displayed a two and a half minutes short film on 'Rights of Elderly in India'. The film depicts the plight of an elderly woman, who is so lonely that instead of being frightened, she smiles to see even a thief to his shock. The film tries to show that elderly people not only have financial needs, they have the right to be loved and cared by the family members who leave them alone and meet occasionally.

D. Business and Human Rights

15.26 The NHRC, India is of the view that NHRIs can contribute to the promotion and protection of human rights within the corporate sector through, among other things, monitoring and reporting on human rights abuses in the business sector, facilitating legal and administrative reforms, and building capacity of government institutions and private sector enterprises to enable them protect and respect human rights respectively.

15.27 In the context of UN Guiding Principles, National Human Rights Commission is uniquely positioned in the country to act as a convener for the associated initiatives. Since, the Commission is a symbol of India's concern for the promotion and protection of human rights, it will enable it to engage effectively in the field of business and human rights.

E. Regional and National Conference on Business and Human Rights

15.28 The Commission organized a series of meetings with Industry Federations/Organizations to encourage voluntary compliance of human rights Principles by the Business. It was finally



culminated with development of a Self Assessment Tool to be used by industry on voluntary basis. The Self Assessment Tool draws upon the United Nations Guiding Principles, National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business, and other existing guidelines available for assessing corporate's impact on human rights.

15.29 The Commission thereafter organized three Regional Conference namely, the South Regional Conference on Business and Human Rights at Chennai on 17th January, 2017, West Regional Conference at Mumbai on 22nd February, 2017 and the third in the series, East Regional Conference on 2nd June, 2017 in Kolkata. The Conferences provided a platform for sharing the national and international developments in the area of Business and Human Rights besides hearing experiences/views of various stakeholders.

15.30 The National Human Rights Commission India organized the National Conference on Business and Human Rights on 12th January, 2018. The Conference provided a platform for developing a National Action Plan on Business and Human Rights. The Conferences was attended by senior officers from the Government of India as well as State Governments, State Human Rights Commissions, CEOs and other representatives of various business enterprises/ industries/federations, PSUs and Civil Society Organizations working in the area of business and human rights.

F. Research Study Entrusted by the Commission on the Subject of Business and Human Rights

15.31 The Commission has recently entrusted research study on "Corporate Duty to Respect Human Rights in Indian Context- An Empirical Study on the State of Human Rights Practices Based on Ruggie's Framework in Business Firms in India" to IIT Bombay, Mumbai. The study will attempt to empirically examine the state of human rights practices of business firms with different ownerships in India based on Ruggie's framework of Business and Human Rights- "Protect, Respect and Remedy" which is the key framework in this domain. The study will provide the state of current practices in fulfilling the responsibility to respect human rights by business enterprises. The Commission has also called for a research project on the subject of 'Business and Human Rights'.

15.32 The NHRC, India is of the view that NHRIs can contribute to the promotion and protection of human rights within the corporate sector through, among other things, monitoring and reporting on human rights abuses in the business sector, facilitating legal and administrative reforms, and building capacity of government institutions and private sector enterprises to enable them protect and respect human rights respectively. In the context of UN Guiding Principles, National Human Rights Commission is uniquely positioned in the country to act as

a convener for the associated initiatives. Since, the Commission is a symbol of India's concern for the promotion and protection of human rights, it will enable it to engage effectively in the field of business and human rights.

G. Interaction with Foreign Delegates in NHRC

15.33 Mr. J.S. Dattan, Deputy High Commissioner, Canada visited the Commission to have a Courtesy meeting with the Chairperson, NHRC on 28.04.2017.

15.34 The NHRC Bangladesh delegation consisting of Ms Nurun Naher Osmani, Honorary Member, Mr. Md. Shorif Uddin, Director, Mr. Md. Gazi Salauddin, DD, Ms Sushmita Paik, Asstt Director, Ms Nayeema Pradhan, Assistant Director and Mr. Md. Jumman Hossain, Super (Accounts), NHRCB visited the Commission from 28.06.2017 to 30.06.2017 for interaction with NHRC India - to make a learning visit to NHRC India with a view to strengthening the officers with practical knowledge & experience and best practices of NHRC, India.

15.35 Mr. Oboth Jacob Marksons, Chairman of the Parliamentary Committee on Legal & Parliamentary Affairs, Parliament of Uganda along with five other Members visited the Commission on 13.09.2017 for a study visit about the working of the Commission.

15.36 Ms. Kate Gilmore, Dy. High Commissioner, office of the High Commission for Human Rights. (OHCHR), Ms. Christine Chung, Human Rights Officer, OHCHR and Rineeta Naik, Social Policy Officer, Office of the UN Resident Coordinator visited the Commission on 31.10.2017 to have meeting with Chairperson, NHRC.

15.37 Ms. Liv Hernaes Kvanvig, Project Coordinator, Asia and Africa, The Norwegian Human Rights Fund visited the Commission on 30.11.2017 for a meeting with Chairperson, NHRC.

15.38 Justice Shri Anup Raj Sharma, Chairperson, NHRC Nepal, Ms. Mohna Ansari, Commissioner, NHRC Nepal and Shri Bed Prasad Battarai, Secretary with two other officers of the NHRC Nepal visited the Commission on 10.1.2018 for a meeting with Chairperson and other senior officers of the Commission to discuss the issues pertaining to International Conference on "Identifying Challenges, Assessing progress Moving Forward: Addressing Impunity & Realizing Human Rights in South Asia - scheduled to take place at Hotel Yak & Yeti, Kathmandu, Nepal on 9th - 11th April, 2018.

15.39 Mr. Stephan Lanzinger, Political Counsellor from German visited the Commission on 15.01.2018 for Courtesy meeting with Secretary General to understand the work of NHRC, India.

ADMINISTRATION AND LOGISTIC SUPPORT

A. Staff

16.1 As on 31.3.2018, 301 employees were in position against the total sanctioned strength of 331 consisting of various ranks. Over the years, NHRC has taken recourse through various methods with regard to selection of personnel for developing and building a cadre of its own. These methods include direct recruitment, re-employment, deputation, contractual appointments and outsourcing

Budget

16.2 The Commission is financed through Grants-in-Aid by the Government of India u/s 32(1) of the Protection of Human Rights Act, 1993

Budget Estimates & Revised Estimates

16.3 The Budget estimates and Revised Estimates of the Commission are prepared by the Accounts Wing of the Commission according to the annual requirement of the Commission. This Estimate with the approval of Secretary General is placed before the Steering Committee of the Commission headed by Chairperson, NHRC. This Committee considers and approves the Annual Budget of the Commission. After approval of the Steering Committee the Budget Estimates are sent to the Government. This estimate of the Commission is scrutinized and approved by the Ministry of Home Affairs, in consultation with the Ministry of Finance.

Audit

16.4 The Accounts are audited by the Comptroller and Auditor General of India and any expenditure incurred in connection with such audit shall be payable by the Commission.

Annual Accounts

16.5 The Annual Accounts of the Commission is prepared in the format prescribed by the Government u/s 34(1) of the Act in consultation with Comptroller and Auditor General of India. The Accounts are authenticated and signed by the Secretary General, NHRC and approved by the Steering Committee. The printed Accounts along with the audit certificate are submitted to the Government for placing in the both Houses of the Parliament u/s 34(4) of the Act.

Expenditure

16.6 Grants received and expenditure incurred during the last three years is shown below:-

(Rs. in Lakhs)

Year	Budget Estimate	Expenditure
2015-16	3754.54	3467.47
2016-17	4404.00	4044.24
2017-18	4648.20	4403.11

B. Promotion of Official Language

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

C. Documentation Centre (E-Library)

16.8 The Library of the Commission was established in the year 1994 for research and reference purpose. It has been upgraded to NHRC Documentation Centre (E-Library) which is well equipped with computer and Internet services. Database of Books / Documents and Articles is available on the internet for the wider use of readers. These readers include Research Scholars of Universities and others readers working in the field of human rights.



16.9 The quality Information is the backbone and an essential aspect of any documentation centre. The NHRC Documentation Centre (E-Library) keeps important information from different sources and documents to make it available to the Chairperson, Members, Officers & Staff of the Commission, Interns, Research Scholars and others who are working in the field of Human Rights by providing value-added information services. The databank at the centre is continuously updated with documents and information that include books & Journals on Human Rights, Government Report, Information received from United Nations, NGOs, NHRIs, research papers, Unpublished Reports, Films, CDs, Video Cassettes, etc.

16.10 The compiled information and news paper clippings are readily available in the Library. In addition to its primary role of collecting, and preserving information on major topics of Human Rights. It also actively disseminates the current information to the users and individuals through electronic books, newsletter, and email services.

16.11 The *Weekly News Digest of Human Rights* is an initiative to provide data and information on various Human Rights violations in India. The Documentation Centre also compiles this document. The collected documents and information are updated and uploaded in the website regularly and people from all over the world are making use of this documented information. The information on various subjects is also made available through e-mail on request.

16.12 The Library has record of computer Database of print books on Human Rights as well as a small collection of fiction and reference books. The Library is computerized, and has evolved into a fully automated library environment with the support of E-Granthalaya (Library software) developed by NIC, New Delhi. The online catalogue of the Library provides an excellent starting point for anyone researching on violation of Human Right in various sections of the society. Constant efforts are made to update the collection of Library books and documents so that the users can obtain the most recent books, documents, reports, etc.

16.13 The Library has about 36,497 books and back volumes of journals. It has also a collection of 540 CD/DVD/Cassettes. It subscribes to 54 Journals (Indian and Foreign), 40 Journals on gratis basis, 112 Serial Publications, 27 magazines and 22 National Language and 9 in regional language newspapers. It has an extensive collection of books and documents covering a wide spectrum of Human Rights and related subjects. During the period under report, 7256 new books, Acts and documents pertaining to Human Rights and related subjects were added to the Library.

16.14 The Library is also equipped with 3 Online databases i:e SCC Online, Manupatra Online and Westlaw India Online along with Software Package (E-Granthalaya) developed by National Informatics Centre (NIC), New Delhi. Library is modernized with State of Art Computers, Printers, CCTV Cameras and New furniture to provide better services to reader/ users of Library.

16.15 An online OPAC (Open Public Access Cataloguing) has been specially developed for quickly ascertaining the availability and location of any book or document available in the library through any access, such as Author, Title, Subject, Keyword and Publisher.

16.16 NHRC library is Institutional Member of British Council Library and DELNET (Developing Library Networking), New Delhi which promotes resource sharing amongst the libraries. Library also maintains close liaison with others Libraries through Inter- Library Loan facilities for accessing and borrowing books, documents and journals.

D. Right to Information

16.17 The details of applications and appeals and CIC notices received during the period 1st April, 2017 to 31st Marchs, 2018 in RTI Units are indicated below:

Sl.No.	Brief	Online	Postal	Total
1.	No. of applications received	819	2646	3465
2.	No. of applications disposed off within 30 days	799	2523	3322
3.	No. of applications pending but disposed off beyond one month	-	-	-
4.	No. of applications pending but are within one month	20	123	143
5.	No. of applications transferred to other Ministries/Departments/ Organizations	90	262	352

Details of 1st Appeals

Sl.No.	Brief	Online	Postal	Total
1.	No. of appeals received by the Appellate Authority	59	289	348
2.	No. of such appeals disposed off within one month	50	286	336
3.	No. of appeals pending	09	03	12

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

Sl.No.	Brief	Online	Postal	Total
1.	No. of notices received from C.I.C.	04	31	35
2.	No. of hearings attended by C.P.I.O./ Appellate Authority	04	31	35
3.	No. of hearings in r/o which compliance report submitted to C.I.C.	04	31	35
4.	No. of hearings in r/o which compliance report not submitted to C.I.C.	-	-	-

16.18 These include details of 'postal' and 'by hand' applications/appeals as well as online applications looked after by the officer and staffs under the supervision of the two different Nodal Officers Dy. Director (M&C) and Asst. Director (Publication) respectively.

Chapter 17

NON-ACCEPTANCE OF NHRC RECOMMENDATIONS BY STATE GOVERNMENTS

17.1 The NHRC in exercise of its powers under Section 18(a)(i)(ii) makes recommendations for payment of compensation or damages to the complainant or the victim of the Members of the family and/or to initiate proceedings for prosecution and such other suitable action as the Commission may deem fit against the concerned public servant.

17.2 During the year 2017-18, the Commission received a complaint alleging that the family members of the complainant were unlawfully confined in his own house from 7.11.2012 to 16.11.2012 by the Advocate Commissioner appointed by the Debt Recovery Tribunal and that the house was unlocked only after the orders issued by the Hon'ble Madras High Court. Commission got the matter investigated through CB-CID and based on its report, came to a prima facie conclusion that the Advocate Commissioner, who went to execute the Court Order, in fact locked up family member of the complainant – Smt. Prameela, Smt. Kumari, Smt. Revathi, Smt. Parvathi and the complainant, Shri Rangaraju inside their house.

17.3 In view of the wrongful confinement resulting from the negligent act on the part of the Advocate Commissioner and the mental agony and humiliation faced by the victims for about 10 days, the Commission recommended the Ministry of Finance, Government of India to pay ₹ 2,00,000/- (Rupees Two lakh only) to each of the above 5 victims as compensation for the violation of their human rights.

17.4 However, the Commission's recommendations were challenged by the Government of India in Writ Petition (C) No.4814 of 2018 in the Delhi High Court, which is a pending consideration.

17.5 Further, as reported in the Annual Report of the Commission for the year 2016 -17, the Commission's recommendations had been challenged by the authorities concerned in 6 cases. With the inclusion of one more case as cited above, the number of cases where the recommendations of the Commission are challenged has now increased to 7 cases. The details of these cases are summed up in the table below.



Sr. No.	Name of the State/ UT	Case No.	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins (Rs.)	Date of Recommendation	Details of cases filed against the recommendations of the Commission.
1	Ministry of Railways	1951/4/7/2012-JCD	Denial of treatment to the deceased at the Railway Hospital, Mugal Sarai, U.P.	1,00,000	30/10/2015	Ministry of Railways has challenged the recommendation of the Commission in the Delhi High Court. By filing W.P. (C) 1194/2017
2	Ministry of Railways	984/34/15/08-09	Death of the victim due to injuries caused by the RPF personnel by the butt of Rifle, when he objected teasing of his wife by the RPF personnel, while travelling by train.	5,00,000	06/05/2015	Ministry of Railways has challenged the recommendation of the Commission by filing a Writ Petition (C) No. 5974 of 2015 before the High Court at Ranchi
3	Jammu & Kashmir	55/9/2003-2004-ad	Alleged death in the custody of Jammu Police (Complaint)	5,00,000	19.08.2009	The State Government has challenged the recommendation of the Commission in the J & K High Court.
4	Jammu & Kashmir	206/9/2003-2004 M-4	Damage of House by the Government (Complaint)	2,00,000	23.11.2009	The State Government has challenged the recommendation of the Commission in the J & K High Court.
5	Kerala	43/11/2002-2003-cd	Death in judicial custody	1,50,000	12.09.2008	The Government of Kerala filed a Writ Petition No. 21305/09 in the High Court of Kerala against the recommendation made by the Commission and the High Court. Outcome of the writ petition is awaited.



Sr. No.	Name of the State/ UT	Case No.	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins (Rs.)	Date of Recommendation	Details of cases filed against the recommendations of the Commission.
6	Odisha	123/18/1999-2000	Alleged physical torture & illegal detention by police	Disciplinary action	31.07.2000	The State Government 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.
7.	Ministry of Finance, GoI	418/10/1/2013	Locking up of five family members inside the house for 10 days by Advocate Commissioner	Rs. 2,00,000 each	15.11.2017	GoI, Ministry of Finance has filed Writ Petition No.4814/2018 in the Delhi High Court against the recommendations made by the Commission which is pending consideration of the Court.

Chapter 18

PROBLEMS FACED BY NHRC IN ITS EFFECTIVE FUNCTIONING

18.1 The National Human Rights Commission was set up in the year 1993, under the provisions of the Protection of Human Rights Act, 1993, with a mandate to protect and promote human rights. Human Rights as defined under Section 2(d) of the Act, mean rights relating to life, liberty, equality and dignity of the individual. These rights are basic conditions for a dignified life of an individual and are so inalienable. The Commission has been receiving more or less one lakh complaints per annum alleging human right violations, having complaints alleging death in fake encounters, custodial deaths and custodial torture and other police atrocities, child labour, bonded laborers, rape and abduction, trafficking of women, electrocution deaths due to the negligence of authorities, environmental and pollution hazards, inadequate health services, malfunctioning and malpractices in hospitals, etc. These complaints are received from all over the country including far flung areas of the countryside. The complainants, including human rights defenders, have faith in the Commission and pinning hopes that Commission would render justice to them. The Commission is also organizing its camp sittings and open hearings in different parts of the country, with an endeavor to render justice at the doorsteps of the victims.

Administrative Constraints

18.2 The NHRC is Paris Principles compliant which states “the National Human Rights Institutions shall have an infrastructure which is suited for the smooth conduct of its activities, in particular adequate funding and staff. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence from the perspective of human rights”.

18.3 The role of the Commission is expanding day by day and currently it is handling more than one lakh complaints a year reflecting the growing trust reposed by the citizens of India.

This necessitates devolution of powers to the Chairperson, NHRC in Administrative as well as financial matters.

18.4 Space crunch is also a constraint being faced by the Commission, for which correspondence is still under process. Similarly, despite repeated correspondence with the 'Delhi Jal Board', issue of supply of Jal Board Water has not been resolved till date. As a result Commission is facing acute water shortage particularly during peak summer season. Further, with the shifting of many offices in GPO Complex, traffic congestion issue is need to be taken up with the concerned traffic authorities as the vehicles are being parked in the GPO Complex in a very disorganized manner which always results jam and road gets congested for whole day.

Manpower Constraints

18.5 Presently, the Commission has sanctioned strength of 331 officers and staff, out of which 301 is the present strength. In spite of several attempts by publishing various posts in leading English Newspaper, Employment News, in the Website of NHRC and wide circulation of the posts to various Ministries, the Commission could not get suitable officers for many posts. Since its inception, the Commission has never had the full sanctioned strength as compared to the available strength. As a result, due to voluminous complaints, it is compelled to engage retired Government officers as Consultants on contract basis.

18.6 It is pertinent to mention that the amendment/revision in the Recruitment Rules was initially sent to the Ministry of Home Affairs in 2012, however, due to various reasons the same could not be finalized. The Recruitment Rules of the Commission have again been approved by the Full Commission and sent to the Ministry of Home Affairs in the month of May, 2017 for notification, which are still under consideration with the Ministry.

18.7 The Commission struggles to cope up with the expectations of the Human Rights affected victims throughout the country and unable to fulfill its mandate in protecting and promoting human rights. The Commission requires creation of various posts for effectively and efficiently discharging its mandate. Shortage of experienced investigating officers who are required to be provided by the Government as per Section 11(b) of the Protection of Human Rights Act, 1993 affected to some extent for conduct of spot enquiries on custodial deaths, torture, illegal detention etc. for which sufficient number of experienced staff are required. The Law Division which is the backbone of the Commission also faces lot of problems in performing its pivotal role in handling/disposing the large number of complaints due to shortage of manpower.

18.8 In this regard, a comprehensive proposal for creation of 104 additional posts was initially taken up with Ministry of Home Affairs (MHA) on 16th February, 2018. The proposal has been



downsized to 77 posts, which is under the consideration of MHA. The MHA, however, asked the Commission to include creation of one post of Principal Staff Officer (PSO) by upgrading 15% of the post of Sr. Principal Private Secretary (Sr.PPS) and Principal Private Secretary (PPS) in the comprehensive proposal. Accordingly, a revised comprehensive proposal for creation of 105 additional posts is under process.

Financial Constraints

18.9 The Commission receives grants-in-aid every year from the Government of India, Ministry of Home Affairs. In terms of Chapter VII Section 32 (2) of the Protection of Human Rights Act, 1993 (PHRA), “the Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to sub-section (1)”. With this financial independence, the Commission functions efficiently to fulfill its mandate. On financial autonomy accounts virtually no predicament was faced by the Commission during the period. However, the Commission wishes to have financial autonomy to purchase vehicles as the same has not been delegated.

Chapter 19

SUMMARY OF PRINCIPAL RECOMMENDATIONS AND OBSERVATIONS

A. Number and Nature of Complaints

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

B. Human Rights Violation Cases

19.2 A total of 79,612 cases were registered in the Commission during 2017-18. Out of these 79,612 cases, 38,659 cases related to the State of Uttar Pradesh, 5,829 cases to Delhi, 4,977 to State of Odisha, 3,522 to Bihar and 3,285 to Rajasthan. The Commission disposed off 86,187 cases during 2017-18, which included cases of previous years as well. Of the total number of cases disposed of by the Commission during the year under review, 33,290 were dismissed 'in limine'. It disposed of 15,364 cases with directions to the appropriate authorities for remedial measures. During 2017-18, 21,652 cases were transferred to the State Human Rights



Commissions (SHRCs) for disposal in accordance with the provisions of the PHRA. At the end of the reporting period, i.e. on 31st March, 2018, the total number of cases pending with the Commission was 25,775. These covered 2,212 cases awaiting preliminary consideration and 23,563 cases pending either for want of reports from the authorities concerned or the reports received being pending for consideration by the Commission.

C. Preventing Custodial Violence

19.3 The NHRC received 1,636 intimations concerning death in judicial custody², and 148 intimations of death in police custody during the year 2017-18. One intimation of death in para-military/defence forces custody was also reported during the review period. It disposed of 2,151 cases of custodial death. Out of these 2,151 cases, 1,945 cases relate to death in judicial custody, 205 cases of death in police custody and one case of death in the custody of para-military forces. These figures contain cases of previous years as well.

D. NHRC Recommendations for Monetary Relief and its Compliance

19.4 During the period 01.04.2017 to 31.03.2018, the Commission recommended ₹ 22,69,80,000/- as payment of monetary relief/ compensation to the victim/next-of-kin of the deceased in 757 cases. Out of the 757 cases, in which monetary relief was recommended, compliance reports were received in 151 cases, wherein a total amount of ₹ 5,67,75,000/- was paid to the victim/next-of-kin of the deceased.

