

Monthly Report

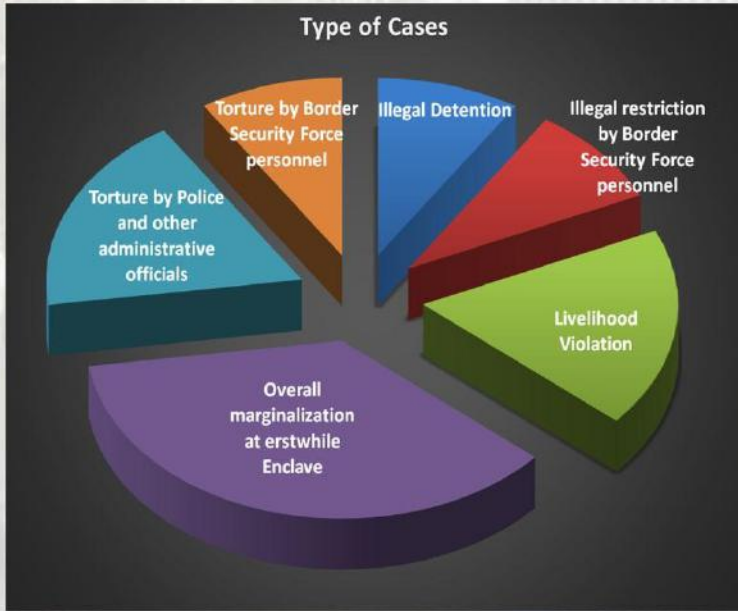
July 2020



Miles to go...

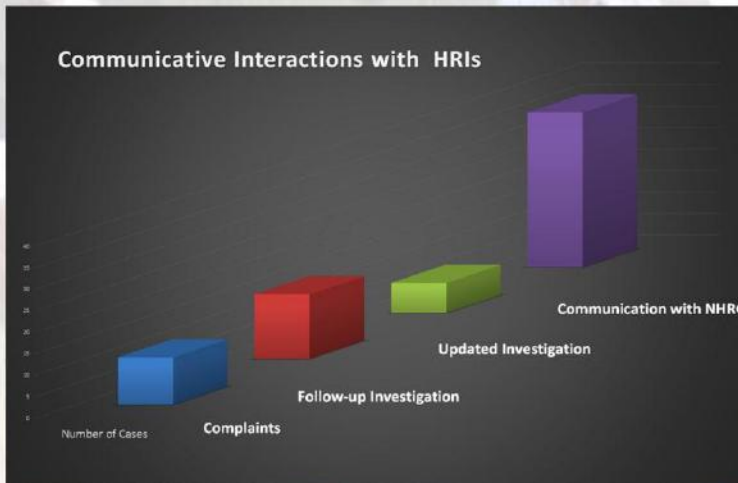
**Banglar Manabadhikar
Suraksha Mancha**



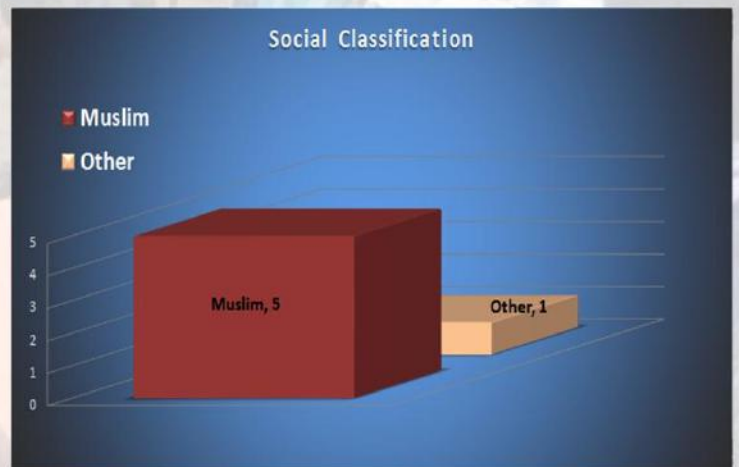
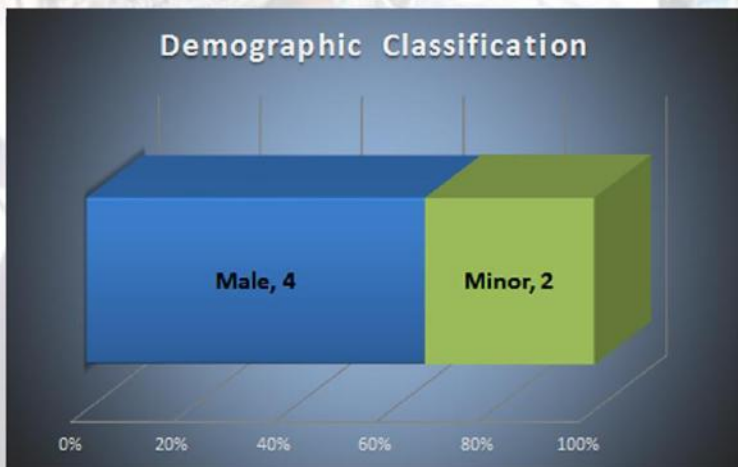


