



**MILES TO
GO**

**JUNE
2024**



MONTHLY REPORT

**Banglar
Manabadhikar
Suraksha Mancha
(MASUM)**

www.masum.org.in

Banglar Manabdhikar Suraksha Mancha (MASUM) lodged six complaints during the month of June 2024 on incidents of grave human rights violation before the human rights institutions; especially National Human Rights Commission, different state authorities and international human rights agencies. We have received 3 directions from National Human Rights Commission during this month, where in 1, Commission closed the cases whereas in two cases, the Commission made direction to authorities. MASUM issued a statement on the eve of the International Day in Support of Victims of Torture on 26th June.

Out of six complaints, two on torture committed by Border Security Force personnel, one on attacks on Human Rights Defenders, one on extra judicial killing by BSF, one on police atrocity against Schedule Caste and one on arbitrary restriction by BSF.

In case of arbitrary restriction at India Bangladesh bordering area, the victimization was collective and we have calculated that the number of affected persons were nearly 360. Complaints on torture committed by Border Security Force personnel, on attacks on Human Rights Defenders, on extra judicial killing by BSF and on police atrocity against Schedule Caste, the number of victims were six, out of six individuals; all were male, 3 were Muslims and three belong to Schedule Caste community.

Case Brief June-2024

Extra Judicial Killing by BSF

This was an incident of extra-judicial execution of a poor young man of minority Muslim community from Purbo Ghaterbari village under Mathabhanga Police Station in West Bengal. The victim, Rakesh Hossain, aged about 25 years was severely beaten by sticks and rifle butts, allegedly posted Border Security Force personnel has broken his both wrists, finally fired on his navel from close proximity. Rakesh Hossain, son of Mr. Hafijul Miya, aged about 25 years, resident of village- Purbo Ghaterbari village under Mathabhanga Police Station in West Bengal was a migrant labour, he and his father used to migrate to Bhutan seasonally for 6 to 9 months as wage labour to sustain their family. Rakesh did not possess any piece of agricultural land except the dwelling. On 17.05.2024, he returned back from Bhutan to his native. On 22.05.2024, he left home in the evening for Mathabhanga town. The family got anxious when Rakesh failed to return to his home. Next day; 23.05.2024, at around 10 in the morning, the family received information that a dead body was found at 202 Khasbosh Darikamari. Later, they came to know that Rakesh Hossain was shot dead by the mentioned BSF personnel after severely torture him. The family found that his hands were broken from the wrists. It was learnt that on the fateful day, Rakesh was trying to smuggle out cattle to Bangladesh with some of his companions. BSF personnel apprehended him, committed severe physical torture and then fired



on his navel to death. He was left at the spot for nearly 12 hours to die, no initiative has been taken to move him for medical attention. At around 12 noon on 23.05.2024, the police personnel from Mekhliganj Police Station came to the spot and brought the 'body' to Mekhliganj Hospital, where the attending doctor declared him dead. The Sub Divisional Officer of Mekhliganj Sub Division, an executive magistrate, made an inquest over the body at

Mekhliganj Hospital. Then the body was sent to Mathabhanga Hospital for post mortem examination, after the PME, the body was handed over to the family at 5:00 PM, for burial. It was learnt that the PME was visually recorded. Police having connivance with the posted BSF, desisting the family to lodge complaint against the involved BSF personnel by threat calls. Mekhliganj Police lodged one unnatural death case over the incident vide Mekhliganj PS UD Case No. 27/24 dated 23.05.2024 and on the other hand initiated a specific case after receiving a complaint from the BSF over the incident. The case was registered as Mekhliganj PS Case No. 193/2024 dated 23.05.2024 against 6 named Indian citizens under sections 147/148/149/447/186/188/341/332/353/307/506 of Indian Penal Code and section 3 of PDPP Act. In their stereotype complaint, the BSF again stated that their personnel were attacked by deadly weapons with intention to kill BSF personnel but nobody received physical injuries, except the 'injury' to their Insas rifle's butt and hand cover.

