

# Monthly Report November 2024



**BANGLAR  
MANABADHIKAR  
SURAKHSA MANCHA**

**(MASUM)**

**WWW.MASUM.ORG.IN**

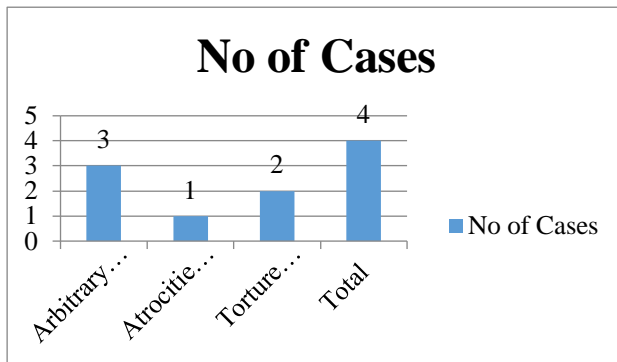
**MILES TO GO..**



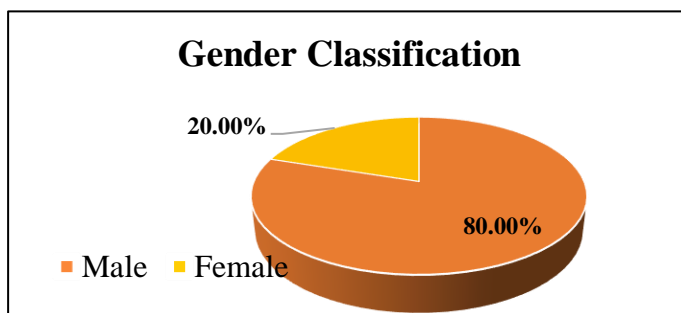
**FIGHT FOR RIGHT**

Banglar Manabadhikar Suraksha Mancha (MASUM) lodged four complaints during the month of November 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.

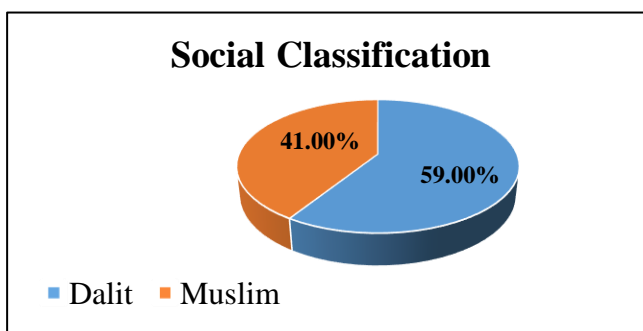
Out of four complaints, two cases on arbitrary restriction by BSF, one case on atrocities committed by police officer and one case on Torture by BSF were lodged through MASUM.



Type of Cases	No of Cases
Arbitrary Restriction by BSF	3
Atrocities committed by police	1
Torture and Killing by BSF	2
<b>Total</b>	<b>4</b>



Social Classification	
Religion	No of complainants
Dalit Complainants	268
Muslim Complainants	189
<b>Total</b>	<b>457</b>



Gender Classification	
Gender	No of Complainants
Male Complainants	370
Female Complainants	87
<b>Total</b>	<b>457</b>

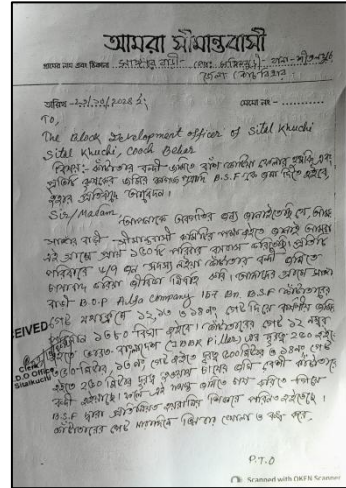
- In case of arbitrary restriction at India Bangladesh bordering area, total number of victims are 457 villagers, among them 268 are Dalit and 189 are Muslim complainants.
- Banglar Manabadhikar Suraksha Mancha (MASUM) lodged five complaints to provide justice to total 457 victims. Among them 80% are male victims and 20% are female victims.

