

Monthly Report

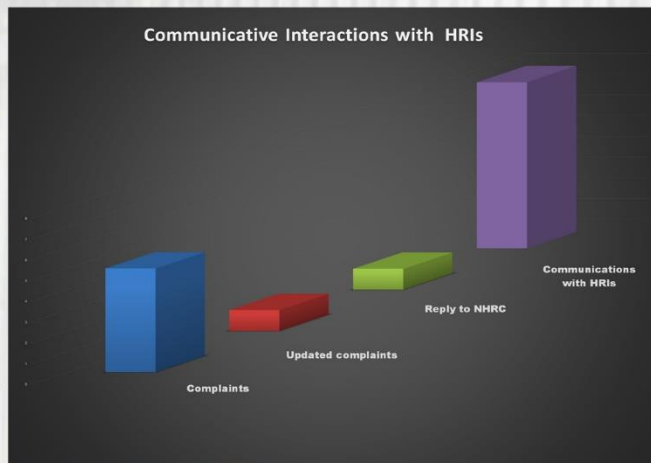
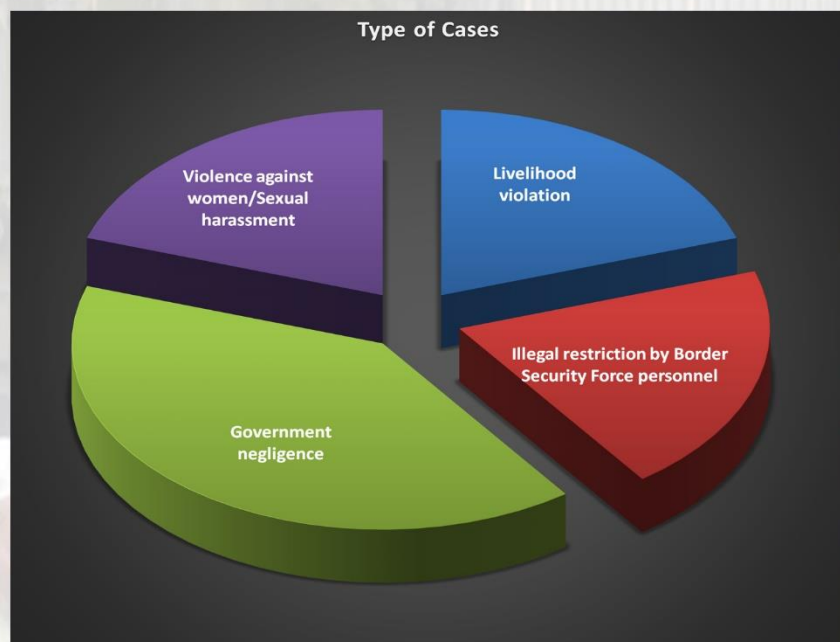
October 2023

Miles to go...

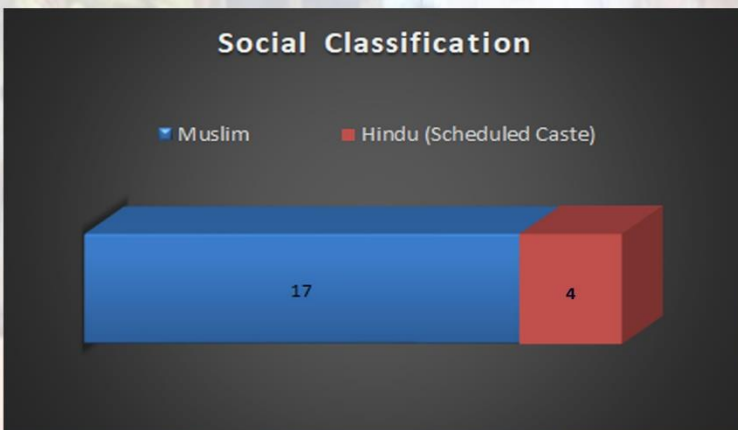
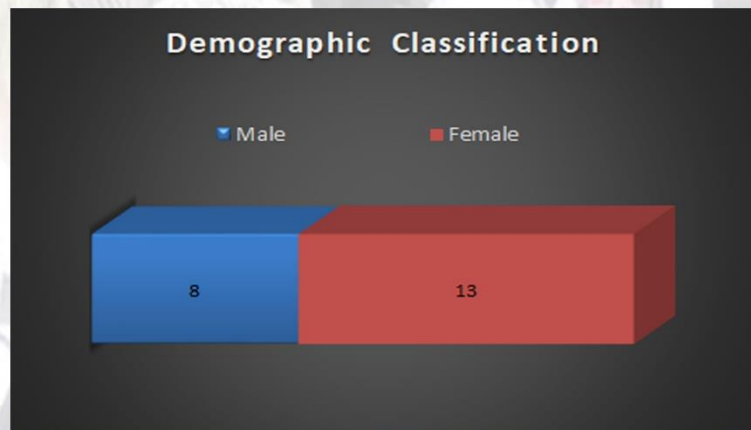


