



CHRI

Commonwealth Human Rights Initiative
working for the practical realisation of human rights in
the countries of the Commonwealth

Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit organisation registered as a Society in New Delhi. Since 1993, it has worked for the practical realisation of human rights through strategic advocacy and engagement as well as mobilisation around these issues in Commonwealth countries. CHRI's specialisation in the areas of Access to Justice (ATJ) and Access to Information (ATI) are widely known. The ATJ programme has focused on Police and Prison Reforms, to reduce arbitrariness and ensure transparency while ensuring accountability of those carrying out their duties. CHRI looks at policy interventions, including legal remedies, building civil society coalitions and engaging with stakeholders. The ATI programme looks at Right to Information (RTI) and Freedom of Information laws across geographies, provides specialised advice, sheds light on challenging issues, processes for widespread use of transparency laws and develops capacity. CHRI reviews pressures on the freedom of expression and media rights. It also works with a focus on Small States to bring out voices of civil society to bear on the UN Human Rights Council and the Commonwealth Secretariat.

CHRI has special consultative status with the UN Economic and Social Council and is accredited to the Commonwealth Secretariat. It is recognised for its expertise by governments, oversight bodies and civil society.

Although the Commonwealth, an association of 54 nations, provided member countries a connection based on shared common laws, there was little specific focus on human rights issues in member countries. Thus, in 1987, several Commonwealth professional associations founded CHRI.

Through its research, reports, advocacy, engagement, mobilisation and periodic investigations, CHRI draws attention to the progress and setbacks on rights issues. It addresses the Commonwealth Secretariat, the United Nations Human Rights Council members, media and civil society. It works on and collaborates around public education programmes, policy dialogues, comparative research, advocacy and networking on the issues of Access to Information and Access to Justice.

CHRI seeks to promote adherence to the Universal Declaration of Human Rights, the Commonwealth Harare Principles and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights.

Executive Committee (India): Wajahat Habibullah, Chairperson. Members: B. K. Chandrashekar, Jayanto N. Choudhury, Kishore Bhargava, Maja Daruwala, Nitin Desai, Ashok K. Ganju, Kamal Kumar, Poonam Muttreja and A P Shah. Venkatesh Nayak, Director.

COMMONWEALTH HUMAN RIGHTS INITIATIVE, INDIA
ANNUAL REPORT
1 APRIL 2021 – 31 MARCH 2022

This is a report of activities of Commonwealth Human Rights Initiative (CHRI) registered as a Society in India since 1993. CHRI has developed a specialisation on Access to Justice (Police and Prison Reforms) and Access to Information. It works towards the realisation of the fundamental right to access information and access to justice for all, through evidence-based research, developing resources for public education and training, engaging with state institutions, civil society and oversight bodies.

A report of the main activities undertaken during this period is as below.

I. PROGRAMME ACTIVITIES

As a fall out of the COVID-19 pandemic that raged for a good part of the reporting period, as well as the sudden FCRA suspension, several activities that were planned had to be cancelled. Nevertheless, programmes adapted to the situation, and were able to successfully harness the opportunities available to continue their work.

ACCESS TO JUSTICE - POLICE REFORMS PROGRAMME

CHRI's programme on policing aims to realise rights-based police reform. It seeks to achieve this through research and advocacy on structural and legal changes needed to transform the police system into a responsive, law upholding, accountable and professional service. CHRI does this in partnership with governments, police departments, independent institutions as well as civil society.

A. Research and evidence-base on police accountability and reform-related issues

- **Report titled [Policing During India's Covid-19 Lockdown: A Review of Reported Accounts of Police Excesses](#)**

This report presents a compilation of reported incidents of excesses committed by the police across states during India's nation-wide lockdown from 25 March 2020 to 31 May 2020. Collected through a daily systematic scanning of media sources, this report

compiles nearly 150 reported instances of the police employing physical force through beating, kicking, or lathi-charge; as well as inflicting verbal abuse, insults and degrading treatment on people, including essential service providers. At least 20 people lost their lives during this period, following an interaction with the police, either on the streets or in police custody. When assessed against globally accepted standards on use of force, it is clear that the use of force by the police, in the incidents documented in this report, is excessive. The main purpose of this report is to provide documentation of police violence and excessive use of force in this period, as there was no nationwide documentation. The broader aim is to strongly recognise the need to seek accountability and emphasise the urgent necessity for a broader systemic reform. Documenting these incidents is important in the context of efforts to deny the large scale resort to excess force by the police and reduce this to isolated examples of “a few bad apples”. The report was released in April 2021.

- **Guidelines on [Respecting Human Rights While Enforcing the Lockdown: Guidelines for the Police](#) (Translation of guidelines into Hindi and Marathi)**

Following the enforcement of the nationwide lockdown on 24 March 2020 in wake of the Covid pandemic, CHRI had released a set of targeted guidelines for the police. The guidelines laid down actionable measures to assist the police enforce the lockdown within the framework of the Constitution, always respecting human rights of the population. Published in English, the guidelines were circulated to every state police department, home departments, National / State Human Rights Commissions as well as the media. A year later, with national lockdown conditions returning in April 2021 in wake of Covid’s dramatic second wave that gripped the country, the team circulated the guidelines once again to all state police chiefs. This time, CHRI translated the guidelines into Hindi for wider reach, and in Marathi, to support the team’s ongoing legal awareness work around policing and rights in Mumbai.

- **Note on Compliance with Supreme Court Directives on Police Reforms, September 2021**

CHRI is the only organization consistently monitoring the implementation by states of the SC Directives on Police Reforms, issued in 2006. The Directives are: Constitute a State Security Commission (SSC) to check unwarranted influence or pressure on the police; lay down broad policy guidelines and evaluate the performance of the state police; ensure that the Director General of Police is appointed through a merit-based, transparent process, and secures a minimum tenure of 2 years; ensure that other

police officers on operational duties (including Superintendents of Police in charge of a district and Station House Officers in charge of a police station) are also provided a minimum tenure of 2 years; separate the investigation and law and order functions of the police; setting up a Police Establishment Board (PEB) to decide transfers, postings, promotions and other service related matters of police officers of and below the rank of Deputy Superintendent of Police and make recommendations on postings and transfers above the rank of Deputy Superintendent of Police; setting up a Police Complaints Authority (PCA) at state level to inquire into public complaints against police officers of and above the rank of Deputy Superintendent of Police in cases of serious misconduct, including custodial death, grievous hurt, or rape in police custody and at district levels to inquire into public complaints against the police personnel below the rank of Deputy Superintendent of Police in cases of serious misconduct, set up a National Security Commission (NSC) at the union level to prepare a panel for selection and placement of Chiefs of the Central Police Organisations (CPO) with a minimum tenure of two years. Together the Directives would achieve functional responsibility for the police and enhance police accountability.

CHRI periodically brings out a note on each state's compliance with these Directives which is widely shared. Though the note was initiated to keep track of progress, it has consistently found that states fall short of the mandate of the Directives. CHRI's role in monitoring implementation of the Police Reforms Directives have been acknowledged, among others, by Mr. Prakash Singh, retired Director General of Police (DGP), who initiated the case leading to the SC Directives on police reform. The compliance note also gets substantial coverage in the media.

- **Odisha Study on Police Negligence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:**

In continuation of the programme's research around police response to caste-based atrocities, the team had started work on a state-level study around the use of Section 4 of the Atrocities Act. Section 4 penalises wilful negligence on part of the police while dealing with reported crimes against Scheduled Castes and Scheduled Tribes. The team had selected the state of Odisha as its case study given CHRI's productive working relationship with our partner organization, the Centre for the Sustainable Use of Natural and Social Resources (CSNSR), an Odisha-based grassroots organization focusing on police accountability. The study involved a review of data on complaints received and registered against police officials, the procedure followed for holding inquiries, and the status of action taken where wilful negligence is established. The

team had completed preliminary desk research and data collection as of June 2021; however, as the study was supported through a grant from the Friedrich Naumann Stiftung, the government order suspending CHRI's FCRA registration put an abrupt halt to the study. In order to complete the research, CSNSR agreed to continue the pending work on the study with the support of FNF and continued guidance of CHRI. The study was successfully completed and released online on 23 January 2022. Senior officials from the Odisha State Human Rights Commission and the Odisha Police department launched the study, endorsed its findings and emphasized the need for developing clear protocols for addressing complaints alleging wilful negligence under the Atrocities Act.

- **Police Custody Deaths Tracker**

In a bid to deepen CHRI's research on police accountability, the team has developed a focus on deaths in police custody over the past few years. It began with documenting deaths that took place following police action during the pandemic-induced nation-wide lockdown from March to May 2020. The documentation led to CHRI filing a petition with the National Human Rights Commission in June 2020 seeking an independent inquiry into 15 reported deaths following police action. Building on this work, the team started an exercise from 1 January 2021 of systematically documenting reported cases of deaths in police custody in India based on media reports and information recorded by the NHRC. CHRI's partnership with the Gujarat National Law University helped provide a pool of student volunteers to assist with media scanning in target states. By the end of 2021, the team had documented nearly 200 reported cases of deaths in custody. The tracker was a key component of a larger project around police custody which the team was implementing with support from the Oak foundation. The project had two main objectives: a) highlight patterns of deaths in police custody including profile of victims, custody conditions and gaps in accountability procedures through longitudinal studies, and b) catalyse, inform and assist ground interventions by activists and lawyers seeking accountability in select cases. Unfortunately, the FCRA suspension affected the project continuity and CHRI was unable to release the 2021 annual report in time due to staff shortage and other priorities taking over. CHRI has however been able to continue the tracking of reported deaths in 2022 as well and is exploring partnerships with law universities for ways to sustain and expand the work.

- **Standard Operating Procedure around Legal Aid at Police Stations:**

CHRI, in collaboration with the Manipur State Legal Service Authority, had prepared a draft SOP to be adopted jointly by the SLSA and the State Police Department to effectively implement National Legal Services Authority (NALSA)'s Early Access Framework. The NALSA Framework lays down a mechanism to ensure that legal service providers and the police work together to ensure the right of every person in police custody to be defended by a lawyer of choice. CHRI had written to all State Legal Service Authorities in India to share the draft SOP and offer assistance in the implementation of the NALSA Framework in their state. It received responses from Nagaland, Assam and Arunachal SLSA to assist in the implementation of the framework and CHRI intends to conduct capacity building sessions and help these states prepare for developing the mechanism.

On 22 March, CHRI convened a joint meeting (virtual) with the Arunachal Pradesh State Legal Services Authority and the Arunachal Pradesh Police on the issue of ensuring early access to legal aid at police stations. The meeting focused on discussing ways to take forward the draft Standard Operating Procedure developed and shared by CHRI for implementing NALSA's early access framework on legal aid. Discussions centred on practical considerations in implementing the SOP in the state. While the state police expressed overall support for the SOP, it sought time to review it in detail and get back to the SLSA and CHRI on changes. CHRI continues to follow up with the department to take the conversation forward.

