

# Monthly Report

## November 2021



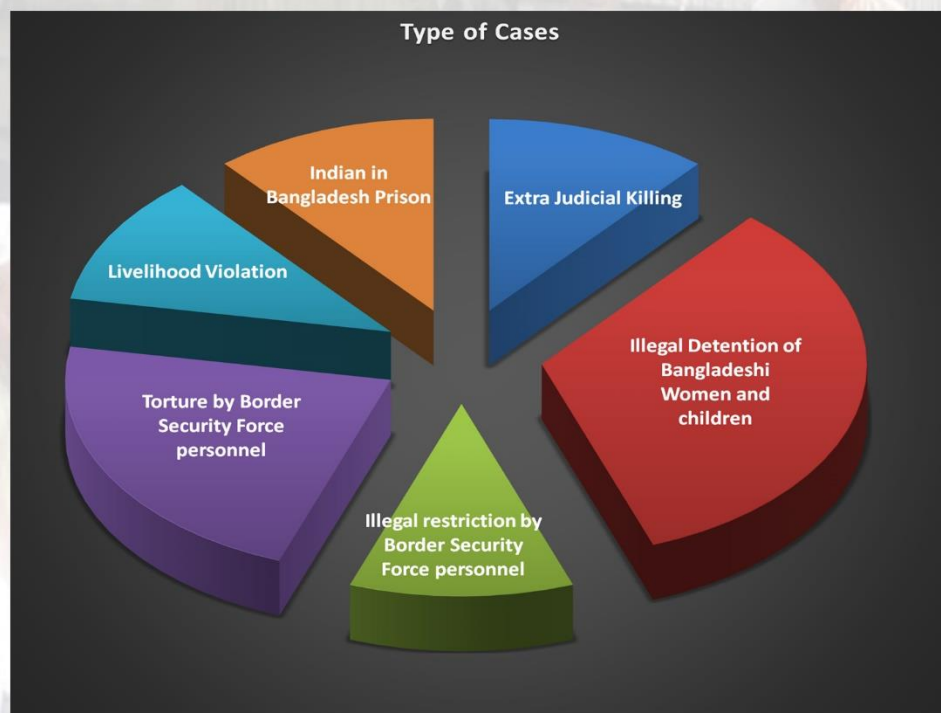
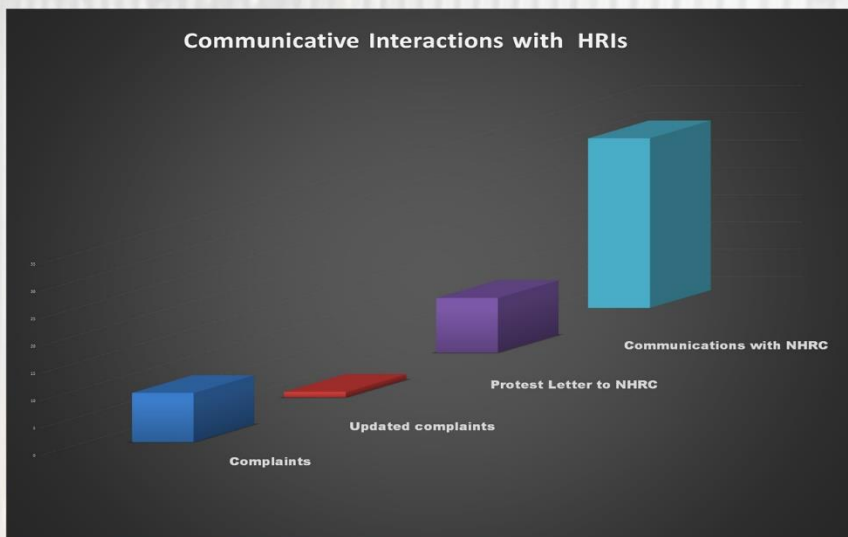
*Miles to go...*

