

JULY-2024

FIGHT FOR
RIGHT



MILES TO GO...



MONTHLY
REPORT

Banglar Manabadhikar

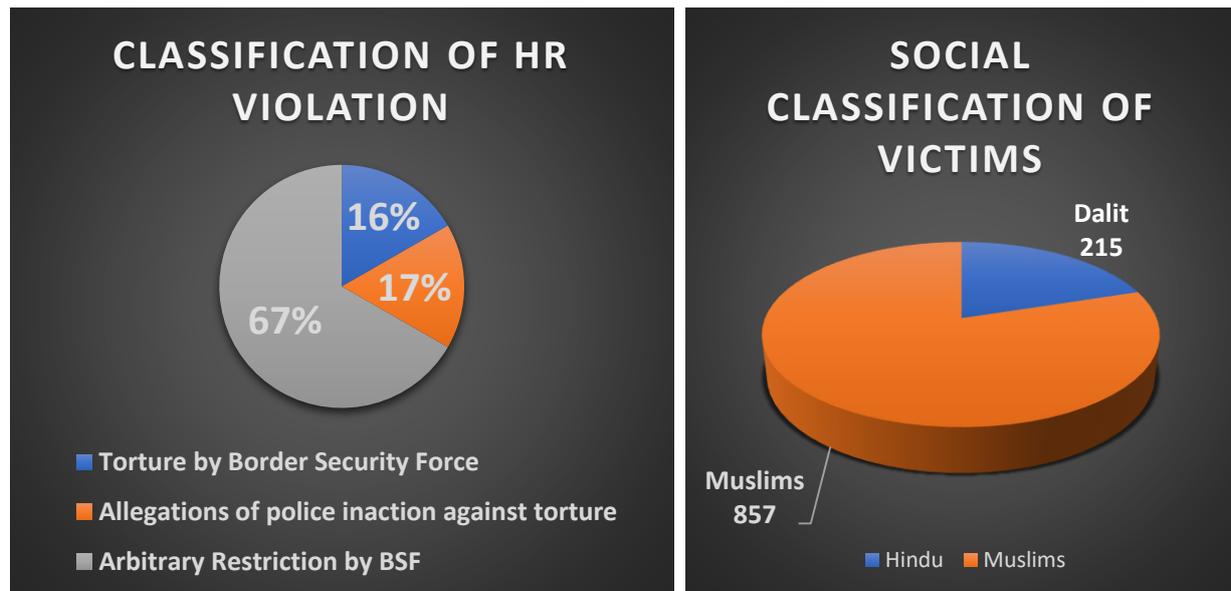
Suraksha Mancha (MASUM)

www.masum.org.in

Banglar Manabadhikar Suraksha Mancha (MASUM) lodged six complaints during the month of July 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.

Out of six complaints, one on torture committed by Border Security Force personnel, one on Allegations of police inaction against physical incidents and four on arbitrary restriction by BSF.

In case of arbitrary restriction at India Bangladesh bordering area, the victimization was collective and we have calculated that the number of affected persons were nearly 857 (Dalit 215, Muslims 857). Complaints on torture committed by Border Security Force personnel, on police atrocity against minority and Schedule Caste.



Case Brief July-2024

Torture by Border Security Force

On 23rd June 2024, Bajlu Rahaman Dafadar, an elected panchayat member from 2018 to 2023 for Bithari Hakimpur Gram Panchayat under Swarupnagar Panchayat Samity, went to his agrarian land near Bithari BOP to collect vegetables. While returning home on his motorcycle, he was stopped by a BSF sentry for a routine check and allowed to proceed. Shortly thereafter, at a location between points 4 and 7 on the India-Bangladesh Border Road, Bajlu encountered two BSF personnel with a group of villagers. Upon reducing his speed, the BSF personnel suddenly verbally abused him in Hindi, using filthy languages. The BSF personnel, identified as Mr. Man Singh and Mr. RP Sarkar, then physically assaulted Bajlu with a rifle butt and a stick, causing him to fall from his motorcycle and sustain injuries. Bajlu was kicked with boot-clad feet, resulting in hematoma and severe injuries to his left hand, waist, and head. He received medical attention at Saraful Rural Hospital, where the attending doctor refused to document the cause and extent of his injuries. Bajlu lodged a complaint at Swarupnagar Police Station, which was registered as Case No. 333/24 on the same day, but the police station issued only a slip without mentioning any section, a common but illegal practice. Despite initial reluctance, the police station eventually registered the FIR after persistent persuasion. In response to this incident, MASUM lodged a complaint to the



