

## HUMAN RIGHTS AND NATIONAL INTEGRATION

### CHAPTER

# V

5.1 The Constitution of India has provisions and guarantees for safeguarding almost the entire gamut of civil and political rights. Directive Principles of State Policy further require the States to ensure the promotion and protection of social, cultural and economic rights, particularly of the weaker sections of the society, so as to bring about a just and equitable social order, leading to an overall improvement in the quality of life for all sections of the society. The civil and criminal laws of our country have also in-built mechanism to safeguard the rights of the individuals and provide special protection to the most vulnerable sections of the society.

5.2 In this backdrop the Government of India have set up a forum for redressal of human rights violations by constituting the National Human Rights Commission (NHRC) and provided for the setting up of State Human Rights Commission (SHRC) under the Protection of Human Rights Act, 1993.

### Human Rights Awareness, Education and Training

5.3 A National Action Plan for Human Rights Education, adopted by the Government of India, envisages promotion and awareness of human rights amongst all sections of the society. Specific target groups have been identified such as schools, colleges and universities. Government officials, armed forces, prison officials and law officers are also sensitised to the protection of human rights.

5.4 The Ministry of Home Affairs has taken various initiatives for the spread of human rights education such as:

- Human Rights courses have been introduced as a part of the training for the Border Security Force and the Central Reserve Police Force.
- Human Rights courses have also been introduced as a part of the training at the National Police Academy and Police Training Colleges.

### Transparency and Commitment to Human Rights

5.5 The Government have cooperated fully with various human rights agencies functioning under United Nations (UN) and have been responding in an appropriate manner to specific complaints of alleged human rights violations. The Government have also, in their obligation under International Convention, been sending information and replies to specific issues and questions received from various Rapporteurs of the UN High Commission for Human Rights including complaints of human rights violations received from Permanent Mission of India, Geneva through the Ministry of External Affairs.

### National Human Rights Commission (NHRC)

5.6 The NHRC was set up under the Protection of Human Rights Act, 1993. It is headed by a former Chief Justice of the Supreme Court. One of the primary functions of NHRC is to receive complaints and initiate investigations into violations of Human Rights by public servants by acts of commission/omission and through negligence on their part, to prevent violation of human

rights when brought to its notice within one year of the commission of such violation. During the year 2008-09 (up to March 31, 2009), 90,954 cases were registered by the Commission for consideration. The Commission disposed of 95,258 cases, which includes cases brought forward from the previous years, during the period up to March 31st, 2009. The Commission also transferred 5,925 cases to the State Human Rights Commissions for disposal as per the Protection of Human Rights Act, 1993 [as amended by the Protection of Human Rights (Amendment) Act, 2006].

### **Custodial Deaths**

5.7 Custodial violence has been one of the core concerns of the NHRC and with each succeeding year the Commission has deepened and widened its analysis and directives in regard to such matters. On their part, in accordance with guidelines, the agencies of the States/UTs have been found prompt in informing the Commission within 24 hours about incidents of custodial death. During the period April 1, 2008 to March 31, 2009, a total of 1,746 cases of custodial deaths (i.e. 1,598 cases of judicial custodial deaths, 142 cases of police custody deaths, 2 cases of deaths in the custody of Defence Personnel and 4 cases of death in the custody of Central Para-Military Forces) were reported to the Commission by the State Governments/UT Administrations. The cases of custodial deaths are reviewed in the Commission, with the help of its Investigation Division, and appropriate orders passed in respect of them. During the period, the Commission recommended payment of interim relief of Rs.1,97,75,000 (Rupees one crore ninety seven lakh and seventy five thousand only) to the next of kin of the victims in 137 cases of custodial deaths.

