



# WEST BENGAL HUMAN RIGHTS COMMISSION

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Ref. No. 778/WBHRC/COM/680/13-14

Date: 22/01/15

## Recommendations No. 11 & 12/14-15/WBHRC/COM/450/13-14

From: Shri Laima Chozah, IAS  
Secretary & CEO and Principal Secretary to  
the Government of West Bengal

To: The Chief Secretary,  
Government of West Bengal  
NABANNYA  
325 Sarat Chatterjee Street  
Howrah, PIN- 711 102,

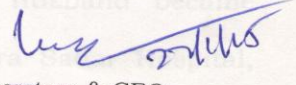
Sir,

I am directed to enclose herewith an authenticated copy of the recommendations dated 22.01.2015 made by the West Bengal Human Rights Commission alongwith enquiry reports in connection with a complaint of Smt. Piyali Rajbhar, w/o Rambabu Rajbhar, Jhulania More, Bansberia, P.S. Mogra, Dist- Hooghly. The recommendations are self-explanatory.

Action taken or proposed to be taken by the Government on the recommendations may please be intimated to the Commission within two months from the date of communication.

Enclosure: As stated above.

Yours faithfully

  
Secretary & CEO

Authenticated



Laima Chozah, IAS  
Secretary, CEO  
West Bengal Human Rights Commission  
Principal Secretary to the Government of West Bengal

West Bengal Human Rights Commission,  
Purta Bhavan, 2<sup>nd</sup> Floor, Salt Lake, Kolkata – 700 091.

File No. 650/WBHRC/Com/13-14

Present

- |                             |                    |
|-----------------------------|--------------------|
| 1. Shri Naparajit Mukherjee | Acting Chairperson |
| 2. Shri M. S. Dwivedy       | Member             |

Recommendation in connection with the incident at Hooghly District Correctional Home on 11.03.2013 on the complaint lodged by Smt. Piyali Rajbhar dated 15.05.2013.

One Smt. Piyali Rajbhar, wife of Rambabu Rajbhar of Jhulunia More (South Basti), Bansberia, PS-Mogra, Dist. Hooghly filed a petition dated 15.03.2013 to the Hon'ble Chairman, West Bengal Human Rights Commission on 22.03.2013 to the effect that her husband was in jail custody in Hooghly District Correctional Home in connection with Pandua PS Case No. 65/13 dated 20.02.2013 under Sections 25/27 Arms Act.

2 On 11.03.2013(Around 17:00 Hrs) Jail Superintendent, Jailor along with Jail Police Indrajit, Abbu, Jailor Saheb Nayan and 10/12 others assaulted her husband namely, Rambabu Rajbhar. As a result her husband became senseless and subsequently he was admitted to Imambara Sadar Hospital, Chinsurah on 11.03.2013 and was discharged on the very next day allegedly forcibly at the instance of the officer of the Correctional Home who took his (Rambabu Rajbhar) signature forcibly on a plain sheet of paper.


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3 The Hon'ble Chairperson took cognizance of the case and called for a report from the ADG-Correctional Services. The report submitted by the IG-Correctional Services stated that on 11.03.2013 electrical work by PWD authorities were being conducted inside the Hooghly District Correctional Home and as lock up hours was approaching the on duty warder Abu Basar Dafadar asked the inmates to get inside the respective wards for proper counting before lock-up. The inmates of ward No. 8,9 and 10 refused when the warder Abu Basar Dafadar attempted to push them inside the common enclosure of ward No. 7 to 11. This action created strong resentment among the prisoners who became agitated and entered into scuffling. Two UTPs, namely, Md. Hadis @ Guddu and Rambabu Rajbhar took the lead role and about 10 UTPs tried to overpower the on duty warder Abu Basar Dafadar. Subsequently, other warders including the head warder Ram Kishore Missir and the Chief Controller Nayan Ranjan Chakraborty rushed to the spot and managed to control the situation. The 2 UTPs, namely, Md. Hadis @ Guddu and Rambabu Rajbhar were taken out of their respective wards for keeping at cell block as per order of the Chief Controller. The Head Warder Ram Kishore Missir went to bring the master key of the special cell and kept these two inmates under custody of Warder Gouranga Halder. Meanwhile, both the UTPs were assaulted by lathis by three warders namely, Abu Basar Dafadar, Indrajit Biswas and Sandip Das in absence of the Head Warder Ram Kishore Missir for their taking lead role in the agitation. Following this the prisoners became agitated within the wards witnessing the assault of the UTPs and burnt their blankets and threw "chapattis". The Chief Controller ordered for Alarm at 06:45 p.m. On intervention of an Executive Magistrate the situation was brought under control.

