

Statement in case of killing of Anis Khan by police of Amta

MASUM done Fact Finding over an incident of intentional murder of Mr. Anis Khan, a Muslim youth from Sarda Dakshin Khan Para under Khusberia Panchayat and Amta Block in the district of Howrah, West Bengal. This heinous crime of killing one person in custody was perpetrated by the police personnel of the Amta Police Station in uniform.

Backdrop

The deceased victim Mr. Anis Khan was a student leader associated with Students' Federation of India (SFI) during his time at Amta College and presently he is involved with Indian Secular Front (ISF). He completed his Masters degree from Aliah University and recently got admitted in the University of Kalyani to study Mass Communication. He was also associated with various social activities in his local area.

On 22.05.2021 one blood donation camp had been organized in the village of Sarda Dakshin Khan Para by 'Jana Sasthya Suraksha o Adhikar Mancha' and Mr. Anis Khan was the main organizer of the camp. But on 21.05.2021 in evening the vice president of Kushberia Gram Panchayat and local Booth president of Trinamool Congress (Ruling Party of West Bengal) Mr. Malek Khan and his elder son Mr. Masud Khan and their associates openly threatened Mr. Anis Khan with dire consequences, saying, "We will not let you to organize Blood donation camp in the village, or else, the result will be worse". They also accused Anis for influencing voters against TMC in the recent legislative assembly election of West Bengal. On the same day at about 7 pm those people criminally trespassed the house of Mr. Anis Khan and vandalized the property and tortured upon his family members. On the next day Mr. Jahangir Khan and Ali Hossain Khan and other TMC people criminally trespassed the house of the Anis' uncle and vandalized and destroyed the property. As a result of constant threats, he suffers from extreme insecurity and left his home. On 24.05.2021 Mr. Anis Khan lodged written complaint to the Officer in Charge, Amta Police Station; Superintendent of Police, Howrah Rural; Block Development Officer, Amta II; Sub Divisional Police Officer and Sub Divisional Officer, Uluberiya Sub Division; District Magistrate, Howrah; Home Secretary, State of West Bengal; Governor, West Bengal; Chairperson, Human Rights Commission, West Bengal and Chairperson, Women Commission.

Scene from murder

On 19.02.2022 Mr. Anis returned back his home after attending one Muslim religious Congregation (Jalsha) at Paschim Khanpara, adjacent to his house. On the said day at about 1.10 am 3 policemen and 1 Armed police from Amta Police Station came to the house of Mr. Anis and banged the door. They shouted in hoarse voice that they were from Amta police station and came to his home because there is a pending POCSO case against Anis in Bagnan police station and Anis is absconding and evading arrest. While Mr. Salem Khan, father of Mr. Anis Khan opened the door, he found 3 persons in police uniform and one in regular police uniform and holding a 'rifle' stood in front. As he had no idea about the presence of Anis in the house, he said 'Anis is not at home' but the raiding party told him that they had information that Anis was in home. Then three police climbed through the staircase and the regular police personal restricted the movement of Mr. Salem Khan by putting rifle barrel upon his chest. Within one or two minute he heard a bang in front of his home; the three civic police hurriedly came down then and along with them the regular police personal fled from the scene. There was no vehicular noise while they came and escape. Mr. Salem Khan found his son is lying in front

of the house with grievous head injuries. He immediately took his injured son to the Bagnan hospital by one maruti van of the neighbour. But in the middle of the road when he found that his son became lifeless, he returned back to his house and informed Amta Police station. But after spending one full night, no police personnel from Amta Police Station came there though the distance from the police station and Anis' house is less than 20 minutes. In the next morning, on 19 February, at about 9.30 am the police personnel came to their house and took the body of Anis with them. The police personnel told to the family members of the victim to come to the Amta Police Station. When the family members of the victim went to the Amta Police Station they did not see the body of Anis. From the police Station they were informed that Anis' body was sent to the Uluberia Hospital. The family members of the victim again rushed to the Uluberia Hospital. When they reached to Uluberia Hospital, they found that the post mortem examination of the deceased victim Anis Khan was completed. No family members were present during the Post Mortem Examination as when the family members reached the hospital, the PME was already done. At around 2:30 PM, the body was handed over to the family and burial was done at around 6:30 PM. Till date Post Mortem Examination report is not handed over to the family of the deceased. Post Mortem Examination of Mr. Anis Khan was done by Dr. Soumya Roy attached with Uluberia subdivisional hospital, with PME No 133 dated 19.02.2022. Dr. Sudip Ranjan Karar is the Superintendent of Uluberia Sub Divisional Hospital.

