

REPORT OF THE

YUSUF COMMISSION OF INQUIRY

JANUARY- 2000

REPORT OF THE YUSUF COMMISSION OF INQUIRY

ON THE INCIDENT OF 31ST MARCH, 1998 RE : ASSASSINATION
OF MINISTERS BIMAL SINHA AND HIS BROTHER BIDYUT SINHA
NEAR RIVER DHALAI IN ABHANGA

CONSISTING OF MR. JUSTICE K.M. YUSUF JUDGE, HIGH
COURT, CALCUTTA (RETD).

CONSTITUTED BY NOTIFICATION NO.F.10(5)/LAW/COM/98
DATED 6TH JUNE, 1998.

ISSUED BY LAW DEPARTMENT
GOVERNMENT OF TRIPURA.

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ABBREVIATION

1.	Witness No.40	W-40
2.	Police Station	P.S.
3.	Tripura State Rifles	TSR
4.	Superintendent of Police	.....	S.P.
5.	Deputy Superintendent of Police	.....	D.S.P
6.	Sub-Divisional Police Officer	.....	S.D.P.O
7.	Sub-Divisional Officer	.....	S.D.O
8.	Officer-in-Charge	.....	O.C.
9.	Circle Inspector	.....	C/I
10.	Tripura Upajati Juba Samity	.....	TUJS
11.	All Tripura Tiger Force	.....	ATTF
12.	National Liberation Front of Tripura	.....	NLFT
13.	Communist Party of India (Marksist)	.....	C.P.M
14.	Indian National Congress	.....	Congress
15.	Sou Motu	.....	SM
16.	Inspector-in-Charge	.....	I/C
17.	District Magistrate	.....	D.M.
18.	Central Reserve Police Force	.....	CRPF
19.	In-Charge	.....	I/C
20.	Inspector-General of Police (Law and order)	.....	I.G.P.(L&O)
21.	Tribal Students Union	.....	TSU
22.	United Liberation Front of Assam	.....	ULFA
23.	Tribal Liberation Organisation	.....	TLO
24.	Tribal National Volunteers	.....	TNV
25.	Director General of Police	.....	DGP
26.	Investigation Officer	.....	I.O.

FOREWORD

I hereby submit the Report of the Yusuf Commission of Inquiry set up by Notification No.F.10(5)-Law/COM/98 dated the 6th June, 1998 issued by the Law Department, Government of Tripura, in connection with the incident of assassination of Mr. Bimal Sinha, Health and Family Welfare Minister, Government of Tripura, and his brother Bidyut Sinha, by the militants on the bank of River Dhalai in Abhanga, Dist. Dhalai, on the 31st March, 1998.

Sd/-
(Justice K.M. YUSUF)
Judge,
High Court, Calcutta (Retd.)

Agartala, January, 31, 2000.

Note : Typographical mistakes may be overlooked.

CHAPTER – I

1. The Government of Tripura, Law Department, by a Notification No.F.10(5)-Law/COM/98 dated the 6th June, 1998 constituted an one-man Commission of Inquiry regarding the assassination of Bimal Sinha, Minister of Health & Family Welfare, Tripura, and his younger brother Bidyut Sinha by the extremists on 31.3.1998 at Abhanga, Kamalpur under Dhalai District, Tripura. The Full text of the Notification dated 6th June, 1998 appears as follows :

GOVERNMENT OF TRIPURA LAW DEPARTMENT

No.F.10(5)-Law/COM/98

Dated, Agartala, the 6th June, 1998.

NOTIFICATION

Whereas the State Government is of opinion that it is necessary to appoint a Commission of Enquiry for the purpose of making an Inquiry into a definite matters of public importance hereinafter specified.

Now, therefore, in exercise of the powers conferred by Section 3 of the Commission of Enquiry Act, 1952 (60 of 1952). The State Government hereby appoints a Commission of Enquiry consisting of single member, namely Shri K.M. Yusuf, a retired judge of the High Court, Calcutta.

2. The terms of reference of the Commission shall be as follows :

(1) To inquire into the matters specified

in Annexure to this Notification, to ascertain –

- (a) the causes and circumstances under which Binal Sinha, Ex-Minister, Health & Family Welfare and his brother Budyut Sinha were assassinated on 31.3.1998.

3. The head quarter of the Commission shall be at Agartala.
4. The Commission will complete its Inquiry and report along with recommendations, If any, to the State Government on or before the 5th day of October, 1998.
5. And whereas the State Government is of opinion that having regard to the nature of inquiry to be made by the Commission and other circumstances of the case, that all the provisions of sub-section (2), Sub-section(3), sub-section(4) and sub-section (5) of Section 5 of the Commission of Enquiry Act, 1952, should be made applicable to the Commission, the State Government hereby directs, in exercise of the powers conferred by sub-section (1) of the said Section 5, that all the provisions of the said sub-section (2), (3), (4) and (5) of that Section shall apply to the Commission.
6. This Notification shall come into force with effect from 6th day of June, 1998.

ANNEXURE

All matters and circumstances relating to the assassination of Bimal Sinha, Ex-Minister, Health & Family Welfare, Tripura and his younger brother Bidyut sinha by the extremists on 31.3.1998 at Abhangha, Kamalpur.

2. Causes of such incident and persons responsible.
3. Commission to suggest measures to be taken by the Government to contain such incident in future.

By Order of Governor,

B.B. Senapati
L.R & Secretary, Law (I/C)
Government of Tripura.

2. PUBLIC NOTICE OF THE YUSUF COMMISSION OF INQUIRY.

The Secretary of the Commission of Inquiry constitution by the Notification dated 6th June, 1998 (hereinafter referred to as “the Yusuf Commission of Inquiry” or “ the Yusuf Commission” or “the Commssion”) issued Public Notice setting out the terms of reference and invited statements and the said public Notice was published in various newspapers including the Dainik Sambad, Desher Kotha, Tripura Times, the Yapri of Agartala, the Statesman of Calcutta. The last Public Notice relating to the aforesaid matter was published on the 8th Septermber, 1998. The full text of the Public Notice appears as follows :

**No.F.2(1)-Law/YCI/98
YUSUF COMMISSION OF INQUIRY**

REGARDING ASSASSINATION OF MINISTER BIMAL SINHA AND ANOTHER AT ABHANGA, KAMALPUR UNDER DHALAI DISTRICT, TRIPURA, ON 31.3.1998.

PUBLIC NOTICE

WHEREAS there is report about the assassination of Binal Sinha, Minister of Health & Family Welfare, Tripura, and his brother Bidyut Sinha by the extremists on 31.3.1998 at Abhanga, Kamalpur under Dhalai District, Tripura;

2. AND WHEREAS the Government is of the opinion that it is necessary to appoint a Commission of Inquiry to enquire into the definite matter of public importance hereinafter specified;

3. AND WHEREAS the Government of Tripura, Law Department, under Notification No.F.10(5)-Law/COM/98 dated 6.6.1998 as published in the Tripura Gazette (Extra-ordinary) on 6.6.1998 appointed a Commission of Inquiry under Section 3 of the Commission of Inquiry Act, 1952 (60 of 1952) consisting of Hon'ble Mr. Justice K.M. Yusuf, Judge, Calcutta High Court (Retired) for the purpose of making an inquiry into the aforesaid assassination and report;

4. AND WHEREAS in the above mentioned Notification the terms of reference of the Commission have been laid down as follows :

- (i) To enquire into the matters specified in the “ANNEXURE” to this notification, to ascertain-
- (a) the causes and circumstances under which Bimal Sinha, Minister of Health & Family Welfare and his brother Bidyut Sinha were assassinated on 31.3.1998.

ANNEXURES

All matters and circumstances relating to the assassination of Bimal Sinha, Minister of Health & Family Welfare, Tripura and his brother Bidyut Sinha by the extremists on 31.3.1998 at Abhanga, Kamalpur.

- 2. Causes of such incident and persons responsible.
- 3. Commission to suggest measures to be taken by the Government to contain such incident in future.

NOW, THEREFORE, the Commission so appointed in making the inquiry into the aforesaid definite matter of public importance with the framework of the aforesaid terms of reference, hereby issues this public notice and invites the State Government, Tripura Police, The Superintendent of Kamalpur Hospital, Political Parties, associations, members of the public and relations of the deceased persons having knowledge of or acquainted with the incident of assassination or facts relevant to the above terms of reference to furnish to the Commission statements of facts relating to the aforesaid assassination and/or the above terms of reference in the manners as follows :

(1) Every statement shall be typed in English or in Bengali or any other language but must be accompanied by English version of the same (if not in English) and signed by the person making it in the presence of two witnesses who shall also put their signatures and addresses on the statement. A statement on behalf of a political party or an association shall be signed by any one its office bearers who shall be duly authorized by its President or Chairman or Secretary. Every such statement shall be drawn up in the first person and divided into paragraphs to be numbered consecutively. Each statement of facts shall contain the particulars of the person making the statement, namely, name of his/her father/husband, age, occupation, if any, and the place of residence.

(2) If any information mentioned in a statement is derived solely or in part from any document or record, the particulars and nature of such documents etc. and also of the person or persons who may be in control or custody thereof should be indicated clearly. Documents, if any, or photocopies thereof and a list of witnesses with their full particulars and addresses (including police station) whom the party intends to examine shall be filed with the statement.

(3) Towards the end, the statement shall be verified in the following manner :

“The statements made in paragraphs.....of the above statement are true to my knowledge and those made in paragraphs.....are based on information received by me or derived from.....which information I verily believe to be true.”

- (4) Every statement shall be useful for or relevant to the subject-matter of this inquiry and couched in proper language. It must not contain any offensive or scandalous or scandalous matter.
- (5) Every statement shall be filed in triplicate in closed cover.
- (6) All such statements may be filed personally or through authorized agent in the office of the Commission and be addressed to the Secretary, Yusuf Commission of Inquiry, Agartala, Revenue Building (First Floor), Civil Secretariat Complex, Agartala – 799001, between 12.00 noon and 4.00 p.m. on all working days and a receipt obtained thereof. Statement may also be sent by registered post with acknowledgement due.
- (7) Statement shall be sent to the Secretary to the Commission as stated above so as to reach him not later than four weeks from the last date of publication of this notice in any daily newspaper or local weekly or fortnightly journals, if any. If the last date for filing such statement falls on a holiday then such statement may be received in the office of the Commission on the following day.

Dated, 20 July, 1998.

By order and under authority
of the Commission

Sd/- B.C. Bhowmik
Secretary
Yusuf Commission of Inquiry

Address :
Revenue Building (First Floor).
Civil Secretariat Complex.
Agartala – 799001.

3. PUBLIC NOTICE BY THE COMMISSION OF ITS FIRST SITTING:

The Commission by a Public Notice issued by its Secretary fixed on Friday the 25th September, 1998 at 2.00 p.m. at the Tripura Public Service Commission Examination Hall, Agartala, as the date and time of the First sitting of the Commission of Inquiry. This Public Notice was published in "The Statesman", Calcutta, and in leading newspapers of Agartala. The full text of the public Notice is reproduced below as under :

YUSUF COMMISSION OF INQUIRY

Regarding assassination of Minister Bimal Sinha and his brother at Abhanga, Kamalpur, District Dhalai, Tripura, on March 31, 1998.

PUBLIC NOTICE

- (A) It is notified for general information that the Commission of Inquiry consisting of Hon'ble Mr. Justice K.M. Yusuf, Judge, Calcutta High Court (Retd.), will hold its first sitting at 2.00 p.m. on September 25, 1998 at the Tripura Public Service Commission Examination Hall, Agartala.

The Associations and persons who have submitted or will submit written statement of facts and any other person or Association interested to depose before the Commission or examine any person as witness may appear before the Commission personally or through their authorized representatives or lawyers on the date and at the time mentioned above.

Letters of authority, vakalatnamas, memoranda of appearance in person, as the case may be, shall be filed before the Secretary of the Commission on or before the above date.

- (B) It is further notified that the time for submission of written statement of facts, as notified earlier in various newspapers, has been extended till September 23, 1998. No statement will be accepted after this date except with the leave of the Commission.

Revenue Building
(1st Floor).
Civil Secretariat Complex.
Agartala – 799001

September 1, 1998.

By order and under authority
Of the Commission

Sd/- B. C. Bhowmik
Secretary
Yusuf Commission of Inquiry

4. GENERAL PROCEDURE TO BE FOLLOWED BY THE COMMISSION.

At the first sitting of the Commission held on the 25th September, 1998, the Secretary of the Commission with the permission of the Commission read out the General procedure to be followed by the Commission. The full text of the General procedure is reproduced below :

GENERAL PROCEDURE TO BE FOLLOWED BY THE YUSUF COMMISSION OF INQUIRY

REGARDING ASSASSINATION OF MINISTER BIMAL SINHA AND ANOTHER AT ABHANGA, KAMALPUR UNDER DHALAI DISTRICT, TRIPURA, ON 31ST MARCH, 1998.

1. The Headquarter of Commission shall be at the Revenue Building (1st Floor), Civil Secretariat Complex. Agartala – 799001.
2. The office of the Commission shall remain open to the Public from 11.00 a.m. to 1.30 p.m. and 2.00 p.m. to 5.00 p.m. on all days other than holidays and half holidays observed by the Government of Tripura.
3. The Commission will normally hold its sittings at Tripura Public Service Commission Examination Hall, Agartala. The Commission may hold sittings at such other places as it may think proper and which may be notified in due course.

4. The Commission will ordinarily sit on the date of hearing from 11.00 a.m. to 1.30 p.m. and/or from 2.00 p.m. to 4.00 p.m. The Chairman of the Commission will fix the date, timing and venue of hearing from time to time and shall be entitled to adjourn the hearing from time to time. The date, timing and venue of the first day of hearing has been notified through newspapers. If the Chairman thinks it necessary other dates of hearing may be published in the newspapers.

5. The proceedings of the Commission will be conducted in English.

6. (a) The Commission may, in its sole and absolute discretion and also suo motu and with or without notice, visit any place, Government office, Hospital or police station within the State of Tripura and make local enquiries/investigations as it may think proper and necessary for the purpose of all or any of the subject-matters of the enquiry. The Commission shall, however, give a reasonable opportunity of being heard to any person or organization, etc. if such person or organization is adversely affected or prejudiced by such local enquiry and/or investigation.

6. (b) The Chairman of the Commission in his sole and absolute discretion may call upon any person to supply information or documents or copies thereof to the Commission.

7. All hearing of the Commission will ordinarily be open to the public. But the Chairman shall have absolute discretion to sit in camera at any stage of the inquiry either suo motu or on an application giving seasons by any witness or person or association, etc. appearing before the Commission.

8. The State Government in its own right, the Tripura Police, the Superintendent, Kamalpur Hospital in Dhalai District, members of the public, political parties, associations and relations of the deceased, persons having knowledge of or acquainted with the incident may appear before the Commission either personally or through their authorized representatives or lawyers who shall file their letters of authority or Vakalatnama, as the case may be, before the Secretary of the Commission on or before the date to be notified through newspapers or in such manner as the Commission thinks fit. Those who intend to appear personally or through their authorized representatives or lawyers shall intimate about it in writing to the Secretary of the Commission on or before the date(s) suitably notified. The State shall also appoint lawyers for the Commission to assist it.

9. The Commission may, by public notice, invite statements of facts from the members of the public to be filed within the notified date. Such statements may be filed by the State Government, the Tripura Police, Medical Superintendent or Kamalpur Hospital, political parties, associations, all members of the public and relations of deceased persons having knowledge of or acquainted with the facts forming the subject-matter of the inquiry and/or relevant to the terms of reference. The Chairman of the Commission, in his sole and absolute discretion and at any stage of the inquiry, may direct any person to file a statement within the date fixed by him.

10. (a) Every statement shall be typed in English or Bengali or in any other language but must be accompanied by English version of the same (if not in English) and signed by the person making it in the presence of two witnesses who shall also put their signatures and addresses on the statement.
- (b) A statement on behalf of a political party or association shall be signed by any one of their respective office bearers who shall be duly authorized by their Chairman or President or Secretary.
- (c) Every statement shall be drawn up in the first person and divided into paragraphs to be numbered consecutively. Each material statement or fact should be made the subject-matter of a separate paragraph. The statement shall give particulars like father's/husband's name, age, occupation, if any, and the place of residence, of the person making it.
- (d) Every person furnishing a statement shall also furnish along with the statement a list of documents, if any, on which he proposes to rely. Wherever practicable the originals or Xerox copies of the documents shall be furnished along with the statement. Where the person making the statement is not in possession or control of any such document he shall file along with the statement the particulars and nature of each document and the person or persons who may be in custody or control thereof.
- (e) A list of witnesses with their full particulars and address (including name of police station and post office) whom the party intends to examine in support of his statement shall also be filed with every statement.

- (f) Towards the end, the statement shall be verified in the following manner :

“verified that the statements made in paragraph_____ of the above statement are true to my personal knowledge and those in paragraphs_____ are true to my information received (or derived) by me from_____ and which information I verily believe to be true.”

11. (a) Every statement shall be addressed to the Secretary of the Commission and sent in triplicate in closed cover to the Secretary which may be received by any of the officers of the Commission who shall issue a receipt to the party.

(b) Statement may be filed in the office of the Commission or sent to the Secretary by registered post with acknowledgement due.

12. The covers containing the statements shall not be opened by anyone without the permission of the Chairman.

13. (a) The Commission may, at its sole discretion, direct at any stage of the enquiry, any person to file a statement and/or supplementary statement on affidavit within a specified date. Such statement and/or supplementary statement on affidavit (hereinafter referred to as statement-on-affidavit) shall be sworn before a Magistrate of the 1st Class or other authority legally empowered to administer oath. The statement-on-affidavit shall be sent to the Secretary to the Commission or such other officer

as may be authorized by the Commission in this behalf and a receipt obtained therefor.

(b) Every statement-on-affidavit shall be in English or in Bengali or in any other language but must be accompanied by English version of the same (if not in English).

(c) Regarding a Statement-on-affidavit the procedure laid down in paragraphs 10(b) (c) (d) (e) and (f) above shall be followed as far as practicable subject however to any procedure that is followed by the Magistrate or authority before whom the affidavit is sworn and/or that may have been prescribed by law.

14. If any part of the Statement-on-affidavit is verified from information received by the deponent the source of such information should be disclosed. But the Commission at its discretion may not require journalists, newspaper reporters and editors to disclose the source of information in the affidavit.

15. Every Statement-on-affidavit shall be filed in triplicate.

16. All statements and Statement-on-affidavit shall set out therein only such information as may be useful for or relevant to the subject-matter of the inquiry and in sufficient detail.

17. Every statement or Statement-on-affidavit shall be couched in proper language and must not contain any irrelevant or offensive or scandalous or scurrilous matter. If any statement or Statement-on-affidavit contains any irrelevant or offensive or scandalous or scurrilous matter, the Commission,

may at its discretion, expunge such statement or reject such affidavit.

18. The Commission may, at any stage or the inquiry and at its sole and absolute discretion, sou moto summon any person to give evidence on affidavit, or orally, or to produce documents/records or both, and/or to furnish information or such points or matters as the Commission may think fit and proper and relevant to any or all of the subject-matter or terms of reference of the inquiry.

19. After examination of all or any of the statements received in response to the public Notice issued by the Commission and the individual notices to file statements or Statement-on-affidavit the Commission may in its discretion call upon any person whose evidence the Commission, having regard to the statements considers relevant for the purpose of the inquiry, to give oral evidence. The Commission may also record the evidence or any other person whose evidence in the opinion of the Commission is relevant to the inquiry. The Commission will decide the order in which the evidence of the witnesses will be recorded. No party shall have the right to insist on oral examination of any person. The Commission may, if it thinks it necessary and proper, recall any witness already examined.

20. When oral evidence is recorded, the Commission shall allow cross-examination to all persons as indicated in section 80 of the Commission of Inquiry Act.

21. The Commission may call or refuse to call any person for oral examination or cross-examination and may or may not allow any person to be examined on affidavit or not on affidavit through interrogatory. When the Commission allow a person to be examined on affidavit through interrogatory and the Commission is of the opinion that disclosure of his identity may be unsafe, it may refuse to disclose his identity.

22. The Commission may refuse to summon any witness whose evidence is considered unnecessary or irrelevant or who, in the opinion of the Commission, has been cited for the purpose of delay and vexation.

23. Every summons issued by the Commission shall be in duplicate and signed by the Secretary and sealed with the seal of the Commission. It shall specify the date, time and place at which the person summoned is required to attend and whether the attendance is required for the purpose of giving evidence or to produce any document or for both the purposes.

24. The Secretary to the Commission is authorized to sign summons and every other process or letters to be issued by the Commission including certificates of attendance with effect from 20th July, 1998 retrospectively.

25. Every process, summons or letter of request issued by the Commission shall be served by sending it by registered post to the person for whom it is intended or in such other manner as the Chairman of the Commission may direct.

26. (a) The interpreter or any officer authorized by the Commission shall administer oath to witnesses. The evidence shall be taken down in English language by short-hand writers.

(b) Where the witness does not know English, the question to be put to him may be interpreted to him in the language in which he will answer them and answers may be interpreted in English by the interpreter.

