

# 2018

## Annual Report



# Human Rights Overview 2018

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Human rights are inherent, inalienable, interdependent, and indivisible, meaning they cannot be granted or taken away by none; the rights include civil, political, economic, social and cultural rights. Human rights protagonist group like MASUM is constantly monitoring the attacks and infringement over these rights. Like any other years, the previous one; 2018 was also witnessed few blatant attacks on rights of the people, dissents and general ethos of human rights.

## Human Rights Defenders

The year 2018 was the 70<sup>th</sup> year commemoration of Universal Declaration of Human Rights and 20<sup>th</sup> Year of 'Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms' (Declaration on HRD). MASUM observed the both with international human rights fraternity to reassure its commitments. During this observance we tried to critically analyze the limitations and achievements of international agencies; specially the United Nations on promotion and establishment of human rights for world community. During the years the very term of human rights has been an accepted and recognized issue by the countries, the most violator States are now trying to get elected in UN human rights council; example India, a country till date not ratified the major humanitarian treaties/ instruments such as UN Convention on Torture, first and second Optional Protocols of International Covenant on Civil and Political Rights, International Convention for protection of All Persons from Enforced Disappearance, Rome Statute and so on, the country which has been putting deaf ears towards the international suggestions during the successive universal periodic reviews on human rights. The simple reason is that the declared human rights matrixes became a benchmark for credibility required for international trade and other relations. MASUM faced severe attacks of State while its activists falsely implicated in criminal cases, detained and tortured, judicial respite still not achieved.

## UNCAT – Myth and Reality

By showing total disrespect towards international requests, India till date has not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, but has signed the Convention on 14 October 1997, though 165 countries including Pakistan and Bangladesh ratified the convention. A draft Bill against torture is in consideration by the government from 2010, first it has been passed by the Lok Sabha (lower house) but the house itself dissolved in 2014 ( the 15<sup>th</sup> Lok Sabha), later the Rajya Sabha referred the bill to the Parliamentary Select Committee. Ex Law Minister of India; Mr. Ashwini Kumar filed a Public Interested Litigation before the Supreme Court of India for immediate ratification and domestic law for torture, the apex court referred the issue to the Law Commission of India and the Law Commission has drafted a bill, though with lacunae but till date no positive initiatives have been taken for immediate ratification of UN CAT and a subsequent domestic law, here it should be mentioned that the Article 2 of UN CAT has mandatory direction to the State parties to come up with a domestic law on torture. Torture is not criminalized in India's domestic law as a separate or special offense. The National Human Rights Commission of India has repeatedly recommended to the Government of India to ratify the Convention against Torture and to criminalize the act of torture in the country. As early as 1981, the Supreme Court of India has said "...[n]othing is more cowardly and unconscionable than a person in police custody being beaten up and nothing inflicts deeper wound on our constitutional culture than a state official running berserk regardless of human rights" Kishore Singh V. State of Rajasthan (AIR 1981 SC 625). MASUM with other fraternal organisations demanded for immediate ratification during subsequent UPRs and other domestic and international forums.

## UNHCR: problems within

But on the other hand the global leaders like United States of America withdrawn itself from the main UN human rights organ, the Human Rights Council just after being criticized by the top UN human rights official for its policy of separating children from their parents at the border in June 2018. The timing is eyebrow raising; but this was not an entirely surprising decision. One year ago, Ms. Nikki Haley; US ambassador to UN visited the Human Rights Council in Geneva and issued an ultimatum; unless the Council reformed to her liking, the United States would pull out. This pressure tactics of international players with intention to curb the ethos of human rights has not faced any decisive challenge within the United Nations and left a lurch for

promotion and establishment of rights. The composition of human rights council with a specified number of seats going to each major geographic region in certain extent challenging the accountability of member states for the council. The Declaration on HRD is another concern for the human rights protagonists from this part of the globe since the declaration is loaded with western concept of defending of human rights, on that part the defenders are with individual entity but contrary to that the huge global mass of underdeveloped geopolitical region, the defenders have community identity; they comprise a certain socio-political-economic identity and defending their rights with this community identity, so more often organizations are facing wrath of the State but Declaration on HRD is not equipped with this phenomenon. MASUM shared its concern through anti-imperialist and antifacist networks and formidably stand for state's obedience towards international human rights laws/ procedures.

### **Shrinking democratic space**

The year was also marred by curbing of democratic space of the society by state and non-state actors in domestic and international parlance; the year experienced the diminishing legroom for protests and differences. However, only governments are in a position to put in place the laws and policies necessary for protection of human rights and democracy and in position to regulate private and public practices that impact individuals' enjoyment of human and democratic rights. Therefore, the governments are the guarantors or violators, of human rights in domestic parlance. When States ratify human rights treaties, they agree to both refrain from violating specific rights and to guarantee enjoyment of those rights by individuals and groups within their jurisdictions. And yet Governments pay lip service to the importance of protecting civilians. The world's politicians have miserably failed to protect those in greatest need. They do have legislation to ensure the laws, of course, in India, there are several protective laws but either violated or not being implemented in letter and spirit. MASUM made subsequent representations for total adherence to rule of law in letter and spirit.

### **State and religion**

During 2018, India faced a spate of violence committed by the groups propagating religious hatred and patronized by the ruling Hindutva force and aimed at religious minorities, marginalized communities, and critics of the government. The country also experienced naked hooliganism by the religious fanatics on women while they tried to enter at a shrine (Sabarimala) after a direction from apex court. During June 2018, the then United Nations High Commissioner for Human Rights Mr. Zeid Ra'ad Al Hussein called for an international investigation into abuses in Kashmir, as his office released its first-ever report on alleged rights violations committed by both India and Pakistan in the disputed territory. He said "to consider establishing a Commission of Inquiry (COI) to conduct a comprehensive independent international investigation into allegations of human rights violations in Kashmir". MASUM protested religious fanaticism and stand for equal status for every such identity.

### **Temple of (in)justice?**

The country experienced a near despondency when four senior-most Supreme Court judges, who had held an unprecedented press conference in early part of the year and raised issue of assignment of cases by the then Chief Justice of India, the fissures within judiciary confirmed that everything is not silky in our judicial institution further the grievances of people against the failure for judicial respite came into fore. The year ends with similar cracks inside the premiere investigating agency of the country; Central Bureau of India and proved that the investigating agencies are not independent in India rather heavy interference from ruling political dispensations is almost a rule. MASUM in its journey firmly advocated for independent and people centric judiciary and agencies related to criminal justice delivery.

### **Ray of hope**

In a ray of hope; the Supreme Court has given few positive rulings in 2018 on human rights issues; most prominently in a historic judgment in September 2018, the Supreme Court of India ruled that the consensual adult gay sex is not a crime. The judgment by a constitution bench of Supreme Court has defanged the British era section 377 of Indian Penal Code, which deemed the gay sex is a punishable offence. In September 2018, the Supreme Court decided to hear the petition of 356 serving personnel including 74 army

officers, who have questioned the legality of any action taken against them in states, particularly Manipur and Jammu & Kashmir, where the Armed Forces Special Powers Act (AFSPA) is in force. This is a sequel to investigations being carried out against several of them by CBI's special investigation team, on Supreme Court orders. In one hand MASUM celebrates these small achievements but reaffirm its commitment towards its primary objective of torture free society and establishment of rule of law.

### **Lost dear ones**

During the year we lost many eminent and not so eminent protagonists for human rights. MASUM wish to pay its homage to all of them and reiterate its commitments toward human rights and extend fight for its complete achievement. During the year, Banglar Manabadhikar Suraksha Mancha (MASUM) was dismayed by the sudden demise of Asma Jahangir in Lahore, after a cardiac arrest on 11 February 2018. During the year, Kofi Annan, the only black African to become UN Secretary General, has died. Annan served two terms as UN chief from 1997 to 2006, and was awarded a Nobel Peace Prize for his humanitarian work. At the fag end of the year, we lost the eminent filmmaker Mrinal Sen.



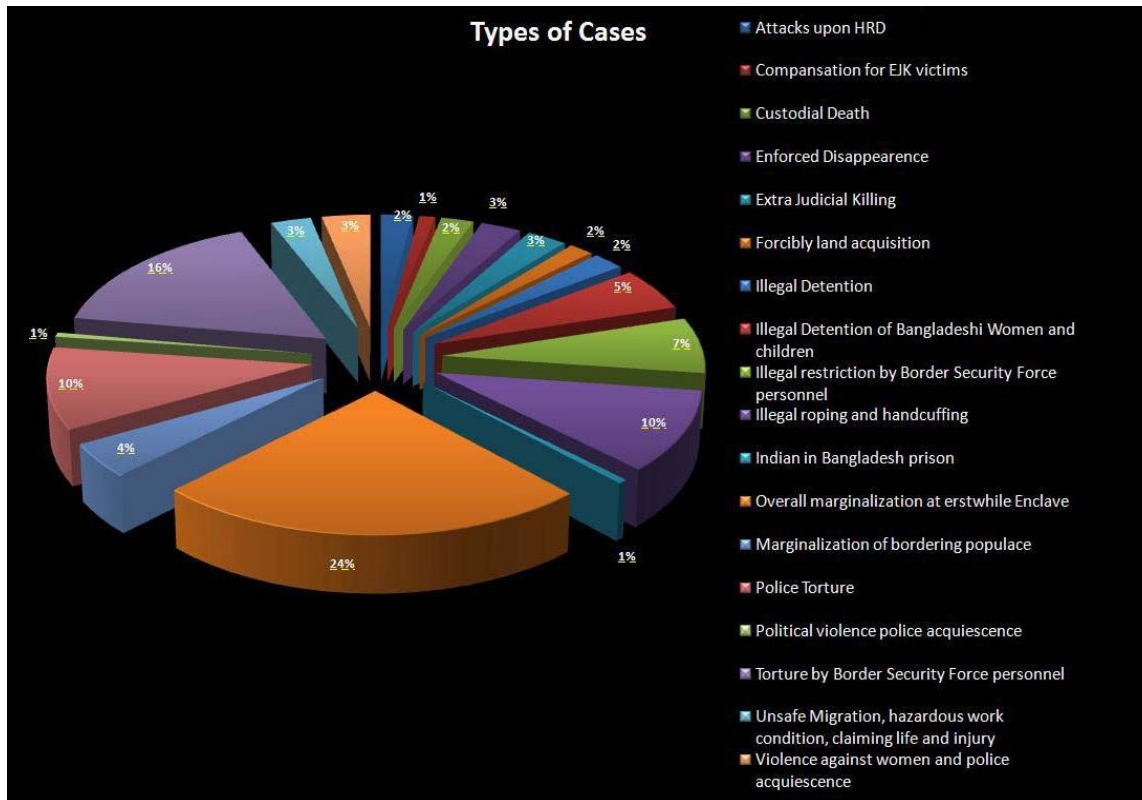
# Annual Report 2018



# Annual Complaints Review

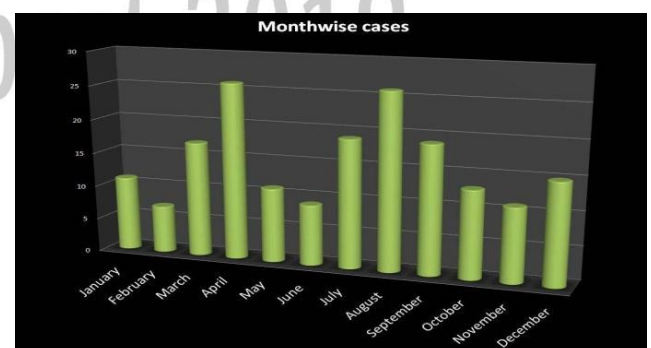
MASUM lodged 184 complaints in 2018 with the National Human Rights Commission on almost eighteen different types of cases where human rights were violated. The most number of complaints sent by MASUM

during this time is on the Overall marginalization at erstwhile Enclaves, which was 24% of all the cases, followed by 16% cases on torture by the BSF personnel and 10% cases on torture by Police personnel and roping and handcuffing of the under trial prisoners. The attached chart show the percentage on the types of cases MASUM has been working with since January 2018 to December 2018. Apart from these, 7% of the complaints lodged were on illegal restriction by Border Security Force



personnel, 5% on illegal detention of Bangladeshi women and children and 4% on marginalization of bordering populace.

Since January up till December 2018, MASUM was quite regular in lodging complaints to the National Human rights Commission every month. MASUM lodged 26 complaints in April and August, 2018, which is the highest number of complaints lodged in any month, followed by 19 each in July and September and 17 in March 2018. On an average more than 15 cases were lodged per month during this period to the National Human rights Commission by MASUM. On the complaints made to the NHRC, 64 complaints were registered by the commission this year.

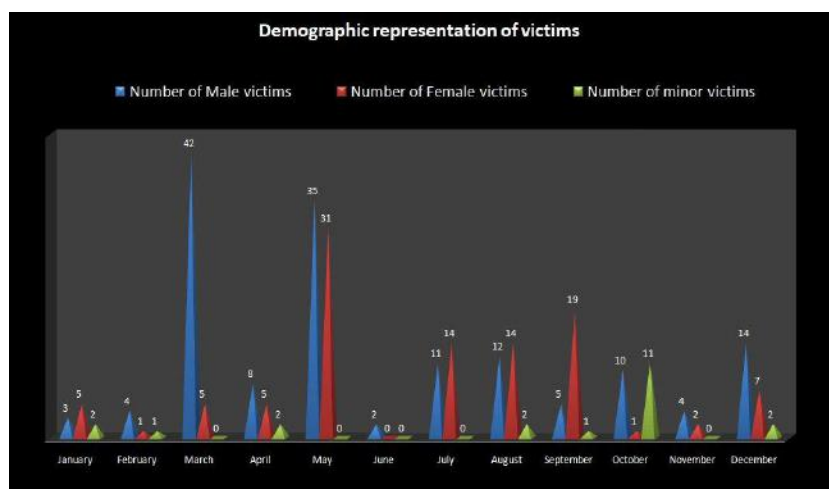


The NHRC further seek MASUM's opinion on the basis of the report provided by police and district administration and direct the government accordingly to initiate independent investigation or provide monitory compensation to the victims. During the time period of January, 2018 and December, 2018 MASUM sent 112 such replies to the NHRC providing necessary information on the victims, MASUM works with. MASUM sent 39 updated information of previously lodged complaints to the NHRC during 2018.

The victims MASUM works with have suffered from various forms of torture like extra-judicial killing, custodial deaths, torture by the Border Security Force and Police, other livelihood issues like erosion and problems of erstwhile enclave dwellers. In between January, 2018 and December, 2018, MASUM lodged 184 complaints to the National Human rights Commission in order to support 275 individual victims, who suffered torture from various issues. Several other victims from collective issues like villagers who suffered from erosion, erstwhile enclave dwellers, victims who suffered from illegal restrictions by BSF personnel, victims who were illegally roped and handcuffed and many more were also supported through these complaints made by MASUM.

Following is a demographic chart representing the male, female and minor victims supported by MASUM on the basis of complaints lodged

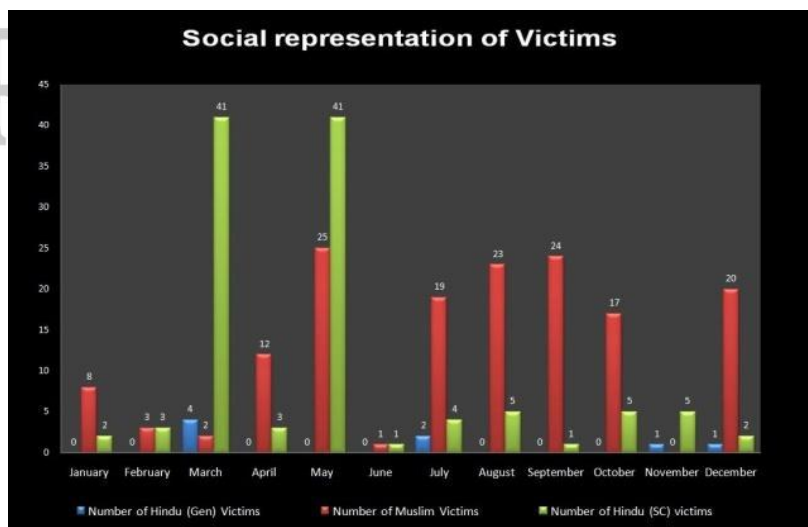
Month	Cases	Total Number of victims
January	11	10
February	7	6
March	17	47
April	26	15
May	11	66
June	9	2
July	19	25
August	26	28
September	19	25
October	13	22
November	11	6
December	15	23
<b>Total Cases</b>	<b>184</b>	<b>275</b>



Human rights Commission.

month wise. A total number of 66 victims were supported by MASUM during May, 2018, which is the highest number of victims supported by MASUM in any month during this period followed by 47 victims in March, 2018 and 28 victims in August, 2018. In May, 2018, 35 among the victims were male victims and 31 of them were female victims. No victim supported in May, 2018 was minor. The study showcases how the different victims, men, women or minor, was supported by MASUM through complaints lodged for them to the National

Another study on the victims show their social classification on the basis of caste and religion, where most of the victims, constituting around 56% of the total victims MASUM works with belong to the minority Muslim community followed by 41% victims from the Hindu Scheduled Caste community. Only 3% of the total victims are from Hindu General Category. The attached bar graph shows a month wise picture of social representation of the victims, whom MASUM supported during this period.



### Extra-judicial killing:

The population residing at the Indo-Bangladesh border area is always at a threat of getting a piece of wrath from the Border Security Force personnel. Most of the cases of murder in border area by the BSF occur where innocent villagers are victims. MASUM made 5 such complaints to the NHRC in 2018 that are briefly listed under:

On 9th July 2018 early morning around 5.00 AM, **Mihilal Mondal**, a 57-year old resident of Char Durgapur village under Raninagar Police Station of Murshidabad District, was moving towards his agrarian land to sprinkle pesticides on his standing crop. It was reported that at the time, BSF personnel were chasing few smugglers from the area but there was no commotion or scuffle between the chasing BSF and smugglers. All of a sudden the involved Border Security Force personnel fired from the small firearms with them, not from the regular assault rifles and bullet pierced through the body of Mihilal Mondal. The bullet entered through the back and exited through upper portion of chest. After the shoot-out, the BSF personnel left the place without informing any one; either the family or the villagers. The villagers ran towards the place of incident after



hearing the gun shot and receiving information from other villagers who were present at the vicinity of the incident. The body of Mihilal Mondal was recovered and brought to the village by his neighbours. The villagers informed the incident to the Raninagar Police Station and tried to register their complaint against the involved BSF personnel, but the Officer in Charge of Raninagar Police Station; Mr. Arup Roy refused to receive complaint on an excuse that first the police will take over the body then only he can accept the complaint. The nephew of the deceased Mr. Anup Kumar Mondal went to the said police station at around 8.30 Am on 9th July and later on 10th July 2018 with written complaint with him but in both

the occasion the on duty police personnel refused to accept the complaint. At around 11.00 AM on 9th July, police personnel from Raninagar police station came to the house of the deceased and brought the body to the police station and later it was sent to Lalbagh Sub Divisional Hospital at around 2.30 PM for Post Mortem Examination. Our complaint in this regard has been registered as National Human Rights Commission case number 1161/25/13/2018-PF.

On 27.07.2017 at about 6 am, **Milan Seikh** from Ghughupara village under Islampur Police Station of Murshidabad District, West Bengal went to farming land located near BSF Out-Post no.8 under Harudanga BSF Camp for cultivation work. When he was working in the land when the BSF personnel of BSF Out-Post no.8 without sounding any reason fired at him and he sustained pellet gun shot injury. The victim immediately fell down on the ground and the BSF personnel as alleged by Ms. Sarbhanu Bibi, mother of the victim Milan Seikh, in her complaint hit on the victim's head with a sharp cutting weapon and also cut off the fingers of the victim's left hand. Ms. Sarbhanu Bibi also stated in her complaint that two persons namely Mr. Samaul Seikh and Jyoti Seikh witnessed the incident and they informed the incident to the village people. The villagers and the husband of Ms. Sarbhanu Bibi came to the place of the incident. The police of Raninagar Police Station was called up. The police of the said police station came and rescued the victim who was not moving in any way at that time. The police took the victim to Godhanpara Primary Hospital. The victim was declared dead in the said hospital. Ms. Sarbhanu Bibi stated in her complaint that she for last several months visited Raninagar Police Station as well as Islampur Police Station number of times to lodge complaint against the perpetrator BSF personnel for committing murder of her son. But the police of both the police stations neither refused to accept her complaint nor gave her any number of GDE.



**Ajgar Mondal**, aged about 30 years, resident of Nawda Para under Bagdah Police Station, District- 24 Parganas (North) West Bengal belonged to a socio- economically marginalized family and enlisted under Below Poverty Line category. It was reported that Ajgar Mondol had part time engagement in cross border smuggling a couple of years back as courier. On 07.09.2018 at around 9:30 PM, Border Security Force Jawans attached with Mama Bhagna BOP of Battalion No. 99 of BSF, raided the house of Ajgar Mondal. BSF personnel accused that he stocked Marijuana (Ganja) in his possession during the raid. BSF personnel searched every nook and corners of his house, even the surroundings of his home but did not find anything.



All of a sudden, a BSF personal entered the home from outside and informed his superior by showing a plastic packet containing some white powder that he found the packet during search. The Assistant Commandant without examining the substance declared that the powder was an explosive required to make bombs and started beating the deceased. The BSF personnel started severely beating Ajgar with their sticks inside his home. Then the BSF personnel brought Ajgar to the Mama Bhagna Camp of BSF, he was physically tortured throughout the journey. At BSF camp, the BSF personnel tied his hands on his back and fettered him with a long rope on his waist. The long rope was then tied with a tree. The BSF personnel continued physical torture and threats to Ajgar with interrogation. The wife, brothers and other relatives of Ajgar ran to the BSF Camp on that night and requested the Assistant Commandant for his but their requests went in vain as the Assistant Commandant even made threats to the wife of Ajgar and told her that she will be taken into BSF camp by women BSF personnel. It was reported that one BSF personal from Mama Bhagna BSF Camp called Mr. Anarul Dafadar; a member elected of Bagdah Gram Panchayet from Nawdapara on 08.09.2018 morning and informed him that Ajgar consumed chemical substance kept in BSF Camp for weed control and BSF personnel took him to the hospital. Subsequently, Mr. Anarul Dafadar informed the family of Ajgar. Mr. Alam Mondal; brother of Ajgar rushed to the Bongaon SD Hospital from where he was referred to Kolkata. The BSF personnel then took Ajgar on their vehicle to RG Kar Hospital, in Kolkata where, he died at 4:30 PM on 09.09.2018. On 09.09.2018 at around 12.30 PM, Ms. Morjina Mondal; wife of the deceased went to Bagdah PS to lodge her complaint. But no inquiry / investigation was started by any government authority, so far. But the perpetrator BSF officials are proposing the victim family not to proceed with any complaint to any authority, as they are ready to 'solve' the issue against some money. Our complaint in this regard has been registered as National Human Rights Commission case number 1658/25/15/2018-AD.



Sarif Sekh, a 10<sup>th</sup> standard student of local Fatullapur High School was preparing for upcoming secondary examination during late hours in the night on 21.11.2018. At around 2:00 am in the morning, he went to a nearby open field to defecate as the family of Sarif had no latrine facility inside their dwelling. While he was attending nature's call; Mr. Sujoy Singh Rana, Subedar, Mr. Anil Kumar, Sub Inspector (G) and Mr. C.R Tarki,



Assistant Sub Inspector under Bhagirathi Patlatola Border Outpost of 'F' Company of Battalion number-180 of Border Security Force under Raghunathgunj police station of Murshidabad district, focused their high power torchlight on Sarif's face. Frightened by the presence of BSF; the boy tried to run from the scene. But he stumbled down on the earth during this course and BSF jawans enclosed him and started beating him indiscriminately by baton and rifle butts. The BSF personnel even kicked on his testicles. Sarif begged for his life and even told them that he is a student preparing for secondary examination. BSF left him when he became

unconscious due to immense torture. Villagers rushed to the spot while heard his scream and taken him to the Jangipur Sub-divisional Hospital. While he was taken to the hospital, the boy told his mother that BSF personnel put off his trouser and underwear and kicked on his private organ. His mother put on his trouser during their journey to the hospital while she found the boy naked. Multiple injuries throughout his body and fractured limbs were observed during he was taken to hospital and ritual bathing of the body before burial. He was admitted in the said hospital and at 8.30am he breathed his last. Raghunathgunj Police Station initiated an UD Case vide Raghunathgunj Police Station UD Case No. 197/18, dated 21.11.18. Post Mortem Examination was done at Jangipur SD Hospital on 21.11.2018 by PME No. 380 and next day on 22.11.2018 his body was buried in his native village.

During the same night, Chand Seikh was also brutally tortured to death by BSF personnel with same identity. He came to his sister's place to attend ritual of circumcision (khatna) at Chandpur village. He stayed at his sister's place for the night and went outside to attend nature's call at nearby riverside as his sister dwelling is again without any latrine inside. The mentioned BSF personnel under Bhagirathi Patlatola BOP of Battalion number-180 of Border Security Force caught Chand and tortured him using stick and bayonets of riffles. BSF jawans unclothed him and kicked on his testicles. Whole

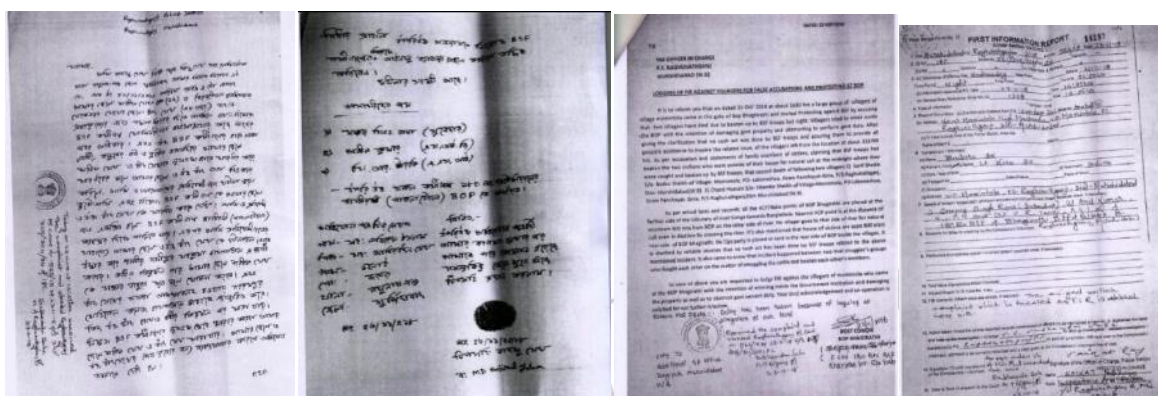




of his body was soaked with blood while he was brought to hospital. He begged for his life, but the jawans replied by breaking his spine, two hands. Private part of his body was also crushed. Finally they left him in a moribund condition. Neighbors of Chand Siekh's sister taken and admitted him to Jangipur Sub-Divisional Hospital from where he was referred to Murshidabad Medical College and Hospital at Baharampur. He breathed his last at evening 7pm on the same day. Post Mortem was done at Murshidabad Medical College and Hospital; Baharampur and an unnatural death case vide Baharampur Police Station UD Case number 1098/18, dated 21.11.18 has been initiated. Next day on 22.11.2018 his body was taken for burial.

On 23.11.18 Mr. Badsu Seikh, father of Sarif Seikh made a complaint to the Raghunathgunj Police Station detailing the incident and death of his son Sarif Seikh and another person Chand Seikh. The complaint was registered as Raghunathgunj PS Case Number 565/18 dated 23.11.18, under sections 341/325/304 and 34 of Indian Penal Code but three named accused of the case; the BSF personnel, not being arrested till date.

On the other hand the Post Commander of the Bhagirathi BOP of F Company of 180 BSF Battalion; Mr. Shravan Kumar lodged a complaint on 23.11.2018 against the unnamed villagers alleging false accusation and protest at BOP; his complaint was registered as Raghunathgunj PS Case No. 566/2018 dated 23.11.2018 under sections 143/443/511 and 506 of Indian Penal Code.



## Enforced Disappearance:

Killing and disappearing bodies of innocent villagers is becoming a new drift for the BSF personnel across the Indo-Bangladesh border. In order to conceal evidence of killing innocent villagers and to escape legal sentence the BSF is tactfully disappearing dead bodies of the victims mostly into the river Padma. MASUM lodged 5 such complaints to the NHRC during 2010, which are briefed under:

**Mr. Selim Seikh**, a 33-year old youth from Ghoshpara village under Ranitala Police Station of Murshidabad District in West Bengal, was an agricultural labour. He sometimes also worked as a courier in cattle smuggling to combat poverty. As a courier he used to transport cattle and cross such cattle through the border from India to Bangladesh. On 18.07.2015 at midnight he went for such cattle smuggling from an area which was near to BSF Mini Camp under Harudanga BSF Camp. But he did not return home afterwards and his family did not get any information of his whereabouts till date. However, the family members of the victim heard in the locality that the victim was caught and killed by the BSF. The victim's family members searched for him continuously and they had several times approached before the local police and local authorities, but the police neither registered the matter nor took up any enquiry. The family members of the victim hopelessly waited for years for proper action. Ms. Abida Bibi being the wife of the victim sent a written complaint to the Superintendent of Police, Murshidabad on 23.03.2018 through registered post stating that her husband had went to border for cattle smuggling on 18.07.2015 at midnight but since then he did not return home. In the written complaint she suspected that her husband was murdered by BSF personnel of BSF Mini Camp under Harudanga BSF Camp and caused the disappearance of the body of her husband to conceal their crime. But till date no response has been made on her complaint. Our complaint in this regard has been registered as National Human Rights Commission case number 830/25/13/2018/OC.



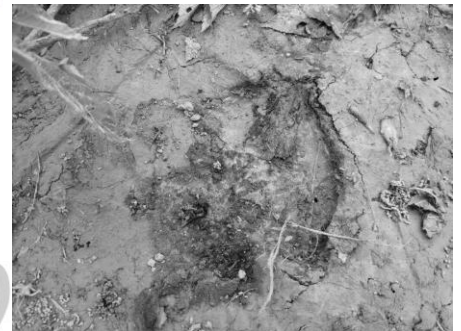
**Mr. Samaun Seikh**, a 30-year old youth from Char Munsurpur village under Ranitala Police Station of Murshidabad District in West Bengal was an agricultural labour and belonged to a poverty stricken family. To earn some extra money he sometimes worked as courier in cattle smuggling. As a courier he was tasked to



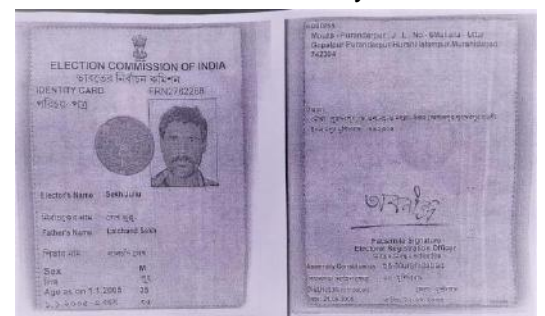
carry cattle and cross such cattle through the border from India to Bangladesh. On 07.12.2010 at night he went for such cattle smuggling from an area which was near to Binpara BSF Camp under Char Lobongola BSF BOP Camp. But he did not return home afterwards and his family did not get any information of his whereabouts till date. However, the family members of the victim heard in the locality that the victim was caught and killed by the BSF. The victim's family members searched for him continuously and they had several times approached before the local police and local authorities, but the police neither registered the matter nor took up

any enquiry. Ms. Fulbadam Bibi nee Bewa being the wife of the victim sent a written complaint to the Superintendent of Police, Murshidabad on 23.03.2018 by registered post stating that her husband had went to border for cattle smuggling on 07.12.2010 at night but since then he did not return home. In the written complaint she suspected that her husband was murdered by the then posted BSF personnel of Binpara BSF Camp under Char Lobongola BSF Camp and to conceal their crime the body of her husband was concealed or thrown into river and till date she did get her husband back. But till date no response has been made on her complaint. Our complaint in this regard has been registered as National Human Rights Commission case numbers 829/25/13/2018 and 867/25/13/2018.

**Paritosh Mondal** aged about 29 years and **Sukumar Mondal** @ Bablu Mondal aged about 32 years of Lakkhinarayanpur village under Raninagar Police Station of Murshidabad district in West Bengal, belonged to Scheduled Caste (Dalit) community. The family members of both the above stated victims alleged that they were killed by Border Security Force personnel. The alleged that they were shot dead by the involved BSF personnel of Harudanga BSF Camp, Battalion-36 on 03.07.2018. Describing the incident, the family members of the victims stated that on 03.07.2018 at about 4am in the early morning the victims left their homes for some work at their agricultural land. The Border Security Force personnel from Harudanga BSF Camp of Battalion Number- 36 thought them as smugglers and without raising any caution the perpetrator Border Security Force personnel fired few rounds of bullets. The victims were shot dead in the firing by BSF. The place of occurrence was 3-4 kilometers inside from international border. The family members of the victims alleged that they did not find the bodies of the victims till date as the perpetrators BSF personnel threw their bodies into the river Padma to conceal the crime. It is also stated by the family members of the victims that hearing the sound of firing several villagers of Harudanga came out and tried to go to the place of incident but the BSF personnel did not allow them moreover they chased the villagers with their weapon to clear the place. The family members of the victims stated that they had been to local Raninagar Police Station and stated the incident to the police and sought for police assistance to recover the bodies of the victims but Raninagar police refused to take any complaint against the BSF. Our complaint in this regard has been registered as National Human Rights Commission case number 1221/25/13/2018.



The family members of **Mr. Jullu Seikh**, a 48-year old person from Char Uttar Gopalpur village under Islampur Police Station of Murshidabad District, West Bengal, alleged that he was shot dead by the involved BSF personnel of BSF Out-Post no.8 Harudanga BSF Camp, Battalion-117 on 03.08.2018. Describing the incident, the family members of the victim stated that on 03.08.2018 at about 7pm the victim left his home for some work but did not return home. They started to search him in the locality and came to hear from the local persons that the victim and two other persons were shot "dead" by the perpetrator BSF personnel of Harudanga BSF Camp. The family members of the victim alleged that they did not find the body of the victim till date as the perpetrators BSF personnel





disappeared his body. Mr. Rajjak Seikh, the son of the victim visited Islampur Police Station to lodge complaint against the BSF personnel for consecutive two days. But the Islampur police refused to take any complaint against BSF. The family members of Mr. Jullu Seikh alleged that till date the police did not take any action to find out the victim.

28-year old **Mr. Obaidul Seikh** and 19-year old **Mr. Manoar Hosein**, from Char Gopalpur village under Islampur Police Station of Murshidabad district, West Bengal, belong to economically deprived section of the society. On 30.08.2018 at around 5.00 A.M, both of them went to the agrarian field at the mentioned area to cut and collect grass as fodder for their domestic cattle. It was reported that on previous night, a huge number of buffalos were transported and smuggled out to Bangladesh from Indian side. At around 5.30 A.M nearly 20-25 BSF personnel came to the spot through a black coloured motorized BSF boat. The BSF personnel suddenly tied the hands and feet of the victims and started beating them with fists and sticks carried by them. Then the victims were dragged to the stationed boat by the BSF personnel. The BSF personnel lifted the victims on their parked boat and left the place in the motorized boat. After an hour, the BSF personnel returned to the place but the victims were not with them. Mr. Firoz Seikh; son of Mr. Alap Seikh, a 19 year old youth of Char Gopalpur, the co- villager of the victims, witnessed the whole incident; the capturing of the victims by the BSF personnel, physical torture upon them, and tying and lifting of them to the BSF boat. He further informed that he heard screaming of the victims while they were dragged to the stationed BSF boat. Further, he added that he heard gunshots after the victims were lifted to the BSF boat. The families and villagers reported their apprehension that the victims were subsequently shot by the involved BSF personnel and the bodies were thrown to the river Padma to destroy the evidence. Father of Mr. Obaidul Seikh and mother of Mr. Manoar Hosein sent written complaints to the Superintendent of Police; Murshidabad on 06.09.2018 through registered

posts and requested him to recover their sons but till date no adequate action has been taken by the district police. Our complaint in this regard has been registered as National Human Rights Commission case number 1713/25/13/2018-PF.

## Custodial Death:

Victims experiencing torture perpetrated by the different state agencies like the police and the BSF succumb to the extreme suffering inside custody at times. Their deaths are often portrayed by these agencies as suicide in order to escape legal justice. MASUM made the following 4 complaints to the NHRC in 2018:

**Biplab Barai** (deceased), a 28-years old youth from Subhas Palli, Purba Para, Ramchandrapur, Police Station-Naihati, District-North 24 Parganas, West Bengal, was arrested from his residence by the police of Naihati Police Station in the month of October, 2017 as an accused person in connection with a criminal case registered on the alleged murder of his sister. One unnatural death case was registered at Barrackpore Police Station vide U.D. Case no.02/2018 dated 15.01.2018 and post-mortem examination on the body of the victim was done at Police Civil Morgue, Barrackpore. Reportedly no inquiry by any judicial magistrate was done till date in compliance of Section 176(1-A) of Criminal Procedure Code. The parents of the victim stated before our fact finding team that the victim was a psychiatric patient and before his arrest he was under medical treatment They further stated they were able to see the body of the victim only after his post-mortem examination was done i.e. on 16.01.2018 but before that they were not allowed to see his body. On 27.01.2018 Mr. Anil Barai, father of the victim submitted a written complaint before the Commissionerate of Police, Barrackpore Police Commissionerate, North 24 Paraganas on 27.01.2018 urging neutral investigation to ascertain the actual cause of death of the victim and adequate compensation. But till date no action has been taken on his complaint as stated by him.

Form 1013  
নৈহাতি পৌরসভা  
বৈদ্যুতিক চুল্লি সেনাপাড়া শব্দদাহ ঘট  
নামঘাট • পরিষদ • উক্ত ২৪ পরগণা • পিন-৭৪৩১৬৬

দায়িত্ব পালন: BIPLAB BARAI (M) বয়স: ২৪  
দায়িত্ব পালন: ANIL KR. BARAI  
বিশেষ: Subhas Palli, Naihati  
পদ: Naihati, পদ: S.S. Pargana  
দায়িত্ব পালন: Anil Kumar Barai (Father)

ঘাতক কি অভিযোগ (হত্যা, মার, মার, হিংসা, পান্ডিত্য, প্রতারণা)	তারিখ	সংখ্যা
১০৫৫৫৫৫৫৫৫	১০/০১/১৮	১০৫৫

তারিখ: ১৬/০১/১৮  
স্বাক্ষর: ১৬/০১/১৮  
১) ডায়েরী নং: ১৬/০১/১৮  
২) ফাইল নং: ১৬/০১/১৮



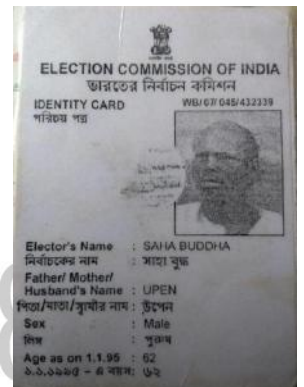
**Palash Mondal** (deceased) a 22-year old youth from Kulipara village under Bidhan Nagar(South) Police Station, District-North 24 Parganas, West Bengal was arrested by Bidhannagar police in connection with Case no.17/2018 dated 30.01.2018 under sections 417/342/376/506/354 of Indian Penal Code. On the next day i.e. 31.01.2018 he was produced before the Court of Additional Chief Judicial Magistrate, Bidhannagar. The victim was sent to judicial custody at Dumdum Central Correctional Home. On 07.02.2018 the family



members of the victim received information from the authority of the aforesaid correctional home that the victim committed suicide by hanging inside the compound of the correctional home. On 08.02.2018 the mother and another relative of the victim went to the correctional home and they were allowed to enter into the correctional home. They saw the body of the victim. He was only wearing a pant and there was no cloth on upper portion of his body. They saw dust on his body. One unnatural death case was registered at Dumdum Police Station vide U. D. Case no.22/2018 dated 07.02.2018 over the death of the victim. However till date no action

has been taken on his complaint. The father of the victim even submitted a written complaint before the Commissionerate of Police, Bidhanagar Police Commissionerate but again no action has been taken on the complaint till date. Our complaint in this regard has been registered as National Human Rights Commission case number 826/25/15/2018-AD.

81-yearsold **Buddhu Saha** (deceased) of Dakshin Bhatra Village, Post Office- Madhaipur, Police Station- Malda, District-Malda, West Bengal was arrested by the police of Malda Police on 20.03.2017 in connection with a criminal case vide Case no.147/2017 dated 20.03.2017 under section 4/6 of Protection of Children from Sexual Offences Act, 2012. After the arrest he was detained in Malda District Correctional Home. On 20.03.2018 night, the Inspector In-Charge of Malda Police Station came to residence of Ms. Usha Saha, the victim's wife and informed that her husband expired at Alipore Central Correctional Home, Kolkata. When Ms. Usha Saha asked the reason of her husband's death, that officer left the place without informing her anything. On 22.03.2018 the family members went to Kolkata to bring the dead body of the victim. The Post Mortem Examination on the body of the victim was done at Kolkata Police Morgue vide P.M. No-267. Jadavpur Police Station registered one unnatural death case vide U.D. Case No. 223 dated 23.03.2018 on the death of the victim. The family members of the deceased cremated his body on 24.03.2018. Ms. Kanchan Saha, daughter of the victim and Ms. Usha Saha told our fact finding team that she found injuries on the left side of the back and on the wrist of the left arm of the deceased victim when she saw his body. On 10.05.2018 Ms. Kanchan Saha submitted a written complaint before the Superintendent of Police, Malda stating that she did not believe that her father died a natural death in the correctional home because she saw several marks of injuries on his body and the official of Malda Correctional Home did not inform about the transfer of the victim from Malda District Correctional Home to Alipore Central Correctional Home and no cause of death has been informed to the family of the victim till date.



On 21.10.2018 at around 7 am, **Biswajit Mondal**, a resident of Char Rajapur village under Raninagar police Station area of Murshidabad, was returning from the river for the purpose of selling the fish which he caught



that morning, when 3 Border Security Force personnel, suspecting him as a cow smuggler, stopped him near the Padma River banks near Char Rajapur village. They started abusing him verbally with filthy language and in no time started brutal physical assault on him. One of them kicked Biswajit in his chest with his heavy service boots, while another smacked him down with the butt of his service rifle. The perpetrator BSF personnel inflicted a series of cruel sadistic torture upon the victim. Biswajit's nails were uprooted from his left toe and left thumb. The perpetrators also cut certain places on his left hand and applied chili powder and lemon juice in those cuts to inflict more pain. The unconscious body of Biswajit after being tortured brutally was left in the river banks in order to destroy evidence. But few villagers spotted him hearing the painful moaning

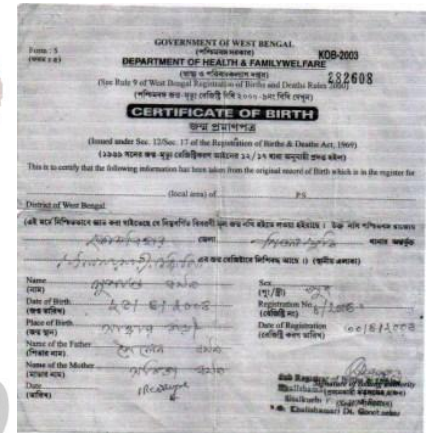
from the river banks as Biswajit came back to consciousness. The villagers then took him to the Lalbagh Sub-divisional Hospital, when he described the complete incident to his mother and neighbor, Mithu Mondal en

route. He was brought dead at the hospital according to the attending doctor. Post Mortem over the body was done at Lalbagh Sub Divisional Hospital on 22.10.2018 and an Unnatural Death Case has been initiated vide Raninagar PS UD Case No. 18/18 dated 21.10.18. On 21.10.2018 a complaint was lodged by Mr. Radheshyam Mondal, brother of the deceased, later the widow of the deceased; Ms. Sujala Mondal sent a written complaint to the Superintendent of Police; Murshidabad on 29.10.2018. Police till date did not visited the place of occurrence, not examined the victim family members and witnesses, nor arrested the murderers.

### **BSF Torture:**

People residing near the Indo-Bangladesh border are subjected to torture on a regular basis in the hands of the Border Security Force personnel who are illegally posted inside Indian villages rather than at the actual border. The BSF personnel often beats up innocent villagers who tread near the Indo-Bangladesh border in order to continue their livelihood. MASUM made 30 such complaints to the NHRC in 2018 where incidents of BSF torture were registered. Following is a brief account of these complaints made to the NHRC:

**Ms. Rahima Bibi** (name changed) of village Daharkanda, Police Station- Swarupnagar, District- 24 Parganas (North) was physically tortured and sexually abused by the two perpetrator BSF personnel at night on 15.4.2016 when she was sleeping in her room. We made a complaint over the incident on 05.07.2016 to National Human Rights Commission. The Commission registered the complaint dated 05.07.2016 as NHRC Case no.983/25/15/2016-pf. One criminal case Swarupnagar Police Station Case no. 315/2016 dated 15.04.2016 under sections 447/323/354B/506/34 of Indian Penal Code was started against the perpetrator BSF personnel on the complaint of the victim and the investigation of the case is still going on. Since thereafter the victim lady has been receiving regular threats from the perpetrator BSF personnel to withdraw her complaint. On 03/09/2016 at around 7 am two BSF personnel (unknown) came to victim's place and threatened her by saying that that she and family members would face severe problems if she did not withdraw her complaint against BSF. The victim submitted written complaint before the Sub-Divisional Police Officer, Basirhat stating the incident and sought for adequate protection. But no action was taken by the local administration. Thereafter the Sub Divisional Police Officer (SDPO) Basirhat issued one letter on 29.04.2017 to the Officer-in-Charge, Swarupnagar Police Station vide Org No – 343/17/SDPO B/hat and ordered to inform the victim lady to attend his office chamber at 11:30 am on 09.11.2017 with her legal guardian. The victim lady went to the office of the SDPO, Basirhat on mentioned date and time and disclosed the entire incidents to him. On 02.12.2017 two Civic Police personnel from Swarupnagar Police Station went to victim's house and told her to get bail in criminal case Swarupnagar PS Case No-325/16 dated 18.04.2016 under section 186/379/411/34 IPC. The said case was initiated at the instance of BSF implicating the victim lady, her husband Mr. Sahidul Molla and another person Mr. Swokat Mistri, S/O Late Baburali Mistri. On 08.12.2017 they surrendered in court and got bail. On 07.12.2017 Mr. Sahidul Molla lodged a written complaint to the Sub Divisional Police Officer, Basirhat. Our complaint in this matter registered as National Human Rights Commission Case Number 983/25/15/2016-PF.



**Mr. Abbas Ali** aged about 46 years and resident of village – Balabhut, Post Office- Balabhut, Police Station –



Tufanganj, District – Cooch Behar is a daily labor by profession. On 21.11.2017 at around 5 am victim went to nearby river for fishing. The river is very close to Indo- Bangladesh border. Six Border Security Force personnel from Madhya Balabhut Border Outpost of G Company under BSF battalion number – 98 observed few smugglers and chased them but those miscreants ran away from that place. Frustrated Border Security Force personnel found the victim at river bank and started beating him indiscriminately with their sticks and rifle butts. Repeatedly they hit on his arms, ankles and legs. BSF personnel took him to Madhya Balabhut Border Outpost and continued inhuman torture upon him. Later at

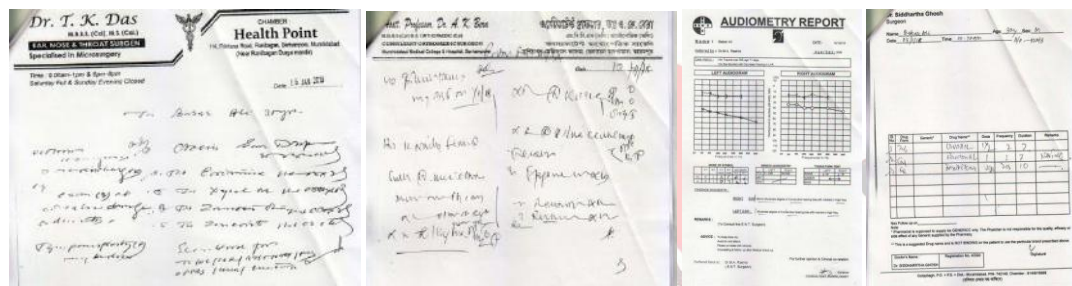
around 1 PM on the same day BSF brought him to Tufanganj Police Station and lodged one complaint. The complaint was processed vide General Record Number – 626/A under sections 141/186/188/355/506/34 of Indian Penal Code. Tufanganj police brought him to the Tufanganj SD Hospital on the same date and he received medical treatment. Next Day on 22.11.2017 victim was produced before the Tufanganj ACJM court and on 28.11.2017, he was released on bail. He had a bone fracture on his left arm and severe wounds on his



ankle. On 27.12.2017 victim's wife Mrs. Rahena Bibi lodged one complaint before Superintendent of Police of Cooch Behar. Our complaint in this matter registered as National Human Rights Commission Case Number 113/25/6/2018

**Mr. Babar Ali**, son of Mr. Nur Mohammad Seikh, aged about-30 years, by religion-Muslim, residing at village-Char Gopalpur, Police Station-Islampur, District-Murshidabad, West Bengal. He was cutting grass in a field on 31.12.2017 at about 8.00 PM for its use as fodder for his domestic cattle. The field was located on the west side of BSF Out-Post no.7 under Harudanga BSF Camp. At that time he saw that five unknown persons were running into Indian side and six BSF jawans were chasing them. Being unable to apprehend those five unknown persons, the BSF personnel came to the victim and asked him the identity of those five persons. The victim replied that he did not know those five persons. They began to assault him by fists, kicks and beating by sticks and rifle butts on his face, hands, legs, back and chest. He sustained bleeding injuries on several parts of his body and also sustained fracture on his left leg and lost hearing ability. He was lying there on the ground without any medical attention. After about one hour, the co-villagers of the victim saw him lying on the ground and writhing in pain. They brought him to his home. On 31.12.2017 the victim received medical treatment. He had undergone surgical operation on his left knee and he is still under medical treatment of his ears. On 15.02.2018, the victim himself sent a written complaint through registered post to the Superintendent of Police, Murshidabad.

