

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

Dated 26/04/2012

Case No. 135/3/22/09-10

- 3 MAY 2012

To

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

Sir/Madam,

With reference to your complaint dated 12/11/2009, I am directed to say that the matter was considered by the Commission on 20/04/2012. The Commission has made the following directions.

These proceedings shall be read in continuation of the earlier proceedings of the Commission dated 5.12.2011.

In response the Joint Secretary to the Government of Assam, Political(A) Department vide communication dated 7.4.2012 has intimated that payment of compensation amounting to Rs. 50,000/- has been made through cheque to victim Sri Dipankar Saikia. A copy of the Actual Payment Receipt is enclosed.

Since the proof of payment has been received, the case is closed.

Inform I.O. accordingly.

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. 135/3/22/09-10
NATIONAL HUMAN RIGHTS COMMISSION
(L A W D I V I S I O N)
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FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 07/12/2011

To
THE CHIEF SECRETARY
GOVT. OF ASSAM, GUWAHATI

9 DEC 2011

Sub : Complaint from

TEJANG CHAKMA, RESEARCHER
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 05/12/2011 and the Commission has directed as follows.

"The commission received a complaint dated 12.11.2009 from Shri Tejang Chakma alleging police torture of a 12 year old mentally challenged boy namely, Master Dipankar Saikia s/o Pradip Sakia of village Sanitpur, by Shri Manoj Boruah, Officer-in-charge, P.S. Sungajan, District Golaghat, Assam on 16.08.2009.

*The Commission in its proceedings dated 14.03.2011 has observed and directed as under: -
"The Commission has considered the material on record carefully. Prima facie, it has been established that Master Dipankar was brought to the police station without his involvement in any criminal case and he was tortured by SI Manoj Kumar Baruah, the then Office-in-charge of Chungajan Police Station. Moreover, no relevant entries were made in the General Diary regarding arrival of the youth to the police station. As such human rights of a mentally challenged boy have been violated and he is entitled to be compensated. Issue notice U/S 18 (a) (i) of the Protection of Human Rights act, 1993, to the Government of Assam, through its Chief Secretary, to show cause as to why the suitable compensation should not be recommended for the victim.
Superintendent of Police, Golaghat is also directed to submit status of disciplinary proceedings initiated against the SI, Manoj Kumar Baruah.
Response in six weeks."*

Pursuant to the directions of the Commission, Joint Secretary, Government of Assam has informed vide letter dated 07.07.2011 that the victim child Dipankar Saikia s/o Pradip Sakia was confined in the police station and assaulted physically, which was indeed in violation of rule of law. It has also been informed that disciplinary proceeding is in progress against SI Manoj Kumar Baruah for criminal misconduct and dereliction of duty and he has been transferred to the Special Branch Organization. The letter further states that SI Manoj Kumar Baruah had committed misconduct on his own and the concerned authority has declined to compensate the aggrieved, citing the action of an individual in his capacity. The letter concludes that the Commission may take decision as deems fit and proper.

The Commission has considered the material placed on record and observes that it is undisputed that Master Dipankar was brought to the police station without his involvement in any criminal case and he was tortured by SI Manoj Kumar Baruah, the then Office-in-charge of Chungajan Police Station. No

entries were made in the General Diary in this regard. Thus, there was an apparent violation of human rights of the victim boy by the public servant by misusing his office, for which he must be compensated under the provisions of the Protection of Human Rights Act, 1993. As such, the Commission recommends an amount Rs. 50,000/- as compensation to the victim child Dipankar Saikia s/o Pradip Sakia for breach of his human rights. The Chief Secretary, Government of Assam be asked to submit compliance report along with proof of payment within eight weeks."

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 08/02/2012, so that the same could be placed before the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

CC To.

TEJANG CHAKMA, RESERCHER
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI,
WEST DELHI, DELHI. 110058