

Case Details of File Number: 7/16/3/2016**Diary No:** 78319**Name of the Complainant:** MANISH KHANDELWAL, RESEARCHER**Complainant Address:** ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI,**Name of the Victim:** CHAKMA MINORITY VILLAGERS**Place of Incident:** TUICHAWNIG CHHUAH**Date of Incident:** 26/02/2016**Action Taken:**

These proceedings shall be read in continuation of the proceedings dated 15.10.2018 vide which the Chief Secretary, Government of Mizoram was directed to submit compliance report along with proof of payment. Pursuant to the directions of the Commission, a copy of the letter dated 13.12.2018 sent by the OSD-cum-Deputy Secretary to the Director General of Police, Aizwal, Mizoram has been received in the Commission in which it is stated that Rs. 75,000/- have been sanctioned by the Government for payment of compensation Rs. 25,000/- each to the three victims. No proof of payment has been submitted by the either of the authorities. Let reminders be issued to Chief Secretary, Government of Mizoram and Director General of Police, Mizoram for submission of compliance report along with proof of payment within six weeks positively.

Status : Action Taken On 08/04/2019**Action Due Date:** 31/05/2019

Case Details of File Number: 7/16/3/2016

Diary No: 78319

Name of the Complainant: MANISH KHANDELWAL, RESEARCHER

Complainant Address: ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI,

Name of the Victim: CHAKMA MINORITY VILLAGERS

Place of Incident: TUICHAWNIG CHHUAH

Date of Incident: 26/02/2016

Action Taken:

These proceedings shall be read in continuation of earlier proceedings of the Commission dated 6.9.2018 vide which, the Commission had recommended Rs. 25,000/- each to be paid to the victims and the Chief Secretary, Government of Mizoram was directed to submit compliance report along with proof of payment. He was further directed to submit his report regarding payment of rental charges of the boat to Mr. Ujwal Chakma. Pursuant to the directions of the Commission, a report dated 10.9.2018 has been submitted by the OSD-cum-Under Secretary, Department of Home, Government of Mizoram in which it is stated that the case was settled amongst the concerned parties, therefore the question of monetary compensation be dropped as there are no medical records to prove that the victims had suffered any serious injury. The Commission has perused and considered the report as well as other papers placed on record. The perusal shows that vide proceedings dated 18.6.2018 a Show Cause Notice U/s 18 (a) (i) of the Protection of Human Rights Act, 1993, was directed to be issued to the Government of Mizoram, through its Chief Secretary, to show cause as to why the Commission should not recommend monetary relief to Smt. Shanti Devi Chakma, Mr. Anil Chandra Chakma and Mrs. Gupa Devi. The response was expected to be received within six weeks. As no reply was submitted by the State Government within the stipulated time, the Commission vide its proceedings dated 6.9.2018 recommended a monetary compensation of Rs. 25,000/- each to be paid to the victims. The Commission had received a communication dated 27.4.2018 from the same authority through which a copy of the inquiry report submitted by the Senior Superintendent of Police, CID(Crime), Mizoram was forwarded in which it was concluded that the victims were beaten by two constables. Now the same authority has submitted his report that the compensation should not be granted. The Commission does not agree with the present report and reiterates its recommendations. The Chief Secretary, Government of Mizoram is directed to submit compliance report along with proof of payment and his report regarding the rental charges of the boat to be paid to Mr. Ujwal Chakma as directed by the Commission vide its proceedings dated 6.9.2018 within six weeks, positively failing which the Commission shall be constrained to invoke the coercive process u/s 13 of the Protection of Human Rights Act, 1993 for his personal appearance. A copy of the proceedings dated 6.9.2018 be again transmitted to him.

