

Monthly Report

August 2021



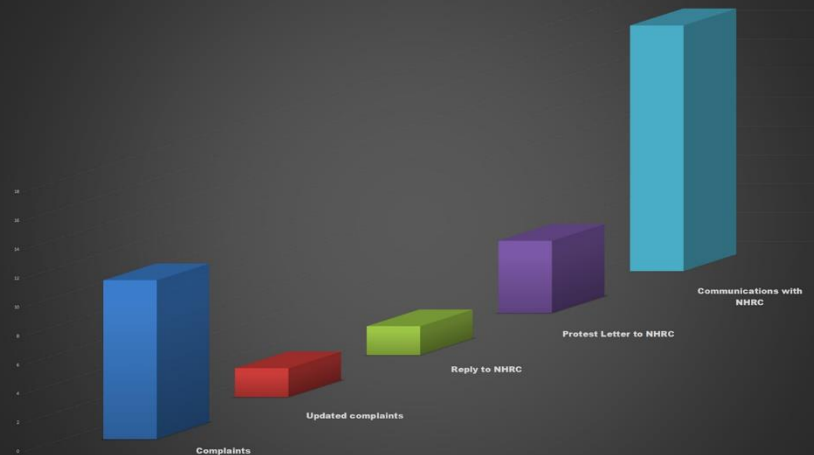
Miles to go...

**Banglar Manabadhikar
Suraksha Mancha**

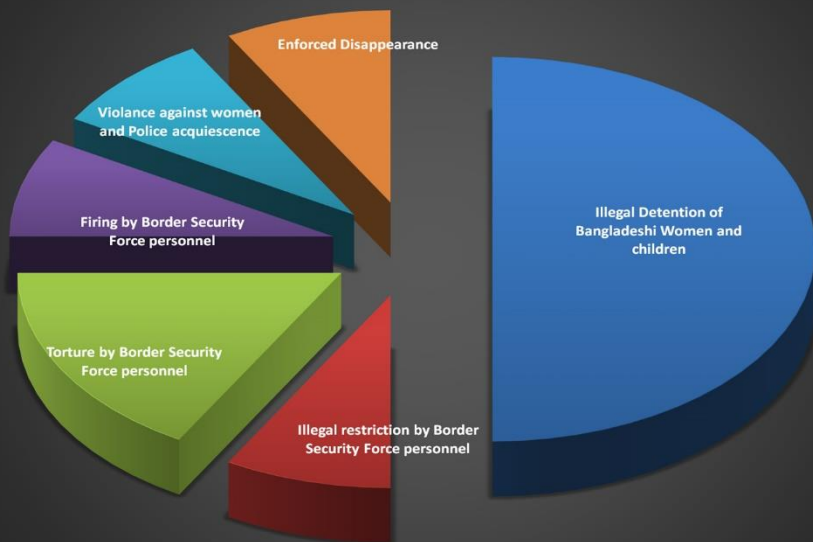


Banglar Manabadhikar Suraksha Mancha (MASUM) made 12 fresh complaints of gross human rights violation before the relevant state authorities and different human rights institutions; especially the National Human Rights Commission during the month of August 2021. In cases, where our victims from previously lodged cases were threatened or intimidated, we have lodged 2 updated complaints. We made 2 replies in cases where the NHRC asked our comments. We have sent 6 protest letters to the concerned authorities, where they have closed a case or sent overdated summons to our victims. During this month we have received 17 directions from the NHRC in various cases.

Communicative Interactions with HRIs



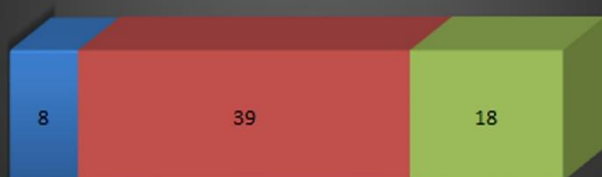
Type of Cases



Out of the twelve complaints, six are on illegal detention of Bangladeshi women and children, two on torture by BSF personnel and one each on illegal restriction by BSF personnel, Violence against women and Police acquiescence, enforced disappearance and firing by BSF personnel. Through these complaints we addressed the issues of 65 individual victims; out of them 41 belonged from the minority Muslim community, 16 from Hindu Scheduled Caste community and 8 from Hindu General community. Among the victims 8 were males, 39 were females and 18 minors.

