

**ANNUAL REPORT OF THE STATE POLICE  
ACCOUNTABILITY COMMISSION, ASSAM, FOR THE  
YEAR 2010**

---

*INTRODUCTION*

Contention  
&  
Composition

1.1. This is the third annual report of the State Police Accountability Commission, which came into being in the year end of 2007 following the enactment of the Assam Police Act, 2007 with contention and mission as conceived of and securing the perfect optimization of view of Justice Roger *“that the great advantage of police compliance with the law is that it helps to create an atmosphere conducive to a community’s respect for officers of the law that in turn serves to promote their enforcement of law. Once they set an example of lawful conduct, they are in a position to set up lines of communication with the community and to gain support...”*. The State Police Accountability Commission, Assam envision a responsive police-people friendly, effective and efficient while attending to the complaints and disposal thereof during the first and second year of its functioning. In the third year also, the Commission made continued efforts to carry forward the mission safeguarding the interests of the people making the State police accountable to the law within the frame work of the statute.

The State Police Accountability Commission is composed of the following incumbents for the third year ending on December 31, 2010:

Justice Shri Dhiresch Narayan Chowdhury ( Retd)- Chairman  
Shri Dharendra Nath Saikia, IAS ( Retd ) – Member  
Smti. Minati Choudhury – Member

The Investigating Agency of the Commission is headed by Shri Rohini Kumar Bania, IPS ( Retd), former Deputy Inspector General of Police is heading the Investigation Agency of the Commission who is assisted by two retired Deputy Superintendents of Police.

The Secretarial services of the Commission are being catered by retired personnel drawn from the Secretariat of the Assam Government and ad hoc appointees on contract basis.

Number of cases registered

1.2. A total of fifty two (52) cases including those taken up suo motu were registered on the basis of complaints received during the year 2010. With thirty seven (37) cases being backlog of previous year, a total of ninety (89) cases are under examination and enquiry by the Commission of which forty two (42) cases have been disposed.

Altogether 89 (eighty nine ) cases were examined by the Commission during the period under report as 37 cases ( 18 from 2009 and 19 from 2009 ) were pending from previous years.

A tabular statement of number of cases registered, disposed and pending enquiry; during 2010:

No. of Cases registered/ spilled over	Disposed	Under examination by the Commission
Registered 52	15	37
Spilled over from 2009....18	12	6
Spilled over from 2008....19	15	4
Total = 89	42	47

Seven (7) cases are taken suo-motu during the year of report.

Type of cases enquired	<p>1.3. Type of the cases registered during 2010 are categorized as follows:</p> <p>(a) Death in police presence and</p> <p style="padding-left: 40px;">Police chase: - 3</p> <p>(b) Unauthorised detention : - 5</p> <p>(c) Police inaction in land grabbing: - 8</p> <p>(d) Blackmailing : - 5</p> <p>(e) Non-registration of FIR : - 5</p> <p>(f) Inaction after registration of case: - 19</p> <p>(g) Perfunctory investigation - 1</p> <p>(h) Forgery of Records - 1</p> <p>(i) Subjudice case - 2</p> <p>(j) Harassment by police : - 3</p>
------------------------	---

1.4. Few cases disposed of during the year of report are furnished briefly for an understanding of the type of the cases with the brief, order disposing by the Commission as annexed therewith.

Illustrative cases

**SPAC CASE NO. 02/2009**

The Commission received a complaint from the Managing Director, Assam State Warehousing Corporation ( ASWHC ) to the effect that Ware Housing Managers of ASWHC, Maidamgaon Centre –I and Centre II of Assam State Ware Housing Corporation were confined at Dispur Police Station on 17.1.09. Sarvashree Dwijendra Nath Das, Ware House Manager Gr. I, Maidam Gaon Centre-II and (2) Sanjeev Thakuria, Warehouse Manager Gr. I, Maidamgaon Centre-I were taken into custody by SI W. Rahman

of Dispur Police Station from their office situated at Beltola, Guwahati and kept them at Dispur PS without following required process. These officers were confined in Dispur PS till 12.00 midnight and allowed to go home thereafter with sufferings both physically and mentally at the Police Station. The allegation also states that the police personnel could have approached the office of Warehousing Corporation for necessary action. But, instead, the police picked them up in a high handed manner and confined them in Police Station from 12.00 noon till midnight. This action of the police which maligned the reputation of the said officers of the Corporation was not tenable under the provisions of law.as well. Hence the complaint.

Having received the complaint, the Commission issued notice to the Sr. SP ( city ) for submission of a report. The Sr. SP submitted a report denying the allegations. The Commission initiated enquiry by its own investigating agency and found that Shri Sanjeev Thakuria and D.N. Das, Managers of the Warehousing Corporation, Maidam Gaon were taken to Dispur PS by SI W. Rahman of Dispur Police Station on 17.1.09 at 1.00 PM in connection with Dispur PS Case No.1643/2008 u/s 379/120(b) IPC and allowed them to leave the Police Station at 10.-30 PM as per police records. During the investigation, it has been revealed that one Shri Sunil Kr. Ajmer s/o Mahaveer Prasad Ajmer of S.C. Goswami Road, Panbazar, Guwahati-1 lodged a complaint before the Chief Judicial Magistrate, Kamrup stating that he had lodged an FIR at Dispur Police Station on 21.12.06 wherein he had mentioned that some blank signed cheques were lost by him. The matter was recorded in GDE, Dispur Police Station vide No. 1195 dt.21.12.06.

It was also stated in the complaint that Shri Ajmera received a letter regarding dishonour of Cheque No. 006722 dt. 31.3.07 and that he had never issued cheques in favour of ASWHC at any point of time and requested the Dispur Police Station to make a thorough enquiry regarding the matter. The Chief Judicial Magistrate, Kamrup, Guwahati by an order dated 11.12.08 directed the OC, Dispur PS for registering a case and investigate the same.

The OC, Dispur PS registered a case vide no. 1643/08 u/s 379/120 (b) IPC on 22.12.08 on receipt of a complaint through the Court as filed by Shri S.K. Ajmera, a local businessman hiring Warehouses of the Assam Warehousing Corporation alleging theft of signed cheques..

The enquiry by the Commissions own investigating agency reveals that M./S Ajmera Industrial Services had taken godown No. 8 from ASWHC on rent and defaulted to make payment of rent to ASWHC. Therefore ASWHC had to take over the godown from M/S Ajmera Industrial Services and reminded them to clear the outstanding amount. The ASWHC received a cheque amounting to Rs. 4,32,270 ( Rupees four lakhs thirty two thousand two hundred seventy ) only in a cheque No. 006722 of SBI, Dispur pertaining to A/C No. 01050060020 dtd. 31.3.07 vide letter issued to the Warehousing manager, ASWHC, Maidamgaon Centre-II by M/S Ajmera Industrial Services dtd. 26.6.06. The Warehousing Corporation presented the cheque to the Canara bank, Dispur Branch. But it was dishonoured and returned to the ASWHC for which they had issued a letter No. MGNWH-II.51/90-91/280 dated 28.04.2007 stating that the payment of cheque was stopped by the account holder and requested M/S Ajmera Industrial Services to

make arrangement for payment of the amount. But the letter was returned to the Corporation undelivered.

The investigation also reveals that GDE No. 1208 and 1252 dated 17.1.09 indicated that Shri Sanjeev Thakuria and D.N. Das of ASWHC were brought to police Station on 17,1,09 at 1.00 PM and they were allowed to leave the Police Station at 10.30 PM on the same day. It is also indicated that they were rounded up from the respective place of work even without following the prescribed procedures, in effecting the officers to attend the Dispur PS and the GDE thereto appears to be a ploy/handiwork of M/S Ajmera Industrial Service to subterfuge the issue of dishonouring the cheque. Such loss or missing could be dealt with by informing the concerned bank for stopping payment, which the firm resorted to in case of the post dated cheque No.006722. The police ought to have either taken up a case or refuse to do so directing the complainant to approach the appropriate authority for its redressal. But the GDE were made with improper motives as a contrivance to upset the criminal prosecution. It was also the duty of the police to interrogate the owner of the M/S Ajmera Industrial Services which was defaulting payment of rent to the ASWHC even on issuing a post dated cheque with a covering letter dated 20.6.06 the payment being stopped. The investigation of the case could have revealed the culpability of the M/S Ajmera Industrial Services for defaulting the payment of the public enterprise and his stopping payment of the cheque issued by him.

The IO and the OC, SI W. Rahman and Inspector, Imran Hussain Khandakar respectively of Dispur Police Station are liable for prosecution u/s 99 (3) of Assam Police Act, 2007 read with section 341 of the IPC. Similarly, the Dy. SP, Dispur, Addl. SP as

well as Sr.SP tried to justify the unlawful activities of the subordinate officers overlooking the law in practice instead of upholding the law.

The Commission issued order in connection with the Case No. 02/09 dtd. 27.8.10 and the same has been confirmed subsequently.

### **CASE NO. 25/09**

Shri Arun Chakraborty s/o Munindra Chakraborty, resident of Gupinath Nagar, House No. 87, PS Fatashil Ambari, guwahati-16 lodged a complaint before the State Policie Accountability Commission alleging that SI Binay Kalita of Bharalumukh Police Station called him up over phone on 2.9.09 to Bharalumukh PS and when he arrived at the PS he was assaulted, confined in lock up and was taken being hand cuffed for searching his house by SI Fakaruddin Burbhuyan accompaped by one Arun Acharjee who filed a complaint against Arun Chakraborty on 25.7.09 demanding withdrawal of a court case against him (Shri Arun Acherjee ) as lodged by Shri Arun Chakraborty in the Court. The complainant Shri Arun chakraborty further alleged that he was arrested on 2.9.09 at 9.30 AM and he was denied privileges of procedural safeguard as provided in Cr.PC, search list and was also not medically examined on 3.9.09 before he was produced before the Judicial Magistrate and sent to jail. During house search Shri Arun Acharjee took away Rs. 24,400.00 from his residence in presence of SI F. Barbhuyan. The SI also demanded a payment of Rs. One lakh being illegal gratification for denial of which he was confined in the Police lock up by the said SI of Police.

The complainant further alleged that an FIR was lodged at Fatashil Ambari PS on 8.9.09 which the said PS did not receive. He then submitted the FIR to the Sr. SP (City) by post but no case was registered and investigated thereof.

On receipt of the complaint the Commission called for a report from the Sr.SP and parawise comments from the concerned police officials viz. SI F. Barbhuyan and Mina Kanta Dutta, OC, Fatashil PS. And SI Binay Kalita The Sr.SP (City) did not submit the report as called for. He requested for time but no report was received from him at all. SI Fakaruddin Borbhuyan and SI Mina Kanta Dutta have denied the allegations while SI Binay Kalita however admitted that he called complainant Shri Arun Chakrabarty over phone for a LIC Policy to the PS but not in connection with the case.

The Commission engaged its own investigating agency to enquire into the allegations and in due course the investigating agency submitted its report which reveals that SI F. Borbhuyan confined, lodged in lock-up and then arrested Shri Arun Chakraborty without following the procedure prescribed by law. Seizure of the legal notice at Bharalumukh PS, search and seizure list at the rented house of the complainant do not justify arrest in a case which calls for verification of records at the first instance. Records indicate that Shri Arun Chaterjee signed blank cheques and issued to Arun Chakrabarty and when the cheque was dishonoured, a legal notice was issued to Arun Chakraborty. But case was taken up on 1.9.09 on the FIR dated 25.7.09 of Shri Arun Acherjee against Shri Arun Chakraborty at Bharalumukh PS without recording the reasons for delay in registration. The arrest memo bears the testimony of date and time of arrest after more



than 17 hours as recorded by the relative of the arrested person therein. The investigation of the case was found to be perfunctory with the action of F. Borbhuyan and OC of Bharalumukh PS without following the legal procedure. The illegal and high handed acts of police official SI, F. Borbhuyan, Binay Kalita and M.K. Dutta of City Police amount to serious misconduct on their part and they are therefore, liable for criminal act/ departmental action.

The Commission however, recommended departmental action against the above mentioned police officials and made the order absolute dated 13.7.11 after having passed the initial order on 15.7.10 after about one year.

#### **CASE NO.01/09**

The brief of the case is that the Government of Assam vide order No. PLA.410/08/25 dtd. 3.1.09 handed over the case relating to circumstances leading to the death of Shri Manoj Deka, CPI leader of Morigaon in police custody on 4<sup>th</sup> July'08 for enquiry and report to the State Government. The copy of the Government order is in the report.

The Commission called for a report from the SP, Morigaon and also heard the SP, Morigaon, IO of the case investigating, Morigaon PS case No.180/2008 registered in connection with death of Manoj Deka. The Commission probed the matter relating to the circumstances leading to the death of Shri Manoj Deka by its own investigating agency.

The investigation reveals that Shri Manoj Deka, a local CPI leader on July 1, 2008 was accosted by the PSO of SI K.C. Bora, OC of Morigaon Police Station while the former arrived at police

point No. 1 at 7.00 PM in Morigaon District HQ town on the road running through the HQ township and while waiting for chanachoor from the road side vendor, a constable came to him on that point of time demanding his bag hung in his bicycle to be shown to him for his check. The constable asked Shri Deka to show the contents of the bag to which Shri Deka disclosed that it was fish and vegetables and the constable can see for himself the contents in the bag. The constable emptied the contents of the bag by turning it upside down and the cut pieces of fish fell to the ground. At this Shri Deka uttering words of severe protest on the arrogant action of the constable who then pushed Shri Deka by catching his shoulder and dashed him against a telephone post. As a result Shri Deka collapsed on the ground. A number of onlookers came to him and took Shri Deka to the Civil Hospital, Morigaon in a vehicle where doctor referred him to Medical College Hospital at Guwahati in an unconscious state. Subsequently Shri Deka was hospitalised at GNRC, Guwahati where he was in comma for couple of days and died on 4<sup>th</sup> July at the said hospital.

Police Constable, R.Islam who dashed Mr. Deka was detailed for the personal security of the OC, Morigaon PS SI K.C. Bora. At the time of incident, SI K.C. Bora who was in a police vehicle dropped the PSO and parked his vehicle on other side of the traffic island on the road few metres away and kept the action of the constable under his view. Though the stand of the SI was that he was himself checking the vehicles on the road and asked his PSO to check the rickshaws and bicycles there following an alert sounded by the police headquarters to that effect for taking a strong vigil against movement of militant elements who may create untoward incidents.

The investigation also reveals that the SI K.C. Bora and Constable R. Islam were squarely responsible for the death of the local CPI leader Shri Manoj Deka.

The Commission issued order dated 19.8.10 with recommendation to the State Government in the form of a report.

#### **CASE NO. 14/2009**

The Commission received a complaint submitted by Shri Pranab Kr. Sharma s/o late Kabindra Nath Sharma, CMD, Landmark Establishment Pvt. Ltd., M.G. road, Machkhowa, Guwahati to the effect that the complainant was summoned to appear at Bharalumukh Police Station by SI Nitul Das informing that an FIR was lodged against him and he along with Devi Sankar Kar should report at the PS on 10.6.09. The complainant along with Devi Sankar Kar reported at the Bharalumukh PS and D.S. Kar was detained for breach of an undertaking given by him on 13.4.09 without issue of arrest memo and accosting him for payment of Rupees ten thousand for not keeping him in lock up and forcing him by the OC to file an FIR against the complainant. The complainant alleged that on an earlier occasion on 13.4.09 the Bharalumukh PS, at the instance of SI Nitul Das picked him up along with two officers of the company, namely, Devisankar Kar and Anjan Chakraborty to the PS and forced them to sign an undertaking on non-judicial paper by OC Prafulla Bora and SI Nitul Das at the Police Station to the effect that Rs. 7,25,100 would be paid by him to Mrs. Ratna Das Purkayastha in two instalments for having failed to allot her flat which D.S. Kar alleged to have signed under duress. The complainant further alleged that Inspector Prafulla Bora, OC, Bharalumukh PS threatened him with dire

consequences and to arrest him on framed up allegations and subjected him to merciless beating at the PS and also placed 12 issues before the Commission for redressal and requested to take appropriate action against Inspector Prafulla Bora, OC and also to protect him from the atrocities of police.

