

**SIKKIM STATE HUMAN RIGHTS  
COMMISSION, GANGTOK**



**ANNUAL REPORT  
2016-17**

## INDEX

Sl. No.	Particulars	Page No.
1.	Introduction	1
2.	Period of report	1
3.	Constitution of Commission	2
4.	Officers & Staff	2-6
5.	Office Building	6
6.	Budget & Accounts	6-7
7.	Awareness Programmes	7-8
8.	Strength/Creation of Posts	8-9
9.	Participation in Conference etc.	9
10.	Website	10
11.	Complaints Received/ Instituted/Disposed-off with brief details thereof	10-20
12.	Annexure-I	21
13.	Annexure-II	22
14.	Annexure-III	23
15.	Annexure-IV	24
16.	Annexure-V	25-27
17.	Authenticity Certificate of Report by Secretary	28

**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 (Central Act No. 10 of 1994) for  
the year 2016-17.**

**Introduction**

The Sikkim Human Rights Commission was constituted by the State Government vide its Notification No.101/Home/2008 dated 18-10-2008. Hon'ble Mr. Justice A.N. Ray, former Chief Justice of High Court of Sikkim was appointed as first Chairperson of the Commission for a period of five years. Thereafter, Hon'ble Mr. Justice Narendra Kumar Jain, former Chief Justice of High Court of Sikkim was appointed as second Chairperson of Sikkim Human Rights Commission for a period of five years from the date, he assumes the charge of the office. Hon'ble Mr. Justice N.K. Jain, assumed the charge of the Office of the Chairperson on 08-10-2014 and since then, he is continuously holding the post of Hon'ble Chairperson, Sikkim Human Rights Commission including the period of this Annual Report.

**PERIOD OF ANNUAL REPORT**

The Commission has prepared this Annual Report for the period 01-04-2016 to 31-03-2017 for submitting to the State Government under Section 28(1) of the Protection of Human Rights Act, 1993 (Central Act. No.10 of 1994).

## **CONSTITUTION OF SIKKIM STATE HUMAN RIGHTS COMMISSION**

### **Chairperson and Members of the Commission**

Hon'ble Mr. Justice N.K. Jain (Former Chief Justice of High Court of Sikkim) is working as Chairperson of Sikkim State Human Rights Commission. The posts of remaining two members of the SSHRC are still to be filled by the Concerned Authority.

### **OFFICERS AND STAFF OF THE COMMISSION**

#### **Secretary**

Mrs. Lakchung Sherpa, L.R-cum-Secretary, Law Department, Govt. of Sikkim was appointed and given additional charge of the Secretary of the Sikkim Human Rights Commission by the State Government vide Notification No.84/Home/2014 dated 29-09-2014 issued by Chief Secretary, Govt. of Sikkim, she assumed the charge on 29-09-2014 and since then she continued as such and during the part period of this Annual Report also. However, she tendered her resignation on 24-09-2016 which was accepted by Hon'ble High Court of Sikkim as she was member of Sikkim Superior Judicial Service and consequently Govt. of Sikkim, Department of Personnel issued Notification No. 128/Gen/DOP dated 1-10-2016 accepting her resignation w.e.f 30-09-2016 (AN). Later on, vide Notification No.132/Gen/DOP dated 6-10-2016 issued by Department of Personnel, Govt. of Sikkim, Smt. Lakchung Sherpa, Former Law Secretary was appointed as Secretary of Legal, Legislative and Parliamentary Affairs Department and by the same Notification she was appointed as Secretary, Sikkim Human Rights Commission with immediate effect. She joined as Secretary, Sikkim Human Rights

Commission on same day i.e. 6-10-2016 and continued as such. However, the above Notification dated 6-10-2016 was withdrawn by the Govt. of Sikkim vide Notification No.05/Gen/DOP dated 03-02-2017 with immediate effect and by same Notification dated 03-02-2017 Smt. Lakchung Sherpa, Secretary, SHRC was relieved from her duty with immediate effect. The Commission vide its letter No.941/SSHRC/2017 dated 10-02-2017 requested the State Government to appoint/provide Secretary at the earliest on top priority basis. However, Secretary could not be appointed in Commission till 31-03-2017, the last day of the period of this Annual Report.

**P.P.S./Court Master/D.D.O. etc.**

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 from the High Court vide order dated 05-11-2014. His re-employment and deputation were extended from time to time and he continued as PPS to Hon'ble Chairperson, SHRC-cum-Protocol Officer-cum-Court Master (Judicial), Sikkim Human Rights Commission during the period of this Annual Report also. On the request of the Commission vide its letter No.794/SSHRC/2016 dated 30-09-2016 to the Hon'ble High Court to extend the re-employment and deputation for a period of one year. The period of re-employment of Mr. R.S. Rawat was extended by the State Government vide its Office Order No. 1932/G/DOP dated 19-11-2016 for a period of two years w.e.f. 01-12-2016 to 30-11-2018 and further his period of deputation by the High Court of Sikkim was extended for a further period of two years w.e.f. 01-12-2016 to 30-11-2018.

