

Story in numbers: 5 people die in judicial custody every day, shows data

https://www.business-standard.com/article/current-affairs/story-in-numbers-5-people-die-in-judicial-custody-every-day-shows-data-122091100677_1.html

The National Crime Records Bureau (NCRB) is considered the most authoritative repository of crime statistics in the country. However, in its latest report (2021), many wonder about the figures relating to deaths in police custody.

The NCRB adds a clear disclaimer to all its reports: that its data is based on information furnished by state governments. But figures (also furnished by state governments) relating to custodial deaths from other sources, like the National Human Rights Commission (NHRC), for instance, reveal a glaring mismatch.

The NHRC data on this issue is available for 2010-2020. According to this, at least 17,146 people were reported to have died in judicial/police custody - nearly five per day, on average - in cases registered in the decade up to March 2020. Between January-July 2020, the NHRC reported 914 deaths in custody - 53 of these in police detention.

The latest NCRB data relates to two categories: the first category includes persons not on remand. They are not arrested but yet to be produced before court. The second category includes persons in remand, which means those in police/judicial remand.

Former Chief Justice of India, N V Ramana, in August 2021, voiced concerns about custodial deaths. He said: "Police stations pose the highest threat to human rights and dignity as custodial torture, violence, and police atrocities still prevail, notwithstanding constitutional guarantees."

Where #MeToo becomes #NotMe: Domestic workers and sexual harassment

<https://timesofindia.indiatimes.com/blogs/voices/where-metoo-becomes-notme-domestic-workers-and-sexual-harassment/>

Violence against women and particularly sexual harassment has been in the news since the MeToo movement. Indian sports just witness a MeToo moment with prominent cyclists coming forward with sexual harassment complaints against their coach. Under the IPC, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 mandated that formal workplaces have an internal complaints committee for victims of sexual harassment to complain and seek justice. However, in India, most women work in informal workplaces. Within informal work, one of the main occupations is that of house help where they work in various roles such as cooks or maids. In this case the workplace is the house and if sexual harassment occurs in such a workplace, the formal legal recourse available for women is to go to the local complaints committee (LCC). An LCC is usually located at the district headquarters. Unfortunately, in some locations it has either not been setup or dissemination of information regarding its location and mode of operation is lacking. Under such circumstances, accessing the LCC becomes impossible. Even if the LCC is set up and the worker knows about it, visiting such a place to register a complaint and follow it up would mean giving up the day's wages and incurring additional travel costs. Given the precarious situation arising from low income, lack of education, and sometimes a migrant status, many women would instead choose not to complain even if they were aware of the LCC.

Given this background of informal workers, we attempted to understand how women in the unorganized sector deals with sexual harassment in the workplace. The study was funded and supported by the National Human Rights Commission. We initially conducted a few in-depth interviews with informal workers and women leaders working in this space. During these interviews, we experienced the taboos around speaking up against sexual harassment. The informal workers claimed to not have faced any instance of sexual harassment anywhere and insisted on having prevented such occurrences via dressing conservatively and being careful about their surroundings. At the same time they did agree to the fact that sexual harassment was prevalent in social and work settings. In one of these interviews, a domestic worker looked at the outfit of an interviewer and noted they would never dress like that. The interviews also highlighted that there were other concerns that were far more important than sexual harassment. These concerns were around alcoholism at home and finding sufficient resources to ensure their children's welfare. It appears that women are ready to face the cost of sexual harassment than give up their income which is required for the household's functions and children's welfare.

Using our findings from the interviews, we conducted a survey of 300 domestic workers from Pune and Ahmedabad. We presented women with hypothetical scenarios of sexual harassment and tried to understand what their reactions would be. Not surprisingly, we find that women are generally reluctant to complain about harassment at the workplace. They indicated some willingness to complain only if they have

evidence to provide for such harassment. That is, when women get harassed by phone calls or SMS, they are more likely to register a complaint with the family or police. We believe this happens because people are likely to accept the victim's complaint as there is proof of harassment. This suggests that right now, the burden to prove her case is on the woman rather than the harasser. Interestingly, women were more likely to complain if they worked in a large residential complex or housing society. We believe the network effect of support is what gives them this confidence.

