

Deaths in police encounters: After J&K, Chhattisgarh, Assam at No. 3 in India

<https://assamtribune.com/assam/deaths-in-police-encounters-after-jk-chhattisgarh-assam-at-no-3-in-india-1431188>

After Jammu & Kashmir and Chhattisgarh, the Northeastern state of Assam occupies the third position in the country in the deaths in police encounters despite the Gauhati High Court, human rights panel, political parties and NGOs asking the state and its security forces to maintain restraint while dealing with the offenders. According to the Union Home Ministry's record, Assam recorded a total of 18 deaths during 2021-2022 even as Jammu and Kashmir led the table with 45 deaths followed by Chhattisgarh with 30 deaths.

In connection with a Public Interest Litigation (PIL) filed in the Gauhati High Court by a Delhi-based lawyer and activist Arif Jwadder, the Assam government through an affidavit had earlier informed the court that 51 people died and 139 were injured in the encounters between May 2021 and June 2022 in 31 of the state's 35 districts. The High Court had directed the Assam government to file the updated investigation report on every police encounter case since May 2021 within six weeks. The court fixed September 29 as the next date of hearing.

Civil rights lawyer and activist Prashant Bhushan and senior lawyer Indira Jaising during their separate appearance for the petitioner, argued in the High Court that the PIL raised the issue of public importance involving the rule of law in Assam. "The Assam Police did not follow the law and procedure laid down by the Supreme Court in the 2014 case of People's Union of Civil Liberties (PUCL) versus Maharashtra on alleged fake encounters.

"The state government also did not follow the Supreme Court's guidelines on conducting independent inquiries in all the cases of encounters, including those resulting in injuries," Bhushan told the High Court during his recent appearance on the PIL. Assam Chief Minister Himanta Biswa Sarma after assuming office on May 10 last year announced a crackdown on militants, drug dealers, smugglers, murderers, cattle lifters and those accused of rape and crimes against women

Sarma, who also holds the home portfolio, has emphasised on a 'zero tolerance policy' towards crime and criminals, giving the police 'full operational independence within the purview of law' to act. Of the 51 people, some were killed in custody, some while 'trying to escape after snatching police's firearm' while several others were shot in the leg. A few accused died 'after being hit by the police vehicles' while going to verify their (accused) statement at the crime spot. The deaths of 51 people in many encounters included militants, wanted criminals, anti-socials involved in various crimes, drug peddlers, dacoits, arms smugglers and cattle thieves. Jwadder, who also earlier lodged a similar complaint about these alleged 'fake encounters' with the National Human Rights Commission (NHRC), in his PIL said that all the victims were unarmed and handcuffed at the time of the encounter. "Those people who have been killed or injured were not dreaded criminals. Above all, this petition raises the issue of violations of the rule of law and equality before the law and equal protection of laws. Police personnel do not have a licence to kill, the whole idea of the CrPC is to apprehend criminals and bring them to justice, not to kill them." The PIL also said that such encounter killings deprive the victims of the right to personal liberty and life, which cannot be denied except by