Ms. Sagira Bibi, elder sister of Anis Khan told to our fact finding members that she was at her in-laws place, which is 5-6 kilometers from Anis's home, while she heard about the incident at around 2.00 am she rushed for her maiden home, en route there was an ongoing Jalsa (religious congregation) at Paschim Khanpara just adjacent to the place of occurrence, where she confronted with 4 police personnel, while they enquired about her movement on the wee hours, she narrated the truth that her brother faced an incident but the mentioned Police asked her to return to her in-laws house.

What we saw

On 23 February, our fact finding team visited Amta police station and talked with Mr. Krishnendu Ghosh Dastidar, Sub- Divisional Police Officer, to get the information regarding the death case of Anis Khan. According to him a case was registered on 19.02.2022 vide Amta PS Case No. 48/22 under sections 302/201/34. The complainant was Mr. Salem Khan, the father of the deceased. Previously the DSP- DNT was appointed as the Investigating Officer of the case but later the case has been transferred to SIT (Special Investigating Team) headed by ADG- CID. He claimed that Anis Khan was FIR named accused in 4-5 criminal cases, including a case related POCSO Act, but he did not share the details of those cases. The cases were registered during 2017-2018 and 2019. Anis Khan and his sister-in-law made few complaints related to threat and intimidation by few of their neighbors and political leaders. He claimed that all were duly redressed. He even made complaint to NHRC and with direction from NHRC that complaint was redressed too. He mentioned according to PME report there was injury on the right side of the head and knees of the deceased victim and ante mortem in nature. While asked specifically whether Anis Khan was drunken at the time of death, he purposefully kept mum. He had no knowledge about family's request for copy of PME report. He also informed The team that one sub inspector and two civic police, attached to Amta police station have been suspended due to dereliction of duty on their part as they were in duty at the place and time of the occurrence. He informed us that they have registers and corresponding registers related to movement of officials attached with police station, from those registers they obtained evidences against them and their non performance of duty at the time and place of the occurrence. The

investigation of the case of murdering Anis Khan is not lying with Amta police now; it has been taken over by the Special Investigation Team (SIT) as ordered by Government of West Bengal.

While the Fact Finding team was present at Anis' house, the members of SIT and Block Development Officer of Amta Block II made visit to the house of the deceased and trying to force them for a consent for exhumation of the body for another fresh Post Mortem Examination but the family refused to give them the consent and was firm on transfer of the case for CBI investigation or a Court's direction for the same; in front of several media men. The family members of Anis were asking several questions before the authorities regarding malpractices of the administration; even family refused to hand over the mobile phone of Anis to the member of the SIT.

Our FF team visited Kushberia Gram Panchayat office and talked with the member of the Panchayat Ms. Sabina Bibi did not come forward to stand beside the family.

Afterwards and reactions

On 23.02.2022 the Director General of Police, West Bengal Mr. Manoj Malavya stated that one home guard named Mr. Kashinath Bera and one civic volunteer named Mr. Pritam Bhattacharya of the Amta Police Station were arrested for interrogation purpose. He also admitted that Amta police was involved with this case.

