

# NHRC/RIGHTS GROUP - 2003

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1st Jan.

Protection of riot victims rights NHRC's achievement (1)

NEW DELHI, DEC. 31. The National Human Rights Commission has asserted that its biggest achievement this year was the protection of the rights of the riot victims in Gujarat following the Godhra train carnage. In its review on the 10th year of its existence, the Commission referred to a number of recommendations made to the Gujarat Government on law and order, relief camps, rehabilitation of the families affected by violence and on police reforms and said they had a telling effect on the State administration in taking steps to heal the wounds of the victims, particularly the minorities. Besides, the Commission had consistently taken the view that the right to a life with human dignity, enshrined in the Constitution, must result in strengthening of measures to ensure that the people, particularly those belonging to economically disadvantaged sections of society, had access to better and more comprehensive health facilities. (Hindu 1.1.03)

2nd Jan.

NHRC for amending Advocates Act to deal with sexual harassment (1)

NEW DELHI, JAN. 1. The National Human Rights Commission has underlined the need for amending the Advocates Act to provide for a mechanism to deal with complaints of "sexual harassment" in the legal profession. The Commission has suggested that till such time the Act is amended, the Bar Council of India and the State Bar Councils could set up a disciplinary committee to deal with cases of sexual harassment and accordingly co-opt an active senior woman advocate as Chairperson of the committee. (Hindu 2.1.03)

4th Jan

NHRC wants Bihar to probe fake encounter (1)

New Delhi: Taking serious note of a "fake encounter" in Bihar in which three persons were killed, the National Human Rights Commission on Friday asked the state government to investigate the matter as per the commission's guidelines and submit a report to it as soon as possible. The National Human Rights Commission also directed its D-G (investigation) to ascertain the facts of the case. NHRC chairman J.S. Verma asked the state chief secretary and D-G, police, to take appropriate action regarding the investigation into the case, keeping in mind the guidelines issued by the NHRC on the subject. The NHRC order demands a report on the action taken by the state police as per the procedure laid down by the commission while investigating such cases and a final outcome thereof as soon as possible. (Asian Age 4.1.03)

9th Jan

South Asian Forum asks NHRC to help Geelani (1)

New Delhi, Jan. 8: The first South Asian Forum held in Hyderabad recently has urged the NHRC to intervene and ensure that S.A.R. Geelani, one of the accused in the December 13 Parliament attack case facing death penalty, gets his right of a fair trial. "Mr Geelani is a citizen of India and he has a right to enforce his right to a fair trial under our Constitution," requested the forum in its letter to NHRC chairman J.S. Verma. Expressing apprehension over the reported Shiv Sena threats to Mr Ram Jethmalani, who has agreed to represent the December 13 accused in the Delhi high court, the forum contented that the Shiv Sena cannot interfere with Geelani's right to a free trial which provides for securing a lawyer of one's own choice. (Asian Age 9.1.03)

10th Jan

Birth control drive shouldn't hit human rights (1)

NEW DELHI, JANUARY 9: NATIONAL Human Rights Commission Chairman J.S. Verma today asked the Centre and the states to ensure that the population control measures do not violate human rights. He was speaking at a meet organised by the commission along with the UN Population Fund and the Union Health Ministry in the Capital. Criticising the coercive measures being followed in different states in order to promote birth control, Verma said that the "means are as important as the ends and we can't abandon them". Verma said that complaints of human rights violation have reached the commission and the colloquium linking population to development and human rights was being organized as an intervention. (Indian Express 10.1.03)

NHRC chief deplores tardy relief to Gujarat riot victims (1)

NEW DELHI, JAN. 9. The chairperson of the National Human Rights Commission (NHRC), Justice J.S. Verma, has deplored the tardy progress in providing relief to the riot victims of Gujarat. In an interview to The Hindu, Mr. Justice Verma, who is laying down office next week, said: "a lot more needs to be done and ought to have been done by the Gujarat Government". He was responding to a question whether the State Government had fully implemented the recommendations of the NHRC on providing relief to the riot victims. Mr. Justice Verma said he was happy that during his tenure from November 1999, he had strived to make the Commission an institution which could be looked up to by everyone. By and large, all its recommendations had been complied with by the various authorities, some immediately and some after a delay. (Hindu 10.1.03)

12<sup>th</sup> Jan

Some states using coercive birth control, says NHRC (1)

New Delhi, Jan. 11: The National Human Rights Commission chairperson Justice J.S. Verma lashed out at some states for adopting coercive birth control measures in defiance of the very spirit of human rights and the National Population Policy of India. Even the declaration adopted at the end of the two-day colloquium on Population Policy — Development and Human Rights by the department of family welfare, ministry of health and family welfare, the NHRC and the United Nations Population Fund, on Friday notes that some state population policies are defying human rights. (Asian Age 12.1.003)

13<sup>th</sup> Jan

Justice Anand's name in NHRC race (1)

NEW DELHI, JANUARY 12: THE quest for a replacement for National Human Rights Commission (NHRC) chairman Justice J S Verma — who retires shortly— has given Ram Jethmalani the opportunity to train his guns on one of his favourite targets: Justice Anand Sein Anand. Jethmalani wrote to Prime Minister Atal Behari Vajpayee last month objecting to the possible appointment of the former Chief Justice of India as NHRC chairman. Justice Anand and Justice B.N. Kirpal are tipped to succeed Justice Verma, who retires on January 18. (Indian Express 13.1.03)

15<sup>th</sup> Jan

Rights group slams US for backing Pak (1)

Washington, January 14: THE HUMAN Rights Watch has sharply criticised the US for its uncritical support to Pakistan President Pervez Musharraf in the name of fighting terrorism and disregarding his regime's human rights abuses. "To fight terrorism, you need the support of people in countries where the terrorists live. Cosying up to oppressive governments is hardly a way to build those alliances," it said and accused the United States of generating popular resentment in Pakistan by backing Musharraf to the hilt. In its World Report 2003, the New York-based group has faulted the Bush administration for overlooking Musharraf's draconian amendments last year to ensure "a military-controlled democracy". (Hindustan Times 15.1.03)

Use pressure for basic amenities, Shekhawat tells NHRC (1)

New Delhi: Vice-President Bhairon Singh Shekhawat on Tuesday asked the National Human Rights Commission (NHRC) to evolve methods to "pressurise" the government to provide basic amenities to the citizens. Speaking at the foundation stone-laying ceremony of the NHRC headquarters, Shekhawat said, "Any government which failed to safeguard the rights of its citizens was not for the people." Adding that human rights cannot be safeguarded by merely making laws, he asked the NHRC to work in association with the government to ensure a bright future for the country. The Vice-President also expressed concern

over the "failure" of governments to ensure basic amenities due to "lack of proper implementation of policies". (Times of India 15.1.03)

16<sup>th</sup> Jan

States violate most human rights: Verma (1)

New Delhi, Jan. 15: The National Human Rights Commission chairperson, Justice J.S Verma said on Wednesday the state was the human rights violator in most of the cases that have come before the commission. "It is the state which is a violator of human rights in maximum cases in the country. Most of the NHRC orders against human rights violations are directed at the states," observed Justice Verma. He, however, refused to comment on the role of the state in the imprisonment and release of Kashmir Times journalist Ifthikhar Gilani, who had been wrongfully implicated under the Official Secrets Act last year. Looking back at his five-year stint as NHRC chairperson ending on January 18, Justice Verma feels satisfied at not having missed any opportunity to protect human rights. Citing the commission's role in Gujarat, following the Godhra carnage in February 2002, Justice Verma said, "The NHRC's timely orders prevented a lot of activities which could have contributed to unrest in the state. (Asian Age 16.1.03)

Relief for Gilani? NHRC charman can't answer (1)

NEW DELHI, JANUARY 15: HE MAY have awarded Rs 10 lakh as compensation to Indian Space Research Organisation scientist S. Nambinarayan who was falsely implicated in an espionage case, but the National Human Rights Commission (NHRC) Chairman Justice J.S. Verma was today reluctant to say whether journalist Ifthikhar Gilani, also implicated falsely under the Official Secrets Act, is entitled to similar treatment. Justice Verma addressed the media for the last time before he retires from the NHRC on January 18. He released a teachers' handbook on eliminating discrimination based on sex, caste, religion, disability and related concerns at school level. He talked about how the state becomes the violator of human rights although it is the primary duty of the state itself to protect human rights. Verma refused to say whether the violation of Ifthikhar Gilani's human rights entitles him to compensation from the State. (Indian Express 16.1.03)

19<sup>th</sup> Jan

Human Rights Watch calls for arrest of envoy (1)

BEIRUT, Jan. 18. - An international human rights group has called for the arrest of an envoy of President Saddam Hussein who is touring Arab capitals, accusing him of genocide and crimes against humanity. Gen. Ali Hassan al-Majid, a cousin and confidant of Saddam, was today in Syria, where he held talks with its president on the looming US-Iraq confrontation. He is scheduled to visit Lebanon on Monday and Jordan afterward. In a statement e-mailed to The Associated Press in Beirut, Human Rights Watch said al-Majid should be prosecuted for directing a campaign in northern Iraq in the 1980s that led to the "murder and disappearance of some 100,000 Kurds and was marked by the use of chemical weapons." In the most publicised attack of the campaign, some 5,000 men, women and children were killed in Halabja in March 1988 after Iraqi government forces bombed and shelled the town with cyanide gas. (Statesman 19.1.03)

20<sup>th</sup> Jan

Fundamental rights in focus once again (1)

New Delhi: Vice President Bhairon Singh Shekhawat's criticism of the neglect of the needy by the Central and state governments has gone unheeded. Shekhawat even exhorted the NHRC to intervene and ensure that the authorities concerned acted in accordance with the Constitution.

Shekhawat has enlarged the ambit of NHRC. So far, the role of NHRC was considered to be limited to probing allegations of police excesses though some of its former heads such as M N Venkatachaliah and J.S. Verma had passed directive to restore basic fundamental rights to the needy. But NHRC's mandates remained on paper. (Times of India 20.1.03)

25<sup>th</sup> Jan

PUDR concern over missing activists (1)

NEW DELHI, JAN. 24. The People's Union for Democratic Rights has expressed concern over the safety of two Uttarkhand Kisan Sangathan activists who are reportedly missing since January 20 after their

release on bail by the Sub-Divisional Magistrate's Court at New Tehri. Kaiser Rana and Prithpal Singh Negi were taken away by plain-clothesmen from outside the court premises, the PUJDR alleged in a press statement here today. Both have been working amongst the people on the issue of rehabilitation in the submergence area of the Tehri dam. (Hindu 25.1.03)

26<sup>th</sup> Jan

Human rights panel notice to school over accident (1)

JAIPUR, JAN. 25. The Rajasthan State Human Rights Commission has come to the aid of a nine-year-old student who was seriously injured after being run over by a driverless school bus inside the premises of Vidyashram School here recently. The boy is completely bed-ridden with 70 per cent of his body in plaster for at least three months. The parents of the child, Aditya Gandhi -- in a petition submitted to the Commission -- have accused the school management of trying to hide the real cause of the accident and backing out of its commitment to meet the expenses of treatment. They have also alleged that the school authorities were terrorising the students and their parents sympathising with Aditya. (Hindu 26.1.03)

28<sup>th</sup> Jan

Kidney transplant scam: Punjab gets notice from NHRC (1)

New Delhi, Jan. 27: THE National Human Rights Commission (NHRC) today issued a notice to the Punjab Government on the state's kidney racket, exposed by a report in The Indian Express on January '19. Taking suo moto cognisance of the issue, the commission today sought a response from the Punjab Government in two weeks. NHRC had also received a letter on January 23 from senior advocates Ram Jethmalani, human rights activists Jawid Laiq, advocates Lataa Krisnamurti, Kamini Jaiswal and Ashok Kumar Singh with regard to the scam. The letter expressed shock over the The Indian Express report and called for the NHRC's intervention. (Indian Express 28.1.03)

Freedom from hunger a fundamental right: NHRC (1)

New Delhi: IN A recent directive to the State Governments and the Union Government, the National Human Rights Commission (NHRC) has held that there is a fundamental right to freedom from hunger. The commission has taken the view that the right to food is inherent to life with dignity and Article 21 of the Constitution of India, which guarantees a fundamental right to life and personal liberty should be read with Article 39(A) and 47, which underscore the nature of the obligations of the State in order to ensure the effective realisation of this right. The NHRC is thus of the view that starvation constitutes a gross denial and violation of the fundamental right to be free from hunger. (Pioneer 28.1.03)

30<sup>th</sup> Jan

NHRC notice to UP Govt in fake' encounter (1)

New Delhi: The National Human Rights Commission (NHRC) has issued notice to the UP government over the shooting of a medical college student last year. The student, Sonali Bose, was shot dead, allegedly by the police, in July. The NHRC has asked the government why the parents should not be paid Rs 5 lakh for violating the rights of an innocent citizen. The NHRC said the state government's earlier reply — that the three erring policemen were sent to jail and two others, who had been prima facie found guilty, had been suspended — was "untenable in law". The incident took place on July 17, 2002, when the Agra police allegedly shot dead Bose, an S N Medical College student, on the Agra-Mathura Road, when she was driving with a friend. Taking suo moto cognisance of media reports, the NHRC had asked the state chief secretary and the DGP to submit a report of the action taken in the case. (Times of India 30.1.03)

31<sup>st</sup> Jan

Human rights and wrongs (1)

JAIPUR, JAN. 30. In a far-reaching order, the Rajasthan State Human Rights Commission has widened the scope of human rights by holding the Municipal Council responsible for the death of a man riding a scooter who was knocked down by a bull on the road in Bikaner. The stray bull's horns pierced through the victim's neck and he succumbed to his injuries later in hospital. The Commission has directed the Municipal Council of Bikaner to pay an interim compensation of Rs. 1 lakh to the next of kin of Anil Vashishtha while holding that the civic body had failed to discharge its duty to remove public nuisance created by stray animals blocking roads and attacking passers-by. Anil Vashishtha's father, Shravan

Kumar Sharma, in a petition submitted to the Commission had pointed out that his 35-year-old son was the only earning member of the family and his death had deprived them of financial support. The accident occurred in July 2000 when a bull ran into Anil Vashishtha's scooter from the opposite direction on Gajner Road and he fell down and received severe injuries in his neck pierced by the bull's sharp horns. (Hindu, 31-12003)

3<sup>rd</sup> Feb

Orissa to have human rights panel (1)

