CHAPTER V

ANALYSIS OF REPORTED HUMAN RIGHTS VIOLATIONS BY POLICE IN PUNJAB

In the present chapter, an attempt has been made to contextualize the dynamics of violation of human rights, by police in Punjab. To understand the nature of the dynamics, we have taken up only those cases which were reported to Punjab State Human Rights Commission (PSHRC) and which attained finality in the commission. The PSHRC was constituted on 17th of March, 1997, under the Protection of Human Rights Act, 1993.

The official data of Punjab State Human Rights Commission (PSHRC), for 10 years period (from 2004 to 2013) reveals that the commission received a total of 167744 complaints relating to all categories of Human rights violations, out of which 88558 (53%) complaints pertained to Punjab Police. These complaints, for the purpose of convenience and analysis purposes, have been categorised into 22 sub categories, by the commission.

95% of the total complaints, against Punjab Police, were related to the following 5 categories of human rights violations (Table 5.1).¹

Table 5.1: Five main Categories of Cases from 2004 to 2013

<table>
<thead>
<tr>
<th>Category of the Case</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-action</td>
<td>4178</td>
<td>3985</td>
<td>3789</td>
<td>4339</td>
<td>4305</td>
<td>4215</td>
<td>4774</td>
<td>4245</td>
<td>4840</td>
<td>4329</td>
<td>42999</td>
<td>48.5%</td>
</tr>
<tr>
<td>Abuse of Power</td>
<td>2213</td>
<td>3045</td>
<td>3069</td>
<td>2847</td>
<td>2895</td>
<td>2492</td>
<td>2638</td>
<td>2121</td>
<td>2579</td>
<td>2406</td>
<td>26305</td>
<td>29.7%</td>
</tr>
<tr>
<td>False Implication</td>
<td>1591</td>
<td>1399</td>
<td>1191</td>
<td>1393</td>
<td>1150</td>
<td>1253</td>
<td>1398</td>
<td>1070</td>
<td>1223</td>
<td>1376</td>
<td>13044</td>
<td>14.7%</td>
</tr>
<tr>
<td>Unlawful Detention</td>
<td>536</td>
<td>387</td>
<td>226</td>
<td>214</td>
<td>165</td>
<td>92</td>
<td>103</td>
<td>80</td>
<td>86</td>
<td>64</td>
<td>1953</td>
<td>2.2%</td>
</tr>
<tr>
<td>Custodial Death</td>
<td>20</td>
<td>9</td>
<td>11</td>
<td>6</td>
<td>4</td>
<td>4</td>
<td>8</td>
<td>9</td>
<td>7</td>
<td>3</td>
<td>81</td>
<td>0.1%</td>
</tr>
<tr>
<td>Total</td>
<td>8538</td>
<td>8825</td>
<td>8286</td>
<td>8799</td>
<td>8519</td>
<td>8056</td>
<td>8921</td>
<td>7525</td>
<td>8735</td>
<td>8178</td>
<td>84382</td>
<td>95.2%</td>
</tr>
</tbody>
</table>

Source: Punjab State Human Rights Commission

¹ See Appendix III
An analysis of the data reveals that although PSHRC deals with complaints against several departments and institutions, yet the maximum complaints relate to acts of omission and commission against Punjab Police.

The percentage distribution of these categories of complaints has been shown in figure 5.1 given below:

FIGURE 5.1: Category-wise Percentage of cases in 2013

The above figure shows that out of 22 categories of Human Rights violations by police, only 5 categories constitute 95% while the remaining 17 categories constitutes 5%. The study, therefore, focuses primarily on cases relating to these 5 categories. The above five categories can be broadly divided into two types of violations by Punjab Police:

1. Relating to misuse of power by police.
2. Relating to life and liberty of people.
MISUSE OF POWER BY POLICE

FIGURE 5.2: Failure in taking Lawful Action

The above data reveals that cases of failure on the part of police, in taking lawful action, on receipt of a complaint, have not come down during last 10 years. Some of the reasons for the same are as follows:-

1. Growing political interference, in the working of police, results in police being unable to take prompt and correct action against the accused. The study clearly reveals that in majority of the cases, politically powerful people are the main accused and violators of human rights violations.

2. With growing public awareness, more complaints against the police are being received, when they fail to take lawful action.

3. A number of false complaints are also being lodged with the police, which keeps the total number high. Many of the accused and suspects give pre-emptive complaints, to avoid action against themselves.

4. However, seen in the context of total FIRs registered and complaints received by the Punjab Police, in the entire state, this figure does not appear to be abnormal.
FIGURE 5.3: Cases related to Abuse of Power

There has been a gradual decrease in the cases of abuse of power. However, some increase was witnessed from the year 2011 onwards. Some of the reasons are as follows:-

1. As a result of Vidhan Sabha and Panchayat Elections, political rivalries have increased in the state. Members of the ruling party, have been misusing the police force, to settle their political scores, thus increasing the alleged cases related to abuse of power.

2. A very vibrant social media, is playing an important role in highlighting, all such acts on the part of the police by quick sharing of information with the members of the society.

3. An active electronic and print media is playing an important role in highlighting cases of abuse of power.

4. With growing public awareness, about their fundamental rights, more people are coming forward with complaints against the police.
FIGURE 5.4: Cases related to False Implications

The above figures are showing constant variations, which can be attributed to some of the factors given below:-

1. The figures have shown an increase from 2012 i.e. after the Vidhan Sabha elections. This can be directly attributed to the political rivalry during the elections.
2. With the growing clout of Halqa incharges, incidences of false implications are increasing, as they virtually control the working of police in their respective areas.
3. There is a growing misuse of provisions of law relating to dowry and land related cases as well financial disputes. This results in false implications of innocents, as the dowry related laws are heavily loaded against the in-laws of the girls.
4. Police alone cannot be blamed for false implications, as the complainants have been lodging false complaints and subsequently build up public and media pressure, to force the police into implicating the innocents falsely.

The above data clearly shows that there is only a marginal improvement in cases relating to misuse of power, despite a sustained campaign against high handedness of police and a very proactive human rights commission, as well as judiciary. It is a disturbing trend that human rights violations are taking place unabated, even in modern times, in spite of the media playing a very active role in highlighting various violations by the police.
RELATING TO LIFE AND LIBERTY OF PEOPLE

FIGURE 5.5: Cases related to Custodial Death

The above table reveals a continuous decline in the most heinous of the violations i.e. custodial deaths, which can be attributed to the following reasons:

1. Policy of zero tolerance in such cases is being followed by the Courts and the governments, on account of various judicial pronouncements and public outcry, leading to an adverse impact on image of the party in power.
2. Very severe punishments, including life imprisonment, has instilled a fear in the minds of police officials. They have, therefore, changed their methods of interrogation, which often led to custodial deaths, in the past.

FIGURE 5.6 Cases related to Unlawful Detention

The above figures clearly show a continuous declining trend. It may perhaps be on account of very strict guidelines, by NHRC and Supreme Court of India, in regards to custody and interrogation of the accused, along with very heavy punishment awarded in a number of custodial death cases. This is a welcome development.
CASE-WISE ANALYSIS OF THE REPORTED CASES

CASES RELATED TO INACTION BY THE POLICE

Case Study 1

Gulzar Singh of village Kotla Gujjaran, (Majitha), District Amritsar filed a complaint\(^2\) to Punjab State Human Rights commission (PSHRC) regarding failure of the police to take any lawful action on his report against the in-laws of his daughter with respect to domestic violence, reported at police station, Kambo. He informed the Commission that medical report issued by Government Hospital, Majitha was also produced to the police. It was also revealed in complaint that daughter of the complainant, the victim of human rights violation, was a post graduate in bio-technology. The husband of victim was said to be a non resident Indian.

Since the allegations had been levelled against the police, the commission had taken the cognizance of the matter on 29.12.2011 and called for a report from ADGP, IVC-cum-Human Rights, Punjab/ SSP Amritsar (Rural) (application was received on 17.11.2011). SSP Amritsar (Rural) reported (date 20.04.2012) that as per inquiry by the DSP, Attari, the case F.I.R. No. 84/11 had been registered against the in-laws under section 498-A, 40,323, 34, IPC. It was reported that members of the family of the in-laws had joined the investigation, whereas, husband of the daughter of the complainant had been residing in Italy since 01.11.2011. It was further brought to the notice of the Commission that police was in the process of declaring the husband of the victim, a proclaimed offender. It has been noticed in proceedings of the Commission that complainant did not controvert the report submitted by the above mentioned authority, despite having been granted opportunity. Thus, the Commission closed the case on the basis of report submitted by SSP, Amritsar (Rural).

Analysis of the case reveals that complainant had reported the matter at police station, Kambo on 02.10.2011. However, the police failed to take lawful action in time. It had allowed the husband to leave the country who had not joined the investigation. It was only after the cognizance by the commission; the police initiated the procedure to declare him a proclaimed offender. During interview conducted with the complainant, it was revealed that officials of the police were working in collusion with accused under political pressure; the

\(^2\)Complaint No. 15367/1/2011, Punjab State Human Rights Commission
complaint was made in 2011 whereas challan in this case had been put up in 2014. He further informed that FIR was registered only after he approached SSP. The case was still under consideration of judicial court.

**Case Study 2**

Mukha\(^3\) of Village Mujaffarpur, Tehsil Ajnala, District Amritsar complained to PSHRC on 14.01.2012 through a telegram that police had not taken lawful action, despite the fact that MLR dated 10.06.2011 was issued for injuries inflicted by the accused. Officials at police station Lopoke, who were allegedly hands in glove with the accused, had not registered FIR on his complaint; instead he along with others had been implicated in a false case.

The commission took the cognizance of the matter on 03.02.2012 and called for status report of the investigation from state government through SSP (Rural). Amritsar. The concerned officer reported to the commission on 12.05.2012, on the basis of an inquiry conducted by DSP, Rajasansi that on the basis of MLR of the complainant, case had been registered against the accused party. In its proceedings dated 28.02.2013, it had been noted by the Commission that the complainant had not pursued the case further, thus the case had been disposed off by it.

The complainant informed during interview that the police was working under influence of vested political interests who wanted to their land. He revealed that his family had to remain underground for several months due to which they had suffered huge financial loss. Also studies of children were disturbed. He further informed that his family was still under stress as the dispute had not reached its conclusion and the police were supporting other party.

**Case Study 3**

Simranjit Kaur of Garden Colony, Tehsil Kharar, District Mohali in her complaint\(^4\) (date 04.10.2013) alleged inaction on the part of the police. The police did not take any lawful action on her complaints dated 10.09.2013 and 25.09.2013, filed with the police, against her in-laws regarding harassment and demand for dowry. She had also reported the

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\(^3\)Complaint No. 2394/1/2012, Punjab State Human Rights Commission.  
\(^4\)Complaint No. 14211/17/2013, Punjab State Human Rights Commission.
matter to SSP, Mohali. But, even after the directions of the said authority, no action had been taken by officials at the police station. The complainant had also informed that her husband was living in Australia.

The commission took the cognizance of the matter on 15.11.2013 and called for status report from the Department of Home of the state government under section 17 [i] of the Protection of Human Rights Act, 1993. SSP, Mohali, vide responses dated 18.12.2013 and 14.01.2014, informed that after procuring warrant of arrest against the husband of the complainant, further action in the matter would be taken, as the matter was under investigation. The complainant did not controvert the report, so commission disposed off the case.

Analysis of the case reveals that police took lawful action only after the intervention by PSHRC. The complainant informed during interview that in connivance with accused, the police was pressurising her to reach a compromise. She was helped by an NGO to pursue the case with PSHRC. She further revealed that though action had been taken by the police but her grievances had not been redressed.

Case Study 4

Asha of Shalimar Road, Kapurthala filed her complaint\(^5\) to PSHRC through an advocate on 27.11.2012. In her complaint she levelled charges against the police of failure in taking lawful action, in spite of registration of FIR No. 167 dated 28.07.2013 at police station city, Kapurthala under sections 302/148/149 IPC and 25/54/59 Arms Act, regarding murder of her husband Vijay Kumar and son Manoj Kumar. The accused had been supported by their sister, who was a lawyer at Kapurthala court. It was also informed that accused had been financially supported by their NRI brother.

The commission had taken the cognizance of the matter on 04.12.2012 and called for status report from SSP, Kapurthala. The said authority, however, did not submit the required report to the commission. The commission in its notice dated 19.03.2014 opined that such a long delay in submission of report had forfeited the purpose of the commission for which it had been constituted under the Human Rights Act 1993.

The facts of the case revealed grave indifference of police officials both at Non Gazetted Officers (NGO) and Gazetted Officer level. During interview, the complainant informed that members of her family were living under constant threat at the hands of

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\(^5\)Complaint No. 15159/9/13, Punjab State Human Rights Commission.
accused who have backing of a political leader of the ruling party. Only one of the suspect
had been apprehended so far while the remaining accused were roaming freely. The family
was under consent threat as the police was working under the police pressure and helping the
accused. The deceased son was a main earning member of the family. Due to his death and
the death of the husband of the complainant the family was unable to pressure the case
vigorously as she was concerned about the safety and security of remaining family members.
Despite taking up the case with the commission the family had not got much relief so far.

