

Guwahati HC asks State Govt to file detailed affidavit on police encounters

People killed in encounters were not criminals: PIL

Guwahati: The Gauhati High Court on Tuesday asked the Assam Government to file a detailed affidavit on the police encounters that have been taking place since BJP returned to power in the state in May 2021.

Hearing a public interest litigation filed by advocate Arif Md Yeasin Jwadder, a High Court Bench comprising Chief Justice Sudhanshu Dhulia and Justice Soumitra Saikia asked Assam Advocate General Devajit Lon Saikia to submit the detailed affidavit related to the encounters.

"The Home and Political Department will prepare and file the affidavit," the Advocate General told *PTI*.

The High Court has fixed January 25 for the next hearing of the case. According to Jwadder, the Court asked the Principal Secretary(Home) or Additional Secretary (Home) to file the detailed affidavit on the alleged fake encounters.

Noted rights activist Indira Jaising argued in the case on behalf of the petitioner.

Jwadder claimed that Saikia informed the Court that magisterial probes were being conducted about the encounters, but Jaising countered that no such information is available.

Jaising urged the Court to direct the state to upload the FIRs on their website if the cases have been registered.

Earlier on January 3, the Gauhati High Court had asked the Assam government to furnish all case details of the encounters.

Besides the Assam Government, Assam Police DGP, state Law and Justice Department, National Human Rights Commission and Assam Human Rights Commission have been named as respondents in the petition.

Jwadder in his petition sought an enquiry by an independent agency like CBI, SIT or police teams from other states under the supervision of the Court.

The petitioner also sought a judicial enquiry by a sitting Judge of Gauhati High Court and monetary compensation to the victims' family after due verification. Jwadder claimed in the PIL that more than 80 "fake" encounters between Assam Police and the alleged accused had taken place since May 2021, when Chief Minister Himanta Biswa Sarma took charge. It had

resulted in 28 deaths and more than 48 injuries.

The people killed or injured were not dreaded criminals and the modus operandi of police has been the same in all the encounters, the PIL claimed.

The petition doubted the police statement published in newspapers which said that the force had to retaliate and kill or injure the accused in self-defence as they had tried to snatch service revolvers of the police personnel.

The injured or dead persons were not militants and were not trained to use pistols and it cannot be the case that all the accused could snatch a service revolver from a trained police officer.

Earlier, the petitioner had filed a complaint on the alleged "fake" encounters with the National Human Rights Commission (NHRC) against the Assam Police over the series of encounters that have taken place since May 2021.

The NHRC in November 2021 transferred the case to the Assam Human Rights Commission (AHRC), which had also taken suo motu cognisance of the alleged fake encounters and asked for a report from the Assam Government. **PTI**

SC notice on plea filed by woman seeking to trace her husband missing since 2015

<https://theprint.in/india/sc-notice-on-plea-filed-by-woman-seeking-to-trace-her-husband-missing-since-2015/801064/>

The Supreme Court has sought response from the Rajasthan government and the High Commissioner of Malaysia on a plea filed by a woman seeking to trace her husband who has been missing since 2015.

A three-judge bench headed by Justice U U Lalit issued the notices on the petition of Raj Kumari, who alleged that no action was taken on her representations to authorities.

The appeal filed by the woman submitted that the Rajasthan High Court dismissed her habeas corpus petition on the ground that the police is investigating the case.

The woman contended that nothing has been done for the past six years since the FIR was filed.

“The petitioner has already approached the Prime Minister’s Office, NHRC, Ministry of External Affairs and local police but no substantial action has been taken in this regard. The Petitioner is not even aware if her husband is dead or alive in Malaysia,” the plea said. PTI PKS ZMN

Time is ripe to invest in India: Dnyaneshwar Mulay, Indian National Human Rights Commission member and former Consul General

<https://www.newsindiatimes.com/time-is-ripe-to-invest-in-india-dnyaneshwar-mulay-indian-national-human-rights-commission-member-and-former-consul-general/>

Dr. Dnyaneshwar Manohar Mulay, member of India's National Human Rights Commission and former Consul General of India in New York, urged Indian-Americans and others to invest in their motherland's growth and prosperity.

