

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

Case No. 18676/24/2005-2006 / M-1
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
* * *
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 18-01-2010

To
THE CHIEF SECRETARY
GOVT. OF UTTAR PRADESH, LUCKNOW

19 JAN 2010

Sub : Complaint from

MR. SUHAS CHAKMA, DIRECTOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,
JANAKPURI,
WEST DELHI DELHI.

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 14-01-2010 and the Commission has directed as follows.

Reference proceedings dated 20.7.2009.

The show-cause notice has been responded to by Shri N.K. Singh, Special Secretary to the Government of UP, vide his communication dated 6.10.2009. Grant of compensation to the victim has been opposed mainly on the following grounds:

- (i) Prisoner Jitender Trivedi suffered injuries as a consequence of his own act of sexual assault on the co-prisoner Barkat. He would not have suffered these injuries had he not indulged in the indecent act.*
 - (ii) No jail official is responsible for the injuries sustained by the prisoner.*
- The jail officials have been punished departmentally only for their inefficiency and administrative negligence.*

The Commission has carefully considered the objections raised by the State. The State is responsible for the safety and security of a person in its custody. However, the jail officials committed such negligence in this case as a result of which prisoner Jitender Trivedi sustained the injuries in question (refer to report dated 2.4.2009 of Shri Sulkhan Singh, Inspector General of Prisons). Admittedly, he was kept in Ward 2-B with such a prisoner as Barkat who himself suffered from psychiatric problem and had been sent to a psychiatric twice in the past. The two prisoners should have been kept in separate barracks. Had this been done, the incident would not have happened. For this negligence Deputy Jailor Shri A.K. Singh has been found guilty and 'censured'. In these facts and circumstances of the case, the objections raised by the State do not hold ground and the same are rejected. The Commission recommends to the Government of Uttar Pradesh, through its Chief Secretary, to pay compensation of Rs. 25,000/- (Rupees Twenty Five Thousand only) to the victim. The Chief Secretary of the State is directed to submit

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 08-03-2010, so that the same could be placed before the Commission.

Yours faithfully,



ASSISTANT REGISTRAR (LAW)

CC To.

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MR. SUHAS CHAKMA, DIRECTOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,
JANAKPURI,
WEST DELHI, DELHI.