

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

Dated 05/04/2017

Case No. 41875/24/27/2012-AD

✓ TEJANG CHAKMA,
COMPLAINTS COORDINATOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,
(2ND FLOOR), JANAHPURI,
WEST DELHI, DELHI.

7 JUN 2017

Sir/Madam,

With reference to your complaint dated 26/11/2012, I am directed to say that the matter was considered by the Commission on 24/03/2017. The Commission has made the following directions.

This case relates to the death of Rampal Sonkar, a 60 year old man in the custody of Chowki Khajuha, P.S. Bindki, Fatehpur on 11.11.2012.

Pursuant to the directions of the Commission, SP, Fateghpur in his report dated 11.2012 informed that on the complaint of Shri Rajesh Kumar Sonkar, son of the deceased Ram Pal Sonkar, case No.334/12 u/s 302 IPC and section 3(2) 5 Scheduled Caste and Scheduled Tribes (POA) Act, 1995 had been registered at P.S. Binki against six police personnel and one Home Guard and they are in the process of arresting them.

As per inquest proceedings, three external injuries were found on the body of the deceased and the cause of death as per post mortem report was due to coma as result of ante mortem head injury.

The circumstances leading to the death of deceased Rampal Sonkar was SDM, Bindki. During the course of enquiry, the son of the deceased stated that on 11.11.2012 at about 11.00 P.M., police personnel from Khajuha Police Chowki picked up his father from their house and was subjected to torture and alleged that his father lost his life due to police beating. On examination statements of witnesses and other evidences, the Magistrate concluded that the deceased died as a result of injuries sustained on his body, caused due to beating.

District Magistrate, Fatehpur has now vide communication dated 30.12.2016 the Commission that the final report filed in the case has been accepted by CJM, Fatehpur and the complainant had no objection to the acceptance of the final report and did not want to contest the case. The Commission has also been informed that an amount of Rs.3,75,000/- under the provisions of SC/ST(POA) Act, 1995 has been paid to the seven sons of the deceased Rampal Sonkar in equal share. The proof of payment has also been received.

Having considered the aforesaid report of DM, Fatehpur, it comes to the fore is only 75% of the total financial relief under SC/ST(POA) Act, 1995, awarded in the case at hand, which has been paid to NoK of the deceased. The FIRs and order of Fatehpur dated 29.11.2013, sought for by the Commission have been received. The appears to have been closed and the final report accepted by the CJM, Fatehpur on the premise that complainant did not register any protest against closure of the case. Looking at the facts in a broader perspective in the light of human rights of the deceased and next of his kin and the fact that deceased has died in police custody due to torture, it would be in the larger interest of justice, in view of the peculiarity of the facts of the case, to award a further compensation of Rs.1.25 Lakhs to the next of kin of the deceased over and above the monetary relief paid to them under SC/ST(POA) Act. Accordingly, issue notice u/s 18 of the Protection of Human Rights Act, 1993 to the Government of Uttar Pradesh requiring it to show cause as to why a compensation of Rs.1.25 Lakhs be not recommended to be paid to the next of kin of the deceased Rampal Sonkar. Chief Secretary, Govt. of Uttar Pradesh shall respond to the show cause notice within eight weeks.

Since the case is being dealt in the main file, there is no need to keep the linked files pending on board. The linked cases may be closed.

This is for your information.

Yours faithfully,



ASSISTANT REGISTRAR(LAW)

**Case Details of File Number: 41875/24/27/2012-ad**

Diary Number	167089
Name of the Complainant	TEJANG CHAKMA, COMPLAINTS COORDINATOR
Address	ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI, WEST DELHI , DELHI
Name of the Victim	RAMPAL SONKAR
Address	R/O RANI SAGAR, NANDAPUR, PS. BINDKI, FATEHPUR , UTTAR PRADESH
Place of Incident	PS. BINDKI
Date of Incident	FATEHPUR , UTTAR PRADESH 11/11/2012
Direction issued by the Commission	This case relates to the death of Rampal Sonkar, a 60 year old man in the custody of Chowki Khajuha, P.S. Bindki, Fatehpur on 11.11.2012. Pursuant to the directions of the Commission, SP, Fatehpur in his report dated 14.11.2012 informed that on the complaint of Shri Rajesh Kumar Sonkar, son of the deceased Ram Pal Sonkar, case No.334/12 u/s 302 IPC and section 3(2) 5 Scheduled Caste and Scheduled Tribes (POA) Act, 1995 had been registered at P.S. Binki against six police personnel and one Home Guard and they are in the process of arresting them. As per inquest proceedings, three external injuries were found on the body of the deceased and the cause of death as per post mortem report was due to coma as result of ante mortem head injury. The circumstances leading to the death of deceased Rampal Sonkar was enquired into by SDM, Bindki. During the course of enquiry, the son of the deceased stated that on 11.11.2012 at about 11.00 P.M., police personnel from Khajuha Police Chowki picked up his father from their house and was subjected to torture and alleged that his father lost his life due to police beating. On examination statements of witnesses and other evidences, the Magistrate concluded that the deceased died as a result of injuries sustained on his body, caused due to beating. District Magistrate, Fatehpur has now vide communication dated 30.12.2016 informed the Commission that the final report filed in the case has been accepted by CJM, Fatehpur and the complainant had no objection to the acceptance of the final report and did not want to contest the case. The Commission has also been informed that an amount of Rs.3,75,000/- under the provisions of SC/ST(POA) Act, 1995 has been paid to the seven sons of the deceased Rampal Sonkar in equal share. The proof of payment has also been received. Having considered the aforesaid report of DM, Fatehpur, it comes to the fore that it is only 75% of the total financial relief under SC/ST(POA) Act, 1995, awarded in the case at hand, which has been paid to NoK of the deceased. The FIRs and order of CJM, Fatehpur dated 29.11.2013, sought for by the Commission have been received. The case appears to have been closed and the final report accepted by the CJM, Fatehpur on the premise that complainant did not register any protest against closure of the case. Looking at the facts in a broader perspective in the light of human rights of the deceased and next of his kin and the fact that deceased has died in police custody due to torture, it would be in the larger interest of justice, in view of the peculiarity of the facts of the case, to award a further compensation of Rs.1.25 Lakhs to the next of kin of the deceased over and above the monetary relief paid to them under SC/ST(POA) Act. Accordingly, issue notice u/s 18 of the Protection of Human Rights Act, 1993 to the Government of Uttar Pradesh requiring it to show cause as to why a compensation of Rs.1.25 Lakhs be not recommended to be paid to the next of kin of the deceased Rampal Sonkar. Chief Secretary, Govt. of Uttar Pradesh shall respond to the show cause notice within eight weeks. Since the case is being dealt in the main file, there is no need to keep the linked files pending on board. The linked cases may be closed.
Action Taken	Concluded and No Further Action Required (Dated 3/24/2017)
Status on 9/24/2018	The Case is Closed.

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Note: For further details kindly contact **National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023**

For Complaints : Tel.No. 24651330, 24663333. Fax No. 24651332 E-Mail: cr[dot]nhrc[at]nic[dot]in
नोट: अन्य जानकारी हेतु कृपया संपर्क करें **राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,**
शिकायतों के लिए : फोन नं. 24651330, 24663333 फैक्स नं. 24651332 ई-मेल : cr[dot]nhrc[at]nic[dot]in

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