



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

Concluded and No Further Action Required(CLD) - 19520/24/22/2019-WC

1 message

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Tue, Dec 14, 2021 at 1:28 PM

Case No. - 19520/24/22/2019-WC
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 : 14/12/2021

To,

Complainant Email * :
ETAH UTTAR PRADESH
Email- campaignagainsttorture.india@gmail.com

DHANA KUMAR
C-3/441, THIRD FLOOR, JANAKPURI, NEW DELHI-110058, INDIA
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110058
Email- campaignagainsttorture.india@gmail.com , Mob No- 9870564190

Subject: Concluded and No Further Action Required(CLD) -19520/24/22/2019-WC.

Sir/Madam,

With reference to your complaint/intimation dated 12/07/2019. I am directed to say that the matter was considered by the Commission on 14/12/2021. The Commission has made the following directions:

The complainant alleged that errant police officials have raped the victim lady Smt. Babli Yadav in the name of investigation of involvement of her husband in one case. Hence the complainant seeks intervention of Commission.

Vide proceedings dated 18.06.2021 the Commission considered the material placed on record and directed as under:

The Commission has considered the material placed on record. This is a matter of grave violation of human rights by none other but the police officials itself against whom the chargesheet has been filed. Despite direction and reminders the Commission has not received the disciplinary action against chargesheeted accused police officers nor compliance report of payment as recommended by the Commission under the Protection of Human Rights Act, 1993. Before further proceedings, let final reminder be issued to the Chief Secretary, Govt. of Uttar Pradesh to make payment of Rs. 2,00,000/- to the victim and submit the compliance report along with the proof of payment. The Chief Secretary, Govt. of Uttar Pradesh is further reminded to submit clarification why departmental action under Uttar Pradesh Police Regulation has not been taken against both accused persons SI

Yogesh Kumar Tiwari and SI Prem Kumar Gautam who are chargesheeted accused persons of rape case u/s 376(2)(1)/506/120B IPC and still posted with and serving as SI with the Uttar Pradesh Police. Compliance report to be submitted within four weeks falling which the Commission shall be constrained to invoke section 13 of Protection of Human Rights Act, 1993 regarding personal appearance of Chief Secretary, Govt. of Uttar Pradesh before the Commission. In addition to above, it astonishes to note that despite of filing chargesheet against both police officers, the prosecution Branch, Etah has denied any compensation to the victim. From the perusal of records, it reveal that first chargesheet no. 150/19 dated 28.10.2019 was filed in the court and after taking more than a year it was decided not to give any compensation to the victim by the same prosecution which must have proceeded with the filing of chargesheet u/s 376(2)(1)/506/120B IPC against the accused persons. The Commission is of the view that any delay in granting the compensation under Victim Compensation Scheme would definitely defeat the purpose of granting such compensation as may be prescribed, to the victim. Therefore, let direction be issued to the District Magistrate, Etah, Uttar Pradesh to submit clarification and detailed report on what basis the prosecution Branch, Etah has denied compensation under victim compensation scheme/Rani Laxmi Bai Scheme to the victim once the chargesheet has been filed against both police officers. Response within four weeks.

Further the Commission received a copy of communication dated 01.07.2021 from the Dy. Secretary, Home Dept., Govt. of Uttar Pradesh addressed to the Addl. DGP, UP Police informing therein that the Govt. has sanctioned of payment of Rs. 2,00,000/- to the victim.

Pursuant to the direction of the Commission and reminder dated 26.07.2021, the Sr. Superintendent of Police, Etah vide communication dated 26.07.2021 submits that the monetary relief of Rs. 2,00,000/- has been paid to the victim vide e-payment dated 22.07.2021. The compliance report of payment alongwith proof of payment is enclosed with the report. It is further submitted that the said amount will be recovered from the erring police officials.

In another response, the Dy. Secretary, Home (HR-I), Lucknow vide communication dated 02.11.2021 submits the chargesheet has been filed against both accused persons and case is pending before court. At present accused persons have filed Petition for Special Leave to Appeal (Crl.) No. 3284/2020 before the Supreme Court and same is pending.

The Commission has considered the reports which reveal that in compliance of the direction of the Commission, monetary relief of Rs. 2,00,000/- has been paid to the victim. Further charge sheet dated 28.10.2019 and 05.02.2020 have been filed in the court and same is pending before court. The report further reveals that accused persons have filed Petition for Special Leave to Appeal (Crl.) No. 3284/2020 before the Supreme Court and same is pending. 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
DEPUTY REGISTRAR (LAW)
M-5 Section
Ph. No. 011-24663291
Email. ar5.nhrc@nic.in

CC to

1. This is a system generated email sent using email-id nhrc.india@nic.in. However, this email-id cannot be used to send any communication to the Commission. If needed, the email-id cr.nhrc@nic.in may be used to send communications to the Commission, mentioning the case number mentioned above.

2. For latest information about the Commission, visit our website at <https://nhrc.nic.in> .