BHUBANESWAR, FEB. 2. The Orissa Government has decided to set up a State Human Rights Commission. The State Cabinet, which met on Saturday, with the Chief Minister, Naveen Patnaik, presiding over the meeting, also approved of the creation of 23 posts in the Commission. The Commission will be headed by a retired Chief Justice of a High Court. (Hindu 3.2.03)

8<sup>th</sup> Feb

Rights panel seeks report on diagnostic centers (1)

JAIPUR, FEB. 7. The Rajasthan Human Rights Commission today directed the Collector of Sriganganagar to investigate into reports about some ultrasound centres in the town conducting sex determination tests of foetus, which has been banned. Taking cognisance of a complaint alleging that at least three diagnostic centres in Sriganganagar were indulging in this illegal practice in full knowledge of the Chief Medical and Health Officer, the Commission asked the Collector to probe the charge and submit a report by March 11. Om Prakash Sharma, chairman of the Committee Against Foeticide, had stated in his complaint that ultrasound centres in Sriganganagar were conducting 10 to 15 such tests daily and were "paying money to the CMHO", which protected them against any action. (Hindu 8.2.03)

13<sup>th</sup> Feb

Amnesty seeks U.N. open session on Iraq (1)

NEW DELHI, FEB. 12. Amnesty International has written to the U.N. Security Council to express concern that the likely impact of military action against Iraq had not received the attention it deserved and should be debated in an open session attended by all U.N. members. In a statement released here today, Amnesty said it was deeply concerned that the current human rights and humanitarian situation in Iraq might rapidly deteriorate in case of military action. "There is, therefore, a need for close scrutiny of, and expert advice on, the human rights situation in Iraq," it said. (Hindu 13.2.03)

Anand appointed NHRC chief (1)

NEW DELHI, FEB. 12. The President has appointed Justice A.S. Anand, retired Chief Justice of India, as Chairperson of the National Human Rights Commission to succeed Justice J. S. Verma, who retired last month. The President also appointed another retired Judge of the Supreme Court, K. T. Thomas, to fill the vacancy caused by the retirement of Justice K. Ramaswamy. However, the Commission has one more vacancy to be filled. A high-level committee headed by the Prime Minister, Atal Behari Vajpayee, at a meeting on January 27, cleared the names of Mr. Justice Anand and Mr. Justice Thomas and the former Chief Secretary of Madhya Pradesh, Nirmala Buch, for the three vacancies and sent them to the President. The former Law Minister, Ram Jethmalani, had earlier written to the Prime Minister, and the Deputy Prime Minister, L. K. Advani, not to appoint Mr. Justice Anand in view of the alleged controversy surrounding his date of birth. However, Mr. Jethmalani's campaign came to an end when the President cleared the former CJI's name for the post. (Hindu 13.2.03)

14<sup>th</sup> Feb

Tainted NHRC nominee left out (1)

New Delhi, Feb. 13: Nirmala Butch, a former chief secretary of Madhya Pradesh nominated to the National Human Rights Commission by the government, will not get the job. Butch had been indicted by a commission for dereliction of duty during the 1992 riots in Madhya Pradesh, where she was heading the administration. The human rights watchdog has been doing an excellent job since its inception about eight years ago. Though there were fears that it would work as the government's hand-maiden bailing it

out of uncomfortable situations, the NHRC has maintained an independent line. It is, therefore, vital that the chairman and members of the NHRC are men and women of impeccable reputation. The home ministry sent in Butch's name without checking her records. The file was cleared by the Prime Minister and the deputy Prime Minister and was on its way to the President, who..would make the appointment official, when someone decided to take a second look. (Telegraph 14.2.003)

17<sup>th</sup> Feb

Amnesty concern over border incidents (1)

DHAKA, FEB. 16. Amnesty International has expressed grave concern over the recent incidents on the India-Bangladesh border in which groups of people "whose nationality is disputed" have reportedly been subject to "push-in" and "push-out" attempts by security forces on both sides in the past few weeks. The organisation, in a statement, says, "such collective expulsions" without offering recourse to judicial remedy or appeal to the persons being expelled "appear to be arbitrary and to deny them their fundamental human rights". The statement came in the midst of the Indo-Bangladesh talks on the illegal immigration issue in Delhi. The human rights watchdog has urged both the governments to immediately halt the practice of "push-ins" and "push-outs". Amnesty International calls upon the governments to ensure that human rights of these and other affected people form a central part of the bilateral talks and reminds that safeguards to which they are entitled to should be upheld. (Hindu 17.2.03)

18<sup>th</sup> Feb

Will endeavour to preserve NHRC reputation: Anand (1)

NEW DELHI, FEB. 17. On his first day as National Human Rights Commission chairperson, former Chief Justice of India, A.S. Anand, said the Commission enjoyed enormous credibility in the country and it would be his endeavour to preserve its reputation. He agreed that some areas of the Human Rights Act needed amendment and he intended to pursue the matter vigorously.

The NHRC has said that there are inbuilt hurdles to its fulfilling the purpose for which it had been set up. One of these is that it lacks the power to investigate complaints of human rights abuse against the armed forces, which effectively. (The Hindu, 18-2-2003)

POTA has mechanism against misuse: Anand (1)

CONTRARY TO the views held by his predecessor Justice J S Verma, newly-appointed chairman of the National Human Rights Commission (NHRC) Justice A S Anand on Monday said the controversial POTA did have provisions to safeguard against its misuse. While assuming the charge of the new chairperson of the NHRC, Justice Anand said: "There are apprehensions that POTA can be misused. Any law can be misused. What we have to see is whether there is an in-built mechanism to safeguard the Act from being misused." Justice Anand said that the focus of human rights should be to uphold human dignity and civil, political, economic and social rights of the citizenry." The greatest challenges to human rights today are in ensuring the rights of the mother, the rights of the child as well as ensuring gender inequality. Human rights also come in focus in areas of custodial violence and where the rights of the vulnerable and the marginalised sections of society are concerned", said Justice Anand. (Pioneer 18.2.03)

19<sup>th</sup> Feb

NHRC notice to UP on poor state of health centers (1)

New Delhi, Feb. 18: Reacting to reports of health centres across Uttar Pradesh flouting norms pertaining to procedures like laparoscopy and sterilisation the National Human Rights Commission has demanded an explanation on the issue from the Uttar Pradesh government within four weeks. A notice to this effect was issued to the health secretary and director general, health, government of UP on Monday. Reports of health centres using crude equipment like bicycle pumps for laparoscopy in place of high precision equipment has evoked the commission's intervention. Taking suo moto cognisance of reports highlighting the crude methods at work in health centers across Uttar Pradesh the commission has noted that if the reports were correct, the matter was a very serious one. (Asian Age 19.2.03)

22<sup>nd</sup> Feb

NHRC notice to Centre and Jharkhand on Pota misuse. (1)

New Delhi, Feb. 21: The National Human Rights Commission has slapped a notice on the Jharkhand government and Union home ministry demanding an explanation on reports of misuse of Prevention of Terrorism Act in the state. The government has been asked to reply within a fortnight. The notice follows media reports alleging the misuse of POTA wherein a 12-year-old Gaya Singh and 81-year-old Rajnath Mahto have been arrested: for supporting Naxals. (Asian Age, 22-2-2003)

#### 21st March

Amnesty calls on US to protect rights of Iraqis (1)

London, March 20: With the onset of military action against Iraq, Amnesty International has demanded assurances from all parties — the US, its allies and Iraq — that they will respect the laws of war, protect civilians and ensure their access to humanitarian assistance. "Those who have launched the military attacks must take responsibility if their action provokes a human rights and humanitarian catastrophe. We fear it will disrupt delivery of essential services and supplies to a population heavily dependent on government aid, and could trigger a humanitarian catastrophe. They must make every effort to safeguard the people and alleviate human suffering," said Ms Irene Khan, secretary-general of Amnesty International. "Amnesty International believes there is a real risk that many civilians, including children, might die as a result of indiscriminate attacks, or use of prohibited weapons. (Asian Age 21.3.03)

NHRC prefers CBI inquiry into Muthanga incident (1)

NEW DELHI, MARCH 20. The National Human Rights Commission today rejected the reports from the Kerala Government about the police firing on Adivasis (tribals) in the Muthanga forest, Wayanad district. The Commission said that it was 'prima facie not satisfied with the reports' which relied on information from the officials whose conduct had been questioned. It has recommended an independent inquiry, "preferably by the CBI", into the incident. The NHRC had issued notice to the State Chief Secretary and the Director-General of Police, Kerala, on February 25 following a complaint about the firing (in which 16 persons are believed to have been killed) and the delay in delivering land promised to Adivasis by the State Government. The Commission received their reports earlier this month. (Hindu 21.3.03)

#### 22nd March

Rights abuse has Amnesty worried (1)

New Delhi: Concerned that the US attack against Iraq could trigger large-scale civilian casualties and human rights violations, Amnesty International on Thursday demanded assurances from US, its allies and Iraq that they would respect the laws of war, protect civilians and ensure their access to humanitarian assistance. "Those who have launched the hostilities must take responsibility if their action provokes a humanitarian catastrophe. We fear it will disrupt delivery of essential services and supplies to a population heavily dependent on government aid," Irene Khan, Amnesty secretary-general said. "They must make every effort to safeguard the people and alleviate human suffering," she added. "Amnesty believes there is a real risk that many civilians, including children, might die as a result of indiscriminate attacks or use of prohibited weapons," the statement said. (Times of India 22.3.03)

#### 23rd March

NHRC steps in, to conduct special probe (1)

New Delhi, March 22: Moved by the plight of the family of the four-year-old girl who was raped by a 26-year-old truck driver, identified as Billu, at BSS Colony in the Vasant Kunj area on March 17, the National Human Rights Commission has decided to hold an independent enquiry into the matter. The hardships faced by the victim's family because of penury and the stigma of rape and was reported in The Asian Age on Saturday. Acting on a plea of Mr Prithwish Sain, a social worker, on behalf of the victim's family, the commission has decided to investigate the matter on its own. An official of the law division in the NHRC said it was one of the rare cases where the commission has decided to have the matter investigated by its investigations department. (Asian Age 23.3.030)

J&K rights panel wants draconian laws withdrawn (1)

JAMMU, MARCH 22. Expressing "strong reservations" on the use of "draconian laws" in the State, the Jammu and Kashmir Human Rights Commission has called for their withdrawal. It said the continued application of the laws made the forces 'unaccountable', giving them full impunity.

This was against the International Treaties to which India is a signatory, the Commission said.

The Commission, formed during the National Conference regime in 1997, presented its annual report for 2001-2002 in the State Assembly expressing reservations against the continued use of the Armed Forces (Special Powers) Act. It said there was improvement in the overall situation in the disturbed areas but continued enforcement of the special laws made the forces unaccountable. (Hindu 23.3.03)

MMA poses a threat to civil liberties: report (1)

ISLAMABAD, MARCH 22. A report on Pakistan says that the emergence of the six-party religious alliance after the October general election posed a threat to civil liberties in the country. Besides, it urges the international community to monitor the cooperation of Pakistani military, paramilitary and intelligence forces in preventing jihadis from moving across the Pakistan-Afghanistan border and into Kashmir. In its report — "Pakistan: The Mullahs and the Military" — the International Crisis Group (ICG), a Brussels-based independent organisation involved in analytical reports on conflict zones, has some harsh words on the Muttahida Majlis-e-Amal (MMA) and the inaction of the Government in confronting religious zealots. It warns that the MMA threatens to undermine civil liberties, freedom of expression, legal reforms and religious tolerance. (Hindu 23.3.03)

27TH march

NHRC notice to Centre, J&K Govt. (1)

NEW DELHI, MARCH 26. The National Human Rights Commission (NHRC) has asked the Union and Jammu and Kashmir Governments to submit reports on the massacre of 24 Kashmiri Pandits in Nadimarg, which occurred "despite the presence of a police picket there." The NHRC also asked the Union Home Secretary and the Jammu and Kashmir Chief Secretary to provide details of the measures taken or planned to be taken to increase security of the Pandits in the State and to ameliorate the suffering of the families of those killed or traumatised. Taking a suo motu cognisance of the killings, the Commission said that such an "unspeakable act of violence/" was "deeply hostile to human rights, including the most fundamental of human rights — the right to life." (Hindu 27.3.03)

Gujarat violence rocks U.K. Parliament (1)

LONDON, MARCH 26. Even after a year, the Gujarat violence rocked the British Parliament with the Government saying that it had not received any response from India to its offer of the U.K. police assistance to probe the attack on four British nationals, two of whom died. Members expressed concern that the Gujarat Government had not had been able to bring to book those responsible for the attack on British nationals. Sharing their concern, the Parliamentary Un-der-Secretary of State for Foreign and Commonwealth Affairs, Mike O'Brien said Britain had offered the assistance of the U.K. police on several occasions to probe the incident, but it had not received any response from the Indian Government. (Hindu 27.3.03)

28th March

India-Amnesty row on biased view of carnage (1)

London: As the world remains focussed on the real and propaganda war in Iraq lower-grade but significant hostilities have erupted in a different theatre, with India accusing human rights group Amnesty International of a "mystifying reluctance to condemn (terrorism) in a black and white and a curious attempt to obfuscate the real issues involved in Sunday's tragic murder of 24 civilians in Jammu and Kashmir. In a strongly-worded rebuke, Navdeep Suri, Indian High Commission spokesman said Amnesty's condemnatory statement on the massacre further eroded its credibility by first dwelling on the fact that the terrorists wore Army fatigues and then trying to establish some bizarre form of moral equivalence between the actions of terrorists, the plight of victims and the responsibilities of government authorities (Times of India 28.3.03)

3RD April

NHRC hasty in clearing custody death cases (1)

New Delhi: Despite its oft-repeated concern for the growing number of custodial deaths, the National Human Rights Commission (NHRC) seems to be disposing of such cases with mechanical precision. This "assembly-line" approach is certainly producing 'results', but arguably at the expense of justice. Last year, the NHRC disposed of a mind-boggling 3,645 custodial death cases — up from only 163 between April 1, 1999, and March 31, 2000, and 121 cases in the same period in 2000-01. The figure for the number of cases in which the NHRC gave relief has come down substantially — from 266 cases in 1999-2000 to just 73 between April 1, 2002, and January 17, 2003. A tell-tale sign of the commission's rough-and-ready approach: the directions it issues in most of the cases closed by it are identical. (Times of India 3.4.03)

4<sup>th</sup> April

PUCL urges Supreme Court to quash Pota (1)

