

Monthly Report

September 2021



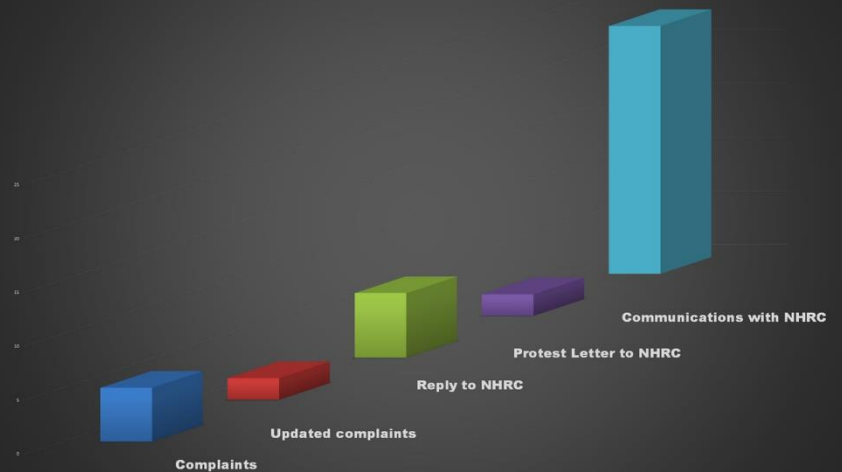
Miles to go...

**Banglar Manabadhikar
Suraksha Mancha**

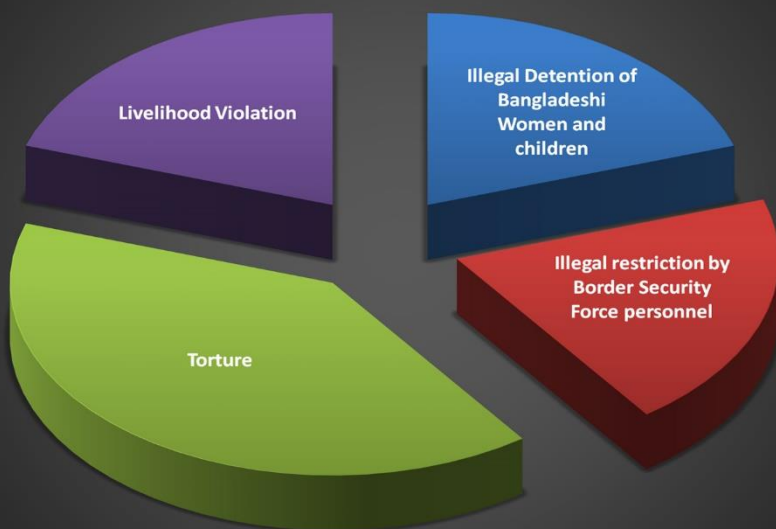


Banglar Manabadhikar Suraksha Mancha (MASUM) made 5 fresh complaints of gross human rights violation before the relevant state authorities and different human rights institutions; especially the National Human Rights Commission during the month of September 2021. In cases, where our victims from previously lodged cases were threatened or intimidated, we have lodged 2 updated complaints. We made 6 replies in cases where the NHRC asked our comments. We have sent 2 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 25 directions from the NHRC in various cases.

Communicative Interactions with HRIs

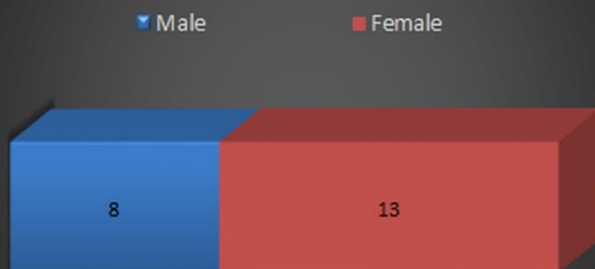


Type of Cases

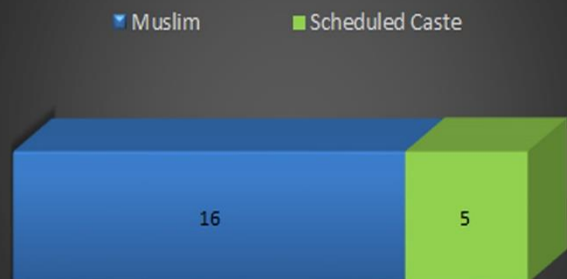


Out of the five complaints, two are on torture and one each on illegal detention of Bangladeshi women and children, livelihood violation and illegal restriction by Border Security Force personnel. Through these complaints we addressed the issues of 21 individual victims; out of them 16 belonged from the minority Muslim community and 5 from Hindu Scheduled Caste community. Among the victims 8 were males and 13 were females. Among these victims 7 were minors.

