

# ***Miles to go ...***



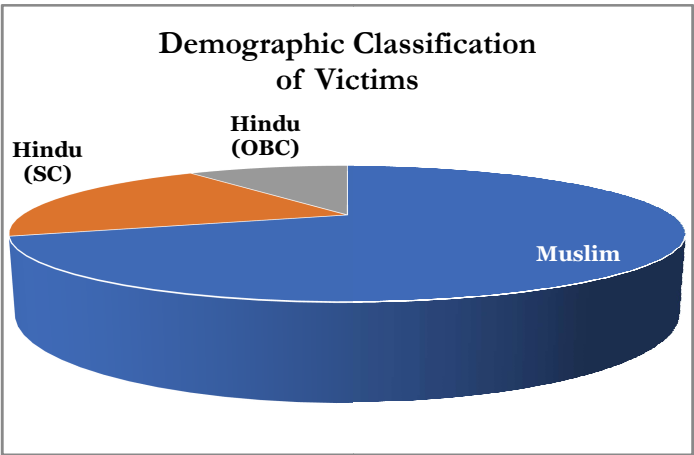
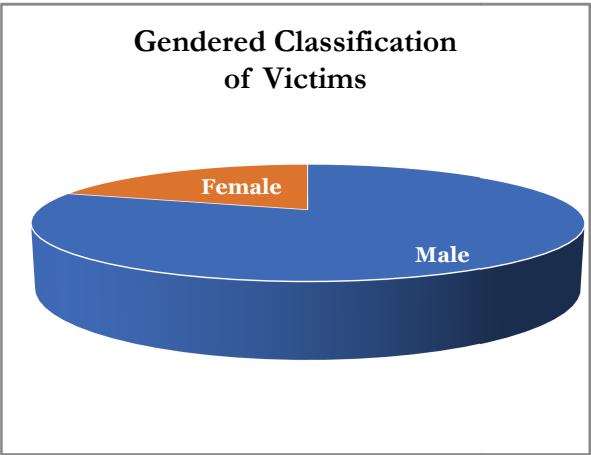
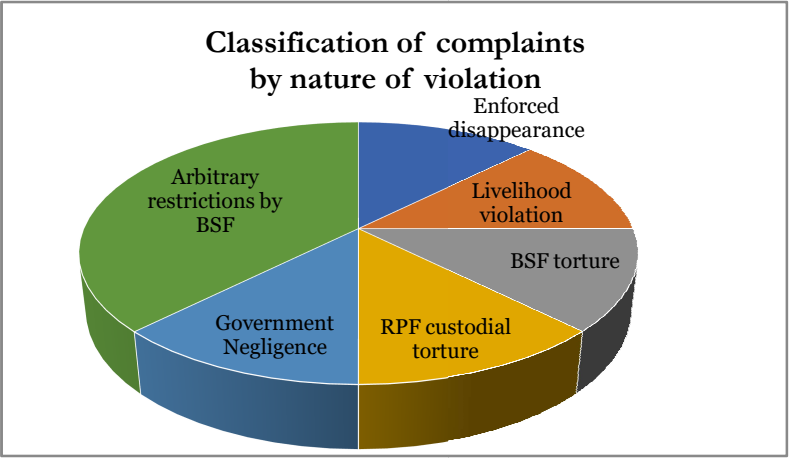
## **Monthly Report January, 2024**



Banglar Manabadhikar Suraksha Mancha (MASUM) lodged 8 complaints during the month of January 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. 1 statement has been issued by MASUM on ghastly killing of one Border Guard Bangladesh personal by BSF personnel in the Indo Bangladesh bordering area of West Bengal. We have received 3 directions from National Human Rights Commission during this month.

Out of 8 complaints, one is on enforced disappearance, 1 on livelihood violation, 1 on torture perpetrated by Border Security Force personal, 1 on custodial torture by RPF personnel, 1 on government negligence and 3 on arbitrary restrictions by Border Security Force.

Through these complaints we addressed plights of 10 individuals, out of 10 individuals; 8 were male and 2 were female. While 7 were Muslims, 1 was Hindu Other Backward Caste and another Hindu Scheduled Caste. In the cases of illegal restriction and livelihood violation, the victimization was collective and does not reflect on charts below.