"procedure established by law". "There is no law enabling what has come to be known as 'encounter killings' and the Assam Police, like any other persons, are bound by the provisions of the CrPC. Failure to apprehend criminals and bring them to justice is a failure of the entire policing system in the state which requires an investigation by this court," the PIL pointed out. The PIL has sought the High Court's intervention to register FIRs on the alleged "fake encounters" and a probe by the Central Bureau of Investigation or a Special Investigation Team or by a police team from another state under the supervision of the High Court. "All the victims were unarmed and handcuffed at the time of the encounter. Those people who have been killed or injured were not dreaded criminals," he said. "Above all, this petition raises the issue of violation of the rule of law and equality before law and equal protection of laws. Police personnel do not have a licence to kill, the whole idea of the CrPC is to apprehend criminals and bring them to justice, not to kill them," the lawyer-turned-activist said in his PIL. Jwadder said that the NHRC had earlier taken cognizance of his complaint and asked for an action taken report from the Assam Police. During its visit to Assam in December last year, the NHRC team led by its Chairperson Justice Arun Mishra during an open public hearing with all concerned deliberated about the violation of human rights but did not give any specific instruction to the Assam government or any other authorities about the police encounters. All the opposition political parties, including the Congress, different NGOs criticised the BJP government for the "killing and injuring of people through encounters". Congress' state President Bhupen kumar Borah said that Assam has turned into a "police state", but Chief Minister Sarma continued to say that the police actions against the criminals would continue. "A dictatorship has been running in the state under Sarma," Borah said. Assam Youth Congress Chief Angkita Dutta claimed that the state police has been evading response on RTI queries related to 'fake encounters' since May last year. Only 18 districts out of 35 have replied with data on police encounters, she said. While talking to IANS, a senior Assam police official said that the RTI replies are "procedural" and it may not be that all districts will be able to file replies in the same period. A very senior retired Assam police official said that if such 'encounter and deaths continue', a brutal face of Assam police would emerge even as the state police recently received the prestigious 'President's Colour', the highest honour given to any military or police unit in recognition of its exceptional service to the nation, during both peace and war. Union Home Minister Amit Shah in May presented the President's Colour to Assam Police for its exemplary service in the past decades. Assam is the 10th state in the country to receive this honour. "Since Sarma became the Chief Minister in May last year, he announced an end to crime. But such encounters would brand the Assam Police as 'trigger-happy'," the former police officer told IANS, refusing to be named for personal reasons. He said, "Militarisation of the police in Assam would not be wise in the long run. While the decades old insurgency in Assam has been tamed, police conduct hasn't changed."

Arunachal government to probe residential certificates issued to Chakmas, Hajongs

<https://www.newindianexpress.com/cities/bengaluru/2022/jul/31/arunachal-government-to-probe-residential-certificates-issued-to-chakmas-hajongs-2482675.html>

The RPCs, issued to an unspecified number of individuals, had riled the influential All Arunachal Pradesh Students' Union (AAPSU). It had announced a phase-wise bandh across the state from August 3 demanding the cancellation of the same.

The government decided that all RPCs would be "suspended" with immediate effect and cancelled in due course if found they were erroneously issued.

Official sources said a committee would be constituted with two members drawn from the AAPSU to get the matter probed. It will submit the preliminary report within 15 days. The final report will be submitted within 45 days.

Displaced by a dam in then East Pakistan (now Bangladesh), the Buddhist Chakmas, and the Hindu Hajongs were resettled in Arunachal during 1964-69 by the central government. Their population in the state is believed to be anything from 60,000 to 1 lakh, according to different estimates.

Various Chakma-Hajong organisations had on Saturday appealed to the AAPSU to call off the proposed bandh. They claimed it was "absolutely legal" to issue the RPCs.

"Under the Finance Act of 2020, any person staying in India for an aggregate period of 120 days or more is an ordinarily resident. In fact, Form 6 of the Registration of Electors Rule-1960 does not specify the time period to be included as an ordinary resident and voter under the Representation of the People Act, 1950," Krishna Chakma, who is the spokesperson of Chakma Hajong Rights Alliance, claimed.

"All persons in India are required to be issued proof of residence and the same can be issued by any authority. Therefore, the issuance of proof of residence certificate to the Chakmas and the Hajongs is not illegal," he further said.

Earlier, various Chakma-Hajong organisations petitioned authorities, including the National Human Rights Commission, alleging "racial" discrimination against people belonging to the two communities in Arunachal.

Encounter or killing? Nearly five-fold rise in pending cases, shows data

https://www.business-standard.com/article/current-affairs/encounter-or-killing-nearly-five-fold-rise-in-pending-cases-shows-data-122073100912_1.html

Two gangsters and suspects in the murder case of Punjabi singer Sidhu Moose Wala were recently killed in an encounter by Punjab Police's Anti-Gangster Task Force in a four-hour-long shootout.

Encounter killings or extrajudicial executions by the police often make headlines and have become increasingly familiar in India. In the last six years, pending cases of encounter killings have increased nearly five-fold. In 2016-17, 25 such cases were pending, which increased to 124 in 2021-22.

graph

While India has seen a 15 per cent decline in encounter killing cases registered in the six years between 2016-17 and 2021-22 (till March 10, 2022), the cases shot up by 69.5 per cent in the last two years.

