

# FIGHT FOR RIGHTS



MONTHLY REPORT  
AUGUST-2024

BANGLAR MANABADHIKAR SURAKSHA MANCHA (MASUM)  
[WWW.MASUM.ORG.IN](http://WWW.MASUM.ORG.IN)

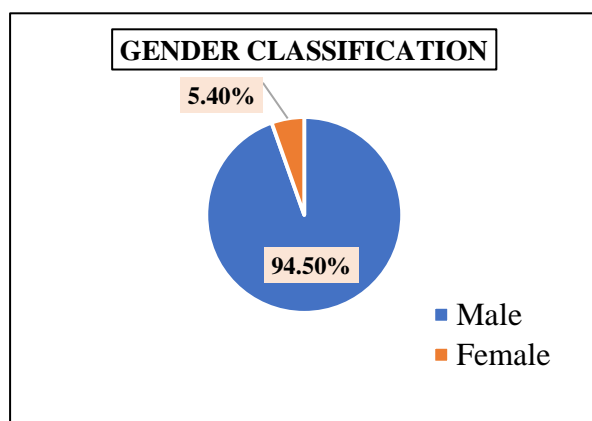
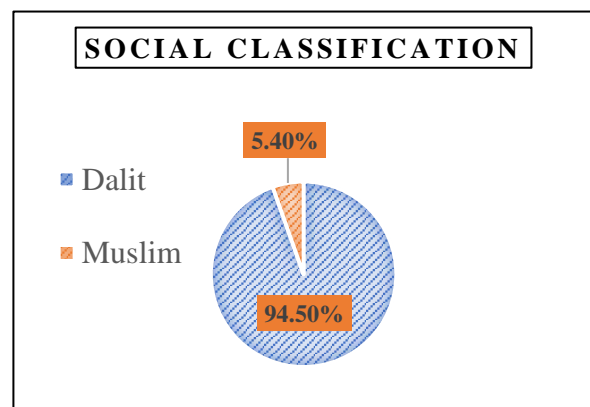
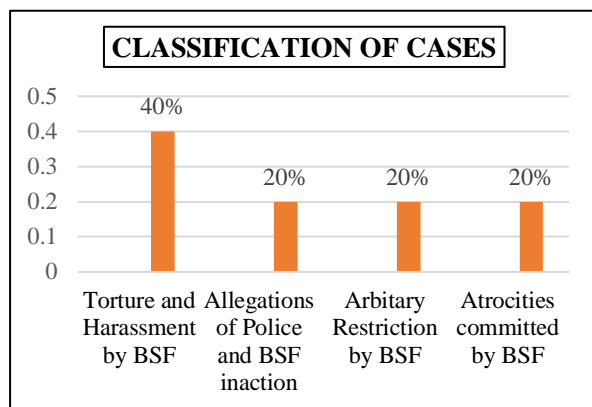


MILES TO GO...

Banglar Manabadhikar Suraksha Mancha (MASUM) lodged five complaints during the month of August 2024 on incidents of grave human rights violation before the human rights institutions; especially National Human Rights Commission, different state authorities and international human rights agencies.

Out of five complaints, two on torture and harassment committed by Border Security Force (BSF) personnel, one allegation on BSF and police inaction and one on arbitrary restriction by BSF and one on atrocities committed by BSF.

In case of arbitrary restriction at India Bangladesh bordering area, total number of victims are 52 Dalit farmers. Complaints on torture and harassment committed by Border Security Force personnel was done by two victims (one male and one female). Victims of atrocities committed by BSF and police are two Dalit women and one male victim complained against BSF for their inactive role to stop looting Indian villagers by Bangladeshi thieves and also against police for not taking his complain officially.



Banglar Manabadhikar Suraksha Mancha (MASUM) lodged five complaints to provide justice to total 57 victims. Among them 94.50% are male victims and 5.40% are female victims.

