Chapter V

The West Bengal Human Rights Commission in Action.

Introduction

The success and need of any organization lies in true Sense in performing its legal or constitutional duties all over the society. The future of human rights may well lie not in their creation, the actualities of their making and unmaking—their first creation, but in their potentiality to ‘decrete’ the many actually existing worlds of human rights, the second creation. This potentiality, in the short run, merely pursues a kind of Real Utopia that seeks the ‘bettering of the bad’, in the long run, potentiality may well unfold in cherished images of a just and humane future for all human beings.¹

We are very proudly conscious of the fact that West Bengal is the first state to establish a Human Rights Commission after The National Human Rights Commission was constituted at the Centre in October, 1993. Although the Commission was constituted on 31st January, 1995, it started its functioning only from the month of April, 1995 onward, when the Chairperson, three Members and the Secretary of the Commission joined.
Scenario of West Bengal

The scenario of West Bengal is different from other States of India in a double sense - first, it has witnessed unipolarism in political power for more than three decades where in the state that the left front under the leadership of CPI(M) has not only in power uninterruptedly but weakened the political fabric by crushing the base of the opposition parties and also that of three other main constituents of the front namely the CPI, the Forward Block, and the RSP; Second, since the application of Human Rights is multi-faceted problematic, the state of society and economy is equally important with that of polity. In West Bengal since 1994 the Left Front Government has been changing its economic policy in tune with the policy declaration of the Government of India in the first half of the decade of 90s towards liberalization, privatization, and globalization.

In this changing socio-economic scenario and also in the probability of a political change causes many times political disorder, the Government of West Bengal has not been able to protect humanity of the people all the times. The State Government has been facing continuous pressure coming from different sections of the society and also from various revolutionary groups. The example of Maoists is very much important in this regard. Maoist is a political party which aims to overthrow the Government. This group of people is very active in the forest belt.
around Central India and also in the district of Bankura, Purulia, etc. in West Bengal. Negligence of the Government and due to this the undevelopment of the people is their main issue of movement. They claim to be fighting for the rights of the tribes in the forest belt. As a result, in West Bengal there have been numerous human rights violation of the tribal people at the hands of the Government agencies and at the same time of the common people of the society at the hands of Maoist revolutionary group.

It will not be aggregarate to say that the protection and promotion of human rights are considered the most important problem to the Government of West Bengal. Nandigram, Singur, Barasat, Dinhata, etc. are infamous places of West Bengal known as the centres of the violation of human rights. We can cite some examples of the gross violation of human rights in West Bengal.

At Singur in Hoogly district in West Bengal a conflict arose in the year of 2006 between landlords and the Government of West Bengal over the acquisition of 997 acres of land for a proposed Tata Motors small car plant. On 30 November, 2006, the West Bengal Government banned gatherings, meetings and processions at Singur. On 2nd December, 2006, as many as 60 villagers including women and minor girls were arrested by the police when they tried to resist the barbed wire fencing of the project site.²
On 05. 02. 2008, at Dinhata in Coochbehar district in West Bengal, police personnel killed the unarmed helpless demonstrator by firing when they were on month long agitation began on January 8, 2008 on the matters of proper implementation of 100-days work of Government of India, i.e. right to work, proper listing of BPL Ration card etc. for the downtrodden, poor citizens. Police lodged FIR against 57 demonstrators including 7 leaders of Forward Bloc party, the allies of Left Front in West Bengal. Police fired 30 rounds, killed 5 demonstrators - 2 persons on the spot and 3 persons in hospital, at least more than 15 persons received bullet injuries, 4 of them were in critical condition.

The armed opposition groups, particularly the Naxalites, were also responsible for the violations of human rights as they targeted the activists of the ruling Communist Party of India - Marxist (CPI-M). According to the estimate of Asian Centre for Human Rights (ACHR) 22 persons were killed in the Naxalite conflict in the state during 2006.

There were reports of death in judicial custody on 7th March, 2006, a Sagar Saha, a convict allegedly hanged himself from a mango tree in the premises of the Jalpaiguri Central Jail.
On the night of 7th August, 2006, an undertrial prisoner identified as Dilip Modak of Dinhata Jail died at the sub divisional hospital. The family members of him alleged that he was beaten to death and a magisterial inquiry was ordered. 6

On the night of 22nd March, 2006, an elderly tribal couple—Gobindo Soren and his wife Chhani—was burnt to death by Kendrapukur villagers in Malda district allegedly for practicing witchcraft. The couple was sleeping in their hut which was reportedly set on fire. 7

On the morning of 20th May, 2006, BSF personnel picked up a 10 years old boy named Nazimul Sheikh while he was returning from school and beat him up at their camp at Chapra in Nadia district. The boy had to be admitted to hospital. The BSF official claimed that the boy was picked up mistaking him to be a son of a cattle smuggler. 8

The Naxalites killed a CPI-M leader named Kartick Singhat Lalgarh in West Midnapore district on the night of 4th March, 2006 and they tied his dead body to a palm tree. 9

The Nandigram violation was an incident in Nandigram, West Bengal, on the orders of the Left Front Government more than 4000 heavily armed police
stormed the Nandigram area with the aim of stamping out protest against the West Bengal Government’s plans to expropriate 10,000 acres of land for a “Special Economic Zone” (SEZ) to be developed by the Indonesian based Salim Group. The police shot dead at least 14 villagers and wounded 70 more on 14th March, 2007. In November, 2007, Nandigram in West Bengal had been infiltrated by Naxalists since February. Police found weapons belonging to Maoists near Nandigram. On 14th March, in Nandigram police has used powerful tear gas to scatter the innocent people. As a result, the people of Nandigram had to face terrible Chemicals which has caused severe damage to their health, especially eyes.

The incident of firing on unarmed villagers by “Harmad Bahini” on 7th January, 2011, at village Netai of Lalgahr Block, West Midnapore, West Bengal is certainly an example of gross violation of human rights. At least 7 persons were died and a large number of villagers were injured.

16 years old Rajib Das was murdered by some drunken youths at Barasat town in North 24 Paraganas District while returning home with his sister at night.

In fact, violation of human rights has been continuous process in our society and in the present changing political scenario it has taken a new colour and
shape. On 5\textsuperscript{th} April, 2011, all newspapers cover in its first page the incident of a murder of one TMC leader, named Kazi Robin by some coal 'Mafia'.

No doubt, all these are the examples of gross violation of human rights during the past few years in West Bengal. Ruled by the Communist Party of India (Marxist), West Bengal continued to witness serious human rights violations especially by the state agencies. On January 2006, Calcutta High Court stated that a "jungle raj" was prevailing in the state.

**Objectives of the West Bengal Human Rights Commission**

Protection and promotion of human rights constitute the principal concern of the Commission. Pursuant to these objectives, the Commission is committed to discharge its functions assigned to it under the Act with transparency and autonomy. These Acts also serve to define the jurisdiction of the Commission by specifying the range of discriminatory or violative conduct that it is empowered to investigate.

The West Bengal Human Rights Commission is an investigatory and recommendatory body with specific statutory powers and responsible for reporting to
the Legislature of West Bengal on a regular basis. A sizeable bunch of recommendations made by the Commission relate directly or otherwise to police personnel, medical officers, District Magistrates or other government agents or public servants. This may reflect the much greater visibility of the violation of law by these public servants which attracts the media and the public eye most because of the distinctive role played by them in the society and the unmatched authorities and the clout that it wields. As the message of human rights reaches out wider and deeper in the society, deviant behaviour of the public servants would also get into sharper focus. That’s why, Commission is committed to take note of any aberrant behaviour involving breach of human right on the part of any public servant regardless of the stream to which he may belong.

One of the objectives of the West Bengal Human Rights Commission is to bring about transparency in the functioning of the State and also to spread human rights literacy among various sections of society and to promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means. To fulfil this objective the Commission brought out a translation of the Protection of Human Rights Act, 1993 in Bengali language. This was released by the Chairperson, National Human Rights Commission.
at a Seminar organized by the West Bengal Human Rights Commission at Sisir Mancha on 17th November, 1995, This translated version has been distributed widely among the NGOs, other groups and persons associated with human rights. The Commission also brought out in Bengali a brochure highlighting the essential features of the Protection of Human Rights Act, 1993 in a nutshell. The brochure is for wide circulation with a view to promoting human rights literacy in the State.

To serve the purpose of spreading human rights literacy and to spread consciousness among the common people of the society, after the inception the West Bengal Human Rights Commission held meeting with NGOs, Jail officials and the Department of Social Welfare, Government of West Bengal. Every year Commission observes the 10th December as Human Rights Day.
Role of the West Bengal Human Rights Commission (WBHRC) in the protection and promotion of human rights

The procedure followed by the Commission is, broadly speaking, investigatory and recommendatory in nature. In some cases, Commission hear and investigate complaints, review the status of compliance with civil rights law and study the situation concerning respect for human rights. The West Bengal Human Rights Commission is vested with wide-ranging powers relating to inquiries and investigation under The Protection of Human Rights Act, 1993. While inquiring into complaints under the Act, the Commission could exercise all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908.  

The West Bengal Human Rights Commission started its functioning from the month of April, 1995 onward. From the first Annual Report of the West Bengal Human Rights Commission that covers the period from 1st April, 1995 to 31st March, 1996, we have found that the Commission received 524 complaints during the year 1995-96 out of which 41 cases were dismissed by the Commission and as many as 483 cases admitted for further follow-up actions. It was noted by the Commission that the large number of cases involved disputes regarding possession or title to property among private persons inter se. In most of the cases there was not much that the Commission could do excepting forwarding the cases to
appropriate agencies for disposal and not entertaining such cases where the
Commission lacked jurisdiction because of the specific limitations imposed by the
Act. Examples of some cases the Commission received and recommended during the
year 1995-96:

1. Inquiry into a specific case regarding the death of Srinibas Bairagi in
   police custody

   One Srinibas Bairagi, S/o. Lt. Sushil Bairagi of Behari, Dhamua, South
   24-Parganas, died on 27.06.95 at about 01.15 hours while in police custody. On
   receipt of report about the said custodial death, the Commission took cognizance
   which was followed by investigation pertaining to enquiry with regard to the incident.

   Enquiry revealed that after taking Srinibas Bairagi into police custody,
   the OC, Mograhat PS failed to produce him before the nearest Magistrate within 24
   hours as per mandate of law and persistently refused to hand over Srinibas Bairagi
   to S.I. Narayan Chandra Mondal of Baruipur GRPS in whose jurisdiction the case
   fell, on the ground of further interrogation about his possible involvement in other
   cases. The OC, Mograhat PS thus illegally detained him in thana lock-up causing
   wrongful Confinement from 24.06.95 to 26.06.95 till he was handed over to Baruipur
GRPS and thereby committed gross violation of human rights as a public servant. Rendering or arranging timely medical aid might have saved the life of the victim.

Recommendations of the Commission:

The Commission, therefore, recommended as under:

(i) The State Government to pay a sum of Rs. 30,000/- to the next of kin of the deceased Srinibas Bairagi to be identified by the local civil administration within two months from the date of receipt of this recommendation as interim compensation on compassionate ground, and

(ii) The State Government to direct the concerned disciplinary authority to start a disciplinary proceeding against the OC, Mograhat PS for the said charge of illegal detention and wrongful confinement of Srinibas Bairagi at Mograha Police Lock-up during the period from 23.06.95 morning to 26.06.95 afternoon till he was handed over to Baruipur GRPS.

Steps taken by State Government:

The State Government vide its No. 218-HS/HRC dated 20th February, 1996, communicated and acceptance of both the recommendations. A Government order
was also issued vide No. 647-PL dated 6th February, 1996, sanctioning a sum of Rs. 30,000/- for payment to the next of kin of the deceased. The payment of Rs. 30,000/- was made to the mother of the deceased on 27.02.96. The departmental proceedings against the OC, Mograhat PS has also been initiated by the State Government.

2. Inquiry into a specific case regarding the death of three babies following the administration of measles vaccine at Debagram Health Centre:

A news item appeared in the Statesman dated 5th April, 1995 regarding the death of babies following the administration of polio and measles vaccine. The Commission took note of the news item and asked for a report from the Chief Secretary, Government of West Bengal. The State Government had ordered investigation into the matter by a team under the Chairmanship of A.K. Hati, Director, and School of Tropical Medicine. The Expert Committee had found that the intake sample of water supplied with measles vaccine seized from Debagram Health Centre had yielded contaminated genus bacillus on culture indicating that the lot might not be sterile. The Committee concluded that the cause of death appears to be toxin shock syndrome, apparently arising out of some bacterial toxins resulting from contamination, which was, however, difficult to substantiate.
Recommendations of the Commission:-

The Commission, having regard to the report of the Expert Committee, recommended to the State Government to implement the recommendations made by the Expert Committee so that the tragedy of the kind which occurred at Debagram Health Centre did not take place again. The Commission, therefore, recommended payment of interim compensation of Rs. 15,000/- to the parents of each of the three deceased children who died following the administration of measles vaccine at Debagram.

Steps taken by the State Government:-

The State Government vide its letter No. 49/CFW dated 08.02.96 indicated that the arrangements were being made to pay the amount ex gratia, as recommended by the Commission.

3. Inquiry into a specific case regarding custodial death of Agun Kasem of Karimpur, Nadia:-

The Commission took note of the news item which appeared in The Telegraph dated 23.08.95 relating to the death of one Agun Kasem of Karimpur in police custody. According to the news item, the victim was
beaten by the police, tied to a jeep and dragged 150 yards along a rough pot-holed village road. The news item further mentioned that the victim was bruised and his head dashed against the sharp stone pieces jutting out from the road. The victim was alleged to have lost consciousness, while being hauled along savagely by the speeding jeep.

Having pursued the news item, the Commission called for a report from Director-General of Police, West Bengal. The Director-General of police, under his Memo No. 4595-Admn(C)/626/95 dated 30.11.95 submitted a detailed report regarding the custodial death of Kasem Faraji of Charmuktarpur, PS Karimpur, Dist. Nadia. The enquiry Report of CID, West Bengal, based on the examination of 40 local witnesses, revealed that the accused was mercilessly beaten by OC Shankar Chatterjee on 20.08.95 in presence of villagers oc Charmuktarpur and relatives of Kasem. On 20.08.95 around 10.00 hours, OC Karimpur PS reached Charmuktarpur Primary School with Kasem and there he tied him to the back side of the PS jeep and dragged him from about 100 yards up to the house of Kasem. This happened in broad daylight. Most of the villagers around Kasem's house witnessed the incident with horror and shock. According to the inquiry report of police, it was alleged by the relatives of Kasem that OC, karimpur PS had demanded Rs. 20,000/- in consideration for not assaulting Kasem in police custody. Relying upon the aforesaid report, the Commission held Shri Shankar Chatterjee, OC,
4. Inquiry into a specific case regarding custodial death of Phuljhuri Roy, a rickshaw puller in Jalpaiguri:-

There was a news item appearing in the Ananda Bazar Patrika dated 11.05.95 regarding the death of one Phuljhuri Roy, a rickshaw puller in Jalpaiguri Sadar Hospital. The news item referred to assault and beatings of the rickshaw puller in Jalpaiguri by a police constable and a homeguard. There was commotion in the town following the death of the rickshaw puller in the local hospital. The Commission, suo motu, commenced this inquiry and had asked for a report from the Director General of Police, Government of West Bengal.

In his report the Superintendent of Police, Jalpaiguri had, inter alia, found that Constable Subol Mahanta and Home Guard Samsul Haque are reportedly involved in extorting money from illegal activities that go on in red light area and the deceased was a rickshaw puller of this area and he used to ferry the liquor to different places in the town and he used to pay money to Constable Subol Mahanta and Home Guard Samsul Haque. He was alchoholic and to remain intoxicated most of the time. On 03.05.95 there was an altercation between the deceased and the Constable Subol Mahanta and Home Guard Samsul Haque. After which the two had
assaulted the rickshaw puller. After this the rickshaw puller was hospitalized on
04.05.95 night at 21.00 hours and on the same night he died at 22.50 hours.
Investigation so far reveals that there are witnesses to state that Constable Subol
Mahanta and Home Guard Samsul Haque had assaulted the deceased.