After the death of Mr. Mohan Lepcha, D.D.O., the charge of D.D.O. was given to Mr. Sanjay Gurung, D.D.O. of Law Department. However later on, on the request of the Commission, Mr. R.S. Rawat, PO-cum-PPS to Hon'ble Chairperson has been given additional charge of D.D.O. of the Commission vide Office Order No. 63/Fin/Adm. dated 08-09-2015 issued by Finance, Revenue and Expenditure Department, Govt. of Sikkim and since then he is working as such also.

### **IGP/ADGP**

On the request of the Commission vide its letter dated 03-03-2016, the Services of Mr. Avichal, Inspector General of Police, Law & Order, was placed at the disposal of SSHRC, as and when required, in addition to his own duties, vide Notification No.51/Home/2016 dated 05-09-2016 issued by Home Department, Govt. of Sikkim, he attended the office of Sikkim Human Rights Commission as and when, he was called on. Later on, vide Notification dated 10-02-2017, the services of ADGP, Law and Order, was placed at the disposal of Commission, as and when required, in supersession of earlier Notification dated 5-09-2016. The ADGP, Law and Order is attending the office of Sikkim Human Rights Commission as and when, his is called on.

### **Deputy/Under Secretary**

A request was made by the Commission, vide its letter No.844/SSHRC/2016 dated 14-11-2016 to the State Government for posting of one Under Secretary for Sikkim Human Rights Commission and accordingly, the State Government vide its Office Order No.173/G/DOP dated 19-01-2017 was pleased to appoint and post Mr. Tsering Gyatso Bhutia as Under

Secretary in the Commission. The Under Secretary joined the Commission on 24-02-2017 (FN) and since then, he was working as such, during the remaining period of this report.

### **Junior Accountant**

Mr. Lakpa Lepcha, Junior Accountant was transferred/posted in the Commission and he was working as such during the period of this Report.

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

The following employees were working/left/appointed in the Office of SHRC on Muster Roll basis (Daily wager).

1. Ms. Ohmu Hangma Subba, LDC.
2. Ms. Tika Maya Chhetri, LDC-cum-Typist.
3. Mr. Santa Bir Rai, Driver (Left on 28-2-2017).
4. Mr. C.B. Chettri, Driver.
5. Mr. Lako Tshering Lepcha, Driver.
6. Mr. Krishna Prasad Basnet, Driver (Appointed on 14-3-2017).
7. Mr. Sanjay Subba, Peon.
8. Mr. Mahindra Subba, Peon (Left on 7-12-2016).
9. Mrs. Kabita Rai, Peon.
10. Mr. Phurba Tshering Lepcha, Peon (Appointed on 9-3-2017).

Three employees namely Mr. Kul Prasad Sharma, Mr. Indra Kumar Chettri and Ms. Mona Gautam were working as

Residential Orderly on Muster Roll basis at the official residence (Bungalow No.4, VIP Colony, Gangtok) of the Hon'ble Chairperson.

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

### **OFFICE BUILDING OF THE COMMISSION**

The Office of the Sikkim Human Rights Commission is situated in Block 'C', Vidhayak Aawas, VIP Colony, Near Circuit House, Gangtok.

### **BUDGET AND ACCOUNTS**

The State Government had allotted the budget of Rs.91,90,000/- to the Commission in Demand No.23 alongwith Department of Law & Parliamentary Affairs, Government of Sikkim for the financial year 2016-2017 in the following heads:-

• Salaries	-	46,49,000/-
• Travel Expenses	-	4,00,000/-
• Office Expenses	-	41,41,000/-
Total	-	91,90,000/-

- Out of above allotted budget and after some small re-appropriation of the amount in the Budget heads, a sum of Rs.6,34,000/- remained unused in the head of Office Expenses due to austerity measures adopted by the Commission. Rs.1,10,000/- was saved in the head of Travel expenses due to



curtailments of official tours. Thus, total saved/unused amount of Rs.7,44,000/- (Rupees seven lakhs and forty four thousand) only, were surrendered to the Government on 30-03-2017.

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

Quarterly reconciliation is also being made by the Commission with the office of Accountant General, Gangtok. A copy of Certificate dated 19-06-2017 issued by the office of Sr. Deputy Accountant General (A&E) Sikkim is enclosed herewith and marked as **Annexure IV.**

It is relevant to mention that instead of paying grants to the Commission as required under Section 33 of the Protection of Human Rights Act, 1993 (For short "Act"), the State Government is allotting a budget as referred above.

