

Monthly Report

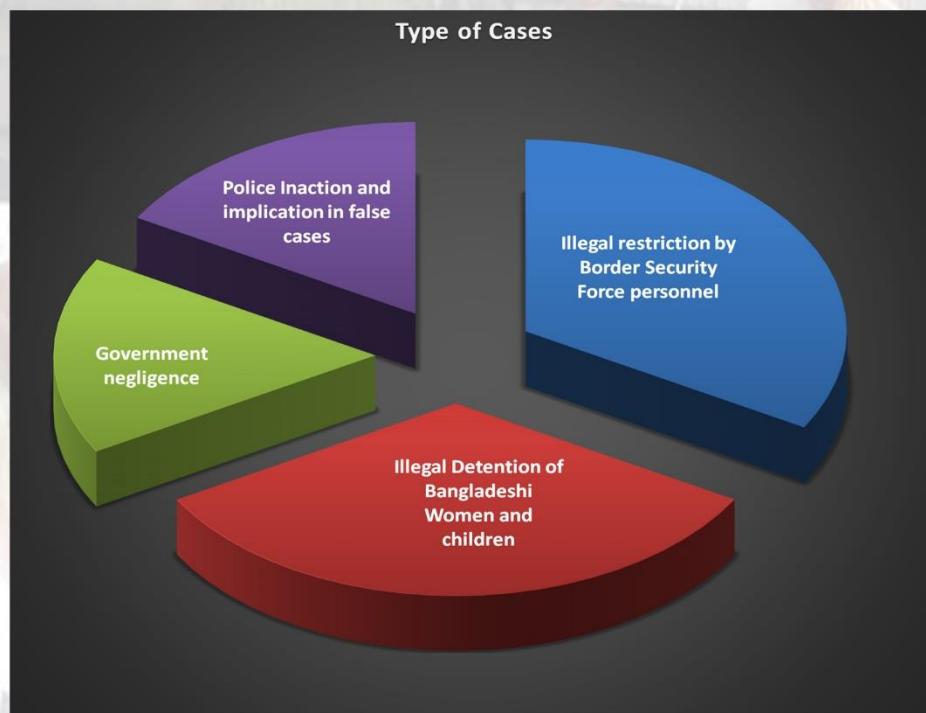
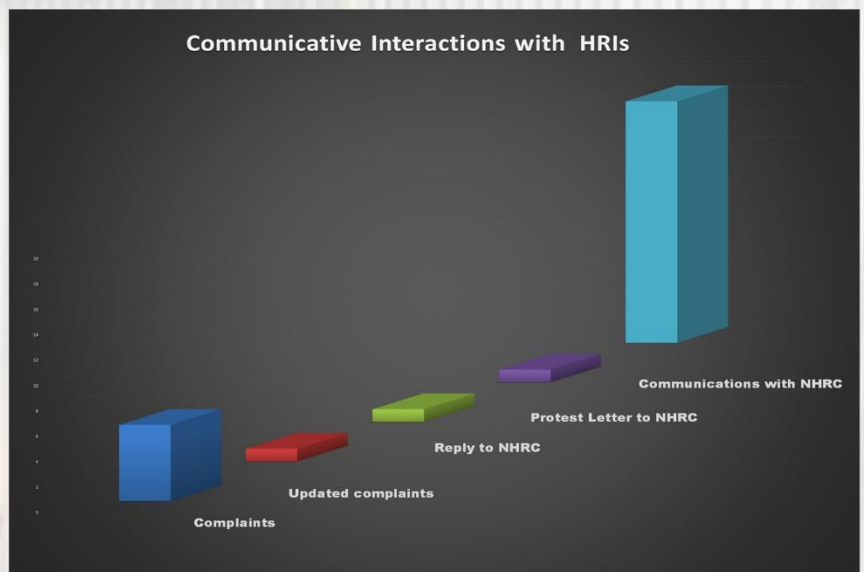
January 2022

Miles to go...