# Case Brief Of November-2024

## 1. Arbitrary Restrictions by BSF:

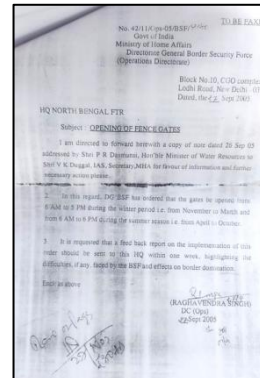
### Tillers from SC communities are deprived from their rights:

Residents of Sangarbari village, under Khalishamari Gram Panchayat in Shitalkuchi Block, face severe restrictions on their agricultural activities due to interference by the Border Security Force (BSF) stationed at Sangarbari BOP-Alfa Company, 157 Battalion. This situation effectively denies them access to their livelihood, violating their fundamental right to live with dignity under Article 21 of the Indian Constitution. Sangarbari is home to 1,040 people across 150 Hindu families, primarily dependent on agriculture, with an average annual income below ₹36,000. The villagers own approximately 1,380 bighas of agricultural land, much of which now lies inside barbed wire fencing, accessible only through gates 12, 13, and 14, located 240-500 meters from the IBBR pillars. Farmers report frequent interference by BSF personnel, including recent orders on October 7, 2024, by Commander Mr. Sandip, requiring them to cut down bamboo trees within the fenced area and submit land documents to access their lands, with threats of access denial. Following this, on October 8, 2024, gates were closed, blocking crucial access. Moreover, Bangladeshi looters frequently intrude, stealing livestock and crops within the fenced area, yet the BSF has not provided sufficient security to prevent these incursions. The bamboo trees are essential for the villagers' daily needs and housing, and the forced cutting of these trees, along with the demand for land documents, has sparked outrage among farmers who question the need for such restrictions on their legally owned lands.



### Are BSF troops above Indian constitution:

Residents of South Jhaukuthi village in Tufanganj-I Block, Cooch Behar, endure severe hardships due to restricted operational hours of Border Gate No. 17, controlled by BSF's Jhaukuthi BOP. The gate's opening, reduced to three one-hour sessions since 2015, has isolated 36 long-established families, cutting them off from essential services and disrupting their livelihoods. Farmers face income losses as they cannot access markets on time, children miss educational opportunities, and residents struggle to reach medical facilities or organize family events. Additionally, the village lacks basic infrastructure like safe drinking water and road connectivity, worsening these challenges. Despite numerous appeals and the submission of a 2005 BSF order allowing flexible gate hours, no changes have been implemented. This situation infringes on the residents' fundamental rights under Article 21 of the Indian Constitution, which guarantees the right to live with dignity.





plans. Her wrongful arrest and continued police remand demand an immediate review and prompt rectification to protect her rights and release her without delay.

### 3. Torture by BSF:

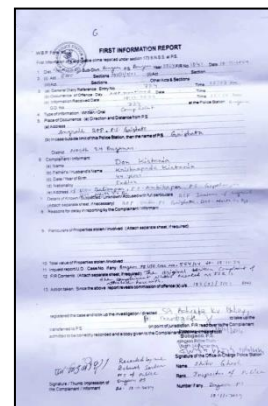
#### Muslim fisherman youth was tortured mercilessly by BSF:

The case of Mr. Anowar Mondal raises grave concerns about the treatment of local fishermen by the Border Security Force (BSF) and their access to fundamental rights, especially in sensitive border regions. As a young fisherman from an impoverished family, Mr. Mondal's livelihood depends entirely on river fishing, and his experience of assault, harassment, and confiscation of his Fisherman Card by the BSF has had devastating consequences. On November 8, 2024, at around 6:00 am, Mr. Mondal was fishing near Toltoli Ferighat, significantly distant from the Indo-Bangladesh border when he was summoned by BSF Camp Commander Mr. Shibram. Without any justifiable reason, Mr. Mondal faced verbal abuse and physical assault. His Fisherman Card, crucial for his work, was confiscated and marked with red ink, rendering it unusable. Witnesses, including other fishermen, confirmed the incident and reported that Mr. Mondal was adhering to regulations by registering his identity before fishing. The incident, verified through a fact-finding investigation, has deeply impacted Mr. Mondal's physical health, causing injuries confirmed by medical authorities. His chest injuries and resultant trauma are not only a threat to his immediate health but also his family's economic stability, as he is one of only two income earners in his household. Despite a formal complaint at the Jalangi Police Station, registered as a GDE, no investigation has followed.