Case Study 5

Rakesh Kumar of Chausar Basti, Bathinda in his complaint\(^6\) (dated 19.06.2012) to
PSHRC alleged that in spite of his report of the accident (19.05.2012), in which his father
was killed by a bus driver, the police had not taken any action. It had been informed in the
complaint that his father was hit by a speeding bus from the rear side. His father succumbed
to injuries on way to hospital.

The Commission took the cognizance of the matter on 04.07.2012 and asked for the
status report from the state government through SSP, Bathinda. It is a matter of concern that
only after the intervention of the Commission; SSP Bathinda got FIR No. 17 registered on
28.02.2014, in police station Thermal Plant, Bathinda, after a long delay of 1½ years.

The complainant told during interview that his father was a labourer at a shop. However, employer of his father had connived with bus operator to get the dead body of his father cremated without any legal course. He informed that when no police officer listened to his grievance, he had to approach an advocate. Due to poverty, it was difficult for him to pursue the case as their financial condition had deteriorated further after the incident. He further informed that he was still waiting for justice as far as his grievance was concerned. On the contrary, PSHRC had noted in its proceedings dated 14.07.2014 that the case had been disposed off, on an inference that the complainant was satisfied with report submitted by concerned SSP.

During the interview it was revealed that the bus belong to a politically influential
and powerful family as a result of which the local police was unwilling to take any action.
Despite the identification of the bus and the driver, the accused has still not been arrested.
The complainant being very poor could not peruse the case at various legal forms.

\(^6\)Complaint No. 8710/2/2012, Punjab State Human Rights Commission.
Case Study 6

In his complaint\(^7\) to PSHRC (dated 13.11.2013) Inder Parkash of Gali No. 1, Sri Muktsar Sahib, levelled the allegation of inaction against the police. Complainant alleged that a complaint had been lodged with the police on 14.10.2013 regarding alleged suicide by his 27 years old son but no action had been taken by the police against the family of the girl, with whom he was in love and who forced him into committing suicide. The family used to humiliate his son and also had attempted to kill him. It has been informed in the complaint that his son had left home on 09.10.2013 at around 09:00 PM without any information. At 10:22 PM, a friend of complainant’s son received an SMS on his cell phone about the suicide. Despite, repeated requests, no FIR had been registered, even after the laps of one month. It was alleged that the police had not made any efforts to search for complainant’s son.

On consideration of the allegations, the Commission prima facie took cognizance of the matter and called for the status report from SSP, Sri Muktsar Sahib on 18.11.2013.

The said authority, however, requested for extension of time to submit the report. The Commission allowed the same but directed the concerned officers to submit the same before 23.05.2014. Subsequently, required report was submitted by SSP Muktsar on 21.03.2014.

In its proceedings dated 11.04.2014, the Commission had noted that no rejoinder had been filed by the complainant against the report submitted by SSP Muktsar.

During interview with the complainant, it was informed that his son was the only earning hand in the family. After the disappearance of his son, it had become very difficult for the family to make its both ends meet. The complainant had shown much abomination for the attitude and working of police officials at police station level. He believed that his son could have been saved if timely action was taken by the police.

Case Study 7

Sukhwinder Kaur, a widow, of Village Jaura, District Taran Tarn, in her complaint\(^8\) to PSHRC (dated 22.08.2013) reported the wilful failure of police to take legal action against persons, who are harassing and threatening her. The complainant informed the Commission that accused had entered her house and raped her. He had also stolen some articles from her house on 26.07.2013. The matter had been reported to the police. Officials of the police had come to the spot but they had not taken any action as the accused was an influential person.

\(^7\)Complaint No. 14378/13/13, Punjab State Human Rights Commission
\(^8\)Complaint No. 11183/19/2013, Punjab State Human Rights Commission.
Being a widow, she was apprehending danger to her and her children’s lives at the hands of the accused.

The Commission had taken cognizance of the matter and asked SSP, Tarn Taran to submit the status report. The Commission, in its proceedings dated 28.07 2014, had noted that SSP, Tarn Taran, informed in a report dated 27.11.2013 that a case FIR No. 159 dated 29.08.2013 and FIR No. 197 dated 30.09.2013 had been registered on the statement of complainant against the accused. It had been further noted by the Commission that the complainant had not come forward to rebut the police report. Thus, further proceedings were closed by the Commission.

The complainant alleged during interview that the police was working under political pressure. Her family, particularly children, were living under constant fear and they were not able to sleep at night. At the same time, financial loss had made their life more miserable. They had to borrow money from relatives and friends for the purpose of pursuing the case. She was critical about the approach of Panchayat of the village, which had supported vested interests. Demand for money by police officials was also brought to light by respondent. Though, the case had been closed by the Commission but the complainant informed that her grievance was still not redressed.

Case Study 8

Inaction on the part of police officials was alleged in a complaint9 (date 31.05.2012) by Baljinder Singh of Village Chhina Ucha Qila, Tehsil Ajnala, District Amritsar. The complainant alleged that despite registration of the FIR (date 19.04.2012) under section 326/323/324/341/148/149 IPC in police station, Kambo, no action had been taken against the accused. The accused, along with their accomplices, had inflicted grievous injuries on the complainant. It had been reported that the same accused had also injured his brother, for which a case had been registered on 29.07.2011 under sections 326/323/324/148/149 IPC at police station Rajasansi. The complainant further informed that officials of the police were working under political pressure. The accused even visited police station, Kambo but no action had been taken by the police against them. His family had been receiving threats to their life. They also received threats of false implication in police case.

The commission took cognizance of the matter on 12.06.2012 and called for status report of investigation from the state government through SSP, Amritsar (Rural). In its report

<sup>9</sup>Complaint No. 7718/1/2012, Punjab State Human Rights Commission.
dated 15.10.2012 to the commission, the said authority informed that in order to arrest the accused, raids were being conducted and after their arrest, challan would be presented. In its proceedings dated 22.03.2013, the commission had noted that the complainant had not filed rejoinder despite an opportunity granted to him. Consequently, the complaint was disposed off by the commission.

After intervention of the Commission the two accused were declared proclaimed offenders and challan was presented in the court on 12.07.2013. During the interview with the victim, it was informed that no arrest had been made even after two years. He alleged that due to threat to life, his family was undergoing an acute psychological trauma. He and his brothers were beaten by accused in the presence of his children. No police official paid any attention to his grievance as the police was supporting the accused under political pressure. He further alleged that even doctor had taken bribe from the accused, to write a false report, despite the fact that they had received grievous injuries. He had no faith in the working of the local police and had even requested the Commission, to shift his case to some other police station.

Case Study 9

Kishore Kumar of Gurdaspur complained about the failure of the police to take lawful action, in his complaint\(^\text{10}\) to PSHRC (date 24.09.2013). The complainant apprised the Commission that the accused, accompanied by some other persons, attacked his family at his home. They abused and insulted him and other members of his family. He had registered a report of the incident at police station, Dhariwal but no action had been taken by the police. He had further brought to their notice that his son had been kidnapped by the accused and later released after thrashing him severely. He reported that a complaint against the accused for violent attack on his family was also submitted to SSP, Gurdaspur on 16.09.2013 but of no avail.

The commission took cognizance of the matter on 04.10.2013 and asked for the status report from the state government, through SSP, Gurdaspur. A response was filed on 06.11.2013 wide which, it had been informed that the matter was enquired into, through the DSP R-I Gurdaspur. As per the report of the EO, a case FIR No. 171 dated 02.11.2013 had

\(^{10}\)Complaint No. 12097/6/2013, Punjab State Human Rights Commission.
been registered against the accused and the case was under investigation. The complainant did not file any rejoinder in response to the report, so the case was disposed off by the Commission.

It was informed during interview that he had to travel a long distance to pursue the case. In his opinion the police should be made free from political interference as no officer of the police was ready to listen to his grievance. The complainant and members of his family had to lock their house and go underground for more than 3 months. In those circumstances, the children in the family had to suffer a huge loss of their studies. He denied any effective redressal of his grievance even after the intervention of the Commission.

Case Study 10

Inaction of the police was alleged by Surjit Kaur of Village Girwali, District Amritsar in her complaint\(^{11}\) (date 27.01.2012) to PSHRC. She alleged that despite the registration of the case FIR No. 83, dated 03.12.2011 under section 302 IPC at police station, Ramdas, for murder of her son, all the accused had not been arrested by the police. It had been mentioned in the complaint that the accused had links with a political party and had patronage of a sitting M.L.A. of the area. They were threatening her family to reach a compromise; otherwise her whole family would be eliminated. It had also been revealed in the complaint that her family had reported the threats received by them to the police station, Ramdas, on 30.12.2011 but no preventive action was taken by them. A complaint in the same case had also been filed earlier with the Commission on 09.01.2012.

The commission took cognizance of the matter on 13.03.2012 and asked for the status report of the matter from the state government through SSP, Amritsar (Rural). The said authority reported to the commission on 05.05.2012 that *challan* in the case had been presented in the court on 03.03.2012. The commission in its proceedings dated 22.05.2013 noted that the complainant had failed to file rejoinder against the status report. That implied that the complainant was not interested in pursuing her complaint, thus the case had been closed.

During an interview with the complainant, she brought to light the apathy on the part of police officials who were very rude in their behaviour. The police was working under political pressure. She informed that the case was under trial in the judicial court.

\(^{11}\)Complaint No. 3085/1/2012, Punjab State Human Rights Commission.
Case Study 11

In another case of inaction of the police, Shamsher Purkhalvi, President of Dalit Chetna Manch Punjab, Mohali in his complaint\(^\text{12}\) (date 19.10.2012) to PSHRC alleged that a victim Partap Singh was attacked and injured by the accused and others but police had failed to take lawful action on the FIR 139 dated 24.08.2012.

The commission took cognizance of the matter and asked for the status report from the state government. SSP SAS Nagar, in its report dated 07.02.2013, informed the Commission that challan had been presented in the court on 03.12.2012, in the case, which was under trial. Since the challan had been presented in the court, the Commission closed further proceedings.

During interview the complainant revealed that he was running an NGO and was helping the victim. He informed that the victim had to remain in the hospital for several days, thus had to incur huge expenses. The complainant was apprehensive about the attitude of the police towards dalits and contended that it never helped dalit people. He had submitted application in this case to SSP, ADGP and even DGP, but no action was taken against the accused initially.

Case Study 12

Kuldip Singh of Village Cheta, District SBS Nagar alleged inaction by the police, in his complaint\(^\text{13}\) dated 22.08.2013 to the Commission. The complainant alleged that despite pendency of suit before civil court, the accused were trying to usurp his land. He reported the matter to the police but in vain. He informed that officials of the police had seized arms from the accomplice of the accused, who were trying to encroach upon his land. An appeal (No. 212) had been filed at the office of DSP, Phagwara on 09.11.2012. Subsequently, another application was filed at the office of IG, Jalandhar Range on 24.04.2013. However, no action had been taken by the police.

The Commission took cognizance of the matter on 24.09.2013 and called for the status report from the state government, through concerned SSP. The said authority had sought extension from the Commission on 19.12.2013, for submitting the status report. Thus, the case was adjourned to 28.04.2014. SSP Kapurthala, in his report dated 17.04.2014,

\(^{12}\)Complaint No. 15604/17/2012, Punjab State Human Rights Commission.
\(^{13}\)Complaint No. 11072/14/2013, Punjab State Human Rights Commission
mentioned that a Case FIR No. 38 dated 19.03.2013, under section 420, IPC already stood registered in police station, Phagwara. Accused had violated the status quo order, issued by the court. It had been reported that the complainant could file an application before the court, through his counsel. The complainant did not rebut the report. Thus, the commission disposed off the case.

An analysis of the complaint reveals that the dynamics of violation of human rights also involves failure of officials, other than police i.e. revenue officials, in taking lawful action. In fact, the complaint had highlighted that revenue officials were working in connivance with accused. However, as per Human Rights Act, 1993 it is beyond the jurisdiction of PSHRC to take notice of that. The complainant informed during interview that a senior police officer was hand in glove with accused. Due to apathy of the police, he and his family had to suffer acute stress. They were openly threatened by the accused and the police were shielding them.

Case Study 13

Iqbal Singh of village Marrak, Tehsil Jaito, District Faridkot in his complaint\textsuperscript{14} (dated 19.03.2013) to the PSHRC, alleged the failure on the part of police in taking lawful action on his FIR, registered on 31.10.2012, under section 326 IPC, for grievous injuries inflicted on his son. It had been informed that the accused in the case had not been arrested by the police.

The Commission took notice of the matter on 11.04.2013 and called for status report of the said FIR from SSP, Muktsar Sahib. The said authority, in its report (dated 27.01 2014 and 15.02.2014), to the Commission, informed that investigation had been completed and the case \textit{challan} had been submitted in the court on 07.02.2014 and the case was under trial. The Commission, in its proceeding dated 12.03.2014 noted that it had not considered it appropriate to proceed further in the matter and proceedings before the Commission were closed.

During interview, it was alleged by the complainant that name of main accused had been removed from the FIR and he had gone abroad. It was further revealed that the victim could not continue his studies due to injuries. The family of the complainant had to incur huge expenditure on the case and also on medical treatment of the son.

