

Monthly Report

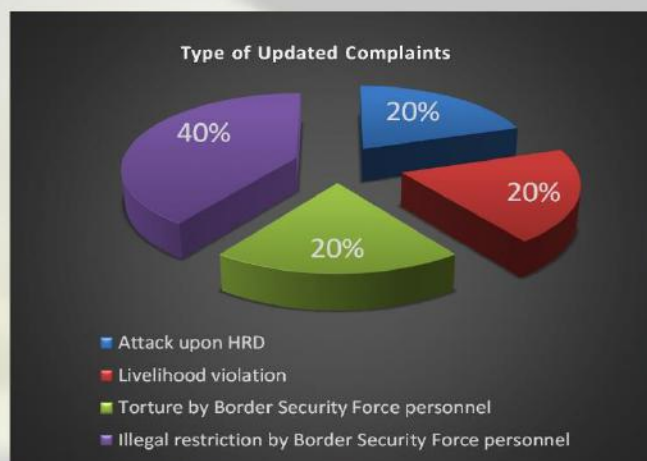
April 2020



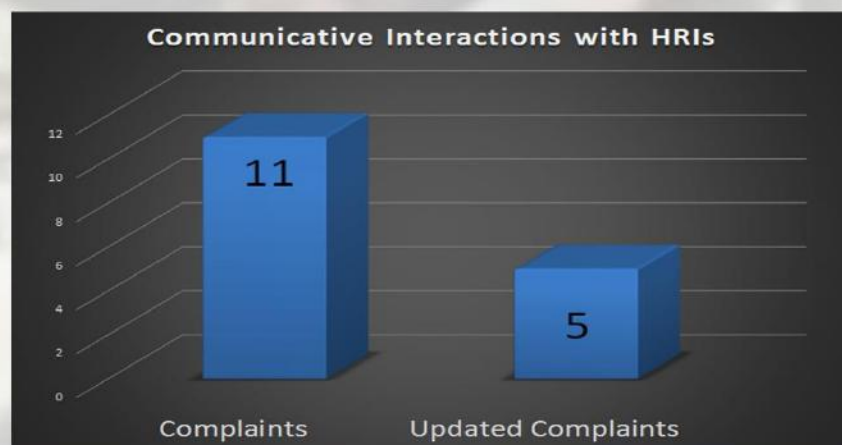
Miles to go...



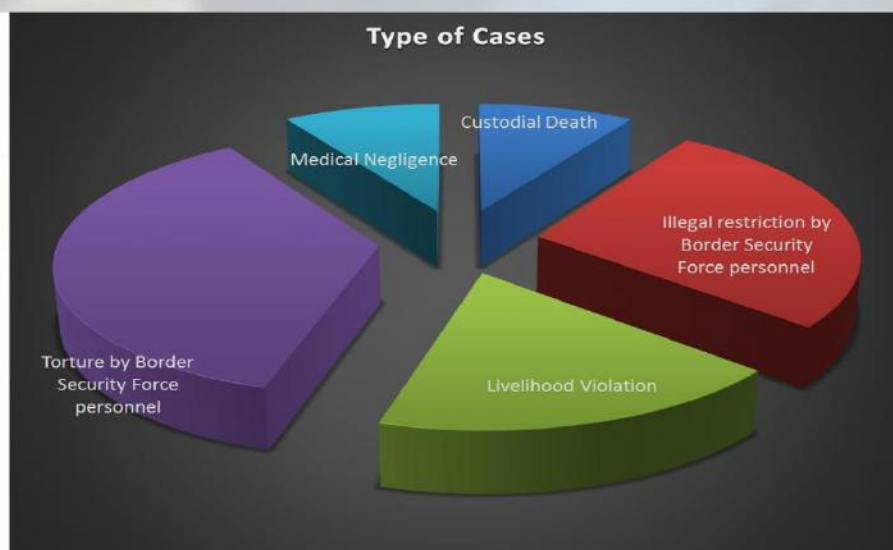
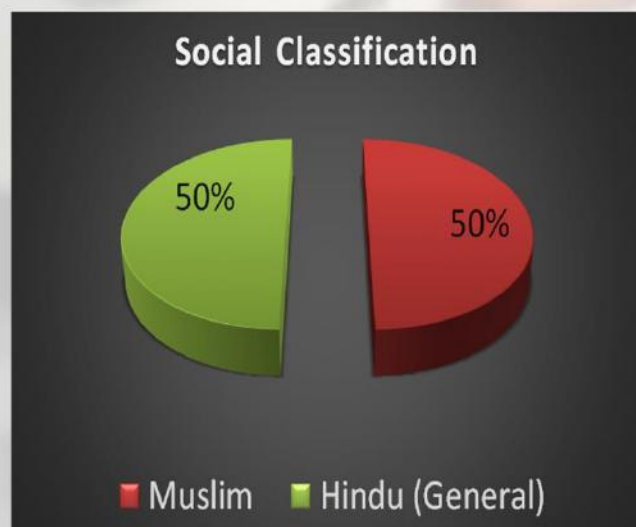
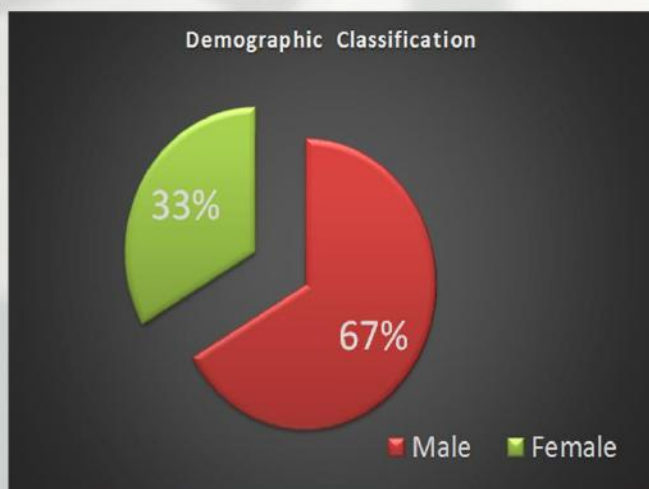
**Banglar Manabadhikar
Suraksha Mancha**



