

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

Dated 17/11/2014
21 NOV 2014

Case No. 10570/24/9/2010-AD/DB-I

✓ SHRI TEJANG CHAKMA, COMPLAINANTS COORDINATOR
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,
C-3/441-C, JANAKPURI,
DELHI.

Sir/Madam,

With reference to your complaint dated 22/03/2010, I am directed to say that the matter was considered by the Commission on 08/10/2014. The Commission has made the following directions.

LINKED WITH CASE NO.10564/24/9/2010-PCD

“Deputy Secretary to the Govt. of Uttar Pradesh vide communication dated 01.9.2014 has informed that the monetary relief of Rs. five lakhs recommended by the Commission has been paid to Smt. Vitana, wife of deceased Badkau @ Umar by means of a cheque No.25996425 dated 23.8.2014. The proof of payment has also been received.

In view of compliance of recommendation, 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: 10570/24/9/2010-AD

Diary Number 31344
Name of the Complainant TEJANG CHAKMA, COMPLAINANTS COORDINATOR
Address NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI, WEST DELHI , DELHI
Name of the Victim BADKAU @ UMAR
Address R/O HALDI POLICE STATION, BAHRAICH , UTTAR PRADESH
Place of Incident HALDI POLICE STATION BAHRAICH , UTTAR PRADESH
Date of Incident 3/21/2010

Superintendent of Police, Baharich, Uttar Pradesh in fax message dated 21/03/2010 stated that on 08/03/2010 on the basis of information provided by one Mushtaq Ali Crime No. 105/2010 u/s 363/366/376 IPC was registered against named accused Badkau @ Umar and four others. On 20/03/2008 named accused Badkau was arrested and kidnapped girl was recovered. Accused was kept in lock up where he committed suicide on 21/03/2010 at 5.30 a.m. Crime No. 136/10 u/s 309 IPC has been registered on the basis of information provided by accused Vijay Shankar Pandey. Two complaints one from the father of the deceased and another from a NGO about negligence of police have been received. Both the complaints have been registered as Case Nos. 10880/24/9/2010-AD and 10570/24/9/2010-AD in the Commission. Upon perusal, the Commission vide proceedings dated 12.4.2010 directed as under : - "DG(I) is requested to collect requisite reports." The inquest proceedings conducted in this matter has revealed that besides one black sign of injury on the neck of the deceased, there is no other sign of injury was found visible during inquest proceeding. The post mortem report has indicated that the cause of death was on account of asphyxia as a result of ante mortem hanging. 8 contusions on various parts and ligature mark around the neck were found during post mortem. The magisterial enquiry conducted in this matter has held that the deceased has died due to Police torture and Incharge of the Police Station, Shri Brij Kishore Yadav, Head Moherar Sanjay Verma, Lock up Sentry, Constable Ishwardin Shukla and Co-prisoner Vijay Shankar Pandey were jointly responsible for this death. IO of the deceased case Shri S.K. Surya (Sub Inspector) and Constable Dev Baksh Singh are also responsible for tampering of official documents. Prima facie a case of serious violation of human rights has been established. Shri Avdesh Singh, SDM, Mahasi who conducted magisterial inquiry in his report dated 18.5.2010 has concluded that accused Badkau @ Mohd. Umar died due to torture and injuries. SDM in his report further held that the following police personnel are jointly responsible for the death of the deceased : - 1) Shri Brij Kishore Yadav, the then SO, Thana Hardi. 2) Head Mohrir Shri Sanjay Verma. 3) Santry Shri Ishwardin Shukla. 4) Co-accused Vijay Shankar Pandey. It was also concluded in the report that the following policemen are responsible for tempering of the record : - 1) Shri S.K. Singh, SI 2) Constable Shri Dev Bux Singh This kind of torture and brutality by policemen shatters the confidence of the public in the police system and promotes a cynical distrust in the very system of governance of Rule of Law. The Commission is of the view that it is a fit case in which monitory relief u/s 18 (a) (i) of the Protection of Human Rights Act, 1993 be awarded to the NOK of the deceased. Accordingly, the Commission directs issue of notice u/s 18 (a) (i) of the Protection of Human Rights Act, 1993 to the Chief Secretary, UP to show cause as to why the Commission should not recommend monitory relief to the NOK of the deceased for the death of the deceased due to negligence/torture by policemen as per MER. The Commission further directs Chief Secretary, UP to initiate appropriate action both departmental as well as by way of criminal proceedings against the errant policemen responsible for the death of accused Badkau @ Umar. Response in eight weeks. Put up on _____.

Direction issued by the Commission

Action Taken
Status on 3/2/2013

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**

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National Human Rights Commission, New Delhi, India

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**Direction issued by the
Commission**

5/12/2011

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of notice u/s 18 (a) (i) of the Protection of Human Rights Act, 1993 to the Chief Secretary, UP to show cause as to why the Commission should not recommend monetary relief to the NOK of the deceased for the death of the deceased due to negligence/torture by policemen as per MER. The Commission further directs Chief Secretary, UP to initiate appropriate action both departmental as well as by way of criminal proceedings against the errant policemen responsible for the death of accused Badkau @ Umar. Response in eight weeks. Put up on _____.

Action Taken

Status on 5/12/2011

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**

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