\textsuperscript{14}Complaint No. 3773/13/2013, Punjab State Human Rights Commission.
**Case Study 14**

Savinder Singh of Pacca Qila, Jhabal, District Tarn Taran, brought inaction of the police to the notice of the Commission in his complaint\(^\text{15}\) (date 27.08.2013). He alleged that police failed to take any action on the FIR No. 223, dated 28.12.2012, registered under sections 325, 324, 34 IPC in police station Jhabal, regarding injuries inflicted on his brother and another FIR No. 4, dated 16.01 2013, registered under sections 366/34 IPC regarding kidnapping and rape on his daughter against the same accused. It had been alleged that police was unable to trace the daughter of complainant and his family was receiving threats from the accused.

The Commission took cognizance of the matter on 25.09.2013 and asked for the action taken report through an inquiry by a gazetted police officer. In the report submitted to the Commission, it was informed that allegations levelled by the complainant were not based on any substance. The complainant had filed another appeal to the Commission regarding threat to his life. However, the same had not been taken up by the Commission on the ground that there were no human rights violations by any public authority.

The complainant during interview, reported financial hardships faced by his family and it was not easy for them to meet their daily needs even. They had to borrow money to pursue the case. He alleged that police was insensitive towards the problems of poor people. He raised concern about the biased attitude of village Panchayat. He further informed that action was still awaited on the part of the police and accused were roaming free.

**Case Study 15**

Allegations of inaction had been levelled against the police officials by Kartar Singh and others of Village Rayya, Ward No. 9, District Amritsar. In their complaint\(^\text{16}\) to the PSHRC, the complainants alleged that the local police was shielding a politically well connected lady, who used to execute threats and abuse people filthily.

The Commission took cognizance of the matter on 25.06.2012 and called for report from the state government through SSP, Amritsar (Rural). The said authority in its report dated 10.09.2012 informed the Commission that a case FIR No. 167 had been registered under section 3, Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989, on 27.82012 against the accused. The Commission had noted in its proceeding dated 18.08.2013 that the said report had been sent to the complainant for filing rejoinder which he

\(^{15}\)Complaint No. 11258/19/2013, Punjab State Human Rights Commission.

\(^{16}\)Complaint No. 8248/1/2012, Punjab State Human Rights Commission.
had failed to file. The proceedings before the commission were closed, on an inference that the complainant did not want to pursue the case.

The nexus between political leaders and the local police was brought to light by the complainant during interview. He highlighted problem of distance to pursue the case. It was revealed that despite directions issued by the Commission, the police was not working impartially. The case brings out the fact that functioning of the police is not immune from the power tandem prevailing at the local level.

Case Study 16

Gursewak Singh of Chowk Chirra, Amritsar in his complaint\(^\text{17}\) (date 19.09.2011) to the commission alleged that the police had failed to take any lawful action on a written complaint entered in the register of public complaints, against the accused, no. 24-5 AP (F) at police station ‘C’ Division on 27.09.2010 for committing theft at his house, in which jewellery worth 1,50,000/- had been stolen. It was apprised that officials at the police station had not registered any FIR, despite the fact that it was a cognizable offence and further that the case had not been investigated under section 156 Cr.P.C. The complainant contended that whatever little efforts were made by the police, were indirectly intended to help the culprits.

The Commission called for the status report from the Police Commissioner, Amritsar, after taking cognizance of the matter on 11.11.2011. In its report dated 02.01.2013, the said authority informed the Commission that FIR No. 117/2010 had been registered under sections 457, 380 IPC at police station ‘C’ Division, Amritsar. After investigation no clue had been found regarding the stolen material and a report of untraceable had been prepared. However, this report was contested by the complainant. Thus, the inquiry was entrusted to ADGP (now DGP) of the Commission. The said authority, in its report dated 12.08.2014, corroborated the version of the complainant that police had not initiated a proper investigation in the case. It was brought to light by the said authority that officials of the police had clubbed the present case with an already existing FIR No. 117, dated 03.09.2010. It further recommended that to redress the grievance of the complainant, a separate FIR should be registered and investigation be made by a responsible officer. The Commission directed Commissioner of Police, Amritsar to take appropriate action on the basis of the report of DGP. It had noted in its proceedings dated 31.12.2014 that the Commissioner of Police, Amritsar City had filed a report dated 30.12.2014, whereby it had been informed that

\(^{17}\)Complaint No. 13062/1/2011, Punjab State Human Rights Commission.
case FIR No. 266 dated 30.12.2014 under section 454 and 380, IPC had been registered with regard to the incident of theft committed in the house of complainant and the matter is under investigation.

Analysis of the case reveals that even after a period of four years, the complainant is still awaiting justice. It was alleged during interview that his grievances were not heard by either SHO or Commissioner of Police, as the police was working under political pressure. The complainant informed during interview that complaints in the form of appeal were also made to Deputy Commissioner of Police, Amritsar City and Commissioner of Police, Amritsar. But to his dismay, neither FIR was registered nor was any proper investigation made. He further revealed that no police official visited the place of theft and no spot modus operandi was prepared under section 156 Cr.P.C. Even no interrogation was done in the case.

Case Study 17

Failure on the part of police in taking lawful action had been reported in a complaint,\(^\text{18}\) filed with the PSHRC, by Gurvinder Singh of VPO Palheri, Tehsil Kharar, District SAS Nagar, on 11.02.2013. The victim belonged to Scheduled Caste and had attained education up to 12\(^{\text{th}}\) class. He alleged that police had failed to take action against the accused, who had cheated him in the name of sending him abroad; for which an FIR No. 43 under sections 406,420,120 B of IPC had been registered on 23.03.2012 at Dera Bassi. It had been reported in the complaint that the inquiry conducted in the case was totally arbitrary and favouring the accused, who had committed cheating and fraud of high magnitude. He emphasized that the inquiry officer had written a report at the behest of the accused. On the basis of arbitrary findings, his case had been closed by the police.

The Commission had taken cognizance of the matter and called for the status report from the state government. In this case, it was the Economic Offences Wing that had failed to take the lawful action, to redress the grievance of the victim. After intervention of the Commission, the accused returned Rs. 2 lac out of the total amount of Rs. 12.70 lac and committed to return the remaining amount in instalments.

During an interview with the complainant, it was informed that his family had to undergo intense psychological trauma, as the financial loss had made their life miserable. His father-in-law had suffered paralysis attack after the incident. He, however, expressed his

\(^{18}\)Complaint No. 2612/17/2013, Punjab State Human Rights Commission.
satisfaction with the working of the Commission. He also informed about another incident, where the money of the victim had been recovered with help of the Commission.

**Case Study 18**

In the case of Gurmail Singh of Village Chakshukar, P.O. Patial, District Jalandhar, the violation of human rights involves not only the failure of police in taking lawful action but the officials from Revenue Department of the state government were also hand in glove with the accused, who was trying to grab the land of the complainant. He reported the matter to the PSHRC in his complaint\(^\text{19}\) on 27.12.2012. The accused in this case, is the brother of the complainant who had allegedly forged the documents related to the land in question, in connivance with the revenue officials. Police officials were also supporting the accused.

On consideration of the facts, the Commission had taken cognizance of the matter on 14.02.2013 and called for the status report from the Punjab government through SSP (Rural), Jalandhar. The said authority informed the Commission in its report that the complainant had recorded his statement that he had filed an appeal before the Deputy Commissioner against his brother and revenue officials. Thus, outcome of the decision of Deputy Commissioner would be acceptable to him. As the complainant was not satisfied with the report submitted by SSP (Rural), Jalandhar, the matter was further investigated by ADGP (now DGP) of the commission. The said authority, in its report noted that complainant had a land dispute with his brother, who is a NaibTehsildar. The complainant had filed a civil suit against his brother and concerned Patwari about the disputed land. During the inquiry, no cognizable offence was revealed against the brother of the complainant. It further noted that the subject matter of the complaint had become *sub judice* as the complainant had filed a civil suit about the dispute in the court of Civil Judge. The commission in its proceedings, dated 09.07.2014, noted that the issue involved in the case related to property dispute between parties and the matter was *sub judice* in the court, hence the commission could not take any action on the complaint. Thus, the proceedings were closed.

During interview, the complainant informed that he was facing strained financial circumstances and had to borrow money from his friends to pursue the case. He told that he was satisfied with the working of PSHRC. He also showed his satisfaction with the attitude of senior police officers but was highly critical of the behaviour of local police officials.

\(^{19}\)Complaint No. 778/8/2013, Punjab State Human Rights Commission.
Case Study 19

Rajinder Singh of Deep Avenue, Taran Taran in his complaint\(^20\) to the Commission alleged that he and his wife had been threatened and insulted with caste related abuse by the accused, for which he had reported to the police on 26.11.2010. The police failed to take any lawful action on his report and was instead helping the accused. He had informed that an officer of DSP rank helped the accused and had not registered any case against him. He allegedly insulted the complainant and turned him out of his office, when he went to enquire about the case from him.

As the inaction on the part of the police was alleged, PSHRC found it a fit case for scrutiny under the Protection of Human Rights Act. 1993. The Commission called for a report from the state government, through SSP Tarn Taran on 01.03.2011. In response to the report by the said authority, the complainant stated in a rejoinder dated 14.10.2011 that the inquiry was not based on true facts and alleged inaction on the part of police official as the guilty had been shielded by the inquiry officer. Keeping in view the facts and in interest of justice, the commission ordered deeper probe by DGP of the commission, after examining all the aspects and averments made by the complainant. In a report dated 15.10.2013, DGP of the Commission stated that the allegation of the complainant were not proved, as he could not produce any sustainable evidence in support of his allegation against DSP, City, Tarn Taran and others. The complainant did not file any rejoinder against the report submitted by DGP of the Commission. Thus, further proceedings in the case had been closed by the Commission.

During interview, the complainant showed his concern against political interference in the working of police. He alleged that under the influence of political leaders, no official of the police, including high ranking officers, listened to his plight.

Case Study 20

The complainant, Leela of Shastry Nagar, Majitha Road, Amritsar in her complaint\(^21\) dated 18.07.2011, to PSHRC ,alleged that the dead body of her husband had been found lying on railway tracks in Amritsar. She had apprehended in the complaint that the other party, against whom her husband had filed a complaint, might have done that mischief. Her husband was working in a private limited company, where he had a dispute with the managing director of the company. The husband of the complainant had filed complaints in the form of appeal to Commissioner of Police, Amritsar and DGP, Punjab, regarding misdeeds of managing

\(^{20}\)Complaint No. 2185/19/2011, Punjab State Human Rights Commission.
\(^{21}\)Complaint No. 10064/1/2011, Punjab State Human Rights Commission.
director and other high ranked officials, of the company. In these circumstances, husband of
the complainant had been receiving threats to his life by the alleged accused.

After examining the contents of the complaint, the Commission called for a report
on 18.08.2011 from Commissioner of Police, Amritsar. The AIG, GRP, Patiala in its report
dated 27.04.2012, informed that the allegations made in the complaint were found devoid of
any truth. The Commission had noted in its proceedings dated 11.04.2014 that despite two
adjournments, the complainant had not filed any response against the report submitted by the
investigating authority. The Commission considered it appropriate, in view of the seriousness
and sensitivity of the allegations, to entrust the inquiry of the case to ADGP of the
Commission, for submitting an independent report in the case, after hearing the concerned
parties. The said authority informed the Commission, in its report dated 24.03.2014, that the
complainant was not interested to pursue the case as they did not have any evidence to prove
their allegations.

The researcher had been unable to contact the complainant to record her version as
she was not living at the address available in the records available. Nobody in that area had
any clue about the whereabouts of the family.

Case Study 21

Balbir Kaur of Village Ekal Gadda, Tehsil Khadoor Sahib, District Taran Taran
alleged inaction on the part of police officials, who were hand in glove with the accused. In
her complaint\(^{22}\) to the Commission, she alleged that despite the grant of stay, with regard to
the land in question, in her favour by the civil court, the accused was trying to take forcible
possession of her land, in connivance with police officials. She further alleged that despite
her repeated requests to higher authorities, her grievance had not been redressed.

Since the in-action and allegations were attributed to the police officials, the
Commission had taken cognizance of the matter on 27.07.2011 and called for the report from
the Home Department through SSP of the area. The said authority, in its report dated
26.06.2013, informed the Commission that as per inquiry conducted by DSP, Sub Division,
Taran Taran, the complainant had not produced any witness or proof in support of her
allegations, against the accused and police officials. The complainant in her rejoinder, filed
on 16.01.2014, contended the report submitted by the government, as an attempt to favour the
concerned SHO and the opposite party. She also informed the Commission that she and

\(^{22}\)Complaint No. 9173/19/2011, Punjab State Human Rights Commission
members of her family had been receiving threats to their life. In its proceedings on 21.03.2014, the Commission entrusted the investigation to ADGP of the Commission which submitted its report on 15.12.2014 and the response of the complainant in this regard was still awaited by the Commission.

It was alleged by the complainant during the interview, that human rights were violated by the police under influence of others. She informed that all the officials of police were working in connivance with the opposite party, who had encroached upon her land. As far as filing of the complaint is concerned, she had pursued it through an advocate.

**Case Study 22**

Hasam Din of village Bhol Bagh, P.O. Mari Tanda, Tehsil Batala, District Gurdaspur, in his complaint dated 20.12.2011 to the Commission, alleged that accused had been indulging in illegal activities, in connivance with officials of the police. Minor daughter of the complainant, aged five years, had been kidnapped by the said accused and they were demanding an amount of five lakhs for her release. It had been revealed in the complaint that the same accused had also kidnapped girls of some other families earlier; and extorted money for their release. The accused had also been indulging in sexually assaulting women and girls.