Speaking to Padma recipient Dr. Sudhir Parikh, chairman of Parikh Worldwide Media and ITV Gold, Jan. 8, 2022, at the ITV Gold studio, Mulay appreciated the help Indian-Americans sent to India in 2021, and continue to provide to the homeland during the Covid-19 crisis. He also praised frontline medical personnel of Indian origin in the United States.

Mulay, who has a storied career in the Indian Foreign Service since 1983, and was among the most popular Consul General's to serve in the U.S. He has worked in India's Ministries of Finance, Commerce, External Affairs and at the Cabinet Secretariat. Among the many languages he is proficient at are Hindi, Marathi, English, Sanskrit, Kannada, Japanese, Russian, and Punjabi. He is an author with more than 15 books to his name, and a columnist along with being a diplomat.

Seen as a 'Renaissance Man' by many for his depth of knowledge in numerous fields and his experience locally and globally, Mulay has worked to highlight the issues faced by Indians living abroad, and helped grow the Indian Government's presence abroad, increasing the number of passport and visa offices, and helping ease of business for investors abroad.

Following are excerpts, transcribed into English and edited for style, from a Q & A held Jan. 8, 2022, with Ambassador Mulay on ITV Gold —

Padma Shri recipient Dr. Sudhir Parikh, chairman of Parikh Worldwide Media, gestures while speaking to India's National Human Rights Commission member and former Consul General in New York Dnyaneshwar Mulay, at ITV Gold studios in New Jersey, Jan. 8, 2022. Photo: ITV Gold

Dr. Sudhir Parikh: I am highly privileged and proud to welcome my very close friend Mulay sahab. He was our very accomplished and very popular diplomat who served here between 2013 to 2016. And he was so popular. And he was, in other words, considered as a Community Consul General. He was a friend of the community, always very easy to access and very helpful to the community, (there) for each and every event and each and every topic of concern.

And I must personally thank you, Mulay sahab — because of your guidance, because of your encouragement, because of your ideas, I am doing this public service, and connecting our second generation Indian-Americans to India, and also to the Americans of America, to show them our culture, our heritage, as well as the current success of the country, economically and otherwise.

So thank you very much. I'm really obliged and indebted for your advice. And please keep giving me advice and (showing me) (the) right path, to take things to the next level. Thank you.

(Dr. Parikh has been involved in urging Indian-Americans, particularly youth, to get closer to India, including in the business sector. He recently presented a documentary, "To New India With Love" made by Tirllok Malik, an Emmy-nominated film-maker, which was released on the occasion of the 75th Independence Day of India. It outlines the opportunities available for small business and industries in India and encourages young Indians living in India to avail of them, to stop the brain drain.)

Dnyaneshwar Mulay: Thank You.

My Indian friends settled in America, my colleagues, I am happy to come again to America to talk to you. I know these are Covid-times and please keep safe, all of you.

I also know that all of you together helped during the Covid wave in India last year, specially sending Oxygen Concentrators to India, was very priceless, was used at the proper time, and saved many lives.

At the same time, living in this country, the work that you all are doing, and did during the Covid times, is also commendable. You all have done a lot for the needy. I understand that time has come now that you also collaborate and help improve the relations between India and the U.S.

India is open to investment. India has only recently announced a new Education Policy under which a lot of opportunities are available to all of you. On top of that, you must be aware that many new universities in Business sector are coming daily to India. Be it Start Up, or Stand Up, be it Micro, Medium or Small Industries, the opportunities are increasing so much that this is the right time if you want to collaborate with India, or if you want to invest in India, or if you want to establish relations with India.

I understand that if the 30 million Indians living outside of India in foreign countries, connect to India, then it will not take time to realize the two dreams of our Prime Minister that India become 'Vishwa Guru' (World Teacher) and that India become a \$5 Trillion economy.

I am always happy to meet you. I will be back soon to see you because New York and New Jersey have become my second home due to the love and respect that all of you gave me. I am thankful to all of you.

— —

Ambassador Mulay, center, flanked by Parikh Worldwide Media COO Ilayas Quraishi, left, and

Dr. Sudhir Parikh, right, Jan. 8. 2022. Photo: ITV Gold

During his tenure as Consul General of India in New York (April 2013 to February 2016), some of Mulay's major accomplishments (listed on nhrc.nic.in) included: Outreach initiatives to the Indian diaspora and mainstream American society; Coordinating the Madison Square Garden event of Prime Minister Narendra Modi in September, 2014; Launching the "Consulate At Your Doorstep" program to deepen understanding with the U.S. decision-makers on India-US relations and addressing the concerns of the community on passports, visas and other matters; Introducing a monthly lecture series called 'Media India 2014', which became very popular; Introducing a lecture series focusing on the Indian States named India-State by State'.