Banglar Manabadhikar Surakksha Mancha (MASUM) made 11 complaints of gross human rights violation before the relevant state authorities and different human rights institutions; especially the National Human Rights Commission during the month of April 2020. During this period we made follow-up complaints regarding 5 cases formerly lodged. The five follow-ups made this month were on attack on human rights defenders, livelihood violation, torture by BSF personnel and BSF restriction.



Out of the eleven complaints lodged this month, four are on Torture by Border Security Force personnel, three on Illegal restriction by BSF personnel, two on livelihood violation and one each on medical negligence and custodial death.



In the complaint regarding restriction by BSF personnel and marginalisation of erstwhile enclave dwellers, the victimization was collective and does not reflect in demographic and social classification of victims. Total numbers of victims in individual complaints were 6; among them 3 belong from the minority Muslim community and 3 from Hindu (general) community. Among the victims 4 were males and 2 female.

State repression: Arrest of activists and student leaders amidst lockdown

Along with the havoc that has been wreaked by the pandemic induced by COVID-19, many difficult questions have also been spewed upon humanity and the civilization that we have thus far created. The pandemic has lifted the shroud of our hypocrisy and revealed us at our ugliest; it has exposed our greed, violence, hate, fear and callousness. It has unraveled our state representatives their exploitation of the taxpaying citizen, their ignorance towards health benefits and medical insurance, their apathy towards health workers, the laborers and the farmers and the absence of their accountability to the citizens—now appear starker. India is no different. Hours after the Prime Minister announced the 21-day lockdown, the country saw an outpour of migrant laborers who took to the streets to start a long journey back home faced with the absence of food, shelter and public transport. Doctors and health workers were attacked by mobs and denied protection equipment and the pandemic in India came to be recognized as “Corona jihad” due to the circulation of fake news that reeked of anti-Muslim sentiment.