19.5 As on 31.03.2018, compliance reports were awaited in 606 cases, wherein monetary relief amounting to ₹ 17,02,05,000/- was recommended during the year. Apart from the recommendations for monetary relief, the Commission also recommended disciplinary/departmental action against the errant public servants in 38 cases and prosecution of errant public servants in 02 cases. The Commission, once again, recommends to all those States/ Union Territories to take speedy action on cases pending with them for compliance so that the monetary relief recommended in each case is immediately given to the victim/next-of-their kin.

19.6 With regard to compliance reports relating to cases pertaining to previous years, compliance was awaited in 274 cases.

² In the Annual Report, judicial custody means persons in jails as per the orders of the court.

E. Silicosis

19.7 Recommendations of National Human Rights Commission on Preventive, Remedial, Rehabilitative and Compensation Aspect of Silicosis

1. Mapping of Factories/Mines/Industries/Establishments:

Extensive survey should be undertaken by the States/UTs to know the extent and dimensions of the problem of silicosis. The survey should cover the following points:

- Identification of districts and areas therein having silica prone factories/mines / industries/ establishments.
- Collection of details/carrying out a census of all such factories / mines/ industries/ establishments in both organized and unorganized sector including the number of persons employed in each such establishment. In cases of organized sector, it may also be ascertained as to under which Act such factory /mine/ industry/ establishment is registered.
- Whether the employers of various industries are maintaining a proper employment record, including registers for purposes of recording the daily attendance of workers, wages paid to each worker, leave given to each worker, including medical leave.
- Whether the employer of every silica prone establishment is carrying out initial and periodic medical examination of the workers as for the detection of silicosis and whether they had reported cases of silicosis to the prescribed authority in the past.
- Whether silicosis victims identified in the past had been provided appropriate health care and treatment.
- Whether the employer has any (post employment) scheme for silicosis affected persons including healthcare, rehabilitation, compensation and family pension and whether the benefits of such a plan have been extended to silicosis victims in the past and in case of death of a victim, to his family.
- Measures undertaken by employer if any, for prevention of silicosis.

2. The States/ UTs while conducting the above survey, will also conduct survey regarding persons who are working in silica prone factories, mines, industries, establishments and will also prepare a list of persons who are suffering from Silicosis.



3. The above survey should be completed by each State/ UT in three months and the result of the survey with complete details should be put on the website of each state/ UTs. This survey will be known as the State/ UT inventory. On the basis of this inventory, within one month thereafter, a national inventory will be prepared by the Union of India, which will be put on the websites of Ministry of Environment and Forests, Ministry of Labour and Employment, and Ministry of Mines. The information contained in the State/UTs inventories will be updated initially after every six months for three years and thereafter every year regularly. Accordingly, the changes will be made to the National Inventory.
4. Once the inventory of each State/UT, as well as national inventory is prepared on the basis of the survey conducted above, the very first requirement will be to provide medical treatment to those who had already been identified as silicosis patients. The treatment of these silicosis patients be ensured within a month in the district/ state hospitals which are equipped to provide them treatment.

19.8 Laying of Standards:

- A. The CPCB, DGMS and DGFASLI should prepare a uniform standard for permissible limit for respirable silica dust for different factories/ mines/ industries/ establishments, keeping in mind public health and the international standards. The present standard of 100 microgram/m³ for dust particles in the air should be revised. It is recommended that the most stringent standard should be laid down for silica-prone industries. In the US, permissible exposure limit (PEL) for respirable crystalline silica is 50 micrograms/ m³. This exercise should be completed by the above said agencies within one month. Within the same time period, the said agencies should also prepare a checklist of pollution control devices/safety devices which should be installed/used by all silica prone factories/ mines/ establishments. Thereafter, within three months, the State Pollution Control Boards along with DG, Mines for mines and quarries and Inspector of Factories for factories should carry out the inspection of all the industries/ units and take appropriate actions against unit(s) which fail to install/deploy pollution control devices and implement such safety measures as per the checklist. All such defaulting units should be closed down. Similar inspections in respect of civil construction sites employing 20 building construction workers or more shall be carried out by the State Pollution Control Board in association with Building and other Construction Workers Welfare Boards of States. In their case also, failure to deploy pollution control devices should invite similar punitive action. Thereafter, a periodical check-up should be done by the State Pollution Control Boards in association with DGMS/Inspector of Factories of all States/ UTs, on a quarterly basis, initially for three years and thereafter, on six-monthly basis, that is, twice in a year to ensure/ascertain that these units are complying

with the pollution control measures/safety measures. The CPCB should do a random yearly check-up. The yearly report of the status of compliance and action taken should be put on State/ UTs website of Ministry of Labour and Employment, and Ministry of Mines.

- B. Once the National Occupational Health and Safety Commission comes into existence, the task of further revising the standards for permissible limits for respirable silica dust for different factories/mines/industries/establishments shall be taken over by the said Commission.
- C. The State Governments/UTs may prohibit manufacture and sale of cutting/ drilling equipment used in mining/ quarrying/ stone carving, sculpting, crushing industries without proper inbuilt dust control systems. The use of wet drilling and dust extractors may be enforced by respective regulatory authorities.
- D. Change of Clothes: All mineworkers should mandatorily change their clothes before starting their work and again before leaving place of work. In this regard standards already exist for asbestos industries; the same could possibly be adopted for silica-prone industries.

19.9 Medical Aspect

- A. **Medical Examination in Silicosis Prone Industries:** All the individuals who express their willingness to join a silica prone industry must be medically examined before commencing their employment. The workers should be clinically examined with Chest radiography and Pulmonary Function Test to rule out any respiratory disorder. The periodicity of the subsequent medical examination should be based on silica content produced in a particular industry/mine/process. In case of the workers of stone crushing, carving and sculpting industry, medical examination should be conducted at the time of appointment and then after two years and subsequently every year thereafter. In case of factory workers, the medical examination should be undertaken at the time of appointment and then after every three years.
- B. **Issuance of Smart Cards:** The State Government shall issue smart cards to the workers working in silica prone hazardous industries. These smart cards may include the medical history and details of medical examination as well as the history of occupation of the worker. These smart cards will be issued to all the employees of silica prone industries/establishments working in any capacity, whether regular, temporary, contract or job work (labour). The day such an employee joins a silica prone industry; such smart card shall be prepared. Entering the occupation history of the workers in the smart card database should be the responsibility of the employer. Suitable software

protocols for this will have to be laid down. The DGMS/ Chief Inspectorate of each state shall ensure that no employee whether permanent/temporary, contract or job worker is allowed to work in any silica prone industry to whom smart card has not been issued. The Inspector of factories shall take appropriate action against the silica prone factory if any employee therein is found to be working there without a smart card. The mechanism of smart card be introduced throughout the country within a fixed time period of, say, 2 years.

- C. Identification of Tuberculosis as an Occupational Disease and Recording of Occupational History of TB Patients:** Tuberculosis must be notified as an occupational disease for all such victims who demonstrate that they had worked in mine/factory/stone carving or crushing industry and such a TB patient should also be entitled to all the rehabilitative measures available to a silicosis patient.

Directorate of the State Health Services should carry out regular statistical analysis of the incidence of tuberculosis at primary health care level and identify areas reporting higher incidence. These areas should be thoroughly investigated for presence of silica prone industries/other establishments or presence of silica in the atmosphere otherwise.

The occupational history of every patient detected positive for Tuberculosis should be taken and be placed on record. The register maintained under the National TB Control Programme should contain a separate column describing the occupational history of the patients.

- D. Integrating Silicosis Control Programme with Revised National Tuberculosis Control Programme:** The Government of India should evolve a National Programme on Silicosis. Since silicosis and tuberculosis are closely related diseases, and there already exists a Revised National Tuberculosis Control Programme (RNTCP), Silicosis Control Programme should, while being separate and independent, have an integral linkage with RNTCP. State Governments should prepare independent comprehensive silicosis prevention and control programme on the basis of results of the silicosis mapping which they would be carrying out.
- E. Identify a facility for diagnosis of silicosis:** In each of the districts, where silicosis prone industries, quarrying or a big construction projects exist, there should be a designated hospital for diagnosis and treatment of silicosis. This designated hospital should include an OPD and an inpatient facility for the silicosis affected persons. States should create the facility for diagnosis and treatment in all the endemic districts within one year.
- F. Separate Pneumoconiosis Medical Board for Certification of Silicosis:** Every district where silicosis is endemic must have a separate Pneumoconiosis Board for Certification

of Silicosis. The District Pneumoconiosis Board should include a chest physician, a general physician and Radiologist failing which an occupational health physician failing which any other senior physician. State governments must bring out a Standard Operating Procedure (SOP) for identification and certification of silicosis so as to bring about uniformity in the examination and certification procedure. One week training should also be imparted to the members of the Pneumoconiosis Board for diagnosis and detection of silicosis. Every State should also have one or more Appellate Boards for dealing with dispute in certification.

19.10 Rehabilitative Measures

- a. The NHRC had recommended interim compensation of ₹ 3 lakhs to their next-of-kin of the deceased which was accepted by the Supreme Court vide orders dated 04.05.2016. By further order dated 23.08.2016, the Supreme Court has directed that amount of 3 lakhs be given in all cases of death due to silicosis. All States/UTs Governments should be directed that interim compensation of ₹ 3 lakhs shall be paid to the next of kin in all cases of death due to silicosis so that the family of the deceased does not suffer. The NHRC recommends that the interim relief of ₹ 3 Lakhs should be enhanced to ₹ 5 Lakhs in all future cases of death due to silicosis. For that purpose, each state should create a fund.
- b. In addition to the interim monetary relief as above, in cases of death due to silicosis, the widow of deceased victim should also be provided a monthly pension by the State/UTs along the lines of old age pension. States must make a provision for regular revision of pension every 3 years on the basis of change in Consumer Price Index (CPI).
- c. If both husband and wife die due to silicosis and their children become orphans, with nobody to look after them, the Women and Child Development department of the State/ UT shall provide them shelter, protection and education.
- d. The benefit of Pradhan Mantri Awas Yojana, MNREGA, PDS and other Central and State welfare schemes should be extended to the silicosis victims and in case of a deceased victim to their families.
- e. In case a person is suffering from silicosis, he should be provided alternate job or a sustenance pension by the respective State Governments/ UTs. Skill training should also be provided to the silicosis patients and to the family members so that they can get employment in other areas of work.
- f. **Welfare Schemes for Workers:** The National/State Social Security Boards set up under the Unorganized Worker's Social Security Act, 2008 should formulate welfare schemes



for the welfare of the workers of mines/stone quarries/stone crushing/stone carving industries who are at the risk of contracting silicosis as well as for those already affected and their families. The funding of such schemes could be through a cess collected by State Government. The Welfare Schemes formulated by these Boards shall be in addition to the existing BOCW/DMFT/REHAB Welfare Schemes and not in lieu of them.

- g. **Extending Rashtriya Swasthya Bima Yojana (RSBY) to silicosis victims and their families:** Silicosis patients should be treated as BPL families. The Central Government may consider extending Rashtriya Swasthya Bima Yojana (RSBY), a health insurance scheme for BPL families to all the workers employed in silica prone mines/industries/stone carving/cutting/processing units.
- h. If a person affected due to silicosis or his next of kin wishes to claim compensation/damages in law, the District Legal Services Authority should provide legal help for processing of such claims.
- i. The recommendations made above are the minimum which should be provided to the affected persons. The Central Government/State Government/UT should come out with a scheme which is most beneficial to the silicosis-affected persons.

19.11 Strengthening of Legislative Framework

- Under section 85 (1) of the Factories Act, 1948, the States and /UTs which have not yet notified smaller units having potential to cause silicosis irrespective of the number of workers employed therein, as factories may immediately declare all such small units as factories. Further, under section 87 of the Factories Act, 1948, the manufacturing processes or operations which are being carried out in factories in which manipulation of stone or any other material containing free silica is being cut/carved/processed, they need to be notified as dangerous operations by the concerned State Governments.
- All the mining, quarrying, stone crushing units irrespective of the number of employees should be covered under one of the Health and Safety Acts namely The Mines Act, 1952, The Factory Act 1948 and The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act,1996.

19.12 Regulatory Mechanisms

A. National Occupational Health and Safety Commission

The Central Government should appoint a National Occupational Health and Safety Commission. The functions of the Commission shall be to formulate and recommend

to the Government legislative measures implement and periodically review a coherent national policy for the establishment and promotion of Occupational Health and Safety, Management Systems. The Occupational Health and Safety Commission should consist of Chairman, three members and a Secretary. One of the three members should be an Occupational Health and Safety expert. They should be assisted by such officials as considered necessary.

- (i) The National Commission on Occupational Health and Safety shall establish general principles and procedures to:-
- Formulate comprehensive standards on Occupational Health and Safety.
 - Recommend steps for continuous improvement in occupational health and safety programmes, while avoiding unnecessary administration and costs.
 - Provide for research, information, education in the field of occupational health and safety.
 - Provide a model occupational health and safety policy for organizations.
 - Develop and authorize an audit mechanism for assessing effectiveness of occupational health and safety in industry.
 - Develop proforma for collection of occupational health and safety statistics and communicate to the State Commission. Suggest changes/improvements in occupational health and safety standards on the basis of data received from State Commissions, preferably in consultation with them.
- (ii) The Occupational Health and Safety Commission may have the power to conduct or direct the conducting of inquiries in matters of occupational health and safety.

B. National Occupational Health and Safety Committee

1. The Central Government may set up an Occupational Health and Safety Committee to advise and assist the Occupational Health and Safety Commission in its functions.
2. The Occupational Health and Safety Committee should comprise of DGFASLI, DGMS, Director, National Institute of Occupational Health, Director, National Institute of Miners Health, Controller of Explosives, Chairman, Central Pollution Control Board, Chief Labour Commissioner (Central), Labour Commissioners of atleast 3 States, Chief Inspectors of Factories of 3 States, DG ESI, DG Health Services of atleast 3 States, 3 representatives of employers, 3 representatives of employees, 3 eminent persons



connected with the field of Occupational Health and Safety, Chairman, Members and Secretary of National Occupational Health and Safety Commission.

3. The Committee may constitute sub-committees for different issues/challenges. The sub-committees may visit various industries to gain firsthand knowledge of the conditions relating to occupational health and safety prevailing in such industries.

C. State Occupational Health and Safety Commission

The State Governments should also appoint a State Occupational Health and Safety Commission in lines with National Occupational Health and Safety Commission. The function of the State Occupational Health and Safety Commission would be distinct from the National Occupational Health and Safety Commission and may be as follows:

1. Facilitate and improve voluntary arrangements for systematic identification, planning, implementation and improvement of occupational health and safety activities at state and organizational level.
2. Promote participation of workers and their representatives in various aspects of occupational health and safety at all levels.
3. Promote participation of members of the public in general and people working or living near the industry, in the occupational health and safety programmes of the industry.
4. Promote participation of members of the medical profession working near the industry in the occupational health and safety programmes of such industry.
5. Promote awareness about occupational health and safety of students at school and college level and also in engineering, medical, agriculture and veterinary institutes and colleges and in polytechnics and Industrial Training Institutes.
6. Collect, compile and analyse occupational health and safety statistics for analysis and for being shared with National Commission.

D. Incentives: Incentives may be provided to the employers and stakeholders who faithfully implement dust control measures leading to either complete removal or reduction of dust in mines/quarries/factories.

E. Formation of Joint committee: There is a complete disconnect between DGMS, DGFASLI and State Government officials. A joint committee comprising of representatives from

DGMS, DGFASLI, Central Pollution Control Board, State Pollution Control Boards, State Mining Department, State labour Department, State Inspectorate Factories and Boilers and state government officials may be formed so that proper coordination is established among these organizations and recommendations made by the DGMS and or DGFASLI are discussed and appropriate action is taken by State governments. These Committees will have to be formed state-wise for each State/UT of the country.

19.13 Size of the Lease: The state government must increase the minimum size of the land leased for mining by fixing a minimum size of land. At present even 0.1 acres of land can be leased out for mining. The minimum area for giving mining lease should be five hectares to ensure scientific and systematic mining.

19.14 Public Hearing by District Magistrate: In every silicosis prone area, District Magistrate should conduct public hearings on Silicosis once in every three months.

19.15 Regular Inspection by DGMS/Chief Inspectorate of State: DGMS or Chief Inspectorate of State depending upon the nature of establishment must conduct regular inspections of all workplaces with silica hazard. The inspection should consist of measurement of the air borne silica levels in the workplace.

Presently, both Chief Inspectorate of Factories of various States and the office of DGMS are understaffed. Central/State Governments must strengthen the manpower of both Chief Inspectorate of State and DGMS.

19.16 Disposal of Silica Waste: At present, there are no norms for disposal of silica waste. Central Pollution Control Board (CPCB) should declare waste silica arising out of industrial processes as hazardous waste and should lay down the norms for its disposal. These norms could be on the lines of BIS Standards for disposal of asbestos waste. In addition, instructions should be issued to ensure that trucks carrying waste materials containing silica should be covered with tarpoline, speed of the truck should not be more than 20 km/hr and tracks are water sprayed. Silica powder should be transported in sealed bags.

19.17 Training and Creating Awareness

- 1. Creating Awareness:** All the stakeholders and the workers vulnerable to silicosis need to be made aware of the disease including their legal rights and precautions required to be taken through wide publicity campaigns with the use of electronic and print media. This will also improve self-reporting of cases and facilitate early detection. Creating and spreading awareness among all stakeholders in particular the employers, Public Representatives, Civil Servants at district level and doctors of endemic States should



also be done. Every silica, prone industry should have a display board informing the hazardous effects of airborne silica.

2. **Training:** A training programme should be developed to impart training to all public health doctors/paramedics for early diagnosis and detection of silicosis.

F. National Conference on “Implementation of National Food Security Act, 2013 In Relation To Children & Lactating Mothers and Pregnant Women”

19.18 The NHRC organized National Conference on “Implementation of National Food Security Act, 2013 In Relation To Children & Lactating Mothers and Pregnant Women” on 27.10.2017 at New Delhi. The recommendations emanating from the Conference were made under two working groups namely a) Nutritional Support to Pregnant Women and Lactating Mothers and Children up to 6 years b) Mid-day Meal Schemes. These recommendations are as follows:-

19.19 Working Group-I: Nutritional Support to Pregnant and Lactating Mothers and Children up to 6 years.

- State Government should take proactive steps to take innovative mechanism to address the issue of migrant population.
- To address the needs of left out/far flung/remote populations as far as possible, Anganwadi centre should be operated through innovative approach/community participation, even for fewer numbers (e.g. Mobile units, mini Anganwadi centres etc.)
- The recent move to go in for cash transfers rather than Take Home Ration (THR)/hot cooked meal, may be counter-productive and must not be encouraged, except in very exceptional cases, as it will defeat the basic objective of providing nutrition, and cash can easily be transferred to other expenditure.
- The issue of sub optimal honourarium to Anganwadi workers and helpers in most States needs to be resolved by ensuring atleast minimum wage level, as Government has to be model employer. Regular monthly payment should also be ensured.
- The coverage of children going to private schools also needs to be ensured as they may form a sizeable percentage, which otherwise would not be covered and would adversely affect the incidence of malnutrition.
- The infrastructural gaps in terms of building, kitchens, drinking water supply/toilets should be resolved within a time limit of maximum three years in all States through

sourcing of funds from different schemes and departments, as has been successfully done in States like Kerala, Tamil Nadu etc.

- Adequate food testing facilities should be created preferably at District level by all States by utilizing public Health Department, Universities/Colleges etc.
- Dilutions of the maternity benefits as provided in the NFSA should not be permitted by clubbing with Janani Suraksha Yojana or similar entitlements. Also, the conditionality of Prime Minister's Maternity Benefit Scheme is in contradiction to the provisions under Section 4(b) of the NFSA, and the previous recommendations of the NHRC to this effect.
- Fortification of salt and edible oil may be encouraged while at the same time greater examination is called for in the case of fortification of wheat flour, keeping in view the production, supply, possible contamination, efficacy and cost of fortification etc.
- Convergence of critical departments/agencies such as Health and Family Welfare, WCD, Education, Water and Sanitation and Rural Development/Panchayati Raj needs to be ensured through proper training, coordination meetings, synchronised funding etc. under the direct leadership of District Collector.
- Food diversity as a source of balanced diet and micro nutrients etc. needs to be encouraged including kitchen gardens, sourcing of locally available fruits and vegetables.
- Innovative coordination and supervising mechanisms such as Mother's Committee at Anganwadi level and local coordination committee at ICDS available in several States can be extended to all States.
- The present food which is being served does not guarantee the protein intake envisaged. Ways and means must be found and implemented to ensure that each child and pregnant women who is beneficiary gets his/her quota of protein everyday and a simple solution to protein intake is supplement of eggs as part of Supplementary Nutrition at Anganwadi Centres, and for those who are vegetarian milk can be provided.
- Each Anganwadi must have arrangement including educational literature etc. for the Pre-School education of the child attending the same
- Proper and transparent selection of Anganwadi workers imparting a basic training to them followed by regular refresher training. This will require setting up of Anganwadi training centres in each State



19.20 Working group -II: Mid-day Meal Schemes

- Any unutilized fund of MDM scheme due to the reasons like non availability of cooks, ration, natural calamities, absence of students, litigations etc should be utilized for the targeted beneficiaries in the same year. No fund in any circumstances may be diverted for any other scheme.
- Cooking cost norms, honorarium of cooks and helpers, transportation costs, LPG etc. to be rationalized and appropriately enhanced periodically.
- The funds allocated for Management, Monitoring and Evaluation (MME) to be rationalized and appropriately enhanced periodically.
- Social audit and evaluation by third party (like civil society/domain expert/social audit directorate under MGNREGA) should be conducted annually for each district.
- The social audit reports should be published at the state portals.
- The action taken on these social audit reports should also be published at the State portal.
- In the Social audits, special attention should be paid to the Particularly Vulnerable Tribal Groups (PVTGs), SC/ST hamlets, nomadic and de-notified tribes, migrant workers' families, remote islands, desert settlements, frontier areas, and forest villages and so on.
- The site plan of the schools should have earmarked kitchen, water facility, sanitation facility and washing area for utensils.
- In order to enhance the nutritional content of the food, protein rich food like eggs and milk should be included in the meal, according to the local cultural preference.
- No child should be excluded from the benefit of mid-day meal because of non-linking of Aadhaar because the child cannot be deprived for no fault of his/her.
- As far as possible kitchen gardens should be encourage in the school premises, students should be involved the cultivation of the vegetables, these vegetables may be used for cooking purposes. Children be also encouraged to take the seeds of the vegetables and grow vegetables at their respective homes.
- Evolve a scheme to provide Mid-day Meal during the vacation holidays.

