

Monthly Report

July 2021

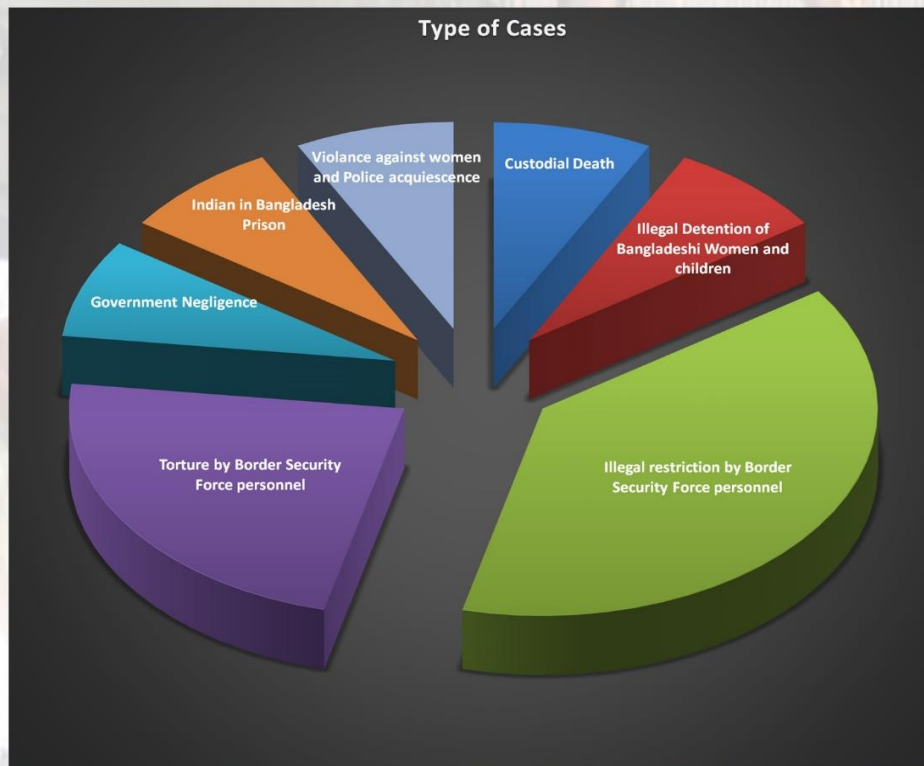
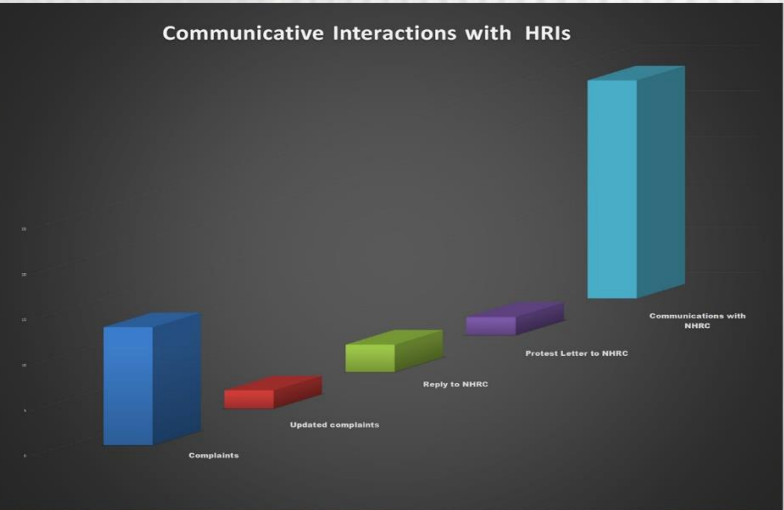


Miles to go...

