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Case No. 1383/34/1/08-09 / M-1
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

FARIDKOT HOUSE
COPERNICUS MARG. NEW DELHI - 110 001

Dated 21/07/2010

To
THE CHIEF SECRETARY
GOVT. OF JHARKHAND, RANCHI

22 JUL 2010

Sub: Complaint from

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

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 19/07/2010 and the Commission has directed as follows.

Shri Dev Kant Tiwari, a Press Reporter, was assaulted by Const. Shiv ayal Singh @ Bum and his companion, on 01.02.2009 at about 10.00 p.m. Const. Shiv Dayal Singh and his companion were drunk. Shri Dev Kant Tiwari sustained serious injury to his left eye. On his complaint FIR No. 33/09 dated 02.02.2009 U/S 341/323/325 and 379 IPC was registered against the assailants at the Bokaro Steel City police station.

During the inquiry by the Commission, it was found that allegations against the accused persons were found to be true during the investigation of the case and the SP, City Bokaro, recommended filing of a chargesheet against the accused persons U/S 341/325 & 307 IPC. Const. Shiv Dayal Singh @ Bum has already been suspended and a departmental inquiry has been recommended against him.

On consideration of these facts and circumstances of the case, the Commission through its proceedings dated 04.05.2010, ordered issuance of notice U/S 18 (a) (i) of the Protection of Human Rights Act, 1993, against the Chief Secretary, Government of Jharkhand.

The show cause notice has been responded to by Shri Anuranjan Kumar, Joint Secretary to the Government of Jharkhand, Home Department, vide his communication dated 28.06.2010. Grant of compensation has been opposed on the ground that both the parties were under the influence of the liquor at the time of the incident which happened due to unnecessary remarks made by Shri Dev Kant Tiwari against Const. Shiv Dayal Singh.

The defence raised by the State Government, through its Joint Secretary, Home, appears to be perfunctory on the face of it. A proper FIR in respect of the incident was registered and during the investigation the allegation of assault on the Press Reporter by Const. Shiv Dayal Singh and his companion has been found to be true. The medical record on the file shows that the victim Shri Dev Kant Tiwari has been operated upon thrice on his injured left eye at Shankar Netralaya, Chennai. The injury to the eye has been diagnosed as "profound visual impairment". These facts are sufficient to hold, prima facie, that Shri Dev Kant Tiwari was assaulted by Const. Shiv Dayal Singh @ Bum and his companion severely as a result of which he

Case No. 1383/24/1/0809

suffered 'profound visual impairment' on his left eye. This is a clear case of violation of human rights of the victim. Consequently, the State of Jharkhand cannot escape its liability to compensate the victim. Hence, the Commission recommends to the Government of Jharkhand, through its Chief Secretary, to pay compensation of Rs .1,00,000/- (Rupees one Lakh) to the victim Shri Dev Kant Tiwari. The Chief Secretary of the State is directed to submit the compliance report alongwith proof of payment within six weeks.

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 08/09/2010, so that the same could be placed before the Commission.

Yours faithfully,



ASSISTANT REGISTRAR (LAW)

CC To.

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