



GOVERNMENT OF WEST BENGAL

WEST BENGAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

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Memo No.- 2970/WBCPCR - 22011(13)/37/2022

Date ... 22/11/2022

To,
Shri Suwendu Adhikari,
Leader of Opposition,
West Bengal Legislative Assembly.

Re : Reply to an email from your Advocate dated November 20, 2022

Sir,

The Commission is in receipt of the purported response to the Commission's show-cause notice from your advocate Sri Suryaneel Das and has found the same to be inadequate, evasive and offensive, which could attract the provisions of Contempt of Courts Act, as the Commission has powers of a Civil Court.

The notice sent to you was abundantly clear and admittedly you have not denied any allegations in your response to the said show-cause notice.

The receipt of the show-cause notice in the "Spam folder" cannot be treated as an allegation against the Commission. In such circumstances, this office advises you to seek an answer from the Google administrator. The physical copy of the show-cause notice was sent to you by speed post. The Commission is a Civil Court and questioning the Commission is not within your purview and the Commission condemns such misconduct of your Advocate .

The Commission believed that being a senior politician of a high rank , you would surely give a straightforward reply to the notice and not twist and turn the whole issue in order to cover up the offence committed by you.

The Commission does not recognize any colour , but recognizes the rights of the children and their best interests. The Constitution guarantees right to equality for equal treatment of every person before the law and it is irrelevant to the Commission as to whose child is being referred to , in your tweets . The Commission understands that a child's rights have been violated. Therefore, your conduct of entangling the Commission with politics, as stated in your advocate's letter, is strongly objected to and this may be a reason to show-cause you.

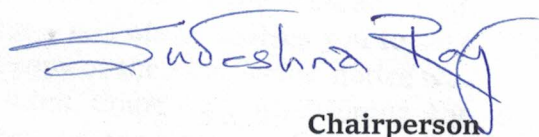
The clarification required from the Commission is another reason to believe that you admit that the child's right has been violated. Right to freedom of speech is not absolute. It does not give a right to anyone to hurt another's reputation which is protected under Article 21 of the Indian Constitution. Even Article 19 (2) of the Indian Constitution imposes restriction in relation to defamation .

The Commission had acted after perusing the letter of complaint. After scuritinizing the enclosures , this office had come to a conclusion that the answer to your clarification finds place in your tweet itself . You have used the terms " Taj Bengal" and "Mamta Police", and in the trailing tweet " Lady Kim's family", which is a clear indication as to whom you had meant . If it was not the three year old child then who have you pointed to in the 'tweet' to be in 'Taj Bengal' with security around him on 13th November, 2022 and who you have indicated to be "Koyla Bhaipo's son".

Such inadequate, evasive, ambiguous, biased and illogical reply from you is highly unexpected and uncalled for.

Every person including a child has an inalienable right to live a dignified life without discrimination and apart from this, the whole issue involved here are immaterial. The rights of a child and his dignity are of prime importance to the Commission. Therefore, you are directed to delete the tweet you have made forthwith and issue an apology for defaming an innocent child and violating his child rights.

You are also directed to reply to the show-cause notice within 2 days of the receipt of this letter as to why action or proceedings may not be initiated against you for violating the principles of Juvenile Justice (Care and Protection of Children) Act, 2015, IPC, UNCRC and Indian Constitution .



Chairperson

West Bengal Commission for Protection of Child rights