



HUMAN RIGHTS AND NATIONAL INTEGRATION

CHAPTER VI

6.1 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.

6.2 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 commissions (SHRC) under the Protection of Human Rights Act, 1993.

NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

6.3 The National Human Rights Commission was set up under the Protection of Human Rights Act, 1993. It is headed by a former Chief Justice of 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 2009-10 (upto December 31,

2009), 63,542 cases were registered for consideration and the Commission disposed of 63,087 cases including cases brought forward from the previous years. The Commission also transferred 4,323 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]. During the said period, the Commission recommended payment of interim relief in 266 cases amounting to Rs.4,57,53,000. While in most of these cases, decisions were taken based on reports received from authorities, in 109 cases investigation teams were sent by the Commission on spot enquiry. Out of which only 1 case pertains to custodial death. Investigation has been completed in 40 spot enquiries. 69 spot enquiries are pending completion.

Custodial Deaths

6.4 From April 01, 2009 to December 31, 2009, 1,324 cases of custodial deaths (ie.1,097 cases of judicial custodial deaths, 130 cases of death in Children's Home/Beggars' Home and 95 cases of deaths in police custody, Nil cases of death in the custody of Defence Personnel, and 2 cases of death in the custody of Para Military Force) were reported to the Commission by the State Governments. During the period, the Commission recommended interim relief of Rs.1,89,90,000 in 155 cases of custodial deaths.

Human Rights Awareness, Education and Training

6.5 The Commission has selected 28



districts in the country, one in each state, for direct interaction with their field level functionaries with a view to spread human rights awareness at cutting edge level and also to facilitate better assessment of enforcement of various measures related to human rights. In this efforts special attention is being paid to (i) food security, (ii) right to education (iii) right to health, hygiene and sanitation, (iv) custodial justice (v) human rights issues of scheduled castes (SCs) and scheduled tribes (STs), (vi) right to culture and protection of community assets, and (vii) right to life, living conditions and nature of responsibility of Government and Panchayats (unit of local self-government). It gives an opportunity to the Commission to have a first hand idea of situation on the ground level and will also help it in planning its future strategies for better protection and promotion of human rights.

6.6 The Commission has so far conducted programme in the twelve districts. During the year 2009-10 (till December, 2009), awareness programmes were conducted in three districts namely Wayanad (Kerala) from September 15-18, 2009; Jamui (Bihar) from November 16-17, 2009; Hoshiarpur from November 27,28, 30 and December 1, 2009. Apart from the awareness programme at Hoshiarpur the team of NHRC also visited District Jail, Amritsar to review the functioning of Jail.

6.7 In its pursuit of improvement in the training procedure, a review was made and it was observed that there was room for standardization in the training programmes being conducted /sponsored by NHRC. As such, to improve the quality of training and awareness programmes, the Secretary General initiated a dialogue with the Indira Gandhi National Open University (IGNOU) for conducting training programmes in distance learning and electronic mode with their collaborations. The discussions with IGNOU

authorities also revealed that they have in-house capability to develop curricula and teaching/training material in narrative form. During discussions with the Vice-Chancellor, IGNOU, the suggestion of developing various courses for different target groups amongst public servants, like police constables, subordinate officers and staff in district, Panchayat functionaries, etc. was also considered and after deliberations at various levels, an MOU was signed on December 30, 2009 between NHRC and IGNOU. The modalities and contents of the curriculum are being finalised. To start with, courses for police personnel at the cutting edge level would be developed initially. Once these basic drills are completed, NHRC may soon find itself in the distant learning mode also, which will not only cover larger groups of people but also cover all parts of the country

Interaction with foreign Delegates in the Commission

6.8 The National Human Rights Commission exchanges views on protection and promotion of human rights with various foreign delegates who visit the Commission. A delegation of Human Rights Commission of Malaysia SUHAKAM visited the Commission from April 27-28, 2009. A sixteen member delegation from Afghanistan Independent Human Rights Commission visited the Commission on May 29, 2009. The visit was a part of the collaboration between NHRIs of South Asian countries in consonance with the decisions taken at the Conference on 'Human Right Awareness and National Capacity Building'. A delegation from Ethiopian Human Rights Commission visited the Commission from July 3-5, 2009. A delegation of National Commission for Human Rights, Rwanda visited the Commission from July 12-19, 2009 to oversee the functioning of the Commission and for training/technical assistance in Complaint



Handling Management System in order to improve their working related to complaints and their day-to-day work. Mr. Arthur Mattli, Charge d'affairs, Embassy of Switzerland visited the Commission on August 17, 2009 and met the Senior Officers of NHRC and discussed the issues viz. rights of the children, ratification of the Convention on Torture by the Government of India and Prisoners rights. A seven member delegation from the U.K. Liberal Democratic Party Friends of India Group visited the Commission on September 29, 2009. The Board of Directors of Human Rights Watch, New York visited the Commission and had a meeting with the Senior Officers of the Commission on October 13, 2009. The participants from Nepal for the 'Workshop on Federal Governance in India' comprising 16 members drawn from political parties, civil service, civil society, the media and academia who were actively involved in the process of making Nepal constitution visited the Commission on November 27, 2009 and interacted with the Acting Chairperson, Member and Senior Officers of the Commission.

