

MILES TO GO...



Monthly Report April- 2024

BANGLAR MANABADHIKAR
SURAKSHA MANCHA



www.masum.org.in

Banglar Manabdhikar Suraksha Mancha (MASUM) lodged eight complaints during the month of April 2024 on incidents of grave human rights violation before the human rights institutions; especially National Human Rights Commission, different state authorities and international human rights agencies. During this timespan two communication on update situation has been made to NHRC. We have received 5 directions from National Human Rights Commission during this month, where Commission closed the cases with directions to the authority whereas in one case the Commission referred the case to the Division Bench of NHRC. We made two communications with the NHRC and WBHRC respectively seeking the status of our complaints lying with these respective commissions.

Out of eight complaints, two is on extra judicial execution by BSF, three on overall marginalization of people living in India Bangladesh border, two on denial of rights at India Bangladesh border and one on arbitrary restriction by BSF.

In case of illegal restriction and marginalisation of India Bangladesh bordering area, the victimization was collective and we have calculated that the number of affected persons were nearly 7315, while in case of illegal restriction nearly 270 agrarian labourers were get affected. Complaints on Extra Judicial Killings and Denial of Rights, the number of victims were four, out of four individuals; two were male and two were female but all four were Muslims.

Achievement

Enforced disappearance case of Milan Mondal

Order passed in NHRC Case No:- 50/25/15/2024-PF, Dated:- 02.01.2024

"The complaint/intimation dated 02/01/2024, was placed before the Commission on 22/04/2024. Upon perusing the same, the Commission directed as follows:

The Commission had received a complaint from Shri Kirity Roy, Secretary, Banglar Manabdhikar Suraksha Mancha (MASUM) stating that one Milan Mondal was illegally apprehended, tortured by BSF personnel of BSF Battalion No. 112 at North 24 Parganas, West Bengal after which the victim is not traceable. The complainant had further stated that their fact finding team had reported that the BSF illegally apprehended, tortured the victim to death and the body of the deceased is not traceable till date. The mother of the disappeared victim in this incident, lodged complaints to the Swarupnagar PS, SP 24 Parganas (North) and Sub Divisional Officer of Basisrhat Sub Division, 24 Parganas (North) district but the authorities failed to trace out the victim. The complainant ha requested the Commission to intervene into the matter.

Pursuant to the direction of the Commission,d the Superintendent of Police, North 24 Parganas, submitted report dated 14.03.2024 wherein it was submitted that a case vide Swarupnagar PS Case No- 768/2023, dated-26.12.2023 U/S 302/201 IPC was registered on complaint of Nakila Mondal against unknown BSF persons of Bithari BOP, 112 B N BSF, regarding the disappearance of her son Milon Mondal. But BSF persons deny any occurrence of this incident. During investigation, IO visited PO and prepared rough sketch map along with its explanatory index meticulously and available witnesses including the complainant were examined and recorded.

Reliable sources were engaged to collect information about the missing person and the incident happened on the date of occurrence. Also, IO made efforts to find the missing person with the help of Duburi. IO also collected the technical data of the two contact numbers mentioned in the FIR from concerned authority and analyzed the same. Tower dump of the place of occurrence was collected. Apart from this IO widely circulated the missing information to nearby police Stations and also engaged multiple reliable sources to unearth the fact. IO had been to the PO and its surrounding area and nearby houses several times to collect & examine any eye witnesses but fruitful result could not be achieved. He also contacted with the BSF authority multiple times but no such information could be collected as yet. IO also served notice u/s - 91 Cr.P.C to the BSF authority to provide information regarding their duty register & other information for the date of incident and BSF authority yet to provide the same. Case is under investigation.

The Commission has considered the material placed on record. The complainant had alleged that BSF personnel illegally apprehended and tortured the victim after the victim was not traceable. The complainant sought intervention of the Commission for fair investigation and action taken against the guilty police and BSF personal. The action taken report submitted by SP, North 24 Parganas, revealed that a case u/s 302/201 IPC has been registered against unknown BSF personal and also efforts have been made to trace the victim but fruitful result could not be achieved. Case is under investigation.

Let matter be listed before **Division Bench-I** of the Commission for further proceeding.

Accordingly, case file has been forwarded to your section for further necessary action. "

Case Brief

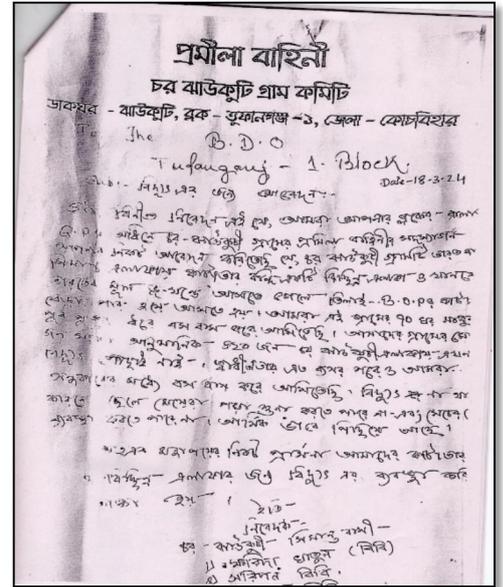
Marginalisation

Attracting the conscience not only attention towards a sordid saga of marginalization, absolute deprivation and myriad denial of citizenry rights to a set of people; 1395 by numbers, living at Char Shibnagar village under Malibari I Gram Panchayet of Raninagar II Block under Murshidabad district of West Bengal. The village is under Harudanga Post Office and Raninagar Police Station of mentioned district. This spate of marginalization and denial continues for a decade. The village is inhabited by oppressed community of Muslim minority and Scheduled Caste community. The residents lost their dwellings and agrarian lands in consecutive spates of river erosion. These resourceless and landless populace living under abject poverty and became agrarian labour due to consecutive erosions caused by River Padma. The employment guarantee programme and other governmental schemes for poor and marginalised are in abysmal state of affairs where deliverance is in its lowest ebb. The residents possessed all citizenry identities like, EPIC, AADHAR and Ration Cards. The government has only arranged subsidized ration for the residents with a fair price ration shop in the village. The physically able male members of the families forced to migrate all over the country as labour force to fend their children and dependents. The respective panchayet has subsequently failed to arrange 100 days employment for the villagers. As the area is without any irrigation facility thus agriculture is not a viable financial proposition. The whole gentry is living in dilapidated houses; however, by no civic opinion term these as house. All these dwellings are without toilet facility; though the governments of India and West Bengal has declared all the districts of West Bengal open defecation free. After so



