



# ANNUAL REPORT 2021







# MASUM ANNUAL REPORT 2021



# Foreword



Another year with good and bad memories has passed. Just like the entire world, India has also lost several individuals in the epidemic of Covid 19, which apparently initiated with Prime Minister Modi's banging of utensils in 2020. The notification of the Ministry of Health & family welfare reveals that many people lost their lives due to the side effects of the Covid vaccination. As the days go by, this is proved that with the help of the Governments, national and international, the corporate sectors involved in pharmaceuticals business are making a huge profit in the name of the pandemic. As a result, international capitalists are booming. Whereas, many other countries have transparently disclosed the data of the actual number of deaths due to Covid 19, our government did not provide actual data on the same. It remains unknown even today, how many migrant workers died on the way due to an unplanned lockdown of transportation throughout India. The general understanding being, the government of India is in an epic mess while handling the Covid crisis as it has from the

beginning tried to shrug off any accountability of the crisis.

What comes first? The security of the state or the security of the people of the state. Our union government is always concerned about the security of the state. Rather Politics are more essential for our government than the security of the citizen. Consequently, Article 370 was abrogated in Kashmir. After two years of the abrogation, there is a possibility of being marked as an anti-national, when questioned about the present situation of Kashmir. Even after 76 years of independence, the socio-economic status of the scheduled caste, scheduled tribes and other minority groups have not changed. Till today they are being required to carry feces on their head while manually scavenging. With each passing day our fundamental rights, guaranteed by the constitution, are being denied by the governments, especially the rights to peaceful assembly and rights of freedom of expression. The educational institutions are being saffronized by our union government.


In November 2021, when the Home Secretary of India, Mr. Doval stated that the prime enemies of the country are the members of civil societies, at that moment it is deciphered that in the biggest democratic country like India there is a manipulative effort for entombing democracy.

In this crisis period, our criminal justice system is also under threat. There are millions of cases waiting for Justice. Several posts of judges are vacant. Several prisoners, including human rights defenders and political prisoners, who are illegally detained in custody for years are waiting for justice. Considering these instances, question arises that whether our judiciary independent, unbiased and free from the influence of police or the executives?

In the present situation, the lives of the people of the Indo-Bangladesh bordering areas are miserable. Present statistics reveal that around 150-200 persons are getting killed by the BSF every year in this border and no punitive actions are being taken against the perpetrators by the police or the judiciary of the country, resulting in systematic impunity. The valid question is whether they are protected by the constitution of India?

Even after 6 years of the exchange of enclaves between India and Bangladesh after the Land Boundary Agreement, 2015, the erstwhile enclave dwellers are still not provided with proper citizenship and their land title. Residents of erstwhile Indian enclaves, who relocated into Indian mainland are not yet provided with appropriate rehabilitation as promised by the Indian government during the LBA, 2015. Moreover, the government of India have no obligations to international laws and treaties. Despite signing several international treaties, it is yet to ratify many of those. Even if some of the treaties are ratified, they are not being followed by the government itself.

However, among all these setbacks, peoples' active movements against the odds are worthy of appreciation. Spontaneous involvement of the mass and the fighting spirit of the civil society brings a ray of hope amongst these difficult times. With this hope we are motivated to move forward and keep up our fight against the authoritarian dictatorial regimes.



Kirity Roy  
Secretary, MASUM



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# Obituary

**Prof Christof Heyns:** We are deeply saddened by the unanticipated demise of Prof Christof Heyns, a spirited human rights defender and academic. Prof Heyns was a professor of human rights law and the director of the Institute for International and Comparative Law in Africa at the University of Pretoria. He served as the UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2010 to 2016. In this capacity, he visited Kolkata in March 2012 and interviewed many family members of victims of extrajudicial executions by the Border Security Force and Police. This visit was organized by the Working Group on Human Rights in collaboration with MASUM and other civil society members. Prof Heyns staunchly advocated for equal rights and justice and was a pivotal figure in advancing the rights of the marginalized sections of society. We extend our deepest condolences to his family and friends and hope that he rests in peace.



**Poet Sankha Ghosh:** We are deeply saddened by the unanticipated demise of Poet Sankha Ghosh on April 21, 2021 at the age of 89 in his own home. He had tested positive for covid-19 on April 14 and was in home isolation since then. Poet Sankha Ghosh received the Sahitya Academy awards twice and was felicitated with Padma Bhushan in 2011. He was one of the stalwarts of Bengali literature and a fearless critic of the state machinery ruled by any political party. His poems were even banned from publications during Indira Gandhi's emergency but his stubborn spirit couldn't be crushed. He was closely associated with various civil society movement of his time and will always be remembered as one of the prominent protesting voices on almost every social and political issue of the country. We extend our deepest condolences to his family and friends and hope that he rests in peace.



**Soli J. Sorabjee:** We mourn the demise of Soli Jehangir Sorabjee, Indian jurist and Attorney General of India for two times, first from 1989 to 1990, and again from 1998 to 2004. He was a vehement fighter of human rights and served as the United Nations Special Rapporteur during 1997. He received the Padma Vibhushan for his defense of the freedom of expression and the protection of human rights. He appeared in several remarkable cases such as, the Keshabanada Bharati case, Bhopal gas tragedy case, S R Bommani case and many others. He breathed his last on 30 April 2021 due to COVID-19 in a private hospital in Delhi where he was undergoing treatment. He will be remembered for his contributions to the field of human rights.



**Alekjan bibi:** We mourn the demise of Alekjan bibi, the mother of Ajijul Pramanik, a victim of custodial death, on April 22, 2021 at the age of 60. She was suffering from breast cancer and breathed her last in her home. Her son Ajijul Pramanik was brutally tortured by the BSF and handed over to the Sitai police station in Cooch Behar during February 2020. On 21st February, 2020, Ajijul died in police custody. Alekjan Bibi came in contact with MASUM and initiated a legal fight to get justice for her son's death. Later she was repeatedly pressurized by the Sitai police to withdraw case. She was even offered money for the same but she held her ground till the end. She will be remembered as one of the fighting spirits, who denied to give in to the state machinery and opted for justice.



# Obituary

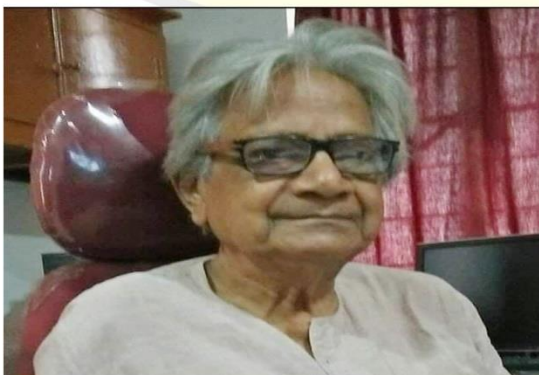
**Justice D. K. Basu:** Former Calcutta High Court judge and MASUM's friend, Justice D. K. Basu passed away on 9th May, 2021. Justice Basu started his career as an Advocate at the Calcutta High Court and also practiced in the Supreme Court of India. He was elevated as a judge of the Calcutta High Court in 1987. Later he also served as the Chairman of Legal Aid Services, West Bengal (LASWEB) and as the Chairman of the National Committee for Legal Aid Services - India. He is most famously remembered for his association with the case 'D.K. Basu vs State of West Bengal', highlighting the Supreme Court's detailed guidelines for police to follow while making arrests and detention. His unanticipated demise is a huge loss to MASUM and the human rights fraternity as a whole.



**Sundarlal Bahuguna:** MASUM mourns the death of renowned environmentalist, Sundarlal Bahuguna due to Covid-19 on 21st May, 2021 at the age of 94. Bahuguna was the face of the Chipko movement, which began with the courageous stand of women in Reni village in Uttarakhand in March 1973 campaigning to defend the Himalayan ecosystem. He was married to Vimla Bahuguna, a Gandhian social activist and also a leader of the Chipko movement, who was able to inspire him towards Gandhian philosophy of activism. In 1981 Sundarlal Bahuguna refused to accept the Padma Shri award over the government's refusal to cancel the Tehri dam project despite his protests. In 2009, he was awarded the Padma Vibhushan award. He tested Covid positive and was admitted in hospital on 8th May with oxygen deficiency. We are deeply saddened by this great loss.



**Dr Smarajit Jana:** A leader of the rights movement for sex workers in India and a public health expert, Dr Smarajit Jana, passed away due to COVID-19 related complications in Kolkata on 8th May, 2021. Dr Jana was the founder of Durbar Mahila Samanwaya Samiti and Durbar Sports Academy. He was also a member of the National AIDS Control Organisation's (NACO) steering committee. He fought for the legal reorganization for sex worker and in 2016 the sex workers got the legal reorganization through the issuing of ration cards, voter cards and Addhaar cards. His advocacy helped the sex workers to get free ration at the lockdown period. Dr. Jana was the Chairperson of 19th World AIDS conference Hub held in Kolkata 2012 and worked as a board member of the Indian Chapter of Bill and Melinda Gates Foundation, Executive member of the Regional Partnership Forum under UNAIDS & UNFPA and served as a key member of the National AIDS Council (NACO) chaired by the Prime Minister of India. We are deeply saddened by his untimely demise.



**Braja Roy:** Braja Roy, pioneer of body donation movement of the country, passed away on 13th May, 2021 due to COVID 19 related complication at Sambhunath Pandit Hospital in Kolkata. He was the founder of the organization, named Ganadarpan, which was India's oldest organization facilitating body donation. It is sad that his body could not be donated to the anatomy department of medical college as per his wish, as he was Covid affected. He will always be remembered by MASUM and we extend our deepest condolences to his family and friends.



# Obituary

**Narayan Banerjee (Nadu Banerjee)** - Narayan Banerjee, former assistant secretary and founder member of Association for Protection of Democratic Rights (APDR) and APDR BBD Bagh branch passed away on 24th May, 2021 due to COVID 19 related complication. We are deeply saddened by his demise.



**Sudipta Sen:** Sudipta Sen, the Vice-President of Association for Protection of Democratic Rights died on 6th May, 2021. Our heartfelt sympathies to his friends and family.



**Sitanshu Bhaduri:** We lost one of our well-wishers, Mr. Sitanshu Bhaduri. He worked as an officer on Indian Railway. Besides his professional life, he was closely associated with different civil movements on posthumous body and eye donation and other human rights-related matters. His endless efforts to establish the Netaji Library in Srirampur is worth appreciation. He was a dedicated supporter of Mohanbagan Football club. He worked as a Key-person behind the establishment of many civil organizations. He had a great collection of historical documents and papers. He was suffering from an inmedicable disease and breathed his last at B.R Singh hospital, Kolkata on 27th June 2021 at 9 pm. With the help of his family members, his eye donation procedure was accomplished at Disha Eye Hospital. He may be the first Non-Covid person in West Bengal whose clinical Autopsy was held.



He served as an executive member of MASUM for many years in the past. He participated in different activities organized by MASUM. He always stood beside us in our crisis period. He was the one responsible for proof checking and correction of our draft publications and other important documents. His absence will not be recovered. MASUM's deepest condolences to his family members.



**Susmita Roychoudhury:** 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.



# Human Rights Overview 2021

The year of 2021, just like the previous year has been a challenging period for the issue of human rights worldwide. The second wave of the pandemic along with the broken healthcare systems and ill-planned lockdowns imposed on the life and livelihoods of poor and disadvantaged minorities, have created an ambiance of futility in the society along with failures in democratic administrations and social security mechanisms. It is important to look back at 2021 and analyze the events in order to draw a lesson, which in turn might bring back hope at this distressed time.

## India



India began its two-year tenure (2021–22) as a non-permanent member of the United Nations Security Council since 1st January, 2021, despite India lacking any regard for international laws. This has been the eighth time that India has had a seat on the UNSC. However, till date the government of India did not ratify the UNCAT or the International Convention on Enforced Disappearance despite signing both the treaties. Neither did it take any steps to abolish death penalty.

The second wave of COVID-19 wreaked havoc across the country claiming lakhs of lives while also highlighting the dilapidated condition of health infrastructure. With hospitals flooded with patients, several states struggled with the crisis of beds, oxygen cylinders and other equipment. Delhi, Maharashtra, West Bengal and several other state governments made frantic calls, alleging that they did not receive enough oxygen supply to cater to the massive number of patients. With the Supreme Court stepping in, the union government stepped up the oxygen



production manifolds as it faced severe criticism from the opposition. Patients and their families across the country took to social media to make SOS calls and raise alarm over the shortage of healthcare resources like medicines, oxygen and hospital beds. The Minister of State for Health and Family Welfare, Dr. Bharati Pravin Pawar, informed that the government of India does not centrally maintain the data of hospital beds. Nearly 150 decomposed and bloated Human Dead bodies were found floating in River Ganges at Chausa, Buxar district, Bihar. It is believed that these bodies belonged to the under-reported death cases of COVID-19 pandemic from the neighbouring state of Uttar Pradesh. However, Dr. Pravin remarked in Rajya Sabha, “no deaths due to lack of oxygen have been specifically reported by states/union territories’ during the second wave of COVID-19. This led to a nationwide outrage.



On January 26, 2021, thousands of farmers protesting against the three contentious farm laws had clashed with the police in New Delhi during a tractor parade to highlight their demands. Many of them driving tractors reached the Red Fort and entered the monument, where a religious flag was also hoisted. Several protestors and police personnel were injured in the clash.

