

## **Rizwanur's Death:**

### **A Long Tradition Of Police Atrocities And The Views Of A Citizen**

#### *Cause of action*

*'...mysterious death of 30-year-old graphics designer Rizwanur Rahman on September 21, just over a month after he married Priyanka Todi, the daughter of prominent city businessman Ashok Todi, chairman and managing director of Lux Hosiery...' [Indian Express, 30.9.2007].*

A number of issues have come up after Rizwanur's death at Kolkata – the Government's role, activities of the police and the limitations of civil society initiatives.

1. It does not matter much as to who is in the government, or who the Minister is, or how he values culture or for that matter how honest he is. During Congress rule Ms Ashima Poddar, a CPI (M) activist from Belegkata, was tortured in police lockup. Later during the victory celebrations at the Brigade Parade Ground, after the formation of the first Left Front Government in 1977, her plight was mentioned as an instance of atrocities on the woman of Bengal. That such selfless sacrifices from people like her had contributed towards Left Front's success was acknowledged. However none of the police personnel guilty of atrocities on Ashima have been punished during the last 31 years of Left rule in West Bengal.
2. Runu Guha Neogi who tortured and tyrannised Ms Archana Guha and Ms Latika Guha during early '70s remained scot-free till his death. Even after being convicted by the Court, this police officer was not even suspended. Conversely the Jyoti Basu-led Left Front Government promoted him for his reported efficiency in nabbing dacoits.
3. Ms Brinda Karat, Polit Bureau member of CPI (M), has stated that Judicial Enquiries are held in West Bengal, but in other States even such probes are not ordered. Maybe she is right. However in our State reports of such enquiries are not published and even when published the police personnel found guilty are not punished as per recommendations. During the Left Front rule 26 Judicial Enquiry Commissions have been set up. Till 2000, twenty such reports have been submitted. The West Bengal Government has not taken any action, as per recommendations, even in one case. Justice Samarendra Chandra Deb Commission was set-up to probe into the death of Idris Mian in the Central Lockup of the Calcutta Police Head Quarters at Lalbazar. Almost after five years, seven police personnel were found guilty. No legal action was initiated against them. Only the Officer-in-Charge of the Central Lockup Mr Dipak Roy had been suspended. Justice Ambika Prasad Bhattacharya Commission was set-up to probe into student's death caused by police firing at Darjeeling in 1981. The report was submitted to the

Government after four years but till date neither has any action been taken nor has the report been published. Even after 19 years the Justice Haripada Das Commission is yet to submit its report regarding incidents at Katra, Murshidabad. Ordering Judicial probes, delay in submission / publication of reports, apathy to take action as per Commissions recommendations have reduced this entire exercise into a farce – a tactics to delay and/or deny justice.

4. The police are held to be guilty or accused or convicted for the death or missing cases related to Kamal Thakur, Bhikari Paswan, Babai Biswas, Raj Chakraborty, Muhammad Alam, Khagen Majhi, Sanjib Pal, Harish Biswas, Suresh Barui, Partha Majumdar and so on. Fake encounters, abduction, cases of forced disappearance from police custody tantamount to kidnapping with motives of murder – and the list goes on.
  - a) In 1987 Subhankar Sarangi was murdered at Jhargram, Midnapore. In this case four police personnel were sentenced to five years of imprisonment in 2001. The convicted police personnel were not even suspended leave alone terminated or jailed.
  - b) Muhammad Alam was arrested for a petty crime from Garden Reach in 1995. Police personnel demanded four thousand rupees as ‘ransom’ for his release. When denied he was beaten up viciously and produced in Court. Without inspecting his injuries the Hon’ble Judge remanded him to judicial custody. Alam succumbed to his injuries in jail. 28 injuries were detected on Alam’s body during post mortem. A case was initiated against police personnel. Six of them were convicted and arrest warrants were issued. However the convicted police personnel have not been ‘found’! Fresh arrest warrants have been issued but they have not been served though it is known that at such points of time they have been posted at various police stations and even at Lalbazar. The State Administration has not taken any departmental action against them.
  - c) In 1997, Officer-in-Charge, Kalyani PS and some other police personnel picked up Khagen Majhi from his home. Later he was reported to be killed in an ‘encounter’. The Human Rights Commission report disagreed with the encounter-story and held the above police personnel guilty. The mother of Khagen filed a case against the accused police personnel. The family was offered money. Denial was met with threats of dire consequences. The Court directed the police to provide security to the family. The Superintendent of Police did nothing. Threats continued unabated. The Court issued arrest warrants against the convicted police personnel. Here too none of them could be found! On 23 January 2004, the police abducted

