

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 12/02/2015

Case No. 135/3/5/2012-PF/DB-II

- 9 MAR 2015

✓ SHRI TEJANG CHAKMA,
COMPLAINTS COORDINATOR
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,
C-3/441-C, JANAKPURI,
DELHI.

Sir/Madam,

With reference to your complaint dated 05/03/2012, I am directed to say that the matter was considered by the Commission on 11/02/2015. The Commission has made the following directions.

LINKED WITH CASE NO.65/3/5/2012-PF

The Commission vide proceedings dated 29.1.2014 recommended to the Secretary, Ministry of Home Affairs, Govt. of India to make an additional payment of Rs. 3 lakhs to the deceased Mantu Orang and Rs. 50,000/- each to four injured namely, Nitu Gogoi, Biren Angin, Panging, Anuj Gogoi and Golap Saikia.

Pursuant to the directions of the Commission, Under Secretary to the Govt. of India, vide communication dated 3.4.2014 has forwarded proof of payment of Rs. 3 lakhs to the deceased Mantu Orang and Rs. 50,000/- each to four injured namely, Nitu Gogoi, Biren Angin, Anuj Gogoi and Golap Saikia. Vide demand drafts dated 31.3.2004 drawn on SBI, Dibrugarh University.

Since recommendation of the Commission has been complied with, the case is closed.

This is for your information.

Yours faithfully,


DEPUTY REGISTRAR(LAW)

National Human Rights Commission

New Delhi, India

Case Details of File Number: 135/3/5/2012-PF

Diary Number 31472
 Name of the Complainant TEJANG CHAKMA, COMPLAINTS COORDINATOR
 Address NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI,
 WEST DELHI , DELHI
 Name of the Victim MINTO MURA & OTHERS
 Address LEPETKATA,
 DIBRUGARH , ASSAM
 Place of Incident LEPETKATA
 DIBRUGARH , ASSAM
 Date of Incident 3/2/2012

Direction issued by the Commission
 These proceedings shall be read in continuation of the earlier proceedings. The complainant in his Fax complaint dated 05/3/2012 has alleged that a labourer died when CISF personnel opened fire in the Brahmaputra Cracker & Polymer Ltd. in Dibrugarh district on 02/3/2012. The complainant has requested a high level inquiry in the matter and adequate compensation to the next of kin of the deceased. Vide proceedings dated 21/9/12, the Commission observed that the requisite reports from the DG, CISF, New Delhi and SP, Dibrugarh, Assam along with the inquest report, postmortem examination report and outcome of independent investigation of the cases have been received. A reminder was issued to DC / DM, Dibrugarh to submit the requisite magisterial enquiry report relating to the incident. The Commission has received the requisite magisterial enquiry report. The Commission has considered the material placed on record. The matter relates to death of Mantu Oran, aged about 28, a labourer from Bebezla Area of District Sonitpur and injuries to four others when CISF personnel opened fire in the Brahmaputra Cracker & Polymer Ltd. in Dibrugarh district on 02/3/2012. The requisite inquest report, PMR and MER along with reports from the DG, CISF, New Delhi and SP, Dibrugarh have been received. Place the matter before DB.

Action Taken Additional Information Called for (Dated 12/31/2012)
 Status on 4/1/2014 Response from concerned authority is awaited

Note: For further details kindly contact National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023

Tel.No. 24651330 Fax No. 24651329 E-Mail: covdnhrc[at]nic[dot]in, ionhrc[at]nic[dot]in

नोट: अन्य जानकारी हेतु कृपया संपर्क करे राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,

फोन नं. 24651330 फैक्स नं. 24651329 ई-मेल : covdnhrc[at]nic[dot]in, ionhrc[at]nic[dot]in

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अस्वीकरण : नेट पर प्रकाशित सूचना में, अनजाने में हुई किसी भी गलती के लिए न तो एन.एच.आर.सी. न ही एन.आई.सी. जिम्मेदार है।

National Human Rights Commission

New Delhi, India

Case Details of File Number: 65/3/5/2012-PF

Diary Number	1559
Name of the Complainant	R.H. BANSAL, GENERAL SECRETARY
Address	ANTARRASHTRIYA MANAV ADHIKAR NIGRANI PARISHAD, A-59, VIJAY VIHAR, PHASE-2, ROHINI, DELHI, DELHI
Name of the Victim	LABOUR (NAME NOT GIVEN)
Address	BRAHAMPUTRA CRACKER AND POLYMER LTD. DIBRUGARH, ASSAM
Place of Incident	DIBRUGARH
Date of Incident	3/2/2012

