

# Monthly Report

## September 2020

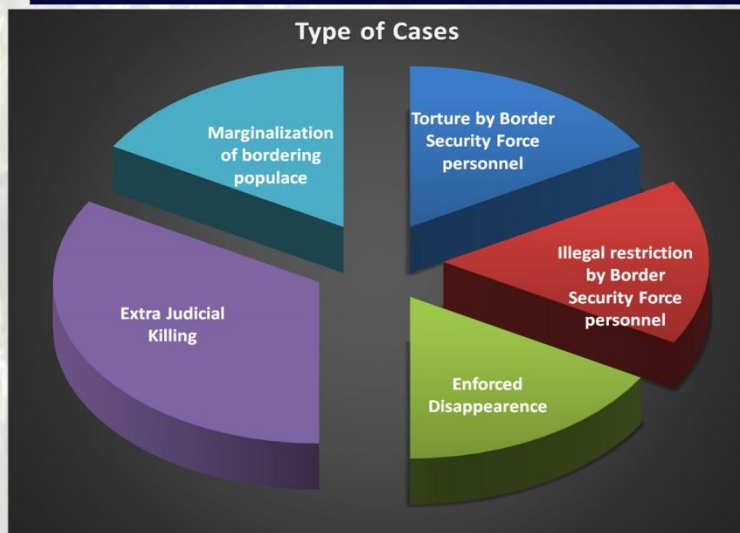


*Miles to go...*

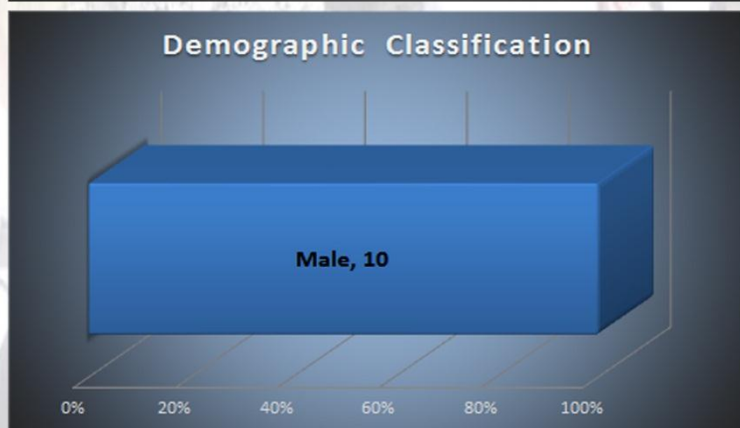
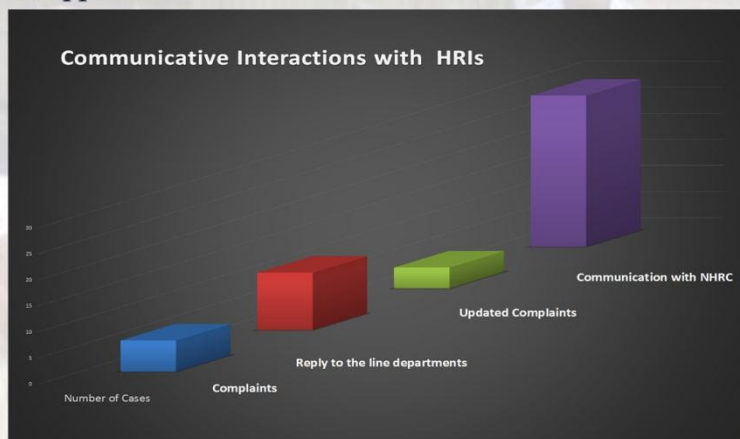
**Banglar Manabadhikar  
Suraksha Mancha**



