

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 28/08/2013

Case No. 1052/6/24/2012

To

16 SEP 2013

TEJANG CHAKMA, COMPLAINTS COORDINATOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND
FLOOR), JANAKPURI,
WEST DELHI, DELHI.
(Pin Code -110058)

Sir/Madam,

With reference to your complaint dated 10/07/2012, I am directed to say that the matter was considered by the Commission on 27/08/2013. The Commission has made the following directions.

These proceedings shall be read in continuation of the earlier proceedings of the Commission dated 22.7.2013.

In response, the Under Secretary, Home Department, Government of Gujarat, vide his communication dated 21.8.2013, has submitted the compliance report. Perusal of the same reveals that an amount of Rs.10,000/- (Rupees Ten Thousand only) each, as recommended by the Commission, has been paid to all the four victims. Proof of payment has also been annexed.

The Commission has considered the matter. The amount of interim relief of Rs.10,000/- (Rupees Ten Thousand only) each, as recommended by the Commission, has been paid to all the four minor victims. No further action is called for. The reports received from the State Authorities are taken on record and the case is closed.

Let a copy of these proceedings be also transmitted to the I.O., NHRC and to the beneficiaries.

This is for your information.

Yours faithfully,


ASSISTANT REGISTRAR(LAW)

National Human Rights Commission

New Delhi, India

Case Details of File Number: 1052/6/24/2012

Diary Number	95545
Name of the Complainant	TEJANG CHAKMA, COMPLAINTS COORDINATOR
Address	ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI, WEST DELHI , DELHI
Name of the Victim	4 MINOR STUDENTS OF GOVT. PRIMARY SCHOOL
Address	GOVT. PRIMARY SCHOOL, DASADA, SURENDRANAGAR , GUJARAT
Place of Incident	DASADA SURENDRANAGAR , GUJARAT
Date of Incident	6/21/2012

A complaint about illegal detention and torture of four minor boys was received from Shri Tejang Chakma, Complaints coordinator, Asian Centre for Human Rights. The complainant alleged that four minor boys aged between 8-10 years were picked up from a government primary school and kept in illegal detention at Dasada police station in Surendranagar district of Gujarat. The boys were detained at the police station for three days from 21-23.6.2012 and they were also beaten by the police. They were released on 24.6.2012 and a case of theft was registered against them after their release. Supdt. of Police, Surendranagar, submitted a report dated 18.9.2012 stating that the four boys were arrested in crime No. 26/12 u/s 379, 114 IPC and crime No. 27/12 u/s 379 IPC. Both cases were registered on 24.6.2012. Three boys were arrested on 27.6.2012 and the 4th boy was arrested on 29.6.2012. It was also stated in the report that the four boys had been called to the police station for interrogation. They were neither illegally detained nor subjected to torture. They were however taken to CHC Patadi by their parents and the medical certificates showed blunt injuries. Therefore, N.C. Cr. No. 3/2012 u/s 323/114 IPC had been registered against four police officials of Dasada police station on 29.6.2012. Since the report submitted by S.P. Surendranagar mentioned blunt injuries and medical certificates of the four boys were annexed therewith, the Commission observed that it was a case of violation of human rights and a show cause notice u/s 18 of PHR Act was issued to the government of Gujarat.

Direction issued by the Commission The State government did not respond to the notice. Even a reminder has not evoked any response. Since the State government has not responded to the show cause notice, it may be reasonably assumed that it has nothing to say in defense. As is evident from the report dated 18.9.2012 submitted by S.P. Surendranagar, the two criminal cases against the four minors were registered on 24.6.2012. The report mentions that the boys had been called to the police station for enquiry but it does not mention the date on which they were brought to the police station. The medical certificates enclosed with the report however reveal that the four boys had been examined at CHC Patadi on 23.6.12. This conclusively proves that they were called to the police station prior to the registration of criminal cases. The Commission fails to understand as to how the minor children could be taken to the police station when there were no criminal cases against them at that stage. In any case, there is no law which permits the police to assault any person suspected of involvement in crime during enquiry or interrogation. Considering all the circumstances there can be no doubt that the minor children were illegally detained and assaulted at the police station prior to registration of FIR. This is a glaring violation of human rights. The Commission therefore recommends to the government of Gujarat to pay a sum of Rs.10,000/- (Rupees Ten Thousand) each to Nareshbhai Nanjibhai Chauhan, Nizamudin Yusufbhai Laheriya, Ishamudin Yusufbhai Laheria and Aslambhai Hajibhai Divan. Compliance report with proof of payment be submitted within six weeks.

Action Taken Relief granted [Compensation, Disciplinary & Prosecution] (Dated 5/21/2013)

Status on 7/18/2013 Compliance of the Commission's recommendation by the 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: cov.dnhrc@hub.nic.in