

WEST BENGAL HUMAN RIGHTS COMMISSION
BHABANI BHAVAN, ALIPORE, KOLKATA-27

File No. 423/WBHRC/Com/2009-2010

P r e s e n t

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

It appears that one Shyamal Sikdar claiming himself to be a General Secretary, CPDR, West Bengal had sent one intimation to this Commission appointing as many as 11 (eleven) persons under “Article 12(i)” of Protection of Human Rights Act, 1993 giving different designations of their posts. The record shows that on receipt of the said petition, the Commission took cognizance and passed an order dated 15.09.2009 directing the Superintendent of Police, Howrah to cause an immediate enquiry and submit report to the Commission within 2(two) weeks from the date of communication of the order.

2. The matter was enquired by the Dy.S.P.(Town/South), Howrah which was forwarded by the Superintendent of Police, Howrah to the Commission and it appears therefrom that Shayamal Sikdar, the petitioner was expelled from the CPDR 8 years ago and the committee formed by him had no existence.

3. The report, however, goes to show that Shyamal Sikdar intervened into a civil dispute of the Housing Complex owner giving assurance to solve the problem.

4. On receipt of the report, Shri Biswajit Ghosh, Addl. Dy. D.C., Belgharia was asked to depose before this Commission and it appears from his evidence that during enquiry Shyamal Sikdar could not be traced out nor did he take any attempt to enquire about his whereabouts. It is admitted by him that none of the alleged office bearers of the so-called CPDR was examined by him. It is further admitted by him that no case was instituted at the P.S. against Shyamal Sikdar. In view of the intimation sent in a purported letterhead **“COMMITTEE FOR PROTECTION OF DEMOCARATIC RIGHTS (C.P.D.R.), WEST BENGAL”**, the witness was asked some questions and there is an observation of this Commission as regards the demeanor of the witness which reads as under :-

“The witness keeps silent and mum to each and every

question put to him as to why the enquiry was perfunctory and also as to why the 11 persons who are alleged to have been appointed by Shyamal Sikdar were not examined during enquiry. The witness also keeps mum when there was such inordinate delay of about one and a half years in submitting the report to this Commission.”

5. In this connection we would like to mention our observations in the initial order dated 15.09.2009 passed in this file wherein it was mentioned that in the letter of Shyamal Sikdar he appointed several office bearers giving different designations “under Article 12(i) of Protection of Human Rights Act, 1993” and a copy of the said letter was sent to this Superintendent of Police, Howrah and also to the Inspector-in-Charge, Sibpur P.S. There is no Article as “12(i) of Human Rights Act, 1993” empowering any NGO to give any appointment to anybody. Section 12 of the Protection of Human Rights Act deals with the functions of the State and National Human Rights Commissions and there is absolutely no authority of any NGO to deal with such Section giving appointment to any person.

6. The above aspect was overlooked by the D.S.P. Biswajit Ghosh who enquired into the matter and submitted his report to the Superintendent of

Police, Howrah. No action was admittedly taken by the Inspector-in-charge of Sibpur P.S. and the Dy.S.P.(Town), Howrah was totally silent in this regard in his report. From the observations of this Commission as regards the demeanor of Biswajit Ghosh it is clear that he had absolutely no answer to the questions that the enquiry report was perfunctory and as to why those alleged 11 persons appointed by Shyamal Sikdar were not examined and also that there was inordinate delay in submitting the report.

7. In view of all above, what has been discussed in the foregoing lines, it is clear that the then Dy. S.P., Howrah Biswajit Ghosh had not discharged his duties properly and as such this Commission recommends that:-

(a) an appropriate caution be given to Shri Biswajit Ghosh to be chary in future so that no perfunctory report is sent by him to the Commission.

8. The Government should intimate the Commission within a period of two months as to the action taken or proposed to be taken in this regard.

sd/-
(S.N. Roy)
Member

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

sd/-
(Justice Asok Kumar Ganguly)
Chairperson

Dated : Kolkata, 13th July, 2012

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

Sd/- (13/07/2012)
(J.Sundara Sekhar)
Secretary & CEO