

WEST BENGAL HUMAN RIGHTS COMMISSION

File No. 46/SMC/23

Present

1. Mr. Justice Jyotirmay Bhattacharya - Chairperson
2. Mrs. Justice Madhumati Mitra - Member

On 17th May, 2023 the WBHRC took suo moto cognizance on the issue of a news item published in the Times of India dated 17th May, 2023 captioned "*9 killed in blast at illegal cracker factory in Egra*" and called for a detailed report from the S.P., Purba Medinipur, District Magistrate, Purba Medinipur and Director General of West Bengal Fire and Emergency Services for any violation of Fire Services Act as per the news paper reporting.

On the same date i.e. 17th May, 2023 the WBHRC decided to send an Investigation Team consisting of Addl. S.P., WBHRC along with two Inspectors and supporting staff to enquire into the incident of blast which occurred at Khadikul village under Egra Police Station, Dist. Purba Medinipur. The WBHRC directed the Addl. S.P. of WBHRC to move immediately along with team of officers and to submit report to the Commission by May 25, 2023.

B

:: 2 ::

The investigation team submitted their report on 24th May, 2023 before the Commission. On perusal of the said report the Commission made certain observations and directed the Investigation Wing, WBHRC to clarify the following three points :-

- i. How a license was issued in the name of Ma Sarada Atas Bazi Bhandar on plot No. 520 of Mouza Khadikul by Sahara Gram Panchayet while the fire cracker factory was located at different plot. Also, when the license expired on 2019 how the fire cracker factory was running after the date of expiration.
- ii. It appears that I.C. Egra P.S. and officer of Fire Services Department jointly inspected the premises on 25/04/2023 and submitted a report with copies to SDO/SDPO about functioning of 12 illegal fire cracker factories including Ma Sarada Atas Bazi Bhandar. Apparently, no action was taken between 25/04/23, the date of inspection and 16/05/23 when the explosion took place. The D.M./S.P., Purba Medinipur should explain as to why no action was initiated on such report.

- iii. Why 03 (three) cases were registered in Egra P.S. against the said Bhanu Bag in 2015, 2021 and 2022 (all ended in charge-sheet) no efforts were made to expedite trial in the court or bound down the owner u/s 110 Cr.P.C. which could have prevented the tragedy.

In the said order dated 2nd June, 2023 the Commission observed that no enquiry u/s 8(1) and 8(1A) of West Bengal Fire Services Act has yet been started by the District Magistrate which is mandatory in nature. On 10th November, 2023 the Investigation Wing of WBHRC submitted supplementary report in compliance with the directions of the Commission.

From the said supplementary report of Investigation Wing of WBHRC, it appears that Investigation Wing sought for clarifications directly from District Magistrate and S.P., Purba Medinipur regarding the queries raised by the Commission. The supplementary report of the Investigation Wing of the Commission was prepared on the basis of the clarifications furnished by the District Magistrate and S.P., Purba Medinipur.

:: 4 ::

From the supplementary report it appears that I.C., Egra P.S. sent a requisition to O/C, Fire Brigade, Egra on 25/04/2023 and a joint investigation was conducted. 12 (twelve) units were visited by the team amongst which no fire cracker was found in 9 (nine) units and illegal fire crackers were seized and legal actions were initiated by registering 3(three) cases viz. :-

1. Egra P.S. Case no. 328/23, dt. 27/04/2023 u/s 188/285/286 IPC and Section 24/26 West Bengal Fire Services Act, 1950.
2. Egra P.S. Case no. 331/23 dt. 27/04/23 u/s 188/285/286 IPC and Section 24/26 West Bengal Fire Services Act, 1950.
3. Egra P.S. Case no. 333/23 dt. 28/04/23 u/s 188/285/286 IPC and Section 24/26 West Bengal Fire Services Act, 1950.

Regarding observation No. 2 of the Commission dated 2nd June, 2023, the I.C., Egra P.S. in his report submitted to S.P., Purba Medinipur stated that all the 3 (three) cases against Krishnapada @ Bhanu Bag which were started in the years 2015,

:: 5 ::

2021 and 2022 are subjudice. In the said report I.C., Egra P.S. stated that no complaint was lodged against Krishnapada @ Bhanu Bag or his wife as they were not creating disturbance in the locality. As such the question of Execution of Bond u/s 107 Cr.P.C. against them did not arise. From the report of S.P., Purba Medinipur it transpires that three specific cases viz. Egra P.S. charge-sheet no. 480/2022 dt. 12.06.2022 u/s 188/285/286 IPC and u/s 24 of W.B.F.S. Act, Egra P.S. Case no. 754/2022 dt. 19.10.2022 u/s 188/286 IPC and u/s 26 of W.B.F.S. Act, 1950 and Egra P.S. Case no. 166/15 dt. 09.05.20215 u/s 9(B)(i)(a) Explosive Act read with Section 285/286 IPC are pending against Krishnapada @ Bhanu Bag. Pending of several cases under various Sections of IPC, West Bengal Fire Services Act and Explosive Act clearly indicate that said Krishnapada @ Bhanu Bag was a habitual offender.