https://public.app/video/sp_ax6kp2usqsar1?utm_medium=android&utm_source=share

Torture by Border Security Force

The incident was in continuity of brutality by Border Security Force personnel at Indo-Bangladesh bordering areas of West Bengal. The 20-year aged young boy lost hearing ability on his left ear due to torture. This incident was also reflected systemic impunity and associated conniving role of police and attending medical practitioner of government health facility. While the victim went to lodge a complaint to the respective police station, the on-duty police personal at Swarupnagar Police Station has refused to register his complaint in proper format of First Information Report (FIR), instead of that provided a slip in white paper, scribbled only 'Received Part – IV – 92/24' and having date and a signature. The attending doctor of a Sarapul Rural Hospital; a governmental facility has refused to write what the victim has narrated about the injuries which he has received and by whom. While insisted to write down as the injuries were inflicted by BSF personnel, the doctor denied to write it down. Mr. Rintu Gazi, son of Mr. Kamrul Gazi, aged about 20 years, a student of Bachelor of Arts 2nd Year, resident of village- Hakimpur, Block and Police Station- Swarupnagar, District- 24 Parganas (North), West Bengal (UID- AADHAR – 584370554685) lives at Hakimpur Bus Stand area. On the day of the incident; 14th June, it was his birthday; he decided for fun and frolic with his friends on that day. He started from his home to meet his friend while carrying a sling bag. In the vicinity of Rintu's house, the Bus Stand check post of BSF is located. While Rintu was about to start for his destination, the posted BSF personal at the check post made routine checking of his body and sling bag which he was carrying and Rintu in normal course cooperated the on duty BSF personal. But while he was about to move, the mentioned BSF personal; Mr. Surendra Nath Mohanti, attached with 'G' Branch of Tarali Border Outpost of 85 BSF Battalion entered into the scene and tore Rintu's sling bag by snatching it behind. Rintu protested the act by saying that already routine checking up has been done by the posted BSF personal. It infuriated the mentioned BSF personal and he started abusing Rintu in choicest slang in Hindi. The BSF personal; Mr. Surendra Nath Mohanti then started beating Rintu with fisticuffs and boot clad feet. He kicked and slapped Rintu on his chest, abdomen, shoulder and jaw. Rintu was even beaten by sticks on his shoulders. Due to this barbarous beating, Rintu lost his hearing ability on his left ear. While he was beaten by the said BSF personal, he was dragged outside of CCTV purview. The assembled crowd of the market started protesting the BSF's atrocious act and then only the mentioned BSF personal left Rintu to go. Company Commander of Tarali BOP came to the spot and after taking the stock of the incident, said it was a wrong from BSF personal side. On the same day, Rintu went to Sarapul Rural Hospital, where the attending doctor refused to record the statement of the patient on infliction of the injuries. The attending doctor said I can not record that the injuries were received from beating of BSF personal. On 19.06.2024, Rintu went to the Swarupnagar Police Station to lodge his complaint. The on- duty police personal; one Das Babu misbehaved with Rintu. On the next



day; 20.06.2024, one Assistant Sub Inspector and a Constable of Swarupnagar Police Station called Rintu over telephone and asked Rintu to come to Hakimpur Bus Stand, while Rintu reached at the mentioned place, the ASI and the Constable took Rintu to the Company Commander of Tarali BSF Outpost, where they pressurised Rintu to withdraw his complaint in Swarupnagar police station but Rintu refused to budge from his lodged complaint. On 25.06.2024 the perpetrator Mr. Surendra Nath Mohanti was accompanying one Gram Panchayet member, namely Mr. Ekmal Gazi of Tarali, who is involved in cross border smuggling, came to the house of Rintu Gazi and requested him to withdraw the complaint, which he refused.

This was an incident of firing pellets by the Border Security force (BSF) personnel attached with Panchadoji Border Outpost of 'E' Company of 90 Border Security Force Battalion on a Schedule Caste youth of village- Parmananda under Dinhata Police Station of Cooch Behar district of West Bengal. The victim was severely injured and one portion of his face became disfigured due to pellet firing by the BSF. Mr. Surajit Barman, son of Mr. Debaru Barman, aged 30 years, resident of village-Parmananda under Dinhata Police Station of Cooch Behar district of West Bengal, India, belongs to Schedule Caste Community and a daily wage earner by profession. Aadhar card



No. 220818886645. Mr. Surajit Barman living with his family in penury. He and his wife and parents were engaged in daily wage labour to sustain their family of six. On 20.05.2024, Surajit went out for shopping during the evening and returned home at night and after took his meal he slept. At wee hours of night, Mr. Bachchan Biswas, one of his neighbors, called him up over his mobile phone. After the phone call, Surajit got ready and prepared to leave the home, his wife asked the reason and Surajit replied that he will be back very soon. Hours passed but he did not return and his wife went on fast asleep. At around 2:40 AM, Surajit's wife received a call from Surajit from his mobile phone and he informed his wife that BSF fired upon him. Surajit's wife also heard that somebody was verbally abusing her husband in Hindi. From this moment onward, the family members found Surajit's mobile in switch off mode and failed to make any contact with him. After receiving this call, Surajit's wife took her minor children with her and started walking towards the BSF camp. She reached one of their acquaintances, who lives beside the camp. After reaching there Surajit's wife came to know that the posted BSF personnel of Panchadoji Border Outpost of 'E' Company of 90 Border Security Force Battalion, fired pellets on Surajit from their pump action gun at the bank of Singhimari river. Surajit received pellets on his face. It was also learnt that Surajit was severely tortured by the BSF personnel after he was apprehended while he was trying to smuggle out cattle to other side of the border. Surajit was brought to the Border Outpost by the BSF personnel and at 4:00 AM in morning took him to Dinhata Sub Divisional Hospital. Dinhata SD Hospital referred Surajit for Cooch Behar District (MJN) Hospital. When Surajit's wife reached Dinhata Hospital, she found that her husband was moved to Cooch Behar Hospital. She reached Cooch Behar Hospital at around 6:00 AM and found a large posse of BSF personnel were surrounding her husband in hospital bed, right side of Surajit's face was just crushed; right side ear, eye, teeth, cheek, even facial bones were broken, for which it became a lump of flesh and he was unconscious. No medical attention was given by 10 AM, she made several requests to the BSF personnel to arrange medical treatment but they had not taken any initiative. The wife made a written complaint on 30.05.2024 to the Superintendent of Police; Cooch Behar district asked for justice. On the other hand, the Dinhata Police Station has initiated a specific case against the victim and 4 others vides Dinhata PS Case No. 291/2024 under sections 186/188/353/332/379/411/414 and 34 of Indian Penal Code upon complaint by BSF.

