



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

Dated: 27.09.2021

Case File No.: (i) NCST-16013(WB)/11/2021-RU-III /APCR  
(ii) NCST-16013(WB)/20/2021/RU-III / APCR  
(iii) NCST-16013(WB)/21/2021/RU-III /APCR

To

1 The Chief Secretary,  
Government of West Bengal,  
Navanna 325, Sarat Chatterjee Road,  
Howrah - 711 102  
(West Bengal)  
E.mail: cs-westbengal@nic.in

2 The Director General of Police,  
West Bengal Police,  
Navanna 325, Sarat Chatterjee Road,  
Howrah - 711 102 (West Bengal)  
E.mail: dgwestbengal@gmail.com

3. The Principal Secretary,  
Tribal Welfare Department,  
Government of West Bengal,  
Adivasi Bhawan, Premises No. 2221,  
Action Area - IIIA, Rajarhat-Newtown,  
Kolkata - 700156

- Sub: (1) Representation dated 22.06.2021 of Shri Khagen Murmu, Hon'ble MP, Lok Sabha, Maldah Uttar, Baha Kharag Singh Marg, New Delhi regarding violence, caste-based torture and victimization of Scheduled Tribes in West Bengal, denial of rights and overall under development amongst Scheduled Tribes in West Bengal. (NCST file No. NCST-16013(WB)/20/2021-RU-III)
- (2) Memorandum of Shri Ramchandra Kharari, President, Akhil Bhartiya Vanvasi Kalyan Ashram, Delhi regarding violence after declaration of result of Assembly election in West Bengal. (NCST file No. NCST-16013(WB)/21/2021-RU-III)
- (3) Representation dated 04.06.2021 of Smt. Krishna Murmu, W/o - Sh. Pinaki Shankar Banerjee, Sagrai, Khandaghosh, Burdwan, West Bengal- 713424 regarding sexual assault on her and murderous attempt on her husband and threaten to her family due to post poll violence. (NCST file No. NCST-16013(WB)/11/2021-RU-III)

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 14.09.2021 under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subjects for necessary action and submission of compliance report to this Commission within 30 days positively for placing the same before the Hon'ble Member, NCST.

Yours faithfully

(S.P. Meena)  
Deputy Director

Ph. No. 24657272  
E.mail: [assttdir.ru2@ncst.nic.in](mailto:assttdir.ru2@ncst.nic.in)

Copy to:

1. Shri Khagen Murmu,  
Hon'ble MP, (Lok Sabha),  
B-501, MS Flat, Gomti,  
Baba Kharag Singh Marg  
New Delhi - 110 001.

2 Shri Ramchandra Kharari,  
President,  
Akhil Bhartiya Vanvasi Kalyan Ashram,  
M - 31, Malkaganj,  
Delhi - 110 007.

3. Smt. Krishna Murmu,  
W/o Shri Pinaki Shankar Banerjee,  
Sagrai, Khandaghosh.  
District - Burdwan, - 713424  
(West Bengal).

Copy to  
NIC, NCST for uploading on website

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case Files No.: (i) NCST-16013(WB)/11/2021-RU-III/APCR  
(ii) NCST-16013(WB)/20/2021/RU-III / APCR  
(iii) NCST-16013(WB)/21/2021/RU-III / APCR  
and others...

PROCEEDINGS OF SITTING HELD ON 14.09.2021 CHAIRED BY SHRI ANANTA NAYAK, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE MATTER OF REPRESENTATIONS REGARDING ATROCITY AGAINST SCHEDULED TRIBE PERSONS/WOMEN OF WEST BENGAL.

Date of Sitting: 14.09.2021


List of officers present in sitting is Annexed.

The National Commission for Scheduled Tribes has received 129 complaints/representations from various ST persons, Social Workers working for the welfare of Scheduled Tribes in West Bengal, NGOs and others regarding atrocities against Scheduled Tribes regarding in West Bengal by way of heinous crimes of murder, rape, arson, grievous hurts, caste based abuse, thrashing/manhandling etc. committed by the non ST persons in various parts of the State. Out of 129 complaints/petitions/representations, 100 representations were not taken up due to request from the petitioner's side for not revealing identity of his/her. Accordingly, only 29 complaints/representations were taken up by the authorities concerned in the Government of West Bengal.