It is also relevant to mention that the Accounts of the Commission has not been audited by the Comptroller and Auditor General as required under Section 35 (2) of the Act, despite request of the Commission, therefore, Audit report could not be forwarded to the State Government, as required under Section 35 (4) of the Act.

#### **AWARENESS PROGRAMME ORGANISED BY SSHRC**

Section 12 (h) read with Section 29 of the "Protection of Human Rights Act, 1993" provides that, "the commission shall spread human rights literacy among various sections of society

and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means.”

In compliance of above provision of Law, the Sikkim State Human Rights Commission has organized the Awareness Programme on Human Rights at the following places in Sikkim during the period of Report-

Sl. No.	Date	Venue
1.	16-04-2016	At Community Centre, Gyalshing, West Sikkim.
2.	08-05-2016	At Community Hall, Kupup, East Sikkim.
3.	30-05-2016	At Community Hall, Soreng, West Sikkim.
4.	09-08-2016	At Sikkim State Central Prison, Rongyek, East Sikkim.
5.	26-08-2016	At Panchayat Bhawan, Assam Lingzey, East Sikkim.

Apart from above, the message on Human Rights was also got published on International Human Rights Day (10-12-2016) in all the Daily Newspapers in all the languages published from Sikkim. It was also published in Daily Newspaper “Dainik Jagran” (Total 10 daily Newspapers).

### **STRENGTH/CREATION OF POSTS FOR THE COMMISSION**

A meeting chaired by Hon’ble the Chief Minister of Sikkim was held on 19-02-2016 at Samman Bhavan for considering the issue relating to creation of posts, which was attended by the

Secretary of the Commission. In the said meeting, the proposal made by Sikkim State Human Rights Commission for creation of required man power for the Commission was considered favourably and it was directed that the proposal for creation of posts of required manpower for Commission be sent to the Government for necessary orders. Thereafter, the Commission vide its letter No.475/SSHRC/2016 dated 03-03-2016 sent the proposals for creation of the various posts to the State Government. The reminder letter was also sent, but no order in this regard has been received from Government by Commission till 31-03-2017.

### **PARTICIPATION IN CONFERENCE/WORKSHOP/SEMINAR ETC.**

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

<b>Sl No.</b>	<b>Period</b>	<b>Subject/Topic</b>	<b>Venue</b>
01.	10 <sup>th</sup> December, 2016	To celebrate International Human Rights Day.	D.S. Kothari Auditorium, DRDO Bhavan, Rajaji Marg, New Delhi.
02	17 <sup>th</sup> February, 2017	Meeting of the Hon'ble Chairpersons/ Members of NHRC and SHRCs.	Seminar Hall, 1,2 & 3, KamladeviBlock, India International Centre (IIC), Max Muller Marg, New Delhi.

## **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**.

## **COMPLAINT RECEIVED/INSTITUTED/DISPOSED OFF**

-Seven complaints were pending as on 01-04-2016 before the Commission for want of report/comments/further information. During the period of Annual Report 2016-17, six pending cases as on 01-04-2016 were disposed of. One complaint No.11/2016 remained pending for want of further information. However, the Commission received thirteen complaints during this period, out of which nine complaints have been disposed of. Four complaints remained pending for want of further information. Thus, 6+9= total 15 complaints were disposed of during this period and 1+4 = total five complaints remained pending as on 31-03-2017. The details of complaints pending as on 01-04-2016, New Complaints received and complaints disposed of during the period of report and complaints remained pending as on 31-03-2017 are as under:-

### **Complaint No.1 of 2014 -Kamala Maley v/s Ex. Engr., CWC.**

-This Complaint was filed 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. On seeking report and intervention by the Commission, the opposite party ultimately agreed to make the payment of gratuity and made the payment

of amount of gratuity to the Complainant. Thereafter, the complaint was disposed of on 11-08-2016.

**Complaint No. 2 of 2014 -Bikash Sewa v/s Ex. Engr., CWC.**

-This Complaint was filed 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. On seeking report and intervention by the Commission, the opposite party ultimately agreed to make the payment of gratuity and made the payment of amount of gratuity to the Complainant, hence the complaint was disposed of on 11-08-2016.

**Complaint No.4 of 2014 -Binod Darje v/s Ex. Engr., CWC.**

-This Complaint was filed 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 report was called from the Opposite Party. After seeing the report received from the opposite party, the Complainant filed an application for withdrawal of the complaint, which was allowed and complaint was dismissed as withdrawn on 23-4-2016 with liberty to file a fresh representation before the opposite party.