Mulay also appeared on the U.S. mainstream show, Comedy Central's "The Daily Show with John Stewart" in an episode based on India's elections in 2014.

In response to the Swachh Bharat Abhiyan announced by Prime Minister Narendra Modi, Mulay initiated a Swachh Consulate Campaign in New York. This holistic cleansing campaign set a model of Swachh Consulate campaign for other Indian missions abroad.

एमजीएम का मामला: कोरोना से गर्भवती की मौत के बाद मेडिकल बोर्ड ने किया पोस्टमार्टम, मानवाधिकार आयोग में माम...

<https://www.bhaskar.com/local/jharkhand/jamshedpur/news/after-the-death-of-pregnant-from-corona-the-medical-board-did-the-post-mortem-a-case-was-registered-in-the-human-rights-commission-129293460.html>

एमजीएम अस्पताल में कोरोना संक्रमित टेलका लक्ष्मीनगर की गर्भवती पूजा देवी और उसके गर्भ में पल रहे शिशु की रविवार को हुई मौत मामले में डीसी के निर्देश पर मेडिकल बोर्ड का गठन किया गया। मेडिकल बोर्ड ने मंगलवार को शव का पोस्टमार्टम किया। मजिस्ट्रेट मानगो अचल के सीओ हरिश्चंद्र मुंडा की निगरानी में पोस्टमार्टम की विडियोग्राफी कराई गई। इसके बाद शव परिजनों को सौंप दिया गया।

इधर, राष्ट्रीय मानवाधिकार आयोग ने भी इस मामले को संज्ञान में लिया है। कोडरमा के मानवाधिकार कार्यकर्ता ओंकार विश्वकर्मा की शिकायत पर आयोग ने केस संख्या 497/आईएन/2022 दर्ज कर अनुसंधान शुरू कर दिया है। आयोग की टीम एक-दो दिन में एमजीएम अस्पताल पहुंचकर जांच करेगी। वहीं, परिजनों की लिखित शिकायत के आधार पर साकची थाना पुलिस भी मामले की छानबीन कर रही है।

परिजनों ने 25 लाख रुपए मुआवजा व आश्रित को नौकरी देने की रखी मांग

मालूम हो कि महिला की मौत के दूसरे दिन सांमवार को परिजनों ने दोषी डॉक्टर पर कार्रवाई और मुआवजे की मांग को लेकर एमजीएम अस्पताल परिसर साकची थाना के बाहर प्रदर्शन किया था। झारखंड मजदूर यूनियन के प्रवक्ता चेतन मुखी ने बताया कि परिजनों ने 25 लाख रुपए मुआवजा और आश्रित को नौकरी देने की मांग की है। दोनों पक्षों के बीच सहमति के बाद शव को पोस्टमार्टम के लिए भेजा गया।

पिता बोले- प्रसव पीड़ा होने पर रविवार को इलाज के लिए ले गए थे एमजीएम

पूजा देवी के पिता दिनेश प्रसाद रजक ने बताया कि रविवार को प्रसव पीड़ा होने के बाद वे अपनी बेटी को एमजीएम अस्पताल ले गए थे। लेकिन वहां सही ढंग से इलाज नहीं मिलने के कारण उसकी मौत हो गई। पूजा 9 माह की गर्भवती थी। घटना के बाद परिवार के लोगों ने एमजीएम अस्पताल में जमकर हंगामा किया था।

जमशेपुर के एमजीएम अस्पताल में जच्चा और बच्चे की मौत को मानवाधिकार आयोग ने गंभीरता से लिया, शुरू हुई आयोग की भी जांच

<https://sharpbharat.com/information/jamshedpur-mgm-neglegency-case-nhrc-will-look-into-this-case/>

