

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

Dated 14/09/2019

Case No. 34798/24/3/1/2018

To

DIANA KUMAR, COORDINATOR
CAMPAIGN AGAINST TORTURE, C-3/441, THIRD FLOOR,
JANAKPURI,
NEW DELHI, DELHI
110058

31 OCT 2019

Sir/Madam,

With reference to your complaint dated 04/10/2018, I am directed to say that the matter was considered by the Commission on 06/09/2019. The Commission has made the following directions.

The complainant Shri Dhana Kumar has alleged about torture to a 15-years-old orphan Dalit boy hailing from Kasganj of Hathras District, who is studying in Class-X in local government school by a Constable presently posted with DIAL 100 (Emergency Response Team) of the Uttar Pradesh Police. The victim is living near Chamar Gate Police Station had been working as waiter at a roadside eatery to meet his both ends. It has been alleged that the accused Constable has been torturing the minor boy for the last several days by forcefully indulging in unnatural sex with him at his accommodation at Chamar Gate Police Station. Hence, the complainant has sought intervention of the Commission.

The Commission took cognizance in the matter on 23.11.2018 and obtained the report from ASP/Nodal Officer (Human Rights), Hathras, has filed his report dated 14.02.2019 along with the report of CO, City Hathras, dated 07.02.2019. The report revealed that on the report of the applicant Shri Sachin Bharti, a case FIR No. 803/18 U/S 377 IPC, under the provisions of POCSO Act and U/S 3(2)5 of the SC / ST (PoA) Act was registered against Constable Sanjesh Yadav, No. 273 at Police Station Soro, Kasganj. The accused has surrendered in the Court and after the investigation the chargesheet has been filed vide CS No. 32/19 dated 16.01.2019 and the matter is sub-judice.

The Commission considered the reports on 26.04.2019 and observed that the report is silent whether any interim relief has been awarded to the victim under the SC / ST (PoA) Act / Rules and directed the District Magistrate, Hathras and the SP, Hathras, Uttar Pradesh, to file the action taken report, so as to, whether any interim relief has been awarded to the victim under the SC / ST (PoA) Act / Rules in case FIR No. 803/18 U/S 377 IPC, under the provisions of POCSO Act and U/S 3(2)5 of the SC / ST (PoA) Act, Police Station Soro, within six weeks.

Pursuant to the directions of the Commission, the SP, Hathras, UP has submitted the report dated 18.07.2019, along with the report of SHO, SIT, Hathras dated 17.07.2019.

The report reveals that on the complaint of Sachin Bharti, a case FIR No.803/18 u/s 377 IPC and provisions of POCSO Act and u/s 3(2)(5) of SC/ST (POA), Act was registered against Constable Sanjesh Yadav at PS Soro, Kasganj and on completion of investigation charge sheet has been filed vide CS N.32/19 dated 16.01.2019 and the matter is sub-judice. The report further reveals that District Social Welfare Officer, Hathras has deposited Rs.50,000/- on 30.01.2019 and Rs.1,00,000/- on 16.05.2019 towards monetary compensation in the joint account No.2754000100161964 of the complainant Sachin Bharti and his Guardian Aunt maintained in Hathras branch of Punjab National Bank.

The Commission has perused the report and observes that in view of the report, the case on completion of investigation has been charge sheeted and the same is sub-judice before the competent court of law. The complainant victim and her aunt were given monetary compensation of Rs.1,50,000/- through the District Social Welfare Board, Hathras. In the circumstances, the Commission finds no justification to continue these proceedings. Hence the case is closed.

This is for your information.

Yours faithfully,


ASSISTANT REGISTRAR(LAW)

CC :-

National Human Rights Commission

Diary No	172767/CR/2018	Case / File No	34798/24/37/2018
Victim Name	A 15 YEAR OLD ORPHAN DALIT BOY	Registration Date	17/11/2018

Action List (Click on Action given in blue color to view details)

Action No.	Action	Authority	Action Date	Due Date	Completion Date
7	Concluded and No Further Action Required	MAHAMAYA NAGAR(HATHRAS), UTTAR PRADESH	06/09/2019	14/09/2019	14/09/2019
6	Disposed with Directions	THE DISTRICT MAGISTRATE MAHAMAYA NAGAR(HATHRAS), UTTAR PRADESH	06/09/2019	14/09/2019	14/09/2019
5	Disposed with Directions	THE SUPERINTENDENT OF POLICE MAHAMAYA NAGAR(HATHRAS), UTTAR PRADESH	06/09/2019	14/09/2019	14/09/2019
4	Additional Information Called for	THE SUPERINTENDENT OF POLICE MAHAMAYA NAGAR(HATHRAS),UTTAR PRADESH	26/04/2019	30/06/2019	
3	Additional Information Called for	THE DISTRICT MAGISTRATE MAHAMAYA NAGAR(HATHRAS),UTTAR PRADESH	26/04/2019	30/06/2019	
2	Additional Information Called for	THE SECRETARY UTTAR PRADESH STATE HUMAN RIGHTS COMMISSION, MANAV ADHIKAR BHAWAN,TC-34, V-1, VIBHUTI KHAND, GOMTI NAGAR,LUCKNOW-226010	23/11/2018	03/01/2019	
1	Action Taken Report Called for	THE SUPERINTENDENT OF POLICE HATHRAS,UTTAR PRADESH	23/11/2018	03/01/2019	01/08/2019

