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To

Secretary
National Human Rights Commission (NHRC)
N.Delhi

Sir,

Earlier, I had submitted before the Hon'ble National Human Rights Commission (NHRC), vide my letters dated 4-1-2021 & 16-1-2021 (copies enclosed), the case of Mohammad Nur Hussain, 34, a rickshaw puller in Guwahati who hails from Lawdong village in Assam's Udalguri district, his wife Sahera Begum, 26, and their two minor children (Ages 7 & 5 years), who were imprisoned for about eighteen months on frivolous charges that they were "foreigners" but later found to be locals.

Such cases involving innocent persons imprisoned for long durations seem to be commonplace in many States. In this connection, I wish to submit before the NHRC yet another case of this kind that has been recently reported from UP. The relevant news report ("Innocent Couple Released from UP Jail After Five Years Finds Their Children Living in Orphanage") may be perused at

<https://m.dailyhunt.in/news/india/english/news18+english-epaper-n...g+in+orphanage-newsid-n248578378?s=a&uu=0x2534471d0f8eb0fa&ss=pd>

Narendra Singh, a teacher, and his wife, Najma, were arrested in September, 2015 on a murder charge and were forced to languish in jails for about five years, while their two young children (five and three and a half years in age respectively), who were left homeless, were transferred to children's homes in Ferozabad and Kanpur. After five years of imprisonment, the Additional District and Session Court came down heavily on the police, observing "It is unfortunate that the innocent couple has spent five years behind bars and the main accused is still free."

Narendra Singh said, "What was our children's fault? They had to live like orphans. My son Ajeet and daughter Anju were so small when police arrested us for alleged murder." There seem to be no satisfactory answers to these questions.

It may be recalled that, in the Prakash Singh case, Hon'ble Supreme Court had directed the States in 2006 to undertake police reforms aimed at de-politicising the police force, separation of the investigation function from the law and order responsibility and professionalising the police machinery. UP is among the several States which are yet to comply with the apex court's directions fully, despite the fact that more than 14 years have elapsed since then. Had the State fully implemented the landmark directions of the apex court, in cases like this, the investigative work would have been far more professional and apolitical, resulting in speedy and effective justice, ensuring that such innocent persons are not subject to harassment. Those responsible for the crime would have been convicted without any delay.

In the instant case, while the State government may take action against the officers responsible for the miscarriage of justice, the innocent couple and their young children may not ever get adequate relief and compensation. As a result of the failure of the investigating officers, not only did the accused go scott free but the couple had to be in jail for the best part of their lives and the children deprived of parental care during the formative years of their growing up.

I earnestly appeal to the NHRC to intervene in this case and ensure that the family is not only compensated immediate but also taken care of by the State. The State should assume full responsibility for providing the children the best educational opportunities possible.

In my view, it is equally important that NHRC addresses the root cause of such shoddy investigation work by directing the State govt to comply with the apex court's directions in the Prakash Singh case.

I am sure that many such innocent persons are languishing as undertrials in the jails across the country and a decisive intervention on the part of NHRC will go a long way towards restoring the credibility of the criminal justice system in the country.

I am marking copies of this letter to the National Commission for the Protection of Child Rights, the State Human Rights Commission and the State Commission for the Protection of Child Rights for appropriate action.

Yours sincerely,

E A S Sarma

Former Secretary to GOI

Visakhapatnam

26-1-2021