

## WEST BENGAL HUMAN RIGHTS COMMISSION

File No.1208/WBHRC/COM/2010-2011

Date : 15/06/2012

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

1. Mr. Justice Asok Kumar Ganguly - Chairperson
2. Mr. Justice N.C. Sil - Member
3. Mr. S.N. Roy - Member

The Commission received a complaint from Shri Suryadev Bhattacharya of Ghatakpara, P.O.Gobardanga, P.S.Habra, Dist – North 24 Parganas alleging that one Kalachand Howlader claiming himself to be the Organization Secretary of Manabadhikar Sechha Sevak Samity abused, threatened and severely assaulted him and his wife and demanded Rs.30,000/- from him for allowing him to enter his land regarding which he had a dispute with his brother.

2. The Commission took cognizance of the matter and directed the ADG and IGP of this Commission to cause an investigation and submit report.
3. The enquiry report submitted by the ADG had revealed that the petitioner had a long standing dispute with his elder brother Dilip Bhattacharjee regarding their inherited land. However, on 01-8-2010 they signed a settlement deed in presence of some village elders. But later Dilip

Bhattacharjee who was a member of the Gobardanga Manabadhikar Sechha Sevak Samity sent a complaint to the said Samity stating that he was forced to sign the settlement deed by the village elders and requested the Samity for securing justice to him. Based on that complaint, Kalachand Howlader, the Organization Secretary of the said Samity intervened in the matter.

4. The report of the ADG and IGP had substantiated the petitioner's allegation that Kalachand Howlader, Organization Secretary of Gboardanga Manabadhikar Sechha Sevak Samity had threatened Suryadev Bhattacharya with dire consequences if he entered the land regarding which the petitioner had a dispute with his brother.

5. The Commission considered the report of the ADG & IGP of this Commission and decided to examine the complainant and Kalachand Howlader

6. Suryadev Bhattacharya stated in his evidence before the Commission that he had a land dispute with his brother Dilip Bhattacharya. Dilip Bhattacharya and his wife were members of the Gobardanga Manabadhikar Sechha Sevak Samity and Kalachand Howlader was the Organization Secretary of the said organization. Kalachand Howlader took the side of his brother Dilip Bhattacharya and threatened him and demanded Rs.30,000/- to settle the dispute.

7. Kalachand Howlader stated in his evidence before the Commission that he was Organization Secretary of the Gobardanga Manabadhikar Sechha Sevak Samity which was duly registered with the Govt. of West Bengal He further stated that he was a carpenter by profession and does not know English and his knowledge of Bengali is also very poor. He admitted that the petitioner had some land dispute with his brother and his wife who were members of his Organization. He took up their case but he denied that he had threatened Suryadev Bhattacharya and demanded money to settle the land dispute.

8. The Commission also examined Tushar Biswas, O.C. of Gobardanga O.P. under Habra Police Station. The witness stated in his evidence that Kalachand Howladar does not at all enjoy good reputation in the area. The Commission also examined Shri Tapas Kanti Chaudhuri, Registrar of Firm, Societies and Non-Trading Corporation, West Bengal. Shri Chaudhuri stated there are provisions in West Bengal Societies Registration Act, 1961 for dissolution of a society in terms of Section 26 read with Section 25 of the said Act. He further stated that the Registrar himself can initiate steps for dissolution of a society after having issued notice of show cause upon the concerned society and on hearing of such show cause.

9. From an analysis of the evidence of the witnesses and materials on record, it is clear that Kalachand Howladar, the Organization Secretary of Gobardanga Manabadhikar Sechha Sevak Samity which is a body registered under the West Bengal Societies Registration Act, 1961 unauthorisedly intervened in a civil dispute. Kalachand Howladar stated in his evidence “By Human Rights I mean to stand by people in any dispute including land dispute”. Obviously, he does not have the faintest idea of the concept of Human Rights. In his evidence, he stated that he was a carpenter by profession and he does not know English and his knowledge of Bengali is also very poor. It is further to be noted that the complainant both in his complaint as well as in his evidence before the Commission reiterated that Kalachand Howladar demanded a sum of Rs.30,000/- to settle the land dispute.

10. The Commission has recently come across a number of instances where unscrupulous persons under the banner of Human Rights organizations have been indulging in antisocial activities including cheating and extortion from people in distress. In fact, criminal cases have also been lodged by this Commission in some cases. In the instant case, from a careful consideration of the facts and surrounding circumstances of the case and the materials on record, the Commission is inclined to hold that Kalachand

Howladar under the cover of a human rights organization has been indulging in unfair practices including intimidation and attempts to extort money. The Commission feels that stringent action should be taken in this case so that innocent persons are not harassed.

11. The Commission, therefore, recommends that the Registrar of Firm, Societies and Non-Trading Corporation, West Bengal be advised to initiate necessary steps for dissolution of the Gboardanga Manabadhikar Sechha Sevak Samity in terms of Section 26 read with Section 25 of the West Bengal Societies Registration Act, 1961.

12. The Government should intimate the Commission about the action taken or proposed to be taken on the recommendations within a period of two months from the date of communication.

sd/-  
( S.N. Roy )  
Member

sd/-  
( Justice N.C. Sil )  
Member

sd/-  
( Justice Asok Kumar Ganguly )  
Chairperson

Dated: Kolkata, the 15<sup>th</sup> June, 2012

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Comments of the State Government will be uploaded as and when received.

Sd/- (15/06/2012)  
(J.Sundara Sekhar)  
Secretary & CEO