During investigation it was ascertained that OC, Bharalumukh Police Station received a FIR on 10.4.09 from one Aparesh Das Purkayastha of Ulubari, Guwahati alleging that the Landmark Establishment Pvt. Ltd. had deceived his wife Mrs. Ratna Das Purkayastha and failed to hand over a flat booked with payment of Rs. 7,25,100/-. The builder neither handed over the flat nor returned the money deposited. On receipt of the FIR the OC, Bharalumukh Police Station made an endorsement to SI Nitul Das for enquiry without registering a case. The OC in his endorsement mentioned that the investigation was endorsed for preventing breach of peace and submitted a return report by SI. On 13.4.09. Aparesh Das Purkayastha filed a petition to the OC, Bharalumukh Police Station that the case should not be registered as one undertaking was given by Devisankar Kar on behalf of Landmark Establishment Pvt. Ltd. to refund the money.

During investigation it was revealed that the GD of PS had entries relating to the same issues on two different dates. GDE No. 564 dt. 10.4.09 and 718 dt. 13.4.09. GDE No. 722 dtd. 13.4.09 confirms undertaking furnished by Devisankar Kar under duress to Aparesh Das Purkayastha.

An allegation of extracting an undertaking with unlawful and extraneous means by OC has been substantiated. As per the investigation report officials namely Devisankar Kar and Ajitanshu Chakravorty were illegally restrained, confined and forced to sign

an undertaking at the Police Station. Therefore, suggested criminal action against OC, Shri Prafulla Bora.

As per investigation report, SI Nitul Das and SI F. Borbhuyan had acted under the direction of the OC and their actions are prejudicial to the established rules. It has been further observed that Shri Devisankar Kar has fallen victim in the conspiracy by OC, Bharalumukh Police Station and two S.Is. The SSP (City) should have been able to save the employees of Landmark Establishment Pvt. Ltd. from arrest and thereafter sending them to jail.

Investigation further reveals that the Police mounted pressure on the employees of Landmark Establishment Pvt. Ltd. and harassed them acting at the behest of Mrs. Ratna Das Purkayastha and her husband in a dispute of civil nature.

The findings reveal that OC Prafulla Bora acted illegally in executing the undertaking. The act of police official namely Inspector Prafulla Bora, SI F. Borbhuyan and SI Nitul Das amount to offence u/s 341/348/34 IPC besides relevant provisions under the Assam Police Act.

The Commission issued order dated 4.11.10 and made the same absolute on 23.6.11.

### **CASE NO. 36/08**

The Commission received a complaint from Chairman, Child Welfare Committee alleging serious misconduct against “Police men within the Police Station”. The Chairperson in her complaint narrated three instances of alleged crime and misconduct including allegation of serious misbehaviour and criminal act

against police personnel of Bharalumukh Police Station, Chandmari Police Station and Dispur Police Station. Initially the Commission called for the report from the Sr. SP (City). The Commission on its own caused investigation through its own agency having not satisfied at the report of the Sr. SP ( City).

The investigation reveals that on 13.3.08 at 7.45. PM ASI Liyakat Ali of Bharalumukh PS brought the victim girls Miss Sultana Begum and Miss Jesmin Sultana to Bharalumukh Police Station and allowed them to leave the Police Station without taking the legal procedure such as recording their statements, seizing the under garments and sending the viictims to the hospital just after reporting the case of rape for medical examination. On the other hand Inspector Md. Hussain the then OC, Bharalumukh PS was found absent from the PS for about five and half hours for avoiding his responsibility in the investigation of the above rape case on the plea of taking precautionary measures against bomb blast as stated by him. So there is lack of direction, supervision over the case and control on the PS by the OC. Hence the case of alleged serious misconduct on the part of ASI Liyakat Ali and OC Md. Hussain is found having substance to be investigated by registering a criminal case against them u/s 99 of Assam Police Act, 2007.

The Commission issued order on 08.4.10 directing the Director General of Police to initiate action against the police officials with intimation to the Commission.

From the reference of the Hon'ble High Court's order dated 20.12.10 it has been seen that the Bharalumukh PS registered a case No. 362/10 u/s218 IPC read with section 99 of Assam Police Act, 2007 on the report of the SPAC. The Hon'ble High Court did not incline to stall the investigation which was directed to be done

by a statutory authority namely Assam State Police Accountability Commission upon factual assessment of the issue involved.

**CASE NO. 16/2008**

The Commission received a complaint dated 30.4.08 from Shri Prasenjit Dey of Santipur under Bharalumukh PS to the effect that he lodged an FIR along with 34 other persons in the Bharalumukh Police Station to the effect that Md. Murtaza s/o Islam, resident of Athgaon, Raj Kumar Mishra s/o Sitaram Mishra, resident of Fatashil Ambari, Md. Najmul Khan and Ajijul Khan both are sons of Najrul Islam, resident of Santipur collected Rs. 22,000.00 each from 34 persons with assurance for allotment of space for business at Machkhowa Market situated at Hem Baruah Road, Guwahati-9 from the GMC.

The complainant alleged that police received complaint on 15.4.08 but did not register case.

The Commission on receipt of complaint requested the Sr.SP (City) to submit a report. The police report indicates that the case No. 76/08 dated 15.4.08 u/s 384 IPC was registered at Bharalumukh PS and SI Giyasuddin Ahmed was entrusted as the IO of the case.

The Commission examined the complainants, Officer i/c Bharalumukh PS and IO of the case and during examination of the issue by the Commission it has been revealed that a mutually exclusive findings as submitted in a supervision note in respect of the case wherein the supervisory officer, Dy.SP of Pandu Division suggested the IO to submit the case in FR as false u/s 384 IPC, but evidence insufficient against the complainant for counter

prosecution. The then Dy.SP, Pandu Division Shri Budhindra Nath Morang, now Addl. SP, Hailakandi was summoned for explaining the position as to why the evidence was insufficient for a counter prosecution of the complainant if the complainant was found to be false. The deposition of the officer before the Commission has revealed that the officer himself did not write the supervision note and he only signed it being prepared by the PS's staff.

The Commission issued order dated 22.11.10 directing the DGP, Assam to take appropriate measure against the erring official as per law through in house mechanism to make police accountable to law and make it an efficient system for detection of crime and also asking the complainant to take appropriate measures as per law.

#### **CASE NO. 54/2008**

One Shri Sekhar Kishore Kanoo, H.M. Das Road, Rehabari, Guwahati lodged a complaint to the State Police Accountability Commission alleging police complicity in respect of investigation of Panbazar PS Case No. 228/08 concerning illegal import and sale of ammunitions. The petitioner alleged that due to persistent interference by the officers complained against in case no. 54/08, the case No. 228/08 of Panbazar PS , Guwahati has been influenced to the extent that even after more than eight months the investigation in the said case has not been completed and committed before the Court of Law for prosecution of the accused. The complainant could know about the progress of the case from the RTI seeking information in respect of the progress of the investigation of the case.



The complainant further alleged that the officers complained against as well as the officers who are instrumental to the conduct of Arms & Ammunition trade in the district issued NOCs for import of huge quantities of lead shots without verifying the licenses of the two shops of the accused in the case No. 228/2008 and also tempering with the records to suit their purpose tried to shield the culprit. No further action have been taken to resist the accused in dealing in Arms and Ammunitions from the two shops.

The Commission considering the urgency and also gravity and the nature of alleged negligence amounting to omission of a grave responsibility of police to maintain peace and order through the regulatory mechanism of arms and ammunitions called for a report from the City Police, Guwahati

The Commission also heard in person the officer incharge of Panbazar PS, IO of the Case No. 228/08 under Section 352/384/465/468/471 IPC read with section 29/30 of Arms Act. The Commission having examined related records to ascertain that on 21.6.08 at 11 AM complainant Sekhar Kishre Kanoo of Solabeelpar, H.M. Das Road, Rehabari lodged an FIR stating among other things that Rajdhani Gun House under license No. 11/78 is run by Kishori Lal Kanoo the younger brother of complainant and without any endorsement of dealing with lead shots in the licence. K.S. Kanoo regularly importing leads in huge amount and supplying to various locations and also supplying shot gun's cartridges against licence No. 11/78 (p) belonging to one Nirmal Ch. Borah s/o H.K. Borah of Panikhaiti, PS Pragjyotishpur. The said gun license expired on 24.6.04 but was illegally used for dealing with the items of arms and ammunitions. Police investigation at the beginning was tardy and the entire issue has

been considered as a case of deficiency of police accountability and of un-inspired insipid exercise of supervisory power.

During examination of the complaint the Commission was apprised that the illegal act of Kamal Kishore Kanoo, the arms dealer at Guwahati also involved in respect of application of 21 pieces of SBBL gun while he was holding the charge of Indian National Arms Co., Rehabari, Guwahati and Arms Manufacturing concern owned by Late Kishore Kanoo, It has been alleged that Panbazar PS did not register the case under relevant section of Arms Act and Rules except u/s 29/30 of Arms Act. It was stated that the case was lying without investigation for about 10 days after being filed and the complainant reportedly approached IGP ( L&O) for redressal. Investigation of the case was perfunctory, the incriminating records and documents regarding import, sale, distribution of the shot gun cartridges and lead shots were seized in different fashion. After seizing the sale register and 82 kgs 750 Gms lead shots by police the action by police was alleged to have staggered. The complainant thereafter made a move under the RTI Act before Police authority on the progress of investigation and from the reply he suspected that the police in connivance with the accused, vital evidences of illegal import of ammunitions were frittered away by the police. It was also alleged that the prosecution sanction of the District Magistrate was yet to be obtained as required under section 39 of the Arms Act, 1959 leaving the accused at large and providing an opportunity to perpetrate transgression of law and enact serious misconduct by the police patronizing and protecting the accused persons dealing with illegal arms and ammunitions. The complainant enclosed photocopies of relevant correspondences he made with the District Police,

Ministry of Home Affairs, Deputy Commissioner (M), Chairperson, Assam State Human Rights Commission, Officer Incharge of Panbazar Police Station relating to the allegation.

The Sr. SP in his report on 4.5.09, 23.3.10 informed the Commission that petition received from the complainant dated 25.2.08 was endorsed to Dy.S.P., Panbazar Division who in turn instructed the Officer Incharge, Panbazar PS to register a case under appropriate section of law on 21.6.08. OC, Panmbazar Police Station registered a case No. 228/08 u/s 384/465/468/471 IPC. Interestingly the Sr. SP ( City)'s report did not indicate the prolongation of the registration of case after a long lapse of time. The Sr.SP in his report has also denied the allegations.

In order to get the full facts, IO of the case SI Shri Sinha was examined by the investigating agency of the Commission. SI Sinha even could not read out the FIR of the case and failed to explain the progress of the case. Thereafter the OC, Panbazar PS was examined. He has furnished a supervisory note and in his deposition the Commission found him conversant with the case and recorded appreciation of Mr. Ali who took steps for the progress of investigation of the case in right earnest after three of his predecessors miserably failed to prove their worth in the investigation of the case. The positive outlook is discernable from the OC, Panbazar PS Mr. Ali as a result of follow up action by the Commission relentlessly with a view to ascertaining the system at place for plugging the loopholes in clandestine dealing with arms and ammunitions in a prominent police station in the heart of the city at Guwahati. That there is still a blind end remaining in the accountability of the periodical arms inspection under the provision

and the rule book is a matter for the police authority ought to take action against defaulting officer in the public interest and safety.

The Commission issued an order dated 7.9.10 for compliance.

### **SUO MUTO SPAC CASE NO.26/09**

The Commission took up a suo muto case No.26/09 on a newspaper item published in Asomiya Pratidin dated 25.11.09 under caption “ House of Poor Labourer Burnt Down in connivance of Police”.

The Commission probed the allegation by its own investigating agency in view of the specific nature of the allegation and the urgency of the matter. Investigation report reveals that one Lohit Das s/o Lakhi Das of Mairapur village under Rani OP was taken into custody by SI Deben Bhuyan, i/c of Rani OP on 19.11.09 without registering a case and following due process of law. During his captivity at the police OP, his land and house property located at Manikpur village about 8/9 km. from the police outpost was destroyed by one Shri Hemango Thakuria, an advocate by profession along with his associates using JCB a vehicle used for levelling/digging grounds and also burnt down the dwelling houses of Lohit Das by the persons. The depredation continued for two days i.e on 19.11.09 and 20.11.09 and when it was over, the victim Lohit Das was released on 20.11.09 from the police custody.

The investigation also reveals that Shri Lohit Das after release along with co-villagers came to Rani OP on the same day i.e 20.11.09 and lodged a written complaint against SI Deben

Bhuyan and Advocate Hemanga Thakuria. On receipt of the FIR, the OC, Palasbari PS SI A.K. Das entrusted SI Deben Bhuyan, i/c Rani OP who was a named accused in the FIR,, for investigation of the case. The OC re-endorsed the case to a probationary SI instead of taking such important case by himself when it was objected to by the complainant and the co-villagers forthcoming. The investigation ended with evidences against SI Deben Bhuyan committing offences under Section 119/342/348/474 IPC read with section 99 of Assam Police Act, 2007. Investigation also reveals misconduct on the part of SI Anil Kumar Das OC of Palasbari PS for his dereliction of responsibilities as OC in the investigation of the case against the incharge of Rani OP under his charge.

The Commission issued order dated 26.2.10 directing the Director General of Police, Assam to initiate criminal prosecution against SI Deben Bhuyan apart from departmental proceeding and express its disapproval of the conduct of the OC, Palasbari PS Shri Anil Kr. Deka for entrusting the investigation to a person alleged in the case. The order was made absolute on 26.5.10

### **SUO MOTU CASE NO. 2/2010**

The Commission took suo motu cognizance of the case on the news item published in the Daily “Assamese Pratidin” dated 20.2.10 and registered the case vide No.02/2010 regarding arson and killing of persons in presence of police at Bhaluki ( Sorbhog).

The commission called for a report from the SP Barpeta on the incident. The report received from the SP, Barpeta on the incident revealed that the “Police party under leadership of SI UB C.K. Hazarika of Sorbhog PS was taken by surprise for which

police could not control the situation.” The police party also could not stop the accused person from setting fire to the hired vehicle No. AS-28C-0217 and the kitchen of accused Abdul Khaleque. The commission having not satisfied with the report of the SP called for clarification particularly how could the SI be taken by surprise when he was detailed for a duty, performance of which has elaborated guidelines in the police rule books and the relevant law (Assam Police Manual). A report in this connection has been received which among other things has a brief of the incident. The incident in brief is that on 7.1.10 at about 12.00 noon Civil Nazir Md. Nazimuddin Ahmed along with court staff arrived at Sorbhog PS and submitted a requisition for providing police party for execution of T.Ex.9/2008 at Bhaluki. Civil Nazir and his party arrived at Sorbhog by vehicle bearing No. AS-28C-0217 and in absence of the OC of the PS who was on duty for law & order, SI (UB) C.K. Hazarika who was in temporary charge of the PS at that time was detailed by the OC over phone on contact and SI C.K. Hazarika was provided with one section of 1<sup>st</sup> APBn. Armed personnel and one home guard for the said duty with the court staff. SI C.K. Hazarika and police party proceeded with court staff to village Bhaluki in the Tata Magic vehicle. They also picked up the decree holder Kumurud Zaman from his residence at Simlajhar and arrived at the residence of debtor Abdul Khaleque at Bhaluki at about 1.30 PM. The process for the execution was started by the civil Nazir. When the Lot Mandal was measuring the disputed land suddenly a group of women armed with dao, lathi, etc. appeared and snatched the land measuring chain from the lot Mandal thereby causing obstruction in the process of execution. At the same time decree holder Kumurud Zaman who was standing along with the

Court Staff and police party in the plot of land was attacked by a mob led by debtor Abdul Khaleque. The victim Kumorud Zaman ran towards the Tata Magic vehicle parked few metres away towards north of the road. Kumorud tried to take cover to save himself by boarding the vehicle where two of his brothers were already sitting. The angry mob started beating him mercilessly in the vehicle. In the meantime the Court officials, Lat Mandal, Kanungo and village Headman Hasmal Ali some how managed to escape with their belongings. A large gathering of around 500 or more people took place near the vehicle and surrounding the debtor Abdul Khaleque's house. The kitchen and straw stock at the premises of debtor Abdul Khaleque's house was set on fire by some-one and at the same time the Tata Magic vehicle bearing registration No. AS-28C-0217 was also set ablaze by the angry mob. Kumorud Zaman who was grievously injured was shifted to Barpeta Road Hospital where he was declared brought dead. SI (UB) C.K. Hazarika informed OC, Sorbhog PS regarding the incident at about 1.40 PM who in turn informed the district senior police officials including the Superintendent of Police. The SI fled the place of occurrence.

