

WEST BENGAL HUMAN RIGHTS COMMISSION
PURTA BHAVAN, SALT LAKE, KOLKATA – 91

File No. 35/WBHRC/IW/2003
791/WBHRC/Com/2003-04

Petitioner : 1) Sri Indrajit Saha
2) Smt. Nani Bala Saha
3) Smt. Anju Dey

A written complaint dated 19.09.2003 was lodged by Sri Indrajit Saha, Smt. Nani Bala Saha and Smt. Anju Dey, relatives of Late Ranjit Saha of M.R. Garden Road, Kolkata – 700 030 with this Commission alleging that Ranjit Saha was arrested by Dum Dum police on 14.03.2003 at about 10-30 p.m. and they came to know about the arrest from the local people and the police did not inform them about this arrest. He was lodged at Barrackpore Sub-Divisional Correctional Home. On 16.09.2003 they visited Ranjit Saha when he was in Jail custody. On 17.09.2003, they came to know from other sources that he was admitted to R. G. Kar Medical College Hospital with serious illness. They rushed to the Hospital on 17.09.2003, and found Ranjit Saha dead. The Hospital Authorities told them that Ranjit Saha was brought to the hospital on the night of 16.09.2003 in an unconscious condition and he died at about 3-4 p.m. on 17.09.2003. They were aggrieved with the police and the Jail Authorities for not being informed about the arrest of the deceased by the police, his illness and admission to the Hospital and subsequent death. It was through other sources that they came to know about the same. They also appealed to the Commission for appropriate action & necessary financial relief to Ranjit Saha's widowed mother and widowed sister as they were absolutely dependent on the income of Late Ranjit Saha.

The Commission took due notice of the complaint and on 19.09.2003 a direction was issued by M. G. Mookerjee, Chairperson as he then was to the effect as follows: -

“ADG & IGP/HRC will depute an Investigation Officer to enquire and report”.

ADG & IGP of the Commission submitted his report on 18.11.2004. On consideration of the said report the Commission directed as follows:

“Superintendent, Dum Dum Central Correctional Home, Superintendent, Barrackpore Sub Correctional Home and also the Arresting Officer at the relevant time be directed to appear before the Commission for examination under Section 16 of the Protection of Human Rights, Act, along with all relevant papers and documents”.

On completion of hearing, the Commission held as follows: -

“It appears from the Post-Mortem Report and the information of the Autopsy Surgeon thereon that “the death was due to the effect of deceased condition – a natural death”. From the Inquest Report also, no external injuries could be detected.

It appears from the records and also the statements made before the Commission by Sri Nayan Chakraborty, the then Dy. Jailor, Barrackpore Sub Correctional Home, Sri Rabindranath Chakraborty, the then Jailor, Dum Dum Central Correctional Home and Sri Biswanath Bhattacharya, Dy. Superintendent, Dum Dum Central Correctional Home that all possible steps were taken to render medical aid and treatment to Sri Ranjit Saha. Ranjit Saha was taken to B. N. Bose Hospital, Barrackpore and later on to R. G. Kar Medical College & Hospital and all necessary arrangement were made as were possible in the circumstances. They made best efforts to take him to hospital as early as possible and ensure that necessary treatment could be rendered.

On consideration of all relevant report and statement of S.I. Lakshman Mondal, the allegation in the complaint that arrest of Ranjit Saha was not communicated to the nearest relative or any resident of the locality stands justified.

The Commission, therefore, is of the view that Departmental Proceeding be initiated against S.I. Lakshman Mondal for his negligence in informing the family member of the deceased arrestee. So far as Jail Authority is concerned, the Commission is of the view that there is no laches on their part.

In view of the facts stated above, the Commission recommends that Departmental Proceeding be initiated against S.I. Lakshman Mondal. Adequate

interim compensation be paid to the next of the kin of the deceased Ranjit Saha by the State Government which shall be recovered from the delinquent employee.

The State Government should intimate this Commission about the action taken or proposed to be taken on its recommendation within 2 (two) months.”

Vide letter dated 19th March, 2007, the O.S.D. & Ex-Officio Deputy Secretary, Home Deptt., Govt. of West Bengal informed the District Magistrate, North 24 Parganas that the said recommendation had been accepted by Govt. and necessary sanction for compensation was given by the Hon'ble Governor. It was informed to the Commission that S.I. Lakshman Mondal was awarded a major punishment and compensation was also realized from him.

Vide Sanction order for Grant-in-Aid dated 16.09.14, an amount of Rs. one lakh only was sanctioned as Grant for payment of compensation over the recommendation of WBHRC dated 31st August, 2006.

Sd/-
Shampa Dutt (Paul)
Registrar
WBHRC