

Monthly Report

October 2021



Miles to go...

**Banglar Manabadhikar
Suraksha Mancha**



Obituary

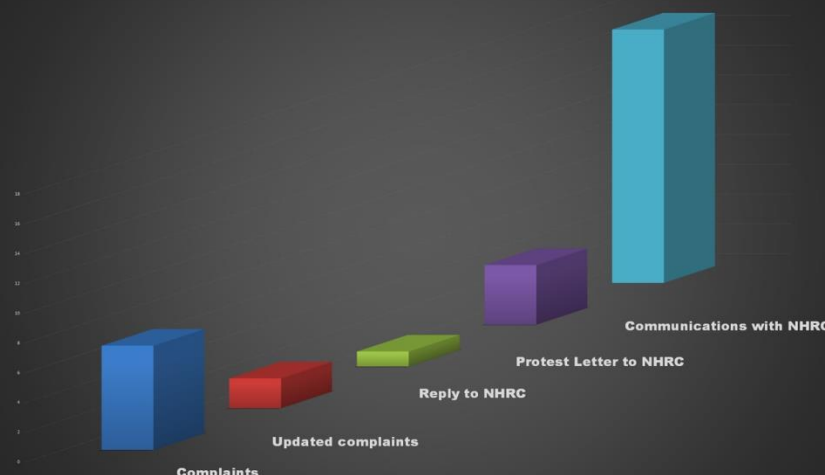


Susmita Roychoudhury @ Moon (16.08.1962 - 31.10.2021)

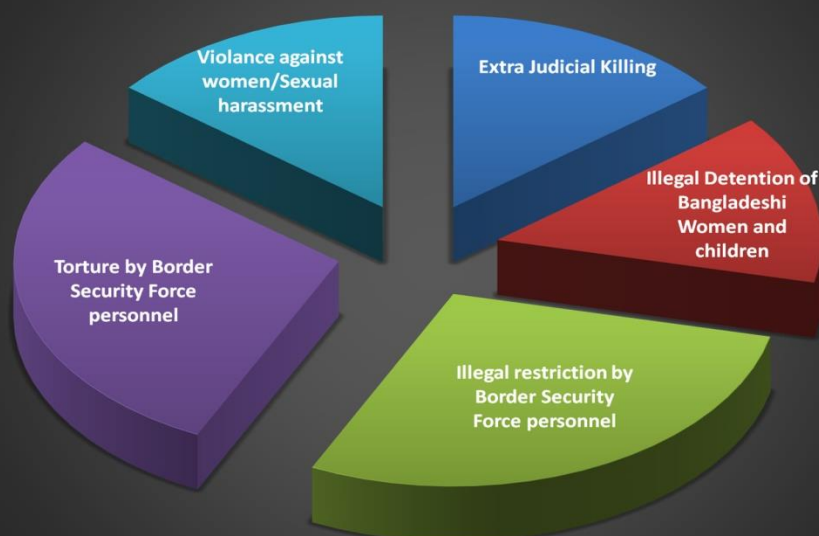
We are deeply saddened by the unanticipated demise of Susmita Roychoudhury (Moon) on October 31, 2021 at the age of 59. She was attached with MASUM since its inception and was involved in its regular activities. During the National Project on Preventing Torture in India (NPPTI) conducted by People's Watch in 2006 she worked as MASUM's District Human Rights Monitor (DHRM) in Kolkata. Later she also worked in the district of South 24 Parganas and conducted several fact-findings. She also worked in MASUM office as a staff member, looking after the documentations works of the organisation. She was an extremely jovial, cheerful and affectionate person and loved by everyone. Apart from regular office works, she actively participated in all the cultural events. She was a good singer and loved to sing almost all the time. She kept good contact with the torture victims we worked with, even outside office. Her active initiatives while conducting our medical camps will be remembered. She would put her heart and soul in every type of work that was asked to her. She attended MASUM's events even when she was not directly attached with MASUM. In recent years she was suffering from severe depression and mental stress. However, MASUM will always remember her joyful personality, miss her sing and mourn her untimely passing.

