



WEST BENGAL HUMAN RIGHTS COMMISSION

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Ref. No. 654/WBHRRC/COM/283/14-15

Date: 2-12-14.

Recommendations No. 09 & 10/14-15/WBHRRC/COM/283/14-15

From: Shri Laima Chozah, IAS
Secretary & CEO and Principal Secretary to
the Government of West Bengal

To: The Chief Secretary,
Government of West Bengal
NABANNYA
325 Sarat Chatterjee Street
Howrah, PIN- 711 102,

Sir,

I am directed to enclose herewith an authenticated copy of the recommendations dated 21.11.2014 made by the West Bengal Human Rights Commission in connection with a complaint of Smt. Ruma Maity W/O Shri Bhagabat, Vill- Ektarpur, P.O. & P.S.- Bhupatinagar, Dist- Purba Medinipur. The recommendations are self-explanatory.

Action taken or proposed to be taken by the Government on the recommendations may please be intimated to the Commission within two months from the date of communication.

Enclosure: As stated above.

Yours faithfully


Secretary & CEO

o/c

WEST BENGAL HUMAN RIGHTS COMMISSION

File No. 283/WBHRC/Com/2014-15

Date 21st Nov, 2014

Present

1. Sri Naparajit Mukherjee – Acting Chairperson
2. Sri Mani Shankar Dwivedy – Member

FACTS

Ruma Maity, daughter of /Shri Bhagawat Chandra Maity, Village – Ektarpur, P.O. & P.S. Bhupatinagar, Dist. Purba Medinipur, a senior lecturer with the Institute of Education and Training, Hooghly Gandhigram, P.O. Rajhat, Dist. Hooghly submitted a written complaint to the Commission on 06.05.2014 alleging that on 14.03.2014 Friday she boarded Howrah-Bandel local to come to Bandel for which she purchased a valid ticket. After the train left the station she felt unwell. As a result she left her handbag and mobile phone in the train and got down at Konnagar station and sat there. After some time when she felt a little better she went to Bally (Howrah) GRPS to lodge a complaint regarding loss of her bag and mobile phone. However, the police refused to take her complaint. Then she went to Bally P.S. where the then duty officer did not listen to, whatever she had to say. At that time, thana staff namely Mithu Bhar along with the other staff of the police station abused the complainant in the filthy language and pushed her out of the police station. After coming out of the police station the complainant went to Howrah GRPS to lodge a complaint

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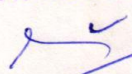

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regarding loss of her bag and mobile phone. From 11 a.m. till 6 p.m. the complainant tried to lodge her complaint but failed. She was humiliated and assaulted in Howrah GRPS. The staff of the said GRPS threw her on the floor of the police station and pulled her by the hair and assaulted her severely with lathi. When the complainant wanted to use the toilet, the toilet employee Bina Poisai stopped the complainant from entering the toilet and assaulted her and abused her in filthy language. At about 11 p.m. in the night the complainant with the assistance of local passengers was able to reach her house at Purba Medinipur and on the next day got herself treated at the Primary Health Centre. Under the circumstance the complainant approached the Commission for taking appropriate action against the erring police officials of Howrah GRPS.

2. The Commission took cognizance of the matter and directed the Superintendent of GRPS, Howrah to cause an enquiry and submit a report. The Superintendent of GRP, Howrah got the enquiry conducted by Shri P. K. Basu, Deputy S.R.P. (Cord), Howrah /GRP and forwarded his report to the Commission on 22.08.2014. In the said forwarding letter the Superintendent of GRP, Howrah considering the enquiry report forwarded it giving his opinion that.... "during enquiry and examination of the petitioner it reveals that on the date of incident, i.e. 14.03.2014, the petitioner was in mentally disturbed state. The behaviour and conduct of duty officer of Howrah GRPS, LSI Rupsina Parvin towards the petitioner was not proper as revealed during enquiry. As such, the on duty officer is being called in OR part-I for taking up departmental action."

In the enquiry report the enquiry officer Shri P. K. Basu, Dy. S.R.P. (Cord), Howrah /GRPS also held in the last paragraph of his report – "My enquiry finds unacceptable behaviour of Ms. Ruma Maity towards the police personnel on duty and the act of pulling uniform, speaking irrelevant and inconsistently intensifies her fault. It seems police apparently thought her to be of unsound mind, this might have lacked generous assistance from police, but the physical assaults, as

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recorded do not gain proper justification equating the magnitude of this episode.”

3. On considering the report of Superintendent of GRP, Howrah and the materials on record the Commission decided to call the then on duty officer Lady SI Rupsina Parvin of Howrah GRPS for a hearing as the said officer was found to have been involved in assaulting the petitioner and as it was also found that the complainant did not get any assistance from the police and on the other hand was assaulted and abused in filthy language.

4. Lady SI Rupsina Parvin in her evidence before the commission stated that the complainant Ruma Maity had come to the GRPS when the Lady SI was on duty on 14.03.2014 from 12 noon to 8 p.m. This witness further stated that the complainant had threatened her that she will take away her service by complaining to the Hon'ble Chief Minister and she would be deprived of her police uniform. The witness further stated that the complainant stood up and started pulling this (her) witness's police uniform. The witness then cried out and then other officers came out including LC Rekha Naskar. This witness has admitted that it is a fact that she with the help of lady constable Rekha Naskar dragged the complainant and made her sit in the verandah of the police station. The witness has stated that the complainant sat there for five minutes and then left the P.S. The witness denied having assaulted the complainant and also having instructed the public to beat her. The witness also denied that lady constable Rekha Naskar had assaulted the complainant. The witness had stated that the complainant Ruma Maity was behaving in abnormal manner appearing mentally disturbed when she came to the P.S., but it appeared that she had not been beaten by anyone prior to coming to Howrah GRPS. The witness also stated that the complainant was not beaten by anyone of the Howrah GRPS. The enquiry report forwarded by the Superintendent of GRPS, Howrah was accompanied with the statement of the witnesses.

