



WEST BENGAL HUMAN RIGHTS COMMISSION

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Ref. No. 791/NBHRC/COM/642/14-15

Date: 16.03.16

Recommendation No 26,27,28,29,30,31,32,33,34,35,36 & 37/15-16/WBHRC/
COM/381/15-16

From: Shri Laima Chozah IAS,
Secretary & CEO.

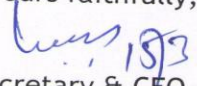
To: The Chief Secretary
Government of West Bengal
NABANNA
325, Sarat Chatterjee Road
Mandirtala, P.O.- Shibpur,
Howrah-711102

Sir,

I am directed to send herewith an authenticated copy of the Recommendations dated 11.03.2016 made by the West Bengal Human Rights Commission alongwith the copies of the reports of the Commissioner of Police, Howrah, Controller of Vagrancy, West Bengal and Superintendent of Police, WBHRC in connection with an intimation received from the Manager, Casual Vagrants' Home, 120 Andul Road, Howrah-3 regarding missing of an inmate namely Ghanashyam Shaw for taking necessary action. 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 four months.

Yours faithfully,


Secretary & CEO.

WEST BENGAL HUMAN RIGHTS COMMISSION
Purta Bhavan, 2nd Floor, Salt Lake, Kolkata – 700 091.

File No. 642/WBHRC/COM/2014-15

Present

1. Shri Naparajit Mukherjee
2. Shri M. S. Dwivedy

Acting Chairperson

Member

A report was received from the Manager of Casual Vagrants' Home, 120, Andul Road, Howrah-3 on 20.10.2014 that one of its inmate, namely, Ghanashyam Shaw (26 years), son of Bishnu Shaw went missing from the premises of the Vagrants' Home on 18.10.2014 at around 11:30 A.M.


2. On the basis of this report, the West Bengal Human Rights Commission took cognizance and called for a report separately from the Commissioner of Police, Howrah Police Commissionerate as well as the Controller of Vagrancy, West Bengal on 28.10.2014.
3. The above two Officers had since submitted their reports. The Commissioner of Police, Howrah Police Commissionerate informed that Ghanashyam Shaw(26 years), son of Bishnu Shaw, H.R. No. 15326/CVH was found missing from the Home premises on 18.10.2014 at around 11:30 hrs. The inmate was declared Vagrant on 27.02.2013 by the Ld. Special Magistrate, Vagrancy Court, Kolkata and as per his direction, the inmate was sent to the Home on the same day. On the incident of missing of the inmate a "missing diary" was lodged on 20.10.2014 at AJC Bose B. Garden Police Station by the Manager of the Casual Vagrants' Home being G.D.E. No. 973/14 dated 20.10.2014.

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West Bengal Human Rights Commission
&
Principal Secretary to the Government of West Bengal

4. On the basis of the missing diary, the AJC Bose B. Garden Police Station took action continued search at different places and also informed the Missing Persons Bureau of CID, West Bengal. They also circulated this information to all Police Units through E-mail. So far, the Vagrant has not been traced.
5. The Controller of Vagrancy has also submitted a report vide his Memo No. 1275/CV dated 14.09.2015 which is very similar in nature to the report of the Commissioner of Police, Howrah Police Commissionerate. The facts and circumstances under which, the inmate escaped has not been mentioned. However, from the annexed history ticket dated 27.02.2013, H.R. No. 15326/CVH it transpired that Ghanashyam Shaw was mentally deficient but not violent, physically in a poor state. He was from M.P.
6. The Commission took further cognizance of the report and instructed the Commissioner of Police, Howrah Police Commissionerate to give a status report on investigation regarding the missing inmate by 30.03.2015.
7. No progress was achieved by the local police and hence by its order dated 26.05.2015 the Commission called for a status report on investigation both from the Spl. IG & DIG-CID, West Bengal and the Commissioner of Police, Howrah Police Commissionerate since the Missing Persons Bureau of CID, West Bengal was intimated by Howrah Police.
8. No fruitful result was achieved regarding tracing of the missing inmate, so far. The Commission wanted to know what suggestions for security arrangement at Casual Vagrants' Home, Howrah were adopted, by the Controller of Vagrancy
9. The Controller of Vagrancy, West Bengal vide his report dated 14.09.2015 submitted certain suggestions for improving the security which are as follows:

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(a) The new boundary wall of the Home is very low in height which makes it possible for the inmate to escape easily as well as the anti-social elements to enter into the premises, He suggested that the height of the boundary wall be increased along with concertina fencing.


(b) Installation of CC TV to be done.

(c) Engagement of "Caregivers" for better coverage of inmates.

(d) To increase the number of Security Guard from the present 10 to 15 per day.

