

21 November 2020

To
The Chairman,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi- 110023

Respected Sir,

I am writing this regarding the condition of some deprived brick field dwellers of West Bengal, who are living in dire state, deprived of basic necessities. The Hooghly river banks at Uttarpara under Uttarpara Kotrang Municipality under the jurisdiction of Uttarpara police station under Chandannagar Police district of Hooghly cradles 8 brick field settlements, housing more than 750 workers along with their families. These workers include 300 minors, 250 male workers and 200 female workers. All the families living in these settlements are from both Scheduled Caste (*Dalits*) and Scheduled Tribe background and thus face high levels of discrimination from the society and institutions. They have been actively excluded from all sorts of community activities including school sports and access to local marriage halls and so on. One of the reported cases of discrimination include the local UBI bank refusing to allow the families to open bank accounts as that would lead them to lose a number of customers and also receive complaints from the local community. As a result of systematic and unashamed caste discrimination, almost all the 4 ICDS centers in the area do not entertain the dwellers of these brick fields.

Even though most of these families have been living here for 3 generations, 50% of them are without Voter ID card or Ration Card and a majority of them do not have Birth Certificates. The state has made efforts of providing about 80% of the population with AADHAR cards but all other documents are not available to the inhabitants.

Through time, a few of the brick kilns had closed off but the families have continued to stay; some working as labourers at the kilns and some finding other daily wage work opportunities. All these workers are unorganized labourers; however, they are devoid of any social security benefits listed under the Chapter 2 and 4(7) of The Unorganized Workers' Social Security Act, 2008.

The kids of these dwellers are not given admission in local schools citing that they don't have proper identity documents. The ICDS workers in the area don't visit these families, hence depriving them from basic health, nutrition and education facilities of the government. Ms. Puja Oraon, the daughter of a brick kiln worker enrolled in a local government school named Kartik Smriti School. Her family paid the admission fees for the enrolment but was also asked to provide her birth certificate. Being born at home, the child had no birth certificate, local municipal authority did not provide her birth certificate, like others. Moreover, being a first generation learner, the family did not know how to procure the certificate and eventually, Puja Oraon dropped out in 2012; not even

completing nursery. Puja is just one out of numerous children who could not pursue their studies due to lack of documents. This situation drives the minors towards child labour and no preventive steps are being taken by the local administration to rectify the situation.

These workers and their families are also deprived of health facilities, which the Government of India is entitled to provide. These unorganized workers don't have Employees' State Insurance (ESI) certification, under Ministry of Labour and Employment, Government of India or the RSBY (Rashtriya Swastha Bima Yojana) cards for the other family members. Hence, they lack any form of governmental support during medical necessities. Most of the women in these brick fields give birth in their houses as a result of which, they don't have birth certificates for their child. Health facilities include a Rajbari Hospital (Uttarpara Govt. Hospital) within 1km but still a part of the population avail the services of quack doctors in the area. The children are provided with the polio vaccination but not provided with the proper documents of the same. The male members of this community are known to indulge in alcoholism and thus face many illnesses induced by alcoholism.

The living conditions of these families are in dire state. They have no access to proper toilets and have to engage in open defecation, have no electricity supplied to the brick fields, no proper drinking water facility and have no overall support from the municipality. The workers have made complaints to the respective government offices for the same but no actions have been taken. Moreover, the recent COVID-19 situation has been especially hard on the workers; with most of the kilns discontinuing production. The Municipality Chairperson of Uttarpara Kotrang Municipality had stated that since the land belongs to the Kolkata Corporation, they will not be engaging to provide any support or basic living amenities to the inhabitants of these brick fields. Under the circumstances, the situation in which the brick field dwellers are being forced to live violates several rules and regulations mentioned under:

- The Uttarpara Kotrang municipality, by not providing the dwellers with proper birth certificate, violated the section 363 and 364 of Chapter XXIII of the West Bengal Municipal Act, 1993
- By not providing the dwellers with Scheduled Caste / Scheduled Tribe certification, the authorities have violated the guideline number 9 (E) of the notice issued by the Backward Classes Welfare Department, Government of West Bengal vide Memo no. **1203-BCW/MR-88/2014** dated 27.07.2015.
- The condition of minor residents of the brick fields who are being forced to work as child labourers in the kilns are violating the premise of The Child Labour (Prohibition and Regulation) Act, 1986 and the section 67 of the Factories Act, 1948.
- The apathy of the ICDS workers towards the brick field dwellers can be categorized as intentional negligence in regular duties of the ICDS workers enshrined in the roles and responsibilities of AWWs under the Ministry of Women Development and Child Welfare.

- Denying proper schooling to the minors of the brick field is a complete violation of Article 21A of the Indian Constitution that reads – “The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine”
- The systematic apathy of the Uttarpara Kotrang Municipality towards the brick field dwellers by not providing the dwellers with clean water supply and proper toilets is a major violation of the obligatory functions enshrined under section 63 of Chapter IV of the West Bengal Municipal Act, 1993.
- The overall situation of the dwellers violated the right to live with dignity and right to health under Article 21 of the constitution of India. It also violates the Goals number 1, 3, 4, 6, 8, 9 and 16 of Sustainable Development Goals where the Government of India is a party.

Under the circumstances, we stand by the victimized family members of these brick fields and urge your immediate intervention to the following-

- The brick field dwellers should be provided proper identity documents by the government
- SDO, Serampore should organize sitting of camps to study the problems of those workers and take proper steps within six months
- The dwellers should be provided adequate health care facilities by the government
- The dwellers should be provided with proper toilet facilities and clean drinking water
- Initiatives should be taken to enlist the children of the dwellers in schools and stop child labour
- Initiatives should be taken to ensure various social security schemes to the dwellers
- Initiatives should be taken to provide Micro Credit Finance, NSKFDC and NSFDC to those dwellers
- ICDS workers should be directed to visit the brick fields regularly and take initiatives to improve the health and nutrition of the pregnant women and neonatal babies
- CESC should extend connection to the rooms of the workers
- The Uttarpara Kotrang Municipality should be directed to provide all required facilities in their capacity to the dwellers
- The Uttarpara Kotrang Municipality should be directed to provide at least 10 washrooms and 10 drinking water pipelines to each brick kiln for its workers

Yours truly,

Kirity Roy
Secretary
MASUM



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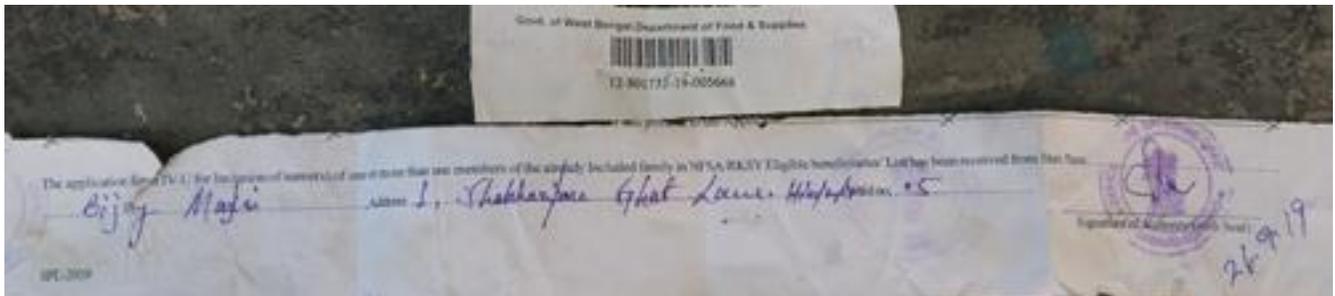
Drinking water



FF team met SDO



Frustrated women



Application for ration card submitted, but ignored



Fact finding