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Fwd: Additional Information Called for(AIC) - 13140/24/71/2021-ad

1 message

PVCHR Communication <cfr.pvchr@gmail.com>

Mon, Apr 11, 2022 at 12:21 PM

To: lenin <lenin@pvchr.asia>, Upendra <pvchr.adv@gmail.com>

----- Forwarded message -----

From: <nhr.india@nic.in>

Date: Mon, Apr 11, 2022 at 12:24 PM

Subject: Additional Information Called for(AIC) - 13140/24/71/2021-ad

To: <csup@nic.in>, <cfr.pvchr@gmail.com>

Cc: <dr1.nhr@nic.in>

Case No.- 13140/24/71/2021-ad
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.nhr.india.gov.in

Date : 11/04/2022

To,

THE CHIEF SECRETARY

Government of Uttar Pradesh 101, Lok Bhawan, U.P. Civil Secretariat, [Vidhan Sabha Marg](#)[Lucknow - 226001](#)[LUCKNOW UTTAR PRADESH](#)Email- csup@nic.in

Sub : Complaint/Intimation from

LENIN RAGHUVANSHI

SA 4/2 A DAULATPUR, VARANASI - 221002

VARANASI , UTTAR PRADESH

221002

Email- cfr.pvchr@gmail.com , Mob No- 9935599331**Subject:** Additional Information Called for(AIC) -13140/24/71/2021-ad.

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 11/04/2022 and the Commission has directed as follows.:

The Commission in this case vide order dated 31.12.2021 had observed and recommended as under:

“On 22.10.2021, the Commission took cognizance in the matter, as the complainant had brought to the notice of the Commission a news report wherein it was reported that a 18 year old vegetable vendor died after he was caught over charges of defying Covid-19

lockdown norms and mercilessly beaten by the Police Constable and Homeguard in Bangarmau in Unnao District. The victim succumbed to the injuries. The report further stated that both the police personnel had been suspended.

The Commission had directed to transmit the copy of the complaint to the District Magistrate, Unnao and the Superintendent of Police, Unnao, Uttar Pradesh calling for a report in the matter within six weeks.

The SP, Unnao had submitted a report that the deceased was brought to the police station by Constable Vijay Chaudhary and Home Guard Satya Prakash later on the allegations of assault by the police officer a case u/s. 302 IPC stands registered against the police officials.

Subsequently, Home Guard, Satya Prakash and Constable Vijay Chaudhary were arrested on 25.5.2021 and sent to judicial custody, while a service of Home Guard, Satya Prakash had been terminated.

The report submitted by the SP, Unnao apparently makes out a case of violation of human rights of the deceased by the police officials, who apprehended him for the violation of lockdown protocol and thereafter assaulted him. The fact of registration of FIR and disciplinary proceedings is sufficient admission on the part of local police, Unnao of the act of police atrocities leading to loss of life of a civilian, who was an 18 year old, petty vegetable vendor. It was an appropriate case, where recommendation of compensation should be made by the Commission against the Government of UP for its vicarious liability for the acts of atrocities of the police officials.

Therefore, a show cause notice was issued under section 18(a)(i) of the PHR Act, 1993 to the Govt. of UP through its Chief Secretary to file a reply in a period of six weeks, as to why the Commission should not recommend a compensation of Rs. 5 Lac (Rupees Five Lac only) to be paid by the State to the next of kin of the deceased.

The O/o. Supdt. of Police, Unnao has again requested the facts of incident and registration of case and disciplinary proceedings. The report submitted does not indicate anything substantial to controvert the findings of the Commission for recommendation of compensation of Rupees Five Lakhs to the next of kin of the deceased, who lost his life due to acts of atrocities of police officer.

Thus, recommendation is hereby made to the Govt. of UP through its Chief Secretary to pay of compensation of Rupees Five Lakhs (5 Lakhs) to the next of the kin of the deceased.

The Chief Secretary to the State of Uttar Pradesh shall ensure disbursement of the compensation amount of sum of Rupees Five Lakhs to the next of the kin of deceased, under his personal responsibility and inform the Commission the same in a period of Four weeks."

In response to the Commission's directions, the Joint Secretary, Home(Human Rights), Section -I, Government of Uttar Pradesh has informed that in the present matter Vijay Choudhary is in jail and Constable Seemant Choudhary has been suspended. Presently, the investigation is in progress. Therefore, the payment of compensation of Rs. 5 lakh does not seem to be appropriate.

The Commission has considered the response of the State. As reported, action has been taken against the erring public servants. Therefore, this is an established case of violation of human rights which warrants that the NOK of the deceased victim be compensated for the wrong done by the erring public servants. Moreover, in terms of the Allahabad High Court Judgement in State of Uttar Pradesh and Others vs. National Human Rights Commission and Others (Writ- C No. 15570 of 2016), it has been laid down that in the absence of order of the Commission having been set aside, modified or reviewed, the State Government cannot disregard the order at its own discretion. While a challenge to the Order of the Commission is available in exercise of power of judicial review, the State Government subject to this right, is duty bound to comply with the Order.

In view of the above, the Commission reiterates its recommendations and directs the Chief Secretary, Government of Uttar Pradesh to pay a compensation of Rs. 5 lakhs to the NOK of the deceased. He shall submit the Compliance Report along with proof of payment to the Commission within four weeks.

Put up after four weeks.

2. It is therefore, requested that the additional/complete report as directed by the Commission in the matter be sent latest by 19/05/2022, for further consideration by the Commission.

3. Any communication by public authorities in this matter may please be sent to the Commission through the HRCNet Portal (<https://hrcnet.nic.in>) by using id and password already provided to the public authorities (click Authority Login), or through Speed Post/ at email-id cr.nhrc@nic.in. **Any Audio/ Video CDs/ pen drives etc. and bulky reports may be sent through Speed Post/ per bearer.**

Your's faithfully

Sd/-

Indrajeet Kumar

DEPUTY REGISTRAR (LAW)

M-2 Section

Ph. No. 011-24663287

Email. dr1.nhrc@nic.in

CC to

Indrajeet Kumar

DEPUTY REGISTRAR (LAW)

M-2 Section

Ph. No. 011-24663287

Email. dr1.nhrc@nic.in

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 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> .

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People's Vigilance Committee on Human Rights (PVCHR)

An initiative of Jan Mitra Nyas ISO 9001:2008

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2 attachments

 **7779-IN-2021.pdf**
86K

 **DiaryDetails.pdf**
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