10. The Commission examined this report but it was not comprehensive, well co-ordinated and lacking in many aspects and hence on 18.02.2016 directed the ADG & IGP, Investigating Wing of WBHRC to organize a security audit of this Home and submit a report to the Commission latest by March 20, 2016. The S.P. of the Investigating Wing of the Commission submitted his report on 26.02.2016 after conducting necessary security audit. According to the data submitted 29 escapees from the Home have returned so far. The security scenario is very inadequate as the Casual Vagrants' Home is located on 14 bighas of land and there is a boundary wall which is at a height of 4½ feet. Further, it is in a dilapidated condition. There is no alarm or siren and the lighting arrangement is very inadequate. Security guard from one National Security Company perform duties in three shifts i.e. from 6 a.m. to 2 p.m., 2 p.m. to 10 p.m. and from 10 p.m. to 6 a.m. engaging ten security personnel. Four security persons in a shift i.e. from 6 a.m. to 2 p.m. Four persons from 2 p.m. to 10 p.m. and only 2 security persons in night shift i.e. from 10 p.m. to 6 a.m. It is very strange that during the night shift the security become very inadequate. There is lack of adequate lighting, adequate security guards and boundary walls are very low. Only three Caregivers staff were posted during the night shift out of the total of 18. One CC TV is installed which

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covers only the premises and is monitored by the Manager during the office hours. There is no real time monitoring during night time.

11. At the main gate a register for entry of vehicles and outsiders is maintained but there is no system of issuing Identity card for the staff, outsiders and inmates. This tantamounts to serious security breach. The Commission viewed from this report that the security arrangement in the Casual Vagrants' Home, 120, Andul Road, Howrah is totally inadequate for which reason the inmates are able to escape very conveniently. The numbers of escapees 29 are so far high.
12. In view of the above mentioned security scenario, following recommendations are made by the Commission to the Government of West Bengal for its immediate implementation

Recommendations of the Commission:-

- I) The Eastern, Western and Southern boundary wall which are 4½ feet high should be raised to 10 feet and brought at par with Northern side wall which is already at the height of 10 feet. Concertina wires should be placed at the top of the entire newly constructed boundary wall preventing ingress/egress.
- II) There are some big trees which help in scaling the wall. After taking due permission of the Forest Department and the Municipal Corporation branches of the trees should be trimmed to prevent escape.
- III) At present, there are only 10 security guards which are deployed 4 each in morning and afternoon shift and 2 in the night shift should be increased specially at the night time.
- IV) There are 255 inmates in the Home whereas only 18 Caregivers(helping staff) are engaged. Number of Caregivers should be augmented to intensify supervision on


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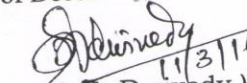
each inmate and to avoid escape of inmates. The Commission recommends to raise it to the level of 30 at least.

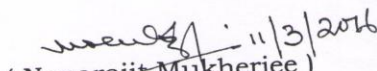
- V) As there is no system of Identity Card. The Commission suggests that every staff, security personnel as well as inmate should be issued with laminated photo Identity Card with hologram duly signed by the Manager of the Casual Vagrants' Home. This card should be valid for certain period and renewed after the period is over. Similarly, visitors seeking entry should be issued with temporary passes to be returned as soon as they leave the premises. A visitors' register along with their identity particulars and registration no. of vehicle used by them should also be maintained at the gate.
- VI) A new building has been built but the inmates are still living in their old dormitories. Shifting process should be completed at the earliest so that there is better care given to the inmates.
- VII) Adequate lighting arrangements throughout the premises with watch tower manned by the security staff should be erected to prevent further escape as during the period of last five years 29 inmates have escaped.
- VIII) Monitoring of the CC TV footage should be done round the clock both by the security staff as well as the managerial staff of the Home, duties to be fixed by the Manager of the Home.
- IX) The Water reservoir tank is in poor condition, requiring immediate cleaning due to iron deposit. This should be done on an emergency basis.

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- X) There is shortage of isolation room in respect of inmates suffering from infectious diseases. As there is sufficient space, a separate isolation ward be constructed in the Home.
- XI) There is no firefighting equipment or any firefighting drill taught to the inmates or security guards since fire is a hazard. Adequate firefighting arrangement and drill should immediately be installed to prevent any untoward incident in the event of accidental fire breaking out in the Home.
- XII) Emergency plan should be drawn by the Manager of Casual Vagrants' Home for evacuating the inmates and in the event of looking after their welfare in the event in accidental fire, floods or earth quake or outbreak of infectious diseases.
13. The Chief Secretary Govt. of West Bengal is requested to submit an action taken report to this Commission within 4(Four) months time.
14. The Commission intends to review the progress made on the line of recommendation in the month of December, 2016.


 (M. S. Dwivedy)
 Member


 (Napanarajit Mukherjee)
 Acting Chairperson

Dated, March, 2016

Encl: A) Report of the Commissioner of Police, Howrah Police Commissionerate.
 B) Report of the Controller of Vagrancy, West Bengal.
 B) Report of the Superintendent of Police, Investigating Wing of the Commission.

SDB

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