

REPORT

OF THE COMMISSION OF INQUIRY INTO THE INCIDENTS
THAT TOOK PLACE AT ROWTA-BHALUKMARI-HATKHOLA
IN UDALGURI DISTRICT ON 14.8.2008 DURING THE
BANDH CALLED BY THE MUSLIM STUDENTS
UNION OF ASSAM RESULTING IN LOSS OF
LIVES AND INJURIES TO A LARGE
NUMBER OF PERSONS.



BY

MR. JUSTICE P. C. PHUKAN,
FORMER JUDGE, GAUHATI HIGH COURT,
GUWAHATI, ASSAM.

INDEX

| | |
|--|--------|
| 1. Introduction. | 1 |
| 2. Procedure. | 2 |
| 3. Terms of Reference No.1. Circumstances leading to the incidents that occurred at Rowta – Bhalukmari – Hatkhola in Udalguri District on 14.8.2008 during the Bandh called by the Muslim Students Union of Assam resulting in loss of lives and injuries to a large number of persons. | 6 |
| 4. Reference No.2. Identity of the persons responsible for violence. | 32 |
| 5. Reference No.3. Lapses, if any on the part of any authority and fixation of responsibility. | 38 |
| 6. Reference No.4. Measures for preventing recurrence of such incidents. | 60 |
| 7. Reference No.5. Any other matter relevant to such incidents. | 68 |
| 8. Summary. | 71 |
| 9. Epilogue. | 78 |
| 10. Annexures. | I to X |

INTRODUCTION

On the eve of the 62nd Independence Day of the Republic of India, Muslim Students Union of Assam (MUSA) called 13 hour Assam Bandh on 14.8.2008. During the Bandh, violent incidents took place in Udalguri District leaving several dead and many more injured. The incidents were flashed in electronic and print media. There had been public demand for a thorough probe. The Government of Assam ordered Judicial Inquiry issuing the following Notification dated 31st October, 2008:

2. "No.PLA.512/2008/2: In exercise of the powers conferred under Section 3 of the Commission of Inquiry Act, 1952, the Governor of Assam is pleased to constitute an one Man Commission of Inquiry headed by Mr. Justice (Retd.) P.C. Phukan of Gauhati High Court, Guwahati to enquire into the incidents that took place on Rowta-Bhalukmari-Hatkhola in Udalguri District on 14.8.2008 during the Bandh called given by Muslim Students Union of Assam (MUSA) which resulted in loss of lives and injuries to a large number of persons.

The terms of the reference of the Commission of Inquiry shall be :-

1. To ascertain circumstances leading to the incidents that occurred on Rowta- Bhalukmari-Hatkhola in Udalguri District on 14.8.2008 which resulted in loss of lives and injuries to a large number of persons.
2. To identify the persons responsible for violence.
3. To determine if there were any lapse on the part of any authority, and if so, to fix responsibility.
4. To suggest measures to be taken to prevent recurrence of such incidents, and
5. Any other matter which is relevant to the incidents."

On receipt of the aforesaid Notification, I took cognizance, assumed charge and proceeded to conduct the inquiry into the incidents.

Contd.....2

PROCEDURE

4. Section 8 of the Commissions of Inquiry Act, 1952 reads as under:

“8. Procedure to be followed by the Commission.- The Commission shall, subject to any rules that may be made in this behalf, have power to regulate its own procedure (including the fixing of places and times of its sitting and deciding whether to sit in public or in private).”

5. The violent incidents that took place on 14.8.2008 rocked Assam in general and Udalguri District in particular. Tension gripped the entire District. Such violence with far-reaching implications is undoubtedly a matter of definite public importance. The inquiry had been held in public.

6. The Commission issued Public Notification No. P/COM/01/04/2008 dated 15.12.2008 inviting written statements of facts from the State Government, District Administration, District Police, concerned officials, aggrieved persons, organizations, associations and members of public acquainted with the subject matter of the Inquiry. The Notification was given wide publicity by publication in English and language dailies and weeklies having circulation in Udalguri District, and by broadcast in Akashvani and telecast in Doordarshan.

7. In response to the above public notification, written statements have been received from the following:-

1. Shri S.S. Meenakshi Sundaram, D.C., Udalguri.
2. Shri Anand Prakash Tiwari, S.P., Udalguri.
3. Shri George Basumatary, then D.C., Udalguri.
4. Shri Bijoy Giri Kuligam, then S.P., Udalguri.
5. Shri Karendra Basumatary, MLA, Mazbat.
6. President / Secretary, Rowta Primary Bodo Sahitya Sabha and President / General Secretary, All Bodo Students Union, Rowta Anchalik Committee.
7. Shri M. Rahman, Vice-President Jamiat Ulma-E-Hind, Darrang.

Contd.....3

8. Shri Zakir Hussain, Chairman, Assam Enviro-Legal Protection Society, Darrang.
9. Md. Maniruddin Ahmed and Shri M. Hibjul Kabir.
10. Md. Taher Ali, S/o Late Kamaluddin.
11. Md. Omar Ali, S/o Late Halej Ali.
12. Md. Nurzaman Ali, S/o Abdul Matleb.
13. Md. Saidur Rahman, S/o Badsah Ali.
14. Md. Hazarat Ali, S/o Badsah Ali.
15. Md. Abdul Ajiz, S/o Late Amatulla Seikh.

8. Besides the written statements submitted by the Deputy Commissioner and Superintendent of Police of Udalguri District, the State Government had not submitted any separate written statement.

9. In view of certain allegations made against the then SDPO Dr. S. Ali Ahmed, a notice under Section 8B of the Commission of Inquiry Act, 1952 was issued to him. He submitted a written statement in his defence. He was also heard in person.

10. The Government of Assam issued a show cause notice to Mr. B.G. Kuligam, then S.P. of Udalguri District, charging him of dereliction of duty in dealing with the situation on 14.8.2008 and thereafter. The Commission served a notice under Section 8B upon him. He submitted a written statement in his defence. He was also heard in person.

11. In their joint written statement submitted to the Commission, Md. Maniruddin Ahmed and Md. Hibzul Kabir, former President and Vice-President respectively of Darrang District Committee of Muslim Students Union of Assam, made certain allegations against Mr. Nurzamal Sarkar, Minister, Fishery etc., Assam and Mr. Ilias Ali, MLA Dalgaon L.A.C. Copies of the written statement were sent to Mr. Sarkar and Mr. Ali to give them an opportunity of being heard within the meaning of Section 8B of the Act. They submitted written statements-in-reply and were heard in person.

Contd.....4

12. The President of Udalguri District Committee of All Bodo Students Union (ABSU) submitted to the Commission a copy of their Memorandum addressed to the Joint Secretary to the Govt. of Assam and a letter dated 15.9.2008 addressed to the Addl. Deputy Commissioner, Udalguri conducting a Magistrarial inquiry into the incidents.

13. Information/documents/records relevant to the Inquiry were called for and were received. The same include police diaries of cases registered in connection with the incidents that took place on 14.8.2008, three lists of persons killed, injured and missing respectively, Magistrarial Inquiry Report and a map showing the places of occurrence. I have visited the places of occurrence on 5.6.2009 accompanied by the Secretary to the Commission and Udalguri District officials including the Deputy Commissioner, Superintendent of Police and Addl. Superintendent of Police.

14. The Commission, after examination of the written statements furnished, considered it necessary to record evidence. Summonses were issued to the witnesses named in the lists accompanying the written statements and named in the list submitted by ABSU. In addition to issuance of summons, public notification was issued ahead of every hearing date to enable any person acquainted with the subject matter of the inquiry to appear before the Commission and give evidences.

15. The Deputy Commissioner, Darrang forwarded to the Commission an application dated 16.9.2009. The President and Secretary of Darrang District Committee of All Assam Students Union (AASU) submitted this application to the Deputy Commissioner requesting him to arrange for recording their evidence by the Commission inquiring into the "ethnic clashes in Darrang and Udalguri Districts on 14.8.2008". Another application dated 16.9.2009 was received from the General Secretary, Darrang District Committee of Asom Jatiyatabadi Yuba Chatra Parishad (AJYCP) requesting the Commission to allow them to appear in its hearing in regard to "ethnic clashes occurred in Darrang and Udalguri Districts in September and October last year". It was clarified that the State Government constituted this Commission "to inquire into the incidents that took place on Rowta-Bhalukmari-Hatkhola in Udalguri District on 14.8.2008 during the Bandh called given by Muslim Students Union of Assam (MUSA)....." vide Government Notification No.PLA.512/2008/2 dated 31.10.2008. Thus this Commission is required to inquire into the incidents that occurred in Udalguri District only, and that too with regard to the incidents that occurred on 14.8.2008 only and not in "Darrang and Udalguri Districts" as stated in the AASU's application and not "in September and October last year" as stated in the AJYCP's application. Be that as it may, the Darrang District Committee of AASU and AJYCP were allowed to produce their witnesses. Accordingly, on 8.10.09 at

Contd.....5

Magaldoi the President of Darrang District Committee of AASU and General Secretary of Darrang District Committee of AJYCP were examined.

16. It was made clear that any person representing any organization or any individual may cross-examine a witness other than a witness produced by him, may address the Commission and may be represented before the Commission by a legal practitioner. On 5.6.09 the Government Pleader and Additional Public Prosecutor, Udalguri District, entered appearance for the Udalguri District Administration. On 8.7.09 the learned counsel Messrs S.S. Dey, J. Ahmed and J.Sinha appeared for the then Udalguri SDPO, Dr. S. Ali. Ahmed and learned counsel Mr. Manish Choudhury for the then Udalguri S.P. Mr. B.G. Kuligam.

17. The Commission held sittings for recording evidence at Udalguri from 4.6.09 to 5.6.09, from 7.7.09 to 10.7.09, from 6.8.09 to 8.8.09 and on 29.8.09 and examined 31 witnesses. The Commission held sittings at Magaldoi from 14.9.09 to 16.9.09 and from 8.10.09 to 9.10.09 and examined 43 witnesses. The Commission held sittings at Guwahati on 15.10.09 and 25.10.09 and examined 3 witnesses. Thus the total number of witnesses examined by the Commission rose to 77. Voluminous documents were produced of which 76 numbers were marked exhibits. On 25.10.09, fixed for arguments also, written arguments were submitted on behalf of Mr. B.G. Kuligam and Dr. S. Ali Ahmed, the then S.P. and SDPO, respectively of Udalguri District.

Contd.....6

TERMS OF REFERENCE NO.1

CIRCUMSTANCES LEADING TO THE INCIDENTS OCCURRED AT ROWTA-BHALUKMARI-HATKHOLA IN UDALGURI DISTRICT ON 14.8.2008 DURING BANDH CALL BY THE MUSLIM STUDENTS UNION OF ASSAM RESULTING IN LOSS OF LIVES AND INJURIES TO A LARGE NUMBER OF PERSONS.

18. In view of the terms of Reference No.1 quoted above, I shall confine my discussion to the incidents that took place in Udalguri District only, and that too with regard to the incidents that took place on a single day 14.8.2008.

19. Mr. S.S. Meenakshi Sundaram, who joined as Deputy Commissioner, Udalguri District on 9.11.2008 and Mr. Anand Prakash Tiwari, who joined as Superintendent of Police, Udalguri District on 4.10.2008, have filled Written Statements of facts derived from the officials records. In their oral evidence before the Commission they have reiterated what they had stated in their Written Statements.

20. According to Mr. Sundaram (PW.3), the Muslim Students Association of Assam (MUSA) called 13 hour Assam Bandh on 14.8.2008 from 5 A.M. At about 9 A.M. some bandh supporters forcibly closed the shops at Bhalukmari-Hatkhola and had beaten up those shopkeepers who refused to close their shops. Group clashes took place between the bandh supporters and the general public. One Dipak Rava, a hotel boy, while returning home from hotel at Rowta was killed by bandh supporters. This news spread in Rowta area and communal tension started between the Bodos and Muslims in the entire district of Udalguri.

21. According to the Superintendent of Police, Mr. Tiwari (PW.4), during the bandh scuffle took place at about 10 A.M. at Hatkhola between the bandh supporters and the shopkeepers and one Bodo youth Shri Oli Daimari and three

Contd.....7

others were injured (Udalguri P.S. case No. 102/08 U/s 143/325 IPC). Within minutes rumours spread that the Muslims killed the Bodo youth, and large scale violence started in the entire district. A huge crowd of about 5000 Muslims gathered and blocked National Highway-52 near Jhargaon. However, the crowd dispersed after the police appeared in the scene. The same day one Rafiqul Islam was assaulted by Kuldip, Nagen Pagla, Rinku Deka, Boga Mulla and Atul Bania (Orang P.S. Case No. 06/08 U/s 147/149/325/354/506 IPC). At about 1 P.M. about 20 miscreants armed with lethal weapons damaged the houses of Md. Masta Ali, Md. Sayed Ali and others, looted their property, and set on fire the kitchen of Md. Islam Ali. They also assaulted one Dulal Ali of Aminapara (Majbat P.S. Case No. 54/08 U/s 147/148/448/379/436/325 IPC). At about 4 P.M. one Dipak Rava of Chapal Baligaol under Dhekiajuli P.S. was on way back home. Some unknown miscreants assaulted him with lethal weapons and later he succumbed to his injuries at Tezpur Hospital (Udalguri P.S. Case No. 95/08 U/s 342/302/34 IPC). At about 4.30 P.M. a Tata Sumo- 23F/6299 was coming from Tezpur side was set on fire after being hit by a truck by unknown public who gathered there (Udalguri P.S. case No. 103/08 U/s 143/435/427 IPC). At about 5 P.M. 15 persons, while returning from Khawrang on truck AS-25C/4618, were waylaid near Daifam Bridge and forcibly taken away. The truck driver and four others managed to escape. Rest of them could not be traced out. Later their dead bodies were recovered (Udalguri P.S. Case No. 97/08 U/s 341/379/365/325 IPC). The same day some Bodo miscreants kidnapped Tokker Ali, stole his buffalo. Later the dead body of Tokker Ali was recovered from No.5 Dhansiri. During investigation Maniram Daimari of Dhansiri and Girish Deka of Bhelapara were arrested (Udalguri P.S. case No. 101/08 U/s 365/379/302 IPC). Mr. Tiwari in his Written Statement adds that many lives were lost on 14.8.2008 primarily resulting from the incidents at Hatkhola where the MUSA supporters indulged in scuffle with the

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non-supporters of bandh and the rumour mongers played a pivotal role in spreading the violence to different parts of the district leading to the death of people like daily wage earners, labourers who were caught unaware of the happenings as they were inside the interior villages.

22. PW.5, Mr. P.K. Mahanta joined as Addl. Deputy Commissioner, Udalguri district on 26.6.2008 and was serving as such on 14.8.2008. He deposed that he was in a position to apprise the Commission about the clashes in the district on 14.8.2008 on the basis of information true to his knowledge as well as on the basis of information derived from the official records. As per the orders of the then Deputy Commissioner, Udalguri, Mr. George Basumatari, he made an inquiry into the incidents and submitted a report to the DC who in turn submitted the same to the Commission along with the enclosures. Ext.23 is a copy of the Inquiry Report. The Findings are: (1) MUSA – Muslim Students Association, called 13 hour Assam Bandh on 14.8.2008 protesting non-implementation of their various demands. Some other organizations opposed the Bandh. At first it was started as a localized group scuffle between Bandh supporters and the shopkeepers who resisted forcible closure of the shops. (2) Large number of Bandh supporters armed with lethal weapons blocked N.H. 52, started beating up people moving on motorbike. Group clashes started at Hatkhola and Bhalukmari on National Highway during which one Dipak Rava was assaulted who later succumbed to his injuries. The news of group clashes spread to the neighbouring areas inhabited by both the communities, Muslims and Bodos. As a result people from both sides were assaulted, kidnapped and killed. (3) In some of the bordering villages inhabited by both the communities people had to shift their families to safer places. (4) In Bahlukmari and Hatkhola arrears the Bandh supporters came with lethal weapons, moved freely and started beating persons coming on motor bikes and by-cycles. (5) The Bandh supporters gathered in groups on the N.H. 52 at Bahlukmari area. NE TV reporters Pulak Das and

Contd.....9

Dipankar Das came for video photography. But they were obstructed by the Bandh supporters and they had to take shelter in the house of one Hazarika. The Bandh supporters demanded that the video cassette be handed over to them. The cassettes might have contained some photographs of the unruly gathering of bandh supporters and resistance of the shopkeepers. The then SDPO Dr. S. Ali Ahmed sent one police constable and the TV reporters gave him the video cassette to hand over the same to the Muslim persons and the TV reporters were allowed to go. (6) and (7). Around 4 PM one Dipak Rava was assaulted with sharp weapon on NH 52 near Hatkhola area. Later he succumbed to his injuries at Tezpur Mission Hospital at about 8:30 PM the same day. The news of his death spread throughout the district and the situation became tense. MUSA Adviser Md. Muhibur Haque of Rowta Bagan was arrested in connection with Dipak Rava's murder (Udalguri P.S. case 95/08 U/s 342/302/34 IPC). In his oral evidence before the Commission Mr. Mahanta said that as per records available with him 9 persons died during the violent incidents that took place in the month of August, 2008. One of them belonged to Rava community and the rest to Muslim community.

23. PW.1 Mr. George Basumatari, who was Deputy Commissioner of Udalguri District, from 23.11.2004 to 06.10.2008, filled written statement. In his oral evidence he reiterated what he stated in the written statement. According to him, prior to Assam Bandh called by MUSA, another organization AAMSU called Assam Bandh on 13th August, 2008.(?) The supporters of MUSA forcibly shut down the shutters of the shops and handful of them resorted to vandalism leading to the killing of one Dipak Rava and causing injuries to six others in the skirmishes that followed at Rowta, Bahalukmari and Hatkhola areas under Rowta Police Out Post. A huge crowd of about 1000 persons carrying lethal weapons like spear, dao, axe etc. gathered at Jhargaon Bazar chawk on the National Highway. They were ready to attack people belonging to Bodo community living

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in adjacent villages. Rumour was spread that Bodo people were going to attack the Muslims. Mr. Basumatari claims that he could persuade the crowd to disperse and the tension was thus defused.

24. PW.2 Mr. B.G. Kuligam joined as Superintendent of Police Udalguri District in April, 2008 and was serving as such on 14.8.2008. He received transfer orders on 1.10.2008 and was placed under suspension on 5.10.2008, which was revoked later. He filed written statement and also deposed before the Commission. According to him, MUSA called bandh protesting against the alleged harassment to genuine Indian citizens by various organizations in the name of detection of illegal Bangladeshis in Assam. On 14/08/08 there had been scuffles between the Bandh supporters and the shopkeepers resisting forcible closure of their shops. Regarding the incidents that took place on 14.8.2008 he just repeated what his successor-in-office Mr. Tiwari, stated in his written statement and oral evidence before the Commission. He, however, elaborated the facts of some incidents. Regarding Udalguri PS Case No. 103/08 u/s 143/435/427 IPC Mr. Kuligam stated that the vehicle in question i.e. Tata Sumo No. AS-23F-6299 was coming from Tinsukia towards Udalguri and Driver stopped the vehicle seeing a mob. Just at that moment a truck coming from the opposite direction knocked the Tata Sumo and fled away. Then the gathered people torched the Tata Sumo.

25. As regards Udalguri PS Case No. 97/08 u/s 341/379/365/325 IPC, Mr. Kuligam stated that while the truck in question was returning from Khawrang Kowari loading boulders and carrying labourers on way to Rowta side, some unidentified persons stopped the vehicle at Daifam and assaulted them and forcibly took away the key of the vehicle, mobile phone and cash of Rs.500/- from the Driver and kidnapped 15 persons including the Driver. However, the Driver and four labourers managed to escape. Three dead bodies were recovered later and seven persons could not be traced out.

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26. PW.6 Mr. Longnit Terang joined as Addl. Superintendent of Police Udalguri District on 25.4.2007 and was serving as such on 14.8.2008. He Deposed before the Commission that he came to know about the 14th August bandh only on 13th August from newspaper report. Some organizations like Orang Anchalik Students Organization of AASU, ABSU AJYCP and few others were planning to oppose the Bandh call in Orang area. He was camping at Orang area. Receiving telephonic information that supporters and non-supporters of Bandh involved in scuffle in Hatkhola area, he came to Hatkhola and saw a large number of Muslims armed with lathis, sharpe weapons etc. and non-Muslims similarly armed coming face to face at around 9 AM. Both Muslims and Non-Muslims could be dispersed with the help of the available force. He then received information that Muslims from Aminapara and Jhargaon area armed with lathis, sharpe weapons etc. came out in thousand and gathered in Jhargaon Chowk . They intended to march to Rowta Chariali. Public in Rowta Chariali, particularly shop owners, also gathered to face the Muslims. A large crowd of Muslims armed with lethal weapons blocked N.H.-52 and were proceeding towards Rowta Chariali. At the intervention of the District Administration and Police the crowd dispersed. Receiving information that some Muslims were beaten up at Hatkhola the crowd was proceeding towards Rowta Chariali to retaliate. After the crowd at Jhargaon dispersed he went to Orang on receiving information that supporters and non-supporters of Bandh were at scuffle. A large number of Bodo's and Muslims armed with lethal weapons came face-to-face near Daifam, Sidhakhowa. The Bandh was for 13 hour from 5 AM to 6 PM. At about 4:30 PM one Dipak Rava was severely injured and later he succumbed to his injuries. At about 7:30 PM he received a telephone call from a Nepali person that one Mr. Tokkar Ali was kidnapped from Torajuli village and his son was hiding in the jungle near his house as some unknown youths came looking for him. Tokkar Ali's son was rescued by the police and later on his father's dead body was recovered from No.5 Dhansiri river.

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27. The police officers (PW. 7, 8, 9, 10, 13, 14 and 67) who investigated the cases registered in connection with the incidents referred to by the foregoing witnesses gave evidence to apprise the Commission about the progress of investigation.

28. PW.15 Mr. Karender Basumatary, sitting MLA of No.70 Mazbat LAC, submitted written statement. He has stated therein that on 14.8.2008 Muslim United Students Union (MUSA) called 13 hour Assam Bandh. During the Bandh the MUSA activists armed with lethal weapons like dao, lathi, spear etc. came out to the street and assaulted Nirmal Deka of Jhargaon and Tarun Deka of Sipajhar, both ASEB employees. And later Anil Daimari and Subunsar Mushahary of Hatkhola were hacked with dao, and Binoy Boro of Bhalukmari was injured. They also assaulted NETV Reporters Pulak Das and Dipankar Das. They took shelter in a nearby house of Ram Ch. Hazarika. The MUSA activist killed Dipak Rava. In his oral evidence before the Commission Mr. Basumatary said that the majority of the inhabitants of two revenue villages. Rowat Bagan and Dhansiri Khuti on the northern side of N.H.-52 belongs to the Muslim Community.

