

West Bengal Human Rights Commission
Bhabani Bhavan, 2nd Floor, Alipore, Kolkata - 27.

771/WBHRC/Com/10-11

Present .:

1. Justice Asok Kumar Ganguly .. Chairperson

2. Justice N.C. Sil - Member

3. Shri S.N. Roy .. Member

1. This is to consider an application of one Haru Roy in which it is alleged that in the early morning of 29.10.10 his brother Rajesh Roy was admitted in Rampurhat Hospital with severe pain in abdomen. While his brother was in the hospital three - four people forcibly took away Rajesh from the bed and killed him by hitting on his forehead. The deadbody of Rajesh was recovered from the passage of third floor of the said hospital. For such incident the petitioner made GDA, Night-guard, Ward-Master and Attending Physician of that hospital responsible.

2. It appears from the record that the said petition of Haru Roy was admitted by this Commission and cognizance was taken thereon. Thereafter a report was called for from S.P. Birbhum. S.P. Birbhum caused the enquiry by Sukhenda Hira, SDPO, Rampurhat and forwarded the same to this Commission. It is stated in the said report that on 29.10.10 the petitioner Haru Roy submitted an application to Rampurhat P.S. to receive the deadbody of his brother after P.M. Examination and received the deadbody accordingly. It is again in the said report :

“On 30.10.10 the petitioner informed verbally at Rampurhat P.S. with allegation that his brother was murdered by on duty Doctor, Nurse, Ward-Master, GDA and Night Guard”

But again it is stated in the said report that during enquiry the petitioner could not produce any proof that he submitted any complaint at Rampurhat P.S. for which SDPO, Rampurhat advised him to submit a fresh complaint for proper investigation and thus on 09.03.11 Haru Roy lodged a fresh complaint with Rampurhat P.S. and accordingly Rampurhat P.S. Case No. 32/11 dt. 09.03.11 u/s 302/34 IPC was started.

3. On receipt of such report this Commission called for the status report of the said case and the report of I/C Rampurhat P.S. was forwarded by the S.P. Birbhum to this Commission wherefrom it appears that the case was being investigated by S.I. Sanjib Singha Roy who wanted the following information from Dr. S. Poddar :

- a. this type of injury be caused after falling on hard surface ?
- b. Can this type of injury be caused with the help of blunt or hard substance?

He also wrote a letter to Superintendent, Rampurhat S.D. Hospital with the following queries on the same day.

- a. Why the Duty Ward Master, Dr. Nurse, Night Guards will not be responsible for death of Rajesh Roy?
- b. Names of the Ward Master, Doctor, Nurse, Night Guards for Interrogation in the interest of investigation
- c. Names of the patients admitted in the adjacent wards on the date of incident for interrogation.”

But those information were not given to the I/C for which reminders were issued on 25.04.11, 10.05.11 and 07.07.11. Even thereafter no information was supplied by the hospital authority for which there was no progress of the investigation of the case.

4 The report of the I/C was placed before the Commission for discussion and the Commission decided to call the S.P. Birbhum. Accordingly S.P. Birbhum appeared before the Commission and he stated in his evidence :

“It is true that the case was started when the cognizance was taken by the Commission and a report was called for from the then S.P.”

5. Thereafter the Commission decided to call the concerned O/C u/s 16 of the Protection of Human Rights Act, 1993. The concerned O/C Ujjal Banerjee appeared before this Commission and stated that the allegations made in the complaint were not substantiated on enquiry and as such no case was started when he was asked by the Commission as to why no case was started at the P.S. although there was a verbal complaint made by the petitioner on 30.10.10 at Rampurhat P.S as it appears from the report of the SDPO, Rampurhat.: Then Sri Banerjee admitted:

“I now understand that I should have started the case by registering FIR immediately on getting the complaint.”

6. It is further in his evidence that the FIR was registered when the Commission took cognizance on the petition of Haru Roy. It is admitted by Sri Banerjee that he made no arrest in connection with this case during his tenure at Rampurhat P.S. There is an observation of this Commission in his deposition sheet as regards the demeanour of Sri Banerjee and it appears there from that he kept mum when he was told that there was no administration at the P.S. and as such FIR was not registered on such serious allegation of murder.

7. Thus, it is abundantly clear even from own admission of the concerned O/C Ujjal Banerjee now I/C Diamond Harbour P.S. that no FIR was registered even on the complaint of Haru Roy for the murder of his brother Rajesh Roy. His explanation in his evidence that the allegations made in the complaint were not substantiated on enquiry for which no case was registered is not tenable at all in law. Due to this serious laches on the part of Ujjal Banerjee, the petitioner did not get justice from the Police administration of Rampurhat P.S. and the case which was subsequently registered at the intervention of this Commission is still being dragged keeping the investigation incomplete. On the other hand this Ujjal Banerjee who forwarded the status report took the plea in his said report that for lack of those information as mentioned at page-2 ante, the progress of the investigation could not be made.

From all this, the Commission comes to the conclusion that the human rights of the petitioner, Haru Roy was seriously violated by Sri Ujjal Banerjee who is new I/C Diamond Harbour. Accordingly, this Commission recommends :

1. that departmental proceedings be initiated against Sri Ujjal Banerjee, new I/C Diamond Harbour P.S.
2. that a sum of Rs.40000/- be paid to the petitioner Haru Roy as compensation and the same be realised from the salary of Sri Ujjal Banerjee.

5. The Govt. should inform the Commission within a period of two months from the date of receipt of these recommendations 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, 2nd May, 2012

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

Sd/- (02/05/2012)
(J.Sundara Sekhar)
Secretary & CEO