Our complaint in this matter registered as National Human Rights Commission Case Number 491/25/13/2018.



**Mr. Rabiul Sardar** son of Late Rahim Sardar, aged about-50 years, by faith-Muslim, residing at Village-Tarali, Post Office-Hakimpur, Police Station-Swarupnagar, District-North 24 Parganas, West Bengal was a van puller. On 18.02.2018 during morning one **Mr. Kalam Gazi** of Tarali village hired the engine fitted rickshaw van of Mr. Rabiul Sardar for bringing some raw meat (beef) from Ramchandrapur Market. Accordingly Mr. Rabiul Sardar loaded 170 kilogram of raw meat (beef) from Ramchandrapur Market and reached Hakimpur BSF Check Post under Swarupnagar Police Station. They submitted the relating documents in support of purchase and transporting of the raw meat (beef). After taking necessary permission from the said Check Post they started towards Tarali and on the way to Tarali one BSF Jawan stopped them and forcibly took the engine fitted van along with the loaded raw meat (beef) to the BSF Camp at Tarali. The BSF personnel also took Mr. Mamud Sardar, Mr. Kalam Gazi and Mr. Rabiul Sardar to the BSF Camp. **Mr. Mostafa Sardar** being the father of Mr. Mamud Sardar came to know about the incident and went to the BSF camp at Tarali with the Upapradhan and another member of local Gram Panchayat and showed all the valid documents thereafter the BSF persons of the said BSF Camp handed over the custody of Mr. Mostafa Sardar, Mr. Mamud Sardar, Mr. Kalam Gazi and Mr. Rabiul Sardar to Tentulia Customs Office. There the officers of the customs office interrogated them and Mr. Mostafa Sardar in writing explained the true account of the incident. On 19.02.2018, Mr. Rabiul Sardar submitted a written complaint before the Inspector of Customs, Tentulia Customs Prev. Unit stating the incident and he prayed for release of his engine fitted rickshaw van which is the only source of his income. But till date he did not get back his van for which he has been unable to earn his livelihood causing tremendous financial hardship to his family members. Our complaint in this matter registered as National Human Rights Commission Case Number 462/25/15/2018-PF/OC.



**Mr. Shibnath Mondal** aged about 53 years, belongs to Schedule Caste community, resides in village – Char Rajapur, under Post Office- Munsipara, Police Station- Raninagar, and District – Murshidabad. His family were continuously targeted by Border Security Force personnel from Rajanagar Border Outpost of Battalion





Number – 83 and police personnel of Raninagar Police Station. On 22.03.2017, MASUM lodged one complaint for the victims namely Mr. Gopal Sarkar, Ms. Bhabani Mondal (wife of Mr. Shibnath Mondal) and Mr. Sudhangshu Mondal, all residing at village-Char Rajapur, Police Station-Raninagar, and District- Murshidabad. On 11.07.2017, at about 7pm, while Mr. Shibnath Mondal, husband of Ms. Bhabani Mondal, and his two sons with their wives were sitting on the courtyard of the house, Mr. K. K. Das, Company Commander of Rajanagar BSF Camp, Battalion-83 entered with another BSF officer who was in civil attire. The said Company Commander all of a sudden started beating the family members with fists and verbally abused them with filthy languages accusing them as they were cattle smuggler. When Mr. Shibnath Mondal protested, the said

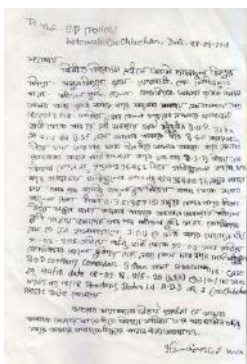
Company Commander took out his revolver and threatened him by saying that he will kill Mr. Shibnath Mondal. Even he fired one round in the air and told Mr. Shibnath Mondal that he and his family members will be implicated in false criminal case and left the house. On 19.07.2017 at about 6pm in the evening the police personnel of Raninagar Police Station came to the house of Ms. Bhabani Mondal in search of her husband Mr. Shibnath Mondal and three sons namely Mr. Sarajit Mondal (age-22years), Mr. Abhijit Mondal (age-19 years) and Master Biswajit Mondal(age-17 years). Later, Ms. Bhabani Mondal and her family came to know that Raninagar Police Station registered one criminal case on 18.07.2017 being FIR no.431/2017 under section 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act on the complaint of BSF. In the said case Ms. Bhabani Mondal's husband and the aforesaid three sons were implicated as accused persons. Mr. Shibnath Mondal lodged written complaints before the Superintendent of Police, Murshidabad on 21.07.2017 and 01.08.2017 narrating the whole incident. On 16.02.2018 Mrs. Bhabani Mondal lodged one complaint before Superintendent of Police of Murshidabad and stated their helplessness.

**Mr. Abdul Seikh**, son of Late Hosen Seikh, aged about-34 years, by religion-Muslim, residing at village- Char Gopalpur, Police Station-Islampur, District-Murshidabad, West Bengal, India. On 26.03.2018 at about 8am Mr. Abdul Seikh was cutting grass in a field for bringing grass for his domestic cattle. The field was located near BSF Out-Post no.7 under Harudanga BSF Camp. At that time he saw that few unknown persons were running into Indian side and four BSF jawans were chasing them. Being unable to apprehend those unknown persons, the BSF personnel came to the victim and asked him the identity of those persons. The victim replied that he did not know those persons. The BSF personnel became angry and abused him in filthy languages. They began to assault him by fists, kicks and beating by sticks and rifle butts on his face, hands, legs, back and chest. He sustained bleeding injuries on several parts of his body. The BSF personnel left the place by committing such murderous assault upon the victim also threatened him not to report the incident to any other person. He was lying there on the ground without any medical attention. He was rescued by the villagers. They brought him to his home. He was afraid to go to any doctor due to fear of further harassment from BSF. So he stayed at home and tried to recover by taking medicines from a local quack doctor. But his physical condition deteriorated with each passing day. He took courage to get medical treatment and on 02.04.2018 he received medical treatment from a registered medical practitioner at Lalbagh. On the next day i.e.



on 03.04.2018, the victim himself sent a written complaint through registered post to the Superintendent of Police, Murshidabad stating the incident of torture and custodial violence committed upon him by the perpetrator BSF personnel. Our complaint in this matter registered as National Human Rights Commission Case Number 904/25/13/2018-PF.

**Mr. Sablu Mia @ Sabul Mia**, aged about-45 years, by faith-Muslim residing at village-Khochabari, Post-Mohishmuri, Police Station- Sitalkuchi, District- Cooch Behar, West Bengal. On 18.02.2018 during early morning Mr. Sabul Mia got up from sleep and went out of the house to offer Fajar (Fajr) Namaz in the nearby Masjid. But on the way he was caught by the perpetrator Border Security Force personnel suspecting him as a smuggler. He was taken into custody and taken to Choto Madhusudan BSF BOP Camp. In the camp the victim was illegally detained for the whole day and subjected to barbaric physical assault. Mr. Bijoy of DIB, BSF called from his mobile no.7319236462 to one Mr. Hafijul (Phone no.9593890036) and also one Mr. Nur Mia(Phone no.01751387151) and asked them to provide him Ganja and 1000 Bangladeshi currency. With the said two items collected the victim was handed over to the police of Sitalkuchi Police Station. One criminal case i.e. Sitalkuchi Police Station Case no.44/2018 dated 18.02.2018 under the penal provisions of the



N.D.P.S. Act was registered against the victim on the complaint of BSF. The victim was taken into custody by the police as arrestee. However the police admitted him at Cooch Behar M. J. N. Hospital on the same day. He was under medical treatment at ICU in the said hospital. A complaint dated 27.03.2018 sent by registered post to the Superintendent of Police, Cooch Behar was duly delivered on 02.04.2018 but according to the statement of the family of the victim, no action has been taken on the complaint till date. The wife and son of the victim were eye-witnesses of the arrest of the victim by the perpetrator BSF personnel. They stated that due to heinous torture and physical assault the victim sustained bone fracture on his left hand, left leg below the knee and left arm fingers. The victim was also subjected to torture by electric shock on his genital. Our complaint in this matter registered as National Human Rights Commission Case Number 594/25/6/2018.

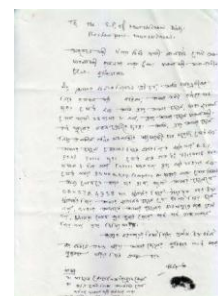
**Mr. Ismail Seikh** from village-Tiklichar under Bhagwangola Police Station, District-Murshidabad, West Bengal faced severe physical aggression by BSF personnel. Tiklichar is close to Indo-Bangladesh border. On 05.04.2018 at 2am the victim went out of his house in search of his missing cows. But he was caught by the perpetrator BSF personnel and he was subjected to barbaric physical torture while in detention. The victim was slapped with a criminal case at the instance of the BSF. On and from 07.04.2018 he has been under admission for medical treatment at Berhampore Medical College & Hospital. But before that he was taken from one hospital to another hospital after the police of Bhagwangola Police Station refused to take his custody. BSF personnel have been guarding him by standing beside his bed in the hospital though his custody was handed over to police by the BSF. They are not allowing the family members of the victim to meet with him. The wife of the victim submitted written complaint before the Superintendent of Police, Murshidabad stating the incident of custodial torture and severe physical assault amounting to attempt to murder committed upon her husband by the perpetrator BSF personnel. But till date her complaint was not registered as FIR against the perpetrator BSF personnel. The police of the said police station took him in custody and registered a criminal case vide Ranitala Police Station Case no.986/2018 against him on the complaint of BSF. On 07.04.2018 he was again admitted at Berhampore Medical College & Hospital for his medical treatment. Our complaint in this matter registered as National Human Rights Commission Case Number 577/25/13/2018-PF



**Mr. Gajen Barman** son of Mr. Mahesh Chandra Barman, aged about 50 years is one of the erstwhile Bangladeshi enclave dweller from Jongra erstwhile enclave situated at Block- Sitalkuchi, Police Station – Sitalkuchi, Post Office – Mohishmuri, and District- Cooch Behar. Mr. Barman is living at this erstwhile enclave since his birth. His residence is just 1 kilometer from Indo – Bangladesh Border. By occupation Mr. Barman is a farmer. He is also worked in brick kiln for some extra income. He is the sole earning member of his family.

On 17.02.2018 victim contacted one of our volunteer and revealed that he is in continuous threat from one Border Security Force personal namely Mr. Bijay Singh attached with G Branch, Mahishmuri- Sangarbari Border Outpost under Shitalkuchi Police Station of Cooch Behar district. During last two months the said BSF personal makes continuous threats to arrest him in false case. Few days back, while the victim was working at his field, the mentioned BSF personal came to him and verbally accused him that the victim has involvement in smuggling of narcotic drugs and cattle across the Indo – Bangladesh border. Victim got frightened and said that he has no connection with cross border smuggling activities. From then onward, the BSF personal is threatening him every now and then. Now the said BSF personal often coming to his house and making threats; Mr. Barman submitted one written complaint to the Superintendent of Police of Cooch Behar district where he narrated all the details. But till date he did not get any response from Police. Our complaint in this matter registered as National Human Rights Commission Case Number 840/25/6/2018.

**Master Sahjamal Seikh** son of Lalchand Seikh, of village-Katlamari, Ramnagarpara, Police Station- Raninagar, District-Murshidabad, West Bengal is aged about 14 years and a student of Class-IX at Mohanganj High School. His father works as share cropper in other's farming land and also works as a migrant labour in other states. The family members of the victim boy belong under the Below Poverty Line (BPL). In absence of his father, the victim boy and his mother carry on the farming activities in other's lands for their sustenance. On 06.01.2018 the victim went into the farming land of Mr. Nader Seikh situated under Dag no.1054, Khatian no.1346, Mouja-Sarandajpur under Raninagar Police Station to look after the crops after making entry record in the in-out register book maintained at BSF Camp.





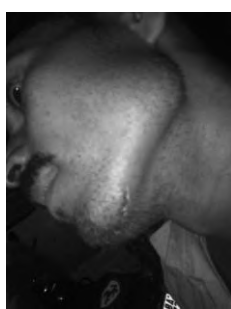
Again on 07.01.2018 at about 7am he left home for going to the said farming land to look after the crops. When he was walking on a local road at Sarandajpur under Katlamari-II Gram Panchayat, the perpetrator BSF jawan riding on a tractor (No.WB57 B 4938) came and intentionally hit the victim boy with the tractor. The perpetrator BSF jawan with definite intention to kill him ran the tractor over his right leg and left the place immediately. The victim boy sustained fracture injury on his right leg. The family of the victim boy went to Raninagar Police Station for lodging complaint, but the police refused to take complaint. On 19.01.2018 the mother of the victim boy sent a written complaint through registered post to the Superintendent of Police, Murshidabad stating the incident but till date no action has been taken by the Superintendent of Police, Murshidabad. Our complaint in this matter registered as National Human Rights Commission Case Number 692/25/13/2018.

**Mr. Murshid Seikh**, son of Mr. Mijanur Seikh, aged about-18 years, by faith-Islam, by occupation- Daily wage labour, residing at village-Katlamari, Ramnagarpara, Post Office-Katlamari, Police Station-Raninagar, District-Murshidabad. In his extended family, there are his parents and four siblings. His father works as a day labour in other's lands. The victim also contributes in the family by working as a day labour in farming lands. On



03.04.2018, he was returning to his residence from agrarian land. He was returning with grass, which he cut for the domestic cattle in his house. When he was passing near BSF Out-Post no.10 under Mairosi BSF Camp he sustained injury due to firing by one of the BSF personnel of the said BSF Out-Post. The victim sustained pellet injuries on his right hand due to firing by the perpetrator BSF personal of the said BSF Camp. The victim stated that the BSF personal arbitrarily fired on him when they failed to apprehend some „intruders“ who were coming to India from Bangladesh side. The BSF personnel caught him and assaulted him by fists and blows. They also abused him filthy language. After a while, they released him without providing any medical treatment. As doctor opined; nine pellets are inserted on his right hand and he is unable to do anything with his right hand. On 07.05.2018 the victim submitted a written complaint before the Superintendent of Police, Murshidabad narrating the incident as described above and in the written complaint he prayed for necessary legal action against the perpetrator BSF personnel. But till date no action has been taken on his complaint as stated by the victim. Our complaint in this matter registered as National Human Rights Commission Case Number 1038/25/13/2018-PF.

This was an incident of harassment on peasant family of Tharaikhana Village under Sahebganj Police Station in Cooch Behar district, West Bengal; caused by the Border Security Force personnel by restricting their movement. Members of the said family reside on the other side of the border fence which is not constructed in the actual border between India and Bangladesh rather well inside the Indian Territory and through the villages and habitation of the bordering populace in Cooch Behar District. This phenomenon of erratic fencing is very normal through the Indo- Bangladesh bordering areas of West Bengal and causing immense encroachment to the rights and freedoms of bordering populace. Mr. Abdul Jalil Mia (52 years), S/O Late Ismail Mia lives in Tharaikhana Village with his family including his brothers namely Mr. Jaidul Haque (48 years), Mr. Hossain Mia (45 years) and Mr. Jahangir Hossain (40 years). Some Border Security Force Personnel posted at Gate No-14 of Kurshahat Border Outpost under 'C' Company of 38 BSF Battalion are restricting the movement of Mr. Abdul Jalil Mia and his family members through the said gate which is situated beside their home and forcing them to go through Gate No 13 which is situated one and half kilometers away from their resident. BSF Personnel started this whimsical restriction from 26.04.2018 and since then all the family members are facing tremendous difficulties to access marketplace and other deliveries. Due to the restriction, the family has to cross inaccessible and dilapidated road as the land stretch is without any commutable road. School going children of that family are also have to travel three kilometers through the Gate No. 13 where as the distance through Gate no. 14 is just 100 meters. Our complaint in this matter registered as National Human Rights Commission Case Number 1684/25/6/2018-PF.



**Mr. Atikul Islam**, son of Nur Mohammad Seikh, aged about-27 years, by faith-Islam, by occupation-farmer, residential address at village-Munsurpur, Police Station-Ranitala, District-Murshidabad, West Bengal wake up from his sleep at around 7 pm on 13.05.2018 and went to the cattle-shed inside his house to inspect the household cows. He has four cows, but he found that two cows were missing from the cattle-shed. He started searching for the two cows in the locality. In search of the cows he came near to the BSF Out-Post no.1 under Lobongola BSF



Camp, Battalion-04 under Ranitala Police Station and asked the BSF personnel of the said camp whether they had seen the cows. But without giving any answer the BSF personnel present in the said BSF Out-Post caught hold the victim and brutally assaulted him. As a result of the assault he lost his sense. After he gained his sense he was taken to Ranitala police Station by the BSF personnel. But the police of Ranitala Police Station refused to take him in custody due to his severe physical condition. Then he was taken by the perpetrator BSF personnel to Bhagwangola Police Station where he was taken into police custody. In the said police station the perpetrator BSF personnel submitted a false written complaint against the victim. The police registered one criminal case being GR Case no.1495/2018 under sections 188/379/411/414/34 of Indian Penal Code and produced him before the Additional Chief Judicial Magistrate Court, Lalbagh. He was sent to Lalbagh Sub-Correctional Home for detention. On 18.05.2018 he was released from Lalbagh Sub-Correctional Home on the order the court granting him bail. On 19.05.2018 Mr. Yunus Seikh, being elder brother of the victim sent a written complaint to the Superintendent of Police, Murshidabad stating the entire incident of torture committed upon the victim. But till date the Superintendent of Police, Murshidabad did not take any action on his complaint. Our complaint in this matter registered as National Human Rights Commission Case Number 1279/25/13/2018.

**Mr. Rahim Badsha**, son of Mr. Abdul Ali aged about 28 years is living with his family at Village- Bhoram Poyosti under Block- Dinhata-1, Police Station- Dinhata, District- Cooch Behar with his wife and son went to his in law's house on 23.06.2018. In the afternoon he was returning to his residence along with his family. Mr. Badsha's residence is very near to Gitaldaha Border Outpost. At around 4 pm they were passing the Gitaldaha BOP in a motorcycle. At that time Mr. Joyprakash Rao and Mr. P.C Roy – Intelligence Branch Constables of Battalion Number- 38 stopped them and started physical searching on their bodies. Even, Mr. Badsha's wife was not spared and the male BSF personnel tried to search on her body which was somehow resisted but they put their hands improperly on her body. Mrs. Rashida Bibi wife of Mr. Rahim Badsha obstructed those Border Security Force personnel. Then those perpetrators dragged her towards the Gitaldaha BOP. Seeing this, Mr. Badsha tried to stop them. Then BSF constable Mr. Joyprakash Rao took Mr. Rahim Badsha inside the said Border Outpost and put handcuff on his hand. His wife got frightened and left the place with his son. The Border Security Force personnel also threatened him to slap false charges against him. After an hour, the victim contacted company commandant of Narayanganj Border Outpost on his mobile phone having registration number- 09933887870. Victim has acquainted with him. After almost 6 hours of detention with handcuff those BSF personnel came to him and abused him with filthy language. They also slapped him several times. After that at around 10 pm the BSF personnel released him without framing any allegation or citing any reason. At the time of release they also threatened him and told him to leave his village within 30.06.2018 otherwise they will shoot him. On 25.06.2018 Mr. Rahim Badsha lodged one written complaint before the Superintendent of Police of Cooch Behar. On 09.07.2018 at around 8.30 pm Mr. Badsha went to the nearest market. At that time one Border Security Force personnel from Gitaldaha Border stopped him and asked him to show his voter identity card. He handed over the same to the BSF personal and then the BSF personal asked him to follow the personal inside the Gitaldaha Border Outpost (BOP). Due to his previous horrific experience, he denied to go inside the BOP and left the place. The voter identity card is still with the errant Border Security Force personnel. Our complaint in this matter registered as National Human Rights Commission Case Number 1072/25/6/2018.



Mr. Sonarul Seikh, son of Mr. Kuddus Seikh, aged about-35 years, by faith-Muslim, residing at village-Jamalpara, Post Office-Akheriganj, Police Station-Ranitala, District-Murshidabad, West Bengal went to a farming land on 29.06.2018 at about 7am for working as a day labour. The said farming land is located near BSF Out-Post no.7 under Harudanga BSF Camp. While he was working in the said farming land, ten BSF personnel of Out-Post no.7 under Harudanga BSF Camp, Battalion- 117 under Ranitala Police Station came to him. They asked him what he was doing in the farming land. The victim stated to them that he was being engaged as a day labour. But the BSF personnel did not pay any heed to the victim explanation. They started to beat him mercilessly by wooden sticks which they held in their hands. The victim sustained grievous hurt such as bone fracture on his left hand. He also sustained injuries on his head and other parts of the body. He could not get up and he was weathering in pain lying on the ground. The BSF personnel left the place without arranging any kind of medical treatment for the victim. The victim was admitted first at Nasipur Rural Hospital but considering the

seriousness of the injuries sustained by the victim, he was referred to Murshidabad Medical College & Hospital and on the date of the incident he was admitted at Murshidabad Medical College & Hospital. Ms. Dilruba Bibi the wife of the victim came to know of the incident from her husband and also from the witnesses of the incident. She visited local police station i.e. Ranitala Police Station to lodge written complaint against the perpetrator BSF personnel. But the said police station refused to accept any complaint on the aforesaid incident against the perpetrator BSF personnel. Ms. Dilruba Bibi sent a written complaint through registered post to the Superintendent of Police, Murshidabad stating the incident of murderous assault upon her husband by the perpetrator BSF personnel. The complaint through the registered post was sent on 09.07.2018.

Mrs. Sumitra Mondal wife of Mr. Adhir Mondal was an innocent poor civilian residing at Village and Post-Border Para, Police Station- Raninagar, District- Murshidabad sustained serious pellets injuries on her right thigh near buttock while she was bathing at Kalur Ghat on the bank of the river Padma, on 11.08.2018 at about 10 am by the jawans of Harudanga Border Security Force (BSF) camp under 117 battalion. That bathing ghat is near her residence. Three BSF jawans fired pellet on her through pump-gun in the mentioned place which was 5 kilometer from Harudanga BSF camp. Injured Sumitra Mondal had fallen after receiving shots; no BSF personnel came to rescue her. After some time villager who came to bath saw her and accompanied her to make complaint at Raninagar Police Station. But the said Police Station refused to take any complaint and in a piece of paper referred her for treatment at Godhanpara Health Center under Raninagar police station's area. After doing bandage and injecting her that health center transferred her to Domkol Sub-divisional Hospital without arranging vehicle to carry the patient. In Domkal sub – divisional hospital only X-Ray was done. Doctors of Sub – Divisional hospital also transferred her at Murshidabad Medical College and Hospital, Berhampore without arranging any ambulance. At 4 pm, when she reached Murshidabad Medical College and Hospital arranging car by own, she was operated here, some pellets were removed but some remains. She was further referred to Nil Ratan Sarkar Medical College and Hospital at Kolkata. One written complaint was submitted by the victim herself before the Superintendent of Police and District Magistrate of Murshidabad on 14.8.2018 for appropriate action against the perpetrator BSF personnel involved in this case but till date there is no action against the complaint. Our complaint in this matter registered as National Human Rights Commission Case Number 1302/25/13/2018-PF.



Mr. Sirajul Islam Sardar, son of Late Samser Rahaman Sardar resides at village-Daharkanda, a village close to Indo-Bangladesh border. The village is located under the jurisdiction of Swarupnagar Police Station of 24 Parganas (North) district is the owner of several plots of landed properties situated under Dag nos. 4749 to 4762, Khatian no.2472, JL no. 52, Hakimpur Mouja, Police Station-Swarupnagar, District-North 24 Parganas.

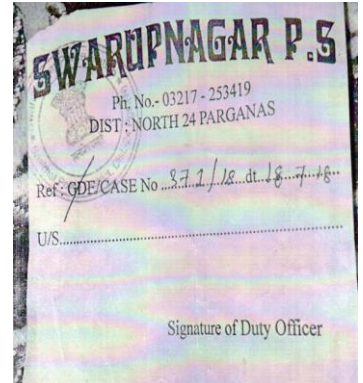


The properties of the victim are very close to Daharkanda Idgah (a holy place for prayers of the Muslim community). The Company Commander and other involved BSF personnel of Bithari BOP BSF Camp, Battalion-76 constructed several huts of tin shed at different places in his properties without his permission by illegal encroachment and put barbed wires in his properties without his permission. The victim stated that those huts are called „Tent Post“ by BSF. He also complained that his family members and other villagers including women take bath in the pond located inside his properties. But the BSF personnel by sitting on chair beside the bank of

the pond keep looking on the people bathing in the pond. Besides that the BSF personnel put powerful lights on the trees inside the properties of the victim. As a result several trees died due to the effect of such powerful lights. The victim stated that Daharkanda Idgah was constructed inside his landed property about 30 years ago. The BSF personnel urinate at a place covered with sack in front of the wall of that Daharkanda Idgah. He several times complained before the Company Commander of Bithari BSF BOP on the above mentioned matters and requested to remove the huts constructed by BSF from his properties considering the problems faced by him and the villagers. But the Company Commander did not listen to his complaints. The victim then lodged written complaints before the District Magistrate, North 24 Parganas on 20.07.2018 stating the above mentioned incidents. But till date no action has been taken on his complaint.



On 16.07.2018 Mr. Sajudur Rahman Sardar, Son of Mr. Sirajul Sardar, aged about 28 years, lives in Village- Dharkanda, Post Office- Hakimpur under Block- Swarupnagar, Police Station- Swarupnagar, District- North 24 Parganas, bought few garments including two "saree" from the local Bithari Market for his wife and mother. He was returning home towards Dharkanda through the Indo-Bangladesh Border Road at around 10.00 in the morning, when his motorbike was stopped by few Border Security Force Personnel just in front of his house. The BSF personnel enquired what Mr. Sajudur was carrying in his bag to which he replied that he had few garments inside the bag. The perpetrator BSF personnel then asked for a cash memo from the victim, Mr. Sajudur to which the victim tried to explain that small shops in the locality does not provide cash memo for every purchase. But the BSF personnel did not pay any heed to the victim's words and started to accuse him. After few exchanges of words the perpetrator BSF personnel started abusing the victim physically and verbally. The perpetrators kicked down Mr. Sajudur Rahman's motorbike and started assaulting him. Spotting the incident, which was taking place in front of their house, Mr. Sajudur's parents and few neighbors rushed to the spot in order to rescue the victim. Even they were treated with severe consequences. The perpetrator BSF personnel started beating up the victim's aged father and mother. Despite the fact that the victim's father, Mr. Sirajul Sardar, Son of Mr. Samchher Rahman Sardar, aged about 67 years, lives in Village- Dharkanda, Post Office- Hakimpur under Block- Swarupnagar, Police Station- Swarupnagar, District- North 24 Parganas, had a broken limb, he was punched down to the ground by the perpetrator BSF personnel. Even the victim's mother, Ms. Sahjada Sardar, Wife of Mr. Sirajul Sardar, aged about 55 years, lives in Village- Dharkanda, Post Office- Hakimpur under Block- Swarupnagar, Police Station- Swarupnagar, District- North 24 Parganas, was assaulted and molested by the perpetrators. Ms. Sahjada's clothes were worn off, her blouse was tore and she received a cut injury over her right eye. The victim family went to lodge formal complaint against personnel attached with 76 Battalion of BSF with the Swarupnagar Police station but police didn't accept the complaint until two days, later the complainant were provided with a slip only mentioned as Case Number – 371/18 dated: 18.07.18 without any other information such as Investigating Officer, sections charged and so on.



Mr. Karim Mollah aged about 31 years residing at village- Doharkanda under post office- Hakimpur, police station- Swarupnagar, district- 24 Parganas (North), by profession agricultural labourer, was returning home from his brother in law's house by the Indo-Bangladesh Border Road on 20.05.2018. At that time Mr. Chiranjit Dolui; a Constable of Hakimpur Border Outpost of Battalion Number- 76 and another BSF Constable present there on sentry duty stopped Mr. Karim Mollah and asked his name. After knowing that he is the son of Mr. Younus Molla, they captured Mr. Karim Mollah and dragged him by holding his collar at the bank of the river Sonai, during this he was severely beaten up. The BSF personnel took some photographs of victim on their mobile phones. The BSF personnel told him that „your father is working for human rights, so we will slap such case on you, that you will never get bail“. Victim's father Mr. Younus Mollah and his brother Mr. Selim Mollah both were previous victims of torture by Border security Force personnel. On 18.02.2016 MASUM had lodged one written complaint to the National Human Rights Commission regarding the torture incident upon Selim Mollah and that was registered vide case number- 332/25/15/2016-PF/OC. This complaint was further transmitted to SSP of District – 24 Parganas (North), West Bengal.



Master Biswajit Mondal aged about 17 years son of Mr. Ganapati Mondal lives in Village - Girimondolerpara under Block- Bhagabangola-II, Police station – Ranitola, District – Murshidabad of West Bengal belongs to the Scheduled Caste community. Biswajit Mondol was returning from grass field after collected fodders for their domestic cattle when notorious Border Security Force personnel severely bashed the minor boy suspecting him as cow smuggler; while failing to catch actual smugglers. He was then left to die and not brought to any medical facility by the BSF. On 13.07.2018 victim's mother lodged one written complaint to the Superintendent of Police, Murshidabad but till date no steps have been taken by the authority. Our complaint on this matter has been registered as National Human Rights Commission Case No. 61/25/13/2019 - PF





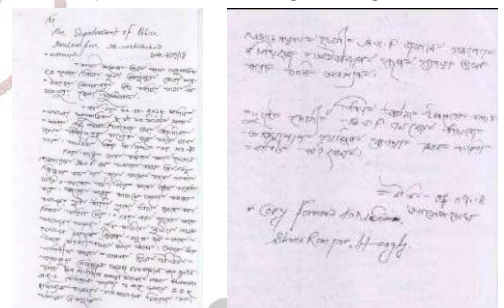
A 30-year old Scheduled Caste youth named Mr. Sudhir Barman, son of Mr. Dinanath Barman of village – Bharbanda, PO – Gitaldaha, Police Station Dinhata, District – Cooch Behar became the victim of BSF's malicious scheme of persecuting an innocent villagers residing near Indo-Bangladesh border. The victim Mr.



Sudhir Barman is in judicial custody as the perpetrator Border Security Force (BSF) Personnel of Gitaldaha BOP Camp of 38 BSF Battalion under jurisdiction of Dinhata police station area of Cooch Behar doctored evidence and falsely charged him under Narcotic Drugs and Psychotic Substances Act. From the incident it appears that the perpetrator BSF personnel was previously known to the victim as he was seen involved in a friendly chat with him during a raid conducted on the neighborhood house of the victim. The perpetrator BSF personnel allegedly asked Mr. Sudhir Barman to come with him to the BSF camp in order to talk regarding his neighbor's arrest. Once the victim accompanied him to the camp, he was detained and framed with false case of keeping narcotic drugs and subsequently handed over to Dinhata police station where he was charged with Narcotic Drugs and Psychotic Substances case (Case number – NDPS -51 – 2018). The entire village of the victim protested the incident and subsequently submitted mass petitions to the Sub

Divisional Officer- Dinhata, Sub Divisional Police Officer- Dinhata and Inspector in Charge- Dinhata PS, having signatures of 813 persons. Our complaint in this matter registered as National Human Rights Commission Case Number 1915/25/6/2018.

**Mr. Firoj Sk**, son of Mr. Alep Sk, aged about 19 years, by religion- Islam, by occupation-agricultural labourer, of village- Uttar Char Gopalpur, Post Office- Moricha, Police Station- Islampur, District: Murshidabad, West Bengal lives with his parents. The family is a poor Muslim family and they have no cultivating land of their own except the dwelling land. On 30.08.2018 at about 8.30am, the victim Mr. Firoj Sk went to a grazing land near BSF Out-Post no.10 under Madanghat BSF Camp to collect grass for the domestic cattle in his house. He went that area for collecting the grass as major part of the locality submerged under water due to rain. In the meantime the on-duty BSF personnel of the BSF Out-Post no.10 under Madanghat BSF Camp were chasing after some Bangladeshi miscreants but they escaped and the BSF personnel could not catch them. Being frustrated and out of suspicion they came before the victim and without asking anything they abused him in filthy languages in Hindi. After that those BSF personnel brutally assaulted him with sticks, rifle butts and shoes. He sustained severe injury on his head, chest, back, hands, legs and other parts of body. He fell down on the ground screaming in pain. After the BSF personnel left the place the local people rescued him and admitted him at Berhampore Medical College & Hospital. But as his condition deteriorated he was referred for admission in hospital in Kolkata. Accordingly he was admitted at SSKM Hospital, Kolkata. He also received medical treatment at Bangur Institute of Neurosciences, Kolkata. During the medical treatment CT Scan of his brain was done and the report revealed “resolving EDH with fracture in left frontal region with scalp haematoma”. The victim is still under medical treatment and yet to gain normal life. On 07.09.2018 Mr. Alep Sk father of the victim send a written complaint through registered post disclosing the entire incident to the Superintendent of Police, Murshidabad but till date neither his complaint was acknowledged nor registered as FIR however the complaint disclosed information on commission cognizable offences by the perpetrator BSF personnel.



Ms. Rimpa Sardar, Daughter of Late Siraj Sardar was falsely accused of being a carrier and facilitating cross border movement by the posted Border Security Force personnel and was handed over to Swarnnagar Police Station, where she was charged under Foreigners Act, 1946. The BSF personnel forcibly took her from her house to the Tarali BOP when her mother was not at home and intimidated her by tying her with iron chains. On the contrary, the BSF on their complaint falsely claimed that the girl was arrested from the place of occurrence; near Border Pillar No.13/4R-2 while she was going towards Bangladesh side with an illegally entered Bangladeshi woman. The incident was as follows; at around 10:30 am few BSF personnel from Tarali BOP came into the house of 11-year old Ms. Rimpa Sardar. At that time the victim, Rimpa, was only with her sisters, Sarifa (17) and Arifa (15) in her house with no elder member of the family present. Their mother, Sabina Sardar (also an accused of the same case) was at a bank in Duttapara during the time of incident. The perpetrator BSF personnel reportedly took Rimpa from her house forcibly to Tarali BOP. When her sisters



tried to stop the BSF personnel from taking Rimpa, they were beaten up as well. After being taken to the Tarali BOP, Rimpa Sardar was tied with iron shackles by her feet. The minor victim girl is still in trauma from the incident as she was conducted with most brutal treatment from the perpetrator BSF personnel of Tarali BOP. Later at around 4:45 pm she was handed over to Swarupnagar police station by the BSF, who in their complaint stated that Rimpa was arrested at around 2:00 pm for being involved in illegal cross border movement along with the other victims, Nupur Bibi and Sohida Sardar (SwarupNagar PS Case No. 382/18 dated 24.07.2018) . She was held inside Swarupnagar police lock-up for the night and sent to the Juvenile Court in Salt Lake, Kolkata on the next day, where she was released by the Court the next day. Later when her mother, Sabina Sardar went to the Swarupnagar Police Station to ask about

her daughter, the Swarupnagar police threatened to arrest her by saying that she is one of the accused in the case as well, as the BSF has charged her of being a tout. Sabina got bail from the Bashirhat ACJM court on 27.08.2018. Our complaint in this matter registered as National Human Rights Commission Case Number 1789/25/15/2018.

**Master Tahamil Hasan**, a standard X student, son of Mr. Najrul Islam, aged about 16 years resident of Par Baiddyanathpur village, Post Office- Deonapur, Police Station- Baishnab Nagar, District- Malda, West Bengal, was having tea at a village tea stall at around 8: 20 PM on 20.08.2018, just next to his home. All of a sudden, he found 15-16 armed BSF personnel were marching towards him. The frightened boy ran towards his home and entered to his home, but the BSF personnel also entered the house following him. The BSF personnel started beating the boy mercilessly with their sticks. Ms. Serina Bibi; mother of Tahamil tried to rescue her son but the BSF personnel basher her brutally and dragged Tahamil outside his home. After hearing the screams of mother- son duo, the villagers gathered in front of Tahamil's house and protested the misdeed of BSF personnel. The BSF personnel got furious after seeing the gathering and as reported fired from their pellet guns and Master Samir Sheikh, Master Masum Sheikh and Master Ali Hossein received pellets on their body parts. Pellets hit Samir's left eye, chest and both legs; Masum received pellet injuries beside his left ear and Ali Hossein on left side of face and hands. Thereafter, the involved BSF personnel dragged Tahamil to the bordering road (Indo Bangladesh border road) and beat him again, then they left Tahamil. While Tahamil returned to his home, the villagers took all above mentioned victims to Bedrabad Rural Hospital. Ali Hossein, Tahamil Hasan and Ms. Serina Bibi got admitted at the mentioned hospital by the attending doctor, meanwhile Samir Sheikh and Masum Sheikh referred to Malda Medical College and Hospital. Though, Masum Sheikh got admitted at Malda Medical College and Hospital but the attending doctor referred Samir Sheikh for better medical facilities at Kolkata as his eyes were grievously injured. Samir's family took him to Biratnagar Eye Hospital in Nepal; which is comparatively near from Malda than Kolkata. Samir was admitted at the said eye hospital for more than a month and just returned to his village and he was advised for routine checkups in every second month. Doctors are not sure about restoring his eyesight on left eye. The family spent all their savings for the treatment. On 21.08.2018, Mr. Najrul Islam; father of Master Tahamil Hasan submitted a written complaint to the Baishnab Nagar Police Station. The complaint was registered as Baishnab Nagar PS Case No. 432/18 dated 21.08.18. Our complaint in this matter registered as National Human Rights Commission Case Number 1546/25/11/2018-PF.



**Mr. Bachchan Mondal**, son of late Sonaram Mondal, a Scheduled Caste youth, aged about 33 years, residing at Village & Post Office- Border Para, Police Station- Raninagar, District- Murshidabad, West Bengal, on 31.08.2018 along with his wife Ms. Saraswati Mondal attended an invitation in the house of Mr. Paresh Mondal. After the dinner, he and his wife left the house of Mr. Paresh Mondal at about 11 pm and was walking back home. When they came near the

Radha-Govinda Temple, they were abused in filthy languages by five armed and in uniform Border Security Force personnel. On protest by them, one of those BSF personnel suddenly fired from his pellet gun and the victim Mr. Bachchan Mondal sustained pellet gun shot injuries on the right side of his face and he was bleeding on the place of the incident. Ms. Saraswati Mondal started to shout for help. One Mr. Ananda Mondal came there. One of the BSF personnel fired from his pellet gun aiming at him. Mr. Ananda Mondal also sustained pellet gun shot injuries on his body. Soon the local villagers arrived there hearing the sound of gun firing. The BSF personnel left the place throwing abusive languages and threats to the villagers. The victim received medical treatment at Apollo Nursing Home, Berhampore and then he received medical treatment at S.S.K.M.



Hospital, Kolkata. On 01.09.2018 Ms. Saraswati Mondal submitted a written complaint before the Officer-in-Charge of Raninagar Police Station stating the incident in detail. The complaint was registered as FIR vide Raninagar Police Station Case no.423/2018 dated 01.09.2018 under sections 326/34 of Indian Penal Code and under section 25/27 of the Arms Act. Our complaint in this matter registered as National Human Rights Commission Case Number 1690/25/13/2018-PF.

**Mr. Sarifuddin Sheikh** aged 33 years, son of Mr. Ahesanullah Sheikh, residing at Village- Uttar Gopalpur, Post Office- Maricha, Police Station- Islampur, District- Murshidabad, West Bengal, India is from a landless Muslim family. On 20.08.2018, he went to cut grass near Madanghat BSF Border outpost for feeding his domestic livestock. He was engaged in cutting grass and did not cross the border outpost at any point of time till the dusk. At around 6 p.m. on that day some people tried to cross the border near the said outpost from Bangladesh side to India. Observing the incident, around 7 on duty BSF Personnel of Madanghat Border outpost chased them but failed to catch them up. Inability to catch the illegal trespassers made BSF personnel furious and while they were returning to their camp, they found the victim while he was on his way back to his home and started verbally abusing him with filthy words in Hindi. Suddenly those BSF personnel started beating him mercilessly accusing him that he was facilitating the cross border movements of the aforesaid illegal trespassers. Those perpetrator BSF personnel then asked the victim to show his identity card but the victim pleaded that as he has no intention to cross the border outpost so he was not carrying any identity proof. The victim tried to convince those BSF personnel that he has no involvement with cross border movements and he was only cutting grass for his domestic livestock. BSF Personnel not paid any attention on his pleas and continued beating him black and blue using wooden sticks, wooden part of the rifles, fists and boot clad feet. Mr. Sarifuddin Sheikh got severe injuries almost all over the body. Then those BSF personnel picked him up with his long grown beard and thrashed on the ground and later BSF personnel lifted him and threw on the river Padma with an intention to kill him and left the place. Somehow the victim managed to swim and got out of the river. Then some local people rescued him from the bank of the river and brought him to his home. On 21.08.2018 he went to a quack near his house for treatment but did not get cured. On 28.08.2018 he went to Dr. T. K. Das for better treatment over his injuries which he received on his head and nose. On 05.09.2018, Mr. Sarifuddin Sheikh got treatment at Lalbagh Sub-Divisional Hospital, Murshidabad for the injuries he received due to the brutal torture by perpetrator BSF personnel. On 07.09.2018 Mr. Sarifuddin Sheikh lodged a written complaint before the Superintendent of Police, Murshidabad stating the incidents and requested for legal action against the perpetrator BSF personnel but the authority did not take any action against the BSF personnel till date. Our complaint in this matter registered as National Human Rights Commission Case Number 1815/25/13/2018-PF.



**Mr. Dinesh Mondal** son of Mr. Sudhir Kumar Mondal, aged about 44 years is living with his wife; **Mrs. Anamika (name changed) Mondal** and family in Village- Char Rajanagar, under Block- Raninagar-I, Police Station- Raninagar, District- Murshidabad. He is an agrarian labourer by profession and lives on meager income.



On the night of 29.09.2018, Dinesh's daughter, Priyanka Mondal (13) was suffering from high fever. As her condition deteriorated, Dinesh decided to take her for treatment at around 3am in the morning on 30.09.2018. For the purpose, he went to Ashima Mondal's house, who is the gram panchayat member from Char Rajanagar with the intention of borrowing money for Priyanka's treatment. While returning from Ms. Ashima Mondal's house with the money for his daughter's treatment, he was spotted by two BSF personnel, who were strolling nearby. All of a sudden, they caught hold of Dinesh and started beating him brutally with their sticks. Utterly surprised, Dinesh asked them the reason for beating him and plead them to stop. He also stated that he is not doing anything illegal rather just getting back to his house from the house of the panchayet member and that is located 6 to 7 kilometers inside Indian territory. But the perpetrator BSF personnel didn't pay any heed to his words and

continued thrashing Dinesh with their sticks. Following the loud groaning sound of pain-stricken Dinesh, locals gathered around to find out what was going on. Among the locals was also present Dinesh's wife Anamika (name changed) Mondal, who came forward and plead for her husband's release to the perpetrator BSF personnel. The perpetrators didn't pay any attention to her words as well and started abusing her verbally with filthy slangs. They also molested Anamika by pulling her „saree" and touching her in a wrongful way. BSF personnel told that they will release Dinesh but after taking him to outpost No. 10 for necessary paper works. But after reaching the outpost two other BSF personnel joined the former ones and started thrashing Dinesh



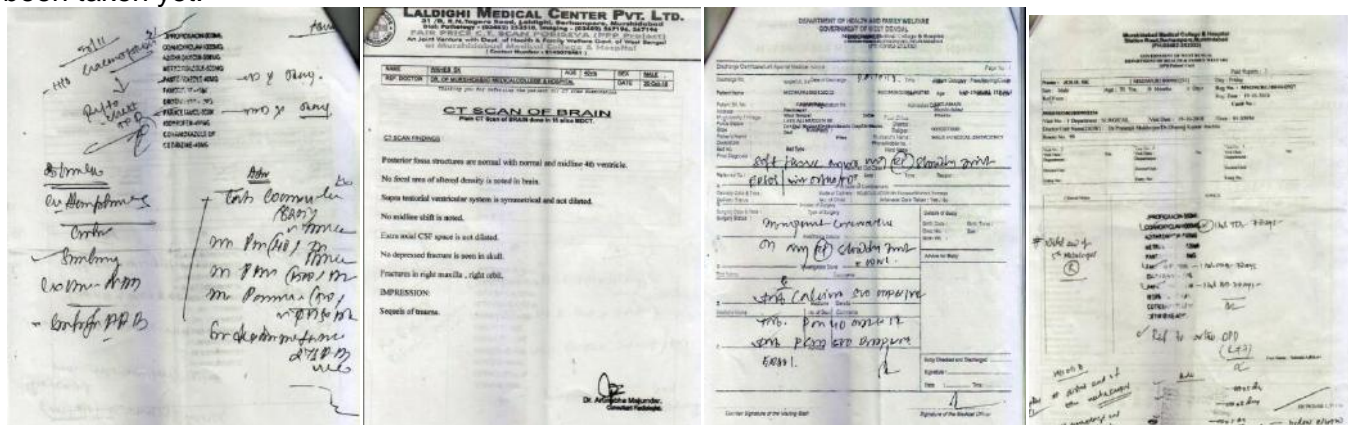
together. He was in utter pain as all of them used sticks and fists on him in front of the member of Char Rajanagar gram panchayat, Ms. Ashima Mondal. Consequently, Dinesh suffered severe injury including a broken thumb in the left hand from the perpetrators. He also received a hemorrhage in his left eye from the brutal thrashing of the perpetrators. After the BSF personnel were done beating Dinesh, he was left in pain on the streets. Few locals took him to the Godhnepara Block Primary Health Centre for primary treatment. Later he was taken to Murshidabad Medical College and Hospital & Susrut Eye Foundation and Research Centre in Berhampore for further treatment. At around 3.30 pm on 30.9.2018, Mr. Dinesh Mondal lodged a complaint which was registered as Raninagar PS Case No. 490/18 dated 30.09.2018 under sections 341/323/354 and 34 of Indian Penal Code against the perpetrators BSF personnel but no adequate action has been taken against the concerned BSF personnel yet. Our complaint in this matter registered as National Human Rights Commission Case Number 2049/25/13/2018-PF.

**Mr. Rashpoti Mondal**, aged about 56 years, lives in village- Notun Rajapur, Post-N.K Babupur, Police Station-Ranitola, District Murshidabad, West Bengal, an agrarian labour by profession and belongs to Schedule Caste community. He was brutally tortured on 03.10.2018 at around 10 AM by the BSF jawans while he was protesting BSF misbehavior upon women folks of the said village. Notun Rajapur is an agrarian village largely devastated by river erosion. Here flood is a common phenomenon and flood centres are being built for affected people. But BSF captured this concrete house for their purposes neglecting the interest of the villagers. On 03.10.2018 at around 10.15 am, the BSF personnel were asking for identity proof from assembled womenfolk at the mentioned village, they even entered at the houses without any female BSF personnel and asking for identity proofs. They treated badly to the women and used abusive languages. Fifty six years old Mr. Rashpoti Mondal protested this atrocious acts of BSF personnel when BSF personnel ill-behaved with women of his village. Rude jawans had beaten him using iron rod. Mr. Rashpoti Mondal received fatal injury. Initially he was brought to the local hospital, Nashipur BPHC (Block Primary Health Center), Murshidabad, but for the severity of his injuries; he was transferred to Lalgachia Sub Divisional Hospital, Murshidabad. Fifty-five people from the said village including elected members of the Panchayat went at Ranitola Police station and urged the present police personnel to accept the complaint of Ms. Anima Mondal, wife of Mr. Rashpoti Mondal and register the complaint as an FIR. The villagers made protest as in previous occasions the police station has refused to accept complaint and register FIR against the BSF personnel. Here assemblage of the people gave a result and police register the complaint as an FIR vide ranitola PS Case No. 478/18 dated 03.10.2018 under sections 445/325/359/34 of Indian Penal Code. Intentionally police used less harmful sections against perpetrator BSF jawans to save them. Our complaint in this matter registered as National Human Rights Commission Case Number 2050/25/13/2018-PF.



