



## **VIOLATION OF HUMAN RIGHTS: PARTISAN ROLE OF POLICE IN WEST BENGAL**

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### **Abstract**

*Right to life and liberty is the precious element of an individual's survival. Every individual has to depend on the state to realize such rights. United Nations has adopted and enforced a series of declarations and covenants for materialization of such rights. Most of the countries in the World place such International provisions in the laws of the land. India being the party of the most International Declarations and Covenants has either adopted such provisions in the Constitution or domestic laws enacted by the legislatures. Police, as the organ of the Government, is entrusted with the maintenance of security of life and liberty of the people. Owing to the dictums of the International provisions, the police are supposed to ensure the human rights of the people as manifested in the constitution and other laws of the country. 1993 Human Rights Protection Act explicitly assigns the duty in a more effective manner. But like other parts of the country people of West Bengal are faced with police atrocities and ineffectiveness during the post- independence period. The colonial menace of the people has not been withered from the minds of the people. Police atrocities are designed towards vulnerable sections of the society, workers of the democratic movement and human rights activists. Police have been directed by the part-in- power to buttress the democratic rights of the people. From the dawn of independence, people of our state are faced with severe atrocities of police like- custodial torture, custodial death, lathi- charge and police firing on peaceful demonstrations, false charge, encounter death, extra- judicial killing, and custodial rape etc. Even an innocent child and women are the prey of police. Every regime left or right did not hesitate to use police for their narrow political ends. Excessive control of the ruling party over police does not allow them to perform their duty in an independent and effective manner.*

The security of life and liberty is the most important and precious right for which human being aspires for his/her survival. A person should be assumed that he cannot be deprived of his life and liberty arbitrarily. No one has the right to take anyone's life or personal liberty. It is the prime responsibility of the state to ensure life and liberty of the persons residing in the state. Article 3 of the Universal Declaration of Human Rights states that "Everyone has the right to life, liberty, and security of persons." Article 6(1) of the International Covenant on Civil and Political Rights, 1966 declares that "Every Human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." Article 21 of the Indian Constitution echoes the above rhythm when it codifies that "No person shall be deprived of his life or personal liberty except according to procedure established by law." Right to life as per Art.21 of our Constitution does not mean mere sustenance of life like animals. Right to life would mean right to a decent life, life with human dignity, otherwise there is nothing to guarantee. Right to life would include the following rights- Basic necessities of life, life with human dignity, freedom from police or other atrocities and freedom from torture.

The right to life would mean to live in a peaceful atmosphere. There is no charm of life without being it peaceful. People of the developing countries are always faced with poverty, illiteracy, hunger, malnutrition, and lack of shelter. These types of distressed conditions always keep them in a vulnerable position to be exploited by anyone. The law-enforcing agencies being assigned with the maintenance of law take the opportunity of poverty and ignorance of the vast majority of Indians. They harass those people and implicate on false charges. Article 5 of the Universal Declaration of Human Rights prohibits cruel, inhuman or degrading treatment. It is reaffirmed by Article 7 of the International Covenant on Civil and Political Rights which became effective in 1976 and which was ratified by the Government of India in 1979. It is prohibited under the European and Inter-American Convention on Human Rights.



There is no specific prohibition of degrading treatment under the Constitution; Article 21 has been interpreted to include immunity from cruel, inhuman and degrading treatment. The Supreme Court has held in Mullin's case that any form of torture or degrading treatment would be offensive to human dignity and would, therefore, violate Article 21.

Police is the custodian of law and order. Police as the main law-enforcing agency is the watch-dog of safety and security of common people. In every democratic state including India Police has to comply with some standard principles by which people are aware of the accountability of the police. Police is the competent agency of the Government to protect and promote human rights of the people. Since human rights cannot be measured within a national boundary International Human Rights Agency has prescribed some guiding principles for law enforcing agencies-especially police in enforcing human rights.

### **International Guidelines regarding Responsibility of the Police**

The Office of the United Nations High Commission for Human Rights has prescribed some of the guiding principles for police in their document "Pocket Book on Human Rights for the Police". Basic principles to be followed by the police personnel are the followings:

1. Adopt a comprehensive human rights policy for their organization;.
2. Incorporate human rights standard into standing orders for the police;.
3. Provide human rights training to all police, at recruitment and periodically;.
4. Police officials shall at all times fulfill the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession;.
5. Law enforcement officials shall not commit any act of corruption. They shall rigorously oppose and combat all such acts;.
6. Law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons;.
7. All police action shall respect the principles of legality, necessity, non-discrimination, proportionality, and humanity;.
8. Ensure that all police policy and strategy, and orders to the subordinates, take into
9. account the requirements to protect and promote human rights;.
10. Ensure that all reports and complaints of human rights violations are fully and properly investigated;.
11. Develop and enforce standing orders incorporating international human rights standard;.
12. The police shall be an independent organ of the Executive and shall be subject to the direction of the courts and bound by their orders;.
13. All police officials shall maintain political independence and impartiality at all times;.
14. Police officials shall carry out all duties impartially and without discrimination on grounds of religion, race, colour, sex, language, religion or politics;.
15. All police personnel shall maintain and preserve social order so that democratic political processes can be conducted constitutionally and legally. ( UNHCHR,2004).