**Banglar Manabadhikar
Suraksha Mancha**

Banglar Manabadhikar Suraksha Mancha (MASUM) made 5 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 2023. We have sent 1 updated complaint on one of the complaints lodged previously. We have also sent 1 reply to NHRC, where the Commission asked for our comments. During this month we have received 8 directions from the NHRC in various cases.



Out of the 5 complaints, one is on illegal restriction by the BSF, one on livelihood violation and one on violence against women. Two other complaints were made on issues of government negligence. Through these complaints we addressed the issues of 21 individual victims; out of them 17 belong to minority Muslim community and 4 others from Hindu Scheduled Caste community. Among the victims 8 were males and 13 were females. Among these victims three were minors. In cases of restriction by the BSF the victimization was collective and didn't reflect on the charts below.



ACHIEVEMENTS:

Surajit Barman, a minor boy from Sitalkuchi in Cooch Behar district entered into Bangladeshi territory without valid passports. The concerned BGB personnel attached with Teesta Battalion-2, Gendukuri Border Out Post, arrested him and handed over to the police personnel of Hatibandha Police Station, Bangladesh. Despite keeping the victim in the Sishu Unnyon Kendra, the minor victim was kept in police lock up after his apprehension and later the court sent him to the Lalmonirhat District Jail, Bangladesh. We lodged a complaint to the concerned authorities on 27.05.23 informing the whole situation. Later another appeal was made to repatriate the victim after his term of sentence was over. Finally on 05.10.2023, after our regular intervention, the minor victim was repatriated from Bangladesh through the Changrabandha check post, where his parents received him.

Case Briefs: October, 2023

This month we have encountered 5 cases in total from two districts. Among the complaints we lodged this month, two cases were of government negligence, one case was of violence against women, one case of livelihood violation and one case of BSF restriction. The case of livelihood was encountered at the district of Cooch Behar. All the other cases came from the district of North 24 Parganas.

- **Government negligence:** We have encountered two cases of government negligence in the month of October. Both of these cases came from the district of North 24 Pargana. In the village of Gobra, there are many families in the village who are deprived of the different government welfare schemes. About one year ago, these families submitted applications to the concerned authority for construction of toilets under the 'Swachh Bharat Mission' scheme. Along with their applications they also submitted the copies of Aadhar card and Voter card. But till date the concerned administration did not construct any toilet in the house of these families under 'Swachh Bharat Mission' scheme. We have submitted the complaint to the concerned authority.

The other case of government negligence came from the village of Boaldah. There are many families in the village who are deprived of the different government welfare schemes. About one year ago, these families submitted applications to the concerned authority for construction of toilets under the 'Swachh Bharat Mission' scheme. Along with their applications they also submitted the copies of Aadhar card and Voter card. But till date the concerned administration did not construct any toilet in the house of these families under 'Swachh Bharat Mission' scheme.

