

National Human Rights Commission

Diary No	5127/IN/2020	Case / File No	8131/24/23/2020
Victim Name	SUNIL YADAV ALIAS PANDIT	Registration Date	05/05/2020

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

Action No.	Action	Authority	Action Date
5	Conditional Summon	THE CHIEF SECRETARY GOVERNMENT OF UTTAR PRADESH 101, LOK BHAWAN, U.P. CIVIL SECRETARIAT, VIDHAN SABHA MARG, LUCKNOW	23/08/2022
4	Show Cause Notice Issued	THE CHIEF SECRETARY GOVERNMENT OF UTTAR PRADESH 101, LOK BHAWAN, U.P. CIVIL SECRETARIAT, VIDHAN SABHA MARG LUCKNOW	17/02/2022
3	Comments of Complainant Called for	FEROZABAD, UTTAR PRADESH	05/09/2021
2	Comments of Complainant Called for		09/10/2020
1	Action Taken Report Called for	THE SENIOR SUPERINTENDENT OF POLICE ETAWAH, UTTAR PRADESH	20/05/2020

Expand All Action List**Action****Action : Conditional Summon(Action No 5)**

Action Date	23/08/2022
Authority	THE CHIEF SECRETARY, GOVERNMENT OF UTTAR PRADESH 101, LOK BHAWAN, U.P. CIVIL SECRETARIAT, VIDHAN SABHA MARG, LUCKNOW
Proceeding	<p>The Commission received a complaint from an NGO, Campaign against Torture, wherein it was alleged that a mentally challenged man (aged about 35 years) was tortured by the police personnel at Biba Mau village in Etawah during the COVID-19 lockdown. Thus, the Complainant sought for the intervention of the Commission.</p> <p>In response to the notice issued by the Commission, a report dated 12.07.2020 was submitted by the Superintendent of police, Nodal Officer, Human Rights, Etawah district along with an enquiry report dated 07.07.2020 by the Circle officer, Jaswantnagar, Etawah along with relevant documents. It was reported that based on the information received on 01.05.2020, the victim was found standing in suspicious circumstances at Biba Mau village along with a knife and he was arrested and a case vide Crime No. 46/20 u/s 4/25</p>

Arms act was registered against him. The report further reveals that after completing investigation charge sheet no. 37/20 dated 19.05.2020 has been filed against the accused. Moreover, the report also indicates that departmental action has already been initiated against the two erring officials in connection with the misconduct committed during the arrest of the accused.

Vide its proceedings dated 9.10.2020 the Commission observed and directed thus:

“The Commission has carefully considered and perused the reports and annexed documents placed. Let the report dated 12.07.2020 by the Superintendent of police along with enclosures be transmitted to the complainant for his comments, if any within 4 weeks. If the response/ reply are not received within the stipulated time the matter shall be decided on merits.

Thereafter Commission received letter from complainant requesting the Commission to send him complete report dated 12.7.2020 submitted by Superintendent of Police, Nodal Officer, Human Rights, Etawah district, UP in order to enable him to submit his comments on the police report.”

Vide its proceedings dated 5.9.2021 the Commission observed and directed thus:-

“Under the circumstances, Commission deems it fit to send the copy of the report dated 12.7.2020 to the complainant for his comments. Registry is directed to send the copy of the report dated 12.7.2020 submitted by Superintendent of Police, Nodal Officer, Human Rights, Etawah district to the complainant for his comments within four weeks positively”.

Vide its proceedings dated 17.02.2022 the Commission again observed and directed thus:-

“Thereafter also Commission has not received comments from complainant. Therefore, it is to be presumed that complainant has nothing more to urge in present case. Report dated 12.7.2020, indicates that departmental action has already been initiated against two erring officials in connection with misconduct committed during the arrest of the accused. Prima-facie it shows that there is violation of human rights of the accused. Under the circumstance, Commission deems it fit to direct its Registry to issue Show cause Notice u/s 18 of PHR Act, to Government of Uttar Pradesh, through its Chief Secretary as to why compensation of Rs.50,000/- (Fifty Thousand only) be not recommended to be paid to the victim for violation of his human rights. Response within four weeks.”

Pursuant to the direction, no reply, as desired by the commission, has not been received from the Government of Uttar Pradesh. The Commission has considered the matter and it takes serious view of the non-responsive attitude of the Govt. of Uttar Pradesh. In these circumstances, let conditional Summon be issued in the names of the Chief Secretary, Govt. of Uttar Pradesh for his personal appearance before the Commission at 11:00 AM on 27.09.2022 along with the requisite report and copies of the relevant documents. In case the requisite reports are received on or before 19.09.2022, personal appearance of the above officers shall stand dispensed with.

[Complaint](#)

Diary No	5127/IN/2020	Section	M-3
Language	ENGLISH	Mode	HRCNET/ONLINE
Received Date	04/05/2020	Complaint Date	04/05/2020

[Victim](#)

Victim Name	SUNIL YADAV ALIAS PANDIT	Gender	Male
Religion	Unknown	Cast	Unknown
Address	R/O BIBA MAU VILLAGE IN ETAWAH UNDER ETAWAH DISTRICT		
District	ETAWAH	State	UTTAR PRADESH

[Complainant](#)

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

[Incident](#)

Incident Place	BIBA MAU VILLAGE	Incident Date	02/05/2020
Incident Category	ATROCITIES ON DISABLED BY POLICE		
Incident District	ETAWAH	Incident State	UTTAR PRADESH
Incident Details			