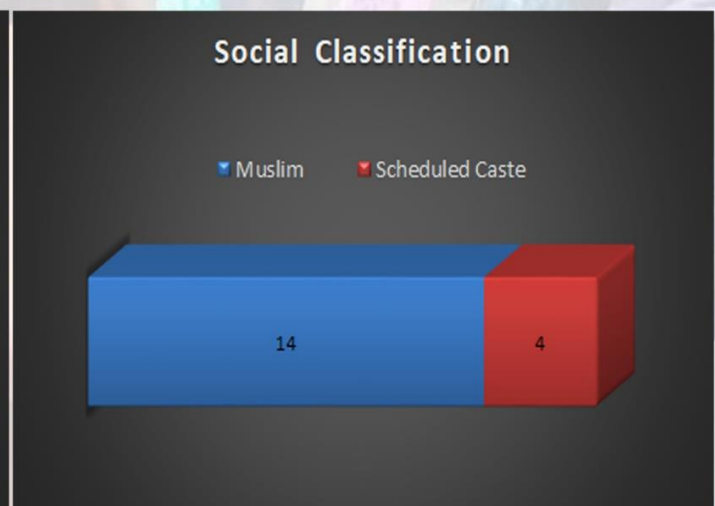
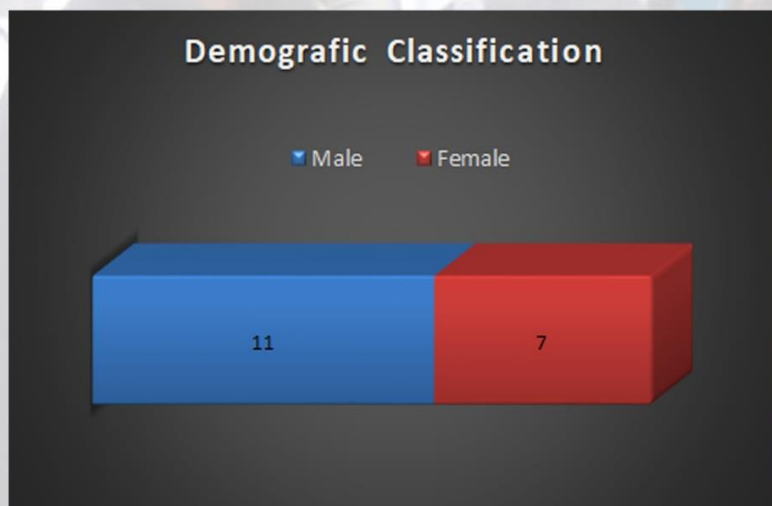
Banglar Manabadhikar
Suraksha Mancha



Banglar Manabadhikar Suraksha Mancha (MASUM) made 13 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 July 2021. In cases, where our victims from previously lodged cases were threatened or intimidated, we have lodged 2 updated complaints. We made 3 replies in cases where the NHRC asked our comments. We have sent 2 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 24 directions from the NHRC in various cases.



Out of the thirteen complaints, five are on illegal restriction by BSF personnel, three on torture by BSF personnel and one each on illegal detention of Bangladeshi women and children, custodial death, government negligence, Violence against women and Police acquiescence and Indian national illegally detained in Bangladeshi prison (*Jankhalash*). Through these complaints we addressed the issues of 18 individual victims; out of them 14 belonged from the minority Muslim community and 4 from Hindu Scheduled Caste community. Among the victims 11 were males and 7 were females.



Our Activities

During the lockdown, the field activity of Banglar Manbadhikar Suraksha Mancha was hampered very much. The state Government did not allow to arrange any meetings or mass deputation so in parallel the activities of "Amra Simantabasi" and "Amra Chitmoholbasi" were also minimized. From last couple of months MASUM was observing this. So in this month MASUM tried to functional the village level committees which are already working in different border nearing villages at different districts. This month MASUM with the help of AMRA Simantabasi arranged meetings in three districts namely Cooch Behar, North 24 Parganas and Murshidabad. The details of activities are here in.

Cooch Behar



During this month Amra Simantabasi arranged a number of sitting with villagers in different border nearing villages situated under Tufanganj, Sitalkuchi and Mekhliganj block in Cooch Behar district.

Total 5 meetings were held at the border nearing villages namely Dhadiyal-1, Dhadiyal-2, Shihyalpara, Jhaukuthi South and Jhaukuthi North on 28th-30th July 2021. All these villages are situated under Tufanganj block. 2 meetings were held at 128 Bhotbari and Rajarbari on 28th and 29th July respectively. These two villages

are situated under Sitalkuchi block. One meeting was held at 202 Khasbos Darikamari village on 3rd July which is situated under Mekhliganj block. Amra Simantabasi (We, the bordering populace) arranged all these meetings where representatives of MASUM were also present. In all these meetings they discussed about increasing rate of torture and livelihood restrictions imposed by Border Security Force personnel posted at respective villages. At the end of the meetings they planned about the future course of action to battle with the issues. Besides that, on 17th July representatives of MASUM sit with the committee members from Amra chitmoholbasi and Amra Simantabasi in Cooch Behar. From that meeting the next course of action was decided.