Demographic Classification



Social Classification



Our Activities

Cooch Behar

MASUM and Amra Simantabasi committee organized a series of meetings with the bordering populace residing at three districts namely Cooch Behar, Murshidabad and North 24 Parganas.



In Cooch Behar, total 6 village level meetings were conducted in the several villages situated under Sitalkuchi, Sitai and Mekhliganj block. These villages are situated adjacent to the Indo- Bangladesh border. The main purpose of these meetings were to understand the present scenario at the border villages. People from the border villages expressed that due to illegal restrictions imposed by the BSF personnel, agricultural procedure is being hampered. Due to this, the local farmers are facing

huge financial losses. In thses meetings they vowed to fight against these atrocities unitedly. The date and venue of the meetings are tabled below.

Date	Village	Block	District
11.09.2021	Gosaidighi	Sitai	Cooch Behar
13.09.2021	Singimari	Sitai	Cooch Behar
15.09.2021	Gadopota-II and Kakjer dighi	Sitalkuchi	Cooch Behar
16.09.2021	Gachtola	Sitai	Cooch Behar
17.09.2021	195 Darikamari	Mekhliganj	Cooch Behar

Murshidabad

Total 3 village level meetings were held in Murshidabad district. The main purpose of these meetings were to understand the present situation of the villages situated near the Indo- Bangladesh border. The villagers narrated their painful experiences. Border security force personnel imposed illegal restrictions upon the life and livelihood of the villagers of these villages. In thses meetings they vowed to fight against these atrocities unitedly. The details of the meeting are listed below:



Date	Village	Block	District
20.09.2021	Char Rajanagar and Mohanganj	Raninagar-II	Murshidabad
21.09.2021	Char Akheriganj	Bhagwangola-II	Murshidabad

North 24 Parganas



During this month, 2 village level meetings were held in North 24 Parganas district. On 28.09.2021 two village level meetings were organised in Boyaldah village and Ghonarmath Puraton Bongaon village under Bongaon block. The People of the Boyaldah village expressed that they are deprived from the different welfare schemes of the Government. Villagers have nearly 1000 acres of land on the other side of the fence. BSF personnel impose illegal restrictions on the activities of the farmers. The villagers also stated that incidents of BSF torture are increasing rapidly. Due to that the villagers are migrating to other parts of India. In thses meetings they vowed to fight against these atrocities unitedly.

Collaboration with other Organisations

Workshop in Bhubaneswar - Human Rights Defender Alert (HRDA) organized one workshop for the Human Rights Defenders in Eastern region of India. The workshop was held on 20-21September 2021 at Bhubeneswar. Mr. Kirity Roy, Mr. Mohar Mondal and Mr. Ajijul Haque from MASUM attended the workshop.



Training at Joka, Kolkata - Secretary of Banglar Manabadhikar Suraksha Mancha (MASUM) was invited as one of the resource persons at the training held by Right to Food Network (RTFN). From 28-30 September the training was held at Joka, Kolkata. Mr. Roy took session in the topic of Documentation of an incident of Human Rights Violation.

Medical camp - In this month MASUM organized three medical camps in three bordering districts of North 24 Parganas, Murshidabad and Cooch Behar. These three medical camps were organized with the help of United Nations Voluntary Fund for Victim of Torture (UNVFVT). From these camps the tortured victims got treatments and medicines. On 1st September the medical camp was held at North 24 Parganas district where Dr. Anushuyak Roy treated 35 tortured victims. On 5th September the medical camp was organized in Islampur, Murshidabad where Dr. Bhaskar Chakraborty treated 66 tortured victims. On 28th September 42 tortured victims got treatment from the medical camp held at Dinhata, Cooch Behar. Dr. Champak Banerjee treated all these victims. After every medical camp volunteers of MASUM arranged one sitting with the tortured victims and their family members to discuss their present condition and also talked about the present scenario of their legal cases.



