



WEST BENGAL HUMAN RIGHTS COMMISSION

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Ref. No.

Date:

Recommendation No 19,20,21,22 &23/WBHRC/20-21/193/SMC/2017

From: Shri Suresh Chandra Hira, WBCS(Exe),
Jont Secretary & Addl. Charge of 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 10.02.2021 in connection with News-item dated 04.07.2017 published in the "STATESMAN" 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 3(Three) months.

Yours faithfully,

12/2/2021

Joint Secretary &
Addl. Charge of Secretary & CEO.

WEST BENGAL HUMAN RIGHTS COMMISSION
Purta Bhavan, 2nd Floor, Salt Lake, Kolkata – 700 091.

File No. 193/WBHRC/SMC/2017

Present

- | | |
|---------------------------------|-------------|
| 1. Justice Girish Chandra Gupta | Chairperson |
| 2. Shri Naparajit Mukherjee | Member |

The West Bengal Human Rights Commission took Suo Motu cognizance on 4th July 2017 on the basis of a news item published by the Statesman on the same day (4 July 2017) under the caption “disabled woman, uncle kicked off train by GRP personnel”. The Superintendent of Railway Police, Siiguri was directed to furnish a detailed report on the incident by 25th August 2017.

The Commissioner for persons with disabilities, West Bengal was also directed to furnish a detailed report to the commission by the aforesaid 25 August 2017. The said commission by a letter dated 5 July 2017 directed the same Superintendent of Police, to enquire into the matter thoroughly for taking remedial measures.

In pursuance of the aforesaid Sri Narayan Chandra Mandal Deputy Superintendent of Police appears to have been entrusted with the enquiry into the matter. He submitted a report dated 17 July 2017 to the Superintendent of Police GRP, Sealdah.

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The Assistant Commissioner (Disabilities) West Bengal by a letter dated 17

August 2017 requested the Superintendent of Police, GRP, Sealdah, “to take precautionary measures for the protection of the rights of the persons with disabilities so that no such incident happen in any form anywhere and all the public facilities and services for the persons with disabilities are ensured with high support”

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Joint Secretary
Govt. of West Bengal
W.B. Human Rights Commission

The state Commission for the persons with disabilities by letter dated 18 August 2017 communicated to the WBH RC a copy of the report dated 17 July 2017 and a copy of the letter dated 17 August 2017 for perusal.

On 26 March 2019 sub- inspector Mr S N Das and the constables C/899 Asim K Bag and C/562 Mani Mohan Ghosh were examined. Before examining the statements of the aforesaid persons it would be apposite to briefly notice the allegations appearing from the news item which were as follows:-

"Siddiqa Parvin..... whose treatment was arranged by the Chief Minister Mamata Banerjee at the SS KM hospital in Kolkata alleged that she and her uncle was forced to get down from Gour express Link train last night by GRP Kolkata personal from the coach for disabled people despite possessing a disabled certificate"

The Sub- Inspector S N Das admitted that "there had been some chaos in the handicapped compartment. He, however, "did not see Siddika Parvin or Mukhtarul Islam at the time of occurrence or subsequently at Malda railway station. Had Siddiqa Parveen been requested to travel to Sealdah by the police personnel, I would have definitely seen her either in the compartment or in front of the compartment. This matter was not reported to the guard of train (railway employee).

Authenticated We have not diarised this incident either at Malda GRP or at Sealdah GRP"

The constable C/562 M M Ghosh stated that "the altercation took place between Mokhtarul Islam and constable C/899 Ashim Kumar Bag within my hearing..... objection was raised because the handicapped, Parveen Siddiqa used to be accompanied by her father. She was not seen being accompanied by Mokhtar rule Islam in the past. That is why objection was raised.

Constable C/899 Ashim Kumar Bag also knew Siddiqa Parveen as he used to travel frequently by Gour express.

At a later stage of altercation Siddiqa Parveen disclosed that Mokhtarul Islam was her maternal uncle..... it is a fact that handicapped woman Siddiqa Parveen and Mokhtarul Islam did not travel by the down Gour express after this incident.”

Constable C/899 Ashim Kumar Bagh admitted that “it is a fact that the handicapped woman and her companion detrained after I asked them to do so”. He also admitted that “then I asked the disabled woman as to who was with her. She told me that she was accompanied by her maternal uncle”

He untruly alleged that “SI Samarendra Nath Das requested Siddiqa Parveen and her maternal uncle from platform number1 when they were on the platform number 2 to board the train at platform number1 in the handicapped compartment and this happened in my presence” the SI as indicated above stated that he never saw the handicapped woman or her maternal uncle either in the train or outside on the platform or at all. When this was pointed out to him he stated that he was surprised.