Issue of Female Foeticide

6.9 As per the 2001 Census, India's declining child sex ratio (927 girls per 1,000 boys) is a cause of great concern. In order to address the problem, the Pre-conception & Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 has been passed but the law continues to be flouted with impunity. The NHRC and the IMFPA have thus undertaken a collaborative research project entitled "Research and Review to Strengthen Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act's Implementation Across Key States".

Training Division

6.10 Till December, 2009, the Commission

approved 82 training programmes of 64 Institutions/NGOs on various issues of human rights for the year 2009-10 and 47 Training Programmes were conducted.

PROTECTION OF HUMAN RIGHTS IN J&K

6.11 The Government attaches highest importance to the subject of human rights. The Government of India has repeatedly expressed its commitment to protection of human rights and prevention of human rights violations in the Country. The Security Forces are under instructions to respect the human rights of all people and work steadfastly with humane face while performing their day-to-day operational duties.

6.12 Every reported case of alleged human rights violations are 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 December, 2009, out of 1,206 complaints of human rights excesses received against the personnel of Army and Central Para Military Forces, 1,180 have been investigated, 1,147 of them found false, in 33 cases where the complaints were found genuine, penalties have been imposed on 74 personnel of the Army and Central Para Military Forces, while in 6 cases compensation has been awarded.

COMMUNAL SITUATION IN THE COUNTRY

6.13 During the year 2009, 826 communal incidents took place in the country in which 125 persons lost their lives and 2,424 persons were injured. During the corresponding period in 2008, there were 943 communal incidents in the country, including four Hindu-Muslim riots, in



which 167 persons were killed and 2,354 persons were injured.

Hindu-Muslim Communal Situation

6.14 During 2009, 750 Hindu-Muslim communal incidents took place in the country (including one riot in Maharashtra) resulting in the death of 123 persons and injuries to 2,380 persons. In 2008, during the corresponding period, 656 communal incidents were reported in the country, including four riots, leading to 123 deaths and injuries to 2,272 persons.

6.15 Majority of such communal incidents in 2009 took place in the States of Uttar Pradesh, Maharashtra, Karnataka, Madhya Pradesh, Gujarat and Rajasthan. Major issues for communal incidents are carrying and slaughtering of cattle, routing religious processions through mixed localities, construction of religious structures on disputed land, playing of provocative CDs/cassettes, dispute over land/property, eve-teasing and personal enmity.

6.16 Hindu-Muslim communal riot took place in 2009 in Pusad town, Yavatmal district, Maharashtra on April 3, 2009 following stone pelting from the side of a mosque on a slogan shouting Ram Navami procession resulting in a clash between two communities in which four persons died and 12 persons were injured.

Hindu- Christian Communal Situation

6.17 During 2009, 76 Hindu-Christian communal incidents took place in the country, resulting in the death of 2 persons and injuries to 44 persons. In 2008, during the corresponding period, 287 communal incidents were reported in the country in which 44 persons were killed and 82 persons sustained injuries. The riots in Kandhamal district of

Orissa following the killing of Swami Laxmanananda Saraswati in August 2008 was the main reason for abnormally high incidents in 2008. In 2009, Tamilnadu has registered the most number of incidents against Christians.

Relief And Rehabilitation To The Victims Of Communal Riots In Gujarat Of 2002

6.18 In 2007 the Cabinet approved a proposal for grant of ex-gratia relief to the victims of Gujarat riots of 2002 on pattern of the package announced for the victims of anti-Sikh riots of 1984. The proposal includes the following:

- Ex-gratia @ Rs. 3.5 lakh for the 1,169 deaths which is in addition to the amount paid by the State Government.
- Ex-gratia @ Rs. 1.25 lakh minus the amount paid by the State Government for the 2,548 injury cases.
- Ex-gratia @ ten times the amount paid by the State Government less the amount already paid for damage to residential and uninsured industrial/commercial properties.

