

National Human Rights Commission
New Delhi, India

Case Details of File Number: 267/25/15/2014-PF

Diary Number	30355
Name of the Complainant	KIRITY ROY, SECRETARY (MASUM) AND NATIONAL CONVENER (PACTI)
Address	BANGLAR MANABADHIKAR SURAKSHA MANCHA, 40 A, BARABAGAN LANE (4TH FLOOR), BALAJI PLACE, SHIBTALA, SRIRAMPUR, HOOGHLY , WEST BENGAL
Name of the Victim	MASTER BAPPA MOLLA S/O MANIRUL MOLLA
Address	VILLAGE. SWARUPDAH, PO. HAKIMPUR, PS. SWARUPNAGAR, NORTH 24-PARGANA , WEST BENGAL
Place of Incident	TARALI BSF MINI CAMP UNDER SWA NORTH 24-PARGANA , WEST BENGAL
Date of Incident	1/20/2014
Direction issued by the Commission	<p>These proceedings shall be read in continuation of the earlier proceedings of the Commission dated 06.09.2016. The Commission had observed and ordered as under : "The DIG (Ops.D), BSF, Directorate General, BSF, has requested for six weeks time beyond 19.08.2016 for submitting a response to the show cause notice. The request is granted. The response to the show cause notice is expected to be received in the Commission within six weeks". Pursuant to the directions of the Commission, a communication dated 22.08.2016 has been received from the Under Secretary, Ministry of Home Affairs (IS Division), Government of India, alongwith a reply dated 19.08.2016 to the show cause notice submitted by the DIG (Ops.) B, Directorate General, BSF, in which it is stated that the departmental inquiry conducted into the complaint, could not substantiate the allegations levelled against BSF personnel. A chargesheet has been filed by the local police with the Court and a prayer for claiming the case has also been filed by BSF with the Court. It will therefore, be pre-mature to award monetary relief to the victim until and unless it is adjudged in the Court of Law, either by Criminal Court or by BSF Court. It is further stated that the Protection of Human Rights Act, 1993, does not give any power to the Commission in respect of Armed Forces to enquire suo-motu or on a petition presented to it into complaint of any violation of human rights U/S 19 of the said Act. The Commission may either not proceed with the complaint or, as a case may be, make its recommendations to the Government. The Commission has perused and considered the reply as well as other papers placed on record. Vide proceedings dated 02.06.2016 the Commission had issued a show cause notice to the Government of India through the Secretary, Ministry of Home Affairs to show cause, within six weeks, as to why monetary relief of Rs.25,000/- should not be recommended to be paid to the victim Bappa Molla for violation of his human rights. It was also observed by the Commission that since the act of public servant has violated the human rights of a minor victim boy, the State is vicariously liable. It is admitted in the reply that a chargesheet has been filed against the BSF person. Under the provisions of Section 19 of Protection of Human Rights Act, 1993, the Commission may make its recommendation to the Government. In the above circumstances, the Commission</p>

	recommends to the Government of India through its Secretary, Ministry of Home Affairs, to pay Rs.25,000/- to the victim Bappa Molla. With this recommendation, the case is closed.
Action Taken	Concluded and No Further Action Required (Dated 5/15/2017)
Status on 7/13/2017	The Case is Closed.