

**NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001**

Dated 12/07/2012

Case No. 1/15/2/2011-PF

To

SUHAS CHAKMA, DIRECTOR
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI,
WEST DELHI, DELHI.

17 JUL 2012

Sir/Madam,

With reference to your complaint dated 24/01/2011, I am directed to say that the matter was considered by the Commission on 05/07/2012. The Commission has made the following directions.

The Commission vide its proceedings dated 03.01.2012 recommended to the Director General Assam rifles through the Ministry of Home Affairs to pay a sum of Rs2,00,000/- to Shri Bhanu Ghosh as compensation for violation of his human rights.

In response, a communication dated 11.06.2012 has been received from the Office of Director General, Assam Rifles, Shillong -11 informing the Commission that the sum of Rs.2,00,000/- has been paid by Cheque no.124471 dated 15.05.2012 to Shri Bhanu Ghosh. Since the recommendation of the Commission has been complied with, the case is closed.

This is for your information.

Yours faithfully,


ASSISTANT REGISTRAR(LAW)

Assistant Registrar(LAW)
Tel. No.: 011-2338 5368
Fax No.: 011-2338 6521
Telegraphic Add.: "HUMANRIGHTS"
Home Page : <http://nhrc.nic.in>

Case No. 1/15/2/2011-PF
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
* * *
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 06/01/2012

To
THE SECRETARY
MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA,
NORTH BLOCK, NEW DELHI

11 JAN 2012

Sub : Complaint from

SUHAS CHAKMA, DIRECTOR
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI,
WEST DELHI DELHI 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 03/01/2012 and the Commission has directed as follows.

Shri Suhas Chakma, Director, National Campaign for Prevention of Torture, Janakpuri, New Delhi, in his complaint dated 24.1.2011 alleged that a deaf and dumb person, Shri Bhanu Ghosh, aged 40 years was tortured by Shri Anan Singh, an Assam Rifle jawan on 20.12.2010 near the Office of the Director General of Assam Rifles (DGAR) in Laitumkrah in East Khasi Hills District Meghalaya resulting in multiple injuries and brain haemorrhage to the victim. The complaint further mentioned that, after the assault, the victim had to be admitted in the intensive care unit of a hospital in Guwahati, Assam. He requested the Commission for its intervention in the matter.

Pursuant to the directions of the Commission, a report dated 5.5.2011 received from the State Government mentioned that, on 21.12.2010, an FIR was lodged by Shri Biswajit Ghosh stating that on 20.12.2010 at 9:15 P.M., he was returning home from Arbuihnot Road after closing his shop at Garoline along with his staff who were both speech impaired disabled persons. On reaching near DGAR gate, an Assam Rifles personnel came out from the barrack under influence of liquor and picked up a quarrel with the above disabled persons questioning them why they are speaking in sign language. The Assam Rifles Jawan then assaulted one of the disabled persons namely, Shri Bhanu Ghosh causing him serious bodily injury. Hence, a case vide Laitumkrah PS Case No.114(12) 2010 U/S 341/326 IPC was registered. After investigation, the Assam Rifles Jawan Kh Anan Singh was arrested on Warrant of Arrest issued by the competent Court. The Assam Rifles authority had given a financial assistance of Rs.50,000/- to the victim for his medical treatment.

The Commission, on consideration of the aforesaid reports issued a show cause notice to the Secretary, Ministry of Home Affairs, Government of India, New Delhi under Section 19 of the Protection of Human Rights Act, 1993 to show cause as to why compensation be not recommended to be paid to Shri Bhanu Ghosh. Separately, Office on Special Duty to the Government of Meghalaya, Political Department was also directed to inform the details of injuries suffered by the victim and expenses on treatment incurred by him.

suffered by the victim along with the expenditure incurred by his family members in connection with his treatment. A perusal of the record shows that the victim had suffered head injuries (Acute subdural haematoma in the left fronto-temporal and right frontal regions. Tentorial and interhemispheric bleed. Undisplaced fracture of the occipital bone). Following the assault he had loss of consciousness, bleed from wound, nose and mouth. The family members of the victim have also spent a sum of Rs. 54,650/- on the treatment of the victim, who remained hospitalised for the period 21.12.2010 to 14.1.2011.

In response to the show cause notice, a communication dated 1.11.2011 has been received from Colonel (Administrative) for Brigadier (Pers), Directorate General Assam Rifles, Shilong. He has submitted that the assault by KH Anan Singh was not intentional and it was as a result of some misunderstanding on his part. The Assam Rifles has already given a financial assistance of Rs.50,000/- for the medical treatment of the victim and the delinquent public servant has also been placed under suspension. In this view of the matter, he has submitted that the case lacks merit for payment of compensation to Shri Bhanu Ghosh.

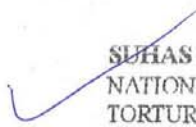
The Commission has considered the response. It does not agree with the view expressed by the Directorate General Assam Rifles. The victim, an innocent disabled person, has suffered mental agony, pain and physical injuries on account of an act of a jawan of the Assam Rifles, without any fault on his part. Once the victim has suffered injuries resulting in violation of his human rights, it is immaterial, in the facts and circumstances of the present case, whether the act was intentional or otherwise. The Directorate General Assam Rifles through the Ministry of Home Affairs is vicariously liable for such acts of its public servants. Accordingly, the Commission recommends that a sum of Rs. Two Lakh be paid as compensation to Shri Bhanu Ghosh by the Ministry of Home Affairs within four weeks. The compliance report including proof of payment be submitted within six weeks.

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 24/02/2012, so that the same could be placed before the Commission.

Yours faithfully,


ASSISTANT REGISTRAR (LAW)

CC To.


SUHAS CHAKMA, DIRECTOR
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI,
WEST DELHI, DELHI- 110058