

Court No. - 4

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 16150 of 2020

Petitioner :- Suo-Moto Inre Right To Decent And Dignified Last Rites/Cremat

Respondent :- State Of U.P. Thru Additional Chief Secretary Home And Ors.

Counsel for Petitioner :- Abhinav Bhattacharya, Ajit Singh, Anjani Kumar Mishra, Ashish Kumar Agarwal, Atul K. Singh, Atul Kumar Singh, Digvijay Singh Yadav, Jaideep Narain Mathur (Ac, Nadeem Murtaza, Onkar Singh, Pradeep Kumar Singh, Seema Kushwaha, Sharad Bhatnagar

Counsel for Respondent :- C.S.C., A. S. G., Anurag Kumar Singh, Ashok Shukla, Dr. Ravi Kumar Mishra, Manjusha, Pranjal Krishna, Satyaveer Singh

Hon'ble Rajan Roy, J.

Hon'ble Jaspreet Singh, J.

Heard Shri S.V. Raju, learned Senior Counsel assisted by Sri Pranjal Krishna appearing for the State. Hearing has been going on for the past several days on the question as to whether the victim's family is entitled to any benefit under the Schedule-1/Annexure-1 referable to Rule 12 (4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules of 1995 or otherwise as claimed in their application filed in this regard.

Arguments of learned counsel had concluded yesterday but Sri Raju, learned Senior Counsel for the State assisted by Sri Pranjal Krishna wanted to address the Court, therefore, he has been heard again today.

Arguments of Sri Raju have concluded.

Sri J.N. Mathur, learned Senior Counsel assisted by Sri Abhinava Bhattacharya, learned Amicus Curie has informed us that some members of the victim's family i.e. the brother, his wife and the father met him today in his chamber and apprised him that on account of the insecurity which they feel at Hathras and the deprivation, they are unwilling to be provided any employment or house in Hathras as was offered by the State, that too a provide job, instead on account of the fact that there is an extended family and relatives residing at Noida, they would desire their re-allocation to Noida and job also at Noida. The family wants to stay together, therefore, the brother being given a job elsewhere thereby separating the family members is not option open to them, considering the insecurities with which the

family is beset, consequent to the incident which is the subject matter of these proceedings. He also informed the Court that family was also of the view that if a government job is provided to the elder brother at Noida then the father would also explore possibility of getting a private job there itself an employment opportunities in this regard are far better than at Hathras where such opportunities are very limited rather negligible.

Supplementary affidavit filed on behalf of the State today is taken on record.

We would also like to put on record that in response to our earlier order, a second supplementary counter affidavit had been filed by the State and what comes out is that the contingency plan referred to in Rule 15 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules of 1995 has not been framed as yet as informed during the course of hearing. The same is said to be underway.

We reserve our orders on the aforesaid question of entitlement of benefits, if any, under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules of 1995 or otherwise, as claimed by the victim's family.

The matter shall now come up on 28.04.2022.

On the next date, we will inter alia consider the Scheme placed on record by the State Government with regard to the procedure to be followed in future by the State-Authorities in matters involving similar circumstances as the one which led to the incident of cremation of the victim in the dead of the night or in the wee hours before sunrise.

(Jaspreet Singh, J.) (Rajan Roy, J.)

Order Date :- 29.3.2022

Asheesh