# Achievements

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- At mouzas Barnaberia, Jhaudanga and Naradaha under Gaighata block of North 24 Parganas, BSF personnel were stationed at the Jhaudanga-Pipli concrete road passing through the villages, causing regular and massive disruptions to their daily lives, movement, and livelihood. Now, finally, after our relentless efforts, the BSF has been forced to shift the border fence to the actual international border within 50 yards of the bank of Ichamati.
- The Superintendent of Police; North 24 Parganas has made direction for re-investigation, after intervention by the Calcutta High Court, on two cases: the extra-judicial murder of Ranjit Das, and the case of torture by BSF personnel on Shamim Dafadar.
- At Hakimpur-Doharkanda area of 24 Parganas (North), BSF illegally erected fence with high mast lights and CCTV, hundreds of people collectively uprooted the illegal fence from their land under the leadership of *Amra Simantabasi*.
- A large number of farmers in bordering areas of 24 Parganas (North) district were able to cultivate jute this year. MASUM has made consecutive complaints to international and domestic institutions to protect the rights of individual choice of profession and occupation.
- In a rebuilding drive, MASUM made initiative to remobilize the populace of bordering areas of Murshidabad district; the area from where MASUM initiated its journey on addressing border issues. 6 *Amra Simantabasi* (We the bordering people) and 1 *Pramila Bahini* (Women's Committee) committees at the village level were formed during a short span of a fortnight.

## Reports of MASUM's work in media

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1. <https://www.counterview.net/2024/02/bangladesh-border-guards-death-result.html>  
Report at *Counterview* on MASUM's statement and protest against the extrajudicial killing of BGB personnel by BSF personnel, Sutia, North 24 Paraganas.
2. <https://www.bbc.com/bengali/articles/c51rxnq35x4o>  
Report at *BBC Bangla* on MASUM's statement and protest against the extrajudicial killing of BGB personnel by BSF personnel, Sutia, North 24 Paraganas.
3. <https://www.counterview.net/2024/01/west-bengal-border-area-woman-assaulted.html>  
Report at *Counterview* on MASUM's protest and legal pursuit against perpetrator BSF for assaulting and molesting a minority community woman in Coochbehar.
4. <https://www.dhakatribune.com/bangladesh/337762/masum-condemns-bsf-killing-of-bgb-personnel>  
Report at *Dhaka Tribune* on MASUM's statement and protest against the extrajudicial killing of BGB personnel by BSF personnel, Sutia, North 24 Paraganas.
5. <https://www.newagebd.net/article/223859/murder-case-filed-against-unnamed-people-after-bsf-killed-bgb-sepoy>  
Report at *New Age Bangladesh* on MASUM's statement and protest against the extrajudicial killing of BGB personnel by BSF personnel, Sutia, North 24 Paraganas.



# Case Briefs

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## **Government Negligence:**

The complaint was on distressing state of health and family welfare as well as general infrastructure development in Gobra Village under Gobindapur Gram Panchayat, Swarupnagar Block, North 24 Paraganas District, West Bengal, situated on the Indo-Bangladesh border. The state of sanitation in this village is deplorable to say the least. Roads and other public infrastructure also remain tragically underdeveloped. 6 residents of this village applied for the construction of sanitation facilities in their respective houses in 2023 under the provisions of the Swachh Bharat Mission. No initiative has been taken till date to even begin the necessary construction.

## **Illegal Restriction:**

Complaint was on restrictions on agriculture and livelihood faced by the peasants of Paschim Sahebganj village under Sahebganj Gram Panchayat, Dinhata II Block, Cooch Behar district, West Bengal, imposed by the Border Security Force personnel of E company, 129 Battalion, stationed at Dharola Border Outpost gate no. 8. The entirety of the agricultural lands owned by the families exists on the other side of the border fence, but within the Indian Territory. In fact, the border fence is not constructed in the actual Indo-Bangladesh border delineated by the international border pillars, but well inside the Indian Territory and through the villages and habitation of the bordering populace in Cooch Behar District. This phenomenon of erratic fencing is very normal through the Indo-Bangladesh bordering areas of West Bengal and causing immense encroachment to the rights and freedoms of the bordering populace. The BSF personnel do not keep the gate open for the passage of the peasants for a long enough duration. BSF has imposed additional restrictions on the employment of agricultural labour on these lands, and the farmers have to repeatedly take permission to employ labourers. Because the border fence is not constructed at the actual Indo-Bangladesh border and there is also no BSF personnel posted at the actual border, cattle and livestock from Bangladesh trespass into the farmers' agricultural lands and cause massive damage to agricultural crop.

