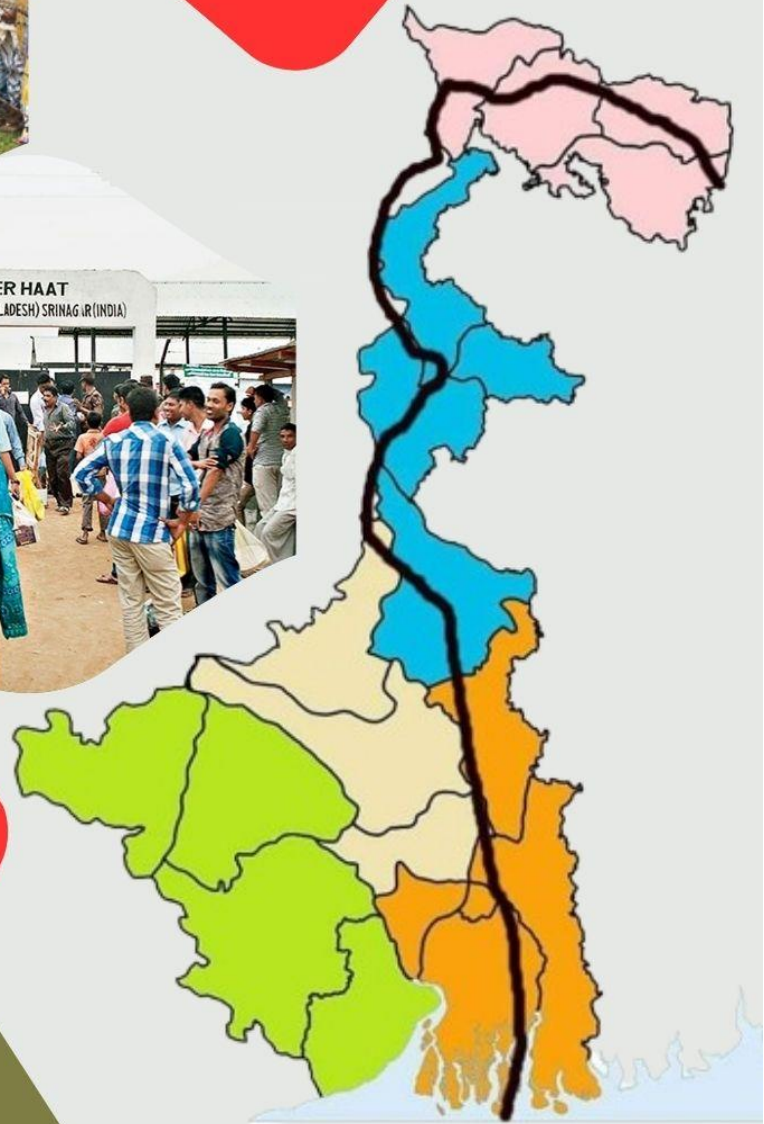




**MILES TO
GO...**



**MONTHLY
REPORT**

MAY-2024

BANGLAR

MANABADHIKAR

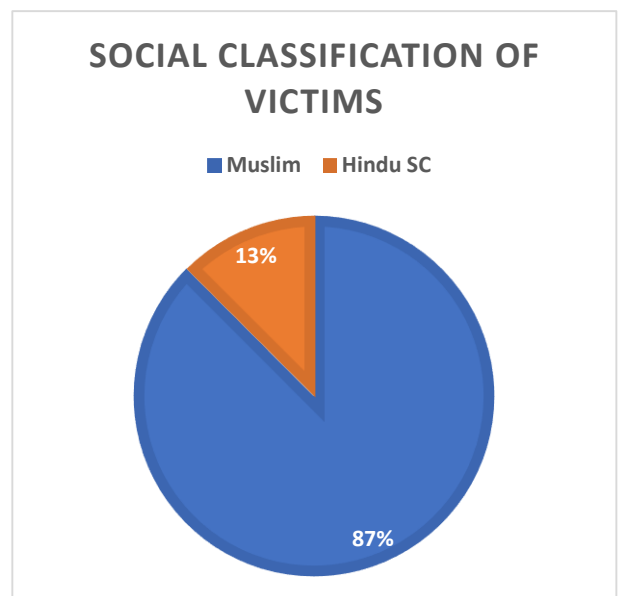
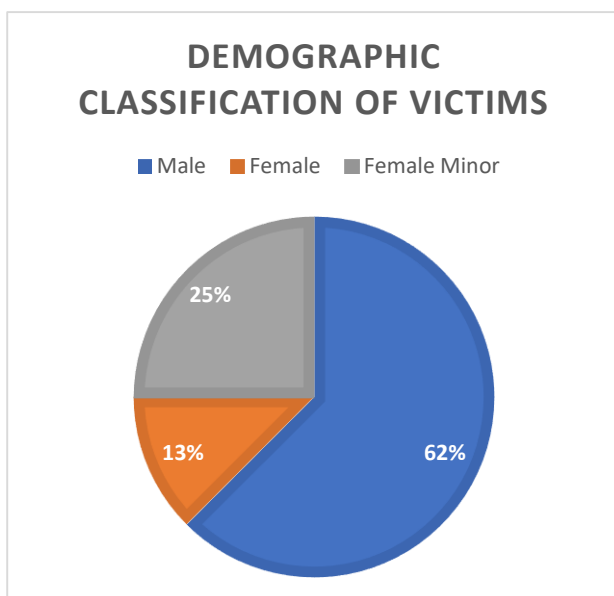
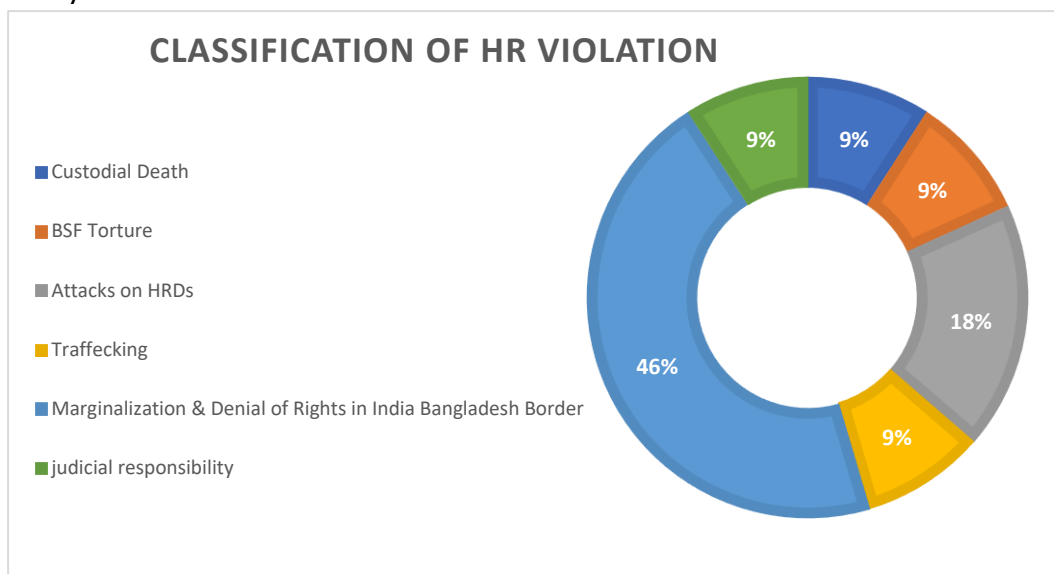
SURAKSHA MANCHA

