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Case No. 89/3/8/08-09 / M-3
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

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FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 06/10/2009
7 OCT 2009

To
THE CHIEF SECRETARY
GOVT. OF ASSAM, GUWAHATI

Sub : Complaint from

SUHAS CHAKMA, DIRECTOR
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI
WEST DELHI DELHI 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 30/09/2009 and the Commission has directed as follows.

These proceeding shall be read in continuation to the earlier proceedings of the Commission, dated 01.05.2009, wherein the Commission had inter-alia directed as under:-

"The Commission has considered the report. As per the report, Incharge, Police Station went to Naka to verify and control the crowd. He failed to control the crowd and in the meantime the home guard went to his barrack, opened indiscriminate firing on the mob resulting in the death of two persons. The In-charge Police Station Mailu failed to control the home guard official, who was under him and also failed to prevent firing incident, thus violating the human rights of the deceased. In these circumstances, let a notice be sent to Chief Secretary, Govt. of Assam, Guwahati, calling upon him to show cause why monetary relief u/s 18(c) of the Protection of Human Rights Act may not be recommended to be paid to the next of kin of the deceased. He should also apprise the Commission about the status of case crime No. 50/08. Response in eight weeks."

In response, the Joint Secretary, Political (A) Department, Govt. of Assam, Dispur vide his report dated 03.07.2009 has submitted details of investigation related to this case. It has also been stated that a detailed report has been submitted by the I.O. to the Superintendent of Police, Diphu, Karvi-Anglong about the firing incident and to discharge Home Guard Sanjoy Basumatary from service as suggested by the DIG (CR), Diphu. The accused Home Guard had already been arrested and sent to jail. The case is still pending for want of FSL report and is likely to be ended in charge sheet.

The Commission has considered the above report. The delinquent police Home-Guard is recommended to be discharged from service and the case is admittedly likely to be charge sheeted. It clearly indicates that the firing resorted to by the delinquent police Home Guard resulting in death of two persons was not justified. The human rights of the victims have thus been violated. Under the given circumstances, an amount of Rs.5,00,000/- (Rupees Five lakhs) is recommended to be paid to the next kin of the deceased separately. The Chief Secretary, Government of Assam, is directed to submit compliance report along with proof of payment within six weeks.

It is therefore, requested that the compliance report in the matter be sent to the Commission

latest by 10/11/2009, so that the same could be placed before the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

CC To.

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SUHAS CHAKMA, DIRECTOR
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI
WEST DELHI, DELHI. 110058

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NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 13/05/2009

To
THE CHIEF SECRETARY
GOVT. OF ASSAM, GUWAHATI

13 MAY 2009

Sub : Complaint / Intimation from
SUHAS CHAKMA, DIRECTOR
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI
WEST DELHI, DELHI.

Sir/Madam,

With reference to your letter no. _____ dated 13/05/2009, I am directed to say that the matter was considered by the Commission on 01/05/2009 and the Commission has directed as follows.

Suhas Chakma, Director, National Campaign for Prevention of Torture, New Delhi has sent this complaint about killing of two persons namely Ram Singh Chauhan and Jawaharlal Gour in excessive use of firearms by the police in Mailu area under Kheroni Police Station in Karbi Anglong District of Assam on 16.8.2008 at the protestors. He has prayed for action against erring police officials and compensation to the next of kin of the deceased.

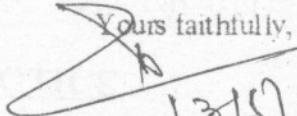
In response to the notice, a letter dated 19.2.09 has been received from Superintendent of Police, Karbi Anglong District, Diphu, Assam. Perusal of the same revealed that on 16.8.08 at about 5.45 P.M. Shri Ram Nath Chauhan, Advocate was going towards Mailo Bazar on his motor bike along with his friend Ajoy Das. On way they were stopped in front of Mailo Police Outpost by the Naka Checking party by the police officials named in the report. An altercation took place between Ram Nath and Home Guard Sanjay Basumatary. In the meantime, another constable came and took away motor cycle to the police station and produced the same before Incharge, Police post, Mailo. In-charge, police post identified him as an Advocate and offered a chair. In the meantime, few people of Mailo Bazar came near the Naka checking point and started raising slogans against police. In-charge, Police Station went to the spot to verify and to control crowd. The group became very violent and started pelting stones towards O.P. building and home guards barrack as a result of which wind screen of two police vehicles were damaged. In the meantime, home guard Sanjay Basumatary went to his barrack and took his .303 Rifle and without any order from authority loaded the same and opened fire as a result of which Ram Singh Chauhan and Jawahar Sing Gaur sustained grievance injury and subsequently succumbed to their injuries on their way to hospital. A case FIR No.50/08 for the offences punishable w/s 294/341/325/302 IPC was registered. Home Guard Sanjay Basumatary was immediately taken in custody. He has annexed copy of FIR and other documents including inquest report and postmortem report.

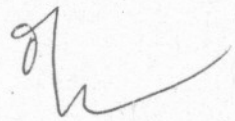
The Commission has considered the report. As per the report, Incharge, Police Station went to Naka to verify and control the crowd. He failed to control the crowd and in the meantime the home guard went to his barrack, opened indiscriminate firing on the mob.

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resulting in the death of two persons. The In-charge Police Station Mailu failed to control the home guard official, who was under him and also failed to prevent firing incident, thus violating the human rights of the deceased. In these circumstances, let a notice be sent to Chief Secretary, Govt. of Assam, Guwahati, calling upon him to show cause why monetary relief u/s 18(c) of the Protection of Human Rights Act may not be recommended to be paid to the next of kin of the deceased. He should also apprise the Commission about the status of case crime No.50/08. Response in eight weeks.

2. It is therefore, requested that the additional/complete report as directed by the Commission in the matter be sent latest by 15/07/2009, for further consideration by the Commission.

Yours faithfully,

13/5/09
ASSISTANT REGISTRAR (LAW)



ISSUED

13 MAY 2009