- **Study on Women in Karnataka Police:**

The programme had embarked on a project supported by the Hanns Seidel Foundation to document and assess the status of women in Karnataka Police in partnership with the police department. This project, too, was affected due to the change in CHRI's FCRA status and the work has since been taken on by the National Law School of India University (NLSIU), Bengaluru.

B. Training and Knowledge Exchange

- **New Training Resources:** The team has developed three new training materials during the reporting period, two handbooks related to policing and human rights, and one training module, namely:

Handbook on *Landmark Judgments on Policing and Human Rights:*

In June 2021, the team released and disseminated its handbook that provides a summary of key Supreme Court articulation of the standards on fundamental rights vis-à-vis police powers. Given the prevailing Covid context, the team preferred a low profile strategy focusing on targeted e-dissemination to stakeholders including police leaders and training institutes. Encouragingly, three states have so far approached CHRI for more copies of the handbook.

Handbook on the Role of Judicial Magistrates at First Productions that explains the jurisprudence relating to judicial oversight at the stage when an arrested person is first produced before a judicial magistrate within 24 hours of arrest. Both these resources are designed to serve as a comprehensive source for understanding prevailing legal positions on the limits to police powers while discharging their various functions. The handbooks will be shared with state police and judicial training institutes and academies, and will serve as the basis for offering targeted training sessions.

Training module on Human Rights Defenders for state institutions: This is a module aimed at criminal justice institutions in India on the role and work of Human Rights Defenders in the promotion and protection of human rights. The main objective is to introduce the legal standards surrounding HRDs, highlight their work and role in advancing human rights, explain the obligations of state institutions in ensuring a safe and conducive environment for work on human rights and share challenges and risks HRDs face in the course of their work. CHRI has developed the module as part of a project from the World Organization against Torture (OMCT) focusing on protection of Human Rights Defenders in India. The module is currently under review. Upon completion, the module will be used for delivering trainings in select states of India.

- **Webinar on Medico Legal Examination of Custodial Torture and Death: Gaps in Procedures and Protocols of the Police and the Health System, 9 December 2021**
CHRI partnered with Mumbai-based Centre for Enquiry into Health and Allied Themes (CEHAT) to hold an online discussion on gaps in medico legal examination procedures in relation to custodial violence. The webinar centred around two sets of guidelines – on autopsies and on documenting custodial torture – developed by CEHAT over the past few years in consultation with experts. CHRI had also contributed to the guidelines. CHRI had also contributed to the guidelines. Its main purpose was to deepen understanding of legal safeguards aimed at preventing and enforcing accountability for custodial violence, the important role medical examination plays and the obligations of the police as well as the health workers in ensuring due process.

Over 70 participants including health workers, human rights defenders, activists, and scholars attended the webinar.

- **Introductory course on Criminal Justice Institutions in India – 15-24 February 2022**

CHRI collaborated with the National Law University, Odisha (NLUO) to organise, resource, and deliver its first certificate course titled “Criminal Justice Institutions in India”. The course involved 16 hours of teaching spread over 8 working days with 2-hour sessions each day. Aimed at Year 1 to Year 3 law students, it offered basic understanding of the police and prison organizations in India, main concerns regarding their functioning and capacities, and key reform initiatives and debates ongoing in the country. Issues covered in the course include functioning of a police station, process of registering a complaint, violence and torture in custody, oversight mechanisms, prison management and vulnerable population in prisons. The concluding session of the course highlighted broad research and advocacy approaches within the field of criminal justice reform. Overall, the course was designed to supplement their classroom syllabus with insights into the functioning of institutions responsible for the implementation of criminal law.

CHRI staff from the police and prison reform programmes conceptualized and resourced the sessions with support from external resource persons for select sessions. 60 students from law universities across the country registered for the course against a nominal registration fees (Rs 1000/-). Students were graded on the basis of their attendance, participation in the sessions and a final written assignment from a list of topics provided. CHRI and NLUO are committed to offering this course every year moving forward.

- **Other Training Sessions and Lectures**

Lecture on Police Complaints Authorities in India at the National Law University Odisha – 29 September 2021

Devyani Srivastava, head of the police reforms program, delivered a lecture on police oversight in India. She focused on the role of Police Complaints Authorities in India mandated to be constituted at the state and at district levels to inquire into public complaints against the police. Drawing from CHRI’s empirical research, she highlighted structural gaps in the constitution and powers of PCAs that constrain their effectiveness. She further shared data on the number of functioning authorities as of date, the types of complaints the authorities have handled and status of action taken

against police officers where misconduct has been found. 30 students attended the lecture.

Webinar on Role of Women in Police – 23 March 2022-10-11

On 23 March, Devyani Srivastava spoke at a virtual meeting organized by the Madhya Pradesh Police on the role of women in policing. Devyani shared experiences and observations from CHRI's ground research on the subject.

National Tribunal on Caste and Gender Based Violence

On 29 March, Devyani Srivastava served as a jury member at a National Tribunal on Caste and Gender Based Violence against Dalit Women and Minor Girls organized by the All India Dalit Mahila Adhikari Manch, New Delhi. The tribunal heard around 15 cases of violence against Dalit women and offered legal advice.

CHRI continues to provide guidance to the Centre for Sustainable Use of Natural and Social Resources (CSNSR), our partner in Odisha, as they take forward research on women in policing in Odisha and a few other neighbouring states.

C. External projects and engagements

- **India Justice Report:** CHRI continues to be involved with the India Justice Report and regularly participates in advocacy meetings pertaining to the police resources. CHRI presented on the police structure, organization and prevailing shortfalls in India at a workshop held on 16 May 2021 organized by the IJR team with 101 Reporters. The workshop aimed at building knowledge about the police among freelance crime reporters and journalists.
- **BPRD's Micro Mission on Gender and Child:** As a member of this mission, the police team provided inputs and suggestions on a draft Standard Operating Procedures on investigation of specified sexual offences against women, shared by the Bureau of Police Research and Development (BPRD), Ministry of Home Affairs. The draft SOP was developed by a sub-committee of the Micro Mission 7 on Women and Children that functions under the aegis of the BPRD, and of which CHRI serves as the only non-government member.

D. City Core Group, Mumbai

The City Core Group (CCG) is a Mumbai-based network of civil society organizations, lawyers and activists working on mobilizing support and assistance for victims of gender-based violence. It is steered by CHRI and includes nearly 50 members. During the reporting period, CCG continued to convene, organize and resource capacity building sessions for its members and their networks aimed at legal awareness and cross learning. The main focus at present is to consolidate and strengthen the network through targeted capacity-building sessions and improved reporting and documentation of interventions in cases of domestic and sexual violence. Accordingly, the activities of the CCG during this period are as follows:

i. Capacity building sessions and monthly meetings:

The main objective of the capacity building sessions was to deepen CCG's capacity to guide/assist survivors of gender based violence and improve the on-ground assistance provided. The issues to be addressed through the capacity building sessions were identified by the partners.

- Session on child sexual abuse, 29 June 2021: CCG partnered with Prerana Anti-Human Trafficking, Mumbai, to organize a session titled "How to provide assistance in cases of child sexual abuse" for CCG members on 29th June 2021. The session focused on practical steps that have to be undertaken while providing assistance to survivors of child sexual abuse. This session was a step towards strengthening our CCG network's capacity to provide assistance to survivors of child sexual abuse and their families. 100+ participants attended it.
- Session on How to Access Government Insurance and Welfare Schemes: Guidelines and Procedures, 29 July 2021: The session was resourced by members of the CCG network including Swati Tapase from Justice Ventures International, Nandkumar Mahadik from Maharashtra Asangathit Kaamgar Sangathna, and Suresh Patil from Maharashtra Ghar Kaamgar Vikas Sangathna. They explained the following schemes along with the procedure to avail them and relevant forms to use: Pradhan Mantri Suraksha Bima Yojana, Pradhan Mantri Jeevan Jyoti Yojana and Atal Pension Yojana. They also explained the registration formalities for domestic workers and the unorganised labour registration formalities with the Maharashtra State Labour Department to avail of various state schemes announced from time to time.
- Session on Self-care for Social Workers for CCG partners and their Volunteers, 28 August 2021: Shipra Paraswani, Director, Plane Jar Welfare Foundation together with Mahima Shivani, Head of First Responders, and Shreya Joshi, Head Crisis Management resourced this session. This session discussed tips and guidelines on

how to deal with the emotional toll of providing direct assistance to victims of crime and individuals in distress. Thirty of its network partners interacted with the resource persons through videos, case studies and meditative exercises.

- Interactive monthly meeting, CCG members, 15 November 2021: Members shared updates of their work and identified issues and topics for further capacity building sessions.

ii. **Partnership with the District Legal Services Authorities in Mumbai**

The CCG has strengthened its engagement with the two District Legal Services Authorities (DLSA) in Mumbai in organising targeted legal awareness sessions. During the reporting period, CCG facilitated the following sessions in collaboration with DLSA:

- **1st May 2021: Webinar on covid-relief welfare schemes issued by the Government of Maharashtra for building and other construction workers** in association with DLSA Mumbai City and Office of the Commissioner of Labour, Mumbai. The resource persons were Mr. A. D. Kakatkar (Retired Additional Commissioner, Department of Labour, Govt. of Maharashtra), Shirin Lokhande (Additional Commissioner of Labour, Govt. of Maharashtra), and Judge Hitendra Wani (Secretary - DLSA Mumbai City).
- **8th May 2021: Webinar on “Cyber Crime & You: Rights and Protection”** in association with DLSA Mumbai City. The resource persons were Dr. Ashok Bagul (Senior Police Inspector, Cyber Police Station, Nagpur City) and Judge Hitendra Wani (Secretary - DLSA Mumbai City). Earlier, in recognition of CCG’s work, the DLSA Mumbai felicitated Dolphy D’souza on the occasion of International Women’s Day on 8 March with a medal and a certificate. CHRI was one of three organizations in Mumbai that were recognised for their work.
- **17 July 2021: Institutionalising the Constitutional Right to Legal Aid in Police Custody**: Organised by the Mumbai Suburban DLSA, Judge Sh. Satish Hiwale, Secretary, District Legal Services Authority, Mumbai Suburban and Raja Bagga, Senior Programme Officer, CHRI resourced this session. Judge Hiwale briefly shared details of the Manodhairya Victim Compensation Scheme implemented by the State of Maharashtra. The scheme is being implemented for the rehabilitation of victims of rape and acid attack (women and children) and the children rescued from commercial sexual exploitation under the Immoral Traffic Prevention Act, 1956. Mr Bagga explained the constitutional and legal rights of those in police custody and focused on NALSA’s early access scheme that provides for a mechanism to ensure right to legal aid for arrested persons and suspects.
- **Support to DLSA Mumbai during the Pan India Legal Awareness and Outreach Programme organised by NALSA from 2 October to 14 November 2021**: CCG

members actively supported DLSA in organising and resourcing legal awareness sessions and campas as part of the nation-wide campaign.