North 24 Parganas



On 13th July 2021 Amra Simantabasi committee at North 24 Parganas arranged one village level meeting at Gholar math. At that meeting they discussed about the increasing rate of cross border smuggling, Human Trafficking and inhuman torture committed by Border Security Force personnel. At the end of the meeting they discussed about the future course of action of their movement for their rights.

Murshidabad

From 28th to 30th July representatives of MASUM organized various programmes at Murshidabad. On 28th July representatives of MASUM sit with the committee members of district committee of Amra Simantabasi. They discussed about the current situation of border nearing villages. They also chalked out some action plan to deal with this situation. On 29th and 30th July representatives of MASUM sit with Superintendent of Police and District Magistrate of Murshidabad respectively. They discussed about the helpless situation of the villagers lives in border nearing villages. Both the district administrators promised to look after the issues.



Medical camp- During July, 2021 MASUM organised a medical camp for the tortured victims with the help of United Nations Volunteers Fund for Victims of Torture (UNVFVT) at Shibshankar Medical Hall of Dinhata in Cooch Behar district on 24th July. The camp was conducted under the supervision of Dr. Champak Banerjee. Total 36 tortured victims had their monthly check up with medicines provided by MASUM. Despite extreme difficulty, we are trying to continue the medical camp within the Covid protocols in place.

Case Briefs, July 2021

• **Torture by Border Security Force:** In this month MASUM documented 3 incidents of torture by Border Security Force personnel. Whereas out of three victims, two victims are belongs to Muslim community and one victim from Scheduled caste community. Mr. Ainal Haque, aged about 65 years was severely beaten up by two Border Security Force jawans attached with Sachinandan Border Out Post, 'A' Company, 129 Battalion as he did not follow the unethical order of the BSF jawans to cut the ropes with which cows were barred in the field of Bangladesh side. After this inhuman torture perpetrated by the BSF jawans upon the innocent victim, he was falsely implicated by the BSF and with the nexus of the police registered one case against him. Mr. Dil Ajmal's sister was admitted at Joylaxmi Nursing Home for delivery of her new born baby. When Mr. Dil Ajmal Seikh and his mother was going to said Nursing Home to discharge his sister and her new born baby, then in the middle of their journey two women BSF constables asked to show their identity cards. Despite showing their identity cards those BSF constables falsely implicated his mother as Bangladeshi woman. Mr. Dil Ajmal protested against that insult. Then those BSF personnel started to beat Mr. Dil Ajmal Seikh heavily with bamboo sticks. First, they forcefully naked him and tortured him indiscriminately. The victim was admitted to the Dinhaba Hospital for two days. When the victim went to the Sahebganj Police Station to lodge complaint, the duty officer Mr. S.K. Mondal called the Company Commandant of Sahebganj Border Out Post at that time and after that he refused to receive the complaint of the victim and the said duty officer did not return the original and Xerox copy of the written complaint of the victim. Mr. Dipak Ator, the victim was severely injured and taken to the Tufanganj Sub-Divisional Hospital. But when the hospital authorities were informed that this was a case of torture by the BSF, they refused to provide proper documentation to the victim. Neither did they mention anything regarding the cause of ailment of the victim in the injury report. The victim lodged a complaint to the Tufanganj police station about the incident of torture on 05.07.21. However, the complaint was not even registered by the Tufanganj police and no action was taken as well.