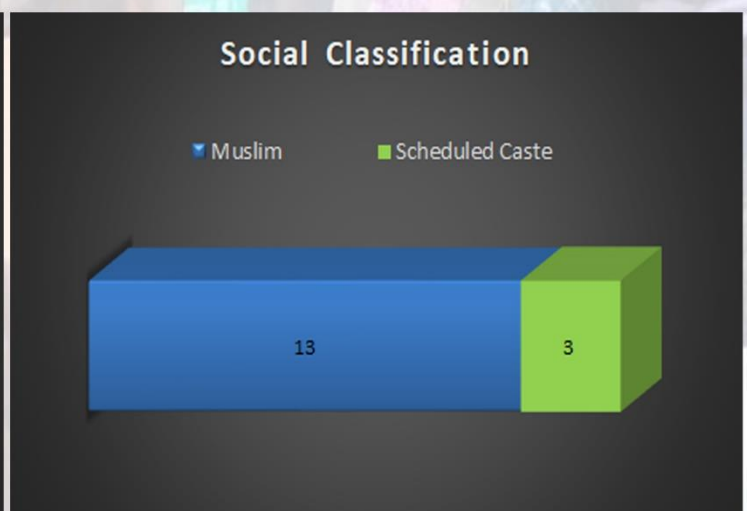
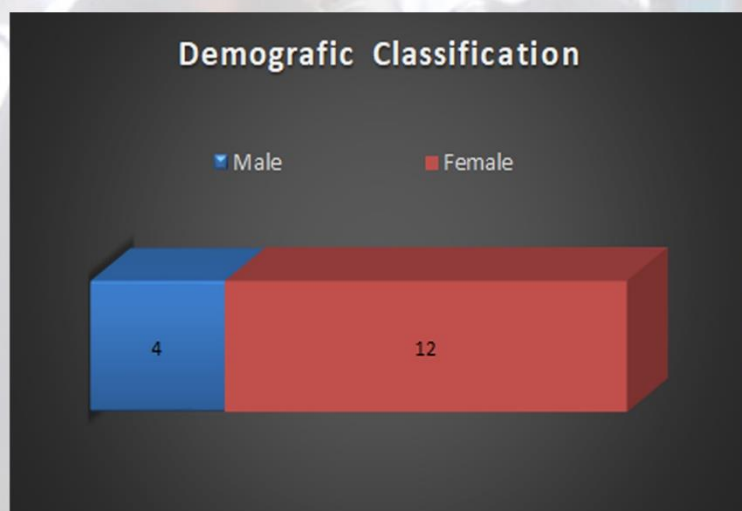
**Banglar Manabadhikar
Suraksha Mancha**



Banglar Manabadhikar Suraksha Mancha (MASUM) made 6 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 January 2022. In cases, where our victims from previously lodged cases were threatened or intimidated, we have lodged 1 updated complaints. We have sent 1 protest letters to the concerned authorities, where they have closed a case or sent overdated summons to our victims. During this month we have received 19 directions from the NHRC in various cases.



Out of the six complaints, two are on illegal detention of Bangladeshi women and children, two are on illegal restriction by the BSF and one each on government negligence and Police Inaction and implication in false cases. Through these complaints we addressed the issues of 16 individual victims; out of them 13 belong from minority Muslim community and 3 from Hindu Scheduled Caste community. Among the victims 4 were males and 12 were females. Among these victims 1 was minor. In cases of restriction by the BSF, the victimization was collective and didn't reflect on the charts below.



Our Activities

North 24 Parganas district

Village level meetings

Total 5 meetings were held by Amra Simantabasi in four different villages situated under Swarupnagar police station. On 5th, 15th, 16th, 17th and 31st January Amra Simantabasi arranged meetings at Ghonarmath, Gobindapur, Doharkanda, Gobra and Garvada villages respectively. Members of MASUM participated in all these meetings and listened to their problems. Their main complaint was against the BSF personnel for imposing whimsical restrictions on their livelihood. Due to their illegal restriction, the farmers are experiencing a huge financial crisis. As per their narration the BSF personnel recently restricted them to cultivate jute and other crops that are more than 3 feet high. At the end of the meetings, they agreed to lodge one written deputation to the respective Block Development Officers.