This issue of murder now overwhelmingly circulated through regional and national media. Here are some glimpses: - <https://www.telegraphindia.com/west-bengal/murder-in-bengal-anis-khan-murder-bengal-government-suspends-2-cops-sacks-home-guard/cid/1852976>

<https://www.thequint.com/news/hot-news/anis-khan-pushed-off-roof-of-residential-building>

<https://thewire.in/rights/protests-in-west-bengal-after-student-leader-anis-khan-found-dead>

<https://www.anandabazar.com/west-bengal/anis-khan-death-questions-arising-regarding-the-behavior-of-civic-volunteers-and-homeguard/cid/1330537>

Anomalies

Fact finding team of MASUM visited the victim's house, Uluberia Hospital, Amta Police Station, Morgue, local Kushberia Panchayat office and interviewed with several policemen, health workers, panchayat members, family members of the victim, neighbors and others. Several questions / facts were raised during our fact finding. We want to put down here:-

- This is an intentional murder by the police personnel of Amta Police station.
- If the police personnel came to arrest Mr. Anis Khan then why they did not do so?
- Why police enter into the house of the victim at middle of the night by violating the provision of section 46 of the Code of Criminal Procedure?
- Why the complaint of Mr. Anis Khan dated 24.05.2021 did not register / steps taken by the Amta police?
- Previously, Anis lodged complaint against local TMC leaders who constantly threatened him and his family members. The police administration totally failed to provide security to the victim

and to take proper action against the hoodlums. It shows that Amta police was partisan to deal this case.

- The police personnel of Amta Police Station came to the place of occurrence after more than seven hours of informing the incident while the distance of Amta Police Station from Anis' house is 20 minutes. Is it to ensure that Anis will be dead by that time?
- Who, when and where declared that Anis Khan was dead?
- Who, when and where done inquest over the body of Anis Khan according to procedure?
- The dead body of the victim was taken to Uluberia hospital for post mortem examination by police. But they did not inform the family members of the victim. Why this intentional negligence done by police?
- Was the post mortem examination of the victim video graphed?
- Under order of whom the inquest was done and under which section of Criminal Procedure Code? Why the family members were not informed about their presence during the time of inquest of the deceased?
- Guidelines framed and circulated by N.H.R.C. in case of arbitrary execution on 27 March 1997 was not followed by local police of Amta police station. Why?
- Why the police personnel of Amta Police Station do not provide FIR copy though section 154 (2) clearly stated to deliver the copy of the FIR to the complainant free of cost?
- Under supervision of police Post Mortem Examination was conducted by Dr. Soumya Roy. Why and for what reason the total process was done so hurriedly and haphazardly?
- Why Post Mortem Report was not delivered to the family members of the deceased?
- The police of Howrah Rural district, the prosecution and the medico legal officers did not follow the Minnesota protocol while conducting autopsy.
- Why the FIR copy vides Amta Police Station case number 48/22 dated 19.02.2022 was not uploaded in the website of the Amta Police Station and therefore violated the guidelines in the apex court judgment in Youth Bar Association case? Is it for suppression of facts to the people of India?
- Why only two persons were arrested when the complaint of this case is against involvement of many others of Amta Police Station and local administration for extra judicial killing of Anis Khan?

In this regard we demand:

- The whole incident must be investigated impartially.
- Special Investigation Team (SIT) has to prove that they will investigate the crime of killing one youth with clear hands.
- As the policemen arrested in this case has demanded that 'everything was done under the order and supervision of higher officers'; so many other superior officer in different line offices are involved with this case. So, the guilty officers must be booked and prosecuted.
- The personnel and officials involved in this heinous crime by omission or commission of duties, respectively, be booked in this case.
- Stern penal action must be taken against Mr. Malek Khan, Local TMC booth president and his elder son Masud Khan for continuous threat upon the victim and vandalism in the house of the family members of the victim.

- The personnel and officials involved in this case must be booked with fabricating false evidences, using as true a certificate known to be false, causing disappearance of evidence of offence, giving false information respecting an offence committed, false charge of offence made with intent to injure and public servant in judicial proceeding corruptly making report.
- Proper compensation must be provided to the family members of the deceased victim.
- Effective investigation must be taken based on the guidelines of the Istanbul protocol and Minnesota protocol.
- Proper security and safety of the family members of the victims must be ensured.
- Immediate direction should be given to the concerned authority to provide PME report, inquest report and FIR copy to the victim's family.

