

**Case Details of File Number: 1766/20/2/2013****Diary No:** 107456**Name of the Complainant:** AMAL KANTI CHAKMA, COMPLAINTS COORDINATOR**Complainant Address:** ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI,**Name of the Victim:** A HELPER OF TRUCK**Place of Incident:** BEHROR**Date of Incident:** 09/07/2013**Action Taken:**

The complainant alleges that a speech & hearing impaired youth who was a helper with a truck driver was assaulted and tortured by the errant police officials on 09.07.2013. The only fault of victim was that he unable to reply to the queries of the police when the driver of the truck was asked to show the registration papers. Vide earlier proceedings the Commission had observed the reports received from concerned authorities, wherein it is clearly stated that errant police officials have violated the human rights of the victim. Therefore the Commission had issued Show Cause notice u/s 18 of PHRA to Chief Secretary Govt. of Rajasthan and recommended a compensation of Rs. 3 lakh to the NoK of the deceased victim namely Birju. However in response, Joint Secretary Home (HR) Govt. of Rajasthan vide communication dated 02.02.2015 has inform the Commission that delinquent police personnel responsible for physically assaulting the victim have already been punished departmentally. The victim later on died in one of the road accident on 31.12.2013 and there is no justification for grant of compensation to NoK of the victim as recommended by the Commission. Vide proceedings dated 31.05.2016, the Commission after considering the material placed on record had refused the request of Joint Secretary Home (HR) Govt. of Rajasthan, and had observed that despite directions no compliance report has been received from Chief Secretary Govt. of Rajasthan in the matter. Hence Commission once again requested him to submit the compliance report of payment of Compensation of Rs. 3 Lakh to NoK of the deceased victim Birju within six weeks. However no compliance report has been received till date despite various request and reminders. The Commission has considered the material placed on record. It appears that Chief Secretary Govt. of Rajasthan has no respect for the directions of the Commission. Registry is once again directed to issue reminder to Chief Secretary Govt. of Rajasthan for the requisite compliance report along with proof of payment within four weeks positively.

**Status :** Action Taken On 08/02/2019**Action Due Date:** 04/04/2019

Assistant Registrar(LAW)  
Fax No.: 011-2465 1332  
Home Page : http://nhrc.nic.in

Case No. 1766/20/2/2013

NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)

\* \* \*

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

Dated 18/07/2015

Case No. 1766/20/2/2013  
To

23 JUL 2016

THE CHIEF SECRETARY  
GOVT. OF RAJASTHAN, JAIPUR

Sub : Complaint from

AMAL KANTI CHAKMA, COMPLAINTS  
COORDINATOR  
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,  
(2ND FLOOR), JANAKPURI,  
WEST DELHI DELHI 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 16/07/2015 and the Commission has directed as follows.

*The matter rested thus when one Amal Kanti Chakma, of an NGO vide his complaint dated 15.07.2013, alleged that a speech and hearing impaired youth who was a helper with a truck was assaulted and brutally tortured by the police officials on 09.07.2013 when the truck was intercepted by the police on duty on the way to Behror. The only fault of the victim was that he was unable to reply to the queries of the police when the driver of the truck was asked to show the registration papers. He had also forwarded the details of electronic/print media having covered the said incident and prayed for intervention by the Commission in the matter.*

*In response, the Supdt. of Police, District Alwar had submitted that Head Constable Ramesh Chand and Constable Kishan Lal were found guilty of misbehaving and beating Birju. They were placed under suspension and after the inquiry they have been penalized by way of punishment of withholding of an annual increment without cumulative effect. The period of suspension shall have no bearing on the pension and the gratuity. The report further mentions that the victim has subsequently died in a road accident at Dharihera in Haryana on 31.12.2013 and a case vide FIR No. 536/2013, PS Dharihera u/s 279/304A IPC has been registered.*

*The Commission further considered the matter on 29.10.2014 when it observed and directed as under:-*