New Delhi: The People's Union for Civil Liberties (PUCL) on Thursday sought the quashing of the Prevention of Terrorism Act (Pota), saying it infringed the Fundamental Rights. Arguing before the Supreme Court, PUCL's counsel Rajinder Sachar said the provision of Pota, wherein the statement of an accused before the police is admissible as evidence, runs counter to basic rights under criminal law. Referring to the recent cases of misuse of Pota in some states, Sachar said the Act did not contain adequate safeguards to honour the Fundamental Rights of the citizens. To this, a Bench of Justices S Rajender Babu and G P Mathur, which is currently hearing a batch of petitions, including that of MDMK leader Vaiko, challenging the constitutional validity of Pota, said: 'Any law can be misused.' (Times of India 4.4.03)

22<sup>nd</sup> April

Probe ordered into illegal detention (1)

PHAGWARA, APRIL 21. The Punjab State Human Rights Commission today directed IG (Litigation) to probe the case of alleged illegal detention of two persons and framing them in a cooked-up case. The Commission Chairman, Justice N. C. Jain, had also sought its report in four weeks and fixed next date of hearing on July 1. Knocking the doors of the Commission, Mahant Parmanand, the Head of Dera Shri Guru Ravi Dass at nearby Chak Hakim village, alleged that 'some persons had lodged a complaint to the Deputy Commissioner in 1997 about a land case against him. The Administration constituted a committee without hearing his views. He got a stay in court. Under a conspiracy, a case against him and his son, Purshotam Lal, was registered at the Sadar police station on February 24 this year on charges of harvesting Dera crop with force. (Hindu 22.4.03)

28<sup>th</sup> April

NHRC notice to AIIMS Director (1)

NEW DELHI, APRIL 27. Taking cognisance of a complaint of a women employee of the country's prestigious All India Institute of Medical Sciences alleging "harassment, abuse and torture" at the hands of the Institute authorities, National Human Rights Commission has issued a notice to AIIMS Director seeking report on the matter by April 30. The Commission, which received a complaint by Kiran Lata Kaushik, a receptionist in the Protocol and Public Relations department of AIIMS alleging that her salary was stopped from December 2002 followed by her suspension in February this year as "premeditated agenda", issued a notice last week granting four weeks time to AIIMS authorities to respond. NHRC also asked the Director to take appropriate action into the matter and send the 'Action Taken Report' to it. The Complaint alleged misbehaviour by AIIMS Deputy Director (Administration) N Baijendra Kumar and Chief Administrative Officer (Hindu 28.4.03)

29<sup>th</sup> April

UP told to pay Rs 5 lakh to medico's family (1)

New Delhi: The National Human Rights Commission (NHRC) has ordered the UP government to pay interim relief of Rs 5 lakh to the family of Sonali Bose, a medical student, who was shot dead by the police in a case of mistaken identity near Agra last year. The state government felt that the relief amount was on the higher side. It contended that the killing was "due to negligence and over-enthusiastic action on the part of the police officers concerned". It informed the commission that Rs 25,000 had already been sanctioned to Bose's family and departmental action as well as criminal prosecution had been instituted against the guilty police officers. But the commission felt that a "life which is battered and shattered by the

action of the police, for which the state must be held vicariously responsible, cannot be compensated in terms of money". (Times of India 29.4.03)

3<sup>rd</sup> May

### Prisons filled with undertrials; NHRC

NEW DELHI, MAY 2. India's prisons are filled with undertrials, according to the National Human Rights Commission. Statistics compiled by its custodial justice cell reveal that 2,25,817 of 3,04,893 or 74.06 per cent of the total prison population, are those awaiting trial. The States and Union Territories that lead the list are Dadra and Nagar Haveli, whose entire prison population is comprised of undertrials, followed by Meghalaya with 94.66 per cent undertrials, Manipur with 92.19 per cent, Jammu and Kashmir with 91.67 per cent, Nagaland 89.87 per cent, Uttar Pradesh 87.37 per cent, Bihar 86.27 per cent, Jharkhand 83.24 per cent, Mizoram 79.14 per cent, Karnataka 79.34 per cent and Delhi 78.52 per cent undertrials. Andaman and Nicobar and Tamil Nadu recorded the lowest number of undertrials as a percentage of total prison populations with 24.05 per cent and 36.16 per cent respectively. (Hindu 3.5.03)

9<sup>th</sup> May

### NHRC directive to Punjab Govt.

NEW DELHI, MAY. 8. The National Human Rights Commission today gave the Punjab Government 10 weeks to file its responses in cases relating to people's disappearances and illegal cremations by police. The case has been before the NHRC since January 1997 following a 1996 direction of the Supreme Court empowering it to deal with the issue. The petitioners, the Committee for Information and Initiative on Punjab, had sought a comprehensive inquiry into the fate of thousands of persons who had "disappeared" in the State. At the second hearing in as many years, the NHRC chairperson, Justice A.S. Anand, brushed aside the Government's claim that it needed five more months to inspect and translate the records in CBI custody. He told the Government counsel, R.S. Suri, that the State had the resources to work at a faster pace. (Hindu 9.5.03)

15<sup>th</sup> May

### ***NHRC wants answers on J&K missing***

New Delhi: Disturbed over reports about the large number of disappeared people in J&K, the National Human Rights Commission on Wednesday asked the state government about its system of recording allegations of enforced or involuntary disappearances. The J&K government has also been asked to furnish details about the number of allegations of disappearances recorded by it, details of the system to investigate such allegations, and the results of such investigations. The state government will also have to write about measures being taken to prevent the occurrence of enforced or involuntary disappearances and measures being taken to bring to book those who may have been involved in such disappearances. (Times of India 15.5.03)

17<sup>th</sup> May

### Amnesty to probe claims of US torture

London, May 16: Amnesty International said on Friday that it is investigating claims that British and US troops tortured prisoners of war in Iraq. The human rights organization said it had gathered statements from 20 former detainees who said they had been kicked and beaten by soldiers while being interrogated. Some were civilians who were detained on suspicion of being Iraqi militia, amnesty told a news conference in central London. One Saudi Arabian national claimed he was tortured with electric shocks. There was no immediate response from Britain's ministry of defence or the Pentagon. Amnesty researcher said Mr Boumedouha, who returned to Britain on Thursday after a month in Iraq, said the group planned to present dossier of its findings to British and U.S. authorities. (Asian Age 17.5.03)

19<sup>th</sup> May

**Provide security to displaced people: NHRC tells J&K Govt.**

Jammu, May 18: The chairman of the National Human Rights Commission (NHRC), A.S. Anand, has asked the Jammu and Kashmir Government to provide security to the displaced people of the State and stressed the need to be sensitive to their problems. Mr. Anand, who was here on a two day visit, met a number of people and listened to their problems. The NHRC Chairman and former Chief Justice of India said, Creating civil disorder is a criminal activity and described it as rape of civilization. The commission is sensitive to the problems of the people of the State and will do its best to lessen their problems. (Hindu 19.5.03)

21<sup>st</sup> May

U.P. Govt. insensitive to rights violation cases: NHRC

New Delhi, May 20: The National Human Rights Commission today said that the Uttar Pradesh Government's conduct in respect of cases of violation of human rights of citizens in general and custodial crimes in particular was insensitive. The State Government had repeatedly refused to honour the principle of interim relief to victims of custodial violence. It lacked the requisite sensitivity on the issue, despite the fact that its attention had been repeatedly drawn to the authoritative judicial pronouncement which established the principles of compensation and the States obligation to pay it. The commission illustrated the U.P. Government's attitude with a recent case of custodial torture in Bulandshahar. (Hindu 21.5.03)

22<sup>nd</sup> May

*NHRC pulls up UP over human rights violations*

New Delhi: The National Human Rights Commission (NHRC) on Tuesday came down heavily on the Uttar Pradesh government for its insensitivity in cases of human rights' violation, in general, and custodial crimes, in particular". The commission also expressed anguish over the non-payment of relief to victims of such violation. Considering the response of the state government in the case of Zameer Ahmed Khan, an alleged victim of police torture, for whom the commission had recommended payment of Rs 20,000 as immediate interim relief, the NHRC said: "The state has conveniently forgotten the observations of the Supreme Court that custodial crime is perhaps one of the worst crimes in civilised society." The NHRC observed: "It is an obligation of the state to ensure that there is no infringement of the indefeasible rights of a citizen to life, except in accordance with law, while the citizen is in its custody." (Times of India 22.5.03)

23<sup>rd</sup> May

*NHRC calls for report on blacklisted Sikh NRIs*

NEW DELHI, MAY 22. The National Human Right Commission today issued notice to the Union Home Secretary asking for a report on Sikh NRIs who had been blacklisted and denied visas "even on humanitarian grounds." The Commission was acting on information from the national Commission for Minorities that a number of Sikh NRIs had been blacklisted by the Ministry of Home Affairs "for shouting slogans outside Indian Embassies in 1984 during the Golden Temple episode." The NHRC has asked the Home Secretary to report, in two weeks,, on the total number of Sikh NRIs who were blacklisted by the Ministry for the reason cited by the National Commission for Minorities, the date when the list was last revised and the possibility of its expeditious revision. (Hindu 23.5.03)

*NHRC Directives to Gujarat DGP*

The Commission directed the Gujarat Director-General of Police to report to it on measures it had taken to protect last year's violence victims and witnesses who had to depose either in court or before the Government-appointed Commission of Enquiry. In its directive, it asked "whether

any measures have been taken to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses" and if measures had been taken then the nature of that protection which would "enable them to depose freely and fearlessly." The directive comes in a week when survivors of the Best Bakery attack in Vadodara, who were the primary witnesses in the case, turned 'hostile' and Justice Nanavati, who heads the Commission of Enquiry told the media that he had so far not received any evidence implicating political leaders, Government officials, members of the VHP or the Bajrang Dal in last year's violence in which over 2,000 Muslims were killed. (Hindu 23.5.03)

29<sup>th</sup> May

### *Amnesty International slams India*

LONDON, MAY 28. Amnesty International, in its annual report released here today, has pointedly included India among the countries considered guilty of widespread human rights abuses, particularly relating to its religious minorities. The report, which focuses on the way the war against terrorism has been used by Governments around the world to curtail civil liberties, slams the Indian Government for "misusing" new anti-terrorist laws to "target" political dissent in areas of "armed conflict" — a reference to Jammu and Kashmir and "elsewhere". It also says that the constitutional right of the minorities in the country to live as equals was "increasingly undermined by both government and non-state actors" during 2002. "Religious minorities, particularly Muslims, were increasingly targeted for abuse," the report says and adds that the Indian authorities "failed" to protect the minorities from the communal violence which killed "hundreds" of people in Gujarat last year. India is repeatedly lumped with Pakistan, Bangladesh and other countries in the region where human rights abuses "worsened" in the name of fighting terrorism and cracking down on crime. "New and stringent security legislation which gives wide powers of arrest and detention to the police was misused to target political dissent in areas of armed conflict and elsewhere," it says referring to the sweeping powers acquired by the Vajpayee Government under the Prevention of Terrorism Act. (Hindu 29.5.03)

1<sup>ST</sup> June

### NHRC throws light on illegal cremation of Sikhs from 1984-95 (1)

New Delhi, June 1: The CBI, entrusted by the Supreme Court to investigate and fix responsibility for the killing and illegally cremating of thousands of Sikhs in Punjab between 1984-95, did more to cover up the case, observes the latest report filed by a human rights group, led by Mr Ram Narayan Kumar titled, *Reduced to Ashes: Insurgency and Human Rights in Punjab*. The first volume of the report of the Committee for Coordination on Disappearances in Punjab, released recently, is a painstaking work of over six years highlighting a total neglect of almost all institutions of democracy to inquire and fix responsibilities for the death of thousands of innocent sikhs alleged to have been killed by the Punjab police, specially between 1994 and 95. "On December 10, 1996, the CBI submitted its final and fifth report on the issue of police abductions and illegal disposal of bodies" says the report, adding, "the court order on December 12, 1996, disclosed 2098 illegal cremations, including 582 fully identified bodies, 278 partially identified and 1,238 unidentified, carried out by the state agencies at three crematoria of Amritsar district. (Asian Age 1.6.03)

### NHRC notice to NHAI, (A.P.) (1)

NEW DELHI, MAY 31. The National Human Rights Commission has issued notice to the National Highway Authority of India (NHAI) and the Chief Secretary, Andhra Pradesh Government, on a petition seeking immediate action to prevent frequent accidents on 'National Highway 5 —Tanuku' in West Godavari district. Acting on a complaint from social activist and president, Forum for Human and Social Rights, Pentapati Pullarao, the Commission has asked both the NHAI and the State Government to file an action taken report within six weeks. In his complaint, Dr. PulJarao has drawn the attention of the Commission to the nearly 75,000 deaths taking place in road accidents every year, besides over one lakh people suffered serious injuries. An economist, he had enclosed with the complaint a list containing statistics of accidents on this road from 1998 and safety measures to be followed by the NHAI and the State Government. The frequent accidents, he said, were because both the Centre and the State Government were not ; considering the rights of the people living near the roads or using the roads.

