

From,
Venkatesh Nayak
#55A, 3rd Floor
Siddharth Chambers-1
Kalu Sarai
New Delhi- 110 016

To,
The Central Public Information Officer
Ministry of Home Affairs
Government of India
North Block
New Delhi – 110 001

Dear sir,

Sub: Submission of request for information under *The Right to Information Act, 2005*

- 1) Apropos of the web printout (Annexe-2) of the reply to the Unstarred Question #1533 presented in the 16th Lok Sabha on 8/12/2016, I would like to obtain the following information from your public authority:
 - i) The detailed information that has been collected till date as per the reply of the Hon'ble Minister of State, Ministry of Home Affairs given to paras #(b) and (c) of the said Unstarred Question;
 - ii) An year-wise list of complaints or communications regarding allegations of human rights violations in Jammu and Kashmir received by the human rights cells specified at para #(e) of the said reply from 01 January, 2009 till date;
 - i) Details of action taken in relation to complaints or communications of human rights violations in Jammu and Kashmir received by the human rights cells specified at para #(e) of the said reply from 01 January, 2009 till date.

I am a citizen of India. I have enclosed an IPO (bearing #38F 123080) for Rs.10/- towards payment of the prescribed application fee. I would like to obtain the information specified above at my postal address mentioned above. Kindly inform me of the additional fee payable for obtaining the information specified above.

Yours sincerely,

Venkatesh Nayak

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO. 1533

TO BE ANSWERED ON THE 08TH DECEMBER, 2015/AGRAHAYANA 17, 1937 (SAKA)

OPERATION OF AFSPA

1533. SHRI R. DHRUVA NARAYANA:
SHRI NINONG ERING:
SHRI DALPAT SINGH PARASTE:
SHRI SANJAY HARIBHAU JADHAV:
SHRI NAGAR RODMAL:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the States and regions where the Armed Forces Special Powers Act (AFSPA) is operational;
- (b) the number of cases of human rights violations by the security forces reported from the said areas during each of the last three years and the current year, crime-wise and State-wise;
- (c) the number of cases disposed off, pending and the number of the victims given compensation during the said period, State-wise;
- (d) the details of the organisations which have requested/recommended to repeal the said Act; and
- (e) the measures taken by the Government to check the human rights violations in the said region of the country?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJIJU)

- (a): The Act is operational in the following areas:
 - (i) Entire States of Assam and Nagaland;
 - (ii) Tirap, Changlang and Longding districts in Arunachal Pradesh and the areas falling within the jurisdiction of the 16 police stations in the districts of the Arunachal Pradesh, bordering the State of Assam;

- (iii) 20 km wide belt bordering Assam in the State of Meghalaya;
- (iv) the State of Manipur excluding Imphal Municipal Area;
- (v) districts of Anantnag, Baramulla, Badgam, Kupwara, Pulwama, Srinagar, Jammu, Kathua, Udampur, Poonch, Rajouri and Doda in the State of J & K.

(b) & (c): Information is being collected and will be laid on the table of the House.

(d): Representations have been received from time to time from different organizations/NGOs from Manipur for withdrawal and from the State Government of J&K for phased withdrawal of the Armed Forces Special Powers Act.

(e): For preventing human rights violations under the AFSPA, guidelines containing 'Do's & Don'ts have been issued for the Armed Forces deployed in Counter Insurgency Operation as per the direction of the Supreme Court in Naga People's Movement of Human Rights versus Union of India. Violation of these guidelines by members of the Armed Forces makes them liable for prosecution under the Army Act and the respective Acts of the Central Armed Police Forces. The Human Rights Cells established at various levels of Army and the Central Armed Police Forces regularly monitor alleged human rights violations, by the members of the Armed Forces. The troops are sensitized at regular intervals regarding importance of upholding Human Rights. The institutional mechanisms are in place to deal with cases of human rights violation, the details are as follows:

(i) The first level of approach for the complainant is the Police Station which conducts an immediate inquiry into the allegation. If found correct, the inquiry leads upto the registration of a formal investigation via a First Information Report (FIR). In the event that a complainant has a grievance, she/he has the opportunity to approach any senior police or administrative official, elected representative or the local judiciary, directly.

