

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

Dated 28/01/2014

Case No. 21396/24/48/2010-WC

To

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

31 JAN 2014

Sir/Madam,

With reference to your complaint dated 10/06/2010, I am directed to say that the matter was considered by the Commission on 24/01/2014. The Commission has made the following directions.

The Commission received a complaint 11.06.2010 from Shri Subhash Mohapatra, a human rights activist, alleging that a 24 years old woman was raped by a police constable on 08.06.2010. The complainant revealed that the accused police constable Arun Kumar Yadav posted in Aishbagh police outpost, on the pretext of dropping the victim Reema (name changed) at the railway station, took her to his friend's house in Kapoorthala and raped her.

The Commission vide proceedings dated 21.11.2012 observed and directed as under:

"The Commission observes that the human rights of victim Kumari Seema Patel d/o Late Jagdish Patel have been violated as she had been raped by Constable Arun Kumar Yadav who is facing trial in FIR No. 219/10 u/s 376 IPC and had been held guilty in departmental proceedings. The Commission therefore recommends to the Chief Secretary, Government of Uttar Pradesh to make payment of Rs. 5,00,000/- (Rupees Five Lakhs only) as compensation to be paid to the victim Kumari Seema Patel d/o Late Jagdish Patel. The compliance report along with the proof of payment be submitted within 6 weeks".

In response, Under Secretary, Home(Human Rights), Section-1, Government of Uttar Pradesh, Lucknow vide letter dated 30.12.2013 informed that a sum of Rs.5,00,000/- has been paid on 06.09.2013 to Ms. Seema Patel D/o Shri Jagdish Prasad Patel vide Bank Draft No. 520383 dated 08.08.2013. A copy of proof of payment is enclosed.

As the proof of payment has been received in the matter, the Commission closes the file.

A copy of these proceedings shall be sent to the Information Officer of the Commission, to the Chief Secretary, Government of Uttar Pradesh and to the recipient of relief.

LINK CASE-20961/24/48/2010-WC



This is for your information.

Yours faithfully,


ASSISTANT REGISTRAR(LAW)

National Human Rights Commission

New Delhi, India

Case Details of File Number: 21396/24/48/2010-WC

Diary Number	69500
Name of the Complainant	TEJANG CHAKMA, COMPLAINTS COORDINATOR
Address	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI, WEST DELHI , DELHI
Name of the Victim	REEMA (NAME CHANGED)
Address	ALIGANJ, LUCKNOW , UTTAR PRADESH
Place of Incident	ALIGANJ LUCKNOW , UTTAR PRADESH
Date of Incident	6/8/2010
Direction issued by the Commission	These proceedings shall be read in continuation of the earlier proceedings. The Commission received a complaint 11/6/2010 from Shri Subash Mohapatra, a human rights activist, alleging that a 24 years old woman was raped by a police constable on 08/6/2010. Vide proceedings dated 21/11/12, the Commission recommended to the Chief Secretary, Government of Uttar Pradesh to make payment of Rupees five lakhs as compensation to be paid to the victim Kumari Seema Patel d/o late Jagdish Patel and submit the proof of payment. In response to the aforesaid directions and reminder dated 19/2/13, the Commission has received a communication dated 25/4/13 from the Under Secretary, Government of Uttar Pradesh seeking extension of 1 month's time to submit the requisite report. The extended deadline is also over. Issue a reminder to the Chief Secretary, Govt. of Uttar Pradesh to submit the requisite report within four weeks failing which the Commission will be constrained to issue a coercive process.
Action Taken	Additional Information Called for (Dated 6/28/2013)
Status on 7/15/2013	Response from concerned authority is awaited.

Note: For further details kindly contact National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: covdnhrc@hub.nic.in

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National Human Rights Commission

New Delhi, India

Case Details of File Number: 21396/24/48/2010-WC

Diary Number 69500
 Name of the Complainant TEJANG CHAKMA, COMPLAINTS COORDINATOR
 Address NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI, WEST DELHI , DELHI
 Name of the Victim REEMA (NAME CHANGED)
 Address ALIGANJ, LUCKNOW , UTTAR PRADESH
 Place of Incident ALIGANJ LUCKNOW , UTTAR PRADESH
 Date of Incident 6/8/2010

These proceedings shall be read in continuation of the earlier proceedings. The Commission received a complaint 11/6/2010 from Shri Subash Mohapatra, a human rights activist, alleging that a 24 years old woman was raped by a police constable on 08/6/2010. The complainant revealed that the accused police constable Arun Kumar Yadav posted in Aishbagh police outpost, on the pretext of dropping the victim Reema (name changed) at the railway station, took her to his friend's house in Kapoorthala and raped her. The complainants have prayed for immediate intervention. Vide proceedings dated 30/11/11, the Commission has considered the report from the Circle Officer, Bazarkhala, Lucknow. The report reveals that on the statement of the victim Kumari Seema Patel d/o Late Jagdish Patel an FIR No. 219/10 u/s 376 IPC was registered at PS Bazarkhala against Constable Arun Kumar Yadav and Manoj Kumar. DIG, Lucknow was directed to submit a further report as to the status of the departmental action taken against Constable Arun Kumar Yadav. A copy of the report was sent to the complainant and the victim Kumari Seema Patel d/o Late Jagdish Patel, at the address given in the report of the Circle Officer, Bazarkhala, Lucknow. In response, the Commission has received a report dated 17/04/2012 from DIG, Police, Lucknow enclosing a report dated 07/04/2012. The report reveals that during inquiry constable Arun Kumar Yadav was found guilty in the departmental inquiry. However, he has challenged the departmental proceedings in writ petition No. 1836/11 and vide order dated 19/05/2011 the High Court, Division Bench, Lucknow has directed that till the next date of listing the opposite parties shall not take any final decision in the departmental proceedings. The Commission has considered the material placed on record. The reports reveal that constable Arun Kumar Yadav is facing trial in FIR No. 219/10 u/s 376 IPC and in the departmental proceedings he had been held guilty. Prime facie constable Arun Kumar Yadav had abused his authority being a public servant and raped the victim Reema. In view of the aforesaid circumstances, the Commission is of the view that the human rights of the victim Reema were violated by a public servant for which the State is liable. Issue a Show Cause Notice to the Government of Uttar Pradesh through its Chief Secretary as to why monetary relief u/s 18 of the Protection of Human Rights Act, 1993, be not recommended to be paid to the victim Reema. Response within six weeks.

Direction issued by the Commission

Action Taken Additional Information Called for (Dated 7/17/2012)
 Status on 3/2/2013 Response from concerned authority is awaited.

Note: For further details kindly contact National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: covdnhrc@hub.nic.in

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