

Miles to go...

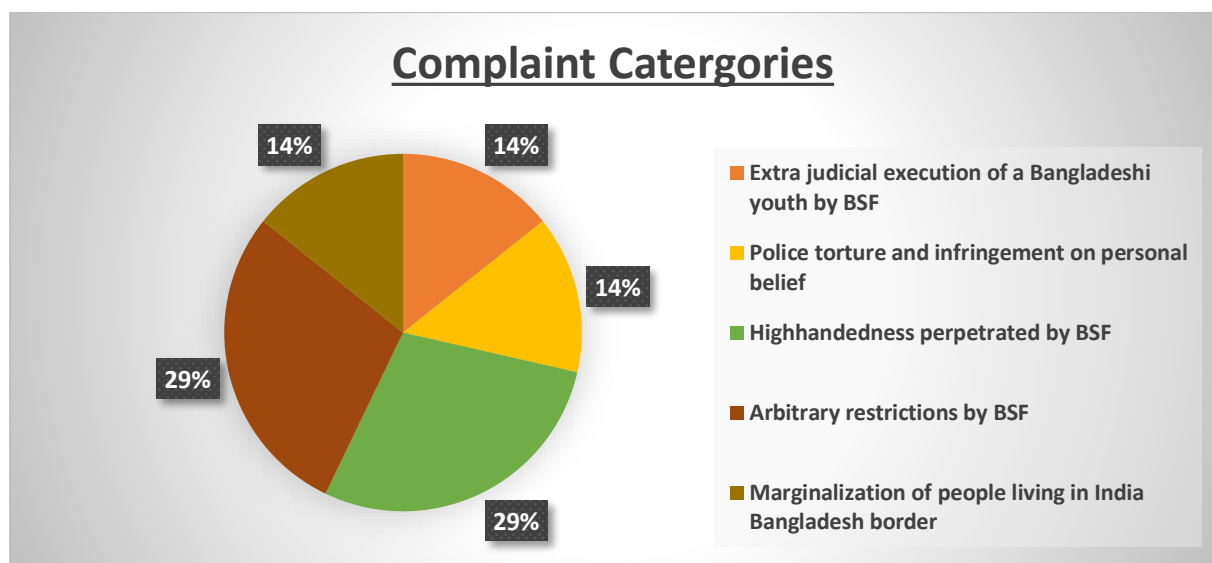


Monthly Report March 2024

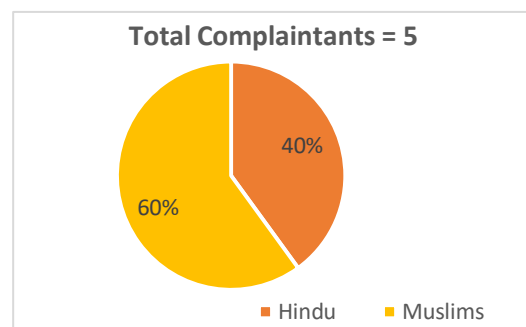


Banglar Manabadhikar Suraksha Mancha (MASUM) lodged seven complaints during the month of March 2024 on incidents of grave human rights violation before the human rights institutions; especially National Human Rights Commission, different state authorities and international human rights agencies. During this times pan two communication on update situation has been made to NHRC. One statement has been issued by MASUM on summit level meeting of Border Security Force (India) and Border Guard Bangladesh at Dhaka. We have received 6 directions from National Human Rights Commission during this month.

Out of seven complaints, one is on extra judicial execution of a Bangladeshi youth by BSF, one on police torture and infringement on personal belief, two on highhandedness perpetrated by Border Security Force personal, two on arbitrary restrictions by Border Security Force and one in overall marginalization of people living in India Bangladesh border.



Through these complaints we addressed plights of 5 individuals, out of 5 individuals; 5 were male. While 3 were Muslims, 2 were Hindu Scheduled Caste. In case of illegal restriction, highhandedness perpetrated by Border Security Force personal and livelihood violation, the victimization was collective and we have calculated that the number of affected families were nearly 295 and while in case of illegal restrictions nearly 200 agrarian labourers were get affected.



ACHIEVEMENTS

NHRC Case No. 223/25/6/2024-PF - KOHINOOR BIBI W/O SIRAJUL HOQUE

A complaint has been received through e-mail from Kirity Roy, Secretary, Banglar Manabadhikar Suraksha Mancha (MASUM), Hoogly, West Bengal. It has been alleged that a woman named Kohinoor Bibi, aged 35 years wife of Sirajul Hoque, r/o village Vorum Payasthi Morakuthi, PS Dinhata, District Cooch Behar, West Bengal was physically assaulted on 10.10.2023 by BSF personals after trespassing into her property. They have assaulted & molested her and also attacked other villagers. The Dinhata Police Station received a complaint, but no notable action has been taken by the Police. The complainant has prayed for commission's intervention into the matter.