- Data about the non coverage of students under Mid-day Meal within the schools (which are covered under the mid-day meal) and reasons for the same should be maintained and analysed.

G. One-day Meeting on One Stop Centre

19.21 A One-day meeting on One Stop Centres was held in the Commission on 26th September, 2017 in Manav Adhikar Bhawan. The meeting was chaired by Smt. Jyotika Kalra, Member, NHRC

19.22 Some of the major recommendations/suggestions emanated from the meeting were as under:

- **Simple name:** 'One Stop Crisis Centre', name be simplified like 'Sakhi', 'Bharosa', 'Asha Jyoti Kendra' and made acceptable nomenclature across India .
- **Awareness:** Awareness through mediums like advertisement, flex boards, newspaper, radio, television, social media and group messaging. Further, through Primary Health Centers, sub-centers, Anganwadi centers, Primary Schools, different level of Courts, Bar Associations and Medical Associations. And through training programs in government and private sector.
- **Standard of Procedures:** Simple and detailed and uniform SOPs (across States) in form of simple steps for all stakeholders (including police, counselors, case handlers, doctors, NGOs, administrators, para-medics, social workers, magistrates, and forensics) should be prepared in vernacular for ease of understanding and emulation.
- **Working of Center:** There should be a single tier system, one Centre with all the facilities like shelter, medical care, legal aid and psycho-social counseling (good in number) under one roof. One dedicated person per survivor should coordinate between police, medical, local authorities, compensation & throughout the legal process.
- **Training:** A uniform training of State level Master Trainers should be organized by the GoI on counseling as well as management of One Stop Crisis Centre.
- **Inter-link and connect all Centers:** A website/ online platform should be designed to inter-link and connect all One Stop Crisis Centers across India, to enable learning, sharing & dealing inter-state cases.
- **Assess the functioning:** Develop a mechanism to assess the functioning of the One Stop Crisis Centre. It can include feedback forms.



- **Victim Compensation Scheme:** Victim Compensation Scheme of Delhi Government could be adopted by other States where it is presently not there. Scale of compensation needs to be standardized (SC judgment).

H. Regional Conference on Child Marriage

19.23 The Commission organized a Regional Conference on Child Marriage on 4-5 January, 2018 at Bhubaneswar, Odisha.

The following are major recommendations from each group:

- a) Child Marriage: A reality Check of Present Status, Issues and Challenges
 - **Strategic Planning by the States:** States should design the State Strategic Plan and Action plan to address the age-old menace of child marriage which would be executed by various departments, development partners and all concerned stakeholders.
 - **Inclusion of the issue of child marriage in Gram Panchayat Development Plan:** The state must ensure that the Gram Panchayat Development Plans (GPDP) that are being prepared by Gram Panchayats to synchronize with SDGs must include 'campaign against child marriage' as one of the initiatives to achieve gender equality and to empower all women and girls and must review the status of incidence of child marriage in their jurisdiction regularly.
 - **Linking of marriage registration with AADHAAR:** There should be compulsory registration of marriage linked with the unique identification number i.e., Aadhaar, to keep a check on child marriages.
 - **Inclusion of child related laws in schools' curricula:** There should be convergence with MHRD at national level and Department of Education (DoE) at the state level to incorporate the laws relating to gender equality, child marriage, child rights other related issues in the course curriculum and also in the teacher training module.
 - **Engage community and religious leaders:** Religious and community leaders are the decision makers in communities where early or child marriage is prevalent. Engaging and educating these powerful men is key to changing the attitude of a community on childhood marriage. There is a need to focus on engaging religious and community leaders and educating them on the harmful effects of traditions such as child marriage on communities as a whole.

- b) Policy Framework: Programmatic and Legal aspects of Child Marriage
- **Three levels of Child Marriage Prohibition Officer:** The states must ensure that as per the provisions of sub section (1) of section 16 of the of Act 2006, Child Marriage Prohibition Officers (CMPO) are being appointed at State, District, Taluk levels who should report the statistics of the incidence of child marriage to the Secretary, Women & Child Development.
 - **Mandatory reporting clause on child marriage:** There is need to include mandatory reporting of the child marriage in PCMA similar to Section 19 of the Protection of Children from Sexual Offences (POCSO) Act.
 - **Community policing:** There is a need to introduce community based policing in every State for strengthening the police effectiveness in preventing child marriages as this would help in police officers and private citizens work together in creative way. One such programme in this direction is AMA Police Project introduced by the Odisha Police.
 - **Defining role of Panchayat Raj Institutions:** In order to address the issue of child marriage at the grass root level, it is important that the role of Panchayati Raj Institutions (PRIs) should be defined in the Prohibition of Child Marriage Act, 2006 (PCMA) itself.
 - **A child marriage dissolution law:** As child marriages are not automatically void and require divorce to terminate, it is recommended that there should be child marriage dissolution law.
 - **Speedy adjudication:** There should be speedy *adjudication* and dispose of *cases* concerning child, using provisions under all relevant Acts (PCMA, POCSO, Juvenile Justice Act and IPC) concerning child.
- c) Dynamics of influencing factors including social, cultural, Economic and Environmental Aspects of child marriage : Preventive Measures
- **Registration of births within 21 days:** Births should be registered within 21 days which could be through Primary Health Centre (PHC) involving key players such as Anganwadi workers, ASHAs etc.
 - **Universalization of marriage registration:** Marriage registration should be universalized.
 - **Creating awareness:** In order provide information, education and communication (IEC) on the effects of child marriage, the PCMA, avenues for reporting, there is a need to ensure usage of all kinds of medium like- television, radio, print, WhatsApp, Facebook, school workshops, street plays, posters, slogan, debate and paintings.



- **Vocational training for high school students:** There should be institutions on vocational training for students completing high school. Child participation platform need to be activated. Further, life skill education should be made mandatory in schools and there should be one male and female teacher each devoted to this.
 - **Role of business houses:** Business houses to help by using the tagline of against child marriage in their communications.
 - **Workshops for elected representatives:** Workshops should be organized for elected representatives at state, district and gram panchayat level to be strong advocates against child marriage
 - **Rewarding Sarpanch for preventing child marriage:** There should be provision of rewards to Sarpanch for making a village child marriage free village. Further, in case too many child marriages take place in a village, the Sarpanch should not be allowed to contest in next elections.
 - **Extending Right to Education upto 18 years:** Central Government should increase the age of children under RTE from 14 to 18 years, so that girls can continue their education and marriages could be delayed.
 - **Mobilization of funds under Corporate Social Responsibility:** Rope in corporate bodies and foundations to mobilize their funds under CSR for mainstreaming programmes related to improving the education standard of young boys and girls in the country.
 - **8th “phera” during solemnization of marriage:** There should be 8th “phera” during solemnization of marriage where an oath be taken by the couple on ‘No to sex detection’ and ‘No to child marriage’
- d) Human Trafficking and child marriage : Issues Challenges and Road Ahead
- **Awareness Campaigns** should be initiated for victims, families in order to disseminate information on law, punishment and redressal procedure. People in remote villages should be made aware of various development schemes run by the government and efforts be made to link them with these schemes.
 - **Maintenance of Registration registers:** Registration registers need to be maintained at village, panchayat and block level for registering births, marriages and the movement of individuals especially children, foreign individuals and placement agents.
 - **Redressal mechanisms for children affected by marriage:** A complaint redressal system with a child helpline numbers has to be displayed in public places to keep check on child marriages and trafficking.

- **Convergence** of government stakeholders, CSOs doing rescue, follow up and rehabilitation of victims has to be established.
- **Creation of guidelines and SOPs:** There is a need for developing guidelines and Standard Operating Procedures to Facilitate the Protection of Trafficked Persons.
- **Rehabilitation of rescued child:** There is hardly any attention been paid to the processes that facilitate return of the trafficked children to a life of dignity, therefore in this regard, it must be ensured by the States that after rescuing trafficked child, he/she is linked with skill development, vocational training in order to create employment creation through CSR.
- Identification and mapping of the transit routes: There is need for identification and mapping of the source, transit and destinations of children trafficked for child marriage or any other purpose.

I. Rights of Elderly

19.24 A meeting of the NHRC Core Group on Protection and Welfare of the Elderly Persons on 7th February, 2018 under the Chairmanship of Shri S.C. Sinha, Member, NHRC.

19.25 The major recommendations concerning the Ministry of Social Justice and Empowerment and Ministry of Health and Family Welfare are as under:

- As per the Advisory of the Ministry of Home Affairs (MHA), GOI, every police station in the country must have a Committee formed for resolving the issues of senior citizens. The State Governments need to review the status of implementation of the Government of India Advisory and to ensure that the said Committees are actually functioning in every police station at all levels.
- Ministry of Health and Family Welfare, Government of India needs to come out with a new product in the National Programme for Health Care of the Elderly (NPHCE) persons which may also cover 'consultation' in addition to the hospitalization so that time to time medication could be prescribed and made available to the senior citizens.
- The large OAH with a capacity of 1000-1500 people should be constructed with the attached hospital/clinic and residential school based on the Gujarat model. This would provide opportunity to the elderly persons to interact with the younger generation and help them.



- Para (IV) of Section 20 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides that the research activities for the chronic elderly diseases and ageing are to be expanded by the state governments. Therefore, considering this, research has to be directed towards keeping the senior citizens ambulant so that they continue to live at their place of living without getting shifted to OAH.
- Section 19(1) of the Act provides for the establishment of OAHs, but it mentions that the 'State Government "may" establish and maintain such number of OAH as it may deem necessary, in a phased manner, beginning with atleast one in each district and accommodate minimum of 150 senior citizens. It is recommended that the word "may" should be replaced by "shall" in the Act, 2007 as the word "may" gives an edge to the state governments to say that they have no money to build OAH.
- Further, Rather than building OAH with a capacity of 150 people in every district, the OAH may house even lesser number of people, say around 50-60 so that it could be constructed in every district.
- The construction of building of Old Age Homes requires massive expenditure on the part of the government, therefore, it is suggested that Corporate Social Responsibility (CSR) funds, as mandated under the Companies Act, 2013, may be utilized for this purpose to supplement the government's efforts in this regard.
- There is need to have a separate institute other than National Institute of Ageing where other aspects of ageing, i.e. financial, social and cultural, could be looked into. Such an institute could be called as 'School/Institute of Gerontology'.
- As, suggested by the Core Group members, NHRC may organize a National conference inviting all other stakeholders also like NALSA, Panchayati Raj Ministry, Human Resource Development Ministry, SHRC's, NGOs/Civil Society Organizations, representatives from ASSOCHAM, FICCI, CII etc., to participate in it.

19.26 During the period under report, these recommendations of Core Group are being considered by the Commission.

J. Meeting of NHRC Core Group on Disability

19.27 A meeting of the NHRC Core Group on Disability held on 15th February, 2018 under the Chairmanship of Shri S.C. Sinha, Member, NHRC.

19.28 The major recommendations concerning the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment and Ministry of Health and Family Welfare are as under:

- Section 3(3) of the Rights of Person with Disability Act, 2016 mentions that no person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving the legitimate aim. Since the Act is silent on what constitutes the 'legitimate aim', it would give unfettered power to the executives to discriminate on the ground of disability. It was suggested that this issue could be taken care of while framing rules by the Government.
- Clause (1) of Article 15 of the Indian Constitution bars the State from discriminating citizens on grounds of religion, race, sex, caste, and place of birth or any of them while clause (3) of Article 15 provides that nothing in the article shall bar the state from making any special provision for women and children. It is recommended that disability should be added to clause (1) and clause (3) of Article 15 of the Constitution of India.
- The composition of the Office of the Chief Commissioner under Section 74 of the RPD Act, provides that only one out of three persons (1 Chief Commissioner and 2 Commissioners) shall be a persons with disabilities. It is suggested that there should be provision for two persons i.e. either 'one Chief Commissioner and one Commissioner' or 'two Commissioners' with persons with disabilities under Section 74 of the Act. Accordingly, government can issue notification in this regard under Section 98 of the RPD Act.
- Ministry of Social Justice and Empowerment, in pursuance of the provisions of Section 32 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 {1 of 1996}, had constituted an Expert Committee for identification of posts for persons with disabilities. It is recommended that the Committee should be reconvened for identifying posts for persons with disabilities at Central level and if any State Government desires to take this task independently, it should form its own Committee. The Committee should also review the distribution of posts every three months.
- Rehabilitation Council of India Act, 1992 (as amended in 2000) and National Trust Act, 1999 need to be harmonized.
- There should be dedicated beds in the hospital for leprosy patients especially in endemic districts and it should not be isolated. Further, there should be dedicated hospitals also for leprosy patients in the endemic districts.



The Union Ministries have been asked to get these recommendations examined and issue necessary directions for early implementation.

K. Meeting of NHRC Core Group on Mental Health

19.29 A meeting of the Core Group on Mental Health was held on 1st September, 2017 under the chairmanship of Shri S.C. Sinha, Member, NHRC.

- **Awareness:** There is a need to create awareness and educate about mental health and illness and reducing stigma associated with mental illness. At district level, ASHA workers that are already trained to deliver other social work services can be used to create awareness about mental illness and its treatment.
- **Availability of mental health services at PHC level:** With the growing burden of mental health issues and the stigma attached to these illnesses continues to prevail, and prevents people from receiving the required treatment. It was suggested that existing PHC systems should be empowered to deliver essential mental health care to the community and thus reaching out even to remote and rural areas.
- **Involving AYUSH in the Committee of Experts framing Rule under the Act:** A Committee of Experts comprising of persons representing various stakeholders in the field of medical health has been constituted for framing rules and regulations under the Mental Healthcare Act, 2017. It was suggested that the Ministry of Health and Family Welfare should be asked to involve AYUSH in the Committee constituted for framing Rules under the Mental Health Care Act, 2017.
- **Health Insurance to mentally ill:** Insurance companies do not give medical coverage to mentally ill patients. Section 21(4) of the Mental Healthcare Act, 2017 clearly mentions that all the insurers make provisions for medical insurance for treatment of mental illness on the same basis, as is available for the treatment of physical illness. It is suggested that Insurance and Regulatory Development Authority (IRDA) should be asked to expand the reach of its insurance cover by ensuring inclusion of mental illness under general health insurance cover. This insurance would primarily help the poor.

L. Business and Human Rights

19.30 The National Human Rights Commission India organized the National Conference on Business and Human Rights on 12th January, 2018. The major recommendation emanated

from the National Conference on Business and Human Rights are mentioned as under:

- To develop a **National Action Plan on Business and Human Rights** as part of States responsibility, to protect against adverse impacts on human rights by business enterprises, in conformity with the UN Guiding Principles, by including all concerned Ministries and stakeholders on Business and Human Rights.
- Businesses to develop a **self regulating mechanism** in order to ensure protection of human rights of all the workers who are directly linked to their operations, products and services or indirectly linked to them through their business relationships with other parties i.e., workers in their supply chains.
- NHRC may undertake a short term research study/project in collaboration with Indian Institute of Management Ahmedabad/Bengaluru. NHRC may also consider establishing a Chair /Working Group at IIM, Bengaluru on Business and Human Rights for taking up this subject on a sustainable basis in the long term.
- Develop an **Accreditation/rating mechanism** for all the Public Sector Undertakings to accredit them according to the degree that they meet the effectiveness criteria for ensuring protection and promotion of human rights.
- To remove the word 'Voluntary' from the 'National Voluntary Guidelines' of the Ministry of Corporate Affairs, Government of India.
- The Companies need to adopt/use **Self Assessment Tool** that has been developed by a team of representatives from the Industry Federations/organizations and facilitated by National Human Rights Commission, to self evaluate their commitment to human rights, and identify the need gaps for further improvement.

ANNEXURES



Annexure - I

Para : 2.38

STATEMENT SHOWING STATE-WISE NO. OF CASES REGISTERED FROM 01/04/2017 TO 31/03/2018

Name of the State/UTs	Complaints	Suo-motu Cognizance	Intimation Received about Custodial Deaths and Rapes			Intimations Received about Encounter Deaths	Total
			Police Custodial Deaths/Rapes	Judicial Custodial Deaths/Rapes	Defence/ Para-Military Custodial Deaths/Rapes		
All India	562	3	0	0	0	0	565
Andhra Pradesh	1082	0	2	36	0	1	1121
Arunachal Pradesh	32	1	3	3	0	5	44
Assam	232	1	11	29	1	18	292
Bihar	3403	3	7	109	0	0	3522
Goa	45	1	0	0	0	0	46
Gujarat	1476	0	14	50	0	0	1540
Haryana	2962	2	7	46	0	4	3021
Himachal Pradesh	159	0	2	6	0	0	167
Jammu & Kashmir	189	0	0	4	0	1	194
Karnataka	864	2	4	11	0	2	883
Kerala	578	1	3	38	0	0	620
Madhya Pradesh	2574	7	7	114	0	1	2703
Maharashtra	2069	7	19	125	0	10	2230
Manipur	35	0	1	1	0	3	40
Meghalaya	28	0	2	2	0	4	36
Mizoram	12	0	1	2	0	0	15
Nagaland	19	0	0	2	0	0	21
Odisha	4909	3	4	54	0	7	4977
Punjab	839	2	10	127	0	1	979
Rajasthan	3182	5	3	91	0	4	3285
Sikkim	5	0	0	2	0	0	7
Tamil Nadu	1976	3	11	72	0	2	2064
Tripura	45	0	1	5	0	0	51
Uttar Pradesh	38196	17	12	390	0	44	38659
West Bengal	1563	0	5	138	0	4	1710
Andaman & Nicobar	35	0	0	0	0	0	35
Chandigarh	117	0	0	2	0	0	119
Dadra & Nagar Haveli	15	0	0	0	0	0	15
Daman & Diu	17	0	0	0	0	0	17
Delhi	5771	8	7	42	0	1	5829
Lakshadweep	4	0	0	0	0	0	4
Puducherry	102	0	0	0	0	0	102
Chhattisgarh	520	4	3	54	0	40	621
Jharkhand	1531	3	6	50	0	10	1600
Uttarakhand	1466	0	0	17	0	1	1484
Telangana	746	1	3	14	0	1	765
Foreign Countries	229	0	0	0	0	0	229
Grand Total	77589	74	148	1636	1	164	79612

STATEMENT SHOWING STATE-WISE DISPOSAL OF CASES DURING 2017-2018

Name of the State/UT	Dismissed in Limini	Disposed with Directions	Transferred to SHRCs	Concluded after receipts of Reports			Total
				Complaints Suo-Motu Cases	Custodial Deaths/Rapes	Intimation Received about Encounter cases	
All India	506	60	0	11	0	0	577
Andhra Pradesh	488	260	266	162	52	1	1229
Arunachal Pradesh	9	11	1	9	3	7	40
Assam	100	50	41	64	43	57	355
Bihar	1286	450	1207	619	143	0	3705
Goa	22	12	6	9	3	0	52
Gujarat	653	274	404	223	96	0	1650
Haryana	1105	526	870	654	71	0	3226
Himachal Pradesh	68	47	19	56	6	0	196
Jammu & Kashmir	100	38	38	55	7	1	239
Karnataka	442	174	207	93	17	3	936
Kerala	302	105	139	125	41	0	712
Madhya Pradesh	1188	408	729	391	159	2	2877
Maharashtra	917	415	543	267	164	6	2312
Manipur	6	14	2	38	1	12	73
Meghalaya	11	10	0	23	9	16	69
Mizoram	2	4	0	5	6	0	17
Nagaland	4	6	0	8	6	0	24
Odisha	1318	1872	1394	757	70	11	5422
Punjab	348	158	210	200	174	4	1094
Rajasthan	1219	450	873	764	103	1	3410
Sikkim	1	2	0	3	1	0	7
Tamil Nadu	954	409	453	289	90	3	2198
Tripura	17	11	2	28	10	1	69
Uttar Pradesh	16207	6595	12643	6396	464	18	42323
West Bengal	751	276	388	228	135	3	1781
Andaman & Nicobar	18	13	0	7	2	0	40
Chandigarh	58	41	2	31	6	0	138
Dadra & Nagar Haveli	3	5	0	1	0	0	9
Daman & Diu	7	8	0	4	0	0	19
Delhi	3142	1835	5	1144	46	1	6173
Lakshadweep	0	3	0	3	0	0	6
Puducherry	48	39	0	25	2	0	114
Chhattisgarh	260	69	132	254	70	16	801
Jharkhand	568	249	460	287	75	8	1647
Uttarakhand	645	223	475	192	29	1	1565
Telangana	359	167	143	97	47	4	817
Foreign Countries	158	75	0	32	0	0	265
Grand Total	33290	15364	21652	13554	2151	176	86187



