

Pay relief in cases of unnatural jail death: SC

The Supreme Court on Friday directed the Chief Justices of all High Courts to register petitions *suo motu* to identify the kin of prisoners who died unnatural deaths from 2012 and order the States to award them compensation.

“It is important for the Centre and the State governments to realise that persons who suffer an unnatural death in a prison are also victims — sometimes of a crime and sometimes of negligence and apathy or both. There is no reason at all to exclude their kin from receiving compensation only because the victim is a criminal,” a Bench of Justices Madan B. Lokur and Dipak Gupta observed.

Normally, the National and State Human Rights Commissions award compensations in cases of custodial torture and deaths. However, compliance by State governments is low as these commissions do not exercise any power of contempt.

Besides, the States go for a long-drawn appeal in the High Courts and later on in the Supreme Court, if necessary.

HCs in charge

Friday’s judgment is significant as the High Court will now directly award compensation and ensure compliance by the States.

The Supreme Court referred to its judgment as a voice of the victims and an end to the silence of the dead.

The court said though laws had been made for payment of compensation to victims of crime, those in power had turned their back on the families of prisoners who had died unnatural deaths in custody. Human rights in a welfare state is not dependent on the status of the person – whether he is a criminal or a victim.

“It will be appreciated that merely because a person is accused of a crime or is the perpetrator of a crime and in prison custody, that person could nevertheless be a victim of an unnatural death. Hence the need to compensate the next of kin,” Justice Lokur, who authored the 43-page verdict, wrote.

The payment from the year 2012 was chosen because National Crime Records Bureau has records of unnatural deaths only from that year. The judgment came on a letter addressed to the apex court in 2013 by its former Chief Justice R.C. Lahoti on the deplorable conditions of 1,382 prisons in the country.

In an emotive few paragraphs, Justice Lokur wrote about the “voiceless” and forgotten children who have died unnatural deaths while in custody or in child care homes.

The court pointed out how both the Centre and States had never bothered to compile data on how many children had died thus. The court said the pain of the families of these children was no less. “It seems that apart from being ‘voiceless’, such children are also dispensable... It is time that unnatural deaths of children in child care institutions are seriously looked into by all concerned if we are to provide the children of our country with a better future,” Justice Lokur observed. The court put the Union Women and Child Development Ministry on a December 31 deadline to formulate procedures for tabulating children who died unnatural deaths in custody or in child care institutions.

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