

ANNUAL REPORT 2019



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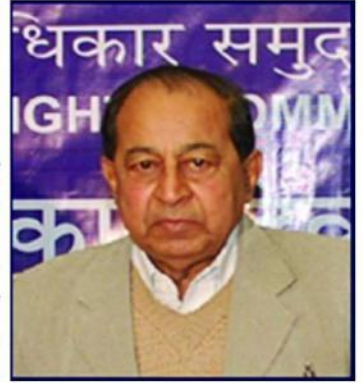


MASUM ANNUAL REPORT 2019

Cover page design by: Pinak Pramanik

Foreword

This report underlines the efforts made by the team of MASUM towards ensuring justice to victims of state violence in the year 2019. This year has been pivotal for human rights organizations and activists working in India as the work has grown more challenging and several issues demand attention. This year started out with MASUM's engagement with the NHRC, enclaves, media, CSOs and lawyers from Bangladesh. Our work is primarily focused on the Indo-Bangladesh border and therefore, we recognize the importance of establishing solidarity with human rights institutions in Bangladesh. These efforts were made to address a variety of issues such as cross-border trafficking, jankhalash prisoners, immigration and torture at the Indo-Bangladesh border. This year also saw the formation of District level committees in Cooch Behar, for both, the residents of borders and those of enclaves. Many organizations such as Asian Alliance against Torture, Asian Forum for Human Rights and Development, Citizens Speak India, and Dakshinbanga Matshyajibi Forum were our partners during this year owing to our mutual intentions of protecting human rights. We also received some positive responses from national human rights institutions, Border Security Forces and the state administration in 2019. NHRC Special Rapporteur for the Eastern region undertook a field visit to the enclaves to study the problems faced by residents in detail. A visit was also undertaken by the Chief Secretary of the Government of West Bengal along with other administrative officials to the Batrigach enclave in Cooch Behar.



These events have been the result of the team's constant intervention for securing the rights of vulnerable communities at the borders.

We hope to reach more stakeholders in the administration and the human rights fraternity to gather support for our victims in the forthcoming years. We will strive to be committed to the ideals of the Constitution of India and the core humanitarian values of justice, peace and equality.

Justice Malay Sengupta
President, MASUM



Every year, the challenges of working with human rights appear to be insurmountable. With the beginning of the second term of the Modi government, there has been a spate of attacks on Muslims, Dalits and Human Rights Defenders. Various acts such as the legislation abrogating Article 370, the UAPA Amendment and the Citizenship Amendment Act (CAA), which violate the principles of the Constitution of India and discriminate against particular sects of people have been passed by the Parliament.

The country has seen widespread resistance against the CAA and the brutal repression with which the government has responded to the protests. Several states where there was mass unrest including the State of West Bengal witnessed internet shutdowns imposed by the government. Under these circumstances, the work of Civil Society Organizations (CSOs) becomes extremely crucial to anchor resistance, protect the rights of vulnerable communities and fight for the ideals of the Constitution of India. MASUM recognizes its place among the organizations that stand for equality, justice and freedom. Our work in the past year has been focused on delivering justice to the poor, vulnerable communities residing at the Indo-Bangladesh border and the erstwhile enclaves in India. During this year, the Supreme Court struck down the fabricated cases lodged against several social activists and myself for holding a Public Tribunal on Torture in 2008. While the recent developments in the country are disheartening, this victory after a prolonged legal battle has been a ray of hope for our organization. It has contributed to our consistent struggles against state atrocities and negligence.

I believe that in these times, the fight against injustice requires collective action from the media, journalists, activists, students and citizens. Therefore, I would like to extend my gratitude to our readers for sharing our concern for the victims of state violence and participating in our struggles for justice and equality.

Kirity Roy
Secretary, MASUM

Obituary

Meher Engineer



MASUM is dismayed by the demise of Meher Engineer in Kolkata, after a cardiac arrest and prolonged illness on 24 April 2019. Meher Engineer was known for his commitments and involvement in the field of human rights, democracy, educational rights, peoples' science movements and entitlements for poor and marginalized. He was a strong voice against any state atrocities upon marginalized as well as the political groups associated in societal change. Meher was a scientist and served as Working Director of Bose Institute; Kolkata. He passed away at the age of 78. He was associated with the Singur- Nandigram movement and visited places to organise the people to protest against the terror unleashed by the then ruling dispensation. He was an

active member of the forum of the intellectuals and cultural activists that came up after the Singur, Nandigram and suggested land grabbing at Haripur for atomic power project. He was a writer having excellence on scientific temperaments, aggression of monopoly capital on marginal entrepreneurs, universal education and state oppressions on dissents, and wrote extensively on these issues in serious periodicals.

Meher enriched us by his association with MASUM and served as Vice President of the organization for three consecutive terms. Meher was member of High Level Fact Finding Mission on Torture and Extra Judicial Killings at Murshidabad district, held on 7 – 8 December 2013 organised by us.

Sadhan Roychowdhury

MASUM mourned the untimely demise of its founding president Sadhan Roy Choudhury. He was an eminent and pro bono lawyer of Calcutta High Court. He breathed his last on 11th May 2019. Sadhan da served MASUM from its inception and fought many legal battles related to police torture, extra judicial killings, custodial deaths, forced evictions and attacks on human rights defenders at High Court; Calcutta and Supreme Court of India. He represented MASUM in various forums at national and international level. MASUM remembered him on 22nd May 2019 at MASUM office.



Human Rights Overview 2019

Human Rights are integral for the dignity and protection of all people regardless of their sex, race, religion, class, caste or ethnicity. The Constitution of India stands for the preservation of life, liberty, equality, dignity and basic respect of all human beings. Article 21 of the Constitution caters to not only the life but also to a dignified death of a human being. Time and again, the Supreme Court has interpreted the Right to Life as more than merely an animal existence and directed the State to ensure a certain quality of life for all its citizens.

Rise in authoritarianism and Right-wing politics across the globe

All over the world, democratic populations have elected leaders from the far right, who have taken large strides towards majoritarianism while implementing policies. These policies have been specifically detrimental to the socio-political status of religious and caste minorities, refugees, stateless persons and immigrants. These trends have been observed from global powers such as the USA, UK, Russia, China and other countries including Germany, Brazil and India. With the rise of fascism, the people have been subjected to several human rights violations including attacks on human rights defenders, activists and journalists, curtailment of freedom of expression and dissent, violence against minorities and specific ethnic groups and imposition of internet bans. Venezuela has seen economic destruction and hyperinflation being such an oil-rich country, there has been a rampant increase in extrajudicial killings in the Philippines and the mass detention of the “Uyghurs”, Turkic Muslims in China. But this period has also seen massive resistance to autocratic rule and fascist policies. Citizens have erupted in nationwide protests, initiated social media campaigns and are struggling to retain the core values of democracy. The UN has put significant pressure in order to prevent the longstanding bloodbath in Syria, to ensure the ban on Chemical weapons, to repress the autocratic trends in China and to press for a full examination concerning the homicide of Saudi columnist Jamal Khashoggi.



This proves that an absolute dismissal of human rights has to meet the resistance of citizens across the world. The awareness regarding fundamental rights and democratic institutions are a ray of hope for justice and equality.

India under Narendra Modi

India accounts for a significant number of the human rights violations that have been observed as a result of far right authoritarianism. The BJP has come to power with an overwhelming majority for two consecutive terms. With this support, they have taken massive strides towards Hindu majoritarianism by acquiring ownership over media, supporting mob vigilantism against religious and caste minorities and passing laws that are discriminatory to Muslims and in violation to the ideas of the Constitution. There have been massive attacks on human rights defenders across the country and the police have brutally suppressed non-violent protests against the state. Further, the judiciary has lost its autonomy and the decisions taken by most High Courts and the Supreme Court have been favourable to the interests of the ruling party. Given the circumstances, the country has seen nationwide protests, larger than any protests since the imposition of the Emergency in 1975. The current politics in India is evidence that democracy rests solely on the citizens' awareness and initiatives taken by them.



Developments on UNCAT

There is no change in India's intention to ratify the Convention against Torture and other Cruel, inhuman, degrading Treatment or Punishment which the country had signed on 14th October, 1997, even though countries like Pakistan, Bangladesh, Nepal, Sri Lanka have ratified it. Due to the non-ratification of CAT, there is still a lack of a legislation against torture in India and little has been done by the state to prevent this malicious practice. This reveals that India is not willing to combat the terror of its own forces and the promise made to the UN. In spite of the appeals made by NHRC as well as the Law Commission, Government of India has chosen to maintain silence on the issue. More than 100 countries recommended the Government of India to ratify UNCAT in its Universal Periodic Review in 2017, but no fruitful results seem to have delivered.