#### One Dalit youth tortured to death in custody of BSF:

Mr. Babai Barui, from a daily wage labourer family, residing with his family members in a modest tin-and-clapper hut near the crossing of temple of Lord HARI, Pallishree, Bongaon in North 24 Parganas district, went missing on November 9th, 2024. His family, unaware of his precise occupation, later learned that he had been arrested by the Border Security Force (BSF) near the Angraill Border, approximately 2 kilometers from his residence, on allegations of involvement in illegal cross border smuggling. The following day, on November 10, 2024, at about 9.30 am the family was informed that Mr. Babai was in the hospital. Though around 7am on November 10, 2024 Babai was taken to Bongaon Hospital where the doctor declared "Brought Dead". However, upon visiting, family members of the victim were devastated to find his bloodied and injured body, which the hospital declared dead on arrival. One Executive Magistrate inspected the body at the Bongaon Hospital Morgue on the same day and recorded statements from both the BSF and the victim's family (inquest). Bongaon PS registered U/D case No. 554/24 dated 10/11/24. Later, Bongaon PS started case no. 1041/24 dated 10/11/24 upon receiving a written complaint from



his father Mr. Sukharanjan Barui. Due to unknown reasons (may be for inadequate facilities or avoiding medico-legal hazards at Bongaon Hospital) the body was referred to Barasat Medical College and Hospital. By this, two days lapsed. Ultimately, on 12.11.2024 post-mortem examination was done and videographed. The circumstances of his arrest, injuries, and untimely death remain suspicious and deeply concerning.

## **Legal Report of November 2024**

In this month, legal team of MASUM was busy in the under mentioned cases.

### **Supreme Court of India**

*Md. Nur Islam versus Union of India WP (criminal) - 141 of 2015* generally known as *FelaniKhatun* case, was fixed on 25/11/2024 for *final hearing*, before the division bench, Chief Justice of India Sanjiv Khanna and Justice Sanjay Kumar.

### **High Court of Calcutta**

No matter was heard of our cases

### **In the district Murshidabad**( Additional Chief Judicial Magistrate Court at Lalbagh)

1. CR. - 69/18- Babor AliVs. B.S.F Personnel.
2. CR. - 124/15- AmbiaBewaVs. B.S.F& Police Personnel.
3. CR. - 519/15- Ripon Sekha Vs. Police Personnel of Raninagar Police Station.
4. CR. - 865/15- RubinaBewaVs. BSF Personnel.
5. G.R. No- 127/2013, State Vs Rabiylul Islam
6. G.R. - 334/2014, State Vs Murshid Jahan.
7. G.R. - 776/2016, State Vs ReponSeikh. & 6 Others.
8. G.R. - 873/2014, State Vs PalashMondal.
9. G.R. - 1142/2019, State Vs RaghunathPramanik& 3 others.
10. G.R. - 1150/2014, State Vs 1. Safikul Islam. 2. ReponSeikh.
11. G.R. - 1163/2014, State Vs MalatiOrao& 3 other.
12. G.R. - 1227/2014, State Vs AbdusSubham Sk. & 4 others.
13. G.R. - 1533/2014, State Vs PalashMondal.
14. G.R. - 2755/2013, State Vs PalashMondal.
15. G.R. - 2926/2014, State Vs 1. PalashMondal 2. SubhankarMondal.

16. G.R. - 2949/2014, State Vs Kajol Bibi & 13 Others.
17. G.R. - 3283/2019, State Vs RaghunathPramanik and SandipMondal.
18. G.R. - 3566/2013, State Vs Safikul Islam @ Patan.
19. G.R. - 3646/2014, State Vs PalashMondal.
20. G.R. - 3846/2010, State Vs PalashMondal.
21. G.R. - 3932/2013, State Vs Safikul Islam.
22. G.R. - 3963/2014, State Vs Merina Bibi &KajalSekh.