www.masum.org.in

Banglar Manabdhikar Suraksha Mancha (MASUM) lodged eleven complaints during the month of May 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 4 directions from National Human Rights Commission during this month, where in 3, Commission closed the cases whereas in one case, the Commission made direction to Director General (Investigation), NHRC for detail investigation. MASUM issued a statement on the eve of Press Freedom Day on 3rd of May.

Out of eleven complaints, five was on overall marginalization of people living in India Bangladesh border and denial of rights, one on custodial death, one on torture committed by Border Security Force personnel, two on attacks on Human Rights Defenders, one on trafficking of a minor and one on lack of judicial responsibility.

In cases of marginalisation and denial of rights at India Bangladesh bordering area, the victimization was collective and we have calculated that the number of affected persons were nearly 2344. Complaints on custodial death, torture by BSF, attacks on HRDs, trafficking and lack of judicial responsibility, the number of victims were eight, out of eight individuals; five were male and three were female and seven were Muslims and one belongs to Schedule Caste Dalit community.



Case Brief

Custodial Death

Daud Seikh, son of Mr. Mainul Seikh belonged to the Oppressed Backward Caste of Muslim community. Sabina Yasmin his wife and two infants of 7 and 2 years were dependent on him. Daud Seikh was a wage labour in every sense, as he had not possessed any piece of land and fend for his family by all sundry menial jobs. On 07.04.2024 at around 12:30 noon, he was apprehended by one Sub Inspector of Shamshegunj Police Station; Mr. Prashanta Ghosh and 3-4 civic police personnel at Patani More of Hausnagar under Shamshegunj Police Station. Mr. Sharif Seikh, son of Mr. Nur Seikh, a resident of Hausnagar was witness to Daud's arrest. It was reported that Daud was arrested on 07.04.2024, in connection with Shamshegunj Police Station Case No – 110/24. According to criminal procedure, each arrest by police should be followed by issuing Memo of Arrest which was not done in public view and his family was not informed by the police about his arrest. It was further reported that Daud was under immense pressure from Shamshegunj police to act as an 'Informer' but he refused the proposal. It was learnt that while Daud was arrested, the involved police personnel made physical aggression and verbal abuses to him. Daud left his home on 07.04.2024 at around 7: 00 AM, in search of daily wage job, but did not return to his home on that day. The family members assumed that, he may get to work as helper of truck, which he used to do and went any far-off places of other state, which is regular phenomenon in his life. This assumption dissuaded to make any complaint to police. On 13.04.2024 at around 2:45 PM, one Mr. Firoz Seikh, a civic volunteer of Shamshegunj PS came to Daud's home by a motorcycle and informed the elder brother of Daud; Mr. Lal Muhammad and wife of Daud; Ms. Sabina Yasmin that Daud has committed suicide by hanging himself at Jangipur Sub Divisional Correctional Home (prison) and his body was preserved at Jangipur Sub Divisional Hospital's mortuary. The father of the deceased, the widow and others reached the hospital and while enquired about the cause of death, the attending doctor informed them that there was a mark in front of the neck but not at the back of neck and it was an unnatural death. Another doctor said that the deceased was brought to hospital as dead not alive while he was brought. The family has no knowledge about the person who made an inquest over the body. The post mortem examination was done at the mentioned hospital and the body was handed over to the family. The family members found many black bruise marks all over the body.



GOVERNMENT OF WEST BENGAL
Office of the Superintendent
Jangipur S. D. Hospital
Murshidabad

DISPOSAL CERTIFICATE

P. M. No. 125 Dated 13.04.2024
PS. Rajshimratganj UD Case No. 67/24 Dated 13.04.2024

Name of the Deceased: Daud SK
Age: 27 Yr Caste: M/M M/H: Mulla/Ferhale
S/O: Mainul SK W/O:
Village: Hausnagar PO: Jangipur Murshidabad
PS: Shamshegunj Dist: Murshidabad

Body handed over to the on duty C/H/G

Signature
Jangipur S. D. Hospital
Murshidabad

BSF Torture

The complaint was over an incident of illegal detention, custodial torture, cruel, inhuman and degrading treatment upon a mother and daughter duo by posted Border Security Force (BSF) personnel in 24 Parganas (North) district. The young mother with her daughter in her early childhood, not only experienced the physical aggression with illegal confinement but the daughter received serious psychological scars during this illegal and barbarous act of the involved BSF personnel.

