

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

Dated 05/03/2013

Case No. 26/2/0/2010

To

SUHAS CHAKMA, DIRECTOR
NATIONAL COMMISSION FOR PREVENTION OF TORTURE,
C-3/44 1-C, JANAKPURI, NEW DELHI
WEST DELHI, DELHI.
(Pin Code -110058)

6 MAR 2013
MAR 2013

Sir/Madam,

With reference to your complaint dated 22/09/2010, I am directed to say that the matter was considered by the Commission on 25/02/2013. The Commission has made the following directions.

Reference detailed proceedings dated 15.3.12. Vide these proceedings, the Commission recommended to the Government of Arunachal Pradesh, through its Chief Secretary, to pay compensation of Rs. 75000/- (Rupees Seventy Five Thousand Only) to the victim Shri Khya Sonam Tara. The Chief Secretary was directed to submit compliance report alongwith proof of payment within six weeks.

Pursuant to the directions of the Commission, Deputy Secretary (Home), Govt. of Arunachal Pradesh sent a copy of the order conveying the sanction accorded by the State Government for payment of compensation of Rs. 75000/- (Rupees Seventy Five Thousand Only) to the victim Shri Khya Sonam Tara. Now, Deputy Secretary (Home), Govt. of Arunachal Pradesh vide communication dated 17.12.2012 has forwarded a copy of the receipt ;regarding payment of compensation of Rs. 75000/- (Rupees Seventy Five Thousand Only) to the victim Shri Khya Sonam Tara.

In view of compliance of the recommendations of the Commission, 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. 26/2/0/2010
NATIONAL HUMAN RIGHTS OMISSION
(LAW DIVISION)
* * *
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 20/03/12

To
THE CHIEF SECRETARY
GOVT. OF ARUNACHAL PRADESH, ITANAGAR

21 MAR 2012

Sub : Complaint from

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

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 15/03/12 and the Commission has directed as follows.

One Shri Khya Sonam Tara was physically assaulted by the personnel of Indian Reserve Battalion (IRBn) at Dewana Hotel in Tinali area, District Seppa, Arunachal Pradesh on 15.09.2010. FIR No. 99/10 U/S 341/325/427 IPC was registered in this regard at Police Station Seppa. Three constables were arrested on 17.09.2010. In the facts and circumstances of the case, the Commission vide its proceedings dated 23.05.2011 ordered issuance of show cause notice to the Government of Arunachal Pradesh. In response to the show cause notice, Joint Secretary (Home), Government of Arunachal Pradesh, informed the Commission vide his letter dated 12.07.2011 that a magisterial inquiry in the incident has been ordered and the police investigation is also still in progress and, hence, monetary relief may not be recommended by the Commission.

The Deputy Commissioner, Seppa, has vide his letter dated 09.08.2011 forwarded to the Commission a copy of the MER. This report says that it is proved beyond doubt that the IRBn Jawans deployed for patrolling duty at Bazar Line, Seppa, are guilty of misusing their powers and assaulting Shri Khya Sonam Tara.

As to the investigation by the police, the Commission is not bound to wait for its completion, as a criminal trial would only decide on the criminality aspect of the case. The material before the Commission is sufficient to hold, prima facie, that the IRBn Personnel violated the human rights of the victim by assaulting him in full public view and causing him grievous injuries. Consequently, the State cannot escape its liability to compensate the victim.

Keeping in view the facts and circumstances of the case, the Commission recommends to the Government of Arunachal Pradesh, through its Chief Secretary, to pay compensation of Rs. 75000/- (Rupees Seventy Five Thousand Only) to the victim Shri Khya Sonam Tara. The Chief Secretary 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 07/05/12, so that the same could be placed before the Commission.

Yours faithfully,


ASSISTANT REGISTRAR (LAW)

CC To.


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