



WEST BENGAL HUMAN RIGHTS COMMISSION

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Ref. No. 1695/WBHR/276/Gen/2017

Date: 17.12.20

Recommendation No 17 & 18/WBHR/20-21/276/Gen/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 16.12.2020 in connection with the "Bullet injury" on Bina Biswas, w/o - Mr. Indrajit Biswas 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 60(sixty) days.

Yours faithfully,



17/12/2020

Joint Secretary &
Addl. Charge of Secretary & CEO.

S.C. HIRA, WBCS (Exe.)

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

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

File No. 276/WBHRC/GEN/2017

Present

1. Justice Girish Chandra Gupta
2. Shri Naparajit Mukherjee

Chairperson

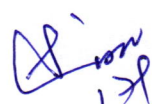
Member

On 13 May 2016 Bina Biswas had been to Jaldapara National Park for collecting firewood. She suffered a gunshot injury inflicted by the beat officer Mr Hari Joshi while he was on patrolling duty. She was taken to the local health centre and thereafter was referred to Alipurduar district hospital on the date of incident itself. She was discharged on 20 May 2016 with the diagnosis that "Pellet injury over body and legs". She was, from there, referred to North Bengal medical College and Hospital. She was discharged on 24th May 2016. Final diagnosis was "bullet injury by jungle police guard".

Mr Joshi was examined by the commission on 26 September 2018 and he admitted inter alia as follows: –

"I know Smt Bina Biswas..... Suffered gunshot injury. I opened fire..... The miscreants were looting the timber produce..... The miscreants took the woman to the hospital..... Range officer.... Went to the hospital and visited the injured woman Smt Bina Biswas. Some money was also given for her treatment. It is a fact

Authenticated


12/12/2020
S.C. HIRA, WBCS (Exc.)
Joint Secretary
Govt. of West Bengal
W.B. Human Rights Commission

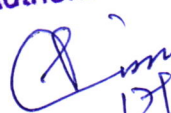
that no entry in the books of accounts were made as regards the payment made to Smt Bina Biswas."

Madarihat police station case number 74/16 dated 17 May 2016 started in connection with the aforesaid incident under section 326/109 IPC r/w section 25 (1) (a)/27 Arms act ended in FRMF vide Madarihat PS final report number 79/18 dated 30 April 2018.

The District Magistrate by a letter dated 28 November 2018 informed the commission that no executive enquiry was held. The case of Mr Joshi, examined by the Commission, was that in an attempt to protect public property the shot was fired which had accidentally hit the victim Bina. She never was the target nor was she any way involved in looting the property of the forest. The fact that Bina suffered gunshot injury and consequent pain and suffering, confinement in the hospital, loss of earning and incurred expenditure for treatment are all self-evident. The commission in the circumstances is of the opinion that she is entitled to adequate compensation. The following recommendations are as such made by the commission:

- A) An amount of Rs. 2 Lakhs (Rupees Two Lakhs) be paid as compensation by the state of West Bengal to Smt Bina Biswas, victim of the gunshot injury inflicted on 13 May 2016 being subject matter of Madarihat PS case number 74/16 within a month from the date hereof.
- B) District Magistrate, Alipurduar informed the Commission that no Executive Enquiry was held over this incident of firing which is

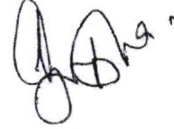
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Joint Secretary
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mandatory as per law. The Commission recommends that a circular be issued to all DMs, DFOs and SPs to this effect.

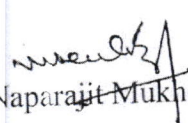
C) Action taken report be submitted within 60 days from the date hereof

D) The joint secretary is directed to authenticate a copy of the recommendation and to send the same to the Chief Secretary, Govt. of West Bengal.



(Justice Girish Chandragupta)


Chairperson.

 17/12/2020
(Napanajit Mukherjee)
Member (A)

Encl: 1) Report of SDPO, Alipurduars
2) Report of DM Alipurduars.

Dated, the 16th December 2020.

Authenticated


17/12/2020

S.C. HIRA, WBCS (Exe.)
Joint Secretary
Govt. of West Bengal
W.B. Human Rights Commission