**Banglar Manabadhikar  
Suraksha Mancha**

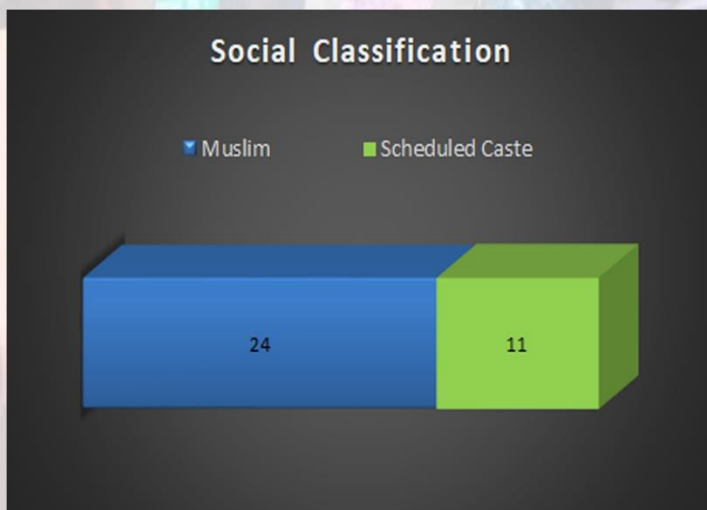
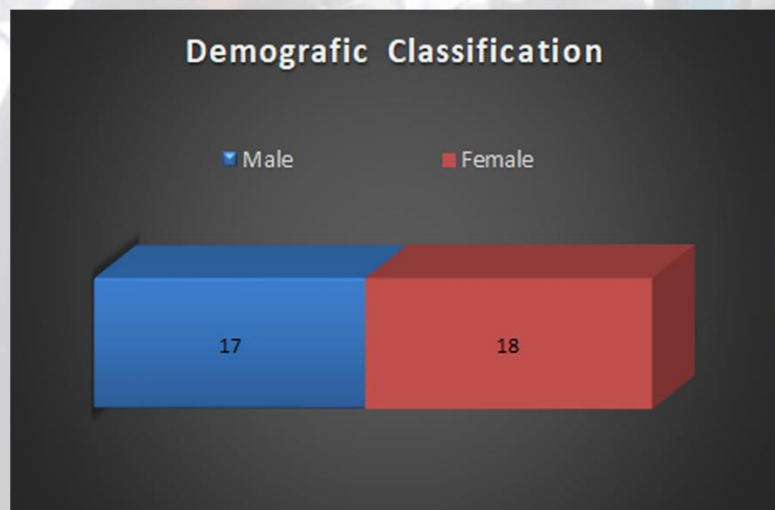




**Banglar Manabadhikar Suraksha Mancha (MASUM) made 9 fresh complaints of gross human rights violation before the relevant state authorities and different human rights institutions; especially the National Human Rights Commission during the month of November 2021. In cases, where our victims from previously lodged cases were threatened or intimidated, we have lodged 1 updated complaints. We have sent 10 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 31 directions from the NHRC in various cases.**



**Out of the nine complaints, three are on illegal detention of Bangladeshi women and children, two are on torture by Border Security Force personnel and one each on extra-judicial killing, illegal restriction by the BSF, livelihood violation and Indian in Bangladeshi prison. Through these complaints we addressed the issues of 35 individual victims; out of them 24 belong from minority Muslim community and 11 from Hindu Scheduled Caste community. Among the victims 17 were males and 18 were females. Among these victims 9 were minors.**





## Our Activities

### Village level meetings

During this month Amra Simantabasi arranged two meetings with the villagers in the border villages of Cooch Behar. One meeting was held on 2nd November at Seoti part 1 village under Dinhata 2 block. Another village level meeting was conducted on 18th November 2021 at Telulerchara village under Mathabanga 1 block in Cooch Behar. In these meetings villagers discussed the increasing rate of livelihood restriction imposed by BSF personnel. They also said that in the name of Border security BSF personnel imposed restrictions on their whims. Due to this villagers are facing huge financial loss from agriculture. From that meeting the next course of action was decided.



