

Monthly Report

May 2022



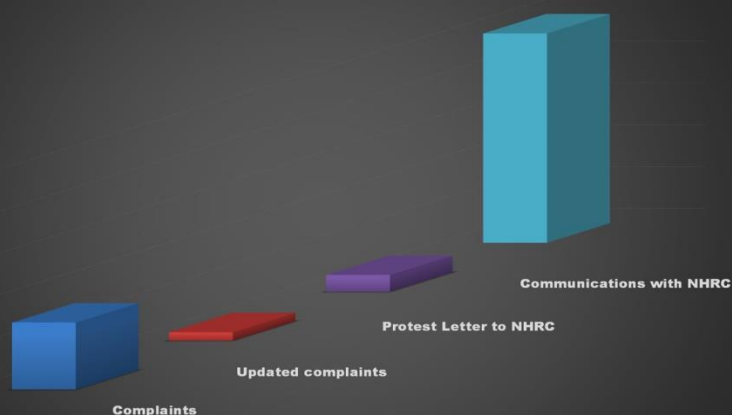
Miles to go...

**Banglar Manabadhikar
Suraksha Mancha**



Banglar Manabadhikar Suraksha Mancha (MASUM) made 8 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 2022. In cases, where our victims from previously lodged cases were threatened or intimidated, we have lodged 1 updated complaints. We have sent 2 protest letters to the authorities, where they have closed a case or sent overdated summons to our victims. During this month we have received 16 directions from the NHRC in various ongoing investigations.

Communicative Interactions with HRIs

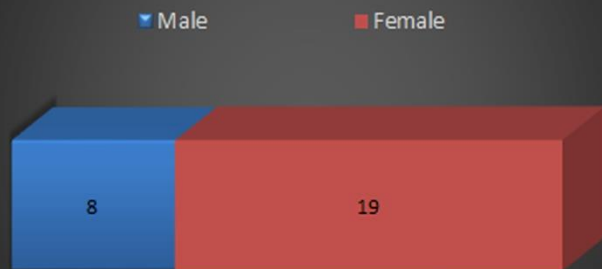


Type of Cases

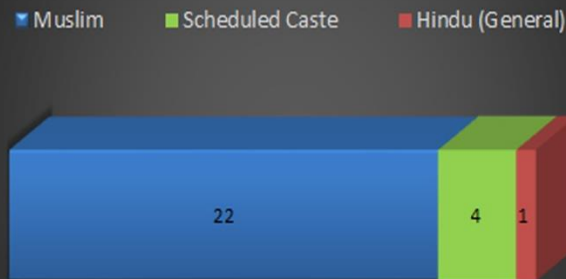


Out of the 8 complaints, three are on illegal detention of Bangladeshi women and children and two on torture by BSF personnel. One complaint each were made on Police Inaction, custodial deaths and illegal roping and handcuffing. Through these complaints we addressed the issues of 27 individual victims. Among them 22 belong from minority Muslim community, 4 from Hindu Scheduled Caste (*Dalit*) community and 1 from Hindu (General) community. Among the victims 8 were males and 19 were females. Among these victims 6 were minors.

Demographic Classification



Social Classification



Our Activities

North 24 Parganas district

Meeting with cultural activists

On 08.05.2022 MASUM held a discussion at Pachpota in the Gaighat area of the North 24 Parganas alongside poet, artists, cultural activists and media representatives. The topic was related to the condition of bordering people near the Indo-Bangladesh border and to the question of their human rights. The attendees, in their discussion, brought up myriad topics related to literary consciousness, collective experience, history, partition, the first-hand experience of many, the delight of independence, state's and citizen's responsibility, the political goodwill of the state, the methodology towards reaching a plebiscite, why India's independence day is different from that of Pakistan, the empowerment of hooliganism of political parties, the diplomatic relation between Bangladesh and its neighboring countries like Nepal and Bhutan and the sovereign nature of the Indian state. Undoubtedly, MASUM bagged a unique experience, going over several such topics, through the discussion which lasted thirty minutes.



