



WEST BENGAL HUMAN RIGHTS COMMISSION

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Ref. No. 44/WBHRC/COM/1045/14-15

Date: 07.09.16

Recommendation No 32,33,34,35,36,37,38 & 39/16-17/WBHRC/COM/1045/14-15

From: Shri Debashish Chattopadhyay,
Deputy Secretary

To: The Principal Secretary
Correctional Administration Department
JESHOP BUILDING
63, N.S. Road, Kolkata - 700001

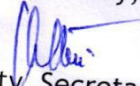
Sir,

I am directed to send herewith an authenticated copy of the enquiry report of the Deputy Superintendent of Police, WBHRC wherein recommendations of the enquiry officer have been accepted and considered as recommendations of the West Bengal Human Rights Commission 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 six months.

Enclosures: As stated above.

Yours faithfully,


Deputy Secretary

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Part Enquiry Report on File No. 1045/WBHRC/COM/2014-15

Hon'ble Commission kindly opined the following:

Ld. M.M. opined cause of death as a suicide, so does the PM Report. However, there is no comments on negligence aspect of Correctional Staff which might have led to the suicide.

Pertinent point has been raised. Circumstance leading to suicide is not clear.

Enquiry from Investigation Wing will unfold the entire matter. We may, therefore, suggest steps be taken for avoiding recurrence or repeat of such incident.

I beg to report that UTP Baragachi Santra @ Gangadhar Santra (48 Yrs.) s/o Lt. Sadhan Santra of Bothanberia, Puratanbazar, PS-Kolaghat, Dist.- East Midnapore was arrested on 04.08.11 in c/w Golabari PS Case No. 452/11 dt. 04.08.11 u/s 326 IPC. After that, he was lodged at Presidency Correctional Home, Alipore, Kolkata on 13.08.11 from Howrah Correctional Home. He was admitted to Male Mental Ward of Presidency Correctional Home on 26.11.13 and was treated there. The said UTP committed suicide by hanging from the water pipe of the bathroom of Male Mental Ward with a GAMCHA on 07.01.15 at 11.30 PM. Convict Uday Mati first saw the incident who was entrusted to look after the other convicts of the said ward. Accordingly, he informed the matter to the Correctional Home Authority. Dr. Malay Kumar Roy, MO of Presidency Correctional Home along with others went there and found that the said UTP was on hanging condition. He examined the said UTP and found the following:-

1. Pulse not palpable.
2. Heart sound not audible.
3. No respiration, a small quantity of urine passed.
4. Stool not passed and

declared him dead at 11.30 PM on 07.01.15. Correctional Home Authority informed the matter to O/C, Hastings PS, and Hastings PS held an enquiry into the un-natural death vide Inquest No.

Authenticated

D. Chattopadhyay

Deputy Secretary
West Bengal Human Rights Commission

43/2015 dt. 11.01.15 (Annexure P-33) and GDE No. 597 dt. 08.01.15 (Annexure P-38). SI Rohit Chatterjee along with officer and force of Hastings PS visited Presidency Correctional Home on 08.01.15 (Annexure P-38). He held enquiry over the death of UTP Baragachi Santra. During the enquiry, videography was done over the said dead body. The said dead body was taken to Police Morgue, Medical College, Kolkata. Shri P.K. Das, Spl. Executive Magistrate, Coroner's Court, Kolkata held inquest report over the said dead body at the hospital morgue on 11.01.15 (Annexure P-33) and forwarded the dead body for holding PM examination over the said dead body as to ascertain the actual cause of death.

PM examination was done, and Autopsy Surgeon (Dr. A. Adhikary, Dept. Of Forensic & State Medicine, Medical College, Kolkata) opined that death was due to effects of hangings as described ante mortem in nature (Annexure P-31). As per FSL Report/Chemical Examination Report, "No poison could be detected either in viscera or the blood said to be of UTP Baragachi Santra (Annexure P-90).

Shri Prasanta Santra s/o Lt. Sadhan Santra of Bathanberia, Puratanbazar, PS-Kolaghat, Dist.-East Medinipur received the said dead body (brother of the UTP) after PM examination on 11.01.2015.

Shri Rudraprotap Roy, Metropolitan Magistrate, 20th court, Kolkata held a judicial inquiry in c/w custodial death of a UTP Baragachi Santra (Annexure P-52).

Myself along with my staff visited Presidency Correctional Home on 07.04.2016. During the enquiry, I talked to the Superintendent, Correctional Home, Chief Controller, Asstt. Controller, Medical Officer and other staff and visited the P.O. I examined Dr. Malay Kumar Roy, MO of Presidency Correctional Home (Annexure P-127), convict Tarun Kumar Maity (Annexure P-129), convict Uday Kumar Mati (Annexure P-124) and Sajal Kumar Mitra (Annexure P-125). Subsequently, I examined Sanjit Kumar Singh, Warder of Presidency Correctional Home (Annexure P-132) and recorded their statements in another sheet of papers are enclosed with the file.

