

Back from Barak

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Barak Valley is that part of the globe which is located in southern part of the state of Assam in India where about five million people live mainly on agriculture. Almost 80% people of Barak Valley belong to Bengali speaking Hindu and Muslim communities and others are Manipuri (Both Meitei and Bishnupriya), Hindi speaking people, Dimasa Khasi-Pnr, Hmar, Riang etc. while Assam, or for that matter the entire North East India is populated by nearly 70 ethnic groups.

The land now known as Barak Valley was in part an independent kingdom known as Cachar before the British annexed it to the empire in 1832 and the rest was a part of Sylhet district of Bengal. The districts of Cachar and Sylhet along with Goalpara were appended to Assam in 1874. At the time of partition in 1947 following the referendum as to the question of joining India or Pakistan held in Sylhet as per recommendations of the Redcliff Commission the area covering the jurisdiction of three and a half police stations of Sylhet district joined India and the district of Cachar was formed of four sub-divisions, namely, Cachar, Karimganj, Hailakandi and North Cachar Hills. Later on North Cachar Hills was carved out from Cachar and annexed with Mikir Hills. Subsequently in 1983 Karimganj and in 1993 Hailakandi were declared separate of Assam. Now Cachar, Karimganj and Hailakandi districts are known as Barak Valley for their relative geographical and cultural unity after the name of the main river of the area.

After a few years of the independence of India the ethnic groups of North East India, a region rich with cultural and geographical diversity, tended to slacken ties with each other and the main land India. Nagaland, Mizoram, Meghalaya and Arunachal were carved out from Assam and were made separate states. This politics of assertion and establishment of separate identity gave birth to the violent secessionist movements through the pangs of Language Movement of 1961 in Barak Valley, Assam Movement of seventies culminating in the Neelie Massacre of 1983 ultimately resulting in formation and operation of various underground outfits turning the region into a conflict zone. The battle field where the main casualties of the conflicts are security, justice, peace and human rights includes Barak Valley also. The valley being a free play ground of corruption, nepotism, political vested interests as well as illiteracy and poverty the human plight here got further worsened.

The human rights situation is very pathetic in the valley mainly due to some factors such as; firstly, draconian laws kept in force by the centre in the area. The Armed Forces (Special Powers) Act, 1958, for example, empowers even a non-commissioned officer of force to shoot to kill anybody, if he is in the opinion that it is necessary to do so. They have got total impunity under the Act. Secondly, insensitivity of the other police forces towards the rights of the people. They still operate under colonial Police Act of 1860. Last but not the least is illiteracy and unaware-ness of the people regarding their rights and duties. A sample survey conducted by Barak Human Rights Protection Committee (BHRPC) indicates that 76% of the people don't know that they have the right to know the grounds of

arrest at the time of arrest by a police officer. 78% of the people are not aware that an arrestee must be produced before the magistrate within 24 hours excluding the time of journey. 83% people have no knowledge about the right to free legal aid. 51% believes that it is the fate of an arrestee to be tortured mildly in police custody. 83% of those interviewed told that they think it is not wrong for an arrestee to be handcuffed in all circumstances. 87% of the people have no knowledge about the arrest memo. 65% think that police can arrest women even in the time between sunset and sunrise. So, it is no wonder that rights of arrestee are violated by the security forces in the one way or the other nearly in all cases of arrest, detention and during other pre-trial procedures.

As a result, there are innumerable cases of human rights violations by the security forces in the valley such as non-registration of FIR in genuine cases, implicating innocent people in trumped up cases, harassment and violence by the police in the name of search and raids, detention and arrest in false charges, use of excessive force in time of arrest even to the extent of causing serious injuries, tortures in custody sometimes leading to custodial deaths and rapes, opening fire leading to serious injuries and death in the face of slightest or no provocation, staging drama of encounters, enforcing disappearances and many other such form of violations and violence against the people showing utter disregard to the law of the land.

