

Monthly Report

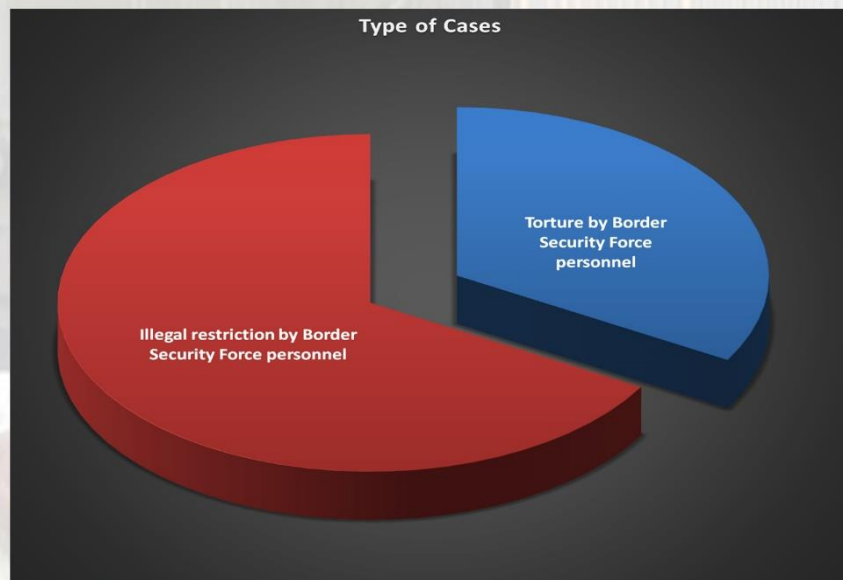
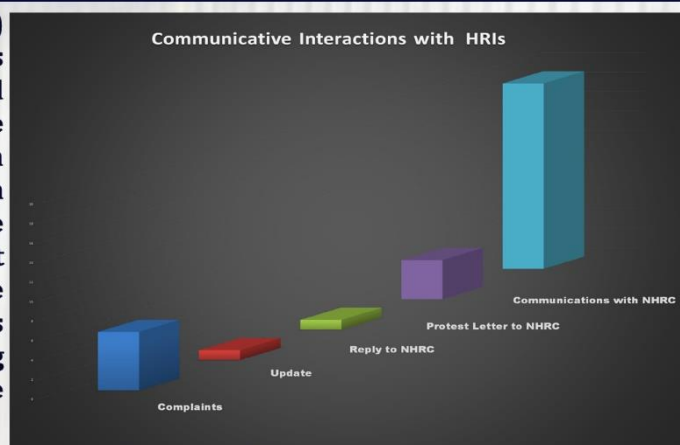
July 2023

Miles to go...

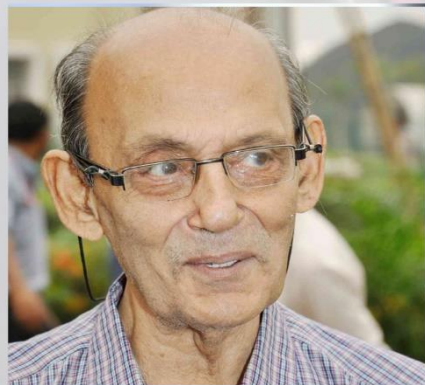
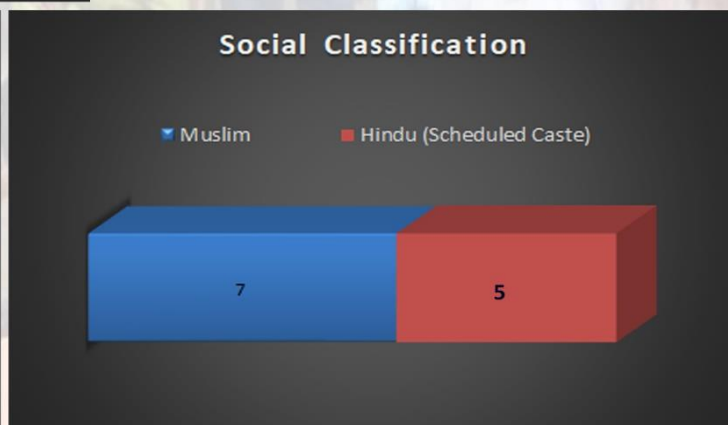
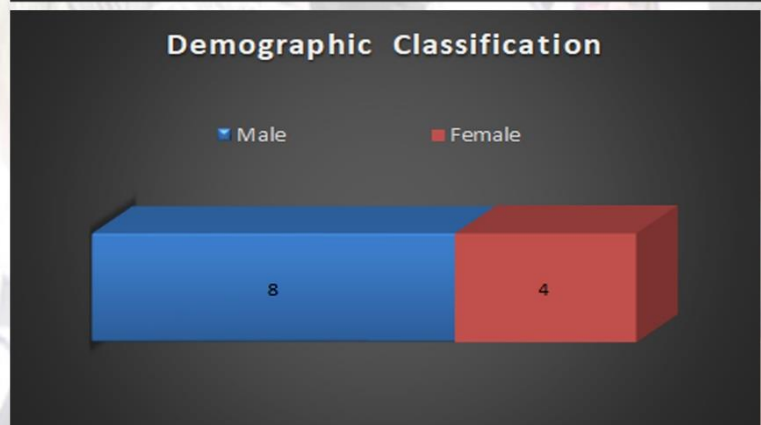
Banglar Manabadhikar
Suraksha Mancha