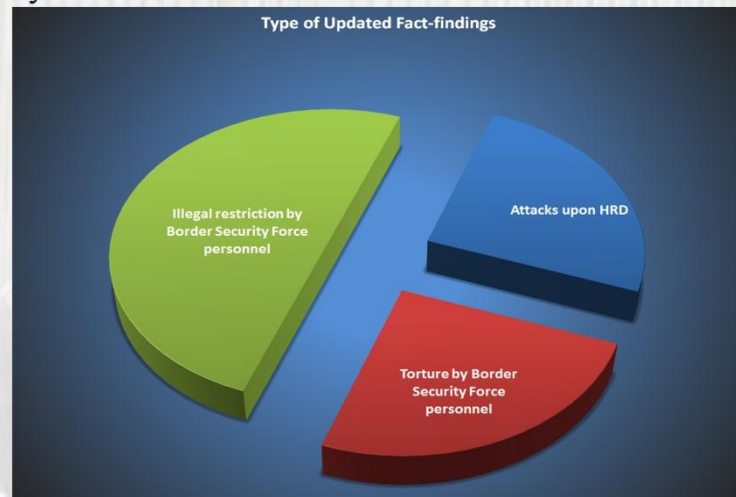




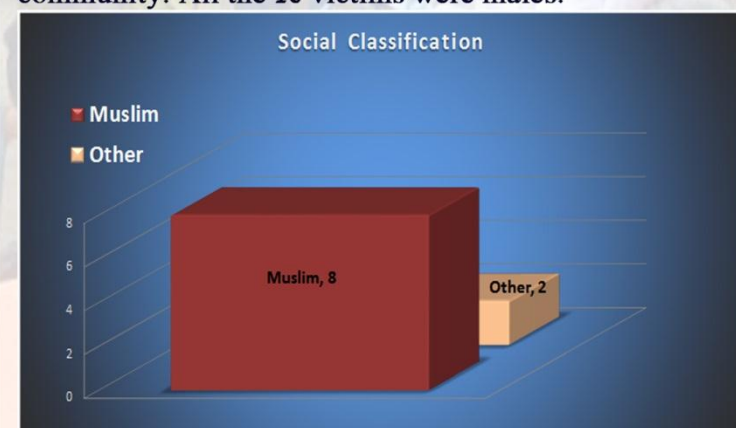
Out of the six complaints, two are on extra-judicial killing and one each on torture by BSF personnel, illegal restriction by Border Security Force personnel, marginalization of bordering populace and enforced disappearance.



Banglar Manabadhikar Suraksha Mancha (MASUM) made 6 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 September 2020. During this period we made updated complaints regarding 4 cases formerly lodged. The type of updated complaints made this month are listed in the chart below. During this month, MASUM received directions from the NHRC in 29 cases and provided feedback on the directions issued by the NHRC in 11 cases.



In the complaint regarding Illegal restriction by BSF personnel and marginalization of bordering populace, the victimization was collective and does not reflect in demographic and social classification of victims. Total numbers of victims in individual complaints were 10; among them 8 belong from the minority Muslim community and 2 from Hindu Scheduled Caste community. All the 10 victims were males.



### Achievement:

- On the basis of MASUM's complaint, the NHRC recommended a compensation of rupees 2 lakhs to Mr. Liton Biswas, a victim of brutal torture by the BSF from Bongaon in North 24 Parganas district, on 2.09.2020 and a compensation of rupees 50 thousand to Ms. Renubala Burman, another victim of BSF's torture from Dinhata of Cooch Behar district, on 29.09.2020.
- On the basis of our complaint regarding the custodial death of Goutam Mondal in Dumdum correctional home, the NHRC took note of the reports and requested the Principle District and Sessions Judge, North 24 Parganas district to conduct a magisterial enquiry and send report at the earliest.

### Challenges:

- Our operations and organizational structure were highly affected due to lack of regular communication and monitoring in the areas we work in on the aegis Covid-19 pandemic. Courts were closed during the lockdown, due to which our legal operations were hampered. Severe restrictions were initiated on the agricultural activities of the villagers of border areas during the lockdown. These factors have highly affected the ground level organization as the active local leaders as well as the cluster members are worried about their life and livelihood.