much hullabaloo on 'Swatcha Bharat Aviyan' by the union government and 'Mission Nirmal Bangla' by the provincial government of West Bengal, these people are forced to open defecation while the mentioned governmental schemes were meant to minimize open defecation to zero. All these denials are due to consecutive river erosions which turned them to 'drifting families' and as they belong to minority and scheduled caste communities.

Attracting attention over the miserable situation of a village where the residents are facing governmental apathy and dejection. Char Jhaukuthi is a village under Balabhut Gram Panchayet of Tufangunj I block of Cooch Behar district. This village is totally isolated from mainland India and encircled by border fencing between India and Bangladesh. To visit mainland India from this village, the residents have to cross the Gadadhar River first, then the fencing at Tilai BOP of BSF, while BSF searches for every individual. There is no commutable road in the village, school is 3 kilometers away from the village, pupils have to cross the river to reach the school every day, the primary healthcare facility is 4 kilometers from the village. The situation further worsen as the village has no electricity connectivity, thus no irrigation facility. The agrarian people are dependent on rain water for agrarian activities. Their movement is totally dependent on BSF's whims. The village is inhabited by 70 families with 420 persons and all belong to the minority Muslim community. All these families owned their own land having land records but after 77 years of independence, civic amenities or governmental deliverances has not reached the village. The absence of electricity hampering their agriculture, education and foremost exposing them to various risks. The government of West Bengal has claimed that they provided electricity connectivity to all the households of the state. On 18.03.2024, a deputation of Pramila Bahini (platform of women of the border area) met the Block Development Officer of Toofangunj I Block and while requested him to accept the written memorandum, he asked the team to go to receiving section for the same but at receiving section, the staff refused to provide them the received copy of the memorandum.



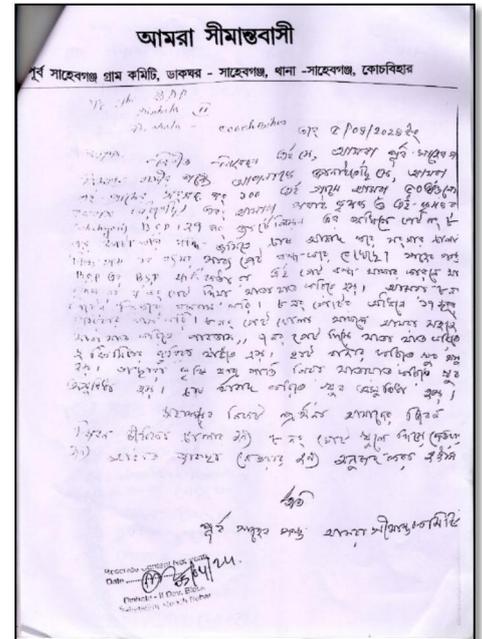
This complaint was over the dilapidated condition of less than two kilometres long road from Rijaul Mondal's home to Gautam Panti's home via Rasuntala under Gabindapur Mouza of Gabindapur Gram Panchayet under Swarupnagar Police Station of 24 Parganas (North). The village is inhabited by nearly 5500 persons. Border Security Force personnel of Gobindapur Border Outpost (MIHIR BOP) of 'D' Company of 112 BSF Battalion is stationed here. The village is situated one kilometre from the International Border Pillar and distance of the road from the IBP is approximately same. India Bangladesh Border Road (IBBR) and border fencing are stretched through the Gobindapur Mouza. Thousands of villagers of this mentioned mouza commuted through this rickety mud road with big potholes where waterlogging is very common phenomenon. This road is being used by the commuters to reach educational institutions, medical facilities, financial institutions and commercial units; affecting education, health and commerce. Due to poor condition of the road, the commuters have to cover a stretched distance of less than two kilometres to reach hospital, schools and market. The farmers of this area also face a great difficulty in transporting their produce to market and dwellings due to this poor condition of connecting road. The villagers on the aegis of 'Amra Simantabasi' a social platform of villagers living at India Bangladesh border, made a written submission to the District Magistrate of 24 Parganas (North) on 016.02.2024, the memorandum was



recommended by the member of Gobindapur Gram Panchayet. The memorandum was signed by 66 family heads.