I collected Status Report from O/C, Golabari PS, Howrah (Annexure P-118). As per the report, Golabari PS Case No. 452/2011 dt. 04.08.11 u/s 326 IPC was ended in charge sheet vide Golabari PS Charge Sheet No. 589/11 dt.

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 6/9/16
 D. Chattopadhyay
 Deputy Secretary
 West Bengal Human Rights Commission

30.11.11 u/s 326 IPC against one person namely Baragachi Santra (Annexure P-113). Ld. Judicial Magistrate, 1st Class 1st Court, Howrah had passed an order that the case is "filed for ever".

Superintendent, Presidency Correctional Home has sent a reply to this office in reference this Office Memo No. 399 dt. 19.04.16 which are noted below (Annexure P-119):

1. Each and every human being suffers from mental depression the reason is only confirmed and analyzed by psychiatric/psychologist. To prevent the suicide inside Correctional Home, a committee has been formed headed by the ADG & IGCS, WB and the proposal submitted to the Government for consideration (Report SL No. 1) (Annexure P-119).
2. Videography/CD of Post Mortem already been sent at NHRC, New Delhi vide his office Memo No. 2782/AB-11 dt. 01.04.15 (Report SL No. 5).
3. As per rules and regulations after locked up of the ward the inmates are detained inside the ward and the on duty warder posted outside the ward (Report SL No. 6).
4. 'GAMCHA' is an essential part of personal belongings of any human beings. These are allowed to all inmates in the normal course. It is also suggested in the suicide prevention policy for the Correctional Homes of West Bengal that every prisoner on admission should be provided with a small thick towel by the dept. and their own GAMCHA is taken away, but it is the subject of implementation by the Government (Report SL No. 7).

As per record of Correctional Home, he was alcohol addiction for 7 years and depressed mood with Insomnia. He was referred to the institute of psychiatry on 20.02.12 and was taking medicine according to the advice of a psychiatrist (Annexure P-87 & 82).

I examined SI Rohit Chatterjee of Hastings PS, Kolkata Police who primarily enquired regarding the custodial death of UTP Baragachi Santra and his statement was recorded (Annexure P-135). SI also stated that the UTP was unmarried and committed suicide due to depression. During the enquiry, he could not be detected any foul play behind the incident.

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D. Chattopadhyay
6/9/16
Deputy Secretary
WBSS
West Bengal Human Rights Commission

As per available records, statement of witnesses, statement of Correctional staff, report of Metropolitan Magistrate, Kolkata and statement of 1st enquiry officer of Hastings PS, no negligence aspect of Correctional Home staff could be detected regarding the suicide of UTP Baragachi Santra.

The following measures should be taken to avoid further incident to prevent the suicide of convict/under trial prisoner at Presidency Correctional Home.

1. The ceiling fan may be covered by small wire net.
2. The window of the ward may be covered by small wire net.
3. The ladder should not be kept inside of the ward.
4. C.C.T.V. should be installed inside and outside of the ward, especially at the strategic places. So that inmates are kept under 24 hours monitoring by specific duty personnel.
5. The arrangement of counselling should frequently be done for the inmates.
6. The inmates should be engaged in recreational and cultural activities, the inmates should be trained in skilled for rehabilitation.
7. The ethical or moral classes may be conducted by the Management expert for the inmates.
8. Constructive hobbies of the inmates should be explored and streamlined for the social goodness.

Authenticated

D. Chattopadhyay 6/9/18

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West Bengal Human Rights Commission

Opinion of I.O.:

As per available records, statement of witnesses, statement of Correctional staff, report of Metropolitan Magistrate, Kolkata and statement of 1st enquiry officer of Hastings PS, no negligence aspect of Correctional Home staff could be detected regarding the suicide of UTP Baragachi Santra.

Submitted

Tarak Chandra Pal
(Tarak Ch. Pal)
Dy.SP, WBHC
27/07/2016

Opinion of SP:

It appears that suicide in the male mental ward is few & far between during the last five years. Only one case has been reported. "Suicide" possibility can be minimized if adequate supervision is maintained at all possible place who planned the duty pattern of the warders lacked that vision for which helped the incident to occur. Report of Superintendent, Presidency Correctional Home avoided the matter of "responsibility fixing". In his earlier report he mentioned that one proposal was sent by ASG, C.S., WB to the Government to prevent any future "suicide" inside C.H.. Copy of the said proposal could have been enclosed.

There must be an element of negligence on the part of C.H. authority when "suicide" could be committed by an inmate so smoothly.

Authenticated

6/9/16

D. Chattopadhyay
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Deputy Secretary
West Bengal Human Rights Commission

27/7/16
SP, WBHC