

Monthly Report

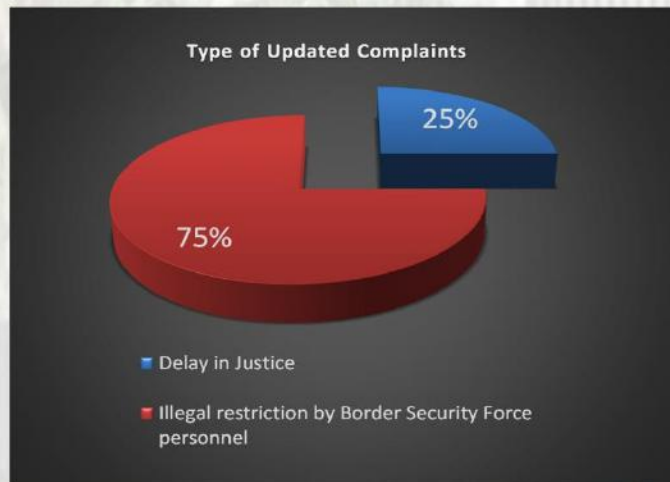
February 2020



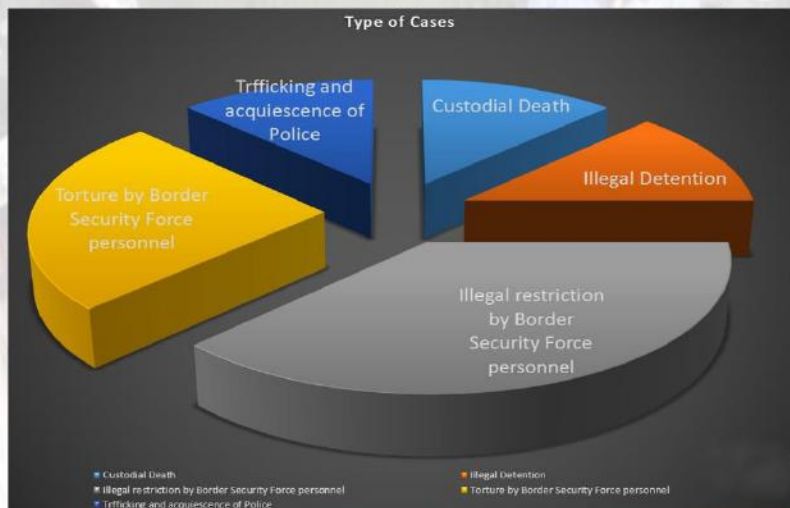
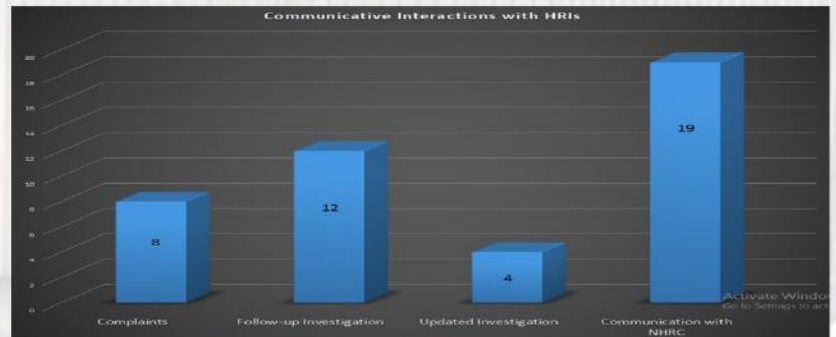
Miles to go...

