

Protest against the decision of the Commission in respect of the case of villagers of Pipli bearing NHRC case number 130/25/15/2020

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Banglar

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The Chairman
National Human Rights Commission
Manav Adhikar Bhawan
Block-C, G.P.O Complex, INA
New Delhi-110023

03.04.2020

Reference: NHRC case no. 130/25/15/2020

The Complaint dated 21 December, 2019

Action taken status report of the Commission dated 21/02/2020

Protest letter against the action taken status report of the Commission

Respected Sir,

In connection with the above referred case I the undersigned received the action taken status report of the Commission and from there it is revealed that your authority dismissed the complaint on the ground that the complaint is not ordinarily entertainable and dismiss in limini according to the Regulation 9(x) of the National Human Rights Commission (Procedure) Amendment Regulations, 1997. In this respect I being the Assistant Secretary of MASUM submitted my letter of protest against the decision of the Commission.

From the action taken status report of the Commission it is revealed that your commission closed the case based upon the Regulation 9(x) of the National Human Rights Commission (Procedure) Amendment Regulations, 1997 which reads as, "The Commission may dismiss in limini complaints of the following nature: (x) The allegations do not make out any specific violation of human rights." But if you kindly look upon the regulation and apply constructive rule of application, your authority surely will understand that the legislative intent to make this regulation was not strictly to dismiss the complaint. The use of the word 'may' bears that symbol. The application of judicial mind is required before dismissing a complaint but the commission has rejected the complaint without reviewing it judicially.

General Problems and allegations

In this complaint filed the villagers of Pipli in Ramnagar of Gaighata block in North 24 Parganas district, living under extreme penury due to lack of basic amenities from the government. The village situated in the banks of Ichamati River has a population of around 5000 people. The nearest primary Health Centre is situated 18 kilometers away, whereas the Block hospital is 22 km away. The nearest High School is 6 kilometers away and the nearest market is located 6 km away. The village is situated remotely and is detached from the mainland as it is surrounded by the Ichamati River and Bangladesh territory in the North and the East side and swamp areas on the other side. The distance from Pipli village to the Jhaudanga Sammilani High School is 6 km, which was an unmetalled road, maintained by the Ramnagar gram Panchayat. The CPWD road constructed was only accessible for the Pipli villagers but no maintenance has been undertaken by the CPWD since the last 15 years inspite of the large potholes and giant pits making the movement of vehicles extremely difficult. The students, patients etc. has great difficulty accessing the basic facilities in that area. The Upa-Pradhan of the Ramnagar Gram Panchayat said that despite being situated in the International border area, the Panchayat doesn't receive BADP (Border Area Development Project) funding. After requesting several times to the District Magistrate of North 24 Parganas and the BDO of Gaighata Block by the villagers, nothing was materialized instead this BADP funds are spent in areas located 10-15 km away from the border.

Specific Allegation:

As has been mentioned previously along with the complaint that the villagers sent a mass petition signed by 273 villagers to the DM, North 24 Parganas, with the plea to construct the road as soon as possible, Shouldn't NHRC consider the basic plea to have the basic means to livelihood for the already deprived villagers and take appropriate measure regarding that? It is a shame how the only forum to stand against human rights violation and just ensure the right treatment of these people seems to turn their heads away from the people who are living like shadows and have no place to voice their grievances.

How is depriving the citizens not a violation of Human Right?

There is a constant lack of basic amenities, constant hindrances in living their life like any other citizens and the fact that the money allotted for their development is being misused and no proper follow up of such allotment is made by the concerned authorities. On what grounds does the commission decide that this is not a violation of Human Rights. The complaint and the followed mass petition clearly shows that there is a gross negligence towards this whole population who all are deprived already.

Isn't depriving the villagers from their developmental fair share of BADP fund, a violation of Human Rights?

BADP funds are allocated for the development of the border areas. The village in question has revealed that they are constantly deprived from their developmental share of the fund which hinders their process of development. The basic requirements to live are being snatched away from the poor marginalized people, living like shadows as if they do not qualify to be citizens of our country. How is the Commission deciding that there is no human rights violation of the people of this village.

Is NHRC forgetting the rules of The Paris Principles?

It should be reminded that National Human Rights Commission should be like a neutral and independent authority and should not be blindly depended on the report of state authorities or judicial verdicts. It should be remembered that Paris Principles guides the working of National Human Rights Institutions, where it is laid down that National Human Rights Institutions' are funded by the State but are independent of it, they are not non- governmental institutions but they act as bridge between civil societies and Government and they receive and consider complaints of human rights violations, participate in accountability and transitional justice process in countries affected by conflict or in transition after conflict, assist the development of democratic institutions and organize capacity building in the areas of accountability, the rule of law and democracy.

Shouldn't the Commission look into the allocation of BADP funds and demand transparency out of it ?

The BADP funds are allocated for the development of the people but the living conditions of the bordering people becoming worse with time. The state of the border is below the basic living standards. Proper infrastructure, employment opportunities and sufficient liberty is not provided to the people, hence proper utilization of the BADP funds are not being made. To this respect, the Commission must intervene to see to it that the funds are properly utilized and for the required purpose. It is highly important that the allocation of funds are monitored and a follow up report be demanded. Absolute transparency must be maintained regarding the funds.

Therefore, I again request the Commission not to close the case and considering my above stated comments kindly reopen the case and inquire the whole matter by one neutral investigating agency and take adequate measures thereby immediate steps should be taken to initiate road construction in Pipli village and allotment of BADP (Border Area Development Fund) should be implemented in border area development and not in other areas.

Thanking You,
Yours truly

Dipyaman Adhikary
Assistant Secretary