M.D. S. OFFICE
 PADMERHAT RURAL HOSPITAL
 P.O. - Dakshin Barasat
 Jaynagar-I, South 24 Pgs.

the violent mob forcibly took him to Burorghat Hanuman Mandir (Temple) under the jurisdiction of Joynagar police station of 24 Parganas (South) district and pressurized him to withdraw some alleged statements made by Mr. Thakur. When Mr. Thakur was facing brutal physical aggression, a police personal named Mr. Pranab Mondal came to the place of occurrence and asked the mob that whether Mr. Thakur pleaded for mercy or not, the mentioned police personal not even tried to save Mr. Thakur from continuous attacks on his body and verbal abuses. While the mob was physically assaulting Mr. Thakur, the mentioned police personal was not only a mere spectator, he even inflicted assault on Mr. Thakur and inhumanely dragged him to parked prison van. Inside the prison van Mr. Thakur was brutally beaten by the said police personal. Thereafter, Mr. Thakur was brought to Bakultala police station, where he was again severely beaten by Mr. Pranab Mondal and other police personnel with sticks and fisticuffs, the bashing went on with defamatory casteist slurs. Due to this physical aggression, Mr. Thakur received serious injuries on both of his ears and other body parts, later the attending medical practitioners diagnosed that the eardrums of Mr. Thakur were severely damaged and he became hearing impaired for a long time. Subsequently, Mr. Thakur requested the police personnel of Bakultala Police Station to accept his complaint and register it as an FIR but the mentioned police personnel refused to do so on the pretext of appropriate jurisdictional area as the place of occurrence was under Joynagar police station. While Mr. Thakur requested the police personnel of Bakultala PS to help him to lodge the complaint to the Joynagar police station, they refused. His brother went to lodge the complaint at Joynagar police station on the same day but one Sub Inspector of Joynagar police station asked his brother to leave the locality with their family. The police personnel of Joynagar police station even destructed their vehicle and musical instruments and put their home under lock and key, later Mr. Thakur and his family retrieve the keys of their house after persuasion. The involved police personnel not even arranged his medical check-up and treatment on 10.02.2024 rather he himself visited a medical professional on 11.02.2024 where it was found that one of his eardrums got burst and another a crack. Though Mr. Thakur himself intended to register his complain on 10.02.2024 and made a written complaint on 11.02.2024 but the police registered a suo moto complaint made by one sub inspector of Joynagar police station; Mr. Sayan Bhattacharjee vides Joynagar Police Station Case No. 111/2024 dated 10.02.2024 under sections 342/325/506/34 of Indian Penal Code. The said suo moto complaint was drawn up in a diluted manner, suppressing the actual incident that was perpetrated against him on 10.02.2024, clamping down the same with enumerating innocuous and irrelevant penal provisions against the perpetrators. There has been shameful absence of any provision of The Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Act 1989. Though Mr. Thakur was detained at Bakultala Police Station for more than 4 hours on 10.02.2024, despite of that the police registered a whimsical version of a police person as complaint. On 26.02.2024 Mr. Thakur made written complaints to the Director General of Police; West Bengal, the Superintendent of Police; Baruipur Police District, Sub Inspector of Police; Bakultala Police Station and Officer in Charge of Joynagar Police Station.

On 28.01.2024 at around 4:30 AM, a Bangladeshi youth named Rabiul Islam alias Tuklu aged about 34 years, son of Mr. Afjal Hossein, resident of village- Dangapara, Post Office & Police Station- Patgram of District- Lalmonirhat of Bangladesh was killed by gunfire of BSF personnel attached with above mentioned unit at 93 Fulkabari village under Bagdogra Gram Panchayat under Kuchlibari Police Station of Cooch Behar district of West Bengal. The place of occurrence was at opposite to international border pillar number DAMP 1/MP and 250 (approximate) away from international border. It was reported that when the incident occurred, the deceased was carrying a bag containing 50 kilograms of sugar on his head and was trying to smuggle it out to Bangladesh. By this fact, it is evident that the deceased was not in a position to attack the 'Insas' rifle carrying BSF personnel. Later, an inquest was done over the body at around 6.00 AM on 28.01.2024 by an executive magistrate and then the body was sent for post mortem examination at Mathabhanga Sub Divisional Hospital. On

the same date at evening the body was handed over to Bangladeshi authority through a flag meeting. One Mr. Brijlala Yadav; Sub Inspector; Regt No. 860031134 of BSF submitted a written complaint to the Kuchlibari PS and his complaint was registered Kuchlibari PS Case No. 18/24 dated 28.01.2024 under sections 147/148/149/186/188/332/333/353/307/379/411 of Indian Penal Code and 14 A/14 C of the Foreigners Act. The accused of this case was mentioned as 1. one unknown Bangladeshi national 2. Pradip Roy, son of Sushil Roy of 93 Fulkabari 3. Naresh Roy, son of Late Malo Roy of 101 Fulkabari 4. Bishnu Roy, son of Late Brojen Roy of 93 Fulkabari. This written complaint was concocted in nature and that is manifested by its content.



As usual the BSF complaint mentioned that there was a group of men involved in cross border smuggling and they intended to attack the BSF party while restricted and self defence two BSF personnel shot one round each, but the villagers at the mentioned village informed the fact-finding mission that the Bangladeshi youth was alone when he was fired by the BSF personnel, it was also reported that the deceased was carrying a headload thus not in a position to attack, secondly, no BSF personnel of the party received an injury to their body part. Intriguingly the incident took place at around 4:30 AM, police and executive magistrate reached the spot at around 6:00 AM; as also mentioned in BSF's written complaint but the FIR is showing that the General Dairy Reference Entry Number 1063 has been made at 23:50 and the column for 'Reasons for delay in reporting by the Complainant information' is blank and in other word is silent over the reason for delay.