Legal Awareness sessions organized by Members of CCG

- On 5th October, 21 Nirmala Thakur -Joining Dots Organisation organised a legal awareness programme on how to access legal aid, right to education, and mediation for the women in **Malwani, Malad.**
- On 15th October 2021, Sujata Sawant from Noble Foundation organised a legal awareness session and honoured the women of substance working for social justice in **Chembur.**
- On 16th October 2021, Panjabrao Gawai from Parivartansheel Sanstha helped in organising an awareness session on accessing free legal aid for women domestic workers in **Kandivali.**
- On 17th October 2021, Prashant Abhang of Jeevan Life Seva Sanstha organised a legal awareness session for domestic and unorganised workers at **Vikhroli.**
- On 22nd October 2021, Santosh Dabhale and PLVs from Siddharth Social Foundation organised an interactive legal awareness session for women domestic workers in association with DLSA Mumbai Suburban in **Goregaon.**
- On 23rd October 2021, Nirmala Thakur from Joining Dots Organisation organised a free eye check-up camp and a legal awareness programme in Goregaon.
- On 27th October 2021, Nandkumar Mahadik from Maharashtra Asangathit Kaamgar Sangathna organised a legal awareness session in Mulund.
- On 29th October 2021, Shoba Phillips from YWCA organised a legal awareness session on protection of women from domestic violence, access to free legal aid through DLSA, and Police and You: Know Your Rights in Andheri.
- On 13th November 2021, a legal aid clinic was inaugurated by Ekata Manch at Children Welfare Centre High School, Versova, Andheri West - in association with DLSA Mumbai Suburban.

iii. Collaborating with educational institutions to organise legal awareness sessions:

Finally, the team also resourced the following sessions in educational institutions:

- 18th June 2021: **Webinar on “Use Right to Information for Improving Governance”** for the faculty members and students of St. Joseph Vaz College, Cortalim, Goa on the occasion of Goa Revolution Day. Venkatesh Nayak, Head, Access to Information Programme at CHRI resourced this session.
- 1st July 2021: **Session on the Protection from Sexual Abuse** at Holy Cross School, Bardez Goa for the School staff, and Members of the Parents Teacher Association

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- 13th August 2021: **Workshop on the Role of Youth in the use of RTI: Improving Transparency and Accountability** at the Government College of Commerce and Economics, Margao, Goa.
 - 18th October 2021: **Session on Legal Services Authorities Act, 1987**, how to access free legal aid and safeguarding children from sexual abuse at the Vivek College of Commerce, Goregaon in association with DLSA-Mumbai.
 - 10 December 2021: **Session on Defending Human Rights: Challenges to Civil Society** at Balaji Law College, Pune

iv. Relief work and other activities of CCG Network:

Since the Covid 19 shutdown continued partially, some of our CCG members continued their ration distribution in Mumbai at various locations. These include: Qutub of NEEDA – 73 ration kits, Santosh of Sidharth Foundation – 50 ration kits to Domestic Workers Widows, Nandkumar of Maharashtra Asangathit Kaamgar Sangathna – 200 rations kits to Domestic Workers and nutrition kits to 100 children from tribal families on the outskirts of Mumbai. The CHRI team assisted wherever possible with donors and well-wishers to raise resources. Punjabrao of Parivarthansheel Sanstha set up a skill development centre based on the community suggestion and provided training to 26 domestic workers who had lost their jobs during the Covid 19. The centre has 4 sewing machines, resources raised from the community and salary also being paid to an instructor. Punjabrao also organized an interactive session with the team of Nirbhaya Squad of Kurar Police Station on 3 January 2022. Police Sub-Inspector Savita Thorat and her team addressed the session along with social activist Ms V.V. Varsha, Adv. Reecha Khajuria, DLSA Panel Lawyer, Prof. Kamble of Bharat Mata Vidhyalaya, Kandivali, and Dolphy D'souza, Project Lead-Mumbai, CHRI. 60 women [members of self-help groups, domestic workers and activists] attended the session. Anson Thomas of Sports Mission, Anti-Human Trafficking Activist, on 30th October and 4th November 2021, successfully held two screenings of his movie 'Pledge to Protect' to create awareness on anti-human trafficking.

E. Dissemination of educational material

The team continued to receive request for bulk copies of our educational material and resources. Details of dissemination during the reporting period include:

- Association of Advocacy and Legal Initiatives, Lucknow, Uttar Pradesh: Over 100 copies of the guide on registration of sexual offences (English and Hindi), booklet on police malpractices (English and Hindi), booklet on 101 Questions and series of pamphlets on Know-Your-Rights on arrest, detention, FIR and legal aid.

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- North East Network, Meghalaya: 250 copies of the booklet on 101 Questions about the Police (English)
 - Shobana Smriti, Dalit Activist, UP: 50 copies of booklet on police malpractices and 101 Questions (Hindi)
 - Karnataka Police Academy: 10 copies of the handbook on landmark judgments, and the pamphlets on Know-Your-Rights.

ACCESS TO JUSTICE - PRISON REFORMS PROGRAMME

CHRI has worked on prison reforms for more than two decades, with a view to improving access to justice for incarcerated persons. Our work has developed in the context that over two thirds of prisoners continue to be under-trials, who have not yet been convicted of any offence. Bail not jail at the pre-trial stage is clearly not the rule, in practise. Most prisoners are poor, from marginalised and vulnerable communities. Despite several changes in the law and judicial directives, several people continue to be in prison, who would not be there if the relevant provisions of law were applied properly, and they had proper legal representation. Besides, prisons are opaque with insufficient oversight, civilian or official. Information flow from the prisons to other mandate holders is inadequate, and there are huge gaps in coordination. Prison conditions are poor in every way – including lack of hygiene, poor health-care, over-crowding, and prison staff vacancies. There have been several efforts to address these issues, particularly focusing on improvement in free legal aid services, setting up of various oversight mechanisms, such as the Undertrial Review Committees, Mentoring and Monitoring Committees, but progress on the ground has been very slow. The inherent systemic weaknesses were exposed even more during the Covid-19 pandemic.

MAIN ACTIVITIES

CHRI engages with a range of mandate-holders of the criminal justice system to better fulfil their respective mandate in relation to prisoners and push for better coordination. It seeks to strengthen prison oversight mechanisms, improve prison conditions, reduce use of pre-trial detention, ensure effective access to legal aid for prisoners, and secure the rights of vulnerable prisoners including women, transgenders, and foreign nationals. During the year 2021-22, in addition to its four thematic areas mentioned above, CHRI continued to focus on responding to the impact of the pandemic in prisons, strengthening the response of prisons to COVID-19.

1. **COVID-19: Strengthening the response of prisons**

Prisoners and prison staff were among the most vulnerable to contracting COVID-19, given the overcrowding, proximity and overall health and hygiene conditions in prisons. Amid the second wave of the pandemic, CHRI called for the immediate release on bail for several categories of prisoners in order to decongest prisons, and undertook several interventions to strengthen oversight; and monitor infections inside prisons and vaccinations.

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- Even in 2021, there continued to be little COVID-19 related data from prisons available in the public domain nationally. Amid the first wave, CHRI developed an **online tracker** on its website compiling data on various aspects of COVID-19 and prisons. This was constantly updated during the second wave, and more information heads added. Data compiled included the number of positive cases and COVID related fatalities in prisons; prison staff and prisoners vaccinated; prisoners released on interim bail and parole; status of publishing all decisions of the High Powered Committee on the respective State Legal Service Authorities/ State Governments/ High Courts websites; details of cases/writ petitions pending in various High Court on prison related issues and key directions issued in regard to release of prisoners, access to medical facilities and other Covid related issues.
→ Impact: The tracker was appreciated by several mandate holders who acknowledged using the tracker that provided a lot of relevant information on Covid 19 and prisons.
 - Towards strengthened oversight, CHRI developed inspection formats and checklists for prison inspections by District Magistrates and District Judges and sent them to all the High Courts and District Magistrates across India.
→ Impact: Our letter sharing the inspection format to the Chief Justice of Orissa High Court, was considered as an intervention application in a pending matter (*Krushna Prasad Sahoo vs State of Orissa*) at the High Court related to prisons and CHRI was made the intervenor by an order dated 07 April, 2021. The District Magistrates were directed to conduct surprise visits to prisons in their jurisdiction using CHRI's format and submit the report to the court.
 - As part of the National Forum for Prison Reforms, CHRI worked with the other core group members (representatives of Prayas, TISS; HRLN, IBJ, MARG and LFHRI) to file an intervention application in the writ petition, titled, 'Re: Contagion of COVID-19 virus in prisons', at the Supreme Court. Our intervention application was accepted. The petitioners were represented by Senior Advocate Mr. Colin Gonsalves and by order dated 07 May, 2021, a number of important directions were passed by the Court which provided some relief to the on the ground situation during the second wave.
→ Impact: Apart from directing the HPCs to consider fresh releases and the police to strictly follow Arnesh Kumar guidelines, the Court directed all the decisions of HPCs need to be published on respective State Legal Service Authorities/State Governments/High Courts websites in order to enable effective dissemination of information. This is an important step towards making the system more transparent and accountable.

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- In December 2021, CHRI analysed the effect of several measures put in place to decongest prisons during both waves of Covid in 2020 and 2021. When CHRI compared the prison population figures for 2019 and 2021 from available sources, it found that despite all the efforts to reduce prison populations, there was an overall increase of 14% in the prison population; the under-trial population has gone up from 68% in 2019 to 77% in 2021. Neither the marginal increase in the overall prison capacity nor temporary decongestion efforts have provided a sustainable solution to overcrowding. All factors taken together, the best way to address overcrowding is by avoiding unnecessary arrests by ensuring the effective implementation of the Arnesh Kumar directives through stricter scrutiny by magistrates at the time of production and remand hearings; implementing the NALSA SOPs on functioning of UTRCs; prioritising cases and appeals where the accused is in prison.
 - On Constitution day 2021, CHRI published its newsletter 'Jail Mail' on the topic 'Lessons learnt from the Pandemic: Ensure Right to Adequate Healthcare in Prisons'. It highlighted the neglected healthcare infrastructure in prisons and the inadequate access to quality healthcare for the country's prison population.
 - Report - Responding to the Pandemic: Prisons and Overcrowding: The report documents the efforts by the High Powered Committee (HPC) of 24 States/UTs during the period April to June 2020 and analyses the impact of decongestion efforts on prison populations across these states. It also analyses the functioning of the UTRCs of 17 states and union territories during the said period. After the release of the report at the end of last year, the report was first e-disseminated to all the State home departments, prison departments, State Legal Services Authorities, Chief Justices of all High Courts, national and state judicial academies, National Human Rights Commission, Ministry of Home Affairs, Bureau of Police Research and Development and civil society organisations. Then the report was printed and disseminated to all the stakeholders. In April 2021 a copy of the report was also shared with the Chief Justice of India with a letter requesting to take cognizance of rising COVID-19 infections inside prisons amid the second wave of the pandemic.
 - Impact: CHRI has received positive feedback on the national report from several SLSAs and prison officers. They have appreciated the in-depth analysis and have communicated their learning from experiences of other states documented in the report.