Banglar Manabadhikar Suraksha Mancha (MASUM) made 7 fresh complaints of gross human rights violation before the relevant state authorities and different human rights institutions; especially the National Human Rights Commission during the month of October 2021. In cases, where our victims from previously lodged cases were threatened or intimidated, we have lodged 2 updated complaints. We made 1 reply in cases where the NHRC asked our comments. We have sent 4 protest letters to the concerned authorities, where they have closed a case or sent overdated summons to our victims. During this month we have received 17 directions from the NHRC in various cases.

Communicative Interactions with HRIs

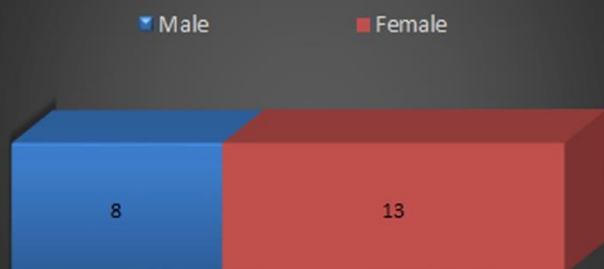


Type of Cases

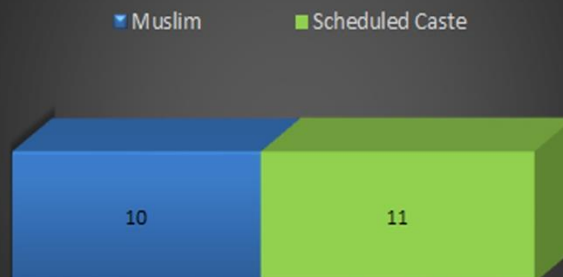


Out of the seven complaints, two are on torture by Border Security Force personnel, two on illegal restriction by the BSF and one each on extra-judicial killing, illegal detention of Bangladeshi women and children and sexual harassment by police personnel. Through these complaints we addressed the issues of 21 individual victims; out of them 11 belonged from Hindu Scheduled Caste community and 10 from minority Muslim community. Among the victims 8 were males and 13 were females. Among these victims 5 were minors.

Demografic Classification



Social Classification



Our Activities

In this month, Banglar Manabadhikar Suraksha Mancha (MASUM) and Amra Simantabasi organized a series of meetings with villagers residing at the Indo – Bangladesh border areas. In two districts namely North 24 Parganas and Cooch Behar total 16 village level meetings were held in different villages. The detailed report is attached herewith.

North 24 Parganas



Amra Simantabasi and MASUM jointly organized 3 village level meetings at Charpara, Gobra and Kaliyani villages on 15th, 17th and 23rd October 2021 respectively. In these meetings the villagers mainly discuss about all aspect of livelihood restriction committed by Border Security Force personnel. Also they discussed about to attend the central meeting held on 30th October in Kolkata. In each meeting volunteers of MASUM were present and delivered their opinions in their issues.

Cooch Behar

Total 13 village level meetings were conducted by Amra Simantabasi and MASUM jointly in this month. On 01.10.2021 a meeting was conducted at Village Paschim Chamta situated under Sitai Block. Next day on 02.10.2021 three meetings were held at Dhadiyal, Purba Balabhut and Madhya Balabhut villages situated under Tufanganj block. On 03.10.2021 one meeting was held at Haridas Khamar village. Two meetings were held at Purba Chamta and Dhurmerkhata villages situated under Sitai block on 04.10.2021. Another four meetings were held on 09.10.2021 at Dahiya, Uttar Balabhut, Balabhut and Krishnapur villages respectively. On 11.10.2021 one village meeting was held at Konamukta village and on 22.10.2021 one meeting was held at Paschim Nalangibari situated under Mathabhanga -1 block.



In all these meetings the villagers have narrated their issues about the illegitimate livelihood restrictions perpetrated by the Border Security Force personnel. The villagers also said that in the name of border security the BSF personnel have imposed restrictions on their whims. Due to these restrictions the villagers are facing a huge financial loss from agriculture. Also they planned about an event of conducting central meeting at Kolkata with bordering populace. The volunteers of MASUM planned the next course of actions to fulfill their demands.



