

Grabbing of land of a widow by BSF - WB Govt officials are in nexus

Kirity Roy <kirityroy@gmail.com>

16 March 2022 at 16:34

To: NHRC Complaint <cr.nhrc@nic.in>, "Justice Shri H. L. Dattu" <chairnhrc@nic.in>

Cc: Chief Secretary Gov of WB <cs-westbengal@nic.in>, "Home Secretary Govt of W.B."

<wb.secyhome@gmail.com>, DG BSF <edpdte@bsf.nic.in>, DM North 24 Pgs <dm-bar-wb@nic.in>, SDO Basirhat <sdbasirhat@gmail.com>, bbdoswarupnagar <bdoswarupnagar@gmail.com>, adm1r-nprg@nic.in

To

16.03.2022

The Chairman

National Human Rights Commission

Manav Adhikar Bhavan

Block- C, GPO Complex, INA

New Delhi-110023

Respected Sir,

I am writing this to attract your attention towards the illegal land acquisition of Ms. Karuna Dutta's land by the Barasat Land Acquisition Department of North 24 Parganas district. The victim, a marginalized old lady has been suffering since the past 27 years, as the Land Acquisition Department didn't provide any award for compensation for acquiring her land or fulfil the promise of providing job to her son as a part of the land acquisition deal.

The then Commandant of the 109 Battalion, Kalyani, on 02.05.1995, through a notice asked to carry out the land acquisition from Ms. Karuna Dutta for the purpose of establishing a BSF Border Post at Gobra village. Accordingly, on 27.10.1995, the Barasat Land Acquisition Department issued a letter of notification to Ms. Karuna Dutta to acquire the proposed land. As per a discussion among both the parties, it was decided that Ms. Dutta will receive a monetary compensation according to government procedures and one of her sons will be provided with a job against the acquisition of her land.

However, none of these promises were fulfilled by the Land Acquisition Department or the BSF. Hence, on 16.04.2009, Ms. Karuna Dutta wrote an application demanding monetary compensation and a job to the Block Land and Land Revenue Officer (BL&LRO) of Swarupnagar, as it was decided during the land acquisition deal. Under Gobra Mouza, J.L. No.- 18, there is a total of 1.27 acre land. Out of this Gobra BOP BSF Company Commander (currently jurisdiction of 112 BSF Battalion) has 0.52 acres land registered under his name. Out of the other 0.22 acres land in the same plot, the BSF was able to register 0.11 acres under their name, and the rest of the 0.11 acres have been forcefully confiscated by the BSF. But for none of these lands, acquired by the BSF, the victim has received any monetary compensation.

For around 27 years they have been constantly visiting the offices of BSF Gobra BOP and the company commander of Gobindapur BOP to find a solution to their crises. Yet they received no solution to their problem. At present, due to her age-related issues, Ms. Karuna Dutta is not able to walk properly. Ms. Dutta even made an application to the Land Acquisition Department of North 24 Parganas on 14.01.2022 so that she receives the compensation and her son gets a job.

Ms. Karuna Dutta lives on meagre earning along with her 7 sons in her home. During the acquisition of her land in 1995, the villagers or the local Gobindapur panchayat Pradhan did not guide them in the right direction and coaxed her to give-up their land by saying that their family members will be able to secure a job in lieu of the land. However, till date they have not received any kind of compensation. The family members of Karuna Dutta are suffering from financial crises. They have visited different departments of the government time and again. However, their crises have not yet been resolved. They officials said that they will see to it. They only made vain promises.

The incident accounts to a gross violation of Articles 14, 21, 39(a) of the Constitution which guarantees the right to adequate means of livelihood for the people of India. This is also a violation of Article 300A which elucidates that "no person shall be deprived of his property". It also violates Goal numbers 3, 8 and 16 of the Sustainable Development Goals of the UN, which the Government of India promised to adhere with. Under the circumstances, we request your urgent intervention with the following demands: The incidents conducted by the government officials are violative of all principles of natural justice.

The whole process was not complied with The Land Acquisition Act, 1894; hence it is illegal grabbing of land by public servants.

The authorities of government wilfully ignored the order passed by the Labour Department, Government of West Bengal (published in Kolkata Gazette Extraordinary dated 21 August 2002). Where in paragraph 3 benefits was awarded to the land losers.

- Ms. Karuna Dutta and others should receive immediate monetary compensation for her land, financially and by granting a job to one of their family members.
- As per government norms, the monetary compensation should be awarded to Ms. Karuna Dutta as per recent government rate of the land and not according to the rate during the acquisition
- The government should initiate prompt action in this regard.
- Strict action should be taken against the ones who coaxed Mrs. Karuna Dutta to give up on her land.
- Strict action should be taken against the BSF for illegally confiscating her land. As it is an civic offence, matter should be heard in open court of law.
- The government should ensure that her human rights are safeguarded.