Police Atrocities on Schedule Caste

This was an incident of continuous threat, harassment, intimidation and subsequently false implication in criminal case. The victims of these continuous ill treatments belong to 'Malo'; a scheduled caste community of West Bengal. The victims are father and son duo, named as Mr. Ganesh Halder; son of Late Anil Halder, aged 70 years and Mr. Pintu Halder; son of Mr. Ganesh Halder, aged 35 years both residents of village & post- Puratan Bongaon, under Bongaon Police Station of 24 Parganas (North) district of West Bengal. The perpetrators of these illegal and unjust acts are Mr. Sukhen Dey Karmakar; a serving police constable attached with Bongaon police station and his wife named Ms. Monalisa Dey Karmakar, who are neighbours of the victims. The mentioned victims owned a *Ghani* (oil extracting mill from mustard) and rice and flour huller at the mentioned locality. The perpetrators are living behind this mill with many others. The locality is with many business establishments and shops.

Though, the mill was running for more than 20 years, nobody opposed its function, all of a sudden three months back, the named police personal started opposing the business activities of Mr. Ganesh Mondal. While he failed to gather sufficient support from neighbourhood, conniving with local police station and using his association with the police administration, implicated Mr. Ganesh Halder and Mr. Pintu Halder in a false criminal case vide Bongaon PS Case No. 452/24 dated 08.05.2024 under sections 354(d)/ 506/509 of Indian Penal Code. The complainant of this case was Ms. Monalisa Dey Karmakar; wife of Mr. Sukhen Dey Karmakar. Here it should be mentioned that the above-mentioned business activity has permission from West Bengal Pollution Control Board, trade licence from Kalupur Gram Panchayet and no objections from the neighbours; Mr. Sukumar Dey Karmakar (the father of Mr. Sukhen Dey Karmakar) and Mr. Ramen Halder. Later, the offender started humiliating and threatening the victims in public places. The offender intimidated Mr. Ganesh Mondal and his son Mr. Pintu Mondal by saying that "all the time I am accompanying with the SP and Officer in Charge, I wish to see how your mill will run". He even verbally abused Mr. Ganesh Mondal by naming and referring his caste. The offender referred him by saying you are fishermen; lower caste and despicable human beings. The victims are under extreme mental trauma and distress caused by these verbal abuses and implication in false case and imminent threat to his livelihood activities. Victims made written complaint to the Superintendent of Police; Bongaon Police District and similar complaints to the Sub Divisional Police Officer; Bongaon and Inspector in Charge of Bongaon Police Station, but no corrective measures have been taken.

GOVERNMENT OF WEST BENGAL
OFFICE OF THE SUB-DIVISIONAL OFFICER
BONGAON SUB-DIVISION
DIST. - NORTH 24 PARGANAS
CASTE/TRIBE CERTIFICATE

Certificate No. - WB11045C201502363 Date : 21/04/2015

This is to certify that PINTU HALDER son of GANESH HALDER of village PURATAN BONGAZON
P.O. PURATAN BONGAZON P.S. BONGAON
in the district NORTH 24 PARGANAS of the state of WEST BENGAL belongs to the MALO caste which is recognized as SCHEDULED CASTE under the Constitution (Scheduled Castes) Order 1950 and the Constitution (Scheduled Tribes) Order 1950 as amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order 1956, and the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976.

PINTU HALDER and his/her family ordinarily reside(s) in the village PURATAN BONGAZON of the NORTH 24 PARGANAS district of the state of WEST BENGAL.

