

# ANNUAL REPORT 2021-22

01.04.2021 to 31.03.2022

Under Section 28 (1) of the Protection  
of Human Rights Act, 1993



## HARYANA HUMAN RIGHTS COMMISSION





# ANNUAL REPORT 2021-22



HARYANA HUMAN RIGHTS COMMISSION  
CHANDIGARH





## CONTENTS

Chapter	Subject	Page No.
I	INTRODUCTION	1-2
II	HHRC: COMPOSITION AND FUNCTIONS	3-6
III	VISITS MADE BY HARYANA HUMAN RIGHTS COMMISSION TO THE JAILS, OLD AGE HOMES OF HARYANA DURING THE YEAR 2021-22	7-36
IV	RESEARCH WORK: HUMAN RIGHTS AND THE ENVIRONMENT	37-46
V	LIST OF IMPORTANT JUDGMENTS PASSED IN COMPLAINT CASES DURING THE PERIOD FROM 1-4-2021 TO 31-3-2022	47-138
VI	INQUIRIES CONDUCTED IN COMPLAINT CASES BY THE INVESTIGATING WING OF THE COMMISSION	139
VII	CLASSIFICATION OF CATEGORIES OF CASES DEALT WITH BY THE COMMISSION	140-142
VIII	STATISTICAL REPORTS - INSTITUTION AND DISPOSAL OF COMPLAINTS DURING THE PERIOD FROM 1-4-2021 TO 31-3-2022	143-146
IX	LOGISTICS - ACCOUNTS, LIBRARY, INTERNSHIP, DIGITALIZATION OF JUDICIAL RECORD, RIGHT TO INFORMATION	147-149
X	MEDIA REPORTS AND PHOTOGRAPHS SHOWING THE ACTIVITIES OF THE COMMISSION	150-158





## CHAPTER-I

### INTRODUCTION

Human rights can broadly be defined as a number of basic rights which include the right to life, the right to a fair trial, freedom from torture and other cruel and inhuman treatment, freedom of speech, freedom of religion, and the rights to health, education and an adequate standard of living.

As per the Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948, Human Rights are rights which we simply have because we exist as human beings. These universal rights are inherent to us regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status. As per Preamble of UDHR, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. India has acceded to the Universal Declaration of Human Rights as well as to the subsequent International Covenants of Economic, Social and Cultural rights and Civil & Political Rights adopted by the Central Assembly of the United Nations. The Constitution of independent India came into force on 26th January, 1950. The impact of the Universal Declaration of Human Rights on drafting part III of the Constitution is apparent. The provisions of the Constitution manifest great respect for human dignity, commitment to equality and non-discrimination and concern for the weaker sections of society.

The Protection of Human Rights Act was enacted by the Parliament in the year 1993. The Act of 1993 established Human Rights Commission at National and at States Level for better protection of human rights and for matters connected therewith or incidental thereto. In September, 2012, State Human Rights Commission was established in Haryana.

The Protection of Human Rights Act, 1993, defines human rights under Section 2(d) as those rights pertaining to life, liberty, equality and dignity as prescribed by the Constitution and International Covenants.

According to Section 28(1) of the Human Rights Protection Act, the Annual Report of the State Human Rights Commission has to be presented in the Legislative Assembly. Accordingly, the fifth Annual Report published by the Haryana Human Rights Commission



## ANNUAL REPORT 2021-22



(HHRC) covering the period from April 2021 to March 2022 is being submitted to be laid before Haryana Legislative Assembly. The Annual Reports of the Commission serve as essential sources of information on the human rights situation in the State of Haryana. The present Annual Report too gives an account of the actions taken by the Commission on various human rights issues including individual complaints, as also its concerns and accomplishments. With every passing year, a conviction has grown in the Commission that the right to life with dignity requires respect for the totality of the human person.

During the period from April, 2021 to March, 2022, the Haryana Human Rights Commission has received a total number of 2819 complaints, out of which 2219 complaints have been disposed of during the said period. In order to deliver justice to the common people on their door step, a Camp Court is being held by the Commission in New PWD Rest House, Gurugram twice in a month where people of six southern districts of Haryana, namely Gurugram, Faridabad, Palwal, Mahenagarh, Rewari and Mewat, can approach the Commission for redressal of their grievances. People can also make complaint at Camp Court, Gurugram. The Commission initiated suo motu proceedings on the incidents of Human Rights violations reported in the media by different newspapers. Apart from doing judicial work, the Commission also made visits to the Jails, Old Age Homes of Haryana and other places to ensure that there is no violation of human rights of jail inmates, children, old age persons and persons with disabilities.

The Annual Report is a comprehensive report detailing the efforts made by the Commission to protect human dignity so that citizen could live and enjoy peaceful and dignified life without any disturbance. It covers human rights violation cases dealt with by the Commission during the period under review. It also covers cases in which suo motu cognizance was taken by the Commission and further necessary directions were issued. Thus, this Annual Report provides complete information relating to the effective work done by the Commission during the period April, 2021 to March, 2022 and further ensuring 'better protection' of human rights of individuals in the State of Haryana.





**CHAPTER-II**

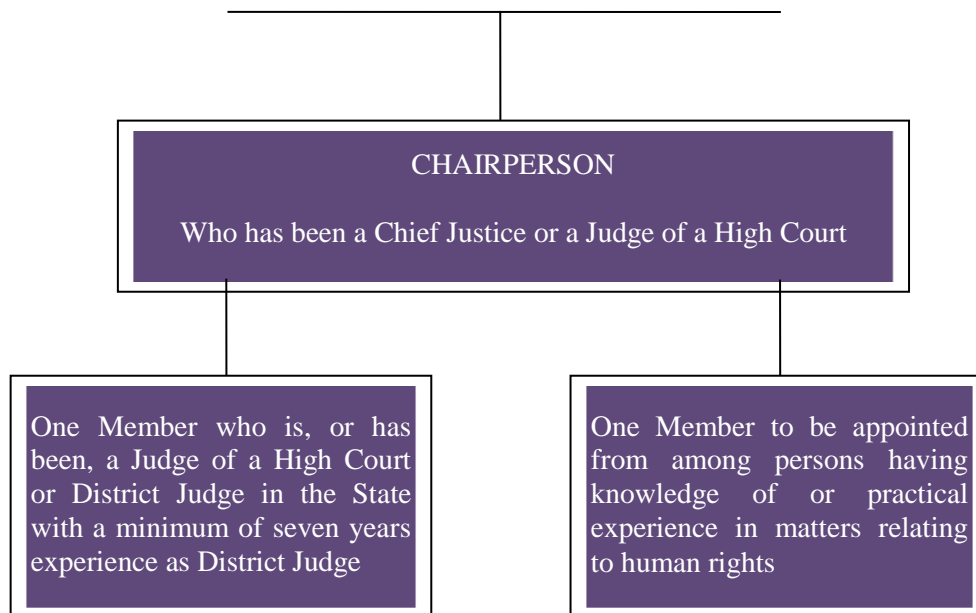
**HHRC COMPOSITION AND FUNCTIONS**

The HHRC was established on 20<sup>th</sup> September 2012. Its statute is contained in the Protection of Human Rights Act, 1993 as amended vide the Protection of Human Rights (Amendment) Act, 2000, the Protection of Human Rights (Amendment) Act, 2006, the Protection of Human Rights (Amendment) Act, 2019.

**COMPOSITION**

The Commission comprises a Chairperson, two full time Members. The Statute lays down high qualifications for the appointment of the Chairperson and Members of the Commission.

**Composition of Commission**

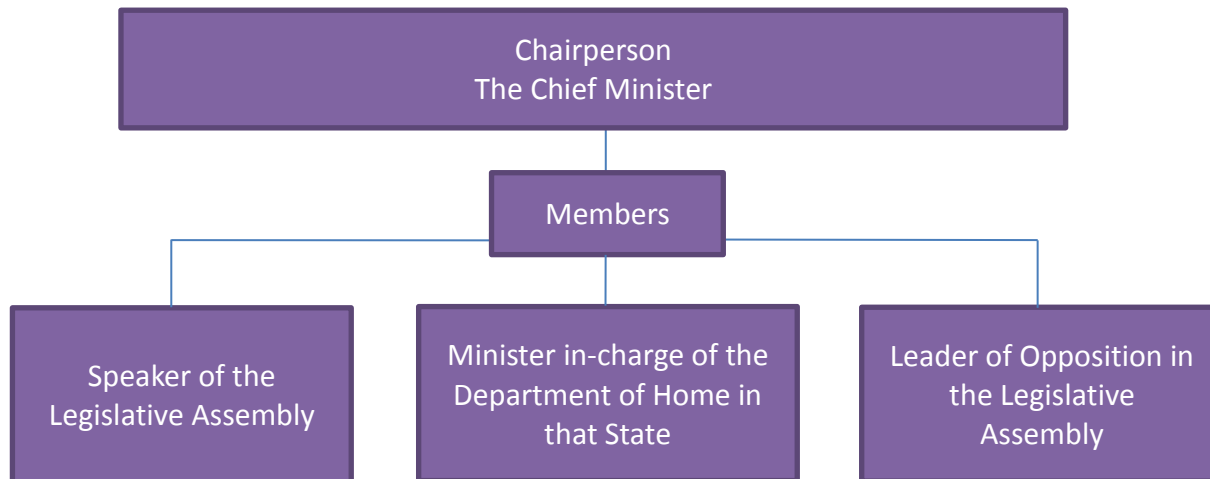


**APPOINTMENT**

The Chairperson and Members are appointed by the Governor after obtaining the recommendation of a Committee consisting of the Chief Minister (as Chairperson), Speaker of the Legislative Assembly, Minister In-charge of Department of Home in that state and Leader of the Opposition in the Legislative Assembly. Provided where there is a Legislative Council, the Chairman of the Council and the Leader of the Opposition in that Council shall also be members of the Committee.



### Selection Committee for Appointment of Chairperson and Members of SHRC



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

The Chief Executive Officer of the Commission is the Secretary, who shall exercise such powers and discharge such functions of the State Commission as it may delegate to him.

In order to organize the work of the Commission, there are different wings dealing with different aspects. These are (i) Judicial Wing (ii) Investigation Wing (iii) Research and Training Wing (iv) Establishment Wing (v) Accounts Wing.

#### Composition of the Commission

Sr. No.	Designation	Name and Date of Joining
1.	Chairperson	Hon'ble Mr. Justice S.K. Mittal w.e.f. 23.04.2018
2.	Member	Hon'ble Mr. Justice K.C. Puri w.e.f. 23.04.2018
3.	Member	Hon'ble Mr. Deep Bhatia w.e.f. 20.09.2018
4.	Secretary	Shri Wazeer Singh Goyat, IAS w.e.f. 10.12.2020
5.	Director General of Police	Dr. M Ravi Kiran, IPS, w.e.f. 26.8.2019 to 5.9.2021 Sh. Hardeep Singh Doon, IPS w.e.f. 13.09.2021
6.	Registrar (Law & Legal)	Sh. Kuldip Jain w.e.f. 09.09.2019
7.	Registrar (Judicial)	Sh. Sunil Kumar Chaudhary w.e.f. 14.7.2021



## **FUNCTIONS**

The Commission shall perform all or any of the following functions, namely:-

- (a) Inquire, *suo-moto* or on a petition presented to it by a victim or any person on his behalf [or on a direction or order of any court], into complaint of---
  - (i) violation of human rights or abetment thereof; or
  - (ii) negligence in the prevention of such violation, by a public servant;
- (b) intervene in any proceeding involving any allegation of violation of Human rights pending before a court with the approval of such court;
- (c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and made recommendations thereon to the Government;
- (d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
- (e) review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- (f) study treaties and other international instruments on human rights and made recommendations for their effective implementation;
- (g) undertake and promote research in the field of human rights;
- (h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;
- (i) encourage the efforts of non-governmental organization and institutions working in the field of human rights;
- (j) such other functions as it may consider necessary for the promotion of such human rights.

## **POWERS**

- (1) The Commission shall, while inquiring into complaints under this Act, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters, namely:
  - a) summoning and enforcing the attendance of witnesses and examining them on oath;
  - b) discovery and production of any document;
  - c) receiving evidence on affidavits;
  - d) requisitioning any public record or copy thereof from any court or office;
  - e) issuing commissions for the examination of witnesses or documents;



## ANNUAL REPORT 2021-22



f) any other matter which may be prescribed.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code.

### **INVESTIGATION**

The Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilize the services of any officer or investigation agency of the Central Government or any State Government with the concurrence of the Central Government or any State Government, as the case may be. The Commission, however, also has its own investigation wing.

### **PROCEDURE**

The Commission while inquiring into the complaints of violations of human rights may

(i) call for the information or report from the Central Government or any State Government or any other authority or organization subordinate thereto within such time as may be specified by it;

Provided that ---

(a) If the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own;

(b) If, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly;

(ii) Without prejudice to anything contained in clause (i), if it considers necessary, having regard to the nature of the complaint, initiate an inquiry.



**CHAPTER III**

**VISITS TO THE JAILS, OLD AGE HOMES OF HARYANA MADE BY HARYANA HUMAN RIGHTS COMMISSION DURING 2021-22**

1	A VISIT CONDUCTED BY SHRI DEEP BHATIA, HON'BLE MEMBER, HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH TO DISTRICT JAIL, PALWAL
2	A VISIT CONDUCTED BY SHRI DEEP BHATIA, HON'BLE MEMBER, HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH TO SALAAM BALAK TRUST, AARUSHI HOME, GURUGRAM
3	A VISIT CONDUCTED BY HON'BLE MR. JUSTICE K.C.PURI, MEMBER (JUDICIAL), HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH TO DISTRICT JAIL, SONIPAT
4	A VISIT CONDUCTED BY HON'BLE MR. JUSTICE K.C.PURI, MEMBER (JUDICIAL), HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH TO SPECIAL HOME (BOYS), SONIPAT
5	A VISIT CONDUCTED BY SHRI DEEP BHATIA, HON'BLE MEMBER, HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH TO OBSERVATION HOME AND THE PLACE OF SAFETY, FARIDABAD
6	A VISIT CONDUCTED BY SHRI DEEP BHATIA, HON'BLE MEMBER, HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH TO DISTRICT JAIL, SIRSA
7	A VISIT CONDUCTED BY HON'BLE MR. JUSTICE K.C.PURI, MEMBER (JUDICIAL), HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH TO CENTRAL JAIL, HISAR-I
8	A VISIT CONDUCTED BY HON'BLE MR. JUSTICE K.C.PURI, MEMBER (JUDICIAL), HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH TO CENTRAL JAIL, HISAR-II
9	A VISIT CONDUCTED BY SHRI DEEP BHATIA, HON'BLE MEMBER, HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH TO DISTRICT JAIL, PANIPAT
10	A VISIT CONDUCTED BY SHRI KULDIP JAIN, REGISTRAR, HHRC, TO M.D.D. BAL BHAWAN, RAJIVPURAM, PHOOSHGARH ROAD, KARNAL



## ANNUAL REPORT 2021-22



### 1. INSPECTION NOTE REGARDING VISIT OF DISTRICT JAIL, PALWAL ON 01.10.2021 CONDUCTED BY SHRI DEEP BHATIA, MEMBER, HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH.

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On 01.10.2021 District Jail, Palwal was visited by Shri Deep Bhatia, Member along with Shri Kuldip Jain, Registrar (Law & Legal), Sh. Gulshan Khurana, Special Secretary, Haryana Human Rights Commission, Chandigarh and Shri Piyush Sharma, Secretary, District Legal Services Authority, Palwal. Shri Som Nath Jagat, Superintendent District Jail with the officers and staff was present there.

Total 46 inmates were found lodged in the Jail against authorised capacity of 60. There was no female inmate as there is no female ward. The population statement of Jail as on 01.10.2021 was supplied as under:-

<b>Particulars</b>	<b>Total</b>
Convicts RI	02
Convicts SI	00
Sessions Court (under trial)	13
Lower Court (under trial)	31
<b>Total</b>	<b>46</b>

The building of District Jail at Palwal is an old one and is having capacity of 60 inmates only. It was informed that due to insufficient space and lack of proper infrastructure in District Jail, Palwal, 942 inmates of this district are being confined in the District Jail, Faridabad. A great difficulty is being faced in the absence of new jail as inmates have to be brought from Faridabad Jail for production before the Courts at Palwal and, thus, involves safety and security issue. Women inmates of Palwal district are kept in the District Jail, Faridabad. Relatives of the inmates have also to visit to District Jail, Faridabad for meeting with inmates of district Palwal. Before visiting the Jail, Hon'ble Member had a meeting with the Deputy Commissioner and Superintendent of Police, Palwal where Superintendent of Jail, Palwal was also present and during discussion, it was informed that the crime rate in district Palwal in comparison to other South Haryana districts is quite high. Thus, there is a dire need for the construction of a new district Jail at Palwal.



## ANNUAL REPORT 2021-22



The premises of the jail were found well maintained, neat and clean. A visit was also made to the barracks and inmates were asked about the living conditions and facilities provided to them. The inmates showed their satisfaction about the facilities provided to them. The toilets and bathrooms were found neat and clean.

A visit to the jail dispensary was made. Dr. Lalit and one pharmacist are working in the Jail dispensary. Enquiries were made from the inmates regarding medical treatment and the medicines being provided to them but no one has made any complaint in this regard.

There is a small Kitchen in the jail. The kitchen was found neat and clean. Food was tasted which was found to be of upto mark quality. Enquiries were made from jail inmates regarding the quality of food being served to them, the inmates made no complaint regarding the quality of food being served to them. A small canteen is also available in the Jail where the inmates can purchase their daily need items. A small Library facility is also available. Indoor/outdoor games facilities of badminton, carom board, Ludo etc. are also provided to the jail inmates and yoga activity is conducted in the morning and prayer in the evening daily to relieve them from stress.

There is also a facility of Prison Inmate Calling System in which any inmate can call his family members on two numbers provided by the inmate for 5 minutes per day on payment basis. A kiosk machine has been installed where on putting thumb impression, every inmate can see his case information, custody period, hearing date and canteen details etc. In view of above, the following recommendations are made:-

- 1. It is strongly recommended that a new District Jail of the capacity of about 2000 inmates must be constructed at Palwal at the earliest.**
- 2. The official vehicle for the use of official work and emergent needs be provided to the Jail staff.**

In view of above, a copy of this inspection note be sent to the Addl. Chief Secretary (Homes), Government of Haryana, the Director General of Prisons, Haryana, and the Superintendent, District Jail, Palwal for taking necessary action.

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**2. INSPECTION NOTE REGARDING VISIT OF SALAAM BALAK TRUST, AARUSHI HOME, GURUGRAM ON 02.10.2021 CONDUCTED BY SHRI DEEP BHATIA, MEMBER, HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH.**

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On 02.10.2021 Salaam Balak Trust, Aarushi Home, Sector 21, Gurugram, was visited by Shri Deep Bhatia, Member along with Shri Kuldip Jain, Registrar (Law & Legal) and Sh. Gulshan Khurana, Special Secretary, Haryana Human Rights Commission, Chandigarh. Ms. Mamta Biswas, Welfare Officer was found present there. It was informed that the said home was established in 2008 and the same is being run by NGO having five trustees. The home is running on donations and no grant in aid is received from the State Government or Central Government. In the said home, shelter is provided to abandoned, missing, orphaned, and eloped girls up to the age of 18 years. At the time of visit, there were 42 girl inmates out of which two were mentally retarded. They are kept age group wise in six dormitories. One Coordinator is deputed in each dormitory. To provide education, the girl inmates have been admitted in seven different schools as per their needs and capabilities. The fees and other education expenses of these girl inmates are borne by the trust.

The premises of the home were found well maintained, neat and clean. A visit was also made to the dormitories. The beddings, kitchen and the toilets and bathrooms were found neat and clean. It was informed that girl inmates themselves decide about the food for which separate cooks have been employed. The inmates made no complaint regarding the quality of food being served to them. The medical officers also visits the home and in case of emergency inmates are taken to the civil hospital or nearby hospital in own vehicle of the home. Counsellor also visits the home on regular basis. Indoor/outdoor games facilities of badminton, carom board etc. are also provided to the inmates to relieve them from stress. Other activities such as Group discussion, computer classes, painting competition are also provided to the inmates, so that they may remain busy and pass their time in useful manner. The inmates were asked if they are facing any difficulty of any kind, but all of them expressed satisfaction about the facilities provided to them and made no complaint of any kind. In order to ensure security of the inmates guard is deputed on the main gate and CCTVs are also installed inside the building premises. No male staff has been employed inside the building premises.





## ANNUAL REPORT 2021-22



It was informed that due to lack of water connection of higher capacity, home is facing a great difficulty to cater the need of inmates and despite of approaching the district administration in this regard still nothing has been done. **The Deputy Commissioner, Gurugram/Commissioner, Municipal Corporation, Gurugram are directed to look into the matter and take necessary steps for providing water connection of higher capacity to the home.**

The Home is providing a yeomen's service to the girl inmates, providing them all the facilities including free residence, health care and education. It was also informed that the issue of grant of scholarship to the students of the home is also pending with the Department of Social Justice and Empowerment, Government of Haryana. **The Principal Secretary, Department of Social Justice and Empowerment, Government of Haryana is directed to consider to provide financial aid to the home if found eligible under the policy of the State Government for rendering great service to the humanity and also solve the issue of grant of scholarship to the student inmates of the home which falls under the policy of the State/Central Government.**

In view of above, a copy of this inspection note be sent to the Principal Secretary, Department of Social Justice and Empowerment, Government of Haryana, the Member Secretary-cum-Director, Women & Child Development Department, Panchkula, Haryana, the Deputy Commissioner, Gurugram, the Commissioner, Municipal Corporation, Gurugram and the Incharge, Salaam Balak Trust, Aarushi Home, Gurugram for information and taking necessary action.

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### **3. INSPECTION NOTE REGARDING VISIT OF DISTRICT JAIL, SONIPAT ON 08.10.2021 CONDUCTED BY HON'BLE MR. JUSTICE K. C. PURI, MEMBER (JUDICIAL), HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH.**

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On 08.10.2021 District Jail, Sonipat was visited by Hon'ble Mr. Justice K. C. Puri, Member (Judicial) and Sh. Gulshan Khurana, Special Secretary, Haryana Human Rights



## ANNUAL REPORT 2021-22



Commission, Chandigarh. At the time of visit, Ms Upasana, Addl. Superintendent of Police, Sonipat, Shri Ram Chander, Secretary, District Legal Services Authority, Sonipat, Shri Jitender Joshi, City Magistrate, Sonipat and Shri Satvinder Kumar Godara, Superintendent District Jail, Sonipat were present there.

As informed, the total area of this prison is 14 acres 5 kanals and 18 marlas having capacity of 745 inmates. There were total 1358 inmates lodged in the Jail against authorised capacity of 745 inmates. As such the jail is found over-crowded. It was also informed that the construction work of two barracks is undergoing. The population statement of Jail as on 08.10.2021 was supplied as under:-

<b>Particulars</b>	<b>Total</b>
Convicts Male	194
Convict Female	14
Convict simple	04
Convict civil	01
Sessions Court (under trial)	726
Lower Court (under trial)	419
<b>Total</b>	<b>1358</b> <b>9 children with their mothers</b>

The District Jail, Sonipat is having male barracks, female barrack, security wards, kitchen, hospital, library, canteen, Legal Aid Centre, school, administrative block, modern barber shop and video conferencing room. The facilities of Video Conferencing, Prison Inmate Calling System, Computer Networking etc. CCTV cameras have also been provided. It was informed that presently 38 sanctioned posts of jail staff (Asstt. Supdt.: 2, Sub Assistant Suptd.: 2, Head Warder: 1, Warder: 19, Female Warder: 2, Electrician: 1, Driver: 1, Sweeper: 8, and Cook: 2) are lying vacant.

A visit was made to the female ward. The inmates were told about the visit. All the female inmates were satisfied with the facilities provided to them in the jail and no one has made any kind of complaint in this regard. A creche facility is also available in the female ward. Nine children with their mothers were found present there. Hon'ble Member interacted



## ANNUAL REPORT 2021-22



with the children. Sewing machines are provided in the female ward where training of tailoring is provided to the female inmates.

A visit was also made to the male barracks and inmates were asked about the living conditions and facilities provided to them. The inmates showed their satisfaction about the facilities provided to them. The premises of the jail were found well maintained, neat and clean. It was noticed that the Superintendent of Jail was acquainted with each inmate and is having good jail administration.

A visit to the jail hospital was made. Dr. Rohit Bhardwaj was found present there. One pharmacist is also working there. It was informed that the capacity of the hospital is 50 bedded. 25 ill inmates were found admitted in jail hospital. The TB patients and other general patients were found admitted in separate wards opposite to each other. However, it was informed that TB negative patients are kept there and the actual TB sufferer patients are kept in a separate cell or admitted in the hospital. The specialist doctors visit in jail hospital from Civil Hospital, Sonapat from time to time for providing better treatment to the jail inmates. However, there is no path lab in the jail hospital. No staff nurse is working in the jail hospital. Enquiry was made from the inmates regarding their diseases and the treatment and medicines being provided to them but no one has made any complaint in this regard.

A visit to the Kitchen was made. The kitchen was found neat and clean. Atta making machine is available there. The Chapattis are prepared on a machine. Two R.O. plants have been installed to provide pure, clean and hygienic water to the jail inmates. Enquiries were made from jail inmates regarding the quality of food being served to them, the inmates made no complaint regarding the quality of food being served to them.

A canteen facility is available in the Jail where the inmates can spend a sum of Rs.8000/- per month for purchasing their daily need items. Every inmate is allowed to keep a sum of Rs.8000/- per month in his account which is deposited by his relative-mulakati through POS as well as through online facility and this account is linked with the canteen account of the inmate. A proper receipt is issued against purchase of any item and balance amount is also shown in the receipt.



## ANNUAL REPORT 2021-22



There is an interview system in the Jail in which the inmates converse with their family members through intercom system. The undertrials are allowed to have interview with their family members twice a week while the convicts once in a week as per provision of Jail Manual.

There is also a facility of Prison Inmate Calling System in which any inmate can call his family members on two numbers provided by the inmate for 5 minutes for male and 9 minutes for female inmates per day on payment basis. Total 9 PICS machines have been installed in this prison at different places. Video Conferencing System for production of under trial prisoners in Courts is also working through five video conferencing systems. A Legal Aid Centre under the District Legal Services Authority, Sonipat is also working in the jail premises. E-court Kiosk machines have been installed where on putting thumb impression, every inmate can see his case information, custody period, hearing date and canteen details etc.

There is a separate school building in the jail premises. The basic education is being provided to illiterate jail inmates by educated inmates. The National Institute of Open Schooling study centre started in the year 2013 in which classes for 10<sup>th</sup> and 12<sup>th</sup> are being conducted in the jail regularly. Presently 29 inmates appeared in 10<sup>th</sup> class and 23 inmates appeared in 12<sup>th</sup> class. IGNOU Special Study Centre for imparting education to the inmates who are willing to continue their studies, is also working. Presently 71 inmates appeared in B.A/BAG/B.Com. Vocational education on the subjects of Electrician (CDTP), Carpenter (CDTP) is provided to the jail inmates in collaboration with Govt. Polytechnic College, Sonipat.

The Library facility is also provided. Games facilities are also provided to the jail inmates and yoga activity is conducted to relieve them from stress. The facility of FM Radio station is going to be started very soon in the jail premises.

In view of above, the following recommendations are made:-

- 1. Besides the construction of present two barracks, the process for construction of two more barracks must be initiated for which adjoining land is available with the Jail administration.**
- 2. The vacant posts of Jail Staff be filled at the earliest.**
- 3. A path lab is required to be established in the jail hospital. The Staff Nurse and Lab Technician be posted in the Jail Hospital at the earliest.**



## ANNUAL REPORT 2021-22



A copy of this inspection note be sent to the Addl. Chief Secretary (Homes), Government of Haryana, the Director General of Prisons, Haryana, the Director General of Health Services, Haryana and the Superintendent, District Jail, Sonipat for taking necessary action.

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#### **4. INSPECTION NOTE REGARDING VISIT OF SPECIAL HOME (BOYS), SONIPAT ON 08.10.2021 CONDUCTED BY HON'BLE MR. JUSTICE K.C. PURI, HON'BLE MEMBER (JUDICIAL), HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH.**

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On 08.10.2021, Hon'ble Mr. Justice K.C. Puri, Member (Judicial), Haryana Human Rights Commission, Chandigarh along with Sh. Gulshan Khurana, Special Secretary visited Special Home (Boys), Sonipat. At the time of visit, Ms. Upasana, Addl. Superintendent of Police, Sonipat, Shri Ram Chander, Secretary, District Legal Services Authority, Sonipat, Shri Jitender Joshi, City Magistrate, Sonipat, Mrs. Ritu, District Child Protection Officer, Sonipat and Shri Amarjit Singh, Superintendent, Special Home, Sonipat were present there.

The home is run by the Government of Haryana. As informed there were total 42 inmates in the home against the capacity of 50 inmates, which are kept age group wise in five rooms. A visit was made to the rooms. TVs are provided in every room. Toilet and bathroom are provided in each room which were found neat and clean. The inmates were asked about the living conditions and facilities provided to them. The inmates showed their satisfaction about the facilities provided to them. The premises were found neat and clean. However, outer walls of the rooms need immediate repairs of cement plaster and the home also needs renovation. It was informed that Special Home will be shifted to the newly proposed Integrated Complex to be constructed at village Jhajj.

A visit to the Kitchen was made. The kitchen was found neat and clean. Food is served three times a day. Food is prepared by two cook employees. RO water is used for drinking and cooking purpose. Enquiries were made from inmates regarding the quality of food being served to them. No one has made any complaint in this regard.



## ANNUAL REPORT 2021-22



In order to ensure security of the inmates, security guard is deputed on the main gate and CCTVs are also installed inside the building premises.

A small Library facility is also available for the inmates. There is an arrangement for the inmates to talk with their relatives on telephone for five minutes on weekly basis. Doctor from Civil Hospital visits on weekly basis.

The Indoor games facilities of carom board, chess etc. are also provided to the inmates to relieve them from stress. Advocate from District Legal Services Authority, Sonipat visits to the home on every Saturday. Counseling services are also provided to the inmates on weekly basis. The Superintendent of Special Home and the counselor were directed to provide proper counseling to the inmates and they be encouraged for doing innovative activities so that the inmates may remain busy for useful purpose.

It was informed that the post of Legal-cum-Probationer Officer is lying vacant for the last two years. There is also a need for posting of full time counselor and Para medical staff.

In view of above report, the following recommendations are made:-

- 1. The Member Secretary-cum-Director Women & Child Development Department, Haryana, Panchkula is directed to take concrete steps for rehabilitation and reintegration of the inmates by providing skill development courses.**
- 2. The posts of Legal-cum-Probationer Officer, Counselor and Para medical staff be filled at the earliest.**
- 3. Till the shifting of special home to the newly constructed Integrated complex, it is recommended that the present Special Home be renovated and necessary repairs be also carried out.**

In view of above, a copy of this inspection note be sent to the Addl. Chief Secretary (Homes), Haryana, Chandigarh, the Member Secretary-cum-Director, Women & Child Development Department, Panchkula, Haryana, and the Superintendent, Special Home (Boys), Sonipat for information and taking necessary action.

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**5. INSPECTION NOTE REGARDING VISIT OF OBSERVATION HOME AND THE PLACE OF SAFETY, FARIDABAD ON 27.11.2021 CONDUCTED BY SHRI DEEP BHATIA, HON'BLE MEMBER, HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH.**

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On 27.11.2021 Shri Deep Bhatia, Hon'ble Member, Haryana Human Rights Commission, Chandigarh along with Sh. Gulshan Khurana, Special Secretary, visited Observation Home and the Place of Safety, Faridabad. At the time of visit Shri Dinesh Yadav, Superintendent of Observation Home and the Place of Safety, Faridabad, Smt. Meenakshi Chaudhary, District Child Programme Officer, Faridabad and Smt. Aparna, Counsellor and Sh. Lakhi Ram and Sh. O.P. Saini, Legal Aid Counsel were present.

**OBSERVATION HOME**

Observation Home, Faridabad registered under registration No.0152ICPS JJ Act 2021 valid up to 11.10.2026 is being run by the Women & Child Development Department, Haryana. The Observation Home is housed in an old building having ten dormitories and one multipurpose room. The premises of the Home were found neat and clean. In order to ensure the security of the premises, security guards are deputed on the main gate and the inside premises of the Home are covered by the 21 CCTVs.

There were 51 inmates against the sanctioned capacity of 50 inmates which are kept age group wise in ten dormitories. Visit was made to all the dormitories. Toilet-cum-bathroom, the Geyser and cooler are provided in every room. Inverter and Generator set for electricity back up have also been provided. The inmates were asked about the living conditions and facilities provided to them. The inmates showed their satisfaction about the facilities provided to them.

A visit to the Kitchen was made. The kitchen was found neat and clean. Cooking is done by two cooks and one helper. It was informed that food is provided three times in a day besides the food, tea is also served to the inmates in the morning and evening. RO drinking water is provided to the inmates through two RO machines. One deep freezer is also provided in the kitchen. Enquiries were made from the inmates regarding the quality of food being served to them. No one has made any complaint in this regard.





## ANNUAL REPORT 2021-22



Education is being provided to the inmates by conducting regular classes by three teachers posted in the Home on deputation basis from the Education Department, Haryana. Presently ten inmates (class 0 to 5), fourteen inmates (class 6 to 8) and twenty seven inmates (class 9 to 12) are getting education. Vocational training of Wall painting & Designing is provided to the inmates by Global Hunt Foundation. The move for placement of inmates has also been started.

Two doctors from B.K. Hospital, Faridabad visit the home twice in a week for General OPD. Skin specialist visits in a week. Psychologist visits in 15 days. An ambulance has also been provided on behalf of the police department. Besides this, medical camps for dental and eye diseases are also held from time to time.

The library, internet, video conferencing and legal aid facilities are provided to the inmates. There is a posting of permanent counsellor for every child's counselling. Besides this, Smt. Aparna, Counsellor also visits the home twice in a month. Probation Officer prepares every child's 'Individual care plan'. There is an arrangement for the inmates to talk with their relatives on telephone for 5 to 7 minutes on every Tuesday and Friday. The inmates are allowed to deposit Rs.500/- for spending on their daily need items. Birthdays of inmates falling during a month is celebrated once in a month on the expenses of WCD Department. The indoor games facilities of carom board and Ludo etc. are also provided to the inmates and Yoga classes are also conducted daily to relieve them from stress. However, there is not sufficient space for outdoor games. The juvenile inmates need more space for their daily workout and games for the better health and upbringing.

### **The Place of Safety**

The Place of Safety, Faridabad is also being run by the Women & Child Development Department, Haryana. The Place of Safety, Faridabad is housed in a newly constructed building having 21 dormitories which has been started recently on 9.11.2021. The premises were found neat and clean. In order to ensure the security of the premises, security guards are deputed on the main gate and the inside premises are covered by the nine CCTVs.

There were 122 inmates against the sanctioned capacity of 150 inmates which are kept age group wise. Visit was made to all the dormitories. Toilet-cum-bathroom, the Geyser





## ANNUAL REPORT 2021-22



and cooler are provided in every room. Inverter and Generator set for electricity back up have also been provided. The inmates were asked about the living conditions and facilities provided to them. The inmates showed their satisfaction about the facilities provided to them.

A visit to the Kitchen was made. The food was tasted and the quality of the same was found good. The kitchen was found neat and clean. It was informed that food is provided three times in a day besides the food, tea is also served to the inmates in the morning and evening. RO drinking water is provided to the inmates through RO machines. Enquiries were made from the inmates regarding the quality of food being served to them. No one has made any complaint in this regard.

Education is being provided to the inmates by conducting regular classes by two teachers posted on deputation basis from the Education Department, Haryana. Presently fifty inmates (class 6th to 8th) and seventy two (class 9th to 12th) are getting education. It was informed that the Vocational training to the inmates is going to start within a month.

General Physician from B.K. Hospital, Faridabad visits the home twice in a week for General OPD. Skin specialist and Psychologist visit fortnightly.

The internet and legal aid facilities are provided to the inmates. Every child's counselling is done by counsellor. Probation Officer prepares every child's 'Individual care plan'. Birthdays of inmates falling during a month is celebrated once in a month on the expenses of WCD Department. The indoor games facilities of carom board, Chess and Ludo etc. are also provided to the inmates and Yoga classes are also conducted daily to relieve them from stress. A room for squash court has also been built inside the premises which is stated to be the only in the State of Haryana.

Some of the inmates have made a request a facility of providing TV in each room. It was informed that the building of the Place of Safety, Faridabad has been recently inaugurated on 9.11.2021 and as such some of the infrastructure and facilities i.e. Furniture, TV etc. are going to be provided at the earliest as the purchase of the same is under process.

It has also come to the notice that some of the juveniles below the age of 16 and the involved in non heinous offences are kept in the Place of Safety, Faridabad who are required



## ANNUAL REPORT 2021-22



to be kept in the Observation Home. It was told by the Superintendent that these juveniles have been transferred to the Place of Safety, Faridabad from other places.

In view of above report, the following recommendations are made:-

- 1. The building of Observation Home, Faridabad is an old one and having no provision for rooms for education as well as vocational training and also no vacant space for outdoor games. The juvenile inmates need more space for their daily workout and games for the better health and upbringing It is recommended that a new multi storey building for the Observation Home be constructed at the present place after demolishing the old building or in the alternative adjacent vacant land belonging to the Municipal Corporation, Faridabad be used for the Observation after acquisition of the same. The department should make a dialogue with the concerned Municipal Corporation authorities at Government level.**
- 2. The Juveniles below the age of 16 and involved in non heinous offences kept in the Place of Safety be transferred to the Observation Home, Faridabad.**

A copy of this inspection note be sent to the Commissioner & Secretary to Government of Haryana, Women and Child Development Department, Haryana, the Director General, Women and Child Development Department, Haryana, and the Superintendent of Observation Home/the Place of Safety, Faridabad for taking necessary action.

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### **6. INSPECTION NOTE REGARDING INSPECTION OF DISTRICT JAIL, SIRSA ON 25.02.2022 CONDUCTED BY SHRI DEEP BHATIA, MEMBER, HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH**

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On 25.02.2022 District Jail, Sirsa was inspected by the undersigned along with Sh. Kuldip Jain, Registrar (Law & Legal), Haryana Human Rights Commission, Chandigarh, Ms. Anuradha, Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority,



## ANNUAL REPORT 2021-22



Sirsa and two empaneled Advocates of DLSA, Sirsa. Shri Sher Singh, Superintendent, District Jail, Sirsa with the officers and staff was present there.

As informed there were total 1165 (1123 male, 40 female and 2 transgender) inmates lodged in the Jail against authorised extended capacity of 807 inmates. This Jail was originally constructed for only 400 inmates. The population statement of Jail as on 25.02.2022 was supplied as under:-

<b>Particulars</b>	<b>Total</b>
Convicts R.I. Male	241
Convicts R.I. Female	11
Foreigner Convict RI	01
Convicts S.I.	13
Undertrial Prisoners (Sessions Trial) Male	436
Female	12
Transgender	02
Under trial (other than Sessions trial) Male	432
Female	17
<b>Total</b>	<b>1165</b>

The premises of the jail were found well maintained, neat and clean. A visit was also made to the barracks and inmates were asked about the living conditions and facilities provided to them. There is a separate female ward which was said to be earlier kitchen premises and was later converted to female ward. The space in the said area is not sufficient for 40 females.

The inmates showed their satisfaction about the facilities provided to them. Some of the inmates complained that their parole requests remain pending with the district administration for a long time.

There is an interview system in the Jail in which the inmates converse with their family members through intercom system in sound proof environment. The interview system is carried out in alphabetic order. The undertrials are allowed to have interview with their family members twice a week while the convicts once in a week as per the provision of Jail Manual.



