



# National Human Rights Commission, New Delhi, India

## Case Details of File Number: 133/3/2004-2005-AD

Diary Number	11143
Name of the Complainant	SUHAS CHAKMA, DIRETOR
Address	ASIAN CENTRE FOR HUMAN RIGHTS JANAKPURI WEST DELHI, DELHI
Name of the Victim	DWIPEN BAYAN
Address	NA WEST DELHI, DELHI
Place of Incident	BODOLAND TERRITORIAL ASSAM, ASSAM
Date of Incident	1/26/2004

### Direction issued by the Commission

These proceedings shall be read in continuation of the earlier proceedings of Commission dated 4-5-2007. On 4-5-2007, the Commission observed and ordered thus:- "On consideration of the post mortem report and other facts and circumstances of the case, the Commission is prima facie convinced that there was blatant violation of human rights of the deceased Dwipen Sayan. Life is a divine boon and Article 21 of the Constitution guarantees the safety of life. The police is under legal obligation to protect the life and property of citizen. If the police itself is found involved in violation of human rights, it becomes a matter of serious concern to the society. Therefore, the Commission is satisfied that it is a fit case of grant of immediate interim relief. Therefore, notice u/s Thus, it is a clear violation of human rights and it is a fit case in which payment of immediate interim relief to NOK of deceased should be recommended. Accordingly, it is directed that a Notice u/s 18 (3) of the Protection of Human Rights Act 1993 be of the Protection of Human Rights Act, 1993 be issued to the Govt. of Assam thorough its Chief Secretary to show cause why immediate interim relief be not recommended to be granted in favour of the next of kin of the deceased, Dwipen Sayan. The status of FIR No. 16/05 u/s 302 IPC also be obtained from SP, CID, Assam. Response in 6 weeks. Put up thereafter". Pursuant to the directions of the Commission, Joint Secretary, Govt. of Assam, Political (A) Department, vide communication dated 15-6-2007 submitted that two cases relating to death of Dwipen Bayan s/o late Saaton Bayan of Udalguri town were registered by Assam Huamn Rights Commission vide case No. 5225 and 5226. In the judgement and order dated 26-12-2006, AHRC ordered payment of rupees one lakh to the next of kin of late Dwipen Bayan. It has been further submitted that in a judgement and order dated 9-6-2006 in Writ Petition No. 18/2006 filed by Mrs. Anima Bayan, Guwahati High Court had directed State Govt. to pay a sum of rupees two lakh to the petitioner. The compensation of rupees two lakh was disbursed to Mrs. Anima Bayan as reported by SP, Udalguri. As regards the status of case, it has been submitted that SP, CID, Assam has already been directed to submit status of report of case No. 16/05 u/s 302 IPC. The Dy. Secy, Home (A) Govt. of Assam vide communication dated 15-6-2007, has already been directed to submit a status report of according prosecution sanction against S.I. Mahesh Nath. The status report will be submitted to the Commission as soon as the details are received. A copy of Writ Petition No. 18/2006 filed by Amina Bay tan is enclosed with the report. SP, CID, Assam vide communication dated 16-7-2007 submitted that complainant Baidya Bayan S/o late Bharani Bayan of Udalguri Town lodged a written ejahar to the effect that in the night of 25-1-2005 senior unknown culprits murdered his younger brother Dipu Sayan slo Late Sonaton Sayan of Udalguri Town hanged in a hat at Udalguri Weekly Market. During investigation, I.O. visited the place of occurrence and prepared inquest report of the dead body

and thereafter sent the dead body to Guwahati Medical College Hospital for post mortem examination. I.O. examined the witnesses found involvement of S.I. Mahesh Nath, who was arrested and sent to Jail. Post mortem report, chemical examination report and FSL report have been collected. During investigation, the circumstantial evidence is found against S.I. Mahesh Nath. Charge-sheet has been submitted on 13-2-2007 u/s 302 IPC. On the basis of above, it is clear that rupees one lakh has been granted by State Human Rights Commission to NOK of Dwipen Sayan and rupees two lakh to Mrs. Anima Sayan by the order of High Court. Under these circumstances, it will not be appropriate to award further immediate interim relief to NOK of the deceased. As the charge-sheet has been submitted against S.I. Mahesh Nath in the court, the matter is sub-judice. No further action on the part of the Commission is called for. The case is closed.

**Action Taken**

**Status on 4/30/2009**

**Concluded and No Further Action Required (Dated 9/19/2007 )**

The Case is Closed.

**Note:** For further details kindly contact **National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: covdnhrc@hub.nic.in**

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Protection of Human Rights Act, 1993 be issued to the Govt. of Assam through its Chief Secretary to show cause why 'immediate interim relief' be not recommended to be granted in favour of the next of kin of the deceased, Dwipen Sayan. The status of FIR No. 16/05 u/s 302 IPC also be obtained from SP, CID, Assam. Response in 6 weeks.

**Action Taken**

**Status on 8/24/2007**

**Note:** For further details kindly contact **National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23382742 Fax No. 23384863 E-Mail: [covdnhrc@hub.nic.in](mailto:covdnhrc@hub.nic.in)**

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