Ms. Mabiya Khatun, wife of Mr. Saddam Sardar, aged 24 years and Ms. Muskan Sardar, daughter of Mr. Saddam Sardar & Ms. Mabiya Sardar, residing at Village – Tarali – Mathpara, Post Office – Hakimpur, Gram Panchayet – Bithari- Hakimpur, Police Station- Swarupnagar, District – 24 Parganas (North). Mr. Saddam Sardar, the husband and father of the respective victims sustain his family by plying Toto and he has a small piece of land, where he cultivates himself. The family shifted their home to agrarian land from inside the village. Mabiya bought a bicycle on 27.01.2024 and possessed the valid purchase document. It should be mentioned here that private tutors are reluctant to visit the victims' house due to regular harassments of stationed BSF personnel at Mini-BOP of Tarali. On 17th May 2024, at around 11:00 AM, Mabiya along with her daughter was passing the Tarali Mini- Camp on her bicycle to reach the local mosque for *Nemaj* (women of Muhammadi Muslims community have religious permission to offer *nemaj* in mosque). While she was crossing the mentioned Mini- BOP, one BSF lady constable; Ms. Nitu Rathore, obstructed Mabiya and her daughter and brought them to Tarali BSF Mini- Camp. At the Mini Camp Mabiya was brutally kicked, slapped, punched and at the end beaten by sticks in front of her little daughter. While this atrocious act was going on, the BSF personal purposefully dragged the victim and her daughter outside the purview of CCTV camera. The little girl screamed in utter fear and desperation while saw physical torture on her mother. Throughout this barbarous torture, the BSF personnel used choicest verbal abuses in Hindi. At around 12 noon, Mabiya and her daughter were released by the BSF personnel but they confiscated her bicycle without proper seizure list. At around 5:00 PM, the BSF personnel told Mr. Saddam Sardar that come with relevant documents along with your wife; Mabiya, we will release your bicycle. Mabiya and Saddam reached the Mini BOP of BSF within minutes. Mabiya



GOVT. DEPARTMENT OF HEALTH & FAMILY WELFARE
GOVERNMENT OF WEST BENGAL
OPD PATIENT CARD

Age: 24	Sex: F	Religion: M
Address: ...	Occupation: ...	Referral: ...
Diagnosis: ...	Prescription: ...	Remarks: ...

informed the fact-finding team that she was unwilling to enter the Mini BOP in first instance, while her husband entered the BSF Mini BOP, she was standing at adjacent to sentry post, at that time, Ms. Nitu Rathor, Ms. Ritanjali Saw of Tarali Mini Border Outpost and Mr. Jaffar Hossen Khan of 'G' Branch of Tarali Mini Border Outpost came and told Mabiya that the Company Commander was calling her so come inside, while she entered, the present BSF personnel in the office first asked Mabiya's husband to go outside and then threatened him to leave the place, so Saddam was forced to leave from the BOP. Mabiya was again bashed by Ms. Nitu Rathor and Ms. Ritanjali Saw of Tarali Mini Border Outpost. She was detained at the Mini BOP for another 40 minutes and then at around 6:00 PM, Mabiya was brought to Hakimpur BOP of BSF, where she was detained till 11:00 PM. Mabiya was then brought to Sarapul Rural Hospital by BSF vehicle. During this movement to hospital, she was warned by the accompanied BSF personnel not to divulge the physical torture incident upon her to attending doctor and if she disobeys the BSF diktat, she will be implicated in narcotic/ drug related criminal case. From the hospital, she was brought to Hathatganj Custom Office. Later, she was handed over to her family members at Hathatganj Custom Office at around 12 midnight.

Attacks on HRDs

Complaint was over the systematic pattern of judicial harassment of Human Rights Defenders of Murshidabad district of West Bengal. The HRDs attached with 'Amra Simantabasi' Committees; the platform meant to address the peoples' issues of India and Bangladesh bordering areas. Md. Safikul Islam and Anarul Haque, sons of Md. Majibar Rahman, aged about 40 years and 33 years respectively, residents of village- Char Shibnagar, Post Office- Harudanga, Police Station- Raninagar under Murshidabad district were summoned under section 107 of Criminal Procedure Code by the Sub Divisional Executive Magistrate of Domkal Sub Division of Murshidabad district. Although, these persons never being involved in any illegal activities which can cause breach of public peace and disturbances. It is being a phenomenon in this part of our country, that before any public events; religious, political or social, the police and lower judiciary issued a series of such summons against their critics and political opponents of ruling dispensation, forcing them to face judicial harassment. Section 107 of Cr.P.C is meant for prevention of crimes and disturbances that might breach public peace; these provisions are not for the acts that are done openly but regarding an act that has the potential to cause danger to the peace of society. Md. Safikul Islam, is known to his locality as social worker. He is also performing as an Imam of local mosque. The summon to him inscribed that the GDE Numbers 781 & 794 dated 13.03.2024 and memo no. 3205/EN dated 28.03.2024 while he was asked to appear before the Sub Divisional Magistrate (Executive Magistrate Court) - Domkal on 18.04.2024. Anarul is a peace-loving businessman of the locality. The summon for him inscribed that the GDE Numbers 781 & 794 dated 13.03.2024 and memo no. 3008/EN dated 27.03.2024 while he was asked to appear before the SDEM - Domkal on 15.04.2024. While Anarul appeared before the Sub Divisional Magistrate on specific date and contested this summon through his lawyer.

Another complaint was on systematic pattern of judicial harassment of Human Rights Defenders of 24 Parganas (North) district of West Bengal. Mr. Ibrahim Dafadar, son of Mr. Tarjul Dafadar aged about 32 years is attached with 'Amra Simantabasi' Committee; the platform meant to address the peoples' issues of India and Bangladesh bordering areas. Mr. Ibrahim Dafadar is constantly fighting against the atrocious acts of posted Border Security Force personnel as well the rampant corruption in governmental schemes. Mr. Ibrahim Dafadar along with his associates were summoned under section 107 of Criminal Procedure Code by the Executive Magistrate of Bogaon of 24 Parganas (North) district. Although, these persons never being involved in any illegal activities which can cause breach of public peace and disturbances but the police and lower judiciary used to issue a series of such summons against their critics and political opponents of ruling dispensation, forcing them to face judicial harassment. Mr. Ibrahim Dafadar, along with his three associates (all are sexagenarian), all residents of village- Nawdapara, Post Office- Mama Bhagina under Bagdah Police Station of 24 Parganas (North) district were summoned under section 107 of Criminal Procedure Code vide Bagdah PS General Dairy Entry Numbers 1970 dated 29.02.2024 and 1979 dated 29.02.2024. Ibrahim Dafadar is the Secretary of "Amra Simantabasi" committee of his village. He is an educated, peace loving and compassionate person for social development.



