



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार
Government of India

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत दीवानी न्यायालय की शक्तियों का प्रयोग करने वाला एक संवैधानिक निकाय)
(A Constitutional body exercising powers of a Civil Court under Article 338A of the Constitution of India)

Case File No. NCST/ATY-290/WB/9/2022-APCR

Dated: 18.04.2022

- 1 **District Collector & District Magistrate,**
District – Purulia,
Collectorate Office,
Purulia -723101 (West Bengal)
Email:- dm-pur-wb@nic.in/
dmpuruliawb@gmail.com
- 2 **The Superintendent of Police,**
District – Purulia,
Purulia -723101 (West Bengal)
Email:- sp-pla@nic.in

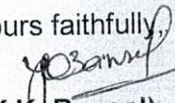
Subject: Letter dated 26.02.2022 received from Shri Jyotirmay Singh Mahato, Hon'ble MP (Lok Sabha) regarding custodial death of ST person Shri Shikari Mura, S/o late Shri Ajambar Mura, at Baghmundi Police Station, Dist. Purulia due to torture of Police and Custom Department Officials - action taken against accused.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 31.03.2022 under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned matter for necessary action and submission of compliance report to this Commission within 30 days for placing the same before the Hon'ble Member, NCST.

Encl: as above

Yours faithfully,


(Y.K. Bansal)

Research Officer

E.mail: bansal.yk@ncst.nic.in

Copy to:

Shri Jyotirmay Singh Mahato,
Hon'ble MP (Lok Sabha),
24, Meena Bagh, Opp. Nirman Bhavan,
Maulana Azad Road, New Delhi- 110011,
Email:- jyotirmay.singh@sansad.nic.in

Copy to
✓ NIC, NCST for uploading on website

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. NCST/ATY-290/WB/9/2022-APCR

PROCEEDINGS OF SITTING HELD ON 31.03.2022 CHAIRED BY SHRI ANANTA NAYAK, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF CUSTODIAL DEATH OF ST PERSON SHRI SHIKARI MURA, S/O LATE SHRI AJAMBAR MURA, AT BAGHMUNDI POLICE STATION, DIST. PURULIA DUE TO TORTURE OF POLICE AND EXCISE DEPARTMENT OFFICIALS - LETTER DATED 26.02.2022 RECEIVED FROM SHRI JYOTIRMAY SINGH MAHATO, HON'BLE MP (LOK SABHA)

Date of Sitting: 31.03.2022

List of officers present in sitting is Annexed.

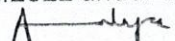
The matter relates to complaint forwarded by Shri Jyotirmay Singh Mahato, Hon'ble MP (Lok Sabha) regarding custodial death of ST person Shri Shikari Mura, S/o late Shri Ajambar Mura, at Baghmundi Police Station, Dist. Purulia due to torture of Police and Excise Department Officials - action taken against accused.

2. It has been alleged that on 16.02.2022, on the complaint of the Excise Department Officials, the Baghmundi Police Station Officials have arrested the victim ST person. The Police brutally tortured the ST person in Police custody and finally the victim ST person got found dead in the Police custody on 20.02.2022. The Police hide the incident and also not handed over the dead body of victim to his parents. After intervention of the villagers and local media persons, the Police handed over the dead body to the victim parents. Now, the Police officials is threatening to the victim ST family members for not reporting the matter to the higher authorities. It has been requested for action taken against the accused Police Officials and Excise Officials.

2. As per procedure, a report in the matter was sought from the District Collector, Purulia and SP, Purulia vide NCST Notice dated 04.03.2022. Thereafter, the requisite reports were received and these were found to be unsatisfactory.

3. Accordingly, a sitting was held on 31.03.2022. In the Sitting, on behalf of District Collector and District Magistrate, Purulia, the Additional District Magistrate, Purulia appeared. However, the Superintendent of Police, Purulia did not appear. The Commission viewed it seriously.

4. In the sitting, the Additional District Magistrate, Purulia has briefed about the case. He was stated that the victim ST Shri Shikari Mura was arrested by a team of Excise Department of Jhalda Circle official on 16.02.2022. The alleged person Shri Mura was presented before the Hon'ble Court of C.J.M. Purulia who, thereafter, sent him in judicial custody. On 17.02.2022, during the routine health check up, the medical team found that Shri Shikari Mura was suffering from Alcohol withdrawal symptoms and BP with hypertension. Immediately he was admitted to the Govt. hospital on the same day. On 18.02.2022, he got bail from the Hon'ble Court. But he could not be released on bail due to health related issues and also could not discharged from the Hospital. Thereafter, on 20.02.2022, he expired at Hospital. After that, a Magisterial inquiry was done. The Post-mortem of the body was done and Doctor opined that death was happened due to the effect of the ante mortem injury of brain. The post-mortem report further clarified that there were injury marks on the body of the victim. Hence, a case No. 14/22 dated 25.02.2022 under Section of 302/34 IPC was registered


अनंत नायक/ANANTA NAYAK
सदस्य/Member

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NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

at Baghmundi Police Station against the officials of Jhalda Excise. A Special Investigation Team (SIT) was also constituted to detailed investigation of the case. The SIT has collected evidence and statements of witnesses. Presently, investigation of the case is still under process. In addition, at the time of death, a sum of Rs. 10,000/- for funeral rituals and food / meal was provided to the ST victim family. As the matter is under investigation and hence, the provisions of SCs&STs (PoA) Act, 1989 could not be incorporated in the case.

5. On the analysis of the inquiry report of the authority concerned, allegations made in complainant and submission made by the officers appeared, the Commission observed that it is a heinous crime of alleged custodial death of ST person by torturing of Excise Department officials. The Police has not taken any action against alleged Excise officials under the relevant sections of IPC Act as well as SCs&STs (PoA) Act, 1989. Adequate compensation has not been paid to the victim ST family. In addition, the SIT team constituted to investigate the case could also not complete the investigation in time. Thus, the Commission felt that the Police has failed to take prompt action against the accused persons.

6. The Commission recommends and advice to the District Collector and Superintendent of Police, Purulia to take necessary immediate action in the matter, which is as follows:

- The SIT team constituted to investigate the matter should have a Senior level officer to the Rank of DSP from the Scheduled Tribe community for fair and unbiased investigation. In addition, the investigation should be completed in 15 days time bound manner.
- Take punitive action under relevant sections of SCs & STs (PoA) Act, 1989 as well as Sections of IPC against accused Excise and Police officials.
- A charge sheet in the case should be filed against accused within time frame and it may ensure of speedy trial and conviction of accused person before the Court of Law.
- Provide adequate monetary compensation and other rehabilitation measures to the ST victim family under the Central and State Government schemes and SCs & STs (PoA) Act, 1989, Rules, 2016, amended Rules, 2018. The District Welfare Officer may be deputed to co-ordinate with Police for adequate protection and disbursement of compensation.
- The Excise Department had assured that they will provide an employment opportunity to one of the family member. The District Administration may ensure about providing Government's job to one of the ST victim family.
- The District Collector will monitor the case and ensure protection and welfare measures to the ST family.
- An action taken report should be submitted within 30 days to the Commission.



(ANANTA NAYAK)
MEMBER

National Commission for Scheduled Tribes

अनंत नायक/ANANTA NAYAK

सदस्य/Member

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List of participants

Officers from Government of West Bengal

Shri Mufti Samim Sawkat, Additional District Magistrate, Purulia, WB.