(ii) Besides, the Police as well as the Security Forces hierarchy conduct parallel processes, both of which are semi-judicial processes as enshrined in law. Another central agency, the Central Bureau of Investigation (CBI) can also be ordered by any higher Court to investigate or re-investigate any such allegation of human rights violation.

(iii) Moreover, an institutional mechanism exists in the form of Human Rights Commissions at the Centre and in States.

(iv) The higher judiciary i.e. Hon'ble High Courts and Hon'ble Supreme Court of India can record a primary or secondary complaint, apart from sitting in judgment on investigated, charged and district court-judged cases. Under Articles 32 and 226 of the Constitution there are wide-ranging powers with the Hon'ble Supreme Court and Hon'ble High Courts of States to hear a matter of immediate public concern. Public Interest Litigations (PIL) on any matter of Importance, can be filed before the higher court.

(v) In response to extra-ordinary allegations of human rights violations the central or state governments can set up specific commissions of inquiry, under the Commissions of Inquiry Act. These commissions function autonomously and submit reports, which are placed before the relevant legislature.

F.No. 11011/65/2012-NE-V
Government of India
Ministry of Home Affairs

North Block, New Delhi
Dated the 24 April, 2017

To,

Shri. Venkatesh Nayak
No. 55A, 3rd Chamber-1,
Siddharth Chambers-1,
Kalu Sarai, New Delhi,
Pin: - 110016

Subject: Information sought under RTI Act, 2005

Sir,

I am directed to refer to your RTI application registration No. MHOME/R2017/00744/1, dated 13/04/2017 on the subject cited above, and to enclose herewith part information in respect of i) of para 2 of your RTI application.

2. The Appellate Authority in this case is Shri Satyendra Garg (JS-NE), Room No. C-109, North Block, New Delhi.

Yours Faithfully



Neeta Gupta (NE-II)
CPIO/Deputy Secretary to the Govt. of India
23092956/ neeta.gupta@nic.in

Copy also for necessary action to:-

1. S.O. (IT Cell), MHA, North Block, New Delhi along with a copy of RTI application of Shri Venkatesh Nayak and reply to him for uploading the same in MHA website.

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ok Sabha USQ 1533 of 2015

Ministry of Home Affairs Department of Internal Security,

Date of fulfillment

Question No. & date	Subject	Promise Made	When & How fulfilled	Reasons for Delay
<p>USQ No. 1533 dated 8.12.15 by Shri R. Dhruva Narayana Shri Ninong Ering Shri Dalpat Singh Paraste Shri Sanjay Haribhau Jadhav Shri Nagar Rodmal</p>	<p><u>OPERARION OF AFSPA</u> Asking for- (a) the States and regions where the Armed Forces Special Powers Act (AFSPA) is operational; (b) the number of cases of human rights violations by the security forces reported from the said areas during each of the last three years and the current year, crime-wise and State-wise; (c) the number of cases disposed off, pending and the number of the victims given compensation during the said period, State-wise; (d) the details of the organizations which have requested/recommended to repeal the said Act; and (e) the measures taken by the Government to check the human rights violations in the said region of the country?</p>	<p>(b) & (c) Information is being collected and will be laid on the table of the House.</p>	<p>Details given in Annexure -- 'A' & 'B'</p>	<p>Information had to be collected from the office of Central Para Military Forces and concerned Central Department.</p>

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Statements at Annexure 'A' and 'B' showing the number of cases of human rights violations by the security forces reported from the areas where the AFSPA is operational during each of the last three years, and the current year, crime-wise and State-wise, the number of cases disposed off, pending and the number of the victims given compensation during the said period, State-wise.