Medical camp - In the month of October, MASUM organized 3 medical camps for the tortured victims at three districts namely North 24 Parganas, Cooch Behar and Murshidabad. All these medical camps were organized with the help of United Nations voluntary Fund for Victim of torture. On 6th October, 2021 a medical camp was held at Noor Medical Hall in North 24 Parganas. Dr. Anushuyak Roy treated 39 victims of torture in the camp. On 24th October the medical camp was held at Invite hall in Islampur, Murshidabad. Dr. Parvez Shahide Biswas treated a total of 50 tortured victims and on 27th October the medical camp was held at Baba Dharma medical hall in Cooch Behar. Dr. Shaokat Ali treated 46 tortured victims. Tortured victims were provided free medicine after every medical camp as prescribed by the doctors. A victims' meeting was conducted after each medical camp in all 3 districts by the volunteers of MASUM in order to discuss the present condition of the victims, legal proceedings and planning upcoming strategies.



Case Briefs, October 2021

• **Torture by Border Security Force:** Mr. Osman Sardar, an agriculture labourer cultivates other people's land with farming bullock. He earns a meager income from this and sustains his family consisting of three members. Here the Sonai River is marked as the international border between India and Bangladesh. Towards the south of Hakimpur village, Indo Bangladesh Border Road (IBBR) was constructed by the Central Public Works Department (CPWD). CPWD did not make any fencing in the bordering village of Tarali. Some families are residing in the western side of the IBBR in the village of Tarali. Central Public Works Department did not construct any fencing in this area but the BSF illegally made a barbed wire fence here and put high voltage electricity through the fencing. In the morning, the farming bullock of Mr. Osman Sardar were taken out of the barn and tied in front of his house. His house is just beside the Indo Bangladesh Border Road. But as the bullock went near the fencing for grazing, it came in contact with the barbed wire and was killed from electrocution.



In another instance, Suraiya Parvin (Seikh) was going to their agricultural field of spiny gourd on 15.09.2021 at about 9 am. Mr. Safikul, father of the victim has 5 katha of agricultural land on which they have cultivated spiny gourd. When Suraiya Parvin went to their agricultural field at that time her movement was restricted at 23 number Out Post (Naka) near the house of Meheruneccha Gazi. Mr. S.P.Singh, on duty BSF jawan attached with 112 Battalion Tarali Border Out Post apprehended the minor victim girl. She was kept in the Out Post for a long time because there were no female BSF personnel in that Out Post. From 9 am to 10 am that minor girl was apprehended in the Out Post without any reason. In the Out Post number 23 she was intimidated and terrorized by Mr. S.P.Singh. She was terribly scared. Mr. Safikul Seikh, father of the minor victim girl received news from the local people that his daughter was apprehended by the on duty BSF person. He went to the Out Post number 23 and asked Mr. S.P.Singh why his daughter had been apprehended for long time. Mr. S.P.Singh used abusive language towards Mr. Safikul and kicked him out from the Out Post. After this incident the accused BSF personnel continuously threatened the victim's father to arrest in false NDPS case if he will reveal this incident to anyone.

• **Illegal restriction by the BSF personnel:** Purba Chamta, a village located near the Indo-Bangladesh border has a population of 1500. There are about 300 acres of cultivable land in this area between the border fence and the International Border Pillar. There are no irrigation facilities or drinking water or sanitation or road facilities in that particular area. The BSF personnel posted in the area imposed illegal and arbitrary restrictions on the agricultural activities. During the last 4 to 5 years the BSF personnel did not open the fencing gates on a daily basis and let farmers to enter their fields whenever required. The gates are opened after every 2 day from 9 am to 1 pm only, which is not sufficient for the farmers. Due to this the farmers are forced to migrate to various parts of India for jobs. A similar situation is in place in Koimari village, located at the Indo-Bangladesh border in Cooch Behar district. There are about 930 acres of cultivable land in this area between the border fence and the International Border Pillar. During the last 4 to 5 years BSF personnel imposed severe restrictions on the agricultural activities of the villagers. Moreover, villagers are not allowed to grow profitable crops like Corn, Jute on either side of the border fence. Due to these restrictions imposed upon the villagers, they suffered a financial loss of about Rs. 10,000.