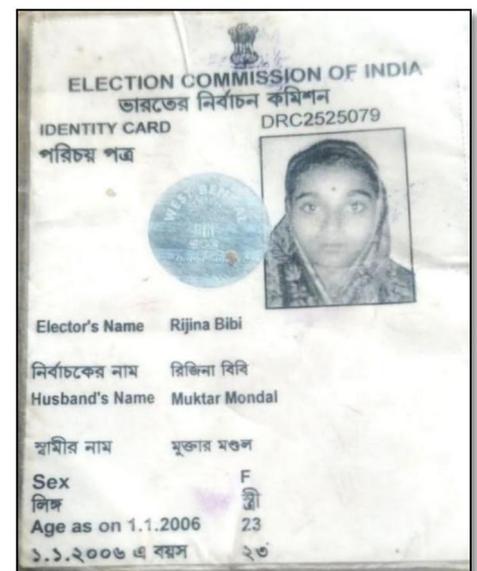
Restriction

The Border Security Force personnel attached with Sahebganj Border Outpost of 129 Battalion of Border Security Force involved in illegal act of restrictions and that has been led by the Company Commander of the mentioned BOP. The restriction is being perpetrated against the residents of village- Purba Sahebganj under Dinhati II Block, Police Station- Sahebganj of Cooch Behar district of West Bengal. Nearly 50 agrarian families populating 270 persons are being affected by this unjustified restriction by the BSF and on the pretext of curbing cross border smuggling. The amount of agrarian land affected by this illegal restriction is nearly 77 acres and, on an average, 35 lacs rupees of financial loss annually for the land owners. The restrictions are on normal movement, daily chores, agrarian activities and transporting the agrarian produce resulting in huge financial loss to the farmers. The mentioned village is inhabited by 40 percent of Muslims and 60 percent of Hindu Schedule Castes and OBCs and agriculture is the prime occupation. The residents of this village under Sansad No. 100 are surrounded by India Bangladesh border fence while their agricultural lands are situated at the other side of the border fence. The dwellings of this village are located at both sides of the gate number 8 of Sahebganj BOP of 129 BSF Battalion. Nearly 17 households owned their lands at adjacent area of the mentioned 8 number gate but the stationed BSF BOP has shut the said gate for last ten years, resulting all these agrarian families has to reach their own agricultural lands by covering about two kilometres extra to use gate number 7. This extra wending takes an hour's additional time. The affected families met in a deputation to the Block Development Officer; Dinhati II Block and submitted a written memorandum on 05.04.2024 but no recourse measures have been taken.



Denial of rights at India Bangladesh Border

Attracting attention over penurious situation of a young widow, who not only lost her husband at a young age but is living in destitution with her young and minor children, though applied for widow pension but till date declined. Rijina Bibi, wife of Late Mukhtar Mondal, aged about 38 years is living with two daughters and one son at village – Hajampara, Post Office & Gram Panchayet – Chhaighari, Police Station- Daultabad of Murshidabad district. Daughters are of 17 and 16 years of age while the son is 14 years old. Rijina Bibi, belongs to an oppressed caste group of religious minority Muslim community. She somehow sustains and feeds her children and herself by alms and supports from her neighbors and co- villagers. None from her family is engaged with any earning activity. One of her daughters; Sanjida Khatun; aged about 19 years was raped and killed few years back and the alleged offenders are influential and powerful persons of her locality. Due to constant pressures from the alleged offenders to withdraw the complaint case over the incident, she was forced to shift to Tetulia village under Murshidabad block. Rijina Bibi made several requests and applications for widow pension to the Proadhan of Gram Panchayet Chhaighari and Block Development Officer of Bahrapur Block but the people in power with vested interests, successively declined her applications to harass and mentally disturb her, though she



furnished all the required documents of death certificate of her husband, UID, EPIC and bank accounts details. On 08.02.2024, she made the last application to the Block Development Officer of Bahrapur Block for widow pension. She furnished all the required documents for this purpose but till date her widow pension has not been approved or granted.

Ms. Sabina Bibi, wife of Mr. Jahangir Mondal of village- Gobindapur, Post Office- Gobindapur, Police Station- Swarupnagar of 24 Parganas (North) district of West Bengal is a bonafide Indian citizen but not included in voter list. Her husband was attached to Indian Army and she delivered two of her daughters at Military Hospitals of Roorkee and Jalandhar Military bases. Her father is a resident under Gaighata Police Station and possesses all relevant documents including the EPIC, as well as her husband. Sabina Bibi possesses a PAN Card as well bank account to receive family pension from Indian Army. She also enlisted in food security programme and holds ration card. Sabina Bibi returned to her husband's native place after her husband retired from the Indian Military. She was unable to enroll herself in the voter list because while this process was undergone, she was at far off places with her husband. She made applications for 3 to 4 times under Form 6 to get enlisted in voter list after she came back to her husband's native place and with her applications, she furnished all the relevant documents. She approached the respective District Returning Officer; the District Magistrate, the Sub Divisional Returning Officer; the Sub Divisional Officer and the Block Development Officer with her appeal, but at all of these governmental departments, her plea was not heard.

The image shows a Form 6 from the Election Commission of India. The form is titled 'Application for Inclusion of Name in Electoral Roll for First time Voter OR on shifting from One Constituency to Another Constituency'. It contains fields for personal details, marital status, and residential information. The form is filled out with the following information: Name: SABINA BIBI, Surname: MONDAL, Father: JAHANGIR MONDAL, Mother: [blank], Husband: [blank], Date of Birth: 15/08/1978, Sex: Female, Religion: Hindu, Caste: [blank], and Address: Gobindapur, Swarupnagar, North 24 Parganas, West Bengal. The form also includes a section for 'Official Disabilities' and a declaration at the bottom.

Extra Judicial Killing by BSF

This was a complaint on systematic use of bullet to maim the citizenry by Border Security Force (BSF) personnel in 24 Parganas (North) In this incident, the involved BSF personnel chased the victim into the river and while drowning, restricted him to get off from the river to confirm his death. Posted BSF of that area created many hindrances in recovering the body but at last the body has been recovered by the local police. Afterward, the wife of the deceased was threatened and allured by the BSF higherups and local panchayet member and desisted her to make complaint to the police on killing of her husband. The victim could be apprehended and forwarded to court, but on duty BSF decided to kill him in cold water. The police of Swarupnagar PS also got information about the mode of killing and the spot of occurrence, but they did not register the case of murder. Kingpin of local trans-border smuggling, Mr. Hakim Gain and Mr. Iliyas Molla gave one sewing machine to the widow. Alamgir Molla was a landless youth having only a small room of tile roof and brick walls. He was living with his wife. He had a part time engagement in cross border smuggling as a mere courier. On the fateful day; 31.12.2023 at around 5:40 pm, he went at the bank of Sonai River with a bag carrying Phensydil (cough) syrup, he was trying to smuggle out the booty of cough syrup of that particular brand belonging to smuggling kingpins. Posted BSF personnel at point number 8 of Bithari BOP of BSF Battalion 112 saw him and chased him. To save his life, he jumped into the Sonai River, as there are no tidal movements in the mentioned river, so the water of this river was ice cold at that time and full of hyacinth. While collapsing, Alamgir tried to get off the river, the rifle totting BSF personnel posted at point number 8 and 9 restricted him, subsequently he sank in the river. On 01.01.2024, Ms. Rijia Khatun; the wife of Alamgir made a missing diary to Swarupnagar police station and subsequently the police came at the place of occurrence on the same day but failed to start the operation to rescue/ recover. BSF