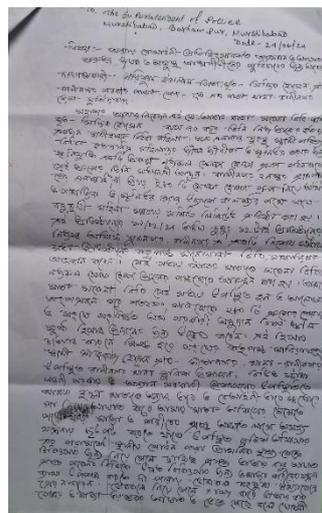
Chairperson of the National Human Rights Commission of India.

Bajlu Rahaman Dafadar, a devout Muslim who performed Hajj four years ago, was targeted while commuting on a vital road shared by the India-Bangladesh Border Road and the Gram Panchayat's constructed road, an essential route for villagers. The unprovoked attack by the BSF personnel highlights ongoing issues of excessive force and abuse of power by security forces in the region. The incident not only inflicted physical injuries on Bajlu but also raised concerns about the accountability of law enforcement agencies. MASUM's intervention by filing a complaint with the NHRC underscores the need for immediate and impartial investigation into the actions of the BSF personnel, aiming to ensure justice for Bajlu and prevent abuse.

Statement of victim survivor - <https://youtu.be/SMDLOkTvg3I>

Allegations of police inaction against physical torture against an Elderly Women

On 19th February 2024, Sakena Bibi, a 75-year-old widow and president of the Sarkarpara Nazrul Self Help Group, attended a general meeting at the Lokkher Pathe Multipurpose Women Cooperative Samity Limited's Office in KM Nagar, Raninagar, Murshidabad. The cooperative oversees 280 Self Help Groups under Kali Nagar II Gram Panchayat and has been plagued by corruption and violence over funds and government grants. During the meeting, Sakena Bibi questioned the executive director, Ms. Mabiya Khatun, about financial irregularities, including the misuse of Rs. 2,040,000 in government assistance and the absence of accounting for 23 years. Enraged by these questions, Ms. Mabiya Khatun kicked Sakena Bibi in the abdomen, causing her to fall and scream in pain. The on-duty police personnel present at the meeting did nothing to intervene, and government official Ms. Labani Sarkar sided with the perpetrator.



Sakena Bibi was taken to Godhan Para Primary Health Centre and later referred to Domkal Sub-Divisional Hospital, where X-rays revealed a serious hip joint injury. Despite the recommendation for further treatment at Murshidabad Medical College and Hospital, Sakena's financial constraints forced her to return home without adequate medical care. Her son, Sariful Islam, filed a written complaint at Raninagar police station, but the duty officer refused to register it as an FIR or assign a GDE number. Other SHG members, Murshida Bibi and Morjina Bibi, demanded justice for Sakena Bibi. Consequently, the complaint was forwarded to the Superintendent of Police, Murshidabad district, on 24th June 2024, as the local police failed to take any action.