In all the six years, only once has the National Human Rights Commission (NHRC) recommended disciplinary action or prosecution regarding "death in police encounters", according to Minister of State for Home Affairs Nityanand Rai in the Rajya Sabha in March 2022. Instead, the NHRC has recommended a total compensation of Rs 7.16 crore in the last six years.

India has registered 813 cases of encounter killings in the last six years, which means one such case has been registered almost every three days since April 2016 in the country. While there was a significant drop in these cases during the peak of the Covid-19 pandemic (from 112 in 2019-20 to 82 in 2020-21), there was a 69.5 per cent spike the next year with 139 cases. In the six years since April 2016, Chhattisgarh recorded the most extrajudicial killing cases (259), followed by Uttar Pradesh (110) and Assam (79).

Women are doubly marginalised in jails: Hurdles to gender-sensitive prison reforms

<https://www.firstpost.com/opinion/women-are-doubly-marginalised-in-jails-hurdles-to-gender-sensitive-prison-reforms-10986481.html>

In a judgement last month, the Supreme Court expressed discontent over the lacunae in the administration of death in India. Pursuant to a report by Justice Panigrahi which revealed that the toilets in prisons of Odisha were not fit for human usage and the food being provided was not fit for human consumption, the High Court pulled up the state government to take steps towards improving the living conditions of inmates. In yet another case, the Jammu and Kashmir High Court set out to rectify the problem of overcrowding in prisons.

Women are doubly marginalised in jails Hurdles to gendersensitive prison reforms
Representational image. AFP

It is clear from these repetitive judicial interventions that the prison administration system in India is broken and requires some fixing. But whether the road to reform is common for male and female inmates is a question that is rarely asked. But this question needs to be asked because women inmates face double marginalisation both inside and outside of prisons.

First strand of marginalisation – outside the prison

The treatment of women in the Indian society is riddled with irony. Religiously, traditionally, and mythologically, women are theoretically perceived as goddesses and harbingers of prosperity. Yet, deeply entrenched misogyny and patriarchy have resulted in them being treated as outcasts.

‘Criminality’ is seen as something that is associated with aggression and deviation. This aggression and deviation that leads to crime are considered to be facets of masculinity that have nothing to do with women. Criminality is seen as a form of masculine deviation that women who are supposedly docile and submissive are not capable of. Resultantly, the women who are either accused of a crime or are convicted are seen as deviant, evil and, even unwoman. Even though anyone who commits crime is seen as ‘other’, women offenders are more ‘othered’ than their male counterparts. The primary meaning given to a woman in the gendered discourse is that of a ‘caregiver’, ‘life giver’, ‘naturally merciful’, and an ‘incarnation of the values and morals of the society’. Therefore, women are not only held accountable against the law but also against societal morality and established notions of femininity, thereby eliminating the possibility of their re-integration into the society. Even if a woman’s crime is not proved, the society and her family would not accept her back since she is considered incapable of being thought of as a ‘normal woman’.

Women are doubly marginalised in jails Hurdles to gendersensitive prison reforms
Representational image. AFP

It is pursuant to these stereotypes around women, that a lot of criminal law theorists have tried explaining female criminality using pre-determined psychological and biological theories that ignore the individual personalities of women offenders and perpetuates the idea that women criminality cannot be reformed.

Some scholars argue that women are less evolved than men and thus, female criminality is a result of biological inferiority. And this causes women offenders to deviate from 'woman-ness.' Others like Cesare Lombroso argue that crime is associated with anger and aggression. Men possess that aggression by virtue of their hormones. Thus, women exhibiting criminal behavior "are not only abnormal, they are biologically like men." Katherine Dalton argues that pre-menstrual syndrome ('PMS') is a biological problem that causes women to be irrational, instable, and even criminal.

Other theories have associated women criminality to 'acting out'. While reiterating that women are passive beings determined to be motherly and wifely, these theories propound that certain woman who are under-socialised are vulnerable to be manipulated by men and may 'act out' as a consequence of unsound socialisation.

However, all these theories are unscientific and extremely gendered as they merely stem from gendered assumptions and stereotypes of a typical 'woman'. The theories that argue for a single biological or genetic disposition to be the factor of criminal behavior is certainly short sighted and dismisses the other causes of the crime beyond the offender being a woman. It can be induced by systemic issues ranging from abuse to poverty and deprivation to want. These contexts affect both men and women alike but these theories do not account for such issues.