Trafficking of Minor

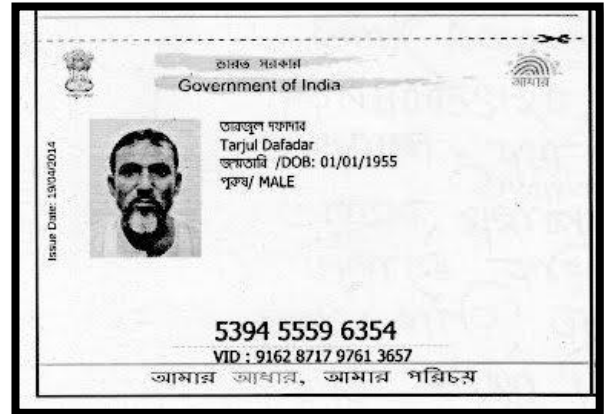
Complaint was regarding the trafficking of a 17-year-old girl and subsequent inaction of the police. The girl belongs to a poor, Scheduled Caste family from village- Hariharpur, Block and Police Station- Basirhat of 24 Parganas (North) district of West Bengal. As alleged that the girl was taken away by one Mr. Ujjwal Biswas, son of Mr. Nitai Biswas, a resident of village Pathankhali, Post Office- Gosaba, Police Station- Gosaba, district- 24 Parganas (South) of West Bengal. The accused; Mr. Ujjal Biswas used to load bricks in trucks and attached with transportation of bricks. The area is infamous for missing of girls; where the girls are being trapped by the youths from outside. Marriage of minor girls is phenomenal in this area. It was reported that on 26.03.2024 at around 5:30 PM, Ms. Chaittee Mondal (actual name changed), daughter of Mr. Mintu Mondal went out of her residence to buy some items, thereafter she has not returned to her home. Mr. Dulal Biswas and Mr. Rajkumar Biswas, sons of Mr. Manoranjan Biswas, both maternal uncles of the accused are being involved with this offence. On the basis of the complaint by the father of the trafficked girl, Basirhat Police Station initiated a criminal case; vide Basirhat PS Case No. 202/24 dated 26.03.2024. However, the Basirhat police along with its counterpart of Sonarpur PS made some raids on 04.04.2024 at few places in Sonarpur but failed to locate the girl. Our fact-finding team also came to know that the Basirhat police did not handover the copy of FIR to the complainant. The anxious



family members alleged that the police are lackadaisically handling the case, thus failed to locate the girl though one and half months have already passed.

Marginalization & Denial of Rights in India Bangladesh Border

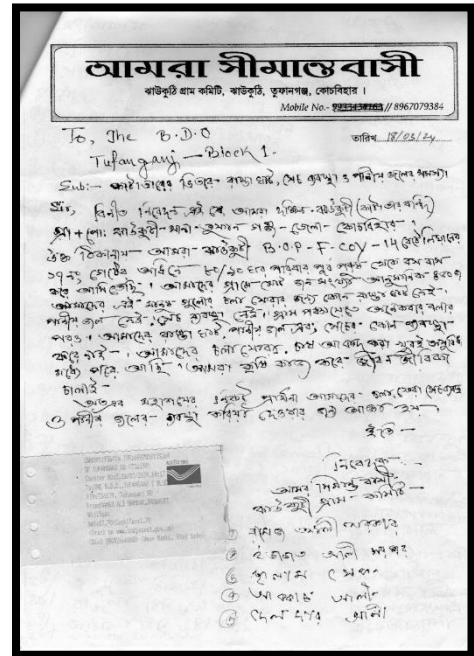
Complaint was over non deliverance of old age pensions to seven sexagenarian or septuagenarian, dependent and infirm persons, who applied for old age pensions at 'Duare Sarkar' camps, then to the District Magistrate of 24 Parganas (North). All these bonafide Indian citizens, who are living at India Bangladesh border areas of 24 Parganas (North) district belong to Muslim community and fulfil all requisite criteria for old age pension but till date the benefits have not been provided. All of them were either marginalized peasants or agrarian labours by their occupation. Though they made their individual applications at 'Duare Sarkar' camps but at those camps, provision of acknowledging the application by serving receipt copy is unavailable. The applications can not be made directly to the Sub Divisional Officer of the respective sub division forced them to make individual applications to the District Magistrate of 24 parganas (North) district through registered posts. Though they made these applications a month time back but no measures have been taken.



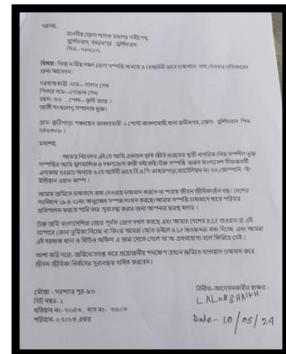
The complaint was on overall marginalization of inhabitants of Char Shib Nagar, Bansgara, Jharurpara and Khedurpara villages under Malibari I Gram Panchayet of Raninagar II Block of Murshidabad district. These residents of mentioned villages are attached with agriculture, agrarian labour and daily wage labour as occupation. Overwhelming majority belong to Oppressed Backward Class of Muslim community. The areas are devoid of any governmental facility of irrigation, depending upon the rain for harvest, cultivation and other agricultural activities. Traditional methods are being used in agriculture due to absence of any technological support from governmental departments. After prolonged agitational activities, assisted by our organization, Banglar Manabadhikar Surksha Mancha (MASUM), electric connectivity reached these villages in 2013 but that electric connectivity is available only for domestic purposes only, electricity is not available for agriculture even after eleven years. The recent persisting heatwaves has burnt the standing corps of jute, paddy, sesame, banana, elephant foot and other vegetables. It is next to impossible for poor agrarian gentry to meet up the ever-increasing cost of diesel to use it as fuel to pump in water to their fields. The increasing amount required for agriculture as input indebted the poor agrarian populace. The poor villagers are feeling disoriented while thinking about the sustenance of their families. Governmental line departments have not extended any support and assistance to the villagers either in form of subsidy in diesel or compensation for financial loss in cultivation. On 03.05.2024, around 89 family heads of these villages submitted a signed memorandum to the Block Development Officer of Raninagar II Block, demanding for permission to use electricity for irrigation through electrically operated pumps, facility of mini dip or government deep tube

wells for irrigation, subsidized diesel for irrigation and adequate compensation to farmers for their incurred loss in cultivation.