(c) The short-hand notes shall contain all questions put to and answers given by a witness in course of his evidence.

(d) The transcripts of the short-hand notes shall be submitted to the Secretary by the short-hand writer who has taken down the same. Any typographical error in the transcripts shall be corrected by the Secretary and after each correction he shall keep it in the record of the office of the Commission.

27. In the deposition of all witnesses the following particulars shall be recorded :

(a) Name, (b) Father's Name (or name of husband in case of married women), (c) Age, (d) occupation and (e) Address.

28. The Chairman of the Commission will have absolute right to extend, abridge or alter any time and/or any date fixed or notified by the Commission for any purpose.

29. The Chairman of the Commission reserves the right to alter, delete, amend or add to all the rules, regulations or procedures at any time during the inquiry as and when he considers necessary, and accept any statement, document and papers any time at his discretion.

By order and under authority
of the Commission

(B.C. Bhowmik)
Secretary
Yusuf Commission of Inquiry.

Address :

Revenue Building (First Floor).
Civil Secretariat Complex.
Agartala – 799001.

CHAPTER - II

5. **COMMENCEMENT OF THE COMMISSION'S HEARING :**

The hearing of the Commission commenced from the 22nd October, 1998 and in all 37(Thirty-seven) witnesses were summoned (some repeatedly). 34 (Thirty-four) witnesses deposed before the Commission and 3 (Three) witnesses did not appear before the Commission.

The Commission held sittings in the Tripura Public Service Commission Examination Hall (subject to the availability of the Hall by the TPSC) and also in the chamber of the Hon'ble Chairman.

6. **STATEMENT FILED BY THE PUBLIC**

On the Commission's Public Notification inviting statements from interested persons/individuals/State authorities/associations, the Commission received 9 (Nine) statements from the members of the public noted as under :

- (1) Mr. Ranjit Ghosh of Kalacheri, Kamalpur, District Dhalai.
- (2) Mr. Babanga Singh of Abhanga, District, Dhalai.
- (3) Mrs. Sova Rani Singh of Abhanga, District, Dhalai.

- (4) Mr. Parimal Das of North Mechuria, District, Dhalai.
- (5) Mr. Bikram Sinha of Kamalpur Town, District Dhalai.
- (6) Mr. Kasheswar Das of North Mechuria, District Dhalai.
- (7) Mr. Nikunja Das of Methirmia, Kamalpur, District Dhalai.
- (8) Mr. Krishnadhan Das of North Mechuria, District Dhalai.
- (9) Mr. Sukha Ranjan Sinha of Abhanga, District Dhalai.

7. **STATEMENT FILED BY THE STATE AUTHORITIES.**

The State authorities submitted their statements, after the expiry of the time notified by the Commission, with the leave of the Commission. Those are noted as under :

- (1) The Statement of facts of the State of Tripura filed by Mr. N. G. Talapatra, Under Secretary to the Government of Tripura, Home Department.
- (2) The Statement of facts of the Tripura Police filed by Mr. A. Kar. Superintendent of Police (CID), Tripura.

8. **LIST OF WITNESSES.**

The Commission summoned in total 37(Thirty-seven) witnesses. The names of the witnesses who appeared before the Commission and deposed are stated as under :-

1. Mr. Durgesh Majumder,
Inspector of Police (CID), Tripura
2. Mr. Mukulendu Das,
Sub-Inspector of Police, Tripura.
3. Mr. Ranjit Ghosh, Kamalpur.
4. Mrs. Sova Rani Singh,
W/o. Manilal Singh, Vill. Abhanga, Kamalpur, Dist. Dhalai.
5. Mr. Parimal Das,
S/o. Jogesh Das, Vill. North Mechuria, Kamalpur, Dist. Dhalai.
6. Mr. Babanga Singh,
S/o. Late Ningtom Singh, Vill. Abhanga, Kamalpur, Dist. Dhalai.
7. Mrs. Bijoy Laxmi Sinha, MLA, SM
W/o. Late Bimal Sinha, Kamalpur Town, Dist. Dhalai.
8. Mr. Bikram Sinha,
S/o. Late Laxmi Kanta Sinha, Kamalpur Town, Dist. Dhalai.
9. Mr. Kasheswar Das,
S/o. Late Jogyeswar Das, Vill. North Mechuria, Kamalpur, Dist.
Dhalai.
10. Mr. Ranjit Debbarma,
C/5536, C/o. Superintendent of Police, Special Branch, West Tripura.
11. Mr. Nikunja Das.S/o. Late. Manik Chandra Das,
Vill. Methirmia, Manik Bhandar, Kamalpur, Dist. Dhalai.
12. Mr. Kamal Kanti Kar, Kamalpur Town, Dist. Dhalai. SM
13. Mr. Krishnadhan Das, S/o. Late. Sarbananda Das,
Vill. North Mechuria, Kamalpur, Dist. Dhalai.
14. Mr. Himangshu Das, North Mechuria, Kamalpur, Dist. Dhalai. SM

15. Mr. Ranjit Kumar Paul, C/930.
C/o. Superintendent of Police. West Tripura.
16. Mr. Chandra Debbarma, C/530.
C/o. Superintendent of Police, West Tripura.
17. Mr. Sricharan Roy, Head Constable.
C/o. Superintendent of Police, West Tripura.
18. Mr. B.K. Roy. IPS.
Government of Tripura.
19. Mr. Amitava Ranjan. IPS. SM
20. Mr. Narayan Chakraborty.
Revenue Inspector, West Tripura.
21. Mr. Sukha Ranjan Sinha,
S/o. Late Kamini Sinha, Abhanga, Kamalpur.
22. Mr. Babul Das, Sub-Inspector of Police.
Government of Tripura.
23. Mr. Kaseem Saleem Ali. IPS. SM
24. Mr. Krishna Kanta Debbarma,
S/o. Sambhuram Debbarma, North Mechuria, Kamalpur.
25. Inspector Shimbhu Ram. C.R.P.F.
26. Mr. Sadhan Chandra Sarkar,
Sub-Inspector of Police, Government of Tripura.
27. Dr. Shashanka Deb,
Sub-Divisional Medical Officer, Kamalpur, Dist. Dhalai.
28. Mr. Amitava Kar, IPS.
Superintendent of Police (CID), Tripura, Agartala.

29. Dr. H. N. Goswami.
Medical Officer, Health and Family Welfare Department, Tripura.
30. Mr. Banamali Sinha, IAS. SM
Secretary to the Government of Tripura.
31. Mr. Hinangshu Gupta, IPS.
32. Mr. Kshatrajoy Reang. IPS. SM
33. Mr. Bikash Sinha.
S/o. Late Laxmi Kumar Sinha, Vill. Rupaspur, P.O. Kamalpur.
34. Mr. Bilas Das, SM
S/o. Sri Hemlal Das, Vill. Abhanga, Kamalpur.
35. Mr. Jagadish Ghosh. SM
Vill. Manik Bhandar, Kamalpur, Dist. Dhalai.
36. Dr. N. Kulkarni, IAS.
37. Dr. Susanta Debbarma,
Medical officer, Health and Family Welfare Department, Tripura.

9. WITNESSES NOT SUMMONED

About 10 (ten) witnesses were not summoned by the Commission as they were all cited by the State and were Constables or Escorts or personal security of the Late Bimal Sinha. One State witness, Dr. N. Kulkarni, IAS, Additional District Magistrate, North Tripura, was summoned but he did not appear as he had left Tripura.

10. SUO MOTU WITNESSES :

A Commission of Inquiry is to abide by Sections 5(2) and 8-B of the Commission of Inquiry Act and this is the reason of summoning some witnesses as suo motu. The deposition of suo motu witnesses were relevant to the subject matter of the inquiry.

11. LIST OF DOCUMENTS FILED BEFORE THE COMMISSION

Sl. No.	Filed by	Description of documents	Exhibit Number
1	2	3	4

1.	Mr. H. Debnath Advocate for the Police.	Copies of Statements of witnesses, hand-sketch Map of the place of occurrence, Post Mortem Reports, Seizure Lists, etc. as per Index.	1(1-208) collectively
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2. Mr. Amitava Kar, SP(CID) a) Report under No. SP(CID)/CS/98/13193-13195 dt. 26.9.98 ; 2(1-25) collectively
- b) A photo copy of ransom note by NLFT demanding Rs.50 Lakh ;
- c) order No.11353-63/ F.6(1)-PHQ/CS/98 dt. 13.4.1998 ; constituting Special Investigating Team.
3. Mr. K.D. Singh, DGP, Tripura. Letter No.19690-91/F. 5(25)-PHQ(CS)/98 dt. 20.5.99 to the Chairman of the Commission. 3
4. Mr. R. Debbarma, A.I. G.P.(W). Letter No.16540/ F.5(25)-PHQ(CS)/98 dt. 26.4.99. 4(1-3)

CHAPTER – III

12. SUMMARY OF THE STATEMENTS FILED BEFORE THE COMMISSION BY THE PUBLIC

The Commission now deals with the statements filed by the members of the public.

- (i) Statement filed by Mr. Ranjit Ghosh, son of the late Madan Mohan Ghosh, of Vill. Kalachari, P.S. Kamalpur.

Mr. Ranjit Ghosh is the Secretary of CPM Party, Kamalpur Division. He stated that in the last Tripura Assembly Election in 1998 Bimal Sinha was CPM candidate from 45 Kamalpur Constituency and on the other side Mr. Jagadish Ghosh, an accused in the United Bank of India, Kamalpur Branch Dacoity case also filed his nomination paper on behalf of the Congress. Mr. Bimal Sinha objected to his candidature and after hearing it was rejected by the authority. It is stated that Mr. Samir Ranjan Burman visited Kamalpur and told the Congress workers with the coalition of the Congress, TUJS and TNV would wing and within three months there would be a bye-election. Mr. Jagadish Ghosh also told his workers that Bimal Sinha had caused his arrest in the Bank dacoity and had his nomination paper cancelled and he would teach Bimal Sinha a good lesson. On 9th February, 1998 Bimal Sinha's younger brother Bikram Sinha

was abducted by the extremists near No.5 Bridge of Kamalpur Phatik Roy Road. He was abducted because he was creating obstruction in Jagadish Ghosh's election work. Ultimately Bimal Sinha won the Assembly Election and became the Health Minister of Tripura. It is further stated that Ranjit Ghosh came to know from Bimal Sinha that he was trying through Himangshu Das, Sudhangshu Das of Mechuria and Satya Das of Abhanga to rescue his brother Bikram. Bimal Sinha further told Ranjit Ghosh that though the extremists were agreeable to release his brother but Jagadish Ghosh and Sachindra Debbama along with the Divisional Committee Secretary of TUJS and also Ramdhas Debbarma of North Mechuria and some others were creating pressure on the extremists not to release Bimal Sinha's brother. It is stated in the statement that on the day of oath taking Bimal Sinha told Mr. Samir Ranjan Burman about the activity of Jagadish Ghosh and in reply Mr. Burman told Bimal Sinha that he would talk to Jagadish on the phone so that he did not create any obstruction to the release of Bikram. Mr. Ranjit Ghosh further stated in the statement that Bimal Sinha told him that to rescue Bikram he went to the house of Paritosh Das of North Mechuria where the extremists ambushed to attack Bimal Sinha. The information of ambushing Bimal Sinha was communicated to the Minister by Kasheshwar Das of North Mechuria. Ranjit Ghosh alerted Bimal Sinha not to enter the interior areas.

On the night of 30th March, 1998 Ranjit Ghosh telephoned Bimal Sinha that there should not be any delay in rescuing Bikram Sinha on 31st March, 1998 around 12 noon. Ranjit was in the house of Dhiraj Deb when he was intimated from the CPM office that Bimal Sinha and his brother Bidyut Sinha had been killed by the extremist at Abhanga. On getting this information he proceeded to Kamalpur Hospital where he found both dead. On the day the two were killed Jagadish Ghosh left his village with family members and could not be traced out.

It is further stated in the statement that Ranjit Ghosh himself was abducted by NLFT extremists on gun-point from the Divisional Office at Manik Bhandar and the extremists killed the guard of Urban Development Minister Mr. Sudhir Das and caused injury to some others. After 12 days he was released by the extremists and thereafter Jagadish Ghosh returned back to his village.

(II) Statement of Smt. Sovarani Singh, wife of Monilal Singh of Abhanga, P.S. Salema, Dist. Dhalai.

She was stated that on 31st March, 1998 around 10.30 A.M. when she was getting ready to go to the eastern bank of Dhalai river to see her chilly plants

and also to collect grass for cows, at that time Health Minister Bimal Sinha with his brother Bidyut Sinha, Sukha Ranjan and with his security Ranjit Debbarma came to her house. He gave them a mat and told them to sit and proceeded towards her chilly plants field to collect grass for the cow. While she was collecting grass she saw Satya Das with Himanshu Das, Nirmal Das, Shyamal Das, Premananda Namashudra, Nripendra Namashudra, Paritosh Das, Ripon Das of North Mechuria with three tribals youths coming from the side of Dhalai river. They were whispering among themselves. She noticed that Sudhangshu Das and one tribal boy had covered their head with towel and their left hands were on their chest. She saw Satya Das, Himangshu Das, Premananda Namashudra and two tribal youths to the west bank of the river where Bimal Sinha with his brother was standing. After 2/3 minutes she saw the above persons talking to Bimal and Bidyut but as she was at a distance of 15/16 Nal she could not follow the conversation. Suddenly she saw that they were pushing Bidyut and also saw both Bidyut and Bimal lifting their hands in surrender attitude. At that very time she saw two tribal youths firing on Bimal and Bidyut heard the gun shot sound. She saw Binal and Bidyut falling on the ground. The two youths who fired were unknown to her but she could recognize them if she could see them.

(III) Statement of Sri Babanga Sinha, son of the late Ningthon Singh of Abhanga, P.S. Salema, Dist. Dhalai.

In the statement he stated that Bimal Sinha was his old acquaintance and Bimal used to call him 'uncle' on 24th March, 1998 around 6.30/7 in the morning Bimal Sinha and his younger brother Bidyut Sinha along with Sukha Ranjan Sinha came to his house and Bidyut asked him to go along with them to Satya Das's house. He went to Satya Das's house and saw there Nikunja of Methir Mia. After some time Nirmal Das and Ripon Das of North Mechuria came to Satya Das's house and he saw Himangshu Das standing on the eastern bank of river Dhalai. In front of all Bidyut Sinha gave two bundless of Rs.500/- notes and seven bundles of Rs.100/- notes, totalled Rs.1,70,000/- to Satya Das. This money was given for the release of Bikram Sinha. Satya Das handed over the money to Nirmal Das and Ripon Das and they took the money to Himangshu Das on the eastern bank of the river. He further stated that he along with others went up to the western bank of the river and Himangshu Das lifted his hands from the eastern bank signaling that he got the money.

On 31st March, 1998 around 10.30/11 A.M. Babanga Sinha was gossiping in the house of Hari Singh when he was informed that 3-4 cars were standing in front of his

house. He came out and saw Bimal Sinha sitting on a bamboo mattress in Sovarani's house. He went to Sovarani's house and saw Bidyut Sinha with his cousin brother Bikram Sinha. Sukhranjan Sinha and Bimal Sinha's security Ranjit Debbarma were outside the house. On seeing Babanga Sinha, Bimal said that 'uncle you have come and there are too many people and on seeing this the extremists would not come', and asked him to leave. He went to the late Promode Das's house. After some time he saw Bimal going out from the house and dissending towards river belt followed by Bidyut Sinha. The statement further records that he heard some unknown voices talking loudly from the side of river and heard Bimal Sinha saying "call uncle quickly". He started running from Promode's house towards the belt and jumped a fence and landed near Sovarani's latrine and then heard the sound of several shots. He got scared and stopped and went towards CRPF Camp. In the meantime CRPF Jawans came out from their Camp and were advancing towards the place of occurrence. After some time he came to know that both Bimal and Bidyut were shot dead by the extremists.

(IV) Statement of Mr. Parimal Das, son of the late Jagesh Das of Vill. North Mechuria, P.S. Salema, Dist. Dhalai.

He stated that before the Assembly Election and after the abduction of Bikram Sinha he saw Jagadish Ghosh of Manik Bhandar along with 7-8 unknown youths going towards Chhatai-Mahachhara jungle on the eastern bank of the river Dhalai. This jungle is a part of Mechuria Gaon Sabha. Those youths were unknown to him and were not from his locality. There were two tribal youths as well. Immediately after the Bimal Sinha's election he saw Jagadish Ghosh going towards the jungle on the eastern side of North Mechuria. On this occasion also he was accompanied with 6-7 unknown youths. According to his understanding they were going to Chhatai-Mahachhara jungle for some secret purpose. Parimal Das has some land for cultivation and while going to his land he saw 6-7 persons with Jagadish Ghosh going towards his village. He further stated that the villagers thought that Jagdish Ghosh was linked in the conspiracy to murder Bimal Sinha.

(V) Statement of Mr. Bikram Sinha, son of the late Laxmi Kanta Sinha of Kamalpur Town, Dist. Dhalai.

Bikram Sinha is the adopted son of Laxmi Kanta Sinha and brother of Bimal Sinha and Bidyut Sinha alias Rocket. He stated that he looked after the contractor- ship business of his father. He himself got enlistment for contractor ship and in 1996 for urgent election work

he himself, Bisheswar Ahir and Bishnu Debbarma took a contract job from PWD to repair No.5 SPT Bridge on NEC Road (Kamalpur - Phatik Roy Road). The work order was in the name of Bishewswar Ahir. On 9th February, 1998 at about 9.30/10 A.M. he on a motor cycle went near the above bridge because on that day labourers were to start the work. He had engaged Hila Darlong as sub-contractor and gave him some advanced money to complete the work. Hila Darlong was present at that point of time. At that time 7-8 tribal youths came near him and asked him to go along with them as they wanted to talk to him. As he proceeded a bit one of them tied his hands with a towel and told him not to talk. He saw a grenade in the hand of one of them and was told that if he did not go they would detonate the grenade and kill him. Others pushed him on a hillock. There he found 4-5 tribal youths who were carrying fire arms and they took him towards south. The extremists kept him in different places.

When he was in captivity of the extremists, they informed him if his brother would meet them they would release him. After 4-5 days the extremists got him to write a letter to his brother Bimal. They asked him to write "pay money according to demand and get me release". The amount was not mentioned. After 6-7 days the extremists took his photographs along with two other extremists.

He had to write letters to his brother Bimal Sinha 6-7 times and only once he wrote to his wife. One day the extremists took a radio and in the news he came to know of his brother's victory in the election. On hearing the news they whispered and had discussion in tribal language. The news of Bimal's success sadden them. When he was in the clutches of the extremists he saw 2-3 Bengali boys going to their hide-out and the extremists had discussion with them. As these Bengalis did not go before him he could not recognize them from distance. He was informed by the extremists that his photographs were sent to his brother Bimal Sinha through these Bengali boys. One day he came to know that his brother Bimal and Rocket were murdered. He was released on 18th May, 1998. He specifically stated that he was abducted by NLFT militants and their group leader was Raj Kanta Debbarma.

(VI) Statement of Mr. Kashishwar Das, son of the late Jogeshwar Das of Vill. North Mechuria, P.S. Salema, Dist. Dhalai.

After the last Assembly Election Krishnadhan Das, a Panchyat Member, informed him that he had come to know from some Congress supporters that Bimal Sinha whose brother was abducted by the extremists had come to the house of Paritosh Das to rescue him. On this day the

extremists led an ambush to kill him but could not get the chance. The following day he met Bimal Sinha in Halhali Bazar and he told him this news. On hearing Bimal said "what can be done", brother Bikram had to be rescued". Krishnadhan Das told him on that day the extremists tried their best to take Bimal Sinha to the house of Himangshu Das but could not succeed. This also was conveyed Bimal Sinha. One or two days prior to the assassination some villagers informed him that Jagadish Ghosh, Ajit Debbarma, Himangshu Das, Sudhangshu Das, Henu Charan Debbarma, Rajib Debbarma, Jatan Debbarma, Nripendra Debbarma, Swapan Debbarma, Sushil Das, Radha Charan Das, Premananda Namashudra and Sanjoy Das were seen to be going towards the jungle of Halampara. The villagers told him that their movements were suspicious. He also saw Jagadish Ghosh moving suspiciously in his village. All the persons he named, according to him were extremists.

(VII) Statement of Mr. Nikunja Das, son of the late Manik Chandra Das of Vill. Methirmia, P.S. Kamalpur, Dist. Dhalai.

After taking over as Health Minister, one day Bimal Sinha summoned him in Manick Bhandar Party Office and said to him that Himangshu Das of North Mechuria

told him that Himangshu was his brother-in-law. Bimal asked him to help him in rescuing his brother Bikram. He stated in the statement that on Bimal Sinha's request he along with Sukha Ranjan Sinha went to Himangshu Das's house in Abhanga and North Mechuria 2-3 days and requested Himangshu to release Bikram. After discussion with Himangshu he came to understand that in order to get the release of Bikram Rs.1,70,000/- were required. Rocket Sinha (Bidyt Sinha) provided this money to Himangshu but Bikram was not released. Then he went to Himangshu's house and was told by Himangshu that Jagadish Ghosh and Sachindra Debbarma from Manick Bhandar were resisting Bikram release. On Ninkunja's repeated requests to release Bikram, Himangshu told him that Bikram would be released on next Thursday. This he conveyed to Bimal Sinha but on Tuesday afternoon he came to know that the extremists had murdered Bimal and Rocket.