Meeting with PRIs



During this month, Amra Simantabasi and MASUM jointly organized two discussions with PRI members at Hotathganj and Koimari gram panchayets on 10th and 31st January respectively. In both the meetings the PRI members acknowledged the illogical and unnecessary restrictions imposed by BSF personnel in their areas. They also complained that the BSF personnel are also restricting the PRI members to do their jobs in the border areas. Due to their restrictions most social security schemes are dysfunctional at these areas. At the end of the meeting all of the PRI members agreed to lodge one written complaint to the respective Block Development Officers.

Cooch Behar district

Village level meetings

Total 4 meetings were held by Amra Simantabasi in four different villages situated under Sahebganj and Tufanganj police station of Cooch Behar districts in January. On 17th, 20th and 21st January, Amra Simantabasi arranged meetings at Garvadanga, Durganagar, 107 Kuchlibari, and Krishnapur Ghonapara villages respectively. Members of MASUM participated in all these meetings and listened to their problems. Their main complaint was against the BSF personnel for imposing whimsical restrictions on their livelihood. Due to their illegal restriction, the farmers are experiencing a huge financial crisis. As per their narration the BSF personnel recently restricted them to cultivate jute and other crops that are more than 3 feet high. At the end of the meetings, they agreed to lodge one written deputation to the respective Panchayets and Block Development Officers.



Meeting with PRIs



Amra Simantabasi and MASUM jointly organized six meetings with PRI members at Baro Haldibari, Dewanganj, Par Mekhliganj, Kuchlibari, Bagdogra and Sitalkhuchi gram panchayet on 19th, 20th and 22nd January respectively. In every meeting the PRI members acknowledged the illogical and unnecessary restrictions imposed by BSF personnel upon the life and livelihood of the villagers. They also complained that the BSF personnel also restricted the PRI members to do their job in border areas.

Due to their restrictions most social security schemes are dysfunctional at those areas. At the end of the meeting all of the PRI members agreed to lodge one written complaint to the respective Block Development Officers.

Medical Camps - In the month of January 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 18th January one such camp was held at the Baba Dharma medical hall, situated under Dinhata police station in Cooch Behar district, where 56 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. Total 47 tortured victims were treated under the supervision of Dr. Anusuak Roy. At the end of these camps prescribed medicines were also provided to the victims.

Case Briefs: January 2022

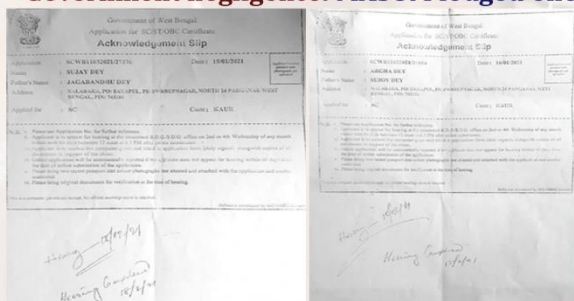
• **Illegal restriction by the BSF personnel:** Masum registered two cases of illegitimate restrictions imposed by the Border Security Force on the livelihood of the villagers living alongside the Indo-Bangladesh border. In an instance, Mr. Rasidul Islam, an Indian citizen residing at the bordering village of 113 Upen Chowki Kuchlibari under Kuchlibari Police Station and Mekhliganj Sub Division in Cooch Behar was restricted to construct his own house by the Border Security Force personnel attached with B.C. Ma Border Out Post 40 Battalion.