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 July 2023. In cases, where our victims from previously lodged cases were intimidated, we have lodged 1 updated complaint. We have sent 4 protest letters to the concerned authorities, where they have closed a case or sent overdated summons to our victims and 1 reply to satisfy the queries of the NHRC. During this month we have received 19 directions from the NHRC in various cases.



Out of the 6 complaints, four are on illegal restriction by BSF and two are on torture inflicted by Border Security Force personnel. Through these complaints we addressed the issues of 12 individual victims; out of them 7 belong to minority Muslim community and 5 others from Hindu Scheduled Caste community. Among the victims 8 were males and 4 were females. Among these victims one was minor. In cases of restriction by the BSF, the victimization was collective and didn't reflect on the charts below.



OBITUARY

Dr. Samar Bagchi, a science educator, environmentalist and people's rights activist passed away on July 20, 2023. He began his career at the Birla Industrial & Technological Museum in Kolkata, where he served as the esteemed director until 1990. He had major contributions to the fields of People's Science and Environmental Conservation. He was associated with the 'National Alliance of People's Movements' during the 1980s. His death leaves behind an irreparable void in the field of people's science movement.

Our Activities

Cooch Behar district

In this month total 15 village level meetings were conducted in Cooch Behar district. In the meeting the members of the respective Amra Simanta Basi committees and Pramila Bahini discussed the issues of their area and decided to lodge complaints to the local administration regarding the issues of the respective villages. Due to the ongoing panchayat polls scheduled during this month and the political violence following the polls, our work was hampered in the district of Cooch Behar.



On 1st July MASUM had conducted a workshop on the Rights of the Migrant Workers and Safe Migration with the volunteers of Coochbehar at Bipasha lodge. Mr Arjun Mukhopadhaya from Jansahas, a renowned organization working for the rights of the migrant workers, took the training session for the volunteers. It was decided in the workshop that the attendees will campaign at their locality on the issue.

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North Dinajpur district



In July, a total of 11 meetings were conducted by the volunteers and representatives of MASUM. The volunteers along with their village committees conducted local level meetings on the issues of BSF restrictions on agricultural activities and government negligence on implementing social security schemes for the border populace.

On 4th July, Mr. Shamim Akhtar, our volunteer from Paharpur village under Hemtabad Block conducted an awareness campaign on the rights of the migrants' workers. Nearly 50 families of migrant workers participated in the meeting.

On 24th July MASUM conducted a meeting with the farmers of Raiganj block with the participation of ADA Office of Raiganj where Mr Swajib Das, KPS took the training. In the training he discussed the various government schemes for the farmers like Krisan Credit Card, Krishak Bima and others.

On 25th July there was a scuffle between the local farmers and the BSF personnel from Sunor BOP where they later ordered the farmers to clear the shrubs near the fence which were opposed by the farmers. In retaliation the BSF personnel did not open the fencing gate so the farmers did a picketing there. The Company Commandant then addressed and resolved the issue by publicly promising that the BSF will not harass the villagers further.

North 24 Parganas district

In this month total 11 village level meetings were conducted in North 24 Parganas district. In these meetings the members of the respective Amra Simantabasi and Pramila Bahini committees discussed the issues of their area. The main issues were denial of government schemes, like oldage pension and other benefits to the bona fide villagers, lack of clean drinking water in the village and lack of proper roads in the villages. The Amra Simantabasi committees decided to lodge written complaints to the local administration to resolve the issue.

