

Monthly Report

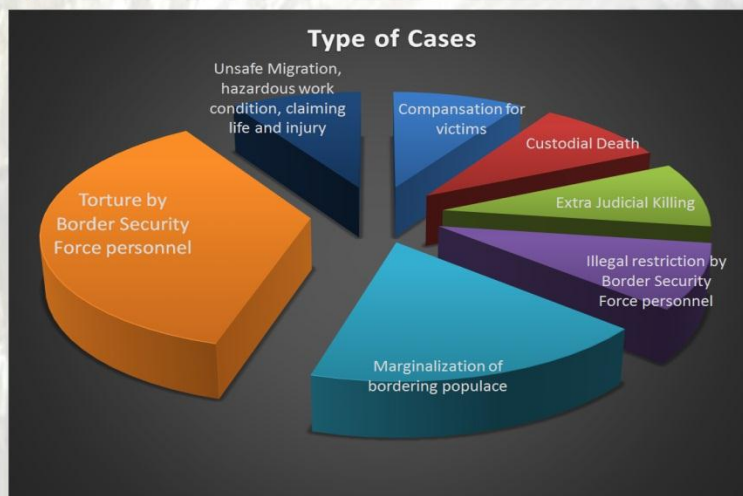
August 2020



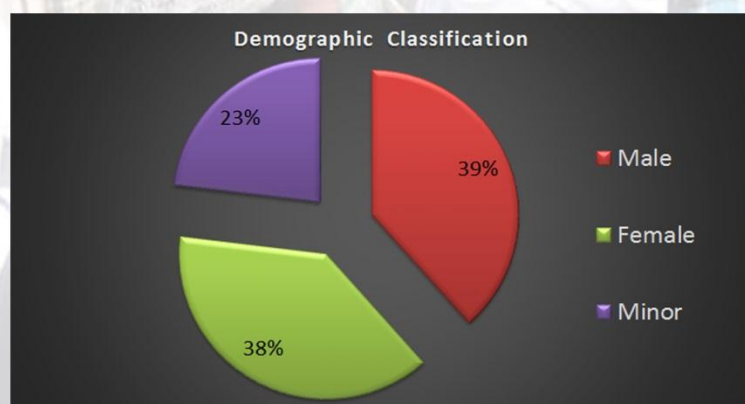
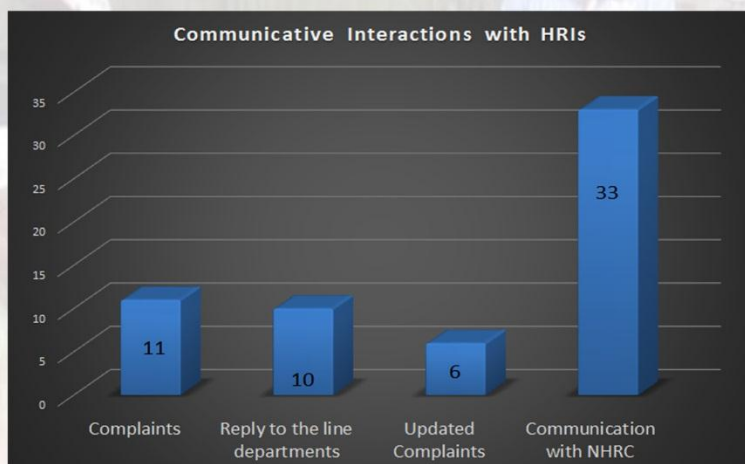
Miles to go...



**Banglar Manabadhikar
Suraksha Mancha**



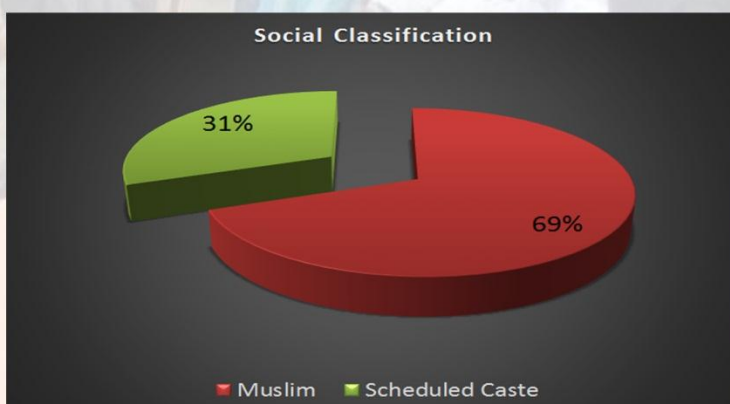
Out of the eleven complaints, four are on Torture by BSF personnel, two on marginalization of bordering populace and one each on custodial death, extra-judicial killing, illegal restriction by Border Security Force personnel, compensation for victims and Unsafe Migration, hazardous work condition, claiming life and injury.



