

**SIKKIM STATE HUMAN RIGHTS
COMMISSION, GANGTOK**



**ANNUAL REPORT
2014-15**

Sikkim State Human Rights Commission
Block-'c', Vidhayak Aawas, VIP Colony, Gangtok

**Annual Report under Section 28(1) of The Protection of
Human Rights Act, 1993 for the year 2014-15.**

The Sikkim Human Rights Commission was constituted by the State Government vide its Notification No.101/Home/2008 dated 18-10-2008 with its Headquarter at Gangtok. Hon'ble Mr. Justice A.N. Ray, former Chief Justice of High Court of Sikkim was appointed as first chairperson of the Commission by His Excellency, the Governor of Sikkim vide its warrant, which was notified in the Gazette Notification of the State Government bearing No.106/Home/2008 dated 14-11-2008. Hon'ble Mr. Justice Ray assumed the charge on 25-11-2008 and demitted his office on 24-11-2013, thereafter, the post of Chairperson remained vacant till the appointment of Hon'ble Mr. Justice Narendra Kumar Jain as second Chairperson of Sikkim Human Rights Commission by His Excellency the Governor of Sikkim vide its warrant dated 08-10-2014. Hon'ble Mr. Justice N.K. Jain, assumed the Office of the Chairperson on 08-10-2014.

Period of Annual Report : The Sikkim Human Rights Commission has prepared this Annual Report for the period 01-04-2014 to 31-03-2015 for submitting to the State Government under Section 28(1) of the Protection of Human Rights Act, 1993.

OFFICERS AND STAFF OF THE COMMISSION

Mrs. Lakchung Sherpa, Law Secretary, Govt. of Sikkim was appointed and given additional charge of the Secretary of the Sikkim Human Rights Commission by the State Government, who assumed the charge on 29-09-2014. Mr. Mohan Lepcha, DDO of Law Dept. Govt. of Sikkim was appointed and given an additional charge of DDO of Sikkim Human Rights Commission. At the time of assuming the charge by Hon'ble Chairperson on 08-10-2014, the following employees were working in the Office of SHRC:-

1. Ms. Ohmu Hangma Subba, LDC.
2. Mr. Santa Bir Rai, Driver.
3. Mr. C.B. Chettri, Driver.
4. Mr. Sanjay Subba, Peon.

Mr. R.S. Rawat, Protocol Officer-cum-Principal Private Secretary to Hon'ble the Chief Justice of High Court of Sikkim was taken on deputation by the Commission vide Order of the High Court dated 05-11-2014 as PPS to Hon'ble Chairperson-cum-Protocol Officer-cum-Court Master(Judicial). He assumed the charge in the Commission on 06-11-2014.

The following employees were also appointed:-

1. Ms. Tika Maya Chhetri, LDC-cum-Typist.
2. Mr. Lako Tshering Lepcha, Driver.
3. Mr. Mahindra Subba, Peon.
4. Mrs. Kabita Rai, Peon.

A request was made to the Finance Department, Govt. of Sikkim for the posting of Accountant.

The statement showing the details of the Hon'ble Chairperson and other Officers are enclosed herewith and marked with **Annexure-I**. Another statement showing the details of staff of the Commission is enclosed herewith and marked with **Annexure II**.

OFFICE BUILDING OF THE COMMISSION

At the time of assuming the charge by Hon'ble Mr. Justice Narendra Kumar Jain as Chairperson of the Commission on 08-10-2014, there was no separate office accommodation of Sikkim Human Rights Commission. Earlier the Office of the Commission was in the residential Bungalow of Hon'ble Chairperson itself. A request was made to the State Government to allot an office building for smooth running of the office of the Sikkim Human Rights Commission. The State Government allotted the accommodation in Block 'C', Vidhayak Aawas, VIP Colony, Gangtok. At present the Office of the Sikkim Human Rights Commission is situated in the aforesaid building.

BUDGET

The State Government had allotted the required budget to the Sikkim Human Rights Commission alongwith Department of Law & Parliamentary Affairs, Government of Sikkim for the financial year 2014-2015.

AWARENESS PROGRAMME IN RESPECT OF SSHRC

Hon'ble Mr. Justice Narendra Kumar Jain assumed the charge of Hon'ble Chairperson of the Commission on 08-10-2014.

The Commission issued a Public Notice in the following newspapers which are of wide circulation in the State of Sikkim, in respect of entertainment of complaints by SSHRC, relating to violation of Human Rights or abatement thereof etc. as defined under section 2 (d) of The Protection of Human Rights Act, 1993.