## ANNUAL REPORT 2021-22



There is also a facility of Prison Inmate Calling System in which any inmate can call his family members on two numbers provided by the inmate for 5 minutes for male and 10 minutes for female inmates per day on payment basis.

A visit to the jail hospital was made. Dr. Vikash Singh, Medical Officer is posted on regular basis and Dr. Virender Singh, Medical Officer is posted temporarily. Two Pharmacists namely, Shri Madan Lal and Shri Ram Karan are also posted in the jail hospital. A dental chair is also available in the hospital but the same was stated to be out of order. Enquiries were made from the inmates regarding their diseases and the treatment and medicines being provided to them but no one has made any complaint in this regard. While inspecting the pathological lab within the premises of Jail, it was reported that the number of patients of hepatitis-C is very high in this Jail. The root cause of it seems to consumption of drugs through injections by inmates. On the day of inspection itself there were 6 positive cases of hepatitis-C out of 12 samples collected by the Pathological lab of the Jail.

A visit to the Kitchen was made. The kitchen was found neat and clean. The food was tasted and the same was found of good quality. R.O. plants have been installed in the Jail to provide clean and hygienic water to the inmates. Enquiries were made from jail inmates regarding the quality of food being served to them. The inmates made no complaint regarding the quality of food being served to them.

A Legal Aid Centre is also working in the jail premises under the District Legal Services Authority, Sirsa. The jail premises are under the coverage of CCTV Cameras. The record of all the jail inmates is computerised. Illiterate inmates are provided basic education by educated inmates. Education to the 10<sup>th</sup> and 12<sup>th</sup> class students is being imparted through National Institute of Open Schooling. Undergraduate and Postgraduate class students are provided education through Indira Gandhi National Open University.

A canteen facility is available in the Jail where the inmates can spend a sum of Rs.8000/- per month for purchasing their daily need items. Every inmate is allowed to keep a sum of Rs.8000/- per month in his account which is deposited by his relative-mulakati through POS as well as through online facility and this account is linked with the canteen account of the inmate. However, the inmates are not allowed to deposit the amount from their personal



## ANNUAL REPORT 2021-22



accounts or the wages earned in jail to the bank canteen account as only their relatives are allowed to deposit in the canteen account. This difficulty is being experienced in those cases who are from far away places and cannot contact their relatives.

The Library facility is also provided where the books of different languages are available for reading of the inmates. Games/yoga facilities/ are also provided to the jail inmates daily to relieve them from stress.

There is also a bakery unit in the jail where the bread buns are baked for the consumption of inmates. The inmates are being taught various skills including fan winding, oil speller unit and computer hardware. There is also availability of well maintained Temple, Gurudwara and Mosque for the inmates of the Jail.

In view of above, the following recommendations are made:-

- 1. To overcome the problem of overcrowding in the jail, it is recommended that the additional barracks be constructed on the three acres adjacent land to the jail premises belonging to the Jail Department.**

**OR**

**In the alternative, a Sub Jail may be got constructed at Dabwali.**

- 2. Many of the inmates under the clutches of drugs are lying lodged in Sirsa jail. There is a need to create awareness about the bad effects of drug addiction. To prevent the drug abuse amongst the inmates in the jail premises, it is strongly recommended that a de-addiction centre be established in jail premises. There is a dire need of deployment of professional Psychologists in the jail and for proper counselling some expert counsellors/students can be called from local educational institutions such as Chaudhary Devi Lal University, Sirsa and Jan Nayak Chaudhary Devi Lal Vidyapeeth, Sirsa and other institutions.**
- 3. The boundary wall of the Jail are not secured enough to stop the throwing of illegal material from outside, hence, the same should be secured in such a manner, so that, no illegal material can be thrown from outside within the premises of the Jail.**



## ANNUAL REPORT 2021-22



4. The district administration be directed to get expedited the pending parole cases on merits within a fixed time frame.
5. The dental chair provided in the jail hospital be got repaired at the earliest.
6. In order to avoid skin diseases amongst the inmates, periodical washing/cleaning of bedsheets, quilts and blankets etc. be got arranged. There is no laundry facility available in the Jail which should be provide, so that, the cloths can be washed properly. This will help in controlling the skin diseases.
7. Since there was a general complaint from local jail authorities as well as inmates regarding acute shortage of potable water in the jail premises, therefore, necessary steps may be taken to overcome this difficulty. It was reported that the pipeline of potable water has been laid down very close to the premises of the Jail but the connection of the same has not been given to the Jail. The matter with the concerned authority should be taken up and the connection of potable water should be installed as soon as possible.
8. The rates of wages for the work done by the convicts in the jail are too much less which were fixed a long ago. It is recommended that the revision of rates of wages be considered sympathetically.
9. The Director General of Prisons, Haryana is directed to ensure that the inmates are allowed to deposit money to the canteen account from their personal bank accounts and the wages earned by them while working in the jail so that the inmates can buy their daily need items.
10. There is dire scarcity of space in female ward which need urgent attention of concerned authority.

A copy of this inspection note be sent to the Addl. Chief Secretary (Homes), Government of Haryana, the Director General of Prisons, Haryana, and the Deputy Commissioner, Sirsa and the Superintendent, District Jail, Sirsa for taking necessary action.

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**7. INSPECTION NOTE REGARDING INSPECTION OF CENTRAL JAIL, HISAR-I ON 04.03.2022 CONDUCTED BY HON'BLE MR. JUSTICE K.C. PURI, MEMBER (JUDICIAL), HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH.**

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On 04.03.2022 Central Jail, Hisar-I was inspected by the undersigned along with Sh. Gulshan Khurana, Special Secretary, Haryana Human Rights Commission, Chandigarh, Mr. Vishal, Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, Hisar. Shri Deepak Sharma, Superintendent, Central Jail, Hisar-I with the officers and staff was present there.

As informed there were total 1950 inmates lodged in the Jail against authorised capacity of 1499 inmates. The population statement of Jail as on 04.03.2022 was supplied as under:-

<b>Particulars</b>	<b>Total</b>
Convicts Rigorous imprisonment	506
Convicts Simple Imprisonment	45
Undertrial Prisoners (Sessions Trial)	492
Under trial (other than Sessions trial)	901
Civil Prisoners	06
<b>Total</b>	<b>1950</b>

The building of jail is very old. The premises of the jail were found well maintained, neat and clean. A visit was made to the barracks and inmates were asked about the living conditions and facilities provided to them. The inmates showed their satisfaction about the facilities provided to them. Some of the inmates complained that their parole/Furlough requests remain pending with the district administration for a long time (List of inmates attached).

There is an interview system in the Jail in which the inmates converse with their family members through intercom system in sound proof environment. The interview system is



## ANNUAL REPORT 2021-22



carried out in alphabetic order. The undertrials are allowed to have interview with their family members twice a week while the convicts once in a week as per the provision of Jail Manual.

There is also a facility of Prison Inmate Calling System in which any inmate can call his family members on two numbers provided by the inmate for 5 minutes for male and 10 minutes for female inmates per day on payment basis.

A visit to the jail hospital was made. No permanent doctor is posted there. Two doctors namely Dr. Sandeep and Dr. Pawan are posted temporarily for two weeks. Dr. Amit is posted as Dental surgeon. Shri Ajay Kumar is posted as Pharmacist for one week. Enquiries were made from the inmates regarding their diseases and the treatment and medicines being provided to them. Five inmates made complaints regarding their treatment upon which both the doctors were requested to examine these inmates on the day of inspection itself. Both the doctors assured that their grievances would be redressed only that day providing necessary treatment to them.

A visit to the Kitchen was made. The kitchen was found neat and clean. Chappatis are prepared on a machine. The food was tasted and the same was found of good quality. Enquiries were made from jail inmates regarding the quality of food being served to them. The inmates made no complaint regarding the quality of food being served to them.

A Legal Aid Centre is also working in the jail premises under the District Legal Services Authority, Hisar. E-courts Kiosks are provided where any inmate can get the information about his case. The jail premises are under the coverage of CCTV Cameras. The record of all the jail inmates is computerised. Illiterate inmates are provided basic education by educated inmates. Education to the 10<sup>th</sup> and 12<sup>th</sup> class students is being imparted through National Institute of Open Schooling. Undergraduate and Postgraduate class students are provided education through Indira Gandhi National Open University.

A canteen facility is available in the Jail where the inmates can spend a sum of Rs.8000/- per month for purchasing their daily need items. Every inmate is allowed to keep a sum of Rs.8000/- per month in his account which is deposited by his relative-mulakati through POS as well as through online facility and this account is linked with the canteen account of the





## ANNUAL REPORT 2021-22



inmate. However, the inmates are not allowed to deposit the amount from their personal accounts or the wages earned in jail to the bank canteen account as only their relatives are allowed to deposit in the canteen account online. This difficulty is being experienced in those cases who are from far away places and cannot contact their relatives. Some of the inmates made complaint that they are not able to avail the facility of canteen as their thumb impressions are not imprinted in the machine.

The Library facility is also provided where the books of different languages and daily newspapers are available for reading of the inmates. Games/yoga facilities/ are also provided to the jail inmates daily. Music Room and F.M. Radio Station has been established in the jail premises to relieve the inmates from stress.

There is also a bakery unit in the jail where the bread buns are baked for the consumption of inmates. Sarson Oil speller unit has been established from where sarson oil is being supplied to all the jails of Haryana. Tants are also manufactured by the inmates which are being supplied to the Haryana Police. The inmates are being taught various skills including electric motor winding, canning of chairs, carpentry etc.

In view of above, the following recommendations are made:-

- 1. To overcome the problem of overcrowding in the jail, it is recommended that a new jail be constructed or some more barracks be constructed till the construction of new jail.**
- 2. The district administration especially of District Fatehabad is directed to get expedited the pending parole cases on merits within a fixed time frame as mentioned in the attached list.**
- 3. The Director General of Health Services, Haryana is requested to make posting of the Medical Officers and para medical staff in the jail hospital on regular basis as adhocism is not good for the proper treatment of inmates or Chief Medical Officer, Hisar should post the doctors in the jail for atleast six months tenure.**
- 4. In order to avoid skin diseases amongst the inmates, periodical washing/cleaning of bedsheets, quilts and blankets etc. be got arranged. There is no laundry facility available in the Jail which should be provided, so that, the clothes can be washed properly. This will help in controlling the skin diseases.**



## ANNUAL REPORT 2021-22



5. **The Director General of Prisons, Haryana is directed to ensure that the inmates are allowed to deposit money to the canteen account from their personal bank accounts and the wages earned by them while working in the jail so that the inmates can buy their daily need items, particularly when the inmates are from far away places and their relatives are not able to deposit the amount in their canteen account.**
6. **The Director General of Prisons, Haryana is directed to ensure that some alternative method should be applied to meet out the situation when the thumb impressions of the inmates are not responded or cleared by the canteen machine so that such like inmates may also not be deprived of the canteen facility.**

A copy of this inspection note be sent to the Addl. Chief Secretary (Homes), Government of Haryana, the Director General of Prisons, Haryana, The Director General of Health Services, Haryana, the Deputy Commissioners, Hisar/Fatehabad, The Chief Medical Officer, Hisar and the Superintendent, Central Jail, Hisar-I for taking necessary action.

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### **8. INSPECTION NOTE REGARDING INSPECTION OF CENTRAL JAIL, HISAR-II ON 04.03.2022 CONDUCTED BY HON'BLE MR. JUSTICE K.C. PURI, MEMBER (JUDICIAL), HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH.**

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On 04.03.2022 Central Jail, Hisar-II was inspected by the undersigned along with Sh. Gulshan Khurana, Special Secretary, Haryana Human Rights Commission, Chandigarh, Mr. Vishal, Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, Hisar and Smt. Sunita Sheokand, Legal Aid Counsel. Shri Dayanand, Superintendent, Central Jail, Hisar-II with the officers and staff was present there.

The building of jail is very old. It was informed that extended building is under construction of which 90% work has been completed. As informed there were total 877 inmates



## ANNUAL REPORT 2021-22



lodged in the Jail against authorised capacity of 571 inmates. The population statement of Jail as on 04.03.2022 was supplied as under:-

<b>Particulars</b>	<b>Total</b>
Convicts Rigorous imprisonment	135
Convicts Simple Imprisonment	04
Undertrial Prisoners (Sessions Trial)	296
Under trial (other than Sessions trial)	442
<b>Total</b>	<b>877</b>
Children with their mothers	08

The premises of the jail were found well maintained, neat and clean. A visit was made to the female ward. Creche facility is provided there. A Sanitary Napkin Vanding machine was found installed there. Gynaecologist visits twice in a month. The female inmates showed their satisfaction about the facilities provided to them.

A visit to the male barracks was also made and inmates were asked about the living conditions and facilities provided to them. The inmates showed their satisfaction about the facilities provided to them. Some of the inmates complained that their parole/Furlough requests remain pending with the district administration for a long time.

There is an interview system in the Jail in which the inmates converse with their family members through intercom system in sound proof environment. The interview system is carried out in alphabetic order. The undertrials are allowed to have interview with their family members twice a week while the convicts once in a week as per the provision of Jail Manual.

There is also a facility of Prison Inmate Calling System in which any inmate can call his family members on two numbers provided by the inmate for 5 minutes for male and 10 minutes for female inmates per day on payment basis.



## ANNUAL REPORT 2021-22



A visit to the jail hospital was made. Dr. Veerbhan is posted in the hospital on regular basis. Ms. Neeru is posted as Pharmacist. ECG machine, X-ray machine and Dental chair have been provided in jail hospital. Medical camp is being organized once in a month to examine the inmates by the expert Medical Officers. Dental doctor visits twice a week. Enquiries were made from the inmates regarding their diseases and the treatment and medicines being provided to them but no one has made any complaint in this regard.

A visit to the Kitchen was made. The kitchen was found neat and clean. Chapattis are prepared on a machine. The food was tasted and the same was found of good quality. Enquiries were made from jail inmates regarding the quality of food being served to them. The inmates made no complaint regarding the quality of food being served to them.

A Legal Aid Centre is also working in the jail premises under the District Legal Services Authority, Hisar. E-courts Kiosk is provided where any inmate can get the information about his case. The jail premises are under the coverage of CCTV Cameras. The record of all the jail inmates is computerized. Illiterate inmates are provided basic education by educated inmates. Education to the 10<sup>th</sup> and 12<sup>th</sup> class students is being imparted through National Institute of Open Schooling. Undergraduate and Postgraduate class students are provided education through Indira Gandhi National Open University.

A canteen facility is available in the Jail where the inmates can spend a sum of Rs.8000/- per month for purchasing their daily need items. Every inmate is allowed to keep a sum of Rs.8000/- per month in his account which is deposited by his relative-mulakati through POS as well as through online facility and this account is linked with the canteen account of the inmate. However, the inmates are not allowed to deposit the amount from their personal accounts or the wages earned in jail to the bank canteen account as only their relatives are allowed to deposit in the canteen account online. This difficulty is being experienced in those cases who are from faraway places and cannot contact their relatives. Some of the inmates made complaint that they are not able to avail the facility of canteen as their thumb impressions are not imprinted in the machine.

The Library facility is also provided where 1500 books of different languages and daily newspapers are available for reading of the inmates. Games of basketball, volleyball,



## ANNUAL REPORT 2021-22



cricket, chess, carom board etc. are also being played by the inmates. Yoga, prayer and National Anthem are being done by the inmates daily to relieve them from stress.

There is also a bakery unit in the jail where the bread buns are baked for the consumption of inmates. Tents are also manufactured by the inmates which are being supplied to the Haryana Police. The inmates are being taught various skills including stitching, canning of chairs, repairing of revolving chairs and manufacturing of bastas etc.

In view of above, the following recommendations are made:-

- 1. The district administration especially of District Fatehabad is directed to get expedite the pending parole cases on merits within a fixed time frame.**
- 2. In order to avoid skin diseases amongst the inmates, periodical washing/cleaning of bed sheets, quilts and blankets etc. be got arranged. There is no laundry facility available in the Jail which should be provided, so that, the clothes can be washed properly. This will help in controlling the skin diseases.**
- 3. The Director General of Prisons, Haryana is directed to ensure that the inmates are allowed to deposit money to the canteen account from their personal bank accounts and the wages earned by them while working in the jail so that the inmates can buy their daily need items, particularly, when the inmates are from far away places and their relatives are not able to deposit the amount in their canteen account.**
- 4. The Director General of Prisons, Haryana is directed to ensure that some alternative method should be applied to meet out the situation when the thumb impressions of the inmates are not responded or cleared by the canteen machine so that such like inmates may not be deprived of the canteen facility.**

A copy of this inspection note be sent to the Addl. Chief Secretary (Homes), Government of Haryana, the Director General of Prisons, Haryana, and the Deputy Commissioners, Hisar/Fatehabad and the Superintendent, Central Jail, Hisar-II for taking necessary action.

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**9. INSPECTION NOTE REGARDING INSPECTION OF DISTRICT JAIL, PANIPAT ON 17.03.2022 CONDUCTED BY SHRI DEEP BHATIA, MEMBER, HARYANA HUMAN RIGHTS COMMISSION, CHANDIGARH.**

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On 17.03.2022 District Jail, Panipat was inspected by the undersigned along with Sh. Kuldip Jain, Registrar (Law & Legal), Haryana Human Rights Commission, Chandigarh, Shri Amit Sharma, Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, Panipat and Smt. Lata Chopra, Legal aid counsel, Panipat. Shri Devi Dayal, Superintendent, District Jail, Panipat with the officers and staff was present there.

As informed there were total 1427 (1386 male and 41 female) inmates lodged in the Jail against authorised capacity of 870 (756 male and 114 female) inmates. As such, there is an overcrowding of inmates in the jail. It was informed that the inmates of District Jails, Sonipat and Karnal have also been transferred to this jail. The population statement of Jail as on 17.03.2022 was supplied as under:-

<b>Particulars</b>	<b>Total</b>
Convicts R.I. Male	241
Convicts R.I. Female	05
Condemned convicts	02
Convicts S.I.	14
Convict (Civil)	01
Undertrial Prisoners	
Male	1128
Female	35
Foreigner	01
<b>Total</b>	<b>1427</b>
One child with female undertrial prisoner	

The building of jail is newly constructed having five barracks and two barracks are under construction. A luggage scanner has been installed at the jail entry point in order to avoid entry of any objectionable material inside the jail premises from outside. The premises of the jail were found well maintained, neat and clean. A visit was also made to the barracks and inmates were asked about the living conditions and facilities provided to them. There is a separate female ward. The inmates showed their satisfaction about the facilities provided to them.



## ANNUAL REPORT 2021-22



There is an interview system in the Jail in which the inmates converse with their family members through intercom system in sound proof environment. There is also a facility of Prison Inmate Calling System in which any inmate can call his family members on two numbers provided by the inmate on payment basis.

A visit to the jail hospital was made. The building of jail hospital is spacious which has been designed and built beautifully. Presently, there is no regular doctor posted in the jail hospital. However, the doctors are deputed on rotation basis for 14 days only. On the inspection day, Dr. Rajeev Singla, Medical Officer was found present there who has been deputed for 14 days. No female medical officer is posted there. Shri Sukhdev Kumar is working as Pharmacist. Recently, dental chair, X-ray and ECG machines have also been provided in the hospital for proper diagnosis and timely treatment and the same will be made operational shortly. It was also informed that the establishment of a path lab in the jail hospital is under process. Enquiries were made from the inmates regarding their diseases and the treatment and medicines being provided to them but no one has made any complaint in this regard.

A visit to the Kitchen was made. The kitchen was found neat and clean. R.O. plants have been installed in the Jail to provide clean and hygienic water to the inmates. Enquiries were made from jail inmates regarding the quality of food being served to them. The inmates made no complaint regarding the quality and quantity of food being served to them.

A Legal Aid Centre is also working in the jail premises under the District Legal Services Authority, Panipat. The jail premises are under the coverage of CCTV Cameras. The record of all the jail inmates is computerised.

A canteen facility is available in the Jail where the inmates can spend a sum of Rs.8000/- per month for purchasing their daily need items. Every inmate is allowed to keep a sum of Rs.8000/- per month in his account which is deposited by his relative-mulakati through POS as well as through online facility and this account is linked with the canteen account of the inmate. However, the inmates are not allowed to deposit the amount from their personal accounts or the wages earned in jail to the bank canteen account as only their relatives are allowed to deposit in the canteen account. This difficulty is being experienced in those cases, where inmates are from faraway places and cannot contact their relatives.





## ANNUAL REPORT 2021-22



The Library facility is also provided where 1200 books on various topics are available for the reading of the inmates. Sports facilities like volley ball, badminton, carom, chess and ludo are provided to the jail inmates to relieve them from stress. Televisions are also installed in the barracks. Jail Radio has also been established for the entertainment/recreation of inmates.

There is also a bakery unit in the jail where the bread buns are baked for the consumption of inmates. A laundry machine is also being provided in the jail for washing/ironing of the clothes of inmates. For the rehabilitation purpose, the inmates are being taught various skills including carpentry, electrical wiring/re-winding, and plumbing. A digital computer centre with 10 laptops donated by IVF has been opened to provide basic computer training to the inmates. A stitching centre and beautician saloon training centre is also established in the female ward to provide vocational training to the female inmates.

In view of above, the following recommendations are made:-

- 1. To overcome the overcrowding in the jail, it is recommended that the additional barracks be constructed.**
- 2. In the meanwhile, the process for transfer of the inmates belonging to District Jails, Sonipat and Karnal from District Jail, Panipat may also be expedited.**
- 3. Medical officers including female doctor be posted in the jail on regular basis and the path lab be established in the jail at the earliest.**
- 4. There is a need to create awareness about the bad effects of drug addiction. To prevent the drug abuse amongst the inmates in the jail premises, it is strongly recommended that a de-addiction centre be established in jail premises. There is a dire need of deployment of professional Psychologists in the jail and for proper counselling some expert counsellors/students can be called from nearby institutions.**
- 5. The Director General of Prisons, Haryana is directed to ensure that the inmates are allowed to deposit money to the canteen account from their personal bank accounts and the wages earned by them while working in the jail so that the inmates can buy their daily need items.**





# ANNUAL REPORT 2021-22



A copy of this inspection note be sent to the Addl. Chief Secretary (Homes), Government of Haryana, Chandigarh, the Director General of Prisons, Haryana, Panchkula, the Director General of Health Services, Haryana, Panchkula and the Superintendent, District Jail, Panipat for taking necessary action.

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## 10. REPORT OF VISIT TO M.D.D BAL BHAWAN, RAJIVPURAM, PHOOSHGARH ROAD, KARNAL (HARYANA)

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Pursuance to direction of Hon'ble Chairperson, on 26.03.2022 the undersigned visited M.D.D Bal Bhawan, Rajivpuram, Phooshgarh Road, Karnal (Haryana) in the presence of Sh. Surinder Singh Mann, President Sh S.S Pruthi, Vice President and Mrs. Sushma Nath, Project Officer of M.D.D Bal Bhawan, Rajivpuram, Phooshgarh Road, Karnal (Haryana). It was told that the visited premises is meant only for under privileged/deserted female children and is called as Unit No. 1 of M.D.D Bal Bhawan, Rajivpuram, Phooshgarh Road, Karnal (Haryana) and whereas, the premises for boys is separately situated also in Karnal as Unit No. 2 of the said M.D.D Bal Bhawan, Rajivpuram, Phooshgarh Road, Karnal (Haryana). The visited centre is in existence since 6<sup>th</sup> July, 1999.

At the time of visit, total strength of girl inmates in Unit No. 1 was as under:-

### **Total Strength as on 26.03.2022**

<b>Girls in CCI</b>	<b>53</b>
<b>Boys in CCI</b>	<b>1</b>
<b>After Care Girls</b>	<b>13</b>
<b>Total</b>	<b>67</b>

Premises of Unit No. 1 of the M.D.D Bal Bhawan, Rajivpuram, Phooshgarh Road, Karnal (Haryana) is lying constructed by way of a newly built double storeyed building, spreading over about one acre of land. There are four separate big rooms in the form of hostels, in which one separate room each is provided for a Lady caretaker. There are spacious rooms for library, computer training, counselling and also a big size auditorium, also used as a dining hall,



## ANNUAL REPORT 2021-22



store house for grocery, kitchen, well equipped hospital with beds and a recreation room. The undersigned also interacted with the team members of project, namely “access to justice” which caters to the imparting of legal counselling to Pocsos victims, besides providing legal aid for rehabilitation and awareness amongst inmates and for all this, services of a permanent advocate are provided in the center. There are also two counsellors and two outreach workers for holding outside seminars in order to create awareness in public. All these activities covered under “access to justice” are funded by “Kailash Satyarthi Children Foundation US”. The center has also engaged a private medical officer, who visits hospital in the center twice a week and also when required in emergency. Different vocational courses are also available in the center, like Tailoring, Beautician course, Cooking, Digital Marketing and Fine Arts etc. for training the inmates. Few of inmates are also told to be getting higher education, like B.Com, B.Tech., B.Sc. in Nursing, GNM, B.A, LL.B, B.C.A, C.S, M.A in Mass Communication and Journalism, I.T.I etc.

At the time of visit, most of inmates were found engaged in watching news on a big screened LED, lying installed in the recreation room. In a separate room, meant for imparting coaching to inmates, a lady teacher was found teaching a girl inmate.

Many of the inmates were asked about living conditions as well as served food in the premises to which they in one voice told the same to be quite good. However, the undersigned has also pointedly noticed that all the rooms, especially hostel of girl inmates are quite spacious, airy as well as neat and clean. One male infant of few days old was also seen in the lap of one female caretaker. It was told by Sh. Surinder Singh Mann, President that most of inmates are sent for studies in a local school under proper guard and safety. The inmates who could not go to school are taught in the premises itself.

It was also told by Sh. Surinder Singh Mann, President that State Government is not making payment of usual amount of grant-in-aid for girl inmates at the rate of Rs.2000/-each as well as to the staff members and because of this, much financial problem is told to be faced by the management and staff members. It is suggested for approval that in this regard, Women & Child Development Department of Haryana at Panchkula may be directed to make payment of usual amount of grant-in-aid to M.D.D Bal Bhawan, Rajivpuram, Phooshgarh Road, Karnal (Haryana) on time in future.

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## CHAPTER IV

### RESEARCH WORK

By Sanya Sapra,  
Research Officer, HHRC

### **Human Rights and the Environment**

Environmental law and human rights are both interrelated and go hand in hand as both have same goal to recognize the rights of humans intended for the wellbeing of humanity. They both are concerned with the promotion and development of human wellbeing. Interrelation between environmental law and human rights has been recognized by various international and national organizations and governments. Human rights and environment protection are inter-linked because both are required for better quality of life. Right to life is recognized as a fundamental right, when courts interpreted and widened the scope of right to life, right to live in clean environment is also included in right to life and this is how environmental law and human rights are connected.

Industrialization, urbanization, globalization, and exploitation of natural resources has created natural imbalance which leads to various serious environmental problems like climate change, global warming, loss of biodiversity, public health issues and ozone depletion. Such issues are not only environmental issues but includes various economic, political, and social factors. International bodies have widely recognized the fact that a healthy environment is essential to the fulfillment of human rights. Since Stockholm environment conference in 1972, protection of environment and nature is in the list of most important issues. The declaration makes a detailed analysis of leading environmental problems and human rights. The protection of basic human rights is the duty of the state and also protection and conservation of environment is very important for enjoyment of basic human rights even the right to life itself.

Section 2(A) of The Environment Protection Act, 1986 defines the Environment and its correlative terms as –

“Environment” includes water, air and land and the inter-relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property.



## PROVISION OF ENVIRONMENT UNDER INTERNATIONAL LAW

Initially, the subject of protection of nature and environment was not taken seriously by any international or national organizations or by any government. Since 1972 onward continuous efforts are made for the protection of environment. Various international conventions, treaties and laws have been made for the protection of environment, some of which are discussed below.

➤ **Stockholm Declaration (1972)**

UN conference on human environment in Stockholm (Sweden) in 1972, brings mankind closure to environment in which declaration on the human environment was adopted. 1972 marks a landmark year in the history of environmental laws and is considered as environment movement in the world. Principle 1[1] of the Stockholm declaration established an interrelation between environmental law and human rights. After this declaration UNEP was set up, a dedicated organization for the protection of human rights and environment.

➤ **Rio Declaration (1992)**

The United Nations conference on environment and development in 1992 restate the Stockholm declaration of 1972. Rio declaration formulates a link between human rights and environmental laws. Declaration adopted a set of principles for the sustainable development, these principles define the right of people to live in healthy environment and their responsibility to protect the environment. Declaration links right to development and right to live in healthy, clean, and sound environment and reaffirms interdependence of all human rights and environment protection. Rio declaration is a milestone that set a new agenda for sustainable development.

➤ **World Summit on Sustainable Development (2002)**

World summit on sustainable development was held in Johannesburg and its main idea is to focus the world's attention to sustainable growth for the better future without compromising the present need. It mainly focuses on implementation rather than new treaties and targets. The main issues discussed were gender equality, democratic society, good governance and enhance international cooperation for protection of environment.

## CONSTITUTION AND ENVIRONMENTAL LAWS IN INDIA

Environmental issues have drawn the attention of common people as environmental degradation and pollution have assumed global dimension and are even threatening the very existence and survival of mankind. It may be both natural and man-made.



In India, **the first development** took place when the Constitution (Forty-second Amendment) Act, 1976, was adopted in the mid-seventies. Specific provisions relating to certain aspects of the environment, more specially for the protection of the forests and wildlife in the country, were incorporated in Part IV- Directive Principles of the State Policy – and List III – The Concurrent List – of the Seventh Schedule of the Constitution.

As a result, the Constitution has now the following provisions specifically relating to environment protection and nature conservation:

**Part IV: Directive Principles of State Policy (Article 48A):** Protection and improvement and safeguarding of forests and wild life: The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

**Part IV-A: Fundamental Duties (Article 51-A):** It shall be the duty of every citizen of India – (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

## **SEVENTH SCHEDULE (Article 246)**

### List III - Concurrent List

- Item no. 17 Prevention of cruelty to animals
- Item no. 17A Forests
- Item no. 17B Protection of wild animals and birds.

The **second major development** has been the jurisprudence arising from certain remarkable judicial pronouncements in recent years, more specially relating to Article 21 of the Constitution dealing with ‘the right to life’.

## **Environment and Related Laws and Policies in India**

In India a separate ministry namely The Department of Environment was established in 1980 to ensure a healthy environment for the country. The main acts for environment protection in India are as follows:-

- The National Green Tribunal Act, 2010.
- The Air (Prevention and Control of Pollution) Act, 1981.
- The Water (Prevention and Control of Pollution) Act, 1974.
- The Environment Protection Act, 1986.
- The Hazardous Waste Management Regulations.



These important environment legislations have been briefly explained in the succeeding paragraphs.

➤ **The National Green Tribunal Act, 2010**

The National Green Tribunal Act, 2010 has been enacted with the objectives to provide effective and expeditious disposal of cases relating to environment protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation. The Act envisages to deal with all environmental issues relating to air and water pollution, the Environment Protection Act, the Forest Conservation Act and the Biodiversity Act as have been set out in Schedule I of the NGT Act.

➤ **The Air (Prevention and Control of Pollution) Act, 1981**

The Air (Prevention and Control of Pollution) Act, is an act to provide for the prevention, control and abatement of air pollution and for the establishment of Boards at the Central and State levels with a view to carrying out the aforesaid purposes. To counter the problems associated with air pollution, ambient air quality standards were established under the Air Act. The Air Act seeks to combat air pollution by prohibiting the use of polluting fuels and substances, as well as by regulating appliances that give rise to air pollution.

➤ **The Water (Prevention and Control of Pollution) Act, 1974**

The Water Prevention and Control of Pollution Act, 1974 (the "Water Act") has been enacted for the prevention and control of water pollution and to maintain or restore wholesomeness of water in the country. It further provides for the establishment of Boards for the prevention and control of water pollution with a view to carry out the aforesaid purposes. The Act prohibits the discharge of pollutants into water bodies beyond a given standard, and lays down penalties for non-compliance.

➤ **The Environment Protection Act, 1986**

The Environment Protection Act, 1986, deals with the protection and improvement of environment. The Act establishes the framework for studying, planning and implementing long-term requirements of environmental safety and laying down a system of speedy and adequate response to situations threatening the environment. It is an umbrella legislation designed to provide a framework for the coordination of central and state authorities established under the Water Act (Prevention and Control of Pollution), 1974 and the Air Act (Prevention and Control of Pollution), 1981.

Under the Environment Act, the Central Government is empowered to take measures necessary to protect and improve the quality of environment by setting standards for emissions and discharges of pollution in the atmosphere by any person carrying on an industry or activity; regulating the location of industries; management of





hazardous wastes, and protection of public health and welfare. From time to time, the Central Government issues notifications under the Environment Act for the protection of ecologically-sensitive areas or issues guidelines for matters under the Environment Act.

In case of any non-compliance or contravention of the Environment Act, or of the rules or directions under the said Act, the violator will be punishable with imprisonment up to five years or with fine up to Rs. 1,00,000, or with both. In case of continuation of such violation, an additional fine of up to Rs. 5,000 for every day during which such failure or contravention continues after the conviction for the first such failure or contravention will be levied. Further, if the violation continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

## ➤ **Hazardous Wastes Management Regulations**

Hazardous waste means any waste which, by reason of any of its physical, chemical, reactive, toxic, flammable, explosive or corrosive characteristics, causes danger or is likely to cause danger to health or environment, whether alone or when in contact with other wastes or substances.

There are several legislations that directly or indirectly deal with hazardous waste management. The relevant legislations are the Factories Act, 1948, the Public Liability Insurance Act, 1991, the National Environment Tribunal Act, 1995 and rules and notifications under the Environmental Act. Some of the rules dealing with hazardous waste management are discussed below:

- **Hazardous Wastes (Management, Handling and Transboundary) Rules, 2008**, brought out a guide for manufacture, storage and import of hazardous chemicals and for management of hazardous wastes.
- **Biomedical Waste (Management and Handling) Rules, 1998**, were formulated along parallel lines, for proper disposal, segregation, transport, etc, of infectious wastes.
- **Municipal Solid Wastes (Management and Handling) Rules, 2000**, aim at enabling municipalities to dispose municipal solid waste in a scientific manner.

In view of the short-comings and overlapping of some categories causing inconvenience in implementation of the Biomedical Waste (Management and Handling) Rules, 1998 as well as the Municipal Solid Wastes (Management and Handling) Rules, 2000, the Ministry of Environment, Forest and Climate Change has formulated the draft Bio-Medical Waste (Management & Handling) Rules, 2015 (Draft BMW Rules) and the draft Solid Waste Management Rules, 2015 (Draft SWM Rules) and sought comments on the draft Rules.

The Draft BMW Rules are to replace the Biomedical Waste (Management and Handling) Rules, 1998, and the Draft SWM Rules are to replace the Municipal Solid Waste (Management and Handling) Rules, 2000. The objective of the Draft BMW Rules



is to enable the prescribed authorities to implement the rules more effectively, thereby, reducing the bio- medical waste generation and also for its proper treatment and disposal and to ensure environmentally sound management of these wastes, and the Draft SWM Rules aim at dealing with the management of solid waste including its segregation at source, transportation of waste, treatment and final disposal.

## Other Laws Relating to Environment

In addition, there are many other laws relating to environment, namely –

### ➤ **The Wildlife Protection Act, 1972**

*The Wild Life (Protection) Act, 1972* was enacted with the objective of effectively protecting the wild life of this country and to control poaching, smuggling and illegal trade in wildlife and its derivatives. The Act was amended in January 2003 and punishment and penalty for offences under the Act have been made more stringent. The Ministry has proposed further amendments in the law by introducing more rigid measures to strengthen the Act. The objective is to provide protection to the listed endangered flora and fauna and ecologically important protected areas.

### ➤ **The Forest Conservation Act, 1980**

*The Forest Conservation Act, 1980* was enacted to help conserve the country's forests. It strictly restricts and regulates the de-reservation of forests or use of forest land for non-forest purposes without the prior approval of Central Government. To this end the Act lays down the pre-requisites for the diversion of forest land for non-forest purposes.

*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*, recognizes the rights of forest-dwelling Scheduled Tribes and other traditional forest dwellers over the forest areas inhabited by them and provides a framework for according the same.

*The Indian Forest Act, 1927* consolidates the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

### ➤ **Public Liability Insurance Act, 1991**

*The Public Liability Insurance Act, 1991* was enacted with the objectives to provide for damages to victims of an accident which occurs as a result of handling any hazardous substance. The Act applies to all owners associated with the production or handling of any hazardous chemicals.

### ➤ **The Biological Diversity Act, 2002**

The Biological Diversity Act 2002 was born out of India's attempt to realise the objectives enshrined in the United Nations Convention on Biological Diversity (CBD), 1992 which recognizes the sovereign rights of states to use their own Biological





Resources. The Act aims at the conservation of biological resources and associated knowledge as well as facilitating access to them in a sustainable manner.

## ➤ **Coastal Regulation Zone Notification**

The Ministry of Environment and Forests had issued the Coastal Regulation Zone Notification *vide* Notification no. S O. 19(E), dated January 06, 2011 with an objective to ensure livelihood security to the fishing communities and other local communities living in the coastal areas, to conserve and protect coastal stretches and to promote development in a sustainable manner based on scientific principles, taking into account the dangers of natural hazards in the coastal areas and sea level rise due to global warming.

## **Importance of Environmental Law**

Objectives of environmental law are as follows:-

- **Protection-** The environmental laws protect the environment from any ill practices which are done by the human beings and which destroys the environment. Hence these laws are necessary so that environment remains protected.
- **Preservation-** The environmental laws help in preserving the environment by imposing reasonable restrictions and penalties on any practices which can harm the environment or cause pollution.
- **Control-** Environmental laws help in protecting the environment which is very necessary. The laws help in controlling or minimising the activities which can result in depletion of our environment or cause harm to the environment.

## **Role of Judiciary in protecting environment**

Although numerous legislative steps have been taken to protect environment and basic human rights, but courts and tribunals play an important role in interpreting the laws and development of environment jurisprudence. Different aspects of the environment have been highlighted in various judgments delivered by the courts, some of which are given below:

- **In Francis Coralie Mullin vs. Union Territory – 1981 2 SCR 516**, the Supreme Court held that *“The right to life includes the right to live with human dignity and all that goes along with it, namely the bare necessities of life such as adequate nutrition, clothing and shelter....”*
- **In M. C. Mehta vs. UOI 1987 Supp. SCC 131**, the Supreme Court has held that life, public health and ecology have priority over unemployment and loss of revenue.
- **In Shanti Star Builders vs. Narayan Totame.- 1990(1)SCC 520**, the Supreme Court held that right to life is guaranteed in a civilised society would take within its sweep the



## ANNUAL REPORT 2021-22



right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in.

- **In Subhash Kumar vs. State. of Bihar- (1991) 1 SCC 598**, the Supreme Court held that right to life is a fundamental right under Art. 21 of the Constitution and it includes the right to enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws a citizen has recourse to Art.32 of the Constitution for removing the pollution of water or air which may be detrimental to life.
- **In M. C. Mehta vs. Union of India &Ors. 1987 SCR (I) 819 (the Oleum Gas Leak case)**, the Supreme Court established a new concept of managerial liability – ‘absolute and non-delegable’ – for disasters arising from the storage of or use of hazardous materials from their factories. The enterprise must ensure that no harm results to anyone irrespective of the fact that it was negligent or not.
- **In Vellore Citizens Welfare Forum vs. Union of India, AIR 1996 SC 2715**, The Supreme Court held that industries are vital for the country’s development, but having regard to pollution caused by them, principle of ‘Sustainable Development’ has to be adopted as the balancing concept. ‘Precautionary Principle’ and ‘Polluter Pays Principle’ has been accepted as a part of the law of the country.