(VIII) Statement of Mr. Krishnadhan Das, son of the late Sarbananda Das, of Vill. North Mechuria, P.S. Salema, Dist. Dhalai.

He stated that he was elected Panchyat Member of North Mechuria Gram Panchayat. A few days after the Assembly Election he came to know that Bimal Sinha had gone to the house of Paritosh Das to rescue his brother

Bikram. On that day the extremists tried to take Bimal Sinha to the house of Himangshu Das. Had Bimal gone to Himangshu's house he would have been killed by extremists. Bimal Sinha for whatever reason did not go to the house of Himangshu and was saved. On coming to know this he informed Kashishwar Das to give this information to Bimal Sinha.

It is further stated that a few days after the Assembly Election he saw Jagadish and Sachindra Debbarma with Radha Charan Debbarma, Henu Chand Debbarma, Rajib Debbarma, Premananda Namashudra, Swapan Debbarma, Sanjoy Das, Sudhangshu Das, all of North Mechuria and Ajit Debbarma and Nripendra Debbarma of Mechuria with some people going towards Halampara jungle to the east of Mechuria. He further stated that all these persons had linked with the extremists and the villagers were afraid to open their mouth in fear. He further got the news from some Congress supporters that if Bimal did go the house of Paritosh then they would try to take him to Himangshu's relative Satya Das in Abhanga and from there they would try to take him to the eastern bank of the river to murder. This information, the statement stated, was conveyed to Kashishwar Das to be conveyed to Bimal.

(IX) Statement of Mr. Sukha Ranjan Sinha, son of the late Kamini Sinha of Abhanga, P.S. Salema, Dist. Dhalai.

He stated that for the last 4 years he was C.A (Confidential Assistant) of the Health Minister Bimal Sinha. 20-25 days prior to the killing of Binal and Bidyut, Smt. Sovarani Sinha told him that Bilash Das told her that Bimal's brother Bikram whom the extremists abducted came to North Mechuria along with the extremists and this information was given to Bilash Das by Himangshu Das, as such, if Himangshu took initiative he could rescue Bikram from the extremists. A couple of days after at about 7-7.30 A.M. Himangshu Das was loading paddy and chilly in a car on Kamalpur-Ambassa road in front of the house of Nitya Nanda Sil as Himangshu saw him he asked Premananda Namashudra to direct him to go in front of the house of Nitya Nanda Sil which he accordingly did. Himangshu told Sukha Ranjan Sinha that 4-5 days prior to Assembly Election the extremists took Bikram to Mechuria Village and presently he had been taken to Bangladesh. Himangshu further told Sukha Ranjan that he could consult Bimal Sinha regarding this matter and also knew from him that amount he can spend to get his brother release. He was told by Himangshu that Himangshu would be able to rescue Bikram from the extremists. After the Assembly Election he informed Bimal Sinha and Bimal

expressed his eagerness to speak about the matter. One evening Bimal had been to Shantibazar and he told Sukha Ranjan to take information regarding Himangshu. Sukha Ranjan informed Satya Das at the bazar. Bimal came to the house of Satya Ranjan at about 8 P.M. and Satya Ranjan with Bimal Sinha and the security staff went to the house of Satya Das. Satya Das informed Bimal Sinha that Himangshu would be available in his house the next day and Himangshu wanted Bimal and Sukha Ranjan to be there. The next day Bimal Sinha went to the house of Sukha Ranjan (his C.A.) and told him to go to the house of Satya Das to get the information about Himangshu. Accordingly, Sukha Ranjan went to the house of Satya Das but was informed by Satya that he could not contact Himangshu. He further stated that putul Singh came to his house and also Bimal and they had confidential talk. The next morning Satya Das came to his house and informed that at 11 A.M. Himangshu would be available and Bimal Sinha was to meet him on the river-bed. He conveyed this news on telephone to Bimal and Bimal came to the river-bed near the house of Sovarani around 11 A.M. Himanshu demanded a letter from Bimal Sinha so that the police did not arrest him and further demanded Rs.1000/- as cost and Bimal gave him both as per demanded. Sukha Ranjan was present and Bimal told that he would give one lakh rupees from the friends of Bikram to rescue him but

Himangshu demanded Rs.1,60,000/- for the rescue of Bikram. The discussion prolonged till evening and in the meantime Bimal Sinha had telephonic conversation with Rocket Sinha whether he would be able to collect this amount and Rocket assured. Rocket told him that he collected money from his friends and of Bikram. Himangshu further told that if extremists come with Bikram he would give the money and after getting the money Bikram would be released after a day. Thereafter Himangshu gave information through Satya Das that the extremists were not desirous to release Bikram in exchange of Rs.1,60,000/- and demanded Rs.1,70,000/-. The money was procured but Himangshu refused to take money that day. Bimal came back to his house and Sukha Ranjan with Rocket deposited money to the CRPF Camp. The next day Himangshu told that he would take the money in the presence of Sukha Ranjan, Rocket, Nikunja Das, Premananda Namashudra, Shyamal Das and Nirmal Das. Then on the next day at 10 A.M. Rocket came to Shanti Bazar on a motor cycle and the statement-maker accompanied him to the CRPF Camp and after collecting the money they went to the house of Satya Das. After some time Babhanga Singh came to the house of Satya Das and from Himangshu's side came Premanada Namashudra, Shyamal Das, Ripon Das, Nripendra Namashudra and Nikunja Das. In Satya Das's

house Satya Ranjan's wife, daughter and his brother's wife were present. Rocket gave Rs.500/- bundle of one lakh and Rs.100/- bundle of Rs.70,000/-, total Rs.1,70,000/- to Himangshu's companions i.e. Premananda, Shyamal, Ripon, Nripendra, Nikhunja and Satya Das. Himangshu was present on the north side of the river-bed where the money was given and Satya Das returned after giving the money. The next day Bikram was to be released. Bidyut and Sukha Ranjan and Sukha Ranjan met on the river-bed near Sovarani's house. Premananda and Nirmal crossed the river and came to them with two letters. One letter was written by Bikram and in the other demand was made of 50 lakhs rupees of which Rs.1,70,000/- was received. It was stated that after giving the balance amount they could take back Bikram. Rocket informed Bimal about the incident and after a couple of days Bimal came to Kamalpur and wanted to speak to Himangshu Das. Accordingly the next day Himangshu met Bimal at Satya Das's house and they discussed among themselves. They discussed but what they did discuss was not known to statement-maker because Bimal told Rocket, Devendra and Satya Ranjan not to be present during discussion.

On 31st March, 1998 he and Babhanga Singh along with his younger brother Nihar Singh came to Shanti bazar and told him that the extremists wanted to speak with

Bimalda regarding their demand. He conveyed this information to Bimal Sinha's house when Rocket held telephone and said that his brother had just left for Agartala and he would be at Manick Bhandar Party Office. Rocket informed Bimal in Manick Bhandar Party Office. He went to Abhanga in Sovarani's house and there Bimal Sinha came and after some time Rocket, Bikash Sinha, Nihar Sinha and Bilash Das went there. Satya Das was there. Then Nirmal Das and Sanjoy Das came and all of them went to the north side of Dhalai river. Premananda came and seeing the Minister was there he went away. After this Premananda, Shyamal, Nirmal, Ripon, Sanjoy, Nripendra along with two persons came and went to the west bank of the river. Premananda told Bimal Sinha to go to the river bank and Rocket and Bimal along with the statement-maker went to the river bank and stood there. Himangshu came to them and gave Bimal a walkie talkie to speak. Then Himangshu went to the north side of the river-bed. The extremists wanted to speak direct to Bimal Sinha. Bimal went down to the river belt with Himanshu. At this time Sukha Ranjan obstructed Bimal and told him not to go but he did not listen. Rocket came down to the river belt. At this time 4 persons including two tribals with towel on the body along with two Bengalis, one Sudhangshu (Himangshu's brother) and another unknown Bengali went to the river bank from two sides.

According to Premananda the name of two tribals were Dayal jamathia and Nob Debbarma. Sukha Ranjan asked Bimal to come up but he did not listen. One tribal took out AK-47 after coming to the middle of the river and directed towards Sukha Ranjan asking him to come down but he did not go. The two extremists came nearer to Bimal. At that time Rocket had some controversy with one of the extremists and they shot Rocket and thereafter Bimal Sinha. As Bimal fell on the ground Sukha Ranjan escaped from there. Sudhangshu Das and one Bengali boy were also shooting indiscriminately. Two Bengali boys who came before the extremists were watching the movement of the security so that they could not do anything to the extremists. He rang to the nearer CRPF Camp and gave this information.

13. SUMMARY OF THE STATEMENT FILED BY THE STATE AND THE POLICE :

Now I deal with the statements filed by the State and the Tripura Police.

(X) Statement of Mr. N.G. Talapatra, Under Secretary to the Government of Tripura, Home Department.

The 36-line statement filed by the Government of Tripura relating to the incident of assassination of Mr. Bimal Sinha and his brother Bidyut Sinha which took

place on 31st March, 1998 At Abhanga under Salema Police Station in the District of Dhalai is a classic example of tackling a very serious and sensitive matter in a childish way. The Commission will deal with this after wards.

The statement simply narrates the report of SP(CID) No.SP(CID)/CS/98/13193-13194 dated 26th September, 1998. According to the report Bimal Sinha accompanied by his younger brother Bidyut Sinha reached Abhanga on 31st March, 1998 for a talk with the extremists as demanded by them and to arrange the release of his brother Bikram Sinha. They went to the house of Monilal Sinha (Sovarani's housband) with only plain cloth security guard leaving the uniformed escort and vehicles near Abhanga CRPF Camp. Bimal Sinha wanted to talk with the extremists through a wireless set but they wanted to talk face to face. Bimal Sinha and Bidyut then proceeded towards the bank of river Dhalai. At that material time two NLFT extremists proceeded towards them from the eastern side of the river and when they reached the middle of the river they pulled out one AK-47 and one 9mm pistol which they had concealed under their cloth and came nearer to western bank. After some exchange of words the extremists fired at Bimal Sinha and Bidyut Sinha and they fell on the ground. On hearing firing sound security guard

and escort party as well as CRPF personnel of Abhanga CRPF Camp rushed to the spot and the extremists fled towards the east. The Minister and his brother were brought to Kamalpur Hospital where they were declared dead. A case was registered at Salema Police Station under different sections of the Arms Act and the Unlawful Activities (Prevention) Act on the complaint of Bikash Sinha and the investigation of this case was taken over by the CID on 1st April, 1998. Subsequently, the Special Investigation Team comprising DIG (CID), one Deputy SP (CID), one Inspector (CID) and S.I.(CID) was formed under Mr. K.S. Saleem Ali, IGP (Armed Police and Training) presently IGP (Law and Order) vide order No.11353-63/R.6(1)-PHQ-CS/97 dated 13th April, 1998. As per report of the SP(CID) a prima facie case against 27 persons had been established. One of them has since expired, nine were arrested and others are absconding. The State Government declared cash awards for information for the arrest of 17 accused persons who are wanted in Saleema P.S. Case No.5/98 dated 31st March, 1998.

(XI) Statement of Mr. A. Kar, Superintendent of Police (CID), Tripura.

In his statement the Superintendent of Police (CID) states that on 31st March, 1998 at 12.20 hours O.C.

Salema P.S. received a telephonic information from the Salema CRPF Camp to the effect that Abhanga CRPF Camp informed the Salema Camp over wireless that around 12 hours some extremists fired towards south-east of Abhanga CRPF Camp. Hearing the sound CRPF personnel rushed to the spot and there was a exchange of firing in between the extremists and the CRPF. On receiving the telephonic message O/C Salema P.S. entered information in Salema P.S. G.D. Entry No.1177 dated 31st March, 1998 and left for Abhanga with S.I. Mukulendu Das of Salema P.S. On arrival at Abhanga they learnt the extremists fired open to Health Minister Bimal Sinha and his brother Bidyut Sinha and both had been shifted to Kamalpur Hospital. Accordingly the O/C directed Mukulendu Das to proceed to Kamalpur and take necessary legal action and the O/C arranged for guarding the place of occurrence and then left the place for conducting raid to apprehend the extremists. Another entry was made in Kamalpur P.S. G.D. Entry No.1024 dated 31st March, 1998 on the information of the duty officer of Kamalpur P.S. by SI S. Sarkar, O/C of Kamalpur P.S.

At that very day i.e. 31st March, 1998 SI Mukulendu Das of Salema P.S. recorded the oral complaint of Bikash Sinha, son of the late Laxmi Kumar Sinha, at his residence to the effect that on 31st March, 1998 around

11 A.M. he had met Bidyut Sinha alias Rocket near Halahli market. Bidyut informed Bikash that Bimal Sinha had come for negotiating the release of Bikram Sinha and Bikash should accompany them to Abhanga. Bikash Sinha went to the house of one Manipuri gentleman on the western bank of Dhalai river and found Bimal Sinha in one room in the house with Sukha Ranjan Sinha. His younger brother and one Bengali elderly man. Bimal Sinha and one money bag. The Bengali gentleman on the advice of Bimal Sinha went out and after half-an-hour returned and informed that "they" were coming and would like to discuss with Bimal. Bimal Sinha gave one wireless set to the Bengali gentleman but the Bengali gentleman returned the same and informed that "they" would like to have a face-to-face discussion. As such Bimal, Bidyut and Sukha Ranjan went to the western bank of the river and Bikash with the plain cloth security remained inside the room. At about 11.40 hours the complainant heard the voice of Bimal Sinha saying "what are you doing?" Immediately thereafter a few shots were fired. The complainant further said that after Bimal with others left the house towards the river, some people guarded the house so that no one could go out. On hearing the firing the complainant and others came out and went to the river, the security personnel fired towards 4-5 persons who were running

away towards the eastern side of the river. The Police and the CRPF personnel also fired from the northern and western side. The CRPF and the police personnel went to the place of occurrence and brought Bimal and Bidyut with injured condition and they were sent to Kamalpur Hospital by the escort vehicle of Bimal Sinha. In the Hospital the two injured persons were declared dead. It was stated in G.D. that 10-12 days before the Assembly Election the NLFT extremists had kidnapped Bikram Sinha. On the date of incident Bimal and Bidyut had gone for negotiating the release of Bikram and the NLFT extremists killed them in a pre-planned manner.

During investigation SI Mukulendu Das visited the place of occurrence on 31st March, 1998 and prepared hand-sketch map of the place of occurrence, took photographs, seized some articles and recorded the statements of witnesses etc. He also arranged for the preparation of inquest report and post mortem examination and after the post mortem examination the deadbodies were handed over to the relatives of the deceased.

On 1st April, 1998 by order of the higher authority Mr. D. Majumder, Inspector of Police, took up the investigation of the case. During investigation he inspected the scene of the crime, seized some articles including bullet head, took photographs, examined some

witnesses, and recorded their statements under Section 161 Cr.P.C. He also arrested 11 accused persons, interrogated them in police custody and forwarded them to court. He arranged T.I. Parade in respect of the suspect Gandhijoy Halam and submitted prayer for recording confessional statement of the arrested persons. Except accused Premananda Namashudra, others declined to make any confessional statement. Mr. Majumder conducted raids for arresting the absconded accused persons and collected the photographs of principal accused persons, namely, Naba Kumar Debbarma and Dayal Jamatia. He prayed before the learned Sub-Divisional Judicial Magistrate, Kamalpur, for issuing W.P.A. against the absconding accused persons. On completing the investigation a prima facie case under Sections 302/120(B)/34, I.P.C., 27 of the Arms Act and 10/13 of Unlawful activities(Prevention) Act was well established against Himangshu Das and 27 others and it is now sub-judice.

The statement further states that the place of occurrence situated at Abhanga on the western river-bed of Dhalai under Salema P.S. at a distance of 5 km. northeast of Salema P.S. and 730 ft. towards east from Ambassa-Kamalpur Road and about two fullong south-east from Abhanga CRPF Post of 'A' Coy. of 97 Battalion CRPF located at Abhanga Fishery Office. The place of occurrence

is connected to Abmassa-Kamalpur Road by a foot-track and there are few houses on both sides of the foot-track. The nearest house is of Monilal Sinha. There house of Monilal consists of one dwelling but on the western side of the courtyard and a thatch cow-shed on the eastern side and the bank of the river is located about 25ft. away from the cow-shed. The river is clearly visible from the cow-shed and the place where Bimal and Bidyut were shot is also visible from the cow-shed. On 31st March, 1998 there was knee deep water in the river. There were patches of blood at two spots on the bed of the river and the distance between tow patches were of 11ft. The empty shells were found near the west river-bed. The breadth of eastern side sandy river-bed is about 600 ft. and the nearest village is north Mechuria located at a distance of 1km. east from the place of occurrence. Abhanga is located on the western bank and has a mixed population of Bengalis and Manipuri community and North Mechuria has a mixed population of a tribals and Bengalis. Bimal Sinha with his brother Bidyut reached the spot of occurrence by using a foot track and the extremists came from North Mechuria and retreated by the same route after killing Bimal and Bidyut.

The Statement further states that there are sufficient documentary and circumstantial evidence on record from which it is revealed that on 29th January,

1998 Bishnu Prosad Jamathia alias J. Basant and Army Chief of NLFT issued a letter in the name of Bimal Sinha demanding a subscription of one crore of rupees to be paid by 8th February, 1998 as the Government had been disobeying the instructions of the NLFT. On 9th February, 1998 NLFT extremists kidnapped Bikram Sinha. After kidnapping Bikram, Bimal Sinha took initiative for the release of his adopted brother. On 9th February, 1998 NLFT further issued a letter demanding 50 lakhs of rupees for the release of Bikram. Bimal contacted one Saha Kumar Debbarma, a collaborator of NLFT, Putul Debbarma and a former NLFT extremist, Charpai Sukh Halam of Junthung and some others for the release of his brother but to no effect. In the meantime Himangshu Das sent an intimation to Sukha Ranjan Sinha, C.A. to the Minister, that he could arrange the release of Bikram. Sukha Ranjan contacted the Minister and negotiation started with Himangshu Das through one Satya Das of Abhanga. It is stated that the Minister visited the house of Satya Das about 6-7 times to negotiate with the NLFT extremists but the negotiation was fruitless. The Minister agreed to pay Rs.1,70,000/- for the release of Bikram Sinha but the NLFT people demanded more money through their collaborator Himangshu Das. With the opening of the Assembly Session the Minister left for Agartala with direction to Sukha Ranjan to continue the discussion. After 2-3 days

Sukha Ranjan visited jumthung and discussed with Naba Debbarma, NLFT extremists, in the presence of Lab Debbarma, Dunai Sinha, Amarjit Sinha and Parimohan Sinha. At that time the NLFT extremists demanded Rs.10 lakh for the release of Bikram but Sukha Ranjan agreed to pay Rs.1,70,000/- as agreed earlier by the Minister. Sukha Ranjan under pressure agreed to pay two lakhs of rupees at lump-sum but the extremists Naba Kumar Debbarma did not agree and left the house of Lab Debbarma. On 24th March, 1998 Premananda Namashudra came to Sukha Ranjan and informed him that the proposed money could be paid and accordingly Sukha Ranjan informed Rocket in the house of Satya Das. Ultimately the extremists agreed at Rs.1,70,000/-.

Sukha Ranjan Sinha contacted the Minister and Bidyut Sinha over telephone and at the direction of Bimal Sinha Bidyut Sinha went to Abhanga on 25th March, 1998 in the house of Satya Das along with Sukha Ranjan, Nikunja Das, Babanga Singh and counted Rs.1,70,000/- in the presence of Premananda Namashudra, Satya Das and others. The said payment was made on 26th March, 1998 along with Sukha Ranjan. As per the negotiation Bikram was to be released on the same day but was not released. On 29th March, 1998 the Minister returned to Kamalpur from Agartala and met Himanshu Das in the house of Satya Das and

discussed about the release and was informed by Himangshu that his brother would be released on 29th March, 1998 but he was not.