[Dil Ajmal Seikh](#)

[Dipak Ator](#)

• **Government Negligence:** Mr. Sapiyar Rehman, one old aged person was continuously threatened to implicate him in false cases by BSF if he and his family would not leave their house. The Border Security Force personnel attached with Doradabri Border Out Post, 140 Battalion did this illegal action for construction border fences and CPWD road. Mr. Sapiar Rahaman's ancestors have been peacefully living in the under mentioned land schedule for a long time (about 70 years). Now Mr. Rahaman is inheriting the landed property and occupying it. He is now 65 years old, aged person and his family consisting of six sons and six daughter-in-laws and their children. His house is located next to gate number 6 under Doradabri Border Out Post. There was no fencing up to a distance of 500 meters from his house. Dag number 593 is consisting of five houses, five coconut trees and one beetle nut garden which is possessed and owned by Mr. Sapiar Rahaman and his family members. On 2010 district administration assured him to relocate his property into another place but till date they don't initiate any step for doing this. MASUM complaint before National Human Rights Commission about this incident.



[Video Link](#)

• **Custodial Death:** In the month of July MASUM documented one incident of custodial death. The incident was happened at Barakor Petrol Out Post situated under Kulti Police station, West Burdwan district. The name of deceased Mr. Arman Ansari, aged about 33 years. On 5th July 2021 at 11.50 pm police personnel from said petrol outpost came to his house and picked him up to the petrol out post for interrogation of a complaint. But they did not provide any information to deceased family about the case in which he was picked up. The next day morning police personnel from Kulti Police station declared his death to his family. It was alleged that Arman was died due to inhuman torture committed by the police personnel and civic volunteers of the said petrol out post. Arman's father lodged one complaint to Kulti Police station against those perpetrators. MASUM also lodged one complaint to National Human Rights commission on this incident.

• **Illegal detention of Indian Nationals in Bangladeshi prison:** Mr. Saidul Miya aged about 26 years, son of Khalek Miya, residing at 108, Najirhat, 2 Digaltari, Sahebganj in the district of Cooch Behar went to Bansjani village and when he walked down the road in Indian side near border pillar number 974, he was apprehended by one personnel BBG (Bangladesh Border Guards) on 27.02.2021 and accused him that he entered the territory of Bangladesh without valid passport. There was no guard of Border Security Force of India. Thereafter he was produced before the Judicial Magistrate's court at Kurigram, Bangladesh in connection with Vurungamari Police Station case number 27 dated 27.02.2021 and GR case number 40/21 under section 4 of the Bangladesh Control of Entry Act, 1952 where he pleaded guilty and had to go for imprisonment in Kurigram District Jail for a period of 20 days which was commenced from 28.02.2021 upto 19.03.2021 along with a fine of 1000 Bangladeshi Taka which he was paid on 15.03.2021. Mr. Saidul Miya's conviction was ended on 19.03.2021 but he was not released and repatriated to his homeland in India. On 12.04.2021 Md. Jahid Hossain, Joint Secretary, Home Ministry, Department of Security Services, External Affairs-1 Branch, Government of Bangladesh issued one notification vide number 58.00.0000.0840. 38.001.17.477 where he directed to take necessary action to the concerned departments for repatriation of Mr. Saidul Miya to India but till date the victim was in prison in the Kurigram District Jail. Concerned authorities did not take any positive steps to release and repatriate the victim to his homeland. But till date he was not released from said Bangladeshi prison.

Case Briefs, July 2021

• **Illegal restriction by Border Security Force:** During the month of July, MASUM documented 5 incidents where Border Security Force personnel restricted the livelihood rights of the innocent villagers, lives in the villages near to Indo- Bangladesh border. This village of Gadopota is located near the Indo-Bangladesh border. In the name of border security, the villagers are not allowed to grow crops, which are more than 3 feet high on either side of the border fence. Moreover, the villagers face immense restrictions from the BSF personnel while their ingress and egress to the agricultural fields. For easy access into their lands, there are fencing gates at every 1 KM interval. But the farmers are not allowed to enter their fields whenever required. Depending on the whims of the BSF, only specific gates are opened for limited time period thrice a day. The farmers are restricted to carry agricultural equipment and cattle into their fields due to which, the agricultural process is hampered incurring heavy loss. The affected villagers informed this matter before Block Development Officer of Sitalkuchi and District Magistrate of Cooch Behar. But till date they did not even inspect the matter.