2. In the representations, it has been alleged that the members of the ST communities of West Bengal have been passing through horrendous days and are living in fear, insecurity for long. Since May 2021, the non ST persons have committed atrocities and horrific torture upon man, women, children and the elderly persons belonging to the Scheduled Tribes of West Bengal. About 50 ST persons were murdered including murder cases of Shri Kishore Mandi of Jamboni Village in Jhargram District and Shri Som Hansda of Tubgram Bhattar village in East Burdwan District. Besides this, hundreds of ST women were raped. A number of ST persons were grievously hurt due to attacks, loot, arson, torture and atrocities in various parts of about 16-17 Districts of West Bengal i.e. Paschim Medinipur, Jhargram, East Burdwan, North 24 Parganas, Hooghly, Birbhum, Purulia, Cooch Behar, Alipurduar etc. The houses of ST persons were looted and thereafter, destroyed/ damaged, resulting which the ST families had to remain on roads without food and any rehabilitation measures from the State Government. Against these incidents, the District Administration as well as the concerned Police authorities have failed to take any action against the culprits / accused. No compensations/rehabilitation measures were provided to the victim ST family members/persons by the State Government.

3. Similarly, a complaint relating to sexual assault / rape with murderous attempt to ST family members with threat to kill 5 year old son by the miscreants and local Police Officials has been received from one ST woman Smt. Krishna Murmu, Village - Sagrai,

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सदस्य/Member  
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नई दिल्ली/New Delhi

Khandaghosh, Bardhaman, West Bengal. She alleged that non ST person, Shri Shubendu Dey, Local TMC worker and his associates attacked her husband on 02.05.2021. Thereafter, her husband's shop had been illegally occupied and converted into TMC office on 20.05.2021. In this regard, a Police complaint was made. But, instead of taking penal action against the accused persons, some Police officials came to her house and pressurized her to withdraw the case against non ST persons. She also sexually harassed by the accused persons. However, the Police officials have registered a case against her husband, friends and relatives who came to her rescue. Similarly, in other cases of atrocity against ST people, the Police has failed to provide security, shelter and to take punitive action against the non ST persons.

4. Taking cognizance of heinous crimes committed by the non ST persons, the Commission decided to investigate the matters and issued notice seeking reports from the State Government of West Bengal. Out of 29 representations, the Commission has received reports in only 16 cases. The reports were found to be unsatisfactory.

5. A sitting was held on 14.09.2021 to discuss the grievances of STs of West Bengal. In response to the Summons issued by the Commission, the Chief Secretary, Government of West Bengal, and the OSD to Tribal Welfare Department, Govt of West Bengal in the rank of Principal Secretary, and DGP, West Bengal personally appeared before the Commission. From petitioner's side, the representatives of Akhil Bharatiya Vanvasi Kalyan Ashram, Delhi (working for welfare of STs) also presents.

6. During the course of Sitting, the Chief Secretary, Government of West Bengal gave brief presentation along with action taken case wise upon the matters referred by the Commission. He stated that it is true that some incidents of heinous crimes against ST people of West Bengal were committed and due to which a number of ST people have to suffer immensely and atrocities and humiliation from the non ST people. However, on receipt of the grievances / complaints from the ST petitioners, the State Government, District Administration and Police authorities took prompt action and also registered cases in the relevant sections of IPC as well as relevant provisions of SCs & STs (Prevention of Atrocities) Act, 1989 against the offenders. The accused were arrested and charge sheeted in the Court. In some cases, the State Government has also provided monetary compensation to the ST victim families. He further informed the Commission that 10 cases have been referred to the CBI for further investigation on the direction of the Hon'ble High Court of Kolkata. Presently, the State Government has issued necessary directions to all District Collectors and District Administration to maintain the Law and order and take effective steps to prevent any atrocity against the STs. The Chief Secretary, West Bengal further suggested that if the Commission desires, then, all atrocity cases against ST people will be re-investigated.

7. The Principal Secretary, Tribal Development, Government of West Bengal also submitted case wise action taken of the atrocity cases against STs. He stated that the Tribal Development Department has strengthened its monitoring system to protect the rights of the Scheduled Tribes and to address their grievances. Several steps for protection of lives of STs have been taken and launched welfare schemes for betterment of the STs. In the incident of the atrocity cases, the accused were arrested and charge

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sheeted in the Court. Necessary compensation and rehabilitation package were provided to victim families.