29. PW.16 Dipen Boro (PW.16) is President of Udalguri District Committee of All Bodo Student Union (ABSU). In his evidence before the Commission he stated that in the Districts of Dibrugarh, Sibsagar, Jorhat and Tinsukia in Upper Assam, at the instance of AASU the Bangladeshis were driven out and they entered into Mangaldoi and Darrang Districts. The public of the two Districts had urged that those Bangladeshis should not be allowed to enter into these Districts. MUSA called Assam Bandh on 14.08.2008 protesting against the Indian Muslims allegedly being driven out and harassed. For the same purpose another minority Students Union AAMSU called Assam Bandh on 12.08.2008, which passed off peacefully. He opined that the purpose for calling the Bandh was to create chaos as is evident from the fact that on that day MUSA activists were armed with lethal

Contd.....13

weapons, and that had they intended to observe the Bandh peacefully and by democratic means they would not have been so armed. Their objective was to kill people and damage property. AAMSU did not support the said Bandh called by MUSA. Indigenous Muslim population also did not support the said Bandh. His impression was that some pro-Bangladeshi elements and internal sources supported MUSA.

30. PW.16 Dwipen Bodo further deposed that Tapeswar Basumatari (PW.24) reported to him about the killing of Dipak Rava, a hotel boy, by the MUSA activists around 3:30 PM on 14.8.08 while he was returning home on a bicycle. Tapeswar told him that he saw Butto Ali (PW.56) alias Muhijal Haque inflicting lathi blows on the head of Dipak Rava while he was lying on the ground and became unconscious. He said in cross-examination that he did not see for himself the incidents that took place on 14.8.08. His evidence is based on the account given by the injured persons and eye witnesses.

31. PW.17 Maniram Daimari deposed that on 14.8.08 he left home for hajira work. At about 11 AM he learnt about the clashes between Bodos and Muslims and returned to his house at Rowtabagan, a locality inhabited by Muslims. His family members already left for Balisia. He met his wife there and was told that Manik Ali attempted to assault her and the Muslims cut bamboo walls of his house and took away the food articles. Tayeb Ali and Naosad Ali chased him. He ran away and saved his life. Out of fear of attack from Muslims they took shelter in Government relief camp and returned home only in June, 2009.

32. PW.18 Ram Chandra Hazarika learnt at 10:30 AM on 14.8.08 that disturbances took place at Rowtabagan about half a kilometer from his house. He inquired over phone about his son, and the Vice Principal of the school informed him that classes were cancelled and the students had gone home. While waiting on the road for his son to come home, he saw hundreds of Bandh supporters

Contd...14

armed with dao lathi etc. on the road. Just at that time two NE TV reporters came on a motorbike. They parked their motorbike on the road side in front of his house and started taking video photographs of the armed Bandh supporters forcibly closing shops. Chased by the Bandh supporters the NE TV reporters entered into his house. His son closed the door. One of the Bandh supporters tried to open the door with a dagger. Then he requested the Bandh supporters with folded hands not to do anything untoward. Then the Bandh supporters came out of his house premises and damaged the motor bike of the NE TV reporters. An Assam Police constable came to his house and asked him to take the video cassette from the NE TV reporters and to hand over the same to him, failing which, the situation might go out of control. The reporters then gave him the video cassette and he handed over the same to the constable.

33. PW.19 Bistiram Daimari of Rowtabagan saw the Bandh supporters trying to forcibly close the shops. He also saw about ten armed Muslims attacking Dipak Rava who was going towards his house on a bicycle. The attackers damaged his bicycle and inflicted lathi blows on his hand and he fell down on the ground. A police van on patrol duty took him away for hospitalization. He later succumbed to his injuries in the hospital at Tezpur.

34. PW.21 Madan Koch of Bhalukmari came to Dhansiri bazaar on 14.8.08. There he came to know about the disturbances at Hatkhola and on his way back he met Ronok Deka (PW.22) and saw about 300 armed miscreants at Bahlukmari Chowk. They surrounded him. A CRPF constable saved him from being assaulted. He took shelter in the house of one Muhiram Deka. PW.22 Ronak Deka corroborated him and added that the miscreants surrounded him and one of them shouted that he was the wrong person. Then they did not assault him. He ran away. Though some of the miscreants hurled stones aiming at him, he was not hit. He took shelter in the house of one Basanti.

Contd...15

35. PW.24 Topeswar Basumatari was an eye witness to Dipak Rava's murder. On 14.8.08 at about 3:30 PM he was returning home from Rowta Cahriali. He saw Buttu Ali (PW.56) and three others, who were his Muslim neighbours, sitting on the road side near the house of one Nitai Singh. They were armed with lathi and dao. So he was apprehensive and parking his motor bike under a tree at some distance kept observing them. Then four others joined him. Dipak Rava was returning from Rowta. Those Muslim boys caught hold of him and severely assaulted him. He fell down on the ground. Buttu Ali (PW.56) hit him with a lathi several times.

36. PW.25 Raju Daimari of No.2 Bahlukmari along with Sangsuma Daimari came on a motor bike to Dhansiri ghat for labour payment. At Bagan Chowk he saw 100/150 Muslims. They rushed towards them and a big stone was hurled aiming at him. But it missed him. He deposed that his brother's son, Oli Daimari (PW.26) was severely assaulted by the MUSA activists. PW.26 Oli Daimari heard at about 9:15 AM on 14.8.08 that some Muslim persons assaulted his brother Raj Daimari (PW.25) at Bazar Chowk. He was then at Bahulukmari Hatkhola. The Muslim miscreants caused injuries in his hand and waist with dao. He fell down on the ground and became unconscious. Subungsar Musahari (PW.27) and others took him to Rowta Hospital and ultimately he was sent to hospital at Tezpur. He categorically stated that he was assaulted by one Faijul Ali, a MUSA member. PW.27 Subangsar Musahari corroborated him and said that he saw a MUSA activist assaulting Oli Daimari. He deposed that on 14.8.08 some of the shops remained open. The MUSA activists came and forcibly closed those shops. He went to see the incident and was assaulted causing injuries in his hand with dao and he was hospitalized. PW.28 Benoy Bodo, a class X student of No.3 Dhansiri High School, was assaulted by MUSA Bandh supporters while he was proceeding towards his school. He sustained injuries in his tooth and lips. He was admitted to Rowta Hospital and was discharged after a day.

Contd...16

37. PW.29 Tarun Deka and PW.30 Nirmal Deka are ASEB employees. On 14.8.08 at about 9 AM they came to Bahlukmari for repair of electric line near the transformer. After finishing their work they were proceeding towards Rowta and reached the road leading to Rowtabagan. There they were attacked by 80/90 Muslims armed with dao, lathi etc. Tarun Deka was hit on the forehead he fell down and lost consciousness. He was taken to hospital in a car. Borjen Bodo, another ASEB employee, helped him to get into the car. Ultimately he was taken to hospital at Tezpur. PW.30 Nirmal Deka added that a large number of armed Muslims surrounded them. He came riding a bicycle. He left his bicycle and tried to run away when he was hit by a sword on his head. One Niranjan took him in his bicycle to some distance. Then two Bodo youths took him to Rowta hospital on a motor bike. He was later taken to hospital at Tezpur. In the melee Tarun did not know what happened to Nirmal and Nirmal did not know what happened to Tarun. PW.31 Foreign Baglari of Bhalukmari Hatkhola saw a few MUSA activists early in the morning on 14.8.08 asking the shopkeepers not to open their shops. According to this witness, in the morning three youths, Kesto Baglari, Jewsa Sargairy and Ajoy Daimari were proceeding towards Rowta from Bahlukmari in a motor bike. The SDPO, Udalguri apprehended Kesto and Jewsa for riding three persons on one motor bike and took them to Orang Police Out Post. This witness tried to contact through his mobile phone, but the call was answered by the Addl. S.P., Mr Teron (PW.6). He told him that public demanded release of the two youths. Mr. Teron agreed to release both of them. Then Raju (PW.25), Subbangsar (PW.27) and Brojen riding on three motor bike proceeded towards Orang to take back Kesto and Jewsa. On the way near Balucha, MUSA activists hurled stones at them. When Oli Daimari (PW.26), Subansar Musahari (PW.27) and Binoy (PW.28) intervened, the MUSA activists severely assaulted them. This witness (PW.1) took him to the village in the motorbike. He was given first aid in Rowta Hospital and then was taken to Tezpur Civil Hospital. He said that they were prepared to fight back whereas the MUSA activists were well armed with lethal weapons. MUSA activists caused damaged to a number of pan

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shops and broke doors and windows of the house of one Jitul Nath.

38. PW.13 Mr. Satyandra Narayan Singh, IPS, was the DIG, Northern Range with Headquarter at Tezpur on 14.8.08. He has since been promoted to be the IGP, Northern Range. On 14.8.08 at about 10 AM he received a phone call from the SP, Udalguri about the situation there and immediately left Tezpur and reached Udalguri at about 11:15 AM. He deposed before the Commission that hearing rumours, Muslims and Bodos confronted each other at Rowta Bazaar and also at Sidhakhwa. Mr. Singh visited both the places and found that the District Administration and the District Police could bring the situation under control and the crowd gathered dispersed. According to Mr. Singh, no militant organization was directly involved in the clashes that took place on 14.8.08, and that sophisticated weapons like AK 47 were not used in the clashes and weapons like dao, spear etc. were used.

39. PW 33 Md. Ainul Haque had a shop in Bechimari bazaar. On 14.8.08 he did not open his shop as MUSA declared Bandh. At about 3:30 PM rumours was spread that MUSA activists killed one Bodo person. Later he came to know that the person killed was not a Bodo but he belonged to Rava community. On 14.8.08 a truck carrying 15 persons including the driver was waylaid by some Bodo miscreants. They allowed the driver to leave as he pretended to be a Hindu whereas the others were forced to walk a distance of 2 KMs and they were assaulted with lathi, dao and boulders. Of them, four somehow escaped and told this witness what had happened. They used to frequent the stone quarry and knew that the assailants were Bodos. Later dead bodies of Saiful Islam, Mukhlam Ali and Md. Wazid were recovered.

40. PW.34 Md. Mazibur Rahman is President of Darrang District Committee of Ali India United Democratic Front (AIUDF). He is also the Vice President of

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Darrang District Jamiet Ulema-E-Hind. He is an Advocate by profession. According to him, the members of AASU and AJYCP harassed indigenous Indian Muslims labelling them as Bangladeshis in the Upper Assam districts of Tinsukia, Dibrugarh and Sibsagar. In protest against such harassment, AMSU called Bandh on 12.8.08 followed by another Bandh on 14.8.08 called by MUSA. AMSU Bandh passed off peacefully. Bodo youths asked the shopkeepers to keep their shops open defying the Bandh called by MUSA on 14.8.08. As a result, group clashes took place between the Bandh supporters and those who resisted the forcible closure of the shops. Bodo youths spread rumours through mobile phone that MUSA activists killed a number of Bodos and urged Bodos to kill Muslims in retaliation. In response Bodos severely assaulted 14 Muslim labourers. Dead bodies of three of them were recovered and the rest remained untraced.

41. PW.36 Md. Taher Ali's father Kamaluddin was missing since 14.8.08 when he had gone to collect wood for the local Mosque and did not return home. Next day his dead body was recovered at Purabari. This witness does not know whether his father was killed by Bodos. According to PW.38 Md. Wahidur Zaman, populationwise Muslims come next to Bodos in Udalguri District and the latter asked the former to leave Bodoland. This witness did not see for himself any of the incidents that took place on 14.8.08. He only heard that Bodos kidnapped fourteen Muslim labourers travelling in a truck. Of them, the driver and three labourers escaped and returned to their village. PW.39 Md. Masuruddin Ahmed deposed that AMSU and MUSA called Bandh on 12th and 14th August, respectively in protest against the alleged harassment of Indian Muslims labelling them as Bangladeshis by the AASU and AJYCP members in the Upper Assam Districts of Tinsukia, Dibrugarh and Sibsagar. PW.41 Md. Sahidul Islam deposed that Kamaluddin had gone to collect wood from a Bodo person, who might have killed him because at that time the clashes were taking place between the Bodos and Muslims.

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42. PW.s 42 to 50 are residents of Dalgaon Khuti in the District of Darrang. It transpires from their evidence that on 14.8.08 at about 3 AM in the morning 14 labourers of their village left home for Bhairabkunda / Dangabasti stone quarry to bring boulders. Of them, four labourers returned him alive, three were brought dead and the remaining seven still remained untraced. PW.48 Nurjamal Ali, PW.49 Nur Islam and PW.50 Jahir Ali returned home alive. They deposed before the Commission to the effect that after loading the truck with boulders when they were returning, at about 2 PM their truck was stopped by some miscreants who came in a trekker from the opposite direction. The miscreants took them in their trekker to nearby Daifam market. PW.48 Nurjamal Ali elaborated that on being questioned when they replied that they were Muslims, they were compelled to get down from the truck to board a trekker. Inside the trekker they were assaulted. Out of fear this witness along with Jahir Ali and others jumped out of the trekker and hid behind the jungle. From their hiding place PW.48 Nurjamal saw miscreants hacking his father Matlib Ali to death and also his companions. The miscreants came to the jungle in search of them. They then ran away in different directions. Chased by the miscreants, PW.48 jumped into a nearby tank and concealed himself. At last the Army patrol rescued him. According to this witness PW.48 and PW.50 Jahir Ali, the miscreants belonged to Kachari community. PW.49 Nur Islam, however, said that they were Bodos claiming that he could recognize a Bodo by his face. There is evidence to show that the Driver of the truck falsely declared himself to be a Hindu and he was allowed to leave the place and was not taken in the trekker to Daifang. PW.43 Kamala Bewa's husband Matlib Ali and son Babul Ali, PW.44 Naziran Bewa's son Mukjal Ali, PW.45 Kadbanu Bewa's husband Md.Rahman Ali, PW.46 Anowara Bewa's husband Hasen Ali and PW.47 Tahera Khatoon's Husband Idris Ali had gone to Bhairabkunda and remained untraced since last year and religious rituals were performed presuming them to be dead. PW.42 Asia Khatoon's two sons Nur Islam (PW.48) and Kudrus Ali had gone to Bhairabkunda. The former returned home alive and the latter remained untraced since last year and religious rituals in

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respect of him also performed presuming him to be dead.

43. PW.51 Md. Zakir Hussain is the Chairman of Assam Enviro Legal Protection Society, an NGO. He is a college teacher by profession. He alleged that the members of AASU, AJYCP and some other organizations collected poor Muslim labourers, rickshaw pullers etc. who had gone to various places in upper Assam from Magaldoi, Kalaigaon, Dalgaon area in search of employment, and handed them over to different Police Stations for deportation labelling them as Bangladeshis. The police, in turn, sent them in Buses to Magaldoi, Kalaigaon and Dalgaon Police Stations according to the addresses given by them. On identification by the concerned Gaonburas, the Police allowed them to go to their respective villages. In protest against such harassment of genuine Indian Muslims, AMSU and MUSA called Assam Bandh on 12th and 14th August, respectively. This witness came to know from news reports in electronic and print media that ABSU and some other organizations resolved to oppose the 14th August Bandh in a meeting held at Orang Inspection Bunglow. This witness further alleged that since 1991 the Muslim inhabitants in that area, now under BTAD, were harassed and he feels that the killing of Muslims on 14.8.08 is a part of the continuous process to drive out the Muslims from the BTAD area.

44. PW.52 Md. Nazrul Islam is General Secretary of Udalguri District Committee of MUSA. He deposed that as his marriage was being solemnized and as he was in his house in Kalaigaon, he did not associate himself with the 14th August Assam Bandh. He does not know whether the Udalguri District Committee of MUSA supported the 14th August Assam Bandh. He also does not know whether the Darrang District Committee of MUSA opposed the said Bandh. He disclosed that before joining MUSA he was a member of AMSU and that as is apparent from the names of the organizations, Muslim Students Association

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(MUSA) is exclusively for Muslims whereas Assam Minority Students Association (AMSU) includes other minorities besides Muslims.

45. PW.53 Dipankar Das and PW.54 Pulak Das are NETV reporters. According to them, on 14.8.08 at about 9:30 AM they proceeded on a motor bike towards Rowta. When they reached Bhalukmari Chowk some persons armed with lethal weapons like spear, lathi, dao etc. prevented them from proceeding further. They took video photographs of those armed people preventing them from proceeding further. Seeing them taking photograph, those people chased them. Then they took shelter in the nearby house of one Ram Chandra Hazarika (PW.18). Before entering into Hazarika's House they parked their motorbike on the roadside in front of his house. Those people demanded that the cassette of video photography be handed over to them. A police constable came and asked them to hand over the cassette and said that if they refused the miscreants outside the house would assault them. PW. 53 Dipankar Das said that those people prevented them from taking video photograph as they did not like to be photographed with lethal weapons in their hands. PW. 54 Pulak Das said more than 3000 people armed with lethal; weapons gathered there for forcible closure of the shops and that he saw shops in broken condition. The police asked them to leave the place for their safety. After handing over the cassette of the video photograph to the police constable they came out of Hazarika's house and left the place riding on their motorbike which was in running condition though damaged by the miscreants. They did not lodged any FIR regarding this incident.

46. PW. 55 Abdul Aziz, a rickshaw puller, deposed that when he reached the road in front of the High School at Rowta Bagan, a group 50 Bodo persons armed with arrow and bow surrounded him, pulled down his rickshaw and severely assaulted him causing fracture in his left hand. He lodged an FIR in Rowta Police Out Post,

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47. PW. 56 Muhijal Haque alias Buttu was brought to Rowta Out Post on 24.8.08. From there he was taken to Udalguri Police Station and was produced before a Magistrate who remanded him to judicial custody. He was in jail for four months. He was arrested in connection with Dipak Rava murder case. He denied his involvement in the said case and also denied to have been Advisor of MUSA. PW.57 Ekramul Haque and PW.58 Hasmat Ali, however, said that Muhizal was an Advisor of MUSA. PW. 59 Golap alias Gol Hussain of Rowta Bagan is VDP Secretary. On 14.8.08 at the behest of Superintendent of Police, Udalguri he remained with the police party from 6 AM to 10:30 PM to assist the police in dealing with law and order situation during the bandh. He saw people gathered in large number near the culvert of the road. On the other side a large number of Bodo's gathered in Bahlukmari Bazaar. They couldn't proceed further because of presence of the police party. Certain other people proceeded towards the LP School and clashes took place. PW.57 Ekramul, PW.58 Hasmat, PW.59 Gol Hussaain, PW.60 Akbar Ali, PW.61 Janif Ali, PW.62 Kamal Haque, PW. 63 Safar Ali and PW 64 Momraj Ali denied their involvement in the case of assault on Oli Daimari (PW.26), Tarun Deka (PW.29) and Nirmal Deka (PW.30) on 14.8.08. They further said that they were neither interrogated nor arrested by the police in connection with any criminal case.

48. PW.62 Kamal Haque along with three others went to Balicia and saw at about 6:30 AM on 14.8.08 80/90 Bodos sitting at Bahalukmari Hatkhola Chowk. On way back, before they reached Hatkhola at about 7:30 AM they saw a large gathering and started running throwing away their bicycle through a field avoiding the National Highway and reached Rowta Bagan. PW.64 Momraj Ali came out of his house at Rowta Bagan at about 10 AM on 14.8.08 and saw his uncle Hazarat Ali lying on a drain with bleeding injuries in the head and other parts of his body. He was taken to Magaldoi Civil Hospital.

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49. PW.65 Sophiquil Islam was President of Udalguri District Committee of AMSU till PW.66 Zakir Hussain replaced him in November 2008. PW.65 said that AMSU did not support the 14.8.08 Bandh called by MUSA. PW.66, however, said that AMSU neither supported nor opposed the said Bandh. According to PW.66, it is difficult to say who was responsible for violence on 14.8.08 and all sections of people irrespective of caste creed and religion suffered immense loss for such violence.
50. PW.68 Himadree Kr. Sharma is General Secretary of Darrang District Committee of AJYCP. He deposed that before 14th August, Bandh called by MUSA there had been an incident of selling beef in Kaliagaon market and that at the instance of AYJCP, an inquiry into the incident was initiated. An FIR was lodged against MUSA in Kaliagaon Police Station. MUSA members continued to indulge in activities to create communal tension, PW.69 Monimoy Goswami, President of All Darrang Student Union also said that a section of miscreants before 14th August Bandh created tension by selling beef along with mutton in Kaliagaon Market.
51. PW.72 Maniruddin Ahmed claimed to have resigned from the post of President Darrang District Committee of MUSA after 14th August Bandh. He deposed that in an emergent meeting of the Central Committee of MUSA held at Orang, it was decided to observe Bandh on 14th August in protest against the harassment to genuine Indian Citizens, who have gone to Dibrugarh and Sibsagar Districts in upper Assam to work as labourers labelling them as illegal, Bangladeshis. He claimed to have advised the Central Committee not to call Bandh on 14th August because on 12th August AMSU called Bandh for the same purpose.
52. PW.77 Badrul Islam is President of the Central Committee of MUSA. He

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denied to have received any advice from PW.72 Maniruddin Ahmed not to call Bandh on 14th August. He deposed that Udalguri Distict Committee of AMSU did not oppose the 14th August Bandh. He submitted a paper cut Ext.75 of a news item published in Assamese daily "Adinor Sambad" on 14.8.08 with the caption "Six organizations had appealed to the people not to observe Assam Bandh on 14.8.08 called by MUSA".

53. In the foregoing paragraphs I have discussed the evidence including the statements of witnesses having a bearing on the circumstances leading to the incidents that occurred at Rowta, Bahlukmari and Hatkhola areas in Udalguri district on 14.8.2008 during the Bandh called by Muslim Students Union of Assam (MUSA). The evidence including the statements of witnesses will be discussed further while taking up the terms of Reference Nos. 2, 3 and 4. The picture as to the circumstances leading to those incidents which emerges on an overall assessment of the evidence including the statements of witnesses discussed above coupled with the relevant information/documents/records made available to the Commission, may now be summarized.

54. In the wake of a recent Gauhati High Court Judgment 2008(3) GLT272 decided on 25.7.08 highlighting the presence of a large number of illegal migrants from Bangladesh in Assam, the activists of All Assam Students Union (AASU), Asom Jatiyatabadi Yuba Chatra Parishad (AJYCP) and certain other organizations picked up a number of suspected Bangladeshis in the Upper Assam Districts of Tinsukia, Dibrugarh and Sibsagar and handed them over to the respective police stations to initiate legal process for deportation of those of them proved to be illegal migrants from Bangladesh. Reacting to this All Assam Minority Students Union (AMSU) and Muslim Students Union of Assam (MUSA) called Assam Bandh on 12.8.08 and 14.8.08 respectively in protest against the alleged harassment of the genuine Indian citizens belonging to religious minority community in the name of Bangladeshis. The AMSU Bandh

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passed off peacefully. But violent incidents took place at Rowta, Bahlukmari and Hatkhola areas in Udalguri District on 14.8.08 during the Bandh called by the MUSA leaving several dead and many more injured. Shortly before the 14th August Bandh, there had been allegation of selling beef along with mutton in the daily market at Kalaigaon in Udalguri District creating communal tension. The AMSU did not support MUSA Bandh on 14th August because AMSU itself called Bandh on 12th August for the same purpose. There had been resentment among the public, irrespective of caste, creed and religion, against calling a Bandh on 14th August after the Bandh on 12th August for the same purpose with a gap of only one day in between. All Bodo Students Union (ABSU) and certain other organization resolved to oppose the 14th August Bandh in a meeting held at Orang Inspection Bungalow. Ext. 75 is a paper cut of a news item published in an Assamese daily "ADINOR SAMBAD" on 14.8.08 with the caption "Six Organizations' appeal not to observe the Assam Bandh called by MUSA". Surprisingly, the district administration and district police came to know about the 14th August Bandh only on 13th August, and that too, through newspaper and not through any intelligence agency of the district or of the State.