restricted the police party to initiate the operation with an excuse that as the river is the boundary between India and Bangladesh; permission from Border Guard Bangladesh is essential for this operation. Later, the body was recovered on 02.01.2024 at around 12 noon. Attending doctor at Saraful Block Primary Hospital made death declaration and on the same day, post mortem examination was done at Basirhat District Hospital. Swarupnagar Police Station initiated an Unnatural Death Case vide Swarupnagar UD Case No. 01/24 dated 02.01.2024. On 02.01.2024 the burial was done at Daharkanda burial ground.

This complaint was on brutal killing of a Bangladeshi youth by Border Security Force personnel attached with 'Barthar' BOP of 'G' Company of 75 BSF Battalion. In last 5 years several incidents killing happened under this police station's jurisdiction and the cases will get award as "Not Guilty" as usual. This incident took place on 25.03.2024; incidentally the Independence Day of Bangladesh and that independence was achieved with active support from Indian State as well the people. It was reported that on the fateful day; 25.03.2024 at around 11:20 PM, a Bangladeshi youth named Liton Miya, aged about 19 years, son of Mr. Maksudul Miya and resident of Dighaltari Ward No. 4, Post Office – Shatibari and Police Station – Aditmari, District-Lalmonirhat of Bangladesh illegally entered to India with an intention to smuggle cattle to Bangladesh. While he was returning to Bangladesh, BSF personnel attached with Barthar BOP of 'G' Company of 75 BSF Battalion fired upon him from their pellet gun and then from their regular gun. It was reported that Mr. Gajendra Solanki; Sub Inspector and Constable Santosh of mentioned BSF unit did the firing. At the time of incident, the deceased was 75 meters inside of Indian territory or from border pillar number 923. The young Liton received pellets and bullet injuries on his chest and abdomen, though in BSF complaint to Sitai police station, they claimed that they fired 'bellow the belt'. It was learnt from the villagers that at the time of incident, Liton was with five Bangladeshis, they fled from the place when Liton received gunshot and fell down to earth. BSF personnel brought him to Sitai Block Primary Health Center, from there he was referred to Dinhat Sub Divisional Hospital and then to Cooch Behar MJN Medical College and Hospital. At MJN Hospital, surgery was done to his abdomen to remove the bullet but he succumbed to his injuries at around 3 PM on 26.3.2024. Kotwali Police Station of Cooch Behar initiated an unnatural death case. On 27.03.2024 at around 2 PM post mortem examination was done and the body was handed over to his family on 28.03.2004 through Kaiter Bari area under Sitai police station. One Mr. Madan Lal Rana; Company Commander of 'G' Company of 75 BSF Battalion, perpetrator and complainant, submitted a written complaint to the Sitai PS and his complaint was registered Sitai PS Case No. 71/24 dated 26.03.2024 under sections 143/ 341/ 186/ 188/ 189/ 332 /353/ 307/ 34 of Indian Penal Code and 14 (A)/ 14 (C) of the Foreigners Act. Apart from the 4 named Bangladeshis and 4 Indian nationals named as Milon Bhui Mali, son of Ruidas Bhui Mali; Saddam Miya, son of Malpoka; Mister Miya, son of Suban Miya and Jeevan Burman' son of Nepun Burman; all residents of village – Barthar, Post Office Chorkhana, Police Station- Sitai district – Cooch Behar were made accused. Our fact-finding mission further revealed that the co accused belonging to India of the mentioned case, are peace loving bonafide Indian citizen, have no involvement with cross border smuggling. Their only fault was that they are residing at the adjacent area of the place of occurrence. Intriguingly the incident took place at around 23:20 hours of 25.03.2024 but the record of Sitai police station is showing that the General Dairy Reference Entry Number 1017 has been made at 21:40 hours on 26.03.2024 and FIR registered on the same date.



IMPORTANT UPDATES

MASUM have received a communication signed by the Superintendent of Police; Jangipur Police District, West Bengal; vide Memo No. 07/NHRC/JPD/24 dated 23.04.2024, where he enclosed a list of documents and made their observations. MASUM made categoric remarks on his comments and listed documents; which are as follow; -

'This case pertains to a complaint received from the complainant alleging the brutal killing of a poor marginalized Muslim youth named Mr. Ziaur Rahman by the BSF personnel attached with 78 Battalion posted at Boira Border Out Post. The victim succumbed to the injuries because of alleged severe torture.

While considering the matter on 20.07.2023, the Commission reminded the Secretary, Ministry of Home Affairs, Govt. of India, Director General, Border Security Force, DGP, West Bengal, the District Magistrate and Superintendent of Police, Murshidabad, West Bengal to submit following reports to the Commission': -

- i) Complete Medical Treatment Record.
- ii) Inquest Report.
- iii) Post-mortem Report.
- iv) Final Cause of Death Report.
- v) Report of any other enquiry conducted in the incident.
- vi) Present status of FIR No 446/19 of Raghunathganj PS
- vii) Outcome of the departmental enquiry initiated by BSF in the incident.

MASUM received a communication signed by the Superintendent of Police; Jangipur Police District, West Bengal; vide Memo No. 07/NHRC/JPD/24 dated 23.04.2024, where he enclosed a list of documents and made their observations.