Collapse of judicial autonomy

The Judiciary has been a mere onlooker to the government's attacks on democracy. Most recently, the Supreme Court refused to order a stay on the Citizenship Amendment Act 2019, even in the face of mass petitions and nationwide protests. In the "Ayodhya Case" the Supreme Court gave the jurisdiction over the disputed land to the



Hindus in spite of there being enough evidence that Hindu vigilantes had demolished the Babri Masjid. Article 370 that gave special status to the state of Jammu and Kashmir was revoked by the Centre overnight with no intervention of the apex court. It even refused to order the Centre to lift the communication ban on the State. The abrogation of the article was followed by conforming to a National Unity Day that was celebrated on 31st October, 2019. The allegation of sexual harassment on Chief Justice Ranjan Gogoi witnessed the Supreme Court violating fundamental legal grounds with the CJI presiding as a judge on the charges filed against him. In early 2018, the four senior most judges of the Su-

preme Court addressed a press conference stating that democracy is in danger. In spite of this, the attacks on media, judicial mechanisms and the Constitution of India have been unabated.

Achievements and Challenges: Annual overview

Achievements:

In the past year, NHRC recommended compensation to 9 of our victims, namely Lt. Imajuddin Mondal and Serajul Haque for extrajudicial killings; Ranjit Das, Ranjan Mondal and Liton Biswas for torture by BSF; Uttam Mal for custodial death; Bhagyabati Shil for medical negligence and Sarathi Mondal for state negligence. Compensation was also awarded to a victim of cross-border trafficking. The compensation amounts ranged from 25,000 INR to 500,000 INR. In the case of Ashia Bibi, a victim of extrajudicial killing, the NHRC asked the Chief Secretary of West Bengal to show cause as to why compensation should not be paid to the victim.

Based on our complaints, NHRC sent a summon to the Principal Secretary of the Department of Social Welfare, West Bengal, regarding the negligence in providing widow pensions in the erstwhile enclaves in India.

Following our consistent intervention, Mr. Rajiv Sinha (IAS), Chief Secretary of the Government of West Bengal visited Batrigach, a former Bangladeshi enclave in the Dinhata-I Block of Cooch Behar District, on 18 November 2019. Administrative officials including the District Magistrate of Cooch Behar, the Block Development Officer of Dinhata-I, and the Sub-divisional Officer of Dinhata Sub-division were also present for the meeting. Mr. Sinha assured the residents that the Government of West Bengal would look into their problems and consult various authorities on these issues. He inquired about the lack of a primary health centre in the enclave and took the matter up with the Sub-divisional Officer, instructing him to establish a primary health centre in Batrigach with adequate number of beds, doctors and hospital staff.

On 21-22 July, 2019, NHRC Special Rapporteur of Eastern Region, Mr. Bibhutibhushan Mishra, visited the Dinhata Settlement Camp and the erstwhile Bangladeshi enclaves in the District of Cooch Behar. This visit happened after the NHRC took cognizance of a complaint submitted by MASUM regarding the lack of basic amenities in Dinhata Settlement Camp. Mr. Mishra held meetings with the District Magistrate of Cooch Behar and other administrative officials to address the problems of the erstwhile enclave dwellers. He was assisted in his field trip by the team of MASUM. After listening to the problems of the residents, Mr. Mishra assured them that he would address these issues

with the Central government and the State government of West Bengal. He also visited the enclave Karala-II, whose territory is surrounded by a border fence, creating several restrictions of movement and livelihood. Mr. Mishra spoke to the Border Security Forces (BSF) regarding this problem and suggested that the border fence be reconstructed such that the territory of Karala-II falls outside it and in the territory of mainland India. After receiving a positive response from the BSF, he assured the residents that he would put forth this suggestion to the Central government.

He was particularly struck by the lack of livelihood opportunities in the enclaves and emphasized that this issue requires immediate administrative attention.



In 2019, MASUM formed District level Committees for Amra Simantabasi (we, the border populace) and Amra Chitmoholbasi (we, the enclave dwellers) in the District of Cooch Behar. This large-scale mobilization was possible after several years of community building on the ground and bringing common struggles, motivations and ideas together. We hope that the District level Committees become a platform to adequately represent the demands of vulnerable communities at the Indo-Bangladesh border.

On 16.08.2019 after a prolonged legal battle, police was directed by the orders of Supreme Court to withdraw the fabricated case from Bankshal Court, which was falsely lodged by the Taltola police station on 09.06.2008 against Mr. Kirity Roy, Secretary of MASUM and other renowned social activists for holding a Public Tribunal on Torture (PTT) for the people who were victims of state sponsored torture.

On 20.02.2019, the Calcutta High Court directed CID (criminal investigation department) investigation in the case of Sukumar Mondal, a victim of enforced disappearance in the district of Murshidabad. His wife Ms. Suchitra Mondal filed writ petition bearing no. WP 19791(w) /2018 dated 25.09.2018.

On 30.01.2019 the Calcutta High Court directed an independent investigation and requested the lower court to consider the report of the investigation and pass appropriate order in the case of Imajuddin Mondal, a victim of extrajudicial killing by the BSF. Shila Bewa, widow of the victim filed writ petition being number WP 16803 (w)/2018 dated 28.08.2018.

On 10.04.2019 the Calcutta High Court granted anticipatory bail to Mr. Sanjit Mondal, District Human Rights Monitor of MASUM against whom three false and fabricated cases were initiated by Murshidabad Police. On 01.03.2019 three separate anticipatory bail petition were filed being CRM 2545/2019, CRM 2546/2019 and CRM 2547/2019. He received anticipatory bail in all three cases.

On 10.07.2019 the Calcutta High Court granted anticipatory bail to Mr. Najrul Islam, District Human Rights Monitor of MASUM against whom one false and fabricated case was initiated by Murshidabad Police. He filed his pre arrest anticipatory bail petition being CRM no. 5929/2019 dated 09.07.2019.

In September, 2019 Sanjit Mondal, District Human Rights Monitor of MASUM was completely discharged from Raninagar Police Station case number 423/2017 by the Special NDPS judges' Court, Berhampur.

Challenges:

Human Rights Defenders (HRDs) of MASUM constantly face threats on their life and liberty because of the work they do. While fighting against state atrocities, they are often implicated in fabricated charges by the state authorities. While the case against Mr. Kirity Roy has been dropped by the Supreme Court of India this year, other HRDs of MASUM especially those working on the field continue to be implicated in various crimes.

MASUM has filed several cases in the Courts on behalf of its victims and HRDs. But the proceedings are often delayed because of the absence of state representatives at court hearings, the indifference of Magistrates or the lack of legal counselors for the victims. Many cases filed by MASUM are pending with the District Courts, High Court and the Supreme Court with the victims still awaiting justice.

Our work in the District of Murshidabad is suffering due to organizational and circumstantial difficulties. The HRDs working in Murshidabad face severe threats and harassment from the administration as a result of which it is difficult to find stable ground while conducting field research.

The rights of most of our victims are violated by the Border Security Forces and the Police. Even when they report these violations to authorities and CSOs, they continue to face threats, intimidation and harassment from these authorities to withdraw their complaints. The threats range from filing fabricated cases against them or members of their family to causing physical harm to the victims and their families. As a result of this intimidation and lack of protection by the state, some of our victims withdraw their complaints and settle for a compromise with the perpetrators.

All of the fact findings conducted by the MASUM are forwarded to the National Human Rights Commission (NHRC) for taking adequate measures to ensure justice. While the rate of responses from the NHRC has improved considerably, the process of investigation remains extremely slow. Moreover, the Commission lacks the resources for conducting independent inquiry into cases which means that a non-partisan investigation is rare. Even the recommendations made by NHRC in favour of the victims only include granting compensation to victims without any prosecution faced by the perpetrators.