Recommendations of the Commission :-

The Commission held that the assault on Phuljhuri Roy by Constable
Subal Mahanta and the Home Guard Samsul Haque amounted to violation of human
rights by public servants within the purview of the Protection of Human Rights Act,
1993. The Commission, therefore, Recommended to the State Government for payment
of interim compensation of Rs.15,000/- only to the next kin of the deceased
Phuljhuri Roy. The amount was made payable within two months from the date of
the order namely 19th March, 1996.

Steps taken by the State Government :-

The Government in its communication vide DO No. 321-Sh dated 21st
May, 1996 has confirmed that payment was being made to the next of kin of the
deceased and the date of payment would be confirmed shortly. The departmental
proceedings against the Constable Subal Mahanta has also been initiated by the local
Superintendent of Police. 16
From the Second Annual Report of the West Bengal Human Rights Commission that relates to the period from 1st April, 1996 to 31st March, 1997, we have found that the Commission received 1567 complaints as compared to 524 received in 1996-97. Examples of some cases the Commission received and recommended :-

1. Inquiry into a specific case regarding wrongful detention of Krishna Kumar Singh at Bally Police Station:-

Gunakar Singh, father of Krishna Kumar Singh filed a complaint before the Commission that his son Krishna Kr. Singh was arrested on 26.08.95 at about 2 a.m. by officer and men of Bally P.S. He had been detained for 10 days without being produced in Court. On 5th september 1995 he was produced before the Ld. S.D.J.M. Howrah in connection with Bally P.S. Case No. 216/95 u/s 395/397/326 IPC & 25/27 Arms Act. He had been remanded to custody under order of the Learned S.D.J.M. and thereafter released on bail on 28th September, 1995.

The Commission caused an investigation into the aforesaid allegation that Krishna Kr. Singh had been kept in unlawful and wrongful confinement from the night of 26th/ early hours of 27th August 1995 till he was produced before the
Ld. S.D.J.M. Howrah on 5th September 1995. According to the investigation report, S.I. Manmatha Biswas was responsible for the arrest of Krishna Kr. Singh and the other accused persons. Shri Mani Sarkar, the then O/C Bally P.S. who had also knowledge of their detention, was also responsible for the detention of the accused Krishna Kr. Singh.

**Recommendations of the Commission :-**

The Commission recommended to the State Government that appropriate departmental proceedings be started against Shri Mani Sarkar, the then O/C Bally P.S. and also S.I. Manmatha Biswas the I.O. of the case in question, for not producing in court Krishna Kr. Singh, an accused in Bally P.S. Case No. 216/95 u/s 395/397/326 IPC & 25/27 Arms Act within 24 hours of his arrest and also for making false and fabricated entries in the records of Bally P.S. regarding the date and hour of his arrest.

**Steps taken by the State Government :-**

D.I.G. (HQ), West Bengal, vide his memo No. 2389 Adm/C- 95-96 dated 08.08.96 informed the Commission that the S.P. Howrah had been asked to frame
charges for drawal of departmental proceedings against O/C Shri Mani Sarkar and I.O. Shri Manmatha Biswas.

2. Enquiry into a specific case regarding unlivable conditions of the Police Cell in Burdwan Medical College and Hospital :-

The Commission's attention was drawn to the news item in Ananda Bazar Patrika dated 3rd June 1996 regarding the unlivable conditions of the Police Cell in Burdwan Medical College and Hospital. According to the news item, there have been at least thirty-five deaths of under-trial prisoners in the said cell of Burdwan Medical College during the last five years. The report refers both to the insufficiency of accommodation and to conditions which are utterly in sanitary.

The Commission called for reports. According to the report of the S.P., the accommodation was insufficient and there were only 2 beds. Toilet facilities were non-existent. The overall sanitary conditions were much worse than those obtaining in the general bed of the hospital. In the current year two under-trial prisoners have already died in the said cell. The report received on behalf of the Superintendent of Burdwan Medical College and Hospital also refers to inadequacy of space of over-crowding.
Recommendations of the Commission :-

Considering the insufficiency of the accommodation, overcrowding, unhygienic conditions and the frequency of causalities in the police cell, the Commission recommends that the Government shall undertake measures immediately to improve the accommodation and to provide sanitary conditions in the police cell of Burdwan Medical College & Hospital, Burdwan. The Commission also recommended that a confirmation of the action taken in the matter shall be communicated to the Commission within a period of 2 months.

Steps taken by the State Government:-

The Government, vide its letter No. 1232-HS/HRC-154/96 dated 12.12.96, directed Secretary, Health to improve the sanitary conditions of the police cell.

3. Enquiry into a specific case regarding humiliation of Shri Sarban Shah in public :-

Smt. Renu Devi, wife of Sarban Shah, filed a complaint that her husband who was a councilor of Ward No. 40 of Asansol Municipal Corporation had been arrested by police on 11th March, 1996, in connection with a demonstration
held by the residents of Ward No. 40 in front of the bungalow of the ‘Assistant’ Superintendent of Police, Asansol. According to the complainant, her husband Sarban Shah was handcuffed and assaulted by the police in the night of 11th March 1996. The police had raided his house and had broken and thrown out furniture and other household goods. She herself was intimidated and abused. The complainant, further, alleged that on the night of 12th March 1996, Sarban Shah was brought to the locality, handcuffed, and with rope tied round his waist wearing only an underwear. He was taken round the locality. He was produced before the court on 13th March 1996 and he was granted bail.

The Commission called for a report from the District Magistrate, Burdwan.

Recommendations of the Commission :-

The Commission, therefore, recommends that the State Government shall immediately initiate appropriate departmental proceedings against Shri Kanjilal, the then S.I. Hirapur P.S. for torturing and humiliating Shri Sarban Shah in public and for trespassing into his house and ransacking the same. The result of the departmental proceedings shall be communicated to the Commission in due course. The Commission also recommends that the disapproval of the irresponsible conduct of Shri Biswarup Ghosh, the then Deputy Superintendent of Police (SR), Asansol, by the Commission, shall be communicated to him in writing by the Government. The
Government shall confirm compliance with the recommendations of the Commission within two months.

Steps taken by the State Government:

Government, vide its letter No. 458-HS/HRC-68/96 dated 2.4.97, directed D.G. of Police, West Bengal to initiate departmental proceedings and other related action as recommended by the Commission. 27

4. Enquiry into a specific case regarding torture inflicted by Constable Tapan Dutta of Burdwan Police Station:

The Commission took cognizance of the news item appearing in Ananda Bazar Patrika and Aajkaal dated 5.9.96 regarding the torture inflicted by Constable Tapan Dutta of Burdwan Sadar Police Station on the two women accused kept in Nivedita Women Cell lockup at the Burdwan Sadar P.S. The Constable Tapan Dutta was alleged to have pulled off the thumb nails of the two ladies by pressing the thumb nails by pliers. Tapan Dutta was subsequently placed under suspension by the Superintendent of Police and was produced before the court of the Sub-Divisional Magistrate, Burdwan.
Commission called for a report from the Superintendent of Police, Burdwan. The Commission also directed its investigation wing to carry out the required investigation in the case in question. The enquiry revealed that when Constable Tapan Dutta entered into the women cell, the lady Sub-Inspector Jharna Chakraborty, lady Constable Tulika Mondal, lady Constable Shyamali Saha, lady Home-guard Hasnahana Begum and lady Home-guard Sabita Mondal were present and they were on duty on the said material day. Unfortunately none of them raised any objection against the act of Constable Tapan Dutta. They including the police Constable Tapan Dutta, in fact, totally denied the fact.

Recommendations of the Commission :-

The Commission after having taken into consideration the police report and the investigation report carried out by the investigation wing of the Commission, recommended that the departmental proceedings shall be drawn against Tapan Dutta for his assault on the lady accused kept in the police cell lockup of Burdwan P.S. The temerity and the impudence with which the Constable Tapan Dutta could carry out assaults on the ladies in broad daylight was extremely crude. The Commission also recommended that proceedings shall also be drawn against lady Sub-Inspector and the two lady Constables for not having discharged their duties as public servants. They neither prevented the offence from taking place nor did they even protest. The
progress of departmental proceedings and that of the criminal case Recommended to be taken over by C.I.D. shall be communicated to the Commission in due course.

Steps taken by the State Government :-

Government accepted the recommendations and asked D.G. of Police to draw departmental proceedings against Shri Tapan Dutta and Against the lady Sub-Inspector Jharna Chakraborty, O.C., Nivedita Women Cell and two other lady constables. 17

From the Third Annual Report of the West Bengal Human Rights Commission that covers the period from 1st April, 1997 to 31st March, 1998, we have found that the Commission received 3130 complaints as against 1567 received in 1996-97 and 524 received in 1995-96. Examples of some cases that the Commission received and recommended to the State Government in the year 1997-98 :-

1. Enquiry into a specific case regarding the slapping of 90-year old Harinath Sarkar

Harinath Sarkar of East Rabindra Nagar, P.S. Nimta, North 24-Parganas, who is over 90-year old, made a complaint that on the morning of 11th June, 1997 S.I. Shri Ajit Pal of Nimta Police Station accompanied by a police constable visited
his house in connection with a complaint lodged by two sons of Harinath sarkar. The S.I. Ajit Pal had filthily abused him and forced him into the police van. When he had protested, the S.I. Ajit Pal had slapped him and he suffered injury on his ears. Harinath also felt insulted by indignities meted out to him. He prayed for relief.

The Commission called for a report from the Superintendent of Police, North 24-Parganas and also ordered investigation by its investigation branch. The report stated that the sub-Inspector Ajit Pal had been censured for misbehaviour with the aged person after his arrest on 11.06.97.

Recommendations of the Commission :-

The Commission, however, will recommend a sum of Rs. 5,000/- only to be paid to Shri Harinath Sarkar by way of interim compensation for the indignity suffered by him at the hand of the police Sub-Inspector. The Government shall report compliance with the recommendation within two months.

Steps taken by State Government

2. Enquiry into a specific case regarding death of 15-year old boy following administration of anti-rabies vaccine.

The Commission's attention was drawn to reports about death of a boy aged 15 years named Dinanath Chowdhury few days after he was administered anti-rabies vaccine at Sub-Divisional Hospital, Chandannagar, Dist, Hooghly.

The Commission called for reports from the C.M.D.H., Hooghly and the Director of Health Services, Government of West Bengal. According to the said report, most of the vaccines used in the Hospital were not 100% effective. The Director of Health Services, West Bengal by his Memo. Dated 13.03.97 furnished a report prepared by the Epidemiologist (PH) regarding the complaint made about the death of Dinanath Chowdhury. The Commission did not consider the said reports to be adequate. The Director of Health Services by his Memo. Dated 13.03.97 has forwarded the report of the Enquiry Committee.

Recommendations of the Commission:-

The Commission accordingly recommends that the report and the findings of the Enquiry Committee consisting of Dr. S. K. Maitra, Dr. D. K. Negoy and Dr. B. P. Pradhan should be taken note of and all appropriate remedial measures taken by the Government so as to avoid the recurrence of this type of unfortunate
incident. The Government should send report on the action taken in the matter within two months.

Steps taken by State Government

The report on the recommendation was not received from the Government.

3. Enquiry into a specific case regarding implicating Paritosh Roy in false case :-

Paritosh Roy filed a complaint to the Commission alleging that he used to serve as a gardener at premises No. 16/1, Dover Lane. The Darwan of the house had animus against him and on 26th November, 1996, the said Darwan had handed over the applicant Paritosh Roy to an officer of the Gariahat Police Station with the allegation that Paritosh had committed theft of latches and hooks from the house. After keeping him in the police lock-up, next day, i.e. on 27.11.96, he was produced before the court. After obtaining order for police custody, he was brought back to Gariahat Police Station. He was severely beaten up by police. On 29th November, 1996, the learned SDJM, Alipur, granted him bail. Because of the police torture he had become ill. On 2nd December, 1996, he was admitted to Behala Vidyasagar Hospital from where he was discharged on 6th December, 1996. The applicant Paritosh Roy claimed that the Darwan of the building where he used to
work made false accusation of theft against him. Paritosh was without justification kept in the lock-up and was tortured by police. The Commission directed its Investigation Branch to hold an enquiry.

Recommendations of the Commission

The Commission accordingly recommends to the State Government that the S. I. Shri A. Rahaman, I. O. in case No. 292 dated 26.10.96, who at the relevant period was serving in the Gariahat Police Station, be censured for having wrongfully and illegally made Paritosh Roy as an accused in the said case and detaining him in the police station. The censure may be recorded in the Service Book of the said police officer.

Steps taken by State Government

Government did not send the action taken report in the case.

4. Enquiry into a specific case regarding confinement of UTP Chand Sheikh in jails for fourteen years

Shri Manabendra Mukhopadhyay, Advocate, District Judges’ Court, Suri, Birbhum addressed a letter to the Commission dated 29.03.97 stating, inter alia, that his client Chand Sheikh, son of late Jillar Rahaman, Sainthia
(Nandipur), Municipal Ward No. 6, P.S. and P.O. Sainthia, Dist. Birbhum had been detained in jail without trial for more than 14 years and he was ultimately discharged by the Additional Session Judge, 2nd Court, Birbhum, Suri on 14.03.97. During his long detention Cjand Sheikh became mentally deranged. His right of living as a human being was snatched away. The Ld. Advocate appealed to the Commission to look into the case of the unfortunate and helpless prisoner, who became insane by the insensitivity of the system. He also prayed for adequate compensation to Chand Sheikh for all the injustice that he suffered during the best part of his manhood.

The Commission called for a report from the jail authorities and also ordered investigation in the matter. The investigation of this particular case revealed that the undertrial prisoner Chand Sheikh suffered confinement and detention in Jail in all for nearly fourteen years. The way he lost precious twenty years of his life, bulk of it spent behind the invisible walls of jail, perhaps, for no fault of his, represents by far the worst instance of violation of human rights.

Recommendations of the Commission

Commission accordingly recommends that-

i) An interim compensation of Rs. 30,000/- should be paid to the mother of Chand Sheikh viz. Rani Bibi for Chand Sheikh’s treatment, care and custody.
ii) The State Government shall cause an inquiry to identify the jail officials responsible for what happened to the undertrial Chand Sheikh and to take appropriate action against them so that such cases do not recur. Government shall confirm compliance with the recommendations within two months.

Steps taken by State Government

Government sanctioned the sum of Rs. 30,000/- payable to Smt. Rani Bibi, the mother of Chand Sheikh vide G.O. No. 68-H.S./HRC-144/97 dated 9.1.98. No report was received regarding the compliance with other parts of the recommendation.18

From the Fourth Annual Report of the West Bengal Human Rights Commission that covers the period from 1st April, 1998 to 31st March, 1999, we have found that the Commission received as many as 5045 complaints as against 3130 in 1997-98 and 1567 in 1996-97. Examples of some cases that the Commission received and recommended to the State Government in the year 1998-1999 :-
1. Enquiry into specific case regarding death of Ashoke Ghosh in judicial Custody

The Commission received a message from the Superintendent, Alipur Central Jail, that on 20.03.98 convict Ashoke Ghosh had committed suicide by hanging himself.

The Commission ordered an investigation by its Investigation Branch. According to the report of the Investigation Branch on 19th February, 1998, the Ld. Sessions Judge, Hooghly, had convicted Ashoke Ghosh under Section 302 IPC and sentenced him to death. On 25.02.98, convict Ashoke Ghosh was transferred to Alipur Central Jail and lodged in Room No. 5 of Cell No. 3. It may be mentioned that the death reference and the appeal by Ashoke Ghosh against his conviction and sentence was pending in the High Court. On 20.03.98 Warder Surendra Nath Tudu was on duty from 1 A.M. to 3 A.M. keeping watch on the condemned prisoners including deceased convict Ashoke Ghosh lodged in the room No. 5 of Cell No. 3 of the Alipur Central Jail.