**Banglar Manabadhikar
Suraksha Mancha**

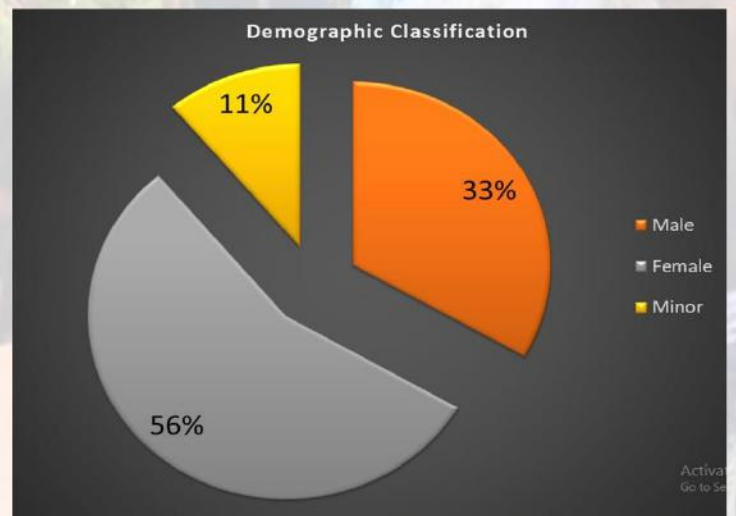
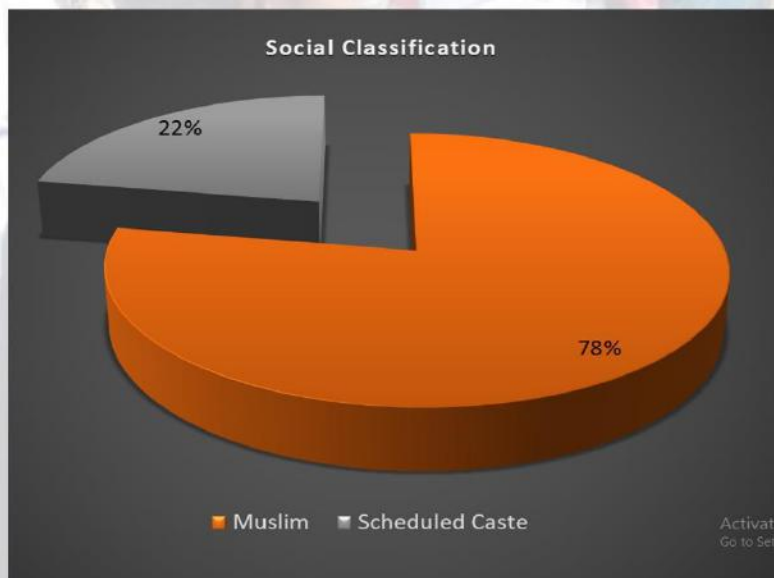




Banglar Manabdhikar Surakksha Mancha (MASUM) made 8 complaints of gross human rights violation before the relevant state authorities and different human rights institutions; especially the National Human Rights Commission during the month of February 2020. During this period we provided our feedback on the directions issued by the NHRC in 12 cases and made follow-up complaints regarding 4 cases formerly lodged. The four follow-ups made this month were on delay in justice and BSF restriction. During this month, MASUM received directions from the NHRC in 19 cases.



Out of the eight complaints, three are on Illegal restriction by BSF personnel, two on Torture by Border Security Force personnel and one each on illegal detention, trafficking and Police acquiescence and custodial death.



In the complaint regarding marginalisation of bordering populace, the victimization was collective and does not reflect in demographic and social classification of victims. Total numbers of victims in individual complaints were 9; among them 7 belong from the minority Muslim community and 2 from Scheduled Caste (Dalit) community. Among the victims 3 were males, 5 females and 1 were minors.



1. After our constant efforts, the B.D.O , S.D.O, P.W.D, BL & LRO and the Irrigation department of Tufanganj held a meeting last December, 2019 where the hurdles and lack of basic amenities of the Uttar Bashjani erstwhile enclave were taken into consideration and discussed at length. The B.D.O took immediate action and provided the erstwhile enclave dwellers with ration cards and job cards along with voter cards available from the BDO's office. On 4th February 2020, the B.D.O, BL & LRO , P.W.D, Labour department, the W.D of Self help groups at the block level had visited the mentioned erstwhile enclave to inquire about the lack of basic amenities and promised to take immediate action to provide them with adequate facilities to improve their living conditions.

