



Annual Report 2023



Overview

The *Bharatiya Janata Party (BJP)* led Indian government continued with state policies that discriminate and stigmatise religious and other minorities resulting in increasing incidents of communal violence in many parts of the country. In Manipur more than hundred were killed in ethnic clashes. The police in many states have failed to properly investigate crimes against minorities on the other hand police and administrative officials responded by summarily punishing victims. Constitutional authorities like the *Election Commission*, *National Human Rights Commission*, and those designed to protect the rights of children, women, religious minorities, tribal groups, and Dalits, did not function independently. All independent democratic institutions including the judicial system are now undermined by the Government of India.

Allegations of torture and extrajudicial killings continued, with the National Human Rights Commission registering 126 deaths in police custody, 1,673 deaths in judicial custody, and 55 alleged extrajudicial killings in the first nine months in 2023. In April, 2023, the Indian government denied permission to prosecute soldiers accused of killing six coal miners in Nagaland state's Mon district in December 2021. In June 2022, the state police had filed charges against 30 soldiers, including a major, after a special investigation team found the military had shot the miners "with a clear intention to kill." But the central government refused to sanction the prosecution, which is required for civilian legal actions to proceed under the colonial-era Armed Forces Special Powers Act (AFSPA).

On July 31, 2023, communal violence broke out in Nuh, Haryana state during a Hindu procession and swiftly spread to several adjoining districts. In the aftermath, the authorities illegally demolished hundreds of Muslim properties and detained scores of Muslim men, including minors.

On May 3, 2023, violence erupted in the north-eastern state of Manipur between the majority Meitei and the minority Kuki Zo communities. The authorities shut down internet access in the state, and tried actively to suppress any reporting on the state's partisan participation in this ethnic clash, even filing criminal cases against activists and the Editors' Guild of India in retaliation for their fact-finding efforts and reporting. By November, more than 200 people were killed, tens of thousands displaced, and hundreds of homes and churches destroyed; and ethnic violence continues to rage in Manipur to this date. Despite courageous reporting of this ongoing morbid massacre, as well as growing public pressure to intervene and put a stop to this wanton killing, the BJP-led governments at both the Centre and in Manipur have continued their tactical inaction as well as covert local support to Meitei militant outfits, whereas the NHRC has remained entirely mum, and failed even to issue any observation or directive to the respective authorities to act.

We saw an alarmingly growing trend of police raids on human rights activists, lawyers, reporters and organisations who have been critical of the BJP-led central government, in effect flouting Article 19 of the Indian Constitution, which guarantees Freedom of opinion. Police raided the offices of the news agency *NewsClick* in New Delhi (October, 2023), the house of human rights activist Teesta Seetalvad in Mumbai, among others, and threatened to prosecute writer and activist Arundhati Roy; Indian tax officials raided the BBC offices (February, 2023) in retaliation of the release of the documentary, *India: the Modi Question*, that brought to question PM Modi's abuse of power as erstwhile CM, Gujarat in enabling the Gujarat pogrom.

The government has further expanded its control over online content through the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, April, 2023, and the Telecommunications Act, December, 2023 - both undermining basic privacy rights of citizens as well as granting the central government broad authority of censorship, seizure of office and equipment, and annexure or suspension of communication services including telephone and internet connection services.

In August 2023, the Indian Parliament passed the Forest Conservation Amendment Act, despite vocal opposition from environmental activists and tribal communities. The law dilutes existing safeguards and could lead to a loss of legal protection for one-quarter of Indian forests—enabling industry, mining, and infrastructure development in formerly protected areas—and threatens encroachment on tribal communities' traditional territories.

Indian authorities has repeatedly delayed the investigation into allegations of sexual abuse (surfaced in April, 2023) by a member of parliament from the ruling BJP and the president of the Wrestling Federation of India, Brij Bhushan Sharan Singh, despite weeks of protest by athletes. In October 2023, the Supreme Court declined to legalise same-sex marriages, instead accepting the government's offer to set up a panel to consider granting certain benefits associated with marriage to same-sex couples.

In the Global Hunger Index 2023, India ranked 111th out of 125 countries, continuing its downward trend in this index from 2015, and marked with a *serious* level of hunger and malnutrition. Neighbouring countries, such as Pakistan (102nd), Bangladesh (81st), Nepal (69th), and Sri Lanka (60th), scored better than India.

The Ministry of Home Affairs (MHA) has extended the jurisdiction of the Border Security Force (BSF) up to 50 km inside the international borders in Punjab, West Bengal and Assam. At the same time, the Ministry has reduced BSF's area of operation in Gujarat from 80 km from the border, to 50 km. This matter was decided through arbitrary procedure, circumnavigating due discussion in parliament and with the federal state governments. The BSF's powers - which include arrest, search and seizure - were limited to up to 15 km in these states, until 2023. This is a severe infringement on the rights of the federal states and an attack on the federal structure of the country, as well as an extended threat to the human rights of a huge number of people.

Article 51A(h) of our Constitution says "to develop the scientific temper, humanism and the spirit of inquiry and reform". But the BJP government's discriminatory and divisive policies have on one hand led to increased violence against minority people in the country marginalised by religion, caste, ethnicity, gender, and social markers; on the other hand, they have used the judiciary and the executive as antagonistic forces - harassing, impeding, threatening, and punishing journalists, lawyers, human rights activists, and critics of the government in general - through raids, allegations of financial irregularities, and use of the Foreign Contribution Regulation Act, which regulates foreign funding of non-governmental organisations. Basic human rights and democratic rights of citizens, as well as fundamental constitutional principles - have been rampantly trampled over in pursuit of absolute state-authority, in a display of increasing autocratic tendencies of the government both at the union centre and in the federal states. BJP-led Narendra Modi government at the Centre is ushering in an "agency raj" in the country - disenfranchising marginalised people, throttling dissenting voices and shaking the very foundations of democracy.

Similarly, the non-BJP state governments of Indian provinces have also failed to create any credential for them as far as democracy, rule of law and freedom of expression are concerned. Use of unlawful force, corrupt practices, state agencies to run a totalitarian regime is common in every Indian province.

The scenario of democracy and human rights in neighboring countries is no different; attacks on dissenting voices and religious minorities are the pattern in common in Pakistan, Bangladesh, Sri Lanka and Myanmar. Human Rights Defenders and protagonists of democracy are facing intimidation, torture and wrath of the state while agitating for people's cause.

General elections are expected to be held in India between April and May 2024 to elect members of the Lok Sabha, in this political juncture, we wish to create a formidable people centric coalition which can challenge the ongoing onslaught on the constitutional fabric of India and democracy.

Prevalence of Impunity: Challenged 'Equality before the Law'

The democratic people and the human rights activists of our country have to travel a long way to have a society and the criminal justice system free from torture and subsequent impunity and in this regard many efforts have been taken by the different human rights groups as well as people with commitments are speaking out against torture and its ultimate ramification as prevalence of impunity.

The country is plagued by impunity, while offenders belonging with state agencies enjoy legal immunity according to legal provisions and the affluent and the influential are benefited with extra-judicial sanctions; thus, the spirit of 'equality before the law' gets defeated. Though the certain sections of people enjoying impunity by their socio- economic status without having a legal shield as extended to governmental employee according to various legal safeguards; one thing is very common that enjoyment of those 'special status' are in contravention rather in conflict with the fundamental principle of 'equality before the law' as enshrined in the Article 14 of Indian Constitution in which it has been stated that 'The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India'. As well as the article 7 of Universal Declaration on Human Rights stated 'All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination'. The same version has been reinsured in ICCPR (International Covenant on Civil and Political Rights).

So, legal sanctions of immunity for government employees, judges and armed forces from judicial proceedings; is one part of the prevalent state of Impunity within our country but on the other, a large section of socio- economically influentials, belonging to a certain socio- economic section of the present society in our democratic system is immune from criminal prosecution, and that is the subtle portion of enjoyers of impunity. And that is again an accepted position: giving definite advantage to this privileged section of society; in short, the creamy layers of this society are enjoying the status of having no fear of prosecution even after there is serious allegation, and the chance of involvement of those in some criminal acts or offences is not ruled out. They are enjoying the status of impunity with legal sanction. The said section can purchase the best available legal support as it is a commodity in our country instead of and influence every sphere and components of litigation by any means. The practice has divided the citizens of India into two categories – one who are ruled by law, who can be punished by the law courts for their misdeeds - and the other who are protected and cannot be punished by law courts unless their employer, the State sanctions their prosecution or having an influence over the state actors and in a due course manipulating prosecution in favour of their allies from same ranks.

The particular term 'Impunity' is not very common in legal parlor but it has become very common among human rights activists and concerned people because of its strong presence in the legal set up of this country. It has become an issue by itself. The very conception of impunity defeats the basic principles of 'rule of law' and 'the equality before law'. In the Indian legal system, the judges and public servants cannot be prosecuted in the criminal courts without sanction from the government as envisaged under section 197 of Code of Criminal Procedure. The said privilege and protection have also been extended to the members of the Armed Forces of Union. As stated in the Armed Forces Special Power Act; Section 6; this section establishes that no legal proceeding can be brought against any member of the armed forces acting under the AFSPA, without the permission of the Central Government. This section leaves the victims of the armed forces abuses without a remedy. Similarly, as per Criminal Procedure Code section 45, "... no member of the Armed Forces of the Union shall be arrested for anything done or purported to be done by him in the discharge of his official duties except after obtaining the consent of the Central government. The state government may, by notification, direct that the provisions of Sub-Section (1) shall apply to such class or category of the members of the Force charged with the maintenance of public order as may be specified therein, wherever they may be serving, and thereupon the provisions of that Sub-Section shall apply as if for the expression 'Central Government' occurring therein, the expression 'State Government' were substituted." Whereas according to section 19 of Human Rights Protection Act, when the commission receives a complaint of a human rights

violation by the armed forces, it cannot independently investigate the case but can only seek a report from the central government and make recommendations.