## Case Brief August-2024

### 1. Torture and Harassment by BSF:

#### Metal pellet gun used by BSF, a local farmer was fatally injured:

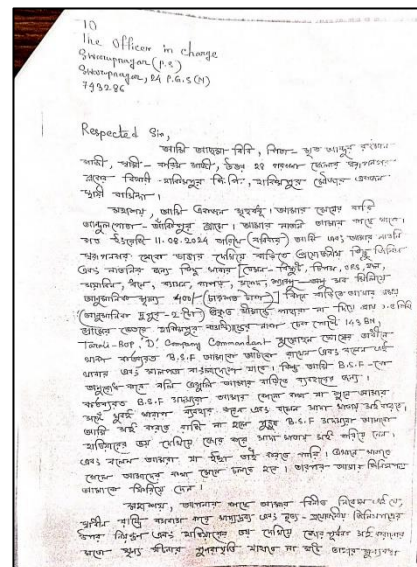
On June 15, 2024, at around 4 A.M., Mr. Mustafa Ali, a 29-year-old farmer from Kharija Haridas village in Cooch Behar district, was returning home from his maternal uncle's house when he was shot in his left leg by BSF personnel near Dak Bunglow crossing towards Ghosh

Para road. Mistakenly identified as a smuggler, Mustafa was hit by bullets (pellets), which caused severe injuries, including six bullets lodged in his leg, smashing the bone. Despite immense pain, Mustafa managed to escape and took refuge at his maternal uncle's house. For three days, he was treated by a local quack doctor, but his condition worsened. On June 19, 2024, Dr. Indrajit Das examined him and revealed the extent of his injuries. He was subsequently transferred to Patna, Bihar, where orthopaedic surgeon Dr. R.N. Singh at the Anup Institute of Orthopaedic & Rehabilitation performed a critical operation on June 24, 2024. After a month of painful rehabilitation, Mustafa could walk again, albeit with the aid of a stick. The total cost of his treatment was nearly 200,000 rupees—a huge burden for a poor farmer earning only 4,000 rupees a month. Mustafa Ali's family, including his wife Ms. Pinki Khatoon and their 3-year-old daughter, have been left in a dire situation. On July 19, 2024, Ms. Pinki Khatoon lodged a complaint with the Superintendent of Police in Cooch Behar, pleading for action against the female BSF officer responsible for the incident and seeking compensation. Unfortunately, despite her efforts, no case has been registered, and the family continues to seek justice. The incident occurred about 2.5 kilometers inside Indian Territory from the international border, underscoring the senseless nature of the violence inflicted upon Mustafa Ali.



**Muslim woman harassed by BSF:**

Achhma Bibi, wife of Karim Gazi is a simple housewife who resides in Hakimpur village of Swarupnagar block of N. 24 Pargana district. On 11.08.2024, around 2 p.m. she was returning from Akipur village (Daughter's house) with her granddaughter who is currently staying with her. That time Achhma Bibi was carrying a few regular food items (biscuit, chips, ORS liquid, fruits, soybean, dhanias, besan etc. of worth approx.400 rs.) which were given by her son in law for his daughter. At Hakimpur bus stand check post, around 2 p.m., a BSF personnel (under 143 BN, Tarali-BOP, 'D' company Commander Shumohon Ghosh) stopped Achhma Bibi and her grand daughter to interrogate about the food items and asked for the bill. Achhma was repeatedly accused of smuggling these food items to Bangladesh as she couldn't show the bill. She said that she didn't have the bill as these items were given by her son in law and only for daily household purposes. But mentioned BSF personnel immediately detained her for almost half an hour.



During this period Achhma was emotionally tortured and she was pressured to give her signature in a blank paper. Mentioned BSF personnel also gave death threats to her while pointing his loaded gun towards her. On 12.08.2024, 4.10 p.m. Achhma Bibi and her son went to the Swarupnagar Police station to report a complaint. But first she was refused by Swarupnagar Police station in charge Sub Inspector 30. But after Achhma's son Rahul Gaji protested and made him agree, SI Mr. Shailen documented the report and assured that they will

investigate this matter. The BDO of Swarupnagar was also informed about this incident on 13.08.2024.