Case Briefs, September 2021

• **Torture by Border Security Force:** During the month of September, MASUM documented two incidents of torture by the BSF personnel which caused severe physical injury and trauma on the victims and their family members. In the first instance, the victim, 50-year old Mr. Mukbul Mondal, resident of Char Parashpur village in Murshidabad district, was brutally beaten up by the BSF attached with Char camp Farajipara Border Out Post, 141 Battalion, on the suspicion that he was a Bangladeshi intruder. On 26.07.2021 at about 1 pm when the victim was returning from his agricultural field, two BSF persons among which one is DIB namely Mr. Rajkumar came towards the victim and without any intimation started to beat Mr. Mukbul with sticks. The perpetrators addressed the victim as a Bangladeshi citizen, used abusive language and physically assaulted the victim severely at his waist and legs with sticks. On 27.07.2021 Mr. Mukbul Mondal lodged one written complaint to the Officer in Charge of the Jalangi Police Station which was received by the duty officer and a case was registered on the basis of the written complaint vide Jalangi Police



Station Case number 209/2021 dated 27.07.2021 under section 341/325/34 of Indian Penal Code. But after registering the case, the perpetrator BSF personnel threatened the victim and pressurized him to withdraw the complaint against the BSF. Even they threatened to shoot him and implicate in false NDPS case. The victim did not agree to withdraw the case but on 07.08.2021 about 11 BSF personnel went to the house of the victim and by force received the signature of the victim in a white blank paper.

In another instance, 28-year old, Mr. Sushanta Barman from Kayeter Bari village under Sitai Block and police station of Dinhata sub-division in Cooch Behar district was involved in cross-border smuggling and was apprehended by 4/5 BSF Constables attached with South Chanta BSF BOP, who inflicted brutal torture upon the victim. Mr. Barman was critically injured as the perpetrators tattered his body with knife. He was taken to a private Hospital in Siliguri for treatment. The victim is still undergoing treatment and suffering from mental disorder and trauma. Later the wife of the victim, Mrs. Purni Barman lodged a complaint to the Superintendent of Police, Cooch Behar district but no action was taken by the police as of now.

• **Illegal restriction by the BSF personnel:** The villagers of Puratan Bongaon of Kalopara gram panchayat under Bongaon Block and police station of North 24 Parganas district in West Bengal are facing severe restrictions to cultivate in their own lands and hence incurring grave financial losses since the past 2 years by the Border Security Force personnel attached with Ghoner math Border Out Post under 158 Battalion BSF. The BSF authorities have alleged that these villagers are involved in illegal cross-border trade, which is why they are being restricted to cross the border fencing gates and cultivate their lands located inside Indian territory. They also alleged that they have recovered smuggling goods from the fields of the respective peasants, which were kept in hiding in their respective fields. The village is located between the Ichamati River, which is the border of India and Bangladesh, and the IBBR (India-Bangladesh Border Road). There is approximately 350 acres of cultivable land situated inside this stretch. After several appeals made by the villagers to the BSF authorities and the administration, they are not being allowed to enter their fields till date.

• **Livelihood violation:** Mr. Aabutaleb Mondal, a marginalized poor daily labourer who is current living in a make-shift hut with his family under hazardous condition was denied PMAY (Pradhan Mantri Awas Yojana) housing by the block administration of Swarupnagar Block of North 24 Parganas, West Bengal. He is a bona fide applicant from Taranipur village of Gobindapur gram panchayat, under Swarupnagar Block of North 24 Parganas, West Bengal. On 28.07.21, Mr. Aabutaleb Mondal arranged all the paper works for his PMAY – G (Gramin) application and submitted those to the Gobindapur Panchayat office. On 02.08.21 Mrs. Rebeka Bibi, wife of Aabutaleb Mondal went to the Swarupnagar BDO (Block Development Officer) office to enquire about their PMAY application but was informed by the Joint BDO of Swarupnagar, Mr. Koushik Pramanik that her application has been rejected. Later the panchayat member of Gobindapur panchayat, Mrs. Khodeja Bibi and her husband Mr. Manirul Mondal revealed that she will not get the house under PMAY – G scheme until and unless she pays rupees 20 thousand as bribe, which will be shared among the BDO and herself. On 7.09.21, Mr. Aabutaleb Mondal lodged a written complaint to the Swarupnagar BDO but till date no action has been taken from his end.