On October 3, eight people, including four farmers, died after being mowed down by an SUV allegedly belonging to Union Minister of State for Home Ajay Mishra's son Ashish Mishra in Uttar Pradesh's Lakhimpur district. Ashish, along with 12 others, were arrested after the Supreme Court pulled up the Yogi Adityanath government over the inaction against the accused. The incident, which received nationwide condemnation and turned into one of the year's biggest political issues, is being probed by a Special Investigation Team which has claimed that it was a “pre-planned conspiracy and not a negligent act”. The opposition has not only accused the UP government of shielding the accused but also alleged that the Centre was protecting the minister and not sacking him despite the SIT submitting that the incident was a planned conspiracy.





# Human Rights Overview 2021

The farmers' protest that initiated during November 2020 with farmers from several states, mostly across North India, coming to Delhi and staying put at Delhi borders for over a year have finally succeeded in conquering their demands to repeal the three farm laws. The Modi government, in a major climbdown, announced the withdrawal of the three contentious farm laws on 19th November 2021. The protests turned into the focal point of national politics with the opposition parties coming out in support of the farmers. Prime Minister Narendra Modi, while announcing the withdrawal of farm laws in his speech, said that the laws were brought for the betterment of farmers but were repealed for the sake of the country. This also led to the Shiromani Akali Dal breaking ties with the BJP, ending the 24-year-old alliance and some of its own party leaders criticising the government over the farm laws.



The opposition parties vehemently criticized the union government for the alleged snooping of the mobile phones of political leaders, top judges, media personalities and other eminent people by using the Israel-made Pegasus spyware. Congress leader Rahul Gandhi, strategist Prashant Kishor, two serving Union Ministers, ex-Election Commissioner, 40 journalists among others were found to be on an alleged leaked list of potential targets. The Congress-led opposition raised the issue during the

Monsoon Session of the Parliament and also cornered the Narendra Modi government on the issue. The Supreme Court has already ordered a wide-ranging comprehensive probe by a technical team of experts into the snooping allegations using the Israeli spyware.

## World

The weeks since August 15, 2021 when Kabul fell to the Taliban, women and girls from Afghanistan have been the victims of rights violation. Almost every day brings further evidence that they are implementing a massive rollback of women's rights. Nevertheless, Afghan women are fighting back—taking to the streets and protesting, even in the face of violence from the Taliban and attempts to ban protest.



In May 2014, the Chinese government launched the “Strike Hard Campaign against Violent Terrorism” in the Xinjiang Uyghur Autonomous Region against Uyghurs and other Turkic Muslims. Research by Stanford Law School’s Human Rights & Conflict Resolution Clinic and Human Rights Watch, along with reports by human rights organizations, the media, activist groups, and others, and internal Chinese Communist Party (CCP) documents, show that the Chinese government has committed—and continues to commit — crimes against humanity against the Turkic Muslim population.

The United Nations Human Rights Council recently adopted a milestone UN resolution to create an independent mechanism, made up of three experts, to investigate the root causes of systemic racism and police violence. Brought forward by the Group of African States, the adopted resolution confronts the legacies of colonialism, enslavement, and the transatlantic trade of enslaved Africans.





# Achievements and Challenges: A brief overview



## Achievements

In this year, the National Human Rights Commission recommended monetary compensation to seven victims on the basis of complaints lodged by us. The compensation amount ranged from 25,000 INR to 5, 00,000 INR. However despite the recommendation of the NHRC to provide the monetary compensation to the victims, two out of seven have received the full amount till now. Following is the detailed list of the recommendations made by the NHRC.

Name of the victim	District	Case	Compensation amount (INR)	Date of order for compensation	Compensation received ?
Safikul Mohammad	Cooch Behar	BSF firing	4 lakhs	10-Jan-21	No
Hasibur Rahman	Murshidabad	Government negligence	5 lakhs	08-Feb-21	No
Bulbul Rahman	Murshidabad	BSF torture	3 lakhs	01-Dec-20	No
Prashanta Das	North 24 Pargana	Extra Judicial Killing	3 lakhs	09-Mar-21	Yes
Sahanur Mondal	Murshidabad	BSF torture	25 thousand	09-Jul-21	No
Shatabdi Dutta	Murshidabad	Medical negligence	3 lakhs 75 thousand	29-Nov-21	No
Gautam Mondal	Murshidabad	Custodial death by police	3 lakhs	08-Sep-21	Yes

Our activities in various districts of West Bengal have had a strong impact on the different line departments of the government that consequently facilitated several marginalized villagers with their rightful demands. For the permanent rehabilitation of the people who had been brought back from Indian enclaves in Bangladesh after the Land Boundary Agreement in 2015, the government had constructed flats. However, they were made of cheap construction material as a result of which cracks had started to appear in the building. After MASUM's complaint to the National Human Rights Commission, a central investigating team inspected the site in January 2021. Within a week of the inspection, the cracks have been repaired.

In the Balapukuri, Kuchlibari and Dhabalsuti Mrigipur erstwhile enclaves in Cooch Behar, solar pumps installed by the government were defunct. After MASUM's complaint to the NHRC, they have been replaced by the concerned authority.

In the Char Parashpur village in the district of Murshidabad, the BSF conducted strict checking at the Border Out Post and harassed villagers through various means. After MASUM's intervention, harassment has reduced while inspection still goes on at the check point.

In Nirmal Char village in the district of Murshidabad, BSF personnel had put strict restrictions on movement of the villagers including forbidding fishermen to carry out their businesses. After MASUM's complaint, this harassment has reduced.

For our consistent effort and lodging complaint to various concerned authorities regarding the matter of BSF restriction upon the life and livelihood of the villagers of Kashipur, on 01.02.2021 an inquiry was conducted by the Assistant Commissioner, Presidency Division and his team in respect of this case. Mr. Kirity Roy, Secretary of MASUM was presented during the time of inquiry and submitted his comments. Representative of the Border Security Force also put their submission before the enquiry officers. They also visited the place of fencing gates where some of the villagers narrated the incident how the Border Security Force personnel arbitrarily restricted their agricultural activities and create a reign of terror within the village.

On 23.02.2021 the BSF official Mr. J.C.Pant, Assistant Commandant, 112 Battalion BSF recorded the statement of Ms. Mina Biswas who was physically assaulted by the Border Security Force personnel at Hakimpur Bus stand BSF check post, North 24 Pargana.

Ms. Shila Bewa, belonging from a remote village of Jalangi in the district of Murshidabad district has set a standard for survivors of violence by putting a steady and consistent battle against the state agency (BSF), who was responsible for the extra-judicial execution of her husband, Imajuddin in 2015. With our consistent support in the prolonged legal fight for almost 6 years Shila was awarded monetary compensation of Rs. 3 lakhs INR by the State Legal Services Authority, West Bengal in 2021.

After a peaceful mass demonstration of the Indo-Bangladesh border villagers under the banner of 'Amra Simantabasi' before the District Magistrate, Cooch Behar on 25 March, 2021 regarding their regular issues and illegal restrictions imposed by the BSF, it is reported that in Rajarbari village under Sitalkuchi block in the district of Cooch Behar the border security force personnel who previously placed themselves inside the border fencing for security purposes, are now being posted outside the border fence. Villagers of Rajarbari reported that since the BSF are posted beyond the fencing incidents of illegal restrictions by the BSF personnel upon the life and livelihood of the villagers have been decreased.



After prolonged legal battle of more than four years Mr. Sanjit Mondal and Mr. Najrul Islam were completely acquitted from all false NDPS charges implicated jointly by BSF and police administration in the district of Murshidabad to suppress their human rights activism in the bordering areas. Mr. Sanjit and Najrul were attached with MASUM as District Human Rights Monitor in the district of Murshidabad.

On 23.08.2021 MASUM had a meeting with Mr. Rajib Jain, member of NHRC and Mr. Surajit Dey, Registrar (Law), NHRC at NHRC office, New Delhi. Mr. Kirity Roy put forward several issues that we are facing in the field of human rights activities and troublesome and risked condition of Human Rights Defenders to protect the human rights of the people in the State of West Bengal. He had also a thorough discussion regarding several problems that were being faced on account of the NHRC. Mr. Jain and the Registrar said that they will consider all the issues discussed in the meeting and take necessary actions.

After issuing one gazette order issued by the Ministry of Home Affairs for extension of the jurisdiction of the Border Security Force from 15 to 50 kilometers in the State of West Bengal, Punjab and Assam; MASUM showed protest against such order of the central ministry. We conducted an open discussion with the members of the political parties and civil society organizations on the issue of the border populace from West Bengal-Bangladesh border on 30 October. Many political parties support the views of MASUM and they desired to work with us together on this issue. Different civil society organizations promised to work jointly for showing protest against the order of the MHA for extension of BSF's jurisdiction.

After the meeting on Indo-Bangladesh bordering issues on 30 October, 2021 many political parties, intellectuals and social activists promised to work together on the Indo-Bangladesh bordering problems issues. In the protest of extended jurisdiction of the BSF in bordering areas of the West Bengal, one press conference was organized where film actress Ms. Aparna Sen, former Chief Justice of Sikkim High Court, Mr. Malay Sengupta, representatives of different political parties and civil society organizations were present.

### Challenges



Our work in the district of Murshidabad is suffering due to organizational and circumstantial difficulties. The HRD's working in the Murshidabad face severe threats and harassments from the administration as a result of which it is difficult to find stable ground while conducting field research.

NHRC seems to be wearing blinders as the reports issued by the BSF and Police officials relied on and cases are being closed on the mere basis of their reports. About 50 of such cases have been closed in this year. In many instances it has been seen that the stories are fabricated and are not full proof yet the Commission doesn't proof sufficient pressure on these bodies to reveal the truth.

There are various cases where NHRC disposed off the case to the concerned authorities and directed to take proper action within four or eight weeks. But in most of the cases the concerned authorities did not take any action for proper disposal of the problems. We lodged complaint to the concerned authorities regarding those cases but no reply was communicated from their side.

Prolonged trials in various courts are discouraging victims to continue fighting to achieve justice through legal mechanism.

The NHRC disposes many cases off to other concerned authorities for taking any action but in most cases these authorities does not even acknowledges the receipt of the same.

Our operations and organizational structure were highly affected due to lack of regular communications and monitoring in the areas we work in on aegis of second wave of Covid 19 pandemic. Courts were closed during the lockdown in the time of spreading second wave of corona virus, due to which our legal operations were hampered. Severe restrictions were initiated on the agricultural activities of the villagers of border areas during this time. These factors are highly affected the ground level organization as the active local leaders as well as the cluster members are worried about their lives and livelihood during this critical times.

Today Human Rights Defenders are still at a constant peril that hinders them from functioning properly and committing to their duty to stop human rights violation. Human Rights Defenders of MASUM constantly face threats on their life and liberty because of the work they do. While raise voice against the state atrocities, they are often implicated in false charges by the State authorities. Presently several false and fabricated cases which were lodged by the different district administrative officials upon Mr. Kirity Roy are pending in various district and sub divisional courts. Dinhat PS case no. 259/2018 u/s 341/186/353/342/506/34 IPC; Chapra Police Station case no. 31/2019 u/s 186/323/500//509/34 IPC; Jalangi PS case no. 95/2019 u/s 341/120A/186/189/504/505(1) of IPC; Raninagar Police Station case number 364/2013 u/s 109 IPC and 12 of Indian Pass Port Act and Domkol Police Station case number 1243/2014 under section 323/308/341 of IPC are pending till date.





