

SIKKIM STATE HUMAN RIGHTS COMMISSION



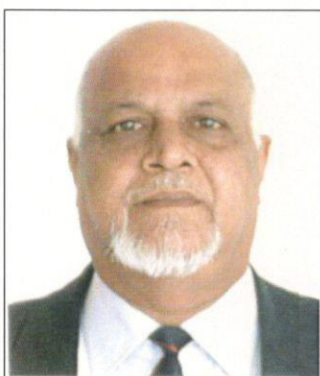
GANGTOK

ANNUAL REPORT

**UNDER SECTION 28 (1) OF THE
PROTECTION OF HUMAN RIGHTS ACT, 1993
(CENTRAL ACT NO.10 OF 1994)
FOR THE YEAR 2022-2023
(01-04-2022 to 31-03-2023)
WEBSITE: sshrc.nic.in.**



Hon'ble Mr. Justice Vijai Kumar Bist
Chairperson
Sikkim State Human Rights Commission
(05-11-2019 to 04-11-2022)



Shri M.G. Kiran, IAS (Retd.)
Hon'ble Act. Chairperson /Member
Sikkim State Human Rights Commission



Shri Suraj Chettri, SSJS
Secretary
Sikkim State Human Rights Commission



**SIKKIM STATE HUMAN RIGHTS COMMISSION
GANGTOK**

ANNUAL REPORT

**UNDER SECTION 28(1) OF THE
PROTECTION OF HUMAN RIGHTS ACT, 1993
(CENTRAL ACT NO.10 OF 1994)**

FOR THE YEAR 2022-23

I hereby authenticate the Annual Report for the year 2022-23 of
Sikkim State Human Rights Commission, Gangtok.

Sd/-
(Mr. Suraj Chettri) SSJS

Secretary

Sikkim State Human Rights Commission

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SIKKIM STATE HUMAN RIGHTS COMMISSION

Manan Bhawan, Development Area, Gangtok

ANNUAL REPORT UNDER SECTION 28(1) OF THE PROTECTION OF HUMAN RIGHTS ACT, 1993 (CENTRAL ACT NO.10 OF 1994) FOR THE YEAR 2022-23.

CHAPTER-I

INTRODUCTION

The Sikkim State Human Rights Commission was set up by the Government of Sikkim under the Protection of Human Rights Act, 1993, through a Gazette Notification No. 101/Home/2008 issued on 18-10-2008 and it started functioning from 25th November, 2008 after the Chairperson took over the office.

This Annual report of the Sikkim State Human Rights Commission covers the period from 1st April, 2022 to 31st March, 2023. This is the 9th Annual Report of the Commission.

The annual report of the Commission, covering the period from the year 1st April, 2021 to 31st March, 2022 was submitted to the State Government by the Secretary of the Commission vide letter No.338/SSHRC/2022 dated 13-09-2022 for placing the same before the House of State Legislature in accordance with the procedure laid down under Section 28 of The Protection of Human Rights Act, 1993, as amended by the Protection of Human Rights (Amendment) Act, 2006.

The annual report of the Commission provides a description about the overall activities undertaken this year. It took cognizance on the complaints as well as Suo-Motu cognizance in other matters about occurrences hinting towards use of excessive force by police personnel in different areas of the State, violation of human rights etc.

CHAPTER-II

SALIENT FEATURES OF THE PROTECTION OF HUMAN RIGHTS ACT, 1993

Section-12: read with section 29 of the Act lays down the function of the Commission as under:-

The Commission shall perform all or any of the following functions, namely:-

- (a) inquire, suo-motu or on a petition presented to it by a victim or any person on his behalf (or on a direction of order of any courts), into complaint of-
 - (i) violation of human rights or abetment thereof; or
 - (ii) negligence in the prevention of such violation by a public servant;
- (b) intervene in any proceeding involving any allegation of violation of Human rights pending before a court with the approval of such court;
- (c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government where persons are detained or lodged for purposes of treatment, reformation or protections, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;
- (d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
- (e) review the factor, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measure;
- (f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- (g) undertake and promote research in the field of Human rights.
- (h) spread Human Rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, media, seminars and other available means;

- (i) encourage the efforts of non-governmental organizations and institutions working in the field of human rights;
- (j) such other functions as it may consider necessary for the protection of such Human Rights.

Complaints not ordinarily entertainable.

- i. Illegible;
- ii. Vague;
- iii. Trivial, frivolous or pseudonymous;
- iv. Any matter which is sub-judice or pending before a State Commission or any other Commission duly constituted under any law, for the time being in force;
- v. Any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed;
- vi. Allegation not against any public servant of the State Government;
- vii. Allegation does not make out any specific violation of human rights;
- viii. Matter covered by a judicial verdict/decision of the State Commission;
- ix. The matter outside the purview of the State Commission on any other ground.

SECTION-13 POWERS RELATING TO INQUIRIES

- (1) The Commission shall, while inquiring into complaints under this Act, have all the powers of a civil courts trying a suit under the code of Civil Procedure, 1908, and in particular in respect of the following matters, namely-
 - (a) Summoning and enforcing the attendance of witnesses and examining them on oath;
 - (b) Discovery and production of any document;
 - (c) Receiving evidence on affidavits;
 - (d) Requisitioning any public record or copy thereof from any court or office;
 - (e) Issuing Commissions for examination of witnesses or documents;
 - (f) Any other matter which may be prescribed.
- (2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be

legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code.