6.19 An amount of Rs.332.99 crore has so far been released to Gujarat Government for disbursement to the victims/beneficiaries in death and injury cases and for damage to residential properties. The State Government has intimated that it has disbursed the ex-gratia in approximately 99% cases while the disbursement is held up in rest of the cases due to factors like succession issues, present address not being available, court cases, etc. For payment of ex-gratia to the victims for damage to uninsured commercial/industrial properties, an amount of Rs. 85.75 crore would be required, and a demand has been raised to get budgetary support in the next batch of Supplementaries.



Relief and rehabilitation to the victims of communal riots in Bhagalpur, Bihar of 1989-90.

6.20 The Cabinet approved in 2008 a proposal for grant of ex-gratia relief to the victims of Bhagalpur riots of 1989-90 on the pattern of the package announced for the victims of anti-Sikh riots of 1984. The proposal includes the following:

- Ex-gratia @ Rs. 3.5 lakh for the 844 deaths which is in addition to the amount paid by the State Government.
- Ex-gratia @ Rs. 1.25 lakh minus the amount paid by the State Government for the 22 injury cases.

6.21 The total amount of Rs.29.81 crore has been released to Bihar Government for disbursement among the victims in two instalments of Rs.10 crore and Rs. 9.81 crore in the financial year ending March 2009. The State Government has been asked to furnish the status of disbursement.

Enactment of Legislation Titled “The Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005”

6.21 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 all aspects of the issue 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 February, 2009 and again in December 2009 in Rajya Sabha for moving the official amendments and for consideration and passing of the Bill. However, the Bill could not be taken up for consideration on these occasions. Fresh notice for consideration and passing of the Bill will be given in due course.

Monitoring of the activities of religious fundamental organisation

6.22 The activities of all religious fundamental organisation or group, having a bearing on peace, communal harmony and security of the country are under constant watch of Law Enforcement Agencies and requisite action is taken including imposition of ban. As on December 31, 2009 Students Islamic Movement of India (SIMI) is a banned association.

Kabir Puraskar

6.23 The Kabir Puraskar was instituted in 1990 to promote communal harmony by recognizing acts of physical/moral courage and humanity exhibited by members of one community, caste or ethnic group in saving lives and properties of the members of another community, caste or ethnic group. Such courage and promptitude in saving lives and properties of member(s) of another community, caste or ethnic group should also involve a danger to the life/body/property of the rescuer himself or herself and or to his or her family members.

6.24 This award is given in three categories-Grade I, Grade-II and Grade-III. Each category carries a certificate with suitable citation and cash amount as follows:-

(i)	Grade-I	Rs.2,00,000
(ii)	Grade-II	Rs.1,00,000
(iii)	Grade-III	Rs. 50,000



6.25 Presentation ceremony of Kabir Puraskar for the years 2007 and 2008 was held on August 12, 2009 at Vigyan Bhawan, New Delhi. For the year 2007, Shri Khalifa Gufran of Uttar Pradesh and for the year 2008, Sh. Abdul Gani Abdullabhai Qureishi of Gujarat and Shri

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 Republic day. For the year 2009, Dr. Mohd.



Ghulan Ahmed Bhat of Jammu & Kashmir were given Kabir Puraskar Grade-III. The awards were presented by the Hon'ble President of India and the function was attended by the Vice President, the Prime Minister and other dignitaries.

National Communal Harmony Awards

6.26 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

Hanif Khan Shastri, Delhi (under individual category) and Central for Human Rights and Social Welfare, Jaipur, Rajasthan (under organization category) have been selected for the award.

National Foundation for Communal Harmony (NFCH)

6.27 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.32.49 crore for rehabilitation of 10,073 children up-to December 31, 2009 who are victims of communal caste, ethnic or terrorist violence.

National Integration Council

6.28 The process of reconstituting the National Integration Council is underway.

Sankalp Divas And Qaumi Ekta Week

6.29 Instructions were issued for observance of Sankalp Divas on October 31, 2009 and Qaumi Ekta week during November 19 - 25, 2009.

LIBERHAN AYODHYA COMMISSION OF INQUIRY (LACI)

6.30 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 demolition of Ram Janam Bhoomi-Babri Masjid structure at Ayodhya on December 6, 1992. The Commission had submitted its report to the Central Government on June 30, 2009. Following the submission of the report the Liberhan Ayodhya Commission was wound up on July 31, 2009. The report of the Liberhan Ayodhya Commission of Inquiry alongwith the Memorandum of action taken thereon was laid on the table of both Houses of Parliament on November 24, 2009.



Union Home Minister administering oath of Qaumi Ekta to the personnel of Ministry of Home Affairs