*"The complainant has alleged that a speech and hearing impaired youth was assaulted and tortured by the Police Officials on 09.07.2013. The report from the Supdt. of Police, Alwar, Rajasthan has admitted in his report that the victim was brought to the Police station Behror by head Constable Ramesh Chand and Traffic Constable Kishan Chand from where he escaped on the excuse of going out for urination (easing himself). The report dated 20.06.2014 from the Supdt. of Police, Alwar also admits that the police personnel named in the report had beat and misbehaved with him. The identity of the victim has been established as Birju s/o Sawaliya Ram, aged 20, r/o Gahankar, police station Tijara District Alwar*



who was deaf and dumb by birth. He had already died in a road accident on 31.12.2013.

The Commission is of the opinion that the beating and misbehaviour with the victim by the police personnel named in the report had violated his human rights. Issue a Show Cause Notice to the Government of Rajasthan through its Chief Secretary as to why monetary relief of Rs. 3,00,000/- u/s 18 of the Protection of Human Rights Act, 1993, be not recommended to be paid to the next of kin of the deceased Birju s/o Sawaliya Ram, aged 20.

In response, the Joint Secretary, Home (HR) Department, Govt. of Rajasthan vide his communication dated 02.02.2015 has submitted that both the delinquent police personnel responsible for physically assaulting the victim on 09.07.2013 have been punished departmentally. The victim has later died on 31.12.2013 in a vehicular accident and the said incident has not resulted in death of the victim and therefore there is no justification in grant of interim relief in the matter and that the case be closed.

The Commission has considered the matter. The reply to the show cause notice is not based on merits. The commission has already noted that the victim has died later in a vehicular accident. It is an admitted fact that the victim was a differently able person who was physically assaulted by the persons in uniform for no reasons and have been punished departmentally. The irony is that identity of the victim was ascertained only after his death and the said police personnel who have taken law in their own hands have escaped from legal action as the law was not set in motion. The said incident was reported widely by the media yet prompt action was not taken by the superior officers. Human Rights of the victim, now deceased have been violated by the persons in uniform and thus state is liable to compensate for their acts which cannot be tolerated in a society governed by rule of law. In these circumstances, an amount of Rs. 3,00,000/- (Rupees Three Lakhs only). is recommended to be paid to the next of kin of the deceased. The Chief Secretary, Govt. of Rajasthan is directed to submit the proof of payment within six weeks.

A notice be also sent to the Inspector General of Police, Rewari Range, Haryana calling upon him to submit status/outcome of case FIR No. 336/2013, PS. Dharihera, u/s 279, 304A IPC, dated 31.12.2013 together with details of steps taken by the police under motor vehicle act for enabling the aggrieved family to get statutory compensation in the matter within four weeks.

Let a copy of these proceedings be also transmitted to brother of the deceased at the following address:-

Mukesh s/o Sanwalta Ram Prajapat, village Gahankar, PS Tijara, District Alwar, Rajasthan for information.

It is therefore, requested that the compliance report in the matter be sent to the Commission lat by 05/09/2015, so that the same could be placed before the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

CC To,

NNNN  
NNNN

1766/20/2/13

AMAL KANTI CHAKMA, COMPLAINTS  
COORDINATOR

ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,  
(2ND FLOOR), JANAKPURI,  
WEST DELHI, DELHI. 110058

u/b

Aggrieved Regeshu Cans

# National Human Rights Commission

New Delhi, India

## Case Details of File Number: 1766/20/2/2013

Diary Number 107456  
 Name of the Complainant AMAL KANTI CHAKMA, COMPLAINTS COORDINATOR  
 Address ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI, WEST DELHI, DELHI  
 Name of the Victim A HELPER OF TRUCK  
 Address BEHROR, ALWAR, RAJASTHAN  
 Place of Incident BEHROR  
 Date of Incident ALWAR, RAJASTHAN 7/9/2013