**Film actress and director, Ms. Aparna Sen and MASUM's President, Justice Malay Sengupta in a press meeting at Calcutta Press Club talked against the MHA's direction to extend BSF's jurisdiction**



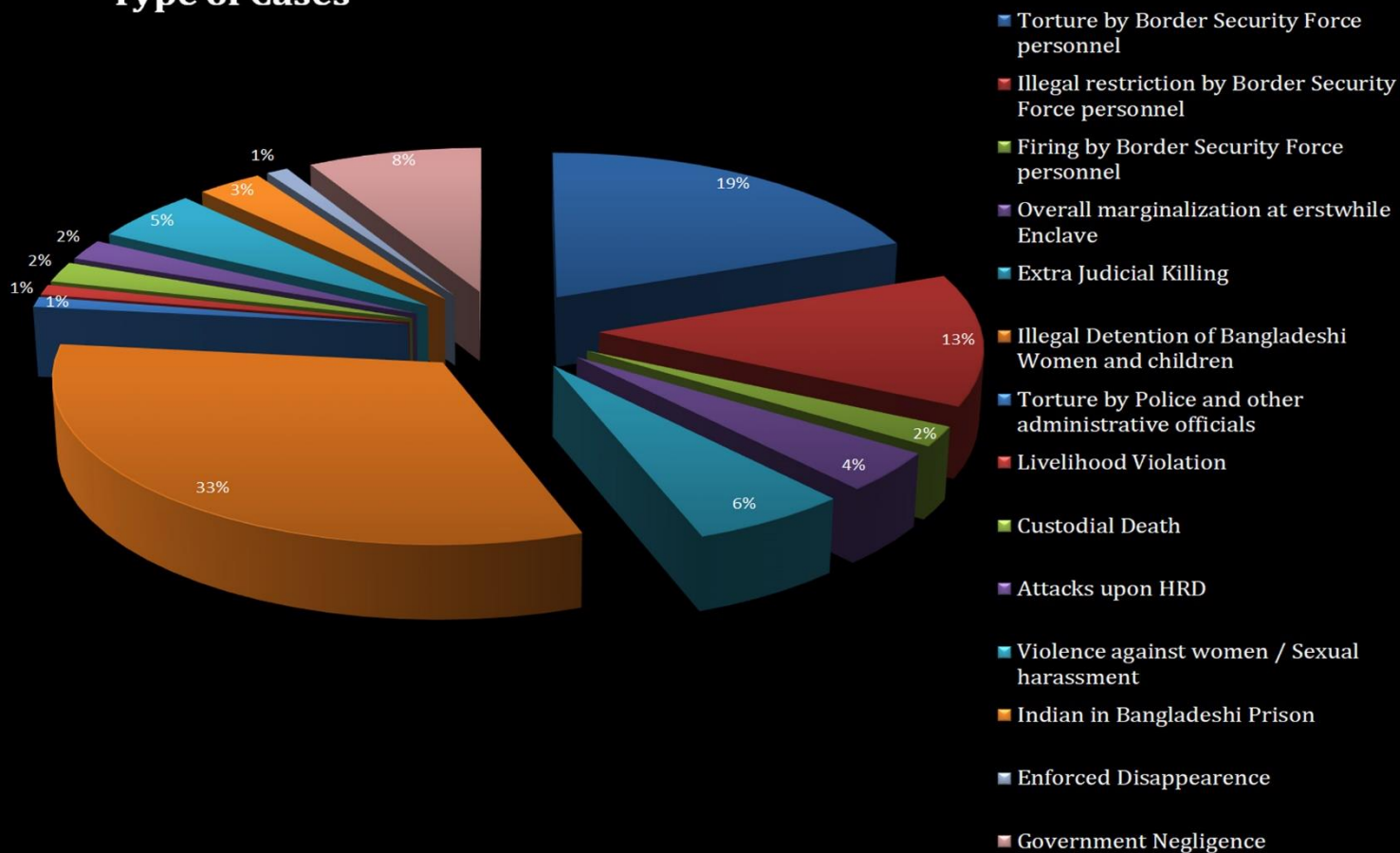


Villagers in Cooch Behar protested against the MHA's decision to extend BSF's jurisdiction up to 50 km from the border



## Annual Complaint Review 2021

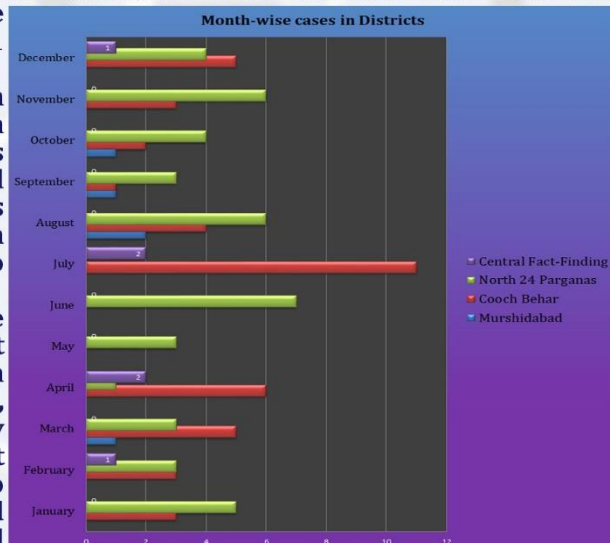
### Type of Cases



MASUM lodged 99 fresh complaints in 2021 with the National Human Rights Commission on fourteen different types of cases where human rights were violated. Most of the complaints sent by MASUM during this time is on the Illegal Detention of Bangladeshi Women and children, which was 32%, followed by 19% cases on Torture by Border Security Force personnel and 13% on Illegal restriction by Border Security Force personnel. 8% of the complaints were made on cases of government negligence, 6% on extra-judicial killings, 5% on Violence against women or Sexual harassment, 4% on Overall marginalization at erstwhile Enclaves and 3% on Indian citizen in Bangladeshi Prison. 2% of the complaints were made each on Firing by Border Security Force personnel, custodial deaths, livelihood violation and attack upon human rights defenders. 1% of the complaints were made each on Torture by Police and other administrative officials and enforced disappearances. The attached chart shows the percentage on the types of cases MASUM has been working with since January 2021 to December 2021.

Since January up till December 2021, MASUM was quite regular in lodging complaints to the National Human rights Commission every month. MASUM lodged 13 complaints in July, 2021 which is the highest number of complaints lodged in any month, followed by 12 in August and 10 in December, 2021. 9 each in the months of March, April and November and 8 in January 2021. On an average more than 8 cases were lodged per month during 2021 to the National Human rights Commission by MASUM.

The NHRC further seek MASUM's opinion on the basis of the report provided by police and district administration and direct the government accordingly to initiate independent investigation or provide monetary compensation to the victims. During 2021, MASUM sent 38 such replies to the NHRC providing necessary information on the victims, MASUM works with. MASUM also sent 28 updated information on the complaints previously lodged to the NHRC during 2021, 54 protest letters to the concerned authorities, where they have closed a case or sent over dated summons to our victims. During this year, we communicated with the NHRC in 256 cases.





## Annual Complaint Review 2021

**Demographic representation of victims**

■ Male ■ Female ■ Minor



**Social representation of Victims**



The victims MASUM works with have suffered from various forms of torture like extra-judicial killing, custodial deaths, torture by the Border Security Force and Police, other livelihood issues like restriction on livelihood, government negligence and problems of erstwhile enclave dwellers. In 2021 MASUM lodged 99 complaints to the National Human rights Commission in order to support 482 individual victims, who's rights were violated from various issues. Several other victims from collective issues like erstwhile enclave dwellers, victims who suffered from illegal restrictions by BSF personnel, victims of livelihood violation, government negligence and many more were also supported through these complaints made by MASUM.

Here is a demographic chart representing the male, female and minor victims supported by MASUM on the basis of complaints lodged month wise. A total number of 80 individual victims were supported by MASUM during January, 2021, which is the highest number of victims supported by MASUM in any month during this year followed by 68 victims in December and 65 victims in August, 2021. In 2021, 103 among the victims were male victims, 276 of them were female victims and 103 victims were minor. The study showcases how the different victims, men, women or minor, were supported by MASUM through complaints lodged for them to the National Human rights Commission.

Another study on the victims shows their social classification on the basis of caste and religion, where most of the victims, constituting around 70% of the total victims MASUM works with belong to the minority Muslim community followed by 24% victims from the Hindu Scheduled Caste community and 5% of the total victims are from other community including Hindu General. The attached bar graph shows a month wise picture of social representation of the victims, whom MASUM supported during this period.

Month	Total Cases	Total number of Victims
January	8	80
February	7	26
March	9	36
April	9	27
May	3	19
June	7	62
July	13	18
August	12	65
September	5	25
October	7	21
November	9	35
December	10	68
Total	99	482

Month	Male	Female	Minor
January	9	46	25
February	5	20	1
March	11	20	5
April	11	13	3
May	3	13	3
June	14	37	11
July	11	7	0
August	8	39	18
September	7	10	8
October	7	9	5
November	11	15	9
December	6	47	15
Total	103	276	103

Month	Hindu	Muslim	Hindu (SC)
January	4	52	24
February	0	26	0
March	0	35	1
April	7	16	4
May	1	16	2
June	6	24	32
July	0	14	4
August	8	41	16
September	0	20	5
October	0	10	11
November	0	24	11
December	0	61	7
Total	26	339	117



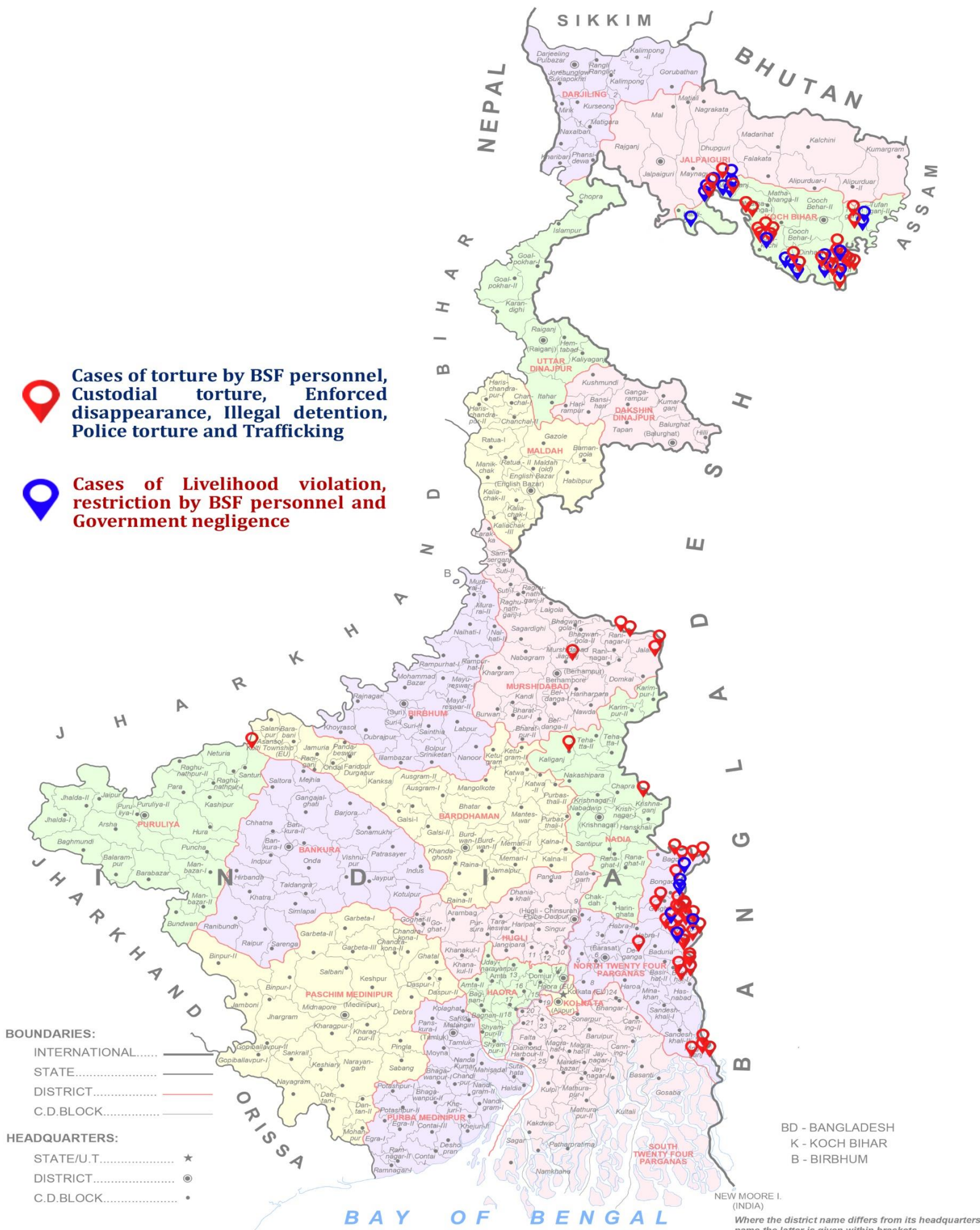
# Mapping of Human Rights violation cases undertaken by MASUM



**Cases of torture by BSF personnel, Custodial torture, Enforced disappearance, Illegal detention, Police torture and Trafficking**



**Cases of Livelihood violation, restriction by BSF personnel and Government negligence**





# Complaints sent to the NHRC in 2021

## Torture by BSF



In the year 2021, we filed complaints on 19 incidents of torture by the Border Security Force personnel from the districts of Cooch Behar, Murshidabad, Nadia and North 24 Parganas. The highest numbers of cases – 13, were recorded from Cooch Behar, followed by 3 from North 24 Parganas and 2 from Murshidabad and 1 from the district of Nadia. All of our victims are from marginalized communities including scheduled castes, OBCs, Muslims, women and minors. It is apparent from the cases that torture is used as an instrument to discriminate against and intimidate minorities while also taking undue advantage of their vulnerability. In most of our cases police has taken no action and in 8 specific cases the police refused to lodge FIR against the perpetrators of the BSF. For instance, Ainal Sheikh, a young Muslim man was severely tortured in the BSF camp using horrific methods. He was also threatened against reporting the incident. Ahammad Ali was brutally beaten up by BSF after they disallowed him from using pesticides on his crops.

Ainal Haque was brutally tortured for not following the unethical order of the BSF jawans to cut the ropes with which cows were barred in the field of Bangladesh side. Dil Ajmail, an Indian citizen, was tortured by BSF as they falsely accused him and his mother as Bangladeshi citizen. Dipak Ator protested the incident of cutting the village road by the BSF and informed the BDO and SDO of Tufanganj about the arbitrary actions of the BSF due to which BSF inflicted brutal torture upon him when he was going to the agricultural field. Aijul Haque, Sushanta Roy and Sanjib Biswas, were working in the agricultural fields, when few BSF personnel came and asked for information on smugglers. As they had no information of the smugglers, the BSF personnel started beating them mercilessly. Sushanta Barman was apprehended by the BSF while he was smuggling and tortured brutally by the perpetrators. He was critically injured as the BSF tattered his body with knife. Nabir Ali was also apprehended by the BSF while he was smuggling cattle and tortured brutally in custody. Sarada Barman was viciously beaten up by the BSF when they found him on his own courtyard, outside his house during evening. In most cases of torture, the people who tried intervening in order to prevent violence, including families of the victims and panchayat members, were also threatened by the BSF.



