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Case No. 7/16/1/09-10 / M-4
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
* * *
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 12/08/2010

To
THE CHIEF SECRETARY
GOVT. OF MIZORAM, AIZWAL

17 AUG 2010

Sub : Complaint from

SUIIAS CIAKMA, DIRECTOR
ASIAN CENTRE FOR HUMAN RIGHTS C-3/441-C,
2ND FLOOR, JANAKPURI,
WEST DELHI DELHI 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 10/08/2010 and the Commission has directed as follows.

The Commission received a complaint from Shri Suhas Chakma, alleging that a 13 year old child Lalnunpuia died on 13.7.09 as a result of torture in the Herald for Christ's Children Home, Aizawl. On enquiry from Supdt. of Police, Aizawl, he submitted a report dated 27.8.09 which revealed that several injuries on the dead body of the child had been observed at the time of burial and therefore, a criminal case No. 91/09 u/s 302 IPC was registered at P.S. Kulikawn. During the investigation of the said case, eight persons were arrested and they all made a confession that they had assaulted the child. The weapon of offence was also recovered at the instance of the accused persons.

On consideration of the report received from S.P. Aizawl, the Commission issued a notice u/s 18(a)(1) of PHR Act requiring the Govt. of Mizoram to show cause why monetary relief be not given to the next of kin of the deceased child. S.P. Aizawl was directed to inform about the outcome of investigation of FIR No. 91/09 P.S. Kulikawn. D.M. Aizawl, was asked to explain as to why Magisterial enquiry was not ordered in the matter. The State Govt. was directed to keep the Home under constant supervision so as to ensure its proper functioning.

As regards the criminal case No. 91/09 P.S. Kulikawn, S.P. Aizawl has reported that a chargesheet has been submitted in the Court against eight persons and the trial is in progress.

D.M. Aizawl, has explained in his letter dated 8.12.09 that the Magisterial enquiry was not ordered because the truth had already been unravelled by police investigation.

It appears that the Directorate of Social Welfare Deptt, Govt. of Mizoram, temporarily suspended the Herald for Christ's Children Home, but subsequently revoked the suspension till the expiry of the current academic year. The action taken by the State Govt. with regard to the institution appears to be quite reasonable.

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of the criminal trial. The plea made by the State Govt. is devoid of merit. The proceeding before this Commission is independent of any other proceeding which may be going on at any other forum. Prima-facie there is enough material to prove that the child was subjected to assault and the authorities of the Home failed in their duty to give adequate protection to the child. The State Govt. can not therefore evade its liability to make monetary amends. It is therefore, recommended to the Govt. of Mizoram to pay a sum of Rs.3,00,000 /- (Rupees Three Lakh Only) as monetary relief to the next of kin of the child. Compliance report alongwith proof of payment be submitted within eight weeks."


It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 14/10/2010, 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,
2ND FLOOR, JANAKPURI,
WEST DELHI, DELHI- 110058


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