

## WEST BENGAL HUMAN RIGHTS COMMISSION

File No.652/WBHRC/Com/2014-15

### **P r e s e n t**

1. Shri Naparajit Mukherjee - Acting Chairperson
2. Shri Mani Shanker Dwivedy - Member

A petition was received at West Bengal Human Rights Commission on 16-11-2014 from one Shri Netai Goswami, Vill. & P.O.-Madhyachakpara, P.S.Liluah, Dist – Howrah to the effect that he had two sons, namely, Sumit Goswami and Sujit Goswami. Sujit Goswami was killed on 02-11-2013 by one alleged killer, namely, Rajua Roy and others for which an F.I.R. was lodged in Liluah P.S. Case No.687/13 u/s 302/34 IPC. The arrested accused persons were released on bail on 16-09-2014.

2. The petitioner further stated that his elder son was a C.P.V.F. in Howrah City Police. The widow of the petitioner's son who was killed, namely, Smt. Tapasi Goswami surreptitiously left the house with another person, namely, Ajay Shau on 05-8-2014. The petitioner tried to ascertain whereabouts of his widowed daughter-in-law for two weeks but when nothing transpired then on 20-8-2014 he decided to lodge a complaint with local police against Ajay Shau. On the advice of his elder son, Sumit Goswami, C.P.V.F., the petitioner went to Liluah P.S. to lodge an F.I.R. with duty officer, namely, S.I. Kashinath Mondal. The latter allegedly misbehaved and questioned that "where is the proof that you have not raped and killed your daughter-in-law". The petitioner strongly objected to such statement when he further requested that a case should be started. The petitioner alleged that he was driven out of the Police Station by the S.I. Kashinath Mondal. He then informed Sumit Goswami, his elder son who rang up S.I.Kashinath Mondal and complained about the entire incident which happened with his father (petitioner). The S.I. allegedly became very angry with his son and threatened that he would be removed from service for his behavior. On 29-8-2014 Sumit Goswami was called to Howrah Traffic Headquarters in "put up" after which he reported the entire incident which had happened with his father as well as efforts made by them to lodge a complaint regarding the elopement of their daughter-in-law. Subsequently, on 22-9-2014 services C.P.V.F. of Sumit Goswami were terminated as he was found unsuitable for the job. The petitioner made allegations against S.I. Kashinath Mondal specifically as well as I.C. of Liluah P.S. and one A.S.I. Gurur Babu.

3. The Commission took cognizance of the matter and called for a report by 30-11-2014 from Commissioner of Police, Howrah Police Commissionerate. An enquiry report conducted by Assistant Commissioner of Police (North Division) was received from Commissioner of Police, Howrah on 27-12-2014. In his report it was stated that Sujit Goswami, the younger son of the petitioner was killed by some miscreants which relates to Liluah P.S. Case No.687/13 dt.03-11-2013 u/s302/34 IPC for which 3 (three) accused persons were arrested and forwarded to the Court. Currently, they are on Court bail. On 20-9-2014, the petitioner further lodged an F.I.R. no.578/14 dt.20-9-14 u/s 195A IPC alleging that one lawyer, namely, Subrata Hazra had threatened him to withdraw the case relating to murder of his son. During enquiry it was revealed that on 05-8-2014 the widow of the deceased Sujit Goswami, namely, Smt. Tapasi Goswami who is the daughter-in-law of the petitioner, went missing. The petitioner suspected one Ajay Shau involved in the incident. After a fortnight, on 20-8-14 the petitioner reported the matter to Liluah P.S. vide G.D.E. No.1246 dt.20-8-2014. During the enquiry the duty officer asked the petitioner certain questions to clarify few points over which Netai Goswami became furious. On the same evening around 18.01 hrs. Sumit Goswami, C.V. No.609 of Howrah City Police used filthy language against S.I. Kashinath Mondal of Liluah P.S. over phone and threatened to transfer him from Liluah P.S. with the help of certain political personalities as the said S.I. did not behave properly while his father went to lodge a complaint regarding his daughter-in-law, Smt. Tapasi Goswami. As the conduct of Sumit Goswami was indisciplined in nature, O.C., Liluah P.S. submitted a report to its superiors when they recommended that the C.V. namely, Sumit Goswami was not suitable for the job. In the enquiry report it was further stated that the allegations made regarding "satta" and other illegal activities indulged in by certain police personnel of Liluah P.S. were being looked into and the O.C. was instructed to prevent such activities. No. C.C. TV. footage of Liluah P.S. could be submitted by O.C., Liluah P.S. about this incident. The enquiring officer further commented that despite repeated request, the petitioner did not meet him and in order to generate sympathy he had submitted petitions to various authorities.