Some recent grave cases of violation of human rights perpetrated in the valley, which are documented by BHRPC, would drive home the points made above. So some of them are given below as samples:

1. Illegal detention of Hussain Ahmed Laskar.

A senior citizen named Hussain Ahmed Laskar, S/o Late Twahir Ali Laskar of village Neairgram Pt.-I under Silchar Sadar Police Station in Cachar district in Assam was detained by the Officer-in-Charge of the said police station at 3 pm on 7/10/06. After some time, when he was contacted and informed of the fact, the Secretary General of Barak Human Rights Protection Committee visited the police station and came to know that the detainee had come to the Police Station to enquire about the charges of offences against one Habibullah Laskar and others. Mr H A Laskar is a retired head master and a respectable person in his village. However, the Secretary General came to know that there is a police case against him vide Silchar Police Station Case No. 1208/06, although, the Hon'ble Gauhati High Court had accorded him pre-arrest bail regarding the case vide BA No. 2401 / 2006 dt 27-09-06. As the Secretary General smelt foul play in the offing on the part of the police against the detainee he guarded him physically till 2 AM. The senior citizen was kept sitting and standing and meted out rude behaviour the whole night. Next morning a team from BHRPC led by Advocate Imad Uddin Bulbul, legal adviser to BHRPC visited the police station and rescued the detainee. He was detained illegally for about 23 hours by the police without following the required procedure of arresting persons established by law. The detainee informed that before the visit of Secretary General, police were pressing him hard for Rs 10,000.00 (Ten thousand) only as the price for his release.

2. Death of Hashmat Ali caused by Police in his Home.

A daily wage labourer named Hashmat Ali, son of Imam Uddin of Vill : Burunga Part-1 under the Katigorha Police Station in the district of Cachar,

Assam was killed by police personnel of Kalain Outpost in the intervening night between 30 April & 1st May, 2007. It was not a case of mere shootout but it was a pre-planned action of home invasion. In-charge of Kalain outpost Sub Inspector Sewa Sinha led the invading police team which at about 11-30 pm attacked the house of the deceased and ferociously made their way into the rooms breaking the doors. They started breaking utensils and furniture and abusing, beating and humiliating the inmates of the house including women and children. Being terrified the deceased desperately jumped through the window and ran towards the paddy field. When he was about 200 metres away constable Tapan Hazarika opened fire and shot three rounds. Neighbours of the deceased testified that they heard three times the sound of firing. The deceased died on the spot. Police, without informing the family members, brought him to the Silchar Medical College & Hospital, Silchar. The doctors of SMCH declared him dead. The widow of the deceased was informed next day that her husband was getting treatment at SMCH. When she reached the Hospital the performance of autopsy of the body of her husband was complete.

3. Death of Pia Das and Harassment of Kiran Sharma in the Hands of Police.

A young woman named Pia Das alias Piu Das, wife of Shankar Das of Atal Basti, Silchar under the Silchar Sadar Police Station in Cachar, Assam died abnormally at about 2.30 pm on 19th April, 2007 at Silchar Medical College & Hospital, Silchar. She was married to Shankar Das in 2002 and they were blessed with a son now aged about four years named Rahul Das. Late Pia Das had suffered mental and physical torture in the hands of her husband and in-laws for her inability to satisfy their demand for dowry. Like many other day on that fateful day she was beaten by her husband mercilessly. Her husband struck on her head with a sitting stool for which she fell down and became unconscious and later, as stated above, she breathed her last in the hospital. Mother of the deceased Kiran Sharma went to Ghungoor Outpost to lodge a complaint on this issue on 22/04/07. The In-charge of the said Outpost Sub-Inspector Nihar Ranjan Das demanded rupees 5000.00 (five thousand) only for registering the complaint as an FIR. Subsequently Kiran Sharma informed the Deputy Commissioner, Cachar about the circumstances in which her daughter died and demand of bribe by police. She also lodged a complaint in the Court of Chief Judicial Magistrate, Cachar regarding the matter but no action towards enforcing her right to justice, truth and reparation has been taken.