- (3) The Commission or any other officer, not below the rank of a gazette Officer, specially authorized in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, any may seize any such document or take extracts or copies there-from subject to the provisions of the section 100 of the Code of Criminal Procedure, 1973, in so far as it may be applicable.
- (4) The Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 179, section 228 of the Indian Penal code is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973, forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.
- (5) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and 228, and for the purpose of section 196 of the Indian Penal Code, and the Commission shall be deemed to be a civil court for all the purpose of section 195 and chapter XXVI of the Code of Criminal Procedure, 1973.
- (6) Where the Commission considers it necessary or expedient so to do, it may, by order, transfer any complaint filed or pending before it to the State Commission of the State from which the complaint arises, for disposal in accordance with the provisions of this Act.
Provided that no such complaint shall be transferred unless the same is one respecting which complaint arises, for disposal in accordance with the provisions of this Act.
- (7) Every complaint transferred under sub-section (6) shall be dealt with and disposed of by the State Commission as if it were a complaint initially filed before it.

SECTION 14-INVESTIGATION

- (1) The Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilize the service of any officer or investigation agency of the Central government or any State Government with the concurrence of the Central Government or any state Government, as the case may be.
- (2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilized under sub-section (1) may, subject to the direction and control of the Commission:-
 - (a) Summon and enforce the attendance of any person and examine him;
 - (b) Require the discovery and production of any document, and
 - (c) Requisition any public record or copy thereof from any office.
- (3) The provisions of section 15 shall apply in relation to any statement made by a person before any officer or agency whose service are utilized under sub-section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.
- (4) The officer or agency whose services are utilized under sub-section (1) shall investigate into any matter pertaining to the inquiry and submit a report thereon to the Commission within such period as may be specified by the Commission in this behalf.
- (5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under sub-section (4) and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit.

CHAPTER-III

PROCEDURE

SECTION 17 INQUIRY INTO COMPLAINTS

The Commission while inquiring into the complaints of violations of human rights may-

- (i) Call for the information or report from the Central Government or any State Government or any other authority or organization subordinate thereto within such time as may be specified by it,

Provided that-

- (a) If the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own,
 - (b) If, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly,
- (ii) Without prejudice to anything contained in clause
 - (i) If it considers necessary, having regard to the nature of the complaint, initiate an inquiry.

CHAPTER-IV

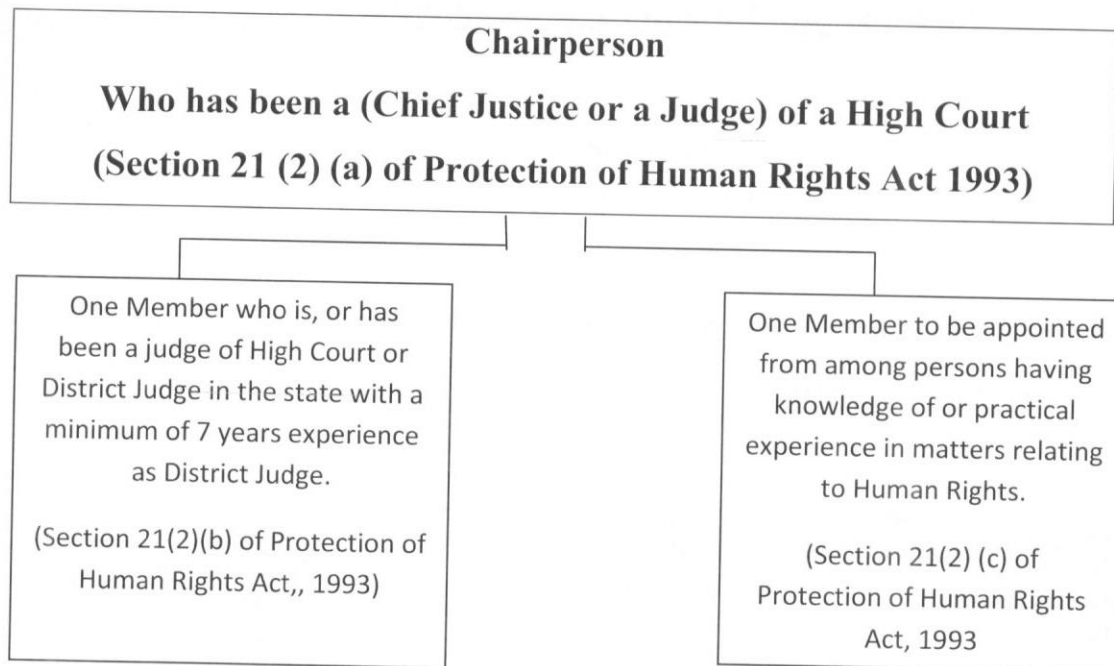
COMPOSITION AND FUNCTIONS

Chapter V of the Protection of Human Rights Act, 1993 (as amended by Act No.43 of 2006) deals with constitution of States Human Rights Commissions.

COMPOSITION

The Commission comprises a Chairperson, Two Members. The Protection of Human Rights Act, 1993 lays down qualifications for appointment of the Chairperson and Members of the Commission.