Md. Bulbul is a resident of 98 Fulkadabri village at Nichtorof Panchayat under Mekhliganj Block in Coochbehar district. By profession, he is a farmer. He is the sole earning member of his family consisted of 11 members. He owns 1 bigha of cultivable land. His land is situated at the Indian mainland beside Saniyajan river. Jute is one of the financial crops and in monsoon season, the villagers are usually grow this crop. So the victim also sowed jute in his field. As per victim's statement on 18th April 2021 some BSF constable from said Border Out Post visited at his land and threatened him to destroy all his crops if he does not clear his field. Mr. Bulbul requested them not to do that as these are the only source of income of his family. The BSF did not pay any heed at his request and left the place. After almost two months the crops get 5-6 feet of height. On 13.06.2021 in between 1-2pm, victim heard a sound of bombing. After that he just ran at his field and discovered that some BSF personnel from the B.S.Bari Border Out Post destroyed all jute crops in the field. He came to know from other eye witnesses of the incident that few smugglers ran away from the field and those BSF personnel were failed to capture them. So in frustration they destroyed all jute crops of the victim. Victim said to our fact finding member that due to this arbitrary action of BSF personnel, he faced financial loss of 20-25 thousand rupees. Victim lodged one written complaint to Block Development Officer of Mekhliganj but till date no action has been taken by said administration.

Changmari village under Deocharai Gram Panchayat, Tufanganj I Block and Tufanganj Police Station. About 3000 people are residing in this village where most of the people are from Muslim community and rests are Hindus. The Villagers live in great penury and the only source of income is derived from their respective share of cultivable lands. In December, 2020 Company Commandant of Changmari BSF camp told to the villagers to cultivate in those alluvial land. The villagers cleaned up the alluvial land for cultivation of chili. But after that Border Security Force jawans of Changmari Border Out Post imposed restriction upon the chili cultivation of the villagers. BSF did not allow the villagers to enter that alluvial land for cultivation even they did not allow cows or goats of the villagers to enter that land for grazing. At every moment BSF jawans of Changmari BSF camp oppresses the villagers of this area. If any villagers protested, BSF threatened to implicate them in false charges. Villagers requested to the BSF authority several times to place the fencing within 150 yards distance from the zero point of the border, but they did not pay any attention to this matter. They also informed the situation to the District Magistrate, Cooch Behar but till date no action has been taken by the said administration.

Firingirdanga village is situated under the Haldibari Block of Mekhliganj in Cooch Behar district. In the name of border security, the villagers are not allowed to grow crops, which are more than 3 feet high on either side of the border fence. Moreover, the villagers face immense restrictions from the BSF while their ingress and egress to the agricultural fields. For no particular reason, the metal road connecting the CPWD road beside the fencing has been blocked by the BSF, due to which, the villagers have to walk through the agricultural fields to reach the fencing gates and then approach their lands. The villagers are not allowed to enter their fields whenever required. Depending on the whims of the BSF, the fencing gates are opened for two hours, thrice a day. The villagers have to sign and put their thumb impression on a register at the gates before entering their field. Even they have to buy and bring their own register books and inkpads at the fencing gates failing which, they are not allowed to enter. Villagers are also restricted to take more than two cows into their fields due to which, the agricultural process is hampered incurring heavy loss. The bamboo growing outside the fencing area is often used as firewood but the BSF doesn't allow the villagers to take those from the fields. Rather they cut those themselves without even informing the owner of the field. Under the circumstances, the villagers are being extremely harassed and bearing heavy loss from agriculture.

Mahismuri Bandartari village is situated under the Sitalkuchi Block of Cooch Behar district. Since the last few months, the BSF personnel attached with the Haldikura BOP have imposed severe restrictions specifically upon 50 to 55 families who use the gate number 7 to reach their fields. On some days the BSF personnel opens the gate for only an hour, while on some days doesn't open at all. Therefore, the villagers after waiting all day have to return back as the gates were not opened by the BSF. Moreover, the villagers are barred to take cattle to their fields now, which they could, about two months ago. If the cattle are tied along the IBBR for grazing, the BSF cuts the ropes of those cattle and insults the village women using filthy slangs. Villagers namely, Ms. Momena Bibi, Ms. Bilkis Bibi and Ms. Achma Bibi were victims of such verbal abuse by the BSF recently. Tractors and other agricultural essentials are also not allowed due to the restrictions imposed by the BSF. After requesting the BSF for 10 to 12 days, they allow a villager to take tractors in their field but only for two hours a day for three days. Needless to say that the time allotted for the usage of tractors is not sufficient for cultivation. It has occurred often that for those three days there has been no rain and the villagers couldn't use their tractors. Under the circumstances, several villagers are facing extreme difficulty in cultivating their own lands by the arbitrary actions of the BSF.