The Commission gave opportunity of hearing to Shri Arun Tripathi, Superintendent, Alipur Central Jail, Head Warder Satya Narayan Singh and Warder Surendra Nath Tudu and Warder Arun Kumar Ghosh. It was stated before
the Commission that departmental proceedings had been initiated against Head Warder Satya Narayan Singh, Warder Surendra Nath Tudu and Warder Arun Kumar Ghosh. The enquiry by the Commission disclosed that there was no Warder on duty in front of the Cell No. 3 in the early hours of 20.03.98. Warder Arun Ghosh had reported late. Convict Ashoke Ghosh committed suicide evidently taking advantage of the absence of guard at the material time. It is indeed surprising that violating the Jail Code, the convict Ashoke Ghosh could manage to retain with him not one but three Gamchhas which he had used for committing suicide. This represents a serious lapse on the part of the local jail administration.

Recommendations of the Commission :-

The Commission accordingly recommends that departmental proceedings against the aforesaid Head Warder Satya Narayan Singh, Warder Surendra Nath Tudu and Warder Arun Kumar Ghosh should be proceeded with expeditiously and disposed of in accordance with law. Government should report compliance with the recommendation within two months.

Steps taken by State Government

Head Warder Satya Narayan Singh and Warder Arun Kumar Ghosh were placed under suspension effective from 20.03.98. Departmental proceedings were
also initiated against the Head Warder Satya Narayan Singh and Warders Arun Kumar Ghosh and Surendra Nath Tudu.

2. Enquiry into a specific case regarding unnatural death of Sarfaraj Alam.

The Commission received a complaint from Md. Mustakin of G.C. Road, New Basti, Titagarh, that on 14th April, 1998 between 9.30 p.m. and 10 p.m. security guards of Calcutta Electric Supply Corporation had opened fire as a result of which the complainant's son Sarfaraj Alam received gun shot injuries. He was taken to Dr. B. N. Bose Hospital, Barrackpore and the complainant's son Sarfaraj was declared dead. After post-mortem his body was handed over to the complainant. The complainant alleged that the Titagarh Police Station had refused to receive any complaint. He prayed that the D.I.G., C.I.D., Government of West Bengal, be directed to investigate the death of his son and his complaint against the accused persons be recorded.

The Commission called for a report from the Superintendent of Police, North 24-Parganas. The Commission finds that Titagarh Police Station did not register any case regarding the death of Sarfaraj Alam on the night of 14th April, 1998 as a result of firing by the guards of C.E.S.C., Titagarh. The Superintendent of Police, North 24-Parganas, in his report did not dispute the claim of the
complainant that Tatagarh Police Station had declined to accept his complaint against the security guards of Calcutta Electric Supply Corporation for having allegedly caused death of his son as a result of opening fire. The said report of the Superintendent of Police is also silent as to whether any investigation under section 174 CrPC was made regarding the unnatural death of Sarfaraj Alam. The Titagarh Police Station was bound by law to register a case and to conduct an investigation whether the security guards of C.E.S.C. were entitled to plead right of private defence for opening fire towards Sarfaraj Alam could be then decided in accordance with law.

**Recommendations of the Commission:**

The Commission accordingly recommends that the Titagarh Police Station should register a case regarding the unnatural death of Sarfaraj Alam on the night of 14\(^{th}\) April, 1998 which should be investigated in accordance with law.

**Steps taken by State Government**

A case has been started at Titagarh Police Station vide Case No. 15 dated 14.01.1999 under section 304 IPC.
3. Enquiry into a specific case regarding death of Kongshari Bhattacharjee in Burdwan District Jail

Kongshari Bhattacharjee, a short-term convict, aged about 24 years, was admitted into Burdwan District Jail on 19.09.97 on being convicted by Railway Magistrate, Burdwan under section 147 Indian Railways Act and sentenced to pay a fine of Rs. 100 in default to simple imprisonment for 10 days for traveling without ticket in Railway. He was firstly lodged in Ward No. 1 of Burdwan District Jail for one day and then in Ward No. 4 for rest of the period i.e. 20.09.97 to 25.09.97. He was due for release on 28.09.97. Kongshari Bhattacharjee expired sometime between 3 p.m. and 5 p.m. on 25.09.97. The Commission took cognizance of this case on receipt of a police telecom message to the effect that one Kongshari Bhattacharjee, son of Gopi Bhattacharjee, expired in Ward No. 4 of Burdwan District Jail on 25.09.97.

This being a custodial death, a report was called for from the District Magistrate, Burdwan and the Superintendent, Burdwan District Jail. It appears from the reports and materials on records that Kongshari Bhattacharjee died in mysterious circumstances. Kongshari was found dead in half-floating position inside a small and narrow cistern in the bathroom of Ward No. 4 of Burdwan District Jail.
The Post-mortem report discloses that the death of Kongshari Bhattacharjee was "due to the effect of asphysia, as a result of drowing—anti mortem in nature."

It appears from the Magisterial enquiry that on 23.09.97 an unpleasant incident and quarrel took place among the prisoners of Ward No.4, where about 83 prisoners were lodged. Investigation by the Commission revealed that on the date of occurrence Jail Wards were open from morning to evening and the prisoners of different wards were free to move from one ward to another and they had no bar to move freely inside the entire jail premises. Therefore, such free movement might have afforded an opportunity to one who wanted to take revenge or to commit the crime. Kongshari Bhattacharjee must have been the victim of such an act otherwise an adult like Kongshari could not die in such a mysterious manner because the extended taps on the top of the cistern obviates the possibility of such a young man falling suddenly or accidentally inside the cistern.

Recommendations of the Commission:-

Under the circumstances, the Commission recommends that -

i) A specific case should be registered over the death of Kongshari Bhattacharjee. and the case should be made over to an independent agency like C.I.D., West Bengal for detailed investigation. The possible connivance of the prisoner and the jail staff or abetment by them in the offence should be fully gone into.
ii) Government should confirm compliance with the recommendation within a period of two months.

Steps taken by the State Government

A specific case vide Burdwan P.S. Case No. 6/99 dated 4.1.1999 under sections 302/34 IPC was started on the death of Kongshari Bhattacharjee under suspicious circumstances. The investigation of the case was also taken over by C.I.D., West Bengal.

4. Enquiry into a specific case regarding negligence of the local administration

Aparna Ghosh, widow of late Dr. Ashish Ghosh and Durgapada Das, husband of late Kamala Das wrote to the Commission claiming, inter-alia, interim compensation for the death of Ashish Ghosh and Kamala Debi as a result of the exploding of an antique Muzzle loading cannon at Kamantala near Sarbamangala Temple, Burdwan town at about 0032 A.M. on 10th of October, 1997. In the year 1740 the then Maharaja of Burdwan had constructed Sarbamangala Temple and had gifted the said cannon to the temple. Since then it had been the practice to fire the cannon at the time of the Sandhikshan marking the auspicious moment of conjunction of Mahaastami and Mahanavami of Durga Puja. At the relevant time a Board of Trustees had been looking after the management of Sarbamangala Temple at Burdwan.
The District Magistrate, Burdwan by his Memo. No. 497-C dated March, 12, 1998 stated, inter-alia, the following facts. In September, 1971, the Government of India through the District Magistrate, Burdwan, had granted a licence valid up to August, 1974 in respect of the said cannon in favour of the Secretary, Sri Sarbamangala Trustee Board. On 1st November, 1974, the State Government had proposed to the Government of India that a Notification under Section 41 of the Arms Act 1959 be issued allowing the Trustee Board of the said temple to retain the cannon subject to the condition that it could be fired only once a year under the direct supervision of a senior police officer authorized by the District Magistrate.

According to the report of the D.I.B. Officer, Burdwan, forwarded by the D.M., Burdwan, on behalf of the Trustee Board Shri P.C. Mahatab of the Burdwan Raj family had donated Rs. 1,000/- for purchasing gun powder for firing the cannon and one Anath acharya purchased the gun powder. In the Writ Application moved by Aparna Ghosh, the widow of late Ashish Ghosh, the Division Bench of the Calcutta High Court in its order dated 17th July, 1998, inter-alia, observed that the question of giving financial help to the family of the deceased would be considered later but the same has not been adjudicated. Therefore, the Commission conclude there has been negligence and laches on the part of the District Magistrate and the policemen present there on the 10th October, 1997.
Recommendations of the Commission

The Commission will, therefore, recommend that -

An interim compensation of Rs. 25,000/- each should be given to Aparna Ghosh, the wife of the deceased Dr. Ashish Ghosh and Durgapada Das—the husband of the late Kamala Das for their personal trauma and loss. The Commission is not passing any judgement on the liability of the Sarbamangala Trustee Board and this matter is kept open for possible adjudication in the appropriate forum. Government should confirm compliance with the recommendation of the Commission within two months.

Steps taken by State Government

An interim compensation of Rs. 25,000/- each was paid to Smt. Aparna Ghosh, the wife of the deceased Dr. Ashish Ghosh and Shri Durgapada Das, the husband of late Kamala Das on 23.04.1999. 19

From the Fifth Annual Report of the West Bengal Human Rights Commission that covers the period from 1st April, 1999 to 31st March, 2000, we have found that the Commission received 7558 complaints as against 5045 complaints received in 1998-99 and 3130 complaints received in 1997-98. Examples of some cases that the Commission received and recommended to the State Government in the year 1999-2000 :-
1. Enquiry into a specific case regarding illegal arrest and detention of Shri Subodh Kumar Das:-

Shri Subodh Kumar Das, son of the late Binod Behari Das residing at D/5/2/H/13/2 Prananath Chowdhury Lane, P.S. Cossipore, Calcutta- 2 made a complaint to the Commission dated January 18, 1999 alleging, interalia, that he was arrested at 2 a.m. on 30.10.98 by Shri A.K. Das, S.I. of Police, Cossipore P.S. on the strength of warrant of arrest purported to have been issued by the Ld. Judicial Magistrate, 5th Court, Sealdah. When he had asked about the reason for his arrest, the S.I.A.K. Das has told him that warrant of arrest had been issued by the Ld. Court and he was being arrested pursuant to the Court’s order. According to the complainant, the warrant of arrest was not shown to him despite his request and he was compelled to proceed to Cossipore P.S. He was detained in the lockup of said P.S. for 13 hours. At about 3 p.m. on the same day he was produced before the Magistrate and he was released without furnishing any bond. The petitioner mentioned in his complaint that he was arrested and harassed without any offence or fault on his part and his fundamental human rights had been violated.

Commission had asked for a report from Deputy Commissioner of Police, Calcutta. The reports received by the Commission disclosed that no order was passed by the appropriate court for the issuance of warrant of arrest against Subodh
Kumar Das. Considering all the relevant facts and circumstances of the case, it is clear that the contention of the complainant Subodh Kumar Das that he was subjected to harassment and detention in the police lock-up for 13 hours for no fault of his is not without merit. His arrest and detention was unnecessary and unauthorized and it did result in the violation of his human rights.

**Recommendations of the Commission :-**

Commission would like to bring the entire case to the kind notice of the Hon'ble High Court for such action of the Hon'ble High Court might consider appropriate under the circumstances. Commission would also recommend that an interim compensation of Rs. 5,000/- should be paid by Government to Shri Subodh Kumar Das for his arrest and detention which was avoidable and which resulted in the violation of his human rights. Government should confirm compliance about the payment of interim compensation to Shri Subodh Kumar Das within a period of two months.

**Steps taken by the State Government :-**

An interim compensation of Rs 5,000/- only has been paid to Shri Subodh Kumar Das, son of late Binode Behari Das on 07.04.2000.
2. Enquiry into a specific case regarding atrocities of police on two persons in a marriage party of Coach Behar :-

The Commission received a complaint from Smt. Minu Saha of 1D/2, Hem Dey Lane, Calcutta-700 050 submitting that she has got a house named and styled as “SAHA PALACE” at 72, Raja Rajendra Narayan Road, Cooch Behar. She carries on business of letting out 2 flats of that house for ceremonial purposes. This business has become a success, leading to animosity between her and her other near relatives. There is a Deputy Superintendent of Police’s Quarters nearby. The police officer residing there very often demands money from them. On the 1st day of February, 1998 both the flats were let out. The D.S.P. Shri T.F. Sherpa came to “SAHA PALACE” in the evening in drunken condition on that date and illegally arrested two persons, Shri Dulal Deb and Shri Partha Ghosh belonging to different marriage parties who were both celebrating marriages at the ‘SAHA PALACE’ and they were taken to custody. No reason was given out for their arrest. She has prayed for appropriate steps against the police officers.

On receipt of the complaint, S.P., Cooch Behar was asked to report within four weeks. On 23.03.98 S.P., Cooch Behar submitted a report wherein he claimed that the allegations made were not correct. Ultimately the Commission ordered an enquiry into the matter by its own investigating staff. In course of
investigation, investigating officer examined 15 witnesses and also took into the consideration a large number of documentary evidence. Before the Investigating officer, Mr. T.F. Sherpa, D.S.P. also had deposed.

Recommendations of the Commission :-

With regard to T.F. Sherpa, D.S.P., it appears that the whole case was engineered by him which had taken place under his active guidance. It is, therefore, recommended that the State Government should initiate departmental proceedings against him for abuse of authority by him and should report compliance within 6 months. Government should confirm the compliance with the recommendation within a period of two months.

Steps taken by the State Government :-

The Government has taken measure for effecting implementation of the recommendation of the Commission.

3. Enquiry into a specific case regarding negligence of uties by Dr. Chintaharan Sikdar of SSKM Hospital :-

Shri Shibnath Banerjee of 15, Panchanantola Lane, P.S. Behala, Calcutta-34 submitted a complaint regarding the unusual death of his mother Smt.
Bijoli Bandopadhyay aged about 76 years with burn injury at SSKM Hospital on 20.03.98 at about 6 p.m. The complainant alleged that his mother received burn injuries at about 12.15 p.m. on 15.03.98 in course of cooking. She was immediately taken to Emergency Department of SSKM Hospital on the advice of a local doctor. At that time one Dr. Sikdar was on duty in the Emergency of the Hospital. An Emergency Ticket was made and Dr. Sikdar examined his mother but did not get her admitted in the Hospital though Bed No. 8 of Burns Ward was then lying vacant. Dr. Sikdar, after a long time, directed him that his mother be taken to Chest Ward for an ECG examination. She was taken there and the ECG was taken. The Doctor there could find some abnormality in his mother and got her admitted in the Cardiology Department. Later Doctor advised the patient to be taken to the Burns Ward as there could be infection arising out of burns to other patients in the Cardiology Ward. In the meantime Dr. Sikdar had completed his duty hours but fortunately they met him at about 3.30 hours in a restaurant taking tea. Some unknown persons came to them and told that if Dr. Sikdar is paid Rs. 800/- he could arrange her admission. After a talk it was settled that if Dr. Sikdar is paid Rs. 500/- he will get the patient admitted. On that condition he paid the Doctor an amount of Rs. 500/-. Dr. Sikdar made a new ticket and got her admitted in the same day in the Burns Ward. Because of delay made by Dr. Sikdar, the patient died on 20.03.98. According to the complainant, if there was no delay in admitting
the patient, his mother could have been saved which fact is denied by Dr. Sikdar. There has been a lot of harassment on his part in getting his mother admitted.

As the allegation was very serious, the Commission asked for a supporting affidavit which was made by the complainant. Superintendent, SSKM Hospital was asked to obtain a statement of Dr. Sikdar and on 16.03.99 the Commission received a reply from the Superintendent regarding vacancy of beds in the Hospital. The Commission directed an enquiry by the Investigation Wing of the Commission, through the I.G. attached to the Commission. In his report, the I.G. of the Commission observed that at the Emergency, the patient was not properly examined, Dr. Sikdar did not take any step for admission and proper treatment initially. After considering the relevant materials the Commission asked Dr. Sikdar to appear under Section 16 of the Act.

