

मैनुअल स्कैवेजिंग पर संगठनों ने लिखी NHRC को चिट्ठी

■ सान्ध्य टाइम्स ब्यूरो

दिल्ली में मैनुअल स्कैवेजिंग (हाथ से मैला ढोना) पर बैन लगने के बाद भी ये काम धड़ल्ले से जारी है, और इसका खामियाजा सफाई कर्मचारियों को अपनी जान देकर चुकाना पड़ रहा है। हाल ही में, 15 मार्च 2025 को दिल्ली जल बोर्ड (DJB) के इलाके में तीन लोग सीवर में उतरे, जिसके बाद वे बेहोश हो गए। उनमें से 43 साल के पंथ लाल चांदर की अस्पताल में मौत हो गई, जबकि दो की हालत नाजुक है। इसके अलावा कुछ दिन पहले ही बाहरी दिल्ली में भी एक व्यक्ति की मौत का मामला सामने



कहा, रोक के बाद भी मैनुअल स्कैवेजिंग जारी, सफाई कर्मचारियों की जान तक जा रही

आया था। इस मामले को लेकर सेंटर फॉर होलिस्टिक डिवेलपमेंट (CHD) ने नैशनल ह्यूमन राइट्स कमिशन (NHRC)

और अन्य संबंधित अधिकारियों को पत्र लिखकर इस घटना पर चिंता व्यक्त की है।

संगठन ने सुप्रीम कोर्ट के 2023 के उस फैसले का भी हवाला दिया है, जिसमें मैनुअल स्कैवेजिंग पर रोक लगाई गई थी। इसके बावजूद, जमीनी स्तर पर स्थिति में कोई सुधार नहीं दिख रहा है। संगठन ने बताया कि मृतक DJB के एक ठेकेदार के अधीन काम करता था और सीवर लाइन की सफाई/मरम्मत के दौरान यह दुर्घटना हुई। उन्हें न तो काम के लिए प्रशिक्षित किया गया था और न ही उनके पास कोई सुरक्षा उपकरण थे।

सेंटर फॉर होलिस्टिक डिवेलपमेंट के

कार्यकारी निदेशक सुनील कुमार अलेदिया ने कहा, सीवर की सफाई के लिए मशीनें उपलब्ध हैं, फिर भी लागत में कटौती के लिए मजदूरों को अभी भी मैनुअल में भेजा जा रहा है। कानून के बावजूद, खुले तौर पर मैनुअल स्कैवेजिंग जारी है, इसलिए लगातार निगरानी जरूरी है।

बताते चले कि दिल्ली पुलिस मामले की जांच कर रही है। शुरुआती जांच में DJB ने कहा है कि मृतक और उसके साथी उसके नियमित या सविदात्मक कर्मचारी नहीं थे। पुलिस मामले की तह तक जाने के लिए सभी निजी और सरकारी संस्थाओं की भूमिका की जांच कर रही है। (नस)

How do habitual offender laws discriminate?

How are habitual offenders deemed so? What is the history behind denotified and nomadic tribes being seen as 'criminal tribes'? Why are States such as Gujarat not keen to repeal the habitual offender laws?

EXPLAINER

Abhinav Lakshman

The story so far:

Months after the Supreme Court of India questioned the need for decade-old laws that have classified a section of criminals as "habitual offenders" across India, the Government of India has revealed in Parliament that such laws continue to operate in as many as 14 States and Union Territories.

What has the SC said about the matter in the past?

In October last year, while deciding a matter on caste discrimination within Indian jails, the Supreme Court of India had called into question the very basis of the "habitual offender" classification, noting it was "constitutionally suspect" and used to "target members of denotified tribes".

The recent information revealed in the Lok Sabha on March 11 by the Union Social Justice Ministry showed that some States like Gujarat have argued for the continuation of the law given that the "intent" of its use is not suspect, while others are in the process of discontinuing its application, like Punjab. States like Haryana have already repealed it. The government has said that the Union Ministry of Home Affairs communicates with States on these laws and the status of their repealing from time to time.

What is the origin of the 'habitual offender' classification?

According to the National Commission for Denotified, Nomadic, and Semi-Nomadic Tribes headed by Bhiku Ramji Idate, which submitted its report in 2017, the beginning of "criminalising" communities in India began with Regulation XXII of 1793, which gave magistrates "summary powers" to put to work or imprison certain communities or tribes based on suspicion alone. The Indian Penal Code of 1860 and the Criminal Procedure Code of 1861 further set up the mechanism to maintain a register of "dacoits and thugs", before culminating it in the Criminal Tribes Act (CTA) of 1871. It was through this Act, the Idate Commission notes, that "the phrase 'criminal tribe' was first concocted, and the system of registration began". The law provided for "a gang, a tribe, or a class of people" to be declared criminal, and was strengthened throughout the next few decades. In 1924, the law was applied to all of colonial India which increased the number of communities declared "criminal" exponentially, according to the Idate report.

Just as the Constitution of India was being adopted, the government's Criminal Tribes Act Enquiry Committee Report (1949-50) was published, which recommended the repealing of the CTA, and encouraged "central legislation applicable to all habitual offenders without any distinction based on caste, creed, or birth". In 1952, based on this report, the Government of India repealed all criminal tribes laws across the country, leaving the communities notified under these laws to be classified as "denotified, nomadic, and semi-nomadic" (DNT, NT, SNT) tribes.