Survey Training Conducted in Cooch Behar and North 24 Parganas



MASUM initiated training on conduction surveys among the people residing near the Indo-Bangladesh bordering areas with the purpose of deriving a clearer picture of the demography, population and socio-economic conditions of the marginalized bordering population. The purpose of the training was to illustrate the approach and methodology of the survey to the responsible surveyors.

The significance of the survey lies in the fact that there was no concrete data on the target population which shall help us in putting together a complete picture of the population bordering the fences. The training of the survey was conducted at Chandrima Home Stay, Pachpota, North 24 Parganas on 07th May 2022 and the Bipasha Lodge in Cooch Behar on 10th May 2022.

Cooch Behar district

Village level meetings

A meeting was organized to plan the formation of Haldibari Block Committee on 19.05.2022 and on the same day, the Haldibari Block Committee was also successfully formed. On 20.05.2022 a meeting with bordering people of the Sitalkuchi and Mathabhanga I block was organized to form Amra Simantabasi Block Committee. The meeting was attended by members from 6 villages. The members of the village level committees are actively dealing with the problems in the Indo-Bangladesh bordering area and are eager to hold and participate in a program concerning the same.

MASUM has resumed working among the erstwhile enclave dwellers aiming to extend its support to the marginalized populace of the enclaves in putting forth their demands clearly to the government. On 19.05.2022 three different meetings were held with erstwhile enclave dwellers of Balapukuria, Dhabalshuti-Mrigipur and Jot-Nijama erstwhile enclave under the Mekhliganj block. On 18.05.2022 a central meeting was held with the erstwhile enclave dwellers of Puyatorkuthi, Batrigacha, Dakshin Masaldanga and Shiv Prasad Mustabi erstwhile enclave under the Dinhata block. On 25.05.2022 another meeting was held in Korola erstwhile enclave. We took note of their demands from the government which includes the demand of handling over land right papers to the dwellers and citizenship issues. The dwellers are also willing to take up these issues to higher authorities and build mass support regarding demanding the bare necessities of life from the government.



Residents of the Tufangunj block of Cooch Behar sat in protest in front of the Ghonapara BSF BOP under the banner of Amra Simantabasi against BSF curbs on farming corn and jute crops near the Indo-Bangladesh border on May 17, 2022. The issue surrounding the blockade deals with the apathetic destruction of crops by the BSF, grown in the bordering areas of India-Bangladesh; thus jeopardizing the means of livelihood and sustenance of the farming population near the borders. The blockade was lifted after the BDO of Tufangunj-I block assured the protesting farmers that the crops grown by them this year would not be destroyed and farming in plots within and beyond the bordering areas would be discussed with the BSF.

Medical Camps - In the month of May, 2022 MASUM organized three medical camps with the help of United Nation Voluntary Fund for Victim of Torture – UNVFVT for the torture survivors and their family members. On 12.05.2022 and 16.05.2022 two different medical camps were held at Tufangan and Dinhata of Cooch Behar district, where 60 victims and 34 victims availed the treatment under the supervision of Dr. Saokat Ali respectively. On 24.05.2022 another medical camp was held at Swarupnagar, North 24 Parganas where 38 victims availed the treatment under the supervision of Dr. Anasuyak Roy. The prescribed medicines were provided to the beneficiaries. At the end of the each medical camp volunteers of MASUM had meetings with tortured victims and their family members to discuss about the case status of individuals.



Case Briefs: May 2022

• **Torture by BSF personnel:** In an incident, Ms. Rabiya Bibi, an innocent marginalized Muslim youth from Dharkhanda village, North 24 Parganas, had been accused of smuggling beetlenuts and had been brutally harassed and tortured by the BSF personnel associated with Bithari BOP, on the road. The torture, intense beating continued in spite of the repeated pleas of the victim that she was fasting and was physically weak. The victim was severely bruised on her face and later admitted to Sarapur Rural hospital.



Video of [Rabiya Bibi](#)

In another incident, another marginalized Muslim youth Ms. Serina Bibi had been stripped naked, molested and unnecessarily detained under the garb of conducting a search. The BSF personnel associated with Bithari BOP in North 24 Parganas district physically assaulted her and beat her up with sticks. No action has been taken by police or the district administration till date in any of the cases.