**Recommendations of the Commission:-**

In the circumstances, the Commission made the following recommendations to the Government of West Bengal:-

(a) Departmental proceedings be started against Dr. Sikdar on the accusation as revealed in this case.

(b) Progress of the departmental proceedings be intimated to the Commission from time to time.
Government should confirm the compliance with the recommendations of the Commission within a period of two months.

4. **Enquiry into a specific case regarding illegal detention of Arman Sk.** :-

Smt. Kadari Bibi, wife of Arman Sk. Of Kasaipatty, P.S. Sainthia, Dist. Birbhum made a complaint before the Commission that her husband Arman Sk. was illegally detained firstly at Suri P.S. from 2.2.99 to 6.2.99 and thereafter at Sainthia P.S. during the period from 6.2.99 to 8.2.99 and he was finally produced in court on 9.2.99. Accordingly she had prayed for punishment of the concerned guilty police officers.

On receipt of the said complaint an investigation was directed by the Commission by its own Investigation Wing. Arrest and detention of Arman Sk. is admitted by the police, but according to police there was no illegal detention. The concerned police officers were given an opportunity of being heard by the Commission. In this case a number of witnesses were examined by the Investigation Wing.
Recommendations of the Commission :-

The Commission, therefore, recommends that :-

S.I. Asim Kr. Mondal, O.C. Suri P.S. and S.I. Binoy Bhusan Roy, erstwhile O.C. of Sainthia P.S., should be reprimanded in writing and it should be kept on their respective service records. Government should confirm compliance with the Commission's recommendations within a period of two months. 20

From the Sixth Annual Report of the West Bengal Human Rights Commission that covers the period of 1st April, 2000 to 31st March, 2001, we have found that the Commission received 7,006 complaints as against 7,558 complaints received in 1999-2000 and 5,045 complaints received in 1998-1999. Examples of some cases that the Commission received and recommended to the State Government in the year 2000-2001 :-

1. Enquiry into a specific case regarding candidature of Smt. Upasana Bera for primary school teachers

Smt. Upasana Bera of Purbabanamali Pur, Barasat, North 24-Parganas submitted a petition before the Commission on 8th February, 1999. She has stated that she had passed basic training in 1978-79 and had acquired other qualifications. She had also registered herself with the concerned Employment
Exchange. As she did not get a call since 1988 she visited the office of the employment exchange several times. Later she met the Chairman of the Primary School Board who informed that her case had not been forwarded to the Board by the Employment Exchange. She had pleaded that she would be completing 40 years of age and if she did not get a call then she would not be in a position to secure a teacher’s job thereafter.

A report was sought for from the Director, School Education (Primary), Government of West Bengal. The Chairman, District Primary School Council, North 24-Parganas and the Employment Officer-in-Charge, Barasat were asked to appear for examination under Section 16 of the Protection of Human Rights Act, 1993 before the Commission on 15th February, 2001 at 12 noon.

Recommendations of the Commission

In the circumstances, the Commission recommends that Smt. Upasana Bera be sponsored by the Employment Officer-in-Charge, Barasat to District Primary School Council, North 24-Parganas as a very special case. The Chairman, District Primary School Council, North 24-Parganas is also requested to consider her case duly upon such reference from the Employment Officers-in-Charge, Barasat.

The Employment Officer-in-Charge, Barasat and the Chairman District Primary School Council, North 24-Parganas are requested to intimate the Commission
action taken or proposed to be taken on the recommendations within a period of two months. A copy of the recommendation be sent to the Secretary of the Labour Department, Government of West Bengal for appropriate action as deemed fit and proper.

Steps taken by State Government:-

State Government accepted the recommendation and steps have been taken accordingly vide Home Department’s letter No. 773-HS/HRC dated 20.08.2001.

2. Enquiry into a specific case regarding arrest of a lady indecent manner

On 17th March, 1999 the Commission received a complaint from one Gita Bhattacharya, resident of Sodepur to the effect that she, a lady of 60 years with very many ailments, was arrested at about 1.30 a.m. on 29th July, 1997 in connection with Khardah P.S. Case No. 303 dated 21.07.97 under Section 498A/406 IPC initiated by her daughter-in-law, Smt. Sujata Bhattacharya. She was arrested along with her son and as also her husband Nikhil Bhattacharya. The main thrust of her allegation was that she was arrested by a police raiding party unaccompanied by any lady constable or lady police officer. The Commission, on receipt of the complaint, called for a report from S.P., North 24-Parganas regarding the allegation
of her arrest at midnight without a lady police personnel accompanying the police party.

The S.P., North 24-Parganas, on the basis of an enquiry report by S.D.P.O., Belghoria submitted before the Commission that Smt. Gita Bhattacharya was arrested on 29.07.97 night by the I.O., S.I. Shib Kumar Saha, after observing all formalities and was forwarded to court on the same day; it was however, a fact that at the time of her arrest no Lady Police Personnel was available at the Police Station and thus, no such Lady Police personnel could accompany the police party. The Commission called for the I.O. of the case S.I., Shib Kumar Saha for a personal hearing. S.I., Shib Kumar Saha, who appeared before the Commission had candidly admitted that there was no Lady Police Personnel along with him in the police party which raided the house of Tapas Bhattacharja on 29.07.97 after midnight. He also confessed before the Commission that he was clearly not aware at the relevant point of time about the direction of the Hon'ble Supreme court reported in 1997(1) S.C.C. page 416 in the case of D.K. Basu-Vs- State of West Bengal, and other judgements.

Recommendations of the Commission:-

It is indeed a fact that the raiding party was not accompanied by any lady Police personnel which was in violation of the tenets of the Supreme Court
judgement in D.K. Basu – Vs – State of West Bengal. The lady was arrested after midnight. It amounts to a violation of human rights as explained by the Hon’ble Apex Court. Be that as it may, the Commission is of the view that Shri Shib Kumar Saha, S.I., now attached to Bidhannagar North P.S. should be warned to be careful in this regard so that such incidents of violation of human rights do not recur in future. We do not find any justification to make any specific recommendation otherwise against the said Police Officer, particularly when the date of the incident complained was beyond the limit set by the Act.

3. Enquiry into a specific case regarding death of Asim Biswas & injury on Sunil Biswas due to police firing

One Sunil Biswas, son of late Sudhir Biswas of village Maniknagar, P.O. Hogolberia, P.S. Karimpur, Dist. Nadia sent an application before this Commission contending, inter-alia, that on the night of June, 24/25, 1999 at about 12.45 midnight he was roused from sleep on the cries of his neighbour Haren Biswas and his son Ashim Biswas and while he visited the house of his neighbour Haren Biswas he came to know that some miscreants took away 4 buffaloes and one milch cow from their cattle shed. Haren Biswas, his son Ashim Biswas and the petitioner visited Maniknagar Police Camp and reported about the theft of cattle. Head
Constable, Nirmal Adhikary and an NVF personnel Samaresh Adhindary left for visiting the spot of theft. The petitioner and Ashim Biswas were walking along with the police personnel through the fields. They ambushed and suspected that a group of thieves were coming. Both NVF Samaresh Adhikary and Habildar Head Constable Nirmal Adhindary fired bullets from their rifles as a result of which both Ashim Biswas and the petitioner Sunil Biswas were hurt. A bleeding injury was caused on the petitioner's person. Both Sunil Biswas and Ashim Biswas were sent to hospital; Ashim Biswas dies of the said injury. The petitioner was in the hospital from 26.06.1999 till 04.08.1999. While Sunil Biswas was in hospital the police authorities did not help him with necessary expenses for his treatment. He has been completely rendered disabled. Even though there was an assurance from the police authorities at the time of his admission in the hospital that he would be helped financially but that assurance was never translated into action. He prayed for adequate compensation from the police authorities.

The Commission called for a report from S.P., Nadia and directs to let the Commission know about the fate of Karimpur P.S. case No. 248/99 dated 25.06.99 u/s 304A/379 IPC against Head Constable Nirmal Adhikary.
Recommendations of the Commission

All the learned Members of the Commission having agreed with the Chairman that a sum of Rs. 5,000/- be awarded by the State Government as interim compensation to the petitioner Sunil Biswas for his having suffered bullet injury cause police personnel on the night of June 24/25, 1999 while he along with Asim Biswas went to the Police Camp at Maniknagar to lodge information about lifting of their cattle, a recommendation is made to that effect to the State Government. The State Government is requested to implement this recommendation within two months from the date of communication of this order.

Steps taken by State Government

A sum of Rs. 20,000/- has been paid as interim compensation to Shri Haren Biswas, father of the deceased Asim Biswas on 09.08.2000 and another sum of Rs. 5,000/- has been paid to Shri Sunil Biswas on 31.07.2000 vide Home Special Department’s letter No. 1357-HS/HRC-76/2000 dated 15.12.2000.

4. Enquiry into a specific case regarding bomb attack on Shyamal Badgi

Seen the report of S.P., Bankura based on the report of Dy. S.P. (D&T), Bankura. While on 21.07.99 at about 13.30 hours A.S.I., Sanatan Bag and other officers were about to produce the accused Shyamal Bagdi in connection with
Barjora P.S. case No. 41/99 dated 6.6.99 u/s 302/326/341 IPC, 25/27 Arms Act and 9(B) IE Act before the learned S.D.J.M., Bankura along with other accused persons, two live bombs were hurled at him seriously injuring him. The man hurling the bomb was arrested by police. He was one Sk. Jamiuddin of Kestarampore, P.S. Budbud who on interrogation by S.P. & D.M., Bankura gave out the names of Biswanath Keot and Sk. Hashmat as his associates during operation in the court compound and also that he was offered the price of Rs. 10,000/- for murdering Shyamal Bagdi, Bankura P.S. Case No. 118/99 dated 21.07.99 u/s 326/307/34 IPC & 9(B) IE Act was started and four accused persons were arrested while lBiswanath Keot is absconding. Security arrangements in and around court area has been reviewed and local O.C. & C.I. briefed properly so that there may not be any recurrence of such an incident.

Recommendations of the Commission

The Commission recommends that since Shyamal Bagdi, an accused in Barjora P.S. case No. 41/99 dated 6.6.99 u/s 302/326/341 IPC, 25/27 Arms Act & 9(B) IE Act while being produced before the learned S.D.J.M., Bankura on 21.07.99, became target of an attack by miscreants who hurled two live bombs at him and the said Shyamal Bagdi had been hospitalized and one of his arms, left hand, had to be amputated, an adhoc compensation of Rs. 5,000/- be paid to his mother for meeting
the expenses of his treatment and for other reliefs. His cost of treatment at Bankura Medical College be also borne by Government.

State Government is requested to implement this recommendation within two months and report compliance.

Steps taken by State Government

A sum of Rs. 5,000/- paid to Smt. Parbati Bagdi, mother of Shyamal Bagdi on 01.09.2000 as sanctioned in G.O. No. 993-HS/HRC dated 07.08.2000.  

From the Seventh Annual Report of the West Bengal Human Rights Commission that covers the period from 1st April, 2001 to 31st March, 2002, we have found that the Commission received 5113 complaints as against 7006 complaints received in 2000-2001, 7558 complaints received in 1998-99. Examples of some cases that the Commission received and recommended to the State Government in the year 2002-03:

1. Enquiry into a specific case regarding police action without proper manner

The Commission received a petition from Smt. Tapati Das, wife of Shri Ramedra Narayan Das of 22, Nafar Chandra Das Road, Behala, Kolkata-700034 on the 6th of July, 2000 complaining against Behala P.S. of not receiving her
husband’s complainants and also specifically complaining against S.I. Arindrajit Saha of Behala P.S. for entering into her house and the room of her tenant for causing search of her husband on 04.07.2000 without any search warrant and physically assaulting her and threatening her.

The complainant was referred to the Supdt. of Police, South 24-parganas for causing an enquiry and report. The matter was also assigned to the Investigation Cell of the Commission for an enquiry and report. While no report was received from the S.P., South 24-Parganas, the commission’s Investigation Wing conducted the enquiry and has submitted a report.

After careful consideration of the report of investigation, the Commission asked S.I. Arindrajit Saha to appear before the Commission on 17\textsuperscript{th} January, 2002 u/s 16 of the Protection of Human Rights Act, 1993. The Commission has examined the evidence available before it and the statement of S.I. Arindrajit Saha.

**Recommendations of the Commission**

The Commission would accordingly recommend appropriate disciplinary action against S.I. Arindrajit Saha on both the counts, by way of an appropriate disciplinary proceedings. The Government should intimate the Commission about the
action taken or proposed to be taken on the recommendation within a period of two months.

Steps taken by State Government

South 24-Parganas District Proceedings no. 32/02 dated 11.07.02 was initiated against Arindrajit Saha and Shri Saha was awarded censure after completion of proceedings.

2. Enquiry into a specific case regarding death of Ganesh Pal due to police firing :-

   Seen the report of S.D.P.O., Khatra as forwarded by S.P., Bankura. On 02.01.2000 at about 17.30 hrs a truck bearing No. WB-51/0889 carrying a tourist party of about 40 members from Durgapur was returning from Mukutmonipur after attending a picnic party. They were all employees of a contractor of Durgapur Steel Plant. The truck was passing through a non-metalic passage in front of the Gorabari outpost at Mukutmonipur to avoid a traffic jam on the main road. C-215 Nemai Hembrom was on sentry duty at that time. An altercation developed between the sentry and the passengers of the bus. The sentry objected the movement of the vehicle in front of the outpost but the passengers of the bus forcibly pushed inside the bus and left with the bus. When the sentry came out from the outpost he suddenly fired one round from his service rifle aiming at the driver's cabin. The
bullet passed through the wind screen and wooden partition of the driver's and hit the head of the Ganesh Pal who was sitting on a chair on the truck. The man died on the spot. Four other persons received minor injuries by the splinters of glass and also during the milieu.

Senior Police Officers overpowered and disarmed him and took him into custody and pacified the mob. Since the police has already taken appropriate steps against the guilty constable and the matter is subjudice, the Commission cannot interfere in the matter any further.

Recommendations of the Commission

An amount of interim compensation of Rs. 20,000/- should be paid to the next of kin of Ganesh Pal, son of Narayan Pal of Krishnanagar, P.S. Barjora, Dist. Bankura.

The Commission accordingly recommends to the State Government to make the payment of the amount of interim compensation of Rs. 20,000/- to the next of the kin of Ganesh Pal who died on the spot on account of firing made by constable C-215, Nemai Hembrom of Gorabari Outpost under P.S. Kkatra, Dist. Bankura. The Government should intimate the Commission of the action taken or proposed to be taken by it within two months.
Steps taken by State Government

An interim compensation of Rs. 20,000/- has been paid on 07.11.01 to the next of kin of Lt. Ganesh Pal, son of Narayan Pal of Krishnanagar, P.S. Barjora, Dist. Bankura.

3. Enquiry into a specific case regarding accident caused by a police van

The complaint filed by Sushil Mahata of Vill. Betkundri, P.O. Salboni, Dist. Midnapore dated 23rd April, 2000 which was received by this Commission on 25th of April, 2000 alleging that on 7th of March, 2000 at about 6.30 p.m. while the petitioner was driving his cart with the help of a buffalo carrying 15 bags of paddy from village Krishnanagar towards Lalgarh over the Bus Route, a police van dashed against his cart near Chingrisole Bus Stoppage. The police van did perhaps bear No. WMA 4679 and it was a wireless van. One of the buffaloes was seriously injured and one of its legs got fractured. The wheel of the cart was damaged beyond repair and the petitioner also sustained physical injury. The quantum of damage sustained by the petitioner was to the extent of Rs. 15,000/-. The petitioner was called by the Police Station when he lodged Salboni P.S. Case No. 13 of 2000 dated 08.03.2000 and the Police Officers asked him to withdraw the case on payment of Rs. 1,000/-
A copy of the report dated 26.06.2000 submitted by Shri A.K. Chakraborty, D.S.P. (D & P), Midnapore was forwarded by the S.P. Midnapore to this Commission. On perusal of the said report the Learned Members of the Commission applied their mind over the facts of the case.