**In the district North 24 Parganas.** (Additional Chief Judicial Magistrate Court at Basirhat)

1. CRR 08/24- JharnaDhabokVs. AtaurRahamanDhabok.
2. Ex 194/23 - JharnaDhabokVs. AtaurRahamanDhabok.
3. GR. 1290/22- State ( Taslima Bibi) Vs. BSF Personnel.
4. GR.- 4808/17 - State Vs. SubrataMondal
5. GR. 1673/20- State Vs. Mina Biswas.
6. SC. 21(12)/17- State Vs. NazrulDafadar.
7. C. 413/19- JharnaDhabok Vs. AtaurRahamanDhabok

**In the district Cooch Behar**( Additional Chief Judicial Magistrate Court at Dinhata)

1. GR. 700/22- Mamata Barman Vs. B.S.F Personnel.
2. GR. 1131/16- State (Abdul Aziz) Vs. BSF.
3. CR. 763/12- Manowara Bibi Vs. BSF Personnel.

## Media In MASUM

এ বিষয়ে ভারতের মানবাধিকার সংগঠন মানবাধিকার সুরক্ষা মঞ্চের (মাসুম) সচিব কিরীটী সঠিকভাবেই বলেছেন, 'এই সীমান্ত হত্যার পেছনে যে গল্প ফাঁদা হয়, তা-ও ঠিক না। তারা বলে, সীমান্ত দিয়ে গরু চোরাচালান হয়। চোরাচালানিদের হত্যা করা হয়। মনে হয় যেন সীমান্তে গরু জন্ম নেয় আর তা বাংলাদেশে পাচার করা হয়। বাস্তবে এই সব গরু আনা হয় ভারতের অভ্যন্তরে দুই-আড়াই হাজার কিলোমিটার দূরের হরিয়ানা, পাঞ্জাব থেকে। গরুগুলো হাঁটিয়ে, ট্রাক-ট্রেনে করে আনা হয়। তখন কেউ দেখে না! তারা আটকায় না। কারণ, তারা ভাগ পায়। এখানে আসল কথা হলো দুর্নীতি, ভাগ-বাঁটোয়ারার মাধ্যমে সব করা হয়। যখন ভাগ-বাঁটোয়ারায় মেলে না, তখন বিএসএফ হত্যা করে।' (বাংলাদেশকে চাপে রাখতে সীমান্ত হত্যা?, ২৯ ডিসেম্বর, ২০২২, ডয়চে ভেলে)

MASUM Secretary's statement on ProthomAlo.

The situation on the border has become riskier, said activists. "If anyone tries to cross the border, they are being shot," said Kirity Roy, secretary of a Calcutta-based organisation that has [investigated](#) alleged excesses by the BSF in the border areas in West Bengal. "If they wear lungi [a garment worn by several Muslim men], the probability [of getting shot] is higher. This is becoming the norm."

While border killings have always been a point of contention between the two countries, the new government in Bangladesh appears to be pushing back more strongly.

It has formally [lodged](#) three protests with New Delhi since August 5, protesting against the indiscriminate killings and asking for action against those responsible.

The ministry of external affairs has not responded officially to the protests over the border killings. Separately, India has been [calling](#) upon the Bangladesh government to ensure the safety of minorities and their places of worship.

## 'Prevent BSF from being posted 8km inside villages from international border' BSF 'assault' prompts rights plea

SHIBRAMI CHAUDHURI AND MASUM HOSAIN

Calcutta: (Bhaskar) A Bangla-based human rights organisation, Manabdhikar Suraksha Mancha (MASUM), has appealed to the National Human Rights Commission (NHRC) to intervene and prevent Border Security Force (BSF) personnel from being posted 8km inside villages from the international border.

The organisation claimed that deployment results in unnecessary interference in the daily lives of residents and their livelihood.

With reference to the NHRC, BSF commander, identified as Shibram from Battalion 46 (Overseas border outpost), allegedly abused him verbally before searching him with a ruler, warning him not to return to the area for fishing.

"This incident not only caused significant physical harm to the young fisherman but also jeopardised his livelihood, rendering him unable to earn a living," said MASUM secretary Kirity Roy.

Mondal lives in Chaspara, an alluvial stretch of land formed on the other side of the Padma river after his original village was lost to erosion. The villagers depend on fishing for their livelihood, but as BSF personnel have been posted in those areas as they lack the means to earn a living, they are unable to do so.