2. After our continuous complaints, construction of roads have begun in the erstwhile enclave, Paschim Bakalir Chara, Cooch Behar. The B.DO of Sahebganj took quick action to monitor the work within 7 days. The enclave dwellers are put to work as a part of their 100 days work

scheme providing employment opportunities as well. The S.D.O of Dinhata is monitoring and facilitating the work.

3. Badiyar Mia, a victim of MASUM, lost his right hand in the arbitrary firing by a BSF official. NHRC registered the case vide case no.1356/25/6/2014-PF. Finally, after 6 year, on 10th February, 2020, NHRC recommended a compensation of Rs. 1,00,000 to the victim Badiyar Mia for his irreparable loss. The DGP, West Bengal is also directed to take appropriate action against the police officer who failed to register an FIR on the complaint of the victim and submit the report within six weeks.

4. The members of Citizen Speak India, Mrs. Bolan Gangopadhyay, social activist, Mrs. Sohag Sen, Theatre actress and director and Ms.Suchishmita Dasgupta, Fashion Designer had visited the borders of Shatgram Manabari and Shalbari Mahishmuri villages and Kokoabari and Nalgram enclaves of Cooch Behar during their stay from 19th to 21st February, 2020. They were concerned about the utter penury faced by the people and further promised us to create awareness about these people and take positive initiatives to help them be self sufficient and bring better opportunities at their doorstep.

Achievements and Challenges: A brief overview



1. 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 . The BSF in Cooch Behar recently restricted a renowned activist and a Human Rights Defender Mr. Kirity Roy from moving on the CPWD road of Khitaper Kuthi village, Cooch Behar and demanded their Identity proof to traverse within the Indian territory. This is a firsthand example of how the villagers are constantly restricted from moving or living their lives with full liberty.

2. NHRC seems to be wearing blinders as the reports issued by the BSF and Police officials are relied on and cases are being closed on the mere basis of their reports. About 9 such has been closed this month In many instances it has been seen that the stories are fabricated and are not full proof yet the Commission doesn't put sufficient pressure on these bodies to reveal the truth.

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





Obituary

Renowned scientist and retired teacher from Jadavpur University Mr. Sujoy Basu breathed his last on 22nd February 2020 at his residence. He was the pioneer of research in solar energy in India. He was also an active member against the Anti nuclear power movement. We are deeply saddened by this loss and extend our heartfelt condolences to his family.



Delhi witnesses a 'reign of terror'

The massive violence that has broken out in North East Delhi since 23 February 2020 has been portrayed by national media as a clash between pro-CAA and anti-CAA protestors. However, the events that led up to the violence, the victims of the violence and the events that followed, make it abundantly clear that the violent clashes of Delhi are in actuality a state-sponsored anti-Muslim pogrom. In the late afternoon of 23 February 2020, BJP Leader Kapil Mishra gave a provocative speech in the Jaffrabad area of North East Delhi,



demanding that the road blockade by anti-CAA protestors should be immediately cleared by the Delhi Police or else he would do so by using force. Within hours of Mishra's speech, riots broke out in Jaffrabad with crowds pelting stones at each other. Soon, the violence spread to other areas such as Seelampur, Baburpur, Maujpur and Shivpuri. Muslim houses in these areas were marked with saffron flags to be identified easily by Hindu extremist mobs. Houses were burnt to the ground, shops looted, businesses destroyed, mosques demolished and ornamented with hanuman flags. 49 people have been reported dead so far and more than 200 are gravely injured. Several reports, videos and testimonies reveal that the Delhi Police was a silent onlooker to the rampage of hate, intervening only to aid the Hindu mobs.

