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Case No. 3/16/2006-2007-PF / M-4
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
* * *
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 12/11/2009

To
THE SECRETARY
MINISTRY OF HOME AFFAIRS, GOVERNMENT
OF INDIA, NORTH BLOCK, NEW DELHI

Sub : Complaint from

SUHAS CHAKMA, DIRECTOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,
JANAKPURI
WEST DELHI DELHI

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 11/11/2009 and the Commission has directed as follows.

These proceedings shall be read in continuation of the earlier proceedings of the Commission dated 29.4.2009 when it directed as under: -

"Let a reminder be sent to Secretary, Home, Ministry of Home Affairs, Govt. of India, impressing upon him to send the reply to show cause notice dated 03.3.2009 within a period of four weeks. A copy of show cause notice dated 03.3.2009 be also sent."

Pursuant to the directions of the Commission, DIG (Operations), Directorate General, BSF, New Delhi vide communication dated 18.5.2009 has sent the report which is reproduced below:-

"The accused personnel were tried by the General Security Force Court as per BSF Act and Rules and after claiming the case from police and following punishments were awarded:-

Shri Umed Singh Mehta, AC (Retd) has been awarded sentence for forfeiture of 10 years past service for the purpose of pension.

Insp N B Bhat has been awarded sentence for forfeiture of 3 years of service for the purpose of promotion.

As an immediate and long term relief to the aggrieved family, Shri Gyanabaran Chakma S/o Late Gopalya Chakma has been enrolled in BSF as "Safai Karamchari" and posted to 1 05 Bn BSF. He has been provided with a permanent livelihood to support the family of the deceased. There is no provision in BSF Act, 1968 and BSF Rules, 1969 to grant compensation to any victim". Deputy Secretary to the Govt. India, MHA (H.R.), vide communication dated 15.06.2009, has sent a copy of the same report of DIG (Ops), BSF.

The Commission has considered the facts & circumstances of the case. Secretary, Ministry of Home Affairs, Government of India is recommended to award Rs. 3,00,000/- as damages to be paid to the

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next of kin of the deceased and Rs. 50, 000/- to each of seven victims injured during the firing made by the BSF personnel, u/s 18 (a) (1) of the Protection of Human Rights Act 1993. The compliance report & proof of payment be submitted within a period of six weeks.

A copy of the report dated 18.05.2009 be sent to Shri Gyanabaran Chakma son of the deceased for his comments, if any, response in six weeks.


It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 30/12/2009, so that the same could be placed before the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

CC To.

SUHAS CHAKMA, DIRECTOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,
JANAKPURI
WEST DELHI, DELHI.


ASSISTANT REGISTRAR (LAW)