The district police could find that there were several grave lapses on the part of the SI (UB) C.K. Hazarika concerning the flare up of the incident that took life of one person and injury to several others and arson of houses and vehicles. And this report has accused the SI of police for not informing his senior officer about the situation and his failure to anticipate the situation. The report also indicated that the SI of Police Shri Hazarika acted in a cowardly manner and left the PO whimsically escorting the Court staff to the National Highway which was 5/6 Kms from the PO and

the entire situation turned from bad to worse due to tactless handling and negligent approach by SI (UB) C..K. Hazarika and the officer was placed under suspension and departmental action was taken up by the district Police.

The Commission issued order dated 7.5.2010 with the observation that the incident has happened with the injuries, death and damages of property in presence of police is not only reprehensible but also of police demeanor and the Commission is therefore, of the opinion that appropriate action should be taken by the Department on the situation handled without professional zeal and also measures are to be worked out with a view to preventing further recurrence in the district and follow up measures efficient as well as the Govt. from time to time. A copy of the report from the police headquarters enquiring into the conduct of the SP, Barpeta indicates that the enquiry officer a DIGP could not find fault with the SP except receipt of expenses for detailment of the police not as per the provision of the Assam Police Manual and as such the amount received by the police is less than what is due. A copy of the report is enclosed with the report.

The Commission issued order dated 13.7.11 finally closing the enquiry.

### **CASE NO. 43/2008**

The commission received a complaint from Smt. Renu Das and Smt. Sila Das, residents of Nikamul, Tezpur to the allegations that on the night of 14.6.08 the Incharge of Mahabhairab Police Out Post appeared in civics at Paruwa Chariali hearing hulla and started assaulting a boy. Some people tried to intervene the illegal



action of the said police officer. The police officer left the place and re-appeared after some time with police personnel and started assaulting the people who were waiting for night bus to go to Goa for enrolment in a company. After about one hour of the incident of assault, the police official went to the near by house belonging to Smt. Padumi Das, wife of Late Barun Das and ransacked the house and took with them one mobile phone, motor cycle belonging to Smt. Das without seizure list. The police party headed by the incharge took with them one spastic girl named Miss Bobita Das and kept her in Mahabhairab OP. The allegation also indicate that the spastic girl child was shown arrested in Tezpur PS Case No. 468/08 u/s 153/341/506/379 IPC filed by one Dr. Majaharul Sultan s/o Md. Rustom Ali of No. 1 Dolabari who happened to be a close relative of the I/C Mahabhairab Police Out Post and case is alleged to have been taken up to cover up the misdeeds of the I/C of the Police Out Post.

The Commission called for a report from the SP, Sonitpur. The report of the SP indicates that there is contradiction in the statement regarding taking away of money from the house of Smt. Podumi Das and no witnesses was present during search. The report of the Superintendent of Police revealed that allegation could not be established. The report further indicated that SI Samsul Alam was in civil dress as stated by Podumi Das, Bobita Das and Babu Das. ASI Deka of the same Out Post also saw him coming to Out Post in civil dress with bloodstains on his shirt. Departmental action has been initiated against SI Samsul Alam for his lapse of going to the PO in civil dress. Seizure list regarding seizure of the motor cycle and mobile phone was not prepared on the spot by ASI M. Deka. Signature of one Dipankar Bora was

taken on a blank paper as seizure witness. No independent witness were taken during the search. Copy of the seizure memo was not handed over to the person from whom seized. Departmental action have been initiated against ASI M. Deka for not preparing seizure memo as per laid down procedures.

The Commission heard personally SI M. Kakati, Reserve Officer of Sonitpur District Police in respect of the pendency of the DP against the delinquent SI Samsul Alam. The criminal prosecution as well as DP is moving in a lackadaisical manner. Time has come for the District Police to be responsive, professionally organized and efficient instrument of good governance in the area of expeditious disposal of DP as well as of criminal case in addition to the dispensation of onerous duties need to be rendered under the law. A delayed DP runs counter to discipline and good administration. Police as the custodian of law and order should deal with the life and property of citizen and every effort to make it accountable. No justifiable ground is discernable for keeping the DP as well as the criminal proceeding pending. It is not doing justice to the reputation of the District Police.

The Commission therefore, advised the Director General of Police to issue appropriate direction to the concerned authority to dispose the DP and criminal process within thirty days with intimation to the Commission by its order dated 4.11.10.

### **OBSERVATIONS:**

Number & Type  
of cases of  
misconduct

2.1. The State Police Accountability Commission, Assam has not come across complaints so far in which the complainants being dissatisfied with the departmental inquiry into their complaints to

the Police Department have approached the Commission for redressal. As such, the pattern of misconducts on this count has not emerged. However, complaints as received by the Commission reveal a discernible pattern of misconducts.

The underlying stipulation under this para calls for sharing of information in the matter by the Police Department with the Commission. The Commission's mission gets fulfilled to a great extent provided the complaint redressal system in the Police Department works as enshrined in the statute to the satisfaction of the people. In the prevailing circumstances, the Police Department has scope to improve upon the redressal system as a measure to the good governance and share with the Commission as to the number and type of cases of misconduct as received by the Public Grievance Cell.

Identifiable  
pattern of  
misconduct

3.1. The Commission has recommended a series of action as measures – preventive to the misconducts having come across in course of enquiry and examination of the complaints. To sum up certain such observations on misconducts are enumerated as follows:

### **3.2. (i) First Information Report ( FIR)**

FIR is not registered at the first instance concerning issues relating to breach of trust, misappropriation of properties, etc. Some times even if registered though belatedly, investigation does not take its due course with end result that the registration of the case becomes a mere formality to escape from the charge of serious misconduct.

The commission has not come across a single instance of taking up a case on receiving information orally being reduced

into writing FIR being a measure of police response to the people seeking police help appears cryptocrystalline. This a primary area of enhancing the measure of accountability to law where police should respond to the complaints of the people irrespective of the traditional concept of the performance indicators of police works at the Police Station level in risking with increasing number of cases. In other words, registration of cases should not suffer from the consideration of keeping the registration level low.

### **3.3. (ii) Inaction on FIR**

The Commission has observed many instances of police inaction after registration of cases on complaints. It is coming to the notice of the commission that the police tends to become proactive in the counter cases registered as a result of cases registered on the complaints lodged to the police. Police action in such cases becomes glaringly partial and unfair. This is perhaps a most strenuous area where police accountability to law become a casualty and needs to be seriously addressed by the system of close supervision, superintendence and control.

#### **4.1. RECOMMENDATIONS ON MEASURES TO ENHANCE POLICE ACCOUNTABILITY**

Recommendations on measures to enhance police accountability

The orders passed by the Commission in the cases examined and enquired by it are explicit with measures recommended with a view to enhancing the accountability of police to law. These orders are self-speaking with the observations on the conduct of individual police officials. Specific action is also recommended in

the follow up of the directions to the Police Department. Instances of few such recommendations for enhancement of police accountability are incorporated in the report as follows:

**SPAC Case No. 16/2008 :**

The Guwahati City police in the name of law and Order returned a case in final report. The Commission is pained to note that the Criminal investigation has taken the backseat in the name of law and order and recommended that the Director General of Police shall take appropriate measure against the erring officials as per law through in house mechanism to make the police accountable to law and to make it an efficient instrument for detection of crime.( Order at page-50-51)

**SPAC Case No. 54/2008 :**

Reference to the Order annexed in the report (Annexure at page 56-61). The Commission having received a complaint of inaction in the investigation of cases filed against an arms dealers examined it in a different perspective of issue connected with public safety and security – to which police is charged with a unique responsibility . The Commission recommended that the D.G.P should issue suitable instruction to the police to perform their mandated duties of inspections of the Arms shop/dealers in Arms and Ammunitions in the follow up of actions. The Commission also exhorted the city police to complete investigation of the case No. 228/08 so as to enhance their accountability to law for upkeep of the public safety and security endangered from the clandestine dealing in arms and ammunitions.

**SPAC Case No. 59/2008 :**

Reference at annexure ( Page -64-68 )

The observations as reproduced here from the Order of the Commission dated 20.5.2010 in the SPAC Case No. 59/2008 are self speaking and as a matter of fact are strongest possible ways for enhancing police accountability. The Commission compassionately examined the issues in the complaints and expected police to be accountable to the law. But in reality police moved to outwit the Commission's considered view in a manner most reprehensible. The observations hence are compact with views recommending ways and means to enhance accountability.

**SPAC Case No. 26/2009 :**

Reference case brief and Order dated 26.2.2010 at page- 69.

Shri Lohit Das with his village people came to Rani OP and lodged written complaint against the i/c of the OP SI Deben Bhuyan and advocate Hemanga Thakuria on 25.11.09. OC of Palashbari PS SI Anil Kumar Deka appointed SI Deben Bhuyan as investigating officer of the case having registered on public demand. Commission took up a suo motu case on 26.11.09 and called for a report from the Superintendent of Police, Kamrup (Rural) who in turn closed SI Deben Bhuyan to the District Reserve from the charge of Rani OP on 28.11.09. The case has again been re-endorsed to a SI on initial training (Probationary SI)

The Commission expressed disapproval of the conduct of OC, Palashbari PS SI Anil Kumar Deka for entrusting investigation to an officer allegedly involved in the case instead of taking up by himself.

**SPAC Case No. 01/2009:**

Reference to the brief of the case and Order thereof as embodied and enclosed ( at page -70-91).

The Commission in strongly recorded observations expressed unhappiness at police action following Monoj Deka sending into unconsciousness and investigation of the case registered thereto. Commission's far reaching views in matters of enhancing police accountability with reference to the case are reproduced below:

Having perused the investigating report, records and hearings of police officials, all things considered, the Commission considers it appropriate to present its findings as follows:

Investigation of the Morigaon PS Case No. 180/08 under Section 341/427/307 Read with Section 302 IPC discloses that evidences collected first in point of time were subsequently dissipated with an oblique motive. The report of the Investigating Officer of the case, Inspector Kamal Chandra Das is the basis of the Departmental Proceeding drawn up against the OC, Kamal Chandra Bora, SI, whereas the latest status report submitted before the Commission indicated that "evidence has to be collected from the witnesses and the circumstances prevailed during the incident". The Commission found it as a contrivance to protect a wrongdoer so that the crime goes unpunished. It is absurd to learn from the status report that " obtaining of the prosecution sanction against the Constable Rafiqul Islam and against SI Kamal Bora that too " if sufficient evidence is found against him " as one of the reasons for the obvious delay in the matter of an important investigation". No extenuating circumstances were discernible for the outrageous

**procrastination** of the departmental as well as of the criminal prosecution against the aforementioned police personnel.

**SPAC Case No. 36/2008:**

Reference to Order dated 8.4.2010 at page-52-55.

The Commission found that three police officials of City Police are prima facie to be involved in wrongfully confining 1) Miss Bina Das (II) Sahera Begum in the Police Station in the name of recording statement by violating proviso to Section 160 (1) of the Cr. P.C. and the directions issued by the Hon'ble Supreme Court from time to time. The Police Officials failed to maintain the dignity of the Victims as law enforcer and trusted representative of law. The aforesaid officers seemingly behaved in most casual fashion throwing to the winds the right to life of the individual with human dignity. The action of these officers per se would erode the public confidence. These officers failed to ensure that victims and witnesses are protected and instead subjected these persons to harassment. Such practice must invite strict action from the Department.

**SPAC Case No.02/2010:**

Reference to Order dated 7.5.2010 at page-99.

Commission's observations as reproduced below make uncanny/serious note in the matter of enhancing police accountability.

Superintendent of police, Barpeta, Shri D.Mukherjee, APS, informed the Commission that there was no history of such



incident in the area and hence the police did not anticipate trouble. His deposition has confirmed the contention that the incident was a big surprise to police and police was therefore not prepared to face a situation of the kind. The role of the S.P. in the entire situation was far from inspiring. He was found busy in protecting his inept and sluggish police personnel under his command. The same tales were revealed in his three reports to the Commission. He could not also show from records as to his proposed exercises of deterrence to such situation in the district. He has failed to apprise the Commission the provisions of law/rule in the detailment of police force on payment and the exercise as required under the Assam Police Manual and the Assam Police Act, 2007 (Sec. 26).

The Commission feels that the incident as happened with injuries, death and damages of properties in presence of police is not only reprehensible but also corrodes public faith on police. Exemplary action ought to have been taken by the police department. But this burning issue appears to have been side-lined without remorse and rectification. Such cases should have drawn the sharp attention of the police department with measures to prevent misconduct on the part of the personnel charged on safety and protection to life and properties of individuals.

**SPAC Case No. 25/2009:**

Reference to Order dated 15.7.2010 at page -95-98.

The Commission has expressed dissatisfaction at the superintendence of the city police by the Sr. S.P. who failed in his duty to dispose of the matter of serious allegation against the police officers promptly. The Officer could have submitted his report

within the time with his utmost alacrity and zeal to redress public grievances. The Sr. S.P. city holds a key position in the city police administration and quick handling and disposal should be his forte. Transparency and accountability in the city police administration will only ensure credibility and beget public trust. The Sr. S.P. should exert his leadership in such matters for ensuring credibility and public trust.

**SPAC Case No. 02/2009:**

Reference Order dated 27.8.2010 at page-93-94.

The Commission has given anxious consideration on the matter and taking into consideration all aspects of the matter found that the Police Station concerned acted in illegal and high handed manner and in the name of interrogation harassed two of the Corporation's officials in a most illegal and unlawful fashion, taking in to custody two officers in blatant violation of law as laid down in the Cr. P.C. and other instructions issued from time to time from Police Headquarters. In the name of interrogation these two officers were wrongfully confined in the Dispur Police Station. The Commission has already indicated that two of the officers were rounded up from the respective place of work even without taking due permission from the authority of ASWC concerned. These officers were discharging public duty and police action interfered with the public service. The Commission also found the issue of GD entry of missing/loss of signed blank cheques as indicated in the GD entry No. 1195 dt. 21.12.2006 appears to be a ploy/handiwork of M/S Ajmera Industrial Services to subterfuge the issue of dishonoring the cheque. Admittedly, such loss or missing cheques could have been taken care of by informing the

concerned bank and in case of drawal of funds, the police ought to have taken up as either an cognizable case or refuse to register the case directing the complainant to approach the appropriate authority for its redressal. But the GD entries were made with improper motives. The GD entries were seemingly made with improper motives as a contrivance to upset the criminal prosecution. The following day i.e. on 22.12.2006 police have accosted the two public servants without any rhyme and reason. But it was the duty of police to interrogate the persons of M/S Ajmera Industrial Services which was defaulting payment made on 20.06.2006 with post dated cheque and the investigation could have revealed the culpability of the M/S Ajmera Industrial Services for defaulting the payment of public Corporation. Apart from the aforesaid senior police officer including SSP (City) overlooked those pertinent issues and sought to justify the action of the police officials. Investigation of the complaint has revealed serious lapses not only in the lower rank of police but entire City Police were unmindful of fair investigation and all were seemingly trying to safeguard the interest of the Ajmera Industrial Services which has been defaulting payments to a Government Corporation thereby allowing to commit criminal misconduct. The officials concerned deserved to be dealt with in a appropriate manner in commensurate with the unlawful activities. The I.O. and the O/C, S.I. W. Rahman and Inspector, Imran Hussain Khandakar respectively of Dispur Police Station liable for prosecution under Section 99 (3) of the Assam Police Act, 2007, read with 341 of the IPC. Likewise the SSP (City) involved in this matter are liable to be called in question by the concerned authority for his failure to protect the interest of the victim and taking suitable action against the errant Police

Station level officials. Instead the Commission found that the DY. S.P., Dispur, Addl. S.P. as well as SSP (City) have tried to justify the unlawful activities of the subordinate officers overlooking the law in practice instead of upholding the public interest.