## **Illegal Restriction:**

Another complaint on unlawful restriction of villagers from going to their own farmlands, and the unlawful blockade of a mosque (the only mosque in the area) by BSF personnel in the Jhaukuthi Village of Tufanganj I block, under Tufanganj PS, Cooch Behar district, West Bengal; wherein the said restrictions and blockades have been imposed by the 31<sup>st</sup> Battalion of Border Security Force stationed at gate no. 3 of the Jhaukuthi Border Outpost. BSF personnel have arbitrarily dug trenches and built blockades and checkposts on the CPWD road passing through the village on the superfluous pretext of preventing smuggling, and these trenches have, on one instance, entirely blocked the passage of some of the villagers to their own agricultural land situated inside the border fence, and on another instance, blocked the entrance to the only mosque in this village populated by a 100 percent Muslim population.

## **Illegal Restriction:**

Complaint was on restrictions on agriculture and livelihood faced by the peasants of Paschim Hemkumari Natun Basti village, Haldibari Block, Cooch Behar district, West Bengal, imposed by the Border Security Force personnel. In Paschim Hemakumari Natun Basti has a total of 16491 residents, out of which, 86 families reside near the Indo-Bangladesh border. They are all peasants, belonging to Scheduled Castes and of religion Hindu, and their average annual income is less than 36,000 INR. They are all Indian nationals by birth, and when the border fence was installed in 1990, all of their ancestral lands came to be on the other side of the border fence in Indian Territory. Although they bought lands to build residential houses outside of the border fence, their agricultural lands, amounting to a total of 455 bighas - remained inside the fence, and are currently under the control of the 15<sup>th</sup> Battalion of Border Security Forces posted at Gate number 9, Hudumdanga Border Outpost.

### **Custodial Torture:**

This complaint was on Illegal detention and custodial torture by RPF personnel at Pundit Deen Dayal Upadhyaya Junction (DDU) Railway Station in Uttar Pradesh. Mr. Jamshed Molla resident of village – Purba Polta, post office – Gobindapur, police station – Swarupnagar of North 24 Parganas (district) in West Bengal, boarded Durgam Express train on 19/10/2023 from Sealdah station and bound to New Delhi station and reached Pundit Deen Dayal Upadhyaya Junction (DDU) Railway Station on 20/10/2023 at around 01:55 hours. He was accosted near his confirmed berth (berth number 56 and coach number B- 9) by RPF personnel along with a posse of plain clothed policemen. They forced him to deboard the train and get into a car outside the station premises that took him to a room. There were five policemen in the room and four of them assaulted him badly. Jamshed Molla was asked about his religious identity and on getting to know that he practices Islam, the degree of assault increased with the use of heavy boots and wooden sticks. He was also abused with the use of filthy words and they repeatedly accused him of being a 'Muslim smuggler' without initiating any investigation to substantiate their claims. Mr. Molla was abused and assaulted only because of his religious identity. Mr. Jamshed Molla was not charged with any criminal case by those railway policemen.

### **BSF Torture:**

This is a complaint against Shri Manoj Kumar, serving BSF personnel for threatening and abusing a respectable member from the minority community. Alifar Miya, son of Late Nizamuddin Miya is the husband of Chalima Bibi, an elected member of the Khalisamari Gram Panchayat in Sitalkuchi block of Cooch Behar district. He faced regular intimidation, threats, verbal abuses having detestation against minority community and mental harassment from a serving Border Security Force personnel named, Shri Manoj Kumar of 'G' company of Choto Madhusudan BOP under 157 BSF Battalion. For the past three months, the aforementioned BSF personnel has been continuously harassing Shri Alifar Miya with threats to implicate him in false cases of cow smuggling and other illegal activities. He also insulted him and his community; Muslims for consuming beef.

### **Livelihood Violation:**

Complainant was on violation of the right to engage and free choice of livelihood options and practices by the Border Security Force (BSF) personnel in Haldibari, Cooch Behar district of West Bengal. Agrarian activities, especially of people whose agricultural lands are on the other side of the Indo-Bangladesh border fence but well inside the Indian territory are facing tremendous hindrances due to interference and high-handedness of the BSF personnel. I have made several complaints to attract your attention over this issue but no corrective measures have been taken from the Commission's part. BSF personnel have deliberately harassed a subsistence farmer of the scheduled caste community and prevented him from irrigating his own land, leading to a possible crop failure. Mr Satyendra Nath Das (Village: Hemkumari, Gram Panchayet: Paschim Hemkumari, Block: Haldibari, District: Cooch Behar, State: West Bengal) with land titles, Dag Nos: 33124 and 33125 and Khatian No: 1906 and 1977 have repeatedly faced inconvenience in cultivating his land due to the whimsical and tyrannical dictats of the BSF personnel. At the latest instance, they prevented Mr Das from carrying and using a small pump set to irrigate his agricultural land.