In North 24 Pargana district, Amra Simantabasi organized two village level meetings. On 25th November one village level meeting was held at Tarali Hakimpur village. MASUM along with Amra Simantabasi organized another village level meeting at Gobra village under Swarupnagar block on 26th November. In both the meetings the villagers stated about the troubles faced by them due to BSF restriction. At the end of the meeting they discussed the future course of action of their movement.

### Meeting with Tortured victims

On 16.11.2021 a small meeting was held at Dinhata in Coochbehar with the victims of torture. The victims had a grievance on MASUM regarding the irregular communication with them. However, the miscommunication was sorted after a long discussion with the victims and the DHRM of MASUM. The meeting was followed by the discussion on the case status of individuals (Victims).



### Meeting with PRIs



MASUM organized three meetings with PRI members of Gram Panchayats at the border areas of Cooch Behar district namely Niztaraf, Changrabandha and Hemkumari gram panchayat. Niztaraf and Changrabandha Gram Panchayats are situated under Mekhliganj block and Hemkumari Gram Panchayat is situated under Haldibari block. On behalf of 'Amra Simantabasi', the representatives of MASUM highlighted the issues of BSF restriction upon the life and livelihood of innocent villagers including women and children. Panchayat promised to take these issues up to the BDO or DM level.

On 25th November, MASUM organized a meeting with PRI members at Balti Nityananda Kati Gram Panchayat under Swarupnagar block. A very fruitful discussion was held related to the issue of the border area. The PRI members promised to take up this issue seriously.

### Street corner meeting

Amra Simantabasi organized one street corner meeting at Gobindapur, North 24 Parganas. This street corner was held at that place to show protest against the increased jurisdiction of BSF in Indo- Bangladesh border. Besides Amra Simantabasi many other organizations participated in the meeting and supported their protest.



**Medical Camps** - MASUM organized two medical camps in Cooch Behar and North 24 Pargana district for the torture victims with the support of United Nations Voluntary Fund for the victims of torture (UNVFVT) for providing medical and pathological support. On 03.11.2021 one medical camp was held at Noor Medical Hall in North 24 Parganas. Dr. Annushuyak Roy treated 43 victims of torture in this camp. On 17.11.2021 another medical camp was conducted at Baba dharma medical hall in Coochbehar. Total 60 victims benefited through this camp. The victims were treated by Dr. Shaokat Ali. After the medical camps small meetings were conducted with the victims. The status of the legal cases and NHRC complaints of tortured victims was discussed in these meetings.





## Our Activities

### Remembrance of Susmita Roy Chowdhury

On 8.11.21, members of MASUM, along with some old friends organised a session in remembrance of Ms. Susmita Roychowdhury. Since 2006 she was actively connected with MASUM and did some great work as District Human Rights Monitor of South 24 Parganas. We are all deeply saddened by her unexpected demise on 31st October 2021. On her remembrance all of us recalled her memories through speeches, songs and recitations.



### Plan of action meeting on border issues



After the meeting on Indo - Bangladesh bordering issues on 30th October, 2021, many political parties, intellectuals and social activists promised to work together on these issues. For this purpose, MASUM organized one meeting at Boi-Chitra, College Street, Kolkata on 12th December, 2021. The said meeting was also attended by the members of different political parties, such as, CPIML (Liberation), CPIML Red Star and RSP. Apart from that many others from different Civil Society Organization like Paschimbanga Khetmajur Samiti, Right to Food Network - West Bengal, Bandimukti Committee, PSU etc. were also present. Different specific plans were made in the meeting on upcoming activities to work on Indo-Bangladesh bordering issues.

### Press Conferences

In the protest against the extended jurisdiction of the BSF in bordering areas of West Bengal, MASUM organized two press conferences in Kolkata and Cooch Behar. On 15th November 2021 a press conference was held in Kolkata press club. Former Chief Justice of Sikim High Court, Mr. Malay Sengupta, film actress and director Ms. Aparna Sen, Secretary of MASUM Mr. Kirity Roy and members of different political parties like CPIML (Liberation), RSP, CPIML Red Star, social activists and many intellectuals were present in the press conference.