By this time, States had already started enacting "habitual offender" laws across the country, such as the Madras Restriction of Habitual Offenders Act, 1948, which was extended to Delhi in 1951. Rajasthan passed a similar law in 1953, and over the next two decades more



Criminal by habit: Members of various denotified tribes take an oath during the first conference of Itinerant People's Rights Organisation in 2012. FILE PHOTO

States – Andhra Pradesh, West Bengal, Karnataka, Goa, Himachal Pradesh, Uttar Pradesh, etc. – adopted laws on "habitual offenders". All of them moved away from the premise of classifying communities as "prone to crime", by defining a "habitual offender" in terms of the convictions they have had.

However, even though the CTA Enquiry Report had led to the reframing of habitual offender laws, by centering individuals over communities, more than a decade later, when the Lokur Committee in 1965 was looking at denotified tribes, it saw them as communities with an "anti-social heritage". Some specific communities were even described as having an "affinity for crime".

What were some of the crimes which made one a 'habitual offender'?

Habitual offender laws have a schedule of crimes for which the classification could be invoked. Across States, this included crimes like "being a thug", "belonging to a gang of dacoits", "living on the earnings of prostitution", and half-a-dozen entries on "lurking".

Registers were maintained, and rules and regulations were formulated by States on how 'habitual offenders' were to be treated within prisons, leading to jail manuals across the country adopting the language of "habitual offenders", with some of them explicitly allowing for erstwhile "criminal tribe" community members to be designated as "habitual offenders" (for example in Rajasthan). But in 1998, the custodial death of Budhan Sabar, a member of a denotified community in West Bengal, led to national outrage over the concept of "habitual offenders" and how it was being used by the police.

When did change start?

From the outrage over Mr. Sabar's death, an advocacy group was formed known as the Denotified and Nomadic Tribes Rights Action Group (DNT-RAG) by writers Mahasweta Devi and G.N. Devy, who also spearheaded the launching of a magazine named after Budhan, which wrote on issues faced by these communities. The

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In 1998, the DNT-RAG wrote to the National Human Rights Commission (NHRC) in India and the United Nations Secretary General, noting that even though the CTA had been repealed, "the police as well as the general public continue to treat most of these unfortunate communities as 'born criminals' and 'habitual criminals'", citing the habitual offender law in Bombay. "Every day brings in instances of mob-lynching, arson, and police atrocities enacted upon the innocent and helpless DNIs," the letter said.

Reacting to this letter, the NHRC formed an Advisory Group which in 2000, concluded that these "habitual offender" laws can be repealed. Since then, every National Commission that has dealt with the issue of DNT, NT, SNT communities has mentioned the adverse effect of "habitual offender" laws on these communities.

In March 2007, the United Nations Committee on the Elimination of Racial Discrimination noted the way "habitual offender" laws were being applied and called for its repeal. In 2008, the National Commission on DNT, SNT, NT headed by B.S. Renke noted the negative effect of the laws on the lives of these communities.

In 2014, the High-Level Committee of the Tribal Affairs Ministry, headed by Professor Virginius Xaxa noted, "The tag of criminality attached to DNIs and to the nomadic way of life of nomadic tribes persists to the present day. The explanation lies, in good measure, in the Criminal Tribes Act being replaced in many States by the Habitual Offenders Act." In 2020, journalist Sukanya Santha reported on widespread caste-discrimination within Indian prison systems, including the treatment meted out to those who have been classified as "habitual offenders", based on which she filed a petition in the Supreme Court.

How have States reacted?

Deciding this case in October 2024, a Bench headed by then-Chief Justice D.Y. Chandrachud had noted that while "habitual offender" laws were not the

subject of the matter specifically, it felt compelled to make some observations.

It said, "The 'habitual offender' legislations were enacted to replace the Criminal Tribes Act. However, in States such as Rajasthan, they were used to refer to members belonging to criminal tribes/denotified tribes. Applying that logic, several Prison Manuals/Rules have also referred to 'habitual offender' to mean members of Denotified Tribes or wandering tribes... This cannot be accepted. A whole community ought not to have either been declared a criminal tribe in the past or a habitual offender in the present. It would not be wrong to say that the classification of 'habitual offender' has been used to target members of Denotified Tribes."

Further down in the judgment, the Supreme Court went on to "urge" the State governments to review whether there remained any need for such "habitual offender" laws in the country.

According to the latest information provided by the States and UTs to the Ministry of Home Affairs, Punjab has said that it has not implemented the law for over five years and neither had any register been maintained in this time. Similarly, the Odisha government has said that no case had been registered under the law in the last five years and Andhra Pradesh has said that no one in their jails currently was imprisoned under the law.

Some States like Goa have argued that since there are no DNIs in their State, there is no scope of the law being misused to target them and have indicated that they may be allowed to continue using them. Gujarat has opined against repealing it saying it "does not intend" to harass. Telangana has called the law preventative, whereas Uttar Pradesh has said that since all "habitual offender" provisions had been covered under their Goondas Act, it does not matter if it is repealed.

According to the latest available records of the National Crime Records Bureau (for 2022), about 1.9% of India's 1.29 lakh convict population have been classified as "habitual offenders", with the highest proportion seen in Delhi, where 21.5% of convicts are classified as such.

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subject of the matter specifically, it felt compelled to make some observations.

It said, "The 'habitual offender' legislations were enacted to replace the Criminal Tribes Act. However, in States such as Rajasthan, they were used to refer to members belonging to criminal tribes/denotified tribes. Applying that logic, several Prison Manuals/Rules have also referred to 'habitual offender' to mean members of Denotified Tribes or wandering tribes... This cannot be accepted. A whole community ought not to have either been declared a criminal tribe in the past or a habitual offender in the present. It would not be wrong to say that the classification of 'habitual offender' has been used to target members of Denotified Tribes."