### **Enforced Disappearance:**

BSF personnel are systematically using enforced disappearances to initiate an era of brutality in the villages on the Indo-Bangladesh border passing through North 24 Parganas. Through our fact-finding it has been reported that the BSF illegally apprehended Milan Mondal (S/o Late Arshad Mondal, 33yo, Muslim OBC), an agrarian wage labour by occupation, with part-time involvement in cross-border smuggling of goods as mere courier; then tortured the victim to death and then was instrumental in disappearing the body which has not been traced since the time of the incident. The mother of the disappeared victim in this incident, Mrs. Nokila Mondal lodged complaints to the Swarupnagar police station, Superintendent of Police of 24 Parganas (North) and Sub Divisional Officer of Basisrhat sub division of 24 Parganas (North) district but authority has so far failed to trace out the victim.

# Statement against killing of BGB personal by BSF

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Banglar Manabadhikar Suraksha Mancha (MASUM) strongly condemns the murder of Bangladesh Border Guard personal. It was reported that on 22.01.2024 at around 4:30 to 5:00 AM, cross border cattle smugglers from India and Bangladesh were trying to cross the border with huge number of cattle from India to Bangladesh at Sutia Bazar area under Bongaon Police Station of 24 Parganas (North) district of West Bengal. There is no fencing at the mentioned area and river Kotla is the demarcated border between the countries. The river is dried up and full of mud these days. The two counterparts of bordering guards made contradictory statements, while the Indian Border Security Force alleged that the deceased was involved in cattle smuggling at the time of the incident, while the Border Gurad Bangladesh said that the Sepoy attached with Border Guard Bangladesh, Mohammed Raisuddin tried to capture cross border smugglers and, in this course, separated from his colleagues and unintentionally crossed the border, and in thick fog, BSF fired upon him. According to our fact finding, when BSF personnel intercepted the smugglers, they fled from the scene leaving the herd of cattle and BGB personnel from Dhannyakhola outpost came to the spot and took few cattle with them while the rest of the cattle were taken into their custody by personnel of Sutia BOP of 107 BSF Battalion. Raisuddin received a bullet on his abdomen. BSF personnel of the mentioned outpost tried to move him to Bongaon SD Hospital when the deceased divulged his identity as BGB personal. It was reported that he was brought dead to the hospital. Later, a criminal case has been lodged against the deceased Raisuddin vide Bongaon PS Case No. 80/24 dated 22.01.2024 under sections 186/353/333/325/307/506 of Indian Penal Code & 14 Foreigners Act, Mr. P.L Yadav, Company Commander of Sutia BOP, 107 BSF Battalion was the complainant while Mr. Sujit Das, Sub Inspector of Bongaon PS is the Investigating Officer engaged with this case. Police done an inquest over the body on 22.01.2024, later the Sub Divisional Officer made another inquest on 23.01.2024. Post Mortem Examination was done on 22.01.24 at Bongaon SD Hospital on 22.01.2024 vide PME No. 39.

This incident once again proves trigger happy characteristics of the border guards of India; the BSF. The Border Security Force authority cannot be given the right to behave as the executioner. Most important part is that though the deceased was a BGB personal but there was no evidence that he has made any attack to the BSF personnel during the whole incident. The higher-ups of BGB categorically said that from BGB did not use any single bullet in the incident. Border Security Force personnel with the help of firearms fired at him and killed him and it was not a retaliatory action. In this case, instead of arresting the person and handing him over to the police, the Border Security Force personnel fired him to death. In no circumstances, involvement in cross border smuggling or illegal entry to India attract death penalty.

One inquest was done over the body of deceased by SDO, Bongaon even after the autopsy was over; which is grossly illegal and against the criminal procedure.

The incident violates the rights guaranteed in Article 21 of Indian Constitution, to every person inside the Indian territory and the premise of Article 2 and 6 of International Covenant on Civil and Political Rights, an international instrument; the government of India is a party and have agreement. The perpetrators also violated the Article 2, 3 and 8 of Code of Conduct for Law Enforcement Officials; Adopted by General Assembly resolution 34/169 of 17 December 1979. This act violated the basic premise of The Geneva Convention.