On 19.10.2018, at around 7:30 am, several villagers from Sarandajpur and Majhardiar area, who had agricultural lands inside Indian territory beyond the international fencing, gathered in front of the Outpost no. 1 of Kaharpara Border Outpost, waiting to open the border gate so that they can go to their agricultural fields for work. According to reports, the said border gate of Kaharpara 1 no. outpost is being opened everyday at 7:00 am. But on 19.10.2018, BSF didn't open the gate even after 7:30 am. The villagers requested the BSF personnel guarding the gate, to open the gate and let them in as they were getting late for agricultural works. But the guarding BSF personnel didn't listen to their requests. To this, the villagers who gathered in front of the border gate were agitated and started protesting the arbitrary actions and decisions of the BSF. They placed demands to let them into their own lands so that they can start agricultural work for the day. But instead of letting the villagers into their own fields, the Assistant Commandant of Kaharpara BOP started gathering his force before the border gate. He also called a force from the Harudanga BOP over telephone. After that, to everyone's surprise, he ordered the BSF personnel from both the battalion to lathicharge and trigger an attack on the villagers in order to disperse the protesting mob. The combined force then started hammering the unarmed villagers who just wanted to go to work in their own agricultural fields. After severe lathicharge, the villagers ran towards their village to escape the rage of the BSF personnel. But the furious combined force of BSF followed them to their village in Kaharpara. After entering the village they started beating up anyone and everyone they had in their sight. Innocent villagers who were not even present at the border gates that morning were also brutally thrashed with sticks, iron rods and rifle butts.

It was evident from the stance of the BSF personnel that they were about to kill anyone who comes in their way of raid. Women and children were also not spared from their attack. They also fired open rounds to terrorize the villagers. Many houses and shops that were not permanent structures were taken down to the ground by the perpetrators. The insanely furious BSF personnel continued the massacre in Kaharpara village for about an hour and left back several villagers in wretched condition. The victim villagers together lodged a complaint to the Raninagar Police Station on 19.10.2018 against the Assistant Commandant of Kaharpara BOP, Bifal Verma, Sub-Inspector of BN. No. 117, Munmun Mistry and the perpetrator BSF personnel of Kaharpara and Harudanga BOP for leading the attack on innocent villagers. But no action from their end has been taken yet.

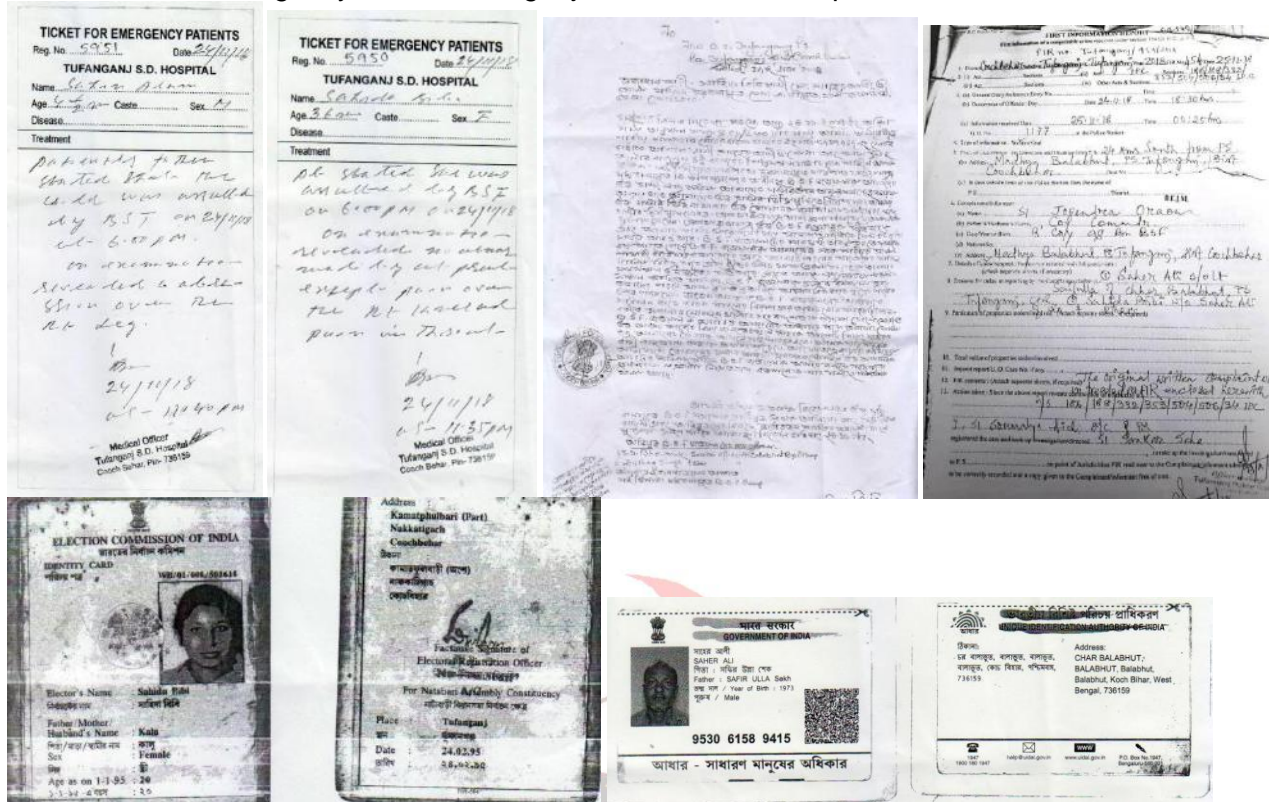


On 24.11.2018 at around 5.00 pm-5.30 pm, **Mr. Sahar Ali**, a resident of Char Balabhut village under Tufanganj Police Station, of Cooch Behar District, was returning home with his wife and his minor son. They were travelling in a motorcycle with registration number – WB-6459424. At that time Mr. Bhowmik- Sub Inspector of G –Branch of Balabhut Border Out Post of Battalion Number- 98, Mr. Del Bad Singh, Constable of Balabhut Border Outpost and Mr. Dinesh, Constable of Balabhut Border Outpost of Battalion Number- 98 along with three unknown BSF constables stopped them and asked Mr. Ali to open his motorcycle's basket. In reply Mr. Ali said that there was no attached basket to his motor cycle. Then those BSF personnel said him to open the seat of his motorcycle. Mr. Ali told them that he did not have an exact knowledge to open the seat of his motorcycle and also said if they have any requirement; they can open the seat on their own. The BSF personnel were furious to hear this and beating him black and blue. Mr. Ali's wife got scared to see the pathetic scene. Those BSF personnel kicked him abruptly and beat him with a wooden stick. Ms. Sahida Bibi, wife of Mr. Ali tried to save his husband but two BSF personnel restricted her and slapped her repeatedly. They also shoved her to ground. Seeing this terrible scene, the minor son of Mr. Ali namely Mr. Sahin Alam started crying and tried to hold his mother but those perpetrator BSF did not spare the child too. They crushed the feet of the little child with boots. The child became unconscious and fell on the road. Then two BSF personnel took Mr. Ali inside the BSF camp and detained him with putting handcuffs. During this melee the involved BSF personnel even improperly touched Ms. Sahida Bibi.

The information of this inhuman torture spread at the village of the victim like wildfire and the co- villagers of the victim gathered at the BSF outpost and demanded for unconditional release of Mr. Ali. One mass organization namely "Amra Simantabasi" is active at the place of occurrence against human rights violation of bordering populace. The committee members of the mentioned organization entered at the said Balabhut BSF outpost to meet the Company Commandant of Balabhut Border Outpost. They questioned about the grounds of torture upon Mr. Ali and his family members and detention of Mr. Ali. The Company Commandant did not pay any heed to the queries and asked Mr. Ali to sign on a blank paper and told him that if he sign the sheet, he would be released but Mr. Ali disagreed with the proposal moreover he demanded for an enquiry over the incident and punishment for the involved BSF personnel. As Mr. Ali refused to budge to BSF pressure; the Company Commandant called the Officer in Charge of Tufanganj Police Station. While the Officer in Charge of Tufanganj Police Station entered at the said BSF camp, the villagers narrated the ordeal by the Border Security Force personnel of the mentioned camp but the Officer in Charge did not pay any attention on the complaints of the villagers moreover the police party took Mr. Ali to Tufanganj Police Station at 10pm on the basis of fabricated complaint by BSF. BSF made a complaint against the victim; Mr. Sahar Ali and his wife; which was registered as Tufanganj PS Case No. 454/2018 dated 25.11.2018 under sections 186/188/332/353/504/506 and 34 of Indian Penal Code. Mr. Sahar Ali was produced to the Tufanganj ACJM Court on 25.11.2018 and released on same date. Interestingly police did not arrest Ms. Sahida Bibi who was FIR named accused. In the meantime, Ms. Sahida Bibi; wife of Mr. Sahar Ali made a written complaint to the



Officer in Charge of Tufanganj police station on 24.11.2018 while her husband was detained in the BSF Camp and narrated the whole incident but the complaint was received with stamp but not registered as an FIR though there was allegation of cognizable offence. On the same day; 24.11.2018, Mr. Ali's minor son and wife were treated at emergency unit of Tufanganj Sub Divisional Hospital.



## Police Torture:

Marginalized villagers often faces severe torture from police personnel posted in different police stations. The torture perpetrated by police ranges from damaging or ransacking property of innocent villagers to brutal physical torture inside police lockup. MASUM lodged 19 such complaints to the NHRC during 2018, which are briefed under:

In the name of investigation in connection with a criminal case, the personnel of Raninagar Police Station, District-Murshidabad, West Bengal committed vandalism and mischief on 29.10.2017 and 1.11.2017 in house of **Mr. Dhananjay Mondal** residing at village-Char Rajanagar, Block-Raninagar-II, Post Office-Char Munshipara, Police Station-Raninagar, District-Murshidabad. His family members were afraid to reside in their house under such terror of the perpetrator police personnel. The perpetrator police personnel of Raninagar Police Station raided the house of Mr. Dhananjay Mondal on 29.10.2017 and 01.11.2017.

On the first spree they committed mischief inside the house by damaging the household articles and on the second occasion they released the cows and goats kept inside the house. Later it was detected that one goat was killed and its meat was cooked and eaten by some police personnel of Raninagar Police Station. Moreover a share of the meat of the goat killed was sent to Raninagar Police Station. In recent spate of atrocities; 09.01.2018 at about 3pm the Officer-in-Charge of Raninagar Police Station namely Mr. Arup Roy with other police personnel and civic police personnel came to the house of Mr. Dhananjay Mondal in three police vehicles. At that time only Master Utpal Mondal, a deaf and dumb boy and son of Dhananjay Mondal was present inside the house. They forcibly took away the three cows from the house without issuing any seizure list. On protest by Master Utpal Mondal, the police personnel abused him and also threatened to implicate him and his family in false criminal cases. Immediately on the next day, Master Utpal Mondal submitted a written complaint before the Superintendent of Police, Murshidabad urging for immediate legal action against the guilty police personnel of Raninagar Police Station. Our complaint in

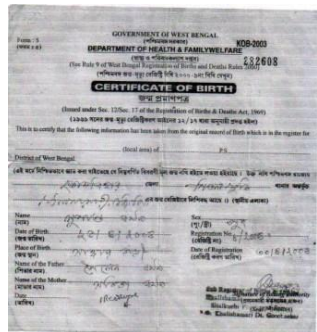


this matter registered as National Human Rights Commission's case numbers 85/25/13/2018 and 187/25/13/2018.

**Mr. Yasin Sk**, aged about-32 years, son of Late Rabban Sk, occupation- Land labour, residence at village- Nakhiraj, Police Station- Domkal, District- Murshidabad belongs to religious minority Muslim community. The victim has been in jail custody on and from 23.10.2016. Mr. Yasin Sk was the only earning member in the family. On 14.10.2016 at 1.30hours at night, some persons forcibly entered into the house and dragged Mr. Yasin Sk out of the house while they were sleeping. He was taken in a police vehicle. They family searched for his whereabouts at several places. They went to local Domkal Police Station and also to Raninagar Police Station in search of Mr. Yasin Sk. But they did not find him. They later came to know that Mr. Yasin Sk was detained at Islampur Police Station. They went to Islampur Police Station and found that he was in detention at the said police station but they were not allowed to meet with him by the police. He was detained illegally in the said police station for nine days, he was tortured in police custody and on 23.10.2016 he was produced in court by implicating him in a criminal case vide Islampur Police Station Case no.370/2016 dated 23.10.2016 under section 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act. Since then Mr. Yasin sk has been languishing in jail custody. The FIR of Islampur Police Station Case no.370/2016 dated 23.10.2016 states that Mr. Yasin Sk was arrested on 23.10.2016 at night for illegally possessing liquid Codeine Phosphate Mixture of 5000 ml. The search was made in presence of the Inspector-in-Charge of Domkal Police Station who was acted as Gazetted Officer in the search operation as per the FIR. However, the Circle Inspector of Police, Domkal Circle signed in the seizure list stating that the search was made in his presence. Ms. Poli Bibi, wife of the victim Mr. Yasin Sk submitted a written complaint before the District magistrate, Murshidabad stating that illegal arrest, illegal detention, custodial torture and false implication in criminal case under Narcotic Drugs and Psychotropic Substances Act. Our complaint in this matter registered as National Human Rights Commission's case number 380/25/13/2018



**Master Sushanta Barman** son of Mr. Shailen Barman is aged about 13 years, studying in Mahishmuri High School in VI standard and lives at village- Sangarbari under block- Sitalkuchi, Police Station – Shitalkuchi, District – Cooch Behar. On 16.10.2017 a religious unrest was happened at Sangarbari under block- Sitalkuchi, Police Station – Shitalkuchi. To handle the situation police personnel from Mathabhanga Police Station deployed Rapid Action force (RAF) and promulgated restrictions in accordance to section 144 of Criminal Procedure Code. On that day at around 2 pm Master Sushanta Barman was returning back to his home from his private tutorial by his bicycle. Suddenly some police personnel from police station and personnel from Rapid Action Force stopped him and forcefully took him into a police vehicle. They did not enquire anything from the boy and took him in to Mathabhanga police Station. After reaching there they put him in police lock up at the police station. Victim pleaded for his release and informed the police about his minor age and categorically told the police that he did not have any connection with that riot but the police personnel of Mathabhanga Police Station did not pay any attention on his plea. The police personnel did not inform his family members about his detention. Victim's mother



got the information of his detention from her neighbors. At that time victim's father was in Delhi. Due to promulgation of section144 Cr.P.C, victim's mother was unable to come out from her residence. After 72 hours when section 144 restrictions was called off, the victim's mother reached to said police station for his release. Sushanta said to her mother that he was in police lock up for last 72 hours. He was served only two square meals per day and one blanket after his long request. Victim's mother requested police personnel to release her son but she was instructed to deposit 1500 rupees for his release. She did not have that amount of money to deposit. She requested the police for waiver of that unjustified amount but the police were undeterred, lastly the mother somehow borrowed 1500 rupees in high interest rate and get released her son from police lock up. After depositing the money those police personnel took her signature in a blank paper. After releasing her son on the same day on 19.10.2017 she lodged one complaint to the Superintendent of Police of Cooch Behar. Our complaint in this matter registered as National Human Rights Commission's case number 205/25/6/2018



**Mr. Jahangir Alam** from District-Murshidabad, West Bengal faced severe custodial torture by the perpetrator police personnel of Raninagar Police Station of Murshidabad district. Victim was implicated in a false and concocted criminal case i.e. Raninagar Police Station Case no.592/2017 dated 07.10.2017 under sections 25/27 of Arms Act. He was subsequently released on bail by the court imposing condition on him to give 'Thana Hajira' (appearance before the Investigation Officer). In compliance of the condition of bail, he went to Raninagar Police Station on 14.11.2017 at about 10am. Inside the police station he was forcibly dragged inside the chamber of the Officer-in-Charge of Raninagar Police Station by two civic police personnel and abused in filthy languages and threatened him to implicate in false case under the N. D. P. S. Act. The police personnel also threatened him saying that they would hire people to outrage the modesty of his wife and he would again be subjected to severe torture to make unable to stand on leg in future. He was warned not to come to the police station again in future. The victim Mr. Jahangir Alam on the same day i.e. on 14.11.2017 submitted a written complaint before the Superintendent of Police, Murshidabad stating the aforesaid incident and he prayed for proper protection to his life as well as his family members. The National Human Rights Commission registered the complaint vide registration no.1694/25/13/2017.

**Mr. Chand Mohammad** son of Late Babul Sk, aged about 26 years and his wife Ms. Seherunnisha Khatun, both residing at village-Hamidhati Pilkhundi, Police Station-Salar, District-Murshidabad, West Bengal and his wife Ms. Seherunnisha Khatun runs a partnership business of carrying on contractor business and doing construction work through submitting tender for last several years. There was call of dropping tender in connection with NIT no.01/BEUP/BH-II Dev. Block dated 03.01.2018 SI. no.02, 05, 08 which was to be initiated through dropping of tender. The victim Chand Mohammad was personally threatened by the Officer-in-Charge of Salar Police Station, Joint BDO and Mr. Md. Azaharuddin @ Sijar to the effect that if he and his wife drop any tender in respect of the said tender he would face consequences and danger to life. On



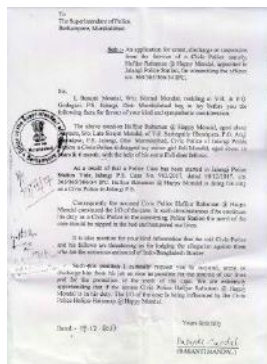
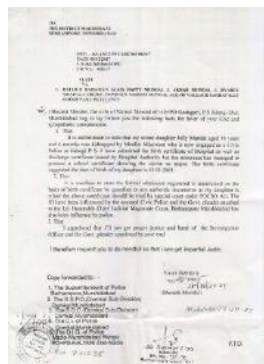
16.01.2018 at noon Ms. Seherunnisha Khatun depositing tender form at Bharatpur-II Block Office. When she came outside the gate of Bharatpur-II Block Office, one Mr. Md. Azaharuddin @ Sijar, Mr. Rabi Seikh and their henchmen pounced upon her and assaulted by fists and blows and also outraged her modesty. She somehow escaped from the place and entered into her house, but the assailants chased her to her house. The incident was duly informed to the duty officer of Salar Police Station over phone, but the police came late and the miscreants managed to leave from the house of Ms. Seherunnisha Khatun. Then the Officer-in-Charge and other police personnel of Salar Police Station entered

into the house of Ms. Seherunnisha Khatun and started to beat her husband Mr. Chand Mohammad by sticks. The police personnel forcibly dragged Mr. Chand Mohammad outside of his residence and brought him to Salar Police Station. In the police station he was again brutally assaulted by the police personnel and illegally detained inside the police station. He sustained severe bleeding injuries on his body. Ms. Seherunnisha Khatun went to the police station and requested the Officer-in-Charge to release her husband but the said police officer abused and insulted her. Later he was released from the police station by taking his signatures on some papers. Immediately Mr. Chand Mohammad was admitted at Salar Block Primary Hospital (BPHC) and from there he was referred to Kandi Hospital for better treatment as his condition was deteriorating. He was discharged from the hospital on 18.01.2018. His medical treatment records of the both the hospitals are proof of the nature of the severe injuries sustained by him during the assault by the perpetrator police personnel. The local people and neighbours of Mr. Chand Mohammad witnessed the above stated incident as they had assembled in front of the house of Mr. Chand Mohammad and they protested against such illegal outrage of the police personnel of Salar Police Station. To numb their voice the police personnel including the Officer-in-Charge of the said police station started free lathicharge upon the people including women. In this regard about 612 local people with signatures submitted a mass petition before the District Magistrate, Murshidabad stating the incident of police torture and highhandedness upon Ms. Seherunnisha Khatun and her Mr. Chand Mohammad. Ms. Seherunnisha Khatun also filed a written complaint before the Officer-in-Charge of Salar Police Station stating the incident of physical assault and outrage of her modesty. On 17.01.2018 Ms. Seherunnisha Khatun also filed a written complaint before the Superintendent of Police, Murshidabad stating the incident of brutal physical assault and custodial torture committed upon her husband. On 02.02.2018 the local people residing under the jurisdiction of Salar Police Station submitted a mass



petition before the Superintendent of Police, Murshidabad. Our complaint in this matter registered as National Human Rights Commission's case number 307/25/13/2018

**Ms. Moly Mondal** (name changed and her date of birth-13.03.2001), was residing under the jurisdiction of Jalangi Police Station, District-Murshidabad, West Bengal. On 09.11.2017 at about 8am Ms. Moly Mondal (name changed) left home for taking private tuition but later she did not return home. An information was recorded as GDE no.563 dated 09.11.2017. The police took no action to recover the victim girl. On the next day(10.11.2017) the family of the victim girl received information that one Mr. Hafijur Rahaman @ Happy Mondal and his accomplices forcibly abducted the minor girl in a car and detained her in his (Mr. Hafijur



Rahaman @ Happy Mondal) house. On the same day the family members of the victim girl met the duty officer of Jalangi Police Station and disclosed him the entire incident. But the police officer did not take any action. On the next day i.e. 11.11.2017 the family members of the victim girl again went to said police station and pleaded to recover the victim girl and they with some police personnel left the police station to recover the victim girl. Soon thereafter Mr. Debasish Sarkar, a police officer of Jalangi Police Station informed the team to return back to the police station. Arriving at the police station the family members of the victim girl saw that she was sitting on a bench inside the police station but they

officer informed them that the victim girl is major and he got document in this regard. She got married with Mr. Hafijur Rahaman @ Happy Mondal and happily residing with him in his residence. Then the said police officer asked another police officer to drop the victim girl at the residence of Mr. Hafijur Rahaman @ Happy Mondal and accordingly she was taken there. Ms. Basanti Mondal sent a written complaint to the Superintendent of Police, Murshidabad by registered post on 23.11.2017. In the complaint she also stated that her minor daughter was illegally detained in the residence of Mr. Hafijur Rahaman @ Happy Mondal and subjected to sexual assault. Ms. Basanti Mondal being the mother of the victim girl visited Jalangi Police Station for several occasions for lodging FIR against the accused Mr. Hafijur Rahaman @ Happy Mondal and his accomplices for forcibly abducted the minor girl but the police refused to register any FIR and the police took no step to recover the victim girl. On 08.12.2017 the complaint submitted before the Superintendent of Police, Murshidabad was registered as FIR at Jalangi Police Station vide FIR no.983/2017 dated 08.12.2017 under sections 363/365/366/34 IPC Mr. Hafijur Rahaman @ Happy Mondal and four others. However no penal provision under the POCSO Act was added in FIR against the accused persons though in the complainant. Our complaint in this matter registered as National Human Rights Commission's case number 302/25/13/2018

**Mr. Prafulla Mondal**, son of Late Ledhu Mondal, aged about-50 years, Scheduled Caste, residential address-Char Doulatpur (Salbona, Post Office-Khamardiar, Police Station-Islampur, District-Murshidabad, West Bengal lost all his landed property in the river erosion. He works as day labour in farming lands and rearing cattle. On 05.08.2017 at night the victim with many other people was staying in tent with their cattle at Char

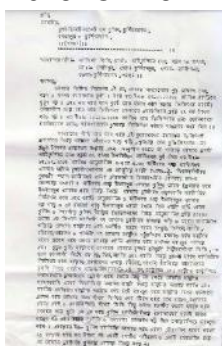


Patibona. But at the wee hours of night some police personnel in uniform and some in civil dress from Ranitala Police Station raided the tent and forcibly seized eight cattle. The victim with others raised protest against illegal seizure of the cattle (buffalos). The police personnel became furious and forcibly took the victim with them while beating him mercilessly. The family members of the victim even did not get any information of his arrest. Later the family members of the victim came to know that

he was taken to Ranitala Police Station where he was falsely implicated in a criminal case under N. D. P. S. Act vide Ranitala Police Station Case no.327/2017 dated 05.08.2017 under section 21 (C ) of N. D. P. S. Act. The case record reveals that the victim was arrested by the police of Ranitala Police Station at Kalurghat Nirmal Char area under Ranitala Police Station on 05.08.2017 between 18.10 to 19.25 hours with contraband article. Our complaint in this matter registered as National Human Rights Commission's case number 502/25/13/2018



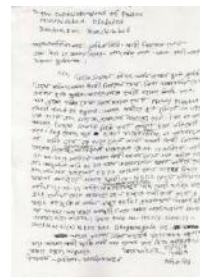
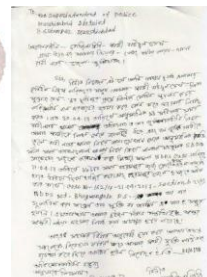
**Mr. Saifuddin Sheikh**, son of Abdus Samad,, aged about-25 years, by religion-Muslim, by occupation-Farm labour, residential address at village-Debipur, Police Station-Raninagar, District-Murshidabad, West Bengal lost his minor son Akash on 02.01.2018. On 18.12.2017 the victim was scheduled to take his son to Kolkata



for medical treatment. On 17.12.2018 at about 6.30pm the victim was returning from his relative's house situated within the jurisdiction of Raninagar Police Station. He was arrested by the police personnel of Islampur Police Station and was taken to Islampur Police Station where he was subjected to custodial torture. At about 9pm the Officer-in-Charge, the second officer and other police personnel of Islampur Police Station took the victim to his house in three police vehicles. The victim was at that time under police captivity having handcuffs on his hands and rope on his

waist. The police personnel forcibly entered into the house and started breaking the household articles whichever they saw in front of them. There was no male person inside the house at that time. Only the victim's wife Ms. Sahina Bibi, mother Ms. Firdousa Bibi and sister-in-law Ms. Sefali Bibi were present. On 18.12.2018 the victim was produced at the Special Court at Berhampore by implicating him in a criminal case vide Islampur Police Station Case no.501/2017 dated 18.12.2017 under the N. D. P. S. Act. Since then the victim has been in detention in jail. Our complaint in this matter registered as National Human Rights Commission's case number 426/25/13/2018

**Mr. Baidul Sheikh @ Islam**, son of Mr. Muntaj Sheikh, aged about-33 years, by faith-Islam and **Mr. Piarul Sheikh**, son of Late Asaruddin Sheikh, by faith-Islam, aged about-48 years were illegally arrested on 20.04.2017 by the police of Raninagar Police Station and handed over to Bhagwangola Police Station. The police of Bhagwangola Police Station implicated them in a criminal case under the N.D.P.S. Act on false allegation and manufactured documents. Memo of arrest was not issued by the police at the time of their arrest. Even the police of Bhagwangola Police Station also did not inform about the arrest of the victims to their respective family members. In this regard Ms. Sahina Bibi wife of Mr. Piarul Sheikh and Ms. Rojina Bibi, wife of Mr. Baidul Sheikh @ Islam submitted written complaints before the Superintendent of Police, Murshidabad stating the illegal acts of arrest of the victims by violating the set mandate of law regarding the arrest and subsequent false criminal case against them by the police of Raninagar Police Station and Bhagwangola Police Station. Our complaint in this matter registered as National Human Rights Commission's case number 769/25/13/2018



**Mr. Chand Mohammad**, son of Late Babul Sk of Hamidhati Pilkhundi, **Mr. Newton Sk.**, son of Mr. Abul Hossain of Kandra, **Mr. Kewsar Khan**, son of Mr. Aimader Khan, **Ms. Nasrin Begum**, daughter of Kazi Bhulu Mia of Gulhatia, **Mr. Khadem Dastagir**, son of Mr. Siraj Sk of Salar Kajipara, **Mr. Arif Dastagir**, son of Mr. Khandehar Anarul Hoque of Salar Kajipara, **Mr. Mur Selim**, son of Golam Mehabub of Gulhatia, **Mr. Khandekar A Dastgir**, son of Late Sahidul Hossain of Salar, **Mr. Majibur Rahman**, son of Mr. Musa Karim of Hamidhati, Pilkhundi, **Md. Hossain**, son of Late Md. Sufi of Hamidhati, Pilkhundi, **Mr. Mainuddin Siddique**, son of Kaliluddin Siddique of Hamidhati, Pilkhundi, **Dr. S. D. Mondal**, son of Late Balaram Mondal, **Mr. Abdul Hossain @ Newton**, son of Abdul Hasen of Kandra, **Mr. Rafikul Alam**, son of Hasib Sheikh of village-Kandra, **Mr. Asit Das**, son of Ms. Pusparani Das of village-Kandra, **Mr. Manik Sheikh**, son of Mutalab Sheikh of Kandra, **Mr. Azad Sheikh**, son of Laltu Sheikh of village-Kandra, **Mr. Uday Chandra Ghosal**, son of Binoy Chandra Ghosal of Kandra, **Mr. Shyamal Chandra Ghosal**, son of Nunra Chandra Ghosal of Kandra, **Mr. Bablu Sheikh**, son of Lukman Sheikh of village-Kandra, **Mr. Rahel Sheikh**, son of Bahar Sheikh of village-Purbagram, **Md. Hassan**, son of Nur Alam of village-Purbagram, **Mr. Rana Sheikh**, son of Bengu Sheikh of village-Purbagram, **Mr. Jimi Sheikh**, son of Mehebab of village-Purbagram, **Mr. Seeraj Sheikh**, son of Israil Sheikh of village-Purbagram and **Mr. Alam Sheikh**, son of Ageer Sheikh of village-Purbagram, all of them reside under Salar Police Station, District-Murshidabad, West Bengal, were faced wrath of the Salar Police Station just after Mr. Chand Mohammad was illegally taken to Salar Police Station by the perpetrator police personnel of Salar police station while beating him brutally and in the police station he was again subjected to custodial violence.



On 02.02.2018 the local people residing under the jurisdiction of Salar Police Station submitted a mass petition before the Superintendent of Police, Murshidabad stating that the local people are afraid to live peacefully because of the unholy nexus between the present Officer-in-Charge of Salar Police Station and the local notorious anti social elements. In this regard they referred example by stating that on 18.01.2018 a programme on "Save Drive Save live" was organized by the police of Salar Police Station where the Officer-in-Charge of the said police station was present in the programme with a notorious anti-social person Mr. Rabi Seikh and his henchmen. They referred that Mr. Rabi Seikh is an accused person in several criminal cases such as Salar Police Station Case no.3/2018 dated 17.01.2018 under sections 341/323/354/34 of Indian Penal Code registered on the incident of physical assault and outrage of modesty Ms. Seherunnesha Khatun, Salar Police Station Case no.210/2017 dated 16.12.2017 and Salar Police Station Case no.214/2017 dated 22.12.2017. They stated the Officer-in-Charge of Salar Police Station is not inclined to arrest the said anti-social persons in spite of the fact they are accused in non-bailable cognizable offences and not only that the Officer-in-Charge of Salar Police Station have been threatening the innocent local people to implicate them in false cases under the N.D.P.S. Act if they dared to protest. On 15.02.2018 Mr. Abdus Salam Seikh being the Officer-in-Charge of registered one FIR vide Salar Police Station Case no.17/2018 dated 15.02.2018 under sections 341/324/325/307/354/379/34 of IPC against the accused persons. The said FIR was registered on the complaint of one lady who is reportedly a supporter of the ruling political party.

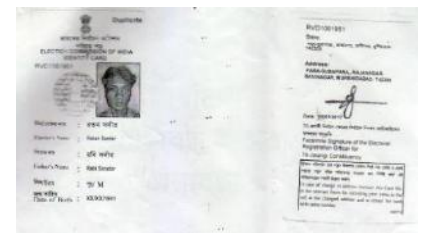
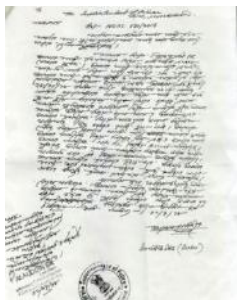


**Mr. Nimai Adhikary**, son of Late Nishikanta Adhikary, aged about-50 years, by faith-Hindu, residing at village-Sanekpur, Stationpara, Police Station-Gopalnagar, District-North 24 Parganas, West Bengal is blind and physically challenged person. He has been residing in village-Sanekpur, Stationpara, Police Station-Gopalnagar, District-North 24 Parganas. He had feud with some persons from whom he purchased land and came under severe threats of being forcibly disposed from his residence by the local political leaders. He went to local police station and disclosed the entire incident but the police refused to record his complaint. Then when he returned to village, he received threats that his house would be burnt down. The victim took shelter before the



court of law by filing an application under section 144 of Criminal Procedure Code to seeking a protection order so that he can live peacefully in his residence. But the police did not take any action and on 06.12.2017 some hooligans in the captaincy and direct involvement of the aforesaid persons ruined down the residential house of the victim. The victim went to the local police station but the police again did not take any action. Our complaint in this matter registered as National Human Rights Commission's case number 421/25/15/2018

**Mr. Ratan Sardar**, son of Mr. Rabi Sardar, aged about-26 years, Address: Village-Dubopara, Post Office-Kajupara, Police Station-Raninagar, District-Murshidabad, West Bengal is a poverty ridden person. He has no landed property. He has his wife, one son being aged about 2 years and aged father being dependents on him. The victim used to work as a migrant labour in other states. From his hard earned money he bought a Maruti car and he started earning money by hiring passengers in his car. On 28.06.2018 the victim carried Mr. Selim Seikh (an ex-member of local gram panchayat) in his car as his last passenger for the day and after dropping him at his destination, he returned to his home at about 11pm at night. After a while he sat for his dinner. But while he was eating at his home, some police personnel without disclosing their identity raided into his house and forcibly took him out with them. The wife of the victim tried to save him from



such forcible arrest but the police personnel thrashed her down on the ground. Later she came to know that her husband was arrested by the police of Raninagar Police Station. Reportedly the victim was produced in the Special Court, Berhampore under the N.D.P.S. Act on 30.06.2018 thereby causing illegal detention of the victim in the police custody of Raninagar Police Station. Our complaint in this matter registered as National Human Rights Commission's case numbers 38005/24/13/2018 and 2048/25/13/2018.

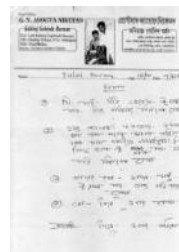
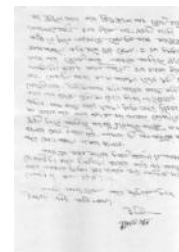
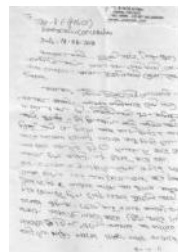


**Mr. Fulet Barman** son of Mr. Jamini Barman aged about 55 years, belongs to Schedule Caste community, living in Village – 128 Bhotbari under Block- Changrabandha, Police Station- Kuchlibari, District- Cooch Behar

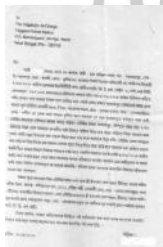


living with his family and only possesses the dwelling and not a piece of land for agriculture. On 09.02.2018 at around 12 noon, victim was playing cards with few of his co- villagers. At that time Choto Babu (Third Officer) of Kuchlibari Police station and some constables came to the spot and one of the Constable from the police party; Mr. Palash Barman and the Third Officer himself threw stones towards the victim and his co- villagers. One of the stone was hit hard on victim's left thigh. Victim fell on the ground and cried due to unbearable pain. The mentioned police personnel came to the victim but at that time he was not able to stand on his feet. Seeing that, the Third Officer arranged one car, given 500 rupees to the driver and sent Mr. Fulet Barman to Mekhliganj Sub Divisional Hospital. After admission

at the said hospital, the attending doctor has done radiography investigation (X- Ray) on victim's left thigh. At around 2.30 pm, the Third Officer of Kuchlibari Police Station went to victim's house and informed the family about his injury. Next day on 10.02.2018, attending doctors of Mekhliganj Sub Divisional Hospital opined that the victim has bone (femur) fracture in his left thigh. On 11.02.2018, the Third Officer of Kuchlibari Police Station went to the Mekhliganj Sub Divisional Hospital and got him released and admitted Mr. Fulet Barman at private facility run by a quack namely Gopinath Arogya Niketan at Chakiar Chara under Nishiganj Post Office under Cooch Behar Sadar. He also deposited 20000 rupees for his treatment. Mr. Barman was admitted there for a month. On 14.06.2018 Mr. Fulet Barman lodged one written complaint to Superintendent of Police of Cooch Behar but till date no action is taken by the authority.



**Ms. Nurjahan Bewa** (name changed) is a widowed lady. She resides in village-Dayarampur, Post Office-D.Parashpur, Police Station-Jalangi, District-Murshidabad, West Bengal, India. On 04.06.2018 she visited National Institute of Homeopathy at G.E. Block, Sector-III, Salt Lake City, Kolkata-700106. On 05.06.2018 she lost her money bag during her return journey to her home. She called one Ms. Rupali Mondal, daughter of Shyamapada Mondal, residing at village-Puratan Chamna, Police Station-Hogolberia, District-Nadia and disclosed her helpless condition. Ms. Rupali Mondal asked her to come to Barrackpore Railway Station and also told that she would send her brother Mr. Soumitra Mondal who resides in Barrackpore for helping the victim lady. Accordingly the victim lady came to Barrackpore Railway Station and at about 7.30pm in the evening on that day, Mr. Soumitra Mondal asked the victim lady to go to his rented room. Considering her helpless condition, the victim lady agreed to go with him. But said Mr. Soumitra Mondal took her to an unknown place and putting her into fear of death forcibly committed rape on her at night against her consent. On the next morning on 06.06.2018 she went to Titagarh Police Station and disclosed the whole incident to the police of the said police station. But the police though heard the incident from the victim lady but refused to accept any complaint from her. On 07.06.2018 she sent a written complaint through registered post narrating the incident to the Inspector-in-Charge of Titagarh Police Station. But no action was taken by the police of the said police on the complaint of the victim lady. On 12.06.2018 she again sent a written complaint through the registered post to the Commissionerate of Police, Barrackpore, North 24 Parganas. Then



Mr. Rajeshbabu(ASI of Police) of Titagarh Police Station called up the victim and asked her to meet with him at Titagarh Police Station. Accordingly she visited Titagarh Police Station on 21.06.2018. Mr. Rajeshbabu heard the incident from her and took the clothes from her which she was wearing at the time of the incident. On the other hand she started receiving life threats from the culprit Mr. Soumitra Mondal. She also came to know that said Mr. Soumitra Mondal has been getting support from the police and the police is not inclined to take any action against him as he is police personal working at Bidhan Nagar Police Station.

**Mr. Enamul Shah** son of Mr. Soleman Shah aged about 38 years, Muslim, a graduate and working as labour, resident of village- Debaipur under Rantala Police Station, District- Murshidabad, West Bengal belongs to a landless Muslim family. On 18.08.2018, he was returning through his motor cycle, from Borakuli under Islampur Police Station to his home after purchasing few medicines for his family. At around 6.00 PM, Mr. Tapas Mondal; Assistant Sub Inspector, Mr. Sajahan Ali; Police Constable, Mr. Wasim Javed @ Suman; Civic Police and Mr. G.M Sarkar; Civic police, all attached with Islampur Police Station, District- Murshidabad, West

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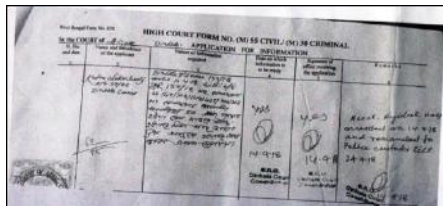
Bengal obstructed his movement at Layeser More under Islampur Police Station. All the police personnel were in civil attire and not in their uniform. The victim found that the police personnel were stopping the motorcycles at the spot and illegally extracting money from the riders. The police personnel in civil attire asked the victim to show his documents for motorcycle and other credentials. Enamul questioned their credential as they were not in their uniform by saying 'why I would show the documents to you'? The victim then showed all the relevant documents to above mentioned police personnel. Just after scrutinizing the documents, the police personnel told the victim that now we will issue you receipt for fine and you have to pay the fine; shocked Enamul told them why I would pay fine as I possess all the relevant vehicle



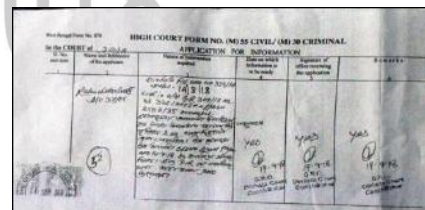
documents with me and I have already showed it to you. This statement made the police personnel furious and Mr. Wasim Javed @ Suman then and there snatched the key of Enamul's motorcycle. Subsequently, Mr. Tapas Mondal; the Assistant Sub Inspector and Mr. Sajahan Ali; the Constable started abusing him verbally with sexual connotation referring his parents and Mr. Sajahan Ali had put a pistol on his ear and said 'do whatever you can do but I will encounter you'. Thereafter, Mr. Tapas Mondal started kicking and slapping him with filthiest verbal abuses. The other stranded motorcycle riders gathered around the police personnel and the victim after observing this extreme highhandedness by police and they started protesting the police actions. Then the victim was whisked away a few yards by the police personnel and then the police personnel demanded Rs. 5000 and warned the victim if he does not pay the same amount; he will be falsely implicated in criminal cases related to Narcotics and Psychotropic Substances Act. On 20.08.2018, Mr. Enamul Shah submitted a written complaint before the Superintendent of Police; Murshidabad district through registered post but till date no action have been taken.



**Ajijul Haque**, son of Mr. Fajrul Haque, aged about-32 years, by faith-Muslim, by occupation- farmer, is a resident of Daribas-II village, Police Station-Dinhata, District-Cooch Behar, West Bengal. On 13.09.2018 at around 3 pm he was returning to his residence from the Dinhata police station on his motorbike. On the road and in front of the house of Mr. Manijer Ali at village-Gukunda village under Okrabari area, his motorbike was stopped by a vehicle (small van and "GP-DP" was written on the said van). In the van, there were some police personnel and behind the van civic police personal was on a motorbike. The said police personnel assaulted the victim by rifle butts and forcibly put him into the van and brought him to Dinhata Police Station. It was reported that total 12 police personnel of Dinhata Police Station were present at the time of the arrest of the

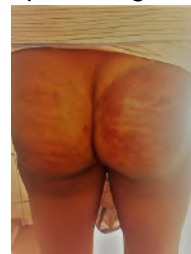


victim including police constables, civic police personnel and police officers namely Mr. Khagen Chandra Roy(Sub-Inspector of Police), Mr. Satyabrata babu(Sub-Inspector of Police), Mr. Swapan Mukherjee(Assistant Sub-Inspector of Police). The victim was detained in the office room and not inside lock-up hence his neighbours and friends from Gitaldaha area, who came to the police



station for getting information of the arrest of the victim, couldn't find him at first. But later he was spotted when one of them went to backyard of the police station and heard voice of the victim who was shouting in pain from getting beaten up. His family was informed consequently. On 14.09.2018 morning the victim's mother Ms. Anjumara Bibi alone went to Dinhata Police Station and found that the victim was lying on the floor of the police lock-up. On the same day the victim was produced in the Court of Additional Chief Judicial Magistrate, Dinhata where he told his mother and nephew that he was tortured in police custody. Our complaint in this matter registered as National Human Rights Commission's case number 1819/25/6/2018

**Ataul Seikh**, aged 35 years, son of Late Idris Seikh, resident of Belia Shyampur village, Post Office – Diar Shyampur, Police Station-Bhagabangola, District – Murshidabad, West Bengal is a Muslim youth who lives with his wife and father. On 08.09.2018 at around 10 a.m. Mr. Ataul Seikh was drinking tea at the tea shop of Mr. Mojammel situated at Shyampur Notun Para. In the meantime Mr. Santanu, Constable under Bhagabangola Police Station and three Civic Police Volunteers of the said police Station reached the place riding on motorbikes in civil dress and arrested Ataul without issuing any Memo of Arrest and other formalities of arrest. He was then taken to the Police Barrack of Bhagabangola Police Station at around 10:30 a.m. and tied his hand backside using handcuffs. Then Mr.

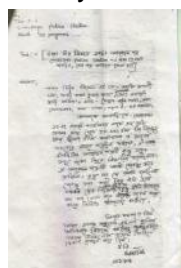
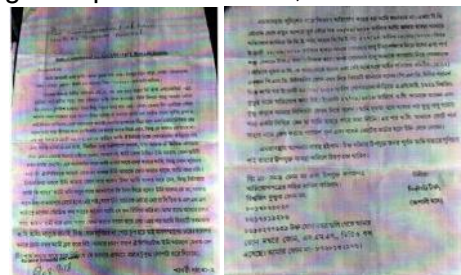




Santanu and three Civic Police Volunteers forcefully laid him down on the floor and beat him up mercilessly using wooden stick. The victim received blood clot injuries due to that torture and became sick. Mr. Ataul Seikh lodged complaint to the Superintendent of Police, Baharampur, Murshidabad on 12.09.2018 stating the entire incident and pleaded for the legal action against the perpetrator Police personnel but till date the authority did not take any action against them. Our complaint in this matter registered as National Human Rights Commission's case number 1818/25/13/2018



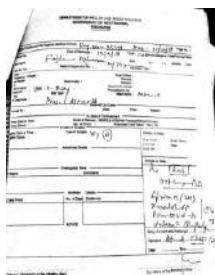
**Ms. Rupali Das**, w/o Mr. Tapan Kumar Das aged about-29 years, of Village-Gaipur Natun Para, Post Office-Gobordanga, Police Station-Habra, District-North 24 Parganas, West Bengal used to work at „Ma Tara Enterprise“, Gobordanga, Police Station- Habra, District North 24 Parganas. Mr. Partha Pratim Saha, the owner of „Ma Tara Enterprise, has borrowed Rs. 25000/- from Ms. Rupali Das promising to return back the amount within time but refused to repay the amount. After several requests of the victim, Mr. Partha Pratim Saha returned back only Rs. 1500/- and the rest of the money not yet returned to her. Whenever Ms. Rupali Saha asked for the rest of money, he refused her using abusive language. On 04.04.2018 victim went to Gobordanga Police Outpost to lodge complaint against Mr. Partha Pratim Saha and met Mr. Biswajit Kundu, Assistant Sub-Inspector of the said police Outpost. That officer never took initiative to recover the money from Mr. Partha Pratin Saha but collected the mobile number of the victim from her complaint. Since



then that perpetrator police officer harassing Mr. Rupali Das over phone. He made calls from several mobile numbers i.e. 8017826020 (whatssapp number), 8617419286, 8694277639 to victim"s mobile number which was 8768132976. Sometimes he called the victim and proposed her to go for a holiday with him. Sometimes he made illegitimate proposals and demanded sexual favours. Pervert police officer sent video clippings containing explicit sexual contents to the victim"s whatsapp account from his aforesaid whatsapp numbers. Even the said police officer made video calls from his whatsapp account with an

intention to abuse the victim sexually. The perpetrator police officer used to make calls even at midnight. On 28.09.2018 Ms. Rupali Das lodged written complaints before the District magistrate, Barasat, North 24 Parganas and the Superintendent of Police, , Barasat, North 24 Parganas stating the incidents of sexual harassment upon her by the mentioned police personnel but no action has been taken till date

**Mr. Fajle Rahman**, aged about 35, from 2 no. Nagarbari village of Sahebganj police station area in Coochbehar District, West Bengal was illegally arrested on 15.09.2018 by police personnel from Nayarhat Police Outpost under Sahebganj police station at around 9:30 pm from the house of Ajijul Haque, his neighbour. The victim Fajle Rahman, was wrongly arrested for being a suspect of gambling in card game. He was then taken to the Nayarhat police Outpost, verbally abused with filthy language and severely beaten up by police. After reaching the outpost, Fajle was brutally beaten up by one Bag Babu of Nayarhat outpost, with stick. Though Fajle tried to tell the police that he was not involved in the card game rather he was present there to return the borrowed money, no one was ready to hear his version and continued smacking him. His wife, Mamata Bibi, sister-



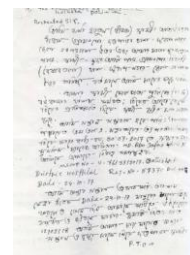
in-law, Mariam Bibi and mother Amdia Bewa was also physically assaulted by the perpetrator police, when they came for rescue. When the victim's brother, Mr. Amjad Rahman, came to the Nayarhat police Outpost for his release at around 11 pm that night, the police personnel present there asked for 25 thousand rupees as bribe in order to release Fajle. His brother requested the police to reduce the amount to 10 thousand and stated that they belong from extremely poor economic background. The police then threatened Amjad that if the full amount is not provided to them, they will charge Fajle under the N.D.P.S. Act (Narcotic Drugs and Psychotropic Substances Act, 1985). Fajle Rahman was produced before the ACJM Dinhata Court on 17.09.2018 after being wrongfully confined in police lock-

up for more than 30 hours. On 11.10.2018, Mamata Bibi, the wife of the victim lodged a complaint to the Superintendant of Police, Coochbehar through registered post, but no action has been taken against the perpetrator police personnel yet.