2. Strengthening prison oversight and improving prison conditions:

A. Improving Prison Conditions:

- **Engagement with the National Human Rights Commission (NHRC):** CHRI continued to advocate and engage with NHRC to strengthen its role in monitoring prisons and oversee the functioning of the statutory prison monitoring body – Board of Visitors. It wrote to NHRC requesting it to seek and maintain periodic data on visits by board of visitors across all prisons in the country. A detailed proposal for setting up a dedicated portal on the working of the Board of Visitors on NHRC’s website was submitted and briefed to the members. CHRI also sent a letter to NHRC on developing guidelines on search procedures for prisoners, and guidelines for safeguarding rights of transgender prisoners. Towards this several meetings and follow up calls were conducted with the Secretary General and members of the commission in furtherance of the same. CHRI continues to follow up on these various aspects.
- **All-prison studies in Punjab and Karnataka:** CHRI continued to do the follow ups with the State Legal Services Authorities of Punjab and Karnataka regarding the finalisation of the in-depth all-prisons reports. The SLSA of both the states had commissioned CHRI to conduct a study covering all the operational prisons in the two states. A similar study was done for Haryana in 2019. Validation workshops were completed for both the reports, wherein prison superintendents and district legal services authorities reviewed the report and validated the findings of the report. In Karnataka several changes were reported, which were included in the final report, which will be launched in April 2022. Efforts for finalising the launch date for the Punjab report are also ongoing.
- **Submission to the Odisha Prison Department and the Odisha High Court:** CHRI was invited by the Odisha Directorate of Prisons and Correctional Services to suggest measures to address the problem of overcrowding in Odisha prisons. A number of virtual meetings were held. Consequently, CHRI prepared a detailed note on ‘Addressing Overcrowding in Prisons of Odisha’ and submitted the same to the Directorate. The same was also presented to the Hon’ble Odisha High Court during the hearing in the ongoing writ petition, *Krushna Prasad Sahoo vs State of Odisha and others* [W.P.(C) No.6610 of 2006].
- **Invited by District & Sessions Judge of Gautam Budh Nagar, Uttar Pradesh:** CHRI representatives were invited by the District & Sessions Judge to visit the Kasna District Jail in October, 2021. Thereafter CHRI conducted a two day visit to the Prison with the

permission to monitor prison conditions and identify major legal issues of prisoners. CHRI visited several parts of the prison including the legal aid clinic and VC room, interacted with prisoners and submitted a report to the District Judge for necessary action.

B. Strengthening pre-trial safeguards

- **Under Trial Review Committees - Engagement with the National Legal Services Authority (NALSA):** CHRI co-organised a webinar with NALSA on 15th May 2021, wherein representatives of the Prison Reforms Programme were resource persons at the 'National Meeting on the Functioning of UTRCs'. It was attended by all Member Secretaries of the State Legal Services Authorities and Secretaries of District Legal Services Authorities. The key findings of the second national report were shared with the participants. As a result, NALSA urged the participants to fully comply with the mandate of the UTRCs as laid down in the NALSA SOP.
- **Release of Report on Undertrial Review Committees:** In March 2022, a report analysing the functioning of UTRCs across India from 1st April to 30th June 2020 was released. This report was based on the information provided by the State Legal Services Authorities (SLSAs) on their district-wise UTRC meetings and minutes of UTRC meetings of 58 districts spread across 15 states. The report also documented good practices and concerns in the working of UTRCs.
- **Under Trial Review Committees - Engagement with the Madhya Pradesh State Legal Services Authority:** CHRI co-organised a state-level meeting on Functioning of UTRCs with the Madhya Pradesh State Legal Services Authority held on 6th May 2021. It was attended by representative of the prison headquarters, superintendents of prisons in MP, Chairmen and Secretaries of the District Legal Services Authority and other legal aid and prison functionaries of the state. CHRI briefed the participants on the provisions of the NALSA SOP on the functioning of the UTRCs and urged the participants to fully comply with the mandate of the UTRCs. On receiving positive feedback from the participants and the need to streamline the functioning of UTRCs in all districts of the state, CHRI & MP SLSA agreed to conduct zonal consultations in Madhya Pradesh. Subsequently, 5 zonal consultations on the functioning of the UTRCs were scheduled to be conducted. Three zonal consultations were conducted during the reporting period for this report. The DLSA Secretaries and the officer in-charge of the respective prisons/districts were the participants.
→ **Impact:** As a result of CHRI's advocacy and engagement with the MP SLSA, it agreed to make efforts to operationalise a revised format of the custody warrant,

necessary for streamlining the UTRC process. MPSLSAs efforts bore fruit and a direction was issued by the High Court for its adoption. The consultations were also appreciated by MPSLSA, and CHRI would be seeking information from MPSLSA to assess changes in functioning of the UTRCs post the consultations.

- **Under Trial Review Committees - Engagement with the West Bengal State Legal Services Authority Strengthening functioning of UTRC in West Bengal:** Our report 'Undertrial Review Committees: Setup & Functioning in West Bengal – Second Watch Report' was disseminated to all the Correctional Homes and District Legal Services Authorities in West Bengal. In November 2021, CHRI conducted training for jail visiting lawyers and para legals on access to legal aid for persons in custody, wherein their roles in respect to the UTRCs was also discussed. As CHRI's study contained data from 2017, questionnaires were circulated to prison authorities to seek updated information and data on the functioning of the UTRCs in the state. Based on the information received, a state-level consultation in collaboration with the WB SLSA will be organised in April 2022 for District Legal Services Authorities.

C. Ensuring access to legal aid for persons in custody

- **Assessment report on changes pursuant to CHRI's first national report on legal aid:** To mark the two-year anniversary of the release of CHRI's 'Hope behind Bars? - Status Report on Legal Aid for Persons in Custody, 2018', CHRI prepared an assessment report - 'Hope Behind Bars? An Assessment of Changes in Provision of Legal Aid For Persons in Custody, 2018 – 2020'. The report analyses the changes that have been brought in by NALSA and improvements in implementation undertaken by SLSAs to improve access to legal services for persons in custody in India. The report also draws comparisons between the data available now and that from the 2018 Report. These examinations are vital to understand the progress of legal services institutions towards ensuring effective access to legal aid for persons in custody and improving the quality of services provided.
 - Impact: The report documents impacts in the provision and delivery of legal services for persons in custody, which are subsequent to our continued engagement with NALSA and SLSAs. Majority of the recommendations from the 2018 report have been addressed, and policy changes effectuated.
- **Chandigarh - Two-day 'Training Workshop on Rights of Prisoners: Role of Legal Aid Lawyers':** CHRI conducted this workshop for legal aid lawyers in collaboration with the Chandigarh State Legal Services Authority (upon their request) in August, 2021. Topics covered during the workshop were: a) Rights pertaining to arrest and

detention; b) Prisoners' rights vis-a-vis legal processes; c) Right to legal representation; d) Rights related to prison conditions and treatment of prisoners; e) Rights of convicted prisoners, release on parole, furlough or remission, prison wages etc.; f) Rights of vulnerable prisoners including women, transgender prisoners, prisoners on death row, foreign national prisoners; g) Prison conditions in India

- **West Bengal – training of jail visiting lawyers and paralegals:** In order to share the findings of CHRI's various reports on legal aid for persons in custody in WB, with the legal aid functionaries, a consultation-cum-training was organised virtually on 26th November 2021 with the WB SLSA, which was attended by para-legal volunteers and jail visiting lawyers in WB. Varied points and concerns were discussed at length during the consultation, and a detailed report was shared with the Member Secretary, WBSLSA to take action on the concerns raised by the participants for remedial action.
- **West Bengal - Legal Awareness Camp:** CHRI conducted a Legal Awareness Camps at:
 - Dum Dum Central Correctional Home on 9th November 2021 i.e. the Legal Services Day in collaboration with the West Bengal State Legal Services Authority. The camp stressed on the importance of access to legal aid and increasing awareness in view of the reduced prison visits due to the fear of spread of the pandemic behind bars.
 - Baruipur CCH on 17th December 2021 in order to raise awareness on issues related to rights of arrested persons, right to legal aid and the working of the legal aid system for persons in custody.
- CHRI assisted in the drafting of NALSA's Pan India Legal Awareness and Outreach Campaign, and towards development of legal awareness resources for the same. CHRI representatives were invited to attend the **launch of the Pan-India Legal Awareness and Outreach Campaign** organised by NALSA in Delhi on 2 October, 2021.
- CHRI was invited by NALSA as a resource person in the "Capacity Building Programme on Pro-active Approach in Legal Assistance: Intervention at early stages", which was organized by Uttar Pradesh State Legal Services Authority under the aegis of NALSA.

D. Securing rights of vulnerable groups of prisoners

- CHRI drafted a **training manual for prison officers on ‘Engaging with Vulnerable/Special Needs of Prisoners’**. This is one of the four training manuals that have been prepared for the Bureau of Police Research and Development, as part of a consultancy given to CHRI.
- **Study on Menstrual Hygiene Management in Women Prisons:** CHRI initiated a study on menstrual hygiene management in prisons in collaboration with Boondh. Letters were sent to all of the 20 women prisons across the country to seek information regarding the menstrual hygiene management in their prisons. Responses were received from 11 prisons of seven states. The report has been finalised, and will be released soon and efforts are ongoing to organise a training for prison officers in collaboration with the Central Academy for Police Training, Bhopal, which conducts trainings for prison officers nationally.
- **Meghalaya – training:** A training programme with Meghalaya State Legal Services Authority on Understanding Gender and Sexual Orientation was organised in April 2021. The training was conducted on creating an understanding on gender and sexual orientation.
- **MHA Advisory on Transgender persons in prisons:** Pursuant to CHRI’s advocacy subsequent to the release of its report *Lost Identity*, MHA released an advisory in January 2022 - *Advisory on Treatment and Care of Transgender Persons in Prisons*. CHRI had informally provided inputs into the document, and the advisory draws closely from a draft policy developed by CHRI in this regard in March 2021.
- **Draft Policy on Transgender persons shared with all prisons:** CHRI shared its draft policy for safeguarding rights of transgender prisoners, prepared in consultation with the community representatives in March, with all state prison departments across the country. The letter drew the attention of the prison departments to the recently issued advisory of the MHA seeking institution of safeguards protecting rights of transgender prisoners. It asked prison departments to adopt the policy in their states, after due deliberations with community representatives from the respective states.