Armed with this protection and privilege under the law, the public servants, judges and magistrates, armed forces have become unaccountable to anyone particularly while the people are victims of excesses or tortures or offensive acts. Apparently, such impunity was provided to the government officials in order to save them from vexatious litigations and to give them free hand to deal with the matters where the discretion of these sections of people was very much desirable to serve the society for the cause of the people. This privileged section of people along with the dominating social groups come into a nexus to replace the old monarchy to a 'modern instrumentalities' for enjoyment of the erstwhile protective shield within the legal frame. The persons enjoying such status are free to take any step without devoting much time to the legality of their action. The common people become the victim of the misdeeds of the public servants and this class of persons is shirking their accountability and responsibilities to the people.

If someone tries to conclude that police, armed forces and paramilitary forces are enjoying the impunity with their own socio-legal standings but in reality, with all appreciation from legal institutions including the human rights institutions of this country, as all of them are experiencing and acquainted with the ongoing impunity, but these holy cows and so called sacrosanct component of Indian State is shutting their eyes on the gravest flout of legal and humane deliverance, creating an environ of fallacy. It is now an open fact that some judges of top courts who were corrupt, police officers who have killed and been instrumental in disappearing the body that was in custody, the district civil administrator who forcefully evicted aborigines for the interest of industrialists – all are enjoying systematic impunity. The government is never going to sanction the prosecution of these offenders.

Indo Bangladesh Border: Arbitrary Restrictions

India and Bangladesh have a long drawn international border, the major portion of this international border is with the Indian state of West Bengal. India has the longest land border with Bangladesh (before 1971, East Pakistan). The border in actuality is not a natural one. This border is man-made due to political settlement in and after the independence. The reality is that the populace living along both sides of this international border has unique similarity in their socio-economic as well as religious identities.

In the presence of border guards, Border Security Force (BSF) nobody can hope for a decent and peaceful civil life. The children are not willing to attend their schools, peasants are being harassed to carry out their normal livelihood activities, women are not secured, small time traders are always apprehensive about their business activities, in a whole BSF presence wrecked the normal life. The posted BSF personnel often intensified their reign of terror and get appreciation from various sectors as these acts might be their courageous efforts to protect the integrity of the country but on the contrary, they are posing a threat to the bonafide Indian citizenry and unprotect their life. The security of the persons living in this area is in abysmal condition. Most disturbing fact is that no one is ready to hear the woes of the populace, rather who are protesting BSF atrocities are being harassed by every means possible and sometimes branded as anti-nationals.

The very presence of the armed forces within civilian inhabitation is drawing several disturbances and when the armed personnel have scant respect for the populace in general and civil rights in particular. The women and girls facing gender sensitive humiliation as the force are most of the time and in general gender insensitive by their practices and behaviour. The economic reality of being unfeeling by the government machinery and aggravated with the stationing of unsympathetic force within close proximity of civil inhabitation - many social and other forms of malice is part and parcel of daily life. Although, a miniscule section of the populace is indulged in illegal and illegitimate acts of smuggling and other activities; BSF uses that as a common point of excuse to justify their regular subjugation and inhumane torture. The evident forms of torture are extra-judicial killing, but the hidden issues of their arrogant acts and behaviour only can be matched in nature by foreign marauders. In this regard, one can note, with evidence, regular humiliation of women, coercion of children, restrictions to general livelihood - affecting their regular life.

The BSF are posting their camps well inside the border, sometimes even 8 to 10km from the original borders. The villagers depend on the land between the actual border and where the camp is. However, because of the BSF, a large area of land is vacant between the actual and current border. The land is vacant for two reasons. Firstly, the BSF restricted the villagers from going there by having created extra regulations. Secondly, without the BSF on the actual border, the villagers feel insecure and unprotected while on their own land, and therefore avoid going to the land.

The BSF creates whimsical regulations to micromanage the villagers. For instance, the villagers have to submit their voter identity cards and stand in a long queue every day before going to their land. As a consequence of the lines, they do not arrive until 8 to 9am when the sun is already blistering, and watering can wither or even fry the plants. Likewise, the BSF have set an 'evening curfew' at 5pm and subject people who do not comply with harassment and physical torture. Additionally, the BSF has also created difficulties by restricting the building of sheds (Bathanbari) where the farmers keep their machinery and tools. The BSF has no authority to do so and is denying people the right to create storage centers for their tools. People from Bangladesh are also stealing the harvest from the farmers, and the BSF is doing nothing about it.

Finally, the BSF also targets people because of nothing other than proximity. Moreover, before the new amendment the BSF was only authorised to work within 15kms of the border. However, even if the BSF is authorised to enter that far into the border, the BSF is mandated to have their actual camps on the border. Far from working on the border, the BSF set their camps well within borders, micromanage the lives of villagers, thus depriving villagers of their livelihood while simultaneously allowing the borders to be open to smugglers, smugglers with whom the BSF often work in covert co-operation.

Article 19 of the Indian Constitution guarantees the freedom of movement and Article 21 the right to life. Both of the articles mandate that the people are given the necessities to live, and also the freedom to live as they choose, moving freely within the border.

In combination, the BSF is grossly denying the right to life. Firstly, the time constraints take away from optimal farming time which takes away from profits, and also restricts the right of movement, both of which are illegal. Secondly, the BSF is taking away protection on the actual border endangering the lives of farmers, but also allowing for the Bangladeshi nationals to freely steal the farmers' harvest. Third, the lack of shed again takes away from the right to life because the farmers have to carry machinery and tools in addition to waiting in extra lines, carrying extra paperwork, and coming home early. Instead of human beings, the farmers are being treated like farm animals by the BSF.

MASUM's findings indicate that the people who have been left outside the border fence face grave challenges in their day-to-day activities. There is a complete absence of public health infrastructure, educational institutions, clean drinking water, sanitation, electricity and proper roads in these areas. The government's social security schemes related to livelihood opportunities, pensions, childcare and so on, often do not reach the people who live outside the border fence. The BSF personnel monitor the movement of people through gates constructed on the border fence. In most villages, these gates are opened only three times in a day for an hour each. In rural India, the main source of livelihood is agriculture. The people who own land outside the border fence are required to submit their identity documents with the BSF while passing through the gate. Identity documents such as Aadhaar and Voter ID cards are not accepted as valid proofs of identity for the border areas, instead the people are required to produce a particular identity card issued by the BSF for this purpose. This differential treatment creates a feeling of being an outsider in one's own country and violates the Constitution of India, which guarantees equality before law to all of its citizens. Moreover, the BSF does not allow people to take household essentials and agricultural equipment across the border fence on the suspicion that they would be smuggled to Bangladesh. Fertilisers, cattle, pesticides, tractors and such, cannot be used by farmers to cultivate crops. Under the Government of India's Integrated Child Development Services (ICDS) Scheme, the people are provided cooked meals for their children. When people attempt to take these meals back to their families, the BSF stir the food with a dirty stick to check if anything that can be smuggled is hidden inside, making the food inedible.

The civil society is keeping mum over the issue for various reasons. The reality is that the BSF cannot be tried in civilian courts of law in normal circumstances and not accountable to human rights institutions and district administration provided them free hand for utter subjugation and torture among the people living along the border. Gathering evidence of their misdeeds is indeed a difficult task as no one is willing to confront a gun-toting regimented law enforcing agency with a licence to kill.

A Copy of the Statement by MASUM (dated August 13, 2023) against the Introduction of Three new bills replacing IPC, CrPC, and the Evidence Act and their Implication on the Criminal Justice System in India

In the name of denouncing the colonial criminal laws in the country, the present Union government yesterday introduced and subsequently sent the three new bills to the Parliamentary standing committee, while changing the erstwhile legal provisions named as Indian Penal Code, 1860; Criminal Procedure Code, 1973 and Indian Evidence Act, 1872 to Bharatiya Nyaya Sanhita; Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Bill. The human rights fraternity of this country along with international partners intend to change the content of these legal provisions set during the colonial times; not only the nomenclatures of these provisions.

Section 150 of the Bharatiya Nyaya Sanhita, 2023 shows that the word 'sedition' has been removed but the spirit of the sedition law is very much existent in the new section. At any moment of time when the governance has the ultimate authority to determine an act/ observation/opinion/association as anti-national or against the integrity of the nation as ample opportunity to use this draconian legal provision against any dissent.

Section 150 of the new Bharatiya Nyaya Sanhita Bill details the codes while discussing the acts, which are endangering the sovereignty, unity, and integrity of India. It states: "Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years and shall also be liable to fine." The uttered position is not different to the original position in Indian Penal Code under section 124A in letter and spirit.

The explanation of the law appears incomplete. And it brings into its purview the potential to criminalize protests against any action or inaction of the government authority. By using the words 'subversive activity' which is not only vague but to restrict the democratic activities denouncing the government's policies and actions. This is a direct attack on the fundamental constitutional rights of the citizen of India. The Constitution of India guarantees the right to protest under Article 19 (1) (b) and is a basic fundamental freedom incorporated by the makers of our constitution which is being demolished with this new section. The dissenting voice and the human rights defenders are at stake.

The new criminal bills also introduce new offences with stricter punishment. Section 111 of the Bharatiya Nyaya Sanhita incorporates new crime as the 'Terrorist act' under general penal law. For dealing with terrorist activities there are special laws like UAPA (Unlawful Activities Prevention Act, 1967) but here the features of UAPA are very much existing in the new penal provisions presented by the government. To define terrorist acts it explicitly refers under section 111 (1) (iv), " to provoke or influence by intimidation the Government or its organisation, in such a manner so as to cause or likely to cause death or injury to any public functionary or any person or an act of detaining any person and threatening to kill or injure such person in order to compel the Government to do or abstain from doing any act, or destabilise or destroy the political, economic, or social structures of the country, or create a public emergency or undermine public safety." This definition is vague as well echoing the same position which is in the existing special provisions. It can be misused by the government authorities to take vengeance against the opposition, human rights workers and dissent voice who will try to raise their opinion against the government.

When most of the civilized countries of the world stand in this 21st century to abolish death penalty for all crimes in accordance to the Optional Protocol II of the ICCPR, the Indian government who will preside over the 18th G-20 summit in the next month along with other countries have put death penalty in the new bill for crimes like mob lynching. On changes in provisions related to rioting the provisions proposed regarding rioting are clearly and deliberately intended to have a communal twist with a slanted mindset.

