

Case Details of File Number: 16/23/0/2010

Diary No: 71011

Name of the Complainant: SUHAS CHAKMA, DIRECTOR

Complainant Address: NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI,

Name of the Victim: 30 YEARS OLD TRIBAL WOMAN

Place of Incident: JAYANTI BAZAR

Date of Incident: 05/06/2010

Action Taken:

The Commission received a complaint dated 8/6/2010 from Shri Suhas Chakma, an NGO, alleging that a 30-year-old tribal woman was tortured and paraded naked by the Panchayat on the allegations of sexual misconduct at Jayanti Bazar Village in Dhalai District of Tripura on 05/06/2010. The victim suffered injuries due to the torture and the degrading treatment. She was also warned not to approach either the hospital or the police. The complainant has requested a judicial enquiry, action against the culprits, free medical treatment and compensation to the victim. In response to the directions of the Commission dated 5/7/2010, a report dated 5/8/2010 was received from the Superintendent of Police, Dhalai District. The report narrated the background of the incident and mentioned that a case No. 13/2010 u/s 325/354/392/34 IPC was registered at Salema police station in respect of the alleged atrocities on the victim Smt Ratna Debbarma, w/o Nagendra Debbarma. On the basis of statements of witnesses, 16 accused named in the FIR were arrested and sent to judicial custody. The victim was medically examined and the panchra worn by the victim at the time of the incident was also seized by the I.O. Since the accused were also members of Scheduled Tribe, SC/ST Prevention of Atrocities Act, 1989 was not invoked in the case. The complainant in his comments dated 3/1/2011, submitted that the police report confirmed the torture and degrading treatment to the victim. He made a request for directing the State Government to prosecute the accused and to pay interim compensation of rupees two lakhs to the victim. In response to the directions dated 20.02.2014, the Commission received a report dated 27.05.2014 from the Under Secretary, Government of Tripura, which stated that an amount of Rs.20,000/- had been paid to the victim Smt. Ratna Debbarma by account payee cheque and a copy of the receipt was enclosed. After considering the report placed on record, the Commission vide proceedings dated 28.08.2014 observed and directed as under: "On the allegations of sexual misconduct of the victim tribal women, a case No.13/2010 u/s 325/354/392/34 IPC was registered and charge sheet had been filed against 15 persons. Since the accused were also members of a scheduled tribe, SC/ST Prevention of Atrocities Act, 1989, was not invoked The victim had been paid compensation of Rs.20,000/- under Victim Compensation Scheme 2012 and receipt of the same is enclosed. The Commission observes that Rs.20,000/- is far too little as monetary relief for violation of the human rights and dignity of Smt. Ratna, a tribal who was subjected to sexual misconduct. The Commission therefore asks the Chief Secretary, Government of Tripura to show cause why it should not recommend additional relief of Rs 80,000/- (Eighty thousand) for the victim. A response is expected in eight weeks. In response, the Under Secretary to the Govt. of Tripura vide his letters dated 02.09.2014 and 12.12.2014 reported that the matter was considered by the Govt. and an additional amount of Rs.80,000/- has been paid to the victim Smt. Ratna Debbarma, through Account payee cheque No.209999 dated 02.12.2014. Copies of the acquittance roll and cheque have been sent with the letter. The Commission has considered the material placed on record. Since the directions of the Commission have been complied with, no further intervention of the Commission is required in the matter. The case is closed.

Status : Action Taken On 07/01/2015

Action Due Date: 07/01/2015

National Human Rights Commission

New Delhi, India

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Name of the Complainant SUHAS CHAKMA, DIRECTOR
Address NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI,
 WEST DELHI , DELHI
Name of the Victim 30 YEARS OLD TRIBAL WOMAN
Address VILLAGE- JAYANTI BAZAR, DHALAI
 TRIPURA , TRIPURA
Place of Incident JAYANTI BAZAR
 TRIPURA , TRIPURA
Date of Incident 6/5/2010

Direction issued by the Commission

These proceedings shall be read in continuation of the earlier proceedings. The Commission has received a complaint dated 8/6/2010 from Shri Suhas Chakma, of an NGO, alleging that a 30-year-old tribal woman was tortured and paraded naked by the Panchayat on the allegations of sexual misconduct at Jayanti Bazar Village in Dhalai District of Tripura on 05/06/2010. The victim suffered injuries due to the torture and the degrading treatment. She was also warned not to approach either the hospital or the police. Vide proceedings dated 14/1/13, the Commission considered the report from the Under Secretary, Home Department, Govt. of Tripura that the matter is under consideration for taking a decision as per Victim Compensation Scheme, 2012. A reminder was issued, calling for the requisite report as to the status of monetary relief paid to the victim. Vide proceedings dated 28/10/13, the Chief Secretary, Government of Tripura was asked to submit a report confirming payment of relief in accordance with law, has been given to the victim. The Commission has received a report dated 10/12/13 from the Under Secretary, Govt. of Tripura that the matter was referred to the District Legal Services Authority (DLSA) Kailsahar North Tripura for payment of compensation to the victim as per the Tripura Victim Compensation Scheme 2012, but DLSA has declined to pay the compensation on the ground that as per scheme the prayer for compensation is to be made within six months from the date of occurrence i.e. 23/5/10. In the light of the above, and the findings of the Court in regard to the non-corroboration of the prosecution case by most of the witness and as the victim did not suffer physical injury that warranted rehabilitation, the claim of the victim being barred by limitation under Provision 8 of the Tripura Victim Compensation Scheme, 2012 indicates that it is not a genuine and deserving case to grant compensation to the petitioner under the said scheme. The Commission received a complaint regarding an incident dated 5/8/10, took cognizance on 5/7/10 and the notice was sent to the State authorities on 9/7/10. The report dated 5/8/10 from SP, Dhalai mentioned that a case No. 13/10 u/s 325/354/392/34 IPC was registered and 16 accused named in the report were sent to judicial custody. In the light of these facts the Under Secretary, Govt. of Tripura is asked to clarify on what date the matter was referred by the District Level Committee to the District Legal Services Authority (DLSA) Kailsahar North Tripura for payment of compensation to the victim and whether the victim is responsible for this delay. In case, the delay is not on the part of the victim, the Chief Secretary, Govt. of Tripura is asked to take appropriate action in accordance with law for payment of monetary relief to the victim within four weeks and to submit a report.

Action Taken **Additional Information Called for (Dated 2/20/2014)**
Status on 5/15/2014 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**

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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,

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