Thanking you,
Yours truly



Kirity Roy
Secretary, MASUM
&
National Convener, PACTI
25 February 2022

প্রতি,
অফিসার ইন চার্জ,
আমতা থানা,
আমতা, হাওড়া

৩১০ - ২৪/৫/২০২২

(বিষয় - শাসকদল কর্তৃক বলপূর্বক রক্তদান শিবির বন্ধ করে দেওয়া এবং পরবর্তী হিংসার প্রতি
আপনার দপ্তরের দ্রুত কার্যকরী পদক্ষেপ গ্রহণের আবেদন)

মহাশয়,

আমি প্রীযুক্ত আনিস খান, আমতা থানার অন্তর্গত সারদা দক্ষিণ খান পাড়া গ্রামের বাসিন্দা।
আপনার অবগতির জন্য জানাই যে, গত ২২/৫/২১ তারিখে একটি রক্তদান শিবিরের উদ্যোগ নেওয়া হয়েছিলো আমাদের গ্রামে। জনস্বাস্থ্য সুরক্ষা ও
অধিকার মঞ্চ, উলুবেড়িয়া মহকুমা, হাওড়া'র পক্ষ এই উদ্যোগের মূল উদ্যোক্তা ছিলাম আমি। বর্তমান সময়ে রক্তের তীব্র সংকটের সময় উক্ত রক্তদান
শিবিরটি সফল করার জন্য এলাকার বিভিন্ন মানুষদের আমন্ত্রণ জানানো হয়। কিন্তু গত ২১/৫/২১ তারিখ বিকেল বেলায় আমাদের গ্রাম পঞ্চায়েত
(কুশবেড়িয়া গ্রাম পঞ্চায়েত) এর উপ প্রধানের ও স্থানীয় তৃণমূল বুম সভাপতি মালেক খান ও তার জেষ্ঠ পুত্র মাসুদ খানের নেতৃত্বে এবং তাদের কিছু
অনুসারীরা হুমকি সহকারে আমাকে প্রকাশ্য রাস্তায় জানায় "রক্তদান শিবিরটি করা যাবে না, আর করলে ফল তীব্র খারাপ হবে"। আমি কারণ জানতে
চাইলে তারা আমাকে বলে " এবারের নির্বাচনে আমাদের পাট থেকে তৃণমূল ছাড়া অন্যরা ভোট পেলে কেন? এর দায় আমাকে নিতে হবে"। আমি বলি
মানুষ যখন ভোট দিয়েছে তার দায় আমি কেন নিতে যাবো, এবং গনতান্ত্রিক পদ্ধতিতে প্রত্যেকের অধিকার আছে তার পছন্দের প্রার্থীকে ভোট দেওয়ার "।
এটা বলার পরেও উক্ত ব্যক্তির আমায় কোনো কথায় কর্পণাত করে নি। এবং আমাকে হুমকি দিতেই থাকে। এছাড়াও আরো নানা রকম মিথ্যা অভিযোগ
দিতে থাকে। অতঃপর ৩ দিন আনুমানিক সন্ধ্যা ৭টা নাগাদ উক্ত ব্যক্তির আমায় বাড়ি চড়াও হয় এবং আমাকে, আমার বৃদ্ধ বাবা ও বাড়ির মহিলাদের
এবং এক প্রতিবেশী বোন কে অকথ্য ভাষায় গালিগালাজ করে এবং বাড়ি দরজায় লামি মারতে থাকে এবং আমাকে প্রানে মেরে ফেলার হুমকি দেয়। এরপর
পরদিন আমাকে বাড়ি ছাড়া করে দিবেছে।

এরপর থেকেই লাগাতার আক্রমণ চালায়ে আসছে উক্ত ব্যক্তির। গতকাল দুপুরের দিকে আচমকা আমার ছোট কাককে জাহাঙ্গীর খান ও আলী
হোসেন খান বাড়িতে ঢুকে মারধর করে এবং রাত ১১টার দিকে আমাদের গোবাল ঘর ও রান্না ঘরটি বিতংস্য ভাবে ভাঙ্গুর করে এবং ভাঙ্গুর করে
সেহবুব খান(মবু), রাজা খান, সাইফুল্লা খান, আতি খান সহ আরো অনেকই। এরা প্রত্যেকেই তৃণমূলের সদস্য। প্রতিদিনই কোনো না কোনো ভাবে এরা
আক্রমণ করছে।