These three bills denounce the basic concept of the Indian Criminal Jurisprudence i.e., “assume innocence until proven guilty”. Supreme Court in its various judgment clearly denounces handcuffing and roping (Prem Shankar Shukla vs. Delhi Administration 1980 SCC 526 / Citizens for Democracy vs. State of Assam and others-(1995) 3SCC743) but the present Bharatiya Nagarik Suraksha Sanhita allows the savage act of handcuffing for the arrest of persons in many cases including murder, rape and counterfeit currency.

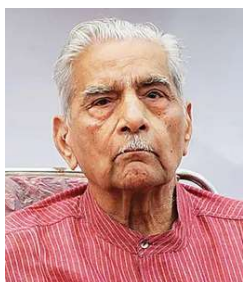
The manner of introduction of these three bills is also not proper. The bills were introduced on the last day of the monsoon session leading to inadequate consultation in the Parliament regarding these bills. These new elements related to the judicial process should have been placed before the law commission prior to tabling it before the parliament. By this act, the present government made it clear that they wish to supersede and bypass the legal fraternity and process.

These changes in the criminal justice administration system can be dubbed as pseudo-progressive change. This act of the present government is a sinister design to communalize the judicial process of the country by Sanskritizing the nomenclature of the legal provisions, which is undemocratic and colonial in nature. The present social-economic legal situation of this country demands a democratic change in these legal acts, provisions and procedures.

Therefore, we on behalf of MASUM, call upon every academic, individual, member of political parties, NGOs, CBOs and organisations to come forward and discuss the intended changes for a constructive and democratic discourse on the present legal provisions and protest against the government’s constant attempt to suppress the dissenting voice.

Obituary

We offer our condolences to the hundreds of people killed in the Russia-Ukraine conflict. We offer our condolences and homage to the thousands of people who have been killed in the ongoing Israel-Palestine conflict – which is, truly taking the form of an ethnic cleansing. We offer our condolences and homage to the thousands killed in the civil wars and ethnic violence that unfolded in Congo and in Sudan. Our prayers and condolences go to the dead and the displaced in the ethnic violence in Manipur, in numerous instances of religious and caste-based violence all over the country, and to the persecuted and displaced Rohingya people of Myanmar.



Shanti Bhushan (born 1925), former Law Minister and senior advocate of the Supreme Court of India was an active voice of the civil rights movement in India, and represented the cause of many an activist in court. He was also a member of the Joint Drafting Committee for the Jan Lokpal Bill, constituted by the Government of India, representing the Civil Society. He breathed his last on 31 January, 2023.

Ranjit Guha (born 1923) is one of the most influential Indian historians of this era, an early pioneer of the Subaltern Studies group, and he wrote extensively in both Bangla and English. He was affiliated with Jadavpur University in its founding years, and later emigrated to UK, thereafter Australia, and finally, to Austria, where he breathed his last on 28 April 2023.



Mr. Sanat Roy Chowdhury (born 1939), a true friend of the democratic camp and the human rights movement, passed away on 1st July, 2023. He has been associated with communist politics since his youth, and was imprisoned. He was a key member of the movement for the release of the political prisoners post 1977. He served as the Vice President of APDR as well as one of the founding members of the Hooghly district unit of APDR. He was instrumental in the organisation of fact finding in the Bhikari Paswan case. He was one of the biggest impetus of the Chinsurah Sramajibi Hospital. He spoke in MASUM's meeting at Students' Hall with Gour Kishore Ghosh, Satya Banerjee observing the 25th year of emergency in India, and was later awarded 'Manabadhikar Samman" by MASUM at the International Human Rights Day Fair at College Square, in 2004-2005.

Prabir Ghosh (born 1945) was an active organizer in people's science and rationality movements. In 1985, Prabir Ghosh along with other Kolkata based Bengali rationalists founded the *Bharatiya Bigyan O Yuktibadi Samiti*. He organised a long-term campaign against people with so-called supernatural powers, and, in 1999, he exposed a host of astrologers and 'people with supernatural powers' for the frauds that they were. He was also keenly attached with the human rights movement. He breathed his last on 7 April 2023.



Obituary

Dr. Samar Bagchi, a science educator, environmentalist and people's rights activist passed away on July 20, 2023. He began his career at the Birla Industrial & Technological Museum in Kolkata, where he served as the director until 1990. He had major contributions to the fields of People's Science and Environmental Conservation. He was associated with the 'National Alliance of People's Movements' during the 1980s, and was a true friend of MASUM. His death leaves behind an irreparable void in the field of people's science movement.



Gummadi Vithal Rao *Gadar* (born 1949) was a long-time member of CPIML (PW), active in its cultural wing, writing, composing and performing songs about and for the people and the revolutionary cause. His moniker, *Gaddar*, means rebellion. He was widely called as *praja gayakudu*, or people's singer, and he remained so, till his death. He remained active in politics even after he left the party in 2010, fighting for the cause of the oppressed and marginalised. He passed away on 6th August, 2023.

Dr. Sthabir Dasgupta (born 1949), an oncologist by profession and a persistent voice among progressive doctors, breathed his last on 5th September, 2023. Dr. Dasgupta came under the influence of the Naxalbari movement in the 70s. He was a relentless writer against the de-humanizing face of techno-medicine controlled by corporations, a strong upholder of public health programs and always endeavoured to put people at the centre stage of health policy. During the COVID pandemic, he strongly advocated for the universal coverage of healthcare and vaccination through the public healthcare system. He authored several books such as *Sottor Doshok: Maya Rohiya Gelo*, *Cancer: Puroho Bhoy*, *Notun Bhabna*, etc. He has been a lifelong advocate of the human rights movement. During his lifetime he has been a great friend of MASUM and has always stood by the cause we are fighting for. His passing is an enormous loss to the human rights fraternity and the progressive movement in West Bengal and India.



Dr. Mohini Giri (born 1938) was an eminent women rights activist and human rights defender. She founded the War Widows Association in 1972, formerly chaired the National Commission on Women from 1995 to 1998. In 2007, she was awarded the Padma Bhushan by the Government of India. She participated in Peoples Tribunal on Torture organised by MASUM in 2008 as a jury member. Dr. Giri passed away on 19th December 2023.

Celebration of MASUM's 25 years' journey

On 21st February MASUM celebrated its 25th Anniversary at the University Institute Hall at College Square, Kolkata. The program was inaugurated with a keynote address by Kirity Roy, Secretary of MASUM. It was followed by the speech by renowned personalities. Among the esteemed guests were Justice Asok Ganguly, former Supreme Court Justice, Justice Malay



Sengupta, former Chief Justice of Sikkim High court, Advocate Abraham Lincoln, Human Rights Activist from Bangladesh, Mr. Sujato Bhadra, Human Rights Activist, Mr. Avik Saha, Advocate and Human Rights Activist, Mr. Amit Sengupta, Journalist and Mr. Wilfred D'Costa, Human Rights Activist from Gujarat. All of them delivered speech on the 25 years' journey of MASUM.

Apart from this, victims from North 24 Parganas, Coochbehar and North Dinajpur shared their experiences on working in close proximity with MASUM. Through video presentation, most of the founding members of MASUM shared their experiences of the initial days while setting up the organization. The guests were felicitated



by MASUM activists. The event also contained cultural performances; for instance, the inaugural sitar recital by Shri Dhruva Bagchi, followed by a musical performance by Agnirik and Manas. Solo performance by Mr. Pratul Mukherjee, famous Bangla Poet, Lyricist and Performer also set the tune for the evening. The program ended with group performance by renowned Bangla Band 'Borno

Anonyo'. Photo exhibitions on MASUM's journey of 25 years as well as important incidents related to human rights movement in India and the world was held at the hall for public viewing.



Organisational Debacle

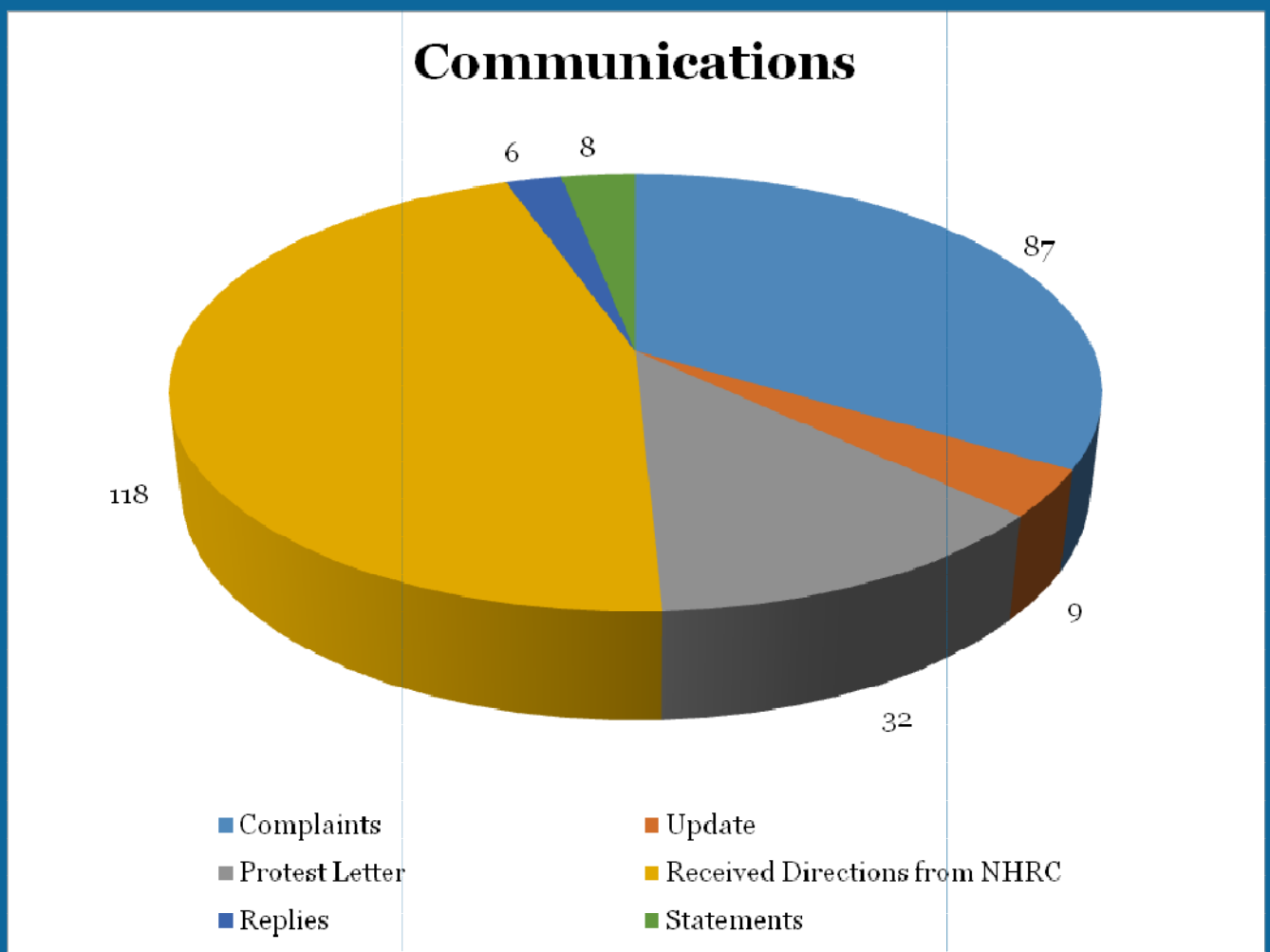
MASUM faced an unprecedented organisational crisis just after completing its 26th Annual General Meeting (AGM) on 24th September 2023. Kirity Roy, outgoing Secretary of the organization brought the issues of dereliction from assigned works, non-submission of financial reports and deviation from primary mandate of the organization; torture, on part of the office employees before the participants of the AGM through Secretary's report. The employees disrupted the proceedings of the AGM with ruckus. At the end, the AGM elected a new Executive Committee / Governing Body for next year. Then the elected secretary of the organisation fixed a date and conveyed a meeting of the executive committee to resolve the issue, where the office employees came up with an unsigned and undated written complaint against the secretary of MASUM and the secretary made a categorical reply of their allegations subsequently. Secretary of MASUM asked the employees to submit their reports on pending works and money which they have taken from the organisation but they refused and stopped coming to office from 15th of November 2023 onward. Due to this sudden and unanticipated development, the organisational office and regular office work has been hampered from 15th of November 2023 to 31st December 2023. But the regular area-specific works like medical and psychiatric camps for torture victims, village level meetings and programme related to networks was in full swing. Several activities with different fraternal networks were also done with our active participation.

