

Monthly Report

August 2023

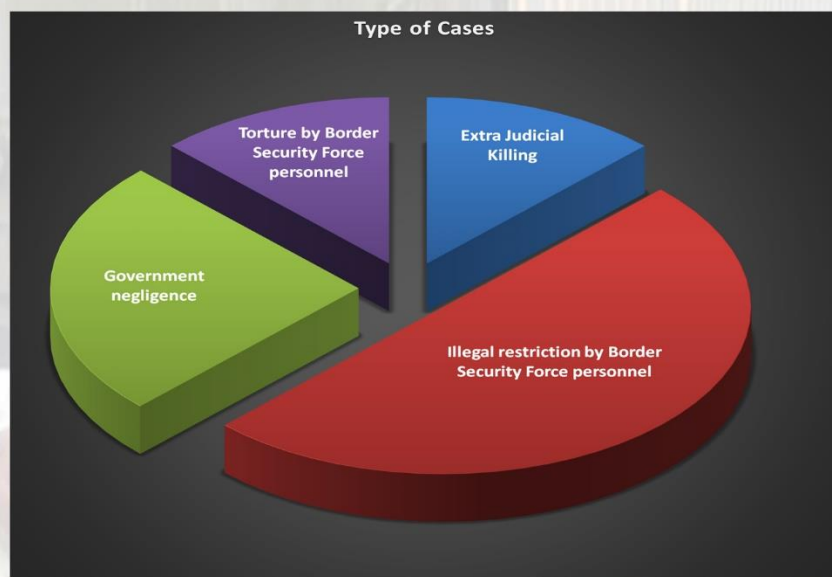
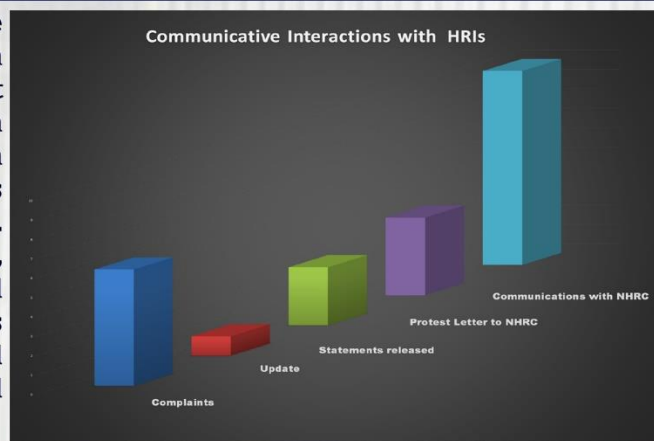


Miles to go...

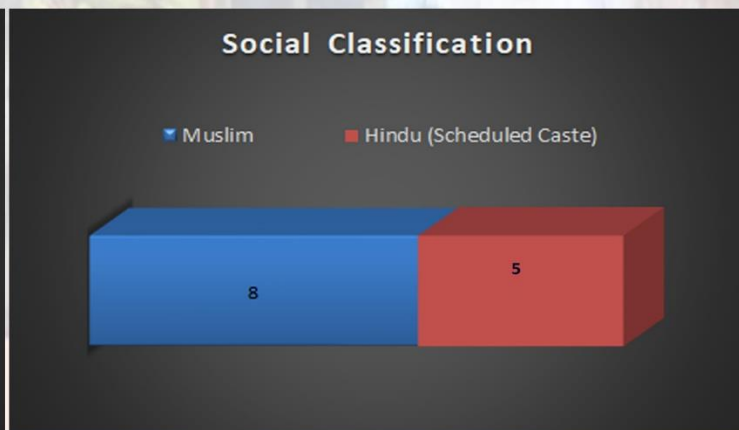
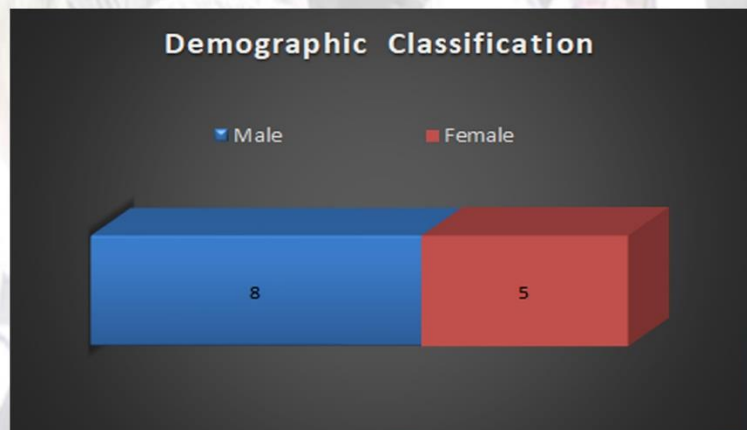
**Banglar Manabadhikar
Suraksha Mancha**