4. On receipt of this enquiry report the matter was discussed in details in full Commission and it was decided that all relevant documents including G.D.E. No.1448 dt.20-8-2014 be submitted by Howrah Police Commissionerate to the Commission for further examination. The Howrah Police Commissionerate on 6<sup>th</sup> July, 2015 submitted documents regarding termination of service of CVP, Sumit Goswami and also copy of G.D.E. No.1448 and complaint of S.I. Kashinath Mondal against Sumit Goswami.

5. The Commission examined G.D.E. No.1448 which was mainly a recording of conversation on phone between the duty officer S.I. Kashinath Mondal and Sumit Goswami. It was stated in the G.D. that the caller, Sumit Goswami asked him that when his father went to P.S. then the duty officer told him why he called the relatives of his sister-in-law with his father at P.S. and that he (SI) did not record any G.D. Then S.I. Kashinath Mondal told that a G.D. had already been lodged on which the C.P.V.F. threatened to transfer him from Liluah P.S. through Arup Roy or Mamata Banerjee. In his complaint to O.C., Liluah P.S., S.I. Kashinath Mondal reiterated whatever he had recorded in G.D.E. No.1448 and mentioned about Sumit Goswami's alleged indisciplined conduct.

6. After examining the report submitted by A.C.P. (North Division ), G.D. Entries and other relevant documents, the Commission decided to examine S.I. Kashinath Mondal u/s 16 of the PHR Act and specially to ascertain what he actually said to the petitioner, Netai Goswami which led to the entire episode.

7. On 07-10-2015 S.I. Kashinath Mondal appeared before the Commission and his statement was duly recorded in which he stated that Netai Goswami, petitioner came to Police Station to lodge a G.D. Entry on 20-8-2014. He denied that he had asked any questions about the G.D. Entry to Netai Goswami but enquired from him whether parents of his daughter-in-law were aware of her eloping with another person. He agreed that asking insulting or annoying question to the petitioner is not proper especially such questions like "whether you have raped you daughter-in-law and murdered her". He stated that Sumit Goswami, the petitioner's son had threatened him over phone which he had already recorded in the G.D.

#### **Findings of the Commission :**

The Commission duly considered the petition, enquiry report of ACP (North division) Howrah City Police, relevant documents as well as the statement given by S.I. Kashinath Mondal. The Commission is of the view that the petitioner had come to Liluah P.S. to record the elopement of his widowed daughter-in-law as his son was murdered in the previous year. Apparently, he was in a distressed situation as the accused persons were on bail and there were allegations that some lawyers had threatened him to withdraw the murder case (over this issue he has already lodged another F.I.R.). According to the enquiry report of A.C.P., while the petitioner came to Liluah P.S. to lodge G.D., the duty officer asked him some questions to clarify few points over which Netai Goswami became furious. The A.C.P. obviously has not mentioned the

exact questions asked by the duty officer to the petitioner, Netai Goswami and has not clarified the allegations levelled in the petition “what proof you have that you have not raped and murdered your daughter-in-law” as alleged by the petitioner which had been asked by S.I. Kashinath Mondal when he went to record the diary. This leaves enough room to believe that certain indecent and scandalous questions were asked to the petitioner which triggered off the entire episode. The Commission is of the view that duty officers should be very sympathetic with complainants and should not ask any insulting and annoying questions specially relating to ladies.

**Recommendation :-**

- i. The Commission refrains itself from taking any view regarding removal from service of CPVF, Sumit Goswami as it is departmental issue relating to disciplinary matters.
- ii. Regarding the behaviour of S.I. Kashinath Mondal, the Commission is of the opinion that he had asked certain insulting and annoying questions relating to the daughter-in-law of the petitioner which infuriated petitioner as well as his son Sumit Goswami. This triggered off the entire incident. Therefore, the Commission feels that the S.I. should be suitably warned and a general circular be issued by Director General of Police to all Commissioners of Police, S.P.s that duty officers should be very sympathetic in approach to complainants and should not ask any insulting or annoying questions to them specially when it relates to women.

Action taken report may kindly be sent to the Commission within four months.

Sd/-  
( N. Mukherjee )  
Acting Chairperson

Sd/-  
( M.S. Dwivedy )  
Member

Date: 09/10/2015