Arbitrary Restriction by BSF

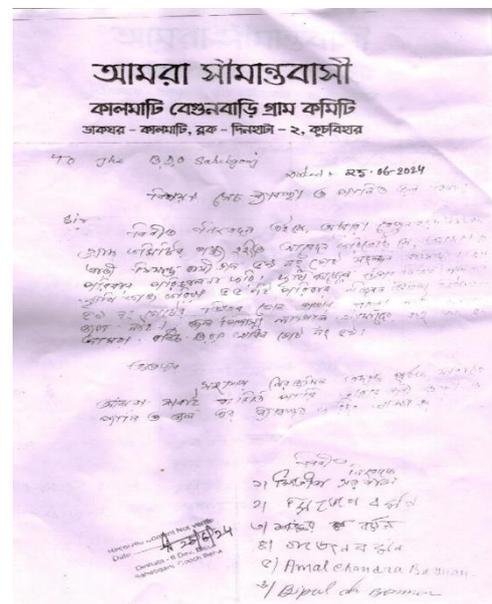
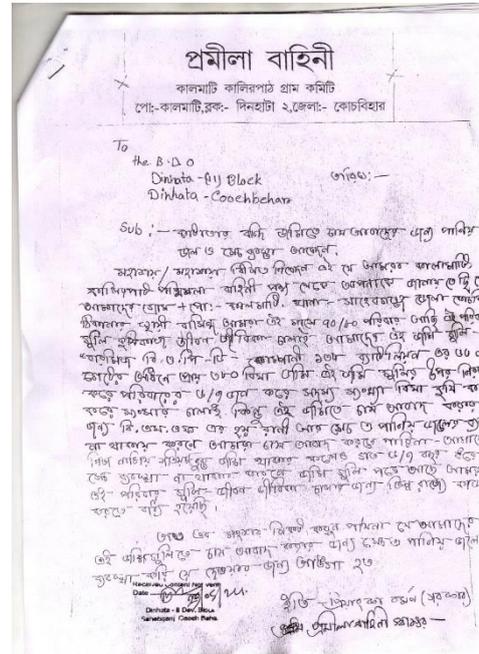
1. Residents of Kalamati Kalirpat, a village in Dinhata block of Cooch Behar district, are enduring severe governmental neglect. Isolated from mainland India by border fencing between India and Bangladesh, this village of nearly 450 inhabitants from Muslim Backward and General Castes is devoid of basic amenities. Despite cultivating around 380 bighas of land, the villagers lack proper irrigation and drinking water facilities. Though the land is fertile enough for three annual yields, the absence of adequate irrigation has resulted in significant financial losses for the farmers. The Border Security Force (BSF) has imposed stringent restrictions on the villagers' access to their agricultural lands

beyond the border fence through gate number 60, controlled by Kalamati Barmiz Border Out Post, 'D' Company of 138 BSF Battalion. When the border fence was erected in 1990-91, villagers had no issues accessing their lands. However, the BSF later relocated their posts inside Indian territory, abandoning their duties at the international border. Currently, the BSF only opens the gates three times a day for one hour each, severely limiting the villagers' access to their fields and hampering their agricultural activities, thus threatening their economic stability. On May 29, 2024, around 70 to 80 family heads submitted a signed memorandum to the Block Development Officer (BDO) of Dinhata-II Block, demanding proper irrigation facilities. Although the BDO assured them that he would address the issue, no action has been taken. The Ministry of Home Affairs, Directorate General Border Security Force (Operation Directorate), issued a memorandum on September 27, 2005, stating that the fencing gates should remain open from 6 am to 6 pm. The BSF's non-compliance with this directive, combined with the inaction of local BDOs, SDOs, and DMs, has worsened the villagers' plight. Maintaining a family of 6-7 people has become increasingly difficult due to the villagers' reliance on agriculture, which is heavily restricted by the BSF. This struggle has forced many youths from Kalamati Kalirpat to migrate for work as wage laborers. The lack of irrigation and restricted access to their land has pushed the younger generation to seek employment elsewhere, further disrupting the village's socio-economic stability. Urgent intervention is required to ensure the following:

- Provision of proper drinking water and irrigation facilities.
- Instruct the BSF to stay at the actual border, not within the village.
- Ensure the gate remains open from 6:00 AM to 6:00 PM for agricultural activities.
- Install water pipelines in the fields between the fencing and the international border.