Categoric remarks on his comments and listed documents; which are as follow; -

Complete Medical Treatment Record – The SDPO; Jangipur through his communication to SP; Jangipur Police District through communication vide Memo No. 499/24/SDPO(J) dated 20.04.2024 informed him 'on examination of PS records as well as Ld. Court records no medical treatment records could be found. On 20.08.2024 IO submitted a prayer to BMOH Teghari BPHC, Jangipur for supplying the same but not received yet.

But MASUM is upset by the fact that police have not taken any action over this non- deliverance by respective BMOH, as this is an act of concealing of evidence, suppression of truth and protection of offenders. This shows that, these components of criminal justice system is in connivance to shield the offenders in uniform. Police intentionally did not take any step against those, who are in nexus for causing disappearance of evidence and giving false statement to screen offender, from government health offices.

Inquest Report – Though the police attached the inquest report of deceased vide Raghunathganj PS UD Case No. 138/2019 dated 17.08.2019. The inquest was done by an ASI rank police personal but from day one in my primary complaint, I have said as this was a case of death due to torture in custody, inquiry should be done by Judicial Magistrate as per Sec. 176 (1) A of Criminal Procedure Code.

The inquesting officer Mr. A. Hoque interestingly failed to narrate 1) cause of death, as he seems to be; 2) why no respectable person was shown as witness in a hospital premise? 3) why did he not notice the wound mark on the chest of the deceased? 4) why he did not not open the bandage at right elbow to narrate clearly about the nature of the wound? 5) the wound over forehead was also not mentioned by Mr. Hoque. All those lacunae of inquest done by Mr. Hoque, ASI of Raghunathganj PS is deliberate, to protect the offender.

Post-mortem Report – Post Mortem Report confirmed that the deceased received fatal injuries on major and important parts of his body before his death.

Dr. Subarna Kundu, the autopsy surgeon of Jangipur SD Hospital examined the body of deceased and found some ante mortem injuries; but he was not shown as witness in by the investigating officer(s) Mr. Tanmoy Bhakta and Mr. Gour Kishore Banerjee, both Sub-Inspectors of Raghunathganj police station.

Final Cause of Death Report – Through this communication, we came to know that the Superintendent of SD hospital; Jangipur showed his inability to furnish the final cause of death report as viscera report is still not reached from FSL, Kolkata. The communicating police official also attached their applications for the same. It was also learnt that the viscera were sent to the FSL, Kolkata on 02.10.2019 only. The report is pending for more than 4 years. This intended or unintended delay is part of the criminal justice system which not only disrupt the process of investigation but justice delivery to victims.

Report of any other enquiry conducted in the incident – The communication said that Staff Court of Inquiry of BSF has been initiated but BSF did not intimate the police about final conclusion of their inquiry. I am least interested by the inquiry of BSF Staff Court; where the accused, prosecutor, investigation officer, defence counsel and the judge, all are from same band without any external intervention. This is against the basic premise of justice delivery and can not deliver justice. Fairness of such a type of court is mockery, where witnesses are not called for, where justice is not delivered and everything done in secretive and cagy manner.

Present status of FIR No 446/19 of Raghunathganj PS – The communication informed us that after completion of investigation the concerned IO submitted Final Report as True vide Raghunathganj PS FRT No 757/2021 dated 28.12.2021 under section 304/34 IPC. The major flaw in the process of investigation and subsequent filing FRT is that the investigating officer has not recorded any statement of the accused; the BSF personnel.

Outcome of the departmental enquiry initiated by BSF in the incident – Repeat the position stated in the 'Report of any other enquiry conducted in the incident'.

In short, in connection with the case of killing of Mr. Ziaur Rahaman, we want to put our points hereunder: -

- That in the process of reinvestigation the concern I.O has failed to collect the statement of independent witnesses. The I.O. did not record any statement of the eye witness villagers, who took the seriously injured Ziaur Rahman to the hospital for immediate treatment.
- That no notice under 91 CrPC has been served by the I.O. during the course of investigation.
- That according to the post mortem report vide Post Mortem Report No. 239 dated 17.08.2019 prepared by Dr. Subarna Kundu, it is crystal clear that the deceased person had faced brutal assault, but the concern I.O. makes no effort to take his statement or make him as a witness.
- That the I.O. of this case did not seize any article from the place of occurrence.
- That without collecting the FSL Report the concern I.O. submitted the FRT
- That doctor or police did not record the dying statement of the deceased which is fully corroborated with the post mortem report.

- That according to the complainant the complainant namely Salauddin Sk. who is the brother of the deceased, while taking injured Ziaur Rahman to the hospital he tells him the whole incident how the inquest was done with faulty manner
- The investigation and re-investigation in this police case was done to shield the perpetrators in uniform.
- That under such facts and circumstances it is clear that the Police without making any meaningful investigation and upon the basis of table work submitted this F.R.T.
- The police administration, health administration are in connivance to shield the murderers in uniform, like other cases.

In this given context, we reiterate our demand when we made the initial complaint that the 'whole incident must be investigated by the investigation wing of NHRC or by Special Rapporteur (East) of NHRC'. As defacto complainant MASUM also want to request you to do away with investigation and flawed records, and demand justice for the deceased.

Update on Molestation and Physical Abuse of a Muslim Woman by BSF

Drawing attention over a complaint of MASUM, which was registered with the National Human Rights Commission vide NHRC Case number 1193/25/13/2020-WC, while the Commission has taken cognizance over the case on 01.09.2020. On 11.09.2020, the Commission was directed to transmit the complaint to the Joint Secretary, BM-1 Division, Ministry of Home Affairs, Delhi and the Superintendent of Police, Murshidabad, West Bengal and asked them to submit a report within 4 weeks. As the concerned authorities did not submit their requisite reports, on 08.02.2021 again the Commission issued one final reminder to the Joint Secretary, BM-1 Division, Ministry of Home Affairs, Delhi and the Superintendent of Police, Murshidabad, West Bengal to submit their reports within four weeks and failing which, the Commission may initiate a coercive process under section 13 of the Protection of Human Rights Act, 1993 against the concerned authorities.

