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Andhra Pradesh Government: Andhra Pradesh Introduces Compensation for Families of Prisoners Who Die in Custody | Hyderabad News

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AP to compensate families of prisoners who die in custody

Vijayawada: Andhra Pradesh govt has introduced a new policy offering compensation to the families of prisoners who die unnaturally while in custody. The state home ministry issued a government order (GO) on Friday, outlining the conditions under which compensation will be provided. The policy awards 5 lakh for deaths caused by violence or mistreatment in prison, and 3.5 lakh for deaths resulting from negligence by prison officials, medical staff, or suicides.

This move is in response to a directive from the National Human Rights Commission (NHRC) and aimed at ensuring humane treatment and support for prisoners' families.

The policy was formulated following the NHRC's recommendations, which were based on a model implemented by the govt of Haryana. The primary goal is to provide financial and emotional relief to the families of prisoners who suffer unnatural death in custody. However, policy specifically excludes compensation for natural deaths, including those caused by illness. Additionally, deaths occurring during escape attempts or due to natural disasters will not qualify for compensation under this scheme, although other existing guidelines by the revenue and disaster management department may apply in such cases.

Compensation will be provided to the legal heirs or next of kin of prisoners who die under specific circumstances. Deaths caused by quarrels between prisoners or mistreatment by prison staff will result in a compensation of 5 lakh. In cases of negligence by prison or medical staff, as well as suicides, the families of the deceased will receive 3.5 lakh.

Borok Times

Supreme Court Orders Inspection of Living Conditions at Assam's Matia Transit Camp Amid Human Rights Concerns

<https://boroktimes.com/supreme-court-orders-inspection-of-living-conditions-at-assams-matia-transit-camp-amid-human-rights-concerns/>

October 5, 2024

The Supreme Court of India has ordered an inspection of the living conditions at the Matia Transit Camp in Assam, a facility used to house people declared as “foreigners” by the state’s Foreigners Tribunals. The order comes after mounting concerns over the living standards, health, and rights of the inmates residing in the camp, as well as reports of overcrowding and inadequate access to basic amenities.

Background: Assam’s Citizenship Crisis and the Role of Detention Camps

The Matia Transit Camp, located in Assam’s Goalpara district, is one of several facilities in the state used to house people who have been declared illegal immigrants or stateless persons by the state’s controversial National Register of Citizens (NRC) and Foreigners Tribunals. These tribunals, established under the Foreigners Act, aim to determine the citizenship status of individuals in Assam, where complex migration patterns over decades have led to concerns about illegal immigration, particularly from neighboring Bangladesh.

The NRC, updated in 2019, excluded nearly 1.9 million people from its final list, leaving many in a legal limbo. While some people contest their exclusion in courts, others who are declared foreigners are sent to transit camps like the one in Matia. Assam has witnessed widespread controversy over the treatment of these individuals, many of whom claim they have been unfairly declared non-citizens despite having lived in India for generations.

Supreme Court’s Concerns

The Supreme Court’s intervention follows petitions by human rights activists and organizations who have raised alarms over the inhumane conditions in Assam’s detention centers. These camps, including Matia, were originally intended as temporary housing for individuals awaiting deportation, but due to prolonged legal processes and difficulties in deporting individuals to other countries, many detainees have ended up spending years in these facilities.

During the hearing, the petitioners argued that the living conditions in the Matia camp were deplorable, citing overcrowding, lack of clean water, insufficient healthcare, and unsanitary conditions. It was pointed out that many inmates, including women and children, had been housed in the camp for extended periods, with little to no access to legal aid, education, or basic human rights.

The court has expressed concern about the length of time people have spent in detention, particularly those for whom deportation has not been a viable option. Many individuals held in the camps are stateless, meaning no country has accepted them as their citizens, which prolongs their detention indefinitely.

The Supreme Court bench, headed by Chief Justice D.Y. Chandrachud, stated that it was essential to ensure that the living conditions in these camps met basic humanitarian standards. The court emphasized that while people declared foreigners might be held in custody, they still deserved humane treatment in accordance with constitutional and international human rights standards.

The Inspection Order

In its order, the Supreme Court has directed a fact-finding team to conduct a thorough inspection of the Matia Transit Camp. The team will include officials from the National Human Rights Commission (NHRC) and representatives from non-governmental organizations focused on human rights and refugee issues. They have been tasked with assessing the living conditions, healthcare facilities, and the overall treatment of detainees, with a particular focus on vulnerable groups like women, children, and the elderly.

The court has asked the inspection team to submit a detailed report within four weeks, based on which further judicial actions may be decided. The report is expected to address issues like overcrowding, the availability of food and medical care, sanitation, and whether international standards for the treatment of detainees are being met.

