

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 15th October, 2009.

H.R.M.P.No.551/2008

Petitioners : B.J.Vijayan and E. Thankamani,
Thongalvila veed, Kakkamoola,
Thiruvananthapuram.

Now residing at:
No.1, Staff Quarters,
Govt. Hospital, Neendakara, Kollam.

Respondent :

ORDER

The complaint of the petitioners is that their son Arjun.V.T. was assaulted by the senior students and was humiliated by calling his caste name.

A Member of this Commission asked the Chief Investigation Officer (CIO) of this Commission to conduct enquiry and to file the report and accordingly the CIO has filed his report after enquiry.

I have perused the report and the report shows that the CIO has examined the petitioners as W1 and W2 and their son Arjun as W3. The Principal of the college was examined as W4 and the lecturer in-charge of the men's hostel was examined as W5. He has also examined a Professor as W6 and also the present Sub Inspector of Police, Sreekaryam, as W7. The CIO along with his report filed statements of the witnesses and Exhibits A to S.

On going through the report I find that W3 was a student in the Government Engineering College, Thiruvananthapuram, in Electronics batch and he is the son of W1 and W2. On 16-1-2008 he was assaulted by senior students, threatened and was kept isolated in a room in the hostel. On 21-1-2008 he managed to escape from the room and reached his parents at Neendakara, where they were working. Thereafter W1 and W2 made enquiries regarding the incident complained of by their son at the college and the hostel and W3 was also hospitalized at the Medical College Hospital, Thiruvananthapuram, on 29-1-2008. A written complaint was given to the Principal and also to Sreekaryam Police Station and at the Police Station a case in crime No.35/08 was registered.

In the report it is further stated that in the meantime a student by name Karthik filed a petition before the Principal and later he withdrew it and after some time the said Karthik filed a petition before the Principal alleging that Arjun (W3) and other senior students manhandled him on 18-12-2007 and later another complaint was also filed against W3 by student Milesh Joseph and there was also a mass petition against W3. All these petitions were handed over to an Enquiry Committee and the Committee after enquiry submitted two reports. Thereafter W3 was suspended from the college and the petitions received against him were handed over to Sreekaryam Police Station by the Principal and two crimes in crime No.51/08 and crime No.61/08 were registered against W3 at Sreekaryam Police Station on the petitions handed over by the Principal. W1 therefore filed a representation before the Vice Chancellor, University of Kerala and also

approached the High Court, Kerala by filing WP (C). 5407/08 and the Court passed an order directing the Police to give protection to W3. During the course of investigation of crime No.35/08 a detailed statement was recorded and it was attached to the CD file. On 14-3-2008 a report was filed before the Judicial First Class Magistrate-I, Thiruvananthapuram, to delete section 3 (1) (X) of SC/ST (PA) Act 1989 and the Assistant Commissioner of Police, Shangumugham, who was investigating the above crime arrested the accused and they were released. Later a report was filed before the Court against W3.

The CIO, in the enquiry came to the conclusion that the college authorities suppressed the real facts by conducting enquiries which found fault with W3 who is a student and belongs to the Scheduled Caste (S C) Community and they have also supported the other students with a view to safeguard them and W3, an innocent person from the S C Community, had to face two crimes and their intention seems to be to prevent W3 from prosecuting the crime registered on his complaint. According to the report, the college authorities and the police are supporting the accused in crime No.35/08 and the investigation was not properly conducted and the human rights of W3 were violated. He has opined that a suitable direction should be issued for the reinvestigation of the crimes 35/08, 51/08 and 61/08 of Sreekaryam Police Station and also to direct the college Principal to implement the order of the High Court, Kerala.

In view of the report wherein doubts are expressed about the genuineness of the investigation being conducted in the crimes I feel that there should be a proper

investigation in the above crimes and therefore I direct the Director General of Police, Thiruvananthapuram, to nominate a competent officer not below the rank of a Superintendent of Police to conduct a thorough investigation in the crimes which will be supervised by an Inspector General of Police so that the investigation in the above crimes are conducted properly and in efficient manner and without causing any injustice to any person.

With the above direction the petition is closed. Send a copy of this order each to the first petitioner and to the Director General of Police, Thiruvananthapuram.

Justice N.Dhinakar
Chairperson.

j