

WEST BENGAL HUMAN RIGHTS COMMISSION
BHABANI BHAVAN, ALIPORE, KOLKATA-27

File No. 968/WBHRC/COM/2011-12

P r e s e n t

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| 1. Mr. Justice Asok Kumar Ganguly | - Chairperson |
| 2. Justice N. C. Sil | - Member |
| 4. Shri S. N. Roy | - Member |

On 15.12.2011 this Commission took suo motu cognizance of the tragic incident in which a large number of persons died as a result of consumption of illicit liquor purchased from the illegal dens in Diamond Harbour Sub Division of South 24-Parganas. Considering the seriousness of the situation the Commission upon taking suo motu cognizance of the matter directed the Chief Secretary, Govt. of West Bengal to submit a detailed report covering all relevant issues concerning the said incident. Such report was directed to be furnished to the Commission within three weeks from the date of communication.

2. The report of the Chief Secretary, Govt. of West Bengal was submitted on 17.04.2012. The said report reveals that after consuming illicit liquor 172 persons died. It appears from the report of the Chief Secretary that people from Sangrampur, Khanpur, Baharampur, Kalikapota under Usthi P.S. and Bhariuran under Mandirbazar PS and other adjoining areas consumed such liquor from the vends of various liquor sellers. It also appears from the said report that the major sources of illicit liquor are from illegal dens of Sangrampur near Sangrampur Railway Station under Usthi PS as well as Mograhat Station under Mograhat PS and major supplier of this illicit liquor to those areas is one Noor Islam Fakir alias Khora Badshah, son of Late Almat Fakir of Bilendrapur under Mograhat PS. He was involved in illicit distillation of

liquor and he operated his distillery from Charan and stocked the liquor at Mograhat. It is also reported that the said Khora Badshah distributed his liquor through different agents.

3. In connection with the said incident investigation of Usthi PS Case No. 274/11 and the Mograhat PS Case No. 265/11 were handed over to CID-West Bengal. Both the cases ended in charge sheet. Raids were conducted against the other illicit liquor manufacturers and distributors throughout South 24-Parganas jointly with Excise Officials. The report also concluded that all the victims consumed illicit liquor which might contain substances that caused poisoning.

4. The report of the Chief Secretary enclosed another report of the Inspector General of Police(A) dated 23.03.2012 which also enclosed a copy of the report submitted by the Superintendent of Police, South 24-Parganas. In the report of the Inspector General of Police(A) dated 23.03.2012 it was stated that three cases were started vide Usthi PS Case No. 274/11 and the Mograhat PS Case No. 265/11 and the Mandirbazar PS Case No. 220/11. Out of these three, two cases namely Usthi PS Case No. 274/11 and the Mograhat PS Case No. 265/11 were handed over to CID-West Bengal and charge sheets in both cases were submitted against 21 persons under Sections 272/326/328/304/120B/34 IPC and 46 BE Act and under Sections 272/326/328/302/120B IPC and 46 BE Act respectively. Simultaneous raids for arrest of the manufacturers and distributors of illicit liquors were made. Joint raids with Excise Department were also conducted. Awareness programme among the villagers regarding negative side of consuming illicit liquor was also organized.

5. From the report of the Superintendent of Police, South 24-Parganas it appears that many endeavours were made by the Usthi, Mograhat and Mandirbazar PS throughout the year for prosecuting several persons and arresting them in specific cases under 46 B.E. Act, resulting in seizing of

huge quantity of illicit liquor. It appears that some downtrodden, economically backward and challenged persons as means of their subsistence sell such illicit liquor to the hard working poor people of the locality as they do not have the ability to buy liquor from the licensed shop. It appears that police managed to secure the arrest of 10 illicit liquor sellers named in the report. The report says that the sellers of the illicit liquor, procured liquor from one Khora Badshah alias Noor Islam Fakir who stocked the liquor at Mograhat and then distributed it through different agents among the villagers of Sangrampur, Kalikapota, Kalash Netra. The illicit dens are situated in the Diamond Harbour Railway Station. The report also stated that massive raids were conducted to arrest the other culprits responsible for the incident and large quantities of illicit liquor were destroyed. It is also stated in the report that police tried to create awareness among the villagers regarding the negative side of consuming illicit liquor.