Human Rights Concerns

Human rights groups have long criticized Assam's transit camps, calling them "detention centers" where people are held in violation of their rights. Activists have argued that many of the individuals declared as foreigners are actually victims of bureaucratic or administrative errors in the NRC process. Some have also raised concerns about the mental health of detainees, especially children who have grown up in such facilities without access to education or normal socialization.

International organizations, including the United Nations, have expressed concern over India's approach to handling the issue of statelessness and undocumented migrants, urging the Indian government to adopt more humane policies and expedite legal processes.

The State's Response

The Assam government has defended its actions, maintaining that the camps are necessary to deal with the issue of illegal immigration. However, in light of the Supreme Court's order, the state is expected to cooperate with the inspection and provide necessary improvements to the facilities.

The government has previously acknowledged issues of overcrowding and resource shortages in the camps but stated that efforts are being made to improve conditions, especially after the construction of new facilities like the Matia Transit Camp, which was designed to accommodate a larger number of detainees.

The Supreme Court's order to inspect the Matia Transit Camp highlights the growing concern over the human rights situation in Assam's detention facilities. As the inspection moves forward, it is hoped that the findings will lead to tangible improvements in the living conditions of the detainees, many of whom have been in limbo for years. The court's intervention could also shape future policies regarding statelessness and immigration in India, balancing the need for border control with the rights and dignity of individuals.

Newstrack

Sonbhadra News: अमानवीय यातना की शिकार विधवा को आर्थिक मदद न मिलने पर एनएचआरसी सख्त, दोषी कर्मियों के खिलाफ कार्रवाई

<https://newstrack.com/uttar-pradesh/sonbhadra/nhrc-strict-on-not-providing-financial-help-to-widow-who-was-victim-of-inhuman-torture-471499>

Kaushlendra Pandey 5 अक्टूबर 2024

Sonbhadra News: घोरावल कोतवाली क्षेत्र के एक गांव में भूत-प्रेत के चक्कर में अमानवीय यातना की शिकार हुई महिला को निर्देश के वर्ष भर बाद भी, आर्थिक मदद न उपलब्ध कराए जाने को लेकर राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) ने कड़ा रूख अख्तियार किया है। कई पत्र-निर्देश जारी किए जाने के बाद भी, आदेश का अनुपालन न किए जाने के मामले में दोषी कर्मियों के खिलाफ कार्रवाई और दिए गए निर्देश की अनुपालन रिपोर्ट प्रदेश के मुख्य सचिव से तलब की गई है। ऐसा न किए जाने की दशा में सात नवंबर 2024 को, आयोग के समक्ष उपस्थिति दर्ज कराते हुए कारण स्पष्ट करने के लिए कहा गया है।

एचएचआरसी को रिपोर्ट में दी गई थी यह जानकारी

मानवाधिकार सीडब्लूए नामक संस्था के चेयरमैन योगेंद्र कुमार सिंह (योगी) की तरफ से वर्ष 2022 से जुड़े संबंधित प्रकरण की शिकायत राष्ट्रीय मानव अधिकार आयोग नई दिल्ली में दर्ज कराई गई थी और मामले में दोषियों के खिलाफ कठोरतम कार्रवाई तथा पीड़ित को मुआवजा देने का अनुरोध किया गया था। इसको लेकर आयोग ने रिपोर्ट तलब की। इस पर बताया गया कि घोरावल पुलिस स्टेशन में आठ आरोपियों के खिलाफ आईपीसी की धारा 147, 323, 504, 506, 500, 509 आईपीसी के तहत दर्ज किया गया था और ओझा उदयरज सहित दो के खिलाफ सीआरपीसी की धारा 151, 107, 116 के तहत प्रतिबंधात्मक कार्रवाई करने, अन्य 11 नामित आरोपियों को सीआरपीसी की धारा 41(ए) के तहत नोटिस दिए जाने, 11 आरोपियों के खिलाफ धारा 147, 323, 504, 506, 500, 509 आईपीसी के तहत और आरोपी मकौदी के खिलाफ धारा 354, 147, 323, 504, 506, 500, 509 आईपीसी के तहत चार्जशीट न्यायालय में दाखिल किए जाने की जानकारी दी गई थी।

मुआवजे की सिफारिश पर नहीं जताई गई थी कोई आपत्ति

रिपोर्ट और अपराध की गंभीरता को देखते हुए आयोग ने पीड़ित को मानवाधिकार संरक्षण अधिनियम, 1993 की धारा 18(3) के तहत एक लाख रुपये की तत्काल अंतरिम राहत क्यों नहीं दी जाए, इसके बारे में जवाब मांगा। सभी संबंधितों पर इस पर कोई आपत्ति न होने की बात दर्ज कराई। तब आयोग की तरफ से 24 अगस्त 2023 को राज्य सरकार की तरफ से पीड़ित को एक लाख अंतरिम मुआवजे का भुगतान किए जाने की सिफारिश की गई।

