

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

Dated 30/09/2011

Case No. 169/3/0/2010-PCR

03 OCT 2011

To

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

Sir/Madam,

With reference to your complaint dated 21/07/2010, I am directed to say that the matter was considered by the Commission on 28/09/2011. The Commission has made the following directions.

"The complainant vide his complaint dated 21.07.2010 alleged that one Maloti Kalandi, aged 33 years, wife of Shri Badal Kalandi was raped by a Sub-Inspector Sahidul Rahman, Police Station Tamulpur, District Baksha, Assam at his official quarter situated at the police station on 18.07.2010. He requested the Commission to take appropriate action in the matter.

The Commission vide its proceedings dated 13.06.2011 observed and directed as under:

"Joint Secretary to the Government of Assam, Political (A) Department vide his letter dated 25.04.2011 has informed that the departmental proceedings against the delinquent police official is still continuing and a charge-sheet has been filed against him in criminal case No.109/2010 and the same is pending for trial in the Hon'ble Court of CJM, Nalbari. The letter further says that the issue of compensation may be decided by the Commission at a later date, since the outcome of the departmental proceedings as well as the criminal proceedings against the delinquent police official is vital for establishing his involvement in the alleged offence.

The Commission in a number of cases has already taken the view that the grant of compensation under the Protection of Human Rights Act, 1993 does not depend on the outcome of the disciplinary proceedings or criminal proceedings. Clause (c) of Section 18 authorizes the Commission to recommend immediate interim relief at any stage of an inquiry. In the Commission's view, this is a case where such interim relief is justified and should be immediately provided.

In view of above, the Commission recommends that a sum of Rs.1,00,000/- (Rupees One Lakh only) be paid to Smt. Maloti Kalandi for violation of her human rights by the State Government within four weeks. The compliance report along with proof of payment be submitted to the Commission within six weeks."

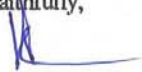
In response, Joint Secretary to the Government of Assam, Political (A) Department, vide his letter dated 29.08.2011, stated that payment of recommended amount Rs. 1 Lakh has been made to the victim Smt. Maloti Kalandi, vide A/C payee Cheque No. '563492' dated 30.07.2011. A copy of the receipt along with a photograph has also been enclosed

The Commission notices that proof of payment has been received. No further action is called for in this matter and the file is closed.

A copy of these proceedings shall be sent to the Information Officer of the Commission and to the recipient of the relief."

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. 169/3/0/2010-PCR
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
* * *
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 15/06/2011

To
THE CHIEF SECRETARY
GOVT. OF ASSAM, GUWAHATI

16 JUN 2011

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 13/06/2011 and the Commission has directed as follows.

"In the instant case, the Commission vide its proceeding dated 16.3.2011, while issuing a show cause notice to the Chief Secretary, State of Assam to show cause as to why appropriate compensation be not recommended to be paid to the victim, observed as under:-

"The Commission has considered the reports, which reveal that the victim Smt. Maloti Kalandi was sexually abused and raped by Sub-Inspector Sayedur Rohman, Police Station Tamulpur, District Baksa, Assam at his official quarter. The delinquent public servant has been proceeded against departmentally and put under suspension. In the opinion of the Commission, the human rights of a hapless woman in the custody of the police, who was supposed to protect her, have been violated by the delinquent public servant. The offence of rape has not only violated her human rights but it has also left a scar on the psyche of a woman permanently. Besides, it carries a social stigma for the victim and her family. For this violation of human rights of the victim by the public servant, the State is vicariously liable to compensate her."

In response, Joint Secretary to the Government of Assam, Political (A) Department vide his letter dated 25.4.2011 has informed that the departmental proceedings against the delinquent police official is still continuing and a charge-sheet has been filed against him in criminal case No.109/2010 and the same is pending for trial in the Hon'ble Court of CJM, Nalbari. The letter further says that the issue of compensation may be decided by the Commission at a later date, since the outcome of the departmental proceedings as well as the criminal proceedings against the delinquent police official is vital for establishing his involvement in the alleged offence.

The Commission in a number of cases has already taken the view that the grant of compensation under the Protection of Human Rights Act, 1993 does not depend on the outcome of the disciplinary proceedings or criminal proceedings. Clause (c) of Section 18 authorises the Commission to recommend immediate interim relief at any stage of an inquiry. In the Commission's view, this is a case where such interim relief is justified and should be immediately provided.

In view of above, the Commission recommends that a sum of Rs.1,00,000/- (Rupees One Lakh only) be paid to Smt. Maloti Kalandi for violation of her human rights by the State Government within four

weeks. The compliance report along with proof of payment be submitted to the Commission within six weeks."

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 02/08/2011, 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 OF
TORTURE, C-3/441-C, JANAKPURI,
WEST DELHI, DELHI- 110058