Further down in the judgment, the Supreme Court went on to "urge" the State governments to review whether there remained any need for such "habitual offender" laws in the country.

According to the latest information provided by the States and UTs to the Ministry of Home Affairs, Punjab has said that it has not implemented the law for over five years and neither had any register been maintained in this time. Similarly, the Odisha government has said that no case had been registered under the law in the last five years and Andhra Pradesh has said that no one in their jails currently was imprisoned under the law.

Some States like Goa have argued that since there are no DNTs in their State, there is no scope of the law being misused to target them and have indicated that they may be allowed to continue using them. Gujarat has opined against repealing it saying it "does not intend" to harass. Telangana has called the law preventative, whereas Uttar Pradesh has said that since all "habitual offender" provisions had been covered under their Goondas Act, it does not matter if it is repealed.

According to the latest available records of the National Crime Records Bureau (for 2022), about 1.9% of India's 1.29 lakh convict population have been classified as "habitual offenders", with the highest proportion seen in Delhi, where 21.5% of convicts are classified as such.

THE GIST

In October last year, while deciding a matter on caste discrimination within Indian jails, the Supreme Court of India had called into question the very basis of the "habitual offender" classification, noting it was "constitutionally suspect" and used to "target members of denotified tribes".

Habitual offender laws have a schedule of crimes for which the classification could be invoked. Across States, this included crimes like "being a thug", "belonging to a gang of dacoits", "living on the earnings of prostitution", and half-a-dozen entries on "lurking".

In March 2007, the United Nations Committee on the Elimination of Racial Discrimination noted the way "habitual offender" laws were being applied and called for its repeal.

Hindu

Supreme Court action sought against Allahabad High Court judge who sparked public outrage in 'attempt to rape' case

Judge had downgraded the charges against the accused who allegedly grabbed a child's breasts and broke her pyjama strings; senior lawyers, BJP and Congress leaders among those demanding action

<https://www.thehindu.com/news/national/uttar-pradesh/demands-for-sc-to-act-against-allahabad-hc-judge-who-sparked-public-outrage-in-attempt-to-rape-case/article69354228.ece>

Updated - March 20, 2025 11:57 pm IST - NEW DELHI

Ishita Mishra

An Allahabad High Court judge's recent observation that a man allegedly grabbing an 11-year-old girl's breasts, breaking her pyjama strings, and dragging her under a culvert is not enough to charge him with 'attempt to rape' has sparked widespread outrage and calls for the Supreme Court's intervention. People from all sections of society and across the political spectrum have slammed the ruling by Justice Ram Manohar Narayan Mishra.

Senior advocate Indira Jaising called for the Supreme Court to take suo motu cognisance in the matter. "Judges have been pulled up for much less by SC," she said.

'Injustice'

National Human Rights Commission member Priyank Kanoongo said the ruling was unjust and urged the State government to immediately appeal it. "The victim is only 11 years old. Under Sections 29 and 30 of the POCSO Act, it is the responsibility of the defense to prove the accused innocent, therefore the burden of proving guilt does not lie with the prosecution," he said.

Mr. Kanoongo, who earlier headed the National Commission for Protection of Child Rights said it was "peculiar that the forcible removal of clothes was not considered an attempt to rape. Expecting such a young girl to understand the definition of rape and explain it to the court is nothing short of an injustice, he added. "Such decisions are used as precedents in a wrong manner by criminals. Therefore, the State government should immediately appeal in this case," he said.

BJP MP Rekha Sharma, a former chairperson of the National Commission for Women, asked, "If judges are not sensitised, how will women and children get justice?"

'Trivialises sexual violence'

Congress leader Supriya Shrinete noted that the trial court had termed it a case of attempted rape under the POCSO Act, but the Allahabad High Court downgraded the

charges. "Is this justice for that 11-year-old girl? For information, let me tell you that India is one of the most unsafe countries in the world for women," she said.

Communist Party of India general secretary D. Raja said the judge's remarks were appalling and shameful. "Grabbing breasts or breaking a pyjama string isn't 'attempt to rape'? This trivialises sexual violence & shows the tight grip of patriarchy on our institutions. The law must prioritise survivors' trauma, not minimise it," he said in a post on X. He added that people see the judiciary as the last hope and such conduct puts a question mark before the credibility of the judiciary.

Acharya Lokesh Muni, a Jain monk, asked the Supreme Court and the President of India to take cognisance of the matter as "crores of people have been hurt by this decision".

Advocate Vikas Pahwa said that such orders give a bad signal to society on criminal justice, throwing doubt on the assurance that if somebody commits an offence, he will be punished.

Mathrubhumi

`How can we expect 11-year-old to recreate entire scene?': NHRC member on HC ruling in rape case

<https://english.mathrubhumi.com/news/india/nhrc-member-priyank-kanoongo-on-allahabad-high-court-rape-remarks-1.10440542>

News Desk 20 March 2025, 11:27 PM IST
New Delhi: Priyank Kanoongo, a member of the National Human Rights Commission, on Thursday strongly criticized the Allahabad High Court's observation that "holding breast, breaking pyjama's string is not a crime of rape."

Kanoongo emphasised the alarming nature of this statement, particularly given the young age of the victim, who is only 11 years old

Kanoongo questioned how an 11-year-old could be expected to comprehend the definition of rape and attempted rape, highlighting the absurdity of the situation. He pointed out that the child was dragged to a secluded location, where an attempt was made to tear off her clothes and touch her inappropriately. Kanoongo argued that if this doesn't constitute rape, then what does?