To prevent their harassment, the state government has issued identity cards to these fishermen.

A MASUM fact finding team visited the area to speak



Border Security Force (BSF) personnel keep a vigil on a boat along the India-Bangladesh border in South Dinajpur.

(PTI/Ankur)

"high handedness" by BSF personnel has made the villages uninhabitable.

The actions of the BSF violate fundamental human rights and constitutional protections, including those enshrined under the provisions Article 21 (right to life and personal liberty), Article 14 (right to equality), and Article 22 (protection against arbitrary arrest and detention), he said.

Mondal sought medical treatment at a local hospital and later filed a general diary with the Jalpaiguri police station, which the police had initially refused. However, no action has been taken by the police.

Chairman, Masum, Shyamshankar Biswas, said that the BSF personnel maintain an entry point for villagers who frequently access the area, but some individuals attempt to cross the border illegally, which the police had initially refused. However, no action has been taken by the police.

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of assault are heinous and can be verified through independent sources," Roy said, adding that allegations of damaging his identity card would be looked into.

The incident has disrupted the lives of the people living in the area, which is an unimproved stretch of the border along the Bangladesh. Assam, Punjab, Gujarat and Rajasthan.

The Centre said it is necessary to curb smuggling and reduce border security.

However, Bangla chief minister Mamata Banerjee and the Trinamool Congress government called for a "strict" action on the border area and an internationalisation of the border.

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2011, the Bengal Assembly passed a resolution demanding the revocation of the internationalisation extension. TMC leaders have raised concerns about harassment of locals and the creation of an atmosphere of fear by border guards, further fueling the controversy over the balance of power between state and central authorities.

In January this year, the Supreme Court announced that it would examine the validity of Centre's 2011 notification to internationalise borders, seizures and arrests within the extended Indian stretch compared to earlier limit of 10km.

Trinamool Congress MP from Murshidabad Anurag Khan said The Telegraph "has MP's (Khan) numerous complaints of BSF personnel from people who live in five Assembly segments in the border areas of West Bengal."

He said that the BSF personnel have violated the provisions of the Indian Constitution and have allowed access up to 10km, normal limit of people would be "paraded in line".

Senior BSF officials, however, claimed that the central forces practice fostering positive relationships with communities in bordering areas.

"We strongly believe that a strong rapport between the border force, residents and state powers, the TMC has also argued that the issue is "politically motivated" and all governments opposed to the BJP by creating "parallel power structures".

As a mark of protest in

MASUM on Telegraph newspaper.

MASUM Secretary's statement on Scroll

clarion

More BIG STORY

Abdul Bari Masoud | Clarion India

**NEW DELHI** – Banglar Manabdhikar Suraksha Mancha (MASUM), a rights body, has brought a serious violation case of human rights to the notice of the National Human Rights Commission (NHRC) and pleaded for its immediate intervention. As per the complaint, Anowar Mondal, a 20-year-old fisherman from Parashpur village in West Bengal's Murshidabad District was brutally beaten up and his Fishermen Card was confiscated by Border Security Force (BSF) personnel.

In a letter to NHRC, MASUM's secretary Kirity Roy said Mondal comes from a family of impoverished fishermen. He recently experienced brutal assault and harassment by BSF personnel, which has affected his right to livelihood and instilled fear within his community.

According to the complaint, on 8th November, Mondal, along with other local fishermen, was fishing near Toitoli Ferighat. He was summoned verbally by BSF Camp Commander Shibram without any known provocation. Upon approaching the BSF personnel, Shibram started abusing Mondal. He assaulted Mondal with a ruler stick and warned him not to return for fishing. The commander also confiscated Mondal's Fishermen Card, marking it with red ink, rendering it potentially unusable. The incident has not only caused a significant physical injury but has jeopardised Mondal's ability to earn a living.

Roy said that this brutal assault has severely impacted Mondal's health and caused trauma and insecurity within the fishing community. The actions of the BSF personnel violate fundamental human rights and constitutional protections, specifically Articles 21, 19, and 22 of the Constitution. Such abuse of power threatens the safety, dignity, and livelihood of local fishermen and creates a hostile environment in which they are unable to carry out their work without fear of harassment.

MASUM on Clarion