**SPAC Case No. 16/2008:**

Reference Order dated 22.11.2010 at page-50-51.

The Commission perused the complaint as well as the report of the Superintendent of Police and the supervision report of the case, submitted by the Dy. S.P., Pandu Division. The officer mentioned above was also heard and his statement was also recorded. The case ended in F.R. Seemingly the F.R. was submitted without due application of mind. The Commission is pained to note that the criminal investigation has taken the back seat in the name of law and order. The Commission feels that the Director General of Police shall take appropriate measure against the erring officials as per law through in house mechanism to make the Police accountable to law and make it an efficient instrument for detection of crime. It has also been made open to the complainant to take appropriate measure as per law.

*Rest of the Orders passed during the year under report are at the Annexure-I.*

**The following measures in addition are also recommended:**

4.2. **GENERAL DIARY**

It has been observed that the Assam Police Act, 2007 has not been amended in order to make the General Diary a legal instrument with its transparency in the level of Thana/Outpost activities which is over due. The scope of enhancing police accountability is very wide in the General Diary to be maintained having the force compatible with that of the RTI Act.

The General Diary in respect of information of non-cog nature under the provision of Cr.P.C. 155 is one of the important indices of police performance in Thana/OP level. The Commission has observed that many of the complaints received by the Commission relate to non-registration of cases and refusal in the guise of non-cog to police. Hardly the police action is supported by the initial records as may be required under the provision of Cr. P.C. 155 to find mention in the General Diary with advice to the complainant to approach the nearest judicial magistrate for ordering investigation of the non-cog cases by police. Such entries not only be maintained but copies to be specifically routed to the Commission through the Superintendent of Police of the district concerned.

#### **4.3. COMPUTERISATION OF THANA WORKS**

It is needless to emphasize that the right of the citizens will be better addressed by receiving First Information Report in the computer through networking having access to the general public. The sooner the better in the execution of the computerization as a strongest tool for transparency of accountability of police to the law.

#### 4.4. **SUPERVISION OF CASES**

The cases registered against the police personnel are invariably to be supervised and the cases should be dealt with newer provision in the Rule Book to be amended on a greater priority putting them even as special report cases. The Government therefore should take suitable action in this regard and direct the Director General of Police, Assam to initiate proposal to the Government accordingly. All reports relating to supervision and conclusion of the investigation of such cases need to be furnished to the Commission for over view from time to time. Also these category of cases should receive attention of the crime review Committees in the district, Ranges and the State Hq of the Police Department.

#### 4.5. **Interface of investigating agency of Police with the Commission; training on test cases for better understanding of accountability:-**

Our earlier recommendations appear not receiving due response. The same has been reproduced in this report also.

The Commission has come across complaints of perfunctory investigation of cases. The Assam Police Manual (Part-V) has dealt with a wide range of rules/procedures relating to the investigation of cases, which the investigating officers are to follow in order to obviate allegation of mechanical investigation and to prevent crimes. A common practice, as observed, is that Police resorts to enquiry without either registering a case or refusing to register a case in the nature of preliminary enquiry. Criminal procedure codes 154, 157 are explicit in this matter. Assam Police Manual rule 110

(Pt. V.) prescribes a laid down procedure for drawing FIR. The deviation from the codes and rules degenerates in to slipshod actions by the Police.

The Commission feels that a special interactional training course of the O/Cs of Police stations and the Circle Inspectors with the Commission in the light of the SPAC test cases (as conducted by the Commission) can be organized at the Commission H.Q. in phased manner.

Necessary infrastructural facilities for holding the interactive training courses need to be provided to the Commission.

#### 4.6. **INTERACTION WITH PEOPLE AND POLICE:**

Regional Seminar was held at Sivasagar during September, 2011. The Commission has received whole hearted response from the judiciary and local legal fraternity and also the concerned senior citizens and the press in matters of police accountability to be carried to the common man. It seems that the response from police is lukewarm and words were heard dispelling wrong signal to the policemen at the grass-root level that Accountability Commission is a forum working against the interest of the police. This misgivings need to be dispelled by the police and in view of that the Assam Police Act, 2007 should be widely circulated among the policemen as this piece of statute has empowered police for exercising their authority for welfare of the people in maintaining peace and order.

4.7. Corruption is very often complained of vitiating police action making police accountable to law. The Maharashtra and Tripura State Police Complaint authorities have been mandated to

look into complaint of corruption by police. All cases of misconduct which includes act of corruption/corrupt practices are also within the look out of the police complaint authorities of several States including Kerala.

It is therefore recommended that complaints of corruption/corrupt practices need to be specifically included in the provision u/s 78(1) of the Assam Police Act, 2007 to avoid misgivings.

## **5. GENERAL GUIDELINES TO PREVENT POLICE MISCONDUCT:**

### **5.1. Monitoring of Departmental Proceedings**

The Commission's efforts to monitor in-house complaint tackling mechanism by the police department, with the avowed aim of ensuring and enhancing accountability more particularly at senior echelons of police hierarchy, unfortunately, have not borne much fruit so far in spite of lot of efforts on its part. There is no gainsaying the fact that police officials at higher levels wield enormous powers and therefore they are required to pass a much stricter test of accountability in cases they are alleged to have committed any misdemeanour/ misconduct. It cannot be anybody's case that no complaints against senior police officers are received in the State Police Hqrs. However, this Commission has, so far, been kept in the dark regarding the fate of such complaints as no information on the Departmental Inquiries and Departmental Actions is forthcoming from the Director General of Police, Assam, even though the Commission is mandated with duties to



ensure and enhance accountability as per Section 78 (3) of the Police Act, 2007.

No valid and reasonable explanation is coming forth from the Director General of Police, Assam for non-submission of Quarterly Return in respect of Departmental Inquiries and Departmental Actions on the complaints of **misconduct** against Gazetted Officer of and above the rank of Deputy/ Assistant Superintendent of Police. The underlying cause to keep such information under wrap as far as possible may conjure a vision of negativity militating against the principle of accountability. Secrecy where not required and is not desirable is bound to raise suspicion and any principle of Good Governance would do better to shun this practice.

## **5.2. RECRUITMENT AND TRAINING**

The Commission observed that the public complaints to police and investigation to these complaints are not to the satisfaction of the people and at times it is attracting counter complaints to the harassment of the complainants. Certain factors are responsible for such dismal work. One of the factors as could be observed is the corrupt practices which vitiate the spirit of investigation and redressal to the complaints. The separation of investigation with a new brand of investigators recruited on the same fashion as adopted by the various management groups by hunting talents in the local job market and offering them the same compensation as offered in the job market may be a better option.. The suggestion has stemmed from the modern management concept for catering best service delivery system. The young

upright persons' entry into the job would call for maintaining police performance in the field of investigation using I.T. as a tool at the international level particularly in view of the information technology as proliferated on all walks of life and the cyber crime has assumed a bigger challenge. Their nomenclatures should also be changed from the proto type police ranks to Police Investigators identifying grades of seniority – such as Investigator Grade I, II, III and Chief Investigator.

Similarly, the training should be oriented to address public complaints and meeting the requirements of legality and transparent procedure. Issues are not difficult at all. The new Manual as may be prepared under the Assam Police Act, 2007 should impress rules and procedures in a very simple manner, of course with impeccable accountability indicators. The computerization if implemented should also cater to the needs of the complainant and if implemented the training methodology in the investigation of cases should get revised and the monotony of the initial courses of law and procedure in the college and schools under the police training management should be replaced with vibrant course materials and methodology.

#### 6. **ACTION TAKEN REPORT (ATR)**

The Commission has issued directions/ recommendations by orders for action by the police department/ State Government. An ATR has been received from the State Government vide letter No. HMA.417/2011/51 dated 1.11.2011 which is annexed with he report at **Annexure-II**.

The Action Taken Report appears to have revealed an insight into the complaint redressal system not synchronized with the vision of the reforms as enshrined in the new Assam Police Act, 2007. The impact as assessed from the ATR is glaring that the measures for police accountability to law have not reached the critical level of the system administration in police. Middle level police officers have become non-entity in the performance indicators.

It is paradoxical, illogical in the action of finding a case both false and at the same time without ground to counter prosecution under the prevailing law. This obscure phenomenon in the law is observed in the disposal of few cases by the police registered at the direction/ recommendation of the Commission which found the complaint is Departmental proceedings have also met the same fate. One criminal proceeding initiated against one Dy.SP and one SI was about to be aborted unless the same was not pursued by the Commission in time in the investigation stage. However, it is also uncertain as to when the end of the investigation of the case would see the light.

The Commission is, no doubt, vested with the onerous responsibility in matters of police accountability to law in ways more than one, the present frame work appears to be inadequate. As recommended in its maiden report for 2008, it is high time that the Government considers “bringing in necessary amendments of the relevant provisions of the Assam Police Act, 2007 in order to invest the Commission with greater regulating and supervisory powers with regard to the conduct of criminal cases by the police in the matter of registration, subsequent investigation and submission of Final Form. This, the Commission feels, will serve to give more

teeth to the Commission by significantly enhancing its supervisory role and thereby ensuring greater accountability on the part of the State Police to the community whom they are mandated to serve”.

For the time being, the Police Department may appoint one Special Officer for purposes of SPAC Cases/enquiries. The Special Officer may liaise with the Commission with a specific periodicity so as to ensure actions taken in time in all fairness.

The Public Grievance cell in the office of the Director General of Police, Assam should receive pointed attention of Director General of Police. A senior police officer in the Police HQ, who is placed in charge of the Public Grievance Cell may preferably be designated as Special officer in the Police Department to liaise with the Commission in matters of complaints by public under section 88 of the Assam Police Act, 2007 and orders/directions issued from time to time being fall out of disposals of the public complaints to the Commission.

## 7. **Post Script**

Needless to mention that the State Police Accountability Commission is a permanent body and mandated to a much needed fillip in the reformation of the State Police Force making it accountable to law having transformed from the spectre of Indian Police Act of 1861. It has become, therefore, obligatory to the Government to equip the Commission on a permanent footing with infrastructure and resources so as to enable this body to accomplish duties and performances set out in the Statute.

Public awareness as to their right and privileges in the Assam Police Act, 2007 under Chapter VIII of Accountability issues needs to be activated at the Police Station/Out Post level. Hoardings in English and local languages indicating the provisions under Section 78, 82 and 88 ( rights of the complainant) should invariably be erected conspicuously near the gate of the premises of the Police Stations/Out Posts, SP and DC offices and State Police Hqrs.

Weightage of the Assam Police Act in the basic courses of constable, ASI, SI and Dy. SP in the training institutions need to be considered allotting a minimum of 10% points in various tests at the end of the course so that the new entrants in the police organisation get a comprehensive knowledge for discharging their duties having bearing on the accountability as envisioned in their responsibility to the people. The Assam Police Act also plays an important role for grooming the police force with the vision of the people police and as such the Act should receive the desired level of attention of all the members of the force at all the time they are at work.

State Police Accountability Commission has been constantly beset with infrastructure problems even after completion of 3 years in office. It is needless to mention here that the Commission is preoccupied with the onerous responsibility to infuse the sense of accountability to the police personnel and the job demands a coherent and action oriented infrastructure such as centralised office accommodation facility, transport and hand holding staff for timely action. The current accommodation at the Housefed Complex has appeared to be not easily accessible to the complainants/ public and also the accommodation is not sufficient

having bottlenecks in car parking and climbing to the second floor having no lift.

Independent budget provisions for the Commission more particularly infrastructural facilities for investigation need to be provided so as to smoothly run the affairs of the Commission.

For awareness programme, the Commission is required to hold seminar at the district level so that the objective of the Commission may reach to the district/village level. For this purpose adequate fund is required. Despite constraint of fund the Commission held an interactive session at Sivasagar Natyamandir covering five districts of Upper Assam during September, 2011 and one at Guwahati at the State level.

Police itself being a measure of accountability of the Government to the people by way of enforcing law for the good of the people in a vibrant democracy, the State Government ought to devise various means to translate the vision embodied in the Assam Police Act, 2007. Commission with its initial focus on complaint against police has observed a plethora of issues of which the prominently mentionable is the area of the First Information Report, registration of case and then the investigation of the cases. The provisions of the laid down law and rules have been grossly flouted with result that the intended provisions have failed to deliver the much needed succour to the victims – the people. Accountability has become a casualty in the hands of law enforcers. Senior police officials are seen washing off their hands shifting the buck on their juniors. The issue of accountability to law calls for a well defined charter of share among the next senior levels. The law is clear as to the power and function of the officer-in-charge to be exercised by the senior bracket in the police and the

provisions are self speaking of interventional need as and when required to keep the aberration/violation to the law by police at the best possible minimum. But the Commission is saddened at the plight of allowing the provisions of the law not being useful in way of the cases pursued by the Commission. A Superintendent of Police washed off his hands by merely forwarding a report of a junior officer in response to calling for comments clarifying position on the complaints received by the Commission at its first instance. The Superintendent of Police keeps an escape route by not owning the findings of the report which carries issues not scanned duly in the light of the law and procedure. A report received from a District Superintendent of Police is found bereft of the position as to why a non-cog case entry was not entered in the GD and instruction to the complainant under section 155 Cr.P.C. Part-V, Rule 34- para 22.

These are practically common aberrations ignored with immunity and have transgressed into the day to day operational mode detexturing the very fabric of adopted law and procedure to be free and fair for all dictum of popular democracy.

It is recommended therefore that the rule book under the Assam Police Act, 2007 should contain not only provisions for recording entries but also copy of such non-cog entries to the Superintendent of Police who in turn should furnish certified copy to the Commission as a measure to enhance the accountability

Being preoccupied with the mandated responsibility of recommending measures to enhance accountability to law, the Commission has observed in course of hearing in person and examination of police officials who are either directly concerned or concerned in supervisory capacity that the attitude has not

undergone the desired change from the imperial legacy to the doctrine in the present dispensation of a people police. More than the measures laid down in the statute, a thrust is needed in the training both basic and in-service to the police personnel.

Panacea of the issue lies also in the curbing of propensity to the misconduct and serious misconduct by including in the mandated charter in the statute – the cases of corruption. In Maharashtra and Tripura, cases of complaints on corruption by police officials are included in the statute and in Kerala all cases of misconduct are in the scheduled misconducts which the complaint authority deals with.

As such, these two recommendations the Commission strongly feels would come handy in the measures to enhance police accountability and the State Government, therefore, should make necessary modifications /amendments urgently.

The delay in the preparation and submission of the Annual Report for 2010 attributes to constraints both in terms of resources and compliance reports from the police department in matters of action taken report to be incorporated herewith.