• **Illegal detention of Indian Nationals in Bangladeshi prison:** In the month of August, MASUM has reported 2 incidents of illegal detention by lodging 1 complaint to the National Human Rights Commission (NHRC). The victims are poor Bangladeshi nationals who came to India in search of livelihood, as they have no proper means of livelihood in Bangladesh. All the 8 victims in these two incidents are Muslim women and some of them have children who are minors but are still in illegal detention along with their parents. They have been sent to judicial custody for 14 days which is in total violation of an advisory issued by the government of India vide office memorandum 14051/14/2011-FVI of Ministry of Home Affairs (Foreigners Division) Government of India dated 1st May, 2012. The victims are still under custody and no measure has been taken to repatriate them.

Legal Activities Report: September 2021

Activities in High Court at Calcutta

A false case had been lodged against Mr. Kirty Roy, Secretary, MASUM being Dinhata Police Station Case number 259/2018 dated 19.07.2018 (GR 251/2018) under section 341/186/353/427/506/34 of Indian Penal Code during the time of submission of deputation to the Sub Divisional Officer's office at Dinhata for securing the rights of fishermen. Challenging the case Mr. Roy filed quashing petition before the High Court at Calcutta on 25.08.2021 to rescind the false FIR against him and subsequent proceedings. On 24 September, 2021 this case was transferred to the Jalpaiguri Circuit Bench for jurisdictional matter vide case number CRR 145 of 2021.

In the High Court at Calcutta total seven cases are pending where six cases are Writ (Mandamus) in nature and one Criminal Revision case.

Sub-divisional Courts



In this month we provide legal support in 11 prosecution cases among which four cases are pending for report from the concerned authority, six cases are for recording of statement of witnesses and one case for execution of warrant against the perpetrators. We also supported 13 victims in the Lalbag court, Murshidabad where false case against them was started.

On 14.09.2021 Mr. Anarul Biswas, victim of BSF torture presented before the Court of the Additional Chief Judicial Magistrate, Berhampore and the magistrate recorded his statement.

On 28.09.2021 with the assistance of MASUM Ms. Rahila Bibi (Bewa), victim of BSF torture filed one complaint case before the court of Additional Chief Judicial Magistrate Court, Berhampore.

In this month we provide legal support in 02 prosecution cases and 03 defense case in Basirhat Court, North 24 Pargana.

Challenges

Till date due to the effect of the second wave of Covid 19 pandemic regular proceedings of the Courts have not resumed fully. Legal activities are being delayed due to this. New cases are being filed but these cases are not listed up in the cause list of the concerned court for hearing purpose, therefore huge number of cases filed by us are pending in the sub divisional courts of various districts and our victims are being deterred from getting proper justice. There are several cases in the sub divisional courts where the next date was fixed after 12 or 14 months and thus the duration of cases is gradually being extended but justice is not being delivered to the victims. Courts including High Court and Supreme Court did not list up our pending cases in their cause list. Registry of the High Court and Supreme Court are only entertaining cases with 'very urgent' status but the criteria to label a case as 'very urgent' is still unknown to us.

Legal Meeting in the district of Murshidabad

On 05.09.2021 a legal meeting was organized at Moonlight hall, Islampur, Murshidabad. Total 67 victims of torture were presented in that meeting. Our pro bono lawyer of Lalbag Court Mr. Rana Mahanta was also present at the meeting. Present status of cases of all victims and future legal planning was freely discussed in the meeting.



Activities at a glance



A village level meeting in Gosaidighi village in Sitai block of Cooch Behar district



Meeting with the victims of torture at Murshidabad district



Dr. Anusuk Roy treating a torture victim in a medical camp at North 24 Parganas



MASUM members attending the workshop for the HRDs in Eastern region of India organized by HRDA at Bhubaneswar



Dr. Bhaskar Chakraborty treating a torture victim in a medical camp at Murshidabad



MASUM Secretary, Mr. Kirity Roy with the members of Right to Food & Work Network after a training session at Joka, Kolkata