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5. The complainant has also enclosed a copy of the injury report issued by the Medical Officer of Bhagwanpur Primary Health Centre, Dist. Purba Medinipore on examining the complaint on 15.03.14 at 10.30 a.m. that is immediately on the next day. The brief history of assault as stated before the doctor was that the patient complainant was assaulted by Howrah GRPS (Women Police) by lathi on 14.03.14 at around 11 a.m. and around 6 p.m. The patient had aches and pains and multiple bruises all over the body. From the description of the injury given in the report it is seen by the Commission that the complainant patient had about 8/10 multiple bruises about 1 ½"/ 1" in length and width. There was swelling and tenderness, red abrasions and multiple swellings and bruises and abrasions of various shapes and sizes on her fore arm, hands, lumber region, shoulder, region over occipital, thigh, toe, i.e. all over the body from head to toe. (The M.O. reported that injuries were result of beating by lathi.)

6. The witness Lady SI Rupsina Parvin has admitted that at the time of occurrence O.C., GRPS was present and came to her at the time of occurrence but did not direct her to record any G.D. entry. The witness also stated that she was called in OR part-I by Superintendent of GRP, Howrah and she has been "**censured**" (minor punishment).

Be it noted the Superintendent of GRP, Howrah in his forwarding letter had stated that he was calling the on duty officer Lady SI Rupsina Parvin OR part – I for departmental action but he has only "censured" the officer which is a minor punishment in a case where the offence on the part of the officer is very serious as there has been gross violation of the complainant's basic human rights.

7. Thus considering the facts and circumstances of the case, the enquiry report, the evidence, medical report (injury report) and the materials on record it

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is clear that the complainant/petitioner was assaulted by the Lady SI Rupsina Parvin and other police personnel of Howrah GRPS on 14.03.2014. The witness Lady SI Rupsina Parvin also admitted that she with the help of the lady constable had dragged the complainant to verandah of the police station. It is seen that though this Lady SI has stated that she found the petitioner behaving in abnormal manner appearing mentally disturbed, she being a police officer on duty did not provide any assistance to the complainant nor did she take any step in ensuring safety of the complainant who allegedly appeared to be mentally disturbed. It is also seen that the on duty lady officer also did not take any written complaint from the complainant regarding her lost bag and mobile phone for which the complainant had gone to the GRPS. It is seen from the forwarding report of the Superintendent of GRPS, Howrah that the behaviour and the conduct of the duty officer of Howrah GRPS, Lady SI Rupsina Parvin towards the petitioner was not proper as revealed in the enquiry. It is also seen from the enquiry report and the statement of the other witnesses that the duty officer Lady SI Rupsina Parvin did not give any assistance to the complainant who appeared to be of unsound mind which called for more care and attention but on the other hand complainant was physically assaulted which appears to be very severe as seen from the medical report of the Bhagwanpur Primary Health Centre wherein the Govt. doctor has clearly stated the history of assault and all the injury (severe) in details therein showing/proving that the complainant was assaulted from head to toe causing severe injury.

From the said materials on record it appears that the Lady SI Rupsina Parvin is clearly guilty of misbehaving with the complainant while on duty and severely assaulting an aged lady of unsound mind/mentally disturbed by this Commission which is supported by the report of the Superintendent of GRPS, Howrah, the report of the enquiry officer and the injury certificate issued by a Govt. hospital.

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8. It is seen that Superintendent of GRP, Howrah has only censured the on duty officer Lady SI Rupsina Parvin in a case where the Lady SI Rupsina Parvin has committed a severe offence. In the present case it is seen that the superior officer herein the Superintendent of GRP, Howrah has not used his discretion properly by applying minor punishment in a case where the offending police officer has committed a major offence. The punishment awarded is not proportionate to the offence committed. The said conduct of Superintendent of GRP, Howrah will give a wrong message to the police force thus causing miscarriage of justice.

9. It has come to the notice of the Commission that some of the senior police officers are in the habit of giving minor punishments in cases of serious nature on the part of offending police officer especially when enquiry report is called for by the Commission. The concerned officers are not using their discretion properly while differentiating between major and minor offences and are wrongly applying the respective punishments and in most cases are letting of the police officer with a lenient view in spite of serious offence on their part. The said attitude of the senior officer will not have a deterrent effect on the erring police officer but will encourage further misbehaviour on their part.

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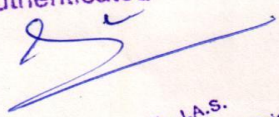
RECOMMENDATION

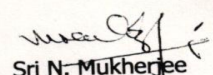
Accordingly the commission recommends :-

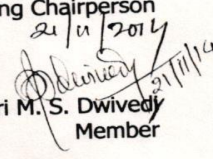
- (1) Departmental proceedings be initiated against Lady SI Rupsina Parvin, the on duty officer of Howrah GRPS on 14.03.2014.
- (2) A sum of Rs. 20,000/- in two equal monthly instalments @ Rs. 10,000/- be recovered from the salary of LSI Rupsina Parvin and be paid to complainant/victim Ruma Maity.

The Government should intimate the Commission about the action taken or proposed to be taken on the recommendations within a period of two months from the date of communication.

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Sri N. Mukherjee
Acting Chairperson

21/11/2014

Sri M. S. Dwivedy
Member

Encls:- ① copy of petition of complainant
② Enquiry Report
③ Injury Report.