The complaint was on dilapidated condition of the road from Nawdapara BSF Camp to Mojammel Dafadar's house. Earlier it was called 92 Bongaon Boyra Road. This mentioned road is approximately 250 meters in length. Nearly 1000 people from Indiapara, Nawdapara and Mama Bhagina villages regularly use this road to commute. The road is situated at Mama Bhagina Mouza under Block and Police Station Bagdah of 24 Parganas district. The area is under surveillance of Mama Bhagina BOP of 'B' Company of 68 BSF Battalion. The Mama Bhagina mouza is an isolated part from the rest of adjoining areas and border fences have been erected through the villages at this area. Earlier the road was maintained by the Gram Panchayat but recently the road became India Bangladesh Border Road (IBBR). Though the identity of the road has been changed but not the condition. This road is being used by the commuters to reach educational institutions, medical facilities, financial institutions and commercial units; affecting education, health and commerce. Here it should be mentioned that the Bagdah Hospital is 5 kilometres, Bagdah Market is 5 kilometres, Mama Bhagina and Bagdah High Scholls are also 5 kilometres from Nawdapara, and due to poor condition of the road, the commuters have to cover a stretched distance to reach hospital, schools and market. The farmers of this area also face a great difficulty in transporting their produce to market and dwellings due to this poor condition of connecting road. The villagers on the aegis of 'Amra Simantabasi' a social platform of villagers living at India Bangladesh border, made a written submission to the District Magistrate of 24 Parganas (North) on 01.02.2024, where 235 family heads of the area were signatory. Similar submission was made to the respective Block Development Officer of Bagdah and Sub Divisional Officer of Bongaon. The villagers demanded for conversion of this dirt road into an asphalt road, like other border roads at the Bangladesh border.

The complaint was over an incident of exposing the total indifference of posted Border Security Force personnel on the plight of the common villagers of India Bangladesh border in West Bengal. Mr. Jagdish Sarkar, son of Mr. Shankar Sarkar of village & post – Gobindapur,

Police Station & Block – Swarupnagar, district – 24 Parganas (North) is a marginal farmer, owning a small piece of land for agriculture and belongs to Scheduled Caste community. His AADHAR No. 500282324157. During the month of May 2020, the cyclone Amphan has totally uprooted 60 feet high BSF watch tower from its base, and it vertically fell to the three yielding agricultural land of Mr.



Jagdish Sarkar. The huge construction of the tower which is lying on the agricultural land of the affected person causing great difficulties to agricultural activities. The mentioned watch tower is at present under the jurisdiction of the Gobra Border Outpost of 'D' Company of 112 Border Security Force Battalion. The affected agricultural land is under Gobra *Mouza*, JL No. 18, *Khatian* No. 757, *Dag* numbers 725 and 742 and measuring 0.10 and 0.47 acres respectively. It was learnt that the tower was constructed at the edge of Panchayat's mud road 30 years back, at that time there was no India Bangladesh Border Road or border fencing at the mentioned area. As agriculture is the only livelihood option for the affected person; he made several visits to the local Gram Panchayat member and Post Commander of the Gobra Border Outpost of 'D' Company of 112 Border Security Force Battalion but without any respite. BSF authority told Mr. Sarkar that they are unable to clear the uprooted construction from his agricultural land and nobody could even touch the same. Mr. Sarkar submitted a complaint to the District Magistrate of 24 Parganas (North) district on 16.02.24 but no remedial steps have been taken till date.

This complaint was on an incident of highhandedness and illegal obstacle created by Border Security Force personnel to harvest the ripen yields then transport it to market/ house. Mr. Aziz Fakir; son of Mr. Kapatulla Fakir and Mr. Sajahan Fakir; son of Mr. Kapatulla Fakir of village Jhaukuthi of Balabhut Gram Panchayat under Toofangung I Block of Cooch Behar district has cultivated onion in their .66 acre of agrarian land which is situated at the other side of the border fence. At the time of cultivation, they priorly informed and took permission of the Talai Border Outpost of "F" Company of 14 BSF Battalion. While the above-mentioned persons visited the BSF Company Commander of Jhaukuthi BOP; Mr. Dida Ram on 01.03.2024, to take permission to harvest the onion sprouts from their agrarian lands having *dag* numbers 941, 762 and *khatian* number 420/1 and 5014 and bring the yields to market for sell, the said Company Commander told them that he will visit the land and then only provide the permission, on 03.03.2024, the farmers again visited the mentioned BOP but the Company Commander not paid any heed. After that Mr. Samsheuddin Karmakar; the husband of Gram Panchayat Member; Ms. Aswiya Bibi visited the BOP with same purpose but he was driven out from the BOP with a caution for not to visit the BOP with this purpose. Mr. Samsheuddin Karmakar while visited the mentioned fields, found that two sacks of onion sprouts were confiscated at the Jhaukuthi 'Four Alfa' BSF outpost while the farmers tried to bring it to the market. The two sacks consisting around 120 kilograms of onion sprouts were lying down at the river bank for last 7 days and getting rotten. Then while Mr. Aziz Fakir; the affected farmer visited the mentioned Company Commander on 04.03.2024, the Company Commander about to beat Mr. Fakir and was driven out from the BOP with threats and humiliations. Mr. Saji P.N; one BSF personnel attached with 'G' Branch even accused the farmers by saying that the onion sprouts are being smuggled in from Bangladesh as you have not cultivated the yields, so the permission for transport would not be given. The

aggrieved farmers made written submissions to the Sub Divisional Officer – Toofangunj, the Block Development Officer of Toofangunj Block I and Officer in Charge of Toofangunj Police Station. The Block Development Officer of Toofangunj I Block sent a notice to the Assistant Commandant of Madhya Jhaukuthi BOP on 06.03.2024 to resolve the issue but the arrogant BSF personnel has not taken any corrective measure. Mr. Dida Ram; the Company Commander made visits to Mr. Aziz Fakir at his shop and terrorized him of physical harms and implicating Mr. Fakir in false criminal cases. He even threatened Mr. Fakir by saying that he will not permit to bring the onion sprouts to market while Mr. Fakir can contact anybody, none could deter him from his decision.