- **Illegal restriction by the BSF personnel:** The one case of BSF restriction has come from the district of Cooch Behar. In the village of Gadopota I, BSF personnel attached with Amrit Border Out Post, 'C' Company, Battalion number 47 have imposed severe restrictions upon the livelihood of the farmers in this area while undertaking agricultural activities in their own fields. The villagers are not allowed to enter their own fields whenever required as the fencing gates were opened only thrice a day. As per the made-up rules of the BSF, the fencing gates are supposed to open from 7 to 9 am in the morning, 12 to 1 pm at noon and 4 to 5 pm in the afternoon. But the on-duty Border Security Force personnel are not maintaining the gate timings. They open the fencing gates for 20 to 25 minutes every time and within this short period the farmers have to complete the agricultural work or else they will have to wait for more than 3 to 4 hours in the agricultural field. There is no shed, no sanitation system on the other side of the fence. During the scorching heat in the summer or in the monsoon rains, the farmers have no other option but to stay in the agricultural field without any protection. We have complained regarding this to the district magistrate of Cooch Behar.

- **Livelihood violation:** The one case of livelihood violation came from the district of Cooch Behar. The victim, who resides beyond the border fencing, has bought a cow for dairy purposes with the permission of the Panchayat and verbal consent of the BSF personnel posted at the Kurshahat BSF BOP. But, when he tried to take the cow to his home, he was stopped by a BSF personnel named "Sardarji" and upon talking to the Company commander Mr. R Rahaman, it was said that he cannot take the cow. Regarding this issue, we have complained to the district magistrate of Cooch Behar.



- **Violence against women:** The one case of violence against women has come from the district of North 24 Parganas. Three minor girls who illegally entered India from Bangladesh through local touts were raped by those touts. The Bagdah PS registered a case against the perpetrators. We pointed out the negligence of BSF in guarding the border in this regard. It is a matter of deep concern that due to the negligence of BSF's duty at the Indo-Bangladesh border, several citizens from both the countries are crossing the border illegally, risking their lives and security, mostly for availing better livelihood options. However, in the process many of these intruders suffer fatal consequences in the hands of the border guards, while others are being apprehended and tortured by the border guards. Many of these intruders who come from Bangladesh to India are lured with money and job opportunities by the local touts and then trafficked to different parts of India and abroad, while some others are being violated of their dignity.

We have lodged a complaint regarding this to the NHRC.

Our Activities

Cooch Behar district

A meeting was held with volunteers of Cooch Behar on 07.10.2023. In that meeting, the volunteers shared the activities of the village level committee. It was understood from the discussion that the activities of the committees were unsatisfactory. On 08.10.2023 a meeting was conducted with the volunteers of different erstwhile enclaves at Utsav hotel in Dinhata, Coochbehar. During the last 3 years MASUM did not work with the dwellers of the erstwhile enclaves. Few volunteers agreed to restart the activities in their respective erstwhile enclaves. On 08.10.2023 a street corner was held at Bottala bazar, Dhadiyal under Tufanganj 1 block. The main objective of the street corner was to create awareness among the villagers about the ill effect of the child marriage.



On 09.10.2023 a meeting was held with the Rationing officer of Coochbehar. In that meeting, Mr. Kirity Roy, Secretary of MASUM discussed the issue of the Public distribution system in the border area. The officer gave assurance to take up the issues to the higher authorities. In this month total 9 village level meetings were conducted in Coochbehar district by the volunteers of the different village level committees. The members stated that BSF personnel imposed illegal restrictions upon the agricultural activities. It was decided that they will submit a written complaint to the respective authorities.

Workshop



On 07.10.2023 a workshop was conducted the Rights of the children and the child marriage with the volunteers of Cooch Behar at Bipasha lodge. Mrs. Mamina Khatun did the training at the workshop for the volunteers. It was decided in the workshop that the attendees will do a campaign at their locality on the issue.