Banglar Manabadhikar Suraksha Mancha (MASUM) made 11 complaints of gross human rights violation before the relevant state authorities and different human rights institutions; especially the National Human Rights Commission during the month of August 2020. During this period we made updated complaints regarding 6 cases formerly lodged. The type of updated complaints made this month are listed in the chart below. During this month, MASUM received directions from the NHRC in 33 cases and provided feedback on the directions issued by the NHRC in 10 cases.



In the complaint regarding Illegal restriction by BSF personnel and marginalisation of bordering populace, the victimization was collective and does not reflect in demographic and social classification of victims. Total numbers of victims in individual complaints were 26; among them 18 belong from the minority Muslim community and 8 from Hindu Scheduled Caste community. Among the victims 10 were males, 10 females and 6 minor.



Achievement:

- On the basis of MASUM's complaint, 80-year old Ms. Rahila Gazi and the family members of Mr. Sahahjahan Sardar from Gobindapur village of North 24 Parganas district, who were deprived of their ration cards despite appealing for long, got ration for this month. Both of them were given 10 kilograms of rice and 2 kilograms of lentils for this month as well as food coupons for next month. The Food Inspector of Swarupnagar block, who visited their houses also promised them to provide ration cards soon.
- After our constant efforts, the 25 Bangladeshi nationals arrested by Dhubri police of Assam with charges under the 14(B) of the Foreigners Amendment Act 2004, were given release orders on 29th August by the Dhubri court. On 18th May, 26 Bangladeshi persons were arrested by Chapor police station in Assam. On 1st July, one of them named Bokul Mia died in Dhubri jail custody. MASUM was constantly vigilant on the case and appealed to various relevant authorities and quasi-legal bodies for their immediate release.

Marginalised Muslim youth openly shot dead by BSF, perpetrators enjoy impunity

MASUM condemns the incident of firing and killing a young marginalized Muslim boy, Sahinur Haque from Madhya Balabhut village under Tufanganj police station area of Coochbehar district in West Bengal. On 09.08.2020 at about 7 pm Mr. Sahinur Haque and his two brothers Mr. Khaibar Ali and Mr. Mijanur Haque were sitting in front of their house, which is around 3 kilometers away from the border and playing mobile games by affixing headphone on their ears. At that time some BSF personnel attached with Uttar Balabhut Border Out Post, 62 Battalion, 'F' Company fired one round from a distance, which wounded the upper portion of Sahinur's right hand. Within a few minutes, 6/7 BSF personnel rushed towards them and caught Sahinur, who was seriously wounded with pellet injury. However, the BSF personnel started to beat him mercilessly, while the other two brothers Mijanur and Kaibar Ali begged for their brother's release. Right then, Mr. Ballam Ram, Company Commander of Uttar Balabhut Border Out Post came to the spot. Mr. Ram then pinned him down with a knee to his neck and fired two rounds bullet from point blank range on Sahinur's chest from a small type pistol. Alarmed by the sound of firing, villagers and neighbors gathered around the spot, as a result of which the BSF personnel left. Some villagers tried to stop them but BSF personnel shot tear gas cell and fled from the spot. The Tufanganj police station was informed and Officer in Charge of Tufanganj Police Station along with other police personnel came to the spot at about 9 pm. About 40-50 BSF personnel also came to the house of the victim to collect the body of Sahinur.