Annexure-3

Para : 2.44

**STATEMENT SHOWING NUMBER OF CASES PENDING AS ON 31/03/2018
(Data as per CMS as on 19/07/2018)**

Name of the State/UT	Cases Awaiting Preliminary Consideration				Pendency of Cases where Reports have either been received or awaited from the Authorities				Grand Total
	Complaints/ Suo-Motu Cases	Custodial Deaths/ Rapes Cases	Encounter Deaths	Total	Complaints/ Suo-Motu Cases	Custodial Deaths/ Rapes Cases	Encounter deaths	Total	
All India	19	0	0	19	18	0	0	18	37
Andhra Pradesh	37	1	0	38	277	108	11	396	434
Arunachal Pradesh	0	0	0	0	34	22	14	70	70
Assam	4	4	0	8	138	66	202	406	414
Bihar	125	6	0	131	1101	297	16	1414	1545
Goa	2	0	0	2	10	0	0	10	12
Gujarat	112	6	0	118	382	72	2	456	574
Haryana	78	1	0	79	1047	117	15	1179	1258
Himachal Pradesh	11	0	0	11	72	10	0	82	93
Jammu & Kashmir	4	0	0	4	88	3	0	91	95
Karnataka	23	0	0	23	194	11	3	208	231
Kerala	16	5	0	21	165	87	0	252	273
Madhya Pradesh	81	5	0	86	685	91	12	788	874
Maharashtra	98	7	0	105	508	201	31	740	845
Manipur	0	0	0	0	88	5	30	123	123
Meghalaya	0	0	0	0	31	10	42	83	83
Mizoram	0	1	0	1	13	9	0	22	23
Nagaland	0	0	0	0	15	6	0	21	21
Odisha	196	0	0	196	1224	74	16	1314	1510
Punjab	33	3	0	36	445	181	2	628	664
Rajasthan	104	5	0	109	1114	184	4	1302	1411
Sikkim	0	0	0	0	5	2	0	7	7
Tamil Nadu	66	4	0	70	438	76	2	516	586
Tripura	0	0	0	0	38	14	1	53	53
Uttar Pradesh	758	27	3	788	7606	966	78	8650	9438
West Bengal	36	7	1	44	517	280	30	827	871
Andaman & Nicobar	1	0	0	1	14	2	0	16	17
Chandigarh	1	0	0	1	38	4	0	42	43
Dadra & Nagar Haveli	7	0	0	7	2	1	0	3	10
Daman & Diu	2	0	0	2	4	0	0	4	6
Delhi	143	1	0	144	1755	111	11	1877	2021
Lakshadweep	0	0	0	0	5	0	0	5	5
Puducherry	3	0	0	3	49	1	0	50	53
Chhattisgarh	19	2	3	24	188	120	175	483	507
Jharkhand	55	2	0	57	626	158	52	836	893
Uttarakhand	43	0	0	43	199	34	2	235	278
Telangana	33	1	0	34	251	83	4	338	372
Foreign Countries	7	0	0	7	18	0	0	18	25
Grand Total	2117	88	7	2212	19402	3406	755	23563	25775

Annexure- 4

Para : 2.46

TOTAL NUMBER OF CASES WHERE NHRC RECOMMENDED MONETARY RELIEF DURING 2017-2018 (Data as per CMS as on 20/08/2018)

Name of State/Ut	No. of Cases in Which Recommendation Made	Amount Recommended For Victims/ Next Of Kins	No. of Cases in Which Recommendations Have Been Complied With	Amount Paid	No. of Cases Pending for Compliance	Amount Recommended in The Cases Pending Compliance
All India	0	0	0	0	0	0
Andhra Pradesh	19	5150000	2	1800000	17	3350000
Arunachal Pradesh	3	450000	0	0	3	450000
Assam	11	23650000	5	21200000	6	2450000
Bihar	47	10580000	7	1150000	40	9430000
Goa	0	0	0	0	0	0
Gujarat	26	33525000	13	2775000	13	30750000
Haryana	32	10300000	10	1500000	22	8800000
Himachal Pradesh	2	110000	0	0	2	110000
Jammu & Kashmir	1	500000	0	0	1	500000
Karnataka	5	1700000	0	0	5	1700000
Kerala	5	4500000	2	3900000	3	600000
Madhya Pradesh	29	6815000	9	1105000	20	5710000
Maharashtra	39	11910000	14	3525000	25	8385000
Manipur	14	7550000	1	500000	13	7050000
Meghalaya	4	500000	1	100000	3	400000
Mizoram	2	125000	1	25000	1	100000
Nagaland	3	450000	1	100000	2	350000
Odisha	59	11710000	10	3050000	49	8660000
Punjab	18	2925000	5	1100000	13	1825000
Rajasthan	46	6435000	9	755000	37	5680000
Sikkim	0	0	0	0	0	0
Tamil Nadu	12	3100000	3	1300000	9	1800000
Tripura	4	3500000	2	3100000	2	400000
Uttar Pradesh	241	32520000	29	4510000	212	28010000
West Bengal	23	7725000	2	400000	21	7325000
Andaman & Nicobar	2	700000	1	500000	1	200000
Chandigarh	0	0	0	0	0	0
Dadra & Nagar Haveli	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0
Delhi	49	8100000	15	2230000	34	5870000
Lakshadweep	0	0	0	0	0	0
Puducherry	1	500000	1	500000	0	0
Chhattisgarh	17	4700000	6	1050000	11	3650000
Jharkhand	24	16650000	0	0	24	16650000
Uttarakhand	4	1900000	1	100000	3	1800000
Telangana	15	8700000	1	500000	14	8200000
Foreign Countries	0	0	0	0	0	0
Grand Total	757	226980000	151	56775000	606	170205000



**DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS
DURING 2017-2018
(Data as per CMS as on 20/08/2018)**

Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
1	Andaman & Nicobar	15/26/0/2016	106	Sexual Harassment	200000	3/23/2018
2	Andhra Pradesh	1084/1/10/2015	100	Children	500000	11/7/2017
3	Andhra Pradesh	1085/1/10/2013-jcd	301	Custodial Death (Judicial)	150000	12/16/2017
4	Andhra Pradesh	1086/1/24/2013-jcd	301	Custodial Death (Judicial)	100000	12/6/2017
5	Andhra Pradesh	1095/1/21/2011-JCD	301	Custodial Death (Judicial)	300000	4/5/2017
6	Andhra Pradesh	1160/1/15/2014-JCD	301	Custodial Death (Judicial)	300000	11/8/2017
7	Andhra Pradesh	1183/1/4/2013-JCD	301	Custodial Death (Judicial)	100000	12/18/2017
8	Andhra Pradesh	1234/1/19/2013-JCD	301	Custodial Death (Judicial)	300000	12/4/2017
9	Andhra Pradesh	144/1/15/2015	1900	SC/ST/OBC	100000	6/13/2017
10	Andhra Pradesh	146/1/24/2014-JCD	301	Custodial Death (Judicial)	300000	8/22/2017
11	Andhra Pradesh	197/1/6/2014-JCD	301	Custodial Death (Judicial)	300000	1/31/2018
12	Andhra Pradesh	225/1/19/2012-JCD	301	Custodial Death (Judicial)	100000	4/19/2017
13	Andhra Pradesh	556/1/4/2015-jcd	301	Custodial Death (Judicial)	100000	8/21/2017
14	Andhra Pradesh	591/1/24/2013-JCD	301	Custodial Death (Judicial)	100000	11/30/2017
15	Andhra Pradesh	701/1/21/2012-JCD	301	Custodial Death (Judicial)	100000	7/11/2017
16	Andhra Pradesh	746/1/11/2013-PCD	807	Custodial Death (Police)	100000	8/3/2017
17	Andhra Pradesh	81/1/10/2014-JCD	301	Custodial Death (Judicial)	300000	1/16/2018
18	Andhra Pradesh	897/1/2/2014-pcd	807	Custodial Death (Police)	100000	9/6/2017
19	Arunachal Pradesh	168/2/0/2014-JCR	302	Custodial Rape (Judicial)	300000	11/23/2017
20	Arunachal Pradesh	18/2/4/2012	809	Custodial Torture	50000	11/22/2017
21	Arunachal Pradesh	20/2/13/2015-JCD	301	Custodial Death (Judicial)	100000	12/22/2017
22	Assam	212/3/1/2011-ed	812	Death in Police Encounter	100000	11/13/2017
23	Assam	239/3/9/2013-PCD	807	Custodial Death (Police)	100000	12/20/2017
24	Assam	380/3/0/2012-AF	1610	Death in Army Encounter	500000	10/4/2017
25	Assam	422/3/5/2014-ed	812	Death in Police Encounter	1000000	12/20/2017
26	Assam	43/3/5/2014	811	Death in Police Firing	450000	11/15/2017
27	Assam	601/3/11/2014-JCD	301	Custodial Death (Judicial)	300000	11/13/2017
28	Bihar	1302/4/32/2013-wc	1304	Dowery Death Or Thier Attempt	100000	2/5/2018
29	Bihar	1481/4/3/2013	814	Failure in Taking Lawful Action	25000	10/17/2017
30	Bihar	1521/4/8/2014-JCD	301	Custodial Death (Judicial)	100000	8/3/2017
31	Bihar	1856/4/34/2013-ar	317	Alleged Custodial Rape in Judicial Custody	300000	11/22/2017
32	Bihar	1902/4/9/2012-JCD	301	Custodial Death (Judicial)	300000	12/21/2017
33	Bihar	1939/4/23/2015	1202	Non-Payment of Pension/ Compensation	25000	10/16/2017



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
34	Bihar	2024/4/26/2013-ED	812	Death in Police Encounter	500000	6/14/2017
35	Bihar	2056/4/23/2013-JCD	301	Custodial Death (Judicial)	300000	11/1/2017
36	Bihar	2082/4/22/2013-JCD	301	Custodial Death (Judicial)	100000	5/15/2017
37	Bihar	2086/4/1/2013-JCD	301	Custodial Death (Judicial)	300000	11/29/2017
38	Bihar	2126/4/7/2013	814	Failure in Taking Lawful Action	100000	10/12/2017
39	Bihar	2236/4/22/2014-JCD	301	Custodial Death (Judicial)	100000	9/11/2017
40	Bihar	2334/4/4/2011	819	Police Motivated Incidents	200000	9/1/2017
41	Bihar	2337/4/18/2015-jcr	317	Alleged Custodial Rape in Judicial Custody	50000	12/19/2017
42	Bihar	2347/4/22/2013	809	Custodial Torture	25000	8/31/2017
43	Bihar	2355/4/39/2012-JCD	301	Custodial Death (Judicial)	100000	8/4/2017
44	Bihar	2569/4/6/2014-jcd	301	Custodial Death (Judicial)	100000	8/3/2017
45	Bihar	2838/4/10/2014-pcd	807	Custodial Death (Police)	100000	12/20/2017
46	Bihar	2879/4/0/08-09-PF	1709	Death in Firing	500000	4/19/2017
47	Bihar	3083/4/10/2016	204	Irregularities in Govt. hospitals/Primary Health Centres	900000	3/1/2018
48	Bihar	3111/4/13/2014-JCD	301	Custodial Death (Judicial)	100000	1/10/2018
49	Bihar	3717/4/16/2014-JCD	301	Custodial Death (Judicial)	300000	7/28/2017
50	Bihar	385/4/11/2015	804	Abuse of Power	10000	8/22/2017
51	Bihar	396/4/14/2011-AFE	813	Alleged Fake Encounters	500000	5/3/2017
52	Bihar	3964/4/26/2013-JCD	301	Custodial Death (Judicial)	100000	12/22/2017
53	Bihar	3966/4/39/2013-AD	309	Alleged Custodial Deaths in Judicial Custody	100000	12/22/2017
54	Bihar	4007/4/32/2016-JCD	301	Custodial Death (Judicial)	200000	1/23/2018
55	Bihar	403/4/7/2013-JCD	301	Custodial Death (Judicial)	100000	11/30/2017
56	Bihar	4061/4/26/2012-JCD	301	Custodial Death (Judicial)	300000	11/29/2017
57	Bihar	4087/4/26/2013-WC	1306	Exploitation of Women	400000	4/13/2017
58	Bihar	4112/4/8/2013-JCD	301	Custodial Death (Judicial)	100000	11/14/2017
59	Bihar	4197/4/35/2013	1505	Inaction by the State Government/Central Govt. officials	40000	12/15/2017
60	Bihar	4244/4/2005-2006	813	Alleged Fake Encounters	1500000	1/10/2018
61	Bihar	4689/4/24/2014	815	False Implications	30000	3/19/2018
62	Bihar	535/4/8/2014-JCD	301	Custodial Death (Judicial)	300000	11/29/2017
63	Bihar	537/4/8/2014-JCD	301	Custodial Death (Judicial)	300000	7/4/2017
64	Bihar	786/4/1/2012-JCD	301	Custodial Death (Judicial)	300000	11/29/2017
65	Bihar	83/4/8/2015-JCD	301	Custodial Death (Judicial)	300000	7/26/2017
66	Bihar	87/4/26/2014-WC	1307	Gang Rape	200000	4/7/2017
67	Bihar	902/4/37/2015	814	Failure in Taking Lawful Action	25000	11/13/2017
68	Chhattisgarh	212/33/17/2013-ED	812	Death in Police Encounter	500000	12/13/2017



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
69	Chhattisgarh	323/33/5/2012-jcd	301	Custodial Death (Judicial)	100000	12/15/2017
70	Chhattisgarh	368/33/0/2010	821	Victimisation	1000000	11/2/2017
71	Chhattisgarh	404/33/3/2011-pf	1711	Alleged Fake Encounter(P-M Forces)	500000	2/8/2018
72	Chhattisgarh	406/33/3/2015-JCD	301	Custodial Death (Judicial)	100000	12/11/2017
73	Chhattisgarh	640/33/17/2013	804	Abuse of Power	150000	12/16/2017
74	Chhattisgarh	677/33/8/2013-JCD	301	Custodial Death (Judicial)	100000	10/12/2017
75	Chhattisgarh	678/33/14/2013-JCD	301	Custodial Death (Judicial)	100000	10/12/2017
76	Chhattisgarh	692/33/11/2012-JCD	301	Custodial Death (Judicial)	300000	11/23/2017
77	Chhattisgarh	699/33/5/2015-JCD	301	Custodial Death (Judicial)	300000	12/13/2017
78	Chhattisgarh	776/33/18/2013-ED	812	Death in Police Encounter	500000	11/22/2017
79	Delhi	1214/30/7/2014-WC	803	Abduction/Rape	100000	11/8/2017
80	Delhi	1820/30/8/2012	1505	Inaction by the State Government/Central Govt. officials	400000	11/1/2017
81	Delhi	1963/30/5/2015	1505	Inaction by the State Government/Central Govt. officials	200000	6/19/2017
82	Delhi	1968/30/7/2016	809	Custodial Torture	100000	10/3/2017
83	Delhi	2004/30/5/2014	1505	Inaction by the State Government/Central Govt. officials	300000	1/3/2018
84	Delhi	2274/30/9/2014-jcd	301	Custodial Death (Judicial)	100000	10/13/2017
85	Delhi	2321/30/9/2014-JCD	301	Custodial Death (Judicial)	100000	11/15/2017
86	Delhi	2418/30/2/2012	1505	Inaction by the State Government/Central Govt. officials	300000	7/31/2017
87	Delhi	2418/30/7/2010-PCD	807	Custodial Death (Police)	500000	5/3/2017
88	Delhi	2588/30/7/2013	804	Abuse of Power	25000	12/21/2017
89	Delhi	2634/30/9/2013	809	Custodial Torture	100000	1/29/2018
90	Delhi	2725/30/0/2017	203	Malfunctioning of Medical Professionals	200000	3/15/2018
91	Delhi	3155/30/9/2015-JCD	301	Custodial Death (Judicial)	300000	12/4/2017
92	Delhi	3322/30/7/2016	814	Failure in Taking Lawful Action	25000	6/27/2017
93	Delhi	3358/30/10/2013-wc	1309	Indignity of Women	20000	7/3/2017
94	Delhi	3434/30/2/2015	1505	Inaction by the State Government/Central Govt. officials	200000	10/30/2017
95	Delhi	3595/30/9/2015	307	Irregularities in Jail	100000	1/31/2018
96	Delhi	383/30/3/2014	804	Abuse of Power	100000	2/1/2018
97	Delhi	3849/30/9/2016-AR	823	Alleged Custodial Rape in Police Custody	50000	9/18/2017
98	Delhi	3897/30/10/2016	106	Sexual Harassment	600000	10/23/2017

Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
99	Delhi	4375/30/8/2015	100	Children	100000	3/23/2018
100	Delhi	4533/30/9/2015-JCD	301	Custodial Death (Judicial)	200000	2/21/2018
101	Delhi	4582/30/0/2013	809	Custodial Torture	200000	10/13/2017
102	Delhi	5039/30/5/2014	809	Custodial Torture	100000	7/25/2017
103	Delhi	5077/30/10/2015	814	Failure in Taking Lawful Action	25000	1/31/2018
104	Delhi	5324/30/9/2011-jcd	301	Custodial Death (Judicial)	150000	12/16/2017
105	Delhi	5640/30/8/2015	204	Irregularities in Govt. hospitals/Primary Health Centres	50000	6/22/2017
106	Delhi	5659/30/2/2012	811	Death in Police Firing	200000	6/15/2017
107	Delhi	5665/30/9/2015	804	Abuse of Power	25000	6/27/2017
108	Delhi	5728/30/9/2013-pcd	807	Custodial Death (Police)	100000	10/4/2017
109	Delhi	6641/30/9/2014-JCD	301	Custodial Death (Judicial)	500000	12/11/2017
110	Delhi	6714/30/8/2014	814	Failure in Taking Lawful Action	100000	9/15/2017
111	Delhi	81/30/9/2016-JCD	301	Custodial Death (Judicial)	200000	3/27/2018
112	Delhi	8194/30/5/2014	814	Failure in Taking Lawful Action	100000	1/30/2018
113	Gujarat	1012/6/9/2011	202	Public Health Hazards	2000000	3/15/2018
114	Gujarat	1082/6/9/2014-JCD	301	Custodial Death (Judicial)	300000	11/8/2017
115	Gujarat	1189/6/11/2013-PCD	807	Custodial Death (Police)	100000	10/16/2017
116	Gujarat	1244/6/18/2012-PCD	807	Custodial Death (Police)	200000	1/22/2018
117	Gujarat	1463/6/5/2014-PCD	807	Custodial Death (Police)	200000	3/14/2018
118	Gujarat	225/6/21/2017	809	Custodial Torture	200000	2/7/2018
119	Gujarat	2384/6/1/08-09-JCD	301	Custodial Death (Judicial)	200000	3/14/2018
120	Gujarat	334/6/9/2010	902	Environmental Pollution	8400000	3/15/2018
121	Gujarat	351/6/3/2010	202	Public Health Hazards	18300000	12/21/2017
122	Gujarat	458/6/25/09-10-AD	822	Alleged Custodial Deaths in Police Custody	500000	9/6/2017
123	Gujarat	802/6/23/2015-JCD	301	Custodial Death (Judicial)	100000	11/13/2017
124	Gujarat	942/6/23/2013-PCD	807	Custodial Death (Police)	50000	4/4/2017
125	Gujarat	945/6/9/2011-pcd	807	Custodial Death (Police)	200000	1/31/2018
126	Haryana	11046/7/5/2014	814	Failure in Taking Lawful Action	25000	4/10/2017
127	Haryana	1164/7/2/2013-JCD	301	Custodial Death (Judicial)	300000	3/23/2018
128	Haryana	1450/7/8/2012	814	Failure in Taking Lawful Action	100000	5/22/2017
129	Haryana	161/7/10/2016	814	Failure in Taking Lawful Action	575000	1/5/2018
130	Haryana	2000/7/6/2012	816	Illegal Arrest	50000	12/15/2017
131	Haryana	2282/7/3/2014	203	Malfunctioning of Medical Professionals	200000	10/17/2017



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
132	Haryana	3572/7/3/2014-JCD	301	Custodial Death (Judicial)	100000	11/29/2017
133	Haryana	3586/7/18/2016	1505	Inaction by the State Government/Central Govt. officials	100000	2/5/2018
134	Haryana	3671/7/19/2013	815	False Implications	50000	8/23/2017
135	Haryana	5/7/21/2015	106	Sexual Harassment	25000	1/8/2018
136	Haryana	5140/7/3/2014-wc	1301	Abduction, Rape And Murder	100000	2/1/2018
137	Haryana	5565/7/21/2012-WC	1307	Gang Rape	50000	8/3/2017
138	Haryana	5632/7/10/2012	814	Failure in Taking Lawful Action	50000	3/14/2018
139	Haryana	6177/7/10/2013-wc	1301	Abduction, Rape And Murder	100000	7/31/2017
140	Haryana	622/7/3/2013	817	Unlawful Detention	50000	11/15/2017
141	Haryana	6432/7/3/2014	817	Unlawful Detention	25000	10/3/2017
142	Haryana	7030/7/3/2015-pcd	807	Custodial Death (Police)	5000000	10/25/2017
143	Haryana	7158/7/17/2015-AD	822	Alleged Custodial Deaths in Police Custody	100000	10/25/2017
144	Haryana	7343/7/5/2015-pcd	807	Custodial Death (Police)	300000	7/3/2017
145	Haryana	7636/7/2/2012-ED	812	Death in Police Encounter	500000	5/4/2017
146	Haryana	8431/7/5/2013-PCD	807	Custodial Death (Police)	500000	5/4/2017
147	Haryana	8643/7/19/2015-AD	822	Alleged Custodial Deaths in Police Custody	500000	9/13/2017
148	Himachal Pradesh	156/8/6/2016-pcd	807	Custodial Death (Police)	100000	11/2/2017
149	Himachal Pradesh	167/8/12/2016	815	False Implications	10000	2/27/2018
150	Jammu & Kashmir	70/9/8/2010-AF	1611	Alleged Fake Encounter(Defence)	500000	6/28/2017
151	Jharkhand	1013/34/6/07-08	202	Public Health Hazards	11600000	3/1/2018
152	Jharkhand	1184/34/7/2015	203	Malfunctioning of Medical Professionals	300000	8/3/2017
153	Jharkhand	119/34/16/2013-JCD	301	Custodial Death (Judicial)	300000	6/28/2017
154	Jharkhand	1222/34/1/2013	814	Failure in Taking Lawful Action	900000	10/10/2017
155	Jharkhand	1243/34/6/2013-PCD	807	Custodial Death (Police)	500000	5/30/2017
156	Jharkhand	1258/34/18/2012-jcd	301	Custodial Death (Judicial)	100000	11/16/2017
157	Jharkhand	1384/34/4/2013-JCD	301	Custodial Death (Judicial)	100000	11/23/2017
158	Jharkhand	141/34/16/2014-JCD	301	Custodial Death (Judicial)	100000	11/13/2017
159	Jharkhand	1504/34/6/2013-JCD	301	Custodial Death (Judicial)	100000	11/13/2017
160	Jharkhand	1545/34/9/2013-JCD	301	Custodial Death (Judicial)	100000	6/29/2017
161	Jharkhand	1578/34/11/2013-JCD	301	Custodial Death (Judicial)	200000	1/3/2018
162	Jharkhand	1626/34/16/2014-jcd	301	Custodial Death (Judicial)	100000	9/13/2017
163	Jharkhand	1667/34/15/2014-pcd	807	Custodial Death (Police)	500000	2/7/2018
164	Jharkhand	1743/34/16/2014-JCD	301	Custodial Death (Judicial)	300000	7/4/2017