जमशेदपुर के एमजीएम मेडिकल कॉलेज अस्पताल के चिकित्सकों एवं स्वास्थ्यकर्मियों की लापरवाही से कोरोना संक्रमित प्रसूता की मौत मामले पर राष्ट्रीय मानवाधिकार आयोग ने संज्ञा न ली है। इस संबंध में कोरुमा के मानवाधिकार कार्यकर्ताओं का रविवार की शिकायत पर आयोग ने केस संख्या 9/IN/ दर्ज करते हुए अनुसंधान शुरू कर दिया है। विदित रहे कि बीते 9 जनवरी को जमशेदपुर के बागबेड़ा गांधी नगर की रहने वाली पूजा देवी नामक महिला को प्रसव पीड़ा होने के बाद परिजनों ने एमजीएम अस्पताल में भर्ती कराया था। जहां पूजा देवी को कोरोना रिपोर्ट पॉजिटिव आने के बाद अस्पताल के डॉक्टरों एवं स्वास्थ्यकर्मियों ने इलाज करने से इंकार कर दिया था। परिजन डॉक्टरों द्वारा लिखी दवाइयां और खून लेकर इधर-उधर भटकते रहे बावजूद इसके डॉक्टरों ने इलाज करने से इंकार कर दिया। इस बीच पूजा देवी ने एक बच्चे को भी जन्म दिया मगर इलाज के अभाव में अंततः जच्चा और बच्चा दोनों की मौत हो गई। जिसके बाद परिजनों ने जमकर बवाल मचाया। हालांकि सोमवार को धा लभूम एसडीओ ने भी मामले की जांच की थी, मगर अब तक दोषी डॉक्टरों एवं कर्मचारियों पर किसी तरह की कोई कार्यवाही नहीं की गई है। इधर राष्ट्रीय मानवाधिकार आयोग ने मामले पर संज्ञा न लेकर जांच शुरू कर दी है।

लापता पति की तलाश कर रही महिला की याचिका पर शीर्ष अदालत ने नोटिस जारी किये

<https://navbharattimes.indiatimes.com/india/supreme-court-issues-notice-on-petition-of-woman-searching-for-missing-husband/articleshow/88840314.cms>

उच्चतम न्यायालय ने 2015 से लापता अपने पति की तलाश को लेकर एक महिला द्वारा दायर याचिका पर राजस्थान सरकार और मलेशियाई उच्चायुक्त से जवाब तलब किये हैं।

न्यायमूर्ति उदय उमेश ललित की अध्यक्षता वाली तीन-सदस्यीय पीठ ने राजकुमारी की अपील पर राजस्थान सरकार और मलेशियाई उच्चायुक्त को नोटिस जारी किये। याचिकाकर्ता ने आरोप लगाया है कि अधिकारियों के समक्ष उसके अभ्यावेदन पर कोई कार्रवाई नहीं हुई है।

महिला की अपील में कहा गया है कि राजस्थान उच्च न्यायालय ने उसकी बंदी प्रत्यक्षीकरण याचिका यह कहते हुए खारिज कर दी कि पुलिस मामले की जांच कर रही है।

महिला ने दलील दी कि प्राथमिकी दर्ज कराने के छह साल बीत जाने के बाद भी इस दिशा में कुछ नहीं हुआ है।

याचिका में कहा गया है, “याचिकाकर्ता ने पहले से ही प्रधानमंत्री कार्यालय, राष्ट्रीय मानवाधिकार आयोग, विदेश मंत्रालय और स्थानीय पुलिस का दरवाजा खटखटा रखा है, लेकिन इस बावत कोई ठोस कदम नहीं उठाया गया है। याचिकाकर्ता को यह भी नहीं पता कि उसका पति मलेशिया में ज़िंदा भी है या मर गया।”

गौहाटी उच्च न्यायालय ने असम सरकार से पुलिस मुठभेड़ों पर विस्तृत हलफनामा दाखिल करने को कहा
<https://navbharattimes.indiatimes.com/state/other-states/guwahati/gauhati-high-court-asks-assam-government-to-file-detailed-affidavit-on-police-encounters/articleshow/88837584.cms>

गौहाटी उच्च न्यायालय ने मंगलवार को असम सरकार से कहा कि वह मई 2021 में राज्य में भाजपा की सत्ता में वापसी के बाद से हो रही पुलिस मुठभेड़ों पर एक विस्तृत हलफनामा दाखिल करे।