COMPOSITION OF SIKKIM STATE HUMAN RIGHTS COMMISSION

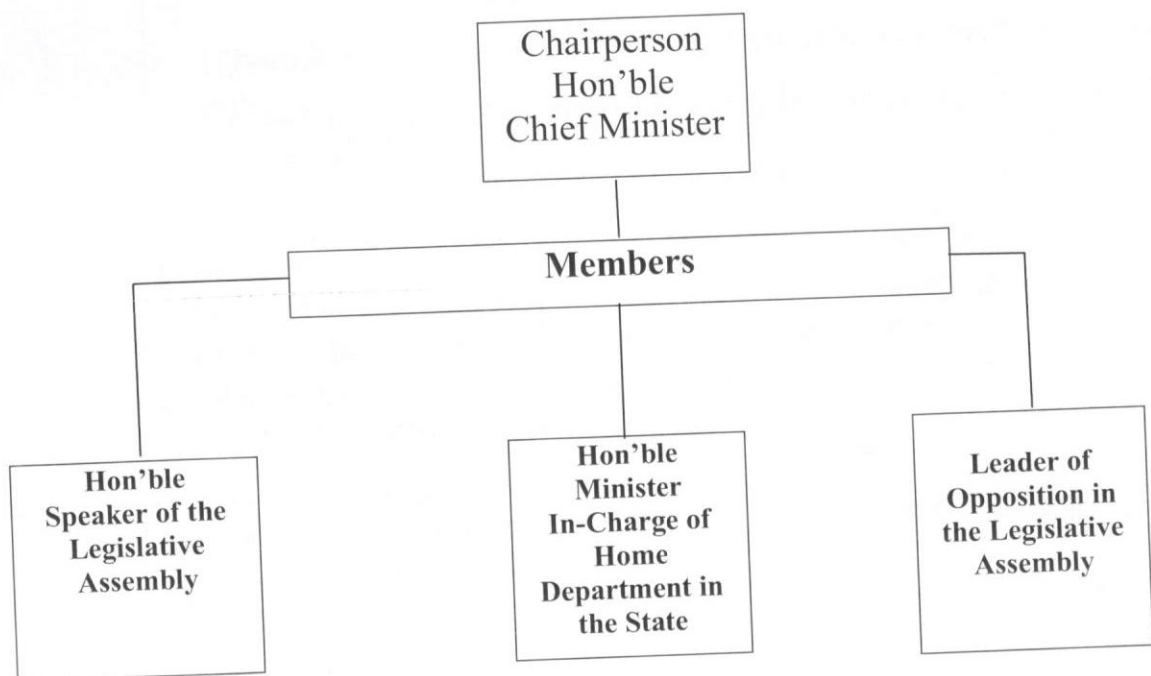


CHAPTER-V

APPOINTMENT

The Parliament in its wisdom looking into the sensitivity and piousness of human rights was conscious to lay down strict norms for the appointment of Chairperson and the Members of the Commission. The statutory requirements relating to the qualifications of the Chairperson and Members of the Commission, as well as their selection by a high-level and committee ensures a high degree of independence and credibility to the functions of the State Commission.

Selection Committee for Appointment of Chairperson and Members of Sikkim State Human Rights Commission



CHAIRPERSON AND MEMBERS OF THE COMMISSION SINCE INCEPTION

Hon'ble Shri Justice Ajoy Nath Ray former Chairperson, SSHRC from 25th November 2008 to 13th November 2013.

Hon'ble Shri Justice Narendra Kumar Jain former Chairperson, SSHRC from 8th October 2014 to 7th October, 2019.

Hon'ble Shri Vijai Kumar Bist (Former Chief Justice, High Court of Sikkim) has been appointed as Chairperson of Sikkim State Human Rights Commission by Govt. of Sikkim on vide Home Department, Notification No. 87/Home/2019 dated 04-11-2019, who assumed the charge as Chairperson, Sikkim State Human Rights Commission w.e.f 05-11-2019 for a period of three years and completed his tenure on 4th November, 2022.

Shri M.G. Kiran, IAS (Retd.) has been appointed as Hon'ble Member of the Commission vide Home Department Notification No. 60/Home/2019 dated 24-07-2019 (Annexure I(a) and I(b) and assumed the charge as Member, Sikkim State Human Rights Commission w.e.f 10-06-2019 and continuing till the period of this annual report.

Shri M.G. Kiran, IAS (Retd.), Hon'ble Member has been appointed as Acting Chairperson, Sikkim State Human Rights Commission by Govt. of Sikkim vide Home Department Notification No.06/Home/2023 dated 09-02-2023. (Annexure II)

CHAPTER-VI
OFFICERS AND STAFF OF THE COMMISSION

SECRETARY

Shri Suraj Chettri, Secretary, Law & Parliamentary Affairs has been assigned additional charge of Secretary, Sikkim State Human Rights Commission w.e.f. 12-04-2021 and continuing till this annual report.

NODAL OFFICER ON HUMAN RIGHTS (CIVIL & POLICE) OF THE STATE.

Government of Sikkim vide Home Department letter No. Home/Confdl/120/2017/01/448 dated 14/09/2020 following office have been designated as Nodal Officers.

For Police	Shri Prawin Gurung DIGP, Range
For Civil	Shri Yadav Sharma IT Director, Home Department

ASSISTANT DIRECTOR/DDO/COURT MASTER

Mr. Aita Raj Subba, Assistant Director (Admn.) has been transferred from HRDD, Govt. of Sikkim vide 1685/G/DOP dated 01/08/2019 and is continuing till the period of this annual report.

Mr. Aita Raj Subba, Assistant Director was given an additional charge of Drawing and Disbursing Officer, Nodal Officer for prison visit and Court Master of the Commission vide office order No.138/SHRC/2019 dated 29-11-2019, No.1482/SSHRC/2019 dated 09-12-2019 and No.1964/SSSHRC/2021 dated 16-03-2021 respectively.

PS TO HON'BLE CHAIRPERSON

Ms. Sujata Sengupta Manna was posted as Private Secretary to Hon'ble Chairperson w.e.f. 01-02-2020.

STENOGRAPHER / JUNIOR ACCOUNTANT

Mrs. Lalita Karkidoli Stenographer, Grade-II who is continuing since 22-07-2017 and till the period of this annual report.

Mr. Tenzing Rapden, Jr. Accountant was posted w.e.f. 21-01-2019 and who is continuing his office as such.

Ms. Hemlata Sharma has been posted in the Commission as Accounts Clerk w.e.f. 21-05-2018 and is transferred to BAC, Duga on 24th June, 2022.

Other Staff (LDC/Driver/Peon/Residential Orderly)

The following employees are working on Regular Basis.