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165	Jharkhand	239/34/3/2012-PCD	807	Custodial Death (Police)	300000	12/13/2017
166	Jharkhand	248/34/12/09-10	811	Death in Police Firing	300000	1/31/2018
167	Jharkhand	276/34/21/2012-jcd	301	Custodial Death (Judicial)	100000	2/20/2018
168	Jharkhand	530/34/12/2015	104	Exploitation of Children	50000	1/3/2018
169	Jharkhand	739/34/7/2013-pcd	807	Custodial Death (Police)	100000	11/1/2017
170	Jharkhand	8/34/17/2016	1505	Inaction by the State Government/Central Govt. officials	100000	9/12/2017
171	Jharkhand	80/34/4/2013-JCD	301	Custodial Death (Judicial)	100000	12/4/2017
172	Jharkhand	81/34/12/2013	809	Custodial Torture	50000	12/14/2017
173	Jharkhand	865/34/4/2013-pcd	807	Custodial Death (Police)	50000	9/14/2017
174	Jharkhand	898/34/16/2013-JCD	301	Custodial Death (Judicial)	300000	7/17/2017
175	Karnataka	1032/10/22/2015-JCD	301	Custodial Death (Judicial)	100000	3/23/2018
176	Karnataka	122/10/2/2013-pcd	807	Custodial Death (Police)	100000	6/1/2017
177	Karnataka	418/10/1/2013	1505	Inaction by the State Government/Central Govt. officials	1000000	11/15/2017
178	Karnataka	538/10/14/2013-wc	1311	Rape	200000	12/15/2017
179	Karnataka	926/10/2/2014	1604	Abuse of Power	300000	1/25/2018
180	Kerala	268/11/0/2012-ad	822	Alleged Custodial Deaths in Police Custody	200000	2/27/2018
181	Kerala	281/11/8/2012-jcd	301	Custodial Death (Judicial)	100000	9/4/2017
182	Kerala	879/11/13/2015-jcd	301	Custodial Death (Judicial)	300000	1/24/2018
183	Madhya Pradesh	1211/12/2/2014	809	Custodial Torture	100000	12/1/2017
184	Madhya Pradesh	1443/12/36/2012-jcd	301	Custodial Death (Judicial)	300000	7/6/2017
185	Madhya Pradesh	1495/12/30/2015	1505	Inaction by the State Government/Central Govt. officials	300000	11/23/2017
186	Madhya Pradesh	1558/12/44/2016	804	Abuse of Power	200000	2/8/2018
187	Madhya Pradesh	1650/12/29/2013	100	Children	150000	12/15/2017
188	Madhya Pradesh	1678/12/12/2012-pcd	807	Custodial Death (Police)	500000	3/14/2018
189	Madhya Pradesh	1877/12/36/2012-JCD	301	Custodial Death (Judicial)	100000	5/15/2017
190	Madhya Pradesh	2194/12/20/2013-wc	1311	Rape	400000	12/19/2017
191	Madhya Pradesh	2235/12/15/2015	817	Unlawful Detention	10000	11/15/2017
192	Madhya Pradesh	231/12/23/2010	202	Public Health Hazards	400000	4/3/2017
193	Madhya Pradesh	2330/12/21/2014-wc	1309	Indignity of Women	50000	11/22/2017
194	Madhya Pradesh	2590/12/21/2014-JCD	301	Custodial Death (Judicial)	300000	11/29/2017
195	Madhya Pradesh	2695/12/45/2012-JCD	301	Custodial Death (Judicial)	100000	8/28/2017
196	Madhya Pradesh	271/12/35/2014	1505	Inaction by the State Government/Central Govt. officials	100000	8/28/2017
197	Madhya Pradesh	2808/12/21/2014	1202	Non-Payment of Pension/ Compensation	200000	12/16/2017



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198	Madhya Pradesh	2995/12/5/2014	814	Failure in Taking Lawful Action	50000	1/31/2018
199	Madhya Pradesh	60/12/18/2014-pcd	807	Custodial Death (Police)	100000	7/26/2017
200	Madhya Pradesh	730/12/18/2012	203	Malfunctioning of Medical Professionals	50000	12/7/2017
201	Madhya Pradesh	884/12/22/2012	204	Irregularities in Govt. hospitals/Primary Health Centres	1800000	11/9/2017
202	Madhya Pradesh	972/12/46/2015	1505	Inaction by the State Government/Central Govt. officials	500000	11/29/2017
203	Maharashtra	1013/13/17/2012-jcd	301	Custodial Death (Judicial)	100000	12/15/2017
204	Maharashtra	1046/13/27/2013-PCD	807	Custodial Death (Police)	100000	10/25/2017
205	Maharashtra	1074/13/16/2014-pcd	807	Custodial Death (Police)	500000	11/29/2017
206	Maharashtra	1155/13/30/08-09-ed	812	Death in Police Encounter	1000000	2/7/2018
207	Maharashtra	1397/13/13/2013	821	Victimisation	10000	7/27/2017
208	Maharashtra	1424/13/16/2014-JCD	301	Custodial Death (Judicial)	300000	10/30/2017
209	Maharashtra	1569/13/30/2012-JCD	301	Custodial Death (Judicial)	200000	11/16/2017
210	Maharashtra	176/13/16/2014-JCD	301	Custodial Death (Judicial)	100000	6/12/2017
211	Maharashtra	1992/13/5/2014-pcd	807	Custodial Death (Police)	500000	2/7/2018
212	Maharashtra	2417/13/30/2013-JCD	301	Custodial Death (Judicial)	100000	1/31/2018
213	Maharashtra	2495/13/1/2014	814	Failure in Taking Lawful Action	25000	8/21/2017
214	Maharashtra	2560/13/31/2013-PCD	807	Custodial Death (Police)	100000	11/22/2017
215	Maharashtra	2590/13/23/2012	1505	Inaction by the State Government/Central Govt. officials	25000	8/21/2017
216	Maharashtra	2661/13/23/2013-JCD	301	Custodial Death (Judicial)	100000	12/15/2017
217	Maharashtra	2664/13/4/2013-PCD	807	Custodial Death (Police)	100000	8/3/2017
218	Maharashtra	2706/13/30/2013-pcd	807	Custodial Death (Police)	100000	10/4/2017
219	Maharashtra	2749/13/4/2015	806	Atrocities On SC/St (By Police)	25000	8/23/2017
220	Maharashtra	2862/13/12/2014-JCD	301	Custodial Death (Judicial)	100000	7/25/2017
221	Maharashtra	2866/13/30/2013-JCD	301	Custodial Death (Judicial)	300000	12/11/2017
222	Maharashtra	301/13/14/2011-PCD	807	Custodial Death (Police)	50000	8/3/2017
223	Maharashtra	324/13/16/2016-ED	812	Death in Police Encounter	500000	10/25/2017
224	Maharashtra	388/13/19/2016	1508	Atrocities by Custom/Excise/Enforcement/Forest/Income-Tax Deptt., Etc.of Central/State Govts.	50000	1/23/2018
225	Maharashtra	39/13/28/2013-pcd	807	Custodial Death (Police)	100000	12/14/2017
226	Maharashtra	823/13/11/2014-Ed	812	Death in Police Encounter	3000000	8/17/2017

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227	Maharashtra	967/13/16/2014-pcd	807	Custodial Death (Police)	900000	1/31/2018
228	Manipur	108/14/14/2014-JCD	301	Custodial Death (Judicial)	300000	11/13/2017
229	Manipur	11/14/4/07-08-pf	1711	Alleged Fake Encounter(P-M Forces)	1500000	1/31/2018
230	Manipur	117/14/15/2012-ED	812	Death in Police Encounter	500000	8/23/2017
231	Manipur	124/14/15/2011-AD	1716	Alleged Custodial Death	500000	5/4/2017
232	Manipur	137/14/10/2012-AD	1616	Alleged Custodial Death	500000	3/14/2018
233	Manipur	15/14/4/07-08-AD	822	Alleged Custodial Deaths in Police Custody	500000	8/30/2017
234	Manipur	23/14/12/2014-ED	812	Death in Police Encounter	500000	10/11/2017
235	Manipur	3/14/4/2011-ed	812	Death in Police Encounter	550000	3/12/2018
236	Manipur	31/14/12/2010-PF	1711	Alleged Fake Encounter(P-M Forces)	500000	4/26/2017
237	Manipur	40/14/4/08-09-FE	813	Alleged Fake Encounters	1000000	8/23/2017
238	Manipur	40/14/6/2016-AD	309	Alleged Custodial Deaths in Judicial Custody	100000	2/12/2018
239	Manipur	46/14/4/2015	814	Failure in Taking Lawful Action	100000	1/31/2018
240	Manipur	54/14/1/2012-ED	812	Death in Police Encounter	500000	10/11/2017
241	Meghalaya	2/15/0/2016-pcd	807	Custodial Death (Police)	100000	10/25/2017
242	Meghalaya	37/15/2/2013-PCD	807	Custodial Death (Police)	200000	3/14/2018
243	Meghalaya	53/15/5/2014-pcd	807	Custodial Death (Police)	100000	3/8/2018
244	Mizoram	4/16/4/2016-PCD	807	Custodial Death (Police)	100000	10/5/2017
245	Nagaland	14/17/2/2012-JCD	301	Custodial Death (Judicial)	50000	9/6/2017
246	Nagaland	36/17/1/2014-JCD	301	Custodial Death (Judicial)	300000	11/29/2017
247	Odisha	1009/18/8/2015	205	Lack of Proper Medical Facilities in the State	200000	6/19/2017
248	Odisha	1042/18/16/2015	203	Malfunctioning of Medical Professionals	25000	8/4/2017
249	Odisha	11016/18/8/2015-PF	1704	Abuse of Power	100000	3/1/2018
250	Odisha	1115/18/1/2014	104	Exploitation of Children	70000	7/8/2017
251	Odisha	11291/18/3/2015	1505	Inaction by the State Government/Central Govt. officials	300000	10/10/2017
252	Odisha	1209/18/31/2016	1505	Inaction by the State Government/Central Govt. officials	200000	9/12/2017
253	Odisha	1241/18/0/2014-WC	1306	Exploitation of Women	50000	10/25/2017
254	Odisha	1254/18/5/2010	203	Malfunctioning of Medical Professionals	300000	3/15/2018
255	Odisha	1501/18/8/2015	1505	Inaction by the State Government/Central Govt. officials	100000	9/18/2017
256	Odisha	15534/18/29/2015	1901	Atrocities On SC/ST/OBC	200000	2/12/2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
257	Odisha	15824/18/28/2015	203	Malfunctioning of Medical Professionals	100000	6/19/2017
258	Odisha	15857/18/18/2015	1505	Inaction by the State Government/Central Govt. officials	100000	8/3/2017
259	Odisha	1762/18/8/2014	204	Irregularities in Govt. hospitals/Primary Health Centres	300000	12/11/2017
260	Odisha	1799/18/30/2014-wc	1311	Rape	70000	7/17/2017
261	Odisha	2024/18/13/2013	1505	Inaction by the State Government/Central Govt. officials	200000	12/6/2017
262	Odisha	2101/18/29/2015-WC	1311	Rape	100000	1/23/2018
263	Odisha	2124/18/7/2013	106	Sexual Harassment	50000	10/5/2017
264	Odisha	2168/18/32/2013	106	Sexual Harassment	100000	12/6/2017
265	Odisha	2178/18/1/2013	1505	Inaction by the State Government/Central Govt. officials	75000	12/15/2017
266	Odisha	224/18/7/2014-wc	1309	Indignity of Women	25000	12/16/2017
267	Odisha	228/18/17/2016	1508	Atrocities by Custom/Excise/Enforcement/Forest/Income-Tax Deptt., Etc. of Central/State Govts.	44000	11/20/2017
268	Odisha	251/18/12/2015	814	Failure in Taking Lawful Action	70000	2/8/2018
269	Odisha	2526/18/1/2013	1505	Inaction by the State Government/Central Govt. officials	250000	11/29/2017
270	Odisha	2585/18/16/2014	1505	Inaction by the State Government/Central Govt. officials	300000	10/12/2017
271	Odisha	3259/18/6/2014	1505	Inaction by the State Government/Central Govt. officials	200000	1/31/2018
272	Odisha	3454/18/11/2015	1505	Inaction by the State Government/Central Govt. officials	200000	5/22/2017
273	Odisha	3559/18/30/2014	106	Sexual Harassment	50000	7/19/2017
274	Odisha	3619/18/31/2015	1505	Inaction by the State Government/Central Govt. officials	100000	2/26/2018
275	Odisha	3620/18/13/2015	1505	Inaction by the State Government/Central Govt. officials	300000	8/4/2017
276	Odisha	3658/18/5/2015	1505	Inaction by the State Government/Central Govt. officials	100000	7/26/2017

Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
277	Odisha	3712/18/16/2013	100	Children	440000	8/4/2017
278	Odisha	3726/18/12/2013	204	Irregularities in Govt. hospitals/Primary Health Centres	100000	12/6/2017
279	Odisha	3727/18/29/2013	1901	Atrocities On SC/ST/OBC	161000	11/22/2017
280	Odisha	4018/18/11/2014	204	Irregularities in Govt. hospitals/Primary Health Centres	370000	7/1/2017
281	Odisha	4037/18/7/2014	1505	Inaction by the State Government/Central Govt. officials	200000	8/16/2017
282	Odisha	4176/18/14/2014	814	Failure in Taking Lawful Action	200000	7/4/2017
283	Odisha	4232/18/27/2014	602	Exploitation of Labour	70000	1/13/2018
284	Odisha	4724/18/7/2014	1505	Inaction by the State Government/Central Govt. officials	85000	8/4/2017
285	Odisha	4777/18/16/2014	204	Irregularities in Govt. hospitals/Primary Health Centres	1400000	3/12/2018
286	Odisha	5685/18/18/2016	1505	Inaction by the State Government/Central Govt. officials	200000	1/31/2018
287	Odisha	5851/18/4/2016	1505	Inaction by the State Government/Central Govt. officials	100000	11/22/2017
288	Odisha	593/18/9/2015	815	False Implications	100000	9/18/2017
289	Odisha	630/18/26/2015-wc	1903	Rape of SC/ST/OBC	100000	3/8/2018
290	Odisha	632/18/14/2015	100	Children	100000	8/21/2017
291	Odisha	735/18/8/2015	1505	Inaction by the State Government/Central Govt. officials	200000	3/16/2018
292	Odisha	8464/18/14/2015	1505	Inaction by the State Government/Central Govt. officials	105000	1/16/2018
293	Odisha	960/18/28/2014	100	Children	100000	4/5/2017
294	Odisha	961/18/1/2014	104	Exploitation of Children	50000	7/17/2017
295	Odisha	9803/18/13/2015-wc	1311	Rape	300000	8/16/2017
296	Punjab	1080/19/3/2015-JCD	301	Custodial Death (Judicial)	100000	1/10/2018
297	Punjab	1413/19/1/2013-JCD	301	Custodial Death (Judicial)	300000	11/29/2017
298	Punjab	1450/19/9/2012-JCD	301	Custodial Death (Judicial)	100000	7/24/2017
299	Punjab	1587/19/3/2013-jcd	301	Custodial Death (Judicial)	100000	12/20/2017
300	Punjab	1857/19/15/2013-JCD	301	Custodial Death (Judicial)	500000	9/12/2017
301	Punjab	300/19/15/2015	814	Failure in Taking Lawful Action	100000	11/2/2017



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
302	Punjab	330/19/6/2016-jcd	301	Custodial Death (Judicial)	100000	10/5/2017
303	Punjab	357/19/1/2013-JCD	301	Custodial Death (Judicial)	100000	11/29/2017
304	Punjab	583/19/3/2016-JCD	301	Custodial Death (Judicial)	100000	1/10/2018
305	Punjab	827/19/7/2013-pcd	807	Custodial Death (Police)	100000	9/27/2017
306	Punjab	835/19/9/2013-JCD	301	Custodial Death (Judicial)	100000	6/28/2017
307	Punjab	888/19/10/2015-JCD	301	Custodial Death (Judicial)	100000	9/15/2017
308	Punjab	946/19/22/2015	1508	Atrocities by Custom/ Excise/ Enforcement/ Forest/Income-Tax Deptt., Etc.of Central/State Govts.	25000	11/23/2017
309	Rajasthan	1004/20/14/2015-JCD	301	Custodial Death (Judicial)	100000	12/6/2017
310	Rajasthan	1192/20/30/2015	814	Failure in Taking Lawful Action	20000	1/10/2018
311	Rajasthan	1285/20/14/2014	809	Custodial Torture	100000	9/20/2017
312	Rajasthan	141/20/17/2013-JCD	301	Custodial Death (Judicial)	100000	11/23/2017
313	Rajasthan	1528/20/14/2016	809	Custodial Torture	25000	1/16/2018
314	Rajasthan	1532/20/2/2016-WC	1306	Exploitation of Women	100000	3/27/2018
315	Rajasthan	1630/20/32/2013-JCD	301	Custodial Death (Judicial)	300000	11/1/2017
316	Rajasthan	1727/20/26/2012-JCD	301	Custodial Death (Judicial)	200000	1/23/2018
317	Rajasthan	1754/20/5/2015	814	Failure in Taking Lawful Action	50000	2/27/2018
318	Rajasthan	1773/20/18/2016	804	Abuse of Power	25000	1/10/2018
319	Rajasthan	2059/20/28/2014	814	Failure in Taking Lawful Action	50000	8/21/2017
320	Rajasthan	2064/20/3/2017	204	Irregularities in Govt. hospitals/Primary Health Centres	800000	1/19/2018
321	Rajasthan	2122/20/2/2014	814	Failure in Taking Lawful Action	150000	9/11/2017
322	Rajasthan	2144/20/16/2014-WC	1903	Rape of SC/ST/OBC	50000	12/22/2017
323	Rajasthan	2216/20/20/2011-pcd	807	Custodial Death (Police)	100000	11/29/2017
324	Rajasthan	2288/20/5/2015-WC	1312	Sexual Harassement (General)	25000	2/7/2018
325	Rajasthan	2341/20/25/2014-ad	822	Alleged Custodial Deaths in Police Custody	300000	1/19/2018
326	Rajasthan	2497/20/5/2011-ad	822	Alleged Custodial Deaths in Police Custody	200000	2/26/2018
327	Rajasthan	2572/20/2/2014	811	Death in Police Firing	500000	5/3/2017
328	Rajasthan	2612/20/29/2015	1901	Atrocities On SC/ST/OBC	30000	11/13/2017
329	Rajasthan	2655/20/14/2015	804	Abuse of Power	15000	9/29/2017
330	Rajasthan	2664/20/21/2013-wc	1903	Rape of SC/ST/OBC	50000	12/15/2017
331	Rajasthan	3038/20/34/2015	204	Irregularities in Govt. hospitals/Primary Health Centres	200000	1/31/2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
332	Rajasthan	306/20/1/2016	1901	Atrocities On SC/ST/OBC	25000	3/23/2018
333	Rajasthan	3084/20/20/2014	814	Failure in Taking Lawful Action	25000	1/23/2018
334	Rajasthan	3087/20/14/2014	814	Failure in Taking Lawful Action	75000	1/16/2018
335	Rajasthan	3162/20/24/2015	814	Failure in Taking Lawful Action	25000	12/11/2017
336	Rajasthan	333/20/33/2014-ad	309	Alleged Custodial Deaths in Judicial Custody	100000	1/19/2018
337	Rajasthan	339/20/33/2014	1505	Inaction by the State Government/Central Govt. officials	90000	1/19/2018
338	Rajasthan	411/20/23/2015-JCD	301	Custodial Death (Judicial)	300000	3/1/2018
339	Rajasthan	592/20/11/2015	804	Abuse of Power	10000	3/23/2018
340	Rajasthan	634/20/6/2015-WC	1309	Indignity of Women	50000	3/8/2018
341	Rajasthan	731/20/21/2014-JCD	301	Custodial Death (Judicial)	100000	1/18/2018
342	Rajasthan	744/20/5/2010	1500	Miscellaneous	1065000	7/7/2017
343	Rajasthan	746/20/1/2012-wc	1312	Sexual Harassement (General)	200000	12/16/2017
344	Rajasthan	883/20/19/2015	809	Custodial Torture	25000	1/10/2018
345	Rajasthan	929/20/2/2014-wc	1307	Gang Rape	100000	10/11/2017
346	Tamil Nadu	137/22/36/2013-JCD	301	Custodial Death (Judicial)	500000	7/24/2017
347	Tamil Nadu	1412/22/16/2015	814	Failure in Taking Lawful Action	25000	7/7/2017
348	Tamil Nadu	1539/22/13/2011	809	Custodial Torture	300000	6/28/2017
349	Tamil Nadu	181/22/13/2015	809	Custodial Torture	25000	11/2/2017
350	Tamil Nadu	2483/22/9/2012-pcd	807	Custodial Death (Police)	500000	7/26/2017
351	Tamil Nadu	2648/22/13/2012-AD	309	Alleged Custodial Deaths in Judicial Custody	100000	9/7/2017
352	Tamil Nadu	317/22/42/2016	1505	Inaction by the State Government/Central Govt. officials	300000	11/23/2017
353	Tamil Nadu	598/22/13/2012	1202	Non-Payment of Pension/ Compensation	25000	4/20/2017
354	Tamil Nadu	976/22/52/2016	804	Abuse of Power	25000	10/24/2017
355	Telangana	1046/1/18/2012-JCD	301	Custodial Death (Judicial)	100000	9/12/2017
356	Telangana	1060/1/7/2013-JCD	301	Custodial Death (Judicial)	100000	11/29/2017
357	Telangana	1157/1/8/2014-PCD	807	Custodial Death (Police)	100000	10/25/2017
358	Telangana	1186/1/18/2014-JCD	301	Custodial Death (Judicial)	100000	3/20/2018
359	Telangana	1232/1/13/2013-JCD	301	Custodial Death (Judicial)	300000	12/4/2017
360	Telangana	1330/1/7/2013-jcd	301	Custodial Death (Judicial)	100000	6/21/2017
361	Telangana	145/1/12/2013-pcd	807	Custodial Death (Police)	100000	10/11/2017
362	Telangana	156/1/8/2014-pcd	807	Custodial Death (Police)	300000	10/5/2017
363	Telangana	25/36/9/2014-JCD	301	Custodial Death (Judicial)	200000	3/27/2018