Banglar Manabadhikar Suraksha Mancha (MASUM) made 8 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 2023. In cases, where our victims from previously lodged cases were intimidated, we have lodged 1 updated complaint. We have sent 4 protest letters to the concerned authorities, where they have closed a case or sent overdated summons to our victims. We have released 3 statements on different issues related to our field that occurred during this month. During this month we have received 10 directions from the NHRC in various cases.



Out of the 8 complaints, four are on illegal restriction by the BSF and two are on government negligence. One complaint each was made on torture by Border Security Force personnel and extra-judicial execution. Through these complaints we addressed the issues of 13 individual victims; out of them 8 belong to minority Muslim community and 5 others from Hindu Scheduled Caste community. Among the victims 8 were males and 5 were females. Among these victims two were minors. In cases of restriction by the BSF and government negligence, the victimization was collective and didn't reflect on the charts below.



ACHIEVEMENTS:

1. Due to our long-standing demands, the SDO of Dinhata sub-division in Cooch Behar district has asked the BSF to lift their whimsical restrictions, which are hampering the way of life of the village of Karola and also to immediately resolve the issue of the villagers.
2. Due to our intervention, four among five prisoners, who were languishing in Bangladeshi prison, even after expiration of their terms of imprisonment, as 'Jaankhalash' or released prisoners, have been released and repatriated to India on 2. 08.2023. The victims were arrested by Bangladesh police under section 4 of the Bangladesh Control of Entry Act, 1952 during 2020 and 2021.

Our Activities

Press conference on Land Boundary Agreement, 2015:

On 31st July, 2023 on the occasion of the 8th anniversary of LBA 2015, we organized a press conference at the Cooch Behar press club. Three villagers from Erstwhile Bangladeshi Enclaves and Mr. Kirity Roy, secretary of MASUM, attended the press conference. In the presence of at least 17 media personnel from various reputed media houses, they spoke of the persisting issues and demanded that the government should immediately resolve the issues of the erstwhile enclave dwellers immediately.



Participation in the We20 summit, New Delhi:



From 18th to 20th August, 2023 a six-member team of MASUM went to New Delhi to attend the We20 People's Summit against the upcoming G20 summit. A lot of organizations and eminent activists namely, Medha Patekar, Jairam Ramesh, Manoj Jha, Brinda Karat, Teesta Setalvad et al attended the program and spoke on the shrinking democratic space in India. The program was cut short due to police intervention, who locked down the venue on the second day of the program. The remaining sessions were conducted online between 29-31st August.

Medical Camp:

In this month MASUM organized two medical camps with the help of United Nation Voluntary Fund for Victim of Torture – UNVFVT, for the torture survivors and the family members of extra-judicial execution and enforced disappearance victims. On 22.08.2023, a medical camp was held at Swarupnagar, North 24 Parganas, where 34 survivors and family members availed the treatment under the supervision of Dr. Anasuyak Roy and psychiatrist, Dr Nilanjan Basu. On 28.08.2023, another medical camp was held at Dinhata of Cooch Behar where 43 victims availed the treatment under the supervision of Dr. Saokat Ali and psychiatrist Dr Banhiman Sarkar. The prescribed medicines were provided to the beneficiaries along with the cost of pathological tests. At the end of the medical camps two separate meetings were held where the case status of individuals were discussed.