**Complaint No.5 of 2014 -Maya Devi v/s Ex. Engr., CWC.**

-This Complaint was filed 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. On seeking report and intervention by the Commission, the opposite party ultimately agreed to make the payment of gratuity and made the payment of amount of gratuity to the Complainant, hence the complaint was disposed of on 11-08-2016.

**Complaint No.8 of 2015 -Suo-Motu v/s Sr. S.P. South &Ors.**

-In this matter a 'Suo-motu' cognizance was taken by the Commission on the basis of news item published in daily newspaper "Sikkim Express" dated 19-05-2015 about the death of one Biben Rai due to alleged excessive force used by Police to take him under custody, resulting in his death. The complaint was registered and report/comments were called from the District Collector, South Sikkim, Namchi, the DGP Sikkim Police, Gangtok, East Sikkim, the Principal Secretary Home Department, Govt. of Sikkim and the Senior Superintendent of Police, South District, Namchi. The reports were received from the opposite parties. However, during pendency of the complaint, the police officials entered into a compromise with mother, wife and childrens of the deceased and paid the reasonable amount of compensation to them. Thereafter the legal heirs of the deceased requested the Commission to dispose of the matter in terms of compromise. Hence, the complaint was disposed of on 31-08-2016 in terms of compromise entered in between the parties.

**Complaint No.10 of 2015 -Jaya Narayan Sharma v/s UD & HD.**

-This Complaint was filed by Jaya Narayan Sharma, of Thekabong, East Sikkim against the Urban Development and Housing Department Govt. of Sikkim, Gangtok in respect of

non-payment of his Salary from April, 2013 to September, 2013. The Commission called a report from the Nodal Officer for HSUI-cum-Town Planner-I, Urban Development and Housing Department. Govt. of Sikkim, Gangtok. The U.D.H. Department sent its report, wherein due payment of salary was admitted. It was further mentioned that Department has approved the salary and the same will be paid before the end of financial year. After some time the complainant filed an application that he has received his due salary therefore he may be allowed to withdraw his complaint with liberty to approach the Department in respect of interest on delayed payment of his salary. The commission accordingly dismissed the complaint as withdrawn on 13-04-2016 with liberty as prayed for.

**Complaint No.11/2016 -Topzang Bhutia v/s SP West & Ors.**

-The Complaint was filed by Mr. Topzang Bhutia of Hee-Goan, West Sikkim, against the Superintendent of Police West District, Gyalshing & others. The report called for, has been received. The complaint is pending for further enquiry in the matter.

**Complaint No.12 of 2016 -Ashok Kumar v/s U.O.I. & Ors.**

-The complaint was received from Mr. Ashok Kr. Chowdary on E-mail address of the Court Master (Judicial) of the Commission on 18-03-2016. It was also received on e-mail address of the Chairperson and Secretary. From the subject and averments of the complaint, the grievance appeared to be in respect of some college girls, who were alleged to have been thrown into prostitution by Chamber of Commerce, Andhra Pradesh and Bridal Women to earn money. The complaint further revealed that it is general in nature which has been addressed

and has also been sent to the Hon'ble President of India, the Prime Minister of India, the Governor of Andhra Pradesh and Telangana, the Chief Minister and the Home Minister of Andhra Pradesh, the National Human Rights Commission etc. The so-called allegations in the complaint were alleged to have taken place in the territorial jurisdiction of Andhra Pradesh, Telangana and West Bengal. There was no allegation of such or any nature in the complaint alleged to have taken place in any part of the State of Sikkim, therefore, the complaint was dismissed in limine on 13-04-2016 for want of Jurisdiction.

**Complaint No.13 of 2016-Punya Prasad v/s Ex. Engr., CWC.**

-This complaint was made by Mr. Punya Prasad Sharma of Tareythang, PO-Bering, PS-Pakyong, East Sikkim, against the Executive Engineer, Central Water Commission, Sikkim Investigation Division, Tadong, Gangtok, in respect of non-regularization of service of complainant in OBC quota in Central Water Commission. The report sought was received from the Opposite Party, wherein some valuable discrepancy was pointed out in the certificates of the complainant. Therefore a direction was given to complainant to file certain documents. The complainant instead of filing required documents, filed an application for withdrawal of the complaint. The Commission allowed the application and dismissed the complaint as withdrawn on 29-9-2016.

**Complaint No.14 of 2016 -Shivaraj Shivakoty v/s Bijoy Tamang.**

-The complainant filed the present complaint with a grievance that one Bijoy Tamang, Driver shouted at him and used vulgar language in front of school Security Guard when he wanted



to help him. He also mentioned in the complaint that he has lodged the complaint in this regard at Sadar Police Station, Gangtok. He has annexed a copy of the complaint lodged at Sadar Police Station.

