

**NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)**

**A REPORT ON THE
OPEN HEARING/CAMP SITTING AT KOLKATA, WEST BENGAL
(13th-14th DECEMBER, 2018)**

1. The National Human Rights Commission held its first Open Hearing/Camp Sitting at Kolkata, West Bengal on 13th - 14th December, 2018. The Commission took up 140 cases in Open Hearing on 13th and 10 cases in Full Commission the next day.
2. Public notices were published in national and local dailies in the State of West Bengal inviting complaints for public hearing at Kolkata on the problems and grievances of scheduled castes and scheduled tribes from the persons belonging to scheduled castes and scheduled tribes who have a complaint of atrocity committed by a public servant or of negligence by a public servant in prevention of atrocity.
3. Shri Sunil Arora, Incharge Joint Registrar (Law) and Shri O.P. Vyas , Assistant Registrar (Law) visited Kolkata as an advance party to liaise with the State Government officials for finalization protocol and logistic arrangements and other support work in connection with the organization of the Open Hearing and Camp Sitting.
4. In response to the public notices, the Commission received 94 complaints. Out of these 94 cases, the Commission called for reports in 84 cases from concerned authorities to submit reports as these matters were identified to be taken up during the Open Hearing. The Commission also took up 56 cases of Scheduled

Castes and Scheduled Tribes victims, already under consideration of the Commission, during the Open Hearing. The authorities concerned were asked to remain present at the time of hearing of the cases. The complainants were also requested to remain present to raise their grievances at the time of hearing of their matters.

5. In his address during the inauguration ceremony of the two day Open Hearing/Camp Sitting, Mr. Justice H. L. Dattu, Chairperson NHRC said that the open hearings and camp sittings provide an opportunity to look at human rights situation in a State and the grievances of the people, particularly the marginalized sections, and recommend on the spot relief to the victims of human rights violations besides creating awareness and helping the official machinery in improving the governance with proper implementation of Socio-economic Flagship programmes and provision of basic facilities. In particular, it provided a way forward to address the issue of human rights through key economic and socio-welfare programmes. Compliance with the provision of the SC/ST (POA) Act, care of elderly persons, issues arising from Business and Human Rights played a pivotal role in strengthening partnership between the various stake holders.
6. Earlier, after the welcome address by the Home Secretary, Shri Atri Bhattacharya, the Chief Secretary of the State Shri Malay Kumar De reiterated the commitment of the State Government to the protection of human rights of the people. Shri Ambuj Sharma, Secretary General, mentioned that this camp sitting was a part of the series of such sittings in other state capitals and provided an

occasion for the Commission to come to the State for disposal of cases, particularly pertaining to SC/ST and interaction with the civil society, NGOs and Human Right Defenders for the identification of significant issues pertaining to the State. The sittings also paved the way for collaboration between the NHRC and SHRCs and use of technology for efficient complaint handling and joint efforts in comprehensive implementation of human rights.

7. The Commission took up 140 cases in three benches presided over by Hon'ble Chairperson, Justice Shri H.L. Dattu and Members Justice Shri P.C. Ghose and Smt. Jyotika Kalra. The Commission recommended monetary relief of Rs. Six Lakh in three cases and it directed to issue Show Cause Notices to the State government in two matters for providing monetary relief for prima-facie violation of human rights. In some cases, reports received from authorities were ordered to be sent to the complainants for their comments and, in some cases, further reports have been called for. 66 cases were closed based on satisfactory response from the State Government and redressal of the grievances raised in the complaints. The complaints received, by and large, raised grievances on scheduled castes and scheduled tribes, and other weaker sections of the society. The nature of grievances raised included inaction by state authorities for providing basic amenities such as potable drinking water, all season roads, healthcare, education, old age pension etc. In some cases, the grievances raised related to police inaction, particularly in cases of alleged rape, beatings by anti-social elements and illegal detention and torture in police custody.

8. On the Second Day, the Full Commission considered ten sensitive matters involving issues of Health Care particularly Silicosis deaths Arsenic contaminated water, deplorable condition of inmates in Behrampore Mental Hospital, death of 20 people in a fire in a five storied building near Sealdah Railway Station, relief and rehabilitation of victims of Tiger assault in Sunderban, relief and rehabilitation of people in Bangladeshi Enclave and relief and rehabilitation of victims of sexual assaults by a school teacher on students. After the Full Commission sitting, the Commission had an extensive interaction with NGOs, Human Rights Defenders and LGBTI Groups who raised issues relating to atrocities by Police and Para-military in Murshidabad District, denial of Shelter homes, education, health and platform for redressal of grievances to LGBTIs, inaction by State government for creating awareness of LGBTIs Rights and Welfare besides non-implementation of the directives of the Supreme Court. Attention was also invited to the total absence of Census and Protection for LGBTI. Other issues raised were absence of Independent Silicosis Programme, denial of Education and Health Care to tribals in 76 villages in Purulia, creation of disturbance during programmes for creating Human Rights Awareness, non-implementation of section 176(1-A) Cr.P.C., languishing in jails of Bangladeshi Women and Children in India, starvation deaths, misuse of Section 304/304 A IPC and rehabilitation for people who have undergone life sentence.
9. After the meeting with the NGOs the Commission had an in-depth interaction with the Senior officers of the State Government. The important issues which came up for consideration during the

course of the two days hearing were taken up with the officials of the State government for ameliorating the conditions of the weaker sections of the society and for creating an environment and commitment for better protection of Human Rights. A copy of the detailed report submitted by the NHRC Team headed by Shri Mukesh, Assistant Registrar (Law) after visiting Purulia and Bankura districts, was also handed over to the Chief Secretary, Govt. of West Bengal to submit an action taken report. The Chief Secretary and DGP both assured their best efforts and concerted action on the various issues of human rights faced by the people in the state. The two day Open Hearing/Camp Sitting concluded successfully with the cooperation of the State Govt. and West Bengal State Human Rights Commission.

10. The Commission has been organising Camp Sittings in different States with an aim to dispose of pending cases concerning one particular State by hearing the senior government officers; sensitize them about the importance of human rights issues and compliance of NHRC recommendations by them; meet the local NGOs to get an insight into the problems being faced by the people.
11. In its endeavour to implement the recommendations made by Shri K.B. Saxena, IAS (Retd.) in his report submitted by him after carrying out a study about the atrocities against persons belonging to Scheduled Castes, on the request of the Commission, public hearings on various issues relating to atrocities and problems faced by Scheduled Castes, have also been held in a number of States and Union Territories in the country during the last 5-6 years.