CHAIRMAN

MEMBER

MEMBER



**STATE POLICE ACCOUNTABILITY COMMISSION,  
ASSAM :: HOUSEFED COMPLEX  
::DISPUR::GUWAHATI.**

**PRESENT**

Justice D. N. Chowdhury ( Retd)	- Chairman
Shri D.N. Saikia, IAS ( Retd)	- Member
Smti. Minati Choudhury	- Member

**SPAC Case No. 16/2008**

Shri Prasenjit Dey	- Complainant
--------------------	---------------

**O R D E R**

Date.....

The Commission received a complaint dtd. 30.4.2008 from Shri Prasenjit Dey, Santipur under P.S. Bharalumukh in the district of Kamrup.

The Commission after having gone through the complaint petition, it was decided to call for a detail report from the O/C. Bharalumukh P.S. calling for explanation as to why no case was registered on the complaint as alleged with a copy to the S.S.P., City for information and necessary follow up action.

The Commission perused the complaint as well as the report for the Superintendent of Police. Also read the supervision report of the case, submitted by the Dy. S.P., Pandu Division. The officer mentioned above was also heard and his statement was also recorded. The case ended in F.R. Seemingly the F.R. was submitted without due application of mind. The Commission is pained to note that the criminal investigation has taken the back

seat in the name of law and order. The Commission feels that the Director General of Police shall take appropriate measure against the erring officials as per law through in house mechanism to make the Police accountable to law and make it an efficient instrument for detection of crime. It will however be open to the complainant to take appropriate measure as per law. Send copy of the order to all concerned including that of the complainant. With this note the proceedings stands closed.

CHAIRMAN

MEMBER

MEMBER

**STATE POLICE ACCOUNTABILITY COMMISSION**  
**ASSAM ::: ULUBARI ::: GUWAHATI.**

**PRESENT**

JUSTICE D.N.CHOWDHURY(RETD  
SHRI D.N.SAIKIA, IAS (RETD.)

CHAIRMAN  
MEMBER

**Case No. 36/2008**

Chairperson Child Welfare Committee,  
Kamrup, Guwahati. . . . . Complainant.

**ORDER**

Date.....

The Commission received a complaint from the Chairperson, Child Welfare Committee, Kamrup, alleging serious misconduct against “Police men within the Police Station”. The Chairperson in her complaint narrated three instances of alleged crime and misconduct including allegation of serious mis-behaviour and criminal act against police personnel of Bharalumukh Police Station, Chandmari Police Station and Dispur Police Station. Initially we called for the report from the Senior S.P, City. Since the reports were not of satisfactory in nature, the Commission on its own caused investigation of the case through its own agencies. Investigation was conducted.

The Commission perused the report of the Investigation Agency and the materials on record. The Investigating Agency investigated the matter, recorded the statements of witnesses including the Officer-in-Charge of Police Station concerned. A

brief of the allegations and findings of the investigation in the respective P.S is cited below.

**Bharalumukh P.S** :- On 13.3.08 at 7.45 PM, ASI Liyakat Ali of Bharalumukh PS brought the victim girls Miss Sultana Begum and Miss Jesmin Sultana and allowed to leave the P.S. without taking the legal procedure such as recording their statement, seizing the under garments for clinical examination and sending them to the hospital just after reporting the case for required medical examination.

On the other hand, Inspector Md. Hussain, the then O/C Bharalumukh P.S. was found absent from the P.S. for five and half hour to avoid the responsibility of investigation of the above rape case. But he can not avoid his responsibility of investigation of cases of the P.S. in the name of taking precautionary measures for bomb blast as stated by him. So, there is lack of supervision over the case and control on the P.S. Hence the case of alleged serious misconduct on the part of ASI Liyakat Ali and the O/C Md. Hussain is required to be investigated by registering a criminal case against them U/S 99 A.P.Act, 2007.

**Chandmari P.S** :- The victim Miss Bina Das was brought to Chandmari P.S. by Child line staff on 4.3.08 at 9.45 P.M. and after reporting the matter they wanted to bring back the girl to their safe custody but Inspector Bhadreswar Nath kept the victim at the P.S. violating the provision of Section 160(1) Cr. P.C. and Rule 210 A(5) of A.P. Manual part- V. The officer has retired from service.

At the time of medical examination, the victim Miss Bina Das brought to the notice that another 4 number of children were

kept confined by one Mr. Sanjeeb Barman and Mrs. Swapna Barman at Siliguri, Khalpara, No. 3 Gate. But I/O of Chandmari P.S. Case No. 119/08, S.I. Ratneswar Barman did not take any step either to arrest the accused or to recover the 4 minor girls. But on the suggestion of Inspector Rukma Buragohain O/C Chandmari P.S. returned the case in F.R.

**Dispur P.S.**:- On 18.3.08 at 2 P.M. one minor girl named Miss Sahera Begum who was raped was brought to Hatigaon Out Post and handed over to Childline to keep her in safe custody without taking legal procedures. Later on the Childline had taken her back to the Hatigaon O.P. for taking legal action. But S.I. Taher Ali, I/C Hatigaon O.P. and Insp. Nilachal Bharali O/C Dispur P.S. kept the minor girl at Dispur P.S. on the plea of legal action yet to be taken. Thus they violated Section 160 (1) Cr. P.C. and Rule 210 A(5) of A.P.Manual part -V. Hence I/C Taher Ali of Hatigaon O.P. is liable for criminal action U/S 99 of Assam Police Act, 2007 and the then O/C Dispur P.S. Nilachal Bharali for departmental action.

On consideration of all the aspects of the matter the Commission found that the following Police officials –

- (1) Insp. Bhadreswar Nath
- (2) S.I Taher Ali
- (3) Insp. Nilachal Bharali

are prima facie to be involved in wrongfully confining 1) Miss Bina Das (II) Sahera Begum in the Police Station in the name of recording statement by the police violating proviso to Section 160 (1) of the Cr. P.C. and the directions issued by the Hon'ble Supreme Court from time to time. The Police Officials failed to

maintain the dignity of the Victims as law enforcer and trusted representative of law. The aforesaid officers seemingly behaved in most casual fashion throwing to the winds the right to live of the individual with human dignity. The action of these officers per se would erode the public confidence. These officers failed to ensure victims and witnesses protected and instead subjected these persons to harassment. Such practice must receive strict action from the Department.

All things considered the Commission decided to recommend the Director General of Police, Assam, to initiate action against the officers with intimation to the Commission. However, before finalizing the matter the Commission considers it appropriate to obtain the departmental views from the Director General of Police with a request to return the same at its earliest possible preferably within 15 (fifteen) days from the date of receipt of this order.

CHAIRMAN

MEMBER

**STATE POLICE ACCOUNTABILITY COMMISSION,**  
**ASSAM, HOUSEFED COMPLEX, DISPUR,**  
**GUWAHATI-6**

Present

Justice Shri D.N. Chowdhury (Retd) - Chairman  
Shri D.N. Saikia, IAS (Retd) - Member  
Smti. Minati Choudhury - Member

**SPAC CASE NO. 54/2008**

Shri Shekhar Kishore Kanoo - Complainant

**O R D E R**

**Date** \_\_\_\_\_

It is another tale of deficiency of police accountability and of uninspired insipid exercise of supervisory power. A complaint was submitted before the Commission by the complainant Shri Shekhar Kishore Kanoo alleging illegal sale of ammunition to unauthorized persons and also unauthorized import of ammunitions into the State of Assam in contravention of Arms Act 1959 and Arms Rules, 1962 as well as distribution of the same to Assam and the adjoining States in full knowledge of the concerned authorities for last 20 years or so.

The petitioner complained that he filed an FIR dated 20.05.08 before the SSP (City), Guwahati personally explaining the serious lapses alleging about the illegal imports and sale of ammunition without license. The complainant was submitted against Shri Kamal Kishore Kanoo, an Arms dealer at Guwahati for the illegal action in respect of fabrication of 21 pieces of duplicate SBBL guns while he held the charge of M/S Indian

National Arms Co., Rehabari, Guwahati and arms manufacturing concern owned by Late Kishore Kanoo. It is also alleged that Panbazar Police Station did not register the case under the relevant sections of Arms Act and Rules except under Section 229/30 of Arms Act. It was stated that the case was lying without investigation for about 10 days after being filed and the complainant reportedly approached the IGP ( L&O) for redressal. Investigation of the case was perfunctory, the incriminating records and documents regarding import/sales/ distribution of the shot gun cartridges and lead shots were seized, in different fashion. After seizing the sale register and 82 Kgs 750 Gms lead shots by police, the action by police was alleged to have staggered. The complainant thereafter made a move under the RTI Act before police authority on the progress of investigation and from the reply he suspected that the police in connivance with the accused, vital evidences of illegal import of ammunitions were frittered away by the police. It was also alleged that the prosecution sanction of the District Magistrate was yet to be obtained as required under Section 39 of the Arms Act, 1959 leaving the accused at large and providing an opportunity to perpetrate transgression of law and enact serious misconduct by the police patronizing and protecting the accused persons dealing with illegal arms and ammunitions. The complainant enclosed photocopies of relevant correspondences he made with the District Police, Ministry of Home Affairs, Deputy Commissioner ( Metro), Chairperson, Assam State Human Rights Commission, Officer Incharge of Panbazar Police Station relating to the allegation.

On receipt of the complaint the Commission registered a complaint case and called for a report from the SSP ( City). The



SSP ( City) in his reports on 4.5.09, 23.03.2010 informed the Commission that petition received from the complainant dated 20.05.2008 was endorsed to Dy. S.P., Panbazar Division, who in turn instructed the Officer Incharge, Panbazar Police Station to register a case under appropriate Section of law on 21.06.2008. O/C, Panbazar Police Station registered a case No. 228/08 U/S 3884/465/468/471 IPC read with Section 29 of the Arms Act for investigation. Interestingly the SSP ( City's report did not indicate for the prolongation of the registration of the case after for a long lapse of time. The SSP ( City ) in his report had also denied the allegations. The report dated 04.05.09 indicated that the investigating officer visited the shops of Kamal Kishore Kanoo viz. M/S National Arms Co. and seized the relevant records and articles from the shops for the purpose of investigation. The relevant records/ documents were seized on 4<sup>th</sup> July/08, 6<sup>th</sup> July/08 and 15<sup>th</sup> July/08 and recorded the statements of witnesses viz Kishori Lal Kanoo on 04.07.08, who died on 01.08.08, Shri Raju Borah, s/o Late Nirmal Chandra Bora on 06.07.08, Smt. Sabitri Bora, w/o Late Nirmal Chandra Borah on 06.07.08, Shri Priyabrata Sarkar, Manager of Rajdhani Gun House on 15.07.08 and Shri Khagen Rajbongshi, employee of Rajdhani Gun House on 15.07.08, Shri Kitesh Chandra Sarkar, manager of North Eastern Arms Co. on 15.07.08. Documents were also sent to Forensic Science Laboratory for examination, and expert opinion was not obtained. Investigation also revealed that Shri Ujjal Kishore Kanoo collected all the records including license, etc. belonging to Lt. Nirmal Chandra Bora from Smt. Sabitri Bora for transfer of license in her name and purchased lead shots from Rajdhani Gun House against the license. The issue had to be pursued and the SSP (City) was

requested to furnish a report as per provision of Assam Police Manual requiring the Circle Inspector/ Inspector of Police and the SI of Police so authorized to inspect the shop and Arms license under the Arms Act periodically. In order to examine by the Commission as to how the illegal activities by the Arms shops in question went undetected in the Capital City and also the license of dead person had been used for sale and purchase of ammunition for a considerable period of time. The SSP (City) was requested to clarify. The SSP (City) was further asked to apprise the Commission for such procrastination in the investigation of a case relating to Arms and ammunitions. The SSP (City) had submitted his report dated 23<sup>rd</sup> March, 2010 stating that periodical inspections of gun shop were carried out by different officers of Panbazar Police Station. SSP (City) stated that from 6.11.06 to 9.5.08, periodical inspection of Rajdhani Gun House was carried out two times in a year, 7 times in 2007 and three times in 2008. Unfortunately the SSP (City) could not furnish any plausible explanation as to how the anomalies in the gun shops as indicated in the FIR and also in the investigation escaped the attention of the supervising officer. The Sr. SP(City) was silent on the vital aspect of inspection of Arms shops by his staff leaving the message that even the mandates of the law failed to gear up the police for watching the Arms deals. He also indicated in his latest report that Kamal Kishore Kanoo was arrested on 15 .07.09 and a prayer was submitted to District Magistrate, Kamrup for necessary sanction under Section 39 of Arms Act to prosecute the accused Kamal Kishore Kanoo, as evidences were found against the accused and the case was still under investigation. The reply of the SSP (City) under reference and appears to cover up the negligence in the

investigation of the case. The Commission in order to get the full facts, I.O. of the case SI, Shri Sinha was examined by the investigating agency of the Commission. The I.O., SI Shri Sinha even could not read out the FIR of the case and failed to explain the progress of the case. Thereafter the OC of the Panbazar Police Station was called up. He has furnished a supervisory note bringing out the actions taken and actions to be taken by the IO of the case. The I.O. of the case in his deposition was found to be conversant to the case and also have been taking right steps in to the investigation of the case. Mr. Ali deserves appreciation in this regard. Prior to him there were three officers working as OC, Panbazar Police Station but none of them have proved their worth in the investigation of the case relating to illegal act of the arms dealer and also involvement of Government officials in issuing/forging Arms License by using, making it valid even after death of the Licensee. The positive outlook is discernable from the OC of Panbazar Police Station as a result of follow up action by the Commission. Due to the pursuance by the Commission relentlessly with a view to ascertaining the system at place for plugging the loopholes of clandestine arms and ammunition deal in the backdrop of the current situation for crime and criminality in the Guwahati City in particular and the State in general the City Police belatedly awake. This is a sad commentary on the part of the City Police including the three predecessors of the current incumbent OC for not taking the issue of investigation professionally. However, there has still remained a blind end in the accountability of the periodical arms inspection under the provision and the rule book of these matters has not been clarified by the City Police and by police authority, is a matter where police authority should note to initiate

action against the defaulting officer entrusted by the authority in public interest and public safety. The Commission expressed appreciation to Inspector Suleman Ali who had taken due care with importance and priority the various provisions of the Police Act. SSP ( City ) is requested to take appropriate action in order to expedite the investigation of the Panbazar Police Case and furnish a report with his observation to the Commission having disposed the pending case. A copy of this order be forwarded to the Director General of Police and Government for appropriate direction. With this, proceedings stand closed.

CHAIRMAN

MEMBER

MEMBERa

**STATE POLICE ACCOUNTABILITY**  
**COMMISSION,**  
**ASSAM, HOUSEFED COMPLEX, DISPUR,**  
**GUWAHATI- 6**

Present

Justice Shri D.N. Chowdhury (Retd)	- Chairman
Shri D.N. Saikia, IAS (Retd)	- Member
Smti. Minati Choudhury	- Member

**Case No. SPAC/C/43/2008**

**Smti. Renu Das and Smt. Sila Das - Complainants**

**O R D E R**

Date \_\_\_\_\_

This matter came up before the Commission by way of a complaint, submitted by Smt. Renu Das and Smt. Sila Das, both residents of Nikamul, Tezpur. At the first instance we called for a report from the Superintendent of Police, Sonitpur to be submitted before the Commission. Also read the records, - as well as the statements recorded by SI Mukul Kakati , Reserve Officer, Sonitpur Police in respect of pendency of the Departmental Proceeding ( DP ) against the delinquent SI Samsul Alam. Seen also the report of the Superintendent of Police, Sonitpur in connection with Tezpur PS Case No. 482/08 Under Section 447/427/325/380/34 IPC on the complaint lodge by the petitioner Smt. Renu Das and Sila Das against SI Samsul Alam, Incharge Mahabhairab Police Out Post under Tezpur Police Station. The

Criminal prosecution as well as DP is moving in a lackadaisical manner. Time has come for the District Police to be responsive, professionally organized and efficient instrument of good governance in the area of expeditious disposal of DP as well as of criminal case in addition to the dispensation of onerous duties required to be rendered under the law. A delayed DP runs counter to discipline and good administration. Police as the custodian of law and order should deal with life and property of citizen and made every effort to make itself accountable to the person they serve. No justifiable ground is discernable for keeping the DP as well as the criminal proceeding pending. It is not doing justice to the reputation of the District Police.

