

Monthly Report

February 2022



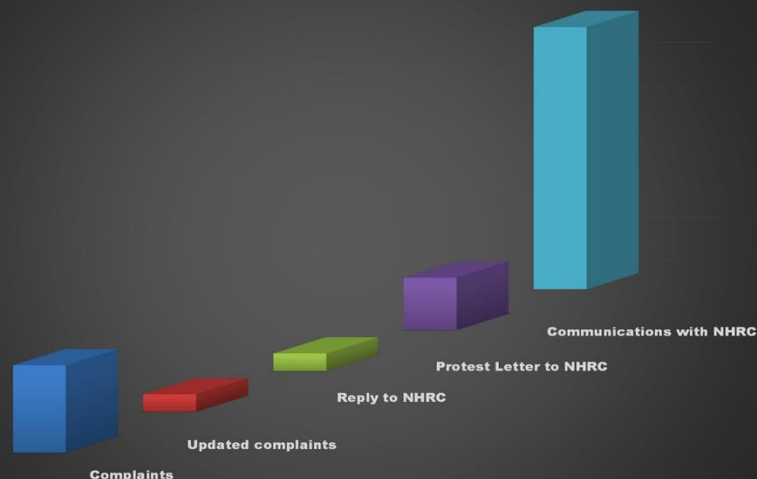
Miles to go...

**Banglar Manabadhikar
Suraksha Mancha**



Banglar Manabadhikar Suraksha Mancha (MASUM) made 10 fresh complaints of gross human rights violation before the relevant state authorities and different human rights institutions; especially the National Human Rights Commission during the month of February 2022. In cases, where our victims from previously lodged cases were threatened or intimidated, we have lodged 2 updated complaints. We have sent 2 replies in cases where the NHRC have asked for our comments. We have sent 6 protest letters to the authorities, where they have closed a case or sent overdated summons to our victims. During this month we have received 30 directions from the NHRC in various ongoing investigations.

Communicative Interactions with HRIs

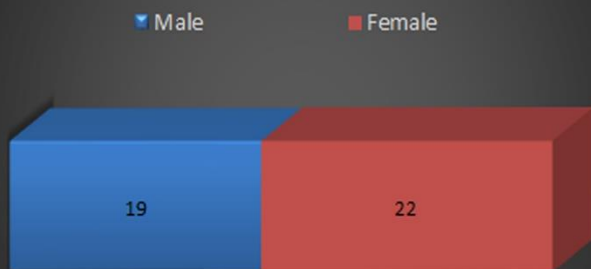


Type of Cases

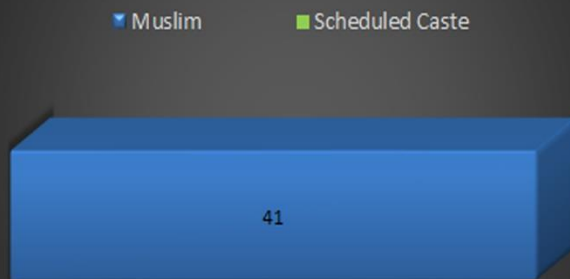


Out of the ten complaints, four are on torture by Border Security Force personnel and four others on illegal detention of Bangladeshi women and children. One complaint was made on custodial death and another on illegal restriction by the BSF. Through these complaints we addressed the issues of 41 individual victims; all of them belonging from minority Muslim community. Among the victims 19 were males and 22 were females. Among these victims 7 were minors. In cases of restriction by the BSF, the victimization was collective and didn't reflect on the charts below.

Demographic Classification



Social Classification



Our Activities

North 24 Parganas district

Meetings with Panchayat Raj Institutions (PRIs)

MASUM organized 2 meetings with the PRI members of the Gram Panchayat at the border areas in North 24 Parganas. The meetings were conducted in Sayestanagar Gram Panchayat and Itinda-Panitor Gram Panchayat in North 24 Parganas. In the aforesaid meetings, we talked about the roles and responsibilities of the Local Panchayat. We also highlighted the issue of BSF's restriction upon the life and livelihood of the innocent villagers, including women and children. The Panchayat Prodhan, of the said Panchayats have promised to take up these issues to BDO or SDO level authorities for resolution. They also welcomed us to form a village level committee, named "Amra Simanta Basi Committee" in the jurisdiction of the above-mentioned Panchayats.