"Holding breast, breaking pyjama's string is not a crime of rape", Member of the National Human Rights Commission, Priyank Kanoongo, says, " The victim, in this case, is only 11 years old, how can we communicate what is the definition of rape and attempt to rape to an 11-year-old?...the child was dragged to a place and attempt was made to tear open her clothes and touch her inappropriately, if this is not considered rape?...it is a very bad statement...then what should be considered as rape? Are we living in a filmy era?...how can we expect an 11-year-old to recreate the entire scene and say exactly what happened?...state govt needs to appeal against this....," said Kanoongo.

Senior Advocate Vikas Pahwa has also expressed concern over a recent observation by the Allahabad High Court stating that "holding breast and breaking the string of a pyjama does not constitute the crime of rape."

Speaking on the matter, Pahwa said, "This gives a bad signal to the entire criminal justice society where we feel that if somebody commits an offence, he will be punished."

Highlighting the role of the higher judiciary, he added, "The courts have to be a bit cautious of laying down the law. When we talk about High Courts and the Supreme Court, we talk about laying down precedents. We have to be a bit careful while dealing with such sensitive issues."

The observation by the Allahabad High Court has sparked discussions regarding judicial interpretations in cases involving sexual offences.

Earlier, the Allahabad court observed in a Protection of Children from Sexual Offences (POCSO) case of alleged rape of a minor girl that grabbing the breasts of the victim and

snapping her pyjama strings do not constitute rape or attempt to rape but serious sexual assault.

A single bench of Justice Ram Manohar Narayan Mishra has modified the summons order of Special Judge POCSO Court of Kasganj and has ordered fresh summons. The court said that the summons issued on the charge of rape is not legal.

The accused, identified as Pawan and Akash, allegedly grabbed the breasts of an 11-year-old victim, tearing her pyjama string and attempted to drag her beneath a culvert in Uttar Pradesh's Kasganj. The accused fled from the spot after a passer-by came to her rescue. The case is registered in Patiyali police station.

Petitioners Akash, Pawan and Ashok were initially called to face trial under Section 376 of IPC and Section 18 of the POCSO Act. The High Court has directed that the accused should be tried under Section 9/10 (serious sexual assault) of the POCSO Act along with the minor charge of Section 354-B IPC (assault or use of criminal force with intent to disrobe). (ANI)

Devdiscourse

Outrage Over Allahabad High Court's Controversial Ruling on Definition of Rape

National Human Rights Commission's Priyank Kanoongo criticizes Allahabad High Court's ruling that 'holding breast, breaking pyjama's string' isn't rape. Concerns rise over judicial interpretations in sexual offence cases as legal experts stress caution and sensitivity in defining precedents.

<https://www.devdiscourse.com/article/headlines/3315500-outrage-over-allahabad-high-courts-controversial-ruling-on-definition-of-rape>

Devdiscourse News Desk | Updated: 20-03-2025 22:58 IST | Created: 20-03-2025 22:58 IST

Priyank Kanoongo, a member of the National Human Rights Commission, has strongly condemned the Allahabad High Court's observation stating that 'holding breast, breaking pyjama's string is not a crime of rape.' Kanoongo expressed particular concern due to the victim being just 11 years old, stressing the alarming nature of the court's statement.

Highlighting the implausibility for a minor to comprehend legal definitions, Kanoongo questioned how an 11-year-old could understand rape or attempted rape. He described the incident where the child was isolated, her clothes nearly torn, and she was touched inappropriately. Kanoongo argued adamantly that such acts should indeed be considered rape.

Senior Advocate Vikas Pahwa also criticized the high court's observation, which he believes sends a negative signal to the criminal justice system. Pahwa emphasized that higher courts need to exercise caution when setting legal precedents, particularly in sensitive areas involving sexual offences.

The Allahabad High Court's ruling followed a POCSO case where the alleged actions were deemed serious sexual assault rather than rape. The case involved two accused, Pawan and Akash, who confronted an 11-year-old in Kasganj, Uttar Pradesh, before fleeing upon being interrupted. The High Court ordered trial under specific sections of the IPC and POCSO Act, adjusting previous charges.

(With inputs from agencies.)

Janta Se Rishta

NHRC के प्रियांक कानूनगो ने इलाहाबाद HC के फैसले की आलोचना की

<https://jantaserishta.com/delhi-ncr/nhrccs-priyank-kanungo-slams-allahabad-hc-verdict-3902223>

Gulabi Jagat 20 Mar 2025 11:41 PM

New Delhi: राष्ट्रीय मानवाधिकार आयोग के सदस्य प्रियांक कानूनगो ने गुरुवार को इलाहाबाद उच्च न्यायालय की इस टिप्पणी की कड़ी आलोचना की कि "स्तन पकड़ना, पायजामा का नाड़ा तोड़ना बलात्कार का अपराध नहीं है।" कानूनगो ने इस कथन की भयावह प्रकृति पर जोर दिया, खासकर पीड़िता की कम उम्र को देखते हुए, जो कि केवल 11 वर्ष की है। कानूनगो ने सवाल उठाया कि 11 वर्षीय बच्चे से बलात्कार और बलात्कार के प्रयास की परिभाषा को समझने की उम्मीद कैसे की जा सकती है, जिससे स्थिति की बेतुकीता उजागर होती है। उन्होंने बताया कि बच्ची को एक सुनसान जगह पर घसीटा गया, जहाँ उसके कपड़े फाड़ने और उसे अनुचित तरीके से छूने का प्रयास किया गया। कानूनगो ने तर्क दिया कि अगर यह बलात्कार नहीं है, तो फिर क्या है?