1. Ms. Ohmu Hangma Subba, LDC-cum-Typist.
2. Ms. Tika Maya Chhetri, LDC-cum-Typist.
3. Mr. Lako Tshering Lepcha, Driver.
4. Mr. Sanjay Subba, Process Server.
5. Mr. Indra Kumar Chettri, Peon.
6. Mrs. Kabita Rai, Peon (Expired).
7. Ms. Mona Gautam, Residential Orderly.

The following employees are working on Muster Roll basis.

1. Mr. Krishna Prasad Basnet, Driver.
2. Mr. Karna Bahadur Chettri, Driver.
3. Mr. Tek Bahadur Rai, Driver
4. Mr. Phurba Tshering Lepcha, Peon.
5. Mr. Aniket Chettri, Safaikarmachari.
6. Mrs. Beena Rai, Office Attendant (Appointed on 21/11/2022)

The statement showing the details of the Hon'ble Chairperson and other Officers is enclosed herewith and marked as **Annexure-III**.

Another statement showing the details of staff of the Commission is enclosed herewith and marked as **Annexure IV.**

OFFICE OF THE COMMISSION

The Office of the Sikkim Human Rights Commission is situated in Manan Bhawan, Development Area, Gangtok.

CHAPTER-VII

BUDGET AND ACCOUNTS

The State Government had allotted the budget of Rs.2,55,00,000/- to the Commission in Demand No. 27 along with Department of Legal, Legislative & Parliamentary Affairs, Government of Sikkim for the financial year 2021-2022 in the following head:-

2070-00.001-63-44-31-Grants in Aid Rs. 2,58,00,000/-

Out of above allotted budget an amount of Rs. 47,10,000/- was demanded as surrender of fund to FRED, which has been shown in the enclosed statement.

The Commission is maintaining proper accounts and record. A monthly expenditure report is being sent by Commission regularly before 7th of each succeeding month to the State Government. A copy of Annual Statement of accounts is enclosed herewith and marked as **Annexure-V.**

Quarterly reconciliation is also being made by the Commission with the office of Accountant General, Gangtok. A copy of Certificate dated 16.06.2023 issued by the Office of Sr. Deputy Accountant General (A&E) Sikkim is enclosed herewith and marked as **Annexure VI.**

CHAPTER-VIII

AWARENESS PROGRAMMES/ INTERNSHIP

Section 12 (h) read with Section 29 of the “Protection of Human Rights Act, 1993” provides that, “the commission has been spreading human rights literacy among various sections of society and promoting awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means.”

INTERNSHIP/ TRAINING

Sub Section (g) and (h) of Section 12 of Protection of Human Rights Act, 1993, give emphasis to promote research in the field of human rights and to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means.

During the period of this Annual Report, on the request of the Principal/Registrar of different Law colleges/ Institutions 132 students have undergone internship/training in the Sikkim State Human Rights Commission.

CHAPTER-IX

COMPLAINT RECEIVED/ INSTITUTED/ DISPOSED OFF

During the period of Annual Report 2022-23, the Commission received 3 complaints out of which two cases have been disposed of during this period. As on 31st March, 2022, there were 4 pending cases out of which two cases have been disposed of in this period. In total 4 cases have been disposed of during this period. The details of pending case as on 31st March, 2022 disposed and new complaints received during the period of report are as under:

Complaint Case No. 04 of 2020 Mr. Nawin Kiran Pradhan Vs. Superintendent of Police, Gangtok.

The Complaint was filed by Mr. Nawin Kiran Pradhan, Advocate/V-Convener, SSC on 15th June, 2020. The matter is regarding the brutal attack in broad daylight by unidentified goons against Mr. J.B Darnal, the victim.

Commission in its hearing, directed to send the CCTV footage to Chandigarh/Guwahati to get the report at the earliest on 14/10/2020. On second hearing applicant filed a supplementary document. I.O in the said case submitted that due to COVID-19 he was unable to send the CCTV footage. In the last hearing Additional Superintendent of Police and Investigating Officer present before the commission. ASP, Mr. Sonam Detchu submitted that CCTV footage has already sent for expert opinion to the Director, CFSL, Chandigarh on 04/03/2021 and provided a copy of a letter which is accepted on record.

On 01/11/2022 Mr. Tenzing Loden Lepcha, Superintendent of Police, East Sikkim submits that the earlier report of the exhibits was sent to CFSL, Chandigarh for analysis and enhancement of CCTV footage. Report was received but, in the report, the enhanced video footage does not aid in the investigation and lead to the identification of the assailants as the time recorded in the CCTV does not match with the actual time of incident and the complaint's version in the FIR. The said exhibit has been resubmitted to CFSL for analysis.

The matter was heard on 24/04/2023 wherein Rajiv Ramudamu Investigating Officer submitted that a pen drive containing original CCTV

footage with two additional pen drives were forwarded for re-examination to the CFSL, Chandigarh.

Mr. Nawin Kiran Pradhan, verbally stated that there are many such attacks taking places in present days, whereas it appears that the State Police is failed to provide necessary security to the public. He also informed the Commission about the violent incident occurred in Singtam, Sikkim, on 8th April, 2023. Mr. Nawin Kiran Pradhan further requested for strong cognizance to be taken by the Commission, of such matter or incidents in the public interest.

Commission advises to the Additional Chief Secretary, Home Department to issue necessary directions to the Director General of Police, Sikkim, to take up precautionary measures for avoidance of such incidents in the State.

Investigating Officer made submission that as soon as the report is received from the CFSL, Chandigarh, the same will be submitted to the Commission.

The case is still pending as the Commission is awaiting for the same report.

