



ANNUAL REPORT 2020



MASUM ANNUAL REPORT 2020

Foreword

In my 70 years life I have never seen the subversive and tragic days like 2020 which shows us comprehensive attack on the countrymen; manmade pandemic has broken the economic structure of the country, deprive the citizens from basic amenities, decline the situation of the judiciary including illiteracy and poverty covers the country fully. In addition to this the peasant revolt around Delhi and its surrounding areas is deep rooted in the peasants' right movement shows me a point of light in the extreme darkness.



My country India is gradually breaking its democratic structure. In this situation, we must move forward on the basis of our democratic values. We all human rights activists should re-swear towards every letter in the preamble of our Constitution.

The great danger which is becoming a major force in India as well as other countries in South Asia like Pakistan, Bangladesh, Sri Lanka is extreme religious sectarianism which is of course nurtured by the State.

It is completely unknown what is waiting for us in this year 2021 but I do believe that our joint ventures will definitely develop the democracy in India, democratic rights and human rights of every person in India. Different languages, cultures, traditions of our country will be further glorified.

People at different levels will be more integrated in their respective fields and will be united in their conviction against discrimination, inequality, deprivation and oppression

Let's we all get closer in this time.

A handwritten signature in cursive script, appearing to read 'Kirity Roy'.

Kirity Roy
Secretary, MASUM

Obituary

Migrant labourers: Amidst the coronavirus crisis, the Prime Minister of India announced a sudden and unplanned lockdown throughout the country resulting into a terrible disaster for the poor and middle class citizenry. The migrant labourers were the ones who were probably affected the most due to this whimsical lockdown announced by the government. A day after the nationwide lockdown was imposed in India; the highways connecting the borders of different states saw several migrant labourers undertake a long, arduous journey back to their homes. Unable to find work, evicted by their landlords and languishing from hunger, these people were turned away from metropolitans that had promised them a better livelihood. The news agencies have reported more than 200 deaths of migrant labourers in India, who succumbed to death while walking hundreds of kilometers to their home, along with their families without any food or water. However, the government doesn't have any data on the actual number of deaths of the migrant workers.

During their long walk back to their homes, the police have chastised, humiliated and lathi charged these people during the lockdown. A video showed the police spraying chemical disinfectants on migrant labourers who have returned to Bareilly in Uttar Pradesh. Several migrant workers died of exhaustion while many others died in accidents on the roads after walking or hiding in vehicles. On 31 March, as many as 120 migrant workers were allegedly beaten up by the police in Gujarat and forcefully rounded up in a single lorry and dropped in Maharashtra, despite being wounded. In Aurangabad, 16 migrants were killed on 8 May after a freight train ran over them while they were sleeping on the tracks, exhausted from walking. 26 migrants were killed in an accident between two trucks carrying migrants in Auraiya on 16 May.

We from MASUM deeply regret these incidents of unfortunate deaths and extend our heartfelt condolences to the family members of these migrant workers.

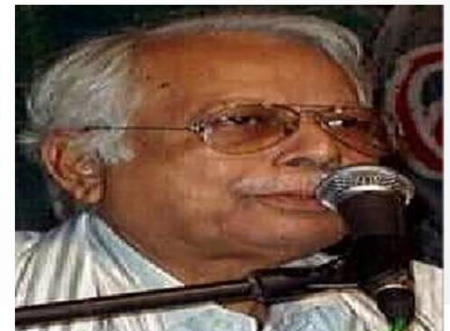


Rajendra Sail: Adv Rajendra Sail, one of the legends of Human Rights movement in the country breathed his last on January 26. His association, People's Union for Civil Liberties (PUCL) has marked

an era of engaging on the questions of Human Rights at the highest level in India. One of the early members of PUCL, he was the National Organising Secretary of it from early 1980s till late 1990s. His association with rural bonded labour led to the popular case on bonded labour in the Supreme Court of India in 1980s that led to the release of nearly 25000 Dalit caste based bonded labourers in Chhattisgarh. Later he was the Supreme Court appointed Commissioner on bonded labour issues. He survived a massive heart attack and a paralytic stroke. Since then his body functions were reduced, his mobility curtailed. He will be missed in the human rights fraternity of the country.



Sujoy Basu: Renowned scientist and retired teacher from Jadavpur University Prof. Sujoy Basu breathed his last on 22nd February 2020 at his residence. He was the pioneer of research in solar energy in India. He was also an active member against the Anti-nuclear power movement. We are deeply saddened by this loss and extend our heartfelt condolences to his family.



Obituary



Felipe Michelini: Felipe Michelini was Human Rights Professor at the Law School Universidad de la República (UDELAR), Montevideo, Uruguay, and an Attorney specialized in Human Rights and International Justice. He made significant contributions to the development of International Criminal Court and played a significant role on the ratification of the Rome Statute by Uruguay and as the main advocate in having Uruguay become the first State in the region to include Rome Statute crimes as part of its national legislation in 2006. He had excellent diplomatic and negotiating skills which helped him lead one of the strongest legislations on ICC across globe. He was the Vice-President of the Executive Board of UNESCO, (2005-2007) and

Adviser to the Secretariat of the United Nations for the Commission on the Truth for El Salvador (1992 - 1993). He received J.D. Law and Social Sciences, from UDELAR and Master of Law - L.L.M. from Columbia Law School. We are deeply saddened by his untimely demise on 19 April, 2020.



Jolly Mohan Kaul: Veteran communist leader and an enthusiast of human rights movement, Jolly Mohan Kaul passed away at the age of 99 in Kolkata on 29th June evening succumbing to heart attack. He was a freedom fighter and the last living member of the central committee of undivided Communist Party of India. His wife, Manikuntala Sen, a prominent face of the leftist women movement, passed away earlier. In his much celebrated autobiographical book, 'In Search of a Better World: Memoirs', he illustrated a critique of his life and times. He was a supporter of human rights movement as he once said that in these times, human rights activities and environmental activities should be prioritized and more people should come forward to support these activities. MASUM mourns his death and will always remember him for his social accomplishments.



Justice H. Suresh: MASUM mourns the demise of a valiant Human Rights Defender and the former judge of the Bombay High Court. He was a legal luminary and as we remember his opening lines, "I am a retired judge, not a tired judge", we can't help but salute his spirit. He will be remembered for his earnest response in cases wherever people were in trouble. He also attended to MASUM's call many times and we had the opportunity to work in close quarters with him, which shall remain immemorial.



Ramendranath Moitra: Ramendranath Moitra was an employee of the Indian Post Office by profession but his proficiency was not limited to his profession alone, rather his excellent communicative skill with a huge range of people from different fields of the society was remarkable. Ramendranath Moitra, better known as Ramen Da was well-known for his social endeavours and hospitality. He has selflessly worked for the people residing at the Indo-Bangladesh border. He has openly protested against state torture, has been a pillar standing by the people who had lost their houses to erosion or floods. Ramen Da is a name that resonate selflessness, immense personality, humanity and a human rights activist. But sadly, his journey came to an end on 13th November 2020 at the age of 62 as he succumbed to cardiac arrest. He has been an active friend of MASUM since its inception and has played a crucial role in helping MASUM on the field. His heartfelt humour will be missed among the people close to him. We at MASUM mourn his demise and will always cherish the relationship we had with him. Ramen Da will always keep inspiring us to strive and work for the people who need our help.



Obituary

Avishek Mookherjee: Born on 14th July, 1983 Avishek Mookherjee was a dynamic young adult who believed in the Leftist ideology. He graduated as a lawyer and dedicated his work towards ensuring Human Rights to the marginalized and the downtrodden as an employee of MASUM. His stint in MASUM was cut short due to a sudden accident after which he went to China to pursue his Ph. D. Even while pursuing his academics, he had continued to support MASUM through his posts and writings. He was an avid author with many publications to his name. Sadly, when he returned from China in 2020, he contracted COVID-19 and breathed his last on 24th October 2020 at the ripe age of 37. We at MASUM mourn his death and stand by his family during these trying times.



Durbadal Majumdar: Durbadal Majumdar a dynamic youth was appointed as the District Human Rights Monitor (DHRM) of MASUM in Jalpaiguri district. During his tenure as DHRM, he was implicated in a fabricated case after he assisted a woman victim to lodging a complaint against the police and was consequently detained illegally in police custody at New Jalpaiguri police post on 6 August 2015. He has conducted 10 fact findings missions for MASUM in cases of various human rights violations in his respective area. Durbadal was a soft-spoken, well-behaved, energetic person. However, by the end of 2015, he left his association with MASUM as DHRM due to physical and mental illness, but kept in touch with it on a regular basis. He was being treated in different hospitals of Raiganj and Kolkata. On December 23, 2020 he breathed his last at Belur Shramajibi Hospital. For his politeness, honesty and good behavior he will always be remembered in MASUM.



Kalpana Datta: Born in 1933, Kalpana Datta was a freedom fighter, a teacher and a leader of the Socialist Party. A resident of Howrah, she was associated with education movement of West Bengal and a stalwart in the educational field from her time. She set-up and lead several educational institutions. She was also one of the patrons of MASUM from the beginning and assisted and appreciated our work in many ways. The first MASUM office was set-up in her house in Howrah, as she gladly let us, in 2002 and continued there till 2010. At the age of 87 she breathed her last on December 31, 2020. We at MASUM will remember her for her love and support to our cause.



Farmer deaths during protest: Our country is witnessing the biggest ever protest demonstrated by the farmers from at least 98 villages of Punjab against the three central farm laws since 15th September, 2020. However, during the three and half month-long protest so far, several protesting farmers have lost their lives. More than 45 farmers have died in Punjab as well as Delhi since September 15 when protests against farm laws intensified in Punjab and Haryana. MASUM mourns the death of these farmers and salutes their uncompromising spirit.

Human Rights Overview 2020

The most challenging year that humanity has faced in the twenty-first century, 2020 has been a year of revelation for the state of human rights worldwide. The indiscriminate suffering faced by the poor and disadvantaged minorities, broken healthcare systems, collapse of socio-economic safeguards, and the ill-planned lockdowns imposed by most countries have exposed umpteen failures of democratic regimes and social security mechanisms. It is important to introspect and look back at 2020 and draw lessons for creating a world where essential liberties, equality and justice are ensured for every individual.

India



In February, the protests against the Citizenship Amendment Act-National Register of Citizens-National Population Register (CAA-NRC-NPR), were brutally repressed by the mobs incited by the spokespersons of the BJP and aided by the Delhi police. Riots ensued, over 50 people were killed and houses and businesses, overwhelmingly Muslim, were destroyed. In spite of massive evidence of the involvement of State agents in the riots, charge sheets were filed by police against those who had been victims of the violence and the organizers of peaceful protests.

In March, Prime Minister Narendra Modi imposed one of the world's strictest lockdowns in India, giving people a mere 4-hour notice. A day after this announcement, thousands of migrant workers took to the highways connecting the borders of different states to undertake a long, arduous journey back to their homes on foot. They were beaten, humiliated and sprayed with chemical disinfectants by the police. News reports throughout 2020 claim that at least 200 migrant labourers succumbed to death while walking hundreds of kilometers to their home. The GOI informed the Parliament that they have no data on the number of migrant labourers who died during the lockdown.



The Modi government also used the opportunity of the lockdown to initiate a crackdown on human rights defenders and activists who had been vocal regarding its discriminatory policies. Unlawful Activities (Prevention) Act (UAPA) was slapped on activists who had spearheaded the Anti-CAA-NRC-NPR protests. HRDs accused in the Bhima Koregaon case were not granted bail in spite of the Supreme Court's recommendation to decongest prisons during the pandemic. Most of these activists are senior citizens and are at greater risk of contracting the virus.

Hate crimes and speech against minorities, especially Muslims, became commonplace in 2020. Politicians and members of Parliament have openly expressed hatred for Muslims and encouraged communal violence. BJP-ruled Uttar Pradesh, Madhya Pradesh and Haryana are contemplating a law that prevents inter-faith marriages in the name of combating "love-jihad".



Two brutal incidents of torture against vulnerable communities shook the nation in 2020. One was the brutal killings of Jayaraj and Fenix in the custody of Police in Tamil Nadu. The victims were lower middle class businessmen who were tortured and killed by the police for keeping their shop open 15 minutes past the curfew imposed by the state. Another incident was the gangrape and murder of a Dalit woman in Hathras, Uttar Pradesh, by four upper caste men. The Uttar Pradesh police used every means available to obstruct the course of justice in the case from burning the girl's corpse in the middle of the night without the consent of her family to denying the occurrence of rape in spite of the victim's testimony. Both these cases highlighted the culpability of several actors in the murder of citizens and revealed the gruesome reality that torture is sanctioned by the practitioners of law and justice. On the other hand, four people convicted in the Delhi gangrape case of 2012 were given the death penalty in 2020. The incident in Hathras is evidence that the death penalty does not prove as a deterrent to rape and other violent crimes against women.



Crucial and controversial legislations were introduced by the BJP government during the pandemic, strategically taking advantage of the inability of citizens to gather and protest. Amongst these legislations were the New Education Policy, the draft Environment Impact Assessment Notification, three Farm Bills and the Foreign Contribution (Regulation) Amendment Bill.