Memo No. 511/195
 L.A.(N)BSF, Sq-IV. Dated 12/5/95

To
 Smt. Karuna Dutta
 Vill - Gobra
 P.O. - Gobindapur, 743773
 District - North 24-parganas.

Government of West Bengal
 Office of the Collector, North 24-parganas
 Land Acquisition Department
 BARASAT

This is to inform you that the necessary measurement was carried out by the Officials, Land Acquisition Department, Barasat, North 24-Parganas and a certificate to this effect was also handed over to BSF authorities indicating 0.52 acres of land for the establishment of Border Out Post, Gobra. Accordingly the land was acquired. However, if, any doubt/discrepancies is still in this regard, you may please be pleased with Land Acquisition Department, Barasat, North 24-Parganas.

For Collector
 North 24-parganas.

4785/88
 No. HQ/109 HQ/LA-Gobra/95/
 Office of the Commandant
 HQ 109 HQ BSF, Kalyani
 Dated, the 02-May'95

To

Smt Karuna Dutta & Others,
 Vill : Gobra,
 Post : Gobindpur,
 Dist : North 24-Parganas,
 Pin - 743773.

Sub : ACQUISITION OF LAND AT BOP GOBRA, MOUZA-GOBRA, JL NO-18, PS, SWARUPNAGAR, DIST: NORTH 24-PARGANAS UNDER 109 HQ BSF (LA CASE NO.11/1108/90-91)

Ref : Your application No. Ni. dated 26.4.95

In this connection, it is to inform you that the necessary measurement was carried out by the Officials, Land Acquisition Department, Barasat, North 24-Parganas and a certificate to this effect was also handed over to BSF authorities indicating 0.52 acres of land for the establishment of Border Out Post, Gobra. Accordingly the land was acquired. However, if, any doubt/discrepancies is still in this regard, you may please be pleased with Land Acquisition Department, Barasat, North 24-Parganas.

COMMANDANT
 109 HQ BSF

Copy to

- HQ 34 Frontier BSF, - for kind information please. 2-B Lord Sinha Road, Calcutta-71.
- SH, BSF Calcutta, - for kind information please. Calcutta-35
- The Collector, Land Acquisition Department Barasat, North 24-Parganas - for kind information please.

No. 127/13/92-Engg/BSF 10227-28
 Government of India
 Ministry of Home Affairs
 Directorate General Border Security Force
 (Engineering Directorate)
 Kendriya Aryalaya/Pariser,
 Block No10, Lodhi Road,
 New Delhi-5
 Dated 12 May'95.

To

HQ South Bengal Pzr
 2-B-Lord Sinha Road
 Calcutta

Sub: - REPRESENTATION REGARDING ACQUISITION OF LAND RECEIVED FROM SMT KARUNA DUTTA VILL GOBRA DISTT GOBINDAPUR WEST BENGAL

Enclosed please find herewith a photocopy of representation on the subject cited above for taking further necessary action. It is requested that a suitable reply be sent to the individual concerned under intimation to this Dte.

2. It is also requested that a translated version in English or Hindi of aforesaid representation may be forwarded to this Dte for record in this Office.

Encl:-As above

(SURYA MOHAN)
 ASSTT DIRECTOR (ARCH)

Copy to:-
 Mrs Karuna Dutta
 Vill Gobra
 PO Gobindapur
 Distt North 24 Parganas
 West Bengal (Calcutta)

far info w.r.t. your
 representation dated Nil.

Government of West Bengal
 Office of the Collector, North 24-parganas
 Land Acquisition Department
 BARASAT

Memo No. 224/109 HQ BSF, Sq-IV. Dated 27/5/95

To
 Dy. Commandant
 30 HQ BSF
 Kalyani, Nadia
 West Bengal.

Sir,

Kindly recall our discussion dt. 24.1.95. As per the programme we are to start for the village Gobra, BOP, Swarupnagar, District North 24-parganas. Please instruct your driver to report with the vehicle at our office accordingly on 7.2.95.

One of your representative may kindly be deputed to accompany us for the site inspection.

Yours faithfully
 (N.R. Mandal)
 L.A. Collector
 North 24-parganas.

Copy to:-
 Smt. Karuna Dutta, Vill-Gobra, P.O. Gobindapur, 743773 North 24-parganas.

The earlier date was postponed due to some unavoidable circumstances. She is requested to remain present at the site with all documents on 7.2.95 at 1 pm. for verification.

L.A. Collector 27/5/95
 North 24-parganas
 Barasat.

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