Complaint Case No. 08 of 2021 Ms. Anjana Silwal Vs Devimaya Chhetri, Mamita Chhetri and Geetanjali Chhetri.

The Commission received a complaint from Mrs. Anjana Silwal, Samdong House, Middle Sichey Busty, dated 09/08/2021 regarding mental harassment by her in-laws.

After going through the complaint and the reply filed by the respondent, the Commission tried to persuade the parties to settle the matter mutually, but considering their behave our the Commission found that nothing can be done by the State Human Rights Commission in the matter and the parties are at liberty to approach the appropriate authority/Court for the redressal of their grievances.

The case is closed of on 28/09/2022.

Complaint Case no. 10 of 2021 Seema Mishra Vs. Director General of Police, Sikkim Police.

The Commission received a complaint through email on 18th November, 2021 from Ms. Seema Mishra against Sikkim Police for unlawfully arresting,

confining a woman with an absolutely clean police record without any substantial evidence of any crime ever committed by her. Complaint was registered as Case No. 10 of 2021 Ms. Seema Mishra Vs. Director General of Policed, Sikkim Police and accordingly the Commission issued notice to the Director General of Police, to submit the report in the matter.

The matter was heard on 28/04/2022 Ms. Seema Mishra, Complainant and Ms. Geeta Gajmer, Law Officer, Police Head Quarter were present before the Commission. Superintendent of Police, East Sikkim, Gangtok, filed a report in the matter. Ms. Geeta Gajmer, Law Officer, appearing for the respondent was directed to supply a copy of the same to the complainant.

The Commission also directed to the Director General of Police, Sikkim Police to preserve the CCTV footage of the different locations like office of the Director General of Police, Sadar Police and STNM hospital, Gangtok.

The matter was again heard on 14/06/2023 Ms. Seema Mishra, complainant and Ms. Geeta Gajmer, Law Officer, PHQ, respondent were present before the Commission.

Heard both the parties. Complainant submitted one set of papers in support of her social standing. Further she made following submissions: -

1. CCTV footage as per the directions of the Hon'ble Commission were not presented to the Commission.
2. Although the complainant had been acquitted by the CJM Court, Gangtok, (Case No. 14 of 2021 State of Sikkim Vs. Seema Mishra). She desires for an award of financial compensation and also written apology from the respondent, as it has harmed her dignity in the public eye.
3. Later the complainant made a submission that she does not press for financial compensation as she does not have any personal grudge or enmity with anyone but insisted for a written apology to uphold her dignity in the society.

The respondent submitted that this case was filed by petitioner after 19 months of the incident and as per the Section 36(1) (2) of the Protection of Human Rights Act 1993 the matter is barred by limitation and outside the purview of the Commission and same is infructuous. As regards the CCTV footage is concerned, the respondent had already informed in earlier hearings that during the time of incident this facility was not available. Now as per the

directions of the Hon'ble Supreme Court, CCTVs have been installed at PHQ and other Police Stations.

Ms. Geeta Gajmer, the respondent, objects to the submission of the petitioner with regard to written apology from the Department, as CJM Court has already acquitted her and no appeal was filed against the order. The case is pending as on 31/03/2023.

Complaint Case No. 12 of 2021 Dr. Vijay Kumar Prasad Vs. Superintendent of Police, Gangtok.

The Commission received a complaint from Dr. Vijay Kumar Prasad, Family Villa, 3rd Floor, Raigaon on 17th February, 2022. He has stated that Mr. Bhanu Kumar Pradhan from whom he bought a flat is torturing him mentally and by all means.

The case was registered on 25.02.2022 and was first heard on 08-03-2022 wherein Commission cleared that Human Rights Commission cannot deal with the factual dispute between the parties. However, the Commission asked Superintendent of Police, East Sikkim, Gangtok to get an enquiry conducted and submit the report within one month. Notice issued to the opposite party to be present on the next date of hearing.

On second hearing on 28/04/2022 of the matter The Superintendent of Police, Gangtok, submitted an inquiry conducted by SI, Dami Lachungpa, Sadar Police Station, Gangtok.

After considering the submission of the parties & perusing the record of the case this Hon'ble Commission did not find any human rights violation in this case. Consequently the case was closed on 28/04/2022.

Complaint Case No.13 of 2021 Prashant Sarkar Vs. Superintendent of Police, Central State Jail, Rongyek.

The Commission is in receipt of a letter from 7 convict from Central State Jail, Rongyek on 10-03-2022 namely: Prashant Sarkar, Puran rai, Yogesh Karki, Laxuman Malay, Shekhar Ray, Lok Bahadur Dahal and Krishna Prasad Saha requesting for their premature release, wherein it is stated that convicts has not been prematurely released even after their completion of 14 years (Life Sentence). It is also stated in the application that, during the pandemic period there was a meeting held between the legal service authority and Life Sentenced convicts. In the meeting, they were told that after the completion of 13 years and 6 months, they can put forward an application to SLSA for the release.

They did accordingly, but went in vain and not the single steps were taken in favour of them.

They submitted that they are not the first batch to be released. There has been 21 personnel who had already been released till date but they have not been able to get the chance to breathe the air of freedom, even though they have completed 16 to 19 years approximately. Whenever they tried to approach the higher officials regarding their release, they received assurances but nothing else.

On the same day the matter was heard. After going through the application submitted by the Life Sentenced convicts. The Commission directed to the Jail Superintendent of Police, Central State Prison, Rongyek to kindly initiate an action and send the recommendation to the State Government. State Government was also requested to take the decision at the earliest by the Commission.

The matter stands disposed of on 10-03-2022 with the above observation of the Commission.

