

By Fax / Speed Post

5/15-16

12/15-16

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT
HUMAN RIGHTS BRANCH
WRITERS' BUILDINGS, KOLKATA - 700 001

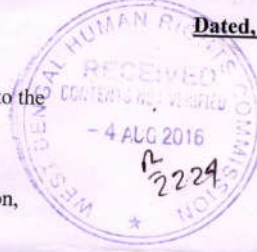
Register
AS (LAW) 578

No.1303-HS/HRC/Recom(WB)-12/15,

Dated, Kolkata, the 29th July, 2016.

From: Sri M.K. Kundu,
O.S.D. & Ex-officio Special Secretary to the
Government of West Bengal.

To: The Principal Secretary & C.E.O.,
West Bengal Human Rights Commission,
Purta Bhawan, 2nd Floor,
Block - DF, Sector - I, Salt Lake,
Kolkata - 700 091.



S.O.
Pl. Putup with
relevant file immediately
Registrar / Dy. Registrar

Sub: Recommendation of West Bengal Human Rights Commission in connection with the news items dt.23.04.2015 published in the Sambad Pratidin and the Times of India.

Ref: WBHRC No.361/WBHRC/12/COM/15-16, dt.05.11.2015.

Sir,

I am directed to refer to the above and to communicate the following position in respect of the 5 - point - recommendations of the Hon'ble Commission vide para - 13 of the proceedings under reference: -

13(a) - Decision on this recommendation for paying compensation is being examined and will be intimated in due course.

13(b) - It is not possible for such recovery, as recommended, since the PSI in question has resigned from service.

13(c) - The result of Departmental Proceedings against the PSI in question is enclosed herewith vide the copy of the D.C., S.C.O. Order No.658, dt.24.10.2015 of the Joint Commissioner of Police, Intelligence, Kolkata, holding the charge D.C.P. / Security Control Organisation, Kolkata, along with copies of enclosure thereof.

13(d) - Hon'ble Commission's appreciation on the action taken by C.P. / Kolkata against the defaulting officers has duly been noted by the Government for necessary communication to the C.P. / Kolkata.

13(e) - The C.P. / Kolkata has intimated that the recommendation made in this sub-para 13(e) will be taken into consideration in future.

The delay in submission is sincerely regretted.

The above position may kindly be placed for Hon'ble Commission's information.

Yours faithfully,

Encl.: As stated.

[M.K. Kundu]
O.S.D. & Ex-officio Special Secretary

No.1303/1-HS/HRC/Recom(WB)-12/15,

Dated, Kolkata, the 29th July, 2016.

Copy forwarded for information and necessary action to: -
The Commissioner of Police, Kolkata, 18, Lal Bazar Street, Kolkata - 700 001

Government of West Bengal
Office of the Commissioner of Police, Kolkata,
18, Lalbazar Street, Kolkata-700 001.

Memo No. 10039 /RPT & Encl.
R- 3600/2015/ID-756462.

Dated 17/05/16

From : The Commissioner of Police,
Kolkata.

To : The Deputy Secretary to the
Govt. of West Bengal,
Home Department, Human Rights Branch,
Writers' Buildings, Kolkata-1.

Sub : Recommendation of West Bengal Human Rights Commission in connection
with the new items dt. 23.04.2015 published in the Sambad Pratidin and the Times
of India regarding Recommendation No. 12, 13, 14, 15 & 16/15-16/WBHRC/Com
/12/15-15

Ref : No. 2319-HS/HRC/Recom(WB)-12/15 dt. 11.12.2015.

With reference to the subject noted above, this is to inform you that a report was sent
to the West Bengal Human Rights Commission by the Deputy Commissioner of Police, Port
Division, Kolkata, vide, Memo No. 790/PD + En. Dated 26.05.15 (copy enclosed). A further
enquiry into the matter has been conducted by the concerned authority of Kolkata Police.