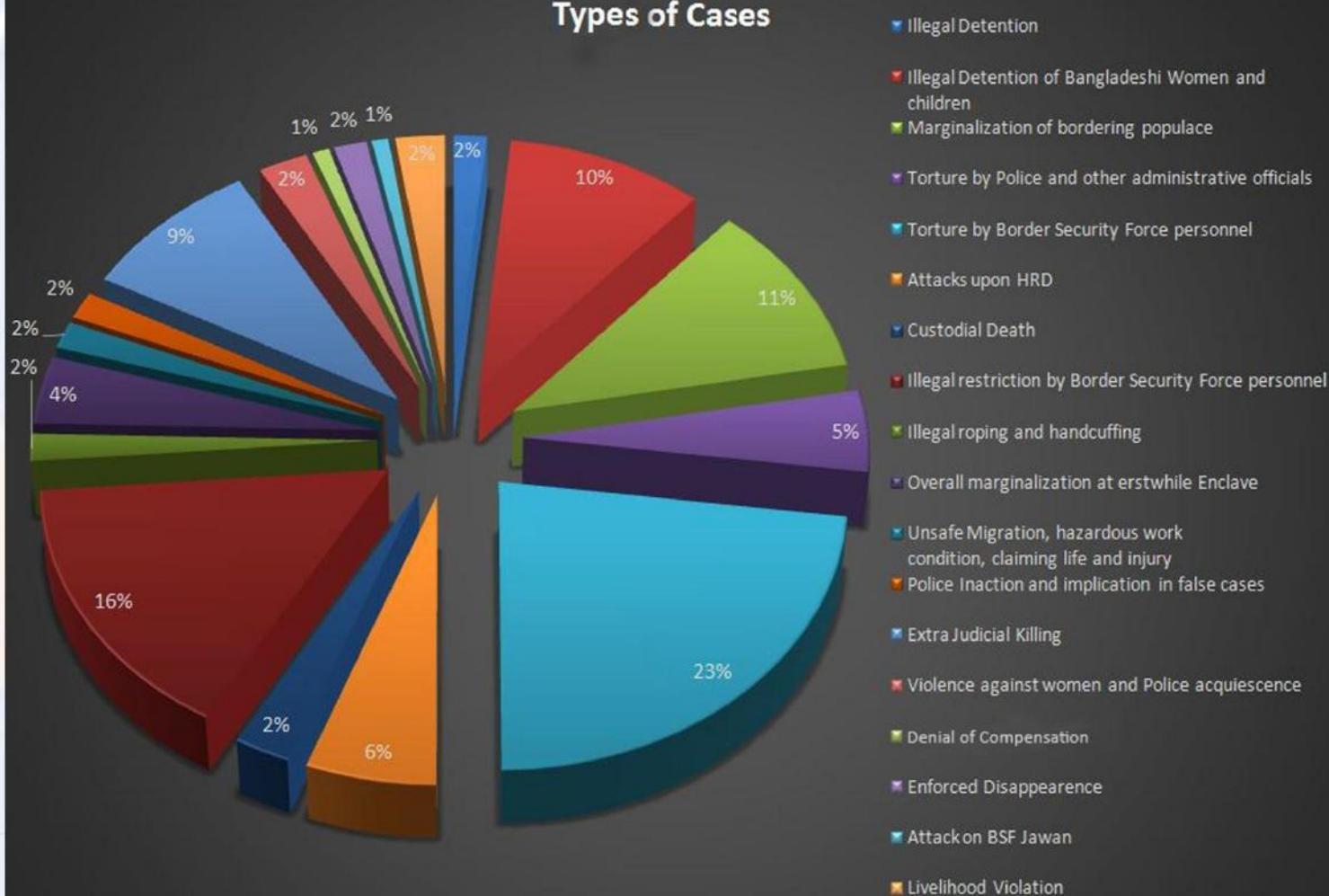
Residents of 'Char' (Alluvial mass) area crossing Jalangi river



MASUM members addressing a 'Promila Bahini' rally in Coochbehar

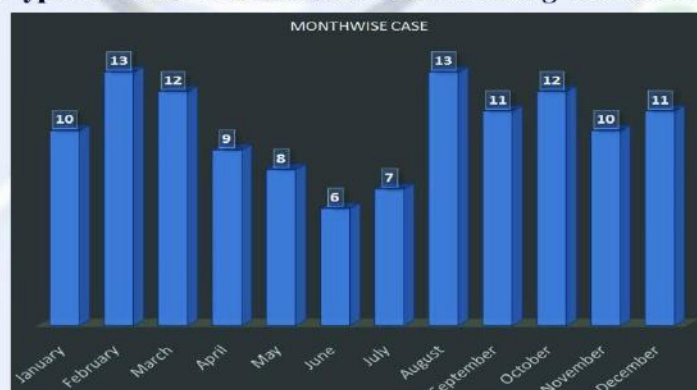
Annual Complaint Review 2019

Types of Cases



MASUM lodged 122 complaints in 2019 with the National Human Rights Commission on eighteen different types of cases where human rights were violated. The most number of complaints sent by MASUM during this time is on the torture by the BSF personnel, which was 23% of all the cases, followed by 16% cases on illegal restriction by the BSF personnel and 11% cases on marginalisation of bordering populace and 10% on illegal detention of Bangladeshi women and children. The attached chart show the percentage on the types of cases MASUM has been working with since January 2019 to December 2019.

Since January up till December 2019, MASUM was quite regular in lodging complaints to the National Human rights Commission every month. MASUM lodged 13 complaints in February and August, 2019, which is the highest number of complaints lodged in any month, followed by 12 each in March and October and 11 in September and December 2019. On an average more than 10 cases were lodged per month during 2019 to the National Human rights Commission by MASUM. On the complaints made to the NHRC, 85 complaints were registered by the commission, out of which 7 were closed and 78 are still pending.



Month	Cases	Total victims
January	10	29
February	13	22
March	12	5
April	9	9
May	8	12
June	6	6
July	7	10
August	13	19
September	11	23
October	12	57
November	10	93
December	11	20

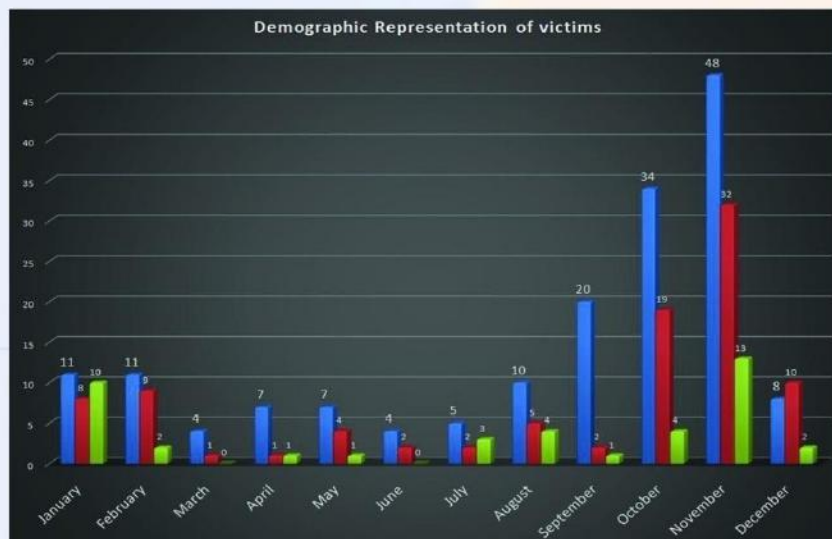
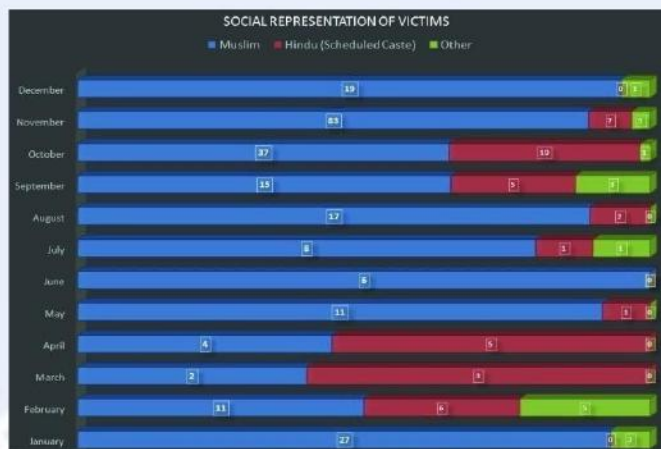
Month	Male	Female	Minor
January	11	8	10
February	11	9	2
March	4	1	0
April	7	1	1
May	7	4	1
June	4	2	0
July	5	2	3
August	10	5	4
September	20	2	1
October	34	19	4
November	48	32	13
December	8	10	2

Month	Muslim	Hindu (SC)	Other
January	27	0	2
February	11	6	5
March	2	3	0
April	4	5	0
May	11	1	0
June	6	0	0
July	8	1	1
August	17	2	0
September	15	5	3
October	37	19	1
November	83	7	3
December	19	0	1

The NHRC further sought 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 2019, MASUM sent 102 such replies to the NHRC providing necessary information on the victims, MASUM works with. MASUM sent 43 updated information of previously lodged complaints to the NHRC during 2019.

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 2019 MASUM lodged 122 complaints to the National Human rights Commission in order to support 285 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.

Here is a demographic chart representing the male, female and minor victims supported by MASUM on the basis of complaints lodged month wise. A total number of 93 individual victims were supported by MASUM during November, 2019, which is the highest number of victims supported by MASUM in any month during this year followed by 57 victims in October and 29 victims in January, 2019. In November, 2019, 48 among the victims were male victims, 32 of them were female victims and 13 victims were minor. The study showcases how the different victims, men, women or minor, were supported by MASUM through complaints lodged for them to the National Human rights Commission.



Another study on the victims show their social classification on the basis of caste and religion, where most of the victims, constituting around 78% of the total victims MASUM works with belong to the minority Muslim community followed by 17% victims from the Hindu Scheduled Caste community. 5% of the total victims are from other community including Hindu General, Scheduled tribe etc. The attached bar graph shows a month wise picture of social representation of the victims, whom MASUM supported during this period.