In his report submitted to S.P., Purba Medinipur, I.C., Egra P.S. stated that 11 (eleven) persons including Krishnapada @ Bhanu Bag died. The names of those 11(eleven) persons have

been mentioned in the report of S.P., Purba Medinipur. Those names are as under :-

1. Alok Maity (19) S/o Gouranga Maity of village – Khadikul, P.O. Telami, P.S. Egra, Dist. Purba Medinipur;
2. Jayanta Jana (35) D/o Late Bhairav Jana of village-Khadikul, P.O. Telami, P.S. Egra, Dist. Purba Medinipur.
3. Shyamashri Maity (44) W/o. Rabindranath Maity of village-Khadikul, P.O. Telami, P.S. Egra, Dist. Purba Medinipur.
4. Kabita Bag(49) W/o Umapada Bag of vill. Khadikul, P.O. Telami, P.S. Egra, Dist. Purba Medinipur.
5. Ambika Maity (49) W/o. Suresh Maity of village-Khadikul, P.O. Telami, P.S. Egra, Dist. Purba Medinipur.
6. Minati Maity (39) D/o. Late Shital Maity of village- Khadikul, P.O. -Telami, P.S. Egra, Dist. Purba Medinipur.
7. Madhabi Bag (33) W/o. Sanjit Bag of village-Khadikul, P.S. Egra, Dist. Purba Medinipur.
8. Saktipada Bag (50) S/o. Late Ananta Bag of village-Khadikul, P.S. Egra, Dist. Purba Medinipur.

:: 7 ::

9. Rabindra Maity (40) S/o. Late Sitaram Maity of village-Khadikul, P.S. Egra, Dist. Purba Medinipur.
10. Pinki Mfaity (28) W/o Chhittaranjan Maity of village-Khadikul, P.S. Egra, Dist. Purba Medinipur.
11. Krishnapada Bag @ Bhanu Bag S/o. Late Gourmohan Bag of village – Khadikul, P.S. Egra, Dist. Purba Medinipur

On perusal of the report, supplementary report as well as the documents collected by our Investigation Wing during investigation, it reveals that there was a fire cracker factory on plot no. 740 of Khadikul Mouza. Incident occurred in the said fire cracker factory on 16/05/2023. The reports submitted by our Investigation Wing reveal that 11 (eleven) persons died due to that incident. Investigation reports indicate that one Krishnapada @ Bhanu Bag of Khadikul was the owner of that factory. Revenue record shows that the said plot was recorded in the names of 12 (twelve) different persons. That means the owner of the factory was not the recorded owner of plot no. 740 of Khadikul Mouza.

:: 8 ::

Materials collected during investigation by our Investigation Wing show that the name of the fire cracker factory was Ma Sarada Atas Bazi Bhandar and there was a trade license in the name of said factory on plot no. 520 of Mouza Khadikul. Copy of the said trade license indicates that the said license was issued by the then Pradhan of Sahara Gram Panchayet Smt. Santilata Das, wife of Prabhupada Das. The said trade license was valid upto 31st March, 2019. Pradhan of Sahara Gram Panchayet, in his letter dated 06/10/2023 addressed to the BDO, Egra-I Development Block, Kudi-Rasan, Purba Medinipur, has specifically stated that no other copy of any further trade license was issued to Shri Krishnapada Bag for any other fire crackers factory has been found in their office. From the said letter it appears that an inspection was conducted on plot no. 520 at Mouza Khadikul and no shop and construction were found on plot no. 520. It further reveals that Krishnapada @ Bhanu Bag was running his fire crackers factory illegally since 01/04/2019. From the reports of our Investigation Team as well as from the documents collected during investigation it reveals that though

said Krishnapada @ Bhanu Bag obtained the licence to run fire cracker business in respect of plot no. 520, but he never used that plot for running his factory. He used to run his factory on plot no. 740 which belongs to others. It is very unfortunate to note that a person was allowed to conduct such illegal business of fire crackers for a long period and the silence of the local administration inspired him to run such illegal business for such a long time. It is totally unbelievable that the administration was ignorant of such business being run by him. The facts of institution of several criminal cases on the self-same allegations against him were known to the Police Administration. A person having no license to possess, manufacture and sell fire crackers, collected explosive substances to manufacture fire crackers. Intensity of the incident clearly indicates that huge quantity of explosive substances were collected and accumulated at the place of occurrence. How a person having no authority to collect, possess and sell explosive substances was able to continue the illegal business of fire crackers day after day. It was the total failure on the part of the local administration to identify the said

