



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

Concluded and No Further Action Required(CLD) - 2177/20/9/2018

1 message

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To: campaignagainsttorture.india@gmail.com
Cc: ar5.nhrc@nic.in

Fri, Nov 12, 2021 at 10:40 AM

Case No.- 2177/20/9/2018
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
* * *
MANAV ADHIKAR BHAWAN, BLOCK-C,
G.P.O. COMPLEX, INA, NEW DELHI- 110023
Fax No.: 011-24651332 Website: www.nhrc.nic.in

Date : 12/11/2021

To,

Complainant Email * :
CHITTORGARH RAJASTHAN
Email- campaignagainsttorture.india@gmail.com

COORDINATOR
CAMPAIGN AGAINST TORTURE, C-3/441, THIRD FLOOR, JANAKPURI, NEW DELHI
NEW DELHI , DELHI
110058
Email- campaignagainsttorture.india@gmail.com , Mob No- 9870564190

Subject: Concluded and No Further Action Required(CLD) -2177/20/9/2018.

Sir/Madam,

With reference to your complaint/intimation dated 20/07/2018. I am directed to say that the matter was considered by the Commission on 12/11/2021. The Commission has made the following directions:

The Commission had received a complaint alleging that the victim minor Dalit girl was subjected to custodial torture by the errant police officials in connection with a theft case. She was beaten mercilessly and was kept in a dark room to extract a confession.

After perusal of the material placed on the record, the Commission vide proceedings dated 16.10.2020 had directed to issue a notice under section 18 of the PHR Act to the Chief Secretary, Govt. of Rajasthan to show cause within 8 weeks, as to why suitable compensation should not be recommended to be paid to the minor girl, whose human rights were violated. The Supdt. of Police(HR)/CID(CB)/Jaipur was also directed to intimate the current status of departmental enquiry against the errant police officials Smt. Rekha Sharma and IO Manudev within 8 weeks positively.

In the meantime, the Deputy Secretary (Coordination) Medical and Health (Group-2) Department, Govt. of Rajasthan vide communication dated 02.02.2021 submitted the report of Director(Public Health), Medical and Health, Rajasthan along with enclosures wherein it has been stated that the doctors prepared the MLC properly and they did not torture the victim.

As the Commission could not receive any reply to show cause notice issued to State Government, it was presumed that it was a clear case of violation of human rights of the victim for which the State Government is vicariously liable to pay monetary compensation to the victim. Therefore, the Commission recommended to the Government of Rajasthan through its Chief Secretary, to pay compensation of Rs. 2,00,000/- (Rs. Two Lakhs only) to the victim. The Chief Secretary, Government of Rajasthan was directed to submit the compliance report along with proof of payment within six weeks. In addition, the Superintendent of Police (Human Rights) C.I.D (C.B), Rajasthan, Jaipur was asked to submit the current status report of departmental enquiry against the errant police officials Smt. Rekha Sharma and IO Manudev.

In response, the Dy. Secretary, Home (HR), Government of Rajasthan, Jaipur vide letter dated 01.04.2021 has forwarded a copy of a letter dated 04.03.2021 issued by Additional Chief Vigilance Commissioner, Department of Home (HR), Jaipur stating that the charges against the SHO Smt. Rekha Sharma could not be substantiated during the enquiry and she has been exonerated with a warning to be careful in future. However, the IO Manudev, Head Constable has been awarded a penalty of withholding his one year increment without cumulative effect for the lapses on his part.

Pursuant to the directions issued by the Commission on 7.6.2021, a letter has been received from the Secretary to the Govt. of Rajasthan, Home dated 7.7.2021 addressed to the District Collector, Chhittorgarh, Rajasthan in which the compensation amount of Rs. 2,00,000/- has been granted to pay to the victim through bank and compliance be done soon. Thus, in furtherance of the compliance of the order of the Commission process has been adopted but not completed.

Vide proceedings dated 24.08.2021 the Commission directed to the Secretary, Department of Home, Govt. of Rajasthan for payment of compensation of Rs. 2,00,000/- to the victim and proof of payment be submitted to the Commission within six weeks.

In response, the Addl. District Magistrate, Chhittorgarh vide communication dated 02.09.2021 submits that the payment of Rs. 2,00,000/- has been transferred to the bank account no. 61344044374 dated 04.08.2021 to the victim Ms. Maya.

The Commission has considered the materials placed on record. As per the above report, compensation of Rs. 2,00,000/- has been paid to the victim in compliance of the direction given by this Commission. In view of such facts no further intervention of the Commission is required. The case is closed. Inform the complainant accordingly.

This is for your information.

Your's faithfully

Sd/-

K.K. Shrivastava
ASSISTANT REGISTRAR (LAW)
M-5 Section
Ph. No. 011-24663291
Email. ar5.nhrc@nic.in

CC to

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