In the early morning of 31st March, 1998 Premananda Namashudra went to the house of Sukha Ranjan and in the presence of Sukha Ranjan informed his younger brother Nihar Ranjan Sinha that the commandant of NLFT had come and wanted to talk with the Minister regarding some of their demands and Bikram Sinha would be released only after discussion. Sukha Ranjan who subsequently contacted the Minister at Manick Bhandar over telephone and the Minister with his younger brother Bidyut reached Abhanga in the house of Monilal Sinha at 10.30 hours. Bimal Sinha along with others came to the river side but left his security and escort near Abhanga CRPF Camp around 11 hours. Nripendra Namashudra and Sanjoy Das reached the house of Monilal Sinha and said to the Minister that the extremists were at a little distance. Sukha Ranjan informed Nripendra Namashudra that only one extremist without arm would be allowed to talk to the Minister. The Minister then handed over one wireless set to Himangshu. Himangshu returned with the wireless and informed the Minister that the extremists wanted to have a face-to-face talk. Himangshu asked the Minister to go towards the belt of river Dhalai and the Minister proceeded, Bidyut following him. At that time two tribal NLFT

extremists in civil dress covering their body with towels were proceeding towards the Minister from eastern side by crossing the river. When the extremists reached in the middle of the river they pulled up AK-47 and one 9mm pistol concealing on the person. On arrival of the western bank they ordered everyone in the courtyard of Monilal Sinha to come down. After some conversation with the Minister and his brother extremists Naba Kumar Debbarma armed with a pistol fired towards Bidyut and immediately thereafter the extremist Dayal Jamathia open fired by AK-47 aiming at Bimal Sinha and both of them fell down. The extremists and their Bengali collaborators fled away towards east and the security people rushed to the place.

It is further stated that the NLFT people wanted to eliminate the Minister as the Minister was the strong opponent of the activities of the NLFT.

14. **INCIDENT BRIEFLY SUMMARISED :**

Mr. Bimal Sinha, Health Minister of Tripura, visited Abhanga on 31st March, 1998 and went to the river side of Dhalai and halted at the residence of Sovarani Sinha. He was accompanied by his brother Bidyut Sinha alias Rocket. There assembled Sukha Ranjan Sinha, C.A. to the Minister, Himangshu Sinha, Satya Das and some

others. The Minister went there to get the release of his kidnapped brother Bikram Sinha in exchange of ransom money. The demand of the militants was 50 lakhs of rupees which considerably shrunk to Rs.1,70,000/- during negotiations but the demand was not finally settled. The militants were on the other side i.e. the northern side of the river Dhalai. Bimal Sinha wanted to talk to the rivals from the western bank on walkie-talkie but the extremists on the northern side refused and they wanted to face-to-face talk. Bimal Sinha agreed and went down to the slope of the river along with brother Bidyut Sinha, Sukha Ranjan Sinha and Himangshu Das. The money of Rs.1,70,000/- was paid a few days earlier but the extremists were not satisfied and they demanded more. Ultimately with the intervention of Sukha Ranjan Sinha, Himangshu Das, Satya Das, Nikunja Das, Premananda Namashudra, and others an attempt was made to solve the quantum of the ransom money. The condition of Bimal Sinha was that no militant should come to meet him with arms. Bimal Sinha instructed his security personnel in the escort car to remain on the Abhanga-Ambassa Road near CRPF Camp and proceeded from road towards the river with his personnel security only but when going down to the river-bed he instructed his personal security not to accompany him. Save and except Bimal and Bidyut there were only those persons as mentioned above and their

associates. From the other side of the river came two extremists covering their body with towels and left-hand hidden with the cloth. When they came nearer there was some conversation and loud words were exchanged between Bimal Sinha and the extremists. The security who was far away from the Minister and others heard Bimal Sinha's voice indicating that some thing wrong was happening. Immediately thereafter gun shots were fired which wounded Bimal Sinha and Bidyut Sinha and they fell on the ground. It is said that the two militants were NLFT extremists and one was carrying AK-47 and an other 9mm pistol and they used the weapons to kill the two. Sukha Ranjan Sinha and Himangshu Das immediately ran away from the spot and there was nobody to protect the Minister and his brother. On hearing shots the security personnel of the Minister ran towards the river and also the CRPF personnel from their Camp firing towards the northern side on the fleeing extremists but they were not within the range of the bullets. The personnel security also tried his best and fired 12 rounds without any effect. The Minister and his brother were brought to the Kamalpur Hospital where they were declared dead. After post mortem examination their deadbodies were handed over the following day to their relatives.

This, in a nutshell, is the incident of 31st

March, 1998 but there are plenty of facts which will be stated hereinafter.

15. **SPOT INSPECTION BY THE COMMISSION :**

The Commission made spot inspection of the place of occurrence at Abhanga in Dhalai District on 25th February, 1999. The Commission visited the spot where Bimal Sinha and his brother Bidyut Sinha were shot dead at the river-bed. The Commission inspected the place right from the road and went to the river side along the narrow uneven path which was used by Bimal Sinha and his brother on the fateful day. The police officials pointed out to the Commission more than one mud houses where Bimal used to frequently visit and held conversation with his colleagues and some collaborators of the militants.

The spot where two were shot dead is a slope leading to the river-bed. Mr. B.K. Roy, who was Superintendent of Police of Dhalai District, told the Commission that he did not receive any intimation about the Minister's visit and as such the district police was not aware of his visit. On query the Commission came to know from the police officials present on the spot that one Smt. Manila Sinha, daughter of Manilal Sinha, who resided on the other side of the road was present when

the incident of shooting took place. The Commission asked the police officials to bring the girl and she did come and said that she was milching cow in the nearby cow-shed which is on a height and 15 to 20 ft. away from the slope of the river. She told the Commission that she heard conversation between the Minister and Himangshu Das and Himangshu's two colleagues who were militants. The conversation was not audible. Only after the gun shots were heard she ran from the cow-shed and looked down to find Bimal Sinha and his brother lying on the ground smeared with blood and some people were running away towards the other side of the river. On seeing the ghastly scene she felt unconscious.

When the Commission was inspecting the place of occurrence one Mr. Kamal Kanti Kar of Kamalpur was present at some distance. It was pointed out to the Commission that Mr. Kar is a prominent person of the locality and as such the Commission asked the police to call Mr. Kar. During conversation he told the Commission that Jagadihs Ghosh, the Congress candidate for the Assembly Election, was actually the person behind kidnapping of Bikram Sinha and he was the centre-figure of the entire episode because of the grudge against Bimal who was quite popular in the area. Mr. Kar further said that there was no pre-planned meeting between Bimal Sinha and the militants on 31st March,

1998. He further told that in fact Bimal Sinha left his residence in Kamalpur and got the information at the Manick Bhandar CPM Party Office that Himangshu Das and Sudhanshu Das sent a message that the Minister was required to be present at a particular place. Parimal Das was in fact the mediator who is now absconding. Mr. Kar also deposed before the Commission on summons.

After inspecting the place of occurrence and taking a view of the surrounding area, the Commission went to the residence of Mrs. Bijay Laxmi Sinha, widow of the Minister Bimal Sinha, in Kamalpur town. Mrs. Sinha conveyed to the Commission that she was not much in the know what transpired between her husband and the militants or the persons who was the mediators. But she was very specific to say that Himangshu Das was the main culprit and was very much instrumental in the entire episode leading to the assassination of her husband and Bidyut Sinha.

The Commission directed the police to measure the length from the road to the river-bed which was used by the Health Minister and his brother to come to the river bank. On measurement it was found that the spot of the river-bed where they were murdered was 687 ft. from the road.

16. STATEMENT FILED BY THE STATE :

The Commission is astonished to find the statement of facts filed before the Commission in connection with the enquiry of the assassination of the Health Minister Bimal Sinha and his brother Bidyut Sinha alias Rocket on 31st March, 1998. It appears that the Government of Tripura either was not serious with the Commission or the officials or the Home Department were finding difficult to place comprehensive statement of this tragic incident before the Commission. The way the statement was drafted by the Home Department pointedly showed the intention of the State Government that it did not want to say anything save and except the report of the superintendent of Police (CID) dated 26th September, 1998. It is strange that the report of the police was submitted to the Government in September 1998 whereas the incident of assassination occurred on 31st March, 1998. Almost six months were taken to complete the report by the SP (CID) which speaks a volume about the performance of the Government and its most important wing the Tripura Police. The statement, in fact, reveals nothing and in no way helps the Commission to come to any finding. It simply states certain facts quite well-known to everybody and is accompanied with a couple of annexures including a sketch map. It also demonstrates the poor performance

of the Tripura Police that it took more or less six months to complete its report on the assassination of a Cabinet Minister. The Commission considers this a serious lapse on the part of the Government.

17. INTERVENTION BY JAGADISH GHOSH BY FILING PETITIONS :

When the Commission made substantial progress and was recording the deposition of witnesses, Mr. Jagadish Ghosh was also summoned by the Commission in view of Section 8-B of the Commission of Inquiry Act, 1952 because a number of witnesses had made allegations against Mr. Ghosh of being involved in the conspiracy to assassinate Bimal Sinha. Mr. Ghosh on receiving the summons wrote to the Commission to supply him the materials on record where allegations had been made against him. The Commission's Secretary replied that it was not possible to supply the materials asked for. Thereafter Mr. Ghosh through his learned Advocate filed two applications dated 28th and 29th May, 1999 praying to supply the copies of the incriminating papers/documents where the witnesses made allegations against the petitioner Jagadish Ghosh as he was in dark about the allegations, and to allow the petitioner to cross-examine the witnesses who made allegations against him. Mr. B.B. Deb, the learned

Senior Advocate appearing for Jagadish Ghosh, made substantive argument before the Commission and submitted that the petitioner should be given opportunity to rebut the allegations against him and give his version. He further submitted that unless the depositions and documents containing the allegations were not known to the petitioner he would not be able to rebut the same as the witnesses were examined behind the back of the petitioner and the petitioner was totally unaware of the contentions of the witnesses. In this connection he laid emphasis on Section 8-C of the Commission of Inquiry Act and cited some decisions of the Supreme Court in support of his argument. The learned Senior Advocate made emphasis on “natural Justice” and to provide “reasonable opportunity” to the petitioner.

Neither Mr. Dilip Sarkar, the learned Advocate appearing for the State, nor Mr. Haribal Debnath, the learned Advocate appearing for the Police, opposed the petitions of Mr. jagadish Ghosh. Mr. Sarkar only submitted that if the Commission would allow such opportunity to the petitioner then such opportunity be given at the conclusions of evidence of the public witnesses and not before and further that at the time of recording the evidence of the witnesses or during cross-examination the petitioner must not be within the Court room.

After hearing the arguments the Commission delivered a reasoned judgement on 28th June, 1999 and made the following order :-

“The Commission, therefore, allows the two applications filed by the petitioner as under : the petitioner’s Advocate-on-record is given liberty to go through the evidence on record of the witnesses and take notes so far as those allegations or aspersions have been made against the petitioner. He will be required to do so in the Commission’s office and in the presence of the Secretary of the Commission after making prior appointments with him. Such inspection of the depositions must be more than two hours a day and not exceeding two days in a week and must be completed in eight sittings in maximum. The Commission will recall only those witnesses who will be pin-pointed by the petitioner’s learned Advocate and to the satisfaction of the Commission. The petitioner shall specify the witnesses he intends to cross-examine by filing application before the Commission. The cross-examination must remain confine

to the allegations vis-a-vis the petitioner and its scope will not be allowed to be enlarged if not otherwise required subject to the discretion of the Commission. The Commission further directs that on and from today i.e. the 28th June, 1999 any witness to be examined by the Commission will not be recalled at the prayer of the petitioner. Henceforth the petitioner's learned Advocate will be at liberty to have the witnesses cross-examined during hearing but only on the points where the petitioner will be specifically mentioned in form of allegation. It is also made clear that during the examination of the public witnesses the petitioner Jagadish Ghosh shall not remain present inside the Court room as the petitioner himself is to depose before the Commission at a convenient date to be fixed by the Commission.

The Secretary of the Commission is directed to do the needful as specified in the order."

When the Commission was coming to the conclusion Jagadish Ghosh was murdered on October, 23-24, 1999 and the matter stopped there. Thereafter no one appeared before the Commission on behalf of the legal heirs of Jagadish Ghosh.

CHAPTER – IV

18. TERM OF REFERENCE NO.1 :

The Commission shall now take up the Terms of Reference systematically.

The Notification No.F.10(5)-LAW/COM/98 dated Agartala, the 6th June, 1998 issued by the Law Department, Government of Tripura, and published in the Tripura Gazette Extraordinary Issue on the 6th June, 1998 contains the Term of Reference as specified in the Annexure referred to in paragraph 2(1) of the Notification. Para 2(1) (a) runs as under :-

“The causes and circumstances under which Bimal Sinha, Ex-Minister of Health and Family Welfare and his brother Bidyut Sinha were assassinated on 31.03.98.”

This is further elucidated in the Annexure as under :-

“(1) All matters and circumstances relating to the assassination of Bimal Sinha, Ex-Minister, Health and Family Welfare, Tripura and younger brother Bidyut Sinha by the extremists on 31.3.98 at Abhanga, Kamalpur.”

The Government of Tripura, Law Department, by a Notification No.E.10(5)-LAW/COM/98 dated 1st July, 1999 amended the original Notification dated 6th June, 1999 and deleted ‘Ex’ from “Minister”.

So the Term of Reference No.1 as contained in para 2(1) (a) and Annexure No.1 are quite comprehensive.

The Commission shall now proceed to examine the deposition on record.

The Commission shall now scan the evidence adduced before it by Public Witnesses.

Mr. Ranjit Ghosh (Wintess-3) is the Secretary of Kamalpur Sub-Division CPM Party and a Member of the State Committee. He is associated with his political party since 1968. He stated that Bimal Sinha was the target of opposition because since 1978 he was a leading politician of the entire district Dhalai as well as of North-Eastern Region. Whenever there was any appeal from the Government to the extremists to surrender, Bimal Sinha used to perform a leading part in assisting the Government and a good number of extremists surrendered at his initiative. Mr. Jagadish Ghosh, a teacher in a Government School was involved in a dacoity in the United Bank of India, Kamalpur Branch. He was released on bail and suspended from service. Mr. Ghosh was given the Assembly election ticket by the Congress in 1998 Election from 45-Kamalpur (General) Constituency. His candidature was questioned by Bimal Sinha and the Returning Officer rejected his nomination. Thereafter one Gouranga Ghosh,

a relation of Jagadish Ghosh, was given the Congress ticket. Jagadish Ghosh was appointed the Chairman of the Election Campaign Committee of Gouranga Ghosh. At an election meeting at Kamalpur Mr. Samir Ranjan Burman, the Congress Leader, said that if Bimal Sinha won the election he would not continue and there would be a bye-election within six months. The witness further said that Bikram sinha, the younger brother of Bimal Sinha was kidnapped on 9th February, 1998 by NLFT just before the Election. The Election was held on 16th February, 1998. The witness alerted Bimal to be cautious as some conspiracy was going on against him but Bimal was emotional because of his brother's kidnapping and even during the pick election period he was finding out time to make avenues to rescue his brother. After the Election he became a Cabinet Minister and disclosed to the witness Ranjit Ghosh that "he was in contact with Himangshu Das, Sudhangshu Das, Satya Das and Putul Singh Debburma of Mechuria at Abhanga in connection with his brother's release." The witness further said that Himangshu Das and Satya Das were already wanted by the police for quite some time and Putul Singh Debbarma was also one of the accused in the Bank dacoity case. Bimal Sinha met Paritosh Das on 9th March, 1998 and was told by Paritosh that Jagadish Ghosh, Sachindra Debbarma, Secretary of TUJS, Kamalpur Divisional Committee, and

Putul Singh Debburma were against his brother's release. Jagadish Ghosh had information from Kesheswar Das that there was an attempt to ambush and kill Bimal. The witness again cautioned him and told him not to go to the eastern side of Dhalai river and not to believe Himangshu and his colleagues. The witness is on record that Putul Singh Debburma, Satya Das, Jagadish Ghosh and Himangshu Das were regularly meeting in a house adjacent to Maharani School and discussing some thing which indicated that their intention was not good. On 30th March, 1998 the witness again warned Bimal Sinha to be cautious. On 31st March, 1998 the witness was in his house when he was shocked to know over phone from Manick Bhandar party Office that Bimal Sinha and his brother Bidyut Sinha were shot dead by the militants. He further stated that on 31st March, 1998 Jagadish Ghosh and his family were not at their residence at Manick Bhandar since morning and did not return for several months nor the police could apprehend them at their residence.

Ranjit Ghosh deposed that he was kidnapped on 3rd October, 1997 by NLFT and was confined for 12 days and thereafter released. This time also Jagadish Ghosh and his family left their residence at Manick Bhandar. To query from the the Commission that "whenever any member belonging to CPM Party was kidnapped, Bimal Sinha would

generally intervene and was successful in getting his release.” The witness answered “Yes, he did so even in my case also”. The witness further said that Bimal Sinha was “in contact with the militants through the negotiators of the militants”. He stated that the militants wanted Rs.50 lakhs for the release of Bikram Sinha but Bimal Sinha was against payment. Ultimately the father of Bikram and other relatives were eager to pay Rs.1.70 lakh.

The Commission questioned :

Q. As you stated that when kidnapping takes place by the militant or anyone of your political party then your political party tries through some one to get the man’s release from the militants either by paying money or by negotiation. Is it correct ?

A. Yes, it is so.

Q. you were kidnapped and Mr. Bimal Sinha through his good offices arranged for your release. Is it true ?

A. yes, with the help of the party he did so.

Mr. Ranjit Ghosh was recalled by the Commission at the instance of Jagadish Ghosh to be cross-examined by

his learned Advocate. Throughout the cross-examination Mr. Ranjit Ghosh reiterated what he said earlier and further added that Jagdish Ghosh was a CPM but he deserted and ultimately 20 years back he was expelled due to his bad conduct.

Smt. Sovarani Sinha(W-4) of Avanga, wife of Monilal Sinha, is an important witness. She stated that on 31st March 1998 Bimal Sinha with Bidyut Sinha and Sukha Ranjan Sinha alongwith Ranjit Debbarma came to her house. They did not come earlier to her house. She provided them a mat but Bimal Sinha wanted to sit in the room. She was going to collect grass for her cow and calf. She stated that “Bimal Sinha said that there would be some discussion with the militants regarding rescue of my brother today so you have nothing to do and you can go.” It will be worthwhile to quote a portion of her evidence :

“ I crossed the river and went to the other side for collection of grass. When I was collecting grass, I saw Himangshu Das, Satya Das, Parimal Das, Premananda Namashudra, Nripendra Namashudra, Nirmal Das, Shyanmal Das, Ripon Das, Parimal Das, Sanjoy Das along with three other militants coming from the dead river side. Heads and

faces of two militants were covered by cloths and their left hands were concealed in the cloth indicating that the two were carrying something. The militants were whispering among themselves which I could not follow. Sudhangshu Das and Parimal Das went to the Lift Irrigation Pump side which is very near to my house and adjacent to which Bimalda and Bidyutda were killed. Nirmal Das and Ripon Das went towards a bamboo bush to the north of our house. Himangshu Das, Satya Das and Premananda Namasudra with two militants proceeded towards the western bank of Dhalai river. Another militant was standing on a heap of sand and looking through binocular towards west.(She weeps). After 2/3 minutes I saw there was altercation followed by scuffling first with Bidyut Sinha then with Bimal Sinha. After a few minutes Bimal Sinha and Bidyut Sinha raised their hands but immediately they were fired upon. When the firing took place all were standing around. After seeing this scene I became nervous and set down. I do not know anything further.”

The evidence of Sovarani Sinha is first hand eye witness account of the murder of Bimal Sinha and Bidyut Sinha.

Mr. Babhanga Sinha (W-6) is another important witness. He is 71 years old and lives in Avanga village. On 24th March, 1998 in the evening Bidyut Sinha alias Rocket and Sudhanghu Sinha came to his house and he was taken to the house of Sri Satya Das where he saw Nikunja Das of Methir Miah and 3 youths, namely, Niranjan Das, Ripon Das and Parimal Das and also he saw Himangshu Das standing on the other side of the river. Then Rocket handed over two bundles of 500-rupee notes and 7 bundles of 100 – rupee notes, totalling Rs. 1.70 lakhs to Satya Das. This money was given in connection with the release of Bikram Sinha. According to the testimony of the witness Rocket gave the money to Parimal Das and Satya Das. Parimal Das is the younger brother of Himangshu Das. After taking the money the witness went with them upto the western side of the river and Parimal Das, Ripon Das and Nikunja Das crossed the river and went to the other side of the river in Mechhuria and handed over the bundles of money to Himangshu Das. The witness further said that Rocket loudly asked Himangshu whether he got the money and Himangshu raised his hands with bundles of Notes and shouted “Yes, I got bundles of money.”

Then Rocket asked when his brother would be released, and Himangshu replied loudly “ if possible by afternoon or tomorrow morning.” On 31st March, 1998 the witness Babhanga Singh went to the house Sovarani Sinha and he saw the Minister sitting on a mat. With Minister were Rocket and Bikash Sinha. On seeing the witness Bimal Sinha said “ uncle you should not have come. If they come to know that so many people are there, my work will not be successful today also. So you please leave the place.” He left and went to the house of younger brother Satya Das which is adjacent to the house of Sovarani Sinha. As the witness were waiting there he was 5 persons coming from the eastern of the river and could identify only Satya Das and Himangshu Das. Two of them are not identified and their hands were covered with cloths and the left hands was concealed under the cloth in a manner from which it could be understood that they were hiding something. Thereafter Bimal Sinha alongwith his brother Rocket went down to the slope of the river where those persons from the other side of the river had gathered. The witness heard sounds of exchange of words between them which indicated threats and Bimal Sinha shouted “call uncle quickly”. Bimal did not call kaka ‘to anybody else except the witness.’ He jumped towards Sovarani’s latrines and heard the sound of shots. He immediately ran to the CRPF camp and saw the CRPF

personnel rushing towards the spot. The witness was very specific when he stated that “ my idea is that Himangshu Das and Satya Das conspired to kill Bimal Sinha and his brother.” To the query from the Commission he said :-

Q. Was Himangshu very much thick and thin with the militants ?

A. Suddenly. It is known to everybody that he used to maintain constant touch with the militants.

He further deposed that Himangshu was involved in 17/18 criminal cases of theft, dacoity, etc.