The complaint was on an illegitimate practice of posted Border Security Force personnel attached with Bramhaputra Border Outpost of 'G' Company of 15 BSF Battalion. These personnel are stationed at village – Paschim Hemkumari - Sipaipara under Haldibari Block and Police Station under Cooch Behar district of West Bengal. The mentioned village is inhabited by 50-60 families with agriculture as occupation and owning agrarian land at other side of the border fence, the total population of the village is 1380. Majority of the farmers belong to the Schedule Caste community which is 60 percent of total population and the rest is Muslims. An amount of around 160 Acres of land owned by the villagers of mentioned village is situated at the other side of the fence. Lands are three yielding and farmers used to cultivate paddy, corn, jute and potato. Around 50 to 60 families of this village are using the Gate No. 15 of Bramhaputra Border Outpost of 'G' Company of 15 BSF Battalion to access their agrarian lands; which is surrounded by the border fencings. The gate is usually opened thrice in a day; from 7 to 8 AM, 12 to 1 PM and 4 to 5 PM. The posted BSF personnel used to enter the name of the villagers in a register and obtain their signature on it. Appallingly, the posted BSF personnel force these poor villagers to purchase these stationaries; register book, pen and inkpad and deliver it to them. This is an official activity and the government has financial sanctions to carry out this process but the posted BSF personnel illegally procuring these stationery articles from the villagers for a long. It was reported that the villagers were restricted to visit their agrarian field while failed to meet this unjust demand of posted BSF personnel. When the visit to land is necessary, the villagers used to collect money among them and after collecting required money, they purchase the stationery and handed it to BSF and then visit their land. The local Panchayat member of the village discussed the matter with the Company Commander of BSF but without any desired outcome. It was also reported that this unjust practice is continuing in this gate only, on other gates at same gram Panchayat this is not practiced.

Complaint was on the arbitrary restriction on agricultural activities and regular and normal movements by the Border Security Force personnel attached with 3 No. Border Outpost of 'D' Company of 73 BSF Battalion at Khamarpara, Sarandajpur and Rajotpara villages of Katlamari I Gram Panchayat of Raninagar II Block under Raninagar Police Station in Murshidabad district, West Bengal. Nearly 200 agrarian labour, sharecroppers and farmers are affected by this unjustified restriction by the BSF and on the pretext of curbing cross border smuggling. The restrictions are on normal movement, daily chores, agrarian activities and transporting the agrarian produce resulting in huge financial loss to the farmers. The mentioned village is inhabited by Muslims, Schedule Caste and OBCs and agriculture is the prime occupation as cash crops of jute, corn and wheat are the main yields. As there is restriction in jute cultivation, the villagers cultivated sesame as an alternative. The villagers are being dictated by the BSF what the villagers can cultivate or not. BSF has objected to cultivation of jute, sesame and corn on the pretext of that these cultivation increases the cross-border smuggling activities. In this area, the BSF posts are well inside the Indian territory, in few places it is nearly 5-8 kilometres inside our actual boundary between India and Bangladesh. There is a huge amount of agrarian land owned by our citizens beyond the fence and BSF regularly harass the villagers to reach their land and do agrarian activities. Villagers are regularly experiencing verbal abuses, harassment, insult and physical

aggression by the posted BSF personnel. BSF has even close the road used by the villagers for their regular movements. This unjust restriction on agrarian activities is being instigated at Mouza- Katlamari, Plot No. 70, 75, 76, 77, 78 and 110 of *Khatian* No. 13986 under Katlamari Gram Panchayat I of Raninagar II Block and affected villagers who submitted a mass petition to the Block Development Officer of Raninagar II Block on 22.02.2024

UPDATES

This update was on one of the previous complaints dated 25.07.2020 vide NHRC registration number 1060/25/13/2020 on the situation of the villagers of Char Shibnagar under Malibari I Gram Panchayat under Raninagar II Block in the district of Murshidabad. These villagers suffered heavy loss due to the 'Amphan' super cyclone, which landed on their village on 20.05.20 and destroyed their thatched houses. As they had no means of earnings and financial capacity to repair their own house, they requested to local Malibari I Gram Panchayat; Block Development Officer of Raninagar II Block; Sub Divisional Officer of Domkol and even to the District Magistrate of Murshidabad district. MASUM updated the commission on 17.03.2021 that the victim villagers of Char Shibnagar village despite trying every means didn't get any compensation or rehabilitation from the government authorities. The matter was registered at NHRC with Diary No. 4121/IN/2021; but the issue was not solved. Hence, they decided to lodge another written complaint to the Sub Divisional Officer, Domkol. In between they have verbally requested the Pradhan of Malibari I Gram Panchayat several times but he didn't pay any attention to them. Presently, the affected villagers, who are mainly belong to religious minority Muslim community and small farmer, sharecropper or agricultural labour by profession and earning Rs. 3000 monthly on an average is living under abject poverty and unable to reconstruct their dwellings by their own income. Though there was an effort from the administration to compensate and help the underprivileged but due to inaction from a section of government officials and fictitious reports from the government employee at Malibari I Gram Panchayat Mr. Niyajuddin, the BDO of Raninagar II Block and Sabhapati of Panchayat Samity; Mr. Shah Alam, a section of the affected were deprived from this governmental assistance. Total 17 families were primarily made their representation for assistance before the District Magistrate of Murshidabad, BDO- Raninagar II and Pradhan of Malibari I Gram Panchayat but only 6 families received Rs. 60000 each of government assistance, others were left without any reasonable justification. The aggrieved families opined that their exclusion is due to partisan approach of the government officials. Due to this unjust deed of government officials and a section of the gram Panchayat, the families are forced to live under unsafe and poor living condition.