4. Custodial Torture and Death of Motahir Ali.

An innocent poor labourer named Motahir Ali Tapadar, 38 years, S/o late Akaddas Ali Tapadar of village Bhatgram (also known as Bhatghat and/or Brahmangram) under the Katigorah police station of Cachar, Assam died on 21 September, 2007 in the custody of police personnel posted at Kalain Police Patrol Post (PP). He was taken into custody on 20 September, 2007 by Narain Tamuli, the In-charge of the PP in connection with Katigorah Police Station Case No. 453/07 which charged him of assault to his co-villagers Sahabuddin and others. When Alimun Nesa, widow of the deceased, her minor son Salman Uddin and other co-villagers visited the PP, they saw Sub-Inspector Narain Tamuli, Assistant Sub-Inspector PR Nath and Constable Ramzan Ali were beating and torturing Motahir Ali in other manners brutally. When Alimun Nesa beseeched

for mercy and release of her husband the police assaulted her and her minor son and others were threatened, taunted and bullied away. In the morning next day she again came with her son to see her husband and she saw her husband was still being tortured and his condition had got very bad. Once again she wept and cried for mercy. This time SI Narain Tamuli demanded from her a sum of rupees 10,000.00 (ten thousand) only for releasing her husband. At the expression of her inability to satisfy this demand the said SI canned her several times and even kicked her in the belly in her pregnant condition. Her minor son Salman Uddin was also assaulted. In the way police kept torturing Motahir Ali till he breathed last at about 1pm.

5. Destruction of Police Post by Police Themselves and Charging Innocent People.

In the wake of the incident of torture and death of Motahir Ali Tapadar on 21 September, 2007 in the custody of police posted at Kalain Police Patrol Post under Katigorah Police Station in Cachar, Assam the police themselves set fire on the PP and Bhairavpur-Klain Gaon Panchayat office situated in the same campus and burnt them down in order to distract the attention of people from the death of Motahir Ali. Subsequently SI Biswajit Sinha registered Katigorah Police Station Case No. 455/07 under sections 147, 149, 447, 448, 336, 333, 436 and 307 of the Indian Penal Code, 1860 against Faruk Ahmed Laskar, president of Kalain Citizen Forum and other 500 (five hundred) unidentified persons accusing them of the very offences which were committed by police themselves. In connection with this trumped-up case the police conducted frequent raids, caused persecution and harassment to the people residing in the village of Bhatgram. Police also arrested Faruk Ahmed Laskar, Ibazul Haque Laskar, Imamul Hoque and Saidur Rahman Barbhuiya who were later accorded bail by the Gauhati High Court.

6. Serious Injury to Saidur Rahman in Police Firing and His Subsequent Arrest.

A boy aged about 17 years named Saidur Rahman Barbhuiya, son of Abdul Nur Barbhuiya, Village: Dhumkar under Katigorah Police Station in Cachar, Assam was hit by a bullet in his left leg and seriously injured on 21 September, 2007. After the death of Motahir Ali Tapadar in police custody on 21 Sept. 2007 the people of Kalian gathered in front of Kalian police patrol post and demanded the arrest of Narayan Tamuli and other police personal who were responsible for the death of Motahir Ali. To disperse the gathering police opened fire and caused 80 rounds of firing at the order of Circle Inspector P S Das. At that time the victim was watching the incident from the roof top of a nearby two storied building when he was hit by a bullet and badly injured. He was admitted to the Silchar Medical College & Hospital, Silchar. After a little recovery when he was released from the hospital the police arrested him in connection with the Katigorah P S Case No. 455/07, which was registered against the persons gathered in front of the PP and demanded arrest of the police personnel responsible for the death of Motahir ALi bringing false charges against them, showing utter disregard to the logic and common sense. Saidur Rahman was watching the incident from the roof top of a two storied building when he was hit. So, he can never be a part of the gathering for the dispersal of which police opened fire. Moreover, as per the claim of the police, they fired in the air in order to frighten away the crowd. If he

was a part of the crowd it is clear that all the bullets are not fired in the air as they claimed.

7. Death of Jamir Uddin caused by CRPF Personnel in a Home Invasion.

In a home invasion 5 (five) Central Reserve Police Force personnel belonging to Gharmura Camp of E-147 company at about 10 am on 22 Oct, 2007 shot dead one Jamir Uddin Laskar, about 35 years of age, of village Bainchera (also known as Bhaichera) under the Katlichera Police Station in Hailakandi, Assam. At the time of the incident the deceased was collecting grass to graze his cattle from a paddy field near his house where five CRPF men accompanied by one Rizwan Uddin, who is known to be a CRPF informer, accosted him. His wife Anowara Begum, sister Sazna Begum and neighbour Moizun Nesa came to the place of occurrence after getting information. They saw and heard Rezwan Uddin was asking the men in uniform to shot Jamir Uddin pointing his fingers towards the latter who was dumbfounded at the sight. At that moment Sazna and Anowara started to cry and beseech the men with arms to spare the life of Jamir Uddin at which they were beaten, kicked, abused and humiliated. At the instance of Rezwan Uddin the CRPF fired a shot targeting Jamir Uddin which was missed, the second shot also missed but the third bullet hit on the back of the target, who had already started to run away, and piercing his chest exited. The critically injured victim was sent to the Silchar Medical College and Hospital, Silchar where he was declared dead at 6-30 P.M that day.