The United Nations High Commission for Human Rights prescribed some basic guidelines regarding investigations of police. During the period of investigations, the interviewing of witness and suspects, personal searches, searches of vehicles and premises, and the interception of correspondence and communications: Everyone has the right to security of the person; Everyone has the right to a free trial; Everyone is to be presumed innocent until proven guilty in a fair trial;

No one shall be subjected to arbitrary interference with his or her privacy, family, home or correspondence; No one shall be subjected to unlawful attacks on his or her honor or reputation; pressure, physical or mental, shall be exerted on suspects, witnesses or victims in attempting to obtain information;



Torture and other inhuman or degrading treatment is absolutely prohibited; Victims and witnesses are to be treated with compassion and consideration; Confidentiality and care in the handling of sensitive information are to be exercised at all times. (ibid.).

The United Nations High Commission for Human Rights prescribed some safeguards for the arrestee. Police personnel should adhere to the following principles regarding arrest:

No one shall be subjected to arbitrary arrest or detention; No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as established by law; Anyone who is arrested shall be promptly informed of any charges against him or her; Anyone who is arrested shall be brought promptly before a judicial authority; Anyone who is arrested has the right to appear before a judicial authority for the purpose of having the legality of his or her arrest or detention reviewed without delay, and shall be released if the detention is found to be unlawful; Anyone who is arrested has the right to trial within a reasonable time, or to release; Detention of pending trial shall be the exception rather than the rule; All arrested or detained person persons shall have access to a lawyer or other legal representatives and adequate opportunity to communicate with that representative; A record of every arrest must be made and shall include: the reason of arrest; the time of arrest; the time the arrested person is transferred to a place of custody; the time of appearance before a judicial authority; the identity of involved officer; precise information on the place of custody and details of interrogation; The arrest record shall be communicated to the detainee or his/her legal counsel; The family of the arrested person shall be notified promptly of his or her arrest and place of detention; No one shall be compelled to confess or to testify against himself or herself; Where necessary, an interpreter shall be provided during interrogation. (ibid.2004).

India, being the important signatory of most of the international Human rights treaties and covenants, is supposed to implement the human rights practice in implementing the duties of the police. India is the late runner in introducing human rights regime in the country. In 1993 the National Human Rights Commission has been set up by the Human Rights Protection Act. But prior to that, fundamental rights, especially Article 21 and Article 22 of our Constitution ensure some of the safeguards as stated above. Still, no Human Rights Court like the European Court of Human Rights and Inter-American Court of Human Rights has been introduced in our country. Even recommendations of the National Human Rights Commission and State Human Rights Commission are not binding upon the Government. As a result National Human Rights Commission and State Human Rights Commission bring the incidents of human rights violation and intentional and unintentional lapses of law-enforcing agencies before the Government and the people. In most of the cases, the Government is indifferent to implement the recommendations of the Human Rights Commission.

**Human Rights Violation and Police Atrocities: Post-Independence Congress Phase** : Declaration of Independence of India raised the hopes of toiling masses that justice would have prevailed under the new ruler. But their hopes were demolished when they observed that British rulers had gone but new rulers remained the same with identical exploitative nature. Their rays of hopes and aspirations withered away within a couple of years. As a result, grievances of the people led them to be in conflict with new nationalist rulers of the country. West Bengal, as a part of the country, faced several incidences of conflicts and brutal torture of police as ordered by the Government. Sarojkumar Dutta, in an article Swadhinata, a daily paper published by the undivided C.P.I: "In 1947, the Congress Government used bullets to silence the widespread mass movements that had begun in West Bengal against this black Act (Internal Security Act). The young social worker Sisir Mandal was the first to lay his life before their bullets. After that, a regime of naked terror was brought about in West Bengal from 1948 by the indiscriminate application of this hated Act." (Dutta, Collected Works, Vol. I. 1985). But such an attack was not designed against the only political person; common people were also victims of State terror. In July 1948, slum dwellers of Kashipur



who were demonstrating for water supply were heavily teargassed. None was allowed to run out from the gas-filled congested slum, and a nine-month-old child died from suffocation (Dutta, 85). On 18<sup>th</sup> January 1949 police unhesitatingly fired on a student rally organized in protest against lathi-charge on a rally of the refugees. Nine students were killed in the police firing. Next day they demanded the dead bodies in the morgue but