We demand for an independent enquiry over the incident conducted jointly by the National Human Rights Commission of India and Jatiya Manabadhikar Commission of Bangladesh, which will serve the interests of both the countries. We call upon international human rights communities to come up and protest against systematic killings by Border Security Force personnel and subsequent impunity.

(Kirit Roy)

Secretary  
MASUM  
25 January 2024



# Our Activities

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## Murshidabad

A meeting was held at Invite Hall, Islampur, Murshidabad, on the morning of 13th January, 2024, with the agenda of rebuilding MASUM's organisation in the district. Mr. Azimuddin Sarkar, erstwhile DHRM, MASUM, and Mr. Kirity Roy, secretary, MASUM, addressed the gathering. Former members of village committees were present, among 65 attendees from several villages from the Indo-Bangladesh border areas. The meeting began with the narration of the difficulties faced by the villagers from both BSF and the state police, including, but not limited to loss of access to their own farmlands and severe restriction on movement and livelihood; and political repression faced by villagers trying to organise. Mr. Kirity Roy thereafter addressed the meeting taking stock of the severe and ongoing violation of human rights and non-functionality of government welfare schemes in the border regions, recounting the history of MASUM in the district, explaining the agenda of MASUM with respect to securing human rights and right to livelihood for the people living in the Indo-Bangladesh border region. He explained that the foundation of MASUM's work in the district was village committees, committees of people affected by landslide (Bhangan Durgato Committee) and women's groups (Pramila Bahini). Mr. Azimuddin Sarkar delivered an inspiring speech, recalling how internal conflicts along political party lines had torn the organisation from inside, earlier, and calling for a rebuilding of the village committees - each committee to hold monthly meetings and awareness campaigns. Volunteers came forward and took up the responsibility of building 40 village committees. Mr. Kirity Roy took account of the court cases that have been undergoing in the district, and talked to survivors of BSF and police violence.



## Coochbehar

On 22.01.2024, *Amra Simantabasi* committee of Gadopota I, Shitalkuchi Block organized a meeting to discuss difficulties caused for closing of border gate due to fog. It was decided to submit a memorandum to the BDO.

On 25.01.2024, *Pramila Bahini* (Women's Committee) met at Jhaukuthi Paschim Para to discuss on BSF restriction on corn cultivation and decided to submit memorandum to the BDO.

## North 24 Paraganas

Meeting of Hakimpur village committee of Amra Simantabasi was held on 19th January. It was decided that the village committee will make written complaints to the SDO, BDO and local police station on problems related to illegal restrictions by BSF and torture perpetrated by BSF personnel.



## Medical and Psychological Assistance

In this month of January 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 9<sup>th</sup> January and 29 January for physical and psychological well being respectively. Dr. Anusuyak Roy treated 49 patients for physical wellbeing while Dr. Debshankar Mukhopaddhaya provided psychological treatment to 11 persons. For Coochbehar district both physical and psychological treatment were provided on 25 January and 30 January at Dinhata by Dr. Saokat Ali and Dr. Bahniman Sarkar respectively. 41 persons received treatment for physical wellbeing while 7 received psychological treatment. Expenses for medicines, travel and pathological tests were borne by the programme.



Dr. Saokat Ali, treating victims at Dinhata, Coochbehar



Dr. Bahniman Sarkar, treating victims at Dinhata, Coochbehar.



Dr. Anasuyak Roy, treating victims at Swarupnagar, North 24 Paraganas.



Dr. Debshankar Mukhopadhyay, treating victims at Swarupnagar, North 24 Paraganas.

## ‘Collective Against Fascism’ Meetings (Coochebehar and North 24 Parganas)

Banglar Manabadhikar Suraksha Mancha (MASUM) & ‘Collective Against Fascism: Democracy Will Certainly Win’ has organised street corner meetings on 8<sup>th</sup> & 9<sup>th</sup> of January 2024 at Chenakata market under Mathabhanga I block and Sahebgunj Tarun Sangha under Dinhata II block of Coochbehar district to reaffirm their protest and dissent against the onslaught on rights to movement, privacy, expression, choice of profession/ occupation and prefacing of hatred. It was in connection of series of public meetings, similar meetings were organised on 31<sup>st</sup> of December 2023 and 1<sup>st</sup> of January 2024 at Gaightata block and Swarupnagar block of 24 Parganas (North) district. All these places are situated along the Indo- Bangladesh border and facing the pertinent problem of border fencing well inside the Indian soil, arbitrary restrictions in movement and agrarian activities. BSF illegally erected fence in agrarian lands without adherence of minimum legal requirement of land acquisition guidelines. Intense atrocities by Border Security Force personnel are the rule of this land.