### **Commemoration of 60<sup>th</sup> Anniversary of UDHR**

5.8 The UN Secretary General has launched a year-long campaign to celebrate the 60<sup>th</sup> Anniversary of the Universal Declaration of Human Rights (UDHR). The theme of the campaign is dignity and justice for all of us. A workshop has been conducted by the National Human Rights Commission in New Delhi on

October 11-12, 2008 in which various national experts, Director Generals of Police (DGPs), Prisons' officials, Nodal Officers, Special Reporteurs of the NHRC, Non Governmental Organisations (NGOs), Government representatives, etc. participated and discussed issues regarding detention by Police, prisons, preventive detention, Juvenile Justice Homes and mental health of detainees.

### **Interactions with foreign delegates in the Commission**

5.9 The National Human Rights Commission exchanged views on protection and promotion of human rights with various foreign delegates who visited the Commission. A six member delegation of the Swedish Parliament visited the Commission on August 25, 2008. A delegation of two staff members along with the Vice President of the NHRC, Rwanda visited the Commission on a study trip from March 29, 2008 to April 9, 2008. The delegates exchanged their experience with the NHRC. Another delegation consisting of two staff members of Indonesian HRC also visited the Commission from April 28, 2008 to May 12, 2008 on a study trip. The delegates were given first hand knowledge of the functioning of all divisions of the Commission. A four-member delegation led by Brazil's Minister of Human Rights, visited the Commission on October 16, 2008 and held talks with the Member and senior officers of the Commission. The visiting Minister showed keen interest in the training programme of the NHRC on handling human rights issues.

### **International Seminars and Workshops**

5.10 The National Human Rights Commission participated in various seminars and workshops abroad which included (i) Forum on Security Development and Human Rights, organised by the China Society for Human Rights Studies in Beijing, China from April 21-23, 2008; (ii) Seminar on Combating Human trafficking for forced Labour in Haifa, Israel from May 11-17, 2008; (iii) The Right to Food Forum organised by the UN Food and Agricultural Organisation from

September 30, 2008 to October 4, 2008 in Rome, Italy; (iv) Regional Meeting on Millennium Development Goals (MDGs) and Human Rights co-hosted by OHCHR and UNESCAP at Bangkok from October 16–17, 2008; and (v) International Conference on Systematic Work for Human Rights Implementation in Stockholm, Sweden on November 6-7, 2008.

### **Human Rights Awareness, Education and Training**

5.11 As part of accomplishing the mandates, the National Human Rights Commission approved 118 training programmes of 64 Institutes/NGOs on various issues of human rights for the year 2008-09 all over the country, focusing on the North-Eastern States, backward States, UTs, etc. Out of these, 114 training programmes were conducted during the year 2008-09.

### **Internship Programme for University Students**

5.12 To sensitize University students about human rights, the Training Division of NHRC is conducting a one-month Internship Programme twice in a year i.e. one in Summer and the other in Winter. In the Summer Internship Programme 2008 (May 19, 2008 to June 18, 2008), 53 students from various Universities of seventeen States participated and successfully completed the programme. Winter Internship Programme 2008 has been conducted from December 17, 2008 to January 15, 2009.

### **Training Programme for Indian Foreign Service (IFS) Probationers**

5.13 A two-days attachment programme for IFS Probationers of 2007 batch with NHRC had been conducted in the Commission on June 5-6, 2008. During this attachment programme, Chairperson, Members, Secretary General and senior officers of the Commission interacted with 18 IFS Probationers.

### **PROTECTION OF HUMAN RIGHTS IN J&K**

5.14 The Government attaches the special importance to the protection of human rights in Jammu

and Kashmir. Every reported case of alleged human rights violation is taken serious note of, investigations made promptly in a transparent manner and taken to their logical conclusion and suitable punitive action is taken against those found guilty. Since January, 1994 till March, 2009, out of 1,185 complaints of human rights excesses received against the personnel of Army and Central Para Military Forces, 1,162 have been investigated, 1,129 of them found false and in 33 cases where the complaints were found genuine, penalties have been imposed on 69 personnel of the Army and Central Para Military Forces, while in 6 cases compensation has been awarded.