6. After the aforesaid report was furnished to the Commission, the Commission summoned the Chief Medical Officer of Health, South 24-Parganas, the Superintendent of Police, South 24-Parganas, the Excise Commissioner and also the District Magistrate, South 24-Parganas to record their statements.

7. In the Statement made before the Commission, Shri Praveenn Kumar Tripathi, IPS, Superintendent of Police, South 24-Parganas deposed that even though the incident took place in December 2011 and he took over the charge as S.P. South 24-Parganas in the month of April, 2012, he did not have any details regarding action taken against the police personnel of Mandir Bazar P.S., Mograhat P.S. and Usthi P.S. He only submitted that as far as his knowledge goes the then O.C. of Usthi P.S. was transferred from the said P.S. He submitted that the illicit liquor which caused the death of many persons was chemically examined and it was found that it contained Methyl Alcohol in higher percentage but did

not contain any extraneous substance. He deposed that he undertook detailed enquiry into the matter and tried to fix up the responsibility of the police officers and police personnel who lacked in supervising and did not take adequate steps in the matter. He stated before the Commission that after his joining post he had taken action against the persons who were involved in selling and distillation of illicit liquor. He also assured this Commission that he will ensure regular raids against illegal dens and persons involved in the illicit business and would try to prevent the selling and distillation of illicit liquor with the resources available to him. He undertook to submit a detailed report within a period of three weeks.

8. The District Magistrate, South 24-Parganas in his statement before the Commission admitted that such a massive illicit liquor operation could not have been done without the connivance of the local police and local Excise officials and he stated that on the basis of his report Excise Commissioner suspended the O.C., Diamond Harbour circle and subsequently, the same was revoked and the said O.C. Excise was allowed to join. He admitted that in view of such unprecedented massive tragedy he should have at least called for an explanation from the Superintendent of Excise, South 24-Parganas but the same appears to have not been done. He, however, admitted that District Administration is going to take all possible steps to nab the culprits and to root out illegal sale of illicit liquor.

9. In terms of the deposition of the Superintendent of Police, South 24-Parganas that he would submit a detailed report to the Commission it appears that he had submitted a detailed report to the Commission on 7th June, 2012. From the said report it appears that following actions by way of department proceedings were initiated against the police personnel of the district:

(1) SI Debabrata Sen, the then O.C. Usthi PS was closed to line or on 17.12.2011 and proceedings was drawn up. (2) Armed ASI/2711 Manoj

Kumar Thakur of Sangrampur Police Camp under Usthi PS was closed to Line or on 17.12.11 and proceedings were drawn up. (3) C/3843 Md. Kamaluddin Sk. of Sangrampur Police Camp under Usthi PS was closed to Line or on 17.12.11 and proceedings were drawn up. (4) C/1997 Baman Das Palit of Sangrampur Police Camp under Usthi PS was closed to Line or on 17.12.11 and proceedings were drawn up. (5) C/2073 Rabindra Nath Bhiya of Sangrampur Police Camp under Usthi PS was closed to Line or on 17.12.11 and proceedings were drawn up. (6) C/722 Binod Kumar Singh of Mandirbazar PS was closed to Line or on 17.12.11 and proceedings were drawn up. (7) C/1026 Md. Jahiruddin Sk of Mograhat PS was closed to Line or on and proceedings were drawn up. He also submitted that departmental proceedings were initiated against ASI/2885 Biswanath Chakraborty of Baruipur PS now posted at Basanti PS on 07.06.12 vide proceedings no. 22 dated 07.06.12 for gross dereliction of duty on his part in addition to the action initiated earlier. He also stated in his report that the district had been instructed to arrange for block raid in the sub-division and district under the direct supervision of superior officers and prepare a chart of holding such raids against sale and manufacture of illicit liquor and start specific case under appropriate Section of law. It also appears that instructions had been given to the Officers to engage good source to locate any illicit dens and wiping out the same from the area. It appears from the report that on April, 2012, 70 specific cases were started and 82 persons were arrested, 6821 Ltrs of ID liquor and 5600 Ltrs of F. Wash were seized and destroyed. In the month of May, 2012, 47 specific cases were started and 57 persons were arrested, 4400 Ltrs of ID liquor and 331 Ltrs of F. Wash were seized and destroyed.