The Police in Delhi, unlike other states, is under the direct command of the Central government. The Home Minister has responded to the riots by evading all responsibility for the genocide and blaming opposition parties for inciting violence instead. No official statements have been released by the Centre to express solidarity with the victims. On the other hand, the state has been quick to transfer Justice S. Muralidhar from the Delhi High Court after he called for a midnight hearing on the situation and reprimanded the Delhi police for not immediately registering FIRs against Kapil Mishra and others for hate speech and inciting violence. Subsequently, the bench succeeding Justice Muralidhar has given the police 4 weeks to file FIRs. All these events are evidence of the fact that the BJP government and the Delhi Police are culpable in actively aiding the violence against Muslim citizens. Those in power have installed a state machinery fuelled by hate and despotism and have little regard for the values of the Constitution, judiciary and the criminal justice system.

Here Are the Names of People Killed in the Delhi Riots. Most have died due to gunshot injuries, but some have also been beaten to death. [Link: The Wire](#)



Houses Burnt, women beaten up : BSF vandalize Char Parashpur

On 2 February 2020, the residents of Char Parashpur village in Murshidabad were tortured, assaulted and harassed by the Border Security Forces (BSF) of Farajipara Camp, Battalion no. 141. The residents of this village are predominantly cattle herders. The cattle in their possessions are duly registered under the local Panchayat and the Police Station. In spite of this, 15-16 BSF personnel raided the house of a woman named Maleka Bewa around 8:30 am. They forcibly tried to seize the three buffaloes that she legally possesses and shoved them inside trucks. When Maleka Bewa tried to protest,



she was severely beaten by the BSF personnel who were all men. Another woman, Kulsom Bibi intervened in this violence but was also attacked—her clothes were torn off and she was physically and verbally abused.

The situation soon escalated to the point where the perpetrators set fire to Bewa's cowshed and many other villagers who came to her aid were ruthlessly beaten by them. The violence continued till 12 pm when the BSF left the scene, without extending any medical assistance to the victims. The Jalangi Police Station refused to register an immediate complaint against the BSF and it was registered only at 5 pm on the day of the incident. In several such incidents, it has been observed that the police lends support to the violations committed by the BSF by refusing to lodge complaints, shrouding evidence and lodging false complaints against the victims. Even in this case, Maleka Bewa's

Nuhur Mondal was threatened by the BSF to withdraw the complaint against them or else he would be implicated in false criminal charges. When the members of the local Gram Panchayat confronted the BSF regarding the incident, the Deputy Commander of the BSF Farajipara Camp offered to compensate for the destruction caused to Maleka Bewa's property. This is clear evidence that the BSF personnel are responsible for the torture, destruction of property, vandalism and the physical and mental harassment suffered by the villagers of Char Parashpur.



Narratives Unheard

"The BSF officers tried to take our cattle forcibly but we resisted. We had all the relevant papers for those cattle, yet the BSF tried to confiscate them. When resisted, they slapped Maleka. I tried to stop them from hitting Maleka and then they started beating me up. There were no lady BSF personnel in the force. After hitting me in my waist the BSF personnel also tore my saree and blouse."



Kulsom Bibi, Victim, Char Parashpur, Murshidabad

Our Activities

03.02.2020 – Amra Simantabasi committee organized one village level meeting with the villagers of Kalmati with the intention of making village level committee of that particular village.

07.02.2020 – Amra Simantabasi district committee organized one sitting with the villagers of Dhadiyal Krishnapur for observing their problems to live at the Indo- Bangladesh bordering area.

08.02.2020- MASUM organized one meeting with the women of Opar Krishnapur village with the intention to form one women group.

13.02.2020- Amra Chitmolobasi arranged 4 sittings with erstwhile enclave dwellers at Nolgram- Falnapur, Kokeyabari- Bhandardaha, Jagatber and Jot Nirjam respectively.

19.02.2020- Two Panchayet level meetings were organized by Amra Simantabasi at Balarampur and Deocharai Gram Panchayet respectively.