police again fired on them and Dilip Dwivedi was killed (ibid). On 16<sup>th</sup> February 1954 notorious mounted police was let loose on the secondary school teachers who were squatting of Esplanade to press for a wage rise and other demands. Gyan Chandra Ray, a sixty-year-old teacher of Naktala School was killed (ibid). On 31<sup>st</sup> August 1959, three hundred thousand strong historic marchers went to Esplanade to meet the Chief Minister and they were brutally lath charged. Between 31<sup>st</sup> August and 4<sup>th</sup> September, 80 dead bodies were counted, although, according to Government sources, the figure of death was 39. Men and women aged from 19 to 75 were killed and thousands were injured. A massive protest March, led by Satyajit Roy and other noted intellectuals, was taken out in Calcutta against the police violence (Sadhinata, Calcutta, 1975 & Dutta, op.cit). The period between 1958 and 1961 witnessed a strong movement of peasants demanding bargadars' rights over the share of harvest as stated in Sec.5 (A) of the West Bengal Sharecroppers Act. These movements were faced with bullets of police and musclemen of landlords (interview with Biswanath Mukherjee cited in Dutta,op.cit).

**Violation of Democratic Rights: 1967 onwards-**; On March 2, 1967, the United Front Government was sworn and people of West Bengal expected a lot from this Government in upholding the rights of the peasants and downtrodden. But seven women and two children were killed in police firing in Naxalbari in North Bengal on 25May (Banerjee, 1980). The C.P.I. (M) leadership blamed on the Chief Minister Ajoy Mukherjee for depending on excessive police measures to maintain law and order. The U.F. ministry had been short-lived. A new ministry under P.C.Ghosh was sworn in with 17 defectors of the United Front ministry. Subsequently, restrictive orders under section 144 were imposed on Calcutta and several districts. The U.F supporters gathered at the Brigade Parade Ground and senior U.F. leaders including Biswanath Mukherjee, Amar Chakrabarty, Sukumar Roy, and others were injured and arrested. 17000 people courted arrest in one week. Thousands including children, women and sick were beaten up and brutally tortured. The police brutality at Raja Pyari Mohan College, Uttarpara, Hooghly was a terrific example on 16 December 1967. A non-official Enquiry Commission report brought out that without provocation, the police had entered the College and mercilessly assaulted the professors, students, and clerks causing profuse bloodshed, head injuries and fractures of limbs one gun-shot injury to one student (Non-official Enquiry Report, 1967 cited in Dutta, op.cit).

The United Front of the opposition parties returned to power in the 1969 election. The conspiracy had begun to dismiss the Government within one month from the date of the oath. At the behest of the Congress Government at the Centre, 81 C.P. I. (M) workers were killed (Desh Hitaishee, Autumn No.1977, p.78). It was not the Central Government; the State Government also did not hesitate to crush democratic movement. The then Home Minister Jyoti Basu called the Eastern Frontier Rifles in December 1969 to buttress agrarian struggles in Debra, Gopiballavpur (Banerjee,op.cit). Another gross violation of democratic rights was witnessed by Durgapur Regional Engineering College on June 2, 1969. There had been a scuffle between some policemen and students when the latter objected to the practice of taking bribes from the truck drivers. The next morning a heavy contingent entered the college campus, showered lathi blows and bullets on everybody they could find there, resulting in the death of a student. Several persons were injured and the college property and building were extremely damaged. A Judicial Enquiry Commission under T.P.Mukherjee held that it was a case of gross indiscipline on the part of the police (Mukherji Enquiry Report, 1969).



The United Front Government was toppled on March 16, 1970. During this period West Bengal faced all-round repression of the left in West Bengal. The operation began to start with two draconian laws- the Bengal Suppression of Terrorist Outrages Act of 1956 and the West Bengal Prevention of Violent Activities Act, 1970. The first Act provided for detention of persons and confiscation of any property or literature suspected to have some links with terrorist activities. The second Act empowered the police to arrest without warrant and does virtually whatever they feel like to the extremist. During this time Mr. Ranjit Gupta, the Commissioner of Police, Calcutta had drawn up the famous plan of “counter violation” modeled after the measures suggested tackling a communist insurgency by Sir Robert Thompson, head of the British Advisory Mission in Vietnam from 1961 to 1965. Jyoti Basu claimed that about 263 C.P.I. (M) followers were killed between 17 March 1970 and 24 April 1971. But the special design was chalked against Naxalites. According to official sources, from March 1970 to August 1971, 1783 Naxalites were killed in greater Calcutta alone (Frontier Weekly, April 17, 1971). Not only the political leaders, but other sections of public were also attacked. Either they had to totally submit before the will of the representatives of the ruling party, or they found every aspect of their democratic life-the freedom of association, expression and movement, and even the right to life in peril. In the early seventies, another experiment in State violence was carried out on such a scale that would place the Indian Government at a position of merit among all repressive governments of the world. It is a massacre of unarmed and helpless prisoners in Jails. An incomplete list of the Jail incidents in West Bengal during the period December 1970 to June 1972 prepared by Amnesty International is given below:

Name of Jail and Date	Source	Prisoners killed(official estimate)
Midnapore Jail, 16 December,1970	Statesman,17 December,1970	10
Midnapore Central Jail,6 February,1971	Statesman,6 February,1971	01
Berhampore Jail, 24 February,1971	Juugantar,25 February,1971	10
Dum Dum Central Jaail,14 May,1971	Statesman, 15 May,1971	16
Alipor Special Jail,12 July, 1971	Times of India, 12 July,1971	06
26 November,1971	Jugantar,27 November,1971	06
Assansol Special Jail,5 August,1971	Times of India,6 August,1971	09
Hoogly Jail, 7 February,1972	Statesman, 8 February,1972	01
Burdwan Jail,28 May,	Statesman,29 May,1972	02
Total	.....	61

- Cited in Nilanjan Dutta, Violation of Democratic Rights in West Bengal Since Independence.



On 25 June 1975 proclamation of emergency again threatened the democratic environment of the State. During this phase, intellectual freedom and individual freedom had lost its meaning. Police was instructed not only to suppress the voices of left but to demolish any sort of democratic voices. Even members and supporters of non-Communist opposition parties were arrested on 15 August and 2 October when they went to garland the statue of Gandhi in Calcutta. Along with many other songs and plays, 'Rabindra Sangeet' also became a prey to the claws of censorship. At least 26 songs of Rabindra sangeet were banned in the All India Radio, Calcutta.

### **Left Front Regime: Myth of Democratic Rights and Reality**

In June 1977 Assembly election the Left Front headed by C.P.I. (M) came into power with an absolute majority. People thought that a democratic environment would be restored and realization of democratic rights in the truest sense will be possible under the new Government. After coming into power the Left Front adopted several programmes to extend the opportunity of rural people so that they become self-assertive and self-dependent. Introduction of Panchayati Raj and implementation of Land Reform are the remarkable steps of the new Government. But the intention of the sugar-coating Government became naked when the Maichjhapi incident came into the forefront. Refugees settled at Marichjhapi, through their own efforts established a viable fishing industry, salt pans, a health center, and school. The State Government was not disposed to tolerate such settlement, stating that the refugees were in unauthorized occupation of Marichjhapi which is a part of the Sunderbans Government Reserve Forest violating thereby Forest Acts (Refugee Relief and Rehabilitation Department 1979). It is debatable whether Left Front Government placed primacy on ecology or merely feared this might be a precedent for an unmanageable refugee influx with consequent loss of political support. When persuasion failed to make the refugees abandon their settlement, the West Bengal government started on January 26, 1979, an economic blockade of the settlement with thirty police launches. The community was tear-gassed, huts were razed, and fisheries and tube-wells were destroyed, in an attempt to deprive refugees of food and water (Ross Mallik, 1999). Press coverage was also restricted. In order to ensure press coverage after the blockade, a refugee, Saphalalananda Haldar, evaded police patrols and swam to the mainland where he informed the Calcutta press of police firing at Kumirmari. The press reported police tear-gassing of refugees, the sinking of their boats which they needed to obtain rice and drinking water, and arrest of people attempting to work on the mainland or sell firewood from the reserve forest. With starvation deaths occurring among the squatters the situation was taking a desperate turn. On January 27, 1979, the government prohibited all movements into and out of Marichjhapi under the Forest Preservation Act and also promulgated Section 144 of the Criminal Penal Code, making it illegal for five or more persons to come together at any given time. The Calcutta High Court, on the basis of the appeal of the refugees, ruled against interferences in the refugees' movements and in their access to food and water. The government denied that refugees were subject to any kind of blockade and they continued blockade in defiance of Calcutta High Court. When police actions failed to persuade the refugees to leave, the State Government ordered the forcible evacuation of the refugees, which took place from May 14 to May 16, 1979. Muslim gangs were hired to assist the police, as it was thought Muslims would be less sympathetic to refugees from Muslim-ruled Bangladesh. The men were first separated from the women. Most of the young men were arrested and sent to Jails and the police began to rape the helpless young women at random (Sikdar, 1982). At least several hundred men, women, and children were said to have been killed in the operation and their bodies dumped in the river. Prime Minister Morarjee Deshai, wishing to maintain the support of the communist for his government, decided not to pursue the matter. The Central Government's Scheduled Caste and Scheduled Tribe Commission, which was aware of the massacre, said in its annual report that there was no atrocities against untouchables in West Bengal, even though their Marichjhapi file contained newspaper clippings, petitions, and a list with the names and ages of 236 men, women and children killed by police at Marichjhapi prior to massacre, including some who drowned when their boats were sunk by police (ibid.). The refugees themselves complained to visiting members of Parliament that 1000 had died of disease and starvation during the occupation and blockade (Sikdar, 1982:23). Out of the 14,388 families who deserted (for West Bengal), 10260 families returned to their previous places... and the remaining 4128 families perished in