Human Rights Overview 2020

India's commitment to International human rights mechanisms appeared to be dwindling throughout the year. The government is straying from its duty to achieve the Sustainable Development Goals for 2030 especially the ones on poverty, health, education and gender equality. While the Constitution of India has provisions for justice and equality, laws are not implemented on the ground and discrimination is rampant. Laws such as AFSPA, UAPA, and Section 197 of the Criminal Procedure Code allow immunity to public officials and make it extremely difficult to ensure accountability.

Just as citizens braved the winters of Delhi in 2019 to protest against the CAA-NRC-NPR, the farmers took to the streets in November 2020 to protest against three contentious farm laws that seek to privatize the agricultural sector. The farmers are demanding a repeal of the three laws along with a guarantee for Minimum Support Price (MSP) and claiming that the laws are completely averse to their interests. Their struggle continues into the New Year and promises to go on until their demands are met.



World



In May, the United States of America erupted in protest against the bone-chilling murder of George Floyd by the police. The Black Lives Matter movement gained momentum throughout the country where people commemorated the hundreds of African-American citizens who were killed as a result of police brutality and demanded accountability, justice and measures to defund the police. The citizens of USA also voted out Donald Trump who had consistently tried to enforce white supremacy and imposed several discriminatory measures against minority communities and immigrants.

During the pandemic, the entire world saw a disturbing rise in incidents of domestic violence. Trapped at homes with their partners during strict lockdowns, women had no means to escape from the violence inflicted on them. In Hubei province of China, the heart of the initial coronavirus outbreak, domestic violence reports to police more than tripled in one county alone during the lockdown in February, from 47 in 2019 to 162 in 2020. Similar trends were observed in Italy, Spain, Brazil, Germany, the UK and in India as well. (Source: The Guardian)



Authorities in Egypt, Russia and Philippines initiated a crackdown on doctors, journalists and activists who opposed or criticized the policies of their governments with regard to the coronavirus. In China, persecution of the Uighurs continued unabated, hidden in the garb of the pandemic. Nigerians who had taken to the streets, peacefully demanding an end to police brutality, extrajudicial executions and extortion by the Special Anti-Robbery Squad (SARS) were met with excessive use of force by the army and police forces. On October 20, peaceful protesters were shot dead when the Nigerian Army opened fire on protesters at the Lekki Toll Gate. (Source: Amnesty International)

While this was a troublesome year for human rights, protestors from all ages across the world have provided us with the hope that the demand for equal rights shall not rest in the face of autocratic regimes. Across the globe, people took to the streets to demand justice for minorities, equal rights for women, protection of the environment and transparency in bureaucratic and judicial mechanisms. Protests in India have also shown us a path towards understanding the power of peaceful protests and the value of dissent in a democracy.

Achievements and Challenges: A brief overview



Achievements:

In the past year, the National Human Rights Commission recommended monetary compensation to nine of our victims on the basis of the complaints lodged by us. The compensation amounts ranged from 50,000 INR to 500,000 INR. However, despite the recommendations of the NHRC to provide monetary compensation to the victims, none of them have received any amount till date. Following is the detailed list of the recommendations made by the NHRC.

Name of the victim	District	Case	Compensation amount (INR)
Serajul Haque	Cooch Behar	EJK by BSF	2 lakhs
Badiyar Mia	Cooch Behar	Arbitrary firing by BSF	1 lakh
Bulbul Rahman	Murshidabad	Torture by BSF	3 lakhs
Ajimuddin Sarkar	Murshidabad	Illegal detention & custodial torture	1 lakh
Samir Seikh	Maldah	Torture by BSF	1 lakh
Renubala Burman	Cooch Behar	Torture by BSF	50 thousand
Liton Biswas	North 24 Pargana	Torture by BSF	2 lakhs
Billal Sheikh	Murshidabad	Torture by BSF	50 thousand
Umran Bewa	Cooch Behar	EJK by BSF	5 lakhs

- Due to lack of response from the police authorities in the case of torture of Kasem Seikh, the NHRC directed the Director General of Police, West Bengal to appear in person before the commission and submit required documents.
- In the case of Badiyar Mia, a victim who lost his right hand due to the arbitrary firing by a BSF official, the NHRC registered a case (NHRC case no. 1356/25/6/2014-PF) and after a long period of 6 year, on 10.02.2020 recommended a compensation of rupees 1 lakh to the victim, Badiyar Mia for his irreparable loss. The DGP, West Bengal was also directed to take appropriate action against the police officer who failed to register an FIR on the complaint of the victim and submit the report within six weeks.
- After our constant efforts the 25 Bangladeshi nationals arrested by Dhubri Police of Assam with charges under section 14B of the Foreigners Amendment Act, 2004 were given release order on 29 August, 2020 by the Dhubri Court
- On the basis of our complaint regarding the custodial death of Goutam Mondal in Dum Dum Correctional Home, the NHRC took note of the reports and requested the Principal District and Session Judge, North 24 Pargana district to conduct a Magisterial enquiry and send report at the earliest.
- On the basis of our consistent intervention, the NHRC decided to visit some of the Detention Centers/Shelter Homes/Correctional Homes where illegal migrants have been kept before their repatriation and asked investigation Division to depute a team of its officers to assist the Commission during the visit but due to lockdown & Covid restrictions, the visit was cancelled.
- Owing to our constant intervention, roads, bridges and structures to let water pass through are being constructed in the erstwhile enclaves of Falnapur and Nalgram. Roads are also being constructed in the erstwhile enclave of Poschim Bakhali Chara. In addition to this, solar pumps for irrigation are being set up for the enclave dwellers.
- After our constant efforts the BDO, SDO, PWD, BL & LRO and the irrigation department of Tufanganj held a meeting during Last December, 2019 where the hurdles of lack of basic amenities of the Uttar Bansjani erstwhile enclave were taken into consideration and discussed at length. The BDO took immediate action and provided the erstwhile enclave dwellers ration cards and job cards along with voter cards available from the BDO's office. On 04.02.2020 BDO, SDO, PWD, BL & LRO, Labour Department and WD department of Self-help group at the block level had visited the mentioned erstwhile enclave to inquire about the lack of basic facilities and promised to take immediate action to provide them with adequate facilities to improve their living condition.

- After our prolonged persuasion and dialogue with the concerned authorities of the erstwhile enclave dwellers in Cooch Behar districts, we finally managed to achieve the complete list of erstwhile Bangladeshi enclave dwellers, who were granted Indian citizenship following the Land Boundary Agreement, 2015.
- Members of Citizen Speak India, social activist Ms. Bolan Gangopadhy, theatre actress and director Ms. Sohag Sen and fashion designer Ms. Suchismita Dasgupta, visited the borders of Shatgram Manabari and Shalbari Mahismuri villages and Kokoabari and Nalgram enclaves during their stay from 19-21 February, 2020. They were concerned about the utter penury faced by the people and further promised us to create awareness about these people and take positive initiatives to help them be self-sufficient and bring better opportunities at their doorsteps.
- On the basis of MASUM's complaint 80 year old Ms. Rahila Gazi and the family members of Mr. Sahajahan Sardar from Gobindapur village of North 24 Pargana district, who were deprived of their ration card despite appealing for long, got ration since August, 2020. The Food inspector of Swarupnagar Block, who visited their houses, also promised them to provide ration cards soon.
- On 17.03.2020, MASUM had a meeting with Secretary General of National Human Rights Commission (NHRC); Additional Secretary, NHRC; Registrar (Law) NHRC and SP and DSP's of NHRC at the office of the National Human Rights Commission, New Delhi. MASUM team consisting of Secretary, Mr. Kirity Roy had a thorough discussion regarding several problems that were being faced on account of the NHRC. Secretary General NHRC said that they will consider all the issues discussed in the meeting and take necessary actions
- After our persistent effort on 17.10.2020 MASUM team had a fruitful face to face meeting with the Superintendent of Police, Basirhat Police District in North 24 Pargana along with the Sub divisional Police Officers and Officer in Charges of different police station in the district. Our initiatives in terms of minimizing human rights violations were appreciated and suggestion duly considered by the police officials of Basirhat Police District.

Challenges



- The NHRC is dependent on the reports issued by the BSF and Police officials and our cases are being closed on the basis of those reports. About 20 of such cases have been closed in this year. In many instances it has been seen that the stories are fabricated and are not full proof yet the Commission doesn't proof sufficient pressure on these bodies to reveal the truth.
- Prolonged trials in various courts are discouraging victims to continue fighting to achieve justice through legal mechanism.
- The NHRC disposes off several cases filed by us, to other concerned authorities for taking necessary actions, in order to shrug off their responsibilities and reflect the higher numbers of disposed cases. However in most of these cases the concerned authorities does not take any action completely ignoring justice to the victims.
- Our operations and organizational structure were highly affected due to lack of regular communications and monitoring in the areas we work in on aegis of Covid 19 pandemic. Courts were closed during the lockdown, due to which our legal operations were hampered. Severe restrictions were initiated on the agricultural activities of the villagers of border areas during the lockdown. These factors have highly affected the ground level organization as the active local leaders as well as the cluster members are worried about their lives and livelihood during these critical times.
- Today Human Rights Defenders are still at a constant peril that hinders them from functioning properly and committing to their duty to stop human rights violation. Human Rights Defenders of MASUM constantly face threats on their life and liberty because of the work they do. While raising voices against the state atrocities, they are often implicated in false charges by the State authorities. Presently several false and fabricated cases which were lodged by the different district administrative officials upon Mr. Kirity Roy are pending in various district and sub divisional courts.



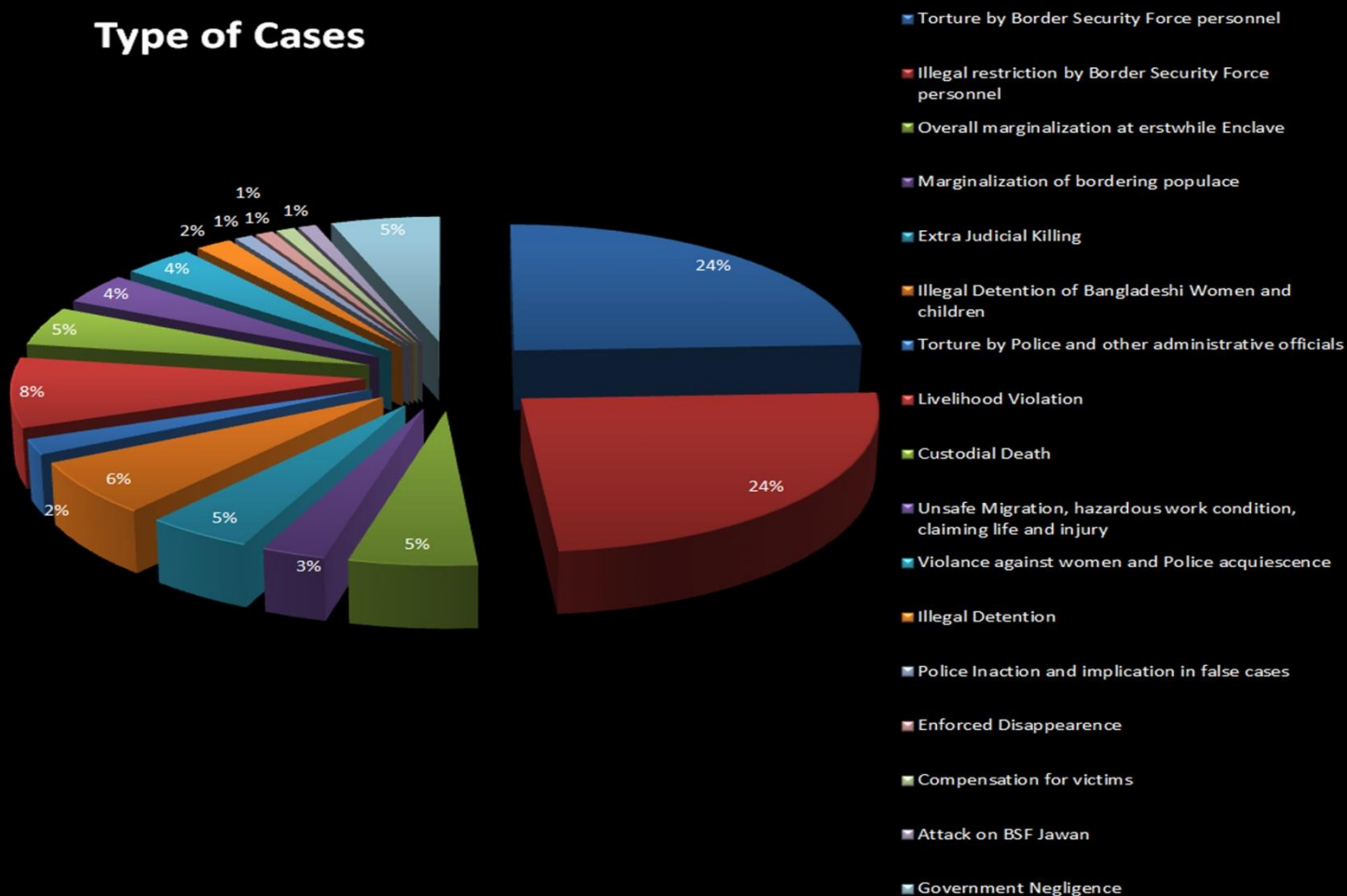
Members of Citizen Speak meeting with erstwhile enclave dwellers of Cooch Behar