In the meantime, the founder members, friends, well-wishers of MASUM intervened with some suggestions, had formal and informal meetings with the executive committee as well the office staffs, to overcome the crisis, but all went in vain. The then President of MASUM called one meeting, therefrom a suggestion was formally raised by one founder member, where president agreed upon; that too was rejected by the ex-staffs. Later the then president of MASUM resigned from his post.

MASUM overcame this temporary and short spanned catastrophe with vigour and sheen and started its regular office work with a new set of office employees from the first day of the new year 2024. MASUM reiterates its commitments to organisational mandates and fulfils specific responsibilities to achieve set objectives.

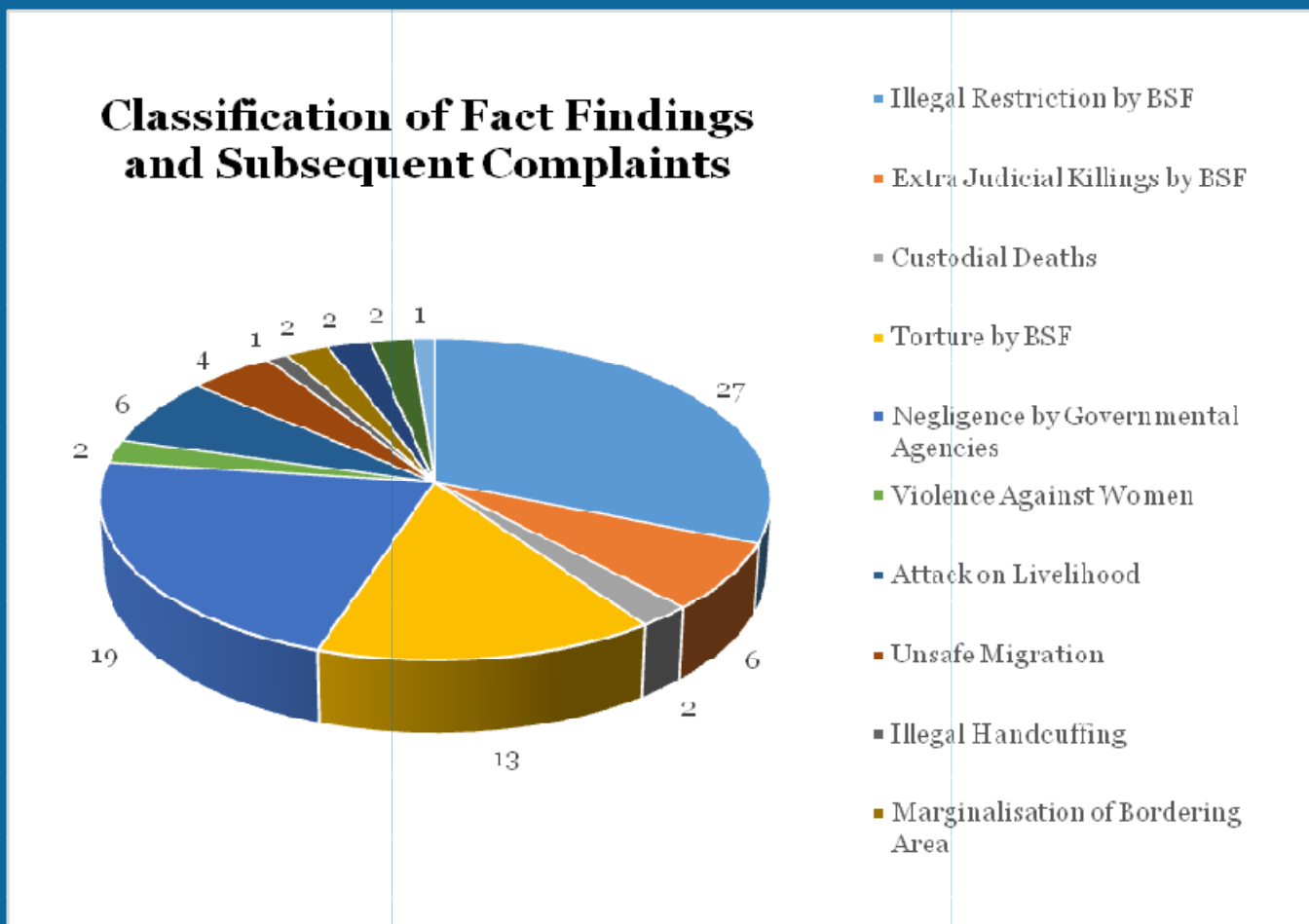
Communications by MASUM, 2023

- Complaints - 87
- Update - 9
- Protest Letter - 32
- Received Directions from NHRC - 118
- Replies - 6
- Statements 8



Classification of Fact Findings and Subsequent Complaints

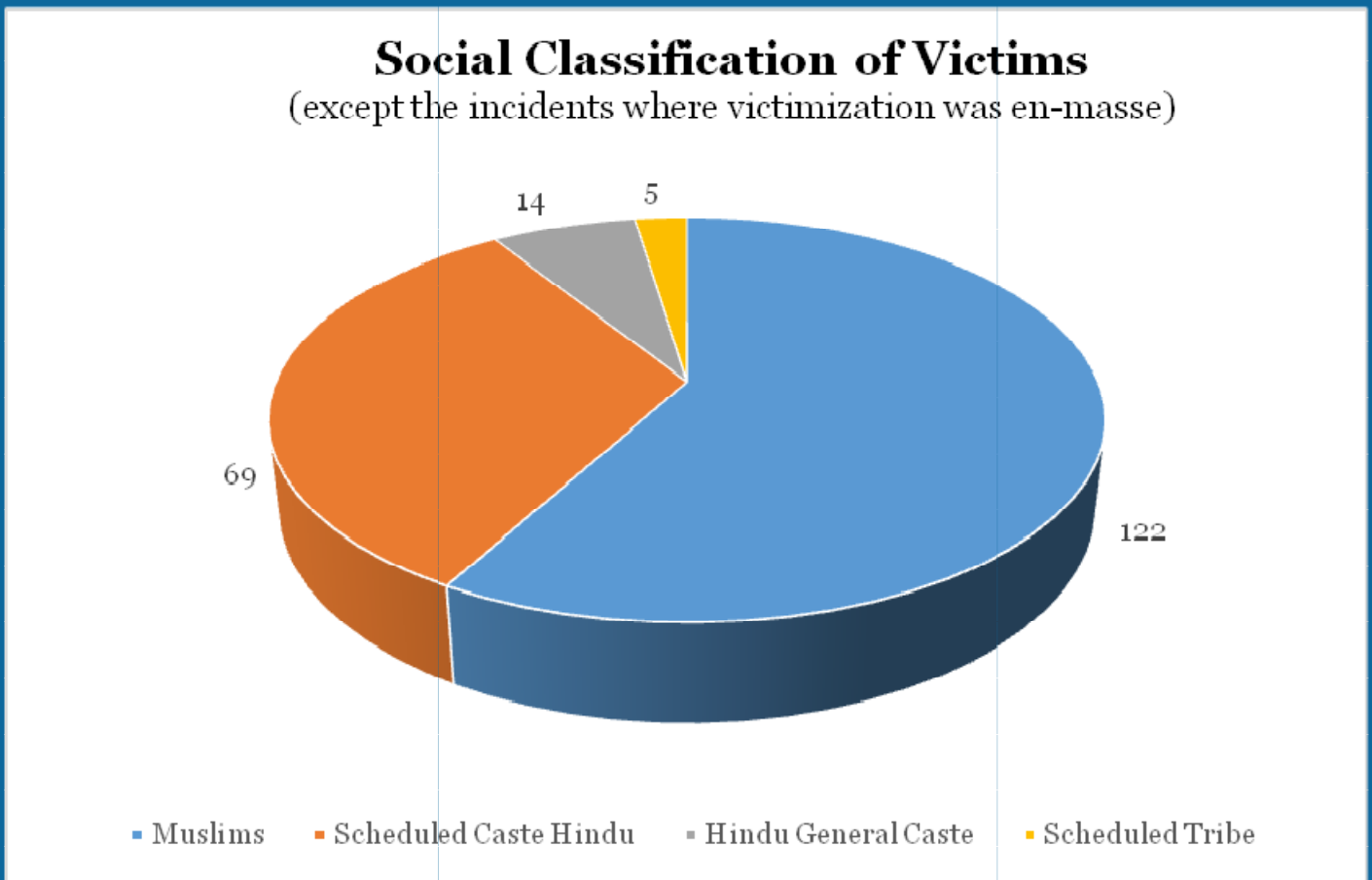
- Illegal Restriction by BSF - 27
- Extra Judicial Killings by BSF - 6
- Custodial Deaths - 2
- Torture by BSF - 13
- Negligence by Governmental Agencies - 19
- Violence Against Women - 2
- Attack on Livelihood - 6
- Unsafe Migration - 4
- Illegal Handcuffing - 1
- Marginalisation of Bordering Area - 2
- Trafficking - 2
- Attacks on HRD - 2
- Illegal Detention of Bangladeshi women and children (Jankhalas) – 1