• **Custodial death:** Custodial torture by the Deganga police personnel resulted in the subsequent death of a Kutubuddin Mondal, a resident of Kharua Chandpur village on 11.04.2022. The victim was falsely charged with Arms Act and was arrested from his own house on 05.04.2022 without any memo of arrest, following which the victim was mercilessly tortured and beaten by the police personnel of the Deganga Police Station. MASUM demands that the perpetrators must be booked under the appropriate legal provision and tried in open court of law.

• **Illegal Detention of Bangladeshi women and children:** In the month of May, MASUM recorded 3 cases where Bangladeshi people belonging to poor marginalized families have been illegally detained in prison. The Bangladeshi persons arrested were treated as accused under the Foreigners Act and no attempts were taken up by the police or the concerned court to ascertain whether they were the victims of human trafficking or not. This approach is violating the MOU signed between the Government of India and the Government of Bangladesh on Bilateral Cooperation for Preventing of Human Trafficking especially trafficking in Women and Children. MASUM addressed and documented these cases and lodged specific complaints with the NHRC.

• **Police inaction:** MASUM witnessed police inaction and negligence in the brutal murder of Pritilata Halder, the wife of Mr. Pralay Halder, BSF constable Head Quarter of the 195 battalion of Baikunthapur, in North 24 Parganas district, by her in-laws. She was subsequently murdered on 01.01.2022. The police did not take the necessary action to arrest either her husband or other accused persons. The incident following the victim's death are also indicative of the police taking bribes to cover up the crime. MASUM demands that the perpetrator is immediately prosecuted along with stern departmental action.



• **Illegal roping and handcuffing:** Although handcuffing and roping is unconstitutional, it is openly being practiced by the Mekhliganj police of Cooch Behar district inside court premises. In the Prem Shankar Shukla vs. Delhi Administration case of 1980, the Supreme Court of India have put a ban on the use of ropes and fetters on accused persons. However, still the practice is rampant in several courts of West Bengal. MASUM lodged a complaint with the NHRC regarding the matter.

Achievements - A victim from Lalbagh of Murshidabad district, Ms. Shatabdi Dutta lost her life while she was pregnant due to medical negligence of a doctor from Lalbagh Sub-divisional Hospital on 08.02.2020. MASUM took up the case and supported the victim by lodging complaint to the NHRC and other HRIs. In 2021, the NHRC directed the Chief Secretary, Government of West Bengal, to provide a compensation to the victim's family. On 23.05.2022, her family received a compensation amounting to Rupees 3.75 lakh for their loss due to our constant intervention and persuasion.

In another instance, Samsul Haque, a resident of erstwhile Indian enclaves situated in Bangladesh before the Land Boundary Agreement, 2015 (LBA, 2015) was relocated to the Dinhata enclave settlement camp after the LBA, 2015. On 26.09.2016, he died due to the worst living conditions of the enclave settlement camp. MASUM lodged a complaint with the NHRC and other HRIs regarding the incident on 22.05.2017. The NHRC after investigating the matter directed the Cooch Behar district authorities to compensate the family of the victim for his death. On 26.05.2022, it was reported that his family received a compensation of rupees 40 thousand, his wife received tailoring training and was enrolled in various government schemes.

Legal Activities Report: May 2022

Activities in High Court at Calcutta

MASUM had applied for UNVFVT fund for the year 2022. On 21.12.2021 the Secretariat of the United Nations Voluntary Fund for Victims of Torture accepted our proposal and approved the said grant for the year 2022. However, our bank didn't remit the fund to our account stating the reason that MASUM don't have FCRA certification. On 12.05.2022 we have filed one legal case against the concerned HDFC bank before the High Court at Calcutta for getting positive direction / order from the High court to the HDFC bank regarding remittance of our project money. On 17.05.2022 the matter was listed in the cause list of the High Court at Calcutta as item number 4 before the bench of Justice Rajasekhar Mantha. In the hearing time no one was presented on behalf of the HDFC bank and therefore the court directed to send fresh service to the respondent bank by speed post and fixed next date of hearing on 09.06.2022.