Nawin Kiran Pradhan vs Lance Naik Raj Kumar Chettri, Complaint Case No. 01 of 2022

Commission received a complaint on 6th of June, 2022 from Mr. Nawin Kumar Pradhan, Sisa Golai, Gangtok. East Sikkim against lance Naik Mr. Raj Kumar Chettri, Sikkim Police, Changgalakha, Rongli, Pakyong District, East Sikkim. The matter registered as Complaint Case No. 01 of 2022 and the notice was sent to the parties informing the next date of hearing on 15-06-2022.

Complainant stated that on 8th March, 2022 he along-with his colleague was returning from Soreng. While reaching Rangpo they were misbehaved by the lance naik, Raj Kumar Chettri and enquired about the mask by the police person who himself was not wearing mask. The respondent aggressively said the word which was not supposed to say in the duty hour.

Commission have considered the submission of both the side. The facts mentioned by the complainant in the complaint may be correct, but Commission did not find any independent evidence on record to support his version except the version of the complainant and the occupants of the vehicle. Commission issued direction to the Director General of Police of Sikkim to issue a circular

asking all the police personnels to abide by the provision of law and behave in such a manner so that nobody would hesitate to come to police seeking for help.

The case closed on 01-11-2022.

Complaint Case No. 02 of 2022 Suo-Moto Vs, Superintendent of Police, South Sikkim, Namchi

The suicidal death of one UTP prison Om Prakash Sharma, aged 38 yrs S/o Shri Tulshi Prasad Sharma R/o Samsing, Kewzing, South Sikkim, an inmate of District Jail, Namchi which was published on July 1st, 2022 on local newspaper. The Commission took the cognizance to the matter and the same is registered as Suo-Moto 02 of 2022.

Commission issued a letter to the Superintendent of Police, South Sikkim, Namchi and to Sr. Jailor, District Jail, Namchi, South Sikkim. The Detailed Report on Suo-Moto 2 of 2022 has been received vide letter no. 167/ASP/DPN/S dated 25/07/2022 on 28/07/2022 from ASP, Prison, District Prison, Namchi.

Toxicology analysis report received on 05/12/2022 from CFSL/Kamrup Assam in which it is stated that no common volatiles, pesticides, drugs, acids and metallic poisons were detected. Dr. Tenzing Jampal Bhutia Department of Forensic Medicine and Toxicology STNM hospital stated that the cause of the death of the deceased Om Prakash Sharma is due to asphyxia as result of hanging ante mortem in his Postmortem Report.

The case is pending as on 31/03/2023.

Complaint Case No. 03 of 2022 Prabesh Pradhan and Ors. Vs. Superintendent of Police, Gangtok, East Sikkim.

Commission received a written complaint from Mr. Prabesh Pradhan and Others. They have stated that their contractor Mr. Buddhiman Subba, has denied to pay their hard-earned money which comes the total amount of Rs. 52,423/- (as a labour).

The case was registered as Complaint Case No. 03 of 2022 and the notice sent to the opposite party.

The matter was heard on 28-09-2022, wherein the complainant Mr. Prabesh Pradhan, along with his friends named Mr. Captan Limboo and Mr. Buddhiman Subba, the respondent also presents before the Hon'ble Commission.

On the hearing respondent Mr. Buddhiman Subba fairly admitted that he has to pay Rs. 52,423/- to the complainants. He also stated that due to the poor financial condition he was unable to pay the due to the complainants. He however, said that he will make payment in three months in monthly basis.

Commission directed the respondent Mr. Buddhiman Subba to make the payment of above said amount within a period of three months and also recorded the statement regarding payment to be made in three consecutive months.

The case disposed of on 28/09/2022.

A **consolidated statement**, in brief, showing the details of the complaints received, instituted and disposed of during the period of this report is annexed herewith and marked as **Annexure –VII.**

CHAPTER-X

IMPORTANT LEGISLATIONS FOR PROTECTION OF RIGHTS

The Constitution of India guarantees every citizen to live with dignity. A person cannot lead a dignified life unless he is provided with certain rights and broadly speaking human rights. Thus human rights are the rights which are possessed by every human being, irrespective of his or her nationality, race, religion, sex etc. simply because he or she is human being. The Legislature, in its wisdom, to protect these rights and to ensure that the citizen of India is provided with such atmosphere where he can lead his life with dignity, certain Acts have been passed. Some of them run as follows: -

1. National Rural Employment Guarantee Act, 2005
2. Food Security and Standard Act, 2011
3. Land Acquisition Act, 2013
4. Protection of Atrocities Act, 1989
5. Maintenance & Welfare of Senior Citizens Act, 2007
6. Prevention of Terrorism Act, 2002

RIGHT OF CHILDREN

1. Increasing incidents of missing children
2. Child labour Act, 1986
3. Child Marriage Act, 2006

RIGHTS OF WOMEN

1. Prevention of Sex Trafficking of Women
2. Rehabilitation of Distressed and deserted Women
3. Sexual Harassment of Women at Workplace Act, 2013
4. Protection of Women from Domestic Violence Act, 2005
5. Dowry Prohibition Act, 1961
6. Rights of Women in Ancestral Property
7. Illiteracy Problems amongst the women

CLASSIFICATION OF CATEGORIES OF CASES BEING DEALT WITH BY THE COMMISSION

1. Child Labour
2. Child Marriage
3. Child prostitution
4. Exploitation of Children
5. Immoral Trafficking of Children
6. Sexual Harassment
7. Death in Police Custody
8. Death in Judicial Custody
9. Disappearance/Missing
10. Custodial Death in Juvenile Home
11. Rehabilitation

HEALTH

1. Exploitation of Mentally Retarded Person(s)
2. Public Health Hazards
3. Malfunctioning of Medical Professionals
4. Irregularities in Govt. Hospitals/Primary Health Centers
5. Lack of Proper Medical Facilities in the State
6. Custodial Death (Mental Hospital)