The Commission after considering the complaint found that Complainant had already lodged the complaint at Sadar P.S. and the dispute appeared to be between two individuals. Therefore, the Commission did not find this case to be fit one to proceed further in the matter. Consequently, the complaint was dismissed on 15-06-2016 in limine.

**Complaint No.15 of 2016 -R.R. Gurung v/s Ex. Engr., CWC.**

-This complaint was registered on the basis of a letter written by Mr. R.R. Gurung, Casual Labour (without temporary status) to the Executive Engineer, Sikkim Investigation Division, CWC, Tadong, Gangtok, a copy of which was endorsed to the commission about regularization of his service. The Commission found that Mr. Gurung made a representation to the Executive Engineer, Sikkim Investigation Division, CWC, Tadong, Gangtok and no grievance has been made to the Commission directly and only a copy of the representation has been endorsed/sent to the commission. Since matter was under consideration before the competent authority and that no direct complaint was made to the Commission, therefore, Commission did not find it appropriate to take any cognizance of the said letter and to proceed further in the matter and consequently, the complaint was dismissed on 18-06-2016 as premature at this stage.

**Complaint No.16 of 2016 -Jaya Narayan Sharma v/s UD&HD.**

-This Complaint was sent on E-mail Address of Commission by Mr. Jaya Narayan Sharma wherein he had alleged that his salary

for the period from 1-4-2013 to 3-9-2013 was paid only when the Commission intervened in the matter but it was paid after a delay of three years, therefore, an interest may be awarded for delayed payment of his salary. Looking to the observation of the Commission, the complainant filed an application for withdrawal of the complaint with liberty to approach Civil Court for award of interest. The application was allowed and the complaint was dismissed as withdrawn on 3-08-2016 with liberty to Complainant to approach the Civil Court or any other appropriate forum for his grievances.

**Complaint No.17 of 2016 -Umesh Thakur & 11 others v/s Chief Secretary & Others.**

-Mr. Umesh Thakur & 11 others (Life convicts) State Central Prison, Rongyek, East Sikkim filed the present Complaint Complaining therein that they have already undergone more than 14 to 19 years in Jail but still their cases have not been considered for their pre-mature release. A report was sought on the complaint from the Chief Secretary, Govt. of Sikkim, the Pr. Secretary, Home Department, the Sr. S.P. Jail, Rongyek and the District Magistrate, East District, Gangtok. After receipt of the report, the Commission found that after the Order of the Hon'ble Apex Court dated 23<sup>rd</sup> July, 2015, the cases of eligible convicts have not been referred by the Jail Authority to the Competent Authority for consideration of their premature release. During the hearing of the case, the Dy. S.P (Jailer) State Central Prison, Rongyek, assured that the cases of all the twelve convicts/applicants will be referred for consideration to the "State Sentence Review Board". The cases of Complainants have been referred for consideration. The Complaint remained pending till March 2017 for want of further action in the matter.

**Complaint No.18 of 2016 -S.K. Sarraf v/s M.D. Apollo Hospital, Delhi.**

-The Complainant, Mr. S.K. Sarraf wrote a letter/complaint dated 9<sup>th</sup> October, 2016 to one Smt. Suneeta Reddy, M.D. of Hospital, Apollo Sarita Vihar, Mathura Road, New Delhi for not providing proper care and treatment to his father Mr. Nand Kishore Prasad Sarraf who was admitted in the Hospital on 22<sup>nd</sup> August, 2016 stating that no proper care and attention has been given to the patient. A copy of the said complaint was sent on email id of Hon'ble Chairperson, Secretary and Court Master (Judicial) of Sikkim Human Rights Commission on 10<sup>th</sup> October, 2016. After considering the contents, the Commission prima facie was of the view that the so called violation of Human Right of incident had taken place at New Delhi, therefore, Sikkim Human Rights Commission has no jurisdiction in the matter. Since there was no allegation of any violation of Human Rights within the State of Sikkim, therefore, the complaint was dismissed having no jurisdiction in the matter on 18-10-2016.

**Complaint No.19 of 2016 -Sujit Kumar v/s P.A.O.**

-This complaint was received from Mr. Sujit Kumar by post. From the complaint it reveals that the Complainant was earlier working in the office of the PAO (Ors) PRC, Ramgarh Cantt. Distt. Ramgarh, Jharkhand and was transferred to Gangtok. The allegation in the complaint was in respect of so called mental torture by AAO Mr. R.K. Pandey and his group when the Complainant was working in the office at Ramgarh, Jharkhand. During course of arguments it was admitted that so called allegation relates to the State of Jharkhand and not at Gangtok.