4 Both the UTPs were treated by the Medical Officer of the Correctional Home and the UTP Rambabu Rajbhar was sent to outside hospital for better treatment. A case bearing No. 67/13 dated 11.03.2013 was registered at Chinsurah PS. Meanwhile Departmental Proceedings were initiated against

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Abu Basar Dafadar, Indrajit Biswas and Sandip Das vide No. 624/EB(A) dated 10.10.2013 who were subsequently transferred to Dum Dum Central Correctional Home from Presidency Circle.


5 The report of the IG-Correctional Services were put up before the full Bench of the Commission when the following queries were raised for further clarification:

- (a) What injuries were sustained by the UTP Md. Hadis @ Guddu and Rambabu Rajbhar? and their injury reports be submitted.
- (b) Whether the petitioner Smt. Piyali Rajbhar was examined and her statement recorded?.
- (c) According to the petitioner's allegations her husband Rambabu Rajbhar was admitted at Imambara Hospital. Has this been verified? Copies of hospital records be sent.
- (d) Why were departmental proceedings started against Abu Basar, Indrajit Biswas and Sudip Das ? What are the charges ?

6 These clarifications were called for from the ADG-Correctional Services. He replied that so far as the examination of the petitioner and recording statement of Smt. Piyali Rajbhar are concerned the same cannot be done by the Correctional Services officers and requested the Investigating Wing of Hon'ble State Human Rights Commission to do the same. However, he supplied Medical Officer's report of UTP Rambabu Rajbhar and the charges in connection with the Departmental Enquiry against the three named warders.

7 The Commission ordered its Investigating Wing to conduct enquiry and their enquiry report is enclosed for ready reference. On the first point i.e. nature of the injuries sustained by UTP Md. Hadis @ Guddu and Rambabu Rajbhar, the Investigating Wing of the Commission examined the Medical Officer of Hooghly District Correctional Home who stated that Md. Hadis alleged that he was assaulted by some staff and on examination found swelling of left side forearm and left elbow. Regarding Rambabu Rajbhar who was

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unable to speak at the time of medical examination it was found that he was assaulted by some staff and found on examination bruise on both sides of loin and on left side of forearm. He was admitted at State General Hospital Hooghly on 11.03.2013 and discharged on 12.03.2013.

8 The Investigating Officer of State Human Rights Commission visited the residence of Smt. Piyali Rajbhar but her mother-in-law Smt. Sushila Devi stated that Piyali was not residing with her and she does not know her present whereabouts. She also added that her son Rambabu Rajbhar was murdered on 09.09.2014 and his body was recovered near Bandel Church under Chinsurah PS. Regarding point No.(c ) about the admission of Rambabu Rajbhar at Imambara Hospital it was verified that he was admitted on 11.03.2013 and was discharged on 12.03.2013. Regarding point No. (d) the reason for starting departmental proceedings against warders Abu Basar Dafadar, Indrajit Biswas and Sandip Das - the charges against them was mishandling, negligence, in handling of the situation and causing hurt to UTP Rambabu Rajbhar and Md. Hadis @ Guddu.

#### **Recommendation**

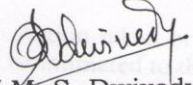
- (a) The Commission however, on examination the report submitted by the ADG-Correctional Services as well as the Investigating Officer of the Commission came to the conclusion that the three warders, namely, Abu Basar Dafadar, Indrajit Biswas and Sandip Das were negligent in the conduct of their duties and were responsible for beating up the two UTPs

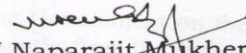
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which led to serious law and order situation inside the Correctional Home premises.

- (b) In view of the injuries sustained by the two UTPs, the Commission recommends compensation of Rs. 12,000/= (Rupees Twelve thousand) each to the wife of Rambabu Rajbhar Smt. Piyali Rajbhar (Since Rambabu Rajbhar has been murdered) and to Md. Hadis @ Guddu deducting Rs. 8,000/- from the salary of each of warders Abu Basar Dafadar, Indrajit Biswas and Sandip Das.
- (c) The ADG-Correctional Services has taken a good decision in starting departmental proceedings against the three warders and it is requested that the result of the departmental proceedings be communicated to the Commission in two months time.
- 9 The action taken report may kindly be communicated to the Commission.

  
(M. S. Dwivedy)  
Member

  
(Naparajit Mukherjee)  
Acting Chairperson

22/1/2015

Dated: 22nd January, 2015

- Encl: A) Report of the IG-Correctional Services  
Vide Memo No, 4320/HRC-101/13 dated  
31.10.13
- B) Report of DIG(A) of Correctional Services  
Vide Memo No. 2227/HRC-101/2013 dated  
22.04.2014.
- C) Enquiry Report of ADG-Investigating Wing of SHRC  
Submitted by Sri Tarak Chandra Paul, Inspector of Police  
dated 03.12.2014

SDB

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