Deputation of erstwhile enclave dwellers to the District Magistrate of Cooch Behar

Annual Complaint Review 2020

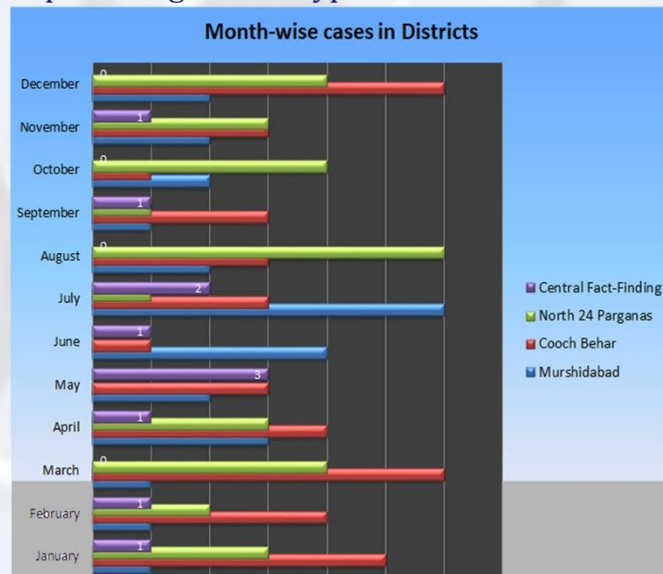
Type of Cases



MASUM lodged 111 fresh complaints in 2020 with the National Human Rights Commission on seventeen 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 BSF personnel and illegal restriction by BSF personnel, which was 24% each, followed by 8% cases on livelihood violation and 6% cases on Illegal Detention of Bangladeshi Women and children and 5% each on extra-judicial killing, marginalization of erstwhile enclave dwellers, custodial deaths and government negligence. The attached chart show the percentage on the types of cases MASUM has been working with since January 2020 to December 2020.

Since January up till December 2020, MASUM was quite regular in lodging complaints to the National Human rights Commission every month. MASUM lodged 12 complaints in July and December, 2020, which is the highest number of complaints lodged in any month, followed by 11 each in the months of March, April and August and 10 in January 2020. On an average more than 9 cases were lodged per month during 2020 to the National Human rights Commission by MASUM.

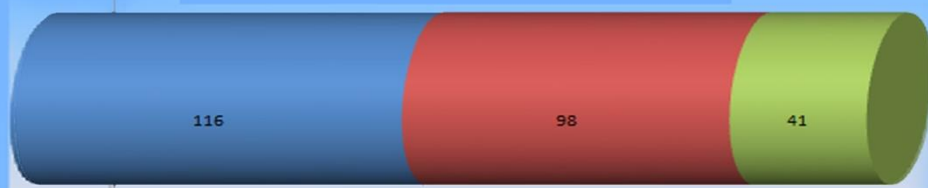
The NHRC further seek MASUM's opinion on the basis of the report provided by police and district administration and direct the government accordingly to initiate independent investigation or provide monetary compensation to the victims. During 2020, MASUM sent 102 such replies to the NHRC providing necessary information on the victims, MASUM works with. MASUM also sent 53 updated information on the complaints previously lodged to the NHRC during 2020.



Annual Complaint Review 2020

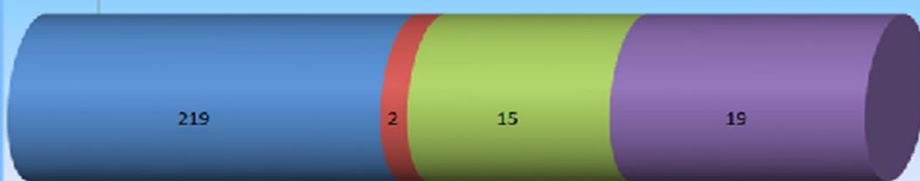
Demographic representation of victims

■ Male ■ Female ■ Minor



Social representation of Victims

■ Muslim ■ Scheduled Tribe ■ Hindu Other ■ Scheduled Caste



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 2020 MASUM lodged 111 complaints to the National Human rights Commission in order to support 255 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 88 individual victims were supported by MASUM during January, 2020, which is the highest number of victims supported by MASUM in any month during this year followed by 26 victims each in May and August and 24 victims in October, 2020. In 2020, 90 among the victims were male victims, 98 of them were female victims and 67 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 86% of the total victims MASUM works with belong to the minority Muslim community followed by 7% victims from the Hindu Scheduled Caste community. 6% of the total victims are from other community including Hindu General and 1% from Scheduled tribe community. The attached bar graph shows a month wise picture of social representation of the victims, whom MASUM supported during this period.

Month	Total Cases	Total Victims	Month	Male	Female	Minor	Month	Muslim	Hindu (SC)	Hindu (Other)	Scheduled Tribe
January	10	88	January	12	54	22	January	88	0	0	0
February	8	9	February	3	5	1	February	7	2	0	0
March	11	14	March	11	1	2	March	11	1	2	0
April	11	6	April	4	2	0	April	3	0	3	0
May	8	26	May	26	0	0	May	26	0	0	0
June	6	5	June	4	1	0	June	3	1	0	1
July	12	6	July	4	0	2	July	5	0	1	0
August	11	26	August	10	10	6	August	18	8	0	0
September	6	10	September	10	0	0	September	8	2	0	0
October	7	24	October	12	12	0	October	24	0	0	0
November	9	18	November	7	5	6	November	13	4	1	0
December	12	23	December	13	8	2	December	13	1	8	1

Mapping of Human Rights violation undertaken by MASUM

WEST BENGAL ADMINISTRATIVE DIVISIONS 2011

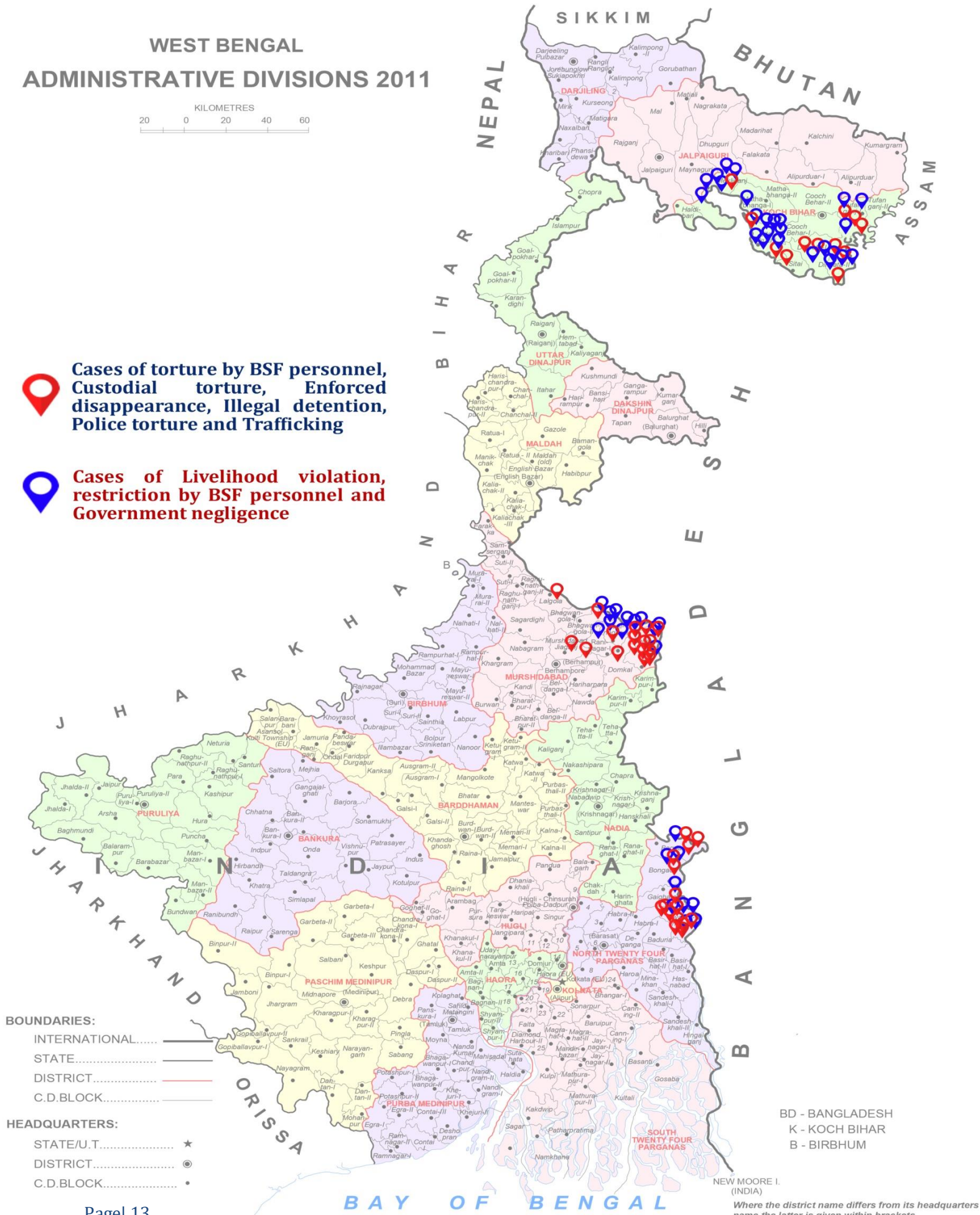
KILOMETRES
20 0 20 40 60



Cases of torture by BSF personnel, Custodial torture, Enforced disappearance, Illegal detention, Police torture and Trafficking



Cases of Livelihood violation, restriction by BSF personnel and Government negligence



Complaints sent to the NHRC in 2020

Torture by BSF



In 2020, we filed complaints on 27 incidents of torture by the Border security Force personnel from the districts of Cooch Behar, Murshidabad and North 24 Parganas. From Cooch Behar, 12 cases were recorded, followed by 8 from Murshidabad and 7 from North 24 Parganas. 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 11 cases the police refused to lodge FIR against the perpetrators of BSF. For instance, in the cases of Mr. Sushanta Sarkar and Mr. Anarul Biswas, who were both victims of indiscriminate torture and physical assault meted out by the BSF personnel, the police did not register FIRs, violating legal provisions of the Cr.P.C. Mr. Rahamatulla Mondal of North 24 Parganas and Mr. Sibendra Nath Burman, Mr. Shyamal Chandra Burman, Mr. Harish Chandra Barman of Cooch

Behar have been prey to gruesome torture inflicted by the Border Security Force personnel merely on suspicion of cattle smuggling across the borders. Mr. Hasan Miya from the district of Cooch Behar was conspired against and physically tortured by the BSF Company Commander and his constables attached with the Jhikri Border Outpost, "Alfa" Company, 192 Battalion. The victim was beaten to the state of unconsciousness in front of his aged mother and then taken to the BSF camp and kept under police custody under a false and fabricated case lodged by the BSF. In most cases of torture, the people who tried intervening to prevent violence, including families of the victims and Panchayat members were also tortured and threatened by the BSF.

In seven cases, women were molested and tortured by male BSF personnel. For instance, 18 to 25 male BSF personnel criminally trespassed into the house of Ms. Fatema Bibi and her neighbor Ms. Hamida Bibi and vandalized their houses under pretense of a raid. BSF personnel also misbehaved with the family members of the house and threatened to implicate false charges of smuggling against them; even the female members were physically assaulted. Ms. Maleka Bibi of Char Parashpur village, Murshidabad and Ms. Sabina Yasmin of Gobindopur village, North 24 Parganas were victims of brutal and barbaric torture by the BSF. The perpetrators vandalized properties of poor marginalized people who remain in constant threat and fear of being implicated in false criminal charges. Another case of mental as well as physical torture was faced by Miss Tina Biswas (name changed) of North 24 Parganas. She was sexually harassed by the BSF personnel at the checkpoint, and was verbally abused. She was illegally detained for three consecutive days on her way to work and implicated in false and fabricated charges.



Another noticeable trend in these cases is that medical practitioners from government hospitals often refuse medical treatment for the victims of torture by the BSF or do not follow due procedures while treatment. In the case of BSF torture upon Mr. Hassan Ali Mondal, he was admitted to Bagdah Rural Block Hospital without any treatment for the entire night.

In North 24 Parganas, torture was inflicted by the BSF with intent to discriminate against a Muslim man. They verbally and physically abused Mr. Saddam Fakir, saying that he would be thrown out of the country if NRC was implemented in West Bengal. Moreover, they put restrictions on his livelihood and arbitrarily seized his buffaloes.

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 the border fence 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 perpetrators for committing gross human rights abuses at the border.