On 07.04.2022 one Criminal Revision case of Reba Bewa was listed in the cause list of the Calcutta High Court. Rajib Molla, husband of Ms Reba died of brutal custodial torture by the Raninagar police personnel. Additional Chief Judicial Magistrate, Lalbag court acquitted the perpetrator police personnel from all charges. MASUM supported the legal assistance of the victim's family and therefore one Criminal Revision case was filed before the High Court at Calcutta. On 31.03.2022 concerned judge ordered to serve revisional application and copies of section 5 of the Limitation application to the opposite parties and directed to list the matter on 07.04.2022. On 07.04.2022 judge ordered the advocate for the State for communicating with the Officer-in-Charge of Raninagar Police Station for effect copy servicing to the opposite parties as they have transferred from the Raninagar Police Station. On 21.04.2022 advocate appearing for the state prays for accommodation for receiving the report from the Officer-in-Charge, Raninagar Police Station. On 19.05.2022 after hearing both the parties Judge accepted and allowed the section 5 Limitation application and directed to the concerned department to place the lower court records in this regard on the next date of hearing fixed on 21.06.2022.

Sub-divisional Courts



This month we provide legal support in 05 prosecution cases in the Lalbag court among which three cases are in the statement recording stage of the victim and witnesses and two cases are pending for the report submitted by the concerned authority. In this month MASUM also supported 13 victims in the Lalbag court, Murshidabad where the false case against them was started.

In the court of Basirhat, we provide legal support in 05 prosecution cases and 03 defence cases.

RTI activities

On 24th May 2022, we have submitted a fresh RTI application to the State Public Information Officer (SPIO), Department of Child Development and Women Development & Social Welfare, Government of West Bengal for getting the information regarding the rescue, safe return and repatriation of women and child victims of trafficking and cross border movement from Bangladesh.

On 30.03.2022 we sent one RTI application to the Central Public Information Officer (CPIO), Ministry of External Affairs, Government of India which relate with the Memorandum of Understanding (MOU) between the government of India and the government of Bangladesh on bilateral cooperation for prevention of human trafficking, especially trafficking in women and children; rescue, recovery, repatriation and re-integration of victims of trafficking signed on 06.06.2015. Following our RTI application, on 13.04.2022 we received one letter dated 08.04.2022 from Mr. Bhupendra Singh Nikhurpa, Under Secretary (RTI), Ministry of External Affairs, New Delhi where it is mentioned that our RTI application dated 30.03.2022 was transferred to Mr. Pratik Negi, Second Secretary (PIC) & CPIO, High Commission of India, Dhaka, Bangladesh for furnishing the information in respect to my application. As we are not received any information from the concerned authority within stipulated time, on 17.05.2022 we lodged RTI appeal to Mr. Binoy George, Deputy High Commissioner & Appellate Authority, High Commissioner of India, Dhaka, Bangladesh. On 30.05.2022 we received the communication from Mr. Pratik Negi, CPIO, High Commission of India, Dhaka, Bangladesh where he just put one link of website in connection with the number of Indian citizens imprisoned in the jails of foreign countries.

On 27.12.2021 we lodged five RTIs regarding extrajudicial execution matters to the SPIO, Office of the Chief Secretaries in the states of West Bengal, Assam, Tripura, Meghalaya and Mizoram. On 19.05.2022 we received one reply letter from the Additional Superintendent of Police (HQ) & PIO, Karimganj, Assam where no information of extrajudicial killing was reported. On 31.05.2022 we received one communication from the SPIO & Superintendent of Police, Sepahijala District, Bishramganj, Tripura where he reported total six incidents of extra judicial execution from 2011 to 2020 in the jurisdiction of Sepahijala district, Tripura.

