

National Human Rights Commission

Diary No	113194/CR/2016	Case / File No	137/8/4/2016
Victim Name	LAXMAN AND OTHERS	Registration Date	20/09/2016

Action List (Click on Action given in blue color to view details)

Action No.	Action	Authority	Action Date	Due Date	Completion Date
9	Additional Information Called for	THE CHIEF SECRETARY GOVT. OF HIMACHAL PRADESH, SHIMLA	20/01/2020	15/03/2020	
8	Show Cause Notice Issued (Comments)	THE CHIEF SECRETARY GOVT OF HIMACHAL PRADESH, SHIMLA	20/01/2020	15/03/2020	
7	Conditional Summon	THE COMMISSIONER DHARAMSHALA MUNICIPAL CORPORATION, HIMACHAL PRADESH	23/05/2019	03/10/2019	27/05/2020
6	Additional Information Called for	THE COMMISSIONER DHARAMSHALA MUNICIPAL CORPORATION, HIMACHAL PRADESH	04/01/2019	18/02/2019	
5	Additional Information Called for	THE COMMISSIONER DHARAMSHALA MUNICIPAL CORPORATION, HIMACHAL PRADESH	24/07/2018	08/09/2018	
4	Additional Information Called for	THE ADDITIONAL COMMISSIONER DHARMSHALA MUNICIPAL CORPORATION, HIMACHAL PRADESH	09/04/2018	18/05/2018	
3	Additional Information Called for	THE ADDITIONAL COMMISSIONER, DHARMSHALA MUNICIPAL CORPORATION, DHARMSHALA, HIMACHAL PRADESH	01/08/2017	12/09/2017	
2	Additional Information Called for	SELECT, SELECT	02/05/2017	07/06/2017	03/07/2017
1	Action Taken Report Called for	THE CHIEF SECRETARY GOVT. OF HIMACHAL PRADESH, SHIMLA	28/09/2016	14/11/2016	11/04/2017

Expand All Action List

Action**Action : Additional Information Called for(Action No 9)**

Action Date	20/01/2020	Due Date	15/03/2020	Completion Date	
Authority	THE CHIEF SECRETARY, GOVT. OF HIMACHAL PRADESH, SHIMLA				
Proceeding	<p>The matter relates to resettlement and rehabilitation of the slum dwellers of Charan Road, Dharmashala, Himachal Pradesh who were evicted in the month of June, 2017 by the Dharmashala Municipal Corporation.</p> <p>Vide proceedings dated the 24.07.2018 the Commission considered the report dated 18.05.2018 of the Addl. Commissioner Dharmashala Himachal Pradesh wherein the facts of the complainant have been denied. It is submitted in the report that the persons who have been evicted, were tenant in CharanKhad but in fact they were encroacher of Govt. land. It has also been mentioned in the report the notices were issued under section 278 of HPMC Act 1994, dated 16.05.2016 for vacating the land in Charan Khad and by following due process of law the eviction process was completed. It has also been mentioned in the reports that in this regard CWP No. 1500/16 filed by Shri Karan Kumar and others before the Hon'ble High Court of Himachal Pradesh has been dismissed. It has been further reported that a CWP No. 2794/17 filed by Charan Khud Basti PunarvasSamaiti is pending before the Hon'ble High Court of Himachal Pradesh.</p> <p>The complainant had made an additional submission before the NHRC vide dated 21.05.2018 enclosing application of evicted settlers stating therein that there had been no effect towards redressal of their grievances by concerned authorities. It was further mentioned that application of ad-hoc voter Cards have been returned to the evicted settlers and no ration cards have been issued to them. It was also mentioned in the application that the evicted settlers have no identity or citizenship though they have been in Himachal Pradesh for last forty years.</p> <p>The Commission further observed that complainant had submitted fresh application regarding grant of status-quo, issuance of voter-ID and issuance of Ration Card to the evicted settlers of Charan Khad, Dharamshala. The Commissioner, Dharmashala Municipal Corporation, Himachal Pradesh was directed to submit a report within six weeks regarding the steps taken with regard to rehabilitation of the evicted settlers and providing them ration cards and voter ID card as well as other benefits of welfare schemes of Govt. of India.However no report had been received by the Commission.</p> <p>The reminders dated 12.02.2019 was also sent to the Commissioner, Dharmashala Municipal Corporation, Himachal Pradesh. However, no response was received.</p> <p>Vide proceedings dated 23.05.2019 the Commission, after considering all materials available on record, issued the conditional summon u/s 13 of PHRA against the Commissioner, Dharmashala Municipal Corporation, Himachal Pradesh to personally appear before the Commission on 10.10.2019 at 11:00am along with requisite report, should however, if the requisite report received in the Commission one week prior to</p>				