Social Classification of Victims

(except the incidents where victimisation was en-masse)

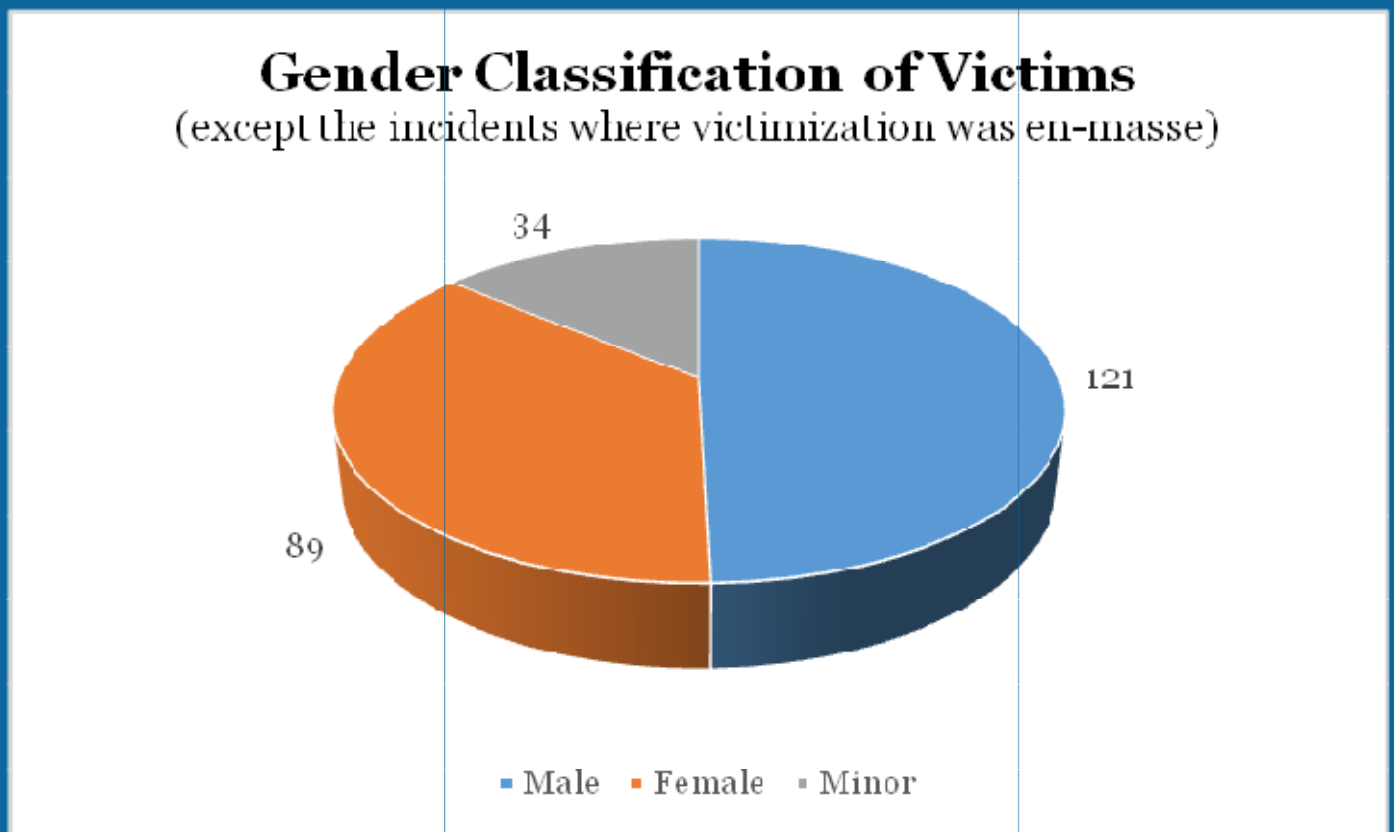
- Muslims - 122
- Scheduled Caste Hindu - 69
- Hindu General Caste - 14
- Scheduled Tribe – 5



Gendered Classification of Victims

(except the incidents where victimisation was en-masse)

- Male - 121
- Female - 89
- (* Minor - 34)



Our Activities

MASUM's annual planning meeting with office and field staff was conducted as a three-day residential meeting at Yuksom, Sikkim, January 28-30, 2023. Future course of action, tentative agenda and directives for 2023 were planned..

MASUM has been a long-standing member of Asian Alliance Against Torture (A3T), and attended its meeting at Jakarta, from 22nd to 25th January, 2023.

Central Fact Finding Mission: On 22nd January, 2023, two representatives from MASUM went on a central fact-finding mission to Maulapara village on the Indo-Bangladesh border, under the jurisdiction of Bhimpur PS, Nadia district. The fact-finding team noted the one specific complaint on death of a youth in police custody, complaints of the villagers, and noted one case of illegal restriction.

Press Conference on Land Boundary Agreement (LBA), 2015: On 31st July, 2023, 8th anniversary of the LBA, Mr. Kirit Ray, secretary, MASUM, alongwith 3 villagers from erstwhile Bangladeshi enclaves discussed the persistent issues with living conditions and restrictions to livelihood in a press conference organised at Coochbehar Press Club. 17 media personnel from different media houses were present.

Participation in the We20 Summit, New Delhi: Representatives from MASUM attended the We20 Summit, organised during August 18-20, 2023, in contrariety with the simultaneous G20 Summit in New Delhi. Eminent activists and social workers like Jairam Ramesh, Medha Patekar, Brinda Karat, Manoj Jha, Teesta Seetlavad and others attended the summit and discussions were held about the shrinking democratic space in India, illegal land encroachment, disproportional effect of the deteriorating environment on marginalised people, systematic impunity and other issues of pressing importance. The programme was cut short due to police intervention on the second day of the meet, and the remaining sessions were conducted online, August 29-31, 2023.

Press Conference: On 19th September, 2023, a press conference was held at Kolkata Press Club, protesting the hosting of APF conference in New Delhi, and general apathy of HRIs in India. Mr. Kirit Ray, secretary, MASUM, alongwith 6 survivors from villages in the Indo-Bangladesh, several other fraternal HR organizations' leader and eminent jurists Mr. Amlan from PUCL, Justice Ashoke Ganguly, former Judge, Supreme Court, and former Chair, WBHRC, Adv. Dibakar Banerjee from AILAJ were among speakers at the conference. Eminent social workers and activists like Mr. Binayak Sen and Mr. Amalbhushan Chowdhury were also present.

10th Asian Human Rights Defenders' Forum (AHRDF): Activists from over 30 Asian countries gathered for AHRDF, November 1-3, 2023. MASUM has been a long-time member of this forum.

Training Programme of MASUM volunteers: A training session was organised for the volunteers working with Udayani Social Action Forum, Ballygunge, on 22nd November. Mr. Kirit Ray, secretary, MASUM, conducted the session, and spoke on the history of human rights movements in India and duty of HRDs to support the victims.

Coochbehar

We re-organised the village-level committees in erstwhile enclaves in the border region and restarted our work there after about 3 years. Regular meetings were held at the village level every month, throughout our area of work, and 2 new village committees of *Pramila Bahini* (women's organisation) started functioning from March. Our work was affected for a short while around July, facing the post-Panchayat-poll violence, but we resumed work with full force thereafter. We held three district level meetings, in May, July, and October.

Volunteer Workshops:

- Mr. Azizul Haque, DHRM, organised a volunteers' training meeting in March, 2023.
- A workshop was conducted with the volunteers of the district at Bipasha Lodge on 1st July, 2023, by Arjun Mukhopadhyay (from *JanSahas*) about the issues of safe migration, and the rights of migrant workers.
- A workshop was conducted with the volunteers of the district at Bipasha Lodge on 7th October, 2023, by Mamina Khatun, about the rights of children and against the ills of child marriage.
- Mr. Kirity Roy, secretary, MASUM, organised a meeting with volunteers from erstwhile enclaves on 8th October, 2023.

Outreach Initiatives:

- Volunteers organised a mobile awareness campaign on the rights of migrant workers in Dhadhiyal-Siyalpara village of Tufanganj I block, Coochbehar, on 3rd August, 2023.
- Volunteers organised a street corner awareness campaign on the rights of migrant workers at Uttar Balabhut Bazar of Tufanganj I block, Coochbehar, on 13th August, 2023, and at Krishnapur Bazar of Tufanganj I block, Coochbehar, on 26th August, 2023.
- Volunteers organised a street corner awareness campaign against child marriage at Bottala Bazar, Dhadhiyal village, Tufanganj I block, Coochbehar, on 8th October, 2023.