In another instance, the BSF personnel attached with Khalpara Border Out Post, Battalion number 15 imposed severe restrictions upon the livelihood of the farmers of Khalpara village under Haldibari Block of Cooch Behar to conduct agricultural activities in their own fields. The villagers are not allowed to enter their fields whenever required and restricted to cultivate profitable crops like paddy, chili, corn, jute, tomato etc. The fencing gates are opened three times in a day for only an hour hampering their agricultural activities and incurring huge losses of about Rs. 8,000 to 10,000/- per bigha of agricultural land.

• **Illegal detention of Bangladeshi women and children:** Banglar Manabadhikar Suraksha Mancha (MASUM) addressed and documented the incident of illegal detention of 8 Bangladeshi women. 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 2 complaints to National Human Rights Commission for immediate repatriation of Bangladeshi Women and children.

• **Government negligence:** MASUM lodged one complaint to the NHRC regarding the continuous refusal of the district administration to issue schedule caste certificates to the bona fide applicants at village Nalabara, located near the Indo- Bangladesh border under Swarupnagar Police Station in North 24 Parganas district. The applicants are from 'KAUR' community and are mentioned in serial number-31 in the official list for Schedule Caste in West Bengal. Mr. Sujoy Dey and his son, Mr. Arghya Dey applied for Scheduled Caste certificates during January, 2021. However, even after 1 year of their application they were not provided with the certificate by the administrative officials. The Swarupnagar block officials were also unable to state the current status of their applications.



• **Police inaction:** MASUM lodged one complaint against the Basirhat police for their alleged inaction on a heinous crime of attempted rape on a marginalized Muslim girl by her neighbors. It was learnt that on 15.09.2021, Ms. Amon Khatun (name changed) was molested by Hassan Mallick and Saiful Mallick inside a banana orchard near her house. They stripped her and attempted to rape her but failed as the victim started screaming. They fled from the spot but continued threatening her and her family with dire consequences. On 22.09.2021 the victim lodged a written complaint to the Superintendent of Police, Basirhat Police District but no action was taken by the concerned police in this respect. On 29.09.2021 one petition was filed before the Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas, which was acknowledged by the Magistrate, who consequently ordered the Swarupnagar Police Station to treat the complaint of the victim as FIR and investigate the case. However, even after the court orders, the Swarupnagar Police registered the complaint of the victim after 19 days against Hassan Mallick and Saiful Mallick. Here the police made several other violations of the law while conducting investigation of the case and also failed to apprehend the perpetrators of the crime, who are still at large and are constantly threatening the victim family.



Obituary



Ranjit Gupta
(26.04.1947 - 22.01.2022)

We are deeply saddened by the unfortunate death of Poet Ranjit Gupta on 22nd January, 2022 at the age of 75. He was a believer of leftist politics since his early days. He was also a social activist and his poems reflected various social issues. He had the ability to hurl robust condemnation against social issues in simple lucid words, which made his poetry the voice of the common people. He will be remembered for his activities on independence of Bengali language. He was closely associated with Poet Biren Chattopadhyay, Poet Samir Roy, litterateur Mihir Acharya and Narayan Chowdhury. He was a regular writer in 'Mati', 'Pratyay' and 'Pratibhash' magazines and was also associated with several other little magazines. His poetical works were published in four different books. MASUM's deepest condolences to his friends, family and loved ones.

Legal Activities Report: January 2022

Activities in High Court at Calcutta

Due to the third wave of Covid-19 in the state of West Bengal, the High Court at Calcutta directed not to conduct physical hearing of any case. Virtual hearings of cases under urgent status were initiated during this time. At present total nine cases are pending in the High Court at Calcutta where six cases are Writ (Mandamus) in nature and three Criminal Revision cases. However, not a single case was listed up in the case register during this month.

In this month we prepared drafts for filing another two writ petitions in the High Court for missing court records from various subordinate court compounds in the district of Murshidabad and Cooch Behar.



Sub-divisional Courts



In January, 2022, we provided legal support in 05 prosecution cases and also supported 13 victims in the Lalbag court, Murshidabad where false cases against them were started.