North 24 Parganas district

Mr. Kirity Roy, the secretary of Masum had organised a meeting on 2.10.23 with volunteers and the representatives of respective villages at Gobordanga Gobesona Porishad with an intention to understand the field activity. Except one volunteers from Jalalpur of North 24 Parganas, rest 13 volunteers and their chosen one were all presented in the meeting.



Mr. Kirity Roy addressed a meeting with victims and local villagers from Jayantipur, Kaliani, Narahipur and Petrapol and discussed about the ongoing issues of restriction by the BSF personnel. In the meeting a village committee was also formed with participation of 15 villagers of Jayantipur village.

North Dinajpur district



On 13.10.2023 a meeting was held with the volunteers and members of the different village level committees in North Dinajpur district. The attendees shared the present issues of their respective areas. It was decided in the meeting that a written complaint will be lodged to the respective authorities to solve the issues. It was also decided in the meeting that village level committees will put up posters in the locality on different social issues. Mr. Kirity Roy, MASUM Secretary presided the meeting and asked the volunteers to take sole responsibility of the issues of their respective villages.

Medical Camp:

In this month MASUM organized two medical camps with the help of United Nation Voluntary Fund for Victim of Torture – UNVFVT, for the torture survivors and the family members of extra-judicial execution and enforced disappearance victims. On 17.10.2023, a medical camp was held at Swarupnagar, North 24 Parganas, where 23 survivors and family members availed the treatment under the supervision of Dr. Anasuyak Roy and psychiatrist, Dr. Nilanjan Basu. On 19.10.2023, another medical camp was held at Dinhata of Cooch Behar where 48 victims availed the treatment under the supervision of Dr. Saokat Ali and psychiatrist Dr. Banhiman Sarkar. The prescribed medicines were provided to the beneficiaries along with the cost of pathological tests. At the end of the medical camps two separate meetings were held where the legal case status of individuals were discussed.



Legal Activities Report: October 2023

Activities in High Court at Calcutta

On 22.09.2023, one Writ petition was filed before the High Court at Calcutta against the non-functioning of the West Bengal Human Rights Commission. There are many cases of MASUM where National Human Rights Commission transferred to West Bengal Human Rights Commission but till date, no action has been taken by the concerned state human rights commission. A writ in the nature of Mandamus has been filed directing the West Bengal Human Rights Commission to take forthwith steps in accordance with law in respect of the complaints of MASUM where no action has been taken by the concerned state human rights commission. The case number is WPA (P) 520/2023 and the title of the case is Banglar Manabadhikar Suraksha Mancha vs. West Bengal Human Rights Commission & others. The matter first listed on 03.10.2023 before the double bench of Hon'ble Chief Justice of the Calcutta High Court and Justice Hiranmoy Bhattacharya. On the said date of hearing, the double bench of the Chief Justice of the High Court at Calcutta disposed of the case as the High Court cannot direct or pass any order against the Commission whose chairperson was the former judge of the High Court. However, in connection with the infrastructural requirement, the petitioner has liberty to place their proposition before the concerned department of the Government of the West Bengal along with the State Human Rights Commission of the West Bengal



Sub-divisional Courts



During this month we provided legal support in two prosecution cases in the Basirhat court of North 24 Parganas, where, the court directed the concerned police to submit final report in the court. During this month, MASUM also supported one victim in the Basirhat Court where a fabricated case was started against her.

In this month due to Bengal's main festival Durga Puja, the High Court at Calcutta remain closed for one month (from 16 October to 15 November 2023) and District and Sub Divisional Courts (Criminal sites) remain closed for two weeks (from 20 October to 31 October 2023).

Activities at a glance



Minor victim, Surajit Barman being repatriated to India



A Medical camp in North 24 Parganas district



A meeting with block-level leaders of Tufanganj - I block in Cooch Behar district



A Pramila Bahini meeting at Jhaukuthi village of Cooch Behar district



A village level meeting at Hemkumari Sipaipara of Cooch Behar district



A village level meeting at Dhadiyal of Cooch Behar district