Mr. Kirit Roy, secretary of MASUM had a meeting with Dr Saptarshi Banerjee, MLA of Basirhat (South) constituency regarding the concerns of the bordering populace. He listened to the issues and assured to support our agenda. He also assured to help us conducting an eye checkup camp for the victims of torture.

Malda district

Village level meetings



In Malda district, a total of 4 village level meetings were conducted in four villages under Kaliachak - III block. On 1.02.22 a meeting was conducted in Subedartola village with the villagers regarding their issues. On 2.02.22, two meetings were conducted, in Sashanitola and Ghostotla villages respectively on their issues and on 3.02.22 a meeting was organised in Kayamattola village under Kaliachak - III block of Malda district. These villages are situated adjacent to the Indo Bangladesh border. The main purpose of the meeting was to understand the present situation in the area. The villagers narrated their harsh experiences. They

also talked about the illegitimate restrictions imposed by the BSF personnel upon the life and livelihood of the innocent villagers. Due to this, the villagers are facing huge financial losses and their economical conditions are deteriorating.

Cooch Behar district

Village level meetings

In this month four village level meetings were held in Coochbehar district. On 09.02.22 two different village level meetings were held in Satgram Manabari village and Nalongibari village. On 10.02.2022 two meetings were held in Ashokbari village and Chongerkhata village. All these villages are situated under Mathabanga 1 block near the Indo-Bangladesh border.

On 01.02.2022 Amra Simanta Basi along with MASUM organized a village level meeting at Gobindapur village, North 24 Parganas. Villagers of the said village narrated the issues of illegitimate restriction upon the life and livelihood of the villagers by the border security force personnel. It creates a negative impact on the financial condition of the villagers. The villagers and the volunteers of MASUM planned the next course of actions for resolving the issues.



Medical Camps - In the month of February 2022 MASUM organized two camps for medical and psychological treatment of the torture survivors and their family members. These camps were organized with the help of United Nations Voluntary Fund for Victim of Torture (UNVFVT). On 21st February one such camp was held at the Baba Dharma medical hall, situated under Dinhata police station in Cooch Behar district, where 62 beneficiaries availed medical and psychological treatments under the Supervision of Dr. Saokat Ali and psychological councilor Mr. Mohit Ranadip.



Another camp was held at Nur Medical Hall, situated under Swarupnagar Police Station of North 24 Parganas district on 16th February. Total 42 tortured victims were treated under the supervision of Dr. Anusuk Roy. At the end of these camps prescribed medicines were also provided to the victims.

Case Briefs: February 2022

• **Torture by BSF personnel:** Torture by BSF: Mr. Faruk Sardar works as an agricultural labourer; however at a certain point he also worked as a migrant labourer due to which he had to visit Mr. Samsel Sardar's house at Arshikari village. Mr Samsel had links with foreign countries and also had a passport. While the victim was on his way, returning from Mr. Samsel's house, he was apprehended by 4-5 BSF personnel, attached with Border Out Post 'E' company, 112 Battalion. In the village path, near the house of Mr. Khagen Saha, the victim was stopped by Branch 'G' officer along with 3 other constables, who came in 2 motorcycles. After an initial round of questioning, the BSF



personnel started abusing the victim and beating him up with bamboo sticks, as he received injury in his head, back and leg. He was brutally tortured for around 45 minutes.

In another instance, Mrs. Mohitan bibi, who works in the tobacco field across the border fencing, had been harassed and brutally tortured by the BSF constable on duty who asked her about a goat grazing in the field. When she could not satisfy the constable with her answer, she was not only verbally abused but also beaten up with sticks until she lost her consciousness, after which the BSF fled from the place. Her complaint to the police against the BSF was not acknowledged.