Mrs. Bijoy Laxmi Sinha, MLA (W-7), wife of the Late Minister Bimal Sinha , appeared before the commission and stated that on the day when Bikram sinha was kidnapped her husband was in Kamalpur. Bimal left his house around 8 am and he got the news of his brother’s kidnapping at Dharmanagar. When she contacted her husband around 11 pm he was quite perturbed and the whole family members were in a state of shock. She deposed that she did not know much about what steps Bimal Sinha was taking for the release of his brother but one night Bidyut informed her over phone that the money has been paid to the militants through Satya Das, Himangshu Das

and Nikunja Das in the presence of Babhanga Singh and Sukha Ranjan Sinha. She was very specific that her husband was totally against the payment of ransom money and the money was managed by her father-in-law and Bidyut Sinha. On the 31st March, 1998 when the assassination of Bimal Sinha and Bidyut Sinha took place she was in Agartala and her telephone was dead. She got the news around 2 pm from one of her relations that her husband got bullet injuries but was not told about his death. She further stated that Bidyut told her that Sukha Ranjan Sinha, Himangshu Das, Nikunja Das and Satya Das were the persons as middle men. To the query of the Commission she said :-

Q. Is it a fact that Himangshu Das was acting between the militants and your husband's family and he took the money and handed over to the militants ?

A. Yes.

Mrs. Sinha was very specific when she stated that Bimal sinha's assassination was absolutely a political conspiracy. She said " so far my knowledge goes Satya Das, Himangshu Das and Jagdish Ghosh are the main persons who are responsible for this incident and if they are properly questioned then the real fact would come out."

She was recalled at the instance of the learned Senior advocate of Jagdish Ghosh, Mr. B.B. Deb, and was cross-examined. Practically she narrated whatever she said earlier in her deposition. To the question she answered as under :-

- Q. Whether you have any personal knowledge as to whether Satya Das, Himangshu Das and Jagdish Ghosh were responsible for the assassination of your husband Bimal Sinha ?
- A. Yes, I am sure on this point.

Questioned by the Commission :-

- Q. Did Bikram Sinha mentioned to you the name of Jagdish Ghosh ?
- A. Yes.

Mr. Bikram Sinha (W-8), the brother of Minister Bimal Sinha, who was kidnapped before the election also deposed. He was in captivity for three months and nine days from 9th February to 18th May, 1998. He is a contractor and before the General election in 1998 he was doing work at Bridge No. 5 of NEC Road from Kamalpur to Koylasarak. A tribal boy Hila Darlong used to assist him as the work of the bridge was very urgent because of the forthcoming election. The witness was asked by the

PWD, Ambassa Division, to make the bridge motorable immediately. When he went in the morning of 9th February, 1998 at the site of the work 7/8 tribal boys came and called him away. As he went near them one of the boys took out a towel and tied his hand and they dragged him. He shouted to Hila Darlong for help but the tribal boys showed him a grenade and threatened him. They took him to a jungle where he fainted. When after about a couple of hours he regained consciousness he found himself lying on the ground and asked for water which was given in bamboo can (Bansher Chonga). He was again dragged for long distance and was taken to a jungle where he was given a polythene-sheet to sit down and was guarded by 5/6 boys. Again he was taken to another place after crossing 3 / 4 hillocks. After 4/5 days he was asked to write letter to Bimal Sinha according to their dictation to the effect : "I am pulling on well and my brother is to arrange the amount demanded by the kidnappers for my release." But no specific amount was mentioned by them to be written in the letter. The witness Bikram Sinha was kept at 7 or 8 different places during his captivity. He crossed the several hillocks not akin to Tripura hillocks and was ultimately taken to a forest tilla in Bangladesh. The next day he was taken to a teak plantation and had to stay there. He was asked to write a number of letters to his brother

Bimal Sinha and he wrote one or two letters to his wife. A young boy who used to call him 'dada' one day took him for bath. On query why he was asked write to his wife instead of elder brother, he informed Bikram that his elder brother had been killed alongwith his another brother. But he questioned him not to be depressed because if the kidnappers got hint that he knew about his brother's death both the boy and Bikram would be killed. One day the kidnappers told the witness that he was released and they took him to bridge No. 3 on NEC Road.

Bikram sinha very specifically told the commission that the Bengali youths were involved in terrorism with the extremists. To the Commission's query he answered:-

Q. According to you it can be noted that even bengalis are involved with the extremists ?

A. Yes, they are.

He further deposed that he was abducted by NLFT militants led by Rajkanta Debbarma. He disclosed that one tribal boy by the name Wangchu was quite sympathetic to him and used to address him as 'dada.' He vaguely named Sudhangshu Das and Himangshu as the conspirators in killing his brothers.

Mr. Kesheswar Das(W-9) admitted that he had direct knowledge of the assassination of Bimal Sinha. He stated that Jagadish Ghosh, Ajit Debbarma, Himangshu Das, Sukha Ranjan Sinha, Ranjit Debbarma, Rajib Debbarma, Swapan Debbarma and Premananda Namashudra used to frequently visit at night in Halam Para on the eastern side of his village which is extremists infected and their movements were suspicious. To a query from the Commission Kesheswar Das said as under :-

- Q. Witness, it is to your knowledge that Jagadish Ghosh, Himangshu Das and others whom you mentioned in the statement have links with militants?
- A. Yes, I know that they have links with the militants.

Mr. Nikunja Das (W-11) knew that Himangshu Das had some close relation with the militants. Himangshu is the husband of the sister of Nikunja Das. He deposed that Bimal Sinha sought the good offices for the release of his brother through Himangshu Das and the witness visited the house of Himangshu Das on several occasions. He told the commission that Himangshu had full control on the release of Bikram Sinha. He further told that Himangshu Das was in fact a liaison between the militants

and the Bimal Sinha's family for the release of Bikram Sinha. The witness was present when the money was handed to Himangshu Das and Himangshu Das crossed the river and confirmed the receiving of the amount of Rs.1.70 lakh. He told the Commission as under :

Q. Is it a fact that Bimal Sinha told you that Himangshu Das was your close relative and as Bimal Sinha had no other source he requested you to negotiate with Himangshu Das about the release of Bikram as you were thick and thin with him?

A. Yes, it was so.

When cross –examined by the Learned Advocate of Jagadish Ghosh the witness Nikunja Das said that Himangshu Das told him that Jagadish Ghosh was involved in the abduction of Bikram Sinha. The particular portion of the corss-examination is quoted below:-

Q. It is not a fact that Himanshu Das told you the name of Jagadish Ghosh that he has involved in the abduction of Bikram Sinha?

A. Yes, he did tell me.

Q. I put it to you that Himangshu Das did

not tell you the name of Jagadish Ghosh?

A. Yes, Himangshu Das also told me about Jagadish Ghosh.

Mr. Kamal Kanti Kar(W-12) is a CPM Political worker residing at Kamalpur town. According to him Abhanga is militants infected area but the extremists' activities are mainly in tribal's area about 1 km. away from Kamalpur-Abhanga Road. He knew Bimal Sinha from his boyhood. According to him Bimal Sinha was a political man head and shoulders high among politicians and he always tried to disassociate the militants from disruptive activities. The Minister used to meet the relations of militants and advised them to persuade the militant to give up anti-social activities. The witness and Bimal Sinha were successful in creating an atmosphere of peace in spite of obstacles by persuading the relatives of the militants to resist from anti-social activities. To the query of the Commission he said: -

Q: It is a fact Mr. Kar that Bimal Sinha in some case did communicate directly or indirectly through mediators for the release of the captives by the Militants?

A: Certainly. He used to work for the abducted or kidnapped people by the

Militants but we do not know any direct contact or Bimal Sinha with the militants.

The witness with Bimal Sinha used to meet those persons who used to mediate. He said to the Commission:-

Q: What I want to know is this, suppose, I am in contact with Mr. Sarkar and Mr. Sarkar is in contact with Mr. Ranjit Ghosh who is a militant . Does it not mean that I am in contact with Mr. Ranjit Ghosh, the militant through Mr. Sarkar?

A: This is a difficult question. I do not know and understand so much. Of course this was a secret work and there might have been secret alliance. While there were occasions when some was kidnapped, as for example Mr. Ranjit Ghosh, so far his release was concerned we had to contact those persons who were anti-CPM and we had to go to them to get the release of our friend.

Q: Can the Commission take it this way that political parties are inter-linked with the militants?

A: I think that this is fully correct.

The witness further said that “ the house of Satya Das where Bimal Sinha went to discuss about the release of his bother was the house of the relatives of two militants, namely, Himangshu Das and Sudhangshu Das. To the query of the Commission Mr. Kar further said:

Q: Do you mean to say that the Minister had so much courage of visiting the places prone to extremists without adequate security or without any security?

A: Yes, this much confidence he had.

Q: Do you mean to say that he was mentally very much disturbed?

A. Yes, the minister was very much disturbed and he wanted somehow to rescue his bother at any cost and, therefore, he had taken all the steps. He could not imagine that he would be trapped in such way and would be killed.

Mr. Kar deposed that Bimal had maintained liaison with the suspected over-ground agents and sent messages to the extremists for they were coming in normal life. He knew Jagadish Ghosh who as very much annoyed with Bimal Sinha for the cancellation of his nomination paper as Congress Party candidate in the last Assembly Election

and Jagadish assured the people that a situation would be created for bye-election. Jagadish had liaison with the militants and used to meet them regularly. The witness further stated that the ransom money was not the main purpose but to kill the Minister was the main purpose.

Mr. Krishnadhan Das (W-13) is a member of North Mechhuria Panchyat. According to him militants do not live in North Mechhuria but frequently made movements there. They are mostly uniformed and armed. The militants destroyed the house of the witness twice or thrice and compelled him to leave his house and so he was not living in North Mechhuria for the present but at Herarkhala for the last one year. The witness knows Paritosh Das and Kesheswar Das. Both of North Mechhuria and they live about one-and-half km. from his house. To Commission:-

Q: Witness , in your written statement you mentioned names of certain persons such as Sachindra Debburma, Radha Charan Das, Premananda Namashudra , Sanjoy Das , Ajit Das and Nripendra Debburma. Is it your full knowledge and after hearing from others?

A: Yes Sir, with my full knowledge as well

as to the knowledge from the other people of the village.

The witness further disclosed that the extremists had tried to take Bimal Sinha to the house of Himangshu Das through some people and had he gone there he would have been killed by the extremists.

Mr. Himangshu Das(W-14) one of the accused person in jail as under-trial prisoner in connection with the assassination of Mr. Bimal Sinha and his brother was examined by the Commission in the Central Jail, Agartala in camera, He was identified by Mr. A. S. Jamatia , Superintendent of the Central Jail, Agartala. He belongs North Mechhuria. According to the witness on 31st March, 1998 between 8 and 9 o'clock in the morning he was working in his house when he was called by the Minister Bimal Sinha through Premananda Namashudra. The Minister told the witness that some extremists would come and he was required to stay. He saw 7/8 extremists coming from the eastern side of the river. The Minister gave him a walkie-talkie. He went to the extremists on the other side and they refused to talk over the walkie-talkie and asked for direct talk. Bimal Sinha started shouting in Kockborok(tribal language) but the extremists signalled that they were not following him. The minister came down to the river

slope and spoke loudly in the tribal language which he could not follow. Thereafter, Bimal Sinha signalled them to come to his side. Some of the extremists advanced towards the western bank but retracted and finally two of them proceeded towards the western bank. Sukha Ranjan Sinha, Babhanga Sinha and the witness were with the Minister and his brother Rocket. Subsequently, the Minister and his brother and the witness were at the riverbed and the rests were in the raised land. The witness did not know the extremists by name who came towards the western bank carrying arms. The Minister asked one extremist whether he got the money and he replied in the affirmative. The Minister said that Rs. 30,000/- more was lying with Satya Das and the total would come Rs.2 lakh and no further amount was possible to be paid. The extremists told "Tui(you) being a Minister could not pay more than Rs.2 lakhs whereas one Shri Ranjit Ghosh gave Rs.13 lakhs for his release." The Minister replied " as I am getting no help from the party I am not in a position to pay any further amount. ". The terrorists at once aimed gun at the Minister. Thereafter the terrorists caught left hand of Bimal to give him a push. At that moment the witness and Bidyut intervened. Those terrorists who were standing at the raised land came down and one shouted a tribal word 'Thaw' and fired simultaneously from his small weapon which appeared to

the witness revolver but was misfired. Then against the extremists fired upon the witness and the man who fired was Naba Kumar Debbarma. The witness hit by a bullet on left thigh and fell down in the water. As he was attempted to get he saw the extremists fired upon Bimal and Bidyut. The witness shouted them not to fire. The security of the Minister did not take any action. The witness ran away with injured leg to his house and then went to Silchar for treatment.

Himangshu stayed at Silchar in a hostel and was treated by a private doctor for three days and returned back to Agartala and stayed in a lodge near motor-stand. He met his lawyer who advised him to obtain bail. After a day's stay in Agartala he went to North Mechhhuria. The witness deposed that from newspaper he came to know that he killed the Minister and his relatives including his brother-in-law were arrested and his house with other houses were burnt.

The witness Himangshu made specific allegations against the Investigating Officer Mr. D. Majumder. He said that a good number of persons were arrested but almost all of them were let-off subsequently by arranging payment of money to Mr. Majumder, the I.O. The witness also approached Mr. Majumder to get him off from the case and he demanded at least Rs.20,000/- for the

purpose. Mr. Majumder sent word to the witness that as situation was dangerous the witness should wait for some time. In the meantime an award of Rs.1 lakh for the arrest of witness was announced by the State Government. Mr. Majumder sent a letter to Himangshu stating that he should wait in his house so that Mr. Majmder could arrest him but before that he was arrested by the Assam Rifles. The arrest took place after six months.

The witness stated that he had normal relation with Bimal Sinha and knew Jagadish Ghosh. To the Commission's query he said:

Q: You are a resident of North Mechhuria which is infected by the terrorists. Naturally you come in a contact with them and you may be thick and thin with them. Have you any idea about these militants?

A: Yes, the houses of the extremists are situated nearby about 50 metres from my house. Several extremists of the village in which I reside surrendered to the government and got services.

To another question he said:

Q: Then if you do not know any member of

the Sinha family or Bimal Sinha personally, what led you to be at the place on that day when Bimal Sinha and his brother were assassinated.

A. I knew Bimal Sinha through Satya Das who is younger brother of my father-in-law.

To the cross-examination by the learned State Advocate , the witness said:

Q: When you saw the terrorist folding his gun and making the gun smaller in size, did you not caution Bimal Sinha about the danger?

A: Yes.

Q: Witness, Bimal Sinha and his brother Bidyut Sinha had good physique and were well-built persons and also you possess a good physique, then when the scuffle took place between the terrorists and Bimal and Bidyut Sinha, why you did not snatch away the arm?

A: I did not attempt to snatch the arm as I used to live in a terrorists area and it was not possible for me to act in that way.

Q: From your deposition it appears that you were very much in liaison with terrorists and that was the reason as to why you did not take any initiative in protecting Bimal Sinha and his brother. What do you say?

A: It was not possible for me to fight with the terrorists.

The witness deposed that after the incident he went to Ambassa by jeep and then by a truck up to Dharmanagar and then by train up to Silchar. The journey was made one month after the incident. Many time Police raided his house but he was absconding. First he was under the treatment of his younger brother Subhash Das who was quack and thereafter he got treatment in Silchar but he had no prescriptions of the doctor with him. He was operated to bring out the bullet and was given a bunch of medicine and he paid the doctor Rs.24,000/-. He was under the treatment of the doctor for three days. He admitted that he did not inform the Police Station at Salema nor any other Police Station. He denied that after receiving the bullet injury he went to Bangladesh.

The witness showed the portion of the left side

of his left thigh containing a small mark of injury which the commission could not take as a bullet injury. The learned Advocates for the State and the Police too were satisfied that it was not a bullet injury. He further admitted that his relative Satya Das was still absconding and there was a award of Rs.50,000/- for his arrest.

The witness further deposed that he maintained contracts with Mr. Durgesh Majumder, I.O., and Mr. Majumder visited his house twice or thrice. On Krishna Kanta Debbarma, a neighbour of the witness, contacted Mr. Majumder through whom the witness was in contact with the I.O.

During deposition before the Commission the witness said that after his arrest he was not allowed to sleep for 10 days and was kept in a standing postures and one of his ears was effected because of the torture. His relatives including the wife were not allowed to meet him either in Kailashahar or in Agartala Jails.

Mr. Sukha Ranjan Sinha(W-21) is most important witness. He was the Confidential Assistant of Minister Bimal Sinha for four-and-a-half-years. He said to the Commission that it was his duty as C.A. to have an eye on the activities of the Minister and as a part of his duty he accompanied the Minister to Abhanga on the fateful day. He further admitted to the Commission as under :

Q: It appears from the statement filed by you before the Commission that were actively associated with Bimal Sinha in the negotiation for the release of his bother from the militants?

A: Yes, that is so.

Q: When you came to know Shri Himangshu Das then you interacted with him?

A: Yes, but no directly.

Q: So, indirectly you were in contact not directly, you meant to say that?

A: Yes.

According to the witness Putul Singh Debburma was NLFT who surrendered subsequently, Sukha Ranjan said to the Commission.

Q: But is it a fact that Shri Putul Singh Debburma and Bimal Sinha met in your house and they had confidential talk?

A: Yes, this is so.

Q: Did you know Shri Satya Das?

A: Yes, he belongs to my village.

Q: Is he related to Himangshu Das,

A: Yes.

Q: A few days before the incident took place you accompanied Bimal Sinha to to the river bank of Dhalai at about 11 A.M. Is it correct?

A: Yes, it is correct.

Q: There Shri Himangshu Das asked for a letter from the Minister Bimal Sinha so that the police could not arrest him and also Rs.1000/- as pocket money?

A: Yes, this is fact.

Q: The discussion with the Minister held with Shri Himangshu Das lasted late evening on that day as you have written in the statement submitted to the Commission?

A: Though I have written evening but I meant late afternoon.

Q: And the discussion was for the ransom money?

A: Yes.

Q: I put it to you that the conversation between Himangshu and Bimal Sinha took place in your presence?

A: Yes, it is a fact.

Q: On 31st March, 1998 when the incident took place, were you very near the spot?

A: Yes.

Q: Was the Bimal Sinha there with Himangshu?

A: Yes.

Q: Have you told Bimal Sinha not to go the river bank ?

A: Yes.

Q: You saw four persons including two tribals and two Bengalis coming towards the river side ?

A: Yes.

Q: And the names of two tribals are Shri Dayal Jamatia and Shri Naba Debburma?

A: This was told to me by Shri Premananda.

Q: One of them brought AK-47 and asked you to come down to the bank of the river?

A: From the middle of the river one brought AK-47 and asked me to come down.

Q: Did you go or not ?

A: I did not go.

Q: What happened thereafter and what you saw?

A: When they came near , I went a few steps back.

Q: Did you find any sound of talk between Bimal Sinha and Rocket(Bidyut) and the extremists?

A: Yes, I heard the voice of Rocket(Bidyut).

Q: What happened thereafter?

A: Thereafter I heard one shot and then several shots.

Q: Who is Sudhangshu Das?

A: He is elder brother of Himangshu Das.

Q: So Sudhangshu was also firing?

A: Yes, Sudhangshu Das and one Bengali were shooting.

Q: What happened thereafter?

A: I fled away towards the CRPF Camp and informed them.

Q: Witness, it appears from your deposition that you knew well what was happening between the extremists on the one hand and Bimal Sinha and Bidyut Sinha on the other for the release of Bikram Sinha?

A: Yes.

To further queries from the Commission the witness said :

Q: Is it not a fact that Bimal Sinha was in touch with the militants either directly or through intermediaries?

A: Yes, the Minister had no direct contact with the militants but he used to call guardians of the militants and talked to them.

Q: This means through the guardians of the militants the Minister was in contact with the militants indirectly?

A: Yes, this is a fact.

He further pointed out Himangshu Das, Sudhangshu Das, Premananda Das and Nripendra as the main culprits involved in the assassination and stated that the assassination of the Minister was a part of higher conspiracy involving several elements and immediately added that he was in the know of all the developments. He further stated that Jagadish Ghosh had direct or indirect role to the play in the assassination . He further deposed as under :

Q: Whether you had any idea in your mind that Jagadish Ghosh might cause harm to Bimal Sinha?

A: Yes.

Q: Whether did you inform the Minister ?

A: Yes, I did inform the Minister.

Q: As confidential Assistant to the Minister , did you inform the police in this matter ?

A: No.

