

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 15/01/2015

Case No. 77/33/3/2012/FC

21 JAN 2015

✓
SHRI TEJANG CHAKMA, COMPLAINTS COORDINATOR
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,
C-3/441-C, JANAKPURI,
DELHI.

Sir/Madam,

With reference to your complaint dated 17/01/2012, I am directed to say that the matter was considered by the Commission on 10/11/2014. The Commission has made the following directions.

LINKED WITH CASE NO.48/33/3/2012-PF/FC

"The Government of Chhattisgarh has paid the amount of Rs. Five lakhs as recommended by the Commission to Smt. Pudiyaami Kosi, wife of deceased Pudiyaami Mada. The proof of payment has also been sent to the Commission.

Since the recommendation of the Commission has been complied with, the case is closed."

This is for your information.

Yours faithfully,


DEPUTY REGISTRAR(LAW)

National Human Rights Commission

New Delhi, India

Case Details of File Number: 48/33/3/2012-PF

Diary Number 43/CH/D
Name of the Complainant SUO-MOTU 'INDIAN EXPRESS' DATED 16.1.2012
Address "POLICE BLAME CRPF TORTURE FOR NAXAL DEATH"
 DELHI, DELHI
Name of the Victim PUDIYAMI MADA (A SUSPECTED NAXAL)
Address N/A
 DANTEWADA, CHHATTISGARH
Place of Incident SUKMA POLICE STATION
 DANTEWADA, CHHATTISGARH
Date of Incident 1/13/2012

Direction issued by the Commission

The Commission on 19.1.2012 took suo motu cognizance of a news paper report captioned, "Police blame CRPF torture for Naxal death" which appeared in 'The Indian Express' dated 16.1.2012. Taking cognizance of the matter the Commission issued notice to the DGP, Government of Chhattisgarh and Secretary, Ministry of Home Affairs, Government of India, New Delhi to submit a report in the matter within four weeks. The DGP, Government of Chhattisgarh was further directed to send a copy of the Inquest report, postmortem report and magisterial enquiry report, as per the guidelines of the Commission. In response to the above notice, the Commission received various reports from the State Government, including the Magisterial Enquiry Report. In the Magisterial enquiry conducted by CJM, Sukma he has concluded as under:- (i) the death of Pudyami Mada in police custody is a very serious matter; (ii) he may have committed suicide during custody because of torture that might have been inflicted upon him from 09.01.2012 to 13.01.2012 when he was allegedly in illegal custody; (iii) in spite of being remanded to Judicial Custody, the police kept him in their custody and fear of torture might have triggered the suicide of Pudyami Mada; (iv) death in custody is a clear security lapse and officials who illegally kept him in police custody in spite of being remanded to judicial custody are answerable for the death of Pudyami Mada; (v) the CJM recommended that an FIR be registered against the offenders; (vi) the CJM recommended that the matter be investigated by CID, Chhattisgarh. It is clear from the MER that there was negligence on the part of the State Officials and therefore, a notice u/s 18 of the Protection of Human Rights Act, 1993 was issued to the Government of Chhattisgarh to show-cause why suitable monetary relief should not be recommended to be paid to the NOK of the deceased Pudyami Mada. Response to the show-cause has been submitted by the State Government vide communication dated 24.3.2014. On consideration of the observations made by CJM, Sukma in the Magisterial Enquiry Report, we are of the opinion that the State is liable to pay compensation to the NOK of the deceased. Therefore, a recommendation is made to the Government of Chhattisgarh to pay a sum of Rs.5.00 lakhs to the NOK of the deceased Pudyami Mada. Chief Secretary, Government of Chhattisgarh is required to submit compliance report along with proof of payment within a period of eight weeks.

Action Taken

Relief granted [Compensation, Disciplinary & Prosecution] (Dated 5/19/2014)

Status on 6/6/2014

Compliance of the Commission's recommendation by the concerned authority is awaited.

Note: For further details kindly contact National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023

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नोट: अन्य जानकारी हेतु कृपया संपर्क करे राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कॉम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,

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