

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 02/09/2015

Case No. 594/22/2/09-10-AD/DB-5

✓
SHRI SUHAS CHAKMA, DIRECTOR
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C JANAKPURI
WEST DELHI,
DELHI.

27 SEP 2015

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 2 Commission has made the following directions.

In the instant case, the Commission received a complaint dated 19.8.2009 from Suhas Chakma, Director, National Campaign for Prevention of Torture seeking intervention against the custodial death of N. Ramesh, aged 35 years. It was alleged that N. Ramesh was picked up by a patrol team of police and taken to Neelankarai Police Station. It was further alleged that he was subjected to torture during interrogation as a result of which he died. Intimation regarding the custodial death of N. Ramesh was also received from DCP, Adyar District, Chennai.

The Commission after considering the inquest report, Post-mortem report and Magisterial Enquiry Report issued a notice u/s 18 of the Protection of Human Rights Act, 1993, vide its proceedings dated 5th February, 2015 to the Government of Tamil Nadu requiring it to show-cause why suitable monetary relief be not recommended to be paid to the next of kin of the deceased N. Ramesh.

Pursuant to the above directions a communication dated 27.3.2015 from the Additional Secretary, Public (Law & Order-E) Department, Government of Tamil Nadu has been received. It is seen from the communication that pursuant to the recommendation of the State Human Rights Commission an amount of Rs. 3.00 lakhs been paid to the next of kin of the deceased. It is also seen from the communication dated 12.5.2015 of the Commissioner of Police, Greater Chennai Police, that departmental action was taken against S.I. Gunasekharan. In such circumstances, no further action is necessary on the part of this Commission.

Hence, the case is closed.

This is for your information.

Yours faithfully,

A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines.

DEPUTY REGISTRAR(LAW)

MOST IMMEDIATE
BY SPEED POST

Case No. 594/22/2/09-10-AD/DB-1
NATIONAL HUMAN RIGHTS COMMISSION
(Law Division/FC Branch)

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MANAV ADHIKAR BHAWAN
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SHOW CAUSE NOTICE

The Chief Secretary,
Govt. of Tamilnadu,
Chennai- 600 009.

WHEREAS the Commission on 28.8.2009 took cognizance of a complaint dated 19.08.2009 received from Shri Suhas Chakma, Director, National Campaign for Prevention of Torture seeking intervention against the custodial death of N. Ramesh, aged 35 years. It was alleged that N. Ramesh was picked up by a patrol team of police and taken to Neelankarai Police Station. It was further alleged that he was subjected to torture during interrogation as a result of which he died.

AND WHEREAS an intimation regarding the custodial death of N. Ramesh was also received from DCP, Adyar District, Chennai As per the intimation received from DCP, Adyar, one Usha Rani sought help from the police as her husband was creating nuisance and threatening to kill her in drunken state. On receipt of this information, a patrol team of the police searched for the house. At about 1.00 A.M. they reached the house of Usha Rani and found that her husband was shouting and creating nuisance. He was taken to Neelankarai Police Station in the police vehicle and Cr.No 589/09 u/s 75 M.C.P. Act was registered on 18.8.2009 at 1.30 hours. The wife and brother of the accused also came to the police station. On their request he was released on bail. While he was proceeding to his house along with his

wife and brother he complained of chest pain and fainted. He was taken to a private hospital. The doctor advised to take him to a specialty hospital. With the help of patrol vehicle he was taken to Malar Hospital, Adyar at about 3.30 A.M. where he was declared brought dead.

AND WHEREAS pursuant to the directions of the Commission, Investigation Division obtained relevant reports from concerned authorities. The post-mortem report mentions contusion on outer aspect of left arm, another contusion on outer aspect of lower 3rd of left arm and contused abrasion on the outer aspect of right arm. On internal examination left ventricle hypertrophy was observed. Coronary vessels were found thickened. The viscera report indicated presence of Ethyl Alcohol in stomach, liver, kidney and blood of the deceased. The doctor expressed the opinion that the death had occurred due to "acute myocardial insufficiency with alcohol intoxication".

AND WHEREAS Magisterial Enquiry into the circumstances of death was conducted by Ms. T.N.Padmaja Devi, RDO, Chengalpet. During inquiry, Usha Rani, wife of the deceased was examined. She testified that she had given a telephone call to the police control room and the police vehicle arrived at about 12.00 in the night. She further stated that she saw her husband being beaten with sticks by three police officials. Her husband was put in police vehicle and taken to the police station. She also went to the police station with her husband's brother in an auto. There her husband was lying in a room and he was wearing only his underwear. He was unable to walk. Usha Rani claimed that her husband had died in the police station itself. Shri Anbu, brother of the deceased was also examined. He made a similar statement. Many other witnesses were examined during the enquiry. On consideration of evidence, the Magistrate observed that the deceased N. Ramesh had consumed liquor and was shouting on the street. He concluded that the police had taken him to the Police Station after beating him. He indicted SI Gunasekharan of negligence because he had not taken the drunk accused straight to the hospital from the place of arrest.

AND WHEREAS upon consideration of the reports, the Commission vide proceedings dated 5.2.2015 observed and directed as under:

"On careful examination of the record, we are unable to commend on the conduct of the police. The contusions on the arms of the deceased which were noticed during post-mortem have not been explained by the police. SI Gunasekharan was examined during magisterial enquiry but he did not explain as to how the deceased had received the contusions. On the other hand, the wife and brother of the deceased stated that they had seen the police beating him. The Magistrate also observed that N. Ramesh had been beaten by the police before arrest. Moreover, N. Ramesh was in an inebriated state at the time of arrest. That being the situation, he should have been taken straightaway for medical examination and treatment. SI Gunasekharan failed to do so and he was rightly condemned by the Magistrate

Thus, we find that the police team not only behaved with some degree of cruelty but was also negligent in performance of duty. A notice be, therefore, issued to the Government of Tamil Nadu requiring it to show-cause why suitable monetary relief u/s 18 of the Protection of Human Rights Act, 1993 be not recommended to be paid to the NOK of the deceased N.Ramesh. Chief Secretary, Government of Tamil Nadu shall submit response to the show-cause notice within six weeks.

NOW THEREFORE you are hereby called upon to show cause, if any, on or before 1st April, 2015 as to why the Commission should not recommend monetary relief for the next of kin of the deceased N.Ramesh.

TAKE FURTHER NOTICE that in default, the Commission may proceed to take such action as it deems proper.

GIVEN UNDER MY HAND AND THE SEAL of the Commission on this day, the 18 February, 2015.



BY ORDER
Atharvache
JOINT REGISTRAR

✓ Copy to:
Shri Sukas Chakma,
National Campaign for Prevention of Torture,
C-3/441-C, Janakpuri,
New Delhi. 110058