On 26 March 2019 the commission decided to examine the Deputy Superintendent of Police who had prepared the report dated 17 July 2017. Notice was issued but due to the intervening lockdown he could not be examined before 28 January 2021. During examination the said Deputy Superintendent of Police Mr Narayan Chandra Mandal admitted that “I did not talk to the handicapped person who had been detrained” he also admitted that “I did not however record statement of any of the persons examined by me..... I do not have any recorded statement to show that I in fact did so.” He added that “it is not the fact that the report is a production of my imagination”

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It is more than clear that the Dy. SP did not make any enquiry in the true sense of the term. He contented himself by the fact that the concerned “Constable C/899 Ashim Kumar Bagh has been closed in line OR”.

It is true that the Constable was censured by order No. 1934 dated 22.09.17 but the gravity of the matter was watered down by the purported

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narration of facts like "The said Constable requested him to leave the coach did not pay any heed."

Fact remains that the handicapped woman and her escort were forced to detrain from the compartment meant for the handicapped by the police personnel deployed" for performing train escort duty". It was an act wholly without authority of law. The audacity of the delinquent is further evident from the fact that neither the Railway personnel nor even the guard of the train was informed nor any diary was recorded which is a pointer to show that they were conscious about the fact that they were not authorised by law to do what they did.

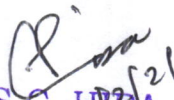
In the premises the Commission is of the view that there has been gross violation of human rights of the victim Siddiqa Parvin and her escort Mokhtarul Islam. The Commission makes the following recommendations:-

- a) A sum of Rs. 2,00,000/- (Rupees Two lakhs only) be pad to the victim Siddiqa Parvin and a sum of Rs. 1,00,000/- (Rupees One lakh only) be paid to her escort Mokhtarul Islam by way of solatium.
- b) Chief Secretary to the Govt. of West Bengal should issue an order directing that all enquiries pursuant to the order of WBHRC be made strictly in accordance with the guidelines issued by DG & IGP vide his order No. 1686(29) Adm/HRC dated 25.03.2013

Adm/HRC 501-2012

- c) The amount of solatium be recovered from the concerned Constable or could be paid by the Govt.
- d) Disciplinary proceeding is recommended against SI S. N. Das who was in-charge of train escort party for having failed to perform his duty as in-charge of the escort party, not intervening timely when a fracas broke out between the victim and the constable under his charge, not informing the Railway Authority including the Guard of the train and not diarizing the incident at PS.

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- e) The Enquiring Officer Dy. SP N. C. Mondal be cautioned to conduct enquiry pertaining to human rights violation sincerely, properly and not in lackadaisical or cavalier fashion.

The Joint Secretary and in-charge of Secretary & CEO, WBHRC is directed to authenticate a copy of the recommendation and to communicate the same to the Chief Secretary, Govt of West Bengal.

An action taken report on the above recommendations should reach this Commission within a period of 3(three) months.

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S.C. HIRAN WBCS (Exe.)
Joint Secretary
Govt. of West Bengal
W.B. Human Rights Commission
12/2/21

(Justice Girish Chandra Gupta)
Chairperson

Naparajit Mukherjee 11/2/2021
(Naparajit Mukherjee)
Member

Dated, the 10th February, 2021.

- Encl: 1. News clipping dt. 04.07.17
2. Order passed by the Commission dt. 04.07.17
 3. Report received from the State Commission (Disabilities), West Bengal dt. 18.08.17 enclosing therewith copy of report submitted by the Superintendent of Police, Govt Rly. Police Sealdah.
 4. Statement of Moni Mohan Ghosh, Constable
 5. Statement of Constable 899 Ashim Kumar Bag.
 6. Statement of S.I. Samarendra Nath Das
 7. Order No. 1523 Dt. 13.07.17 of S.P. Govt Rly. Police, Sealdah containing the order dated 22.09.17 regarding Const. 899 Ashim Kumar Bag.
 8. Statement of Dy. SP N.C. Mondal.

Ld. Registrar, WBHRC is directed to upload the recommendation in the Commission's website.

A copy of the recommendation be forwarded for information to the Editor "The Statesman".

(Justice G.C. Gupta)
Chairperson