The Commission had taken cognizance of the matter on 24.01.2012 and called for the status report from the state government through SSP, Batala. The said authority in its report dated 24.04.2012 informed the Commission that FIR No. 49 dated 15.11.2012 had been registered under sections 363/366 IPC against the accused in police station Kotli Surat Malli and challan in the said case was presented in the court on 12.01.2012. One of the accused was arrested by the police, however other two accused were still to be nabbed. After the filing of rejoinder by the complainant in response to the report, the commission in its proceeding dated 01.04.2014 entrusted the investigation to ADGP of the commission. The Commission in its proceedings, dated 31.12.2014, had noted that the complainant had sought more time to file his rejoinder in response to the report submitted by the ADGP (now DGP) of the Commission.

During his interview, the complainant alleged that motive of extortion of money was the cause of violation of his human rights, at the hands of lower rung police officials. His grievances were not listened to, even by senior officers. According to him all the accused in the case were not yet arrested by the police.

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23Complaint No. 509/6/2012, Punjab State Human Rights Commission
Case Study 23

Baljit Kaur of Village Jhabal Kalan, Tehsil and District Taran Taran, in her complaint brought inaction of the police to the notice of the Commission. She alleged that police failed to take any lawful action on FIR no 223 registered under sections 324/323/325 IPC, on 28.12.2012. Her husband had died on 21.05.2013 after injuries in the attack. It was informed by the complainant that her family was very poor and her husband was a rickshaw puller. The accused in the case used to harass their girls. On raising objections by her husband, he was violently attacked by the accused. Due to injuries inflicted on him, he was unable to pedal the rickshaw. As the accused were still creating problems for them, her husband’s condition deteriorated further, both physically and psychologically. Resultantly, he died on 21.05.2013.

The Commission took cognizance of the matter and called for status report from the government through SSP, Tran Taran on 20.09.2013. The said authority informed to the Commission that challan had been presented in the court and the case is under trial. The complainant did not file any rejoinder against the report and the case was closed.

The complainant alleged during interview that her husband was killed by accused and it was difficult for them to make both their ends meet, as there was no other source of income. No police officer listened to her grievance. Thus, she had to face lot of financial hardships to pursue the case. It had been revealed that officials of the police told them that although they did not get the post-mortem done, the police would take action under section 302 IPC and the family of the victim would get justice. She further informed that she did not get any help even from the Commission.

Case Study 24

In his complaint (date 11.05.2010) to PSHRC, Naranjin Lal of Phase 9, Mohali alleged inaction on the part of police officials on his report (date 08.052010) of theft at his house. He alleged that police had not registered any case of theft, despite the fact that police official had visited the place of theft. He also mentioned names of the suspect in his complaint.

The Commission took cognizance of the matter and called for the status report from the state government through SSP, Mohali. The said officer informed the Commission that

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24Complaint No. 10945/19/2013, Punjab State Human Rights Commission
FIR No. 44 had been registered on 19.05.2010 jointly with another case under sections 457/380 IPC at police station Phase 8, Mohali. The Commission, in its proceedings dated 20.01.2012, noted that the matter was of grave concern and involved dereliction of duty on the part of officials of the police, in not registering the case on the written complaint of Naranjin Lal. It further noted that there was no sense, in probing the case on complaint of the said complainant, by clubbing it with the case FIR, on the complaint of another unconnected person. The concerned police officials had hoodwinked the Commission, as well as the complainant. They had tampered with the documents related to the case. It had also been noted by the Commission that if a criminal case, on the suspect had been registered and interrogation had been done on time, the recovery of the stolen articles worth rupees five lakh could be possible. After lapse of such a long time, the chances of recovery were remote, which had put the complainant to a great loss. Thus, the Commission recommended suitable departmental action against the concerned officials and an amount of Rs. 10000/- by way of compensation to be paid to the complainant by the state government.

During interview with the victim, he expressed his dissatisfaction with the working of the police officials even after the direction by the Commission.

Case Study 25

Kuldip Kaur of village Sukhna Ablu, Tehsil Gidarbaha, District Sri Muktsar Sahib also alleged inaction of police official on her FIR No. 14 dated 17.03 2013 registered under sections 452/323/34 IPC. In her complaint, dated 06.05.2013 to the commission, she alleged that police had not taken any action on their report against the accused, who had beaten her and her son. Her family was receiving continuous threat from the accused.

The Commission took cognizance of the matter on 28.05.2013 and called for the report from the state government through SSP, Sri Mukatsar Sahib, who in his report to the Commission informed that challan had been presented in the court and the case was under trial. Thus, proceedings in the case had been closed by the Commission.

It was brought to notice by the complainant during interview that her family was living under constant fear. She informed that officials of the police were supporting the opposite party. She registered her dissatisfaction with the working of the police even after the intervention of the Commission. Her family was still being harassed by the accused.

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Case Study 26

In a complaint dated 15.03.2012 to PSHRC, Balwant Singh of Ajrawar, Tehsil Ghanaur, District Patiala, alleged inaction on the part of the police. The grievance of the complainant was that the police had not taken any action on the FIR No.84 registered at police post Pasiana, on 25.10.2011, regarding murder of his son. He further informed the commission that names of the accused had been given to the police.

On consideration of the facts mentioned in the complaint, the Commission prima facie took cognizance of the matter on 02.04.2012 and sought a report from the state of Punjab through SSP, Patiala. The said authority, in its report dated 27.07.2012, stated that as per the inquiry conducted, the allegations made by the complainant are baseless as his son had died accidentally, due to hitting by an unidentified vehicle. In view of the seriousness of the allegation made in the complaint, the inquiry was further entrusted to the DGP of the Commission, who corroborated the report submitted by SSP, Patiala. The said authority also informed in its report that the complainant had also filed petition no.9306 of 2012 in Hon’ble High Court. However, his petition had been dismissed by the Hon’ble Court. On the basis of report of the DGP, the Commission closed further proceedings in the case.

During interview with family of the complainant, it was brought out that the father of the deceased was very old and due to financial hardships it was not easy for them to pursue with the case of alleged murder suspected by them.

Case Study 27

Kulwinder Singh of Village Lopo, Tehsil Samrala, District Ludhiana, brought the inaction on the part of officials of the police to notice of the Commission in his complaint dated 06.06.2012. He alleged that the accused had been mentally torturing him and his family by doing insulting acts in front of his house. The accused party had also inflicted injuries on him. It had been informed that accused had not mended their ways, even after the intervention of village panchayat. He reported the matter to the police but no action had been taken. He apprised that when he was hospitalised after being injured, the police paid no attention to the matter, despite the submission of many complaints. It was only after the incident was reported by media; that officials of the police visited the hospital to record his statement.

28Complaint No. 7890/10/2012, Punjab State Human Rights Commission
On consideration of the allegations contained in the complaint, the Commission prima facie took cognizance of the matter under the Human Rights Act, 1993 on 14.06.2012 and asked the ADGP of the Commission to get the matter enquired, through an officer from other district than Ludhiana, to find the truth. The said authority submitted its report on 18.02.2013. The Commission had noted in its proceedings dated 29.10.2013 that the complainant had not filed any response with respect to the report submitted by the DGP, PSHRC, thus, it was reasonable to infer that the complainant had nothing to say by way of rebuttal. The case had been closed by the Commission.

It was brought to the notice during interview with the complainant that the police took action only after the intervention by the commission. As one the relatives of the accused, was an official in the police department, officials of police at the local level were openly supporting the accused. He also informed that village panchayat was not of any help to him.

Case Study 28

Gurmukh Singh of Village Patarasi Kalan, District Fatehgarh Sahib, filed his complaint dated 08.06.2012 to the Commission and inter alia alleged that the accused and his associates had kidnapped his minor daughter on 29.02.2012. The matter was reported to the police at police station Badali Ala Singh on 02.03.2012, but no action had been taken by the police. The complainant had informed the Commission, further, that his family had been threatened by the accused and his family.

Since the inaction on the part of the police was alleged, the Commission took cognizance of the matter on 21.06.2012 and called for the status report from the state government, through SSP Fatehgarh Sahib. The Commission in its proceedings dated 03.04.2013 had noted that it has been reported by the SSP Fatehgarh Sahib, in his report dated 09.01.2013, that after completing investigation of the case challan had been submitted in the court. Thus, the proceedings in the case had been closed.

During the interview with the complainant it was alleged that the police had initially not taken any action due to political pressure. His family had to undergo social distress after the incident. Under these circumstances, education of children had also suffered a huge loss.

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Case Study 29

Kulwant Kaur of Village Chahil, District Bathinda, reported inaction of the police officials as the primary grievance in her complaint\(^{30}\) to the Commission dated 05.08.2013. She alleged that the police had not taken any action on FIR No. 19 registered on 28.03.2013 at police station Kot Fata, under sections 452, 323, 148,149 IPC and further complained that an official of the police had demanded Rs. 10000/- from her, as expenses for documentation. They had paid Rs. 7000/- to that official. It had been informed to the Commission that the complainant and her daughter were thrashed by the accused. The complainant had reported further that the said official, latter, connived with the accused and hampered proper investigation in the case.

The Commission had taken cognizance of the matter on 06.09.2013 and called for a status report from the government through SSP, Bathinda. The said authority, however sought more time to file the report. A report dated 09.12.2013, stated that the complainant had recorded her statement that she did not want any action on her complaint. Thus, the case had been closed by the Commission.

The complainant informed during interview that her family had been living under poverty and it was difficult for her to make both ends meet. Her gold ornaments were snatched by the accused. She showed her concern that police is insensitive towards the plight of the poor people. Even senior police officers did no pay any attention to her appeal. As a last resort, she had to approach an advocate, to pursue the case to PSHRC.

Case Study 30

Ashish Kumar of Malout, District Sri Muktsar Sahib, in his complaint\(^{31}\) dated 08.11.2012 to the Commission; brought the failure of the police to take lawful action in a case FIR No 94 registered 22.07.2012 at police station Malout City under sections 324,341,506,148,149,382 IPC.

The Commission took cognizance of the matter on 20.11.2012 and called for the status report regarding the investigation in the aforesaid FIR from the Punjab government, through SSP Sri Mukatsar Sahib. In its report dated 09.04.2013, the said authority informed the Commission that the two accused in the case had been arrested. Raids had been conducted to arrest the remaining accused. The Commission, in its proceedings dated 18.03.2014, noted

\(^{30}\)Complaint No. 10130/2/2013, Punjab State Human Rights Commission.
\(^{31}\)Complaint No. 16265/13/2012, Punjab State Human Rights Commission.
that the complainant had not filed any rejoinder in response to the investigation report. So, on conjecture that he was satisfied, the case had been closed.

However, during interview the complainant raised the issue of delay in taking action, thus registered his dissatisfaction about the working of grievance redressal mechanism. He also informed that due to the case, his business had suffered huge losses. He opined that human rights of the people could be protected only if police work with integrity and without any bias.

**Case Study 31**

In another case of inaction on the part of officials of the police, Nirmal Chand of Dhamoli Road, Rajpura, Patiala, informed the Commission in his complaint\(^2\) (dated 12.12.2008) that his son and friends of his son had received serious injuries in an accident and his car was damaged. The loss was to the tune of about Rs. One Lakh. He further alleged that no tangible inquiry had been conducted by the police. The driver of the truck was handed over to the police by the people and the report was given to the concerned police station. However, officials of the police connived with the accused driver and no action was taken against him. Even no DDR or FIR was registered.

Since, the complaint was related to the failure of the police to take any lawful action, the Commission took cognizance of the matter on 06.03. 2009 and called for the status report from SSP Patiala, as to what investigation had been done after the accident. It also asked for report about registration of the case against the owner/driver of the alleged truck.

In its proceedings dated 27.10.2010, the Commission noted that the inquiry conducted had disclosed violation of human rights by a public servant i.e. official of the police. It recommended compensation of Rs. 50000/- to the complainant on account of injuries to his son and damage to his car. It also recommended departmental action against the concerned officials. In departmental action, 2 years of service of the accused Head Constable had been forfeited.

During interview with the respondent, it was informed that more than two years were taken for the redressal of his grievance. The police registered FIR no. 159 on 16.07.2019 at police station Patran, under sections 279/337/338 IPC only after intervention of the Commission.

Case Study 32

Raghvir Singh of Ludhiana alleged in his complaint\textsuperscript{33} (dated 17.07.2013) to the commission that police is conniving with the accused, who had a property dispute with him. He further informed that the police was openly siding with the accused. It was informed that officials of the police had abused the complainant and threatened of dire consequences if he entered the land in question. He was also threatened that he would be implicated in a false case.

The Commission had taken cognizance of the matter on 30.07.2013 and called for a status report from the state government through SSP, Fatehgarh Sahib. The said authority, in its report dated 26.08.2013, informed the Commission that there was no truth in the allegation levelled in the complaint. The complainant, while filing rejoinder, stated that the report was not based on the facts and had been filed under police influence. Under those circumstances, investigation pertained to the inquiry was entrusted to the ADGP (now DGP) of the Commission on 31.03.2014, who in its report stated that the matter is of civil nature and did not pertain to PSHRC. On the basis of the report of the said authority, the case had been closed by the Commission.

