

**NATIONAL HUMAN RIGHTS COMMISSION  
(L A W D I V I S I O N )  
FARIDKOT HOUSE  
COPERNICUS MARG, NEW DELHI - 110 001**

Dated 20/05/2013

Case No. 2663/4/30/2010

To

22 MAY 2013

✓  
SUNAS CHAKMA, DIRECTOR  
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,  
C-3/44 I-C, JANAKPURI,  
WEST DELHI, DELHI.  
(Pin Code -110058)

Sir/Madam,

With reference to your complaint dated 16/11/2010, I am directed to say that the matter was considered by the Commission on 16/05/2013. The Commission has made the following directions.

*Reference detailed proceedings dated 15.10.2012. Vide these proceedings, the Commission observed and directed as under:*

*"The Commission, therefore, reiterates its directions dated 04.5.2012 and directs the Chief Secretary, Govt. of Bihar to submit compliance report along with proof regarding payment of compensation of Rupees One Lakh Fifty Thousnad only (Rs.1,50,000/-) to the next of kin of the deceased Suresh Manjhi, in addition to the sum of Rs.1,50,000/- already paid to the next of kin of the deceased under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Response within six weeks."*

*Pursuant to the directions of the Commission, Under Secretary to the Govt. of Bihar vide communication dated 05.03.2013 has forwarded a copy of the receipt regarding payment of compensation of Rupees One Lakh Fifty Thousnad only (Rs.1,50,000/-) to the next of kin of the deceased Suresh Manjhi, in addition to the sum of Rs.1,50,000/- already paid to the next of kin of the deceased under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.*

*Since recommendation of the Commission have been complied with, the case is closed.*

This is for your information.

Yours faithfully,



ASSISTANT REGISTRAR(LAW)

Assistant Registrar(LAW)  
Tel. No.: 011-2338 5368  
Fax No.: 011-2338 6521  
Telegraphic Add.: "HUMANRIGHTS"  
Home Page : <http://nhrc.nic.in>

Case No. 2663/4/30/2010  
NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)  
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FARIDKOT HOUSE  
COPERNICUS MARG, NEW DELHI - 110 001

Dated 24/06/2012

To  
THE CHIEF SECRETARY  
GOVERNMENT OF BIHAR, PATNA

29 JUN 2012

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 20/06/2012 and the Commission has directed as follows.

*The late Shri Suresh Manjhi, a Dalit, was beaten to death by one Subodh Singh, belonging to an upper caste, on 10.11.2010, as the deceased had plucked brinjals from his field. The Station Officer of Police Station concerned did not take possession of the dead body as the complainant party was lured by the accused party not to lodge an FIR by offering land and money. For this lapse, departmental action was initiated against him. The case was registered on the statement of the Chowkidar of the village against Subodh Singh and others. In its proceedings dated 16.03.2011, the Commission observed as under :*

*"It is apparent from the report above mentioned that the then Station Officer of police station concerned not only committed negligence and dereliction of duty by not taking possession of the dead body, he also colluded with the accused persons to cause disappearance of evidence. Postmortem examination on the body of the deceased could have provided the most important and relevant evidence, in the absence of which the case has become weak. While investigating the case, the collusion of the Station Officer with the accused persons should also be looked into".*

*The SP, Samastipur, informed the Commission that three named accused had been arrested in FIR No. 408/10 dated 09.11.2010 U/S 302/201 read with Section 34 IPC of Police Station Tezpur, in respect of death of Suresh Manjhi. Main accused Subodh Singh was reported to be absconding. On consideration of the material on record, the Commission ordered issuance of a show cause notice U/S 18 (a) (i) of the Protection of Human Rights Act, 1993, to the Government of Bihar, vide its proceedings dated 04.03.2011, while observing as under :*

*"It is hoped that investigation in the murder case above mentioned shall be taken to its logical end. However, it is for sure that in the absence of the postmortem examination on the body of the deceased the case has been weakened beyond repair. The negligence and dereliction of duty committed on the part of the Sub-Inspector Sushil Kumar are responsible for the state of affairs and denial of justice to the victim and his next of kin. In the circumstances, the State cannot escape its liability to pay compensation".*

*Response to the show cause notice has not been received from the State Government despite reminder dated 13/15.03.2012. A letter dated 01.05.2012 has been received from the District Magistrate,*


Samastipur, informing the Commission that the two children of the deceased have been got admitted to the Government Scheduled Caste Residential School, Rosra, and Government Scheduled Caste Residential School, Samastipur. The State Government has been requested to sanction monthly pension to the widow. Monetary relief of Rs.1,50,000/- under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, has already been paid to the widow.

For the reasons stated by the Commission in its proceedings dated 04.05.2011, the Commission recommends to the Government of Bihar, through its Chief Secretary, to pay compensation of Rupees One Lakh Fifty Thousand only (Rs.1,50,000/-) to the next of kin of the deceased Suresh Manjhi. The Chief Secretary is directed to submit compliance report alongwith proof of payment within six weeks.


The District Magistrate, Samastipur, is also directed to inform the Commission of the status of grant of pension to the widow of the deceased Suresh Manjhi within six weeks.

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 13/08/2012, 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