

Case Details of File Number: 248/34/12/09-10**Diary No:** 60532**Name of the Complainant:** TEJANG CHAKMA, RESEARCHER**Complainant Address:** NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI,**Name of the Victim:** MANOJ SHARMA**Place of Incident:** KANDRAPDIH**Date of Incident:** 02/06/2009**Action Taken:**

Finding prima facie that the human rights of the deceased Manoj Sharma were grossly violated the Commission vide its proceedings dated 30.06.16 recommended to the Chief Secretary, Govt. of Jharkhand to show cause within eight weeks as to why monetary compensation of Rs. Three Lakhs be not paid to next of kin of the deceased Manoj Sharma. In response to the Show Cause Notice, Joint Secretary to the Govt. of Jharkhand, Home Prisons and Disaster Management Department vide letter dated 29.06.18 has informed that as per report of Dy. Commissioner, Kodarma, deceased did not die due to any fault or negligence by Government Servant. The report of SP, Kodarma states that case Crime No. 81/09 being a special matter, the investigation of the matter was entrusted to SI level officer, being supervised by DSP level. During investigation, it could not be ascertained whether the bullet was fired by villagers or by the police party. The police party was ordered to fire in air. As far as high velocity firing arms were concerned, these types of arms could have been possessed by villagers/ agitators and it is not necessary that owners of such arms were having license also. During firing resorted by police to disperse the mob, they took their fire arms. It has also come to light during investigation, that the deceased was also involved in the group of agitators. The meeting was called to curb the agitation, pacify them and postmortem of the deceased could be conducted. The villagers/agitators were opposing the postmortem. In the light of the report of the SP and Dy. Commissioner, Kodarma a prayer has been made for reconsideration of the recommendation for monetary relief for next of kin of the deceased. The Commission has considered the material placed on record and is of the view that the explanation offered by the DC/SP, Kodarma is not acceptable. The Commission, therefore rejects the reply to the show cause notice and for the reasons mentioned in the proceedings dated 30.06.16, reiterates it earlier findings and recommends to the Govt. of Jharkhand to pay a sum of Rs. Three Lakhs as monetary compensation to the NoK of the deceased Manoj Sharma. The Chief Secretary, Govt. of Jharkhand to submit compliance report along with proof of payment within six weeks. Put up thereafter

Status : Action Taken On 29/08/2018**Action Due Date:** 25/10/2018

National Human Rights Commission

New Delhi, India



संयुक्त राष्ट्र मानव अधिकार आयोग

Case Details of File Number: 248/34/12/09-10

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| Diary Number | 60532 |
| Name of the Complainant | TEJANG CHAKMA, RESEARCHER |
| Address | NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI, WEST DELHI, DELHI |
| Name of the Victim | MANOJ SHARMA |
| Address | R/O VILL- KANDRAPDIH, KODERMA, JHARKHAND |
| Place of Incident | KANDRAPDIH KODERMA, JHARKHAND |
| Date of Incident | 6/2/2009 |
| Direction issued by the Commission | <p>Finding prima facie that the human rights of the deceased Manoj Sharma were grossly violated the Commission vide its proceedings dated 30.06.16 recommended to the Chief Secretary, Govt. of Jharkhand to show cause within eight weeks as to why monetary compensation of Rs. Three Lakhs be not paid to next of kin of the deceased Manoj Sharma. In response to the Show Cause Notice, Joint Secretary to the Govt. of Jharkhand, Home Prisons and Disaster Management Department vide letter dated 29.06.18 has informed that as per report of Dy. Commissioner, Kodarma, deceased did not die due to any fault or negligence by Government Servant. The report of SP, Kodarma states that case Crime No. 81/09 being a special matter, the investigation of the matter was entrusted to SI level officer, being supervised by DSP level. During investigation, it could not be ascertained whether the bullet was fired by villagers or by the police party. The police party was ordered to fire in air. As far as high velocity firing arms were concerned, these types of arms could have been possessed by villagers/ agitators and it is not necessary that owners of such arms were having license also. During firing resorted by police to disperse the mob, they took their fire arms. It has also come to light during investigation, that the deceased was also involved in the group of agitators. The meeting was called to curb the agitation, pacify them and postmortem of the deceased could be conducted. The villagers/agitators were opposing the postmortem. In the light of the report of the SP and Dy. Commissioner, Kodarma a prayer has been made for reconsideration of the recommendation for monetary relief for next of kin of the deceased. The Commission has considered the material placed on record and is of the view that the explanation offered by the DC/SP, Kodarma is not acceptable. The Commission, therefore rejects the reply to the show cause notice and for the reasons mentioned in the proceedings dated 30.06.16, reiterates its earlier findings and recommends to the Govt. of Jharkhand to pay a sum of Rs. Three Lakhs as monetary compensation to the NoK of the deceased Manoj Sharma. The Chief Secretary, Govt. of Jharkhand to submit compliance report along with proof of payment within six weeks. Put up thereafter</p> |
| Action Taken | Additional Information Called for (Dated 8/29/2018) |
| Status on 9/29/2018 | Response from concerned authority is received. |

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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 करे 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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