E. Other Activities

- **Engagement with Bureau of Police Research and Development (BPR&D) to prepare training manuals:** CHRI received a consultancy by the BPR&D to prepare four training manuals for prison officers and other stakeholders on the following:
 - Specialized Course on Engaging with Vulnerable/Special Needs of Prisoners for Prison Officers: Asst. Jailor to Superintendent of Prisons
 - Specialized Course on Custody of Prisoners & Search Procedures for Prison Warders: Warder to Chief Head Warder
 - Specialized Course on Stakeholder Coordination Courses for Prison Officers: Asst. Jailor to Superintendent of Prisons, Police, Lawyers, DLSA, and NGOs
 - Vertical Interaction Course on Senior Officers: Principles of Prison Management Constitutional Court directions-An update for Dy. Superintendent Prisons to IG Prisons, Lawyers, DLSA, Judicial Officers, Police Officers and NGOs

These manuals are in finalisation stage, and will be published by the end of 2022.

- **Release of Hope Behind Bars: Notes from Indian Prisons:** A book Hope Behind Bars: Notes from Indian Prisons was published by Pan Macmillan in January 2022. This is CHRI's first book by an international publisher that provides a piercing portrait of the injustices of the Indian prison system.
- **Prison Departments & Assessment of Proactive Disclosure Norms:** CHRI undertook an assessment of all Prison Department websites vis-a-vis the proactive disclosure categories (Sec 4 (1)(b) of Right to Information Act, 2005). Detailed report cards and assessments were prepared and shared with the relevant prison departments, to take necessary action. A round of follow up calls and letters will be made to assess whether any changes have been made, in the upcoming months.
- **Participation as resource persons in trainings and consultations:** The team members have attended numerous webinars, and have been invited as resource persons in several international, national and regional webinars, conferences and consultations. These are listed below:
 - **E-Seminar on Indian Prisons in collaboration with Xaviers Law School, Xaviers University, Kolkata:** CHRI conducted an E-Seminar in collaboration with Xaviers Law School, Xaviers University, Kolkata on Understanding Indian Prisons

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- on 11th September 2021. The one-day e-seminar was attended by more than 300 students across all batches.
- **Invited to conduct a webinar by the Central Academy of Police Training (CAPT), Bhopal:** CHRI was invited to conduct a webinar on 'Safeguarding Fair Trial Rights during Videoconferencing Hearings' for the prison officers by CAPT, Bhopal, on 20 August 2021. It was attended by more than 100 prison and police officers all across the country.
 - **E-Conference co-organised by the India Justice Report (IJR) and National Law University (NLU), Odisha:** CHRI representatives were invited to speak at the one-day conference on the state capacity of Odisha's formal justice system, jointly organised by the IJR and NLU, Odisha. The conference brought together High Court judges, heads of the prison and police departments, representatives of the SLSA, other stakeholders and civil society members.
 - CHRI was invited to conduct a session at **Central Detective Training Institute (CDTI)**, Kolkata on 15 November 2021 on Video-Conferencing - Challenges in Prison context.
 - CHRI resourced a session on 'Role of Lawyers vis-a-vis working of UTRCs' in a training event organised by **HRLN** for advocates in Delhi.
 - CHRI representatives were invited by the **Haryana Institute of Public Administration (HIPA)** to seek advice and review the materials prepared by their team in regard to their project on Training Needs Assessment of the prison personnel in July 2021 and proposal to initiate a Centre for Criminal Justice Studies in October 2021. It was followed by some virtual and physical meetings with their team.
 - **National Consultation by National Forum for Prison Reforms's (NFPR):** As part of the NFPR, CHRI organised a national consultation on '**Strategies and Challenges to Litigation on Prison Reforms**' of civil society members including lawyers, researchers, academicians, etc. to discuss the various systemic issues on prisons and rights of prisoners, held in New Delhi on 26 September, 2021. NFPR comprises six core members - CHRI, Human Rights Law Network, Prayas (TISS), Multiple Action Research Group (MARG), International Bridges to Justice (IBJ), India and Lawyers for Human Rights (LFHRI).
 - **Certificate Course on 'Criminal Justice Institutions in India':** CHRI in partnership with the National Law University Odisha conducted an eight-day certificate course on 'Criminal Justice Institutions in India' for students from 15th to 24th February 2022. This required detailed preparation for the course and regular coordination with the faculty and organising team of the National Law University, Odisha. The topics of the five sessions related to Prison Reforms Programme were - (i) An Introduction to Prisons in India; (ii) Prison Conditions and

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- Oversight; (iii) Custodial Violence and Accountability; (iv) Prisons and Vulnerable Populations; (v) Policy Research and Advocacy. After the course, student assignments were also assessed.
- CHRI was invited for a Guest Lecture on: "Can Oversight Bodies Reduce Undertrial Detention in India?" by the Criminal Justice Clinic (CJC) of the O.P. Jindal Global Law University, on March 30, 2022.
 - CHRI conducted a discussion with Arunachal Pradesh SLSA & Police Department on Early Access Framework - 22 March 2022
 - CHRI was invited as resource person for a 'One Day Consultation Programme on Promoting Mental Health of Prison Inmates' by the National Law University, Odisha, on the occasion of Women's Day on 8th March, 2022.
- **Written Submission to the Inquiry Panel constituted by the Delhi Commission for Protection of Child Rights (DCPCR):** A written submission on the 'Legal Aid Services For Children In Conflict With Law' was made to the to the Inquiry Panel constituted by the Delhi Commission for Protection of Child Rights (DCPCR) on 15th February, 2022. The Inquiry Panel was constituted by the DCPCR to identify the challenges and issues experienced by children in conflict with law (CCLs) regarding legal aid services.
 - **BPR&D Committee on Parameters for Ranking of Prisons:** CHRI representative was invited to attend the meeting of the Committee on Parameters for Ranking of Prisons on 03 December 2021 at the Bureau of Police Research and Development (BPR&D).
 - **10-Point Plan on Prison Reforms in WB:** A detailed note describing the 10-point plan on prison reforms was prepared on the request of the Regional Institute of Correctional Administration (RICA), Kolkata and submitted.

ACCESS TO INFORMATION PROGRAMME

CHRI's Access to Information programme advocates for the realization of the right to access information from government and other public bodies in India. Indeed, the 2005 Right to Information Act is held up as a best practise out of India. CHRI has used this law to advise and assist not less than 17 other Commonwealth countries at their invitation to develop their own laws, providing its technical expertise honed over the years, built in the crucible of its experience in India. CHRI believes that RTI is fundamental to the realization of economic and social rights as well as civil and political rights. Informed participation by all must therefore be guaranteed by strong legislation and with participatory law-making processes which are informed by ground realities. CHRI believes in engaging with both the supply side – namely – the Government and the demand side – namely the citizenry through civil society organisations and the media for the promotion of transparent government. Through this engagement with governments, the Central Information Commission as well as state information commissions and the media, it works to promote transparency in governance as well as better, evidence and fact-based reporting. It raises public awareness through workshops, training, engagement and dissemination on the importance of RTI. It also collaborates with policy advocates and community-based groups and catalyses the development of networks of concerned CSOs for the effective implementation of the law and informed participation. Without access to information, also known as the right to information (RTI), governments cannot be held accountable for their actions, a free press that intelligently monitors and critiques government actions will not grow nor can democracies be sustained. Despite the halting of programmatic work on account of the suspension of CHRI's registration to receive and utilise foreign contribution in June 2021, and the resultant reduction of the ATI Team to just one member, or activities continued along the broad contours of the programme as before. CHRI continued to provide technical assistance and advice to stakeholders in Information Commissions, civil society and media with regard to the effective use and implementation of transparency laws in India and abroad.

MAIN ACTIVITIES

Activities under the project for promoting RTI in Ghana and Kenya and amongst civil society organisations working on human trafficking and contemporary forms of slavery:

The first of these activities was an **experience-sharing session on implementing right to information (RTI) laws in India and Ghana. The half-day event was conducted**

virtually in May 2021, with the newly appointed RTI Commissioners and their senior staff in Ghana taking part in the discussion. The session was resourced by former Chief Information Commissioner of India and current Chairperson of CHRI's India-Executive Committee, Mr. Wajahat Habibullah. Several thematic issues such as the concept and philosophy of RTI and evolution of the global movement for transparent governance, challenges to implementing the proactive information disclosure provisions, appointment and training of staffers of the RTI Commission, records maintenance and management, procedure to be adopted for the purpose of resolving information access disputes developing proformas for use by duty holders under the Act were discussed in light of the implementation experience in India, South Asia and other Commonwealth countries. CHRI shared a wealth of materials including the compilation of case law on the interpretation of "public interest" in RTI laws published by University College, London and UK's Office of the Information Commissioner. The RTI Commissioners expressed keen interest in continuing the interaction on other key areas such as the manner of application of exemptions to disclosure permissible under the RTI law.

The ATI Team helped design, resource and conduct a capacity development workshop for media persons in Ghana and Kenya to learn and deploy the information access procedures provided for in their respective RTI laws. The two-day workshop was conducted on the last day of June and the first day of July, 2021 in virtual mode. Apart from introducing participants from the print and electronic media to the idea of RTI and the provisions for obtaining information under their RTI laws, the workshop facilitated interaction with a working journalist in India who has used the RTI law locally for the purpose of evidence-based reporting. His breaking stories have not only resulted in greater levels of transparency in Government but also led to systemic reform to make the administration more accountable. Participants took part in a simulated exercise of drafting RTI requests on topics of interest to them on Day 2 of the workshop. Expert resource persons from CHRI-India and Ghana provided advice for improving the quality of the draft information requests. CHRI's Accra office is following up with the trainees to ascertain the manner in which they have deployed the knowledge and skill acquired at this workshop. Initial results are promising as participants from Ghana have begun filing RTI requests and have obtained information for the purpose of investigative reporting. A total of 20 journalists participated in the workshop (13 from Ghana and 7 from Kenya). Of these, 6 were women. Most participants committed to submitting the RTI applications prepared during the workshop to the relevant institutions. CHRI will follow up with participants to see how they have applied the learning from the workshop, the responses to the requests that were submitted, and stories that maybe published following the request for information exercise. In February 2022, The ATI team also designed and

resourced the 2nd part of the RTI experience sharing session organised for the benefit of Ghana's RTI Commission in collaboration with the CHRI UK and CHRI Ghana offices.

In August 2021, the ATI Team, designed and resourced a two-day capacity development workshop for CSOs working to eradicate contemporary forms of slavery and human trafficking in Africa. Civil society representatives from Ghana, Kenya, Malawi, Nigeria, South Africa, Tanzania and Uganda participated in this virtual training session. While CHRI's sister offices were responsible for organising the training session by selecting participants and the subject expert on the use of RTI laws on issues of human trafficking in the UK, the ATI team in the India office put together a ready reckoner on the salient features of and procedures for seeking and obtaining information in the RTI laws of the participating countries. Additionally, the ATI Team provided training to the participants in drafting information requests relating to their areas of work under their respective RTI laws.