मुख्य न्यायाधीश न्यायमूर्ति सुधांशु धूलिया और न्यायमूर्ति सौमित्र सैकिया की खंडपीठ ने अधिवक्ता आरिफ मोहम्मद यासीन जवादर की ओर से दायर एक जनहित याचिका पर सुनवाई करते हुए असम के महाधिवक्ता देवजीत लोन सैकिया से मुठभेड़ों से संबंधित विस्तृत हलफनामा दायर करने को कहा।

महाधिवक्ता ने पीटीआई-भाषा को बताया कि गृह एवं राजनीतिक विभाग हलफनामा तैयार करेगा और दाखिल करेगा।

उच्च न्यायालय ने मामले की अगली सुनवाई के लिए 25 जनवरी की तारीख निर्धारित की है।

जवादर के अनुसार, अदालत ने प्रमुख सचिव (गृह) या अतिरिक्त सचिव (गृह) को कथित फर्जी मुठभेड़ों पर विस्तृत हलफनामा दाखिल करने को कहा।

मानवाधिकार कार्यकर्ता एवं वरिष्ठ अधिवक्ता इंदिरा जयसिंह ने याचिकाकर्ता का प्रतिनिधित्व किया।

जवादर ने दावा किया कि महाधिवक्ता सैकिया ने अदालत को सूचित किया कि मुठभेड़ों की मजिस्ट्रेट से जांच कराई जा रही है, लेकिन जयसिंह ने इसका विरोध करते हुए कहा कि ऐसी कोई जानकारी उपलब्ध नहीं है।

जयसिंह ने अदालत से आग्रह किया कि यदि मामले दर्ज किए गए हैं तो राज्य सरकार को अपनी वेबसाइट पर प्राथमिकी अपलोड करने का निर्देश दिया जाए।

इससे पहले, तीन जनवरी को गौहाटी उच्च न्यायालय ने असम सरकार से मुठभेड़ों के सभी मामलों का विवरण प्रस्तुत करने को कहा था।

याचिका में असम सरकार के अलावा, असम पुलिस के महानिदेशक, राज्य के कानून और न्याय विभाग, राष्ट्रीय मानवाधिकार आयोग और असम मानवाधिकार आयोग को प्रतिवादी बनाया गया है।

जवादर ने जनहित याचिका में दावा किया है कि मई 2021 में जब से मुख्यमंत्री हिमंत बिस्व सरमा ने कार्यभार संभाला है, तब से लेकर अभी तक असम पुलिस और कथित आरोपियों के बीच 80 से अधिक "फर्जी" मुठभेड़ हुई हैं, जिनमें 28 लोगों की मौत हुई और 48 से अधिक घायल हुए हैं।

HC asks Assam to file affidavit on 'fake' gunfights in 2 weeks

HT Correspondent

letters@hindustantimes.com

GUWAHATI: The Gauhati high court on Tuesday asked the Assam government to file a detailed affidavit within two weeks on alleged fake encounters by the state police since May last year.

Hearing a petition filed by lawyer Arif Jwadder, a division bench of justices Sudhanshu Dhulia and Soumitra Saikia directed that a detailed counter affidavit should be filed by Secretary (Home) or Additional Secretary (Home).

In his petition filed last month, Jwadder mentioned that 80 incidents of fake encounters had happened in the state since May 2021 and resulted in 28 deaths and left 48 injured.

On January 2, the court directed Assam's advocate general Devajit Saikia to inform about progress made in cases of alleged fake encounters. On Tuesday, Saikia informed the court that magisterial inquiries were held into the cases.

Appearing on behalf of the petitioner, senior advocate and former Additional Solicitor General of India Indira Jaising informed there is no such information available on the inquiries and urged the court to direct the state police to upload FIRs on

A PETITION FILED BY LAWYER ARIF JWADDER CLAIMS THAT 80 FAKE ENCOUNTERS HAD HAPPENED IN THE STATE SINCE MAY '21

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In his petition, Jwadder sought an order from the high court for the registration of an FIR in the alleged fake encounter cases and an independent investigation by the Central Bureau of Investigation (CBI), a Special Investigation Team (SIT) or a police team from another state, under the supervision of the court.