Instead of dealing with these difficulties, the state has turned its attention towards using the lockdown to arrest human rights defenders, student activists, and the leaders of the nationwide anti-CAA-NRC-NPR protests that started in mid-December 2019. The Delhi Police have filed FIRs against JNU Student leader Umar Khalid, President of Jamia Alumni Association Shifa-Ur-Rehman and members of Jamia Coordination Committee Safoora Zargar and Meeran Haider for hatching a ‘premeditated conspiracy’ to incite the Delhi riots in February this year. They have been charged under the draconian Unlawful Activities (Prevention) Act (UAPA) which denies them anticipatory bail and crushes the assumption of innocence on which modern law is based. In addition to this, Dalit rights activist Anand Teltumbde and Activist Gautam Navlakha were taken into police custody during the lockdown. In a scenario where the Supreme Court has urged states to release prisoners to avoid the cramped conditions of jails, the Centre has responded with a crackdown to imprison activists and student leaders. The evidence against all of these people is flimsy and concocted, with the Delhi Police relying



on the anti-Muslim propaganda of the RSS and Hindu fundamentalists for information. It is also important to note that BJP leaders such as Kapil Mishra and Anurag Thakur whose slogans openly incited violence against Muslims have not even been investigated by the Delhi Police.

The lockdown makes it increasingly difficult for ordinary citizens to approach Courts, especially given the increasing complicity of the judiciary in the autocratic decisions taken by the Modi government. Moreover, the lockdown takes away the possibility of mass protests, strikes and agitation—a fact that the Centre has cunningly used to its advantage. The use of the UAPA against anti-CAA activists gives the Centre ample time to crush the protests against its discriminatory laws while the accused prepare for a lengthy legal battle such as the one Sudha Bharadwaj and other HRDs accused in the Bhima Koregaon violence are still fighting. But the citizen that has awakened to the Constitution shall not be silenced by fear and the movement for equity and justice shall continue speaking truth to power.

A lockdown made worse: COVID-19 at the Indo-Bangladesh border



Over the years, we have extensively documented the socio-economic marginalization of the population residing in the West Bengal-Bangladesh border areas and the erstwhile enclaves in the District of Cooch Behar. Their difficulties range from the infringement of their civil and political liberties by the Border Security Force (BSF) to the continuous deprivation of their social security including lack of access to health benefits, education, livelihood and welfare schemes. It is a matter of grave concern that a population of more than 20 million citizens are denied constitutional rights in a country that claims to be the largest democracy in the world. While the movement of the entire world is heavily restricted due to the lockdown caused by the pandemic, it is important to remember that the people residing in the border areas and enclaves have been forced into this existence throughout the country's seven decades of independence. Barbed wire fences have been constructed through Indian villages, such that agricultural land, livelihoods and houses are pushed onto the Bangladesh side of the border. There are severe restrictions imposed by the BSF on the movement of residents, affecting their livelihood and daily existence.

The pandemic has naturally intensified the problem. In spite of the order of the Ministry of Home Affairs (Order no. -40-3/2020-DM-I(A)) dated 15th April, 2020 which clearly states that agriculture and horticulture should remain fully functional during this lockdown period, the BSF have restricted the residents to cultivate in their own fields. Earlier, the gates at the border were opened 3 times a day but now the gates are often permanently closed or opened only once. For instance, villagers of Char Parashpur and Ramnagar Nanyansukpur in Murshidabad are subjected to harassment and torture by the BSF to restrict their entry into agricultural lands. In addition, people are suffering due to the lack of ration to sustain themselves amidst the pandemic. Residents have not been given jobs in spite of the government order to employ standard operating procedure for the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) during the lockdown. Stripped of the right to cultivate their own lands, denied employment through MGNREGA and the negligent distribution of ration, the residents have been left with no options other than languishing of hunger. Moreover, there are a considerable number of residents who migrate to other places in search of jobs due to the lack of opportunities at the border.

These migrant labourers are stuck away from their families in dire conditions as the Centre gave them a mere 4-hour notice before shutting down all means of public transport and imposing the lockdown on 25 March 2020. The plight of migrant labourers all across the country has been widely reported by the media and was also extensively covered by us in our last issue.

Under these circumstances, we have tried communicating with the State of West Bengal and the Ministry of Home Affairs to address the hardship of the 20 million citizens they represent. We hope that the struggles that the entire nation is facing due to the lockdown helps create empathy for the people of the Indo-Bangladesh border, who have spent their entire existence in a state-imposed lockdown.



Case briefs: April, 2020

Torture by BSF personnel: Mr. Mintu Gazi of North 24 Parganas and Mr. Tota Mian, of Cooch Behar district were victims of brutal torture and physical assault leaving them with grave injuries and fractured limbs whereas another marginalized Muslim man, named Surjamal Ali of Cooch Behar, was not only tortured brutally but also illegally detained by the BSF authorities over 19 hours. Another case of mental as well as physical torture was faced by Miss Tina Biswas (name changed) of North 24 Parganas. She was sexually harassed by the BSF personnel in the name of checking at the gates, along with verbal abuse and threats to implicate false charges against her. She was illegally detained for a consecutive 3 days on her way to work. These reports of torture and harassment on the bordering populace is increasing vigorously over the years and no proper steps have been taken to curb this despotic attitude of the BSF officials yet.