Annexure-'A'

NAME OF THE INCIDENTS	NAME OF STATE	2012-2013			2013-2014			2014-2015			2015-2016 UP TO (31/01/2016)		
		NO.OF CASES	DISPOSED	PENDING	NO.OF CASES	DISPOSED	PENDING	NO.OF CASES	DISPOSED	PENDING	NO.OF CASES	DISPOSED	PENDING
ABDUCTION /KIDNAPPING	JAMMU & KASHMIR	1	1	0	0	0	0	0	0	0	0	0	0
	TOTAL	1	1	0	0	0	0	0	0	0	0	0	0
ABDUCTION/ RAPE	ARUNACHAL PRADESH	1	1	0	0	0	0	0	0	0	4	0	4
	ASSAM	1	0	1	0	0	0	1	1	0	0	0	0
	JAMMU & KASHMIR	0	0	0	2	2	0	1	0	1	0	0	0
	TRIPURA *	0	0	0	0	0	0	1	0	1	4	0	4
	TOTAL	2	1	1	2	2	0	2	1	1	1	0	1
	TOTAL	5	4	1	5	4	1	5	4	1	1	0	1
ABUSE OF POWER	ASSAM	1	1	0	1	1	0	3	0	3	0	0	0
	JAMMU & KASHMIR	4	4	0	2	2	0	3	0	3	0	0	0
	MANIPUR	1	1	0	4	4	0	1	1	0	0	0	0
	NAGALAND	0	0	0	4	4	0	1	1	0	1	1	0
	TRIPURA *	0	0	0	0	0	0	0	0	0	1	1	0
	TOTAL	0	0	0	0	0	0	1	1	0	0	0	0
TOTAL	6	6	0	7	7	0	10	6	4	2	1	1	

CSB

	MANIPUR	1	0	1	0	0	0	0	0	0	0	0	0
	MEGHALAYA	1	0	1	0	0	0	0	0	0	1	0	1
	TOTAL	8	2	6	8	2	6	1	0	1	7	1	6
DEATH IN ARMY FIRING	ASSAM	1	0	1	0	0	0	0	0	0	0	0	0
	JAMMU & KASHMIR	2	1	1	7	7	0	4	1	3	0	0	0
	MANIPUR	1	1	0	0	0	0	0	0	0	0	0	0
	MEGHALAYA	0	0	0	0	0	0	0	0	0	1	0	1
	TOTAL	4	2	2	7	7	0	4	1	3	1	0	1
DEFENCE FORCES	ARUNACHAL PRADESH	0	0	0	1	1	0	0	0	0	0	0	0
	ASSAM	3	3	0	0	0	0	3	3	0	1	1	0
	JAMMU & KASHMIR	23	23	0	14	14	0	11	11	0	8	7	1
	MANIPUR	2	2	0	0	0	0	3	3	0	3	3	0
	MEGHALAYA	0	0	0	1	1	0	0	0	0	0	0	0
	TRIPURA *	1	1	0	0	0	0	0	0	0	0	0	0
	TOTAL	29	29	0	16	16	0	17	17	0	12	11	1
VICTIMISATION	ASSAM	1	1	0	2	0	2	0	0	0	0	0	0
	JAMMU & KASHMIR	0	0	0	1	1	0	1	0	1	0	0	0
	TOTAL	1	1	0	3	1	2	1	0	1	0	0	0
GRAND TOTAL		55	44	11	60	45	15	37	25	12	34	13	21

* Government of Tripura vide notification dt. 27.5.2015 has withdrawn AFSPA in Tripura from the effective area.

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Annexure 'B'

Monetary relief during the last three years and current year (period 01/04/2012 to 30/01/2016) (including carry forward)

Sl. No.	State /UT Name	No. of cases	Recommended Monetary Relief (Rs)
1.	Arunachal Pradesh	3	3600000
2.	Assam	57	31090000
3.	Jammu & Kashmir	5	2100000
4.	Manipur	38	22860000
5.	Meghalaya	6	2825000
6.	Nagaland	0	0
7.	Tripura *	8	2245000
	Total	117	64720000

* Government of Tripura vide notification dt. 27.5.2015 has withdrawn AFSPA in Tripura from the effective areas.