The complainant alleged during interview that officials of the police had been influenced by opposite party, by using money power.

Case Study 33

In another case of failure of the police to take lawful action, Ajit Singh of Rajasansi, Amritsar, alleged in his complaint\textsuperscript{34} that no action had been taken by officials of the police in a case FIR No. 267 registered at police station Civil Lines on 23.06.2010 regarding fabrication of a false power of attorney, by the accused, for transfer of his house. It was also alleged in the complaint that even officials of the police had demanded money from the complainant to get the house vacated from the accused. It had been revealed in the complaint that officials of the police removed the documents from the police record to help the accused.

The Commission took cognizance of the matter on 27.01.2011 and called for the status report regarding investigation in the case FIR from the state government through SSP Amritsar (Rural). In its report dated 02.10.2013, SSP Amritsar informed that FIR 17 dated 11.02.2013 stood registered against the complainant and others as the complainant had filed a

\textsuperscript{33}Complaint No. 9093/4/2013, Punjab State Human Rights Commission.

\textsuperscript{34}Complaint No. 872/1/2011, Punjab State Human Rights Commission.
false complaint due to fear of arrest. The Commission in its order dated 23.04.2014 noted that the case is civil in nature thus, no further action was required and the case had been closed

Case Study 34

Devinder Singh of Patiala, a retired SP from the Punjab Police, appealed to the Commission in his complaint dated 04.10.2012 that the police had not taken any action against the accused in a property dispute case. The complainant has made a number of complaints/representations to SSP Patiala and other authorities. The issue was also highlighted by newspapers.

The Commission took cognizance of the matter on 12.10.2012 and called for status report from the state government through SSP Patiala and directed that investigation be done by an official not below the rank of a DSP. It was alleged in the complaint the accused was a very inflation person, being a retired IAS officer who remained posted as Divisional Commissioner, Patiala during which some of the alleged incident took place.

Case Study 35

Paramjit Kaur of Guru Nanak Nagar, Patiala had filed a complaint to the Commission, alleging failure of the police to take lawful action on her report to the police, against her husband and other members of her in-laws for demand of dowry. The complainant was a victim of domestic violence. She had also been harassed by her in-laws for dowry. She had made a complaint to SSP, Patiala but of no avail. The complainant in her complaint, informed the Commission that her in-laws were influential persons and had pressurised the police against taking any action. She further informed that she had appeared before the SSP Patiala, however, no action had been taken. The accused were even threatening to take her of life.

The Commission on consideration of the case prima facie took the cognizance of the matter on 20.07.2012, under provisions of the Protection of Human Rights Act 1993 and directed the ADGP for inquiry and submission of the report. SSP Patiala, in his report dated 17.12.2012, informed that inquiry into the matter was got conducted and Case FIR No. 49 was registered in police station, Women Cell, Patiala on 12.12.2012, under sections 406/498-A, IPC. The matter was under investigation. The complainant did not file any rejoinder in response to the report submitted by SSP Patiala. Assuming that the complainant was satisfied with development, the Commission closed further proceedings in the case.

35Complaint No. 14502/15/2012, Punjab State Human Rights Commission.
36Complaint No. 9821/15/2012, Punjab State Human Rights Commission.
On analysis of the case, it can be inferred that it was only after the intervention of the Commission that the police registered a case against the accused. During interview the complainant informed that she was satisfied with proceedings of PSHRC. However, no solution had been found till the time of interview.

Case Study 36

In her complaint\(^3\) to the Commission, Navneet Kaur of Jalandhar alleged inaction of the police in case FIR No. 141 (dated 10.06.2013) registered under section 306 IPC in police station Division No. 8, Jalandhar. The complainant informed that her husband committed suicide due severe mental trauma by the accused as he was being pressurised by the accused, in connivance with Police, to sell his land forcibly. Her family was also being threatened by accused. It was also apprised in the complaint that officials of the police were openly shielding the accused and pressurizing her family to withdraw their complaint; else they would be implicated in a false case.

The Commission had taken the cognizance on the matter and called for the status report from the state government through Commissioner of Police, Jalandhar on 18.09.2013. A report dated 21.11.2013 by Commissioner of Police, Jalandhar, stated that challan had been presented in the court and the case was under trial. In its proceedings dated 06.05.2014, the Commission had noted that despite opportunities afforded to the complainant, she had not filed her rejoinder in response to the report submitted by Commissioner of Police, Jalandhar. Thus, on an inference that the complainant was satisfied and did not want to pursue the case, complaint was disposed off by the Commission.

The complainant informed during the interview that accused wanted to grab their land in connivance with officials of the Revenue Department. Due to political patronage the police did not take any action against the accused. Her husband committed suicide due to harassment by officers of police department. She also informed that she had to face difficulties to pursue the case as she had to travel long distance to reach the commission. It was also revealed that she had been facing financial hardships after her husband committed suicide. Her father-in-law took to drugs after the incidence.

\(^3\)Complaint No. 10724/8/2013, Punjab State Human Rights Commission.
Case Study 37

Pargat Singh of Village Jhunj, Tehsil Ajnala, District Amritsar by filing his complaint38 (Dated 06.01.2011) to the Commission, inter alia alleged police inaction in a case FIR No. 91/10 registered on 15.12.2010 under sections 307/427/148/149 IPC and 25/27.54.59 Arms Act in police station Bhindi Shaida. The complainant informed that accused had inflicted injuries on the members of his family and damaged his properties. They were receiving threat to their lives from the accused. He further informed that under political pressure officials of the police had not taken any action against the accused.

The Commission took the cognizance of the matter on 18.01.2011 and called for the status report from SSP, Amritsar who in its report informed that two accused had been found real culprits, in cross FIR 91 dated 15.12.2010 under section 307 IPC and challan would be presented in the court. As per the proceedings of the Commission dated 11.06.2012, the complainant did not context the report, thus the case had been closed by the Commission.

The complainant informed during interview that he had reached a compromise with the accused. However, they did not receive any help from the police. They had rather been confined in police custody for forty days.

Case Study 38

Inaction on the part of police was reported by Madan Lal of TopkhanaMaur, Patiala, in his complaint39 (dated 08.08.2011) to the Commission. The complainant informed that police officials had not taken lawful action on the case FIR No, 127 registered on 21.04.2011 at Thana Kotwali, Patiala under sections 302/201/34 IPC. He alleged that in spite of lapse of three months, the accused who had brutally killed his nephew, were roaming freely.

Since the inaction on the part of police was alleged, the Commission took cognizance of the matter on 23.09.2011 and called for the status report from the concerned authorities. The Commission however, in its proceedings dated 07.02.2014, had noted that the final report of investigation had been delayed inordinately, as it was still awaited. The Commission further raised the concern that such a long delay, in the submission of investigation report, forfeits the purpose of the commission for which it had been established under the Human Rights Act, 1993.

The complainant during an interview informed that all the accused had been convicted with help of PSHRC.

39Complaint No. 11397/15/2011, Punjab State Human Rights Commission
CASE RELATED TO ABUSE OF POWER BY THE POLICE

Case Study 39

Vikramjit Singh of Mohalla Vanieye Ka, Faridkot alleged in his complaint (dated 25.12.2011) to PSHRC that officials of the police had abused their powers by conniving with the accused, against whom warrants of arrest were issued under case FIR No. 345 registered under sections 420/120-B IPC in police station Kotkapura on 10.12.2010 and arrest warrants were issued against him on 01.07.2011. His grievance was that, by giving unlawful advantage to the accused, the police had helped the accused to leave for Australia, despite the fact that the accused had been arrested by the police. It was in formed in the complaint that the accused had been arrested by Delhi Police and was handed over to Punjab Police along with his passport and other important documents. The accused was brought to police station Faridkot. However, the police released him without producing him in the court. Even the case had been cancelled in lieu of money, after departure of the accused.

The Commission took the cognizance of the matter on 01.02.2012 and called for the status report from the state government through SSP, Faridkot which was submitted on 08.06.2012 by SP Special Investigation Crime, Punjab. The said report was challenged by complainant in his rejoinder, alleging that evidences produced by him, had been ignored and the report was prepared in connivance with police officials, against whom he had moved his complaint. Under those circumstances the investigation pertaining to inquiry was entrusted to the ADGP of the commission on 09.04.2014.

During interview with the complainant, it was informed that the complainant had been unlawfully detained by the police for three days and was released after the warrants of the Court. His wife had divorced him in those circumstances. He also brought to light that officials of the police had forced him to pay for the expenses of the vehicle, which was used to bring the accused back from Delhi. He pursued his case with help of an advocate.

Case Study 40

Ravinder Sahota of Village Bichhoi, Tehsil Garhshankar, SBS Nagar, alleged harassment at the hands of police officials in his complaint (dated 07.05.2013) to the Commission. He complained that police officials were harassing him at the instance of his estranged wife. He and other members of his family had been called to police station

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40Complaint No. 887/3/2012, Punjab State Human Rights Commission
41Complaint No. 5758/14/2013, Punjab State Human Rights Commission

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and again and were asked to pay Rs. 2 lakh, to his wife, else they would be implicated in a criminal case.

The Commission took the cognizance of the matter on 17.05.2013 and called for the status report from the state government through SSP, SBS Nagar. In its report to the Commission, the said authority revealed that allegations of the complainant were not true. The complainant refuted the police report by filing rejoinder dated 16.03.2014. Accordingly, the investigation pertaining to this inquiry was entrusted to DGP of Commission, the case is still under consideration of PSHRC.

At the time of interview, the complainant alleged that police officials were biased in their working and his version had not been listened to. He and his younger brother were detained by the police without any valid reason. The complainant took the help of an advocate to pursue his case.

Case Study 41

In a case of abuse of power by officials of the police, Manohar Lal of Village Bambianwal, Tehsil and District Jalandhar, complained to PSHRC in his complaint dated 26.07.2013 about harassment and threat of false implication in a case at the hands of police. The complainant informed the Commission that police officials at police station Sadar Jamsher, Jalandhar had forced him to reached a compromise and sign some documents at the instance of opposite party, with whom the complainant had a property dispute.

The Commission took the cognizance of the matter and called for a status report from the state government through SSP (Rural) Jalandhar. The Commissioner of Police, Jalandhar in its report dated 30.01.2014, mentioned that allegations levelled against the police officials were found to be false. The complainant, in a rejoinder, assailed the report on the ground that since allegations were against the police officials, fair and proper investigation could not be conducted. Under those circumstances, investigation pertaining to the inquiry was entrusted to the DGP of the Commission. Report dated 02.07.2014 of DGP/ Commission mentioned that the complainant had already initiated contempt proceedings against the accused officials on similar allegations, which were pending under consideration in the Civil Court. Thus, the matter was sub judice. The Commission disposed off the complaint when the said report was not contested by the complainant.

During the interview, Manohar lal alleged that police officials were hands in gloves with the opposite party for monetary gains, as the dispute was in regards to property. He also

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42Complaint No. 9659/8/2013, Punjab State Human Rights Commission

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alleged that he had to incur and expenditure of more than of Rs. 1 lakh while pursuing the complaint. His family also faced mental trauma and the education of children also suffered badly on account of the dispute. The complainant was not satisfied with the action taken by the commission.

**Case Study 42**

Balwinder Singh of Village Sangatpura, Tehsil Batala, District Gurdaspur (a constable in Punjab Police) in his complaint dated (10.02.2012) brought abuse of power by senior police officials, to the notice of PSHRC. The complainant, who is a constable in the Police Department, informed that he was thrashed by a deadly drunk senior police official who ordered his gunmen to shoot him. The accused officer pulled his hair and caused injuries to him. The complainant made a written complaint to the concerned authorities but to no avail.

Since abuse of power on the part of police was alleged, the Commission took the cognizance of the matter on 14.03.2012 and called for the status report from the state government through SSP, Patiala. In its report dated 28.08.2012, the said authority informed that the complainant neither made any application to the office of SSP nor did he level any allegations of appearing personally. On the basis of rejoinder filed by the complainant to context the report, the inquiry in the case was entrusted to the DGP/Commission and the matter is still under consideration of the Commission.

During interview the complainant expressed his concern that senior officers in the Police Department had not worked impartially and sided with the accused officer. He revealed that members of his family were threatened of dire consequence by the accused officer, when he moved his complaint to the PSHRC. He moved his complaint to the Commission through an advocate.

**Case Study 43**

Natha Singh of Balianwali, District Bathinda alleged abuse of power by the police officials in his complaint dated 27.06.2013. The complainant alleged that three officials of Punjab Police, including an ASI, had beaten the victim Leela Singh, who was 100 per cent blind. The victim had to be hospitalised after the incident; unable to bear the physical and

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43Complaint No. 3184/15/2012, Punjab State Human Rights Commission
44Complaint No. 8370/2/2013, Punjab State Human Rights Commission.
mental torture inflicted on him, as a result he victim had died. He informed the Commission that the matter was reported to the authorities but no action was taken against the erring officials.

The Commission took the cognizance of the matter on 16.07.2013 and asked for status report from SSP Bathinda. The concerned officer informed the Commission, in report dated 21.10.2013, that as per inquiry conducted by DSP Mour, the allegations levelled in the complaint have been found to be false and devoid of any truth. The Commission further entrusted the inquiry to ADGP (now DGP) of the Commission.

