

Case No.10/15/2/09-10-AD-DB-I
NATIONAL HUMAN RIGHTS COMMISSION
(Law Division / Full Commission Branch)

Deputy Registrar (Law)
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FARIDKOT HOUSE
COPERNICUS MARG
NEW DELHI-110001

Dated 15.12.2010

To

The Chief Secretary,
Govt. of Meghalaya,
Shilong.

Subject: Complaint dated 11.05.2009 received from Shri Suhas Chakma, Director, NCPT, Janakpuri, New Delhi regarding death of Sngewlem Kharsati in police lock-up of Mawrayngkneng police Out post in the evening of 09.05.2009.

Sir,

I am directed to say that the matter was considered by the Commission on 01.12.2010 when it inter-alia observed and directed as under:-

“Sngewlem Kharsati of Puriang village was brought to Mawryngkneng Police Outpost East Khasi Hills, Shilong in injured condition at 09.55 P.M. on 9th May, 2009. After completion of legal formalities at the Police Outpost, he was sent to Shilong Civil Hospital. The Medical Officer present at the hospital declared him "brought dead". During post mortem, several abrasions, contusions and lacerations were observed. The cause of death, according to the doctors was shock, peripheral circulatory obstruction and haemorrhage following multiple injuries.

The explanation offered by SP, East Khasi Hills, Shilong for the fatal injuries sustained by deceased Sngewlem Kharsati in the report dated 26th June, 2009 was that the deceased had made an attempt to rob a truck driver and when the driver raised alarm, the other truck drivers who were stranded in a traffic jam near Puriang village beat him with sticks and iron rods.

Shri Suhas Chakma, the complainant alleges on the other hand that Sngewlem Kharsati was picked up by a police party near Puriang village for possessing a "Dao" in his tiffin bag and beaten in public gaze without seeking any explanation. The complainant further alleges that the deceased was subjected to torture at the police outpost also.

The Commission observed that the police version did not appeal to logic. It was difficult to believe that Sngewlem Kharsati would attempt to commit robbery while there was a traffic jam and so many persons were around. With this observation, the Commission directed that a notice u/s 18 of

the Protection of Human Rights Act, 1993 be issued to the Government of Meghalaya requiring it to show cause why an amount of Rs.five lakhs be not recommended to be paid as monetary relief to the family of the deceased person.

In response to the show cause notice, the Government of Meghalaya has repeated the police version in its communication dated 31st August, 2010. It has pleaded that Sngewlem Kharsati had attacked the driver of a truck with a "Dao" in order to commit robbery and he was assaulted by the drivers of other trucks who were present there. The extracts of the General Diary maintained at the Police Outpost have been forwarded to the Commission in support of the plea taken by the State Government. It has been contended that if the police had not intervened, the truck drivers would have killed Sngewlem Kharsati at the spot itself. The State Government has further stated that considering the poor condition of the family of the deceased, an amount of Rs.two lakhs has been paid as ex gratia to the next of kin.

On careful examination of the record, we find no merit in the plea taken by the State Government. It may be mentioned that Additional District Magistrate, East Khasi Hills conducted an enquiry regarding the incident. He concluded that "the police version of the incident is not validated". We see no reason to disagree with the findings of the Magistrate. It is difficult to believe that any person would dare commit robbery when there is a traffic jam and so many persons are around. The victim had already died when he was taken to the hospital. This would mean that the injuries were quite serious. The police paid no regard to the gravity of injuries and instead of taking him directly to the hospital from the place of occurrence, took him to the Police Outpost. This only shows insensitivity of the police. Considering all the circumstances, we are satisfied that the police is liable for the death of Sngewlem Kharsati and, therefore, it is recommended to the Government of Meghalaya to pay a sum of Rs.five lakhs to the next of kin of the deceased. The amount of Rs.two lakhs which has already been paid may be adjusted. The compliance report and proof of payment be submitted within eight weeks."

It is, therefore, requested that the compliance report with proof of payment be sent to the Commission by **21.02.2011**, for its further consideration.

Yours faithfully,


DEPUTY REGISTRAR (LAW)

Copy to:

✓ Shri Suhas Chakma,
Director, NCPT,
C-3/441-C, Janakpuri,
New Delhi - 110 058.