In September 2021, ATI Team, designed and resourced a second two-day capacity development workshop for CSOs working to eradicate contemporary forms of slavery and human trafficking in Asia. Civil society representatives from India, Bangladesh and Sri Lanka participated in this virtual training session. While CHRI's sister offices were responsible for organising the training session by selecting participants and the subject expert on the use of RTI laws on issues of human trafficking in the UK, the ATI team in the India office put together a ready reckoner on the salient features of and procedures for seeking and obtaining information in the RTI laws of the participating countries. Additionally, the ATI Team provided training to the participants in drafting information requests relating to their areas of work under their respective RTI laws.

Further, during the reporting period, the ATI team has undertaken novel research under this project supported by the Foreign and Commonwealth Development Office, UK and the Margaret Anstee Centre for Global Studies, UK to make a compilation of all official records that are created or collected by the law enforcement agencies in particular and the Governments in general while implementing laws to combat human trafficking in Commonwealth Asia and Africa. The compilation based on Ghana's anti-human trafficking law has been completed and similar compilations based on such laws in Kenya, Bangladesh etc. are progressing.

Training and sensitisation activities:

Training of persons with disabilities and disability rights activists in India: In May 2021, CHRI conducted two intensive capacity development workshops for persons with disabilities and disability rights activists based in more than 15 States across India to equip them with the knowledge and skills necessary to use the RTI Act for the purpose of evidence-based advocacy **to demand effective implementation of the *Rights of Persons with Disabilities Act, 2016 (RPwD Act)***. Both workshops were organised in collaboration with the Javed Abidi Foundation (JAF) which is championing the practical realisation of the rights of persons with disabilities in various sectors of society and the economy, with particular focus on making educational institutions and teaching accessible to students with disabilities. The cross-disability workshops conducted in English and Hindi brought together more than 60 participants who are deaf, dumb, blind, deaf and blind, have locomotor disabilities or cerebral palsy or blood disorders and also disability rights activists. Each workshop was conducted over three half day sessions with the help of sign language interpreters and transcriptionists. The first day was devoted to sensitising participants about their rights under the RPwD Act while the second day was earmarked for educating them about the procedures for seeking and obtaining information under the RTI Act. On the 3rd day after taking a week-long break, participants engaged in group exercises to identify issues for the purpose of targeting government agencies with information requests. The English language workshop spilled over to a fourth day on account of the large number of draft RTI applications that resulted from the group exercises. The draft RTI applications were discussed in plenary and expert resource persons including CHRI staff provided advice to make them more precise and concise so as to increase their chances of success in obtaining information from government agencies which are required to implement various provisions of the RPwD Act. Post-workshop, JAF volunteers are providing assistance to the trainees to file information requests with concerned government agencies. CHRI is providing troubleshooting services on demand when the RTI applicants hit roadblocks in their efforts to seek information.

During the reporting period, the ATI team conducted multiple RTI training workshops and sensitisation sessions in virtual mode. In August, 2021 the ATI team conducted an in-depth training session on implementing RTI procedures for public information officers belonging to government controlled and aided educational institutions based in Goa, Maharashtra and Meghalaya. In September, another virtual sensitisation session was conducted for civil society representatives based in Maharashtra, in association with the Collaborative Learning Café. In December, 2021 the ATI team resourced a brainstorming session on the challenges of implementing the RTI Act in Goa in the face of stiff resistance from public authorities to transparency and accountability. Advice was provided to participants to tackle such resistance using caselaw emanating from the Supreme Court and High Courts across the country. During

the same month, the ATI team also conducted a capacity development session for the research team of the India Justice Report which plans to file scores of RTIs to collect data from forensics departments and State Human Rights Commissions for the next edition of the Report. The ATI Team continued to provide *pro bono* handholding services to the Research team after the completion of the workshop.

The ATI Team conducted RTI sensitisation sessions for postgraduate students of Public Policy at the National Law School University of India Bengaluru and students of management and journalism at the request of these institutions. CHRI also conducted an in-depth training session on RTI procedures for 50 reporters of the Deccan Herald on an online platform. CHRI also conducted a training session for senior employees of the Airports Authority of India at their request. Some of these trainees continue to be in touch with CHRI with their RTI-related queries arising out of refusals or vague replies received from public authorities.

In February, 2022, the ATI team conducted a virtual training programme on the Central RTI Act, 2005 for a group of 30 young lawyers, law students and CSO activists based in Jammu and Kashmir, in collaboration with the J&K RTI Movement led by Dr. Shaikh Ghulam Rasool; delivered a virtual lecture on the salient features and procedures under the Central RTI Act 2005 for a batch of 25 officers of the Indian Revenue Service organised by the Indian Institute of Management Lucknow as part of the Mid-Career Development Course for Professionals; Delivered a lecture session on procedures under the RTI Act for a group of 32 trainee lecturers at a virtual refresher training course organised by Droit Penale and LakeCity University Bhopal; conducted a virtual training session on the use of RTI for investigative reporting for students of the Asian College of Journalism, Chennai.

Beginning 12 March 2022, the ATI team Head designed and conducted weekly virtual training sessions on the RTI Act on successive Saturdays for students of St. Joseph's Law College, Bengaluru in collaboration with former Central Information Commissioner, Mr. Shailesh Gandhi. In March 2022, he also conducted sensitisation sessions on the salient features and procedures under the RTI Act for staff and collaborators of Justice Ventures International, Mumbai and Delhi. Also, in March 2022, CHRI conducted a virtual training session on the concept, philosophy and historical developments around RTI and another on the link between RTI, good governance, human rights, democracy and sustainable development for staff of the NGO- Transparency Maldives.

Resourcing panel discussions:

On 28th September 2021, the ATI team gave a presentation on India's experience of using RTI for protecting public funds from pilferage and misuse at a webinar organised by the Sri Lanka Press Institute on International Universal Access to Information Day. In October 2021, the ATI Team Head chaired a panel discussion on the topic: "Is Technology commodifying Indians" organised by the Global Forum for Democratising Work in collaboration with a host of Universities based in Europe and the Americas as well as Samruddha Bharat Foundation in India. Examples of how technology was proving to be a boon and bane for the weaker segments of society in India were shared during the webinar. During the same month, the ATI Team Head chaired another panel discussion- **Impact Talk hosted by the Friedrich Naumann Foundation, South Asia office.** Civil society representatives from India, Sri Lanka and Mexico presented the experience of using RTI for empowering citizens in their respective countries.

In November, 2021, the ATI team Head delivered a keynote address at a hybrid seminar on the key challenges to implementing the RTI law in Karnataka organised by a former acting State Chief Information Commissioner and Divyajyothi Vidya Kendra College, Bengaluru. The seminar was attended by scores of RTI users and activists from various parts of Karnataka. During the same month, a presentation was made at a webinar organised by Citizens for India on the occasion of the completion of 10 years of implementation of the Central RTI Act in Jammu and Kashmir. A few days later the ATI Team Head spoke about the major challenges to the successful implementation of the RTI Act across India's States at the 75th National Webinar organised by a group of RTI activists based in Madhya Pradesh. In December, the ATI Team Head gave a presentation on the impact of CHRI's work with persons with disabilities at a virtual side event organised during the International Conference of Information Commissioners. Other panelists presented about their work to promote awareness about RTI laws among marginalised segments of society in Mexico, Philippines. Morocco and the USA.

In January, 2022, the ATI Team Head gave a presentation on his RTI interventions with regard to the electoral process in India at a webinar organised by the Citizen's Commission on Elections on the occasion of the release of its first report on the manner of conduct of election across the country. This event was hosted live by DRSTPR Youtube Channel. During the same month the ATI Team also resourced a webinar organised by Citizens Forum India to commemorate 47 years of the first right to know judgement issued by the Supreme Court in the matter of *State of U.P. vs Raj Narain* (in 1975).

In February 2022, the ATI team Head participated in a **national consultation on the Freedom of Association and the Freedom of Assembly organised by Human Rights Defenders Alert**. He made a presentation on the impact of the recent amendments incorporated in the FCRA, 2010 on foreign funded CSOs in India. In the same month, he gave a **presentation on how RTI can be used as a tool to access documents from law enforcement agencies to curb the role of money and muscle power in elections** at a panel discussion on the subject: Search and Seizure of Illicit Cash and Liquor during elections. He presented a **preliminary analysis of Sri Lanka's Draft Data protection Bill** at a virtual seminar for CSOs, lawyers and academics organised by Transparency International Sri Lanka.

Other meetings:

In November 2021, the ATI Team Head accompanied the International Director, CHRI to a meeting organised by the FCDO, Government of the UK in Delhi to apprise the South Asia incharge about the human rights situation in India with particular emphasis on shrinking civil society spaces. During the same month, the ATI Team Head also made a presentation on CHRI's travails on account of its registration for receiving and using foreign funds being suspended by the Government at a meeting organised by the international CSO network-FIDH. He also presented comments on FIDH's draft action plan to monitor the manner of implementation of the freedoms of association and assembly in FIDH's members countries. In January, 2022, the ATI Team Head delivered the first virtual Guest Lecture organised by the Department of Political Science and Bangalore University Political Science Alumni Association on the topic: Electoral Bonds, Donor Privacy versus Transparency of Political Party Financing. The event was attended by close to 100 students and faculty members from across the country.

Strategic litigation in India:

- **RTI intervention to make the Jal Jeevan Mission implementation details more transparent:** During the months of May and June, the ATI Team turned its focus on the implementation of another flagship scheme launched by the Central Government to provide functional tap water connections to every household across India, named Jal Jeevan Mission. Even though a dashboard was created to make some data available to the public about the implementation of this scheme it contained only macro level data initially. Thanks to our RTI intervention, the implementing agency has now started mentioning the names of districts, sub-districts and village-wise data with regard to the progress made on the scheme-dedicated website. Publishing granular information is likely to be of immense help to activists, the media and CSOs working at the grassroots level to crosscheck the claims made by the implementing agency and even conduct a social audit.

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- **RTI litigation to make the PM CARES Fund more transparent:** During the months of May and June, 2021, the ATI Team filed more than 30 information requests with key Central Government Ministries and Departments to ascertain the amount of funds which public sector enterprises (PSEs) under their jurisdiction made to the PM CARES Fund set up as a public charitable trust by the current government for the purpose of receiving domestic and foreign contributions to finance COVID-19 impact mitigation and relief efforts. Data obtained through the RTI Act and from the Annual Reports of the entities concerned, indicates that more than 90 Central PSEs had contributed more than GB £230.26 Million to the PM CARES Fund since its inception in March 2020. Despite receiving such large sums of public funds, the Fund continues to resist transparency under the RTI Act. All this information has been submitted to the Delhi High Court to support a pending petition which has demanded that the Fund be made compliant with the transparency requirements under India's transparency law. CHRI's Intervention Application in the case relating to transparency of the PM CARES Fund pending before a Division Bench of the Delhi High Court was approved. CHRI is now assisting the Court to decide whether the Fund is covered by the RTI Act or not. A wealth of information relating to the contributions made by Central public sector enterprises to the Fund was collected through RTI applications and perusal of their annual reports and submitted to Court. Hearings are going on albeit at a slow pace due to the COVID-19 pandemic.