गृह मंत्रालय

प्रश्न सं. एवं तारीख	विषय	दिया गया आश्वासन	कब और कैसे पूरा किया गया	विलम्ब का कारण
श्री आर. धुवनारायण श्री निनींग इरिंग श्री दलपतसिंह परस्ते श्री संजय हरिभाऊ जाधव श्री रोडमल नागर संसद सदस्यों द्वारा दिनांक 08.12.2015 को पूछा गया अतारंकित प्रश्न संख्या 1533	<p>ए.एफ.एस.पी.ए. का लागू होना पूछा गया कि -</p> <p>(क) सशस्त्र बल विशेष शक्तियां अधिनियम (ए.एफ.एस.पी.ए.) किन राज्यों और क्षेत्रों में प्रभावी हैं;</p> <p>(ख) गत तीन वर्षों में प्रत्येक वर्ष और चालू वर्ष के दौरान सुरक्षा बलों द्वारा मानवाधिकारों के उल्लंघन के मामलों का अपराध-वार और राज्य-वार ब्यौरा क्या है;</p> <p>(ग) उक्त अवधि के दौरान राज्य-वार निपटाए गए मामलों, लंबित मामलों का ब्यौरा क्या है और कितने पीड़ितों को मुआवजा दिया गया है;</p> <p>(घ) उन संगठनों का ब्यौरा क्या है जिन्होंने उक्त अधिनियम के निरसन हेतु निवेदन/सिफारिश की हैं; और</p> <p>(ङ) देश के उक्त क्षेत्र में मानवाधिकारों के उल्लंघन की रोकथाम के लिए सरकार द्वारा क्या उपाय किए गए हैं?</p>	<p>(ख) एवं (ग) सूचना एकत्र की जा रही है और सदन के पटल पर रख दी जाएगी।</p>	<p>ब्यौरा अनुलग्नक - 'क' एवं 'ख' में दिया गया है।</p>	<p>सूचना केन्द्रीय अर्द्ध सैनिक बलों एवं संबंधित केन्द्रीय विभाग से एकत्र की जा जानी थी।</p>

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अनुलग्नक क और ख में उल्लिखित विवरण जिसमें पिछले तीन वर्षों में प्रत्येक वर्ष और चारू वर्ष के दौरान उन क्षेत्रों, जहां एएफएसपीए प्रभावी है, से सूचित सुरक्षा बलों द्वारा मानव अधिकारों के उल्लंघनों के मामलों की संख्या, निपटाए गए, लंबित मामलों की अपराध-वार तथा राज्य-वार सं. और उक्त अवधि के दौरान मुआवजा प्रदान किए गए पीड़ितों की राज्य-वार संख्या दर्शाई गई है।

अनुलग्नक-‘क’

घटना का नाम	राज्य का नाम	2012-2013			2013-2014			2014-2015			2015-2016 (31/01/2016) तक		
		मामलों की सं.	निपटाए गए	लंबित	मामलों की सं.	निपटाए गए	लंबित	मामलों की सं.	निपटाए गए	लंबित	मामलों की सं.	निपटाए गए	लंबित
अपहरण/व्यपहरण	जम्मू एवं कश्मीर	1	1	0	0	0	0	0	0	0	0	0	0
	कुल	1	1	0	0	0	0	0	0	0	0	0	0
	अपहरण/ बलात्कार	अरुणाचल प्रदेश	1	1	0	0	0	0	0	0	0	4	0
	असम	1	0	1	0	0	0	0	0	0	0	0	0
	जम्मू एवं कश्मीर	0	0	0	2	2	0	1	1	0	0	0	0
	त्रिपुरा *	0	0	0	0	0	0	1	0	1	0	0	0
	कुल	2	1	1	2	2	0	2	1	1	4	0	4
शक्ति का दुरुपयोग	असम	1	1	0	1	1	0	5	4	1	1	0	1
	जम्मू एवं कश्मीर	4	4	0	2	2	0	3	0	3	0	0	0
	मणिपुर	1	1	0	4	4	0	1	1	0	0	0	0
	नागालैंड	0	0	0	0	0	0	0	0	0	1	1	0
	त्रिपुरा *	0	0	0	0	0	0	1	1	0	0	0	0
	कुल	6	6	0	7	7	0	10	6	4	2	1	1
	हिरासत में कथित मौत	असम	1	0	1	0	0	0	0	0	0	2	0
	मणिपुर	1	0	1	0	0	0	0	0	0	0	0	0
	कुल	2	0	2	0	0	0	0	0	0	2	0	2