Further, the Commission informed us that the Superintendent of Police Murshidabad, West Bengal vide communication dated 22.04.2022 submitted that a Case No. 90/22 dated 22.03.2022 u/s 323/354B/506 IPC PS Jalangi has been registered against two female and a male BSF persons of "A" Coy OP No. 1, Farajipara BSF Camp, 141 Battalion. IO has visited the place of occurrence of crime, recorded the statement of complainant and other witnesses' u/s 161 Cr.P.C. and submitted a requisition to Company Commander, "G" Coy, 141 Bn. BSF, BOP Farajipara under BOP Charbhadra, Murshidabad for details of BSF personnel involved in abuse of Joli (Poli) Bibi. The IO has been instructed to complete the investigation and submit a report u/s 173 Cr.P.C. at the earliest. Vide proceedings dated 27.06.2022 the Commission directed as under: "The Commission has considered the report which reveals that Case No. 90/22 dated 22.03.2022 u/s 323/354B/506 IPC PS Jalangi has been registered and the same is under investigation. Since criminal law has been set in motion, no further intervention of the Commission is required. However, the Superintendent of Police, Murshidabad, West Bengal is directed to investigate the case as per the procedures and principles established by law. The case is closed. Inform the complainant accordingly."

In this case, the woman victim, Ms. Joli Bibi (name changed) was molested and physically aggressed by some BSF officials attached with Farajipara BSF camp of Battalion number 141 of BSF on 16.05.2020 at about 7 am. On the same day, Ms. Joli Bibi (name changed) lodged a written complaint to the Jalangi Police Station and to the Block Development Officer of Jalangi Block under Murshidabad district of West Bengal. In the Jalangi Police Station the complaint was received by the on-duty officer and instead of treating the complaint as First Information Report, issued one scrap of paper where one General Diary number being 861 dated 16.05.2020 was written.

On 13.04.2021, we furnished an update information to the NHRC that on 15.02.2021 at about 1.30 pm BSF Company Commander of Jalangi BSF camp, Battalion number 141, Char Bhadra and BSF Camp in Charge of Faraji Para, Battalion 141 and seven other BSF jawans came to the house of Ms.

Joli Bibi (name changed) with their gipsy make van. Two BSF jawans called the victim Ms. Joli Bibi (name changed) to one nearby flood center. In this respect, I mentioned that BSF officials violated the provision of section 160 of the Code of Criminal Procedure which clearly mentions that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides. When the victim Ms. Joli Bibi (name changed) went to the flood center, the BSF officials asked the victim to settle the case in exchange of money. But the victim declined the proposal of BSF.

In recent times, these intimidation and threats by BSF personnel have been intensified. On 26.02.2023 at around 6 AM, three BSF personnel from Charbhadra BOP of Farazipara Camp of 141 Battalion of BSF came to the victim's house riding their Gypsy made vehicle. They continuously knocked the fence of her house and trespassed into her house then tried to forcibly lift her to their parked vehicle. While she resisted, the intruding BSF personnel tried to obtain her signature on a blank sheet of paper. She refused to budge by their pressure, then BSF personnel started warned her by saying that the BSF will implicate her in false non-bailable narcotic cases along with her husband; Mithun Mondal. The victim woman is facing intense harassment, humiliations and abusive behaviors of BSF whenever she visits the local market or neighborhood to collect items for daily use, even milks for her infant child. This continuous harassment and annoyance from BSF personnel devastated her life. She made a written complaint to you (the Superintendent of Police; Murshidabad) on 21.02.2024 over these incidents. She failed to make this complaint to the respective police station or authority due to fear and overall terror created by the posted BSF at that locality.

NHRC Communication

MASUM addresses issues of human rights violations and regularly makes complaints to the Commission. Sadly, we found that our complaints were not duly addressed at your end. The Commission somehow failed to adhere the basic tenets of Paris Principles. On the ground, this resulting to absence of justice for the victim. Torture victims are neglected by the state agencies and at your end victims are also neglected.

MASUM has filed 1155 numbers of cases from 2006 to 2022 on the incidents of human rights violation. We are providing you a list where there is no information furnished in your website. There are cases/ complaints which are being diarised at the Commission but not registered or adequately proceeded. We have no information on the ground by which the Commission has decided not to proceed on these complaints.

I.

<https://www.benarnews.org/bengali/news/border-04032024145004.html>

II.

<https://www.thedailystar.net/news/bangladesh/news/bangladesh-india-border-zero-death-pledge-rings-hollow-3562196>

III.

<https://www.thedailystar.net/opinion/interviews/news/border-killings-rooted-discrimination-against-the-marginalised-3579451>

IV.

<https://www.counterview.net/2024/03/indo-bangla-border-farmers-facing.html>

V.

<https://www.omct.org/en/resources/reports/extrajudicial-killing-at-the-india-bangladesh-border-urgent-call-for-justice-in-the-case-of-liton-miya>

VI.