transit, died of starvation, exhaustion, and many were killed in Kashipur, Kumirmari, and Marichjhapi by police firings (Biswas, 1982.19).

The Congress Government used the police force to buttress the democratic movements of different organizations in the state. The Left Front Government despite their critical attitude towards Congress regime followed the same path. On 21 July 1993 the then Calcutta Police opened fire and killed 13 hapless party workers at a rally organized by Mamata Banerjee, the then Youth Congress leader. The Youth Congress supporters who were rallying refused to stop and walked ahead. Many rounds of teargas shells were fired but the supporters kept moving forward. Banerjee tried to pacify the supporters but the police went berserk in a spate of revenge and did not spare her. The supporters approaching from Brabourne Road, B.B. Ganguly Street, Mission Row, Mayo Road and heading towards Writers' Building were stopped as the gathering was prohibited under Section 144. The place transformed into a battle zone. People started running across Curzon Park. The police opened fire killing 13 supporters and leaving hundreds injured (The Millennium Post, New Delhi, 21 July 2012). Incidentally, the Human Rights Protection Act came into force in the same year in our country.

Ruling parties in the state used to exploit police forces to serve their political interest. Every political party while in power cannot escape them from using police forces to sustain their power. Police become subservient to the party in power instead of exhibiting their impartial role. On many occasion, they are inspired to harass and torture common people because of their loyalty to the ruling party. Accordingly hyper-activism along with Police cruelty led to an increasing number of custodial death, torture, and encounter death. Needless to say, such police atrocities are mostly designed against common and innocent people. A selective list of torture, encounter death and custodial death by police under the left front regime is given below:

Date	Location	Victim	Classification
9 April 1997	Alipore	Babi Biswas	Custodial death
23 August 1997	Jorhat	Bhupen Sharma	Custodial death
10 May 2001	Subhas Sarobor	Rabindranath Das	Custodial death
5 September 2001	Ketugram	Tapas Thander	Custodial death
16 March 2002	Nadia	Ratan Sil	Custodial torture

April 2002	Cooch Behar	60 people	Custodial torture
25 May 2002	Unknown	Arshad Sheikh	Custodial death
11 July 2002	Midnapore	150 Naxalite prisoners	Custodial torture
1 August 2002	Maldah	Anesh Das & Nimai Chandra Ghosh	Custodial death
27 September 2002	Kulti	Ananda Barui	Custodial death
5 October 2002	Khusnagar Village	Unknown Khusnagar Villager	Police Violence
January 2003	Indo-Bangladesh Border	Husband & daughter of Joyeetabala Das	Extra-judicial killing
6 January 2003	Kolkata	Bapi Sen	Encounter death
14 February 2003	Berhampore	Nargis Biwi	Custodial rape/sexual harassment



16 February 2003	Berhampore	Debashis Banerjee	Custodial torture
8 June 2003	Siliguri	Unknown individual	Police firing
15 July 2003	Berhampore	Mayarani Ghosh	Police Violence
27 September 2003	Debipur village	Safikul Sheikh	Extrajudicial killing
October 2013	Kakdwip	Mousumi Ari	Police Inaction
10 December 2013	Unknown	Salahuddin Sheikh	Custodial torture
10 April 2004	Srirampur	Israfil Mandal, Sabyasachi Goswami, Mantu Banerjee, Jalai Sk. &Asok Sarkar	Custodial torture
6 May 2004	Berhampore	Sushil Sharma	Custodial torture
7 July 2004	Kharagpur	Soumyendu Mondal	Custodial Death
21 August 2004	Hoogly	Sujato Bhadra &11others	Police Inaction
12 September 2004	Haroa	Woman Raped	Custodial rape/Sexual harassment
27-28 September 2004	Kolkata	Barun Chattopadhyay &Abdul Latif	Custodial death
30 October 2004	Howrah	Azizul Mollah &18 others	Police Inaction
5 January	Howrah	Kartik Ghosh	Custodial torture
February 2005	Murshidabad	Gopen Sharma	Police Violence
20 May 2005	Maheswari Vidyalaya	Rajiv	Custodial torture
24 August 2005	Uttar Dinajpur	Ashutosh Roy	Encounter death
12 October 2005	Kanyangarh Kalitala	Samir Dutta	Custodial torture
7 December 2005	Salanpur	Rape of a tribal woman	Police Inaction