Demographic Classification

Male Female Minor



Social Classification

Muslim Scheduled Caste Hindu (General)



Our Activities

Cooch Behar



In this month total 26 village level meetings were held in Cooch Behar district. The main purpose of these meetings were to understand the present situation of the villages situated near to Indo Bangladesh border. From these meetings MASUM experienced the horrible situation of the villagers. Border security forces imposed illegal restrictions upon life and livelihood of the villagers. This month we have successfully formed 22 "Amra Simanta Basi" village-level committees. From 22nd to 29th August a series of meetings were held at the border nearing villages. The

details of the meetings are listed below -

- On 22.08.2021 three meetings were held at Kaiterbari, Kaimari and Purba Chamta villages under Sitai block.
- On 23.08.2021 one meeting was held at Paschim Sitai under Sitai block.
- On 24.08.2021 three meetings were held at Kesaribari, Dhumerkhata Asram and Ghitaldaha Moricha villages under Sitai block.
- On 25.08.2021 three meetings were held at Rajarbari Kakjerdighi, Gadopota no-1, Rajarbari Madhya and Rajarbari villages under Sitalkuchi block.
- On 26.08.2021 three meetings were held in Sangarbari village under Sitalkuchi block and 202 Khasbose Darikamari and 202 Darikamari villages under Mekhliganj block.
- On 27.08.2021 four meetings were held in Satgram Manabari, Dakshin Nalangibari, Ashokbari and Bhotgramguri villages under Mathabanga block.
- On 28.08.2021 four meetings were held in 113 Upenchowkibari, 114 Upenchowkibari, 56 Hemkumari and 128 Bhatbari villages under Mekhliganj block
- On 29.08.2021 four meetings were held in Firingidanga and Khalpara villages under Haldibari block and 98 Fulkadabri and 77 Nijtaraf villages under Mekhliganj block.



North 24 Parganas

This month MASUM met three MLA's regarding the situation at the border areas and of the local villagers living there. On 8th August, volunteers from MASUM met with MLAs at their respective residence. In the last few months, harassment and atrocities have increased by the West Bengal police officials and the BSF. The villagers are regularly restricted to travel within their own village. MASUM gave them a memorandum and asked to convey the problems of the villagers to the parliament.

MASUM also held a meeting with the villagers of Ghonar math on 09.08.2021. This village is situated under Bangaon Police Station. They talked about their problems of cultivating the land which is on the other side of the fence. The BSF guards the fences and has made timing for the villagers to cross, but BSF doesn't follow their own rule which has led to many problems for the villagers.



Medical camp- In this month MASUM organized two medical camps in North 24 Parganas and Cooch Behar district. Like previous camps this time also the camp was held for the victims of torture. With the help of United Nations Voluntary Fund for the Victims of Torture (UNVFVT) these medical camps were arranged. On 11.08.2021 at Nur Medical Hall the medical camp was organized for the victims of North 24 Parganas. Dr. Anusuk Roy treated 26 tortured victims. On 21.08.2021 another medical camp was held at Shib Shankar Medical Hall in Cooch Behar. 36 tortured victims got treatment from Dr. Champak Banerjee. The victims were provided with free medicines and all expenses of their pathological tests were reimbursed as well.

Our Activities

Meeting with NHRC



On 23.08.2021 at 3 pm MASUM had a meeting with Mr. Rajib Jain, member of NHRC and Mr. Surajit Dey, Registrar (Law), NHRC at NHRC office, New Delhi. Mr. Kirity Roy put forward several issues that we are facing in the field of human rights activities and troublesome and risked condition of Human Rights Defenders to protect the human rights of the people in the State of West Bengal. Police and State machinery jointly put false heavy charges against the Human Rights Defenders like NDPS and POC SO to stop human rights activities. Police did not register the complaints of the victims of torture rather make false allegation against those victims to protect the perpetrators and repeatedly violation of section 154 Cr.P.C. occurs. The non-observance

of Section 176 (1) (A) of the Criminal Procedure Code is a recurring problem. Everyday numbers of human rights violations have been observed in the state especially because of the malpractice of the police, judiciary, Border Security Force, prison authorities and the state prosecution. District administration of the Indo-Bangladesh bordering districts have been continuously imposing section 144 of Criminal Procedure Code to more than 10 kilometers areas from the International Border Pillar and thereby restricted the daily activities of the poor villagers. Mr. Roy requested to the member, NHRC to visit the bordering district of West Bengal and to meet with the BSF, District Magistrate, Superintendent of Police and officials of the state administration and sensitize them on the human rights of the bordering populace. NHRC member heard all issues and told to take proper action in this regard.

Training and workshop for the volunteers

From 4th - 6th August 2021 MASUM organized a training cum workshop for the members and volunteers from the different bordering districts. These volunteers are coming from border nearing villages situated in Murshidabad, Cooch Behar and North 24 Parganas district. Secretary of MASUM Mr, Kirity Roy was the main resource person of that training. During the training Mr. Roy narrated how to document an incident of Human Rights violation. The training had some interactive sessions by which they are equipped with the documentation work of an incident of Human Rights violations. The training was held at office premise.