<https://www.counterview.net/2024/04/alleged-killing-of->

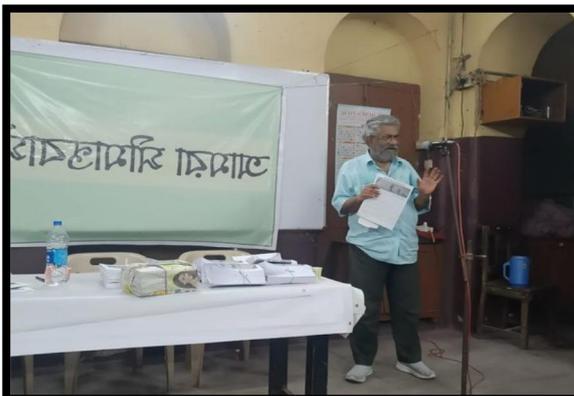


The screenshot shows a news article from 'The Daily Star' in Bengali. The title is 'Border killings rooted in discrimination against the marginalised'. The author is Naimul Alam Alvi. The article was updated on Mon Apr 1, 2024 at 07:00 AM. Below the article, there is a quote from Kirity Roy, secretary of Banglar Manabdhikar Suraksha Mancha (MASUM), discussing the underlying issues behind border killings at the Bangladesh-India border. The quote is: 'The BSF was formed in 1965 at the start of the Indo-Pak war. So, there is an innate narrative that "Pakistan is our enemy," which has turned into "Muslims are our enemy." This is projected towards Bangladesh as well.'

OUR ACTIVITIES

Banglar Manabdhikar Surakkha Mancha (MASUM) has called for a joint platform with various political and non-political organizations of Kolkata to demand the constitutional rights of people living at Indo Bangladesh border region in West Bengal. On 15 April 2024, the meeting was held at Tripura Hitasadhani Hall. Mohar Mandal from the border area of North 24 Parganas and Azimuddin Sarkar from the border area of Murshidabad were present in the said meeting to describe the situation of the residents living along the border due to torture of the Border Security Force personnel.

Dibakar Bhattacharya on behalf of AILAJ, Basudeb Bose on behalf of CPIML Liberation, Biplab Bhattacharya on behalf of Jana Andolan, and Basudeb Ghatak on behalf of Ebong Bisambad, Ranjit Sur on behalf of APDR and Uttam Gayen and Dipyaman from the Paschim Banga Khet Majoor Samity. After each speaker gave their opinion, Kirti Roy, secretary of Banglar Manabdhikar Suraksha Mancha, spoke. He presented a basic outline of how the platform associated with the name "Amra Shimandobasi" will work. He said, based on everyone's opinion, the final outline will be given soon.



On 18.04.2024 at Badu Collective of Paschim Banga Khet Majur Samity, a training session for their new volunteers has been organized, where Secretary of MASUM; constituent organization of 'Amra Simantabasi'; Mr. Kirity Roy imparted training on human rights to the participants. He discussed at length on Constitution, international humanitarian laws and violation of legalities by police and other band in uniform.



Leaflet on 'Situation at India Bangladesh Bordering Areas and Upcoming General Election' was distributed at various places of 24 Parganas (North) and Cooch Behar districts along with Srirampur. Leaflets were also handed over to political personalities, educationists and litterateurs.



MASUM efforted to repatriate and relocate a mentally deranged Indian youth from Bangladesh

MASUM came to know through a video clip, posted by Prof. Habib Zakaria Ullash of Rajshahi University that an Indian youth, Mr. Moyedul of Lalbagh area, who is apparently psychologically disarranged unintentionally crossed the India Bangladesh border and now located at the bank of river Padma in Rajshahi district of Bangladesh, he stayed with a local boatman namely Mr. Masum. His uttered words suggests that he experienced staying at Bangladesh prison. Mr. Partha Singha, a school teacher of Ranaghat request MASUM to take up the case. On a humanitarian ground, we contacted Human Rights activists, media persons and government officials of Bangladesh and India to facilitate his return to India and subsequently relocated in his own family. Our Bangladeshi friends from Youth Forum led by Mr. Korban Ali crossing the river Padma reached with this Indian youth at Uttar Char Majhardear under Raninagar police station of Murshidabad district on 29.04.2024 at around 1:00 PM. Activists from MASUM & Partha Singha and his colleague Mr. Mallik of Maryada Surakshya Andolan visited Raninagar police station at early morning and informed them about safe repatriation of Mr. Moyedul. From there the team visited at Kaharpara BOP of 73 BSF Battalion and discuss the issue with company commander Mr. Ajit Kumar Singh, Mr. Manvir Singh and with Mr. Pawan Ladiyal, 2 IC of 73 Battalion. After a prolonged discussion, the BSF officials told the team that they have no information from their counterpart BGB and their Headquarter, we moved towards Harudanga camp but while we were on our way, our Bangladeshi friends informed us that they reached near Harudanga BOP with the victim, few minutes later they informed us that they left the boy near Kaharpara BOP and some BSF personnel apprehend the boy and took him in to their custody. We came to the Kaharpara BOP and enquired about the whereabouts of the boy, the posted BSF personnel failed to share adequate information. After waiting for a long and without meeting the boy, we came back to the Raninagar police station and met the Inspector in charge, Mr. Sarkar. The team requested him to follow the procedures of arrest and medical examination with assessment of his mental stability. From there we visited the Godhanpara BPHC and met the Block Primary Medical Officer and request him to follow the guidelines of medical and mental assessment of an accused. Lastly, we convey my heartfelt gratitude to my Bangladeshi friends from Youth Forum and Odhikar for their humanitarian approach and wholehearted support.



Later, a case vide Raninagar PS Case No. 258/24 dated 29.04.2024 under section 12 of Passport Act has been initiated against Moyedul. Our lawyer Mr. Rana Mahanta appeared for him and prayed for him medical and psychological examination and filed bail application which was approved by the ACJM court and he was sent to jail custody which a direction to examine him by Murshidabad District Medical College and Hospital. We hope that Moyedul will be properly diagnosed, treated and released accordingly.

MEDICAL AND PSYCHOLOGICAL ASSISTANCE

In this month of April 2024, MASUM organised 4 medical camps at 24 Parganas (North) and Coochbehar district. In both the districts, 1 camp was for physical wellbeing and 1 for psychological treatment. The medical camps were organised on the aegis of United Nations Voluntary Fund for Victims of Torture and meant for victims of torture and family members of extra judicial execution and enforced disappearance victims.