Likewise from the report of the Superintendent of Police it appears that the Case No. 482/08 is still under investigation. The same police officer seems to have been entrusted with the investigation as well as DP who failed to do justice to the task reposed on him, who seemingly moved in a go easy way sitting over the matter. Steps should have been taken by the District authority to re-endorse the DP to officer other than IO of the case and to dispose the DP more expeditiously. The Commission, therefore, advises the Director General of Police to issue appropriate direction to the concerned authority to dispose the DP and criminal process within thirty days with intimation to the Commission. With this the proceeding stands disposed.

CHAIRMAN

MEMBER

MEMBER

**STATE POLICE ACCOUNTABILITY COMMISSION,  
ASSAM :: ULUBARI :: GUWAHATI.**

**PRESENT**

**JUSTICE D.N.CHOWDHURY(RETD) - CHAIRMAN  
SHRI D.N.SAIKIA, IAS ( RETD.) - MEMBER**

SPAC Case No. **59 /2008.**

Smti Rupalim Dutta, ..... Complainant.

**O R D E R**

Date 20.5.2010

Perused letter No.G/VI/05/08/Pt-1(D)/91 dated 9<sup>th</sup> April,2010 with copy of the memo No.CD/CID/E-30/10/75 dated 3<sup>rd</sup> April,2010 along with enquiry report submitted by Dy.S.P. (CID) dated 29.3.2010.

The Commission regrets that the Assam Police Headquarters has apparently failed to realize that as per mandate of the Assam Police Act, it is imperative on its part to give effect to the decision and direction of the Commission. On the contrary, it has seemingly appropriated to itself the powers of an Appellate authority over the Commission by first of all causing an enquiry into the matter by a junior level officer of the rank of Deputy Superintendent of Police and then compounding its folly by getting his report forwarded by the ADG, CID whose forwarding remarks reveal an astonishing non-application of mind and indeed flies in the face of the Commission's own findings on the matter. His blatant attempt to absolve the charged officer of all wrong doing is deplorable to say the least. The Commission is constituted under a statute of the State Legislature to ensure police accountability

under Chapter-VIII of the Act. It is needless to state that the Act has been enacted to provide for impartial and efficient police service, safeguarding the interest of the public at large and making the police force professionally organized, service oriented and accountable to law.

In the present instance, the Commission had received a complaint from a woman alleging serious misconduct against certain police officials charged with infringing on the liberty of an individual. The Commission caused a thorough probe into the matter through its own agency under the leadership of former DIG of Police and Chief Investigating officer of State Police Accountability Commission, Shri R.K. Bania, IPS ( Retd. ). The report reveals a sad story where a citizen of the Indian republic was unlawfully taken into custody, kept in unlawful detention and subjected to gross mis-behaviour. The liberty of an individual is the most precious of all human rights. The faith and trust of the people of India on liberty is verily set out in Article 20,21, and 22(i) & (ii) of the Constitution which speaks of the concern for human liberty. In a democratic polity, the rule of law is paramount and failure to maintain rule of law is an indication of the veritable collapse of the society at large.

The Commission's probe established the following events:

- (i) The Place of occurrence was at Dalgaon. The names of the accused along with the address were specifically mentioned in the FIR. The notification for arrest of the accused was to be done by the Dalgaon Police :
- (ii) The All-Women Police Station, Guwahati did not have the jurisdiction to investigate the offence. The place of occurrence was at Dalgaon and beyond the jurisdiction of the All-Women police



station, Guwahati. The case did not call for the O.C. of the All-Women Police Station, Guwahati, Ms Bina Kakati to investigate the case herself. The probe reveals that the O.C. Ms Bina Kakati went beyond her jurisdiction and indulged in irregular behaviour which was prejudicial to the dictates of law.

(iii) Thirdly, the probe further reveals that the custody of the arrested woman viz. Dipika Roy Choudhury, was shown at Jalukbari Police Out Post. Curiously, though, no record to this effect was ever produced or maintained. Everything was done in the most arbitrary fashion. Even if it is presumed that the lady was arrested at Dalgaon, in that case also, under the constitutional mandate it was imperative for her to be produced before the nearest Magistrate at Mangaldoi itself. The records of the All-Women Police Station, at Guwahati do not indicate that police personnel were indeed deputed to bring Dipika Roy Choudhury from Jalukbari to Panbazar Police Outpost on 30.10.08. The probe has also established interpolation of GD entries relating to the case.

The Commission after completion of the enquiry sent its findings along with its order to the Director General of Police Assam as required U/S 82 of the Assam Police Act with the necessary direction to lodge FIR against the arraigned police officer. The Commission provided an opportunity to the DGP, Assam to present a departmental view and any additional information on of the matter which was not within the knowledge of the Commission. Regrettably, the DGP did not respond to it within the time specified. Curiously, only after passing of the Commission's final order, the communication dated 9.4.2010 was received. The Commission did not discover any fresh evidence in this report to either alter or review its findings assuming the same

to be licit evidence, and the decision of the Police Headquarters, countering our decision, is not found to be based on any acceptable evidence. If it is not, then it must be treated as arbitrary, capricious and absolutely unauthorized. Decisions which are extravagant or capricious cannot be legitimate. We again deprecate the attitude of the police headquarters which has shown itself to be trying to evade the process of law and deliberately deviating from the path of rectitude and accountability. It cannot be gainsaid that the Police is to be seen and to see themselves as protectors of liberty, to be service-oriented and, accountable to law.

Before concluding, we cannot but comment on the imperiousness and contemptuous indifference shown by the State Police Hqs. to the function and purpose of a statutory institution like the SPAC. The police headquarters seems to have based its decisions more on arrogance, where there should have been a spirit of inquiry as well as introspection, and a willingness to assist the Commission instead of allowing its judgment to be clouded by extraneous factors.

Any deviation from the path of rectitude amounting to a breach of trust be severely dealt with instead of pushing it under the carpet. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

With these observations, we advise the Government to implement cause the Commission's directions with the utmost expedition. We trust the State Govt. will implement the mandate of law and take appropriate action in this regard.

**CHAIRMAN**

**MEMBER**

**STATE POLICE ACCOUNTABILITY COMMISSION**  
**ASSAM ::: DISPUR ::: GUWAHATI.**

**PRESENT**

**JUSTICE SHRI D.N.CHOWDHURY (RETD) - CHAIRMAN**  
**SHRI D.N.DUTT. IPS (RETD) - MEMBER**  
**SHRI D.N.SAIKIA, IAS (RETD) - MEMBER**

**SPAC Case No. 26/2008**

Md. Jahiruddin, Sipajhar, Darrang. ----- Complainant

**O R D E R**

Date : \_\_\_\_\_

Perused the complaint and the enquiry report received from the Superintendent of Police, Darrang. Also heard the Officer-in-Charge Sipajhar P.S. in person. According to the deposition made by the O.C. Sipajhar P.S. Shri J Dutta, the dispute between the complainant and the accused person has since been settled amicably. Md. Jahiruddin, the complainant appeared before the Commission of his own and corroborated the statement made by the officer.

Although the dispute has been settled at the behest of the O.C.Sipajhar P.S, the Commission is of the view that the duty of a Police officer is to act as per law, register a case and investigate. He should not enter into the dispute and go for settlement. Thus the Commission has decided to caution the O.C. Sipajhar P.S. accordingly to refrain from such acts in future.

The proceeding stands closed.

**CHAIRMAN**

**MEMBER**

**MEMBER**

**STATE POLICE**  
**ACCOUNTABILITY COMMISSION,**  
**ASSAM, HOUSE FED COMPLEX, DISPUR,**  
**GUWAHATI- 6**

Present

Justice Shri D.N. Chowdhury (Retd)	- Chairman
Shri D.N. Saikia, IAS (Retd)	- Member
Smti. Minati Choudhury	- Member

**Case No. SPAC/C/01/2009**

**Death of Monoj Deka in Police custody Vs. Morigaon Police**

**O R D E R**

Date \_\_\_\_\_

This matter is assigned to the Commission by the government notification No. PLA. 410/0895 dated 03.01.09. The full text apposite for the purpose of the report is of which notification is reproduced herein below:

GOVERNMENT OF ASSAM  
POLITICAL (A) DEPARTMENT, DISPUR

---

**ORDERS BY THE GOVERNOR**

**NOTIFICATION**

**Dated Dispur 3<sup>rd</sup> January, 2009**

No. PLA. 410/2008/25 : The Governor of Assam is pleased to hand over the case relating to the circumstances leading to the death of Shri Manoj deka, a CPI leader, Morigaon, in police custody at Morigaon on 4<sup>th</sup> July, 2008, to the police Accountability Commission under the Assam Police Act, 2007 with immediate effect.

Sd/- S.C. Das

Principal Secy. To the Govt. of  
Assam Home & Political Departments

With all its limitation, the Commission proceeded with the inquiry and for that purpose, the Commission initially called for the report along with detailed information from the Superintendent of Police, Morigaon vide its communication dated 29<sup>th</sup> January, 2009. In course of this proceeding the Commission also asked from the Government and the other agencies to furnish the relevant information including the magisterial enquiry report vide communication dated 5<sup>th</sup> March, 2009.

The Government vide Memo dated 24<sup>th</sup> July, 2009 forwarded a copy of the report of the enquiry conducted by the Additional Deputy Commissioner, Morigaon, who was entrusted to enquire into the cause of death under which assault of Shri Monoj Deka by police personnel was made. The communication was accompanied with the order dated 2.7.08 issued by the Deputy Commissioner, Morigaon with Memo No. MMJ.9/2008/4 dated 2.7.08 directing Shri P.C. Deka, Additional District Magistrate, Morigaon to enquire into the cause and circumstances under which the alleged assault of Shri Monoj Deka by Police personnel was made. The text of the order is reproduced below :

## “O R D E R

Whereas a report has been received that one Sri Monoj Deka, Secretary of Communist Party of India, Morigaon District Council was assaulted on 01.07.2008 by one police personnel namely Md. Rafiqul Islam causing serious injury on his person making him unconscious

And whereas following such injury Sri Monoj Deka was required to be shifted to Morigaon Civil Hospital for treatment and then subsequently referred to Gauhati Medical College, Guwahati for better treatment.

And whereas it has become necessary to cause an enquiry into the causes and circumstances leading to alleged assault on Sri Monoj Deka by police personnel as alleged. I Sri A.K. Phukan, District Magistrate, Morigaon do hereby institute a Magisterial Enquiry to be conducted by Sri P.C. Deka, ACS Addl. District Magistrate, Morigaon to enquire the causes and circumstances under which the alleged assault was made.

During the course of enquiry the Enquiry officer will ascertain the following:

1. Causes and circumstances under which the reported incident took place.
2. Whether injury was caused due to alleged physical assault or due to other reasons.
3. To identify the persons responsible for the incident including his immediate supervising authority.
4. Any other matter as may be determined by the Enquiry Officer.

The report of enquiry will be submitted within 3 ( three ) days.

Sd/-  
District Magistrate,  
Morigaon  
Date:-2/7/2008”

In due course the Additional District Magistrate, Morigaon submitted his report on 26.8.08 to District Magistrate. The report, inter alia, indicated that the place of occurrence was in the heart of Morigaon town- in the main police point No. 1 of the town nearly 300 metres from Morigaon Police Station. In course of enquiry learned ADC examined non-official witnesses who were present at the place of occurrence at the time of the incident. Apart from these four official witnesses were examined, viz. the OC, Shri K. Bora, PSO to Shri K. Bora, OC, Morigaon Police Station, Rafiqul Islam, the driver of OC, Shri Kamal Bora and other PSO of the OC, Morigaon Police Station. Shri B. Saikia, Superintendent of Morigaon Civil Hospital, Dr. Subodh Kr. Talukdar as well as Dr. D. Talukdar, the attending nurse Smt. Putuli Medhi, ANM, who attended the deceased Monoj Deka were also examined. She inter alia stated that she took necessary care while Monoj Deka was brought to Civil Hospital at about 7.45 PM. As per her statement, Monoj Deka did not sustain any physical injury and she did not get any smell of intoxicating substance like wine etc. He was in unconscious stage. The Additional Deputy Commissioner made the following observation in his report, which are set out below:

“ It reveals from the statement given by the eye witness and the other persons that Witness (a) Md. Matiur Rahman, the fruit seller adduced that Rafiqul Islam, the PSO of the OC after getting



down from the vehicle met Monoj Deka who was staying in front of the Chana Dokan near Haraganga Shasma Ghar” eye clinic. Rafiqul asked Monoj Deka to open the bag which was in his bicycle but Manoj Deka refused to do so. Then Rafiqul himself pulled out the bag from the bicycle and opened out the things over the ground. At this misdeed, Monoj Deka became angry with Rafiqul and met an altercation between them. Then Rafiqul gave a **heavy push back** to Monoj **by holding his arm** as a result **Monoj lost his balance** and hit the telephone post behind his back, slowly got seated on the ground following that he became senseless, seeing this 4/5 person standing there and he himself brought him immediate to Haraganga Sashma Ghar where he was given water on his head and after some time Traffic I/C Md. Faizul Haque brought one INDICA car and shifted him to Morigaon Civil Hospital.

OC, Kamal Ch. Bora was standing near the driver at that time, he did not take any initiative”

As per report of Dr. Talukdar, he knew Monoj Deka for several years back. As per his knowledge he did not have any serious illness save and except mild hypertension. He also stated that when Monoj Deka was brought to the Civil Hospital at about 7.45 PM he was in semi conscious condition and after some time he became completely unconscious and at about 8.15 PM the Doctor referred him to GMCH for better treatment. He made the following observation:

“Following facts have come into light after going through all the statement adduced before me and examination of the document is made available so far.

- (a) The incident happened on 1<sup>st</sup> of July, 2008 at about 7.30 PM
- (b) The place of occurrence is just near the main police point adjacent to Haraganga Sashma Ghar, an eye clinic at Baruah Market which is at a distance of 25 ft. and the place is situated with a fruit shop owned by Md. Matiur Rahman and a chana dokan owned by Sri Tankkeswar Nath and two telephone posts are there very near to chana dokan, which is very temporary and movable and the fruit shop is fixed. Sketch-“S” shows the location and two photograph shows the view of the place of occurrence.
- (c) Electric light was there, no power cut at that moment though it was denied by the prime accused Md. Rafiqul Islam.
- (d) Monoj Deka returned home after doing his marketing with his bicycle hanging the bag on it, he got a halt at just before the chana dokan to take some chana. The moment he arrived, the OC, Kamal Ch. Bora got down from his vehicle along with two PSOs one of them Md. Rafiqul Islam met Monoj Deka and involved in some altercation and pulled out the bag from the bicycle opened out the things on the ground, at this misdeed Monoj Deka rebuked the Constable. At this point Rafiqul treated him like any body (sic) and gave a push by holding his arm which made him imbalance, as a result Monoj Deka fell down on the 1<sup>st</sup> telephone post and slowly lost his balance completely, got seated on the ground and became semi-unconscious. People gathered there lifted him to

Haraganga Sashma Ghar after that he was brought to the Morigaon Civil Hospital and then shifted to GMCH and then to GNRC, Guwahati for better treatment on the same day but he lost his life after 3 days on 04.07.08 at 4.43 hours.