The most startling finding of the study was that when facing extreme harassment, women prefer to move jobs than complain to their families, employer, or police. The severity of the harassment coupled with the lack of evidence in such cases leads women to fear that such complaints will result in being asked to stay at home (to avoid future harassment) and possible fights between the harasser and their family members. The women lose twice in such a case- first, the harassment, and next, her livelihood. In short, we find that the cost of financial security for most working women comes with the price tag of being quiet about harassment.

A road map for the model prisons Act

<https://www.tribuneindia.com/news/comment/a-road-map-for-the-model-prisons-act-430750>

Home minister Amit Shah recently announced that a model prisons Act would be introduced in the next six months. The contemporary prison administration in India is a legacy of the colonial rule. The Prisons Act of 1894 focused primarily on the enforcement of discipline with no regard to the reformation and rehabilitation of the offenders. There have been significant changes not only in the socio-political scenario but also in the areas of penology and criminology which have led to a re-examination of the prison administration. Crime has become an urgent social issue and a new approach has emerged regarding the objectives towards the treatment and punishment of offenders. A progressive legislation based on the correctional and rehabilitation philosophy is needed.

The aspects related to custody under conditions of human dignity should have provisions related to not just accommodation, food and healthcare, but also access to legal aid, complaints and requests, contact with community and family, and work.

Prison is a state subject under List- II of the VIIth Schedule of the Constitution. The management and administration of prisons fall exclusively in the domain of the state governments. The enactment of a new prisons Act, as was recommended by the All-India Committee on Jail Reforms (1980-1983), is a necessity. The National Human Rights Commission had circulated 'An Outline of the Indian Prison Bill-1996' among the states and union territories, but there was no further progress. Some states had replaced the old Act, like West Bengal in 1992 and Delhi in 2000, and Kerala had a new prisons Act in 2014.

The exercise of making a new prisons and correctional services Act was also undertaken in Punjab in 2010 and 2014. I headed the committee and the draft prepared with wide consultations was submitted to the state government, but after initial enthusiasm, no action followed. Political will and executive motivation are required to bring structural changes, else apathy makes the drafting of a law a futile exercise.

Over the past century, there have been a number of committees and working groups delving into prison reforms and making recommendations. The changes in prison administration have, however, been slow, staggered and somewhat disappointing. The recommendations of WC Reckless, a UN expert on corrections, who was invited in 1951 to suggest policy reforms led to the revision of the outdated jail manuals for the first time in 1960. The model prison manuals of 2003 and 2016 were made following the direction of the apex court. So far, only 11 states and union territories have adopted the 2016 manual. Since the prison Act remains unchanged, and the manual derives its existence from this Act, a total overhaul of the system has not taken place.

The Indian judiciary has played a key role in bringing prison reforms by giving various directions to prison administration in consonance with the human rights framework

provided by the Constitution of India and the International Covenant on Civil and Political Rights, 1966, to which India is a party. Prisoners' rights jurisprudence has been expanded through a series of judgments over the years.

The whole point of the model Act is that it is a legislative approach to reform. Prison legislation should reflect international minimum standards and universally acknowledged best practices, as exemplified by the Nelson Mandela Rules of 2015 and related instruments, as also the decisions of the Supreme Court pertaining to prison administration. New legislations over the years, like the Mental Health Act 2017 and the Protection of Human Rights Act 1993, that provide for the protection of human rights will also have to be taken into consideration.

Prison legislation is normally introduced by a statement of principles. This is useful as it may anchor the legislation in a wider international or human rights tradition or it may refer back to the fundamental rights recognised by the Constitution. It is useful for interpretation of subsequent provisions of the legislation.

The model Act should cover all relevant issues governing the management and administration of prisons, taking into account the challenges it faces due to the changed nature of crime and criminals. Custody, care and treatment are the three main functions of a modern prison organisation. The aspects related to custody under conditions of human dignity should have provisions related to not just accommodation, food and healthcare, but also access to legal aid, complaints and requests, contact with community and family, and work.

An important part of the new Act should be on the scientific classification of prisoners and individual sentencing planning, which is the first step for correctional interventions. In the draft of the Punjab Act, the classification and assessment committee associated itself with experts in behavioural sciences for classifying inmates based on various risks and needs. The chapter on the rights and duties of prisoners was an important part of the draft Act for Punjab. The provisions on inspections and monitoring are important for a closed institution.

