

National Human Rights Commission

Diary No :

6402/CR/2021 is attached with Case / File No : 22/3/3/2018-PCD

Main Case / File No : 22/3/3/2018-PCD

Linked Diary No : 6402/CR/2021

Diary No	9310/CR/2018	Case / File No	22/3/3/2018-PCD
Victim Name	HASEN ALI S/O LT JAFAR ALI	Registration Date	19/01/2018

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

Action No.	Action	Authority	Action Date
6	Concluded and No Further Action Required		25/02/2021
5	Additional Information Called for	THE CHIEF SECRETARY	21/12/2020
4	Additional Information Called for	THE SUPERINTENDENT OF POLICE DARRANG, ASSAM	12/05/2020
3	Additional Information Called for	THE DISTRICT MAGISTRATE DARRANG, ASSAM	12/05/2020
2	Show Cause Notice Issued (Comments)	THE CHIEF SECRETARY GOVERNMENT OF ASSAM, BLOCK- C, 3RD FLOOR, ASSAM SACHIVALAYA, DISPUR	12/05/2020
1	Sent to DG(I), NHRC	DARRANG,ASSAM	31/01/2018

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Action : Concluded and No Further Action Required(Action No 6)

Action Date	25/02/2021
Authority	,
Proceeding	<p>This case pertains to the custodial death of one Hasen Ali, on 09.01.2018, while he was under the custody of Police Station Dhula, District-Darrang, Assam and killing of one protester namely Mohidul Haque injuries to others in police firing on same day when the protestors were protesting on National Highway-15 against custodial death of Hasan Ali. The Commission vide its proceedings dated 12.05.2020 had directed to issue a notice to the Chief Secretary, Government of Assam to show cause as to why an interim relief of Rs. 4,25,000/- (Rupees Four Lakhs and twenty Five Thousand only) is not to be paid to the next of kin of the deceased Hasan Ali under the provision u/s 18 of Protection of Human Rights Act, 1993. The Commission also directed the Superintendent of Police, Darang, to file the present status of crime no. 18/2018 u/s 57/323/354/302/341 IPC at Police Station Dhula and action taken report against SI Ranjit Hazarika. The District Magistrate, Darrang, was also directed to file the requisite report, as to, whether the state has compensated the next of kin of the deceased Maidul Islam and the injured person namely Gulam Mustafa and Ms. Gul Rehana of police firing on 10.1.2017 at Police Station Dhula, District Darrang, under a policy of the state, if any. In response to the above directions of the Commission and subsequent reminder vide proceedings dated 21.12.2020, the District Magistrate, Darrang, Mangaldai has submitted a report dated 02.01.2021 stating that the State Government has already paid an amount of Rs.5,00,000/- (Rupees Five Lakhs only) to the next of kin Shri Jahiruddin, father of the deceased Mahidul Islam and Rs.20,000/- each to the injured victims namely Mustafa Ali & Ms.Gule Rehena as compensation in connection with the police firing incident under PS Dhula. Copy of proof of payment has also been enclosed. The Superintendent of Police, Darang has also submitted a report dated 15.01.2021 which reveals that in case crime no. 18/2018 u/s 57/323/354/302/341 IPC of PS Dhula, after completion of investigation, Final PR was submitted to the SP, Karbi Along for approval of charge sheet u/s 457/323/354/304 IPC against accused SI Ranjit Hazarika. The SP, Karbi Along passed the prosecution sanction order dated 31.08.2019 against SI Ranjit Hazarika which was challenged by the accused in a Writ Petition vide No.WP(C) 1487/2020, 2150/2020 before the Hon'ble Guwahati High Court and the Hon'ble Court has passed an interim order dated 28.02.2020 staying the prosecution sanction order until further orders. Since the matter regarding prosecution of sanction order is sub-judice, the case could not be disposed of at this stage. The report further reveals that the</p>