"स्तन पकड़ना, पायजामा का नाड़ा तोड़ना बलात्कार का अपराध नहीं है", राष्ट्रीय मानवाधिकार आयोग के सदस्य प्रियांक कानूनगो कहते हैं, "इस मामले में पीड़िता केवल 11 वर्ष की है, हम 11 वर्षीय बच्चे को बलात्कार और बलात्कार के प्रयास की परिभाषा कैसे बता सकते हैं?... बच्ची को घसीटकर एक जगह ले जाया गया और उसके कपड़े फाड़ने और उसे अनुचित तरीके से छूने का प्रयास किया गया, अगर इसे बलात्कार नहीं माना जाता है?... यह बहुत बुरा बयान है... फिर बलात्कार किसे माना जाना चाहिए? क्या हम फिल्मी युग में रह रहे हैं?... हम 11 वर्षीय बच्चे से कैसे उम्मीद कर सकते हैं कि वह पूरे दृश्य को फिर से बनाए और बताए कि वास्तव में क्या हुआ था?... राज्य सरकार को इसके खिलाफ अपील करने की जरूरत है...," कानूनगो ने कहा।

वरिष्ठ अधिवक्ता विकास पाहवा ने भी इलाहाबाद उच्च न्यायालय द्वारा हाल ही में की गई एक टिप्पणी पर चिंता व्यक्त की है जिसमें कहा गया है कि "स्तन पकड़ना और पायजामा का नाड़ा तोड़ना बलात्कार का अपराध नहीं है।" मामले पर बोलते हुए पाहवा ने कहा, "इससे पूरे आपराधिक न्याय समाज को बुरा संकेत मिलता है, जहां हमें लगता है कि अगर कोई अपराध करता है, तो उसे सजा मिलेगी।" उच्च न्यायपालिका की भूमिका पर प्रकाश डालते हुए उन्होंने कहा, "अदालतों को कानून बनाने में थोड़ा सतर्क रहना चाहिए। जब हम उच्च न्यायालयों और सर्वोच्च न्यायालय की बात करते हैं, तो हम मिसाल कायम करने की बात करते हैं। हमें ऐसे संवेदनशील मुद्दों से निपटने में थोड़ा सावधान रहना चाहिए।"

इलाहाबाद उच्च न्यायालय की इस टिप्पणी ने यौन अपराधों से जुड़े मामलों में न्यायिक व्याख्याओं को लेकर चर्चाओं को जन्म दिया है। इससे पहले, इलाहाबाद न्यायालय ने एक नाबालिग लड़की के साथ कथित बलात्कार के यौन अपराधों से बच्चों के संरक्षण (POCSO) मामले में कहा था कि पीड़िता के स्तनों को पकड़ना और उसके पायजामे की डोरी तोड़ना बलात्कार या बलात्कार का प्रयास नहीं बल्कि गंभीर यौन हमला है। न्यायमूर्ति राम मनोहर नारायण मिश्रा की एकल पीठ ने कासगंज के विशेष न्यायाधीश POCSO न्यायालय के समन आदेश को संशोधित करते हुए नए सिरे से समन जारी करने का आदेश दिया है। न्यायालय

ने कहा कि बलात्कार के आरोप में जारी समन कानूनी नहीं है। उत्तर प्रदेश के कासगंज में पवन और आकाश नाम के आरोपियों ने कथित तौर पर 11 वर्षीय पीड़िता के स्तनों को पकड़ा, उसके पायजामे का नाड़ा फाड़ दिया और उसे पुलिया के नीचे खींचने की कोशिश की। एक राहगीर के उसे बचाने के बाद आरोपी मौके से भाग गए। मामला पटियाली थाने में दर्ज है। याचिकाकर्ता आकाश, पवन और अशोक को शुरू में आईपीसी की धारा 376 और पोक्सो एक्ट की धारा 18 के तहत मुकदमे का सामना करने के लिए बुलाया गया था। उच्च न्यायालय ने निर्देश दिया है कि आरोपियों पर पोक्सो एक्ट की धारा 9/10 (गंभीर यौन उत्पीड़न) के साथ-साथ आईपीसी की धारा 354-बी (नंगा करने के इरादे से हमला या आपराधिक बल का प्रयोग) के मामूली आरोप के तहत मुकदमा चलाया जाना चाहिए। (एएनआई)

Hindustan

11 साल के बच्चे से पूरे दृश्य को फिर से बनाने की उम्मीद कैसे कर सकते हैं

<https://www.livehindustan.com/ncr/new-delhi/story-human-rights-commission-criticizes-allahabad-high-court-s-disturbing-ruling-on-sexual-assault-201742509275372.html>

21 मार्च 2025

मानवाधिकार आयोग के प्रियांक कानूनगो ने इलाहाबाद हाईकोर्ट के फैसले की आलोचना की नई

मानवाधिकार आयोग के प्रियांक कानूनगो ने इलाहाबाद हाईकोर्ट के फैसले की आलोचना की नई दिल्ली, एजेंसियां। राष्ट्रीय मानवाधिकार आयोग के सदस्य प्रियांक कानूनगो ने गुरुवार को इलाहाबाद उच्च न्यायालय की इस टिप्पणी की कड़ी आलोचना की कि 'स्तन पकड़ना, सलवार का नाड़ा तोड़ना बलात्कार का अपराध नहीं है। कानूनगो ने इस बयान की भयावह प्रकृति पर जोर दिया, खासकर पीड़िता की कम उम्र को देखते हुए, जो केवल 11 साल की है