• **Extra-judicial killing:** Bharat Mondal, a poor marginalized peasant from Char Rajapur Paschim Colony village of Murshidabad district was abducted and later killed by the Bangladesh Border Guards (BGB) on 2.10.21 at around 1:00 pm, while he was working in his field inside Indian territory. About 3/4 BGB (Border Guard of Bangladesh) personnel attached with Kalaimari BGB camp came inside Indian land and apprehended Bharat. According to some of his co-workers it was revealed that Bharat was handcuffed by the BGB personnel and beaten up brutally while they took him along with them. On the next day, the body of Bharat Mondal was seen floating in a water body with handcuffs in his hands but the location of the body is unrecognizable. It was reported that during the flag meeting the BGB officials stated that they had arrested Bharat Mondal as he crossed the border into Bangladesh illegally. But as they were taking him to their camp on a boat, he jumped into the river in an attempt to escape and went missing. MASUM lodged a complaint to the NHRC on the incident.



See video of Bharat Mondal [Here](#)

• **Illegal detention of Indian Nationals in Bangladeshi prison:** MASUM addressed and documented the incident of illegal detention of 4 Bangladeshi women. All these victims were coming from poor and vulnerable communities. They came to India with the help of local touts for better livelihood and life. All these persons were arrested by the border security force personnel and charged in 14 Foreigners Act from local police station. After 14 days, most of them were still detained illegally in jail custody. MASUM lodged complaints to National Human Rights Commission for immediate repatriation of Bangladeshi Women and children.



• **Sexual Harassment committed by Police personnel:** Mrs. Malati Das (name Changed), wife of Mr. Radheshyam Das, aged about 30 years, residing at village Joariya of North 24 Pargana district was sexually harassed and attempted rape by one Assistant Sub-Inspector of Deganga police station named Sijit Das. Few months back due to some dispute with neighbors the police personnel from Deganga police Station arrested her husband Mr. Radheshyam Das. On 25.06.2021 Mr. Sujit Das, called Mrs. Malati Das and informed that he is in charge of the case and will be able to protect her husband. He asked Mrs. Malati Das to meet him. On 11.07.2021 at about 3 pm Mrs. Malati Das went to Deganga Police Station. Mr. Sujit Das took Mrs. Malati Das on a motorbike to a house near the Police Station. In a room of that house Mr. Sujit Das suddenly closed the door and tried to rape her. When Mrs. Malati Das screamed and tried to escape by pushing Mr. Sujit Das, he pulled out his gun and threatened to kill her if she shouted or tell anyone about this incident. He also threatened to kill her husband, implicate false cases against him and make their lives miserable.

Legal Activities Report: October 2021

Activities in High Court at Calcutta

A false case was lodged against Mr. Kirity Roy, Secretary, MASUM along with other activists of MASUM being Chapra Police Station case number 31/2019 dated 02.02.2019 under section 186/323/500/509/34 of Indian Penal Code, when they were returning from a meeting conducted by the Panchayat and villagers of Hatkhola. As Mr. Roy and others protested against the illegal restriction of the BSF, they were accused with false charges. On 25.08.2021 Mr. Roy along with other activists of MASUM who were implicated in false charges filed one quashing petition before the High Court. The petition was acknowledged vide CRR case number 2129 /2021. On 08.10.2021 the case was listed up before the bench of Justice Kaushik Chanda as item number 94 but the hearing was not conducted on that day.

Sub-divisional Courts



In this month we provide legal support in 05 prosecution cases where all the cases were for examination of witnesses. We also supported 13 defense cases in the Lalbag court, Murshidabad where false cases against them were initiated. It is very much unfortunate that despite our prolonged legal support, the victims and his witnesses failed to appear before the court of law and after few dates as for non-appearance of the victim's party, concerned Magistrate rejected these cases one by one. In this month we lost two complaint cases due to non appearance of the concerned victims.

