

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

Dated 13/03/2014

Case No. 8/16/0/2011

21 MAR 2014

To

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

Sir/Madam,

With reference to your complaint dated 03/05/2011, I am directed to say that the matter was considered by the Commission on 05/03/2014. The Commission has made the following directions.

These proceedings shall be read in continuation of the proceedings of the Commission dated 31.03.2013, vide which the Chief Secretary, Government of Mizoram was directed to send compliance report alongwith proof of payment within 4 weeks.

Pursuant to that, a report dated 15.07.2013 has been submitted by the Under Secretary to the Government of Mizoram, Power and Electricity Department, Aizawl in which it is stated that additional payment of Rs. 1 lakh each was made to the next of kin of 9 deceased persons. Proof of payment is annexed with.

The Commission has perused and considered the above report.

As the directions of the Commission have been complied with, there is no need of further intervention of the Commission in the case. The case is hereby closed.

This is for your information.

Yours faithfully,

ASSISTANT REGISTRAR(LAW)

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

Case No. 8/16/0/2011
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
* * *
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 25/07/2012

To
THE CHIEF SECRETARY
GOVERNMENT OF MIZORAM, AIZWAL

28 JUL 2012

Sub : Complaint from

SUHAS CHAKMA, DIRECTOR
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 23/07/2012 and the Commission has directed as follows.

These proceedings are in continuation of the earlier proceedings of the Commission on the death of nine bus passengers due to electrocution. Vide its proceedings dated 15.02.2012, the Commission ordered issuance of a show cause notice to the Government of Mizoram, Board of Electricity Department. The notice has been opposed on the following grounds :

- 1. The incident had occurred due to the negligence of the driver and conductor of the bus involved.*
- 2. A criminal case has already been registered U/S 304-A IPC and on compensation this Commission may not be appropriate forum to decide the issue.*
- 3. Competent Civil Courts as well as Human Rights Courts are there to take up and decide the cases for violation of human rights.*
- 4. A sum of Rs.1 lakh each, in addition to Rs.10,000/- each already paid, is being paid to the next of kin of the deceased persons as immediate relief by the State Government.*

The Commission has carefully considered the objections raised by the Government of Mizoram. The Commission has already noticed in its detailed proceedings dated 15.02.2012 that the police has found during the investigation that the Junior Engineer, P&E Division, Lawngilai, was responsible for gross negligence in maintaining the line and he was likely to be arrested. In view of this finding, it does not lie in the mouth of the State to say that the incident took place due to the negligence of the driver and conductor of the bus. The registration and pendency of a criminal case does not debar this Commission to grant appropriate relief to the next of kin of the deceased persons U/S 18 of the Protection of Human Rights Act, 1993. No Civil or Human Rights Court is seized of the matter. Hence, because of the simple fact that these Courts exist in the State, the Commission is not prevented from giving relief under the provisions of the Protection of the Human Rights Act, 1993. As to the State's decision to pay compensation of Rs.1 lakh each to the next of kin of the deceased persons, in addition to the interim relief of Rs.10,000/- each already paid, the same appears to be inadequate for the death of a person due to negligence of a public servant.

Hence, keeping in view the facts and circumstances of the case, the Commission recommends to the Government of Mizoram, through its Chief Secretary, to pay additional compensation Rs.1,00,000/- (Rupees One Lakh only) each to the next of kin of the nine deceased persons. The Chief Secretary is directed to submit compliance report alongwith proof of payment within six weeks.

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 13/09/2012, so that the same could be placed before the Commission.

Yours faithfully,



ASSISTANT REGISTRAR (LAW)

CC To.

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