55. As usual the 14th August Bandh affected the shopkeepers asked to keep their shops closed, motorcycle riders, truck driver etc. who were supposed to stay off the road. Though all this should have been voluntary, force was used to enforce the Bandh leading to violent incidents that took place at Rowta, Bhalukmari and Hahtkhola areas. In the morning of 14th August MUSA activists forcibly closed shops in those places and had beaten up the shopkeepers who resisted forcible closure of their shops. Clashes started taking place between the Bandh supporters and the non-supporters. At about 10 AM at Bahlukmari hatkhola, Oli Daimari (PW.26), a Bodo youth, told 4/5 MUSA activists that shop would not be closed. Then the MUSA activists left the place. But after sometime at about 10:30 AM a mob of 100 to 150 belonging to religious minority community appeared in the scene and menacingly rushed towards Oli Daimari

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and others and assaulted them. They assaulted Tarun Deka (PW.29) and Nirmal Deka (PW.30), both ASEB employees, who were proceeding on bicycles towards Rowta after finishing their work in an electric line near a transformer at Bahlukmari. MUSA activists inflicted dao injuries on head and waist of Oli Daimari. He was hospitalized, first at Rowta and then at Tezpur. Surrounded by armed Muslims, Tarun was hit on his forehead, fell down on the ground and lost consciousness, Nirmal was hit by a sword on his head while trying to run away throwing his bicycle. In the melee Tarun did not know what happened to Nirmal and Nirmal did not know what happened to Tarun. Both of them were taken to hospital at Tezpur for better treatment. In this connection Udalguri P.S. Case No.102/08 under Section 143/326 IPC was registered on receipt of an FIR lodged by Mayaram Daimari, Oli Daimari's father, naming Amar Ali, Hasmat Ali, Siraj Ali, Rabin Ali, Taleb Ali, Noor Islam, Gol Hussain alias Golap and Fajan Ali as accused. Police arrested one Mahaijul Haque alias Butto (PW. 56).

56. Immediately after assault on Oli Daimari rumours spread that Muslims killed a Bodo youth and large-scale violence started in the entire district. In the morning supporters and non-supporters of Bandh involved in scuffle in Hatkhola area. Large number of Muslims armed with lathis, dao etc. and non-Muslims similarly armed came face to face. They could, however, be dispersed with the help of available force. Muslims from Aminapara and Jhargaon armed with lethal weapons came out in thousands and gathered at Jhargaon Chowk. They intended to march to Rowta Chariali. Public in Rowta Chariali, particularly shop owners, also gathered to face the Muslims. A large crowd of Muslims blocked Nathinal Highway 52 and were proceeding towards Rowta Chariali. At the intervention of the District Administration and District police the crowd dispersed. A large number of Bodos and Muslims armed with lethal weapons came face to face near Daifam and Siddhakhowa areas. Later the crowd dispersed.

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57. At about 11:50 AM Rafiqul Islam came to inquire about one Kuddus Ali, who was assaulted by the miscreants. Near the Inspection Bungalow at Majbat road Rafiqul saw a Safari car proceeding towards Majbat. He stopped the car for carrying Kuddus to Mangaldoi. Immediately thereafter Atul Bora, Bogamulla of Garubandha, Kuldip and Rinku Deka of Nisilamari armed with lathi, iron rod etc. got down from the car. Then Nagen Pagla of Pakaribari came on a scooter and joined the miscreants and they assaulted Rafiqul with lathi, iron rod etc. He ran away to his house profusely bleeding. He was then taken to Orang Health Centre. In this connection Orang P.S. Case No. 06/08 u/s 147/149/325/354/506 IPC was registered after receipt of an FIR lodged by Mahidul Islam, Rafiqul's brother. In this case Dipak Deka, Gohin Deka, Atul Bora and Kuldip Saharia were arrested.

58. At about 1 PM a mob of twenty miscreants armed with dao, lathi etc. attacked Lamabari Prembasti village, and when the villagers ran away out of fear, the miscreants ransacked the houses of Kabi Ali, Anowar Ali, Masta Ali, Sayed Ali, Halima Khatun, Jubeda Khatun, Islam Ali, Jaman Ali, Hafez Ali and stole away the valuables. They set fire to the kitchen of Islam Ali. They also assaulted one Dulal Ali, a guest in the house of Masta Ali, causing grievous injuries. In this connection Udalguri P.S. Case No. 54/08 u/s 147/148/447/448/437/379/436/325 IPC was registered.

59. At about 4 PM near Rowta Bagan on 52 National Highway a mob of miscreants inflicted lathi blows on Dipak Rava, a hotel boy, while he was returning home on a bicycle from the hotel. He was first brought to Rowta Health Centre and then to Mission Hospital at Tezpur where he succumbed to his injuries. According to eyewitness Topeswar Basumatari (PW.24), his neighbour Butto Ali (PW.56) and three others were sitting on a roadside near the house of one Nitai Singh. They were armed with lathi, dao etc. After sometime four others joined them. While Dipak was returning home they caught hold of him and

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severely assaulted him. Even after he fell down on the ground, Butto hit him with a lathi several times. Another eyewitness Bristiram Daimari (PW.19) saw about ten Muslims attacked Dipak and damaged his bicycle. In this connection Udalguri P.S. case No. 95/08 u/s 341/302/34 IPC was registered. In this case MUSA activist Mahizul haque, MUSA District President, Mazajur Rahman, MUSA District Committee Secretary, Nuzrul Islam, and MUSA Central Committee President Badrul Islam were arrested.

60. At about 4:30 PM near Rowta Power House on the PWD road a Tata Sumo AS-22F-6299 coming from Tezpur side was hit by a truck and came to a halt and the Tata Sumo was set on fire by the mob gathered there. In this connection Udalguri P.S. Case No. 103/08 u/s 143/435/427 IPC was registered. On receipt of an FIR lodged by Binod Roy, registered owner of the Tata Sumo.

61. The worst among the incidents took place at about 5 PM near Daifang bridge. Fourteen labourers in a truck AS-25C-4618 was returning from Bhairabkunda quarry after loading the truck with boulders. Some miscreants coming on a trekker from the opposite direction stopped the truck. Sahab Ali, driver of the truck who pretended to be a Hindu was allowed to leave the place. The 14 Muslim labourers were forced to get into the trekker and were taken to nearby Daifam bazar. They were assaulted in the trekker. Out of fear, four of the Muslim labourers jumped out of the trekker. Chased by the miscreants, they ran away in different directions. One of them Nurzamal (PW.48) hid himself in a nearby jungle and from his hiding place could see the miscreants hacking his companions. When the miscreants came in search of the fleeing labourers, Nurzamal jumped into a tank and was later rescued by Army patrol. Nineteen days later three human skeletons were dug out of a pit covered by earth and sand at Daifangs Hatkhola. The skeletons were identified to be that of Saiful Islam, Muhlam Ali, and Wazed Ali of Dalgaon Khuti in Darrang District who were waylaid by the Bodo miscreants. The seven other labourers so waylaid remained

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Nurzamal

untraced. They are Matleb Ali, Hasan Ali, Babul Ali, Idrish Ali, Mukjal Ali, Rahman Ali and Kuddus Ali of Dalgaonkhuti. In this connection Udalguri P.S. Case No. 97/08 u/s 341/379/365/325 IPC was registered on receipt of an FIR lodged by Binod Chowdhury, registered owner of the truck., No dead body was recovered at the time of lodging the FIR.

62. At about 5 PM at Tarajuli Tokkar Ali was killed. He was not aware of any clash between Bodos and Muslims. Before killing him, he was kidnapped and his son was hiding in a jungle near the house of a Nepali person. The police rescued the son and recovered Tokkar Ali's dead body from No.5 Dhansiri river. In this connection Udalguri P.S. Case NO. 101/08 u/s 365/379 IPC was registered on receipt of an FIR lodged by Tokkar Ali's brother.

63. On 14.8.08 at Dhansiri Chowk Md. Kuddus Ali was assaulted by some miscreants and in this connection Orang P.S. Case No. 09/08 u/s 325/379/341 IPC was registered. In the morning Kuddus Ali came to Dhansirighat weekly market on a bicycle. Despite Assam Bandh called by MUSA, the market remained open. He purchased food articles. On his way back, at about 11 AM near Dhansirighat Chowk 5/6 Bodos assaulted him with lathi and also hurled stones at him. His bicycle fell on the ground and was lost.

64. On 14.8.08 Kamaluddin of Padumoni had gone to collect wood from a Bodo person for the local Mosque. He did not return home. On 15.8.08 his dead body was recovered at Purabari. In this connection Udalguri P.S. UDC/No.16/08 was registered.

65. Apart from the above mentioned incidents in connection with which criminal cases were registered in respective police stations, several other incidents took place on 14.8.08. The written statements submitted, oral evidence adduced

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and the documents produced before the Commission have given accounts of some of such incidents.

66. On 14.8.08 at about 9:30 AM when two NE TV reporters Dipankar Das (PW.53) and Pulak Das (PW.54) coming on a motorbike reached Bhalukmari Chowk, Bandh supporters armed with lethal weapons like lathi, dao, spears etc. prevented them from proceeding further. Seeing the NE TV reporters taking their video photographs, the miscreants chased them. The reporters took shelter in the nearby house of Ram Hazarika's (PW.18) leaving their motorbike on the roadside in front of Hazarika's house. Hazarika's son closed the door. One of the miscreants attempted to open the door by using a dagger. The miscreants damaged the motorbike of the TV reporters and allowed them to leave the place only after the video cassettes were handed over to a police constable as demanded by them. The TV reporters did not lodge any FIR regarding this incident.

67. Same day in the morning Moniram Daimari (PW.17) left home for hazira work. At about 11 AM he learnt about the clashes between Bodos and Muslims and hurriedly returned to his house at Rowta Bagan, a locality inhabited by Muslims. His family members already left for another village Balicia. He met his wife there and was told that Manik Ali wanted to assault her. The Muslim miscreants cut bamboo walls of his house and took away the food articles. Chased by Tayeb Ali and Naosam Ali, he ran away to save his life. Out of fear of attacks from the Muslims, he took shelter in a Government Relief Camp and returned home only in June 2009.

68. In front of the High School at Rowta Bagan a mob of 50 Bodos surrounded a rickshaw puller Abdul Aziz (PW.55), pulled down the rickshaw, and severely assaulted him causing fracture in his left hand. At about 7:30 PM at Hatkhowla a mob of 80/90 Bodos gathered. Kamal Haque (PW.62) and three others threw away their bicycles and started running through a paddy field avoiding the National Highway to escape the notice of the miscreants and reached

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Rowta Bagan. At about 10 AM Hajmal Ali was found lying in a drain with bleeding injuries in the head and other parts of his body. He was taken to Mangaldoi Civil Hospital. In the incidents that took place on 14.8.08 in the Udalguri District fifteen persons were killed (list Annexure-V), eleven persons were missing of which seven are presumed to be killed (list Annexure-VI) and at least nineteen persons were injured (list Annexure-VII) on a single day.

69. It all started as a localized group clash between the Bandh supporters and the shopkeepers, irrespective of caste, creed and religion, who resisted forcible closure of their shops by the MUSA activists. The people involved were not only Muslims and Bodos but also non-Muslims and non-Bodos like two ASEB employees Tarun Deka and Nirmal Deka, two NE TV reporters Dipankar Das and Pulak Das and a hotel boy Dipak Rava. But with the assault on Oli Daimari and Raju Daimari, two Bodo youths, in two different incidents in the morning of 14th August, the rumour-mongers had a field-day. Rumours had been spread that the Muslims had killed Bodos and Bodos had killed Muslims to different parts of the District leading to death and assault mostly on people like wage earners, cultivators, rickshaw pullers, and labourers who were caught unaware of the happenings, for example, hotel boy Dipak Rava, cultivator Tokkar Ali, carpenter Kamaluddin and rickshaw puller Abdul Aziz. The harrowing occurrence of three Muslim labourers brutally killed and seven others presumed to be killed in one single incident turned the Bodo-Muslim conflict into a full-blown communal clash which spread beyond Udalguri District and beyond 14th August 2008 in the back-drop of the fear of the immigrant Muslims disturbing the demographic composition in Bodoland on the one hand and the allegation of the Bodos targeting the immigrant Muslims for ethnic cleansing in Bodoland on the other hand. However, what happened after 14th August 2008 in Udalguri District and beyond is outside the purview of the present inquiry, for, the State Government constituted this Commission to inquire into the incidents that occurred in Udalguri District only, and that too with regard to those incidents that occurred on 14.8.08 only.

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TERMS OF REFERENCE NO.2

IDENTITY OF THE PERSONS RESPONSIBLE FOR THE VIOLENCE

70. Now I propose to discuss the evidence as regards the identity of persons responsible for violence. What is stated in written statements without duly sworn affidavits supporting the statements therein cannot be read as evidence.

71. PW.1 B.G Kuligam, who was Superintendent of Police, Udalguri District at the relevant time, in his written statement supported by duly sworn affidavit, states, interalia, "On 14.8.2008, there were scuffles in between bandh supporters and shop- keepers resisting forcible closure of their shops ... rumour spread that the Muslims had assaulted, kidnapped and killed some Bodos, sporadic incidents of clashes between the Bodos and Muslims started taking place." Mr. Kuligam adds that on 14.8.2008 at about 10.00 A.M a mob of Muslims injured Oli Daimari and three others. A group of non-Muslims Kuldeep, Nagan Pagla, Rinku Deka, Atul Bania and Boga Mulla assaulted Raffiqul Islam. At about 1.00 P.M twenty armed miscreants entered Lamabari Prembasti, damaged the houses of Mosta Ali, Sayed Ali and others, looted their property and set fire to kitchen of Islam Ali. At about 4.00 P.M Deepak Rava was killed by some miscreants in connection with which Muhijal Haque was arrested. At about 4.30 P.M. a mob set fire to a Tata Sumo near Routa Power House. At about 5.00 P.M near Daifang bridge miscreants waylaid a truck and kidnapped the driver and fourteen Muslim labourers traveling in the truck, four of them returned home alive, three were killed and remaining seven could not be traced out. At the same time Bodo miscreants kidnapped and killed Tokkar Ali at Tarajuli. During investigation of this case police arrested Moniram Daimari and Girish Deka. In his oral evidence before the Commission, Mr.Kuligam said that he stood by-what he stated in his affidavit.

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72. Significantly, Mr. Kuligam, who had access to case diaries maintained by his sub-ordinate police officers has not specifically named the persons involved in the above incidents except naming Muhijal Haque in the murder of Deepak Rava, Maniram Daimari and Girish Deka in the murder of Tokkar Ali; and Kuldeep, Nagan Pagla, Rinku Deka, Atul Bonia and Boga Mulla involved in the assault on Raffiqul Islam. As regards other incidents, Mr. Kuligam has just made general statements using expansions like "Bandh supporters", "shop-keepers resisting forcible closure of shops", "Bodo miscreants," "Muslim miscreants" and simply "miscreants." PW.5 Mr. P.K Mahanta, Additional Deputy Commissioner, Udalguri District, conducted magisterial inquiry into the incidents and in his Inquiry Report Exhibit 17 he has not given the names of persons responsible for violence except using general expressions like "Bandh supporters" and "shop-keepers resisting forcible closure of shops." In his evidence before the Commission, Mr. Mahanta said, "I could not ascertain and identify the mastermind behind the gruesome incidents." In the FIRs lodged in connection with those incidents, the accused persons are not named except in the cases of assault on Oli Daimari and assault on Raffikul Islam. In the former Amal Ali, Hasmat Ali, Siraj Ali, Nobin Ali, Taleb Ali, Nur Islam, Gul Hussain, Phajar Ali are named as accused. In the latter, Nagan Pagla, Atul Bania, Rinku Deka, Boga Mulla, Kuldeep are named as accused. In Deepak Rava's murder case, though accused persons were not named in the FIR, the police in course of investigation arrested Mahizul Haque, Mizanur Rahman, Badrul Islam and Nazrul Islam, all office-bearers of MUSA. Mahizal Haque was arrested in Oli Daimari's assault case also. The police could not make much breakthrough in any of the cases to identify the persons responsible for violence. However, in course of recording evidence before the Commission, some witnesses disclosed the names of some persons indulging in violence. PW. 26 Oli Daimari specifically stated that Faizul Ali assaulted him. PW.30 Nirmal Deka named Sikandar Ali as one of his assailants. PW.17 Maniram Daimari's wife was assaulted by Manik Ali and he himself was about to be assaulted by Jayed Ali and Nausad Ali. PW.24

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Topeswar Basumatari saw Bhuttu Ali hitting Deepak Rava several times leading to his death. The evidence of other witnesses leads us nowhere as to the identity of the persons responsible for violence.

73. Along with unnamed and unidentified Muslim and Bodo miscreants as well as non-Muslim and non-Bodo miscreants, Kuldeep, Nagan Pagla, Rinku Deka, Atul Bania, Boga Mulla, Muhizul Haque, Moniram Daimari, Girish Deka, Amar Ali, Hasmat Ali, Siraz Ali, Nabin Ali, Taleb Ali, Nur Islam, Phajar Ali, Mizanur Rahman, Badrul Islam, Nazrul Islam, Phazar Ali, Sikandar Ali, Manik Ali, Jayed Ali, Nausad Ali and Bhuttu Ali are prima-facie responsible for violence subject to deeper investigation by the police in the respective criminal cases.

74. MUSA office-bearers and MUSA activists are squarely responsible for starting the violence by forcing the shop-keepers to close their shops and beating up those who refused to oblige and forcing the scooter/ motor-cycle riders, cyclist etc to stay off the road and beating up those who resisted such use of force. If such shop-keepers, motor-cycle riders, Cyclists etc, while resisting use of force by the MUSA activists, struck them back in exercise of their right of private defence of person and property, they cannot be said to be on the wrong side of law. On the other hand, MUSA as an Organization and its office bearers and activists cannot be said to be on the right side of the law. In the first place MUSA committed illegally by calling bandh, for, bandh has already been banned and declared illegal by the Supreme Court of India vide (1998) ISCC, 2001, Communist Party of India (M) Vs Bharat Kumar & Ors, and reiterated by the Gauhati High Court vide PIL 72/2005 decided on 6.1.2010 Mrinal Talukdar Vs State of Assam & Ors. What is worse, the MUSA activists used force to enforce such illegal bandh giving rise to clashes between the Bandh supporters and non-

supporter and ultimately to violent ethnic clashes involving mainly immigrant

Muslims of Bangladesh origin on the one hand and Bodos as well as a small number of non-Bodos like Assamese speaking people, Rabha and Kachari on the other hand.

75. PW.72 Maniruddin Ahmed and PW. 73 Hibzul Kabir, former President and Vice President respectively of the Darrang District Committee of MUSA, have dissociated themselves from the MUSA Central Committee's decision to call Bandh on 14.8.08. According to them, on being advised not to call Bandh on 14.8.08, MUSA Central Committee President Badrul Islam (PW.77) told them that the proposed 14.8.08 Bandh had the support of Fishery Minister Shri Nurjamal Sarkar and Dalgaon MLA Md. Ilius Ali, that in the meeting held earlier the Fishery Minister financially helped and he would continue to help in convening the meetings and conventions to be held in future. In cross-examination he admitted to have heard that at the behest of Dalgaon MLA Md. Ilius Ali and others, police arrested and harassed MUSA members and wanted him in the police station, but denied that because of this he made false allegation against Dalgaon MLA. Md. Ilius Ali. Admittedly, Maniruddin and Hibzul made allegations as aforesaid against Fishery Minister Nurjamal Sarkar and Dalgaon MLA Ilius Ali not on the basis of their personal knowledge but on the basis of what- ever was allegedly told to them by Badrul Islam. Their evidence in this regard is hearsay and cannot be acted upon in as much as PW. 77 Badrul Islam denied to have told them anything of that sort.

76. PW. 71 Dalgaon MLA Md. Ilius Ali and PW. 75 Fishery Minister, Shri Nurjamal Sarkar categorically denied to have ever helped the MUSA or any of its member financially or otherwise, and also denied to have supported the 14th August Bandh in any manner. Copies of printed leaflets Exhibit. 72 and Exhibit.

73 are produced in an attempt to show that Fishery Minister Nurjamal Sarkar and Dalgaon MLA Ilius Ali patronized MUSA. Exhibit. 72 is an the invitation letter

with programme of the 2nd Annual Foundation Day of MUSA held on 17th and 18th, June, 2007 at Kharupetia Higher Secondary School. As per programme Dalgaon MLA Md Ilius Ali was to inaugurate rostrum of the open session. Exhibit. 73 is an invitation letter with programme of 3rd Annual Foundation Day of MUSA held on 17th June, 2008 at Dhekiajuli Swahid Maidan. As per programme, Fishery Minister Mr. Nurzamal Sarkar and Panchayat & Rural Development Minister Shri Chandan Brahma were to be the honoured guests. However, MUSA Central Committee President PW.77 Md. Badrul Islam said, "none of the persons named in the leaflets as chief guest, appointed speaker, honoured gu, and invited guests attended the conference on 17th and 18th June, 2007". He further said, "Mr Nurjamal Sarkar, Minister, Assam and Mr. Ilius Ali, Dalgaon MLA, did not attend any of the meetings or functions held in connection with 2nd Annual Foundation Day and 3rd Annual Foundation Day of MUSA." The persons named in the two leaflets include former Tezpur Lok Sabha M.P. Moni Kumar Subba, Assam Ministers Md. Rockeybul Hussain and Dr. Himanta Biswa Sarma, Darrang Dist. Superintendent of Police Shri Ronuck Ali Hazarika, then Sonitpur Superintendent of Police Mr. M.P. Gupta Minister Shri Chandan Brahma, Speaker, Shri Tanka Bahadur Ray, former Dhekiajuli MLA Shri Joseph Toppo, former Sonitpur District Deputy Commissioner Shri Kamal Goswami, Vice President AJYCP Sri Rana Pratap Baraua, besides Fishery Minister Shri Nurjamal Sarkar and Dalgaon MLA Md. Ilius Ali. Inclusion of their names in the two leaflets by itself does not prove that they helped MUSA financially or otherwise and supported the 14th August Bandh called by MUSA, especially when most of them including Fishery Minister Shri Nurjamal Sarkar and Dalgaon MLA Md. Ilius Ali admittedly did not attend any of the meetings and functions held in connection with 2nd and 3rd Annual Foundation Day of MUSA held on 17th and 18th June, 2007 and 17th June, 2008 respectively. Thus

there is no evidence worth the name to show that Fishery Minister

Shri Nujamal Sarkar and Dalgaon MLA Md. Ilius Ali were in anyway associated with MUSA.

77. Though Udalguri District has international border with Bhutan and interstate border with Arunachal Pradesh, and has strong presence of the extremist organizations like NDFB, ULFA, AANLA, there is no evidence to show that any extremist organization was involved in the 14th August violent incidents. Not to speak of sophisticated weapons like A.K. 47 generally used by militant outfits, use of ordinary firearms was also not reported. There is also no evidence to show that any organization except MUSA, and any Political party was involved in the incidents that took place on 14th August, 2008 in Udalguri District.