In its report dated 19.05.2014, the ADGP stated that during the course of inquiry, allegations levelled in the complaint had been corroborated by two witnesses. It did not rule out undue harassment and even physical torture to the victim. It further informed that undue harassment was meted out to the victim in the presence of SHO, thus, there was dereliction of duty on his part. Unfortunately, Leela Singh, feeling mentally disturbed, expired after six months of the alleged mishandling of the case. On the basis of this report, the Commission directed the DGP Punjab to take suitable action in the matter against the erring police officials. The Commission had noted in its proceedings dated 8.12.2014 that it had received an application by the complainant regarding threats by the delinquent officials.

**Case Study 44**

Abuse of power by officials of the police was also highlighted in a complaint\(^45\) (dated 05.05.2009) to PSHRC by Minakshi of Village Sahri, District Hoshiarpur. The complainant alleged that officials of the police entered her house in an inebriated condition and enquired about her husband, who was not present in the house. They abused her filthily and tried to take her forcibly to the Police Station. They also threatened to implicate the family in a false case.

As the case involved high-handedness of the police officials, the Commission took the cognizance of the matter and called for report from the state government through SSP, Hoshiarpur. The Commission received required report from the officer mentioned above on 04.08.2008, whereby it was informed that police officials concerned with the case, had visited the house of the complainant in the evening of 28.04.2009, in connection with a dispute of her husband with some persons but they had not misbehaved with her in any

manner. Since the complainant was not satisfied with the report, the matter was reported to the ADGP of the commission on 02.03.2010.

In the report submitted by the ADGP on 18.11.2010, all the allegations levelled by the complainant stood proved. It was also proved that people assembled at the time of incidence on hearing alarm raised by the complainant. They got her free from the clutches of officials of the police. The Commission in its proceedings dated 04.11.2011, noted that the charges against the police officials had been proved and recommended disciplinary action against them and also directed compensation of Rs. 30000/- to the complainant from the salary of the accused officials.

An analysis of the case reflected a tacit support of the accused officials by officers at the local level. During interview with the complainant, she registered her satisfaction with the working of PSHRC. It was informed by the complainant during interview that she had pursued the case with help of an advocate. It was also revealed that the police was working under political pressure.

Case Study 45

Paramjit Singh of Araichan, Doraha, District Ludhiana alleged that he and his wife were being harassed and threatened by the opposite party as they were very poor and belong to scheduled caste community. The complainant had registered a complaint in the police station under sections 392, 323, 506/34 IPC and 3(1) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989. In his complaint46 (dated 02.08.2011) to PSHRC, he informed that the local police was pressurising him to withdraw the case against accused, which was pending in the judicial court. The complainant informed further that they had been receiving threats from accused, who are influential persons. They used to barge into the complainant’s house; damaged their property and use to abuse then against their caste.

After going through the allegations, the Commission took cognizance of the matter on 15.09.2011 and asked SSP, Ludhiana (Rural) to submit report after getting the matter enquired into. Again, on 08.02.2012 the Commission issued a reminder to the concerned authorities for the report at the earliest. In his report dated 23.04.2012, SSP., Khanna reported that during the inquiry, the complainant stated that the case was pending in the trial court and the decision of the court would be acceptable to him. The Commission, in its order passed on

27.09.2012, noted that the complainant had not filed any rejoinder in response to the report. Thus, the Commission inferred that the complainant did not want to pursue the case and the case had been closed by it.

It was alleged by the complainant, during the interview, that his poverty and caste were the main factors behind his plight. The accused had hired goons to harass him and other members of his family. They were living under constant fear and could not go outside their house for work. He further revealed that officials of the police were pressurising him to withdraw his complaint. Despite the closure of the case by the Commission, the complainant did not get any relief as the accused were powerful people.

Case Study 46

Jagtar Singh, resident of Village Nareina, Tehsil Bassi Pathana, District Fatehgarh Sahib, alleged in his complaint before the Commission \(^{47}\) (dated 12.04.2013) that he had given an information against one Kuldip Singh who indulged in sale of narcotic drugs but the police was helping the said Kuldip Singh. application dated 05.04.2013, against the accused party, to DSP/Bassi Pathana but instead of taking action against the accused, officials of the police had abused him and threatened that he would be entangled in a false case.

Since allegations of abuse of power had been made against the police officials, the commission took cognizance of the matter on 06.05.2013 and called for status report from the Home Department, of the State Government, through SSP, Fatehgarh Sahib. Again on 26.06.2013 Jagtar Singh filed another complaint \(^{48}\), alleging his false implication along with his son in a case registered at police station Bassi Pathana, under section 379 IPC (FIR No. 56). The Commission called for the status report from SSP, Fatehgarh Sahib. The said authority in its report dated 07.04.2014, informed that the complainant had made a statement to the effect that he did not want to get the matter enquired into by any officer of District Fatehgarh Sahib. In those circumstances, investigation pertaining to the inquiry was entrusted to the DGP of the Commission. The matter is still under consideration of the Commission.

During interview with the complainant, it was brought to the notice that officials of the police were working under political pressure. However, civil society and media had helped him in his fight against the violation his human rights. The case is still pending with DGP/PSHRC. The last date was 19.02.2015.

Case Study 47

In a case of abuse of power, Jaspal Singh of Village Bandi, District Bathinda, filed his complaint\(^{49}\) to PSHRC through his counsel. It was alleged that he had a land dispute with opposite party, who had been pressurising the complainant, in connivance with police officials to agree to their terms. On refusal, the complainant was humiliated, harassed and threatened by the police officials. SHO of the police station Sangat, Bathinda, abused him and forced him to remove his clothes and do sit ups. The complainant also alleged that he had been threatened with implication in a false case.

The Commission took cognizance of the matter on 14.08.2007 and called for status report from the concerned authorities. SSP in his report passed off the dispute as civil in nature and pending in court. Also, it was mentioned that a compromise had been effected between both the parties but later on they backed out. The complainant challenged the report and reiterated his original allegations. He alleged that inquiry had been conducted under pressure and he had no faith in local police. Thus, after consideration of rejoinder submitted by the complainant, the inquiry was entrusted to the ADGP of the Commission, who in his report dated 19.08.2008, found the accused SHO guilty. Keeping in view the negligence on the part of officials of the police, the Commission recommended a departmental action against them. It also asked the state government to pay Rs. 10000/- to the complainant as compensation.

During interview, the complainant alleged that police has still not change their attitude and political pressure is also being put to help the accused. He was satisfied with the compensation.

Case Study 48

In a case of abuse of power, Leelawati of Village Sahib Nagar, District Patiala, filed a complaint\(^{50}\) (dated 03.02.2010) to the Commission alleging that officials of the police had been interfering in her land dispute with opposite party, despite the fact that the case was under consideration in the judicial court. The complainant informed that instead of entertaining her complaint regarding encroachment on her property, police officials at police station, Urban Estate, Patiala threatened her to handover possession of the plot to accused.

\(^{50}\)Complaint No. 11961/15/2009, Punjab State Human Rights Commission.
The Commission took cognizance of the matter and called for the status report from the government. On the basis of the investigation report, received from the concerned authority, it found the alleged accused official of the policy guilty and recommended departmental action against him. In this case, accused official of the police was not posted in district Patiala. DGP of the Commission had noted in its report that acts of the accused official were illegal and condemnable. It was revealed during interview that high handedness of police officials had created fear in the family, particularly, children. The complainant had filed her complainant through an advocate.

**Case Study 49**

In a case of abuse of power by the police, Raj Kumar of Krishna Nagar, Ludhiana alleged in his complaint\(^5\) to the Commission, that in connivance with the opposite party, the police had been calling him and his son to the police station and harassing them. It was informed in the complaint that officials of the police were threatening to implicate his son in an accident case, in which his son was not a culprit at all. Police officials were demanding money from them. He also brought it to the notice of the Commission that accident took place due to negligence of the driver of the vehicle, who was the opposite party.

The Commission had found that a prima facie case is made out for proceeding under the Protection of Human Rights Act 1993 and called for a report on 05.03.2007 from SSP., Bathinda. The report, dated 26.04.2007, did not support the allegations raised in the complaint. This report was considered and rejected by the Commission, which further entrusted the inquiry to its ADGP.

The ADGP submitted its report on 05.03.2008, in which it was established that officials of the police had submitted wrong report of inquiry to SSP., Bathinda. During the investigation, statements of concerned persons had not been recorded. The police officials had acted in a negligent and careless manner. The complainant’s son was arrested without sufficient evidence and that too defying the orders of senior officers, who had directed to register case, only against the driver. Thus, the commission had indicted concerned officials of the police, including a D.S.P., an Inspector and a Sub-Inspector, for causing harassment and mental trauma to complainant’s son by arresting him. It awarded a compensation of the Rs. 25000/- to the aggrieved complainant. The case is a reflection on the apathy on the part of the police officials.

\(^{5}\)Complaint No. 1665/2/2007, Punjab State Human Rights Commission.
Case Study 50

In a case of abuse of power, the Commission took *suo moto* notice, on the basis of news from electronic media, in an incident where a 20 year old girl was beaten up by the police. The Commission in its proceedings dated 23.01.12, noted that the incident had once again revealed an ugly face of Punjab police.

In this shocking act of abuse of power by officials of Punjab police, a constable had severely beaten up a girl in the presence of other police officials, in Bereta police station. The girl, a resident of Khudaal village, was accused of theft. She had been kept in police custody for two days along with another girl. It was also noted that she had been beaten up on instructions of SHO of Bereta police station. News item also revealed that when female staff refused to obey orders of the said SHO, he asked the male constable to do the same. The Commission considered the news item as a complaint and called for status report from the state government.

A report submitted by I.O.-cum-S.D.M. Budladha on 12.09.2014 revealed that beating of the girl by a head constable was proved. The report held SHO and the head constable, responsible for this violation. The Commission had recommended departmental action against the erring police officials on the basis of the report.

CASE RELATED TO FALSE IMPLICATION BY THE POLICE

Case Study 51

Bhupinder Singh of Village Kakkar, Tehsil Ajnala, District Amritsar in his complaint (date 13.08.2013) to the Commission informed that the police officials of Rajsansi Police Station were implicating him in a false case on the application of one Kuldip Kaur of the same village.

The Commission took cognizance of the matter on 10.09.2012 and called for the status report from the state government, through SSP (Rural), Amritsar. The said officer reported to the Commission on 10.09.2012 that the said case FIR No. 64 (25.04.2011) had been cancelled. The commission noted in its proceedings dated 09.04.2014 that it had not received any rejoinder from the complainant against the report and it appeared that the

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53 Complaint No. 12347/1/2012, Punjab State Human Rights Commission.
complainant was satisfied and did not want to pursue his complaint anymore. Thus, the case had been disposed off.

An analysis of the case revealed that political rivalry was the reason for the false implication, where police was working at the behest of members of political party in power. During the interview with the complainant, the issue of political pressure on the police was also highlighted. He informed that Kuldip Kaur had registered a false complaint at the behest of a local M.L.A. Members of the family of complainant had been threatened that if they would not shift their loyalty to the other political party, they would be implicated in false case. In those circumstances, even the studies of the children suffered.

Case Study 52

Sudesh Rani of Samralla Road, Khanna, District Ludhiana, in her complaint\(^{54}\) (dated 28.02.2012) to the Commission, alleged that the police had detained her son on the basis of a false complaint of theft by the accused. However, nothing incriminating was found from him. She further informed that her son had been tortured by the police and was got admitted to the Civil Hospital, Khanna in an unconscious condition and the doctor issued MLR. The officials of the police took his signature on a blank paper, despite the fact that he was not able to record his statement. The police in connivance with the accused, was pressurising the complainant to reach a compromise, else they would not spare her. The complainant prayed for an independent inquiry and stern action against the accused as per law.

Since, allegations had been levelled against the police officials, the Commission had taken the cognizance of the matter on 21.03.2012 and called for the status report from the state government through SSP, Khanna, who reported the allegations to be false in a report dated 29.08.2012. The Commission entrusted an inquiry in this case to its own DGP, when the report of SSP was contended by the complainant. On the basis of the report of DGP of the Commission, it found the allegations to be true and directed SSP, Khanna to take necessary action by an order dated 23.07.2014.

A long delay in the working of the investigative agency can be inferred from the analysis of the case. It was informed by the complainant during interview that she had been pressurized by officials of the police to withdraw her complaint. She was threatened with implication in another false case if she did not withdraw her complaint.

\(^{54}\) Complaint No. 3724/10/2012, Punjab State Human Rights Commission.
Case Study 53

Sawarn Singh of Village Pandori Budaich, Tehsil and District Amritsar in his complaint\(^{55}\) alleged his false implication and that of his son in case FIR No. 29 registered in police station, Kambo under sections 307/427/506/34 IPC on 21.04.2012. It was revealed by the complainant that officials of the police were working under the influence of land mafia, who were well connected to the local M.L.A. The Complainant had made appeal to the Commissioner of Police, Amritsar for redressal of his grievance, but he did not receive any reply from the said authority. He also revealed that when he appeared before the Commissioner of Police, Amritsar, personally, he was told that police was helpless due to the pressure of land mafia.

The Commission took cognizance of the matter on 13.12.2012 and called for the status report from the state government through SSP (Rural), Amritsar, who in his report dated 18.07.2013, informed the Commission that the incident in question was not proved. Thus, cancellation report was prepared on 01.05.2013. The complainant did not file any rejoinder against the said report. Consequently, the case had been disposed off by the Commission on 23.04.2014.