Place : BONGAON
Date : 21/04/2015

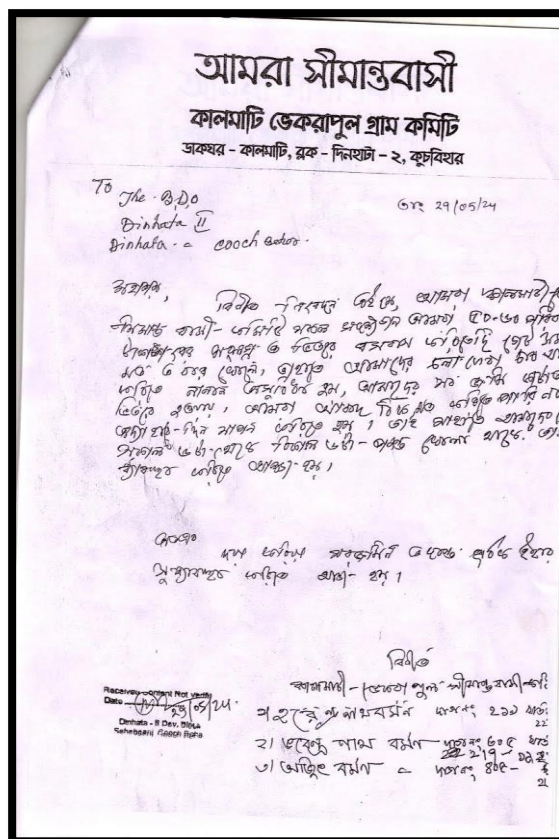
Sub-Divisional Officer
Bongaon, North 24 Parganas
Sub-Divisional Officer
BONGAON
DIST. - NORTH 24 PARGANAS
STATE - WEST BENGAL

The holder of this certificate shall have the same status as in section 20 of the Representation of the People Act, 1950 (43 of 1950).

Arbitrary Restriction by BSF

The complain was over the arbitrary restriction on agricultural activities by Border Security Force personnel, irregular and whimsical attitude on permission to agrarian land and absence of governmental facility of irrigation and drinking water at Kalmati – Bhekrapul village of Dinhata II block and Sahebganj police station of Cooch Behar district of West Bengal. The area is under observation of Barniz Border Outpost of 'D' Company of 138 BSF Battalion. The mentioned agrarian land measuring nearly 93 acres, owned by bonafide Indian citizens is encircled by border fence. Around 60 families belonging to Hindu Scheduled Caste group owned the mentioned land. The affected villagers are sustaining their living through agriculture with a meagre average annual income of Rs. 35,000. The mentioned lands could be accessed through Gate No. 60 A of Barniz Border Outpost of 'D' Company of 138 BSF Battalion, the

Gate was constructed in year 2022 after MASUM's protracted persuasion with authorities along with popular demand. The mentioned land has three yielding category but the posted BSF personnel only open the gate thrice a day and that too for one hour duration for each opening. So, the actual time allotted for agriculture is three hours a day. It is very difficult to transport the agrarian items like plough, seeds, fertilisers and movement of agrarian labours within the stipulated time. The land owners have to pay the full day wage to agrarian labours for this stipulated 3 hours and face financial loss. As the BSF deny the permission to cultivate jute, producing Aman variety of paddy is the only option left for the agrarian gentry of the area. All these restrictions resulting in a higher input for production. Farmers has to make repeated requests and spend hours at BSF Outpost for permission to carry fertilizers and pesticides to the field and often farmers miss the appropriate occasions of fertilisers and pesticide use due to this tedious process of permission taking and arbitrary closing of fencing gate. On 29.05.2024, villagers under the banner of 'Amra Simantabasi' met the Block Development Officer of Dinhata II Block and submitted a written memorandum stating their difficulties and denial of rights by posted BSF personnel.



Attack on HRD

Mr. Ajimuddin Sarkar, 63 years old has been with MASUM since 2011 as a District Human Rights Monitor in Murshidabad, West Bengal. He is a resident of Bardhanpur Village under Raninagar Police Station, Murshidabad. Despite continuous threats and intimidation, bodily attacked by posted BSF and local police, a long imprisonment due to frivolous charges, as a DHRM, he has conducted nearly 200 fact findings and documentation on the incidents of human rights violations such as torture by police, torture and extra-judicial killings by BSF, trafficking, violence against women and children, custodial deaths and livelihood issues. In the year 2013, he actively participated in the movement for the demand of electricity for the marginalised section who are covered under BPL category in the area Raninagar-I and Raninagar-II blocks and the movement was successful in ensuring the electrification of these two blocks. Currently Ajimuddin has been implicated in six cases including some very serious charges under Narcotic Drugs and Psychotropic Substances Act (NDPS) and Protection of Children from Sexual Offences (POCSO) Act. (Case vides Islampur PS Case Number 266/15 dated September 22, 2015, under sections 376/511/323/506 and 400 of IPC; Sections 8 and 12 of POCSO Act 2012). The case is pending and he was released on bail on December 8, 2015. He is also co-accused in two cases with Kirity Roy (myself) and in another with Mr. Roy and DHRM Najrul Islam. In the second case Domkal PS initiated a frivolous criminal case under section 308 of IPC, soon after the completion of a successful medical camp of torture victims. In another false and fabricated