This update was made to draw attention of NHRC over a complaint by MASUM and which was duly registered in NHRC vide NHRC Case No. 1817/25/13/2019- PF. The complaint was on an incident of brutal killing of a poor, landless, marginalized Muslim youth namely Akbar Ali, aged about 27 belonging to Other Backward Class community of Krishnanagar village under Raninagar police Station area of Murshidabad district of West Bengal, by the Border Security Force personnel attached with 117 number Battalion of Kaharpara Border Out Post on 31.07.2019. The victim succumbed to the injuries from severe torture reportedly inflicted by seven to eight BSF personnel under the leadership of the then Company Commander B.G.Setty who were on duty at the time of incident. Just after the killing, local people gheraoed Raninagar police station and after assurance of justice from BDO- Raninagar II Block, Officer in Charge of Raninagar PS and Panchayat members, the gherao was lifted (paper cutting enclosed).The Commission on their part disposed of the case on 23.12.2019 with a



direction to the Secretary, Government of India, North Block New Delhi, where the direction mentioned “ The Complaints be transmitted to the concerned authority for such action as deemed appropriate. The authority concerned is directed to take appropriate action within 8 weeks associating the complainant/ victim and to inform them of the action taken in the matter.” But as typical for the authority of their defiance to Commission’s direction, they neither took an action nor informed the same to the victim or complainant within the mentioned time. Four long years have passed after the direction pronounced; no justice has been extended to the family members of the deceased. Raninagar Police Station initiated a specific case vide Raninagar Police Station Case No. 359/19 dated 31.07.2019 under sections 302/34 of Indian Penal Code against the Kaharpara Company Commander at that time BG Setty and other BSF personnel but in this case too, neither the accused were booked or justice ensured for the family members till date. In between the complainant, who is the brother of the deceased, faced regular intimidation from the accused BSF personnel, pressurizing him to withdraw the complaint against the accused BSF personnel. He informed the matter to the Superintendent of Police; Murshidabad district on 15.02.2021 but no protection measures have been taken by the police. It has been reported that the influential persons from the area are regularly intimidating the family to withdraw the case. The wife of the deceased with a 5-year daughter living a life under abject poverty due to the death of the only earning person of the family. The family did not even receive the prescribed compensation amount set for the death of a farmer and for his/ her funeral.

STATEMENT – 9th March 2024

Border Security Force (BSF) of India and Border Guard Bangladesh (BGB) of Bangladesh met in 54th Director General level meeting at Dhaka; Bangladesh on 5th to 9th March, 2024 to discuss on minimizing killings at border area, illegal intrusion, trafficking of drugs and other narcotics, smuggling of arms and ammunitions and other crimes at bordering areas. Further, the summit had an agenda to discuss on overall development in 150 yards area at both sides of the border and design an activity plan for the same.

Banglar Manabdhikar Surakksha Mancha (MASUM) welcomes this initiative but with a cautious observation on their sincerity and honesty.

Through a press release, we came to know that the two forces have decided to minimise the incidents of physical torture, killings and bodily harm upon Bangladeshi villagers in to zero through joint root marches and overall developmental actions but the statement is not uttered a single word on killings and physical harms upon Indian citizenry. Despite the fact that India and Bangladesh are friendly countries, the Indo —Bangladesh border is the most vulnerable and violent border in the world registering severe blood she don a daily basis. On an average a person is being killed every two days in the Indo —Bangladesh border by the BSF. Incase of each of these deaths, surprisingly a couple of things remain constant—deceased is criminal in police case according to complaint of BSF and the murderer enjoys impunity. Trigger happy BSF has no respect up on democratic institutions; like NHRC. Though, this joint statement conveyed its pain on the killing of BGB personal at 24 Parganas (North), West Bengal by the posted BSF personnel but there were serious procedural flaws on investigation and handing over the body (see MASUM statement on January 25, 2024). We categorically said that “.....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.”.

In this statement, the BSF higher ups made pretense on their concern about the development of bordering areas, in real term, they are regularly constraining the economic activities of the villagers by restricting their normal movements, arbitrarily encroaching to their free choice of cultivation and other business activities. The civil and BSF authorities using the BAPD money in non permissible accounts without any check while the citizenry of bordering areas of West Bengal living under abject marginalization.

The BSF use pellet guns in the Indo—Bangladesh borders in order to combat crimes. Several Indian and Bangladeshi innocent persons are victims of the **sepellet** guns including severe injury even resulting to death. Many of these victims lost their sight due to pellet injury. We also demand justice for these victims of torture and the family members of the persons who were killed in border by the BSF. We suggested to constitute joint investigating team consisting the members of National Human Rights Commission of India and Jatiya Manabadhikar Commission of Bangladesh.

MASUM is facilitating two cases, which 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 and 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 is ultra vires to Article 14 and 21 of the Constitution of India.

Felani Khatun was shot dead on 7th 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 date Ministry of Home Affairs of India refused to oblige NHRC recommendation. MASUM facilitated the writ petition in Supreme Court of India. Both the cases are pending for long in Supreme Court of India.

The statement showed their concern over cross border smuggling of narcotics, fire arms and explosives, fake currency and gold and prescribed for “Coordinated Border Management Plan” but the fact which is known to all concerned person is that, a large section of BSF and BGB personnel has direct or indirect involvement in cross border smuggling. The statement showed its concern regarding the life and liberty of the people living within 150 yards of international border but in real sense, BSF made the life hell to the people living in these area, arbitrary restrictions of many hues, infringement on liberty and threat to life is the rule of the day.

The joint statement stated that both the countries will show zero tolerance in case of illegal intrusion but silent about the 1st May, 2012 memorandum of Home Department of the Government of India, in which the government of India said that the Bangladeshi women and children, who are being apprehended by the BSF for crossing the international border as trafficked or in search of jobs, should not be treated as criminals and they should be allocated to a government transit home and repatriated to Bangladesh maintaining due procedure.