Several cases filed by the ATI Team Head in previous years with regard to making public interest matters transparent were decided by the Central Information Commission (CIC) during the reporting period. The CIC directed the Nehru Memorial Museum and Library to declassify the papers handed over by India's second Commander-in-Chief General Sir Roy Bucher regarding the Kashmir war operations in 1947-49. NMML, which had pleaded its inability to disclose these papers, was directed to open them up for public scrutiny after taking permission for the Ministry of External Affairs. Compliance in this regard is still awaited. The media covered this case widely after it was disseminated by the ATI Team Head.

Meanwhile, the CIC ruled that continuing the appeal case relating to the identity of buyers of electoral bonds from the State Bank of India did not serve any further public interest despite strong arguments advanced in favour of greater transparency with regard to these transactions. Options of challenging this order in the High Court are being explored with lawyers. Meanwhile the two petitions filed in the Delhi High Court for disclosure of documents relating to a case of extra-judicial killing of 17 young and old persons in Chhattisgarh has not come up for effective hearing since the beginning of the pandemic. It has been postponed to April, 2022. Similarly, the Government's challenge to the CIC's

2019 order to disclose papers relating to the extra judicial killings in Machil, Kashmir which the Government of India has challenged has also not come up for hearing during this period.

Meanwhile, the CIC directed in August 2021 that Indian Embassies in six Gulf countries should disclose on their respective websites details of deaths of Indian nationals who die in those countries. This is a major step forward in ensuring transparency to this phenomenon of untimely deaths of India nationals in the working age group which has been reported for several years by the media. Compliance from these Embassies is awaited. On the other hand, the CIC remanded four cases back to the respective public authorities for reconsideration of their decisions. The first relates to the manner of disposal of files relating to the abrogation of Article 370 of the Constitution with regard to Jammu and Kashmir. The remaining three cases relate to greater transparency about electronic voting machines (EVMs). IN the first case, Rashtrapati Bhawan has not responded yet positively. Two of the manufacturing companies have provided miniscule amounts of information about EVMs, subsequently and one EVM testing authority is yet to respond to the order of the CIC. These matters are being pursued to their logical conclusion under the RTI Act. The media reported on these cases widely. The story about the EVM testing authority was at No. 8 of the top-10 stories published on the Times of India website in August, 2021.

Other initiatives:

In January, 2022, Transparency International headquartered in Berlin requested the ATI Team Head to review the country report for India which was released along with the Corruption perception Index 2021. The report was refined based on suggestions provided and released to the public. The Hindu did a podcast with the ATI Team Head on the issue of corruption and anti-corruption efforts in India subsequently. Other media also covered the country report and quotes from the ATI Team Head based on the India's ranking on the Index.

During the reporting period, the ATI Team Head also published one column every month on the topic- sarkari secrets, published by the Deccan Herald. These columns received considerable attention in out networks. Additionally, the ATI team Head also disseminated research findings with regard to the manner of implementation of the PM Garib Kalyan Yojana during the COVID-19 pandemic. A sampler of media reports based on our work is given at the end of this segment of the report. During the reporting period the ATI Team provide technical assistance and advice to a host of RTI activists, academics and journalists using RTI on matters of public interest. Details are not being put presented here because the cases are

numerous. However a record of all such conversations and assistance provided is being maintained at CHRI through worksheets.

Publication: Published and disseminated widely, a monthly column in the Deccan Herald on the topic of pending human rights cases in Jammu and Kashmir- based on an RTI intervention made a few weeks ago: <https://www.deccanherald.com/opinion/jk-human-rights-cases-under-lock-and-key-1085524.html>

Publication: Published and disseminated widely, a monthly column in the Deccan Herald on the topic of an RTI intervention relating to EXIM Bank which had provided lines of credit to Sri Lanka during the economic crisis: <https://www.deccanherald.com/opinion/our-money-exim-bank-s-secret-1094995.html>

In February 2022, a compilation of RTI caselaw put together by former Central Information Commissioner Mr. M L Sharma with technical assistance and resource material provided by CHRI was released. In March 2022, CHRI finalised and disseminated its preliminary analysis of the RTI related trends in the Central Government for the year 2020-21 published by the Central Information Commission. The findings received good coverage across the media. In March 2022, CHRI also provided technical assistance to the newly appointed Information Commissioner of the Maldives at his request on RTI dispute resolution related matters. In March, 2022, it also sent detailed comments on the draft of a legal commentary on landmark decisions of Sri Lanka's RTI Commission and at the request of an RTI Commissioner and a researcher in Sri Lanka.

INTERNATIONAL ADVOCACY AND PROGRAMMING (IAP)

MAIN ACTIVITIES

ADVOCACY IN GENEVA

CHRI participated virtually in the 47th HRC Session (June / July 2021). CHRI actively intervened in the session, made written and oral statements (both individual and joint) on various thematic and country-situation issues. Along with the UNHRC sessions, CHRI also made submissions, inputs and recommendations to the thematic reports and jurisprudential development by the UN mandate-holders. CHRI also studied the UPR process of Commonwealth States and made statements during the consideration of their outcome report.

Participation in the 47th regular session of the UNHRC (June / July 2021)

1. [Written Statement](#), ‘*A new infrastructure for fact-telling to counter disinformation, build healthy ecosystems, and greater trust in journalism*’ (Agenda Item 3) – made further recommendations based on the report on disinformation published by the Special Rapporteur on the right to freedom of opinion and expression.
2. [Written Statement](#) (CHRI and the Commonwealth 8.7 Network), ‘*Implementing the non-punishment principle for victims of trafficking in the COVID-19 pandemic*’ (Agenda Item 3).
3. [Joint oral statement](#) (video intervention) with Asian Forum for Human Rights and Development (FORUM-ASIA) in the interactive dialogue with the Special Rapporteur on the right to freedom of opinion and expression (Agenda Item 3).
4. [Oral statement](#) (video intervention) in the interactive dialogue with the Special Rapporteur on trafficking in persons, especially women and children (Agenda Item 3).
5. [Oral statement](#) (video intervention) in the UPR Outcome Adoption of Nauru (Agenda Item 6).
6. [Oral statement](#) (video intervention) in the UPR Outcome Adoption of Saint Kitts and Nevis (Agenda Item 6).
7. Joint end of session statement delivered by the International Service For Human Rights (ISHR).
 - [Submission](#): Call for inputs by the Special Rapporteur on contemporary forms of slavery for his annual thematic report on the ‘nexus between forced displacement and contemporary forms of slavery’ which was presented at the 48th UNHRC Session in September 2021. The inputs were primarily provided by CHRI in collaboration with five members of the Commonwealth 8.7 Network. Inputs provided were reflected in five different points raised by the Special Rapporteur in his [report](#).
 - Provided inputs and feedback to the United Kingdom’s Foreign, Commonwealth and Development Office (FCDO) in April 2021 for the 38th Universal Periodic Review Session that was held in May 2021 in the form of questions / recommendations on modern slavery issues, which is one of the primary areas of focus for the UK. CHRI provided inputs and suggestions with respect to Namibia, Mozambique, Seychelles, Sierra Leone, and Solomon Islands.
 - Submission: Call for inputs by the Special Rapporteur on the right to freedom of opinion and expression for her annual thematic report on ‘disinformation’ which was presented at the 47th UN HRC Session in June / July 2021. The input was primarily drafted based on the findings of the CHRI’s study on disinformation during the pandemic in five South Asian States.
 - Submission: Call for inputs by the Special Rapporteur on the human rights of migrants for his annual report on the ‘Impact of COVID-19 on the human rights of migrants’ to be presented to the 76th Session of the United Nations General Assembly. The input

was made jointly by CHRI and Warbe Development Foundation focusing on the increased risk of exploitation for Bangladeshi migrants.

- CHRI submitted its quadrennial report (2017-2020) to the ECOSOC giving a brief description of its activities with and its contribution to the work of the United Nations and its bodies. CHRI has been in a special consultative status with the UN ECOSOC since 2005 and this was the fourth quadrennial report submitted by CHRI which is currently under review by the NGO Committee of the ECOSOC.

WORKING GROUP ON HUMAN RIGHTS IN INDIA AND THE UN

As the Secretariat of the Working Group on Human Rights in India and the UN, CHRI received support from the United Nations Development Programme for a series of activities towards strengthening awareness of and engagement with the Universal Periodic Review (UPR) in India.

a) Regional Consultations

Between the 15th of November 2021 and the 14th of February 2022, four regional consultations were organised with CSOs, HRDs and independent experts across the following regional zones:

- Northern Consultation: 15 - 17 November 2021
States covered: Rajasthan, Madhya Pradesh, Uttar Pradesh, Bihar, Jharkhand, Chattisgarh, Delhi, Haryana, Punjab, Uttarakhand, Himachal Pradesh, Jammu & Kashmir and Ladakh
- East and North-Eastern Consultation: 29 November - 01 December 2021
States covered: Odisha, West Bengal, Assam, Sikkim, Nagaland, Manipur, Meghalaya, Tripura, Mizoram and Arunachal Pradesh
- Western Consultation: 20 December- 22 December 2021
States covered: Gujarat, Maharashtra, and Goa
- Southern Consultation: 24 - 31 January 2022
States covered: Karnataka, Tamil Nadu, Telangana, Andhra Pradesh, Puducherry and Kerala

Due to the COVID-19 pandemic, the consultations had to be held online. Bringing together a total of 282 participants to discuss 13 human rights thematic issues, the regional consultations served to engage a broad network of organisations in the UPR process, and gather input to feed into Joint Stakeholders' submission and report. The list of thematic issues is as follows:

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- Dalit Rights
 - Rights of Women and Sexual and Gender Minorities
 - Child Rights
 - Housing and Land Rights
 - Freedom of Religion and Religious Minorities
 - Labour Rights
 - Environment and Climate Change
 - Right to Health
 - Access to justice
 - Right to Freedom from Torture and Ill-Treatment
 - Rights of Indigenous People
 - Militarization, Extrajudicial Killings and Enforced Disappearances
 - Human Rights Defenders and Civic Space (Freedom of Assembly, Association and Expression)

During each thematic session, participants shared their experiences and recommendations. The regional consultations also provided an opportunity to raise awareness of the UPR process and the crucial role played by civil society through training and explanatory sessions held at the beginning of each consultation.

b) National Consultation

The National Consultation was held in New Delhi on the 3rd and 4th of March 2022. The event brought together CSOs, HRDs, and independent experts from all over India. Representatives from UN agencies and diplomats were present as observers.

The objective of the consultation was to strengthen networks created during the regional consultations and highlight thematic issues that were underrepresented. The consultations served as a platform to consolidate findings during the regional consultations and for participants to discuss and draft, in real time, recommendations for the Joint Stakeholders' Report. The national consultation provided an opportunity to train participants on the SMART framework, and how it can be utilised to formulate clear, targeted and efficient UPR recommendations. The consultation brought together 124 participants.

