

Monthly Report

May 2023



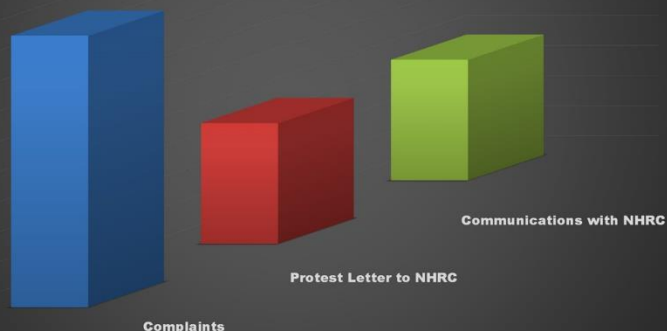
Miles to go...

**Banglar Manabadhikar
Suraksha Mancha**

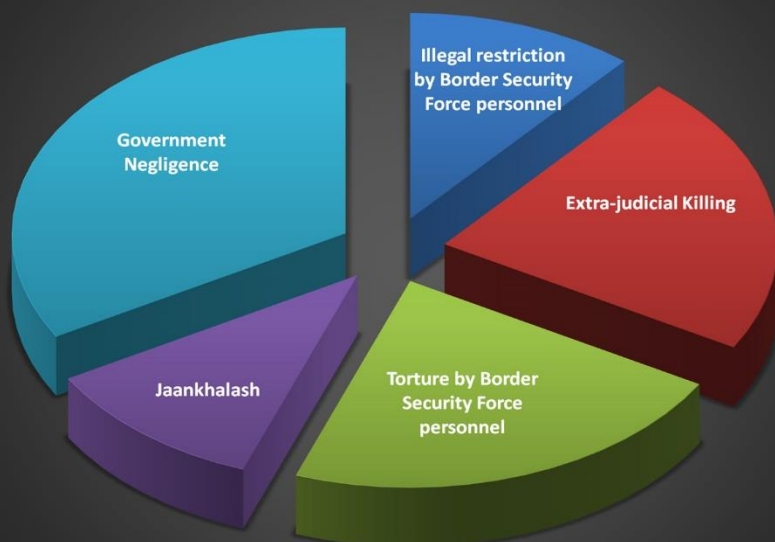


Banglar Manabadhikar Suraksha Mancha (MASUM) made 9 fresh complaints of gross human rights violation before the relevant state authorities and different human rights institutions; especially the National Human Rights Commission during the month of May 2023. We have sent 4 protest letters to the concerned authorities, where they have closed a case or sent overdated summons to our victims. During this month we have received 4 directions from the NHRC in various cases.

Communicative Interactions with HRIs



Type of Cases



Out of the 9 complaints, two are on torture by BSF, two on extra-judicial execution, one on illegal restriction by the BSF, one on 'Jaankhalash' and three on government negligence. Through these complaints we addressed the issues of 22 individual victims; out of them 20 belong from minority Muslim community and 2 others from Hindu Scheduled Caste community. Among the victims 14 were males and 8 were females. Among these victims 8 were minor. In the case of restriction by the BSF and one government negligence case, the victimization was collective and didn't reflect on the charts below.

Demographic Classification

Male Female



Social Classification

Muslim Hindu (Scheduled Caste) Hindu (other)



Our Activities

Cooch Behar district

We conducted a meeting with the volunteers of Cooch Behar as well on 24th May, 2023. Total 34 Volunteers attended the meeting. It is decided in the meeting that we will work on the issues of child marriage, child labor, unsafe migration and human trafficking etc. We handed over the manuals to all the volunteers and explained the roles and responsibilities of the village level committees, volunteers, DHRM, DC and other office staff. It is also decided in the meeting that every month we will be conducting a workshop on different issues and all the volunteers have to take part in it. All the volunteers are eager to work with this new process.

Apart from that nine village level meetings took place in the villages where several issues related to the border was discussed.



North Dinajpur district



We conducted a meeting with the volunteers of North Dinajpur as well on 25th May, 2023. 11 volunteers who were primarily nominated by the village level committees were handed over the field manual. The roles and responsibilities of the village committee members, volunteers, DHRMs, DC and other office staff were discussed thoroughly as per the field manual.