In the court of Basirhat we provided legal support in 02 prosecution cases and 03 defense cases.

On 25.04.2021 BSF personnel of Jayantipur Border Out Post destroyed the jute crops of Jayantipur villagers by spraying chemical weed killer poison and thereby thrashed the villagers into great financial loss. We supported the villagers to take civil legal action against the perpetrators. On 19.08.2021 our pro bono lawyer of Bangaon court sent one notice to the Director General, BSF under section 80 of the Code of Civil Procedure for instituting suit against the perpetrator BSF personnel. After expiration of two months as no reply was received, we will be moving forward for proper legal action. As there are total ten victimized farmers, they transferred their power for taking any legal action in this case to Mr. Rasidul Mondal, one victimized farmer by executing power of attorney for filing the case before the Civil Judge (Junior division), Bangaon Court.

Cases pending in different courts

In Supreme Court of India two of our cases are still pending at the final hearing stage, namely Felani Khatun case and another case challenging section 46 and 47 of the BSF Act. In the following chart we have provided the number of prosecution and defense cases where we supported the victims in different sub divisional courts in three districts of West Bengal.

District	Prosecution cases	Defense cases
Murshidabad	40	23
North 24 Pargana	14	13
Cooch Behar	03	00

RTI activities

In January 2022, we received two 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 19.01.2022 we received one letter where SPIO & Joint Secretary to the Govt. of Mizoram, Home Department transferred our RTI letter to the Assistant Inspector General of Police & SPIO, Police Headquarters, Mizoram. On 28.01.2022 we received another letter from the Deputy Secretary & SPIO, Department of P & A.R, Government of West Bengal where he transferred our said RTI to the SPIO, Home & Hill affairs Department, Government of West Bengal.

On seeking information regarding the enclave matters the SPIO of District Magistrate, Cooch Behar office 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, Cooch Behar but the same application is still unanswered. Due to this on 25.01.2022 we sent one letter to the State Chief Information Commissioner, West Bengal in connection with this RTI application and appeal for providing the true information.

Protest letter issued by MASUM

MASUM sent a protest letter to the Tamil Nadu Chief Minister Mr. M.K. Stalin condemning the planned attack upon human rights activism in Tamil Nadu by the Union Government



Banglar

Manabadhikar Suraksha Mancha (masum)

40A, Barabagan Lane, Serampore,
Hooghly - 712 203 West Bengal, India

Phone : +91-33-2622-0843/45,
Tele Fax : +91-33-2622-0843
E-mail : masumindia@gmail.com
Web : www.masum.org.in

To,
Mr. M.K. Stalin,
Chief Minister of Tamil Nadu,
Chennai.

13th January, 2022

Respected Chief Minister

Subject: In Solidarity with People's Watch and Centre for Promotion of Social Concerns (CPSC) after the CBI's 10-year delayed FIR - regarding

We, the undersigned are the members of Banglar Manabadhikar Suraksha Mancha, a human rights organisation working in different parts of the country. Since long we have been working in close proximity with Mr. Henry Tiphagne and People's Watch and have undertaken several activities together.

We are writing to you with genuine concerns on the recent targeting of People's Watch (PW) by the Central Bureau of Investigation (CBI). We were shocked to hear about the CBI investigating and conducting search at People's Watch's office on January 8, 2022, following a fresh FIR dated January 6, 2022.

The case in reference here is targeting of People's Watch with the Foreign Contribution Regulation Act (FCRA) since 2012 by the Union Government of India. Between 2012-2014, People's Watch's legal holder, the Centre for Promotion of Social Concerns (CPSC), had its FCRA registration suspended thrice consecutively, with each suspension of 180 days (on 16.07.2012, 18.02.2013 and 16.09.2013). During this period, on two occasions, special inspection teams of the Ministry of Home Affairs (MHA), inspected the accounts. Unsatisfied with these proceedings, and questioning the illegality of three consecutive suspensions, CPSC challenged them before the Delhi High Court in 2014. Eventually the FCRA was restored in the same year where we are informed that even the MHA had directed the bank manager to allow operation of the accounts by CPSC.