‘**Precautionary Principle**’ as interpreted by the Supreme Court means – that the required environmental measures should be taken by the State and statutory authorities and the lack of scientific certainty cannot be a ground for postponing such measures where there are serious threats to ecology. That the State and statutory authorities must anticipate, prevent and address the causes of environmental degradation and the ‘onus of proof’ is on the industry to show that its actions are environmentally benign.

‘**Polluter Pays Principle**’ as interpreted by the Supreme Court means – the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of environment is part of the process of ‘Sustainable Development’ and as such the polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damage to the environment.
- **In Indian Council of Enviro-Legal Action vs. Union of India, 1996 3 SCC 212** (the Bichhri pollution case), following the decision in the Oleum Gas leak case and based on the polluter pays principle, the polluting industries were directed to compensate for the harm caused by them to the villagers in the affected areas, specially to the soil and to the underground water.
- **Enunciating the doctrine of ‘Public Trust’ in M. C. Mehta vs. Kamal Nath (1997) 1 SCC 388**, the SC held that resources such as air, sea, waters and the forests have such a great importance to the people as a whole that by leasing ecologically fragile land to the Motel management, the State Government had committed a serious breach of public trust.



Such wide interpretations of Article 21 by the Supreme Court have over the years become the bedrock of environmental jurisprudence, and have served the cause of protection of India's environment (and to a lesser extent, of livelihoods based on the natural environment). Adding to this is a large number of laws relating to environment, enacted over the last few decades.

The right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and co-mingling with fellow human beings.

➤ **Shantistar Builders vs. Narayan Khimalal Totame (AIR 1990 SC 630),**

In this case the Supreme Court said: “Basic needs of man have traditionally been accepted to be three – food, clothing, and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in.”

➤ **Olga Tellis case (AIR 1986 SC 180)**

In this case, the Supreme Court observed “An important facet of that right is the right to livelihood because no person can live without the means of living, that is, the means of livelihood. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation.... That which alone makes it possible to live, leave aside what makes life liveable, must be deemed to be an integral component of the right to life.

## Suggestions

To prevent environmental pollution, the Government of India has enacted many laws and legislations, but steps taken by the States are not enough to control pollution levels. It is mandatory that, apart from above legislation and decision of Courts every citizen should take initiative at their own level to control environmental pollution. Some steps are:

1. Creating social awareness about pollution adversely affecting everyone.
2. Using solar power for electricity purpose at home and workplaces which reduces coal consumption and decreases mining activities.



## ANNUAL REPORT 2021-22



3. Use of dustbin to put garbage, rather than littering it anywhere at the road/roadside. This practice reduces garbage pollution and people also stay healthy.
4. Public transport such as bus, railways, metros, etc. should be used instead of private vehicles.
5. For higher yield from crops, fertilizers, pesticides, and insecticides should be used rationally.
6. Proper treatment plants for treating the industrial waste should be setup by the factories and industries.
7. Campaigns for afforestation should be started at regular interval.
8. Recyclable materials should not be destroyed completely.
9. Use non-combustible solid wastes such as glass pieces, rubbish, tins, etc. as land-filling material in low-lying areas.
10. Avoid undesirable and excessive burning of crops, etc.

### **Conclusion**

The relation between human rights and environment not only helps in sustainable development but also strengthens the human right system and enables the expansion of scope of human rights protection in the area of environment. Human rights and environment are interlinked so human rights are protected only when the environment is protected. In India, the courts are extremely cautious about the environmental and human rights. The judiciary tries to bridge the gap and link human rights with environment laws. Despite various laws, environmental problems still exist. Proper implementation of laws is required for sustainable development. Law commission of India in its 186th report made proposal for constitution of environment courts with special judge to deal with environment cases. Hence creation of environment courts and strengthening the hands of judiciary is the need of the hour. It is time to recognize those who pollute environment and punitive action them should be taken because they not only harm the environment but also violate human rights.

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# ANNUAL REPORT 2021-22



## CHAPTER V

### **LIST OF IMPORTANT JUDGMENTS PASSED IN COMPLAINT CASES DURING THE PERIOD FROM 01.04.2021 TO 31.3.2022**

<b>Sr. No.</b>	<b>Complaint No.</b>	<b>Name of the Complainant</b>	<b>Date of decision</b>
1.	2141/6/2018	Ajit Singh	3.08.2021
2.	2361/8/2019	Shubham Mittal	18.08.2021
3.	1611/3/2016	Suo Motu	2.09.2021
4.	2493/6/2019	Pawan Kumar	23.09.2021
5.	906/16/2018	Rajhans Bansal	5.10.2021
6.	467/1/2020	Kapil	25.10.2021
7.	1134/14/2020	Rekha Devi	9.11.2021
8.	1266/5/2018	Kiran	15.12.2021
9.	1027/1/2020	Superintendent of Police, Ambala	5.01.2022
10.	362/20/2018-PCD	Geeta Devi (Sarpanch)	11.01.2022
11.	2112/3/2018	L.N.Prashar	2.02.2022
12.	2496/1/2019	Priyam Bajpai	18.02.2022
13.	1376/10/2018	Suo Motu	3.03.2022
14.	1096/3/2019	Sourav Verma	23.03.2022
15.	1530/17/2021	Dharmbir	23.03.2022



# ANNUAL REPORT 2021-22



## 1. HARYANA HUMAN RIGHTS COMMISSION

### CHANDIGARH

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COMPLAINT NO.2141/6/2018

DATE OF ORDER: 03.08.2021

Sh.Ajit Singh S/o Sh.Dalel Singh, R/o Village Jajanwala, Tehsil Narwana, District Jind (Haryana)

.....Complainant

Complaint under Section 12 of the Protection  
of Human Rights Act, 1993

**CORAM: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON.  
SHRI DEEP BHATIA, HON'BLE MEMBER**

**Present:- Complainant in person**

**HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**

### **ORDER**

1. Ajit Singh-complainant has filed the present complaint alleging that on 14.11.2018, his son Surya had gone to the college for appearing in the exams, and, at about 11 AM, the complainant received a call from a student of Jat College on his mobile phone that his son Surya had been arrested by the police. Immediately thereafter he went to Police Post, Hisar where ASI Jaipal met him, who told him that his son had been arrested in case FIR No.669. The complainant saw his son tied with the window of the police post with shackles in his legs and he was having several injuries on his person. It is further alleged that ASI Jaipal along with two other police officials had given merciless beatings to his son resulting injuries on his hands,



## ANNUAL REPORT 2021-22



feet, thighs and the other parts of the body in the presence of Ajit son of Dalel Singh and Dharampal son of Risal Singh. The complainant brought the whole affair in the notice of the SHO. Thereafter, ASI Jaipal first took his son to Sapra Hospital in his personal vehicle and then to the Civil Hospital where he was lying unconscious in a badly injured condition, and, from there he was referred to Agroha Medical Hospital. It is further alleged that on 15.11.2018 when the complainant was produced in the court he was unable to walk and produced in the court with the support of two police personnel. In his statement recorded by the Judicial Magistrate Surya son of the complainant had stated that he was given severe beatings by ASI Jaipal and his accomplices. The complainant has requested for taking action against the erring police officials/officers, who had given third degree torture to his son. Complainant had also submitted verbatim same complaint to NHRC, New Delhi. The NHRC transferred the said complaint to this Commission vide their letter dated 24.01.2019.

2. In view of the allegations made in the complaint, report from Superintendent of Police, Hisar was requisitioned by the Commission vide its orders passed on 13.12.2018.

3. The Superintendent of Police, Hisar submitted his report dated 8.2.2019. It is reported that inquiry in the present complaint alongwith similar other complaints received earlier was got conducted from Deputy Superintendent of Police, Hisar. It is further reported that Surya son of complaint was the main accused in case FIR No.669 dated 5.11.2018, under Sections 147, 148, 149, 323, 324, 326, 341, 506 IPC PS Civil Lines, Hisar. On 14.11.2018 when accused Surya had come in Jat College, Hisar to appear in BA Final examination, ASI Jaipal reached there and after arresting him took him to Police Post, Urban Estate, Hisar, where Surya received injuries on his person. Thereafter, ASI Jaipal took him to General Hospital and Agroha Medical College. In the medico legal reports injuries were found on his person.

Thereafter, the matter was adjourned time and again, as it was informed by the Superintendent of Police, Hisar that departmental proceedings against the delinquent officer were pending. As per the report dated 18.09.2020 received from Superintendent of

Police, Hansi, in the regular departmental inquiry ASI Jaipal has been awarded warning to remain careful in future.





## ANNUAL REPORT 2021-22



4. After going through the record of the case, it is prima facie clear that Surya son of the complainant was arrested on 14.11.2018 from C.R. Jat College, Hisar where he had gone to take BA Final examination by ASI Jaipal in case FIR No.669 dated 4.11.2016, under Sections 147, 148, 149, 323, 324, 326, 341, 506 IPC PS Civil Lines, Hisar. After arresting him, the ASI took him to Police Post, Urban Estate, Hisar and gave beatings to him along with two other police officials. Perusal of the medico legal report (Bed Head Ticket) dated 14.11.2018 shows that Surya s/o Ajit Singh complainant was brought to the Civil Hospital, Hisar on 14.11.2018 by the police and at that time the Medical Officer had recorded the **patient** as **unconscious** and found six injuries on his person. Under the orders of Civil Surgeon, Hisar another medico legal of Surya was conducted by a Medical Board on 16.11.2018 and following injuries were found:-

Sr. No.	Injuries
1.	Diffuse swelling on right frontal region present
2.	Light brown color abrasion of size 2 X 0.1 cm above left
3.	Brown color abrasion with scab on rights wrist joint
4.	Light brown color abrasion of size 1 X 0.3 cm on back of left elbow
5.	A dark brownish color contusion of size 16 X 10 cm present on left gluteal region on back
6.	Dark brown color contusion of size 7 X 3 cm left shoulder region posteriorly
7.	C/o pain in left knee joint

5. Perusal of the medico-legal reports and the photographs on the file shows that the police had given beatings to Surya in police custody as a result thereof he became unconscious and had to be hospitalised. The photographs placed on the record are also a testimony of police brutality committed on the hapless student, who had gone to the college for appearing in the examination. Prima-facie it was found to be a fit case for grant of compensation to Surya son of the complainant for the injuries caused to him and a show cause notice was given ASI Jaipal, delinquent officer as also to Superintendent of Police, Hisar to





## ANNUAL REPORT 2021-22



show cause why recommendation be not made to the Government of Haryana for grant of suitable amount of compensation for the injuries caused to him in police custody vide orders passed by the Commission on 19.10.2020.

6. In reply to the show cause notice, the delinquent officer had tried to explain to Deputy Superintendent of Police, Hansi (Inquiry Officer) that Surya received injuries by a fall on the ground due to heart attack or due to a fit of epilepsy. But in support of his plea, he did not produce any document. Whereas, on the other hand, Surya son of complainant in his statement made before Judicial Magistrate Ist Class, Hisar on oath on 15.11.2020 stated “he is a sports person and medically fit. He has received injuries by police torture.” The delinquent officer then pleaded that all the injuries were found on the left side of the accused. Had he given the injuries then the same must have been on both sides of his body. This plea also does not inspire confidence. Superintendent of Police, Hansi in his report dated 4.5.2021 states that had erring official ASI Jaipal, during the investigation of the case, got the medical examination of accused Surya done after his arrest after producing him in the hospital, then it could have been confirmed whether accused Surya received injuries prior to or after his arrest. By not doing so, he has shown gross negligence.

7. From the perusal of inquiry reports submitted by the police authorities as also the medico legal reports, it is established that Surya son of the complainant, who had gone to Jat College, Hisar to appear in his BA final examination on 14.11.2021 was picked up by ASI Jaipal and taken to Police Post, Urban Estate, Hisar where he was given beatings. The medico legal report dated 14.11.2018 (Bed Head Ticket) shows that at the time of admission patient was unconscious. In the medico legal reports, 13 injuries were found on the body of Surya son of the complainant. ASI Jaipal tried to explain these injuries by taking the plea that these injuries were possible due to a fall on the ground either due to heart attack or due to fit of epilepsy from which Surya was suffering. This plea cannot be accepted as there is no such medical record on the file. In the departmental inquiry, ASI Jaipal has been found to be negligent and was warned to be careful in future. Superintendent of Police, Hansi in his order dated 4.5.2021 has reported that had erring official ASI Jaipal, during the investigation of the case, got the medical examination of accused Surya done after his arrest, then it could have been confirmed whether accused Surya received injuries prior to or after his arrest. By not doing so, he has shown gross



## ANNUAL REPORT 2021-22



negligence. From the above discussion, complicity of ASI Jaipal in giving third degree torture to the son of the complainant is established.

8. There is a deep concern at the growing incidence of custodial crimes occurring in different parts of the country. Under Article 21 of the Constitution of India any form of torture or cruel, inhuman or degrading treatment is inhibited. The Hon'ble Supreme Court while dealing with the aspect of police torture in D.K. Basu v. State of W.B., 4 (1997) 1 SCC 416 case has held as under:-

“10. ‘Torture’ has not been defined in the Constitution or in other penal laws. ‘Torture’ of a human being by another human being is essentially an instrument to impose the will of the “strong” over the “weak” by suffering. The word torture today has become synonymous with the darker side of human civilization.

11. No violation of any one of the human rights has been the subject of so many conventions and declarations as ‘torture –all aiming to total banning of it in all forms, but in spite of the commitments made to eliminate torture, the fact remains that torture is more widespread now than ever before. ‘Custodial torture’ is a naked violation of human dignity and degradation which destroys, to a very large extent, the individual personality.”

9. In view of the discussion made above, it is established that ASI Jaipal Singh No.367/HSR caused injuries and custodial torture to Surya son of the complainant. We, therefore, recommend the State Government to pay a sum Rs.50,000/- (Rupees Fifty Thousands only) as compensation to Surya son of the complainant as the State is vicariously liable for the tortuous acts of its employees which it can recover later on from the erring officer.

10. A copy of this order be sent to the Chief Secretary to Government Haryana to ensure that the amount of compensation is disbursed to Surya son of the complainant within eight weeks of the passing of this order. A copy of this order be also sent to the complainant.

The complaint is disposed of accordingly. File be consigned.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(DEEP BHATIA)**  
**MEMBER**



# ANNUAL REPORT 2021-22



2.

## HARYANA HUMAN RIGHTS COMMISSION CHANDIGARH

COMPLAINT NO.2361/8/2019  
DATE OF ORDER: 18.08.2021

Shubham Mittal, G 116 near Rohini, Sector 24, New Delhi.

.....Complainant

Complaint under Section 12 of the  
Protection of Human Rights Act, 1993

CORAM: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON  
HON'BLE MR. JUSTICE K.C. PURI, MEMBER

Present:- None

HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON

### ORDER

1. The complainant has filed the present complaint on line through HRC Net Portal on the allegations that Sub Inspector Suresh Kumar posted in City Police Station, Narwana arrested him on 20.11.2018 from Delhi and illegally kept him in jail for two days. It is further alleged that he has videos of all the events. Prayer has been made that strict action may be taken against SI Suresh Kumar.

2. In view of the allegations levelled in the complaint, report was requisitioned from Superintendent of Police, Jind through the Director of Investigation vide order dated 30.10.2019 passed by the Commission.

3. In compliance of the order passed by the Commission, Deputy Inspector General of Police, Jind vide letter dated 27.2.2020 submitted report wherein it was mentioned that FIR No.254 dated 4.9.2018, under Sections 406, 420, 506 IPC, PS City Narwana was registered on



## ANNUAL REPORT 2021-22



the basis of a complaint made by Vikas son of Rajbir Singh against Shubham Mittal complainant. After the registration of the case, investigation of the case was handed over to SI Suresh Kumar. On the basis of secret information received by the Investigating Officer on 20.11.2018 that accused was present in Tourist Delux Hotel, Delhi, SI Suresh Kumar went to Tourist Delux Hotel, Delhi and on finding the accused present there arrested him and interrogated him. Thereafter, as per the report, the accused was taken to Police Station, Narwana on 21.11.2018 where he was interrogated and finding sufficient material against him on the file he was arrested and lodged in the lock up of the police station and produced before the court on 22.11.2018 where he was remanded to police custody till 26.11.2018. From the above facts, prima-facie it was found that the accused was illegally detained by the police for two days, accordingly the Commission vide its order passed on 6.3.2020 directed the SHO of Police Station, Narwana to appear in person before the Commission along with the entire record of the case on the next date of hearing and the complainant was also directed to come present before the Commission and file affidavit in support of the allegations made by him in his complaint.

4. On 9.11.2020, when the case came up for hearing, SI Mohinder Singh, PS City, Narwana appeared before the Commission. In para No.3 of its order dated 9.11.2020, the Commission observed as under:-

“ The report submitted by the Inspector General of Police, Jind does not give the answer to the alleged illegal custody of the present complainant from 20.11.2018 to 22.11.2018. It is an admitted fact that the present complainant Sbhubham Mittal was arrested by the police from Tourist Delux Hotel, Delhi on 20.11.2018 but his arrest has been shown by the police on 21.11.2018 and was produced before the Court at Narwana on 22.11.2018. If the present complainant was taken into custody by the police on 20.11.2018 from Tourist Delux Hotel, Delhi, then whether any transit remand has been obtained by the police as the accused was admittedly produced before the Court on 22.11.2018. Even if no transit remand has been obtained, then it is clear from the police report that he was taken away from the Hotel at Delhi by the police party with them on 20.11.2018 and his arrest is alleged to have been shown on 21.11.2018 in the evening and was produced before Court on 22.11.2018. It means that he remained in the police illegal custody from 20.11.2018 to 21.11.2018 and also spent the night of 20/21.11.2018



## ANNUAL REPORT 2021-22



at police station lock-up. All these facts raise a finger of accusation about the illegal custody of the present complainant with the police from 20.11.2018 to 21.11.2018.”

The complainant had also placed on record some photo copies (received by e-mail) showing injuries on his eye, shoulder and other parts of his body. This fact showed that he was tortured while in police custody. In this view of the matter, the Commission issued directions to Superintendent of Police-cum-Deputy Inspector General of Police, Jind to look into the matter personally and give a specific report to the Commission whether the custody of the complainant from 20.11.2018 to 22.11.2018 was legal or not and whether he was tortured during that period by the police. Superintendent of Police-cum-Deputy Inspector General of Police, Jind and the Complainant were directed to appear in person on the next date of hearing.

5. In compliance of the order dated 9.11.2020, the Deputy Inspector General-cum-Superintendent of Police, Jind submitted reply vide letter dated 23.2.2021. On 26.2.2021, the Commission after perusing the reply, passed the following order:-

“ In compliance with the order dated 9.11.2020, the Deputy Inspector General-cum-Superintendent of Police, Jind has sent the reply vide letter dated 23.2.2021, wherein it has been mentioned that retired SI Suresh Kumar, on receipt of secret information on 20.11.2018, went to Hotel Tourist Delux, Delhi in search of complainant Shubham Mittal. During the search, the said Shubham Mittal was found present there and he was interrogated. He was asked to cooperate in the investigation and he was taken to Narwana. Thereafter, on 21.11.2018, he was again interrogated in police station, Narwana and since sufficient evidence has come on record against him, he was arrested and his statement was recorded. He was produced in the Court on 22.11.2018 and his remand was taken till 26.11.2018. The amount was recovered from him and on the completion of the investigation, the challan was presented in the Court on 7.3.2019. The said retired SI Suresh Kumar should have joined the accused in investigation on 20.11.2018 in accordance with rules but he has not done his duties in accordance with the rules and was found negligent. Departmental enquiry has been initiated against him vide letter dated 23.2.2021.

2. During the course of hearing ASI Raj Kumar has placed on record the copy of order dated 23.2.2021, whereby DSP, Headquarter, Jind has been appointed as Enquiry Officer for conducting departmental enquiry against retired SI Suresh Kumar for not taking



## ANNUAL REPORT 2021-22



action in respect of arrest of accused Shubham in FIR No.254 dated 4.9.2018. Thus, from the reply submitted by the Deputy Inspector General-cum- Superintendent of Police, Jind, it is clear that the police has arrested Shubham Mittal from a Hotel at Delhi and there from, he was taken to Narwana. His arrest has been shown by the police on 21.11.2018 and was produced before the Court on 22.11.2018. Thus, it is prima facie clear that custody of Shubham Mittal accused (present complainant) was illegal from 20.11.2018 to 21.11.2018. The police has also not obtained the transit remand from the Delhi Court. A departmental enquiry has also been initiated against the then Investigating Officer SI Suresh Kumar (now retired) under the orders of DIG-cum-SP, Jind. As the complainant was kept in illegal custody by police from 20.11.2018 to 21.11.2018, therefore, prima facie it is a fit case where the complainant is liable to be compensated on account of violation of his human rights. Therefore, before making recommendation to the Government for grant of compensation, a show cause notice be issued to the DIG-cum-SP, Kaithal to show cause as to why the complainant should not be awarded suitable amount of compensation on account of violation of human rights as he was kept illegally by the police in their custody for more than 24 hours. He is directed to submit the reply to the show cause notice within period of four weeks.

Re-notify on 18.5.2021.”

6. After going through the record of the case, it came to be noticed that show cause notice was required to be issued to Inspector General of Police-cum-Superintendent of Police, Jind instead of Deputy Inspector General-cum-Superintendent of Police, Kaithal on account of violation of human rights of the complainant and accordingly show cause notice was ordered to be issued to Inspector General of Police-cum-Superintendent of Police, Jind vide order passed by the Commission on 18.5.2021.

7. Superintendent of Police, Jind (Haryana) vide his letter dated 6.8.2021 has filed reply to the show cause notice wherein it is stated that SI Suresh Kumar (Now retd.) has erred in illegally detaining the complainant on 20.11.2018 till 21.11.2018 when he was formally arrested in the case against Shubham Mittal. For above lapses, a regular departmental enquiry has been ordered against him vide office order dated 23.2.2021 which is at the stage of prosecution evidence. It has been further reported that the errant official will be dealt suitably after the conclusion of the departmental enquiry.



## ANNUAL REPORT 2021-22



8. We have carefully gone through the enquiry reports and record of the case.
9. In this case from the report dated 23.2.2021 submitted by Deputy Inspector General-cum-Superintendent of Police, Jind it is clear that the police had arrested Shubham Mittal complainant from a Hotel at Delhi on 20.11.2018 and from there he was taken to Narwana. His arrest has been shown by the police on 21.11.2018 and he was produced before the Court on 22.11.2018. Thus, custody of the complainant from 20.11.2018 to 21.11.2018 was illegal and in violation of Articles 21 & 22 of the Constitution of India. Article 21 of the Constitution provides that no person shall be deprived of his life or personal liberty except according to the procedure established by law. Article 22 of the Constitution guarantees protection against arrest and detention and declares that no person, who is arrested shall be detained in custody without being informed of the grounds of such arrest. Clause (2) of Article 22 directs that the person arrested shall be produced before the nearest Magistrate within a period of 24 hours. In this case, the police did not obtain the transit remand of the complainant from Delhi Court. Further, a departmental enquiry has also been initiated against Investigating Officer SI Suresh Kumar (now retired), as per report of Deputy Inspector General-cum-Superintendent of Police, Jind. In response to the show cause notice as to why the complainant should not be awarded suitable compensation on account of violation of his human rights, the Superintendent of Police, Jind has submitted his reply dated 6.8.2021, relevant portion of which reads as under:-

“ On the allegations of the illegal detention an enquiry was got conducted through Deputy Superintendent of Police, Narwana where in it was found that the delinquent official namely SI Suresh Kumar (Now Retd.) has erred in illegally detaining the complainant on 20.11.2018 till 21.11.2018- when he was formally arrested in this case. The delinquent official ought to have arrested the accused on 20.11.2018 itself. For above lapses, a regular departmental enquiry has been ordered against him vide this office order No.9227-28 dated 23.02.2021 which is at the stage of prosecution evidence.

It is further submitted that the errant official will be dealt suitably after the conclusion of the department enquiry pending against him and therefore no interim relief to the complainant is warrant in the instant case.”





## ANNUAL REPORT 2021-22



10. From the report of Superintendent of Police, Jind, it is established that SI Suresh Kumar after arresting the complainant from a Delhi hotel on 20.11.2018 did not show his formal arrest on that day and illegally detained the complainant on 20.11.2018 till 21.11.2018- when he was formally arrested in the case. This action of SI Suresh Kumar was against the mandate of Articles 21 and 22 of the Constitution of India. For this lapse, departmental enquiry against the delinquent officer has already been initiated. The liberty and dignity of the complainant which was basic to his human rights have been jeopardized as after his arrest he was kept in illegal custody by SI Suresh Kumar. This situation invites the remedy of grant of compensation for violation of the fundamental rights envisaged under Articles 21 and 22 of the Constitution. In D.G. & I.G. of Police v. Prem Sagar, (1999) 5 SCC 700, on the directions of the Kerala High Court in a writ petition, the Sessions Judge conducted an inquiry in which it was found that the detenu was illegally detained by the police. Accepting the findings of the Sessions Judge, the High Court awarded Rs.20,000 as compensation for violation of his basic human right to life. The decision of the Kerala High Court which was challenged in (Crl.Appeals Nos.35-36 of 1994) was upheld by the Supreme Court and the appeals were dismissed on 13.4.1999.
11. From the aforesaid analysis, we hold that the fundamental right of the complainant under Articles 21 and 22 of the Constitution have been gravely affected. We therefore recommend the State Government to pay a sum of Rs.30,000/- (Thirty Thousand) as compensation to the complainant as the State Government is vicariously liable for the illegal acts of its officers which it can recover later on from the erring officer.
12. A copy of this order be sent to the Chief Secretary to Government Haryana for compliance of the order within eight weeks of the passing of order. A copy of this order be also sent to the complainant.
13. The complaint is disposed of accordingly.
14. File be consigned to the Record Room after completing all the required formalities.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(JUSTICE K.C. PURI)**  
**MEMBER**





# ANNUAL REPORT 2021-22



3.

## HARYANA HUMAN RIGHTS COMMISSION

CHANDIGARH

...

COMPLAINT NO.1611/3/2016

DATE OF ORDER: 02.09.2021

**Suo-motu matter re: death by fall in a sewer through uncovered manhole (Commission on its own motion)**

**Complaint under Section 12 of the  
Protection of Human Rights Act, 1993.**

**CORAM: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON  
HON'BLE MR. JUSTICE K.C. PURI  
SHRI DEEP BHATIA, HON'BLE MEMBER**

**Present:- Shri Anil Kumar, Secretary, Municipal Corporation,  
Faridabad.**

...

**HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**

### **ORDER**

On the basis of a news paper clipping in Dainik Bhaskar dated 4.6.2016 received through email captioned as “**Mobile Par Batiyati Mahila Gutter Mein Giri, Bachane Utra Yuvak, Dono Ki Maut**”, the Commission took suo-motu cognizance in the matter. It is reported in the news item that Mahesh, resident of Chhajjan Nagar Colony, along with his wife Rekha, 28 years old, had gone to the market for purchasing vegetables. Mahesh received a call on his mobile. He handed it over to his wife Rekha, and, himself started purchasing vegetables. While talking on mobile along side the road, Rekha fell in a 25 feet deep sewer which was



## ANNUAL REPORT 2021-22



uncovered. One Laxman Parsad, a young man of 30 years of age, when he saw a woman crying for help, he got down the sewer to save the woman with the help of a string but due to snapping of the rope he also fell in the sewer and died. Mahesh husband of Rekha had held Municipal Corporation, Faridabad responsible for this incident. Bataso Devi wife of Laxman Parsad had also moved an application before the Commission for financial help and regular employment as her husband had died while trying to save Rekha who had fallen in the sewer.

2. In view of the serious nature of the issue reported in the news paper, the Commission vide its order passed on 15.7.2016 requisitioned report from Municipal Corporation, Faridabad.

3. In compliance of orders passed by the Commission on 11.7.2018, Mr. Sham Lal, Xen and Mr. Raj Kumar, Assistant Engineer from the office of Municipal Corporation, Faridabad appeared before the Commission and filed reply dated 16.7.2018 of Commissioner, Municipal Corporation, Faridabad. It is mentioned in the reply that earlier also a detailed report was sent to the Commission vide Memo No.MCF/SE/14 dated 12.1.2017 in which it was submitted that there was no negligence on the part of any official of the Corporation in the performance of their duties. However, on compassionate grounds, the Corporation had given employment to Smt. Bataso w.e.f. 6.6.2016 being the dependent of deceased Laxman Prasad. It was also intimated that Legal heir of other deceased would be traced and the issue with regard to grant of compensation to the legal heirs of the deceased persons will be considered.

4. On 30.10.2018, Mr. Raj Kumar, SDO and Mr. Dharam Singh, Xen, Municipal Corporation, Faridabad, who were present before the Commission, stated that a Committee will be constituted to take decision with regard to awarding suitable compensation to legal heirs of both the deceased persons and the decision shall be taken within a period of six weeks. Ms. Batasho Devi, widow of deceased Laxman Parsad, who was also present before the Commission stated at the Bar that at the time of incident, she was given assurance by the authorities of the Corporation that regular employment and compensation would be given to her but nothing has been done in this regard. The Municipal Corporation, Faridabad was directed to look into the aforesaid aspect of the matter, and, the case was adjourned for the next date of hearing.

5. On 16.7.2019, Shri Shyam Singh, Executive Engineer, Municipal Corporation, Faridabad appeared before the Commission and informed that the matter had been sent to the



## ANNUAL REPORT 2021-22



Director, Urban Local Bodies Department, Panchkula for providing job to the wife of the deceased, and, for payment of compensation to the LRs of the deceased. In this case, two persons had died but particulars about the LRs of deceased Rekha were not available on record. Hence, the Commissioner of Police, Faridabad was directed to submit detailed particulars of LRs of deceased Smt. Rekha as her inquest proceedings under Section 174 Cr.PC were conducted by the police after her death.

6. On 19.12.2019 reports from Director, Urban Local Bodies, Haryana, Panchkula and the Commissioner of Police, Faridabad were not received nor anyone was present on their behalf. Smt. Basanto Devi, who was present before the Commission made a request for taking up the matter on the next date at Camp Court, New PWD Rest House, Gurugram. Accordingly, reminder was ordered to be issued to the Director, Urban Local Bodies, Haryana, Panchkula as also to Commissioner of Police, Faridabad to send their reports by the next date of hearing i.e. 10.2.2020 and the case ordered to be taken up at Camp Court, Gurugraon.

7. On 17.3.2020, officials of the Directorate, Urban Local Bodies, Haryana, Panchkula as well as the Municipal Corporation, Faridabad appeared before the Commission and placed on record different reports. According to these reports, the Director, Urban Local Bodies, Haryana has written to the Commissioner, Municipal Corporation, Faridabad to consider the claim of compensation to the LRs of the deceased under Section 372 of the Haryana Municipal Corporation Act, 1994. The Commissioner, Municipal Corporation, Faridabad reported in his report that matter with regard to awarding compensation to the widow/LRs of the deceased would be placed before the Full House of the Corporation for approval and further action will be taken as per that decision. Case was accordingly adjourned to 8.7.2020 for awaiting the fresh status report from Commissioner, Municipal Corporation, Faridabad as well as the Director General, Urban Local Bodies, Haryana, Panchkula.

8. On 2.9.2021 Shri Anil Kumar Secretary, Municipal Corporation, Faridabad appeared before the Commission and filed reply dated 31.8.2021 of Commissioner, Municipal Corporation, Faridabad in which it was intimated that meeting of the Full House of the Corporation in connection with grant of compensation to the widow of deceased could not be held due to Covid-19 Pandemic and the same would be held shortly and thereafter necessary action will be taken accordingly.



## ANNUAL REPORT 2021-22



9. In this case post mortem of Rekha deceased was conducted by B.K. Hospital, Faridabad in which the doctor gave the opinion “In my opinion the cause of death in this case is asphyxia due to drowning which was ante mortem in nature and sufficient to cause death in ordinary course of nature.” In his report dated 6.12.2019, the Commissioner of Police, Central, Faridabad had submitted that on 3.6.2016 on receipt of information from Control Room in Police Station, Sarai Khawaja, Faridabad that a woman had fallen in the gutter in the area of Palla Bypass Chowk, Sabji Mandi, ASI Mahesh Kumar reached at the spot and with the help of Fire Brigade Rekha and an unknown person were pulled out from the gutter and sent to B.K.Hospital, Faridabad where the doctors declared both of them as dead.

10. We have gone through the various letters (reports) submitted by Commissioner, Municipal Corporation, Faridabad and other authorities and perused the record carefully.

11. In this case on 2.6.2016 a lady, namely, Rekha had gone to the market to purchase vegetables with her husband and she accidentally fell in a 25 feet deep sewer through an uncovered manhole in the area of Palla Chowk, Bye-Pass Road in Ward No.20, Faridabad and died. An other man, namely, Lakshman Parsad, who was present nearby, on hearing distress call of Rekha, when he tried to save her with the help of a rope, he also fell in the sewer and both died. This is the factual position which has been admitted by the authorities of the Municipal Corporation, Faridabad. The Post Mortem report also confirms the death of Rekha by asphyxia by drowning. If there had been an open manhole and a death due to fall of a passersby therein, had resulted, the only possible conclusion from this admitted factual position can be arrived at is that the Municipal Corporation had failed in its duty of exercising even ordinary care and diligence in maintaining a scrutiny over the manhole and keeping the surrounding area in a reasonably safe condition. The blame for this unfortunate incident in which two young persons have to lose their lives clearly lies with the Municipal Corporation and that requires no further probe or finding. The plea of the Corporation that deceased herself was negligent as she fell in the gutter when she was busy while talking on her mobile with someone is not tenable for an open manhole is indeed a death trap. Roads are meant for use by the public and if an user comes to harm, the State shall be directly responsible for the consequences of such mishap which was evidently on account of the negligent maintenance by the civic authorities of the Municipal Corporation. If only these authorities had done their job and closed the



## ANNUAL REPORT 2021-22



death traps on roads and pavements, so many lives including the two in the present case would not have lost their lives. The Corporation was under bounden duty to take care of that the manholes in its jurisdiction are not left open and are properly maintained which it has failed to perform resulting in deaths of unwary members of the public by accidentally falling in the manhole. The State is directly responsible for the wrongs done by its officers. In *Shri D.K. Basu vs. State of West Bengal*, AIR 1997 SC 610, the Hon'ble Supreme Court has held as under:-

“Thus, to sum up, it is now a well accepted proposition in most of the jurisdictions, that monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the established infringement of the fundamental right to life of a citizen by the public servants and the State is vicariously liable for their acts. xxx xxx xxx The quantum of compensation will, ofcourse, depend upon the peculiar facts of each case and no strait jacket formula can be evolved in that behalf.”

In a similar case in *Punjab Civil and Consumer Welfare Front (Regd.), Banur vs. Union Territory, Chandigarh* reported in AIR 1999 PH 32, a Division Bench of the Punjab and Haryana High Court found fault with the Corporation for the death of a Child falling through an uncovered manhole and granted compensation to the father of the ill fated child.

12. In this case, the authorities have not denied the deaths of victims by a fall in a 25 feet deep sewer through an uncovered manhole in the area of Palla Chowk, Bypass Road in Ward No.20, Faridabad. On 23.8.2018 Shri Sham Lal, Xen and Mr. Raj Kumar, Assistant Engineer on behalf of Municipal Corporation appeared before the Commission and stated that issue with regard to awarding suitable compensation to the legal heirs of the deceased will be considered and on their request case was adjourned for awaiting the response from Commissioner, Municipal Corporation, Faridabad. Again on 16.7.2019, Shri Shyam Singh, Executive Engineer, Municipal Corporation appeared before the Commission and informed that the matter had been sent to Director, Urban Local Bodies Department, Panchkula for payment of compensation to the LRs of the deceased. On request, case was adjourned to 16.10.2019. Thereafter on 17.3.2020 the Commission was



## ANNUAL REPORT 2021-22



informed that the matter with regard to awarding compensation to the widow/LRs of the deceased will be placed before the Full House in its next meeting for approval. On 1.7.2021 last opportunity was granted to the Commissioner, Municipal Corporation Faridabad to submit the fresh report and the case was adjourned to 2.9.2021. Again on 2.9.2021, a written request for adjournment of the case was made. There was thus an inordinate delay on behalf of Commissioner, Municipal Corporation, Faridabad in putting the response before the Commission with regard to the grant of compensation to the dependants of the victims who met their tragic end by a fall in a sewer which was not covered, a fact which has been admitted by the Commissioner, Municipal Corporation, Faridabad in his communication No.MCF/EO/2020/47 dated 16.3.2020, relevant portion of which reads as under:-

“In this context, it is submitted that the present case relates to a fateful incident occurred on 02.06.2016 due to the manhole at the site of the incident could have been kept uncovered by the fish-sellers for the discharge of the waste of fishes because a large number of vendors in the form of fish market sell fish at the site in question.”

We are thus of the opinion that when essential facts of the case are not disputed, the principle of *Res Ipsa Loquitur* ought to be followed and compensation awarded without waiting response from the Commissioner, Municipal Corporation, Faridabad as the case has been lingering since the last more than five years and dates after dates are being sought without any plausible reason. The dependant of victim Lakshman Parshad, Smt. Bataso belongs to the poorest stratum of society and is in dire need of funds for bringing up her four children. The Commission thus cannot wait any more for the response from the Municipal Corporation, Faridabad because more wait will bring more sufferings for the dependants/LRs of the victims.

13. In this case Rekha and Lakshman Parshad, two young persons, met a tragic death by drowning in a sewer when they fell in a 25' sewer through an uncovered manhole. The dependants of the deceased have suffered a big loss as they have lost their bread winners for which they deserve to be granted some compensation by the State. Bataso Devi wife of Lakshman Parsad has three daughters and one son. Her financial position is very weak as she has no earning member in the family. At the time of death, Rekha was only 30 years of age. In



## ANNUAL REPORT 2021-22



such circumstances, we recommend that a sum of Rs.5,00,000/-(Five lac rupees) each be given by the State Government as compensation to Smt. Bataso Devi wife of Lakshman Parsad deceased as also to Mahesh husband of Rekha (deceased). Deputy Commissioner is also directed to trace out the whereabouts of Mahesh husband of Rekha for payment of compensation amount to him.

14. A copy of this order be sent to the Principal Secretary to Government Haryana, Urban Local Bodies Department, Chandigarh for compliance of the recommendations as provided under Section 18(e) of the Protection of Human Rights Act, 1993 within eight weeks of the passing of the order.

15. A copy of order be also sent to Commissioner, Municipal Corporation, Faridabad for information and necessary action.

16. A copy of the order be also sent to Bataso Devi as also to Mahesh husband of Rekha deceased, for information.

17. The complaint is disposed of accordingly.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(JUSTICE K.C. PURI)**  
**MEMBER**

**(DEEP BHATIA)**  
**MEMBER**





4. **HARYANA HUMAN RIGHTS COMMISSION**  
**CHANDIGARH**

**Complaint No.2493/6/2019**  
**Date of Order: 23.9.2021**

**Pawan Kumar R/o Village Intal Kalan, Jind, Haryana**

**.....Complainant**

**Complaint under Section 12 of the  
Protection of Human Rights Act, 1993**

**CORAM: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON  
MR.DEEP BHATIA, HON'BLE MEMBER**

**Present: Complainant in person  
Sh. Deepak Kundu, General Manager, Bhiwani  
Respondent Anil Kumar**

**HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**

**ORDER:**

It is a case where an arrogant Government official has exceeded his jurisdiction and did not act with humanity. He stepped into the shoes of a culprit and acted like a goon and given beatings to an innocent passenger in the wee hours of the night intervening 6<sup>th</sup>/7<sup>th</sup> September, 2019.

