

Human Rights Defenders Alert - India

National Coordination Office

No.6, Vallabhai Road, Chokkikulam, Madurai 625 002, Tamil Nadu, INDIA

Tel: +91-452-2539520 **Cell Phone:** +91-9994368540 **Email:** hrda.india@gmail.com

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Special Rapporteur on the situation of human rights defenders,

Mrs. Margaret Sekaggya

c/o Office of the High Commissioner for Human Rights - Palais Wilson

United Nations Office at Geneva

CH 1211 Geneva 10

Email: urgent-action@ohchr.org

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action -India/West Bengal: Purulia district - Arrest on trumped up charges of 8 National Rural Employment Guarantee Scheme (NREGS) workers - Reg

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern over the unreasonable and unwarranted arrest of 8 Mahatama Gandhi National Rural Employment Guarantee Scheme (MGNREGS) workers who peacefully protested the acts of corruption and illegality in the implementation of works by the administration.

Incident

Name of the Perpetrators: Lakhanpur Gram Panchayat administration

Place of incident: Lakhanpur GP, Hura Block , Purulia district, West Bengal

Date of incident: 23rd April 2012

According to the information received from Mr. Kirity Roy, Secretary - Banglar Manabadhikar Suraksha Mancha (MASUM), eight Mahatama Gandhi National Rural Employment Guarantee Scheme (MGNREGS) workers including Mr.

Mohan Mahato - district secretary of Paschim Banga Khet Majoor Samity (PBKMS), has been arrested on trumped up charges on 23rd April 2012. This arrest is a means by which the administration and Panchayat want to suppress any protest against their own corruption and illegality in implementation of MGNREGS.

Facts of the Case:

About 99 workers have applied for MGNREGS work in Lakhanpur GP of Hura block in Parulia district. They were given the work of making a road in Khoiripira upto the Nadighat. On 23rd April 2012, the workers found that they were being asked to spread the earth being brought by two tractors on the new road.

They complained to the supervisor that if this meant that their work would be measured according to the quantity of earth that they spread, this would mean too little for each worker, and they would therefore not earn minimum wages for the day's work. The supervisor was not able to tell them the rate at which they would be paid, so they decided to ask the Panchayat for an explanation.

When all 99 workers had reached the Panchayat, they found the Pradhan absent. No one else was willing to give them an answer, so the workers began a peaceful *dharna* (sit down strike) in front of the Gram Panchayat office with their baskets, spades and pickaxes. The *dharna* began at 11 am and continued till 6 pm, with no one willing to address the workers' problems. At around this time, the PBKMS district secretary, Mohan Mahato, himself an NREGS worker from that Gram Panchayat, who had heard about the problem came to the Gram Panchayat office to enquire about what had happened. Soon after, a large number of policemen came and arrested Mohan and 7 other workers.

After this, the PBKMS State Treasurer, Uttam Gayen and many others from the State Committee tried calling up the Officer in Charge (OC) of Hura Police Station and the Block Development Officer (BDO) to find out why the 8 workers

had been arrested. But their phone calls were ignored. Uttam Gayen went to the Police Station to find out what the problem was, but the OC refused to meet him. It was from the Purulia district court they found out the case details that the 8 workers have been arrested on charges of obstructing a Government servant. The case has been filed by the Upapradhan in the name of Biplab Mondal and Chaitanya Mahato, leaders of the PBKMS who were not even present at the spot, and Mohan Mahato, who arrived at the tail end of the *dharna*, just before the police action started. The case has the convenient tag of “and others” besides these three, making it easy for the police to arrest whosoever whenever they please.

At present the workers have been remanded to jail custody for 15 days up to 8th May 2012, causing huge problems for them and their families, as all of them are daily wage earners,

Additional information:

The workers had in the month of February and March twice sent back earthmover machines brought in by a contractor to move earth. When a third attempt was made, 463 workers voluntarily shifted the earth, thus causing loss to the contractor and all those who would have got a commission out of this gross misuse of MGNREGA funds. Vested political leadership had threatened to file cases against PBKMS leaders at that time itself. The latest action by PBKMS members was to stop the use of machines and contractors in moving earth in Lakhanpur GP in an NREGS scheme.

It has been alleged that there are several irregularities in the MGNREGS works by the Lakhanpur Gram Panchayat administration. As per the Grievance Redressal Rules under the Act, the first place where grievances are to be raised is the Gram Panchayat. However the BDO has also always referred the workers to go to the Panchayat with their problems. As per Grievance Redressal Rules, each Panchayat is supposed to have a complaints register, is to receive written

complaints and the Pradhan is to dispose of the same within 10 days. The Lakhanpur Gram Panchayat Pradhan and his staff do not even know about this procedure.

It has been alleged that the Lakhanpur Gram Panchayat has been with the Trinamool Congress since 2009, though the Upapradhan is with the CPM. It is therefore obviously the TMC local leadership that is responsible for this problem. Hence it is suspected that this patently false case has been filed as a means to stop NREGS workers and PBKMS workers from stopping corruption and the illegalities by the administration in NREGS works.

Appeal

We, therefore, urge you to immediately take necessary steps to

1. Guarantee in all circumstances the physical and psychological integrity of the MGNREG workers who were arrested on false charges;
2. Conduct a thorough impartial enquiry and take prompt action against the Lakhanpur Gram Panchayat and the BDO for violating the Grievance Redressal rules of the MGNREG Act;
3. Immediately withdraw the false case and ensure their immediate release;
4. Ensure that a proper grievance redressal procedure be put in place for NREGS complaints as per the Grievance Redressal Rules.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

Hon. National Working Secretary,

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