Complaints sent to the National Human Rights Commission in 2019

Attacks on Human Rights Defenders

Apart from District Human Rights Monitors (DHRMs) working in different districts of West Bengal, MASUM also have several volunteers who keep an eye on the incidents of human rights violation mostly by the BSF, Police and other state agencies, in the respective areas. However, while ensuring human rights to the victims, these human rights defenders falls under the wrath of the state agencies. Often they face attack in the form of false criminal charges, intimidation and even verbal and physical abuses. During 2019, MASUM lodged 7 such complaints on the issues of attack and harassment on the Human Rights Defenders attached with the organisation to the National Human Rights Commission. For instance, in February, 2019 MASUM members were invited to address a crowd on human rights in Hatkhola village of Chapra police station area in Nadia district. After the public meeting MASUM members protested when it was noticed that several villagers were standing outside the border fencing waiting for the border gates to open in order to return to their houses. The BSF of Mahakhola BOP, A Company, 81 Battalion lodged criminal cases against 5 MASUM members in Chapra police station. Soon after the incident Samiul Biswas, a volunteer of MASUM, who was present in the meeting was also charged with false criminal charges and arrested by Chapra police. The BSF personnel confiscated his bicycle and harassed him regularly leading to severe loss in his business. Other human rights defenders attached with MASUM namely, Mr. Ekramul Haque, Mr. Hazrat Ali and Mr. Atul Basak from Coochbehar district were either charged with false cases or threatened with dire consequences if they continued to speak against the state agencies. Ms. Shila Bewa from Murshidabad district was verbally abused and threatened by the BSF personnel of Farajipara BSF BOP for putting up posters with legitimate demands. Finally police from Hastings police station in Kolkata stopped MASUM's annual event of observing Human Rights day on 10th December, 2019 stating that permission is required to use microphone in the said event, even though an email seeking necessary permissions was sent prior to the event. MASUM continued the event without microphone. All these incidents regarding human rights defenders were reported to the NHRC during 2019.



Extra Judicial Killing

People residing at the Indo-Bangladesh border villages are subjected to severe human rights violation including imposed restrictions, brutal tortures and even executions by the men in uniform. Generally from extremely poor economic backgrounds, these villagers often restores to cross border cattle smuggling in order to generate some extra income for sustaining their families. In some cases villagers are killed just on the suspicion of being a cattle rattler by the armed force personnel. MASUM lodged 11 such cases of extra-judicial executions committed during 2019 to the NHRC. In almost all the cases the victims were either cattle rattlers or were killed on the suspicion of being one. Jaharuddin Sheikh and Rabiul Sheikh from Coochbehar, Tarun Mondal, a minor, and Achinta Mondal from Murshidabad and Mostafa Gazi from North 24 Parganas district were all involved in cross border cattle smuggling when they were apprehended by the BSF and either shot dead or beaten to death. On the other hand, Baser Ali and Akrul Sheikh from Coochbehar and Akbar Ali, Ziaur Rahman and Sahinsha Sheikh from Murshidabad district were not involved in any cross border illegal activity, but were killed by the BSF on the mere suspicion of smuggling. MASUM strongly condemns the brutal incidents of cold blooded murder by the armed personnel at the Indo-Bangladesh border.



Denial of Compensation

On the basis of complaints lodged by MASUM, the NHRC recommended compensation for 4 victims of extra-judicial execution perpetrated by the Border Security Force personnel at the border villages of North 24 Parganas district. The complaints of the 4 victims, namely Jiyarul Sardar, Prashanta Das, Sohag Sahjee and Swarajit Das were registered by the NHRC and after thorough consideration the NHRC recommended compensation to all of them. Except for Sohag Sahjee no proceeding on awarding compensation to the other victim's families has been initiated. In case of Sohag Sahjee, the Ministry of Home Affairs announced rupees 5 lakh compensation amount as per recommendation from the NHRC but his family members didn't receive the compensation yet. The Commission has closed

all the above mentioned case except Sohag Sahaji. In July, 2019, MASUM lodged another complaint to the NHRC on denial of compensation to these victims.

Illegal roping and handcuffing

Despite the Supreme Court of India's orders to forbid using handcuffing and other fetters, flagrant violations continue in West Bengal. Handcuffing and roping 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 of India. No doubt that the use of handcuffs and ropes in securing the prisoners is a use of unnecessary and illegitimate force. MASUM is continuously fighting such ill practices and have lodged several complaints with the National Human Rights Commission and West Bengal Human Rights Commission in the past. During 2019, MASUM lodged 2 such complaints to the NHRC, where instances of using fetters on under trial prisoners were reported in Berhampore Judges court along with other courts of West Bengal.

Attack on BSF Jawan

The indo-Bangladesh border is one of the most violent borders of the world as it registers several incidents of torture, firing, killings, enforced disappearances and cross-border illegal movement every day. Though the marginalized villagers of the border are mostly victimized by the members of the armed forces, incidents of violence against the armed personnel by the cattle smugglers are also being registered. MASUM lodged one such complaint in August 2019 to the NHRC, where Anisur Rahman, a constable of the BSF was gravely injured during an encounter with a group of smugglers at the Angrail Border Area, North 24 Paraganas District. The smugglers threw a crude bomb on the victim that blasted on Rahman's right hand leaving him critically injured. MASUM is strongly against cross-border smuggling and have urged the NHRC to direct the respective authorities for taking steps against the same.



Police Inaction and implication in false cases

In most of the cases where the victims are from a poor marginalized background the police is often reluctant to exercise their duty, investigating and even registering their complaints. It has also been reported that the police often sides with the perpetrators under influence and lodges fabricated cases against the victims denying justice to them. Police inaction is also very evident in cases where the perpetrators are people in uniform. In September 2019, MASUM lodged a complaint to the NHRC regarding a victim named Raghunath Pramanik, who despite lodging several complaints to the Jiaganj police station of Murshidabad district, no action was taken against the perpetrators. Rather police falsely implicated the victim and arrested him illegally under the influence of the running political party in power without making any Memo of Arrest. In March 2019, MASUM lodged a case where the victims, Ashim Mondal was sent a notice by the Customs department asking a penalty of Rs. 5000 for not appearing in hearings called by the department on an alleged case of cattle smuggling about 9 years ago. Mondal had no idea of such involvement in criminal activity then, when he was only 11 years old as he didn't receive any such summons from the department before that.



Overall Marginalization of Erstwhile Enclaves:

The erstwhile enclave dwellers have lived a life of restraint for long. At the onset of execution of Land Boundary Agreement in 2015, the Government of India announced citizenry rights, land rights and initiation of social security measures for all erstwhile enclave dwellers. But as four years passed by, the government have failed to deliver on its promises. The erstwhile enclave dwellers are still fighting to get proper citizenry entitlements, ownership title of their own land and social security schemes. We have lodged 5 complaints to the NHRC on various demands put up by different enclave dwellers during 2019. In all the enclaves namely, Dighaltari, Kokoabari, Bhandardah, Jagatber -II and Falnapur the erstwhile enclave dwellers are deprived of every social benefit scheme that should have been provided by the government. The residents lodged complaints to the block, subdivisional and district officials regarding various developmental issues such as, irrigation, roads, education, health, sanitation, housing, drinking water, social security schemes, employment etc. but the officials ignored their demands. The citizenry rights and land titles that was promised by the government on the onset of the LBA was also raised in different petitions to the administrative officials but were not addressed. MASUM stands by the legitimate demands of the erstwhile enclave dwellers and will keep watch on the development situation of the erstwhile enclaves.

Unsafe Migration and hazardous work condition

Marginalized villagers from Bangladesh are often promised work and brought into the territory of India. They are ultimately deceived as a lot of them become victims of trafficking and often have no means to restore their place back. MASUM has lodged about 2 complaints in this regard in 2019. Mr. Ayub Ali Mondal is one such victim who was promised work in Saudi Arabia and was asked to pay an initial amount to cover Passport and Visa charges. Incapable of producing such hefty amount, he kept his land mortgaged and finally once he was sent to Saudi to work for a Construction Company, all his documents were forfeited and later tortured to a great extent. Without legitimate documents he is stuck and has no means to return back to India. In another instance, about 8 labourers of Bharbanda village were promised lucrative jobs with lucrative pay in Bhutan by a middleman. Soon the victims realized that the job is stone crushing, which is extremely hard and physically strenuous. Moreover they were not provided with enough food from the company authorities. The victims denied continuing such work in the beginning, but the manager of the company said that they were sold to this company by Anwar Hossain against rupees 8 lakh. As they protested they were beaten up and their mobile phones were confiscated.



Enforced Disappearances

Killing and dispersing bodies of innocent villagers have become a new escape route taken up by the BSF personnel across the Indo-Bangladesh border. In order to conceal evidences and escape any form of legal hassle BSF personnel uses river Padma as a coop to hide the dead bodies and such injustice have been going on for some years now. MASUM has lodged 2 complaints in 2019 on the matter. A 19-year old Muslim boy named Sohail Sheikh was found missing as he was abducted by the BSF. On his family's enquiry, it was found that he was shot dead by the BSF but his body was not recovered. No action has been taken even after lodging complaint in the local police station. Another similar account took place with a retired railway employee named Mainul Islam who was severely tortured by the BSF and later on enquiry his body was not recovered till date.

Violence Against Women and Police Acquiescence

The Indo- Bangladesh border districts are infamous for trafficking of girls for immoral purposes but surprisingly the law enforcement personnel posted in these areas having responsibility to investigate this malice and rescue the affected girls have proven to be most ineffective in bringing justice to the victims. Most of the time their inaction turns to be in acquiescence with the offenders. MASUM lodged 3 such cases to the NHRC during 2019 where police took almost no actions on the incidents of abduction and rape and murder of minor girls. For instance, after a 17-year old girl from Sabaipur, a border village in North 24 Parganas went missing Bongaon police took no initiative to find her despite her father begging for justice in the police station regularly after she went missing. Another 11-year old girl from Karola village in Coochbehar under Sahebganj police station was brutally raped, tortured and then strangled to death by some neighbours. But police in acquiescence with the perpetrators didn't take any steps to bring justice to the victim.