## 2. Arbitrary Restrictions by BSF:

### Dalit land owners are not permitted to cultivate their land by BSF:

Since April 7, 2024, villagers of Notun Rajapur in Murshidabad district, West Bengal, have been unlawfully restricted by the Border Security Force (BSF) from accessing and farming their lands, causing severe distress among the poor farming community. The BSF stationed at Madan Ghat BOP, in complicity with

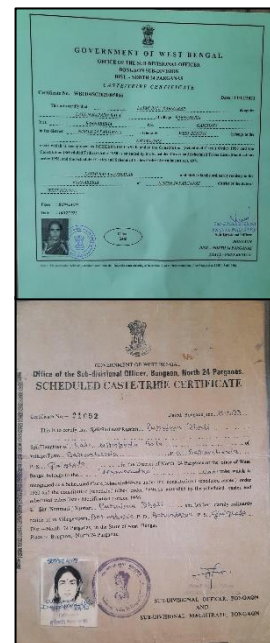


certain individuals, is allegedly aiding an attempt to take over lands belonging to Scheduled Caste farmers, leading to significant economic hardship and psychological trauma. Despite the villagers' attempts to reclaim their lands on June 8, 2024, they were threatened by local goons while the BSF stood by. A complaint was filed with the Block Development Officer on June 11, 2024, but no action has been taken, leaving the farmers deprived of their livelihood and fundamental rights.

## 3. Atrocities committed by BSF:

### Land property of two Dalit women were looted by BSF:

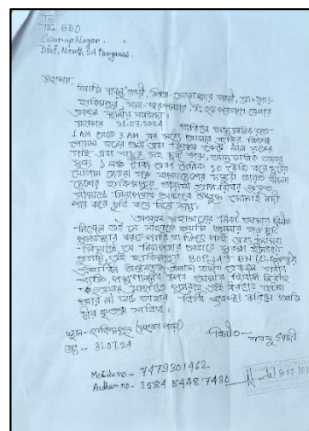
Purnima Dhali and Laxmi Karmakar, two women farmers from Barnaberia village in North 24 Pargana, West Bengal, depend on agriculture and tree plantations for their livelihood. Due to waterlogging from the Ichamati River, they planted trees and bamboo on their land, which became their primary income source. However, on September 18 and October 8, 2024, BSF personnel, led by Inspector Haokhomang, criminally trespassed on their land and illegally chopped down their trees, including bamboo, betel nut, Malaysian lumbu, Indian rosewood, coconut, and jujube trees. This caused significant financial loss, estimated at 2 lakhs for Laxmi Karmakar and several thousand rupees for Purnima Dhali. Despite complaining to local panchayat members and BSF officers, the women were denied compensation and received threats of land confiscation for road construction. They filed written complaints with the SDO Bongaon and Gaighata police station, but no action has been taken to address their grievances.



#### 4. Allegations of BSF and police inaction:

##### Complained against BSF and police for their inactive role to stop looting Indian villagers by Bangladeshi thieves:

Tarali and Hakimpur villages near the Indo-Bangladesh border in North 24 Pargana, West Bengal, have been suffering due to the Border Security Force's (BSF) shift in operations away from the actual border towards village interiors. This has led to unregistered check posts within village boundaries, leaving the border unguarded and allowing illegal trespassing from Bangladesh. On July 31, 2024, Bablu Gazi, a poor farmer from Hakimpur, fell victim to this situation when Bangladeshi trespassers stole his cow and calf, valued at 1 lakh rupees, which were his primary source of income. Despite promptly filing complaints with the Block Development Officer and Swarupnagar police station, neither the police nor the BSF took significant action, leaving the case unresolved and Bablu Gazi without justice or recourse.