case, Raninagar Police Station Case no.364/2013 dated 05.06.2013 under section 12 of Passport Act, Mr. Ajimuddin Sarkar alongwith myself were shown as accused persons. In Raninagar Police Station Case no.364/2013 dated 05.06.2013 under section 12 of Passport Act, Mr. Ajimuddin Sarkar was barbarically tortured by police in custody; where NHRC after investigation recommended Rupees one lakh as compensation (**NHRC Case No.-1649/25/13/2014**). Appeals and complaints have been made to NHRC regarding continuous intimidation and implication of Ajimuddin in false charges. While three cases are closed in NHRC, three are still pending. Currently he is unable to move freely and carry out his work due to threats. Due to his continuous and effective efforts in upholding human rights, he became an eyesore to a section of the police and BSF personnel. Such attacks and targeting are not limited to him alone but have also extended to his near relatives who also are facing harassment and false implication in cases. In a recent incident, on 27.06.2024, he went to Lalbagh ACJM Court at early morning to attend a court proceeding as an accused during cross examination of witnesses (Case vide Islampur PS Case Number 266/15 dated September 22, 2015, under sections 376/511/323/506 and 400 of IPC; Sections 8 and 12 of POCSO Act 2012). After attending the court proceedings, he felt severely unwell and visited the Lalbagh Sub Divisional Hospital and received medical treatment from Dr. Jiyaur Rahman at outdoor department. He purchased the prescribed medicines and returned back to his home at around 7 PM. When he reached to his home, he found a large posse of police personnel, numbering 20-25 with 4 police vehicles were waiting but while he reached his home, the police vehicles left the vicinity of his home. Ajimuddin had no scope to ask why the police personnel came to his place. Later, his daughter and daughter in law informed him that the few corrupt and anti-social elements tried to loot mangoes from the trees of the land of Ajimuddin's elder brother; Sayeed Hasan's orchard. While Ajimuddin's elder brother and his family members protested and restricted the hooligans from looting, they made threat calls that they will implicate Ajimuddin in false cases of offence related to breach of modesty and honour of women by encouraging their women associates to lodge false complaint against Ajimuddin. They also said that they will ensure Ajimuddin's prolong imprisonment. One of the Sub Inspector of Raninagar Police Station; Mr. Anup Babu informed some of the relative of Ajimuddin that a false complaint has already been lodged against Ajimuddin in this effect. In between, Ajimuddin was summoned by the Sub Divisional Magistrate of Domkal in August 2021 in connection with a case Raninagar PS PR/ NCR No. 1376/21 and had to obtain bail. Ajimuddin also made several complaints to the Inspector in Charge of Raninagar PS and the Superintendent of Police, Murshidabad on subsequent threats made by the mentioned hooligans on different dates of 2023, but no corrective measures have been taken.

Statement

STATEMENT ON THE EVE OF THE INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE, in India Bangladesh Border Perspective – 26 JUNE 2024

Disdain to the fact that India and Bangladesh are friendly countries, the Indo — Bangladesh border is the most vulnerable and violent border in the world registering severe bloodshed on a daily basis. On an average a person is being killed or involuntarily disappeared every two days in the Indo — Bangladesh border by the BSF. In case of each of these deaths, surprisingly a couple of things remain constant — deceased is criminal in police case and the murderer enjoys impunity. Posted BSF often forget that in no circumstances, involvement in cross border smuggling or illegal entry to India attract death penalty, while justifying their barbarous acts at India Bangladesh border.

Local and international human rights organizations have documented, and reported on, the conduct of the BSF, demonstrating that it has acted contrary to India's obligations under international law whilst carrying out its functions. Impunity combined with prejudice and lack of empathy towards the impoverished local population and minorities have been identified as

key factors that have contributed to the routine and indiscriminate use of excessive force, torture and ill treatment by BSF personnel. MASUM has documented 74 cases of torture by BSF personnel between 2020 and 2023. The most common patterns of torture and ill treatment include beating with clubs and rifle butts, pellet firing and denial of medical treatment. The victims are men and woman, including minors, living along the border who have been subjected to torture and ill-treatment on suspicion of engaging in illegal trade. Reports indicate that BSF personnel whose outposts are located away from the actual border target people in nearby villages for arrest, as well as beatings and other ill-treatment. This is on account of suspicion of cross-border trade as well as hostile and discriminatory attitudes towards the local population, which is primarily Muslim and often lower caste.