In 4 cases, women were molested and tortured by the male BSF personnel. For instance, Jerina Mondal (Name Changed) was tortured and molested by BSF personnel while she was returning to her house in the evening. Srijani Haldar (Name Changed) belonging from scheduled caste community, was brutally tortured and molested by border security force personnel from Elangi, Rangiarpota and Madhupur border out post in Nadia district. The victim lodged one complaint at the Bhimpur police station against those perpetrator BSF personnel. The FIR was registered after 7 days from lodging complaint. More than 10 months have passed but no investigation has been initiated by the police. Two border security force personnel from Dighaltari border out post molested and tortured Sangita Sen (Name Changed). In attempt to conceal their criminal activities, the perpetrator BSF personnel threatened the victim, her family members and the eye witnesses. Rahela Bibi, resident of Char Parashpur village in Murshidabad district, a widow was brutally beaten up by the BSF when she was carrying beef for consumption, day before the Eid festival.

In 2 cases, minor girls were tortured by the BSF personnel. In an instance, Moumita Khatun (name changed), a minor girl was assaulted and sexually harassed by the BSF Company Commandant. Suraiya Parvin, another minor girl was restricted to go to the agricultural field and illegally detained in the BSF Out Post. In the name of checking, she was tortured by the perpetrators.

The BSF tortured victims on random suspicions of smuggling or aiding smugglers, for selling, eating or carrying beef, for not possessing identity documents, for questioning or complaining against the BSF and mostly they act merely on their whims.

The four districts are close to the Indo-Bangladesh border where several arbitrary restrictions on movement by the BSF are at place. Therefore, movements after sunset or across border fencing are met with extreme hostility and torture. The BSF continue to enjoy impunity at the borders with the support of the police, administration and government hospitals. MASUM condemns these acts of torture and works to increase accountability of the perpetrators for committing gross human rights abuses at the Indo-Bangladesh border.





## Illegal Restrictions by BSF

The villagers residing at the Indo-Bangladesh border are subjected to continuous and irrational harassment by the BSF by interrupting their means of earning livelihood and erratic discretion on the international fencing daily. A lot of Indian villagers have their agricultural land beyond the international fencing and in order to cultivate their land they need access to the gates that are opened at intervals. The timing is erratic and whimsical and often cause massive hindrances to the villagers and has led to huge financial loss. MASUM has lodged total 13 complaints regarding this penury in the year 2021. The highest number of 10 cases documented from the district of Cooch Behar followed by 3 cases from the district of North 24 Parganas.

The distance between the actual border pillar and fence varies from 300 yards to 500 yards in some places and even 10 to 15 kilometers in certain places. The villagers have to cross the fence through fencing gates to cultivate their own land. Villagers whose life mainly depends on fishing, cattle rearing and cultivation were endangered due to such arbitrary restriction by the BSF. Moreover, BSF used to open these gates at regular intervals for the villagers to pass by mortgaging their identity cards, but often, the BSF stops opening these gates for no particular reason. They do not allow crucial agricultural equipment such as tractors and plough to pass through the gates. If the villagers take fertilizers through gates, the BSF deliberately adds soil to it in disproportionate amounts, alleging that the people smuggle fertilizers across the border. This often ruins the effect of the fertilizer. These people are not allowed to grow crops that grow above 3 ft of height, such as corn, jute which is considerably cheaper than seeds of rice, and several poor residents prefer to buy them but because of these restrictions, they are forced to buy expensive seeds that they cannot afford. In the village of Jayantipur in the district of North 24 Parganas BSF destroyed six to seven bighas of jute by spraying chemical weed killer poison. Md. Bulbul, another peasant from the district of Cooch Behar had incurred a financial loss of 20 to 25 thousand rupees due to destruction of jute by the BSF.



### Firing by Border Security Force Personnel



In 2021 MASUM documented two cases of firing by BSF from the district of Cooch Behar among which, pellets were fired in one instance. Mr. Asidual Mia of Satkorpatti village in Cooch Behar district was brutally tortured and shot by BSF personnel. The victim was not properly treated and the doctors at the hospital did not remove the bullet from his rib for a long time. In another instance, Faridul Mohamad (18 years), resident of Cooch Behar, West Bengal, is a student. When he was returning home from his tuition classes, he was stopped by few BSF personnel attached with BS Bari BSF Border outpost, 148 Battalion. They thrashed him and also fired pellet shots at him.

### Extra Judicial Killings

MASUM filed complaints on 6 incidents of Extra Judicial executions by the Border Security Force personnel among which 4 cases are from Cooch Behar and one case each from North 24 Parganas and Murshidabad district. People residing at the



Indo-Bangladesh border villages are subjected to severe human rights violation including imposed restrictions, brutal tortures and even executions by the men in uniform. Generally, from extremely poor economic backgrounds, these villagers often restore to cross border cattle smuggling in order to generate some extra income for sustaining their families. In almost all the cases the victims were either cattle rattlers or were killed on the suspicion of being one. Samser Pramanick, Allauddin Gazi, Prakash Barman, Lutfar Rahman and Jaydul Haque were all

involved in cross border smuggling when they were apprehended by the BSF and either shot dead or beaten to death. On the other hand, in the case of Bharat Mondal, he was apprehended by the Border Guard of Bangladesh and tortured to death in their custody. In another incident Central Industrial Security Force (CISF) jawans arbitrarily used lethal weapon and resorted to firing which caused the death of four innocent civilians, who came to cast their vote in West Bengal Assembly Election 2021. MASUM lodged complaints to National Human Rights Commission and other state authorities about these incidents.





## Illegal Detention of Bangladeshi Women and children



Marginalized Bangladeshi people who are mostly trafficked or come to India in search of livelihood are often treated as criminals and arrested under section 14 and 14C Foreigners Act and detained illegally without verifying the actual reason. MASUM has lodged total 32 complaints in the year 2021 regarding this issue. Bangladeshi nationals enter India for the purpose of working in India as they are terribly poverty-stricken people with no jobs in Bangladesh. Most of them work as domestic help, construction worker and hotel workers in various locations of India. The victims are either trying to enter India through the border or return to their homes in

Bangladesh with the help of local touts, involved in cross border illegal movements in both sides of the border, when they were arrested by the BSF or police personnel. All total 237 Bangladeshi women and 45 children were arrested in 2021 and treated as accused under the Foreigners Act and no attempts have been made by the police or the concerned court to ascertain whether they were the victims of human trafficking or not.

## Overall Marginalization of Erstwhile Enclaves

We documented four incidents of marginalization of erstwhile enclave dwellers. The four incidents were regarding the dwellers of the erstwhile enclaves in Cooch Behar district — Purba Mashaldanga, 22 Kuchilbari, Jot Nijama and Batrigach fragment. Even after the implementation of the Land Boundary Agreement 2015, the erstwhile enclave dwellers do not enjoy basic rights related to citizenship, land title, healthcare, education, public infrastructure and social security schemes. Clean drinking water and sanitation facilities are also not available in these erstwhile enclaves. The roads are dilapidated and in poor conditions and some of the enclaves do not have electricity as well.

## Livelihood Violation

Altaf Hossain, primarily a migrant labourer, worked in various states of India for most of the year. During the span of his stay in his home in Sukarurkuthi village of Cooch Behar, he worked for his own business of stocking paddy and processing rice. He buys raw paddy from the market and processes it in rice mills and then sells in the market. This business is legal and he has a license for the same. He sent 3590 kilograms of paddy to the Alokjhari Rice Mill for processing, in a rented vehicle. The driver of the said vehicle, Mr. Meher Ali was taking the vehicle through the Dinhata Krishi Mandi at around 4:00 pm, when the SDO Dinhata confiscated the vehicle along with the paddy. As soon as, Mr. Altaf Hossain was informed he rushed to the spot along with Mr. Nur Alam, the elected member of Cooch Behar Zilla Parishad. But the SDO Dinhata ordered the unloading of the vehicle in the Krishi Mandi and released the vehicle. He informed Mr. Hossain that his paddy will be returned after a few days, but didn't issue a seizure list for the same. MASUM lodged a complaint to the NHRC in this regard.

## Government Negligence

During the year of 2021, we documented two incidents where jobs under MGNREGA were not provided to villagers. The villagers are extremely poor and face many restrictions by the BSF while practicing agriculture, which is often their only source of livelihood. During the pandemic, it was especially difficult for people to find work since they could not migrate to other places. Apart from this, we documented one incident where caste certificates were not provided to villagers and three incidents where proper road and irrigation facilities were not provided to the villagers. In Sapiyar Rehman's case, his land was forcibly acquired by the BSF for construction of barbed wire fencing but no compensation was paid for the acquisition. When protested, the BSF continuously threatened to implicate him in false. He lodged complaint to the concerned administration authority but no action has been taken till date. In another instance, during the pandemic lockdown, 13 migrant workers were stuck at work in Tamil Nadu and no efforts were being made to bring them back to their families. We lodged a complaint and urged the concerned authorities to take necessary steps to bring them back to home.





## Torture by police and other administrative officials

Sanjila Khatun was raped and murdered by a group of people but the concerned police officials tried to protect the perpetrators. Mr. Biswanath Roy, Investigating Officer of the case along with 12-14 male police officials and without any female police came to the house of the victim and visited the place of occurrence. He also recorded the statement of the Mrs. Rejina Bewa, mother of the victim and Ms. Chandmira Khatun, sister of the victim. After that they took the mother and sister of the victim to the Daulatabad police station with their police van. They did not want to go but the police officials were forced to go with them to the police station. In the police station in the name of interrogation the police officials paint the character of her dead daughter in bad language. Even during the time of interrogation one police official slapped Ms. Chandmira hard in her left ear. As for result her ear became numb, she could not hear well and swelling over her left ear. Police officials threatened the mother of the victim and told that if she would not withdraw the complaint, then she was implicated in false charges and sentenced in 14 years jail.



## Custodial Deaths



Victims are exposed to violent torture by different state agencies that often lead to deaths while in their custody. Mostly police and the BSF try and pass it off as suicide in order to escape any legal hassle. MASUM made the following 2 complaints to NHRC in 2021. In the case of Arman Ansari, the victim was picked up by the police personnel from Barakar Police petrol outpost under Kulti Police Station from his house and took him to the petrol out post for interrogation of a complaint. But they did not provide any information to the victim's family about the case in which he was picked up. The next morning police personnel from Kulti Police station informed about his death to his family. It was alleged that Arman died due to inhuman torture committed by the police personnel and civic volunteers of the said petrol out post. Arman's father lodged one complaint to Kulti Police station against those perpetrators. MASUM also lodged one complaint to National Human Rights commission on this incident. In another case Abdul Goni Seikh, a marginalized

Muslim migrant labour was arrested by Bhimpur Police Station of Nadia district with allegations of using fake currency notes. In the police custody the victim was allegedly tortured heavily which resulted in his death. The facts in this case have been manipulated by the police, starting from the arrest of the deceased, the lodging of FIR, admission to the hospital, conduction of inquest and post-mortem and so on. The police have presented the case as a death due to ill-health whereas there are several testimonies and facts that point towards the culpability of the police in the death of the victim.



## Violence against Women and Police Acquiescence



The Indo-Bangladesh border districts are infamous for Border Security Force personnel and law enforcement officials harassing and inflicting sexual assault upon women living in these border areas. Incidents of torture on women often overlap with this violence; these cases are specifically targeted towards women. MASUM lodged 3 cases to NHRC during 2021. In one case Chobita Sen was sexually harassed by the on duty

BSF personnel. They also sexually assaulted the daughter-in-law of Chobita Sen. In another incident, Tina Khanem (name changed), a Bangladeshi woman was raped by an on-duty BSF personnel, attached with Kharer Math Border Out Post. The victim's associate was also sexually assaulted by the officer. Both the victims were trafficked to India by a tout who promised them jobs in India. In another incident Malati Das (name Changed) was sexually harassed and attempted rape by one Assistant Sub-Inspector of Deganga police station.





## Attack upon human rights defenders

In the year 2021 Banglar Manabadhikar Suraksha Mancha (MASUM) filed two complaints where Human Rights Defenders were under attack by state forces. Mr. Shailendranath Haldar is working against the Human Rights violations upon the innocent villagers from long ago. Last 5 years he is very much attached with "Amra Simantabasi" (The conglomeration of villagers living in Indo - Bangladesh borderland working for their rights.). Mr. Haldar also a resident of border nearing village. He lives in Pipli village situated under Gaighata police jurisdiction in North 24 Parganas district. On 6th March 2021 he was brutally beaten by some hooligans sheltered by the ruling party in this state. On 07.03.2021, a complaint was submitted before the Officer-in- Charge, Gaighata Police station, but the police of Sutia Police Out post did not treat the complaint as a FIR despite the complaint was of a cognizable offence. On 18.03.2020 the victim again lodged complaint to the Superintendent of Police, Bangaon Police District but till date no positive action has been taken by the district police administration. Mr. Ganesh Byne, Sub Inspector of Sutia Police Out Post threatened the victim by saying if he lodges any complaint against the accused person, they will implicate in false rape case. MASUM also filed one complaint to the National Human Rights commission on 26th June 2021 but they also did not register that complaint till date. In another incident MASUM lodged a complaint with the NHRC regarding the discrimination, harassment and violation of fundamental rights of the students of Institute of Psychiatry, affiliated with the West Bengal University of Health Sciences.



