



WEST BENGAL HUMAN RIGHTS COMMISSION

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Ref. No.

Date: 20.9.19

No. 1196/WBHRC/32/SMC/2019

dated 18.09.2019

Recommendation No 12,13 & 14/WBHRC/2019-20/32/SMC/2019

From: Shri Laima Chozah IAS,
OSD & Ex-officio Principal 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 13.09.2019 in connection with a news-item dated 24.02.2019 published in the ANANDA BAZAR PATRIKA made by the West Bengal Human Rights Commission alongwith enclosures 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 3(three) months.

Yours faithfully,

OSD & E.O. Pr. Secretary & CEO.

WEST BENGAL HUMAN RIGHTS COMMISSION

P r e s e n t

1. Justice Girish Chandra Gupta - Chairperson
2. Shri Naparajit Mukherjee - Member

Ananda Bazar Patrika dt.24/2/2019 published a news item "বিস্ফোরণে মৃত মালদহের ৯". According to the news item some labourers of Manikchak , Dist - Malda went to work in District - Vidohi U.P.) in a carpet manufacturing unit. In an explosion in the factory 13 (thirteen) persons, all belonging to Manikchak area died. It is not known how the explosion occurred inside the carpet weaving factory. It further quoted the D.M., Malda who claimed that efforts are being made to bring the dead bodies from Uttar Pradesh and that a team of officers have been sent to Uttar Pradesh for this purpose.

2. The West Bengal Human Rights Commission took, suo motu, cognizance of this news item and directed Additional D.G., Investigation Wing of W.B.H.R.C to enquire into the matter and submit a report to the Commission. Accordingly a team of officers of Investigating Wing conducted the enquiry and submitted detailed report to the Commission, the summary of which is as follows :

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Assistant Secretary

3. Human Rights Commission

3. According to the report in the carpet weaving factory at Rohata Bazar, Chauri, Dist – Vidohi, U.P. owned by one Kaliar Mansuri an explosion occurred on 23/2/2019 which resulted in death of 09 migrant workers of Malda district. The names of the migrant workers who died are :

- 1) Aatur Momin (40 years) s/o. Kuddus Momin of Vill. & P.O.Enayetpur, P.S.Manikchak, Dist – Malda, W.B.
- 2) Md. Gaffar Ali (Ansari 30 years) s/o. Md. Majid
- 3) Md. Subhan Ansary (22 years) s/o. Md. Majid
- 4) Israfil Momin (39 years) s/o. Lt.Hakim Momin
- 5) Abdul Kalam Momin (32 yeas) s/o. Lt.Rashid Momin
- 6) Alamgir Momin (27 years) s/o.Kalimuddin Momin
- 7) Jahangir Momin @ Azad Momin (23 years) s/o. Lt. Sadrul Momin
- 8) Abdul Kadir (21 years) s/o. Lt. Sadrul Momin
- 9) Moswar Momin 929 years0 s/o. Md. Momin.

In this connection Chauri P.S., Dist-Vidohi Case No.06 dt.23/2/2019 u/s 304 IPC and Section 4/5 Explosive Substance Act, 1908 was registered against Kaliar Mansuri, Irfan and Babal all of Kalhan, P.S.Chauri, Dist-Vidohi, U.P. According to the F.I.R. the deceased persons were staying in the house of Kaliar Mansuri and working as labourers in the carpet factory. The owner was also illegally manufacturing fireworks and stock piling and selling them. As a result, this explosion occurred. During the course of enquiry it was ascertained that the owner

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of the factory, Kaliar Mansuri did not give any appointment letter to the deceased workers, paid between Rs.350/400 per day to each workman as labour charges for weaving. Witnesses informed that the deceased persons had gone to Vidohi at their own without informing the Labour Department of Malda District. The factory owner

did not give benefits like medical allowances etc. other than the daily wages. The next of kin stated that the post mortem / inquest reports of the deceased were not received by them from U.P. Police. They further stated that a compensation of Rs.2 lakhs each was received from Malda Treasury on behalf of Govt. of West Bengal and the West Bengal Minorities Affairs and Madrasa Education Department has decided to pay Rs.1,20,000/- in instalments for rehabilitation and building a house of the family of deceased. They added that the Labour and Social Welfare Department did not come forward for any assistance during the period.