Illegal Restrictions by BSF

The villagers residing in the bordering villages of the Indo-Bangladesh border face irrational and whimsical restrictions by the BSF guarding the bordering fence, which in turn is not only leading to regular harassment, but also leading to a lot of financial losses due to the restrictions on livelihood. These villagers residing along this 2217 kilometer International border are being victimized by regular whimsical restrictions from the BSF. This year, MASUM lodged 27 complaints which were of unconstitutional and illegal restrictions imposed by the BSF on the innocent villagers. In various places along the border, the border fences and the BSF outposts are situated well within the villages and not just 150 yards from the border pillars. These fences are at a distance of 300 yards to a few kilometers in many places. This arbitrary construction



of the bordering fences lead to the land of villagers getting stranded on the other side of the fencing. Thus, every time the villagers want to work in those lands, they need to pass through the gates at the bordering fences, where they end up getting harassed by these restrictions imposed. The very first issue talks about the actually opening of the gates, where the BSF refuse to do so. They end up opening the gate irregularly, even when proper times are set for the same. The BSF doesn't allow the villagers to take cattle and other agricultural equipments, such as tractors, to their field stating that those will be used for smuggling. Even school children are regularly checked. A case of illegal restriction surfaced for the villagers of 128 Bhotbari village, Cooch Behar. They have about 250 Bighas of land which are unused due to the lack of a proper gate, therefore heavy losses are incurred by 100 families as they are unable to cultivate on their share of land.

Another major problem occurred this year. Due to COVID-19, the nation went under lockdown for a period of time. The Prime Minister was seen on national television stating that though the nation had to go under lockdown to prevent the spread of the disease, farming should not be hampered in any way. On the contrary, during this phase, almost every village along the border fences faced restrictions by the BSF as the villagers were not allowed to pass through the gates to cultivate in the land beyond the bordering fence, leading to heavy financial losses for these poor farmers. Even during normal times, they face regular checkups for the items they carry, like fertilizers and seeds. It is also to be noted that they are not allowed to grow cash crops like corn, which are taller than 3 feet, in these lands. These lands have no proper irrigational facilities or drinking water facilities either. These arbitrary restrictions are faced all along the border in the districts of Cooch Behar, Murshidabad and North 24 Parganas.

Livelihood violation



The villagers residing in the bordering villages of the Indo-Bangladesh border are known to face illegal and arbitrary restrictions from the BSF, which grossly affect the limited livelihood options for these poor villagers. MASUM lodged 9 cases with the NHRC where they have recorded and protested against the gross violation of livelihood options for the villagers. Residents of Debaipur village, Char Saheb Nagar village, depend heavily on manual labor and agriculture, are deprived from most of the social security schemes announced by Central and State Government both. Similar cases are seen in Char Parashpur and Ramnagar Nayansukpur of Murshidabad district. The villagers are not provided with the jobs as promised under MGNREGA 100 days' work scheme as well as restrictions are imposed on their practice of agriculture during the ongoing pandemic which is a gross violation of the order as passed by the Ministry of Home Affairs,

Government of India, Memorandum number 40-3/2020-DM-1 (A) dated 15.04.2020. Additionally, there are many villages where there are villagers who depend solely on fishing, but they are restricted from doing so in the ponds and rivers which are near these bordering villages. Mr. Ganapati Mondal, a resident of Char Rajanagar village under Raninagar Police station and who is a herdsman and also have possession of 32 cows. BSF Company Commander attached with the Rajanagar BSF camp, Battalion 117 along with other BSF personnel from the same camp had forcefully taken away all his cows and it is also alleged that he has handed over these cows to smugglers in exchange for money. On the same day itself, the BSF illegally confiscated 52 cows from Mr. Ganesh Mondal and Mabakumar Mondal, without showing any reason or possessing a seizure list. MASUM has continuously protested such atrocities by the BSF and administrative officials.

Illegal Detention of Bangladeshi Women and children



Marginalized Bangladeshi people are usually trafficked or come to India in search of employment as they live in acute poverty and work opportunities are very less. They are often arrested under S. 14 and S. 14F of Foreigners' Act, treated as criminals by the Police and BSF and illegally detained without any verification of the actual reasons. In 2020, MASUM has recorded 8 such cases with the NHRC which includes 66 women and 31 minors along with many men who were arrested by the police and later sent to the to the Dumdum correctional home for 14 days

after appearing at the Basirhat Additional Chief Judicial Magistrate's court. 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 are being arrested by the Border Security Force (BSF) personnel. Most of them work as domestic help, construction worker and hotel workers in various locations of India. As per the Foreigners Act, the advisory issued by the Government of India states that it is required to repatriated them. But the usual norm followed by the police is to take them to Judicial Magistrate's Court and then send them to correctional homes.

Overall Marginalization of Erstwhile Enclaves

The erstwhile Bangladeshi Enclave dwellers have faced a life of restraint for longer than any other citizen of India. As per the Land Boundary Agreement that occurred on 31st July, 2015, the government had announced citizenry rights, land rights and social security measures for all erstwhile enclave dwellers. It has been 5 years since that day but none of these promises have become a reality. The erstwhile enclave dwellers are still battling with the state to receive their citizenry rights and avail the local schemes and even their land ownership documents. More importantly, with the Home Minister announcing the commencement of the CAA act, without the proper documents, these erstwhile enclave dwellers will be shunned out of the country and become refugees unless they can produce their documents. MASUM had lodged 6 complaints to the NHRC on behalf of these erstwhile enclave dwellers demanding that they provide everything they had promised 5 years back. Dwellers of Bangladeshi erstwhile enclave 14 number Dhabalsuti are the marginalized sections that have been living without the basic amenities since forever and the government are making no moves to provide them with anything. The villagers of Rajarbari Khalisamari, Sangarbari under Cooch Behar are living under extreme pressure and are deprived from most Government welfare schemes pertaining to employment opportunities as well as due ration through the Public Distribution System.

Government Negligence

We filed 4 complaints on various incidents of Government negligence from the district of Cooch behar, Murshidabad and North 24 Parganas. Mr. Enamul Shah from Murshidabad has been harassed by a government official from Bhagwangola CCC's electric distribution office as he was asked to the electricity bill that was already paid up. During the nationwide lockdown, some villagers of Gobra, North 24 Pargana lost their jobs and could not have access to any relief provided by the State of West Bengal as they are not registered under the Public Distribution System. This has pushed them towards starvation and extreme poverty. About 750 dwellers living in 8 brick fields of Uttarpara Kotrang Municipality under the jurisdiction of Uttarpara police station of Hooghly are facing extreme negligence and disrespect from the government since decades. Belonging from a Scheduled caste background, they are ostracized from basic establishments like ICDS, schools, marriage halls and sports event. The government has not provided them with basic sanitation, drinking water or electricity facilities. Most of them still do not have personal identification documents. After 13.09.2020 temporary settlement camp dwellers of Dinhata Settlement camp were shifted to government apartments at Dinhata village-1 under Dinhata Block & Police station in the district of Cooch Behar. But among them six families are spending their days in misery. Among the dwellers, 6 families had more members than the rest but they were given only one apartment. Thus, these families are living in dire conditions. Some members of each family are living inside the apartment whereas the others are living in the cowsheds or in make-shift houses made with tarpaulin.



Extrajudicial Killing

The people residing in the villages of the Indo-Bangladesh bordering region face several human rights violations in the form of restrictions, brutal tortures and even executions in the hands of the men in uniforms. MASUM lodged complaints for 5 cases with multiple victims in each where the BSF had executed villagers under various conditions. Mr. Safikul Islam, Mr. Nur Mohammad Mia along with 3 others from Cooch Behar were caught up during cross border cattle smuggling and arbitrarily fired upon and killed. Mr. Sahinur Haque from Cooch Behar was murdered by the BSF in presence of his family. Anarul Biswas, 65 and a minor boy, Salauddin Sheikh, 17 of Jalangi in Murshidabad participated in a peaceful protest rally against the implementation of the Citizenship Amendment Act, where a few goons of the TMC party and also a police official of Jalangi Police station, fired arbitrarily at the protestors which led to their deaths. The body of Mr. Prosenjit Pramanik, a fisherman from North 24 Parganas was found after he was captured by the Border Guards Bangladesh (BGB) while he was fishing. Mr. Mohammad Badsha (22 years), involved with cross-border smuggling was brutally killed by the BSF personnel posted at Golapnagar Border Out Post in Malda District.



Custodial Deaths



Time and again we have seen the atrocious acts of violent torture done on victims while in custody. Unethical torturing of arrested persons is quite common for the BSF as well as the Police. There are times this torture is so extreme that it leads to the victims' death. In most cases, the Police and BSF try to pass it off as suicide to escape the legal hassles but that is not the case. In 2020, MASUM lodged 3 complaints to the NHRC regarding custodial deaths. The first case talks about Azizul Pramanik, who was arrested by the BSF for cross-border cattle smuggling. They detained and tortured the victim for 11 hours and rendered unable to walk or stand without support. The BSF even made the investigating doctor to state that the victim was fit in his prescription the next day. Witnesses stated that the victim was

defecating blood due to internal injuries while lying face down in police custody. Later, he was stated to be brought dead when at the Dinhata Subdivision Hospital. Another case talks about Ram Prasad Barai, is a resident of Cooch Behar who was a victim of custodial death due to gruesome torture inflicted on him. The case hints at gross manipulation of facts that further point towards the culpability of the police in his death. Mr. Bosu Das, resident of Nadia, was in the custody of Kalyani Sub-Correctional Home after 33 days of his arrest and rigorously tortured, which finally led to his death. The victim (deceased) was also not given due medical care while he was in custody of the jail authorities and neither was his family informed of his deteriorating health conditions which ultimately led to his death. Mr. Jayanta Bora, a resident of in Jorhat district of Assam, died in the custody of state police of Assam and the Army attached with 244 Army Regiment of Charaideo district during an anti-insurgency operation on the night of June 15, 2020. There were multiple irregularities and violations with the arrest and the procedures undertaken right after his death. Along with rigorous torture that led to his death, the victim(deceased) was not given due medical care while he was in custody and neither was his family informed of his deteriorated health condition which ultimately led to his death. Bhim Mondal was arrested by the police officials of Bangaon Police Station on the accusation of committing murder. He was tortured brutally by the police while in their custody which led to his death on 28th January, 2020.

Unsafe Migration, hazardous work condition, claiming life and injury

In the marginalized villages of Bangladesh, the people are stricken with acute poverty and lack of proper employment. They are often promised work and brought into Indian Territory. Ultimately, they are deceived and many become victims of trafficking and are unable to find their way back home. MASUM documented 3 such complaints this year. One case shows 26 Bangladeshi Citizens Bangladeshi persons were accused and charged under S.14 of the Foreigner's Act, 1946 and arrested by the Chapor Police station in Dhubri district of Assam and are currently kept in Dhubri district jail as labeled them as accused by the Court. Another talks about 300 Migrant workers of Cooch Behar and North 24 Parganawere stuck in Mangalore and Kerala due to the sudden narrow-sighted implementation of lockdown by the Central Government to control the covid-19 crisis for more than 55 days without the welfare schemes announced by the Central Government. During their stay, one of the migrant workers named Mr. Nijamuddin Sarder was harassed by the police of the local police station Ernakulam, Kerala.

Violence against women and Police acquiescence

The Indo-Bangladesh border is a well known zone of female trafficking for immoral purposes and the law enforcement personnel posted in these areas have surprisingly been ineffective in properly apprehending the perpetrators and bringing them to justice. Moreover, during the violence shown by them towards the marginalized villagers, often it includes harassment and sexual assaults done on the women living in these areas. MASUM has lodged 4 complaints with the NHRC with respect to violence against women in the year 2020. In January 2020, 15 to 25 BSF personnel forcefully entered the homes of Ms. Fatima Bibi and Ms. Hamida Bibi and vandalised their homes in the name of raiding, without any female BSF personnel in Cooch Behar. Border Security Force personnel also misbehaved with the family members of the house and threaten to implicate false charges of smuggling against them; even the women members were physically assaulted for about an hour. Soma Sarkar (name changed), a 16-year-old girl belonging to the Scheduled Caste community, was abducted and trafficked from Hakimpur village, North 24 Parganas, by a local of the same village. Even after repeated complaints, no initiative was taken by the police to rescue the minor and instead, her family was verbally abused and harassed. Puja Khatun (name changed), a 16 year old girl belonging to the marginalized Muslim community was abducted and trafficked to Bangladesh by some local touts. She was a resident of 147 Bhotbari village, Mekhliganj Block and Police Station, Cooch Behar district. A 17-year old girl, Ms. Champa Bhumali (name changed), from her house at 2nd Khanda Kushamari, Sitalkuchi Block and Police Station, Chotto Salbari Panchayat, Cooch Behar District and the subsequent inaction of the police. In all of the cases, even after repeated complaints, the police have been inactive.



Marginalization of the bordering Populace

The bordering populace mostly are home to people from the Scheduled caste, scheduled tribe and Muslims. These are the marginalized parts of society. It is often seen that they regularly face discrimination because of socio-political and economic factors. MASUM had documented 3 cases of marginalization of the bordering populace in the year 2020. Rahila Gazi, an 80-year old poor widow with chronic illness residing in North 24 Parganas has not received her widow pension since 2017. She also does not have access to government ration. She has repeatedly urged the BDO of Swarnapuri to look into the matter but despite her efforts, she has not received her pension till date. In another instance, some residents of Gobra village in North 24 Parganas have not received ration cards even after repeatedly pleading with the administration, nor did they receive and relief promised by the government during the lockdown, leading to starvation and extreme poverty. About 17 families in Motherganj village under Dinhata II Block and Sahebganj police station in Cooch Behar district returned from Delhi during the time of nationwide lockdown. A cover of five kilograms of grains and one kilogram of pulses was announced to be distributed free under Public Distribution Scheme for the next three months, under Pradhan Mantri Garib Kalyan Yojana, but these 17 families received nothing.