Another press conference was organized at Cooch Behar press club on 17th November on the same issue. Mental health worker, Mr. Mohit Ranadip, Assistant Secretary of MASUM, Mr. Dipyaman Adhikary and some of the victims of torture were present in the press conference. Most of the print, electronic and digital media covered both the press conferences.

### Annual General Meeting

On 28th November 2021 MASUM organized its 24th Annual General Meeting. The meeting was held at the office of MASUM in Serampore. Vice President Mr. Dilip Chatterjee presided over the meeting. Secretary of MASUM Mr. Kirity Roy presented the Secretary's report. Along with that Mr. Biswajit Chatterjee and Mr. Pranoy Roy presented the legal report and the financial report respectively. All the reports were passed in the presence of other executive and general members.





## Case Briefs, November 2021

• **Torture by Border Security Force:** Mr. Nabir Ali a poor villager of Baromasiya village under Sitalkuchi Police station of Cooch Behar works as daily wage labourer. In order to get some extra income, he was also associated with illegal cross border smuggling activities. On 29.11.2020 at about 8 am when Mr. Mondal returning after cattle smuggling, he was apprehended by four to five BSF personnel attached with Baromaricha Border Out Post, 'E' Company. The victim was 50 meters away from the fencing when he was brutally beaten up by the perpetrator BSF personnel with sticks and boot clad feet even when Mr. Ali lost consciousness. He was then taken to the Baromaricha BSF camp and tortured again. MASUM lodged a complaint to the NHRC on 25.11.2021.



In another instance, Mr. Sarada Barman, an innocent marginalised Scheduled Caste (Dalit) person from Satgram Manabari village of Mathabhanga police station area of Cooch Behar was tortured by one Biswajit Prokash, a Constable attached with Khagribari BSF BOP, 169 Battalion. Barman was severely injured from the unprovoked attack and taken to the Mathabhanga Sub-Divisional Hospital. The victim lodged a complaint to the Superintendent of Police, Cooch Behar on 05.10.21 via registered post. However, the complaint was not acknowledged and no action was taken by the Cooch Behar police. MASUM lodged a complaint to the NHRC on 18.11.2021.

• **Illegal restriction by the BSF personnel:** Villagers of Puraton Bongaon have been facing severe restrictions to cultivate in their own lands from the BSF personnel attached with Ghoner math Border Out Post under 158 Battalion BSF including one S.S. Yadav and incurring grave financial losses since the past 2 years. The BSF authorities have restricted cultivating profitable crops and fishing in the Ichamati River. The BSF have put fencing over some canals, which drains the excess water to the Ichamati River; due to which, the mouth of these canals are blocked by the floating water hyacinth plants resulting in waterlogging and massive flood in the area. These areas are flooded for almost 6 to 7 months in a year and the water is getting contaminated being inconvenient of usage for the villagers. Acres of land located in these areas are abandoned due to flooding. More than 80 villagers from Puratan Bongaon village lodged a mass petition to the Sub-Divisional Officer of Bongaon Sub-division on 3.09.21 on the issue but no action was taken. MASUM also lodged a complaint to the NHRC on 11.11.2021.

• **Extra-judicial killing:** Prakash Barman, a Scheduled caste (Dalit) youth of Chamta village under Sitai police station area of Coochbehar was killed along with 3 other Bangladeshi nationals by the BSF personnel attached with West



Chamta Border Out Post, Gandarmarka, 75 Battalion, BSF on 12.11.21. The victim was shot on his head from point blank range by BSF personnel. Prakash Barman was the sole earning member of his family. Barman was shot in a spot, which is located about 1 kilometer inside the international border. Our fact-finding reveals that the BSF could have avoided shooting and apprehended them instead and then produce them before a court of law for fair trial. The BSF personnel fired 6 rounds, killing 3 other Bangladeshi people. After receiving bullet, the body of Mr. Barman and others were kept lying there for more than about 9 hours.