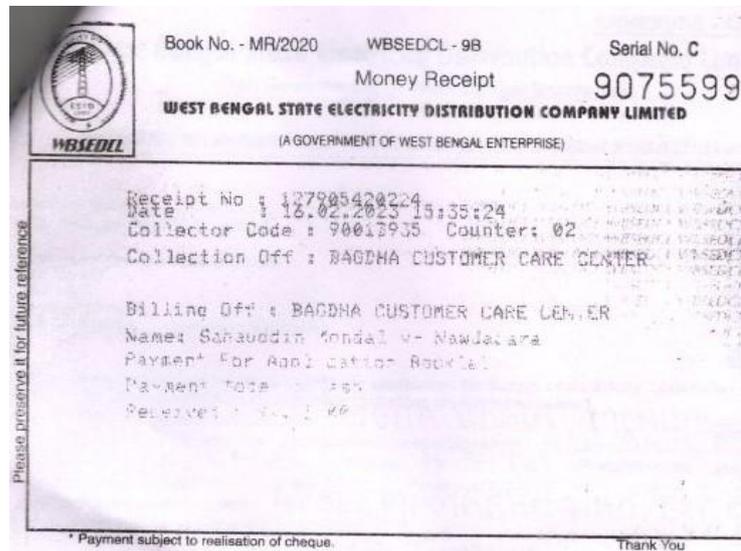
The rights enshrined in Articles 19 and 21 of the Indian Constitution are being systematically violated. Immediate action is essential to uphold these rights and improve the villagers' living conditions.

2. We bring this to the attention of The Chief Secretary of Government of West Bengal that on 25th June 2024, villagers from Kalamati-Begunbari, Bamanhat II Gram Panchayat, Dinhata II block, Cooch Behar district, met with the Block Development Officer (BDO) of Dinhata II Block under the banner of 'Amra Simantabasi' to address severe restrictions imposed by the Border Security Force (BSF) on their agricultural activities and the lack of irrigation and drinking water facilities. Approximately 55 families, predominantly from the Hindu Scheduled Caste group, own nearly 112 acres of fertile land encircled by a border fence under the observation of Barniz Border Outpost of 'D' Company, 138 BSF Battalion. Despite having a three-yielding category land, the BSF only opens Gate No. 59, constructed in 2022 after MASUM's persistent



efforts, thrice a day for one hour each time. This limited access restricts villagers to just three hours of agricultural work daily, making it difficult to transport tools, seeds, fertilizers, and laborers within the stipulated time, resulting in financial losses as full-day wages are paid for only three hours of work. The BSF's refusal to permit jute cultivation leaves Aman paddy as the sole viable crop, further increasing production costs. Additionally, the lack of irrigation and drinking water facilities exacerbates the villagers' hardships, forcing them to carry water and food for the entire day or wait for the gate to open to quench their thirst. Despite assurances from the Gram Panchayat member that the issue was discussed in meetings and that initiatives would be taken, no action has been implemented. The BSF indicated they would allow irrigation facilities if proposed by the administration, urging villagers to pursue the matter with the BDO. During the meeting with the BDO, villagers submitted a written memorandum detailing their challenges and the denial of their rights by the BSF personnel. The BDO assured them he would discuss the issue with the BSF authorities and provide feedback. Conversely, the BSF personnel claimed their actions were based on instructions from higher authorities, highlighting a systemic issue requiring urgent intervention to uphold the villagers' rights and ensure their access to essential resources.