1. "Sikkim Express", Gangtok.
2. "Now", Gangtok.
3. "Hamro Prajashakti", Gangtok.
4. "Sikkim Herald", Gangtok.
5. "Himali Bela", Gangtok.

CONSTITUTION OF SIKKIM STATE HUMAN RIGHTS COMMISSION

His Excellency the Governor of Sikkim has appointed Hon'ble Mr. Justice N.K. Jain (Former Chief Justice of High Court of Sikkim) as Chairperson of Sikkim State Human Rights Commission. The posts of remaining two members of the SSHRC are still to be filled.

COMPLAINT RECEIVED/INSTITUTED/DISPOSED OFF

There was no complaint pending before the Commission, when present Hon'ble Chairperson took over the charge. Thereafter the Commission received seven complaints during the period from 08-10-2014 to 31-03-2015. The details of which are as under:-

Complaint No. 1 of 2014 made by Mrs. Kamala Maley W/o Lt. Binod Sewa, Upper Samdong Busty, East Sikkim against the Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim. The complaint was relating to denial of gratuity claim after the death of employee. The said complaint was sent by post on 13-10-2014 and received by the Commission on 16-10-2014 which was instituted on 06-11-2014. The report was sought from the Opposite Party. The Complaint is pending for want of further report.

Complaint No. 2 of 2014 made by Mr. Bikash Sewa, Tadong, East Sikkim against the Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim. The complaint was relating to denial of gratuity claim after tendering resignation. The said complaint was sent by post on 14-10-2014 and received by the Commission on 17-10-2014 which was instituted on 06-11-2014. The report was sought from the Opposite Party. The Complaint is pending for the want of further report.

Complaint No. 3 of 2014 made by Mr. Dinesh Awasthi, B-105, J.P. Colony, Sector-4, Vidhyadhar Nagar, Jaipur (Rajasthan) against EILM University, 8th Mile Budang, Malbasey, West Sikkim. The Complaint was relating to Non-issuance of Migration Certification by the University. The said complaint was handed over to the Hon'ble Chairperson at Jaipur on 20th November, 2014 which was instituted on 24-11-2014. After receipt of the report from the Opposite Party, the complaint was dismissed on 27-02-2015 as no merit was found in the complaint.

Complaint No. 4 of 2014 made by Mr. Binod Darjee, C/o Tul Bahadur Darjee, Vill-Lower Tareythang, P.S. Pakyong, East Sikkim against the Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim. The complaint was relating to Non-regularisation of service. The said complaint was sent by post on 8-12-2014 and received by the Commission on 16-12-2014 which was instituted on 17-12-2014. The report/comments were sought from the Opposite party, which was received and the same was forwarded to Complainant for his comments. The complainant submitted an application alongwith some more facts. The report was again sought from Opposite Party. The complaint is pending.

Complaint No. 5 of 2014 made by Smt. Maya Devi Darjee, W/o late Pirthi Ram Sewa (Darjee), Tareythang, P.O. Bering, Pakyong, East Sikkim against the Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim. The complaint was relating to denial of gratuity claim after the death of employee. The said complaint was sent by post on 18-12-2014 and received by the Commission on 29-12-2014 which was instituted on 31-12-2014. The report was called from the Opposite Party. The complaint is pending.

Complaint No. 6 of 2015 was made by Mr. Shailesh Kumar, Vill-P.O. Bahuara, P.S. Bakhari, Distt. Begubarai (Bihar) through e-mail to the Chairperson, Secretary and the Court Master (judicial) of the Commission on their e-mail address. The Complainant's grievances were mainly against Delhi and Bihar Police to the effect that the Police of these two States have

declared him as terrorist, naxalite before Army, Police Security Guards and Public of some places where he used to go all over India. The said complaint was instituted on 20-03-2015. The complaint was, however, dismissed in limini itself on 27-03-2015 being not maintainable before Sikkim State Human Rights Commission.

Complaint No. 7 of 2015 was made by Smt. Meena Dahal, DPH Area, Gangtok, East Sikkim against Dr. N.K. Kajariwal of Siliguri. The complaint was relating to harassment as she was his patient. The said complaint was handed to the Court Master (Judicial) of this Commission on 31-03-2015 which was instituted on the same day and was ordered to be examined by Office/Secretary and to place before Commission for consideration with report. The complaint remained pending on 31-03-2015 for want of report.

A consolidated statement, in brief showing the details of the complaints received, instituted, disposed off, is annexed herewith and marked in **Annexure -III**.

PARTICIPATION IN CONFERENCE/WORKSHOP/SEMINAR ETC.