2. The present complaint has been filed by complainant Pawan Kumar, raising a voice against the high-handedness of the staff of the Haryana Roadways. According to the complainant, on 6<sup>th</sup> September, 2019, he along with his brother boarded a bus from Gugga Medi to Hisar, as he has to go to Jind, at about 1 a.m. on the intervening night of 6<sup>th</sup> and 7<sup>th</sup> September, 2019. The said bus was already overcrowded. After some time, the Conductor of the





## ANNUAL REPORT 2021-22



bus (namely Anil Kumar) (the delinquent official) came and asked for the ticket. The complainant gave him Rs.200/- and after taking the money, he did not issue the tickets. When the complainant asked for the tickets, the Conductor told him that he need not worry about the tickets and he may continue the journey. However, when the complainant time and again asked for the ticket, the Conductor got perturbed and annoyed and demanded Rs.10/- and thereafter issued two tickets after returning back Rs.50/-, as the fare of the two tickets was Rs.160/-.

**3.** When the bus reached near Hisar, an old person who was sitting in the bus, had demanded back his money due to him from the Conductor, which he had not paid to the said old man. On this, a verbal quarrel had taken place between the parties. The complainant could not bear the attitude of the Conductor as he was abusing in a very filthy language. The complainant started capturing the incident in the mobile phone. The Driver had stopped the bus and tried to snatch the mobile phone from him. Some passengers also intervened but the Driver succeeded in snatching the mobile phone from the complainant and the video which the complainant the making through his mobile phone, had been deleted. When the complainant tried to take back his mobile phone, the Conductor had caught hold the complainant and struck his head to the bonnet of the bus. However, he was got freed from the clutches of the Driver and Conductor of the bus with the help of co-passengers. Then, the passengers asked the Conductor and the Driver to take the bus to the Police Station but instead of taking the bus to the Police Station, they took the same along with all the passengers, to the workshop of Haryana Roadways at Hisar. After reaching there, all the passengers started getting down from the bus and started going to their respective places. However, when the complainant along with his brother were getting down from the bus, the Driver and the Conductor of the bus along with the help of 4-5 other officials of Haryana Roadways, caught him and started giving beatings to him in the presence of his brother and 3-4 other co-passengers.

**4.** Thereafter, the complainant went to the Police Station to lodge the report but the police did not take any action. As blood was oozing profusely from the middle finger of his right hand, therefore, he went to the hospital. As the complainant and his brother apprehended danger to their lives at the hands of the staff of the Haryana Roadways, therefore, they decided to go to Jind and after reaching there, the complainant got himself treated at Arya Hospital, Rohtak Road, Jind. The complainant made several complaints before various authorities including the police but none of the authorities had taken any action. On the other hand, a false



## ANNUAL REPORT 2021-22



FIR No.358 dated 22.9.2019 was registered under Sections 332, 354, 186 and 34 IPC against Pawan Kumar (present complainant). When none of the authorities had paid any heed to the complaints of the complainant, he has left with no other alternate but to knock the door of this Commission by way of the present complaint for violation of his human right, under Section 12 of the Protection of Human Rights Act, 1993.

5. Report from the General Manager, Haryana Roadways, Hisar as well as the Superintendent of Police, Hisar was requisitioned. As per the report of Superintendent of Police, Hisar, a case was registered vide FIR No.358 dated 22.9.2019 against Pawan Kumar but during investigation, the allegations levelled by complainant Anil Kumar, Conductor were not proved and as such cancellation report has been prepared by the police on 2.12.2019.

6. As per the report of General Manager, Haryana Roadways, Hisar, Anil Kumar Conductor was on duty on bus No.HR-39-7372 Goga Madi to Hisar. One passenger was found travelling without ticket and the checking staff imposed a fine of Rs.500/- on the said passenger. Thereafter, the other passengers, who were travelling without ticket, created a scene with the Conductor and misbehaved with him. Thereafter, on the complaint of the Conductor, a criminal case was registered against the present complainant Pawan Kumar vide FIR No.358 dated 22.9.2019 by the police.

7. However, on the basis of the complaint received from complainant Pawan Kumar, a departmental inquiry was got conducted against Anil Kumar, Conductor and during the departmental inquiry, he was found guilty for misbehaving with the passengers and quarrelling with them. Thereafter, for such an act and conduct of the delinquent official, the competent authorities had issued him a warning to be “careful in future”.

8. As the departmental proceedings culminated against the delinquent official namely Anil Kumar, Conductor by issuing him warning to be “careful in future” and as the allegations levelled by the Conductor in FIR No.358 dated 22.9.2019 against present complainant Pawan Kumar were found to be not proved and cancellation report has been prepared by the police, therefore, prima facie it was proved on the record that a Government official has violated the human rights of the complainant and other passengers, therefore, vide orders dated 2.3.2021, show cause notice was ordered to be issued to General Manager, Haryana State Transport, Bhiwani, as to why recommendations be not made to the Government for grant of compensation to the complainant for violation of his human right.



## ANNUAL REPORT 2021-22



9. The General Manager, Haryana Roadways, Hisar has sent the detailed report that after receipt of the complaint, the complainant and the respondent were called in the office on 15.10.2019 and the statements of both the parties were recorded. An Inquiry Officer was appointed on 20.12.2019. The Inquiry Officer came to the conclusion that it has been proved that a quarrel took place between the complainant (passenger) and the Conductor but the allegations of embezzling the amount by the said Conductor have not been proved. However, the Conductor has been transferred from Hisar depot to Bhiwani depot. The General Manager, Haryana State Transport, Bhiwani has taken the stand that there is no documentary evidence available on the record on the basis of which another departmental proceeding may be initiated against the delinquent official.

10. On 2.3.2021, Sukhdev Singh, Stock Purchase Officer, in the office of General Manager, Haryana State Transport, Hisar had appeared before the Commission and disclosed that the delinquent official namely Anil Kumar, Conductor has been transferred from Hisar to Bhiwani depot.

11. We have heard the complainant in person, General Manager, Bhiwani and respondent Anil Kumar in person.

12. During the course of hearing, when the Commission asked the complainant to narrate the incident as to what had happened with him, he started sobbing and could not explain immediately. However, after two-three minutes, he was able to pacify himself and made the following statement:-

***“Statement of Sh. Pawan Kumar s/o Sh. Dilbag Singh, age 40 years, r/o Intal Kalan, Jind, on S.A.***

.....

***On 6.9.2019, I along with my brother Ravinder Kumar, boarded a bus of Haryana Roadways from Goga Madi, Rajasthan, for going to Jind but the said bus was upto Hisar. I had given Rs.200/- to the conductor of the said bus for purchase of the ticket for going to Hisar. The said conductor namely Anil Kumar is present before this Commission and I recognize him. But he had refused to give the tickets. When I asked for the ticket, he stated that he need not to worry about the tickets and let you continue your***



## ANNUAL REPORT 2021-22



*travelling up to Hisar. When I asked time and again for the tickets, the conductor got annoyed and asked me to give another Rs.10/- and thereafter, he issued two tickets and also returned Rs.50/- to me as the total fare of two tickets was Rs.160/-. In the meantime, an old person, who was sitting in the middle portion of the bus, asked for the remaining amount which he had given to Sh. Anil Kumar, conductor, but instead of returning the amount to him, he started quarrelling and misbehaving with the said passenger. When the attitude of the conductor was found to be wrong, then we started making the video of the incident in which the conductor was hurling abuses upon the said old passenger. Thereafter, we asked him as to why he was not issuing the tickets after taking the money from the passengers, then the conductor namely Anil Kumar has stated that he is allowed to keep the money of the four tickets and after taking the money from the passengers, he is authorized not to issue the tickets to four passengers. When this incident was going on, we already started making the video of the incident wherein, the conductor has admitted that he is authorized to keep the money of the four tickets without issuing the same to the passengers. The conductor asked us not to make the video and snatched my mobile from me and removed the said video prepared by me. I requested the conductor to return back the mobile but he did not return the same and handed over the mobile to the driver of the bus. When I again asked for return of my mobile, the conductor had caught-hold of me from my neck and struck against the bonnet of the bus. I was got freed from the clutches of the driver and the conductor with the help of other passengers. Then we asked the conductor as well as the driver of the bus to take the bus to the Police Station but instead of taking the bus to the Police Station, they took the bus along with all the passengers to the workshop of Haryana Roadways at Hisar. Then all the passengers got down from the bus and started leaving*



## ANNUAL REPORT 2021-22



*the place. However, driver and conductor of the bus along with the help of 4-5 other persons, out of whom I can recognize one or two persons, had started giving beatings to me in the presence of my brother Ravinder and 3-4 other co-passengers. Thereafter, I went to the Police Station to lodge the report but the Police did not take any action on my complaint. As the blood was oozing profusely from the middle finger of my right hand, so I went to the hospital. The doctor had given the treatment and MLR was issued in this regard incorporating the injuries which were found on my person. As I and my brother were apprehending danger to our lives at the hands of the respondent, therefore, we decided to go to Jind and after reaching there, got myself treated at Arya Hospital, Rohtak Road, Jind. The act and conduct of the driver was inhumane and he had given beatings to me and has also threatened with dire consequences. Necessary action may be taken against the defaulting official and I may be given compensation on account of the harassment, beatings and misbehaviour by the Government official while I was travelling in the Haryana Roadways bus.”*

13. After going through the record as well as after hearing both the parties, it reveals that the complainant had boarded the Haryana Roadways bus for going to Hisar and as the respondent was not issuing tickets to the passengers or he was keeping the balance with him, therefore, a quarrel had taken place between Anil Kumar and the passengers. According to the complainant, he was given beatings by Conductor Anil Kumar along with the Driver of the bus and 4-5 other officials of the Haryana Roadways and he sustained some injuries. The factum of quarrelling and misbehaving with the passengers has also been proved during the departmental inquiry initiated against the Conductor namely Anil Kumar. According to the complainant, police had not registered any case against the Conductor and on the contrary, a false case has been got registered by the Conductor against the present complainant vide FIR no.358 dated 22.9.2019 under Sections 186, 332, 353 and 34 IPC on distorted facts, which on investigation were found to be incorrect and the police has prepared the cancellation report in the aforesaid FIR.



## ANNUAL REPORT 2021-22



**14.** The complainant has also placed on record copy of the medico-legal reports and perusal of the Bed Head Ticket dated 7.9.2019 shows that patient Pawan Kumar aged 38 years, male, was admitted in the hospital with the alleged history of assault. The doctor has found four injuries on his person including injury No.4, complain of pain. It has been specifically stated by the complainant that he was threatened by respondent Anil Kumar, Conductor, Driver of the bus and 3-4 other officials of the Haryana Roadways with dire consequences. But surprisingly, the police has not registered any criminal case against the bus Conductor or other persons particularly when he was medico-legally examined and the doctor found some injuries on his person. The police should have registered a criminal case against the accused, as per the law. The police has tried to favour the Conductor by not registering the case against him and on the other hand the police has registered a criminal case on the complaint of Anil Kumar, who had lodged the report with distorted facts and ultimately his allegations during investigation were found to be not proved. During the course of departmental proceedings, the Inquiry Officer has also come to the conclusion that Anil Kumar Conductor has misbehaved with the passengers and found him guilty and the competent authority had issued him a warning.

**15.** Such type of act and misbehaviour on part of the Government official with a passenger who is travelling at night is not expected. The behaviour of the Conductor towards the passenger was inhuman and intolerable. He should behave properly with the passengers and should not act like a goon. It is strange that during the departmental proceedings, the General Manager, Haryana State Transport was kind enough to let off the Conductor who had misbehaved and quarrelled with the passengers during wee hours of the night intervening 6<sup>th</sup> and 7<sup>th</sup> September, 2019 by issuing him a simple warning. The higher officers should have taken a strict action against the guilty official so that a message of good governance may be conveyed throughout the state. The Commission is also not happy with the action taken by the higher officers of giving simple warning to the Conductor. The behaviour of the Conductor, bus Driver and other Roadways officials should be kind and generous towards the passengers. The delinquent official/Conductor has not performed his duties as a human being. The State Transport Commissioner, Haryana, Chandigarh should take appropriate action against the guilty officers/officials who were found involved in such an incident.

**16.** As on account of the act and conduct, misbehaving, manhandling and quarrelling with the complainant, he has got mental agony and stress and faced a lot of harassment at the





## ANNUAL REPORT 2021-22



hands of the Haryana Roadways employees and he has not been given proper treatment being a passenger and rather was given beatings in the bus as well as at the workshop at Hisar, therefore, it is a fit case where the complainant should be compensated in terms of money. The Commission is conscious of the fact that monetary benefit cannot heal his wounds and agony which he had suffered on account of the ill-treatment by the Government officials, yet the Commission tried to weigh his agony and pacified him by grant of compensation.

**17.** Accordingly, keeping in view all the facts and circumstances of this case, we make the following recommendations:-

**i)** The Government of Haryana is directed to pay a sum of Rs.20,000/- as compensation to complainant Pawan Kumar for violation of his human rights by a public servant who had exceeded his jurisdiction while performing his official duties. The said amount be given within three months. It will be open for the State Government to recover the said amount of compensation from the delinquent official;

**ii)** The Director General of Police, Haryana is directed to register a criminal case against Conductor Sh. Anil Kumar, keeping in view the medico-legal report and the statement of the complainant and investigate the same in accordance with law;

**iii)** The State Transport Commissioner, Haryana, Chandigarh is directed to reconsider the order vide which the General Manager, Haryana State Transport has issued a simple warning to the delinquent official whereas keeping in view the high-handedness and misbehaviour conducted by him with a passenger a stern action should have been taken against him, as mentioned in para No. 17 of the ibid order.

**18.** A copy of the order be sent to the Commissioner-cum-Secretary, Transport, Government of Haryana and the Director General of Police, Haryana, Panchkula for compliance.

A copy of the order be also sent to the complainant through e-mail.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(DEEP BHATIA)**  
**MEMBER**



5.

**HARYANA HUMAN RIGHTS COMMISSION**

**CHANDIGARH**

**COMPLAINT NO.906/16/2018**

**DATE OF ORDER: 05.10.2021**

**Rajhans Bansal, 604, G.F. Shakti Khand-3, Indrapuram, Ghaziabad**

**Complaint under Section 12 of the  
Protection of Human Rights Act, 1993.**

**CORAM: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON.**

**SHRI DEEP BHATIA, HON'BLE MEMBER**

Present:- DSP Satyender along with ASI Mohd. Iqbal,  
P.S. City Palwal.

...

**HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**

**ORDER**

The present complaint was received from National Human Rights Commission, New Delhi.

2. Rajhans Bansal, complainant, who is an NGO, has filed the present complaint on the allegations that two children, namely, Wasim, aged 9 years and Mohd. Wahid, aged 10 years, died due to drowning in a pit left open after illegal mining in village Utawad, District Hathin. Prayer has been made for registration of FIR against the negligent government officials and for grant of compensation to the guardians of both the children.





## ANNUAL REPORT 2021-22



3. In view of the allegations levelled in the complaint, vide orders dated 25.9.2018 passed by the Commission, report was requisitioned from Deputy Commissioner, Palwal as well as District Mining Officer, Palwal within eight weeks.
4. Report from Deputy Commissioner, Palwal dated 8.1.2019 was received in which it was mentioned that mountain in village Gudawal was given on lease by the Haryana Government in the year 2003 for mining purposes (removing of pabbles and stones). After excavation of stones from the leased out area, deep pits in the ground had developed where rainy water had accumulated. After the expiry of the lease period in the year 2008 further contract of mining was not given. On 22.3.2018 Wasim son of Mubin and Mohd. Wahid son of Abdul Matim of village Gudawali had gone to the pits for bathing and due to slipping in the water they drowned and died. On the application of Khurshid proceedings under Section 174 Cr.PC were conducted after registration of DDR No.9 dated 22.3.2018 in PS Bahin. It is further reported that report from Assistant Mining Engineer, Mines and Geology Department, Faridabad was also taken (which is on the file) who informed that contract for mining of hills in villages Gudawali, Bidhawali, Uttawad etc. was given to M/s. Ashok Khatana & Co. for the period from 3.7.2005 to 31.3.2008 @ Rs.5,55,00,000/- per annum. After the lapse of the lease period, the lease was not further extended. Trees were planted and barbed wire was fixed around the area where excavation was done in villages Vidhawali and Uttawad. A watchman was also put on duty to take care of the area. But the villagers uprooted the plants and the barbed wire because they used to take their cattle to the pits for drinking water and bathing. The women of the villages also used to wash their clothes with the water of pits. On many occasions the people were stopped from entering the area where there were pits filled with rainy water but they did not desist. The Assistant Mining Engineer further reported that the two children died due to drowning in the pits while taking bath and the department was not responsible for that.
5. The Commission was not satisfied with the report of the Deputy Commissioner that nobody was responsible for the deaths of two minor children as they slipped in the pit and died. Accordingly, vide orders passed on 22.2.2019, the Commission directed Deputy Commissioner, Palwal to submit detailed report as to who dug the pits which resulted in the deaths of two minor children, as also whether any compensation has been given to the guardians of the minor deceased children. Superintendent of Police, Palwal was also directed to submit



## ANNUAL REPORT 2021-22



report whether any FIR has been registered or any action has been taken in the matter as registration of only DDR was not sufficient. The reports were ordered to be submitted within six weeks.

6. Superintendent of Police, Palwal submitted report dated 16.12.2019 in which it was intimated that FIR No.8 dated 4.10.2019, under Section 304(2) IPC was registered in Police Station, Uttawad on account of the death of two children. No arrest in the case was made and investigation of the case was still under progress.

7. In this case, an FIR No.8 dated 4.10.2019, under Section 304(2) IPC was registered in Police Station, Uttawad on account of deaths of two children by drowning in the pits which were filled with rainy water. From the report of Assistant Mining Engineer, Faridabad, it was also clear that the land in question was being looked after by the Department of Mines and Geology, Haryana, Faridabad. It was also admitted in the report that the two children had died due to drowning in the pits which were filled with rainy water. Prima-facie it appeared to the Commission that both the children had died due to negligence of the Department of Mines and Geology, Haryana, Faridabad. Therefore, a show cause notice was ordered to be issued to the Assistant Mining Engineer, Faridabad by the Commission vide its order passed on 6.1.2020 to explain as to why suitable amount of compensation be not awarded to the guardians of the deceased children who lost their lives on account of the negligence of the Department of Mines and Geology, Haryana.

8. In reply to the show cause notice, Assistant Mining Engineer, Faridabad has filed detailed reply dated 11.2.2021. It is pleaded in the reply that the complaint in the present form is not maintainable as the kids, namely, Wahid and Wasim died due to drowning in a pit which was dug by contractor of the mine M/s. Ashoka Khatana & Company to whom mining contract from 3.7.2005 to 31.3.2008 was given for villages Gudawali, Vidhawali, Uttawarh, Ransika and Bazada. In para No.2 of the reply, it is pleaded that to curtail the problems and consequences of deep pits filled with rainy water, a sum of Rs.4,41,800/- was sanctioned by the Director General of Mines and Geology Department in order to restore the mined out area, and, to plant trees and cover the potentially unsafe area with barbed wire, a nursery M/s. Jai Veer Hanuman Nursery, Near Sector 2, Palwal was engaged. The department also appointed a guard in order to keep a watch over the area. But the villagers residing near the concerned mined out area, started using the pits filled with water to run their everyday chores viz. washing of clothes,



## ANNUAL REPORT 2021-22



bathing and for cattle grazing by uprooting the planted saplings as well as barbed wires. Moreover, the ownership of the concerned area was with the Gram Panchayat and hence it was its responsibility to look after it, and, thus the Department of Mines and Geology was not negligent for the death of the kids. It was further pleaded that the remedy available with the legal guardians of the deceased was with Civil/Criminal Court, and that the incident occurred due to negligence of erstwhile contractor M/s. Ashoka Khatana.

9. We have carefully gone through the reports and records of the case. In this case the death of two kids, namely, Wahid and Wasim, occurred by drowning in the pits has been admitted by the Assistant Mining Engineer, Faridabad. It is also admitted that for restoring the mined area, the Director General of Mines and Geology Department had sanctioned a sum of Rs.4,41,800 and a nursery was also established in order to plant trees and put barbed wire around the potentially unsafe area and a guard was put on duty to avoid any untoward incident. But the villagers residing near the concerned mined out area, started using the pits filled with rainy water to run their everyday chores viz washing of clothes, bathing and for cattle grazing by uprooting the planted saplings as well as barbed wire. This shows that the Mining and Geology Department was not vigilant and did not foresee the consequences which have occurred in the present case. It was the duty of the department to see that the funds provided for the restoration of the mined area are used for the purpose for which those were ear-marked. It is also difficult to digest that the deaths of children occurred despite the deployment of guard for the area. Had proper care been taken such an unfortunate incident would not have happened. This is a clear case of negligence of the Mining and Geology Department, Faridabad. The lackadaisical attitude of the officers of the Mining and Geology Department, Faridabad led to untimely deaths of two minor children by drowning which is a serious violation of human rights of the deceased children under Article 21 of the Constitution of India. It is now well settled by the Courts that the State is liable for tortious acts committed by its employees in the course of their employment.

10. The Hon'ble Madras High Court in CWP No.35052 of 2012, K. Veeraraghavan v. The Secretary to Government School Education Department decided on 14.5.2014 directed the State Government to pay a compensation of Rs.5,00,000/- to the petitioner whose 12 year old school going son had died due to drowning in a pond due to the negligence of the school authorities. The Court while delivering judgment relied upon various judgments of the



## ANNUAL REPORT 2021-22



Hon'ble Supreme Court where compensation was granted in such like incidents. In the concluding para, the Court held as under:-

“In the instant case, admittedly, the Petitioner's son V.Prasanth and another student went out of the school for attending to their nature's call and in the process of washing, they slipped and got drowned due to the Carelessness and Negligence of the school authorities, viz., the Headmaster and the Assistant Teacher of the school, the State Government for their act of Commission/Omission viz., for not being careful and vigilant enough in monitoring/supervising the students from going out of the school during school hours, the Respondents 1 and 2 are vicariously liable to pay a compensation of Rs.5,00,000/- (Rupees Five Lakhs only) to the Petitioner for the untimely death of his son V.Prasanth [excluding the sum of Rs.5,000/- granted to the Petitioner, vide G.O.(1D) No.247, Revenue (Disaster Management) 1 (1) Department, dated 12.08.2011 through District Collector vide proceedings dated 04.10.2011], which is not an exorbitant or excessive one, but the same being a Just, Fair and Equitable one [considering the high rise in prices, spiralling cost of inflation and stagflation etc.], to secure the ends of Justice, within a period of eight weeks from the date of receipt of copy of this order. If the payment is not so made, it shall carry interest at the rate of 7.5% till date of payment/realization.”

10. The Hon'ble Supreme Court in Oriental Insurance Company Limited V. Syed Ibrahim and others, (2007) 11 Supreme Court Cases 512 at page 515, in paragraph 7 held as under:-

“7. There are some aspects of human life which are capable of monetary measurement, but the totality of human life is like the beauty of sunrise or the splendour of stars, beyond the reach of monetary tape measure. The determination of damages for loss of human life is an extremely difficult task and it becomes all the more baffling when the deceased is a child and/or a non-earning person. The future of a child is uncertain. Where the deceased was a child, he was earning



## ANNUAL REPORT 2021-22



nothing but had a prospect to earn. The question of assessment of compensation, therefore, becomes stiffer. The figure of compensation in such cases involves a good deal of guesswork.”

11. In the case in hand two young children, Wasim, aged 9 years and Mohd. Wahid, aged 10 years, residents of village Ghudawali, District Palwal died due to drowning in a pit which was filled with rainy water in the area of village Ghuawali. The tragic death of the children has brought uncalled for sufferings and grief to the parents. The children are considered as a prized gift of God by the parents and loss of any child in their lives is a big shock for them. The record of the case shows that no compensation has been given to the parents of the deceased children by any Authority. Keeping in view the facts and circumstances of the case, we find that it is a fit case where compensation should be granted to the parents of deceased children, namely, Wasim and Mohd. Wahid, who died an unnatural death due to drowning in the pit filled with rainy water in the area of Ghudawali because of the negligence of the authorities of the Mining and Geology Department, Faridabad. We accordingly recommend to the State Government, Haryana to pay a sum of Rs.1,00,000/- (one lac) as compensation to each of the parents of the two deceased children within a period of three months from the date of passing of this order.

A copy of the order be sent to the Chief Secretary to Government Haryana for compliance of the order.

A copy of order be also sent to the complainant as also to the parents of the deceased children.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(DEEP BHATIA)**  
**MEMBER**



**6. BEFORE THE HARYANA HUMAN RIGHTS COMMISSION  
CHANDIGARH**

**COMPLAINT NO.467/1/2020  
DATE OF ORDER: 25/10/2021**

**Kapil S/o Late Sh. Naresh Kumar, R/o Village Loto, Tehsil Naraingarh, District Ambala,  
Haryana.**

**... Complainant**

**Complaint under Section 12 of the  
Protection of Human Rights Act, 1993.**

**CORAM: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON  
SHRI DEEP BHATIA, HON'BLE MEMBER**

**PRESENT: None.**

**HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**

**ORDER:**

The present complaint has been filed by complainant Kapil, alleging that on 01.05.2020 at about 2:26 p.m., some police officials came in civil dress in Toyota Etios vehicle No.HR01-AL-4111. At that time, Shiv Kumar (uncle), grandfather and the younger brother of the complainant were doing the agricultural work in their fields. As the said police officials were not in uniform therefore, the uncle of the complainant and others had asked them as to who they were and from which place they have come. On this, out of those persons, one person disclosed his name as Navin Saran and told that he is posted as Station House Officer in Police Station Sector 5, Mansa Devi Complex, Panchkula and they had come to arrest one Vishnu. The complainant asked the said officer whether they have any arrest warrant regarding the arrest of



## ANNUAL REPORT 2021-22



Vishnu. On this, the police officials got angrier and started beating the complainant. The uncle and grandfather of the complainant tried to save the complainant but they were also beaten up by the police. It has been further alleged that the police had taken away their vehicle No.HR01-AE-8586, in which Rs.50,000/- were lying in cash. However, on the next day i.e. 02.05.2020, ASI Gurmukh Singh of Police Station Naraingarh had released them on personal bond without medically examining the complainant and his relatives. It has been further alleged that the entire incident has been recorded in the CCTV camera, which was installed near the place of occurrence. On the other hand, the police has falsely recorded an FIR No.127 dated 01.05.2020 against the complainant and his uncle Shiv Kumar with regard to obstruction in the discharge of official duties, whereas the police has not registered any FIR against the aforesaid police officials for giving beatings to the complainant and his uncle. After release by the police on personal bond, the complainant got himself medically examined from the Government hospital and the doctor found several injuries on the body of the complainant. In support of his allegations, the complainant has placed on record a pen drive, having the CCTV footage of the incident occurred on 01.05.2020 as well as the copy of MLR issued by the hospital.

2. Report of the Superintendent of Police, Ambala dated 24.09.2020 was received, wherein it was mentioned that a police party went to arrest an accused involved in FIR No.41 of 2018 under Section 376-D, 323, 342, 506 IPC and Section 3, 4, 5, 5A, 5B, 5C, 6, 7, 9 of Immoral Trafficking Act and when it reached village Lauto, Tehsil Naraingarh, complainant Kapil and his uncle Shiv Kumar had attacked the police party and therefore, FIR No.127 dated 01.05.2020 was registered under Sections 186, 332, 353 and 34 IPC at Police Station Naraingarh against the present complainant and his uncle Shiv Kumar. Feeling dissatisfied with the report of the Superintendent of Police, Ambala, this Commission in its order dated 08.03.2021 observed that it is the case of the police that the accused have attacked upon them. If the accused have attacked upon them then naturally the police officials must have sustained some injuries. The Superintendent of Police has not sent the medico-legal reports of the police officials who were alleged to have been injured in the said attack. On the other hand, the complainant has placed on record his medico-legal report wherein the doctor has opined seven injuries on his person and it has been specifically mentioned in the medico-legal report of complainant Kapil that he had sustained injuries in the assault at around 2-2:30 p.m. in village Lauto. Therefore, the Superintendent of Police, Ambala was directed to look into the matter at





## ANNUAL REPORT 2021-22



his own level and get the matter inquired from a senior Gazetted Officer and send the report to this Commission in light of the observations made above.

3. Senior Superintendent of Police, Ambala has submitted his report on 06.04.2021, in which it has been stated that inquiry in the matter was got conducted from DSP Naraingarh. The said report was considered on 14.07.2021 and it was observed that prima facie, it appears that DSP has conducted the inquiry in a biased manner. Para no.2 and 3 of the order dated 14.07.2021 is reproduced as under:

"2. It appears that the DSP, who had conducted the enquiry has not examined the matter with another angle. He has only believed the story as put-forward by the police officials. He has not explained in his report as to how complainant Kapil has sustained seven injuries on his person. The complainant has also placed on record pen drive of the CCTV footage, in which the incident had been recorded. The Commission has examined the said pen drive and it is clearly visible that the police party, who came in plain clothes and in a private car, was giving beatings to two persons with Dandas. Out of them, one person was laid down on the ground and the police kept on beating with Lathis. It is not understandable, how the DSP has come to the conclusion that no injury was given by the police, when particularly the incident has been recorded in the CCTV camera and the same has been examined by the Commission itself. It appears that DSP has not examined the matter in fair and impartial manner. He should have examined the CCTV footage before arriving at the conclusion. It is unfortunate that the DSP has given such an enquiry report, particularly when it is clear from the CCTV footage that the police officials are beating the complainant and pushing an old man, who has come there. Prima facie, it appears that DSP has conducted the enquiry in a biased manner. The Commission cannot sit over the matter as a silent spectator over such a conduct of the police officers.

3. We are not satisfied with his report, therefore, before passing an appropriate order in this case, the DSP, Naraingarh, who has conducted the investigation in the present case, is directed to appear before this Commission on the next date of hearing. However, in the meantime, the said DSP may review his enquiry, if so desired, after going through the MLR of Kapil and the CCTV footage, a copy of which is available on the record."

4. On the last date of hearing i.e. 08.09.2021, the following was observed by this Commission:





## ANNUAL REPORT 2021-22



"In pursuance of the orders passed by this Commission on 14.7.2021, Sh.Anil Kumar, Deputy Superintendent of Police has come present and while placing on record the report on behalf of the Senior Superintendent of Police, Ambala, he has disclosed that after going through the pendrive and the medico-legal report produced by the complainant, an offence under Section 323 IPC etc. has been made out against the police officials who had given beatings/injuries to the complainant and other persons on 1.5.2020. On query by the Commission as to whether any FIR has been registered against those police officials, DSP Anil Kumar has stated that the matter is under investigation and necessary action against the erring police officials would be taken in accordance with law by registering criminal case against them. He has also disclosed to the Commission that necessary departmental proceedings against the erring police officials have also been initiated by the Deputy Commissioner of Police, Panchkula.

In view of this, let fresh status report with regard to the registration of a criminal case against the police officials be requisitioned from the Superintendent of Police, Ambala. Report from the Deputy Commissioner of Police, Panchkula be also requisitioned with regard to the stage of the departmental inquiry initiated against the defaulting police officials for giving beatings to the complainant and other persons thereby violating their human rights also. The Superintendent of Police, Ambala and the Deputy Commissioner of Police, Panchkula are directed to submit their reports to this Commission by the next date of hearing. Copy of the order be sent to both the officials through e-mail."

5. Sh. Naveen Kumar, Inspector, Police Line had also filed objections against the observations made in order dated 14.07.2021 and 08.09.2021 passed by this Commission. He has alleged inter alia that the complainant has not come to the court with clean hands. The complainant has produced a manipulated/ tempered CD before this Commission to save his and his relative's skin, wherein he has deleted the pictures of original incident. He has also stated that he has not been given opportunity and his version has not come before this Commission. The complainant has stated a totally false and concocted story against him and other police officials. He has prayed to appoint any agency or any official to conduct a fair investigation/enquiry in the matter.



## ANNUAL REPORT 2021-22



6. Today, a written request has been sent by Inspector Naveen Kumar, wherein he has requested not to take any further action on his objection petition. He has requested that he may be withdrawn his objection petition filed on 14.09.2021. Accordingly, in view of the request received from Sh. Naveen Kumar, Inspector of Police, his objections are ordered to be withdrawn.

7. In compliance to the order dated 08.09.2021, report dated 23.10.2021 of Deputy Superintendent of Police, Naraingarh has been received, wherein he has submitted that after conducting thorough investigation in the matter, on the statement of complainant Kapil Thakur, FIR No.458 dated 21.10.2021 under Sections 330/342/380 IPC has been registered at Police Station, Naraingarh against Inspector Naveen Saharan, Inspector Karambir Singh, ASI Pardeep, ASI Om Parkash, Head Constable Ravinder Kumar, Head Constable Parvinder, EHC Lakhmir Singh and EHC Kanwar Pal, which is pending investigation. It has further been reported that departmental proceedings against all these aforesaid police officials has also been initiated. Copy of the order dated 19.10.2021 regarding joint regular departmental enquiry against these eight police officials has also been enclosed with the report.

8. In view of the report dated 23.10.2021 submitted by Deputy Superintendent of Police, Naraingarh, since after conducting thorough investigation in the matter, on the statement of complainant Kapil Thakur, FIR No.458 dated 21.10.2021 under Sections 330/342/380 IPC has been registered at Police Station, Naraingarh against Inspector Naveen Saharan, Inspector Karambir Singh, ASI Pardeep, ASI Om Parkash, Head Constable Ravinder Kumar, Head Constable Parvinder, EHC Lakhmir Singh and EHC Kanwar Pal, which is pending investigation. It has further been reported that departmental proceedings against all these aforesaid police officials has also been initiated. In view of the above facts, no further action is required to be taken by this Commission. The grievance of the complainant, raised in this complaint, appears to have been redressed and the complaint is accordingly disposed of.

9. Copy of the order be sent to the complainant by post and the Commissioner of Police, Panchkula for information and necessary action through e-mail.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(DEEP BHATIA)**  
**MEMBER**



7. **HARYANA HUMAN RIGHTS COMMISSION**  
**CHANDIGARH**

**Complaint No.1134/14/2020**  
**Date of Order: 9.11.2021**

**Rekha Devi wd/o Late Sh. Dharamvir, R/o Village & Post Office Khatodara, District Mahendragarh, Haryana**

**.....Complainant**

**Complaint under Section 12 of the Protection of Human Rights Act, 1993**

**Coram: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**  
**HON'BLE MR. JUSTICE K.C. PURI, MEMBER**

**Present: None**

**HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**

**ORDER:**

Complainant Rekha Devi widow of deceased Dharamvir, who was a construction labourer and was registered under the welfare scheme of Haryana Building and Other Construction Workers' Welfare Board, Panchkula (hereinafter referred to as the Board) has filed the present complaint alleging that her husband Dharamvir was a registered labourer with the Board till 19<sup>th</sup> February, 2016. Thereafter, he fell ill and could not deposit his contribution due to illness and ultimately he died on 2.6.2020. The complainant has requested for grant of benefits applicable to a registered labourer i.e. funeral assistance of Rs.15,000/- and financial assistance of Rs.2 lakhs. According to the complainant, she has approached the concerned authorities for grant of the aforesaid amount of Rs.2.15 lakh but the same was rejected by the aforesaid Board due to non-renewal of registration of her deceased husband.



## ANNUAL REPORT 2021-22



2. Report from the Secretary, Haryana Building and Other Construction Workers' Welfare Board, Panchkula was requisitioned. As per the report dated 2.11.2020, submitted by the Labour Commissioner-cum-Secretary, Haryana Building and Other Construction Workers' Welfare Board, Panchkula, the benefit under the aforesaid scheme was not given to the deceased construction labourer or his widow because the deceased had not got his membership renewed for the last more than three years.
3. Vide orders dated 24.3.2021, keeping in view the fact that India is a welfare state and all the Acts/laws/rules are made by the Government for the welfare of the citizens, therefore, the Labour Commissioner-cum-Secretary, Haryana Building and Other Construction Workers' Welfare Board, Panchkula was directed to consider the application of the complainant for renewal of the membership of the deceased person as per Rule 29 of the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 and the rules framed thereunder and keeping in view the fact that there was complete lockdown throughout India with effect from 24.3.2021 due to pandemic disease of Covid-19, submit the report to this Commission by passing a speaking order. Thereafter, the case was adjourned from time to time and on 27.10.2021, when the case was taken up for hearing, Sh. Govind Sharma, Assistant District Attorney along with Mrs. Rekha Dahia, Assistant Welfare Officer have appeared on behalf of the Haryana Building and Other Construction Workers' Welfare Board, Panchkula and submitted the reply along with the order passed by the Labour Commissioner-cum-Secretary, Haryana Building and Other Construction Workers' Welfare Board, Panchkula on the application for renewal of the membership of the deceased husband of the complainant. After going through the report as well as the order passed by the Labour Commissioner-cum-Secretary of the Board, it reveals that the claim of the complainant was rejected on the ground that at the time of the death of the husband of the complainant, he was neither a registered worker nor his death occurred "during the course of employment at workplace due to accident".
4. It has been argued by the learned counsel appearing on behalf of the Board that the Labour Commissioner-cum-Secretary of the Board had considered the application of the complainant for renewal of the membership of her deceased husband for grant of financial assistance, etc. but under Rule 29 of the aforesaid Rules, an amount of Rs.2 lakhs can be sanctioned by the Board to the dependents/nominees of a registered member towards financial assistance in case of death. If the death occurs due to accident during the course of employment



## ANNUAL REPORT 2021-22



at the workplace, the dependents/nominees of the registered member are entitled for financial assistance to the tune of Rs.5 lakhs provided that the deceased must be a registered beneficiary of the Board but in this case, the deceased husband of the complainant had not got renewed his membership nor he was a registered worker at the time of his death on 2.6.2020 nor he has died during the course of employment at workplace due to accident as the deceased had died due to long illness at his residence. In view of the specific provisions, the claim of the complainant was rejected by the Labour Commissioner-cum-Secretary of the Board.

5. We are satisfied with the report as well as the order passed by the Labour Commissioner-cum-Secretary, Haryana Building and Other Construction Workers' Welfare Board, Panchkula as he has dealt with the matter in accordance with the prevailing rules framed by the Board in this regard. In view this, no further direction is required to be issued in the matter and as such the present complaint is dismissed.