5.15 In this context, action has also been taken by the State Government to further strengthen the State Human Rights Commission (SHRC) by establishing an Investigating Wing headed by an Officer of the rank of Inspector General of Police. A high level committee has also been set up to examine the recommendations made by the SHRC from time to time and review the action taken reports thereon.

### **COMMUNAL SITUATION IN THE COUNTRY**

5.16 During the year 2008, 943 communal incidents took place in the country in which 167 persons lost their lives and 2,354 persons were injured. During the corresponding period in 2007, there were 761 incidents in the country in which 99 persons were killed and 2,227 persons were injured.

### **Hindu-Muslim Communal Situation**

5.17 During 2008, 656 Hindu-Muslim communal incidents, including 4 riots, took place in the country resulting in death of 123 persons and injuries to 2,272 persons. In 2007, during the corresponding period, 681 communal incidents were reported in the country, leading to 96 deaths and injuries to 2,117 persons. Majority of the communal incidents in 2008 took place in the States of Madhya Pradesh, Uttar Pradesh, Maharashtra, Gujarat and Karnataka.

5.18 Hindu-Muslim communal riots took place in the following places in 2008:

- In Indore, Madhya Pradesh on July 3, resulting in death of 8 persons and injuries to 30 persons;
- In Dhule, Maharashtra on October 5-8, resulting in death of 9 persons and injuries to 176 persons;
- In Adilabad, Andhra Pradesh on October 10-12, in which 10 persons were killed and 4 injured;
- In Burhanpur, Madhya Pradesh on October 11, resulting in death of 9 persons and injuries to 25 persons.

### **Hindu-Christian Communal Situation**

5.19 During 2008, there were 287 Hindu-Christian communal incidents in the country, resulting in death of 44 persons and injuries to 82 persons. In 2007, 80 communal incidents were reported in the country, leading to death of 3 persons and injuries to 110 persons.

5.20 In Orissa, large scale incidents of attacks on the Christian community and their religious structures took place, particularly in Kandhamal district after the killing of Swami Laxmanananda Saraswati and four of his associates on August 23, 2008. As a result of the violence, 40 persons were killed. During the violence, extensive damage to houses and religious structures was reported.

5.21 Apart from Orissa, attack on religious structures of the Christian community took place in Karnataka in September, 2008. Reports of similar minor attacks were received from a few other places.

5.22 The Ministry issued regular advisories to the State Governments with a view to containing the violence and also deployed additional Central Para Military Forces to assist the State Governments in the restoration of peace and normalcy.

### **Revised Guidelines to Promote Communal Harmony**

5.23 The Guidelines to promote communal harmony were last issued in 1997. The Guidelines have been revised extensively to keep up with the changes. They were circulated to all the State Governments/ Union Territories in June, 2008.

### **Relief and Rehabilitation to the victims of communal riots in Gujarat**

5.24 The Union Cabinet approved a proposal for payment of Rs.262.44 crore for grant of ex-gratia relief to the victims of the communal riots in Gujarat in 2002 and damage to residential properties during the same. Sanctions totaling Rs.262.44 crore have been issued on December 23, 2008 and March 30, 2009 in two installments to the Gujarat Government for the purpose.

### **Relief and Rehabilitation to the victims of communal riots in Bhagalpur, Bihar**

5.25 The Union Cabinet has approved a proposal totalling Rs.29.81 crore for grant of ex-gratia relief to the victims of Bhagalpur riots of 1989-90. Sanctions totalling Rs.29.81 crores have been issued on January 28, 2009 and March 30, 2009 in two instalments to the Government of Bihar for disbursement of ex-gratia to the victims/claimants in death and injury cases.