Shri Amal Kanti Chakma, complaints Coordinator, Asian Centre for Human Rights, Janakpuri, New Delhi, vide his complaint dated 15.07.2013, alleged that a speech and hearing impaired youth who was a helper with a truck was assaulted and brutally tortured by the police officials on 09.07.2013 when the truck was intercepted by the police on duty on the way to Behror. The only fault of the victim was that he was unable to reply to the queries of the police when the driver of the truck was asked to show the registration papers. He requested appropriate action in the matter. Vide proceedings dated 31.12.2013, the Commission considered the report from SP, Alwar, Rajasthan that the victim was brought by constable, Ramesh Chand and traffic constable, Kishan Chand in Police Station Behror on 08.07.2013 from where he fled on the excuse of going out for urination. The Commission did not agree with the stand taken by the police that the victim fled from the police station and his whereabouts are not known now. The Commission asked the SP, Alwar, Rajasthan to enquire into the incident and trace the victim as well as the truck and its driver. Vide proceedings dated 06.06.2014, the Commission considered the further report from SP, Alwar, Rajasthan which reveals that the speech and hearing impaired boy, Birju was not a cleaner on any truck. On 06.07.2013, suddenly he came in front of trucks on the highway, interrupting the traffic. Constables, Ramesh Chand and Kishan Lal brought him to the police station wherefrom he fled on the pretext of easing himself. The report further mentions that Birju had died in a road accident on 31.12.2013. A departmental enquiry is being conducted against the police officials. A copy of the report was sent to the complainant for his comments. S.P., Alwar was asked to send the final outcome of departmental proceedings against the constables, Ramesh Chand and Kishan Lal. The complainant has not submitted his comments. The Commission has received a report dated 04.08.2014 from the Superintendent of Police, District Alwar. It is further mentioned that the preliminary inquiry revealed that Constable Ramesh Chand and Constable Kishan Lal were found guilty of misbehaving and beating Birju. In this regard they were placed under suspension and after the inquiry they have been penalized by way of censure of an annual increment without cumulative effect. The period of suspension shall have no bearing on the pension and the gratuity. The report further mentions that regarding the death of the victim Birju in an accident on 31.12.2013 an FIR No. 536/13 u/s 279/304 A IPC has been registered. The Commission has considered the material placed on record. The complainant has alleged that a speech and hearing impaired youth was assaulted and tortured by the Police Officials on 09.07.2013. The report from the Superintendent of Police, Alwar, Rajasthan has admitted in his report that the victim was brought to the police station Behror by Constable Ramesh Chand and Traffic Constable Kishan Chand from where he escaped on the excuse of going out for urination (easing himself). The report dated 20.06.2014 from the Superintendent of Police, Alwar also admits that the police personnel named in the report had beat and misbehaved with him. The identity of the victim has been established as Birju s/o Sawaliya Ram, aged 20, r/o Gahankar, police station Tijara District Alwar who was deaf and dumb by birth. He had already died in a road accident on 31.12.2013. The Commission is of the opinion that the beating and misbehaviour with the victim by the police personnel named in the report had violated his human rights. Issue a Show Cause Notice to the Government of Rajasthan through its Chief Secretary as to why monetary relief of Rs.3,00,000/- u/s 18 of the Protection of Human Rights Act, 1993, be not recommended to be paid to the next of kin of the deceased Birju s/o Sawaliya Ram, aged 20. Response within four weeks.

### Direction issued by the Commission

Action Taken  
 Status on 11/27/2014

**Note:** For further details kindly contact National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023

Tel.No. 24651330 Fax No. 24651329 E-Mail: covdnhrc[at]nic[dot]in, ionhrc[at]nic[dot]in

नोट: अन्य जानकारी हेतु कृपया संपर्क करे राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कॉम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,

फोन नं. 24651330 फैक्स नं. 24651329 ई-मेल : covdnhrc[at]nic[dot]in, ionhrc[at]nic[dot]in

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