MEETING WITH SDO, DINHATA



In Karola village, situated in Dinhata sub-division of Cooch Behar district, a situation of illegal livelihood restriction by BSF is prevalent. Not only were there severe restrictions in place on the movement of the people, the personnel attached to the Border Security force were digging up an almost 15 feet deep trench using earth-movers without providing any proper reason or following any procedure. Many locals lost portions of their land due to this whimsical action. On 26th July, 2023, we brought the issue to the District Magistrate of Cooch Behar and called for urgent action. Finally on 8th August, at the SDO office of Dinhata Sub-division the SDO, BL & LRO, BSF company commanders from 129 & 90 Battalions, Cooch Behar's District Human Rights Monitor (DHRM), Mr. Azizul Hoque and the victim villagers had a meeting to resolve the issue of Karola village and other similar issues in the Sub-division.



1. [Ganashakti](#) – 03.08.2023

2. [Bartaman Patrika](#) – 01.08.2023

3. [Millenium Post](#) – 13.08.2023

4. [Eastern Chronicle](#) – 28.08.2023

Our Activities

Cooch Behar district

In this month total 37 village level meetings were conducted in Cooch Behar district. In the meeting the members of the respective Amra Simanta Basi committees and Pramila Bahini discussed the issues of their area and took the decision to lodge complaints to the local administration regarding the issues of the respective villages. As the panchayat election is going to be held, the members of Amra Simantabasi committees are doing mass posterage in their area to bring notice to the local leaders about the issues of the Indo-Bangladesh border.



Mobile Awareness Campaign on Unsafe Migration



On 03.08.2023, the village committee of Amra Simantabasi in Dhadiyal-Shiyalpara of Tufanganj I block organized a mobile awareness campaign on the issues of the migrant workers. During the awareness campaign the speaker spoke on the cardinal issues of the migrant workers who are going to the other states for job opportunities. They also have aware the people of the village regarding various schemes and opportunities in place as safeguards to the migrant workers. At the end of the campaign a mass gathering was also organized where the speakers spoke about similar issues.

Street corners

On 13.08.2023 and 26.08.2023 two street corners were organized at Uttar Balabhut Bazar and Krishnapur Bazar respectively under Tufanganj block of Cooch Behar. Main objective of the program was to aware the local people about the rights of the migrant workers. The volunteers addressed huge public gatherings in both these street corners.



North Dinajpur district



In August, a total of 12 meetings were conducted by the volunteers and the representative of MASUM. The villagers of the respective village shared that too many restrictions have been imposed by the Border Security Force Personnel on the life and livelihood of the villagers. For accessing a farmer's own agricultural land, has to depend on the whim of the BSF personnel. The members of the Amra Simantabasi and Pramila Bahini decided that they will lodge written complaints to the local level administrator.

In this month two new Pramila Bahini (Women's groups) committees formed successfully. Both these committees were formed under Hemtabad block, in the villages of Malon and Sunor.

Road blockade by the villagers of Sontora

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North 24 Parganas district



9 meetings were organized by respective volunteers independently of each village committee and 9 meetings jointly with the volunteers and village committees with the DHRM & DC. In the meetings we discussed the changes brought in the functioning of the volunteers' and their involvement with the committee members for the developmental work for their respective villages. Among the meetings held 4 new meetings took place with recruitment of new volunteers at Hakimpur, Gobra, Gobindapur, and Jayantipur for expansion of the volunteer network and the area of operation.

Three new volunteers had been inducted - Imran Gazi at Gobra, Zamat Sardar at Gobindapur and Mohini Sadar at Hakimpur, where they will undergo the volunteer training at the beginning of September. Apart from this DHRM independently conducted 5 meetings at Boaldaha, Gobra, Gobindapur, Jhaudanga and Hakimpur. The Pipli village committee had submitted a petition to the BDO Gaighata on the issue of non-issuance of old age pension to 5 persons. The volunteers of Dakshin Bagundi, Jalalpur, Hariharpur, Sakchura, Pipli and Chouraigachi did posterage on the child issue for which they had been trained in July. The first half of the month in August, the activity was slow due to farming season of jute and rice, the second half picked up their activity. The volunteer of Jhaudanga submitted a petition to the BDO & SDO on the arsenic contamination in the water. The volunteer of Boaldaha planned to submit a petition to the BDO & SDO on the water scarcity issue at that place. IN August there are two medical camps took place.