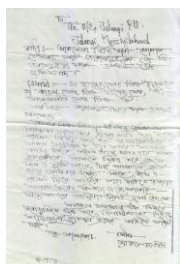
## **Violence against Women and Police Acquiescence:**

Violence against women is a common occurrence in Indian society since long. In recent times, when empowering women is the theme of the world, the Indian state agencies like police and the BSF is treating violence against women with impunity. In most of the cases the police is even reluctant to take complaints of incidents where women has been victimized. MASUM lodged 6 such complaints to the NHRC in 2018 where women were treated with violence. The complaints are briefly listed under:

**Ms. Jharna Khatun (Dhabak)**, a resident of Bithari village under Swarupnagar Police Station in North 24 Parganas District of West Bengal worked under a private nursing home at Bidhannagar, Kolkata when she met Mr. Ataur Rahaman Dhabak, a Home Guard under Bowbazar Police Station, Kolkata during her daily journey to workplace. The said Mr. Ataur Rahaman Dhabak promised to marry the victim lady and started a live in relationship as she got pregnant. But later as Mr. Dhabak refused to marry her, she approached the local respectable persons for help. As a result both of them got married according to Islamic rites and customs under Muhamedan Law. Their marriage was also registered before the Muslim Marriage Registrar Md. Abu Jafar Khan on 30.07.2017. Ms. Jharna Khatun (Dhabak) within the wedlock with her husband gave birth of a girl child named Neha Dhabak at Basirhat District Hospital on 24.10.2017. But Mr. Ataur Rahaman Dhabak never took the responsibilities of his wife and the new born daughter. The victim lady stayed with her daughter in her mother's house and whenever she requested her husband for their shelter and maintenance she was subjected to physical and mental torture by her husband. On 12.02.2018 the victim lady with her lap baby went to her husband's residence at Dattapara Village under Swarupnagar Police Station. There the in-laws of the victim assaulted her and forcibly drove her out from the house. Ms. Jharna Khatun (Dhabak) lodged complaint at Swarupnagar Police Station on 12.02.2018 stating the incident of torture and cruelty perpetrated upon her by her husband by stating the entire incidents of torture and cruelty. Her complaint disclosed information of commission of cognizable offences but the police instead of registering an FIR on her complaint simply issued a General Diary Entry and took no action on her complaint. On 16.02.2018 the victim lady also lodged written complaint before to the Commissioner of Police; Kolkata describing the facts but the authority did not take any action till date for her relief.



**Ms. Aklema Bibi**, of Char Parashpur village under Jalangi Police Station of Murshidabad District was physically assaulted by (i) Mr. Harej Seikh, son of Late Chadek Seikh, (ii) Mr. Kajal Seikh, son of Mr. Harej Seikh and (iii) Mr. Alamgir Seikh, son of Mr. Harej Seikh on 30.06.2018 at about 8am inside her residence. The assailants pounced upon her, jointly grabbed her, held her hair forcibly, thrashed her on the ground and mercilessly beaten her by fists and blows and also by wooden sticks. During the beating her body became almost naked but the assailants did not consider her modesty and continued to beat her mercilessly. In severe injured condition she visited Jalangi Police Station with a written complaint but the police of the said police station instead of registering an FIR issued one GDE. The victim Ms. Aklema Bibi was admitted at Sadikhan's Dearth Rural Hospital on 30.06.2018 in severe injured condition and later referred to Murshidabad Medical College & Hospital. On 02.07.2018 she was discharged from the hospital. On 06.07.2018 the victim lady again sent written complaints to the Superintendent of Police, Murshidabad, the Sub-Divisional Police Officer, Murshidabad and the Officer-in-Charge of Jalangi Police Station through courier. But till date no action has been taken on her written complaints. The victim lady stated that her husband is a physically disabled person and they have been under torture in the hands of the aforesaid assailants for last several years. She stated that previously police of Jalangi Police Station recorded GDE no.1824 dated 30.09.2014; GDE no.713 dated 11.02.2015 and GDE no.1417 dated 26.02.2015 but took no action against the aforesaid culprits.



A minor girl, Ms. Mosammad Hosniyara Akter, from Chitar Bazar village under Boyalmari Police Station of Faridpur District in Bangladesh was apprehended on 25.03.2018 by Swarupnagar police of North 24 Parganas District in West Bengal. According to the police, the victim girl entered India with the help of Bangladeshi tout with a purpose to go to Bangalore with her brother and work there. In India she was with an unknown lady tout. The victim girl met an accident on 25.03.2018 while she was travelling on a motor cycle with the two local touts namely Mr. Goutam Mondal and Mr. Nitta Shil. She and the two local touts received injury from the accident. Local people shifted her to Sarapul Rural Hospital for treatment. In the hospital she was interrogated and apprehended by the police of the aforesaid police station. The police treated her as an



accused in Swarupnagar Police Station Case no.171/2018 dated 25.03.2018 under sections 279/338 of IPC and section 14/14C of Foreigners Act simply because of the fact that she could not produce any valid document for her presence in India. During the investigation one of the touts died and another was enlarged on bail. The present complaint shows that the police did not invoke any penal provision under the law of the country for trafficking of the minor girl against the two touts Mr. Goutam Mondal and Mr. Nitta Shil till date. The police also did not bother to trace out the unknown lady tout. Act of the police of Swarupnagar Police Station in this present case clearly reveals that it has a soft corner for the touts of human trafficking for their vested interest and very much interested to prosecute the victim of human trafficking. Our complaint in this matter registered as National Human Rights Commission's case number 45/25/15/2019.

**Ms. Khatun** (name withheld) (age 17 years 7 months at the time of her abduction) from Hosen Nagar Polashbati Village under Bhagabangola Police Station of Murshidabad District in West Bengal was trafficked by Mr. Jabbar Absar Mondal, Thanarpara Police Station area of Nadia District on the pretext of marrying her. On 20.5.2018, Ms. Khatun was brought to Mumbai on the basis of false promise by Mr. Jabbar Absar Mondal and was forcefully engaged in sex work. Betrayed by Jabbar, Ms. Khatun planned a different escape route from the dragnet of sex trade. After few days she told Jabbar that if she will let to visit her native then she would convince two of her friends to come to Mumbai and get involved in flesh trade and it would increase his income. Convinced by this offer Jabbar planned to get back to her native but threatened her by saying if she tries to escape or settle into her family, he will kill her and her other family members. On 15.6.2018 the girl returned to her home and started living with her parents but after few days, Jabbar repeatedly started pressurizing and intimidating her. Her mother Ms. Parula Bibi made a complaint to the Bhagabangola Police Station and Mr. Jabbar Absar Mondal was arrested. Furious over the arrest and detention, family members of Jabbar Absar Mondal and few unknown persons are continuously intimidating the girl and her family members that they would kill them if the complaint against Jabbar Absar Mondal has not been withdrawn. On 23.7.2018, Ms. Parula Bibi sent letters to the District Protection Officer, Murshidabad and the Superintendent of Police, Murshidabad urging for protection of the girl and her family and punishment for the offenders. But till date no adequate actions have been taken.



**Ms. Archana Mondol** from Harishpur Village under Swarupnagar Police Station of North 24 Parganas District in West Bengal was married to Mr. Palash Mondol in 2004 and became the mother of two daughters, Nandita and Aradhya. But a while after her marriage, her husband, Mr. Palash Mondol and other members of his family started to torture Archana. She was often beaten up severely by Palash inside closed doors and barred from eating. Palash's family members even tried to pour kerosene on her with the purpose of burning her down. On 10.10.2016, the perpetrator, Mr. Palash Mondol assaulted Archana brutally and drove her out of the house. She was not even allowed to take her daughters with her. When Archana tried to go back to her in-laws house and meet her daughters, she was verbally abused and restricted to enter. Mrs. Archana Mondol lodged a complaint of torture against her husband and in-laws in Swarupnagar Police Station on 29.12.2016



but Swarupnagar Police Station only issued a slip with the case number instead of proper format with other details. Apart from that, she also filed a petition for maintenance (No. M13/2017) under section 125 of Criminal Procedure Code at Additional Chief Judicial Magistrate Court, Bashirhat praying for maintenance against her husband. Both the cases are still sub-judice before the respective courts. After the cases were lodged, the victim, Ms. Archana Mondol and her paternal family get continuous threats with dire consequences from her husband and in laws. On 24.09.2017, Mr. Alo Mondol, a co-worker of the perpetrator, Mr. Palash Mondol asked the victim, Archana to accompany him as he can make arrangements to meet her daughters. Archana agreed and went to his in-law's house at Harishpur on Mr. Alo Mondol's bicycle. That was the last time Ms. Archana Mondol was seen in public. As there was no information about Archana; Mr. Subrata Mondol; brother of the victim searched for her everywhere for few days but couldn't find any trace of her. On 19.10.2017, Subrata went to Swarupnagar police station and lodged a missing diary. They lodged a complaint in the Swarupnagar police station against the perpetrators but Swarupnagar police didn't take any action to investigate the matter or to arrest the perpetrators. Subrata therefore lodged a written complaint to the Superintendent of Police, District of North 24 Parganas on 17.08.2018 informing him regarding the disappearance of his sister, Ms. Archana Mondol and requesting to take necessary action against the perpetrators. Our complaint in this matter registered as National Human Rights Commission's case number 1691/25/15/2018-WC.

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### **Illegal Roping and Handcuffing:**

MASUM tried to attract the attention of the National Human Rights Commission and West Bengal Human Rights Commission regarding the continuous practice of roping and handcuffing of under trials/ accused during their production in courts. In these complaints we tried to bring to the notice of Commissions, the plight of persons who are falling victims of a system wherein handcuffing of detainees and prisoners remains widely prevalent despite judicial interpretation clearly establishing that it is against the protection of right to life guaranteed under Article 21 of the Constitution and is thus seeking appropriate directions upon the concerned authorities being part of our criminal justice system to ensure that they refrain from curtailing in any manner the liberty of people in the landmark judgment of Prem Shankar Shukla –Versus- Delhi Administration, and in many other judgments, the Honorable Apex Court held that handcuffs are prima facie inhuman, unreasonable, and at first blush arbitrary without fair procedure and objective monitoring. The Honorable Court recognized the need to secure the prisoner from fleeing but asserted that this does not compulsorily require handcuffing. The National Human Rights Commission has also issued several guidelines to regulate exercise of police powers. Needless to mention that it is principles like these that form the bedrock of democratic societies based on rule of law which treats even a person who has committed a crime with a degree of dignity. We made pictorial evidence of these illegal incidents. Three of our complaints over this issue have been accepted by the National Human Rights Commission vides NHRC Case No. 461/25/13/2018, 1393/25/15/2018 and 1761/25/13/2018.

Date	Court
15.02.2018	Lalbagh Sub-Divisional Court
15.02.2018	Special Court under NDPS Act; premises of District & Sessions Judge's Court, Berhampore
16.02.2018	Special Court under NDPS Act; premises of District & Sessions Judge's Court, Berhampore
12.03.2018	Murshidabad District & Sessions Judge's Court at Bahrapur
24.03.2018	Malda District and Sessions Judges Court
07.03.2018	Murshidabad District & Sessions Judge's Court at Bahrapur
10.04.2018	Murshidabad District & Sessions Judge's Court at Bahrapur
20.05.2018	Sarapul Rural Hospital under Swarupnagar Police Station, North 24 Parganas (by Border security Force personnel)
28.05.2018	Additional Chief Judicial Magistrate's Court, Bongaon, North 24 Parganas
05.06.2018	Lalbagh Sub Divisional Court , Murshidabad district
07.06.2018	Special Court under NDPS Act; premises of District & Sessions Judge's Court, Berhampore
11.06.2018	Court of Additional Chief Judicial Magistrate, Bongaon, District-North 24 Parganas
25.06.2018	Court of Additional Chief Judicial Magistrate, Jangipur, Murshidabad
11.06.2018	Murshidabad District & Sessions Judge's Court at Bahrapur
29.06.2018	Special Court under NDPS Act; premises of District & Sessions Judge's Court at Barasat, 24 Parganas (North) district
06.07.2018	Murshidabad District & Sessions Judge's Court at Bahrapur
03.09.2018	Murshidabad District & Sessions Judge's Court at Bahrapur
24.08.2018	Malda District and Sessions Judges Court
29.10.2018	Additional Chief Judicial Magistrate's Court of Bongaon; 24 Parganas (North) district
31.10.2018	Additional Chief Judicial Magistrate's Court of Bongaon; 24 Parganas (North) district
05.10.2018	District & Sessions Court of Murshidabad District, Berhampore
15.11.2018	District & Sessions Court of Murshidabad District, Berhampore
14.11.2018	Additional Chief Judicial Magistrate's Court of Bongaon; 24 Parganas (North)
22.11.2018	Additional Chief Judicial Magistrate's Court of Bongaon; 24 Parganas (North)





## **Illegal Detention:**

Marginalized villagers mostly from bordering areas are often wrongly accused and taken in custody by various state agencies like police and the BSF. These people get victimized easily as they are unable to acquire proper legal support. MASUM lodged 5 such complaints to the NHRC in 2018, which are briefly listed under:

On 07.01.2018 Swarupnagar Police arrested two women namely Ms. Sima Begam, age-24 years and Ms. Sumi Begam, age-22 years, both residents of Ghatbogh Village under Rupsa Police Station in Khulna District of Bangladesh and two other youths named Mr. Abdul Munaf, age-18 years and Md. Redoaji, age-19 years, both resident of Basidam Village under Masidam Police Station of I Cap District in Myanmar. At around 5:15 a.m. on 07.01.2018, Officers of Swarupnagar Police Station, North 24 Parganas, West Bengal being informed from their source reached at the place and arrested them. An FIR Under Section 14 Foreigners Act was lodged. On that very day police produced them before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas. The court sent them to Dum Dum Central Correctional Home, Kolkata for detention. It was revealed that those persons entered into India through the border fence in Hakimpur with the help of local touts involved in human trafficking. The place where police arrested them

is located 10 kilometers inside from the Indo-Bangladesh border. They entered into India in search of job in Mumbai. The victims Mr. Abdul Munaf and Md. Redoaji are Rohingya Muslims refugee of Myanmar. The law enforcement agency ignored that they are stateless persons who shall suffer death, bodily injury or other grave human rights violations in Myanmar. They had no option but to flee from their own country. On the other hand the two Bangladeshi women arrested are treated as accused under the Foreigners Act and no attempt has been taken up by any the police or the concerned court to ascertain whether they were the victims of human trafficking or not. Our complaint in this regard has been registered as National Human Rights Commission case number 899/25/15/2018.

The police department in Mumbai unleashed terror and panic upon the migrant labours from West Bengal especially against the Muslim minority group by misusing their powers conferred under the law.

The following persons went to Mumbai for work as migrant labour. Their names are:-

(1) Mr. Abdul Alim Mondal (30 years), son of Mr. Golam Mondal; (2) Mr. Saheb Ali Gazi (21 years), son of Mr. Akbar Ali Gazi; (3) Mr. Atiar Molla (23 years), son of Mr. Majid Molla; (4) Mr. Sirajul Sardar (39 years), son of Mr. Harun Sardar all are Muslim by faith and residential address of all at village – Daharkanda, Gram Panchayat – Bithari-Hakimpur, Police Station-Swarupnagar, District – North 24 Parganas, West Bengal, India

All of them belong to Muslim Community and they went Bhanka Dhappa, Mumbai to work at a wholesale fish market few months back. On 25.12.2017 they were arrested and detained by the officers of Foreigners Registration Office & Deputy Commissioner of Police, Special Branch (I), CID, Mumbai on the allegation of being Bangladeshi nationals having entered India through unauthorized route without any valid documents and illegally stayed in Mumbai. On 26.12.2017 the Foreigners Registration Officer & Deputy Commissioner of Police, Special Branch (I), CID, Mumbai issued show cause notice and directed them to submit some documents within seven days; being unable to deliver they will be deported to Bangladesh. They were produced before the Court of the Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai where the Court considering the Voter Card and Aadhar Card of the above stated persons passed an order for their release on bail. The above stated persons were released on bail on 02.01.2018 after depositing Cash Surety of Rs.30, 000/- each as directed by the



court in the order passed for their release on bail. Our complaint in this regard has been registered as National Human Rights Commission case number 983/13/16/2018.

**Mr. Nizam Akamoutali Sardar** of Neelkantapur Village under Kalarawa Police Station in Satkhira District of Bangladesh was arrested by the personnel of Border Security Force on 23.09.2017 on the allegation that he was trying to cross the International Border (IB) illegally and on being challenged by the BSF personnel he started running towards Bangladesh side, however, the BSF party chased and apprehended him. BSF submitted a written complaint and handed him over to the Gaighata Police Station. On the basis of the said complaint, Gaighata Police Station registered one FIR under section 14 of Foreigners Act. He was produced before the Additional Chief Judicial Magistrate, Bongaon, District-North 24 Parganas the next day and from there he was sent to Dum Dum Central Correctional Home, Kolkata. On 15.11.2017 victim was convicted and sentenced by the Judicial Magistrate Court, Bongaon, North 24 Parganas District, convicting him to undergo Simple Imprisonment for three months and a fine of Rs.2000/- in default to suffer Simple Imprisonment for another 30 days (one month). It was also ordered that the period of detention already undergone be set off under section 428 of the Code of Criminal Procedure. The victim deposited the fine amount of Rs.2000/- on 15.11.2017 at Court Treasury. According to section 428 of the Code of Criminal Procedure the period of detention from 23.09.2017(date of his arrest) should be taken into account while calculating the period of



detention. So, according to the sentence passed by the court the period of conviction of the victim has already expired in as much as the fine amount was paid and information of payment of fine was forwarded to jail authority. It was informed that the victim had not been released and repatriated to Bangladesh till date and therefore his detention is illegal and without jurisdiction. Such ongoing illegal detention of the victim in prison as Jan Khalash even after expiry of his sentence period amounts gross violation of human rights. Our complaint in this regard has been registered as National Human Rights Commission case number 465/25/5/2018.

**Mr. Selim Mistry** of Nityanandakati village under Swarupnagar Police Station of 24 Parganas (North), was forcibly apprehended by Mr. Bablu Seikh; a Civic Volunteer attached with Swarupnagar Police Station on 24.04.2018 at around 9:20 Pm. As reported, he was brought on a motorcycle from his residence to the police station in connection to the alleged murder of one Amir Malik. The onset of the incident was the continuous violence related to Panchayet election. Here it should be referred that Mr. Selim Mistry's wife, Ms. Mafuja Mistry filed nomination for this election from opposition party's ticket. Thereafter on 22.04.2018 at around 12 midnight, the political hooligans attached with ruling party attacked Mr. Selim Mistry's residence. There were 20-22 persons in attacking party. Amir Malik was among them. While the attacking party ; who were armed with sticks and rods, making threatening calls to Selim and his family, the neighbours of Selim came forward and restricted them to make any physical aggression and by their resistance, the attacking party left the spot. Selim informed the incident to Swarupnagar PS and a police party came to his residence at 12.30 AM of 23. 04.2018. The police party recorded statements of Selim and his family members in their mobile phones; as alleged by Ms. Mafuja Mistry wife of Mr. Selim Mistry. After that the police left the place. Later, on 23.12.2018, at early morning, a body was found at Balti village under Swarupnagar police station, later it was identified as Amir Malik's body. A large section of people were apprehended from the locality and it is apprehension of the family of Selim Mistry that in connection of this murder of one Amir Malik, Mr. Selim Mistry was lifted on the mentioned date and time from his house. On 26.04.2018 at 12.42 PM, Ms. Mafuja Mistry; wife of Mr. Selim Mistry informed the incident to the Sub Divisional Police Officer; Basirhat Sub Division of 24 Parganas (North) district through short message service (SMS) from her phone with number 8167754650 to SDPO's mobile having number 9434485105 and 9734997779. From 24.04.2018 to till date, Mr. Selim Seikh has been detained in Swarupnagar Police Station and not produced before court. He was lifted from his home by the Civic Volunteer without issuing any arrest memo or notice/ summon. Till date the family members were not informed about his whereabouts. Our complaint in this regard has been registered as National Human Rights Commission case number 798/25/15/2018.



Wife of Selim Mistry

**Mr. Ashadul Haque and his mother, Ms. Sajida Bibi;** both residents of at Daribas-I village under Dinhata Police Station of Cooch Behar District in West Bengal crossed the international border without any valid documents due to urgent medical attention for the son when they were restricted by Border Security Force personnel to enter medical facilities at Indian side. The village of the victims is just along the international border with Bangladesh and the border at this part has not been fenced yet. The BSF personnel stationed at



the bank of river Dharola, which is six kilometers inside the Indian Territory (from actual border and the village are harassing every bonafide Indian citizens while they are trying to cross the river after covering six kilometers from their village to meet their regular requirements of buying essential commodities and get



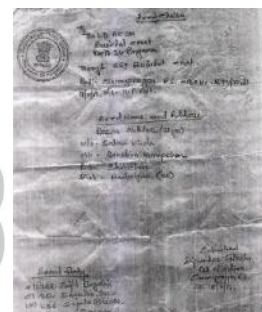
medical facilities. In this situation, the youth while required urgent medical attention, was brought to the bank of river Dharola by his mother and willing to get admission in Indian healthcare facility but the on duty BSF personnel restricted their movement and driven them away. As there was no other avenue open, the mother brought his son to Bangladeshi hospital and got him admitted. Later, the Bangladeshi police arrested the mother son duo and sent them to Bangladeshi prison in accordance to the sections of Bangladesh (Control of Entry) Act, 1952 and Bangladesh Passport Act,

1973 and after production sent to prison. Victim's wife submitted one written application to the District Magistrate of Cooch Behar on 09.07.2018, requesting for immediate repatriation of her husband and mother in law but till date no action has been taken. Some personnel from District Intelligence Branch (DIB) visited victim's residence on 06.08.2018 and demanded bribe to settle the issue. Our complaint in this regard has been registered as National Human Rights Commission case number 198/99/4/2018.

### Illegal Detention of Bangladeshi Women and Children

Marginalised Bangladeshi people, who are either trafficked or come in search of livelihood in India are being arrested by Indian police and sentenced for detention. These people are treated like criminals under Foreigners Act, 1946; the actual reasons behind their cross-border transportation being without verification. MASUM made 10 such complaints during 2018, which are briefed under:

The complaint was regarding continuance of detention of Bangladeshi women and children in West Bengal and accusing them under Foreigners Act, 1946. They treated as criminals and arrested under the Foreigners Act. (i) Ms. Reena Akhtar, wife of Salam Mirza, Age-30 years, Address: Village- Dakshin Kurupehar, Police Station- Shibehar, District- Madaripur; (ii) Ms. Taslima Begum, wife of Seikh Samsur, Age-30 years, Address: Village & Post- Belfulia, Police Station- Rupsha, District- Khulna; (iii) Ms. Beuti Begum, wife of Md. Mamun, Age-20 years, Address: Village- Hogolpati, Post- Tikar Khali, Police Station-Bamna, District- Barguna; (iv) Ms. Masuma Begum, wife of Safik Mir, Age- 35 years, Address: Village- Khuntakata, Post- Khuntakata Bazar, Police Station-Rayanda, District-Bagerhat have been rotting in prison and they do not know when they will be freed from indefinite period of detention. Ms. Reena Akhtar was arrested on 17.11.2017 by the police of Swarupnagar Police Station and she was implicated under section 14 of Foreigners Act, 1946 vide Swarupnagar Police Station Case no.874/2017. Likewise Ms. Taslima Begum, Ms. Beuti Begum and Ms. Masuma Begum with her 8 year old daughter were arrested on 23.11.2017 by the police of Swarupnagar Police Station and implicated under section 14 of Foreigners Act, 1946 vide Swarupnagar Police Station Case no.884/2017. They all were produced before the Additional Chief Judicial magistrate Court, Basirhat, District-North 24 Parganas on the next day of the arrest and the court sent them to undergo detention in correctional home as under-trial prisoners. Such approach of the criminal justice system is against the advisory issued by the Government of India vide office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012. The complaint has been registered by the National Human Rights Commission as NHRC Case No. 319/25/15/2018.



**Ms. Mondal Parul Baharun**, wife of Mr. Humayun Kabir, Age-35 years, Address: Village- Rajapur, Post Office- Bororal, Police Station- Kolia, District- Norail; Bangladesh and **Ms. Shaikh Alysha Riyaz**, wife of Late Riyaz Shaikh, Age-51 years, Address: Village – Rajapur, Post Office- Bororal, Police Station- Kolia, District- Norail; Bangladesh have been rotting in prison. They were arrested on 17.02.2018 at around 3.30 PM by Border Security Force personnel of Bithari Border Outpost of 76 BSF Battalion and handed over to Swarupnagar

Police Station; district- 24 Parganas (North); while they were entering to India from Bangladesh as reported. Swarupnagar Police Station initiated a criminal case vide Swarupnagar PS Case No. 84/18 dated 17.02.2018 under sections 14 and 14 (C) of Foreigner Act. The mentioned women spent that night at custody of Swarupnagar Police Station; where no separate arrangement for women detainee is available. On 18.02.2018 they were produced before the Additional Chief Judicial Magistrate's Court- Basirhat and sent to Dumdum Central Correctional Home on that day for 14 days judicial remand. They are still languishing at Dumdum Central Correctional Home. The act was against the advisory issued by the Government of India vide office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012. The complaint has been registered by the National Human Rights Commission as NHRC Case No. 590/25/15/2018.

**Ms. Liya Aktar**, aged 22 years, daughter of Samim Hawladar, **Ms. Sahanaj Begam**, aged -24 years, daughter of Samim Hawladar and one minor boy namely **Master Md. Rahat Khan**, aged 10 years, nephew of Sahanaj Begam, all from the address(as per police record)- Ward No-32, Police Station- Khulna, District – Jessore, Bangladesh were arrested on 17.11.2017 by the police of Swarupnagar Police Station and implicated under section 14 of Foreigners Act, 1946 vide Swarupnagar Police Station Case no.15/2018 dated 08.01.2018. They all were detained at the police station and on the next day they were produced before the Additional Chief Judicial Magistrate Court, Basirhat, District-North 24 Parganas. The court sent the arrested women to Dumdum Central Correctional Home and the minor boy was sent to a shelter home in Kolkata. The Officer-in-Charge of Swarupnagar Police Station and other involved police personnel of the same police station produced the minor boy before a regular court instead of the concerned Juvenile Justice Board which is a gross violation of the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. Again a violation of the advisory issued by the Government of India vide office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012. The complaint has been registered by the National Human Rights Commission as NHRC Case No. 737/25/15/2018.



Following Bangladeshi women who were arrested and arrayed as accused persons under section 14 of Foreigners Act. In connection with Swarupnagar Police Station Case no. 202/2018 dated 16.04.2018 under section 14 of Foreigners Act

(1) Ms. Samela Begum, wife of Mobarak Mondal, age-40 years, residential address:- village-Lalpur, Police Station-Bagha, District-Natore, Bangladesh along with two granddaughters namely Ms. Purnima Khatun(age-06 years) and Ms. Sandhya Khatun(age-06 years).

(2) Ms. Khushi Khatun, daughter of Mobarak Mondal, age-20 years, residential address:- village-Lalpur, Police Station-Bagha, District-Nator, Bangladesh

In connection with Swarupnagar Police Station Case no. 298/2018 dated 05.06.2018 under section 14 of Foreigners Act the following Bangladeshi women were arrested:-

(1) Ms. Menara Begum, wife of Ebrahim Matabbar, age-42 years, residential address:- village-Patha mara, Police Station-Moralgunj, District-Bagherhat, Bangladesh along with her son namely Rafin Matabbar aged about 10 years

(2) Ms. Sumi Begum, wife of Mamun Mridha, age-20 years, Patha mara, Police Station-Moralgunj, District-Bagherhat, Bangladesh along with her daughter namely Sinthiya Akter aged about 03 years

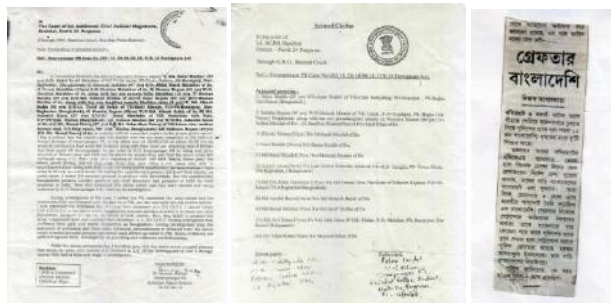
(3) Ms. Mumtaj Begum, wife of Md. Alkash Saikh, age-40 years, residential address:- village- Santi Bhanga, Police Station- Moralgunj, District-Bagherhat, Bangladesh

(4) Ms. Kulsum Khatun, wife of Md. Ashraful Islam, age-22 years, residential address:- village-Paschim tuth para, Police Station-Khulna, District-Khulna, Bangladesh

(5) Ms. Ruksana Begum, wife of Md. Musud Parvej, age-26 years, residential address:- village-Laban char mukhtar hossen road, Police Station-Khulna, District-Khulna, Bangladesh

The police of Swarupnagar Police Station produced all of them before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas. The court sent them to Dum Dum Central Correctional Home, Kolkata for detention. Our fact finding team revealed that those persons entered into India through the border with the help of local touts involved in human trafficking (both side of the border). Those touts / middlemen / DHURS are operating in connivance with border guards of both sides, India and Bangladesh. The advisory issued by the Government of India vide office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012 has been violated.



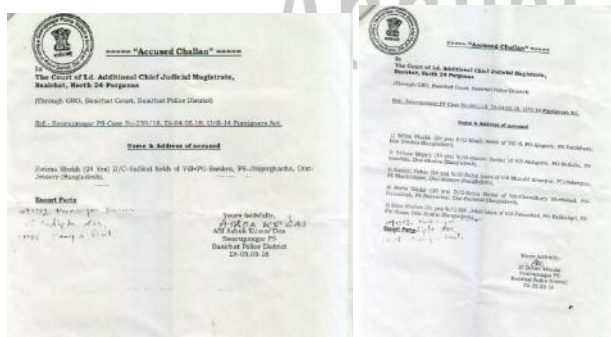


The complaint was in persistence for six Bangladeshi women who were arrested on 04.05.2018 in connection with Swarupnagar Police Station Case no. 241/2018 (accused No. 1 to 5) dated 04.05.2018 under section 14 of Foreigners Act by the police of Swarupnagar Police Station, District-North 24 Parganas, West Bengal.

The names of arrested Bangladeshi women are:-

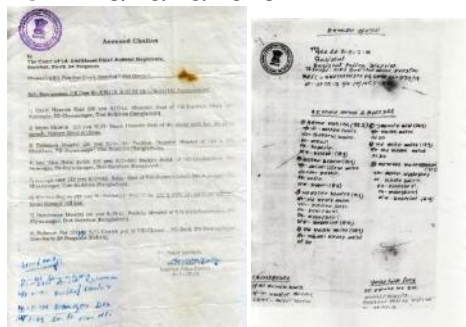
- (1) Ms. Selina Seikh, daughter of Khalil Seikh, Age-25 years, residential address:- village-Ajugura, Police Station-Terokhoda, District-Khulna, Bangladesh
- (2) Ms. Sahina Begum, Wife of Alamin Sardar, Age-19 years, residential address:- village-Aichgathi, Police Station-Kanchde, District-Khula, Bangladesh,
- (3) Ms. Yasmin Nahar, wife of Sahid Islam, age-24 years, residential address:- village-Munshi Khanpur, Police Station-Monirampur, District-Jossore, Bangladesh
- (4) Ms. Sonia Sikdar, daughter of Selim Sikdar, age-24 years, residential address:- village-Chowdhury Murdabad, Police Station-Bayeschar, District-Barishal, Bangladesh
- (5) Ms. Sima Khatun, wife of Md. Jahid Islam, age-21 years, residential address:- village- Fakirabad, Police Station- Ebi Thana, District-Kustia, Bangladesh

(6) Ms. Fatima Seikh, daughter of Safikul Seikh, age-24 years, residential address:- village-Bankra, Police Station-Jhigorgacha, District-Jessore, Bangladesh, arrested on 04.05.2018 in connection with Swarupnagar Police Station Case no. 239/2018 dated 04.05.2018 under section 14 of Foreigners Act by the police of Swarupnagar Police Station. On 05.05.2018 the police produced all of them before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas. The court sent them to Dum Dum Central Correctional Home, Kolkata for detention. These persons entered into India through the border with the help of local touts involved in human trafficking. The advisory issued by the Government of India vide office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012 again violated. The complaint has been registered by the National Human Rights Commission as NHRC Case No. 2044/25/15/2018.



Following Bangladeshi women were arrested by Swarupnagar Police Station in North 24 Parganas District, West Bengal on 01.05.2018 and were treated as accused persons under the Foreigners Act in connection with Swarupnagar Police Station Case no. 235/2018 dated 01.05.18. The arrested women were Ms. Asma Mollick (age-35 years), wife of Mr. Sultan Fakir, Village-Chandoni Mohor, Post Office-Senati, Police Station Degolia, District, Khulna, Bangladesh, Ms. Bullna Begam (age-35 years), wife of Mr. Soidul Islam Seikh, Village and Post Office-Peroli, Police Station-Kalia, District-Norai, Bangladesh, Ms. Nasrina Khatun (age 19 years), daughter of Md. Nasir Seikh, Village-Kalikabari, Post Office-Fokirbari, Police Station-Moralganj, District-Bagerhat, Bangladesh and Ms. Jesmin Bibi (age- 26 years), wife of Md. Malek Seikh, Village-Kalikabari, Post Office-Fokirbari, Police Station-Moralganj, District-Bagerhat, Bangladesh. On the same day (01.05.2018) Swarupnagar Police Station also arrested the following Bangladeshi women under the Foreigners Act in connection with Swarupnagar Police Station Case no.236/2018 dated 01.05.18. The

arrested and detained were Ms. Sayra Khatun (age-25 years), wife of Mr. Imam Hossain Gazi, Village-Durmus Khali, Post Office-Nurganar, Police Station-Shyamnagar, District-Satkhira, Bangladesh along with her daughter namely Moriom Khatun(age-5 years) and Ms. Rahima Begam (age-26 years), wife of Mr. Alamgir Gazi, Village-Durmus Khali, Post Office-Nurganar, Police Station-Shyamnagar, District-Satkhira, Bangladesh. The complaint has been registered by the National Human Rights Commission as NHRC Case No. 1418/25/15/2018.



On 02.07.2018 three women being Bangladeshi nationals were arrested by the police of Gaighata Police Station, District-North 24 Parganas, West Bengal. Mr. Biplab Gangopadhyay being the Assistant Sub-Inspector of Police, Gaighata Police Station arrested them at Chandpara Bazar under Gaighata Police Station. As per the police version those women had crossed the Indian Border without any valid document. After making arrest Mr. Biplab Gangopadhyay took them in his custody and lodged complaint against them before the Officer-in-Charge of Gaighata Police Station to the effect that those women committed an offence under section 14 of Foreigners Act because they entered into India without any valid document. On the basis of the complaint, Gaighata Police Station Case no.624/2018 dated 02.07.2018 under section 14 of Foreigners Act was started against those three women. SI Haradhan Saha of Gaighata Police Station was directed to take up the investigation. As per the police record, the particulars of the arrested women are mentioned herein below:-

(i) Ms. Nargis Kaji age- 20 years D/o- Mr. Rahim Kaji residential address:- village-Brampur, Police Station-Kotwali

District-Jessore, Bangladesh

(ii) Ms. Soniya Khatun age- 21years , D/o- Mr. Intaz Ali, residential address:- village-Brampur, Police Station-Kotwali

District-Jessore, Bangladesh

(iii) Ms. Rasma Begum, age-27 years W/o- Md. Sajahan Miya, residential address:- village-Brampur, Police Station-Kotwali

District-Jessore, Bangladesh

On 03.07.2018 those arrested women were produced before the court of Additional Chief Judicial Magistrate, Bongaon. They were sent to Bongaon Correctional Home for detention. On 05.07.2018, the Investigation Officer SI Haradhan Saha submitted a prayer to the court of Additional Chief Judicial Magistrate, Bongaon stating that those three women entered into India in search of job with the help of unknown persons/brokers. So, SI Haradhan Saha through his petition prayed before the court of the Additional Chief Judicial Magistrate, Bongaon for treating those women as victims of circumstances and also for keeping them in a Government shelter home. In the petition he also stated that he has no objection if those women are returned to their home after completion of legal formalities. Accordingly, by considering the petition of the Investigation Officer, the Court directed that those women be transferred from the Correctional Home to shelter home for women at Liluah Home for their safety and welfare. The victim women are still not repatriated to their home country. They are still detained and the criminal case started against them is also pending.





This was a complaint in continuance regarding detention of Bangladeshi women and children in West Bengal and accusing them under Foreigners Act, 1946. They treated as criminals and arrested under the Foreigners Act.

In connection with Swarupnagar Police Station Case no. 382/18 dated 24.07.2018 under section 14 of Foreigners Act the following Bangladeshi woman was arrested:-

(1) Ms. Nupur Bibi, wife of Shakil Khan, age- 26 years, residential address: - village-Kowakata, District-Barishal, Bangladesh.

In connection with Swarupnagar Police Station Case no. 402/18 dated 10.08.2018 under section 14/14C of Foreigners Act the following Bangladeshi women and children were arrested:-

(1) Ms. Pinki Sheikh, wife of Nahid Sheikh, age - 21 years, residential address - village-Habibpur, Police Station - Jagannathpur, District - Sunamganj, Bangladesh

(2) Ms. Nasima Sheikh, wife of Md. Kasem Sheikh, age-55 years, Village - Madhabasa, P.O. – Hamidpur, Police Station-Kalia, District-Norail, Bangladesh

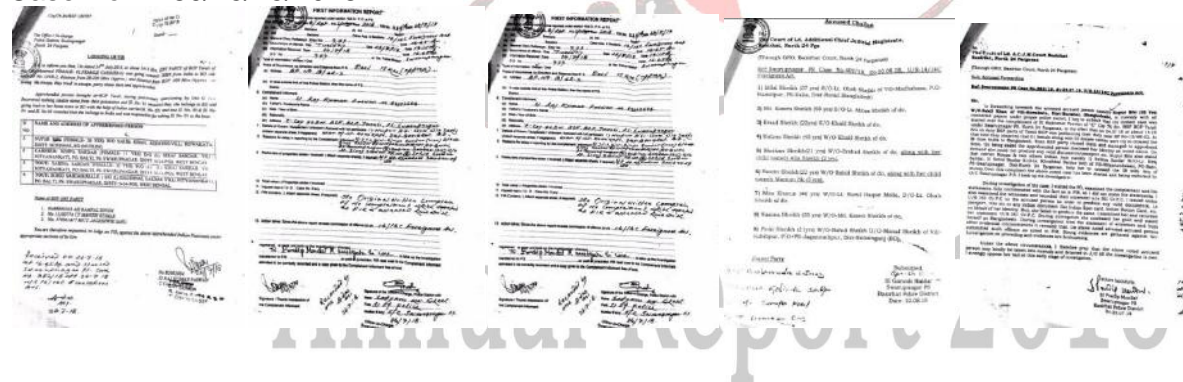
(3) Ms. Mira Khatun, wife of Late Nurul Haque Mollah age-46 years, Village - Madhabasa, P.O. – Hamidpur, Police Station-Kalia, District-Norail, Bangladesh

(4) Ms. Nasrin Sheikh, wife of Sahid Sheikh, age-22 years, Village - Madhabasa, P.O. – Hamidpur, Police Station-Kalia, District-Norail, Bangladesh along with her child Marium Sheikh (3 years)

(5) Ms. Muskan Sheikh, wife of Ershad Sheikh, age-21 years, Village - Madhabasa, P.O. – Hamidpur, Police Station-Kalia, District-Norail, Bangladesh along with her child Alia Sheikh (2 years)

(6) Ms. Halima Sheikh, wife of Md. Khalil Sheikh, age-45 years, Village - Madhabasa, P.O. – Hamidpur, Police Station-Kalia, District-Norail, Bangladesh

The police of Swarupnagar Police Station produced all of them before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas district. The court sent them to Dum Dum Central Correctional Home, for detention. The complaint has been registered by the National Human Rights Commission as NHRC Case No. 1789/25/15/2018.



Following Bangladeshi women and children entered India for the purpose of working in India as they are terribly poverty-stricken people with no jobs in Bangladesh. Most of them used to work as domestic help, construction worker and hotel workers in various locations of India. The victims were trying to return to their home in Bangladesh before Eid festival with the help of local touts, involved in cross border illegal movements (both side of the border), when they were arrested by the Border Security Force (BSF) personnel. Those touts / middlemen / DHURS are operating in connivance with border guards of both sides, India and Bangladesh. The Bangladeshi persons arrested were treated as accused under the Foreigners Act and no attempt has been taken up by the police or the concerned court to ascertain whether they were the victims of human trafficking or not flouting the advisory issued by the Government of India vide office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012.

In connection with Swarupnagar Police Station Case no. 441/2018 dated 27.08.2018 under section 14/14C of Foreigners Act the following Bangladeshi women were arrested:-

(1) Ms. Rahima Bibi, wife of Habibur Rahman Shekh, age-22 years, residential address:- village-Gawghora, Police Station-Bariaghata, District-Khulna, Bangladesh

(2) Ms. Jharna Bibi, wife of Matiar Rahaman Bhuiya, age-41 years, residential address:- village-Fakirabad, Police Station-Paikgacha, District-Khulna, Bangladesh

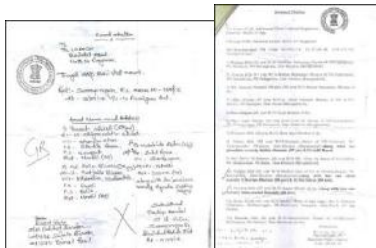
(3) Ms. Mala Begum, wife of Mr. Ujjal Biswas, age-20 years, residential address:- village-Bordia, Police Station-Naragati, District-Narail, Bangladesh

- (4) Ms. Rumana Bibi, wife of Mr. Nuri Alam Sardar, age-20 years, residential address:- village-Kurikawnia, Police Station-Ashasuni, District-Satkhira, Bangladesh
- (5) Ms. Najma Bibi, wife of Mr. Hossain Morol, age-50 years, residential address:- village-Gorkhali, Police Station-Koira, District-Khulna, Bangladesh along with her grandson Sabbir Hossain(age-07 years)
- (6) Halima Bibi, wife of Mafijul Gazi, age-30 years, residential address:- village-Kayabazar, Police Station-Batiaghata, District-Khulna, Bangladesh along with her two children Mariya Khatun(age-08 years) and Din Islam(age-04 years).
- (7) Ms. Fatema Bibi, wife of Mr. Sagar Shekh, age-30 years, residential address:- village-Kayabazar, Police Station-Batiaghata, District-Khulna, Bangladesh along with her son namely Mahamadul Hossain(age-08 years).

In connection with Swarupnagar Police Station Case no. 468/2018 dated 13.09.2018 under section 14 of Foreigners Act the following Bangladeshi woman was arrested:-

- (1) Ms. Murshida Akhter, wife of Mr. Sohel Rana, age-25 years, residential address:- village-Shankarpur, Police Station-Kotwali, District-Jessore, Bangladesh

The police of Swarupnagar Police Station produced all of them and others male persons arrested in connection with the above stated criminal cases before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas. The court sent them to Correctional Home for detention. The complaint has been registered by the National Human Rights Commission as NHRC Case No. 1820/25/15/2018.



Here are the details of two separate sets of arrests and subsequent detention of Bangladeshi women who entered India without proper documents as reported but in both these incidents, it was substantiated that these women have no connection with trafficking rather they entered India in search of their livelihood and for this purpose even duped by the traffickers.

#### First Case

In connection with Swarupnagar Police Station Case No. 569/18 dated 11.11.2018 under section 14 of Foreigners Act, the following Bangladeshi women were arrested:-

- (1) Ms. Parul Khatun (25 years), wife of Mr. Ayed Ali Mondal, residential address:- Village-Goyalmanda, Post Office- Jodhbazar, Police Station- Manda, District- Narga, Bangladesh .
- (2) Ms. Nasrin Khatun (25 years), wife of Mr. Rohul Kuddus, residential address:-Village and Post Office-Langaljhara, Police Station- Kolorowa, District- Satkhira, Bangladesh.
- (3) Ms. Ruma Khatun (25 years), wife of Mr. Motijul Sardar, residential address:-Village and Post Office-Langaljhara, Police Station- Kolorowa, District- Satkhira, Bangladesh

Arrested Bangladeshi women entered India in search of their livelihood as they are terribly poverty-stricken and in dearth of jobs in Bangladesh. All of them went to Mumbai, India in search of job. After working there for a certain period of time the victims were trying to return to their home in Bangladesh with the help of local touts having involvement in human trafficking (both side of the border) and during their return journey to Bangladesh, they were arrested by Swarupnagar Police from Bithari, Uchchapota a border-adjacent village in North 24 Parganas in the morning on 11.11.2018. On 11.11.2018, Swarupnagar Police produced them before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas. The said court sent them to Dum Dum Central Correctional Home, Kolkata for detention of 14 days and all the aforesaid Bangladeshi women are detained in the said correctional Home till date.

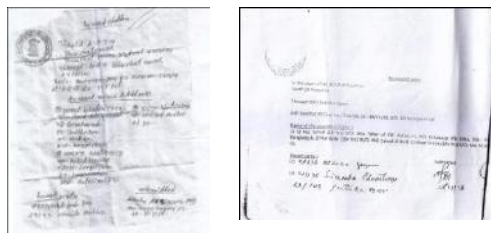
#### Second Case

In other incident police personnel of Basirhat Police Station arrested three Bangladeshi citizens including one woman on 17.11.2018 as reported by the local villagers but during the production of arrestees before the Court of Additional Chief Judicial Magistrate, the police fabricated the document of production and shown arrest in connection with Basirhat Police Station Case No. 716/18 dated 18.11.2018 under section 14 of Foreigners Act.

Details of the arrested woman in this case are as follows:-



(1) Ms. Nur Kyda (18 years, wife of Md. Sahed, residential address:-Village- Kutualam, Post Office- Koksabazar, Police Station- Ukia, District- Koksabazar, Bangladesh.



On 17.11.2018 Basirhat Police arrested the victims but showed the arrest and registration of the case on 18.11.2018 and produced her before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas on 18.11.2018. The said court sent her to Dum Dum Central Correctional Home for 14 days. In this incident also all the victim woman is under detention in the said correctional home till date. In both the cases, the Court of Additional Chief Judicial Magistrate; Basirhat sent the women to regular correctional home

instead of sending them to appropriate shelter home.

Following Bangladeshi persons who were arrested and arrayed as accused persons under section 14 of Foreigners Act; which is in violation of advisory issued by the Government of India vide office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012. In connection with Swarupnagar Police Station Case No. 479/18 dated 19.09.2018 under section 14 of Foreigners Act

(1) Ms. Khusi Khatun, Daughter of Mr. Nijam Shek, age- 29 years, residential address:- Village- Kushtia, Police Station & District- Kushtia, Bangladesh.

(2) Mr. Sojan Sekh, Son of Mr. Nijam Shek, age- 21 years, residential address:- Village- Kushtia, Police Station & District- Kushtia, Bangladesh.

(3) Ms. Priyanka Paul, Daughter of Late Anil Paul, age- 23 years, residential address:- Village- Sonadanga, Police Station & District- Khulna, Bangladesh.

(4) Ms. Rashida Banu, Daughter of Md. Asraf Ali, age- 19 years, residential address:- Village-Ketkibari, Post Office – Chilabati, Police Station – Domar, District- Nilphamari, Bangladesh.

(5) Ms. Salima Sekh, Wife of Mr. Sobuj Sekh, age- 35 years, residential address:- Village & Post Office – Duraj, Police Station – Sarsa, District- Jousore, Bangladesh

Swarupnagar Police, on 20.09.2018, produced all of them before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas. The court sent them to Dumdum Central Correctional Home, Kolkata for detention.