The complaint was on miserable situation of a village where the residents are facing governmental apathy and dejection. Dakhin Jhaukuthi is a village under Balabhut Gram Panchayet of Tufangunj I block of Cooch Behar district. This village is totally isolated from mainland India and encircled by border fencing between India and Bangladesh. Nearly 70-80 families consisting of 450 inhabitants, all belong to Muslim Backward or General castes. The villagers cultivate nearly 122.3 Acres of three yielding land but without any proper facility of irrigation. The roads of this village are dirt roads and that too in a dilapidated state. There is no school in the village, the primary health centre is 6 kilometres away while the Block Health Centre is 18 kilometres, primary school and secondary schools are 2 kilometres and 3 kilometres from the village respectively. The villagers stated that the condition of the roads is unchanged from Indian independence, the political dispensations in power have changed from time to time but the miseries of the residents not. Apart from this the village is without any governmental facility for potable drinking water. Though the lands of this village are three yielding but without proper facilities of irrigation, the farmers are unable to cultivate their lands and are facing huge financial loss. The villagers use hand pumps to quench their thirst, which they bore their own at 30-35 feet deep. The villagers are devoid from any governmental development schemes at this village and they have no land at any other part of India to settle. Miseries of the residents has further increased by the arbitrary restrictions by Border Security Force personnel to reach the agrarian lands of the villagers at the other side of the border fence through gate number 17 of Jhaukuthi Border Outpost, 'F' Company of 14 BSF Battalion. The list of affected farmers is quite long, here details of few: On 18.03.2024, villagers submitted a mass petition signed by nearly 100 family heads to the Block Development Officer of Tufanganj I Block, while the representatives of the village made request to the BDO, to discuss their demands, he showed his inability and said 'submit your complaint, corrective measures will be taken later.



Complaint was over the plight of the bonafide Indian citizenry living along India Bangladesh bordering areas of Murshidabad district. These villagers are living in Kuthipara and Kaharpara villages under Katlamari I Gram Panchayet of Raninagar II Block of Murshidabad district. The villagers possessed their own land at the other side of the border fence and being regularly denied to reach their own land by the Border Security Force personnel posted at Chouki (Post) Number 1 of Outpost Number 1, India Camp, 'E' Company of Kaharpara BOP of 73 BSF Battalion. Most shockingly, the lands are being regularly cultivated by Bangladeshi residents in full glare of BSF personnel while actual



owners of these lands, the citizenry of our country being restricted to reach their own lands and do needful agrarian activities. These villagers sustain their families by agriculture, as agriculture is only mean of livelihood for them. The mentioned villagers knocked the doors of civil and police administrations by submitting complaints to the Block Development Officer of Raninagar II Block and Officer in Charge of Raninagar Police Station but no remedial measures have been taken. During the first fortnight of May, all the aggrieved persons sent their written complaints to the District Magistrate of Murshidabad and requested for his intervention to solve this perennial problem of restriction and encroachment of their lands by foreign nationals but till date, the situation has not changed a bit.



Complain was on pathetic situation of farmers at India Bangladesh bordering Mahishmari village under Sitalkuchi block of Cooch Behar district of West Bengal. All the farmers of this village belong to Schedule Caste community. They have agrarian land measuring around 215 Acres, which is surrounded by the border fence. Around 120 families of this village are totally dependent on the mentioned land, as agriculture is the only source of living. The land could be approached and reached through the Gate No. 10 of Kamol Border Outpost of 157 Border Security Force Battalion. The land is fertile and yield thrice in a year. As the high yielding lands demand greater agrarian attention, thus these lands also require visit of the farmers and agrarian labours thrice a day. But the posted BSF at the mentioned gate, arbitrarily open and close the gate according to their whims. The posted BSF personnel usually opened the gates between 7-8 in morning, 12-1 during noon and 4-5 during evening but requirement for agriculture is for day long opening. Compounding the difficulty, Bangladeshi cattle often grazed the standing crops and posted BSF personnel only to witness the loss without any intervention, though the farmers of the village made several requests to BSF for protection of their crops. Due to this continuous crop loss, two months back, an altercation broke between Indian and Bangladeshi residents. On 20.04.2024, revengeful Bangladeshi residents illegally entered the Indian soil without any challenge from the posted BSF, (as in actual terms the BSF is stationed well inside the Indian soil and not in the actual border) and sprayed poison on standing *Boro* paddy in 2 Acres of land. The yield was totally destroyed by this act. According to the farmers, the loss was in tune of Rs. One lac Twenty-five thousand. Not only the standing crop, the Bangladeshi intruders vandalized 13 shallow systems within this 2 Acres of land, these 13 shallow systems were used to irrigate more than 37 Acres of lands. On 26.04.2024, the farmers went to the Sitalkuchi Police Station to submit a written complaint, at first instance, the Officer in Charge refused to accept the complaint but after prolonged persuasion,



though he accepted the complaint but refused to provide a receipt copy of the complaint. This act of hooliganism resulted crop loss in nearly 40 Acres of land, in financial form it was around Rs. Thirty Lac.

Lack of judicial responsibility

MASUM came to know through a video clip, posted by Prof. Habib Zakaria Ullash of Rajshahi University that an Indian youth, Mr. Moyedul of Lalbagh of Murshidabad district, who was apparently psychologically disarranged, unintendedly crossed the India Bangladesh border. On humanitarian ground, MASUM contacted Human Rights activists, media persons and government officials of Bangladesh and India to facilitate his return to India and relocate him in his own family. Bangladeshi human rights groups facilitated his return at Uttar Char Majhardear under Raninagar police station of Murshidabad district on 29.04.2024 at around 1:00 PM. The Officer-in Charge of Raninagar PS Mr. Bidyut Sarkar has been requested for safe repatriation of Mr. Moyedul. Kaharpara BOP of 73 BSF Battalion was contacted and MASUM activists discussed the issue with Company Commander Mr. Ajit Kumar Singh, Mr. Manvir Singh and Mr. Pawan Ladiyal, 2 IC of 73 Battalion. The boy was apprehended by posted BSF personnel near Kaharpara BOP and they took him in in their custody. Later, a case vide Raninagar PS Case No. 258/24 dated 29.04.2024 under section 12 of Passport Act has been initiated against Moyedul and he was brought to Raninagar Police Station. MASUM lawyer appeared for him and bail application was moved on 30.04.2024 before Lalbagh ACJM Court. The Magistrate granted bail to Moyedul against bail bond of Rs. 2000 with one registered surety and ordered for treatment for him at Murshidabad Medical College and Hospital. In utter disbelief for all, the said person was found missing from the court lock up thereafter. MASUM lawyer has not furnished the bail bond, but Mr. Sahadat Hossain, ASI posted as Hazat Babu and Mr. Arnadeb Saha, SI, posted as GRO Lalbagh ACJM Court conniving with other police and BSF personnel, instrumental to his missing from the court premises by submitting bail bond but not taking him out. Mr. Bakkar, a lawyer of Ranitala furnished the bail bond upon request from Mr. Sahadat Hossain, ASI posted as Hazat Babu. From that moment, Moyedul disappeared. In this situation, Moyedul was under extreme danger. Regarding his missing MASUM made a petition to the said court but the Magistrate refused to hear our plea on pretext of summer vacation in the court.