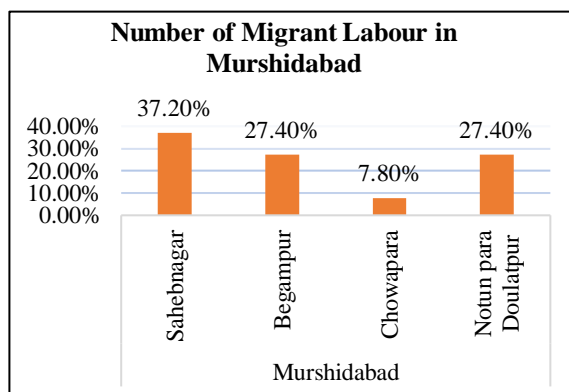
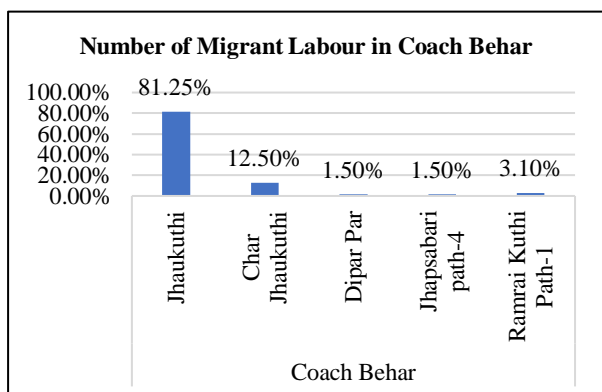
Statement of victim - <https://www.youtube.com/watch?v=kgT9mzXPoKQ>

This month, MASUM focused on collecting and analysing data in two critical areas: migrant labourers and people trapped inside the barbed wire fencing on the India-Bangladesh border

##### ➤ Number of Migrant Labourers in Coach Behar and Murshidabad district:

| District                 | Coach Behar |                 |           |                   |                     | Murshidabad |          |           |                      |
|--------------------------|-------------|-----------------|-----------|-------------------|---------------------|-------------|----------|-----------|----------------------|
| Gram Samsad              | Jhauk uthi  | Char Jhauk uthi | Dipar Par | Jhapsabari path-4 | Ramrai Kuthi Path-1 | Sahebnaagar | Begampur | Chowapara | Notun para Doulatpur |
| Number of Migrant Labour | 52          | 8               | 1         | 1                 | 2                   | 19          | 14       | 4         | 14                   |
| Total                    | 64          |                 |           |                   |                     | 51          |          |           |                      |

Source: Field Data



Fieldwork was conducted in Murshidabad and Cooch Behar on the migrant labourer. The data revealed that many labourers face severe hardships, including job insecurity, poor working conditions, and lack of access to social security. There is a law named, Inter-state migrant workmen (regulation of employment and conditions of service) act, 1979 (30 of 1979) in India to ensure all facilities to every migrant labourers. The statute stipulates, among other things, the payment of minimum wages, equal pay for comparable labour to that of local workers, payment of a journey allowance, appropriate housing, and free medical care. But as far as application is concerned, the law is still in place only in writing. Our Government didn't take any initiatives according to this act to provide security and facilities to the migrant labourers. To give economic stability to these vulnerable migrant labourers, it is important to ensure fair wages, safe working conditions, and access to social benefits, along with initiatives like skill development and improved worker registration.

➤ **Ongoing survey on people who are still trapped behind the barbed wire fencing in Indo-Bangladesh border in Coach Behar and North 24 Pargana district:**

Many people in Coach Behar and North 24 Pargana Indo-Bangladesh border area are still trapped behind barbed wire fencing. MASUM is working on to collect data on these people through survey. According to the collected data till now, 125 people in Coach Behar and 213 people in North 24 Pargana are surveyed who are trapped inside barbed wire fencing of Indo-Bangladesh border in India side. Though these people are Indian, they are deprived by their own nation. Border Security Force in Indo-Bangladesh border restrict Indian citizen to move freely within their own country. Those people who are trapped inside the barbed wire fencing along the Indo-Bangladesh border, face severe hardships due to the actions of BSF personnel. Farmers are restricted from accessing their own lands for agricultural purposes, often facing harassment, threats, and abuse. The presence of BSF check posts far from the actual border has led to a breakdown in local security, with illegal trespassing becoming common, leaving villagers vulnerable to attacks. The fear and harassment by BSF have disrupted daily life, with bus services becoming unreliable, children being randomly harassed on their way to school, and teachers refusing to come, leading to increased school dropouts and declining literacy rates. Health services are similarly affected, with access to medical care being obstructed, resulting in tragic outcomes. Women, in particular, live in constant fear, their safety and dignity threatened by the very guards meant to protect them. This pervasive atmosphere of fear and oppression has deeply scarred the community, leading to a deterioration in the overall quality of life in these border villages.