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

Sl No.	Period	Subject/Topic	Venue
01.	13 th & 14 th November, 2014	To review the steps taken by the States so far on the recommendations made during the last Seminar on Prison Reforms held on 15 th April, 2011 and to deliberate on the way forward for further effective Prison Reforms.	Multi Purpose Hall, Kamala Devi Block, India International Centre, 40 Max Mueller Marg, <u>New Delhi.</u>
02.	19 th February, 2015	One day Workshop on Human Rights Defenders.	Symposium Hall NASC Complex (opposite Todapur Village), DPS Marg, Pusa, <u>New Delhi.</u>

ADMINISTRATIVE AND FINANCIAL POWERS

The State Government vide its Notification No. 87/Home/2014 dated 14-10-2014 has delegated full Administrative and Financial powers to the Hon'ble Chairperson of the Sikkim Human Rights Commission.

WEBSITE

The Commission has launched its own Website, wherein all relevant details/information is loaded from time to time. Web address is sshrc.nic.in.

Chairperson

Annexure-I

DESCRIPTION OF HON'BLE CHAIRPERSON AND OFFICERS
WORKED IN THE COMMISSION DURING THE PERIOD FROM
08-10-2014 TO 31-03-2015.

SLNo.	Name of Officers	Designation	Residential Address
1.	Hon'ble Mr. Justice Narendra Kumar Jain	Chairperson	Bungalow No. 4, VIP Colony, Gangtok.
2.	Mrs. Lakchung Sherpa, SSJS	Secretary	Bungalow No. 8VIP Colony, Gangtok.
3.	Mr. R.S. Rawat	PPS to Hon'ble Chairperson	"Sahil Niwas" Chota Singtam, East Sikkim.
4.	Mr. Mohan Lepcha	DDO of Law Dept. Govt. of Sikkim was appointed and given additional charge of DDO of SSHRC.	DPH Road Gangtok.

Annexure-II

**STATEMENT OF SHOWING STRENGTH OF OFFICE STAFF
DURING THE PERIOD FROM 08-10-2014 TO 31-03-2015.**

Sl No.	Name	Designation	Term From to	Remarks
1.	Ms. Ohmu Hangma Subba	LDC	01-10-2014 till date	
2.	Ms. Tika Maya Chhetri	LDC-cum- Typist	11-11-2014 till date	
3.	Mr. Lako Tshering Lepcha	Driver	10-11-2014 till date	
4.	Mr. Santa Bir Rai	Driver	01-10-2014 till date	
5.	Mr. Chandra Bdr. Chettri	Driver	03-09-2014 till date	
6.	Mr. Mahindra Subba	Peon	11-11-2014 till date	
7.	Mrs. Kabita Rai	Peon	11-11-2014 till date	
8.	Mr. Sanjay Subba	Peon	01-10-2014 till date	

**STATEMENT OF COMPLAINT CASES RECEIVED BY SIKKIM HUMAN RIGHTS COMMISSION
i.e. From 08-09-2014 to 31-03-2015**

Sl No	Complaint Case No.	Date of Institution	Name & address of the Complainant	Name & address of the Opposite Party	Nature/Subject objective	Date of disposal
1.	1 of 2014	06-11-2014	Kamala Maley w/o Late Binod Sewa, Upper Samdong Busty, East Sikkim	Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim	Gratuity Claim	Pending
2.	2 of 2014	06-11-2014	Bikash Sewa, Tadong, East Sikkim	Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim	Gratuity Claim	Pending
3.	3 of 2014	24-11-2014	Dinesh Awasthi, B-105, J.P. Colony, Sector-4, Vidhyadhar Nagar, Jaipur (Rajasthan)	EILM University, 8 th Mile, Budang, Malbaisey, West Sikkim	Right to Education (Non-issuance of Migration Certificate by University)	27-02-2015
4.	4 of 2014	17-12-2014	Binod Darjee, c/o Tul Bahadur Darjee, Vill-Lower Tareythang, P.S. Pakyong, East Sikkim	Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim	Non-regularisation of service	Pending
5.	5 of 2014	31-11-2014	Smt. Maya Devi Darjee, W/o late Pirthi Ram Sewa (Darjee), Tareythang, P.O. Bering, Pakyong, East Sikkim	Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim	Gratuity Claim	Pending
6.	6 of 2015	20-03-2015	Shailesh Kumar, Vill- P.O Bahuara, P.S. Bakhari, Distt. Begubarai (Bihar)	—	Harassment by Police	27-03-2015
7.	7 of 2015	31-03-2015	Meena Dahal D.P.H. Area, Gangtok	Dr. N.K. Kajariwal, Siliguri	Harassment by Doctor	Pending