Illegal Detention



Villagers residing in bordering areas are marginalized so often they are wrongly accused and taken in custody by various state agencies like BSF and police. They are mostly deprived of legal support and are wrongly subjected to illegal detention. MASUM lodged 2 such complaints to NHRC in 2019. In an instance Ms. Sonia Khatun, who is a bona fide Indian citizen having all appropriate documents was wrongly accused as a Bangladeshi national under S.14 of the Foreigner's Act in spite of valid documents which were not paid any heed to by the police and kept detained illegally. Total 14 Rohingya Muslims were arrested including 3 women and 6 minors entered in India without any valid documents to save their lives from persecution by the

Myanmar government dated and arrested in Habra police station on 12th December, On the same day the listed personnel were produced before Barasat Chief Judicial Magistrate's Court and they were sent for 14 days of judicial custody at Dum Dum correctional home but were not produced before the court on two consecutive dates on 04.01.2019 and 16.01.2019.



Marginalization of bordering populace

MASUM documented 13 cases of marginalization of border populace from the Districts of Murshidabad and North 24 Parganas. Murshidabad is particularly affected by the devastation caused by river erosion in several villages. This has led to the loss of lands and livelihood for poor, vulnerable communities whose only source of income is agriculture or fishing. No rehabilitation or compensation has been offered to people affected by erosion and no measures have been taken to prevent the destruction caused by erosion. The borders are home to Scheduled Castes and Muslims, often below poverty line who face

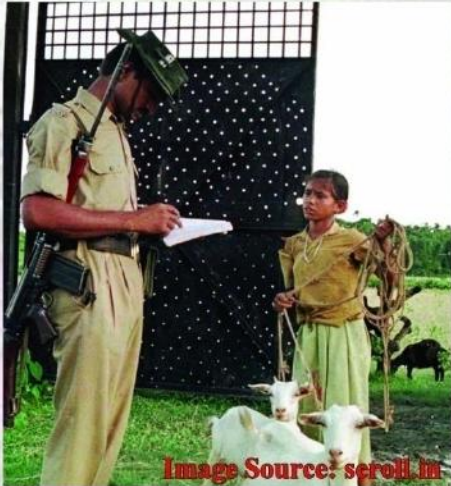


Image Source: scroll.in

discrimination because of socio-political and economic factors. Moreover, villages including Char Parashpur, Ramnagar, Durgapur, Atroshia and Boira in Murshidabad face issues such as lack of sanitation, electricity, clean drinking water, roads and infrastructure, education and healthcare facilities etc. In some cases, the administration has refused to issue scheduled caste certificates and below poverty line certificates to the villagers, making it even more difficult to access welfare schemes (such as Pradhan Mantri Awaas Yojana) available for these communities. The Border Area Development Project (BADP) funds are not utilized for the development of these villages, showcasing the corruption entrenched in the functioning of the administration. Moreover, the villagers often face restrictions on livelihood by the BSF and are met with physical aggression and detention for violating these restrictions. In Tarali village of North 24 Parganas, the administration has refused to issue trade licenses to residents alleging that business could lead to an increase in cross-border smuggling. The borders have witnessed an increase in migration in search of livelihood opportunities.

Torture by Border Security Force personnel

In the year 2019, we filed complaints on 28 incidents of torture by the Border Security Forces from the districts of Cooch Behar, Murshidabad and North 24 Parganas. The highest number of cases—11, were recorded from Cooch Behar, followed by 9 from North 24 Parganas and 8 from Murshidabad. All of our victims are from marginalized communities including Scheduled Castes, OBCs, Muslims and women. It is apparent from the cases that torture is used as an instrument to discriminate against and intimidate minorities while also taking undue advantage of their vulnerability. In most of our cases, police has taken no action and in 10 specific cases the police refused to lodge FIR against the perpetrators of the BSF. For instance, Jakir Mondal was tortured by the BSF inside the police station and later charged with the allegation of carrying beef by the police. Taslima Begum and Farida Yasmin, two former victims of torture by the BSF were implicated under false narcotics charges to force them to withdraw their complaints against the BSF. Four other victims were implicated in fabricated cases after the BSF tortured them, while two others received threats regarding the same. In most cases of torture, the people who tried intervening to prevent violence, including families of the victims and Panchayat members, were also tortured or threatened by the BSF.

In five cases, women were molested and tortured by the male BSF personnel. For instance, BSF raided the house of a Muslim woman called Marjina Mondal on suspicion that her husband and father-in-law were involved in smuggling. After not finding them in the house, they tortured and molested Marjina Mondal. Another noticeable trend in these cases is that medical practitioners from government hospitals often refuse medical treatment for victims of torture by the BSF or do not follow due procedure while treatment. The radiologist who conducted the X-ray examination of Sahidul Islam said that he had sustained no pellet injuries even though his report clearly shows pellets lodged inside his rib cage. Apart from this, we have recorded 5



such cases this year. In three other cases, BSF themselves restricted medical treatment for the victims by illegally detaining them. The BSF tortured victims on arbitrary suspicions of smuggling or aiding smugglers, for selling, eating or carrying beef, for not possessing identity documents, for questioning or complaining against the BSF and more often than not, merely on their whims.

The three districts are close to the Indo-Bangladesh border where several arbitrary restrictions on movement are placed by the BSF. Therefore, movements after sunset or across border fencing are met with extreme hostility and torture. The BSF continue to enjoy impunity at the borders with the support of police, the administration and government hospitals. MASUM condemns these acts of torture and works to increase accountability of the perpetrators for committing gross human rights abuses at the border.



Custodial deaths

Victims are exposed to violent torture by different state agencies that often lead to deaths while in their custody. Mostly the police and the BSF try and pass it off as suicide in order to escape any legal hassle. MASUM made the following 3 complaints to NHRC in 2019. In Gautam Mondal's case, he was arrested by Domkal police station without any arrest memo and the family was deprived of the arrest details. He was tortured and beaten up violently while he was in the lock up. It was considered a third-degree torture which the deceased was unable to bear and hence, died while he was brought up in court for the trial. Gautam Mondal, who was physically disabled got caught up in an agitation on the railway station in a scuffle between the passengers and the Government Railway Police. As he was disabled, he failed to escape the commotion and he was arrested by the police and put into Barasat police station. He was abused and tortured without sufficient evidence and finally met his death in the lock up. Even a proper postmortem was not conducted due to unnecessary delay and lackadaisical attitude of the police officer. In Abdul Rakib's case, who was a resident of Benipur village of Murshidabad district, he was arrested by the sub-inspector of Ranitala Police station without an arrest memo and was exposed to crucial custodial torture that led to his death. The family was misinformed about his death and on complaining about the incident the police threatened the victim's family and refused to lodge any complaint.



Livelihood Violation

The villagers residing at the Indo-Bangladesh border areas often face whimsical restrictions imposed by the BSF personnel. These restrictions doesn't only affect the lives of the villagers but also affects the limited livelihood options on which the villagers have high dependence. These villagers are also denied essential government certifications at time that makes their lives intolerable. MASUM lodged 3 complaints against such cases in 2019 to the NHRC. In Tarali, Hakimpur and Daharkanda villages of North 24 Parganas the BSF personnel of 112 number Battalion imposed sudden restrictions on selling and consuming beef. Despite appealing to the BSF and block administrative authorities no action has been taken in order to restore their livelihood options. In another instance, the district administrative officials denied birth certificate to single mother, Sahida Khatun from Murshidabad district and stated that the presence of the father is required to provide birth certificates. Rumi Das and Rajdeep Das, also from North 24 Parganas district were denied Scheduled Caste certificates for more than 3 years by the administrative officials of the district. MASUM regularly protests on the incidents of livelihood violations made by the BSF and administrative officials.



Illegal Detention of Bangladeshi Women and Children

Marginalized Bangladeshi people who are mostly trafficked or come to India for their personal reasons are often treated as criminals and arrested under S.14 and S.14F of Foreigner's act and kept detained illegally without verifying the actual reason. Masum has lodged 12 such complaints during 2019 regarding this issue. Bangladeshi nationals entered India for the purpose of working in India as they are terribly poverty-stricken people with no jobs in Bangladesh. Most



of them work as domestic help, construction worker and hotel workers in various locations of India. The victims are either trying to enter India through the border or return to their home in Bangladesh 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. In one case, Mr. Nantu and Lakhi Faraji were arrested by Gopalnagar police station and sentenced to three months of custody in the Dum Dum Correctional Home, Kolkata while their three children were sent to two different homes and after the completion of the sentence, the parents were deported to Bangladesh while the children continue to reside in shelter homes.. All total 132 such nationals were arrested in 2019 and 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. They were mostly kept in Swarupnagar police station along with Basirhat police station, Gopalnagar police station and some in judicial custody in DumDum Central Correctional home along with Bongaon Sub divisional Correctional home. To this day they are detained in the correctional facilities.