6. Before we part with this order, we would like to observe here that during the course of hearing, the learned counsel along with the Assistant Welfare Officer of the Board has disclosed to the Commission that an agenda is being placed before the Board for inclusion of the provision for grant of the financial assistance to the family members of the deceased person, if due to some unavoidable circumstances or illness, etc. the registered labourer could not get his membership renewed within the specified time. The Commission is not happy as due to some technical reasons, the claim of the complainant is being rejected. The Board has been constituted by the Government for the welfare of the labourers. It is noticed that most of the labourers are uneducated and they do not know that the membership should be got renewed from time to time for availing the benefits of the scheme. Therefore, we recommend to the Government as well as to the Haryana Building and Other Construction Workers' Welfare Board, Panchkula to incorporate a provision in the relevant rules for grant of financial benefits to the spouse of the labourer who had got himself/herself registered with the aforesaid Board and due to some unavoidable reasons/circumstances, he/she could not get his/her membership renewed, then the Labour Commissioner or the subordinate officer to him may have the powers to condone the delay in getting renewed the membership of a labourer who had got himself registered but due to some unavoidable circumstances could not get the same renewed in time and died due to illness or otherwise. We hope that the Board will consider the matter sympathetically, as the labourers are very poor persons and they have hardly any money to meet



## ANNUAL REPORT 2021-22



the both ends. With these observations, the present complaint is disposed of. A copy of the order be sent to the Additional Chief Secretary to Government of Haryana, Labour Department, Mini Secretariat, Sector 17, Chandigarh as well as to the Labour Commissioner-cum-Secretary, Haryana Building and Other Construction Workers' Welfare Board, Panchkula through e-mail for further necessary action. A copy of the order be also sent to the complainant by post.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(JUSTICE K.C. PURI)**  
**MEMBER**



## ANNUAL REPORT 2021-22



### 8. BEFORE THE HARYANA HUMAN RIGHTS COMMISSION

#### CHANDIGARH

**COMPLAINT NO.1266/5/2018**  
**DATE OF ORDER: 15.12.2021**

**Kiran, wife of Dharam Singh and Sunny, son of Dharam Singh, R/o village Medawas  
Distt. Gurugram, Haryana.**

**.... Complainant**

**COMPLAINT NO.57/5/2019**

**Dharam Singh, son of Harbhajan, R/o village Medawas Distt. Gurugram, Haryana.**

**.... Complainant**

**COMPLAINT NO.133/5/2019**

**Shakuntla Devi, wife of Nanu Ram Tyagi and Nanu Ram Tyagi, son of Kalu Ram Tyagi,  
R/o village Medawas Distt. Gurugram, Haryana.**

**.....Complainant**

**Complaints under Section 12 of the  
Protection of Human Rights Act, 1993**

**CORAM: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON  
SH. DEEP BHATIA, HON'BLE MEMBER**

**ORDER:**

In complaint No.1266/5/2018, the complainants, namely, Kiran, wife of Dharam Singh and Sunny, son of Dharam Singh have alleged that they received notice on 30.07.2018, wherein



## ANNUAL REPORT 2021-22



directions was given to the complainants to appear before the respondent department on 07.08.2018, but the respondents department demolished the structure of complainant on 03.08.2018 without following the procedure laid down in the rules. The department submitted the reply on 07.08.2018 and mentioned therein that without granting any opportunity to the complainants, and waiting for the reply, and passing the order as required under Section 12(2) of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, (hereinafter referred to as the "Act 1963"), the structure was demolished on 03.08.2018. The complainants plead that the demolition of the structure was violation of the human rights and natural justice. It has been requested that appropriate action may be taken against the respondents and FIR should be registered against the respondents and directions may be issued to compensate the complainants as per law. It has also been prayed that FIR No.27 dated 06.09.2018, registered by the respondents, may be cancelled.

2. In complaint No.57/5/2019 filed by Dharam Singh, it has been submitted by the complainant that in another complaint No.1266/5/2018, notice was issue to the District Town Planner (DTP), Gurugram for demolishing the structure belonging to complainant and his wife without following the procedure. On the asking of DTP, the Gurugram police registered FIR No.102 dated 18.12.2018 against complainant Dharam Singh for transferring the agriculture property to the other family members i.e. son and son-in-law. This transfer is permissible as per law. Earlier the complainant and his wife received notice on 30.07.2018 under the "Act 1963", directing the complainant and his wife to appear on 07.08.2018. But the respondents, along with police, demolished the structure of complainant on 03.08.2018 without following the procedure. They submitted the reply on 07.08.2018 and mentioned therein that without granting any opportunity to the complainants, waiting for the reply, and passing the order as required under the provisions of the "Act 1963", the structure was demolished on 03.08.2018. The complainants plead that the demolition of structure was violation of the human rights and natural justice. It has been requested that appropriate action may be taken against the respondents and FIR should be registered against the respondents and directions may be issued to compensate the complainants as per law. It has also been prayed that FIR No.102 dated 18.12.2018, registered by the respondents against complainant Dharam Singh may be cancelled.

3. In complaint No.133/5/2019 filed by Shakuntla Devi, wife of Nanu Ram Tyagi and Nanu Ram Tyagi, son of Kalu Ram Tyagi, it has been submitted that the complainants are





## ANNUAL REPORT 2021-22



owners of land bearing Khasra No.31//15 Min, situated in village Medawas Distt. Gurugram. This land was acquired by the State of Haryana for the construction of sector road. After construction of road, some portion of it was released by State of Haryana. Except this land, the complainants have no other land. The complainants received notice dated 23.07.2018 (Annexure P-11) from the respondents, directing them to submit the reply within seven days and to appear on 01.08.2018. They submitted their reply on 01.08.2018 but the respondents rejected the claim of complainants and instead demolished the structure of complainants on 03.08.2018. The respondents did not give any opportunity to the complainants to file the statutory appeal before the Tribunal under the "Act 1963". The respondents, along with police, demolished the structure of complainant on 03.08.2018 without following the procedure. They submitted the reply on 01.08.2018 and mentioned therein that without granting any opportunity to the complainants, waiting for the reply, and passing the order as required under the provisions of the "Act 1963", the structure was demolished on 03.08.2018. The complainants plead that the demolition of structure was violation of the human rights and natural justice. It has been requested that appropriate action may be taken against the respondents and FIR should be registered against the respondents and directions may be issued to compensate the complainants as per law.

4. In the joint written statement filed in complaint No.1266/5/2018 on behalf of respondents No.1 to 3 has been submitted that the complainants along with their family members including Sh. Dharam, her son Sunny and other members of the family are involved in the business of unauthorized colonization and land grabbing. The department has received numerous complaints in above matter and has issued various notices and lodged FIRs against the family members and the complainant herself. It has further been submitted that the complainants and their family members have raised several unauthorized constructions in the Revenue Estate of Village Medawas and surrounding area and the answering respondents have issued several notices by name to Kiran, Dharam, Sunny etc. who are involved in that unauthorized colonization in the said area since year 2011. They have raised unauthorized colony against which FIR have been lodged in the name of their family members including Dharam, husband of Kiran. It has also been submitted in the preliminary objections that a public interest litigation bearing CWP No.31350 of 2018 titled as "Harish Nijhawan Vs. State of Haryana & others" has already been filed in the Hon'ble High Court of Punjab & Haryana



## ANNUAL REPORT 2021-22



regarding unauthorized and illegal construction in village Maidawas (Gurugram) and surrounding area. The complainant intends to divert the whole issue to take extra advantage. The said petition is pending adjudication in High Court. On merits, it has been submitted that answering respondents had already issued show cause notice vide memo No.1080 dated 08.12.2014 to the offender about the alleged unauthorized construction. The land in question falls within the controlled Area declared by the State Government under Section 4 of the "Act 1963" vide notification dated 21.05.1981. The site in question is abutting the Sector, dividing road of Sector 64 & 65, Gurugram. Further it is pleaded on behalf of the respondents that no person shall erect or re-erect any building in the controlled area without the previous permission of the Director. Section 7 prohibits change of land use without prior permission of the Director. It has further been submitted on behalf of the respondents that civil suits between the private parties on the one hand and the complainant and their family members on the other hand with regard to allegations of grabbing of land etc. are already pending adjudications in the Civil Courts. The complainants and their family members are involved in illegal construction prior to the year 2011 and despite issuing almost 30 notices in the name of family and lodging of two FIRs, the offenders are still continuing with the unauthorized construction unabated. FIR No.27 dated 06.09.2018 has been lodged against Kiran (complainant) who is wife of Dharam Singh (complainant in complaint No.57/5/2019). The other allegations levelled in the complaint are also denied.

5. In the separate joint written statement, filed on behalf of respondents in complaint No.57/5/2019 and complaint No.133/5/2019, the facts stated and defence taken by the respondents in this complaint are almost same as has been taken in reply filed on their behalf in complaint No.1266/5/2018 and need not be repeated.

6. Vide order dated 14.01.2019 passed in complaint No.57/5/2019, the same was ordered to be listed with Complaint No.1266/5/2018. In terms of order dated 26.2.2019 passed in complaint No.133/5/2019, it has been observed by this Commission that this complaint is similar to complaint No.1266/5/2018.

7. In the rejoinders to the reply of the respondents, the complainants have denied the allegations taken in the replies filed by respondents and have reiterated the stand taken by them in their complaints.



## ANNUAL REPORT 2021-22



8. We have heard the submissions made by Sh. Sandeep Sharma, counsel for the complainants, at length and have gone through the records available on the case file.

9. It has been submitted by Sh. Sandeep Sharma, counsel for the complainants, that the human rights of the complainants have been violated in these cases, which needs to be redressed. It is submitted that the complainants received notice on 30.07.2018, wherein direction was given to the complainants to appear before the respondent on 07.08.2018, but the respondents-accused demolished the structure of complainant on 03.08.2018 without following the procedure. They were asked to submit the reply on 07.08.2018 but without granting any opportunity to the complainants, waiting for the reply, and passing the order as required under Section 12(2) of the "Act 1963", the structure was demolished on 03.08.2018, which is violation of the human rights. He has argued that right to property may not be fundamental right any longer, but is still constitutional right and a human right in view of mandate under Article 300A, no person can be deprived of his property save by authority of law. In support of his submission, he has relied upon judgment of Hon'ble Supreme Court in "Hari Krishna Mandir Trust Vs. State of Maharashtra and others" cited as (2020) 9 SCC 356. He has submitted that appropriate action may be taken against the respondents and FIR should be registered against the respondents and directions may be issued to compensate the complainants as per law. It has also been prayed that FIRs registered against the complainants, including FIR No.27 dated 06.09.2018 and No.102 dated 18.12.2018, may be cancelled.

10. The grounds raised by the complainant to show violation of human rights, if any, do not stand substantiated from the material available on record. Complainant Smt. Kiran has filed Appeal No.54 of 2018 before the Tribunal Haryana under Section 12 of the "Act 1963", wherein she has challenged the show cause notice dated 23.07.2018 and Restoration order dated 01.08.2018 passed by the District Town Planner (Enf.) GMDA, Gurugram in respect of the land bearing khasra no.30//6/1/2/1, 7/1/2 and 9/1/1/1(0-15) measuring 5 kanal 01 marla in the revenue estate of village Maidwas District Gurugram. The appellant claimed that she is using the property for personal use and the construction raised therein is of 20 years old. She has also pleaded in the appeal that the provisions of the "Act 1963" do not apply to the land falling in controlled areas and thus, the impugned orders and notice are in violation of the provisions of the Act. No notification declaring the area in dispute falling in controlled area as referred to in the Act has been issued by the State of Haryana. The orders passed in non-speaking orders. No



## ANNUAL REPORT 2021-22



declaration as required under Section 4(2) of the Act was published in the newspapers, which was mandatory.

11. The Tribunal after hearing the parties passed the order dated 20.11.2018 and held that the land in dispute falls in the additional controlled area part III & IV of Gurugram. The complainant has raised the disputed construction after issuance of the notification dated 21.05.1981 declaring the land in dispute as controlled area under section 4(1) of the Act and thereby contravened the provisions of section 6 & 7(1) of the Act. No illegality in the show cause notice dated 23.07.2018 issued under Section 12(2) of the Act and the impugned restoration order dated 01.08.2018 passed by DTP, Gurugram Metropolitan Development Authority, Gurugram was found. Consequently the appeal filed by the complainant was dismissed.

12. The plea raised by the complainant that no opportunity of hearing was granted to them before demolishing the structure, does not carry any weight. As the Tribunal, in its order dated 20.11.2018, has held that one Sunny son of the appellant has appeared before him and submitted written reply dated 31.7.2018. He was also afforded an opportunity of person hearing on 1.08.2018. It is further categorically mentioned that the reply dated 31.7.2018 was examined and was found unsatisfactory on the detailed reasons mentioned in sub paras No.1 to 4 of the impugned order. So, it cannot be stated that no reasons have been given by District Town Planner, GMDA while passing the impugned order. The District Town Planner concerned has duly taken into consideration the plea raised in the written reply and finding the same to be unsatisfactory has passed the impugned restoration order.

13. Feeling dissatisfied with the order dated 20.11.2018, passed by the Tribunal, who has set aside the impugned orders dated 23.07.2018, 30.07.2018 and 01.08.2018, passed by the District Town Planner and which have been impugned in the present complaints, Kiran Bala complainant filed a Civil Writ Petition No.10417 of 2019 in the Punjab & Haryana High Court, Chandigarh, wherein in terms of order dated 22.04.2019, the demolition of structure(s) was ordered to be stayed till next date of hearing. The said Writ Petition is still pending adjudication and as per the information collected from the website of Punjab & Haryana High Court, the next date of hearing in the said petition is 27.01.2022.



## ANNUAL REPORT 2021-22



14. It has also not been disputed that another Writ Petition i.e. CWP No.31350 of 2018, regarding the unauthorized construction/ colonization of land falling in the Revenue Estate of Village Medawas, District Gurugram is also pending adjudication for 03.02.2022, wherein also the point is posed for consideration as to whether there has been any unauthorized construction falling within the "controlled area" as defined by Section 4 of the "Act 1963". Therefore, the point of controversy raised also can be said to be the same as has been raised in these complaints.

15. It is settled proposition of law that to hold the property, is a constitutional right under Article 300A of the Constitution of India and can also be termed as a human right. It is also undisputed fact that nobody can be deprived of his property except by law. But in these matters, the complainants have already agitated their right before the Tribunal, which is a competent authority, constituted under the "Act 1963". All the notices impugned in these complaints and the orders passed by the District Town Planner, Gurugram, regarding demolition of the structure allegedly in the possession of the complainants, have also been challenged by the complainants before the Tribunal, who after hearing them has passed a detailed order dated 23.11.2018, whereby it was held that land in dispute falls in the additional controlled area part III & IV of Gurugram. Notification dated 21.05.1981 was duly issued declaring the land in dispute as controlled area under section 4(1) of the "Act 1963". No illegality in the show cause notice dated 23.07.2018 issued under Section 12(2) of the Act and the impugned order dated 01.08.2018 passed by DTP, Gurugram Metropolitan Development Authority, Gurugram, was found. Consequently the appeal filed by the complainant was dismissed after thrashing all the points raised before it.

16. It is also the case of the complainants that they have already challenged the aforesaid order dated 23.11.2018 by filing Civil Writ Petition No.10417 of 2019 in the Punjab & Haryana High Court, Chandigarh, which is now pending adjudication for 27.01.2022. In this Writ Petition, the grounds raised to impugned the validity and legality of notices dated 23.07.2018 and 30.07.2018, are almost the same as have been challenged in these complaints. It is settled principle of law that this Commission cannot sit in appeal over the decisions of equivalent competent tribunals and also the High Court. Under Section 36(1) of the Protection of Human Rights Act, 1993, this Commission cannot enquire into the matter, which is pending before some other tribunal or decided by it, duly constituted under any law for the time being in force,



## ANNUAL REPORT 2021-22



or the High Court, which has the wide powers to entertain and decide all the disputes involving violation of fundamental, constitutional as well as the human rights. Therefore, it would be betterment of things for this Commission to restrain itself to proceed further, when it comes to its notice that if same question of facts and law is pending adjudication or has been decided by Tribunal, which is a competent authority, constituted under law. The Commission cannot be supposed to run a parallel jurisdiction. The High Court is already seized of the matter, wherein the controversy with regards to the points raised in these complaints is almost the same. Therefore, no action is required to be taken further in this matter. The complaints are dismissed. However, the complainants are at liberty to challenge all the facts raised in the present complaints before the Hon'ble High Court or any competent authority, constituted under the law. Copy of the order be sent to the complainants and the respondents through post/E-mail.

Copy of this order be placed in connected cases i.e. complaints No.57/5/2019 and 133/5/2019.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(DEEP BHATIA)**  
**MEMBER**



9.

**HARYANA HUMAN RIGHTS COMMISSION**

**CHANDIGARH**

**Complaint No.1027/1/2020-JCD**

**Date of Order: 05.01.2022**

**The Superintendent of Police, Ambala, Haryana**

**.....Complainant**

**Complaint under Section 12 of the  
Protection of Human Rights Act, 1993**

**Coram: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON  
HON'BLE MR. JUSTICE K.C. PURI, MEMBER**

**Present: None**

**HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**

**ORDER:**

On 31.3.2021, the following order was passed:-

*"The present complaint was received under Section 12 of the Protection of Human Rights Act, 1993 from Superintendent of Police, Ambala which was addressed to District and Sessions Judge, Ambala and a copy thereof was sent to the Commission. The complaint pertained to the death of Rinku (aged about 37 years) son of Kishan Lal, of Ambala Cantt.. who was arrested by police of CIA Staff-1 (Special Detective Unit), Ambala Sadar on 13.6.2020 in case FIR No.231 dated 13.06.2020, under Section 21 NDPS Act, registered against him for recovery of 20 grams of Haroine from his possession and the said accused allegedly committed suicide on 14.6.2020 in the lock up of CIA Staff-1 (Special Detective unit) situated at Sector 10, Ambala City.*





## ANNUAL REPORT 2021-22



2. *As the complaint pertained to the death accused Rinku in police custody, a report was requisitioned from Superintendent of Police, Ambala whether inquiry by a Judicial Magistrate was conducted in the case. The Superintendent of Police, Ambala vide his letter dated 8.3.2021 informed the Commission that enquest proceedings under Section 176 Cr.PC regarding the death of under trial prisoner (who was not produced in the Court), namely, Rinku son of Kishan Lal, resaident of House No.3220, Chhota Shivalya, Kucha Bazar, Bakra Market, Ambala Cantt was conducted by Ms. Neelam Kumari, Judicial Magistrate Ist Class, Ambala and he sent the report alongwith the letter.*

3. *During the enquiry proceedings, the Judicial Magistrate recorded the statements of various witnesses. ASI Niranjan Singh, who is the Investigation Officer of the case stated that on 13.6.2020, he was posted at CIA Staff-I, Ambala. On that day at about 2 PM he was on petrol duty along with his colleagues at village Dhandali where he received secret information that accused Rinku was selling heroin in the area of Sector 10, Ambala and he could be arrested. On receipt of information, he formed a raiding party consisting of his colleagues HC Manoj Kumar, C. Pardeep Kumar, EASI Tulsi Kumar and went to the spot and saw accused coming from side of Vigilance office. The accused tried to run away but he was apprehended by the raiding party. His personal search was conducted as per rules, and, from his possession 20 grams heroin was recovered. Thereafter, he sent ruqa to the police station for registration of the case against the accused. Thereafter further investigation of the case was handed over to ASI Karam Chand, who around 7.50 PM brought the accused to CIA-I Staff, Sector 10, Ambala and lodged him in the lock up at 7.55 PM. Thereafter, he along with his colleagues went on patrolling duty and around 3.30 AM when they came back, they saw accused Rinku had committed suicide.*

*The Inquiry Officer recorded statement of Rakhi wife of deceased Rinku on 14.6.2020. She stated that Yesterday at around 2 PM, her husband called her from his friend's phone and told her that the CIA Staff-I, Ambala Police had arrested him in a drug case. He asked her to arrange for Rs.40,000/- and if this amount was given to the police then they will release him. But she showed her inability to do so. It is further in the report that wife of deceased made statement that her husband had been arrested by the police earlier also in several cases but he never had taken this wrong step before and she suspects that her husband*





## ANNUAL REPORT 2021-22



had been murdered and he requested for action against the policemen responsible for the murder of her husband.

Sonu younger brother of deceased accused Rinku in his statement made before the Inquiry Officer stated that he got information from his sister-in-law that in this case police had picked up three people including his brother but later on Karam Chand police servant in CIA-I had released two people after taking money from them. But his brother was falsely implicated in this case and that he cannot commit suicide and that he was killed in police custody by Karam Chand.

In this case, Vijay Sharma, Proprietor of Trijal Business Alliance stated before the Inquiry Officer that CCTV footage of Camera No.1 and Camera No.2 of CIA Staff-I, Ambala pertaining to 13.6.2020 upto early morning of 14.6.2020 which has been placed on record by Ct. Sandeep on 16.6.2020 was put in the Pen Drive by him. But he stated that date fault could be caused by the system CMOSS battery because the format of date and time must have been entered incorrectly when the camera was repaired or installed. But he had done no tempering in the in the record.

4. From the perusal of Medical report/Post Mortem Report placed on the record, the Inquiry Officer did not find any external or internal injury on the dead body of the deceased. The deceased was neither physically tortured nor beaten up before his death by anyone nor was he made to ingest any toxic or poisonous substance which could have killed him. It would be relevant to quote below the relevant observations made by the Inquiry Officer in her report:-

"Nevertheless, the cumulative study of the Medical Board's preliminary test report of the dead body as well as the Final Medical Opinion of the concerned Doctors after the combined study of the Post Mortem Report as well as Toxicology/Histopathology Report of the viscera of the dead body of the deceased, makes it reasonably clear that death of the prisoner took place due to asphyxiation by hanging. Marks of the pant cloth around his neck were also prominent. Apart from that, no bodily injury marks were visible on his body. No internal injuries were also found on the examination of the dead body too. Also, from the perusal of the videos from the CCTV Camera, it is clear that apart from the prisoner Rinku none else had gone inside the lock-up too on or around the time when he was found hanging from the grill. Thus, the probability of any person killing him by choking him becomes remote. Also, the theory that he was choked and then hung from the grill with his own pair of pants becomes even more incredible.



## ANNUAL REPORT 2021-22



*Ostensibly, it is amply clear that at the time of his death, the prisoner Rinku was all alone inside the prison lock-up and the claim of him committing suicide does not seem to be far-fetched. The same must also be viewed in the light of the assertion made by Smt. Rakhi, wife of the deceased, that a few hours ago when she came to meet him at police station, she had an argument with the deceased accused while he was taken out from lock up to meet her, he himself stated that he will commit suicide and will not show his face to her xxx xxx Nevertheless, the conclusion regarding the cause death that could apparently be drawn from the perusal of the evidence as recorded in this case got the Medical sanction too in the form of Pathological Examination of the viscera of the deceased, which, in turn again concretized that the cause of death of the deceased was an unnatural (suicidal) one being asphyxiation due to hanging."*

5. *The Inquiry Officer also observed that she had carefully and comprehensively perused the video clips from the CCTV cameras inside the premises of police station and the lock-up. From its complete perusal, it becomes clear that, although, it shows the deceased being put inside the lock-up, however, apart from that, nothing else of inside the lock-up is clearly visible in the videos during night. The part of the lock-up which could show the activities inside the lock-up is dark as there was no light inside the cell where the deceased was kept and therefore not visible. Basically, the perusal of the entire CCTV video clips from the time when the accused was taken inside the police station and to the time when he allegedly committed suicide till the time it came to the knowledge of the police officials, there is nothing in the video clips which could clearly show and actually discern what happened inside the lock-up at night. Nothing could be deduced from the video clips at night which shows just darkness inside the cell. According to the Inquiry Officer it can only be used as a corroborative piece of evidence rather than main or primary as it reveals nothing regarding anything happening inside the lock-up during night due to darkness.*

6. *In view the facts and circumstances as discussed above and findings of the Enquiry Officer-cum-JMIC, Ambala, the cause of death of the deceased was asphyxiation due to hanging. The inquiry officer in the report submitted that she had comprehensively perused the CCTV footage and video clips. From its perusal, it becomes clear that although it shows the deceased being put inside the lock-up, however, apart from that, nothing else of inside the lock-up is clearly visible in the videos during night. The part of the lock-up which could show the activities inside the lock-up is dark as there was no light inside the cell where the deceased was*



## ANNUAL REPORT 2021-22



kept. The CCTV cameras installed in the CIA Staff-1, Ambala were not working correctly as is clear from the statement made by Sh. Vijay Sharma of Proprietor of Trijal Business Alliance before the Enquiry Officer, who stated "time and date fault can be caused by the system CMOSS battery because the format of date and time must have been entered incorrectly when the camera was repaired or installed." The Hon'ble Supreme Court in Special Leave Petition (Criminal) No.3543 of 2020 decided on 2.12.2020 has issued directions for installation of CCTV cameras in the police stations with such recording systems so that data stored therein shall be preserved for a period of 18 months. CCTV systems must be equipped with night vision and must consist of audio as well as video footage. The SHOs of the Police Stations would be responsible for assessing CCTV data maintenance, and fault rectification etc.etc.

7. In this case accused Rinku committed suicide by hanging inside police lock up of CIA Staff-I (Special Detective Unit), Sector 10, Ambala City. ASI Karam Chand, the Investigating Officer, had brought the accused to CIA-I Staff, Sector 10, Ambala and lodged him in the lock up at 7.55 PM. Thereafter, he along with his colleagues went on patrolling duty and around 3.30 AM, and, when they came back, they saw that accused Rinku had committed suicide. As per the enquiry report submitted by Enquiry Officer-cum-JMIC, Ambala, the cause of death of the deceased was asphyxiation due to hanging.

8. In a Division Bench judgment passed by the Hon'ble Supreme Court in W.P.(C) No.406/2013 with IA No.68248 of 2017 decided on 15.09.2017 the issue of custodial violence, unnatural deaths in custody and remedies to curb it have been discussed in detail. Para 54 of the judgment talks of compensation to the next of kin of the victim, which reads as under:-

" 54. Over the last several years, there have been discussions on the rights of victims and one of the rights of a victim of crime is to obtain compensation. Scheme for victim compensation have been framed by almost every State and that is a wholesome development. But it is important for the Central Government and the State Governments to realise that persons who suffer an unnatural death in a prison are also victims sometimes of a crime and sometimes of negligence and apathy or both. There is no reason at all to exclude their next of kin from receiving compensation only because the victim of an unnatural death is a criminal. Human rights are not dependent on the status of a person but are universal in nature. Once the issue is looked at from this perspective, it will be appreciated that merely because a person is accused



## ANNUAL REPORT 2021-22



*of a crime or is the perpetrator of a crime and in person custody, that person could nevertheless be a victim of an unnatural death. Hence the need to compensate the next of kin."*

9. *In this case, accused Rinku son of Sh. Kishan Lal, resident of H.No.3220, Chhota Shivalya, Kucha Bazar, Bakra Market, Ambala Cantt, who was in police custody of CIA Staff-I (Special Detective Unit), Sector 10, Ambala City, in case FIR No. 231 dated 13.6.2020, under Section 21 NDPS Act, PS Ambala Sadar died an unnatural death at the young age of 37 years. It has also come in the enquiry report that due to darkness in the lock up nothing was visible in the CCTV footage. Moreover, it may be stated here that before proceeding on patrolling duty, it was the duty of the Investigation Officer to have made proper arrangement for the safety of the accused by issuing directions to the police officials/sentry posted there to take care of him. Had he taken the issue seriously, such type of incident could have been avoided. Such incidents undermine the essence of Article 21 of the Indian Constitution as well as the fundamental rights of the citizens guaranteed there-under. In this view of the matter, let a show cause notice be issued to the Addl. Chief Secretary to Government of Haryana, Department of Jails, Chandigarh under Section 18 of the Protection of Human Rights Act, 1993 to show cause as to why suitable monetary relief be not recommended to be paid to the dependent family members of the deceased.*

10. *A copy of order alongwith copy of judicial inquiry report submitted by JMIC, Ambala be sent to the Addl. Chief Secretary to Government of Haryana, Department of Jails, Chandigarh for necessary action."*

2. In compliance of the said order, the Superintendent of Police, Karnal has filed the reply to the show cause notice in which it has been mentioned that the Department has no objection in giving suitable monetary relief to the family members of deceased Rinku as per Government instructions.

3. As Under-Trial Prisoner namely Rinku had died an unnatural death (suicidal) due to hanging at jail and in reply to the show cause notice, the police Department has pleaded no objection regarding giving of suitable monetary relief to the family members of deceased Rinku, as per Government instructions, therefore, in view of the notification of the Haryana Government, Jail Department dated 29.6.2021, a sum of Rs.5 lakhs is recommended to be paid as compensation to the legal heirs/next kin of deceased Under-Trial Rinku. The Additional Chief Secretary to Government of Haryana, Jail Department, Chandigarh is recommended to



## ANNUAL REPORT 2021-22



pay the aforesaid amount of compensation of Rs.5 lakhs to the next of kin/legal heirs of Under-Trial Rinku who had died an unnatural death in the jail within three months from the date of passing of this order. A copy of the order be sent to the Additional Chief Secretary to Government of Haryana, Jail Department, Chandigarh for compliance.

4. With these directions, the present complaint is disposed of.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(JUSTICE K.C. PURI)**  
**MEMBER**



**10. HARYANA HUMAN RIGHTS COMMISSION  
CHANDIGARH**

**Complaint No.362/20/2018-PCD**

**Date of Order: 11.01.2022**

**Geeta Devi (Sarpanch) R/o Village Kaluana, Tehsil Mandi Dabwali, District Sirsa,  
Haryana**

**.....Complainant**

**Complaint under Section 12 of the  
Protection of Human Rights Act, 1993**

**Coram: HON'BLE MR. JUSTICE K.C. PURI, MEMBER  
SHRI DEEP BHATIA, HON'BLE MEMBER**

**Present: None**

**HON'BLE MR. JUSTICE K.C. PURI, MEMBER**

**ORDER:**

The complainant in her complaint has alleged that her husband was falsely implicated in a case FIR No.13 dated 10.1.2017 under Section 409 IPC, P.S. Sadar, Dabwali. On 13.10.2017, S.I. Satbir Singh and ASI Jagat Ram arrested her husband from Sirsa and when she went to meet her husband in Jail, she came to know that her husband sustained serious injuries in police custody and has been admitted in ICU of General Hospital, Sirsa. The husband of the complainant was referred to PGIMS, Rohtak but the above said police officials admitted him in the Lifeline Hospital, Sirsa. On 13.10.2017, the said police officials again falsely implicated the husband of the complainant in FIR No.142 under Section 224 IPC. It is



## ANNUAL REPORT 2021-22



further alleged that on 15.10.2017, the husband of the complainant succumbed to his injuries and died due to negligence of the said police officials.

2. Report of Superintendent of Police, Sirsa was requisitioned.

3. Vide a detailed order dated 20.1.2020, this Commission has observed as under:-

"2. After going through the record, we find that Jagdev, Sarpanch was arrested by the police in case FIR No. 13 of 2017 under Section 409 IPC, on 11.06.2008. It is a case of the police that said Jagdev had jumped over from the running police gypsy as a result of which, he sustained injuries which proved fatal. However, the matter was got inquired by the Metropolitan Magistrate, Delhi and in his inquiry report it was found by the learned Magistrate that story put forward by the local police is highly flimsy and suspicious.

3. During the post mortem examination about 17 injuries were found present on the body of deceased Jagdev. The learned Metropolitan Magistrate in his inquiry has held that " the deceased (Jagdev) was being taken in a police gypsy driven by an official of SI Rank and not a designated driver at the time of incident and the consequent failure of Haryana Police officials to seek any type of remand of the deceased for a period of more than 48 hours after his admitted arrest from a judicial Magistrate/Duty Magistrate, also point out towards the gross negligence on part of the concerned officials as admittedly apparent on record itself . The ld MM further held that a case for registration of FIR under the relevant provisions of the law is made out so as to investigate the circumstances leading to the death of the deceased and the role of the persons responsible for the same". Therefore, on the basis of the inquiry report submitted by the learned Magistrate, zero FIR was registered and the same was sent to the concerned police station on the basis of which, as noticed above, FIR No. 51 dated 07.04.2018 was registered by the police. When the learned Magistrate has already doubted the story of the police regarding jumping of the deceased from the police gypsy therefore, the police should have investigated the matter, keeping in view the findings given by the learned Magistrate, but the police has taken more than 8 months to complete the investigation. In the present case allegations against the police officials have also been levelled by the complainant. Delay in completion of the investigation in such a serious case, where a finger of doubt is also raised on the police officials, itself is violation of human rights and the investigation in the instant case should have been completed promptly.





## ANNUAL REPORT 2021-22



4. In view of this, Director General of Police, Haryana, Panchkula is directed to look into the matter and instruct the investigating officer to complete the investigation in the present case at the earliest. Keeping in view the report of the Judicial Magistrate, as the enquiry conducted by the learned Judicial Magistrate is an important piece of evidence and cannot be brushed aside. On the basis of the said enquiry report, FIR in question has been registered. The Investigating Officer should also look into the admitted fact that Jagdev (deceased) had died in police custody as he had already been arrested by the police."

4. Further, on receipt of the report of Director General of Police (Crime), Haryana, Panchkula, the following order dated 16.7.2021, was passed in this case:-

"Report from the Director General of Police (Crime), Haryana, Panchkula has been received wherein it has been mentioned that during investigation, it has been found that victim Jagdev Singh has jumped from the moving gypsy and as per the opinion of the doctor, the said injuries on his person cannot be suffered by jumping from the said gypsy. It has been further mentioned in the report that deceased Jagdev Singh was taken in custody by the police in FIR No.13 dated 10.1.2017 under Section 409 IPC Police Station Sadar Dabwali and thereafter he was being taken in the police gypsy to the police station for further investigation. Jagdev Singh deceased jumped over from the said gypsy and sustained injuries.

2. As per the report of Director General of Police (Crime), Haryana, Panchkula, the victim jumped from the gypsy on account of the negligence on part of Sub-Inspector Satvir Singh and Assistant Sub-Inspector Jagat Ram and as such offence under Section 304-A and 34 IPC has been made out against them and both the accused namely Sub-Inspector now Inspector Satvir Singh and Assistant Sub-Inspector Jagat Ram have been arrested in FIR No.51 dated 7.4.2018. After taking permission from the Government under Section 197 IPC, the challan against the accused has been presented in the Court on 3.6.2021.

3. Thus from the report of the Director General of Police (Crime), Haryana, Panchkula, it is clear that the deceased had jumped from the moving gypsy and sustained injuries which proved fatal to him, due to the negligence on part of Sub-Inspector now Inspector Satvir Singh and Assistant Sub-Inspector Jagat Ram. As the deceased had died in police custody due to the negligence of the police officials, therefore, prima facie it is a fit case where the legal heirs of deceased Jagdev Singh are entitled for compensation on account of his death in police custody. In view of this, a show cause notice be issued to the Additional Chief Secretary to Government



## ANNUAL REPORT 2021-22



of Haryana, Home Department, Chandigarh to show cause as to why the legal heirs of deceased Jagdev Singh be not awarded suitable amount of compensation on account of his death in police custody due to negligence of the police officials. He is directed to submit the reply to the show cause notice within six weeks.

4. Re-notify on 13.9.2021. Copy of the order be sent to the Additional Chief Secretary to Government of Haryana, Home Department, Chandigarh through e-mail."

5. In response to the show cause notice as directed vide order dated 16.7.2021, report dated 22.9.2021 from the Superintendent of Police, Sirsa has been presented to this Commission by the Director General of Police, Haryana, Panchkula vide letter dated 8.10.2021. In the said report, it has been mentioned that the cancellation report in the aforesaid case has already been prepared on 28.4.2018. It has been specifically stated by Superintendent of Police, Sirsa in his report that as per report of Deputy Superintendent of Police, Sirsa, the police has no objection to the grant of compensation to the legal heirs of deceased Jagdev Singh as per Rules.

6. As has been observed in the order dated 20.1.2020, passed by this Commission, it stands established from the inquiry report of learned Metropolitan Magistrate, New Delhi that Jagdev, Sarpanch was arrested by the police in case FIR No.13 of 2017 under Section 409 IPC on 11.6.2008. It is a case of the police that said Jagdev had jumped over from the running police gypsy as a result of which, he sustained injuries which proved fatal. However, on inquiry conducted by the Metropolitan Magistrate, Delhi, it was found that the story put forward by the local police is highly flimsy and suspicious. During the post mortem examination about 17 injuries were found present on the body of deceased Jagdev. The learned Metropolitan Magistrate in his inquiry has held that "the deceased (Jagdev) was being taken in a police gypsy driven by an official of SI Rank and not a designated driver at the time of incident and the consequent failure of Haryana Police officials to seek any type of remand of the deceased for a period of more than 48 hours after his admitted arrest from a Judicial Magistrate/Duty Magistrate, also point out towards the gross negligence on the part of the concerned officials as admittedly apparent on record itself . The learned Metropolitan Magistrate further held that a case for registration of FIR under the relevant provisions of the law is made out so as to investigate the circumstances leading to the death of the deceased and the role of the persons responsible for the same". Therefore, on the basis of the inquiry report submitted by the learned



## ANNUAL REPORT 2021-22



Magistrate, zero FIR was registered and the same was sent to the concerned police station on the basis of which, as noticed above, FIR No. 51 dated 07.04.2018 was registered by the police.

7. Further, in the order dated 16.7.2021, it was observed that as per the report of Director General of Police (Crime), Haryana, Panchkula, the victim jumped from the gypsy on account of the negligence on the part of Sub-Inspector Satvir Singh and Assistant Sub-Inspector Jagat Ram and as such offence under Section 304-A and 34 IPC has been made out against them and both the accused namely Sub-Inspector now Inspector Satvir Singh and Assistant Sub-Inspector Jagat Ram have been arrested in FIR No.51 dated 7.4.2018. After taking permission from the Government under Section 197 IPC, the challan against the accused has been presented in the Court on 3.6.2021.

8. Therefore, from the above discussion, it stands established on record that deceased Jagdev Singh had died during police custody due to negligence of the police party accompanying him. It was the bounden duty of the police to take proper care of the under-trial Jagdev Singh from the time when they took the custody of the under-trial till he was produced before the Court of Magistrate or in the jail, if he was remanded to judicial custody. No plausible explanation has come on record from the police officials accompanying deceased Jagdev Singh as to how he jumped from the running vehicle and as to why the police officers could not stop him from doing so. Thus, it is a case of custodial death of an under-trial during police custody due to sheer negligence of the police party accompanying deceased Jagdev Singh. This has been rightly so concluded by the learned Metropolitan Magistrate, Delhi in his inquiry report. Therefore, on the basis of the material available on record, the Director General of Police, Crime, Haryana, Panchkula rightly submitted in his report that offence under Section 304-A and 34 IPC was made out against both the accused namely Sub-Inspector now Inspector Satvir Singh and Assistant Sub-Inspector Jagat Ram who were arrested in FIR No.51 dated 7.4.2018. After taking permission from the Government under Section 197 IPC, the challan against the accused has been presented in the Court on 3.6.2021.

9. In a Division Bench judgment passed by the Hon'ble Supreme Court in W.P.(C) No.406/2013 with IA No.68248 of 2017 decided on 15.09.2017 the issues of custodial violence, unnatural deaths in custody and remedies to curb it have been discussed in detail. Para 54 of the aforesaid judgment talks of grant of compensation to the next of kin of the victim, which reads as under:-



## ANNUAL REPORT 2021-22



" 54. Over the last several years, there have been discussions on the rights of victims and one of the rights of a victim of crime is to obtain compensation. Scheme for victim compensation have been framed by almost every State and that is a wholesome development. But it is important for the Central Government and the State Governments to realise that persons who suffer an unnatural death in a prison are also victims sometimes of a crime and sometimes of negligence and apathy or both. There is no reason at all to exclude their next of kin from receiving compensation only because the victim of an unnatural death is a criminal. Human rights are not dependent on the status of a person but are universal in nature. Once the issue is looked at from this perspective, it will be appreciated that merely because a person is accused of a crime or is the perpetrator of a crime and in person custody, that person could nevertheless be a victim of an unnatural death. Hence the need to compensate the next of kin.

10. The notification dated 29.6.2021 issued by the Haryana Government, Jails Department reads as under:-

"No. 36/89/2019-1JJ-II. The Governor of Haryana is pleased to formulate this policy for payment of compensation on account of death of prisoners confined in the jails of Haryana. Compensation will not be admissible in cases of natural death including due to illness.

Compensation will also not be admissible in the following cases of unnatural deaths:-

- (i) If the death occurs during escape from jails or from lawful custody outside the jails.
- (ii) If the death occurs due to any natural disaster/calamity.

Compensation will be paid to the next of kin or legal heirs of prisoners on account of unnatural deaths, in the following cases:-

- |   |             |
|---|-------------|
| (i) Due to quarrel among prisoners.                           |             |
| (ii) Due to torture/beatings by prison staff.                 | Rs.7.5 lakh |
| (iii) Due to negligence in duty by Prison officers/officials. |             |
| (iv) Due to negligence by Medical officers/para medical       |             |
| (v) Due to suicide committed by prisoners                     | Rs.5 lakh"  |

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This policy shall be applicable as admissible in respect of prisoners who suffer unnatural deaths in the jails of Haryana on or after the date of notification of the policy."



