

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

Dated 08/12/2014

Case No. 1413/7/9/09-10

21 JAN 2015

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

Sir/Madam,

With reference to your complaint dated 28/08/2009, I am directed to say that the matter was considered by the Commission on 27/11/2014. The Commission has made the following directions.

These proceedings shall be read in continuation of the Commission's earlier proceedings dated 12.12.2013.

The Director General of Police, Haryana is present before the Commission.

The proof of payment of Rupees Three Lakhs Fifty Thousand (Rs.3,50,000/-) to of kin of late Smt. Sudesh Devi produced before the Commission shows that the Police have made the payment.

The orders of the Commission have been complied with, the case is closed.

This is for your information.

Yours faithfully,


DEPUTY REGISTRAR(LAW)

National Human Rights Commission

New Delhi, India

Case Details of File Number: 14137/9/09-10

Diary Number	15651
Name of the Complainant	SUHAS CHAKMA, DIRECTOR
Address	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI WEST DELHI, DELHI
Name of the Victim	SUDESH RANI
Address	AS ABOVE WEST DELHI, DELHI
Place of Incident	RAJOUND POLICE STATION KATHAL, HARYANA
Date of Incident	8/24/2009
Direction issued by the Commission	In reply to the Commission's proceedings of the 5th June 2013, the office of the DGP, Haryana has forwarded a report from the SP Kaithal, which broadly recapitulates stands taken earlier by the police. However, it has been conveyed to the Commission that should relief be recommended for the family of the deceased, the police would have no objection. Since the State Government has forwarded this report, the Commission assumes that it endorses this view. Therefore, for the reasons set out in the Commission's earlier proceedings, it recommends that the next of kin of the late Smt. Sudesh Devi be given an additional sum of Rs. 3.5 lakhs as relief. Proof of payment is expected by the 13th February, 2014. Put up on the 20th February, 2014.
Action Taken	Relief granted [Compensation, Disciplinary & Prosecution] (Dated 12/12/2013)
Status on 12/24/2013	Compliance of the Commission's recommendation by the concerned authority is awaited.

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](mailto:covdnhrc[at]nic[dot]in), [ionhrc\[at\]nic\[dot\]in](mailto:ionhrc[at]nic[dot]in)

नोट: अन्य जानकारी हेतु कृपया संपर्क करे राष्ट्रीयमानवअधिकारआयोग, मानवअधिकारभवन, ब्लॉक-सी, जी.पी.ओ. कम्प्लेक्स, आई.एन.ए., नई दिल्ली-110023,

फोननं. 24651330 फैक्सनं. 24651329 ई-मेल [covdnhrc\[at\]nic\[dot\]in](mailto:covdnhrc[at]nic[dot]in), [ionhrc\[at\]nic\[dot\]in](mailto:ionhrc[at]nic[dot]in)

Disclaimer: Neither NHRC nor NIC is responsible for any inadvertent error that may have crept in the information being published on NET.

अस्वीकरण नेट पर प्रकाशित सूचना में, अनजाने में हुई किसी भी गलती के लिए न तो एन.एच.आर.सी. न ही एन.आई.सी. जिम्मेदार है।

National Human Rights Commission

New Delhi, India

Case Details of File Number: 1413/7/9/09-10

Diary Number	15651
Name of the Complainant	SUHAS CHAKMA, DIRECTOR
Address	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI WEST DELHI , DELHI
Name of the Victim	SUDESH RANI
Address	AS ABOVE WEST DELHI , DELHI
Place of Incident	RAJOUND POLICE STATION KAITHAL , HARYANA
Date of Incident	8/24/2009

On this case, on the death of Smt. Sudesh Devi on the 24th August 2009, apparently in the premises of PS Rajound in District Kaithal, Haryana, the Commission has scrutinized the reports sent by the State and has thereafter had an enquiry conducted by its officers. While the complaint to the Commission was that on that night, SHO Gheesa Ram had beaten and kicked Smt Sudesh Devi and thereafter dragged her with a police vehicle, this has been denied by the police. The magisterial enquiry absolved the SHO, though it is not clear on what basis it came to this conclusion. From the enquiry conducted by the Commission's officers, it transpires that the Government of Haryana has paid Rs. 1.5 lakhs to Smt. Sudesh Devi's husband. It is implicit in this gesture that the State believed that it was incumbent on it to offer some relief. It is in turn implicit that the State acknowledged the responsibility of public servants for the bereavement that the family had suffered. The Commission also notes that a case was filed u/s 302 against SI Gheesa Ram. During the investigation of the case, the IO dropped Section 302 and instead charged him with offences u/s 342, 323 and 506 IPC. Therefore, the investigation of the police, while dropping the most serious charge, had established that SI Gheesa Ram had been responsible for causing hurt, for wrongful confinement and for criminal intimidation. However, the Commission also notes that, during the trial, the Magistrate concerned, after considering the evidence produced before him, added section 304 to the charges against the SI. The Magistrate therefore found prima facie evidence of culpable homicide. These charges will have to be established in the court. However, it being clear from this that there is prima facie evidence that SI Gheesa Ram was indeed responsible for the death of the late Smt. Sudesh Devi, the relief of Rs. 1.5 lakhs given by the State is not, in the Commission's view, enough. The Commission therefore asks the Government of Haryana to show cause why it should not recommend an additional quantum of relief for the next of kin of the late Smt Sudesh Devi. A response is expected by the 15th August, 2013. Put up on the 22nd August, 2013.

Direction issued by the Commission

Action Taken
Status on 7/9/2013

Note: For further details kindly contact National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: covdnhrc@hub.nic.in

Disclaimer: Neither NHRC nor NIC is responsible for any inadvertent error that may have crept in the Complaint Information being published on NET. The Complaint Information on net is for immediate information to the Complainants/Victims