But the locals restricted them, suspecting that BSF along with local police, might disappear the body of the victim to hide the crime of the perpetrators. At about 11 pm Joint Block Development Officer of Tufanganj and Sub Divisional Police Officer of Tufanganj came to the house of the victim but the local people did not agree to take the body of the victim that night. Later the BSF along with police washed away the bloodstains with water from the place of occurrence. On the next day at about 10 am Tufanganj Police came to the house of the victim and took the body of Sahinur to Tufanganj Hospital. An Unnatural Death case was started by Tufanganj Police bearing Tufanganj PS U/D case number 85/2020 dated 10.08.2020. At about 1 pm the body of the victim was taken to Tufanganj Police Station and at about 2 pm the body of the deceased was taken to the Cooch Behar Morgue. Post mortem examination of the body was done by Dr. Soukat Saha bearing Post Mortem Examination number 736/2020 dated 10.08.2020. On 10.08.2020 Mr. Kasem Sk, uncle of Sahinur Haque submitted one written complaint to the Officer in Charge of Tufanganj Police Station. Despite knowing the fact that one cognizable offence had been committed by BSF official, Tufanganj police did not register the written complaint of the victim as First Information Report; rather a general diary was registered. Under the circumstances, several questions are being left unanswered, such as, who declared Sahinur dead and when?; Who did the inquest on Sahinur's body? Was sections 174, 176 and 176(1)A of CrPC followed during the inquest? And why did BSF shoot at someone who was 3 kilometers away from the border?

The incident is another proof of the immoral nexus between police and the BSF, concealing crimes of each other. Even after such incidents of openly killing innocent civilians, the perpetrators are not being punished and are enjoying impunity. MASUM has lodged a complaint to the National Human Rights Commission on the incident and released a statement on the same. We are standing by the victim's family and will keep an eye on the progression of the investigation.


Watch video [here](#)

Observance of the International Day of the Victims of Enforced Disappearance


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

INTERNATIONAL DAY
OF THE
**VICTIMS OF
ENFORCED
DISAPPEARANCES**


Talk session with human rights activists and testimonies by the family members of disappeared victims
on MASUM's Facebook Page
at 5:00 pm, 30th August, 2020




Mr. Basil Fernando
AHRC, Hong Kong



Dr. Siddhartha Gupta
Activist and researcher



Mr. Kunal Dutta
Son of Saroj Dutta



Ms. Suchitra Mondal
Widow of enforced disappearance victim

STOP

**ENFORCED
DISAPPEARANCES**

Watch the talk session - [here](#)

Living the pandemic in prisons

On 21 March 2020, as India prepared to go under a nationwide lockdown due to the coronavirus pandemic, clashes broke out in the Dum Dum Central Jail in West Bengal. The prisoners attacked jail officials with bricks, ransacked furniture and set fire in some places. The prisoners were demanding their right to meet their family members and lawyers. They were also protesting against the abrupt suspension of their hearings for bail as the courts shut down in the wake of the pandemic. In addition, they demanded masks and sanitizers to protect themselves against the virus. Tear gas shells were fired by the police to control the situation. Nonetheless, the event resulted in multiple casualties.

According to the National Legal Services Authority, 42,000 undertrials and 18,000 convicts had been released from Indian prisons on either bail or parole, by the end of May. However, in most Indian states, prisons still house more prisoners than the sanctioned capacity. New inmates are also admitted in prisons on a regular basis, making it impossible to practice measures such as social distancing and maintenance of hygiene.

According to Commonwealth Human Rights Initiative, a NGO that works extensively for prison reforms, 805 jail staff and prison inmates had tested positive for coronavirus by 30 June 2020.



Image Source: The Times of India

After taking suo moto cognizance of the conditions of prisoners in March, the Supreme Court has washed its hands off any further responsibility even as disturbing information regarding conditions of prisons continues to come to light. On 3 June, the apex court refused to entertain a plea to decongest prisons, asking the petitioner to approach the High Courts instead. The Court also emphasized that it had not made it compulsory for states to release prisoners through its previous order. The Central Government released detailed guidelines to be followed for the safety of prisoners during the pandemic

as late as 2 May 2020, more than a month after the nationwide lockdown was imposed. Even in these guidelines, the government did not address issues such as communication of prisoners with their families and lawyers and the release of prisoners on bail/parole.

Due to the close proximity of inmates, their poor health (both physical and mental), and non-hygienic conditions in prisons, prisoners are highly susceptible to the coronavirus. In spite of this, the Centre has continued to put human rights defenders, academics and anti-CAA activists in prisons during the lockdown. Varavara Rao, a human rights defender arrested in the Elgar Parishad case has tested positive for the coronavirus. Mahesh Raut, another co-accused in the Elgar Parishad case, was denied a test to detect Covid-19 by the jail authorities even though he had come into contact with Varavara Rao and was suffering from fever and diarrhea—both symptoms of Covid-19. Subsequently, Raut was forced to move the Bombay High Court with a petition seeking a Covid-19 test.