According to the rules, highways were to be built on a design allowing free access to nearby people. (Hindu 1.6.03)

5th June

NHRC orders probe into Dalit atrocity (1)

New Delhi: The National Human Rights Commission (NHRC) has asked its director-general (investigations) to conduct an inquiry into a case of an alleged atrocity on Dalits in a Haryana village, which subsequently led to the death of two persons. It was acting on a complaint by former Union home minister Buta Singh, former Haryana chief minister Bhajan Lal and former Haryana industry minister RKPunia. The three leaders had on Tuesday complained to the commission that 275 Dalit families of Harsola village had been mercilessly beaten up by members of the upper caste on February 10, 2003. According to them, the Dalits had organised a *bhajan* programme on February 6 which was disturbed by the upper caste youth of the village. After being driven away by the Dalits, they came back armed with lathis and iron rods and attacked the Dalits. (Times of India 5.6.03)

13th June

M.P. undermining importance of rights panel (1)

JUNE 12. The spokesman of the Pradesh unit of Bharatiya Janata Party, Kailash Vijayvargiya today accused Madhya Pradesh Government of undermining the importance of the State Human Rights Commission by continuously neglecting its recommendations and not tabling its annual reports in the Assembly. Addressing a press conference here today, Mr. Vijayvargiya said that the Madhya Pradesh Government has not tabled the reports of the State Human Rights Commission in the Assembly after 1994. This is a poor commentary on the working of a Government that claims to be fully transparent and goes on advocating the cause of people's right to information, he added. The fact that the State Human Rights Commission reports have not been tabled in the House for the last so many years is a serious matter since all reports submitted to the Government are supposed to be presented in the House within nine months, said Mr. Vijayvargiya adding that the State Government has deliberately kept the people's representatives in the dark by violating their right to information. (Hindu 13.6.03)

NHRC urged to probe disappearances in Punjab (1)

NEW YORK, JUNE 12. The National Human Rights Commission (NHRC) must fulfil its mandate to investigate "forced disappearances" in Punjab, the Human Rights Watch said on Tuesday. Six years ago, the Supreme Court directed the NHRC to investigate 2,097 cases of illegal cremation in Punjab's Amritsar district. The NHRC is yet to hear testimony even in a single case. The Human Rights Watch commended the 'Committee for Coordination of Disappearances in Punjab (CCDP)', a Punjab-based human rights organization for its 634 page report documenting 672 of the disappearance cases currently pending before the NHRC. The first volume of the report, *Reduced to Ashes: The insurgency and Human Rights in Punjab*, is based on six years of research and was released in the United States on Wednesday. Ending State impunity for abuses in Punjab must become a priority," said Smita Narula, senior researcher for South Asia at the Human Rights Watch. "The NHRC has shown great courage and leadership with its work on the 2002 massacres in Gujarat. We hope it will do the same in Punjab." (Hindu 13.6.03)

17th June

SHRC begins probe into Abhinav's death (1)

CHENNAI, JUNE 16: In their battle for justice, the parents of Ramu Abhinav, a Standard X student of a city school, who committed suicide last Thursday, following alleged harassment by the staff, today moved the State Human Rights Commission seeking to recommend to the Government severe action against the management, "which was responsible for the death". Taking cognisance of the complaint, the commission member, S. Sambandham, directed P.K. Kamil Basha, inspector, and G. Vasudevan, sub-inspector, attached to the rights body's investigation wing, to go into the matter. They have taken up a probe. In their complaint, Sarangapani and P.S. Chandrika, said Ramu Abhinav (16), their only son, was attending classes regularly in the Velammal Matriculation Higher Secondary School at Mogappair. On previous occasions also, Abhinav complained that he had been severely beaten up for small and minor mistakes. The parents said they reported the matter to the school authorities and requested them to desist from "brutal activities"; but the treatment continued not only for their son but also for other pupils. (Hindu 17.6.03)

18th June

#### TN human rights panel probes student's suicide (1)

Chennai, June 17: The Tamil Nadu Human Rights Commission has launched probe into the circumstances leading to the suicide of school student Ramu Abhinav following complaints from his parents that he was driven to the extreme step by the corporal punishment inflicted on him by his math teacher. The 16-year-old tenth class student of Velanimal Matriculation Higher Secondary School in Chennai was found hanging in his house last Thursday. That was two days after celebrating his birthday, leaving behind a suicide note scribbled on a handkerchief saying he was committing suicide as he hated going to the school. Following a complaint from the parents, the police arrested the teacher Kannappan for allegedly beating Abhinav as he had missed the special classes on his birthday and scored poor marks in the class test in mathematics.

The boys parents Sarangapani and Chandrika also petitioned the State Human Rights Commission, demanding action against the school management as well. The Commission member S. Sambandhan directed inspector P.K. Kammal Basha and sub-inspector G. Vasudevan attached to the commission's investigation wing, to conduct an enquiry. The two visited the parents at their home and also talked to some other students to verify the corporal punishment charge. (Asian Age 18.6.03)

10<sup>th</sup> June

#### NHRC hauls up UP Govt on illegal detention (1)

New Delhi: For the first time, the NHRC Thursday invoked powers of a civil court and asked the UP chief secretary to appear before the commission on July 28 in an illegal detention case of one Lal Chandra. The NHRC has been vested with powers of a civil court under section 13 of the Protection of Human Rights Act, 1993. According to the complaint by Chandra, he was illegally detained on a false charge of several offences, including murder, in Sant Kabir Nagar district in 1999 and kept till March 2000. He was later released when it was found that the man he was accused of having allegedly murdered was alive. The NHRC decided that those responsible for Chandra's illegal detention and false prosecution were liable to be proceeded against in accordance with law as well as pay compensation to the victim. The police report sent to the NHRC revealed that no thorough investigation had been conducted which led to Chandra going to jail. Two sub-inspectors were suspended and the investigation officer said that the two can be prosecuted. However, due to lack of sanction for prosecution, the matter was closed and submitted to the court which accepted it. (Times of India 20.6.03)

1<sup>st</sup> July

#### Detention of Iraqis violates international law: Amnesty (1)

Baghdad, June 30: Amnesty International said on Monday it has gathered evidence that points to US violations of international law by subjecting Iraqi prisoners to "cruel, inhuman or degrading" conditions at its detention centres here. The report coincides with a two-day United Nations conference on human rights that began in Baghdad on Monday. The conference, which focuses on abuses committed during the rule of Mr Saddam Hussein, will coordinate investigations into the regime's alleged killings of some 300,000 Iraqis. New York-based Amnesty International said hundreds of Iraqis held at US-run tent camps and former Iraqi government prisons have been denied the right to see families or lawyers or have a judge review their detention. The prisoners include those suspected of looting and other crimes as well as political suspects, including former high-ranking members of Mr Saddam's regime. Iraqis released from US detention reported having wrists tightly bound with plastic handcuffs and sometimes denied water and access to a toilet in the first night of arrest. Amnesty said its investigators saw numerous ex-detainees with wrists still scarred by the cuffs a month after their arrests. (Asian Age 1.7.03)

#### NHRC fiat to Gujarat on Best Bakery case verdict (1)

NEW DELHI, JUNE 30. The National Human Rights Commission today directed the Gujarat Government to state what steps it intended to take against the acquittal of all 21 accused in the Best Bakery case. Responding to media reports on the verdict, the Commission directed the Gujarat Chief secretary "to forward within one week a copy of the judgment of the trial court (and) also inform the Commission what steps, if any, the Government of Gujarat is preparing to take against the order of acquittal". This is the third intervention by the NHRC in this case. In its report on the Godhra carnage last year, the NHRC recommended that the CBI investigate the killing of 14 persons on March 1, 2001 in Best Bakery in Vadodra's Hangman Tekri area. Earlier this month, responding to media reports that the majority of witnesses/survivors had turned hostile, the Commission had directed the Director-General of Police to

provide protection to witnesses/survivors so that they depose before courts and the Government-appointed commission of inquiry without fear. (Hindu 1.7.03)

3<sup>rd</sup> July

Best Bakery farce: NHRC says re-open (1)

NEW DELHI, JULY 2: DR Adarsh Sen Anand, former Chief Justice of India and chairman of the National Human Rights Commission (NHRC) today came out openly against the acquittal of Best Bakery accused by a fast track court in Vadodara and said the case should be re-investigated. "This was not justice but miscarriage of justice," Dr Anand told The Indian Express. "The right to life is important but equally important is the right to redressal and remedy," he said. "Nobody would deny that 14 persons were burnt alive and property worth lakhs was looted and destroyed at Best Bakery. These are simple facts which can be investigated anytime and followed by a fresh trial," Anand said. NHRC, he said, had at the outset asked the Gujarat government to go in for a CBI investigation in the case. Anand said the Gujarat government must go for an appeal to the High Court against the acquittal of all the 21 accused. If the state dithers, any of the relatives of the victims could do the same. In that case, the High Court, sometimes, could order fresh investigations in the case and it would automatically lead to a fresh trial. (Indian Express 3.7.03)

4<sup>th</sup> July

NHRC sends team to study Best case (1)

NEW DELHI, A DAY after National Human Rights Commission (NHRC) chairman Dr Adarsh Sen Anand termed the acquittal of all the accused in the Best Bakery case as a "miscarriage of justice", the Commission sent a team to Vadodara today to examine the judgement of the trial court in the case. "Keeping in view the seriousness of the issue involved in the order of acquittal in the Best Bakery case, the Commission considers it appropriate to immediately depute a team to Vadodara to inspect the records of the case, examine the judgement and all other relevant materials," an NHRC order said on Thursday. Registrar general Ajit Bharioke, DIG (investigations) Sudhir Chowdhary and Special Rapporteur P.G.J. Nampoothiri are the three senior functionaries of NHRC in the team. Nampoothiri had been based in Ahmedabad after NHRC's initial intervention in Gujarat after the riots. The team is expected to submit its report within a week. The Commission has empowered the three-member team to associate a local lawyer in Vadodara. (Indian Express 4.7.03)

NHRC sends team to Vadodara (1)

NEW DELHI, JULY 3. The National Human Rights Commission has deputed a team to Vadodra to make its own assessment of the Best Bakery case. In a statement, the NHRC said that in view of the "seriousness of the issue involved in the order of acquittal" in the case, it had decided to depute its own team to "inspect the records of the case, examine the judgment and all other relevant materials". The report will be submitted in a week. The team comprises the NHRC registrar, Ajit Bharioke, its DIG (Investigation), Sudhir Chowdhary, its Special Rapporteur in Gujarat, P.G.I. Nampoothri. The team may associate any local lawyer in consultation with the Special Rapporteur. (Hindu 4.7.03)

NHRC notice to Tumkur police (1)

TUMKUR, JULY 3. The National Human Rights Commission (NHRC) has issued a notice to Tumkur police on alleged harassment of a hotel worker in custody at New Extension Police Station here in September or October 2002. The Secretary of the Tumkur District Human Rights Centre and advocate, S.C.Rajku-mar, said in a press release here on Thursday that Manjunath of Hirekerur in Haveri District was working in Kalyan Bhavan Hotel here, when police picked him up along with Vasanth Kumar, who allegedly died in police lock-up on October 4, 2002. Mr. Rajkumar said on December 10, 2002 a meeting was organised in Bangalore as a part of the Human Rights Day. H.G.Balakrishna, retired judge, presided over it. The case of Manjunath was presented at the meeting, and, the South Indian Human Rights Centre lodged a complaint with NHRC. (Hindu 4.7.03)

6<sup>th</sup> July

NY rights body: Gujarat efforts appalling (1)

New Delhi, July 5: After examining the record of state and national authorities in bringing perpetrators to justice and in providing humanitarian relief to victims and people displaced by the Gujarat riots in 2002, the New York-based Human Rights Watch, one of the world's largest human rights organisation, has called

the state government's efforts "appalling." Urging the Central government to take over cases of large-scale killings where, it alleged, the Gujarat government has sabotaged investigations, the human rights watchdog in its latest 70-page report has said: "Despite overwhelming evidence implicating police officers and members of Hindu nationalist groups, including the BJP, not a single case connected to Godhra and its aftermath has resulted in a conviction. "Most cases are languishing due to the state's failure while many have already been dismissed because of the prosecution's failure to collect and record evidence. Living conditions for many Muslims displaced by the violence, have continued/to be grossly inadequate. Promised financial assistance has only trickled in, forcing many victims back to the scene of the crime where their tormentors remain at large. And the government has done little to curb insidious discrimination against Muslims that has proliferated in Gujarat's marketplaces and offices since the massacres." (Asian Age 6.7.03)

7<sup>th</sup> July

NHRC summons on corporal punishment (1)

NEW DELHI, JULY 6. Concerned over reports of corporal punishment to school children, the National Human Rights Commission (NHRC) has directed the Education Secretary in the Delhi Government as well as Director of Primary Education in the Municipal Corporation of Delhi to appear before it on July 30 to discuss the issue. Taking serious note of a complaint of corporal punishment meted out to a 12-year student by a teacher, the Commission has said in a recent order that it would be "appropriate" to have a discussion with the senior officials of the education department on the corporal punishment to children and the rules framed under the Delhi Education Act 1973. The Commission had received a complaint alleging that Aarti Saroj, a student of Class VI in Government Co-Educational Senior Secondary School, Mukherjee Nagar, here was beaten by her class teacher and had received grievous injuries. The Commission took cognizance of the complaint and forwarded it to the Education Secretary for appropriate action. A report from the Education Secretary denied the allegations. (Hindu 7.7.03)

9<sup>th</sup> July

NHRC team to submit Best report in a week (1)

Vadodara: The special team of the National Human Rights Commission will give a report on its findings on the acquittal of all the 21 accused in the Best Bakery case in a week's time. The three-man team arrived here on Tuesday to study legal documents relating to the case even as the judge who gave the controversial judgment on June 27 proceeded on leave. Ajit Bharioke, who is heading the team, said they would go back to the NHRC with the documents pertaining to the case. "The Commission will then take a decision on the future course of action," he said. Bharioke said a report would be prepared by the NHRC after studying the documents. He said that the commission had collected the copies of the police reports on the case. "Also, we have taken copies of the records of the trial." Several political workers had gathered at the Circuit House here to meet the team members. However, the team got straight to its business without meeting any of them. (Times of India 9.7.03)

Wimpy staff kin plan to move NHRC (1)

NEW DELHI, JULY 8. The kin of five employees of Wimpy International Limited who were picked up by the Punjab police from various parts of the Capital on June 14 are planning to approach the National Human Rights Commission alleging that their arrests were made without following proper procedures. Speaking at a press conference here today, Ved Prakash Gupta, the relative of R.K. Gupta who was among those picked up by the Punjab Police, alleged that the team which conducted the so-called operation did not reveal their real intentions. "Seeking cooperation, the Punjab policemen claimed that they were taking the five to Kai-lash Colony office of Wimpy for questioning pertaining to a case. They did not show any arrest or search warrants," he said. The relatives of the five Wimpy employees -- R.K. Gupta, Y.P. Dhawan, Sanjeev Kul-shreshtha, Harjinder Singh and Devendar Singh — alleged that the Punjab police were harassing them unnecessarily. (Hindu 9.7.03)

10<sup>th</sup> July

Best Bakery case: Amnesty blames Centre (1)

NEW DELHI, JULY 9. The Amnesty International said today that the conduct of the Best Bakery case showed that the Central Government "lacked" the commitment to ensure that justice was rendered to the victims of communal violence and that India's criminal justice system also did not appear able to deliver

justice. In a statement, the Amnesty said the circumstances surrounding the acquittal of 21 persons accused of murder in the case confirmed its "worst fears about the lack of government commitment to ensuring justice to the victims of communal violence in Gujarat". It said: "unless effective measures are taken by the authorities to ensure impartiality of the investigation and prosecution processes, justice will not be assured. The Amnesty said that during the Gujarat violence, the Government dismissed international expressions of concern as interference. (Hindu 10.7.03)