Mr. Krishnakanta Debburma(W-24) is by occupation a cultivator and belongs to village North Mechhuria which according to him has a population of more or less 500 persons and Bengalis are in the majority. He stated that the militants come to North Mechhuria from outside but do not stay there. Though some of them have their houses in North Mechhuria but they did not reside there. The witness deposed that he was acquainted with Himangshu and Sudhangshu because Sudhangshu is related to him as brother-in-law as he married his cousin sister. He further stated that he often visited the house of Sudhangshu and Himangshu . He further stated that though politically these two persons are Congressmen but under the influence of ATTF. He specifically said to the Commission as under :

Q: So, Himangshu and Sudhangshu both had some relation with the militants at materials times?

A: Yes.

Mr. Bikash Sinha (W-33) is the son of the late Laxmi Kumar Sinha and was related to Bimal Sinha as cousin brother. He stated that he was closed to Bimal Sinha. According to him, one day he came to Ambassa in his vehicle carrying passengers and then he returned to Kamalpur. When he reached near Nakful Bridge there he met Bidyut who was going to Kamalpur. Bidyut asked him to accompany him and he did. Both of them went to Bimal in Abhanga in the house of Sova Rani Sinha and there the witness saw Bimal Sinha, Sukha Ranjan Sinha's younger brother, Satya Das and Sudhangshu Das. They were talking among themselves. To Commission he said:

Q: By ' they' what you meant ?

A: Most probably they were militants.

After 15 minutes Sukha Ranjan Sinha, Confidential Assistant to the Minister, came and informed that they have come. Bimal Sinha handed over a walkie Talkie to Satya Das and asked him to handover to them. Then Satya Das and Sukha Ranjan Sinha with the machines proceeded towards the river. They returned back with the walkie talkie because the militants refused to talk through Walkie- talkie. The witness was sitting in the room . The witness described the actual happening as under :

“ They (Minister and Party) proceeded

towards the river bed from the side of the cowshed. They were talking with militants but nothing was audible as I was at a distance but I heard Bimal Sinha's voice saying 'ki karo ki karo'. In the mean time, a person came and he went around our room shouting in slang language and asking no one to come out in Bengali language. Just before the moment he went around our house, the husband of Sova Rani came from jungle and told 'what you will do, you are all surrounded by extremists' Immediately before the firing, Sukha Ranjan Sinha, Confidential Assistant to the Minister fled away from the place towards road and immediately thereafter a sound of firing was heard ".

The witness further said that so far the release of Minister's brother Bikram Sinha from the clutches of the terrorists was concerned it was Sukha Ranjan Sinha who used to bring information from the militants and conveyed the same to the Minister. He was quite vocal when he said to the Commission:

Q: It is on record before the Commission that there were occasions when Bimal Sinha interfered and got the release from the militants of several of his party-men?

A: Yes, he did so. He obtained the release of Ranjit Ghosh.

The witness further told the Commission that after the incident he did not go to the police to lodge any complaint but the police officials came to him and recorded his statement.

Mr. Bikash Das(W-34) of Abhanga, a labourer, is the neighbour of the Sukha Ranjan Sinha who was the C.A. of the Minister. He stated that he knew Himangshu Das and met him several times in public places such as market etc. He was asked by Sukha Ranjan to convey to Himangshu Das to meet Sukha Ranjan which he did on that very day. As Himangshu was not in his house he left the message with his family members. According to the witness Himangshu Das was a criminal and had links with the militants.

The Commission has discussed hereinbefore the evidence of a good number of public witnesses mostly from Abhanga, Kamalpur and North Mechhuria and the adjoining areas and recorded their narration as to what actually happened on 31st March, 1998, persons behind the killing as well as the activities of the militants in the area as seen and experienced by the witnesses.

Now the Commission takes up the evidence of the State and Police officials.

On behalf of the State Mr. Durgesh Majumder(W-1) ,Inspector of Police, CID, appeared and deposed at length. He was the Investigating Officer of the incident relating to the assassination of Minister Bimal Sinha and his brother Bidyut Sinha alias Rocket at Abhanga on the western bank of river Dhalai on 31st March,1998. At that material time he was posted as Inspector of Police , CID, at Agartala. Only for one day Mr. Mukulendu Das, Sub-Inspector of Poolice, investigated the case and from 1st April,1998 Mr. Durgesh Majumder taken over as the Investigating Officer The witness arranged for taking of photographs of the place of occurrence and prepared a seizure list and examined some witnesses and recorded their statements. He arrested 12 accused persons and forwarded them to the Court of S.D.J.,M,Kamalpur. He arranged Test Identification Parade(TIP) in respect of Gandhijoy Halam but no one could identify him. He also made prayers before the learned Court for recording the confessional statement of 12 accused persons. All the accused persons except Premananda Namashudra and Himangshu Das declined to make any confessional statement. The confessional statement of Premananda Namashudra was recorded by the learned S.D.J.M., Kamalpur, under Section

164 Cr.P.C. However, the confessional statement of Himangshu Das was recorded by the Learned C.J.M. , North Tripura , Kailashahar. The witness also seized the original letter written by the NLFT extremists to Bimal Sinha demanding the subscription before kidnapping the brother of the Minister. He also seized some other letters written by NLFT extremists demanding ransom money for Bikram Sinha as produced by Bijoy Laxmi Sinha, widow of Bimal Sinha.

Mr. Majumder organised several raids to arrest the wanted accused persons but could not succeed. The State Government declared some cash rewards; and 7 persons carried the reward of Rs.2 lakh each and 2 accused persons , namely; Himangshu Das and Sudhangshu Das, carried the reward of Rs.1 lakh each and the remaining accused persons were carrying rewards of Rs.50,000/- each. He further moved the learned Court for the Warrant of Proclamation and Attachment(WPA) and the same was issued against all the wanted persons but except Himangshu Das all the warrants returned unexecuted as accused persons were absconding. He told the Commission that the police was in the know of the permanent addresses of the accused persons but they all had fled away to Bangladesh. Thereafter the Interpol CBI, New Delhi was moved to issue Red Corner Notice to apprehend the persons escaped in Bangladesh but no progress was made as yet. One of the accused

Person Himangshu Das arrested by the assam Rifles. He told the Commission that he had submitted his report to the Higher Authority. According to Mr. Majumder the security personnel attached to the Minister did not perform their duty properly. To the Commission's query he said:

Q: What was the lapse according to you?

A: It is the duty of the security personnel not to allow a Minister to move alone particularly in a protected area and dangerous place which was not done.

Q: Does it not appear that there as some hobnobbing between the Minister , his family and extremists over the kidnapping of his brother Bikram Sinha?

A: In this connection I can say that since kidnapping of Shri Bikram Sinha , brother of Minister Bimal Sinha , some negotiations were going on between Mr. Bimal Sinha's family and extremists.

The witness stated that during investigation he did find that Rs.1,70,000/- was given to the extremists by the Minister's family. He further told the Commission as under :

Q: Do you think that if the security of the Minister had been adequately and properly monitored and performed , he might not have been shot dead?

A: Yes. It is so.

He told that the NLFT extremists according to the letters seized demanded a ransom of Rs.50 lakh on 29th January,1998 they issued a notice to the Minister demanding one crore of rupees as subscription as the Minister was running the government by disobeying their instructions.

The I.O. pointed out that there was some negligence on the part of the Minister so far as co-operation with the security personnel was concerned. When a security was provided for the protection of VIPs or anybody else that persons was also required to co-operate with the security fully.

Mr. Ranjit Debburma(W-10) posted at Special Branch of Tripura Police was the personal security of Minister Bimal Sinha and was with him for two-and-half years. He told the Commission that after coming to the Special Branch he was given training to operate pistol 3 / 4 times only of one week duration each and no further training was given to him. When he was inducted in the Tripura Police he underwent Refresher Course Training

only for operation of Revolver and Light Machine Gun (LMG) and Carbine. During his stay with the 2nd Battalion he was given twice or thrice training each of a week's duration. He was on record that since his induction in the service in 1982 save and except Refresher Course or 3 / 4 occasions of operating Pistol there was no further training nor there was any training to escort and protect the VIPs.

On 31st March, 1998 the Minister left his Kamalpur house for Agartala. On reaching Manick Bhandar he entered the Party Office and the witness was asked to go back to his Kamalpur house to fetch his hand-bag and to tell his younger brother to come with him. Accordingly he went to kamalpur and returned with Bidyut. The witness stated as under :

“ On reaching near the CRPF Camp at Abhanga , younger brother to Shri Sukha Ranjan Sinha, C.A. to the Minister , was seen standing on the road side. On seeing him the convoy stopped. The Minister got down from the car and had some discussion with him. After the discussion the convoy again started. After some time just opposite to the place of his assassination the convoy was stopped on the main road of Abhanga , Kamalpur. The Minister got out from the car

and started walking towards the river. On the instruction of the Minister the security vehicles and security personnel stayed near the house of Sukha Ranjan Sinha. The Security personnel were not with the Minister at that moment. I was alone as personnel security, so I told the Minister not to proceed towards that site. But he did not listen to me. I had no way out but to follow him. He went to a Manipuri house near the river where he visited previously on several occasions

To the query of the Commission he stated :

Q: Whom did he use to meet there , do you know ?

A: He used to meet one Satya Das and met twice Hinagshu Das and some other Bengalis also came with Himangshu Das but I did not know them.

He further narrated that when the Minister started proceeding towards the river bank , he tried to accompany him but the Minister did not allow him to accompany. He along with Bikash Sinha was was directed to be inside the room of Sovarani Sinha which he did. The Minister and Bidyut Sinha went down the slope towards the river-bed and immediately thereafter 2/3 minutes there was exchange

of loud words which he heard. To the Query by the Commission he said that he was directed not to follow the Minister. There was no negligence of the duty on his part as he had to obey the order of the VIP. The witness further stated that hearing the firing sound he rushed and fired 12 rounds but by then the militants were beyond the range.

The personal security of the Minister said to the Commission that he did not guess any danger to the life of Bimal Sinha or his brother because for the release of his younger brother the Minister on and off visited so many other places, namely; Halahali, Maharani, Kachuchhorra, Hemenchherra, etc. areas on previous occasions and discussed with so many other people and there had been no incident led the witness to believe that the Minister's life was not in danger.

Mr. Ranjit Kumar Paul (W-15) is a Constable in the Tripura Police Service. He was in the escort vehicle of Minister Bimal Sinha on 31st March, 1998. There was one Havildar and three Constables in the vehicle. According to the witness the vehicle stopped near Abhanaga CRPF Camp and the Havildar asked the constables to get down from the escort vehicle and directed to stay there. It was Minister's direction to stay at that place. From the spot the witness and his colleagues were watching

the Minister and his personal security going towards the river. After 30 / 35 minutes the witness heard the firing sound from the river side and heard the people shouting Minister had been kidnapped. The witness and his companions proceeded towards the Minister by another route and noticed some people running hither tither and the Minister and his brother were lying on the ground full of blood. To the query of the Commission he stated:

Q: Do you know the difference between Pilot Car and Escort Car ?

A: No.

Q: Have you got any training for VIP escort?

A: No. I did not receive any training to escort VIP.

Q: When on duty with VIPs you obeyed the order of higher officials or VIPs ?

A : Yes. We obey our officials and also it is obligatory to honour the VIPs.

Q: It is clear that you got no training for the protection and security of VIPs?

A : No. We got no such training.

He denied that because of his negligence the Minister was killed.

Mr. Chandra Debbarma(W-16) was one of the Constable

of Tripura Police in the escort vehicle of the Minister. He deposed that the Minister got down from the car at Abhanaga and told them to stay and then the Minister proceeded towards a house nearby. He was accompanied by his personal security. After 30/35 minutes the witness heard sound of blast-fire and at once went to the river side where he found the Minister and his brother lying full of blood. The witness further deposed that he was in the Police service for about 14 years but no training was given for the protection of VIPs.

Another escort Mr. Shricharan Roy(W-17) also deposed that his party was stopped by the Minister near the CRPF Camp at Abhanga. They wanted to proceed with the Minister but he ordered them to remain where they were. He said to the queries as under :

Q: Did the Minister previously go to this particular place keeping you behind?

A: Yes. The Minister used to go at this particular place keeping us far away and used to go alone and he did so on several occasions.

He is on record to say that when on VIP security duty, normally the VIP becomes the authority in the discharge of the duties and they follow him. He too stated that there was no special training to the police constables

for VIP protection. He further stated that since 1976 when he entered the Police Service the basic training was given for nine months only and thereafter no training was given. He was taught to fire 3.3 revolver and LMG.

Mr B.K.Roy, IPS(W-18) , presently the Comandant (provisioning), Tripura Police, was the Superintendent of Police, Dhalai District on 31st March,1998. He got the news of Minister being seriously injured around 12 noon when he was in the District Magistrate's chamber. He at once proceeded to the spot. By then the bodies of the Minister and his brother were shifted to Kamalpur Hospital. He instructed the Sub-Divisional Police Officer(SDPO) to stay at the spot and he went to the Hospital. He found there around 10/ 15 thousand people in agitating mood and had taken necessary arrangement to control the situation. He stated that the security for FIPs and Ministers are allotted generally from District Arm Reserve(DAR) under SP(West) and also there are other armed forces who also accompany as per instruction. Other armed forces means Special Armed Forces(SAF) , Tripura State Rifles(TSR) and CRPF. The controlling authority of these security personnel is the Assistant Commandant of DAR and its Reserve Inspector. He further stated that when the Chief Minister visited the District the SP remained with the Chief Minister and when other

Ministers visited the information is sent to the DSP (DIB) and it was for him to convey the information to concerned officers-in-charge and other field officials . He further told the Commission that there was no written guideline for performing duties as escort nor Special Type of Training was provided to the security personnel.

To the Query of the Commission he said :

Q: You visited the spot after the incident. Do you think that there was lapse of security?

A: From the circumstances I found that there was no lapse.

Q: What do you mean by circumstances?

A: By circumstances I meant that when the Minister went at that spot he instructed his security and other personnel not to accompany him and in this way there was some lapse but it was at the instruction of the Minister. From the statement of the security personnel it appears that the Minister asked them to stay at a particular place and not to accompany him and as such they did not go along with him.

Further he said to the query of the Learned State Advocate:

Q: I put it to you that there was a lapse

from your end not give information to the concerned authorities about the visit of the Minister ?

A: No, this is not a fact. The programme is generally circulated from the Minister's office and on receiving the programme we take steps.

Q: I put it to you that the information about the visit of the Minister to Dhalai District must have gone to the proper authorities?

A: In this case the information has not gone to the District Police officials.

The witness stated that in the case of Minister the Command Certificate was not for a particular journey but it was a general one given to the security personnel who were permanently attached to the Minister. To further query from the Commission he said:

Q: Well Mr. Roy as per your statement there was no information about the visit of Bimal Sinha to Dhalai. Are you sure?

A: Yes. I am sure that no information the District Police received about the visit of the Minister Bimal Sinha when he last visited Dhalai.

Q: And as such you were not in a position to look after the security purpose. Is it?

A: Yes.

He further told the Commission that the Minister's return journey from Kamalpur was open and thereafter he returned back to Agartala to attend the Assembly session. His next journey to Kamalpur was separate journey and the District Officials did not receive any information. He deposed that the Minister used to visit frequently to Kamalpur and Kamalpur P.S used to handle his visit.

According to the witness the entire Dhalai District was militant prone and the question of separating Abhanga did not arise and the border of the District touch with Bangladesh and the militants infiltrate from there. North Mechhuria is more infected by militants and are mostly populated by Bengalis. To a query from the Commission the witness said:

Q: Do you think that Bengalis are also linked up with the activities of extremists?

A: Yes, this is so. I have no doubt about it.

Mr. Amitava Ranjan(W-19)presently posted at New Delhi was the Superintendent , Special Branch, Tripura, at the relevant period when the incident occurred. He said that the Cabinet Minister get 'Y' category security and the police headquarters details the security personnel but no specific training is given for 'Y' category VIPs. The witness corroborated the evidence of other police officials that the Dhalai District police did not receive any information about the visit of the Minister.

Mr. Narayan Chakraborty (W-20) is the Inspector of Police(Reserve),DAR(West). He stated that the function of Reserve Inspector is to allocate and despatch the forces wherever it was so required. Generally 2 Havildars and 6 Constables with arms are provided in the two escort vehicles. He is on record that no special training was given for the protection of VIPs.

Mr. Kaseem Saleem Ali, IPS(W-23) , the Inspector General of Police (Law and Order) , Tripura , was the Inspector General of Police (Armed Police and Training) when a special Investigating Team(SIT) was constituted under his leadership to supervise the investigation and guide the officers relating to the assassination of Minister Bimal Sinha and his brother Bidyut Sinha.

According to the witness the SIT did not submit any report. The report was prepared by Mr. Durgesh Majumder, Investigating Officer. The full constitution of the SIT according to the witness was as follows: (a) the witness himself ; (b) Mr. T.K.Sanyal , DIG; (c) Mr. Subhas Das, DSP(CID); (d) Mr. Durgesh Majumder, I.O.; (e) Mr. Paritosh Bhattacharjee, SI(CID); and subsequently (f) Mr. Haripada Bhattacharjee, SI(CID) and (g) Mr. Bishaw Ranjan Chakraborty, SI(CID) were added; and each of the officers was given particular responsibility relating to the investigation and they submitted their case diaries. To the queries of the Commission the witness said:

Q: As a team what were you to investigate and what was the SIT's performance?

A: As a team we have worked very hard to bring out whatever evidence possible and to collect evidence against the persons responsible for assassination of Minister and his brother. We have used the latest technique and for the first time we have gone through Interpol police against the accused persons who are absconding and staying in Bangladesh and we have also collected evidence

against the NLFT who were responsible for the assassination .

Q: Then the team must have given a joint comprehensive report to the authority?

A: Team as such has not submitted any report.

Q: Then what did they submit?

A: The Team had been monitoring the entire investigation stage by stage and comprehensive report was submitted by the main I.O. Mr. Durgesh Majumder.

Q: Can I put it to you that the Government is reluctant to produce report of SIT to the Commission?

A: (No answer).

To a question by the learned State Advocate the witness said :

Q: Were the escort person sufficiently trained to escort VIPs?

A: Fairly trained but not to the extent desired because we do not have expert training institute facilities for security expert.

To a question the witness replied as under :

Q: Who, according to your opinion as the

head of the SIT, is responsible for the assassination of the Minister; either NLFT or ATTF?

A: NLFT was responsible for the assassination of the Minister and also the Minister's over confidence and anxiety to get the kidnapped brother's release aggravated the matter.

When he was questioned about the integrity of the I.O. Mr. Durgesh Majumder, the witness stated that he had no knowledge as Mr. Majumder was not under his control but of the SP(CID).

Mr. Shimbu Ram (W-25) is a Subedar Major in CRPF 97 Battalion presently posted in Kashmir. On 31st March, 1998 he was Inspector in 97 Battalion 'A' Coy. stationed at Abhanga. He said that there was no information that Minister Bimal Sinha was visiting Abhanga. When he heard gun-shot sound he rushed towards the other side of the river by crossing hip-deep water. The witness did not cross the river. He was very categorically stated to the Commission that the terrorists were operating in the area but the local people in whose houses they used to take shelter were reluctant to tell anything about them and the CRPF personnel did not receive any co-operation from the local people. This was because of the fear

that their houses would be burnt at night by the militants. He further told the Commission that CRPF operate on the information of the Police.

Mr. Sadhan Chandra Sarkar (W-26) was the Officer-in-charge of Kamalpur PS on 31st March,1998. He got the news of the incident around 12-30 P.M. and rushed to Kamalpur Hospital where high officials were present and there was a huge agitated crowd. He very emphatically deposed before the Commission that no information was given to Kamalpur P.S. about the Minister's visit. The witness said that the Kmalpur Police station is situated about 2 furlong away from Bimal Sinha's house but he was not aware that Bimal Sinha was in the town as he did not get any information from any police machinery. According to the witness information about the movement of Ministers or VIPs come from Police headquarters at Agartala but in this case there was no information. The witness is on record that there was an intelligence branch of SB Unit of Kamalpur jurisdiction under Assistant Sub-Inspector of Police.

Dr. Shashanka Deb, Medical Officer (W-27) on 31st March,1998 was posted at Kamalpur as Sub-Divisional Medical Officer and he conducted the Post-Mortem Examination on the dead bodies of Bimal Sinha and Bidhyut Sinha

along with Dr. Subhashis Debbarma and Dr. H.N.Goswami. According to the Doctor the cause of the death was the Cardio-Respiratory Failure resulting from Massive Haemorrhage from Heart, Liver and Kidney due to multiple injury which were homicidal in nature and sufficient to cause death. Dr. H.N.Goswami (W-29) also deposed before the Commission and corroborated the evidence of Dr. Shashanka Deb(W-27).

Mr. Amitava Kar, (W-28) , is the S.P.(CID). He told the Commission that Bimal Sinha was negotiating with the extremists for the release of his brother and in course of such negotiation he went to Abhanga on his way back to Agartala on 31st March,1998 and he was assassinated by NLFT extremists. To the Commission's query he said :

Q: Was he in contact with the extremists in connection with the release of his brother?