Illegal Restriction by BSF

The villagers residing at the Indo-Bangladesh border are subjected to continuous and irrational harassment by the BSF by interrupting their means of earning livelihood and erratic discretion on the international fencing daily. A lot of Indian villagers have their respective land beyond the fencing that has been put up and in order to cultivate their land they need access to the gates that are opened at intervals. The timing is erratic and whimsical and often cause massive hindrances to the villagers and



has led to huge financial loss. MASUM has lodged 19 complaints regarding this penury in 2019. More than 300 acres of land is situated at the other (Bangladesh) side of the fence due to erratic border fencing. The distance between the actual border pillar and fence varies from 300 yards – 500 yards and the villagers have to cross the fence through gates to cultivate their own land. Mr. Prabash Barman and many others whose life mainly depends on fishing, cattle rearing, and cultivation was endangered due to such arbitrary restriction by the BSF. Moreover, the BSF used to open these gates at regular intervals for the villagers to pass by mortgaging their identity cards, but later, the BSF personnel stopped opening these gates during the stipulated time for no particular reason. They do not allow crucial agricultural equipment such as tractors and ploughs to pass through. If the villagers take fertilizers through the gates, the BSF deliberately adds soil to it in disproportionate amounts, alleging that the people smuggle the fertilizers across the border. This often ruins the effect of the fertilizer or the added soil becomes a very heavy load to carry to the respective lands of the residents.

These people are not allowed to grow crops that grow above 3 feet, such as corn and jute, which are considerably cheaper than seeds of rice, and several poor residents prefer to buy them but because of these restrictions, they are forced to buy expensive seeds that they cannot afford. Several authorities have requested the BSF to grant permission to the villagers, but it has all been in vain. As a result, the cattle, being unable to receive fodder, are starving and are close to dying. The cattle rearers do not have any other means to sustain themselves. Further the people who grow crops in the agricultural lands are unable to supervise them, as a result of which interlopers from Bangladesh are stealing their crops. In spite of this, the BSF is refusing to pay heed to the situation. The lands on the other side do not have irrigation facilities, drinking water, electricity or shades to protect people from any natural calamity that may befall them. When any incident of illegal smuggling happens in the area, the BSF keeps the gate closed for 7-10 days at a stretch, as a result of which their crops are ruined. In Mr. Monai Barman's case, the BSF had even threatened to implicate him in a false NDPS charge for complaining against the action of the BSF. MASUM saw an array of such unfortunate cases in the last year.



Torture by Police and other Administrative officials

Once the villagers are arrested in different police stations, they face enormous torture from police personnel. The torture perpetrated by police includes extreme heinous physical torture inside the lock up as well as ransacking the properties of



villagers. MASUM lodged 6 such complaints to NHRC during 2019. In an instance, police personnel at Indo-Bangladesh bordering district of Murshidabad, had plundered properties from Mr. Shahidul Sheikh's family as well as arrested his four family members and forcibly took away 12 cows. In Master Atuar Rahman's case, a petty miscommunication over a colloquial language agitated the police and resulted in cruel torture and brutal thrashing that fractured his hand. In the case of Binod Sarkar and many others no arrest memo was issued before arresting and later, he was tortured without any reasonable cause. Biraj Munni, a 15 year old girl, was tortured daily as a domestic help and received no support from the police in spite of pending complaints. In 2019, a total of 8 victims had to face such gruesome physical torture by police

personnel mostly over verbal misconduct and petty brawls and all preliminary arrests took place without any legitimate arrest memo.





**A medical camp at Murshidabad district
for the victims of torture**



MASUM members with NHRC Special Rapporteur, Mr. Bibhutibhusan Mishra before his visit to the enclaves

Annual Legal Activities, 2019

Supreme Court of India

Two cases of MASUM are pending before the Supreme Court of India – (i) Md. Nur Islam vs. Union of India (WP 141(criminal) of 2015) generally known as FelaniKhatun case and (ii) Banglar Manabadhikar suraksha Mancha vs. Union of India where we prayed an order declaring section 46 and 47 of BSF Act, 1968 is ultra vires to Article 14 and 21 of the Constitution of India.



Calcutta High Court

In 2019, MASUM provided legal support to 9 victims by filing their cases to the Calcutta High Court, out of which 5 cases are disposed of with good direction from the Judges.

Achievements:

(i) On 20.02.2019, the Court directed CID (criminal investigation department) investigation in the case of Sukumar Mondal, a victim of enforced disappearance in the district of Murshidabad. His wife Ms. Suchitra Mondal filed writ petition bearing no. WP 19791(w) /2018 dated 25.09.2018.

(ii) On 30.01.2019, the Court directed an independent investigation and requested the lower court to consider the report of the investigation and pass appropriate order in the case of Imajuddin Mondal, a victim of extrajudicial killing by the BSF. ShilaBewa, widow of the victim filed writ petition being number WP 16803 (w)/2018 dated 28.08.2018.

(iii) On 30.09.2019, the Court granted amendments in the anticipatory bail order copy of Mr. Najrul Islam being CRAN no. 2808/2019 as after receiving anticipatory bail order it was revealed that there were several spelling mistakes in the name and address of the victim.

Till date the following four cases are pending in the Calcutta High Court:

Case number	Case Title	Date of Filing	Last Order
WP 19785(w)/2018	RajjakSeikh vs. State of West Bengal & others	25.09.2018	On 11.03.2019 directed to list the matter after 6 weeks
WP 1971(w)/2018	Nazrul Islam Dafadar vs. State of West Bengal & others	05.01.2019	On 15.02.2019 ordered to file affidavit from the govt. side within two weeks
WP 1970(w)/2018	Ranjit Das vs. State of West Bengal & others	05.01.2019	On 07.02.2019 Ordered to file affidavit from the govt. side within two weeks
WP 22359 (w)/2019	Nur Islam Sahajee vs. State of West Bengal & others	27.11.2019	The matter was listed up but the judge was absent.

District Courts

In 2019, MASUM provided legal support to 103 victims in their complaint cases and 17 victims in their defense cases in the district of Murshidabad. 18 cases were dismissed due to prolonged absence of the informant.

MASUM gave legal support to 45 victims of BSF torture, 48 victims of Police torture, 6 victims of EJK i.e. family members of the deceased, 1 victim of Enforced Disappearance (family members of the victim) and 1 victim of Medical negligence.

In the district of North 24 Parganas we provide legal support to 22 victims in their complaint cases and 10 victims in their defense cases.

MASUM gave legal support to 14 victims of BSF torture, 4 victims of Police torture, 1 victim of EJK i.e. family members of the deceased and 3 victims of trafficking.

Our pro bono lawyers in Lalbag Court and Basirhat Court in the district of Murshidabad and North 24 Parganas helped the victims with their legal complaints.



During 2019, MASUM has provided a total of 526 units of legal support to these victims in the Lalbag Court in Murshidabad and Basirhat Court in North 24 Parganas district in both prosecution and defense cases. New cases were registered in different courts and victims appeared in court for hearing of several other former cases. The attached chart portrays different units of legal assistance provided to the victims per month. Apart from these three other defense cases are also pending in the 2nd ACJM court of Dinhata

Month	Number of complaint cases for legal		Number of Defense cases for legal	
	ACJM, Lalbag	ACJM, Bashirhat	ACJM, Lalbag	ACJM, Bashirhat
January	10	6	17	8
February	19	10	15	10
March	13	8	16	5
April	25	7	15	6
May	24	5	16	7
June	13	8	16	5
July	25	5	16	6
August	23	7	15	4
September	13	5	16	3
October	3	5	14	3
November	18	1	15	4
December	12	11	15	3

Achievements:

- On 28.03.2019 in the case of Momena Bibi vs. BSF (GR 1800/16) Additional Chief Judicial Magistrate, Basirhat Court had issued warrant against accused BSF persons for their non appearance.
- On 29.01.2019 in the case of Sariful Sana Additional Chief Judicial Magistrate, Basirhat Court had issued Warrant against absconding accused person.
- On 07.11.2019 Bail granted in State vs. TarunKanti Biswas (Gaighata PS case number 1095/2015 dated 11.11.2015 and GR 3926/2015)

Challenges:

- There are several cases where the complainant or informant or their witnesses are continuously absent before the Magistrate. It is a pattern for victims to complain against the perpetrators on being tortured by the police or BSF officials, and then withdrawing their cases or being unable to present their witnesses.
- Victims do not follow up on their cases regularly, in fact, they do not even contact the lawyers after filing their complaint.
- Sometimes, when the victims of torture lodge particular complaints against the BSF, the case record is sent to the BSF court and no skeleton record exists in the court record room. The people administering the judicial processes are extremely reckless and apathetic to the injustice faced by the victims. Even the Magistrate does not take any measures regarding this unlawful situation; all they do is to further the date of the hearing.
- In several cases, proceedings could not take place due to the absence of Public Prosecutors. Magistrates directed the respective District Public Prosecutors to appoint public prosecutors in those cases but no appointment has been done so far.