Advocacy Initiatives:

- A deputation was submitted to the BDO, Haldibari, by the *Amra Simantabasi* committee of Hemkumari Gram Panchayat requesting to lift restrictions on the cultivation of jute and maize.
- A meeting was held with MLA Jagadish Chandra Barma Basunia of Sitai concerning the issues of BSF torture and restriction in his constituency on 16th January, 2023.
- A meeting was held with BDO, Tufanganj I, concerning the issues of BSF torture and restriction on 16th January, 2023.
- The *Amra Simantabasi* committee of Sukarukuthi village held a meeting with the company commander, BSF, Seoti BOP and raised the issue of restrictions on jute and maize cultivation in their own farmlands. Many similar meetings were held in multiple villages.
- A mass gathering of more than a thousand people was held in front of the DM office, Coochbehar on 27th April, 2023, to address the difficulties faced by people residing in the villages in the Indo-Bangladesh border, including restricted movement, illegal restriction on livelihood, blocked access to farmlands, and repeated illegal assaults by BSF personnel. A meeting was held thereafter with representatives including leaders of *Amra Simanatabasi* committees and Mr. Kirity Ray, secretary, MASUM, and the ADM (G), Coochbehar, where a deputation was submitted and the ADM (G) promised that actions will be taken by concerned SDOs and BDOs with respect to specific complaints of violations.
- A meeting was held with the DM, Coochbehar, about the whimsical trench-digging by BSF in Karola Village, Dinhata subdivision, on 26th July, 2023. A joint meeting was held with the

SDO, Dinahata, BL, LRO, Company commanders, battalions 90 and 129, BSF, DHRM Mr. Azizul Haque, and affected villagers on 8th July, 2023 to resolve the issue.

- A meeting was held with the Rationing Officer, Coochbehar on 9th October, 2023 where Mr. Kirty Ray, secretary, MASUM, brought up the deficiencies in the public distribution system, especially in rations not reaching the border areas.

North Dinajpur

One new committee of *Amra Simantabasi* started functioning from April in Fulbari village, Goalpokhor Block. 5 new village committees of *Pramila Bahini* (women's organisation) started functioning this year – 2 in February, 1 in March, and 2 in August. Three district level meetings were held in May, June, and in October.

Volunteer Workshops:

- Village level meetings were held about the rights of migrant labourers on 8th, 15th, and 16th January, 2023. A workshop was conducted on this matter on 22nd June, 2023 by Mr. Arjun Mukhopadhyay from *Jansahas* for the volunteers of the district at Chainagar Panchayat Hall.

Outreach Initiatives:

- Volunteers organised a mobile awareness campaign on the rights of migrant workers in Paharpur village of Hemtabad block, North Dinajpur, on 4th July, 2023.
- An awareness programme was conducted jointly with the office of the ADA, Raiganj, for the farmers in the block by Mr. Swajib Das, KPS, educating the farmers about the government welfare schemes available to them (*Krishan Credit Card, Krishak Bima*, etc.).

Advocacy Initiatives:

- Two meetings were held with the respective BDOs of Hemtabad and Raiganj Blocks, North Dinajpur about persistent issues with livelihood and human rights violations in the villages in the border area, on 14th June, 2023.
- Two meetings were held with the respective ADAs (Assistant Director, Agriculture) of Hemtabad and Raiganj Blocks, North Dinajpur about the economically repressive restrictions on the cultivation of jute and maize in the farmlands inside the border fence, and about the necessity to spread awareness among the farmers in the villages in the border area about the government welfare schemes available to them, on 16th June, 2023.

Due to several problems with the DHRM of North Dinajpur and monitoring office staff, we have to stop working in this district from mid-August, 2023.

North 24 Paraganas

Regular meetings were held at the village level every month, throughout our area of work. 3 new village committees of *Amra Simantabasi* started functioning this year – 2 in March, and 1 in October. MASUM's work in the entire district was organised during the months of March, April, and May. Besides that, 2 district level meetings were held in May and in October.

Volunteer Workshops:

- A workshop was conducted with the volunteers of the district at Gobardandga Bijnan Parishad on 12th July, 2023, by Biplab Das from Society for People's Awareness (SPAN), about the rights of children and against the ills of child labour.

Outreach Initiatives:

- Volunteers organised a poster campaign to raise awareness on the child rights and against child labour in 5 villages, in August, 2023.
- Volunteers organised a mobile awareness campaign to raise awareness on the child rights and against child labour in 9 villages, and a poster campaign in 10 villages in September, 2023.

Advocacy Initiatives:

- On 8th February, 2023, in protest against the illegal land grabbing of the BSF to construct barbed fence on the land of the farmers, the *Amra Simantabasi* committee at Bornoberia called for an agitation with the villagers of Bornoberia and Noradaha, Gaighata Block. As their earlier repeated requests to DM, BDO and SDO had remained unheard, they decided to block the main road of the villages in order to get the attention of the government officials. Nearly 400 people took part in the agitation. The BSF couldn't get the agitators to withdraw the road blockade. Finally, at the request of Mr. Atanu Chakrabarty, Sub-Inspector of Sutia Police Station, the agitation was called off with the promise that the issue will be discussed with the DM and other government officials soon.
- In June, 2023, villagers of Dakshin Bagundi village submitted a petition to the SDO, Basirhat I requesting government intervention and initiative to resolve the issues of
 - water logging during the monsoon season,
 - regular incidence of snake bite and venomous insect bites.
- The issue of arsenic in groundwater at the Jhaudanga village under Gaighata Block has been an issue for several months. The villagers verbally complained to the Panchayat with no avail. In June, 2023, they collectively complained to the concerned SDO, on the matter of arsenic contamination of groundwater, highlighting that the local ICDS center is affected due to the issue. In August, 2023, MASUM's volunteer from Jhaudanga submitted a petition to the concerned BDO and SDO requesting immediate government initiative towards a redressal of persistent arsenic contamination in the groundwater of the region.
- In August, 2023, the *Amra Simantabasi* committee of Pipli Village, Gaighata Block submitted a petition to BDO, Gaighata to address the non-issuance of old-age pension to 5 bona-fide villagers.

Medical camps:

With the help of United Nations Voluntary Fund for Victims of Torture (UNVFVT), MASUM organised:

- In Cooch Behar, 12 medical camps attended by general physician Dr. Saokat Ali, and 5 medical camps attended by psychiatrist Dr. Banhiman Sarkar were organised to treat survivors of torture and assault by BSF and police in the region. A total of 513 cases were treated.
- In North 24 Paraganas, 11 medical camps attended by general physician Dr. Anasuyak Roy, 4 medical camps attended by psychiatrist Dr. Nilanjan Basu, and 1 medical camp attended by psychiatrist Dr. Debsankar Mukhopadhyay were organised to treat survivors of torture and assault by BSF and police in the region. A total of 370 cases were treated.

After each medical camp, all prescribed medicines as well as the cost of the prescribed pathological tests would be provided to the beneficiaries. A meeting would also be organised with the survivors after the medical camp to discuss the status of their corresponding legal case.



Dr. Saokat Ali, in a medical camp in Dinahata, Coochbehar, treating patients.



Dr. Banhiman Sarkar, in a medical camp in Dinahata, Coochbehar, treating patients.



Dr. Anasuyak Roy, in a medical camp in North 24 Paraganas, treating patients.



Dr. Nilanjan Basu, in a medical camp in Dinahata, Coochbehar, treating patients.

Achievements

Since its inception, MASUM has been working against torture and extra-judicial executions in the Indo-Bangladesh border. We have noticed that there has been a statistically significant decrease in the number of cases of torture and extra-judicial killings in the area adjoining the Indo-Bangladesh border passing through North 24 Paraganas district. Although there still remains pervasive impunity and we have a long way to go – we can gladly note this as an achievement.

We have expanded our work significantly, both in area of activity and scope; especially, we have started work in the Basirhat Block, North 24 Paraganas, and in the Kaliaganj area, North Dinajpur. We have also restarted work in the erstwhile Bangladeshi enclaves after a long hiatus, re-organised the *Amra Chitmahalbasi* committees, and trained and appointed volunteers in the region.

Due to our consistent efforts and advocacy, farmers in some villages along the Indo-Bangladesh border in the districts of North 24 Paraganas and Nadia are now allowed to cultivate crops like jute and maize, which are taller than 3ft. These crops yield more economic return, and boost the livelihood and economy of the region very crucially.

In the case of extra judicial execution of Biswajit Mondal by the perpetrator BSF personnel in the district of Murshidabad, the concerned investigating police officer of Raninagar Police Station submitted investigation report before the Additional Chief Judicial Magistrate, Lalbag court vide Charge Sheet number 41/2023 where he brought charge against the perpetrator BSF personnel under section 302 (Murder) /34(Common intention) of the Indian Penal Code. The Investigation Officer also requested the court to issue a warrant against the named perpetrator BSF personnel in the charge sheet.

The construction work of the ICDS center at Boaldaha village, Bongaon Block, North 24 Paraganas began in 2003. After repeated advocacy initiatives and formal complaints from MASUM and its volunteers, the construction was finally completed, after 20 years, in February, 2023. The road in front of the center has also been paved, and a staircase has been constructed from the paved road to the center, to improve accessibility.

Multiple issues regarding villagers not having access to their own farmlands within the border fence at the Mahishagao BOP were finally resolved in February, 2023, after repeated complaints from MASUM in September, 2022 and February, 2023, through joint meetings between the respective company commanders, BSF, respective BDOs, Hemtabad and Raiganj, and the affected villagers. The timings of opening and closing of gates 1 and 2 in Hemtabad Block were finally regularised, and a tubewell near gates 3 in Raiganj Block was repaired. Construction of a toilet between gates 3 and 4 has also been promised.

MASUM submitted a deputation to the DM, North Dinajpur on 16th March, 2023 requesting urgent renovation of the ICDS center in Dakkhin Paharpur village. On 6th April, 2023, they repaired the water facility in the center and assured further renovation.

In Makarhat, North Dinajpur, MASUM submitted a complaint about irregularities in the ration distribution system to the BDO, SDO, and the district ration sub-controller on 4th April, 2023. A meeting was held on 17th April, 2023 with the food supply officer, the ration dealers of the region and representatives from the *Pramila Bahini* committees to resolve the matter.

Multiple marginalised villagers in Boaldaha village, North 24 Paraganas, finally had their SC certificates issued to them after multiple appeals and complaints with the help of MASUM, in May, 2023.

