

S/P



**WEST BENGAL HUMAN RIGHTS COMMISSION**

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Ref. No.

Date:

No. 1151/WBHRC/208/SMC/2017

dated 04.09.2019

Recommendation No 08,09, 10 & 11/WBHRC/2019-20/208/SMC/2017

From: Shri Laima Chozah IAS,  
OSD & Ex-officio Principal Secretary & CEO.

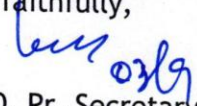
To: The Chief Secretary  
Government of West Bengal  
NABANNA  
325, Sarat Chatterjee Road  
Mandirtala, P.O.- Shibpur,  
Howrah-711102

Sir,

I am directed to send herewith an authenticated copy of the Recommendations dated 29.08.2019 in connection with a news-item dated 02.08.2017 published in the STATESMAN 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

Purta Bhavan, 2<sup>nd</sup> Floor, Salt Lake, Kolkata – 700 091.

File No. 208/WBHRC/SMC/2017

Present

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

1. The Commission took suo motu cognizance of an incident published under the caption "**Family denied ration for over three months for defecating in the open**" by the English daily Statesman dated 2<sup>nd</sup> August, 2017. The gist of the incident was that Hemanta Mondal, a youth of Masjidpur village in the district of Purba Bardhaman was caught defecating in the open by one Gouranga Das, husband of Smt. Chhobi Das, a member of Kaity Gram Panchayet. Supply of ration in consequence thereof was stopped by the Prodhan of Kaity Gram Panchayet for more than three months.

2. Pursuant to an order of the Commission the Superintendent of Police, Burdwan East furnished a report dated 15<sup>th</sup> September, 2017 enclosing thereto a report prepared by the S.D.P.O. Sadar South, Purba Bardhaman. It transpired that on 25<sup>th</sup> April, 2017 in the early morning Sri Gouranga Das, a Supervisor for Masjidpur village appointed by Kaity Gram Pranchayet had found Hemanta Mondal defecating in the open which led to a heated altercation between them. Subsequently Hemanta Mondal, it is alleged, forcibly entered into the house of Gouranga Das and assaulted him and his ailing father Debuprasad. A written complaint was lodged by Sri

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

Gouranga Das on the basis whereof Madhabdihi PS Case No. 59/17 dated 28.04.17 commenced. On the following day Hemanta Mondal was arrested and forwarded to Ld. CJM, Bardhaman. A charge sheet has since been filed. In order to combat defecation in the open and to enforce "Mission Nirmal Bangla" the Prodhan of Kaity Gram Panchayet Smt. Tapati Dalui instructed in writing the concerned MR Dealer to refuse rationed articles to the family of Hemanta Mondal consisting of five persons. It was alleged that on 2<sup>nd</sup> August, 2017 another letter was issued by the said Prodhan of Kaity Gram Panchayet directing the MR dealer to resume to supply of ration to the family of Hemanta Mondal. It was further alleged that the family members of Hemanta Mondal did not, however, collect their ration from the MR dealer.

3. The Commission, in the circumstances, issued direction to the B.D.O., Raina-II to appear for recording his statement. Accordingly Sri Dipyaman Majumder, BDO, Raina Block-II appeared before the Commission on 11<sup>th</sup> June, 2019.

4. Sri Dipyaman Majumder, BDO in his statement acknowledged that the letter dated 28<sup>th</sup> April, 2017 was issued by the Prodhan directing discontinuance of ration to the family of Hemanta Mondal. He also admitted that copy of that letter was given to the office of BDO but he alleged that "*in the usual course daily dak is supposed to come before me but this letter as far as I remember did not come to me.*" His case was that "*on 2<sup>nd</sup> August, 2017 when the matter was reported in the newspaper I for the first time came to know about it and immediately summoned the Prodhan and directed for resumption of the delivery of rationed articles.*" He admitted that he did not issue "*any show cause notice to the Prodhan nor did I start any other action against the Prodhan nor did I issue any order in writing to resume delivery of*

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*rationed articles*". According to him in pursuance of his oral direction the Prodhan of Kaity Gram Panchayet issued the letter dated 2<sup>nd</sup> August, 2017 to resume delivery of rationed articles. In his statement recorded on 4<sup>th</sup> July, 2019 on the basis of photocopies of ration cards he stated that delivery of rationed articles was resumed on 10<sup>th</sup> September, 2017. He however admitted that *"it is true that from the card it appears that next delivery was made on 28<sup>th</sup> April, 2018"*. He added that *"it is however not a fact that after 10<sup>th</sup> September, 2017 no rationed articles were delivered until 28<sup>th</sup> April, 2018. I am unable though to show any entry in that regard"*. He further disclosed that Smart Cards have been issued but the system of recording delivery of rationed articles has not yet been introduced. He stated that *"I have checked up as regards the authorized person to stop supply of rationed articles. I found that stopping delivery of rationed articles is not authorized by law. The act is illegal"*.


5. He also admitted that 'open defecating is not an offence but the people concerned appear to have become over active in pursuance of the scheme Swachh Bharat pursued by the Central Government and Mission Nirmal Bangla pursued by the State.

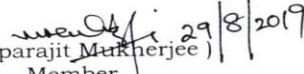
6. It is thus clear that the Prodhan of Kaity Gram Panchayet ignored rule of law and acted like a feudal lord.

7. There is no dependable evidence to fix the period during which supply of rationed articles to the family of five was in the state of suspension. Going by the version of the B.D.O, Raina Block-II supply of rationed articles was stopped on or about 28<sup>th</sup> April, 2017 and resumed on 1<sup>0th</sup> September, 2017.

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8. The aforesaid atrocious act amounted to a gross violation of human rights of the victims, by the Proadhan of the Kaity Gram Panchayet which was consciously or unconsciously over looked by the B.D.O. Raina Block-II
9. The Commission, in the circumstances, makes the following recommendations:
- Steps should be taken to make the smart cards operational so that the issuance of rationed articles may be backed by authentic records;
  - Appropriate measures should be taken to stop recurrence of such incident in future;
  - Compensation of a sum of Rs. 50,000/=(Rupees Fifty thousand only) be paid to the head of the family of Sri Hemanta Mondal on behalf of all the five ration card holders.
  - Arrears of ration, if any, due to the beneficiary should be immediately disbursed to him
10. Principal Secretary, WBHRC to communicate the recommendations to the Chief Secretary, Govt. of West Bengal and he is requested to communicate an action taken report on the above recommendations to this Commission within a period of 3(Three) months.

  
(Justice Girish Chandra Gupta)  
Chairperson

  
(Naparajit Mukherjee)  
Member

Dated, the 28<sup>th</sup> August, 2019

- Encl: (1) Letter Dt. 28.04.17 issued by the Proadhan, Kaity Gram Panchayet.  
(2) Letter Dt. 02.08.17 issued by the Proadhan, Kaity Gram Panchayet  
(3) Report Dt. 01.09.2017 of S.D.P.O. Sadar South, Purba Bardhaman.  
(4) Report Dt. 15.09.17 of S.P. Purba Bardhaman  
(5) Photocopies of Ration Cards.  
(6) Statements Dt. 11.06.19 & 04.07.19 of the BDO, Raina Block-II.

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