

/o

**NATIONAL HUMAN RIGHTS COMMISSION
FARIDKOT HOUSE
NEW DELHI**

Name of the complainant : Suo motu
Case No. : 704/24/2003-2004-cd
Date : 27.06.08
Coram : Justice Shri S. Rajendra Babu
Chairperson

PROCEEDINGS

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

The Commission vide proceedings dated 14.3.2008 awarded interim relief of Rupees three lakhs to the next of kin of the deceased Hari Lal Yadav and called for compliance report from Chief Secretary, Govt. of Uttar Pradesh within eight weeks.

Compliance report is still awaited.

Let a reminder be issued to the Chief Secretary, Govt. of Uttar Pradesh to submit the compliance report along with proof of payment within four weeks.

sd/-
CHAIRPERSON

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**NATIONAL HUMAN RIGHTS COMMISSION
FARIDKOT HOUSE, COPERNICUS MARG
NEW DELHI**

Name of the complainant : Suo-Motu
Case No. : 704/24/2003-2004-CD
Date : 14.03.08
Coram : Justice S. Rajendra Babu
Chairperson

PROCEEDINGS

This is in continuation of the earlier proceedings of the Commission.

This proceeding was started on the basis of a newspaper clipping of 'The Statesman' dated 1st April, 2003. It was reported that the deceased Shri Harilal Yadav, aged 52 years, an FIC employee, who was suspected of theft and was detained at the Rani Ki Sarai Police Station, was shot dead by a Sub Inspector during interrogation, within the Police Station premises. The Sub Inspector and his colleagues at the Police Station, then described the incident as a mishap.

The Commission took cognizance of the matter vide proceeding dated 03.04.03 and i) notice was directed to be issued to the DGP, UP for a factual report ii) Director General of Police was directed to explain why intimation of the death in custody was not intimated to the Commission as per the guidelines issued by the Commission iii) a notice was directed to be issued as to why interim compensation as envisaged by section 18(1) of the PEHR

by the Commission dated 14.03.08. *Harilal Yadav.*

Contd....

Pursuant to the directions notices were issued. In his letter dated 23.04.04, the Special Secretary to the Govt. of UP reported as follows:-

“No interim relief has been sanctioned to Harilal Yadav by the State Govt. The compensation has been left to the discretion of the Hon’ble Commission.”

As per the copy of the letter dated 3.11.03 of the SP, Azamgarh addressed to the SP (Human Rights), Headquarters, Director General of Police, UP, Lucknow, a Case No. 105/03 u/s 302 IPC has been registered after the death of the deceased and the same is being investigated into by the C3 CID, Branch Sector, Gorakhpur. The case has been converted thereafter u/s 304 IPC as the death was found to have been caused accidentally.

Issue a reminder afresh to i) the DGP, UP as to why intimation of the death in police custody of Harilal Yadav was not intimated to the Commission as per the guidelines issued by the Commission

The status of the case be intimated in detail which reportedly is being investigated by the CB CID.

In view of the fact that the deceased has died in police custody due to gunshot injury and the letter of the Special Secretary, Govt. of UP dated 23.04.04 that no interim relief has been sanctioned by the UP Govt. and the same has been left to the discretion of the Commission; it is hereby directed to the Govt. of UP through the Chief Secretary that Rs. 3 Lacs be paid to NOK of the victim Harilal Yadav u/s 18(c) of the PHR Act. 1993 within eight weeks. The copy of the receipt of the payment is to be submitted to the Commission for its perusal


List thereafter.

sd/-

NATIONAL HUMAN RIGHTS COMMISSION
(Law Division-I)

Placed below is a newspaper report published in 'The Statesman' dated 1.4.2003 in respect of killing of Shri Harilal Yadav, aged 52 years, an employee of FCI, during detention in Rani ki Sarai Police Station. The victim was shot dead by the Sub-Inspector during interrogation within the police station premises. The Sub-Inspector had been arrested and jailed and charged with murder. The police station in-charge had been suspended. The victim was arrested and detained in the police station in connection with interrogation in a theft case. No intimation has been received in the matter so far. *The authority answerable is D G P (V.P.).*

It is proposed that the matter may be placed before the Hon'ble Chairperson for consideration for suo motu action.


(Sunil Arora)
Assistant Registrar (Law)
2.4.2003

~~Joint Registrar (Law)~~

Hon. Chairperson

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314