| <b>District</b>                                     | <b>Coach Behar</b> | <b>North 24 Pargana</b> |
|---|--------------------|-------------------------|
| Number of people trapped inside barbed wire fencing | 125                | 213                     |

Source: Field Data

**MEDICAL AND PSYCHOLOGICAL ASSISTANCE of UNVFVT**

In this month of August 2024, MASUM organised 4 medical and psychological camps in the districts of North 24 Pargana and Coochbehar. In both the districts, one camp was for physical wellbeing and one for psychological treatment. The medical camps were organised on the aegis of United Nations Voluntary Fund for Victims of Torture and meant for victims of torture and family members of extra judicial execution and enforced disappearance victims.

At North 24 Pargana both the camps were held at Noor Medical Hall, Swarupnagar on 19th August and 31st August for psychological treatment and physical wellbeing respectively. Dr. Debshankar Mukhopaddhaya provided psychological treatment to 16 persons while Dr. Anusuyak Roy treated 37 patients for physical wellbeing.



**North 24 Parganas Medical Camp**

In Coochbehar district, Dr. Shuakat Ali attended 43 patients for physical wellbeing on 28th August at Dinjata and Dr. Bahiman Sarkar examined 09 patients for psychological treatment on 30th August at Dinjata. Expenses for medicines, travel and pathological tests were borne by the programme. All these medical camps were followed by victims' meetings to formulate future course of actions and legal course, where respective District Human Rights Monitors of MASUM, staff lawyer and MASUM volunteers discussed the issues related with the victims and their family members.



**Medical Camp at Dinjata Coochbehar**

## **OUR ACTIVITIES**

### **Murshidabad**

On 08th August, a meeting of Amra Simantabasi held with Sahebnagar Pramila Bahini were discussed on the restriction by BSF to the villagers who possessed their land under the other side of the border fence, on the other hand, the lands are being regularly cultivated by Bangladeshi residents in full glare of BSF personnel. It was decided that they will bring the issue before the authorities with active support from MASUM.

On 21st August, a meeting of Amra Simantabasi held at Char Banshgara. The meeting decided to protest about the collapse of local rural hospital which should be operational.

On 22nd August, a meeting of Amra Simantabasi held with Tal Tala were discussed to decide to work together on issues such as the opening of the fencing gates from 6 AM to 6 PM and withdrawal of BSF's identity cards, meeting decided to submit memorandum to the respective BDO.



**Murshidabad Amra Simantabasi**

On 23rd August, a meeting of Amra Simantabasi held at Char Border Para. Various problems of people living in border areas and their solutions are discussed.

On 25th August a meeting of Amra Simantabasi held with Kalinagar Sarkar Para. Various problems of people living in border areas and their solutions are discussed.

On 28th August a meeting held with Amra simantabasi at Kahar Para. Various issues such as the opening of the fencing gates from 6 AM to 6 PM and withdrawal of BSF's identity cards, meeting decided to submit memorandum to the respective BDO.

On 30th August a meeting of Amra Simantabasi held at Community Based Organisations, NGOs, and ICDS workers were all discussed to decide to work together on issues such as police torture, construction of anganwari centers, evicting hawkers etc.

### **North 24 Parganas**

On 04th August Amra Simantabasi held with Hakimpur Tarali village. Amra Simantabasi to undertake a mass program involving all the villagers. BSF guarding the villages instead of guarding the border, the number of illegal activities from the border is increasing. Due to this petition, submitted to Block development officer and District Magistrate.

On 09th August Amra Simantabasi held with Sankchura, Bagundi and Jalalpur. Various issues related to Indo-Bangladesh border were discussed with the members of that organization.

On 10th & 20th August Amra Simantabasi held with Kolapata village & Hakimpur Majherpara. Various problems of people living in border areas and their solutions are discussed.

