

## PROTECTION OF HUMAN RIGHTS

i. **Deprivation of food**, is a severe violation of human rights. NHRC registered complaint filed by SAFMA as **Diary No: 174380/CR/2018 and 31588/24/45/2018**. Facts of case are as under:

When the government was celebrating National Nutrition Month, in the state of **Uttar Pradesh, Musahars, a mahadalit community** was battling starvation and death as reported in the Times of India October 8, 2018 <https://timesofindia.indiatimes.com/india/in-up-rat-eating-musahars-battle-starvation-death/articleshow/66112623.cms> It took the death of her children, one 16 and the other 22, for Sonwa Devi to receive some food from the administration. Food for the community is in such scarcity that people had gathered in front of the one-room shack marvelling at what for them was an unusual sight: a stack of grain. Starvation has haunted the community for as long as it can remember, but the state government appears to be in denial mode stating that the deaths have nothing to do with hunger. Once again stakeholders and authorities are insensitively quibbling as to the whether the cause of death was hunger, or tuberculosis or other disease; with the TB officer Pradauna Block stating that tests conducted by him revealed no such thing. Right to food includes food sufficient and adequate in quantity and quality. A diet which includes a mix of nutrients necessary for physical and mental growth, development, and maintenance, and physical activity, that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation. Most important is food should be available and accessible, either directly from the land or other natural resources or through distribution systems accessible to the Musahar community. To be compatible with human dignity, the right to adequate food must be interpreted as the right to feed oneself with dignity. Based on this principle it is the duty of the State to give special emphasis to the rights of the Musahars, a vulnerable mahadalit community.

In view of the above authorities were held liable to answer the following questions:-

1. What steps has the government of UP taken to create conditions for ensuring that the Musahar community, have access to right to food, equality and justice.
2. Is it correct that children belonging to the Musahar community spend their day looking for rats so that they can roast them as food.
3. What are the education facilities available in villages in Kushinagar District for children belonging to the Musahar community.
4. What is the education level of the Musahar community.
5. Constitute a fact finding committee to know if the staff asked for money to admit ailing child of Sonwa Devi and hold persons accountable for negligence and corruption, including taking corrective action so that such incidents do not occur in the future.
6. As stated by Chief Minister how many jobs and houses have been provided to the Musahar community on the basis of backwardness.

ii. **Human rights violation of young girls** in this 21st century where on one hand there is talk of vikaas, while on the other hand age old prejudices prevail. NHRC registered complaint of SAFMA as **Diary No: 207451/CR/2018 and File Number: 2653/22/34/2018**. Complaint was filed subsequent to news report titled “Regressive practices kill”. Link <https://timesofindia.indiatimes.com/india/regressive-practices-kill-period/article-show/66743023.cms> As per the news report the 14 year

old girl was forced to stay in a hut outside her house as she was menstruating; and that there are other villages where menstruating girls are sent to an isolated location.

Menstruation in India been surrounded by taboos and myths that exclude women from many aspects of socio-cultural life. When in reality it is nothing but a very normal biological phenomenon, and adolescent girls and women need to understand that they have the power of procreation only because of this virtue. In clearing the myths related to menstruation the role of MALES is also pertinent. Men and boys typically know even less, when it is important for them to understand menstruation so they can support their wives, daughters, mothers, students, employees, and peers.

In view of the above the state is to be held liable by calling for what steps has the **State of Tamil Nadu** taking:-

-To include in education syllabus content to combat socio-cultural taboos which are compounded by girls low knowledge levels and understandings of puberty, menstruation, and reproductive health.

-To address challenge of gender – unfriendly school culture and infrastructure and the lack of clean, safe and private sanitation facilities, for not only girls but also female teachers.

-To provide low cost sanitary napkins, possibly locally made and distributed in rural areas.

-To disseminate knowledge in the community to bust menstruation related myths through specially trained manpower

**iii. SAFMA** was compelled to bring to notice of NHRC the human rights violation of **young girls who are being forced to skip school in Uttarakhand** during periods; thereby deprived of their fundamental right to education. **NHRC registered SAFMA complaint as Diary No: 209693/CR/2018 and No 1306/35/9/2018-WC.** Such taboos relating to menstruation reinforce gender discrimination, perpetuating the myth that menstruating girls are unclean. The news report in Times of India dt 28.11.2018 states that young girls from Rautgara village in **Pithoragarh** tehsil are forced to skip school for at least five days every month when they are menstruating as a temple falls along the way to the institution. It has been reported that the issue was brought to fore when a team from the NGO Uttarakhand Mahila Manch visited the area. <https://timesofindia.indiatimes.com/city/dehradun/young-girls-forced-to-skip-school-during-periods-as-temples-fall-on-path/articleshow/66836940.cms?>

Such false ideas that if a menstruating girl passes a temple it will be desecrated, are being inflicted on the people by persons in power in order to maintain their superiority. In the 21st century when society is undergoing a perpetual shift, such forms of patriarchy in religion must be permitted to triumph over the Constitutional rights.

In view of the above the state of Uttarakhand be held liable by calling for what steps have been taken :

-To persuade parents to send the girls to school even in the days they are menstruating.

-To disseminate knowledge in the community to bust menstruation related myths that women are unclean in those particular days.