He also sought a judicial inquiry by a sitting judge of the Gauhati high court into the alleged encounters and monetary compensation to the families of the victims after due verification.

Besides the state government, Assam Police, the department of law and justice, National Human Rights Commission (NHRC) and the Assam Human Rights Commission have been named as respondents in the petition. The high court admitted the petition but is yet to list any date of hearing.

In his petition, Jwadder stated that the people killed or injured in fake encounters by police were not dreaded criminals and modus operandi of all such incidents according to the police version are the same.

"It is stated that the alleged accused tried to snatch service revolvers of police personnel and in self-defence, police had to retaliate and kill or injure the alleged accused...It can't be the case that all the alleged accused could snatch a service revolver from a trained police officer whose pistols are normally tied to a rope to the waist belt of the officer," the petition, which HT has seen, stated.

It added that while police version mentioned about the accused trying to snatch weapons from police, there were no mention of the accused aiming or firing at police personnel. Also, all the encounters took place at night and the victims were unarmed and handcuffed at that time.

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पुलिस मुठभेड़ों पर हलफनामा तलब

गुवाहाटी, (पंजाब केसरी): गौहाटी उच्च न्यायालय ने मंगलवार को असम सरकार से कहा कि वह मई 2021 में राज्य में भाजपा की सत्ता में वापसी के बाद से हो रही पुलिस मुठभेड़ों पर एक विस्तृत हलफनामा दाखिल करे।

मुख्य न्यायाधीश न्यायमूर्ति सुधांशु धूलिया और न्यायमूर्ति सौमित्र सैकिया की खंडपीठ ने अधिवक्ता आरिफ मोहम्मद यासीन जवादर की ओर से दायर एक जनहित याचिका पर सुनवाई करते हुए असम के महाधिवक्ता देवजीत लोन सैकिया से मुठभेड़ों से संबंधित विस्तृत हलफनामा दायर करने को कहा। महाधिवक्ता ने बताया कि गृह एवं राजनीतिक विभाग हलफनामा तैयार करेगा और दाखिल करेगा। उच्च

याचिकाकर्ता का दावा है कि जब से मुख्यमंत्री हिमंत बिस्व सरमा ने कार्यभार संभाला है, तब से 80 से अधिक फर्जी मुठभेड़ हुईं, जिनमें 28 की मौत और 48 से अधिक घायल हुए हैं



न्यायालय ने मामले की अगली सुनवाई के लिए 25 जनवरी की तारीख निर्धारित की है। जवादर के अनुसार, अदालत ने प्रमुख सचिव (गृह) या अतिरिक्त सचिव (गृह) को कथित फर्जी मुठभेड़ों पर विस्तृत हलफनामा दाखिल करने को कहा। मानवाधिकार कार्यकर्ता एवं वरिष्ठ अधिवक्ता इंदिरा जयसिंह ने याचिकाकर्ता का प्रतिनिधित्व किया।

जवादर ने दावा किया कि महाधिवक्ता सैकिया ने अदालत को सूचित किया कि मुठभेड़ों की मजिस्ट्रेट से जांच कराई जा रही है, लेकिन जयसिंह ने इसका विरोध करते हुए कहा कि ऐसी कोई जानकारी उपलब्ध नहीं है। जयसिंह ने अदालत से आग्रह किया कि यदि मामले दर्ज किए गए हैं तो राज्य सरकार को अपनी वेबसाइट पर प्राथमिकी

अपलोड करने का निर्देश दिया जाए। इससे पहले, तीन जनवरी को गौहाटी उच्च न्यायालय ने असम सरकार से मुठभेड़ों के सभी मामलों का विवरण प्रस्तुत करने को कहा था। याचिका में असम सरकार के अलावा, असम पुलिस के महानिदेशक, राज्य के कानून और न्याय विभाग, राष्ट्रीय मानवाधिकार आयोग और असम मानवाधिकार आयोग को प्रतिवादी बनाया गया है। जवादर ने जनहित याचिका में दावा किया है कि मई 2021 में जब से मुख्यमंत्री हिमंत बिस्व सरमा ने कार्यभार संभाला है, तब से लेकर अभी तक असम पुलिस और आरोपियों के बीच 80 से अधिक फर्जी मुठभेड़ हुई हैं, जिनमें 28 लोगों की मौत हुई और 48 से अधिक घायल हुए हैं।

Bhopal: Lawyer manhandled for appearance, NHRC seeks detailed report from Betul SP

<https://www.freepressjournal.in/bhopal/bhopal-lawyer-manhandled-for-appearance-nhrc-seeks-detailed-report-from-betul-sp>

The National Human Right Commission has called for an additional and complete report from the Superintendent of police (SP), Betul by January 29 in connection with an application filed in CJM court, Betul, under Section 239 CrPC.