Street corner Meeting

On 20.08.2021 MASUM organized one street corner meeting at Serampore, Hooghly. In present days due to the shrinking space of democracy the meeting was organized. Now a days we are also experiencing a large number of police torture and harassment in the name of UAPA. The meeting was conducted at 'Benco more' in Serampore. Many people from different civil societies joined at the meeting and delivered their speech. Apart from them poets, intellectuals, artists were also joined that protest meeting. This protest meeting was conducted with speech, recitation, street theater, and songs.



Case Briefs, August 2021

• **Torture by Border Security Force:** In the month of August, MASUM documented two incidents of torture by the BSF personnel which caused disruption to the daily life of the local villagers. In the first instance, the victim Rahela Bibi, resident of Char Parashpur village in Murshidabad district, a widow, was brutally beaten up by the BSF. On 20/07/21, a day before Eid, the victim was carrying some new outfits, groceries, edible oil and 2 kg of beef for the festival which she bought from the market of Roypara. When the victim was coming back from the market, she was stopped by a female BSF personnel, M/s Nisha and two male personnel, who checked her bag and let her pass. But the moment she left the outpost, she was called back and her bag was checked again. When the woman personnel found beef in her bag, she instantly started to slap and kick her. The other two personnel also abused her verbally. After detaining the victim for a few hours, she was released. On 22/07/21, the victim tried to lodge



a complaint against the accused BSF personnel but the officer in-charge refused to take cognizance of the same.



In another instance, the victims, Aijul Haque, Sushanta Roy and Sanjib Biswas, were working in the agricultural field when few BSF personnel, attached with the Changrabandha border outpost came and asked for information of the smugglers on 26/06/21. Aijul and Susanta replied that they didn't know anything about this but the BSF personnel started beating them mercilessly. When Sanjib requested them to not beat them as they are local villagers, they started beating him also. The BSF personnel continued thrashing the victims with sticks in front of the villagers and then took them to Changrabandha outpost. During the custody, they brutally tortured the victim by hitting them on their body parts with rifle butts and bamboo sticks. On 26/06/21, one of the victim's wife filed a complaint to the officer in charge, Mekhliganj police station. Her complaint was accepted but they didn't register an FIR against the accused BSF personnel.

• **Violence against Women:** On 28/07/21, a Bangladeshi woman was raped by an on-duty BSF personnel, Rameshwar Kalita, attached with Kharer Math Border Out Post. The victim's associate was also sexually assaulted by the officer. Both the victims were trafficked to India by a tout who promised them jobs in India. When the victims tried to reveal this heinous crime to the senior officers of that outpost, they threatened the victim with dire consequences and also abused them. The BSF took the victims to Bongaon hospital for medical checkup and then handed them over to Gaighata police station. On 28.07.2021, on the complaint of BSF, Gaighata Police Station case number 654/21 was registered against those two victim women under 14 Foreigners Act. On the complaint of the victim another case was registered against Rameshwar kalita under section 376 (2)(c)/354 B/506/509 of Indian Penal Code and he was arrested.

• **Illegal restriction by the BSF personnel:** The victim, Malay Kumar Chandra, resident of 92 Fulkadabri village is a small tea-planter. His livelihood depends on these plantations and so do the other eight labourers, and their families, who work here. Since the last three years his tree plants are being destroyed by the Bangladeshi hooligans, who are entering the lands of Indian citizens and destroying their only source of income. This could be done easily as the BSF is not posted at the International border but have made their bases inside the villages. He complained to the BSF regarding that but no satisfactory action was taken. He has incurred a loss of 60 thousand rupees. On 16/07/21, the victim's wife lodged one written complaint before the sub divisional officer, Mekhliganj and the DM of Coochbehar but no action has been taken. MASUM has also filed a complaint regarding this to the National Human Rights Commission.

• **Enforced disappearance:** The victim, Shyamal Mondal, a resident of Hardunga village, Murshidbad belongs to the Schedule caste community. He was studying in class 11 at the time of the incident. On 21/11/20, he went to his agricultural field situated at Majahrdirar mouza and within L.R. dag number 2155 for watering in the field. At the same time a few BSF personnel, who were chasing some smugglers fired bullets at them. One of the bullets hit the victim on his head and he died on the spot. This also shows that the BSF personnel fired shots to kill the smugglers, not to apprehend them. The BSF personnels also disappeared the body of the victim to hide the prime evidence of the incident. On 21/11/21, the victim's mother filed a written complaint before the Officer in Charge of Raninagar Police Station but no action has been taken yet.



