



WEST BENGAL HUMAN RIGHTS COMMISSION

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Ref. No.

No. 1123 WBHRC/09/SMC/2019

Date:

dated 26.07.2019
30.7.19

Recommendation No 06 & 07/WBHRC/2019-20/09/SMC/2018

From: Shri Laima Chozah IAS,
OSD & Ex-officio Principal Secretary & CEO.

To: The Chief Secretary
Government of West Bengal
NABANNA
325, Sarat Chatterjee Road
Mandirtala, P.O.- Shibpur,
Howrah-711102

Sir,

I am directed to send herewith an authenticated copy of the Recommendations dated 22.07.2019 in connection with a news-item dated 09.02.2018 published in the ANANDA BAZAR PATRIKA captioned as made by the West Bengal Human Rights Commission alongwith enclosures for taking necessary action. 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 4(four) months.

Yours faithfully,

OSD & E.O. Pr. Secretary & CEO.

WEST BENGAL HUMAN RIGHTS COMMISSION

File No.09/WBHRC/SMC/2018

P r e s e n t

1. Mr. Justice G.C. Gupta - Chairperson
2. Mr. N. Mukherjee - Member

A news item appeared in Anandabazar Patrika dt.9th February, 2018 under the caption “থানা থেকে বার হলেই ছিড়ে খাব”. According to the news item a lady was travelling by an Auto Rickshaw (from Usha to Garia) when she was subject to physical harassment by the auto driver. She was threatened after she came out of the Police Station by a group of people including the auto driver.

2. The Commission took, suo motu, cognizance of the matter and called for a report from Commissioner of Police, Kolkata on 12/2/2018.

3. The Commissioner of Police, Kolkata submitted an enquiry report on 06/04/2018 to the Commission in which he stated that on 07/2/2018 a complaint

Authenticated

N. C. Sarkar
26.7.19

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Assistant Secretary

W.B. Human Rights Commission

was received at Netajinagar P.S. from one Namita Dutta resident of A-11, Northern Park, Brahmapur, P.S.Bansdrani, Kolkata – 700070 alleging that one

Iman Ali Khan resident of Narendrapur P.S.Sonarpur was the driver of Auto No.WB-19D-6699 in which she was travelling from Usha More to Garia More along N.S.C. Road. Her son, Soumya Dutta was also travelling with her and sitting in the rear seat of the auto rickshaw. She further alleged that while she was travelling in the auto rickshaw sitting beside the driver, the auto driver outraged her modesty by physically touching her. On the basis of her complaint Netaji Nagar P.S. Case No.40 dt.07/02/2018 u/s 354 IPC was started and the auto driver was arrested on 07/2/2018 at about 21.25 hrs. The accused person was on Court bail till 07/7/18 on orders of Ld. Court. The allegation in the news paper item dt.09/2/2018 to the effect that "Thana theka bar holey chire khabo" could not be substantiated during the course of enquiry and the victim lady did not mention anything to this effect in her FIR. However, she mentioned that on 07/2/2018 around 21.15 hrs. one FIR named accused, namely, Kalo of Roy Nagar, P.S.Bansdroni had threatened the victim lady with dire consequences and had made derogatory remarks. On the basis of her statement another case, namely, Netaji Nagar P.S. Case No.42 dt.08/2/2018 u/s 506/509 IPC was started. The F.I.R. named accused Kalo is on Court bail till 19/6/2018 and the investigation was in progress. The statement of the victim lady was recorded u/s 164 Cr.P.C. by Ld. Magistrate wherein she did not make any allegation of mass threatening in front of the P.S. as mentioned in the news item.

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4. The Commission, vide its order dt.25/7/2018 called for a status report of investigation from the Commissioner of Police, Kolkata. The Commissioner of Police, Kolkata submitted a report of Siddhartha Banerjee A.C.I, South Suburban Division, Kolkata to the Commission received on 03/10/2018 which stated that Netaji Nagar P.S. Case No.40 dt.07/2/2018 u/s 354 IPC ended in charge sheet no.34 dt.02/3/2018 whereas the other case, namely, Case No.42 dt.08/2/2018 u/s 506/509 IPC ended in charge sheet no.131 dt.27/7/2018 against the accused persons.

5. The Commission duly considered the report submitted by the Commissioner of Police, Kolkata on the news item of Anandabazar Patrika dt.09/2/2018 and after due consideration the Commission makes following recommendations :

i. The Commission recommends that the Commissioner of Police, Kolkata be directed to take action u/s 19(c) of Central Motor Vehicles Act – power of licensing authority to disqualify from holding a driving licence or revoke such licence in view of the fact that the Dy. Commissioner of Police (Traffic), Kolkata Police has been declared as the licensing authority under Rule 3 of West Bengal Motor Vehicle Rules, 1989 – license authority.


ii. A direction be given to all licensing authorities that in such cases / eventualities they should initiate proceedings for revocation of licence of offending drivers.

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6. The Principal Secretary, W.B.H.R.C. is directed to send a copy of recommendations to the Chief Secretary, Govt. of West Bengal for appropriate action at his end and action taken report be sent by Government to the Commission within four months time.


(Justice G.C. Gupta)
Chairperson

Dt :22/07/2019


(N. Mukherjee)
Member
22/7/2019

Encl: Copy of news item dt.09/2/2018.
Copy of reports of Commissioner of Police, Kolkata.

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