- (e) At Morigaon Hospital, Dr. Dilip Talukdar examined him and he did not find any physical injury and he was in semi-unconscious after some time became completely unconscious. He did not have smell of any intoxicating substance.
- (f) So far as the GNRC report is concerned Monoj Deka was admitted in their Hospital in a state of deep coma. He lost his last breathe on 4.7.08 at 4.43 hrs “ due to effect of hemorrhage in to the brain”
- (g) It reveals from the PM report ( Annex.- D) that the cause of death is kept pending till the report received from State Forensic Laboratory, Kahilipara.

Conclusion: Now, I have come to the conclusion and my findings to ascertain the following points.

1. **Causes and circumstances under which the reported incident took place:** It becomes evident that the incident took place on 1<sup>st</sup> July, 2008 while normal checking was going on in the heart of the Morigaon town in a time when people were busy for their marketing at 7-30 PM and when electric light was also there.
2. **Whether injury was caused due to alleged physical assault or other reason:** It became evident that there was (not) any physical injury but the internal injury might have taken place due to physical assault to Monoj Deka

by the Constable Md. Rafiqul Islam who gave a push to Monoj Dekha by holding his arm and hit the telephone post. But (the) cause of death could not be ascertained. It can not be established what caused the death of Monoj Dekha.

3. **To identify the person responsible for the incident including his immediate superior authority:**

- (i) **Md. Rafiqul Islam** the Constable No. 381, PSO to OC, Sri Kamal Ch. Bora is responsible for the incident.
- (ii) Sri Kamal Ch. Bora, who was the OC of Morigaon Police Station and immediate Sr. authority to Md. Rafiqul Islam is also responsible for the incident as it happened in his presence and the PSO Rafiqul was under his direct control. It is unbelievable that he did not see anything what his PSO was doing in his presence. If his PSO did anything wrong that might be due to his connivance. So OC, Kamal Ch. Bora also equally responsible for that unfortunate incident for his proper carelessness and negligence of duty.”

The Commission also perused Morigaon Civil Hospital’s Bed Head Ticket:, Ward –MMW, Hospital No. 6617/08, Indoor No.653 (B), Bed No. F.PC., Patient Name- Monoj Dekha was admitted on 1<sup>st</sup> July, 2008 at 7.50PM and he was discharged on the same day at 8.15 PM, i.e. immediately after 25 minutes the patient was referred to GMCH with the following note:

“MORIGAON CIVIL HOSPITAL  
BED HEAD TICKET

Patient Name- Manuj Deka	Ward –MMW
Age 55 yrs Sex-M	Hospital No. 6617/08
Religion-H	Indoor No. 653 (B)
C/O Deepali Deka	Bed No. F. PC
Village Phul Bar.	
PO Morigaon	
District- Morigaon	
Date of Admission – 1.7.08- at 7.50 PM	
Date of Discharge- 01.07.08 at 8.15 PM	
Referred to GMCH	
Diagnosis – CVA	Result- unchanged.,
( Handwriting illegible )	Referred to GMCH

Sd/- Illegible  
01/07/08”

From the aforesaid records provided to the Commission, it also found that a status report on Monoj Deka was issued by Dr. M. Ghose of GNRC Hospital on 9.7.08. As per the aforesaid report it appears that Monoj Deka was brought to the GNRC Hospital, Dispur on 1<sup>st</sup> July, 2008 at 22.10 hrs. When he was brought, he was in a state of deep coma. His GCS Score was 3/15. BP 180/90 mmHg, Pulse 55/min, Chest- Vascular breathing., CVS-SI 52 A2 P2 Normal. The report also indicated that he was sent to casual and administered Oxygen and MRI report reveals massive hemorrhage in to the brain. In spite of all medical measures the patient expired on 04.07.08 at 8.43 hrs due to hemorrhage in the brain. (Full text of the report is at Annexur **-II**).

The Commission also perused the report of the Deputy Commissioner addressed to the Commissioner & Secretary to the Government of Assam, Home Department vide No. MCN 4/2008/12 dated 13.07.08. The relevant part of the report is extracted herein below:

“On 1.7.08 at about 7.30 PM Shri Kamal Ch. Bora, OC, Morigaon PS with his 2 ( two ) PSOs were conducting mobile check in Morigaon town. During the checking one of the PSOs of OC, Morigaon PS intercepted a person with a bag in his bicycle and asked him to show the content of the bag. The PSO was one Shri Rafiqul Islam, constable. The person refused to show the bag to the constable and asked him to check the bag by himself. This was followed by some hot altercation between the constable Shri Rafiqul Islam and the person who was later identified to be one Monoj Deka, General Secretary of the CPI, Morigaon district Committee. After this altercation, the constable allegedly gave a **push** to Monoj Deka who fell down immediately. Monoj Deka tried to get up and move toward his bicycle which was lying nearby. But he could not get up and sat on the foot path where he fell down. The local people gathered and brought him to a nearby shop and then shifted to Morigaon Civil Hospital for treatment. After some preliminary treatment in the Morigaon Civil Hospital, Monoj Deka was advised to be shifted to GMCH. However, he was admitted to GNRC, Guwahati in a very critical condition on the same day.

The Constable Shri Rafiqul Islam was arrested and placed under suspension with the case. Shri Kamal Bora, OC, Morigaon PS was also removed and placed under suspension for negligence of duty by the Superintendent of Police, Morigaon.”

From the record it transpires that the attending physician referred Shri Manoj Deka to GMCH.

The Superintendent of Police, Shri M. Chetia, APS vide memo No. CB/MRG/08/DR/205-07 dated 10<sup>th</sup> July, 2008 submitted a detailed report regarding death of Monoj Deka before the Director General of Police Assam. The relevant part of the report is culled out herein below:

‘On 01.07.08 at about 5.00 PM SI Kamal Bora, OC, Morigaon PS went out from the Morigaon PS along with his 2 (two) PSOs in his Government Gypsy for conducting mobile checking in and around Morigaon town. This refers to Morigaon PS GD entry No. 25 dtd. 01.07.08. After conducting the checking in various places of the town, OC, Kamal Bora came to the No. 1 police point ( chariali ) at about 7-30 PM and instructed his 2 (two) PSOs namely ABC/381 Rafiqul Islam and ABC/37 Biren Saikia to check the rickshaws which were standing at some distance. The another PSO namely ABC/381 Rafiqul Islam also started checking of cycles etc. The OC was standing near his vehicle on the other side of the road (at a distance of about 55 ft). During the checking, ABC/Rafiqul Islam intercepted a person carrying a bag on his bicycle and asked him to show his bag. In reply the person told the constable that there was fish in the bag. The Constable asked the person to show the bag by opening it, but the person refused to do that and asked the constable to see the bag by himself. But the constable Rafiqul Islam did not do that and as such both of them involved in hot altercation. The constable also asked the person to come to Police Station in an angry voice by pushing him on his arm. On pushing the person lost his balance, but not fell down on the ground and able to remain stand and started rebuking police in

an exciting mood for alleged torture on innocent people in the name of checking and tried to move towards his bicycle which was lying nearby. But the person could not be able to (sic) move and slowly got seated on the ground. The people gathered there immediately brought him to a nearby spectacle shop and then shifted to Morigaon civil hospital. Later on, the person identified as Sri Monoj Deka ( 50), General Secretary, CPI, Morigaon Zila Parishad. The involved constable has been identified as ABC/381 Rafiqul Islam.

After preliminary treatment at Morigaon Civil Hospital, Monoj Deka was shifted to GNRC, Guwahati on the same day and on 04/07/08 he died at GNRC, Guwahati.

A case vide Morigaon PS C/No. 180/08 U/S 341/427/307/34 IPC add. Sec. 302 IPC has been registered and investigated. The accused Constable ABC/381 Rafiqul Islam has also been arrested and forwarded to judicial custody. SI, Kamal Bora, OC, Morigaon PS has also been removed and placed under suspension for gross negligence of duty.

It is mentioned that a magisterial enquiry is also instituted by Deputy Commission, Morigaon and Sri P.C. Deka, ACS, Addl. D.C., Morigaon is conducting the enquiry.

Following the incident, on 02/07/08 some supporters of CPI etc. tried to create unpleasant situation by setting fire on some police barricades and also to damage the traffic post. But police could able to control the situation and dispersed the agitated mob. On 04/07/08 a procession was also taken out by CPI workers, supporters on arrival of the dead body of Manoj Deka in Morigaon. Considering the gravity of the case, the case has been endorsed to inspector Kamal Ch. Das, ACI, Jagiroad. The case has been



supervised by the undersigned and all necessary instructions have been given for proper investigation of the case. I/O has also been instructed to proceed to the GMCH, Guwahati and GNRC, Guwahati for collecting the PM report/medical examination report etc. in respect of deceased Monoj Deka. Addl. SP (HQ), Morigaon has also been instructed to guide the I/O for proper investigation of the case.

Yours faithfully,

( M. Chetia, APS )

Superintendent of Police, Morigaon, Assam

After preliminary enquiry, the Commission thought it proper to cause an inquiry through its own agency and accordingly advised the Chief Investigating Officer Shri R.K. Bania, IPS (Retd) former Dy. Inspector General of Police to conduct probe under his leadership. The Chief Investigator got the case investigated and submitted his report. The Commission found lapses of serious magnitude on the part of the Morigaon Police and culpability on the part of the Morigaon Police leading to death of Manoj Deka, a CPI leader of Morigaon district. Monoj Deka, a prominent member of the civil society succumbed to death in custodial violence and torture committed by the then OC Shri Kamal Ch. Bora and his PSO, Md. Rafiqul Islam. From the enquiry report it appears that the deceased Monoj Deka had reached Police Point No. 1, Morigaon town of Morigaon district at the time of alleged incident. As per the eye witness account, on 1<sup>st</sup> July, 2008 at about 7.00 PM Shri Deka , a local CPI leader arrived at police point No. 1 on Morigaon Nagaon road running through the district HQ town of Morigaon district and it was seen that he had approached a chanachur vendor (Indian salted food retailer) for buying

chanachur and waiting there to get the eatables. At that time a constable came nearer to him and demanded to show his bag hung in his bicycle. Shri Deka allowed him to check but the constable insisted that he himself should show. Shri Deka replied that there was fish and the constable should verify. The constable laid bare the content of the bag which contained pieces of chopped fish and threw it on the ground. This infuriated Shri Deka protested against this high handed attitude of the constable. The constable in turn pushed Shri Deka by his shoulder demanding him to go to the police station and as a result of the attack Shri Deka collapsed to the ground. On-lookers took him from the ground to a close by shop where he was put under ceiling fan and water given. But Shri Deka did not show any sign of regaining consciousness and he was taken to the local civil hospital by civilians in a vehicle arranged by a traffic SI of Police. SI, Shri K. Bora, OC, Morigaon PS and his two PSOs were not visible at that stage and left the scene immediately after Shri Deka fell down.

The above personnel Rafiqul Islam, a police constable was detailed for the personal security of OC, Morigaon Police Station, Shri Kamal Ch. Bora and came to the place of occurrence at Police point No. 1 of Morigaon town accompanied by another PSO in a departmental vehicle with the O.C. The constable of Police on disembarkment from the Gypsy came to the spot on direction of the OC for checking and searches of offensive materials suspected to have been carried by CPI leader Shri Monoj Deka. The OC was standing nearby. But soon after Mr. Monoj Deka collapsed following the assault by the constable, the OC and his other PSO left the place hurriedly. This act of these two police personnel is obviously atrocious, diabolic, outrageous and tyrannical.

Admittedly there was no offense found against the police contingent and the crowd was also not unruly. But the OC and the constable instead of extending any help to the sinking person, hurriedly disappeared from the scene of crime.

In the hospital, the attending doctor Shri Talukdar on examination found that Shri Monoj Deka was not responding to the primary treatment nor did he regain consciousness. Shri Deka was referred to the GMCH, Guwahati. Shri Deka died on July 4, 2008 at the GNRC Hospital Shri Deka succumbed to his injuries after he collapsed at police point No. 1 at Morigaon on 1.7.08 at about 7-30 PM having assaulted by PSO of OC, Morigaon Police Station.

When the investigating agency reached the place of occurrence they could not locate the telephone post close to vending mobile shop of Shri Tankekswar Nath. The road side area at left turn curvature on Jagiroad – Nagaon road passing through Morigaon HQ in front of the Haraganga Shasma Ghar where Shri Tankeswar Nath was also found on the same business in the evening hours, was free from the telephone posts structure. The two telephone posts as indicated in the sketch of the PO in the Magesterial enquiry report were removed in the meantime. The investigating agency also found Md. Matiur Rahman, fruit vendor, Nirmal Paul of Haraganga Shasma Ghar and Tankeswar Nath, the fruit vendor/mobile vendor were found in their respective shops/premises. The three persons corroborated their statement as recorded by the Magistrate. One Atiqur Rahman and Prasanta Das who were employees of the Haraganga Shasma Ghar and were present at the time of occurrence of the incident were not found for examination as they left the job. These two persons offered their assistance to Monoj Deka after he collapsed at the PO. SI, Fazlul

Haque, a Traffic SI of Morigaon who was not examined earlier by the Magistrate was examined by the investigating agency. SI, Fazlul Haque stated that he arranged the vehicle from nearby car stand and was also the lone police officer attending Monoj Deka at that time after the incident, at Haraganga Shasma Ghar and arranged to send him to Morigaon Civil Hospital. He stated that he was on duty near the Police point No. 1 on 01.07.2008 at the time of incident at about 6-30 PM. When he approached the place of incident after the scuffle with a PSO of the OC, Morigaon PS he found one person aged around 48/50 sitting in a plastic chair in the middle of the counter of the Haraganga Shasma Ghar and the person could not reply to his query as to what happened. Though the person tried to speak, saliva oozed from his mouth and he appeared to be abnormal. A vehicle was searched out and the person was sent to the Civil Hospital. At the time of his approach to the person he found the PSO Constable, who had scuffle near the fruit vendor's shop and the OC, Morigaon PS at a place about 15 metres east of the PO and both of them were not present at the time of evacuating the person for medical assistance within a minute.

In due course, the investigating agency of the Commission, under the guidance and supervision of Mr. R.K. Bania, IPS (Retired), former Deputy Inspector General of Police on completion of its investigation, submitted the investigation report. The Commission perused the report mentioned above along with other materials on record relevant for the purpose of this enquiry. All things considered the Commission considers it appropriate to present its findings herein below:

The then officer in charge of Morigaon Police Station, Shri Kamal Chandra Bora acted in a most Sloven manner in engaging

his Personal Security Officer (hereinafter referred to as PSO) Rafiqul Islam in searching the deceased Monoj Dekka in blatant violation of the set rules required to be adhered by the PSO, issued by the concerned authority from time to time. The primary duty of the PSO is to protect the person for whom he is detailed and under no circumstances PSO is/was authorized to leave the protectee- Likewise the protectee is/was debarred by the rules to engage the PSO in other activity other than his personal protection. The PSOs are working on a given set rules. They are not suitable for duties other than the task to protect the protectee. The PSO should not have been detailed to deal with suspects which does not come as an integral part of their duties.

The culpability of the above noted police personnel in the incident leading to the death of Monoj Dekka laid bare by their conduct in running away from the place of occurrence leaving Monoj Dekka in an alarmingly struggling condition. This act of these two police personnel in deserting Monoj Dekka and leaving him stranded in a most critical time is unlike police and laid bare their culpability.

Conspicuous absence/non-visibility of the Morigaon Police was evident althroughout from the place of occurrence to the Civil Hospital, Morigaon, then to GMCH for the medical treatment of Monoj Dekka. Fortunately, however, Monoj Dekka was admitted at GNRC Hospital, Dispur where Monoj Dekka succumbed to death.

The absence of Morigaon police in the conduct of inquest of the dead body at GNRC and Post Mortem at GMCH is another vital circumstance. The Post Mortem as well as the inquest in case of this nature ought to have been video graphed as per the professed norms of Human Rights.