Apart from that eight village level meetings took place in the district.

Advocacy initiatives

On 19th May, 2023, the villagers from Hemtabad block submitted a deputation on the issues related to BSF restriction, in their respective villages, to the Block development Officer of Hemtabad. Around 30 villagers took part in the program. A few representatives from among the villagers discussed the problems with the Block Development Officer of Hemtabad block.



North 24 Parganas district



In May, 2023, we conducted meetings with the volunteers of all the three districts in order to boost up the volunteers of these districts. In North 24 Parganas the meeting was conducted on 26th May, 2023. We handed over a manual to the volunteers that describes their duties and responsibilities while working with MASUM. We discussed the roles and responsibility of the Gram committee members, Volunteers, DHRMs, DC and office staff. Reporting procedure also discussed in the meeting. Along with that ten village meetings were organized in the district. Along with that ten village meetings were organized in the district.

Achievements:

- Due to our complaint some marginalized villagers from Boaldah village in North 24 Parganas got their Scheduled Caste certificates from the government.
- Two trafficked children, Mehdi Hasan Sardar and Abdul Rakib Halder were repatriated from Bangladesh to their home after our intervention on 25.05.2023.
- An issue of livelihood violation at Jhaukuthi was resolved after our complaint, where the villagers can use the CPWD road at the border without disturbance.

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 16.05.2023, a medical camp was held at Swarupnagar, North 24 Parganas, where 39 survivors and family members availed the treatment under the supervision of Dr. Anasuyak Roy. On 22.05.2023, another medical camp was held at Utsav Hotel, Dinhata of Cooch Behar where 39 victims availed the treatment under the supervision of Dr. Saokat Ali. The prescribed medicines were provided to the beneficiaries along with the cost of pathological tests. At the end of each medical camp volunteers of MASUM had meetings with tortured victims and their family members to discuss the legal case status of individuals.



Case Briefs: May 2023

• **Torture by BSF personnel:** This month we have found two cases of BSF tortures this month. One of these cases was found in North 24 Parganas and another was found in the district of Cooch Behar. In the case of Firoja Mondal of North 24 Parganas, the perpetrator, Mrs. Lili Barman, started to abuse the victim and out of rage she started to physically assault the victim when she was going to collect cattle fodder. We have lodged a complaint to NHRC in this regard. In the case of Mr. Fajar Ali and others of Cooch Behar, The victims Mr. Fajar Ali, his son, Mr. Chomer Ali and Mr. Sahinur Mondal were fishing in the river when a few BSF personnel came to the spot and started abusing them verbally. The victims were forced to hold their ears and squat 50 times as punishment for fishing in the river. In this regard too, we have lodged a complaint to NHRC.



• **Illegal restriction by the BSF personnel:** This month we have encountered one case of BSF restriction. That case was found in Sipaipara of Cooch Behar district. In this case, BSF personnel under the command of their Company Commander, Mr. Ramesh, is harassing the villagers in different ways to restrict them from agricultural activities. Already, even without the restrictions in place, the people who go for cultivation in the land beyond the fencing face several perils. In these lands, there are no proper sources of water, no place to rest etc. In a nutshell, to earn their livelihood they have to undergo an excruciating degree of hardship. To add more hardship to it, the BSF personnel attached to Brahmaputra Border Out Post are keeping the fencing gates closed for three to four days at a stretch. This irregularity in the gate opening is not only causing hardship to the peasants, they are also incurring tremendous economic loss amounting to a cumulative figure of 20-25 thousand rupees per bigha. We have lodged a complaint in regards to this to the DM of Cooch Behar.

• **Government Negligence:** This month we have found three cases of government negligence. Two of these cases came from North Dinajpur and one from North 24 Parganas. The cases of North Dinajpur were of one unrepaired primary school at Poriyal and another was of Mr. Nur Alam who haven't received toilet under "Nirmal Bangla" project. We have lodged complaint in these regard to the concerned authorities. In the case of Ms. Badali Das of North 24 Parganas, we have lodged the complaint to the concerned authorities as the elderly woman was not receiving the old pension from the government.