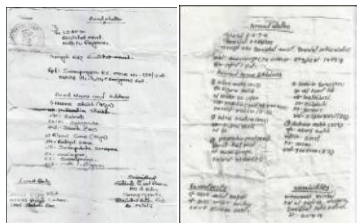
In another incident the same police station arrested one Bangladeshi woman and one Indian citizen in connection with Swarupnagar Police Station Case No. 557/18 dated 04.11.2018 under section 14 of Foreigners Act. Details of the arrested persons are as followed:-

(1) Ms. Nazma Sheikh, Wife of Late Ibrahim Sheikh, age-35 years, residential address:- Village-Beirati, Police Station & Post Office – Jigargacha, District – Jessore, Bangladesh.

(2) Mr. Rizaul Sana, Son of Mr. Rafikul Sana, age – 30 years, residential address:- Village-Swarupdaha, Sanapara, Post Office – Hakimpur, Police Station – Swarupnagar, District – North 24 Parganas, West Bengal, India.

The arrested Bangladeshi victims entered India with the purpose of working in India as they are terribly poverty-stricken people with no jobs in Bangladesh. The victims were trying to return to their home in Bangladesh with the help of local touts, involved in human trafficking (both side of the border), when they were arrested by Swarupnagar Police from Bithari, a border-adjacent village in North 24 Parganas at around 4:30 PM on 19.09.2018.

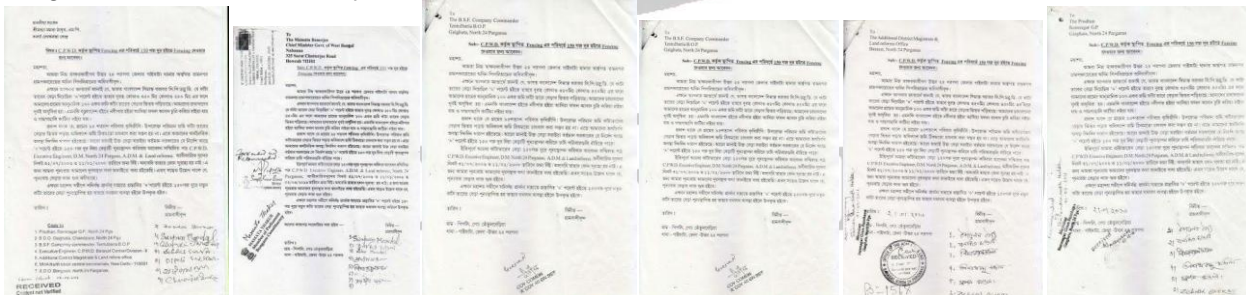
In the second incident, our fact finding reveals that Ms. Nazma Sheikh crossed the border and entered India on 03.11.2018 with the help of Mr. Tenali Gazi, Son of Mr. Akbar Gazi, resides at Hakimpur village under Swarupnagar Police Station. Mr. Tenali Gazi is the head of the trafficking chain of the area and he appointed Mr. Rizaul Sana, the arrested no.2 with an amount of Rs. 200/- to take Ms. Nazma Seikh from Hakimpur to Swarupdaha Bazar under Swarupnagar Police Station. Getting the news from source Mr. Milan, Civic Police under Swarupnagar Police Station apprehended them at Swarupdaha and called other officers of the said police station.



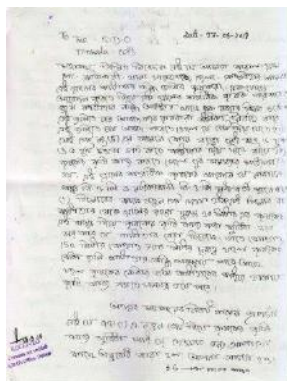
## **BSF Restriction:**

The population residing in the villages located at the Indo-Bangladesh border is subjected to regular harassment by the Border Security Force personnel in terms of their livelihood. Villagers having their property beyond the erratic international fencing face illegitimate restrictions from the BSF on a daily basis. MASUM made 13 such complaints to the NHRC during 2018, which are briefly described under:

The villagers of Pipli are constantly harassed by the Border Security Force (BSF) personnel of Pipli BSF - Border Outpost attached with BSF Battalion No.64 under Gaighata Police Station in North 24 Parganas District, West Bengal. The livelihood option is shrinking in the border areas of North 24 Parganas, West Bengal as the majority of the population depend on agriculture for their living whereas a few number of villagers earn their livelihood by fishing on the river Ichamati. The day to day lives of the people are with fear and deprivation with minimum guarantee for livelihood. In Indian part of the border majority of the people are living in penury without or minimum administrative or governmental deliverance. In this circumstances the posted BSF personnel creating hazards and hindrances for regular agrarian activities. The problem related with demarcation of border is one of the major issue to reckon with, so far no consolidated border has been demarcated and people has to cross over the fence or border out post to reach their agrarian fields for harvesting and cultivation. The fence is open for one hour twice or thrice a day and the villagers have to mortgage their citizenship identities to posted personnel of BSF during this time only. The administration or BSF are deciding the timings for entry and exit from their own land. BSF officials misbehave with women passing lewd comments with sexual content for fun and they cross the gate for cultivation. Due to this unjustified restriction, the poor farmers only cultivate the land as per B.S.F. prescribed timing and meeting financial loss. Even the Bangladeshi miscreants illegally enter the farm land and theft and damage their crop. Local people made demand that the fence must be constructed within 150 meters from the actual border line (zero point). Villagers of Pipli submitted their petitions to the Chief Minister on 19.12.2016, Local Member of Parliament on 12.04.2016, The Additional District Magistrate and Land Reforms Office on 02.03.2016, the BSF Company Commander, Tentulberia Border Out Post on 04.03.2016, The Block Development Officer, Gaighata and local Panchayat Pradhan on 02.03.2016 but in vain.



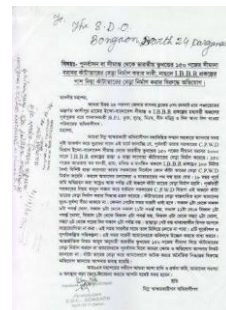
Due to the atrocities of Border Security Force personnel of Karola border outpost at Cooch Behar district, the villagers are unable to continue their agrarian activities. Most of the lands are owned by the villagers and they are dependent upon the lands for cultivation which is the main source of their livelihood. The villagers face illegitimate hindrance from posted BSF personnel at the Gate no-5, pillar no- 931(2) S for entry and exit of their farm lands beyond the fencing. It has been reported that the on duty BSF guards of said BOP deliberately stop the farmers near the gate and does not allow them to go to the other side of fencing with oxen and ploughs and even tractors and power tillers. Due to this unjustified restriction, their lands are not cultivated and they incur financial losses. The Karola BSF- BOP opens the gates thrice a day — between 7 am to 8 am, 12 noon to 1 pm and 4 pm to 5 pm — and the farmers who cross over the fencing to their paddy fields are supposed to return before 5 pm when the gate closes for the day. From dusk to dawn, these villagers are cut off from their farm land as the gates in the fencing are locked at 5 pm and open only at 7 next morning. During this period, their farm land and crops are in the hands of Bangladeshi miscreants and they take this as opportunity to loot the crops. Nearly three hundred acres of farm land of villagers are beyond the fence. There is no road at the village beside the



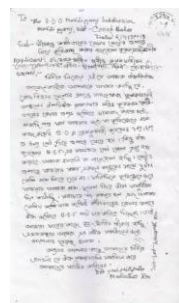


gate. On 27.03.2018 villagers of Karola submitted a mass deputation to Sub Divisional Officer of Dinhata demanding to build a new gate at adjacent to pillar number – 931(1). According to them is a new gate at border fence as suggested get operational; their harassment will be minimized. But till date the district administration failed to consult the villagers and take a decision for respite for the citizens. Our complaint in this regard has been registered as National Human Rights Commission case number 1705/25/6/2016-PF.

The villagers of Kasipur village under Police Station-Bagdah, District-North 24 Parganas have no respite from the continuous infringement committed by the BSF upon their right to life and livelihood. The villagers stated before our fact finding team that the barbed fencing and road under the IBBR project have been constructed within 150 meters from the actual Indo-Bangladesh border. Now the BSF has started constructing deep canal by using JCB vehicles alongside the road constructed under the IBBR project. As result the farming lands of the villagers are eroding into the canal under construction thereby causing destruction to their farming lands. Due to division of land of CPWD and farming lands, the path used by the farmers for carrying crops has been completely blocked. The farmers stated that they have requested the BSF authorities and local administration not to carry out any construction which would damage their farming lands, but they did not pay any heed to their request. Recently Central Public Works Department has decided to construct barbed fence at that area resulting the farming field being blocked to access. On 05.01.2018 the villagers of said village submitted one mass petition to Additional District Magistrate of North 24 Parganas, Zilla Parishad of North 24 Parganas, Sub Divisional Officer of Bagdah and Block Development Officer of Bagdah. Our complaint in this regard has been registered as National Human Rights Commission case number 256/25/15/2017-PF



s was to express grave concern over the pathetic situation of the villagers of 56 Hemkumari village whose life and livelihood are at peril. The Border Security Force (BSF) personnel of Hemkumari Border Out Post, Alpha Company vide Battalion Number- 61 are constantly perpetuating atrocious acts upon the villagers living along the Indo-Bangladesh border at 56 Hemkumari village under Kuchlibari police station, Coochbehar district of West Bengal. Erected fencing at border goes through the village. Reportedly in many places fencing was erected far inside the actual border line leaving vast agricultural lands of this area under the Indian territory at the other side of the fence. Most of the lands are owned by the villagers and they are dependent upon the lands for cultivation which is the main source of their livelihood. Most importantly those lands are used to cultivate 3 times in a year for its better fertility. There is three gates; Gate no-1,2 and 3 through which the villagers normally pass for entry and exit into the lands situated beyond the fencing. The villagers of 56 Hemkumari alleged that they face illegitimate hindrance from posted BSF personnel for entry and exit of their farm lands beyond the fencing.

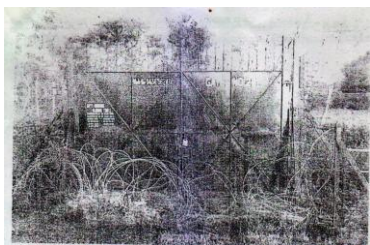


The villagers from Bhoram, Bhoram Poyosti, Ghughumari, Daribas 2nd Part villages under Block- Dinhata- I, Police Station- Dinhata, District- Cooch Behar are being deprived of their livelihood rights by the Border Security Force personnel. The populace is living in severe financial crisis as the poor, illiterate villagers do not possess any agrarian land and deprived of social security schemes. Nearly 700 families are living in these villages with nearly 2800 individuals. Among these 700 families, 300 families belong to Muslim community and 400 Hindus. Fishing is the primary occupation of the villagers in these villages. They formed one cooperative namely 'Gitaldaha Ancholik Matsajibi Somabay Samiti'. They took Gitaldaha water body by lease from District Land & Land Reform Office, Cooch Behar. For that reason they paid the annual lease rent amounting rupees 65100 to the District Land & Land Reform Office, Cooch Behar. The mentioned water-body is located 4-5 kilometers away from nearest Indo-Bangladesh border. Different Border Outposts are stationed and guarding the area; the BOPs are Gitaldaha, Narayanganj and Panchyadhogi. These Border Outposts are under 38 Battalion Number of Border Security Force. The Border Security Force personnel are stationed at least 5 kilometers inside the actual border and restricting, hampering and forcibly interfering on their daily fishing activities. Due to the surveillance of BSF personnel in speed boats, the seeds of fishes are being killed, many times the fishermen are obstructed in their work by those BSF personnel in the name of surveillance. When



the fishermen requested the BSF personnel to stop hindering their livelihood, they were driven out from the said Outpost. After not getting any way out, the anxious fishermen came out at the adjoining roads of the area to demonstrate their anxiety and pain. On 20.06.2018 they called for a road blockade and the main roads at village – Gitaldaha were blocked by them. After few hours of their road blockade, the Sub Divisional Officer of Dinhata Came and assured them that he will take measures to solve their issues. After his assurance fishermen called off their road blockade programme. On 21.06.2018 they submitted one written memorandum to the Sub Divisional Officer; Dinhata after a mass deputation met the SDO, Dinhata. They narrated all the problems regarding restriction on their occupational activities. They placed their demands to SDO; Dinhata, which were 1. Stop the erection of fence over the water body, 2. Stop using speed boats for surveillance at the water body and 3. Stop constant harassment of BSF personnel on the fishermen.

The complaint was on Border Security Force personnel's unjustified infringement of the livelihood rights of villagers living along the Indo- Bangladesh bordering villages. In this case the harassed villagers are from village- 104 & 102 Fulkadabri, under block- Mekhliganj, Police Station- Kuchlibari, District- Cooch Behar. On



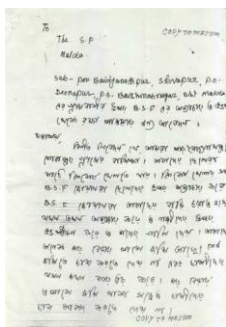
20.11.2017 the villagers submitted a written petition before the Sub-Divisional Officer, Mekhliganj Sub-Division, District-Cooch Behar stating their intense subjugation and problems which they are facing, but the administration is in usual stance of complete apathy towards the issue. There are two gates at the vicinity; Gate no.28 and Gate no.30 which the villagers use for going to their farming lands, which is situated inside Indian territory beyond the barbed fencing. The distance between these two gates is about two kilometres. Due to such long distance between these two gates the villagers face immense problem while going to their fields as they have to spent long hours to reach the gates as well as enter their lands after long verification of identity procedures at the gates by the BSF personnel. There is another gate; Gate no.29 in between the Gate no.28 and Gate no.30, but it is closed since the past two years. The villagers pleaded several times before the local BSF authority i.e. Tinbigha BOP of 45 BSF Battalion to open the Gate no.29 as it is convenient for them to enter into their farming lands through the Gate no.29 to save time and energy but the BSF authority did not pay any heed to their requests. The frustrated villagers submitted another memorandum on 13.06.2018 to the SDO redrawing his attention to the long standing grievance of the villagers but that didn't bring any solution as well.

The Tetulerchara (Suktar Bari) village, Block- Mathabhanga- I, under Police Station- Mathabhanga, Cooch Behar District, West Bengal is adjacent to the Indo-Bangladesh border. The families residing in this village and their homesteads are located in between Pillar Number- 879-880 under Tentulerchara Border Security Force's Border Outpost of Battalion-47. Their farming lands are located on the other side of the border fence and area of such farming lands are about 1000 *bigha*. They stated that they have been facing various problems under such division between their homesteads and farming lands by border fencing. The villagers can move to their farming lands only through the Gate no.1, but the said gates opens irregularly and at the whims of posted BSF personnel. The gate opens from 7am to 8 am in the morning, 12 pm to 1 pm at noon and 4 pm to 5 pm in evening. The BSF personnel purposefully waste about 10/15 minutes in the name of opening the gate. Then the BSF personnel would allow entry through the gate after verification, entry in registrar and deposit of photo identity proof. This process continues at snail's pace and as a result only few persons can enter into their farming lands through the gate. The rest of the persons return in utter despair as not being able to carry out their farming activities for the day even standing in queue. Then on the next day they had to take permission from the BOP and again have to wait for hours to get the permission. Sometimes the gate remains closed for the whole day. If the farmers ask the reason for not opening the gate, they are threatened by the BSF with dire consequences. The land behind the fence is situated under erstwhile Bangladeshi enclave namely Dhabalguri- I. Due to land dispute in erstwhile enclaves between India and Bangladesh, the demarcation of fence is fallen on the land which is situated at the mentioned erstwhile enclave. this agreement the mentioned erstwhile enclave is now property of India. So, the villagers earnestly requested to administration for shifting the fence. On 12.06.2018 the villagers of Tetulerchara (Suktar Bari) village submitted a written petition before the Block Development Office of Mathabhanga- I but the BDO, Mathabhanga- I did not take any action on the complaint.

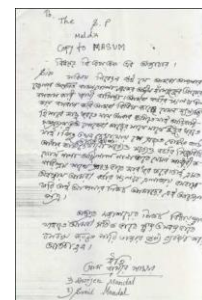




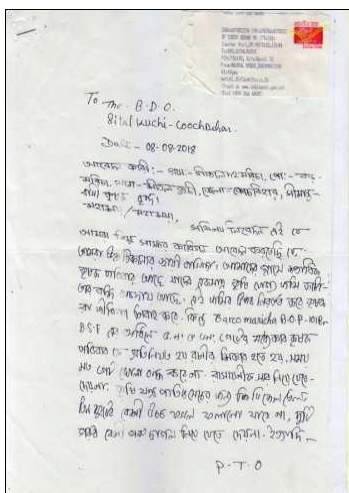
The villagers of Par Baidyanathpur village under Baishnabnagar Police Station in Malda district, West Bengal; are facing severe hindrance from the Border Security Force personnel under 'C' Company of 36 Battalion posted near the village. The phenomenon of erratic fencing is very normal throughout the Indo- Bangladesh bordering areas of West Bengal and causing immense infringement to the rights and freedoms of bordering populace. Villagers are often restricted to enter their own agricultural lands, which is situated beyond the barbed fencing by the BSF personnel posted there. On few occasions the perpetrator BSF personnel forced the villagers to do menial jobs at their camp and outposts for the BSF in turn to let them into their own agricultural fields. Some of the villagers were even beaten up by the BSF personnel for no particular reason. The villagers lodged a written complain to the Superintendent of Police of Malda, signed by more than 30 villagers, against the perpetrator BSF personnel of Chuanpur Border Outpost but no actions have been taken yet. Our complaint in this regard has been registered as National Human Rights Commission case numbers 1518/25/11/2018-PF and 1546/25/11/2018-PF.



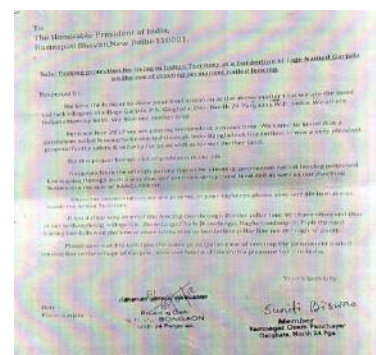
The Hanspukur Village under Bamangola Police Station in Malda district, West Bengal has overwhelming population of Schedule Tribes (aborigines) who used to fend their families through fishing at the water bodies adjoining the Indo- Bangladesh border. Further, they also hunt field rats and consume the flesh as food. For the purpose of their occupation and food habit everyday several villagers of Hanspukur have to visit water bodies and fields which are adjoining to the border. The fishermen have valid documents issued by Fishery Department and attested by the local self government; Panchayet, but the posted BSF personnel of 60 Battalion at the Hanspukur village are restricting their movements, harassing them in every pretext, bullying them and in many occasions torturing them physically. The villagers lodged a written complain to the Superintendent of Police of Malda, signed by about 25 villagers, against the perpetrator BSF personnel, but no actions have been taken yet. Our complaint in this regard has been registered as National Human Rights Commission case number 1501/25/11/2018-PF.



The poor villagers of Gitaldaha Maricha village under Shitalkuchi block of Cooch Behar district, West Bengal; are being continuously harassed by the Border Security Force personnel. Several villagers have agricultural lands on the other side of the border fence which is not erected in the actual border between India and Bangladesh or according to the international norms rather well inside the Indian territory which bifurcating the villages and habitation of the bordering populace in Cooch Behar District. It is revealed that the 101 Battalion of Border Security Force of Baromoricha Border Outpost is posted at Gitaldaha village and the posted BSF personnel often restricts the villagers to enter their own agricultural lands, which is situated beyond the barbed fencing. On few occasions the perpetrator BSF personnel forced the villagers to do menial jobs at their camp and outposts and in return let them enter into their own agricultural lands. The BSF personnel even beat the villagers without any particular reason. The villagers lodged a written complaint to the Block Development Officer of Sitalkuchi Block of District Cooch Behar, signed by 170 villagers, against the regular infringement and restriction by the BSF personnel of Baromoricha Border Outpost but no actions have been taken yet.



The villagers of Garjala village of Gaighata Block in North 24 Parganas district, West Bengal are in imminent despair in terms of their life and livelihood; caused by the decision of BSF to erect new barbed wire fencing through the Indo-Bangladesh border across the mentioned village. With the new plan of erection of new fence, a majority of the villagers will lose their uninterrupted access to their own agrarian land and many others will have to abandon their ancestral home and migrate elsewhere in order to survive. The village also has an adequate amount of agricultural land that produces up to three crops every year. Hence, the villagers are worried that erection of barbed wire fencing

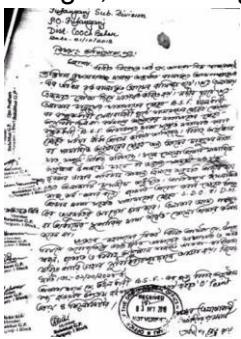
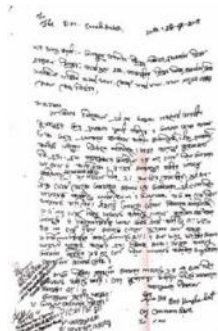
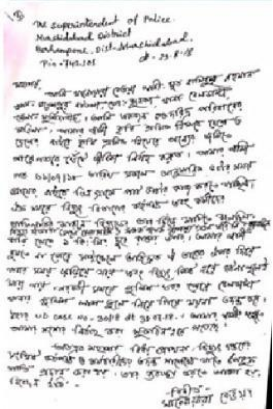


across the village, bifurcating dwellings and agrarian land and in few cases, even the dwellings from the actual village, will lead to a huge predicament in the occupation of the villagers. The process of setting up fencing through the Indo-Bangladesh border at Garjala village initiated during November, 2017, when few government officials came for an evaluation and survey of *Mouja* Number 107, Garjala. Under the circumstances the villagers appealed to all the various government departments to take required steps, so that the border fencing is erected at the vicinity of actual border near the International Border Pillar; adhering the international norms as it has been erected in the neighbouring villages like Jhowdanga, Chak-Jhowdanga, Raghunandanpur, Pipli etc. More than one hundred villagers signed the appeal and sent it to the President of India, the Prime Minister's Office, the Home Minister's Office, the Governor and Chief Minister of West Bengal, District Magistrate, North 24 Parganas, Sub-Divisional Officer, Bongaon, Block development Officer, Gaighata, Sabhapati, Gaighata Panchayat Samity, Block Land and land Revenue Officer, Gaighata and Proddhan of Ramnagar Gram Panchayat on 3<sup>rd</sup> July, 2018. Our complaint in this regard has been registered as National Human Rights Commission case number 1623/25/15/2018-AF.

On the morning of 31/07/2018 at about 5 am, **Mr. Hasibur Rahman**, resident of Maheshpur village, Post Office- Jhunka Police Station- Beldanga, District- Murshidabad, West Bengal, was on his way to the next village in his bicycle as he had engagement as land labour to cut jute sticks. At around one kilometer away from his house, in a sheer negligent manner, unprotected electric wires were hanging and laying in the ground. Minarul failed to notice the live wire and ran his bicycle over it and tangled with the wire. It was reported that Minarul was instantly electrocuted and died on the spot. On 23.08.2018, the wife of the deceased, Ms. Manoara Bewa, sent a complaint to the Superintendent of police, Murshidabad through registered post. She narrated the negligent attitude of West Bengal State Electricity Distribution Company Limited (WBSEDCL) and demanded for punitive measures against the involved officials of WBSEDCL and adequate compensation for her loss, as it was the duty of the electric supply authority to maintain the safety and security of the common people during their construction work but their negligence cost the life of a poor youth and exposed a marginalized family before tremendous financial hardships. But no reply is received till date. Our complaint in this regard has been registered as National Human Rights Commission case number 1768/25/13/2018.

The villagers of Tharaikhana village under Dinhata-II block, Sahebganj Police Station, Cooch Behar district, West Bengal; are regularly harassed by the 38 Battalion of Border Security Force personnel of Kurshahat Border Outpost. Several villagers have their residence on the other side of the border fence which is not constructed in the actual border or maintaining the international norms at border between India and Bangladesh. Villagers are regularly being restricted from free movement by the posted BSF personnel at the said area. On 18.07.2018 the villagers lodged a written complaint to the District Magistrate of Cooch Behar against the restriction imposed by the perpetrator BSF personnel of Kurshahat Border Outpost.

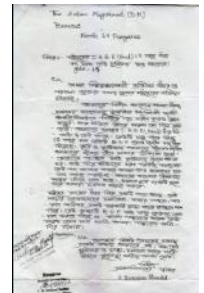
The poor villagers of Char Balabhut village under Tufanganj Police Station in Cooch Behar district, West Bengal; are being harassed by the Border Security Force personnel attached with "B" Company of 98 battalion posted at the Balabhut Border Outpost who are torturing the villagers and restricting their movement regularly. About 4000 Indian residents live in this village that is situated beyond the barbed fencing but almost 6 kilometers inside the Indian territory from the actual Indo-Bangladesh border. The villagers in order to enter their village have to cross the fencing gates guarded by the BSF and then take a boat ride to their village. As the village is situated on a delta and separated from the mainland by the river Kaljani as well as the barbed fencing, the villagers of Char Balabhut have to cross the fencing every time they need something from the mainland. But recently, the BSF personnel have started harassing every villager of Char Balabhut. The BSF personnel is checking documents of every villager while they are crossing the fencing and harassing them



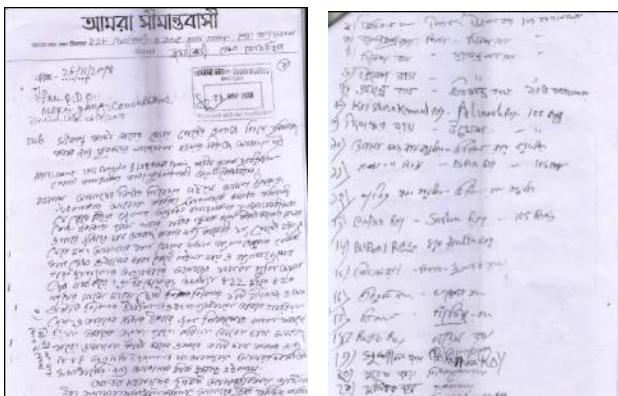


unnecessarily even if they have all the proper documents. The villagers lodged a written complain to the Sub-divisional Officer of Tufanganj signed by about 300 villagers, against the BSF personnel on 03.10.2018, but no actions have been taken yet.

The bordering populace living at Madhupur village, Bagdah Block and Police Station of North 24 Parganas District, West Bengal are unlawfully restricted and obstructed by the Border Security Force (BSF) personnel posted at Madhupur Border Outpost under 99 Battalion. In Madhupur village, around 1500 people live within 300 families in which only two families are dependent on job employment while the rest of the families depend on agriculture. This illegal obstruction makes the villagers helpless while they fail to cultivate their own agricultural land, which is the only option for their livelihood. BSF personnel is restricting forcefully local villagers for their movement on IBBR claiming that the road is their property and no one can use it without their permission. On 27.09.2018 the villagers of Madhupur submitted a mass petition to the District Magistrate, Barasat, North 24 Parganas attested by the Panchayat Member of 8 No. Bagdah Gram Panchayat stating their problems and requested to open the Gate No. 13 and to end the restriction but again the request undermined.



The villagers of 128 Bhotbari and 105 Bagdogra villages under Kuchlibari Police Station of Mekhliganj Block and Sub-division in Coochbehar district of West Bengal are being constantly harassed by the Border Security Force personnel attached with A Company of 148 battalion at Kaberi Border Outpost, by restricting their

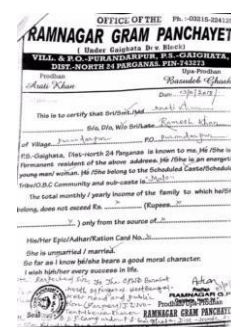


movement. About 200 families live in these villages and almost all of them have agricultural lands situated beyond the barbed fencing but almost 2 kilometers from the actual Indo-Bangladesh border, whereas BSF forces are posted inside the village, not in actual border line. The major problems faced by the villagers of this area are restrictions caused by the BSF while going into their fields for the purpose of agriculture on one hand, their crops being spoilt by Bangladeshi intruders and cattle on the other. Their field being situated beyond the fencing is one of the main constraints, why the villagers are unable to look after their crops. In the mean while, intruders and cattle from Bangladesh side are entering their fields and ruining their

crops. When they are complaining to the BSF in this regard, the BSF did not pay any attention to their words. Some of the villagers were even able to get hold of the Bangladeshi cattle that were ruining the crops and brought those to the BSF guards posted at the gates. The BSF guards didn't entertain the villagers rather yelled at them for bringing Bangladeshi cattle. For the record, the villagers of these villages have to work extremely hard to yield crops from their fields. The land in between border pillars number 422 and 423 doesn't have road access, so the villagers have to carry the harvested crops manually. The agricultural lands situated beyond the border fencing have limited access to water for irrigation; hence the villagers hardly manage agriculture in this area. It is a matter of discontent for the villagers to have lost all these hard works after their cultivated crops are being ruined by cattle or cut down by Bangladeshi intruders. Our complaint in this regard has been registered as National Human Rights Commission case number 82/25/6/2018.

The residents of Pipli Village under Gaighata Police Station of North 24 Parganas District, West Bengal are suffering as the Central Public Works Department (CPWD) is encroaching lands and roadways unlawfully to construct houses for Border Security Force (BSF) personnel. The village of Pipli is situated on the Indo-Bangladesh international border. Bangladesh is located on the east and north side and a water body is situated on the southern side of the village. Around 5000 people live within 1000 families approximately and majority of them depend on agriculture.

CPWD acquired land measuring 100 feet long in the year 1998 from local villagers for construction of road. Now CPWD is constructing buildings and concrete road for Pipli Kher Border Outpost (BOP) under BSF Battalion No.64. CPWD also made guard wall to protect the road



which is 3-4 feet high from the farmlands beside the said road. Due to the height of the said guard wall villagers are not being able to reach the road made by CPWD which is the only available option for commute between the village and farmlands. It is necessary to dismantle the 10-12 feet in width of the said guard wall so that villager can reach their farmlands or to construct a sloping overhead connector from the road made by CPWD to farmlands. Villagers of Pipli made mass petition on 03.10.2018 to the CPWD Engineer, Barasat, North 24 Parganas, West Bengal attested by Ms. Arati Khan, Panchayat Pradhan, Ramnagar Gram Panchayat and the local member of Panchayat requesting for the said sloping connector or any other alternative but the said authority did not pay any attention to their appeal till date.

### **Victimization of Bordering Populace:**

Villagers residing near the Indo-Bangladesh bordering areas are living life in severe pain as their life and livelihood is under constant threat from various sources. The most common threat in the Indo-Bangladesh bordering area is the erratic border fencing that serves as a bifurcation in between their life and livelihood. Villagers, who have agriculture as their main source for livelihood, are constantly harassed by the BSF posted at the border fencing. MASUM lodged 13 complaints to the NHRC in this regard, which are briefly listed as under:

The villagers of Char Banshgara, Harudanga, Durgapur, Char Borderpara, Shibnagar Dakhin Char Majhardiar villages under Kalinagar-I Gram Panchayat of Raninagar Block in Murshidabad District, West Bengal are deprived of proper road connectivity. These villages are bordering villages of Indo-Bangladesh border but not benefited till date from the fund of BADP (Border Area Development Programme) which is a Central Government Project. All development works such as establishment of government quarters, panchayat office, construction of roads were carried out about 15/20 kilometres inside from the Indo-Bangladesh border, but those villagers which are nearest (located within the 0-10 Km of the International Border) to Indo-Bangladesh border are deprived of development for years together. In rainy season the narrow soil paths they use for movement remain waist deep under water compelling them to confine themselves inside house. The farmers also face severe problems to carry crops to market to sell the farm produce and daily commuters such as school and college students everyday face difficulties in attending schools/colleges. Carrying patients as well as pregnant women to nearby hospital is arduous task due to the present poor road connectivity. The villagers reported deaths occurred many times on the way to hospital. The villagers on 14.11.2017 submitted a mass complaint before the District Magistrate, Murshidabad; the Prodhnan of Kalinagar-I Gram Panchayat; the Block Development Officer-Raninagar-II Block; the Sub-Divisional Officer, Domkal and Murshidabad Zilla Parishad stating the entire situation as stated above, but till date no action has been taken on the complaint. Our complaint in this matter registered as National Human Rights Commission's case number 321/25/13/2018.



The bordering villagers of North 24 Parganas district in West Bengal situated under Bagdah, Bongaon, Basirhat, Hasnabad and Hingalganj Blocks are being regularly harassed by the Border Security Force personnel by constructing border fence not in the actual border line but through the villages and habitation of the bordering populace. The Central Public Works Department (CPWD) constructed Border Road in the bordering area under the above stated blocks in the year 1998 but considering the fact of the habitation of populace including presence of vast agricultural lands, schools, primary health centers, markets, panchayat offices in between the actual border of Indo-Bangladesh border and the Border Road, CPWD did not construct border fence in so many areas. In North 24 Parganas district there are several rivers namely Ichamati, Kodalia, Sonai and so many canals which run in the bordering area and considered as the natural border between India and Bangladesh. In some areas there are land borders. Now BSF started to install Border Fence and Gate in some of those areas with barbed wire and somewhere even with bamboo sticks. They started to do such works of border fencing without considering the problems and opinion and consent of the local people. Moreover, BSF personnel maintain opening and closing of the border gates at their whims. The farmers also face severe problems to carry crops to market to sell the farm produce and daily commuters such as school and college students everyday face difficulties in attending schools/colleges



due to such whimsical installation of fencing. Carrying patients as well as pregnant women to nearby hospital has also become arduous task. The villagers have been waiting for proper redressal of their problems which is unheard till date. Our complaint in this matter registered as National Human Rights Commission's case number 802/25/15/2018.

The Border Security Force (BSF) personnel of Pipli BSF -Border Outpost of BSF Battalion No.64, under Gaighata Police Station in North 24 Parganas District; West Bengal are continuously infringing on the livelihood activities of villagers of Pipli village. It was revealed that the indiscriminate torture and harassment took place over innocent villagers' who are mostly religious minority Muslims at Pipli village. On 22.02.2018 the villagers submitted a written and signed petition to the District Magistrate of North 24 Parganas, but till date no response and corrective measure has been taken. The majority of the villagers depend on agriculture for their living whereas a few of them earn their livelihood by fishing on the river Ichamati. Due to no demarcated border line villagers have to cross over the fence or border out post to reach their agrarian fields for harvesting and cultivation. The administration or BSF are deciding the timings for entry and exit from their own land. BSF officials misbehave with women passing lewd comments with sexual content for fun and they cross the gate for cultivation. Farmers engage to cultivate, use pesticide and fertilizer to protect the crop but BSF officials obstruct them carrying any kind of fertilizer or pesticide. Farmers owning the land being harassed and restricted to visit their own land and even threatened and abused. Local people made demand that the fence must be constructed within 150 meters from the actual border line (zero point). Villagers of Pipli submitted their petitions to the Chief Minister on 19.12.2016, Local Member of Parliament on 12.04.2016, The Additional District Magistrate and Land Reforms Office on 02.03.2016, the BSF Company Commander, Tentulberia Border Out Post on 04.03.2016, The Block Development Officer, Gaighata and local Panchayat Pradhan on 02.03.2016 but in vain. Our complaint in this matter registered as National Human Rights Commission's case number 905/25/15/2018-PF.



**Bikash Mondal**, a migrant labourer from Hasanpur village under Ranitala Police Station of Murshidabad District, worked as construction worker in Greater Noida of Uttar Pradesh under a construction company namely Ashoka Buildcon Limited. On 07.03.2018 the victim fell from a four storied building at the construction site in Greater Noida while working as a construction worker under the said construction company. In a severe injured condition (poly trauma) he was admitted in a private hospital namely Kailash Hospitals Ltd. on 07.03.2018 at 11.27 hours for medical treatment. On the same day at 16.03 hours he expired in the said hospital. Later the post mortem examination on the body of the victim was held. However the family of the victim has no clue whether the police put any effort to find out whether there was negligence in safety measures at the place of occurrence from where the victim fell from height or any unnatural death case has been initiated or not. The



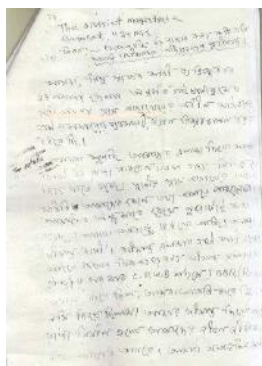
construction company under which the victim worked felt no obligation till date to pay the compensation amount payable under the present law to the family of the victim though he died in the course of his employment. Ms. Santana Mondal being the wife of the deceased victim submitted a written application before the District Magistrate, Murshidabad on 19.04.2018 through registered post seeking adequate financial support by stating the above mentioned facts and circumstances. However till date no action has been taken by the District Magistrate, Murshidabad on her application. Our complaint in this matter registered as National Human Rights Commission's case number 10922/25/30/2018.

Government of India supposedly took endeavour to strengthen the security of the border area and in this regard "Bharatmala" project has been taken up by the Government of India to curb down various crimes in border areas. But the people residing under Jhowdanga Gram Panchyat started showing their anguish against the possible land acquisition for the purpose of road construction under the aforesaid project. The people of the said gram panchayat fuming as the officials under the said project came to inspect the farming lands of various areas under Jhowdanga Gram Panchayat for the purpose of implementation of the project. They stated that they are not against the construction of road under the project but they are against acquisition of their farming lands which are capable of producing crops for three/four times a year. They stated that the project can well be executed by extending



both sides of Ramnagar Road. They also stated their concern that on the eastern side there is Bangladesh and they will be separated from the Indian main land if road is constructed under Bharatmala project by acquiring their farming lands. The people residing under Jhowdanga Gram Panchayat created a common platform namely "Jhowdanga Anchal Krishi Jomi Raksha Committee". The said committee conveyed their protest by stating the aforesaid problems to the Chief Minister, Government of West Bengal; the Block Development Officer, Gaighata, North 24 Parganas; the District Magistrate, North 24 Parganas; the Sub-Divisional Officer, Bongaon; the Prodhon of Jhowdanga Gram Panchayat and other authorities on 24.07.2017. But the Committee did not see any ray of hope after submitting the said written representation. Our complaint in this matter registered as National Human Rights Commission's case number 635/25/15/2018.

There has been a possible threat of land acquisition at an operational market area located near Indo-Bangladesh border in district North 24 Parganas, West Bengal for construction of road in connection with implementation of 'Bharatmala' project. The administrative authorities have started survey in large portion of the Indo-Bangladesh border area to demarcate and acquire land for Bharatmala project. It was revealed



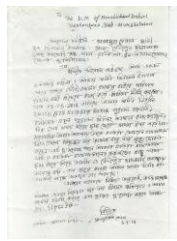
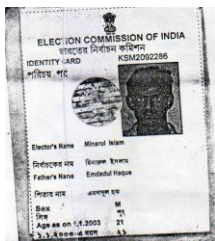
during the fact finding that there is a local market namely Jhaudanga Hat under Jhaudanga Gram Panchayat of Gaighata Block in North 24 Parganas District. The said market caters the daily needs of the local people of several villages located under Jhaudanga Gram Panchayat. The local people are also engaged in various jobs in the said local market being van-pullers, daily labours and shop holders. They have heard that the land of the aforesaid market place as well as the residential and farming lands of the villagers under Jhaudanga Gram Panchayat will be acquired for construction of road under the Bharatmala project. The villagers stated that the officials of the government had visited the area for several times and also conducted surveys. They are objecting to the acquisition of their lands as they strongly apprehend that it would jeopardize their life and livelihood. On 20.03.2018 the villagers submitted a mass

deputation before the District Magistrate of North 24 Parganas demanding immediate withdrawal of land acquiring move to protect life and livelihood of the affected area. The worried villagers have no option but to protest and which they have done by submitting mass deputation before the authorities. But till date no action has been taken on the deputation. Our complaint in this matter registered as National Human Rights Commission's case number 710/25/15/2018.

**Mr. Iliyas Seikh**, a migrant labourer from Char Ghugupara village under Islampur Police Station of Murshidabad District, West Bengal was engaged in a rubber factory in Kolkata by a labour contractor of the same area namely Mr. Haitul Seikh. On 23.02.2018 between 10.30am to 11am he accidentally fell from high height while working in the factory. He sustained grievous bone fracture injury. He was first admitted at Sagar Dutta Hospital, Kamarhati on 23.02.2018 at 11.42 am and from there he was shifted to and admitted at R.G. Kar Medical College & Hospital, Kolkata. He was discharged on 31.03.2018. The victim at present stays in his home. He is no more capable to do any work as he can't walk. He has no means to continue his medical treatment and support his three minor daughters. On 10.05.2018 the victim himself submitted a written application through registered post before the District Magistrate, Murshidabad seeking adequate financial support by stating the above mentioned facts and circumstances. However till date no action has been taken by the District Magistrate, Murshidabad on his application. Our complaint in this matter registered as National Human Rights Commission's case number 37/25/13/2019.



**Minarul Islam**, a migrant labourer from Benipur village under Ranitala Police Station of Murshidabad District,

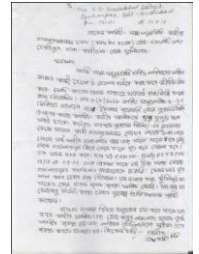


West Bengal was working as construction labour under a contractor in Howrah district in West Bengal. On 25.03.2018 he was working with others for demolition of an old and dilapidated building near Bangabasi Cinema Hall, Howrah under the jurisdiction of Howrah Police Station. But suddenly the roof of the building collapsed on his head and he sustained grievous injuries. He was taken to Howrah District Hospital where his death was declared. The contractor under whom the victim worked felt no obligation till date to pay any compensation amount to the family of the victim though he



died in the course of his employment. Ms. Sanjura Bewa being the wife of the deceased victim submitted a written application before the District Magistrate, Murshidabad on 03.05.2018 seeking adequate financial support by stating the above mentioned facts and circumstances. However till date no action has been taken by the District Magistrate, Murshidabad on her application. Our complaint in this matter registered as National Human Rights Commission's case number 1986/25/9/2018.

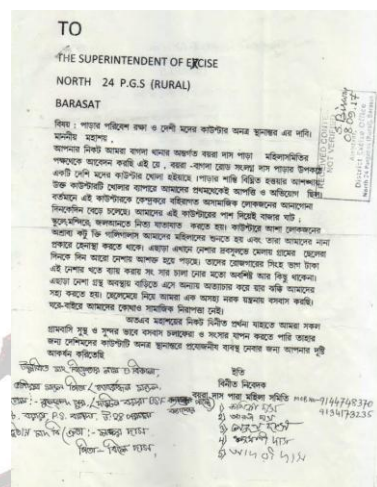
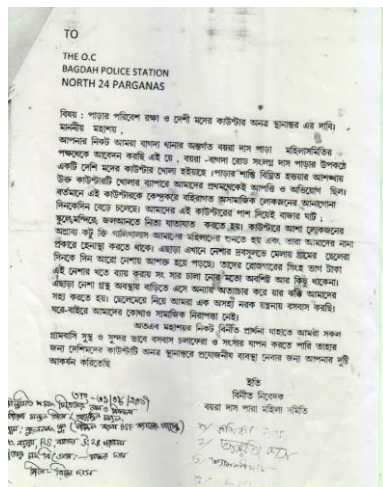
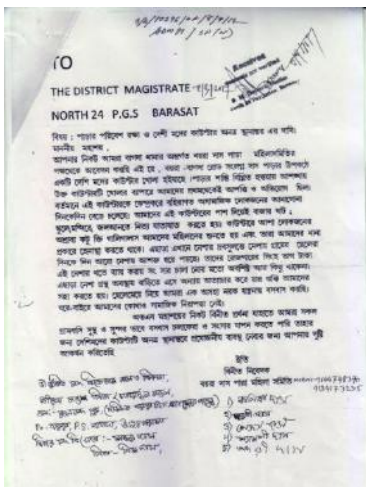
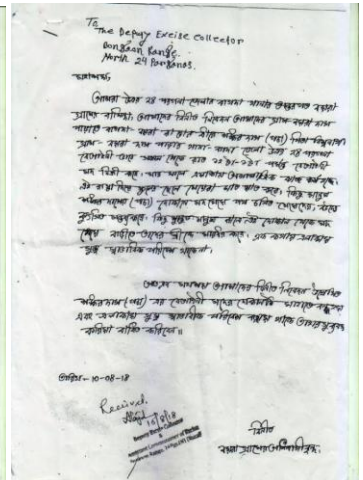
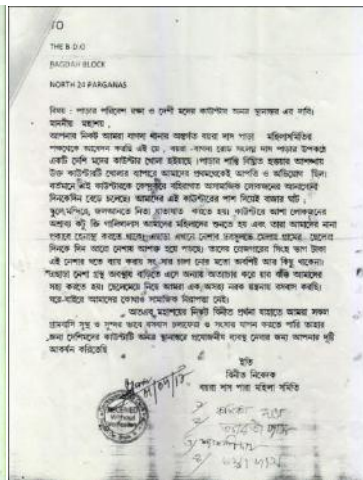
**Hasanur Jamal Sk.** of Dadmati village under Ranitala Police Station of Murshidabad District, West Bengal was working as construction labour under a contractor in Howrah district in West Bengal. On 08.08.2018 he was working with others for demolition of an old and dilapidated building at 12/A, Kailash Banerjee Lane under the jurisdiction of Bally Police Station, District-Howrah. On that day, the roof of the building he was working on, suddenly collapsed and he sustained grievous injuries. He was taken to Belur State General Hospital where he was declared dead. Over the incident of death of the victim, Bally Police registered one unnatural death case and after the post mortem examination his body was handed over to his family members. With the incident of the death of the victim, his family members came under acute poverty. The contractor or owner of the building felt no obligation till date to pay any compensation amount to the family of the victim though he died in the course of his employment. Ms. Sampa Khatun Bibi being the wife of the deceased victim submitted a written application before the Superintendent of Police, Murshidabad on 27.08.2018 through registered post seeking proper legal action and compensation by stating the above mentioned facts and circumstances. However, till date no action has been taken on her application. Our complaint in this matter registered as National Human Rights Commission's case number 1791/25/9/2018.



The villagers of Boyra Daspara village under Bagdah Police Station of North 24 Parganas District in West Bengal where villagers are facing problems with one illegal country liquor shop in the locality. The village is situated on the Indo-Bangladesh International border where most of the people are from socially and economically backward section. Excise Department, West Bengal previously issued license to sell country liquor to the vendor; Mr. Dulal Chandra Bala, son of Late Suber Bala who used to run his country liquor shop in the premises of Mr. Subodh Das, son of Mr. Nakul Das in Boyra Daspara village. Boyra Sammilani High School and various temples are located within 10-150 meters of the shop. Since the opening of the said liquor shop, local people including women and students have been protesting against set up of the liquor shop within community premises and educational institution for children. Because of the movement of local villagers Mr. Dulal Chandra Bala sold his liquor shop to one Mr. Brajeswar Mondal and Mr. Bhagirath Mondal, both are the sons of Mr. Gobardhan Mondal, Village Kulanandapur, Post Office-Boyra, Police Station-Bagdah, District-North 24 Parganas but the license is still registered in the name of Mr. Dulal Chandra Bala. Now both Mr. Brajeswar Mondal and Mr. Bhagirath Mondal run their business illegally because they do not have the license to sell liquor and to get rid of the protest of the villagers they appointed one local villager having criminal background; Mr. Subodh Das, son of Mr. Nakul Das at their shop.

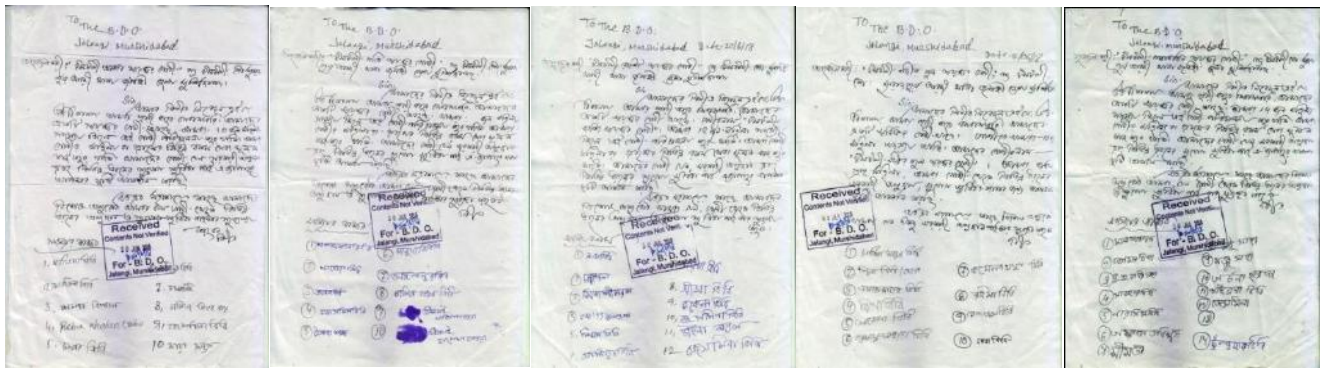
Boyra Daspara Mahila Samiti, one local women's group protested against the said liquor shop and lodged complaint with the signature of local women before the Superintendent of Excise, North 24 Parganas (Rural), Barasat on 08.09.2017 stating all the problems they faced and prayed to shift the shop elsewhere but till date the authority did not take any action. They also lodged complaint before the Sub Divisional Officer, Bongaon Sub Division, North 24 Parganas, the Officer In-Charge, Bagdah Police Station and Panchayat Pradhan, 9 No, Boyra Gram Panchayat on 31.08.2017 stating all the troubles they are facing but none of the authority took any action to close the said country liquor shop. Boyra Daspara Mahila Samiti also lodged complaint to Block Development Officer, Bagdah Block on 01.09.2018 and to the District Magistrate, North 24 Parganas on 08.09.2018 and prayed to shift the said country liquor shop but in vain. The villagers of Boyra Daspara lodged mass complaint to the Excise Collector, Bongaon Range, North 24 Parganas on 10.08.2018 describing all the nuisance they are facing but the authority did not take action against the owner of the said country liquor shop.