This situation has created an environment where the BSF can effectively operate above the law, and intimidate or co-opt torture victims into silence by paying them a small sum of money, taking advantage of their poor economic status. Medical professionals in the areas concerned reportedly refuse to examine individuals who allege that they have been, or who may have been ill treated by the BSF, fearing reprisals if they do provide treatment and/or medical evidence. The police also frequently refuse to register complaints against the BSF. Despite claims by the BSF that internal trials are used to prosecute violations of the Border Security Force Act and other crimes, there are no known cases of BSF personnel having been convicted for any violations.

Recently the Bangladeshi Prime Minister was the first incoming bilateral state visit by a foreign leader after the formation of the new government in India following the Lok Sabha elections. Ms. Hasina was on a two-day visit to India, and arrived in the country on June 21, 2024. During her visit, she along with her Indian counterpart showed commitment to renew the Ganges Water Sharing Treaty with optimism but kept intentional mum on ending border killings at India Bangladesh border, where citizens of both the countries regularly being killed and tortured by bordering guards of India. The BSF use pellet guns in the Indo — Bangladesh borders in order to combat crimes. Several Indian and Bangladeshi innocent persons are victims of these pellet guns including severe injury even resulting to death. Many of these victims lost their sight due to pellet injury. MASUM demand justice for these victims of torture and the family members of the persons who were killed in border by the BSF. We suggest forming a Special Investigation Team (SIT) and conducting the investigation in order to provide justice to these victims of torture and extra judicially killed according to the Indian Penal Code (IPC) and the Criminal Procedure Code (CrPC) in open court trials. MASUM is facilitating two cases, which are pending before the Supreme Court of India – 1. Md. Nur Islam versus Union of India (WP 141 (criminal) of 2015 generally known as Felani Khatun case and 2. Banglar Manabdhikar Suraksha Mancha versus Union of India (WP (Civil) 218 of 2012) where we prayed an order declaring section 46 and 47 of BSF Act, 1968 is ultra vires to Article 14 and 21 of the Constitution of India.

Felani Khatun was shot dead on 7th January 2011 by BSF personnel while she was illegally trying to cross the barbed wire from India to Bangladesh. Human Rights organisations of India and Bangladesh made protests to this ghastly murder. BSF's security court acquitted the accused. Later, an appellate court of BSF also made order for acquittal. NHRC taken up the case and observed that the killing was uncalled-for, as at the time of the incident, she was unarmed not even stones have been seized from her by the BSF and in no way she was in position to attack BSF personnel. NHRC recommended for monetary compensation to the family but till date Ministry of Home Affairs of India refused to oblige NHRC recommendation. MASUM facilitated the writ petition in Supreme Court of India. Both the cases are pending for long in Supreme Court of India.

India acceded to the International Covenant on Civil and Political Rights in 1979 but has not ratified the Optional Protocols. India has signed but not ratified the UN Convention Against Torture (UN CAT) despite a declaration by the Government of India that it was preparing to do so as far back as 2008. In addition to the obligations arising from these sources, India is also bound by the absolute prohibition of torture under customary international law. States

have a duty to take the requisite steps to prevent torture, including by making torture a crime that entails punishments commensurate with the seriousness of the offences. Further, states have a positive obligation to conduct an investigation into the circumstances of alleged serious human rights violations, such as torture and extrajudicial killings, to provide reparation to the victims of such violations, and to bring to justice those responsible. Torture is not proscribed as a criminal offence in India. However, *de facto* acts of 'torture' and the other abuses complained of are punishable under the various provisions of the Indian Penal Code 1860, including section 330 – voluntarily causing hurt to extort confession or to compel restoration of property – and section 331 – voluntarily causing grievous hurt. There are also relevant Supreme Court rulings based on Article 20 and 21 of the Constitution of India, which prohibit, respectively, compelling someone to testify against him- or herself and arbitrary detention and deprivation of liberty. The National Human Rights Commission does not have the mandate to investigate the conduct of members of the armed forces such as the BSF. It can only request a report from the agency against whose personnel the complaint was brought and recommend measures including compensation and prosecution. In one hand, there is dearth of understanding on international humanitarian law among the lower judiciary of India with complete dependency on State machinery and on the other India has not acceded major international humanitarian laws like UN CAT, optional protocol of ICCPR and so on. Criminal Justice System of the country does not follow the international standards on monitoring and effective medical investigation and documentation of torture and its consequences; making punishment for offenders and justice for survivors, a far-off thing to achieve.

MASUM in Media

- <https://www.banglaoutlook.net/news/234971>

Joint statement on international day in support of victims of torture

- <https://kontras.org/artikel/asia-alliance-against-torture-regional-statement-2024-state-accountability-is-stuck-in-a-rut-victims-of-torture-continue-to-multiply-in-asia-pacific>



সংবাদ

‘আত্মরক্ষার’ নামে
বাংলাদেশিদের বুকে-পিঠে-
মাথায় গুলি করে মারছে
বিএসএফ



মুক্তাদির রশীদ

প্রকাশ: ২১ জুন ২০২৪, ১০:৩৪ পিএম

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MEDICAL AND PSYCHOLOGICAL ASSISTANCE of UNVFVT

In this month of June 2024, MASUM organised 3 medical camps at 24 Parganas (North) and Cooch Behar district. In 24 Parganas (North), 1 camp was for physical wellbeing and 1 for psychological treatment while in Cooch Behar the medical camp for physical wellbeing was held. The medical camps were organised on the aegis of United Nations Voluntary Fund for Victims of Torture and meant for victims of torture and family members of extra judicial execution and enforced disappearance victims.