A: Yes, through some intermediaries.

Q: Does it mean that the Minister through intermediaries was in contract with the extremists/ militants.

A: Yes.

Mr. Kar said that the police could not get any evidence

whether there was pre-planned conspiracy for killing the Minister. He corroborated the evidence of Mr. Kaseem Saleem Ali (W-23) that the Special Investigating Team as a whole did not submit any report and the purpose of constituting the Team was to monitor the investigation of the case. He deposed that at the time of assassination of Minister Bimal Sinha there was no particular wing for the protection of Ministers or VIPs. When asked whether there is any war Control Room of the National Holy Army of Twipra, the witness said that there was no Headquarter or Control Room but only a few sun-grass barracks containing large number of arms and ammunitions, documents, letters, go-downs for storing food-grains , sentry post and few trenches made of kuchha structure.

About I.O. Mr. Durgesh Majumder, Inspector (CID), the witness gave clean chit of his integrity. According to him Mr. Majumder was rewarded Rs.2,000/- for the successful completion of investigation relating to the assassination of Bimal Sinha and his brother.

Mr. Banamali Sinha, IAS (W-30) , was posted as District Magistrate and Collector of Dhalai District with headquarters at Ambassa in March,1998. He narrated almost the same fact which were earlier said by the state witnesses. He told the Commission that the Chief

Minister instructed the SP and the witness to immediately mobilise the security forces and carry out operations to apprehend the miscreants . He narrated:

“ Normally , when the Minister makes a programme within the district the entire tour programme is sent to police authorities and copy is marked to the District Magistrate and Collector for information. I have observed on different occasions that the Health Minister visited Kamalpur, his home town , on several occasions and reported to my office from Agartala and sometimes there was no such formal information. In the instant case also so far I remember there was no such information.”

On query from the Commission whether Bimal Sinha used to interact directly or through intermediaries with the militants, the witness answered that the late Minister had told the S.P. that he was trying personally to arrange rescue of his brother so the police should not carry out serious operations which might harm his efforts.

Mr. Himangshu Gupta,IPS(W-31), at present the Assistant Inspector General of Police, Bastar Jabalpur, Madhya Pradesh, was on 31st March,1998 posted in Tripura

as SDPO, Kamalpur. He also narrated the usual facts but was specific on the point that the SDPO, Kamalpur office, did not receive any programme of the Minister. To the query from the Commission he specifically stated that there was no lapse on the part of SDPO or the security personnel because they were asked by the Minister not to accompany him.

The Commission has exhaustively dealt with the deposition of a number of important witnesses material for the purpose of arriving at definite conclusions. The Commission are not at all material for the purpose of the Commission.

19. SUBMISSIONS ON BEHALF OF THE STATE AND THE POLICE BY THE LEARNED ADVOCATES :

Mr. Dilip Sarkar , the learned Advocate for the State, in his argument dealt with the investigation by Mr. Durgesh Majumer who was the I.O in this matter at some length. He further submitted that according to the public witnesses Bimal Sinha was very much mentally depressed and extremely anxious for the release of his adopted brother Bikram Sinha from the clutches of the extremists; but, at the same time, he was opposed to give

any ransom money. Bimal Sinha helped for the release of the Secretary, CPM, Kamalpur Division, from the militants without paying any ransom through the good offices of a surrendered extremists who is presently a Member of the Legislative Assembly. The learned Advocate was very emphatic in his submission that Minister Bimal Sinha had no connection or liaison with the extremists. He referred to the deposition of CPM leader Mr. Kamal Kanti Kar and other to the effect that as Bimal Sinha was the most popular leader of Kamalpur area he was in eyesore of extremists who did not like his activities. Desperately the militants chalked out a blue-print with their over ground agents which included non-tribals such as Himangshu Das, Sudhangshu Das, Satya das and 14 others persons who were the main conspirators to kill the Minister. They were ultimately successful in getting Bimal Sinha and his brother Bidyut Sinha to the river-bed where they were shot dead. It is submitted that Bimal Sinha was extremely popular among both the tribal and non-tribals.

The learned Advocate Mr. Sarkar made strong defence of Mr. Sukha Ranjan Sinha, Confidential Assistant of the late Minister, that he was not involved in any conspiracy to kill the Minister or his brother in spite of the fact that Sukha Ranjan met some over ground agents of the extremists. The C.A fled away from the place of

occurrence and this, according to the learned Advocate, should not be construed that he was in any way in league with the conspirators. He fled away because of fear. He submitted that Mrs. Bijoy Laxmi Sinha , the widow of Bimal Sinha, did not say that Sukha ranjan was in any way involved in the crime. His argument is that if the C.A. had been involved in the conspiracy to kill Bimal Sinha she would have told the Commission accordingly but she did not make any allegation against him. As the wife of a Minister she would not have spared any body who was liable for the death of her husband.

The learned Advocate admitted in his submission that Bimal Sinha used to visit the house of Smt. Sovarani Sinha on an off. Strangely the learned Advocate submitted that neither of the public witness who deposed before the commission had any intention to cause the death of Bimal Sinha.

Mr. Sarkar in his submission severely criticised the role of the police in protecting VIPs. According to him, the Tripura Police did not have any requisite qualification to guard the VIPs according to VIP code. They have only preliminary training of using Revolver which is too much below the standard prescribed by the code. The security people guarding the Minister had no instruction to go beyond the order of the Minister. The

Personal security guard of the Minister follow the instruction of the Minister not to accompany him. The security personnel were bound by the instruction of the Minister which was totally against the code of security conduct. The learned Government Advocate was very specific in his submission to the effect that the security personnel of the Minister could not be held liable for the assassination of Bimal Sinha and they must be exonerated from any liability. The learned State Advocate in his submission was very critical of the fact that the Police Officers of the District did not have any information of the visit of Minister Bimal Sinha in the Dhalai District and Kamalpur. According to him it is difficult to digest the evidence of the Police Officers. The learned Advocate submitted that between Agartala and Kamalpur there are as many as seven Police Stations and there are many camps in between Agartala and Kamalpur of Para-military forces including Assam Rifles, but, tragically , true or false, nobody alerted either the police stations or the para-military forces. He submitted that it was not at all difficult even without information to recognise Bimal Sinha who was very popular leader of Tripura and had special physique. He submitted that because of the intelligence failure of the police authorities the tragedy happened. The plea of O.C. of Kamalpur PS and other Police Officers of having no knowledge of the Minister's

visit to Kamalpur or Dhalai District is merely an eyewash and save their skin from the liability of the tragic incident. According to the learned Advocate the Police intelligence was a total failure to protect the Minister and the high officials of the police can not shirk the responsibility for this incidence. The learned Advocate during his argument exonerated the administrative officers such as District Magistrate and the Sub-Divisional Officer from the responsibility because of the fact that from the police intelligence they did not get any prior information and as such they could not be held liable for this tragedy. The administrative officers took all necessary precautionary measures to maintain peace in the area after the assassination of the Minister and his brother.

Mr. Haribal Debnath, Learned Advocate for the Tripura Police, in his argument very frankly submitted that neither the State Government nor the Tripura Police was responsible in any way for the loss of the lives of Bimal Sinha and his brother Bidyut Sinha. He made emphasis that it was the Minister himself who invited his death as well as the death of his brother Bidyut Sinha alias Rocket due to his frequent careless – incautious movements.

The learned Advocate submitted that the initiative of Bimal Sinha a good number of extremists surrendered

and as such those who were not inclined to surrender became inimical to him. Some witnesses have deposed that the extremists demanded huge ransom money for the release of Bikram Sinha but the main purpose of kidnapping Bikram was to get Bimal Sinha in trap to kill him with help of Himangshu Das, Satya Das, Parimal Das and Premananda Namashudra, Ripon Das, Sudhangshu Das and Bengali mediators / collaborators. He quoted several witnesses who advised Bimal Sinha to be cautious but he did not pay any heed as Bimal was under uncontrollable emotion to get release his brother and was over confident about himself.

The learned Advocate submitted that from evidence on record it could safely be concluded that there was a political conspiracy against Bimal Sinha and Himangshu Das , Satya Das, Sudhangshu Das, Premananda Namashudra, Ripon Das, Nirmal Das, Nripendra Namashudra, Shyamal Das , Paritosh Das, Sanjoy Das and others who were the main conspirators and played vital role in the assassination of Bimal and Bidyut.

The learned Advocate submitted on the deposition of the escorts of the Minister that the Minister did not allow them to proceed with him and they were bound to follow him. The personal security deposed that he accompanied the Minister but after a certain distance he was

not allowed to proceed further with him. He quoted Mr. Durgesh Majumder that the protection of VIPs very much depend on the co-operation of the VIP himself. He quoted several police officials that there was no prior information to the District Police of Dhalai about Bimal Sinha's visit to Kamalpur or Abhanga, even Kamalpur P.S. was not informed. By quoting a number of witnesses the learned Advocate tried to establish that the Minister was mentally very much disturbed and wanted to get the release of his brother from the clutches of the militants.

Mr. Debnath, the learned Advocate, forcefully argued that the Security Personnel with Minister Bimal Sinha on 31st March, 1998 at Abhanga were not in any way responsible for the assassination of the Minister and his brother. There was not lapse on their part in discharging their duty. According to him the Security Personnel were neither well-trained nor literate and they thought that the Minister is the authority and they had to obey the Minister. As such in the circumstances the Tripura Police could not be held responsible for this incident.

The learned Advocate suggested during his submission that the State Government must make rules for the special training of security personnel for escorting the VIPs and such rules be framed in consultation with the State Police.

20. ANALYSING FACTS ON RECORD :

The causes and circumstances and all the matters relating to the assassination of Mr. Bimal Sinha, Minister of health and Family Welfare, Government of Tripura, and his brother Bidyut Sinha at Abhanga in the District of Dhalai on 31st March, 1998 are depicted clearly on careful perusal of the evidence on record before the Commission. It is a fact that Bimal Sinha was quite disturbed mentally for the release of his step-brother Biram Sinha who was kidnapped by the militants on 9th February, 1998 and he wanted to rescue his brother anyhow from the clutches of the militants. Mr. Ranjit Ghosh (W-3), an important CPM functionary, told the Commission that Bimal Sinha said to him that he was in contact with Himangshu Das, Sudhangshu Das, Satya Das and others in connection with his brother's release. He is further on record that whenever anybody from the CPM party was kidnapped by the militants Bimal Sinha used to help him to be released and he was generally successful. Even in the case of the witness Ranjit Ghosh himself who was kidnapped Bimal Sinha intervened and was successful to get him back. This witness is quite vocal to state that Bimal Sinha was "in contact with the militants through the negotiators of the militants". Smt. Sovarani Sinha (W-4) of Abhanga is on record that Bimal Sinha went to her house and the

Minister told her that there would be some discussion with the militants regarding the rescue of his brother. The Lady saw Himangshu Das, Satya Das, Parimal Das Premananda Namashudra , Nripendra Namashudra, Nirmal Das, Shyamal Das , Ripon Das and Sanjoy Das along with three militants coming from the dead river side of Dhalai . She further saw that heads and faces of the two militants were covered by clothes and their left hands were concealed in the cloth which indicating that the two were carrying something. Some of the above persons including Himangshu Das, Satya Das and Premananda Namashudra proceeded to the western bank of Dhalai river with two militants and within 2/3 minutes there was altercation followed by scuffling with Bidyut Sinha and then with Bimal Sinha. She saw Bimal and Bidyut with raised hands but immediately they were fired on. The evidence of Smt. Sovarani Sinha is first hand eye-witness account of the murder of the two gentlemen. The Commission has on record the evidence of Mr. Babhanga Singh(W-6) , an old gentleman of Abhanga Village , who deposed very clearly that the ransom money of Rs.1.70 lakh in different bundles of notes were given to Satya Das and Parimal Das by Bidyut Sinha alias Rocket. This Parimal Das is the younger brother of Himangshu Das. Parimal Das along with Ripon Das and Nikunja Das crossed the river on the other side and handed over the money to Himangshu Das who acknowledged

it by raising hands. The money was given a few days earlier than the day of assassination. When the brother was not released then on 31st March, 1998 the Minister along with Rocket came to the house of Smt. Sovarani Sinha and the witness also went there but Bimal Sinha told him to go away because his work would remain incomplete if so many people were seen by the militants. He went to the nearby house of the younger brother of Satya Das and from there he saw five persons coming from the Mechhuria side of the river and he could well identify Satya Das and Himangshu Das. After some time Bimal Sinha along with his brother Bidyut Sinha went down to the slope of the river and the witness heard the exchange of words when Bimal shouted to call 'kaka' (i.e. the witness) and immediately thereafter he heard the sound of shots. This witness is on record that Himangshu Das was thick and thin with the militants and used to maintain constant contacts. The evidence is clear on the point that Himangshu is hard core criminal and is involved in 17/18 criminal cases. The wife of Bimal Sinha, Mrs. Bijoy Laxmi Sinha, MLA (W-7), is a lady who was lost her husband and she appears to be in a state of shock and depressed even when deposing before the Commission. She told the Commission that her husband was against the payment of ransom money but Bimal's father and Bidyut managed the money for the release of Bikram, and the

money was paid to the militants through Satya Das, Himangshu Das and Nikunja Das in the presence of Babhanga Singh and Sukha Ranjan Sinha. She identified Himangshu Das as acting between the militants and her husband's family and pointedly said that Satya Das , Himangshu Das Jagadhish Ghosh are the main persons responsible for the assassination and she was very sure of this fact. Bikarm Sinha(W-8) , the Minister's brother who was released afterwards, deposed before the Commission and clearly stated that even Bengalis were involved with the extremists in their activity. One witness Mr. Kesheswar Das (W-9) apart from Jagadish Ghosh, Ajit Debburma, Himangshu Das, Ranjit Debburma, Rajib Debburma, Swapan Debburma and Premananda Namashudra also mentioned the name of Sukha Ranjan Sinha specifically to the effect tha he along with the above named persons used to frequently visit at night in Halampara on the eastern side of his village which is the hot-bed of extremists and their movements were suspicious and they had links with the militants. Mr. Nikunja Das (W-11), a close relation of Himangshu Das, deposed that Himangshu had close relation with the militants and had full control on the release of Bikram Sinha. He corroborated the evidence of Mrs. Sinha that Himangshu was liaison between the militants and Bimal Sinha's family. This witness is further on record that Himangshu Das told him that Jagadish Ghosh was

involved in the abduction of Bikram Sinha. An active CPM political figure Mr. Kamal Kanti Kar(W-13) of Kamalpur Town very specifically told the Commission that Bimal Sinha used to work for the release of the abducted or kidnapped people by the militants and further he told that this was a secret work and there might have been secret alliance. He specifically told the commission that the political parties were inter-linked with the militants. Mr. Kar further told the commission that he used to visit the places prone to extremists without adequate security and that Bimal Sinha had maintained liaison with the suspected over ground agent of the militants and sent messages to the extremists inviting them to normal life. He told that the ransom money was not the main purpose but to kill the Minister was the main purpose. Himanshu Das(W-14) who is an under trial prisoner and an accused in the murder case of Bimal Sinha and his brother deposed before the Commission in camera in the Central Jail, Agartala. He was very present at the time of the murder of the two persons along with Sukha Ranja Sinha and he heard the exchange the words with the militants who demanded Rs.2 lakhs as ransom money the firing took place in his presence. He name Naba Kumar Debburma as the militant who fired upon the Minister and his brother. As the firing took place he ran away from the spot after himself receiving a gun shot. He

showed the wound of the gun shot but the Commission did not take it as such. He was absconding and was arrested afterwards. He made serious allegation against Mr. Durgesh Majumder, Investigating Officer, and also alleged torture in custody. Mr. Sukha Ranjan Sinha(W-21) is the person who knew the full activities of Mr. Bimal Sinha being his Confidential Assistant. He was in contact with Himangshu Das and knew all the persons who used contact Bimal Sinha on behalf of the militants and used to be present in the meeting. He was present at the time of assassination at very spot and was an eye witness of the assassination. He named two tribals, Dayal Jamathia and Naba Debbarma, who were responsible for the murder of the minister. He fled away after firing. He told the Commission very specifically through the guardians of the militants the Minister was in contact with the Militants and the guardians were acting as intermediaries. Though he pointed out that Himangshu Das, Sudhangshu Das, Premananda and Nripendra were the main culprits involved in the assassination, the Commission is firmly of the opinion that Sukha Ranjan Sinha himself he is one of the conspirators and he had a hand in the assassination. Mr. Krishna Kanta Debburma(W-24) is well-acquainted with Himangshu Das and Sudhangshu Das because Sudhangshu is related to him through marriage. He used to visit the houses of Sudhangshu and

Himangshu and is on record that both of them had relation with the militants at that material time i.e. when the assassination took place. Bikash Das(W-34) is on record like other witnesses stating that Himangshu Das, a criminal, had links with the militants. Mr. Bikash Sinha (W-33), cousin brother of Bimal Sinha deposed that one day he came to Ambassa in his vehicle carrying passengers and then he returned back to Kamalpur. When he arrived near Nakful Bridge he met Bidyut who was going to Kamalpur and he asked him to accompany. Both of them came to Bimal Sinha in Abhanga at the house of Smt. Sovarani Sinha and there the witness saw Sukha Ranjan Sinha's younger brother , Bimal Sinha, Satya Das and Sudhanshu Das who were talking among themselves. The witness had suspicion that they were militants in the presence of the witness Bimal Sinha proceeded towards the river-bed from the side of the cowshed and he heard him talking with the militants but nothing was audible. The witness heard Bimal Sinha's voice crying " ki karo ki karo". In the mean time the husband of Sovarani came from jungle and said that the witness that they were surrounded by extremist. Immediately before the firing Sukha Ranjan Sinha, CA to Minister fled away and instantaneously the sound of firing was heard. He told the Commission that there were occasions when Bimal Sinha interferred and got the release of several party men from the militants including Ranjit Ghosh. After

the incident the police officials visited him and recorded his statement.

After analysing the statement from the public witnesses the Commission will scan the evidence of the state and Police officials. Mr. Durgesh Majumder(W-1), Inspector of Police, CID, was the I.O. of the assassination case of Bimal Sinha and his brother Rocket . He took over as I.O. from Mr. Mukulendu Das(W-2), Sub-Inspector of Police, on 1st April,1998 and as such Mr. Das was I.O. only for one day. Mr. Majumder arranged TIP in respect of one person , namely, Gandhijoy Halam but no one could identify him. He also prayed before the learned court for recording the confessional statement of 12 accused persons and all of the accused persons except Premananda Namashudra and Himanghsu Das declined to make any confessional statement. He seized an original letter written by NLFT extremists to Bimal Sinha demanding subscription before kidnapping the brother of the Minister. He also seized other letters from NLFT extremists demanding ransom money for Bikram Sinha which were produced by the widow of the late Minister. Mr. Majumder organised raids to arrest the accused persons and according to him Government declared rewards from Rs.2 lakh to 50,000/- for the arrest of 7 accused persons. He prayed before the court for WPA and the warrant was issued against all except Himangshu

Das. He told the Commission that the police knew the permanent address of the accused persons but they fled away to Bangladesh and the Interpol , CBI, New Delhi was moved to issue Raid Corner Notice and ultimately Himangshu Das was arrested by the Assam Rifles. Mr. Majumder is on record that the security personnel attached to the Minister did not perform their duty properly. According to him it is the duty of the security personnel not to allow a Minister to move alone in a protected area and dangerous place and this was not done by the security people. He further said that if the security of the Minister had been adequately and properly monitored and performed he might have not been killed. It appears from the deposition of Mr. Majumdar that the ransom money was negotiated with the NLFT extremists and ultimately settled down to Rs.1.70 lakh. He further told the Commission that there was negligence on the part of the Bimal Sinha himself because when a security was provided for his protection it was the duty of the VIP as well to co-operate with the security fully which in this case was not done. Mr. Ranjit Debbarma (W-10) was the personal security of Bimal Sinha. He is on record that on 31st March,1998 on reaching Manick Bhandar the Minister entered the Party Office and asked the witness to go back to Kamalpur to fetch his hand-bag which he did and returned with Bidyut Sinha. He further stated that they left Manick Bhandar and when they

approached the CRPF camp at Abhanga the convoy was stopped and the Minister got down and had discussion with Sukha Ranja Sinha's younger brother and they again started. On the Abhanga-Kamalpur Road his car stopped and he got down and walked towards the river instructing the security personnel not to accompany him. The witness alone was with Bimal Sinha. The witness repeatedly requested him not to proceed towards the river but Bimal Sinha did not listen and the witness was helpless. Ranjit Debbarma was instructed by Bimal to remain within the house of Smt. Sovarani Sinha. Immediately after Bimal and Bidyut went down the slope leading to river the exchange of loud words were heard and the firing took place. He said that there was no negligence on his part as he merely obeyed the order of Bimal Sinha. After firing sound he rushed towards the place and fired 12 rounds but the militants were beyond the range. The personal security deposed that for the release of his brother the Minister used to frequently visit places like Halahali, Maharani, Kachucherra, Hemenchherra, etc. but no incident took place and this led Bimal Sinha to believe that his life was not in danger. The witness confessed that since 1982 when he was inducted in the police service except Refresher Course on 3 / 4 occasions for operation of revolver and Light Machine Gun no further training was given. Another Constable Mr. Ranjit Kumar Paul(W-15) of Tripura Police who

was in the escort vehicle of the Minister on 31st March, 1998 with Havidar and three constables said that the vehicle was stopped near Abhanga CRPF Camp and they were asked to get down and directed to stay at that place. The Minister with his colleagues and personal security went towards the river and after 30 / 35 minutes the sound of firing was heard from the river side. The witness with his companion rushed towards the river by another route and noticed people running hither and thither and the Minister and his brother were lying in the ground full of blood. He denied any negligence on his part not to protect the Minister as he had to obey and honour the VIPs instruction. He is also on record that no special training for the protection of VIPs was given to the police personnel. Two other constables Mr. Chandra Debbarma (W-16) and Mr. Sricharan Roy(W-17) were also in the escort vehicle and they almost narrated the same story as the previous witnesses . Mr Roy said that Bimal Sinha used to go at this particular place i.e. Abhanga in the house of Sovarani keeping them far away and he used to go alone and this he did on several occasions. He too stated that there was no special training to the Police constable for VIP's protection. Since 1976 he was given training only for nine months and was taught to fire 3.3 Revolver and LMG. Mr. B.K.Roy,IPS (W-18), was at the material time the Superintendent of Police, Dhalai District.