On 12th July a training MASUM organized a workshop on Child Labour & Rights for the volunteers working in the villages of North 24 Parganas. The workshop was conducted at Gobordanga Bijnan Parishad and was imparted by the trainer, Mr. Biplab Das from the organization named Society for Peoples' Awareness (SPAN), who are experts and works on child rights. In the workshop it came up and was decided that the volunteers will campaign in the villages and local areas, identify the issues of child rights violation and properly address the same in order to reduce child rights violation in the area.



Medical Camp:

In this month MASUM organized two medical camps with the help of United Nation Voluntary Fund for Victim of Torture - UNVFVT, for the torture survivors and the family members of extra-judicial execution and enforced disappearance victims. On 22.07.2023, a medical camp was held at Swarupnagar, North 24 Parganas, where 28 survivors and family members availed the treatment under the supervision of Dr. Anasuyak Roy and psychiatrist, Dr. Nilanjan Basu. On 26.07.2023, another medical camp was held at Dinhata, Cooch Behar where 47 victims availed the treatment under the supervision of Dr. Saokat Ali and psychiatrist, Dr. Banhiman Sarkar. The prescribed medicines were provided to the beneficiaries along with the cost of pathological tests. At the end of each medical camp, a tortured victims meeting was held to discuss the legal case status of individuals.



Case Briefs: July 2023

• **Torture by Border Security Force personnel:** This month, we have encountered two cases of severe torture by the Border Security Force personnel on civilians residing along the Indo-Bangladesh border.

On 14.07.2023 when a villager from Kashipur village in North 24 Parganas, Mr. Sakil Mondal, tried to enter the agricultural field of Mr. Nasiruddin Mondal of Rajkol village, which the former has taken in lease, the on duty Border Security Force personnel restricted him to enter the field. BSF informed that a person living in Kashipur village cannot enter through the fencing gate situated at Rajkol village. Mr. Sakil told them about the lease but the BSF personnel did not listen to him. The BSF accused Mr. Sakil and his father of being associated with smuggling activities. Mr. Sakil protested and informed them that his father had migrated to Bahrain and for the past two years did not return to the village. The on duty BSF personnel advised him to take permission of entry from the Company Commander of the BSF of Ranghat Border Out Post.



When Mr. Sakil went to the Ranghat Border Out Post for taking permission of entry to the agricultural field, the BSF Company Commander Mr. Sandip Singha burst into anger. He questioned repeatedly, "Why did he argue with the on duty BSF in the check post?" Company Commander again asked Mr. Sakil whether he belonged to Muslim community. When the Company Commander came to know about his religious identity, he along with other three BSF constables beat the victim repeatedly with fists, slapped and kicked with boot clad feet. After some time he was released and the Company Commander signed the copy of the written application of the victim. After getting released from the BSF out post, the victim felt unwell. He went to Bagdah Hospital and received treatment from there.



In another instance, Mrs. Saniya Bibi (name changed) and her husband Mr. Saheb Ali Gazi were going to fetch drinking water in the evening on 6th July, 2023. At around 7:30 pm on the said date they were stopped by two BSF personnels named Mr. KP and Mr. Suresh. When the BSF personnel asked them about their destination, the husband of the victim replied that they were going to fetch water. The BSF said that they will not allow the victim to go, and that only the husband can go. When the victim protested, they were detained for half an hour.

A woman BSF constable then came into the scene and took Mrs. Saniya to an isolated place outside the CCTV coverage area. Once outside the range of CCTV she was beaten mercilessly by the constable and was sexually assaulted with indecent touches to her private parts. After the ordeal, the victim went to Sarapul Rural hospital to receive treatment. The next day, at around 5:30 pm in the afternoon, the victim went to the Swarupnagar police station to lodge a complaint, but the concerned police officer neither acknowledged it nor registered an FIR on the complaint. They threatened the victim that, if she files a complaint against BSF, the BSF will also do the same against her and that will get her into real trouble. Later, she submitted a written complaint to the SP Basirhat regarding the incident. But no action was taken based on that complaint as well.