JAILS

1. Custodial Death (Judicial)
2. Custodial Rape (Judicial)
3. Exploitation of Child Prisoners
4. Irregularities in Jail
5. Lack of Proper Food
6. Delay in Producing under tails in Courts
7. Sexual Harassment in Jails
8. Alleged custodial rape in Judicial Custody

LABOUR

1. Bonded Labour
2. Exploitation of Labour
3. Forced Labour
4. Hazardous Employments
5. Slavery

POLICE

1. Arbitrary use of power
2. Abduction/kidnapping
3. Abduction/Rape
4. Attempted Murder
5. Atrocities on SC/ST (by Police)
6. Custodial Death (by Police)
7. Custodial Rape (by Police)
8. Custodial Torture
9. Custodial Violence
10. Death in Police Firing
11. Death in Police Encounter
12. Death in Police Firing
13. Fake Encounters
14. Failure in taking Lawful action
15. False Implications
16. Illegal Arrest
17. Unlawful Detention
18. Indiscriminate Arrest
19. Police Motivated Incidents
20. Victimization
21. Police Inaction
22. Inaction by Local Administration
23. Murder

POLLUTION/ ECOLOGY/ ENVIRONMENT

1. Ecological Disturbances
2. Environmental Pollution
3. Misuse of Scientific and Technological Development
4. Pollution Effecting Surroundings

REHABILITATION

1. Compensation
2. Allotment of Land
3. Facilities.

CHAPTER-XI

PARTICIPATION IN CONFERENCE/ WORKSHOP/ SEMINAR ETC.

The National Human Rights Commission, New Delhi organizes Conference/workshop/Seminar from time to time. The Hon'ble Chairperson and the Hon'ble Member of the Commission attended/participated in the following Seminar/Workshop:-

Sl. No.	Periods	Subject/Topic	Venue
01.	30 th June 2022 1 st July, 2022	National Conference on Human Rights in Indian Culture & Philosophy	At Vigyan Bhawan, New Delhi.
02.	12 th October, 2022	Foundation Day of the National Human Rights Day Celebration	At Bhim Auditorium, Dr. Ambedkar International Centre, 15 Janpath, New Delhi
03.	10 th December, 2022	International Human Rights Commission	At Vigyan Bhawan, New Delhi.

SIKKIM

GOVERNMENT **GAZETTE**

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok	Thursday 13th June, 2019	No. 265
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GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No: 50/Home/2019

Dated: 10/06/2019

NOTIFICATION

The warrant signed by the Hon'ble Governor on 10th June, 2019 is hereby published for information of general public.

WARRANT

By virtue of the power vested in me by sub-section (1) of Section 22 of the Protection of Human Rights Act, 1993, (10 of 1994), I, Ganga Prasad, Governor of Sikkim do hereby appoint Shri M.G. Kiran, IAS (Retd.) as the Member, Sikkim State Human Rights Commission with effect from the date he assumes charge of his office.

Given at Gangtok, East Sikkim this 10th Day of June, 2019 in the 69th Year of the Republic of India.

Governor of Sikkim

A.K. Shrivastava, IAS
Chief Secretary
Government of Sikkim
File No. 10/512/LD/2019

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok	Friday 02 nd August, 2019	No. 324
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**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No: 60/Home/2019

Dated: 24/07/2019

NOTIFICATION

The Governor of Sikkim is hereby pleased to appoint Shri M.G.Kiran, IAS (Retd.) as Member, Sikkim State Human Rights Commission with effect from 10th June, 2019.

The terms and conditions of his appointment shall be as under :-

1. He shall hold office for a term of five years from 10th June, 2019, i.e the day he entered upon his office or until he attains the age of seventy years, whichever is earlier.
2. He shall have the same status, salary, allowances, perquisites and other terms and conditions of services as are admissible to the State Chief Information Commissioner.
3. His salary shall be minus Pension, he is drawing.

By order and in the name of the Governor.

**A.K.Shrivastava, IAS
Chief Secretary
Government of Sikkim
File No. 10/512/LD/2019**

SIKKIM



GOVERNMENT

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Wednesday 15th February, 2023

No. 88

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 06/Home/2023

Dated: 09/02/2023

NOTIFICATION

The Warrant signed by the Hon'ble Governor on 7th day of February, 2023 is hereby published for information of general public.

WARRANT

By virtue of the power vested in me by sub-section (1) of Section 25 of the Protection of Human Rights Act, 1993, (10 of 1994), I, Ganga Prasad, Governor of Sikkim do hereby authorise Shri M.G. Kiran, IAS (Retd.), Member, Sikkim State Human Rights Commission as acting Chairperson, Sikkim State Human Rights Commission till the appointment of new Chairperson.

Given at Raj Bhavan, Gangtok, Sikkim this 7th day of February, 2023 in the 74th year of the Republic of India.

(Ganga Prasad)
Governor of Sikkim

ANNEXURE - III

DESCRIPTION OF HON'BLE CHAIRPERSON AND OFFICERS
WORKED IN THE COMMISSION DURING THE PERIOD FROM
01-04-2022 TO 31-03-2023

<u>Sl.No.</u>	<u>Name of Officers</u>	<u>Designation</u>	<u>Residential Address</u>
1.	Shri M.G. Kiran, I.A.S. (Retd.)	Chairperson (Act.)/ Member	Below Convey Ground, Tadong, Gangtok
2.	Shri Suraj Chettri	Secretary	Single unit Quarter, behind Sangram Hall, Development Area, Gangtok
3.	Shri Aita Raj Subba	Assistant Director	Deorali, Gangtok
4.	Ms. Sujata Sengupta Manna	PS to Hon'ble Chairperson	Development Area Gangtok