On 4th April, 2023, we were informed that two minor boys - Mehedi Hassan Sardar and Abdul Rakib Mondal, residents of Bakultala, South 24 Parganas, who were trafficked to Bangladesh, are detained at *Shishu Unnayan Kendra*, Jessore in Bangladesh. We brought this matter forth to the concerned government authorities of India and Bangladesh for smooth and swift repatriation of the said two minors. We also communicated with an organisation of Bangladesh named *Justice and Care*, who assisted in the repatriation procedures of the two minors. With the heartiest help of *Justice and Care* and *Shishu Unnayan Kendra* we were able to secure the repatriation of these two boys, and, on 25th May, 2023, in the presence of our District Human Rights Monitor of North 24 Parganas, Mr. Mohor Ali Mondal, the two boys were safely returned to their families. But on the said date these two minor boys were taken to the Child Welfare Committee, South 24 Parganas as the father of these two minor boys had lodged a missing complaint before the concerned Bakultala police station which was registered as Bakultala Police Station case number 89/2023 dated 20.03.2023 under section 363/365 of Indian Penal Code . After our intervention, on 9th June, 2023, Child Welfare Committee, South 24 Parganas closed the above stated case and handed over these two minor boys to their family.

On 25th February, 2015, Mr. Arup Tikadar was shot dead by two BSF personnel attached with 144 Battalion, Khalsi BOP. One complaint case was filed before the court of the Ld. Additional Chief Judicial Magistrate, Basirhat in this regard. The case is still pending before the court of the ACJM, Basirhat, North 24 Parganas vide GR case number 3256/2015. However, the respective court records of the case have been missing from the court record room since the past one and half years. Several put-up petitions were submitted before the court of the ACJM, Basirhat, for tracing out the case records but ultimately no fruitful result was gained. After our intervention to the Inspecting Judge of North 24 Parganas district regarding this matter, Mrs. Malati Tikadar, mother of the victim's wife lodged another written complaint to the Chief Judicial Magistrate, Barasat dated 12th April, 2023. On 16th May, 2023, Mrs. Tikadar, received one notice from the Court of the ACJM, Basirhat from where it is revealed that the respective file has been discovered in the Court GRO room and the Court called for her appearance on 20th May, 2023. On the said date, Mrs. Malati Tikadar appeared before the Court of the Additional Chief Judicial Magistrate, Basirhat and filed her written objection against the FRT submitted by the police after investigation of the case.

3 bonafide applicants from the Gobra village, Swarupnagar PS, North 24 Paraganas had been denied their SC certificate for two years since their first date of application in August 2021. On 6th June, 2023, MASUM lodged a complaint with the Chairperson, National Commission for Backward Classes, and the applicants were handed their SC certificates over on 8th June, 2023.

Master Sahamur Mondal from Parashpur, Murshidabad, was brutally and illegally beaten up by the BSF as a minor, on the road (on his way to buy shoes), on 20th June, 2020. His father went to submit a complaint at the Jalangi PS on 30th June, 2020, but no FIR was filed. MASUM filed a formal complaint with the NHRC on this matter on 10th August, 2020. In June, 2023, after three long years – NHRC has recommended that a compensation sum of 25,000 INR be paid to the survivor.

On 25th June, 2021, taking advantage of helplessness of the victim, attempt to rape Mrs. Malati Das (name changed) by Mr. Sujit Das, Sub Inspector of Deganga Police Station and investigating officer in connection with cases where the victim's husband was accused. On 15th March, 2022, MASUM

assisted the victim to file one complaint case before the Additional Chief Judicial Magistrate, Barasat against the perpetrator Mr. Sujit Das. The said case was filed vide CR case number 462/2022 under section 376/511/341/884/379/506/509/120B/325/326 and 34 of Indian Penal Code. Magistrate accepted the petition of the victim and started the complaint case. In the meantime, the defendant submitted a petition and raised an objection for section 376 and 506 of the Indian Penal Code. Magistrate heard the both parties and on 28th June, 2023, rejected the application of the defendant and ordered to keep both section 376 and 506 in connection with the above-stated case and directed to appear the accused person Mr. Sujit Das, Sub Inspector of Police, Deganga Police Station on 26th August, 2023. On 16th August, the accused person Mr. Sujit Das filed one petition before the High Court at Calcutta for staying the order of the Additional Chief Judicial Magistrate, Barasat vide CRR number 2980/2023 where Justice Tirthankar Ghosh stayed the appearance of the accused person before the court of the Additional Chief Judicial Magistrate, Barasat to 12th December, 2023.

On 15th July, three MASUM volunteers — Ms. Boisakhi Ghosh, Ms. Sabina Sekh and Ms. Mousumi Pal, courageously prevented an incident of child marriage at Daskhin Bagundi village, North 24 Parganas, with the help of government authorities and local police and rescued the minor girl from getting married before legal age.

On 18th July, 2022, at around 4.30 PM, BSF 'G' branch officer Mr. Jaffar Hossain Khan and 2 BSF constables approached Mr. Isarul Dafadar, when he was bringing back his bullock from his field, demanding a mobile phone from Mr. Isarul Dafadar. Israul Dafadar never uses any mobile phone, so he said that he doesn't have any mobile phone. On hearing this, BSF personnel got enraged and assaulted Mr. Israrul Dafadar grievously with bamboo sticks, detained him, beat him up further, leaving bruises and blood clots all over his body. After brutal torture, they released him. On the same day the victim lodged one written complaint to Swarupnagar Police Station and on 21st June, 2022, another written complaint was sent to the Superintendent of Police, Basirhat Police District. As the concerned police officials did not take any action over this incident, on 27th April, 2023, one complaint case was filed before the Additional Chief Judicial Magistrate, Basirhat Court under section 156 (3) of the Code of Criminal Procedure. In connection with the case SL number 27444/23 the court directed the concerned police to file one case and after proper investigation submitted a report of the concerned case. Following the direction of the Court, Swarupnagar police filed one case vide Swarupnagar Police Station case number 311/23 under section 341(Wrongful restraint) /323(Voluntarily causing hurt) / 325 (Voluntarily causing grievous hurt) and 34 (Common intention) of Indian Penal Code against the perpetrator BSF 'G' branch officer Mr. Jaffar Hossain Khan.

Surajit Barman, a minor boy from Sitalkuchi, Coochbehar had entered the Bangladeshi territory without valid passport, and was subsequently apprehended by the BGB personnel, Teesta Battalion-2, Gendukuri BOP, and kept locked up in Bangladeshi prisons. MASUM lodged a complaint on 27th May, 2023, and later filed another appeal after Surojit's sentence (as delivered by the concerned Court in Bangladesh); and Surojit was finally repatriated to India on 5th October by consistent efforts due to MASUM, and returned to his family.

The villages of Bornoberia, Naradaha, and Jhaudanga in Gaighata block, North 24 Paraganas are located near the Ichhamati River — the actual geographical border between India and Bangladesh. The border fence, however, used to run through these villages, more than 50 yards inland of the actual border, disrupting the regular life and livelihood of the villagers. Due to consistent movements and protests by the villagers, the border fence installation has now been moved to the Ichhamati River along the actual geographical border.

Due to consistent advocacy and movement, the BSF posting on the road from Jhaudanga to Pipli in North 24 Paraganas has also been moved to the actual Indo-Bangladesh border on the banks of the Ichhamati river.

The *Amra Simantabasi* committees of the Naodapara village, North 24 Paraganas, have been consistently advocating to pave the 2 Km stretch of road from Naodapara to Bangaon-Bagda Road, and multiple appeals and complaints have been submitted to the concerned authorities. Finally, in 2023, the stretch of road was paved.

In Swarupnagar Block, North 24 Parganas district, BSF had, for a long time, set up check posts inside the villages, disrupting the villagers' day-to-day life and causing restrictions in their livelihood. MASUM submitted numerous complaints to the union and state governments, through many years. During October-November, 2023, MASUM distributed several thousand leaflets on this issue, as well as, exposed it to the MP(union minister), Bangaon. In November, 2023, BSF finally moved away from the village to the international border, on the Sonai River. The Sonai River is being cleaned with machines. The BSF blockade inside the village has also been lifted, and restrictions have been suspended.

Ms. Jharna Khatun (Dhabak) is a 28 years old Muslim woman, working under a private nursing home at Bidhannagar, Kolkata. She entered into a marriage-like relationship (after a promise of marriage) with Mr. Aatur Rahaman Dhabak, working as a Home Guard under Bowbazar Police Station, Kolkata, and she got pregnant. Thereafter, Mr. Aatur Rahaman Dhabak refused to marry her, nonetheless, with the intervention of village elders, Ms. Jharna Khatun (Dhabak) and Aatur Rahaman Dhabak got married in accordance with the Mulsim Civil Code and Islamic rites, on 30th July, 2017. Ms. Jharna Khatun (Dhabak), within wedlock with her husband, gave birth to a girl child named Neha Dhabak at Basirhat District Hospital, on 24th October, 2017. But Mr. Aatur Rahaman Dhabak never took the responsibilities of his wife and the new born daughter. On 24th January, 2018, she went to Basirhat Municipality to get the birth certificate of her girl child with all her papers, but the concerned authority of Basirhat Municipality also refused to issue the birth certificate. MASUM helped her lodge complaints with all responsible authorities, and, later on, took the matter to court. The birth certificate was issued to Neha Dhabak on 15th February, 2018. On 20th November, 2023, the Basirhat Court ordered an issuance of the birth certificate of Neha Dhabak, as well as ordered Mr. Aatur Rahman to pay a lump sum money at the monthly rate of 3000 INR to Jharna Dhabak and 2000 INR to Neha Dhabak towards their subsistence from 2019.

Legal Activities

Kolkata High Court

In the beginning of 2023, 9 cases were pending in Kolkata High Court, out of which, 6 were Mandamus writ cases, and 3 were criminal revision cases. The details of the criminal revision cases are tabulated as follows:

Case number	Date of filing	Title of the case	Case brief
CRR 783/2020	28th February, 2020	Reba Bewa vs. State of West Bengal and others	Criminal Revision case challenging the order of ACJM, Lalbag Court, wherefrom perpetrator police was acquitted from charges of custodial death of victim (husband of petitioner)
CRR 2129/2021	5th October, 2021	Kirity Roy vs. State of West Bengal and others	Quashing the false criminal charges brought against human rights defenders.
CRR 1447/2022	26th October, 2022	Kirity Roy vs. State of West Bengal and others	Quashing the false criminal charges brought against human rights defenders.