12<sup>th</sup> July

Orissa rights panel becomes operational (1)

BHUBANESWAR, JULY 11. The Orissa Human Rights Commission became operational today with Justice Debapriya Mahapatra, former Judge of the Supreme Court, taking oath as its Chairman. The Governor, M.M. Ra-jendran, administered the oath of office and secrecy to Mr. Justice Mahapatra and the former State Chief Secretary, Sudhanshu Mohan Patnaik, as its member, at Raj Bhavan today. The Chief Minister, Naveen Patnaik, the Assembly Speaker, Sarat Kumar Kar, and other dignitaries were present. The five-member Commission, set up in April this year, will be headquartered in Bhubaneswar. Its other three members will be appointed soon. (Hindu 12.7.03)

13<sup>th</sup> July

Zahira moves NHRC, seeks to reopen case (1)

New Delhi, July 12: The prime witness in the Best Bakery Case, 19-year-old Zahira Sheikh, has approached the National Human Rights Commission to have the case reopened. In a statement made before the commission on Friday, Ms Zahira reiterated that she had retracted in the trial court from her earlier statements as she was under threat. It was on Friday that Zahira flew down from Mumbai and deposed before the NHRC in Delhi. In a statement made before the full commission headed by the NHRC chairperson Justice A.S. Anand, Ms Zahira said that under threat to her life and the life of the remaining members of the family, she had resiled in the trial court from her earlier statements in the Best Bakery carnage in Vadodra. She has sought the help of the commission to reopen the Best Bakery case. While her statement has been placed on record, the commission has decided to have all the records of the case examined by some eminent lawyers for their advice on the future course of action. Ms Zahira Sheikh, the prime complainant in the Best Bakery case, had admitted a few days back that her statement before the court was false and that she wanted the case to be reopened and the trial held out side Gujrat. (Asian Age 13.7.03)

17<sup>th</sup> July

Rights groups cry foul over custody death in Manipur (1)

GUWAHATI, JULY 16: THE alleged "custodial death" of Ningthoujam Mangoljao alias Sanjib (39) publicity secretary of the underground Revolutionary People's Front (RPF), last week has rocked Manipur with various human rights organisations writing to the National Human rights Commission (NHRC) to send an inquiry team. L. Pardeshi, convenor of Committee on Human Rights (COHR) a leading rights group of the state said from Imphal there was proof that police had picked up Mangoljao on July 6. His body was later recovered from the Nambul river. Giving an account of the incident, he said two persons who were arrested with Mangoljao had given testimony that was "enough" to corner the police. Pardeshi said Mangoljao was arrested with Asem Inaoba (42) and Oinam Dilipkumar (44), both of Imphal, from the Lamphelpat area outside the capital. "Dilipkumar and Inaoba were travelling in their car when a youth sought a lift. Soon after they were stopped by some Manipur Police commandos who separated Mangoljao from the two. They were blindfolded and put in another vehicle," Pardeshi said. (Indian Express 17.7.03)

NHRC rates undertrials' plight in state prisons (1)

NEW DELHI, JULY 16: THE prisons of Delhi, Chhattisgarh and Jharkhand are the most crowded ones while Rajasthan and Jammu and Kashmir have less jailbirds. These facts have come to light in a survey conducted by the National Human Rights Commission (NHRC).

Delhi's jails are brimming— with 217 per cent "overcrowding"— most of them being undertrials. The survey revealed that Arunachal Pradesh has no prison while Lakshadweep offers an ideal situation where only 16 prisoners, the exact permitted number, have been lodged. "Overcrowding throws every system out of gear and is found to be the root cause of the deplorable conditions in our jails," says NHRC chairman

A.S. Anand. In a letter to all High Court Chief Justices, Anand said the Commission had found that in most states, jails are "overcrowded, standards of sanitation and hygiene is poor, medical facilities are inadequate and overall atmosphere is depressingly sad". Asking the Judiciary to address this problem, Justice Anand has proposed fast track courts inside prisons for the benefit of undertrials, which alone will help decongest the prisons. (Indian Express 17.7.03)

18<sup>th</sup> July

NHRC concern over plight of undertrials (1)

NEW DELHI, JULY 17. The National Human Rights Commission (NHRC) has expressed concern over the plight of under-trial prisoners and suggested regular holding of special courts in jails and their monitoring by the Chief Justice/senior judges of High Courts. Pointing out that 75 per cent of the prisoners are under-trials, the Commission has suggested monthly review of such cases, releases on personal bonds and visits of district and sessions judge to the jails. The suggestions are contained in a letter from the Chairperson of the Commission, Justice A.S. Anand to the Chief Justices of High Courts. The Commission has found that a number of under-trials are languishing in jails even after being granted bail, simply because they are unable to raise sureties. Mr. Justice Anand has suggested that these cases be reviewed after 6 to 8 weeks to consider their suitability for release on personal bonds, especially in cases when they are first offenders and the punishment is also less than 2/3 years. "Slow progress of cases in courts and the operation of the system of bail to the disadvantage of the poor and illiterate prisoners is responsible for the pathetic plight of these forgotten souls who continue to suffer all the hardships of incarceration although their guilt is yet to be established," Mr. Justice Anand has observed. (Hindu 18.7.03)

2<sup>nd</sup> Aug

Sikh Forum wants NHRC to review 84 riot's case (1)

New Delhi, Aug. 1: Taking a cue from the Best Bakery case, a Sikh organisation has asked the National Human Rights Commission to take up a 1984 anti-Sikh riots case in which Congress leader H.K.L. Bhagat was acquitted. In a letter to NHRC chairman Justice A.S.- Anand, the Sikh Forum regretted that the Delhi government did not file any appeal in the case and the victim's wife, Ms Darshan Kaur, was forced to approach the Delhi high court against additional sessions judge Manju Goel's order passed on December 20, 2000. (Asian Age 2.8.03)

4<sup>th</sup> Aug

The NHRC effect: Is our justice system the Best ? (1)

New Delhi: The NHRC's unprecedented move to seek reinvestigation and retrial of the Best Bakery carnage case raises crucial issues for the criminal justice system. A Vadodara fast track court had acquitted all the 21 accused in the carnage which took place during the post-Godhra riots in Gujarat last year. Whatever may be the outcome of the NHRC's decision, the fact remains that a former SC chief justice A S Anand and a retired apex court justice Sujata V Manohar have found a prima facie case to seek redressal for the riot victims. The commission sent a team to Vadodra and other areas to ascertain the reasons for the acquittal of the accused. It read the trial court's judgment and recorded statements of some witnesses who couldn't speak the truth earlier as they had been intimidated by vested interests. (Times of India 4.8.03)

NHRC to probe reasons for rape case acquittals (1)

New Delhi, Aug. 3: Alarmed at the "high rate" of acquittal in rape cases, the National Human Rights Commission is conducting a survey in the national capital to find out the "real reasons" behind most of the accused going scot-free. During the survey, conducted by the Institute of Social Sciences — a nodal agency appointed by the commission to collect the data — a questionnaire is given to the judicial officials, public prosecutors and investigating officers to elicit their views on why a person accused of rape was usually acquitted by the court. The survey on the "trafficking of women and children" aims to identify the loopholes in the course of investigation and subsequent addressal of the issue. The survey seeks to find out the problems faced by the victim in the hospitals, police station and the court. It also wants to know about instances where the authorities felt that the acquittal was unjustified and why the victim often retracts her statement against the accused. (Asian Age 4.8.03)

#### NHRC notice to Andhra, Orissa Govts (1)

BHUBANESWAR, AUGUST 3 : THE National Human Rights Commission (NHRC) has issued notice to Orissa and Andhra Pradesh governments over a complaint that a large number of innocent people were being picked up by the Andhra police in the bordering districts of Orissa on suspicion of being Naxalites. The notices issued to the Directors General of Police of both states are to be replied within four weeks containing the requisite information, official sources said. The NHRC had issued the notices on the complaint received from a human rights activist Biswapriya Kanungo who had alleged that Dasuram Mallick, a tribal poet, had been picked up by Andhra police from Rayagada town of Orissa. A citizens' committee, which had inquired into the matter, had alleged that a large number of innocent people taken into custody on suspicion of their being Naxalites were lodged in jails of Andhra Pradesh for months without trial. (Indian Express 4.8.03)

#### Mumbai NGOs start chain email to stop Mandela trip to Modi Gujarat (1)

Mumbai, Aug. 3: Non-governmental organisations in Mumbai have launched an email campaign to dissuade former South African President Nelson Mandela from visiting Gujarat. The Gujarat government's Khadi Gram Udyog Board has invited Dr Mandela to attend the Gandhi Jayanti celebrations at Porbandar on October 2 this year. The Gandhi Jayanti celebrations are a part of the elaborate state-organised Navratri celebrations beginning on September 25. The Democratic Secular Front, the Pakistan-India People's Forum for Peace and Democracy, Sahmat and several members of other NGOs have already sent emails to Dr Mandela as well as to Gandhiji's granddaughter Ela Gandhi urging that the hero of the anti-apartheid movement not attend the function. "If Nelson Mandela attends the function it will give credibility and respectability to the Narendra Modi government. The government has undertaken this exercise purely to salvage its image as Mandela has always professed that he believes in the Gandhian philosophy. Hence he should not come to Gujarat. If, however, he does decide to come for the programme then from the dais, which will also be shared by Modi, he must condemn the Gujarat government for its role in the genocide," said Mr Jaain Desai, convenor of the Democratic Secular Front. (Asian Age 4.8.03)

5th Aug

#### Rights wronged in PoK UN told (1)

New Delhi: Large scale human rights violations in Pakistan-occupied Kashmir (PoK) and in Gilgit-Baltistan have been pointed out in reports and submissions made before the UN Sub-Commission on the Promotion and Protection of Human Rights, being held in Geneva. Sources told The Times of India that some of the reports even alleged that the Pakistan government was implementing a concerted plan, according to which the people of Gilgit-Baltistan were being reduced to a minority by violating the State Subject Rule, under which no outsider can either settle down or buy property in any area of Jammu and Kashmir. However, the Pakistani rulers are violating this law and allowing people from outside to settle there so that the Kashmiris are turned into a minority, it was alleged. Sardar Shaukat Ali Kashmiri, a PoK leader, said: "PoK continues to be ruled by the despotic nominees of Pakistan. Gilgit-Baltistan, or Northern Territories as they are called by Pakistan, remain without any constitutional status and their people are denied self-rule.

"Political activists standing up for the rights of the people are harassed, imprisoned and tortured as happened recently when an attempt was made on the life of Balawaristan National Front leader Nawaz Khan Naji by a group of policemen who fired at him in Ghizer district." (Times of India 5.8.03)

6th Aug

#### Opp grills BJP for NHRC Jibe, Agro MoS for fumbling (1)

NEW DELHI, AUGUST 5: THE issue of the BJP's criticism of the NHRC dominated the Lok Sabha proceedings during question hour today with heated exchanges between the NDA and Opposition members. Samajwadi Party member Ramji Lal Suman raised the issue, pointing out that BJP's VK Malhotra had "called the NHRC, a constitutional body, anti-Hindu". Suman alleged that all the 21 accused in the Best Bakery case had been acquitted by a court due to the "negligence" of the Gujarat government. He said BJP president M. Venkaiah Naidu, Malhotra and Gujarat Chief Minister Narendra Modi had not only criticised the constitutional body but had said its petition in the Supreme Court for a fresh trial of the accused outside Gujarat posed "a serious threat to country's federal structure". He said: "Their conduct

should be condemned by the House. They should apologise for criticising the Commission." Several Opposition members got up in his support. They were challenged by BJP members who almost shouted him down. Congress deputy leader Shivraj Patil sought a categorical answer from Malhotra whether or not he had called the NHRC anti-Hindu. (Indian Express 6.8.03)

21<sup>st</sup> Aug

NHRC rescues sick undertrial from jail (1)

NEW DELHI, AUG. 20. The National Human Rights Commission has rescued an undertrial prisoner, languishing for 18 years in Tihar Jail and suffering from multiple health problems, and transferred him to a hospital. The plight of the prisoner, Charanjit Singh, in jail from October 1985 was brought to the notice of the Commission by the Director-General of Prisons, Delhi. It was pointed out by him in February last that he had already spent 18 years in jail and even if he were convicted, his case would have been placed before the Government for premature release. Acting swiftly, the Commission got an application filed in the Delhi High Court seeking quashing of the trial against the prisoner in view of the inordinate delay in coming to a conclusion. Pursuant to the Commission's efforts, the Vidyasagar Institute of Mental Health and Neuroscience (VIMHANS) agreed to extend medical facilities to Charanjit Singh free of cost. Also, after VIMHANS certified the condition of the patient to be stable, Help Age India had offered to accommodate him in their home without charging any expenses. (Hindu 21.8.030)

25<sup>th</sup> Aug

NHRC writes to PM on scavenging (1)

New Delhi, Aug. 24: National Human Rights Commission has urged the Prime Minister to instruct the concerned agencies to immediately end the manual scavenging practice within a specific time frame. The NHRC, concerned about the "demeaning" and "degrading" practice of manual scavenging in various parts of the country, has also written to the Prime Minister on the issue, NHRC chairman Justice (Retd) A.S. Anand, stated in a written communication to the Prime Minister, "Despite your assurances that the need to end the practice of manual scavenging was included as part of the 15-point initiative on 15 August 2002, it is a sad commentary that the inhuman practice still continues in several states." He said, "The practice of manual scavenging in an affront to human dignity and a major social evil which needs to be eliminated." The commission was deeply concerned about the degrading practice of manual handling of night soil. The NHRC had been "writing to you as well as to the chief minister of respective states to put a end to this socially degrading age-old practice." (Asian Age 25.8.03)

27<sup>th</sup> Aug

NHRC signs MoU with Canadian panel, IGNOU (1)

New Delhi, Aug 26: Joining hands with its Canadian counterpart and Indira Gandhi National Open University, National Human Rights Commission has decided to take up a project seeking to build capacity of legal practioners, disability rights and human rights activists to address problems of discrimination, marginalisation and exclusion of persons with disability. An MoU was signed here today between NHRC Secretary General P.S.S Thomas and IGNOU Vice Chancellor H.P. Dikshit, a NHRC release said, adding it will now be sent to the Canadian Human Rights Commission for its stamp. (Indian Express 27.8.03)

29<sup>th</sup> Aug

Rights group, police clash on village defence groups (1)