Analysis of the complaint finds that police was working under the influence of nexus between political leaders and economically influential persons. It not only failed to take lawful action in the case but also abused its power by implicating the complainant in a false case. The complainant made a revelation, during interview that he had to pay a hefty amount that ran into several lakhs, to undo the false case. He further informed that in his case the Commission proved to be ineffective. The family of the victim had to go underground; due to which studies of his children suffered badly.

Case Study 54

Manjit Kaur of Village Daleke, Tehsil Ajnala, District Amritsar also alleged false implication of her husband by the police in her complaint\(^{56}\) (dated 10.12.2013) to the Commission. She complained that official of the police raided their house on 29.11.2013 at 11:00 pm. When they tried to stop them, the officials beat them and used filthy language. They took her husband to the police station and implicated him in a false case. Family of the complainant approached higher officials of the police but none of them paid any heed to their grievance.

\(^{55}\)Complaint No. 15979/1/2012, Punjab State Human Rights Commission.
\(^{56}\)Complaint No. 15684/1/2013, Punjab State Human Rights Commission.
The Commission took cognizance of the matter on 01.04.2014 and called for the status report from the state government through SSP (Rural), Amritsar. After going through the report and rejoinders filed by the complainant, the Commission entrusted the inquiry to ADGP on 01.04.2014. The case is still under consideration of PSHRC.

During interview, the complainant denied any lawful action by the police even after complaint to the Commission. She also expressed her dismay over the biased attitude of the village Panchayat. She further opined that the police did not want to work for the poor sections of the society. Members of her family had to go into hiding for several days & her children were still living in fear. The entire episode had badly affected their psyche.

Case Study 55

Kuldeep Singh of Gali Gurdwarian Wali, Tarn Taran, alleged in his complaint\(^57\) (date 20.10.2011) to the Commission that police had implicated him in a false case at the behest of an influential person. He pleaded that he had been implicated in a case of murder of a person who died at a public place and was not known to him. He informed that during initial investigation by the police it was taken as a case of heart attack. However, in connivance with the brother of the deceased, officials of the police had plotted it as a case of murder.

The commission took cognizance of the matter on 05.03.2012 and called for a status report from the state government through SSP, Tarn Taran, which was submitted on 26.08.2013. In a rejoinder filed by the complainant, in response to the said report given by SSP, Tarn Taran, it was submitted that he did not want to pursue the case as he already got the relief from PSHRC. Thus, further proceedings in the case were closed by the Commission.

The complainant during interview informed that he got relief with the help of PSHRC. He informed that officials of police had been conducting raids in their house for about 4-5 months despite the fact that he had no links with the case. Members of the family had to stay with the relatives during that period hence. Studies of children got affected. The family had to suffer huge financial loss to the tune of 4-5 lakhs. He told that an NGO, Dhanna Bhagat Sewa Society were of substantial help while he was pursuing his appeal with the PSHRC.

\(^{57}\)Complaint No. 2729/19/2012, Punjab State Human Rights Commission.
Case Study 56

A complaint\textsuperscript{58} (dated 04.09.2006) in the case of unlawful detention had been filed by Surinder Singh of Village Fatehpur, District Hoshiarpur. The complainant complained to PSHRC about high-handedness of police officials of police station, Haryana, Hoshiarpur, who picked up his son from his residence on 28.07.2006 at the behest of one lady. During the unlawful detention his son had been subjected to beating and harassment; due to which he received serious injuries on his back. He also informed that officials of the police were demanding money from his family; otherwise they would be implicated in a false case.

The Commission found it a fit case for scrutiny under the Protection of Human Rights Act 1993 and called for the status report from the ADGP on 06.09.2006. The report submitted by the said authority revealed that the victim was illegally detained at police station, Haryana on 28.07.2006. When the complainant appealed to the PSHRC, officials of police fabricated the record to save their skin. After the analysis of the report, the Commission had found the officials of the police guilty, for detaining the complainant’s son illegally and recommended to pay a sum of Rs. 5000/- as compensation to the victim.

An analyses of the case revealed that officials of the police had conspired with some influential persons to serve their interests & motives. The complainant informed during interview that he had been awarded medal by the President of India for his distinguished services in Army; thus, he commanded a lot of respect in the area. The consequent result was that his son could not appear for an interview of a government job, as he was illegally detained by the police at that time.

Case Study 57

Sawarn Kaur of Mohalla Nanaksar, Tarn Taran in her complaint\textsuperscript{59} to the Commission, alleged that her son had been kidnapped by some persons which included a woman also. She also informed that earlier her son had been implicated in a false case by the police. She had no information about the whereabouts of his son and expressed her doubt that her son might have been killed. All this while, the police had been siding with the accused. The accused had lodged a false case against her and others in a FIR No. 47/11 under sections 406/498-A IPC on 10.03.2011.

\textsuperscript{58}Complaint No. 10477/7/2006 DB, Punjab State Human Rights Commission.
\textsuperscript{59}Complaint No. 5407/19/2011, Punjab State Human Rights Commission.
After examining the case, the Commission prima facie took cognizance of the matter on 10.05.2011 and called for the status report under the Protection of Human Rights Act, 1993 from SSP Taran Taran. However, after investigation of the case, the Commissioner of Police, Amritsar City informed the Commission in its report dated 10.03.2011, that the said complaint was based on false and baseless allegations. The complainant had been arrested along with her son in a case FIR dated 10.03.2011. The complainant did not file any rejoinder in response to the report of the investigation. On an inference that the complainant did not want to challenge the report, the Commission closed the proceedings in the case.

Case Study 58

A case of false implication had been reported to the Commission by Girdhari Lal of Lehragaga, District Sangrur in his complaint dated 23.04.2012. The complainant alleged that he and other members of his family had been implicated by the police in a false case on an FIR No. 85 registered at police station, Sangrur on 18.04.2012 under sections 307,120-B IPC. It was informed in the complaint that the said FIR had been registered by the in-laws of his daughter, who were torturing his daughter for demand of dowry.

The Commission took cognizance of the matter and called for the status report from the state government through SSP, Sangrur, who informed through his report dated 19.11.2012 that the case FIR dated 18.04.2012 had been registered wrongly and the SHO had been directed to file a cancellation report. In its proceedings dated 30.07.2013, the Commission noted that the complainant had not filed any rejoinder. The Commission, further, called for the status report on the registration of case based on MLR of the complainant against Jatinder Kumar, the main accused in the case. It was informed to the Commission that FIR No. 85 dated 18.4.2012 u/s. 307/120-B IPC P.S. City Sangrur had been registered against the complainant. A report of SSP Sangrur dated 27.7.2014 mentioned that both the parties had already approached the Hon’ble High Court Chandigarh where the case had been pending. Hence, no action is required. The case had been closed by the Commission.

During the interview, it was found that since the complainant’s grievance hadn’t been redressed by the police, they had to approach the High Court for justice.

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60Complaint No. 5824/18/2012, Punjab State Human Rights Commission.
Case Study 59

Sucha Singh of Village Saidoki, Tehsil Baba Bakala, District Amritsar filed the complaint\(^{61}\) (date 10.06.2010) to the Commission regarding his false implication in case FIR No. 49 registered at police station, Bholath on 12.04.2010 under sections 420/406 IPC and section 24 of Emigration Act, 1983. It was informed in the complaint that official of the police were working in connivance with the accused who were travel agents. Accused had cheated the family of the complainant on the pretext of sending his son abroad.

The Commission took cognizance of the matter on 17.06.2010 and called for the status report from SSP, Kapurthala. The said authority in its report dated 12.07.2010, refuted the allegations levelled by the complainant. It was reported that a case FIR had been rightly registered against the complainant and others, who were evading arrest. However, on demand for an independent inquiry by the complainant, it was entrusted to the ADGP of the Commission. The ADGP reported to the Commission on 26.07.2011 that FIR had been falsely registered against the complainant who was 85 year old illiterate farmer. The police arrested him on 14.09.2010 and he died in the jail at Kapurthala on 21.09.2010. It was revealed that police had registered a case against the complainant without any documentary evidence, which means that proper inquiry had not been conducted. Thus officials of the police were clearly indicted in the said report. On the direction of the Commission the false FIR against the complainant was cancelled. The Commission recommended that compensation of one lakh to be paid to the heirs of the complainant and departmental action be taken against the accused officials. The other accused, who made false complaint, was prosecuted in a separate complaint. Thus the proceedings in the case had been closed by the Commission.

During interview, the wife of the complainant informed that when they demanded their money back from the travel agent, he got a false case registered against them in connivance with police. The case had been pursued with the help of an advocate. She revealed that her family received two cheques worth Rs. 2 lakh after three years due to intervention by the Commission.

\(^{61}\)Complaint No. 8328/9/2010, Punjab State Human Rights Commission
Case Study 60

Nirmal Singh of Village Bhanno Langa, Tehsil and District Kapurthala alleged in his complaint\(^62\) that his son Baldev Singh was picked up on 15.01.2013 by police officials and had been taken to the police station. Despite the fact that nothing incriminating was recovered from his son, he was implicated in a false case FIR No. 7 registered at police station Sadar, Kapurthala on 15.01.2013 under sections 21, 61, 85 of NDPS Act.

On consideration of the fact the Commission took cognizance of the matter on 05.03.2013 and called for the status report from the state government through SSP, Kapurthala. The Commission in its proceedings dated 30.04.2014, noted that after going through the complaint, report and affidavits of three persons in support of his allegation, the commission entrusted the enquiry to DGP, PSHRC for deeper and thorough probe. The said authority informed in its report that *challan* had been submitted in the trial court by the police and the case is under trial. On the basis of the report, the case was closed by the Commission.

The complainant informed during interview that his son had to spend seven months in jail without any offence. His younger son had developed some psychiatric disorder due to the incident. It was revealed that the family had to face financial hardships to approach the Commission as they had to take time off from work. He told that his family was still awaiting justice in the trial court.

Case Study 61

In another case of false implication by the officials of Punjab Police, Sarabjit Kaur of Amritsar, alleged in her complaint\(^63\) (dated 05.07.2012) to PSHRC that her son, Jaswinder Singh was picked up on 02.07.2012 by the accused along with SHO and other police officials of police station Mattewal. The whereabouts of his son were not known. She feared that her son had been implicated in a false case by the police.

The Commission took the cognizance of the matter on 18.07.2012 and asked the state government to submit the status report through SSP, Amritsar (Rural). The said authority informed in its report dated 27.02.2014, that there was a land dispute between the complainant and other party and a case FIR No. 32 had been registered under sections 420 IPC in police station, Mattewal on 02.07.2012 against both the parties. It was further reported that all the accused were on bail except one, against whom proclaimed offender proceedings were going on. The Commission closed the case on 03.06.2014, when it did not receive rejoinder against the report.

\(^62\)Complaint No. 1685/9/13, Punjab State Human Rights Commission.
\(^63\)Complaint No. 9459/1/2012, Punjab State Human Rights Commission.
Jaskaran Singh, son of the complainant, in his interview informed that they were humiliated by the administration and had not received any kind of compensation. Analysis of the case uncovers a lack of seriousness & apathy on the part of authorities in redressing the grievance of the victim, as there was a long delay in the submission of the status report. The commission called for the status report on 18.07.2012, whereas, the concerned SSP submitted the report on 27.02.2014. During interview, it was informed that the police was working in connivance with land mafia. The complainant further informed that she had to pursue her case with help of an advocate. She explained her plight and how she and family had to face harassment and insult at the hands of the administration.

Case Study 62

Gurnam Kaur and Sukhwinder Kaur of Village Kalyan, Tehsil and District Patiala, alleged in their complaint to PSHRC that their sister and her children had been falsely implicated in the case FIR No. 46 registered in police post, Pasiana, District Patiala, on 22.04.2013 under sections 451/354/323/506/34 IPC. They informed in their complaint that the opposite party was conniving with the police and got a false case registered against them due to a land dispute. They had further brought it to the notice of the Commission that despite the civil court’s order, which had decided the case in their favour, police is still siding with the opposite party. It was also mentioned in the complaint that police was working under political pressure.

The Commission took the cognizance of the matter on 23.05.2013 and called for the status report from the government of Punjab through SSP, Patiala. The Commission, however, received a request for more time on 06.12.2013, to submit the status report. A report dated 5.12.2013, stated that as per inquiry conducted by DSP Samana, the complainants had been found to be innocent. Since the police quashed the FIR of the said case, the Commission also closed the case.

Analysis of the case reveals that in matters of property & land disputes, there is always a nexus between Police & influential persons. During interview the complainant blamed the police for a lodging false FIR, which not only resulted in harassment & tension but also wastage of time & money.

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64Complaint No. 6091/15/2013, Punjab State Human Rights Commission.
Case Study 63

Prem Singh of Matour, Tehsil Anandpur Sahib, District Ropar, in his complaint\(^5\) (Date 02.04.2012) to the Commission, alleged false implication of his son in a case FIR No. 27 registered in police station Naya Gaon, District Mohali on 27.03.2012 under sections 457, 327, 380, 511, 34 IPC. It was alleged that SHO of police station, Naya Gaon had implicated his son to settle his personal score.