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364	Telangana	295/1/7/2014-pcd	807	Custodial Death (Police)	100000	1/10/2018
365	Telangana	511/1/23/2013	305	Harassment of Prisoners	500000	3/13/2018
366	Telangana	624/1/12/2013-jcd	301	Custodial Death (Judicial)	200000	10/13/2017
367	Telangana	646/36/2/2016	203	Malfunctioning of Medical Professionals	600000	9/13/2017
368	Telangana	682/36/6/2015	1505	Inaction by the State Government/Central Govt. officials	5400000	9/14/2017
369	Tripura	19/23/4/2015-PF	1701	Arbitrary Use of Power	300000	5/22/2017
370	Tripura	40/23/4/2016-WC	1311	Rape	100000	9/11/2017
371	Uttar Pradesh	10040/24/7/2015-JCD	301	Custodial Death (Judicial)	100000	3/9/2018
372	Uttar Pradesh	10048/24/48/2015-WC	1311	Rape	150000	3/8/2018
373	Uttar Pradesh	1031/24/43/2014	815	False Implications	50000	1/10/2018
374	Uttar Pradesh	10582/24/46/2013-WC	1301	Abduction, Rape And Murder	50000	8/23/2017
375	Uttar Pradesh	1084/24/52/2014	814	Failure in Taking Lawful Action	300000	2/21/2018
376	Uttar Pradesh	10867/24/53/2015-WC	1311	Rape	100000	9/25/2017
377	Uttar Pradesh	10881/24/53/2012-JCD	301	Custodial Death (Judicial)	200000	11/15/2017
378	Uttar Pradesh	11117/24/66/2013	203	Malfunctioning of Medical Professionals	100000	6/19/2017
379	Uttar Pradesh	11463/24/22/2016	1901	Atrocities On SC/ST/OBC	50000	12/18/2017
380	Uttar Pradesh	11800/24/38/2012-JCD	301	Custodial Death (Judicial)	100000	8/3/2017
381	Uttar Pradesh	11802/24/20/2014	805	Attempted Murder	300000	1/10/2018
382	Uttar Pradesh	12024/24/74/2014	804	Abuse of Power	50000	8/9/2017
383	Uttar Pradesh	12066/24/3/2014	814	Failure in Taking Lawful Action	100000	6/19/2017
384	Uttar Pradesh	12091/24/43/2013-JCD	301	Custodial Death (Judicial)	300000	12/11/2017
385	Uttar Pradesh	12170/24/3/2012-AD	822	Alleged Custodial Deaths in Police Custody	100000	5/19/2017
386	Uttar Pradesh	12366/24/40/2013	817	Unlawful Detention	10000	10/11/2017
387	Uttar Pradesh	12435/24/39/2015-WC	1301	Abduction, Rape And Murder	100000	10/10/2017
388	Uttar Pradesh	12978/24/31/2013	804	Abuse of Power	50000	8/31/2017
389	Uttar Pradesh	1310/24/43/2014-JCD	301	Custodial Death (Judicial)	200000	1/22/2018
390	Uttar Pradesh	13180/24/64/2015	821	Victimisation	25000	10/31/2017
391	Uttar Pradesh	13407/24/1/2013-JCD	301	Custodial Death (Judicial)	100000	12/4/2017
392	Uttar Pradesh	13555/24/4/2015-jcd	301	Custodial Death (Judicial)	200000	11/15/2017



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393	Uttar Pradesh	13954/24/34/2015-JCD	301	Custodial Death (Judicial)	100000	9/5/2017
394	Uttar Pradesh	14280/24/32/2013-wc	1311	Rape	40000	12/15/2017
395	Uttar Pradesh	1440/24/72/2015-WC	1301	Abduction, Rape And Murder	25000	3/23/2018
396	Uttar Pradesh	14538/24/21/2012	809	Custodial Torture	400000	11/17/2017
397	Uttar Pradesh	14719/24/34/2014-JCD	301	Custodial Death (Judicial)	100000	8/22/2017
398	Uttar Pradesh	15100/24/34/2013	804	Abuse of Power	75000	11/22/2017
399	Uttar Pradesh	15122/24/43/2013	817	Unlawful Detention	10000	10/4/2017
400	Uttar Pradesh	15476/24/55/2015	814	Failure in Taking Lawful Action	25000	10/25/2017
401	Uttar Pradesh	1570/24/31/2014	1505	Inaction by the State Government/Central Govt. officials	25000	2/8/2018
402	Uttar Pradesh	16039/24/48/2015-JCD	301	Custodial Death (Judicial)	200000	3/28/2018
403	Uttar Pradesh	16053/24/47/2017	204	Irregularities in Govt. hospitals/Primary Health Centres	200000	1/3/2018
404	Uttar Pradesh	1607/24/33/2013	817	Unlawful Detention	10000	9/19/2017
405	Uttar Pradesh	16293/24/55/2012-JCD	301	Custodial Death (Judicial)	200000	11/16/2017
406	Uttar Pradesh	16334/24/57/2015-wc	1304	Dowery Death Or Thier Attempt	100000	9/5/2017
407	Uttar Pradesh	16593/24/18/2010-afe	813	Alleged Fake Encounters	500000	8/10/2017
408	Uttar Pradesh	16637/24/14/2015	809	Custodial Torture	50000	8/8/2017
409	Uttar Pradesh	17064/24/21/2013	305	Harassment of Prisoners	50000	9/7/2017
410	Uttar Pradesh	17307/24/57/2015	804	Abuse of Power	25000	3/12/2018
411	Uttar Pradesh	17573/24/1/2014	814	Failure in Taking Lawful Action	25000	10/20/2017
412	Uttar Pradesh	17753/24/19/2014	1505	Inaction by the State Government/Central Govt. officials	70000	11/23/2017
413	Uttar Pradesh	18245/24/14/2014	814	Failure in Taking Lawful Action	25000	1/31/2018
414	Uttar Pradesh	18307/24/22/2014-JCD	301	Custodial Death (Judicial)	100000	6/8/2017
415	Uttar Pradesh	18309/24/18/2014-AD	822	Alleged Custodial Deaths in Police Custody	300000	10/25/2017
416	Uttar Pradesh	1831/24/23/2015	804	Abuse of Power	200000	1/22/2018
417	Uttar Pradesh	18635/24/70/2014-JCD	301	Custodial Death (Judicial)	100000	12/4/2017
418	Uttar Pradesh	18771/24/70/2014-jcd	301	Custodial Death (Judicial)	100000	11/8/2017



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419	Uttar Pradesh	18848/24/55/2014	814	Failure in Taking Lawful Action	25000	2/13/2018
420	Uttar Pradesh	18943/24/57/2015	814	Failure in Taking Lawful Action	25000	2/7/2018
421	Uttar Pradesh	18967/24/18/2014	814	Failure in Taking Lawful Action	25000	1/16/2018
422	Uttar Pradesh	18982/24/34/2015	809	Custodial Torture	25000	9/26/2017
423	Uttar Pradesh	19216/24/54/2014-wc	1307	Gang Rape	300000	7/19/2017
424	Uttar Pradesh	19437/24/48/2015-JCD	301	Custodial Death (Judicial)	100000	12/19/2017
425	Uttar Pradesh	19661/24/1/2013	814	Failure in Taking Lawful Action	50000	8/24/2017
426	Uttar Pradesh	19728/24/22/2015	814	Failure in Taking Lawful Action	50000	2/13/2018
427	Uttar Pradesh	2010/24/6/2014-JCD	301	Custodial Death (Judicial)	300000	7/18/2017
428	Uttar Pradesh	20163/24/49/2010-ED	812	Death in Police Encounter	500000	1/10/2018
429	Uttar Pradesh	20339/24/4/2013	809	Custodial Torture	50000	9/12/2017
430	Uttar Pradesh	20341/24/37/2014	814	Failure in Taking Lawful Action	25000	9/11/2017
431	Uttar Pradesh	20689/24/68/2014	814	Failure in Taking Lawful Action	25000	8/23/2017
432	Uttar Pradesh	21592/24/77/2012-WC	1312	Sexual Harassment (General)	25000	1/10/2018
433	Uttar Pradesh	21777/24/36/2016-JCD	301	Custodial Death (Judicial)	200000	3/28/2018
434	Uttar Pradesh	21831/24/50/2013-WC	1311	Rape	25000	11/15/2017
435	Uttar Pradesh	22045/24/51/2015	814	Failure in Taking Lawful Action	50000	12/22/2017
436	Uttar Pradesh	22307/24/12/2015	814	Failure in Taking Lawful Action	25000	10/9/2017
437	Uttar Pradesh	22443/24/1/2013	809	Custodial Torture	800000	1/3/2018
438	Uttar Pradesh	22512/24/19/2015	1505	Inaction by the State Government/Central Govt. officials	200000	10/25/2017
439	Uttar Pradesh	23045/24/54/2015	817	Unlawful Detention	25000	10/24/2017
440	Uttar Pradesh	23089/24/77/2015	1501	Disappearance	25000	1/23/2018
441	Uttar Pradesh	23211/24/43/2013	817	Unlawful Detention	20000	9/27/2017
442	Uttar Pradesh	23383/24/43/2013-pcd	807	Custodial Death (Police)	100000	12/14/2017
443	Uttar Pradesh	23901/24/1/2012-JCD	301	Custodial Death (Judicial)	100000	8/31/2017
444	Uttar Pradesh	24274/24/31/2015-WC	1309	Indignity of Women	100000	8/31/2017
445	Uttar Pradesh	24457/24/76/2016-WC	1309	Indignity of Women	5000	6/29/2017



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446	Uttar Pradesh	24561/24/26/2014-JCD	301	Custodial Death (Judicial)	300000	3/8/2018
447	Uttar Pradesh	24716/24/46/2016-JCD	301	Custodial Death (Judicial)	300000	10/30/2017
448	Uttar Pradesh	24735/24/31/2014	815	False Implications	50000	7/3/2017
449	Uttar Pradesh	24851/24/26/2014	804	Abuse of Power	25000	8/22/2017
450	Uttar Pradesh	24989/24/27/2014-WC	1301	Abduction, Rape And Murder	10000	6/29/2017
451	Uttar Pradesh	25018/24/3/2014-WC	1301	Abduction, Rape And Murder	25000	3/20/2018
452	Uttar Pradesh	25825/24/54/2015	203	Malfunctioning of Medical Professionals	25000	1/8/2018
453	Uttar Pradesh	2599/24/52/2015-JCD	301	Custodial Death (Judicial)	100000	10/17/2017
454	Uttar Pradesh	26132/24/57/2016-jcd	301	Custodial Death (Judicial)	300000	12/1/2017
455	Uttar Pradesh	26234/24/68/2013-pcd	807	Custodial Death (Police)	125000	9/11/2017
456	Uttar Pradesh	26242/24/52/2014	804	Abuse of Power	50000	10/9/2017
457	Uttar Pradesh	26578/24/44/2013-wc	1306	Exploitation of Women	50000	12/6/2017
458	Uttar Pradesh	26649/24/27/2014-WC	1301	Abduction, Rape And Murder	10000	1/16/2018
459	Uttar Pradesh	26845/24/3/2015	814	Failure in Taking Lawful Action	50000	2/26/2018
460	Uttar Pradesh	26984/24/26/2014-JCD	301	Custodial Death (Judicial)	100000	8/22/2017
461	Uttar Pradesh	26985/24/1/2014-JCD	301	Custodial Death (Judicial)	100000	9/7/2017
462	Uttar Pradesh	27236/24/18/2013-wc	1301	Abduction, Rape And Murder	50000	9/11/2017
463	Uttar Pradesh	27373/24/8/2013	815	False Implications	400000	12/4/2017
464	Uttar Pradesh	27480/24/31/2012-JCD	301	Custodial Death (Judicial)	100000	2/26/2018
465	Uttar Pradesh	27556/24/32/2015	814	Failure in Taking Lawful Action	25000	8/24/2017
466	Uttar Pradesh	27623/24/1/2012	817	Unlawful Detention	75000	9/13/2017
467	Uttar Pradesh	27675/24/21/2013	814	Failure in Taking Lawful Action	200000	10/5/2017
468	Uttar Pradesh	27969/24/1/2011-ad	822	Alleged Custodial Deaths in Police Custody	500000	2/15/2018
469	Uttar Pradesh	28142/24/13/2015-JCD	301	Custodial Death (Judicial)	300000	11/2/2017
470	Uttar Pradesh	28160/24/1/2012-JCD	301	Custodial Death (Judicial)	100000	7/6/2017
471	Uttar Pradesh	28399/24/19/2013	1505	Inaction by the State Government/Central Govt. officials	100000	12/7/2017
472	Uttar Pradesh	28428/24/31/2012	817	Unlawful Detention	10000	10/24/2017
473	Uttar Pradesh	28599/24/62/2015-jcd	301	Custodial Death (Judicial)	500000	11/22/2017



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
474	Uttar Pradesh	28905/24/51/2016	204	Irregularities in Govt. hospitals/Primary Health Centres	100000	9/13/2017
475	Uttar Pradesh	28929/24/30/2015	801	Arbitrary Use of Power	400000	8/10/2017
476	Uttar Pradesh	2897/24/72/08-09-ed	812	Death in Police Encounter	500000	8/10/2017
477	Uttar Pradesh	29356/24/70/2013	1505	Inaction by the State Government/Central Govt. officials	20000	9/1/2017
478	Uttar Pradesh	29365/24/36/2014-JCD	301	Custodial Death (Judicial)	100000	11/1/2017
479	Uttar Pradesh	2956/24/23/2016	809	Custodial Torture	25000	8/31/2017
480	Uttar Pradesh	29588/24/77/2014	815	False Implications	50000	11/1/2017
481	Uttar Pradesh	29802/24/4/2013-jcd	301	Custodial Death (Judicial)	25000	6/12/2017
482	Uttar Pradesh	29806/24/4/2013-jcd	301	Custodial Death (Judicial)	100000	8/14/2017
483	Uttar Pradesh	29891/24/4/2012	804	Abuse of Power	200000	2/8/2018
484	Uttar Pradesh	30053/24/1/2013	304	Debarment of Legal Aid	50000	10/5/2017
485	Uttar Pradesh	30738/24/27/2013-wc	1304	Dowery Death Or Thier Attempt	50000	1/31/2018
486	Uttar Pradesh	30991/24/46/2015	817	Unlawful Detention	25000	9/11/2017
487	Uttar Pradesh	3101/24/15/2012-JCD	301	Custodial Death (Judicial)	100000	11/30/2017
488	Uttar Pradesh	31499/24/31/2014-WC	1311	Rape	25000	7/5/2017
489	Uttar Pradesh	31741/24/28/2015-jcd	301	Custodial Death (Judicial)	300000	11/15/2017
490	Uttar Pradesh	32054/24/4/2014-JCD	301	Custodial Death (Judicial)	100000	12/1/2017
491	Uttar Pradesh	32451/24/15/2015-WC	1307	Gang Rape	100000	8/31/2017
492	Uttar Pradesh	33219/24/72/2014	305	Harassment of Prisoners	50000	3/7/2018
493	Uttar Pradesh	33402/24/13/2012-jcd	301	Custodial Death (Judicial)	100000	9/6/2017
494	Uttar Pradesh	33712/24/55/2013-wc	1304	Dowery Death Or Thier Attempt	50000	11/29/2017
495	Uttar Pradesh	34369/24/1/2013-wc	1311	Rape	25000	2/1/2018
496	Uttar Pradesh	34380/24/48/2015	203	Malfunctioning of Medical Professionals	100000	11/29/2017
497	Uttar Pradesh	3492/24/54/2015	203	Malfunctioning of Medical Professionals	100000	5/16/2017
498	Uttar Pradesh	34940/24/72/2013	814	Failure in Taking Lawful Action	50000	2/28/2018
499	Uttar Pradesh	35089/24/52/2015-JCD	301	Custodial Death (Judicial)	300000	12/5/2017
500	Uttar Pradesh	35140/24/68/2013	804	Abuse of Power	50000	12/7/2017
501	Uttar Pradesh	35398/24/57/2013-JCD	301	Custodial Death (Judicial)	200000	11/15/2017
502	Uttar Pradesh	35475/24/3/2013-WC	1301	Abduction, Rape And Murder	25000	9/25/2017

Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
503	Uttar Pradesh	35873/24/30/2013	1901	Atrocities On SC/ST/OBC	25000	9/7/2017
504	Uttar Pradesh	36039/24/51/2013	805	Attempted Murder	500000	5/25/2017
505	Uttar Pradesh	36349/24/30/2016-ad	309	Alleged Custodial Deaths in Judicial Custody	100000	7/14/2017
506	Uttar Pradesh	36403/24/52/2013	1901	Atrocities On SC/ST/OBC	50000	2/27/2018
507	Uttar Pradesh	36492/24/18/2012	1301	Abduction, Rape And Murder	50000	7/19/2017
508	Uttar Pradesh	36841/24/47/2010-ad	822	Alleged Custodial Deaths in Police Custody	500000	2/7/2018
509	Uttar Pradesh	37301/24/55/2013-jcd	301	Custodial Death (Judicial)	100000	12/15/2017
510	Uttar Pradesh	37504/24/13/2014-JCD	301	Custodial Death (Judicial)	100000	8/24/2017
511	Uttar Pradesh	37741/24/24/2015	1505	Inaction by the State Government/Central Govt. officials	200000	10/20/2017
512	Uttar Pradesh	37988/24/35/2013	814	Failure in Taking Lawful Action	100000	12/15/2017
513	Uttar Pradesh	38349/24/48/2014	804	Abuse of Power	500000	12/14/2017
514	Uttar Pradesh	38367/24/8/2014	817	Unlawful Detention	50000	7/10/2017
515	Uttar Pradesh	38500/24/6/2013	804	Abuse of Power	60000	2/20/2018
516	Uttar Pradesh	3854/24/8/2015	804	Abuse of Power	100000	9/12/2017
517	Uttar Pradesh	38707/24/46/2013	814	Failure in Taking Lawful Action	10000	11/29/2017
518	Uttar Pradesh	3948/24/43/2014	815	False Implications	75000	9/12/2017
519	Uttar Pradesh	39654/24/31/08-09-pcd	807	Custodial Death (Police)	500000	8/10/2017
520	Uttar Pradesh	39722/24/1/2013	814	Failure in Taking Lawful Action	25000	9/1/2017
521	Uttar Pradesh	39743/24/3/2010-ED	812	Death in Police Encounter	500000	2/15/2018
522	Uttar Pradesh	40132/24/43/2012-jcd	301	Custodial Death (Judicial)	100000	8/28/2017
523	Uttar Pradesh	40431/24/22/2016	804	Abuse of Power	25000	9/19/2017
524	Uttar Pradesh	41416/24/1/2012	814	Failure in Taking Lawful Action	25000	9/14/2017
525	Uttar Pradesh	41445/24/45/2013-WC	1312	Sexual Harassement (General)	25000	9/19/2017
526	Uttar Pradesh	41657/24/53/2013-WC	1309	Indignity of Women	10000	3/20/2018
527	Uttar Pradesh	41733/24/72/2015	1505	Inaction by the State Government/Central Govt. officials	200000	1/3/2018
528	Uttar Pradesh	41989/24/70/2014-jcd	301	Custodial Death (Judicial)	100000	10/26/2017
529	Uttar Pradesh	42304/24/77/2013	814	Failure in Taking Lawful Action	50000	10/16/2017
530	Uttar Pradesh	43290/24/56/2011-WC	1307	Gang Rape	100000	12/5/2017



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
531	Uttar Pradesh	43970/24/73/2013-JCD	301	Custodial Death (Judicial)	300000	11/29/2017
532	Uttar Pradesh	44048/24/18/2015	814	Failure in Taking Lawful Action	25000	4/19/2017
533	Uttar Pradesh	44077/24/57/2013-JCD	301	Custodial Death (Judicial)	100000	2/26/2018
534	Uttar Pradesh	4424/24/22/2015	817	Unlawful Detention	10000	3/22/2018
535	Uttar Pradesh	44288/24/3/2014-WC	1312	Sexual Harassment (General)	25000	9/11/2017
536	Uttar Pradesh	44565/24/52/2013-WC	1311	Rape	50000	9/11/2017
537	Uttar Pradesh	44873/24/14/2014-JCD	301	Custodial Death (Judicial)	100000	12/4/2017
538	Uttar Pradesh	45784/24/72/2015	817	Unlawful Detention	400000	1/3/2018
539	Uttar Pradesh	45951/24/52/2011-ED	812	Death in Police Encounter	500000	5/4/2017
540	Uttar Pradesh	45951/24/52/2011-ED	812	Death in Police Encounter	500000	3/8/2018
541	Uttar Pradesh	46119/24/30/2014	501	Nuisance by Notorious Gangs/Mafias	200000	11/15/2017
542	Uttar Pradesh	46268/24/43/2014-jcd	301	Custodial Death (Judicial)	300000	8/16/2017
543	Uttar Pradesh	46506/24/43/2015-JCD	301	Custodial Death (Judicial)	100000	1/31/2018
544	Uttar Pradesh	46982/24/72/2015	204	Irregularities in Govt. hospitals/Primary Health Centres	200000	8/4/2017
545	Uttar Pradesh	47201/24/4/2015-jcd	301	Custodial Death (Judicial)	100000	10/25/2017
546	Uttar Pradesh	480/24/46/2015-JCD	301	Custodial Death (Judicial)	100000	12/19/2017
547	Uttar Pradesh	48000/24/31/2015	203	Malfunctioning of Medical Professionals	300000	12/14/2017
548	Uttar Pradesh	48077/24/9/2015	814	Failure in Taking Lawful Action	100000	11/24/2017
549	Uttar Pradesh	48096/24/22/2014-WC	1311	Rape	25000	9/15/2017
550	Uttar Pradesh	48482/24/63/2015	814	Failure in Taking Lawful Action	25000	8/31/2017
551	Uttar Pradesh	49661/24/77/2014	503	Trouble by Anti-Social Elements	25000	9/28/2017
552	Uttar Pradesh	5115/24/24/2015	814	Failure in Taking Lawful Action	50000	6/6/2017
553	Uttar Pradesh	5150/24/8/2015	809	Custodial Torture	25000	9/12/2017
554	Uttar Pradesh	517/24/1/2015-pcd	807	Custodial Death (Police)	100000	9/18/2017
555	Uttar Pradesh	5306/24/55/2016-WC	1307	Gang Rape	25000	8/21/2017
556	Uttar Pradesh	53823/24/72/2011	817	Unlawful Detention	100000	8/24/2017
557	Uttar Pradesh	5487/24/34/2013	1505	Inaction by the State Government/Central Govt. officials	100000	7/17/2017