जारी हुए कई अनुस्मारक पत्र, नहीं हुआ सिफारिश का पालन: आयोग की तरफ से जारी किए गए ताजा निर्देश के मुताबिक 24 अगस्त 2023 के कई अनुस्मारक जारी किए गए। मुख्य सचिव यूपी के माध्यम से अनुपालन रिपोर्ट मांगी गई। इलाहाबाद उच्च न्यायालय के निर्णय की तरफ भी ध्यान आकर्षित कराया गया लेकिन अनुपालन रिपोर्ट आयोग के पास नहीं पहुंची।

बृजवीर सिंह सहायक रजिस्ट्रार (कानून) की तरफ से मुख्य सचिव को जारी पत्र में कहा गया है कि 11 माह बाद भी निर्देश का अनुपालन न किए जाने को लेकर गत जुलाई माह में आखिरी अनुस्मारक जारी करते हुए छह सप्ताह के भीतर अनुपालन रिपोर्ट तलब की गई, जिस पर अवर सचिव, सरकार की तरफ से आयोग को 14 अगस्त को एक पत्र प्राप्त हुआ। डीजीपी को संबोधित पत्र में मामले पर गहन विचार, अब तक मुआवजा न दिए जाने के दोषी कर्मियों की पहचान और अंतरिम सहायता के प्रावधान में तेजी लाए जाने का निर्देश दिया गया है।

MANAV ADHIKAR BHAWAN, BLOCK-C,

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Date : 30/09/2024

To,

THE CHIEF SECRETARY

GOVERNMENT OF UTTAR PRADESH, 1ST FLOOR, ROOM NO. 110, LAL BAHADUR SASTRI BHAWAN, UTTAR PRADESH SECRETARIAT, LUCKNOW-226001

SONEBHADRA UTTAR PRADESH

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Sir/Madam,

The case No. 24874/24/69/2022-wc in respect of YOGENDRA KUMAR SINGH, was placed before the Commission on 30/09/2024. Upon perusing the same, the Commission directed as follows:

1. This proceedings shall be read in continuation of earlier proceedings of the Commission.
2. The complainant had alleged that victim's (widow woman) head was forcibly shaved on suspicion over exorcism. The Panchayat of Ghorawal area forcibly shaved her head, blackened her face and forced her to parade in the village. The complainant, thus, sought intervention of the Commission into the matter.
3. Pursuant to the directions of the Commission, a report was received wherein it was stated that on the basis of information given by the complainant Ghorawal, PS, registered an FIR No.154/2022 U/s 147,323,504,506,500,509 IPC against eight accused persons. As regard to the accused Daniya W/o Makaudi and one other exorcist, Udayraj, the Police on 31.07.2022 took preventive action U/s 151,107,116 CrPC. Other 11 (eleven) named accused persons were served Notice u/s 41(A) CrPC. Against the eleven (11) accused persons Charge Sheet No. 181/22 dated 02.10.2022 U/s 147,323,504,506,500,509 IPC and against accused Makaudi charge sheet u/s 354,147,323,504,506,500,509 IPC has been submitted before the concerned Court.

4. The Commission vide proceedings dated 13.02.2023, observed and directed as under:

“Considering the mortifying nature of the offence and the consequent humiliation and trauma that has been meted out to the victim, the Commission calls the State of Uttar Pradesh, through the Ld. Chief Secretary to show cause, within 6 weeks, as to why ‘immediate interim relief’ in the sum of Rs.1 Lakh u/s 18(3) of the Protection of Human Rights Act, 1993, should not be recommended to the victim as her human rights have been grossly violated and it is the responsibility of the State to prevent such untoward incidents and to prevent crime.”

5. In response, a report dated 28.06.2023, was received from the office of the Joint Secretary, Govt. of Uttar Pradesh, along with other reports. As per the report, according to the letter dated 05.04.2023 of the DM, Sonebhadra and the letter dated 27.03.2023 of the SP, Sonebhadra, they have no objection to provide interim compensation of Rs. One lakh to the victim.

6. The reply received from the Govt. of UP through the Joint Secretary did not controvert the findings of the Commission. Rather they have no objection to provide interim compensation of Rupees One Lakh to the victim. The Commission accepts the gracious reply of the government. Hence, the Commission vide proceedings dated 24.08.2023 confirmed the Show Cause Notice dated 13.02.2023 of the Commission and recommended payment of interim compensation of Rs.1,00,000/- (One lakh only) to the victim by the Govt. of UP through its Chief Secretary.