Torture by Police

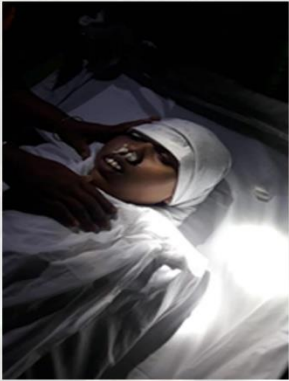


We have seen innumerable cases where the police have arrested villagers, and in many cases, these arrests are illegal and framed cases. MASUM had lodged 2 cases regarding this and one of it is well in city areas of Serampore, West Bengal. Mr. Kajal Pal, a reputed social worker and a human rights defender was the victim of unprecedented and unprovoked attack, physical assault and torture by a police serviceman attached with Serampore Police Station. Another case talks about Mr. Kalam Sheikh, resident of village Brahmottorpur, Murshidabad, a victim of the same treatment meted out by Police personnel attached to Lalgola Police Station where he was taken by force from his own house and beaten mercilessly within the premises of the police station, highlighting an over abuse of police power.

Illegal Detention

One of the most common atrocities of the men in uniform, namely the Police and the BSF, in the Indo-Bangladesh bordering area is illegal and wrongful detaining of innocent villagers. In many cases, it has been seen that the Police or BSF simply fabricate cases against innocent villagers and arrest them and detain them. It is mostly seen that these villagers have at some point of time spoken up against the atrocities of these state bodies and thus pay the price like this. It is a common practice of these state bodies to detain and even torture these villagers without producing them in court in a proper manner. This year, MASUM lodged 2 complaints of illegal detention with the NHRC. One talks about Fajar Sheikh a marginalized Muslim labourer, who was not only detained, but also brutally tortured; and the other, a minor boy by the name of Momirul Pramanick, who was kept in custody for more than 50 hours and not producing him in Juvenile Court or placing him under juvenile police unit.

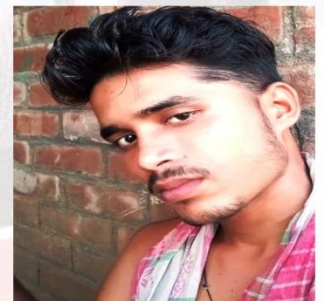
Police Inaction and implication in false cases



In most such cases, the victims belong to the marginalised parts of society and are also very poor. The police are also known to be biased towards the perpetrators under influence and lodge fabricated cases against the victims. The case handled by MAUM in 2020 was that of Rokeya Khatun Bibi, the wife of a civic servant Mithoo Miyan, who was brutally murdered by her in-laws. The victim was beaten by her in-laws and then hanged from the ceiling using her saree. The victim's family states that the in-laws had bribed the police and thus, the police officials had passed the judgement that this was a case of suicide and not murder, although all the evidence points otherwise. The police even threatened the victim's family when they pushed for justice. After a lot of efforts, the husband was arrested but the rest of the family had supposedly run away and the police cannot find them.

Enforced Disappearance

Killing and disappearing bodies of the villagers has become a new mode of action for the BSF at the Indo-Bangladesh border to hide evidence and avoid legal actions against them for these illegal activities. MASUM registered a case with the NHRC in July, 2020 where bodies of at least 7 victims disappeared after being shot by the Border Security Force personnel attached with 'F' Company of 117 BSF Battalion in Kaharpara BSF Outpost in Murshidabad district. Eye-witnesses state that these victims were involved with cross-border illegal cattle smuggling; they were apprehended and shot by the BSF and their bodies taken out of sight.



Compensation for victims



This year in May, 2020 saw the major super cyclone Amphan wreaked havoc in West Bengal, depriving thousands of citizens of food and shelter. The villagers of Chuapara in Murshidabad have also suffered greatly under these circumstances and their houses have been destroyed. They have repeatedly asked for compensation from the Block Development Officers and Sub-Divisional Officers but the administration remains unresponsive to their plight. MASUM had filed a complaint at the NHRC to look into the matter and provide these poor villagers with proper compensation for their losses.

Attack on BSF Jawan

The Indo-Bangladesh border is considered to be one of the most violent borders in the world which registers several cases torture, firing, killing, enforced disappearances, illegal cross border activities and many other illegal happenings. Usually, the Border Security Forces and Police personnel are known to be perpetrators in these atrocities on the villagers of these bordering villages but there are some incidents where the BSF themselves are attacked. One such case occurred on August, 2020 where Bikas Kumar, a 28 year old BSF constable of the 99 Battalion, Chauatia Border Outpost, Magurkona BSF was shot dead in Chauatia, Bagdah. The victim was shot in the neck with his own gun and the body was found lying on the road by his colleagues. He was taken to the hospital later and was announced dead and registered under the case of Unnatural Death. On the other hand, the wife of the victim, who is also a BSF personnel placed in Murshidabad, has alleged that her husband was murdered by the other fellow jawans. MASUM has also lodged a case with the NHRC against this heinous crime and urged the commission to investigate the matter and take strict action against the perpetrators.





A village-level meeting at the Indo-Bangladesh border in Jalangi of Murshidabad district



A meeting with the victims of torture from Murshidabad district after a medical camp

The hypocrisy of the Indian State: Bovines at the Indo-Bangladesh border



On 17 November, 2020, Satish Kumar, ex-BSF Commandant of 36 Battalion in Malda District of West Bengal, was arrested by the Central Bureau of Investigation for being involved in illegal trade and smuggling of cattle. Kumar has been charged under Section 120 B of the Indian Penal Code and Sections 7, 11, and 12 of the Prevention of Corruption Act, 1988. According to the CBI enquiry, Kumar would sell the seized cattle at auctions to the smugglers in exchange of 2000 INR per cattle. This investigation not only opens an enquiry into the corrupt practices of Satish Kumar, but also opens room for dialogue on the involvement of a nexus of public officials in the smuggling of cattle at the Indo-Bangladesh border.

For the past 20 years, Banglar Manabadhikar Suraksha Mancha (MASUM) has been claiming that the illegal cattle trade at the Indo-Bangladesh border is not possible without the aid of corrupt BSF personnel, Customs officials and the police. This is a claim that has been corroborated by the Ministry of Home Affairs itself, albeit not publicly. The Parliamentary Standing Committee on Home Affairs published a report titled, Border Security: Capacity Building and Institutions in April 2017 that addressed the problem of cattle smuggling at the Indo-Bangladesh border. The Committee published data received from the Ministry of Home Affairs wherein more than 100,000 cows were seized by the BSF annually from 2012-2016. The Ministry of Home Affairs also informed the Committee that one of the main reasons for the proliferation of cattle smuggling is that the seized cattle often make their way back to the smugglers through the auctions conducted by the Custom authorities. The process of smuggling, seizing and auctioning cattle therefore, becomes a redundant and never-ending process due to the lack of effective policies at the Indo-Bangladesh border.

Further, the Committee states:

[...] Police forces of various States have failed to stop this mass movement of cattle to border States and West Bengal Police has failed to intercept or stop the movement of the cattle. The Committee feels that there is a wide and deeply entrenched nexus due to which this menace has proliferated and the Government needs to strike at the roots of this nexus if it has to completely curb this problem.

The Committee, responding to the information provided by the Ministry of Home Affairs, noted that the problem of



cattle smuggling has been allowed to proliferate due to the complicity and negligence of public officials and the inaction of the government. The unwillingness of the government to deal with this problem reveals that public officials in the administration stand to make economic profits through the smuggling of cattle. Rather than attacking this cycle of corruption, the government has made a façade of the protection of cows by enforcing stringent legislation to prevent slaughter of cattle and supporting violent cow vigilantism throughout the country. While public officials fill their coffers with illegally obtained profits, the wrath of the administration falls on the poor, marginalized, socially and economically impoverished sections of society. On a daily basis, Muslims and Dalits are tortured, harassed and lynched on the suspicion of smuggling cattle by the BSF personnel stationed near the border and the vigilantes for cow protection empowered by the government. While cattle smuggling is a means to make economic gains for public officials such as Satish Kumar, for the poor residents of the Indo-Bangladesh border, it is often their only source of livelihood.

In August 2017, the Supreme Court of India ordered that the sale of cattle would be in compliance with the Prevention of Cruelty to Animals (PCA) Rules 2017. Since the Customs office is not recognized as an authority in the PCA Rules, it withdrew any responsibility from the sale or purchase of cattle. The BSF now have to turn to the police to auction the seized cattle but the police can only take cattle when the BSF register an official complaint and hands over the smugglers to them. In many cases, the BSF fail to catch the

smugglers but are able to rescue the cattle; at present, there is no authority which can authorize the sale of the cattle thus rescued. On 6 November 2019, MASUM lodged a complaint regarding this issue to the National Human Rights Commission (NHRC) but the Commission has not taken any measures till date.

On 20 December 2019, MASUM filed a RTI to the Police Headquarters of Murshidabad, Malda, Nadia, Barasat Districts (South Bengal Frontier regions) and the Joint Secretary, Home



Home & Hill Affairs, Government of West Bengal, seeking information regarding the month-wise list of seized cattle, General Diary Entry, name of the police station, disposal procedure, number of dead cattle, reasons for their death, PME number and date. According to the response received from Murshidbad, 9, 506 cattle were handed over to the police stations in the district in 2019. The police stations handed over the cattle to the “Gosala” or animal care organization, and have no further information about whether the cattle are being taken care of, or whether they are dead or alive. In Bamongola and Habibpur Police Stations, a total of 1,123 cattle were handed over in 2019 out of which 490 still remain in BSF custody. The rest have either been auctioned or given in ‘zimma’ to other persons/ organizations. In Baishanabnagar Police Station, out of 301 cattle, 218 have been auctioned and the money has been deposited in the government treasury. In Bongaon Police Station, 9 cattle were handed over to Customs by BSF personnel in spite of the notice issued by the Customs Office in this regard. In Gaighata Police Station, 573 cattle were handed over and subsequently given to “Gosalas”. In Basirhat Police District, 976 cattle were handed over by the BSF in 2019, in spite of which the police stations did not have any separate data available on the General Diary Entry, date or time of seizure of cattle. They also did not have any data for whether the cattle were dead or alive.



To stop the proliferation of cattle smuggling at the Indo-Bangladesh border, the Parliamentary Standing Committee on Home Affairs recommended that the auctioning of cattle should be banned in States on the Indo-Bangladesh border. It can be seen from the responses received from the RTIs filed by MASUM that a large number of cattle were auctioned in West Bengal in complete disregard of the recommendations of the Committee. The Ministry itself had informed the Committee that conducting auctions leads to the cattle being in possession of the smugglers again, a practice that the BSF calls “recycling”.

On the other hand, the government instead of asking the Customs department to conduct auctions in states that are not on the border, has asked them to withdraw responsibility from the sale of cattle altogether. This has led to the BSF and police being stuck with the seized cattle without having any means/funds to care for them. Thousands of cattle die in the custody of BSF due to the lack of food, care and shelter.

Article 48 of the Directive Principles of the Constitution of India called for the protection of cows and other cattle on the grounds of practicing “scientific agriculture”. By giving it a religious purpose, the BJP is violating the spirit of the Constitution of India. The centre attempted in 2017 to enact a national legislation to ban the slaughter of cows while a massive number of cows perish at the border due to the lack of proper legislation to control cattle smuggling. Hidden behind BJP’s affinity for cows is their vehement hatred for the country’s minorities and their agenda to build a Hindu Rashtra through any means possible. It is imperative that the government acknowledges corrupt practices at the Indo-Bangladesh border and urges them to examine the nexus of public officials involved in cattle smuggling, rather than attacking the poor and marginalized residents of the border. The BSF personnel should be stationed at the zero point of the Indo-Bangladesh border to obstruct cattle smuggling rather than inside villages to inflict violence on ordinary citizens.

Annual Legal Activities, 2020

MASUM provides necessary legal assistance to the victims of torture who are willing to file criminal cases against the accused/perpetrators in uniform. This year due to the spreading of Covid 19 virus the judicial institutions of the country stopped working and is still running in a slow pace in coherence with the new normal situation. As a result the previous pending cases were not listed up during this time. Our judiciary is an institution of the last resort of all victims and every case requires a defined and acceptable case life so that justice is not hurried and buried. But our experience shows that the present judicial system especially the subordinate courts have been unable to meet the demands of justice curbing the delay in disposal of cases.

Supreme Court of India

Two cases of MASUM are pending before the Supreme Court in India. – (i) Md. Nur Islam vs. Union of India (WP 141(criminal) of 2015) generally known as Felani Khatun 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 virus to Article 14 and 21 of the Constitution of India.

On 14.02.2020 Felani Khatun case was called for hearing before the Bench of Justice D. Y. Chandrachud and Justice K.M. Joseph and upon hearing both the parties, the double Bench ordered to list up the matter on a non miscellaneous day for final disposal on 18.03.2020.

