



Campaign Against Torture <campaignagainsttorture.india@gmail.com>

Concluded and No Further Action Required(CLD) - 356/33/20/2020-PF

1 message

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Mon, Nov 1, 2021 at 1:53 PM

Case No.- 356/33/20/2020-PFNATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

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MANAV ADHIKAR BHAWAN, BLOCK-C,
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Date : 01/11/2021

To,

DHANA KUMAR
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Subject: Concluded and No Further Action Required(CLD) -356/33/20/2020-PF.

Sir/Madam,

With reference to your complaint/intimation dated 31/07/2020. I am directed to say that the matter was considered by the Commission on 01/11/2021. The Commission has made the following directions:

The complainant Shri Dhana Kumar, in a complaint dated 31.07.2020, has alleged about rape of a 21-years-old tribal woman, on 27.07.2020 by the Central Reserved Police Force (CRPF) personnel identified as Dulichand, a constable attached to CRPF camp in Dubbakota area under Sukma District of Chhattisgarh.

The Commission took cognizance of the matter on 06.08.2020 and transmitted the complaint to the Secretary, Ministry of Home Affairs, Government of India, New Delhi calling for an action taken report within four weeks.

Pursuant to the above directions and subsequent reminder vide proceedings dated 08.10.2020, the IG (Ops), CRPF, New Delhi had submitted a report dated 13.10.2020. The report revealed that on the complaint of the victim alleging her rape by personnel from CRPF camp, an FIR No.29/20 was registered at PS Domapal, Sukma, Chhattisgarh. During investigation, in an identification parade in the presence of Magistrate the victim identified the Ct/GD Dulichand as the culprit and the accused was arrested by the police and he was put in judicial custody in District Jail, Sukma and the case is sub-judice. The report further revealed that the accused was suspended and departmental enquiry was ordered against him. As a result of the departmental enquiry he has been awarded the punishment of dismissal from service w.e.f. 01.09.2020.

The Commission considered the matter on 11.03.2021 and directed its Registry to call for the comments of the complainant on the above report within four weeks. As the report did

not indicate compensation payable to the victim under the Victim Compensation Scheme, the Commission vide proceedings dated 16.06.2021 directed the District Magistrate, Sukma (Chhattisgarh) to submit a report thereof within four weeks.

The Commission further considered the matter on 24.08.2021 and observed that the complainant has not submitted any comments till date and the District Magistrate, Sukma, Chhattisgarh has also failed to submit the report qua the payment of compensation to the victim. In view of all above, the Commission directed its Registry to issue reminder to District Magistrate, Sukma, Chhattisgarh to submit a report regarding payment of compensation to the victim under victim compensation scheme or any other scheme of the State within six weeks positively failing which this Commission will be constrained to invoke its powers u/s 13 of PHR Act. 1993. The Commission also granted another opportunity to the complainant to submit his comments and also requested to take steps for moving the appropriate application for compensation by the victim before concerned authorities.

Pursuant to the above directions of the Commission and subsequent reminder vide proceedings dated 24.08.2021, the Collector & District Magistrate, Dumka, Chhattisgarh has submitted a report dated 31.08.2021. It is submitted in the report that the monetary compensation of Rs.3.00 lakhs (towards first, second and third instalments of 25% each) has already been paid to the victim in the instant case vide his office orders dated 01.10.2020 and 15.01.2021 and the final instalment of Rs.1.00 lakh will be paid to her on conclusion of the case by the Hon'ble Court. Proof of payment has also been enclosed with the report.

The Commission has perused the record and observes that in view of the reports, during investigation of case FIR No.29/20 of PS Domapal, Sukma, Chhattisgarh the accused was arrested by the police and he was put in judicial custody in District Jail, Sukma and the case is sub-judice. In the departmental enquiry he has been awarded the punishment of dismissal from service w.e.f. 01.09.2020. The victim has also been paid monetary compensation in accordance with the Victim Compensation Scheme of the State Government. The complainant has not submitted any comments despite giving opportunity twice. In the circumstances, no further intervention by the Commission is called for. Hence the case is closed.

This is for your information.

Your's faithfully

Sd/-

Debindra Kundraa
ASSISTANT REGISTRAR (LAW)
M-4 Section
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Email. ar4.nhrc@nic.in

CC to

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