## Enforced disappearance in Murshidabad

Seven persons reported missing



Watch video [here](#)

Enforced disappearance is considered to be the worst form of human rights violation as the feeling of insecurity generated by this practice is not limited to the close relatives of the disappeared, but also affects their communities and society as a whole. When the whole world was observing the International day of the victims of enforced disappearance on 30th August, another brutal incident of enforced disappearance came into light, where at least seven persons were reportedly killed and their bodies disappeared by the Border Security Force personnel attached with 'F' Company of 117 BSF Battalion in Kaharpara BSF Outpost in Murshidabad district.

It has been noticed that incidents of killing civilians by the Border Security Force have significantly increased in the bordering districts of West Bengal in the past few years. This case is also adding up to the list of murders by Border Security Force, where the higher official and police administration in a nexus, tries to save the perpetrators.

Through our fact finding it has been reported that three persons among the disappeared were Bangladeshi nationals and four Indian citizens. The families of two of those persons disappeared in the incident, lodged complaints to the police

however the others couldn't be traced. As per the versions of eye-witnesses, the victims were reportedly shot dead and their dead bodies were allegedly disposed in the Padma River with the purpose of concealing the evidences.

On 20.07.2020, at around 7:00 pm, 19-year old Hafizul Sheikh, a student of second year in Murshidabad Adarsha Mahavidyalaya of Islampur was forcibly taken by Manik Sheikh, son of Ajijul Sheikh and Mithu Sheikh Son of Maksud Sheikh from neighbouring village Char Sarandajpur in their motorbike. Manik and Mithu were involved in cross-border cattle smuggling. They lured Hafizul with huge amount of money to take buffaloes across the border into Bangladesh. At around 9:00 pm Hafizul along with Ranjit Mondal and some other cattle rattlers were taking buffaloes towards Bangladesh when they were apprehended by 5/6 armed BSF personnel near a field beside the Kaharpara iron bridge; which is about 3 kilometres inside Indian territory from Bangladesh border. According to the eye-witnesses, the BSF started firing and killed at least seven persons in an instance including Hafizul. Ranjit Mondal son of Mr. Bhugal Mondal residing at village - Nabirpara, Block Raninagar - 2, Police Station Raninagar, also joined the team of cattle smugglers near Kaharpara Iron Bridge on 20.7.2020 evening. He was apprehended by on duty BSF at the P.O. and shot, thereafter his body was disappeared as planned by those uniformed BSF.

Hafizul's brother Mr. Sajid Sheikh got the news that Hafizul was going to Bangladesh to smuggle cattle, immediately ran towards the Kaharpara iron bridge to stop him from rattling. But when he reached the spot he saw that Hafizul and others were already apprehended by the BSF. He kept watching them from a distance hiding himself in a jute field. As the area was well-lit by halogen lights of the border fencing, he was able to see the incident quite clearly. Some other villagers were also present there who got a clear view of the whole incident. They could also identify Hafizul when he was shot. According to the eye-witnesses, BSF killed six others and a buffalo was also shot. Later the BSF personnel took all the bodies from the place of occurrence to some place out of their sight.

The next day on 21.07.20, Mr. Attaj Mondal went to the Raninagar police station to lodge a complaint but the Raninagar police didn't accept his complaint. Rather they intimidated the family members of the victim by stating that they will end up in jeopardy if they lodge such complaint, rather they should lodge a missing diary. Later on 4.08.20, the family members of Hafizul, scared of the intimidation of Raninagar police, finding no other alternative, lodged a missing diary vide Raninagar PS GDE No. 140/2020 dated 04.08.2020 but no initiative was taken by the police on the issue. With no other option to find out his son, Mr. Attaj Mondal contacted one lawyer of Lalbagh court and that lawyer prepared one petition, where he put his left thumb impression. That petition of complaint was filed before ACJM court vide Memo No. 611/2020 dated 14.08.2020. As instructed by local police, Ms. Rajkumari Mondal, mother of Mr. Ranjit Mondal also lodged a missing diary in the Raninagar police station on 21.07.20 vide Raninagar PS GDE No. 861/2020 but no action was taken in his case as well.