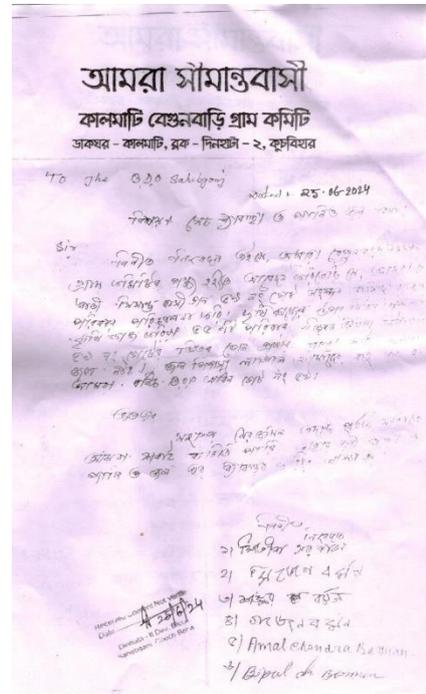
- Residents of Noadapara, a village under Mamavagina P.O. and Baghdah Police Station in North 24 Parganas, West Bengal, are facing severe governmental neglect. Despite being part of Indian territory, this village, situated near the Bangladesh border and under the jurisdiction of BSF's 68 Battalion, remains without basic amenities, including electricity. The village is home to 17 families who own their land, yet they have been deprived of essential services even after 77 years of independence. In



the landmark case of Om Prakash v/s Balkar Singh (CR-1153-2022), the Punjab & Haryana High Court ruled that electricity is a fundamental amenity and an essential component under Article 21 of the Indian Constitution. Despite this ruling, Noadapara has never had access to electricity, which is a basic necessity for development and livelihood. The village is isolated from mainland India and encircled by border fencing between India and Bangladesh. To visit mainland India, residents must seek permission from BSF Company-B, 68 Battalion, further complicating their already challenging lives. On 01.11.2022, the villagers made their first formal request for electricity to the SDO Bongaon. In response, on 02.11.2022, the SDO Bongaon assigned the matter to Mr. Dipankar Das (DMDC) for further inquiry. Subsequently, all 17 families deposited money with the West Bengal State Electricity Distribution Company Limited (WBSEDCL) for the provision of electricity. For instance, Ajahar Uddin Mondal and Saha Uddin Mondal made their payments on 15.02.2023 and 16.02.2023, respectively. Despite these efforts, there has been no progress, and the absence of electricity continues to severely impact the daily lives of the residents, hampering educational opportunities and overall development. On 23.02.2023, a communication was made from WBSEDCL to the Deputy Inspector General of BSF, Sector Head Quarter in Krishnagar, District Nadia, highlighting the efforts and requests for the issuance of a No Objection Certificate (NOC). Despite these efforts, the situation remains unchanged, and the village continues to live in darkness. The villagers, with

hearts full of hope, have tried to communicate with the 68th Battalion Company Commander of BSF for relief. However, their appeals went unheard, as the company commander paid no attention to their suffering. In a desperate attempt to seek help, one villager, Ibrahim Dafadar, informed the Hon'ble Chief Minister of West Bengal through the Programme Implementation and Grievance Cell on 01.04.2024. Unfortunately, the situation remained unchanged despite this appeal to the highest state authority. The lack of electricity hampers agriculture, education, and safety, leaving the villagers exposed to various risks. Children cannot study after dark, farmers cannot use electric pumps for irrigation, and the absence of street lighting increases the risk of accidents and security issues. I earnestly request your intervention to expedite the provision of electricity to Noadapara (Doulatpur Indiapara), P.O. Mamabhagina, P.S. Bagdah. Your prompt action will significantly improve the quality of life for the residents and support the village's progress towards a brighter future. Immediate intervention is crucial to improve their living conditions and support their development. Thank you for your understanding and immediate attention to this urgent matter. MASUM take initiative and highlighted the matter before the Chief Secretary, Government of West Bengal.

- On 25th June 2024, villagers from Kalmati-Begunbari in Bamanhat II Gram Panchayat, Dinhat II block, Cooch Behar district, met with the Block Development Officer (BDO) under the banner of 'Amra Simantabasi' to address severe restrictions imposed by the Border Security Force (BSF) on their agricultural activities and the lack of irrigation and drinking water facilities. The agrarian land, measuring nearly 112 acres and owned by around 55 families, predominantly from the Hindu Scheduled Caste group, is encircled by a border fence under the observation of Barniz Border Outpost of 'D' Company, 138 BSF Battalion. Despite having fertile land capable of yielding three crops annually, the BSF only opens Gate No. 59, constructed in 2022 after MASUM's persistent efforts, thrice a day for one hour each time. This limited access restricts villagers to just three hours of agricultural work daily, making it difficult to transport tools, seeds, fertilizers, and laborers within the stipulated time, resulting in financial losses as full-day wages are paid for only three hours of work. The BSF's refusal to permit jute cultivation leaves Aman paddy as the sole viable crop, further increasing production costs.