Banglar Manabdhikar Surakksha Mancha (MASUM) made 11 complaints of gross human rights violation before the relevant state authorities and different human rights institutions; especially the National Human Rights Commission during the month of July 2020. During this period we made updated complaints regarding 7 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 36 cases and provided feedback on the directions issued by the NHRC in 15 cases.

Type of Updated Investigation	Number of Cases
Overall marginalization at erstwhile Enclave	1
Torture by Border Security Force personnel	2
Government Negligence	1
Unsafe Migration	1
Illegal restriction by Border Security Force personnel	1
Torture by Police and other administrative officials	1



Out of the eleven complaints, four are on overall marginalization at erstwhile enclave, two each on livelihood violation and torture by police and one each on illegal detention, Illegal restriction by BSF personnel and Torture by BSF personnel. In the complaint regarding Illegal restriction by BSF personnel, livelihood violation and marginalisation at erstwhile enclaves the victimization was collective and does not reflect in demographic and social classification of victims. Total numbers of victims in individual complaints were 6; among them 5 belong from the minority Muslim community and one from Hindu community. Among the victims 4 were males and 2 minor.



Achievement: In the month of July, MASUM received three directions from National Human Rights Commission (NHRC) for monetary compensation. Ajimuddin Sarkar, a human rights defender in Murshidabad, West Bengal was attacked and imprisoned in false cases. MASUM complained before NHRC on 28.11.2014 about this incident. After 6 years, NHRC directed to Government of West Bengal to pay a monetary compensation of rupees 1 lakh within six weeks. The second direction is regarding the case of Samir seikh who is tortured by Border security Force personnel without any reason. On 1st July 2020 NHRC directed to Ministry of Home Affairs to pay one time monetary compensation of 1 lakh rupees. The last direction is regarding the case of Renubala Barman who was also tortured by Border Security Force personnel. On 29.07.2020 NHRC directed to Ministry of Home Affairs to pay one time monetary compensation of 1 lakh rupees for her loss.

Bangladeshi national stuck in India due to lockdown dies in jail custody

On 18th May 2020, 26 Bangladeshi nationals were accused and charged with Sec.14 of the Foreigner's Act, 1946 and arrested by the Chapor Police station (Case number 174/2020) in Dhubri district of Assam. These Bangladeshi nationals were not criminals and all of them had valid passport. They came to India with proper VISA documents for 3 months but got stuck due to the Covid-19 pandemic situation as the nationwide lock down has been instigated since 25.03.2020. During the lock down they could not manage any transport to reach Changrabandha port from where they could have returned back. Therefore they tried to reach the Changrabandha check post as soon as possible in order to cross the check post and go back to their home in Bangladesh but could not make it. These Bangladeshi persons were made accused and charged under Sec.14 of the Foreigner's Act, 1946 and arrested by the police personnel attached with Chapor Police station in Dhubri district of Assam. The Bangladeshi nationals were placed in Jail custody by the order from First Judicial Magistrate court of Bilasipara, Dhubri. Though attempts were made in terms of appealing for their release to the Indian and Bangladeshi High Commissions, they are still in jail custody and are being treated as criminals.



On 01.07.2020 Mr. Tanveer Rasul, Assistant High Commissioner of Bangladesh High Commission confirmed that, one of the 26 Bangladeshi Nationals, Mr. Bakul Mian, son of Mr. Omar Sarkar (Bangladesh Passport Number- BP0561551) died in jail custody of Dhubri, Assam. The cause of death is still unknown. The incident, as reported, is a clear case of custodial death due to the negligence of the administration. MASUM filed one complaint before National Human Rights Commission on 01.07.2020 in demand to

follow 176/1/A of CrPC and the inquest should be done by the Judicial Magistrate and NHRC guideline for the custodial death should be followed in true spirit.