## ANNUAL REPORT 2021-22



11. A perusal of the aforesaid notification dated 29.6.2021, makes it clear that the policy for grant of compensation is applicable only to the accused, under-trials pending trials or prisoners confined in jails. Thus, the aforesaid notification No. 36/89/2019-1JJ-II dated 29.6.2021 issued by Jails Department, Haryana Government, is required to be amended suitably to include the accused/under-trials in police custody or judicial custody and also children in conflict with law/juvenile being kept in Observations Homes, Special Homes or the Place of Safety so that the next of kin or legal heirs of prisoners/under-trials who die on account of unnatural death as mentioned in the notification may also be entitled to receive compensation accordingly.

12. Since, as Under-Trial Prisoner namely Jagdev had died an unnatural death, being in police custody and in reply to the show cause notice, the police Department has pleaded no objection regarding giving of compensation to the family members of deceased-Jagdev, as per Government Rules, so keeping in view of ratio of the notification of the Haryana Government, Jail Department dated 29.6.2021, the death being due to negligence of the police officials, a sum of Rs.7.5 lakhs is recommended to be paid as compensation to the legal heirs/next kin of deceased Under-Trial Jagdev. It is made clear although the said notification is applicable to cases of death on or after the date of notification of that policy but there is no reason as to why the policy should not be applied to the facts of present case retrospectively, being a social welfare legislation. Otherwise also this Commission is not debarred from granting compensation to the victim family even in the absence of above policy as death in this case has taken place due to negligence of the police officials and Government has not objected for grant of compensation. It has been rightly so observed by Hon'ble Supreme Court of India in W.P.(C) No.406/2013 with IA No.68248 of 2017 decided on 15.09.2017, supra. The Additional Chief Secretary to Government of Haryana, Jail Department, Chandigarh, is recommended to pay the aforesaid amount of compensation of Rs.7.5 lakhs to the next of kin/legal heirs of Under-Trial Jagdev who had died an unnatural death in the police custody within three months from the date of passing of this order.

13. Further the recommendations are also made to the Government of Haryana to consider the inclusion of children/juveniles in conflict with law, kept in Observations Homes, Special Homes and the Place of Safety and the under-trials in police custody or judicial custody, who die unnatural death during transit while being taken to the courts or any other place in



## ANNUAL REPORT 2021-22



compliance with the directions of the court or the authorities, either by committing suicide or due to negligence of the police officials accompanying them or otherwise in the aforesaid notification dated 29.6.2021 and to make necessary modifications/amendments.

14. A copy of the order be sent to the Additional Chief Secretary to Government of Haryana, Jail Department, Chandigarh for compliance.

15. With these directions, the present complaint is disposed of.

**(JUSTICE K.C. PURI)**  
**MEMBER**

**(DEEP BHATIA)**  
**MEMBER**



11. **HARYANA HUMAN RIGHTS COMMISSION**  
**CHANDIGARH**

**COMPLAINT NO.2112/3/2018**  
**DATE OF ORDER: 2.02.2022**

**L.N. Prashar former President, Bar Association, Faridabad**

.....Complainant

**Complaint under Section 12 of the Protection of  
Human Rights Act, 1993.**

**CORAM: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON.**  
**HON'BLE MR. JUSTICE K.C. PURI, MEMBER.**

**Present:- None**

**HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**

**ORDER**

1. The present complaint dated 21.11.2018 which was received through e-mail was filed by Shri L.N. Prashar, Ex-President of Bar Association, Faridabad on the allegations that a hospital building was constructed in Sector 55, NIT, Faridabad four years back by spending more than Rs.40 crores but this building could not be put to use for want of inauguration ceremony and thus the hard earned money of the people used in the construction of the building collected by way of taxes was being wasted. Prayer for action in the matter was made.

2. In view of the allegations made in the complaint, report was sought from Chief Medical Officer, Faridabad within eight weeks vide order dated 17.12.2018 passed by the Commission.





## ANNUAL REPORT 2021-22



3. In compliance of the order 17.12.2018 passed by the Commission, report dated 15.3.2019 was received from Civil Surgeon, Faridabad in which it was mentioned that a new Polyclinic building in Sector 55, NIT Constituency, Faridabad was constructed by HUDA. It was taken over by the Health Department on 28.10.2016 in compliance of the order of the Director General, Health Services, Haryana, Panchkula dated 31.5.2016. The same building was handed over to Principal, Government Polytechnic for Women, Sector 8, Faridabad on 31.10.2016 for establishing temporary campus of proposed Vishwakarma Skill University in compliance of order dated 21.7.2016 of Director General Health Services, Panchkula and the building was still in possession of Principal, Government Polytechnic for Women, Sector 8, Faridabad. Being not satisfied with the report submitted by Civil Surgeon, Faridabad, the Commission vide its order dated 18.3.2019 sought clarification from Director General, Health Services, Haryana, Panchkula as to why and under what circumstances, the building which was constructed for hospital was handed over to the Principal, Government Polytechnic for Women, Sector 8, Faridabad for establishing temporary campus for proposed Vishwakarma Skill University. Report was ordered to be submitted within six weeks.

4. On 6.2.2020 Shri Sumer Singh, Deputy Superintendent o/o Director General, Health Services, Haryana, Panchkula appeared before the Commission and filed detailed report dated 5.2.2020 of his department. It has been mentioned in the report that the building in question, which was constructed for the hospital, is in occupation of Technical Education Department, Haryana since its construction. From the reply and the accompanying documents filed on behalf of Director General Health Services, Haryana, the Commission found that on a demand raised from the Technical Education Department, Haryana, the Government had ordered allotment of the building in question to the said department provided the consent from the Health Department be obtained. The Commission comprehended that the Health Department without realizing the necessity and without caring for the health facilities which the people of the area needed, acceded to the request of the Principal Secretary, Technical Education Department, Haryana and agreed to give the hospital building to the Technical Education Department, Haryana. On 6.2.2020, the Commission by passing detailed order had sought report from the Director General, Health Services, Haryana, Panchkula as also from the Additional Chief Secretary to Government of Haryana, Skill Development and Industrial Training Department, Haryana on the point as to whether it was in the public interest to transfer



## ANNUAL REPORT 2021-22



a hospital building which was constructed for running a hospital to the Technical Education Department. It would be relevant to quote below Para No.4 of the order dated 6.2.2020 passed by the Commission:-

“ Now, the question arises for consideration is whether it is in the public interest to transfer a hospital building, which has been constructed with specified facilities for running a hospital, to the Technical Education Department, Haryana. In order to know the exact position, a fresh report be sought from the Director General, Health Services, Haryana, Panchkula as well as from the Additional Chief Secretary to Government of Haryana, Skill Development and Industrial Training Department, Haryana (i) as to whether the transfer of the hospital building, which was constructed with specified facilities, to the Technical Education Department, Haryana still wants to continue in the said hospital building, keeping in view the fact that hospital building is very important for the treatment of the patients; (iii) whether the Health Department and the Technical Education Department want to discontinue the use of the said hospital building, realizing the necessity of the patients and good governance. They should also report, as to how many Poly-Technical Institutions are being run in the District Faridabad. They should submit the report to this Commission within six weeks.”

5. In view of the orders dated 6.2.2020 passed by the Commission, Director General Health Services, Haryana submitted report dated 29.9.2020. It is submitted in the report that the Hon'ble Chief Minister, Haryana had announced on 10.4.2016 for establishment of Skill Development University at village Dudhola, District Palwal. The purpose behind establishment of the proposed University was to provide skilled manpower to meet out the demands of Government flagship programmes like 'Make in India', 'Digital India' and 'Smart Cities'. Project 'Make in India' had the following objectives:-

“(i) to increase the manufacturing sector's growth rate to 12-14% per annum;



## ANNUAL REPORT 2021-22



- (ii) to create 100 million additional manufacturing jobs in the economy by 2022;
- (iii) to ensure that the manufacturing sector's contribution to GDP is increased to 25% by 2022 (later revised to 2025).”

As the construction of building of the proposed University was likely to take sometime, the Government approved in principle for setting up of the proposed University in the temporary campus at Polyclinic Building constructed by HUDA in Sector 55, Faridabad subject to the condition that the consent of Health Department may be obtained. The Technical Education Department proposed on their file that Polyclinic Building may be handed over to it for the proposed Skill University for a period of three years, and, as and when the campus of Skill University is ready at village Dudhola, the Polyclinic shall be vacated. The Hon'ble Chief Minister approved the proposal of Technical Education Department on 15.7.2016. Hence, the Government (Principal Secretary to Government Haryana, Health Department) vide letter No.20/80/2016-5HB-III dated 30.9.2016 decided to give the Polyclinic building to Technical Education Department for three years. It was thus reported that the pious purpose behind giving the Polyclinic building temporarily to Technical Education Department was to provide vocational training to unemployed youths of Haryana in different skills so that they may get employment, and, to provide skilled manpower to Government of India programmes like 'Make in India', 'Digital India' and 'Smart Cities'. It was also reported that manpower to run the Polyclinic was not sanctioned at that time. Further, machinery and equipment to run the Polyclinic was also not procured at that time.

6. In reply to the query put by the Commission as to whether the Health Department and the Technical Education Department want to discontinue the use of the said hospital building realizing the necessity of the patients and good governance? Civil Surgeon, Faridabad vide letter No.BLD/FDB/2019/104 dated 7.11.2019 submitted that Polyclinic building be taken back and Polyclinic may be started. It was further proposed that Urban Health Centre (UHC) of Sanjay Colony may be shifted in this building as the space of Urban Health Centre of Sanjay Colony was insufficient. Therefore, office of Director General Health Services, Haryana proposed the Government on 18.11.2019 to return the Polyclinic building of Sector 55, Faridabad to Health Department, Haryana for effective utilization, and, shifting of



## ANNUAL REPORT 2021-22



Urban Health Centre of Sanjay Colony in this Department. Health Department Haryana again requested the Government to give permission to take the possession of the aforesaid Polyclinic building back.

7. In the meanwhile, the report says, the Pandemic COVID-19 spread in whole of the country including Haryana. The Deputy Magistrate, Faridabad being competent authority passed order on 07.07.2020, under the Haryana Requisitioning and Acquisition of Immovable Property Act, 1973 and under “The Haryana Epidemic Disease, Covid-19 Regulation 2020” issued under “The Epidemic Disease Act, 1897” for temporarily requisitioning the building of Polyclinic hospital in Sector 55, Faridabad for work associated with COVID-Lab under the control of Civil Surgeon, Faridabad. Deputy Civil Surgeon, Faridabad vide letter No.CS/Building/FDB/2020/67-68 dated 23.7.2020 informed Deputy Commissioner, Faridabad that the possession and keys of Polyclinic Building of Sector 55, Faridabad has been taken over. It is further mentioned in the report that Civil Surgeon, Faridabad vide letter No.CS/Fbd/2020/178 dated 24.9.2020 has informed that he has taken over the possession of Polyclinic Building of Sector 55, Faridabad. Copy of letter is on the file as Annexure R-2. In the end of the report, prayer for filing the complaint in the interest of justice has been made.

8. We have carefully gone through the record of the case. From the report dated 13.4.2021 of Director General, Technical Education Department Haryana, Panchkula, it is evident that the files relating to the decisions/approvals with respect to handing over the building of the hospital situated in Sector 55, Faridabad as temporary campus of Haryana Vishwakarma Skill University have been handed over to Skill Development & Industrial Training Department. Director General, Skill Development & Industrial Training Department, Haryana vide his letter No.T-6/SKD/PMKK/Skill/7832 dated 22.6.2021 intimated that the Health Department, Haryana has taken the possession of the Polyclinic Building (Hospital Building) Sector 55, Faridabad in the year 2020 (copies of letters dated 23.7.2020 and 24.9.2020 of Deputy Civil Surgeon (Bhawan) Faridabad are on the file.). Civil Surgeon, Faridabad vide his letter No.CS/FBD/Building/2021/206 dated 01.09.2021 informed the Commission that the building of Polyclinic, Sector 55, Faridabad has been taken over by Health Department, Faridabad.



## ANNUAL REPORT 2021-22



From the discussion made above, it is made out that the possession of Polyclinic, Sector 55, Faridabad has been taken over by Health Department, Faridabad. Therefore, no further action is called for on the complaint by the Commission. Complaint accordingly is filed.

A copy of the order be sent to Director General, Health Services, Haryana, Panchkula as also to the Complainant for information.

**(JUSTICE S. K. MITTAL)**  
**CHAIRPERSON**

**(JUSTICE K.C. PURI)**  
**MEMBER**



**12. HARYANA HUMAN RIGHTS COMMISSION**

**CHANDIGARH**

**Complaint No.2496/1/2019**

**Date of Order: 18.02.2022**

**Priyam Bajpai, r/o 117/K-9, Rawatpur, Gutiya Bazar, District Kanpur, Uttar Pradesh.**

**.....Complainant**

**Complaint under Section 12 of the Protection of  
Human Rights Act, 1993**

**Coram: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON  
HON'BLE MR. JUSTICE K.C. PURI, MEMBER**

**Present: None**

**HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**

**ORDER:**

It has been alleged by the complainant that his jewellery in Unchahar Express Kanpur to Ambala Cantt. was stolen during his journey on 22.10.2019. FIR No.224 dated 22.10.2019, under Section 379 IPC was registered at Police Station GRP, Ambala Cantt, but the police has not arrested the accused nor has made any recovery from the accused.

2. In its order dated 29.01.2021, it was observed by this Commission that the jewellery of the complainant was stolen in October, 2019 and more than 15 months have elapsed but the GRP has failed to arrest the accused and recover the stolen jewellery. This shows inefficiency on the part of the railway police. It is the duty of the railway police to protect the luggage and valuable articles of the passengers. Since the Commission was not satisfied with the manner of investigation, report was requisitioned from the Inspector General of Police (Railways), Panchkula to the effect that as to (i) how many cases have been registered



## ANNUAL REPORT 2021-22



regarding theft of articles during the last three years (ii) in how many cases, the accused have been arrested and recoveries have been made from them and (iii) in how many cases, the police has sent the untraced report. He was directed to submit the report to this Commission within two months.

3. In compliance with the said order, the Senior Superintendent of Police, Railways, Haryana, Ambala Cantt. sent the report, wherein it has been mentioned that during the year 2018, 2019 and 2020; 634, 603 and 219 theft cases were registered and in 204, 153 and 48 cases, accused were arrested respectively. It has also been mentioned that untrace report was submitted in 424, 431 and 127 cases for the years 2018, 2019 and 2020 respectively.

4. It was observed in the order dated 07.04.2021 passed by this Commission, that out of the theft cases registered during the years 2018-2020, about 70% cases remained untraced. It was further observed that it is the duty of the Railways to ensure safe and smooth journey of the passengers. If any theft has been taken place during the journey of a passenger, then it is the duty of the Railways that such an incident should not occur and the passenger may not suffer due to negligence on part of the Railways. They should make appropriate arrangements for the safety and welfare of the passengers during their journey from one place to another. The Railways Department cannot wash off its hands by merely taking the plea that the accused could not be traced out and recovery could not be made. Accordingly, report from the General Manager, Northern Railways, Ambala Cantt. through Director of Investigation, was requisitioned to the effect as to what steps have been taken by the Railways to decrease the number of theft cases and whether they have launched any insurance claim or is proposed to launch an insurance policy to cover the damage of the passengers during their journey from one place to another, in case any mis-happening has taken place or their valuables have been lost during journey. The General Manager, Northern Railways, Ambala Cantt. was directed to submit a detailed report through Director of Investigation regarding all these facts by the next date of hearing positively.

5. Report dated 31.01.2022 of Divisional Security Commissioner, RPF, Northern Railway, Ambala Cantt. has been received, wherein it has been mentioned that in order to improve the security of the passengers during their journey through Railways, following steps have been taken by Railway Protection Force (RPF) -





## ANNUAL REPORT 2021-22



- " Escorting of vulnerable trains by RPF officers and staff to prevent attempts of theft of passenger belongings.
- " Deployment of Special teams for detecting attempts of theft of Passenger Belongings.
- " Installation of CCTVs by Railways at major stations including platforms, waiting halls, circulating areas etc.
- " Patrolling of vulnerable sections by RPF officers and staff.
- " Coordination with GRP in order to provide concerted security at stations and in trains.

6. Keeping in view the alarming cases of theft committed during journey in trains, it is desirable that the authorities should take all required measures to decrease the number of thefts, conduct the proper fairly investigations, arrest the accused and recover the stolen articles from the accused, so that the journey of the passengers, travelling in the trains, remains safe and sound. Since, in this case, the Superintendent of Police, Railways, Ambala Cantt. has already submitted in his report that no clue of the accused has been found and further action would be taken as and when any clue of the accused is found, no further action is required to be taken in this complaint. Thus the complaint is disposed of with the above observations.

Copy of the order be sent to the complainant and the General Manager, Northern Railways, Ambala Cantt. and the Divisional Security Commissioner, RPF, Northern Railways, Ambala Cantt. for information and necessary action.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(JUSTICE K.C. PURI)**  
**MEMBER**



13.

**HARYANA HUMAN RIGHTS COMMISSION**

**CHANDIGARH**

**Complaint No.1376/10/2018**

**Date of order: 03.03.2022**

**Commission on its own motion - SUO MOTU**

**QUORUM:** HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON  
HON'BLE MR. JUSTICE K.C. PURI, MEMBER  
MR.DEEP BHATIA, HON'BLE MEMBER

**Argued by:** Sh. Padam Kant, Advocate along with Ms. Sunita, Assistant District Attorney, Haryana State Agricultural Marketing Board, Panchkula

**HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**

**ORDER:**

A news item was published in a leading newspaper dated 28.9.2018, under the heading “6 suspected diarrhoea deaths in 5 days”. It has been reported in the said news item that six labourers, who were working in grain market, Karnal died within five days, due to diarrhea, as they had consumed contaminated water from the taps provided by the Market Committee, Karnal. It was further reported that so many other persons, who had consumed contaminated water, were also admitted in various hospitals with similar symptoms. It was also reported that the Deputy Civil Surgeon, during an inspection had found that water was not chlorinated and there were chances of contamination as dirty clothes were tied around taps at several places.



## ANNUAL REPORT 2021-22



2. Taking serious view of the newspaper reporting, the Commission took suo motu cognizance in the matter and requisitioned report from Civil Surgeon, Karnal as well as from the Executive Officer, Market Committee, Karnal vide its orders dated 3.10.2018.
3. Secretary-cum-Executive Officer, Market Committee, Karnal in his report dated 26.11.2018 has intimated that six labourers, whose names have been given in the report, had died due to some unknown reasons between 23.9.2018 to 30.9.2018, in the area of new Anaj Mandi, G.T. Road, Karnal. It was also intimated that the water tanks were got cleansed and all the vacant plots were cleared by deploying extra labour and with the help of JCB machine. Further, the area of Grain Market was fogged with the Fogging Machine by the Health Department. It was further reported that on the demand raised by Labour Union, financial assistance to the tune of Rs.1 lac from Chief Minister, Haryana and Rs.50,000/- from the Panchayat, Anaj Mandi was provided to the dependants of deceased labourers.
4. The final investigation report was submitted by District Surveillance Unit Integrated Disease Surveillance Programme, Karnal after visiting the affected area by a team under the supervision of Dr. Gulshan Arora, Civil Surgeon, Karnal. It was reported that from the area adjacent to New Anaj Mandi, Karnal, which has a population of 1200 people (approx.) mostly belonging to labour class migrated from Bihar and Uttar Pradesh, who live in poor unhygienic conditions, 1036 patients suffering from diarrhea were examined between 25.9.2018 to 4.10.2018. Out of them, 269 patients were suffering from diarrhea and six deaths were reported. On the basis of field investigation water and stool sample reports no infective cause of diarrhea could be ascertained. Nowhere it has been mentioned that when and how many sources of water were checked. However, it seems that the samples of water were taken after cleaning of the water tanks and that would not help in reaching to the conclusion that the water was fit for human consumption at the relevant time.
5. In the report dated 9.10.2018 submitted to the Officer Incharge, IDSP, Karnal CMO Office, Dr. Amandeep Singh, Professor & Head, Department of Medicine, Kalpana Chawla Government Medical College, Karnal it was submitted that the most probable cause of this outbreak was toxin induced diarrhea (?infectious).
6. From the above facts, it is clear that due to lack of basic amenities such as potable water, proper sanitation and hygienic living conditions, six deaths had occurred in the area New Anaj Mandi, G.T. Road, Karnal. It was the duty of the Marketing Committee, Karnal



## ANNUAL REPORT 2021-22



to provide potable water, hygienic living conditions and proper sanitation to the workers/people. As the basic amenities of life were not provided by the authorities, poor labourers and their family members had to suffer from various diseases, which may prove fatal, thereby violating their human right. Due to non-providing of potable water, etc. which is a basic human right of general public, the families of the labourers who have lost their family members, deserve to be compensated for violation of their human right.

**7.** Vide order dated 14.2.2019, a show cause notice was issued to the Chief Administrator, Haryana State Agricultural Marketing Board, Panchkula as well as the Deputy Commissioner, Karnal to show cause as to why recommendations be not made to the Government for payment of compensation to the families of the deceased workers who had lost their lives while working in the courtyard of the Marketing Committee, Karnal.

**8.** Reply to the show cause notice has been filed by the Secretary, Haryana State Agricultural Marketing Board, Panchkula.

**9.** We have heard Sh. Padam Kant, Advocate along with Ms. Sunita, Assistant District Attorney on behalf of the Haryana State Agricultural Marketing Board, Panchkula and have gone through the record.

**10.** It has been argued on behalf of the Board that the deceased had not died due to consumption of contaminated water in the Market Yard nor they had died due to diarrhoea, rather they had died due to septicemia which is caused by any internal infection in the body. He has further argued that diarrhoea has not spread due to alleged contaminated water being supplied in the Market Committee. He has further argued that after the alleged incident, samples of water, which is being supplied in the Market Committee, were taken and the same was found in order and therefore, the Board has not violated any human right and as such compensation cannot be awarded to the deceased labourers.

**11.** After going through the final outcome of the investigation report submitted by the respondent pertaining to the deceased persons, it is categorically mentioned against column “deceased” as “diarrhoea”. As pre the documents available on the record and annexed with the report of the Deputy Commissioner, Karnal dated 3.2.2020, based on the clinical symptoms epidemic logical and environmental investigation findings, the water sampling microbiologically was done. The total population of the area was approximately 1200, out of



## ANNUAL REPORT 2021-22



which 1036 people were reported problem and were screened and were examined in the OPD from 25.9.2018 to 4.10.2018. Out of total screened people, 269 had reported with diarrhoea and 62 patients were admitted at District Civil Hospital, Karnal for treatment. From this fact, it is clear that diarrhoea has spread.

**12.** At the very outset, it may be mentioned here that the Punjab Agricultural Produce Markets Act, 1961 (as applicable to the State of Haryana), is an Act for the better regulation of the purchase, sale, storage and processing of agricultural produce and the establishment by markets for agricultural produce in the State. Section 3 of the Act envisages the establishment of the State Agricultural Marketing Board for the entire State and it is provided under sub-section 9 that “the Board shall exercise superintendence and control over the committees”. Section 6(1) provides for “declaration of notified market area and the State Government is empowered to declare the area notified under Section 5 or any portion thereof to be notified a market area for the purpose of the Act in respect of the agricultural produce notified under Section 5 of the Act”. The market area and market yards were declared in view of the above provisions. Section 2(3) of the ibid Act empowers the committee to levy the fees subject to such rules as may be made by the State Government in this behalf that agricultural produce bought or sold by the licencees in the notified market area at a certain percentage. Initially, the market fee was fixed at Rs.2 per hundred by the various market committees. Thereafter, the State of Haryana raised the market fee from Rs.2 to Rs.3 and a number of writ petitions were filed before the Hon’ble Punjab and Haryana High Court at Chandigarh, challenging the power of the Board to increase the levy of fees and the same were dismissed by the Hon’ble High Court. The said order was challenged before the Hon’ble Supreme Court of India and the order of enhancement of the market fees from 2 per cent to 3 per cent was upheld on the principle of quid pro quo.

**13.** The reason for raising the market fee from Rs.2 to Rs.3, given was that the market committee renders many services after changing the fees under the element of quid pro quo. The element of quid pro quo may not be possible or even necessary, to be established with arithmetical exactitude but even broadly or reasonably, it must be established by the authorities, who change the fees that the amount is being spent for rendering services to those on whom falls the burden of fee. The Agricultural Marketing Board is the superintending authority over all the market committees and the primary function of the same is to render service in the market and the said services also include providing of market yards, performing of agricultural



## ANNUAL REPORT 2021-22



operations in the fields/market yards, providing of basic amenities like electricity, water, etc. Therefore, undisputedly, the market committee is charging the fees in lieu thereof, they have to provide certain facilities/services to the persons who are engaged in the agricultural operations.

**14.** As per Section 27(2)(a) of the Punjab State Agriculture Produce Markets Act, 1961 (as applicable to Haryana), shall, out of its fund pay to the Board as contribution such percentage of its income derived from licence fee, market fee and fines levied by the Courts as is specified below to defray expenses of the office establishments of the Board and such other expenses incurred by it in the interest of the Committees generally and also pay to the State Government the cost of any special or additional staff employed by the State Government the cost of any special or additional staff employed by the State Government in consultation with the Committee for giving effect to the provisions of this Act in the notified market area.

**15.** As per Section 28, the Market Committee funds are to be incurred for various purposes including acquisition of sites, maintenance and improvement of the market, construction and repair of buildings, etc. As per Section 28(viii), the Market Committee funds shall also be expended for providing comforts and facilities, such as shelter, shade, parking accommodation and water for the persons, draught, cattle, vehicles, etc. and others such purposes.

**16.** Thus, a bare perusal of Section 28(viii) of the ibid Act, it is the duty of the Market Committee to supply waters to the persons who are working in the yard of the Market Committee or in any other manner who are connected with the working of the yard/grain market, etc. maintained by the Market Committee. As per the scope of the scheme enshrined in Scheme namely Mukhya Mantri Kisan Evam Khetidar Majdoor Jeevan Suraksha Yojana, 2013, the said scheme has been framed by the Government for providing special assistance to the victims of accidents occurred during agricultural operations in the fields, villages, market yards and while going or coming from such places within the State of Haryana. The said scheme has also been made applicable to farmers, agricultural labourers, market yard labourers carrying on agricultural operations/pursuits including cattle and poultry farm or dairy farming. It is not denied that all the six deceased persons were working in the market yard, Karnal and various facilities including supply of water was being provided by the market committee to the persons who are engaged with the agricultural produce including labourers. During the course of working there, the said labourers had consumed water from the tap which is installed in the



## ANNUAL REPORT 2021-22



Market yard, Karnal. Due to contaminated water supply, they suffered from diarrhoea, which ultimately proved fatal to them. The contention of the learned counsel appearing on behalf of the Market Board is that the deceased had died due to septicemia which is caused by any internal infection in the body and may be due to use of rainy water in the rainy season. But it is not understandable, as to how the learned counsel has put forward such an argument that the said labourers had consumed rainy water during the rainy season. It is not the denying fact that diarrhoea occurs due to contaminated water and surprisingly, 269 persons suffered from diarrhoea, as per the report of the Civil Surgeon, Karnal and six of them, who were working as labourers in the yard of the Market Committee had died due to diarrhoea/septicemia.

**17.** It is not the disputed fact that six labourers namely Shambhu Mehto, Rijvi Rai, Gomti Devi, Kamal Kumari, Chotu Paswan and Ashok Mehto were working as labourers/*palledars* in the Market Yard, Karnal. It has been argued on behalf of the Haryana State Agricultural Marketing Board, Panchkula (hereinafter called as the Board) that no doubt, the above mentioned six persons were working as labourers in the grain market, Karnal. However, as per the post-mortem report, the cause of death is due to septicemia, which is caused by any internal infection in the body and may be due to use of rainy water in the rainy season and their case for grant of compensation under the Mukhya Mantri Kisan Evam Khetidar Majdoor Jeevan Suraksha Yojana, 2013 was not covered and as such their claim was rejected.

**18.** As per the proceedings of meeting of Market Committee, Karnal, which was held on 17.11.2018, the Committee has unanimously passed a resolution for grant of compensation/financial assistance to all the six deceased persons/labourers and the said decision was sent to the higher authorities for grant of compensation/financial assistance. Accordingly, the State Government has sanctioned a sum of Rs.6 lakhs (1 lakh to each victim) out of Haryana Chief Minister's Relief Fund, to the next kin of six labourers who had died in New Anaj Mandi at Karnal due to incurable disease. Thus, this fact also shows that the Government has given a sum of Rs.1 lakh to the next kin of the six labourers/victims who had died in the Anaj Mandi due to the disease i.e. diarrhoea.

**19.** As per the report dated 28.1.2020, about 1036 people who were having some problem/disease were examined in the OPD on 25.9.2018 to 4.10.2018 and out of them, 269 persons were found to be suffering from diarrhoea and 62 patients were admitted in District Civil Hospital, Karnal for treatment. If water was not contaminated in or around the Market





## ANNUAL REPORT 2021-22



Committee, as is being argued on behalf of the Market Committee and the same was fit for human consumption, then how such number of persons had suffered from diarrhoea. Contaminated water is the main cause for causing diarrhoea. As per letter dated 17.1.2020, written by the Zonal Administrator, Haryana State Agricultural Market Board, Karnal to the Chief Administrator, HSAMB, Panchkula, there was no complaint from anywhere regarding drinking water and if there is any disease spread due to contaminated water, then that could have been spread over the market yard and people consumed it. This letter has been written on wrong facts. As noticed above, according to the report of Civil Surgeon, 269 persons were found to be suffering from diarrhoea and six persons who were working as labourers in the Market yard had died. It clearly shows that from the very beginning, the higher authorities are being misguided by the District staff/officers and it has been tried to show that the water was not contaminated and no death has taken place due to diarrhoea.

**20.** A bare perusal of the letter/report submitted by the Secretary-cum-Executive Officer, Market Committee, Karnal dated 26.11.2018 to this Commission shows that it is not disputed fact that six labourers who were working in the New Anaj Mandi, GT Road, Karnal had died due to some disease i.e. diarrhoea, etc. and five of the deceased namely Shambhu Mehto, Rijvi Rai, Gomti Devi, Kamal Kumari and Chotu Paswan had died between 23.9.2018 to 27.9.2018 while Ashok Mehto had died on 30.9.2018. It has been further mentioned in the said letter that immediately after the incident, the Market Committee, Karnal has cleaned the water tanks installed in the Mandi and the vacant plots were also got cleaned with the help of labour and JCB machines. The Health Department had also done fogging in the Mandi and test/health camps were also organized.

**21.** On the demand raised by the labour union, the Hon'ble Chief Minister, Haryana had announced a sum of Rs.1 lakh each to the next kin of the deceased as financial assistance and the Anaj Mandi Panchayat has also given a sum of RS.50,000/- to each of the legal heirs of the deceased. Besides this, on 17.11.2018, the Market Committee, Karnal in its meeting has also requested for grant of money/compensation under Rule 28 (xvii) of the Haryana Agricultural Produce Markets Act, 1961. Thus, from the above mentioned letter dated 26.11.2018, it is clear that immediately after the incident, the Market Committee had got cleaned the water tanks and the vacant plots.



## ANNUAL REPORT 2021-22



**22.** Shambhu Mehto, labourer had died on 23.9.2018; Rijvi Rai, labourer had died on 24.9.2018; Gomti Devi, labourer had died on 25.9.2018; Kamal Kumari, labourer had died on 26.9.2018 and Chotu Paswan, labourer had died on 27.9.2018. It shows that diarrhoea had already spread before taking the samples by the office of the Chemist, Public Health Engineering Department, State Water Testing Laboratory, Karnal as the said laboratory has collected the water samples on 27.9.2018 and the report regarding the water being fit for consumption was submitted by the said laboratory on 29.9.2018, when the five labourers had already died and the Market Committee had already got cleaned the water tanks, vacant plots etc. It is not disputed fact that the said labourers were working in the Market Committee/Market Yard, Karnal and they had died due to diarrhoea which occurs on account of consumption of contaminated water. News items were also published in various newspapers regarding the death of six labourers due to diarrhoea in five days and in the said news items, it was specifically mentioned that diarrhoea deaths had taken place in Grain Market in five days. This fact also corroborates the circumstances mentioned above.

**23.** Once it is proved that the deceased were working as labourers in Anaj Mandi, Karnal and they had died due to diarrhoea/septicemia, therefore, they being the part of the Market Committee are covered under the Mukhya Mantri Kisan Evam Khetidar Majdoor Jeevan Suraksha Yojana, 2013. As per the said Scheme of the Government, a sum of Rs.5 lakh is to be given to the legal heirs/next kin of the deceased labourers, who were working in the Market Committee, Karnal and had died due to diarrhoea/septicemia on account of consuming contaminated water. Therefore, in our considered opinion, it is a fit case where the legal heirs/next kin of the six deceased labourers are entitled for grant of compensation to the tune of Rs.5 lakh each under the Mukhya Mantri Kisan Evam Khetidar Majdoor Jeevan Suraksha Yojana, 2013 on account of their death while working as labourers in the Market Yard/Anaj Mandi, Karnal.

**24.** As discussed above, a sum of Rs.1 lakh each (total Rs.6 lakhs) out of the Haryana Chief Minister's Relief Fund and Rs.50,000/- from the Anaj Mandi Panchayat has already been given to the next kin/legal heirs of the six deceased labourers, who had died in the New Anaj Mandi at Karnal due to the aforesaid disease. Therefore, after deducting the said amount of Rs.1.50 lakh, we recommend the State Government through the Additional Chief Secretary-cum-Chairman, Haryana State Agricultural Marketing Board, Panchkula to pay a sum of



## ANNUAL REPORT 2021-22



Rs.3.50 lakh each as compensation under the aforesaid Scheme to the legal heirs/next kin of all the six deceased victims, on account of their death occurred due to diarrhoea/septicemia while working in the Market Yard, Karnal within two months from the date of passing of the order.

**25.** With these recommendations, the suo motu cognizance taken by this Commission is disposed of. A copy of the order be sent to the Additional Chief Secretary-cum-Chairman, Haryana State Agricultural Marketing Board, Panchkula through e-mail for taking appropriate action and compliance of the order.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(JUSTICE K.C. PURI)**  
**MEMBER**

**(DEEP BHATIA)**  
**MEMBER**



# ANNUAL REPORT 2021-22



## 14. HARYANA HUMAN RIGHTS COMMISSION CHANDIGARH

Complaint No.1096/3/2019  
Date of Order: 23.3.2022

**Sourav Verma s/o Late Sh.Vinod Kumar Verma, R/o H.No.704, Subedas Colony, Malerna Road, Ballabgarh, Faridabad , Haryana**

.....Complainant

**Complaint under Section 12 of the Protection of Human Rights Act, 1993**

**QUORUM: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON  
HON'BLE MR. JUSTICE K.C. PURI, MEMBER**

**Present: None**

**HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON**

### **ORDER:**

Sourav Verma complainant has filed the present complaint, alleging that on 05.05.2019 at about 6:30 AM, his father Vinod Kumar Verma was taken away by the police of Police Station, Adarsh Nagar, Faridabad, but after sometime the condition of his father started deteriorating and he was taken to Government Hospital, Ballabgarh, from where he was referred to Safdarjung Hospital, Delhi and ultimately, he died in Sarvodya Hospital, Faridabad on 08.05.2019. It has been further mentioned in the complaint that as per the opinion of the Doctor, the cause of death of his father was poison.

2. FIR No. 230 dated 09.05.2019 under Section 302, 328, 120-B IPC was registered at Police Station, Ballabgarh against the police officials. As per the report of the Commissioner of Police, Faridabad, accused i.e. police officials namely Inspector Rajinder, A.S.I Panna Lal, Constable Shaukat Ali, Kanwar Pal and Rajesh were joined in the



## ANNUAL REPORT 2021-22



investigation. Permission was obtained from the Court for getting the polygraph test conducted of the accused. The polygraph test was conducted and report has been received from the laboratory that the accused suspects were truthful in their answers and the analysis and evaluation of polygraph do not reveal deceptive responses on issue Nos. 1 to 5. As no evidence has come on record against the suspected accused, therefore, the police has prepared the untraced report on 04.06.2020.

3. The Commission was not satisfied with the said report as untraced report ought not to have been submitted by the police in FIR No. 230 dated 09.05.2019, particularly it is admitted that victim has consumed poison in police custody and had died. Therefore vide orders dated 10.03.2021, the Commission had directed the Director General of Police, Haryana entrusted the investigation of the aforesaid FIR to the State Crime Branch, Haryana. Accordingly, a Special Investigating Team was constituted. However, during investigation conducted by the Special Investigating Team, no incriminating evidence has come on record against the suspected accused (police officials) that they had killed victim Vinod in police custody and as such cancellation report was recommended by the State Crime Branch, Haryana and the police file of the case was returned to the concerned district i.e. Faridabad.

4. After going through the record, we find that it is admitted fact that deceased- Vinod Kumar Verma was taken away by the police on 5.5.2019 and was lodged in police lock-up of Police Station Adarsh Nagar, Ballabgarh. During inquiry, it has also come on record that before taking away Vinod Kumar Verma by the police from his house, police party had not conducted his personal search as per rules. Even before lodging him in the police lock-up of Police Station Adarsh Nagar, Faridabad, the personal search of Vinod Kumar Verma (deceased) was not conducted by the police officials as per rules. While said Vinod Kumar Verma was in custody of the police, he had consumed poison and as his condition started deteriorating, he was taken to the Government Hospital, Ballabgarh. From there, he was referred to Safdarjung Hospital, Delhi but instead of taking him to the Safdarjung Hospital, the police had taken Vinod Kumar Verma to Sarvodya Hospital, Sector 8, Faridabad and ultimately said Vinod Kumar Verma had died on 8.5.2019. As per the opinion of the doctor, deceased Vinod Kumar Verma had died due to consumption of poison. In view of these facts, the competent authority had found Inspector Rajinder, ASI Panna Lal and Constable Shokat Ali to be negligent in performance of their duties and they were suspended as during the police custody said Vinod



## ANNUAL REPORT 2021-22



has consumed poison due to which he has died. In this regard, FIR No.230 dated 9.5.2019 under Sections 302, 328 and 120-B IPC was registered at Police Station Adarsh Nagar, Ballabhgarh against the police officials. During investigation, it has come on record that the offence under Section 302 IPC, etc. have not been made out against the suspected accused/police officials and as such the police has prepared the cancellation report in FIR No.230 dated 9.5.2019.

5. Though the police has prepared the cancellation report in FIR No.230 dated 9.5.2019 as no concrete evidence has come on record that the said police officials had murdered said Vinod Kumar Verma in police custody yet the fact remained that he had died due to consumption of poison in police custody and ultimately died in the hospital. Therefore, due to the negligence of the police officials, he had died in police custody on account of consuming of poison. Had the police officials taken the personal search/jama talashi of Vinod Kumar Verma, as per rules, before taking him into custody and lodging him in the police lock-up, then the victim could not be able to consume the poison. In view of this, prima facie, it appeared to the Commission that it was a fit case where the legal heirs of the deceased are entitled to compensation for the death of victim Vinod Kumar Verma as admittedly he had consumed poison on 5.5.2019 in police custody.

6. Therefore, vide order dated 21.12.2021, a show cause notice was issued to the Director General of Police, Haryana to show cause as to why suitable amount of compensation be not awarded to the legal heirs/next kin of the deceased, who had died by consuming poison in police custody.

7. Reply to the show cause notice has been filed by the Director General of Police, Haryana wherein it has been mentioned that the complainant has already filed an application before the Deputy Commissioner, Faridabad regarding grant of financial help/compensation. As there is a policy/notification of the Government regarding grant of compensation in this regard, therefore, he has no objection for grant of financial help/compensation to the legal heirs of deceased Vinod Kumar under the said policy.