Additionally, the lack of governmental facilities for irrigation and drinking water exacerbates the villagers' hardships, forcing them to carry water and food for the entire day or wait for the gate to open to quench their thirst. The agrarian land beyond the fence has no shelter or water facilities, and farmers must endure these harsh conditions while working. Despite assurances from the Gram Panchayat member that the issue was discussed in meetings and initiatives would be taken, no action has been implemented. The BSF indicated they would allow irrigation facilities if proposed by the administration, urging villagers to pursue the matter with the BDO. During the meeting with the BDO, villagers submitted a written memorandum detailing their challenges and the denial of their rights by the BSF personnel. The BDO assured them he would discuss the issue with the BSF authorities and provide feedback. Conversely, the BSF personnel claimed their actions were based on instructions from higher authorities, highlighting a systemic issue requiring urgent intervention to uphold the villagers' rights and ensure their access to essential resources.

MASUM in Media

- <https://www.counterview.net/2024/07/indo-bangla-border-one-of-most-violent.html>

Counterview



NEWS BLOG

Indo-Bangla border one of the most violent, reports 1 death in 2 days



By Kirity Roy*

Despite the fact that India and Bangladesh are friendly countries, the Indo-Bangladesh border is one of the most vulnerable and violent borders in the world, registering severe bloodshed on a daily basis. On an average a person is killed or involuntarily disappears every two days along the border.

Guarded by the Border Security Force (BSF), in each of these deaths along the border, a couple of things remain constant – the deceased is a criminal in police case and the murderer enjoys impunity. Posted BSF personnel often forget that in no circumstances involvement in cross border smuggling or illegal entry to India attract death penalty.

MEDICAL AND PSYCHOLOGICAL ASSISTANCE of UNVFVT

In this month of July 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 22nd July and 24th July for physical wellbeing and psychological treatment respectively. Dr. Anusuyak Roy treated 37 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 27th July and 30th July at Dinhat by Dr. Shuakat Ali and Dr. Bahiman Sarkar respectively. 47 persons received treatment for physical wellbeing while 9 received psychological treatment. Expenses for medicines, travel and pathological tests were borne by the programme.

Our Activities

Murshidabad

On 11th July, a meeting of Amra Simantabasi held at haru mandaler para. The meeting decided for the application will be submitted to BDO Saheb regarding the issue of drinking water.

On 16th July, a meeting of Amra simantabasi held with Community Based Organisations, NGOs, and ICDS workers were all discussed to decide to work together on issues such as police torture, construction of anganwari centers, evicting hawkers etc.

On 19th July, a meeting of Amra Simantabasi held at dakkhin majhar. Various problems of people living in border areas and their solutions are discussed.

On 26th July a meeting of Amra Simantabasi held with dakkhin Majhar diyar various problems of people living in border areas and their solutions are discussed.

North 24 Parganas

On 14th July a new Amra Simantabasi organization was formed. Various issues related to Indo-Bangladesh border were discussed with the members of that organization.

On 21st July Amra Simantabasi held with Hakimpur Tarali village. Amra Simantabasi undertake a mass program involving all the villagers. BSF guarding the villages instead of guarding the border, the number of illegal activities from the border is increasing. Due to this petition, submitted to Block development officer and District Magistrate. If there is no solution after this, then Amra Simantabasi said that it will Dharna Mancha in the border area.

Coochbehar

On 19th July Amra Simantabasi held with Jhaukuthi Simanta the meeting decided to make demand for opening of the fencing gates from 6 AM to 6 PM and withdrawal of BSF's identity cards, meeting decided to submit memorandum to the respective BDO.