On receiving the news of the incident he proceeded to the spot and but by that time the Minister and his brother were removed to Kamalpur Hospital. In the Hospital he found 10 / 15 thousand people in agitating mood. This witness stated that the security for VIPs and Ministers were allotted from DAR under S.P.(West). Apart from DAR there were other armed forces such as SAF, TSR and CRPF and the controlling authority is the Assistant Commandant of DAR and its Reserve Inspector. Mr. Roy stated that when a Minister visited the District the information was given to DSP(DPB) and from there the information reach O.C. and other field offices. He stated that there was no written guideline for performing duty as an escort nor any special Type of Training was provided to security personnel. Mr. Roy is specific that there was no lapse of security and it was the Minister's instruction not to accompany him. He further stated that the Command Certificate was not issued for any particular journey but it was a general one given to the security personnel. He repeated that there was no information to the District Police about the visit of Minister Bimal Sinha when he last visited Dhalai. He further told that the Minister's return journey from Kamalpur was open. The witness is on record stating that the Bengali's have links with the activities of the extremists. Mr.Amitava Ranjan(W-19) was the Superintendent, Special Branch, when the incident

occurred. He stated that a Cabinet Minister generally get 'Y' category security but no specific training is given to security personnel for this purpose. He corroborated the evidence of his colleagues. An important witness is Mr. Kaseem Saleem Ali (W-23) , Inspector –General of Police (AP & T). A Special Investigation Team was constituted under his leadership to supervise the investigation and guide the officers relating to the assassination of Bimal Sinha and his brother Bidyut Sinha. According to him he had in all a 7-Member Team to investigate this case and each of the officers was given particular responsibility of investigation and they submitted their case diaries. It is strange that though according to the witness the SIT worked hard to bring out whatever evidence was possible but no report of the SIT was submitted as such, on the contrary individual reports were submitted by other member of the team and the comprehensive report was submitted by Mr. Durgesh Majumder, I.O., who was also in the Team. It is difficult for the Commission to swallow the evidence of Mr. Ali that no report was submitted by the SIT. The Commission has strong apprehension that the report of SIT was deliberately suppressed and not produced. The witness pin-pointed the NLFT for the assassination of the two persons. Mr. Simbhu Roy(W-23) of CRPF was very categorical to state before the Commission that the local people were always reluctant to give information about the movement

of the militants in spite of their knowledge and this was because of the fact that they were afraid of attack by militants. Mr. Sadhan Chandra Sen(W-26), the O.C. of Kamalpur P.S ,said that though the Police Station was situated about 2 furlong away of Bimal Sinha's house but he had no information that the Minister was in the town. He stated that the information of movement of Ministers or VIPs come from police headquarters but in this case there was no information. Mr. Amitava Kar (W-28) , IPS, SP(CID), told the Commission that Bimal Sinha was in contact with the extremists in connection with the release of his brother through intermediaries. He could not get any evidence of a planned conspiracy to kill the Minister. He too told the Commission that Mr. Saleem Ali's SIT did not submit any report as such. The team was simply monitoring the investigation. Mr. Kar had the occasion to visit the War Control Room of the National Holy Army of Twipra which consisted of sun-grass barracks containing large number of arms and ammunitions, documents, letters, food-grains stores, sentry post and kuchha structures. Mr. Banamali Sinha(W-30) , IAS was the District Magistrate and Collector of Dhalai District at the material time. He narrated the same facts as stated by earlier State witnesses. He told the Commission that the Health Minister i.e. Bimal Sinha visited Kamalpur on several occasions and reported to his office from Agartala and some times there

was no such formal information, and in the instant case also there was no intimation of his visit to Kamalpur. Mr. Himangshu Gupta (W-31), IPS, who was posted as SDPO, Kamalpur, at the material time was specific on the point that the SDPO, Kamalpur office, did not receive any programme of the Minister's visit. He said that there was no lapse on the part of the SDPO or the security personnel.

The high police officials were reluctant to open their mouth on Bimal Sinha's interaction or negotiation with the militants either directly or through intermediaries or agents. Their reservation on the point is understandable. But one high official is on record of Bimal Sinha's meeting the extremists on several occasions and he even pointed out to different huts on the bank of the river where the Minister used to visit frequently to meet pro-militant elements.

To be more accurate would be better to refer to the letter dated, 20.05.99 received by the Commission from the Director General of Police, Tripura (Ext.3). He writes :

“ As regards itinerary of the late Shri Bimal Singha from March 15 to 31 , 1998 the details of his tour programmes issued by the P.P.S. to the Former Health Minister have already been conveyed to the Secretary of the

Hon'ble Commission of Inquiry vide PHQ letter No.16540-41/F.5(25)-PHQ(CS)/98 dated,26-04-99. Further enquires in this regard have established that even though the late Shri Bimal Singha left Agartala for Kamalpur on 16-03-98 at 4-00 pm keeping his return journey open, he can back to Agartala on 22-03-1998 and attended the Session of the Legislative Assembly from 23-03-98 to 28-03-98. He again went back to Kamalpur on 29-3-98 and stayed in Kamalpur area from 29-3-98 till the death of his assassination.”

The letter dated, 26th April, 1999 referred to in the above quotation was written to the Commission by the Assistant Inspector -General of Police (W) for the Director General of Police,Tripura , in reply to the Commission's letter dated, 26th March,1999 regarding the information about the itinerary of Minister Bimal Sinha from 15 to 31 March,1998. The relevant paragraph of the letter written by the Assistant-Inspector General of Police(W) (Ext.4) to the Commission is quoted below:

“ It appears from the Tour Programme released by P.P.S. to the Minister for Health and Urban Development Department , Tripura vide Wireless message No.F.1(4)-MIN/HFW/

UDD/98 dated,16.03.98 , time of departure of Hon'ble Ex. Health Minister from Agartala for Kamalpur was 16.03.98 at 4 P.M. His back journey from Kamalpur after halting there, was kept open. Accordingly Hon'ble Ex. Health Minister , Bimal Singha reach Kamalpur on that date afternoon and halted there. Back journey of the Ex. Minister was kept open. This information is revealed from the message of S.P. , Dhalai Dist. Vide No.6529/SP/DIB/DHALAI/ABS/99 dated, 07.04.99. A copy of the same is enclosed herewith.”

The copy enclosed as referred to above is a crash message from SP(DIB), Dhalai District , Ambassa to PHQ(OPS)Agartala No. 6529 dated,7.4.99:

“ REF YOUR FAX COMMUNICATION NO. 4688-92 DTD 31.3.98 IN RESPCET OF TOUR PROGRAMME OF EX- HEALTH MINISTER OF TPA (.) REPLY IS AS FOLLWS (.) A TOUR PROGRAMME BEARING NO.F.1(4)HFW/UDT/95 DTD 14.3.1998 FROM PA TO MINISTER FOR HEALTH WAS RECEIVED BY THIS OFFICE ON 14.3.98 (.) ACCORDINGLY OC ABS /SLM/KMP PSS AND SDPO KMP WAS INFORMED THROUGH RG BEARING NO.,5236 -39 DTD. 14.3.98 TO TAKE NECESSARY POLICE ARRANGEMENT DURING THE VISIT OF

HON'BLE HEALTH MINISTER (.) OC SLM PS : NO TOUR PROGRAMME RECEIVED DURING THE PERIOD EXCEPT THE ABOVE PROGRAMME(.) OC KMP PS :- AS PER AVAILABLE RECORDS IT REVEALED THAT ON 16.3.99 HON'BLE HEALTH MINISTER DEPARTED AGT AND REACHED AT KMP AT 1600 HOURS AND HALTED AT KMP(,) BACK JOURNEY WAS OPENED (.) FOR KIND INFO (.)”

The Commission need not deal with Exhibit 1 (collectively) filed by the police. The bulky exhibit contains Hand-sketch Map, Seizure Lists, Post Mortem Reports, constitution of NLFT, some letters and the statements of a number of witnesses recorded by the police on interrogation from the witnesses. So far the two Post Mortem Report are concerned those have been provided by the Doctors who have performed the Post Mortem Examination on the two dead bodies of Bimal Sinha and Bidyut Sinha and the cause of death, according to the doctors, was Cardio Respiratory Failure resulting from massive haemorrhage from heart , Lever and Kidney due to multiple bullet injury which were homicidal in nature. The injuries found on the bodies of Bimal and Bidyut were sufficient to be the cause of death. The Commission has nothing to say on the expert medical opinion of the Post –Mortem.

The learned Government Advocate's argument that

Mr. Bimal Sinha was very much depressed and extremely anxious for the release of his brother Bikram Sinha is accepted by the Commission. It has also been stated by the learned State Advocate that Bimal Sinha was instrumental in getting Ranjit Ghosh, an important functionary of CPM , released from the clutches of the militants but it is difficult to accept his submission that the release was materialised without giving any ransom. The Commission can not accept the submission of the learned State Advocate that Bimal Sinha had not connection or liaison with the extremists. The Commission finds that he took the active help and support of some Bengali militants or the friends of the militants such as Himangshu Das , Sudhangshu Das, Satya Das and others in negotiating his brother's release. The Commission also can not accept the contention of the learned Advocate that Sukha Ranjan Sinha, Confidential Assistant of late Minister , was not involved in any conspiracy to kill the Minister. The evidence on record indicates that it was Sukha Ranjan Sinha who was very active and in fact acted as a perfect liaison between the Minister on the one hand and the militants and their collaborators on the other hand and had full knowledge of militants' activities. Also the Commission cannot accept the contention of the learned State Advocate that the widow of Bimal Sinha would not have spared anybody who was responsible for the death of her husband. The

Commission is firmly of the view that Mrs. Bijoy Laxmi Sinha was very much perturbed which the Commission has observed carefully. She was very much afraid to open her mouth as the apprehended dire consequences. The learned Advocate for the State is on record that the Minister used to visit the house of Smt. Sovarani Sinha on and off. For what purpose? The sole purpose according to the Commission was hobnobbing with the militants and their associates. The learned Senior Advocate criticised the police, the personal body-guard and the escorts of the Minister for not performing their duty but the Commission finds that they were not at fault because they were faithfully following the instruction of the Minister. The District Police officials were unaware of the visit of the Minister to Dhalai District , Kamalpur or Abhanga. The question of intelligence failure does not arise as alleged by the learned State Advocate because there was no hint to them that a Minister is visiting the District. It is difficult for the police to have watched on the activities of all the Ministers and VIPs if they do not inform the police authorities of their movements.

The learned Advocate for the Tripura Police very frankly submitted that neither the State Government nor the Tripura Police was responsible for the death of Minister Bimal Sinha and his brother Bidyut Sinha , and it was the Minister himself who invited his death as well as

of his brother. The learned Police Advocate no doubt tried to shield Bimal Sinha as a reformer of the extremists. Bimal Sinha was advised by several persons not to take the risk to visit the area inhabited by the militants but he remained in touch with Himangshu Das, Satya Das, Sudhangshu Das, Premananda Namashudra, Ripon Das and some other collaborators of the militants. His submission that there was a conspiracy to kill Bimal sinha and Himangshu Das, Satya Das, Sudhangshu Das, Premananda Namashudra, Ripon Das, Nirmal Das, Nripendra Namashudra , Ranjit Das and Sanjoy Das were the main conspirators in the drama is quite substantive and carries sense on the basis of the evidence on record ; but the learned Police Advocate is surprisingly did not finger Sukha Ranjan Sinha who is no less a conspirator in the eye of the Commission. The Commission agrees with the submissions made by the learned Police Advocate that security personnel or the personal security guard of the Minister were not responsible in any way for the death of Bimal Sinha as they were acting according to the Minister's direction. The learned Police Advocate's submission that the escorts of the VIPs must be properly trained and rules be framed for their special training is quite sustainable.

21. FINDINGS ON TERM OF REFERENCE NO. 1 :-

A. The Commission finds that neither the State

Government nor the Tripura Police was responsible for the assassination of Minister Bimal Sinha. The Minister was solely and wholly responsible for his assassination as he used to mingle frequently with those persons who were criminals and pro-militants and were in collusion with the militants/terrorists. This he did for the release of his brother Bikram Sinha from the clutches of the militants. The murder of Bidyut Sinha alias Rocket, the brother of Bikram Sinha, was accidental as he was in company with his brother Bimal Sinha.

B. The Commission finds that Minister Bimal Sinha used to instruct his escorts to remain far away from him whenever he went to meet the collaborators of the militants and he never allowed his security and escort personnel to come nearer to him or to accompany him for the reasons best known to the Minister.

C. The Commission further finds that Minister Bimal Sinha was in constant touch with Himangshu Das, Sudhangshu Das, Satya Das, Premananda Namashudra, Ripan Das, Nirmal Das, Nripendra Namashudra, Ranjit Das, Sanjoy Das and others who were, in fact, agents of the militants and the first three were themselves militants.

D. The Commission rejects the submission of the

Learned State Advocate that Bimal Sinha had no connection or liaison with the extremists. The Commission finds that the Minister took active help and support of the friends and collaborators of the militants which included Bengalis in negotiating his brother's release by the militants.

E. The Commission further finds that even before his brother Bikram Sinha's kidnapping, the Minister Bimal Sinha had contacts with the militants either directly or through mediators and actively participated in getting the release of some persons of the CPM Party who were kidnapped or abducted by the militants. This shows that he was in contact either with the militants or the collaborators of the militants and accordingly he felt encouraged to go more nearer to the collaborators and the militants for the release of his brother.

F. The Commission is of the opinion that the Minister was killed when a dispute arose on the bank of the river Dhalai on 31.03.1998 as to the amount of ransom money which was given to the militants through Himangshu Das and others and that the militants wanted more amount as ransom money and as such there were hot exchange of words resulting in the firing killing both the Minister and his brother Rocket.

G. The Commission cannot exonerate Sukha Ranjan Sinha, Confidential Assistant of the Minister Bimal Sinha, being one of the conspirators in his killing because Sukha Ranjan Sinha knew ins and out of the activities of Bimal Sinha and he used to monitor the Minister's activities. The fact that he ran away from the place of incident deserting the Minister is indicative of his motive. The commission also finds him guilty of not informing the Minister of the suspicious activities of the militants and the collaborators of the militants against Bimal Sinha in spite of the fact that he obviously knew of their intentions being so close to the collaborators. In fact, Sukha Ranjan Sinha abetted in the crime of assassination of the Minister Bimal Sinha.

H. The Commission finds that the security staff of Minister Bimal Sinha and his personal body-guard were not responsible for the assassination of Bimal Sinha and no act of negligence on their part is proved before the Commission. They must be exonerated and should not be held liable for the death of the Minister.

I. The Commission further finds that Tripura Police personnel who are deputed for the protection of the Ministers and VIPs are not properly trained and have no knowledge at all how to discharge their duties in that

capacity. The Commission feels that special training must be imparted to those personnel of the Tripura Police or allied security forces who will be deputed to protect the VIPs of different categories.

J. The Commission recommends that the security personnel accompanying the Ministers or VIPs must be given instruction by their highest authority not to abide by the instructions of the Ministers or VIPs if the security personnel are of the opinion that the areas in which they are moving are militants prone and there is danger to the life of the Ministers or VIPs.

K. The Commission finds that no responsibility can be fixed on the Tripura Police or on the Dhalai Police authorities of any negligence to protect Minister Bimal Sinha. The Minister kept open his return journey since 16th March, 1998 to Kamalpur. He came to Agartala on 22nd March, 1998 and then went back to Kamalpur on 29th March, 1998 and stayed there till his assassination without giving any information to the Police Headquarters or to Dhalai District Police. Hence, no question of intelligence failure or police failure arises.

L. The Commission finds from materials on record that Bimal Sinha and his brother Bidyut Sinha were assassinated by the NLFT militants.

22. **FINDINGS ON TERM OF REFERENCE No. 2 :**

The term of reference No. 2 runs as under :-

“Causes of such incident and persons responsible.”

From the analysis of the Term of Reference No. 1 it is crystal clear as to what were the causes which related to the incident of the murder of Minister Bimal Sinha and his brother Bidyut Sinha alias Rocket and it need not be elaborated any further.

So far as the persons responsible for the assassination of Minister Bimal Sinha, and by the way of Bidyut Sinha, are concerned those have also been identified in the aforesaid discussion. To be more precise the persons who actually fired upon the Minister and his brother were the two tribal militants, namely, Dayal Jamathia and Naba Kumar Debburma, with the active help and support of Himangshu Das, Sudhangshu Das, Premananda Namashudra, Nripendra Namashudra, Satya Das and Sukha Ranjan Das. Some other persons have also been named in the discussion who were also linked with this incident and were the conspirators in the killing.

23. **FINDINGS ON TERM OF REFERENCE No. 3 :**

The Term of Reference No.3 runs as follows :

“Commission to suggest measures to be taken by the Government to contain such incident in future.”

The assassination of Bimal sinha and his brother Bidyut Sinha must not be taken as an isolated event. This is a long drawn process of dissatisfaction among the tribals of Tripura who feel that they are being deprived of their legitimate rights and they are losers of their legitimate shares in every field of life. The tribals are a poor lot economically as well as educationally and most of them live in sub-human condition. Naturally they feel that to impress upon the Government and those who are in majority in the state the only way out is to coerce them by way of violence so that they might realise that due justice must be done to the tribals. To contain such incidents the State Government must be sympathetic to the problems of the tribal population and must give them such packages for socio-economic and educational upliftment that the tribal must realise that the Government is sympathetic to their grievances and wants to help them sincerely and substantially. The growing hatred between the tribals and non-tribals in the State of Tripura is a dangerous sign for the prosperity and development of the state and the Government must ponder over the matter of militancy very seriously. It requires a political solution

and cannot be achieved by the recommendations of the Commission of Inquiry.

The Commission finds that there are evidence on record that the political parties are also no less involved with the militants/extremists and the different political parties back different sections of the militants/extremists thereby creating more problems for the State as a whole. The Commission does not want to name any political party but the Commission has no hesitation to say that the incidents of violence by the militants/extremists are backed in some of the cases by different political parties. The political parties must disassociate themselves from hobnobbing with the extremists for the greater good and prosperity of the people of Tripura. In this particular inquiry the role of Minister Bimal Sinha, though on personal and emotional ground of getting the release of his brother, was quite detrimental to the State Government when he actively negotiated with the militants through the mediators or supporters of the extremists who were no less militants. Such act of a Cabinet Minister must not be encouraged and it is a duty of the Chief Minister to look into the activities of his Ministers and to warn them strictly to remain aloof from such activities. Efforts to bring the militants to mainstream must be quite transparent. The Commission did

find that the high officials of Tripura Police were unanimous on the point of insurgency in Tripura and, as such, simply by brute force or by killing the tribals peace cannot come back to Tripura. A sustained effort must be made to win back the confidence of the tribals through persuasive and peaceful methods and by providing them various amenities in life.

It is for the Tripura Government to think over the entire threat of insurgency in the State and find out lasting solution. To contain the killing of VIPs will not solve the problem of militancy in the State and it must be tackled as a whole politically.

CHAPTER – V

24. A COMMENT

The Commission has noted with regret the absence of work-culture among the State Government employees. The Commission has also noticed insubordination by the lower strata of the employees and lack of discipline.

25. ACKNOWLEDGEMENT :

The Commission records its appreciation of the help extended to it by learned Advocates of the State, the Police and the Commission, Mr. Dilip Sarkar with Mr. Binoy Saha, Mr. Haribal Debnath and Mr. Saradindu Chakraborty, respectively.

The Commission further records its appreciation of the services extended by the Secretary of the Commission, Mr. B.C. Bhowmik, who in spite of holding additional charge of the Commission Co-operated fully. The Commission also acknowledges the services done to the Chairman and the Commission by Mr.B. Talapatra, Assistant Private Secretary to the Chairman.

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