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Case No. 30962/24/36/09-10-AD
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
* * *
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 28/10/2011

To
THE CHIEF SECRETARY
GOVT. OF UTTAR PRADESH, LUCKNOW

02 NOV 2011

Sub : Complaint from

SUHAS CHAKMA, DIRECTOR
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI,
WEST DELHI DELHI 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 24/10/2011 and the Commission has directed as follows.

"The Commission received a complaint in October 2009 from a leading NGO, followed in November by two more human rights activists, which reported that Ram Kumar Pal, son of Shri Rameshwar, resident of Nayapurwa, PS Sursa, District Hardoi, Uttar Pradesh, had died as a result of torture inflicted on him by the police of Simra outpost.

The inquest report and the postmortem report clearly established that the death of the deceased was caused by shock as a result of ante-mortem injuries. Since no magisterial enquiry was held, though the circumstances of the case made one essential, the Commission got the matter investigated by a team of its officers. On the basis of the findings of the Investigation Team recorded in the Commission's proceeding dated 8.4.2011, the Commission, while issuing a show cause notice to the Chief Secretary, State of Uttar Pradesh to show cause why compensation should not be recommended to the next of kin of the deceased, further directed as under:-

- i) Criminal case No. 135609 should be urgently re-investigated by the CBCID.*
- ii) Disciplinary action should be taken against:
 - a) SI Babov Upadhyay, I/C SIS, District Hardoi who conducted a fraudulent investigation of Case Nos. 1356/09 and 1356A/09.*
 - b) The SP Hardoi and the Co, who, at the least, failed to discharge their duty to supervise fair investigations of these cases, and may well have been complicit in the attempt to protect the guilty policemen. I**
- iii) Departmental action should be taken against Dr. Anil Kumar Srivastav and Dr. Shiv Kumar, who were negligent in the diagnosis and treatment of the deceased on his admission at District Hospital.*
- iv) Similar action should be taken against the officer who was District Magistrate when the death took place, but did not order a magisterial enquiry, though he was aware of the circumstances in which it had taken place. and the public protests it had led to.*

The aforesaid directions were conveyed to the Chief Secretary, Government of Uttar Pradesh on 21.4.2011 seeking a response by 19.5.2011. However, no response has been received from the State Government despite issuance of a final reminder dated 24.8.2011 seeking a report by 30.9.2011. The Commission in its proceedings dated 4.7.2011, while granting further four weeks time to the State Government, had pointed out that in case the response of the State Government is not received within the stipulated time, the Commission shall presume that the State of Uttar Pradesh has nothing to say in the matter and it will proceed further to consider the payment of compensation. But no response has been received till date.

In view of above, the Commission recommends that a sum of Rs.5.00 Lakhs be paid to the next of kin of the deceased, Ram Kumar Pal for the reasons recorded by the Commission in its proceedings dated 8.4.2011. The payment be made within four weeks and the compliance report including proof of payment be submitted to the Commission within six weeks.


The Chief Secretary, Government of Uttar Pradesh is further directed to inform the Commission within six weeks of the status of criminal case No.1356/2009 being reinvestigated by CB CID as well as the status of disciplinary proceedings initiated against delinquent public servants."

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 16/12/2011, so that the same could be placed before the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

CC To.

 **SUHAS CHAKMA, DIRECTOR**
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI,
WEST DELHI, DELHI- 110058