Department-Related Parliamentary Standing Committee on Home Affairs made many recommendations on BSF's activities and roles in 2017, MASUM demands a complete adherence of these recommendations.

At last, MASUM will eagerly wait to see the outcomes of this summit level meeting of BSF and BGB with a hope that one day, the bordering areas between India and Bangladesh will be violence free and citizenry will enjoy the constitutional rights and guarantees.

MASUM IN MEDIA

<https://www.counterview.net/2024/03/farm-workers-murder-wb-authorities.html>

<https://thediplomat.com/2024/02/the-deadly-border-between-bangladesh-and-india/#:~:text=Bangladeshis%20Reported%20Killed%20by%20the%20BSF&text=Another%20rights%20group%20reported%20that,BSF%20between%202000%20and%202020>

<https://www.dailynayadiganta.com/editorial/820323/%E0%A6%95%E0%A7%87%E0%A6%AC%E0%A6%B2%E0%A6%87-%E0%A6%95%E0%A6%A5%E0%A6%BE%E0%A6%B0-%E0%A6%95%E0%A6%A5%E0%A6%BE-%E0%A6%B9%E0%A7%9F%E0%A7%87-%E0%A6%A5%E0%A6%BE%E0%A6%95%E0%A6%9B%E0%A7%87>

<https://www.thedailystar.net/news/bangladesh/news/bangladesh-india-border-zero-death-pledge-rings-hollow-3562196>



OUR ACTIVITIES

MURSHIDABAD

On 1st of March 2024 Amra Simantabasi committee of Taltala village under Raninagar II block met to discuss the pertinent issues of Indo Bangladesh bordering area. The members of this committee are erosion affected people. The issues of stationing of BSF personnel inside Indian territory, utilisation of BADP fund, facility of Border Hat (Market) and dilapidated condition of village roads were discussed. It was decided that the committee will initiate a massive poster campaign to highlight these issues.

On 2nd of March 2024 a meeting was organised at Barnagar village to condemn the recurring incidents of Police torture.

On 7th March 2024 a delegation of Amra Simantabasi met with the Block Development Officer and Sabahadhipati of Raninagar II block and submitted a memorandum to him. The



memorandum was consisted with the demands regarding the livelihood issues and arbitrary restrictions on agricultural activities.

On 11th March 2024, Char Saheb Nagar committee of Pramila Bahini met and discussed about toilet construction, issuance of schedule caste certificate, old age pension and redressal measures for intimidating activities of BSF. Amra Simantabasi committee also met and planned about the upcoming mass meeting on 17th March 2024 in presence of Kirity Roy; the Secretary of MASUM.



On 17th March 2024, two successive meetings of Amra Simantabasi were held at Taltala and Char Saheb Nagar under Raninagar II block, both the meetings were addressed by Kirity Roy; the Secretary of MASUM. The meetings discussed the issues of stationing of BSF personnel inside Indian territory, utilisation of BADP fund, BSF torture, affects of erosion, migration and restrictions by BSF. Future plan of actions to address these issues were discussed.

On 21.03.2024, Amra Simantabasi committee of Char Saheb Nagar – Taltola met and



discussed on reconstruction of damaged houses and toilet facility, it was decided that these issues will be brought before the political parties before the general election.

On 28.03.2024 Amra Simantabasi Committees met with the sitting Member of Assembly from Jalangi; Mr. Abdur Razzak and submitted a memorandum to him. The memorandum contained the long-standing demands on marginalisation of India Bangladesh bordering areas of Murshidabad and ongoing subjugation and terror of BSF.



COOCH BEHAR

On 3rd March 2024 Amra Simantabasi Committee of Purba Sahebgunj under

Dinhata II block met and during the meeting it was reported that one gate under Sahebgunj BOP has been closed for last 10 years and the said BOP of 139 BSF Battalion restricting the farmers to cultivate jute and corn, while the villagers passing through the village roads, the BSF personnel used to check their citizenry documents and the farmers have to take permissions from posted BSF and Panchayat to sell their produces or to transport fertilisers and seeds. It was decided in the meeting that the committee will organise a mass meeting to address these issues.

On 11th March 2024, Pramila Bahini of Jaokathi Purbapara under Toofangunj I block organised a meeting, it was decided that a memorandum will be submitted on restrictions taking place on cultivation of jute at fenced agrarian lands.

On 13th March 2024, Pramila Bahini of Kalmati under Dinhata II block met and discussed on BSF imposed restrictions on agricultural activities in fenced agrarian lands, poor conditions of village roads, old age pension and unemployment allowances. It was decided to submit individual applications to the BDO on old age pension and unemployment allowances. Similar meeting of Amra Simantabasi and Pramila Bahini was held Durganagar under Dinhata II block and here it was decided that the committees will make individual applications to demand monetary compensations for imposed restrictions of BSF on agricultural activities.

On 14th March 2024, Pramila Bahini of Char Jhaukuthi under Toofangunj I block met and discussed about the unavailability of electric connection to 65-70 households of the area. It was decided that the committee will submit applications to respective BDO and SDO for electrical connectivity at the earliest.

On 18th March 2024, Amra Simantabasi committees of Jhaukuthi, Tanapara, Char Jhaukuthi and Dakkhin Jhaukuthi under Toofangunj I block went to the BDO office of the Toofangunj I block to submit memorandum, as the BDO was not present, the staffs of receiving section shown their reluctance to receive the memorandum, then it was sent through speed post.

24 - PARGANAS (NORTH)

On 3rd March 2024, Mr. Kirity Roy, the Secretary of MASUM met the village level volunteers of MASUM from 24 parganas(North) district at Gobordanga to discuss the issues and plan future course of actions.

