

WEST BENGAL HUMAN RIGHTS COMMISSION

File No.662/WBHRC/COM/2012-1013
and
No.03/WBHRC/IW/12-13

P r e s e n t

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

The Commission received a complaint on 18th June, 2012 from Bharatiya Janata Party regarding death of Late Rambrij Chowdhury after he fell ill in Lalbazar police custody. It was alleged in the said complaint that on 31st May, 2012 the N.D.A. had called Bharat Bandh. Ninety two protestors were arrested from various points in Kolkata. They were taken to custody from 8 a.m. and were released at about 8.10 p.m. from Lalbazar. During the detention in the police lockup, they were kept in three cells having two pedestal fans in the scorching heat and it was also alleged they were not provided drinking water and food. It was further alleged that

as a result of this mal-treatment, Late. Rambrij Chowdhury, aged 68 years started vomiting after release and he was taken to the hospital and ultimately he expired on 01-6-2012 at 5.30 p.m. It was alleged in the complaint that the death was due to cerebra vascular accident, a secondary effect of dehydration.

2. The Commission took cognizance of the complaint and called for a report from the Commissioner of Police, Kolkata. In the report of the Commissioner of Police, the allegations were not substantiated.

3. It was stated in the report of the Commissioner of Police, Kolkata that altogether 96 BJP leaders/supporters were arrested from different parts of the city and brought to the central lockup at Lalbazar. The Medical Officer, Central Lockup checked the physical condition of all the arrested persons. In course of medical check up none of the arrested BJP leaders and supporters was found sick by the doctor. In the Central Lockup four big pedestal fans were provided and adequate supply of pure drinking water for the detainees was arranged. Day meals were served to them at 1400 hrs., tea and biscuits were served three times. Finally, they were released from the Central Lockup at 8.05 p.m. and none of the arrested persons reported himself to be sick or ill. At the time of release of the arrestees from the lock up, M.O., Central Lockup was present.

4. It was further stated in the report of the Commissioner of Police that in course of enquiry and the relevant records of the hospital it transpired that Rambrij

Chowdhury had history of cerebro vascular accident “massive infra cerebra”. Since there was no complaint from the concerned patient party or from any corner whatsoever, the dead body of Rambrij Chowdhury was handed over to his relative, Hiralal Chowdhury for performing his last rites without holding the post mortem examination.

5. The Commission considered the report of the Commissioner of Police, Kolkata and in view of the report that the allegations had not been substantiated, the Commission did not intend to proceed further in the matter. However, the Commission directed the D.G. & IGP of this Commission to personally inspect the conditions of the Lalbazar police lockup. Accordingly, D.G.&IGP went and inspected the Central Lockup, Lalbazar and submitted a detailed report to the Commission. In his report, he found that on the whole, the lockup was spacious and well kept. However, it appears from the report of the D.G & IGP that State Government pays Rs.14/- per meal and Rs.3.75 for tea and biscuits to each detainee in the lockup.

6. The Commission considers that the amount allotted for meal and tiffin of each inmate is inadequate and requires to be raised. The Commission, therefore, recommends that the rate per meal per detainee in the lockup be raised to Rs.25/- from the present level of Rs.14/-. For tea and biscuits, entitlement should be raised to Rs.10/- per inmate for serving them tea twice.

7. The Government should intimate the Commission about the action taken or proposed to be taken on the recommendation within a period of eight weeks from the date of communication.

sd/-
(S.N. Roy)
Member

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

sd/-
(Asok Kumar Ganguly)
Chairperson

Date: Kolkata, the 16th April, 2013

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

Sd/- (16/04/2013)
(J. Sundara Sekhar)
Secretary & CEO