## Indians detained in Bangladeshi prison



During this year, MASUM lodged 3 complaints on incidents where Indian citizens were imprisoned in Bangladeshi prisons even after their period of conviction was over. Mr. Saidul Miya residing at 108, Najirhat, 2 Digaltari, Sahebganj in the district of Cooch Behar went to Bansjani village and when he was passing through the road, which is located in the Indian side of the border, near border pillar number 974, he was apprehended by a Bangladesh Border Guards personal, who accused him that he entered the territory of Bangladesh without valid passport. There was no guard of Border Security Force of India. Thereafter he was produced before the Judicial Magistrate's court at Kurigram, Bangladesh where he pleaded guilty and had to go for imprisonment in Kurigram District Jail for a period of 20 days. His conviction period ended on 19.03.2021 but he was not released and repatriated to his homeland in India. Joint Secretary, Home Ministry, Joint Secretary, Home Ministry, Department of Security Services, External Affairs-1 Branch, Government of Bangladesh issued one notification where it was directed to take necessary action to the concerned departments for repatriation of Mr. Saidul Miya to India but till date the victim is prisoned in Kurigram District Jail. Concerned authorities did not take any positive steps to release and repatriate the victim to his homeland. Similar incident happened in the case of Firdous Ali and Nur Islam of Cooch Behar district. In another incident 4 Indian citizens were arrested by the Border Guards of Bangladesh and sent to prison in Bangladesh and were not released till date even after their conviction period has ended.



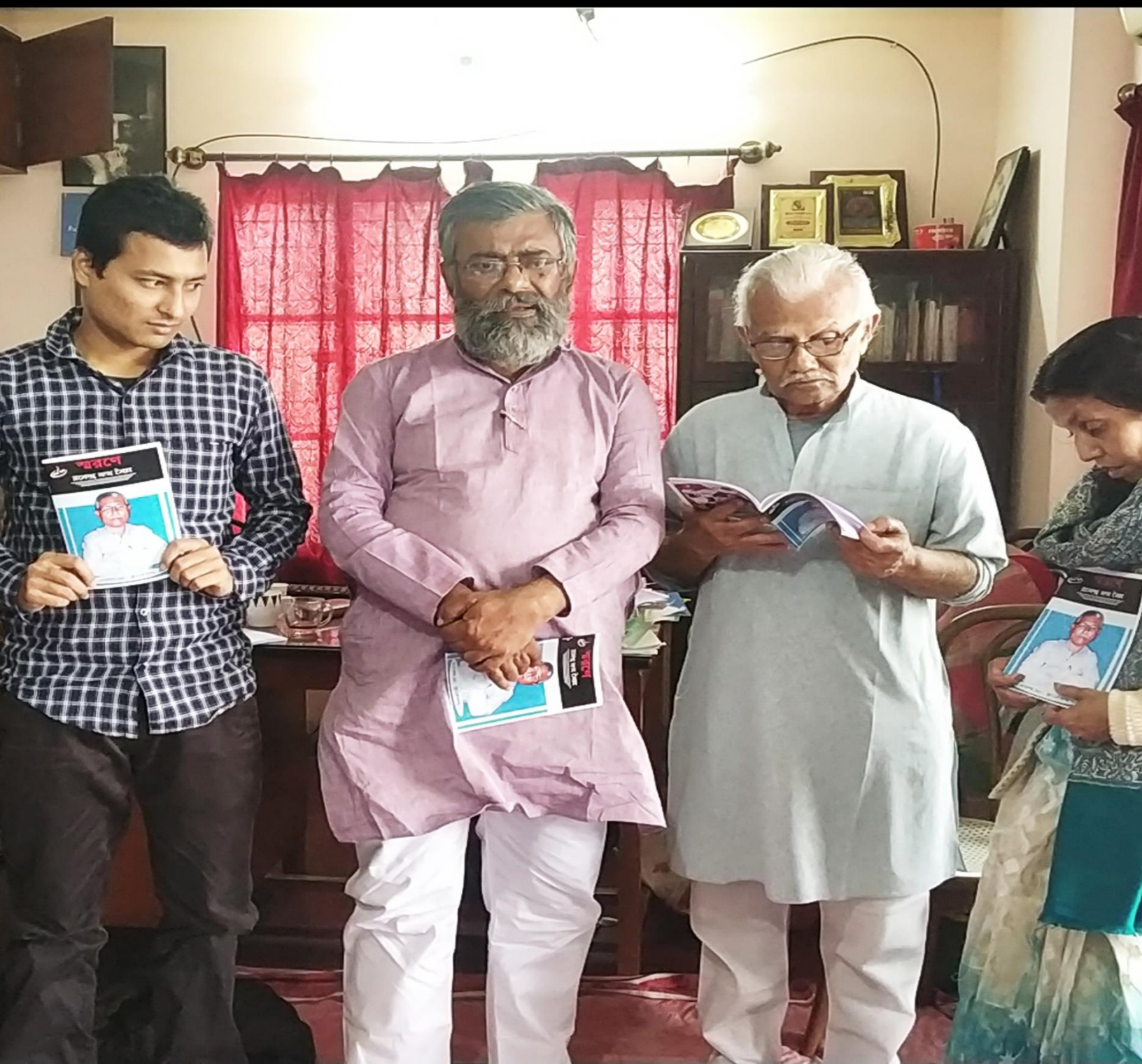
## Enforced Disappearance



Killing and disappearing bodies of innocent villagers have become a new escape route taken up by the BSF personnel across the Indo-Bangladesh border. In order to conceal evidences and escape any form of legal hassle BSF personnel in Murshidabad district uses River Padma as a coop to hide the dead bodies and such injustice have been going on for some years now. MASUM has lodged 1 complaint in 2021 on the matter. An 18-year-old boy named Shyamal Mondal from Murshidabad district was found missing as he was abducted by the BSF. On his family's inquiry, it was found that he was shot dead by the BSF but his body was not recovered. No action has been taken even after lodging complaint in the local police station.

This is not only happening in Indian provinces of Kashmir or Chattisgarh, where Indian state has waged a war against the population, but regularly happening at provinces with relative calm and West Bengal is not in isolation. West Bengal experienced the spate of enforced disappearances in 70s, while a number of Naxalite activists were abducted by the police and their whereabouts never came before the families and community. To this day, this social menace is in continuation and MASUM condemns such heinous acts by the state forces.





**An obituary booklet on MASUM's friend and colleague, Ramen Moitra was released on the occasion of our 23<sup>rd</sup> Annual General Meeting in February, 2021**





**MASUM's fact-finding at the India-Nepal border**



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## **Empowering the Border Security Force: threat to Indo-Bangladesh border residents**

At a time when the whole world is witnessing an uprising of the common people against state atrocities and the leaders of the world obligated to regard the rights and wellness of its citizenry, the Indian state is heading backwards and trying to transform India into a police state. At least the recent notification by the Ministry of Home Affairs (MHA) reflects so. In a gazette notification (Central gazette Notification no. S.O. 4196 (E) dated 11th October, 2021), the Ministry of Home



Affairs has extended the Border Security Force (BSF)'s area of jurisdiction in three states – Punjab, West Bengal and Assam 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 kilometers, while no change has been made for Rajasthan. As per the new notification, BSF personnel will now be able to conduct arrests, searches and seizure in West Bengal, Punjab and Assam under laws like the 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.

Now this act of the MHA has instigated several theories as to why the government is trying to implement a bad practice in law by administering different jurisdictional powers to a central force for different states. The answers to these have been manifold from different perspectives. The opposition parties of the union government think this as a move by the ruling BJP to extend its authority in states where the BJP is not in power and trying to establish control over the law and order of a significant area of the state. The human rights fraternity sees this as a threat to the freedom of the citizens of the country and establishment of a totalitarian government through military regime. Whereas, the political intellectuals interpret this move by the union government as an attempt to break the federal structure of the Indian state and initiate centralized control over country. Despite the fact that all these interpretations might be true, it's important to know what the actual affected populace, the border residents, thinks about the extension of BSF's jurisdiction up to 50 kilometers from the International Border Pillar (IBP). The answer to this, whatsoever is, that apparently not much is changing for these people in terms of their life and livelihood as since long, they have been suffering the consequences of a strict military control on their lives.



For long, the BSF has controlled the lives and livelihood of the people living along the 4096 kilometers Indo-Bangladesh border according to their whims. They have imposed section 144 of the Criminal Procedure Code unconstitutionally for an indefinite period in border villages with the nexus of state civil administrative officials. They have illegally prohibited the border residents to carry daily essential commodities like rice, paddy, kerosene, bidi, wax, electric goods, fish, dal, grocery items, stationary articles etc. and even farmers to carry fertilizers. Apart from restrictions



upon the life and livelihood of the border villagers, the BSF have randomly taken villagers in custody, inflicted brutal torture upon innocent civilians at times, killed without being provoked and even disappeared their bodies in an attempt to conceal evidence of their crime.

MASUM, which has been monitoring incidents of human rights violation in the bordering areas by the armed forces since 1997, has experience of numerous cases of BSF atrocities upon the border residents. In



recent five years MASUM has lodged 240 complaints of BSF torture, 60 complaints of extra judicial execution by BSF and 8 complaints of disappearance to the National Human Rights Commission (NHRC). Among these complaints, the NHRC has recommended compensation to the victims or their next of kin in 33 cases. However, apart from monetary compensation, no punitive actions were taken against the perpetrators of these atrocities. Apparently, the decision by the central government to empower the BSF will not only strengthen the hands of armed forces but also increase the rate of atrocities and cases of human rights violation in border areas. The religious minorities, dalit and tribal communities and financially weak persons will be victimized even more, making the decision of the MHA against the rule of natural justice.

It appears normal that the Border Security Force should be placed at the border and directed to stop border related crimes, such as smuggling and trafficking. However, as opposed to that, the BSF is posted inside villages, several kilometers inside Indian mainland, illegally entering villager's houses, imposing arbitrary rules upon them and inflicting torture in the name of national security. Policing in the village area or hinterland should not be the role of the border guarding force; rather it would weaken the capacity of the Border Security Forces in discharging its primary duty of guarding the international border.

In an alternative scenario, India's border with Nepal and Bhutan are also guarded by a different central armed force. However, no such incidents of torture, firing and killing takes place in this border. Generally, the question arises, despite Bangladesh being a friendly country like Nepal and Bhutan, why is the Indo-Bangladesh border so violent? Why will this border be treated differently than the other two peaceful borders of India? Why does the Indian state even need to surge the BSF's power rather than control its trigger-happy demeanor?

"...the answer my friend, is blowing in the wind..."





## Annual Legal Activities, 2020

MASUM provides legal assistance to such helpless victims by providing necessary legal assistance who are willing to file criminal cases against the accused/perpetrators in uniform. But after filing the courts cases the victims suffer the various problems such as (i) date of hearing of the case is generally fixed by the court after gap of at least three months; (ii) sometimes case records go missing and subsequent thereto there is wastage of several months in tracing out the case records; (iii) Sometimes the victim and witness are present in court but magistrate is absent or on any other ground the hearing is adjourned for the next date and they have to return back and wait for the next date with full of similar uncertainty to attend court after a long trip from their home and at the sacrifice of their daily wage. Such facts cause inordinate delay in further proceeding of the cases- an example of justice delayed, justice denied and make the victims frustrated. This also establishes the fact that the subordinate courts are usually adept at handling the flow of fresh cases but fail when it comes to reducing the pendency or backlog of cases. More so, in this year the spreading of Covid 19 virus stopped the working of judicial institution of the country and till date its working is moving in a snail pace. As a result previous pending cases were not listed up during this time. Our judiciary is an institution of the last resort of all victims and every case requires a defined and acceptable case life so that justice is not hurried and buried. But MASUM's experience shows that the present judicial system especially the subordinate courts have been unable to meet the demands of justice curbing the delay in disposal of cases.

### Supreme Court of India

Two cases of MASUM are pending before the Supreme Court in India. – (i) Md. Nur Islam vs. Union of India (WP 141(criminal) of 2015) generally known as Felani Khatun case and (ii) Banglar Manabadhikar Suraksha Mancha vs. Union of India where we prayed an order declaring section 46 and 47 of BSF Act, 1968 is ultra virus to Article 14 and 21 of the Constitution of India.



On 14.02.2020 Felani Khatun case was called for hearing before the Bench of Justice D.Y. Chandrachud and Justice K.M. Joseph and upon hearing both the parties, the double Bench ordered to list up the matter on a non miscellaneous day for final disposal on 18.03.2020. On 18.03.2020 the matter was withdrawn from the cause list of the Supreme Court of India as on reviewing the advisory issued by the Government of India and in view of the opinion of the public health experts including medical professionals and also considering the public safety for Covid 19 virus, the authority of the Supreme Court of India had decided that the functioning of the courts restricted to urgent matters. Till time next date of hearing was not fixed by the concerned authority.