**Recommendations of the Commission**

Accordingly, the Commission directs that the State Government should pay a compensation of Rs. 5,000/- to the petitioner for the loss suffered by him on account of the accident which took place on the 7th of March, 2000 due to an impact with an unidentified police vehicle.

The Commission requests the State Government to confirm the compliance with the recommendation within a period of two months.

**Steps taken by State Government**

A sum of Rs. 5,000/- has been sanctioned as compensation to Shri Sushil Mahato of Vill. Betkundri, P.S. Salboni, Dist. Midnapore (W). Vide G.O. No. 759-HS/HRC dated 16.08.2001.  

From the **Eighth Annual Report** of the West Bengal Commission that covers the period of 1st April, 2002 to 31st March, 2003, we have found that the Commission received 5296 complaints as against 5113 complaints received in 2001-02,
7006 complaints received in 2000-01. Examples of some cases that the Commission received and recommended to the State Government in the year 2002-03:

1. **Enquiry into a specific case regarding death of a school student by indiscriminate police firing**

   The petitioner Shri Bimal Kumar Maity submitted a complaint dated 13.11.2000 before this Commission alleging, inter alia, that his son Nabakumar Maity aged about 16 years who was a student of Class X of Kalaberia P.K. High School, P.O. Charabarh, P.S. Bhagabanpur, Dist. Midnapore died on account of police firing at about 9.10 p.m. on 25th September, 2000 at Bajkul Market under Bhupatinagar P.S., Dist. Midnapore while he was came to Agra Bajkul Road for availing of a local bus so as to reach home.

   Shri H. K. Sarkar, Dy. S.P. assisted lby Shri H.P. Ghosh, Inspector, both attached to this Commission, investigated into the complaint. The Investigating Officers examined eight witnesses and collected four copies of documents and submitted a report on completion of the investigation. The Investigating Officers also examined A.S.I. Atish Dipankar Pradhan of Bhupatinagar P.S. S.I. Pabitra Kumar Nandy, O.C., Nandigram P.S., who was formerly O.C., Bhupatinagar P.S. was also examined.
Recommendations of the Commission

The Commission is of considered view that police firing stands, prima facie, justified, subject to final opinion expressed by the Executive Enquiry, a report of which was has been called from the District Magistrate and S.P., Purba Medinipur. It is further of the view that the deceased Nabakumar Maity was not a member of the unlawful assembly and the investigation did not reveal any undesirable conduct on the part of the complainant’s son Nabakumar Maity who was an innocent student and died on account of indiscriminate firing resorted to by ADPC personnel at Bajkul in self defence.

The Commission accordingly recommends to the State Government an interim payment of compensation of Rs. 20,000/- to the complainant. The State Government would intimate to the Commission about the action taken or proposed to be taken in this regard within a period of two months.

Steps taken by State Government

State Government has informed vide Home (Spl.) Department’s G.O. No. 1597-HS/HRC dated 24.09.03 has sanctioned a sum of Rs. 20,000/- as compensation for payment of Sri Bimal Kumar Maity, the father of the deceased Nabakumar Maity.
2. Enquiry into a specific case regarding indiscriminate police firing during ‘Operation Kamtapuri’:-

On receipt of a petition dated 30th December, 2000 from one Shri Bijoy Barman, the Commission called for a report from S.P., Darjeeling. The A.D.G. & I.G.P. of this Commission was also asked to nominate an officer for an appropriate investigation. The allegation, inter alia, was to the effect that over the arrest of one innocent minor girl Sujala Singha of village Tarbandha on 27.11.2000 during “Operation Kamtapuri”, the villagers of Tarbandha and adjoining villages gathered in a place and demanded explanation from Shri Sitarm Sinha, C.I. Bagdogra and Dy. S.P., Siliguri who reached the place at about 6.00 a.m. in the morning. Without solving the problem there was an order about lathi charge and there was also opening of fire by the police. Sahalal Barman, the son of the complainant and another Manu Roy of village Siavita died in police firing and many other persons got injured. Over this incident Shri Banchia Singha, the father of Sujala Singha made a separate complaint before the Commission giving out that on the midnight of 27th November, 2000 at about 2.00/2.30 a.m. a large police force under the leadership of C.I. & D.S.P Siliguri arrested his minor daughter without any ostensible reason. Moreover there was no lady police officer. His daughter Sujala Singha was tortured physically and mentally.
Both the petitioners demanded punishment of the erring police personnel responsible for this barbaric action and also demanded compensation to the family members of those who died or were injured and were arrested in the incident.

The I.O. submitted a common investigation report. The Commission accepts the report of the I.O., the forwarding note of the S.P. and the comments of the A.D.G. & I.G.P. of the Commission.

**Recommendations of the Commission**

The Commission recommends payment of interim compensation of Rs. 5000/- each in respect of Dhiren Barman, Rajkumar Singha, Falin Roy, Santosh Roy, Saylal Singha and Anil Singha. S.I. Sudhanya Bhattacharya had already been called upon to appear before the Commission for examination u/s 16 of the Protection of Human Rights Act, 1993 on 10th January, 2003. Whether or not Smt. Sujala Singha will be entitled to any compensation will be decided in the said proceeding.

The Government should intimate Commission about the action taken or proposed to be taken on the recommendation within a period of two months.

**Steps taken by State Government**

State Government vide Home (Special) Department’s Letter No. 1430-HS/HRC dated 25.08.03 has regretted its inability to accept the recommendation of the Commission as the victims were members of an unlawful assembly.
3. Enquiry into a specific case regarding injury on Biswajit Debnath due to electric shock

Smt. Malati Debnath and Shri Biswajit Debnath lodged a complaint with this Commission dated 25th April, 2001 pursuant to which the Commission directed S.P., Hooghly to investigate into the matter and to submit a report. It also called for a high level enquiry from the Chief Engineer, West Bengal State Electricity Board about the faults committed by the Board’s staff and directed State Electricity Board to give adequate compensation to the injured person. It was alleged in the complaint that Biswajit Debnath was working as a labour in the house of their neighbour Shri Paran Nath Bhowmik. At about 11.30 a.m. on the 28th January, 2000 suddenly the State Electricity Board allowed 11 KV high tension line to be charged as a result where of Biswajit Debnath sustained severe accidental injury. Biswajit became senseless and was taken to different hospitals where many surgeries done on Biswajit. The medical bills supported by the documents clearly makes out that a sum of Rs. 32,988.50 was spent on account of his medical expenses. Biswajit has indeed survived but because of this injury he is no more in a working condition and has suffered incapacity to a great extent.

The police report as sent by S.P., D.I.G., Hooghly based on an enquiry made by D.S.P, D & I, Hooghly confirmed that Biswajit was electrocuted on 28.01.2000 due to alleged dereliction of duty on the part of west Bengal State
Electricity Board. The report indicated that the complainant has called for a compensation of Rs. 2,62,000/- from W.B.S.E.B. The police report more or less supported the allegation made by the complainant. A high powered Enquiry Committee of the S.E.B. looked into the matter for ascertaining the cause of accidental injury met by Biswajit Debnath.

Recommendations of the Commission

The Commission grants liberty to the petitioners to invoke the jurisdiction of the District Redressal Forum under the Consumer Protection Act against the State Electricity Board. The Commission would recommend to the State Electricity Board to pay to the petitioners, without prejudice, an interim sum of Rs.32,988.50/- towards medical expenses which is evident from the medical bills of medicines and expenses incurred by the family as submitted before the Commission. The petitioners are free to move for appropriate proceedings before the Consumers Protection Court for realization of the remaining amount of the claim in accordance with law.

The State Electricity Board should intimate the Commission about the action taken or proposed to be taken on its recommendation about the interim payment within two months. A copy of this recommendation be sent to the State Government.
Steps taken by State Government

The Government vide Home (Spl.) Department’s Letter No. 1654-HS/HRC dated 10.10.03 has informed that the recommended sum of Rs.32,988.50/- only has already been paid to Sri Biswajit Debnath. 23

From the Ninth Annual Report of the West Bengal Human Rights Commission that covers the period of 14th April, 2003 to 31st March, 2004, we have found that the Commission received 6091 complaints as against 5296 complaints received in 2002-03, 5113 complaints received in 2001-02. However, the Commission took effective steps to ensure that all complaints were dealt with as fast as possible. Examples of some cases that the Commission received and recommended to the State Government in the year 2003-04 :-

1. Enquiry into a specific case regarding abuse of authority O.C., Deganga

   P.S. in effecting arrest of Osman Ali:-

   A complaint was received by the Commission on 18th May, 2000 from one Md. Osman Ali of village Gangnia (Majerpara), P.S. Deganga, Dist. North 24-Paraganas alleging that on the night of 14th March, 2000, O.C., Deganga P.S. went to
his house with a large force and compelled him to open his door and abused him. The petitioner was beaten and taken to the Police Station where he was shown arrested. He was not given any food or water. The Commission admitted the petition and called for a report from the S.P., North 24-Paraganas.

Recommendations of the Commission :-

The Commission accordingly recommends to the State Government that S.I. Asit Kr. Sau, the then O.C., Deganga P.S. and presently O.C. Basirhat P.S. should be cautioned to be discreet in effecting arrest specially in non-cognizable offences in future. The Government should intimate the Commission about the action taken or proposed to be taken on the recommendation within a period of two months.

Steps taken by the State Government :-

State Government has informed vide letter no. 65-HS/HRC-124/03 dated 13.01.04 that on the basis of recommendation of the Commission, S.I. Asit Kumar Sen of Barasat P.S. formerly O.C. Deganga P.S. has been warned.
2. Enquiry into a specific case regarding unjustified arrest u/s 151 Cr. P.C. by a Police Officer or Purulia P.S.:

Shri Santosh Jogi of Golamara, Dist. Purulia submitted a petition before the Commission on 15th July, 2002 alleging that while he was in legal possession of his house gifted to him by his aunt, some miscreants of the village arranged to get him arrested by the police. A report was called for from the Superintendent of Police, Purulia in the matter. The police report shows that the petitioner Shri Santosh Jogi used to look after his aunt late Smt. Chepu Bala Jogi on condition that she would give her 2 decimals of land to the petitioner, but she died without making any deed of gift or any testamentary bequest and the dispute started between the petitioner and his relatives. The uncle of the complainant lodged a diary. In order to prevent breach of peace, the petitioner was arrested.

Recommendations of the Commission:

The Commission accordingly recommends that S.I. Sirajul Haque be suitably cautioned so as not to invoke the powers u/s 151 Cr. P.C. just for a
proceeding u/s 107/116(c) Cr. P.C. The Government should intimate the Commission about the action taken or proposed to be taken on the recommendation within a period of two months.

Steps taken by the State Government :-

S.I. Sirajul Haque of Purulia District has been cautioned as per recommendation of the Commission. This has been communicated by the State Government vide letter no. 1042-HS/HRC dated 14.06.04.

3. Enquiry into a specific case regarding death of Hiden Murmu on account of electrocution due to illegal hooking :-

Smt. Jhano Besra, wife of deceased Hiden Murmu of Vill. Trikul, P.O. Jalghar, Dist. Dakshin Dinajpur sent a complaint to the Commission on the 12th August, 2002 duly forwarded by a Prodhan of Jalghar Gram Panchayat alleging, inter alia, that there was a death due to electrocution of Hiden Murmu, an inhabitant of Vill. Trikul. On 19.07.02 at 1.30 a.m. while he was passing over the plot of land with his plough, yoke and one pair of buffalo for cultivation of his land, the electrocution took place which was on account of contact with an electric line. The wire was there on account of illegal hooking. The wire was hanging in a low position close to the B.S.F. Camp. With the touch of electric wire, the buffalo died
then and there and Hiden Murmu after electrocution was transferred to Balurghat General Hospital in almost an unconscious state, where he died there the same day. The Commission on receipt of the complaint called for a report from the S.P. Dakshin Dinajpur.

The Commission took into consideration the decision of the Hon'ble Supreme Court in M.P. Electricity Board – Versus – Shail Kumar & others reported in (2000) 2 S.C. Cases Page 162 where it was decided by the Hon'ble Supreme Court that if electric energy is supplied by the Board as per statute and if death takes place on account of electric connection, the overall responsibility to compensate the individual affected is on the Board. The Commission in its wisdom called for a report from the W.B. Electricity Board for its purported negligence in maintaining the supply line properly by preventing illegal hooking and tapping.

**Recommendations of the Commission :-**

Following the observations in the Supreme Court decision as referred to earlier, the Commission is of the view that the W.B. State Electricity Board should bear the ultimate responsibility for the unfortunate death of Hiden Murmu and his buffalo. Accordingly, the Commission would recommend to the State Government for payment of compensation of Rs. 20,000/- on account of the death of Hiden Murmu and Rs. 5,000/- for the death of the buffalo. The sum of
Rs. 25,000/- in its entirely is to be realized from the W.B. State Electricity Board who is responsible for maintaining the supply line by preventing its hooking or tapping. The Commission requests the State Government to confirm the compliance with this recommendation within a period of 2 months.

Steps taken by the State Government :-

State Government has informed vide letter no. 720-HS/HRC-10/2004 dated 02.06.05 that as per recommendation the Commission, payment of interim compensation of Rs. 25,000/- only has been made to Jhano Besra, wife of Late Hiden Murmu vide Cheque No. 056438 dt. 16.03.05 issued by Balurghat Treasury No. 1.

4. Enquiry into a specific case regarding illegal detention of Banamali Mondal by a Police Officer of Beliatore P.S. :-

On 12.11.2002 the Commission received a complaint from one Banamali Mondal of Vill. Banagram, P.S. Beliatore, Dist. Bankura to the effect that on 01.10.2002 at about 7 a.m. he went to Beliatore P.S. to report an incident of disturbance amongst his neighbours. He met the R.T. mobile officer, A.S.I. Shyamal Kumar Barua, who asked him to report about the matter at the Police Station. At the relevant time there was no officer at the Police Station. Ultimately he was compelled to report about the matter to A.S.I. Shyamal Kr. Barua who misbehaved
with him and used filthy language towards him and also kept him detained at the Police Station. He thereafter visited the locale and put several persons under arrest. The petitioner was also kept detained at the Police Station. Even the O.C. Bishnupada Bera also misbehaved with him. Being aggrieved by the acts of the police personnel of Beliatore P.S. the complainant prayed for redressal before the Commission. The Commission took due notice of the complaint and S.P., Bankura was asked to send a report after due enquiry.

**Recommendations of the Commission :-**

On this finding itself the Commission is of the view that A.S.I. Shyamal Kumar Barua of Beliatore P.S. should be censured in accordance with law. The Commission requests the State Government to confirm the compliance with this recommendation within a period of two months.