On 18.03.2020 the matter was withdrawn from the cause list of the Supreme Court of India as on reviewing the advisory issued by the Government of India and in view of the opinion of the public health experts including medical professionals and also considering the public safety for Covid 19 virus, the authority of the Supreme Court of India had decided that the functioning of the courts restricted to urgent matters. Till time next date of hearing was not fixed by the concerned authority.



High Court at Calcutta

In 2020, MASUM provided legal support to 7 victims in their cases to the Calcutta High Court, out of which 3 new cases are filed in this year.

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



Case number	Case Title	Date of Filing	Last Order
WP 19785(w)/2018	Rajjak Seikh vs. State of West Bengal & others	25.09.2018	On 11.03.2019 court directed to list the matter after 6 weeks
WP 1971(w)/2019	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)/2019	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. Union of India & others	27.11.2019	On 02.03.2020 the matter was listed up but the judge was absent
WP 1758(w)/2020	Panchanan Mondal vs. State of West Bengal & others	27.01.2020	On 02.03.2020 the matter was listed up but the judge was absent
CRR 783/2020	Reba Bewa vs. State of West Bengal & others	28.02.2020	On 04.03.2020 the Court ordered to file an section 5 application for limitation before admission of the case within 16.03.2020
CRAN 1/2020	Reba Bewa vs. State of West Bengal & others	12.03.2020	Not listed the matter
WP 11095(w)/2020	Rima Bewa vs. State of West Bengal	24.12.2020	Listing the matter on 05.01.2021

District Courts

In 2020, MASUM provided legal support to 52 victims in their complaint cases and 17 victims in their defense cases in the district of Murshidabad. Cases were dismissed due to prolonged absence of the informant. During 2020, MASUM has provided a total of 183 units of legal support to these victims in the Lalbag Court in Murshidabad, Dinhata in Cooch Behar and Basirhat Court in North 24 Pargana district in both prosecution and defense cases.



- MASUM provided legal support to 28 victims of BSF torture, 17 victims of Police torture, 6 victims of EJK i.e. family members of the deceased, 1 victim of Enforced Disappearance.
- In the district of North 24 Pargana we provided legal support to 22 victims in their complaint case and 10 victims in their defense cases.
- MASUM provided 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
- In the district of Cooch Behar we provide legal support in 3 prosecution cases and 2 defense cases.
- MASUM provided legal support to 1 victim of BSF torture, 1 victim of police torture and the family members of one custodial death victim.
- Our pro bono lawyers in Lalbag Court, Berhampore Court in the district of Murshidabad and Basirhat Court, Bangaon Court in the district of North 24 Pargana and Dinhata Court and Mekhliganj Court in the district of Cooch Behar helped the victims with their legal support.

Month	Number of prosecution cases			Number of Defense cases		
	ACJM, Lalbag	ACJM, Basirhat	(ACJM, Dinhata)	ACJM, Lalbag	ACJM, Basirhat	(ACJM, Dinhata)
January	14	11	0	15	3	1
February	12	7	0	15	2	0
March	8	2	0	15	1	1
June	0	0	0	0	0	2
September	2	3	0	0	0	0
October	0	2	2	0	2	0
November	7	0	0	17	4	0
December	13	2	0	13	6	1

New case filing in various Sub Divisional Courts:

- On 13.03.2020 Mr. Mintu Gazi filed one case in the Additional Chief Judicial Magistrate's Court, Basirhat under section 156(3) of the Code of Criminal Procedure and praying for proper investigation in connection with the BSF torture case upon him
- On 15.10.2020 Ms. Jamila Bibi filed one case in the Additional Chief Judicial Magistrate's Court, Dinhata under section 156(3) of the Code of Criminal Procedure and praying for proper investigation in connection with the BSF torture case upon her father- in-law namely Mr. Amjad Ali Sikdar.
- On 08.12.2020 Mr. Fulet Burman filed one complaint case under section 200 of the Code of Criminal Procedure before the Chief Judicial Magistrate's Court, Mekhliganj for proper investigation in connection with his case where he was severely tortured by the Police officials of kuchlibari Police Station
- On 13.11.2020 Mr. Rahamatulla Mondal filed one case in the Additional Chief Judicial Magistrate, Bangaon under section 156(3) of the Code of Criminal Procedure and praying for proper investigation in connection with the BSF torture case upon him.
- On 13.11.2020 Mr. Hassan Ali Mondal filed one case in the Additional Chief Judicial Magistrate, Bangaon under section 156(3) of the Code of Criminal Procedure and praying for proper investigation in connection with the BSF torture case upon him.

Achievements:

- For MASUM's continuous intervention, Criminal Injuries Compensation Board, Murshidabad recommended Rs. Two lakhs to Ms. Anupama Mondal, mother of EJK victim Sumanta Mondal and sent to the said recommendation to the State Legal services Authority. On 06.03.2020 SLSA sanctioned compensation in favour of the mother of the deceased victim under the West Bengal Compensation Scheme, 2017.
- On 10.10.2020 with the legal support of MASUM, Ms. Alekjan Bibi filed one case in the Chief Judicial Magistrate's Court, Dinhata and praying for judicial investigation of the custodial death of his son Ajijul Pramanick. But during the time of taking cognizance, Magistrate not press the matter as the same case was already registered for judicial investigation. Magistrate also informed that due to high time of Covid 19 spreading situation, he could not call the witnesses related to this case, and after this critical period he will obviously call the mother of Ajijul and other family members for deposing their statement.
- Anticipatory bail application (CMS 2600/2020) was filed in the Session Judge Court, Barasat for Ms. Mina Biswas who was falsely charged by the BSF in Swarupnagar Police Station Case number 208/2020 dated 16.04.2020. On 04.12.2020 anticipatory bail was granted to the victim.
- For our continuous legal intervention District Legal Services Authority (DLSA), Murshidabad called Ms. Suchitra Mondal, wife of the enforced disappearance victim Mr. Sukumar Mondal and Ms. Saifura Bewa, wife of another enforced disappearance victim Mr. Ainul Seikh for hearing purpose before the Criminal Injuries Compensation Board.
- On 27.11.2020 Ms. Rima Bewa, wife of EJK victim Mr. Abdus Samad was being called before the Criminal Injuries Compensation Board, Murshidabad and the Board recorded her statement and took all relevant documents in respect of the case of killing by BSF of his husband.

Challenges:

- In this year the spreading of Covid19 virus throughout the country, stopped the regular legal activities of our organisation. From 20.03.2020 to 31 October, 2020 the activities in every court of our country was suspended under the direction of the State Bar Council and Bar Council of India. Since November, 2020 all courts were resumed, though the activities are moving slowly. Courts including the Calcutta High Court and Supreme Court of India did not list up our pending cases.
- We are witnessing that in some cases when the victims of torture lodged particular complaints against the BSF, the authority of the BSF took up those cases to the Security Force Court from the court of law and the Magistrate without issuing any notice to the victim simply after accepting the prayer of BSF.
- In some instances, case records are missing from the court and no skeleton record exists in the court record room. The people administering the judicial process 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 extend the hearing further.
- In several cases, proceedings could not take place due to the absence of Public Prosecutors. Magistrates directed the respective District Public Prosecutor to appoint public prosecutors in those cases but no appointment has been done.
- We have also experienced that victims do not follow up on their cases regularly; even they do not even contact the lawyers after filing their complaint.

Legal Initiatives

Meeting with lawyers

MASUM organized a 2-day seminar and workshop with lawyers on strengthening the role of judicial actors in preventing torture and ill-treatment in border areas on 26th and 27th December, 2020. About 20 lawyers from different courts of WB, from the districts of Cooch Behar, South Dinajpur, Murshidabad, Nadia and North 24 Parganas attended the seminar and participated in the workshop.



Initiatives on Right to Information (RTI):

In 2020, we filed 18 RTI applications to various authorities regarding the utilization of Border Area Development Programme (BADP) Funds, number and details of extrajudicial executions in the State of West Bengal, the imposition of Section 144 of Criminal Procedure code close to the border areas and the report filed to the NHRC by its Special Rapporteur on issues related to enclaves. In our experience, we found that a few authorities are extremely reluctant in dispensing information to citizens. For example, RTIs filed regarding BADP to the Home and P. & AR Departments of State of West Bengal in the months of January and March have still not been responded to. On seeking information regarding EJK, the SPIOs of NHRC and Judicial Department responded by saying that their office did not maintain data regarding the same. The office of the DG&IGP transmitted our query to the State Crime Records Bureau which then claimed that the data was not maintained by their office. On approaching the First Appellate Authority, we got a brief list of EJK incidents from the NHRC but our own evidence suggests that this data is incomplete. The First Appellate Authority of the State Crime Records Bureau still maintained that data on EJK was not maintained by their office and shared ludicrous data on deaths in police encounters instead. The Appellate Authority of the Judicial Department has not yet responded.

Some District Magistrates of border districts promptly responded with valuable information regarding imposition of Section 144 CrPC in the areas of their jurisdiction. The information received helps to understand the restrictions of movement and association faced by residents living in these areas.

S.No	Subject	Authority	Date of sending RTI	Date of receiving reply	Date of first Appeal	Reply received from Appellate Authority
1	BADP	Home Secretary, WB	28 January 2020	No response	N/A	N/A
2	BADP	Chief Secretary, WB	28 January 2020	2 March 2020	N/A	N/A
3	BADP	P & AR Dept., WB	16 March 2020	24 September 2020	8 December 2020	Due date: 22 January 2021
4	EJK	NHRC	16 March 2020	18 June 2020	6 July 2020	24 August 2020
5	EJK	DG&IGP	21 October 2020	1 December 2020	24 December 2020	12 January 2021
6	EJK	Judicial Dept, WB	21 October 2020	4 January 2021	8 December 2020	
7	The report of Mr. Bibhiti Bhushan Mishra on enclave issues.	NHRC	18 August 2020	30 September 2020	19 October 2020	20 November 2020
8	Section 144	DM DRJ	4 November 2020	7 December 2020 16 December 2020 22 December 2020	N/A	N/A
9	Section 144	DM Uttar Dinajpur	4 November 2020	19 November 2020	8 December 2020	29 December 2020 20 January 2021
10	Section 144	DM Alipurduar	4 November 2020	24 November 2020 22 December 2020	16 December 2020	18 January 2021
11	Section 144	DM Jalpaiguri	4 November 2020	25 November 2020	N/A	N/A
12	Section 144	DM Barasat N24	4 November 2020	1 December 2020	16 December 2020	12 January 2021
13	Section 144	DM Malda	4 November 2020	4 January 2021	16 December 2020	Invalid now
14	Section 144	DM CBR	4 November 2020	23 December 2020	16 December 2020	Invalid now
15	Section 144	DM MSD	4 November 2020	No response	16 December 2020	Due date: 30 January 2021
16	Section 144	DM Nadia	4 November 2020	No response	16 December 2020	Due date: 30 January 2021
17	Section 144	DM Dakshin Dinajpur	4 November 2020	17 December 2020	16 December 2020	12 January 2021
18	Rehabilitation for enclaves	DM Cooch Behar	24 December 2020	--	--	--

আমরা সীমান্তবাসী

মুর্শিদাবাদ জেলা



Distribution of food packets to the families of migrant workers in Murshidabad district during Covid outbreak



Distribution of food packets to the families of migrant workers in Cooch Behar district during Covid outbreak

A country that cannot handle the pandemic



While the culmination of 2020 has filled many of us with relief, it has not brought an end to the Coronavirus. A new virus strain has emerged, there is a lack of trust in vaccinations and new cases continue to appear across the world. Along with this, we are also witnessing the catastrophic economic, social and political repercussions of State-imposed lockdowns and poor social security structures. The hardest hit by the pandemic are the poor and vulnerable groups, pushed further to the brink of destitution.

In India, the brunt of Covid-19 was borne by migrant labourers, vendors, rickshaw pullers and the large number of unregistered workers in the country. One day after one of the world's strictest nationwide lockdowns was imposed in India with a mere 4-hour notice, the highways connecting the borders of different states saw many migrant labourers undertake a long, arduous journey back to their homes. Unable to find work, evicted by their landlords and languishing from hunger, these people were turned away from metropolitans that had promised them a better livelihood. News reports throughout 2020 claim that at least 200 migrant labourers succumbed to death while walking hundreds of kilometers to their home, some trampled on by trains and some languishing of hunger and thirst.

The police chastised, humiliated and lathi charged the people going back home during the lockdown. A video showed the police spraying chemical disinfectants on migrant labourers who returned to Bareilly in Uttar Pradesh. At the Indo-Bangladesh border, the suffering of people was acute and heart-wrenching. The people who live on the other side of the border fence faced even more restrictions on their livelihood and movement, than are usual at the border. Citizens, including women and children were tortured and harassed by the Border Security Force personnel. Many people did not receive the benefits of food distribution and other security schemes sanctioned by the government. Migrant workers from the Districts of North 24 Parganas and Murshidabad were struck in Kerala and Mangalore for about two months without livelihood, shelter or food.