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TERMS OF REFERENCE NO. 3

LAPSES, IF ANY, ON THE PART OF ANY AUTHORITY AND FIXATION
OF RESPONSIBILITY.

78. Regarding lapses on the part of any authority, PW.15. Shri Karendra Basumatary, sitting MLA of 70 Majbat LAC, told the Commission, "I learned from the members of the public and eye witnesses that at the place of occurrence Dr. Sadique Ali Ahmed, SDPO, Udalguri and Shri Hridayananda Das, S.I of Routa Police outpost along with C.R.P.F jawans were on duty. But innocent aggrieved persons did not get any help from police personnel. Encouraged by such inaction, MUSA activists caused injuries to a large number of people and caused large scale damage to property." According to him, the then SDPO Dr. S. Ali Ahmed is responsible and guilty.

79. PW. 11 Shri Powal Chandra Daimari is President of Routa Primary Bodo Sahitya Sabha and a teacher by profession. PW. 12 Shri Mingingha Brahma is President of Routa Anchalik Committee of All Bodo Students Union (ABSU). Both of them jointly filled a written statement alleging that "during bandh hours MUSA activists along with militant fundamentalists attacked and caused injuries to five innocent people of indigenous communities in front of very eyes of the police. Dr. Ali Ahmed, SDPO, Udalguri himself was present when the youths attacked innocent indigenous people." In their evidence before the Commission they stood by what they stated in their written statement.

80. PW.16, Shri Dwipen Boro is President of Udalguri District Committee of All Bodo Students Union (ABSU). Shri Babul Basumatari was President at the relevant time. Exhibit. 43 is a copy of a Memorandum dt. 15.9.08 addressed to the Chief Secretary to the Govt. of Assam demanding

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immediate action against Dr. S. Ali Ahmed, the then SDPO, Udalguri and others submitted by Shri Babul Basumatry and another. It was alleged "the SDPO was a mute spectator when activists Muslim Students Union of Assam(MUSA) armed with weapons attacked one person to death and seriously injured five innocent people and also two television journalist(NE TV) Mr. Pulak Das and Dipankar Das of Majbat, whose Video Camera and motorbike were damaged. The SDPO snatched away video cassette from the journalist which contained the footage of above mentioned video where he was mute spectator. Exhibit. 44 is a copy of the Memorandum dt. 18.8.08 for action against Dr. S. Ali Ahmed addressed to the Deputy Commissioner, Udalguri by Shri Babul Basumatary making similar allegations. PW. 16 Shri Dwipen Boro alleges that the SDPO Dr. Ahmed and other police personnel did not try to save Oli Daimari and Subhungshar Mushahary from being assaulted by MUSA activists. One of the police officers hinted the C.R.P.F personnel not to take out the lathi and then C.R.P.F personnel put the lathi inside the police van and took no action. Mr. Boro added " for escalation of the incidents on 14.8.08 the then SDPO, Udalguri, Dr. S.A. Ahmed and the then I/C of Routa Police Outpost Shri Hridayananda are responsible."

81. PW.21 Modan Koch deposed that on 14.8.08 in the morning in front of his house at Bhalukmari, a mob of armed man surrounded him. The SDPO was present but did not take any action to save him. A CRPF constable saved him from being assaulted by driving the assailants away. PW.22 Ronak Deka however deposed that on 14.8.08 at about 8 AM he accompanied by his uncle Modan Koch was returning home. When he reached home, his uncle left him. He saw a mob. The SDPO wanted to stop the mob when one of them shouted that he was the wrong person. Then they allowed him to leave the place unharmed. PW.25 Raju Daimari deposed that at 14.8.08 at about 10:30 AM at Bagan Chowk a mob of 100/120 Muslims

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rushed towards him and hurled a big stone towards him but he was not hurt. The State Police along with CRPF was present but took no action. PW.19 Bistriram Daimari deposed that when on 14.8.08 at about 10:30 AM at Hatkhowla Bandh supporters tried to forcibly close the shops, he asked the CRPF persons present there why they were not taking any action. They replied they could not take any action in the absence of the orders of the SDPO.

82. PW.30 Nirmal Deka gave evidence in the Magistral Inquiry that on 14.8.08 near Rowta Bagan Muslims attackers were followed by police and CRPF persons on foot with SDPO. In his evidence before the Commission he admitted to have said so before the Inquiry Magistrate.

83. PW.26 Oli Daimari deposed that on 14.8.08 at about 9:45 AM at Bhalukmari Muslim miscreants inflicted dao blows in his person. There the State Police and CRPF jawan with an officer were present. A CRPF jawan seeing him being assaulted took out a lathi from the police vehicle. Then the police officer present there spoke to the CRPF jawan and he immediately kept the lathi inside the police vehicle.

84. PW.18 Ram Chandra Hazarika is a teacher by profession. According to him, on 14.8.08 at about 10:30 AM at Bhalukmari when two NE TV reporters took shelter in his house chased by hundreds of Bandh supporters, he saw SDPO DR. Ahmed wielding a pistol and asked him what he was doing to stop all this and why police was not taking any action. Then a constable came and told him that he was sent by the SDPO Dr. Ahmed to take the video cassette from him. Persuaded by him, the TV reporters gave him the cassette, which he handed over to the constable.

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85. The incident involving the two NE TV reporters PW.53 Dipankar Das and PW.54 Pulak Das has been referred to in paragraph 66 and the evidence of Ram Hazarika (PW.18) about the said incident is discussed in Para 84 above. Both the TV reporters admitted to have made statement Ext.58 before Mr. P.K. Mahanta (PW.5) ADC, Darrang, conducting the Magisterial Inquiry. PW.54 Pulak Das said in the Magisterial Inquiry that while he started taking video photograph of the armed Bandh supporters, SDPO Udalguri asked him not to do so. Chased by the Bandh supporters he and his colleague Dipankar Das (PW.53) took shelter in a nearby house of Hazarika (PW.18). He requested the SDPO over phone to give security to them. SDPO agreed on condition of handing over the video cassette to him. He then handed over the same to a constable sent by the SDPO. Their statement Ext.58 was brought to their notice while they gave evidence before the Commission. In their evidence they denied to have spoken to SDPO over phone. They also said that they did not know SDPO, Udalguri. PW.53 Dipankar Das said they take no video photographs. PW.54 Pulak contradicted him by saying that they did take photographs. PW.60 Manimoy Goswami is the President of All Darrang District Students Union. He deposed that inspite of prior information Government has failed to take necessary steps to stop such clashes.

86. On the other side of the spectrum there is evidence of PW.34 Md. Muzibur Rahman. He is Vice President of Jamiet Uleme-E-Hind, Darrang and also the President of Darrang District Committee of All India United Democratic Front (AIUDF). He is an Advocate by profession. He deposed that hearing about group clashes on 14.8.08, he spoke to then S.P. and SDPO, Udalguri over mobile phone and they immediately arrived on the spot to control the situation. Regarding kidnapping of 14 Muslim labourers traveling in a truck of whom three were killed and seven were presumed to

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be killed, Mr. Rahman said that had the police conducted prompt inquiry, the identity of the assailants could have been established. He further said that he came to know that the situation in Udalguri District was controlled on 14th August on the supervision of the then SDPO and S.P., Udalguri. He felt that the District Administration did not co-operate. When he contacted the D.C., Udalguri over phone about the kidnapping of 14 Muslim labourers, the D.C.'s response was not positive. PW.39 Md. Musurruddin, an advocate, deposed that the District Administration did not take enough confidence building measures to restore peace and amity between the two communities.

87. PW.36 Md. Taher Ali deposed that when he lodged an FIR on 15.8.08 in Rowta Police Out Post regarding missing of his father Kamaluddin since 14.8.08, the in-charge tore out the same and got another FIR written by another man and obtained his signature thereon without reading it over to him. He said that had the in-charge of the Out Post promptly inquired into the matter, his father could have been rescued alive. Next day his dead body was recovered.

88. PW.65 Safiqul Islam was the President of Udalguri District Committee of All Assam Minority Students Union (AMSU) till November, 2008. He said that on 16.8.08 at the instance of the Udalguri District administration and District Police a meeting was held at Orang Police Station with the members of ABSU, AMSU, AASU, AKRASU, ATSA and leading citizens and it was resolved that all would extend co-operation to restore normalcy, peace and amity among all sections of people. This was announced by a system of public announcement. Peace Committee were formed. Arrangements were also made to dispel mistrust among different communities as confidence building measure.

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89. So far I have discussed the evidence of the witnesses who were not part of Udalguri District Administration or District Police. Now, I turn to the evidence of the concerned officials of the District Administration and the District Police and the documents produced by them.

90. PW. 3 Mr. S.S. Meenakshi Sundaram and Mr. A.P Tiwari joined as DC and SP respectively of Udalguri District after the incidents that took place on 14.8.08. They have deposed before the Commission on the basis of information derived from official records. PW. 3 Mr. Sundaram deposed that the District Magistrate personally visited the place of occurrence and supervised and maintained law and order. Two Additional District Magistrates were deputed for law and order duty in Udalguri and Bhergoan by an order dtd.14.8.08. Prohibitory order under Section 144 Cr.P.C was promulgated on 16.8.08. The bilingual leaflets in Assamese and Bodo were circulated calling upon the people to maintain peace and amity amongst different communities. A Central Peace Committee was formed comprising six members each from Muslim community and Bodo community with DC,S.P. Mr. Jumon Singh Brahma, Ex-Minister and Mr. Benjamin Soren as advisors. The Deputy Commissioner entrusted Additional D.C Shri P.K. Mahanta with the enquiry into the incidents of 14.8.08 and alleged partisan role of the then Udalguri SDPO Dr. S.A. Ahmed and also with another enquiry into the kidnapping of 14 Muslim labourers travelling in a 'truck. Mr. Sundaram feels that there was no lapse on the part of the District Administration in taking necessary measures to prevent communal tension.

91. PW.4 Mr. A.P. Tiwari filed a written Statement which is marked as Ext.20. According to him, as per records of Police Reserve, seven constable were deputed to Rowta OP for law and order duty on 14.8.08 at 4:30 PM with lathis and cane shields, five more constables were deputed to report before I/C Rowta OP at 8 PM. As per records of Rowta OP, S.P. and Addl. S.P. Udalguri visited there at 7:30 PM on 13.8.08. The COVDO and VDP Secretaries of Jhargaon,

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Aminpara, Sidhakhowa, Panikhaiti and Rowta Bagan were called there and were instructed for maintaining law and order. As per records, the following was the strength of Udalguri Police on 14.8.08 :-

Unarmed branch:

| | | |
|--------------|---|--|
| i) Inspector | : | 1 but was on leave on medical ground since long. |
| ii) SI(UB) | : | 27 out of sanctioned strength of 33. |
| iii) ASI | : | 25 out of sanctioned strength of 30. |
| iv) HC | : | 12 |
| v) Naik | : | 1 out of sanctioned strength of 3. |
| vi) Const. | : | 94 out of sanctioned strength of 198. |
| vii) WPC(UB) | : | Nil out of sanctioned strength of 11. |

Total sanctioned strength of UB staff is 287 out of which only 160 were actually on duty.

Armed Branch:

| | | |
|---------------|---|--|
| i) ABI | : | Nil out of sanctioned strength of 1. |
| ii) ABSI | : | Nil out of sanctioned strength of 3. |
| iii) WABSI | : | Nil out of sanctioned strength of 1. |
| iv) HAV | : | 8 out of sanctioned strength of 6. |
| v) WHAV | : | Nil out of sanctioned strength of 1. |
| vi) Naik | : | 2 out of sanctioned strength of 6. |
| vii) L/Naik | : | 1 out of sanctioned strength of 6. |
| viii) Const. | : | 105 out of sanctioned strength of 150. |
| ix) D/Const | : | 5 out of sanctioned strength of 30. |
| x) Hy/const. | : | 6 out of sanctioned strength of 5. |
| xi) WPC (AB) | : | 3 out of sanctioned strength of 4. |
| xii) Armourer | : | Nil out of sanctioned strength of 2. |
| xiii) Bugler | : | Nil out of sanctioned strength of 1. |

Total sanctioned of AB staff is 216 out of which only 130 were on duty.

After consulting all records PW.4 Mr. Tiwari opined that duty detailment was made to prevent any untoward incident and the duty placed at locations were more or less correct and appropriate. Annexure is the Force Posting of Udalguri District as on 14.8.08. In his evidence before the Commission PW.4 Mr Tiwari said that a general policy needs to be adopted while a district is bifurcated to create a new District, the division of officers and men needs to be evenly distributed.

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92. This brings me to what the concerned officials serving in Udalguri District on 14.8.08 and dealing with the situation there on that day have to say. They are Deputy Commissioner Mr. George Basumatatri (PW 1), Addl. D.C. Mr. P.K. Mahanta (PW 5), then Dy Inspector General of Police, Northern Range (Now Inspector General, Northern Range) Mr. S.N. Singh (PW 32), the then S.P. Mr B.G. Kuligam(PW 2), Addl. S.P. Mr. L. Teron (PW 6), and the then SDPO, Dr. S. Ali Ahmed (PW 74).

93. Only in the evening of 13.8.08 Mr. George Basumatari (PW 1) was told by Mr. B.C. Kuligam (PW 2) about the Bandh called by MUSA on the following day. Prior to that Mr. Basumatari had no such information either from any intelligence agency or from any newspaper report. Mr. Kuligam (PW 2) also came to know about the 14th August Bandh only on 13th August. He, however, came to know about the Bandh from newspaper reports. He did not receive any intelligence input from the District Special Branch(DSB), Special Branch Headquarter (SBHQ) or Subsidiary Intelligence Bureau (SIB) of Government of India. Mr. Kuligam deposed that on receipt of the information about the Bandh, he immediately issued instructions to all OCs and ICs by W.T.Message (Ext.6) which is reproduced below:

FAX/WT(OE)

TO : ALL OC/C/ICs OF UDL DIST/O/C UDL(B/H)(.)
INFO : DEPCOM UDL(B/H)/ADDL SP HQUDL(B/H)/SDPO UDL(B/H) (.)
FROM : DISPOL UDL(.)
S/NO DSB/UDL/150/08/800

Dated 13.08.2008.

NEWS PAPER REPORT INDICATES THAT MUSLIM STUDENTS ASSOCIATION(MUSA) HAS CALLED FOR 13(THIRTEEN) HOURS ASSAM BANDH W.E.F 0500 HRS ON 14TH OF AUGUST,08(.) THE BANDH CALL IS GIVEN IN PROTEST AGAINST THE ALLEGED HARASSMENT OF GENUINE INDIAN CITIZENS BY VARIOUS ORGANIZATIONS IN

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NAME OF DETECTION OF ILLEGAL BANGLADESHI MIGRANTS IN THE RECENT DAYS IN VARIOUS PLACES OF ASSAM(.) IN VIEW OF THE ABOVE YOU ARE DIRECTED TO PREPARE DUTY ARRANGEMENT PLAN TO PREVENT ANY UNTOWARD INCIDENTS FROM TAKING PLACE(.) NECESSARY DEPLOYMENT ARE TO BE MADE WITH AVAILABLE FORCES WELL IN ADVANCE AFTER IDENTIFYING THE VULNERABLE LOCATIONS(.) ALL INTELLIGENCE MACHINERIES AND SOURCES ARE TO BE ACTIVATED TO COLLECT ADVANCE INPUTS ABOUT THE PLANS AND DESIGNS OF MUSA(.) YOU ARE ALSO HEREBY REMINDED THAT IN VIEW OF THE ENSUING INDEPENDENCE DAY CELEBRATION, OTHER ANTI-SOCIAL ELEMENTS AND ORGANIZATIONS MAY TAKE ADVANTAGE OF THE SITUATION AND INDULGED IN ANTI-SOCIAL ACTIVITIES(.) YOU ARE TO TAKE ALL NECESSARY PREVENTIVE AND PRECAUTIONARY MEASURES TO PREVENT ANY UNTOWARD INCIDENTS FROM TAKING PLACE(.) PARA(.) DEPCOM UDL ONLY(.) REQUESTED KINDLY TO DETAIL ..MAGISTRATE FOR LAW AND ORDER DUTY IN CONNECTION WITH THE BANDH PROGRAM PARTICULARLY FOR RAWTA O.P AND KALAIGAON P.S(.) PARA(.) ADDL. SP ONLY(.) YOU ARE DIRECTED TO SUPERVISE THE DUTY ARRANGEMENT MADE BY THE POLICE STATIONS AND OUT POSTS(.) PARA(.) SDPO ONLY(.) YOU ARE DIRECTED TO CAMP AT RAWTA OP AREA TO SUPERVISE THE DUTY ARRANGEMENT OF NH-52(.) MESSAGE OVER(.)—DISPOL UDALGURI(.)

O/C APRO UDL TO TRANS PSE (.)

DISPOL UDALGURI(.)

94. Besides issuing the above instructions, PW. 2 Mr. Kuligam accompanied by PW 6 Additional S.P. Mr. Teron personally visited Rowta Police Out Post at 7-30 P.M on 13.8.08 itself for briefing the police personnel and contacted the local VDP Secretaries and leading citizens and requested them to assist the police in maintaining law and order during the Bandh as is evident from the Rowta Out Post G.D. Entry No. 269 and No. 271 dated 13.8.08 (Ext. 9).

95. On 14.8.08 while PW. 1 Mr. Basumatari was supervising the work of Independence Day arrangement with officials at designated parade ground at

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Udalguri, he received information from S.P about huge crowd gathered at Jhargoan bazaar on the National Highway to attack the Bodos. He rushed to the place and succeeded in persuading the mob to disperse. The situation at Rowta and Orang Chariali was also brought under control. Mr. Basumatari said that order under Section 144 Cr.P.C. prohibiting assembly of five or more persons in public places and clamping night curfew was not promulgated on 14th August itself because he was busy in dealing with the law and order situation and the police did not recommend promulgation of order under Section 144 Cr. P.C. He also disclosed that police did not report to him the incidents of torching of a Tata Sumo and the incident of a trekker carrying miscreants who kidnapped 14 Muslim labourers because the S.P was busy in dealing with law and order situation elsewhere. Mr. Basumatari further said, "Though the district administration tried its best to defuse the communal situation, it has its own limitation.....There was dearth of ADC, SDO, EAC level officers in the district..... D.C. had to move from pillar to post alone controlling the tense situation which was virtually well nigh impossible for dearth of officers". In this regard he made correspondences with the Government, which are marked Ext. 3 series. Ext.3(1) is W.T. message dated 23.5.2007 requesting the Personnel Department to post two EACs as there was no EAC in Deputy Commissioner's office at Udalguri. Ext. 3(2) is a letter dated 8.8.2007 making similar request to the General Administration Department. Ext. 3(3) is another letter dated. 12.10.2007 reiterating the same request to the General Administration Department. The Commissioner, Lower Assam Division, was also informed by letter dated 17.4.2008. Ext.3(4) that there was "no ADC, no SDO(Sadar) and no EAC in Udalguri District" with a request to move the Government for posting of one ADC, one SDO(Sadar) and two EACs. Ext. 3(5) is a letter dated 9.7.2008 requesting the Personnel (A) Department to post four EACs as there was no EAC in Udalguri District. Mr. Basumatari ordered two Magisterial inquiries (1) into the incidents that took place on 14.8.08 and alleged partisan role of the then SDPO Dr. S.A. Ahmed in dealing with the situation, and

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(2) kidnapping of 14 Muslim labourers traveling in a truck on 14.8.08. Both the inquiries were conducted by PW 5 Mr. P.K. Mahanta. Ext. 17 is the report of the first inquiry wherein he concluded, "Clear evidences as alleged role played by SDPO have not been found". Ext. 23 is the report of the second inquiry wherein it is said that no one appeared before him to produce any statement/evidence and the Police also found no clue of the culprits.

96. PW.32 Mr. S.N. Singh was DIG, Northern Range at the relevant time (has since been promoted to be I.G. Northern Range). His evidence reveals that the District under the BTAD including Udalguri were not under any Range. As per verbal orders of the DGP, Assam, he came to Udalguri on 14.8.08. On that day at about 10 AM he received a phone call from the S.P., Udalguri about the situation there. He immediately left Tezpur, HQ of Northern Range, and reached Udalguri at about 11:15 AM. He met the DC and SP at Rowta Bagan where the Bodos and Muslims armed with lethal weapons came face to face. However, the District Administration and the Police could bring the situation under control. Mr. Singh then came to Sidhakhowa to find a similar situation of Bodos and Muslims confronting each other. Ultimately, they could be persuaded to disperse. Mr. Singh camped at Udalguri continuously for 13 days from 14.8.08. He feels that the District Police did whatever they could do in the prevailing situation.

97. As regards lapses on the part of any authority, Mr. Singh said, "It is true that the District Administration and the District Police came to know about the bnadh call by MUSA on 14.8.08 only a day before, and that too from newspaper report and not from District Special Branch (DSB) or any other intelligence agencies. It is the duty of the DSB and other intelligence agency to collect information and to pass it over to the District Administration and District

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Police". He, however, hastened to add that "at that time only two Sub-Inspectors were in charge of DSB in Udalguri. In most of other districts either a Dy. S.P. or an Inspector of police looks after the DSB". Mr. Singh further said, "One of the charges in the show cause notice (issued by the Government) to the then Superintendent of Police Mr. Kuligam relates to the incident that took place on 14.8.08. I did not submit any report to my superior officer or to the Statement Government relating to the said charge". Mr. Singh said that on an informal inquiry the allegation of partisan role in favour of MUSA activists against the then SDPO DR. S. Ali Ahmed were found unsubstantiated.

98. In his written statement PW.2 Mr. Kuligam said that the DSB, Udalguri was functioning without Dy. S.P. and Inspector resulting in no intelligence intake. Many vehicles of the department were off the road for non-repair, and even petrol pumps stopped supplying petrol for lack of fund, and even the staff did not receive monthly salary for months. Even under such circumstances, he along with the DC could control the mob violence in different places of Rowta and Orang where thousands of people of both the communities were gathering mostly carrying lethal weapons. The District Police worked round the clock.

99. PW.6 Mr. Longnit Terang was the Addl. SP, Udalguri. He deposed that on 14.8.08 he was camping at Orang. Receiving information that Bandh supporters and non-supporters were indulging in scuffle in Hatkhola at about 9 AM, he came there and with the help of available force the crowd could be dispersed. Then he received information that Muslims from Aminapaar and Jhargaon armed with lethal weapons came out in thousands, gathered at Jhargaon chowk and were about to march towards Rowta Chariali. The people at Rowta

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Chariali also, particularly the shop owners, gathered to face the Muslims. He informed the SP and came to Jhargaon chowk and with the help of VDP Secretaries could convince the crowd not to proceed towards Rowta Chariali. But the people gathered there sat down and blocked the National Highway 52. Then the DC. and SP arrived and could manage to disperse the crowd. Information was received that scuffles started between Bandh supporters and non-supporters at Orang. Then Mr. Terang accompanied DC and SP to Orang. After controlling the situation there, they came back to Rowta Out Post. Near Rowta Power Station a Tata Sumo was torched by some miscreants. Mr. Terang visited the place and with the help of local people extinguished the fire. Bodo and Muslims armed with lethal weapons came face to face in Doigola and Sidhakhowa. DC, DIG Mr Singh and SP came and the crowd dispersed.