Legal Activities

Meeting with pro-bono lawyers

On 30.03.2019, a meeting was held in MASUM's office with pro-bono lawyers of MASUM in the district of Murshidabad and North 24 Parganas.

Victims' meeting with pro bono lawyers



On 30.06.2019 and 24.10.2019, meetings were organized by MASUM where victims and pro bono lawyers of MASUM from the district of Murshidabad were present and on 26.07.2019, a similar meeting was organized by MASUM in the district of North 24 Parganas. Lawyers' interaction with the victims helped to mitigate confusion regarding the pendency of their legal proceedings.





A rally with a symbolic barbed wire organised by MASUM in Kolkata, with the villagers from border



Members of MASUM with the erstwhile enclave dwellers from Coochbehar in a discussion session on enclaves at the Academy of Fine Arts, Kolkata

Events and Activities: 2019

2019 has been an enriching year for MASUM as it was a part of various other organization sharing the same spirit and ideology. MASUM participated in an event on 20th February which was organised by "Sabuj Mancha" at Mahajati Sadan in Kolkata. The mass convention in the event aimed to take active initiatives in order to save and clean the rivers of West Bengal. The Serampore based organisation "Aa Mori Bangla Bhasha" on 21st February invited MASUM to be a part of their celebration of International Mother Language day. The event took place at Bhasha Udyan beside



Hooghly river, where dignitaries from Serampore and outside performed recitals, songs etc. Invitees felicitated and remembered the martyrs of 21st February. An interaction on human rights situations was telecasted on 28th February 2019 in Channel One; a Bengali news channel. Mr. Kirity Roy, secretary of MASUM was a guest in the interaction. Dakshinbanga Matshyajibi Forum and MASUM jointly organized a workshop



on fishermen's rights in MASUM office on 31st May, 2019. Secretary of Dakshinbanga Matshyajibi Forum, Mr. Milan Das imparted information on fishermen's rights and various problems being faced by the fishermen community all across the country. MASUM activists were also present in the workshop.

MASUM members visited Bangladesh to work on the human rights violation of the Indian 'Jankhalash' prisoners in Bangladeshi jail and border victims with the purpose of catering their services from both Indian and Bangladeshi sides. MASUM over a period of 5 days had various meetings with different bodies to understand their position. MASUM's secretary, Mr. Kirity Roy, Staff member Mr. Sujoy Singh Roy also had a meeting with Mr. Kazi Reyazul Haque, Chairperson of NHRC, Bangladesh. Few other meetings were held from 18th to 22nd February during the visit, which were:



- With erstwhile enclave dwellers of Dasiyerchara chit, Kurigram
- Media personnel and members of civil society of Kurigram with the aim to build a local support base of MASUM in Bangladesh in order to act on or get factual information on incidents of torture in the West Bengal – Bangladesh border.
- Meeting with erstwhile enclave dwellers of Uttar Gotamari chit, Hatibanda, Bangladesh.
- Meeting with media personnel and members of civil society of Hatibanda, Lalmonirhat, Bangladesh.
- Meeting with lawyers of different district of Rangpur division, Bangladesh.

MASUM facilitated formation of a conglomeration of bordering people named "Amra Simantabasi" (We, the Bordering People) last year and on the eve of 17th General Election (Lok Sabha) MASUM organized this Civic Symposium and invited major political parties to include these issues in their respective election manifestos and concerned organizations to give these issues further impetus. The symposium was addressed by Mr. Kalyan Bandyopaddhay of Communist Party of India, Mr. Dibakar Bhattacharya of Communist Party of India (Marxist- Leninist), Mr. Sarafraz Ahmed of National Law University- Hyderabad and Mr. Sasanka Sekhar Deb of Dakkhin Bango Matsyajibi Forum. Later, a thematic procession consisting the participants of symposium walked to Gandhi Statue from Kolkata Press Club.



MASUM Secretary, Mr. Kirity Roy attended the Preparatory Meeting of Asia Alliance Against Torture (A3T) on a 2-day event organized by KontraS (The Commission for the Disappearances and Victims of Violence) for the very first time that took place in Menteng, Jakarta in Indonesia from 13-14 March 2019. The meeting decided for a strong Asian network of organizations working on torture and Impunity.



Observing International Day For Victims Of Torture Banglar Manabadhikar Suraksha Mancha (MASUM) observed International Day for Victims of Torture on 26th June, 2019, at three districts of its presence; 24 Parganas (North), Murshidabad and Cooch Behar along with Serampore in Hooghly district where the central office of MASUM is situated. To commemorate the day MASUM organized tableau processions, speeches, cultural events and leaflet distributions at all the mentioned places.

Events and Activities: 2019

4 Years of Land Boundary Agreement - A Social Audit On 30th of July, 2019 MASUM organized a social audit on the eve of fourth anniversary of the Land Boundary Agreement (LBA), 2015. The event was conducted at the Academy of Fine Arts and attended by over 50 erstwhile enclave dwellers and presided over by Mr. Kirity Roy, Human Rights Activist and Secretary of MASUM. Mr. Sujato Bhadra, eminent Human Rights activist and Professor, Ms. Anjuman Ara Begum, South Asian expert at Forum-Asia and social activist, Ms. Bolan gangopadhyay have participated in the discussion. Many people from the erstwhile enclaves shared their hardships and miserable living conditions that continue even after the promises made by the LBA.



Street Corner on revoking Article 370 in Kashmir –MASUM members organised a street corner near Serampore rail station on August 5, 2019 at around 5:00 pm in order to protest on the Centre's unilateral decision administered in Jammu and Kashmir of revoking Article 370 that provides for a special status to the State. MASUM Secretary, Mr. Kirity Roy and other activists and volunteers associated with MASUM continued the protest rally for two hours addressing the several citizens who passed by the Serampore rail station. MASUM also released a statement on the issue.

On 21.08.2019 and 22.08.2019 MASUM team went to Dinhata settlement camp and other enclaves to assist the field visit of NHRC Special Rapporteur of Eastern Region, Mr. Bibhutibhushan Mishra, retired DGP who visited Coochbehar on the basis of the complaint made by MASUM. The dwellers of said camp and enclaves narrated their problems and expressed their agony to Mr Mishra that he noted down. He assured them to discuss their issues with the Home Ministry of India.



Press Conference on State Atrocities upon Human Rights Defenders- MASUM organized a discussion session on 11.09.2019 at Kolkata Press Club (Maidan) with renowned human rights activists like Ms. Bolan Gangopadhyay, Ms. Miratun Nahar, Mr. Naba Dutta and many others in order to cultivate the present situation and decide on the future course of action. The objectives of the discussion were introduced by Mr. Kirity Roy, Secretary of MASUM. He also delivered the concluding speech stating that the human rights defenders have taken a resolve to fight a legal battle with the State by challenging the fabricated charges against them and prosecuting the State for undue harassment.

Amra Simantabasi Conclave- MASUM organized a three day workshop from 20.9.2019 to 22.9.2019 in the Indian Institute of Training and Development with representatives from various bordering areas, where MASUM operates. The purpose of the workshop was to listen and address the issues faced by the bordering populace along the West Bengal - Bangladesh border. The three-day event concluded by deciding on various course of action that will be implemented in the border.



On 19 October 2019, MASUM organized a field visit for film director and veteran actress, Aparna Sen and two other members of Citizen Speak, to the erstwhile enclaves in Cooch Behar. The first visit was to Karala-II where Sen and others were restricted to enter by the Border Security Forces. This brazen violation of fundamental rights by the BSF invited criticism from several members of the opposition parties and was widely reported by the media. Sen and others also visited the enclave Paschim Bakalir Chara and the Dinhata Settlement Camp where they witnessed the problems that residents face on a daily basis and listened to their grievances. On 20 October, 2019, a press conference was organized by MASUM where representatives from the enclaves talked about their suffering due to the ignorance of the State administration. Towards the end, Ms. Sen gave a statement expressing her concern for the rights of enclave dwellers and addressed the various problems that people have been facing.

On 22nd October 2019 Amra Simantabasi organized one meeting in district level at CoochBehar district. The meeting was held at Panthanibas situated in Cooch Behar district. On that meeting, villagers from 33 bordering villages appeared and stated there agony against the livelihood restriction imposed by Border Security Force personnel posted there. At the end of the meeting Amra Simantabasi district committee was formed in Cooch Behar district.



Events and Activities: 2019

Meeting with BSF

In the spirit of celebrating Human Rights Day, the commanding officers of the Border Security Forces, Battalion 112, Bithari Border Outpost invited MASUM to have a discussion on the several human rights violations that take place at the Indo-Bangladesh border. The meeting was held on the 12th of December 2019 in North 24 Parganas and was chaired by the Battalion Commander Mr. Arun Kumar. Several issues such as torture, extrajudicial killings, cross-border smuggling, trafficking and the lack of proper utilization of BADP funds were discussed in the meeting. The officers of the BSF voiced their concerns about illegal immigration, smuggling and national security. It was noted that the BSF and CSOs often have conflicting interests and the meeting was a step towards addressing this conflict. While there is still room for conversation and negotiation, the meeting ended with an agreement to practice maximum restraint at the border. Consistent communication will be maintained with the officers to ensure that the rights of the residents are not violated in the interest of national security. We believe that justice can only be ensured through a meaningful cooperation between the state, bureaucracy, civil servants, judiciary and civil society organizations.