कानूनगो ने सवाल उठाया कि 11 साल की बच्ची से बलात्कार और बलात्कार के प्रयास की परिभाषा को समझने की उम्मीद कैसे की जा सकती है, उन्होंने स्थिति की बेतुकापन को उजागर किया। उन्होंने बताया कि बच्ची को एक सुनसान जगह पर घसीटा गया, जहां उसके कपड़े फाड़ने और उसे अनुचित तरीके से छूने का प्रयास किया गया। कानूनगो ने तर्क दिया कि अगर यह बलात्कार नहीं है, तो फिर क्या है? कानूनगो कहते हैं, 'इस मामले में पीड़िता केवल 11 वर्ष की है, हम 11 वर्षीय बच्चे को बलात्कार और बलात्कार के प्रयास की परिभाषा कैसे बता सकते हैं?... बच्ची को घसीट कर एक स्थान पर ले जाया गया और उसके कपड़े फाड़ने और उसे अनुचित तरीके से छूने का प्रयास किया गया, यदि इसे बलात्कार नहीं माना जाता है?... यह बहुत ही खराब बयान है... फिर बलात्कार किसे माना जाना चाहिए? क्या हम फिल्मी युग में रह रहे हैं?... हम 11 वर्षीय बच्चे से कैसे उम्मीद कर सकते हैं कि वह पूरे दृश्य को फिर से बनाए और बताए कि वास्तव में क्या हुआ था?... राज्य सरकार को इसके खिलाफ अपील करने की आवश्यकता है।

Hindustan

पुलिस पर प्राइवेट पार्ट को जखमी करने का आरोप

दलसिंहसराय के संतलाल दास के पुत्र राहुल कुमार ने पुलिस पर बेरहमी से मारपीट करने का आरोप लगाया है। उसने राष्ट्रीय मानवाधिकार आयोग को पत्र भेजकर न्याय की गुहार लगाई। राहुल का कहना है कि पुलिस ने उसे...

<https://www.livehindustan.com/bihar/samastipur/story-allegations-of-police-brutality-rahul-kumar-claims-assault-in-dalasingarai-201742493063861.amp.html>

Newsrap हिन्दुस्तान, समस्तीपुर | Thu, 20 Mar 2025, 11:21:PM

दलसिंहसराय। चकबहाउद्दीन निवासी संतलाल दास के पुत्र राहुल कुमार ने पुलिस पर बेरहमी पूर्वक मारपीट कर जखमी करने का आरोप लगाया है। राष्ट्रीय मानवाधिकार आयोग को शुक्रवार को डाक के माध्यम से पत्र भेजकर राहुल ने न्याय की गुहार लगाई है। कहा है कि 17 मार्च को तीन गाड़ियों से उसके घर पहुंची दलसिंहसराय एवं उजियारपुर थाने की पुलिस पूछताछ करने के नाम पर अपने साथ उसे उजियारपुर थाने ले गई। बाद में उसे दलसिंहसराय थाना लाकर रात में पदाधिकारी समेत 5-7 पुलिस कर्मियों ने बेरहमी से मारपीट किया एवं प्राइवेट पार्ट को डंडा से जखमी कर दिया। पत्र में कहा गया है कि पुलिस की पिटाई से अचेत होने पर पानी का छींटा देकर होश में लाकर पीटा गया। जिससे कमर के नीचे शरीर के पिछले भाग में काला-काला निशान बन गया। राहुल की माने तो मारपीट व डरा, धमकाकर पुलिस वाले उसे गुनाह कबूल करने के लिये दवाब डाल रहे थे।

महिला से मोबाइल पर हुई मेरी बातचीत के आधार पर पूछताछ के नाम पर पुलिस उसे थाने ले गई थी। जहां उक्त घटना घटी है। एसडीपीओ विवेक कुमार शर्मा ने पुलिस पर लगाये गये मारपीट के आरोप को पूरी तरह गलत बताया। उन्होंने कहा कि शक के आधार पर राहुल को पूछताछ के लिए पुलिस थाने लाया गया था। जांच में पीओ पर राहुल के मौजूद रहने का साक्ष्य नहीं मिलने पर उसे छोड़ दिया गया।

Kerala Kaumudi

Why children run away from home? Cases spike in Kerala

<https://keralakaumudi.com/en/news/news.php?id=1502272&u=why-children-run-away-from-home-cases-spike-in-kerala>

Thursday 20 March, 2025 | 11:32 PM READ MALAYALAM VERSION

KOZHIKODE: The number of children leaving home for trivial reasons is spiking in Kerala. Some years back, boys were the majority on the list and now girls have surpassed them. According to police, many girls have left their houses under the influence of social media while some others eloped with their boyfriends.

More than 100 children run away from their houses every year. Three lakh children went missing in India from 2020 to 2024. Of these, 36,000 are still missing. The National Human Rights Commission estimates that a child goes missing every eight minutes in the country. Meanwhile, police say that many of the missing children are likely to be involved in drug and prostitution rings.

Last week, two girls who went missing from Tanur were found in the suburbs of Mumbai.