On examination of the General Diary of the Morigaon Police Station relating to the incident in question, the Commission found that the then OC of Morigaon Police Station made false entry in the GD No. 29 to cover up his involvement in the crime.

Investigation of the Morigaon PS Case No. 180/08 under Section 341/427/307 Read with Section 302 IPC discloses that evidences collected first in point of time were subsequently dissipated with unfair motive. The report of the Investigating Officer, Inspector Kamal Chandra Das is the basis of the Departmental Proceeding drawn up against the OC, Kamal Chandra Bora, SI, whereas the latest status report submitted before the Commission indicated that “evidence has to be collected from the witnesses and the circumstances prevailed during the incident”. The Commission discerns it as a contrivance to protect a wrongdoer so that the crime goes unpunished. It is absurd to learn from the status report that “ obtaining of the prosecution sanction against the Constable Rafiqul Islam and against SI Kamal Bora that too “ if sufficient evidence is found against him “ as one of the reasons for the obvious delay in the matter of an important investigation”. No extenuating circumstances were discernible for the outrageous **procrastination** of the departmental as well as of the criminal prosecution against the afore mentioned police personnel.

Basic human rights are guaranteed in the Article 21 of the Constitution so also right to personal liberty in the Constitutional Scheme. The role of police is basically to keep the peace of the society, not rather merely for maintaining law and order. Death in police custody is a worst form of crime. The powers of arrest, interrogation, detention, are basically streamlined in our

Constitutional policy. The Supreme Court of India in very many times clarified the situation. An individual while called for security check or searches is not denuded from his right to life. The searches are to be conducted with all the civility and decency in an unobtrusive manner. In this context it would be appropriate to recall the following observations of the Supreme Court of India made in D.K. Basu – Vs- Government of West Bengal.<sup>1</sup>

*“Fundamental Rights occupy a place of pride in the Indian Constitution. Article 21 provides “ no person shall be deprived of his life or personal liberty except according to procedure established by law”. Personal liberty, thus, is a sacred and cherished right under the Constitution. The expression “ life or personal liberty” has been held to include the right to live with human dignity and thus it would also include within itself a guarantee against torture and assault by the State or its functionaries. Article 22 guarantees protection against arrest and detention in certain cases and declares that no person who is arrested shall be detained in custody without being informed of the grounds of such arrest and he shall not be denied the right to consult and defend himself by a legal practitioner of his choice. Clause (2) of Article 22 directs that the person arrested and detained in custody shall be produced before the nearest Magistrate within a period of 24 hours of such arrest, excluding the time necessary for the journey from the place of arrest to the*

---

<sup>1</sup> (1997) 1SCC 416 (424)

***Court of the Magistrate. Article 20 (3) of the Constitution lays down that a person accused of an offence shall not be compelled to be a witness against himself. These are some of the Constitutional safeguards provided to a person with a view to protect his personal liberty against any unjustified assault by the State. In tune with the Constitutional Guarantee a number of statutory provisions also seek to protect personal liberty, dignity and basic human rights of the citizens .....***”

We have already indicated the state of affairs in which a citizen while returning home along with the provisions had to give up his life in most traumatic condition at the hand of the arm of law. Here the peace keeper turned in to law breaker. If the functionaries of the Government become transgressors of law, it is apt to engender disdain for law and would encourage lawlessness thereby leading to anarchism. No civilized nation can permit that to happen<sup>1</sup>. Likewise in Nilabati Behara \_ Vs \_ State of Orissa,<sup>2</sup> the Supreme Court pointed out that prisoners and detenues are not denuded of their fundamental rights under Article 21.....it was observed: (SCC p. 767, para 31.)

***“.....The precious right guaranteed by Article 21 of the Constitution of India cannot be denied to convicts, under trials or other prisoners in custody, except according to procedure established by law. There is a great responsibility on the police or prison authorities to ensure that the citizen in its custody is not deprived of his right to life. His liberty is in the very nature of things circumscribed by the very fact of his confinement and therefore, his interest in the limited liberty left to him is rather precious. The duty of care on the part of the State is strict and admits of no exceptions. The wrongdoer is accountable and the State is responsible if the person***



***in custody of the police is deprived of his life except according to the procedure established by law.”***

A citizen is not divested of his life and personal liberty guaranteed by the Constitution even when he is subjected to search by a police man. The basic fundamental right to life is not deflated or extinguished on one's arrest or when one is subjected to check of search. The duty to take care is imperative and admits of no exception.

The two police personnel namely Shri Kamal Bora, O/C Marigaon Police Station and his PSO Rafiqul Islam cannot escape the culpability of causing death of Manoj Deka. The facts and circumstances unerringly pointed to their guilt. The distressing fact is the police as well as the Marigaon District Administration sought to water down the crime. The PSO Rafiqul Islam criminally assaulted Manoj Deka which led to his death. Each of the Officer including District Officer did not even dare to use the word assault on the deceased instead every one tried to dilute the offence and use the words like “push/dash” caused by the constable that led to collapse of Shri Deka. Irresponsible police force is worse. Worst thing is attempt to cover it up or diluting the crime. Man wants his liberty to be protected, no matter what his race, religion or social standing is. While frisking or searching by the police and security force with a citizen should not act as if searching an enemy at war where laws hardly apply. In all situation the police is to retain humanity and the law of the land. In the instant case the concerned authorities failed to maintain the law of the land and an innocent person became the victim of police aggression. It is most and reprehensible and irresponsible act. As far back as in 1960 Lord Devlin in his treatise “ The criminal prosecution in England by

Patrick Devlin, amongst others observed.....since the worst things of all is to have an irresponsible police force, and the next worse is to have one i.e. responsible only to the executive and in way answerable to the courts- is it not better, it may be argued to leave the police in sole search of the enquiry but to see to it that they act under a sense of responsibility to the courts for what they do?”

The aforesaid two police officials were involved in a crime of murder of an innocent citizen. In the interest of upholding the law of the land the guilty persons are to be punished. A responsible police of a democratic country is duty bound to conduct a fair and credible investigation and book the accused persons to the courts. The alleged offenders are answerable to the courts and first and foremost duty was to complete a fair and speedy investigation and assist the court’s function to dispose the case at the earliest. The materials though surfaced in our investigation apart from the offences under 302, 341, 427 read with apart from -----is offenders required to be booked under Section 193, 471 read with 203 of the IPC. An accountable police need to act promptly in such matter to restore and inspire public confidence. Indulgence to law breakers will not only affect the credibility of the peace keeping force but also damage democratic fabric. Likewise an accountable police authority ought to have completed the departmental proceedings and punish the guilty persons by this time. The Commission made this observation keeping in mind its statutory obligations conferred by law. The forthright observation of the Commission should not be taken amiss as a reprimand but should be taken as an observation made to strengthen the peace keeping force and enhance the accountability and its worthiness of armed police. The

impression of the police will review through responsible conduct, accountability and impartial and transparency.

The Commission reiterated its inability to submit the report promptly as was aimed at by the Commission itself. The task reposed by the Government to the Commission was indeed challenging to keep pace with the vibrancy, the institution needed resources. Dearth of resources stood in the way in submitting report in time as was expected by the Commission.

CHAIRMAN

MEMBER

MEMBER

**STATE POLICE ACCOUNTABILITY**  
**COMMISSION,**  
**ASSAM, HOUSEFED COMPLEX, DISPUR,**  
**GUWAHATI- 6**

Present

Justice Shri D.N. Chowdhury (Retd)	- Chairman
Shri D.N. Saikia, IAS (Retd)	- Member
Smti. Minati Choudhury	- Member

**Case No. SPAC/C/02/2009**

Managing Director, Assam State Ware Housing Corporation  
Vs  
S.I. W. Rahman and others.

**O R D E R**

Date \_\_\_\_\_

Perused the order dated 28.07.2010. By the said order the Commission communicated its findings to the Director General of Police of the State and the State Government along with the tentative opinion of the Commission for initiating criminal prosecution as well as Departmental Proceedings against the officers mentioned. In terms of the proviso one of Section 82 an opportunity was offered to the Director General of Police to present the Department's view and additional facts if any. Nothing proffered by the Police Headquarter not to the speak of any additional facts. The Commission gave anxious consideration on the matter but did not find any justification to review its order. All

things considered, the earlier order dated 28.07.2010 passed by the Commission is thus made absolute. The Director General of Police of the State is now to take all necessary steps for causing to register a FIR against SI W. Rahman and Inspector Imran Hussain Khandakar of Dispur Police Station as mentioned earlier in the order under sections 341/34 of the IPC read with section 99 (3) of Assam Police Act, 2007. In addition, the department is also directed to initiate Departmental action on the basis of the evidence collected by the Commission. The above direction for criminal prosecution is ordered keeping in mind the omission and commission of the aforesaid officer where rule of law has become casualty and innocent citizens are detained arbitrarily in a high handed fashion, bringing disrepute to the State. In a democratic country, wedded to the rule of law police is to provide for impartial and efficient police service safeguarding the interests of the people making the police for a professionally organized, service oriented and accountable to law. Instead of preserving the law in the instant case these two persons engaged themselves in adjudicating alleged disputes between the parties in blatant violation of law. The directions are issued keeping in mind the mandate of the law and police accountability. With the above direction the matter stands closed. All concerned authorities are to take appropriate action accordingly and submit action taken report within a month of receipt of the order.

CHAIRMAN

MEMBER

MEMBER

**STATE POLICE ACCOUNTABILITY COMMISSION**  
**ASSAM :: HOUSEFED COMPLEX :: DISPUR ::**  
**GUWAHATI.**

**PRESENT**

JUSTICE SHRI D.N.CHOWDHURY(RETD.)-	CHAIRMAN
SMTI. MINATI CHOUDHURY	- MEMBER
SHRI D.N.SAIKIA, IAS (RETD).	- MEMBER

**Case No.25/2009**

Shri Arun Chakrabarty.....Complainant.

**ORDER**

Date.....

The Commission received a complaint lodged by one Shri Arun Chakraborty alleging that S.I. Binoy Kalita of Bharalumuk P.S. called him up over phone on **2/9/2009** to Bharalumukh P.S. and when arrived at the P.S. he was assaulted, confined in lock-up and was taken him being hand cuffed for searching his house by S.I. Fakaruddin Burbhuyan accompanied by Arun Acherjee who lodged a complaint against him on **25/7/2009** demanding withdrawal of a court case against Shri Arun Acharjee lodged by Shri Arun Chakrabarty.

The complainant Shri Arun Chakrabarty further alleged that he was arrested on **2/9/2009** at **9:30** A.M. and he was denied from the procedural safeguards as provided in the Cr. P.C., search list and was also not medically examined on **3/9/2009** before he was produced before the Judicial Magistrate and sent to jail. During search at his residence Shri Arun Acherjee took away Rs. 24,400.00 from his almira in presence of S.I. F. Barbhuyan who

demanded for payment of Rs.1. lakh being gratification, denial to which he was lodged in the P.S. lock-up instantly by the said S.I. of police.

The complainant Shri Arun Chakrabarty alleged that an FIR was lodged at Fatasil Ambari P.S. on 8/9/2009 which the said police station did not accept due to which he submitted the FIR to the Sr. Superintendent of Police City by post. But no case was registered and investigated.

On receipt of the complaint the Commission called for a report from the Sr. S.P. city and para-wise comments to the allegation from the concerned police officials namely Shri Fakaruddin Barbhuyan, S.I. Binoy Kalita and S.I., Mina Kanta Dutta, O/C Fatasil Ambari P.S.

Sr. S.P. City did not submit the report as called for. He requested for time but no report was received from him at all S.I. Fakaruddin Borbhuyan and S.I., Mina Kanta Dutta have denied the allegations while S.I., B Kalita however admitted that he called complainant Shri Arun Chakrabarty over phone for a LIC policy but not in connection with the case.

The Commission having been not satisfied with the replies of the Sub-Inspectors, F Barbhuyan, B. Kalita, M.K. Dutta, heard personally and engaged its own investigating agency to enquire into the allegations. In due course the Investigating agency of the Commission submitted its report.

The Commission is of the view that the Sr. S.P. city has defaulted to apprise the Commission as to the veracity of the allegations brought against the Sub- Inspectors in particular and the city police administration in general in matter of very serious nature as alleged by the complainant Shti Arun Chakrabarty to the

Commission. The investigation report reveals that S.I, B. Kalita has no reason except calling Shri Arun Chakrabarty in connection with a complaint against him submitted by Shri Arun Acharjee on **25/7/2009** ostensibly lying with police without action till the alleged accused reported at Bharalumukh P.S. on **2/9/2009** at the call of S.I. B. Kalita. Hence S.I, B. Kalita's plea has no substance.

The investigation report reveals that S.I. Fakaruddin Barbhuyan confined, lodged in lock-up and arrested Shri Arun Chakrabarty without following legal procedure. Seizure of the 'legal notice' at Bharalumukh P.S, search and seizure list at the rented house of the complainant do not justify arrest in a case which calls for verification of records. Records indicate that signed blank cheque was issued and when the cheque was dishonoured and a legal notice was issued, the case was taken up on **1/9/2009** on the FIR dated **25/7/2009** without recording the reason for the delay in registration. The arrest memo bears the testimony of date and time of arrest after more than **17** hours as recorded by the relative of the arrested person therein. The Commission has taken serious view of the perfunctory investigation conducted as well as on the action of S.I. Fakaruddin Barbhuyan and O/C Prafulla Bora of Bharalumukh P.S.

The Commission is of the view that the O/C of Fatasil Ambari P.S did not accept the FIR from the informant with the obvious reason to avert legal action against his fellow police officer. Likewise the conduct of the Sr. S.P. City police abstaining from furnishing his reply and not acting on the FIR submitted to him by the complainant thereafter facilitating for sending the complainant to the jail in a concocted case. The act of the police officials namely S.I. Fakaruddin Barbhuyan, Binoy Kalita and M.



K. Dutta of the City police are opprobrious. In the set of circumstances the Commission directs the Director General of Police, to initiate departmental proceeding against the aforementioned Police personnel with intimation to the Commission.

The Commission has expressed dissatisfaction at the superintendence of the city police by the Sr. S.P. who failed in his duty to dispose of the matter of serious allegation against the police officers promptly. The Officer could have submitted his report within the time with his utmost alacrity and zeal to redress public grievances. The S.P. city holds a key position in the city police administration quick disposed should be his forte. Transparency and accountability in the city police administration will only ensure credibility and beget public trust.

The Director General of Police of the State shall be at liberty to present the department's view and additional facts if any, not already in the notice of the Commission, within four weeks from the receipt of the order along with the materials relied by the Commission. The Commission shall thereafter finalize its opinion.

CHAIRMAN

MEMBER

MEMBER

**STATE POLICE ACCOUNTABILITY**  
**COMMISSION, ASSAM, HOUSEFED COMPLEX,**  
**DISPUR, GUWAHATI- 6**

**Present**

Justice Shri D.N. Chowdhury (Retd)	- Chairman
Shri D.N. Saikia, IAS (Retd)	- Member
Smti. Minati Choudhury	- Member
Shri S.P. Ram, IPS (Retd)	- Member

**Case No. SPAC/C/02/2010**

**Suo Motu Case Against Officer i/c Sarbhog PS**

**O R D E R**

**Date** \_\_\_\_\_

The SP concerned did do no such things like personally supervising the incident as well as look into the aftermath of the situation. The internal mechanism towards transparency, accountability and good governance were ignominiously ignored by the department in the case in hand.

In the set of circumstances, the Commission therefore, had to interpose and remind the authority to discharge the obligations. To safeguard the interest of the people, the Commission had to prompt the authority for taking the suggested measures subject to the observation made above. Proceedings thus stand closed.

CHAIRMAN

MEMBER

MEMBER

MEMBER

# **ANNEXURE-I**