

National Human Rights Commission

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|--------------------|-------------|--------------------------|-----------------|
| Diary No | 92477 | Case / File No | 40/23/4/2014-AD |
| Victim Name | SHANKAR DEV | Registration Date | 17/06/2014 |

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

| Action No. | Action | Authority | Action Date | Due Date | Completion Date |
|------------|---|--|-------------|------------|-----------------|
| 10 | Concluded and No Further Action Required | WEST TRIPURA, TRIPURA | 25/07/2019 | 25/07/2019 | 06/08/2019 |
| 9 | Relief granted [Compensation, Disciplinary & Prosecution] | THE CHIEF SECRETARY GOVT OF TRIPURA | 14/02/2019 | 19/04/2019 | 31/07/2019 |
| 8 | Show Cause Notice Issued (Comments) | THE CHIEF SECRETARY GOVT OF TRIPURA | 06/06/2018 | 31/08/2018 | |
| 7 | Sent to DG(I), NHRC | WEST TRIPURA, TRIPURA | 14/03/2018 | 22/04/2018 | |
| 6 | Additional Information Called for | THE SUPERINTENDENT OF POLICE WEST TRIPURA, TRIPURA | 01/12/2017 | 17/01/2018 | 26/12/2017 |
| 5 | Additional Information Called for | | 21/04/2017 | 21/04/2017 | |
| 4 | Additional Information Called for | THE SUPERINTENDENT OF POLICE WEST TRIPURA, TRIPURA | 21/04/2017 | 30/05/2017 | |
| 3 | Additional Information Called for | | 20/02/2017 | 20/02/2017 | 03/04/2017 |
| 2 | Additional Information Called for | THE SUPERINTENDENT OF POLICE WEST TRIPURA, TRIPURA | 13/01/2016 | 14/03/2016 | 14/04/2016 |
| 1 | Sent to DG(I), NHRC | | 20/06/2014 | 23/08/2014 | |

Expand All Action List**Action****Action : Concluded and No Further Action Required(Action No 10)**

| | | | | | |
|--------------------|--|-----------------|------------|------------------------|------------|
| Action Date | 25/07/2019 | Due Date | 25/07/2019 | Completion Date | 06/08/2019 |
| Authority | , WEST TRIPURA, TRIPURA | | | | |
| Proceeding | The complainant alleged that one Shankar Dev was brutally tortured while he was in the | | | | |

custody of PS Arundati Nagar(AD Nagar), West Tripura District on 11.06.14 and due to the torture he sustained injuries and succumbed to those injuries. Another Case No. 46/23/4/2013-AD on the same subject has been registered and has been clubbed with the Main Case File.

The Commission on consideration of records like Inquest and postmortem report coupled with statement of wife of the deceased that the complainant had been tortured in the PS which led to the death of the deceased and the stand taken by the police by examining the independent witness appears to be after thought and more so the said statement is not in any way supports fully to the question of police. Accordingly vide its proceedings dated 14.02.19 Commission made a recommendation to the Govt. of Tripura through its Chief Secretary for payment of an amount of Rupees Five Lakhs as suitable compensation to next of kin of the deceased, Shankar Dev.

In response to the recommendations of the Commission, Additional Secretary, Govt. of Tripura vide e-mail dated 18.07.19 has forwarded the compliance report and proof of payment of Rupees Five Lakhs paid to Smt. Rina Deb wife of deceased Shankar Deb of Matripalli, credited to her account No. 8017012100319. Proof of payment has also been enclosed.

Since the recommendation of the Commission has been accepted and acted upon by the Govt. of Tripura and compliance report along with proof of payment has been submitted, the case is closed alongwith linked file.

The CD of the post mortem, if any, available on record be sent to the concerned authority.



Complaint

| | | | |
|---------------|------------|----------------|------------|
| Diary No | 92477 | Section | FC |
| Language | ENGLISH | Mode | FAX |
| Received Date | 16/06/2014 | Complaint Date | 13/06/2014 |
| Gist | | | |

Victim

| | | | |
|--------------------|----------------------------|---------------|---------|
| Victim Name | SHANKAR DEV | Gender | Male |
| Religion | Hindu | Cast | Unknown |
| Address | R/O MATRI PALLI, AGARTALA, | | |
| District | WEST TRIPURA | State | TRIPURA |

Complainant

| | |
|-------------|---------------------------|
| Name | TEJANG CHAKMA, RESEARCHER |
|-------------|---------------------------|

| | | | |
|-----------------|---|--------------|------------------|
| Address | ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI, | | |
| District | WEST DELHI | State | DELHI (110058) |

Incident

| | | | |
|--------------------------|--|-----------------------|------------|
| Incident Place | ARUNDHATI NAGAR POLICE STATION | Incident Date | 11/06/2014 |
| Incident Category | ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY | | |
| Incident District | WEST TRIPURA | Incident State | TRIPURA |
| Incident Details | | | |

Cause List

| List No | Case / File No | Listing Date | Category |
|---------|-----------------|--------------|---------------|
| 4 | 40/23/4/2014-ad | 23/01/2018 | FOR DIRECTION |
| 3 | 40/23/4/2014-AD | 29/08/2017 | FOR DIRECTION |
| 2 | 40/23/4/2014-AD | 01/03/2016 | FOR DIRECTION |
| 1 | 40/23/4/2014-AD | 09/01/2015 | FOR DIRECTION |

