

Dated 22/04/2015

28 APR 2015

Case No. 61/27/0/2011/

To

THE SENIOR SUPERINTENDENT OF POLICE  
UT OF CHANDIGARH, CHANDIGARH

Sir/Madam,

The complaint dated 03/06/2011 received from TEJANG CHAKMA, COMPLAINTS COORDINATOR in respect of KUNDAN SINGH, SHUSHILA & RAJU, was placed before the Commission on 20/04/2015. Upon perusing the complaint, the Commission directed as follows.

*The complainant in his letter dated 03.06.2011 alleged that three inebriated police personnel went to the restaurant owned by Kundan Singh under Manimajra PS in the UT of Chandigarh, and started misbehaving with him, his wife and servant. When Kundan Singh protested, they were severally beaten with batons by the accused policemen, one of whom forcibly put his baton into the mouth of Kundan Singh's wife who lost a tooth as a consequence. The victims sustained grievous injuries.*

*The Commission took cognizance on 04.07.2011 and called for a report from the concerned authorities.*

*Pursuant to direction of the Commission, the SSP, UT, Chandigarh vide communication dated 29.09.2011 sent a report/ compromise between the parties. He reported that there was some misunderstanding on the part of complainant Shri Kundan Lal with HC Shamsher Singh over the running of the Dhaba at late hours and the complainant does not want any action on his complaint.*

*The Commission in its proceedings dated 14.03.2012 observed as under:*

*"The report attached to this letter reveals that the complainant now does not want action against the erring police officials and has entered into a compromise. This report reveals that the complainant had filed a complaint in PS, Manimajra and the victims were medically examined. Since the facts of the case disclosed a cognizable and non-compoundable offence a legal action is necessary in this matter and no such compromise could be entered into."*

*A copy of the report was sent to the complainant for his comments. He reiterated his allegations and requested strict action against the guilty policemen. He also expressed apprehension that it could also be possible that the victim was coerced by the policemen to withdraw the complaint.*

*Vide proceedings dated 14.8.2012, the Commission considered the report of the SSP,*

UT, Chandigarh along with the complainant's comments and directed SSP, UT Chandigarh to send an action taken report on the allegations levelled in the complaint along with details of the departmental action taken against the erring police officials. Vide proceedings dated 05.12.2012, a reminder was issued calling for the report.

In response, the Commission received a report dated 07.02.2013 from SSP, UT Chandigarh that the statement of Smt Sushila Devi, the alleged victim was recorded in presence of her husband. Perusal of the statement enclosed with the report revealed that Shri Shamsher Singh police personnel from PS, Manimajra along with two police personnel came to their restaurant and asked as to why it was being kept open even after 10 p.m. On this issue some altercation took place in which her husband and the servant suffered injuries and had gone to PHC Manimajra, Chandigarh on 31.05.2011. After 2-3 days they arrived at a compromise with Shri Shamsher Singh and a copy of the same was submitted in the police station. After this compromise, she did not give complaint to any authority. She does not corroborate the allegations that she was assaulted and lost a tooth as a consequence. The statement of the alleged victim and her husband that they do not want any action to be taken on this complaint, was enclosed.

The Commission vide proceedings dated 11.03.2013 had observed and directed as under:

"The statement of the alleged victim on which the reliance is placed by SSP, UT Chandigarh that no further action is warranted in the matter does not inspire confidence. It is writ large that the police personnel of PS, Manimajra had abused their authority of law, resulting in injuries to private citizens, for which they had to go to PHC, Manimajra, Chandigarh on 31/5/11. The Commission observes that the conduct of the police personnel was unbecoming of public servants and has violated the human rights of the victims. Issue a Show Cause Notice to the Government of UT Chandigarh 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 Kundan Singh, his wife and servant Raju. Response within six weeks. "

In response, the Commission received an endorsed communication dated 27.08.2013 from IGP, UT of Chandigarh that the Chandigarh police has no objection to pay compensation to the complainant.

Vide proceedings dated 11.03.2013, the Commission observed that the police personnel of police station Manimajra had abused their authority, inflicting injuries on private citizens for which they had to go to PHC, Manimajra on 31.05.2013. The Commission observed that the conduct of the police personnel was unbecoming of public servants and has violated the human rights of the victim. The Commission therefore recommended to the Chief Secretary, Government of UT of Chandigarh to make payment of Rupees 5,000/- as monetary compensation to each of the victims Kundan Singh, his wife and servant Raju.

In response to the various reminders and conditional summons dated 30.12.2014, the SSP, U.T., Chandigarh vide his letter dated 10.02.2015 reported that the monetary compensation amount of Rs.5,000/- each by way of Demand Draft was delivered to the victim Shri Kundan Singh and his wife Smt. Sushila Devi. It was not delivered to the servant Raju as he left the house. His present whereabouts is not known, as intimated by Smt. Sushila Devi w/o. Shri Kundan Singh. Copy of the receipts are sent with the report.

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

Case No. 61/27/0/2011

NATIONAL HUMAN RIGHTS COMMISSION  
( L A W D I V I S I O N )

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MANAV ADHIKAR BHAWAN, BLOCK-C,  
G.P.O. COMPLEX,  
TINA NERVA FORT HT 110073

Dated

25 NOV 2013

To  
THE CHIEF SECRETARY  
GOVT. OF UT CHANDIGARH, CHANDIGARH

Sub : Complaint from

TEJANG CHAKMA, COMPLAINTS  
COORDINATOR  
NATIONAL CAMPAIGN FOR PREVENTION OF  
TORTURE, C-3/441-C, JANAKPURI,  
WEST DELHI DELHI 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 19/11/2013 and the Commission has directed as follows.

*These proceedings shall be read in continuation of the earlier proceedings.*

*The complainant in a letter dated 3/6/2011 has alleged that three inebriated police personnel went to the restaurant owned by Kundan Singh under Manimajra PS in the UT of Chandigarh, and started misbehaving with him, his wife and servant. When Kundan Singh protested, they were beaten with batons by the accused policemen, one of whom forcibly put his baton into the mouth of Kundan Singh's wife who lost a tooth as a consequence. The victims sustained grievous injuries.*

*Vide proceedings dated 5/7/13, a reminder was issued to the Chief Secretary, Govt. of Chandigarh to submit the requisite reply within four weeks failing which the Commission shall presume that the State has no views on the issue and shall pass further orders / recommendations for necessary monetary relief to the victim.*

*The Commission has received an endorsed communication dated 27/8/13 from IGP, UT of Chandigarh that the Chandigarh police has no objection to payment of compensation to the complainant. Vide proceedings dated 11/3/13, the Commission observed that the police personnel of police station Manimajra had abused their authority, inflicting injuries on private citizens for which they had to go to PHC, Manimajra on 31/5/13. The Commission observes that the conduct of the police personnel was unbecoming of public servants and has violated the human rights of the victim. The Commission therefore recommends to the Chief Secretary, Government of UT of Chandigarh to make payment of Rupees 5,000/- as monetary compensation to be paid to each of the victims Kundan Singh, his wife and servant Raju. The proof of payment is to be submitted within 6 weeks.*

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 09/01/2014, so that the same could be placed before the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

CC To.

NNNN  
NNNN

61/27/0/11

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TEJANG CHAKMA, COMPLAINTS  
COORDINATOR

NATIONAL CAMPAIGN FOR PREVENTION OF  
TORTURE, C-3/441-C, JANAKPURI,  
WEST DELHI, DELHI. 110058

Assistant Registrar (Law)