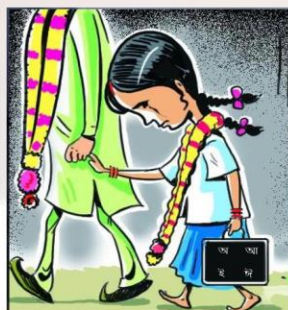
Video Link: [Here](#)

• **Illegal restriction by the BSF personnel:** This month we have lodged four cases of illegitimate restriction on the livelihood of the villagers by the Border Security Force personnel, to the respective district administration. Among these cases three are from Durganagar-II, Kalmati Begunbari and Karola villages of Cooch Behar and one is from Malon village of North Dinajpur. In almost all these cases the BSF have illegally closed the fencing gates or irregularly opened those and restricted the lives and livelihood of the villagers residing along the border fencing. This has led to severe harassment for the border villagers in almost all of West Bengal-Bangladesh border areas. Also the agricultural activities in the border areas are constantly being hampered. In all these areas the villagers are prohibited in cultivating profitable crops like jute, maize etc. The villages lack basic facilities like clean drinking water and infrastructure like proper roads, schools, electricity etc. Due to these most of the villagers are suffering from financial loss and hence are choosing to migrate elsewhere in search of alternative livelihood. We have lodged complaints in all these cases.

Media coverage

July, 2023

1. [UNA Live](#) – 31.07.2023
2. [Bengal Beat](#) – 31.07.2023



ACHIEVEMENT

Apart from addressing the prevalence of torture and impunity, primarily at the Indo-Bangladesh border areas, MASUM is also trying to address various social issues like unsafe migration, child labour and child marriage in border villages. For the purpose, we have trained our volunteers on field to act as necessary, when they encounter such issues in their localities.

On 15th July, three of our volunteers – Ms. Boisakhi Ghosh, Ms. Sabina Sekh and Ms. Mousumi Pal, had courageously prevented an incident of child marriage at Daskhin Bagundi village in North 24 Parganas, with the help of government authorities and local police and rescued the minor girl from getting married before legal age.

Legal Activities Report: July 2023

Activities in High Court at Calcutta

In the High Court at Calcutta total eight cases are pending among which five cases are mandamus writ cases and the rest three are criminal revision cases. These pending cases have not been listed in the cause list (Case roster) of the Calcutta High Court since 2021. On 26.05.2023 our pro-bono lawyer in the High Court at Calcutta mentioned the three criminal revision cases for listing up those cases for the purpose of hearing but after mentioning till date no hearing date was fixed in connection with the above mentioned cases. On 06.07.2023 again our pro-bono lawyer mentioned all pending cases for their listing up in the cause list. After that on 07.07.2023 two long pending mandamus writ petition cases were listed up for hearing before the single bench of Justice Rai Chattaopadhaya. In connection with the cases Najrul Islam Dafadar vs. State of West Bengal & others [WPA 1971/2019] and Ranjit Das vs. State of West Bengal & others [WPA 1970/2019] it was directed the Superintendent of Police, Basirhat Police District to file the report for execution of warrant in connection with the above stated case.



Sub-divisional Courts



This month we provide legal support in 05 prosecution cases in the Basirhat court among which in two cases the Additional Chief Judicial Magistrate, Basirhat court directed to the concerned police to submit status report in the court, in one case Magistrate directed to the complainant to appear and filed objection against the final report of the case submitted by the police and in two cases execution of warrant against the perpetrators. In this month MASUM also supported 02 victims in the Basirhat Court where the false case against them was started.

In the court of Bangaon, we provide legal support to one victim who was inflicted physical torture by the BSF personnel.

In the court of Barasat, MASUM provides legal support to 01 defense cases.

Following are the number of cases pending in subdivisioinal courts of districts -

District	No. of Prosecution Cases	No. of Defence Cases
North 24 Parganas	16	15
Cooch Behar	3	0

Filing of bail application

Ms. Feroja Mondal @ Firoj Khatun Gazi is a victim of grievous torture by BSF. BSF also submitted false complaint against her and based on the complaint of the BSF one false and concocted case was lodged against the woman victim Ms. Feroja Mondal by the Swarupnagar police officials vide Swarupnagar Police Station case number 225/2023 under section 341 (Wrongful Restraint) /323 (Voluntarily Causing Hurt) /325 (Voluntarily Causing Grievous Hurt) /353 (Assault of Criminal Force to Deter Public Servant from Discharge of His Duty) /506 (Criminal Intimidation) of Indian Penal Code. On 22.05.2023 petition for anticipatory bail application was filed before the District & Session Judges Court, Barasat, North 24 Parganas vide Criminal Miscellaneous Case number 1880/2023. On 09.06.2023 the date for hearing of the anticipatory bail application was fixed. As on the date of 09.06.2023 the court was closed due to extended summer vacation, again the date for hearing of the anticipatory bail application was fixed on 03.07.2023. On 03.07.2023 the hearing of the anticipatory bail application was again fixed on 11.07.2023. On 11.07.2023 the hearing was conducted. Upon hearing both the parties, the District & Session Judge did not allow the bail application of the Feroja Mondal @ Firoj Khatun Gazi.