In another instance, Mr. Rustam Ali Dafadar and his associates were on their way back home after treating cattle. During the same time, two BSF on duty constables associated with 14 number Border Out Post under Bithari BSF camp restricted them on Gandhi Road. In spite of Mr. Rustam explaining that they were government workers and showing them his identity card, the BSF personnel started beating them with sticks and illegally apprehended them. They were tied with iron chain for more than 30 minutes and also threatened. In spite of the complaint lodged to the police, no action has yet been taken.



In another instance, Mr. Sirajul Mian's house had been invaded by 5-6 BSF associated with Gachtala Border Out Post. At first, they shouted slur words from outside his house. Thereafter, his house was vandalised from outside. During this time, Sirajul's minor daughter ventured outside and asked them the reason for this vandalism. On this the perpetrator became furious and one of them pointed his rifle at the minor girl's chest and threatened to kill her. At that time the other villagers came out from their residence hearing the noise.



On seeing this, the villagers came forward to rescue the minor girl. Fearing the villagers' involvement, the BSF then fled from the place. However, in spite of the victim lodging a complaint to a member of the Panchayat, no action had been taken and even the BSF thereafter threatened to frame him under false Narcotics charges. The victim thereafter had been restricted while he was on his way, his phone was snatched and the BSF tried to insert a Bangladeshi sim on his phone. When the victim shouted and villagers gathered, the BSF left after threatening him again. The victim's fellow villagers had been prevented from entering the field and coerced into signing a document which mentioned that Mr. Sirajul was associated with smuggling activities and had connections with cross-border smuggling business.

• **Illegal detention of Bangladeshi women and children:** Banglar Manabadhikar Suraksha Mancha (MASUM) addressed and documented the incident of illegal detention of 15 Bangladeshi women and one minor child. All these victims are coming from poor and vulnerable communities. They came to India with the help of local touts for better livelihood and life. All these women were arrested by the border security force personnel and charged under 14 Foreigners Act from local police stations. After 14 days, most of them were still detained illegally in jail custody. In cases like these the children who come along with their mothers are being placed separately at shelter homes. MASUM lodged 4 complaints to National Human Rights Commission for immediate repatriation of these Bangladeshi Women and children.

• **Illegal restriction by the BSF personnel:** The villagers of Dhadiyal, under Tufanganj block, District Cooch Behar, have been facing severe restrictions and harassment by the BSF personnel attached with Ghonapara Border Out Post. The PWD roads have been blocked by the BSF personnel for no reason. The personnel also imposed severe restriction on the villagers who have been using the road. They did not even spare the students who had the necessity of travelling by the roads. In spite of the constant requests to the company commander of the BSF, the restrictions had not been uplifted. The villagers even lodged a complaint to the Block Development Officer, who denied taking cognizance of it.



• **Custodial death:** A 27-year old youth, Anis Khan has been allegedly killed by the uniformed police personnel attached with Amta police station in Howrah in connivance with the members of the ruling party. The deceased was



supposed to be actively associated with student politics as his death has created a lot of stir among the civil society of West Bengal. He was also an active social worker and was recognised for his anti-establishment voice. His death has led to a series of protest across the state of West Bengal by different student front, political parties and members of the civil society. However, the state government have not yet initiated a proper investigation on the matter and is still trying to suppress facts and evidence related to his death. MASUM has conducted a central fact-finding on the incident and visited his house on 22.02.22. The team talked with the parents of the deceased and submitted a consolidated report of the incident to the West Bengal Human Rights Commission. A statement on Anis Khan's death was also released on 25.02.22.

Legal Activities Report: February 2022

Activities in High Court at Calcutta

On 05.05.2007 MASUM filed one Public Interest Litigation case before the High Court at Calcutta regarding the death of prisoners in the jail custody due to mismanagement and disorder in the facilities given to the prisoners. On 08.02.2022 after a long time the matter was listed up in the cause list of the Calcutta High Court for hearing before the Division Bench of Chief Justice and Rajarshi Bharadwaj. On that day the counsel for the State appeal for some time to produce the report the same was allowed by the division bench and ordered to list the matter on 04.04.2022.



