

WEST BENGAL HUMAN RIGHTS COMMISSION

File No. 2112/WBHRC/COM/2008-2009

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 one Manik Sasmal, Vill.Dewanchak, P.O.Chouka, P.S.Ghatal, Dist – Paschim Medinipur alleging mental and physical torture on his daughter by her husband and her in-laws. It was alleged in the complaint that her husband and in-laws tried to kill her by pouring kerosene over her body and thereafter her husband put her on fire by using a matchstick. Her in-laws had taken her to the Midnapur District Hospital but seeing her condition, her father and uncle took charge of her and admitted her in SSKM Hospital. It was further alleged in the petition that when the matter was brought to the notice of the Debra P.S., the O.C. did not take any action; instead the O.C. tried to settle the matter by asking the petitioner to accept a payment of Rs.2 lakhs. The petitioner prayed for justice and punishment against the persons who perpetrated such heinous crime.

2. The Commission took cognizance of the matter and directed Supdt. of Police, Paschim Medinipur to enquire into the matter and submit report.

3. S.P., Paschim Medinipur forwarded the enquiry report of Dy.S.P. (Crime), Paschim Medinipur wherein it was stated that on 27-12-2007 when Purnima was cooking her husband Pradip Maity poured Kerosene oil on her garments, as a result of which Purniama got severe burn injury and was shifted to S.S.K.M. Hospital. D.S.P. further stated in his report that over the incident a specific case vide case no.17/09 dt.04-2-2009 u/s 498A/326/307/34 IPC was started at Debra P.S. against eight persons and charge sheet was submitted under all the aforesaid sections of law against the F.I.R. named eight accused persons.

4. The Commission considered the reports sent by S.P., Paschim Medinipur and it appeared from the reports that the incident of torture happened on 27.12.2007 but the specific case was instituted only on 04-2-2009 and charge sheet was submitted on 31.10.2009. No explanation was available in the police report as to what was the reason of this inordinate delay in starting the case. Accordingly, the Commission decided to examine the following police officials :-

i. Chandra Sekhar Bardhan, the then Dy.S.P.(Crime), Paschim Medinipur

ii. Debasis Chakraborty, the then O.C. of Debra P.S.

iii. Swarup Basak, the then O.C. of Debra P.S.

and also the complainant, Manik Sasmal.

5. Chandra Sekhar Bardhan who was posted at the time of occurrence as Dy.S.P. (Crime), Paschim Medinipur stated in his evidence before this Commission that he enquired into the matter and submitted a report to the S.P., Paschim Medinipur. He admitted that it was his fault that while submitting the report, he did not deal with the major allegations made in the complaint. He further admitted that his report was silent as regards the cause of delay in starting the case and the other allegation that the O.C. tried to settle the matter on payment of Rs.2 lakhs to the accused persons. He assured the Commission that he would be cautious in submitting reports and this type of mistake would not recur in future.

6. Debasis Chakraborty who was the O.C. of Debra P.S. appeared before the Commission and stated in his evidence that he left Debra P.S. on transfer to Nandigram P.S. on 27.12.2007 i.e. of the date of incident. He further stated on that day nobody came and reported this case to him.

7. Swarup Basak the then O.C. of Debra P.S. was examined on two occasions. He stated in his evidence before the Commission that he succeeded Debasis Chakraborty as O.C. Debra P.S. He further stated that

when the petitioner came and submitted a written complaint to him, he immediately started the case and after that he endorsed the case to S.I. Debidas Mukherjee. Ultimately, charge sheet was submitted u/s 498A/326/307/34 IPC. He further stated in his evidence that it was not correct that he insisted the petitioner to settle the matter with accused persons on a payment of Rs.2 lakhs.

8. In place of Manik Sasmal, the complainant, his daughter Purnima (Sasmal) Maity, the victim lady, appeared before the Commission. She stated in here evidence that her father died shortly after the incident. She further stated that Swarup Basak, the then O.C. of Debra P.S. took her to the Court and engaged a lawyer for her. But she did not get proper assistance from that lawyer. She further added that her case is being fought by the government lawyer as she could not engage any lawyer. She also stated in her evidence that she met the then O.C. of Debra P.S., Swarup Basak after one year of the incident as she was busy with her treatment and also her father died after the incident.

9. Thus, from the evidence of Purnima (Sasmal) Maity it is clear that she met Swarup Basak, the then O.C. of Debra P.S. one year after the incident as she was busy with her treatment. It is also in here evidence that Swarup Basak, the then O.C. of Debra P.S. took her to the Court and

engaged a lawyer for her. Under the circumstances, The Commission did not find any lapses on the part of Swarup Basak, the then O.C. of Debra P.S.

10. However the conduct of Chandra Sekhar Bardhan, the then Dy.S.P. (Crime), Paschim Medinipur is certainly not beyond reproach. He was utterly negligent in conducting the enquiry involving serious violation of Human Rights of a lady. He conducted his enquiry in a careless and casual manner without going into the reasons for delay in starting the case and also into the serious allegation of the O.C., Debra P.S. exerting pressure upon the complainant to settle the matter on a payment of Rs.2 lakhs, (although, this allegation of exertion of pressure by the O.C. was not proved during the enquiry.) But from the report submitted by Dy.S.P. (Crime) there was not even a word regarding either the reason for such inordinate delay in starting the case or veracity or otherwise of the serious allegation of exertion of pressure on the part of the O.C.

11. On a careful assessment of the facts and circumstances of the case and the materials on record, the Commission is of the view that conduct of Chandra Sekhar Bardhan is reprehensible and he deserves punishment.

Accordingly, the Commission recommends that Chandra Sekhar Bardhan should be cautioned by the Government to ensure that in future he acts in a responsible and responsive manner while enquiring into cases

involving violation of Human Rights and prepares reports of such cases with due care and caution.

12. The State Government should intimate the Commission about the action taken or proposed to be taken on the recommendation within a period of two months.

sd/-
(S.N. Roy)
Member

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

sd/-
(Asok Kumar Ganguly)
Chairperson

Date : Kolkata, the 17th April, 2012

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

Sd/- (17/04/2012)
(J. Sundara Sekhar)
Secretary & CEO