



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

Conditional Summon - 294/6/25/2020-WC

1 message

nhrc.india@nic.in <nhrc.india@nic.in>

Thu, Sep 8, 2022 at 1:17 PM

To: chiefsecretary@gujarat.gov.in, campaignagainsttorture.india@gmail.com

Cc: ar3.nhrc@nic.in

Case No.- 294/6/25/2020-WCNATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

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MANAV ADHIKAR BHAWAN, BLOCK-C,
G.P.O. COMPLEX, INA, NEW DELHI- 110023
Fax No.: 011-24651332 Website: www.nhrc.nic.in

Date : 08/09/2022

To,

THE CHIEF SECRETARY

Chief Secretary Office, 1st Block, 5th Floor, Sachivalaya, Gandhinagar, Gujarat.

GANDHINAGAR GUJARAT

382021

Email- chiefsecretary@gujarat.gov.in

Sir/Madam,

The case No. 294/6/25/2020-WC in respect of DHANA KUMAR, was placed before the Commission on 08/09/2022. Upon perusing the same, the Commission directed as follows:

The matter rested thus when the Commission received a complaint dated 17.03.2020 from one Dhana Kumar, Coordinator, Campaign Against Torture alleging rape of one 21 year old woman on 14.03.2020 by Constable Surajsing Chauhan, Laxmipura Police Station, Vadodara, Gujarat. It had been stated that the police personnel and the driver of the PCR van threatened and demanded Rs. 5000 from the petitioner and his friend, as they do not have cash in hand, the friend of the petitioner went with the PCR driver to collect cash from the nearby petro pump and in the meantime, constable took the girl to an old abandoned house and allegedly raped her. The petitioner had prayed for intervention by the Commission in the matter.

Pursuant to further directions of the Commission, the Commissioner of Police, Vadodara, Gujarat vide his communication dated 07.09.2020 had submitted the report. Perusal to the same revealed that during the course of investigation by Shri B.A. Chaudhary, Assistant Commissioner of Police, 'B' Division of Vadodara City both accused were arrested on 15.03.2020. Further Medical Examination of the Victim and the accused police personnel were got conducted. Statements u/s 164 Cr.P.C. were also got recorded in the case. It had been further submitted that Accused no.1 Rasikbhai Chimanbhai Chauhan was a private driver and Hon'ble Court granted him bail on 06/07/2020. Accused no.2 police personnel Surajsinh Fulsinh had been suspended and was now under judicial custody. Departmental disciplinary action will be taken against him after completion of the preliminary investigation. A report had also been submitted to the District Legal Service Authority for compensation to the victim as per Victim Compensation Scheme, 2019. It had been concluded that upon completion of investigation, charge sheet had been filed on 10.05.2020 in the court.

The Commission again considered the matter 07.08.2021 when it observed and directed as under:-

"Facts of the case are disturbing. The victim woman (21 years) was raped by the named police personnel by abusing the power and authority. The Police Personnel by way of Colorable exercise of power has committed the shocking crime and have taken law in their own hands by sexually assaulting a hapless and helpless woman attaching the stigma for her entire life. Such type of acts by the persons in uniform is taken very seriously by the Commission. In these circumstances, let a Notice u/s 18 of the Protection of Human Rights Act be sent to the Government of Gujarat through its Chief Secretary, to show cause within six weeks as to why adequate compensation may not be recommended to be paid to the victim for violation of her human rights by the public servants.

A notice be also sent to the District Magistrate, Vadodara, Gujarat and Commissioner of Police, Vadodara, Gujarat calling upon them to submit the proof of payment made to the victim under the Victim Compensation Scheme, 2019 and outcome of the departmental action initiated against the delinquent police personnel within a period of 06 weeks."

In response, the Commissioner of Police, Vadodara City, Gujarat vide his communication dated 21.11.2021 has submitted the report. Perusal of the same reveals that on 15.03.2020, 01:20 am, an FIR was registered by the victim of 21 years old woman at Laxmipura Police Station vide Cr. No.A-11196037200101 i/s 384,376(2)A(1), 34 IPC and Sections 13(1)a, 7, 12 of Prevention of Corruption Act against the Accused (1) Private Driver of PCR Van, Rasikbhai S/o Chimanbhai Chauhan and Accused (2) Police personnel - (LRD) Surajsinh S/o Fulsinh Chauhan B.N.1479. the Investigation Officer submitted the Charge-Sheet of the case in the hon'ble Court on 10.05.2021. The information sought by your referenced letter No.(1) are as below:-

On 21.08.2021, the District Legal Service Authority had approved Rs.2,00,000/- as an Interim Compensation to the victim, which has been paid to the victim by the Authority on 20.10.2021. The receipt of payment made to the victim is attached herewith.

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AS the outcome of the Departmental Inquiry, the delinquent police personnel Surajsinh Fulsinh has been dismissed from the service vide this office order dated 15.11.2021, which is annexed. The accused is now under the judicial custody.

The Commission has considered the matter. As per report, after completion of investigation Challan has already been put in Court on 10.05.2021. An amount of Rs. 2,00,000/- (Rupees Two Lakh only) as approved by the District Legal Services Authority has also been paid to the victim and upon completion of the Departmental Enquiry, the delinquent police personnel Suratsinh Fulsinh has been dismissed from service on 15.11.2021.

Vide its proceedings dated 17.2.2022 the Commission considered the matter, observed and directed thus:-

"The response to the Show Cause Notice has however still not been received in the matter till date. It thus appear that the State Govt. has nothing to say in the matter. In these circumstances, the Show Cause Notice issued in the matte stands confirmed and an amount of Rs. 5,00,000/- (Rupees Five lacs only) is recommended to be paid to the rape victim. Let the Chief Secretary, Govt. of Gujarat submit the compliance report together with proof of payment made to the victim within a period of 06 weeks".

In pursuance of the same, compliance report along with proof of payment was not received from Chief Secretary, Govt. of Gujarat. Willful disobedience of its directions is viewed seriously by the Commission. In the circumstance Registry is directed to issue summons for personal appearance of Chief Secretary, Govt. of Gujarat before the Commission on 6th October, 2022 along with compliance report and proof of payment. In case, the requisite report is received on or before 30th September, 2022, his personal appearance shall stand dispensed with. Put up thereafter.

Put up on 6th October, 2022.

2. This is for your information and further necessary action.

Your's faithfully

Sd/-

Mukesh

DEPUTY REGISTRAR (LAW)

M-3 Section

Ph. No. 011-24663317

Email. ar3.nhrc@nic.in

CC to

Complainant Details

Case No. 294/6/25/2020-WC

DHANA KUMAR

C-3/441, THIRD FLOOR, JANAHPURI, NEW DELHI

WEST DELHI , DELHI

110058

Email- campaignagainsttorture.india@gmail.com , Mob No- 9870564190

Mukesh


DEPUTY REGISTRAR (LAW)

M-3 Section

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 2. For latest information about the Commission, visit our website at <https://nhrc.nic.in> .
 3. For lodging/ tracking of complaints and uploading of action taken reports by Public Authorities, HRCNet Portal at <https://hrcnet.nic.in> may be visited.
 4. For general information, follow us at twitter handle (https://twitter.com/India_NHRC) and subscribe YouTube channel of the Commission at <https://www.youtube.com/NationalHumanRightsCommission> .

2 attachments

 **2908-IN-2020.pdf**
79K **DiaryDetails.pdf**
76K