Different countries have used varying drafting techniques and approaches and it is insightful how the good practices can be applied in the national legislation. The model prisons Act should also consistently reflect the requirement of meeting the distinct needs of women prisoners and institutionalise gender-responsive prison management more broadly, based on the Bangkok Rules 2010. The old Act had no provisions related to the vulnerable category of prisoners like the mentally ill, transgenders and foreign prisoners. The increasing number of foreign nationals held in prisons requires specific provisions to be made for them in prison legislation.

Overcrowding is a key concern in Indian prisons. Solutions to overcrowding need to be explored and implemented. The maximum intake capacity of each jail should be fixed

and if it exceeds that, there should be a 'bursting procedure', spelling out what mechanisms are available to deal with having more prisoners in the system than it can accommodate. This is there in the Malawi legislation which allows the officer in charge of the prison and the head of the prison service to take action when the system is overcrowded. Such a procedure is of particular importance during pandemics. The commentary to the European Prison Rules offers useful guidance on the subject of overcrowding.

Every prisoner thinks about the day of release from the moment of incarceration. Prison regime is about preparing the prisoner for that day of release. These provisions will have to be an important part in the model Act. It is equally important to have good professional staff while clearly specifying their duties and their remuneration and work conditions should reflect the challenging nature of prison work.

The process of drafting the law is important and wide consultations with stakeholders, including prisoners and prison staff of all ranks and experts, will help make a law that will serve to reform and reintegrate prisoners back into society as law-abiding citizens.

रांची हिंसा: 'धार्मिक दंगे भड़काने को हनुमान मंदिर को निशाना बनाना चाहते थे उपद्रवी'; CID की चार्जशीट में खुलासा

<https://www.msn.com/hi-in/news/jharkhand/%E0%A4%B0%E0%A4%BE%E0%A4%82%E0%A4%9A%E0%A5%80-%E0%A4%B9%E0%A4%BF%E0%A4%82%E0%A4%B8%E0%A4%BE-%E0%A4%A7%E0%A4%BE%E0%A4%B0%E0%A5%8D%E0%A4%AE%E0%A4%BF%E0%A4%95-%E0%A4%A6%E0%A4%82%E0%A4%97%E0%A5%87-%E0%A4%AD%E0%A4%A1%E0%A4%BC%E0%A4%95%E0%A4%BE%E0%A4%A8%E0%A5%87-%E0%A4%95%E0%A5%8B-%E0%A4%B9%E0%A4%A8%E0%A5%81%E0%A4%AE%E0%A4%BE%E0%A4%A8-%E0%A4%AE%E0%A4%82%E0%A4%A6%E0%A4%BF%E0%A4%B0-%E0%A4%95%E0%A5%8B-%E0%A4%A8%E0%A4%BF%E0%A4%B6%E0%A4%BE%E0%A4%A8%E0%A4%BE-%E0%A4%AC%E0%A4%A8%E0%A4%BE%E0%A4%A8%E0%A4%BE-%E0%A4%9A%E0%A4%BE%E0%A4%B9%E0%A4%A4%E0%A5%87-%E0%A4%A5%E0%A5%87-%E0%A4%89%E0%A4%AA%E0%A4%A6%E0%A5%8D%E0%A4%B0%E0%A4%B5%E0%A5%80-cid-%E0%A4%95%E0%A5%80-%E0%A4%9A%E0%A4%BE%E0%A4%B0%E0%A5%8D%E0%A4%9C%E0%A4%B6%E0%A5%80%E0%A4%9F-%E0%A4%AE%E0%A5%87%E0%A4%82-%E0%A4%96%E0%A5%81%E0%A4%B2%E0%A4%BE%E0%A4%B8%E0%A4%BE/ar-AA11HEZL>

पैगंबर मुहम्मद पर विवादित टिप्पणी के बाद रांची में हुई हिंसा के दौरान उपद्रवी सुनियोजित ढंग से धार्मिक दंगे भड़काने के लिए हनुमान मंदिर को निशाना बनाना चाहते थे। इस बात का खुलासा झारखंड सीआईटी की चार्जशीट में किया गया है। पुलिस द्वारा रांची हिंसा के सिलसिले में 29 लोगों को गिरफ्तार किया गया है।

