

Give custodial death details: NHRC to J&K

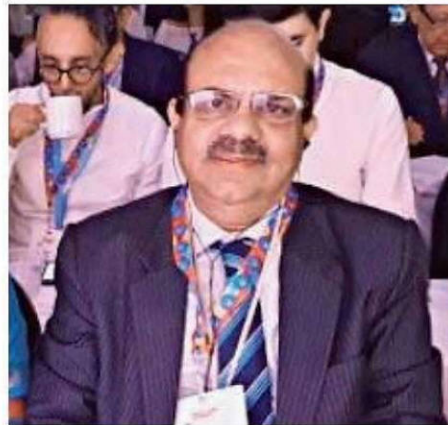
Ladakh also asked to do the same

SPECIAL CORRESPONDENT

NEW DELHI

The National Human Rights Commission on Thursday said it had asked the Union Territories of Jammu and Kashmir and Ladakh to inform it of any custodial death within 24 hours, and any encounter death within 48 hours, a requirement for all States and Union Territories. The erstwhile State of Jammu and Kashmir had been exempted from this rule.

In a statement, the NHRC said its Secretary General Jaideep Govind had written to the Jammu and Kashmir Chief Secretary and Ladakh Commissioner Secretary on Tuesday requesting them to issue suitable orders. The Union Territories were asked to send all post-mortem reports, videography, magisterial enquiry reports etc. to the NHRC in all cases of custodial and encounter



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deaths. Mr. Govind said the State of Jammu and Kashmir, whose special status was withdrawn and split into two Union Territories in August 2019, was “not under statutory obligation to follow the mandate of the commission by sending intimations.” But after the amendment of the Protection of Human Rights Act, 1993, last year, “there is no prohibition of exercising jurisdiction by the commission like in all other States and Union Territories,” the statement said.

NHRC notice to UP govt over child's death at hospital

NEW DELHI: The NHRC on Thursday said it has sent a notice to the Uttar Pradesh government over reports that a one-year-old child with fever and swollen neck died after doctors allegedly refused to attend to him at Kannauj district hospital.

The commission, in a statement said, this is not the first case of alleged negligence and denial of treatment to the patients by doctors in the recent past.

"The National Human Rights Commission has taken suo motu cognisance of a media report that a one-year-old child, suffering from fever and swollen neck, died as he was not attended to by the doctors at the district hospital, Kannauj," the rights panel said in a statement.

Looking into the gravity of the reported issue, the commission has issued a notice to the chief secretary of Uttar Pradesh, seeking a detailed report within four weeks, including the action taken against the doctors, officials of the hospital concerned and status of any relief given to the family of the deceased child by the state government, it said.

PTI

Report encounter deaths in 48 hrs, NHRC tells J&K

TRIBUNE NEWS SERVICE

NEWDELHI, JULY 2

The National Human Rights Commission (NHRC) has asked the Union Territories of Jammu and Kashmir and Ladakh to henceforth intimate it about any custodial or encounter deaths within 24 and 48 hours of such incidents.

The panel said intimation guidelines applicable to the rest of the country would now be valid for the two UTs too following an amendment to the Protection of Human Rights Act in 2019.

In a letter to the Chief Sec-

retary of J&K and the Commissioner Secretary of Ladakh, the NHRC asked them to comply with its instructions. Among them are sending requisite reports, including of post-mortem, videography and magisterial inquiry, in custodial and encounter deaths.

The commission said the erstwhile state of J&K was exempted from sending such intimations in view of protection provided to it on subjects mentioned on List II of Seventh Schedule of the Constitution (state subjects) in the Act.

NHRC: Give details of custodial, encounter deaths

NEW DELHI: The NHRC has asked the Union Territories of Jammu and Kashmir and Ladakh to intimate it about any custodial or encounter death within 24 hours and 48 hours respectively.

In a strong letter dated June 30 by NHRC Secretary General Jaideep Govind to the heads of both the UTs, the NHRC has stated that in the case of custodial deaths, the Commission should be intimated within 24 hours, and within 48 hours of the incident in case of an encounter death as the guidelines for all states and Union territories with a view to protect and promote human rights.