National Human Rights Commission

New Delhi, India



Case Details of File Number: 40/23/4/2014-ad

| | |
|--------------------------------|---|
| Diary Number | 92477 |
| Name of the Complainant | TEJANG CHAKMA, RESEARCHER |
| Address | ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI, WEST DELHI , DELHI |
| Name of the Victim | SHANKAR DEV |
| Address | R/O MATRI PALLI, AGARTALA, WEST TRIPURA , TRIPURA |
| Place of Incident | ARUNDHATI NAGAR POLICE STATION WEST TRIPURA , TRIPURA |
| Date of Incident | 6/11/2014 |

The Commission received a complaint from Shri Tejang Chakma, Asian Centre for Human Rights, New Delhi regarding the death of accused Shankar Dev, aged 46 yrs on 11.06.14 in West Tripura District, Tripura. He has alleged that he was brutally tortured while he was in the custody of PS Arundati Nagar(AD Nagar) and due to the torture he sustained injuries and succumbed to those injuries. The Commission took cognizance of the matter and called for various reports from the concerned authorities. The reports have been analyzed by Investigation Division in detail. However, the Investigation Division is of the view that in view of the statement of an independent witness namely Paritosh Chakraborty who was arrested by the police along with the deceased to the effect that the head injuries sustained by the deceased was due to his fallen in the courtyard of his house and hit his head in pieces of bricks spreading here and there. Accordingly the Investigation Division has suggested for closure of the case. The Commission carefully considered various reports as well as notings of the Investigation Division. There are certain issues which could be considered to be in favour of the allegations made in the complaint. There is no dispute that the deceased was picked up by the police of PS, AD Nagar on the night of 11.06.14. It appears he was let off on bail on the next day and was sent to his house. According to the police the deceased after reaching his house fell down in the courtyard and sustained head injuries to which he succumbed. However, the cumulative reports are otherwise. The Inquest conducted by Dy. Collector & Executive Magistrate, Sadar West Tripura shows one reddish spot at the middle of the chest. The postmortem report noticed the following injuries which are all ante mortem in nature:- i) Bruise measuring 6 cmx5 cm is present on the right parietal region of the scalp just above the parietal eminence and 7 cm right to midline. ii) Abraded-bruise measuring 4 cm x 3 cm is present on the centre of the chest, 4 cm above the xiphoid process. On dissection, extravasation of blood is present in the layers of muscle extending from 2nd to 7th ribs over an area of 11 cm x 7 cm on left side of chest. iii) Bruise measuring 6 cm x 4 cm is present on the back of left arm, 8 cm above the elbow joint. iv) Bruise measuring 1.5 cm x 1 cm is present on the back of left arm, 3.5 cm above the elbow joint. v) Multiple abrasions are present over the back of left elbow joint in an area of 3 cm x 2 cm. Total number of abrasions is three, sizes are 0.5 cm x 0.2 cm, 0.6 cm x 0.3 cm and 2 cm x 1 cm. vi) Abrasion measuring 1.5 cm x 0.5 cm is present on the outer aspect of right forearm, 1.3 cm above the wrist joint. It is also clear from the said report that those injuries are about one day duration of age at the time of death. The cause of death was "due to head injury caused by impact of hard and blunt object." In addition to the above reports, the Commission has favour of the stand taken by the wife of the deceased to the effect that her husband was arrested without any reason and tortured in the Police Station and due to the said torture he sustained various injuries and later she has not been served with any arrest memo. On analysis of both the versions narrated above, the Commission has to consider whether the statement of the independent witness could be a deciding factor that the deceased sustained injuries at his house while he fell down in the courtyard. The Commission is unable to accept the said statement for evidence of the said witness for the simple reason that he was not an eye witness. Statement is only hearsay. Moreover the wife was present in the house when the husband said to have fallen down and she never stated that he fell down and sustained injuries in the house. On the contrary, it is her specific statement that he was tortured in the Police Station and sustained injuries. That apart as many as six injuries found on the body of the deceased during postmortem examination have not been explained by the police except the head injury. The Commission also notices that various injuries mentioned in the postmortem examination report sustained by the deceased said to have been caused one day prior to the postmortem which correspondences with the arrest of the complainant and letting off from the custody of the police. At the time of his arrest it appears he had no injuries on his body as it is not the stand of the police. Going by the records like Inquest and postmortem report coupled with the statement of the wife of the deceased that the complainant had been tortured in the Police Station which had led to the death of the deceased and the stand taken by the police by examining the independent witness appears to be after thought and more so the said statement is not in any way supports fully to the question of police. For all these reasons the next of kin of the deceased are entitled to compensation. Let a notice u/s 18 of the PHR Act, 1993 be issued to the Govt. of Tripura through its Chief Secretary requiring it to show cause why an amount of Rs. Five Lakhs as suitable compensation be not recommended to be paid to the next of kin of the deceased, Shankar Dev. The Chief Secretary, Govt. of Tripura shall respond to the show cause notice within six weeks. Put up thereafter.

Direction issued by the Commission

Action Taken
Status on 9/5/2018

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

For Complaints : Tel.No. 24651330, 24663333. Fax No. 24651332 E-Mail: [cr\[dot\]nhrc\[at\]nic\[dot\]in](mailto:cr[dot]nhrc[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,**
शिकायतों के लिए : फोन नं. 24651330, 24663333 फैक्स नं. 24651332 ई-मेल : [cr\[dot\]nhrc\[at\]nic\[dot\]in](mailto:cr[dot]nhrc[at]nic[dot]in)

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