As per our fact-finding, the perpetrator BSF personnel didn't intimate the Raninagar police station of the incident or any such incident where they fired bullets, which they should have done. According to the GRO case registration book of Raninagar police station in Lalbagh court, case number 259/20, a case of 12 P.P. Act, was registered on 18.07.20 and case number 260/20, a case of 498(A) IPC, was registered on 21.07.20. Nothing else was registered as cognizable offence in Raninagar PS jurisdiction area, which depicts that the BSF has concealed the whole matter from the police as well.





## Farm Bills: A gift to India's Corporates

In classic BJP fashion, the Rajya Sabha passed seven bills under four hours in the recently concluded Monsoon session in spite of a walk out staged by the opposition parties. Three among these bills (which have now become Acts with the assent of the President) are The Farmers' Produce Trade And Commerce (Promotion And Facilitation) Bill, The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill, and The Essential Commodities (Amendment) Bill. On 25 September, farmers' unions across the country called for a nationwide strike to protest against the bills, which they perceive to be detrimental to the interests of the farmers.

The first bill proposes to allow farmers to sell their produce outside the markets regulated by the Agricultural Produce and Livestock Market (APMC) Committee. The second bill introduces farmers to the possibility of contract farming wherein they can enter into an agreement with a private company to produce what the company wants in exchange for a mutually agreed upon remuneration. The third bill allows private companies to stock food items and abolishes penalty for hoarding. The government claims that these provisions will provide the farmers will more choices and lead them on a path to become "atma-nirbhar" or self-reliant. In doing so, the government is abdicating itself of the responsibility to ensure farmers' well-being by designating Minimum Support Prices (MSP) for their agricultural produce. The bills provide private corporations with an opportunity to enter the agricultural sector and directly purchase produce from the farmers without any interference by the government. While the bills do not explicitly claim to do away with MSPs, it also does not make it mandatory for private companies to follow the MSPs set by the government. This could lead to the exploitation of farmers by capitalist economic agents whose sole intention would be to generate maximum profits at the expense of the farmers. The Constitution of India recognizes the Indian State as a welfare State which plays a key role in the economic and social well-being of its citizens. Therefore, abdicating its responsibility towards the poor and marginalized farmers is against the spirit of the Constitution of India.

Similarly, the introduction of contract farming, on paper, provides farmers with new economic opportunities by increasing private investment in the agricultural sector. However, there is an enormous possibility that private companies could coerce farmers to enter into unfavorable agreements, forcing them to provide labour at meagre remuneration. By withdrawing all government interference from the agricultural sector, the ruling party is leaving the fate of the country's farmers in the hands of greedy, exploitative agencies and a host of middlemen in the agricultural trade who capitalize on the feudal structure of the Indian society. Moreover, allowing private companies to hoard agricultural produce without any limitations would most certainly lead to a hike in the price of food items, further leading to inflation and starvation. According to the Sustainable Development Goals adopted by all member states of the United Nations, India must ensure a sustainable future for all its citizens. The bills enacted by the government push India further away from these goals by giving private companies an opportunity to increase their income while impoverishing the poor farmers.

Apart from the fact that the bills are detrimental to the concerns of farmers, it is also important to note that they are an attack on the federal structure of the Constitution of India. Agriculture is explicitly listed in the Constitution as a subject on which the states can enact legislations. While enacting the farmers' bills, the Centre did not so much as consult the state governments or the farmer unions across the country. This is an attack on the agency of the state governments as well as the principle of federalism enshrined in the Constitution.