The panel has asked the chief secretary of J&K and the commissioner secretary of Ladakh to pass suitable instructions to those concerned for compliance of all instructions issued by the commission, to send all requisite reports, including the post-mortem, videography and magisterial enquiry reports, in all custodial deaths and encounter deaths. "The erstwhile state of J&K was not under a statutory obligation to follow the mandate of the commission by sending intimations, in such cases of deaths in custody or encounter, in view of the protection given in respect of the subjects mentioned in List II of VII Schedule of the Constitution in the PHR Act," the NHRC said. **MPPOST**

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The challenges within



Sir Robert Mark, a legendary police officer in the UK, who cleaned the Metropolitan police of corruption and who was subsequently knighted for his efforts, narrated an episode that stayed with him throughout his career as an officer. As part of his job, he was required to serve an internment order on an Italian waiter, who had lived in Manchester for over 30 years. Sir Robert Mark met the waiter and reported that he was harmless. The waiter was nonetheless deported as an “enemy alien.” Eventually, he died on a transport ship that was torpedoed by a U-boat. “That experience taught me there was neglect, carelessness and worse in the police system,” he wrote later. “It was a lesson I never forgot.”

Coming to the Indian police system, the one thing that I can say with some certainty is that there is no shortage of such experiences that can serve as a wake-up call for its officers. To Mark's words, I would like to add that there is not only "neglect and "carelessness" in the Indian police system but a heavy dose of "malice", too. A recent horrific and brutal crime in Tamil Nadu brought this aspect to the fore. As per reports, on June 19, a trader, Jayaraj and his son, Bennix, who ran a mobile showroom, were at their shop when the Sattankulam police picked up the former and started assaulting him. When Bennix intervened, the police beat both of them mercilessly after taking them to the police station. The officers brutalised Bennix by allegedly inserting a baton into his anus. This triggered uncontrolled bleeding, which led to his death. His 60-year-old father was not spared either and was declared dead 10 hours later. The story is a brutal one but hardly unique in its brutality or display of violence by the police. A report published by the National Campaign Against Torture (NCAT) noted that a total of 1,731 people died in custody in 2019. This works out to roughly five people a day.

This is indeed a shocking number only if one is unfamiliar with the long, painful history of police brutality in India. But for anyone, who pays even little attention to the news, given the trend of police brutalities, hardly a day passes without a report of atrocity or impropriety. They may not always be as brutal as the Tamil Nadu incident but there are thousands of instances of police malice that are not even registered or those that do not show up on our radar until it culminates into a brutal killing and perversity. Take the example of an incident in Uttar Pradesh, where a station house officer (SHO) of Bhatni police station was suspended for masturbating in front of a woman who sought to register a complaint. Thankfully, the Uttar Pradesh police registered an FIR in this case.



However, there are innumerable such cases where perpetrators of horrific crimes are policemen themselves and no FIRs are registered. In terms of action, the numbers back up the view that the police do not take crimes committed by themselves seriously. According to the National Human Rights Commission (NHRC), 3,146 people died in police and judicial custody in 2017-18. There have hardly been any convictions for these deaths though. This isn't surprising and even in the case of Bennis and Jayaraj, reports state that police officers have shown reluctance in coming forward to the station where the horrific incident occurred. This kind of behaviour must change.

So how do we bring about behavioural change? How do we stem the rot that seems to be entrenched among our officers? How do we fix the system, where powerful officials abuse their position and take the form of the very criminals they are supposed to apprehend?

The role of the judiciary in ensuring that justice is done and that investigation into custodial deaths is not compromised in such cases is crucial. One would also welcome anti-torture legislation. To this extent, the legislature can also contribute. However, in my humble opinion, the lack of a specific law is not the reason for an unabated rise in crime and criminals in an institution that I was proud to serve for many years. The Supreme Court's string of judgments

between 1986 and 2015 in *DK Basu vs State of West Bengal*, “created a valuable and seamless web of legal principles and techniques to reduce custodial death and torture,” as was explained by distinguished lawyer Abhishek Manu Singhvi, who was *amicus curiae* in the matter.

The judgments *inter alia* detail procedural safeguards that must be followed, including the carrying of name tags by police officers, the preparation of an arrest memo which is to be attested by a family member or a respectable member of the locality among others. There are also directions to set up State Human Rights Commissions where there were none; to fill up vacancies that may already exist; and to set up human rights courts under the NHRC Act. I have merely tried to sum up the position and there are a lot more guidelines and directions in the judgments mentioned above. Therefore, the lack of a law on the subject is not the issue at hand. In fact, our immediate response to heinous crimes is often straight to an amendment of an old law or induction of a new one. This had happened with reactions calling for the death penalty in cases of rape as well. While I support the sternest action against rapists, we tend to ignore the fact that more than 90 per cent of the cases involving sexual abuse is perpetrated by the family members themselves or people known to the victim. By imposing strict penalties, rarely has the benefactor been the victim or society but the per-

petrator himself since victims are more hesitant to report crimes with such strict penalties.