5 Years of LBA - Promises unfulfilled

The conglomeration of erstwhile enclave dwellers in Coochbehar district "AmraChitmahalbasi" (We, the enclave dwellers) decided to observe 31st July, 2020 as a black day as it marks the five years anniversary of the Land Boundary Agreement (LBA), 2015. The promises made by the government of India to the erstwhile enclave dwellers through the LBA, 2015 has not been fulfilled, due to which, the dwellers are in acute penury. Even after 5 years of the LBA, the residents are devoid of their Citizenship rights, land title and social rights. Under the circumstances, the erstwhile enclave dwellers from Dinhata, Mathabhanga and Sitalkuchi hoisted black flag along with the Indian flag in their respective villages and protested against the non-fulfillment of the promises by the Indian government. The erstwhile Bangladeshi enclave dwellers from Falanapur, Batrigach, Uttar Bansjani, Purba Moshaldanga, Karola, jagatber, Bhandardaha and Kokeyabari organized the protest demonstration on the day. Apart from hoisting the black flag, they also protested by demonstrating posters on their misery.

MASUM stands in complete solidarity with the erstwhile enclave dwellers and strongly supports their fight for their rights. In order to respect their struggle MASUM also organized an online talk session on the situation of the erstwhile enclave dwellers after 5 years of the Land Boundary Agreement, 2015. In the talk session Human Rights Activist and Columnist Ms. Bolan Gangopadhaya, Film and Theatre Artist Ms. Sohag Sen, Former UN Special Rapporteur on Adequate Housing Mr. Miloon Kothari and Researcher and Activist Ms. Prachi Lohia participated and narrated their views on this issue. This particular talk session was telecasted from the facebook page of MASUM.



Watch the talk session - [here](#)

5 years of LBA: An ignominy of justice

31 July 2020 marks the completion of five years since the implementation of the Land Boundary Agreement (LBA) which was signed between India and Bangladesh. There are several reasons why this date ought to be remembered. First, the LBA was a much awaited step towards achieving a stable and peaceful boundary with Bangladesh and improve bilateral relations. Second, for more than seven decades, all of India's democratically elected governments had not been able to implement the clauses of the LBA. The Agreement required an amendment to the Constitution of India and allowed for ceding Indian Territory to a foreign country. However, the most important reason to commemorate this occasion is for the sake of the thousands of lives that the LBA had claimed to bring into relief and its spectacular failure to do so.

The LBA had allowed for an exchange of the erstwhile enclaves in India and Bangladesh, along with their residents. The Agreement had promised them the citizenship of either of the two nation states, along with all the



Image Source: Scoopwhoop.com

rights related to nationality, compensation and rehabilitation. The 14,864 erstwhile Bangladeshi enclave dwellers in India had chosen to renounce their Bangladeshi citizenship and continue to live on their original land. For seven decades, these residents had been cut off from the state administration and had been devoid of basic amenities such as health, education, social security schemes, law and order and so on. The Standing Committee on Constitution 119th Amendment, which had been passed to implement the LBA, had recommended that adequate compensation be provided to the erstwhile

enclave dwellers along with immediate access to public services such as health and other infrastructure. Moreover, around 980 residents from erstwhile Indian enclaves in Bangladesh had chosen to relocate to India and claim their Indian nationality. For them, the Committee had recommended compensation and proper rehabilitation along with other basic services.

However, even five years after the implementation of the LBA, these people continue to live in conditions of extreme penury. The identity documents received by most residents are fake or contain multiple errors. They have not received any state notification that guarantees their Indian citizenship. They are forced to migrate in search of employment because the erstwhile enclaves still do not have adequate job opportunities. Most residents do not have access to social security schemes related to health, education, employment, pensions and so on and continue to suffer from a lack of proper roads and infrastructure. The residents that had chosen to relocate to India continue to be housed in three temporary settlement camps in Cooch Behar, in miserable conditions.

Since 2013, we have made consistently advocated for the rights of enclave residents with the state administration and human rights institutions. In August 2019, the Special Rapporteur, West Bengal of the National Human Rights Commission (NHRC) visited the enclaves and the three settlement camps on the basis of a complaint filed by us. In October 2019, he submitted a detailed report along with his recommendations to the Central Government and State Government of West Bengal. In November 2019, the Chief Secretary of the Government of West Bengal visited the Batrigach enclave and instructed the Sub Divisional Officer to establish a primary health centre in the former enclave. However, even these significant interventions have failed to draw the state's attention to the plight of erstwhile enclave dwellers. These developments have not been able to address the multitude of problems that the residents continue to face to this day.

After five years of anticipation, the promise of the LBA remains unfulfilled. Thousands of bona fide citizens of India continue to face the harsh realities of border politics and state apathy. MASUM and the erstwhile enclave residents shall continue to observe 31 July as a day of institutional injustice and failure of state administration for as long as the demands of rightful citizens are not met.