The bills enacted by the Parliament are entirely unconstitutional in their content, structure and in the manner in which they were passed. This is a textbook example of the manner in which the Modi-regime displays autocratic power without taking into account the concerns of those who would be significantly affected through the provisions of the Acts.





## Hathras rape case: Violence against Dalits

Violence against women in India, specifically incidents of rape and molestation are rampant and increasing every day. The reason for such ascend in women specific crimes may be addressed to various socio-economic issues as well as the ignorance of the law abiding bodies and lack of their commitment to diminish this rate. Recently the instance of a rape and murder victim from Hathras of Uttar Pradesh came into light, which has created a stir among the Indian citizenry. The victim was a 19-year old 'dalit' woman who was brutally raped by four miscreants inside a paddy field. Severely injured she was admitted to Aligarh Muslim University's Jawaharlal Nehru Medical College and Hospital and then shifted to Safdarjung Hospital in Delhi, where she succumbed to her injuries on 29th September, 2020. Her family alleged that the local police forced them to conduct her cremation hurriedly in the dead of night. The incident incited massive agitation from all corners of the country demanding justice for the victim. MASUM also condemns the act and demand justice to be done to the victim and her family.

Our observations –

1. Incidents of rape and violence against women are rapidly increasing in India irrespective of which government is in power
2. In India the number of unregistered rape cases is more than the registered cases and still justice is not being served through the judicial system.
3. It has been found that if the offenders belong from higher class and status of the society, justice to the victims will be delayed.
4. Rape cases and violence against women in Uttar Pradesh are rapidly increasing.
5. The NWC data shows that every minute 15 rape cases are registered in India.

6. The Government of India recommended the Ranganathan Committee to rectify and update the present Criminal Procedure Code and Indian Penal Code but it is still not appropriate for the present Indian society.
7. In specific cases of rape the civil societies movements with the help of Media support demands for capital punishment of the perpetrators for immediate recourse. However, it has been established that capital punishment cannot eradicate such brutal crimes from our society.
8. Despite awarding capital punishment in Nirbhaya and Hetal Parekh rape cases, such crimes were not minimized rather escalated. Hence it is very urgent for the Government of India to reflect and form a joint action committee with selective NGOs or CBOs, renowned academic people, Human Rights activist, women organizations and psychiatrists to review the present Indian law and law abiding bodies' role, which might be the only way to control such crimes.

We strongly hope that the government will be apathetic to the victims and bring forward an effective legislature to minimize such brutal crimes in India.



Image Source: [timesofindia.indiatimes.com](https://timesofindia.indiatimes.com)

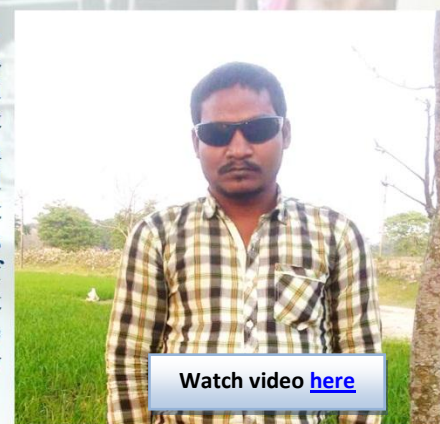


Image Source: [NDTV.com](https://www.ndtv.com)



## Case briefs: September, 2020

• **Torture by Border Security Force personnel:** On 21.12.2019 at about 2 am Mr. Safikul Mia, a villager of Konamukta village under Dinhata police station area of Cooch Behar district and others with a group of cattle reached at Jhaljhal border from Najirhat with the purpose to smuggle the cattle across the border. At about 4 am Safikul and other smugglers went down in the Kaljani River with those cattle. All of a sudden without any warning the perpetrator BSF personnel attached with 'D' Company under 98 Battalion of Jhaljhal Border Outpost started firing pellets on them. Mr. Safikul suffered multiple pellet injury in his eyes, face and cheeks. As the metal particle of pellets entered in the two eyes of Mr. Safikul, he became completely blind and he could not see anything at that time. There he underwent eye surgery two times but still he cannot see completely with his eyes and doctors said that one of his eyes is completely damaged. Now the victim somehow sees blurred with one of his eyes.