8. In this complaint, it has been alleged by the complainant that his father Vinod Kumar Verma was taken into custody by the police on 5.5.2019 and after some time his condition started deteriorating and he was taken to the Government hospital, Ballabhgarh from where he was referred to other hospital and ultimately he died on 8.5.2019. The factum of the death of Vinod Kumar Verma in police custody is not denied by the police. It is also not denied



## ANNUAL REPORT 2021-22



by the police that said Vinod Kumar Verma had consumed poison while he was in the police custody and was lodged in the police lock-up of Police Station Adarsh Nagar, Faridabad. On account of unnatural death of deceased Vinod Kumar Verma in police custody, FIR No.230 dated 9.5.2019 under Sections 302, 328 and 120-B IPC, was registered at Police Station Ballabhgarh against the police officials. During investigation of the aforesaid FIR, no incriminating evidence has come on record against the suspected accused/police officials that they had killed Vinod Kumar Verma in police custody. But it proves on record that Vinod Kumar Verma had died in police custody due to the negligence of the police officials as the police officials had not conducted personal search of deceased Vinod Kumar Verma as per rules before taking him into custody and lodging him in the police lock-up of Police Station Adarsh Nagar, Ballabhgarh. Though, the police has prepared the untrace report in FIR No.230 dated 9.5.2019 yet due to unnatural death of deceased Vinod Kumar Verma in police custody, which had occurred on account of the negligence of the police officials, a show cause notice was issued to the Director General of Police, Haryana to show cause as to why suitable amount of compensation be not awarded to the legal heirs/next kin of the deceased, who had died due to consuming of poison in police custody, in terms of the notification dated 29.6.2021 issued by the Haryana Government. In reply to the show cause notice, the Director General of Police, Haryana has stated that he has no objection for grant of financial help/compensation to the legal heirs/next kin of deceased Vinod Kumar Verma under the Government policy.

9. The Haryana Government has issued a notification dated 29.6.2021 regarding payment of compensation on account of unnatural death of the prisoners in custody/confined to jails. Condition No.4 which is relevant for the disposal of this complaint, is reproduced as under:-

*"Compensation will be paid to the next of kin or legal heirs of prisoners on account of unnatural deaths, in the following cases:-*

- |       |  |                    |
|-------|--|--------------------|
| (i)   | <i>Due to quarrel among prisoners.</i>                         |                    |
| (ii)  | <i>Due to torture/beatings by prison staff.</i>                | <i>Rs.7.5 lakh</i> |
| (iii) | <i>Due to negligence in duty by Prison officers/officials.</i> |                    |
| (iv)  | <i>Due to negligence by Medical officers/para medical.</i>     |                    |
| (v)   | <i>Due to suicide committed by prisoners.</i>                  | <i>Rs.5 lakh"</i>  |





## ANNUAL REPORT 2021-22



10. From the bare perusal of the aforesaid notification dated 9.6.2021, it reveals that as per clause 4(v) ibid, the legal heirs/next kin of the deceased are entitled to compensation to a sum of Rs.5 lakh in case the deceased had committed suicide in police custody; and as per clause 4(iii) ibid, the legal heirs/next kin of the deceased are entitled to compensation amounting to Rs.7.5 lakh if he had died an unnatural death due to negligence of the officials/officers. As noticed above, the factum of taking into custody of Vinod Kumar Verma by the police officials on 5.5.2019; lodging him in police lock-up of Police Station Adarsh Nagar, Ballabhgarh and taking poison by him during police custody in Police Station has been admitted by the police, therefore, his case for grant of compensation falls within clause 4(iii) of the aforesaid notification dated 29.6.2021. In view of this, a recommendation is made to the State Government to pay a sum of Rs.7.5 lakhs to the legal heirs/next kin of deceased Vinod Kumar, who had died an unnatural death due to the negligence of the police officials, in police custody, within a period of two months from the date of receipt of the order. With these recommendations, the present complaint is disposed of.

11. A copy of the order be sent to the Additional Chief Secretary, Home to the Government of Haryana, Chandigarh and the Director General of Police, Haryana, Panchkula for compliance. A copy of the order be also sent to the complainant by post.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(JUSTICE K.C. PURI)**  
**MEMBER**



15.

**HARYANA HUMAN RIGHTS COMMISSION  
CHANDIGARH**

**Complaint No.1530/17/2021**

**Date of Order: 28.03.2022**

**Dharambir, s/o Sh. Ram Singh, resident of Gazi Gopalpur, Tehsil Kosli, District Rewari,  
Haryana.**

**.....Complainant**

**Complaint under Section 12 of the  
Protection of Human Rights Act, 1993**

**Coram: HON'BLE MR. JUSTICE S.K. MITTAL, CHAIRPERSON  
HON'BLE MR. JUSTICE K.C. PURI, MEMBER**

**HON'BLE MR. JUSTICE K.C. PURI, MEMBER**

**ORDER:**

Complainant Dharambir has alleged that on 19.07.2021, due to excessive rains, there was a flood like situation. His residential house was damaged completely and the roof of the house had fallen. Now, he is residing in a rented premises. He is a small farmer, having only one acre of land. He has prayed that financial help may be provided to him to reconstruct his damaged house on humanitarian grounds.

2. Report from the Deputy Commissioner, Rewari was received, wherein it was mentioned that the case of the complainant for grant of financial assistance regarding damage to his house due to rains, does not cover as per letter No.18125-E.R.-II-2019/6037 dated 04.06.2019 issued by the Haryana Government. However, after going through the said instructions, the Commission did not feel satisfied with the report and directed the Sub-Divisional Officer (Civil), Kosli to appear before the Commission in person along with the entire record to explain as to how the case of the complainant does not fall under the aforesaid instructions.



## ANNUAL REPORT 2021-22



3. Today, Sh. Hoshyar Singh, Sub-Divisional Officer (Civil), Kosli has appeared. Report vide Email dated 22.03.2022 of Deputy Commissioner, Rewari has also been received. He has stated that the matter has been considered again and it has been found that the case of the complainant for grant of financial assistance regarding damage to his house due to rains, does not cover under Instruction No.9(B) as per letter No.18125-ER-II-2019/6037 dated 04.06.2019 issued by the Haryana Government. He has also placed on record copy of letter dated 06.01.2022 along with the reports of the employees, which were made on the application of complainant for grant of compensation on account of damage of his house.
4. We have heard Sh. Hoshyar Singh, Sub-Divisional Officer (Civil), Kosli at length and have gone through the material available on the case file.
5. The relevant portion of instruction No.9 of letter dated 04.06.2019 of Department of Revenue & Disaster Management (Government of Haryana) is reproduced as under:

9.	Housing		
(a)	Fully /Severely damaged/ destroyed House	Rs.95,100/- per house in plain areas. Rs.1,01,900/- per house, in hilly areas including Integrated Action Plan (IAP) districts.	
(b)	Partially damaged Houses (other than huts) where the damage as at least 15%.	Rs.10,000/- per Pucca house Rs.5,000/- per Kutcha house	In case of Drought, Flood, Hailstorm, Dust Storm, Electric Sparking, Lightening, Fire, Cold Wave/Frost, Heat Wave and Pest Attack.
		Rs.5,200/- per Pucca House and Rs.3,200/- per Kutcha House	In case of Earthquake, Cloud Burst, Landslide.

6. We do not agree with the stand taken by the Department that the case of the complainant for grant of compensation does not fall under abovesaid instruction No.9. It is clear from the reports made by all the concerned officials of Revenue Department i.e. Patwari,



## ANNUAL REPORT 2021-22



Girdawar, Tehsildar Kosli and recommendations made by SDM Kosli that the house of the complainant was damaged due to excessive rains. As per report of Patwari, the residential pucca house of Dharambir s/o Ram Singh, resident of Gazi Gopalpur, has been completely damaged due to rains. He has further reported that the financial position of the complainant is weak and the recommendations are being made for appropriate amount of compensation. After verification, Girdawar had reported that the report made by the Patwari regarding damage of house, is a detailed one and there appears to be damage to the extent of 50%. After perusing the reports of Patwari and Girdawar, Tehsildar Kosli remarked that as per report of Patwari, the complainant had a pucca house, which had been damaged due to rains, which appears to the extent of 50%. Based on the reports of these officials as well as Tehsildar Kosli, SDO (C) Kosli made recommendation for grant of compensation.

7. Thus, it is made clear from the aforesaid reports that the house of the complainant was damaged due to heavy rains. The version of the Department that since it has not been reported that the damaged was caused due to “floods”, the complainant cannot be held eligible for the grant of compensation, does not appeal to reasons. The literary meaning of “flood” is over-flow of water or to fill a place with water to be filled or covered with water. Explaining the meaning of “floods”, Hon’ble Supreme Court of India in case “*Oriental Insurance Company Limited Vs. M/s J.K. Cement Works, Civil Appeal No.7402 of 2009 (decided on 28.01.2020)*” has been pleased to observe as under:

*“Lastly, pluvial or surface floods refers to the accumulation of water in an area because of excessive rainfall. These floods occur independently of an overflowing water body. Pluvial floods include flash floods which take place due to intense, torrential rains over a short period of time. A pluvial flood may also occur if the area is surrounded by hilly regions from where the run-off water comes and accumulates in the low-lying area. In urban localities, because of concrete streets and dense construction, rainwater is unable to seep into the ground. Steady rainfall over a few days or torrential rains for a short period of time may overwhelm the capacity of the drainage systems in place, leading to accumulation of water on the streets and nearby structures, and resulting in immense economic damage.”*

8. The scheme as laid down in the letter, containing instructions, dated 04.06.2019 with the subject for revising the State norms to provide relief in cases of Ex-Gratia in case of



## ANNUAL REPORT 2021-22



Human, Animals and Fisheries, House Damage etc. is one of the welfare schemes of the State of Haryana, which are published and issued by the State to provide relief and financial assistance to the poor persons, who suffer the most on account of damage to their house due to unexpected rains etc. No hyper-technique approach should be applied in such matters to deny the lawful claim of the claimants. The State being Welfare State is under moral and legal obligation to provide to its citizens, particularly poor persons, all relief of financial assistance etc., if they suffer loss on account of damages to their shelters/abodes due to heavy unexpected rains. We are of the firm opinion that the meaning of “flood” also covers heavy rains, and it has been so observed by Hon’ble Supreme Court of India in case of “Oriental Insurance Company Limited Vs. M/s J.K. Cement Works, *supra*”. Under the column of “Housing” as mentioned in Instruction No.9 of letter dated 04.06.2019, Rs.95,100/- per house in plain areas have been provided as compensation for fully/severely damaged/destroyed houses. In view of report of the Revenue Officials and recommendations made by SDO (Civil) Kosli, it has come on record that the pucca residential house of the complainant was damaged to the extent of 50%, therefore, the case of the complainant for grant of compensation falls under the category of “Fully/Severely damaged/destroyed House”. The complainant is, thus, eligible for grant of compensation of Rs.95,100/- on account of damage to his house.

9. In view of the above discussions, we are of the firm view that it is a fit case, where recommendations should be made to the Government of Haryana for grant of compensation to the complainant. We accordingly recommend Additional Chief Secretary to Government of Haryana, Revenue Department, Chandigarh to pay a sum of Rs.95,100/- to the complainant on account of damage to his house within three months from the date of passing of this order. With these recommendations, the complaint is disposed of.

10. A copy of the order be sent to the Additional Chief Secretary to Government of Haryana, Revenue; Department, Chandigarh for compliance.

11. Copy of order be also sent to the complainant for information.

**(JUSTICE S.K. MITTAL)**  
**CHAIRPERSON**

**(JUSTICE K.C. PURI)**  
**MEMBER**



# ANNUAL REPORT 2021-22



## CHAPTER-VI

### **INQUIRIES CONDUCTED IN COMPLAINT CASES BY THE INVESTIGATING WING OF THE COMMISSION DURING THE PERIOD FROM 01.04.2021 TO 31.03.2021**

Sr. No.	Complaint No.	Applicant Name & Address	Investigation Officer	Date of Submission of Report	Allegations Proved or not Proved
1.	888/6/2020	Virender Singh, President CBC, HSR	Ins. Ashish	23.8.2021	Allegations not proved
2.	325/3/2020	Mahipal s/o Ganeshi Lal r/o J.J.Colony, New Delhi	Ins. Dalel Singh	12.10.2021	Allegations not proved
3.	1572/1/2021	Renu Sharma d/o Jai Pal r/o Shah	Ins. Ashish	27.10.2021	Allegations not proved
4.	1133/21/2021	Parveen Kumar s/o Mahender Pal Verma, YNR	Ins. Dalel Singh	24.02.2022	Allegations not proved



**CHAPTER-VII**

**CLASSIFICATION OF CATAGORIES OF CASES WHICH HAVE BEEN DEALT WITH BY THE COMMISSION**

<b>Sr. No.</b>	<b>INCIDENT NAME</b>
1.	ABDUCT/RAPE
2.	ABDUCTION, RAPE AND MURDER
3.	ABDUCTION/KIDNAPPING
4.	ABUSE OF POWER
5.	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY
6.	ALLEGED CUSTODIAL RAPE IN JUDICIAL CUSTODY
7.	ALLEGED DEATH IN HOME
8.	APPOINTMENT ON COMPASSIONATE GROUNDS
9.	ARBITRARY USE OF POWER
10.	ATROCITIES OF SC/ST (BY POLICE)
11.	ATTEMPTED MURDER
12.	BONDED LABOUR
13.	BURNING/DEMOLITION OF HOUSES
14.	CHILD LABOUR
15.	CHILD MARRIAGE
16.	CHILD PROSTITUTION
17.	CHILDREN
18.	COMMUNAL VIOLENCE
19.	COMPLAINT AGAINST JUDICIAL OFFICERS
20.	CUSTODIAL DEATH (JUDICIAL)
21.	CUSTODIAL DEATH (POLICE)
22.	CUSTODIAL RAPE (JUDICIAL)
23.	CUSTODIAL RAPE (POLICE)
24.	CUSTODIAL TORTURE
25.	CUSTODIAL VIOLENCE
26.	DEATH IN HOME
27.	DEATH IN JUDICIAL CUSTODY
28.	DEATH IN POLICE CUSTODY
29.	DEATH IN POLICE ENCOUNTER
30.	DEATH IN POLICE FIRING
31.	DELAY IN PRODUCING UNDER-TRIALS IN COURTS
32.	DEMOLITION OF RELIGIOUS PLACES
33.	DISAPPEARANCE
34.	DISCRIMINATION AGAINST MINORITIES
35.	DOWRY DEATHS OR THEIR ATTEMPT
36.	DOWRY DEMAND
37.	ENVIRONMENTAL POLLUTION
38.	EXPLOITATION OF CHILD PRISONERS
39.	EXPLOITATION OF CHILDREN





## ANNUAL REPORT 2021-22



40.	EXPLOITATION OF LABOUR
41.	EXPLOITATION OF MENTALLY RETARDED PERSON(S)
42.	EXPLOITATION OF WOMEN
43.	FALSE IMPLICATIONS
44.	FAMILY DISPUTES
45.	FORCED LABOUR
46.	GANG RAPE
47.	GROUP CLASHES
48.	HARASSMENT OF PRISONERS
49.	HEALTH
50.	HONOR KILLING
51.	ILLEGAL ARREST
52.	IMMORAL TRAFFIC ON CHILDREN
53.	IMMORAL TRAFFICKING OF WOMEN
54.	INACTION BY LOCAL ADMINISTRATION
55.	INACTION BY THE STATE GOVERNMENT/CENTRAL OFFICIALS
56.	INDISCRIMINATE ARREST
57.	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES
58.	JAIL
59.	LABOUR
60.	LABOUR/INDUSTRIAL DISPUTES
61.	LACK OF PROPER FOOD
62.	LACK OF PROPER MEDICAL FACILITIES IN THE STATE
63.	LAND DISPUTES
64.	LOOTING
65.	MALFUNCTIONING OF MEDICAL PROFESSIONS
66.	MARRIAGE CASE PROTECTION SOUGHT
67.	MATRIMONIAL DISPUTES
68.	MINORITIES/SC/ST
69.	MISCELLANEOUS
70.	MONEY DISPUTES
71.	MURDER
72.	NON-PAYMENT OF COMPENSATION
73.	NON-PAYMENT OF PENSION/COMPENSATION
74.	NUISANCE BY LOCAL RUFFIANS
75.	OTHER SERVICE DISPUTES
76.	POLICE
77.	POLICE ATROCITIES
78.	POLICE INACTION
79.	POLICE MOTIVATED INCIDENTS
80.	POLLUTION/ECOLOGY/ENVIRONMENT
81.	PREMATURE RELEASE
82.	PUBLIC HEALTH HAZARDS
83.	RAPE



## ANNUAL REPORT 2021-22



84.	RAPE OF MINORITIES WOMAN
85.	RELIGIOUS/COMMUNAL VIOLENCE
86.	SERVICE MATERS
87.	SEXUAL HARASSMENT
88.	SEXUAL HARASSMENT (GENERAL)
89.	SEXUAL HARASSMENT AT WORKPLACE (GOVT. OFFICES)
90.	SEXUAL HARASSMENT BY ARMY/PARAMILITARY PERSONNEL
91.	SLAVERY
92.	TRAFFIC ON HUMAN LABOUR
93.	TROUBLE BY ANTI-SOCIAL ELEMENTS
94.	UNLAWFUL DETENTION
95.	VICTIMISATION
96.	WOMEN



## CHAPTER VIII

STATISTICAL REPORTS

<b>STATEMENT SHOWING MONTH WISE INSTITUTION AND DISPOSAL OF COMPLAINTS DURING THE PERIOD FROM 01.04.2021 TO 31.03.2022</b>					
<b>MONTH</b>	<b>PREVIOUS BALANCE</b>	<b>FRESH INSTITUTION</b>	<b>TOTAL FOR DISPOSAL</b>	<b>DISPOSED</b>	<b>BALANCE</b>
<b>APRIL, 2021</b>	<b>871</b>	<b>76</b>	<b>947</b>	<b>106</b>	<b>841</b>
<b>MAY, 2021</b>	<b>841</b>	<b>192</b>	<b>1033</b>	<b>76</b>	<b>957</b>
<b>JUNE, 2021</b>	<b>957</b>	<b>361</b>	<b>1318</b>	<b>154</b>	<b>1164</b>
<b>JULY, 2021</b>	<b>1164</b>	<b>286</b>	<b>1450</b>	<b>380</b>	<b>1070</b>
<b>AUGUST, 2021</b>	<b>1070</b>	<b>253</b>	<b>1323</b>	<b>385</b>	<b>938</b>
<b>SEPTEMBER, 2021</b>	<b>938</b>	<b>214</b>	<b>1152</b>	<b>248</b>	<b>904</b>
<b>OCTOBER, 2021</b>	<b>904</b>	<b>150</b>	<b>1054</b>	<b>148</b>	<b>906</b>
<b>NOVEMBER, 2021</b>	<b>906</b>	<b>293</b>	<b>1199</b>	<b>207</b>	<b>992</b>
<b>DECEMBER, 2021</b>	<b>992</b>	<b>359</b>	<b>1351</b>	<b>335</b>	<b>1016</b>
<b>JANUARY, 2022</b>	<b>1016</b>	<b>188</b>	<b>1204</b>	<b>158</b>	<b>1046</b>
<b>FEBRUARY, 2022</b>	<b>1046</b>	<b>262</b>	<b>1308</b>	<b>324</b>	<b>984</b>
<b>MARCH, 2022</b>	<b>984</b>	<b>185</b>	<b>1169</b>	<b>279</b>	<b>890</b>



# ANNUAL REPORT 2021-22



## STATEMENT SHOWING DISTRICTWISE INSTITUTION, DISPOSAL AND PENDING OF COMPLAINTS DURING THE PERIOD FROM 01.04.2021 TO 31.03.2022

District Code	District Name	Fresh Cases	Disposed of Cases	Running Cases
0	Haryana	118	104	14
1	Ambala	109	89	20
2	Bhiwani	85	58	27
3	Faridabad	257	204	53
4	Fatehabad	66	51	15
5	Gurgaon	262	213	49
6	Hissar	187	155	32
7	Jhajjar	96	76	20
8	Jind	91	63	28
9	Kaithal	83	69	14
10	Karnal	146	113	33
11	Kurukshetra	60	53	7
12	Mewat	101	77	24
13	Mahendergarh	109	87	22
14	Panchkula	114	96	18
15	Panipat	140	103	37
16	Palwal	118	89	29
17	Rewari	136	110	26
18	Rohtak	134	106	28
19	Sonapat	157	110	47
20	Sirsa	118	92	26
21	Yamuna Nagar	93	65	28
22	Charkhi Dadri	39	36	3
<b>Total</b>		<b>2819</b>	<b>2219</b>	<b>600</b>



## ANNUAL REPORT 2021-22



### **STATEMENT SHOWING CATEGORY WISE INSTITUTION, DISPOSAL AND PENDING OF COMPLAINTS DURING THE PERIOD FROM 01.04.2021 TO 31.03.2022**

<b><u>Sr. No.</u></b>	<b><u>Incident Code</u></b>	<b><u>Incident Name</u></b>	<b><u>Total No. of Cases</u></b>	<b><u>Disposed of Cases</u></b>	<b><u>Running Cases</u></b>
1.	100-112	Children	30	21	9
2.	200-206	Health	64	47	17
3.	300-318	Jail	58	36	22
4.	400-406	Judiciary	2	2	-
5.	500-504	Mafias/Underworld	-	-	-
6.	600-607	Labour	20	17	3
7.	700-704	Minorities	3	3	-
8.	800-823	Police	1171	870	301
9.	900-904	Pollution/ Ecology	28	15	13
10.	1000-1009	Refugees/ Migrants	-	-	-
11.	1100-1121	Religious	2	2	-
12.	1200-1204	Service Matter	140	130	10
13.	1300-1314	Women	174	150	24
14.	1400-1406	Tada	-	-	-
15.	1500-1511	Miscellaneous	1116	917	199
16.	1600-1617	Defence Forces	-	-	-
17.	1700-1717	Para Military Forces	-	-	-
18.	1800-1809	Juvenile/Beggars Homes	1	1	0
19.	1900-1904	SC/ST/OBC	10	8	2
20.	2000-2010	Foreigners/NRI's	-	-	-
21.	2100-2115	Riots	-	-	-
<b>Total</b>			<b>2819</b>	<b>2219</b>	<b>600</b>



## ANNUAL REPORT 2021-22



### STATEMENT SHOWING INSTITUTION OF COMPLAINTS RECEIVED AGAINST THE POLICE AND OTHERS DURING THE PERIOD FROM 01.04.2021 TO 31.03.2022

<b>CATEGORY</b>	<b>COMPLAINTS RECEIVED</b>
<b>AGAINST POLICE</b>	1171
<b>AGAINST OTHERS</b>	1648
<b>TOTAL</b>	2819



## CHAPTER IX

**LOGISTICS****a) Accounts**

**The details of expenditure out of Grant-in-Aid amount received during the financial year 2021-2022:-**

<b>Sr. No.</b>	<b>Details of Grant-in-Aid</b>	<b>Amount</b>
1	Opening Balance as on 1.4.2020	Rs. 1,84,01,342.94
2.	Sanctioned Budget (Grant-in-Aid)	Rs. 8,00,00,000.00
3.	Grant-in-Aid received during the year	Rs. 8,00,00,000.00
4.	Utilized	Rs. 7,43,89,806.10
5.	Misc. Income	Rs. 6,36,416.00
6.	Balance as on 31.03.2021	Rs. 2,46,47,952.84

**b) Library**

The Haryana Human Rights Commission has established a Library in its office at Nirman Sadan, Sector 33-A, Chandigarh in the year 2013. There are 457 books in the Library till 31<sup>st</sup> March, 2022. The library is having Commentary(s) on the Code of Criminal Procedure, Civil Procedure, Constitution of India, and Indian Penal Code etc. etc. It also contains Punjab Civil Services Rules, books on Financial Rules, The Right to Information Act, 2005 and Punjab Police Rules etc. Further, there is a collection of books relating to the human rights of Citizens. The books on other subjects like Haryana Urban Development Laws, Law on Protection against Sexual Harassment of Women at Work Place, Animal Laws of India, Law of Crimes, Green Governance and Human Rights have also been added in the library.

The Commission is having 45 Volumes of 6<sup>th</sup> Edition AIR Manual edited by Manohar & Chitaley. The library also contains Oxford, Lexicon and Bryan A. Garner's 8<sup>th</sup> Edition Black's Law Dictionaries. It also contains recent Apex Judgments from 2013 to 2016.





The Commission has also subscribed for Supreme Court Cases for both online and offline (hard copies) versions. The Commission has also various books in Devnagri like समकालीन परिप्रेक्ष्य में मानवाधिकारों के विविध आयाम, मानवाधिकार संयुक्त राष्ट्र और भारत, मानवधिकार और उनकी रक्षा, भ्रष्टाचार: कारण और निवारण etc. The National Human Rights Commission, New Delhi, has also provided some literature covering fields of Human Rights.

## c) Internship

The Commission conducts internship programme of two weeks duration for students of the Faculty of Law. The interns come from different Institutions, Universities and Colleges of Law of States and Union Territories. During this time, they are given theoretical and practical information regarding the protection of human rights and functioning of the Commission. The aim of the internship is to sensitize young students about various aspects of human rights. After completion of internship programme, students are given certificates by the Commission. During April, 2021 to March, 2022, a total number of 16 interns from reputed law universities and colleges have been imparted internship in this Commission and the students were given guidance by the Hon'ble Chairperson, Members and other senior officers of the Commission.

## d) Statement of Digitization of Judicial Record

The digitization mode of decided complaints was started on 20.04.2017. For the period from April 2021 to March 2022, scanning of decided judicial record of 6118 files has been completed. Scanning work of a total number of 17596 decided judicial files from the year 2012 to 31.3.2022 was completed.

## e) Right to Information

The Haryana Human Rights Commission has appointed a State Public Information Officer and a First Appellate Authority under the Right to Information Act, 2005 (RTI Act).



# ANNUAL REPORT 2021-22



## RTI Statement from 1.4.2021 to 31.3.2022

1.	No. of applications received	102
2.	No. of applications disposed of within 30 days	102
3.	No. of applications disposed of beyond one month	Nil
4.	No. of applications transferred to other Departments/Organizations	Nil

## Detail of First Appeals under RTI

1.	No. of appeals received by the First Appellate Authority	02
2.	No. of appeals disposed of within one month	02
3.	No. of appeals pending	Nil

## Detail of Second Appeals under RTI

1.	No. of Notices received from SIC	nil
2.	No. of hearings by CPIO/Appellate Authority	nil
3.	No. of hearings in r/o which compliance report submitted to the SIC	nil
4.	No. of hearings in r/o which compliance report not submitted to SIC	Nil



## CHAPTER X

**IMAGE GALLERY SHOWING THE ACTIVITIES OF THE COMMISSION AND MEDIA REPORTS**

# Rights panel orders ₹10L relief for manhole deaths

TRIBUNE NEWS SERVICE

FARIDABAD, SEPTEMBER 20

The Human Rights Commission, Haryana, has ordered the state government to pay financial compensation of Rs 5 lakh each to the kin of two persons who died after falling into an open manhole five years ago.

The Commission comprising Justice SK Mittal (retd), Justice KC Puri (retd) and Deep Bhatia, in the order delivered recently, has held civic body responsible for the incident that led to the death of the victims which included a woman.

The commission has directed the Urban Local Bodies (ULB) Department to pay the compensation within eight weeks.

The incident took place on June 2, 2016, when one of the victims, identified as Rekha, was walking down a street in the Palla area of the city, along with her husband Mahesh to buy vegetables.

It is revealed that as the woman who was answering a

## WOMAN, YOUTH DIED BY DROWNING

- The incident took place on June 2, 2016, when Faridabad resident Rekha was walking down a street
- Rekha, who was answering a call on her mobile phone, slipped all of a sudden into a deep manhole lying open
- A youth, identified as Laxman Prasad, rushed to her help and jumped into the manhole. He also died by drowning
- The manhole was reported to be 25-ft deep

call on her mobile phone slipped all of a sudden into a deep manhole lying open, another youth identified as Laxman Prasad (28), who rushed to her help and jumped into the manhole to save her, also died along with the woman by drowning.

The manhole was reported to be 25-ft deep.

While the commission issued notice to the MCF by taking suo moto cognisance of media reports, Mahesh, husband of Rekha, and Bataso Devi, wife of deceased Laxman Prasad, held the civic body responsible for the deaths.

“As two young persons met with tragic deaths by drown-

ing in a sewer with an uncovered manhole, the dependents of the deceased have suffered a big loss. As they were bread winners, their kin deserve compensation,” says the commission in its order delivered after several hearings.

The commission has asked the ULB Department to pay a compensation of Rs 5 lakh to the kin of each of the deceased and has directed the DC to trace the whereabouts of the kin of the victims in order to hand over the relief immediately.

A copy of the order has been given to the Principal Secretary, Urban Local Bodies Department of the state government, for compliance.



## Widen prisoners' relief policy ambit, rights panel tells govt

**BHARTESH SINGH THAKUR**  
TRIBUNE NEWS SERVICE

CHANDIGARH, JANUARY 14

Haryana Human Rights Commission (HHRC) has found fault with the compensation policy of the state government, saying it allows relief only in the case of unnatural deaths of prisoners in jails, but leaves out deaths in police custody and juvenile homes.

The commission has announced a compensation of Rs 7.5 lakh to the kin of a victim of police custody death, while calling for amendments in the compensation policy.

Geeta Devi, sarpanch of Kaluana village in Sirsa, had approached the commission in 2018, alleging her husband Jagdev Singh had died of police torture. He was arrested in a case of criminal breach of trust by a public servant (under Section 409 of IPC) on October 13, 2017, and later died of injuries on October 15, 2017, at Apollo Hospital, New Delhi.

Says include those who die in police custody, juvenile homes

The post-mortem was conducted by a board of doctors from the AIIMS. The police claimed that Jagdev sustained injuries as he jumped from a running police gypsey. However, Metropolitan Magistrate had termed the police story "flimsy" as Jagdev had sustained 17 injuries and the Haryana Police had failed to produce him before a magistrate within 24 hours, though 48 hours had passed after his arrest.

Moreover, the Metropolitan Magistrate pointed out that the police gypsey was driven by an official of Sub Inspector rank and not a designated driver. After that, a case was registered against the police officials on April 7, 2018.

After the commission's cognisance of the case and find-

ing that no action was being taken against the accused policemen for a long time, DGP (Crime), Haryana, submitted that a challan was submitted in the court against Inspector Satvir Singh and ASI Jagat Ram on June 3, 2021, as because of their negligence Jagdev had sustained injuries.

The commission observed: "No plausible explanation has come on record from the police officials accompanying Jagdev as to how he jumped from the running vehicle and as to why the police officers couldn't stop him. Thus, it is a case of custodial death of an undertrial in police custody due to negligence of the police party accompanying Jagdev."

The commission said the the government's notification was required to be amended to include undertrials in police custody and also "children in conflict with law in observation homes, special homes or place of safety".

## HHRC questions govt over no action against Hisar hospital

O<sub>2</sub> DEATHS Reports on 'negligence' in Rewari, G'gram awaited

**BHARTESH SINGH THAKUR**  
TRIBUNE NEWS SERVICE

CHANDIGARH, AUGUST 31

The Haryana Human Rights Commission (HHRC) has questioned the Health Department over no action against the Soni Burn Hospital in Hisar for alleged negligence that led to Covid deaths due to oxygen shortage.

On April 27, the HHRC has taken a suo motu cognisance of Covid deaths due to oxygen shortage in Hisar, Rewari and Gurugram. During the hearing on August 27, Dr Harpreet Kaur from the office of the Director General, Health Services (DGHS), appeared before the HHRC and submitted that five persons died at the Hisar hospital due to oxygen crunch.

A Bench comprising HHRC chairperson Justice SK Mittal (retd), members Justice KC Puri (retd) and Deep Bhatia, put a query "as to what action has been taken by the Health Department against the hospital". "The officer present on

### GURUGRAM HOSPITAL 'NOT REGISTERED'

■ The SDM report said Kirti Hospital in Gurugram was "not registered" for Covid patients. "There was no register for Covid patients or log-book for O<sub>2</sub> cylinders."

■ The report said the hospital was provided 39 oxygen cylinders on April 27, 10 on April 29 and 28 on April 30.

■ "Six patients died, but not all deaths can be attributed to O<sub>2</sub> deficiency as three of them succumbed after getting the supply," it added.



behalf of the DGHS could not give any reply," said the order.

The Bench directed the DGHS to take appropriate action against the Hisar hospital "as the negligence board and the SDM have given their reports" that the authorities were "negligent during the treatment being given to the Covid patients, resulting in five deaths due to the non-availability of oxygen supply".

Meanwhile, Hisar ASP Upasana told the HHRC that the police had received the

report from the negligence board and the SDM and they would take appropriate action against the hospital.

A DSP report citing legal opinion that no cognisable offence was made out at the Hisar hospital was also submitted.

As per an affidavit of Director Health Services Dr Aprazita Sondh, "no physician/anaesthetist was called at the time of the incidence" at the Soni Burn Hospital and the stock of oxygen

cylinders was just 20, which needed to be refilled five times a day due to high demand. So, the unavailability of empty cylinders is cited as a reason for the deaths.

Regarding four deaths at the Kathuria Hospital, Gurugram, the SDM's report said there was sufficient supply of oxygen and the claim made by the hospital regarding unavailability "is wrong". The hospital "created panic" by sending "false information", it added.

In the case of Rewari deaths, the DC's report is awaited. The reports of negligence board for deaths at Rewari and Gurugram are also awaited. "It is crystal clear that there was no lack of oxygen at all places where the inquiry has been conducted," said Dr Sondh. The affidavit, however, added that the discrepancy concerning each of the hospitals had been cited and claimed that there could be multiple reasons for the deaths. The next date of hearing is December 22.



# शहरवासियों को अब सड़कों के गड्ढे, सीवरेज के ओवरफ्लो पानी से निजात मिलने की उम्मीद

धर्मदत्तका हार्म | नानील

शहर में पिछले 6 माह से परेशान लोगों को अब सड़कों के गड्ढे और सीवरों ओवरफ्लो की समस्या से जल्द निजात मिलने की उम्मीद बंध गई है। यह सिस्टम सुधारे जा सका श्रेय हरियाणा मानव अधिकार आयोग के चेयरमैन जस्टिस सतीश मित्तल को जाएगा, जो इसी शहर से जुड़े हैं। उनकी सक्रियता का अंश यह है कि क्लिस्हाल दो-तीन दिन में ही जहां सीवर डाली गई है, वहां पैदल चलने तथा वायावहत लापक सड़क बनाई जाएंगी। इसी एक सप्ताह में इन टूटी सड़कों के निर्माण का प्रोजेक्ट प्रारम्भ के संबंधित विभाग तैयार करके आयोग को देगा। उसमें उन्हें जानकारी देना होगा कि ये समस्याएं पैदा क्यों हुईं? उनके समाधान के लिए क्या किया गया और कबने दिन में इसके निराकरण के लिए क्या बीजना बर्बाद जाएंगे? इतना ही नहीं, जब सड़क बनेंगी तो उनकी गुणवत्ता की जांच भी मानव अधिकार आयोग करेगा और अगर उसमें कोई कमी पाई गई तो आयोग एक्शन लेने में भी मुरज नहीं बरतता। यह लम्बी तुआब रहा हरियाणा मानव अधिकार आयोग के चेयरमैन जस्टिस एस्के मित्तल और जिला

प्रशासन के विभिन्न विभागों के अधिकारियों के बीच गुरुवार को राह साढ़े 3 बजे से 5 बजे के बीच पीडब्ल्यूडी रैस्ट हाउस के बंद कमरे में चली बैठक का। यह बैठक खुद आयोग के चेयरमैन द्वारा शहर की दुर्दशा की जानकारी मिलने पर स्वयं संज्ञान लेने पर हुई है। इसमें डीसी, एसपी, डीएमसी के अलावा नगर परिषद, पब्लिक हेल्थ समेत अन्य विभागों के अधिकारी और मानव अधिकार आयोग की ओर से जनपथ रखने के लिए बतौर डिपेंडर नियुक्त किए गए वॉरंट अधिकारका राकेरा महता शामिल रहे। जानकारी के मुताबिक हरियाणा मानव अधिकार आयोग के चेयरमैन जस्टिस एस्के मित्तल ने बैठक की शुरुआत करते हुए कहा कि नानील शहर की दुर्दशा के संबंध में उन्हें पिछले पांच-छह महीनों में समाचार पत्रों से जानकारी मिली। लोगों के फोन भी आए और मामला जब लिमिटेड से बाहर हो गया तो उन्हें खुद आना पड़ा। उन्होंने आयोग की तरफ से तीन दिन पहले नियुक्त किए गए मानव अधिकार रखक राकेरा महता एडवोकेट से लोगों की शिकायतों की जानकारी मंगी तो 70 स्थानों पर सीवरों ओवरफ्लो होने, सड़कों में गहरे गड्ढे, हुडा सेक्टर की 34 समस्याएं तथा तालाब बहदूर

## घटिया सामग्री इस्तेमाल करने पर दी कार्रवाई की वेतावनी



नानील के पीडब्ल्यूडी रैस्ट हाउस के बंद कमरे में अधिकारियों की बैठक लेते हुए मानव अधिकार आयोग के चेयरमैन जस्टिस एस्के मित्तल।

सिंह से क्लिप गेड तक सीवरों खुदाई के दौरान सड़क की बढहली सन्धी फटेदी, शिकायत और समाचार पत्रों की कटिंग प्रस्तुत की गई। जिनमें देखकर जस्टिस मित्तल ने अधिकारियों से पूछा कि यह सब समस्या क्यों पैदा हुई और जब समस्या बड़ी तो इसे काम करने के लिए क्या कदम उठाए गए और अब इसका कितने दिन में समाधान हो जाएगा?