Nevertheless, these patriarchal assumptions regarding female criminality result in double vilification of women offenders and forecloses their way to reform and rehabilitation. More importantly, the representation of women's offending in the narrative of gender ignores the multi-dimensional existence and representation of individual women. Offending women are labelled as 'deranged', 'deceitful', 'deviant' etc. as patriarchy rationalises the idea that normal women and criminal women are different classes where any overlap is impossible.

Second strand of marginalization — inside the prison:

As per NCRB data, women constitute merely 4.16 per cent of the prison population. Nancy Loucks argues that "the small proportion of women in custody inevitably means that custodial culture is dominated by the needs of men. Programmes and activities in prisons are often designed with the needs and interests of male prisoners in mind."

Due to the lesser number of women prisoners, there are far lesser number of facilities to hold women inmates. Till the end of 2018, there were just 24 prisons for women. Thus, a lot of women prisoners are held in locations that are far away from their hometowns and families. Close to 84 per cent women prisoners in India are hauled up in small enclosures in general prisons which naturally lack the infrastructure required to cater to

the specific needs of women. Prisoners already constitute the poorest of the poor in terms of human welfare, and women prisoners fare even worse.

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Byculla Women's Jail. PTI

A study has found that more than a thousand women are jailed in spaces meant for only 150 people and are given just one bar of soap to bathe and wash their clothes and utensils for one whole month. Another report reveals that majority of women inmates in Punjab are not even provided basic sleeping arrangements forcing them to sleep on the floor.

As women are the primary caregivers to children, often women inmates have to keep their children with them. More than 1,500 women prisoners in India live with their children inside the prisons. Despite this, the basic requirements for proper development and education of the child, or creche and other such facilities are often not available in Indian prisons.

There is a scarcity of female jail staff and supervisory officers in Indian prisons. As of 2015, women jail staff/officers constituted only 8.28 per cent of the total jail staff. Resultantly, male staff and officials often become responsible for the affairs of women prisoners which is undesirable and makes women more vulnerable to harassment and assault. Additionally, prison staff and officials are inadequately sensitized and trained to cater to the needs that are specific to women. Besides this, there is also a shortage of specific medical officers like psychologists and gynecologists in prisons.

Women inmates are humiliated and violated during body search and screening at the time of admission. They are treated as degenerates and their comfort and privacy is disregarded. They are often subjected to sexual violence by fellow inmates as well as authorities. Cases related to recording women prisoners without their consent have also been reported. The National Human Rights Commission of India recorded 39 rape cases in judicial and police custody in just five years from 2006 to 2010.

All this shows that female criminality is viewed differently from male criminality and the latter is considered more deplorable while the treatment of women inside prisons is just the same as men and it fails to address the special systemic challenges faced by women.

Thus, while courts tread upon the road to reforming Indian Prisons, they ought to acknowledge that these roads are different for male and female inmates.

Towards this end, alternatives to imprisonment which include community service, shelter housing, rehabilitation facilities and other non-custodial schemes should be prioritised while sentencing women offenders. The stigma around female offending and incarceration also makes a point for a differential sentencing for women. Spending time in the jails creates stronger feelings against their re-integration in the family and society

which leads to them being ostracised. This causes serious repercussions with respect to accommodation, employment, and familial ties. Therefore, instead of sending them to jails, alternative methods should be looked into.

Even inside the prisons, women should be able to enjoy certain differential facilities. Lactating and pregnant women should be provided special diet. Mothers living with children inside the prisons should be given separate food allowance for the children instead of being forced to share her food with the child. Lastly, since a lot of women prisoners are left in the lurch upon release, special support programs should be established to look after their financial and residential needs.

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Representational image. AFP

It is only when we acknowledge this double marginalisation of women and address it differentially, that we will be able to bring a gender-sensitive prison reform. Such a prison reform is imperative because it is human to sin for women as it is for men and they do not deserve a harsher punishment for being women.