:: 10 ::

illegal business and to take proper action. If the local administration, i.e., civil and police authorities were at vigil then this type of tragedy obviously could have been avoided. In the incident in question which took place on 16th May, 2023, 11 (eleven) persons died and the factory premises were totally damaged. Roof of the premises of the factory was blown off, charred bodies were scattered and bodies of the victims were seen on the adjacent road and pond. The intensity of the incident that occurred on 16/05/2023, clearly suggests that quantity and nature of the substance were dangerous for public safety. In the note-sheet of the Commission dated 2nd June, 2023 the Commission mentioned that I.C., Egra P.S. and Officer of the Fire Services jointly inspected on 25th April, 2023 and submitted a report with copies to SDO and SDPO about functioning of 12 illegal fire cracker factories including Ma Sarada Atas Bazi Bhandar. The incident in question occurred at the factory of Ma Sarada Atas Bazi Bhandar. That factory was running at the plot of others without any license. Illegal running of Ma Sarada Atas Bazi Bhandar on the plot of different persons by Krishnapada @

:: 11 ::

Bhanu Bag came to the knowledge of the SDO and SDPO on 25th April, 2023. The incident of explosion took place on 16/05/2023. That means the local administration got sufficient time to take appropriate action with regard to illegal possession, manufacturing and selling of fire crackers by said Ma Sarada Atas Bazi Bhandar.

For the reason best known to them, no effective action was taken by them and as a result 11 (eleven) lives were lost. The enquiry report of the Investigation Wing of WBHRC has pointed out that 20/25 labourers were supposed to work at Ma Sarada Atas Bazi Bhandar where prohibited fire crackers and bombs were manufactured. From the statements of witnesses recorded by Investigation Wing during investigation, it also reveals that the land in question where the incident occurred was illegally possessed by Bhanu Bag who had forcefully captured the land of Jamini Maity and others to run his fire cracker factory illegally. This also indicates how powerful was that person. The incident and loss of lives could have been avoided, if the local, civil and police administrations were sincere and took appropriate

action against the wrong doers in time. Both the Civil and police administration cannot shake off their responsibility in this regard.

Considering the entire materials placed on record by our Investigation Wing as well as the reports submitted by it before the Commission, in compliance with the directions of the Commission, the Commission recommends as under :-

- (i) The legal heirs of each victim excepting Krishnapada Bag who died due to the explosion on 16/05/2023 will be compensated with Rs.1,00,000/- which may be appropriated against any compensation received by them either from the State Government or from any other authority and/or awarded in their favour by the State Government or any other authority. Compensation at a lower rate is recommended as the victims being the workers of such illegal business, contributed to the cause of occurrence of such unwarranted incident.

B

- (ii) The officers both civil and police administration who failed to take an effective steps in time against the wrong doers should be censored;
- (iii) Appropriate steps should be taken by the authorities both civil and police administration to identify the persons having no license to possess, manufacture and sell fire crackers.
- (iv) Legal action should be taken against the persons who deal with explosive substance, or possess, manufacture and sell fire cracker without obtaining the licence from the appropriate authority or carry on such business in breach of the conditions of licence immediately;
- (v) Authorities concerned (both civil administration and fire brigade) should keep sharp vigil so that rules relating to explosives are observed;
- (iv) Necessary steps should be taken by the administration (civil, police and fire brigade) to create awareness amongst the public, so that necessary information may be collected from the public regarding illegal possession of explosive

:: 13 ::

substance, manufacture and sale of fire crackers/bombs with explosives.

- (v) I.C./O.C. of every Police Station and Officer of Fire Services Department should jointly inspect the factories of fire crackers periodically and should take immediate and appropriate action if they find illegal fire-cracker factories.

Joint Secretary, W.B.H.R.C. is directed to send authenticated copy of the recommendations to the Chief Secretary, Govt. of West Bengal. Chief Secretary, Govt. of West Bengal should inform the Commission about the action taken or proposed to be taken on the recommendations within a period of 3(three) months from the date of receipt of this communication.

Ld. Registrar, WBHRC is directed to upload the recommendations in the website.

Jyotirmay Bhattacharya
(Justice Jyotirmay Bhattacharya)
Chairman
07.02.2024

Madhumati Mitra
07.02.2024
(Justice Madhumati Mitra)
Member