

Case Details of File Number: 1268/25/6/2017**Diary No:** 148914/CR/2017**Name of the Complainant:** AMAL KANTI CHAKMA**Complainant Address:** ASIAN CENTER OF HUMAN RIGHTS, C-3/441-C , JANAKPURI , NEW DELHI**Name of the Victim:** 11 YEAR OLD MINOR GIRL**Place of Incident:** DINHATA BARRACK, COOCH BEHAR**Date of Incident:** 06/09/2017**Action Taken:**

These proceedings shall be read in continuation of the proceedings dated 28.09.2018 vide which four weeks were granted to the Government of West Bengal for submission of reply to the Show Cause Notice. Pursuant to the directions of the Commission, a reply dated 01.11.2018 has been submitted by the Additional Secretary, Home and Hill Affairs Department, Government of West Bengal in which it is stated that as per the medico-legal examination report of the victim girl "clinically no injury mark seen on her private parts. Hymen is not ruptured". The report of Regional Forensic Science Laboratory regarding vaginal swab is still pending and will be submitted before the Court by the laboratory authority. The case is sub-judice before Special POCSO Court. The Court is empowered to direct the payment of compensation as may be recommended to the child. Commission perused and considered the report and papers placed on record. As per the report dated 28.12.2017 which was forwarded by the Director General and Inspector General of Police, West Bengal through his communication dated 19.01.2018, a charge sheet has been submitted in the criminal case registered against an Assistant Sub-Inspector, Haridas Roy U/S 376 (2) (a) (II) and Section 6 of POCSO Act. As charge sheet has been submitted against the accused person who is an Assistant Sub-Inspector of Police in the opinion of the Commission, a clear case of violation of the human rights of the victim girl is made out and State Government is vicariously liable to pay monetary compensation to the victim. Keeping in view the facts and circumstances of the case, the Commission recommends to the Government of West Bengal through its Chief Secretary, to pay compensation of Rs. 2,00,000/- to the victim. The Chief Secretary, Government of West Bengal is directed to submit compliance report along with proof of payment within six weeks.

Status : Action Taken On 11/12/2018**Action Due Date:** 17/02/2019

Assistant Registrar (Law)
Fax No.: 011-2465 1332
Website : www.nhrc.nic.in

Case No. 1268/25/6/2017

NATIONAL HUMAN RIGHTS OMISSION
(LAW DIVISION)

MANAV ADHIKAR BHAWAN,
BLOCK-C, G.P.O. COMPLEX,

Dated 27/12/2018

Case No. 1268/25/6/2017

To

THE CHIEF SECRETARY
GOVT. OF WEST BENGAL, KOLKATA

01 JAN 2019

Sub : Complaint from

AMAL KANTI CHAKMA
ASIAN CENTER OF HUMAN RIGHTS, C-3/441-C,
JANAKPURI, NEW DELHI
NEW DELHI DELHI. 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 11/12/2018 and the Commission has directed as follows.

These proceedings shall be read in continuation of the proceedings dated 28.09.2018 vide which four weeks were granted to the Government of West Bengal for submission of reply to the Show Cause Notice.

Pursuant to the directions of the Commission, a reply dated 01.11.2018 has been submitted by the Additional Secretary, Home and Hill Affairs Department, Government of West Bengal in which it is stated that as per the medico-legal examination report of the victim girl "clinically no injury mark seen on her private parts. Hymen is not ruptured". The report of Regional Forensic Science Laboratory regarding vaginal swab is still pending and will be submitted before the Court by the laboratory authority. The case is sub-judice before Special POCSO Court. The Court is empowered to direct the payment of compensation as may be recommended to the child.

Commission perused and considered the report and papers placed on record.

As per the report dated 28.12.2017 which was forwarded by the Director General and Inspector General of Police, West Bengal through his communication dated 19.01.2018, a charge sheet has been submitted in the criminal case registered against an Assistant Sub-Inspector, Haridas Roy U/S 376 (2) (a) (II) and Section 6 of POCSO Act.

As charge sheet has been submitted against the accused person who is an Assistant Sub-Inspector of Police in the opinion of the Commission, a clear case of violation of the human rights of the victim girl is made out and State Government is vicariously liable to pay monetary compensation to the victim.

Keeping in view the facts and circumstances of the case, the Commission recommends to the

Government of West Bengal through its Chief Secretary, to pay compensation of Rs. 2,00,000/- to the victim. The Chief Secretary, Government of West Bengal is directed to submit compliance report along with proof of payment within six weeks.

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 17/02/2019, so that the same could be placed before the Commission.

Yours faithfully,



Assitant Registrar (Law)

CC To.

NNNN

NNNN

✓ AMAL KANTI CHAKMA
ASIAN CENTER OF HUMAN RIGHTS, C-3/441-C,
JANAKPURI, NEW DELHI
NEW DELHI, DELHI. 110058