7. When despite follow up reminders the requisite compliance report remained awaited from the Chief Secretary, Govt. of Uttar Pradesh, the Commission vide its proceeding dated 08.05.23 issued yet another reminder to the said authority and also invited the attention of the said authority to the decision of Hon’ble Allahabad High Court in Writ - C.No.- 15570 of 2016 in the matter of State of UP and two others v/s NHRC by directing as under:

“7. Despite passage of nearly 11 months since the recommendation of the Commission, compliance report along with proof of payment has not been received from the Chief Secretary, Govt. of Uttar Pradesh despite reminders dated 04.12.2023 and 01.02.2024.

8. The Commission invites the attention of the Govt. of Uttar Pradesh, through its Chief Secretary, to the judgement dated 08.04.2016 of the Hon’ble Allahabad High Court in Writ - C.No.- 15570 of 2016 in the matter of State of UP and two others v/s NHRC and three others. Its relevant extract is as follows:-

“...the State Government is at liberty to challenge the order of the Commission (NHRC) on merits since no appeal is provided by the Act (Protection of Human Rights Act). But it cannot in the absence of the order being set aside, modified or reviewed disregard the order at its own discretion....

...the State Government subject to this right, is duty bound to comply with the order. Otherwise the purpose of enacting the legislation would be defeated. The provisions of

the Act which have been made to enforce the constitutional protection of life and liberty by enabling the Commission to grant compensation for violations of human rights would be rendered nugatory....”

9. In view of the above, the Chief Secretary, Govt. of Uttar Pradesh, once again directed to/should release compensation of Rs.1,00,000/- (One Lakh only) to the victim (widow), and submit compliance report of payment along with proof of payment, within six weeks.

10. A copy each of previous proceedings dated 24.08.2023, 04.12.2023, 01.02.2024 and 08.05.2024 are also attached with these proceedings for ready reference.

11. Put up thereafter.”

8. Vide previous proceeding dated 16.07.24 the Commission issued a final reminder to the Chief Secretary, Govt. of Uttar Pradesh, to release compensation of Rs.1,00,000/- (One Lakh only) to the victim (widow), and submit compliance report of payment along with proof of payment, within six weeks.

9. Pursuant to the above, the Commission has merely received a communication dated 14.08.24 from Under Secretary, Govt. of UP addressed to Addl. DGP, Uttar Pradesh stating therein to conduct a thorough reconsideration of the case, identify the guilty police officials, and expedite the provision of interim assistance amounting to Rs. 1.00 lakh to the victim.

10. Regrettably, however, despite final reminder being issued by the Commission vide its previous proceeding dated 16.07.24 to Ld. Chief Secretary, Govt. of Uttar Pradesh, still the requisite compliance report along with proof of payment has not received from the. As a result, the Commission, on account of such non-responsive attitude of the said authority, is constrained to hereby direct its registry to issue conditional summons to the Ld. Chief Secretary, Govt. of Uttar Pradesh to appear before the Commission on 07.11.24 along with requisite compliance report along with proof of payment.

11. If however, the Commission receives the requisite compliance report along with proof of payment on or before 24.10.24 the personal appearance of the concerned authority shall be dispensed with.

12. Put up thereafter.

2. This is for your information and further necessary action.

Your's faithfully

Sd/-

Brijvir Singh

ASSISTANT REGISTRAR (LAW)

M-6Section

Ph. No. 011-24663368

CC to

Complainant Details

Case No. 24874/24/69/2022-wc

YOGENDRA KUMAR SINGH

R/O VILL. RAMMANDO, POST BHATRAUL, THE CHAKIYA, DISTRICT CHANDAULI

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Brijvir Singh

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भुगतान के प्रमाण के साथ उपलब्ध कराई जाए अनुपालन रिपोर्ट

इस पर आयोग की तरफ से कहा गया है कि अब तक भुगतान के प्रमाण के साथ अपेक्षित अनुपालन रिपोर्ट प्राप्त नहीं हुई है। इसलिए इस बात का निर्देश दिया जाता है कि मुख्य सचिव, उत्तर प्रदेश की तरफ से भुगतान के प्रमाण के साथ अपेक्षित अनुपालन रिपोर्ट प्रस्तुत करते हुए सात नवंबर 2024 को आयोग के समक्ष उपस्थिति दर्ज कराई जाए। अगर 24 अक्टूबर 2024 या उससे पहले भुगतान के प्रमाण के साथ अपेक्षित अनुपालन रिपोर्ट प्राप्त होती है, तो संबंधित प्राधिकारी को व्यक्तिगत उपस्थिति से छूट रहेगी।