On 8th March 2024, MASUM and Amra Simantabasi was provided a space during a book release event on regional history at Gobordanga Gabeshna Parishad to discuss the ongoing activities of the organisation and platform with their perceptions of problems at India Bangladesh bordering areas. It was decided that the authors will visit the area to understand the problems of India Bangladesh bordering areas and highlight these issues in their write ups.

On 10th March 2024, Amra Simantabasi of Gobindapur village met and decided to make individual applications on old age pension and MGNREGA work, the meeting decided for poster campaign on BADP issue. Similar meeting of Daharkanda village committee of Amra Simantabasi was held on 12th March 2024.



On 15th March 2024, Barnaberia Amra Simantabasi Committee met to discuss the BSF restrictions on fishing activities despite having governmental permission, it was reported that the Bangladeshi fishermen are fishing in Ichamati River without any such restrictions. It was decided that the committee will submit a complaint on respective issue to Company Commander of BSF. On 18th March 2024, Amra Simantabasi of Gobra village met, it was recorded that after their prolong persuasion, the road between Gobindapur Bajar and Gobra Ghoshpara is being reconstructed and get concrete form.



On 23rd March, fishermen of Barnaberia met the Company Commander of Jhaudanga BOP of 05 BSF Battalion to discuss the arbitrary restriction by BSF on fishing activity, the mentioned BSF personal informed the committee that he is unable to give permission as it was decided by higher ups. The issue was brought before the district administration of 24 Parganas (North) while informing them that fishermen have required permission from the state government but no remedial measures have been taken yet, thus the committee has decided to bring the matter before Bongaon ACJM Court.

MEDICAL AND PSYCHOLOGICAL ASSISTANCE

In this month of March 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 12th March and 18th March for physical wellbeing and psychological treatment respectively. Dr. Anusuyak Roy treated 25 patients for physical wellbeing while Dr. Debshankar Mukhopaddhaya provided psychological treatment to 10 persons. For Coochbehar district both physical and psychological treatment were provided on 22nd March and 29th March at Dinhata 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.



Legal Activities Report: March 2024

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 and 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 is ultra vires to Article 14 and 21 of the Constitution of India.

Cooch Behar

Toofangunj ACJM Court, Case No: - C.R. 416/2020, petitioner Sahinur Miya, a case on BSF Killing. 19/03/2024 was fixed as date for submission of police report. Report submitted by the police, objection made by the complainant's side over the police report, petitioner was present during the proceeding, next date fixed for further police report.

Dinhata ACJM Court, Case No: - C.R. 700/2021, petitioner Mamata Barman, a case on BSF Killing, 12/03/2024 was fixed as date for Police Report, no report was submitted by the police, petitioner was present during the proceeding, next date fixed for police report.

24 Parganas (North)

On 01.03.24A.D. J, F.T.C-III, BASIRHAT-SC 282/18 U/S 493/376 I.P.C -STATE VS AJANUR GAYEN- Accused was present but Public Prosecutor has not yet been appointed and for that court has fixed another date for appointment of P.P.

04.03.24 Assistant Session Judges Court, ST 05(12)19-STATE (JAMAT ALI SANA) VS SAHID GAZI & Others. Due to absence of informant, the Court has directed the Officer in Charge of Swarupnagar P.S to execute the warrant of arrest against the informant & VG

04.03.24A.C.JUDICIAL MAGISTRATE COURT at Basirhat-GR 4076/22, STATE VS ALAMGIR GAZI- Put up petition has been filed for surrender with prayer for bail of the accused and as per order of Session Judge, Barasat,; the A.C.JUDICIAL MAGISTRATE, Basirhat was pleased to grant bail.

12.03.24 A.C.JUDICIAL MAGISTRATE Court C-37/22-UNION OF INDIA VS NAZRUL DAFADER -U/S 135 C. Act-Accused was present but till now no P.P has been sent by the prosecution Officer

12.03.24 Judicial Magistrate First Addl. Court -C-413/19, JHARNA DHABOK VS ATAUR RAHAMAN DHABOK -U/S 12 D. VAct-Hazira of complainant has filed but due to absence of O.P/Husband, the Court has fixed another date for evidence

13.03.24 A.C.JUDICIAL MAGISTRATE Court GR 2223/16(S/NAGAR 454/16) STATE VS ALAMGIR GAZI -Hazira of accused has filed but the Court has fixed next date for hearing and report of proclamation & attachment.

15.03.24 Assistant Session Judges Court- ST 05(12)19-STATE (JAMAT ALI SANA) VS SAHID GAZI & OTHERS- Put up petition for surrender & bail prayer has filed for the informant and the court has granted bail with condition to be present in the next date if Non bailable warrant of arrest will be issued against him.

19.03.24 A.C.JUDICIAL MAGISTRATE Court at Basirhat GR 25/22(S/Nagar 02/22 U/S 302 I.P.C- STATE (PROVAT PATRA) Vs. PRALOY PATRA & OTHERS - Complainant has present but the Court has fixed next date for transfer this case for commitment.

19.03.24A.C.JUDICIAL MAGISTRATE, COURT at Basirhat GR 5079/15 (S/Nagar 1042/2015)STATE (MOHAR ALI GAZI) VS B.S.F Personnel- Hazira of informant has filed through advocate but no report in final form has come and the court has fixed another date for report.

19.03.24A.C. JUDICIAL MAGISTRATE, COURT at Basirhat GR 897/20 (S/Nagar 121/20) - STATE (MAHARUNNESSA BIBI) VS B.S.F SIYAJI & SHIBJI & OTHERS - Hazira of informant has filed through Ld Advocate but no report in final form has come and Ld. Court as fixed date for report.