4. Officials of Labour and Social Welfare Department of Malda Dist. were examined by the enquiring officers on the implementation of Inter-State Migrant Workers Act, 1979 and West Bengal Inter-State Migrant Workmen Rules, 1981 in this particular case. They stated that the women and nursing babies of the deceased are being enrolled in ICDS scheme and a data base of all such families was being prepared. They are also co-operating with ICDS to give work to the family of the deceased. Regarding a question put by the enquiring officer to Dist. Social Welfare Officer about the provisions of welfare of workers from West Bengal working in other State under ISMWE & C Act, 1979, the officer stated that the action was being taken after the incident. On further query about data being maintained in respect of such Inter-State migrant worker the reply was in negative. They also stated that the Social Welfare Officers block wise were inadequate for the task.

5. The Assistant Labour Commissioner Malda was duly examined on this issue when he stated that as department has not received any application for registration /

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licences for contractors in connection with ISMW & RE & CS Act, 1979. As such, no details were available. He was also unable to give any record, information about number of migrant workers from the district working in Uttar Pradesh, amount of salary given to them and welfare measures by their employers. He also informed that no applications have been received for grant of license u/s 8(a) of sub Section (i) for registration of contractors in respect of migrant workers. He also failed to produce any records regarding prosecution of delinquent contractors and workman for violation of Sections 25 to 28 of the Act, 1979. No correspondence or efforts were made by the Labour Department of Malda for securing compensation for the deceased workmen from the Govt. of Uttar Pradesh. The department could also not produce any data regarding the number of migrant worker sent to other States of India from Malda. On a reply whether Rules, Regulations and Procedures pertaining to chapter III, IV, V chapter VI of the Act of 1979 the department replied that it was not possible to keep track of number of persons migrating to and from Malda district to any State in India or even abroad. It was further learnt that due to continuous work of weaving in such carpet factories the labourers suffered swelling scalds on joint of their fingers causing lot of damage to their health.

6. The Commission considered the inquiry report of the Investigation Wing and concluded that the provisions of Inter-State Migrant Workers Act, 1979 were not being implemented in any way by the District Labour Department or the District Social Welfare Department. Further, there was very little awareness of the provisions of this Act. No records of contractors involved in recruiting such migrant

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workers were being maintained as a result, deficiencies in welfare, payment etc, of such contract workers as provided in the Act, were not being implemented or monitored. There was no data base available in respect of such migrant workers in their States. Also, the emolument payment and welfare measures of such migrant workers were not being monitored by the Labour Department of their district and there by causing loss to such migrant workers financially and in all other respects. Following death of such 9 (nine) workmen in Uttar Pradesh no compensation was given by the factory owner and the Govt. of Uttar Pradesh has also not given any compensation. Further, the family of the deceased are yet to receive copies of post mortem and inquest reports from the Vidohi District.

7. The Commission makes following recommendations to Govt. of West Bengal:

- i. Although, Govt. of West Bengal has very promptly paid compensation to the families of deceased and made other efforts yet the Commission recommends that the Govt. of West Bengal should immediately take up with Govt. of Uttar Pradesh for payment of compensation to the families of the deceased who died in the carpet weaving factory at Vidohi, Uttar Pradesh.
- ii. It is further recommended that the Govt. of West Bengal should write to the Govt. of Uttar Pradesh to send copies of post mortem and inquest reports of the deceased to Distric Magistrate, Malda who may in turn pass it on to the families of deceased for records.

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iii. Inquiries of Commission revealed that the implementation of Inter-State Migrant Workers Act, 1979 and allied West Bengal Rules of 1981 are not being implemented either by the Labour Department or the Social Welfare Department at all. The Commission, therefore, recommends that due sensitization of the concerned department should be done to implement all provisions of this particular Act and associated Rules so that the Inter-State Migrant Workers do not suffer such tragedies.

8. The Government may intimate the Commission about the action taken or proposed to be taken on the recommendations within a period of three months from the date of communication.

The Principal Secretary & C.E.O., WBHRC is directed to send a copy of recommendation to the Chief Secretary, Govt. of West Bengal for necessary action.

Authenticated

N. C. Sarkar
18/9/19

N. C. Sarkar
Assistant Secretary
W.B. Human Rights Commission

Dt :13-09-2019

G.C. Gupta

(Justice G.C. Gupta)
Chairperson

N. Mukherjee
(N. Mukherjee)

Member

13/9/2019

Encl : Copy of News Item of Ananda Bazar Patrika 24.2.19
Copy of report of Investigation Wing, WBHRC