Ranchi: RIGHTS GROUPS and police are facing off on the killing of 13 Naxalites by the Nagrik Suraksha Samiti (NSS) in Dumaria block of Jamshedpur district. The People's Union for Civil Liberty (PUCL) has questioned the killing of activists of the banned People's War group (PWG) by the members of the NSS. The organisation has prepared a report after visiting the block and sent it to National Human Rights Commission (NHRC), cautioning it to take preventive measures to stop such killings in the future. In it's report PUCL has charged that the NSS was formed to fight Naxalites, has political and economic interests and some of the members of the group have a criminal background. They have demanded that an FIR should be lodged against the NSS members for killing the Naxalites. It said that the police is allowing NSS members to take the law in their hands and is inciting the people against the rebels. We oppose the way the PWG activists were killed. They were unarmed when they were killed, said Shanshibushan Pathak, general secretary of PUCL. (Pioneer 29.8.03)

4<sup>th</sup> September

New MHRC head (1)

Imphal: Former Chief Justice of the Himachal Pradesh high court Justice W.A. Shishak took over as chairman of the Manipur Human Rights Commission on Wednesday. The commission would examine in detail all cases about human rights violation, Justice Shishak said after taking over. (Asian Age 4.9.03)

9<sup>th</sup> September

Amnesty to India: Talk to Sharon on Human rights (1)

New Delhi, Sept. 8: Hours before the arrival of Israeli Prime Minister Ariel Sharon to India, Amnesty International on Monday asked the Indian government to take up the issue of alleged human rights violation of Palestinian citizens, illegal occupation of its territories by Israel and their construction of a 217-mile fence, consuming almost half the West Bank. According to the rights group, Israel's security barrier, an electronic fence topped with razor wire and a cement wall will have serious economic and social consequences for more than 200,000 Palestinians. Israel however claims the project is aimed at stopping Palestinian militant groups from sending suicide bombers into its territory. "India should seek explanation from Mr Sharon about the illegal occupation and incidents of human rights violation in Palestinian territories. Hundreds of thousands of Palestinians cannot be made to pay for the crimes of a handful of individuals. Any restrictions on the movement of people and goods should be imposed only in relation to a specific security threat and if they are non-discriminatory, necessary and proportionate in scope and duration," said AI's India head, Vijay Nagraj while releasing the report called "Israel occupied territories: Surviving under siege." (Asian Age 9.9.03)

19<sup>th</sup> September

Amnesty for rejection of Malimath panel report (1)

NEW DELHI, SEPT. 18. Amnesty International has called for an outright rejection of the report of the Malimath Committee on reforms of the Criminal Justice System. The international human rights organisation said, "the report was politically expedient and unmindful of human rights principles, and failed to address the systemic failings of the criminal justice system." Announcing the publication of its hundred-page review of the Malimath committee report, the Amnesty's Vijay Nagraj said the "committee was more concerned with securing easier convictions than making the criminal justice system more just." The report, he said, spent three pages discussing the role of Pakistan in promoting terrorism, but was largely silent on the criminalisation of poverty and the criminal justice system's failure to protect the human rights of the poor, Dalits, minorities and other vulnerable sections of society. In doing so, the committee had ignored the injustices suffered by at least 50 per cent of the people of India, who also form the majority of those entering the criminal justice system. (Hindu 19..9.03)

Names of 355 Sikh NRIs are removed from visa blacklist (1)

New Delhi: The National Human Rights Commission (NHRC) said on Thursday that the names of 355 Sikh NRIs, who were allegedly blacklisted due to adverse activities following the 1984 Golden Temple episode and denied visas to visit India, have been removed from the list. The National Human Rights Commission initiated action on the basis of a letter received by Tarlochan Singh, chairman of the National Commission for Minorities. The letter pointed out that despite humanitarian grounds, certain Sikh NRIs had been denied visas because they were allegedly blacklisted by the Union home ministry for their "adverse" activities. In May, the NHRC issued a notice to the home ministry and sought information on the total number of Sikh NRIs who were blacklisted, the date when the list was last revised, the current status of the list and the possibility of its expeditious revision. In its report last month, the ministry said there were 489 names in the 1998-99 list of persons of Indian origin holding foreign citizenship who were to be denied visas to visit the country. The ministry informed the NHRC that the list was reviewed from time to time and the last deletion was issued on July 28,2003. (Times of India 19.9.03)

20<sup>th</sup> September

Rights panel issues notice to bad Boys (1)

CHENNAI, SEPTEMBER 19: FOLLOWING strong objections by school principals to controversial Tamil film Boys, the TamilNadu State Human Rights Commission (SHRC) has issued notices to film director

Sankar, Producer AM. Rathinam, the Central Board for Film Certification and I&B ministry. Boys was censored at Hyderabad and it was the opinion of the principals that this film hurts dignity and morality of youth, more particularly the women folk," SHRC member S. Sambandham said in his notice. Principals of some schools had drawn the attention of the Commission to certain portions of the film, including obscene gestures and dialogues, at an SHRC seminar last week and pointed out that the film had set a bad example for the younger generation. They had also wondered how the Censor Board had given its nod to the film, As per Section 2(d) of the Protection of Human Rights Act, 1993, dignity is a human right and any violation in its enjoyment will attract Section 12 of the Act," Sambandham said and pointed out: "Not only violation of human rights but also negligence in preventing such violations comes within the purview of Section 12." (Indian Express 20.9.03)

#### Human Rights body pulls up J&K (1)

New Delhi, Sept. 19: The National Human Rights Commission has pulled up the Jammu and Kashmir government for the "disappearance" of people taken into custody by the security forces.

In addition, it has asked the defence ministry to investigate and comment within a month on a newspaper report on the death of a just-married 22-year old man, whose body was returned to his family three days after he had been taken into custody by the Army. The Army told the family that he was acting as their guide and had died in an explosion at a militant camp. The NHRC had received a list of "disappeared persons" in Jammu and Kashmir from a voluntary organisation. It had sent it to the state chief secretary, asking for comments on each person in the list within eight weeks. It also asked the state government a series of questions: on the nature of its system to record and investigate allegations of enforced or involuntary disappearances; the number of such allegations and the results so far of their investigations; the measures taken to prevent disappearances; and the measures to bring to book those who were involved in such cases. The reply sent by the state government to the commission on July 28 did not answer these queries, the NHRC said. "The National Human Rights Commission took an adverse view of the unsatisfactory and vague reply," the commission said on Friday. It has asked the state to send a detailed reply now within six weeks, "specifically" answering all issues raised by it. (Asian Age 20.9.03)

#### 21<sup>st</sup> September

##### Amnesty criticizes change in criminal justice system (1)

London, Sept. 20: Amnesty International has issued a strong criticism of India's attempts to reform the criminal justice system. "There is no doubt that reforms of the criminal justice system in India are long overdue, but the recommendations made recently by a government-appointed committee represent an extremely narrow interpretation of the problems which ail the system and a set of solutions which ignore fundamental human rights safeguards," Amnesty International said here on Friday. In a report commenting on recommendations made by the Malimath Committee to the Centre in April this year, Amnesty International has highlighted the fact that they ignore international human rights standards which establish a framework for human rights protection within criminal justice systems throughout the world, and also fails to address a vast range of important concerns about the current functioning of the criminal justice system in India. "The discriminatory functioning of the criminal justice system has not been properly addressed. Instead, the committee's proposals risk further discrimination and miscarriages of justice." Six days ago the Supreme Court had severely criticised the state government of Gujarat for failing to provide justice to victims of communal violence which took place there in 2002. (Asian Age 21.9.03)

#### 25<sup>TH</sup> September

##### NGO takes up farmer suicides with the NHRC (1)

Bangalore, Sept. 24: The South India Cell for Human Rights has appealed to the National Human Rights Commission to constitute an independent panel to look into the issue of farmer suicides in Karnataka. In its formal complaint sent to the NHRC last week, Sichrem said that over 200 small and medium farmers have committed suicide since April this year owing to crop failure and mounting debts. This crisis required an adequate response to prevent more farmers from killing themselves in the state, Sichrem said while stressing the need for a strong and focused strategy and action in this regard. It has appealed to the NHRC to set up a panel which can conduct an inquiry into the farmer suicides and probe the critical issue of how the administration failed to anticipate such a crisis and counter it with effective speed. The panel could also act as an advisory body to the government on preventive measures and monitor all governmental action undertaken for preventing farmer suicides in the state, Sichrem said. The government's

intervention in this matter has failed to effectively curb the suicides, according to Sichrem. It referred to the recent announcement of a Rs 856-crore package for waiving the interest on long term loans for horticultural crops and co operative short term loans for the Rabi crop in 2002. The package has however failed to take into account the small and marginal farmers who are victimised by moneylenders and ultimately commit suicide, it said. The state government's proposed ordinance fixing the rate of interest by moneylenders has a major lacunae in that the ordinance can only apply to registered moneylenders. (Asian Age 25.9.03)

#### NHRC calls for report from Andhra in 4 weeks (1)

New Delhi, Sept. 24: The National Human Rights Commission on Wednesday issued notices to Andhra Pradesh Government, based on media reports, and sought response from the state government within four weeks. Acting on media reports, the NHRC took suo motu cognisance of two "serious" incidents concerning the employment of a child by an IAS officer in Andhra Pradesh and the gangrape of a child in Punjab and sought reports into the cases from the respective state governments within four weeks. In respect of the case relating to Andhra Pradesh, the NHRC forwarded a press report, titled "IAS officer's help, 10, tried to poison him," to the state chief secretary, state director-general of police and to the secretary of department of personnel and training in Central government for their comments in four weeks. According to the news report, the Banjara Hills police registered a criminal case against a minor boy, employed as a servant at a senior IAS officer's residence. However, the police did not register a case against the official for breach of the Child Labour Act, it said. (Asian Age 25.9.03)

30<sup>TH</sup> September

#### NHRC orders inquiry into suicide by family (1)

NEW DELHI, SEPT. 29. The National Human Rights Commission has asked its Special Rapporteur, K.R. Venugopal, to conduct an on-the-spot inquiry into the suicide by a family of six members in Koppal district and send a report within four weeks to it. This decision was taken at a recent meeting of the Full Commission in response to a complaint from Kodandaramaiah, a former MP, and others. The petitioners pointed out that the State was facing drought for the third year in a row. Though there were reports that about 150 farmers committed suicide every year in the last three years due to their inability to repay loans and interest on them, they alleged that the Government had not waived interest or postponed recovery of loans. They have referred to a case of mass suicide due to poverty that took place on July 31 this year in Makta Rampura village in Kushtagi taluk of Koppal district. There was a family consisting of a father, mother, four sons and four daughters. It had four acres of "D" Class land in the village which in the best of times would yield one crop of jowar, which was less than sufficient for their subsistence. Due to continued malnutrition, the members of the family had been disheartened. (Hindu 30.9.03)

1<sup>ST</sup> October

#### AIIMS gets an NHRC poser (1)

New Delhi, September 30: THE NHRC today asked the AIIMS director to explain why the authorities refused to admit NSG commando Surjan Singh, who was seriously injured in the Akshardham attack. AIIMS had reportedly refused to admit Singh, who has been in a state of coma in a Gujarat hospital, to its ICU due to paucity of beds. Taking note of this, NHRC chairman A.S. Anand has asked the AIIMS director to give an explanation. (Indian Express 1.10.03)

2<sup>nd</sup> October

#### PUCL plea to Singapore President (1)

CHENNAI, OCT. 1. The People's Union for Civil Liberties has urged the Singapore President, S.R. Nathan, to grant clemency to a migrant Indian worker who is to be executed there on October 3. In a memorandum to Mr. Nathan, the PUCL (Tamil Nadu and Pondicherry) prayed that he pardon Arunprakash Vaithilingam, who, in an inebriated condition, stabbed and killed his co-worker and flat-mate, Lourdusamy Lenin Selvanayagam, also an Indian, in a quarrel, on December 22, 2001. The PUCL drew the President's attention to certain "mitigating factors" in the case. It said that Vaithilingam had rushed the victim to a hospital when he realised that he had stabbed him with a kitchen knife. "Would this be the conduct of a person whose intention was to murder Lenin?" it asked. The group pointed out that the Singapore High Court had held that the "quarrel was sudden". The accused also had no history of

anti-social activities and a death sentence should take into account the criminality of the offender and his past record. (Hindu 2.10.03)

#### NHRC notice to Centre over Army excesses in Shopian (1)

Srinagar, October 1: THE NATIONAL Human Rights Commission (NHRC) has issued notices to the Central and state governments, seeking explanation on the alleged molestation and harassment of girl students by the Army in the Shopian quarter of south Kashmir. On a complaint submitted by leading human rights activist and lawyer, C.B. Vinod, the Commission asked the secretary, Government of India, Defence Ministry and Jammu and Kashmir's director general of police to submit a report within four weeks of their receiving notices. The NHRC warned it would "take such action as it deems proper" in case of default by the governments. Vinod, who heads the National Centre for Advocacy Studies, had drawn the attention of the NHRC towards a news item published on June 10 in the Hindustan Times. It was reported that on June 9, during the checking of passenger buses, troops camping at Choudhary Gund outside Shopian had attempted to take some students of the Women's College and Girls Higher Secondary School inside the camp. On resistance from the girls, the troops allegedly beat them. They also tore apart the clothes of a girl student who had slapped a jawan. This had provoked massive protest demonstrations, which were quelled by police firing in which four people were injured. The Commission took note of the complaint and on August 18 called for an investigation report from the defence secretary and the Kashmir Police chief. (Hindustan Times 2.10.03)

3<sup>rd</sup> October

#### Rights body to move SC for Pakistani prisoner's release (1)

Chandigarh, October 2: SAJID BASHIR, a Pakistani journalist languishing in Central Jail Jaipur since August 1991, has written to a human rights organisation seeking its help for his release and deportation. On the basis of his letter, the organisation is now filing a Public Interest Litigation in the Supreme Court seeking directions for setting up of a permanent and effective structure for deportation of Pakistani prisoners like Bashir. Bashir in his letter to the city based World Human Rights Protection Council has said that there are at least 20 other Pakistani prisoners like him in jails of Rajasthan, who have already served their sentence after they were detained for having strayed into India. Bashir's letter further stated that he had been jailed for the last 12 years though he had already served his sentence. He mentioned that several Indians were also languishing in Pakistani prisons and had not been repatriated as the governments of both countries wanted to use prisoners like him for political and diplomatic bargaining. (Hindustan Times 3.10.03)