19.03.24 Assistant Session Judges Court ST 05(12)19- STATE (JAMAT ALI SANA) VS SAHID GAZI & OTHERS - Put up petition for surrender & bail prayer has filed for the Sarifun Sana and the court has granted bail with condition to be present on the next date if non bailable warrant of arrest will be issued against her.

20.03.24 A.C. JUDICIAL MAGISTRATE Court at Basirhat, GR 3256/15(S/Nagar 622/15 u/s 302 I.P.C) - STATE (MALATI TIKADER) VS B.S.F - Hazira of the above-named Informant has filed through advocate and the court has further directed to file petition for re-investigation afresh.

27.03.24Judicial Magistrate, First Additional Court M. EX 194/23 JHARNA DHABOK VS ATAUR RAHAMAN DHABOK - Petitioner/wife was present but O.P/Husband was absent with prayer for time as his son is seriously ill and for that the court has fixed another date for payment.

28.03.24 A.C. Judicial Magistrate Court at Basirhat, GR 4258/20 (S/Nagar 477/20) - STATE (MINTU GAZI) VS B.S.F Personnel, S.I MALIK &OTHERS - Hazira of informant has filed through the advocate but no report in final form has come and the court has fixed another date for report.

Murshidabad

07.03.2024 Additional Judicial Magistrate at Lalbagh ACJM Court, C.R. No- 97/2016, Biman Mondal Vs Police personnel- Hazira is filed on behalf of the above complainant

05.03.2034 2ndJudicial Magistrate at Lalbagh ACJM Court, C.R. No- 155/2021, Barnali Mondal Vs BSF commander and personnel of 117 Battalion of Rajanagar Camp - Hazira is filed on behalf of the above complainant.

02.03.2024 Judicial Magistrate at Lalbagh ACJM Court, C.R. No- 156/2021, Ganapati Mondal Vs BSF commander and personnel of 117 Battalion G Company of Rajanagar Camp - Hazira is filed on behalf of the above complainant.

07.03.2024 Additional Judicial Magistrate. at Lalbagh ACJM Court, C.R. No- 291/2015, Jiarul Sk. Vs O/C Islampur P.S.& other Police personnel - Hazira is filed on behalf of the above complainant.

05.03.2034 Additional Judicial Magistrate at Lalbagh ACJM Court, C.R. No- 633/2017, Bhabani Mondal Vs 13 -14 BSF personnel of 83 Battalion of Char Rajamagar Camp - Hazira is filed on behalf of the above complainant.

21.03.2024 Additional Judicial Magistrate at Lalbagh ACJM Court, C.R. No- 700/2014, Manu Bhowmick Vs Police personnel of Murshidabad P.S. - Hazira is filed on behalf of the above complainant.

21.03. 2034 Additional Judicial Magistrate at Lalbagh ACJM Court, C.R. No- 629/2017, Lakshmi Rani Mondal Vs 3 BSF personnel of 83 battalion - Complainant was absent next date is fixed for further evidence.

05.03.2034FirstJudicial Magistrate at Lalbagh ACJM Court, G.R. No- 127/2013, State Vs Rabiylul Islam - Hazira is filed on behalf of the accused person.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 334/2014, State Vs Murshid Jahan - Hazira is filed on behalf of the accused person.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 776/2016, State Vs Repon Seikh. & 6 Others - Hazira is filed on behalf of the accused persons.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 873/2014, State Vs Palash Mondal - Hazira is filed on behalf of the accused person.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 1142/2019, State Vs Raghunath Pramanik & 3 others - Hazira is filed on behalf of the accused person.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 1150/2014, State Vs 1. Safikul Islam.2. Repon Seikh - Hazira is filed on behalf of the accused persons.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 1163/2014, State Vs Malati Orao & 3 others - Hazira is filed on behalf of the accused persons.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 1227/2014, State Vs Abdus Subham Sk. & 4 others - Hazira is filed on behalf of the accused persons.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 1533/2014, State Vs Palash Mondal - Hazira is filed on behalf of the accused persons.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 2755/2013, State Vs Palash Mondal - Hazira is filed on behalf of the accused persons.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 2926/2014, State Vs 1. Palash Mondal 2. Subhankar Mondal - Hazira is filed on behalf of the accused persons.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 2949/2014, State Vs Kajol Bibi & 13 Others - Hazira is filed on behalf of the accused persons.

05.03,2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 3283/2019, State Vs Raghunath Pramanik and Sandip Mondal - Hazira is filed on behalf of the accused persons.

05.03.2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 3566/2013, State Vs Safikul Islam @ Patan - Hazira is filed on behalf of the accused persons.

05.03.2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 3646/2014, State Vs Palash Mondal - Hazira is filed on behalf of the accused persons.

05.03. 2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 3846/2010, State Vs Palash Mondal Hazira is filed on behalf of the accused person.

05.03.2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 3932/2013, State Vs Safikul Islam - Hazira is filed on behalf of the accused persons.

05.03.2034 First Judicial Magistrate at Lalbagh ACJM Court, G.R. No- 3963/2014, State Vs Merina Bibi & Kajal Sekh - Hazira is filed on behalf of the accused persons.

05.03. 2034 Additional District Judge 2nd Court at Lalbagh, S.S. No- 25/2020, State Vs Jahangir Alam SK. @ Nato - Hazira is filed on behalf of the accused person.

20.03. 2034 Additional District Judge 2nd Court at Lalbagh, S.S. No- 25/2020, State Vs Jahangir Alam SK. @ Nato - Hazira is filed on behalf of the accused person.

19.03.2034 Sub Judge at Lalbagh, S.S. No- 03/2015, State Vs Safikul Islam - Hazira is filed on behalf of the accused person.