On 21.02.2022 we mentioned to the registry of the Calcutta High Court to list up our long pending cases and after that on 24.02.2022 one Criminal Revision case of Reba Bewa was listed up in the cause list of the Calcutta High Court. Rajib Molla, husband of Ms. Reba Bewa was killed due to brutal custodial torture by the Raninagar police personnel. Additional Chief Judicial Magistrate, Lalbag court acquitted the perpetrator police personnel from all charges. MASUM supported the legal assistance of the victim's family and therefore one Criminal Revision case was filed before the High Court at Calcutta.

At present in the High Court at Calcutta total nine cases are pending where six cases are Writ (Mandamus) in nature and three Criminal Revision case but not a single Writ (Mandamus) case was listed up in the cause list of the Calcutta High Court in this time.

Sub-divisional Courts



In this month we provided legal support in 08 prosecution cases in the Lalbag court among which three cases are in statement recording stage of the victim and witnesses and two cases are pending for the report submission by the concerned authority and the rest are pending for execution of summon to the perpetrators. In this month MASUM also supported 13 victims in the Lalbag court, Murshidabad where false case against them was started.

In the court of Basirhat we provide legal support in 02 prosecution cases and 04 defense cases.

District Legal Services Authority, North 24 Parganas, Barasat

With the assistance of MASUM, on 23.02.2022, Ms. Lovely Mondal, wife of Mr. Bhim Mondal, victim of custodial death in the Dum Dum Correctional Home filed one application before the District Legal Services Authority, North 24 Pargana, Barasat. The office of the DLSA, North 24 Pargana, Barasat did not acknowledge the petition. From the office she was directed to submit residential certificate from the concerned panchayat, UD case number and the FIR copy along with the application. Next week she will be submitting the detailed documents along with the application before the DLSA, North 24 Pargana, Barasat.

RTI activities

In February 2022, we received three communications from the concerned SPIOs in connection with our RTIs. On 27.12.2021 we lodged five RTIs regarding extra judicial execution matter to the SPIO, Office of the Chief Secretaries in the states of West Bengal, Assam, Tripura, Meghalaya and Mizoram. On 07.02.2022 we received one reply letter from SPIO & Joint Secretary of the Govt. of Mizoram.

On 10.02.2022 we have received one more letter from SPIO Tripura where it was mentioned that they would not provide us any information regarding the same under Section 6(3) of the RTI Act 2005. On 21.02.2022 we have received a letter from SPIO, Office of the Chief Secretary, Govt of Assam where it mentioned that the request has been transferred to the SPIO, Director General of Police, Assam Guwahati.

On 18th February 2022 we have submitted a fresh RTI application to the Central Public Information Officer (CPIO), National Human Rights Commission (NHRC), New Delhi for getting the information regarding the details of the EJK during 2011 to 2020.

Meeting with torture victims

On 03.02.2022 one torture victims' meet was conducted by MASUM in the district of Cooch Behar. Total 36 victims were presented in the said meeting. Mr. Kirty Roy, Secretary, MASUM and Mr. Biswajit Mukherjee, Advocate attended the meeting. There was a face to face conversation between the victims and the members of MASUM regarding the legal development of their pending cases, new case filing in different courts and future course of legal action.

Activities at a glance



Meeting with PRI members of Sayestanagar gram panchayat in Baduria block of North 24 Parganas district



Meeting with villagers of Gobindapur village on border issues in North 24 Parganas district



Meeting with Dr. Saptarshi Banerjee, MLA from Bashirhat (South) on border issues of North 24 Parganas



Meeting with the victims of torture in North 24 Parganas district



Members of MASUM's central fact-finding team talking with the family members of Anis Khan, victim of extra-judicial execution by police



Torture victims being provided psychological counselling in a medical camp of Cooch Behar district