100. PW.74 Dr. S. Ali Ahmed, the then SDPO, Udalguri filed written statement supported by a duly sworn affidavit. According to him, with the limited police force at his disposal he did his best to control the mob from indulging in any act of lawlessness within the areas under his charge. He denied that the NE TV reporters were assaulted by any person. He was given the charge of maintaining law and order on N.H. 52 falling within the jurisdiction of Orang Police Station and Rowta Police Out Post under Udalguri Police Station. He denied that five innocent youths of indigenous community were attacked and injured in front of the eyes of police in his presence. He also denied that the incidents concerning Dipak Rava took place in his presence, and that as a matter of fact, he arrived at the place of occurrence after the occurrence and found Dipak Rava in an injured condition lying alone and he carried him to Rowta Public Health Centre and on medical advice he arranged Dipak Rava's shifting to Gauhati Medical College Hospital via Tezpur, but unfortunately he had to be admitted in Tezpur Civil Hospital where he succumbed to his injuries. He denied

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that the alleged incident regarding Oli Daimari, Tarun Deka, Nirmal Deka happened in his presence. He denied that he had demanded the videotape at that point of time from the TV reporters. In fact he escorted the two TV reporters towards Orang side for their safety. In his evidence before the Commission Dr. Ahmed said that no complaint was made to him or to the police that the two NE TV reporters were ever assaulted and that it is not a fact that from Hazarika's house they contacted him over mobile phone. It is also not a fact that he asked them to return the camera and reel. He also denied that in his presence the Bandh supporter MUSA activists attacked and assaulted the two ASEB employees Nirmal Deka and Tarun Deka and that he did not take any action to prevent such attack.

101. PW. 21 Shri Madan koch told the Commission that on 14.8.08 he was on his way back from Dhansirighat Market, in front of his house a mob armed man surrounded him. He said that then SDPO was present but did not take any action to save him. Regarding the presence of SDPO there, in his cross-examination on behalf of SDPO, he emphatically said "the SDPO Dr. Ahmed was present along with the CRPF personal when I reached there. I know the SDPO Dr. Ahmed." As per the case diary of Udalguri P.S. Case No.102/08 under Section 143/326 IPC, an incident of assault by Muslim miscreants took place on 14.8.08 at about 10.00 A.M at Bhalukmari. Persons assaulted were shown as Oli Das (PW. 26), Tarun Deka(PW.29) and Nirmal Deka(PW.30). The police sent all of them together to Rowta Public Health Centre and then to Tezpur Civil Hospital. PW. 30 in course of evidence in Magisterial Inquiry said that Muslim assailants were followed by police, CRPF and SDPO on foot. In his evidence before the Commission he admitted to have said so in Magisterial Inquiry P.W. 26 Oli Daimari deposed before the Commission that when Muslim miscreants inflicted on him dao blows, police, CRPF and an officer were present. He added that a CRPF jawans seeing him being assaulted by Muslim miscreants

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took out a lathi from the police van and then the police officer present there spoke something to the CRPF jawan and he immediately kept the lathi inside the police van. The evidence of PW.30 Nirmal Deka and PW. 26 Oli Daimari considered together will show that the police officer referred to by the latter was none other than the SDPO Dr. Ali Ahmed, at whose behest the CRPF jawan kept the lathi inside the police Van which he took out obviously to save Oli Daimari by driving away the Muslim assailants. Thereby the SDPO appears to have given free hand to Muslim miscreants to assault Oli Daimari and others.

102. PW. 18 Ram Chandra Hazarika deposed before the Commission that on 14.8.08 at about 10:30 AM. at Bahlukmari two NE TV reporters, chased by hundreds of Bandh supporters, took shelter in his house. This has been fully corroborated by the two NE TV reporters PW. 53 Dipankar Das and PW. 54 Pulak Das. PW. 53 deposed that while Bandh supporters were preventing them from proceeding further, they took their photographs with lethal weapons in their hands. They did not like to be photographed with lethal weapons in their hands. In cross-examination on behalf of the SDPO, PW.53 said that if the police had taken action, their motor cycle would not have been damaged, and they would not have to run away. PW.54 deposed that the miscreants demanded that they handed over the video cassette to them. Then a police constable came and told them to hand over the cassette to him. They did so out of fear. The question arises who sent this constable, PW. 18 Hazarika stated that the constable told him that he was sent by the SDPO Dr. Ahmed. I find no reason to disbelieve Shri Hazarika in this regard. Instead of preventing the miscreants from damaging the motor cycle of the NE TV reporters, the then SDPO wanted to help the former by taking away from the latter the video cassette containing photographs of the miscreants with lethal weapons in their hands which could have been used as evidence against them.

103. There is nothing on record to show that the above mentioned

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witnesses did not speak the truth. I have read and re-read the written argument submitted on behalf of the then SDPO Dr. S. A. Ahmed along with his written statement and oral evidence before the Commission, but I have not found anything to change my view in this regard. Apart from the above mentioned witnesses, there is the evidence of PW.15 Shri Karendra Basumatari, sitting MLA of 70 Majbat LAC, PW.11 Shri Rowal Chandra Daimari, President of Rowta Primary Bodo Sahitya Sabha, PW.12 Shri Minginsha Brahma, President of Rowta Anchalik Committee of All Bodo Students Union (ABSU), PW.16 Shri Dwipen Boro, President of Udalguri District Committee of ABSU, who alleged partisan role by the then SDPO, Dr. S. Ali Ahmed in dealing with the situation. It is true that they are not eye witnesses to the incidents that took place on 14.8.08 in Udalguri District. They have, however, claimed to have learnt about the incidents from eye witnesses and the members of the public. Mr. Basumatari said that the SDPO, Dr. S. Ali Ahmed was responsible and guilty for the violent incidents. PW.16 Dwipen Boro produced and exhibited a copy of Memorandum dated 15.9.2008 addressed to the Chief Secretary to the government of Assam and another Memorandum dated 18.8.2008 addressed to the Deputy Commissioner, Udalguri by his predecessor-in-office Babul Basumatari for immediate action against the then SDPO. The Memorandum to the D.C. was sent just four days after the incidents occurred on 14.8.08 followed by Memorandum Ext.43 addressed to the Chief Secretary sent less than a month from 14.8.08. After careful consideration of the entire evidence on record I am inclined to hold that the then SDPO Dr. S. Ali Ahmed played a partisan role in dealing with the situation at least in the incidents mentioned above. In the facts and circumstances the inadequacy of force at his disposal at the relevant time can be no excuse for not dealing with the situation in a non-partisan way. It is true that in the informal inquiry in the Police Dept. the allegations made against the SDPO were found unsubstantiated. It is also true that in the Magisterial inquiry the ADC opined "clear evidences of alleged role played by the SDPO have not been found".

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Notwithstanding the findings of the informal inquiry and the Magisterial inquiry, the Commission has received evidence throwing more light in the matter to make out a prima facie case against the then SDPO.

104. Unlike the then SDPO Dr. S. Ali Ahmed, the then S.P. Mr. B. G. Kuligam was spared from personal attack by any of the witnesses giving evidence before the Commission. So was the then DC Mr. George Basumartari except that PW.34 Md. Muzibur Rahman alleged that when he contacted him over phone about the kidnapping of 14 Muslim labourers, his response was not positive. Mr. Rahman should have better contacted the S.P., kidnapping being a criminal matter under investigation of the police. Mr. Rahman praised the then S.P. and SDPO that on receiving a phone call from him about group clashes on 14.8.08 they immediately arrived on the spot and controlled the situation. He further said, "The situation in Udalguri District was controlled on 14th August under the supervision of the then SDPO and S.P.". I am of the view that on 14.8.08 when the villages on either side of the National Highway 52, which passes through Udalguri District, were turned into virtual battle grounds, the district authority should have promulgated order under Section 144 Cr. P.C. prohibiting assembly of five or more persons, if not curfew or night curfew, for restricting the movement of anti-social elements and also for facilitating action of law enforcing authorities and the security forces. This was a lapse on the part of the district authority. The explanation given by the Deputy Commissioner in this regard that he did not promulgate orders under Section 144 Cr. P.C. on 14.8.08 itself because he was busy in dealing with law and order situation, is not convincing.

105. Mainly, collection of intelligence, maintenance of law and order, and prevention and investigation of crime working together as a whole constitutes

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State Policing. Non-functioning or mal-functioning of one part may lead to a system failure.

106. So far as violent incidents of 14.8.08 in Udalguri District are concerned, it is a clear case of non-functioning of intelligence wing of the police. Admittedly, the District Police came to know about the 14th August Bandh only on 13th August, and that too from newspaper and not from DSB, SBHQ or SIB. What a shame that the personnel of the intelligence agencies had no information about the Bandh, while the journalists and many others knew about it. PW. 32 Mr. S.N. Singh, IGP, Northern range, told the Commission, "It is the duty of the DSB and other intelligence agencies to collect information and to pass it over to the District Administration and District Police". He, however, hastened to add, "At that time only two Sub Inspectors were in charge of the DSB in Udalguri District. In most of the other districts, a Dy. S.P. or an Inspector of Police looks after the DSB". PW.2 then S.P. Mr. Kuligam also said that lack of staff resulted in no intelligence intake. Whatever may be the causes, the fact remains that there had been a total failure of intelligence wing of the Police.

107. I shall be failing in my duty if I do not refer to the perfunctory nature of the investigation of criminal cases registered in connection with the incidents that took place on 14.8.08 during bandh called by MUSA. I perused the police diaries of those cases. In Udalguri P.S. Case No. 97/08, though of the fourteen kidnapped persons dead bodies of three were recovered, Section 302 I.P.C was not added to the initially put Section 341/379/365/325 I.P.C; and though four of them somehow escaped and returned home alive, no useful information about the features of the assailants elicited from them for their arrest and holding Test Identification Parade(T.I.P) . Similarly Udalguri P.S. Case No. 101/08 was initially registered under Section 365/379 I.P.C, but even after the

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dead body of the missing person was recovered, Section 302 I.P.C was not added. In Udalguri P.S. Case No.97/08 and 101/08 the case diaries were closed on 17.12.08 and 25.10.08, respectively without arresting any of the assailants and the diaries were not opened for further investigation at least till 14.9.09 when Shri S.N. Singh, I.G, Northern Range deposed before the Commission and those diaries were shown to him. However, in Udalguri P.S. Case No. 95/08 under Section 341/302/34 I.P.C four persons, all office bearers of MUSA, were arrested for their alleged involvement in the murder of Deepak Rava. But Buttu Ali, who was one of the assailants according P.W. 24 Tapeswar Basumatary who claimed to be an eye witness before the Commission, was not arrested nor the statement of Tapeawar Basumatary was recorded by the investigating police officer. The diary was closed on 17.12.08 and was not opened for further investigation at least till 14.9.09. Thus in so serious a crime like murder cases have been kept pending without any investigation for months and months.

108. Udalguri P.S Case No. 102/08 under Section 143 /326 I.P.C was important in as much as immediately after assault on Oli Daimari in the morning of 14th August rumours spread that Muslims killed a Bodo youth and large scale violence started in the district. The police has not arrested any of the eight persons whose names figure in the F.I.R. and closed the case diary on 25.8.08. Thus the police stopped investigation of such an important case barely ten days after the occurrence. Also in Urang P.S. Case No. 06/08 under Section 147/149/325/354/506 I.P.C case diary was closed on 22.8.08 and police stoped investigation barely a week after the occurrence. Similarly, in Udalguri P.S. Case No. 103/08 under Section 143/435/427 I.P.C, Majbat P.S. Case No. 54/08 under Section 147/148/448/447/379/436/325 I.P.C, Orang P.S. Case No. 09/08 under Section 325/379/34 I.P.C Case diaries were closed on 29.9.08, 12.2.09 and 1.9.08 respectively and since these dates no further investigation was made without

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making much breakthrough in any of these cases. I wonder whether the Investigating Officers made any inquiry at all in some of those cases. What I found, after going through the case diaries and questioning the Investigating Officers deposing before the Commission, reveals a sorry state of affairs.

109. A meeting (minutes at Annexure) to review the preparation of the celebration of the Independence Day 2008 was held with the Deputy Commissioner in the chair in his office chamber on 5.8.08. Since then for a couple of days the District Administration as well as the District Police was pre-occupied with such preparation, rehearsal of Independence Day parade and security arrangement against possible militant attack as distinguished from mob violence. Only on 12th August a Bandh called by AMSU passed off peacefully without any mob violence. Another Bandh immediately thereafter was not expected. No intelligence report was received about 14th August Bandh. The S.P. came to know about the said Bandh from newspaper report only on 13th August and passed it over to the D.C. Immediately after receipt of such information, the S.P. alerted and instructed all concerned including all C.I.s, OCs, I.Cs of Police Stations and Police Out Posts of Udalguri District to prevent any untoward incident by a WT message (Ext.6). Besides issuing instructions, the SP himself visited Rowta Police Out Post at 7:30 PM on 13.8.08 itself accompanied by the Addl. S.P. for personally briefing the police personnel and contacted local VDP Secretaries and leading citizens and requested them to assist the police in maintaining law and order during the Bandh as is evident from the Rowta O.P., G.D. Entry Nos.269 and 271 dated 13.8.08 marked as Ext.9.

110. On 14.8.08 immediately after receiving information about law and order situation from the Addl. S.P. Mr. Terang (PW.6), the SP informed Shri S.N. Singh, then DIG, Northern Range and DC of Udalguri District. He accompanied

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by the DC arrived at Jhargaon Chowk where the minority community people armed with lethal weapons coming out in thousands prepared to march towards Rowta Chariali where a large crowd similarly armed gathered to face the mob of the minority community. The DC was informed by the SP when he was supervising the arrangement for Independence Day celebration with the officials in the designated parade ground at Udalguri. He rushed to Jhargaon. The DC, SP and Addl. SP with available forces could persuade the crowd to disperse and the tension was thus defused. Similarly, the District Administration and the District Police succeeded in dispersing the armed mobs of Muslims and Bodos confronting each other at Hatkhola, Bhalukmari, Rowta, Daifam and Sidhakhowa preventing outbreak of more violence. In the meantime receiving a phone call from the SP, Udalguri about the situation there at 10 AM on 14.8.08 Mr. Singh, DIG, Northern Range, left Tezpur and reached Udalguri at about 11:15 AM. He met the DC and SP at Rowta and camped at Udalguri continuously for 13 (thirteen) days from 14.8.08 dealing with the situation. I have discussed about the lack of adequate number of officers of ADC, SDO and EAC level in Udalguri District Administration in paragraph 95, and about insufficient strength of officers and men in the District Police including its intelligence wing in paragraph 91. The duty detailment and Force Posting of Udalguri District as on 14.8.08 is at Annexure -

111. Apart from the failure of the intelligence wing of the police referred to in paragraph 106, partisan role of the then SDPO Dr. S. Ali Ahmed in the two incidents referred to in paragraphs 101, 102 and 103, perfunctory investigation of cases registered in connection with the 14th August incidents, referred to in paragraphs 107 and 108 and lapse on the part of the District Authority failing to promulgate prohibitory order under Section 144 Cr.P.C. on 14th August itself referred to in paragraph 104, no other lapse on the part of any

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other authority worth mentioning has come to my notice from the evidence on record. The officers at the helm are not necessarily responsible for all that goes amiss particularly in cases of large-scale rioting. However, heads began to roll in the aftermath of such violent incidents. Both the D.C and the S.P were transferred. The transfer order of the S.P was followed by his suspension order and revocation of suspension order in quick succession. Their effectiveness in the posts they held would have considerably reduced as a result of the incidents had they been allowed to continue in the said posts.

112. On close scrutiny of the written statements submitted on behalf of the District Administration, District police, various organizations and individuals as well as oral evidence adduced and the documents produced, this Commission is of the opinion that inspite of being handicapped by absence of advanced intelligence input, lack of adequate number of officers in the District Administration and insufficient strength of officers and men in the District Police including its intelligence wing, the District Administration and the District Police, and for that matter, the then D.C. Mr. George Basumatary and the then S.P. Mr. Bijoy Giri Kuligam, tried their best to maintain law and order on 14th August, 2008 in Udalguri District. What happened after 14th August in Udalguri District and beyond is outside the purview of the present inquiry as per the terms of reference specified in the State Government notification constituting this Commission.

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TERMS OF REFERENCE NO. 4

MEASURES FOR PREVENTING RECURRENCE OF SUCH INCIDENTS.

113. Hardly a month and a half passed after the 14th August incidents, it was flashed in the media that a minor incident of a Bodo youth allegedly caught stealing a goat or a hen in a Muslim inhabited village flared up violence between the Bodos and the Muslims of greater magnitude spread over wider areas in Udalguri District and beyond. I have already said in the preceding paragraph that the incidents of violence occurred after 14th August, 2008 is outside the purview of the present Inquiry. Be that as it may, it is high time that effective measures be taken for preventing recurrence of such incidents.

114. In this regard PW.15 Mr. Karendra Basumatari, sitting MLA, 70 Mazbat LAC demanded that Police Out Posts be set up at Sapmari and Ekrabari, Rowta Police Out Post be upgraded to be a full fledged Police Station. He also demanded that a new Police Battalion exclusively for BTAD should be raised.

115. Another sitting MLA of Dalgaon constituency PW.71 Mr. Ilias Ali deposed that police pickets should be established in vulnerable areas and confidence building measures like formation of peace committees and interaction among members of various communities should be taken. He observed that now-a-days it was easier to spread rumours by mobile phones.

116. PW.75 Mr. Nurzamal Sarkar, a Cabinet Minister of Assam, suggested formation of different co-ordination committees, conduct of awareness

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programme among various communities and to spread message of brotherhood and integration and co-existence. He further suggested alongside Police and Civil Administration, the confidence building agencies of the Government should be ready and aware in such matters to prevent untoward occurrence.

117. PW.32 Mr. S.N. Singh, Inspector General of Police Northern Range, said, "we will have to strengthen our intelligence network so far as Udalguri Police is concerned. There is a huge shortage of manpower and also fund and vehicles." PW.3 Mr. S.S. Meenakshi Sundaram told the Commission that he requested the Home Commissioner, Government of Assam to stop all mobile communication, popular mode of spreading rumour and also to order deployment of armed forces in aid of civil authority. He said that various students' organization has been mobilized and various interaction with the leaders has been done. Maintenance of open communication channels in the District was made. He also revealed that a data base of each and every village in the District has been prepared comprising phone numbers of Gaonburas, Government servants residing in villages and prominent citizens of the villages and also comprising the infrastructure that could be used for setting up of relief centre has been created. He adds that the data base helps Administration to remain in touch with various key respondents in each and every village in order to ascertain facts of any events and to clarify in the event of any rumour. He disclosed that the SP and the Commanding Officer 172 field regiment of Indian Army has been regularly monitoring the security scenario in the District as Udalguri District is an operationally active District from the perspective of underground group activities. PW.4 Mr. A.P. Tiwari SP Udalguri District deposed that rumour mongers spread the violence to different parts of the District through mobile phones. He says that the policy matters needs to be adopted where a District is bifurcated to create a new District, office and manpower needs to be evenly distributed in terms of

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their efficiency but the bitter truth is that only those who could be spared with deputed to a newly created District causing inconvenience. PW.6 Mr. L. Terang Adl. SP Udalguri deposed that the incidents started in Hatkhowla in the morning of 14.8.08 and exaggerated news speedily spread because of mobile phones.

118. PW.34 Muzibur Rahman, President of All India United Democratic Front (AIUDF), Darang and Vice President of Jamiet Ulema-E-Hind, Darrang in his written statement suggested that a change of security should be brought amongst the various community, specially Muslims harassment of Muslims calling them foreigners should be stopped, idea of Bodoland for Bodos should be discouraged, political parties should not be allowed to add fuel to the flame, the police and District Administration must take prompt and unbiased attitude to controlled violence, some police out post should be created in violent-porn areas, Police force having a secular mentality should be deployed to curl the violence, no organization should be allowed to take law in to their own hands, victims should be compensated, the media must not publish inflammatory and unfounded news, to avoid misunderstanding, the Muslims when go outside there home District for work should be given identity card. PW. 35 Umar Ali, PW.46 Taher Ali and PW.38 Nurzamal Ali in their written statements, Exts.54, 55 and 56, respectively, demanded to take measures to secure the life and property of Muslims living in BTAD areas, to ensure that Police Officers serving there act in and unpartisan way and to prevent any individual or organization from taking law into there own hands.

119. After careful consideration of the above views aired by the members of the public, elected public representatives (MLA, Minister), public servants and organizations as aforesaid, and having regard to the facts and

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circumstances leading to the riotous incidents that took place in Rowta, Bhalukmari and Hatkhowla areas in Udalguri District on 14.8.08 burdening the State Government with post-riot problems, the Commission suggests the following measures for preventing recurrence of such incidents :-

I. On 14.8.08 only two Sub-Inspectors were in charge of Udalguri District Special Branch (DSB), whereas in most of the other districts either a Deputy Superintendent of Police or an Inspector looks after the DSB (para. 97). On 14.8.08 in Udalguri District no Inspector was working either in the Un-armed Branch (UB) or in Armed Branch (AB) and no Sub-Inspector in Armed Branch (AB). In UB there were 27 Sub-Inspectors against sanctioned strength of 33, 25 Assistant Sub-Inspectors against sanctioned strength of 30, and 94 Constables against sanctioned strength of 198. In AB there were only 105 constables against sanctioned strength of 150 (para.91). Vacancies should be immediately filled up, if not already filled up, and the Intelligence Wing of the Police should be overhauled for collection of hard actionable intelligence so that the Administration can face any situation with full preparedness. On the eve of the Independence Day the Administration made security arrangements against possible militant attacks, but not against mob violence of such magnitude in the absence of advanced intelligence report.

II. Lack of adequate number of Police Stations/ Out Posts is detrimental for effective policing in a District like Udalguri having International Boarder with Bhutan and inter-State Border with Arunachal Pradesh, strong presence of militants and recurrence of

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ethnic clashes. State Government may actively consider for up gradation of Rowta Police Out Post to be a full-fledged Police Station and for establishment of two new police out posts at Sapmari and Ekrahari for effective coverage in the sensitive areas .

III. Speed is of the essence in dealing with an emergent law and order situation and also in dealing with crime. In order to enable the Police Officers to communicate with each other and their superiors instantly in an emergent situation, the State Government may consider to give mobile phones to Police Officers of the rank of Sub-Inspector and above, and reimburse the amounts spent in respect of calls related to official duty subject to a ceiling fixed by the Government. In an emergent situation the Gaonburas, who have recently been provided with mobile phones by the State Government, may also contact the Police Officer concerned. The Data Base (already started in Udalguri District as revealed by its Deputy Commissioner Mr. S.S. Meenakshi Sundarm) comprising the phone number of Gaonburas, Government servants serving in villages and leading citizens of villages, and also comprising information about the available infrastructure that could be used for setting up relief center etc. to help the Administration to remain in touch with every village and to ascertain facts and to clarify rumours, if any, should be updated from time to time.