**Steps taken by the State Government :-**

State Government has informed vide letter no. 2643-HS/HRC-12/2004 dated 12.10.04 that A.S.I. Shyamal Kr. Barua has been 'censured' as per recommendation of the Commission.\(^{24}\)

From the **Tenth Annual Report** of the West Bengal Human Rights Commission that covers the period of 1\(^{st}\) April, 2004 to 31\(^{st}\) March, 2005, we have
found that the Commission received 7315 complaints as against 6091 complaints received in 2003-04 and 5296 complaints received in 2002-03. The Commission took effective steps to ensure that all complaints were dealt with as fast as possible. Examples of some cases the Commission received and recommended to the State Government in the year 2004-05:

1. Enquiry into a specific case regarding delay execution of acquittal order of the Hon’ble High Court, Calcutta at the end of I.G. of correctional services:

   On 25th July, 2003 the Commission received a complaint from one Ruplal Barui that his relative Sibu Thakur had been lodged in Presidency Correctional Home, Kolkata for almost the last 14 years being convicted and sentenced to rigorous imprisonment for life. An appeal being Cr. A No. 385 of 1989 – Sibu Thakur and Badal Barui Vs. the State of West Bengal had been preferred before the Hon’ble High Court. The said appeal was heard by a Division Bench and both the accused persons were found not guilty and acquitted by the judgement passed on 09.04.03. The I.G. of Correctional Services, West Bengal, was directed to communicate the said judgment to the Prisoners by the Assistant Registrar, High Court Criminal Section, Appellate Side vide Memo. No. 2534 Cr. dt. 17.04.03 which was personally received by the I.G. of Correctional Services, West Bengal on
19.04.03 under his seal and signature. But the I.G. of Correctional Services, West Bengal did not care to convey the said Order of the Hon’ble High Court, Calcutta to the prisoners in time and practically willfully ignored the order of the Division Bench of the Hon’ble High Court, Calcutta. The order was sent to Burdwan District Correctional Home instead of sending the same to the Presidency Correctional Home on 04.07.03 by ordinary post i.e. after almost three months intentionally to cause further delay in their release. Even after spending long 14 years in jail without any fault, Shri Sibu Thakur was denied justice and no sympathy was shown to him by the jail authority. It is brutal, inhuman, arbitrary and in violation of their human rights.

**Recommendations of the Commission :-**

Having regards of the facts and circumstances of the case and considering the report submitted by the I.G. Correctional Services, West Bengal the Commission was of the view that such inordinate delay on the part of the office under the I.G. Correctional Services in executing the order and direction of Hon’ble High Court resulting in unauthorized detention of Badal Barui and Sibu Thakur for about three months was of great concern since it violated their human rights.

Accordingly the Commission recommends that :-

a) Suitable steps be taken and arrangements made to ensure that such administrative delay do not recur in future and
b) An interim compensation of Rs. 10,000/- only be paid to each of the two persons so detained viz. Sibu Thakur and Badal Barui by the State Government from such officials of the state government who are responsible for the same. The Commission expects that proper measures should be taken in this regard as expeditiously as possible. The Commission requests the State Government to confirm the compliance of the recommendation made by the Commission within a period of two months.

Steps taken by the State Government :-

The Home(Special) Department has informed vide their letter no. 1157-HS/HRC/Recom(WB)-02/04 dated 12.10.07 that the payment of interim compensation of Rs. 10,000/- only to each of Sibu Thakur and Badal Barui as per 2nd part of the recommendation of the Commission. But regarding the 1st part of the recommendation, no reply has yet been received from the State Government.

2. Enquiry into a specific case regarding dereliction of duty on the part of Police Officers of Sonarpur P.S. :-

The Commission received a complaint on 26th December, 2000 from one Shri Jayanta Ganguly of Vill. Noapara, P.S. Sonarpur, Dist.-South 24 Paraganas alleging that his neighbours entered his house and caught hold of his neck and dragged him out. When his wife and mother tried to resist, they were beaten up.
The petitioner was taken on to the road where he was assaulted and beaten up.

The petitioner was taken on to the road where he was assaulted and beaten with lathi, fists and blows. His wife telephoned the Sonarpur P.S. but there was no response from the Police. The petitioner learnt from the conversation of the alleged miscreants that they had come to take revenge against him because he had complained against the illegal operation of a generator by one Sankar Mullick upon which the Pollution Control Board had issued specific directions.

The injured petitioner and his wife went to the Sonarpur Police Station to lodge an F.I.R., at the same time the opposite party also reached the Police Station and asked the officer on duty not to note down the complaint’s F.I.R. The complainant was put in the lockup at the Police Station and was not allowed bail. He was taken to a doctor and after treatment was produced before the S.D.J.M., Alipore where after he was released on bail. As their complaint was not accepted by the P.S., the complainant’s wife later ledged a written complaint to the O.C., but the O.C. made only a G.D. entry and did not make any investigation. The petitioner later informed the Commission stating that, while the Commission had accepted the petition and called for a report, no further step was taken by the police in regard to the complaint filed by his wife and the opposite party was not arrested.
Recommendations of the Commission :-

In the circumstances the Commission is of the considered view that S.I. Partha Mazumder and S.I. Bijoy Kr. Ghosh should be proceeded against departmentally for having acted blatantly in a partisan manner amounting to dereliction of duty. The State Government should intimate the Commission about the action taken or proposed to be taken on its recommendation within two months.

Steps taken by the State Government :-

The State Government has informed vide their letter no. 765-HS/HRC/Recom(WB)-1/05 dated 02.08.06 that in pursuance of the Commission’s recommendation, S.P. North 24 – Paraganas has passed final order in case of departmental proceeding against S.I. Shri Bijoy Kr. Ghosh withholding one increment from the next date of increment for a period of six months which shall not have the effect of postponing the future increments.

3. Enquiry into a specific case regarding custodial death of Md. Hedai Mali, s/o. Year Alidue to gross dereliction of duty on the part of Police Officials of Canning P.S. :-

In the instant complaint, chargesheet has already been submitted and criminal proceeding is going on against the O.C. Dhrubajyoti Banerjee, S.I. of Police,
Sudhir Chandra Nandi, ASI, Tarapada Ghosh and RSG 566 Pradip Patra who were on duty at Canning P.S. at the relevant time; Departmental proceeding has also been started against these persons. There was a case of torture and assault on the arrestee Md. Hedali Mali Ali, son of Year Ali of Uttar Angadberia, P.S. Canning, Dist.-South 24 Paraganas. It is also admitted position that no memo of arrest was issued and arrestee was not produced in Court, but he died in lock-up after three days. It is a gross dereliction of duty, not to issue memo of arrest and not producing the arrestee in Court within 24 hours. Post mortem also mentions and indicates that there was torture resulting in death of the arrestee.

Recommendations of the Commission :-

In view of the above, as chargesheet has already been filed and departmental proceeding is still on, the Commission is not suggesting any other measure except that Rs. 40,000/- as compensation to be paid to the nearest of the kin of the deceased, Md. Hedai Mali, son of Year Ali Molla of Uttar Angadberia, P.S. Canning, Dist. South 24 Paraganas. As gross dereliction is also apparent on the face of the record resulting in death of the arrestee, the amount of compensation shall be realized from the person who perpetrated torture. The State Government should intimate the Commission about the action taken or proposed to be taken on its recommendation without two months.
Steps taken by the State Government :-

The State Government has informed vide their letter no. 75-(Sanction)/SL/HS/HRC/Recom(WB)-2/05 dated 09.09.05 that a sum of Rs. 20,000/- only instead of Rs. 40,000/- as recommended by the Commission has been sanctioned and allotted towards payment of compensation to the next kin of the deceased Md. Hedai Mali, son of Year Ali of Uttar Angadberia, P.S. Canning, Dist. South 24 Paraganas.

In the Eleventh Annual Report of the West Bengal Human Rights Commission that covers the period from 1st April, 2005 to 31st March, 2006, we have found that the Commission received 7462 complaints as against 7315 complaints received in 2004-05 and 6091 complaints received in 2003-04. The Commission took effective steps to ensure that all complaints were dealt with as fast as possible. Examples of some cases the Commission received and recommended to the State Government in the year 2005-2006 :-

1. Enquiry into a specific case regarding gross inaction on the part of Police of Contai P.S. in implementing court's order & neglectful acts on their part in connection with unnatural death of complainant's sister :-

The Commission received a complaint from one Shri Akshay Sasmal on 28th July, 2003 alleging inaction on the part of Contai Police Station on his
complaint regarding unnatural death of his sister. The allegation of the petitioner are that he had given his sister in marriage to one Shri Apurba Ghorai and gave gold and cash at the time of the marriage. On further demands by her in laws the petitioner gave further cash and gold as demanded. Unfortunately he got information on 04.04.2002 that his sister had committed suicide by hanging. His plea is that the girl was either beaten to death and hanged or she committed suicide not being able to put up with the torture. Accordingly he filed a complaint with the Contai P.S. bearing diary no. 58. As no action was taken by the P.S. he filed a complaint before the Ld. S.D.J.M., Contai. Still as no action was taken by the Contai P.S. the petitioner approached the Commission for necessary intervention. The Commission considered the complaint and also the report of the Supdt. of Police.

Recommendations of the Commission :-

The Commission has considered the entire facts and circumstances of the case and recommended that appropriate instruction should be issued to the different Police Stations to ensure proper recording of such Court orders in a Register and prompt action and follow up thereon. The Commission further recommended that a departmental proceeding against Inspector Shri Pabitra Kumar Banerjee, who was the O.C. of the Contai P.S. at the time the incident took place, the U.D. case was started and order dated 10.04.2002 of the Ld. S.D.J.M. was issued. The Government
should intimate the Commission about the action taken or proposed to be taken on the recommendation within a period of two months.

**Steps taken by the State Government :-**

State Government has informed vide letter No. 951-HS/HRC/Recom(WB)-07/05 dated 22.07.08 that all the S.P.s were instructed to comply with the recommendation of WBHRC regarding proper recording of Court Orders in a Register for prompt action and follow up. It has further been informed that one annual increment of Inspector Shri Pabitra Kumar Banerjee has been withheld without cumulative effect in the final order of Burdwan District Proceedings No. 8/06 dated 17.03.2006.

2. **Enquiry into a specific case regarding serious lapse on the part of Dr. Mrinal Kanti Kabiraj of Katwa Sub-Divisional Hospital :-**

The Commission received a complaint from Dr. Manju Datta Chowdhury on 4th March, 2004 regarding the death by drowning of her brother, Manoj Kumar Chatterjee, a Schizophrenia patient who was admitted as an indoor patient to the Society for Mental Health Care (Ananda Niketan) Khajurdehi, Katwa, Burdwan. She alleged that the death of her brother appeared to be homicidal and not accidental. She alleged that controversial statements of Dr. Harmohan Sinha,
President of the Centre, his elder son and some other local people present at the burning ghat on 07.02.2004 made her suspect foul play in the death of her brother. She further alleged creation of obstacles for lodging and F.I.R. about the abnormal death of her brother and compelling them to leave the station immediately after cremation. She also alleged that post mortem examination was done hurriedly before her arrival at Katwa. The complainant and alleged about the poor services and absence of fencing around the deep pool. The Commission admitted the petition and directed the Investigation Wing of the Commission to make an enquiry. The Commission has carefully considered the report and the statements of Dr. Mrinal Kanti Kabiraj and finds that even though viscera was required to be kept for chemical examination, the same was not done. It was even more necessary when the doctor performing the post mortem had an element of suspicion. Accordingly the Commission finds him responsible for the serious lapse.

**Recommendations of the Commission**:

The Commission has recommended appropriate departmental proceedings against him. The Commission also recommended that the State Government should look into the services available at Ananda Niketan like diet, lodging, medical services etc. and the security arrangements. The State Government should intimate the Commission about the action taken or proposed to be taken on its recommendation within two months.
Steps taken by the State Government :-

It appears from Memo No. HF/O/GA(Vig)/83?9A-207/O5, a Departmental Proceeding was initiated against Dr. Mrinal Kanti Kabiraj. M.O., Katwa, S.D. Hospital and a penalty of withholding of 3 annual increments has been imposed upon the charged officer.

3. Enquiry into a specific case regarding the death due to electrocution and negligence on the part of W.B.S.E.B. :-

The Commission received a complaint from C.P.D.R. on 17th June, 2002 regarding death of one Munna Molla, son of Smt. Aziman Bewa, Vill- Dakaimada, P.O. Krishna Chandrapur, P.S. Mathurapur, South 24 Parganas due to electrocution. The mother had applied to the authorities of the State Electricity Board for compensation but there was no response. The Commission called for a report from the Supdt. of Police, South 24 Parganas and the Station Superintendent, Mathurapur Electricity Supply unit of the West Bengal State Electricity Board.

The report of the S.P., South 24 Parganas that on 27/28.03.2002 due to heavy rains and cyclonic storm in the area the electric wires were disrupted and such wires were hanging at different places. When Munna Molla went to fetch drinking water from the tubewell he received electric shock. He was taken to the
Mathurapur Rural Hospital where he succumbed to his injuries. The Mathurapur P.S. started U.D. Case No. 9/02 dt. 28.03.2002. The post mortem report revealed that death was due to the effect of electrocution ante mortem in nature. The report of the Senior Station Superintendent, Mathurapur Electric Supply shows that due to heavy storm on 27.03.2002 the over head L.T. line had snapped. The victim came in contact with live hanging wire and was electrocuted. The Commission accordingly finds that the boy died due to electrocution by the snapped wire of the State Electricity Board in the area.

Recommendations of the Commission :-

The Commission recommended that the State Electricity Board should give a compensation of Rs. 20,000/- to the mother of deceased Smt. Aziman Bewa. The State Government should intimate the Commission about the action taken on the recommendation of the Commission within two months.

Steps taken by the State Government :-

The State Government has informed vide letter No. 236-HS/HRC/Recom (WB)-10/2005 dated 21.02.08 that a sum of Rs. 50,000/- only has been paid to the kin Regina Khatun (Minor), the only legal heir of the deceased Munna Molla, in the form of KVP bering No. KVP/04GG-249273 dated 27.11.2007 issued from Baruipur Post Office.
4. Enquiry into a specific case regarding illegal arrest by a Police Officer of Arambag P.S. :-

The Commission received a complaint from one Shri Ramesh Ghosh, P.S. Arambagh, Dist- Hooghly on 26.09.2001. The complainant is the Editor of a weekly paper in Arambagh called "Pallyjowar". Shri Ghosh has alleged that as he was writing about corruption by the police officers of Arambagh P.S. in his paper, his employees were receiving threats over the telephone. Accordingly, he complained to the S.D.O. Arambagh and on 20.08.2001 one Pabitra Kumar Ganguly a Police Officer came to the complainant’s office for enquiry about the telephone threats. The officer told that the police was being harassed by the complainant falsely and he would have to face the consequences. The complainant has further alleged that on 06.09.2001 at about 1 a.m. S.I. Pabitra Kumar Ganguly, who was in plain clothes, A.S.I. Swapan Ghosh, Constable Gurupada all of Arambagh P.S. raided his house when he was asleep. The police officers told him that there was a warrant against him and assaulted him and took him to the Police Station in a police jeep. When his wife and two sons asked for the memo of arrest the same was not given. The Warrant Register was also not shown to them. At about 8 in the morning the Police took him by police jeep and dropped him of his home. The Commission admitted the complaint and called for a report from the Supdt. of Police, Hooghly and also directed an independent enquiry by the Investigation Wing of the Commission.

Recommendations of the Commission:-

In the facts and circumstances the Commission is of the considered view that A.S.I. Swapan Ghosh should be proceeded against departmentally for
illegally arresting the complainant Shri Ramesh Ghosh on 06.09.2001. The Commission also recommended that an interim compensation of Rs. 10,000/- to be paid to the complainant Shri Ramesh Ghosh and this amount should be realized in suitable instalments from A.S.I. Swapan Ghosh. The Government should intimate the Commission about the action taken or proposed to be taken on the recommendation within a period of two months.