• **Illegal detention of Bangladeshi women and children:** Banglar Manabadhikar Suraksha Mancha (MASUM) addressed and documented the incident of illegal detention of 3 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 persons were arrested by the border security force personnel and charged in 14 Foreigners Act from local police station. After 14 days, most of them were still detained illegally in jail custody. The children were separated from their mother and placed at shelter homes. MASUM lodged complaints to National Human Rights Commission for immediate repatriation of Bangladeshi Women and children.

Legal Activities Report: July 2021

Activities in High Court at Calcutta

On 15.07.2021 the case of enforced disappearance victim Jullu Seikh [WPA 19785 of 2018] was listed up before the double bench of Justice Tapabrato Chakrobarty and Suvro Ghosh. The double bench decided that the case was not of an illegal detention and therefore, no interference is required in this writ petition and thus disposed off the case with liberty of the petitioner to take appropriate steps before the competent forum.

Sub-divisional Courts



Balurghat Court: On 14.07.2021 Ms. Halima, a Bangladeshi woman and a victim of sex trafficking was apprehended by BSF personnel attached with Hili Border Out Post and handed over to the Hili Police Station. On the said date the victim was produced before the court of Chief Judicial Magistrate, Balurghat Court and the magistrate sent her to a 14 days judicial custody. On 28.07.2021 the victim was again produced before the abovementioned court and our pro bono lawyer applied for bail and argued in line with advisory issued by the Government of India, vide office memorandum No. 14051/14/2011-F.VI of the Ministry of Home Affairs (Foreigners Division) Government of India dated May 1, 2012 and the BSF press statement released on 14 July, 2021. CJM, Balurghat denied bail but directed the Investigation Officer to investigate the case properly. Public Prosecutor told that Investigation Officer already informed Punjab Police and asked for their report. CJM told that the case is in preliminary investigation point and if from the report of the Punjab Police and after investigation it would be found that the accused was victimizing, then to file another fresh prayer to decide the case. All the relevant documents, like direction issued by Home Department (Foreigners Division) and Press release of BSF which was filed by our advocate has been sent to the Investigation Officer for proper action.

Other Courts:

Proceedings of the lower courts are running in an extreme slow pace due to Covid crisis. Our pending cases in the lower courts of Lalbag, Berhampore in the district of Murshidabad and Basirhat Court in the district of North 24 Pargana and Dinhata Court in the district of Cooch Behar are not being listed in this month and therefore, the victims are being deprived of justice. The situation is similar in case of higher judiciary. The registry of the High Court at Calcutta and the Supreme Court of India did not list up our pending cases since the last one year. Therefore, the common people of the country are gradually losing faith and confidence upon the judiciary.

Cases pending in different courts:

In Supreme Court of India two of our cases are pending at the final hearing stage, namely Felani Khatun case and another case challenging section 46 and 47 of BSF Act. In the High Court at Calcutta total seven cases are pending where six cases are Writ (Mandamus) in nature and one Criminal Revision case. We are still providing full legal support to 72 victims (55 in prosecution case and 17 in defense case) of atrocities by BSF and Police authorities in the district of Murshidabad by filing their cases in the lower courts following the jurisdictional provision. We are also providing complete legal support to 32 victims (22 in their complaint case and 10 in defense cases) in the district of North 24 Pargana and 3 victims in their complaint cases in the district of Cooch Behar .

Activities at a glance



A village level meeting in Jhaokuthi village of Cooch Behar district



Meeting with the victims of torture at Cooch Behar district



Meeting with the villagers of Mahismuri Deb Debir Hat in Cooch Behar district



MASUM members conducting fact-finding in Barakar of West Bardhaman district.



Dr. Champak Banerjee treating a victim in a medical camp at Cooch Behar



MASUM Secretary, Mr. Kirity Roy visiting the District Magistrate of Murshidabad district.