findings of the departmental proceedings were completed in which some major punishment was recommended against SI Ranjit Hazarika which also was stayed by the Hon'ble Guwahati High Court vide order dated 28.02.2020. The Commission has perused the record and observes that the State Government has already paid an amount of Rs.5,00,000/- (Rupees Five Lakhs only) to the next of kin Shri Jahiruddin, father of the deceased Mahidul Islam and Rs.20,000/- each to the injured victims namely Mustafa Ali & Ms.Gule Rehena as compensation in connection with the police firing incident under PS Dhula and proof of payment has also been enclosed. As regards, criminal prosecution and departmental action against the accused SI Ranjit Hazarika, the matter is sub-judice before the Hon'ble Guwahati High Court. Since, the compensation amount of Rs. 5,00,000/- has already been paid by the State to the next of kin Shri Jahiruddin, father of the deceased Mahidul Islam and Rs.20,000/- each to the injured victims namely Mustafa Ali & Ms.Gule Rehena as compensation in connection with the police firing incident under PS Dhula and proof of payment has also been enclosed and further that criminal prosecution and departmental action against the accused SI Ranjit Hazarika is sub-judice before the Hon'ble Guwahati High Court, further indulgence of the Commission in the instant case is not warranted. With this observation, the instant case stands closed .

Action : Additional Information Called for(Action No 5)

Action Date	21/12/2020
Authority	THE CHIEF SECRETARY,
Proceeding	<p>Instant case pertains to custodial death of one Hasen Ali, 9-1-2018, while he was under the custody of Police Station Dhula, District-Darrang, Assam and killing of one protester namely Mohidul Haque injuries to others in police firing on same day when the protestors were protesting on National Highway-15 against custodial death of Hasan Ali. Vide last proceedings dated 12.05.2020 the commission has observed and directed as under; "The Chief Secretary, Government of Assam is directed to show cause why an interim relief of Rs. 4,25,000/- is not paid to the next of kin of the deceased Hasan Ali under the provision u/s 18 of Protection of Human Rights Act, 1993. The Superintendent of Police, Darang, is directed to file the present status of crime no. 18/2018 u/s 57/323/354/302/341 IPC at Police Station Dhula and action taken report against SI Ranjit Hazarika.The District Magistrate, Darrang, is also directed to file the requisite report, as to, whether the state has compensated the next of kin of the deceased Maidul Islam and the injured person namely Gulam Mustafa and Ms. Gul Rehana of police firing on 10.1.2017 at Police Station Dhula, District Darrang, under a policy of the state, if any". The Commission observes that reply from the State Authorities are still awaited. The registry is directed to issue a reminder to the Chief Secretary, Government of Assam for submission of reply to the show cause notice as why an interim relief of Rs. 4,25,000/- be not paid to the next of kin of the deceased Hasan Ali under u/s 18 of Protection of Human Rights Act,1993. The reply to be submitted within four weeks failing which the Commission will straightaway confirm its recommendation of payment of Rs. 4,25,000/- to NoK of deceased Hasan Ali. Reminder be also issued to the Superintendent of Police, Darang, for filing the present status of crime no. 18/2018 u/s 57/323/354/302/341 IPC at Police Station Dhula and action taken report against SI Ranjit Hazarika. The District Magistrate, Darrang, is also reminded to file the requisite report, as to, whether the state has compensated the next of kin of the deceased Maidul Islam and the injured person namely Gulam Mustafa and Ms. Gul Rehana of police firing on 9-1-2018 under a policy of the state, if any. Let the authorities concerned file their reply within four weeks.</p>

Action : Additional Information Called for(Action No 4)

Action Date	12/05/2020
Authority	THE SUPERINTENDENT OF POLICE, DARRANG, ASSAM
Proceeding	<p>The Commission has received an intimation dated 11.1.2018 from the Superintendent of Police, Darang regarding custodial death of one Hasen Ali while he as under the custody of Police Station Dhula. As per intimation based upon a tip of with relates to the concealment of firearms by accused persons and in course of investigation of a case crime no. 403/17 u/s 25(1A) Arms Act Police Station Dhula, a police team conducted search operation on 10.1.2018 at 2240 am at village no. 2, Atakata under Police Station Dhula and apprehended one Hasen Ali aged 40 years. While he as being brought to the police station on a motorcycle he fell down from the motorcycle on the way to the police station. Thereafter, he was brought to Mangaldai Civil Hospital. There from he was shifted to GMCH Guwahati where doctor declared him brought dead. A criminal case vide case crime no. 18/18 u/s 457/323/354/302/34 IPC against SI Ranjeet Hazarika O/C Police Station Dhula as registered on the complaint of one Md. Rustam Ali (brother of the deceased).</p> <p>The Commission has received a complaint dated 10.1.2018 from Shri Amal Kanti Chakma, complainant's Coordinator ACHR Janakpuri, New Delhi. He alleges that the deceased Hasan Ali a daily wager was arrested by the</p>