Legal Activities Report: July 2023

Activities under Right to Information (RTI)

After filing FCRA application on 21.09.2020 till date no update of our application status was received from the FCRA department. On 25 March 2023, we submitted a fresh RTI application to the Central Public Information Officer (CPIO), FCRA for getting the information of our FCRA application status. As the CPIO, FCRA section did not provide the required information to us, on 08.05.2023 we submitted another application to the Appellate authority, FCRA section and requested him to provide the required information which we sought. On 29.05.2023 the office of CPIO, FCRA section Mr. Rama Kant Singh issued one letter from where it is revealed that the information which we sought is in the nature of grievance redressal instead of information as defined under section 2 (f) of the RTI Act, 2005 and therefore, the CPIO cannot furnish the information in this regard. On 12 June, 2023 an objection and appeal under Section 19 of the Right to Information Act 2005, against the information received from the CPIO in respect of our RTI dated 25.03.2023 was submitted where we pointed out that the information which we sought is not in the grievance redressal and it is purely for information purpose. As after submission of our objection against the decision of the CPIO, the Appellate authority did not send any response within stipulated time period of 30 days, On 31.07.2023 an application was submitted before the Chief Information Commissioner under section 18 (1) (e) of the Right to information Act and expressing grievance regarding the rejection of our RTI application.

On 01.06.2023 we submitted three fresh RTI applications to the State Public Information Officer (SPIO), Office of the District Magistrate & Collector, North 24 Parganas; Cooch Behar and North Dinajpur and seek the information concerning the imposition of Section 144 of the Code of Criminal Procedure in the bordering villages under the jurisdiction of the concerned district. Following our application, on 15.06.2023 one letter dated 06.06.2023 bearing Memo No. 638/RTI./Genl. Dated 06.06.2023 from the State Public Information Officer (SPIO), Office of the District Magistrate, Uttar Dinajpur was received from where it is mentioned that our RTI application dated 01.06.2023 was transferred to the Officer-in- Charge, Judicial Munshikhana Section, Office of the District Magistrate & Collector, Uttar Dinajpur district and requested him to furnish the information in respect to my application within stipulated time. As till date I did not receive any information from the Officer-in-Charge, Judicial Munshikhana Section, Office of the District Magistrate & Collector, Uttar Dinajpur district, on 31.07.2023 an appeal under section 19 (1) of the Right to Information Act was submitted before the Appellate authority, RTI section, Office of the District Magistrate & Collector, Uttar Dinajpur.

Achievements

On 18.06.2022 at around 4.30 pm when Mr. Isarul Dafadar went in the field to bring back his bullock, that time One BSF 'G' branch officer Mr. Jaffar Hossain Khan and 2 BSF constables came in front of him. The BSF personnel wanted a mobile phone from Mr. Isarul Dafadar. Israul Dafadar never uses any mobile phone so he said that he doesn't have any mobile phone. To hear this, out of rage BSF personnel started to beat Mr. Israrul Dafadar with bamboo sticks. He was beaten in such a way that blood clotted all over his body. Bruise marks were shown in different body parts of the victim. Blood clumped in the thigh of the victim and started continuous pain. After brutal torture, they released him. On the said day the victim lodged one written complaint to Swarupnagar Police Station and on 21.06.2022 another written complaint was sent to the Superintendent of Police, Basirhat Police District. As the concerned police officials did not take any action over this incident, on 27.04.2023 one complaint case was filed before the Additional Chief Judicial Magistrate, Basirhat Court under section 156 (3) of the Code of Criminal Procedure. In connection with the case SL number 27444/23 the court directed the concerned police to file one case and after proper investigation submitted a report of the concerned case. Following the direction of the Court, Swarupnagar police filed one case vide Swarupnagar Police Station case number 311/23 under section 341(Wrongful restraint) / 323 (Voluntarily causing hurt) / 325 (Voluntarily causing grievous hurt) and 34 (Common intention) of Indian Penal Code against the perpetrator BSF 'G' branch officer Mr. Jaffar Hossain Khan.

Activities at a glance



A village level meeting conducted by Purba Sahebganj Amra Simantabasi committee in Cooch Behar



Meeting to form Pramila Bahini at Sunor village under Hemtabad block of North Dinajpur



Meeting with the 'Pramila Bahini' committee of Sankhchura village in North 24 Parganas district



Meeting with the 'Pramila Bahini' committee of Itinda village in North 24 Parganas district



Treatment of a survivor in our medical camp aided by UNVFVT



Training on Child Rights for the volunteers of North 24 Parganas district