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WEST BENGAL POLICE DIRECTORATE
WRITERS' BUILDINGS, KOLKATA-1

SECRET

Memo. No. 1686(29) Adm/HRC
Adm/HRC-561-2012

Dated 25/03/2013

- To:
1. Shri Sivaji Ghosh, IPS, Addl. Director General & Inspector General of Police -I, CID, West Bengal, Bhabani Bhavan, Alipore, Kolkata - 27
 2. Shri Rajeev Kumar, IPS, Commissioner of Police, Bidhannagar
 3. Shri Sanjay Singh, IPS, Commissioner of Police, Barrackpore
 4. Shri A.M. Ranade, IPS, Commissioner of Police, Howrah
 5. Shri A. K. Nand, IPS, Commissioner of Police, Asansol-Durgapur
 6. Shri Anand Kumar, IPS, Commissioner of Police, Siliguri
 7. Shri Milan Kanti Das, IPS, Superintendent of Railway Police, Howrah
 8. Shri Debasish Borah, IPS, Superintendent of Railway Police, Kharagpur
 9. Shri Bharat Lal Meena, IPS, Superintendent of Police, Howrah (Rural)
 10. Shri Tanmoy Roy Chowdhury, IPS, Superintendent of Police, Hooghly
 11. Shri Kalyan Mukhopadhyay, IPS, Superintendent of Police, Malda
 12. Shri Sugata Sen, IPS, Superintendent of Police, North 24-Parganas
 13. Dr. Humayun Kabir, IPS, Superintendent of Police, Murshidabad
 14. Shri Prasun Bandyopadhyay, IPS, Superintendent of Police, Dakshin Dinajpur
 15. Shri Pranab Kr. Das, IPS, Superintendent of Police, Cooch Behar
 16. Shri Akhilesh Chaturvedi, IPS, Superintendent of Police, Uttar Dinajpur
 17. Shri Sunil Kr. Choudhury, IPS, Superintendent of Police, Paschim Medinipur
 18. Shri Murli Dhar, IPS, Superintendent of Police, Birbhum
 19. Shri Praveen Kr. Tripathi, IPS, Superintendent of Police, South 24-Parganas
 20. Shri S.S. Raman Mishra, IPS, Superintendent of Police, Nadia
 21. Shri Sukesh Kr. Jain, IPS, Superintendent of Police, Purba Medinipur
 22. Shri Amit P. Javalgi, IPS, Superintendent of Police, Jalpaiguri
 23. Shri Kunal Agarwal, IPS, Superintendent of Police, Darjeeling
 24. Shri Mukesh, IPS, Superintendent of Police, Bankura
 25. Shri C. Sudhakar, IPS, Superintendent of Police, Purulia
 26. Shri Syed Md. Hussain Meerza, IPS, Superintendent of Police, Burdwan
 27. Smt. Bharati Ghosh, IPS, Superintendent of Police, Jhargram Police Dist.
 28. Shri Utpal Kumar Naskar, IPS, Superintendent of Railway Police, Sealdah
 29. Shri Ujjal Kumar Bhowmick, IPS, Superintendent of Railway Police, Siliguri

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Please recall our memo No. 5874 (30) Adm/HRC dated 27.09.2012 by which the Standard Operating Procedure for conducting NHRC / WBHRC enquiries, as approved by Director General & Inspector General of Police, was circulated. Officers heading field units are advised to immediately refresh their memory regarding the directions in this SOP, and cause their juniors to do the same.

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To be opened by the Addressee only

Standard Operating Procedure for References from NHRC and WBHRC

Preamble :

The National Human Rights Commission (NHRC) and West Bengal Human Rights Commission (WBHRC) are the highest Governmental Human Rights Agencies at the Centre and the State respectively. The former is presently headed by a former Hon'ble Chief Justice of India, while the latter is presently headed by a former Hon'ble Justice of the Supreme Court of India. As such, in case of unsatisfactory or delayed compliance by the Governmental Department concerned, such as West Bengal Police, they have the power to summon the highest levels of the State Civil Services, including the Chief Secretary, Home Secretary and Director General of Police. Since they are the ultimate guardians of Human Rights, and since the present level of compliance to their references is far from satisfactory, the following Standard Operating Procedure is laid down for strict compliance.

NHRC's references are of two types. Sometimes the Commission asks for an enquiry to be made on a particular incident or allegation. At other times, it conducts its own enquiry on an allegation, and perhaps prescribes a penalty, which is to be implemented within a specific time frame and ATR sent. WBHRC's references are also of two types. Sometimes an enquiry report is called for on a specific allegation. At other times, WBHRC conducts its own enquiry and prescribes the punishment for some officer/s, on which the specific views of the Director General of Police are called for. After the punishment is agreed upon, an ATR is called for by WBHRC. In the case of both NHRC and WBHRC, the references may be made either to Director General of Police or to Government directly, or in rare cases, to the SP directly.

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Please note that this is a secret document, to be kept in your personal custody. On no account is this to be photocopied. Instead, it is to be given wide verbal circulation to OCs and above through your Crime Conferences etc.

Standard Operating Procedure :

1. For all such references, there should be a separate Receipt & Despatch, in the Confidential Section of the SP.
2. The SP should personally peruse the reference to assess the subject matter and its gravity, and especially the proximity of the deadline.
3. The Enquiry Officer (EO), should be of minimum Dy. SP rank, and should be personally briefed. In all cases, the EO should be more senior in rank than the senior most Police officer against whom allegations have been brought.
4. The EO should be strongly advised by SP that, unless his report is complete, objective and timely, the EO himself may be liable to be penalized by the concerned Commission.
5. On no account should the EO be involved in the allegations of the reference.
6. This enquiry is not in the nature of a DIB enquiry. Rather, it is a fact-finding, open enquiry.
7. Accordingly, the victim / petitioner should be examined in detail. Witnesses too should be examined in detail. The defendant, if any, should also be examined, so that he may not later plead infringement of natural justice.
8. All statements are to be recorded, preferably with signature and enclosed with the report of EO.
9. All documents relied upon should be enclosed with the report in photocopy.

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10. Once the enquiry report is given by the EO to the SP, the latter should scrutinize it minutely for laches / lacunae, specially with regard to the original reference. The defects are to be made up by further enquiry before sending the report to WBPD etc.
11. The report should be forwarded to WBPD under the personal signature of the SP (and not the Dy. SP, DEB, for example) with the specific comments of the SP.
12. DO reminders from WBPD must invariably receive the courtesy of a prompt DO reply.
13. Above all, the short time deadlines are to be strictly maintained. It could save some time if the enquiry report was sent to the concerned Staff officer of DGP directly through Spl. Messenger.
14. In case the NHRC / SHRC summons any officer for deposition, he should preferably be accompanied by a legal assistant and SP should personally brief him.
15. For SP, please read CP / SRP, or senior officer of CID / EB, as the case may be.
16. In fine, this SOP is intended to make these important enquiries more professional and more time-bound in the increasingly vital area of Human Rights, thereby raising the stature of West Bengal Police.

(Signature)
 (Naparajit Mukherjee)

Director General & Inspector General of Police,
 West Bengal