कथित मुठभेड़ (रक्षा)	अरुणाचल प्रदेश	0	0	0	3	0	3	0	0	0	0	0	0
	असम	0	0	0	10	8	2	0	0	0	0	0	0
	जम्मू एवं कश्मीर	2	2	0	1	0	1	0	0	0	3	0	3
	मणिपुर	0	0	0	0	0	0	0	0	0	1	0	1
	मेघालय	0	0	0	0	0	0	0	0	0	1	0	1
	कुल	2	2	0	14	8	6	0	0	0	5	0	5
	शक्ति का मनमाना प्रयोग	जम्मू एवं कश्मीर	0	0	0	1	1	0	0	0	0	0	0
मणिपुर	0	0	0	0	0	0	1	0	1	0	0	0	
कुल	0	0	0	1	1	0	1	0	1	0	0	0	
हिरासत में मौत (रक्षा)	असम	0	0	0	1	0	1	0	0	0	1	0	1
	कुल	0	0	0	1	0	1	0	0	0	1	0	1
हिरासत में यातना	मणिपुर	0	0	0	1	1	0	1	0	1	0	0	0
	कुल	0	0	0	1	1	0	1	0	1	0	0	0
सेना के साथ मुठभेड़ में मौत	अरुणाचल प्रदेश	0	0	0	1	0	1	0	0	0	0	0	0
	असम	6	2	4	7	2	5	1	0	1	5	0	5
	जम्मू एवं कश्मीर	0	0	0	0	0	0	0	0	0	1	1	0
	मणिपुर	1	0	1	0	0	0	0	0	0	0	0	0
	मेघालय	1	0	1	0	0	0	0	0	0	1	0	1
	कुल	8	2	6	8	2	6	1	0	1	7	1	6

सेना, की गोलीबारी में मौत	असम	1	0	1	0	0	0	0	0	0	0	0	0
	जम्मू एवं कश्मीर	2	1	1	7	7	0	4	1	3	0	0	0
	मणिपुर	1	1	0	0	0	0	0	0	0	0	0	0
	मेघालय	0	0	0	0	0	0	0	0	0	1	0	1
	कुल	4	2	2	7	7	0	4	1	3	1	0	1
रक्षा बल	अरुणाचल प्रदेश	0	0	0	1	1	0	0	0	0	0	0	0
	असम	3	3	0	0	0	0	3	3	0	1	1	0
	जम्मू एवं कश्मीर	23	23	0	14	14	0	11	11	0	8	7	1
	मणिपुर	2	2	0	0	0	0	3	3	0	3	3	0
	मेघालय	0	0	0	1	1	0	0	0	0	0	0	0
	त्रिपुरा *	1	1	0	0	0	0	0	0	0	0	0	0
	कुल	29	29	0	16	16	0	17	17	0	12	11	1
उत्पीड़न	असम	1	1	0	2	0	2	0	0	0	0	0	0
	जम्मू एवं कश्मीर	0	0	0	1	1	0	1	0	1	0	0	0
	कुल	1	1	0	3	1	2	1	0	1	0	0	0
कुल योग	55	44	11	60	45	15	37	25	12	34	13	21	

* त्रिपुरा सरकार ने दिनांक 27.05.2015 की अधिसूचना के तहत त्रिपुरा के प्रभावित क्षेत्र से एफएसपीए को हटा दिया है।

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अनुलग्नक 'ख'

पिछले तीन वर्षों और चालू वर्ष (दिनांक 01/04/2012 से 30/01/2016 तक की अवधि) के दौरान आर्थिक राहत (अग्रणीत सहित)			
क्रम सं.	राज्य/संघ राज्य क्षेत्र	मामलों की सं.	संस्तुत आर्थिक राहत (रु.)
1.	अरुणाचल प्रदेश	3	3600000
2.	असम	57	31090000
3.	जम्मू एवं कश्मीर	5	2100000
4.	मणिपुर	38	22860000
5.	मेघालय	6	2825000
6.	नागालैंड	0	0
7.	त्रिपुरा *	8	2245000
	कुल	117	64720000

* त्रिपुरा सरकार ने दिनांक 27.05.2015 की अधिसूचना के तहत त्रिपुरा के प्रभावित क्षेत्र से एएफएसपीए को हटा दिया है।