RTI initiatives

There is long history of RTI Act 2005 in India. It took a lot of effort and time to make RTI a reality for citizen. There were many exciting rules contrary to the right to information. There are various challenges and events in the evolution of RTI in India. **It is increasingly being recognized that governments hold information not for themselves but, rather, on behalf of the public and that, as a result, public bodies should provide access to that information.**

Banglar Manabadhikar Suraksha Mancha (MASUM) is a Human Right Organization. The organization has committed to challenge torture, extra-judicial killing, prison violence, starvation, oppression, exploitation and discrimination against any group of individuals. From past few years the organization had spread awareness among citizens, especially people living along India and Bangladesh border, women and those living in poverty and other marginalized sections, so that they actually exercise their right to access information from various government offices. MASUM had filed RTI applications

before various public authorities seeking information relating to public interest. Some of them are related to custodial death, extra judicial execution, enclave rehabilitation camp, enclave roads, district and central correctional homes (prisons) and other sub correctional homes etc.

Here are few developments in RTI during May 2024: -

RTI on 144 Cr.P.C

MASUM filed an RTI application on 4/11/2020 seeking eight specific information from different district authorities regarding imposition of Section 144 of Criminal Procedure Code which violates the freedom of speech and freedom of movement. Some of the district magistrates made replies but Office of the District Magistrate & Collector- Uttar Dinajpur replied on 11/11/2020, where the authority denied to impart the sought information, stating that MASUM's application has been rejected in accordance to section 3 of RTI Act. Dissatisfied with the reply, MASUM filed its first appeal before the 1st Appellate Authority on 8/12/2020 and subsequently second appeal before the West Bengal Information Commission on 3/2/2021. After 3 long years, West Bengal Information Commission has asked us to participate in hearing of our appeal on 16.05.2024, where the appellant; Mr. Kirity Roy was present. On the hearing of the mentioned RTI application, State Information Commissioner opined that " in queries number 1,2 ,3 & 5 are factual information sought and are also public information which should be in public domain and therefore reply to theses should be furnished to appellant. However, in the other four points of information sought, appellant has asked for reasons for imposing Section 144 and justification for the same."

In this part the State Information Commissioner stated that "Asking for 'reason' and 'justification' of executive decisions is not information as per definition contained in Section 2(f) & 2(1) of the RTI Act, 2005 Moreover, as far as imposing of Section 144 Cr PC is concerned, these orders are self-contained and give the reason and justification for imposing of Section 144 in accordance with Law". Hence, The Commission directed the SPIO to furnish the information as directed hereinabove within next 2 (two) weeks and inform the Commission accordingly.

RTI on Extra Judicial Execution

MASUM made an RTI application on 20/10/2020, seeking information on Extra Judicial Execution from the SPIO & DIGP, West Bengal Police Directorate. On 12/11/2020, MASUM received a reply from the SPIO & DIGP, West Bengal Police Directorate stating that this matter was closely related with function of the SPIO, State Crime Records Bureau and as a result transferred this application to the SPIO, State Crime Records Bureau, but SPIO- State Crime Records Bureau not made any reply to MASUM. On 28/12/2020, MASUM had filed an appeal before the ADG & IGP, the Appellate Authority, of RTI Act, State Crime Records Bureau; WB, and got a reply from them on 07/01/2021 vide Memo No. 29/SCRB/WB/RTI-Appeal/01/2021 stating that "Your letter in c/w the above noted reference has been received by this office. The statistics under the head "Extra Judicial Execution" are not maintained and hence could not be supplied. As per appeal petition the data on "Death in Police Encounters" is attached for your records."

On 25/01/2021, MASUM expressed grievance to the State Chief Information Commissioner, West Bengal and filed an appeal before his office. Resulting, a hearing was fixed on 22/05/2024 before the State Information Commissioner; where MASUM's Secretary was present during online hearing, the SIC rejected MASUM's appeal stating that "No such information is maintain by the police, for that reason this kind of information can not be given, and this petition is liable to be rejected".

MASUM has taken initiative to challenge the decision while decided to file a Writ Petition against this order of SIC before the Calcutta High Court, with legal explanation that the said authority is liable to provide the mentioned information as: -

1. According to the NHRC Guidelines, in every 6 months, a detailed report from DGP to NHRC regarding number of deaths in police custodies of their state has to be furnished.
2. According to Law every Police Station shall maintain record regarding Extra-judicial Execution in its jurisdiction area.

Statement

Media: Gloomng Reality in India

On the eve of the Press Freedom Day on 3rd of May, Banglar Manabadhikar Suraksha Mancha (MASUM) shares its anxiety with the broader civil society platforms as the situation of freedom of any form of expression became grimmer in India day by day. This day was intended to raise awareness on the importance of freedom of press and to pay tribute to pressmen who lost their lives in the line of duty.

The persecution of journalists and media has deepened since the Bharatiya Janata Party came in power in 2014 and India is now ranked as low as 161 out of 180 countries in the index on press freedom by Reporters Without Border. In 2022, India was ranked 150.

The violence against journalists, arbitrary arrests of media persons, politically biased media reports, propagating hatred against minorities and socially underprivileged and the concentration of media ownership at the hands of State backed business houses; all establish that press freedom is in crisis in "the world's largest democracy".

At least 28 journalists have been killed since 2014 and nine well known journalists are currently imprisoned. Anti-Terrorism laws are being misused to hound media personnel. The police and tax agencies are constantly deployed to silence independent media. Journalists are routinely subjected to the scourge of disinformation campaigns, while access to political happenings in India is getting increasingly restricted for foreign journalists. In the last 12 months or so, income tax authorities have searched BBC offices in India and a prominent think tank, the Centre for Policy Research. In an arbitrary direction, the Government of India asked Australian journalist Avani Dias and French pressman Vanessa Dougnac either to leave India or their stay in India was made untenable. Arbitrary shutdowns of internet and censorship is also a major concern; one can recall the blocking of Hindutva Watch and India Hate Lab's websites in India, as well as the blocking of 177 social media accounts during the farmer's protests.