Hence, this Commission had no jurisdiction to entertain the complaint. Consequently the complaint was dismissed on 14-03-2017.

**Complaint No.20 of 2016 -Nil Ratan Barai v/s Road & Brdgs. Deprtt. & Ors.**

-This complaint was filed by Nil Ratan Barai, resident of Malkani Para, Naya Hat, Distt. Jalpaiguri stating that his son Sarajit Barai was employed by a contractor Mr. Kamal Rai and sub contractor Mr. Tapan Sarkar on the construction of RCC Bridge at Chochenpheri, Barapathing, East Sikkim and got head and back injuries while doing his work. A report was sought from the Chief Engineer, Road & Bridges Department, Govt. of Sikkim. Since the matter attracted criminal liability also, the Sr. S.P. East Sikkim was also directed to get an enquiry conducted in the matter. After intervention by the Commission, the matter was settled between the parties. The Opposite Party gave appropriate financial assistance for the medical treatment of his son and also the compensation.

Since the matter was settled, the reasonable amount of compensation had already been paid, the Complainant himself had filed an application for withdrawal of the complaint alongwith written compromise i.e. agreement, the complaint was disposed of on 14-03-2017 as withdrawn and in terms of settlement took place between the parties.

**Complaint No.21 of 2016 -Bhim Singh Biswakarma v/s Chief Secretary and Others.**

-This Complaint was filed by Bhim Singh Biswakarma of Saureni ward, Assam Lingzey GPU, East Sikkim stating that he

has not been supplied the GCI Sheets which were allotted to him vide allotment No.703/22/GTK/GCI even after expiry of almost two and half years, which has caused hardship to him. The Commission sought report from the Chief Secretary to the Govt. of Sikkim, the Secretary, RMDD and the concerned Gram Panchayat. The reports were received from Secretary, RMDD and the Vice President, Assam Lingzey Gram Panchayat Unit. Both the reports were supplied to Complainant with the direction to file the rejoinder, if any. Therefore, the complaint remained pending.

**Complaint No.01 of 2017 -Ujjal Sharma v/s P.S. Singtam.**

-This Complaint was filed Mr. Ujjal Sharma of Sumin Lingchey, Singtam, East Sikkim before Commission stating that his brother Udai Sharma who had been to Bangalore for his livelihood, is missing from Bangalore since 18<sup>th</sup> February, 2016. He has lodged General Diary Report in Singtam Police Station and also FIR at Thalaghattapura Police Station, Bangalore. A report was called from the Sr. S.P. East District as well as SHO Police Station, Singtam, East Sikkim. The complaint remained pending till the end of period of this Annual Report for want of report.

**Complaint No.02 of 2017 -Maya Devi Darjee v/s Ex. Engr., CWC.**

-This Complaint was filed by Smt. Maya Devi Darjee against the Executive Engineer, SID, Central Water Commission, Govt. of India, Tadong, East Sikkim for not granting the interest on gratuity amount of Rs.1,23,984/- paid to her on 18<sup>th</sup> August, 2016 only after the intervention of the Commission. A report was sought from the concerned authority. The complaint remained pending till the end of March 2017 for want of report.

**Complaint No.03 of 2017 -Rajendra Prasad Goel v/s Govt. of India & Govt. of Sikkim.**

-This Complaint has been received by the Commission from the Complainant Mr. Rajendra Prasad Goel by post. After considering the contents of the complaint it was found that there is no violation of any human right of any citizen. Further the complaint appears to be baseless and without any specific violation of human right to anyone. Therefore, no cognizance of the Complaint was taken by the Commission and the same was dismissed in limine on 16-03-2017.

A **consolidated statement**, in brief, showing the details of the pending complaints as on 01-04-2016, New complaints received, instituted, disposed off during the period of this report and Complaints remained pending as on 31-03-2017 is annexed herewith and marked as **Annexure -V.**

**Chairperson**

**Annexure-I**

**DESCRIPTION OF HON'BLE CHAIRPERSON AND OFFICERS  
WORKED IN THE COMMISSION DURING THE PERIOD FROM  
01-04-2016 TO 31-03-2017.**

<b>Sl No.</b>	<b>Name of Officers</b>	<b>Designation</b>	<b>Residential Address</b>
1.	Hon'ble Mr. Justice Narendra Kumar Jain	Chairperson	Bungalow No. 4, VIP Colony, Gangtok.
2.	Mrs. Lakchung Sherpa, SSJS (from 1-4-2016 to 30-9-2016) (6-10-2016 to 3-2-2017)	Secretary	Bungalow No. 8, VIP Colony, Gangtok.
3.	Mr. R.S. Rawat	PPS to Hon'ble Chairperson-cum-Protocol Officer-cum-DDO-cum-Court Master (Judicial)	"Sahil Niwas" Chota Singtam, East Sikkim.
4.	Mr. Tsering Gyatso Bhutia (From 24-2-2017 to 31-3-2017)	Under Secretary	Chandmari, JN Road, Gangtok.