The case pertains alleged manhandling of a lawyer by police over his 'appearance'. Under Section 239 Cr.P.C, the Magistrate has to give the prosecution and the accused a chance of being heard besides taking cognizance of the police report and the documents sent therewith.

On March 23 last year, two days before the nationwide lockdown was imposed, a Betul-based lawyer Deepak Bundele was allegedly beaten up by Betul police for his 'appearance'.

The lawyer was on his way to a government hospital to get medicines for his chronic diabetes and hypertension, when one police official slapped him for not wearing a mask. When the lawyer cited the Constitution asking the cop to behave as per the law, other police officials joined and rough him up even more.

The lawyer has filed an application u/s 239 of Cr.P.C. but no hearing has happened till now. In the circumstances, the Commission has directed its Registry to transmit the communication dated June 29, 2021 of the complainant to the Superintendent of Police, Betul, for submission of additional report within four weeks. The Commission also directs the complainant to submit the current status application filed by the victim u/s 239 of Cr.P.C. before the court concerned within four weeks.

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In his petition filed last month, Jwadder mentioned that 80 incidents of fake encounters had happened in the state since May 2021 and resulted in 28 deaths and left 48 injured.

On January 2, the court directed Assam's advocate general Devajit Saikia to inform about progress made in cases of alleged fake encounters. On Tuesday, Saikia informed the court that magisterial inquiries were held into the cases.

Appearing on behalf of the petitioner, senior advocate and former Additional Solicitor General of India Indira Jaising informed there is no such information available on the inquiries and urged the court to direct the state police to upload FIRs on

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In his petition, Jwadder sought an order from the high court for the registration of an FIR in the alleged fake encounter cases and an independent investigation by the Central Bureau of Investigation (CBI), a Special Investigation Team (SIT) or a police team from another state, under the supervision of the court.

He also sought a judicial inquiry by a sitting judge of the Gauhati high court into the alleged encounters and monetary compensation to the families of the victims after due verification.

Besides the state government, Assam Police, the department of law and justice, National Human Rights Commission (NHRC) and the Assam Human Rights Commission have been named as respondents in the petition. The high court admitted the petition but is yet to list any date of hearing.

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It added that while police version mentioned about the accused trying to snatch weapons from police, there were no mention of the accused aiming or firing at police personnel. Also, all the encounters took place at night and the victims were unarmed and handcuffed at that time.

In July last year, Jwadder filed a complaint against such incidents with National Human Rights Commission (NHRC). The commission sought a report from Assam police in September. In November, NHRC transferred the case to the Assam Human Rights Commission. The complaint is still pending..

Gauhati HC directs State govt to file report on police encounters

STAFF REPORTER

GUWAHATI, Jan 11: Hearing a PIL, the Gauhati High Court on Tuesday instructed the State government to file a detailed affidavit on the alleged fake encounters taking place in the State since May last year, within two weeks, advocate and petitioner Arif Md Yeasin Jwadder told *The Assam Tribune*.

The Secretary or Additional Secretary to the home department will file the affidavit. The High Court has fixed

January 25 for the next hearing of the case.

Arguing on behalf of the petitioner, senior advocate and former Additional Solicitor General of India Indira Jaising informed the Court that there is no such information available regarding the lodging of FIR in connection with the alleged encounters and urged the Court to direct the State to upload FIRs on their website, if the same have already been lodged.

Jaising sought an independent probe into the alleged fake

encounters.

Notably, the petitioner in the PIL mentioned that 80 such incidents had taken place in the State since May 2021, which resulted in 28 deaths and injuries to 48 persons.

Through the PIL, the petitioner sought an order from the High Court for the registration of FIR in the alleged fake encounter cases and an independent investigation by the Central Bureau of Investigation (CBI) or by a Special Investigation Team (SIT) or by a police

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