8. The Director General of Police, West Bengal stated that the Police authorities are taking prompt action against the accused who committed atrocity against STs. The concerned Police officials have been sensitized to be more cautious to deal with grievances of STs. However, the Police authorities will start re-investigation of all cases of atrocity against STs and necessary corrective action will be taken accordingly.

9. The Commission heard the matters in detail. It was found that there were incidence of atrocities and heinous crimes against STs of West Bengal wherein there were delay in taking action taken against the accused persons by the concerned District Administration as well as by the concerned Police authorities. FIRs lodged against the accused and providing compensations to the victim ST families were made after directions from the Hon'ble High Court in some cases. No preventive action to protect the property and lives of the STs were taken by the Police authorities in time causing serious incidences of murder, rape, arson, grievous hurt, vandalism of properties happened against the STs.

After taking into consideration number of complaints, visiting some affected areas, interacting with the victims who narrated the incidents of the State, the Commission recommends the followings -

1. The DGP must ensure no hindrance in registration of FIR in case of complaints from the ST people (in light of Lalita Kumari Vs State of U.P. judgement of the Hon'ble Supreme Court of India), invoking of provisions under POA (SC, ST) Act in the FIRs, monitor the investigation, trial and the progress of the said criminal cases emanating from the incident and attacks occurring in the State of West Bengal till date.
2. The Chief Secretary and DGP must make discreet enquiry and investigation and to take all such steps and ensure all such measures in the interest of justice after fair and impartial investigation of the criminal cases.
3. Since the replies submitted by the State in response to the Tour report are unsatisfactory, the Chief Secretary and DGP are required to send a fresh Action Taken Report (ATR) after taking fresh steps in all the aspects/grievances raised in the said report.
4. The State must ensure legal action against the Police personnel who delayed registration of FIRs and omitted provisions of the PoA (SC ST) Act from the FIRs, and failed to performed their duties and also against all those errant officials who were entrusted to maintain law and order
5. The Chief Secretary and DGP must send detailed report on the treatment details of the injured tribals along with compensation and legal remedies thereto and ensure adequate measures, steps for the safety and protection of complainants, witnesses and the whistle blowers.

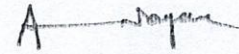
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6. The Chief Secretary and DGP must ensure proper survey and assessment of loss of property of the tribals due to arson, riot and other form of atrocities and violence.
7. The Chief Secretary must ensure proper rehabilitation and resettlement of the displaced tribals with the benefits of social welfare schemes in the State without fear and insecurity.
8. The Chief Secretary must ensure implementation of special project in Chuchura, Boyamari-1, Boyermari-2, Mothabari, and other villages in North 24 Pragma district in respect of financial inclusion of the tribals in the area.
9. The cases of Smt. Krishna Murmu, Shri Som Hansda and Shri Sunil Baksi be re-investigated with all seriousness and to take action for providing relief to victim and punitive action against the accused.
10. The DGP, West Bengal will sensitise all the Police officials of the State to deal with the cases relating to the atrocity against STs. The Police officials may be given training and undergo capacity building program about the rules and laws related to the SCs/STs (Prevention of Atrocity) Act, 1989, Rules 2015 and amended Rules, 2016 and 2018.

An action taken report point wise on the recommendations be submitted to the Commission within 30 days.

  
(ANANTA NAYAK)  
MEMBER

National Commission for Scheduled Tribes

अनंत नायक/ANANTA NAYAK  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

List of participants

NCST

1. Shri Ananta Nayak, Hon'ble Member (In chair)
2. Shri K. Touthang, Joint Secretary
3. Shri S.P. Meena, Deputy Director
4. Shri Y.K. Bansal, Research Officer

Officers from Government of West Bengal

1. Shri H.K. Dwivedi, Chief Secretary, West Bengal
2. Shri A. Malaviya, Director General of Police, West Bengal
3. Shri S.K. Thade, Principal Secretary, Tribal Development Department,  
Government of West Bengal.

Petitioner

1. Shri Sharad J.K. Chavan
2. Shri Suresh Kulkarni