

Date: 27. 04. 2021

Based on a news item "police book garaged cars" suo motu cognizance was taken on 13 July 2017 in respect of two cars which had allegedly been booked for violation of traffic signals while the cars according to the owners were lying in their respective garage. Enquiry was entrusted with the investigation wing of the Commission. In respect of the car belonging to Mr Ghose the Deputy Commissioner of police, traffic department, by his letter dated 21<sup>st</sup> of March 2018 asked for particulars about the vehicle which could not be arranged and therefore could not be submitted.

Regarding the car belonging to Miss datta the enquiry could not be proceeded with due to refusal on the part of her father to cooperate.

In the circumstances there is no other alternative but to drop the matter which is also the view of the honourable member. The matter is thus disposed of.

The Ld. Registrar is directed to upload the order.



(Justice Girish Chandra Gupta )

Chairperson

*Ld. Registrar*

①

17  
202/WBHR/SMC/17

Mys. A. Chowdhury :-

PL take up.

Wm  
2/17

Sir,

Messages were sent to the authority for sending the concerned C.C. TV footage and also the notebook but no reply has <sup>been</sup> received by me till date.

There are many witnesses also who are yet to be examined. Hence, further two months time may kindly be considered to submit my report in

full & final form. I talked to DCP Barba Idv PS and DCP South-East Traffic guard, as per direction of ADG, WBHRC and stated that they had submitted their report and sent to DC office and they are pressing to send the reply at an earlier date.

I may kindly be allowed 2 months more to complete investigation.

Wm  
18/12

Imp/WBHR  
18/8/2012

SP/WBHR

~~ADG/WBHR~~

Harish  
Chairman.

My Lord,

We spoke to the officers concerned on phone just now. They confirmed having sent report 3 days ago to their Deputy Commissioner. We informed them to rush to their senior officers and fax the report by today 1730hrs.

We shall put up the report on 22/8/2012. This prayer may kindly be allowed. I deeply regret the delay by DCP's office though.

S 18/8/2012

(2)

SP/WBHRZ

As per direction of ADH, WBHRZ I spoke to o/c South-East Traffic guard and o/c Purba Jadarpus Traffic guard over phone. Both of them confirmed that they had already sent their reports to their concerned DCTP office. I also spoke to PA of DCTP(S) and PA to DCTP(E), Lalbazar. It was stated that both the reports have been placed by DCTP(E), Lalbazar and he will submit the report in due course by himself. Reminder messages are being sent to the concerned authorities.

Jalun  
Imp/WBHRZ  
21/08/2017

Myself also talked with D.C.T.P.(I) Lalbazar at his Mob. NO - 9593503260, who also stated that he will send me report early. For kind Permat.

ADU(WBHRZ)

Wm  
21/8/17

(3)

202/WBHRRC/SMC/17

Today 11.11.2019, I took up further  
enquiry of this file as per  
enclosurement of SP, WBHRC dated  
07.11.2019 (Marked Page No. 27)

Bapu Ghosh  
Inspector, WBHRC.  
11.11.2019.

Today ( ), I submitted by  
enquiry report of this file as per  
kind enclosurement SP, WBHRC.  
For kind perusal and approval to  
place the file before Hon'ble  
Commission for necessary order.

Bapu Ghosh  
Inspector, WBHRC.  
25.01.21

SP, WBHRC

Respected Sir,  
Insp. Bapu Ghosh, EO of the Case has  
submitted his report which is enclosed  
hereewith for kind perusal and necessary  
order.

Jas/p/s.

Notes above,

Hon'ble Chairperson  
WBHRC, Sir.

The Hon'ble Chairman has directed to  
return the file to the IW and to resubmit  
through the Registrar.

Jas/p/s  
2.3.21

IW

Respected Sir,  
As per direction of Hon'ble Chairperson  
WBHRC, the file is being re-sent for  
kind perusal and necessary order of  
Hon'ble Commission, WBHRC.

Hon'ble Registrar  
WBHRC.