प्रशासनिक पक्ष सुनते हुए उन्होंने कहा कि इस संबंध में एक सप्ताह में रिपोर्ट बनकर उर्न दी जाए। रिपोर्ट मिलने के बाद सप्ताह बाद नानील या चंडीगढ़ में इस संबंध में फिर बैठक की जाएगी। हालांकि प्रशासन की ओर से सीवरों डालने के समय बरसात होने या कोविड-19 के दौरान मजदूरों के घर चले जाने संबंधी अपना पक्ष प्रस्तुत किया गया, किंतु चेयरमैन इससे संतुष्ट नहीं हुए। उन्होंने कहा कि उन्हें पता चला है कि यहां जिस तरीके से काम हुआ, वह तरीका सही नहीं था। जस्टिस मित्तल का कहना था कि जबर नहीं था कि दो किलोमीटर लंबी सीवर डालने के लिए सारी सड़क एक बार

## काम में लापरवाही मिलने पर होगा एक्शन

जस्टिस मित्तल ने कहा कि सड़क निर्माण के दौरान हल्की क्वालिटी का सामान इस्तेमाल ना हो। सामग्री की गुणवत्ता का ध्यान रखा जाए। नया रोड आरसीसी रोड हो बनाया जाए। इस पर नगर परिषद अधिकारियों ने आरतीसे रोड बनाने का प्रस्ताव उच्चाधिकारियों को भेजने के आश्वासन दिया। बैठक में डिपेंडर एस्केरा महता एडवोकेट ने सीवरों और सड़क निर्माण में जनस्वास्थ्य एवं नगर परिषद का तालमेल न होने का मामला उठाया तो जस्टिस मित्तल ने जिला नगर आयुक्त डा. जेके आग्नी की इयुटी लगाई कि वे इन विभागों की बेरो में पानन बनाते समय वे इनका सुपरविजन करें। उन्होंने कहा कि बढिया सामग्री लगाने के लोगों का जेबन प्रभावित हो सकता है। इसलिए यह भी ध्यान रखें कि निर्माण कार्य की जांच भी होगी और काम में लापरवाही मिलने पर एक्शन भी हो सकता है। जस्टिस मित्तल ने अधिकारियों से यह कि यह अंत नहीं गुरुआत है इसलिए काम में कोताही न बरती जाए। इस दौरान उन्होंने डिपेंडर एस्केरा महता ने बताया कि हुडा सेक्टर की सीवरें, नगर परिषद और शहर के ही जनस्वास्थ्य विभाग संबंधी शिकायतें आई हैं। चेयरमैन ने इस संबंध में वर्गीकरण करके दृष्टी प्रस्तुत करने के निर्देश दिए।

ही तोड़ी जाती। काम के दौरान जन सुविधाओं का ध्यान रखा जा सकता था। जितना ठीक कर सकते थे, उतनी ही सुवाई करते। बताया जाता है कि उन्होंने अधिकारियों को दिल्ली के मेट्रो निर्माण का उदाहरण भी दिया कि वहां जमीन के अंदर और पिलारों के ऊपर मेट्रो स्तान बिछाई गईं, किंतु बड़ सड़क नहीं रोकी गई। उनका कहना था कि जब निर्माण के दौरान वहां सुरक्षा पट्टी लगाकर काम किया जा सकता है तो ऐसा नानील में क्यों नहीं हुआ? इतना ही नहीं, जस्टिस

हरियाणा मानव अधिकार आयोग के चेयरमैन जस्टिस सतीश मित्तल ने तीन दिन में चलाने लायक सड़कें तैयार करने, एक सप्ताह में पूरी प्लानिंग बनाने के लिए निर्देश

मित्तल ने 4 महीने से ज्यादा समय तक चले इस निर्माण के दौरान हुई दुर्घटनाओं की जानकारी देने के लिए बैठक में मौजूद एसपी चंद्रमोहन को निर्देश भी दिए। उन्होंने डीसी से कहा कि आपसे दो-तीन दिनों में तालमेल बहादुर सिंह से किया रोड तक पैदल चलने और वायावहत लापक सड़कें तैयार की जाएं। इसके साथ ही इनके निर्माण का टेंडर प्रोसिअर भी शुरू किया जाए और जो रिपोर्ट एक सप्ताह में बनकर आयोग के सामने प्रस्तुत कानी है, उसमें समस्याएं भी बताई जाएं।

# हरियाणा मानव अधिकार आयोग के सदस्य दीप भाटिया ने जिला कारागार का दौरा किया जेलों में अतिरिक्त मूलभूत सुविधाओं को देने के लिए सरकार के साथ बात की जाएगी: भाटिया

भास्कर न्युज़ | पानीपत

हरियाणा मानव अधिकार आयोग के सदस्य दीप भाटिया ने गुरुवार को जिला कारागार का दौरा किया। उन्होंने कहा कि जेलों में सुधारों की प्रक्रिया निरंतर जारी है। प्रदेश की जेलों में अतिरिक्त मूलभूत सुविधाओं को देने के लिए सरकार के साथ बात की जाएगी। उन्होंने कहा कि जेल के अंदर पैथ लेब स्थापित करने के लिए भी स्वास्थ्य विभाग से बात की जाएगी ताकि छोटे-छोटे टेस्ट जेल परिसर के अंदर ही हो और कैदियों को बाहर न जाना पड़े। उन्होंने कहा कि जेल के अंदर वर्तमान में मेडिकल ऑफिसर 14 दिन के लिए लगाया गया है। इसे महीने के 30 दिन तक करने का भी प्रावधान करवाया जाएगा। यही नहीं



पानीपत, जेल में दौरा करने के बाद हरियाणा मानव अधिकार आयोग के सदस्य दीप भाटिया जानकारी देते हुए।

जिलों के अंदर मनोवैज्ञानिक रखने को लेकर भी मंथन चल रहा है। दीप भाटिया ने जेल प्रशासन द्वारा जेलों के अंदर सुविधाएं उफलब्ध देने को लेकर उनकी प्रशंसा भी की। उन्होंने कहा कि जेल परिसर के अंदर बहुत ही अच्छा अस्पताल स्थापित किया गया है। जिसमें डेंटल चैयर, ईसीजी मशीन और एक्स-रे मशीन आ चुकी

है जिसके फायदे होंगे। उन्होंने कहा कि जेल परिसर में भविष्य में कैदियों की संख्या बढ़ेगी इसको लेकर भी सरकार से बातचीत की जाएगी कि भविष्य में इन्फ्रा क्या समाधान किया जा सकता है। जेल अधीक्षक देवी दयाल ने जानकारी देते हुए बताया कि जिला कारागार में अत्याधुनिक कैमरे लगाए गए हैं और कैदियों का समय

समय पर कैप लगा कर भी मेडिकल चेक अप किया जाता है। जेल के अंदर मूलभूत सुविधाओं की कोई कमी नहीं है। इस मौके पर उप जेल अधीक्षक जोशींद्र देशवाल, गीता, भूपेंद्र सिंह, सहायक जेल अधीक्षक यश कुमार, शिव कुमार, हरियाणा मानव अधिकार आयोग के रजिस्ट्रार कुलदीप जैन मौजूद रहे।



पंजाब  
केसरी WED, 29 SEPTEMBER 2021  
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## मानवाधिकार आयोग ने यात्री की पिटाई पर 20 हजार रुपए मुआवजा देने के लिए निर्देश

**बस यात्री को पैसे देने के बाद नहीं दी गई टिकट, बाद में वर्कशॉप ले जाकर कंडक्टर ने यात्री को पीटा**

चंडीगढ़, 28 सितम्बर (अर्चना सेठी): हरियाणा राज्य मानव अधिकार आयोग ने हरियाणा रोडवेज की बस में सफर कर रहे एक व्यक्ति को बस कंडक्टर

द्वारा पीटे जाने की शिकायत के मामले में हरियाणा सरकार को 20 हजार रुपए मुआवजा 3 महीनों में देने के निर्देश जारी किए हैं। आयोग का कहना है कि सरकार यह गृहिण चाहें तो बस कंडक्टर से वसूल सकती है। आयोग ने हरियाणा के डी.जी.पी. को बस कंडक्टर अनिल कुमार के खिलाफ मामला दर्ज करने के लिए भी कहा है।

**विभागीय जांच के बाद किया अनिल कुमार का तबादला**

हरियाणा रोडवेज ने अपनी जांच में आरोपी कंडक्टर अनिल कुमार के व्यवहार को गलत तो माना परंतु पूरी घटना की सत्यता को प्रमाणित नहीं किया और उसका तबादला भिवानी जिले में कर दिया और उसके खिलाफ कोई आपराधिक या कठोर कार्रवाई नहीं की। इस पर पीड़ित पवन कुमार ने हरियाणा मानवाधिकार आयोग में शिकायत की, जिसकी सुनवाई आयोग के चेरमैन जस्टिस एस.के. मिश्रा ने की और पाया कि प्रार्थी के मानवाधिकारों का हनन किया गया है।

हरियाणा राज्य मानवाधिकार आयोग के सदस्य दीप भाटिया का कहना है कि शिकायतकर्ता को पिटाई और टिकट के लिए झगड़ा, उसके बाद बस कंडक्टर द्वारा पवन के खिलाफ झूठी एफ.आई.आर. दर्ज करवाना गलत है। ऐसे में मुआवजे के माध्यम से उसकी भरपाई की जानी आवश्यक है। अतः 20000 रुपए बतौर मुआवजा हरियाणा सरकार को 3 महीने में देने के लिए कहा है।

**हरियाणा**

रोडवेज की बस में शिकायतकर्ता पवन कुमार 6/7 सितम्बर को रात को गोगामाड़ी से हिंसा जंम रहा था। सफर के दौरान पवन और उसके भाई का कंडक्टर अनिल कुमार के साथ टिकट लेने के विषय पर विवाद हो गया। पवन कुमार ने जब पैसे देने के बाद अनिल कुमार से टिकट मांगी तो उसने टिकट देने में आनाकानी की और मुश्किल से टिकट दी। कुछ देर बाद आरोपी कंडक्टर का बस में सवार कुछ चुजुगों से भी टिकट न देने को लेकर झगड़ा हुआ। पवन ने इसकी वीडियो बनाने का प्रयास

**यह था मामला**

किया तो कंडक्टर अनिल कुमार ने उसका मोबाइल फोन छीन लिया। कंडक्टर ने ड्राइवर को बस पुलिस स्टेशन ले जाने के लिए कहा, परंतु पुलिस स्टेशन की बजाय वह बस को रोडवेज वर्कशॉप में ले गया, जहाँ कई लोगों ने मिलकर पवन की पिटाई की। इसके बाद पवन थाने में शिकायत दर्ज करवाने गया परंतु पुलिस ने उसकी शिकायत न दर्ज करके उल्टा उसके ही खिलाफ मुकदमा बना दिया, जो बाद में तपतीश में झूठ पाया गया और एफ.आई.आर. को कैंसिल कर दिया गया।

## हरियाणा मानवाधिकार आयोग ने अंतर्राष्ट्रीय मानवाधिकार दिवस पर दी जानकारी

### कैदियों की सामान्य मौत पर आश्रितों को मिलेगा 7.50 लाख का मुआवजा

चंडीगढ़, 10 दिसंबर (सवेरा ब्यूरो): अब हरियाणा की जेलों में कैद बंदियों की सामान्य मौत पर आश्रितों को 7.50 लाख का मुआवजा मिलेगा। यह जानकारी हरियाणा मानवाधिकार आयोग के सदस्य दीप भाटिया ने अंतर्राष्ट्रीय मानवाधिकार दिवस पर बातचीत के दौरान दी। उन्होंने कहा कि इसमें कैदी की पिटाई से संबंधित केस, झूठी स्टॉफ की लापरवाही और मेडिकल स्टॉफ की लापरवाही का पाया जाना भी शामिल है। इसके अलावा बंदी के सुसाइड करने पर परिवार को पांच लाख का मुआवजा दिया जाएगा। इससे पहले हरियाणा सरकार द्वारा मुआवजा राशि निर्धारित नहीं की गई थी। इस दौरान उनके साथ रजिस्ट्रार कुलदीप जैन, अरुण ठाकुर, रजिस्ट्रार सुनील चौधरी भी उपस्थित रहे। दीप भाटिया ने बताया कि आयोग के पास आने वाली शिकायतों में 40 प्रतिशत झूठी मिलती है। नेशनल मानवाधिकार आयोग पीएम कार्यालय को शिकायत भेजने पर उसकी कॉपी आयोग को



हरियाणा मानवाधिकार आयोग के सदस्य अंतर्राष्ट्रीय मानवाधिकार दिवस पर बातचीत करते हुए।

शिकायतकर्ता भेज रहे हैं। परंतु अब ऐसी शिकायतों पर हरियाणा मानवाधिकार आयोग संज्ञान नहीं लेगा, जो शिकायत सीधी ही मानवाधिकार आयोग के पास आएगी, केवल उसी पर ही सुनवाई होगी।

**आयोग के पास एक साल में पहुंची 2378 शिकायतें:** हरियाणा मानवाधिकार आयोग के सदस्य दीप भाटिया ने बताया कि एक वर्ष में 1728 शिकायतों का निवारण किया है। अलग-अलग 21 श्रेणियों के तहत 2378 शिकायतें मिली थीं। इनमें से

अभी 650 शिकायतें अभी लंबित हैं। इनकी भी जांच जारी है और जल्द समाधान किया जाएगा। हरियाणा मानवाधिकार आयोग के पास सीधे भेजी जाने वाली शिकायतों पर तत्काल सुनवाई होती है। उनके द्वारा उठाए जा रहे कदमों के सराहनीय परिणाम सामने आ रहे हैं। आयोग, मानवाधिकार से जुड़े मामलों में समय-समय पर सरकार को भी जरूरी सुझाव व सलाह देता है। हरियाणा सरकार भी आयोग द्वारा दी जा रही सलाह की सराहना करती है। आयोग की सिफारिश पर ही सरकार ने

सकारात्मक पहल करते हुए कई कदम उठाए हैं। दीप भाटिया ने बताया कि आयोग 2012 से काम कर रहा है। राष्ट्रीय मानवाधिकार आयोग के बाद हरियाणा मानवाधिकार आयोग देश के सबसे अग्रणी आयोग में शामिल है। एक्ट के मुताबिक दो दिन काम करने का प्रावधान है लेकिन हरियाणा मानवाधिकार आयोग में सोमवार से शुक्रवार तक काम होता है। आयोग का एक कार्यालय गुरुग्राम में भी है।

**हर जिले में जुवेनाइल होम बनाने का प्रस्ताव:** हरियाणा मानवाधिकार आयोग ने हरियाणा शहरी विकास प्राधिकरण निगम को पत्र लिखकर प्रदेश के हर जिले में जुवेनाइल होम बनाने की बात कही है। अभी हिंसा, करनाल और अंबाला में जुवेनाइल होम हैं। ओल्ड एज होम भी सेक्टरों में बनाए जाएं। आयोग ने इस वर्ष प्रदेश की सभी जेलों का निरीक्षण किया और संबंधित अधिकारियों को जरूरी सुधार करने के आवश्यक दिशा निर्देश दिए।

## सिविल अस्पताल से लेकर पुलिस लाइन तक बनने वाला रोड; गर्ल्स आईटीआई तक बनेगा बीचों बीच होगा डिवाइडर, 22 फरवरी को खोला जाएगा टेंडर जून तक लगभग 1 किलोमीटर का यह हिस्सा भी पूरा हो जाएगा

भास्कर न्यूज | नारनौल

हरियाणा मानव अधिकार आयोग के चेयरमैन जस्टिस एसके मित्तल ने सोमवार नगर परिषद नारनौल में चल रहे विकास कार्यों के चलते लोगों को हो रही असुविधा के संबंध में दी गई शिकायत को लेकर आज बीएंडआर रेस्ट हाउस में अधिकारियों की बैठक ली।

इसी संबंध में 5 माह पहले मानव अधिकार आयोग के चेयरमैन ने संज्ञान लेते हुए अधिकारियों की बैठक ली थी। उस दौरान नगर परिषद में विकास कार्यों के चलते कई जगह सड़कें पाइप लाइन डालने के लिए खोदी गई थी। उस समय उन्होंने अधिकारियों को तुरंत प्रभाव से सड़कों को वाहनों के चलने लायक बनाने के निर्देश दिए थे। इस रोड को तुरंत प्रभाव से जिला प्रशासन ने वाहनों के चलने लायक कर दिया था। इसके अलावा उन्होंने इन विकास कार्यों को तय समय में पूरा करवाने के निर्देश दिए थे। उसी कार्य की समीक्षा के लिए आज उन्होंने अधिकारियों के दोबारा बैठक ली। इस बैठक में एसडीएम मनोज कुमार ने बताया कि किला रोड से लेकर सिविल अस्पताल तक के



सड़क का लगभग 60 फीसदी कार्य पूरा हो चुका है। यह कार्य आगामी 15 मार्च तक पूरा हो जाएगा।

सिविल अस्पताल से लेकर पुलिस लाइन तक बनने वाला रोड अब गर्ल्स आईटीआई तक लिया गया है। इसका टेंडर 22 फरवरी को खुलेगा तथा जून तक लगभग 1 किलोमीटर का यह हिस्सा भी पूरा हो जाएगा। उन्होंने बताया कि इस कार्य के लिए पोल शिफ्टिंग का कार्य जल्द पूरा हो जाएगा। वन विभाग को पेड़ हटाने के लिए भी लिखा गया है। जस्टिस मित्तल ने अधिकारियों को निर्देश दिए कि अगर इस मामले में फाइनेंस या अप्रूवल से संबंधित कोई दिक्कत है तो उनके संज्ञान में लाया जाए। इस बैठक का हवाला देते हुए संबंधित विभाग के मुख्यालय पर भेजा जाए।

चेयरमैन ने अधिकारियों को निर्देश दिए कि इस पूरे कार्य की जानकारी डिजिटल रिपोर्ट एफिडेविट पर पैरा वाइज एक सप्ताह के अंदर-अंदर दें।

उन्होंने जन स्वास्थ्य विभाग के अधिकारियों को निर्देश दिए कि शहर में दबाई गई नई सीवर लाइन में यह सुनिश्चित करें कि उनमें निर्माण कार्य के दौरान किसी प्रकार की रुकावट ना हो। इस बैठक में उपायुक्त श्याम लाल पूनिया, एसडीएम मनोज कुमार, बीएंडआर के कार्यकारी अभियंता अश्वनी कुमार, नगर परिषद के कार्यकारी अभियंता अंकित वशिष्ठ, जन स्वास्थ्य विभाग के कार्यकारी अभियंता नितिन मोदी तथा ह्यूमन राइट्स डिफेंडर राकेश मेहता के अलावा अन्य विभागों के अधिकारी भी मौजूद थे।



## डायरिया से जान गंवाने वाले 6 मजदूरों के परिजनों को 5-5 लाख रु. मुआवजा के आदेश

हरियाणा मानव अधिकार आयोग ने अनाज मंडी के पदाधिकारियों को दिए निर्देश

### अधिकार संवाददाता

चंडीगढ़, 3 मार्च। वर्ष 2018 में करनाल में डायरिया के चलते मौत के ग्रास बने 6 लोगों के परिजनों को हरियाणा मानव अधिकार आयोग ने पांच-पांच लाख रुपया मुआवजा दिये जाने का आदेश दिया है।

उल्लेखनीय है कि 28 सितंबर 2018 को करनाल अनाज मंडी के आसपास स्थित स्लम बस्ती के सैकड़ों

लोगों को डायरिया एवं पेट खराब व बुखार की शिकायत हुई थी, जिसमें से 1036 लोग करनाल के विभिन्न सरकारी अस्पतालों में डायरिया की शिकायत लेकर पहुंचे थे, जिनमें से 269 लोगों की डायरिया की पुष्टि हुई थी, पीड़ितों में से 6 लोगों की मृत्यु हो गई थी। मरने वाले सभी लोग मंडी के में काम करने वाले बेलदार मजदूर थे तथा जांच से सामने आया

की बीमारी की वजह गंदे पानी का सेवन था।

हरियाणा मानव अधिकार आयोग की पीठ जिसमें अध्यक्ष जस्टिस एस.के. मित्तल व सदस्य जस्टिस के.सी. पूरी व सदस्य दीप भाटिया थे, ने उपरोक्त मामले की सरकार के विभिन्न महकमों से रिपोर्ट तलब की तथा सारे महकमों की बात सुनने के बाद पाया कि मुख्यमंत्री रिलीफ फंड के द्वारा मृतकों को एक लाख रुपया व 50 हजार रुपए अनाज मंडी पंचायत द्वारा मुआवजे के तौर पर दिया जा चुका है। आयोग ने पाया क्योंकि यह मंडी में काम करने वाले मजदूर थे तथा मंडी बोर्ड इसके लिए के लिए अपनी जिम्मेवारी से मुकर नहीं सकते क्योंकि बोर्ड द्वारा इस बाबत बकायदा टैक्स लिया जाता है जोकि मंडी में काम करने वालों के कल्याण पर खर्च किए जाने चाहिए।

हरियाणा मानव अधिकार आयोग की पीठ ने अपने आदेश में सरकार को प्रत्येक मृतक के परिवार को पांच लाख की राशि देने की सिफारिश की है, जिसमें से पहले दो गई राशि की कटौती करके अब साढ़े तीन लाख का और भुगतान किया जाना होगा।

### पंजाब केसरी

## ‘राज्य मानवाधिकार आयोग ने किसानों के नुकसान पर मार्केटिंग बोर्ड को भेजा नोटिस’

### ■ ‘प्रदेश के किसानों को भावांतर भरपाई योजना के अंतर्गत नहीं मिल रही राहत राशि’

चंडीगढ़, 15 सितम्बर (अर्चना): हरियाणा के खेतों में उगी सब्जियों का स्वाद यहां के किसानों के लिए कड़वा होता जा रहा है। प्रदेश सरकार ने किसानों को वित्तीय सहायता प्रदान करने के लिए कुछ सब्जियों पर भावांतर भरपाई योजना की शुरुआत की थी।

योजना के अंतर्गत सरकार ने कुछ फल व सब्जियों के दाम तय किए थे। अगर किसानों को इन सब्जियों के तय दाम से कम मूल मिलते हैं तो सरकार किसानों को योजना के मुताबिक राहत राशि प्रदान करेगी, लेकिन वास्तविकता यह है कि ऐसे किसानों को एक साल

पहले राहत राशि के लिए आवेदन करने के बावजूद कोई सहायता प्रदान नहीं की गई है। हरियाणा राज्य मानव अधिकार आयोग ने किसानों की इस स्थिति पर संज्ञान लेते हुए हरियाणा राज्य कृषि मार्केटिंग बोर्ड को नोटिस भेजकर मामले में जवाब मांगा है।

आयोग ने बोर्ड से पूछा है कि मुबारकबाद घरेलू के किसान जोगिंद्र सिंह को अपने 80 क्विंटल करेलों को कम दाम पर लोगों को बेचने के लिए मजबूर होना पड़ा है।

नुक्सान की भरपाई के लिए किसान जोगिंद्र ने बोर्ड को एक साल पहले भावांतर भरपाई योजना के अंतर्गत नुकसान की भरपाई के लिए आवेदन किया था, लेकिन उसे आज तक राहत राशि का भुगतान नहीं किया गया। ऐसे

ही अमनदीप कौर और मनोज सिंह ने 45 क्विंटल उपज को कम भाव पर बेचना पड़ा था और भाव अंतर भरपाई योजना के तहत उन्होंने मार्केटिंग बोर्ड में आवेदन दिया था, जिस पर पिछले काफी समय से कोई कार्रवाई नहीं हुई है। कमेटी के अधिकारियों का कहना है कि मामला हरियाणा राज्य कृषि मार्केटिंग बोर्ड को भेजा हुआ है।

हरियाणा राज्य मानव अधिकार आयोग की खंडपीठ के अध्यक्ष जस्टिस एस.के. मित्तल, सदस्य जस्टिस के.सी. पूरी और सदस्य दीप भाटिया ने स्वतः संज्ञान लेते हुए चीफ एडमिनिस्ट्रेटर हरियाणा मार्केटिंग बोर्ड को नोटिस जारी किया है। आयोग द्वारा मामले की अगली सुनवाई 22 दिसम्बर को चंडीगढ़ में की जाएगी।



## हरियाणा मानव अधिकार आयोग की टीम ने किया बाल सुधार गृह का निरीक्षण

प्रतिनिधि टुडे/संवाददाता

**फरीदाबाद।** एनआईटी फरीदाबाद स्थित ऑब्जर्वेशन होम एवं प्लेस ऑफ सेफ्टी में हरियाणा मानव अधिकार आयोग की टीम ने दोनों संस्थाओं का निरीक्षण किया। इस दौरान आयोग के सदस्य श्री दीप भाटिया जी व आयोग के विशेष सचिव श्री गुलशन खुराना मौजूद रहे। आयोग की टीम में दोनों संस्थाओं में सभी बच्चों से मुलाकात की तथा हाल चाल जाना, भोजन की गुणवत्ता को चेक किया। मानवाधिकार आयोग की टीम संस्था की मैनेजमेंट, साफ सफाई से काफी संतुष्ट नजर आई। आयोग के सदस्य श्री दीप भाटिया ने न्यूज को बताया कि प्लेस ऑफ सेफ्टी में बना स्कैस कोर्ट पूरे हरियाणा में बना पहला खेल कोर्ट है दोनों संस्थाओं में लगभग सभी सुविधाएं बच्चों को दी जा रही है। परंतु बाल सुधार गृह में बच्चों को खेलने के लिए थोड़ी



कम जगह है उन्होंने बताया कि महिला एवं बाल विकास विभाग से बात की जाएगी इस स्थान पर मल्टी स्टोरी बिल्डिंग बनाई जा सके ताकि कम जगह को भी अधिक से अधिक उपयोग में लाया जा सके। संस्था के अधीक्षक दिनेश यादव ने जिला कार्यक्रम अधिकारी मीनाक्षी चौधरी के साथ आयोग की टीम का

स्वागत किया तथा बताया कि दोनों संस्थाओं में बच्चों को सर्दियों में गरमपानी, गर्म कपड़े, आरों का पानी, शुद्ध एवं पोषिक भोजन, शिक्षा, वोकेशनल कोर्स, ओपन स्कूल, इनडोर व आउटडोर खेल, कंप्यूटर कोर्स के साथ-साथ संस्था में रह रहे बच्चों के लिए फोन कॉल की सुविधा भी उपलब्ध है इस

अवसर पर आयोग के सदस्य श्री दीप भाटिया जी, श्री गुलशन खुराना जी, संस्था के अधीक्षक दिनेश यादव, जिला कार्यक्रम अधिकारी श्रीमती मीनाक्षी चौधरी, काउंसलर अर्पणा के अतिरिक्त संस्था का पूरा स्टाफ व फरीदाबाद डिस्ट्रिक्ट लीगल सर्विस अथॉरिटी के द्वारा नियुक्त अधिवक्ता उपस्थित रहे।



हिंसार भास्कर 05-03-2022

## आयोग की टीम ने लिया जायजा, कैदियों को खाने में किसी भी तरह की परेशानी नहीं होने देने के निर्देश

भास्कर न्यूज | हिंसार

हरियाणा मानवाधिकार आयोग के सदस्य और पंजाब एवं हरियाणा उच्च न्यायालय के पूर्व न्यायाधीश केसी पुरी ने शुक्रवार को केंद्रीय जेल एक व द्वितीय का निरीक्षण किया। मानवाधिकार आयोग के सदस्य केसी पुरी व विशेष सचिव गुलशन खुराना ने सेंट्रल जेल प्रथम में महिला एवं पुरुष वार्ड, शौचालय, लाइब्रेरी, कैशलेस कैटीन तथा भोजनालय कक्ष का निरीक्षण किया।

कैदियों से जेल प्रशासन द्वारा प्रदत्त की जा रही सुविधाओं के बारे में विस्तार से जानकारी प्राप्त की। भोजनालय कक्ष में कैदियों को दिए जाने वाले भोजन का निरीक्षण किया। हवालाती व कैदियों से



निरीक्षण करते आयोग के सदस्य और पंजाब एवं हरियाणा उच्च न्यायालय के पूर्व न्यायाधीश केसी पुरी व साथ में जेल अधीक्षक दीपक शर्मा।

मुलाकात के दौरान उन्होंने खाने-पीने, रहने तथा ओपीडी की सुविधा के बारे में विस्तार से जानकारी प्राप्त की। उन्होंने कहा कि जेल में कैदियों के समक्ष खाने-पीने, रहने तथा चिकित्सा सुविधा से संबंधित किसी प्रकार की दिक्कत नहीं आने

दी जाएगी। आयोग की टीम ने जेल फैक्ट्री में बंदियों द्वारा निकाले जाने वाले सरसों के तेल, लकड़ी से बने फर्नीचर सहित अन्य गतिविधियों का भी निरीक्षण किया। सेंट्रल जेल प्रथम के अधीक्षक दीपक शर्मा की भी सगहना की।

गौरतलब है कि सरसों के तेल की सप्लाई प्रदेश की सभी जेलों में की जाती है। उन्होंने कहा कि कोर्ट से संबंधित मामलों के लिए उन्हें मुख्य न्यायिक दंडाधिकारी विशाल के समक्ष आवेदन करना होगा। कैदियों ने आयोग के समक्ष जेल प्रशासन द्वारा प्रदत्त की जा रही सुविधाओं के बारे में संतोष जताया। सेंट्रल जेल द्वितीय का भी जायजा लिया।

इस अवसर पर मुख्य न्यायिक दंडाधिकारी विशाल, सेंट्रल जेल अधीक्षक द्वितीय अधीक्षक दयानंद मंदौला, सेंट्रल जेल प्रथम के अधीक्षक दीपक शर्मा, उप जेल अधीक्षक राजेंद्र सिंह, दलवीर सिंह, राजेश, वरुण सहित अनेक अधिकारी उपस्थित थे।



## 'जेलों में होने वाली मृत्यु पर आयोग लेता है संज्ञान'

—मृत्यु पर मुआवजा देने का प्रावधान, वर्ष-2020 से पहले की कोई शिकायत लम्बित नहीं : एस.के. मितल

रोहतक, 3 सितम्बर (दोपहर) : हरियाणा मानव अधिकार आयोग के अध्यक्ष जस्टिस एस.के. मितल ने कहा कि जेलों में होने वाली प्रत्येक मृत्यु का मामला आयोग के संज्ञान में लाया जाता है। अगर किसी कैदी की मृत्यु का कारण जेल व्यवस्था पाया जाता है तो उस स्थिति में मृतक के परिजनों को 7.5 लाख का मुआवजा देने का प्रावधान किया गया है। अगर बंदी ने जेल के अंदर आत्महत्या की है तो उस स्थिति में 5 लाख का मुआवजा देने का प्रावधान किया गया है।

जस्टिस मितल शुक्रवार को जिला कारागार का औचक निरीक्षण करने से पूर्व सर्किट हाऊस में पत्रकारों से बातचीत कर रहे थे। उन्होंने बताया कि एक साल के भीतर जेलों में आत्महत्या करने के 10 से 15 मामले सामने आते हैं। मृत्यु के कारण क्या रहे हैं, इसकी जांच न्यूट्रिशियल मॉनिटरिंग द्वारा की जाती है। जांच रिपोर्ट के आधार पर आगामी कार्रवाई को अमल में लाया जाता है। उन्होंने एक सवाल के जवाब में कहा कि एक वर्ष में आयोग के पास अर्द्धाई से

3 हजार के करीब मामले आते हैं और वर्ष 2020 से पहले की कोई शिकायत आयोग के पास लम्बित नहीं है। प्रत्येक शिकायत का 6 माह के भीतर निपटारा कर दिया जाता है।

अधिकांश मामले पुलिस, स्कूलों, वृद्धावस्था पेंशन व राशन कार्ड आदि से सम्बंधित होते हैं। इसके अलावा पानी व सोबर जैसी मूलभूत सुविधाओं से सम्बंधित नगर पालिका और नगर निगमों के मामले के लिए आयोग के समक्ष आते हैं। उन्होंने कहा कि मीडिया के विभिन्न माध्यमों द्वारा प्राप्त सूचनाओं के आधार पर भी आयोग स्वतः संज्ञान लेकर कार्रवाई अमल में लाता है। ऐसे ही रोहतक

जिला कारागार का निरीक्षण करते चेयरपर्सन एस.के. मितल व अन्य।

नगर निगम से सम्बंधित एक मामले पर आयोग ने संज्ञान लिया है। मामला अज्ञात शवों के अंतिम संस्कार से सम्बंधित है।

इस मामले में आयोग ने सुनवाई की है और निगम अधिकारियों से जवाब मांगा है कि अज्ञात शवों के अंतिम संस्कार में देरी का क्या कारण रहा है और इसके लिए कौन जिम्मेदार है। उन्होंने एक अन्य सवाल के जवाब में कहा कि अगर कोई व्यक्ति समाज का माहौल खराब करता है तो यह भी मानव अधिकार के उल्लंघन की श्रेणी में आता है। जस्टिस एस.के. मितल के रोहतक पहुंचने पर सर्किट हाऊस में उपयुक्त कैप्टन मनोज कुमार,

जिला पुलिस अधीक्षक राहुल शर्मा व नगर निगम के आयुक्त डा. नरहरि बगड़ ने उनका स्वागत किया। इस दौरान जिला एवं सत्र न्यायाधीश राकेश कुमार यादव, आयोग के सदस्य दीप भाटिया, विशेष सचिव गुलशन खुराना व डी.एस.पी गौरखपाल राणा भी मौजूद रहे।

### जिला कारागार का किया औचक निरीक्षण

हरियाणा मानव अधिकार आयोग के अध्यक्ष जस्टिस एस.के. मितल व सदस्य दीप भाटिया ने शुक्रवार को जिला कारागार का औचक निरीक्षण किया। औचक निरीक्षण के दौरान न्यायाधीश एस.के. मितल ने जेल के अंदर जाकर बंदियों के रहन-सहन, खान-पान व बंदियों को जेल में रहने की स्थिति का जायजा लिया।

जेल अस्पताल में जाकर बंदियों को दी जा रही चिकित्सा सुविधाओं के बारे में जानकारी ली। इसके साथ ही महिला वार्ड में जाकर महिला बंदियों की जीवनशैली के बारे में जाना। उन्होंने बंदियों की जीवन शैली सुधारने के लिए जेल प्रशासन द्वारा जेल में बंदियों के लिए किए जा रहे सुधारमूलक कार्यों, तकनीकी कोर्सों व शिक्षा कार्यक्रमों की जानकारी लेते हुए सराहना की।

उन्होंने जेल को सफाई व्यवस्था, हर-भरे वातावरण की तारीफ की।

## हरियाणा मानवाधिकार आयोग के सदस्य के.सी. पुरी ने जेल व स्पेशल होम का किया दौरा

सोनोपत, 8 अक्टूबर (ब्यूरो) : हरियाणा मानवाधिकार आयोग के सदस्य तथा पंजाब एंड हरियाणा उच्च न्यायालय के पूर्व न्यायाधीश जस्टिस के.सी. पुरी ने जिला कारागार और स्पेशल होम का गंभीरता से निरीक्षण कर बंदियों तथा बालकों से बात की। उन्होंने निर्देश दिए कि बंदियों और बालकों को विभिन्न प्रकार का प्रशिक्षण प्रदान करवाएं ताकि वे स्व-रोजगार की दिशा में आगे बढ़ सकें।

हरियाणा मानवाधिकार आयोग के सदस्य के.सी. पुरी ने दौरे की शुरुआत जिला कारागार से की जहां उन्होंने जेल अधीक्षक से विस्तार से कारागार में बंदियों, सुविधाओं, समस्याओं, मांगों तथा आवश्यकताओं इत्यादि के विषय में विस्तार से जानकारी ली। इसके बाद उन्होंने कारागार का निरीक्षण करते हुए सर्वप्रथम मुलाकात कर्कों का जायजा लिया। इसके बाद उन्होंने महिला

कारागार का निरीक्षण कर महिला बंदियों तथा विचाराधीन बंदियों से बात कर उनकी समस्याएं पूछीं। उन्होंने नन्हें बच्चों के साथ कारागार में बंद विचाराधीन बंदियों के मामलों की जानकारी लेते हुए निर्देश दिए कि इनकी आगे अपील करवाई जाए। साथ ही उन्होंने कैंच का भी जायजा लेते हुए नन्हें बच्चों से बात की। उन्होंने बैरकों की जांच कर शौचालय व्यवस्था की भी पड़ताल की। पुस्तकालय, कम्प्यूटर लैब, सिलाई केंद्र व कार्यशाळा का भी जायजा लिया।

आयोग के सदस्य के.सी. पुरी ने आई.टी.आई. चौक स्थित स्पेशल होम का निरीक्षण किया जहां उन्होंने बालकों से सीधी बात कर हालचाल पूछा। एक बालक ने अपनी सजा कम करवाने के लिए उच्च न्यायालय में अपील करवाने की मांग की जिस पर उन्होंने मौके पर ही संबंधित अधिकारियों को जरूरी निर्देश दिए। उन्होंने स्पेशल होम में बालकों को दी जा रही सुविधाओं की गंभीरता से पड़ताल कर सुरक्षा व्यवस्थाओं का भी जायजा लिया। उन्होंने बालकों

की आयु की भी पड़ताल कर जांच के निर्देश दिए। उन्होंने बालकों की नियमित रूप से अभिभावकों से दूरभाष पर बातचीत, रमोईशर, शौचालय, स्टाफ, सी.सी.टी.वी. कैमरे, इत्यादि का भी निरीक्षण किया।

इस दौरान मुख्य न्यायिक दंडाधिकारी एवं जिला विधिक सेवाएं प्राधिकरण के सचिव रमेशचंद्र, अतिरिक्त पुलिस अधीक्षक उपासना, नगरधीश जितेंद्र जोशी, विशेष सचिव गुलशन खुराना, जिला कारागार अधीक्षक सतविंद कुमार गोदारा, जेल चिकित्सा अधिकारी रोहित भारद्वाज, जेल उपाधीक्षक रामनिवास व कुलदीप, महिला एवं बाल विकास विभाग की जिला कार्यक्रम अधिकारी प्रवीन कुमारी, जिला बाल संरक्षण अधिकारी डा. रि.तु. स्पेशल होम के अधीक्षक अमरजीत आदि संबंधित अधिकारी व कर्मचारी मौजूद थे।



## पलवल में नई बड़ी जेल बनाए जाने की आवश्यकता : दीप भाटिया

हरियाणा मानव अधिकार आयोग के सदस्य ने किया जिला जेल का निरीक्षण



### बोले - कैदियों को दी जाने वाले सुविधाओं को पाया संतोषजनक

**सुरेश गुप्ता / अधिकार सवाददाता**

पलवल, 1 अक्टूबर। हरियाणा मानव अधिकार आयोग के सदस्य दीप भाटिया ने शुक्रवार को जिला पलवल जेल का दौरा किया। पलवल पहुंचने पर पीडब्ल्यूडी विश्राम गृह पर उपायुक्त कृष्ण कुमार व पुलिस अधीक्षक दीपक गहलावत ने दीप भाटिया का स्वागत किया। इस अवसर पर जिला विधिक सेवाएं प्राधिकरण के सचिव एवं मुख्य न्यायिक दण्डाधिकारी पीयूष शर्मा, रजिस्ट्रार कुलदीप जै, विशेष सचिव गूलशन खुराना, उपा पुलिस अधीक्षक दिनेश यादव व जेल के अधीक्षक सोमनाथ जगत मुख्य रूप से मौजूद रहे।

दौर के दौरान उन्होंने जेल में कैदियों को दी जाने वाले मानवीय सुविधाओं जैसे अच्छी गुणवत्ता का खान-पान व चिकित्सा संबंधी आदि का जायजा लिया। साथ ही उन्होंने लाईब्रेरी, कैशलेस कैटीन, शौचालय, बैरिक व बंदियों के रहन-सहन का भी जायजा लिया और सभी सुविधाएं से संतोषजनक पाया। निरीक्षण के दौरान उन्होंने कहा कि यह जेल पलवल जिले की छोटी जेल है जिसके कारण इस जिले के अन्य कैदी नौमका जेल में है इसलिए जिला पलवल में एक नई बड़ी स्वतंत्र जेल के निर्माण की आवश्यकता है। इसके लिए आयोग द्वारा सरकार से बड़ी जेल बनाने को



जेल में बंद बंदियों से बातचीत करते हुए दीप भाटिया।

यथाशीघ्र सिफारिश की जाएगी जिससे जिले में करीब दो हजार कैदियों को रखे जाने की व्यवस्था की जा सके।

उन्होंने बंदियों से मुलाकात की और जेल में मिल रही सुविधाओं के बारे में उनको प्रतिक्रिया ली। उन्होंने कहा कि मानव अधिकार के तहत कैदियों को दी जाने वाली सुविधाओं का समय-समय पर मुख्य न्यायिक दण्डाधिकारी द्वारा जायजा लिया जाता है। उन्होंने कहा कि हरियाणा की जेलों

में देश की अन्य जेलों की अपेक्षा मानवीय सुविधाओं व आवश्यकताओं में काफी सुधार हुआ है। इस प्रकार के सुधारों को आगे भी निरंतर जारी रखा जाए ऐसा प्रयास रहेगा। जेलों के अन्दर बेसिक सुविधाएं उपलब्ध करवाई जा रही हैं। प्रदेश में कुल 19 जेल है जिनका वे समय-समय पर दौरा कर मानवीय सुविधाओं का जायजा लेते रहेंगे। उन्होंने कहा कि हमें मानव अधिकारों के प्रति सदैव संवेदनशील होना चाहिए।









**Human Rights give an  
equal opportunity to all**



**HARYANA HUMAN RIGHTS COMMISSION**

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