FACTUAL REPORT:

During the further enquiry, it reveals that as per the statement of the police
personnel, Adil Naser along with his brother Aquib Naser went to Ekbalpore PS at around
14.30 hrs. on 21.04.2015. Adil Naser and his brother Aquib Naser stated that a mobile
phone belonging to them had been stolen and was, later, recovered. They requested the
police personnel of Ekbalpore PS to register a case in this regard and to handover a copy of
FIR to them. Both were initially attended by P/SI Pijush Sarkar though a few other police
personnel were also present in the PS at that time.

The police officer suggested them to lodge a complaint containing the details as the
stolen mobile phone was already recovered by them. In response to this they refused to do
so and became agitated and started using derogatory language towards the police
personnel claiming that the police were totally ignorant about the legal procedure. They
also tried to establish that they were well conversant with law as because their father being
an Advocate by profession. Over the aforesaid issue a hot altercation took place between
P/SI P Sarkar and those two brothers Adil Naser and Aquib Naser. In the process, the duo
got furious and all of a sudden punched P/SI P Sarkar by holding his collar of the uniform.
P/SI P Sarkar tried his level best to resist but both of them were found irresistible. The police

Govt. of West Bengal
Home Department
Special Section

received

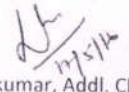
'Conclusion of the Hon'ble Commission', vide Sl. No. 12 of the Recommendation, it was admitted that "The complainants, during the course of altercation, might have assaulted the police officer on duty but it was the duty of the police to arrest them and register cases and take legal measures". In view of the said observation of the Hon'ble Commission, it is requested that Government may refer the issue again to the Hon'ble Commission to reconsider the matter of giving compensation to the complainants.

P/SI Pijush Sarkar submitted his prayer for resignation from the Kolkata Police Force, which was accepted, vide, Spl. Addl. CP & Jt. CP Hq. Order No. 478 dt. 30.10.2015. (copy enclosed). In this circumstances, recommendation of the Hon'ble Commission at Sl. No. 13(b) is not feasible at this end. | 'B'

The outcome of departmental proceedings against the probationer SI Pijush Sarkar is annexed herewith.

With regard to recommendation of the Hon'ble Commission at Sl. No. 13(d), the Kolkata Police authority has nothing to comment.

With regard to recommendation of the Hon'ble Commission at Sl. No. 13(e), it is stated that the matter in formalizing the role of probationer SI while undergoing PS training and not get them involved in critical areas in order to avoid such situation will be taken into consideration in future. | 'C'


[R. Sivakumar, Addl. CP (II)]
for Commissioner of Police,
Kolkata

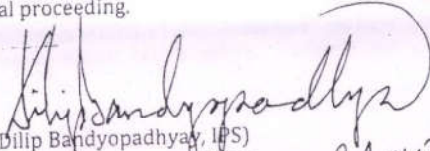
(107)

DC, SCO Order No. 658

Dated: 24.10.2015

Sub-Inspector Pijush Sarkar of SCO, Kolkata Police (presently working on deputation to SWD, Kolkata) is 'Censured' which shall be recorded in his Service Book as a penal measure in connection with Proceeding No. 38 dated 05.05.2015 drawn up against him.


This refers to the final order dated 24.10.2015 passed by the undersigned in connection with the said departmental proceeding.


(Dilip Bandyopadhyay, IPS)
Joint Commissioner of Police
Intelligence, Kolkata

Holding the charge of Deputy Commissioner of Police,
Security Control Organisation, Kolkata

24.10.2015

Copy to: C.R.O., Kolkata Police, Lalbazar for favour of kind
B. Mouhanjee information & n/a M.


29/10/15

28/10/15 Reserve Officer,
Security Control Organisation
Kolkata

Copy forwarded for information and necessary action to: -
The Commissioner of Police, Kolkata, 18, Lal Bazar Street, Kolkata - 700 001.