BSF restriction : Villagers of Jhaudanga and Barnoberia village, North 24 Parganas has been presented with a new issue where a new barbed fence was planned to be constructed near the zero point which is along the Ichamati river but the BSF and the CPWD have been planning to construct the fences within the village which would further impose irrational restrictions on them impeding cultivation, leading to unaccountable loss. Another case of illegal restriction surfaced in the villagers of 128 Bhotbari village, Cooch Behar. They have about



250 Bighas of land which are unused due to the lack of a proper gate, therefore heavy losses are incurred by 100 families as they are unable to cultivate on their share of land. The villagers of Nalangibari, Cooch Behar are also suffering due to the irresponsible attitude of Border Security Force Jawans. The irrational gate timing, arbitrary actions and restrictions imposed on the villagers have kept them under a constant pressure and threat. Agriculture, being their main source of income is hampered leaving them no choice but to comply with the despotic demands of the BSF officials.



Livelihood Violation: The villagers of Char Parashpur and Ramnagar Nayansukpur of Murshidabad district have also been suffering massively due to restrictions imposed by the BSF on their lives on a daily basis. The villagers are not provided with the jobs as promised under MGNREGA 100 days work scheme as well as restrictions are imposed on their practice of agriculture during the ongoing pandemic which is a gross violation of the order as passed by the Ministry of Home Affairs, Government of India, Memorandum number 40-3/2020-DM-I (A) dated 15.04.2020.

Custodial Death: The systematic impunity that does not shy away with time is demonstrated once again through the rigorous torture and custodial death of Mr. Bosu Das, resident of Nadia, in the custody of Kalyani Sub-Correctional Home after 33 days of his arrest. Along with rigorous torture that led to his death, the victim(deceased) was not given due medical care while he was in custody of the jail authorities and neither was his family informed of his deteriorated health condition which ultimately led to his death. If probed further, a chain of illegalities and continuing impunity will be revealed which is only threatening and dangerous if not acted upon.



Medical Negligence: Mrs. Shatabdi Dutta, a gravid woman of Murshidabad was experiencing excruciating labor pains which was completely ignored by the hospital authorities and the irresponsible doctor Mr. Basab Saha, which ultimately led to her death. A peaceful protest by the near relatives was demonstrated and the negligent doctor was called out.

Our Activities

The month of March, 2020 had planned several Panchayat Level meetings with the Gram Panchayat and their members, Village level meetings and a Medical Camp, mostly concerning the perennial problems at the borders. The meetings ensure a strong set of active communication with the border populace, their issues are regularly revised and acted upon and most importantly, the collective



health of the women and children at the borders were among the other specific set of concerns in MASUM's agenda during the field visit. The ongoing pandemic across the world has caused a huge shift in the world governance. Therefore, keeping the crisis in mind and the effective means to fight this battle, MASUM has abided by the regulations declared by the Indian government. These initiatives have been postponed for a while since all the programs required gathering at large leading to detriment the sole purpose of the lockdown. The government has also issued direction to keep the courts closed at the moment, therefore the activities on the legal front that is carried on by MASUM has also seen a halt.

This lockdown has seen an enormous impact on the daily wage laborers and migrant laborers at large. They have suffered due to the lack of the basic essentials and unfortunately many had to succumb to death as a result of the lockdown. MASUM has joined hands with Right to Food Network, West Bengal, which was instrumental in working to provide food essentials to the ones in dire need from April, 2020. About 500 food packets were delivered to the needy on or after the 1st of May, 2020 which would not be possible single handedly without this campaign.

The Migrant laborers faced the brunt of the indecisive and narrow sighted government policy makers of the country leaving them on the roads to make it back home on their own. About 148 such migrant laborers from the borders of North 24 Pargana and Murshidabad was stuck in Kerala, while about 150 Migrant laborers from the borders of Cooch Behar was stuck in Mangalore struggling with this situation. MASUM is tirelessly working to help them reach their homes, all safe and sound.