#### Akalis to take 100 false cases to NHRC (1)

CHANDIGARH, OCTOBER 2: A DELEGATION led by former CM Parkash Singh Badal will present to the NHRC tomorrow as many as 100 "false cases" registered against their workers by the Capt Amarinder Singh government. Interestingly, Badal's son, Sukhbir Badal, has already been asked to appear before the Economic Offences Wing (EO/V) of the Vigilance Bureau tomorrow, but he has declined, saying he would make himself available to the Vigilance on October 8 along with his father. The 100 cases have been selected from almost all the Punjab districts and range from charges of looting, extortion and kidnapping to cases under the Narcotic Drugs and Psycho-tropic Substances Act. The Akali Dal subcommittee, headed by former SGPC chief Kirpal Singh Badungar, has prepared the case. Interestingly, the 100-string list omits some very obvious cases like the charge of sedition against Narottam Singh Dhillon, a relative (if Badal, about which even Amarinder had expressed severe doubts. The accused in these cases range from former ministers to Akali sarpanches and even village-level workers. (Indian Express 3.10.03)

#### NHRC issues notice to AIIMS, LNJP (1)

New Delhi: The National Human Rights Commission has issued notices to the medical superintendents of All India Institute of Medical Sciences and Lok Nayak Hospital following a complaint by an HIV positive kidney patient. The complainant, Ashok (name changed), had alleged he was denied treatment by the hospitals as he was HIV positive. The two hospitals are specialised institutions for treating HIV positive patients. The Commission has now asked both hospitals to furnish Ashok's medical investigation report within four weeks. Ashok claimed, he also went to Ram Manohar Lohia Hospital, Safdarjung Hospital and Guru Teg Bahadur Hospital for help. "We may seek replies from these hospitals as well," said a NHRC official. He said doctors in the Lok Nayak hospital offered to get me financial help from a NGO if I got

myself treated at a private hospital. "A dialysis at a private hospital costs Rs 5,000 — three times more than the cost at a government hospital," he said. (Times of India 3.10.03)

#### NHRC to put Punjab cases on fast track (1)

New Delhi, Oct 2: Worried about the delay in settling the Punjab mass cremation cases, the National Human Rights Commission is trying to put at least a few of them on the fast track. The NHRC bench hearing the cases has now urged the counsels for the Punjab government and those representing the victims to cooperate on some of the cases on which there was no dispute — apparently both sides agree that the people died in police custody. Compensation could be paid in these cases within this month, the bench headed by NHRC chairman A.S. Anand observed in its last hearing on Tuesday. The mass cremations case began with a petition by the Human Rights Wing of the Akali Dal saying that over 2000 bodies were declared unclaimed and secretly cremated by the Punjab police during the years the state fought militancy. (Asian Age 3.10.03)

4<sup>th</sup> October

#### SAD seeks NHRC help (1)

New Delhi: THE SHIROMANI Akali Dal (SAD) on Friday approached the National Human Rights Commission (NHRC) to look into the alleged "political vendetta and repression" perpetrated by the Congress Government in Punjab against its workers and leaders. A delegation of five MPs and 45 MLAs, led by former Punjab Chief Minister Prakash Singh Badal, submitted a 176-page petition to NHRC chairman Justice A S Anand, and urged him to take steps to stay investigations on "pre-determined lines", and lodging of "politically-motivated" cases by the State Government. "It is further prayed that appropriate action be recommended against all those guilty of registering false cases, or attempting to create false evidence and otherwise violating fundamental rights," the petition said. Mr Badal told reporters that Justice Anand gave a patient hearing and assured the delegation that "appropriate action" would be taken. "We have full faith in judiciary and institutions like the NHRC and we hope to get justice from them," he said, adding that the party would continue its "political fight" against the State Government. (Pioneer 4.10.03)

6<sup>th</sup> October

#### NHRC gets petitions to stop Chins eviction (1)

NEW DELHI, OCTOBER 5: THE National Human Rights Commission has received two petitions seeking its intervention to direct the Mizoram government to restrain local groups from violating the basic human rights of the Chins of Myanmar by seeking their forcible eviction. The Chins had left their country decades ago to escape discrimination and settled in Mizoram. Political groups and youth wings have now given them the ultimatum to go out of the state. The incident was triggered off following the rape of a local girl allegedly by a person of Chin ethnicity. Though the offender had been arrested, "the local groups with vested political interests have used the incident to incite people against Chins," petitioner Philip Jadhav said. The other petition on the same issue pending before the NHRC was filed by NGO called Friends of Burma. Of a total of 72 village councils in the state, 29 have already taken action and all the Chins living there have been forced to move back to Myanmar. Saying that safety of about 50,000 people of Chin ethnicity living in Mizoram is threatened, the petitioner pointed that "the duty of the state as well as Centre to take immediate action." (Indian Express 6.10.03)

10<sup>th</sup> October

#### NHRC acts on Badal's charge on Amarinder (1)

New Delhi, Oct. 9: The National Human Rights Commission has taken note of former Punjab chief minister Prakash Singh Badal's complaint that the Punjab government was harassing him and his family with "fake" corruption charges. The commission has asked the state to come up with its version. Last week, Mr Badal — and several legislators from his Shiromani Akali Dal — had visited the NHRC office here with a 176-page petition alleging political vendetta by Punjab chief minister Amarinder Singh against his family members party leaders. The Punjab vigilance bureau has been investigating into assets owned by them. The petition was considered by the full bench of the commission. It has now sent copies of the Akali Dal complaint to the Punjab chief secretary and its police chief, and asked them to come up with their comments within three weeks. The NHRC action has been announced on a day when the state vigilance bureau questioned Mr Badal's son, Mr Sukhbir Singh. (Asian Age 10.10.03)

11<sup>th</sup> October

Human rights panel orders compensation in asylum death (1)

JAIPUR, OCT. 10. The Rajasthan State Human Rights Commission today directed the State Government to pay Rs. 50,000 as compensation to the next of kin of one of the two inmates of the Government Psychiatric Centre who were burnt to death by another inmate in July this year. The direction coincides with the World Mental Health Day today. The two inmates of the mental asylum here were burnt alive by another inmate — with a criminal record — who was suffering from paranoid disorder and schizophrenia without any apparent motive. The charred bodies were found wrapped under a heap of burning mattresses in a store of the psychiatric centre on July 2.

The Commission's full quorum, headed by the Chairperson, Justice Syed Sagheer Ahmed, in an 11-page order, held the mental hospital's administration directly responsible for the lapses and negligence resulting in the death of Sovik (34), who was brought to the centre from Bhilwara by his relatives, and Kalu (38), a lunatic spotted wandering in Bharatpur. "The State Government's Medical and Health Department also has to own the overall responsibility for safety and security of the inmates," the Commission observed, while taking note of a report of the Special Secretary, Health, admitting all the vital facts establishing gross negligence by the Government officials. Since the authorities could not confirm the antecedents of Kalu, the Commission clarified that the order for payment of compensation would apply only to Sovik's case, as his mother and brother were dependent on him. "With Sovik's death, the hope that he would resume his role as the family supporter after being free from his mental disorder has gone," it stated. (Hindu 11.10.030)

NHRC notice to J&K Govt. (1)

NEW DELHI, OCT. 10. The National Human Rights Commission has sought a report from the Director-General of Police, Jammu and Kashmir, asking whether any compensation, exgratia or otherwise, has been paid to the next of kin of Vaishno Devi pilgrims killed in a terrorist attack on July 20, 2003. The Commission had taken suo motu cognisance of media reports on the killing of seven pilgrims and had sought a report from the State Government. At its recent meeting, the Commission considered an initial report received from the State DGP and wanted to ascertain from the officer whether any compensation had been paid to the families of the victims. The Commission had sought a report on the attack and also about the alleged laxity in security as reported in the media. It noted that it was a matter of serious concern if the laxity in security had been conveyed to the DGP as reported in the media and no immediate steps were taken. Meanwhile, the former Chief Justice of Karnataka High Court, Justice Y. Bhaskar Rao, today assumed charge as member of the Commission. (Hindu 11.10.03)

12<sup>th</sup> October

Rights body raps Musharraf (1)

NEW YORK, Oct. 11. — Criticising the human rights record of four years of Gen. Pervez Musharraf's rule in Pakistan, the Human Rights Watch has demanded the military ruler to stop harassment, torture and blackmail of political opponents, journalists and former government officials. In a letter to the Pakistani President on the fourth anniversary of his seizing power in a coup, the US-based human rights watchdog agency charged him with emasculating judiciary and marginalising mainstream Opposition political parties and demanded he immediately restore democracy in the country. The letter also criticised Gen. Musharraf government for the continuing discrimination against women and minorities. Raising concerns about Pakistanis collaboration with the USA in the "so-called" war on terror, it said the cooperation has been exemplified by a "disregard for due process". "Arbitrary arrests and detentions, allegedly with the support of the US authorities in Pakistan, have taken place with depressing regularity," it added. The last four years have seen the rise in activity by extremist religious groups and an increase in sectarian killing, it said, adding the military government's policy of marginalising political parties is partly to blame for it. (Statesman 12.10.03)

Rights panel terms Kamtapuri arrests illegal (1)

Siliguri, The West Bengal Human Rights Commission has termed the arrests made by police at Taranbandha and Phansidewa during Operation Kamtapuri three years ago illegal and directed the state government to pay compensation to each of them. A copy of the recommendations, signed by chairperson Justice Mukul Gopal Mukherji and members Prof. Amit Sen, Md Nessar Khan and N. Krishnamurti, has

been sent to Banchiya Singha, father of the arrested girl, Sujala Singha. On the night of November 27, 2000, police had raided Taranbandha village to arrest three Kamtapur Liberation Organisation activists — Subodh Singha, Gouranga Barman and Bipul Roy — wanted in connection with case No. 37/2000, dated March 24, 2000, under Phansidewa police station. The police team, led by officer-in-charge of Phansidewa police station Sudhanya Bhattacharya, could only find Gouranga and arrested him. The police also arrested Sub-odh's brother Kailash and Bipul's brother Surya. Kailash's sister Sujala was also arrested for allegedly trying to prevent her brother's arrest. (Telegraph 12.10.03)

15<sup>th</sup> October

Hindu pilgrims: NHRC seeks details of relief (1)

NEW DELHI, OCTOBER 14: IN AN apparent rebuttal of the Sangh Parivar's campaign that it nursed a pro-minority bias, the National Human Rights Commission has for the first time enquired specifically into the details of compensation granted to insurgency victims — all Hindus in this case. In its October 8 notices to the Director General of Police Jammu and Kashmir, the Commission has sought details of the monetary compensation paid to the families of seven pilgrims who were killed in a terrorist attack en route to the Vaishno Devi shrine on July 20. The Sangh Parivar has accused the NHRC of sleeping over the Mumbai riots and Delhi's anti-Sikh violence, which, the Commission sources point out, pre-date the setting up of the NHRC itself. It came into existence at the end of 1993, after the Parliament passed the Protection of Human Rights Act, 1993. The Delhi riots took place in 1984. The Mumbai riots took place nine months before the Commission came into being. The incessant Sangh Parivar campaign has left the NHRC members disturbed. (Indian Express 15.10.03)

16<sup>th</sup> October

NHRC seeks report on dengue cases (1)

NEW DELHI, OCT. 15. The Chairperson of the National Human Rights Commission, Justice A.S. Anand, today took suo motu cognisance of a report in a national daily, "RWAs blame MCD for dengue cases", and sent a copy to the Chief Secretary and the Health Secretary of the Delhi Government for their comments within three weeks. Quoting Dr. K.N. Tiwari, Medical Health Officer of the Municipal Corporation of Delhi, the news report stated that the toll of dengue patients had risen from 60 to 832. Some residents' welfare associations had alleged that the Municipal Corporation of Delhi had not carried out any fumigation as required in the months of July and August. It also stated that some private nursing homes and hospitals in the city had refused to admit dengue patients. The Commission noted that these facts raised a serious issue of violation of human rights of citizens and hence it sought details from the Delhi Government. (Hindu 16.10.03)

18<sup>th</sup> October

NHRC puts TN, MP on notice (1)

NEW DELHI, Oct. 17. — The National Human Rights Commission has taken into account two separate cases of "grave human rights violation" involving a Dalit woman of Tamil Nadu and a resident of Madhya Pradesh, who were allegedly forced to eat human excreta by a group of "upper caste" people and some policemen respectively. Taking suo motu cognisance of these reports, the commission has issued notices to the Tamil Nadu and Madhya Pradesh governments, asking them to submit their replies within four weeks and three weeks respectively. A 38-year-old Dalit woman, Muthumari, wife of a labourer Pitchai, was allegedly forced to consume human excreta in the presence of her husband and children after she spurned the "advances" of an upper-caste man, Raju, in their village, Keela Urappanur, in Madurai district of Tamil Nadu. The accused also "splashed human excreta on the family". The incident reportedly occurred on 22 September when Raju allegedly tried to grab Muthumari's hand. The victim managed to escape from Raju's clutches and reached home. But, a group of 15 upper-caste people soon barged into Muthumari's house and humiliated her family, besides trying to outrage her modesty. Raju's wife was alleged to have thrown a bucketful of human excreta on them. The victims lodged complaints with police, but the accused are still at large. The second incident is related to police excesses in Ittoli village of Mazgawan area in Madhya Pradesh. Some policemen allegedly forced an accused Rajesh Tiwari to drink urine and take human and pig excreta. They also placed a shoe on his head, hung a placard with an offensive slogan around his neck, and paraded him across the village. (Statesman 18.10.03)

21<sup>st</sup> October

Illegal cremations case: NHRC makes headway (1)

NEW DELHI, OCT. 20. The National Human Rights Commission today appeared to have made some headway in an eight-year-old case relating to illegal mass cremations of persons who "disappeared" in Punjab during the insurgency. The Committee for Information and Initiative on Punjab, representing the families of the disappeared persons, had claimed that over 2,000 men cremated in Amritsar district were not "terrorists" killed in encounters, but innocent men picked up and killed by police. The Supreme Court sent the matter to the NHRC in 1997 after a CBI investigation it ordered substantiated the claim. The CBI identified 582 and partially identified 278 of those cremated. The Punjab police claimed that all those identified were "terrorists" killed in encounters. At the hearing today, conducted by the NHRC chairperson, Justice A.S. Anand, counsel for the petitioners, Ashok Agarwal, said the State's claims were not based on facts. Even in cases where there was positive evidence of the identity of the deceased, the Punjab police maintained that the person was a "terrorist killed in an encounter". Mr. Agarwal pointed to the case of Amarjeet Singh, a soldier killed by the CRPF in February 1991 along with another man, Malkiat Singh, and cremated on February 18 that year. Amarjeet Singh's family received a letter from the Army saying that the CRPF men involved in his killing were tried and sentenced. The Punjab police, however, continued to maintain he was a 'terrorist'. (Hindu 21.10.03)