Victim's name	Case type	Court case number	Status
Najrul Sk	BSF torture	CR 482/2015	Dismissed – Uncontested on 07.10.2021
Nijam Sk	BSF torture	CR 783/2016	Dismissed – Uncontested on 28.10.2021

● In this month we provided 3 prosecution cases among which one case was fixed for submitting written statement by the respondent, another case was fixed for issuing fresh summon to the accused BSF person and the other was fixed for hearing. We also provide legal support in 2 defense cases in the Basirhat court where false case against the victim was started.

● A false and fabricated case had been lodged by BSF against two innocent minor children namely Salman Mondal & Imran Mondal to save the perpetrator BSF personnel who inflicted severe torture upon these minors. Swarnnagar Police Station case number 520/2020 dated 15.10.2020 under section 188/341/332/509/34 of Indian Penal Code in connection with GR case number 4479/20 was started in this respect. On 08.10.2021 Mr. Monirul Mondal, father of those minors submitted one petition before the Additional Chief Judicial Magistrate, Basirhat Court and prayed to send the case file to the Juvenile Justice Board of the concerned district as the power to grant bail of minor victims' bail is rest upon the Juvenile Justice Board. The Magistrate heard the matter and ordered to send the file to the District Juvenile Justice Board.

District Legal Services Authority, Murshidabad

Mrs. Sujala Mondal, wife of Mr. Biswajit Mondal who was tortured to death in BSF custody filed one petition dated 07.10.2021 before the District Legal Services Authority, Murshidabad and praying for compensation under Victims' Compensation Scheme.

On 07.10.2021 Mr. Billal Seikh, a victim of BSF torture was called for hearing purposes in the office of the District Legal Services Authority, Murshidabad. On the said day his statement was recorded before the Victim Injuries Compensation Board.

Achievement: Due to our longstanding legal initiatives, the family members of Goutam Mondal, a victim of custodial death from Domkal in Murshidabad district, received a compensation of Rupees 3 lakhs as per the direction of the NHRC. Goutam Mondal was brutally tortured and killed inside police lock-up on 19.02.2019.

Open Discussion with Political Parties on Border Issues

MASUM organized an open discussion with the members of Political Parties and Civil Society Organisations on the Issue of the border populace from West Bengal - Bangladesh border on 30th October at the Calcutta University Institute Hall. The



prime focus of the discussion was the MHA notification related to the extension of the BSF's area of jurisdiction in Punjab, West Bengal and Assam from 15 kilometers to 50 kilometers. The inaugural song was sung by Mr. Kallol Dasgupta. The program was inaugurated by Justice Samaresh Banerjee, Former justice of Calcutta High Court. Mr. Dilip Chatterjee, Vice-President of MASUM and Mr. Kirity Roy, secretary of MASUM, delivered the welcome address. Former Justice Samaresh Banerjee and Taj Mohammad, former Public Prosecutor General spoke about the

legal aspect on the border issues and the notification of the MHA related to the empowerment of the BSF. Mr. Ashokendu Sengupta, former Chairperson of WBSCPCR also provided his valuable suggestion to cope up with the issues of border. Academicians like Mr. Sarfaraz Ahmed Khan, faculty of NUJS spoke of the need for detailed research on border issues. Mental health worker, Mr. Mohit Ranadip highlighted about the mental breakdown of the victims of sexual, emotional and physical torture. Social activists like Ms. Bolan Ganguly and Ms. Rupa Chakraborty Khan spoke on the different concerns related to border issue. Representatives of different political parties like Mr. Kartik Pal from CPI (ML) Liberation, Mr. Sankar Das from CPIML Red Star and Mr. Rajib Kr. Banerjee from the RSP attended the program and promised to extend their support in our upcoming initiatives on the issue. Members of different Civil Society Organisations like Mr. Sujato Bhadra from APDR, Mr. Bidwan Das from South Bengal Fishermen's Association, Mr. Chhoton Das from Bandi Mukti Committee, Mr. Ashis Das from IFTU, Mr. Asit Roy from Banglar Mukh and Mr. Tapojoy Mukherjee from West Bengal Right to Food and Work Network also narrated their views on the issue.



