

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 18/10/2010

Case No. ~~24/23/3/07-08~~

To

20 OCT 2010

✓ JAGDISH RAWAT PROGRAMME ASSITT.
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE
C-3/441-C, JANAKPURI,
WEST DELHI, DELHI.
(Pin Code -)

Sir/Madam,

With reference to your complaint dated 07/08/2007, I am directed to say that the matter was considered by the Commission on 05/10/2010. The Commission has made the following directions.

These proceedings shall be read in continuation with the earlier proceedings.

The Commission received a complaint dated 7/8/07 from Sh. Jagdish Rawat alleging that Kamal Acharjee of Kalibazar village was arrested in connection with the murder of local CPM leader Haricharan on 13/7/07 and was inhumanly tortured in police custody by the Sub Divisional Police Officer at manubazar police lock-up on the night of 31/7/07 to extract his confession.

Vide proceedings 20/7/10 the Commission considered the material placed on record which revealed that the victim had been paid a compensation of Rs. two lakhs. A communication dated 24/8/09 from the Under Secretary, Government of Tripura mentioned that the departmental proceedings initiated against Shri Amarjit Debbarma, Dy. SP, the then SDPO, Sabroom are in progress. The Commission directed to call for the present status report of the departmental proceedings and to enquire from the victim Shri Kamal Acharjee whether he has received Rs. two lakhs from the Government.

Pursuant to the aforesaid directions the Commission received a report dated 11/8/10 from the Asstt. Inspector General of Police (Ops), Tripura which mentions that the departmental proceedings initiated against Shri Amarjit Debbarma, Dy. SP, the then SDPO, Sabroom is pending with the GA(P&T), Department.

The Commission has also received a communication dated 26/8/10 from Shri Kamal Acharjee submitting that he has received a compensation Rs. two lakhs from the Government.

The Commission has considered the material placed on record. Departmental proceedings initiated against Shri Amarjit Debbarma, Dy. SP, the then SDPO, Sabroom are pending with the GA (P&T), Department. Shri Kamal Acharjee has already received Rs. two lakhs a compensation from the Government. In view of the aforesaid circumstances, no further intervention by the Commission is required. The case is closed.

This is for your information.

Yours faithfully,

ASSISTANT REGISTRAR(LAW)



National Human Rights Commission, New Delhi, India

Case Details of File Number: 24/23/3/07-08

Diary Number	93907
Name of the Complainant	JAGDISH RAWAT PROGRAMME ASSITT.
Address	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE C-3/441-C, JANAKPURI, WEST DELHI , DELHI
Name of the Victim	KAMAL ACHARJEE
Address	VILL. KALIRBAZAR, IN SABRUM SOUTH TRIPURA , TRIPURA
Place of Incident	SABRUM SOUTH TRIPURA , TRIPURA
Date of Incident	7/31/2007

Direction issued by the Commission

These proceeding shall be read in continuation of the earlier proceedings of the Commission dated 08.10.08, wherein the Commission directed as follows:-