# Legal Activities Report

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## Supreme Court of India

Two cases of MASUM are pending before the Supreme Court of India –

1. Md. Nur Islam versus Union of India (WP 141 (criminal) of 2015 (generally known as Felani Khatun case))
2. Banglar Manabadhikar Suraksha Mancha versus Union of India (WP (Civil) 218 of 2012) where we prayed an order declaring section 46 and 47 of BSF Act, 1968 as ultra vires to Article 14 and 21 of the Constitution of India.

Felani Khatun was shot dead on 7<sup>th</sup> January 2011 by BSF personnel while she was illegally trying to cross the barbed wire from India to Bangladesh. Human Rights organisations of India and Bangladesh made protests to this ghastly murder. BSF's security court acquitted the accused. Later, an appellate court of BSF also made order for acquittal. NHRC taken up the case and observed that the killing was uncalled-for, as at the time of the incident, she was unarmed not even stones have been seized from her by the BSF and in no way she was in position to attack BSF personnel. NHRC recommended for monetary compensation to the family but till Ministry of Home Affairs of India refused to oblige NHRC recommendation. MASUM facilitated the writ petition in Supreme Court of India. It was pending for a long time; now, we have taken initiative to expedite the proceeding at the Supreme Court with new affidavit and we appoint a new lawyer to move the case forward.

In Banglar Manabadhikar Suraksha Mancha versus Union of India (WP (Civil) 218 of 2012) case, all respondent has filled respective affidavit and matter is ready for hearing. Supreme Court ordered for final hearing on next date. In this case we have taken an initiative to expedite the proceedings by appointing a new lawyer.

## ACJM Court – Dinhata, Coochbehar

Prakash Barman, aged about 35 years was shot in his head from point blank range by BSF personnel attached with West Chamta Border Outpost, Gandarmarka, 75 Battalion, Border Security Force. Prakash Barman is the sole earning member of his family consisting of four members. On 12.11.2021 at about 2 am some BSF personnel attached with West Chamta Border Outpost, 75 Battalion caught Mr. Barman and fired bullet from point blank range which directly hit his head. After being shot by the bullet, the body of Mr. Barman was lying there for more than about 9 hours. The incident was strongly protested by the ruling political dispensation of West Bengal. They also demanded for punishment of involved BSF personnel but MASUM was doubtful on their conviction against BSF atrocities. At the complaint of Mamta Burman; wife of the deceased, a criminal case has been initiated vide Sitai PS case No. 190/2021 dated 13.11.2021 and GR Case No. (I) 700/2021, under section 302 of IPC. Proving our apprehensions correct, the Sitai police recently submitted Final Report on the case vide Sitai PS FRT NO. 125/2023 dated 29.07.2023. We facilitated an objection/ protest petition by Mamata Burman, the complainant. Hearing has been fixed on 12.02.2024.

## ACJM Court – Basirhat, 24 Parganas (North)

We facilitated a criminal case against the BSF personnel, where petitioner Aparna Mondal brought allegation of attack and destruction of livelihood option of her husband Madhai Mondal. Madhai Mondal is a fisherman by profession. BSF personnel ransacked his trap for fishing. MASUM made complaint to the NHRC while commission called for report. The complaint before magistrate vide Misc. Case no. 29 dated 18.01.2024 against BSF personnel has been accepted for proceeding.

### **Note on NHRC:**

NHRC has taken a new stance to increase the number of disposed off cases. MASUM made a complaint on livelihood violation by BSF personnel on 05.01.2024 in respect of SATYENDRRA NATH DAS, the Commission on 29/01/2024 upon perusing the same, transmitted it to the Superintendent of Police, Coochbehar for appropriate action and closed the case at their end, whereas the Commission knows it well that after exhausting at the end of district and state authorities, we made the complaint to them.

## **Some Glimpses from MASUM's work**

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Re-organization initiative meeting  
at Invite Hall, Murshidabad



Street Corner campaign with 'Collective against Fascism',  
1st January, Swarupdaha Bazar, North 24 Paraganas



Street corner campaign with 'Collective against Fascism',  
8th January, Chenakata Bazar, Mathabhanga, Cooch Behar