8. Murder of Leela Begum and Subsequent Displacement of Her Mother and Children with the Abetment of Police.

A widow named Leela Begum of Pangram Part-IV under the jurisdiction of Udharbond police station, Assam was strangled to death on 8 Nov, 2007. Kabirun Nesa, the mother of the deceased, was warned of grave consequences that she will be killed if she files complaint with the police. However on 14th Nov, 2007 Kabirun Nesa lodged a complaint with the Chief Judicial Magistrate, Cachar regarding the incident. The Court of CJM forwarded the complaint to Udharbond police station for registration of an FIR and investigation. But the police did not respond. More over, Kabirun Nesa was driven away from the house of the deceased where she was staying and looking after the two minor children of the deceased. All of them now left the house to save their lives and was wandering here and there in the city of Silchar. Members of Barak Human Rights Protection Committee met them and took them to the Deputy Commissioner and Superintendent of Police, Cachar separately on 20 November, 2007. Both the officials were urged by the organization to provide the victims with safety and security and to rehabilitate them in their house as they were rendered shelter-less. The officials were also requested to arrest the accused of the said murder case while expediting the investigation. But till date no action has been taken towards enforcing the victim's right to justice, truth, reparation and shelter. At the request of the organization a benevolent person of Madhurband, Silchar gave them temporary shelter.

9. Assault on Journalist Facilitated by the Wilful Negligence of Police.

Abijit Bhattacharjee, reporter with *Barak Television Network*, Anup Das camera person of the same channel and another camera person were assaulted and injured by a group of hooligans when they were covering on-going polling at

Atal Basti J P Das L P school poll centre on 9th January, 2007 in Cachar, Assam in the presence of security personnel posted there. As the police remained silent spectators the attackers inflicted such grave injury to Abijit Bhatta-charjee that he had to remain at Silchar Medical College and Hospital, Silchar for more than 14 days. However, an FIR was registered against the accused but none is arrested and no action has been taken against the negligent police personnel.

10. Rape in Silchar Medical College Campus.

A minor girl named Rustana Begum of 15 years was raped in Silchar Medical College and Hospital, Silchar at about 5 pm on 2/2/08. She was attending her mother Sunapakhi Bibi of Kanchanpur Pt-I, Hailakandi, Assam, who was undergoing treatment at the orthopedic department of the Hospital from 10th January, 2008. At the time of incident Rustana Begum was going to the canteen to fetch hot water for her mother. Two security guards named Rahim Uddin Mazumder and Bishwajit Ghose, both of whom hail from Masimpur, Silchar and employed by Barak Security Agency, a private security providing firm, which was providing security to the said hospital under contract, stopped her at the door of the room of Medical Record Department when she was going to the canteen to fetch hot water and forcibly brought her in Out Patient Department room which usually remains closed at such hour of the day and they committed rape alternately on her. All this happened before the eyes of Atul Das, a fourth grade employee of the said Hospital who remained a silent spectator. Shushantha Nath and Surendra Singh, the two in-charges of security at the said Hospital on behalf of the BSA, threatened the victim, her mother and her relative Abdul Mannan with dire consequences and asked them not to disclose the incident and inform the police. However, Sunapakkhi Bibi, the mother of the victim lodged an FIR regarding the matter vide Silchar Police Station Case No 208.08 dt 6/02/08. Abdul Mannan also filed a complaint with the Court of the Chief Judicial Magistrate, Cachar regarding the threat to life of the victim, her mother and his own life under section 107 of Criminal Procedure Code, 1973 on 7/02/08.

In the present state of the things nobody hopes that the victims may be given their rights to justice, truth and reparation. Violators would not be brought to justice as there prevails a de juro as well as de facto impunity regime in the region. So the people would go on suffering at the hands of those whom they pay.

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