Final Order passed by Joint Commissioner of Police, Intelligence, Kolkata holding the charge of Deputy Commissioner of Police, Security Control Organisation, Kolkata in connection with Proceeding No. 38 dated 05.05.2015 drawn up against Sub Inspector Pijush Sarkar of SCO, Kolkata now working on deputation to SWD, Kolkata.

Sub Inspector Pijush Sarkar of SCO, Kolkata while posted to Ekbalpore PS, Port Division, Kolkata for undergoing practical training was proceeded against vide Proceeding No. 38 dated 05.05.2015 for being charged with gross misconduct and dereliction of Govt. duty in that :-

- 1) On 21.04.2015, while he was the duty officer of Ekbalpore PS from 09.00 hrs., during his duty hours, one Adil Naser along with his brother namely Aquib Naser called at Ekbalpore PS at about 14.30 hrs. to lodge a complaint in respect of theft of his mobile phone which was later recovered by them. But he did not register any case on this score. Following a hot altercation over the issue of non-registration of case, he alongwith SI B.B. Das, SI Sandip Pal and 7-8 Police personnel of Ekbalpore PS bit both of them up with lathi, rod, fist and blows. As a result they sustained injuries on their persons. Thereafter they were treated and discharged from S.S.K.M Hospital. This incident had been highlighted both in Print and Electronics Media.

Such act on his part as a member of disciplined force has tarnished the image of Kolkata Police Force in the eyes of public.

- 2) He, being a member of disciplined force of Kolkata Police, should have been more responsible in discharging public service, but he showed negligence and dereliction of duty in this regard.

He thereby violated Rule 3 of West Bengal Government Servants Conduct Rules, 1959 (Appendix-6)

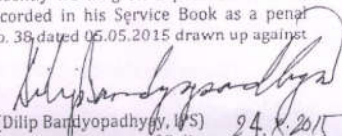
The charge of this proceeding was framed by Deputy Commissioner of Police, Port Division, Kolkata on 02.05.2015 and Shri S. S. Rahman, AC (II) Port Division, Kolkata was appointed as Enquiring Officer (E.O.) of the instant proceeding who enquired into the same and submitted his findings on 23.09.2015 holding that the charge is partially proved against the C.O. for detaining the Naser brothers for a long period keeping them standing in front of PS lock-up. It shows negligence and dereliction of duty being a member of disciplined force.

Since the C.O. was posted to Security Control Organisation, Kolkata, the file with findings of the Enquiring Officer (E.O.) was sent to Security Control Organisation, Kolkata to pass final order in the instant proceeding from this end being the disciplinary authority of the C.O. at present.

The C.O. was then served with a copy of findings and was directed to appear before the undersigned for personal hearing on 23.10.2015. He appeared before me on that day and was heard personally. He stated that he had no reservation regarding the enquiry. Also he admitted the findings.

I, being the disciplinary authority carefully went through the charge, statement of allegation, documents relied upon and also the findings submitted by the E.O. The charge leveled against the C.O. has been partially proved during enquiry. After evaluating the charges and evidences adduced in the proceeding and relevant records in the file, I agree with the findings of the Enquiring Officer (E.O.)

Taking into account of all the aggravating and extenuating factors with judicious mind, I, being the disciplinary authority, pass this order that the C.O. S.I. Pijush Sarkar of SCO, Kolkata Police (presently working on deputation to SWD, Kolkata) is 'Censured' which shall be recorded in his Service Book as a penal measure in connection with Proceeding No. 38 dated 05.05.2015 drawn up against him.


(Dilip Bandyopadhyay, WS)
Joint Commissioner of Police
Intelligence, Kolkata

24.10.2015

MAILED, REGISTERED, THE 27 JULY, 2016.

Copy forwarded for information and necessary action to :-
The Commissioner of Police, Kolkata, 18, Lal Bazar Street, Kolkata - 700 001