The following thematic issues were covered during the consultation:

- Housing and Land Rights
- Right to Education
- Right to Food
- Water and Sanitation
- Environment and Climate Change
- Labour Rights

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- Right to Health
 - Rights of LGBTQIA+ Persons
 - Rights of Persons with Disabilities
 - Rights of Scheduled Tribes, Adivasis and Nomadic Groups
 - Religious Minorities
 - Refugees, IDPs and Migrants
 - Human Rights Defenders (Freedom of Assembly, Association & Expression)

c) **Joint Stakeholders' Report**

A Joint Stakeholders' Report was submitted on behalf of civil society organisations around India, with input from approximately 400 individuals across India. 124 organisation and independent experts endorsed the report. The report was divided into 22 thematic sections, and was drafted on the basis of the WGHR mid-term report released in 2020 for UPR III and the inputs received from the regional and the national consultations.

The report covers the following thematic issues:

- Right to Adequate Housing and Land
- Right to Food
- Water and Sanitation
- Right to Health
- Right to Education
- Environment and Climate Change
- Labour Rights
- Freedom from Torture and Ill-Treatment
- Militarism and Security Laws
- Police Reform, Legal Aid and Criminal Justice System
- Rights of Women
- LGBTQIA+
- Child Rights
- Scheduled Castes
- Scheduled Tribes
- Disability Rights
- Religious Minorities
- Refugees, IDPs and Migrants
- Right to Information
- Human Rights Defenders and Civic Space
- Human Rights Institutions
- International Obligations and Collaboration with the UN System

2. MEDIA AND FREEDOM OF EXPRESSION

Study on media related laws and policies of India

This short-term study resulted in a paper that maps and analyses the major laws in India that: restrict freedom of the press and freedom of expression online and offline; govern social protections, and livelihood and working conditions, for journalists; and provide special procedures for cases pertaining to media freedom and journalist safety, or specifically facilitate media freedom and journalist safety in any other way.

MEDIA AND OUTREACH

1. Social Media Outreach

- On Prison Team's report and video on Videoconferencing and Fair Trials Rights
- On Police Team's report and pamphlets on Non-registration of FIRs in cases of sexual violence and a guidebook on the same
- On pressures facing journalists in North East India
- On state of Indian Prisons
- On attacks against RTI activists
- On former foreign national prisoners in India
- On activities and works of City Core Group in Mumbai and its partners
- On International Women's Day
- On more than 10 oral and written statements made at UNHRC session
- On rising COVID infections in prisons
- On guidelines for policing during the pandemic
- On reported accounts of police excess during the lockdown
- On CHRI data tracking prisons and its systems during the pandemic
- On the need to decongest prisons
- On court orders directing suspension of arrests
- On Menstrual Hygiene in Prisons
- On International Labour Day
- On International Domestic Workers Day
- On DK Basu guidelines on arrests and detention
- On UNCAT and why India must ratify it
- On landmark judgments on human rights and policing in India

Total reach: More than 50,000 impressions on Twitter alone

2. Press Releases and Statements

1. On criminal cases against media
2. On illegal detention and custodial torture of Mr Shiv Kumar
3. On arrests of Bangladeshi and Manipuri journalists
4. On custodial torture and death of Mr Faizal Hussain
5. Tribute to Soli Sorabjee
6. On demand for investigation into death of UP teen
7. On closure of unlawful detention centres in UK
8. On urging independent investigation into Danish Siddiqui's death

Citations in media & columns written by staff: More than 50

Top news organisations covering CHRI: Times of India, Hindustan Times, The Hindu, Deccan Herald, The Assam Tribune, The Tribune, The Shillong Times, The Wire, among others.

PUBLICATIONS

- [Study on Functioning of Undertrial Review Committees - From April to June 2020](#)
- [Ten Things You Should Know About Indian Prisons CHRI's Analysis of Prison Statistics India 2020](#)
- [Handbook of Judgments on Human Rights and Policing in India](#)

ARTICLES PUBLISHED

- 27 February 2022, [J&K: Human rights cases under lock and key](#) *deccanherald.com*
- 27 March 2022, [Our money, Exim Bank's secret?](#) *deccanherald.com*
- 10 March 2022, [Why Are India's Jails so Overcrowded?](#) *News Click*
- 10 March 2022, [A heart-wrenching snapshot from a women's prison in India](#), *ESHE*
- March, 2022, [No political will for Prison Reforms](#), *Frontline Magazine*

NEWSLETTER - JAIL MAIL

- [Jail Mail: Prisons and Parliament - Monsoon & Winter Session 2021](#) (Mar 17, 2022)
- [Jail Mail - Ten Things You Should Know About Indian Prisons 2020: Based on NCRB's PSI 2020](#) (3 February 2022)
- [Jail Mail- Lessons learnt from the Pandemic: Ensure Right to Adequate Healthcare in Prisons](#) (26 November 2021)

- [Jail Mail – Legal Services Day 2021](#) (9 November 2021)
- [Jail Mail - Nelson Mandela Day 2021](#) (19 July 2021). In our Jail Mail marking the birth anniversary of Nelson Mandela, CHRI examines how the first and second waves of the COVID-19 pandemic affected the conditions inside Indian prisons. CHRI also shared the data collated and key judicial orders on this matter.
- [Jail Mail on CHRI's Report 'Disconnected: Videoconferencing and Fair Trial'](#) (20 May, 2021)

Media reports highlighting CHRI's work from April 2021 – March 2022 – A sample

1. 08 August, 2021: "Disclose Number of EVMS, VVPATs that showed defects in firmware audit: CIC", *The Tribune*: <https://www.tribuneindia.com/news/nation/disclose-number-of-evms-vvpats-that-showed-defects-in-firmware-audit-cic-294825>
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7. 14 August, 2021: "India is no country for data", *The Morning Context*: <https://themorningcontext.com/chaos/india-is-no-country-for-data>
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11. 12 September, 2021: “Ex gratia payments to women under PMGKY: RTI shows major discrepancies in implementation data”, *The Wire*: <https://thewire.in/economy/rti-finds-discrepancies-in-pmgky-data>
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II. INSTITUTIONAL

The year 1 April 2021 – 31 March 2022 has been an extremely challenging time for the Commonwealth Human Rights Initiative (CHRI), as it had to deal with the devastating second wave of the COVID 19 pandemic. In addition, CHRI had to deal with issues related to the suspension of FCRA and the the freezing of FC funds, and a prospective transition of leadership.

A significant amount of organisational resources, energy and time were expended to cope with these challenges.

CHRI's FCRA was suspended on 7 June 2021 without any prior intimation on the grounds of certain minor discrepancies in the Annual Accounts of CHRI. CHRI challenged the suspension, and the case was admitted by the Delhi High Court on 12 July 2021. Several hearings were held between July 2021 and January 2022.

The 29 July 2021 hearing resulted in an order that gave some relief, by allowing the use of 25% of FC funds available, for payment of salaries and consultancies on contracts entered into prior to the suspension. During this period, the organisation managed its limited funds to ensure that all staff and consultants were paid on time, given the raging pandemic. The frequent hearings gave hope, but no substantive relief has been provided after the order of July 29, 2021. The Court dismissed the case on 14 February 2022 and CHRI subsequently filed a revision petition.

In parallel, the Ministry of Home Affairs conducted an audit in the office premises from 9 - 14 August 2021. On 1 December, 2021 our suspension was extended by another 180 days, as per provisions of the amended FCRA Act. A show cause notice was issued on 7 December 2021, to which a response was submitted on 20 December, 2021. The hearing was eventually held virtually on 16 February, 2021. A clarificatory note on some of the points was sent on 2 March 2022. CHRI was waiting for the order of the MHA at the end of the reporting period.

The administration and the accounts played a pivotal role in holding the organisation and ensuring its smooth running in the midst of the pandemic and the challenges of FCRA suspension/cancellation. With the introduction of 'work from home policy' since the beginning of the pandemic and most staff members are confined to work from home, the need for providing technical and IT support for regular meetings, work tracker arrangements, ensuring timely disbursements of salaries and settlement of bills, etc. were seamless which the administration ensured without any lapse.

During this period, CHRI also witnessed frequent meetings of the Executive Committee at short notice to deliberate and decide on the legal, administrative and institutional priorities in the face of FCRA suspension/cancellation and this challenging time has also resulted in the spurt of many young staff members leaving the organisation. The administration and accounts ensured providing all the services that are required to the Executive Committee and in settling all the dues of staff members leaving the organisation without any hassle.

Coping with the effects of the FCRA suspension

The sudden FCRA suspension has severely impacted CHRI's programme work, as several projects were supported by foreign funding. As a result, several staff left the organisation owing to the uncertainty. Activities that involved expenditure, for example printing of research reports and public education material, in-person meetings, workshops etc. could not be undertaken as the Court did not allow any relief for funding of activities, only for salaries. Despite all these challenges, the programmes have adapted well by using virtual platforms for

convening meetings, but it has become increasingly hard to sustain activities without incurring costs for longer periods of time.

Domestic support received

After the suspension notice, CHRI reached out to various domestic philanthropists. The institutional support from Azim Premji Philanthropic Initiatives (APPI) of Rs. 1 crore enabled CHRI to successfully raise Rs. 30 lakh from the Lal Family Foundation, Rs. 25 lakh from Rohini Nilekani Philanthropies, Rs. 10 lakh from The Tree of Life Foundation. Individual contributions included Rs. 9 lakh from senior advocates and contributions by Board members.

CHRI was also able to receive a grant from the United Nations Resident Commissioner's office for Strengthening Universal Periodic Review Advocacy and Monitoring in India. The grant was for Rs. 22,73,000 for the period 1 September - 31 August 2022. In addition, United Nations High Commissioner for Refugees (UNHCR) sanctioned a grant of Rs. 6,83,904 for the period 1 January 2022 – 31 December 2022 for prevention and response to detention of persons of concern.

CHRI conducted a course on Access to Justice with National Law School Odisha (NLUO). The fees collected (Rs. 60,000) was equally shared between CHRI and NLUO.

Leadership Transition

Mr. Sanjoy Hazarika, eminent journalist, academic, author, filmmaker, activist and expert on the North East of India has led CHRI from October 2016. Mr. Sanjoy Hazarika, demitted office as Director on 31 March, 2022, after serving for five and a half years. The selection process for CHRI India Director, to succeed Mr. Hazarika was being completed by the end of the reporting period. The Executive Committee (EC) of CHRI India announced that Mr. Venkatesh Nayak, Head of the Access to Information Programme, will function as the Director-in-Charge and chief functionary of CHRI India, with effect from 1 April, 2022, until the new Director takes over. Subsequently, Mr. Venkatesh Nayak was selected as Director, CHRI, and he assumed charge on 16 May 2022.

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