

**Govt. of India**  
**National Commission for Minorities**  
Lok Nayak Bhawan, Khan Market, New Delhi-3

**Petitioner:** Shri Ashok Kumar Rahul, R/o 1320, Rajeev Colony, Mohan Nagar, PS Sahibabad, Ghaziabad (U.P.).

**Respondent:** Director General Police, U.P

**File No. B/UP/80/0042/11**

**The Bench of the NCM meeting on 26.05.2011 consisted of:**

- i. Shri Wajahat Habibullah, Chairperson
- ii. Dr. H.T. Sangliana, Vice Chairperson
- iii. Shri H.S. Hanspal, Member
- iv. Smt. Spalzes Angmo, Member
- v. Smt. Syeda Imam, Member
- vi. Shri Vinod Sharma, Member
- vii. Shri K.N. Daruwalla, Member

2. Joint Secretary and Legal Officer assisted the bench.

**Brief record of hearing held in the Conference Room of the National Commission for Minorities held at 11.30 A.M. on 26.05.2011.**

**Present:**

- (i) Shri Ashok Kumar Rahul complainant regarding disappearance of his brother Shri Sangharatan since 08.04.2009 along with Bhikshu Pragya Vansh, Krishna (mother of complainant) and Shri R.P. Singh.
- (ii) Shri Karamveer Singh, DGP, U.P., Shri G.P. Sharma, I.G. Crime, U.P. Shri Amit Verma, ASP, Ghaziabad and Shri Dharamvir, SI, P.S. Sahibabad, Ghaziabad U.P.

3. Shri Ashok Kumar Rahul S/o Shri Jai Prakash Gautam resident of 1320, Rajeev Colony, Mohan Nagar, P.S. Sahibabad, Ghaziabad (U.P.), submitted that his brother Shri Sangharatan who was working as a driver for the last two years with one Shri Manish S/o Shri Chandra Prakash, resident of A209, Lajpat Nagar, Sahibabad, Ghaziabad went missing from 8.4.2009 and since then has not been traced. He further stated that a report was lodged at Police Station Sahibabad,

but no action was taken by the then SHO Shri Yogesh Pathak. He also stated that Shri Yogesh Pathak misbehaved with him and his family and pressurized them to withdraw the complaint. This contention was supported by other members of the family present. The FIR was lodged only after the matter was brought before the Higher Officers and media reports. The complaint of Shri Rahul of 4.1.2011 before the Commission was in fact a plea for action against Inspector Pathak

4. Shri Karamveer Singh, DGP, U.P. agreed that so far as allegations against Shri Yogesh Pathak the then SHO is concerned, this has not been looked into, but will be investigated and a report submitted within a week to the Commission, describing the action proposed, if any. He further submitted that he had found the initial investigation into the disappearance to have been defective. The matter will be re-investigated with a more scientific and thorough approach by investigating call records of the suspects as well as family members of the victim. The DGP further submitted that the FIR named no persons, and it was only after the statement of the wife and brother of the victim, that Shri Manish Kumar employer of the victim was arrested and Jailed. A charge sheet has been filed before the concerned court. DGP also submitted that Mrs. Dolly wife of Victim Shri Sangharatan had re-married within one year of the disappearance. This matter will also be included in the investigation. A report submitted after a month, but within a maximum period of two months.

5. The DGP further submitted that in future reports called by the NCM may be referred to DGP's office so that he might take cognizance of the matter. He also submitted that the police – people ratio is very low in the State of U.P. and the government is in the process of large scale recruitment. The DGP also agreed to look into the allegation of monetary dealings between the victim and Shri Manish Kumar.

**Discussion:**

6. After hearing both parties the Commission is of the view that apart from the allegation of non-action by the police, the complaint of the complainant was primarily against Inspr. Yogesh Pathak the then SHO. The Commission had taken the view that the matter has not been investigated by the police and required re-investigation, as agreed by DGP, UP

**Decision notice:**

7. The Commission accepted the offer of DGP for an exhaustive police investigation and report, both on the conduct of the accused Inspector and also re-investigation into the missing person. In the meantime care would be taken to ensure protection of the complainant and family. The Commission also recommended that DGP run programmes to sensitise police personnel to dealing with minorities' problems. It was recommended by Vice Chairperson that a minority's cell be instituted in the DFGP's office for this purpose.

8. Further action, if any will follow the receipt of the two reports promised by Shri Karamveer Singh.

(Wajahat Habibullah)  
Chairperson

(Dr. H.T. Sagliana)  
Vice Chairperson

(H.S. Hanspal)  
Member

(Spalzes Angmo)  
Member

(Syeda Imam)  
Member

(Vinod Sharma)  
Member

(K.N. Daruwalla)  
Member  
26.5.2011