Case Briefs: August, 2023

This month we have lodged complaint on eight fresh cases. Out of those cases, four came from the district of Cooch Behar and the other four came from the district of North 24 Parganas. Out of these cases, one case is of BSF torture, one case is of Extrajudicial execution, two cases of government negligence and four cases of BSF restriction. Regarding all of these cases we have complained to the NHRC and other related government institutions.

• **Torture by Border Security Force personnel:** This month we have received one case of BSF torture from the district North 24 Parganas. On 21.07.23 few relatives of Rabiul came to his house. At around 6:00 pm when they were leaving, Rabiul along with his wife and daughter came to the CPWD road near his house to see them off. After the relatives availed an e-rickshaw and left the spot, a lady BSF constable, namely Ms. Puja, who was guarding the point no. 6, asked them to leave the CPWD road. When Rabiul and his wife asked the reason for the same, an altercation broke out between the couple and Ms. Puja. Soon she made a call from her mobile and within 10 minutes of the call, two male BSF constables came to the spot in a motorbike. Without any word or reasoning, the two male BSF constables started beating up Rabiul and his wife with their rifle butts in front of their minor daughter. They were kicked and slapped and beaten up with rifle butts. One of the BSF constables held Mrs. Sabana Gazi by her hair bun and shoved her into the ground. After that they left the spot leaving the victims in severe pain and injuries. Their 8-year-old daughter, Armina Khatun was left in utter shock by the whole incident. Regarding this case we have lodged a complaint to NHRC and the UN special procedure.



• **Extra-judicial execution:** This month we have complained about one case of extrajudicial execution. The case was from the district of Cooch Behar. Moklesur Rahman along with other smugglers tried to smuggle some cattle to Bangladesh during the night of 01.08.2023. That time the on-duty BSF personnel attached with Chongarkhata Border Out Post, 'B' Company, 169 Battalion, who were stationed near border pillar number 863 (6) S, fired at the smugglers without any warning, which directly hit Moklesur. On 02.08.2023, in the morning, police personnel of Mathabhanga Police Station came to the spot and took the injured body of Mr. Moklesur to the Mathabhanga Sub Divisional Hospital where the on-duty doctor declared him as dead. Regarding this case we have filed a complaint to the NHRC. Moreover, we have brought this to the notice of the UN special procedure too.



• **Illigal restriction by the BSF personnel:** This month we have released four cases of BSF restrictions. All of these four cases are from Cooch Behar district. In all of these cases, which came from Kalmati-Bhakrapul, Krishnapur, Madhya Jhaukuthi and Purba Sahebganj, we have found that the BSF personnel guarding the border out posts are being posted inside the villages instead of the actual border and restricting the villagers from earning their livelihood. Due to this, the huge loses are being incurred to the villagers who earn a meagre income through farming. We have filed complaint to the district magistrate of Cooch Behar regarding this. But the administration is yet to take any action regarding these issues.

• **Government negligence:** This month we have complained about two cases of government negligence. These two cases have come from the district of North 24 Parganas. In the first case, which came from Pipili of Gaighata Block, in our fact-finding we found that the villagers don't have any proper facility of pure drinking water. The area is infested with arsenic. Thus, the water they fetch for drinking is contaminated with the same. Moreover, to avoid arsenic poisoning the villagers use waters from unhygienic facilities which causes several cases of water-borne diseases every year. The village has a population of 3500. All of them are leading a terrible life due to this marginalization. In the second case, which was from Bagundi Bherir dhar of Basirhat I block, we found that- the villagers of Bagundi Bherir Dhar are deprived of it. There is not a single tube well installed by the local administration in this village. The villagers have to go about 2 kilometers in Taki municipality jurisdiction to collect drinking water. But to reach that place the villagers every time face illegitimate restriction of the Border Security Force personnel associated with 85 Battalion, Golbagan (Jalalpur) Border Out Post. As a result, the villagers are forced to use canal water for their drinking. As canal water is polluted at various times of the year, the villagers are seen suffering from various water borne diseases. Regarding this we have complained to the DM of north 24 parganas.