Jas/p/s.

On 13.07.17 a news was published by "The Telegraph" an English Daily under the caption "Police book garaged cars" and the Hon'ble Commission took cognizance over the matter and the Investigation wing of WBHRRC was directed to enquire into the matter and to submit a detailed report.

The report was submitted by the I.W. after making their enquiry and now I have been directed to resubmit the said enquiry report.

Before dealing with the said enquiry report the contents of the news may be summarized as follows:

(a) According to the said news the car of one Tanima Dutta (Vile Registration No. WB-06M-3600) was booked for violating a signal on 26.06.17 whereas it was alleged by the said Tanima Dutta that she and her husband reached Shillong on 25.06.17 and stayed there till 26.06.17 while her car was parked at the garage of her housing estate at Parachayyan and the keys of the car were kept in an almirah of her flat at the said housing estate.

Contd.

(c) The second incident narrated <sup>in</sup> the said news was that the case of one Subrata Ghose was booked for violating a signal on 18.04.17 while his car had been in the garage for more than a year since it had flat tyres and the engine did not work.

It appears from the enquiry report submitted by our I.W. that they obtained <sup>only</sup> a reply from the O.C., South East Traffic Guard, Kolkata that the case of violation of the case of Tanima Dutta was manually booked by a Home Guard namely Dipak Halder but CCTV footage of that alleged offence and other miscellaneous information sought for by them were not provided by the said O.C.

After perusal of the reply sent by the O.C. South East Traffic Guard that the name, address and mobile number of the father of the said Tanima Dutta were recorded there and it appears <sup>from the enquiry report</sup> that our I.W. contacted with her father namely Soumen Dutta and he stated that till then they did not pay any fine for such traffic violation and they were also not pressurized by the police to pay any fine and he desired to come with his daughter to appear before W.B.H.R.C. It further appears from the enquiry

Control,

202/WBHRCD/SME/17

report that he did not file any complaint before WBPPE or any other authority and only the matter was informed to the reporter of "The Telegraph" and WBPPE took up cognizance suo motu but he was not pressurized from any corner of Kolkata Police for payment of any kind of fine and thus he had no allegation against police and requested the I.W. to submit the matter for setting aside.

Regarding the second incident narrated in the said news, our I.W. made similar effort and it was informed by D.C.P., Traffic Dept., Kolkata that exhaustive enquiry could not be done without the accurate number of vehicle and the precise case code. It also appears from the enquiry report that the said @ Subrata Ghose could not be contacted since there was <sup>no</sup> particulars <sup>of</sup> the said person and his vehicle in the said news.

However the ~~enquiry~~ enquiry report has been concluded with the observation that it is very much difficult to prove ~~any~~ whether these vehicles were involved in violation of traffic signal due to want of CCTV footage and the I.W. has given some suggestions.

Contd.

After considering the suggestion of the S.O.,  
the present case may be disposed of by making  
some recommendations which are stated  
as follows:

① CCTV cameras should be installed  
at every important traffic signal  
point and at each and every crossing and  
junction and this constant surveillance  
should be maintained through these cameras  
to detect not only the cases of violation  
of Traffic Rules but also any sort  
of crime within the coverage area.

② CCTV cameras should be maintained in  
working condition by way of regular  
checking and repairing and the footage should  
be preserved systematically.

③ Booking of registration numbers of vehicles  
for violation of Traffic Rules should be done by a  
responsible police officer not below the  
rank of Assistant Sub Inspector.

~~Humble  
Chairperson~~

Assistant Member of the Hon'ble

12.04.2024

Member, as a matter of practice, to all  
and other cognizable cases, by  
submitting the file to me

19/4/24

~~Ad. Secy~~

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The file is put up before me today.  
It appears from the order dated 19.04.2021  
(at N.S.P.F) passed by the Honble Chairperson  
that, <sup>all</sup> the suo motu cognizance cases are to  
be submitted first before the Honble Member(s)  
for ascertaining his views and then these  
matters are to be submitted before the  
Honble Chairperson

Accordingly this matter is being is  
submitted before the Honble Member(s).