Human Rights Day, 2019



MASUM has been celebrating Human Rights day by organising a Human Rights fair at the Ranu Chhaya Mancha, Kolkata on 10th December for the last 22 years. Various dignitaries, lawyers, human rights activists, academics, cultural performers and CSOs actively participated in the said fair this

year. Various CSOs displayed their publications in stalls in the fair campus.

But just after the inauguration of the event few policemen in civil clothing came to the spot at around 12:45 pm stating that they are from Hastings police station and asked to stop using microphone in the event as no



permission was granted by the police to use plugged sound inspite of the fact that on November 28, 2019 emails were sent to the Commissioner and Joint Commissioner of Kolkata Police along with all the deputy Commissioners and Hastings police stations seeking permission to conduct the event like every year. However the police also said that megaphones can be used provided that a written application is submitted in the Hastings police station to use the same. As a token of protest MASUM members refused to submit the application and continued the event without plugged sound.

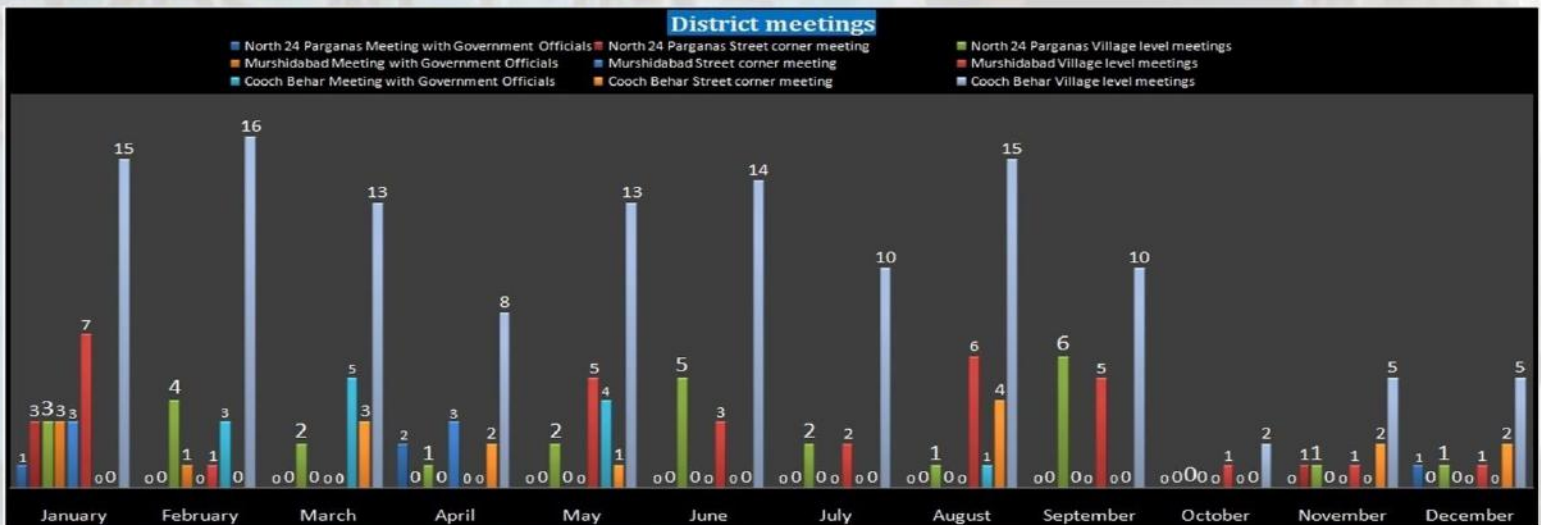
The programme continued using the megaphone again till 6:30 pm. By the end Justice Ashok Ganguly, former justice of Supreme Court of India came to the event for inaugurating two books, one on i) Erstwhile enclave dwellers and ii) on systematic attack of state upon HRDs of MASUM. Both the books were published by Forum Asia, Regional Human Rights body.



Events and Activities: 2019

Village level Meetings

In 2019, MASUM's team conducted 245 meetings in the Districts of North 24 Parganas, Cooch Behar, Nadia and Murshidabad. These meetings incorporate meetings with government officials, village level meetings, street corner meetings and District Committee meetings. In North 24 Parganas, 2 Amra Simantabasi District Committee meetings were held along with 4 meetings with government officials, 28 village level meetings and 4 street corner meetings. In Murshidabad, the Amra Simantabasi District Committee held one meeting while 32 village level meetings, 4 meetings with government officials and 6 street corners were conducted. 13 meetings with government officials, 14 street corner meetings, 126 village level meetings, 2 meetings of the Amra Simantabasi District Committee and 4 meetings of the Amra Chitmoholbasi Enclave Committee were conducted in the District of Cooch Behar. Finally, 5 village level committees were held in Nadia.

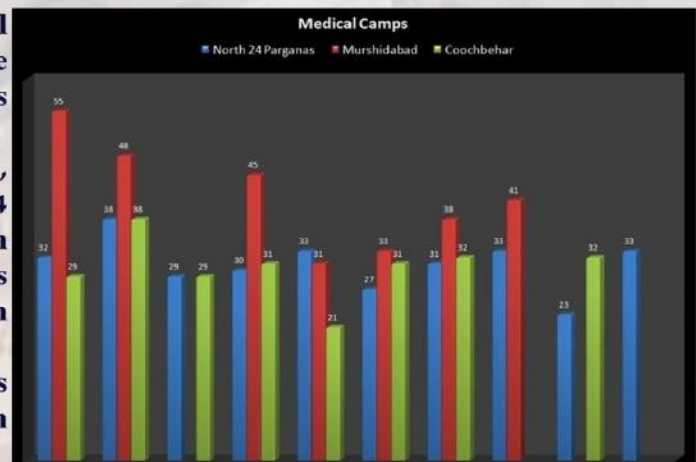


Medical assistance to victims		
Month	District	Number of victims attended
JAN	North 24 Parganas	32
	Murshidabad	55
	Coochbehar	29
FEB	North 24 Parganas	38
	Murshidabad	48
	Coochbehar	38
MAR	North 24 Parganas	29
	Coochbehar	29
	North 24 Parganas	30
APR	Murshidabad	45
	Coochbehar	31
	North 24 Parganas	33
MAY	Murshidabad	31
	Coochbehar	21
	North 24 Parganas	27
JUN	Murshidabad	33
	Coochbehar	31
	North 24 Parganas	31
SEP	Murshidabad	38
	Coochbehar	32
	North 24 Parganas	33
OCT	Murshidabad	41
	Coochbehar	23
	North 24 Parganas	32
DEC	North 24 Parganas	33

MASUM has been providing consistent support to the victims of torture through various awareness campaigns, motivational approaches and other direct means of facilitation to the victims of torture. MASUM organized several medical camps on a regular basis for the victims who were subjected to torture from various ends. Throughout the year 2019, MASUM organized 25 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 25 medical camps, 10 were organized in North 24 Parganas district, 7 camps in Murshidabad and 8 camps were organized in Coochbehar districts.

MASUM provided 843 units of medical and psychological support to the victims through these camps with an average of 34 victims per camp.





Members of 'Citizen Speak India' including film director, Aparna Sen meeting and speaking with enclave dwellers in Coochbehar district



MASUM members observing Human Rights Day at the Ranu Chhaya Mancha, Kolkata

Victims' Testimonies

My husband Mostafa Gaji was shot dead by the BSF on 14 July, 2019. This happened while he was returning home after working on the agricultural fields. I received no assistance from the police even after several complaints. The future of my two children is uncertain after Mostafa's death. He was the sole earning member of our family. Life at the borders is extremely difficult, especially after my husband's death.

[Video Link](#)

**– Ajmeera Gaji
North 24 Parganas**



Even after four years of the implementation of the Land Boundary Agreement, enclave dwellers are not treated as human beings. In spite of all our adversities, life was easier before this implementation. We were more peaceful. Our present situation is chaotic and troublesome. We are afraid of the NRC process; none of our documents have correct details. Who will believe us when we say we are citizens of India? None of our demands are fulfilled—we do not get roads or social security schemes, we do not receive health and educational facilities, our children do not get jobs. It is extremely disheartening to keep living the struggles that we have been facing for 70 decades, after being promised that our lives would be better.

**–Bhupati Ranjan Roy
Erstwhile enclave dweller
Falnapur, Coochbehar**



People residing in the villages close to the Indo-Bangladesh border face tremendous oppression from the BSF and are victimized by human rights violations every day. My husband was killed by the BSF on 17 April, 2015 but even after four years, the perpetrators are not punished for their crime. Instead, they harassed me for putting up posters in the village against human rights violations. No one is ever punished for these arbitrary violations of human rights. I want justice for my husband's death.

**–Shila Bewa
Murshidabad**

MASUM in News

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MASUM members participate in a rally against NRC, NPR and CAA in Kolkata



MASUM members with former South-Asia Director of Forum-ASIA, Ms. Anjuman Ara Begum in MASUM office



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