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
558	Uttar Pradesh	6198/24/57/2015-PCD	807	Custodial Death (Police)	100000	11/15/2017
559	Uttar Pradesh	6354/24/32/2014-JCD	301	Custodial Death (Judicial)	100000	10/5/2017
560	Uttar Pradesh	6434/24/52/2017-WC	1311	Rape	25000	2/28/2018
561	Uttar Pradesh	6511/24/14/09-10-wc	1307	Gang Rape	100000	11/24/2017
562	Uttar Pradesh	6621/24/1/2010-ED	812	Death in Police Encounter	1000000	1/10/2018
563	Uttar Pradesh	6696/24/64/2013-JCD	301	Custodial Death (Judicial)	300000	12/5/2017
564	Uttar Pradesh	6699/24/77/2013	817	Unlawful Detention	10000	12/13/2017
565	Uttar Pradesh	6766/24/4/2013-jcd	301	Custodial Death (Judicial)	500000	10/24/2017
566	Uttar Pradesh	7402/24/14/2013-ad	822	Alleged Custodial Deaths in Police Custody	100000	2/12/2018
567	Uttar Pradesh	7699/24/33/2015-jcd	301	Custodial Death (Judicial)	200000	3/28/2018
568	Uttar Pradesh	770/24/51/2014-WC	1304	Dowry Death Or Thier Attempt	50000	9/11/2017
569	Uttar Pradesh	8390/24/1/2014-jcd	301	Custodial Death (Judicial)	100000	12/19/2017
570	Uttar Pradesh	8414/24/61/2013	814	Failure in Taking Lawful Action	25000	10/3/2017
571	Uttar Pradesh	8419/24/64/2014-JCD	301	Custodial Death (Judicial)	100000	11/30/2017
572	Uttar Pradesh	8447/24/51/2013-WC	1301	Abduction, Rape And Murder	10000	10/11/2017
573	Uttar Pradesh	8684/24/39/2015	816	Illegal Arrest	5000	8/21/2017
574	Uttar Pradesh	8696/24/78/2015-WC	1311	Rape	25000	10/24/2017
575	Uttar Pradesh	9036/24/56/2015	205	Lack of Proper Medical Facilities in the State	100000	6/28/2017
576	Uttar Pradesh	9097/24/57/2015-WC	1307	Gang Rape	25000	9/15/2017
577	Uttar Pradesh	9245/24/14/2013-JCD	301	Custodial Death (Judicial)	300000	5/26/2017
578	Uttar Pradesh	9307/24/8/2013	804	Abuse of Power	30000	7/7/2017
579	Uttar Pradesh	9554/24/53/2017	100	Children	100000	1/23/2018
580	Uttar Pradesh	9916/24/36/2015-wc	1903	Rape of SC/ST/OBC	25000	9/21/2017
581	Uttar Pradesh	9927/24/3/2015-JCD	301	Custodial Death (Judicial)	300000	2/21/2018
582	Uttar Pradesh	9930/24/68/2014	1901	Atrocities On SC/ST/OBC	25000	8/10/2017
583	Uttarakhand	1095/35/5/2016	1505	Inaction by the State Government/Central Govt. officials	300000	7/13/2017
584	Uttarakhand	156/35/6/09-10-ED	812	Death in Police Encounter	500000	6/28/2017
585	Uttarakhand	1689/35/12/2015-PCD	807	Custodial Death (Police)	1000000	9/18/2017
586	West Bengal	1202/25/19/2012-JCD	301	Custodial Death (Judicial)	200000	8/3/2017
587	West Bengal	1209/25/15/2014	604	Hazardous Employments	3200000	5/4/2017
588	West Bengal	1349/25/5/2013-JCD	301	Custodial Death (Judicial)	100000	1/23/2018
589	West Bengal	1403/25/11/2014-JCD	301	Custodial Death (Judicial)	300000	11/29/2017
590	West Bengal	1474/25/8/2014	604	Hazardous Employments	100000	3/23/2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
591	West Bengal	1482/25/22/2014	814	Failure in Taking Lawful Action	25000	4/6/2017
592	West Bengal	1485/25/16/2012-pf	1705	Custodial Death (Para - Military)	500000	8/24/2017
593	West Bengal	1492/25/10/2013-wc	1311	Rape	100000	10/9/2017
594	West Bengal	1533/25/5/2015-pcd	807	Custodial Death (Police)	500000	7/26/2017
595	West Bengal	1746/25/10/2015-JCD	301	Custodial Death (Judicial)	100000	11/29/2017
596	West Bengal	1767/25/2/2015-PCD	807	Custodial Death (Police)	100000	2/8/2018
597	West Bengal	2123/25/22/2015-WC	1313	Sexual Harassment At Workplace (Govt.offices)	50000	2/5/2018
598	West Bengal	293/25/15/2014	817	Unlawful Detention	50000	2/19/2018
599	West Bengal	302/25/3/2012	604	Hazardous Employments	800000	3/1/2018
600	West Bengal	360/25/14/2014-jcd	301	Custodial Death (Judicial)	100000	1/15/2018
601	West Bengal	447/25/22/2014-JCD	301	Custodial Death (Judicial)	200000	3/23/2018
602	West Bengal	456/25/5/2013-JCD	301	Custodial Death (Judicial)	100000	7/25/2017
603	West Bengal	730/25/22/2013-JCD	301	Custodial Death (Judicial)	300000	12/11/2017
604	West Bengal	767/25/10/2014-JCD	301	Custodial Death (Judicial)	100000	1/10/2018
605	West Bengal	77/25/13/2014-JCD	301	Custodial Death (Judicial)	100000	4/5/2017
606	West Bengal	851/25/9/2014-pcd	807	Custodial Death (Police)	300000	2/8/2018



Annexure 6

Para : 2.48

DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS DURING 2016-2017 FOR PAYMENT OF MONETARY RELIEF

Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
1	Andhra Pradesh	1027/1/19/2013-JCD	301	Custodial Death (Judicial)	100000	1/11/2017
2	Andhra Pradesh	5/1/3/2015	804	Abuse of Power	20000	4/1/2016
3	Andhra Pradesh	792/1/19/2012-JCD	301	Custodial Death (Judicial)	100000	10/29/2016
4	Andhra Pradesh	864/1/10/2013	804	Abuse of Power	110000	9/1/2016
5	Andhra Pradesh	970/1/6/2012-JCD	301	Custodial Death (Judicial)	100000	12/20/2016
6	Assam	242/3/15/2012-AF	1603	Abduction/Rape	100000	3/30/2017
7	Assam	358/3/4/2012-PCD	807	Custodial Death (Police)	200000	6/7/2016
8	Assam	389/3/10/2012-AF	1610	Death in Army Encounter	500000	2/21/2017
9	Assam	63/3/24/09-10	811	Death in Police Firing	5500000	1/25/2017
10	Bihar	1458/4/23/2015	809	Custodial Torture	20000	1/12/2017
11	Bihar	2047/4/28/2011-PCD	807	Custodial Death (Police)	500000	3/22/2017
12	Bihar	2166/4/23/2012-JCD	301	Custodial Death (Judicial)	100000	2/6/2017
13	Bihar	2546/4/3/2014-WC	1309	Indignity of Women	10000	6/8/2016
14	Bihar	2572/4/8/08-09-AD	1716	Alleged Custodial Death	500000	5/27/2016
15	Bihar	2886/4/39/2013	100	Children	67500	3/14/2017
16	Bihar	4378/4/21/2012-JCD	301	Custodial Death (Judicial)	50000	11/16/2016
17	Bihar	4598/4/26/2012-JCD	301	Custodial Death (Judicial)	100000	2/6/2017
18	Bihar	846/4/39/2014	814	Failure in Taking Lawful Action	25000	1/2/2017
19	Chhattisgarh	961/33/9/2014-JCD	301	Custodial Death (Judicial)	100000	12/8/2016
20	Delhi	1111/30/2006-2007	812	Death in Police Encounter	1000000	7/13/2016
21	Delhi	1361/30/9/2014	815	False Implications	500000	11/8/2016
22	Delhi	3434/30/2/2015	1505	Inaction by the State Government/Central Govt. officials	100000	11/7/2016
23	Delhi	374/30/3/2013	204	Irregularities in Govt. hospitals/Primary Health Centres	300000	3/16/2017
24	Delhi	4433/30/2006-2007	812	Death in Police Encounter	500000	3/1/2017
25	Delhi	5050/30/5/2013	814	Failure in Taking Lawful Action	25000	3/20/2017
26	Delhi	5494/30/0/2010	1505	Inaction by the State Government/Central Govt. officials	900000	11/28/2016
27	Delhi	5537/30/9/2014-PF	1703	Abduction/Rape	100000	3/20/2017
28	Delhi	6738/30/8/2014	1200	Service Matters	25000	6/20/2016
29	Gujarat	1435/6/13/2014	1505	Inaction by the State Government/Central Govt. officials	100000	6/7/2016



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
30	Gujarat	1573/6/9/2013-AD	822	Alleged Custodial Deaths in Police Custody	500000	12/7/2016
31	Gujarat	212/6/9/2010	202	Public Health Hazards	1600000	6/8/2016
32	Gujarat	256/6/9/2010-ED	812	Death in Police Encounter	550000	1/25/2017
33	Haryana	3007/7/3/2014-WC	1311	Rape	300000	2/21/2017
34	Jharkhand	1167/34/16/2012-JCD	301	Custodial Death (Judicial)	50000	12/13/2016
35	Jharkhand	118/34/16/2013-JCD	301	Custodial Death (Judicial)	100000	4/12/2016
36	Jharkhand	1188/34/18/2011-ED	812	Death in Police Encounter	200000	3/2/2017
37	Jharkhand	1194/34/11/2011	1505	Inaction by the State Government/Central Govt. officials	500000	5/17/2016
38	Jharkhand	1447/34/11/2013-JCD	301	Custodial Death (Judicial)	300000	2/7/2017
39	Jharkhand	1538/34/4/2014-PCD	807	Custodial Death (Police)	100000	11/8/2016
40	Jharkhand	355/34/22/2012	804	Abuse of Power	500000	1/29/2017
41	Jharkhand	370/34/2/2013	804	Abuse of Power	10000	5/16/2016
42	Jharkhand	514/34/11/2015	1505	Inaction by the State Government/Central Govt. officials	25000	2/21/2017
43	Jharkhand	767/34/22/2010-PF	1709	Death in Firing	150000	9/8/2016
44	Jharkhand	890/34/3/2013	203	Malfunctioning of Medical Professionals	25000	6/20/2016
45	Jharkhand	947/34/11/2013	811	Death in Police Firing	700000	10/19/2016
46	Jharkhand	949/34/0/2012	1500	Miscellaneous	70000	7/11/2016
47	Karnataka	967/10/1/2014	804	Abuse of Power	25000	4/13/2016
48	Kerala	437/11/8/2014-PCD	807	Custodial Death (Police)	100000	10/31/2016
49	Kerala	464/11/3/2014	809	Custodial Torture	300000	1/5/2017
50	Kerala	508/11/2/2016-AD	822	Alleged Custodial Deaths in Police Custody	100000	3/27/2017
51	Kerala	615/11/3/2016	203	Malfunctioning of Medical Professionals	300000	1/24/2017
52	Madhya Pradesh	1328/12/18/2013-JCD	301	Custodial Death (Judicial)	100000	12/20/2016
53	Madhya Pradesh	2170/12/54/2015	106	Sexual Harassment	200000	10/31/2016
54	Madhya Pradesh	236/12/38/2015	814	Failure in Taking Lawful Action	30000	1/11/2017
55	Madhya Pradesh	2695/12/33/2014	1505	Inaction by the State Government/Central Govt. officials	625000	3/22/2017
56	Madhya Pradesh	3022/12/46/2014	809	Custodial Torture	200000	2/21/2017
57	Madhya Pradesh	353/12/54/2012	1505	Inaction by the State Government/Central Govt. officials	125000	5/23/2016
58	Madhya Pradesh	508/12/24/2014-JCD	301	Custodial Death (Judicial)	100000	11/7/2016
59	Maharashtra	102/13/13/2014-WC	1313	Sexual Harassment At Workplace (Govt.offices)	100000	11/24/2016
60	Maharashtra	1196/13/17/2012-JCD	301	Custodial Death (Judicial)	100000	11/21/2016



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
61	Maharashtra	1286/13/6/2010-PCD	807	Custodial Death (Police)	500000	9/15/2016
62	Maharashtra	1385/13/28/2012-JCD	301	Custodial Death (Judicial)	100000	2/16/2017
63	Maharashtra	1386/13/17/09-10-PCD	807	Custodial Death (Police)	100000	2/2/2017
64	Maharashtra	1454/13/9/2014-JCD	301	Custodial Death (Judicial)	100000	2/16/2017
65	Maharashtra	1517/13/14/2011-PCD	807	Custodial Death (Police)	100000	1/25/2017
66	Maharashtra	1831/13/13/2015	106	Sexual Harassment	50000	2/21/2017
67	Maharashtra	2242/13/23/2013-JCD	301	Custodial Death (Judicial)	100000	11/29/2016
68	Maharashtra	228/13/21/2011-PCD	807	Custodial Death (Police)	100000	11/16/2016
69	Maharashtra	2991/13/16/2013-WC	1312	Sexual Harassment (General)	50000	9/19/2016
70	Maharashtra	3143/13/23/2013	204	Irregularities in Govt. hospitals/Primary Health Centres	200000	1/25/2017
71	Maharashtra	390/13/22/2011-PCD	807	Custodial Death (Police)	500000	3/2/2017
72	Maharashtra	473/13/26/09-10-PCD	807	Custodial Death (Police)	50000	5/27/2016
73	Maharashtra	496/13/23/2013-JCD	301	Custodial Death (Judicial)	300000	2/13/2017
74	Maharashtra	501/13/2005-2006	812	Death in Police Encounter	1000000	4/6/2016
75	Maharashtra	545/13/6/2013-WC	1311	Rape	100000	5/11/2016
76	Maharashtra	820/13/33/2011-PCD	807	Custodial Death (Police)	450000	6/1/2016
77	Maharashtra	848/13/16/2013-PCD	807	Custodial Death (Police)	500000	11/23/2016
78	Manipur	2/14/1/2010-PF	1711	Alleged Fake Encounter(P-M Forces)	500000	9/15/2016
79	Manipur	33/14/4/09-10-PF	1711	Alleged Fake Encounter(P-M Forces)	1000000	3/1/2017
80	Manipur	65/14/13/2012-PF	1711	Alleged Fake Encounter(P-M Forces)	1500000	11/30/2016
81	Odisha	11351/18/26/2015	804	Abuse of Power	25000	2/16/2017
82	Odisha	1754/18/8/2014	203	Malfunctioning of Medical Professionals	100000	3/22/2017
83	Odisha	192/18/12/2014	100	Children	20000	5/3/2016
84	Odisha	2307/18/26/2013	1505	Inaction by the State Government/Central Govt. officials	870000	11/16/2016
85	Odisha	2430/18/12/2014	814	Failure in Taking Lawful Action	50000	1/9/2017
86	Odisha	2842/18/8/2012	1202	Non-Payment of Pension/ Compensation	100000	7/11/2016
87	Odisha	2976/18/3/2014	1505	Inaction by the State Government/Central Govt. officials	50000	12/21/2016
88	Odisha	3098/18/10/2014	814	Failure in Taking Lawful Action	50000	12/30/2016



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
89	Odisha	3556/18/1/2014	1505	Inaction by the State Government/Central Govt. officials	100000	6/8/2016
90	Odisha	3778/18/12/2013	1505	Inaction by the State Government/Central Govt. officials	40000	3/30/2017
91	Odisha	4060/18/2/2014	204	Irregularities in Govt. hospitals/Primary Health Centres	20000	10/7/2016
92	Odisha	4959/18/12/2014-WC	1301	Abduction, Rape And Murder	150000	3/10/2017
93	Odisha	577/18/3/2013-AD	822	Alleged Custodial Deaths in Police Custody	100000	1/11/2017
94	Odisha	6654/18/3/2016	1904	Victimisation	100000	1/9/2017
95	Odisha	674/18/2/2014	1505	Inaction by the State Government/Central Govt. officials	200000	3/22/2017
96	Odisha	6744/18/7/2016	801	Arbitrary Use of Power	100000	1/9/2017
97	Odisha	689/18/8/2014	204	Irregularities in Govt. hospitals/Primary Health Centres	100000	3/22/2017
98	Odisha	705/18/3/2015	204	Irregularities in Govt. hospitals/Primary Health Centres	100000	2/13/2017
99	Punjab	273/19/13/2013-JCD	301	Custodial Death (Judicial)	100000	2/13/2017
100	Punjab	290/19/18/2013-JCD	301	Custodial Death (Judicial)	100000	9/16/2016
101	Punjab	304/19/19/2014	1505	Inaction by the State Government/Central Govt. officials	100000	1/23/2017
102	Rajasthan	1200/20/9/2015	1901	Atrocities on SC/ST/OBC	25000	3/7/2017
103	Rajasthan	1338/20/2/2015	1901	Atrocities on SC/ST/OBC	10000	7/14/2016
104	Rajasthan	1533/20/7/2013-JCD	301	Custodial Death (Judicial)	300000	6/27/2016
105	Rajasthan	1703/20/26/2016	1505	Inaction by the State Government/Central Govt. officials	100000	2/16/2017
106	Rajasthan	2033/20/19/2015-WC	1903	Rape of SC/ST/OBC	50000	11/10/2016
107	Rajasthan	2185/20/14/2014-JCD	301	Custodial Death (Judicial)	300000	11/18/2016
108	Rajasthan	2971/20/9/2014	1901	Atrocities on SC/ST/OBC	25000	2/8/2017
109	Rajasthan	344/20/24/2014	307	Irregularities in Jail	50000	5/16/2016
110	Rajasthan	64/20/30/2015-WC	1301	Abduction, Rape And Murder	25000	12/7/2016
111	Rajasthan	84/20/29/2014-JCD	301	Custodial Death (Judicial)	300000	10/4/2016
112	Rajasthan	922/20/21/2013-JCD	301	Custodial Death (Judicial)	100000	7/11/2016
113	Rajasthan	942/20/10/2015-WC	1903	Rape of SC/ST/OBC	50000	3/7/2017
114	Tamil Nadu	1694/22/37/2014	106	Sexual Harassment	50000	3/27/2017
115	Tamil Nadu	2051/22/13/2012-JCD	301	Custodial Death (Judicial)	300000	3/21/2017



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
116	Tamil Nadu	2715/22/30/2012-PCD	807	Custodial Death (Police)	500000	3/24/2017
117	Tamil Nadu	61/22/13/2014	816	Illegal Arrest	300000	4/13/2016
118	Telangana	855/1/8/2014-JCD	301	Custodial Death (Judicial)	300000	3/8/2017
119	Uttar Pradesh	10226/24/2006-2007	812	Death in Police Encounter	500000	9/29/2016
120	Uttar Pradesh	10642/24/40/2014	1505	Inaction by the State Government/Central Govt. officials	100000	7/21/2016
121	Uttar Pradesh	10703/24/71/2014	804	Abuse of Power	100000	3/22/2017
122	Uttar Pradesh	12021/24/46/2013	814	Failure in Taking Lawful Action	25000	5/23/2016
123	Uttar Pradesh	14505/24/62/2014	1202	Non-Payment of Pension/ Compensation	100000	3/14/2017
124	Uttar Pradesh	14789/24/39/2011	1505	Inaction by the State Government/Central Govt. officials	25000	5/18/2016
125	Uttar Pradesh	14807/24/42/2012-PCD	807	Custodial Death (Police)	100000	3/23/2017
126	Uttar Pradesh	15736/24/14/2014	1500	Miscellaneous	100000	3/17/2017
127	Uttar Pradesh	18128/24/27/2014	814	Failure in Taking Lawful Action	25000	9/30/2016
128	Uttar Pradesh	18780/24/53/2012-JCD	301	Custodial Death (Judicial)	100000	10/18/2016
129	Uttar Pradesh	20336/24/7/2013-WC	1301	Abduction, Rape And Murder	100000	10/24/2016
130	Uttar Pradesh	22082/24/10/2013-JCD	301	Custodial Death (Judicial)	100000	3/29/2017
131	Uttar Pradesh	22499/24/9/2013-JCD	301	Custodial Death (Judicial)	200000	1/24/2017
132	Uttar Pradesh	25136/24/55/2010-PCD	807	Custodial Death (Police)	300000	5/25/2016
133	Uttar Pradesh	25395/24/44/2010-AD	822	Alleged Custodial Deaths in Police Custody	100000	8/4/2016
134	Uttar Pradesh	25500/24/35/2014	109	Disappearance / Missing	100000	3/20/2017
135	Uttar Pradesh	27898/24/49/2014-JCD	301	Custodial Death (Judicial)	100000	3/6/2017
136	Uttar Pradesh	27930/24/18/2015	804	Abuse of Power	100000	3/21/2017
137	Uttar Pradesh	29674/24/54/2011	1505	Inaction by the State Government/Central Govt. officials	600000	7/8/2016
138	Uttar Pradesh	29716/24/52/2014	815	False Implications	25000	2/8/2017
139	Uttar Pradesh	29857/24/9/2016	204	Irregularities in Govt. hospitals/Primary Health Centres	100000	3/22/2017
140	Uttar Pradesh	30311/24/31/2014	809	Custodial Torture	25000	11/9/2016
141	Uttar Pradesh	32377/24/75/2014	809	Custodial Torture	10000	5/20/2016
142	Uttar Pradesh	3241/24/48/2013-JCD	301	Custodial Death (Judicial)	500000	5/20/2016