The following writ petitions were listed for hearing during the year.

- **WPA 7829 (W) /2021 (Dipali Mondal vs. State of West Bengal and others)**

Petitioner's late husband was a victim of custodial torture and death in the custody of Domkol Police station. Case was listed for hearing in January, 2023, whereupon, the court heard only the expert opinion of one autopsy surgeon associated with the respondent police department and disposed the case. Petitioner was not allowed even the opportunity to submit independent expert opinion on the post-mortem and FSL report.

- **WPA 1971/2019 (Najrul Islam Dafadar vs. State of West Bengal and others)**

Case was listed for hearing before the single bench of Justice Rai Chattopadhyay on 7th July, 2023, and the court directed Superintendent of Police, Basirhat Police Department to file report for execution of warrant in connection with said case. On 28th July, 2023, respondent BSF authorities submitted an affidavit in opposition, noting that the BSF authorities

1. Had requisitioned the entire case records from the office of the Additional Chief Judicial Magistrate, Basirhat;
2. Conducted trial as per the provisions of BSF act, 1968;
3. The trial acquitted the accused.

On 3rd August, 2023, the High Court directed the Special Director General, Eastern command, BSF, and any officer deputed to this matter to be present before the court with the complete case record of the proceedings of the BSF court on the next date of hearing.

- **WPA 1970/2019 (Ranjit Das vs. State of West Bengal and others)**

Case was listed for hearing before the single bench of Justice Rai Chattopadhyay on 7th July, 2023, and the court directed Superintendent of Police, Basirhat Police Department to file report for execution of warrant in connection with said case. On 28th July, 2023, respondent BSF authorities submitted an affidavit in opposition, noting that the BSF authorities

- Respondent BSF authorities submitted before the court that after preliminary enquiry it appears that on the relevant date and time of occurrence, there was no

person deployed in 76 BSF Battalion, namely J.F.Baduria (Respondent no. 6) and Salil Kumar (Respondent no. 7).

- o State party also submitted that in spite of making several requisitions for furnishing details regarding deployment of personnel at the concerned point of time – the respondent BSF authorities have never cared to comply with the same, during investigation.

In this regard, the Court directed the respondent BSF authorities to submit the detailed deployment list of BSF 76 Battalion during the period from 1st December, 2015 to 31st March, 2016 on the date of next hearing.

New case Filing

The National Human Rights Commission has, over the years, transferred many cases of MASUM to the West Bengal Human Rights Commission, but till date no action has been taken by the concerned state human rights commission. A writ in the nature of Mandamus has been filed directing the West Bengal Human Rights Commission to take forthwith steps in accordance with law in respect of the complaints of MASUM where no action has been taken by the concerned state human rights commission.

Case number	Date of filing	Title of the case	Case brief
WPA (P) 520/2023	22nd September, 2023	Banglar Manabadhikar Suraksha Mancha vs. West Bengal Human Rights Commission & others.	Mandamus writ directing the West Bengal Human Rights Commission to take forthwith steps in accordance with law

The first hearing of this case was listed on 3rd November, 2023, before the double bench of Hon'ble Chief Justice of the Calcutta High Court and Justice Hiranmoy Bhattacharya. On the said date of hearing, the double bench of the Chief Justice of the High Court at Calcutta disposed of the case as the High Court cannot direct or pass any order against the Commission whose chairperson is a former judge of the High Court. It was, however, noted that in connection with the infrastructural requirement, the petitioner has liberty to place their proposition before the concerned department of the Government of West Bengal along with the State Human Rights Commission of West Bengal.

Sub-divisional Courts

Throughout 2023, MASUM supported many legal cases in sub-divisional courts in four districts, fighting against the perpetration of illegal torture, assault, custodial violence and extra-judicial killings by BSF and the police. MASUM has also supported victims against whom false cases have been lodged in local police stations. A tabulation of the cases MASUM has supported is given below, separated by district and month of hearings.

District	January		February		March	
	Prosecution	Defence	Prosecution	Defence	Prosecution	Defence
Murshidabad	4	13	6	15	5	13
North 24 Paraganas	4	6	4	6	5	3

District	April		May		June		July	
	Prosecution	Defence	Prosecution	Defence	Prosecution	Defence	Prosecution	Defence
Murshidabad	5	13	0	0	0	0	0	0
North 24 Paraganas	4	6	8	4	9	6	6	6
Coochbehar	0	0	1	0	0	0	0	0

District	August		September		October	
	Prosecution	Defence	Prosecution	Defence	Prosecution	Defence
North 24 Paraganas	7	5	8	5	2	0

Bail Applications

During 2023, MASUM filed 5 petitions in the respective courts requesting bail/ anticipatory bail for 7 defendants (out of whom, 3 are women, and 2 are minors) in false and concocted cases filed by the BSF, in the North 24 Paraganas District. In fact, all defendants are themselves survivors of BSF torture/ assault/ custodial torture by the BSF in the respective incidents. The courts accepted 4 of the bail petition applications, granting bail to 6 survivors (including both the minors, and two of the women survivors), and rejected one plea .

Filing application before SDLSC

On 1st June, 2023, villagers of Jayantipur jointly submitted one written application to the office of the Sub-Divisional Legal Services Committee (SDLSC), Bangaon regarding the problems of restriction upon the agricultural activities and continuous harassment inflicted by the BSF personnel upon the villagers and farmers of the said village. After lodging their written submission, on 14th June, 2023, BDO, Bangaon and SP, Bangaon Police District came to the village of Jayantipur and enquired about the whole incident. From the office of the SDLSC, Bangaon it was reported that they will conduct one meeting with villagers, BSF and state administration regarding the aforementioned matter after completion of the panchayat election in the State of West Bengal.

New Case filing

BSF personnel attached with Ghonapara BOP restricted the villagers and farmers to enter their agricultural field. In this regard, on 26th November, 2023, one case has been filed under sections 144 and 107 of the Code of Criminal Procedure before the Sub-Divisional Executive Magistrate, Tufanganj.

Activities under Right to Information (RTI)

After filing FCRA application on 21st September, 2023 till date no update of our application status was received from the FCRA department. On 25 March 2023, we submitted a fresh RTI application to the Central Public Information Officer (CPIO), FCRA for getting the information of our FCRA application status. As the CPIO, FCRA section did not provide the required information to us, on 08.05.2023 we submitted another application to the Appellate authority, FCRA section and requested him to provide the required information which we sought. On 29th May, 2023, the office of CPIO, FCRA section, Mr. Rama Kant Singh issued one letter from where it is revealed that the information which we sought is in the nature of grievance redressal instead of information as defined under section 2 (f) of the RTI Act, 2005 and therefore, the CPIO cannot furnish the information in this regard. On 12 June, 2023 an objection and appeal under Section 19 of the Right to Information Act 2005, against the information received from the CPIO in respect of our RTI dated 25.03.2023 was submitted where we pointed out that the information which we sought is not in the grievance redressal and it is purely for information purpose. As after submission of our objection against the decision of the CPIO, the Appellate authority did not send any response within stipulated time period of 30 days, on 31st July, 2023, an application was submitted before the Chief Information Commissioner under section 18 (1) (e) of the Right to information Act and expressing grievance regarding the rejection of our RTI application. On 26th August, 2023, Central information Commission replied that the Commission is not an appropriate forum for the seeking redressal of the grievance of the petitioner informant. Therefore, on 18th September, 2023, we submitted one written application to Shri Binod Kumar, Under Secretary, FCRA section, Ministry of Home Affairs, Government of India and requested him to inform the status of our FCRA application. But till date no reply was received from his end.

On 18th September, 2021, we submitted one RTI application to the State Publication Information Officer (SPIO), Office of the District Magistrate & Collector, Cooch Behar and sought the information concerning the erstwhile enclaves and its dwellers. SPIO in the office of the District Magistrate & Collector, Cooch Behar did not provide any information within the stipulated time frame. Therefore, on 3rd December, 2021, another application was filed before the RTI Appellate authority in the office of the District Magistrate & Collector, Cooch Behar under section 19 (1) of the Right to Information Act and requested him to provide the information on the issue of enclave dwellers. But the RTI Appellate authority in the office of the District Magistrate & Collector, Cooch Behar did not provide any information in this regard. Therefore, on 25th January, 2022, we submitted one written application to the State Information Commissioner of West Bengal and provided a detailed description of the above-stated incident. After about one and half year the State information Commissioner of West Bengal listed one hearing on the above stated matter dated 5th September, 2023. Mr. Kirity Roy presented in the hearing. After the hearing, the concerned State Information Commissioner directed to the concerned officials of the District Magistrate, Cooch Behar to submit the answer of RTI submitted by MASUM within 30 days from the hearing date.

Activities at a glance



Meeting with villagers of Uttar Balabhut, Tufanganj, Coochbehar



Village level meeting, at Jalalpur, Basirhat, in July



Meeting with villagers of Dakshin Jhaukuthi, Coochbehar



Training of volunteers of North 24 Parganas on migration and child rights



Meeting with the villagers of Krishnapur, Palpara, Tufanganj and the local MLA



Street corner meeting with villagers of Dhadhiyal, Tufanganj I block, Coochbehar.

Some survivors supported in 2023



Saiful Mondal, victim of BSF torture,
from Kashipur, Bagda, North 24 Parganas



Surajit Burman of Sitai, Coochbehar,
repatriated to India from Bangladeshi jail



Johirul Islam (Coochbehar)
survivor of BSF torture

MASUM's participation in national and international meetings



Representatives from MASUM with human rights defenders from South Asia



Kirity Roy, secretary, MASUM, in Executive Committee meeting of Forum Asia



Representatives of MASUM with human rights defenders from Asian countries



Binayak Sen, Justice Ashok Ganguly, in a rally with MASUM, September, 2023, Kolkata

Glimpses of MASUM's work in Media

[Report of MASUM's work in Maktoobmedia](#)

[Report of MASUM's statement in Counterview](#)

[MASUM's reporting in Counterview](#)

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[MASUM's joint statement in FORUM Asia](#)

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Reporting on the agitation of Amra Simantabasi, Palpara, before Tufanganj BDO