Most people accused in the Elgar Parishad case are old and suffer from other illnesses, making them more vulnerable to the coronavirus. Recently, news regarding the deteriorating health of human rights activist Sudha Bharadwaj has been reported. In spite of flailing health of political prisoners and demand from citizens to release them, the National Investigating Agency and the Supreme Court of India have consistently denied them bail. Gautam Navlakha, who was arrested under the case in April 2020 while the country remained in lockdown, conveyed the abysmal conditions in the temporary prison facility where he has been detained to his partner. Building temporary jail facilities is a measure taken by the Maharashtra government to decongest prisons during the pandemic.

However, testimonies from prisoners such as Navlakha reveal that measures taken by the government have failed to come to fruition and in fact put prisoners under greater risk of contracting the virus.

According to the guidelines laid down by the Supreme Court of India in D.K. Basu vs State of West Bengal, prisoners have the right to be medically examined by a trained doctor every 48 hours during his/her detention. Similar guidelines were issued by apex court; but neither state machineries nor the judiciary are ever following those dictums. The conditions in prisons during the coronavirus pandemic reveal that the State is not only putting prisoners at greater risk of contracting Covid-19 but also denying essential medical services to those who are suffering from other ailments. Due to the pandemic, prisoners across the country have been denied crucial rights such as meeting family members, talking to lawyers, bail hearings and visits from NGOs and other agencies working for their welfare. Under these circumstances, the State must take immediate action to protect the lives of prisoners including those of human rights defenders accused in the Elgar Parishad case.

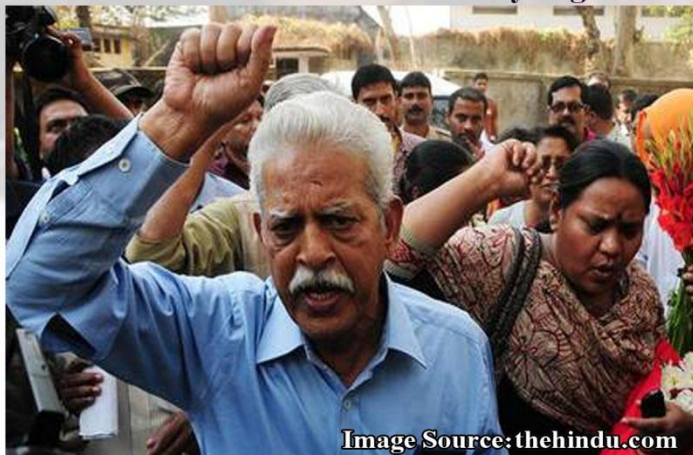


Image Source: thehindu.com

Case briefs: August, 2020

• **Torture by Border Security Force personnel:** On 28.02.2020, some personnel of the BSF broke into the house of Nirmal and Kalpana Roy, residents of Cooch Behar, and inflicted brutal torture on them. They also physically assaulted their three children who are both minors. The torture was completely arbitrary in nature. The police refused to lodge a FIR against the perpetrators. In Murshidabad, torture was inflicted on Ohab Mondal and Tahajan Bibi in a similar manner by the BSF. They broke into their house, beat them severely and threatened to kill them. As a result, Tahajan Bibi suffered a fracture in her waist but the doctor refused to mention the nature and cause of injury in his prescription. In North 24 Parganas, torture was inflicted by the BSF with an intent to discriminate against a Muslim man. They verbally and physically abused him, saying that he would be thrown out of the country if NRC was implemented in West Bengal. Moreover, they put restrictions on his livelihood and arbitrarily seized his buffaloes.



Watch videos of [Kalpana Roy](#), [Saddam Fakir](#), [Hassan Ali](#)

• **Marginalization of Bordering populace:** Rahila Gazi, an 80-year old poor widow residing in North 24 Parganas has not received her widow pension since 2017. She is an old woman with a chronic illness and has no means of income besides her pension. She also does not have access to government ration. She has repeatedly urged the BDO of Swarupnagar to look into the matter but despite her efforts, she has not received her pension till date. In another instance, some residents of Gobra village in North 24 Parganas have not received ration cards even after repeatedly pleading with the administration. During the lockdown, they have not had access to any relief provided by the State of West Bengal as they are not registered under the Public Distribution System. This has pushed them towards starvation and extreme poverty.