Due to the protest of the local people Mr. Dulal Chandra made his declarations on a non judicial stamp paper on 18.02.2018 by putting his own signature that due to the country liquor shop the environment of the village is deteriorating. He also declared that all the people associated with the said liquor shop including him will close their business within 30.05.2018. Mr. Brajeswar Mondal also made his declaration on a separate non judicial stamp paper by putting his signature that he will close his shop between the time period of 03.06.2018 and 03.11.2018. Despite that, the shop is running at present. The related administrative departments have not taken any measure to close the shop.



The erosion affected population of Murshidabad district of West Bengal is being continuously marginalized with specific hardship of women and their struggles for economic and social upliftment without any governmental support, which they requested for. Keeping in mind the varied obstacles in eroded agrarian villages in Char area (alluvial plain) of Murshidabad, the women of these villages formed self-help groups in the said locality. Though, a village near river bank was rich in fishery and cultivation but due to subsequent spates of erosion of the river Padma; village folks lost their cultivable land, dwellings, livestock and normal financial arrangements. A large section of populace lost their livelihood and was forced to opt for internal and external migration. As river Padma changed its route and course, submerged villages converted to Char. A section of displaced villagers came back and resettled in these barren emerged islands. Village Taltoli under Jalangi Block and Police Station of murshidabad district of West Bengal experienced the same cruelty of nature and further pushed to the brink of destitution due to governmental apathy and neglect. Deprived from the normal administrative facilities under different social security schemes (SSS); women folks of the village formed self help groups to address few core issues of economic stability and social malice. Women self-help groups like 'Taltoli Padma Bhargon Swyombhor Gosthi', 'Taltoli Nadir Kul Swyombhor Gosthi', 'Taltoli Rashi Swyombhor Gosthi', 'Taltoli Goti Swyombhor Gosthi' and 'Taltoli Asha Swyombhor Gosthi' under Jalangi Block and Police Station of Murshidabad district of West Bengal mainly worked on women empowerment but till date they have not received any governmental assistances which are sanctioned under respective schemes of National Mission for Empowerment of Women. On 20<sup>th</sup> June, 2018 above mentioned SHGs submitted written applications to the Block Development Officer, Jalangi and requested for requisite assistance and support. Though there are comprehensive schemes from the local, state and national administration to support these self help groups, but these women groups from the mist of under developed socio- economic status has not received and requisite support.





## **Victimization of Enclave Dwellers:**

Enclave dwellers from erstwhile Bangladeshi enclave have become a part of the territory of India as the Land Boundary Agreement became functional on the 31<sup>st</sup> July, 2015. Since then almost 3 years have passed but the residents of erstwhile enclaves are being treated inhumanly. The residents of enclave are yet to receive their citizenry rights as well as devoid of several developmental works of the government. MASUM made 45 complaints to the NHRC during 2018 showcasing how the enclave dwellers are being victimized. Brief account of these complaints are listed under:

**14** number Dhaoalsati enclave was a Bangladeshi enclave and after the execution of the Land Boundary Agreement (LBA) the enclave became a land within the territory of India. At present within the jurisdiction of Dinhata Police Station, District-Cooch Behar, West Bengal. The farmers cum residents of the said enclave said that even after making written representation for last two years to the administration they are deprived of adequate roads, pumps for irrigation, electricity and sanitation. They also complained that there is also no facility on education, health and other basic community services from the administration. No work has been done for agricultural development there, the farmers complained except two solar pump with electric connection which nowhere near to their requirements. On 20th November, 2017, the residents of 14 no Dhaoalsati enclave submitted a mass-petition before the Sub-Divisional Officer, Mekhlignuj urging materialization of their demands.

The dwellers of erstwhile Bangladeshi enclave of Karola under Dinhata II Block made complaint as rights and social security entitlements are not delivered to them after more than 3 years of execution of LBA. The villagers live on agriculture and their economical condition is not well. 84 numbers of persons till date not received the JOB CARDS which is required to get daily wage engagement under Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). The aggrieved made several visits to the Nayerhat Gram Panchayet but in vain and made applications for the job card with others; though a section of the population received the cards but a sizeable section till date not received the same. On 2nd August 2016, they made written applications to the Block Development Officer; Dinhata II Block and subsequently MASUM made an application before the District Magistrate of Coochbehar on 20th October 2016 but till date no appropriate action has been taken. Till date, the district administration has neither made any reply nor taken any corrective measures. Due to unavailability of work and livelihood, many of them are being victims of enforced and unsafe migration and forced to migrate at different parts of the country. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 174/ 25/6/2018.

The complaint was on the problems of the villagers residing under 104 Fulkadabri and 102 Fulkadabri Gram-Sabhas, Block-Mekhlignanj, Police Station- Kuchlibari, Cooch Behar district, West Bengal. The villages are adjacent to the Indo-Bangladesh border. The homesteads are located inside the border fence installed by Border Security Force (BSF) and a result their farming lands are located other side of the border fence. There are two gates being Gate no.28 and Gate no.30 which they can use for ingress and egress to their farming lands located outside of the border fence. The distance between those gates is about two kilometers. Due to such long distance between those two



gates they face severe difficulty in carrying out their farming works. Every day long time is being spent on reaching to the gates, then completing verification at the gates of their identity by BSF personnel and finally reaching to their farming lands and vice versa. BSF personnel allow entry through the gate only after verification such as entry in registrar and deposit of photo identity proof. This process continues at snail's pace and as a result only few persons can make to enter into their farming lands through the gate. The rest of the persons return in utter despair and mental trauma not being able to carry out the farming for the day even standing in queue.

The complaint was on an incident of medical negligence and non deliverance of medical attention to a middle aged woman; who came to India with her family, after the signing of instrument between India and Bangladesh. After 31st July 2015 when Land Boundary Agreement became functional 958 erstwhile enclave dwellers from different erstwhile Indian enclaves (situated inside Bangladesh territory) came to India. They left all their movable and immovable property behind. After reached here they were settled in 3 rehabilitation camps situated in Dinhata, Mekhliganj and Haldibari in Cooch Behar district. Mrs. Annabala Roy; wife of Mr. Ranjan Roy aged about 35 years came to India with her husband and only son and settled at Haldibari rehabilitation camp room number – A3. Her husband Mr. Ranjan Roy was working as daily labor in Bangladesh. After settling here they faced numerous hardships like insufficient ration, contaminated drinking water, medical negligence etc. They had no idea about their permanent rehabilitation and compensation schemes; planned by the government of India or West Bengal provincial government. After few days from their entry to India; Mrs. Annabala Roy fell sick. She was not provided with any medical care at medical unit situated at Haldibari rehabilitation camp because most of the days the unit was running without any doctor or nurse. When her health condition was deteriorated, her husband took her at Shiliguri General Hospital. At that hospital doctors diagnosed the she was suffering from breast cancer and needs an immediate surgery. After coming back to Haldibari Camp; Mr. Ranjan Roy; husband of the deceased, narrated the situation these to the medical unit at the camp. The attending medical professional suggested him to take her to Bangalore for surgery but shown their inability to extend any financial assistance. Mr. Ranjan Roy was living in penury and did not have required amount for the surgery. He visited Block Development Officer of Haldibari and requested for financial help. Without helping him the BDO suggested him to visit office of the District Magistrate of Cooch Behar. Mr. Roy went to Cooch Behar to meet the District Magistrate but he did not have the chance to meet him after a day long wait. Mr. Roy then borrowed some amount of money from his neighbor and took his wife to Bangalore for surgery. On 28.10.2016 the surgery was performed but attending doctor opined that cancer cells were spread to other organs of her body due to delay. So she needs an immediate chemotherapy which required a big amount. Mr. Ranjan Roy does not have any idea that how he will continue his wife's treatment.



**Karola** - I an erstwhile enclave situated under Police Station – Dinhata, District- Coochbehar. After three years from execution of LBA, some officers of Public Health Engineering Department surveyed and decided to dig



26 deep tube wells on that erstwhile enclave and decided to identify 26 specific locations where those tubes well would be installed. After discussing among themselves, the dwellers of said erstwhile enclave gave a list where 26 locations were mentioned. After the submission of list till date only 22 tube wells were installed in listed places but 4 tube wells are not installed. The most important thing is after 3 months of installation, all 22 installed tube wells are not functioning. Number of times the dwellers complained to the administration but they did not pay any heed on this matter. For more than 6 months the installed tube wells are not functioning; as

a result the dwellers facing an acute water scarcity at the said erstwhile enclave. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 932/25/6/2018/OC

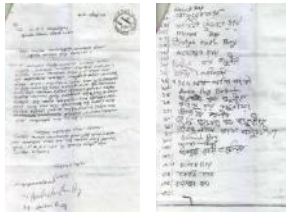
After 68 years of independence of India, Land Boundary Agreement (LBA) was executed in both India and Bangladesh. Just after the execution of Land Boundary Agreement, Government of India assured them for all kind of social development and benefits of social security schemes which is being earmarked for a citizen of this country. After almost a year passed from the LBA execution, the developmental works have been started at erstwhile Bangladeshi enclaves at snail pace. Till date the erstwhile enclave dwellers devoid with any single social security scheme. This picture is almost same at every erstwhile Bangladeshi enclave. The complaint elaborated the problems of drinking water at Nalgram, Falnapur, Jongra erstwhile enclave situated at





Subdivision- Mathabhanga, District – Cooch Behar.

The complaint was on constant marginalization of erstwhile enclave dwellers who are still suffering for their human rights violation. In the month of January of 2016 the officials from land revenue department started survey of lands in erstwhile Bangladeshi enclaves. For the same reason they visited to Chit-Balapukuri situated under Mekhliganj Police Station, District – Cooch Behar. During the land survey the residents of the mentioned erstwhile enclave dwellers noticed that the officials not surveyed the land situated at southern side of the enclave; where 25-30 families are living and area of the land which was not surveyed was more than 160 *bighas*. The residents asked the reason of their purposeful delinquent land survey. The officials replied that the particular portion of land was not mentioned in their map.



After 14 months from the survey done, the erstwhile enclave dwellers made a mass representation to the Assistant District Magistrate and District Land and Land Reform Officer on 16.03.2017. The actual land owners who possess the land which was not surveyed are living in deep uncertainty and agony. They feared that the Government of India is trying to deprive them from their land.

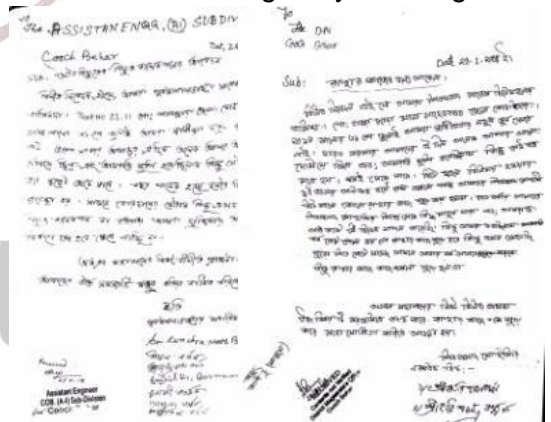
Constant humiliation and Human Rights violation of erstwhile enclave dwellers living in India became routine. After Land Boundary Agreement (31st July 2015) Government of India assured them all citizenry benefits and facilities as other Indian citizen. It was also promised that the erstwhile enclave dwellers will be included in all social security schemes. In every aspect of citizenry rights and institutional deliverances; the enclave dwellers are being neglected and not included in development process.

#### Purba Mashaldanga

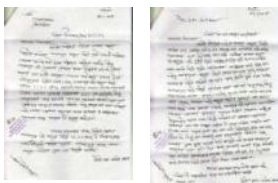
In the month of June of 2016 Government officials installed solar pump. This solar pump was installed for irrigation purpose and to cater water requirement in agricultural lands of this erstwhile enclave. During the installation of pumps, the officials assured the residents that 30-40 *bigha* of agricultural land will be benefitted. They also informed that the pump will be functional through solar energy. After installation when the pump became functional, the erstwhile enclave dwellers noticed that water was reaching only 4-5 *bigha* of agricultural land. But they found that the pump is not catering the area of land as expected. Only few electric poles were installed at the area. Those poles are without any wire.

#### Shibaprasad Mustafi

Shibaprasad Mustafi is an erstwhile Bangladeshi enclave situated in Block- Sahebganj, District – Cooch Behar. Before the execution of Land Boundary Agreement, residents of this erstwhile enclave used to dump soil once in a year at the road for their movement. After almost 3 years of the agreement till the area is without any road which is communicable. In case of drinking water the situation is more critical. At first the Government officials declared that one water tank will be constructed at the mentioned erstwhile enclave but in real terms they constructed the tank outside the mentioned erstwhile enclave. The district administration installed little deep tube wells at that area but after 4-5 months, most of the tube wells were not functioning. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 755/25/6/2018

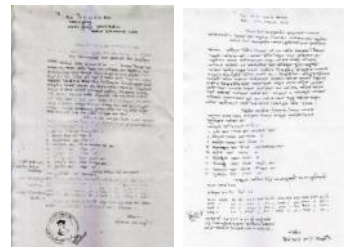


Kachua erstwhile enclave is one of the Bangladeshi enclaves under block- Dinhata-II, Police Station – Sahebganj of Cooch Behar district. Approximately 350 families are residing here and are deprived from road connectivity with its neighborhood. Before the agreement those dwellers used to dump soil every year and during monsoon clogged by sticky mud. After the agreement the affected erstwhile enclave dwellers hope that government will take necessary steps for overall development and their woes would minimize but after more than 2 years administration did not take a single step to construct and repair

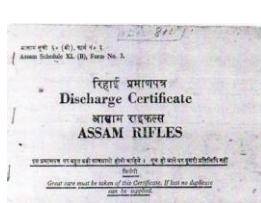


roads for better connectivity. After execution of LBA, Government of India announced to build primary health center and ICDS center at every erstwhile Bangladeshi enclave. Crores of rupees are allotted for this purpose but till date residents of mentioned erstwhile enclave have to walk almost 2-3 kilometer for any medical assistance. At least 70-80 lactating children are living with a good number of pregnant women but without any ICDS center. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No.

Mr. Dhaneswar Roy Basunia who lived in Bangladeshi erstwhile enclave Balapukuri situated at Block-Mekhliganj, Police Station – Kuchlibari, District – Cooch Behar. The land owned by the erstwhile Bangladeshi enclave dwellers are now being property of the Indian Government. Though the Government of India has promised that the land will be transferred and handed over to the erstwhile enclave dwellers after some due procedure will done. Mr. Dhaneswar Roy Basunia got the rights of his land from his grandfather Late Sashikanta Roy Basunia. He possessed all the land documents regarding this land but few others claimed the rights of the land. The victim protested their unlawful claim and showed all land documents to the officials. On 16.03.2017 Mr. Dhaneswar Roy Basunia submitted one application to office of Additional District Magistrate, District Land & Land Reform Officer of Cooch Behar, District Magistrate of Cooch Behar, Office of the Sub Division Land & Land Reform Officer of Mekhliganj, Office of the Block Land Reform Officer of Changrabandha, Block Development Officer and Sub Divisional Officer of Mekhliganj, where he attached the copy of his land document and requested before them to re- survey the piece of land. Almost 1 year passed, not a single Government official visited at his land. Victim is apprehending that he might lose his right upon his ancestral land as the persons falsely claimed ownership are mighty and influential. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 831/25/6/2018



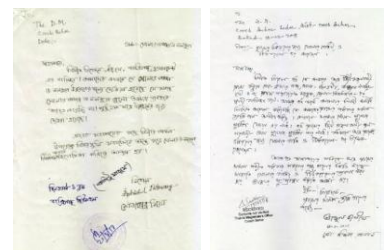
The complaint was regarding a person from marginalized section, who lost his job due to his identity as erstwhile enclave dweller. He was recruited by the Assam Rifles but he was terminated. Though 51



Bangladeshi enclaves were situated in this country but the dwellers of those erstwhile enclaves were in “Personae non grata” status. They did not possess the citizenship of this country. Mr. Pabitra Roy is the resident of one erstwhile Bangladeshi enclave namely Balapukuri, situated at

Village – Balapukuri, Block- Changrabandha, Police Station- Kuchlibari, District- Cooch Behar. From 1968 he resided at that place. He was unable to go any Indian school for education with his identity as enclave dweller, but he get admitted in one of the school situated at nearest Indian village hiding his proper address. On 1989 Assam Riffles published one recruitment notice. He applied for the job. He went to Shalugara at Siliguri for physical and medical test. After clearing all hurdles he got the appointment letter. On 21.07.1989 he joined Assam Riffles camp situated at Siliguri. After few months he was transferred to Dimapur for 10 months training. After completing the training he came back to Siliguri and took a leave for 7 days to visit his home. At that time on 07.08.1990 he received termination letter from Assam Riffles.

The complaint was on deprivation of erstwhile enclave dwellers from institutional benefits. They were not allowed or not included in education, medical treatment, ration and other social security schemes. The dwellers of 51 erstwhile enclaves were promised to get citizenship and other benefits of social security schemes but till date the deprivation continuing. Batrigach and Kachua are two erstwhile Bangladeshi enclaves devoid with proper water facility. PHED constructed two solar pumps for agricultural requirement of water and few deep tube wells for requirement of drinking water. At the time of construction the PHED said that approximately 40-50 *bighas* of land would be catered for irrigation through these solar pumps but after few days from installation of solar pumps, the dwellers found that only 4-5 *bighas* of land was getting water through the newly installed solar pumps and after 5-6 months most of the tube wells were not functioning.



Kachua erstwhile enclave situated under Post Office – Kumarganj, Police Station – Dinahata, District – Cooch Behar and without any medical facility available in the vicinity like all other erstwhile enclaves. The only health facility available is at Najirhat Rural Health Center; which is nearly 5 kilometers away from the said erstwhile enclave. The said erstwhile enclave is inhabited by nearly 200 families. On 13.03.2018 the dwellers this erstwhile Bangladeshi enclave submitted one mass deputation to the District Magistrate of Cooch Behar. They stated that till date, Government has not built any primary health center and ICDS center at the mentioned erstwhile enclave. There are number of





children and pregnant women and lactating mothers are living at that area. For immunization, preliminary health checkup for pregnant women and other medical needs, dwellers have to travel 5 kilometers to visit the primary health center at Najirhat through dilapidated road as constructional work of road is stopped in halfway. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 858/25/6/2018

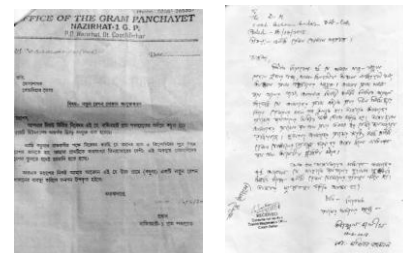
Balapukuri is situated under Block- Changrabandha, Police Station and Post Office- Kuchlibari, District- Cooch Behar. Public Works Department (PWD) acquired land and orchards owned by the erstwhile enclave dwellers. Mr. Aswini Roy Basunia and Mr. Dhaneswar Roy Basunia are two dwellers of the said enclave, who lost their property for the said construction of roads. 7- 8 trees, 1 bamboo bush, 3 Decimal of land from Mr. Aswini Roy Basunia's property and 22 trees and 4 Decimal of land from Mr. Dhaneswar Roy Basunia's property. The total valuation of these properties is around 2 lakh 50 thousand rupees as claimed. The owners of these properties were not willing to handover the said property to the PWD for road construction and requested for an amicable solution after discussion; which was ignored by the PWD and administration. On 09.01.2017 and 10.01.2017 Mr. Dhaneswar Roy Basunia and Mr. Aswini Roy Basunia sent applications demanding compensations at the office of Sub Divisional Officer, Mekhliganj.

The complaint drew the attention on the aged women persons and widow and excluded from widow pension. They are not getting widow pension and other benefits under the government schemes in spite repeated applications before the administration. The administration is silent in giving them proper relief. Moreover these women are the erstwhile Bangladeshi enclave dwellers of Nalgram, Falnapur, Jongra, situated under Mathabhanga Sub Division, Sitalkuchi Block, Cooch Behar District. On 13.12.2017 and 17.05.17 they applied individually before Social Welfare Department of Government of West Bengal and Block Development Office of Sitalkuchi Block respectively. But till date no action has been taken by any of the above stated authorities. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Cases No.996/25/6/2018 and 1122/25/6/2018.

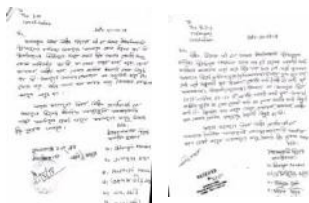
It is reported that dwellers from almost each and every erstwhile Bangladeshi enclaves are complaining about non fulfillment of social development and institutional upliftments in their area. This complaint was for raising these issues at three erstwhile enclaves namely Nalgram, Falnapur and Jongra situated at Sub Division- Mathabhanga, District- Cooch Behar; the women of those mentioned erstwhile enclaves formed a group namely *Pramila Bahini*. This group submitted one complaint to the office of District Magistrate on 28.03.2018 and attracted the situation of roads which are not even commutable for pedestrians. The construction work for roads has not started yet. In monsoon season the situation of roads are deteriorated further in a manner that no one can move easily and reach the facilities; which are essential for the dwellers. No vehicles can move at that time. Even a patient having medical emergency has to walk 1-2 kilometer to hire any vehicle to reach hospital or health center.

The erstwhile enclave dwellers of Nalgram, Shatimari, Falnapur, Jongra situated under Block- Sitalkuchi, Sub Division- Mathabhanga, District- Cooch Behar submitted one mass application to District Magistrate of Cooch Behar on 28.03.2018. On that representation they complained that after 3 years of Land Boundary Agreement, they are still waiting to get their Schedule Caste certificates. A sizable section of populace in erstwhile Bangladeshi enclaves is belonged to —Rajbanshill community. This community is listed as Schedule Caste community in state listing of West Bengal Schedule Caste (List is attached with this complaint). In the guideline of West Bengal Schedule Caste and Schedule Tribe (Identification) Act, 1994 this is noted that the Schedule Caste certificate will be issued to them without any delay, who are identified as member of Schedule Caste community and applied for the same. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 1919/25/6/2018.

Dakshin Mashaldanga, Madhya Mashaldanga and Purba Mashaldanga under Shalmara Gram Panchayat and Paschim Mashaldanga and Kachua under Najirhat Gram Panchayat erstwhile enclaves are situated under Dinhata Police Station in Cooch Behar District of West Bengal. Lives of the dwellers are still dismal with constant neglect. Around 5000 people live in aforesaid erstwhile enclaves including around 3000 Ration Card Holders but they have not a single Ration Shop in the entire area. The nearest Ration Shop is nearly 4 kilometers away from the said erstwhile enclaves and the dwellers have to travel this far regularly to get facilities of Public Distribution System. A team from Food and Civil Supply Department visited at Kachua erstwhile enclave for survey and advised erstwhile enclave dwellers to make an application to the District Magistrate, Cooch Behar through the Panchayat Pradhan on his letterhead mentioning the number of ration card holders. On 13.04.2018 the dwellers of the said erstwhile enclaves lodged complaint according to the advice but no action has been taken by the authority till date, the duty bearers are only shirking of their responsibility. This inaction by the administration is infringing the basic object of National Food Security Act (NFSA) 2013. The NFSA seeks to make the right to food a legal entitlement by providing subsidized food grains to nearly two-thirds of the population. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 929/25/6/2018.

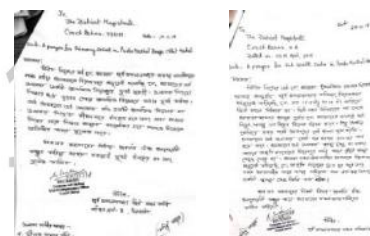


This was on the pathetic condition of about 100 people from 25 families residing at Uttar Banshjani erstwhile enclave under Dinhata Police Station, District-Cooch Behar, West Bengal. The members of these families were victims of wrong survey report made by the district administration, Uttar Banshjani erstwhile enclave was recently merged with Purba Mashaldanga erstwhile enclave in Shalmara Gram Panchayat under Dinhata - II Block, instead of Balarampur - II Gram Panchayat under Tufanganj - I Block, both the blocks are under Cooch Behar district. Since then even after three years the situation is remain unchanged. The families are still deprived from enjoyment of equal liberty and opportunities as rest of the citizens of India. Few persons got voter identity card but



their addresses in the voter cards were wrongly recorded as Purba Mashaldanga instead of Uttar Banshjani. People of those 25 families do not have Adhar Card or Ration Card till date. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 2013/25/6/2018.

Purba Mashaldanga is one of the erstwhile Bangladeshi enclaves out of 51 other such enclaves. After 3 years of the execution of Land Boundary Agreement still the mentioned erstwhile enclave is devoid with any societal and institutional developmental process. On 28.05.2018 the dwellers of the said enclave made two written representations before the District Magistrate of Cooch Behar. They mentioned on their representations that there is no primary health center and primary school at the vicinity of their erstwhile enclave. There is no ICDS center too. The dwellers have to cover a distance of 7 kilometer to visit Najirhat Primary Health Center for treatment, immunization or any health related issues. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 1937/25/6/2018



After execution of the Land Boundary Agreement (LBA) on 31<sup>st</sup> July 2015 almost 3 years have passed but still most of the enclave dwellers are still deprived from citizenry guarantees, social securities and developmental measures. The inhabitants of Jongra, Nalgram and Falnapur enclaves under Shitalkuchi Block of Mathabhanga Sub Division of Cooch Behar district are deprived from government jobs despite having proper educational qualifications. In these 3 erstwhile enclaves, there are more than 300 residents who passed the secondary board exam, more than 100 Higher Secondary pass-outs and at least 100 people who passed and obtained Graduate and Post Graduate degrees. But despite having proper educational qualifications, the residents of these respective erstwhile enclaves are not provided with any job opportunity from the government. Further, the youths of these erstwhile enclaves are being denied from issuance of Schedule Caste certificate which restricted them from applying for jobs earmarked for Scheduled Caste category. Addresses in the educational certificates and other relevant documents prior to the LBA was different than it is now, which is causing an impediment in the path of these enclave dwellers while applying for government jobs and the state agencies have not taken any rectifying measures for the same. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 1589/25/6/2018.

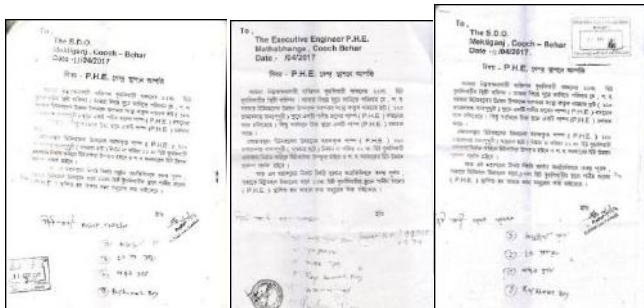




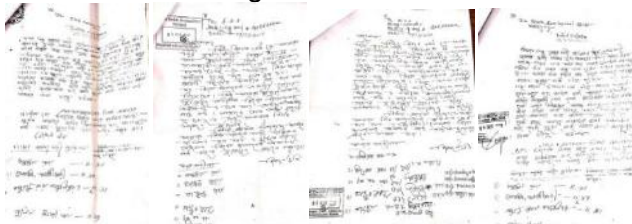
In erstwhile Bangladeshi enclave Balapukuri under Mekhliganj Block and Sub Division of Cooch many residents were not provided with job card under MGNREGA scheme yet. More than 30 residents belonging from 10 families of Balapukuri erstwhile enclave are devoid of job cards even they have other legal documents like AADHAR card and EPIC. These erstwhile enclave dwellers are mostly daily labourers, who spend almost 6 months of the year working in other states of India for better pasture. Hence a job card which might ensure regular income to them at their native is much needed for these residents and would certainly minimize the forced migration from the area. On 25.06.2018 the inhabitants of this enclave, who are still without job cards, submitted one written application before the Block Development Officer of Mekhliganj. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 1600/25/6/2018.



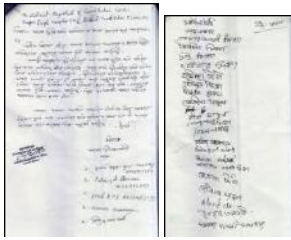
Chit Kuchlibari is one of the Bangladeshi enclave situated under Block – Mekhliganj, Sub Division- Mekhliganj, Police Station – Kuchlibari and District- Cooch Behar. Total population of this erstwhile enclave is 300. This erstwhile enclave is situated in 373 acres of land and still they are neglected from medical amenities, education, safe drinking water and proper sanitation. After around 2 years of execution of LBA, the developmental work was started for water supply. Construction for water tank and spreading of pipeline and have been started. In the month of April in 2017 the residents found that the constructional work was started at Indian main land which is outside of mentioned erstwhile enclave and the job offered to a person not from erstwhile enclave though, there are scores of persons from erstwhile enclave dwellers, who are suitable for the job. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 1829/25/6/2018- OC.



After execution of Land Boundary Agreement (LBA) on 31<sup>st</sup> July 2015 almost 3 years have passed but most of the erstwhile enclaves are still devoid with the developmental work. Construction of metal roads in Chit Kuchlibari enclave of Changrabanda gram panchayat area in Mekhliganj block and subdivision of Cooch Behar district have caused enormous trouble for the inhabitants as private lands from many villagers were acquired by the government for the purpose but they were not compensated for the acquisition. The set procedure and rule for land acquisition has been violated. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 1728/25/6/2018



600 landowners from Nalgram, Falnapur and Jongra erstwhile enclaves under Mathabhanga sub division of Cooch Behar district submitted a written memorandum before the District Magistrate of Cooch Behar on 31.08.2018 and demanded for immediate survey of their lands and transfer of ownership documents at earliest. But till date no appropriate action has been taken by the district administration.



Paschim Bakalirchara, an erstwhile Bangladeshi enclave situated under Dinhata- II block, Sahebganj Police Station area of Cooch Behar District is in a very poor state. Total 215 families are residing in this erstwhile enclave with around 1200 dwellers, and most of them belonging to Schedule Caste, Schedule Tribe and Other Backward Classes. The situation of safe drinking water and education after 3 years of LBA execution has been mentioned below.

### Safe Drinking water

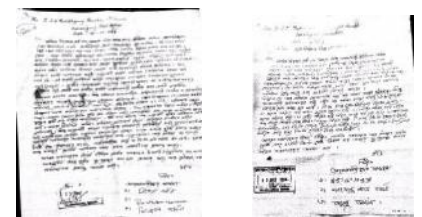
After more than a year of LBA execution on August 2016; 15 tube wells were dug from Public Health & Engineering department and at different places of Paschim Bakalirchara; erstwhile enclave. Just after installation of the tube wells, 7 tube wells out of 15 were become non- functional. The dwellers made several verbal complaints to respective offices

### Education

The dwellers of this erstwhile enclave are still deprived from free, compulsory, quality and equitable education; which is a constitutional guarantee under Article 21 A. After a year from execution of Land Boundary Agreement, one National Child Labour Project (NCLP) school was constructed at that area with the decision of District Magistrate of Cooch Behar. In February 2017, District Inspector of Schools, Chairperson of Board of Primary education visited the said erstwhile enclave and identified a piece of 56 Acres of land for building a primary school. Almost seven months passed after the declaration and as constructional work has not been started by the concerned departments; the dwellers of the said erstwhile enclave made one written application on 15.09.2017 to the District Magistrate of Cooch Behar. On that application they requested him for permission to convert the NCLP School to a Primary School and informed him that a resident of the erstwhile enclave was willing to donate a piece of .33 Acres of land for this purpose. Till date the District Magistrate of Cooch Behar did not made any reply to this application. Our complaint to this issue has been registered by National Human Rights Commission vide NHRC Case No. 1827/25/6/2018.



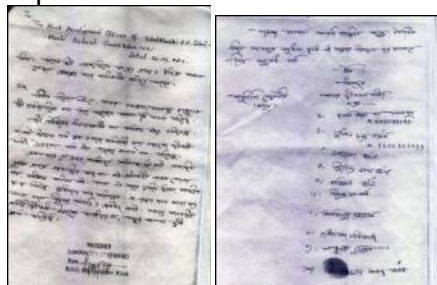
The complaint was on the persisting marginalization erstwhile enclave dwellers with specific reference of a Bangladeshi erstwhile enclave namely Jot Nirjam situated under Block-Mekhliganj, Police Station – Mekhliganj, District – Cooch Behar. At this erstwhile Bangladeshi enclave total 39 families are living. This erstwhile Bangladeshi enclave is situated in 87.54 acres of land and one third of this land is occupied by tea gardens illegally owned by Indian Influential persons. Most of the dwellers of mentioned erstwhile enclave are working as tea gardens labourer. Few developmental works has been initiated at the mentioned erstwhile enclave which are neither completed nor adequate. A major road was constructed by Public Works Division Department and most of the road is made with asphalt but the PWD left the connecting roads on their earlier shapes; which were incommutably poor stat.



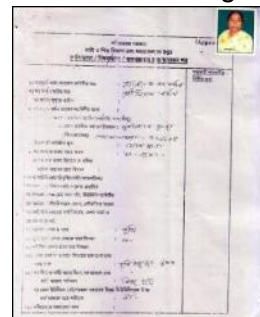
The marginalized inhabitants of Nalgram, Falnapur and Jongra erstwhile enclaves under Shitalkuchi Development Block, Mathabhanga Sub Division of Cooch Behar district of West Bengal are denied of basic institutional deliverances like hundred days works under Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), Pradhanmantri Awas Yojna (PAY), widow and old age pension. Despite being



eligible for various government schemes, many erstwhile enclave dwellers are being victimized as they are deprived of such facilities due to the negligence of the government towards the erstwhile enclave dwellers.

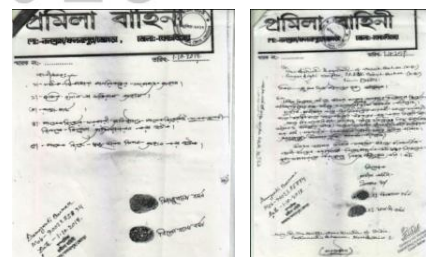


This complaint was on marginalization of inhabitants of erstwhile Bangladeshi enclaves who belong to Scheduled Caste (Dalit) or Muslim. The marginalized inhabitants of Purba Mashaldanga and Madhya Mashaldanga enclaves of Dinhata – II Block in Dinhata Sub-division of Cooch Behar district are denied of basic government facilities like widow and old age pension. Despite being eligible for various government pension schemes, many erstwhile enclave dwellers are being victimized as they are deprived of such facilities due to the negligence of the government towards the erstwhile enclave dwellers. More than 60 residents belonging from the enclaves mentioned here are eligible for widow and old age pension schemes of the government, which they are not being granted. On 11.09.2018 the inhabitants of these erstwhile enclaves who are eligible for widow and old age pension went to the Block Development Officer of Dinhata –II Block to submit their application. But the BDO office staffs denied accepting their application stating that the erstwhile enclave dwellers can't apply for such government facilities yet as no government orders has been issued.



Out of 51 erstwhile Bangladeshi enclaves, No-22 Chit Kuchlibari is one of them. This Bangladeshi erstwhile enclave is situated under Mekhliganj Sub Division and Kuchlibari Police Station. This particular erstwhile enclave is situated on 370 acres of land. One river named Suti is flowing in the middle of the mentioned enclave. Total 80 families are residing at this erstwhile enclave. Though development works have been initiated at the northern part but contrary to this at southern part of this erstwhile enclave still devoid any developmental work. Till date there is no arrangement for adequate sanitation from state or central government at this erstwhile Bangladeshi enclave though Cooch Behar district was declared as “Nirmal Cooch Behar” district.

The present scenario of erstwhile Bangladeshi enclaves namely Nalgram, Falnapur and Jongra under Sitalkuchi Block of Mathabhanga Subdivision of Cooch Behar District is dismal. After execution of Land Boundary Agreement, though little developmental works were initiated but in every case the development work initiated is neither accurate nor completed. River *Dharala* is flowing through these mentioned erstwhile Bangladeshi enclaves. To cross the river the dwellers made one bamboo bridge and forced to cross the river with life risk. The situation gets grimmer when a patient has to cross the bridge to reach to the ambulance. Till date concerned authorities of erstwhile enclave cell just aloof to make connecting metal road at the mentioned erstwhile Bangladeshi enclaves and left the roads soiled and unconstructed more than 3 years. Till date most of the dwellers does not have their own latrine. Some of the dwellers made their own latrines in their own expense. It is obvious that most of the dwellers are compelled to go for open defecation. In spite of that Cooch Behar is declared “Nirmal Cooch Behar” (Clean Cooch Behar) by the State Government. Still both the Central and State Government confiscated their own land and dwellers are devoid with legal entitlements over their lands. Besides all of these, concerned authorities constructed one primary school, one Angwanwari center and one primary health center. The dwellers are requested the administration to give some preference to the educated jobless person from these erstwhile enclaves at the time of recruitment but their requests have been overlooked.



Chit Panbari is situated under Sub Division- Mekhliganj, Block- Mekhliganj, Police Station- Kuchlibari, District- Cooch Behar. 40- 50 families are residing at the mentioned erstwhile enclave. Total 140 acres of land is under this erstwhile Bangladeshi enclave. The primary occupation of the dwellers is agriculture. The literacy rate at this place is very low due to their living without identity for 68 years. The condition of the connecting roads to their agricultural field is very bad. The residents also said that for proper connectivity they need 3 kilometers of asphalt road. After two years execution of Land Boundary Agreement some personnel from Public Works Department came to that place and surveyed the land but more than 6 months passed while no constructional work has been initiated. This particular erstwhile Bangladeshi enclave is devoid from sanitation and safe drinking water. Public Health and Engineering Department dug 4 solar pumps at the said erstwhile Bangladeshi enclave out of which two was to fetch water from earth and another to fetch from river out of these, two solar pumps are not working after 3-4 months from installation.

### Attack on Human Rights Defenders:

The human rights defenders working with MASUM are in a constant threat from various state agencies as they fight against the state perpetrators for violating human rights. At times the human rights activists are under attack from those state agencies in the form of getting arrested, threats and even charges with false cases. This year 4 complaints were made to the NHRC on various attacks on the human rights defenders attached with MASUM. Following are the brief description of the cases made this year.

The violations of human rights are rampant in West Bengal and a pre-planned attack has been unleashed upon the human rights activists to prevent human rights defenders working with the organisation from taking up people centric issues. This attack needs to be seen in the context that several members of MASUM have been facing false charges for documenting and denouncing grave human rights violations by the members of the police forces and the BSF.

Our organisation has made several appeals that the police authorities in district Murshidabad have come loggerheads with **Mr. Ajimuddin Sarkar**, our former District Human Right Monitor in Murshidabad district to gauge his voice for human rights activities and in more than one occasion they have been out for vengeance by implicating him one after another false and concocted criminal cases under POCSO Act, NDPS Act and other grave charges. Our complaint in this matter was registered as National Human Rights Commission's case numbers 891/25/13/2013, 646/25/13/2013-WC and 1649/25/13/2014



**Mr. Sanjit Mondal**, a 23 year old youth from Scheduled Caste community has been working as a District Human Rights Monitor with MASUM since January 2016. Before he turned to DHRM working with MASUM



Sanjit Mondal himself was a victim of brutalities and torture committed by the BSF during 2009 and 2011. Being a victim of torture in the hands of the perpetrator BSF personnel, he filed two criminal cases being CR Case no.550/2017 and CR Case no.05/2018 against the perpetrator BSF personnel before the Additional Chief Judicial Magistrate, Lalbagh with legal support from our organisation. As an act of vengeance, Sanjit Mondal was also charged with two false cases under N.D.P.S. Act. Our complaint in this matter was registered as National Human Rights Commission's case numbers 670/25/13/2012-PF/UC and 579/25/13/2018

**Mr. Najrul Islam** 59 years old, living in the district of Murshidabad with his family including his wife and a son. He became DHRM with MASUM in January 2016 and since then he has conducted numerous fact finding of human rights violations by state agencies. His son, Mr. Golam Mujtuba, was physically tortured and verbally abused in the hands of the perpetrator BSF personnel on 27.01.2017. Mr. Golam Mujtuba reported the incident in writing to the Officer-in-Charge of Raninagar Police Station but it was not registered as FIR till date. It is quite evident that Najrul Islam is suffering the consequences of going against the state agencies as he has been particularly targeted by the police





administration in the district and entangled in an array of false cases under the N. D. P. S. Act. Mr. Najrul Islam is out of his house for last several months suspecting possible police and judicial harassment. Our complaint in this matter was registered as National Human Rights Commission's case number 579/25/13/2018

**Mr. Kirity Roy**; the founding secretary of MASUM and a well known human rights protagonist of the country along with his colleagues and victims of torture went to submit a deputation/ memorandum to the Sub Divisional Officer of Dinhata sub division of Coochbehar district of West Bengal on 19.07.2018 at around 12.55 PM, from Dinhata railway station. The whole programme and schedule was informed and imparted with the office of the SDO. Later, the apprehension of judicial



harassment was raised and Mr. Roy and other 50 were implicated in false charges. The apprehension substantiated by the act of Dinhata police and administration when the Dinhata Police Station registered a criminal case against Mr. Roy and other unnamed 50 persons under sections 341/186/353/427/565 & 34 of Indian Penal Code. On 19th July 2018, MASUM organized a procession with the victims of torture and family members of extra



judicially killed persons. MASUM submitted 90 complaints before the office of the Sub Divisional Officer of Dinhata over the incidents of torture committed by the Border Security Force personnel, extra judicial killings by BSF, torture by police, livelihood issues, trafficking and others. A five member's delegation was sent to submit the memorandum. The Confidential Assistant of SDO; Mr. Sushanata Saha received the memorandum as it was reported that the SDO, Dinhata was busy in his court. The CA duly received the memorandum and returned the same putting his signature on the copy of the memorandum but again asked the received copy back to check if it was signed correctly. Surprisingly he denied giving back the received copy when asked by activists of MASUM. When Mr. Roy went to his office to get the copy back, he tore down the same. Finding no other alternative, Mr. Roy took the torn and twisted paper (received memorandum) from the right hand of Mr. Sushanata Saha. Later it was reported that after MASUM activists left the SDO Dinhata office, a huge number of police force reached there and stayed for couple of hours. At that time, no complaint against Mr. Roy was lodged to police. According to FIR No. 259 dated 19/7/18 of Dinhata PS, police received information / complaint against him at 22.35 hours, not before that. Later on 23.07.2018, through a reliable source MASUM came to know that the Dinhata Police initiated a criminal case against Mr. Roy and others with references mentioned above and procured photocopy of the FIR. The complainant of the mentioned case was the CA of SDO and complaint was forwarded by the SDO to the Dinhata Police Station. Our complaint in this matter was registered as National Human Rights Commission's case numbers 1091/25/6/2018 and 2021/25/6/2018

On 21.12.2018 at around 10 AM, in a meeting of 'Amra Simantabasi' (we the people of border) organized by MASUM at Banskothal village under Sahebgunj Police Station of Dinhata II Block in Cooch Behar District, West Bengal, commoners from the adjoining bordering villages discussed about the unnecessary and illegitimate restrictions by the Border Security Force (BSF) on their normal livelihood activities. The meeting was held at Kadamtala Bazar of the Banskothal village. After the meeting the participants decided to put on posters published by 'Amra Simantobasi' at Banskothal Kadamtala Bazar addressing the ongoing restrictions by BSF to run normal civil life at Indo- Bangladesh border. Matter of the poster was in Bangla, vernacular language, the English translation of which is, "BSF should be posted in actual border, not inside the village; BSF should stop creating obstruction to cultivate the land of the villagers; stop torture, trafficking, murder, enforced disappearance of bodies by BSF; punish those officials of BSF who are corrupt and torturous".

It was learnt that at around 6.45 to 7.00 PM, the 'Intelligence Babu' of G company of Border Outpost-Banskothal of BSF Battalion No. 38 with other BSF constables, in uniform and sophisticated arms in their hands, came to Kadamtala Bazar of Banskothal village and torn the pasted posters. They visited the house of Mr. Shah Alam; one of the organizers of the said meeting and a family member of Ms. Umrao Bewa; a victim of extra judicial killing by BSF (NHRC Case No. 1680-25-6-2014-AFE) and questioned about the organizers and purpose of the meeting. The BSF personnel who visited his house even suggested that the issues could be resolved by mutual discussions and the organizers of the meeting should contact Mr. Nadim Saheb; the Sector Officer over phone to resolve the issue; during the meeting the husband of the local gram panchayet member was also present. Mr. Shah Alam in contrary asked the Sector Officer of BSF over phone to come to

the village and discuss the issues with the aggrieved. The Sector Officer queried about the presence of MASUM activists during the meeting and Mr. Shah Alam informed the Sector Officer that Ms. Tilakbala Barman, District human Rights Monitor of MASUM was present during the meeting.

This illegal activity of BSF and their intention to curb and stifle the voice of the aggrieved further intensified the solidarity of the populace and they put on more posters at the said locality including the vicinity of the Border Outpost of mentioned BSF rank on 22.12.2018. It was learnt that the BSF officer called the Sahebgunj police station thereafter and made a telephonic complaint and just after that the Officer in Charge of Sahebgunj police station called Mr. Shah Alam asked him to desist from pasting posters at the vicinity of the said BSF camp.



### **Details of non- payment of compensation to families of extra judicially killed**

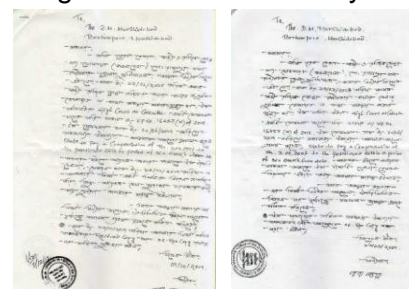
**MASUM** lodged one complaint before NHRC on 20.05.2009 on the incident of brutal murder of Abdus Samad @ Kalu Sk. from District-Murshidabad by the perpetrator Border Security Force personnel on 05.05.2009. The Commission accepted the complaint and registered the same vide Case no.157/25/13/09-10-AD. The wife of the deceased; Ms. Rima Bewa lodged FIR against the perpetrator BSF officers at Lalgola Police Station on 07.05.2009 which was registered as Lalgola Police Station Case No.236/09 dated 07.05.09. The Commission directed the Ministry of Home Affairs, Government of India to pay an amount of Rs.5 Lakh as monetary compensation to the next to kin of the deceased. However, the Commission received one response from the



Ministry of Home Affairs, Government of India where it was disclosed that it was not possible to consider the payment of monetary compensation to the next kin of the deceased since the matter is sub-judice before the Court and until final order is passed by the court. Considering such response, the Commission closed the case leaving it upon the next kin of the deceased to take legal measures to implement the recommendations passed by the Commission. Ms. Rima Bewa being the widow is the next kin of the deceased.

Till date she did not get any financial aid under the government schemes. She has no financial capacity to take legal measures to implement the recommendations passed by the Commission. She was partially blind due to vitamin deficiency. She was being admitted to Calcutta Medical College Hospital on 26th October 2016 for cornea replacement and surgery was done on 6th November 2016.