In the case of custodial deaths, too, our immediate reaction should be proper implementation of the current law rather than implementing a new one and then forgetting about it. We would make a heavy dent in arresting criminal behaviour if we: (i) Manage to ensure that FIRs are registered by the police against their own personnel. This is a Herculean task because getting an FIR registered against a criminal outside the police force is hard enough. (ii) Place CCTV cameras in police stations. (iii) Reward police personnel, like the DGP of Orissa who dismissed and initiated a Crime Branch inquiry against an inspector who was accused of raping a 13-year-old girl.

This accountability, however, is not limited to the police. Often, the reason why police officers are allowed to get away with murder is because custodial deaths are categorised as deaths due to suicide or due to natural causes by the doctors who conduct the autopsy. This is an abject failure on the part of the medical professionals who conduct the autopsy of victims and issue such reports, presumably under duress or for bribes. Such doctors allow these crimes to go unacknowledged and unregistered. The strictest possible action must be taken against such people who should be treated as accomplices to these crimes.

There is a certain segment

in the force who will all be the Indian police because of the lack of a With all of these saf catching criminals will impossible. This su can only be scoffed at first point of providing to the police, I have the past as well, that suffers from a lack of a lack of training, no mentation of reforms here, too, police offic to demand change fr political masters ins cushy or powerful Furthermore, politica should be questioned have not implemente reforms if indeed they ous about tackling po lence and corruption.

On the second point, the above-detailed suggestions prevent the police from doing their job, the fact is that checks and balances only work on actions that are violent and criminal in nature. They are precisely so that actual criminals are apprehended on the basis of evidence and good police work rather than due to a suspicion by a suspect before the police. We must remember that in order to truly tackle the crime, we need to change the environment and confront the criminals in and, therefore, have the same ambition that Sir John Mark had for the Metropolitan police, "To arrest more criminals than we employ."

(The writer is a former police officer, a former MP and is now a member of the AA.)

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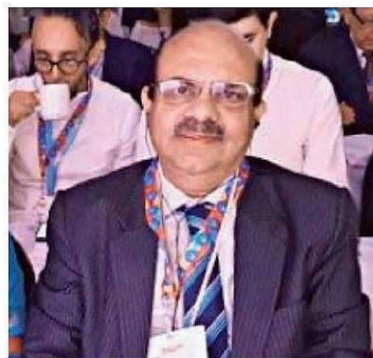
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NHRC seeks ATR on rape & abortion case from DM, SP

POST NEWS NETWORK

Bhubaneswar, July 2: The National Human Rights Commission (NHRC) has asked Sundargarh District Magistrate and Superintendent of Police to submit action-taken report (ATR) in connection with the sensational rape and forced abortion of a minor girl by cops at Biramitrapur.

The commission, while hearing a plea which was filed by activist Himanshu Kumar Nayak based on a report published in Orissa POST, asked the district administration to inform the commission about the compensation awarded to the victim along with all the related proofs within four weeks.



The NHRC also warned that it can take coercive action against the authorities in case they failed to send the report within the stipulated time under Section 13 of the Protection of Human Rights Act, 1993.

Meanwhile, DGP Abhay had also apologised to the survivor for the shameful conduct of the IIC and other cops involved in it. The dismissed IIC of Baramitrapur Police station, Ananda Chandra Majhi, was arrested by the state crime branch from Handapa area in Angul Wednesday.

धार कलेक्टर से कार्रवाई पर मांगी रिपोर्ट

नहीं मिलने पर मानव अधिकार संरक्षण अधिनियम 1993 की धारा 13 के तहत कार्रवाई की जाएगी। इस धारा के तहत आयोग सिविल कोर्ट की तरह कलेक्टर को समन जारी कर बुला सकता है। इस मामले में डीबी स्टार ने धार कलेक्टर आलोक सिंह से संपर्क किया तो उन्होंने कहा कि मुझे आयोग का ई-मेल नहीं आया है।