Apart from the above, the event was also attended by about 500 victims of torture and their family members. Many of the victims narrated their agony and presented the current circumstances of the border areas, where they live in. The event ended with an epilogue stating the suggestion and demands of the border populace under present circumstances. Everyone supported the resolution and took oath of solidarity of the movement initiated by 'Aamra Simantabasi'.



Statements issued by MASUM

MASUM issued a statement on October 15, 2021 condemning the MHA's decision of empowering the BSF by extending the BSF's area of jurisdiction in Punjab, West Bengal and Assam from 15 kilometers to 50 kilometers.



Banglar

Manabadhikar Suraksha Mancha (masum)

40A, Barabagan Lane, Serempore,
Hooghly - 712 203 West Bengal, India

Phone : +91-33-2622-0843 /45,

Tele Fax : +91-33-2622-0843

E-mail : masumindia@gmail.com

Web : www.masum.org.in

“Gun blaze in rage and anger
Leaving another dead
As bullets pierce a
Body without armor,
Leaving anyone asking the question
Why, as no one understand the pain of a mother”

Robert Roberts wrote this poem to signify the brutality of force personnel to murder a man and side by side kill the potentiality to raise questions by the people, the cause of killing. In this country the same thing is happening. The government wants to make this country a police state by destroying the constitutionality of the 'Bharata' (India).

From the media source it is revealed that Ministry of Home Affairs has extended BSF's area of jurisdiction in three states by 35 kilometers while cutting it short by 30 kilometer in the state of Gujrat. As per the new order, the Border Security Force (BSF) has now been empowered to take action within a belt of 50 kilometer in Punjab, West Bengal and Assam running along the borders in India. Earlier, the BSF had jurisdiction till only 15 kilometer in these states. In Gujrat, most crucial and vital border with Pakistan, the jurisdiction which was earlier 80 kilometers, has now been cut short to 50 kilometer, while no change has been made for Rajasthan. As per the new notification, BSF people will be able to conduct arrests and searches and seizure in West Bengal, Punjab and Assam under Acts like Passport Act, NDPS Act and Customs Act. BSF has got the right to take this action to exercise and discharge the powers and duties without an order from a Magistrate and without a warrant. The BSF is now empowered to arrest any person who has been concerned in any cognizable offences or against whom a reasonable complaint has been made, or credible information has been received. They have now been given power to conduct a search of a place entered by a person sought to be arrested in its new area of jurisdiction.

This particular act of the central government to provide more powers and extent the jurisdiction of the BSF is an attempt to make our country controlled by armed forces by violating the spirit of federalism. It is bad in law that for a central force different jurisdictional powers have been put for different states. For Gujrat which is most crucial border with Pakistan, the jurisdictional distance reduced 80 to 50 kilometers while in West Bengal and Punjab it is increased 35 kilometers. Bangladesh is our friendly neighboring country but why in the state of West Bengal the jurisdictional power of the central forces (BSF) has been increased while in the state of Gujrat, crucial border with Pakistan it has been reduced about 30 kilometer?

In the state of West Bengal the length of the border is about 2217 kilometer and in most of the border areas BSF never place them through the International Border Pillar. They generally place them 150 meters to 2 kilometer, 3 kilometer and somewhere 5 kilometer distances from the International Border Pillar inside the villages and from that point of place with imposing section 144 Cr.P.C within 10-15 kilometer radius from the border with the nexus of state civil administrative officials. They prohibited in carrying essential commodities of the villagers like rice, paddy, kerosene, bidi, wax, electric goods, fish, dal, grocery items, stationary articles etc. Farmers are restricted to carry fertilizers. How they collect their daily essential elements? Regular life and livelihood activities of the bordering villagers have been restricted by the BSF in the name of security.

If the BSF personnel place them at the IBP, then surely the smuggling activities, trafficking will be greatly reduced. But BSF never place them at the IBP and thereby failed to reduce such crimes rather illegally enter in the bordering villages and impose arbitrary rules upon the villagers and in the name of security even torture upon any suspects or firing arbitrarily. This present order of Ministry of Home Affairs is purely illogical and unconstitutional. It is a decision absolutely against the spirit of the raising of border guarding forces which are required to focus on the international border and act as the first line of defense. Policing in the village area or hinterland is not the role of the border guarding force; rather it would be weaken the capacity of the Border Security Forces in discharging its primary duty of guarding the international border.