As per the intimation and complaints received by the Commission, a mob of about 3000 contractual workers assembled at the gate of the premises of Brahmputra Cracker and Polymer Limited on 2.3.2012, shouted slogans against Central Industrial Security Force. Another 3000 workers who were inside the premises also joined them. The mob became increasingly violent, injured several CISF personnel and damaged plant property. Therefore, the CISF personnel were ordered to open fire in which one worker was killed and four others were injured. On taking cognizance of the above, reports were called for. The Director General of the State maintained that the firing was not by the State Police and it was by CISF only. The report also stated that the police personnel only resorted to lathi charge, used tear gas and non-lethal bullets to disperse the mob. There was no request from the CISF personnel to the local police to open fire. The Commission also noticed the findings of the Magisterial Enquiry holding that the CISF have not handled the situation properly. The Magisterial Enquiry, particularly, noted the following:- (i) Though the Assistant Commandant of the CISF claimed that he had ordered his jawans to fire in the air, no warning was issued to the workers before the CISF opened fire; (ii) None of the non-lethal means used in riot drills, including the use of tear gas, rubber bullets and lathi charge were tried; (iii) The CISF had adopted no standard operating procedure on the day of the incident; (iv) Though the CISF claimed that they only fired in the air, the post-mortem report on Mantu Orang and the medical reports on the four workers who were shot showed that the firing was targeted and indiscriminate; and, (v) The Assistant Commandant did not ask the police for urgent help but tried to tackle the situation himself. He issued orders to fire without sanctions from any competent authority. The Commission after a serious consideration concurred with the above assessment observed that since one worker was killed and four seriously injured as a result of various lapses of CISF as pointed out by the Magistrate in his enquiry, the Government of India should make reparations. The Commission after noticing that Rs. 2.00 lakhs had already been paid by the company to the NOK of late Mantu Orang, the deceased and no relief was granted to the injured, asked the Ministry of Home Affairs, Government of India to show-cause why the Commission should not recommend additional relief to the NOK of the deceased and also recommend compensation to the four injured individuals namely, Nitu Gogoi, Biren Pangang, Anuj Gogoi and Golap Saikia. The Commission received a response dated 20th May, 2013 from the Deputy Secretary, Ministry of Home Affairs stating that CISF has submitted a report mentioning that an unruly mob of more than five thousand workers indulged in violent acts at the premises of the factory and the CISF first tried to pacify the mob through negotiation/discussion followed by warning and only thereafter, in order to protect life and property, the CISF personnel fired 77 rounds in the air in order to disperse the unruly mob. The Commission considered the above report and directed the Investigation Division to examine and analyze the same and to offer suggestions. The Investigation Division has submitted its suggestions. The investigation Division has observed that the video and photographs in the CD were taken after the incident which depicts the furious attitude of the mob. The property damaged was visible. And four CISF personnel sustained injuries. The Investigation Division has, therefore, recommended that the report could be accepted with direction to the MHA that the CISF should be strengthened with infrastructure and training

Direction Issued by the Commission

for mob control drill. Having noticed that a Court of Inquiry was also ordered, the Commission vide its proceedings dated 17th July, 2013, decided to wait for the report of the Court of inquiry. Vide Communication dated 22nd August, 2013, the DIG (Pers), CISF, Ministry of Home Affairs, Government of India submitted the report of Court Inquiry. It has been concluded that the enforcement of the guidelines by CISF was by and large not appreciated by the workers and since then they had been harbouring grudges against the CISF. The report also stated that had the CISF not resorted to deterrent firing then there would have been casualties in the force and arms would have been snatched. Only in order to avoid that, the CISF personnel exercised the right of private defence for reasonable cause of apprehension of death/grievous hurt or even loss of arms and resorted to firing. The Commission considered the above and is of the opinion that the fact remains that one person died in the firing by CISF personnel and four injured and the company has paid only a sum of Rs.2.00 lakhs to the NOK of the deceased. It is seen that CISF personnel have not been properly trained as to how to deal and control the mob. On realizing that the mob was turning violent, they should have first availed the assistance of the local police which they did not. The CISF personnel had not taken effective warning control measures before resorting to firing. This aspect is stated in the report by DGP of the State Police. The Magistrate who held enquiry has also observed at least five lapses or over-stepping by CISF personnel as mentioned in the earlier part of his proceedings. Therefore, the Government has to grant adequate compensation to the NOK of the deceased Mantu Orang by paying a further sum of Rs. 3.00 lakhs. Similarly, the four injured namely, Nitu Gogoi, Biren Pangang, Anuj Gogoi and Golap Saikia should also be compensated by making a payment of Rs.50,000/- to each of them. Accordingly, the recommendation made by the Commission in its earlier proceedings to the Ministry of Home Affairs, Government of India to make an additional payment of Rs.3.00 lakhs to the deceased, Mantu Orang and Rs.50,000/- each to the above-mentioned four injured is once again reiterated. Secretary, Ministry of Home Affairs, Government of India is required to submit compliance report along with proof of payment on or before 3rd April, 2014. List the matter on 10th April, 2014.

Action Taken	Relief granted [Compensation, Disciplinary & Prosecution] (Dated 1/29/2014)
Status on 4/1/2014	Compliance of the Commission's recommendation by the concerned authority is awaited

Note: For further details kindly contact National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023

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