10. In the statement given by Sri Debkumar Chakraborty, IAS he stated that he was the Excise Commissioner at the relevant point of time when the tragic incident took place. After receiving the report of the incident on the morning of 14th December, 2011, he left for Diamond Harbour at 11 a.m. He was aware of the fact that 172 persons died after consuming illicit liquor and about 200 people became sick. He admitted that such racket of

selling illicit liquor in such a massive scale cannot continue without the connivance of the police and Excise officials. He also admitted that no proper enquiry was conducted to find out how sale of illicit liquor on such a massive scale continued under his jurisdiction. He remembered that some enquiry was conducted by the Addl. Commissioner of Excise but he did not suggest any action against any officer nor had he taken any action against anybody. He stated that he did not remember any incident whether they asked for any assistance from the police for conducting raid and that police had refused such assistance. He admitted that there is a Central Striking Forces but he had no information about such striking force being deployed against such of illicit liquor in the areas. He also admitted that there was a serious intelligence failure on the part of the Excise Department. He deposed before the Commission that even though the O.C. of Excise Department, Dimond Harbour Circle, Radhyashyam Pandey was subjected to departmental proceedings, he was reinstated within three months and posted at Alipore Sadar. Radhyashyam Pandey was at the relevant point of time the O.C. Diamond Harbour Circle which covers Usthi PS. He admitted that no action was taken against the O.C. Excise, Mandir Bazar PS.

11. In view of the materials which are in record, discussed above, it is clear that even though Police Officers had taken certain steps the Excise Officials are grossly negligent in the matter of conducting raids and maintenance of a vigil over the manufacture and distribution of illicit liquor in the area. Even though, the connivance of the Excise Officers was admitted by the Commissioner but he could not point out any step which was taken by the Excise Department to prevent such massive operation of illicit liquor trade. In fact he failed miserably to take any remedial steps which have already been discussed in detail at para 10 above. Even after the occurrence of tragic incident whereby 172 persons died and 200 people were seriously injured after consuming illicit liquor, nothing worth while has been done. Common men have suffered miserably and the families which have lost their members and families whose members have

become sick by consuming such illicit liquor are facing untold miseries and their human rights to life, liberty and property have been violated as a result of careless supervision and vigil by Excise Authority over the illegal manufacturing and distribution of illicit liquor. If Excise Authorities had been vigilant in the discharge of their duties such indiscriminate and massive sale of illicit liquor could have been prevented and lives of many victims could have been saved.

12. Under these circumstances, the Commission recommends:

- (a) Immediate departmental proceedings should be initiated against Shri Debkumar Chakraborty, Excise Commissioner, West Bengal by the appropriate authority of the Government within a period of four weeks from the date.

13. The State Government is requested to inform this Commission of the action taken on this recommendation within a period of three months from the date of communication.

(Shri S. N. Roy)
Member

(Justice N. C. Sil)
Member

(Justice Asok Kumar Ganguly)
Chairperson

Dated Kolkata, the 18th July, 2012.

SDB

Comments of the State Government will be uploaded as and when received.

Sd/- (18/07/2012)

(J.Sundara Sekhar)

Secretary & CEO