Watch the video of [Bhim Mondal](#)

• **Custodial death:** On 20.12.2019, Bhim Mondal was arrested by the police officials of Bangaon Police Station on the accusation of committing murder. He was tortured brutally by the police while in their custody. He was severely beaten and chilli powder was shoved in his anus. Subsequently he was transferred to Dum Dum Correctional Home where he succumbed to death on 28.01.2020. In spite of this, his family was not informed. Allegedly the inquest on his body was not performed by Judicial Magistrate, in complete violation of the Criminal Procedure Code.

• **Extrajudicial Execution by BSF :** On 09.08.2020, Sahinur Haque, a resident of Cooch Behar was murdered by the BSF personnel in the presence of his brothers. He was initially shot in the hand with a pellet gun and was then shot in the chest by the Company Commander of Uttar Balabhat BOP, 62 Battalion, F company. In spite of eye witness accounts, the police refused to register a FIR against the BSF.

• **Illegal restriction by Border Security Force personnel:** Sukarukuti village in Cooch Behar is a Muslim majority village. The Seuti BSF BOP personnel, 192 Battalion have put severe restrictions on their livelihood. During the lockdown due to Covid-19, they have closed the gates through which the villagers accessed their cultivable lands. As a result, their crops are being destroyed due to lack of care. Moreover, cows and goats from Bangladesh are destroying their crops gates. The BSF personnel did not pay heed to the BDO of Dinhata-II when he requested them to open the gates. The villagers have also sent multiple complaints to the Superintendent of Police of Cooch Behar but no action has been action till now.



• **Detention of Bangladeshi Nationals:** The Police and BSF personnel continue to detain poor women and children from Bangladesh under the Foreigners Act, against the advisory issued by the Government of India which requires them to be repatriated. These Bangladeshi nationals are extremely poor and marginalized and cross the border only in search of work. Often, they are trafficked into India by local touts that work at the borders.

• **Compensation for victims:** On 19 May 2020, Cyclone Amphan struck the State of West Bengal, depriving thousands of citizens of food and shelter. The villagers of Chuapara in Murshidabad have also suffered greatly under these circumstances and their houses have been destroyed. They have repeatedly asked for compensation from the Block Development Officers and Sub-Divisional Officers but the administration remains unresponsive to their plight.

Our Activities

village level meetings in Coochbehar district

On 22.08.2020, members of Amra Simnatabasi district committee arranged two village level meetings at Mahishmuri Nipujitari and Mahishmuri Haldikura. The residents of both these villages are being severely harassed by the Border Security Force's illegitimate restriction



during the lockdown period. Their life, livelihood and social rights are also being violated by the state administrators as well as the law enforcing agencies. In the meeting the villagers narrated their agony and pain to the Amra Simantabasi District committee members. From the meeting it was decided that village level committee of Amra Simantabasi will be formed at these villages as soon as possible and they will also send complaints to National Human Rights Commission through MASUM.



Legal activities

1) On 02.08.2020 in the case of State vs. Sabina Sardar the victim received bail from Additional Chief Judicial Magistrate, Basirhat Court in connection with Swarupnagar PS case number 382/18 dated 24.07.2018 and GR number 2785/18 u/s 14/14C of Foreigners Act.

2) On 18.08.2020 in the case of State vs. Mina Biswas, the 7 th Additional District Judge, Barasat did not allow anticipatory bail of the victim Ms. Mina Biswas in connection with Swarupnagar PS case number 213/2020 dated 17.04.2020 u/s 341/323/354/506 and 34 of Indian Penal Code.



Medical Camp



MASUM organized a Medical Camps in North 24 Parganas district at Swarupnagar Noor Medical Hall on 26th August, 2020 where 27 victims received treatment. Dr. Anusuyak Roy treated the beneficiaries who were either torture victims or family members of extra judicially killed persons. MASUM also arranged for their medicines and incurred the expenses for their pathological and other examinations. Later a victims' meeting was also organized where the victims of torture discussed on the current status of their legal proceedings and the situation of human rights in the district.

Border residents observe black day on 15th August

Villagers of the Indo-Bangladesh border in various places of West Bengal observed black day on 15th August, protesting against their hazardous life condition mainly due to the atrocities of the BSF. The 'Amra Simantabasi' (We, the bordering populace) committees in Coochbehar and Murshidabad districts launched this protest in different borders of the respective districts stating that even after 73 years of India's independence, the people of the border are not free and are living a life of captivity under the BSF's rule.



Watch the video [here](#)