

Case Details of File Number: 765/34/16/2011**Diary No:** 85411**Name of the Complainant:** TEJANG CHAKMA, COMPLAINTS COORDINATOR**Complainant Address:** NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI,**Name of the Victim:** NILMANI EKKA**Place of Incident:** VILL. BADEDA, PS. TAMAR**Date of Incident:** 01/06/2011**Action Taken:**

The Commission vide proceedings dated 20.02.2014 observed and directed as under: "The Commission notes that a fixed deposit for three years has been opened in the name of Johan Nag. It assumes that this money, together with the interest accruing thereon, has been given to the family, which will continue to have full use of it after the term of the fixed deposit ends. A confirmation on this point will be expected by the 10th April, 2014." Pursuant to the directions of the Commission, Deputy Commissioner, Ranchi has again forwarded a copy of receipt regarding payment of Rs. three lakhs to the next of kin of the deceased along a certificate in respect of fixed deposit of the said amount in the name of Johan Nag, son of the deceased. Since the fixed deposit is in the name of Johan Nag, the son of deceased, it is implied that the amount of fixed deposit and interest accrued thereon, shall be payable to Johan Nag only. Hence, there appears to be no need to seek confirmation on this point. Since recommendation of the Commission has been complied with, the case alongwith two linked cases is closed.

Status : Action Taken On 14/04/2016**Action Due Date:** 28/04/2016

National Human Rights Commission

New Delhi, India

Case Details of File Number: 765/34/16/2011

Diary Number	85411
Name of the Complainant	TEJANG CHAKMA, COMPLAINTS COORDINATOR
Address	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAHPURI, WEST DELHI , DELHI
Name of the Victim	NILMANI EKKA
Address	VILLAGE. BADEDA, PS. TAMAR, RANCHI , JHARKHAND
Place of Incident	VILL. BADEDA, PS. TAMAR RANCHI , JHARKHAND
Date of Incident	6/1/2011
Direction issued by the Commission	In response to the Commission's proceedings of the 11th December 2013, the Government of Jharkhand has sent proof that, in addition to the relief earlier given to the next of kin of the late Nilmani Nag, a further sum of Rs. 3 lakhs has been paid under a Central Government Scheme. The Commission notes that a fixed deposit for three years has been opened in the name of Johan Nag. It assumes that this money, together with the interest accruing thereon, has been given to the family, which will continue to have full use of it after the term of the fixed deposit ends. A confirmation on this point will be expected by the 10th April, 2014. Put up on the 17th April, 2014.
Action Taken	Additional Information Called for (Dated 2/20/2014)
Status on 5/23/2014	Response from concerned authority is awaited.

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

Tel.No. 24651330 Fax No. 24651329 E-Mail: covdnhrc[at]nic[dot]in, ionhrc[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,
फोन नं. 24651330 फैक्स नं. 24651329 ई-मेल : covdnhrc[at]nic[dot]in, ionhrc[at]nic[dot]in

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अस्वीकरण : नेट पर प्रकाशित सूचना में, अनजाने में हुई किसी भी गलती के लिए न तो एन.एच.आर.सी. न ही एन.आई.सी. जिम्मेदार है।

National Human Rights Commission

New Delhi, India

Case Details of File Number: 765/34/16/2011

Diary Number 85411
Name of the Complainant TEJANG CHAKMA, COMPLAINTS COORDINATOR
Address NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI, WEST DELHI , DELHI
Name of the Victim NILMANI EKKA
Address VILLAGE. BADEDA, PS. TAMAR, RANCHI , JHARKHAND
Place of Incident VILL. BADEDA, PS. TAMAR RANCHI , JHARKHAND
Date of Incident 6/1/2011

The Commission initially examined the facts and circumstances of the case and specifically pointed out that "it is also interesting to note that neither in the magisterial enquiry report nor in the initial report it is stated that when the lady was about to come out from the house, the terrorists opened fire seeing the police as a result of which she sustained an injury". The officer who submitted his report as well as the officer who deposed and gave statement before the inquiry magistrate fairly stated that she died due to cross-firing. It is not the say of the police that when the lady came out of the house, she sustained bullet injury at the hands of the terrorists. The Commission specifically pointed out that an innocent lady, who was on the road sustained a bullet injury and died on-the-spot. It is not the case of the police officers who were present that she sustained a bullet injury at the hands of the terrorists. The Commission further pointed out that it may not be an intentional act on the part of the police but it is an accidental act that she just came and sustained a bullet injury. It was also made clear that it is an act of the officer of the State and therefore, the State is liable to compensate to the next of kin of the deceased. Despite these clear findings recorded by the Commission, the State Government has come out with the case that the person has died in an act of the terrorist and as per the provisions a sum of Rs. 1 lakh is paid by the State Government and a sum of Rs. 3 lakhs has to be paid by the Central Government. Therefore, accordingly, the next of kin of the deceased has already got a sum of Rs. 1 lakh. A letter was written on 27.3.2012 to Joint Secretary, Ministry of Home Affairs, Government of India, requesting sanction of the remaining amount. The Central Government appears to have issued a letter wherein in all Rs. 17,50,000/- have been sanctioned. Vide letter dated 17.1.2013, it is stated that the amount shall be paid. The Commission has clearly pointed out that the lady did not sustain a bullet injury at the hands of the terrorists but at the hands of the police. It also pointed out that though it may be an accidental act but it is the responsibility of the State to provide the relief to the next of kin of the deceased. Under the circumstances, the Chief Secretary, Government of Jharkhand, is recommended to pay a sum of Rs. 5 lakhs to the next of kin of the deceased Smt. Nilmani Ekka. The Chief Secretary, Government of Jharkhand, shall see that within a period of six weeks the proof of payment is forwarded to the Commission. Put up on 21 August, 2013.

Direction issued by the Commission

Relief granted [Compensation, Disciplinary & Prosecution] (Dated 7/3/2013)

Action Taken
Status on 8/1/2013

Compliance of the Commission's recommendation by the concerned authority is awaited.

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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