[Expand All Action List](#)[Action](#)**Action : Concluded and No Further Action Required(Action No 7)**

Action Date	06/09/2019	Due Date	14/09/2019	Completion Date	14/09/2019
	, MAHAMAYA NAGAR(HATHRAS), UTTAR PRADESH				

Authority	
<p>Proceeding</p>	<p>The complainant Shri Dhana Kumar has alleged about torture to a 15-years-old orphan Dalit boy hailing from Kasganj of Hathras District, who is studying in Class-X in local government school by a Constable presently posted with DIAL 100 (Emergency Response Team) of the Uttar Pradesh Police. The victim is living near Chamar Gate Police Station had been working as waiter at a roadside eatery to meet his both ends. It has been alleged that the accused Constable has been torturing the minor boy for the last several days by forcefully indulging in unnatural sex with him at his accommodation at Chamar Gate Police Station. Hence, the complainant has sought intervention of the Commission.</p> <p>The Commission took cognizance in the matter on 23.11.2018 and obtained the report from ASP/Nodal Officer (Human Rights), Hathras, has filed his report dated 14.02.2019 along with the report of CO, City Hathras, dated 07.02.2019. The report revealed that on the report of the applicant Shri Sachin Bharti, a case FIR No. 803/18 U/S 377 IPC, under the provisions of POCSO Act and U/S 3(2)5 of the SC / ST (PoA) Act was registered against Constable Sanjesh Yadav, No. 273 at Police Station Soro, Kasganj. The accused has surrendered in the Court and after the investigation the chargesheet has been filed vide CS No. 32/19 dated 16.01.2019 and the matter is sub-judice.</p> <p>The Commission considered the reports on 26.04.2019 and observed that the report is silent whether any interim relief has been awarded to the victim under the SC / ST (PoA) Act / Rules and directed the District Magistrate, Hathras and the SP, Hathras, Uttar Pradesh, to file the action taken report, so as to, whether any interim relief has been awarded to the victim under the SC / ST (PoA) Act / Rules in case FIR No. 803/18 U/S 377 IPC, under the provisions of POCSO Act and U/S 3(2)5 of the SC / ST (PoA) Act, Police Station Soro, within six weeks.</p> <p>Pursuant to the directions of the Commission, the SP, Hathras, UP has submitted the report dated 18.07.2019, along with the report of SHO, SIT, Hathras dated 17.07.2019. The report reveals that on the complaint of Sachin Bharti, a case FIR No.803/18 u/s 377 IPC and provisions of POCSO Act and u/s 3(2)(5) of SC/ST (POA), Act was registered against Constable SanjeshYadav at PS Soro, Kasganj and on completion of investigation charge sheet has been filed vide CS N.32/19 dated 16.01.2019 and the matter is sub-judice. The report further reveals that District Social Welfare Officer, Hathras has deposited Rs.50,000/- on 30.01.2019 and Rs.1,00,000/- on 16.05.2019 towards monetary compensation in the joint account No.2754000100161964 of the complainant Sachin Bharti and his Guardian Aunt maintained in Hathras branch of Punjab National Bank.</p> <p>The Commission has perused the report and observes that in view of the report, the case on completion of investigation has been charge sheeted and the same is sub-sjudice before the competent court of law. The complainant victim and her aunt were given monetary compensation of Rs.1,50,000/- through the District Social Welfare Board, Hathras. In the circumstances, the Commission finds no justification to continue these proceedings. Hence the case is closed.</p>

Complaint

Diary No	172767/CR/2018	Section	m-1

Language	ENGLISH	Mode	BY HAND
Received Date	06/10/2018	Complaint Date	04/10/2018
Gist			

Victim

Victim Name	A 15 YEAR OLD ORPHAN DALIT BOY	Gender	Male
Religion	Hindu	Cast	Scheduled Caste
Address	CHAMAR GATE, HATHRAS,		
District	MAHAMAYA NAGAR(HATHRAS)	State	UTTAR PRADESH

Complainant

Name	DHANA KUMAR, COORDINATOR		
Address	CAMPAIGN AGAINST TORTURE, C-3/441, THIRD FLOOR, JANAKPURI,		
District	NEW DELHI	State	DELHI (110058)

Incident

Incident Place	KASGANJ	Incident Date	NA
Incident Category	SEXUAL HARASSMENT/UNNATURAL OFFENCE		
Incident District	MAHAMAYA NAGAR(HATHRAS)	Incident State	UTTAR PRADESH
Incident Details			

Cause List

List No	Case / File No	Listing Date	Category
3	34798/24/37/2018	07/08/2019	FOR FINAL DISPOSAL
2	34798/24/37/2018	23/04/2019	FOR FINAL DISPOSAL
1	34798/24/37/2018	15/02/2019	FOR FINAL DISPOSAL