**Annexure-II****STATEMENT/DETAILS OF STAFF WORKED DURING THE PERIOD FROM 01-04-2016 TO 31-03-2017.**

Sl No.	Name	Designation	Remarks
1.	Mr. Lakpa Lepcha	Jr. Accountant	Regular Employee
2.	Ms. Ohmu Hangma Subba	LDC	M.R. Employee
3.	Ms. Tika Maya Chhetri	LDC-cum-Typist	M.R. Employee
4.	Mr. Santa Bir Rai	Driver	M.R. Employee (Left on 28-2-2017)
5.	Mr. Chandra Bdr. Chettri	Driver	M.R. Employee
6.	Mr. Lako Tshering Lepcha	Driver	M.R. Employee
7.	Mr. Krishna Prasad Basnet	Driver	M.R. Employee (Appointed on 14-3-2017)
8.	Mr. Sanjay Subba	Peon	M.R. Employee
9.	Mr. Mahindra Subba	Peon	M.R. Employee (Left on 7-12-2016)
10.	Ms. Kabita Rai	Peon	M.R. Employee
11.	Mr. Phurba Tshering Lepcha	Peon	M.R. Employee (Appointed on 9-3-2017)
12.	Mr. Kul Prasad Sharma	Residential Orderly	M.R. Employee
13.	Mr. Indra Kumar Chettri	Residential Orderly	M.R. Employee
14.	Ms. Mona Gautam	Residential Orderly	M.R. Employee



**Annexure-III**

**SIKKIM STATE HUMAN RIGHTS COMMISSION  
ANNUAL STATEMENT OF ACCOUNTS**

**STATEMENT SHOWING NON PLAN BUDGET FOR THE F.Y-2016-17**

Head/ Sub-Head/ Detailed Heads of Commission	Budget Provision	Expenditure	Surrender of Funds	Balance	Remarks
2070-00.001- 63-44-01 Salaries(N/P)	46,49,000/- (+)11,25,000/- = 57,74,000/-	57,73,505/-	NIL	495/-	Rs.11,25,000/- is re- appropriated from O.E & T.E
2070-00.001- 63-44-11 Travel Expenses	41,41,000/- (-)10,00,000/- = 31,41,000/-	25,06,000/-	6,34,000/-	205/-	Rs. 10,00,000/ is re- appropriated to Salaries
2070-00.001- 63-44-11 Office Expenses	4,00,000/- (-)1,25,000/- = 2,75,000/-	1,64,039/-	1,10,000/-	961/-	Rs. 1,25,000/- is re- appropriated to Salaries

**NOTE:**

1. Proper accounts and other relevant records are maintained by the Commission.
2. Monthly expenditure report is being sent by the Commission to the Director (Budget), Finance, Revenue & Expenditure Department, Govt. of Sikkim by 7<sup>th</sup> day of each succeeding month positively.
3. Quarterly reconciliation of accounts is being made by the Commission with the Office of Accountant General, Deorali, Gangtok

Prepared by,

Sd/-  
Lakpa Lepcha,  
Junior Accountant  
Sikkim Human Rights Commission

Sd/-  
R.S. Rawat  
Protocol Officer cum D&D.O  
Sikkim Human Rights Commission

**Annexure-IV**



कार्यालय वरिष्ठ उप महालेखाकार (लेखा एवं हक), सिक्किम  
लेखापरीक्षा भवन, देवराली तादोंग गान्तीक - 737 102  
OFFICE OF THE SR. DEPUTY ACCOUNTANT GENERAL (A&E), SIKKIM  
Lekha Pariksha Bhawan, Deorali, Tadong, Gangtok - 737 102

No.VLC/Recon/2016-17/ 75

Date 19.06.2017

Certified that the officer/officials in respect of Sikkim State Human Right Commission, Gangtok have attended the reconciliation for the financial year 2016-17 and recorded the observation in the reconciliation register.

