

A complaint was received from one Shanwaj Kabir of Nakashipara P.S. District Nadia on May 06 2014. In his complaint the complainant alleged that on 21.04.14 around 23.00 hrs S.I. Raja Sarkar O/C Nakashapara P.S. along with his force raided his house and took Alamgir Kabir @ Rintu into custody without any Arrest Memo or Inspection Memo despite request of the complainant. The Commission took cognizance of the petition and called for an enquiry report from the Superintendent of Police, Nadia by 25.06.14. The S.P. Nadia got the matter enquired into by Dy. S.P. (D&T) S.M. Azim and the enquiry report was received by the Commission on 5th December 2014.

So far as the enquiry report goes, it is a fact that on 21.04.14 Alamgir Kabir was arrested and taken into custody without any Arrest Memo or Inspection Memo. The arrest was made on a pretext to solve a land dispute between Samsuddin Mondal and his sons and one Kalu Sk. Again it was observed that no information regarding registration of case or release of Alamgir Kabir was mentioned or diarised.

On perusal of the report the Commission decided to go for quasi Judicial Proceedings. Accordingly, S.I. Raja Sarkar, O/C Nakashipara P.S. was called for under section 16 of the Protection of Human Rights Act, 1993 for deposition before the commission. On 17.02.15 Raja sarkar appeared before the commission and gave his statement. He himself admitted that on 21.04.15 Alamgir Kabir was taken into custody and no Inspection or Arrest Memo was given. Again he admitted that Sri Kabir was arrested on the pretext to settle a land dispute. Sri Kabir was released from the P.S. on 22.04.14 at about 15.00 hrs after a comprise of the land dispute by his second office S.I. Animesh Dey. As Sri Kabir was let off from the P.S. so, no criminal case was registered at the P.S. The Commission had gone through the enquiry report and also the statement of Raja Sarkar in details and arrived at a decision that the behavior of Raja Sarkar is irresponsible and he was found guilty of violating grossly

the human rights of Alamgir Kabir @ Rintu. So, the Commission made the following recommendations:

1. Departmental proceedings already initiated by the S.P. against S.I. Raja Sarkar should be completed at the earliest. The result should be informed to the Commission.
2. A sum of Rs.5000/- should be deducted from the salary of S.I. Raja Sarkar and paid as compensation to Alamgir Kabir @ Rintu
3. The Commission appreciates the fact finding enquiry report of Shri S.M. Azim, DSP (D&T), Nadia and this appreciation should be published by the DGP in the West Bengal Police Gazette.
4. The Commission also appreciates the initiative taken by Sri Sabyasachi Raman Mishra, IPS, S.P. Nadia in taking firm departmental action against S.I. Raja Sarkar.
5. The Commission requests the Home Department that a message be sent to all O/Cs of the Police Stations through DGP that such illegal act of detention should not be done which would lead to gross violation of Human rights.

Action Taken Report on the recommendations may please be intimated to the Commission within a period of four months.

Sd/-  
OSD & EO, Special Secretary.  
West Bengal Human Rights Commission.