**Ms. Reba Bewa**, wife of Rajib Molla (deceased) from village-Ghoshpara, Post Office-Rajapur, Police Station-Raninagar, District-Murshidabad, West Bengal. Her husband was the only earning member in the family but on 15.02.2014 he was tortured to death in police custody of Raninagar Police Station. In the matter of custodial death of her husband, she moved to the High Court, Calcutta for appropriate relief and in the final order the Court directed the state government to pay Rs.3 Lakh as compensation to her being the next kin of her deceased husband within six weeks from the order. The order was passed on 06.09.2017 in connection with W.P. No.16457/2015 but till date she did not get the compensation amount from the state government as directed by the Court. She has submitted two written representations before the District Magistrate, Murshidabad on

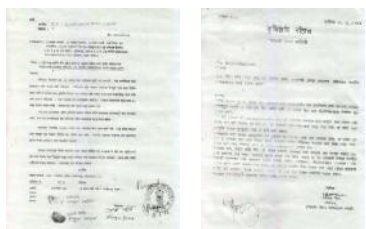




13.11.2017 and on 07.12.2017 seeking appropriate action from his end so that the compensation amount as directed by the Court is disbursed to her at the earliest, but the District Magistrate, Murshidabad till date maintained a complete silence on her prayer. Ms. Reba Bewa for long moved to Rajapur Gram Panchyat for appropriate relief under the problems as stated above. Ms. Reba Bewa accordingly went to the Office of the Block Development Officer, Block-Raninagar-II for consecutive dates, but the authorities refused to accept her application after putting her under severe harassment. Ms. Reba Bewa received a cheque amounting Rs. 3 lakh on 30th March 2018 as per direction of Calcutta High Court.

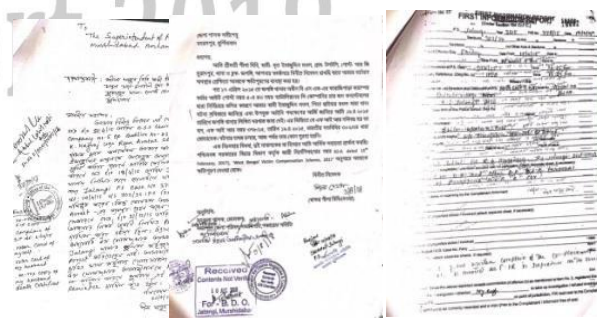
### **Details on forcible land acquisition**

This complaint was in the matter of forcible dispossession of the farmers from their respective lands without due process of law. The victim farmers have their landed property under Mouja-Akalpur, JL no.17, Block-Gazole, Police Station-Gazole, District-Maldah, West Bengal. In the month of January, 2016 the victims became land losers when one private concern namely Cab Engineering Company Pvt. Ltd. forcibly grabbed their lands without any prior notice. The men and agents of the said private company started digging on the lands of the victims. The victims asked them about the reason for such illegal activity, but they were told that the lands belong to government and the victims have been illegally occupying those lands. The victims were also forbidden from doing any cultivation works and they were threatened of police action against them if they dared to do any cultivation. On 08.02.2016 the victims submitted a written complaint stating the above stated incident to the Block Land & Land Revenue Officer, Gazole and on the same day a similar written complaint was also submitted before the Officer-in-Charge of Gazole Police Station. The victims stated that in spite of receipt of those complaints, the authorities did not take any action for protecting their interest, rights, title over their lands. They stated that the authorities even did not bother to initiate an enquiry into the matter. The affected made several complaints to district administration but without any respite.



### **Seeking compensation against extra judicial execution committed by BSF**

**MASUM** lodged a complaint before NHRC on the incident of extra judicial killing of the victim Imajuddin Mandal (deceased) by Border Security Force personnel. The incident took place in Murshidabad district, West Bengal on 17.04.2015. The perpetrator BSF personnel fired on him from close proximity, the deceased victim sustained several gunshot injuries on his body having entry and exit wounds. Ms. Shila Khatun Bibi being the wife of the deceased lodged a complaint to local police station, which was duly registered as an FIR vide Jalangi PS case no 378/15 dated 19/4/2015 under sections 302/34 of Indian Penal Code. The police reportedly did nothing in the matter of investigation and the accused BSF constables are still at large. Ms. Shila Khatun Bibi on 21.12.2015 as well as on 20.09.2017 lodged written petition before the Superintendent of Police, Murshidabad mentioning the ongoing inaction of the police of Jalangi Police Station. The National Human Rights Commission took cognizance of the complaint dated 29.12.2017 and registered the complaint as NHRC Case no. 991/25/13/2018-AF and called for an action taken report from the concerned authorities. The local administration till date did not take any action to provide her a permanent pucca residential house under the Housing Schemes initiated by the government. Moreover, being a widow she did not get any pension, job card under the MGNREGA or other financial aid till date to make her independent both socially and economically. Ms. Shila Khatun Bibi lodged written application before the District Magistrate, Murshidabad for appropriate relief under the West Bengal Victim Compensation Scheme, 2017 for the loss of life of her husband.



### **Political violence and subsequent police acquiescence**

**Mr. Subrata Sana**, Advocate, Basirhat Criminal Court and member of Basirhat Criminal Court Bar Association, Basirhat District-North 24 Parganas, West Bengal was attacked by some hooligans of Trinamul Congress, the ruling party in West Bengal on 23.04.2018



the extended date to file nomination to participate in the Panchayat Election in West Bengal. During 1:30 p.m. and 2 p.m. on the mentioned day, Mr. Subrata Sana reached at the main gate of Basirhat Criminal Court when a group of 25/30 hooligans suddenly started beating him brutally and used filthy languages. During the attack those miscreants heat him with blunt object on his head, nose, face and eye with an intention to kill. Due to that cruel attack, Mr. Subrata Sana fell on the ground and bled from his mouth and nose. Those miscreants snatched case related documents which the victim was carrying. Mr. Sana was admitted in Basirhat District Hospital for treatment in seriously injured condition. He underwent treatment at the said hospital fighting death. From 24.06.2018 lawyers and law clerks of Basirhat Court protested jointly in front of the office of Sub Divisional Officer, Basirhat demanding the arrest of the perpetrators but Mr. Dhali ordered his guard to keep the gate closed whole day. The team of protesting lawyers and law clerks carried on protest several days with the demand to meet Sub Divisional Officer, Basirhat. The deadlock lasted several days and for that reason the court proceedings were closed in Basirhat Court for days after days. Mr. Asif Alam, President of Bar Association, Basirhat Court lodged complaint to the Inspector In-Charge, Basirhat Police Station on 23.04.2018 describing the incident. Basirhat Police registered the First Information Report (FIR) vide Basirhat PS Case No-194/18 dated 23.04.18 under section 147/148/149/447/188/326/307/506 Criminal Procedure Code but did not arrest any of the said miscreants.



# Annual Report 2018



# Annual Legal Report 2018

MASUM also provided legal support to the victims, throughout the year, who were tortured by various perpetrators. Most of the victims of torture were from a financially and socially weak background and hence are unaware of the legal complications as well as with limited resources to legally fight against the torture they endured. MASUM supported these victims with legal assistance as the pro-bono lawyers stood for cases in the Supreme Court, High Courts and district and sub-divisional courts for the victims MASUM works with. Since January, 2018 up until December, 2018, MASUM has provided 563 units of legal support to the victims. New cases were registered in different courts and victims appeared in court for hearing of several other former cases. Apart from these, many legal camps were organized in order to make the victims aware of various legal complications. The attached chart portrays different units of legal assistance provided to the victims per month. In our experience of 2018 and as well as of past years, the main problem laying in legal battle for getting justice, is the systematic impunity in the criminal justice system of the country. It is also our experience that the lower judiciary is much more dependant on police, hence the lower judiciary is not independent from police administration. There are hindrances of the colonial procedures. Reform of police and judiciary is almost impossible in the present scenario.

Legal assistance to victims	
Month	Unit of Legal Assistance
January	42
February	45
March	52
April	49
May	52
June	47
July	54
August	49
September	47
October	27
November	48
December	51

It has been a regular activity of MASUM to provide legal assistance to the victims of torture to take legal action against the perpetrators and also to provide legal assistance to the victims to defend themselves in criminal cases against them. Primarily to fulfill this objective district and sub-division level court intervention is carried out. The criminal justice respite for the victim of torture sets into motion when he/she submits a written complaint before any tier of police administration at his surroundings. Such complaint contains the incident of torture committed upon the victim by the perpetrators in uniform which amount to commission of cognizable offence. But it is our routine experience that the concerned police administration does not precede with the complaint in due process. MASUM provides legal assistance to such helpless victims by providing necessary legal assistance who are willing to file criminal cases against the accused/perpetrators in uniform and to provide them justice and reparation. Further the victims and the witnesses come under threats from the perpetrators in uniform to withdraw their cases or amicably settle the matter. In refusal to bend down to such threats the victims and/or the witnesses are implicated into false and concocted cases by the perpetrators in uniform under IPC or NDPS Act and consequently they face illegal arrest, custodial torture and long detention in custody. MASUM have been providing legal support to the victims who are being implicated in criminal cases and make complaints to the National Human Rights Commission regarding illegal arrest and custodial torture committed upon the victims. However, MASUM's pro-bono advocates have been fighting for the victims by their competent and restless service though having limited financial support from MASUM to get timely justice for the victims and they have been successful in issuing process of the courts against the perpetrator in uniform which are mentioned in detail in the following report. There is long way to go but MASUM has been striving best through its legal activities for upholding the victim's rights and to get justice.

Besides this, it is also experienced that a number of victims do not follow up their cases time by time due to all-round ignorance. In some cases we found that victim has to migrate in different state to cover family's livelihood, thus unable to attend court on dates fixed. Some victims negotiated with the perpetrators and thereby the cases become weak or sometime closed. Sometime it is seemed that it is our failure as we cannot stop those victims from negotiation with the perpetrators.

## **MASUM BEING THE PETITIONER HAS BEEN CONTESTING THE FOLLOWING PENDING CASES IN THE SUPREME COURT OF INDIA**

- (i) **SLP (Criminal) No. 6123/2014** was filed by challenging the order dated 10.3.2014 passed in FMA1317/2010 by the High Court, Calcutta wherein the High Court rejected the petition of MASUM to quash 21 the criminal case vide Taltala Police Station Case no. 134 dated 9.6.2008 which was initiated against Mr. Kirity Roy & others for organizing Peoples' Tribunal on Torture in the year 2008. The case came up hearing on 27.03.2017, 10.07.2017, 31.07.2017, 30.10.2017 and 15.12.2017. On 12.11.2018 the Court ordered to list up the matter in the month of December, 2018.

- (ii) **WP (Criminal) no. 141 of 2015-** The Writ Petition filed in Supreme Court of India in the alleged killing of a Bangladeshi minor girl Felani Khatun by Border Security Force. The case was filed against the respondents namely 1) Union of India; 2) State of West Bengal; 3) Border Security Force and 4) Central Bureau of Investigation praying for constitution of a SIT/CBI team consisting of officers from outside the State of West Bengal to take over the investigation and to prosecute the offenders in accordance with the law and also prayer for awarding compensation was made. The case came for hearing on 23.02.2017, 18.04.2017, 19.04.2017, 14.07.2017, 08.09.2017, 26.10.2017, 07.11.2017 and 09.11.2017. On 28.08.2018 the aforesaid writ petition came up for hearing along with the Writ Petition(Criminal) no.201/2013 before MR. JUSTICE N.V. RAMANA and MR. JUSTICE MOHAN M. SHANTANAGOUDAR of the Supreme Court of India. The matter was heard from the respective submission of the counsel appeared for the petitioners and the respondents and the Court fixed the matter for further hearing on 05.09.2018.

### **MASUM'S CONTINUED LEGAL SUPPORT IN THE FOLLOWING CASES IN THE HIGH COURT, CALCUTTA**

#### **(1) Writ Petition no. 29457 (w)/2017 in the Calcutta High Court**

Mr. Alamgir Gazi was the petitioner in the Writ Petition being no.29457/2017 wherein he sought for justice against the non responsive attitudes of the police department in North 24 Parganas district on his complaints and for adequate compensation. He is a victim of illegal arrest, false implication in criminal case and custodial torture in the hands of the perpetrator police personnel of Swarupnagar Police Station and the Sub-Divisional Police Officer, Basirhat. Unfortunately the conducting advocate of the above stated writ petition withdrew the writ petition without giving any information to the petitioner as well as to our organization. Our organization put strong objection to the conducting advocate for such clandestine move to withdraw the writ petition without taking any consent from the petitioner. The petitioner Mr. Alamgir Gazi sent written communication to the conducting advocate raising his protest of withdrawing the writ petitioners without his consent and in absence to his knowledge. In response through letter dated 15.03.2018 the conducting advocate inter alia informed that under overwhelming circumstances at the time of hearing the writ petition was withdrawn but fresh writ petition can be filed on the self same subject once again and the conducting advocate expressed to render necessary assistance in this regard. Our organization decided to provide legal assistance for restoration of the above stated writ petition. Accordingly on 17.05.2018 the application for restoration of the above stated writ petition was filed in the High Court at Calcutta by the petitioner Mr. Alamgir Gazi.

#### **(2) Writ Petition no. 29456 (w)/2017 in the Calcutta High Court**

Ms. Jharna Khatun Bibi was the petitioner in the Writ Petition no.29456/2017. Her husband Minarul Molla was a victim of extra-judicial killing in the hands involved police personnel of Murshidabad district. On the fateful night of 26.07.2017, he was killed in police firing and the killing was later on plotted as an encounter by the involved police personnel. Ms. Jharna Khatun Bibi made a written complaint on 31.07.2017 to the Superintendent of Police, Murshidabad stating about the killing of her husband by the involved police personnel and requested for immediate legal action against the police officials, who were a part of such heinous murder. But no action has been taken on her complaint till date. Unfortunately the conducting advocate of the above stated writ petition withdrew the writ petition without giving any information to the petitioner as well as to our organization. Our organization put strong objection to the conducting advocate for such clandestine move to withdraw the writ petition without taking any consent from the petitioner. The petitioner Ms. Jharna Khatun Bibi sent written communication to the conducting advocate raising her protest of withdrawing the writ petitioners without her consent and in absence to her knowledge. In response through letter dated 15.03.2018 the conducting advocate inter alia informed that under overwhelming circumstances at the time of hearing the writ petition was withdrawn but fresh writ petition can be filed on the self same subject once again and the conducting advocate expressed to render necessary assistance in this regard. Our organization decided to provide legal assistance for restoration of the above stated writ petition. Accordingly on 17.05.2018 the applications for restoration of the above stated writ petition was filed in the High Court at Calcutta by the petitioner Ms. Jharna Khatun Bibi.

#### **(3) Writ petition no.16803 (w)/ 2018 in the Calcutta High Court:**

On 17/04/2015 during the early hours of morning at 4 a.m. Imajuddin Mondal headed towards low land at river bank (locally called „Gang“) adjacent to his house beside Padma River for defecation. As soon as he sat



down on the field, 4 to 5 on duty BSF constables of Border Outpost no- 5 in their uniform and with service rifles and sticks in hand of which two constables having nametags bearing the name "R. Nagraj" and "Ram Awtar Singh" respectively rushed toward Imajuddin. In the twinkling of eye, they opened indiscriminate fire without set off any kind of alarm. As the firing was at random, Imajuddin was hit by four bullets. After BSF left the place leaving Imajuddin, at first, local villagers brought Imajuddin to Sadhikandiar Block Primary Hospital. On duty medical practitioner of the hospital opined that he was brought dead. One unnatural death case was registered vide Jalangi Police Station U.D. Case no.10/2015 dated 17/4/2015. On 19.4.2015 the wife of the deceased Ms. Sila Khatun Bibi made a written complaint at Jalangi PS disclosing the entire incident and in the written complaint she demanded for appropriate legal action against the perpetrator BSF constables. One First Information Report was registered based on the complaint vide Jalangi PS case no 378/15 dated 19/4/2015 under sections 302/34 of Indian Penal Code. Even pursuant to lodging of the First Information Report as aforesaid the officers of the Jalangi Police Station remained nonchalant and no action was taken to fairly investigate into the case and to enquire, apprehend the perpetrating Border Security Force personnel who are involved in the gruesome murder of Imajuddin Mondal. Ms. Sila Khatun Bibi has visited the Jalangi Police Station on several occasions for enquiring about the instant case but every time the officers of the Jalangi Police Station have expressed their helplessness since the accused persons are personnel of the Border Security Force and being members of an Armed Force they have the benefit of impunity. She has all the reasons to believe that a fair and impartial investigation into the instant case would never be accomplished by the officers of the Jalangi Police Station since by their actions the officers of the Jalangi Police Station are treating the accused persons as invincible and unassailable. Therefore, with the legal assistance of MASUM, Ms. Sila Khatun Bibi filed a writ petition before the High Court, Calcutta under Article 226 of the Constitution of India with prayers to transfer the investigation of the criminal proceeding arising out of Jalangi Police Station Case No. 378/15 dated 19.04.2015 under Section 302/34 of the Indian Penal Code to a competent and specialized investigating agency as the Criminal Investigation Department with a further direction upon such investigating agency and/or investigating officer so entrusted to expedite the investigation. On 28.08.2018 Ms. Sila Khatun Bibi filed said writ petition being no.16803/2018 before the High Court, Calcutta.

#### **(4) Writ Petition no. 19785 (W)/ 2018 in the Calcutta High Court**

Ms. Suchitra Mondal, wife of Sukumar Mondal, who was a victim of enforced disappearance by BSF of Lakkhinarayanpur under Kalinagar Gram Panchayat, Raninagar Police Station, District: Murshidabad, moved before the High Court at Calcutta on 25.09.2018 by filing writ petition under Article 226 of the Constitution of India over the incident where on 03.07.2018 at about 4 a.m. in the early morning Sukumar Mondal alias Bablu Mondal that is the husband of Ms. Suchitra Mondal along with his neighbour Paritosh Mondal, were shot at by the patrolling Border Security Force personnel of the Harudanga BSF Camp being Battalion Number-36. She had approached the local Raninagar Police Station on the same date of the incident that is on 03.07.2018 and informed the police authorities about the entire incident and sought to submit a written complaint and requested the Police for their assistance to trace out the bodies of the victims who are presumed to be dead, but the officers of the Raninagar Police station blatantly refused to take any complaint against the Border Security Force personnel. Then she submitted a written complaint before the Superintendent of Police, Murshidabad thereby narrating the incident and further stating therein that Raninagar Police station refused to register any complaint. Her complaint was duly received by the Superintendent of Police, Murshidabad on 04.07.2018 no action was taken on the basis of the complaint against the perpetrators thereby denying her right to be informed about the whereabouts of her husband, especially whether her husband is dead or alive. Under the circumstances, the Writ Petition no. 19791 (W)/2018 in the nature of Habeas Corpus was filed by Ms. Suchitra Mondal for direction upon the state authorities, their men, agents, employees and subordinates to trace and recover her husband Sukumar Mondal. The matter came up for hearing on 01.10.2018 and the state respondents filed their reports and the court passed a verbal direction upon the petitioner to submit a detailed complaint before the investigating police authority.

#### **(5) Writ Petition no. 19785 (W)/ 2018 in the Calcutta High Court**

Mr. Rajjak Seikh, son of Jullu Seikh, who was a victim of enforced disappearance by BSF personnel of Char Uttar Gopalpur, P.O Maricha, P.S. Islampur, Dist. Murshidabad, moved before the High Court at Calcutta on 25.09.2018 by filing a writ petition under Article 226 of the Indian Constitution over the incident where his father namely Jullu Seikh, since deceased was shot dead by Border Security Force personnel of Out-Post No. 8 Harudanga Camp, Battalion-117 on 03.08.2018 and the perpetrators have willfully and deliberately made the dead body disappear in order to conceal evidences of such cold blooded murder. Rajjak Seikh,

immediately on 04.08.2018 visited the local Islampur Police Station and sought to lodge a complaint against the perpetrators Border Security Force personnel, but the officers of the Islampur Police Station blatantly refused to entertain any complaint against Border Security Force personnel. The two other persons who were shot dead along with the victim Jullu Sheikh on 03.08.2018

by the perpetrating Border Security Force personnel are two minors, one named Jibon Seikhh, Son of Mr. Ruhul Sheikh and the other one is named Johir Sheikh, son of Togor Sheikh both being from the same locality, however due to sheer apprehension and fear the families of the said two deceased minors have refrained from approaching the authorities, though their bodies have not yet been recovered as akin to the victim Jullu Sheikh. The instant case is a case of extrajudicial killing by armed forces personnel of

innocent persons followed by disposing of their corpses, deliberately to eliminate evidences and despite of bringing such heinous acts to the notice of the concerned police authorities, the Police authorities have not yet initiated any investigation or criminal proceeding and have refused to even trace out the victim. Under the circumstances, the Writ Petition no. 19785 (W)/ 2018 in the nature of Habeas Corpus was filed by Mr. Rajjak Sheikh, for direction upon the state authorities, their men, agents, employees and subordinates to trace and recover his father namely Jullu Sheikh and two others namely Jibon Seikhh and Johir Sheikh or their dead bodies.

The matter came up for hearing on 01.10.2018 and the state respondents filed their reports and the court passed a verbal direction upon the petitioner to submit a detailed complaint before the investigating police authority.

#### **List of Cases pending in the High Court at Calcutta since 2014**

FORUM	CASE NUMBER	CAUSE TITLE	FACTS
High Court at Calcutta	W.P 29457(w)/2017	Alamgir Gazi vs. State of West Bengal	Police Torture
High Court at Calcutta	W.P 29456(w)/2017	Jharna Khatun Bibi vs. State of West Bengal	Extra Judicial Killing by Police
High Court at Calcutta	W.P 16803(w)/2018	Shila Khatun Bibi vs. State of West Bengal	Extra Judicial Killing by BSF
High Court at Calcutta	W.P 19791(w)/2018	Suchitra Mondal vs. State of West Bengal	Enforced Disappearance
High Court at Calcutta	W.P 19785(w)/2018	Rajjak Sheikh vs. State of West Bengal	Enforced Disappearance

#### **Several Criminal cases in different districts in West Bengal in the year 2018 where MASUM provided legal support to the victim:**

##### **North 24 parganas**

##### **(1) Legal Intervention for the secondary victim Mr. Narayan Das (father of the victim who was shot dead by fake encounter)**

With the legal assistance of MASUM, the Writ Petition no.405/2016 under Article 226 of the Constitution was filed in the High Court, Calcutta by the petitioner Mr. Narayan Das from District-North 24 Parganas against the State of West of Bengal and other 9 respondents. The petitioner's son was killed on 15.5.2015 in an incident of encounter by police of Titagarh Police Station. The petitioner had approached before the authorities with written complaints that his son was killed in a fake encounter, but no response was made on his complaints. However the police of Titagarh Police Station suo-moto registered one criminal case under section 304/34 of IPC on 16.5.2015 against the accused police personnel but no investigation was carried out. By filing the writ petition the petitioner prayed for proper investigation against the accused police personnel. The



matter has been recently disposed of with positive direction for prosecution against the accused police personnel. During pendency of the matter before the High Court, Calcutta, charge sheet against the accused police personnel was submitted. Accordingly the trial against the accused police personnel commenced before the Additional District & Sessions Court, 2nd Court, Barrackpore, North 24 Parganas in connection with the Sessions Trial case no.3(3)/2018. On 10.08.2018 Mr. Narayan Das and other witnesses were summoned by the trial court to give their statement as witness before the trial court. They attended and gave their statement on oath at the witness box. MASUM is committed to provide legal assistance to the victim's family in their fight for justice

- (2) **Legal intervention for the victim Akhtarul Sardar(victim of extra-judicial killing)** On 19.10.2015 the victim Akhtarul Sardar(deceased) from District-North 24 Parganas was gun shot by the perpetrator BSF personnel. On 20.10.2015 he passed away in nursing home. The police of Swarupnagar Police Station registered one FIR vide Swarupnagar Police Station Case no.988/2015(GR no.4708/2015) dated 21.10.2015 under section 302 of IPC. The police after lapse of almost two years of investigation closed the case and submitted final report in the court stating that no evidence was found to substantiate the allegation in the FIR. Ms. Sarina Khatun Bibi, being the widow of the deceased victim decided to challenge the police report and faulty investigation conducted by the police of Swarupnagar Police Station. Accordingly on 11.07.2018 with the legal assistance provided to her from MASUM, she appeared in the Court of Additional Chief Judicial Magistrate, Basirhat and filed written objection against the police report. The court fixed a date of hearing in the said matter.

- (3) **Legal Intervention for the victim Mr. Selim Molla (victim of torture in the hands of BSF personnel)** Mr. Selim Molla from District North 24 Parganas is a victim of torture in the hands of the perpetrator BSF personnel. On 06.12.2015 the victim was mercilessly assaulted by the perpetrator BSF personnel of Bithari BSF Out-Post. The BSF personnel forcibly dragged him to Bithari BSF Out-Post and in the Bithari BSF Out-Post he was detained and subjected to severe assault. The victim submitted a written complaint before the Officer-in-Charge of Swarupnagar Police Station stating the incident and on the basis of the complaint, the police started an FIR vide Swarupnagar Police Station Case no. 1141/15(GR Case no.5564/2015) dated 07.12.2015 under sections 341/325/323/34 of Indian Penal Code. The police did not make any progress of the investigation for which the investigation of the case has been pending for more than two years. The victim Mr. Selim Molla with the legal assistance from MASUM filed a petition before the Additional Chief Judicial Magistrate, Basirhat seeking proper direction upon the investigating officer for effective investigation. The Court hearing the petition from the victim, called for production of the case diary from the investigation officer of the case. On 26.07.2018 the matter was fixed up for hearing and the Investigation Officer of the case was present before the court with the case diary. The court hearing the matter and upon perusing the case diary directed for expeditious investigation.

- (4) **Legal Intervention for the victim Mr. Jamat Ali Sana (victim of torture in the hands of BSF personnel)**

On 08.04.2013 the minor victim girl went to '*Bithari Madrasa*' for her study. But she did not return to her house that day. Mr. Jamat Ali Sana; the father of the minor girl started to find out his daughter's whereabouts and he came to know that his minor daughter was kidnapped by Ms. Sabana Bibi, daughter of Mr. Rajjak Gazi, resident of Swarupdah village and sold her to Mumbai. It was alleged that Ms. Sabana Bibi made a false promise to his minor daughter to provide a job in Mumbai and other family members of Ms. Sabana Bibi namely Mr. Sahid Gazi; the brother of Ms. Sabana Gazi, Ms. Marjila Khatun; the sister of Ms. Sabana Gazi, Ms. Jamila Bibi; the mother of Ms. Sabana Gazi and Mr. Rajjak Gazi, son of Mr. Imam Gazi; the father of Ms. Sabana Gazi also helped Ms. Sabana Bibi to abduct the minor girl and to sell her to Mumbai in exchange of money. The other co- villagers of the minor girl started to pressurise Ms. Sabana Bibi and her family members and demanded to bring back the minor girl. Meanwhile Ms. Sabana Gazi admitted that she kidnapped the minor girl and sold her to Mumbai and she had an involvement with child trafficking. On 09.04.2013, Mr. Jamat Ali Sana; the father of the minor victim lodged a written complaint before the Officer-In-Charge of Swarupnagar Police Station informing the whole incident of trafficking of her minor daughter by Ms. Sabana Bibi and her family members. The police personnel lodged a First Information Report vide Swarupnagar Police Station Case No. 217/2013 dated 09.04.2013 under sections 363(A)/366/372 of Indian Penal Code against them. The involved police personnel of the said police station later came to the house of accused persons and took Ms. Sabana Bibi and her mother and sister into their custody. During the time of interrogation by the villagers, Ms. Sabana Bibi confessed that she had an involvement to sell the minor girl to Mumbai. But the involved police personnel failed to take any

necessary step to rescue that minor girl. Mr. Jamat Ali Sana repeatedly knocked the door of the police station in the way of requesting them to rescue his minor daughter. But the involved police personnel refused to hear any words of him. It was alleged that the investigating officer of the case; Mr. Pratap Babu; and Mr. Rajarshi Banerjee; the previous officer-in-charge of Swarupnagar police station clearly told him that they would not do anything to rescue her minor daughter and advised him to inform the whole incident to Crime Investigation Department (CID) to rescue her minor daughter. On 07.06.2013, Mr. Jamat Ali Sana went to the said police station and to meet with the investigating officer and the officer-in-charge to give some information relating to his minor daughter. He informed them that Mr. Rajjak Gazi; the father of Ms. Sabana Bibi and Mr. Sahid Gazi; the brother of Ms. Sabana Bibi knew the whereabouts of her daughter and requested them to rescue his child. But the involved police personnel refused to do anything to rescue her daughter. On 13.06.2013 the officer-in-charge of Swarupnagar police station annoyingly told Mr. Jamat Ali Sana that he would not take any step to rescue his minor daughter and threatened not to come to police station again. On 25.06.2013 Mr. Jamat Ali Sana lodged a written application before the Sub-Divisional Police Officer, Basirhat informing the whole incident of ill-treatment and inaction by the police personnel of Swarupnagar Police Station. But till date no action has been taken by that authority of the police. On 29.06.2018 all the accused persons and complainant were present before the Ld. Assistant Sessions Judge, Basirhat and fixed next date for appointment of P.P and also collected copy which had supplied to the accused u/s 207 of Cr.P.C. On 28.11.2018 the complainant was present and Court fixed for charge.

**(5) Legal Intervention for the victim Mrs. Roma Bibi (victim of torture in the hands of BSF personnel)**

The victim is a widow lady. Her husband died four years back. Her two children i.e. one son and one daughter are still minors. Her children are school students. She and her children are living under abject poverty. Her home is located under Swarupdah village which is close to Indo-Bangladesh border. On the date of the incident i.e. on 2.3.2016 at about 8 am the victim lady was passing by BSF post no.10 near Eid Gah, Daharkanda, she saw that two lady BSF constables were beating two women on the allegation that they were involved in smuggling of beef to Bangladesh. She stopped there and protested against assaulting the women. On hearing her protest, the said two lady BSF constables and other 5/6 BSF constables (male) pounced upon her and started to beat her jointly by wooden sticks and by fists and blows. They also abused her verbally by using filthy languages. During the assault she was also molested by the BSF male personnel. After a while the local people rushed to the spot and rescued the victim. She was medically treated at Sarapul Rural Hospital. Her medical report issued from the hospital recorded as "Physical assault, pain all over the body". On the next day i.e. on 3.3.2016, the victim lady went to Swarupnagar Police Station with a written complaint narrating the whole incident of physical assault and molestation committed upon her by the perpetrator BSF personnel. But the police station did not register any First Information Report on her written complaint. The victim was innocent. She was arbitrarily and illegally tortured in the hands of the perpetrator BSF personnel. On 30.3.2016, the victim lady submitted one written complaint before the Superintendent of Police, North 24 Parganas again narrating the above stated incident of torture and refusal of the police of Swarupnagar Police Station to register her complaint against the perpetrator BSF personnel. Swarupnagar P.S case no. 164/16 was started u/s 323/354B of Indian penal Code against the accused. After investigation police submitted the F.R.T report in respect of this case. On 18.07.2018 the complainant was absent and the Ld. Court had fixed for protest hearing against F.R.T on 19.11.2018

**(6) Legal Intervention for the victim Mr. Arup Tikader (victim of torture in the hands of BSF personnel)**

The deceased was living with his extended family of eight. His father was migrated from Bangladesh thirty years back and started living at the bank of "Bil Balli"; a 32000 acre water body, by erecting a thatched hut at government land. The deceased used to earn his living as agrarian labour and during monsoon by fishing. The family is unlettered and living in penury; they possess voter identity card, ration card and 'Adhar Card' and included in below poverty category; received two installments under Indira Awas Yojna (scheme). Cattle smuggling was rampant at the said border; it was continued till two months back. Earlier the posted BSF personnel had connivance with local kingpins of smuggling and against bribe they facilitated cross border cattle smuggling but as the issue get broadly published in media and a major political party took exception of this ongoing practice; somehow it ceased in some extent. In this mentioned situation; the deceased, who was a courier of cattle smuggling before, was in the gang of 8-10



youths from poor families like him and tried to smuggle out 15-20 cattle on the said date. The wee hour of morning was suitable for the purpose and the gang was opted for that time only. While they were on their way to the border for accomplishment of their purpose, the BSF personnel intercepted them and a commotion broke out. It was reported that, at that time; Mr. Sanjiv Kumar of Khalsi BOP of 144 BSF Battalion fired from his service weapon and a bullet stuck on his right side of the upper back and it pierced through the left of the chest. It was further reported that Arup Tikadar died at the spot. It was evident by the body part receive the bullet that in no way the deceased was in a position to attack the BSF personal/ personnel. It was also observed that the body was left at the spot for about 6 hours. At about 10 am some policemen reached the spot with one rickshaw van. The body was lifted in the said rickshaw van and was tied with rope and the van reached Swarupnagar Police Station. Many villagers alongwith family members followed the van. Nowhere the police called one doctor to examine the body of Arup Tikadar. At about 12 noon by one 107 vehicle the body was taken to Basirhat morgue where Mr. Bidyut Tikadar (nephew) and Mr. Mihir Mallik (close relative) accompanied. After reaching Basirhat morgue police took Rs. 4000/- from Bidyut Tikadar for payment to the vehicle driver / owner. On 26.02.2015; the BSF through a press statement informed the media that the BSF personnel were attacked and in retaliation; they opened fire and Arup Tikadar was died due to bullet injury. This news was broadly published in regional newspapers. Swarupnagar police initiated an unnatural death case vide Swarupnagar PS UD Case No. 06/15 dated 25.02.2015 and a specific criminal case against the deceased on the complaint of BSF; vide Swarupnagar PS Case No. 139/15 dated 25.02.2015 under sections 147/ 148/ 149/ 186/ 353/ 333/ 326/ 307 of Indian Penal Code and sections 25(1) (a) and 27 of Indian Arms Act. On 08.02.2018 Ld. ACJM, Basirhat, has heard for the prayer of interest witness Malati Tikader w/o Basudev Tikader who is the wife of de facto complainant and hearing of the petition for further investigation u/s 173(8) of criminal procedure code.

**(7) Legal Intervention for the victim Mrs. Sarina Khatun Bibi (victim of torture in the hands of BSF personnel)**

The victim was involved in cattle smuggling. On 19.10.2015 at about 4 hours the victim was trying to smuggle cattle to Bangladesh from Padmabila No.12 Gate under the jurisdiction of Swarupnagar Police Station. At that time he was gun shot by Border Security Force. Subsequently hearing the incident, his family members rescued him and took him to Basirhat Seba Nursing Home, Basirhat and from there he was admitted at Swasti Nursing Home, Baguihati, Kolkata-59 under the jurisdiction of Baguihati Police Station. On 20.10.2015 at about 9 hours he passed away at the said nursing home. The police of Baguihati Police Station registered one Unnatural Death Case vide Baguihati Police Station U.D. Case no.144/2015 dated 20.10.2015 on the death of the victim. The post mortem examination on the body of the victim was held on 20.10.2015 at the Department of FMT Police Morgue under R. G. Kar Medical College and Hospital. In the medical records the cause of death of the victim was recorded as 'Gunshot Injury'. On 21.10.2015, Mr. Hafijul Sardar, elder brother of the victim lodged written complaint before the Officer-in-Charge of Swarupnagar Police Station stating that the victim sustained gunshot injury due to firing by BSF while he was trying to smuggle cattle Padmabila No.12 Gate. The complaint was registered as First Information Report vide Swarupnagar Police Station case no. 988/2015 dated 21.10.2015 under section 302 of Indian Penal Code. The said FIR was registered against unknown BSF personnel being accused persons. It is revealed during the fact finding that the investigation of the case is pending but the Investigation Officer did not achieve any breakthrough to arrest the accused BSF personnel. It is further revealed during the fact finding that the police of Swarupnagar Police Station did not receive any complaint from the side of Border Security Force over the incident. It is also revealed during the fact finding that an enquiry report has been sent by SI Ganesh Halder of Swarupnagar Police Station to the Officer-in-Charge of Baguihati Police Station over the death of the victim. In the report it is ascertained that during enquiry it was revealed that the victim was gunshot by Border Security Force on 19.10.2015 at 4 hours while he was trying to smuggle cattle to Bangladesh. In the report the police officer also submitted for preservation of foreign articles if traced inside the body of the victim, video grapy of PM examination and Magisterial Inquest. It is revealed during the fact finding that the victim was gunshot by a BSF jawan namely Jogandar Singh who was with the patrolling party of BSF under Bithari BOP, Company-A, Battalion-76 at Padmabila No.12 Gate on 19.10.2015 at about 4 hours. On 20.10.2015 he passed away in nursing home. The police of Swarupnagar Police Station registered one FIR vide Swarupnagar Police Station Case no.988/2015(GR no.4708/2015) dated 21.10.2015 under section 302 of IPC. The police after lapse of almost two years of investigation closed the case and submitted final report in the court stating that no evidence was found to substantiate the allegation in the FIR. Ms. Sarina Khatun Bibi, being the widow of the deceased victim decided to challenge the police report and faulty investigation conducted by the police of Swarupnagar Police Station. Accordingly on 11.07.2018 with the legal assistance provided to

her from MASUM, she appeared in the Court of Additional Chief Judicial Magistrate, Basirhat and filed written objection against the police report. The court fixed a date of hearing in the said matter.

(8) **Legal Intervention for the victim Mrs. Momena Bibi (victim of torture in the hands of BSF personnel)**

When the victim resides in her matrimonial house with her husband and other family members. The victim is a housewife and look after the household duties. On 15.04.2016 at night the victim was sleeping beside a window in her room. At about 2 am to 2.30 am two BSF jawans namely Mr. Bibekananda Misra and Mr. Harpal trespassed into the house of the victim. Then Mr. Harpal put his hand through the window and started to pull the saree and blouse of the victim. She was awaked from the sleep and started to shout. Then the aforesaid BSF personnel started to pull the victim to the window by touching her private parts on her chest. Due to the forcible pulling, the victim was thrashed on the window, she sustained injury on her chest and the perpetrator BSF personnel also tore her saree and blouse. Hearing shouting of the victim, the family members and some neighbours rushed to the spot. Then the aforesaid BSF personnel left the place hurling abusive languages and issuing threats to murder them if the incident was reported to police. On the same night the incident was reported to the local BSF authority but no action was taken upon the perpetrator BSF personnel. The victim was medically treated at Sarapul Rural Hospital on 15.04.2016. On the same day i.e. on 15.04.2016 the victim submitted a written complaint starting the incident before the Officer-in-Charge of Swarupnagar Police Station. The complaint was registered vide Swarupnagar Police Station Case no.315 dated 15.04.2016 under sections 447(criminal trespass)/323(voluntarily causing hurt)/354B (Assault or use of criminal force to woman with intent to disrobe)/506(criminal intimidation)/34(common intention) of Indian Penal Code. On 27.11.2018 Investigation Officer of this particular case submitted charge sheet and Ld. Court issue W/A against the perpetrators due to non appearance.

**Murshidabad:**

(9) **Legal Intervention for the victim Nargisa Bewa (secondary victim of her husband Mr. Babar Seikh torture to death in the hands of BSF personnel)**

Ms. Nargisa Bibi lost her husband Babar Seikh on 29.12.2016 when her husband was tortured to death by the perpetrator BSF personnel. After demise of her husband she has been living a vagrant's life with her two minor children. She is afraid of thinking the future of her children who were the school students. Her husband was the only earning member in the family. He used to earn daily wage by working in the farming lands of others at Char Kakmari area. Her husband had no farming land in his name. Ms. Nargisa Bibi told that like everyday her husband went to farming lands at Char Kakmari on 29.12.2016 at about 7.30 am. He started to cut grass on a field near BSF Out-Post no.9 under Kakmari BOP. He was not wearing any warm cloth on his upper portion of his body at that time. While he was doing his work, three/four BSF jawans from BSF Out-Post no.9 reached to him and asked him why he was not wearing any upper garment. The victim stated to them due to fear of dirt and sweat he was not wearing any upper garment. But the BSF jawans started hurling abusive languages to him and also blamed him of being a smuggler. Those BSF jawans further assaulted the victim indiscriminately by sticks and rifle butts. The victim sustained severe injuries on his head, hands, legs and eyes. Being unable to bear inhuman torture, the victim succumbed to death on the spot. The BSF personnel threw his body in a nearby paddy field and left the place. At about 2pm the police personnel from Jalangi Police Station came and took his body to Sadhikhan diar Hospital and from there his body was taken to Jalangi Police Station. On the next day, the post mortem examination was done on the body of the victim. The police of Jalangi Police Station started an unnatural death case vide UD Case no.25/2016 dated 30.12.2016. The victim wife stated that the police of Jalangi Police Station did not register any criminal case against the accused BSF personnel involved in murdering her husband. She filed a written complaint before the Superintendent of Police, Murshidabad on 23.02.2017 stating the whole incident as to how her husband was tortured to death by the accused BSF personnel. She stated that till date no action has been taken on her complaint. She further added that till date the post mortem examination report of her husband was not given to her. But as no action had been taken against her complaints, she submitted a petition stating about the whole incident u/s 156(3) of Cr.P.C. in the ACJM court at Lalbag, Murshidabad on 26.06.2018 and the magistrate accepted the prayer. On 07.03.2019 the date for S.A will be fixed.



(10) **Legal Intervention for the victim Jaharlal Sheikh (victim of torture in the hands of BSF personnel)**

Mr. Jaharlal Sheikh son of Mr. Ojed Sheikh is a resident of village- Jhapiria balidiyar, block – Raninagar- II, Police Station- Raninagar, Post Office – Seikhpara, District- Murshidabad. He only possesses 1 *Bigha* of land. He is the only earning member of his family. Cultivating on his small piece of land and working as a land labor victim feeds his family. On 01.06.2017 at around 6 am victim went to his field to cut grass and weeds. The field is near to the Outpost number- 4 of Rajanagar BSF Camp. Suddenly he discovered few people are running away through the adjacent agrarian lands who are supposed to be cattle smugglers and few Border Security Force (BSF) personnel from Rajanagar BSF camp vide Battalion Number – 83 were chasing them. Those BSF personnel was failed to catch those persons and found the victim who was working on his field. They came to the victim and started enquiring about the supposed smugglers. Victim replied that he had no information about them and not even knows them. Hearing this reply; BSF personnel became furious and started verbally abusing him and beaten him black and blue with their rifle butts and bamboo sticks. At that time one of BSF personal opened fire from his pellet gun. Pellets hit victim's right shoulder and neck. Mr. Jaharlal Sheikh was felt down at the ground. But those BSF personnel did not stop their torture and continuously beaten the victim with their wooden sticks while he was bleeding. After some time victim lost his consciousness. Then those BSF personnel sprinkled water on his face. Victim got back his consciousness. Then those BSF personnel left the place. On the same day victim was admitted at Berhampore Medical College Hospital. But the doctors referred him to Neel Ratan Sircar (NRS) Medical College and Hospital; Kolkata or any other post graduate medical institutions. On 01.06.2017 evening the victim was brought and admitted at NRS Medical College and Hospital; Kolkata. After 29 days of treatment the attending doctors discharged Mr. Jaharlal Sheikh on 29.06.2017. But the pellets are still in victim's body and he is suffering with intolerable pain. Victim's family members said that doctor advised for surgery but due to scarcity of money they failed to continue his proper treatment. The victim is medical attention under our care giving programme. On 22.06.2017, victim sent a written complaint from his hospital bed to the Superintendent of Police; Murshidabad through post but as no action had been taken against his complaints, he submitted a petition stating about the whole incident u/s 156(3) of Cr.P.C. in the ACJM court at Lalbag, Murshidabad on 09.04.2018 and the magistrate accepted the prayer. On 23.02.2019 the date for appearance will be fixed.

(11) **Legal Intervention for the victim Babar Ali (victim of torture in the hands of BSF personnel)**

On 31.12.2017 at about 8am the victim Mr. Babar Ali was cutting grass in a field for its use as fodder for his domestic cattle. The field was located on the west side of BSF Out-Post no.7 under Harudanga BSF Camp. At that time he saw that five unknown persons were running into Indian side and six BSF jawans were chasing them. Being unable to apprehend those five unknown persons, the BSF personnel came to the victim and asked him the identity of those five persons. The victim replied that he did not know those five persons. The BSF personnel became angry and abused him in filthy languages. They began to assault him by fists, kicks and beating by sticks and rifle butts on his face, hands, legs, back and chest. He sustained bleeding injuries on several parts of his body and also sustained fracture on his left leg and lost hearing ability. The BSF personnel left the place by committing such murderous assault upon the victim. He was lying there on the ground without any medical attention. After about one hour, the co-villagers of the victim namely Mr. Rabiul Sk and Mr. Sajal Sk were passing from that place. They saw him lying on the ground and withering in pain. They brought him to his home. On 31.12.2017 the victim received medical treatment. He had undergone surgical operation on his left knee and he is still under medical treatment of his ears. On 15.02.2018, the victim himself sent a written complaint through registered post to the Superintendent of Police, Murshidabad stating the incident of torture and custodial violence committed upon him by the perpetrator BSF personnel. The written complaint was delivered to the Office of the Superintendent of Police, Murshidabad on 16.02.2018 but till date no action has been taken by the Superintendent of Police, Murshidabad. The written complaint disclosed information of commission of cognizable offences by the perpetrator BSF personnel, but in spite of this, the Superintendent of Police, Murshidabad failed to discharge his lawful duty by not recommending the written complaint to be treated as F. I. R. till date but as no action had been taken against his complaints, he submitted a petition stating about the whole incident u/s 156(3) of Cr.P.C. in the ACJM court at Lalbag, Murshidabad on 27.03.2018 and the magistrate accepted the prayer. On 23.02.2019 the date for appearance will be fixed.

(12) **Legal Intervention for the victim Mr. Enamul Shah (victim of torture in the hands of BSF personnel)**

Mr. Enamul Shah, son of Mr. Soleman Shah, aged about 38 years, by caste Muslim, a graduate and working as labour, is a resident of village Debaipur under Ranitala police station, District Murshidabad, West Bengal. His family does not own any piece of land and lives in a mud house. He belongs to BPL category and possesses the card for the same along with EPIC and Adhar card. On 18.08.2018, he was returning through his motor cycle, having registration no. WB58-T323, from Borakuli under Islampur PS to his home after purchasing few medicines for his family. At around 6 p.m, Mr. Tapas Mondal ASI, Mr. Sajahan Ali, police constable, Mr. Wasim Javed civic police and Mr. G.M. Sarkar civic police, all attached with Islampur police station obstructed his movement. All the police personnel were in civil attire and not in their uniform. The victim found that the police personnel were stopping the motor cycles at the spot and illegally extorting money from the riders. The lathi yielding police people who obstructed the movement was later identified by the victim from other locals as Mr. G.M.Sarkar Civic Police from Islampur Police Station. The police personnel in civil attire asked the victim to show his documents for motorcycle and other credentials. Enamul questioned over their credential as they were not in their uniform. Though showed all the relevant documents to above mentioned police personnel but just after scrutinizing the documents, the police personnel told the victim to pay the fine. Enamul denied to pay fine as he possessed all the relevant vehicle documents. Denial to pay the fine made the police personnel furious and Mr. Wasim Javed @ Suman then and there snatched the key of Enamul's motorcycle. Subsequently, Mr. Tapas Mondal; the Assistant Sub Inspector and Mr. Sajahan Ali; the Constable started abusing him verbally with sexual connotation referring his parents and Mr. Sajahan Ali had put a pistol on his ear and threatened to encounter him. Thereafter, Mr. Tapas Mondal started kicking and slapping him with filthiest verbal abuses. The other stranded motorcycle riders gathered around the police personnel and the victim after observing this extreme highhandedness by police and they started protesting the police actions. Then the victim was whisked away a few yards by the police personnel and then the police personnel demanded Rs. 5000 and warned the victim if he does not pay the same amount; he will be falsely implicated in criminal cases related to Narcotics and Psychotropic Substances Act. The protest by the passersby's forced to change the stance of the involved police personnel and then they started blaming Enamul as Bangladeshi intruder having involvement with terrorism. Enamul reacted and told the police personnel that he is an Indian citizen, after hearing the same, the police personnel snatched and confiscated Enamul's driving license. The involved police personnel then started verbally abusing him referring his religious identity after identified him as Muslim through his driving license. Enamul also showed his PAN Card and EPIC card in full public view. The involved police personnel were enraged after Enamul protested their action and in vengeance pinned him down to the ground and indiscriminately slapped, punched and kicked him. The police personnel then left the place by their motorcycles. On 20.08.2018, Mr. Enamul Shah submitted a written complaint before the Superintendent of Police; Murshidabad district through registered post but till date no action have been taken. On 3rd October, 2018 a complaint case was registered in Lalbagh Court under section 156(3) of Criminal Procedure Code, 1973 with a petition stating the above stated fact and the judicial Magistrate took cognizance of the case under Section 200 of Criminal Procedure Code.