"The Commission received a complaint dated 7-8-07 from Sh. Jagdish Rawat alleging that Kamal Acharjee of Kalibazar village was arrested in connection with the murder of local ,CPM leader Haricharan on 13-7-07. He was inhumanly tortured in police custody by Sub Divisional Police Officer at Manubazar police lock-up on the night of 31-7-07 to extract his confession. It is alleged SDPO pushed pins under his nail, thrust chilly powder into his anus and nose. He was beaten with prickly rose-flower branches all over his body. Pursuant to the directions dated 23-8-07 the Commission received a communication dated 16-11-07 from the Under Secretary to the Government of Tripura enclosing the report dated 27-10-07 from DGP Tripura. The report reveals that SP South, Tripura conducted enquiry. Statements of complainant and the staff of P.S. Manubazar were recorded and the records at PS Manubazar were examined. The enquiry reveals that victim Kamal Acharjee, aged 37 years was a suspect in PS Manubazar Case No.23/07 u/s 302 IPC regarding murder of local CPM leader Haricharan on 13-707. He was arrested by 10 of the case SI Firuz Miah from Guachand Para and was brought to PS Manubazar where he was interrogated. On 30-7-07 he was produced in the court and five days police remand was granted. The report reveals Sh. Amerjit Debbaram the then SDPO Sabroom committed custodial torture of the victim to extract admission of crime regarding murder. The report further reveals that the statement of police staff on duty at relevant time confirms the use of chillies, which were applied on the private parts of the victim and use of one pin, which was pushed beneath the fingernails. The victim was also tortured using two braches of rose plant. The victim could not bear the torture and was rushed to Manubazar Hospital where he was admitted and treated. The statement of Dr. Ranjan Biswas M.O. Manubazar Hospital was recorded who confirmed that the victim was suffering from body pain, dizziness, hypertension and some injury marks like laceration bruises on the hand. The report admits that Kamal Acharjee has been subjected to custodial torture by She Amjit Debbarma, the then SDPO Sabroom, for which departmental proceeding has been initiated against She Amarjit Debbaran. The Commission has considered the report and directs that a notice be issued to the Chief Secretary/DGP, Govt. of Tripura calling upon him to show cause as to why monetary relief u/s 18 (C) be not granted to the victim and further calling for details with regard to the departmental action taken against the delinquent public servants found guilty in the enquiry conducted by SP (South) Tripura. Response within six weeks." Pursuant to the said directions, a notice was issued on 16.10.2008 to the Chief Secretary, Govt. of Tripura, Agartala, calling upon him to show cause as to why monetary relief u/s

18 (c) of the Human Rights Protection Act be not granted to the victim. A letter dated 14.10.08 was also sent to the Director General of Police, Tripura, Agartala seeking the status of departmental proceedings initiated against Shri Amarjeet Debbarma. Pursuant to the directions dated 08.10.08 the Commission received a communication dated 13.11.08 from the Deputy Secretary to the Government of Tripura. The report reveals that the Government has decided to pay monetary relief amounting to Rs.2,00,000/- to Shri Kamal Acharjee and action is being taken for drawal and disbursal of the amount. It is also revealed that departmental proceedings has been initiated against Shri Debbarma for the wrongful commissions. The Commission has considered the matter and directs that proof of payment of monetary relief amounting to Rs.2,00,000/- be furnished along with the status of departmental proceedings initiated against Shri Debbarma for wrongful commissions. Response in four weeks.

Action Taken

Relief granted [Compensation, Disciplinary & Prosecution] (Dated 12/8/2008)

Status on 1/30/2009

Compliance of the Commission's recommendation by the concerned authority is awaited.

Note: For further details kindly contact **National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: covdnhrc@hub.nic.in**

Disclaimer: Neither **NHRC** nor **NIC** is responsible for any inadvertent error that may have crept in the Complaint Information being published on **NET**. The Complaint Information on net is for immediate information to the Complainants/ Victims.

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

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Home page : <http://nhrc.nic.in/>

Case No. 24/23/3/07-08/UC

NOTICE

To

THE SUPERINTENDENT OF POLICE
SOUTH TRIPURA, TRIPURA

WHEREAS the complaint/intimation dated 07/08/2007 received from JAGDISH RAWAT PROGRAMME ASSITT. in respect of KAMAL ACHARJEE was placed before the Commission on 23/08/2007.

AND WHEREAS upon perusing the complaint the Commission has passed the following order.

Issue notice to SP, South Tripura, Tripura calling for a report within four weeks.

NOW THEREFORE TAKE NOTICE that you are required to submit the requisite information / Report within 4 weeks from the date of receipt of this notice.

TAKE FURTHER NOTICE that in default the Commission may proceed to take such action as it deems proper.

Given under my hand and seal of the Commission, this the day of 24 August 2007.



(BY ORDER)

ASSISTANT REGISTRAR(LAW)

Encl: Copy of the complaint.


Note --> 1. The information / report shall be furnished only by the authority which is called upon to do so.

2. Please quote the Case No. referred above in all future correspondence / reports.

CC to:

The Additional Inspector General of Police
O/O THE D.G. OF POLICE, TRIPURA, AGARTALA

JAGDISH RAWAT PROGRAMME ASSITT.
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE C-3/441-C, JANAKPURI,
WEST DELHI, DELHI


ASSISTANT REGISTRAR(LAW)