এমতাবস্থায় আমি ও আমার সমগ্র পরিবার তীব্র নিরাপত্তাহীনতার মধ্যে আছি এবং আশঙ্কা প্রকাশ করছি যে, যেকোনো দিন এরা আমাকে ও পরিবারকে
প্রানে মেরে ফেলতে পারে।

এই মোতাবেক উপরোক্ত আমার আবেদনের প্রতি আপনার দৃষ্টি আকর্ষণ করছি এবং উক্ত আক্রমণকারী ব্যক্তিদের বিরুদ্ধে উপযুক্ত আইনি ব্যবস্থা গ্রহণ
এবং আমার সমগ্র পরিবারের নিরাপত্তা নিশ্চিত করার জন্য অবিলম্বে আপনার দপ্তরের প্রয়োজনীয় দ্রুত কার্যকরী পদক্ষেপ গ্রহণের আবেদন জানাচ্ছি।
যেহায়ে এরা আমাকে অনুসরণ করছে তাতে আমার পক্ষে খানায় যাওয়া সম্ভব নয়, এই কারণে পোস্ট মারফত আমার এই অভিযোগ পরটি পাঠলাম।
সার্বিক ভাবে আপনার সহযোগিতা কামনা করি।

ধন্যবাদান্তে
আনিস খান
সারদা দক্ষিণ খান পাড়া
আমতা থানা, হাওড়া-৭১১৪১৩
(৮০০১৬৬৬৩২৭)

Copy to-

- 1)SP(Howrah Rural)
- 2)BDO(Amta 2no)
- 3)SDPO (Uluberiya SD)
- 4)SDO(Uluberiya SD)
- 5)DM(Howrah)
- 6)Home Secretary (WB)
- 7)Governor (WB)
- 8)APDR(WB State Committee)
- 9)Janaswasthya Surokshha O Adhikar Mancha (Uluberiya SD.. Howrah)
- 7)Chairperson, Human Rights Commission (WB)
- 6)Chairperson, Women Commission (WB)



Road challan cum Disposal order

The PM examination of deceased named Anish Khan (28yrs) m/m
 S/O. Salem Khan Village Sarda Dakshin, Khan Para
 P.S. Amta Dist. Howrah
 at Uluberia S.D Hospital, Uluberia, Howrah as per Amta PS
 Case No. 06/22 do. dt. 19.02.2022
 PM done by Dr. S. Roy of Uluberia S.D Hospital, Uluberia, Howrah
 PM No. 133 dated 19.02.2022
 C.No. 856 Name Jitendra Harman
 Body handed over to party of deceased for cremation/burial purpose.
 This certificate is valid till cremation/burial.

Date: 19.02.2022
 Place: Uluberia S.D. Hospital, Uluberia, Howrah
 Time: _____

MEDICAL OFFICER Jitendra Harman
 Medical Officer Hospital
 Uluberia S.D. Hospital
 Uluberia, Howrah



To
 The Superintendent
 Uluberia S.D Hospital
 Uluberia, Howrah
 (Through Morgue In-Charge)

Ref:- Amta PS U.D Case No- 06/22 dt, 19.02.2022

Sub:- Request for dead body hand over,

Sir,

With profound respect and most humbly I beg to state that after holding P.M Examination the dead body of the deceased Anish Khan (28 yrs) S/O- Salem Khan Vill- Sarda Dakshinpara, P.S- Amta, Dist- Howrah in c/w the above noted reference may kindly be handed over to his elder brother namely Sabir Khan S/O- Salem Khan Vill- Sarda Dakshinpara, P.S- Amta, Dist- Howrah after P.M examination for cremation as per Muslim rites and customs.

Signature

His signature/ left thumb impression was taken before me.

19/2/22

19/2/22

Yours faithfully,

Pritom Bhowmick
 (SI Pritom Bhowmick)
 Amta PS
 Howrah Rural District
 Date: 19.02.2022