Honble  
Member(s)

PKD  
21.04.2021

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File No.202/WBHRC/SMC/17

Notes of Hon'ble Chairman at page 7.

The Human Rights Commission took suo motu cognizance on a news item in the Telegraph dt.13/7/2017 captioned "Police book garaged cars". This news item did not carry name of any reporter but was date lined July, 12 from our Bureau.

It contained two incidents (a) Tanima Dutta, Senior Airport Manager alleged that car no.WB 06 M 3600 was booked for violating signal at Rashbehari Avenue / Purna Das Road crossing on June 26 at 7.48 P.M. for violating traffic signal. However, she claimed that on June, 25 she was at Shillong, staying at North-East Hill University Guest House. She had mailed the matter to Dy. Commissioner of Police (S), Traffic, Kolkata Police along with evidence of her being at Shillong on that particular day when the public grievance cell of Kolkata Police requested her to submit complain before D.C.P.(I), Traffic, Lalbazar. The news item did not give any further details. (b) This relates to one Subrata Ghose a retired govt. official living in Kasba. The news item failed to provide the registration number of car of Subrata Ghose and his address who alleged that his (Ghosh's) car was parked in the garage but was booked by Traffic Police for violating traffic signal near Patuli on April 18 at 5.20 p.m. Ghosh further stated that his car was not functional since last one year and the tires were flat.

The Investigation Wing of W.B.H.R.C. enquired into the matter and has since submitted a report which has not been examined

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properly by the Dy. S.P. of Investigating Wing, WBHRC. According to the report, regarding the case of Tanima Dutta resident of P-11, Jadavpur University Employees Housing Society, Kolkata - 700094 and owner of car no. WB-06M-3600 it was ascertained that one Home Guard of Kolkata Police, namely, Dipak Halder of South East Traffic Guard had physically / manually booked the car for violation of traffic signal on 26/6/2017. Presuming that Tanima Dutta was away at Shillong it is not clear whether anyone else had used the car in her absence on that particular day since it was physically booked by Home Guard. However, Traffic Police could not provide any CCTV footage. Father of Tanima Dutta, namely, Soumen Dutta (owner of the said vehicle) was contacted and requested to appear before WBHRC for examination but he refused to appear and stated that as he has not filed any complaint with WBHRC he is not willing to do so. Further, Soumen Dutta stated that he had sent email to Kolkata Police, Traffic Department regarding his stand (alibi) that during the said period he was at Shillong. He appeared in the Traffic Department when some senior officers of Traffic Police (Soumen Dutta failed to identify the said officer) that some mistake might have occurred on the part of the police. Soumen Dutta has not yet paid any fine for such traffic violation nor has the police pressurized him to do so. Regarding the case of Soumen Dutta, the enquiring officer stated that as no particulars regarding the address or his car's registration number were available in the news item, the D.C. (Traffic) failed to throw any light into the matter and that the enquiring officer also could not contact him. The enquiring

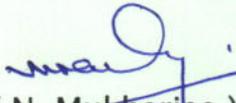
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officer has given certain suggestions which I feel is very inconsequential in view of his fact finding report as mentioned above.

In my opinion regarding the case of Soumen Dutta, if the Commission feels interested the Telegraph authorities could be contacted for examination of the news reporter who had filed this report and seek from him detailed address of Soumen Dutta and registration of the car. However, as the matter is very old (2017) and the news item is lacking in details we may consider not pursuing the matter any further.

Regarding the case of Tanima Dutta, as the father of Smt. Dutta and the actual owner has refused to pursue the matter with Commission and that he has paid no fines and further he has approached the Traffic Police Department who appears should have taken a sympathetic view we may file the matter as it is now over three years old.

  
( N. Mukherjee )  
Member  
23/4/2021

Hon'ble Chairman

N.B : D.C. (Traffic) Kolkata Police has the power to file such violation on approach to him with relevant evidence.