On 29th July Dinhata to Block Bamanhat II GP, Kalmati Kalirpat Pramila Bahini, Kalmati vekraful Amra simantabasi and Purba Sahebganj Amra Simantabasi held a meeting. The fencing gate should be kept open from 6 am to 6 pm because there are various problems in their cultivation, crops are getting lost. So they decided to submit a petition to BDO office regarding this issue and they decide to start a monthly collection of membership donations, which can be used for some kind of development work in their area.



**Villagers of Rainagar II
Murshidabad**



**Villagers of Kalmati Vekrapul
Coochbehar**



North 24 Parganas Medical Camp



Coochbehar Medical Camp



Villagers of Jhaukuthi Coochbehar



**Villagers of Hakimpur North 24
Parganas**

Legal Activities for July 2024, Supported by UNVFVT

North 24 Parganas.

1. Ex 194/23 -JHARNA DHABOK Vs Attaur Rahaman Dhabak.
2. GR-1290/22-State Vs. Taslima Bibi
3. GR-987/15- Sarifun Sana(State).
4. CRR- 08/24- JHARNA DHABOK Vs. Attaur Rahaman Dhabak
5. C-37/22-UNION OF INDIA VS NAZRUL DAFADER
6. GR-2974/23- Taniya Bibi (Informant) Vs BSF
7. GR 1290/22- Taslima Bibi(State) Vs. BSF
8. GR-4808/17- STATE (SUBRATA MONDAL) VS PALAS MONDAL & OTHERS.

Cooch Behar

- 1.G.R.- 849/2011- State vs Faruk Abdullah.
- 2.G.R 524/2023- Mahitan Bibi. Vs BSF Personnel.
- 3.G.R.- 390/2020- State vs Faruk Abdullah.

Murshidabad

- 1.C.R. No- 97/2016 - Biman Mondal Vs Police personnel.
- 2.C.R Case No - 15493/ 2015- Merina Bibi Vs. Raninagar P.S. Police personnel.
- 3.G.R. No- 127/2013-State Vs Rabiylul Islam.
4. G.R. No- 334/2014- State Vs Murshid Jahan.
- 5.G.R. No- 776/2016- State Vs Repon Seikh. & 6 Others.
- 6.873/2014- State Vs Palash Mondal.
- 7.G.R. No- 1142/2019- State Vs Raghunath Pramanik & 3 others.
- 8.G.R. No- 1150/2014- State Vs 1. Safikul Islam.2. Repon Seikh.
- 9.- 1163/2012- State Vs Malati Orao & 3 others.
10. G.R. No- 1227/2014- State Vs Abdus Subham Sk. & 4 others
- 11.1533/2012- State Vs Palash Mondal.
- 12.G.R. No- 2755/2013-State Vs Palash Mondal.
- 13.G.R. No- 2926/2014-State VsPalash Mondal & Subhankar Mondal
- 14.G.R. No- 2949/2014- State Vs Kajol Bibi & 13 Others.
- 15.G.R. No- 3283/2019- State Vs Raghunath Pramanik & Sandip Mondal.

16.G.R. No- 3566/2013- State Vs Safikul Islam @ Patan.

17.G.R. No- 3646/2013- State Vs Palash Mondal.

18.G.R. No- 3846/2010- State Vs Palash Mondal Hazira.

19.G.R. No- 3932/2013- State Vs Safikul Islam.

20.G.R. No- 3963/2014- State Vs Merina Bibi & Kajal Sekh.

21.S.S. No- 03/2015- State Vs Safikul Islam

Achievement

On 15-16 July 2024 Govt of India stood before MASUM & OMCT joint submission before UNHRC 141th session for 4th periodic report of India where Mr. Kirity Roy was present and submitted 15 pages report. After consideration Expert Committee published their observations where issues raised by our submission was reflected.

To know about our joint submission please click the below link:-

<http://masum.org.in/LatestPublication.aspx>