### High Court at Calcutta

In 2021, MASUM provided legal support to 9 victims in their cases to the Calcutta High Court, out of which 4 new cases are filed in this year. Till date the following cases are pending in the Calcutta High Court:

Case number	Case title	Nature	Date of filing	Status
WP 1971(w)/2019	Nazrul Islam Dafadar vs. State of West Bengal & others	Writ of mandamus for execution of warrant against the perpetrator BSF	05.01.2019	On 15.02.2019 ordered to file affidavit from the Govt. side within two weeks.
WP 1970(w)/2019	Ranjit Das vs. State of West Bengal & others	Writ of mandamus for execution of warrant against the perpetrator BSF	05.01.2019	On 07.02.2019 ordered to file affidavit from the Govt. side within two weeks
WP 22359(w)/2019	Nur Islam Sahajee vs. Union of India & others	Writ of mandamus for directing the concerned authorities to pay compensation to the NOK of the victim under NHRC recommendation	27.11.2019	On 02.03.2020 the matter was listed up but the judge was absent
WP 1758(w)/2020	Panchanan Mondal vs. State of West Bengal & others	Writ of mandamus challenging the decision of the Criminal Injuries Compensation Board, Murshidabad for not providing compensation to the NOK of the victim	27.01.2020	On 02.03.2020 the matter was listed up but the judge was absent
CRR 783/2020	Reba Bewa vs. State of West Bengal & others	Criminal Revision case challenging the order of the ACJM, Lalbag Court from where the perpetrator police was acquitted from the charges of custodial death of the victim	28.02.2020	On 04.03.2020 the Court ordered to file an section 5 application for limitation before admission of the case within 16.03.2020
CRAN 1/2020	Reba Bewa vs. State of West Bengal & others	Filing the Section 5 of Limitation Application	12.03.2020	Not listed the matter
WP 11095(w)/2020	Rima Bewa vs. State of West Bengal	Writ of mandamus for directing the concerned authorities to pay compensation to the NOK of the victim under NHRC recommendation	24.12.2020	Listing the matter on 05.01.2021
WP 7829(w)/2021	Dipali Mondal vs. State of West Bengal & others	Writ of mandamus for directing the proper investigation in connection with custodial death case of the victim	17.03.2021	The matter is last listed in the cause list on 25.03.2021
CRR 145/2021	Kirity Roy vs. State of West Bengal & others	Quashing the false criminal case against the human rights defenders	09.09.2021	The matter is last listed on 16.09.2021
CRR 2129/2021	Kirity Roy & others vs. State of West Bengal & others	Quashing the false criminal case against the human rights defenders	05.10.2021	On 11.11.2021 directed to list the matter on 6.12.2021



**In this year the following 3 cases were disposed by the High Court at Calcutta:**

Case Number	Case Title	Nature	Date of Filing	Last Order
WP 19791(w)/2018	Suchitra Mondal vs. State of West Bengal & others	Writ of Habeus corpus	27.09.2018	On 25.01.2021 the double bench disposed off the matter on perusing the report submitted by Deputy SP, CID, West Bengal.
WP 19785(w)/2018	Rajjak Seikh vs. State of West Bengal & others	Writ of Habeus corpus	25.09.2018	On 15.07.2021 the double bench decided that the case is not an illegal detention and therefore, no interference is required in the writ petition and thus disposed off the case.
WP 7589(w)/2021	Shila Bewa vs. State of West Bengal & others	Writ of mandamus for directing the SLISA, West Bengal to pay compensation to the NOK of the victim under the West Bengal Victim's Compensation Scheme	15.03.2021	Directed the SLISA, WB to take expeditious steps in this regard.

## District Courts

**In 2021, MASUM provided legal support to 40 victims in their complaint cases and 23 victims in their defense cases in the district of Murshidabad. 05 cases were dismissed due to prolonged absence of the informant.**

**MASUM gave legal support to 21 victims of BSF torture, 12 victims of Police torture, 6 victims of EJK i.e. family members of the deceased, 1 victim of Enforced Disappearance.**

**In the district of North 24 Pargana we provide legal support to 14 victims in their complaint case and 13 victims in their defense cases.**

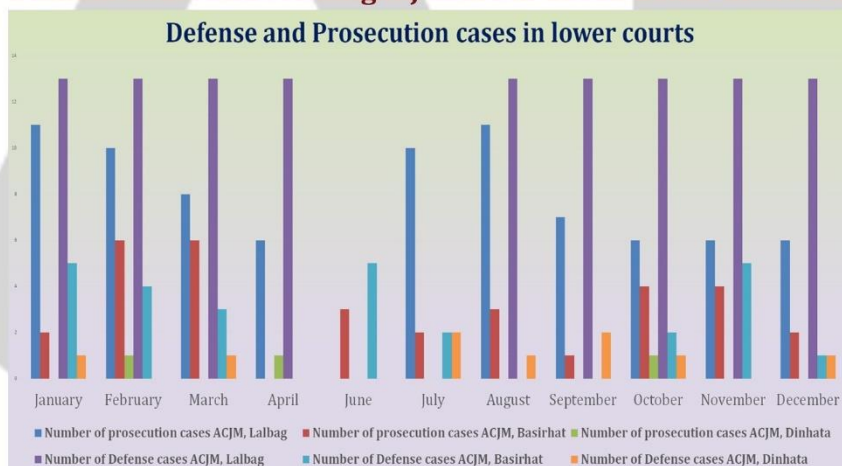
**MASUM gave legal support to 14 victims of BSF torture, 4 victims of Police torture, 1 victim of EJK i.e. family members of the deceased and 3 victims of trafficking**

**In the district of Cooch Behar we provide legal support in 3 prosecution cases and 2 defense cases.**

**MASUM gave legal support to 1 victim of BSF torture, 1 victim of police torture and the family members of one custodial death victim.**

**Our pro bono lawyers in Lalbag Court, Berhampore Court in the district of Murshidabad and Basirhat Court, Bangaon Court in the district of North 24 Pargana and Dinhata Court and Mekhliganj Court in the district of Cooch Behar helped the victims with their legal support.**

**During 2021, MASUM has provided a total of 271 units of legal support to these victims in the Lalbag Court and Berhampore Court in Murshidabad district; Basirhat Court and Bangaon Court in North 24 Pargana district; Dinhata Court and Mekhliganj Court in Cooch Behar district in both prosecution and defense cases.**



Month	Number of prosecution cases			Number of Defense cases		
	ACJM, Lalbag	ACJM, Basirhat	ACJM, Dinhata	ACJM, Lalbag	ACJM, Basirhat	ACJM, Dinhata
January	11	2	0	13	5	1
February	10	6	1	13	4	0
March	8	6	0	13	3	1
April	6	No Court work	1	13	No Court work	0
June	No Court work	3	No Court work	No Court work	5	No Court work
July	10	2	0	0	2	2
August	11	3	0	13	0	1
September	7	1	0	13	0	2
October	6	4	1	13	2	1
November	6	4	0	13	5	0
December	6	2	0	13	1	1

## New case filing in various Sub Divisional Courts:

**On 06.01.2021 Mr. Anarul Biswas filed one case in the Additional Chief Judicial Magistrate's Court, Berhampore under section 156(3) of the Code of Criminal Procedure and praying for proper investigation in connection with the BSF torture case upon him.**

**On 02.02.2021 Ms. Poli Bibi filed one case in the Additional Chief Judicial Magistrate's Court, Berhampore under section 156(3) of the Code of Criminal Procedure and praying for proper investigation in connection with the BSF torture case upon her.**

**On 01.04.2021 Mr. Ganapati Mondal filed one complaint case under section 200 of the Code of Criminal Procedure before the Additional Chief Judicial Magistrate's Court, Lalbag for proper investigation in connection with the BSF torture case upon him and vandalized the property of his house by the BSF.**

**On 03.05.2021 Ms. Barnali Mondal filed one case in the Additional Chief Judicial Magistrate, Lalbag under section 200 of the Code of Criminal Procedure and praying for proper investigation in connection with the BSF torture case upon her.**

**On 28.09.2021 Ms. Rahela Bibi filed one case in the Additional Chief Judicial Magistrate, Berhampore under section 200 of the Code of Criminal Procedure and praying for proper investigation in connection with the BSF torture case upon her.**



### **Application filed before the DLSA under the West Bengal Victim's Compensation Scheme:**

- 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 West Bengal Victim's Compensation Scheme.
- Mrs. Rubina Bewa, wife of Alamgir Sk who was a victim of extra judicial execution by the BSF, filed one petition dated 11.11.2021 before the DLSA, Murshidabad and praying for compensation under West Bengal Victim's Compensation.
- On 07.10.2021 Mr. Billal Seikh, a victim of BSF torture was called for hearing purposes before the Criminal Injuries Compensation Board in the district of Murshidabad and on the said day his statement was recorded.

### **Achievements:**

- On 19.03.2021 in the case of Shila Khatun Bibi @ Shila Bibi @ Shila Bewa vs. State of West Bengal & others [WPA 7589/2021] High Court at Calcutta directed the State Legal Services Authority, West Bengal and District Magistrate, Murshidabad to take expeditious steps to dispose of the petitioner's case as to her entitlement to receive compensation under the West Bengal Victim Compensation Scheme, 2017. On the same day i.e. 19.03.2021 the widow of the victim Ms. Shila Bewa received monetary compensation amount of Rs.3 lakhs from the State Legal Services Authority, West Bengal under Victim Compensation Scheme, 2017.
- On 09.02.2021 the Additional Chief Judicial Magistrate, Mekhliganj ordered to submit the police report as early as possible in respect of complaint case filed by Mr. Fulet Burman.
- Mr. Sanjit Mondal, DHRM of MASUM was charged with three false NDPS (Narcotic Drugs and Psychotropic Substances) cases by the Raninagar and Jalangi police stations of Murshidabad district in 2017. He was under MASUM's shelter for almost two years and due to threat to his life, he could not return to his native village where his family lives. He was granted interim bail by the Calcutta High Court on 9 April, 2019 and the bail order concluded that charges against him might have been fabricated. Cases against him were: (1) Raninagar Police Station FIR number 338/2017 in relation with NDPS case number 236/2017 dated 07.06.2017 under section 21 (c) /29 of NDPS Act; (2) Jalangi Police Station being FIR number 1006 of 2017 in relation with NDPS case number 434/2017 dated 20.12.2017 under section 21 (c) /29 of NDPS Act; (3) Raninagar Police Station FIR number 670/2017 in relation with NDPS case number 423/2017 dated 30.11.2017 under section 21 (c) /29 of NDPS Act. On September, 2019 Mr. Sanjit Mondal was acquitted from charges in connection with the Raninagar PS NDPS case number 423/2017 from the Special NDPS Court, Berhampur and in rest of two cases on 25.06.2021 after prolonged legal battle of more than four years he was completely acquitted from all charges in respect of Jalangi PS NDPS case number 434/2017 and Raninagar PS NDPS case number 236/2017.
- Mr. Najrul Islam DHRM in Murshidabad district attached with MASUM was implicated with false charges under the Narcotic drugs law by Raninagar police station on 7 June, 2017 for his association with MASUM (Raninagar Police Station FIR number 338/2017 in relation with NDPS case number 236/2017 dated 07.06.2017 under section 21 (c) /29 of NDPS Act). MASUM provided him with temporary alternative accommodation for the two years. He was granted interim bail by the Calcutta High Court on 10 July, 2019 and after continuous legal battle of more than four years he was completely acquitted from the Special NDPS Court, Berhampur in connection with the Raninagar PS NDPS case number 236/2017 and in the same case Mr. Sanjit Mondal was also an accused and he was also acquitted on the same date.
- False and concocted case was lodged against the victim by the Jalangi police officials under section 120A (Criminal conspiracy)/186 (Obstructing public servant in discharge of public duty)/189 (Threat of injury to public servant)/504 (Intentional insult with intent to breach of peace) and 505(1) (Public mischief) of Indian Penal Code. In respect of Jalangi Police Station case number 95/2019 in connection with GR number 465/2019 Mr. Asir Mondal was arrested by the police officials of Jalangi Police Station on 24.02.2020. On 25.02.2020 Mr. Asir Mondal was granted bail from the Chief Judicial Magistrate's Court, Berhampore Court with bond of one thousand rupees. In the same case warrant was issued against Mr. Rintu Mondal. On 26.02.2020 an anticipatory bail application was moved before the Session Judges Court, Berhampore and he was granted anticipatory bail on condition of providing bond of one thousand rupees.
- A minor trafficked victim, Piyali Khatun (name changed), aged 16 years was rescued from Bangladesh through our intervention and handed over to her family members in 147 Bhotbari village under Mekhliganj Block and Police Station in the district of Cooch Behar. The victim was abducted and trafficked to Bangladesh on 10.08.2020.



• A false and fabricated case had been lodged by BSF against two innocent minor children namely Salman Mondal & Imran Mondal to save the skin of the perpetrators BSF personnel who tortured upon these minors heavily. 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.

• Due to our long standing legal initiatives, the family members of Mr. Goutam Mondal, a victim of custodial death from Domkol in the district of Murshidabad, received a compensation of Rs. 3 lakhs as per the direction of the NHRC. Goutam Mondal was brutally tortured and killed inside the police lock-up on 19.02.2019.

## Challenges:

• In this year the second wave of spreading Covid19 virus throughout the country, stopped the activities of our regular life for few months. From April to June, 2021 the daily working of every court in the state of West Bengal were prohibited under the direction of State Bar Council. Previous year regular workings of all courts in our country were stopped for nine months. This affects the Indian judiciary a lot. From July, 2021 all courts were opened, though the workings or activities are slowly moving. Courts including High Court and Supreme Court did not list up our pending cases. The cases which are pending at motion stage in the High Court, those cases have not being listed up since two years.