At 24 Parganas (North) both the camps were held at Noor Medical Hall, Swarupnagar on 18th and 19th June for psychological treatment and physical wellbeing respectively. Dr. Debshankar Mukhopaddhaya provided psychological treatment to 6 persons and Dr. Anusuyak Roy treated 31. In Cooch Behar district, Dr. Shuakat Ali attended 43 patients for physical well being on 28th June at Dinhata. All these medical camps were followed by victims' meetings to formulate future course of actions and legal course, where respective District Human Rights Monitors of MASUM, staff lawyer and MASUM volunteers discussed the issues with victims and their family members.



Our Activities

Observance of the International Day in Support of Victims of Torture on 26th June & 50th Year of Internal Emergency in India on 25th June

On 25th June, MASUM observed the day to remember the promulgation of internal emergency in India in year 1975. MASUM published a leaflet over the incident of throttling of democratic voice in our country and distributed the leaflets among the commoners.



On 26th June, the International Day in Support of Victims of Torture was observed by holding two district level press meets at Barasat for 24 Parganas (North) and Cooch Behar for Cooch Behar districts respectively. In Cooch Behar, the press persons were addressed by the organizational secretary; Mr. Kirity Roy and in Barasat, Mr. Biplab Mukherjee and Mr. Sumit Hazra were present along with the respective District Human Rights Monitors. In both the places number of torture victims and family members of extra judicially executed persons were present and narrated their pains and showed their commitment to achieve justice.



North 24 Parganas



Community Meeting



Strategy Meeting of Amra Simantabasi Community Leadres



With Little Magazines Writers



Pramila Bahini meeting

Murshidabad



Community/ Village Level Meetings of Amra Simantabasi & Pramila Bahini

Coochbehar



Community/ Village Level Meetings of Amra Simantabasi & Pramila Bahini



Strategy Meeting with Amra Simantabasi Community Leaders

Legal Activities for June 2024, Supported by UNFVT

North 24 Parganas.

Additional Chief Judicial Magistrate Court at Basirhat :-

1. GR 1673/20, State. Vs. MINA BISWAS (ACCUSED).
2. M.EX 194/23, JHARNA DHABOK Vs Attaur Rahaman Dhabak.
3. GR 84/16, RANJIT DAS (State) Vs B.S.F PERSONEL.
4. CRR-08/24, JHARNA DHABOK Vs. Attaur Rahaman Dhabak.
5. SPL 67/17, APARNA MONDAL Vs. Gobinda Mondal & Others.
6. . GR 4076/22, State. Vs.ALAMGIR GAZI (ACCUSED).
7. GR 4258/20= MINTU GAZI (State) Vs. B.S.F PERSONEL.
8. GR- 2223/16, State Vs. ALARGIR GAZI (ACCUSED)
9. C 413/19, JHARNA DHABOK Vs. Attaur Rahaman Dhabak.
10. C 1243/14 , Union of India Vs, ZIAD GAZI (ACCUSED)
11. C 328/22, Union of India Vs, ZIAD GAZI (ACCUSED)
12. GR 897/20, MAHARUNNESSA (State) Vs. B.S.F PERSONEL.
13. GR 5079/15, MOHOR ALI GAZI (State) Vs. B.S.F PERSONEL.
14. GR 25/22, PROVAT PATRA (State) Vs Proloy Halder.
15. GR 3256/15, MALATI TIKADER (State) Vs. B.S.F PERSONEL..

Cooch Behar

1. Additional Chief Judicial Magistrate, Mathabhanga Court, G.R 524/2023, Complaint Mahitan Bibi. Vs BSF Personnel.
2. Additional Chief Judicial Magistrate, Toofanganj. Court, G.R 416/2020. Kasem Ali Sekh Vs BSF Personnel.

Murshidabad

1. CR 69/18, Babor Ali Vs B.S.F PERSONEL.
2. CR 249/17, Goutam Mujtaba Vs. One B.S.F PERSONEL
3. CR 878/16 Sk Mahammed Umar Vs.The Officer -In-Charge Raninagar Police Station.
4. POCSO 24/17, State Vs. Ajimuddin Sarkar (DHRM)
5. SSL 272/18, State Vs. Rejaul sk @ islam, Nur Islam Sk @ Nur Islam @ Jhantu Sk

RTI Initiative of MASUM

On 06/05/2024, MASUM sought information on numbers and case status of women languishing in different jails/ correctional homes in West Bengal as convicts or under trials from the State Public Information Officer, Office of ADG & IG, Correctional Services, Government of West Bengal by filing an application under section 6 (1) of the Right to Information Act, 2005.