On 23rd August Amra Simantabasi held with Sankchura Begundi. Various issues related to Indo-Bangladesh border were discussed with the members of that organization.

On 27th August Amra Simantabasi held with Hakimpur Gram Committee. Various issues related to Indo-Bangladesh border were discussed with the members of that organization.

On 29th August Amra Simantabasi held with Gobindapur Gram Committee. The gram committee will file a complaint demanding the opening of the fencing gate. Livelihoods and migrant workers will be surveyed.



**North 24 Parganas Amra Simantabasi**

### **Coochbehar**

On 23rd August Amra Simantabasi held with Durganagar Gram Committee Dinhata Block II a meeting. The meeting decided to make demand for opening of the fencing gates from 6 AM to 6 PM and withdrawal of BSF's identity cards, meeting decided to submit memorandum to the respective BDO.



On 24th August Kalmati Vekrapul Amra Simantabasi Committee Dinhata Block II held a meeting. The fencing gate should be kept open from 6 am to 6 pm because there are various problems in their cultivation, crops are getting lost. So they decided to submit a petition to BDO office regarding this issue and they decide to start a monthly collection of membership donations, which can be used for some kind of development work in their area.



**Kalmati Vekrapul Amra  
Simantabasi Committee Coochbehar**

On 25th August Amra Simantabasi held with Bamanhat II GP Committee & Kalmati Begunbari Gram Committee Dinhata Block II held a meeting. Various problems of people living in border areas and their solutions are discussed.

On 28th August Jhaukuti Amra Simantabasi Committee with Pramila Bahini Taan Para, Pramila Bahini Purba Para, Pramila Bahini Paschim Para Tufanganj I Block held a meeting. The meeting decided to make demand for opening of the fencing gates from 6 AM to 6 PM and withdrawal of BSF's identity cards, meeting decided to submit memorandum to the respective BDO.



## **LEGAL ACTIVITIES for August 2024, Supported by UNVFVT**

In this month we supported the victims of torture in belowmentioned courts

### **Murshidabad – Lalbagh Court**

- C.R. No- 28/2016 - Jiarul Sk. Vs Police personnel.
- C.R. No- 69/2018 - Babor Ali Vs BSF personnel.
- C.R. No- 156/2021, Ganapati Mondal Vs BSF commander and personnel.
- C.R. No- 700/2014, Manu Bhowmick Vs Police personnel

### **North 24 Parganas. – Basirhat Court**

- Ex 194/23 - Jharna Dhabok Vs. Ataur Rahaman Dhabok.
- GR 1290/22- Taslima Bibi(State) Vs. BSF
- GR 4965/21- Osman Sardar.
- Ex 194/23 - Jharna Dhabok Vs. Ataur Rahaman Dhabok.
- Spl 67/17- Aparna Mondal (State) Vs. Gobinda Mondal & Ors.

- NGRO- 153/13- Abdur Rahaman.
- CRR 08/24-Jharna Dhabok Vs. Ataur Rahaman Dhabok.

### **Cooch Behar. – Dinhata Court**

- G.R 524/2023- Mahitan Bibi. Vs BSF Personnel.
- G/R -763/12 Ali Mohammed (State) Vs BSF Personnel

### **Right to Information (RTI) application by MASUM:**

On November 14, 2023, MASUM submitted one petition of Right to Information (RTI) application to the Supreme Court of India, requesting information on the total number of people in death rows awarded by Sessions Courts across India that have been confirmed by their respective High Courts. This was aimed at understanding the prevalence and confirmation of death penalties by higher judicial authorities in India.

In response to the RTI application, MASUM received replies from various judicial bodies and Public Information Officers (PIOs). However, most of these responses were not satisfactory in providing comprehensive information on the matter. The State Public Information Officer of the **Uttarakhand High Court** and the **High Court of Meghalaya** failed to provide complete and clear data on the death penalty cases confirmed by them. Similarly, replies from the **District & Sessions Judge, Champawat (Uttarakhand)**, **District & Sessions Judge, East Jayantia Hills District, Khliehriat**, and **District & Sessions Judge, RI-BHOI District, Nongpoh, Public Information Officer, Goalpara** were inadequate and did not meet our expectations for detailed information.