• We are witnessing that in some cases when the victims of torture lodged particular complaints against the BSF, the authority of the BSF took up those cases to the Security Force Court from the court of law and the Magistrate without issuing any notice to the victim simply accepted the prayer of BSF

• Sometimes case records are missing from the court and no skeleton record exists in the court record room. The people administering the judicial process are extremely reckless and apathetic to the injustice faced by the victims. Even the Magistrate does not take any measures regarding this unlawful situation; all they do is to further extension of the date. We lodged complaint to various authorities regarding this incident but no action has been taken by the concerned judicial authorities in this regard.

• In several cases, proceedings could not take place due to the absence of Public Prosecutors. Magistrates directed the respective District Public Prosecutor to appoint public prosecutors in those cases but no appointment has been done.

• We are also experienced that victims do not follow up on their cases regularly; even they do not even contact the lawyers after filing their complaint. In this year we lost 05 complaint cases due to non-appearance of the victim's party.

Victim's name	Case type	Court case number	Status
Jaharlal Sk	BSF torture	CR 71/2018	On 03.03.2021 Dismissed for non - appearance
Sanjit Mondal	BSF torture	CR 5/2018	On 12.04.2021 Dismissed for non- appearance.
Najrul Sk	BSF torture	CR 482/2015	On 07.10.2021 Dismissed for non-appearance
Nijam Sk	BSF torture	CR 783/2016	On 28.10.2021 Dismissed for non- appearance
Bharati Mondal	BSF torture	CR 551/2017	On 10.11.2021 Dismissed for non- appearance

We are facing problem in the Berhampore court where the present CJM did not acknowledged the petition of the victims against BSF on the ground of section 197 of the Code of Criminal Procedure. As no registration has been taken place in respect of these cases and no record was maintained, therefore we could not find the certified copies of the Magistrate's order. Thereby we can't challenge the Magistrate's decision in the higher judicial forum.



## Initiatives on Right to Information (RTI):

In 2021, we filed 8 RTI applications to various authorities regarding missing files from Magistrate's Court, enclave matters, extension of power and jurisdiction of Border Security Force personnel and extra judicial killing in the State of West Bengal, Assam, Tripura, Mizoram and Meghalaya.

In our experience, we found that the concerned authorities are extremely reluctant in dispensing information to citizens. For example, RTIs filed regarding the missing files from the Magistrate's Court to the SPIO, District & Sessions Judge, North 24 Parganas in the months of July have still not been responded to. We filed an appeal to the RTI Appellate authority in the Office of the District & Sessions Judge, North 24 Parganas but no response was received. We lodged complaint to the State Information Commission regarding the matter which was still unanswered.

On seeking information regarding enclave matters the SPIOs of District Magistrate, Cooch Behar transferred our RTI application to the Enclave Cell, Cooch Behar but from there no response was received till date. We applied to the Appellate authority, Office of the District Magistrate & Collector, Cooch Behar but the same application is unanswered till date.

We filed one RTI on the matter of the extension of the jurisdiction of the BSF to the CPIO, Ministry of Home Affairs but the CPIO transmitted our query to the Border Management Division and consequently, it was informed that the concerned department cannot provide the information as the section 24 of the RTI Act has been given exemption of the BSF from the provisions of the RTI Act. On seeking information regarding the extra judicial killings in the state of West Bengal, Assam, Tripura, Meghalaya and Mizoram we sent RTI application to the SPIO in the Office of the Chief Secretary of the concerned states but till date no response was received from them.

S.No	Subject	Authority	Date of sending RTI	Date of receiving reply	Date of first Appeal	Reply received from Appellate Authority
1	Missing Files from Magistrate court	SPIO, District and session Judge, Barasat, North 24 Parganas	1st July 2021	7th July, 2021	28-Sep-21	Letter returned due to insufficient address
2	Enclave	SPIO, Office of District Magistrate, Cooch Behar	20th September 2021	The DM has transfered the application to Officer- in- charge Enclave Section dated 26.10.2021	03-Dec-21	NA
3	BSF's power and jurisdiction extension	Biswamitra Anand DIG (CNB) CPIO, MHA, New Delhi	18th October 2021	No response	03-Dec-21	RTI appeal is being transferred to Comdt. (PB) of BM-I Division, MHA dated 21.12.2021
4	EJK	SPIO, Office of Chief Secretary, Govt of Meghalaya, Shillong- 79301	27th December 2021	NA	NA	NA
5	EJK	SPIO, Office of the Chief Secretary, Govt of Tripura, Agartala West Tripura - 799010	27th December 2021	NA	NA	NA
6	EJK	SPIO, Office of the Chief Secretary, Govt of WB, Howrah	27th December 2021	NA	NA	NA
7	EJK	SPIO, Office of the Chief Secretary, Govt of Mizoram	27th December 2021	NA	NA	NA
8	EJK	SPIO, Office of the Chief Secretary, Govt of Assam	27th December 2021	NA	NA	NA





A protest demonstration at the Cooch Behar district Magistrate's office by  
*'Amra Chitmahalbasi'* on issues of erstwhile enclave dwellers





**Workshop on Indo-Bangladesh border issues at Siliguri organized by  
Right to Food and Work Network, West Bengal and 'Fascist Birodhi Mancha'**



## Events and Activities: 2021

Just like the previous year, 2021 has also been difficult for individuals and organizations. The ongoing worldwide pandemic and its new variants have highly affected the operations of different organizations. Like all other organizations, MASUM also had to postpone many physical activities on field and concentrate on remotely working on the issues of Human Rights. However, despite the lockdown scenario, MASUM was able to organize a few major activities along with their regular interventions on field.



On 13 January 2021, members of Amra Chitmoholbasi along with MASUM held a mass demonstration in front of the Office of the District Magistrate, Cooch Behar regarding the concerns of erstwhile enclave dwellers. More than a thousand people from different enclaves participated in the demonstration. Mr. Kirity Roy, Secretary, MASUM, Mr. Dipyaman Adhikary, Assistant Secretary, MASUM, Mr. Bijendra Nath Burman, representative from Falnapur erstwhile enclave, Mr. Manik Adhikary, representative from Kuchlibari erstwhile enclave, Mr. Madan Mohan Roy, representative from

Paschim Bakalir Chara erstwhile enclave and Ms. Monica Burman, representative from Karala erstwhile enclave, met with the Additional District Magistrate to discuss the four most prominent demands of the agitation. These demands were: 1. Official recognition of the citizenship rights of enclave dwellers and protection from the implications of the CAA 2019 2. Land documents for the residents who own land in the erstwhile enclaves 3. Employment opportunities/ 100-day work guarantee, especially for the youth of the erstwhile enclaves 4. Proper rehabilitation for people residing in settlement camps.



The ADM listened to the concerns and agreed to fulfil almost every demand within March, 2021. However, no further steps were taken by the district administration since then. The meeting with the ADM was then adjourned, after which, Mr. Kirity Roy informed the gathering that the district administration has assured to fulfil their demands. It was decided that further steps shall be taken if these demands are not met in the stipulated time.



On 25th March, 2021, the Indo-Bangladesh border villagers of Cooch Behar district under the banner of 'Amra Simantabasi' organized the mass demonstration and protest in front of the Cooch Behar DM's office. About two thousand people from different border villages of Cooch Behar participated in the demonstration and later submitted a deputation on their issues to the District Magistrate. Their demands were: 1. Continuously perpetuating of Section 144 of the CrPC in border areas should be withdrawn with immediate effect. 2. BSF should be posted in the actual borders and not inside villages. 3. Illegitimate

restrictions imposed by the BSF on agricultural activities and fishing activities in the border should be stopped immediately. 4. Incidents of extra-judicial killings and torture by the BSF should be brought under justice and safety and security of the villagers should be ensured. 5. Border Area Development Programme (BADP) fund should be utilized in the border areas for development purpose and not elsewhere. 6. Educational, health, electricity, drinking water and other infrastructural facilities in border areas should be improved.

The District Magistrate's office however didn't receive the memorandum citing the reason that Model Code of Conduct for West Bengal Assembly Election is in place due to which, the office cannot receive deputations. Hence, the 'Amra Simantabasi' committee decided to submit the deputation through registered post.

**Observance of the international day in support of victims of torture:** Like every year MASUM observed the International day in support of victims of torture on 26th June. However, due to the pandemic situation, the day was observed through an online talk session by different dignitaries of the Human Rights field on various issues of torture. The program was inaugurated through the introductory speech of Mr. Kirity Roy, Secretary of MASUM. Justice Ashok Ganguly highlighted the importance of the D. K Basu judgment in his speech. Actor & theatre personality, Mr. Koushik Sen, talked about the significance of the day and the role of the political party to stop torture. Psychological counsellor, Mr. Mohit Ranadip, emphasized how torture can create mental trauma for the torture survivors. Human rights activist, Mr. Hrenri Tiphagne talked on the worldwide scenario of torture. Ex- IAS official, Mr. Nazrul Islam, highlighted on the legal safeguards available for the accused person. Mr. Badiyar Sheikh and Ms. Srimati Halder, victims of torture shared their experiences and agony of being tortured. Ms. Shilpi Ghosh, Mr. Aseem Sundan, Mr. Pratul Mukhopadhyay, Mr. Sourabh Datta conveyed their messages through their cultural performances. The program ended with a performance of the MASUM team and with a vote of thanks.





## Events and Activities: 2021

On 8th August, volunteers from MASUM meet the MLAs of North 24 Parganas, district at their respective residences. Regarding sudden increase in cases of atrocities and harassment towards the Border Population. MASUM submitted memorandum and reminded them about their duty that they are the Voice of the people and voice in state legislative assembly.



On 23.08.2021 at 3 pm MASUM had a meeting with Mr. Rajib Jain, member of NHRC and Mr. Surajit Dey, Registrar (Law), NHRC at NHRC office, New Delhi. Mr. Kirity Roy put forward several issues that we are facing in the field of human rights activities and troublesome and risked condition of Human Rights Defenders to protect the human rights of the people in the State of West Bengal. Police and State machinery jointly put false cases of Non-cognizable offences like NDPS and POCSO against the Human Rights Defenders to prevent them from doing human rights activities. Police even decline to register the complaints of the victims of torture and rather make false allegation against those victims to protect the perpetrators and repeatedly violation of section 154 P.C. occurs.

From 4th-6th in the month of September, 2021 MASUM organised Training and workshop at MASUM's office for the members and volunteers from the different bordering districts. Volunteers mainly hails from the villages in the districts of Murshidabad, Cooch Behar and North 24 parganas. Mr. Kirity Roy, Secretary MASUM was the main Speaker of the same.



On 20.08.2021 MASUM organized one street corner meeting at Serampore, Hooghly. In contemporary times due to Suppression of democracy the meeting was organized on this issue. Presently, we are also experiencing large numbers of police torture and harassment cases in the name of UAPA. The meeting was conducted at 'Benco more' in Serampore. Members from different civil societies joined at the meeting and delivered their speech. Apart from them poets, intellectuals, artists were also joined that protest meeting. This protest meeting was conducted with speech, recitation, street theatre, and songs.

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 20-21 September 2021 at Bhubaneswar. 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.

On 30th October 2021 MASUM organised an open discussion with the members of political parties and civil society organisations on the issue of the border populace in the state of West Bengal. Main topic of discussion was MHA's notification related to sudden increase in jurisdiction of BSF in international border sharing villages. Speakers at the event are - Justice Samaresh Banerjee, Former Justice of Calcutta High court, Mr. Dilip Chatterjee, Vice-President of MASUM, Mr. Taj Mohammad, Public Prosecutor, Mr. Sarfaraz Ahmed Khan, faculty, WBNUJS, Mr. Kirity Roy, Secretary, MASUM, Mental health





## Events and Activities: 2021

worker, Mr. Mohit Ranadip, Social activists, Ms. Bolan Ganguly and Ms. Rupa Chakraborty Khan. Representatives of different political parties, Mr. Kartik Pal from CPI (ML) Liberation, Mr. Sankar Das from CPIML Red Star, Mr. Rajib Kr. Banerjee from the RSP. 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. Ashish 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. All speakers gave their best opinions on several issues regarding border problems. Apart from the named, the event was also attended by around 500 victims of torture and their family members. Many of them narrated their agony and day to day Injustice towards them at where they live. 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'.



On 15th November 2021 a press conference was held in Kolkata press club by MASUM along with Former Chief Justice of Sikkim High Court, Mr. Malay Sengupta, film actress and Director, Ms. Aparna Sen, Secretary of MASUM, Mr. Kirity Roy and members of different political parties like CPIML (Liberation), RSP, CPIML Red Star, SDPI, social activists and many intellectuals were present in the press conference.

In continence with above, another press conference was held at Cooch Behar on 17th November, 2021. Mental health worker, Mr. Mohit Ranadip, Assistant Secretary of MASUM, Mr. Dipyaman Adhikary and some victims of the torture were present in the press conference.



MASUM was sitting with its companions and old friends in remembrance of Ms. Susmita Roychowdhury. Since 2006 she was actively connected with MASUM. She did some great work as District Human Rights Monitor of South 24 Parganas. We are all deeply saddened for her unexpected demise on 31st October 2021. On her remembrance all the participants recalls her on their speeches, songs and recitation.