• **Extrajudicial Execution:** On 30.08.20, Prosenjit Pramanick, a fisherman by profession, went to his in-laws' place in Nowdapara village under Bagdah police station area in North 24 Parganas district, which is located near the Indo-Bangladesh border, with the international fencing and fencing gates. With intent of fishing at evening, he went to the Bhalki bil, a water body located just beside his in-laws' house stretched within Indian and Bangladeshi land with no boundaries. At around 6:30 pm few personnel from the BGB came from the Andul post of Daulatpur in Bangladesh and arrested Prosenjit. He was then taken to Bangladesh by the BGB personnel. The next day on 31.08.20, Prosenjit's dead body was recovered from near gate number 26, under Bansghata BSF BOP, which is about 40 kilometers away from Nowdapara.



In another instance on 05.09.2020, a Bangladeshi national named Mr. Mohammad Badsha (22 years) was brutally killed by the BSF personnel posted at Golapnagar Border Out Post in Malda District. According to the statements from local residents, Mr. Mohammad Badsha, son of Mr. Mohammad Rafique, was a resident of Telkupi village situated under Shibganj Upazila in Bangladesh. He was involved in cross border smuggling, as alleged by BSF. At around 11.30 pm on 05.09.2020, he was coming to the

Indian mainland due to this cross border activity. Tozammel Haque, Chairman of Shahbajpur Union Parishad of Bangladesh, said that BSF personnel of Gopalnagar camp opened fire on Badsha when he, along with some other people, was crossing the border into India around 11:30pm. He also said that on the next day at around 9.30 am, BSF personnel along with local police took the victim's unconscious body. BSF officials from Gopalnagar BSF camp also confirmed the news and said that the victim was a "Smuggler". He was killed by a BSF team near Gopalnagar Out Post in Malda district of West Bengal when he was trying to smuggle bottles of Phensedyl. At least 75 bottles of Phensedyl have been seized from his possession, the officials said in a statement.



• **Enforced disappearance:** A brutal incident of enforced disappearance took place, where at least seven persons were reportedly killed and their bodies disappeared by the Border Security Force personnel attached with 'F' Company of 117 BSF Battalion in Kaharpara BSF Outpost in Murshidabad district. On 20.07.2020, the victims were involved in a cross-border illegal cattle smuggling, when they were apprehended by the BSF personnel. According to the eye-witnesses of the incident, the BSF then fired at them and took their bodies to some place out of their sight.

• **Marginalization of bordering populace:** About 17 families in Motherganj village under Dinhata II Block and Sahebganj police station in Cooch Behar district returned from Delhi during the time of nationwide lockdown. A few days after the Covid 19 lockdown was instituted, a cover of five kilograms of grains and one kilogram of pulses was announced to be distributed free under Public Distribution Scheme for the next three months, under Pradhan Mantri Garib Kalyan Yojana. Following that West Bengal Chief Minister announced extending of free ration to all till June, 2021. However, these seventeen migrant workers' families did not get their rationing stuffs yet despite informing the Joint BDO of Dinhata II Block.

• **Illegal restriction by Border Security Force personnel:** The villagers of Nipujitari village under Sitalkuchi block and police station of Cooch Behar district are facing severe illegitimate restrictions from the Border Security Force personnel attached with Goutam Border Out Post, 'E' Company under 47 Battalion BSF, pertaining to the gate timings, which restricts them for cultivating their lands resulting in heavy financial losses. Since 22.03.20 gate number 2 and 3 were completely closed for the villagers to pass into their agricultural fields due to which, all the crops eg. Jute, corn etc. cultivated by them were ruined.