झारखंड के क्राइम इन्वेस्टिगेशन डिपार्टमेंट (Jharkhand CID) ने रांची हिंसा के दौरान पुलिस फायरिंग से जुड़े मामले में 11 नामजद आरोपियों के खिलाफ चार्जशीट दायर की है। अधिकारियों ने शनिवार को इस बारे में जानकारी देते हुए बताया कि यह मामला डेली मार्केट थाने में एफआईआर नंबर 17/22 के साथ दर्ज किया गया था। यह हिंसा इसी साल 10 जून को हुई थी। राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) के निर्देश पर जून के अंतिम सप्ताह में इस मामले को सीआईटी को ट्रांसफर कर दिया गया था। सीआईटी की तीन सदस्यीय टीम ने इस मामले की जांच की थी।

उपद्रवियों ने 60 से 80 राउंड फायरिंग की थी

क्षेत्राधिकारी (सीओ) की शिकायत पर 22 नामजद और करीब 8-10 हजार अज्ञात लोगों के खिलाफ डेली मार्केट थाने में मामला दर्ज किया गया है। इससे पहले 22 जून को, 10 जून की रांची हिंसा के संबंध में एक एफआईआर दर्ज की गई थी, जिसमें बताया गया था कि कैसे भीड़ हिंसक हो गई और उपद्रवियों ने पुलिस पर गोलियां चला दीं। एफआईआर के मुताबिक, उपद्रवियों ने 60 से 80 राउंड फायरिंग की और रांची के मेन रोड स्थित हनुमान मंदिर पर चढ़ने का प्रयास किया।

बिना अनुमति के किया विरोध-प्रदर्शन

यह एफआईआर सीओ अमित भगत ने दर्ज कराई है, जिन्होंने कहा कि जब हजारों लोगों ने पैगंबर मुहम्मद के खिलाफ नूपुर शर्मा की आपत्तिजनक टिप्पणी के खिलाफ विरोध-प्रदर्शन किया, तब वह गश्त कर रहे थे। एफआईआर में कहा गया है कि विरोध-प्रदर्शन बिना अनुमति के था। पुलिस ने भीड़ को रोकने का प्रयास किया, लेकिन वह हिंसक हो गई।

पुलिसकर्मियों के हथियार छीनने की हुई थी कोशिश

एफआईआर में आगे कहा गया है, "उपद्रवी सुनियोजित तरीके से धार्मिक दंगे भड़काने और पथराव जारी रखने के लिए हनुमान मंदिर को निशाना बनाना चाहते थे।" इतना ही नहीं, भीड़ ने मंदिर पर चढ़ने के प्रयास में पुलिस की बैरिकेडिंग तोड़ दी। "इस प्रक्रिया में, भीड़ और बदमाशों ने पुलिस पर गोलियां चलाईं...भीड़ में से कई लोगों ने पुलिस कर्मियों के हथियार भी छीनने की कोशिश की थी।"

एफआईआर में आगे बताया गया है कि पुलिस द्वारा मामूली बल का प्रयोग किया गया, लेकिन भीड़ को नहीं रोका जा सका। उपायुक्त और वरिष्ठ पुलिस अधीक्षक द्वारा भी प्रदर्शनकारियों से बात करने और उन्हें शांत करने के प्रयासों का भी कोई नतीजा नहीं निकला।

हालात काबू करने को किया गया बल प्रयोग

एफआईआर में यह भी उल्लेख किया गया है कि नियंत्रित हवाई फायरिंग और बल प्रयोग का आदेश दिया गया, जो कुछ हद तक भीड़ को तितर-बितर करने में सफल रहा। "पांच राउंड आंसू गैस के गोले दागे गए और कई राउंड हवाई फायरिंग की गई और फिर लाठीचार्ज किया गया... मौके पर मौजूद पुलिस अधिकारियों के मुताबिक, बदमाशों ने 60-80 राउंड फायरिंग की।

रांची पुलिस ने पिछले सप्ताह कहा था कि रांची में शुक्रवार, 10 जून को हुई हिंसा के सिलसिले में अब तक कुल 29 लोगों को गिरफ्तार किया गया है।

भारतीय जनता पार्टी (भाजपा) की निलंबित प्रवक्ता नूपुर शर्मा और निष्कासित नेता नवीन जिंदल द्वारा पैगंबर मुहम्मद पर की गई विवादास्पद टिप्पणी के खिलाफ 10 जून को शुक्रवार की नमाज के बाद रांची में विरोध प्रदर्शन शुरू हो गया। विरोध के हिंसक होने से दो लोगों की मौत हो गई और कई अन्य घायल हो गए थे।