**iv. SAFMA** raised issue of **Paralysed 8year old from the tribal belt of Nandurbar bordering north Maharashtra** who had to travel 467km to Mumbai to seek treatment for a spinal injury that led to paralysis. NHRC registered SAFMA complaint as **Diary No: 171064/CR/2017** and No 1996/13/36/2017. Complaint had been made based on media report <http://indianexpress.com/article/india/ravita-valvi-paralysed-8-year-old-tribal-girl-travels-467-km-for-treatment-4908513/> **\_SAFMA** has

been working in the field of child rights since it's inception and believe that children's education and health, lead to leadership critical to a positive social change. Unfortunately in India it is the children, especially disabled children from SC/ST communities who bear the unequal share of the burden of poverty, beginning with the absence or inadequacy of health services, and clean water, leading to "health" poverty and thereby denying potential gainful opportunities of them. It is sad that on one hand India boasts of medical tourism; while on the other hand due to lack of primary health facilities like X Ray. NHRC was requested to make authorities accountable, including asking for the percent of budget money spent on health infrastructure, giving breakup (primary, tertiary, super speciality) and amount apportioned for tribal regions of the state, specifically Nandurbar.

**STATUS-** The Commission has taken cognizance in this matter on 14.11.2017, and has called for a report from the Principal Secretary, Dept of Health, Govt of Maharashtra, Mumbai, but the Commission has not received any report from him. Further, the Commission has issued a reminder on 13.06.2018 to the Principal Secretary, Department of Health, Government of Maharashtra, Mumbai, but the required report has not yet been submitted by him. Now, in this matter, sufficient time has been given to the Principal Secretary, Department of Health, Government of Maharashtra, Mumbai, but it appears that he is not interested in submitting his report before the Commission. The Commission has taken serious view of the non-responsive and callous attitude of the Principal Secretary, Department of Health, Government of Maharashtra, Mumbai. In view of such facts, the Commission is constrained to issue a notice under Section 13(1)(a) of the Protection of Human Right Act, 1993 to the Principal Secretary, Department of Health, Government of Maharashtra, Mumbai. *Let a conditional summons be issued to the Principal Secretary, Department of Health, Government of Maharashtra, Mumbai, to appear before the Commission on 29.01.2019 at 11.00 a.m., along with a report in the matter, and if the requisite report is submitted on or before 22.01.2019, his personal appearance would be dispensed with.*

iv. Matter relating to **starvation death of an 11 years old girl due to non-availability of ration card in the District of Simdega, Jharkhand** was brought to notice of NHRC. SAFMA complaint registered as **Diary No: 166400/CR/2017 and No 1293/34/21/2017**. The NHRC has taken cognizance in this matter on 27.10.2017, had called for a report from the Chief Secretary, Govt of Jharkhand, but the report has not yet been submitted before the NHRC. Further, the NHRC has issued a reminder on 03.07.2018 to the Chief Secretary, Govt of Jharkhand, but, the required report has not yet been submitted by him. Now, in this matter, sufficient time has been given to the Chief Secretary, Govt of Jharkhand, for submitting his report, but it appears that the Chief Secretary, is not very much interested in submitting the report before the NHRC. The NHRC has taken very seriously to the non-responsive and callous attitude of the Chief Secretary, Govt of Jharkhand. In view of such facts, let a final reminder be issued to the Chief Secretary, Govt of Jharkhand, for submitting his report, within eight weeks, in the matter, failing which the NHRC shall be constrained to invoke coercive process under Section 13 of the Protection of Human Rights Act, 1993.

v. SAFMA was compelled to bring to notice of NHRC the irresponsible, incendiary statements being made by a **female candidate in Rajasthan**, a state which as per Census 2011 reported the highest percentage in child marriages among

girls. Rajasthan also topped in the percentage of boys marrying below the legal age of 21 years. Complaint was made on media reports in various channels including India Ahead and News 18 and said link is <https://hindi.news18.com/videos/we-wont-let-the-police-intervene-in-child-marriages-says-bjp-sojat-candidate-shobha-chauhan-rjsc-1604086.html>

This is a violation of human rights of children the most vulnerable section of society, for on one hand India is committed to achieving the Sustainable Development Goals including Goal 5 which aims to Achieve Gender Equality and Empower women and Girls; and Target 5.3 which focuses on Elimination of all harmful practices such as Early and Forced marriage. Yet on the other hand future elected representatives are flagrantly violating the law and promoting child marriage.

The key consequences of child marriage of girls has been well recorded and includes early pregnancy; maternal and neonatal mortality; child health problems; educational setbacks; lower employment/livelihood prospects; exposure to violence and abuse, including a range of controlling and inequitable behaviours, leading to inevitable negative physical and psychological consequences; and limited agency of girls to influence decisions about their lives.

In addition census data have demonstrated an upswing of female deaths in the age group of 15-19 years. This high mortality rate could be attributed to the deaths of teenage mothers. Child marriage virtually works like a double-edged sword; lower age at marriage is significantly associated with worse outcomes for the child and worse pregnancy outcomes for the mother. All these factors push girls and their families into perpetuation of inter-generational poverty and marginalisation.

In the circumstances such the alleged remark by a woman candidate that there would be no police hindrance in child marriages if she won the election; is a criminal offence conducing public mischief and incites the community to commit offence and violate the law of the land.

NHRC was requested to take cognizance and direct the Election Commission to take strict action and file an FIR under Section 505(2) IPC; Section 11 of The Prohibition Of Child Marriage Act, 2006, Punishment for promoting or permitting solemnisation of child marriages; and The Protection of Children from Sexual Offences Act, 2012 for inducing children to engage in unlawful sexual activity.