Steps taken by the State Government :-

A.S.I. Swapan Ghosh of Hooghly District Police Force has been Disposed of by awarding major punishment (reduction of pay). The period of reduction of pay has been completed in the month of June, 2005. The State Government has informed vide letter no. 681- HS/HRC/Recom (WB)- 20/05 dated 12.05.2008 that payment of interim compensation of Rs. 10,000/-has duly been made by D.M., Hooghly to the complainant, shri Ramesh Ghosh.26

In the Twelfth Annual Report of the West Bengal Human Rights Commission, that covers the period from 1st April, 2006 to 31st March, 2007, we have found that the Commission received 6929 complaints as against 7462 complaints received in 2005-06 and 7315 complaints received in 2004-05. The Commission took effective steps to ensure that all complaints were dealt with as fast as
possible. Examples of some cases the Commission received and recommended to the State Government in the year 2006-2007:-

1. **Enquiry into a specific case regarding the illegal detention by a Police Officer of Golabari P.S.-**

The Commission received a complaint from one Shri Krishna Kumar Singania on 3rd September, 2003 regarding excesses committed by Ranjit Ghosh, S.I. attached to Golabari P.S.-Howrah. It was alleged by Shri Singania that on 30.08.2003 his son Ajoy Singania along with his two business associates was approaching Howrah Bridge in Tata Indic Car No. WB 02Q 3993 when at the crossing of Muktaram Kanoria Road near Saket Hotel, the vehicle was involved in a minor accident with a motorcycle. The motorcycle rider was Ajit Kr. Pandey and the pillion rider was Raj Kr. Pandey. It was further alleged by Shri Singania that this minor accident was caused due to careless driving by the motorcyclist without noticing signal. As a result the motorcycle got a “very mild touch.” It has been further alleged that the motorcyclists then got down and started beating the driver of the car. His son Shri Ajay Singania came out from the vehicle to pacify the motorcyclists when he was allegedly assaulted and manhandled. Meanwhile his son informed the local Police Station and other superior police officers and also informed the complainant who rushed to the accident site immediately. The S.I. Ranjit Ghosh also arrived at the spot and told them to go to the Police Station to lodge a
formal complaint. It was further alleged that after arriving at the Police Station, his son and his two associates and the driver and the complainant who was not at all present when the accident took place, were put in the lock up by S.I. Ranjit Ghosh, also with motorcycle rider and the pillion rider, and kept there for over four hours. Ultimately, however after spending more than four hours in the lock up, the complainant and his associates were granted bail subject to tendering of bond. The Commission admitted the complaint and called for a report from Supdt. of Police, Howrah. The Commission considered the report of the S.P., Howrah and the statement made by S.I. Ranjit Ghosh.

Recommendations made by the Commission :-

On a careful assessment of the facts and circumstances of the case the Commission is of the considered view that S.I. Ranjit Ghosh be proceeded against departmentally for illegally arresting Shri Krishna Kumar Singhania and other and detaining them in the police lock up on 30.08.03. The Government should intimate the Commission about the action taken or proposed to be taken on the recommendation within a period of two months.

Steps taken by the State Government :-

The State Government has informed vide letter no. 51-HS/HRC/Recom(WB)-05/06 dated 09.01.2009 that pursuant to the recommendation of the Commission S.I.
Ranjit Ghosh was proceeded against departmentally (Howrah District Proceeding No. 42/06 dated 16.10.2006) and major punishment has been awarded to him by stopping of an amount equal to one increment for a period of one year without future effect.

2. Enquiry into a specific case regarding gross negligence of duty by

Dr. Nirendranath Patra, Gynecologist of District Hospital, Krishnanagar:

The Commission received a complaint dt. 25.02.2005 from Shri Pradip Pramanik, Vill. & P.O. Sahebnagar, Nadia on 1st March, 2005. Shri Pramanik also annexed a complaint dt. 02.02.2005 addressed to the Health Officer, Krishnanagar regarding treatment of his wife Smt. Tanuja Pramanik in the District Hospital, Krishnanagar, Nadia. It has been alleged by Shri Pradip Pramanik, that his wife was first admitted on 29.01.2005 at 2.10 p.m. in Palasipara Pritimoyee Block Hospital after his wife felt labour pain at home. The doctor there examined the patient and suggested that the patient should be transferred to the district hospital at Krishnanagar as it might be necessary undertake a caesarean operation. Thereafter Shri Pramanik took his wife to district hospital where the patient was examined by Dr. Nirendranath Patra, Gynaecologist Krishnanagar Dist.Hospital. It has been alleged by Shri Pramanik that Dr. N. Patra told them that the baby had probably died and asked them to take the patient to N.R.S. Medical College & Hospital, Kolkata for
further action. In spite of being requested repeatedly, the doctor did not want to
discuss with them and left the hospital at 11.40 p.m. Thereafter Shri Pradip
Pramanik following advice of some will wishers took the patient to a local nursing
home where caesarean operation was done and the baby was safely born. He finally
mentioned that the action of Dr. Nirendranath Patra, Gynaecologist Krishnanagar Dist.
Hospital had caused mental stress and strain and financial loss to him and had he
followed the advice of Dr. N. Patra and taken the patient to N.R.S. Medical College
& Hospital, the life of the baby might have been at stake.

The Commission took cognizance of the complaint and directed
C.M.O.H., Nadia to submit a report in the matter. The Commission considered the
report submitted by Dy. CMOH of Health-II, Nadia which was duly countersigned by
the C.M.O.H., Nadia and examined Dr. N. Patra, Gynaecologist, Krishnanagar, Dist.
Hospital, under Section 16 of the POHR Act.

Recommendations of the Commission :-

On a careful assessment of the facts and circumstances of the case,
the Commission is of the considered view that Dr. Nirendranath Patra, Gynaecologist,
District Hospital, Krishnanagar should be proceeded against departmentally for gross
negligence in discharging his duty to the patient on 29th January, 2005. The State
Government should intimate the Commission about the action taken or proposed to be taken on it, Recommendation within two months.

Steps taken by the State Government :-

The State Government has informed that the recommendation made by the Commission has been accepted and the Health & Family Welfare Department has been asked for implementing the recommendation. But no report from the Health & Family Welfare Department regarding initiation and progress of the departmental proceeding appears to have been received.

3. Enquiry into a specific case regarding illegal detention by a Police Officer of Kalyani P.S. :-

The Commission received a complaint from one Parbati Kishore Sarkar, P.S. Kalyani, Dist.- Nadia on 26.04.2004. The complaint is that one P.K. Sarkar, who is a Class-IV employee of Bidhanchandra Krishi Viswavidyalaya, had a civil dispute with one Sri Pranab Kumar Basak regarding vehicle no. WB-51/0282 and the transactions relating to the said vehicle. It was alleged that O.C., Kalyani P.S. S.I. Arunava Das, acting under the influence of Pranab Kumar Basak, forced the complainant to come to the Police Station around midnight on 07.02.2004. The
complainant was made to wait at the Police Station throughout the night and was only released next day i.e. 08.02.2004. It was further alleged that during the period he was illegally detained in the Police Station, the O.C. abused him, threatened him and forced him to enter into an agreement with Pranab Kumar Basak regarding the vehicle and settlement of the dues.

The Commission took cognizance of the matter and for a report from S.P., Nadia and decided to call Sri Arunava Das, S.I., the then O.C. Kalyani P.S., for examination under Section 16 of the Protection of Human Rights Act. In his statement before the Commission, in course of examination under Section 16 of the POHR Act, S.I. Arunava Das stated that it was a gross mistake on his part. His conduct in this particular case led to gross violation of Human Right of an individual and is, therefore, reprehensible.

Recommendations of the Commission :-

On a careful assessment of the facts and circumstances of the case, the Commission is of the considered view that S.I. Arunava Das should be proceeded against departmentally for illegally detaining the complainant Parbati Kishore Sarkar on 7/8-2-2004 and forcing him to sign an agreement in a matter which is purely civil in nature. The Commission also recommended that appropriate compensation be paid to the complainant Parbati Kishore Sarkar and the amount of compensation should be
realized in suitable instalments from S.I. Arunava Das. The Government should intimate the Commission about the action taken or proposed to be taken on the recommendation within a period of two months.

Steps taken by the State Government :-

The State Government has informed that the D.P. no. 32/07 dated 27.03.2007 drawn up against S.I. Arunava Das, O/C of Bhangore P.S. has been disposed of with the order ‘censured’. It has further been informed that an amount of Rs. 2000/- has been sanctioned by the Government and paid to Shri Parbati Kishore Sarkar by the D.M., Nadia. But it has not been informed by the Government whether the amount of compensation already paid has been realized in suitable instalments from S.I. Arunava Das.

4. Enquiry into a specific case regarding misbehaviour of a Police Officer of Tollygunge P.S. :-

The Commission received the complaint of one Sk. Majibar Rahman is that the complainant on 30.05.2004 at about 11:00 p.m. had to rush to purchase some sanitary napkins from Tallygunge Medical Hall for his ailing wife who was bleeding after her operation. The same Medical Hall was about to be closed at that dead hours of night. He Hurriedly entered the shop keeping his car on the road
and requested the shopkeeper to give the articles he required. On coming back to his car, he was intercepted by a Police driver with uniform who asked him to go to Charu Market P.S. with his car. He explained the situation but the driver reluctantly asked him to talk to the Police Officer who was sitting in civilian plain cloth in the driver's cabin of a Police Van standing nearby the car of the complainant. The complainant explained the cause of his urgency mentioning the name and designation of his wife who is an Inspector of Police, Kolkata. The complainant is an advocate Enrolled in the Bar Association, Calcutta High Court. He had shown his identity but in turn the complaint received rude behaviors from the said Police Officer who had jumped out of the Police vehicle and started abusing the complainant in most filthy and vulgar languages. The Complainant alleged that he was manhandled by the Police driver who tried to drag him into the Police Van. An enquiry was held and the report was forwarded by the Commissioner of Police, Kolkata to the Commission.

Recommendations of the Commission :-

The complaint, the report of the enquiry and the evidence of S.I. Mr. S. Bhowmick all go to suggest that the allegations of the complainant against S.I. Bhowmice are substantiated even by the independent witnesses like the medical shop owner and his wife. The facts further suggest that at the dead hours of night the complainant was compelled to rush to the medical shop in order to purchase some
sanitary napkins for his wife who was bleeding profusely after her operation. It has been established both from the enquiry reports forwarded by the Commissioner of Police and the admission of the complainant that S.I. Mr. S.Bhowmick behaviour in such a manner which was unbecoming of a public servant. The Commission recommended departmental proceedings against recalcitrant S.I. Mr. Sukanta Bhowmick. Action taken in the matter be referred to the Commission within a period of two months.

Steps taken by the State Government :-

The State Government has informed that the D.P. No. 77 dated 28.08.2007 drawn up against S.I. Sukanta Bhowmik of Detective Department, Kolkata has been disposed of with the order 'censured' for the charge. It has already been recorded in Service Book of Shri Bhowmik.²⁷

From the Twelfth annual reports of the West Bengal Human Rights Commission, I have picked up only 45 cases enquired and recommended by the Commission which are more or less different in nature. These cases will reflect the nature and scope of the functioning of the Commission. I have also made a chart below and tried to show the overall functioning of the Commission from the formation of this organization²⁸ :-
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Complaints received in</td>
<td>524</td>
<td>1567</td>
<td>3130</td>
<td>5045</td>
<td>7558</td>
<td>7006</td>
<td>5113</td>
<td>5296</td>
<td>6091</td>
<td>7315</td>
<td>7462</td>
<td>6929</td>
</tr>
<tr>
<td>No. of cases from the preceding years spilling over</td>
<td>110</td>
<td>47</td>
<td>53</td>
<td>167</td>
<td>1999</td>
<td>2207</td>
<td>3445</td>
<td>3866</td>
<td>3410</td>
<td>3310</td>
<td>3400</td>
<td></td>
</tr>
<tr>
<td>Total No. of Complaints processed in</td>
<td>483</td>
<td>1677</td>
<td>3177</td>
<td>5098</td>
<td>7725</td>
<td>9005</td>
<td>7320</td>
<td>8741</td>
<td>9957</td>
<td>10725</td>
<td>10772</td>
<td>10329</td>
</tr>
<tr>
<td>No. of cases dismissed by the Commission in limini</td>
<td>41</td>
<td>220</td>
<td>1582</td>
<td>3149</td>
<td>4151</td>
<td>4907</td>
<td>3552</td>
<td>3605</td>
<td>3991</td>
<td>4690</td>
<td>4820</td>
<td>4371</td>
</tr>
<tr>
<td>No. of cases disposed of with observation</td>
<td>367</td>
<td>1192</td>
<td>1326</td>
<td>1115</td>
<td>1552</td>
<td>1850</td>
<td>310</td>
<td>1226</td>
<td>2502</td>
<td>2720</td>
<td>2530</td>
<td>2602</td>
</tr>
<tr>
<td>No. of cases under Examination/investigation</td>
<td>110</td>
<td>242</td>
<td>62</td>
<td>790</td>
<td>1999</td>
<td>2207</td>
<td>3445</td>
<td>3866</td>
<td>3410</td>
<td>3310</td>
<td>3400</td>
<td>3345</td>
</tr>
<tr>
<td>No. of cases in which recommendations made to the State Govt.</td>
<td>06</td>
<td>23</td>
<td>26</td>
<td>44</td>
<td>23</td>
<td>41</td>
<td>13</td>
<td>44</td>
<td>54</td>
<td>05</td>
<td>22</td>
<td>11</td>
</tr>
<tr>
<td>No. of recommendations made to the State Govt.</td>
<td>08</td>
<td>54</td>
<td>55</td>
<td>80</td>
<td>44</td>
<td>58</td>
<td>16</td>
<td>59</td>
<td>80</td>
<td>08</td>
<td>38</td>
<td>19</td>
</tr>
</tbody>
</table>

It is worthwhile to prepare a graphical analysis of the above drawn chart only in respect of (a) no. of complaints received in; (b) no. of cases disposed of with observation; (c) no. of cases in which recommendations made to the State Government and (d) no. of recommendations made to the State Government have been shown graphically to describe the overall success and failure regarding the functioning of the Commission.
In this figure, the no. of complaints received gradually increased and became 7558 in the year of 1999-2000. It gradually slumped, then increased till the year 2005-06 and, then, again declined to 6929 in 2006-07. So, it is clear from the above graph that incidents of violations of human rights had been on the rise during the concerned period.
It has been found from the above graph 2, that the no. of cases disposed of with observation reached the minimum level (310) in the year 2001-02, and reached the maximum level (2720) in the year 2004-05. After a little downswing, the figure became 2602 in 2006-07.
In the above graph in which recommendations were made to the State Government by WBHRC, the no. of recommendations made to the cases reached high level in the year 1998-99, and further, to 54 in 2003-04. Then it reached its lowest limit to 5 in the year 2004-05. However, it again increased, and then declined in 2006-07.
No. of recommendations made to the State Govt.

Hearing of a particular case by the Commission

I was present inside the hearing hall on 12.05.2011 when Chairperson and Hon’ble Member questioned the petitioners.

Name of the persons directed to appear before the Commission -

The Superintendent, Kishalay Home, Barasat.

Date and time of appearance - On 12.05.2011 at 12.00 noon.

File No. - 279/ WBHRC/ Com/08-09

Superintendent, Kishalaya, Barasat has sent a copy of letter dated 17-6-08 addressed to the Chairman, Child Welfare Committee, Kishalaya, Barasat, North 24 Parganas, informing that one Bijoy Shaw, 12 or 13 years old, escaped from Manabata Sikhyatan High School, Hridaypur on 16-6-08. He is a student of Class V and he used to attend that school from Kishalaya Home. It is stated that the name of his father, residing at Palangir, Dhanbad, Jharkhand, is Umesh Kumar Shaw.

Hearing:

Justice N. C. Sil has asked the question to the Superintendent whether there was any guard present with the boys while going to the school from Home. The Superintendent replied that there was no guard with them due to shortage of
staff at Home and they use to go to school like this. He also replied that he informed the concerned Government Department for the shortage of the staff.

The hearing of another case was settled to be executed on that day.

Name of the persons directed to appear before the Commission -

Smt. Ratna Basu, complainant.

File No. - 2069/ WBHRC /Com 08-09

Date and time of appearance - On 12-5-2011

A complaint was received the Commission by one Ratna Basu complaining against the Officer-in-Charge of Karaya P.S., A.K. Ghosh alleging that a local club named Netaji Sangha of 42/1, Broad Street, Kolkata-19. The petitioner also resides on the same lane opposite to that club. There is a long standing dispute between the petitioner Mrs. Bose and that club. The petitioner alleged that the Officer-in-Charge of Karaya P.S., A.K. Ghosh olans with the 'criminals' of the 'illegal' club to kill her fundamental rights of living provoking the criminals to give a false complain against her and her daughter. The concerned Police Officer spread dirty comment to higher authority to suppress her complaint against the criminals.
The petitioner, Ratna Basu was absent on that day. Justice Narayan Chandra Sil and Hon’ble Member, S. N. Roy opined that the character of the petitioner is suspicious and ordered that the case would not proceed further as the petitioner was not present.