Legal Activities Report: August 2023

Activities in High Court at Calcutta

In the High Court at Calcutta total eight cases are pending among which five cases are mandamus writ cases and the rest three are criminal revision cases. These pending cases have not been listed in the cause list (Case roaster) of the Calcutta High Court since 2021. On 26.05.2023 our pro-bono lawyer in the High Court at Calcutta mentioned the three criminal revision cases for listing up those cases for the purpose of hearing but after mentioning till date no hearing date was fixed in connection with the above-mentioned cases. On 06.07.2023 again our pro-bono lawyer mentioned all pending cases for their listing up in the cause list. After that on 07.07.2023 two long pending mandamus writ petition cases were listed up for hearing before the single bench of Justice Rai Chattaopadhaya. In connection with the cases Najrul Islam Dafadar vs. State of West Bengal & others [WPA 1971/2019] and Ranjit Das vs. State of West Bengal & others [WPA 1970/2019] it was directed the Superintendent of Police, Basirhat Police District to file the report for execution of warrant in connection with the above stated case. In connection with the case of Najrul Islam Dafadar vs. State of West Bengal & others [WPA 1971/2019] on 28.07.2023 affidavit in opposition was submitted by the respondent BSF authorities. It appears that the respondent BSF authority had requisitioned the entire case record from the court of Additional Chief Judicial Magistrate, Basirhat and had already conducted trial in terms of the provision under the BSF Act, 1968 and the result of the trial is acquittal of the accused person. On 03.08.2023 the court directed to the Special Director General, Eastern Command, BSF and any officer deputed for this purpose be personally present before the court with the case record of the entire proceedings of the BSF court in connection with this case on the next date of hearing. In connection with Ranjit Das vs. State of West Bengal & others [WPA 1970/2019] on 28.07.2023 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). State party also submitted that in spite of making several requisitions for furnishing details regarding deployment of personnel at the concerned point of time but the respondent BSF authorities have never cared to comply with the same, during investigation. In this regard, the court ordered to submit detailed deployment list of BSF 76 Battalion during the period from 1st December, 2015 to 31st March, 2016 on the next date of hearing.



Sub-divisional Courts



This month we provide legal support in 05 prosecution cases in the Basirhat court among which in two cases the Additional Chief Judicial Magistrate, Basirhat court directed to the concerned police to submit status report in the court, in one case Magistrate directed to the complainant to appear and filed objection against the final report of the case submitted by the police and in two cases execution of warrant against the perpetrators. In this month MASUM also supported 04 victims in the Basirhat Court where the false case against them was started.

In the court of Bongaon, we provide legal support to one victim who was inflicted physical torture by the BSF personnel. In the court of Barasat, MASUM provides legal support to 01 complaint case and 01 defense cases.

On 25.06.2021 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 15.03.2022 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 28.06.2023 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 26.08.2023. On 16.08.2023 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 12.12.2023.

Filing of bail application

Ms. Taniya Bibi and Mr. Saheb Ali Gazi both husband and wife are the victims of grievous torture by BSF. BSF also submitted false complaint against her and based on the complaint of the BSF one false and concocted case was lodged against them by the Swarnnagar police officials vide Swarnnagar Police Station case number 474/2023 dated 28.07.2023 under section 188 (Disobedience to order duly promulgated by public servant) /353 (Assault of Criminal Force to Deter Public Servant from Discharge of His Duty) /506 (Criminal Intimidation) of Indian Penal Code. On 27.08.2023 petition for bail application was filed before the Additional Chief Judicial Magistrate, Basirhat Court and on 30.08.2023 the magistrate granted bail to Mr. Saheb Ali Gazi and Mrs. Taniya Bibi.