योगी के मंत्री ने सपा प्रमुख पर बोला हमला, कहा-अपराध के आंकड़ों से छेड़छाड़ कर जनता में भ्रम फैला रहे हैं अखिलेश

<https://amritvichar.com/yogis-minister-attacked-sp-chief-said-akhilesh-is-spreading-confusion-among-the-public/>

उत्तर प्रदेश कैबिनेट मंत्री गिरीश यादव ने समाजवादी पार्टी (सपा) के अध्यक्ष अखिलेश यादव पर राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) के अपराध संबंधी आंकड़ों के साथ छेड़छाड़ कर प्रदेश की जनता को भ्रमित करने का आरोप लगाया है। प्रदेश में हो रही आपराधिक घटनाओं को अखिलेश द्वारा सोशल मीडिया पर लगातार उजागर किये जाने पर प्रतिक्रिया व्यक्त करते हुए यादव ने रविवार को कहा कि जिनके शासन में रोजाना दंगे होते थे, उन्हें प्रदेश की सुदृढ़ कानून व्यवस्था रास नहीं आ रही है।

उन्होंने कहा है कि अखिलेश आंकड़ों के साथ छेड़छाड़ कर प्रदेश की जनता में भ्रम फैला रहे हैं। यादव ने कहा है कि विगत पांच वर्षों में प्रदेश में एक भी दंगा नहीं हुआ है। वहीं अखिलेश सरकार में प्रतिदिन सैकड़ों दंगे होते थे। प्रदेश में गुंडों और माफिया का राज था। माताओं, बहनों और बेटियों का शाम के समय सड़क पर निकलना दूभर था। हर तरफ अपराधियों का बोलबाला था। ऐसे लोगों को सुशासन और कानून का राज पसन्द नहीं आ रहा है, इसलिए वह जनता को गुमराह करने का कुत्सित प्रयास कर रहे हैं।

उन्होंने कहा कि अखिलेश के राज में मुजफ्फरनगर, बरेली और अयोध्या समेत प्रदेश का कोई ऐसा जिला नहीं बचा था, जिसमें दंगा न हुआ हो। उन्होंने कहा कि सपा सरकार में हुए दंगों में प्रदेश के कई लोग मारे भी गए थे। वहीं अखिलेश सरकार दंगाइयों को बचाती थी और माफिया एवं अपराधियों को संरक्षण भी देती थी। गिरीश यादव ने कहा कि योगी सरकार में दंगाई और अपराधी जेल में हैं, इसी बात की पीड़ा अखिलेश को हो रही है।

यादव ने कहा है कि एनएचआरसी के आंकड़ों में साफ कहा गया है कि उत्तर प्रदेश में पुलिस हिरासत में वर्ष 2021-2022 में सिर्फ 9 मौतें हुई हैं। उन्होंने कहा कि एनएचआरसी ने यह भी बताया है कि ज्यादातर मौतों का कारण प्राकृतिक और विभिन्न बीमारियां जैसे कि कोविड-19, हार्ट अटैक एवं अन्य गम्भीर बीमारियां हैं। जबकि अखिलेश इस बारे में कुछ आँकड़े बताकर लोगों को भ्रमित कर रहे हैं।

हाजोंग को जारी आवासीय प्रमाणपत्रों की जांच करेगी अरुणाचल सरकार

<https://jantaserishta.com/local/arunachal-pradesh/arunachal-government-to-examine-residential-certificates-issued-to-hajongs-1432748>