IV. Ext.3(1) is a WT Message dated 23.5.07 from the DC Udalguri requesting the Personnel Department to post two EACs as there was no EAC. Ext.3(2) and Ext.3(3) are two letters dated 8.8.07 and 12.10.07, respectively, making similar request to the General Administration Department. Ext.3(4) is a letter dated

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inclusion

17.4.08 informing the Commissioner, Lower Assam Division, that there was no ADC, no SDO (Civil) and no EAC. Ext.3(5) is a letter dated 9.7.08 requesting the Personnel(A) Department to post four EACs as there was no EAC in Udalguri District (para.95). The posts of ADC, SDO and EAC level Officers should not be kept vacant. For, District Administration with full strength and enough resources like fund, vehicle etc. shall have to remain alert and ready for maintenance of law and order in the event of any eventuality.

V. In the back-drop of the Bodos' fear of the immigrant Muslims disturbing the demographic composition in Bodoland on the one hand and allegation against the Bodos targeting the immigrant Muslims for ethnic cleansing in Bodoland on the other hand, the foreigners issue assumes importance in Udalguri District, and a localized group clash between the Bandh supporters and shopkeepers on 14.8.08 turned into a communal clash between Bodos and Muslims. Therefore the legal process for detection and deportation of the illegal migrants from Bangladesh should be continued under the provisions of the Foreigners Act and Foreigners (Tribunals) Order, 1964. At the same time it should be ensured that in the process the genuine Indian citizens belonging to the religious Minority community are not harassed.

VI. The violent incidents on 14th August, 2008 in Udalguri District followed by recurrence of Bodo-Muslim clashes with greater intensity spread over a wider area left behind a trail of mistrust, confidence building measures should be taken. In this regard, non-Government organization may be associated to supplement Government agencies.

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VII. The State Government constituted this Commission to inquire into the incidents that took place in Udalguri District on 14th August, 2008 during the Bandh called by the Muslim Students Union of Assam. In the first place MUSA committed illegality by calling the Bandh, for, Bandh has already been banned and declared illegal by the Supreme Court of India reiterated by the Guahati High Court in PIL. 72/2005 decided on 6.01.2010. What is worse, MUSA activists used force to enforce such illegal Bandh giving rise to clashes between Bandh supporters and non-supporters and ultimately to ethnic clashes involving mainly immigrant Muslims of Bangladeshi origin and Bodos as well as small number of Non-Bodos. In 2004, the Supreme Court of India fined two political parties B.J.P and Siv Sena for organizing Bandh in Mumbai to protest against Bomb Blasts in the city. If appropriate legislation is enacted banning Bandh, defining it and prescribing punishment for calling Bandh, it will not be necessary to approach the High Court or the Supreme Court for punishment of those responsible for calling Bandh. Bandh cannot be equated with strike. Strike is generally confined to the members of the sponsoring Organization and persons in sympathy with them. Unlike in strike, in Bandh sponsors expect the general public to stay at home and to stop work preventing the citizens not in sympathy with their views from exercising their fundamental rights. The Commission suggests that the State Government should go for enacting appropriate legislation defining the expression "Bandh", prohibiting or curtailing or regulating and prescribing punishment and imposition of fine on sponsors making them liable to compensate the Government and the private citizens for loss suffered as a result of the Bandh call. Though

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forcible enforcement of Bandh attracts several sections of the Indian Penal Code, the enactment of a special law prohibiting Bandh shall be more effective and is urgently needed in view of frequent Bandh calls paralysing the life of the people and occasionally giving rise to violent clashes between the Bandh supporters and non-supporters and in Udalguri District such clashes on 14.8.08 ultimately turned into communal clashes.

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TERMS OF REFERENCE NO. 5

ANY OTHER MATTER RELEVANT TO THE INCIDENTS

120. Annexure-V is a list of 15 persons killed in communal clashes in August 2008. Annexure-VA is a list of persons so killed whose next of kin were paid ex-gratia amount of Rupees three lakhs each. On perusal of both the lists together, it transpires that of those 15 dead persons, next of kin of the following have not been paid such ex-gratia amount: -

1. Dipak Rava S/o Bapuram Rava,
2. Md. Mones Ali S/o Lt. Sadam Berpari,
3. Md. Kamaluddin S/o Lt. Mansur Bepari,
4. Md. Mazid Ali S/o Lt. Yean Ali,
5. Md. Saiful Islam S/o Md. Kazimuddin Sheikh,
6. Md. Muhlam Ali S/o Lt. Ishab Ali,
7. Md. Wazed Ali @ Aziz Ali S/o Lt. Ishab Ali,

The Commission recommends that the next of kin of the above seven dead person be paid ex-gratia amount Rupees three lakhs each (as was paid in the case of other dead persons named in the list Annexure-VA) minus the amount, if any, already paid or being paid by any Governmental agency, after due verification.

121. Annexure VI is a list of 11 persons missing since 14.8.08. Annexure VJA is a list of such missing persons whose next of kin were paid ex-gratia amount of Rs. 50,000/- each. On perusal of both the lists together, it transpires that of those 11 missing persons, the next of kin of the following have not been paid such ex-gratia amount: -

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1. Md. Matleb Ali S/o Lt. Islam Ali,
2. Md. Hasen Ali S/o Lt. Ismail Ali,
3. Md. Babul Ali S/o Md. Matleb Ali,
4. Md. Idrish Ali S/o Lt. Rajmul Haque,
5. Md. Mukjal Ali S/o Lt. Hasen Ali,
6. Md. Rahman Ali S/o Md. Ibrahim Ali,
7. Md. Kuddus Ali S/o Md. Suraj Ali,
8. Md. Mafizuddin Ahmed S/o Md. Hussain Ali.

In respect of Serial No.s 1 - 7 above, wives or mothers, as the case may be, (PW.42 - PW.47) deposed before the Commission (para 42) that in the early morning of 14.8.08 they had gone to the quarry at Bharabkund along with their co-workers in a truck, waylaid by miscreants and since then remained untraced and never returned home, though four of their other co-workers somehow escaped and returned home alive. According to PW.s 42 - 47, religious rites were performed presuming them to be dead. They have not been heard for more than a year by those who would naturally have heard of them if they had been alive. In the facts and circumstances prevailing then, in all probability they were killed by miscreants like their three co-workers whose dead bodies were later recovered. The Commission, therefore, recommends that the next of kin of the above mentioned eighth missing persons be paid ex gratia amount of Rs 50,000/- each (as was paid in case of other missing persons mentioned in the list Annuxure VIA) after due verification. Further, I am inclined to recommend to the State Government to raise the amount of ex gratia from Rs. 50,000/- to Rs 3,00,000/- in case of the missing persons presumed to be dead as was paid in case of persons proved to be dead.

122. Annuxure-VII is a list of 19 persons who sustained injuries in communal clashes in August 2008. Annuxure-VIIA is a list of such injured persons who were paid

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ex-gratia amount of Rs. 10,000/- each. On perusal of both the lists together, it transpires that of those 19 injured persons the following have not been paid such ex-gratia amount:-

1. Md. Akask Ali S/o Md. Ahen Ali,
2. Md Giyasuddin Ahmed S/o Lt. Abdul Hakim,
3. Md. Abdul Sattar S/o Mazibur Rahamn,

The Commission recommends that the above mentioned three injured persons be paid ex-gartia amount of Rs. 10,000/- each (as was paid in case of other injured persons named in the list Annuxure-VIIA) minus the amount, if any, already paid or being paid by any Governmental Agency, after due verification.

123. In paragraphs 107 and 108 I have referred to the perfunctory nature of investigation of criminal cases registered in connection with the incidents that took place in Udalguri District on 14.8.08. Even cases of so serious a crime like murder are kept pending without any investigation for months and months without making any breakthrough. The main reason for such sorry state of affairs is that the police personnel remain too busy in law and order duty to devote their time and attention to crime investigation. In view of this, the State Government may consider about bifurcating crime investigation from maintenance of law and order, and the Investigating Police officers may not be detailed for law and order duty except in emergency.

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SUMMARY

124. The following is a brief statement of the main points of the findings of the Commission on the terms of reference:-

Terms of Reference No.1

Circumstances leading to the incidents occurred at Rowta-Bhalukmari-Hatkhola in Udalguri District on 14.8.2008 during Bandh call by the Muslim Students Union of Assam resulting in loss of lives and injuries to a large number of persons.

125. In the wake of a recent Gauhati High Court Judgement decided on 25.7.08 highlighting the presence of a large number of illegal migrants from Bangladesh in Assam, the activists of All Assam Students Union and Asom Jatiyatabadi Yuba Chatra Parisad and certain other organizations picked up a number of suspected Bangladeshis in Upper Assam and handed them over to the respective Police Stations to initiate legal process for deportation of those of them proved to be illegal migrants from Bangladesh. Reacting to this All Assam Minority Students Union (AAMSU) and Muslim Students Union of Assam (MUSA) called Bandh on 12.8.08 and 14.8.08 respectively in protest against the alleged harassment of the genuine Indian citizens belonging to religious minority in the name of Bangladeshis. The AAMSU Bandh passed off peacefully. But violent incidents took place at Rowta, Bahlukmari and Hatkhola areas in Udalguri District on 14.8.08 during the bandh called by MUSA leaving 15 persons dead, 11 missing (of which 7 presumed to be dead) and at least 22 injured on a single day.

126. There had been resentment among the public, irrespective of caste, creed and religion, against calling a Bandh on 14th August after the Bandh on 12th August for the same purpose with a gap of only one day in between. All Bodo Students Union (ABSU) and certain organizations resolved to oppose the 14th August Bandh in a meeting held at Orang Inspection Bunglow. The MUSA activists used force to enforce the Bandh

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and had beaten up the shopkeepers who resisted forcible closure of their shops. At about 10 AM a mob of about 100 belonging to religious minority assaulted Oli Daimari, a Bodo youth, and two others at Bhalukmari. Immediately rumour spread that the Muslims killed a Bodo youth and large-scale violence started in the entire District. One of the major incidents took place at about 4 PM near Rowta Bagn on National Highway 52 when a mob of miscreants inflicted lathi blows on Dipak Rava, a hotel boy, who later succumbed to his injuries. The worst among the incidents took place at about 5 PM near Daifang Bridge when 14 Muslim labourers traveling in a truck were waylaid, of whom 4 somehow escaped, dead bodies of 3 were recovered later and 7 remained untraced and presumed to be dead.

127. It all started as a localized group clashes between the Bandh supporters and the shopkeepers, irrespective of caste, creed and religion, who resisted forcible closure of their shops by the MUSA activists. The people involved were not only Muslims and Bodos but also non-Muslims and non-Bodos like two ASEB employees Tarun Deka and Nirmal Deka, two NE TV reporters Dipankar Das and Pulak Das and a hotel boy Dipak Rava. But with the assault on Oli Daimari and Raju Daimari, two Bodo youths, in two different incidents in the morning of 14th August, the rumour-mongers had a field-day. Rumours had been spread that the Muslims had killed Bodos and Bodos had killed Muslims to different parts of the District leading to death and assault mostly on people like wage earners, cultivators, rickshaw pullers, and labourers who were caught unaware of the happenings, for example, hotel boy Dipak Rava, cultivator Tokkar Ali, carpenter Kamaluddin and rickshaw puller Abdul Aziz. The harrowing occurrence of three Muslim labourers brutally killed and seven others presumed to be killed in one single incident turned the Bodo-Muslim conflict into a full-blown communal clash which spread beyond Udalguri District and beyond 14th August 2008 in the back-drop of the fear of the Bodos against the immigrant Muslims disturbing the demographic composition in Bodoland on the one hand and the allegation against the Bodos of targeting the immigrant Muslims for ethnic cleansing in Bodoland on the other hand.

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However, what happened after 14th August 2008 in Udalguri District and beyond is outside the purview of the present inquiry, for, the State Government constituted this Commission to inquire into the incidents that occurred in Udalguri District only, and that too with regard to those incidents that occurred on 14.8.08 only.

Terms of Reference No.2

Identity of the persons responsible for the violence

128. Along with unnamed and unidentified Muslim and Bodo miscreants as well as non-Muslim and non-Bodo miscreants, Kuldeep, Nagan Pagla, Rinku Deka, Atul Bania, Boga Mulla, Muhizul Haque, Moniram Daimari, Girish Deka, Amar Ali, Hasmat Ali, Siraz Ali, Nabin Ali, Taleb Ali, Nur Islam, Phajar Ali, Mizanur Rahman, Badrul Islam, Nazrul Islam, Phazar Ali, Sikandar Ali, Manik Ali, Jayed Ali, Nausad Ali and Bhuttu Ali are prima-facie responsible for violence subject to deeper investigation by the police in the respective criminal cases.
129. MUSA office-bearers and MUSA activists are squarely responsible for starting the violence by forcing the shop-keepers to close their shops and beating up those who refused to oblige and forcing the scooter/motor-cycle riders, cyclist etc to stay off the road and beating up those who resisted such use of force. If such shop-keepers, motor-cycle riders, Cyclists etc, while resisting use of force by the MUSA activists, struck them back in exercise of their right of private defence of person and property, they cannot be said to be on the wrong side of law. On the other hand, MUSA as an Organization and its office bearers and activists cannot be said to be on the right side of the law. In the first place MUSA committed illegality by calling bandh, for, bandh has already been banned and declared illegal by the Supreme Court of India and reiterated by the Gauhati High Court. What is worse, the MUSA activists used force to enforce such

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illegal bandh giving rise to clashes between the Bandh supporters and non-supporters and ultimately to violent ethnic clashes involving mainly immigrant Muslims of Bangladesh origin on the one hand and Bodos as well as a small number of non-Bodos like Assamese speaking people, Rabha and Kachari on the other hand.

130. There is no evidence before the Commission sufficient to establish that Mr. Nurzamal Sarkar, Minister, Fishery etc., Assam, and Md. Ilias Ali, sitting Dalgaon MLA had any support, moral or otherwise, for the 14th August, 2008 Bandh called by the MUSA. Though Udalguri District has international border with Bhutan and interstate border with Arunachal Pradesh, and has strong presence of the extremist organizations like NDFB, ULFA, AANLA, there is no evidence to show that any extremist organization was involved in the 14th August violent incidents. Not to speak of sophisticated weapons like A.K. 47, use of ordinary firearms was also not reported. There is also no evidence to show that any organization except MUSA, and any Political party was involved in the incidents that took place on 14th August, 2008 in Udalguri District.

Terms of Reference No.3

Lapses, if any, on the part of any authority and fixation of responsibility.

131. PW. 30 in course of evidence in Magisterial Inquiry said that Muslim assailants were followed by police, CRPF and SDPO on foot. In his evidence before the Commission he admitted to have said so in the Magisterial Inquiry. P.W. 26 Oli Daimari deposed before the Commission that when Muslim miscreants inflicted on him dao, blows, police, CRPF and an officer were present. The evidence of PW.30 Nirmal Deka and PW. 26 Oli Daimari considered together will show that the police officer referred to by the latter was none other than the SDPO Dr. Ali Ahmed, at whose behest the CRPF jawan kept the lathi inside the police Van which he took out obviously to save Oli Daimari by driving away the Muslim assailants. Thereby the SDPO appears to have given free hand to Muslim miscreants to assault Oli Daimari and others.

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132. On 14.8.08 at about 10:30 AM at Bahlukmari two TV reporter, chased by hundreds of Bandh supporters, took shelter in the house of PW.18 Ram Chandra Hazarika after parking their motor-cycle in front of his house. The TV reporters took video photos of the miscreants. They demanded that the cassette be handed over to them. Out of fear the TV reporters gave the cassette to a police constable sent by the SDPO. Then the miscreants left the place after damaging the TV Reporters' motor-cycle. Instead of preventing the miscreants from damaging the motor-cycle, the then SDPO Dr. S.Ali Ahmed wanted to help the miscreants by taking away from the TV Reporters the video cassette containing photographs of the miscreants with lethal weapons in their hands which could have been used as evidence against them.

133. I am of the view that on 14.8.08 when the villages on either side of the National Highway 52, which passes through Udalguri District, were turned into virtual battle grounds, the district authority should have promulgated order under Section 144 Cr. P.C. prohibiting assembly of five or more persons, if not curfew or night curfew, on 14.8.08 itself for restricting the movement of anti-social elements and also for facilitating action of law enforcing authorities and the security forces. This was a lapse on the part of the district authority.

134. Mainly, collection of intelligence, maintenance of law and order, and prevention and investigation of crime working together as a whole constitutes State Policing. Non-functioning or mal-functioning of one part may lead to a system failure. So far as violent incidents of 14.8.08 in Udalguri District are concerned, it is a clear case of non-functioning of intelligence wing of the police. Admittedly, the District Police came to know about the 14th August Bandh only on 13th August, and that too from newspaper and not from DSB, SBHQ or SIB. What a shame that the personnel of the intelligence agencies had no information about the Bandh, while the journalists and many others knew about it. PW.2 then S.P. Mr. Kuligam said that lack of staff resulted in no

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intelligence intake. Whatever may be the causes, the fact remains that there had been a total failure of intelligence wing of the Police.

135. I shall be failing in my duty if I do not refer to the perfunctory nature of the investigation of criminal cases registered in connection with the incidents that took place on 14.8.08 during bandh called by MUSA. Even murder cases have been kept pending without any investigation for months and months without much breakthrough. I wonder whether the Investigating Officers made any inquiry at all in some of those cases. What I found, after going through the case diaries and questioning the Investigating Officers deposing before the Commission, reveals a sorry state of affairs.

136. Apart from the failure of the intelligence wing of the police referred to in paragraph 106, partisan role of the then SDPO Dr. S. Ali Ahmed in the two incidents referred to in paragraphs 101,102 and 103, perfunctory investigation of cases registered in connection with the 14th August incidents referred to in paragraphs 107 and 108 and lapse on the part of the District Authority failing to promulgate prohibitory order under Section 144 Cr.P.C. on 14th August itself referred to in paragraph 104, no other lapse on the part of any other authority worth mentioning has come to my notice from the evidence on record. The officers at the helm are not necessarily responsible for all that goes amiss particularly in cases of large-scale rioting.

137. On close scrutiny of the written statements submitted on behalf of the District Administration, District police, various organizations and individuals as well as oral evidence adduced and the documents produced, this Commission is of the opinion that inspite of being handicapped by absence of advanced intelligence input, lack of adequate number of officers in the District Administration and insufficient strength of officers and men in the District Police including its intelligence wing, the District

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Administration and the District Police, and for that matter, the then D.C. Mr. George Basumatary and the then S.P. Mr. Bijoy Giri Kuligam, tried their best to maintain law and order on 14th August, 2008 in Udalguri District. What happened after 14th August in Udalguri District and beyond is outside the purview of the present inquiry as per the terms of reference specified in the State Government notification constituting this Commission.

Terms of Reference No.4

Measures for preventing recurrence of such incidents.

138. Measures are set forth in paragraph 119 : I to VII suggesting to the State Govt. to fill up vacancies of the sanctioned posts in the District Police, to overhaul its intelligence wing, to upgrade Rowta Out Post to be a full-fledged Police Station, to establish two new Police Out Posts at Sapmari and Ekrahari, to give mobile phones to the police officers of the rank of Sub-Inspceter and above, to update the District Data Base from time to time, not to keep vacant the posts of ADC, SDO, and EAC level in the District, to continue with the legal process for detection and deportation of illegal migrants from Bangladesh, to associate the N.G.O.s to supplement the Govt. agencies in confidence building measures and to enact legislation prohibiting Bandh.

Terms of Reference No.5

Any other matter relevant to the incidents

139. Discussed in paragraphs 120 to 123 about ex-gratia payment to the next of kin of the persons killed and missing and to the persons injured in the incidents who have not yet been paid such ex-gratia amount whereas in respect of other similarly situated persons such payments have already been made, and also about bifurcation of crime investigation from maintenance of law and order.

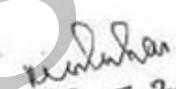
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EPILOGUE

Before I part with this matter, I take this opportunity of recording my appreciation of work of the Secretary to the Commission Sri Suresh Ch. Sarma, ACS, Additional Deputy Commissioner, Magaldoi District, and the office in charge Shri Ashrof Ullah, two Private Secretaries Shri K.P. Dohotia and Shri Tauhidar Rahman, and other staff including Smti. Sujata Dey, Smti. Bhanuprabha Saikia, Shri Bhupen Das and Shri Rafiqul Ali.

I conclude with the fervent hope that the recent violence-ridden turbulent period will soon be a thing of the past, and Udalguri District, with all sections of the people creating a proper climate for development, will move for a better tomorrow.

Guwahati, Assam,
The 15th February, 2010.


15.2.2010.
(Justice P.C. Phukan)
Former Judge, Gauhati High Court,
Commission of Inquiry into the
incidents that took place on Rowta-
Bhalukmari-Hatkhola in Udalguri
District on 14-8-2008 during the
Bandh called by the Muslim
Students Union of Assam (MUSA).

ANNEXURES

- I. State Government Notification dated 31.10.2008 constituting the Commission to inquire into the incidents occurred in Udalguri District on 14.8.2008 during Bandh called by Muslim Students Union of Assam.
- II. Notification dated 15.12.2008 issued by the Commission inviting written statements.
- III. Notification dated 15.12.2008 issued by the Commission inviting written statements in Assamese.
- IV. Sketch of places of occurrence.
- V. List of persons died during the month of August, 2008.
- VA. List of dead persons whose next of kin were paid ex-gratia.
- VI. List of persons missing since 14/8/2008.
- VIA. List of missing persons whose next of kin were paid ex-gratia.
- VII. List of persons who sustained injury.
- VII.A List of injured persons who were paid ex-gratia.
- VIII. List of witnesses examined in the Inquiry.
- IX. Lists of exhibits produced in the Inquiry.
- X. State Government Notification dated 1.12.2009 extending the term of Commission till. 15.2.2010.

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, 31st October, 2008.

NO.PLA. 512/2008/2 : In exercise of the powers conferred under Section 3 of the Commission of Inquiry Act, 1952, the Governor of Assam is pleased to constitute an One Man Commission of Inquiry headed by Mr. Justice (Retd.) P.C. Phukan of Gauhati High Court, Guwahati to enquire into the incidents that took place on Rowta-Bhalukmari - Hatkhola in Udalguri District on 14-8-2008 during the Bandh called given by Muslim Students Union of Assam (MUSA) which resulted in loss of lives and injuries to a large number of persons.

The terms of the reference of the Commission of Inquiry shall be :-

1. To ascertain circumstances leading to the incidents that occurred on Rowta- Bhalukmari - Hatkhola in Udalguri District on 14-8-2008 which resulted in loss of lives and injuries to a large number of persons.
2. To identify the persons responsible for violence.
3. To determine if there were any lapses on the part of any authority, and if so, to fix responsibility.
4. To suggest measures to be taken to prevent recurrence of such incidents and
5. Any other matter which is relevant to the incidents.

The Commission of Inquiry will submit its report within 6 (six) months from the date of issue of this Notification.

Sd/- Rajiv Kumar Bora,
Commissioner & Secy. to the Govt. of Assam,
Home & Political Department.