Asstt. Accounts Officer/VLC-II



Annexure - V

**STATEMENT OF COMPLAINT CASES PENDING, RECEIVED AND DISPOSAL BY SIKKIM HUMAN RIGHTS COMMISSION DURING THE PERIOD 01-04-2016 TO 31-03-2017**

Sl. No.	Complaint Case No.	Date of Institution	Name & address of the Complainant	Name & address of the Opposite Party	Nature/Subject objective	Date of disposal/ Pending
1.	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	11.08.2016
2.	2 of 2014	06-11-2014	Bikash Sewa, Tadong, East Sikkim	Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim	Gratuity Claim	11.08.2016
3.	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	23.04.2016
4.	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	11.08.2016
5.	8 of 2015	19-05-2015	Suo-Motu	1. The Pr. Home Secretary. 2. The D.G.P, Sikkim Police. 3. The District Collector, Namchi. 4. The Sr. S.P., Namchi.	Death occurred in course of Police Action (Custodial death)	31.08.2016
6	10 of 2015	16-10-2015	Mr. Jaya Narayan Sharma, Thekabong, East Sikkim	Urban Development & Housing Department, Govt. of Sikkim	Delay of two & half years in payment of salary	13.04.2016
7.	11 of 2016	16-02-2016	Mr. Topzang Bhutia, Hee Goan, West Sikkim.	S.P. West & others	Assaulted by Dentam Police. (Custodial Assault)	Pending

8.	12 of 2016	07.04.2016	Mr. Ashok Kr. Chowdary	Sandhya Devi & others	The college girls thrown into prostitution by chamber of commerce.	13.04.2016
9.	13 of 2016	03.05.2016	Mr. Punya Prasad Sharma, R/o Vill -Tareythang,P.s Pakyong	Executive Engineer, Sikkim Investigation Division, Tadong.	Non-regularization of service in OBC category under CWC, Sikkim Investigation Division, Tadong.	29.09.2016
10.	14 of 2016	09-06-2016	Mr. Shivraj Shivakoty	Mr. Binoy Tamang & SHO, Sadar Police Station, Gangtok	Private dispute between two individuals	15-06-2016
11.	15 of 2016	15-06-2016	Mr. R.R. Gurung, C/o Bhoj Kr. Pradhan, Near SC girls Hostel Gairi Goan, Tadong, Gangtok.	Executive Engineer, Central Water Commission, Sikkim Investigation Division, Tadong, Gangtok	Regularization of service in unreserved category against the existing vacant post.	18-06-2016
12.	16 of 2016	28-07-2016	Mr. Jaya Narayan Sharma, Thekabong, East Sikkim	Urban Development & Housing Department, Govt.-of Sikkim, Gangtok	Regarding the interest on the delayed payment of salary for 3 years.	03-08-2016
13.	17 of 2016	12-08-2016	Mr. Umesh Thakur & 11 others	Chief Secretary & others	For consideration of premature release on completion of 14 to 19 years in jail	Pending
14.	18 of 2016	13-10-2016	Mr. S.K. Sarraf, Beside Hotel Tashi Delek Bridge, Gangtok Sikkim.	M.D., Apollo Hospital, Delhi	Complaint against Apollo Hospital, Delhi	18-10-2016
15.	19 of 2016	13-12-2016	Mr. Sujit Kumar, Sr. Auditor, O/o AOGE, Gangtok, New Militar Station	AAO, AOGE, Gangtok/Jharkhand	Mentally torture by AAO, Ramgarh, Jharkhand	14-03-2017
16.	20 of 2016	20-12-2016	Mr. Nil Ratan Barai	Mr. Kamal Rai, Contractor and Mr. Tapan Sarkar, Sub-contractor.	Compensation for injuries sustain while performing duty at Chochenpheri, Barapathing, East Sikkim	14-03-2017

17.	21 of 2016	20-12-2016	Mr. Bhim Singh Biswakarma, Saureni Ward, Assam Lingzey GPU, East Sikkim	The Chief Secretary, Govt. of Sikkim, the Secretary, RMDD & Concerned Gram Panchayat	Violation of Human Rights (Non-supply of allotted GCI Sheets)	Pending
18.	01 of 2017	08-03-2017	Mr. Ujjal Sharma, Sumin Lingchey, Singtam, East Sikkim	Singtam Police Station	Missing of Complainant's brother since 18 <sup>th</sup> Feb, 2016 from Bangalore.	Pending
19.	02 of 2017	08-03-2017	Smt. Maya Devi Darjee, w/o Lt. Prithi Ram Sewa (Darjee), Village-Lower Tarehang, P.S. Pakyong.	Executive Engineer, Central Water Commission, Sikkim Investigation Division, Tadong, Gangtok	Interest on delayed payment of gratuity amount.	Pending
20.	03 of 2017	10-03-2017	Mr. Rajendra Prasad Goel	The Govt. of India, New Delhi, The Govt. of Sikkim, Gangtok, East Sikkim	Diseases spreading all over India/State through different types of sources.	16-03-2017