West Bengal Human Rights Commission and Non-Governmental Organizations (NGOs) in the protection of human rights in West Bengal

Today the society is more or less violence striven. Concern with human rights cannot stop with the enunciation alone. NGOs are the voice of the people of the society. In order to carry the work of promotion of human rights, various non-government organizations (NGOs) have started the work in every part of the world. The role of NGOs in West Bengal is also very important so far as the protection of human rights is concerned. There are various NGOs working actively all over West Bengal. Some NGOs in the fields of human rights are:

1) Kazi Sadeque Hossain

   Asian Front of Human Rights

   1 – 155, Paharpur Road, P.O.- Gardenrich, Calcutta- 24.

   Ph. No.- 9830254994.
2) Kirity Roy

‘Masum’

26, Guitendal Lane,

Howrah – 1.

3) Committee for Protection of Democratic Rights (CPDR)

16A, Bijoygarh, Barrackpore,

P.O. – Nonachandan Pukur, North 24-Parganas.

City Office - 32/A, Sultan Alam Road,

Calcutta - 33 Ph. No. - 25925514.

4) Association for Protection of Democratic Rights (APDR)

18, Madan Baral Lane,

Calcutta – 12.

Ph. No. - 22376459.

Chapter III of the Protection of Human Rights Act, 1993 ensures functions and powers of the Commission (mentioned earlier in Chapter IV).

According to Section 12(i) of the said Act, ‘encourage the efforts of non-governmental organizations (NGOs) and institutions working in the field of human rights’ is one of the important functions of the West Bengal Human Rights
Commission. Main functions of these NGOs are to identify the areas of the violations of human rights through various representatives working all around the society. After the primary enquiry of the allegation, they generally sent the cases of the violation of human rights to the West Bengal Human Rights Commission. There are many cases that the Commission has received from various NGOs and enquired those cases and sent recommendations to the State Government. Examples of some cases of this type are cited below:

(i) A famous Government-registered Human Rights Organization, Committee For Protection of Democratic Rights (CPDR) has sent a petition on 12.06.09 to the Commission regarding an illegal detention of one Giasuddin Pailan by Police of Kasba P.S. without any arrest warrant.

The Commission received this petition and on 09.09.09 passed an order to call for a report from Superintendent of Police, Dist. – South 24 Parganas to be submitted within four weeks from the date of receipt of this communication. The process is under going on.


---

29

30
(ii) Government registered organization, Dakshin Damodar Citizens & Consumer Protection Centre (P.O.-Raina, Dist.-Burdwan, Pin-713421.), has sent a petition to the Commission on 20.05.09 regarding the indifference or inactiveness on the part of S.P. of Burdwan P.S. as after lodging complaint by Smt. Shyamali Mondal (Ghosh) on 11.03.09, no action was taken against one Tuffan Ghosh, resident of Jakta Village at Higlana.

The Commission received this petition and on 15.01.10 passed an order to call for a report from S.P., Burdwan, to be submitted within four weeks from the date of receipt of this communication.

[ source : File No.- 270/WBHRC/Com/2009-10 ]

(iii) Association for Protection of Democratic Rights (APDR), Nadia District Committee, lodged a complaint with the Commission that Krishna Ghosh who was a member of Village Resistance Group (R.G.), Tehatta, Nadia, had been shot dead by the SDPO, Tehatta, on the night of 4th April, 1997.

Pursuant to the orders of the Commission, DIG of Police, Murshidabad Range, submitted a report. The Investigation Branch of the Commission has also submitted a report. The Commission recommended that the Government should pay a sum of Rs. 25,000/- to Smt. Padma Bala Ghosh, the mother of

There are many cases that the Commission did not accept the petitions sent by different NGOs as those cases were not linked with the purview of the scope of the Commission. There are also many cases that the Commission had taken very low view about the activities of some NGOs. Below, one example of this type, may be cited :-

A case of torturing of a housewife by her husband and other members of her family. On 01.01.2005, one Smt. Kajal Rani Banerjee complained to the Commission that her daughter had murdered by her husband, Shri Nabarun Mondal and the members of his family. The police of Rishra P.S has not taken any steps after lodging complaint.

On 4th February 2005 Smt. Kajal Rani Banerjee has filed another complaint that one Tandra Saha has taken money repeatedly claiming that she is linked with the HRC. It was found that Smt. Tandra Saha is a Human Rights activist of a NGO - “Asian Front of Human rights.”
The role of Tandra Saha of “Asian Front of Human Rights” is highly condemnable as she had collected money which is not proper for a so-called Human Rights activist and belonging to a Human Rights NGO.

[ source : File No.-3932/WBHRC/Com/04-05 ] 32

In a meeting on 23.08.07, the-then Chairperson justice Shyamal Kumar Sen and other Members had taken a negative approach about the activities of some NGOs. Comments of the Commission are cited below :

“In view of other cases as well it has also come to our notice that some of these Human Rights NGOs like Asian Front of Human Rights play dubious role in lodging complaint and how it is established that they collect money in lieu of services rendered and or otherwise. it is high time that activities of such Human Rights NGOs are properly scrutinized before taking them seriously.” 33

There are various NGOs who had also critical to the activities of the Commission. On 18.04.2011, at a Press Conference, the Secretary of a famous Bengal based Human Rights NGO—“Masum” criticized the role of WBHRC saying that there is no existence of Human Rights Commission visually. He was critical of the existing structure of the WBHRC and also raised the fact that the State Government has not been able to find an ex-chief justice of High Court as an
Chairperson of the WBHRC. He also critical of the fact that to lodge any complaint to the Commission takes 5 to 6 months and there is no annual report has published for a long period. 34

It must be stated that a healthy cooperation or coordination of the functioning is needed between the Human Rights NGOs and the West Bengal Human Rights Commission for the sake of protection and promotion of human rights of the society. We do sincerely believe that if all the human rights organizations - governmental and non governmental as well - can work freely to protect human rights and if there is a sound co-ordination among their works and even if all concerned namely governments, organizations, people and individual are carefully conscious and energetically eager to maintain and protect the human rights of the Indians, the baffling barriers to the human rights may be removed and the rights may be preserved from denial and violation. So let's hope the better to the best indeed.

NHRC & WBHRC in the protection of Human Rights

The Protection of Human Rights Act, 1993 has amended by the Protection of Human Rights Amendment Act, 2006. Article 13(6) of the Human Rights Amendment Act says that where the National Human Rights Commission considers it
necessary or expedient so to do, it may, by order, transfer any complaint filed or pending before it to the State Commission of the State from which the complaint arises, for disposal in accordance with the provisions of this Act. Provided that no such complaint shall be transferred unless the same is one respecting which the State Commission has jurisdiction to entertain the same. sub-Section (7) of the Human Rights Amendment Act says that every complaint transferred under sub-section (6) shall be dealt with and disposed of by the State Commission as if it were a complaint initially filed before it. 35

There are many cases that the NHRC has transferred to the WBHRC for disposal in accordance with the provision of the Act. Example of some such cases :-

(i) Complaint No. - 449 of 2009-2010

   Name of the complainant - Bebi Begum
   Complaint lodged against - Police (Ratna P.S.)
   Nature of complaint - inaction of police
   Date of receipt of complaint - 09.07.2009
   Date of admission, if any - 21.10.2009.
This is a case of a poor and helpless lady who has a very small mango orchard in Malda. But some antisocial were trying to pluck and took away mangoes forcibly and after raised protest they mercilessly assaulted her two sons. The Police turned a deaf ear to my complaint and drove away from the Police Station with a threatening that they would be implicated in false cases if she approached the Police Station. No case has yet been started by the police.


Name of the complainant - Shri Sanat Halder.

Complaint lodged against - Police (Falta P.S.)

Nature of the complaint - Illegal torture, harassment done by Police Officer

Date of receipt of complaint - 17.06.2009.

Date of admission, if any - 15.09.2009.

This is a case regarding a family dispute and claimed a false statement, the Police Officer of Falta P.S. assaulted him and took a photo and fingerprints forcibly and threatened him to arrest him as a decoit.

(iii) Complaint No. - 283 of 2009-2010.

Name of the complainant - Ansar Hossain & others.

Complaint lodged against - Mr. Papindar Singh, Randhawa of Beniapukur P.S.
Nature of the complaint - mental torture, harassment done by a Police Officer.

Date of receipt of complaint - 05.08.2009.

Date of admission, if any - 15.09.2009.

This is a case of mental torture by Police Officer, as a result, his wife fell sick. Unparliamentary language was used by the Police Officer in front of small kids, thereby damaging her respect in front of them. 36

Some Cases which are pending before the Commission

It has already stated that after the thirteenth annual report of 2006-07, no annual report has been published from WBHRC. There are naturally a large number of cases that have been pending during six or seven years. Examples of some such cases that have been waiting for placing Legislative Assembly and for taking steps by the State Government:

(i) On 17.11.05 NHRC (Custodial Death Cell) has sent a case, No.- 399/25/2005- 06-CD to the WBHRC regarding custodial death of Mojammel Sk., son of Late Lal Mohammad Sk. who was lodged in Central/District jail, Berhampore, Murshidabad, West Bengal on 27.09.05. He died inside Berhampore Central Correctional Home within male ward.
The Commission recommends that -

(a) Sri Kalyan Kr. Pramanik, Addl. Inspector General of Correctional Services (West) be cautioned properly; and

(b) Such caution be recorded in his service book.

[ File No.- 2320/WBHRC/Com/2005-06 ]

(ii) A case relates to an incident reported in various daily newspapers on 1st September, 2006 of this State wherefrom it appears that a thief named Yogi Rava was put into a cage meant for the animal, who was alleged to have been caught red handed at the time of stealing forest logs in Jalpaiguri. Yogi Rava was kept inside the cage meant for animal from 8 a.m. to 4.00 p.m.

WBHRC under the Chairpersonship of S.K. Sen recommends -

(a) Departmental proceedings be initiated against Prithi Chhetri, orderly Peon, Nimati Range Office and action be taken against him in accordance with law.

(b) Adequate interim compensation be paid to the said accused Yogi Rava by the Government and the same be appropriated from Prithi Bdr. Chhetri. The Government should intimate the Commission within a period of two months as to the action taken or proposed to be taken in this regard.

[ File No.- 822/WBHRC/Com/2006-07 ]
(iii) The Commission received a complaint from one Pulak Ranjan Ghosh, Bosepara Road, Kolkata – 700008 on 21.05.2010 alleging that Dibyendu Banerjee, I.C., Thakurpukur P.S., S.I. Kalidas Dutta and Subrata Ganguly, Dy. S.P. (Town) had harassed and humiliated, abused and threatened him and demanded and compelled him to pay a bribe of Rs 2 lakhs

The Commission recommends -

(a) The disciplinary proceedings be drawn up against Dibyendu Banerjee, I.C. of Thakurpukur P.S.

(b) disciplinary proceedings be drawn up against S.I. Kalidas Dutta.

(c) Compensation to the tune of Rs.30,000/- be provided to each of the 3 victims - Pulak Ranjan Ghosh, his son and Tapan Mondal. Rs. 90,000/- be recovered from the salaries of I.C. Dibyendu Banerjee and S.I. Kalidas Dutta.

@ Rs. 60,000/- in respect of I.C. Dibyendu Banerjee and Rs. 30,000/- in respect of S.I. Kalidas Dutta.

(d) C.I.D. be instructed to investigate the case and take appropriate steps for initiation of criminal proceedings against I.C. Dibyendu Banerjee and S.I. Kalidas Dutta under relevant provisions of the law.

The Government should inform the Commission within a period of two months from the date of receipt of the recommendations as to the action taken or proposed to be taken in this regard. 37
Effectiveness of the West Bengal Human Rights Commission

So far as effectiveness of the functioning of the West Bengal Commission is concerned, there should have some measurements -

Time is closely related with giving justice. Justice becomes valueless when a victim has to wait for a long period of time for justice. The Commission receives a complaint, enquires into it, recommends it to State Government and after placing it to the Legislative Assembly, ultimately the State Government takes step. The whole process of protecting human rights through the State Commission takes a long period of 5 or 6 years.

According to the Act, the West Bengal Human Rights Commission is mainly investigatory and recommendatory organization to protect human rights. It is the State Government to take the steps against any public servant or Government official for the protection of human rights. How much the State Government is really active to open the misdeed or corruption of its ‘servants’ is another question. But a pertinent question may be raised in this regard that the effectiveness and the neutrality of the functioning may be hampered while depending upon the State Government to protect the human rights.
The functioning of the Commission is reflected through publishing its annual reports every year. But a gap has been continuing and also has been increasing in this regard. Till date (the 30th April, 2011) the latest thirteenth annual report of 2006-2007 has published which is the reflection of functionary of the Commission of the year at 2005-06. So, the people of West Bengal is in darkness about the nature of complaints received by the commission from 2006 and in a situation where massive violations of human rights has been occurred in different parts of the state and also the decisions taken against those.

West Bengal is sometimes considered as the motherland of the violation of human rights. This situation can be linked directly to the failure of the objective of the commission to spread human rights education throughout the society and also to encourage the NGOS to protect and promote the human rights. The massive violations of human rights in the society may be raised finger to the objective of the formation of State Commission in West Bengal.

Recently, a lot of grievances has been received by the Grievance Cell of new Cabinet of Ministers in West Bengal on the ground that the Judges cannot be able to judge the allegations properly according to the “Family Prevention
Act”. It is required a special training to execute this said Act. Same can be said regarding the judges of the WBHRC for the speedy and proper judgment of the cases.

To improve the conditions of the undertrial prisoners is one of the objectives of Human Rights Act. It is regret to say that the death and torture upon the undertrial prisoners are very common in West Bengal. We can cite an example of a political prisoner, Durga Baske, a farmer of Midnapur who had died on April in the year of 1978 in Berhampur Jail. In the August of 1977, an order was passed to release the said prisoner, but unfortunately, that order was not received by the jail authority due to red tape.

After a long period of time the political power in West Bengal has been transferred to a new set of political leaders. It is declared in the Manifesto of the ruling TMC that the new Chief Minister of West Bengal, Mamata Bandopadhyay, is willing to stress on the democratic environment and also on human rights of the people. It is also declared that a Review Committee will be established to examine the conditions of undertrial prisoners and to take step to release the political prisoners in different district jails as soon as possible.
The new Chief Minister of West Bengal has been taking several development programmes to uplift the conditions of the people of ‘jungle mahal’ instead of crushing their agitation rudely. It is hoped that the environment conducive to the protection and promotion of human rights will be established through the peaceful steps of development and humanism.
NOTES


12. “Girl chasers stab boy to death, DM’s guards 100m away refuse to step in”, The Telegraph, Wednesday, February 16, 2011.


15. West Bengal Human Rights Commission (Procedure) Regulations.

16. First Annual Report, WBHRC.
17. Second Annual Report, WBHRC.
18. Third Annual Report, WBHRC.
19. Fourth Annual Report, WBHRC.
20. Fifth Annual Report, WBHRC.
21. Sixth Annual Report, WBHRC.
22. Seventh Annual Report, WBHRC.
23. Eighth Annual Report, WBHRC.
24. Ninth Annual Report, WBHRC.
25. Tenth Annual Report, WBHRC.
26. Eleventh Annual Report, WBHRC.
27. Twelfth Annual Report, WBHRC.
28. Data collected from the Annual Reports of the WBHRC.
30. Data collected from the Office of the WBHRC.
31. Ibid.
32. Ibid.
33. Ibid.
34. Sambad Pratidin, 19th April, 2011.
36. Data collected from the Office of the WBHRC.
37. Ibid.