The Commission took cognizance of the matter and called for the status report on 10.04.2012. SSP Mohali, in his report dated 17.09.2012, informed the Commission that case FIR had been registered against the son of the accused, who had been arrested. Since, the complainant was not satisfied with the report, the inquiry was entrusted to the DGP of the Commission. The said authority submitted its report on 25.10.2013, in which a recommendation was made by the DGP Punjab to constitute a SIT to investigate the above case. The Commission in its proceedings dated 20.06.2014, noted that since the complainant had not filed any rejoinder, it appeared that he did not want to pursue the case, so the same had been disposed off.

Analysis of the case reveals high handedness of the police without any fault of the complainant.

The complainant informed during interview that no police officer had listened to their woes against an official of their own department. He further brought to light that his son had been treated badly in the police custody.

Case Study 64

A complaint\(^6\) (Date 09.10.2009) regarding false implication was filed to the Commission by Binder Kaur of Bahona Chowk, Moga. She alleged that the police had implicated her and her husband in a false case of murder at the behest of the opposite party. It was further alleged that her husband had been tortured in the police custody. Her minor son, aged 16 years, was kept in illegal police custody. Members of her family were not allowed to see him. Another complaint (Date 20.10.2009) was moved by her son regarding torture in the police custody. He alleged that the matter had been reported to the officers but no action was taken. She moved applications to the SSP, Moga but without any result.

\(^5\)Complaint No. 5009/17/2012, Punjab State Human Rights Commission.
The Commission took cognizance of the matter on 22.10.2009 and called for the status report from the state government through the concerned SSP. In the same case, Binder Kaur moved another complaint dated 04.06.2010, in which she alleged that a police party constituting of nine police officials headed by a Sub-Inspector, conducted a raid in her house and harassed her. They obtained her signature on a blank paper under coercion and pressurised her to withdraw the complaint filed by her. She had also complained to SSP, Moga, regarding this matter but, to no effect. The Commission again, took the cognizance on 14.06.2010 and called for the status report. It found the officials of the police department guilty and recommended, vide order dated 31.01.2014, to state government to give compensation of two lakh to the complainant and sought the action taken report. It further recommended that the said amount of compensation may be recovered from the erring official and also a suitable departmental action be taken against him. A report by SSP Moga, intimated that Rs. two lakh had been disbursed. Further proceedings in the case were closed by the Commission.

Analysis of the case reveals a total high handedness & the apathetic attitude of the police towards the victim.

The complainant informed during interview that the police had registered a false case even against her minor son, who remained in jail for seven days. Consequently, he suffered a huge loss of his studies and social ostracisation.

Case Study 65

Richa Sharma of Village Laroe, District Jalandhar, alleged false implication of her husband by the police, in her complaint\(^67\) (dated 13.09.2007) to the Commission. The complainant informed that her husband and she had been attacked and harassed by the accused. They complained to the police, but no action was taken. On the contrary, police had registered a complaint against the complainant’s husband under sections 107, 151 Cr.P.C. on 08.09.2007. Her husband had been arrested and produced in the court. The accused party was threatening the complainant of life. The issue of right to his life was also raised in the complaint.

The Commission took cognizance of the matter under the Protection of Human Rights Act, 1993 and asked for a status report on 26.09.2007. The concerned authority in its report, informed the Commission that the police had wrongly taken one sided action against the husband of the complainant in their dispute with the accused party. SDM, Jalandhar, had

\(^67\)Complaint No. 11238/8/2007, Punjab State Human Rights Commission
discharged the case in the first hearing on 14.09.2007, which was registered against the husband of the complainant. The Commission in its order, dated 21.10.2011, noted that the action of police officials was unfair and wrong and recommended compensation a of Rs. 5000/- to the complainant.

Analysis of the case reveals a close nexus between the Police & Political leaders.

During interview, the complainant told that officials of the police were working under political pressure. It was not possible for the members of her family to move out of their house due to fear and they were living under constant stress. She showed her dissatisfaction with the compensation awarded and protested that no action had been taken against the real culprits.

CASES RELATED TO UNLAWFUL DETENTION BY THE POLICE

Case Study 66

In a case of misuse of power and unlawful detention by the police, Hukam Chand of Village Simbal Majra, Nurpur Bedi, District Ropar, alleged in his complaint68 (dated 29.06.2012) to the Commission that the police had kept him and his son in the police lock-up, without any case. He had mentioned in the complaint that police officials were taking side with the opposite party in a land dispute, despite the fact that litigation was pending in the civil court. The opposite party was trying to take forcible possession of assets on the disputed land. The complainant, further, alleged that they moved a complaint against the opposite party at police station, Nurpur Bedi. Instead of taking action on their complaint, the officials kept him and his son in the police station and forcibly took his signature on some blank papers.

The Commission took cognizance of the matter on 13.07.2012 and called for the status report. The report submitted by SSP, Roopnagar (dated 09.10.2012), did not substantiat the allegations levelled by the complainant. The complainant had challenged the police report by way of filing a rejoinder with cogent reasons. It had been stated by the complainant that he was not informed about the inquiry and his signatures were obtained on a blank paper under pressure. The Commission entrusted the inquiry to ADGP of the Commission for further probe on 07.02.2014. The ADGP informed, in its report dated 11.04.2014, that the

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68 Complaint No. 9327/16/2012, Punjab State Human Rights Commission
complainant’s case was under consideration in the Court of Additional Civil Judge as the matter is *sub judice*. The complainant during interview also informed that the matter was *sub judice*. As a result the case had been closed by the Commission.

Analysis of the case reveals high handedness & Caste based discrimination by the Police. During interview, the complainant raised the issue of caste based bias in the working of officials of local police. He alleged that the police is less sensitive to the grievances of Scheduled Castes and the poor.

**Case Study 67**

In a case of unlawful detention, Nirmal Singh of Patiala in his complaint69 (Date 25.10.2005) alleged that his wife Kamlesh Kaur had accompanied a girl to Patiala for enabling her to take the examination papers but she had not returned home. His family was informed by the village *sarpanch* that dead body of his wife was lying in the nearby area. The matter was brought to the notice of the police and the dead body was cremated after post-mortem. Latter, the *sarpanch* of the village informed the complainant that officials of the police were demanding money. The village *sarpanch* and his son were picked up by the police when they refused to give money. After some days, the complainant and his two brothers were also picked up by the police and were put under detention in police station, Patiala Sadar. Complainant, further, alleged that they had been beaten up by the police in the police station. They had also been given electric shock. The police released them after three days. It was further alleged that after the incident, the complainant and his family had been threatened by the village *sarpanch*.

On consideration of the case a prima facie case was made out, for proceeding and a report was called for by the commission. The Commission received initial report from SSP, Patiala on 07.09.2005, regarding the serious allegation of human rights violations, levelled against the police officials. It was informed that the allegations have not been proved. However, the inquiry was further entrusted to I.G.P. of the Commission. The said authority, in its report submitted on 19.12.2007, had indicted the officials of the police for illegal detention and torture of the complainant and his brothers at CIA, Patiala. Report of the IGP was based on medical evidences and circumstantial evidences. The Commission

recommended compensation of Rs. 45000/- to three victims and the amount was to be recovered from the salaries of the indicted officials of the police. The Commission also recommended that departmental action, under the police rules, was to be initiated against the officials.

Analysis of the case suggests that officials of the police had acted with the intention of extortion of money. Further, the local police officers were favourably biased towards the accused officials while conducting the enquiry and submitting report to the Commission and also wrongly gave them a clean chit.

During interview it was revealed that the complainant had suffered miserably at the hands of the Police as his entire family got affected. But the complainant was satisfied with the outcome of the proceedings of PSHRC as he & his family got relief with their help.

CASES RELATED TO CUSTODIAL DEATH AND TORTURE

Case Study 68

A case of custodial death of prisoner Nirmal Singh @ Nimma of Village Chhajli Kothe, Tehsil Sunam, District Sangrur, was brought to the notice of the Commission, through a complaint. Nirmal Singh was undergoing life imprisonment in Central Jail, Patiala, in case FIR No. 23 dated 02.03.1994, registered under section 302 IPC. He was murdered by his cell mate on 04.03.2010.

Since the matter was of custodial death, the Commission took cognizance on 09.03.2010 and called for the relevant reports from the authorities concerned. It is pertinent to mention that the National Human Rights Commission had also taken cognizance of this matter on 25.03.2010, however, the proceedings of the case continued with PSHRC. The state Commission received a report dated 20.04.2010, from the Superintendent Central Jail, Patiala, which informed that Nirmal Singh was attacked by a cell mate, after a quarrel developed between them.

The Commission in its proceedings dated 22.05.2012, noted that at the relevant time, the deceased was in the custody of jail administration, so his murder could be squarely blamed on the jail authorities, due to their negligence. Thus, on the principle of res

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ipsaloquitor, the negligence on the part of the Government authorities appeared to be established. The Commission also pointed out that it was due to the negligence of the jail authorities that the brick used for the crime was smuggled in the cell. It further raised a concern that jails were like protective and safe homes for inmates and such incidents were not expected to occur inside the jail.

The Commission recommended to the state government to pay Rs. two lakh as compensation to the legal heirs of the deceased Nirmal Singh, who was murdered at the age of 40.

Father of the deceased showed his dissatisfaction with the compensation awarded during interview.

Analysis of the case reveals lack of supervision and systems placement by Jail authorities.

Case Study 69

In a complaint,71 the Commission took a suo moto cognizance of the matter related to custodial torture by the police, on the basis of a news item appearing in Desh Sewak dated 27.07.2010. It called for status report from SSP, Mukatsar in its proceedings dated 28.07.2010. In her affidavit, the victim Charanjit Kaur of Village Khuddian, disclosed that on the basis of a false complaint, she was called to the police station on 24.07.2010, where a home guard official forced her to develop physical relations with him, to avoid beatings. When she refused, the home guard official denuded her and gave lashes with his uniform belt. According to the victim, a lady constable allegedly slapped her and abused her filthily.

In a report received by the Commission from SSP, Mukatsar, dated 30.08.2010, all the allegations against officials of the police were refuted. The victim in her reply, filed on 8.10.2010, repeated her allegations. She informed the Commission that she had been offered money by an official of the police to reach a compromise. Under those circumstances, the investigation was entrusted to the Crime Branch on 14.10.2010. The report submitted by the ADGP Crime, dated 30.03.2011, held the Punjab Home Guard guilty of thrashing Charanjit Kaur. On the basis of reports received and other evidences, the Commission held the officials of the police guilty of outraging the modesty of the victim Charanjit Kaur and causing hurt to

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her. It recommended departmental action against the accused official and asked the state government to pay Rs. 25000/- as compensation to the victim.

Analysis of the case reveals high handedness and abuse of power by the police authorities.

During interview the complainants revealed that she is still living in fear & it had badly affected her mental state of mind.

Case Study 70

Sukhwinder Kaur versus State of Punjab and others72 was a case where the decision of the Punjab State Human Rights Commission, had been overruled by the Punjab and Haryana High Court, Chandigarh on a question of law to determine whether the husband of the petitioner had been unfairly treated at the hands of the police, while in custody. The petitioner challenged the order passed by the PSHRC, dated 22.07.2005, rejecting her claim for compensation as a result of death of her husband in police custody; seeking a direction to grant her compensation for the negligent act of the police for not providing proper medical care to her husband, while he was in police custody.

The husband of the petitioner was arrested by the police in case FIR dated 25.03.2001. Concerned official of the police sought remand of the accused on 26.03.2001. The Judicial Magistrate had granted the police custody of the accused till 28.03.2001. On 27.03.2001 the accused, when taken to Civil Hospital, was declared brought dead by the doctors. The cause of death could not be ascertained by the medical report as the injury marks were not grievous in nature, which could cause death of the accused.

When the case of death came into limelight, the Punjab State Human Rights Commission took the cognizance of the matter and got the matter investigated. During further investigations of the case, it was admitted by the official of the police that when the accused had been taken in police custody he had injuries on his left hand and elbow, his left eye was swollen and he had complained of pain on his left shoulder. However, officials of the police had not gotten him medically examined on the same date i.e. 25.03.2001, rather got him examined on 26.03.2001. In the light of above facts, though exact cause of death of the accused was not ascertained, despite thorough medical examinations but officials of the

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72 CWP No. 19054 of 2005 (O&M), The High Court of Punjab and Haryana.
police were held guilty, at least for negligence of duty, for not getting timely medical examination of the accused i.e. within 24 hours of his arrest.

Though, the PSHRC was of the view that no negligence on the part of official of the police had been established and no case of compensation to the heirs of the deceased was made out, the Punjab and Haryana High Court, Chandigarh found that husband of the petitioner had not been dealt fairly and injuries were inflicted, while he was in police custody. Therefore, the court noted that the police had violated the principal of law, but during custodial interrogation third degree methods were not employed. Accordingly the state government was directed to pay Rs. 50000/- as compensation to the wife of the deceased. In the above mentioned case, the Punjab State Human Rights Commission was found wanting in conception of justice.

Analysis of the case reveals that even PSHRC is not above law & can give wrong judgements. The glaring apathetic attitude of the police was also highlighted as they showed no concern for human life.

During interview, wife of the deceased revealed that she wasn’t happy with the award of compensation. Her loss was compounded, as she didn’t get justice even at the hands of PSHRC & had to knock at the doors of Pb. & Haryana High Court, resulting in a huge financial loss.