18 January 2006	Serampore	Kiriti Roy & Alok Chakrabarty	Police violence
17 April 2006	Murshidabad	Abhilas Mandal	Encounter death
1 June 2006	Katlamari post	Saifuddin Sheikh	Encounter death
23 August	Howrah	Deepak Mahish & Sannyasi Mahish	Custodial torture
8 December 2006	Hoogly	Protestors & Journalists	Police violence
19 January 2007	Bagdubi	Mittan Tudu & Kanchan Mahato	Extrajudicial killing
14 March 2007	Nandigram	Eleven individuals	Police firing
16 March 2007	Nandigram	Unknown people	Police firing

**Source: National Project on Preventing Torture in India: From Public Awareness to State**





### **Accountability, Peoples Watch, Madurai, 2007.**

Barbaric attack on agitators and poor cultivators of Singur and Nandigram was the blatant example of police atrocities sponsored by the State machinery. Singur and adjoining areas of Howrah district became furious by the agitation of local cultivators against the forcible acquisition of cultivable land for Nanomotors of Tata Company. Opposition parties like Trinmul Congress, Congress and other parties including Human Rights Groups and members of Civil Society joined hands with peasants. As the movement against land acquisition became intensified police became more and crueller. On 5 February police mercilessly lathicharged against Amithavababu of Majdur Kranti Parishad and Anuradha Talwar. Both of them along with fellow agitators were arrested and Anuradha Talwar observed fasting in the police lock-up (Ananda Bazar Patrika, 6.3.2007). Incidentally, Mr. Buddhadev Bhattacharya awarded the Seva medal to Mr. Asit Paul, former additional Superintendent of (Headquarters), Hoogly, who has been accused of assaulting women farmers and Mrs. Anuradha Talwar, a human rights activist near the car project at Singur for protesting against land acquisition.

Police along with C.P.I. (M) activists fired on villagers who resisted acquisition of their land for industry. According to official sources, 100 round firing took place along with the use of tear gas, the gas grenade and smoke rocket on that day. Fourteen people were killed in the firing of which five were women. Sixty-three people were severely injured. The then Governor Gopal Krishna Gandhi remarked that 'My bones have become cooled in the incidence of police firing at Nandigram'. He added that demonstration of power against anti-national, terrorists and secessionists are different things but the people of Nandigram are not the same (Ananda Bazar Patrika, 15.3.2007). Even US external affairs ministry referring to some Human Rights Organization mentioned the police firing at Nandigram in their Human Rights Report of 2007 (Ananda Bazar Patrika, 15.3.2008).

Another terrific incident took place at Netai village, West Midnapore on 7 January 2011. It was alleged that nine persons were killed by C.P.I. (M) goons when the common villagers denied taking arms training to resist Maoist upsurge in the locality. Family members of those killed or injured in the firing vented their grief and anger before the Governor when M.K. Narayanan visited the place and met the relatives of victims. Victims also expressed dissatisfaction with the role played by police. Mr. Nayan Sen, who was shot in the leg, said: "The Governor asked me to explain what happened that day. When I told him that CPI(M) 'harmads' had fired at us, he wanted to know if there was any other group, especially Maoists, present at the scene at that time. I said that there was no one except common villagers who had gathered in front of the house to request the C.P.I. (M) leaders not to force the villagers into undertaking arms training" (The Hindu, January 19, 2011). In the name of repressing Maoist upsurge common villagers in West Midnapore were harassed and humiliated by police. Subhendu Adhikary, the Trinamul Youth Congress President said that the 'barmad' camp in Netai had been set up with 100-150 gunmen. They were forcing the villagers to join them in obtaining arms training to take on the Maoists. He alleged that police and administration are not taking positive steps (The Statesman, 8th January 2011). A few years back villagers of Girulia of Belpahari complained that police falsely charged of Maoist accommodation in the village. Police arrested Jugal Mahato, a common villager on Maoist suspicion and opened 20 round of fire in the village (Anandabazar Patrika, 4th February 2007). It was a common feature of the humiliation of common people by police in the concluding years of the Left Front regime.