Aggrieved by the reality, Free Speech Collective depicted the situation by saying "Free speech in India has sunk into a perilous abyss and steadily falling press freedom indices underscore the dangers of crossing a line that is becoming increasingly contentious."

The state of affairs in the provinces of India, ruled by different hues of political dispensations are not different. In West Bengal recently, Republic Bangla journalist Santu Pan was arrested in West Bengal while broadcasting a report on the reported breakdown of law and order in Sandeshkhali, was booked in sexual assault case on 19th February 2024. In another incident, Debmalya Bagchi, a seasoned journalist with a decade long association with the leading Bangla daily, Anandabazar Patrika, was arrested after investigative reporting on illegal liquor trade. Such attacks on journalists not only impede the freedom of press but also pose a threat to democracy. It is essential for the government to take immediate action and pass a protection act for journalists to prevent such incidents from happening in the future.

In this day while commemorating press freedom and its protagonists, we are willing to converse on Right to Information in India and activists attached with this cause. It's been nearly 20 years since the Right to Information (RTI) Act, 2005 was enacted to provide transparency to government decisions, hold the government accountable and fight corruption. The use of the RTI Act has increased manifold over the years, with around 53-56 lakh RTI applications filed annually. Assaults on and alleged murders of RTI activists continue across India. Media reports of more than 300 instances of attacks on or harassment of citizens and at least 51 murders and 5 suicides can be linked to information sought under the Right to Information Act.

In this context, on the onset of Press Freedom Day, we put a charter of demand before the Government of India: -

- Immediately free the arbitrarily detained journalists, including media persons from Jammu and Kashmir
- Amend the anti- terrorism laws so that these laws can no longer be used to persecute journalists (The Unlawful Activities Prevention Amendment Act 2019 (UAPA) and the Public Safety Act (PSA) are often used against journalists).
- Stop the censorship and surveillance of journalists
- Constitute an independent commission of enquiry into cases of spying on journalists (At least 15 Indian journalists have been targeted by the NSO Group's Pegasus spyware since 2021 with complete impunity).
- Protect the confidentiality of journalists' sources
- Ensure the physical and digital safety of journalists, especially those who say they are being threatened
- Stop to arbitrary Internet shutdowns
- End the restrictions on access to certain parts of the country
- Safeguard the foreign media's right to cover India

MASUM in Media

- <https://inews.zoombangla.com/an-indian-citizen-was-killed-in-bsf-firing-on-the-border/>
- <https://www.omct.org/en/resources/reports/extrajudicial-killing-at-the-india-bangladesh-border-urgent-call-for-justice-in-the-case-of-liton-miya>
- Online Petition by MASUM with caption 'BSF should shift to actual border at India Bangladesh border' in Change.Org- <https://www.change.org/p/bsf-should-shift-to-actual-border-at-india-bangladesh-border>



Our Activities

MEDICAL AND PSYCHOLOGICAL ASSISTANCE

In this month of May 2024, MASUM organised 4 medical camps at 24 Parganas (North) and Cooch Behar district. In both the districts, 1 camp was for physical wellbeing and 1 for psychological treatment. 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, Swarnapnagar on 15th May and 20th May 2024 for physical wellbeing and psychological treatment respectively. Dr. Anusuyak Roy treated 29 patients for physical wellbeing while Dr. Debshankar Mukhopaddhaya provided psychological treatment to 9 persons.

In Cooch Behar district psychological treatment was provided to 9 patients on 28th May by Dr. Banhiman Sarkar while on 30th May, 2024, Dr. Shukat Ali attended 44 patients for physical well being. Both the camps were organized 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.

Cooch Behar

On 28th May 2024, Amra Simantabasi Committee of Paschim Sahebgunj village met to discuss the issue of arbitrary closing and opening of fencing gates. The meeting decided for submission of memorandum to the Block Development Officer regarding day long opening of gates for agricultural purposes along with transportation of plough and bullock. Similar meeting was held on 23rd May 2024 at Kalmathi- Bhekraful village under Kalmathi Gram Panchayet of Dinhata II Block. The meeting decided to make demand for opening of the fencing gates from 6 AM to 6 PM and withdrawal of BSF's identity cards, meeting decided to submit memorandum to the respective BDO. On the same date, Pramila Bahini meeting of Kalirpat committee, it was decided to meet the BDO on 27th May for availability of drinking water and irrigation facilities in lands surrounded by fencing.



On 21 May, a meeting of Amra Simantabasi held at Paschim Sahebganj in Dinhata II block. The meeting was attended by the Secretary and Presidents of all Amra Simantabasi Committees of Dinhata II Block. The meeting decided for village level meetings at Purba Sahebganj, Paschim Sahebganj, Durganagar II, Kalmathi Begunbari, Kalmathi Bhekraful and Kalmathi Kalir Path and subsequently memorandum has been submitted to the BDO, Dinhata II with localised demands.



Murshidabad

Kaharpara Amra Simantabasi Committee met on 3rd May 2024 and discussed on the restriction by BSF to the villagers who possessed their land under Sarandajpur Mouza at the other side of the border fence, on the other hand, the lands are being regularly cultivated by Bangladeshi residents in full glare of BSF personnel. It was decided that they will bring the issue before the authorities with active support from MASUM.



On 13th May, a meeting of Amra Simantabasi was organized at Katlamari Kuthipara village. The meeting decided for extensive leaflet distribution, postering, application for MGNREGA jobs to respective panchayets, listing of migrant labours and restoration drive for Indian



lands of Sarandajpur Mouza; at present cultivated by the Bangladeshis.

On 26th May, meeting of Amra Simantabasi of Char Sahebnagar – Taltala village held at Char Sahebnagar More. The meeting was convened to discuss the issue of governmental deliverance on housing and applications made under the Awas Yojna. The meeting further decided to make application for governmental assistance for toilet construction.



24 Parganas (North)

On 23rd May, the Gobra village committee of Amra Simantabasi was held. The meeting was presided by Mr. Rejaul Mondal, the president of the committee. The Secretary of the committee; Mr. Mofazzel Gazi discussed the achievements of the peoples' united struggles regarding construction of road from Gobra to Gobindapur and permission of jute along the border fencing. It was also acknowledged that the posted BSF has made relaxations in movements at bordering areas. The committee discussed on large scale migration from the area.