The **District & Sessions Judge, Dehradun**, and **District & Sessions Judge, Almora (Uttarakhand)** provided responses. The **State Public Information Officer, Rajasthan** rejected the application by stating our application violates rule 10(2) of *Rajasthan Right to Information (High Court & Subordinate Courts) Rule, 2006*. **District Court Tihari Garhwal** and **District Court Rudraprayag**, provided similarly unsatisfactory replies. The **High Court of Meghalaya** and **High Court of Jammu & Kashmir** responses is Nil. Further, the responses from the **District Court Bageshwar** and **District Judiciary, West Karbi Anglong, Hamren** also did not adequately address our queries.

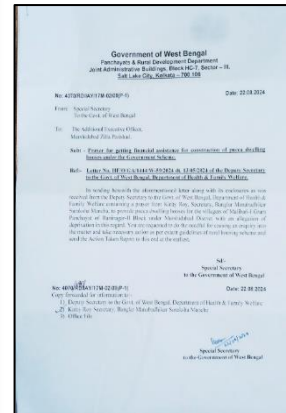
The only satisfactory response received was from the **District Jail, Dehradun**, which provided clear and detailed information regarding the death penalty cases, including those confirmed by the higher courts. This highlights a significant gap in transparency and responsiveness from several judicial bodies regarding such a critical issue.

It's sorry affairs that High Court of Calcutta and subordinate district and sessions courts did not comply the RTI petition yet.

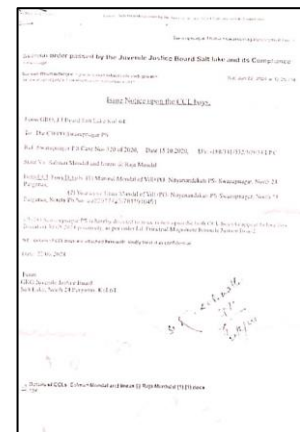
Moving forward, MASUM will continue to follow up with these forums to seek complete and satisfactory information. We may consider filing appeals or escalating the matter to ensure compliance with the RTI Act.

## ACHIEVEMENTS:

The Panchayats & Rural Development Department of West Bengal has responded to a plea from Mr. Kirity Roy, Secretary of MASUM, concerning the lack of pucca houses for residents of Malibari-1 Gram Panchayat, Murshidabad. The Special Secretary of Government of W.B. has forwarded this issue to the Additional Executive Officer of Murshidabad Zilla Parishad on 22.08.2024, instructing an inquiry and necessary action under the rural housing scheme. An Action Taken Report is requested promptly. This response highlights MASUM's ongoing efforts to secure housing for marginalized communities and its significant role in advancing social justice in rural areas.



Salman Mandal and Imran @Raja Mandal, two boys who were below 18 years age, were toured by BSF on 2020. They complained officially against BSF but no action was taken. After few days BSF lodged false counter case against them. As these boys were underage, this case was handled by Juvenile Justice Board. Now, after few hearings, these boys got bails on 30.08.2024 with the help of MASUM's initiatives.



- We at MASUM are deeply saddened and affected by the tragic incident involving the rape and murder of a female trainee doctor at R.G. Kar Hospital in Kolkata. This horrific event occurred in a government hospital during her duty hours. West Bengal Chief Minister Mamata Bandhpadhay who is also Health Minister as well as Police Minister, denied her responsibility to protect an innocent woman in her workplace and instead of that she also claimed for death penalty of all accused which is a clear eyewash stunt. We are saddened and feeling helpless that we are living in a society of which government is so callous. Hence, we are with the citizen who are walking on street everyday for proper investigation and justice.
- We MASUM demand speedy justice and punishment for accused of such heinous crime. But MASUM firmly stand against death penalty for any crime. Like many other civilized country, death penalty should be abolished in India.

After the death penalty of Dhananjay, it becomes evident that capital punishment does not serve as an effective deterrent against crime.