

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 26/05/2016

Case No. 19207/24/15/2011-AD

TO

15 JUL 2016

TEJANG CHAKMA, COMPLAINTS COORDINATOR
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI,
WEST DELHI, DELHI.

Sir/Madam,

With reference to your complaint dated 18/05/2011, I am directed to say that the matter was considered by the Commission on 10/05/2016. The Commission has made the following directions.

Vide proceedings dated 11th December, 2014, this Commission had directed to issue notice to the Government of Uttar Pradesh requiring it to show cause as to why monetary relief u/s 18 of the Protection of Human Rights Act, 1993 be not recommended to be paid to the next of kin of deceased Nagendra Singh, who died in the custody of District Police, Basti, Uttar Pradesh.

The Joint Secretary (HR), Government of Uttar Pradesh has replied to the aforesaid show cause notice wherein it has been stated that since the criminal case registered against the police officials relating to the death of Nagendra Singh is pending trial before the District & Sessions Judge-1, Basti, this Commission should await the decision of the session's case for recommending monetary relief to the next of kin of the deceased.

In our opinion, the reply so filed by the Joint Secretary (HR), Govt. of Uttar Pradesh is not acceptable. This Commission after a detailed enquiry into the matter had come to a conclusion that there was violation of the human rights of the deceased Nagendra Singh and, therefore, the next of kin of the deceased was entitled for a monetary compensation. Accordingly, the Commission had issued a show cause notice.

The Commission proceeds to issue a show cause notice and make a recommendation once it finds that prima facie there had been a violation of human rights. The result of the criminal trial arising out of such human rights violation is of no consequence as far as award of monetary compensation u/s 18 (a) (i) of the Protection of Human Rights Act, 1993 by the Commission is concerned. Therefore, the Commission recommends to the Government of Uttar Pradesh to pay a sum of Rs. Five Lakhs to the next of kin of deceased Nagendra Singh within a period of six weeks. Chief Secretary, Govt. of Uttar Pradesh shall submit the compliance report along with proof of payment within two weeks, thereafter.

In view of the orders passed in this case, the connected files (No. 19207/24/15/2011-AD & 24213/24/15/2011-AD) need not be kept on board and, therefore, the same are closed.

This is for your information.

Yours faithfully,


DEPUTY REGISTRAR(LAW)