### **Trinamul Congress Regime and Human Rights: Rays of Hopes but Frustration**

Peoples' resentment against the left-front government began to increase from 2007 onward especially after the policy of land acquisition policy of the government. Not only Congress, Trinamul and other opposition parties but members of civil society including intelligentsia raised dissatisfaction against the left front government. As a result, people of West Bengal gave their spontaneous verdict against the left front government. Trinamul Congress under the leadership of Mamata Banerjee came into power. People thought that they will get democratic space for exercising their democratic rights. But within a year people's aspiration



was visited with frustration and breathing space for democratic rights began to wither away. Violation of human rights by police during the nascent phase of Trinamul Government is sometimes politically designed and sometimes spontaneous. Like all other regimes, police does not hesitate to take the opportunity to harass and humiliate common people capitalizing the support of political leaders. Asian Human Rights Commission in a letter complained the National Human Rights Commission about the incident of torture and custodial rape within the Hariharpara Police Station of Murshidabad district on 29 and 30 November 2011. At about 12 midnight, 29 November a group of police officers from the Hariharpara police station entered the victim's house illegally. According to victim's statement, police were verbally abusive, physically assaulted her and destroyed many household articles. They then dragged her to a police vehicle in which they continued to beat her. She was then taken to the police station where they raped her. On 30 November the victim was taken to Hariharpara Block Primary Health-Center and she was threatened by police to keep silent. At around 11.30 p.m she was taken back to her house. As her condition worsened as a result of torture and rape she was admitted to Berhampore New General Hospital on 2 December 2011. She made a complaint to the Superintendent of Police and District Magistrate, Murshidabad about the torture and rape by the policemen. But she was not sent to Government Hospital for medical examination and the higher authority tried to protect their fellow policemen (Asian Human Rights Commission, February 2012). A fact-finding undertaken by Manabadhikar Suraksha Mancha (MASUM) reveals that 16 police officers of Basirhat police station raided the house of Firoj Ahmed and assaulted him with their rifle butt and wooden batons. Achma Bibi, wife of Firoj when tried to save her husband from the brutality of the police, they assaulted her as well. The officers did not offer any reason whatsoever for the search or arrest. The police complied with no mandatory procedures at the time of the search and arrest, and no memo of arrest was issued. The officers did not inform the victims where the Firoj is taken. On the next day, Achma Bibi and relatives went to the local police station to meet Firoj expecting that he would be at Basirhat police station. They were experienced with filthy language by police and ultimately on repeated request the police allowed them to meet Firoj. Firoj had suffered fractures on his fingers and left hand from torture but denied any medical treatment. Later they came to know that the police had accused Firoj of having committed offenses under the Narcotic Drugs and Psychotropic Substances Act, 1985. Seeking the legal action against the incident on 20 February 2012, Achma Bibi lodged a written complaint before the Additional Superintendent of Police; North 24 Parganas district. But the action is yet to be taken (<http://www.humanrights.asia/news>).

West Bengal Human Rights Commission (WBHRC) is the first Human rights Commission in the country. However, the State Human Rights Commission is also a recommending authority like the National Human Rights Commission. Their recommendation is not binding on Government. The government in most cases does not accept the recommendations of the Human Rights Commission. In our state, the recent case of prof. Ambikesh Mahapatra may be mentioned here. It was alleged that Prof. Mahapatra sent an e-mail to the members of the housing society at Garia by exhibiting a cartoon of the Hon'ble Chief-Minister and the then Railway Minister Mr. Mukul Roy on 23 March, 2012 but having received some objections he sent further e-mail on 4 April and 6 April expressing his regrets that he should not have sent such e-mail. Amit Das lodged an FIR against Subrata Sengupta and Prof. Mahapatra on 12 April 2012 at 11.35 p.m. On 16.4.2012 the WBHCR took suo motu cognizance of the manner in which Prof. Mahapatra and Sri Subrata Sengupta were arrested from their residence at the dead of night on certain charges. The Commission directed the Police Commissioner to cause an inquiry by a senior official and furnish the said report with his specific comments within a period of two weeks. The Commissioner of Police, Additional Commissioner of Police, Addl. O.C of Jadavpur Purba Police Station Milon Kumar Das and S.I Sanjoy Biswas deposed before the Commission. The officials involving in the incident tried to justify that the persons were taken in 'protective custody' but at the same time, they affirmed that there is nothing known as 'protective custody' in law. Protective custody by the police can be only resorted to in case of a minor or a lady who is trafficked or a person who is insane. The concept of protective custody is wholly misplaced in this case. Being reported by all concerned the Commission recommended that State Government shall initiate departmental proceedings against Sri Milan Kumar Das, Addl.O.C. Purba Jadavpur Police Station and Sri Sanjoy Biswas, S.I of the