Legal Activities Report: August, 2023

Activities under Right to Information (RTI)

After filing FCRA application on 21.09.2020 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 29.05.2023 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 31.07.2023 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 26.08.2023 Central information Commission replied that the Commission is not an appropriate forum for the seeking redressal of the grievance of the petitioner informant.

On 01.06.2023 we submitted three fresh RTI applications to the State Public Information Officer (SPIO), Office of the District Magistrate & Collector, North 24 Parganas; Cooch Behar and North Dinajpur and seek the information concerning the imposition of Section 144 of the Code of Criminal Procedure in the bordering villages under the jurisdiction of the concerned district. Following our application, on 15.06.2023 one letter dated 06.06.2023 bearing Memo No. 638/RTI./Genl. Dated 06.06.2023 from the State Public Information Officer (SPIO), Office of the District Magistrate, North 24 Parganas was received from where it is mentioned that our RTI application dated 01.06.2023 was transferred to the Officer-in- Charge, Judicial Munshikhana Section, Office of the District Magistrate & Collector, North 24 Parganas district and requested him to furnish the information in respect to our application within stipulated time. As till date I did not receive any information from the Officer-in-Charge, Judicial Munshikhana Section, Office of the District Magistrate & Collector, North 24 Parganas district, on 31.07.2023 an appeal under section 19 (1) of the Right to Information Act was submitted before the Appellate authority, RTI section, Office of the District Magistrate & Collector, North 24 Pargans. On 07.08.2023 one hearing was conducted before the Additional District Magistrate (General) as he is the appellate authority of RTI. Mr. Kirity Roy presented in the hearing. After the hearing, the concerned magistrate directed to the concerned BDO and SDOs to submit the answer of RTI submitted by MASUM within 30 days from the hearing date.

Achievements

Salman and Imran Mondal both are the victims of BSF torture. Later one false and fabricated case had been lodged by BSF against two innocent minor children namely Salman Mondal & Imran Mondal to save the skin of the perpetrators BSF personnel who tortured upon these minors heavily. Swarupnagar Police Station case number 520/2020 dated 15.10.2020 under section 188/341/332/509/34 of Indian Penal Code in connection with GR case number 4479/20 was started in this respect. On 08.10.2021 Mr. Monirul Mondal, father of those minors submitted one petition before the Additional Chief Judicial Magistrate, Basirhat Court and prayed to send the case file to the Juvenile Justice Board of the concerned district as the power to grant bail of minor victims' bail is rest upon the Juvenile Justice Board. The Magistrate heard the matter and ordered to send the file to the District Juvenile Justice Board. But the file was not transferred to the concerned Juvenile Justice Board. On 02.08.2023 warrants were issued against the innocent minor children Master Salman and Imran Mondal. On 10.08.2023 Mr. Monirul Mondal again submitted petition before the Additional Chief Judicial Magistrate, Basirhat Court and prayed to send the case file to the District Juvenile Justice Board as the Juvenile Justice Board is empowered to grant bail to the minor child. The magistrate ordered to send the case file to the concerned District Juvenile Justice Board. On 24.08.2023 petition for bail application was submitted before the court of the District Juvenile Justice Board placed at Bidhannagar and on the said date concerned Juvenile Justice Board granted bail application to the minor victims Master Salman and Imran Mondal.

Activities at a glance



A village meeting being conducted by the Amra Simantabasi committee in Bamor village of North Dinajpur



A volunteer putting up posters against child labour in Choruigachhi village of North 24 Parganas district



Police crackdown on the We20 summit organized at the HKS Surjit Bhawan, New Delhi



Meeting with the villagers of Sunor village to form 'Pramila Bahini' committee in North Dinajpur district



Psychological treatment of a survivor in our medical camp aided by UNVFVT in North 24 Parganas district



A village meeting being conducted by the Amra Simantabasi committee in Koimari village of Cooch Behar