Legal Report - MAY, 2024

High Court, Calcutta

A new case has been filed as Writ Petition; WPA/14087/2024 in The High Court at Calcutta; Constitutional Writ Jurisdiction Appellate Side under Article 226 of the Constitution of India. In the matter of Nokila Mondal alias Nakila Mondal, Wife of Late Arsad Mondal, residing at Village and Post Office –Taranipur, Police Station – Swarupnagar, District – North 24 Parganas, PIN – 743273; Petitioner Versus the State of West Bengal, the Border Security Force, the Criminal Investigation Department, the Officer-in-Charge, Swarupnagar Police Station, District – North 24 Parganas. The son of the petitioner; Milan Mondal was a victim of enforced disappearance. First hearing date has been fixed for 12/06/2024 before the Justice Jay Sengupta.

North 24 Parganas.

1. 03.05.24, GR 4965/21, Additional Chief Judicial Magistrate Court, Basirhat, STATE (OSMAN SARDAR) VS B.S.F PERSONEL.
2. 03.05.24 Judicial Magistrate 1st Court GR 5555/22, STATE VS SAHARBANU @ SHAR BANU BIBI.
3. 04.05.24 Additional Chief Judicial Magistrate Court at Basirhat = GR 4808/17 U/S 363/365 I.P.C, STATE (SUBRATA MONDAL) VS PALAS MONDAL & OTHERS.

4. 09.05.24, Additional Chief Judicial Magistrate Court, SC 217/19 STATE VS AMARNATH SARKAR & NARAYAN MONDAL.

5. 14.05.24, Assistant Session Judge, Basirhat, ST 05(12)19 STATE (JAMAT ALI SANA & SARIFUN SANA) VS SAHIDUL GAZI & OTHERS.

6. 20.05.24 Additional Chief Judicial Magistrate Court, GR 25/22 STATE (PROVAT PATRA) VS PRALAY HALDER & OTHERS.

7. 24.05.24 Additional Chief Judicial Magistrate COURT (NGRO FILE) = Swarupnagar G.D.E NO 153/13 U/S 232 I.P.C STATE (ABDUR RAHAMAN SARDAR) VS B.S.F PERSONEL.

Cooch Behar

1. 18/05/2024, Additional Chief Judicial Magistrate Court, Dinhata, G.R.- 849/2011, State vs Faruk Abdullah.

2. 16/05/2024, Additional Chief Judicial Magistrate, Mathabhanga Court, G.R 524/2023, Complaint Mahitan Bibi.

Murshidabad

1. 03/05/2024, Additional Chief Judicial Magistrate Court, Lalbag C.R. 72/2016, Saifura Bewa VS BSF..

2. 02/05/2015, Judicial Magistrate Court, Lalbag, C.R. 154/2012, Rajkumar Mohanta Vs. additional superintendent of police murshidabad & The office in charge and involved police force of bhagwangola police station.

3. 20/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, C.R. 176/2015, Kajola Bibi VS Raninagar Police Station Police personnel.

4. 24/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, C.R. 249/2017. Golam Mujtab Vs One BSF Personnel & other B.S. F Jawan from Battalio 83 Posted at gate No – 2 Under Harudanga B.S. F Border Out Post No –2.

5. 15/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, C.R. 633/2017, Bhabani Mondal VS 13/14 Border Security Force personal from char Rajamagar camp of BSF Battalio No – 83 under Raninagar Police Station.

6. 15/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 127/2013, The state Vs Rabiyl Islam.

7. 07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 776/2016, The state Vs Repon Sk, 2. Alamgir Kabir Sarkar@ Alamgir Sk. 3. Biplab Biswas @ Makail Sk 4. Abdul Majid Sk 5. Babu Sk.

8. 07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 873/2014, The state Vs Palash Mondal.

9. 07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 1142/2019, The state Vs Raghunath Pramanik @ Nirapado Pramanik 2. Radharani Pramanik, 3.Sandip Mondal,4.Bulam Pramanik,Under Section 323/506/354/420/427/437/436/379/34 I.P.C.

10. 07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 1150/2014, The state Vs 1. Safikul Islam @ Tapan 2. Repon Sk Under section – 3/4/5/6 Explosive Substance Act.

11.07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 1150/2014, The state Vs 1. Malati Orao, 2. Srina Bash Orao,3. Naren Orao, 4. Biran Orao, under section – 323/324/379/34 IPC.

12.07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 1227/2014, The state Vs 1. Abdus Subhan Sk, 2. Nargis Bibi, 3. Kajala Bibi, 4. Juel Sk, under section 447/323/325/506/34 IPC.

13.07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 1533/2015, The state Vs Palash Mondal. under section – 399/402/34 I.P.C. 25/27 Arms act.

14.07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 2755/2013, The state Vs Palash Mondal, under section – 143/325/307/427/34IPC & **3/4** Explosive Substances' Act.

15.07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 2949/2014, The state Vs 1. Kajola bib,2. Surma Bib,3. Akshad Sk, 4. Senuara Bib, 5. Sujjad Sk,6. Emaj Sk, 7. Manarul Sk, 8. Amjud Sk, 9. Sujan Sk, 10. Suman Sk @ kama, 11. Sukhchad Sk, 12. Neshar Sk. Under section 147/148/149/185/323/307/332/353/34 IPC 25/27 Arms Act & 3 /4Explosive Substances.

16.07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 3283/2019, The state Vs 1. Raghunath Pramanik @ Nirapado Pramanik, 2. Sandip Mondal,Under Section 323/325/506/308/379/351B/34 IPC.

17. 07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 3566/2019, The state Vs Safikul Islam @ Patan, Under section 143/188/379/411/413/373/307/34 Indian Penal Code. 27 (ii)(b) Drugs & Cosmetic Act.

18.07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 3646/2013, The state Vs Palash Mondal. Under Section 3 /4Explosive Substances Act.

19.07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 3846/2010, The state Vs Palash Mondal. Under section – 147/148/326/307/427/34/Indian Penal Code, 25/27 Arms Act & 3/4 Explosive Substances' Act.

20.07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 3932/2013, The state Vs Safikul Islam @ Patan, Under section – 188/379/411/414/373/307/34 Indian Penal Code. 27(a) (b)(ii) Drugs & Cosmetic Act.

21.07/05/2024, Additional Chief Judicial Magistrate Court, Lalbag, G.R. 3963/2014, The state Vs 1. Merina Bibi, 2. Kajal Sk @ Mondal, 3. Nashima Bibi, under section: - 325/326/308/34 IPC.