In the face of this humanitarian crisis, MASUM rose to the occasion of extending support to those in need. We wrote appeals to various authorities to help stranded workers in Kerala and Mangalore return safely to their homes. Receiving no prompt response from authorities, we arranged transport for the workers as soon as restrictions were slightly relaxed. In collaboration with the Right to Food Network (RTFWN), West Bengal, we organized food distribution drives in which more than 500 families, mostly migrant labourers were provided food packets during the month of April.



In the month of July, RTF and MASUM conducted another food distribution drive for those gravely affected due to the pandemic and Cyclone Amphan. Food packets were distributed to about 800 families in Cooch Behar, Murshidabad and North 24 Parganas districts and bamboo and tarpaulin were provided to about 33 families whose houses were destroyed in the cyclone. RTFWN, MASUM and Serampore Nagarik Samaj observed 1 June 2020 as a National Mourning Day for the suffering faced by the poor during the pandemic and the many lives lost due to hunger and starvation. We distributed leaflets to spread awareness about migrant workers' struggles and demanded food and job security for all.

On 15 April 2020, the Ministry of Home Affairs issued an order vide Memorandum number 40-3/2020-DM-I(A) where it clearly stated that all agricultural and horticultural activities shall remain fully functional during the critical time of Covid-19 outbreak. In spite of this, many restrictions on movement and agricultural practices were put in place by the BSF which put the rural population in deep peril. In May 2020, villagers in Cooch Behar also staged a protest in front of the border fence in order to be allowed to access their agricultural lands. Through the months of April to July, we wrote 21 complaints related to restrictions faced by the villagers on their livelihood.

2020, villagers in Cooch Behar also staged a protest in front of the border fence in order to be allowed to access their agricultural lands. Through the months of April to July, we wrote 21 complaints related to restrictions faced by the villagers on their livelihood.

MASUM also lodged complaints regarding the denial of ration to the villagers of Gobindapur in North 24 Parganas District. Following our intervention, the villagers received ration cards from the administration and provided food allotted under the social security schemes initiated by the State of West Bengal during the pandemic. 26 Bangladeshi Nationals were stuck in India due to the sudden imposition of the nationwide lockdown and suspension of all means of transport, during which time their tourist visas expired.

They were charged under Section 14 of the Foreigners Act and put under custody in the month of May, in spite of having reasonable grounds to prove that they were not illegal immigrants. We appealed to several authorities to suspend charges against these people and to repatriate them to Bangladesh. Soon, steps were taken by the Indian High Commission and the people were released from custody.

In a time of acute crisis, various truths about a civilization can be examined. The plight of the poor and marginalized sections in India during the pandemic reveals our society's apathy to their suffering and the administration's unwillingness to treat them with dignity. There are several deep-rooted biases and prejudices in our society which prevent us from extending support and empathy to our fellow citizens. However, the joint initiatives of some sensitive citizens and the actors of the civil society provides hope and shows guidance for building a better world. During the year 2020, we were humbled by our privilege and ability to be a part of collaborative initiatives to address the struggles of the people.



Events and Activities: 2020

The year 2020 has been a trying time for all, individuals as well as organizations. The ongoing worldwide pandemic has forced people off field and confined organizations to working from home. Like all organizations, MASUM also had to cut back on their physical activities on field and concentrate on remotely working on the issues of Human Rights. Nevertheless, before the lockdown was initiated, MASUM was able to organize a few major activities along with their regular interventions on field.



The year started with a two day residential workshop organized by MASUM. This residential workshop was organized in Cooch Behar on 25.01.2020 and 26.01.2020 with the district committee members of Amra Chitmoholbasi and Amra Simanta. MASUM Secretary Kirity Roy addressed issues in citizenship rights and built awareness on the same for the members. The workshop also included sessions on committee formation and self-lead citizens' committee operations and how these committees can approach government officials regarding their issues.

In February, the members of Citizen Speak India, Mrs. Bolan Gangopadhyay, social activist, Mrs. Sohag Sen, Theatre actress and director and Ms. Suchishmita Dasgupta, Fashion Designer had visited the borders of Shatgram Manabari and Shalbari Mahishmuri villages and Kokoabari and Nalgram enclaves of Cooch Behar during their stay from 19th to 21st February, 2020. They were concerned about the utter penury faced by the people and further promised us to create awareness about these people and take positive initiatives to help them be self-sufficient and bring better opportunities at their doorstep. The visit ended on 21.02.2020 with Amra Simantabasi and Amra Chitmoholbasi jointly organized one press meet at Yuvraj hotel, Cooch Behar where Veteran Human Rights activist Ms. Bolan Ganguly, Theater artist Ms. Sohag Sen and Activist Ms. Suchishmita Dasgupta narrated their experience about field visits at bordering villages and erstwhile enclaves.



Since its inception, MASUM had started working with the NHRC and have been filing complaints with them for over 20 years. On 17.03.2020, MASUM had a meeting with Secretary General of National Human Rights Commission (NHRC), Additional Secretary, NHRC, Registrar (Law), and all the SPs and DSPs of NHRC at the office of the National Human Rights Commission, New Delhi. The MASUM team which consisted of Kirity Roy (Secretary) and Biswajit Mukherjee (Advocate), had a thorough discussion with these officials regarding several problems that were being faced on the account of NHRC. The Secretary General of the NHRC had stated that they will take into account the suggestions of the MASUM team and take necessary actions to ensure the same. Shortly after that, on 23rd March, 2020, the nationwide lockdown was announced by the Prime Minister.

Following the initiation of the lockdown, it could be seen that the nation fell into a state of suffering where the underprivileged, mostly the migrant laborers and daily wage workers were affected the most. The dearth of basic necessities and any form of help from the government lead to innumerable deaths. MASUM had joined hands with Right to Food and Work Network, West Bengal (RTFWN WB) to run a campaign of providing food essentials to the ones in dire need from April, 2020. The campaign saw about 500 food packets being delivered to the needy extending into May, 2020 which would not have been possible without the collaboration of MASUM and Right to Food and Work Network. The month of May, 2020 saw another calamity devastating the Eastern part of the country. Between 16th and 21st May, 2020, Super Cyclonic Storm Amphan wreaked havoc in West Bengal, affecting thousands of people.



Events and Activities: 2020



On 1st June, 2020, MASUM observed the National Mourning day called by Right to Food and Work Network, West Bengal (RTFWN WB) in Serampore, Hoogly and other parts of West Bengal. Due to the miserable condition of migrant workers all across India on the instance of Covid-19 pandemic, RTFWN WB called to observed 1st June, 2020 as National mourning day. MASUM activists along with Serampore Nagarik Samaj observed the day by demonstrating posters and distributing handbills to the passerby near Serampore station. District Human Rights Monitors along with volunteers associated with MASUM also took various initiatives to observe the day in various parts of West Bengal. They demonstrated posters in Gobindapur under Swarupnagar police station area of North 24 Parganas district and Shcikhpara, Sialmari and Rajapur villages in Raninagar 2 block under Raninagar police station area of Murshidabad district. The erstwhile enclave dwellers from Batrigach erstwhile enclave and villagers from Kalman village under Dinhata subdivision in Coochhehar district also observed the day by demonstration of posters demanding food for everyone and security of job for all.

Every year, Banglar Manabahikar Suraksha Mancha (MASUM) observes 26 June as the International day to commemorate and support the victims of torture by participating in different activities and interacting with torture survivors. However, due to the circumstances created by the pandemic COVID-19 this year, MASUM decided to organize a week-long talk session on various issues related to torture. From 20-26 June, 2020, 14 eminent personalities from different fields of human rights talked about the different aspects of torture. The talk session was broadcasted live from MASUM's Facebook page. Every day two speakers talked about torture, impunity, state brutality and other relevant topics during the week at 5:00 pm. Mr. Kirity Roy, Secretary of MASUM presided as a moderator for these talk sessions. All these sessions got a wide audience and were viewed by approximately 500 viewers each day. We are obliged that our initiative received such appreciation and it has motivated us to take more initiatives against torture in the future.



Since April, MASUM had collaborated with other organizations to deliver food packets to the ones in need. Again in July, 2020 we again distributed food packets to the victims of 'Amphan' in the various districts where we have our interventions. MASUM had been successful in delivering food packets to 413 people in Cooch Behar district, mainly migrant laborers who were facing crisis due to the lockdown; Food packets were provided to 283 families in the Murshidabad district; in North 24 Parganas, 96 families were provided with food packets and additionally, 33 families who had lost their homes due to 'Amphan', were provided with bamboo and tarpaulin.

The erstwhile enclave dwellers from Dinhata, Mathabhanga and Sitalkuchi hoisted black flag along with the Indian flag in their respective villages and protested against the non-fulfillment of the promises by the Indian government, on 31st July, 2020, the 5th year anniversary of the Land Boundary Agreement, 2015. The erstwhile Bangladeshi enclave dwellers from Falanapur, Batrigach, Uttar Bansjani, Purba Moshaldanga, Karola, Jagatber, Bhandardaha and Kokoyabari organized the protest demonstration on the day. Apart from hoisting the black flag, they also protested by demonstrating posters on their misery.



Events and Activities: 2020



The year 2020 was our 74th Independence Day but everyone does not share the same emotions, neither do they have the same experiences in Independent India. Since the inception of MASUM, we have been constantly battling against the illegal and atrocious behavior of our Border Security Forces on the people living in the Indo-Bangladesh Bordering villages. Thus, the villagers of the Indo-Bangladesh border in various places of West Bengal observed black day on 15th August, protesting against their hazardous life condition mainly due to these atrocities of the BSF. The 'Amra Simantabasi' (We, the bordering populace) committees in Coochbehar and Murshidabad districts launched this protest in different borders of the respective districts stating that even after 73 years of India's independence, the people of the border are not free and are living a life of captivity under the BSF's rule.

On 30th August 2020 MASUM observed the "International Day of the victims of Enforced Disappearances" through an online talk session with the activists who are working on and family members of victims of enforced disappearance. The speakers of this talk session were Mr. Basil Fernando, Founder of Asian Human Rights Commission, Dr. Siddhartha Gupta, Doctor and Human Rights Activist, Mr. Kunal Dutta, son of poet, journalist and eminent revolutionary and also Enforced Disappearance victim, Mr. Saroj Dutta and Ms. Suchitra Mondal, wife of Enforced Disappearance victim Mr. Paritosh Mondal. The prime objective of the event was to raise awareness on the issue of Enforced Disappearance and formulate public opinion against the heinous crime enacted by the state machinery.



Throughout the pandemic, we had seen that the Indian government had neglected their duties towards their citizens in various aspects. One such neglect was seen in the case of the Indo-Bangladesh bordering villages where the state neglected the delivery of ration to the villagers. Owing to that, on 14th and 15th September 2020 Amra Simantabasi district committee in Cooch Behar and Right to Food and Work Network jointly organized 4 mass deputation programmes at 4 gram panchayet offices namely Solmari OP situated under Dinhata-1 Block, Khalishamari GP situated under Sitalkuehi Block, Jamaladaha GP situated under Mekhliganj Block, Gopalpur OP situated under Mathahhanga-1 Block and Bagdogra and Fulkaduhri OP situated under Mekhliganj Block. This deputation programmes were organized in demand of proper distribution of ration in COVID-19 situation as Government notification.

After our persistent effort, on 17th October, 2020 MASUM team had a fruitful face to face meeting with the Superintendent of Police, Bashirhat Police district in North 24 Parganas along with the Sub-divisional Police Officer and Officer-in-Charges of different police station of the district. Our initiatives in terms of minimizing human rights violations were appreciated and suggestions duly considered by the police officials of North 24 Parganas district.



Events and Activities: 2020



On 10th November, 2020 the MASUM team met with the SDO, Samrat Chakraborty at his office in Serampore, Hooghly. The main agenda of the meeting was to discuss the dire conditions in which the Bhadrakali Brick Field dwellers at Uttarpara live in and the inactiveness of the local state bodies in providing them with the basic living facilities that they should receive from the state. The discussion ended with the SDO promising to consider the matter and look into it as soon as possible.

The year ended with a few major successful events. On 6th December, the MASUM team organized a Street Corner at the Manasi Bazaar area of Serampore to observe a black day protesting against the demolition of Babri Mosque 28 years ago. Mridul Dasgupta (Poet), Bishnu Biswas (Sramajibi Hospital) and many other such eminent persons joined us in the protest.



Like every year, MASUM organized an event to celebrate Human Rights Day. A Human Rights Fair was organized at Ranu Chhaya Mancha Kolkata. Various dignitaries, lawyers, human rights activists, cultural performers and CSOs actively participated in this fair. The participating CSOs also displayed their publications in stalls at the fair campus.

On 12th December, 2020 Marjada Suraksha Andolan (MSA) based out of Ranaghat, organized their annual discussion on social issues by eminent persons. MASUM Secretary Kirity Roy was invited as one of the key speakers among five other eminent speakers from different fields. The discussion was on corruption vs communalism.



MASUM organized a 2-day seminar and workshop with lawyers on strengthening the role of judicial actors in preventing torture and ill-treatment in border areas on 26th and 27th December, 2020. About 20 lawyers from different courts of WB, from the districts of Cooch Behar, South Dinajpur, Murshidabad, Nadia and North 24 Parganas attended the seminar and participated in the workshop. Mr. Kirity Roy, Secretary of MASUM, Mr. Taj Mohammad, former Directorate of Prosecution, Govt. of WB, Ms. Bijaya Chanda, Advocate of Alipur court, Mr. Abhijit Datta, Advocate of Howrah court and Mr. Debashis Banerjee, Advocate of Calcutta High Court were among the resource persons for the seminar.