same Police Station within six weeks. The Commission further recommended that two arrestees will be compensated Rs. 50000/ each within six weeks. But the State Government did not comply with the recommendations. On 3 April 2013 Sudipta Gupta, a 22-year-old student of Rabindra Bharati University and the only son of a pensioner died in police custody after being detained at Esplanade East during a law-breaking programme organized by S.F.I to protest against postponement of college election (Times of India, April 3, 2013). The police as designed by the ruling party play its role either as a hyper-active or mere spectator. The police stood as mere spectators to the vandalizing of Presidency University and Baker Laboratory on 10 April 2013. At least four policemen including three officers were inside the college gates, watching a mob threaten girl students and dean of students' welfare Debashruti Roychowdhury with rape. The Officer-in-Charge of Jorasanko police Station Siddhartha Datta was standing at the gate all the while. Registrar Prabir Dasgupta said that he called the O.C on his cell phone at least 7/8 times but all the calls went unanswered. He added, "When I pleaded with the four policemen on campus for help, they curtly told me that they had no instructions to intervene" (Times of India, April 12, 2013). Amal Mukhopadhyay, the former Presidency College Principal who was asked by the state human rights commission to probe the incident observed on the basis of a statement of the policemen posted in the university that outsiders carrying Trinamul flags had entered the premises. They were raising slogans in support of the Trinamul. The Committee also took the police to task for not restraining the vandals. "It's bizarre that the police did nothing to disperse the crowd that climbed the gate and entered the campus. The Trinamul leadership instigated its student supporters and workers to barge into the campus," the report says (The Telegraph, 28 May 2013). The academic circle and people consider it not only attacks on the academic institution but also on democracy and police failed to maintain its impartial role as a law-enforcing agency.

### **Conclusion**

In a democratic setup Government should ensure that people of the country are entitled to enjoy democratic rights. These democratic rights include not only voting right but also freedom of speech and expression without which right to life and liberty is meaningless. Framing fathers of the Constitution have guaranteed us the right to life and liberty as a fundamental right. However, in the name of safety and security of the country, this right is violated on many occasions. The ruling party takes the opportunity to repress democratic voices through police and military force by enacting Preventive Detention Act, Maintenance of Internal Security Act, Prevention of Terrorist Activities Act and many others.

The police and para-military forces are the best subservient machinery of the government to serve their political purposes. They had become weapons in the hands of the state and were pitted against those who speak up for their rights, the poor and the downtrodden. West Bengal is not the exception to this picture. While in power every political party does not hesitate to use police force to repress democratic movements and voices of protest of common people. State Human Rights Commission from its inception has recommended several measures to ensure human rights on many occasions. But government and police forces did not comply with such recommendations. Police in our state, on many occasions, are helpless and cannot exhibit their impartial role but to bow down to the whims of the ruling party.

These limitations have been recognized by the police in their document-'West Bengal Police Vision 2020'. The document in its weaknesses points out Excessive politicization, poor police image, and low self-image, corruption, authoritarian organizational ethos, lack of driving ideology, organized crime fuelled by crores of black money generated by the economy and many others. Our democracy is claimed as the biggest democracy in the World. But democratic rulers of the country due to lack democratic tolerance and constructive criticism cannot raise themselves above narrow political radius. If Government exerts mounting political pressure on police then who will police the police?



## References

1. Banerjee, Sumanta., The Wake of Naxalbari, Subarnarekha, Calcutta, 1980.
2. Biswas, Athorbaki., “Why Dandakaranya Failure, Why Mass Exodus?” The Oppressed Indian, Vol.4.No.4, 1982.
3. Chowdhury, Shailesh., “*Sei Sentra ser Dinguli*,” Deshhitaishee, Autumn No.1977.
4. Dutta, Nilanjan., Violation of Democratic Rights in West Bengal Since Independence, C.G.Shah Memorial Trust Publication(13), Bombay,1985.
5. Dutta, Saroj Kumar., Collected Works, Vol.1, Praveeta Prakashani, Calcutta, 1985.
6. Goswami, T., “*The Hounds of West Bengal*” Frontier Weekly, Calcutta, April,17,1971.
7. Human Rights Standard and Practice for the Police: Expanded Pocket Book on HumanRights for the Police, United Nations, New York, 2004.
8. Mallick, Rose. “*Refugee Resettlement in Forest Reserves: West Bengal Policy Reversal and the Marichjhapi Massacre*”, The Journal of Asian Studie, Vol.58, No.1, February,1999.
9. National Project on Preventing Torture in India: From Public Awareness to State Accountability, Peoples Watch, Madurai, 2007.
10. [Policewb.gov.in/wbp/misc/2020/vision2020pdf](http://Policewb.gov.in/wbp/misc/2020/vision2020pdf).
11. Report of the Mukherjee Inquiry Committee, The Calcutta Gazette Extraordinay, 31.7.69. Government of West Bengal.
12. Sikdar, Ranajit Kumar., “Marichjhapi Massacre”,The Opressed Indian, Vol.4.N0.4, 1982.
13. West Bengal Human Rights Commission, File No.34/WBHRC/COM/2012-13, Bhabani Bhavan, Kolkata.