Bhopal Samachar

पुलिस FIR दर्ज करने से मना करे, तब कहाँ शिकायत कर सकते हैं, जानिए

<https://www.bhopalsamachar.com/2025/03/legal-advice-fir.html>

Bhopal Samachar | March 21, 2025 2 minute read

जब कोई व्यक्ति संज्ञेय अपराध से पीड़ित हो और वह इस अपराध की शिकायत नजदीकी पुलिस थाने में करने जाए, पर पुलिस थाना प्रभारी उसकी शिकायत को पर्याप्त साक्ष्य होने के बाद भी संज्ञान में न ले एफआईआर दर्ज न करे, तब पीड़ित व्यक्ति कहाँ अपनी शिकायत दर्ज करवा सकता है, जानिए।

1. पुलिस अधीक्षक (SP) या उच्च अधिकारियों से शिकायत करें:-

BNSS की धारा 173 (4) के तहत, यदि थाना प्रभारी FIR दर्ज नहीं करता, तो पीड़ित व्यक्ति पुलिस अधीक्षक (SP) या उप-महानिरीक्षक (DIG) को लिखित शिकायत दे सकता है।

• SP को मामला सही लगने पर FIR दर्ज करने और जांच के आदेश देने की शक्ति होती है।

नोट:- यदि अनुसूचित जाति एवं जनजाति के सदस्यों की एफआईआर थाना प्रभारी दर्ज नहीं करता, तो वे राज्य अनुसूचित जाति आयोग एवं जनजाति आयोग में अपनी शिकायत दर्ज करवा सकते हैं।

(2) मजिस्ट्रेट के समक्ष अर्जी दाखिल करें:-

• अगर पुलिस FIR दर्ज नहीं कर रही है, तो पीड़ित न्यायिक मजिस्ट्रेट (Judicial Magistrate) की अदालत में भारतीय नागरिक सुरक्षा संहिता की धारा 175 (3) के तहत आवेदन कर सकता है, जिसे परिवाद भी कहते हैं।

• मजिस्ट्रेट पुलिस को FIR दर्ज करने का आदेश दे सकता है।

(3) हाईकोर्ट में रिट पेटिशन दाखिल करें:-

• अगर स्थानीय पुलिस और मजिस्ट्रेट से न्याय नहीं मिलता, तो संविधान के अनुच्छेद 226 के तहत हाईकोर्ट में रिट पेटिशन दाखिल की जा सकती है।

• हाईकोर्ट पुलिस को FIR दर्ज करने और जांच करने का निर्देश दे सकता है।

(4) मानवाधिकार आयोग या लोकपाल में शिकायत करें:-

• अगर पुलिस जानबूझकर FIR दर्ज नहीं कर रही है और पीड़ित के साथ अन्याय हो रहा है, तो राष्ट्रीय मानवाधिकार आयोग (NHRC), राज्य मानवाधिकार आयोग, लोकपाल या पुलिस शिकायत प्राधिकरण में शिकायत की जा सकती है। लेखक: बी.आर. अहिरवार (पत्रकार एवं विधिक सलाहकार होशंगाबाद)।

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डिस्क्लेमर - यह जानकारी केवल शिक्षा और जागरूकता के लिए है। कृपया किसी भी प्रकार की कानूनी कार्रवाई से पहले बार एसोसिएशन द्वारा अधिकृत अधिवक्ता से संपर्क करें।

Tirhut Now

मुर्दों के इलाज का मामला: यूपी मानवाधिकार आयोग ने कुशीनगर-गोरखपुर के DM और CMO को किया तलब।

<https://tirhutnow.com/case-of-treatment-of-dead-bodies-up-human-rights-commission-summoned-dm-and-cmo-of-kushinagar-gorakhpur-sought-report-by-april-23/>

Posted by : tirhutnow | March 20, 2025

मुजफ्फरपुर :- यूपी व बिहार के कई सरकारी व निजी अस्पतालों द्वारा मुर्दों के इलाज के मामले में उत्तर प्रदेश राज्य मानवाधिकार आयोग ने कुशीनगर और गोरखपुर के डीएम तथा सीएमओ को तलब किया है। आयोग के द्वारा इन लोगों को मामले में कार्रवाई करते हुए 23 अप्रैल के पूर्व तक रिपोर्ट की माँग की गई है।

मामले के सम्बन्ध में मानवाधिकार अधिवक्ता एस.के.झा ने बिहार व यूपी राज्य मानवाधिकार आयोग तथा राष्ट्रीय मानवाधिकार आयोग में तीन अलग-अलग याचिका दायर की थी, जिसपर सुनवाई करते हुए उत्तर प्रदेश राज्य मानवाधिकार आयोग द्वारा यह कार्रवाई की गई है तथा 24 अप्रैल को आयोग के समक्ष मामले की अगली सुनवाई होगी। वहीं, बिहार मानवाधिकार आयोग ने भी पश्चिम चम्पारण के सिविल सर्जन को मामले में कार्रवाई करने का निर्देश दिया है। दोनों आयोग की सख्ती के बाद यूपी और बिहार के प्रशासनिक महकमे में हड़कंप मच गया है।

मामले के सम्बन्ध में मानवाधिकार अधिवक्ता एस. के. झा ने बताया कि इस पूरे मामले में संलिप्त यूपी और बिहार के सभी अस्पतालों पर कठोर कार्रवाई किया जाना नितांत आवश्यक है। मानवाधिकार मामलों के जानकार अधिवक्ता एस. के. झा ने अवकाशप्राप्त न्यायाधीश की निगरानी में पूरे मामले की न्यायिक जाँच की माँग की है।