• **Extra-judicial execution:** This month we have encountered two cases of extra judicial killing and both of those cases were found in Cooch Behar district. In the case of Mr. Shahjahan Mia, when he was going to work in the field he ask ordered by the BSF to clear some bushes. There was a live wire in that place. While clearing the bush he was killed by electrocution. We have filed a complaint to NHRC in this regard. In the other case, i.e. the case



home. Border Security Force personnel attached with Lalbazar Border Out Post, 75 Battalion apprehended him near the pillar number 903. Later he was tortured and brought to Mathabhanga Sub-divisional hospital where he was declared dead. We have lodged complaint to international special procedure and NHRC in this regard.



• **Jaankhalash:** We have found a case of one 'Jaankhalash' prisoner in Bangladesh Prison. The case was from Cooch Behar. In connection with Hatibandha Police Station FIR number 34 dated 29 December, 2022 under section 4 of the Control of Entry Act, 1952 and in connection with GR case number 389 the victim was produced before the Lalmanirhat court where the victim Surojit Barman admitted his guilt and Judicial Magistrate, Lalmanirhat sentenced him three months conviction and he was sent to the Lalmonirhat District Jail. Despite completing his term of sentence in jail on 30.03.2023 this minor Indian has been stuck in prison and till date he is not released It is an attack upon his life and liberty. We are guessing that the victim is in degrading condition in jail as he is illegally detained as 'Jaan Khalash'. We have lodged a complaint to the ministry of external affairs in this regard.

Legal Activities Report: May 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 26.04.2023 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.



Sub-divisional Courts



This month we provide legal support in 06 prosecution cases in the Basirhat court among which in three 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 file 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 prosecution and 02 defense cases.

In the court of Mekhliganj, we provide legal support to 01 prosecution case in this month.

New Case Filing

Pranab Roy, a human rights defender is a victim of BSF torture. On 09.04.2023 BSF personnel attached with Barnaberia Border Out Post, Battalion number 105 committed brutal torture upon the victim when he was returning from the field in the evening. On 10.04.2023 Mr. Roy lodged one written complaint to the Sutia Out Post under Gaighata Police Station but no action has been taken by the concerned police authority. On 10.05.2023 Mr. Roy lodged another written complaint to the Superintendent of Police of Bangaon Police District under section 154 (3) of the Code of Criminal Procedure but as no action has been taken by the concerned district police administration over the complaint of the victim on 20.05.2023 one complaint case was filed before the Court of Additional Chief Judicial Magistrate, Bangaon, North 24 Parganas.

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.

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.

Achievements

On 25.02.2015 Mr. Arup Tikadar was shot dead by two BSF personnel attached with 144 Battalion, Khalsi Border Out Post. One complaint case was filed before the court of the Ld. Additional Chief Judicial Magistrate, Basirhat in this regard. The case is still pending before the court of the ACJM, Basirhat, North 24 Parganas vide GR case number 3256/2015. However, the respective court records of the case has been missing from the court record room since the past one and half years. Several Put up petitions were submitted before the court of the ACJM, Basirhat, for tracing out the case records but ultimately no fruitful result made. After our intervention to the Inspecting Judge of North 24 Parganas district regarding this matter, Mrs. Malati Tikadar, mother of the victim's wife lodged another written complaint to the Chief Judicial Magistrate, Barasat dated 12.04.2023. On 16.05.2023 Mrs. Tikadar, received one notice from the Court of the ACJM, Basirhat from where it is revealed that the respective file has been discovered in the Court GRO room and the Court called her appearance on 20.05.2023. On the said date Mrs. Malati Tikadar appeared before the Court of the Additional Chief Judicial Magistrate, Basirhat and filed her written objection against the FRT submitted by the police after investigation of the case.

Activities at a glance



Training for the volunteers of North Dinajpur district at Raiganj



Training for the volunteers of North 24 Parganas district at Gobordanga



The volunteers who will be working in North Dinajpur district since June, 2023



Meeting with the torture survivors of Cooch Behar district after the medical camp



Treatment of a survivor in our medical camp aided by UNFVT



Meeting with the members of 'Promila Bahini' from Charuigachhi village of North 24 Parganas district