At 24 Parganas (North) both the camps were held at Noor Medical Hall, Swarupnagar on 17th April and 29th April for physical wellbeing and psychological treatment respectively. Dr. Anusuyak Roy treated 23 patients for physical wellbeing while Dr. Debshankar Mukhopaddhaya provided psychological treatment to 10 persons.



For Cooch Behar district both physical and psychological treatment were provided on 26th April and 30th April at Dinhata by Dr. Shuakat Ali and Dr. Banhiman Sarkar respectively. 45 persons received treatment for physical wellbeing while 9 received psychological treatment.



After these medical camps at mentioned districts, MASUM's district activists sat with the victims and family members to discuss the pending legal cases and future course of actions. Expenses for medicines, travel and pathological tests were borne by the programme.



24 Parganas (North)

On 4th of April, a meeting of Barnaberia village committee was held to discuss the issues of fishermen of the locality. It was decided that a memorandum will be submitted to the Gram Panchayet Pradhan. Other issues related to arbitrary restriction by BSF was discussed.

Pramila Bahini (women collective) of Charuigachi village under Bongaon block was also held to



discuss non- implementation of governmental schemes and unresponsive approach of respective government departments. The meeting discussed restrictions by BSF on agrarian activities.

On 17th April, meeting of Gobra and Gobindapur village committees was held. Meeting was attended by Jahid Ali Sardar and Jamat Sardar; the panchayet members. Meeting discussed on successive incidents of torture by BSF personnel at the locality. Restriction on jute cultivation was also discussed. Later a similar meeting held at Naodapara under Bagda block.

On 26th April, meeting of Gobra village committee of Amra Simantabasi was held. Meeting discussed on BSF restriction in jute cultivation and fishing in Ichamati river. Nearly 35 villagers attended the meeting.



Cooch Behar

On 4th April 2024, Amra Simantabasi Committee of village Purba Sahebgunj under Dinhat II Block met and decided to submit a memorandum to the Block Development Officer over the closure of a border gate for last ten years.



Murshidabad

On 13th April 2024 a meeting with CBOs, NGOs and ICDS workers was held at Seminar Hall of BDO Bahrampur. Attacks and administrative harassment of opposition political persons, illegal arrests and physical torture were the topics of discussion.



LEGAL REPORT - APRIL, 2024 (Initiative Supported by UNVFVT)

High Court – Calcutta

Preparation has been taken to file a Writ Petition in The High Court at Calcutta; Constitutional Writ Jurisdiction Appellate Side under Article 226 of the Constitution of India. In the matter of Nokila Mondal alias Nakila Mondal, Wife of Late Arsad Mondal, residing at Village and Post Office – Taranipur, Police Station – Swarupnagar, District – North 24 Parganas, PIN – 743273; Petitioner Versus the State of West Bengal, the Border Security Force, the Criminal Investigation Department, the Officer-in-Charge, Swarupnagar Police Station, District – North 24 Parganas. The son of the petitioner; Milan Mondal was a victim of enforced disappearance.

24 Parganas (North)

- 4/4/2024 - Case No.-GR 5673/22, accused Sahida Bibi, date fix for appearance completed & fixed for charge on the next date
- 10/04/24- GR 2974/23, Taniya Bibi (Informant) Vs BSF- Next date for appearance & report
- 16/04/24 - Case No.- GR 2121/19, Alamgir Gazi VS Bapi Gayen, next date fixed for evidence
- 22/04/24 - Case No.- GR 5035/23, Nokila Mondal VS BSF, next date for appearance & report
- 29/04/24- Case No.- M. EX. 194/23, Jharna Dhabok VS Attaur Rahman Dhabok, payment done & next date for appearance & payment
- 30/04/24 - GR 4480/20, Monirul Mondal Vs BSF, next date for hearing as informant was not present.

Cooch Behar

- 18/04/2024 - Tufan Ganj ACJM Court - Case No: - G.R. 821/2011, accused name Faruk Abdulla, date fix, accused was present, next date fixed on 18/05/2024.
- 18/04/2024 - Dinjata ACJM Court, Case No - C.R. 700/2021, petitioner name Mamata Barman, Case nature – BSF Killing, date fix for Police Report, no report submitted by police, petitioner was present, next date fix for Police Report.
- 24/04/2024 Tufan Ganj ACJM Court, Case No: - G.R. 965/2014, accused name Badiya Sekh, date fix, accused was present, next date fix on 20/06/2024.

Murshidabad

- 08.04.2024 - 1st Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 3963/2014, State Vs Merina Bibi & Kajal Sekh Hazira is filed on behalf of the accused persons.
- 30.04.2024- Additional District Judge 2nd Court at Lalbagh, S.S. No- 25/2020, State Vs Jahangir Alam SK. @ Nato, Hazira is filed on behalf of the accused person.
- 20.04.2024- Judicial Magistrate at Lalbagh ACJM Court, C.R. No- 69/2018, Babar Ali Vs BSF commander and personnel.
- 07.04.2024 – Additional Judicial Magistrate at Lalbagh ACJM Court, C.R. No- 29/2021, Firoza Bibi Vs O/C Islampur P.S. & Police personnel, Hazira is filed on behalf of the above complainant.
- 08.04.2024 - 1st Judicial Magistrate at Lalbagh, G.R. No- 1227/2014, State Vs Abdus Suham Sk. & 4 others, Hazira is filed on behalf of the accused persons.
- 08.04.,2024, 1st Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 1533/2014, State Vs Palash Mondal, Hazira is filed on behalf of the accused person.
- 08.04.2024, 1st Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 2755/2013, State Vs Palash Mondal, Hazira is filed on behalf of the accused persons.
- 29.04.2024, ACJM Court at lalbagh Raninagar PS Case No. 258/24, State Vs Moyedul bail peition has been filed and the accused person is released on bail.