अरुणाचल प्रदेश में भाजपा सरकार चांगलांग जिला प्रशासन द्वारा चकमास और हाजोंगों को आवासीय प्रमाण प्रमाण पत्र (आरपीसी) जारी करने की जांच करेगी। अनिर्दिष्ट व्यक्तियों को जारी किए गए RPCs ने प्रभावशाली अखिल अरुणाचल प्रदेश छात्र संघ (AAPSU) को नाराज कर दिया था। इसने 3 अगस्त से राज्य भर में चरणबद्ध बंद की घोषणा की थी और इसे रद्द करने की मांग की थी। सरकार ने फैसला किया कि सभी आरपीसी को तत्काल प्रभाव से "निलंबित" किया जाएगा और यदि वे गलत तरीके से जारी किए गए थे, तो उन्हें नियत समय में रद्द कर दिया जाएगा। आधिकारिक सूत्रों ने कहा कि मामले की जांच के लिए आपसू के दो सदस्यों की एक समिति गठित की जाएगी। यह 15 दिनों के भीतर प्रारंभिक रिपोर्ट प्रस्तुत करेगा। 45 दिनों के भीतर फाइनल रिपोर्ट सौंप दी जाएगी। तत्कालीन पूर्वी पाकिस्तान (अब बांग्लादेश) में एक बांध द्वारा विस्थापित, बौद्ध चकमा और हिंदू हाजोंग को केंद्र सरकार द्वारा 1964-69 के दौरान अरुणाचल में फिर से बसाया गया था। विभिन्न अनुमानों के अनुसार राज्य में उनकी आबादी 60,000 से 1 लाख के बीच मानी जाती है। विभिन्न चकमा-हाजोंग संगठनों ने शनिवार को आपसू से प्रस्तावित बंद को वापस लेने की अपील की थी। उन्होंने दावा किया कि आरपीसी जारी करना "बिल्कुल कानूनी" था। "वित्त अधिनियम 2020 के तहत, 120 दिनों या उससे अधिक की कुल अवधि के लिए भारत में रहने वाला कोई भी व्यक्ति सामान्य रूप से निवासी है। वास्तव में, निर्वाचक पंजीकरण नियम-1960 का फॉर्म 6 लोक प्रतिनिधित्व अधिनियम, 1950 के तहत एक सामान्य निवासी और मतदाता के रूप में शामिल होने की समय अवधि निर्दिष्ट नहीं करता है, "कृष्णा चकमा, जो चकमा हाजोंग राइट्स के प्रवक्ता हैं गठबंधन, दावा किया।

Deaths in police encounters: After J&K, Chhattisgarh, Assam at No. Three in India

INDO-ASIAN NEWS SERVICE

GUWAHATI, 31 JULY

After Jammu & Kashmir and Chhattisgarh, the North-eastern state of Assam occupies the third position in the country in the deaths in police encounters despite the Gauhati High Court, human rights panel, political parties and NGOs asking the state and its security forces to maintain restraint while dealing with the offenders.

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In connection with a Public Interest Litigation (PIL) filed in the Gauhati High Court by a Delhi-based lawyer and activist Arif Jwadder, the Assam government through an affidavit had earlier informed the court that 51 people died and 139 were injured in the encounters between May 2021 and June 2022 in 31 of the state's 35 districts.

The High Court had directed the Assam government to file the updated investigation report on every police encounter case since May 2021 within six weeks. The court fixed September 29 as the next date of hearing.

Civil rights lawyer and activist Prashant Bhushan and senior lawyer Indira Jaising during their separate appearance for the petitioner, argued in the High Court that the PIL raised the issue of public importance involving the rule of law in Assam.

"The Assam Police did not follow the law and procedure laid down by the Supreme Court in the 2014 case of People's Union of Civil Liberties (PUCL) versus Maharashtra on alleged fake encounters.

"The state government also did not follow the Supreme Court's guidelines on conducting independent inquiries in all the cases of encounters, including those resulting in injuries," Bhushan



told the High Court during his recent appearance on the PIL.

Assam Chief Minister Himanta Biswa Sarma after assuming office on May 10 last year announced a crackdown on militants, drug dealers, smugglers, murderers, cattle lifters and those accused of rape and crimes against women.

Sarma, who also holds the home portfolio, has emphasised on a 'zero tolerance policy' towards crime and criminals, giving the police 'full operational independence within the purview of law' to act.

Of the 51 people, some were killed in custody, some while 'trying to escape after snatching police's firearm' while several others were shot in the leg.

A few accused died 'after being hit by the police vehicles' while going to verify their (accused) statement at the crime spot.

The deaths of 51 people in many encounters included militants, wanted criminals, anti-socials involved in various crimes, drug peddlers, dacoits, arms smugglers and cattle thieves.

Jwadder, who also earlier lodged a similar complaint about these alleged 'fake encounters' with the National Human Rights Commission (NHRC), in his PIL said that all the victims were unarmed and handcuffed at the time of the encounter. "Those people who have been killed or injured were not dreaded criminals. Above all, this petition raises the issue of violations of the rule of law and equality before the law and equal protection of laws. Police personnel do not have a licence to kill, the whole idea of the CrPC is to apprehend criminals and bring them to justice, not to kill them."