Watch video of [Nipujitari villagers](#)



## Our Activities

### village level meetings in Coochbehar district

In the month of September 2020 MASUM, Amra Simantabasi (We, the Bordering populace) and Amra Chitmoholbasi (We, the enclave dwellers) committee in Cooch Behar district organized a number of meetings with villagers and conducted deputation programme to the administrative officers. The details of these events are given below.

On 14th and 15th September 2020 Amra Simantabasi district committee in Cooch



Behar and Right to Food and Work network jointly organized 4 mass deputation programme at 4 gram panchayet offices namely Solmari GP situated under Dinhata-1 Block, Khalishamari GP situated under Sitalkuchi Block, Jamaladaha GP situated under Mekhliganj Block, Gopalpur GP situated under Mathabhanga-1 Block and Bagdogra and Fulkadabri GP situated under Mekhliganj Block. This deputation programmes were organized in demand of proper distribution of ration in covid situation as Government notification.

Apart from these on 5th September and 6th September Amra Simantabasi and Amra Chitmoholbasi village committee organized two meetings at Kuchlibari Satmail and Dhabalsuti Mrigipur with the to create Block level committee of Amra Chitmoholbasi and Amra Simantabasi at Mekhliganj Block. On 9th September Amra Simantabasi village committee at Chenakata situated at Mathabhanga sub division organized one meeting to form Amra Simantabasi Block committee at Mathabhanga 1 Block. On 12th September two meetings were organized by Amra Simantabasi and Amra Chitmoholbasi village committees at Sitalkuchi block to form block level committees of Amra Chitmoholbasi and Amra Simantabasi at mentioned block. On 22nd September Amra Simantabasi village committees situated under Dinhata sub division sit together to form two block level committees at Dinhata -1 and Dinhata-2 block respectively.



### village level meetings in North 24 Parganas district

On 14th September, 2020 Amra Simantabasi district committee organized two village level meetings with Right to Food Network campaign. The said meetings were held at Boaldaha and pipli village situated under Bongan and Gaighata block respectively. The main purpose of those meetings were to monitor the situation of ration distribution among the villagers during Covid situation and it was found that many villagers are still waiting to have their respective ration cards and no ration is allotted for them during this pandemic. From that meeting the villagers planned the next action to solve the issues.



### village level meetings in Murshidabad district



On 7th, 10th and 13th September village level committee of Amra Simantabasi organized 4 meetings at villages namely Benipur, Char Parashpur, Shibnagar and Borderpara with the purpose to know the condition of the villagers in this pandemic situation. The committee members came to know that the villagers are mostly affected by the irregularities in ration distribution. Apart from that illegitimate restriction imposed by BSF personnel also affected the life and livelihood of the bordering populace. They also chalked out the next action plan to fulfill their demands.

On 14th September Amra Simantabasi committee at Katlamari village and Right to Food network organized one mass deputation programme at Katlamari1 Gram Panchayet in demand of proper ration distribution as promised by Government.

### Legal Assistance

In this month a new complaint case is filed before the Additional Chief Judicial Magistrate of Basirhat Court in respect of the case of Mintu Gazi, a victim of BSF torture.

A petition was filed to the SDO and SP, Basirhat by the accused Lalu Sahaji and Alamgir Gazi to direct the Investigation Officer in connection with Swarupnagar Police Station case number 394/2020 under section 14/14C Foreigners Act to drop this case against them after proper investigation.

In this month we provided legal support in 3 defense cases and 2 prosecution cases in Basirhat Court, North 24 Pargana.



### Medical Assistance

On 23.09.2020 MASUM organized one medical camp at Nur medical hall situated at Swarupnagar, North 24 Parganas. 28 tortured victims were treated by Dr. Anasua Roy. All the victims were also given necessary medicine from MASUM.