MASUM has experience of numerous cases of BSF atrocities upon the bordering populace. From 1997 to till date MASUM has been continuing to raise their voice against the human rights violation of the poor, innocent people of the bordering areas by the armed forces. We have a lot of experience how BSF torture upon the bordering populace in the name of checking and even kill them and sometimes disappear the bodies and ultimately they made concocted stories of smuggling and self defense and falsely register cases on the police station. In recent five years we lodged total 240 cases of BSF torture, 60 cases of extra judicial execution by BSF and 8 cases of disappearance among which in 33 cases NHRC India recommended compensation to the victims or their next of kin. In our short range MASUM has been able to bring these small amounts of cases but such things are continuously happening in large numbers throughout the bordering areas. This illogical decision by the central government is nothing but to strengthen the hands of armed forces and in the name of security illegal arbitrary restriction will be imposed by them. Torture incidents will be amplified. Number of false cases will be surely increased. Arbitrary detention, illegal arrest will be definitely augmented and the religious minority class, SC/ST community and financially weak people will be victimized more and more. This decision of the central government is against the rule of natural justice.

We have number of cases where BSF did not inform local police after firing incident. They apprehend some people during smuggling time and did not hand over to police but brutally tortured him to death and thrashed the body to river or another side of the border. If the BSF gets power to search seizure or arrest any suspect then surely they will violate the procedure of arrest, search, seizure, attachment which relates to memo of arrest, seizure list, search memo etc prescribed in the Code of Criminal Procedure. Where BSF daily violates Constitutional provision of the country in the name of security, then how the people of the bordering areas within 50 kilometer radius would be safely enjoy their Constitutional and human rights?

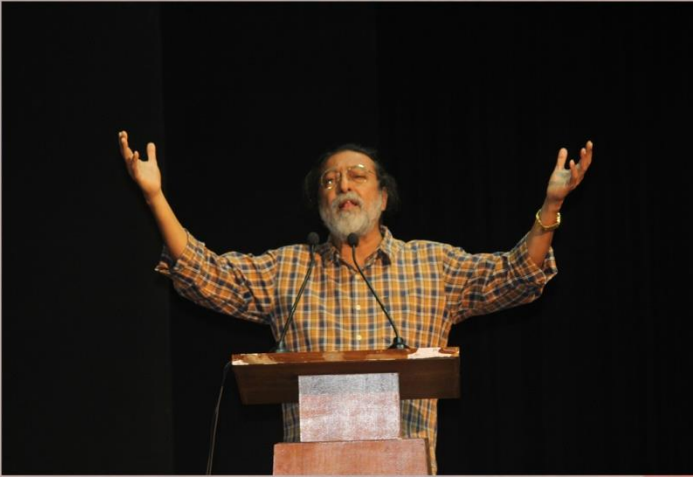
MASUM shows its protest against this recent notification of MHA for BSF jurisdiction extension and raising the power to arrest, seizure and attachment in the state of West Bengal, Assam and Punjab. Let's we all move forward and stop to make our beloved motherland a police state.

International border with Nepal and Bhutan are quite peaceful where border with Bangladesh are violent, though in two borders are maintained by central armed forces too. Why border with Bangladesh will be different from Nepal Bhutan?

The new move of MHA is an open attack on our Criminal Procedure Code 1993. We call upon Members of Parliament, NHRC, Law Commission and people of India, in particular, people of West Bengal to resist this unwanted move.

Kirity Roy
Secretary
Banglar Manabadhikar Suraksha Mancha (MASUM)
15 October 2021

Activities at a glance



Mr. Kallol Dasgupta performing inaugural song in the open discussion with political parties on border issues on 30.10.21



MASUM Secretary, Mr. Kirity Roy delivering opening speech in the open discussion with political parties on border issues



Dr. Parvez Shahide Biswas treating a torture victim in a medical camp at Murshidabad



A village level meeting in Dhadhial village in Cooch Behar district



Torture victims being provided free medicine in a medical camp at Cooch Behar



Meeting with the victims of torture in Murshidabad district