

Dated 25/11/2013

Case No. 188/3/5/07-08-AF/

To  
THE SECRETARY  
MINISTRY OF DEFENCE, GOVT. OF INDIA, SENA  
BHAWAN, NEW DELHI

26 NOV 2013

Sir/Madam,

The complaint dated 24/12/2007 received from SUHAS CHAKMA 'DIRECTOR' in respect of DEBOKANTA GOGOI , PHANI GOGOI & SAME LAIND, was placed before the Commission on 21/11/2013. Upon perusing the complaint, the Commission directed as follows.

*The Commission received a complaint from Shri Suhas Chakma, Director, National Campaign for Prevention of Torture, alleging torture of three youth namely Debokanta Gogoi, Phani Gogoi and Samel Aind of Village Hathigarh and Diksam of Dibrugarh District of Assam, while they were in illegal detention of Army Personnel of 268th Field Regiment camping at Sarojini Tea Estate on 14.12.2007.*

*The Commission vide its proceedings dated 08.03.2013 observed and directed as under:-*

*"After considering the report of Ministry of Defence, injury reports of Debokanta Gogoi and Phani Gogoi and other material on record, the Commission came to conclusion that since Debokanta Gogoi and Phani Gogoi were innocent and subjected to mild torture by the army personnel at the time of questioning, their human rights were violated and Govt. of India is liable for the acts of the army personnel. The Commission therefore, issued a notice u/s 18 of the PHR Act 1993 to the Secretary, Govt. of India, Ministry of Defence to show cause as to why recommendation for payment of appropriate relief to the victim Debokanta Gogoi and Phani Gogoi should not be made.*

*The Director (AG-1) has sent a reply to the show cause notice issued by the Commission. These reiterate points made earlier and which were taken into consideration before issuing notices u/s 18 of the PHR Act. The Commission therefore recommends the Ministry of Defence, Govt. of India to pay Rs.10,000/- (ten thousand) each to Debokanta Gogoi and Phani Gogoi as monetary relief."*

*In response, Under Secretary to the Government of India, Ministry of Defence, Sena Bhawan, New Delhi vide letter dated 12.09.2013 informed that the payment of Rs. 10,000/- each to both the victims Debokanta Gogoi and Phani Gogoi has been made on 22.08.2013 through cheque/demand drafts.*

*A copy each of the receipts has also been enclosed as proof of payment.*

*As the proof of payment has been received, the Commission closes the file.  
A copy of these proceedings shall be sent to the Information Officer of the  
Commission, the Secretary to the Government of India, Ministry of Defence, Sena  
Bhawan, New Delhi and to the recipients of the relief.*

2. Accordingly, I am forwarding a copy of the complaint to you for its disposal at your end.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

✓  
CC To :

Case No. 188/3/5/07-08-AF/  
SUHAS CHAKMA 'DIRECTOR'  
NATIONAL CAMPAIGN FOR PREVENTION OF  
TORTURE, C-3/441-C, JANAKPURI,  
WEST DELHI, DELHI.

  
ASSISTANT REGISTRAR(LAW)

*copy to NNAC W*

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

Case No. 188/3/5/07-08-AR

NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)

\* \* \*

FARUKOT HOUSE  
CONSERVATORS MARG, NEW DELHI 110 001

Dated 16/03/2013

To

THE SECRETARY  
MINISTRY OF DEFENCE, GOVT. OF INDIA, SOUTH  
BLOCK, NEW DELHI

Sub : Complaint from

SUHAS CHAKMA 'DIRECTOR'  
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,  
C-3/441-C, JANAKI PURI,  
WEST DELHI DELHI.

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 08/03/2013 and the Commission has directed as follows.

*The Commission received a complaint from Shri Suhas Chakma, Director, National Campaign for Prevention of Torture, alleging torture of three youth namely Debkanta Gogai, Phani Gogai and Samel Aind of Village Hathigarh and Diksam of Dibrugarh District of Assam, while they were in illegal detention of Army Personnel of 268th Field Regiment camping at Sarojini Tea Estate on 14.12.2007. The army personnel released Debkanta Gogai and Samel Aind on the same day, whereas Phani Gogai was handed over to the police and police released him also finding him innocent.*

*After considering the report of Ministry of Defence, injury reports of Debkanta Gogai and Phani Gogai and other material on record, the Commission came to conclusion that since Debkanta Gogai and Phani Gogai were innocent and subjected to mild torture by the army personnel at the time of questioning, their human rights were violated and Govt. of India is liable for the acts of the army personnel. The Commission therefore, issued a notice u/s 18 of the PHR Act 1993 to the Secretary, Govt. of India, Ministry of Defence to show cause as to why recommendation for payment of appropriate relief to the victim Debkanta Gogai and Phani Gogai should not be made.*

*The Director (AG-1) has sent a reply to the show cause notice issued by the Commission. These reiterate points made earlier and which were taken into consideration before issuing notices u/s 18 of the PHR Act. The Commission therefore recommends the Ministry of Defence, Govt. of India to pay Rs.10,000/- (ten thousand) each to Debkanta Gogai and Phani Gogai as monetary relief.*

*Ministry of Defence, Govt. of India shall inform the Commission on action taken on its recommendation within three months as provided u/s 19(2) of the Protection of Human Rights Act 1993.*

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 15/06/2013, 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, JANAKI PURI,  
WEST DELHI, DELHI  
(Pin Code-)