

# National Human Rights Commission

New Delhi, India

## Case Details of File Number: 170/8/9/2011-AD

<b>Diary Number</b>	174584,175231
<b>Name of the Complainant</b>	TEJANG CHAKMA, COMPLAINTS COORDINATOR
<b>Address</b>	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C3/441-C, JANAKPURI, WEST DELHI , DELHI
<b>Name of the Victim</b>	PAWAN KUMAR SHARMA
<b>Address</b>	CHHABRA LOCALITY, SIMLA , HIMACHAL PRADESH
<b>Place of Incident</b>	PS. BOILEAGUEGANJ SIMLA , HIMACHAL PRADESH
<b>Date of Incident</b>	12/1/2011

These proceedings shall be read in continuation of the earlier proceedings of the Commission dated 26.11.2012. In response, a letter dated 12.12.2012 has been received from Dy. Secretary (Home) to the Government of Himachal Pradesh, Shimla along with the copy of the letter dated 27.1.12012 received from Director General of Police, Himachal Pradesh, Shimla. It reveals that a wall was erected separating the lockup and latrine in the police lockup in police station, West, Shimla for the welfare and privacy of accused persons during easing time. At that time Sentry can watch and wait from outside the lockup and what kind of activities are going inside the latrine cannot be judged by anybody. Thereby no violation of human rights of victim/deceased Pawan Kumar were observed. The Commission received a letter dated 15.10.2012 from Dy. Secretary, Home to the Government of Himachal Pradesh, Shimla along with the copy of the report received from Supdt. of Police, Shimla District Shimla. Similar plea was taken in the matter which was considered by the Commission and it was observed that it is the absolute responsibility of the State to protect the life of a person who is in its care and custody. Pawan Kumar was successful in committing suicide thus, violating his human rights. An amount of Rs. 1 lac has been recommended to be paid to the next of kin of the deceased Pawan Kumar. In these circumstances, let a final reminder be sent to Director General of Police, Himachal Pradesh, Shimla calling upon him to send the proof of payment made to the next of kin of the deceased Pawan Kumar to the Commission within four weeks, failing which coercive process shall be issued.

### Direction issued by the Commission

Secretary, Home to the Government of Himachal Pradesh, Shimla along with the copy of the report received from Supdt. of Police, Shimla District Shimla. Similar plea was taken in the matter which was considered by the Commission and it was observed that it is the absolute responsibility of the State to protect the life of a person who is in its care and custody. Pawan Kumar was successful in committing suicide thus, violating his human rights. An amount of Rs. 1 lac has been recommended to be paid to the next of kin of the deceased Pawan Kumar. In these circumstances, let a final reminder be sent to Director General of Police, Himachal Pradesh, Shimla calling upon him to send the proof of payment made to the next of kin of the deceased Pawan Kumar to the Commission within four weeks, failing which coercive process shall be issued.

### Action Taken Status on 3/16/2013

#### Additional Information Called for (Dated 2/11/2013 )

Response from concerned authority is awaited.

**Note:** For further details kindly contact **National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: cov dnhrcc@hub.nic.in**

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