Dainik Bhaskar

जुमे की नमाज प्रतिबंध पर मानवाधिकार आयोग सख्त: असम सरकार को नोटिस जारी, धार्मिक स्वतंत्रता के उल्लंघन का आरोप

<https://www.bhaskar.com/local/uttar-pradesh/rampur/news/human-rights-commission-strict-on-friday-prayers-ban-134677008.html#:~:text=%E0%A4%B0%E0%A4%BE%E0%A4%B7%E0%A5%8D%E0%A4%9F%E0%A5%8D%E0%A4%B0%E0%A5%80%E0%A4%AF%20%E0%A4%AE%E0%A4%BE%E0%A4%A8%80%A4%B5%E0%A4%BE%E0%A4%A7%E0%A4%BF%E0%A4%95%E0%A4%BE%E0%A4%B0%20%E0%A4%86%E0%A4%AF%E0%A5%8B%E0%A4%97%20%E0%A4%A8%E0%A5%87%20%E0%A4%85%E0%A4%B8%E0%A4%AE,%E0%A4%85%E0%A4%A8%E0%A5%81%E0%A4%9A%E0%A5%8D%E0%A4%9B%E0%A5%87%E0%A4%A6%2025%20%E0%A4%95%E0%A4%BE%20%E0%A4%89%E0%A4%B2%E0%A5%8D%E0%A4%B2%E0%A4%82%E0%A4%98%E0%A4%A8%20%E0%A4%B9%E0%A5%88%E0%A5%A4>

शत्रू खान | रामपुर 2 घंटे पहले

राष्ट्रीय मानवाधिकार आयोग ने असम सरकार द्वारा जुमे की नमाज पर लगाए गए प्रतिबंध को लेकर कड़ा रुख अपनाया है। आयोग ने डीके फाउंडेशन ऑफ फ्रीडम एंड जस्टिस की याचिका पर संज्ञान लिया है।

फाउंडेशन के डायरेक्टर दानिश खान ने याचिका में कहा कि यह प्रतिबंध संविधान के अनुच्छेद 25 का उल्लंघन है। अनुच्छेद 25 नागरिकों को धार्मिक स्वतंत्रता का अधिकार देता है।

मानवाधिकार आयोग ने असम सरकार से विस्तृत रिपोर्ट मांगी है। आयोग जानना चाहता है कि यह प्रतिबंध कानून-व्यवस्था के लिए है या धार्मिक भेदभाव से प्रेरित है।

मुख्यमंत्री हेमंत बिस्वा सरमा के निर्देश पर यह प्रतिबंध लगाया गया था। अब सरकार को अपना पक्ष स्पष्ट करना होगा। यह मामला राजनीतिक और सामाजिक स्तर पर चर्चा का विषय बन गया है। अब देखना यह है कि सरकार अपने फैसले पर पुनर्विचार करती है या कानूनी लड़ाई जारी रखती है।

Dainik Bhaskar

मानवाधिकार आयोग महिला विंग का खुला कार्यालय:महिलाओं की सुनी जाएंगी शिकायतें, स्वरोजगार के लिए ट्रेनिंग भी देगा आयोग

<https://www.bhaskar.com/local/bihar/gaya/news/human-rights-commission-womens-wing-office-opened-134677417.html>

गया जिले की महिलाओं के अधिकारों और समस्याओं के समाधान के लिए अंतरराष्ट्रीय मानवाधिकार आयोग महिला विंग का कार्यालय गुरुद्वारा रोड पर खोला गया। इस कार्यालय का नेतृत्व जिला अध्यक्ष करेंगी। यहां महिलाओं की शिकायतें सुनी जाएंगी और न्याय दिलाने के लिए ठोस कदम उठाए जाएंगे।

कार्यक्रम में राष्ट्रीय मानवाधिकार संगठन के प्रदेश अध्यक्ष डॉ. मनीष पंकज मिश्रा ने कहा कि यह कार्यालय पीड़ित महिलाओं के लिए एक मजबूत सहारा बनेगा। घरेलू हिंसा, दहेज उत्पीड़न, कार्यस्थल पर असमानता और लैंगिक भेदभाव जैसी समस्याओं से लड़ने के लिए यह केंद्र बेहद जरूरी है। उन्होंने कहा कि पीड़ित महिलाओं के लिए यह कार्यालय मील का पत्थर साबित होगा। आयोग महिलाओं को स्वरोजगार के लिए ट्रेनिंग भी देगा।

महिला किसी भी समय समस्या साझा कर सकतीं

इस अवसर पर समाजसेवी, महिला अधिकार कार्यकर्ता और कई गणमान्य लोग मौजूद रहे। सभी ने इस पहल की सराहना की और इसे महिला सशक्तिकरण की दिशा में एक मजबूत कदम बताया।

राखी अग्रवाल ने कहा कि यह कार्यालय हर पीड़ित महिला के लिए हमेशा खुला रहेगा। कोई भी महिला किसी भी समय यहां आकर अपनी समस्या साझा कर सकती है।

महिलाओं की लड़ाई को मिलेगी नई ताकत

गया में महिलाओं के लिए यह कार्यालय सिर्फ शिकायत दर्ज करने का केंद्र नहीं, बल्कि इंसाफ की लड़ाई का मंच बनेगा। यहां हर महिला को न्याय के लिए कानूनी मदद, काउंसलिंग और अन्य आवश्यक सहायता दी जाएगी।

इस पहल से गया में महिलाओं की स्थिति मजबूत होगी और उनके हक के लिए एक नई लड़ाई लड़ी जाएगी।