

West Bengal Human Rights Commission
Purta Bhavan, Block-DF, Salt Lake.

CHECK LIST

File No. 35/WBHRC/IW/2003 &
791/WBHRC/Com/03-04

1. Name & Address of the Complainant Shri Indrajit Saha, Smt. Nanibal Saha & Smt. Anju Dey, MR Garden Road, Kolkata - 700 030.
2. Date of Complaint 19.09.2003
3. Name & Address of the person Complained against The complaint was against Police & Jail Authorities for the death of one Ranjit Saha on 17.09.2003 in custody. ADG & IGP was entrusted with the enquiry.
4. Name & rank of the investigating Officer Shri Asok Kumar De, Inspector of Police is the I.O.
5. Sl. No. of the Recommendation 4
6. Date of the order of the Commission 31st August, 2006.
7. Action Taken Report On our pursuance the Administrative Department has arranged to pay Compensation of Rs. 1 lakh to Anju Dey, the widow sister of deceased Ranjit Saha (16.09.2014).

WEST BENGAL HUMAN RIGHTS COMMISSION
BHABANI BHAVAN, ALIPORE, KOLKATA-27

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

Present

- | | |
|----------------------------------|---------------|
| 1. Mr. Justice Shyamal Kumar Sen | - Chairperson |
| 2. Prof. (Dr.) Amit Sen | - Member |
| 3. Mr. Justice N.C. Sil | - Member |
| 4. Md. Nesar Khan | - Member |
| 5. Shri S. N. Roy | - Member |

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 his 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 at 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 at the police and the Jail Authorities for not being informed about the arrest of the deceased by the police, and his illness and admission to the Hospital and subsequent death. It was through other sources that they came to know about the same. They have appealed to the Commission to unravel the mystery surrounding the death of Ranjit Saha and to take appropriate action against the Authorities who did not even care to discharge the humanitarian and legal duty to inform the relatives about the arrest, detention, admission to hospital and death of Ranjit Saha. They have also appealed to the Commission for 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. Mookerji, Chairperson as he then was to the effect as follows :-.

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

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B. MAHAPATRA, IAS
Secretary
West Bengal Human Rights Commission

2. 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".


3. Pursuant to the said direction Sri Nayan Chakraborty, Dy. Jailor, Barrackpore sub-Correctional Home, Shri R.N. Chakraborty, Jailor, Dum Dum Correctional Home who were at the relevant time attached to the Barrackpore Sub-Correctional Home as Deputy Jailor and Jailor respectively, Sri Biswanath Bhattacharya, Ex-"Deputy Superintendent, Dum Dum Central Correctional Home and Md. P.B. Salim presently posted as Under Secretary to the Govt. of West Bengal who at the relevant time was as S.D.O. Barrackpore, appeared and made their statement. Sri Lakshman Mondal, S.I. Tiljala P.S. who at the relevant time was posted at Dum Dum Police Station also appeared before the Commission and made his statement. It appears from the statement of SI Lakshman Mondal that he only communicated the arrest of Ranjit Saha to one Chandanbabu a resident of the locality where Ranjit Saha, deceased used to stay. He further mentioned that he tried to contact Vim Ghosh, Local Municipal Commissioner over telephone but no one received the phone as he had gone to home in Bihar or U.P., which he came to know subsequently. He, however, admitted that these facts were not mentioned in his G.D. He also admitted that Ranjit Saha was otherwise physically fit and that he was taken to Cantonment Hospital before he was taken to Court but did not agree to undergo medical check up as he felt his prestige would be at stake and the said fact was recorded in the G.D. A Xerox copy of Arrest-cum- Inspection Memo which was produced before the Commission shows the portion under heading 'signature of relative or any local person "blank" since no one signed the same. It is, therefore, clear that the Police did not inform any of the relatives or any one of the locality regarding the arrest of Ranjit Saha which is a gross violation of the direction of the Supreme Court in D.K. Basu's case.

4. It appears from the statement of Monoj Mohan Chakraborty, Ex-Supt., Dum Dum Central Correctional Home, that he at the material time was on leave. He only accompanied Ranjit Saha, U.T.P. upto Dum Dum Central Correctional Gate.

5. 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.

6. It appears from the records and also the statements made before the Commission by the 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

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Bhattacharya, Dy. Superintendent, Dum Dum Central Correctional Home that all possible steps were taken to render ~~recovery~~ 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 arrangements 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.

7. 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.

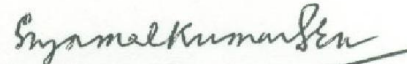
8. The Commission, therefore, is of the view that Departmental Proceeding be initiated against S.I. Lakshman Mondal for his negligence in informing the family member of the deceased arrestee. So far as Jail Authority is concerned, the Commission is of the view that there is no laches on their part.

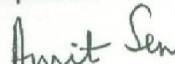
9. In view of the facts stated above, the Commission recommends that Departmental Proceeding be initiated against S.I. Lakshman Mondal. ^{Adequate} Interim Compensation be paid to the next of the kin of the deceased Ranjit Saha by the State Government which shall be recovered from the delinquent employee. S.K.H.

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

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B. MAHAPATRA, IAS
 Secretary
 West Bengal Human Rights Commission


 Justice Shyamal Kumar Sen
 Chairperson


 Prof. (Dr.) Amit Sen
 Member


 Justice Niladri
 Member


 Md. Nesar Khan
 Member


 Shri S. N. Roy
 Member

Dated Kolkata, the 31st August, 2006.