Image Source: indianexpress.com

Watch the video [here](#)

Case briefs: July, 2020

• **Torture by police:** Mr. Kajal Pal, a reputable social worker and a resident of Serampore, West Bengal was victim of unprecedented and unprovoked attack, physical assault and torture by a police serviceman attached with Serampore Police Station. This form of autocratic and thoughtless use of power is not new, hence once again we have witnessed that the protector of citizen, so to say, are violating the law of the land along with various provisions of the Criminal Procedure Code, Police Regulation Act and especially the guidelines laid down by the Supreme Court of India. Also, in another case, Mr. Kalam Sheikh, resident of village Brahmottorpur, Murshidabad was a victim of the same treatment meted out by Police personnel attached to Lalgola Police Station where he was taken by force from his own house and beaten mercilessly within the premises of the police station, highlighting an over abuse of police power.



• **Torture by Border Security Force personnel:** The victims of torture meted out by the Border Security Force personnel mostly belong to marginalized communities and are migrant labourers. In this case, a minor victim Master Sahanur Mondal, from Murshidabad has been prey to gruesome torture inflicted by the barbaric Border Security Force personnel according to their whims and fancies without any valid reason or evidence.



• **Marginalization of Erstwhile enclave dwellers :** The villagers of Rajarbari Khalisamari, Sangarbari under Cooch Behar are living under extreme pressure and are deprived from most Government welfare schemes pertaining to employment opportunities as well as due ration through the Public Distribution System. In another case of two young villager namely Nayan Sheikh and Sahidul Sheikh were threatened and Kidnapped by the BGB guards since a few Bangladeshi citizens were arrested by the BSF, which was finally resolved through a flag meeting.

• **Illegal arrest and Detention:** Momirul Pramanick, a minor boy was kept in Murshidabad Police Station Custody without producing him in the Juvenile court or without placing the victim under the charge of the Special Juvenile Police Unit. More so, he was kept in the police custody more than 50 hours, violating multiple provisions under the CrPC.

• **Livelihood violation:** Villages of Char Shibnagar, Murshidabad and Villagers of Gobindapur, North 24 Parganas, have been deprived of governmental welfare schemes due to non-functional administration, completely violating their right to livelihood. The nationwide crisis and the Amphan Cyclone has devastated them completely and rendered them helpless in such times especially without any assistance from the Government.

• **Illegal restriction by Border Security Force personnel:** Villagers of Khamarpara and Char Shibnagar, Murshidabad have long been suffering due to arbitrary restrictions imposed on their livelihood by the Border Security Force especially in the face of two subsequent disasters, one being the nationwide crisis swept by Covid-19 and then followed by the devastating cyclone, Amphan. The BSF has restricted their freedom to move freely within the Indian territories despite various governmental orders, imposing their authority and pushing these people deep into penury.



Activities at a glance

In the month of July, 2020 “Amra Simantabasi” (we the bordering populace) organized a number of village level meetings at Cooch Behar and Murshidabad district. On 14th and 19th July 2020, Amra Simantabasi district committee of Cooch Behar arranged two village level meetings at Jhaukuthi village situated under Tufanganj Block and Police station and Seuti village under Dinhata –II block of Cooch Behar district. In both these meetings the villagers narrated how their life and livelihood is more restricted by the Border Security Force personnel during to the lock down. Also their next working plan in coming months was discussed in the mmetings.

On 1st and 22nd July 2020 Amra Simantabasi district committee of Murshidabad arranged two village level meetings in Parashpur village situated under Jalangi block and Char shibnagar village situated under Raninagar-II block. Here also the villagers narrated their sufferings during the lock down.



The erstwhile enclave dwellers from Dinhata, Mathabhanga and Sitalkuchi hoisted black flag along with the Indian flag in their respective villages and protested against the non-fulfillment of the promises by the Indian government, on 31st July, 2020, the 5th year anniversary of the Land Boundary Agreement, 2015. The erstwhile Bangladeshi enclave dwellers from Falanapur, Batrigach, Uttar Bansjani, Purba Moshaldanga, Karola , jagatber, Bhandardaha and Kokeyabari organized the protest demonstration on the day. Apart from hoisting the black flag, they also protested by demonstrating posters on their misery .



We stood beside the victims of Covid-19 lockdown and victims, who suffered loss from the 'Amphan' cyclone by providing food packets to 413 people from Coochbehar district, mainly migrant labourers, who were facing crisis due to Covid-19 lockdown. In Murshidabad district 283 families, facing acute crisis, were provided food packets. In North 24 Parganas, 96 families were provided food packets and 33 families, who suffered loss due to 'Amphan' cyclone were provided with bamboo and tarpaulin.