**District: Cooch Behar**

A false and fabricated case Dinhat Police Case no. 259/2018 (GR case no. 251/2018) dated 19.07.2018 u/s 341/186/353/427/506/34 of Indian Penal Code was lodged against Mr. Kirity Roy, the Secretary of MASUM for organizing a peaceful rally and deputation before the Sub-Divisional Officer, Dinhat, District-Cooch Behar on 19.07.2018 for the victims of human rights violations in the hands of the perpetrator police and BSF personnel. On 29.09.2018 Mr. Kirity Roy filed an application for bail u/s 438 of Criminal Procedure Code. in the Court of the District and Sessions Judge, Cooch Behar in connection with the said criminal case. The application was registered as the Criminal Miscellaneous Case no.1434/2018 and the application is fixed on 10.10.2018 for hearing. In Criminal Misc. Case No. 1434/2018 filed under section 438 of Criminal Procedure Code, before District & Sessions Judge, Cooch Behar in connection with Dinhat P.S. Case No. 259/2018 dated 19/7/2018 (GR 251/2018) under sections 341/ 186/ 353/ 42/ 506/ 34 of Indian Penal Code against Mr. Kirity Roy; the District Judge granted bail to Mr. Roy and on 13.11.2018 he furnished the bail bond of Rs. 5000/- and confirmed his anticipatory bail against this false and fabricated case.



**MASUM continued to provide direct legal assistance in the following pending criminal cases filed by the victims of torture against the accused public servant being police and BSF personnel**

Sl. No.,	victim	Complainant	court	Case	Accused
<b>2012</b>					
1	Sudarshan Mondal	Sonali Mondal	ACJM, Lalbagh	CR 115/2012	BSF personnel
2	Majim Sardar	Majim Sardar	“	CR 116/2012	BSF personnel
3	Dhananjoy Mondal	Panchanan Mondal	“	CR 114/2012	BSF personnel
4	Ramadin Dubey	Ramadin Dubey	“	CR 153/2012	Police personnel
5	Rajkumar Mahanto	Rajkumar Mahanto	“	CR154/2012	Police personnel
<b>2013</b>					
1	Khadimul Islam	Khadimul Islam	ACJM, Lalbagh	CR-474/2013	Police personnel
2	Sahabuddin Biswas	Sahabuddin Biswas	ACJM, Basirhat	C-1006/2013	BSF personnel
3	Prasanta Mistry	Prasanta Mistry	ACJM, Basirhat	C-1213/2013	Police personnel
4	Abhijit Sarkar	Amarnath Sarkar	ACJM, Basirhat	C-1007/2013	Police personnel
5	Saibuddin Gazi	Jiad Ali Gazi	ACJM, Basirhat	C-1267/2013	BSF personnel
6	Besarat Sk	Besarat Sk	ACJM, Lalbagh	CR91/2013	Police personnel
7	Mohiruddin Sk	Mohiruddin Sk	“	CR 92/2013	Police personnel
8	Dilip Mondal	Dilip Mondal	“	CR 354/2013	Police personnel
9	Jairul Sk	Jairul Sk	“	CR 469/2013	Police personnel
10	Sadhu Mondal	Sadhana Mondal	“	Misc Case 742/2013	Police personnel
11	Saheb Sk.	Saheb Sk.	“	CR 772/2013	BSF personnel
12	Sariful Islam	Sariful Islam	“	CR 356/2013	BSF personnel
<b>2014</b>					
1	Anarul Sk	Anera Bewa	ACJM, Lalbagh	CR 6849/2014	Police personnel
2	Sunita Mondal	Sunita Mondal	“	CR 7361/2014	Police personnel

3	Ripon Sk	Ripon Sk	“	CR 519/2014	Police personnel
4	Askan Sk	Mejarul Sk	“	CR 442/2014	Police personnel
5	Mafidul Islam	Mafidul Islam	“	CR 411/2014	Police personnel
6	Purnima Mondal	Dilip Mondal	“	CR 300/2014	Police personnel
7	Sushi Mondal	Sushil Mondal	“	CR 309/2014	Police personnel
8	Najera Bewa	Najera Bewa	“	CR 317/2014	Police personnel
9	Tanu Mondal	Tanu Mondal	“	CR 319/2014	BSF personnel
10	Jahiruddin Sk	Jahiruddin Sk	“	CR 328/2014	Police personnel
11	Manu Bhowmick	Manu Bhowmick	“	CR 700/2014	Police personnel
12	Rima Bibi	Rima Bibi	“	CR 526/2014	Police personnel
13	Maidur Rahman	Maidur Rahman	“	CR 231/2014	Police personnel
14	Maina Bibi	Maina Bibi	“	CR 11317/2014	Police personnel
15	Namaji Sk	Namaji Sk	“	CR 6847/2014	Police personnel
16	Boltu Molla	Boltu Molla	“	CR540/2014	BSF personnel
17	Kajla Bibi	Imaj Mondal	“	CR 6695/2014	Police personnel
18	Ajimuddin Sarkar	Faruk Kamran Sarkar	“	CR 7408/2014	Police personnel
19	Piyarul Islam	Piyarul Islam	“	CR 3/2014	Police personnel
20	Rajib Molla	Reba Bewa	“	CR299/2014	Police personnel
21	Rajib Molla	Reba Bewa	“	CR 801/2014	Police personnel
22	Saddam Hossain	Abdul Rashid Sk	“	CR 6848/2014	Police personnel
23	Sunita Mondal	Nirmal Kumar Mondal	“	CR-819/2014	Police personnel
<b>2015</b>					
1	Alamgir Sk(deceased)	Rubina Bewa	ACJM, Lalbagh	CR-432/2015	BSF personnel
2	Shirina Bibi	Shirina Bibi	“	Misc. Petition 234/2015	Police personnel
3	Merina Bibi	Merina Bibi	“	CR 15493/2015	Police personnel
4	Toyeb Ali	Md. Abdul Alim	“	CR-015347/2015	Police personnel
5	Abdul Khalek	Ambewa Bewa	“	CR124/2015	BSF personnel



	Mondal				
6	Bimal Mondal	Bimal Mondal	“	CR 481/2015	BSF personnel
7	Ajimuddin Sarkar	Ajimuddin Sarkar	“	CR14366/2015	Police personnel
8	Kajla Bibi	Kajla Bibi	“	CR 290/2015	Police personnel
9	Jiarul Sk	Jiarul Sk	“	CR 291/2015	Police personnel
10	Srikrishna Kabiraj	Srikrishna Kabiraj	“	CR15455/2015	Police personnel
11	Najrul Sk	Najrul Sk	“	CR 482/2015	Police personnel
12	Murshida Bibi	Murshida Bibi @ Nasrin	“	CR 697/2015	Police personnel
13	Alamgir Sk	Rubina Bewa	“	CR 865/2015	BSF personnel
14	Kajla Bibi	Kajla Bibi	“	CR 176/2015	Police personnel
15	Sunita Miondal	Sunita Mondal	“	CR 216/2015	Police personnel
16	Ajit Sk	Ajit Sk	“	CR 292/2015	Police personnel
<b>2016</b>					
1	Biman Mondal	Biman Mondal	ACJM, Lalbagh	CR 97/2016	Police personnel
2	Jiarul Sk	Jiarul Sk	“	CR 93/2016	Police personnel
3	Arjun Mondal	Arjun Mondal	“	CR-655/2016	BSF personnel
4	Sumanta Mondal	Anupama Mondal	“	CR-657/2016	BSF personnel
5	Badiyar Ali	Badiyar Ali	“	CR-34/2016	BSF personnel
6	Jiarul Sk	Jiarul Sk	“	CR-28/2016	Police personnel
7	Bikram Mondal	Sukumar Mondal	“	CR-804/2016	BSF personnel
8	Monojit Mondal	Balai Mondal	“	CR-797/2016	BSF personnel
9	Master Al Amin	Asia Bibi	“	CR-1034/2016	BSF personnel
10	Saidul Islam	Saidul Islam	“	CR-803/2016	
11	Nijam Sk	Nijam Sk.	“	CR-783/2016	BSF personnel
12	Gopal Mondal	Gopal Mondal	“	CR-782/2016	BSF personnel
13	Murshid Alam	Kajirul Molla	“	CR-755/2016	BSF personnel
14	Nimai Dolui	Dukhi Dolui		CR-472/2016	Police personnel

15	Raj Kumar Mondal	Joydeb Mondal	“	CR-874/2016	BSF personnel
16	Protap Mondal	Protap Mondal	“	CR-873/2016	BSF personnel
17	Indrajit Mondal	Indrajit Mondal	“	CR-875/2016	Unknown BGB personnel
18	Afjal Sk	Saidar Ali	“	CR-883/2016	BSF personnel
19	Mijanul Haque	Mijanul Haque	“	CR-889/2016	BSF personnel
20	Sk. Mohammad Omar	Sk. Mohammad Omar	“	CR-878/2016	Police personnel
21	Rama Bibi	Rama Bibi	ACJM, Basirhat	CR-309/2016	BSF personnel
<b>2017</b>					
1	Mainuddin Sk	Mainuddin Sk	CJM, Murshidabad	CR- 198/2017	Police personnel
2	Mr. Ebadul Haque	Lilabati Bibi	ACJM, Lalbagh	CR-127/2017	BSF personnel
3	Ajirul Sk	Ajirul Sk	ACJM, Lalbagh	CR-128/2017	BSF personnel
4	Jahanara Bibi	Jahanara Bibi	ACJM, Basirhat	CR-1665/2017	BSF personnel
5	Azerul Seikh	Azerul Seikh	ACJM, Lalbagh	CR Case no.128/2017	BSF personnel
6	Sudhangshu Mondal	Sudhangshu Mondal	ACJM, Lalbagh	CR Case no.261/2017	BSF personnel
7	Ebrak Sarder	Ebrak Sarder	ACJM, Lalbagh	CR Case no.250/2017	BSF personnel
8	Golam Mujtuba	Golam Mujtuba	ACJM, Lalbagh	CR Case no.249/2017	BSF personnel
9	Rahidul Sarkar	Rahidul Sarkar	ACJM, Lalbagh	CR Case no.246/2017	BSF personnel
<b>2018</b>					
9	Nargisa Bewa	Babar Seikh (Dead)	ACJM, Lalbag	CR 108/2018	BSF personnel
10	Jaharlal Seikh	Jaharlal Seikh	ACJM, Lalbag	CR 72/2018	BSF personnel
11	Babar Ali	Babar Ali	ACJM, Lalbag	CR 69/2018	BSF personnel

**MASUM continued its legal assistance to the victims of torture accused in criminal cases mentioned in the list below**

Sl. no.	Name	Case no.	District
1	Safukul Islam @ Patan	G.R. - 1150/2014	Murshidabad
2	Palash Mondal	NDPS-283/2014	Murshidabad
3	Palash Mondal	G.R. 2926/2014	Murshidabad
4	Kajola Bibi	G.R. 2949/2014	Murshidabad
5	Palash Mondal	G. R. 3846/2014	Murshidabad
6	Palash Mondal	G.R. 3646/2014	Murshidabad
7	Palash Mondal	NDPS 34/2014	Murshidabad
8	Mofidul Islam @ Nantu	G.R. 334/2014	Murshidabad
9	Rajiul Sk	G.R. 1227/2014	Murshidabad
10	Rabiyul Islam	G.R. 127/2013	Murshidabad
11	Biswajit Mondal	JJB 261/2013	Murshidabad
12	Sadhu Mondal	G.R. 2708/2012	Murshidabad
13	Safukul Islam @ Patan	G.R. 3566/2013	Murshidabad
14	Safukul Islam @ Patan	G.R. 3932/2013	Murshidabad
15	Saheb Sk	G.R. 2512/2013	Murshidabad
16	Sadhu Mondal	G.R. 2694/2012	Murshidabad
17	Palash Mondal	G.R. 873/2014	Murshidabad
18	Malati Oreo	G.R. 1163/2012	Murshidabad
19	Haider Ali	G.R. 1506/2014	Murshidabad
20	Humayun Sarkar	NGR 2950/2013	Murshidabad
21	Palash Mondal	NDPS 223/2013	Murshidabad
22	Merina Bibi	G.R. 3963/2014	Murshidabad
26	Saddam Hossain	NGR No.3083/2015	Murshidabad
27	Ripon Sk & others	GR no.776/2016	Murshidabad
28	Rejaul Islam	GR No.2628/2015	Murshidabad
29	Rafikul Mondal	GR no.236/2014	Murshidabad
30	Ajimuddin Sarkar	Islampur Police Station Case no. 273/2015 dated 29.9.2015	Murshidabad
31	Ajimuddin Sarkar	Islampur Police Station Case no.266/2015 (Special Case no.171/2015) dated 22.9.2015	Murshidabad
32	Ajimuddin Sarkar	Raninagar Police Station Case no.263/2015 dated 09.07.2015 under the NDPS Act	Murshidabad
33	Ajimuddin Sarkar Kirity Roy	G.R. 5151/2014	Murshidabad
34	Ajimuddin Sarkar Kirity Roy	G.R. 1738/2013	Murshidabad
35	Ajimuddin Sarkar	C.SPECAL 24/2017	Murshidabad
36	Polash Mondal	GR no.1533/2014	Murshidabad
37	Polash Mondal	GR no.2755/2013	Murshidabad
38	Abdulla Gazi	GR 3929/2014	North 24 Parganas
39	Ajanur Gayen	GR no.4372/2014	North 24 Parganas
40	Jiad Ali Gazi	GR 5034/2014	North 24 Parganas
41	Unus Molla and three others	GR-2307/2013	North 24 Parganas
42	Saibuddin Gazi@ Saifuddin	GR-3167/2016	North 24 Parganas



		&GR3428/2013	
43	Ranjit Das	GR no.388/2016	North 24 Parganas
44	Amarnath Sarkar & Narayan Mondal	GR no.2343/2012	North 24 Parganas
45	Nazrul Dafadar	GR no.4835/2014 SC21(12)2017	North 24 Parganas
46	Jamat Ali Sana	GR no.3042/2014	North 24 Parganas
47	Alamgir Gazi	GR no.2223/2016	North 24 Parganas
48	Abdul Ajiz Mia	GR no.695/2014	Cooch Behar
49	Momena Bibi & others	GR no.1643/2016	North 24 Parganas
50	Jamat Ali Sana	GR no.3042/2014	North 24 Parganas
51	Jahangir Alam	GR no. 2953/2017	Murshidabad
52	Palash Mondal	GR no. 3846/2010	Murshidabad
53	Sadhana Mondal	ENGR 841/2018	Murshidabad

As an unit of legal assistance total 105 victims in prosecution case and 53 victims in defence case, MASUM provided legal support of them since 2012 in the various sub divisional courts of Murshidabad, North 24 Pargana and Cooch Behar. Number of cases for which pro bono lawyers in the district level courts appeared in this year; we make the following month wise chart report.

Months	Murshidabad		North 24 Pargana	
	Prosecution	Defence	Prosecution	Defence
January, 2018	14	21	05	02
February, 2018	18	19	06	02
March, 2018	21	21	07	03
April, 2018	20	21	07	03
May, 2018	23	20	06	03
June, 2018	22	18	05	02
July, 2018	22	21	07	04
August, 2018	23	19	04	03
September, 2018	20	21	04	02
October, 2018	10	12	04	01
November, 2018	21	16	07	04
December, 2018	21	20	06	04

#### **Legal Awareness Camps Organised by MASUM**

- (1) MASUM facilitated a legal workshop on Legal Assistance to Accused at Domkal Law College on 11th February 2018. Mr. Kirity Roy was the trainer from MASUM. Nearly 200 law students, ex- judge, magistrates and teachers of the said law college participated.
- (2) Four consecutive meetings on Early Marriage of Girl Child were held on 3rd, 7th, 14th and 31st March 2018 at Begampur, Mohongunj, Bhagirath and Lochonpur respectively. The meetings were attended by Gram Panchayet members, ASHA workers, local health workers, students and village womenfolk. Ms. Safinaz Nasreen from MASUM was the speaker on these meetings.
- (3) On 18th March 2018, a workshop on 'Custodial Torture & Flaws in Criminal Justice System' was organized at Domkal Law College in Murshidabad district. More than 200 students including retired District Judge, Magistrate, faculties of the Law College and civil society members participated. Mr. Kirity Roy from MASUM was the resource person on the workshop.
- (4) On 13th July 2018, MASUM organized an interaction with lawyers from Alipurduar at Red Cross Building; just next to the District and Sessions Judge's Court- Alipurduar. The meeting was attended by over 25 lawyers and the topic of the interaction was '\_Prisoner's Rights'. Mr. Kirity Roy was the resource persons and Mr. Ranjit Sarkar, a senior lawyer of the district presided over. The lawyers and law clerks shared their opinions.
- (5) On 07<sup>th</sup> December, 2018, MASUM organized an interaction with District Child Protection Unit, Police Unit and various other Non Governmental Organizations from Purulia District. The interaction was held at Jila Parishad Building. The meeting was attended by DCPO, Purulia and the topic of the interaction was 'Child Rights'. Mr. Kirity Roy and Biswajit Mukherjee were the resource persons.

## MASUM in News

**The Statesman**  
PEOPLE'S PARLIAMENT. ALWAYS IN SESSION

Human rights  
forum accuses  
BSF of inflicting  
atrocities

KOLKATA, 15 DECEMBER

**দিনদর্শন**

মানবাধিকার কমিশনের গুনানিতেও অধরা বিচার

4 SUNDAY  
DECEMBER 16, 2018

**Kolkata Chronicle**

Victims of human rights  
abuse recount their ordeal

**Mahanagar** 24x7  
বাহার

মানবাধিকার দিবস উপলক্ষে 'মানবাধিকার মেলা'

December 13, 2018

**The Phoenix Post**

TUESDAY :: 18-12-2018 :: PORT BLAIR

Top human rights body sends  
delegation to hear cases



Dec 07, 2018 08:23 AM

মানবাধিকার সুরক্ষায় MASUM-  
এর উদ্যোগ

**HOLIDAY**

EDITORIAL

BRAZEN MISCARRIAGE OF JUSTICE

Felani Khatun's restless soul crying for justice

Wednesday, December 26, 2018

**NEWAGE**

11 Bangladeshi women, children  
trafficked to India: rights group

INTERNATIONAL  
**THE NEWS**

Asian countries urged to end death penalty, respect right to life

<http://epaper.thestatesman.com/1938003/Kolkata-The-Statesman/15th-December-2018#page/13/1>

<http://www.dindarpan.com/archives/19834>

<http://www.easternchronicle.net/index.php?archive=16.12.2018&city=4#>

<http://bengali.mahanagar24x7.com/human-rights-fair-2018/>

<http://thephoenixpostindia.com/wp-content/uploads/2018/12/1-11.jpg>

<http://unishkuri.in/storydetails/-/unishkuristory/articleId-160656>

<http://www.weeklyholiday.net/homepage/pages/UserHome.aspx?ID=4&date=01/12/2018>

<http://www.newagebd.net/article/47027/11-bangladeshi-women-children-trafficked-to-india-rights-group>

<https://www.thenews.com.pk/latest/379260-asian-countries-urged-to-end-death-penalty-respect-right-to-life>

THE HINDU

Rights group demands probe into death of villagers near Bangladesh border



Assam forces accused of waterboarding detainees

Assam state police chief says he will take action against those found guilty after victims say they were waterboarded.

THE HINDU

NHRC directs Centre to pay ₹ 3 lakh to West Bengal pellet gun victim

BBC

NEWS | বাংলা

ভারতে আটক বাংলাদেশি বাবা-মা থেকে যেভাবে  
বিচ্ছিন্ন করে ফেলা হচ্ছে সন্তানদের

bdnews24.com

Bangladesh's First Internet Newspaper

Indian rights group MASUM push for release of ten Bangladesh women



Indo-Bangla relations: Security forces pledge to curb cross-border crimes, agree to new fencing

Anveshi

RESEARCH CENTRE FOR WOMEN'S STUDIES

Smuggling and the BSF: a case study of violence at the Indo-Bangladesh border

<https://www.thehindu.com/news/national/other-states/rights-group-demands-probe-into-death-of-villagers-near-bangladesh-border/article24353817.ece>

<https://www.aljazeera.com/indepth/features/assam-forces-accused-waterboarding-detainees-180123063800303.html>

<https://www.thehindu.com/news/national/nhrc-directs-centre-to-pay-3-lakh-to-west-bengal-pellet-gun-victim/article24427626.ece>

[https://www.bbc.com/bengali/news-44796339?ocid=wsbengali.chat-apps.in-app-msg.whatsapp.trial.link1\\_.auin](https://www.bbc.com/bengali/news-44796339?ocid=wsbengali.chat-apps.in-app-msg.whatsapp.trial.link1_.auin)

<https://bdnews24.com/neighbours/2017/02/23/indian-rights-group-masum-push-for-release-of-ten-bangladesh-women>

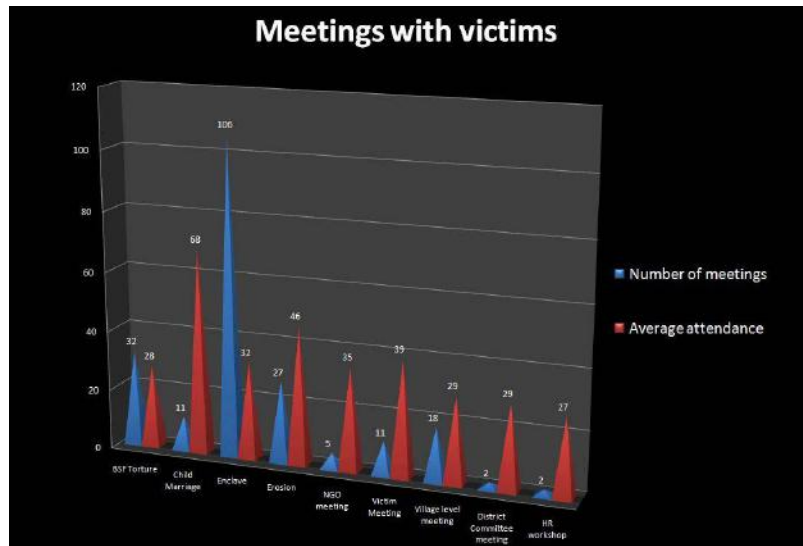
<http://www.wionews.com/south-asia/indo-bangla-relations-security-forces-pledge-to-curb-cross-border-crimes-agree-to-new-fencing-7283>

<http://www.anveshi.org.in/broadsheet-on-contemporary-politics/archives/broadsheet-on-contemporary-politics-vol-3-no-1/smuggling-and-the-bsf-a-case-study-of-violence-at-the-indo-bangladesh-border/>



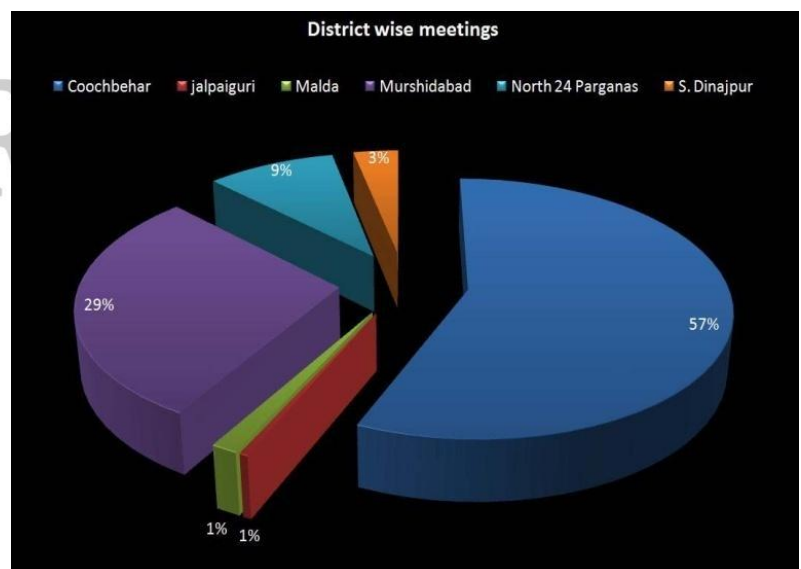
# Activity Report 2018

Apart from lodging complaints for the victims to the National Human rights Commission, MASUM also took initiatives in order to aware and motivate the victims so that they are able to organize themselves in fighting



against torture on their own. For the purpose MASUM organized several meetings and street corners with the victims in the respective areas regarding the particular issues faced by the victims. The attached chart shows the number of meetings conducted by MASUM regarding a particular issue and the average number of victims that attended those meetings. For instance, MASUM organized 32 meetings regarding BSF torture in the bordering villages where approximately 28 persons attended each meeting. Meetings on child marriage were attended by approximately 68 victims, which is most number of victims on an average

attending any meetings, the number of meetings organized by MASUM being 11. MASUM organized as much as 106 village level meeting between January, 2018 and December, 2018 regarding the issues of the erstwhile enclave dwellers, which is the highest number of meetings organized for any issue. Each of these meetings was attended by 32 victims on an average. During this one year MASUM worked mostly in four districts of West Bengal – Coochbehar, Murshidabad, North 24 Parganas and South Dinajpur. 57% of the meetings were conducted in Coochbehar on the issues of erstwhile enclave dwellers, and torture by the Border Security Force personnel. 29% of the total meetings conducted by MASUM were related to the issues of child marriage, BSF torture and river banks erosion of Murshidabad district and 9% of the meetings were on issues related to torture by Border Security Force at the bordering villages of North 24 Parnagas district. 3% meetings were conducted on the issues of BSF torture in South Dinajpur. Apart from these districts, 3 meetings were conducted in Malda and 1 at Jalpaiguri district on BSF torture and erstwhile enclave dwellers by MASUM.

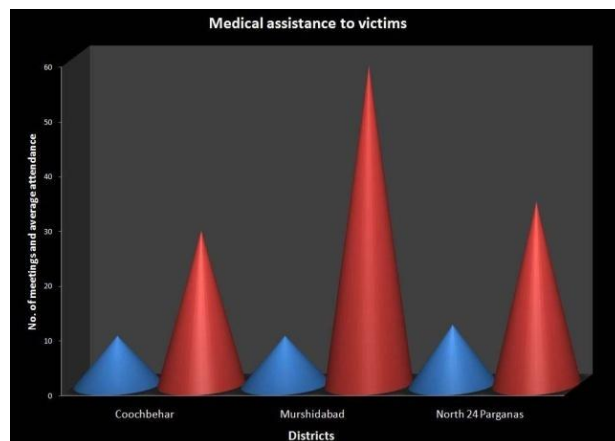


## Medical Camps

Besides empowering the victims with consistent support, awareness campaigns and motivational approaches, MASUM also provided direct means of facilitation to the victims of torture. MASUM organized several medical camps, with support from United Nations

Medical assistance to victims		
Date	District	Number of victims attended
9/Jan/18	North 24 Parganas	22
13/Feb/18	North 24 Parganas	25
14/Apr/18	Murshidabad	69
21/Apr/18	Coochbehar	27
28/Apr/18	North 24 Parganas	31
12/May/18	Murshidabad	52
19/May/18	Coochbehar	36
26/May/18	North 24 Parganas	35
9/Jun/18	Murshidabad	45
19/Jun/18	Coochbehar	22
23/Jun/18	North 24 Parganas	40
13/Jul/18	Murshidabad	69
19/Jul/18	Coochbehar	14
28/Jul/18	North 24 Parganas	32
11/Aug/18	Murshidabad	58
18/Aug/18	Coochbehar	35
25/Aug/18	North 24 Parganas	33
8/Sep/18	Murshidabad	66
29/Sep/18	Coochbehar	28
15/Sep/18	North 24 Parganas	43
12/Oct/18	Murshidabad	43
30/Oct/18	Coochbehar	25
27/Oct/18	North 24 Parganas	36
16/Nov/18	Murshidabad	60
17/Nov/18	Coochbehar	34
24/Nov/18	North 24 Parganas	34
8/Dec/18	Murshidabad	64
25/Dec/18	Coochbehar	33
30/Dec/18	North 24 Parganas	38

Nations Voluntary Fund for Victims of Torture (UNVFVT) on a regular basis for the victims who were



subjected to torture from various ends. Throughout the year 2018, MASUM organized 29 medical camps in three districts to provide medical assistance to the victims of torture. The attached chart will showcase a snapshot of the medical camps and the victims facilitated by those camps.

Out of these 29 medical camps, 11 were organized in North 24 Parganas district. 9 camps each were organized in Murshidabad and Coochbehar districts. On an average 40 victims were supported through each of these medical camps organized by MASUM with support from United Nations Voluntary Fund for Victims of Torture (UNVFVT).



On 21st January 2018, MASUM organized an interface to discuss the prevailing social malice of child marriage at GD College; Seikhpura with the Imams and Qazis from bordering areas of Murshidabad district. The interface was attended by nearly 200 Imams and Qazis. Mr. Nizamuddin; Secretary of Murshidabad



District Imam Association, Mr. Golam Haider, Mr. Safikul Islam; Secretary of Raninagar Block Imam Association and Mr. Alamgir made deliberations. Mr. Biplab Mukherjee, Mr. Ajimuddin Sarkar and Ms. Safinaj Nasreen representing MASUM spoke during the event.



On the same day a state level meeting was organized at Chunakhali Co-operative Office at Chunakhali, Murshaidabad by joint committee of different science and environmental groups. More than 30 participants attended. The participants discussed their achievements and failures regarding environmental protection activities. Mr. Subhpratik Roychoudhury represented MASUM spoke on organizational experiences related to its activities in erosion affected areas of Murshidabad and requested for solidarity from environment activists.



MASUM facilitated a legal workshop on Legal Assistance to Accused at Domkal Law College on 11th February 2018. Mr. Kirty Roy was the trainer from MASUM. Nearly 200 law students, ex- judge, magistrates and teachers of the said law college participated.



A central fact finding team visited at Islampur in North Dinajpur and Gajol in Malda district to assess the situation on forcible land grabbing by State and private agencies.





On 8th March 2018, MASUM observed International Women's Day with other social, civil and women rights groups. At Kolkata, a sit-in, mass meeting followed by procession was organized at Sealdah Railway Station premises by 'Dus Theke Dus Hazar' (ten to ten thousand), a conglomeration of women's rights activists and groups. From MASUM, Mr. Kirity Roy and Ms. Sonali Das and Mr. Mohor Mondal along with women victims of torture by Police and Border Security Force personnel from 24 Parganas (North) participated. Mr. Roy and Mr. Mondal addressed the gathering. At Cooch Behar district, MASUM observed International Women's Day at erstwhile enclave Karola with Pramila Bahini; an association of women from erstwhile enclaves. Around 100 women were present at the meeting. Secretary and Chief Coordinator of Alipurduar Social Awareness Institute (ASAI); Mr Sushanta Talukdar and Mrs Mala Dev made deliberation. From MASUM, Ms. Tilak Burman, Mr. Ramendra Nath Moitra and Mr. Dippyaman Adhikary made their speeches on women rights and torture by State agencies upon women at India – Bangladesh bordering areas. A street corner meeting was organized by MASUM at Sekhpara of Murshidabad district where a bordering population attended in numbers. Mr. Biplab Mukherjee from MASUM addressed the meeting and discussed about the wraths and apathies of law enforcing agencies; police and BSF with special reference to marginalization and subjugation of women at Indo- Bangladesh border.



On 18th March 2018, a workshop on 'Custodial Torture & Flaws in Criminal Justice System' was organized at Domkal Law College in Murshidabad district. More than 200 students including retired District Judge, Magistrate, faculties of the Law College and civil society members participated. Mr. Kirity Roy from MASUM was the resource person on the workshop.





On 19th March 2018, Jana Sanhati Kendra, Paschimbanga Khet Majur Samity and Sharmajibi Mahila Samity organized an interactive training on 'fact finding modules for human rights violation incidents' at Badu; Madhyamgram, district- 24 Parganas (North). Mr. Kirty Roy from MASUM was the resource person during the training.



In our previous monthly reports we have mentioned that at erstwhile Bangladeshi enclaves, dwellers formed two groups namely "Amra Chitmoholbasi" and "Pramila Bahini". These groups are working mainly to press their citizenry rights which were assured by Government of India during Land Boundary Agreement in 1955. In March, 2018 these groups organized a series of street corner meetings at different parts of Cooch Behar to vent out their frustration before the fellow citizenry of neighboring mainland areas. Street Corner Meetings and Gram Panchayet level Meeting at North 24 Paraganas on various issues of Marginalization and Subjugation at Indo- Bangladesh bordering areas with special reference to construction of Bharatmala Road and related forcible Land Acquisition, Unjust Restriction of Movement of Villagers by BSF and hardships related to border fencing.



### People's Tribunal on Attack on Educational Institutions

People's Tribunal on Attack on Educational Institutions was held at the Constitution Club of India, New Delhi, on April-11-13, 2018. The tribunal was organized by the people's Commission on Shrinking Democratic Space in India (PCSDS). The jury panel of the tribunal comprised Justice (Retd.) Hosbet Suresh, Justice (Retd.) B.G. Kolse Patil, Prof. Amit Bhaduri, Dr. Uma Chakraborty, Prof. T.K. Oommen, Prof.



Vasanthi Devi, Prof. Ghanshyam Shah, Prof. Meher Engineer, Prof. Kalpana Kannabiran and Ms. Pamela Phillipose, Prof. Romila Thapar was the chair of the plenary session of the tribunal.

Testimonies of 120 students and teachers from close to 50 institutions and universities spread across 17 states were considered by the jury panel; 49 testimonies were deposited orally at the tribunal. Along with these testimonies, there were 17 expert submissions on all thematic issues. Mr. Kirity Roy from Banglar Manabadhikar Suraksha Mancha (MASUM) was invited at that tribunal.



### Consultation on Justice for Victims of Mass Atrocities

MASUM representative; Mr. Kirity Roy attended the Consultation on Justice of Mass Atrocities at Imphal on 5th and 6th May, 2018. The consultation was on topics of „The journey of the EEVFAM case and its impact on AFSPA“, Mass atrocities and sharing of experiences of advocacy, Witness and HRD Protection and Future Strategy. Mr. Roy was the moderator for the session on Mass atrocities and sharing of experiences of advocacy.



On 12.05.2018 erstwhile enclave dwellers of Kachua, Uttar Bansjani, Nalgram, Falnapur, Jongra, Nalgram Khanda, Bhandardaha submitted one mass deputation to District Magistrate, Cooch Behar. The erstwhile enclave dwellers announced to boycott the panchayet election due to non fulfillment of their demands. 3 years have been passed after execution

of Land Boundary Agreement; till the developmental work at erstwhile enclaves not completed. Many erstwhile enclaves are deprived from the facility of health care, drinking water, electricity, roadways etc.



### Observance of International Day for Victims of Torture

Banglar Manabadhikar Suraksha Mancha (MASUM) observed International Day for Victims of Torture at Kolkata Press Club. To commemorate the day MASUM organized a civil society and media interface from 2.00 PM to 4.00 PM where renowned human rights protagonists; Dr. Binayak Sen and Ms. Miratun Nahar

were speakers. The interface started with mass songs and continued with an introductory speech by Mr. Biplab Mukherjee; Secretary of MASUM. 11 victims/ survivors of torture and family members of extra judicially killed deposed before the gathering. Mr. Kirity Roy; the Founder





Secretary of MASUM dealt with the issue and elaborated the torture scenario in West Bengal and India; he also linked the individual torture incidents with legalities and its violation. Dr. Binayak Sen relates the role of the doctor with incidents of torture and its documentation. Ms. Miratun Nahar made praises for MASUM initiatives and called civil society speak out against continuance of torture. Later, a procession consisting with torture victims from districts marched to Raj Bhaban and a delegation of MASUM; constituted with Mr. Subhpratism Roychoudhury, Mr. Subhrangshu Bhaduri and Mr. Dipyaman Adhikary went to office of the Governor and submitted a memorandum. Police blocked the procession well before the Governor's house where Mr. Kirity Roy, Mr. Biplab Mukherjee and Mr. Naren Ghatak addressed the procession and mass songs were sung. The procession chanted slogans for immediate ratification of UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to come up with domestic legislation on torture by Government of India.

**People's Commission on Shrinking Democratic Space (PCSDS)** On 22-23 June the National Working Committee of People's Commission on Shrinking Democratic Space (PCSDS) met at Hyderabad. Mr. Kirity Roy attended that meeting on behalf of MASUM and as a member of NWC of PCSDS. On that meeting reviewed success and failure of previous tribunal on violation of Freedom of Expression in educational institution and discussed problems related to resource and structural problems. They planned to organize another tribunal on Attacks on Environmental and Land Rights Activists. **MASUM visits at District Offices** MASUM visited

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**MASUM visits at District Offices**

MASUM visited the offices of duty bearers of Cooch Behar district on 18th June 2018 to take stock on progress of development initiatives at erstwhile enclaves. During this visits, MASUM knocked at District Magistrate's office, offices of Executive Engineer of Public Works Department and Chief Medical Officer Health.



8

## ANNUAL GENERAL MEETING OF MASUM

MASUM hold its 21st Annual General Meeting on 22 June 20178 at Srirampur; Hooghly. Friends, activists, professionals and representatives from fraternal organizations participated during the AGM. The outgoing Secretary; Mr. Biplab Mukherjee submitted his secretarial report for year 2017-2018 along with audited accounts report. Mr. Justice Malay Sengupta the outgoing President of MASUM presided. In Secretarial report, the outgoing Secretary discussed the international as well as the domestic human rights situations; apart from that he made his opinion on organizational achievements, challenges and scopes. He informed the house that at present, MASUM has its presence in many bordering districts in West Bengal with Bangladesh

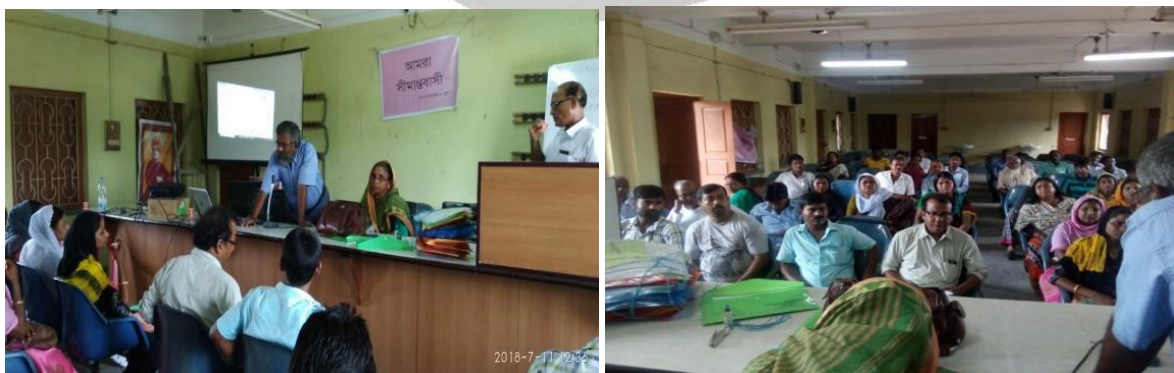


and initiatives and organization have been taken to mobilize the bordering populace under an umbrella for the uniqueness and specific problems. Later, the house elected a new executive committee for coming session. Mr. Kirity Roy has been elected as Secretary. Mr. Justice Malay Sengupta has been reelected as President.

**People's Commission on Shrinking Democratic Space (PCSDS)** On 9 July 2018, the National Working Committee of People's Commission on Shrinking Democratic Space (PCSDS) met at Delhi. Mr. Kirity Roy attended that meeting on behalf of MASUM and as a member of NWC of PCSDS. On that meeting the NWC fixed terms of references on new memberships, state level initiatives and it has been decided that a provincial meeting on 9th August will held at Kolkata as General Body meeting. They planned to organize another tribunal on Attacks on Environmental and Land Rights Activists.



**Meeting with Panchayet Members; Murshidabad** On 10th July, 2018 MASUM organized a meeting with Panchayet Members at Padma Bhaban; Jalangi, Murshidabad. The meeting was conveyed by MASUM and Amra Simantabasi; a conglomeration to address overall marginalization at Indo- Bangladesh bordering areas. Meeting was presided over by Mr. Iqbal Ahmed, Jila Parishad member. Meeting took resolutions that they will press the following demands:- BSF must stationed at actual border and the panchayets of the area must take this resolution Land acquisition for Bharatmala Project must be shared with MASUM The false implication in NDPS cases must stop.



On 11th July 2018, MASUM organized a meeting at the premises of Block Development Officer Bhagabangola- I block, the meeting was presided over by Ms. Mursina Begum, Sabhanettri of Bhagabangola – I Panchayet Samiti. Other Pradhans like Ms. Sairin Akhtar of Bhagabangola II GP, Ms. Tanjila Bibi of Honumontnagar GP and also Pradhan of Kuthirajpur along with members of Gram Panchayet and Panchayet Samiti also attended this meeting. Committee members of Amra Simantobasi also participated. The Amra Simantobasi committee members also attended the meeting. Resolutions were adopted on stationing of BSF at actual border and land acquisition for Bharatmala project.





On 13th July 2018, MASUM organized an interaction with lawyers from Alipurduar at Red Cross Building; just next to the District and Sessions Judge's Court- Alipurduar. The meeting was attended by over 25 lawyers and the topic of the interaction was 'Prisoner's Rights'. Mr. Kirity Roy was the resource persons and Mr. Ranjit Sarkar, a senior lawyer of the district presided over. The lawyers and law clerks shared their opinions.



On 20.08.2018 Banglar Manabadhikar Surakksha Mancha (MASUM) facilitated a civic discourse on overall marginalization of erstwhile enclaves. The interactive session was attended by more than 1000 erstwhile enclave dwellers including a large number of women from erstwhile enclaves. The civic discourse was conveyed by Amra Chitmahalbasi and Pramila Bahini, conglomeration of enclave residents. The discourse was conducted and presided by Mr. Kirity Roy; Secretary of MASUM. Though the session was attended by representatives from almost all 51 erstwhile enclaves only 14 representatives from erstwhile enclaves shared their pathos and pains due to paucity of time. Mr. Meher Engineer, Ex- Director Bose Institute, Mr. K S Subhrannian; Ex- Director General of Police, Mr. Dilip Chatterjee; Vice President of MASUM shared their views. Mr. Amit Sengupta; Ex- President of JNUSU and leading journalist attended the discourse. At the end of the interaction, Mr. Kirity Roy announced the future course of movement and legal initiatives to address the issue. Later, the erstwhile enclave dwellers marched to the District Magistrate's office in procession to submit a memorandum, though the organizers sought an appointment of the District Magistrate but he refused to meet the erstwhile enclave dwellers. The memorandum was submitted to the office of the District Magistrate by a delegation of erstwhile enclaves.



Banglar Manabadhikar Suraksha Mancha (MASUM) organised a press conference on September 14, 2018, at the Kolkata Press Club to commemorate the Silver Jubilee of The Protection of Human Rights Act, 1993 (TPHRA) along with 25 years of the National Human Rights Commission (NHRC) and other Human Rights Institutions of India. During the event MASUM published a book on status and role of NHRC and the pending cases before the Commission.



Workshop on 9th and 10th OCTOBER, 2018, Berhampore, Murshidabad  
Representatives from different villages of Indo Bangladesh bordering areas of Murshidabad district took part in the two days residential workshop in Berhampore, Murshidabad on 9th and 10<sup>th</sup> October, 2018. Representatives came from villages under Shamsargunj, Lalgola, Bhagabangola I, Bhagabangola-II, Raninagar-II and Jalangi Block. In the opening session they opined their views on erosion, torture, presence of social security schemes, trafficking and inform about some basic in sequence on demography, position of international border, BSF atrocities, restriction on livelihood etc. A closer look at actual human tragedies which litter our national boundaries (with Bangladesh) was illuminated by their views. It has been critically recognized that the spectrum of everyday quandary for the people who were displaced three and more times due to river erosion and facing torture and different types of violence from Border guards. Incidents of state repression at the Murshidabad part of India-Bangladesh border was disclosed by the delegates and in particular they opined on restriction on jute, maize cultivation, opening and shutting of border gates, barricading their entry in PWD roads. In a rare presentation one activist unveiled the name of trafficking kingpins in his locality. Enthusiasm they showed in presentation, interaction and also in cultural performance



demonstrates their collective conscience and activism. In the second and concluding day the demands set by delegates were discussed in detail. A district level committee of 'AAMRA SHIMANTOBASI' (WE THE BORDERING PEOPLE) was formed. The newly formed committee took some decisions on the activities for upcoming months. At the mid of November (after festive season) newly elected committee members will meet to discuss on planning that was made in this residential workshop.



Mr. Kirity Roy, Secretary, MASUM attended an Academic Conference on 'Strengthening legal protection against torture in India', on 26 & 27 October, New Delhi. The Conference was jointly organised by National Law University Delhi, World Organisation Against Torture (OMCT), Working Group on Human Rights (WGHR), Commonwealth Human Rights Initiative (CHRI), People's Watch, Quill Foundation, and the International Commission of Jurists (ICJ). He also attended a two day session on Multi stakeholders dialogue on UPR III organized by Working Group on Human Rights on 30th and 31st October 2018 at New Delhi where various line departments of Government of India narrated about recommendations of UPR 3rd cycle and implementation thereof.



Masum organised press conference at Yuvraj hotel auditorium with erstwhile enclave dwellers. Mr. Kirity Roy; Secretary- MASUM addressed the press and discussed about Governmental apathy for the dwellers of erstwhile enclaves. He informed the press that the DM Coochbehar called 5 persons from few erstwhile enclaves and but not invited representatives from the erstwhile enclaves where the developmental work has not been initiated. The erstwhile enclave dwellers were not permitted to speak at the meeting. He apprehended that another turmoil for the erstwhile enclave dwellers is in the air. Few erstwhile enclave dwellers also briefly narrated their woes.



Mr. Kirity Roy; Secretary- MASUM attended the „Strategy Building Workshop for Regional Human Rights Mechanism in South Asia“ at Kathmandu, Nepal on 29-30 November, 2018. The aim of the event was to develop a concrete strategy for the South Asia campaign for the establishment of a regional human rights mechanism. Representatives from other regional movements, particularly the People’s SAARC and the South Asian Alliance for Poverty Eradication (SAAPE), were invited to share their ideas and perspectives, and explore how best to link the campaign for the regional human rights mechanism to these movements. Asian Forum for Human Rights and Development (Forum- Asia) convened and organized the meeting.



On 6<sup>th</sup> December 2018 MASUM organized one rally against communal violence at Serampore, Hooghly. This rally was arranged for remembrance of the day of destruction of Babri Masjid. Songs and street play was held on that occasion.







Observance of Human Rights Day is to establish environs for full enjoyment of human rights by all. While the rights of the people have been challenged by various state and non- state actors; it should be the opportune moment to defy the 'red eyes' of the offenders. MASUM from its inception is observing 10th December as International Human Rights Day with other human rights fraternity all over the world. The declaration of UDHR (Universal Declaration on Human Rights) on 10th December 1948 has been accepted as an enthusiast achievement by human rights fraternity. This year MASUM celebrate 70 years of Universal Declaration of Human Rights

On 10th of December, Human Rights Fair will be organized at the vicinity of Academy of Fine Arts 'Mukta Mancha' from 2.00 pm; and that will continue till the late evening. During the fair different civil society organizations and forums will display their publications and visuals with cultural programmes by performers from Kolkata and districts. Legal luminaries and academics will grace the occasion.



National Human Rights Commission (NHRC) just concluded its first ever Open Hearing/ Camp Sitting for West Bengal on 13<sup>th</sup> and 14<sup>th</sup> December 2018 at West Bengal Judicial Academy; Kolkata. During the recent Open Hearing Commission identified total 150 cases for hearing and out of that only 17 of

our complaints being identified by the Commission for hearing, out of this 17, for three such complaints, we received communication from NHRC but found that the cases are not in the court wise list published by the NHRC and in one such complaint, the case is in the list but we have not received any communication for the same from NHRC. Further, the Commission whimsically shifted the venue at the last moment from West Bengal Judicial Academy to West Bengal National University of Juridical Sciences. Included cases at the fag-end and informed the petitioners and sufferer through local police, they not even included it in the list published in the website. The victims/ complainants who were asked to be present during the open hearing were not paid the expenses incurred for their travel and staying as per legal procedure, even during the proceedings the organizers not arranged any refreshments for the petitioners/victims though there were arrangements for the officials. Though the session was of NHRC but the hosting was done by West Bengal Human Rights Commission and they convened a meeting on 14<sup>th</sup> December 2018 with NGOs and Human Rights Defenders but they did not invited us to be present in the said meeting. Thus the meeting with NGOs/ HRD s was just a farce and in no way serve the purpose. We successfully registered our protest of partisan activities of HRIs.

We are in dark about the modalities for identifying the cases for hearing during the Open Hearing as not a single case of extra judicial killing by BSF has been selected for hearing despite the fact that till August 2018, MASUM made 105 complaints on extra judicial killings and overwhelming majority of those cases are still pending before the NHRC, similarly during the time span equal numbers of complaints made by us on attacks upon Human Rights Defenders but not a single case has been identified for hearing during this open session. These anomalies only establish the lacunae within the Commission.



Banglar  
Manabadhikar  
Suraksha  
Mancha  
(MASUM)

Annual Report

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