20.02.2020- MASUM organized two sittings with Quack doctors and ASHA , ICDS and Anganwari workers respectively. This meeting was held at Sukarurkuthi Gram Panchayet.

21.02.2020- Amra Simantabasi and Amra Chitmolbasai organized one press meet at Yuvraj hotel, Cooch Behar where Veteran Human Rights activist Ms. Bolan Ganguly, Theater artist Ms. Sohag Sen and Activist Ms. Suchismita Dasgupta narrated their experience about field visits at bordering villages and erstwhile enclaves.

23.02.2020- Amra Chitmolholbasi arranged two meetings with erstwhile enclave dwellers of Chit Tilai and Uttar Bansjani respectively.

04.02.2020 – One village level meeting was organized by Amra simantabasi Committee at the village Borderpara 51 on the issue of torture, extra judicial killing and livelihood restrictions by Border Security Force personnel posted there.

05.02.2020 - One village level meeting was organized by Amra simantabasi Committee at the village Shalbona on the issue of torture, extra judicial killing and hood restrictions by Border Security Force personnel posted there.

07.02.2020 - One village level meeting was organized by Amra simantabasi Committee village Parashpur on the issue of torture, extra judicial killing and livelihood of Security Force personnel posted there.

ical camp was organized for tortured victims of Murshidabad. On that day total 37 treatment from Dr. Sushobhan Saha.

age level meeting was organized by Amra simantabasi Committee at the village Char of torture, extra judicial killing and livelihood restrictions by Border Security Force.

Large level meeting was organized by Amra simantabasi Committee at the village level of torture, extra judicial killing and livelihood restrictions by Border Security Force.

age level meeting was held at Swarupdaha F P School with the women groups. The main objective of this meeting is to form one women group for fighting for their rights. A street corner meeting was held at Swarupdaha Bajar. This meeting was organized by the "Mrs Simantabasi" committee.

meetings were held at Gaighata Block on this day. Out of these 2 organized by "Amra Simantabasi" committee with the local PRI. 10 meetings were held at Ramnagar and Jhawdanga Panchayet. The local populace along with the MASUM volunteers placed the issues of the bordering areas.

Meetings were also organized by MASUM to form women groups at bordering Gram Panchayets. Meetings were also held at mentioned Gram Panchayet offices.

mantabasi committee organized one meeting with panchayet members at ram Panchayet.

cal camp was organized for tortured victims residing at North 24 Parganas dis- survivors got treatment from Dr. Anasuyak Roy.

pro bono lawyer in the district of North 24 Pargana - On 21.02.2020 in the court compound meeting was placed with our pro bono lawyer in the said court for discussing about the pending cases in Basirhat Court and future plan of our legal field. Several victims were and we were discussing about how to solve their problems.



Case briefs: February, 2020

Torture by the Border Security Force: Maleka Bibi of Char parashpur village, Murshidabad and Sabina Yasmin of Gobindopur village, North 24 Parganas were victims of brutal and barbaric torture by the Border Security Forces. The perpetrators vandalized properties of these poor marginalized people who remain in constant threat and fear of being implicated in false criminal charges.



Torture and illegal detention: Fajar Sheikh, a poor Muslim migrant labourer was brutally tortured and illegally detained by the BSF. The police failed to take into account the visible injuries of the victim. Even the medical practitioner did not list the cause of injuries in his report in spite of the victim's insistence. This case reflects a collapse of the criminal justice system and the entrenched impunity that shrouds the perpetrators of violence from any accountability.

BSF Restriction: Villagers of 94 Fulkadabri, Mahishmuri and Kalmati at the borders are home to poverty-stricken people who are constantly suffering due to restrictions on their livelihood by the Border Security Forces. These restrictions regularly impede their economic growth and deprive them of any basic amenities and welfare schemes.