As required in the FCRA, CPSC applied for the mandatory renewal of its FCRA in 2016, however, the same was denied citing the following, "On the basis of field agency reports, the competent authority has decided to refuse your application for renewal". However, when this was challenged in the Delhi High Court in 2016 in WP(C)10527/2016, the MHA cited People's Watch's engagement with the United Nations and its human rights mechanisms, to be the reason. This case is still pending. CPSC suffered yet another show cause notice cum suspension order dated 9.12.2016 which was withdrawn on 17.05.2017 after CPSC challenged this suspension order in WP(C)1646/2017. Now, on January 6, 2022, the CBI has registered a fresh FIR, in a matter which as aforesaid has already been contested successfully by the CPSC before the Delhi High Court and having operated its FCRA account for the following two years, until it was not renewed on 29th October 2016.

At the onset, we take this opportunity to state that we stand with People's Watch. People's Watch is an organization of national repute in the domain of civil and political rights. People's Watch, in addition to supporting victims of atrocities by security forces and dominant caste groups, has made significant contributions to the evolving jurisprudence on torture, extra-judicial killings, matters of caste atrocities, criminalization of denotified groups, death penalty and several concerning issues. People's Watch is a pioneer of 'human rights education' in India through its Institute for Human Rights Education (IHRE) in 22 states in India. IHRE's partnership with the Tamil Nadu Government is a model to be replicated in other states. Among several other initiatives, People's Watch's work on the issues of human rights institutions and human rights defenders are unique and inspiring. However, more than any of these, People's Watch has been at the forefront challenging injustices, undeterred by any content or situation, often these actions not going down well with the State.

Along with that People's Watch have made several other contributions to the advancement of human rights in the state of Tamil Nadu and in other states.

We hold high regards for you and the positions you have taken in these extremely concerning times we all are witnessing. Our democracy is challenged today by certain forces having powerful political backing. You have raised these concerns multiple times in the recent years, and we sincerely appreciate and look up to you as one of the leading pillars to resist the attacks against fundamental freedoms in India. CBI's actions against People's Watch are another onslaught on freedom of association and expression. Provisions of laws and processes are misused with malafide intentions to act against dissenting voices.

We urge you to publicly recognise the work undertaken by People's Watch and its relevance to defend democracy and fundamental freedoms in today's context. For the CBI attempting to reinvent a decade old closed matter is nothing short of a political move targeting People's Watch.

We also urge you to review the consent given by Government of Tamil Nadu by the previous regime by an order dated 02.12.2020, which without any reason or rationale, permitted the CBI to investigate this matter. It is important to recall that Sri. Kiran Rijiju, Hon'ble Minister of State in the Ministry of Home Affairs on 8th July 2014, had made a statement stating that CPSC's case was referred by MHA to the ADGP Tamil Nadu in July 2012. With no information on what happened to this investigation, the previous government has through its GO No. 309 of the Home Department dated 2.12.2020 accepted the CBI's proposal to investigate this case. It is therefore that we request an urgent review of this consent. Such actions will strengthen our trust in your efforts to defend democracy from the divisional forces. Human rights defenders like People's Watch/CPSC working from Tamil Nadu with a national outreach need your support at this hour of crisis.

Thanking you.
Yours Sincerely,

Kirity Roy
Secretary, MASUM
Serampore, Hooghly
West Bengal

Activities at a glance



A village level meeting at Gobindapur village of Swarupnagar block in North 24 Parganas district



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



Meeting with the villagers of Kalmati village in Cooch Behar district



Meeting with the PRI members of Sitalkhuchi gram panchayat of Cooch Behar district



Torture victims being provided free medical treatment in a medical camp at Cooch Behar district



Meeting with the PRI members of Baro Haldibari gram panchayat of Cooch Behar district