24<sup>th</sup> October

NHRC asks Centre to pay relief (1)

New Delhi: October 23: The National Human Rights Commission (NHRC) has directed the Centre to pay compensation to the family members of Army personnel killed in the Kaluchak terrorist attack and sought a status report within eight weeks. NHRC considered seven complaints made in June this year, by relatives of those killed on May 14, 2002. The victims' relatives had alleged the government had not paid any compensation to them. The complainants sought the NHRC's intervention for appropriate compensation to them. (Indian Express 24.10.03)

28<sup>th</sup> October

Dara knocks NHRC doors to perform his father's rites (1)

NEW DELHI, OCTOBER 27: BAJRANG Dal activist Dara Singh, facing death for killing Australian missionary Graham Staines and his two sons in Orissa, today moved the National Human Rights Commission (NHRC) for parole to enable him to perform rituals related to his father's death. In his petition, Dara Singh has sought permission to visit his native village in Uttar Pradesh where his father's ashes would be immersed in the Ganges on November 2 and 3. His two earlier petitions to the government and the Orissa High Court, soon after his father's death in a road accident, had been rejected. His two sisters had earlier petitioned the NHRC in this regard. Dara has expressed his apprehensions about "injustice" unless he is shifted from Orissa to Delhi's Tihar jail. He has also sought directions from the NHRC for shifting of all cases against him to a Delhi court for a "fair trial". (Indian Express 28.10.03)

30<sup>th</sup> October

44 Lanka troops named in rights probe (1)

Colombo, Oct. 29: A probe by the country's human rights watchdog into the disappearance of over 300 people in northern Sri Lanka has identified, 44 military officers who were allegedly responsible for excesses, a member of the panel said. The panel appointed by Sri Lanka's human rights commission which probed 327 cases of disappearance between 1990 and 1998 said they gave the names of the 44 men to Army Chief Lionel Balagalle. Panel member M.C.M. Iqbal said they were also faulting the rebel Liberation Tigers of Tamil Eelam, especially for the treatment of Muslims. The committee was unable to trace a single victim, but found alleged perpetrators were unable to remember anything. "We have faulted the police and armed forces for institutional racism, we fault the LTTE too on this account for specially targeting Muslim leaders for arrest, the committee's report said. (Asian Age 30.10.03)

31<sup>st</sup> October

1984 riot victims move NHRC (1)

NEW DELHI, OCT. 30. The "November 1984-riot victims camps" today moved the National Human Rights Commission for taking appropriate steps for the conviction of those responsible for the riots and to get

relief to the victims. The president of the forum, Atma Singh Lubana, said the members were encouraged by the bold steps taken by the NHRC chief, Justice A.S. Anand, in the Best Bakery case in Gujarat. Since "powerful and mighty" persons were involved in the 1984 riots, it was necessary that the NHRC intervened in the case and rendered justice to the victims, said the complaint. A delegation of about 100 people, including widows and children of the victims, went to the Commission to lodge the complaint. In the violence that followed the death of Indira Gandhi, former Prime Minister, about 6,250 Sikhs lost their lives in Delhi. Several shops, houses, business establishments, vehicles and other valuables worth crores of rupees were looted and destroyed during the riots in various localities in the capital, the complaint said. (Hindu 31.10.03)

3<sup>rd</sup> Nov.

AHRC on boy's suicide (1)

GUWAHATI, Nov. 2. — The Assam Human Rights Commission has directed Lakhimpur Police to immediately conduct investigations into the disappearance of a teenage boy who allegedly committed suicide in Kerala, an AHRC official said today. The boy's mother had earlier filed a petition with the AHRC where she said her 15-year-old son Patras Kulu was taken away on 5 September 2001 by one Biji Philip, who hails from Kerala but does business in Lakhimpur, to work as helper in his friend's house. She said she did not know about Kulu's whereabouts ever since he was taken away. (statesman 3.11.03)

5<sup>th</sup> Nov.

We are human too, sex workers tell NHRC (1)

Bangalore, Nov. 4: In an unprecedented step, street-based commercial sex workers of Bangalore have moved the National Human Rights Commission seeking a direction to the state government to look into their basic problems. These include housing, free medical check-ups, old-age pension, education for their children and stopping of harassment and physical torture by the police. In a three-page memorandum sent to the NHRC chairman, "Gelati", an organisation working for the rights of CSWs, has narrated in detail the inhuman condition in which they are eking out their living and the kind of physical and mental torture they undergo when they are arrested by the police. "We are in this abominable profession, if it can be called so, not by choice but by the sheer force of circumstances. We cater to the carnal pleasures of some in the society but we are not considered fellow human beings. The government is silent as it considers us Machines without emotions. The less said the better about the attitude of the police," says the memorandum which has been signed by Gelati president Meena and secretary Uma. (Asian Age 5.11.003)

20<sup>th</sup> Nov.

Army deployed as violence continues in Assam (1)

GUWAHATI, NOV. 19. Reprisal attacks on Biharis in Assam today claimed seven lives, taking the toll to 27 so far as reports of UL-FA strikes on Hindi-speaking people poured in from many parts of the State. Curfew was clamped on Tinsukia and the Army was called in to control violence. Militants belonging to the United Liberation Front of Assam (ULFA) swooped on the New Bongaigaon Railway Station of Lower Assam after sundown and mowed down four persons, including a woman, near the railway quarters while three were hacked to death at Kakopathar in Upper Assam, reports said. The Union Minister for northeast, C.P. Thakur, told newsmen in Patna that the Centre might have to take the direct help of the Army if the situation continued to deteriorate in Assam. The Centre was monitoring the situation and had directed the Assam Government to take all measures to check violence and provide protection to Biharis residing there. There was a pitched battle this morning between a 500-strong Bihari mob and a 1000-strong Assamese mob in the Upper Assam town of Tinsukia. As the situation threatened to go out of hand, police fired in the air to disperse them. One person was killed in the police shooting. The Army is already out in Tinsukia and Dibrugarh districts but has not been able to bring the situation under control. (Hindu 20.11.03)

4<sup>th</sup> Dec.

NHRC panel report on complaints against STF (1)

NEW DELHI, DEC. 3. A two-member panel constituted by the National Human Rights Commission to look into the complaints alleging violation of human rights by the Joint Special Task Force set up to apprehend the forest brigand, Veerappan, submitted its report on Tuesday. It submitted the report to Justice A.S. Anand, Chairperson of the Commission, The commission said the report would be placed before the Full Commission to decide the future course of action on ordering relief to the victims. Taking note of die complaints received from various individuals and non-governmental organisations of torture and harassment caused to the villagers and tribals hi the area of operation of the Joint STF set up by the Tamil Nadu and Karnataka Governments, the NHRC had on June 28,1999 constituted a panel to look into all relevant aspects of the allegations. The panel was required to recommend to the NHRC, action that could be taken to redress the grievances that were found to be justified. (Hindu 4.12.03)

16<sup>th</sup> Dec.

SHRC seeks more powers and staff (1)

THIRUVANANTHAPURAM, DEC. 15. The acting chairman of the State Human Rights Commission, S. Balaraman, has said the Government should give more powers and adequate staff to the Commission to act swiftly on human rights violations. Addressing a press conference here today, Dr. Balaraman, who is demitting office this week on completion of his five-year tenure, 'said the Commission was finding it difficult to go ahead without enough supporting staff to handle the hundreds of petitions it received daily. He hoped that the Commission would get more powers once the Justice Anand Committee recommendations were implemented. "There is no feedback on the recommendations being made by the Commission to the Government. A Feedback Assistant should be posted in the Commission and a Human Rights Manager in the Law Department of the Secretariat to forward the petitions from the Commission to various departments," he said. He said the Commission had received over 17,000 petitions during the last five years and disposed of over 12,000 of them. The remaining petitions would be handed over to the next Commission. The maximum number of 4,134 petitions was received during the year 2002. (Hindu 16.12.03)

21<sup>st</sup> Dec.

NGO raises questions over human rights body working (1)

SHIMLA, DEC. 20. Research and Welfare Organisation (RWO), a noted voluntary organisation of the state has once again levelled some serious charges of non-compliance against the State Human Rights Commission (SHRC). Working in the fields of research and public welfare, the NGO has now complained to the National Human Rights Commission. Mr. Sanjay Thakur, president of the NGO, has alleged that the members of the SHRC are not only triv-ialising the issue of human rights but also harming the image of the National Human Rights Commission. He alleged that the SHRC is not properly functioning and its members did not requisite experience.

He went on to allege that they became members because of their political connections. A majority people of this hilly state are poor and atrocities on them go unreported. The state commission, which should have constituted special task force for the far-flung areas, is not even paying any heed to the matters brought to its notice, he adds. Sometime back also this NGO had complained to the NHRC for the inaction by the state commission when a medical student was assaulted in the Indira Gandhi Medical College by her colleagues, informed Sanjay Thakur. "Even then the SHRC refused to register the case and we had to approach the NHRC, which after taking a strong notice swung into action", said Thakur. (Hindu 21.12.03)

24<sup>th</sup> Dec.

NHRC takes up case of mentally ill undertrial (1)

New Delhi, Dec. 23: Over two decades back a man arrested in a murder case was shifted to a mental hospital. And then it seems everyone forgot about him. He was never even produced in court. The National Human Rights Commission has now taken up the case of Ajai Singh, undertrial in a case of murder committed in 1976. He was admitted to Ambala Jail in September 1977. Since he was not able to stand trial, presumingly because of his mental condition, Kuruksnetra additional sessions judge ordered his transfer to the Amritsar Mental Hospital. According to the NHRC, he has been languishing there since then. The commission has now sought reports from 'the superintendent of the menial hospital, Ambala central jail. superintendent, and Kurukshetra additional sessions judge. They have been given three weeks to respond. The NHRc said it appeared to be yet another case in which the judiciary and prison

authorities had failed to protect the human rights of prisoners. The case came to light when NHRC chairman Justice A.S. Anand visited Ambala Central jail in October. The NHRC said it was not yet clear if the Amritsar Mental Hospital had been submitting periodical reports on the under-trial medical condition to the Kurukshetra judge, as required by law. (Asian Age 24.12.03)

NHRC states complaint with Centre in report (1)

New Delhi, Dec 23: The National Human Rights Commission is not happy with the way the government invokes its name to 'defend' armed forces against allegation of human rights abuse. In its latest annual report, the NHRC lamented that the Protection of Human Rights Act — under which the commission came into being — does not let it initiate an enquiry on its own against the country's armed forces. This is one of the provisions that the Commission wants amended. But even last year, the government turned down an NHRC proposal for amendments to the Act. In this annual report, the commission said the provision had drawn widespread criticism both at home and abroad. "Yet, spokespersons of the government, even at the highest levels, have frequently referred to the existence of the commission and its powers under the Act as a sure defence against the violation of human rights by the armed forces when allegations of such violations are brought against them." "The Commission finds this tendency disturbing, to say the least." the report for 2001-02 added. (Asian Age 24.12.03)

27 years, and still waiting for justice (1)

New Delhi: The next time the government claims that the criminal justice system is improving, its ministers and officials should go and meet Jai Singh in the Ambala jail. An undertrial, like 75 per cent of jail inmates in the country, Singh's case mocks at the system. Mentally ill, Singh is an accused in a murder case, but has been languishing in prison for 27 years. And what more, he has not been produced before the trial court even once. The NHRC has now taken up his case, terming it "yet another instance where the judiciary and the prison authorities appeared to have failed to protect the human rights of prisoners". The case came to light during NHRC chairperson Justice A S Anand's visit to the Ambala jail on October 18. He then sought a report on the issue. According to the report sent to the commission by the superintendent of Ambala jail on November 21, 2003, Singh was brought as an undertrial on September 4, 1977, in a case of murder that took place on March 3, 1976. He could not "stand trial presumably because of his mental condition" and was transferred to the mental hospital at Amritsar on May 9, 1979, for treatment by an order of the Kurukshetra additional sessions judge. But an unhappy NHRC has pointed out that from the report, it is not clear whether the superintendent of the Amritsar mental hospital has been submitting periodic reports of Singh's health condition to the additional sessions judge. (Times of India 24.12.03)

29th Dec

Review law on human rights, urges NHRC (1)

New Delhi, Dec. 28: Terming as unsatisfactory the "present system" of inquiry into human rights abuse by the armed forces, the National Human Rights Commission has strongly advocated review of certain provisions of the protection of the Human Rights Act 1993. It also termed as disturbing, the government frequently referring to the existence of the commission and its powers under the act as a sure defence against the violation of human rights by armed forces. It said, "the commission finds this tendency to use it to provide an alibi for possible wrong-doing by the armed forces disturbing, to say the least." "It became increasingly clear that certain provisions of the act require re-examination as they were, tending to militate against the purpose of the act itself and lending themselves to being used, on occasions, to thwart the endeavours to provide for the 'better protection' of human rights in the country," it said in its annual report 2001-02 presented to parliament in the just concluded winter session last week. The government was fully aware that Section 19 of the act prevented the commission from itself initiating an inquiry into or investigating the violation of human rights by the armed forces and that this provision has been widely criticised both at home and abroad, it said. (Asian Age 29.12.03)

30th Dec.

Implement Police Commission report: NHRC (1)

NEW DELHI, DEC. 29. Describing the "Godhra-related riots" in Gujarat as a warning for the rest of the country, the National Human Rights Commission has urged the Central and State Governments to implement the recommendations of the National Police Commission to ensure independence of the police

in the investigation of crimes. The Commission, in its report for 2001 and 2002 laid in Parliament in the just-concluded winter session, pointed out that the Police Commission's recommendations had not been acted upon and were pending with the Centre despite the best efforts of the NHRC to have the report implemented. In response to the NHRC's

Commission that 'Police' being a State subject, the Centre at best could lead and give guidance. The Centre also said that "crucial recommendations of the Police Commission relating to constitution of State Security Commission/ selection of Director-General of Police, insulation of investigation from undue pressure etc could not be implemented." Reacting to this, the NHRC said "the Commission is fully familiar with this melancholy history of failure and of the lack of political and administrative will that it signifies to revive the quality of policing in this country to save it from the catastrophic 'extraneous influences' that are ruining the investigative work of the Police." (Hindu 30.12.03)