SPEED POST

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Case No. 284/1/2004-2005-WC / FC

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

Dated 21/11/2008

To
THE CHIEF SECRETARY
GOVT. OF ANDHRA PRADESH, HYDERABAD

Sub : Complaint from

DIRECTOR, ASIAN CENTER FOR HUMAN RIGHTS
C-3, 441, JANAK PURI, NEW DELHI-58,
DELHI DELHI.

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 27/10/2008 and the Commission has directed as follows.

*Gangavalli Pushpakumari was living with her family in village Pullalacheruvu of District Prakasam became the victim of lust by a police officer. Unable to bear the trauma she set herself ablaze in the evening of 28th June, 2004 and died at mid-night. As mentioned in a report dated 7.9.2004 submitted by SP, Prakasam to DGP, Andhra Pradesh, she made a dying declaration implicating the Sub Inspector. A case in FIR No. 35/2004 u/s 306/509 IPC was registered at P.S. Pullalacheruvu against the delinquent police officer and after completion of investigation charge-sheet was submitted in the court. On consideration of the report, the Commission vide proceedings dated 20th September, 2007 issued show-cause notice to the State Government u/s 18 of the Protection of Human Rights Act, 1993.*

*DGP, AP has responded to the show-cause notice vide communication dated 6th November, 2007. He has urged the Commission to await the outcome of Criminal trial before recommending monetary relief.*

*The Commission finds no merit in the plea. The guilt of the police officer has been substantiated in police investigation and that must suffice for the purpose of monetary relief. The Commission proceeds on broad probabilities of the case. The standard of proof required by it is not as rigorous as that is required by the court in a criminal trial. If the police officer abuses his position to sexually exploit a hapless women, the matter has to be dealt with a sense of urgency and withholding of relief is not at all desirable. Considering the atrocious nature of the act which has drawn the women to take the extreme step of suicide, the Commission recommends to the Government of Andhra Pradesh to pay a sum of Rs.five lakhs as monetary relief to the next of kin of the victim. Chief Secretary, Government of Andhra Pradesh shall submit compliance report along with proof of payment within eight weeks.*

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 23/01/2009, so that the same could be placed before the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

CC To.

DIRECTOR, ASIAN CENTER FOR HUMAN RIGHTS
C-3, 441, JANAK PURI, NEW DELHI-58,
DELHI, DELHI