Trafficking and abduction: Soma Sarkar (name changed), a 16-year-old girl belonging to the Scheduled Caste community, was abducted and trafficked from Hakimpur village, North 24 Parganas, by a local of the same village. Even after repeated complaints, no initiative was taken by the police to rescue the minor and instead, her family was verbally abused and harassed.



Custodial Death: Ram Prasad Barai, is a resident of Cooch Behar who was a victim of custodial death due to gruesome torture inflicted on him. The case hints at gross manipulation of facts that further point towards the culpability of the police in his death.



Legal Activities: February, 2020

Supreme Court of India

Writ petition (Criminal) number 141 of 2015 was filed before the Supreme Court of India about the alleged killing of a Bangladeshi minor girl Felani Khatun by Border Security Force. The case was filed against the respondents namely Union of India, State of West Bengal, Border Security Force and the Central Bureau of Investigation and appealed for the constitution of a SIT/CBI team consisting of officers from outside the State of West Bengal to take over the investigation, to prosecute the offenders in accordance with the law and for awarding compensation. On 02.01.2019 the matter was adjourned before the Bench of Chief Justice of India and Justice Sanjay Kishan Kaul at the stage of admission of the said criminal case. On 14.02.2020 the petition 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.



Another Writ petition (civil) 218 of 2012 was filed before the Supreme Court 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. This case is still pending at the stage of final hearing.

Calcutta High Court



A new case – Reba Bewa vs. State of West Bengal & others (Criminal Revision number 783 of 2020) was filed before the Calcutta High Court. The petitioner's husband, Rajib Molla was a victim of custodial death due to torture by the police officials of Raninagar Police Station. Wife of the victim submitted a petition for investigation of the case before the Judicial Magistrate, Lalbag, Murshidabad. On 06.06.2018 the Judicial Magistrate, Lalbag, Murshidabad dismissed the case as during the investigation it was found that the victim committed suicide in the jail. We provide the legal support to the family of the victim by filing a Criminal Revision petition challenging the decision of the Judicial Magistrate, Lalbag, Murshidabad before the High Court at Calcutta.

In the case of Panchanan Mondal vs. State of West Bengal & others (Writ Petition number 1758(w)/2020) was listed up on 28.02.2020 before the Bench of Justice Sabyasachi Bhattacharya in the High Court at Calcutta, but no hearing was conducted on that date. In January, with the help of MASUM, the applicant filed a writ petition before the High Court at Calcutta against the order of Criminal Injuries Compensation Board where his prayer for compensation for death of his two sons by BSF firing was rejected.

District Courts

Murshidabad

In this month we provide legal support in 12 prosecution cases among which 1 case was dismissed as the informant was not presented before the Court after serving several notices; we also supported 15 victims in the court of law where false case against them was started. It is noticed that in some cases the court is delaying to pronounce orders, even in cases where proceedings have been completed and again in some cases the next date was fixed after one year. This is leading to a long delay in the deliverance of justice and causing our victims to suffer from mental and economical strain.



North 24 Parganas

Achievement: In the case of State (Sarifun Sana) vs. Rowsanara Bibi & others, (GR 987/2015), a case of trafficking, Magistrate issued warrant against absconding accused persons.

In this month we provide legal support in 07 prosecution cases and 02 defense cases. In few cases in North 24 Pargana, proceedings could not take place due to the absence of Public Prosecutor. The Magistrate directed the District Public Prosecutor to appoint public prosecutors in those cases but no appointment has been done so far. This contributes to a prolonged delay in justice and points to the systematic failure of the Criminal Justice System in the country.

Activities at a glance



Meeting With Panchayet Members In North 24 Pargana District.



Meeting With Panchayet Members In North 24 Pargana District.



Medical camp at Islampur for torture victims of Murshidabad District



Medical camp at Swarupnagar for torture victims of North 24 Pargana District



A Meeting with the members of "Pramila Bahini" at Swarupdah School North 24 Pargana



Visit at Kokoabari Enclave in Coochbehar