Status : Action Taken On 15/10/2018

Action Due Date: 23/11/2018

National Human Rights Commission New Delhi, India



Case Details of File Number: 7/16/3/2016

Diary Number	78319
Name of the Complainant	MANISH KHANDELWAL, RESEARCHER
Address	ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI, WEST DELHI , DELHI
Name of the Victim	CHAKMA MINORITY VILLAGERS
Address	TUICHAWNG CHHUAH VILLAGE, LUNGELI , MIZORAM
Place of Incident	TUICHAWNG CHHUAH LUNGELI , MIZORAM
Date of Incident	2/26/2016

These proceedings shall be read in continuation of the proceedings dated 18.06.2018 vide which the Commission observed and directed as under : Pursuant to the directions of the Commission, a communication dated 27.04.2018 has been received from OSD-cum-Under Secretary, Home Department, Government of Mizoram along with the report dated 22.09.2017 submitted by the Senior Superintendent of Police, C.I.D. (Crime), Mizoram. It is concluded in the report as follows : "1. There was no incident of torture of Shanti Devi Chakma of Tuichawngchhuah by MAP personnel but she was beaten twice by one constable M. Lalhunthara by a stick. Mr. M. Lalhunthara regretted and apologized for her forgiveness. 2. Mr. M. Lalhunthara and Mr. Lalengzuala (Maenga) neither tortured nor assaulted Sanjay Chakma (written as Master Sanjom Chakma in the complaint) S/o Arhilebo Chakma, 3. There was no torture of Mr. Anil Chandra Chakma and Mrs. Gupa Devi by MAP personnel but both of them were beaten by two constables namely Mr. M. Lalhunthara and Mr. Vanlalruata. However, the case was compromised and settled amicably among them and an amount of Rs. 200 and Rs.300 were given to Anil Chandra Chakma and Gupa Devi respectively by Mr. M. Lalhunthara as a token of forgiveness. Besides, as stated by Anil Chandra Chakma, it appears the main reason of such kind of untoward incident is misunderstanding arising due to language/communication barrier. 4. Payment of pending bills amounting to Rs.13,500/- in respect of Mr. Ujjal Chakma in connection with rental charge of boat is still pending but Rs.8,500/- was already received by Krishna Baran. Commission perused and considered the report. As per the report it is substantiated that Shanti Devi Chakma, Mr. Anil Chandra Chakma and Mrs. Gupa Devi were beaten by the constables named Mr. M. Lalhunthara and Mr. Vanlalruata. Though it is mentioned that Rs. 200 and Rs.300 were given to Mr. Anil Chandra Chakma and Mrs. Gupa Devi as a token of forgiveness, but in the opinion of the Commission a clear case of violation of human rights of these three persons is made out and the token money paid is totally insufficient to be paid in these kind of cases as compensation. Issue notice U/s 18 (a) (i) of the Protection of Human Rights Act, 1993, to the Government of Mizoram, through its Chief Secretary, to show cause as to why the Commission should not recommend monetary relief to Mrs. Shanti Devi Chakma, Mr. Anil Chandra Chakma and Mrs. Gupa Devi. He is further directed to submit a report regarding the rental charges of the boat to be paid to Mr. Ujjal Chakma." No reply has been submitted by the State Government to the Show Cause Notice. Non-submission of the reply to the show Cause Notice shows that the State Government has nothing to say in the matter. In the opinion of the Commission, a clear case of violation of human rights of Ms. Shanti Devi Chakma, Mr. Anil Chandra Chakma and Mrs. Gupa Devi is made out and State Government is vicariously liable to pay monetary compensation to them. Keeping in view the facts and circumstances of the case, the Commission recommends to the Government of Mizoram through its Chief Secretary, to pay compensation of Rs. 25,000/- each to the victims. The Chief Secretary, Government of Mizoram is directed to submit compliance report along with proof of payment within six weeks. The Chief Secretary, Government of Mizoram is directed to submit his report regarding the rental charges of the boat to be paid to Mr. Ujjal Chakma. Response within 6 weeks positively.

Direction issued by the Commission

Action Taken

Status on 9/18/2018

Additional Information Called for (Dated 9/6/2018)

Response from concerned authority is awaited.

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

For Complaints : Tel.No. 24651330, 24663333. Fax No. 24651332 E-Mail: cr[dot]nhrc[at]nic[dot]in

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

शिकायतों के लिए : फोन नं. 24651330, 24663333 फैक्स नं. 24651332 ई-मेल : cr[dot]nhrc[at]nic[dot]in

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