Memo No. PLA.-512/2008/2-A,

Dated Dispur, 31st October, 2008,

Copy to :-

- 1) Mr. Justice (Retd.) P. C. Phukan, Gauhati High Court, Guwahati for information and necessary action,
- 2) The Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
- 3) The Principal Secretary to Chief Minister, Assam, Dispur, Guwahati-6.
- 4) The Director General of Police, Assam, Ulubari, Guwahati-7.
- 5) The Secretary to Governor of Assam, Raj Bhawan, Guwahati.
- 6) The Advocate General of Assam, Guwahati.
- 7) The Commissioner, Lower Assam Division, Guwahati.
- 8) The Inspector General of Police (SB), Assam, Kahilipara, Guwahati-19.
- 9) The Inspector General of Police (Security), Assam, Kahilipara, Guwahati-19.
- 10) The Deputy Commissioner, Udalguri/ Darrang/ Sonitpur.
- 11) The Superintendent of Police, Udalguri/ Darrang/Sonitpur.
- 12) The Director of Information & Public Relations, Assam, Dispur, Guwahati-6. He is requested to give publicity in the news bulletin of TV/AIR and local daily newspapers immediately.
- 13) P.S. to the Minister, Public Health Engineering Department, Dispur, Guwahati-6, with reference to the Minister's letter dated 27-8-2008.
- 14) P.S. to the Chief Secretary, Assam, Dispur, Guwahati-6.
- 15) P.S. to the Additional Chief Secretary, Assam, Dispur, Guwahati-6.
- 16) P.S. to Hon'ble Chief Justice, Gauhati High Court, Guwahati.
- 17) The Joint Director, Printing & Stationery, Assam Govt. Press, Bamunimaidam, Guwahati-21. He is requested to publish the Notification in the Extra Ordinary Gazette. 100 copies of the Notification may please be sent to this Department immediately.

By order etc.,

Joint Secretary to the Govt. of Assam,
Political (A) Department.

**JUSTICE P.C. PHUKAN (RETD) COMMISSION OF INQUIRY
INTO**

**THE INCIDENTS OCCURRED AT ROWTA - BHALUKMARI- HATKHOLA IN
UDALGURI DISTRICT ON 14-08-2008 DURING THE BANDH CALLED BY THE
MUSLIM STUDENTS UNION OF ASSAM RESULTING IN LOSS OF LIVES AND
INJURIES TO PEOPLE**

NOTIFICATION

Dated Guwahati the 15th December, 2008

No.P/Com/01/84/2008. Whereas the Governor of Assam in exercise of powers conferred under Section 3 of the Commission of Inquiry Act, 1952 by notification No. PLA-512/2008/2 dated 31 October, 2008 is pleased to constitute a Commission of Inquiry consisting of Justice P.C Phukan, former Judge of The Gauhati High Court to inquire in to the above - mentioned incidents.

Whereas the terms of the reference of the Commission of Inquiry are :-

1. To ascertain circumstances leading to the incidents that occurred on Rowta - Bhalukmari - Hatkhola in Udalgury District on 14-08-2008 which result in loss lives and injuries to a large number of persons.
2. To identify the persons responsible for violence.
3. To determine if there were any lapses on the part of any authority, and if so, to fix responsibility.
4. To suggest measures to be taken to prevent recurrence of such incidents.
5. Any other matter which is relevant to the incidents.

Now, therefore, the Commission hereby invites from the State Govt., District Administration, District Police, concerned officials, aggrieved persons, organizations, associations and members of public acquainted with the subject matter of the inquiry, written statements of facts relating to the matter mentioned above.

Every such written statement shall state therein such information as may be relevant to the subject matter of the inquiry in sufficient detail.

Such written statements may be filled either individually or collectively by a group of persons.

Every person filing written statement shall file along with the written statements :-

- (a) A list of witnesses to be examined in support of the facts stated therein .
- (b) A list of documents he intends to rely along with such of the original or true copies of the documents as are in his possession, and in case of any documents not in his

possession, the name and address of the person from whom such documents may be obtained.

- (c) Written statement should be filed preferably with affidavit in support of the facts stated therein.

Written statement shall be submitted along with 3 (Three) copies to the Commission's secretary Shri Suresh Chandra Sarma Addl. Deputy Commissioner, Darrang, in the office of the Deputy Commissioner, Darrang, at Mangaldoi personally or through representative during office hours or by Registered post to reach him on or before 12th January, 2009.


(Suresh Chandra Sarma)
Secretary to the Commission of Inquiry
and
Addl. Deputy Commissioner,
Darrang at Mangaldoi, Assam.

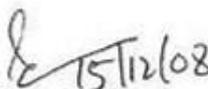
Memo No. P/Com/05-10/2008/

Dated, Guwahati 15 the December. 2008.

Copy for information and necessary action: -

1. The Principal Secretary to the Govt of Assam, Home and Political Department, Dispur, Guwahati - 6.
2. The Director of Information and Public relations, Assam, Dispur, Guwahati - 781006. He is requested to cause the notification published in two English Dailies, viz, The Assam Tribune and the Sentinel and two Language Dailies, preferably, Amar Asom and Janasadharon in two issues and a local newspaper having circularion in Udalguri District for two consecutive days well ahead of the date for submission of written statements. He is also requested to give publicity through other news papers as news item. He is further requested to give publicity through electronic media by telecasting / broadcasting as news item. Four copies of Assamese translation of the notification are enclosed herewith.
3. The Deputy Director, Printing & Stationary, Directorate of Printing & Stationary, Govt of Assam, Bamunimoidan, Guwahati for publication in the Assam Gazette .
4. The Chief Secretay to the Govt. of Assam.
5. Deputy Commissioner, Udalguri District.
6. Superintendent of Police, Udalguri District.

By Order


(Suresh Chandra Sarma)
Secretary to the Commission of Inquiry
and
Addl. Deputy Commissioner,
Darrang at Mangaldoi, Assam.

ওদালগুৰি জিলাৰ বৌতা-ভালুকমাৰী হাটখোলাত ১৪-৮-২০০৮ তাৰিখে অসম মুচলিম ষ্টুডেন্টছ ইউনিয়নে আহান কৰা বন্ধৰ সময়ত বহুসংখ্যক লোক আহত আৰু নিহত হোৱা ঘটনাৱলীৰ তদন্তৰ্থে গঠিত গুৱাহাটী উচ্চ ন্যায়ালয়ৰ প্ৰাক্তন ন্যায়াধীশ পি চি ফুকন তদন্ত আয়োগ।

অধিসূচনা

দিনাংক: গুৱাহাটী ২৫ ডিচেম্বৰ, ২০০৮

নং : P/Com/01/04 /2008 যিহেতু অসমৰ ৰাজ্যপালে ১৯৫২ চনৰ কমিছন অব ইনকুৱাৰী আইনৰ ৩ নং ধাৰাৰ অধীনত উপৰোক্ত ঘটনাৱলীৰ তদন্তৰ্থে উপৰোক্ত তদন্ত আয়োগ গঠন কৰি নিয়োক্ত বিষয়ে তদন্তৰ নিৰ্দেশ দিছে :-

- ১) কি পৰিস্থিতিত ওদালগুৰি জিলাৰ বৌতা ভালুকমাৰী হাটখোলাত ১৪-৮-২০০৮ তাৰিখে বহুসংখ্যক লোক আহত আৰু নিহত হোৱা ঘটনাৱলী সংঘটিত হৈছিল সেইটো নিৰূপন কৰা।
- ২) হিংসাত্মক ঘটনাৱলীৰ বাবে দায়ী ব্যক্তিক চিনাক্ত কৰা।
- ৩) কৰ্তৃপক্ষৰ কিবা গাফিলতি (Rapses) আছিল নেকি সেইটো নিৰ্দ্ধাৰণ কৰা।
- ৪) এনেধৰণৰ ঘটনাৰ পুনৰাবৃত্তি নোহোৱাৰ বাবে লবণীয়া ব্যৱস্থা সম্পৰ্কে পৰামৰ্শ দিয়া।
- ৫) উপৰোক্ত ঘটনাৱলীৰ প্ৰাসংগিক অন্যান্য বিষয়।

গতিকে তদন্তৰ বিষয়বস্তু সম্পৰ্কে জ্ঞান থকা অথবা তেনে বিষয়বস্তুৰে পৰিচিত লোক, ভুক্তভোগী, সমিতি সদস্য সংশ্লিষ্ট বিষয়া জিলা আৰক্ষী, জিলা প্ৰশাসন আৰু ৰাজ্য চৰকাৰৰ পৰা উপৰোক্ত বিষয়টোৰ ওপৰত লিখিত বিবৃতি আহান কৰা হ'ল।

লিখিত বিবৃতিত তদন্তৰ বিষয়বস্তুৰ প্ৰাসংগিক অথবা বিতং বিৱৰণ থাকিব লাগে।

লিখিত বিবৃতি এজন ব্যক্তিয়ে বা একাধিক ব্যক্তিয়ে সমূহীয়াসৰে দাখিল কৰা প্ৰতিগৰাকী ব্যক্তিয়ে বিবৃতিৰ সৈতে :-

- ক) সাক্ষী থাকিলে, সাক্ষীৰ এখন তালিকা : যি সকলে বিবৃতিত উল্লেখিত ঘটনাৰ সমৰ্থনত সাক্ষ্যদান কৰিব।
- খ) বিবৃতি দাখিল কৰা ব্যক্তিয়ে বিবৃতিত উল্লেখিত ঘটনাৰ সমৰ্থনত প্ৰদৰ্শন কৰিব বিচৰা নথি-পত্ৰৰ এখন তালিকা। তেওঁৰ লগত থকা মূল নথি (Original) অথবা তাৰ নকল দাখিল কৰিব পাৰে। তেওঁৰ লগত নথকা কিন্তু অন্য ব্যক্তিৰ পৰা সংগ্ৰহ কৰিব পৰা নথি-পত্ৰৰ ক্ষেত্ৰত তেনে অন্য ব্যক্তিৰ নাম আৰু ঠিকনা উল্লেখ কৰিব।
- গ) লিখিত বিবৃতিত উল্লেখিত ঘটনাৰ সমৰ্থনত শপত নামা (এফিডাভিট) দাখিল কৰিলে ভাল হয়।

লিখিত বিবৃতি তিনিটা প্ৰতিলিপিসহ নিজে আহি অথবা প্ৰতিনিধিৰ জৰিয়তে আয়োগৰ সচিব

শ্রী শ্ৰীশ্ৰী চন্দ্ৰ শৰ্মা দৰং জিলাৰ অতিৰিক্ত উপায়ুক্ত, উপায়ুক্তৰ কাৰ্যালয়, মঙ্গলদৈত ১৯-০১-২০০৯ ইং তাৰিখে বা
তাৰ আগতে দাখিল কৰিব পাৰিব। লিখিত বিবৃতি ডাকযোগেও বেজিষ্টাৰ কৰি উক্ত তাৰিখ বা তাৰ আগতে
পোৱাকৈ উপৰোক্ত ঠিকনাত পঠাব পাৰিব।

শ্ৰী ১.৭/৯
শ্ৰীশ্ৰী চন্দ্ৰ শৰ্মা
১৯-০১-০৬

তদন্ত আয়োগৰ সচিব

আৰু

দৰং জিলাৰ অতিৰিক্ত উপায়ুক্ত,
উপায়ুক্তৰ কাৰ্যালয়, মঙ্গলদৈ, অসম।

OKDISCO

LIST OF PERSONS DIED DURING THE MONTH OF AUGUST'08

| SI No | Name & Address | Case reference with Sec. of Law | Community |
|-------|---|--|-----------|
| 1 | Sri Dipak Rava (Yrs. 20) S/O- Sri Babu Ram Rava Vill- Sapai Baligaon P.S.- Dhekiajuli Dist- Sonitpur. | Udalguri PS C/No. 95/08 U/S 342/302/34 IPC | Rabha |
| 2 | Md. Mones Ali (Yrs.50) S/O- Lt. Sadam Bepari Vill- No-I Bossasimadu P.S.- Dhekiajuli Dist.- Sonitpur | Orang PS C/No. 07/08 U/S 341/302/34 IPC | Muslim |
| 3 | Kamaluddin (Yrs. 50) S/O- Lt. Mansoor Bepari Vill- Padupani P.S.- Dalgaon | Udalguri PS UD C/No. 16/08 Dtd. 16-08-08 | Muslim |
| 4 | Md. Maniruddin Ahmed @ Fani (Yrs.70) S/O- Lt. Bezia Ali Vill- Amlaiguri P.S.- Panery | Panery PS C/No. 105/08 U/S 147/148/149/448/ 302/427 IPC | Muslim |
| 5 | Md. Mazib Ali (Yrs.20) S/O- Lt. Yean Ali Vill- Amlaiguri P.S.- Panery | Panery PS C/No. 105/08 U/S 147/148/149/448/ 302/427 IPC | Muslim |
| 6 | Md. Tokker Ali (Yrs. 35) S/O- Lt. Maharuddin Sheikh Vill- Sidhakhuwa P.S.- Udalguri. | Udalguri PS C/No. 101/08 U/S 365/379 IPC | Muslim |
| 7 | Eyad Ali (Yrs. 30) S/O- Md. Miraz Ali Vill- Sidakhuwa P.S.- Udalguri | Udalguri PS C/No. 107/08 U/S 302/201 IPC | Muslim |
| 8 | Md. Haidur Ali (Yrs. 25) S/O- Md. Naser Ali Vill- Aminpara P.S.- Udalguri | - Do- | Muslim |
| 9 | Abdul Salam (Yrs. 25) S/O- Lt. Makbul Hussain Vill- Aminpara P.S.- Udalguri | -Do- | Muslim |
| 10 | Md. Ahetulla Sheikh (Yrs. 35) S/O- Lt. Ishahak Ali Vill- Aminpra P.S.- Udalguri | Vide Rowta O.P. GDE No. 342 Dtd. 15-08-08 | Muslim |

| Sl No | Name & Address | Case reference with Sec. of Law | Community |
|-------|--|--|-----------|
| 11 | Md. Mahidur Rahman (Yrs. 25) S/O- Md. Hasmat Ali Vill- Aminpara P.S.- Udalguri | Vide Rowta O.P. GDE No. 342 Dtd. 15-08-08 | Muslim |
| 12 | Md. Allaiddinn (Yrs.33) S/O- Lt. Mainuddin Vill- Aminpara P.S.- Udalguri | - Do - | Muslim |
| 13 | Md. Saiful Islam (Yrs. 25) S/O- Md. KajimUddin Sheikh Vill- Chokaragaon. P.S.- Dalgaon Dist.- Darrang | Udalguri PS C/No. 97/08 U/S 341/379/365/325 IPC | Muslim |
| 14 | Md. Muhlam Ali (Yrs. 20) S/O- Lt. Ishab Ali Vill- Dolgaonkhuti P.S.- Dalgaon Dist- Darrang | - Do - | Muslim |
| 15 | Md. Wazed Ali @ Aziz Ali (Yrs. 35) S/O- Lt. Ishab Ali Vill- Dolgaonkhuti P.S.- Dalgaon Dist- Darrang | - Do - | Muslim |

(Superintendent of Police, Udalguri)

**LIST OF MISSING PERSONS REPORTED AT DIFFERENT POLICE STATION
W.E.F. 14-08-08 (STILL MISSING)**

| Sl No. | Name & Address | Case Reference with Sec. of Law | Community |
|--------|--|--|-----------|
| 1 | Md. Matleb Ali (Yrs. 46) S/O- Lt. Ismail Ali Vill- Dalgaonkhuti P.S.- Dalgaon, Dist.- Darrang | Kidnapped from Daifam on 14-08-08 and still missing. Udalguri PS C/No. 97/08 U/S 341/379/ 365/325 IPC | Muslim |
| 2 | Md. Hasen Ali (Yrs. 36) S/O- Lt. Ismail Ali Vill- Dalgaonkhuti P.S.- Dalgaon, Dist.- Darrang | - Do - | Muslim |
| 3 | Md. Babul Ali (Yrs. 22) S/O- Md. Matleb Ali Vill- Dalgaonkhuti P.S.- Dalgaon, Dist.- Darrang | - Do - | Muslim |
| 4 | Md. Idrish Ali (Yrs. 37) S/O- Lt. Rajmul Hoque Vill- Dalgaonkhuti P.S.- Dalgaon, Dist- Darrang | - Do - | Muslim |
| 5 | Md. Mukjal Ali (Yrs. 22) S/O- Lt. Hasen Ali Vill- Dalgaonkhuti P.S.- Dalgaon, Dist.- Darrang | - Do - | Muslim |
| 6 | Md. Rahman Ali (Yrs. 44) S/O- Md. Ibrahim Ali Vill- Dalgaonkhuti P.S.- Dalgaon, Dist.- Darrang | - Do - | Muslim |
| 7 | Md. Kuddus Ali (Yrs. 30) S/O- Md. Suraj Ali Vill- Chokaragaon P.S.- Dalgaon, Dist- Darrang | - Do - | Muslim |
| 8 | Md. Mafizuddin Ahmed (Yrs. 26) S/O- Md. Hussain Ali Vill- No-1 Mazgaon P.S.- Dalgaon, Dist- Darrang | Kidnapped from Mission Chowk Udalguri on 16-08-08 and still missing. Udalguri PS C/No. 98/08 U/S 341/325/365/34 IPC | Muslim |
| 9 | Md. Abul Hussain S/O- Lt. Dahaj Ali Vill- No-2 Jhargaon P.S.- Udalguri | Missing from 2 No. Jhargaon (Bodo village) on 14-08-08 and still missing Vide Rowta O.P. GDE No. 341 Dtd. 15-08-08 | Muslim |
| 10 | Md. Kasem Ali (Yrs. 60) S/O- Lt. Naser Ali Vill- No-2 Nharbari P.S.- Mazbat | Missing from Naharbari, Mazbat on 14-08-08 and still missing. Vide Mazbat PS GDE No. 247 Dtd. 15-08-08 | Muslim |
| 11 | Md. Sayed Ali (Yrs. 25) S/O- Md. Mahibur Rahman Vill- Lamabari, Prembasti P.S.- Mazbat | Missing from Prembasti, Mazbat on 14-08-08 and still missing. Vide Mazbat PS GDE No. 283 Dtd. 17-08-08 | Muslim |


(Superintendent of Police, Udalguri)

NAME AND ADDRESS OF INJURY PERSONS
DURING THE MONTH OF AUGUST'08

| SI No. | Name & Address | Community |
|--------|--|-----------|
| 1 | Ali Daimary (22 Yrs.) S/O- Sri Rati Ram Daimary Vill- No-2 Bhalukmari, Jungle Basti P.S.- Udalguri. | Boro |
| 2 | Sri Tarun Ch. Deka (42 Yrs.) S/O- Sri Lokeswar Deka Vill- Dhekipara P.O.- Sipajhar Dist.- Darrang | Assamese |
| 3 | Sri Nirmal Ch. Deka (22 Yrs.) S/O- Krishna Deka Vill- Jhargaon P.S.- Udalguri | Assamese |
| 4 | Sri Binoy Boro (Yrs. 20) S/O- Sri Lakhidhar Deka Vill- Angrajhar | Boro |
| 5 | Hazrat Ali (Yrs.25) S/O- Samser Ali Vill- Rowta Bagan P.S.- Udalguri | Muslim |
| 6 | Akash Ali (Yrs.28) S/O- Md. Ahen Ali Vill- Niz- Kharupetia P.S.- Dalgaon | Muslim |
| 7 | Manoj Kalita (Yrs.18) S/O- Sri Narayan Kalita Vill- Nalbari P.S.- Udalguri | Assamese |
| 8 | Rinku Kalita (Yrs.22) S/O- Lt. Rati Ram Kalita Vill- Nalbari P.S.- Udalguri | Assamese |
| 9 | Md. Kuddus Ali (Yrs.35) S/O- Lt. Jubaruz Sheikh Vill- Rowta Bagan P.S.- Udalguri | Muslim |
| 10 | Md. Sabar Ali (Yrs.17) S/O- Md. Tamiz Ali Vill- Sidhakhowa, P.S.- Udalguri | Muslim |
| 11 | Md. Abdul Aziz (Yrs. 28) S/O- Lt. Abatullah Sheikh Vill- Rowta Bagan P.S.- Udalguri | Muslim |

| Sl No. | Name & Address | Community |
|--------|--|-----------|
| 12 | Sri Bimal Sil (Yrs.45) S/O- Sri Brajendra Sil Vill- Bojrajhar (Kalibari) P.S.- Udalguri | Bengali |
| 13 | Sri Manoj Basumatary (Yrs.26) S/O- Tridip Basumatary Vill- Jhakraogaon P.S.- Udalguri | Boro |
| 14 | Sri Som Todo (Yrs.23) S/O- Sondan Todo Vill- P.S.- | Adivashi |
| 15 | Dulal Ali (Yrs.26) S/O- Abdul Ali Vill- Aminpara P.S.- Udalguri | Muslim |
| 16 | Hanif Ali (Yrs.40) S/O- Lt. Batchu Ali Vill- Chaprabari P.S.- Mazbat | Muslim |
| 17 | Habibur Rahman (Yrs.42) S/O- Lt. Samsul Hoque Vill- Chaprabari P.S.- Mazbat | Muslim |
| 18 | Akbar Ali (Yrs. 45) S/O- Lt. Ajit Ali Vill- Chaprabari P.S.- Mazbat | Muslim |
| 19 | Rustam Ali (Yrs.38) S/O- Md. Saha Ali Vill- Chaprabari P.S.- Mazbat | Muslim |
| 20 | Saidur Islam (Yrs.32) S/O- Md. Waheb Ali Vill- Chaprabari P.S.- Mazbat | Muslim |
| 21 | Md. Giasddin Ahmed S/O- Lt. Abdul Hakim Vill- No-1 Mazgaon P.S.- Dalgaon Dist- Darrang | Muslim |
| 22 | Md. Abdul Sattar S/O- Mozibur Rahman Vill- Bhogranda P.S. + Dist.- Barpeta | Muslim |

Superintendent of Police

Dead Persons

| Sl No. | Name of Deceased & Father's Name | Date of Death | Address | Name of NOK | Amount of Ex-gratia disbursed (in Rs) | Remarks |
|--------|------------------------------------|---------------|--------------------------------------|----------------------------|---------------------------------------|---|
| 1 | Abdul Salam S/o- Makbul Hussain | 14-08-2008 | Vill - Aminpara Dist - Udalguri | Mrs. Asma Khatoon (wife) | 3,00,000 | C.M Secretariat provided fund. Cheques were distributed by State Minister |
| 2 | Haidur Ali S/o- Md. Nasar Ali | 14-08-2008 | Vill - Aminpara Dist - Udalguri | Mrs. Hasima Khatoon (wife) | 3,00,000 | do |
| 3 | Takkar Ali S/o- Mahiruddin | 14-08-2008 | Vill - Sidhakhowa Dist - Udalguri | Mrs. Amiran Nessa (wife) | 3,00,000 | do |
| 4 | Mahibur Rahman S/o- Hasmat Ali | 14-08-2008 | Vill - Aminpara Dist - Udalguri | Md. Hasmat Ali (father) | 3,00,000 | do |
| 5 | Ahetulla Seikh S/o- Ishahak Ali | 14-08-2008 | Vill - Aminpara Dist - Udalguri | Miss Jahanara Bewa (wife) | 3,00,000 | do |
| 6 | Allauddin S/o- Ishahak Ali | 14-08-2008 | Vill - Aminpara Dist - Udalguri | Mrs. Ambia Bewa (wife) | 3,00,000 | do |