After the meeting on Indo - Bangladesh bordering issues on 30th October, 2021, many political parties, intellectuals and social activists promised to work together on these issues. For this purpose, MASUM organized one meeting at Boi-Chitra, College Street, Kolkata on 12th December, 2021. The said meeting was also attended by the members of different political parties, such as, CPIML (Liberation), CPIML Red Star and RSP. Apart from that many others from different Civil Society Organization like Paschimbanga Khetmajur Samiti, Right to Food Network - West Bengal, Durbar, Bandimukti Committee, PSU etc. were also present. Different specific plans were made in the meeting on upcoming activities to work on Indo-Bangladesh bordering issues.



1st Dec 2021, on the occasion of BSF raising day, MASUM along with Amra Simantbasi, members of Right to Food Network, West Bengal, PSU, Paschimbanga Khet Majur Samity, SDTU, AIKKS, Bandi Mukti Committee, Friends of Democracy, RYF, AIRSO protested mainly against the MHA's decision of extending the BSF's jurisdiction up to 50 kilometres from the International Border Pillar (IBP). In addition to this, submission of Memorandum was held at more than 50 different villages along 7 districts, the same of which, was submitted to their respective BSF offices in-charges as well as to the civil administration.

Human Rights Day, 2021 MASUM has been celebrating Human Rights day by organising as Human Rights fair at the Ranu Chhaya Mancha, Kolkata on 10th December for the last 24 years. Mr. Kirity Roy, Secretary of MASUM started the fair with his opening speech, which was mainly focused on the theme "issues at the Indo-Bangladesh border". Various dignitaries, lawyers, Human Rights activists, academician, cultural groups and CSOs actively participated in the fair this year and presented their views regarding the same. 'Amra Akranta', an organisation mainly focused on police atrocities, demonstrated a silent protest by wearing black mask as a sign of agony against the Police atrocities. Border Victims form different districts-North 24 Parganas, Cooch Behar, and Murshidabad narrated their sufferings and raised their voice from the dais. Different Human rights Organisations and CSO's displayed their publications at their respective stalls. The event also included various cultural activities such as dance, songs, recitations, street theatre etc. performances.





# Events and Activities: 2021

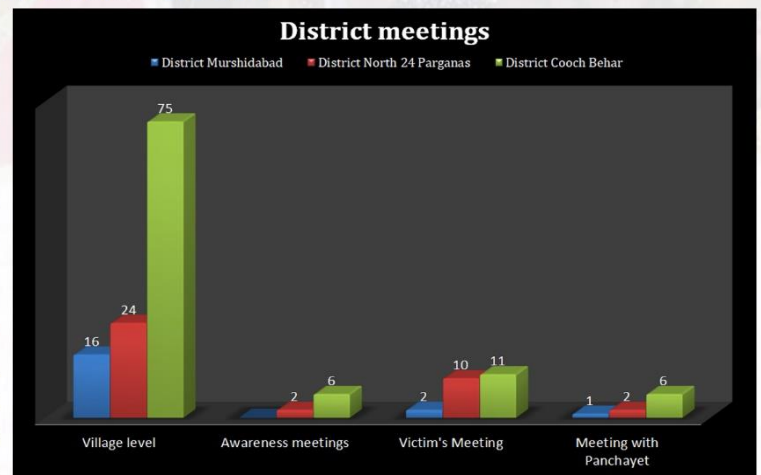
## Village level Meetings

In 2020, MASUM's team conducted 155 meetings in the Districts of North 24 Parganas, Cooch Behar, and Murshidabad. These meetings incorporate village level meetings, awareness meetings, meetings with victims and Meetings with panchayet members. In North 24 Parganas, 24 village level meetings along with 2 awareness meetings, 10 meetings with victims and 2 meetings with Panchayet members were held. In Murshidabad, 16 village level meetings along with 2 1 meeting with victims and 1 meeting with Panchayet members were held. In Cooch Behar 75 village

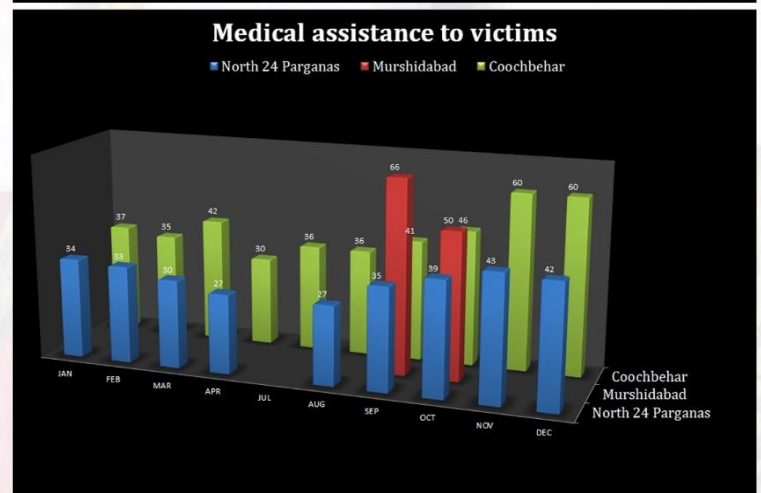


Type of Meeting	District		
	Murshidabad	North 24 Parganas	Cooch Behar
Village level	16	24	75
Awareness meetings	0	2	6
Victim's Meeting	2	10	11
Meeting with Panchayet	1	2	6
Total	19	38	98

level meetings along with 6 awareness meetings, 11 meetings with victims and 6 meetings with Panchayet members were held.



MASUM has been providing consistent support to the victims of campaigns, motivational approaches and other direct means of facilitation to the victims of torture. MASUM organized several medical camps on a regular basis for the victims who were subjected to torture from various ends with the support of UNVFVT. Throughout the year 2021, MASUM organized 21 medical camps in three districts to provide medical assistance to the victims of torture. The attached chart will showcase a snapshot of the medical camps and the victims facilitated by those camps. Out of these 21 medical camps, 09 were organized in North 24 Parganas district, 02 camp in Murshidabad and 10 camps were organized in Cooch Behar district. MASUM provided 849 units of medical and psychological support to the victims through these camps with an average of 40 victims per camp.



District	No. of Medical camps	Attendance	Average Attendance
Coochbehar	10	423	42
Murshidabad	2	116	58
North 24 Parganas	9	310	34
Total	21	849	40





# Events and Activities: 2021

## Village level committees



In 2021, MASUM's team facilitated the formation of village level committees in several districts. These village committees mainly raises local issues such as livelihood issues, poor connectivity, health infrastructure, education, electricity, state brutality to the different levels like Panchayat, BDO's, SDO's and DM. Through the course of our activities in different districts, several village level committees were formed over the years. However, due to the outspread of the pandemic since 2020, many of these committees are inactive at present. Since the beginning of this year, our DHRMs and volunteers along with MASUM activists have initiated a process

to revive the activities of these village level committees. In the district of North 24 Parganas, MASUM activists are trying to revive 10 such village level committees. In the district of Cooch Behar, out of more than 100 committees 48 are already revived and are actively working in villages. The district of Murshidabad had more than 150 active committees, which are yet to be revived. The main motive behind this Committees is to strengthen the movement of local population.

## Network building

In 2021, amidst the ongoing pandemic, MASUM has coordinated with several NGO's, CSO's, activists and Political parties with the aim to build a network of human rights fraternity and work together in these difficult times. MASUM undertook joint initiatives with members of Right to Food Network, West Bengal, PSU, Paschimbanga Khet Majur Samity, SDTU, AIKKS, Bandi Mukti Committee, Friends of Democracy, RYF, SDPI, RSP, CPI(ML) Liberation and Red Star, AIRSO etc. throughout this year. Networking with members of different other organisations and political parties helped us to raise the voice of the border populace and highlight their issues to the society. As a part of the network building process, we published several leaflets and posters, which were circulated in various parts of West Bengal to raise awareness and upheld the voice of the victims. We have published about 30 thousand leaflets for 6 different issues and about 20 thousand posters in 4 different issues including the issues of border populace and erstwhile enclave dwellers.



## Training of trainers



Throughout this year we have undertaken initiatives to conduct workshops and train the volunteers and staffs associated with other similar organisations on the issues of border. Through this sessions they were sensitized with the well-versed information about the situation at the border and how to response to the respective issues. In the year 2021, MASUM conducted 5 such training programs in 4 different districts. Two of these workshops were conducted in Murshidabad district, 1 in North Dinajpur, 1 in Siliguri and another 1 in North 24 Parganas district. All of these workshops were conducted in collaboration with Paschimbanga

Khet Majoor Samity, Right to Food Network, West Bengal, Bengal Against Fascists and SDPI political party. Apart from these a series of planning meeting was conducted through online meeting platforms.

## Meeting with members of Panchayati Raj Institutions

MASUM organized total 9 meetings in 4 different blocks with PRI members of Gram Panchayats at the border areas of West Bengal. Meetings with members of gram panchayat were conducted in Hemkumari Gram Panchayat, Niztaraf Gram Panchayat, Bhotbari Gram panchayat and Changrabandha Gram Panchayat of Mekhliganj Block, Hemkumari Gram Panchayat in Haldibari block and Sitai- II Gram Panchayat and Chamta Gram Panchayat of Sitai Block in Cooch Behar district. One meeting with PRI members were conducted in Balti Nityananda Kati Gram Panchayat of Swarupnagar Block in North 24 Parganas district. Another meeting was organised with PRI members of Rajapur gram panchayat in Jalangi block of Murshidabad district. On behalf of border populace and 'Amra Simantabasi', the representatives of MASUM highlighted the issues of BSF restriction upon the life and livelihood of innocent villagers including women and children. In almost all these meetings the panchayat members promised to take up the issues to the block and district level authorities for resolution.





# Statements released by MASUM during 2021

On several occasions during 2021, MASUM have released statements to affirm its stand on relevant issues and incidents that occurred throughout this year. Following is a list of the statements released by MASUM during 2021:

Sl. No.	Date of release	Topic	Occasion
1	16.02.2021	Condemning police brutality and demanding judicial inquiry into the death of Maidul Islam Midda and disappearance of Dipak Panja	Kolkata Police lathi-charged protestors marching to the West Bengal Secretariat, Nabanna to demand jobs and employment opportunities
2	08.03.2021	Statement on torture, Sexual violence and extre-judicial execution on women	International Women's Day
3	27.05.2021	Condemning the Government of India's adaptation of new IT rules that violates the fundamental rights of the Indian citizen	Adoption of the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("Intermediary Guidelines"), by the Government of India
4	31.07.2021	Press statement on rape in custody by BSF	Two Bangladeshi women intruders were allegedly raped by BSF personnel attached with 158 Battalion, Khorer Math BSF outpost in North 24 Parganas district
5	28.09.2021	Condemning Police brutality, illegal arrest and detention of protesters	police personnel attached with Bhawanipore police station lodged an unprecedented attack upon protestors who were protesting against police brutality upon Suraf Hossain, a police constable
6	15.10.2021	Protest against the MHA's direction to extend BSF's jurisdiction in three states by 35 kilometers	Ministry of Home Affairs has extended BSF's area of jurisdiction in three states by 35 kilometers
7	19.11.2021	condemning legal notice sent to Aparna Sen for her views against BSF atrocities	Mr. Anirban Ganguly, a BJP leader sent legal notice to Ms. Aparna Sen seeking apology for her speech at a press meeting against the atrocities of the BSF in border areas.





**MASUM activists along with members of many other Civil Society Organizations organized a rally and submitted a memorandum to the BSF Eastern Command Headquarters at Lord Sinha Road, Kolkata against the MHA's decision of extending the BSF's jurisdiction**





**MASUM team performing on the occasion of Human Rights Day  
at the Ranu Chhaya Mancha, Kolkata**



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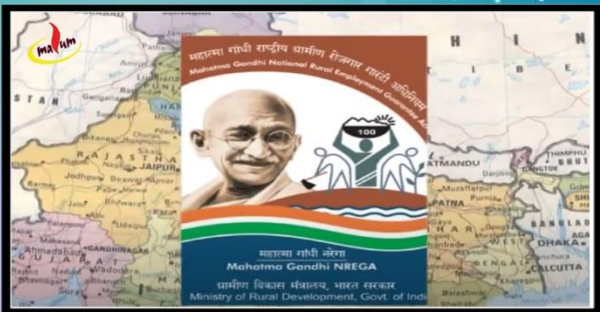
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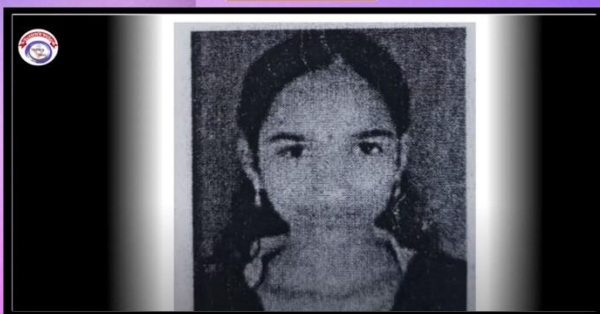
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# MASUM in News

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**Performance by a street theatre group on the occasion of Human Rights Day  
At Kolkata Ranu Chhaya Mancha**





Protest against the MHA's decision to extend BSF's jurisdiction up to 50 km and deputation to BSF





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