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Case No. 22654/24/7/2012-AR
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

MANAV ADHIKAR BHAWAN, BLOCK-C,
G.P.O. COMPLEX,
INDIA NEW DELHI 110002

Dated 16/12/2013

To
THE CHIEF SECRETARY
GOVERNMENT OF UTTAR PRADESH,
LUCKNOW

189 DEC 2013

Sub : Complaint from

TEJANG CHAKMA, COMPLAINTS
COORDINATOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,
(2ND FLOOR), JANAKPURI, PH.11-25620583,
<DIRECTOR@ACHRWEB.ORG>
WEST DELHI DELHI 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 11/12/2013 and the Commission has directed as follows.

These proceedings shall be read in continuation of the earlier proceedings of the Commission dated 26.02.2013. The Commission had observed and ordered as under :

"In view of the report, a clear case of violation of human rights of the prosecutrix as well as her grand-father Shri Ikram is made out and the State is liable to compensate them. Issue notice U/S 18 (a) (i) of the Protection of Human Rights Act, 1993, to the Government of Uttar Pradesh, through its Chief Secretary to show cause as to why the Commission should not recommend monetary relief for the prosecutrix and her grand-father Shri Ikram.

The DCP, Uttar Pradesh, is also asked to inform the Commission of the status of departmental action against Constables Ausaf Ali and Mazid Ali and the Station Officer Shri Amrit Pal.

Responses from the Chief Secretary and the DCP are expected to be received in the Commission within six weeks".

Pursuant to the directions of the Commission, the Secretary to the Government of Uttar Pradesh, has submitted his report dated 24.06.2013, in which it is stated that in this matter Gopal, Constable Ausaf Ali, Majid Ali and Constable Sumeel have been arrested and sent to jail. A chargesheet No.3/12 has been submitted in the Court on 01.06.2012. Constable Sumeet has been dismissed from the service and Shri Amrit Lal, Station Officer, Kotwali, has been suspended. It is further mentioned in the report that the Government has no objection in awarding interim relief to the victims.


The Commission has perused and considered the report. It is clear from the perusal of the report that appropriate action has been taken against the delinquent police officials and the Government has no objection if monetary relief is provided to the victims.

As per the inquiry report dated 12.10.2013 submitted by the Additional Inspector General of Police, (Human Rights), during investigation it was found that the victim was raped by Copal constable Submit Kumar has facilitated the crime. It was also revealed during investigation that Constables Ausaf Ali and Majid Ali had beaten up Ikram (grandfather of the victim) with a view to extract bribe from him. A chargesheet to that effect has been submitted. Hence, a clear case of violation of human rights of the victim as well as her grandfather is made out. As per the comments dated 24.06.2013 submitted by the Secretary, Government of Uttar Pradesh, the government has no objection if any monetary compensation is awarded to the victims.

Keeping in view the facts and circumstances of the case, the Commission recommends to the Government of Uttar Pradesh, through its Chief Secretary, to pay compensation of Rs. 3,00,000/- (Rupees Three Lakhs) to the prosecutrix and her grand-father Ikram. Out of the same Rs. 2 Lakhs will be deposited in fixed deposit in the name of minor girl and Rs. 75,000/- be paid to her. Remaining Rs. 25,000/- will be paid to Shri Ikram (grandfather of the victim). The Chief Secretary, Government of Uttar Pradesh, is directed to submit compliance report alongwith proof of payment within six weeks.

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 03/02/2014, so that the same could be placed before the Commission.

Yours faithfully,


ASSISTANT REGISTRAR (T.A.W)

CC To,

NNNN
NNNN

✓ **TEJANG CHAKMA, COMPLAINTS
COORDINATOR**

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