STATEMENT/DETAILS OF STAFF WORKED DURING THE PERIOD FROM
01-04-2022 TO 31-03-2023

<u>Sl. No.</u>	<u>Name</u>	<u>Designation</u>	<u>Remarks</u>
1.	Mr. TenzingRapden	Accountant	Regular from GOS
2.	Ms. Lalita Karkidoli	Stenographer, Grade-II	Regular from GOS
3.	Ms. OhmuHangma Subba	LDC-cum-Typist	Regular
4.	Ms. Tika Maya Chhetri	LDC-cum-Typist	Regular
5.	Mr. Lako Tshering Lepcha	Driver	Regular
6.	Mr. Krishna Prasad Basnet	Driver	On M.R.
7.	Mr. Karna Bdr. Chettri	Driver	On M.R.
8.	Mr. Tek Bdr. Rai	Driver	On M.R.
9.	Mr. Sanjay Subba	Process Server	Regular
10.	Mr. Indra Kumar Chettri	Peon	Regular
11.	Ms. Mona Gautam	Residential Orderly-cum-Cook	Regular
12.	Mr. Phurba Tshering Lepcha	Peon	On M.R.
13.	Mrs. Beena Rai	Peon	On M.R.
14.	Mr. Aniket Chettri	Safai Karmachari	On M.R.

**Sikkim State Human Rights Commission
Annual Statement of Accounts
Statement showing Budget for the F.Y-2022-2023**

Head/Sub - Head/Detailed Heads of Commission	Budget Provision	Expenditure	Supplementary budget	Balance	Surrender of Funds
2070-00.001-63-44-31 Grants in Aid	2,58,00,000	2,10,90,000	NIL	47,10,000/-	2,10,90,000

NOTE

1. Proper accounts and other relevant records are maintained by the Commission.
2. Monthly expenditure report is being sent by the Commission to the Director (Budget), Finance, Revenue & Expenditure Department, Govt. of Sikkim, Gangtok by 7th day of each succeeding month positively.
3. Quarterly reconciliation of accounts is being made by the Commission with the Office of Accountant General, Deorali, Gangtok
4. The Balance amount shown as saving above was surrendered due to austerity measures adopted by the Commission.

Prepared by,

Sd/-
Tenzing Rapden Bhutia
Accountant
Sikkim State Human Rights Commission

Sd/-
Aita Raj Subba
Assistant Director cum DDO
Sikkim State Human Rights Commission



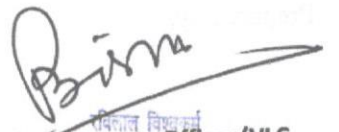
No. VLC-1/Reconciliation/2022-23/

कार्यालय वरिष्ठ उप - महालेखाकार (ले० एवं हक०), सिक्किम
लेखापरीक्षा भवन, देवराली, पो० तादोङ, गान्तोक - 737102
OFFICE OF THE SR. DY. ACCOUNTANT GENERAL (A&E), SIKKIM
Lekhapariksha Bhawan, Deorali, P.O. Tadong, Gangtok-737102

Date: 16-06-2023

TO WHOM IT MAY CONCERN

This is to certify that the Sikkim State Human Rights Commission, Gangtok, East Sikkim have completed reconciliation of expenditure booked in this office for the period 1st, 2nd, 3rd and 4th quarter ending pertaining to the financial year 2022-23. Observation and reconciliation certificate of accounts with the Pay & Accounts Office concerned are being received through online platform on quarterly basis.


Senior Accounts Officer/VLC
कार्यालय वरिष्ठ उप-महालेखाकार (ले एवं हक),
सिक्किम, गान्तोक
Rabihal Biswakarma
Sr. Accounts Officer
O/o Sr. Dy. ACCOUNTANT GENERAL (A&E),
SIKKIM, GANGTOK

ANNEXURE - VII

STATEMENT OF COMPLAINT CASES PENDING, RECEIVED AND DISPOSAL BY SIKKIM HUMAN RIGHTS COMMISSION DURING THE PERIOD 01-04-2022 TO 31-03-2023

Sl. No.	Complaint Case No.	Date of Institution	Name & address of the Complainant	Name & address of the Opposite Party	Nature/Subject objective	Date of disposal/Pending
1.	04 of 2020	16/06/2020	Mr. Nawin Kiran Pradhan	Superintendent of Police, East Sikkim, Gangtok	Brutal attack against Mr. J.B. Darnal	Pending
2.	08 of 2021	28/09/2021	Anjana Silwal, Samdong House, Sichey	Devi Maya Chettri and 2 others	Domestic violence to the Complainant	28/09/2022
3.	10 of 2021	18/11/2021	Seema Mishra	D.G.P., Sikkim Police	Unlawful arresting & confining to a women	Pending
4.	12 of 2021	17/02/2022	V.K. Prasad	Bhanu Kumar Pradhan	Torture by the House owner	28/04/2022
5.	01 of 2022	06/06/2022	Nawin Kiran Pradhan	Lance Naik Raj Kumar Chettri	Not wearing a mask while moving in a vehicle	01/11/2022
6.	02 of 2022	01/07/2022	Suo-Moto	S.P. Namchi, South Sikkim	Death of UTP at District Jail, Namchi, South Sikkim	Pending
7.	03 of 2022	26/07/2022	Prabesh Pradhan & Ors	Buddhiman Subba	Payment not done by Contractor	28/09/2022



Hon'ble Member, SSHRC
with Hon'ble Governor of Sikkim
Shri Lakshman Prasad Acharya



Hon'ble Member attending
Human Rights Day celebrated by
National Human Rights Commission
at Vigyan Bhawan, New Delhi on 10th December, 2022



Shri Aita Raj Subba,
Assistant Director-cum-Court Master
with Internship Trainees.