

West Bengal Human Rights Commission
Bhabani Bhavan, 2nd Floor, Alipore, Kolkata - 27.

1022/WBHRC/Com/11-12
Date : 11.07.2013

Present :.

1. Justice Asok Kumar Ganguly .. Chairperson
2. Justice N.C. Sil .. Member
3. Shri S.N. Roy .. Member

1. This is to consider an application of International Secretariat of the World Organisation Against Torture alleging Police torture upon Dhiren Mahato of Paschim Medinipur. It is also stated in the petition that on 17th July 2011 the members of the Joint forces along with Border Security Force, Central Reserve Police and state Security Forces surrounded the market and started interrogating the people when Dhiren Mahato was reportedly forced to enter their vehicle. At that time when Dhiren Mahato refused to enter the vehicle, the Security forces allegedly beat him all over his body with lathi. He was thereafter taken to Joint Forces Operation Station without any arrest memo and also without informing him the reason of his arrest. It was also alleged that Dhiren Mahato was beaten at the said operation station. After two days the members of the family of Dhiren Mahato tried to locate him but the Police at Manick Para Outpost and also at Jhargram denied the arrest. On 19th July, 2011 Dhiren's mother submitted a complaint before Sub-Division Office, Jhargram for the illegal detention of her son and it was only thereafter on the same day, Dhiren's family came to know that he had been produced by Jhargram Police before the Court of Additional Chief Judicial Magistrate, Jhargram on the accusation of being Maoist activist in a pending criminal case.

2. On receipt of that complaint, this Commission directed the S.P. Paschim Medinipore to cause an enquiry and to submit his report within three weeks from the date of this communication. Thereafter the report was submitted and it appears that one Sumit Kumar, SDPO, Jhargram enquired into the matter and submitted his report to the SP Paschim Menidinipore which was forwarded at this end. As there was absolutely nothing in

the report of Sumit Kumar as regards the serious allegations made in the complaint, the report was placed before the Commission for discussion. And after discussion the said Sumit Kumar was directed to appear before the Commission to make his statement. The said Sumit Kumar appeared after two dates were given to him, of course, on intimation.

3. At the time of his examination he was asked as to whether he had gone through the petition of complaint which was answered in the affirmative. When he was asked again as to whether he had dealt with the allegations made in the petition of complaint he simply stated "I enquired into the case and submitted my report before S.P. Jhargram district." Thereafter when there was no clear answer from him he was again asked by the Commission in the form of a question which reads as under :

"Q :Does your report reflect that you have dealt with all the allegations made in the complaint?"

Ans : (the witness started pondering over the answer)

I have checked official records and reported accordingly.

4. Thus, from the evidence of the witness Sumit Kumar, subsequently posted as Addl. S.P. Jhargram, it is abundantly clear to the Commission that he is a recalcitrant Police officer to realise that he did not deal with the allegations made in the complaint. In this connection we would like to quote the exact report of Sumit Kumar which reads as under :

"In connection with the above reference I beg to state that the matter was enquired and during enquiry it is revealed that accd. Dhiren Mahato S/o Lt. Suren Mahato of Nuniakundri P.S. Jhargram was arrested by Jhargram Police on 19.07.11 in c/w Jhargram P.S.A Case No.32/2011 dt. 06.02.11 u/s 342/364/511/307/379/506 IPC and 25/27 Arms Act and forwarded before Ld. Court, Jhargram on 19.07.11. S.I. Santanu Mishra of Jhargram P.S. is IO of the case."

5. The report vis-à-vis the allegations made in the complaint clearly indicates that Sumit Kumar did not at all deal with the allegations made in the petition of complaint. The report submitted by Sumit Kumar is not only absolutely perverse and perfunctory but his attitude and demeanour at the time of giving evidence before this Commission do not appear to be tenable at all. He appeared to be determined to frustrate all efforts of the Commission to ascertain the veracity of the allegations made in the complaint regarding violation of human rights of the victim. The Commission highly deprecates such action and attitude of Sumit Kumar at the time of giving his evidence before the Commission.

6 It is, therefore, recommended that :

(i) Sumit Kumar, IPS now Addl S.P. Jhargram be accorded punishment by way of 'censure' in terms of the observations made by the Commission above. Such 'censure' should be recorded in his service book.

7. The Govt. should inform the Commission within a period of two months from the date of receipt of these recommendations as to the action taken or proposed to be taken in this regard.

sd/-
(S.N. Roy)
Member

sd/-
(Justice N.C. Sil)
Member

sd/-
(Justice Asok Kumar Ganguly)
Chairperson

Dated Kolkata, the 11th July, 2013.

Comments of the State Government will be uploaded as and when received.

Sd/- (11/07/2013)
(J. Sundara Sekhar)
Secretary & CEO