On 28.04.2022 we lodged one RTI to the Inspector General of Correctional Services & SPIO, Department of Jails & Prison Directorate, West Bengal regarding the status of the prisoners detained in the prisons/correctional/sub correctional/special correctional homes in the state of West Bengal. On 13.05.2022 we received one communication from the IGP, Correctional Services, West Bengal where he sent a list of SPIO's name of concerned central, subsidiary, district, special, women, open and presidency correctional homes and requested to file separate RTIs for getting proper information. Aggrieved with the information from the SPIO, we sent one RTI appeal to the ADG & IG, Correctional Services, Appellate authority, Department of Jails & Prison Directorate, West Bengal and requested him to provide proper information in this regard.

Statement by MASUM

MASUM issued a statement on the Supreme Court's view on sedition law on 12th May, 2022



Banglar

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Statement by MASUM

"The notion of sedition bears reference to a less enlightened time, when citizens and the press had little liberty to question the conduct of public authorities" – International Federation of Journalists

MASUM welcomes the interim order, with caution, by the three-judges Bench of the Supreme Court presided by Chief Justice N.V. Ramana on putting a pause to the use of sedition law until further notice. This law has often been misused as a tool against free speech and dissent. The colonial law had mainly been used in the 19th and early 20th century against the Indian political leaders who demanded independence. In recent times it is being used by the government against students, journalists, film makers, teachers, even human rights activists and anyone else, who have been a protesting voice against the action / decision of the state. The conviction rate of this law in our country is only 3%, hence this law is nothing but a tool used by the political party in power to suppress the dissents. Even after 75 years of independence there are many such draconian laws, which proves that democracy has not been contextualized in India and we are still suffering from the colonial hangover. In the U.K. the sedition law was abolished in 2010. Laws like Section 197 of Criminal Procedure Code, Section 229 of Indian Penal Code are equally pernicious and should not find any place in modern democracy. We must remember that in 1860 when our penal code was established, the section 124A was not incorporated in the same; but in 1870, mainly with the purpose to suppress the Wahabi movement, the Britishers introduced the section 124A. The law was later used against the freedom fighters, like Lokmanya Tilak and Mahatma Gandhi. These "Ekushe Aain" should be repealed without delay. Laws like these are undemocratic, irrelevant and oppressive and have been weaponized as a medium of suppressing free speech.

As early as 1950, the Supreme Court in *Romesh Thapar v State of Madras* held that "criticism of the government exciting disaffection or bad feelings towards it, is not to be regarded as a justifying ground for restricting the freedom of expression and of the press, unless it is such as to undermine the security of or tend to overthrow the state." Justice Patanjali Shastri cited the Constituent Assembly's deliberate omission of the word sedition from the Constitution for the liberal reading of the law.

In the *Kedarnath case*^[1], on using the new, restrictive definition of sedition law, the court said not all speech with "disaffection", "hatred," or "contempt" against the state, but only speech that is likely to incite "public disorder" would qualify as sedition. Successive reports of the Law Commission of India^[2] and even the Supreme Court, have underlined the rampant misuse of the sedition law.

MASUM condemns the section 124A of the Indian Penal Code and supports the order of the honorable bench presided by Chief Justice of Supreme court, N.V. Ramana to keep all pending trials, appeals and proceedings with respect to the charge framed under Section 124A of the Indian Penal Code on hold, which deals with the offence of sedition, till the central government completes the promised exercise to reconsider and re-examine the provision. We further demand that the Supreme Court should evaluate the constitutional validity of the section 124A of the Indian Penal Code and completely repeal the draconian law.

Kirity Roy
Secretary, MASUM
12th May, 2022

^[1] <https://indiankanoon.org/doc/111867/>

^[2] <https://lawcommissionofindia.nic.in/reports/CP-on-Sedition.pdf>

Activities at a glance



Formation of Haldibari Block Committee in Cooch Behar district



Road blockade by Krishnapur and Ghonapara villagers against BSF's illegitimate restriction in the village



Meeting with the villagers of South Kadamtala village in Kaliachak-I block of Malda district



Victims of torture being treated in Swarupnagar of North 24 Parganas district



Formation of Sitalkuchi and Mathabhanga - I Block Committees in Cooch Behar district



Meeting with cultural activists and media personnel of North 24 Parganas district