Nagen Majhi the brother of Khagen. He has not been traced till date. All the guilty, accused and convicted police personnel are in service.

- d) On the day West Bengal Assembly elections were held in 2001, the police chased Topi Das and he fell into the Subhash Sarobar at Belegkata. Police jumped into the lake and beat him up. Topi died. The Court issued arrest warrant against an Assistant Commissioner, an Officer-in-Charge and a Constable. Their anticipatory bail petitions have been rejected in the lower Court, High Court and the Supreme Court. The State Administration have not arrested them, have not suspended them and all of them are in service
5. On 5 September 1997 the police, in another 'fake' encounter, killed Suresh Barui. The police of Habra PS, North 24 Parganas, took away Partha Majumdar, from the place of occurrence. He had a bullet wound too. All this in front of many villagers. The State Human Rights Commission refuted the plea of encounter and recommended CID investigation. The CID on 12 January 2004 and 19 February 2004 charge-sheeted eleven accused police personnel u/s 364/201/34 of IPC, the charge levelled being kidnapping or abducting in order to murder. However two other police personnel named in the WBHRC report have not been charge-sheeted. It is notable that the State government has not given any cognisance to the demands of arresting, suspending or taking the accused police personnel into judicial custody during the trial. Conversely some of the police personnel have been promoted during the last 10 years. Some of the accused come to the Court in official cars with red lights flashing.
  6. Despite the Chief Minister's speeches at the annual meetings of the Police Associations urging the police personnel to become friends to the general public, citizens face a different story. Even for petty problems like diarising loss of mobile or cheque books the citizens need to pay bribes. At least a pack of cigarette is required for lodging a general diary. Hence it is needless to mention that the hyper activity of the Kolkata police on the face of a complaint about the 'abduction' of a businessman's daughter has been powered by money.
  7. Using the threat of police action political parties and leaders involve themselves in various nefarious activities. Many are implicated in false cases, are threatened with dire consequences and terrorised to gain favour from the moneyed and powerful section of the society. Only because of this Justice Molla had called the Police, a State backed force of organised hooligans.
  8. In many instances of marriage in accordance with Special Marriage Act there have been undue and illegal involvement of well-to-do relatives, police and

political leaders in such personal matters. So much so that even in cases of members of Leftist political parties the power of the police have been used.

9. Police personnel were responsible for the death of Kamal Thakur. For demanding punishment for the accused police personnel his father and then his brother have been murdered under the guise of accidents.

There are many more such incidents. The Police Administration is doing its utmost to use their power to try to influence the witnesses and tamper with evidences. In many cases there have been no trials, in others the convicted have not been punished. The conscious and well-meaning citizens have remained silent in order not to invite trouble.

Rizwanur was apprehensive. That is why he informed Kareya PS, Kolkata Police Commissioner, human rights organisations and many others. Maybe most of them took timely and effective actions. Yet the life threat from the police continued. Threats to be implicated in false cases and consequent arrest continued.

It is sad that the news media did not come to know about the 'news' before Rizwanur died. Or even if they did come to know maybe they could not find the appropriate 'focus' or 'story line'.

Those who are champions in combating police atrocities and torture, both experienced and inexperienced, became active but Rizwanur died.

Now there will be many walks, meetings and other forms of protest. There will be promises to stand by the victim's family. It will happen. It has happened. A great number of families have lost a great number of their dear ones in West Bengal. They have lost them to police atrocities and foul play.

There are only a few families who are still really fighting an unequal battle – demanding justice. Demanding that the accused or the convicted police personnel be punished. Come let us all now stand by their sides.

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