On 06/06/2024, the State Public Information Officer & Special Officer of Directorate of Correctional Services after wasting a month and sitting over the file idly, transfer the RTI Application to the SPIOs of all correctional homes in West Bengal.

List of Correctional Homes in West Bengal as follows: -

1.	Central Correctional Home	08
2.	District Correctional Home	13
3.	Special Correctional Home	04
4.	Women's Correctional Home	01
5.	Open Air Correctional Home	04
6.	Subsidiary Correctional Home	30
	Total	60

- According to RTI Act, 2005, SPIO has to reply within 30 days. But by spending 54 days some of the authorities of Correctional Homes submitted their replies.
- Out of 60 correctional homes, MASUM received information from 37 Homes. Despite the lapse of stipulated time, most of the central and district correctional homes have not yet given any reply.
- Alipur Women's Correctional Home stated that "Consent of the particular inmate is required for transmission of information. This information cannot be disclosed pursuant of Section 8(1)(d)- Exemption from disclosure of information of RTI Act."- we strongly object this. The information we seek is a public document and there is no exemption from disclosure of such information. We are going to take proper legal action against Alipur Women's Correctional Home and other authorities of Correctional Homes, who did not comply with the proviso.

The gloomy picture came out from their replies, as follows --

Sl No.	Correctional Home	Total Women Prisoner	Under Trial	Convicted	Children	As on
1	Bankura District Correctional Home.	25	18	7	0	10-06-2024
2	Balurghat Central Correctional Home	37	26	11	0	19-06-2024
3	Barrackpore Special Correctional Home	0	0	0	0	08-06-2024
4	Bashirhat Sub Correctional Home.	0	0	0	0	11-06-2024

5	Bishnupur Sub Correctional Home.	No Attachment	No Attachment	No Attachment	No Attachment	No Attachment
6	Cooch Behar District Correctional Home.	34	34	0	0	24-06-2024
7	Diamond Harbour Sub Correctional Home.	15	15	0	0	18-06-2024
8	Dinhata Sub Correctional Home.	3	3	0	0	14-06-2024
9	Durgapur Sub Correctional home.	0	0	0	0	07-06-2024
10	Haldia Sub Correctional Home.	6	6	0	0	12-06-2024
11	Hooghly District Correctional Home.	42	51	1	0	18-06-2024
12	Jalpaiguri Central Correctional home.	102	49	53	32	15-06-2024
13	Jangipur Sub correctional home.	0	0	0	0	10-06-2024
14	Kalingpong Sub Correctional Home.	1	1	0	0	10-06-2024
15	Kalna Sub Correctional Home.	0	0	0	0	06-06-2024
16	Katwa Sub Correctional Home.	0	0	0	0	19-06-2024

17	Mathabhanga Sub Correctional Home.	0	0	0	0	10-06-2024
18	Midnapore Open Correctional Home.	0	0	0	0	09-06-2024
19	Raghunathpur Sub Correctional Home.	0	0	0	0	24-06-2024
20	Raiganj District Correctional Home.	0	0	0	0	08-06-2024
21	Ranaghat Sub Correctional Home.	0	0	0	0	07-06-2024
22	Tufanganj Sub correctional home.	0	0	0	0	07-06-2024
23	Uluberia Sub correctional home.	0	0	0	0	20-06-2024
24	Alipur Women's Correctional Home.	316	No information given U/s 8(1)(d)	No information given U/s 8(1)(d)	No information given U/s 8(1)(d)	10-06-2024
25	Darjeeling District Correctional Home.	1	0	1	0	11-06-2024
26	Midnapore Central Correctional Home.	97	44	53	5	10-06-2024
27	Tehatta Sub correctional home.	13	13	0	0	11-06-2024

28	Burdwan Central Correctional Home.	78	49	29	6	14/06/2024
29	Bongaon Sub correctional home.	65	0	0	0	12-06-2024
30	Lalgola Open Air Correctional Home.	0	0	0	0	09-06-2024
31	Purulia Special Correctional Home.	0	0	0	0	10-06-2024
32	Asansol District Correctional Home.	33	31	2	0	08-06-2024
33	Serampore Sub correctional home.	9	9	0	0	08-06-2024
34	Ghatal Sub Correctional Home.	0	0	0	0	10-06-2024
35	Baruipur Central Correctional Home.	0	0	0	0	22-06-2024
36	Bolpur Sub Correctional Home.	0	0	0	0	22-06-2024
37	Krishnanagar District Correctional Home	68	66	2	0	28-06-2024