### **The Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005**

5.26 A Bill titled 'The Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005' was introduced in the Rajya Sabha on December 5, 2005, to address various issues of communal violence in a uniform way throughout the country. The Bill was referred to the Department-related Parliamentary Standing Committee on Home Affairs and the Committee submitted its Report on December 13, 2006 to the Parliament. The Committee made certain observations/ recommendations, and

after necessary inter-Ministerial consultations, and the Government decision thereon, notices were given in March 2007, December 2008 and February 2009 by the Union Home Minister for moving the official amendments and passing of the Bill in the Rajya Sabha. However, the Bill could not be taken up at that time.

### **Monitoring of the activities of religious fundamental organizations**

5.27 The activities of all religious fundamental organization or groups having a bearing on peace, communal harmony and security of the country are under constant watch by law enforcement agencies and requisite action is taken against them, wherever necessary, including imposition of ban.

5.28 As on March 31, 2009, Deendar Anjuman and Students Islamic Movement of India (SIMI) are banned organisations.

### **Kabir Puraskar**

5.29 Kabir Puraskar is a national award for promotion of communal harmony. It recognizes acts of physical/moral courage and humanity exhibited by an individual for saving the lives and properties of the members of another community during communal riots, caste conflicts or ethnic clashes. Shri Khalifa Gufran of Uttar Pradesh, and Shri Abdul Gani Abdullabhai Qureishi of Gujarat and Shri Ghulam Ahmed Bhat of Jammu & Kashmir have been selected for the Kabir Puraskar for 2007 and 2008 respectively.

### **National Communal Harmony Awards**

5.30 National Communal Harmony Awards are presented in 'individual' and 'organisation' categories for outstanding contribution in the field of communal harmony and national integration. The selection is made by a jury chaired by the Vice President of India. In addition to a citation, the Award consists of an amount of Rs.2 lakh in the individual and Rs.5 lakh in the organization category. The National Communal Harmony Award is announced on the occasion of Republic day. For the year 2008, Dr. Dominic

Emmanuel SVD, Delhi (under Individual category) and Anjuman Sair-E-Gul Faroshan, Delhi (under Organisation category) have been selected for the award.

### **Sankalp Divas and Qaumi Ekta Week**

5.31 Instructions were issued for observance of 'Sankalp Divas' on October 31, 2008 and 'Qaumi Ekta Week' during November 19-25, 2008.

### **NATIONAL INTEGRATION COUNCIL**

5.32 The National Integration Council meeting was held on October 13, 2008 at New Delhi. The Agenda for the NIC meeting was "National Integration : Social Structure – Caste and Identity divisions and rhetoric; Economic development – Equitable development and removal of regional imbalances; Promotion of feeling of security among minorities and other vulnerable sections; Education – Promotion of education among minorities, Scheduled Castes and Scheduled Tribes; Extremism; Communal Harmony; and Other elements contributing towards national integration."

5.33 The meeting was chaired by the Prime Minister. The meeting after detailed discussions, adopted a resolution, inter-alia, calling upon all political parties, civil society organizations, citizens' groups, religious, social and other opinion leaders, and the media to rise above narrow thinking or interests, and to act unitedly to defeat all forms of extremism and any attempt at dividing society on social, religious and communal lines.

### **NATIONAL FOUNDATION FOR COMMUNAL HARMONY (NFCH)**

5.34 The National Foundation for Communal Harmony (NFCH), an autonomous body under the administrative control of this Ministry, promotes communal harmony, fraternity and national integration. Since its inception, it has extended financial assistance of Rs.30.21 crore for rehabilitation of 9,945 children,

who are victims of communal, caste, ethnic or terrorist violence.

### **Liberhan Ayodhya Commission of Inquiry (LACI)**

5.36 The Liberhan Ayodhya Commission of

Inquiry (LACI) was set up on December 16, 1992 to inquire, inter-alia, into the sequence of events leading to the destruction of Ram Janma Bhoomi-Babri Masjid structure at Ayodhya on December 6, 1992. The work of the Commission is now at an advanced stage of completion. The tenure of the Commission has been extended upto June 30, 2009.

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