the scheduled date then his personal appearance was to be dispensed with.

However, the then Commissioner, Dharmashala Municipal Corporation, Himachal Pradesh neither appeared before the Commission nor furnished requisite report/any response, as directed by the Commission. The Commission takes serious note of this. The then Commissioner, Dharmashala Municipal Corporation, Himachal Pradesh is legally bound to give information/report being a public servant with regard to Commission's directions and conditional summons u/s 13 of Protection of Human Rights Act, 1993 and by failing to furnish such information/report to this Commission, prima facie the then Commissioner, Dharmashala Municipal Corporation, Himachal Pradesh has committed an offence under sections 175/176 of Indian Penal Code, 1860. Therefore, the Commission directs its registry to issue Show Cause notice u/s 16 of the PHR Act, 1993 to the then Commissioner, Dharmashala Municipal Corporation, Himachal Pradesh, through the Chief Secretary, Govt of Himachal Pradesh as to why the Commission should not initiate criminal proceedings under sections 175/176 of Indian Penal Code, 1860 as well as under Rule 10 and Rule 12 of order XVI of Civil Procedure, 1908 against the then Commissioner, Dharmashala Municipal Corporation, Himachal Pradesh for wilful omission to produce documents and to give information as directed by the Commission. Response within 6 weeks. If no response is received within the stipulated time the Commission may proceed on the basis of material available on record to and take action as it deems fit under the Law.

Further, the Chief Secretary, Govt of Himachal Pradesh is directed to submit the requisite reports i.e. regarding the steps taken with regard to rehabilitation of the evicted settlers and providing them ration cards and voter ID card as well as other benefits of welfare schemes of Govt. of India to the Commission within 6 weeks.

Complaint

Diary No	113194/CR/2016	Section	M-5
Language	ENGLISH	Mode	BY POST
Received Date	05/07/2016	Complaint Date	29/06/2016

Victim

Victim Name	LAXMAN AND OTHERS	Gender	Both
Religion	Unknown	Cast	Unknown
Address	C/O AKSHAY KUMAR, VILLAGE. NAGAN, PO. KHARANAL, BAIJNATH,		
District	KANGRA	State	HIMACHAL PRADESH

Complainant

Name	AKSHAY JASROTIA AND OTHERS		
Address	NATIONAL FORUM FOR HOUSING RIGHTS, VILLAGE. NAGAN, PO. KHARANAL, BAIJNATH,		
District	KANGRA	State	HIMACHAL PRADESH (176115)

Incident

Incident Place	CHARAN KHUD, DHARASALA	Incident Date	16/06/2016
Incident Category	ATROCITIES BY CUSTOM/EXCISE/ENFORCEMENT/FOREST/INCOME-TAX Deptt., etc.OF CENTRAL/STATE Govts.		
Incident District	KANGRA	Incident State	HIMACHAL PRADESH
Incident Details			

Cause List

List No	Case / File No	Listing Date	Category
7	137/8/4/2016	22/05/2020	COMPLIANCE REPORT CASES
6	137/8/4/2016	10/10/2019	COMPLIANCE REPORT CASES
5	137/8/4/2016	13/03/2019	COMPLIANCE REPORT CASES
4	137/8/4/2016	11/12/2018	COMPLIANCE REPORT CASES
3	137/8/4/2016	08/06/2018	COMPLIANCE REPORT CASES
2	137/8/4/2016	17/10/2017	COMPLIANCE REPORT CASES
1	137/8/4/2016	16/12/2016	FOR FINAL DISPOSAL