Events and Activities: 2020

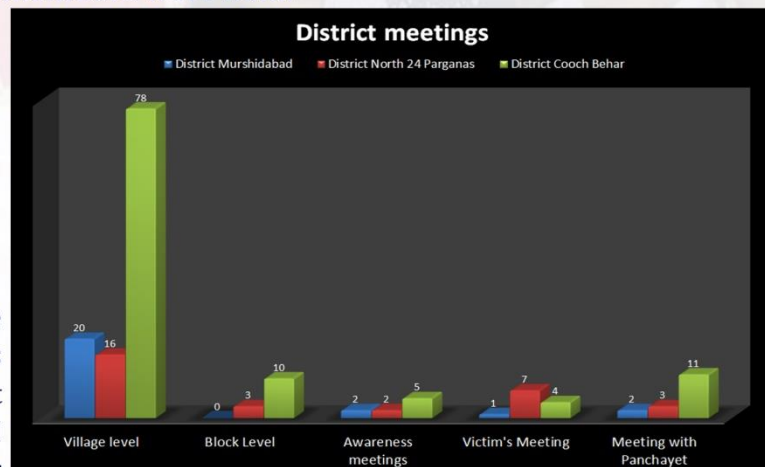
Village level Meetings

In 2020, MASUM's team conducted 164 meetings in the Districts of North 24 Parganas, Cooch Behar, and Murshidabad. These meetings incorporate village level meetings, Block level meetings, Awareness meetings, Meetings with victims and Meetings with panchayet members. In North 24 Parganas, 16 village level meetings along with 3 Block level meetings, 2 awareness meetings, 7 meetings with victims and 3 meetings with Panchayet members were held. In Murshidabad, 20 village level meetings along with 2 awareness meetings, 1 meeting with victims and



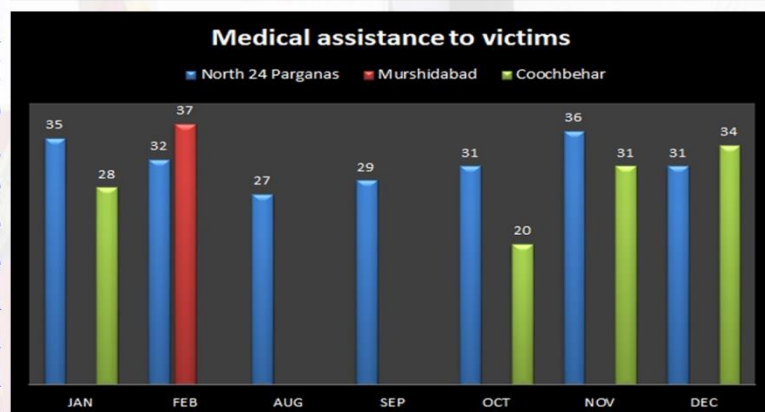
Type of Meeting	District		
	Murshidabad	North 24 Parganas	Cooch Behar
Village level	20	16	78
Block Level	0	3	10
Awareness meetings	2	2	5
Victim's Meeting	1	7	4
Meeting with Panchayet	2	3	11
Total	25	31	108

2 meetings with Panchayet members were held. In Cooch Behar 78 village level meetings along with 10 Block level meetings, 5 awareness meetings, 4 meetings with victims and 11 meetings with Panchayet members were held.



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 2020, MASUM organized 12 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 12 medical camps, 7 were organized in North 24 Parganas district, 1 camp in Murshidabad and 3 camps were organized in Cooch Behar district. MASUM provided 371 units of medical and psychological support to the victims through these camps with an average of 31 victims per camp.

District	No. of Medical camps	Attendance	Average Attendance
Coochbehar	4	113	28
Murshidabad	1	37	37
North 24 Parganas	7	221	32
Total	12	371	31



Statements released by MASUM during 2020

MASUM, on several occasions have released statements to affirm its stand on relevant issues and incidents that occurred during 2020. Following is a list of the statements released by MASUM during 2020:

Sl No	Date of release	Topic	Occasion
1	31.01.2020	Opposing death penalty to address the terrible and distressing prevalence of sexual violence in our community	Delhi court ordered hanging of four out of the six convicts in Delhi Gang rape case on 2012
2	14.02.2020	Since 8 years Felani's soul has crying for justice	On disgraceful court proceeding of Felani Khatun's case
3	04.04.2020	Illegal arrest and detention of renowned HRD Dr. Laifungbam more than 25 hours, other HRDs of Manipur is under threat.	On arrest of HRD of Manipur Dr. Laifungbam
4	27.04.2020	In the memory of the ones that lost their lives making the country better	On International Worker's Memorial Day
5	28.05.2020	Oppose Enforced Disappearances and impunity	The last week of May is recognized worldwide as the International week to pay tribute to the victims of enforced disappearances.
6	26.06.2020	Statement in solidarity with the Victims of Torture	On Anti Torture Day
7	07.09.2020	Statement on threatening interrogation notice to Dr. Partho Sarathi Ray	on threatening interrogation notice to Dr. Partho Sarathi Ray
8	11.09.2020	MASUM's Statement on BSF's arbitrary killing of Sahinur Haque	on BSF's arbitrary killing of Sahinur Haque
9	18.11.2020	Statement against cattle smuggling supported by BSF	On BSF involvement at Cattle smuggling



**Human Rights fair organized at the Ranu Chhaya Mancha, Kolkata
on 10th December, 2020**



Human Rights Day observed at the Ranu Chhaya Mancha, Kolkata

on 10th December, 2020

Victims' Testimonies

We, the bordering populace always facing restrictions and torture by BSF personnel. I want protection so that we can travel without any problems. MASUM is with us through this fight. Without MASUM's help we could not fight this torture or even stand up to them.

Golam Mostafa
(Survivor from BSF Torture)



I was at my mother's house that day. We cooked together and had lunch together. After lunch my brother along with two other cousins went to the road in front of the house to play mobile games. While playing games he had earphones on during which, the BSF came and a chaos broke out. Listening the chaos we ran outside and saw my brother lying on the ground. He was not dead till then. Then I saw that the BSF officer held my brother by his neck with his knee and then shot two bullets. One in the chest and the other in his waist. With those firing my brother died then and there. Now we want justice for my brother's death. We want severe punishment for the guilty BSF personnel from the government and nothing else.

Esna Bibi
(Sister of Extra judicially killed Sahinur Haque)

We live in village Khasbos 202 Darikamari. We live at the Indo-Bangladesh border near the gate number- 3 under Jamaladaha BSF border out post. Most of the agricultural lands are situated on the other side of the International fence. Due to that, the BSF is creating severe issues in our agricultural fields. They open the fencing gates for 1 to 2 hours per day according to their whims. Our condition is critical. If we can't cultivate our lands properly, it will affect our life and livelihood. We will not be able to survive. Therefore our demands is to either keep the fencing gate open for 12 hours a day, or moved the barbed wire in the actual border.



Sarbananda Roy
(Affected villager of BSF restriction)

I am an enclave dweller from Kokeyabari enclave situated under Mathabhanga -1 Block, Cooch Behar District. Firstly I would demand citizenship for the enclave dwellers which is to be given by the Home Department. The citizenship card has not been received by us yet. After the land swap under LBA, 31st July 2015, we have not received any benefits under Governmental schemes. The Government is constantly depriving any opportunity of development to the people of the enclaves. Secondly, I demand concern with the ownership of the lands. Till today we have not received the actual land titles, the documents are erroneous, as it has wrong name attached to the wrong land, the share of lands are also full of errors. The concerned authority must measure the lands properly and provide the "Khatiyani Number" to the owners of the lands held.



Pradip Barman
(Erstwhile enclave dweller)

Audio-Visual documentation in 2020



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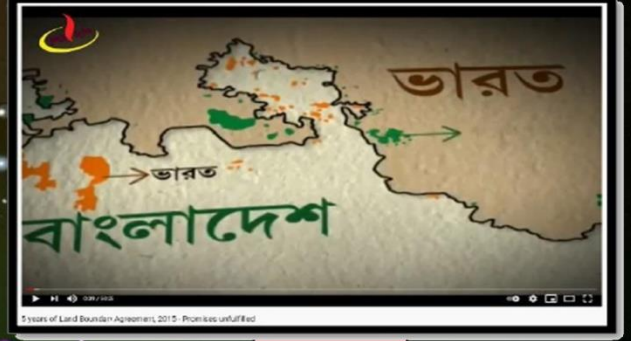
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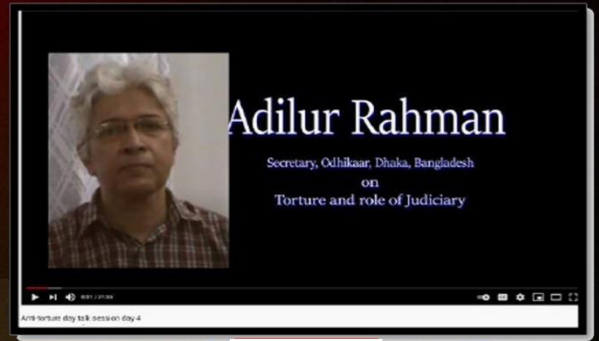
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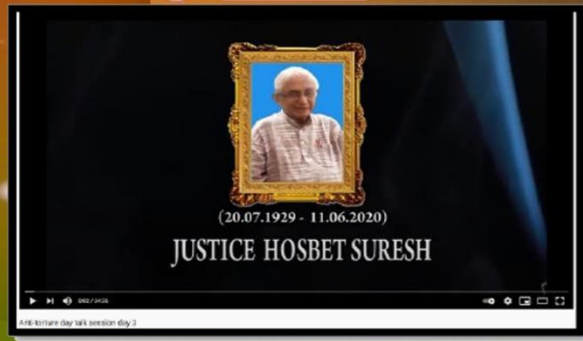
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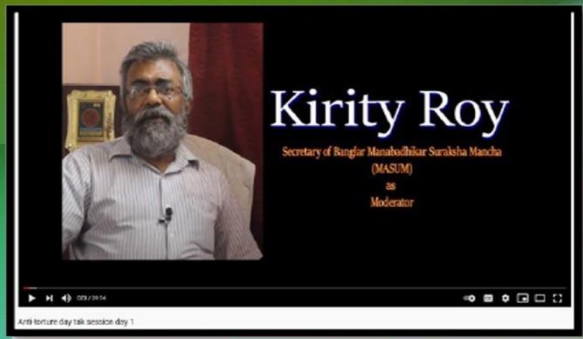
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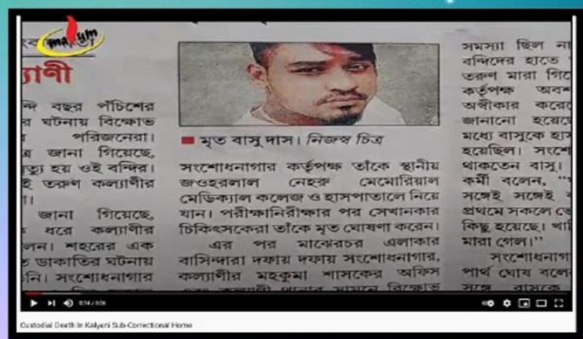
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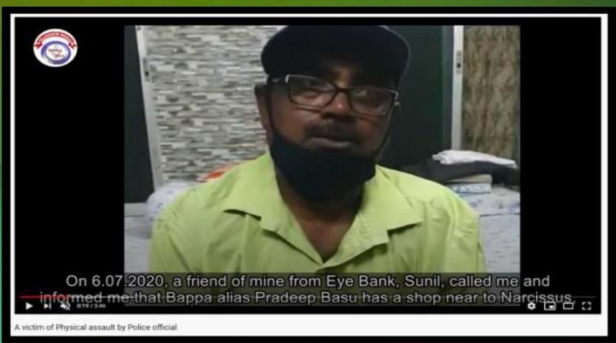
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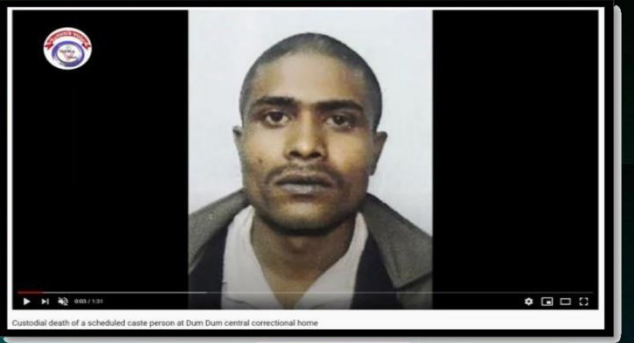
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**Mr. Taj Mohammad, former Directorate of Prosecution, Govt. of WB speaking
Seminar with lawyer's**



**A resident of erstwhile Bangladeshi enclave from Cooch Behar district protesting
Against the non-fulfillment of promises by the government on the occasion of the 5th year
Anniversary of the Land Boundary Agreement, 2015**



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