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
143	Uttar Pradesh	33200/24/5/2013	802	Abduction/Kidnapping	25000	4/25/2016
144	Uttar Pradesh	34791/24/43/2013	106	Sexual Harassment	100000	6/21/2016
145	Uttar Pradesh	35164/24/25/2013	105	Immoral Traffic on Children	50000	3/6/2017
146	Uttar Pradesh	35220/24/1/2012-JCD	301	Custodial Death (Judicial)	100000	6/6/2016
147	Uttar Pradesh	36481/24/2002-2003-AD	309	Alleged Custodial Deaths in Judicial Custody	500000	3/16/2017
148	Uttar Pradesh	37313/24/48/2012-JCD	301	Custodial Death (Judicial)	500000	1/29/2017
149	Uttar Pradesh	38292/24/21/2013	804	Abuse of Power	300000	12/20/2016
150	Uttar Pradesh	39116/24/30/2013	814	Failure in Taking Lawful Action	25000	1/30/2017
151	Uttar Pradesh	39429/24/57/2012	816	Illegal Arrest	50000	2/16/2017
152	Uttar Pradesh	40161/24/65/2013	814	Failure in Taking Lawful Action	300000	4/19/2016
153	Uttar Pradesh	40332/24/48/2013-JCD	301	Custodial Death (Judicial)	50000	7/11/2016
154	Uttar Pradesh	40420/24/75/2012	814	Failure in Taking Lawful Action	25000	6/20/2016
155	Uttar Pradesh	41931/24/65/2014	204	Irregularities in Govt. hospitals/Primary Health Centres	100000	12/5/2016
156	Uttar Pradesh	42848/24/31/2012	817	Unlawful Detention	25000	2/28/2017
157	Uttar Pradesh	43922/24/3/2012	1901	Atrocities on SC/ST/OBC	25000	4/25/2016
158	Uttar Pradesh	44438/24/43/2012-JCD	301	Custodial Death (Judicial)	100000	11/16/2016
159	Uttar Pradesh	44988/24/59/2013	804	Abuse of Power	100000	4/19/2016
160	Uttar Pradesh	48166/24/4/2011	804	Abuse of Power	500000	1/29/2017
161	Uttar Pradesh	49638/24/4/2014-JCD	301	Custodial Death (Judicial)	25000	1/23/2017
162	Uttar Pradesh	5016/24/31/2014	814	Failure in Taking Lawful Action	100000	3/22/2017
163	Uttar Pradesh	618/24/35/2013-WC	1301	Abduction, Rape And Murder	100000	5/3/2016
164	Uttar Pradesh	7351/24/30/2014	809	Custodial Torture	150000	1/31/2017
165	Uttar Pradesh	7805/24/31/2010-ED	812	Death in Police Encounter	500000	8/18/2016
166	Uttar Pradesh	8119/24/46/2013-JCD	301	Custodial Death (Judicial)	100000	11/30/2016
167	Uttar Pradesh	8998/24/9/2014	814	Failure in Taking Lawful Action	25000	9/1/2016
168	Uttar Pradesh	9967/24/7/2014	814	Failure in Taking Lawful Action	100000	8/30/2016
169	West Bengal	127/25/15/2013-ED	812	Death in Police Encounter	500000	11/9/2016
170	West Bengal	1272/25/5/2012-JCD	301	Custodial Death (Judicial)	100000	12/5/2016
171	West Bengal	1315/25/11/2013	809	Custodial Torture	150000	6/20/2016
172	West Bengal	1356/25/13/2013-JCD	301	Custodial Death (Judicial)	100000	11/24/2016

**DETAILS OF CASES PENDING COMPLIANCE OF NHRC RECOMMENDATION
FROM 2000-2001 TO 2015-2016 FOR PAYMENT OF MONETARY RELIEF/
DISCIPLINARY ACTION/PROSECUTION**

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
1	Andhra Pradesh	232/1/10/2014-WC	1307	Gang Rape	100,000	30/01/2015	Proof of payment awaited
2	Bihar	2329/4/39/2011	106	Sexual Harrasment (Children)	25,000	20/02/2015	Proof of payment awaited
3	Bihar	258/4/8/2012-JCD	301	Custodial Death (Judicial)	100,000	08/09/2014	Proof of payment awaited
4	Delhi	252/30/8/2014	2006	Victimisation (Foreigner's/NRI)	300,000	29/09/2014	Proof of payment awaited
5	Delhi	4693/30/2005-2006	812	Death in Police Encounter	500,000	08/10/2014	Proof of payment awaited
6	Delhi	6429/30/1/2012	204	Irregularities in Govt. Hospitals/ PHC	300,000	20/10/2014	Proof of payment awaited
7	Gujarat	500/6/19/2013-JCD	301	Custodial Death (Judicial)	100,000	03/11/2014	Proof of payment awaited
8	Jharkhand	254/34/1/2010-AD	309	Alleged Custodialdeath In Judicial Custody	100,000	09/04/2014	Proof of payment awaited
9	Jharkhand	589/34/22/2012-PF	1704	Abuse Of Power By Para Military Forces	100,000	09/07/2014	Proof of payment awaited
10	Kerala	354/11/13/2013-JCD	301	Custodial Death (Judicial)	300,000	23/12/2014	Proof of payment awaited
11	Madhya Pradesh	430/12/32/2012	604	Hazardous Employment	1,200,000	11/09/2014	Proof of payment awaited
12	Maharashtra	3622/13/33/2012	814	Failure In Taking Lawful Action	25,000	22/12/2014	Proof of payment awaited
13	Rajasthan	142/20/14/2014-WC	1301	Abduction, Rape And Murder	300,000	22/12/2014	Proof of payment awaited
14	Tamil Nadu	101/22/13/2014-WC	2003	Rape Of Foreigners/ Nris	100,000	17/02/2015	Proof of payment awaited
15	Uttar Pradesh	20381/24/72/2013	809	Alleged Physical Torture & Illegal Detention By Police	100,000	28/10/2014	Proof of payment awaited
16	Uttar Pradesh	26885/24/48/2011	203	Malfunctioning Pf Medical Professionals	300,000	16/12/2014	Proof of payment awaited
17	Uttar Pradesh	30596/24/3/2012-JCD	301	Custodial Death (Judicial)	100,000	02/01/2015	Proof of payment awaited



Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
18	Uttar Pradesh	31257/24/3/2013	203	Malfunctioning Of Medical Professionals	300,000	20/01/2015	Proof of payment awaited
19	Uttar Pradesh	33505/24/26/2012-JCD	301	Custodial Death (Judicial)	300,000	06/06/2014	Proof of payment awaited
20	Uttar Pradesh	38710/24/79/2013-WC	1903	Rape Of Sc/ St/ Obsc.	75,000	16/02/2015	Proof of payment awaited
21	Uttar Pradesh	39182/24/1/2012-AD	309	Alleged Custodial Death In Judicial Custody	100,000	16/02/2015	Proof of payment awaited
22	Uttar Pradesh	5581/24/72/2010	809	Alleged Physical Torture & Illegal Detention By Police	25,000	25/08/2014	Proof of payment awaited
23	Uttar Pradesh	6066/24/56/2014-AD	822	Alleged Custodial Death In Police Custody	500,000	18/03/2015	Proof of payment awaited
24	Uttar Pradesh	7876/24/54/2014	800	Police	100,000	12/08/2014	Proof of payment awaited
25	Bihar	2572/4/8/08-09-AD	1716	Alleged Custodial Death	500000	21-08-2013	Proof of payment awaited
26	Delhi	3500/30/0/2011	800	Police	100000	15-05-2013	Proof of payment awaited
27	Gujarat	1012/6/9/2011	202	Public Health Hazards	2500000	22-10-2013	Proof of payment awaited
28	Jharkhand	380/34/11/2010	1505	Inaction By The State Government/ Central Govt. officials	150000	18-12-2013	Proof of payment awaited
29	Maharashtra	558/13/11/08-09-PCD	807	Custodial Death (Police)	500000	01-01-2014	Proof of payment awaited
30	Rajasthan	1345/20/21/09-10-JCD	301	Custodial Death (Judicial)	300000	26-08-2013	Proof of payment awaited
31	Uttar Pradesh	14844/24/39/2010	203	Malfunctioning Of Medical Professionals	300000	25-09-2013	Proof of payment awaited
32	Uttar Pradesh	20804/24/24/2010	1202	Non-Payment Of Pension/ Compensation	50000	27-01-2014	Proof of payment awaited
33	Uttar Pradesh	2547/24/4/09-10-DH	108	Death In Judicial Custody	300000	27-09-2013	Proof of payment awaited
34	Uttar Pradesh	2655/24/34/2012-AD	822	Alleged Custodial Deaths In Police Custody	300000	31-03-2014	Proof of payment awaited
35	Uttar Pradesh	34188/24/72/2013	1901	Atrocities On SC/ ST/OBC	200000	26-11-2013	Proof of payment awaited
36	Uttar Pradesh	3656/24/2005-2006	813	Alleged Fake Encounters	500000	15-01-2014	Proof of payment awaited

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
37	Uttar Pradesh	39743/24/3/2010-ED	812	Death In Police Encounter	500000	03-04-2013	Proof of payment awaited
38	Uttar Pradesh	43024/24/2006-2007	812	Death In Police Encounter	500000	12-11-2013	Proof of payment awaited
39	Uttar Pradesh	43091/24/17/2012-WC	1311	Rape	50000	17-09-2013	Proof of payment awaited
40	Uttar Pradesh	53582/24/72/07-08	812	Death In Police Encounter	500000	19-12-2013	Proof of payment awaited
41	Uttar Pradesh	6855/24/56/2012	203	Malfunctioning Of Medical Professionals	300000	02-09-2013	Proof of payment awaited
42	Uttar Pradesh	8584/24/57/2012	814	Failure In Taking Lawful Action	1000000	12-02-2014	Proof of payment awaited
43	Uttarakhand	1597/35/2006-2007	813	Alleged Fake Encounters	500000	05-02-2014	Proof of payment awaited
44	Bihar	1817/4/32/2011	1505	Inaction By The State Government/ Central Govt. Officials	1400000	19/11/2012	Proof of payment awaited
45	Bihar	1818/4/1/2011	1505	Inaction By The State Government/ Central Govt. Officials	400000	30/08/2012	Proof of payment awaited
46	Delhi	5494/30/0/2010	1505	Inaction By The State Government/ Central Govt. Officials	900000	15/10/2012	Proof of payment awaited
47	Delhi	2843/30/1/2010	1505	Inaction By The State Government/ Central Govt. Officials	1,00,000	20.01.2012	Proof of payment awaited
48	Jammu & Kashmir	55/9/2003-2004-ad	822	Alleged Death In The Custody Of Jammu Police (Complaint)	5,00,000	19.08.2009	The State Govt. has challenged the recommendation of the Commission in the J & K High Court.
49	Jammu & Kashmir	206/9/2003-2004	1508	Damage Of House By The Govt. (Complaint)	2,00,000	23.11.2009	The State Govt. has challenged the recommendation of the Commission in the J & K High Court.



Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
50	Odisha	123/18/1999-2000	809	Alleged Physical Torture & Illegal Detention By Police	Disciplinary action	31.07.2000	The State Govt. has preferred writ petition No. O.J.C.No. 8776/2000 in the High Court of Orissa, against the recommendations of the Commission, which is pending consideration.
51	Punjab	377/19/8/09-10-JCD	301	Custodial Death (Judicial)	100000	30/11/2012	Proof of payment awaited
52	Uttar Pradesh	41459/24/1/2010	814	Failure In Taking Lawful Action	100000	28/03/2013	Proof of payment awaited
53	Uttar Pradesh	30217/24/2002-2003-cd	301	Death In Judicial Custody (Intimation)	10000	20.02.2008	Compliance report is awaited.
54	Assam	354/3/9/2013	1505	Inaction By The State Government/ Central Govt. officials	100000	29/10/2015	Proof of payment awaited
55	Bihar	180/4/26/2013	204	Irregularities In Govt.hospitals/ Primary Health Centres	300000	01/03/2016	Compliance report is awaited.
55	Bihar	180/4/26/2013	204	Irregularities In Govt.hospitals/ Primary Health Centres	300000	01/03/2016	Compliance report is awaited.
56	Bihar	1951/4/7/2012-JCD	301	Custodial Death (Judicial)	100000	30/10/2015	Ministry of Railways has challenged the recommendations in the High Court of Delhi , vide Writ Petition (Civil) No.1194/2017.
57	Chhattisgarh	835/33/14/2013-JCD	301	Custodial Death (Judicial)	100000	09/12/2015	Compliance report is awaited.
58	Delhi	1907/30/0/2011	1505	Inaction By The State Government/ Central Govt. officials	600000	05/05/2015	

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
59	Delhi	2315/30/10/2013	814	Failure In Taking Lawful Action	75000	04/11/2015	Proof of payment awaited
60	Delhi	2624/30/0/2013	804	Abuse Of Power	50000	22/06/2015	Compliance report is awaited.
61	Delhi	5755/30/6/2013	814	Failure In Taking Lawful Action	100000	24/02/2016	Proof of payment awaited
62	Haryana	1195/7/3/2014	815	False Implications	100000	24/06/2015	Compliance report is awaited.
63	Haryana	1572/7/19/2014	503	Trouble By Anti-Social Elements	900000	07/11/2015	Proof of payment awaited
64	Haryana	9267/7/17/2014	1505	Inaction By The State Government/ Central Govt. officials	200000	15/09/2015	Compliance report is awaited.
65	Jharkhand	1155/34/11/2013	804	Abuse Of Power	50000	11/06/2015	Proof of payment awaited
66	Jharkhand	1243/34/6/2013-PCD	807	Custodial Death (Police)	100000	10/12/2015	Compliance report is awaited.
67	Jharkhand	1276/34/7/2012-JCD	301	Custodial Death (Judicial)	300000	11/06/2015	Proof of payment awaited
68	Jharkhand	130/34/6/2014	203	Malfunctioning Of Medical Professionals	400000	10/12/2015	Compliance report is awaited.
69	Jharkhand	1383/34/5/2012-JCD	301	Custodial Death(Judicial)	300000	02/12/2015	Proof of payment awaited
70	Jharkhand	164/34/5/2013	305	Harassment Of Prisoners	100000	18/11/2015	Compliance report is awaited.
71	Jharkhand	550/34/20/2012	814	Failure In Taking Lawful Action	80000	08/03/2016	Proof of payment awaited
72	Jharkhand	984/34/15/08-09	804	Abuse Of Power	500000	06/05/2015	Ministry of Railways has challenged the recommendations in the Jharkhand High Court vide Writ Petition (Civil) No. 5974/2015
73	Madhya Pradesh	1598/12/2002-2003	1500	Miscellaneous	300000	02/07/2015	Proof of payment awaited
74	Madhya Pradesh	554/12/15/2015	1505	Inaction By The State Government/ Central Govt. officials	25000	24/02/2016	Compliance report is awaited.



Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
75	Madhya Pradesh	902/12/20/2013-PCD	807	Custodial Death (Police)	100000	28/10/2015	Proof of payment awaited
76	Maharashtra	2851/13/36/2015	204	Irregularities In Govt.hospitals/ Primary Health Centres	200000	06/01/2016	Compliance report is awaited.
77	Maharashtra	2852/13/3/2015	204	Irregularities In Govt.hospitals/ Primary Health Centres	25000	21/01/2016	Proof of payment awaited
78	Maharashtra	2855/13/36/2015	204	Irregularities In Govt.hospitals/ Primary Health Centres	50000	06/01/2016	Compliance report is awaited.
79	Maharashtra	2857/13/2/2015	203	Malfunctioning Of Medical Professionals	50000	06/01/2016	Proof of payment awaited
80	Odisha	1179/18/18/2014	1505	Inaction By The State Government/ Central Govt. officials	100000	10/02/2016	Compliance report is awaited.
81	Odisha	1760/18/24/2014	204	Irregularities In Govt.hospitals/ Primary Health Centres	100000	17/02/2016	Proof of payment awaited
82	Odisha	2296/18/28/2013-WC	1311	Rape	100000	19/08/2015	Compliance report is awaited.
83	Rajasthan	1617/20/26/2013-JCD	301	Custodial Death (Judicial)	100000	28/10/2015	Proof of payment awaited
84	Rajasthan	1651/20/2/2012	814	Failure In Taking Lawful Action	150000	22/07/2015	Compliance report is awaited.
85	Rajasthan	1766/20/2/2013	804	Abuse Of Power	300000	16/07/2015	Proof of payment awaited
86	Rajasthan	1904/20/14/2011-JCD	301	Custodial Death (Judicial)	50000	13/01/2016	Compliance report is awaited.
87	Telangana	1010/1/8/2013-WC	1301	Abduction, Rape And Murder	300000	18/11/2015	Proof of payment awaited
88	Tripura	8/23/5/2012	814	Failure In Taking Lawful Action	25000	30/11/2015	Compliance report is awaited.
89	Uttar Pradesh	12023/24/46/2013	814	Failure In Taking Lawful Action	25000	26/10/2015	Proof of payment awaited
90	Uttar Pradesh	24558/24/31/2013	817	Unlawful Detention	25000	25/06/2015	Compliance report is awaited.

Sl. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation	Remarks
91	Uttar Pradesh	25042/24/8/2014	814	Failure In Taking Lawful Action	25000	03/07/2015	Proof of payment awaited
92	Uttar Pradesh	29202/24/2006-2007-AD	822	Alleged Custodial Deaths In Police Custody	500000	24/06/2015	Compliance report is awaited.
93	Uttar Pradesh	34021/24/72/2013	814	Failure In Taking Lawful Action	300000	26/05/2015	Proof of payment awaited
94	Uttar Pradesh	39734/24/36/2013-WC	1304	Dowry Death Or Their Attempt	100000	19/08/2015	Compliance report is awaited.
95	Uttar Pradesh	39952/24/31/2012	1505	Inaction By The State Government/ Central Govt. officials	250000	02/06/2015	Proof of payment awaited
96	Uttar Pradesh	40059/24/43/2012	804	Abuse Of Power	100000	04/01/2016	Compliance report is awaited.
97	Uttar Pradesh	42106/24/6/2011-JCD	301	Custodial Death (Judicial)	300000	08/10/2015	Proof of payment awaited
98	Uttar Pradesh	43640/24/51/2013	817	Unlawful Detention	30000	08/09/2015	Compliance report is awaited.
99	Uttar Pradesh	43743/24/46/2012-WC	1307	Gang Rape	300000	06/07/2015	Proof of payment awaited
100	Uttar Pradesh	44142/24/5/2011	1200	Service Matters	50000	01/12/2015	Compliance report is awaited.
101	Uttar Pradesh	44241/24/72/2012	804	Abuse Of Power	50000	20/01/2016	Proof of payment awaited
102	Uttar Pradesh	44339/24/62/2013	814	Failure In Taking Lawful Action	300000	17/04/2015	Compliance report is awaited.



ABBREVIATIONS

AAV	:	Anthodya Anna Yojana
A.C.J.M.	:	Additional Chief Judicial Magistrate
Art.	:	Article
Arts.	:	Articles
ATR	:	Action Taken Report
ASI	:	Assistant Sub-Inspector
BPL	:	Below Poverty Line
CFNHRI	:	Commonwealth Forum of National Human Rights Institutions
COP 21	:	21st Conference of the Parties
CPCB	:	Central Pollution Control Board
Cr.P.C.	:	Criminal Procedure Code
CRPF	:	Central Reserve Police Force
DD	:	Daily Diary
DGP	:	Director General of Police
DM	:	District Magistrate
FIR	:	First Information Report
FSL	:	Forensic Science Laboratory
GANHRI	:	Global Alliance of National Human Rights Institutions
GD	:	General Diary
GPF	:	Gratuity Provident Fund
GRP	:	Government Railway Protection
HC	:	Head Constable
HQs./Hqrs.	:	Headquarters
ICC	:	International Coordinating Committee on Promotion and Protection of Human Rights
IO	:	Investigating Officer
I&PRO	:	Information & Public Relations Officer
IPC	:	Indian Penal Code
JCL	:	Juveniles in conflict with law
JJA	:	Juvenile Justice (Care & Protection of Children) Act, 2000
LFs	:	Linked Files
MER	:	Magisterial Enquiry Report

MGNREG Scheme	: Mahatma Gandhi National Rural
Employment Guarantee Scheme	
M/o	: Ministry of
NCR	: National Capital Region
NCRB	: National Crime Record Bureau
NCT	: National Capital Territory
OBC	: Other Backward Classes
PC & PNDT Act	: Pre-conception & Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
PD	: Physical Drill
PDS	: Public distribution system
PHR Act /PHRA	: Protection of Human Rights Act, 1993
P.S./PS	: Police Station
r/o	: resident of
r/w	: read with
RTE	: Right to Education
s/o	: son of
SC	: Scheduled Castes
SDM	: Sub-Divisional Magistrate
SHO	: Station House Officer
SMS	: Short Message Service
SOPs	: Standard Operating Procedures
SP	: Superintendent of Police
SSP	: Sr. Superintendent of Police
ST	: Scheduled Tribes
STF	: Special Task Force
UP	: Uttar Pradesh
u/s	: under section
w/o	: wife of



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