Dead Persons

| Sl No. | Name of Deceased & Father's Name | Date of Death | Address | Name of NOK | Amount of Ex-gratia disbursed (in Rs) | Remarks |
|--------|----------------------------------|---------------|---|---------------------------|---------------------------------------|---------|
| 7 | Yad Ali S/o- Miraj Ali | 14-08-2008 | Vill - Sidhakhwa Dist - Udalguri | Md. Miraj Ali (father) | 3,00,000 | do |
| 8 | Majid Ali S/o- Lt. Piyar Ali | 14-08-2008 | Vill - No.1 Amlaiguri PS - Panery Dist - Udalguri | Solban Begum (wife) | 3,00,000 | do |
| 9 | Fani Ali S/o- Bizia Ali | 14-08-2008 | Vill - No.1 Amlaiguri PS - Panery Dist - Udalguri | Mrs. Amina Khatoon (wife) | 3,00,000 | do |

Deputy Commissioner,
Udalgun

Missing Persons

| Sl No. | Name of Missing & Father's Name | Date of Missing | Address | Name of NOK | Amount of Ex-gratia disbursed (in Rs) | Remarks |
|--------|--|-----------------|--|--|---------------------------------------|---|
| 1 | Md. Kashem Ali S/o- Majar Ali | 14-08-2008 | Vill - Naharbari (Mazbat) Dist - Udalguri | Mrs. Mahela Khatoon (wife) | 50,000 | C.M Secretariat provided fund. Cheques were distributed by State Minister |
| 2 | Md. Sayet Ali S/o- Majbur Rahman | 14-08-2008 | Vill - Lamabari (Mazbat) Dist - Udalguri | Mrs. Ajufa Khatoon (wife) | 50,000 | do |
| 3 | Md. Abdul Hussain S/o- Lt. Ahez Ali | 14-08-2008 | Vill - No.2 Jhargaon Dist - Udalguri | Mrs. Mohura Khatoon (wife) | 50,000 | do |
| 4 | Md. Asmat Ali S/o- Samsul Hoque | 14-08-2008 | Vill - Rowta Bagan Dist - Udalguri | Fulesa Begum (wife) Samsul Hoque (father) | 50,000 | do |


Deputy Commissioner,
Udalgun

Injured Persons

| Sl No. | Name of Injured & Father's Name | Date of Injured | Address | Amount of Ex-gratia disbursed (in Rs) | Remarks |
|--------|--|-----------------|---|---------------------------------------|---|
| 1 | Sri Oli Daimari S/o- Ratiram Daimari | 14.08.2008 | Vill - No.2 Bhalukmari Dist - Udalguri | 10,000 | C.M Secretariat provided fund. Cheques were distributed by State Minister |
| 2 | Sri Tarun Ch. Deka S/o- Lokeswar Deka | 14.08.2008 | Vill - Jhargaon Dist - Udalguri | 10,000 | do |
| 3 | Sri Nirmal Ch. Deka S/o- Krishna Deka | 14.08.2008 | Vill - Rowta Bagan Dist - Udalguri | 10,000 | do |
| 4 | Sri Hazarat Ali S/o- Samar Ali | 14.08.2008 | Vill - Jhargaon Dist - Udalguri | 10,000 | do |
| 5 | Sri Bijoy Boro S/o- Lakhidhar Deka | 14.08.2008 | Vill - Rowta Bagan Dist - Udalguri | 10,000 | do |
| 6 | Sri Monoj Kalita S/o- Narayan Kalita | 14.08.2008 | Vill - Nalbari Dist - Udalguri | 10,000 | do |
| 7 | Sri Ringku Kalita S/o- Ratiram Kalita | 14.08.2008 | Vill - Nalbari Dist - Udalguri | 10,000 | do |
| 8 | Sri Kuddus Ali S/o- Jubaraj Seikh | 14.08.2008 | Vill - Rowta Bagan Dist - Udalguri | 10,000 | do |
| 9 | Md. Sabar Ali S/o- Tamij Ali | 14.08.2008 | Vill - Sidhakhowa Dist - Udalguri | 10,000 | do |
| 10 | Md. Abdul Aziz S/o- Abatullah Seikh | 14.08.2008 | Vill - Rowta Bagan Dist - Udalguri | 10,000 | do |

Injured Persons

| Sl No. | Name of Injured & Father's Name | Date of Injured | Address | Amount of Ex-gratia disbursed (in Rs) | Remarks |
|--------|--|-----------------|---|---------------------------------------|---|
| 11 | Sri Bimal S/o- Brojendra Shil | 14.08.2008 | Vill - Bajrajhar (Kalbari) Dist - Udalguri | 10,000 | C.M Secretariat provided fund. Cheques were distributed by State Minister |
| 12 | Sri Monoj Basumatary S/o- Tridip Basumatary | 14.08.2008 | Vill - Jhakaragaon Dist - Udalguri | 10,000 | do |
| 13 | Sri Som Tudu S/o- Sandan Tudu | 14.08.2008 | Vill - Dist - Udalguri | 10,000 | do |
| 14 | Md. Dulal Ali S/o- Abdul Ali | 14.08.2008 | Vill - Aminpara Dist - Udalguri | 10,000 | do |
| 15 | Sri Hanif Ali S/o- Lt. Batchu Ali | 14.08.2008 | Vill - Saparabari Dist - Udalguri | 10,000 | do |
| 16 | Md. Habibur Rahman S/o- Lt. Samsul Hoque | 14.08.2008 | Vill - Saparabari Dist - Udalguri | 10,000 | do |
| 17 | Md. Akbar Ali S/o- Lt. Ajit Ali | 14.08.2008 | Vill - Saparabari Dist - Udalguri | 10,000 | do |
| 18 | Md. Rustam Ali S/o- Sahat Ali | 14.08.2008 | Vill - Saparabari Dist - Udalguri | 10,000 | do |
| 19 | Md. Saidur Islam S/o- Waheb Ali | 14.08.2008 | Vill - Saparabari Dist - Udalguri | 10,000 | do |


Deputy Commissioner,
Udalguri

DEPOSITION OF WITNESS RECORDED

FIRST SITTING FROM 4TH JUNE, 2009

WITNESS NO.1 SRI GEORGE BASUMATARY THEN DC, UDALGURI.
WITNESS NO.2 SRI BIJAY GIRI KULIGAM THEN SP, UDALGURI.
WITNESS NO.3 SRI S.S. MEENAKSHI SUNDARAM, DC, UDALGURI.
WITNESS NO.4 SRI ANAND PRAKASH TIWARI, SP, UDALGURI.

SECOND SITTING FROM 7TH JULY, 2009

WITNESS NO.5 SRI P.K. MAHANTA, ADDL. DC, UDALGURI.
WITNESS NO.6 SRI LONGNIT TERANG, ADDL. SP, UDALGURI.
WITNESS NO.7 SRI DILIP HAZONG, THEN RESERVE OFFICER, UDALGURI.
WITNESS NO.8 SRI RATNA KANTA BUZAR BARUA, SI.
WITNESS NO.9 SRI MANIK CHANDRA DAS, SI.
WITNESS NO.10 SRI KAMALESWAR DEKA, SI.
WITNESS NO.11 SRI POWAL CHANDRA DAS, PRESIDENT ROWTA PRIMARY BODO SAHITYA SABHA.
WITNESS NO.12 SRI MIJINGSHA BRAHMA, PRESIDENT ROWTA ANCHALIK COMMITTEE OF ABSU.
WITNESS NO.13 SRI KHARGESWAR DEKA, ASI.

THIRD SITTING FROM 6TH AUGUST, 2009

WITNESS NO.14 SRI JITAN DUTTA, ASI.
WITNESS NO.15 SRI KARENDRA BASUBATARY, MLA, MAZBAT.
WITNESS NO.16 SRI DIPEN BORO, PRESIDENT ABSU.
WITNESS NO.17 SRI MONIRAM DAIMARY.
WITNESS NO.18 SRI RAM CHANDRA HAZARIKA.
WITNESS NO.19 SRI BRISTI RAM DAIMARY.
WITNESS NO.20 SRI KRISHNA DEKA.
WITNESS NO.21 SRI MADAN KOCH.
WITNESS NO.22 SRI RANAK DEKA.
WITNESS NO.23 SRI UMESH DAIMARY.
WITNESS NO.24 SRI TAWASHWAR BASUMATARY.
WITNESS NO.25 SRI RAJU DAIMARY.

FOURTH SITTING FROM 29TH AUGUST, 2009

WITNESS NO.26 SRI OLI DAIMARY
WITNESS NO.27 SRI SUBUNGSAR MACHAHARY.
WITNESS NO.28 SRI BINOY BORO
WITNESS NO.29 SRI TARUN DEKA
WITNESS NO.30 SRI NIRMAL DEKA
WITNESS NO.31 SRI FOREING BAGLARY

FIFTH SITTING FROM 14TH SEPTEMBER, 2009

WITNESS NO.32 SRI SATYANDRA NARAYAN SINGH, IPS
WITNESS NO.33 SRI AINUL HAQUE
WITNESS NO.34 SRI MAZIBUR RAHMAN
WITNESS NO.35 SRI UMAR ALI
WITNESS NO.36 SRI TAHER ALI
WITNESS NO.37 SRI SAJAHAN ALI
WITNESS NO.38 SRI WAHIDUZ ZAMAN
WITNESS NO.39 SRI MUSURUDDIN AHMED
WITNESS NO.40 SRI SAHJAMAL
WITNESS NO.41 SRI SAHIDUL ISLAM
WITNESS NO.42 SMTI. AIASA KHATUN
WITNESS NO.43 SMTI. KAMALA BEWA.
WITNESS NO.44 SMTI. MAZIRAS BEWA
WITNESS NO.45 SMTI. KADBANU BEWA.
WITNESS NO.46 SMTI. ANWARA BEWA.

| | |
|---------------|----------------------------|
| WITNESS NO.47 | SMTI. TAHERA KHATUN |
| WITNESS NO.48 | SRI NURZAMAL ALI. |
| WITNESS NO.49 | SRI NUR ISLAM |
| WITNESS NO.50 | SRI TAHER ALI |
| WITNESS NO.51 | SRI ZAKIR HUSSAIN |
| WITNESS NO.52 | SRI NAZRUL HAQUE |
| WITNESS NO.53 | SRI DIPANKAR DAS |
| WITNESS NO.54 | SRI PULAK DAS |
| WITNESS NO.55 | SRI ABDUL AZIZ |
| WITNESS NO.56 | SRI MUHIDUL HAQUE |
| WITNESS NO.57 | SRI EKRAM ALI @ HAQUE |
| WITNESS NO.58 | SRI HASMAT ALI |
| WITNESS NO.59 | SRI GOL. HUSSAIN (GOLAP) |
| WITNESS NO.60 | SRI AKTAR ALI HUSSAIN |
| WITNESS NO.61 | SRI JANI SEIKH @ JANIF ALI |
| WITNESS NO.62 | SRI KAMAL ALI @ HAQUE |
| WITNESS NO.63 | SRI SATTAR ALI |
| WITNESS NO.64 | SRI MUMRAJ ALI |
| WITNESS NO.65 | SRI SAFIQL ISLAM (AMSU) |
| WITNESS NO.66 | SRI ZAKIR HUSSAIN (AMSU) |

SIXTH SITTING FROM 8TH OCTOBER, 2009

| | |
|--|--------------------------|
| WITNESS NO.67 | SRI HRIDAYANANDA DAS |
| WITNESS NO.68 | SRI HIMADRI KR. SARMA |
| WITNESS NO.69 | SRI MANIMAY GOSWAMI |
| WITNESS NO.70 | SRI MUKUNDA DEKA |
| <u>(FROM 9TH OCTOBER, 2009)</u> | |
| WITNESS NO.71 | SRI ILIASH ALI |
| WITNESS NO.72 | SRI MD. MANIRUDDIN AHMED |
| WITNESS NO.73 | SRI HIBZUL KABIR |
| WITNESS NO.74 | DR. S. ALI AHMED. |

SEVENTH SITTING ON 15TH OCTOBER, 2009
WITNESS NO.75 SRI NURZAMAL SARKAR, MINISTER.

EIGHTH SITTING ON 25TH OCTOBER, 2009
WITNESS NO.76 SRI SAIFUDDIN AHMED.
WITNESS NO.77 SRI BADRUL ISLAM.

LIST OF EXHIBITS
Prepared During August, 2009

Proved by

W. - 1 (Sri G. Basumatary)

Dt - 04/06/09

- | | |
|---------|--|
| Ext - 1 | Written Statement of P.W. -1 |
| Ext - 2 | Appeal to Public |
| Ext - 3 | Letters to Govt. (Series) |
| Ext - 4 | Prohibition Order Dt 16/08/08 (With written statement of P.W. -3) |

W. - 2 (Sri Bijoy Giri Kuligam)

Dt - 04/06/09

- | | |
|------------|---|
| Ext - 5 | Written Statement of P.W. -2 |
| Ext - 5(1) | Signature of Notary |
| Ext - 6 | W.T. Message Dt. 13/08/08 |
| Ext - 7 | Extract copy of DO No. -924 Dt. 14/08/09 |
| Ext - 8 | Extract copy of DO No. -917 Dt. 14/08/09 |
| Ext - 9 | Copy of G.D. Entries (Series) |
| Ext -10 | Copy of Order Dt. 18/08/08 (Series) L.O. Duty arrangements. |
| Ext -11 | Copy of W.T. Message to O/C Udalguri. |
| Ext -12 | Detailed Assessment Report in connection with withdrawal of ceasefire. |

W. - 3 (Sri S.S. M. Sundaram)

Dt - 05/06/09

- | | |
|---------|---|
| Ext -13 | List of Died persons. |
| Ext -14 | List of Missing persons. |
| Ext -15 | Prohibitory Order (Proved by P.W.-1) |
| Ext -16 | Order of Magisterial inquiry. |
| Ext -17 | Inquiry Report. |
| Ext -18 | Order Dt. 09/09/08 for Magisterial Inquiry. |
| Ext -19 | Written Statement of D.C. Udalguri (P.W.-3) |

W. - 4 (Sri A.P. Tewari)

Dt - 05/06/09

- | | |
|---------|---|
| Ext -20 | Written Statement of S.P. Udalguri (P.W.-4) |
| Ext -21 | Map of Udalguri showing the place of incidents. |

W. - 5 (Shri P.K. Mahanta)

Dt - 07/07/09

- | | |
|---------|----------------------------------|
| Ext -22 | Order of D.C. for second Inquiry |
| Ext -23 | Copy of Inquiry Report |

W. -10 (Shri Kamaleswar Deka, ASI)

Dt - 08/07/09

- | | |
|------------|---|
| Ext -24 | Case dairy of Udalguri P.S. Case No. 6/08 |
| Ext -25 | Copy of FIR |
| Ext -29 | Case Dairy of Orang P.S. Case No. 09/08 |
| Ext -29(1) | Copy of FIR |

W. - 11 (Shri Pawal Ch. Daimary)

Dt - 08/07/09

- | | |
|------------|--|
| Ext -26 | Written Statement of Shri Daimary. |
| Ext -26(1) | Signature of Shri Daimary |
| Ext -26(2) | Signature of General Secretary of Bodo Sahitya Sabha |

W. - 12 (Shri M. Brahma)

Dt - 08/07/09
Ext -26(3) Signature of Shri Brahma
Ext -26(4) Signature of General Secretary ABSU, Rowta Anchalik
Committee

W. - 13 (Shri Khargeswar Deka)

Dt - 10/07/09
Ext -27 Case Dairy of Udalguri P.S. Case No. 95/08
Ext -27(1) Copy of FIR

W. - 9 (Shri Manik Ch. Das, SI)

Dt - 10/07/09
Ext -28 Case Dairy of Udalguri P.S. Case No. 97/08
Ext -28(1) Copy of FIR

W. - 15 (Shri Korendra Basumatary, MLA)

Dt - 06/08/09
Ext -30 Complain of Forein Baglari
Ext -31 Letter to Minister Bhumidhar Barman.
Ext -32 Copy of letter dt-02/09/08.
Ext -33 Letter dt- 23/09/08.
Ext -34 Copy of Mamo dt- 24/09/08.
Ext -35 Copy of letter dt- 30/09/08.
Ext -36 Copy of UO letter dt- 30/09/08.
Ext -37 Copy of letter dt- 19/12/08.
Ext -38 Copy of letter dt- 16/10/08.
Ext -39 Copy of letter report dt- 16/08/08
Ext -40 Memorundam dt-06/01/09.
Ext -41 Written Statement
Ext -41(1) Signature.

W. - 16 (Shri Dipen Boro)

Dt - 08/08/09
Ext -42 Copy of statements
Ext -43 W/S memorandum to Govt.
Ext -44 W/S memorandum to DC.

W. - 19 (Shri Brishti Ram Daimary)

Dt - 08/08/09
Ext -45 Statement of Brishti Ram Daimary
Ext -45(1) Signature
Ext -45(2) Signature

W. - 20 (Shri Krishna Kanta Deka)

Dt - 08/08/09
Ext -46 Statement of Krishna Deka
Ext -46(1) Signature
Ext -46(2) Signature

W. - 24 (Shri Tapeswar Basumatary)

Dt - 08/08/09
Ext -47 Statement of Tapeswar Basumatary.
Ext -47(1) Signature

W. - 17 (Shri Maniram Daimary)

Dt - 08/08/09
Ext -48 Written Statement of Maniram Daimary.
Ext -48(1) Signature

W. - 28 (Shri Binoy Boro)

Dt - 29/08/09
Ext -49 Petition filed by Binoy Boro.
Ext -49(1) Signature of Binoy Boro.

W. - 30 (Shri Nirmal Ch. Deka)

Dt - 29/08/09
Ext -50 Deposition before ADC.
Ext -50(1) Signature.
Ext -50(2) Signature.
Ext -50(3) Signature.

W. - 31 (Shri Forien Baglary)

Dt - 29/08/09
Ext -51 Statement before ADC.
Ext -51(1) Signature.

W. - 32 (Shri S.N. Singh, IPS)

Dt - 14/09/09
Ext -52 Copy of W.T. message.

W. -34 (Shri Muzibur Rahman)

Dt - 14/09/09
Ext -53 Written Statement.
Ext -53(1) Signature.

W. -35 (Shri Umar Ali)

Dt - 14/09/09
Ext -54 Written Statement.
Ext -54(1) Signature.

W. -39 (Shri Mussuruddin Ahmed)

Dt - 14/09/09
Ext -55 Written Statement.
Ext -55(1) Signature.
Ext -56(1) LTI of Nurzaamli Ali
Ext -56(2) "
Ext -56(3) "

W. -48 (Shri Nurzamal Ali)

Dt - 15/09/09
Ext -56 Written Statement.

W. - 51 (Shri Zakir Hussain)

Dt - 15/09/09
Ext -57 Written Statement.
Ext -57(1) Signature.
Ext -57(2) "

W. - 53 (Shri Dipankar Das)

Dt - 15/09/09
Ext -58 Written Statement.
Ext -58(1) Signature.

W. -54 (Shri Pulak das)

Dt - 15/09/09
Ext -58(1) Signature.
Ext -58(2) "
Ext -58(3) "

W. - 55 (Shri Abdul Aziz)

Dt - 15/09/09

Ext - 59

Written Statement.

W. - 59 (Shri Gol Hussain)

Dt - 16/09/09

Ext - 60

Map.

W. - 69 (Shri M. Goswami)

Dt - 08/10/09

Ext - 61

Written Statement.

Ext - 61(1)

Signature.

Ext - 62

Popular cutting. (Propose)

Ext - 63

Letter.

W. - 70 (Shri M. Deka)

Dt - 08/10/09

Ext - 61

Written Statement.

Ext - 61(1)

Signature.

W. - 72 (Shri Maniruddin Ahmed)

Dt - 09/10/09

Ext - 64

Written Statement.

Ext - 64(1)

Signature.

Ext - 64(2)

Signature of Vice-President.

W. - 73 (Shri Hibzul Kabir)

Dt - 09/10/09

Ext - 64(2)

Signature.

Ext - 65

Letter dt. 1.09.08.

W. - 72 (Dr. S Ali Ahmed)

Dt - 09/10/09

Ext - 66

Written Statement.

Ext - 66(1)

Signature.

Ext - 67

Order dt. 3.7.08

W. - 75 (Minister Nurzamal Sarkar)

Dt - 15/10/09

Ext - 68

Written Statement.

Ext - 68(1)

Signature.

Ext - 69

Written Statement.

Ext - 69(1)

Signature.

Ext - 70

Affidavit.

Ext - 70(1)

Signature.

W. - 76 (Shri Saifuddin Ahmed)

Dt - 25/10/09

Ext - 71

Our Joint Application.

Ext - 71(1)

Is my Signature.

W. - 77 (Shri Badrul Islam)

Dt - 25/10/09

Ext - 72

Copy of leaflet for 2nd Foundation Day.

Ext - 73

Copy of leaflet for 3rd Foundation Day.

Ext - 74

Copy of paper cutting Assamese Daily ADIN

Ext - 75

Copy of paper cutting Assamese Daily ADIN 14/08/09

Ext - 76

Written Statement.

Ext - 76 (1)

Signature.

Ext - 76 (2)

"

GOVERNMENT OF ASSAM
POLITICAL (A) DEPARTMENT: DISPUR

ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Dispur, 18th January, 2010

No.: PLA.512/2008/58: In continuation of this department's Notification No.: PLA.512/2009/36, dtd, 1st Decembeber,2009 the Governor of Assam is pleased to extend the term of the Hon'ble Justice (Retd.) P.C. Phukan Commission of Inquiry for another period of one month and fifteen days w.e.f. 1st January, 2010 to 15th February, 2010 or till submission of the report whichever is earlier.

Sd/- S.C.Das IAS
Principal Secretary
Home & Political Department: Dispur.

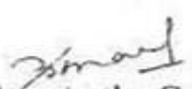
Memo No:512/2008/58

Dated Dispur. 18th January, 2010

Copy to :-

- 1) Mr. Justice (Retd.) P.C. Phukan, Gauhati High Court, Guwahati - for information.
- 2) The Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi.
- 3) The Principal Secretary to the Chief Minister, Assam, Dispur, Guwahati-6.
- 4) The Director General of Police, Assam, Ulubari, Guwahati - 7.
- 5) The Principal Secretary to Governor of Assam. Raj Bhawan, Guwahati.
- 6) The Advocate General of Assam, Guwahati.
- 7) The Commissioner, Lower Assam Division, Guwahati.
- 8) The Addl. Director General of Police (SB), Assam, Kahilipara, Guwahati-19.
- 9) The Deputy Commissioner, Udalguri/Darrang/Sonitpur.
- 10) The Superintendent of Police, Udalguri/Darrang/Sonitpur.
- 11) The Director of Information & Public Relations, Assam, Dispur, Guwahati-6.
- 12) The Secretary to Justice P.C. Phukan Commission of Inquiry, Dispur, Guwahati - for information with reference to his letter No.P/COM/01/2008/356,dtd29th December'09.
- 13) P.S. to the Chief Secretary, Assam, Dispur.
- 14) P.S. to Addl. Chief Secretary (I,II,III) Assam, Dispur.
- 15) P.S. to Principal Secretary, Home & Political Deptt., Dispur, Guwahati.
- 16) P.S. to Hon'ble Chief Justice, Gauhati High Court, Guwahati.
- 17) The Director, Assam Govt. Press, Bamunimaidam, Guwahati-21. He is requested to publish the Notification in the Extra ordinary Gazette. 100 copies of the Notification may please be sent to this department immediately.

By order etc.,


Deputy Secretary to the Govt. of Assam,
Political (A) Department.