• **Pellet firing by the BSF:** The victim, Faridul Mohamad (18 years), resident of Cooch Behar, West Bengal, is a student. On the day of the incident, he was returning home from his tuition classes when he was stopped by few BSF personnel attached with BS Bari B SF Border outpost, 148 Battalion. They thrashed him and also fired pellet shots at him. He was severely injured and immediately taken to Mekhliganj sub-divisional hospital for treatment. On 17/07/21, the victim's mother filed a police complaint against the accused BSF personnel but no action has been taken against them yet. MASUM has also filed a complaint to National Human Rights Commission regarding this incident but haven't got any reply till now.

• **Illegal detention of Indian Nationals in Bangladeshi prison:** In the month of August, MASUM has reported 22 incidents of illegal detention by lodging 6 complaints to the National Human Rights Commission (NHRC). The victims are poor Bangladeshi nationals who came to India in search of livelihood, as due to Covid-19 they have been severely affected. They have been working in India for the last few years. All the victims are either Muslims or SC/ST's. Some of the victims have children who are minors but are still in illegal detention along with their parents. They have been sent to judicial custody for 14 days which is in total violation of an advisory issued by the government of India vide office memorandum 14051/14/2011- F.VI of Ministry of Home Affairs (Foreigners Division) Government of India dated 1st May, 2012. The victims are still under custody and no measure has been taken to repatriate them.

Legal Activities Report: August 2021

Activities in High Court at Calcutta

A false case was lodged against Mr. Kirity Roy, Secretary, MASUM being Dinhata Police Station Case number 259/2018 dated 19.07.2018 (GR 251/2018) under section 341/186/353/427/506/34 of Indian Penal Code during the time of submission of deputation to the Sub Divisional Officer's office at Dinhata for securing the rights of fishermen. Challenging the case Mr. Roy filed quashing petition before the High Court at Calcutta on 25.08.2021 to rescind the false FIR against him and subsequent proceedings. Another fabricated case had been lodged by BSF authority against Mr. Kirity Roy & other members of MASUM being Chapra Police Station Case number 31/2019 dated 02.02.2019 under section 186/323/500/509/34 of Indian Penal Code after returning from a meeting conducted by the Panchayat and the villagers of Hatkhola when he rose his voice against illegal restriction by BSF. On 25.08.2021 Mr. Roy and other members of MASUM who were implicated in false charges filed quashing petition before the High Court at Calcutta.

Sub-divisional Courts



In the month of August, we provided legal support in 05 prosecution cases and also supported 08 victims in the Lalbag court, Murshidabad where false cases against the victims were registered.

In the court of Basirhat we provided legal support in 3 prosecution cases.

On 25.04.2021 BSF personnel of Jayantipur Border Out Post destroyed the jute crops of Jayantipur villagers by spraying chemical weed killer poison and thereby thrashed the villagers into great financial loss. We supported the villagers to take civil legal action against the perpetrators. On 19.08.2021 our pro bono lawyer of Bangaon court sent one notice to the Director General, BSF under section 80 of the Code of Civil Procedure for instituting suit against the perpetrator BSF personnel.

Cases pending in different courts:

In Supreme Court of India two of our cases are pending at the final hearing stage, namely Felani Khatun case and another case challenging section 46 and 47 of BSF Act. In the High Court at Calcutta total seven cases are pending where six cases are Writ (Mandamus) in nature and one Criminal Revision case. We are still providing full legal support to 72 victims (55 in prosecution case and 17 in defense case) of atrocities by BSF and Police authorities in the district of Murshidabad by filing their cases in the lower courts following the jurisdictional provision. We are also providing complete legal support to 32 victims (22 in their complaint case and 10 in defense cases) in the district of North 24 Pargana and 3 victims in their complaint cases in the district of Cooch Behar .

District	Prosecution cases	Defense cases
Murshidabad	55	17
North 24 Pargana	22	10
Cooch Behar	03	00

Challenges

Regular proceedings of the Courts have not yet resumed due to the country-wise second wave of Covid 19 pandemic. As a result, legal activities of the organization are highly affected. As of now, only the filing section of the sub divisional and district courts of our state is open where case filings have been resumed but those cases are not being listed up in the cause list of the concerned court for hearing purpose yet. Therefore, many of our cases are pending in the sub divisional courts of various district and our victims are being prevented from getting proper justice. Courts including High Court and Supreme Court did not list up our pending cases in their cause list. Registry of the High Court and Supreme Court only entertain 'very urgent' matter but what are the criteria to label a case so called 'very urgent' is still unknown to us.

Activities at a glance



A village level meeting in Gitaldaha Moricha village of Cooch Behar district



Meeting with the victims of torture at North 24 Parganas district



Meeting with the villagers of Koimari village in Cooch Behar district



MASUM members performing in a street corner at Benco more, Serampore



Dr. Anusuk Roy treating a torture victim in a medical camp at North 24 Parganas



MASUM Secretary, Mr. Kirity Roy speaking in a street corner at Benco More, Serampore.