See video of Prakash Barman and others [Here](#)

• **Illegal detention of Bangladeshi women and children:** MASUM addressed and documented the incident of illegal detention of 8 Bangladeshi women and 1 child belonging from poor and vulnerable communities. They came to India with the help of local touts for better livelihood and life but were arrested by the border security force personnel and charged in 14 Foreigners Act from local police station. After 14 days, most of them were still detained illegally in jail custody. MASUM lodged 3 complaints to National Human Rights Commission for immediate repatriation of Bangladeshi Women and children.

• **Illegal detention of Indian national in Bangladeshi prison:** Four Indian nationals from Sitalkuchi in Cooch Behar district are being illegally detained in Lalmonirhat District Jail in Bangladesh despite completing their conviction period. They entered Bangladeshi territory without valid passport on 08.01.2021 for visiting a relative's house and on 09.01.2021 was apprehended by BDR personnel, who then handed them over to the Hatibandha Police Station. MASUM lodged one complaint to NHRC on 27.11.2021.

• **Livelihood violation:** Mr. Altaf Hossain, a migrant labourer, who also worked for his own business of stocking paddy and processing rice. On 3.02.2020, Mr. Altaf Hossain sent 3590 kilograms of paddy to a Rice Mill for processing but on the way the SDO Dinhata confiscated the vehicle along with the paddy without any reason and didn't issue a seizure list for the same. Even after a while, when his paddy was not returned by the SDO Dinhata, Hossain along with Mr. Bishnu Barman, the Prodhan of Sukarurkuthi Gram Panchayat and Mr. Udayan Guha, the MLA of Dinhata assembly went to meet the SDO Dinhata on 9.03.2020. In that meeting, the SDO Dinhata assured that Hossain will get back his paddy within 17.03.20. But till date he didn't get back the confiscated materials. MASUM lodged a complaint to the NHRC on 30.11.21.



## Legal Activities Report: November 2021

### Activities in High Court at Calcutta

On 11.11.2021 pending case for quashing the false case and all subsequent proceedings against Mr. Kirity Roy and other members of MASUM in connection with Chapra PS case number 31/2019 dated 02.02.2019 had been listed up before the Bench of Justice Tirthankar Ghosh as item number 28. As there was some technical problem during the time of hearing through video conference, the judge advised for proper accommodation and ordered to list up the matter on 06 December, 2021.

### Sub-divisional Courts



In this month we provided legal support in 06 prosecution cases among which four cases were for examination of witnesses and rest are waiting for report from the concerned authorities. We also supported 13 defense cases in the Lalbag court in Murshidabad district where false case against them was started.

In this month we provided 4 prosecution cases among which three cases were fixed for hearing of Naraji petition submitted by the complainant of the case and one case was fixed for evidence. We also provide legal support in 5 defense cases in the Basirhat court of North 24 Parganas district where false case against the victim was started.

On 08.11.2021 in the court of ACJM II, Dinhata of Cooch Behar district one naraji petition was filed by the complainant, Mrs. Rahima Bibi against the final report submitted by the Dinhata police officials after investigation of the case where BSF personnel criminally trespassed the house of Mrs. Rahima Bibi and vandalized the property, stole money and tortured the family members.

Court Name	Prosecution case	Defense case
Lalbag Court, Murshidabad	06	13
Basirhat Court, North 24 Pargana	04	05
Dinhata Court, Cooch Behar	01	00

### District Legal Services Authority, Murshidabad

Mrs. Rubina Bewa, wife of Mr. Alamgir Sk who was a victim of extra judicial execution by the BSF, filed one petition dated 11.11.2021 before the District Legal Services Authority, Murshidabad and praying for compensation under Victims' Compensation Scheme.

### Cases pending in different courts

In Supreme Court of India two of our cases are pending at the final hearing stage, namely Felani Khatun case and another case challenging section 46 and 47 of the BSF Act. In the High Court at Calcutta total nine cases are pending where six cases are Writ (Mandamus) in nature and three Criminal Revision cases. In the district of Murshidabad we provided legal support to 40 victims and 19 victims in defense cases. In the district of North 24 Pargana we supported 14 victims in prosecution cases and 13 victims in defense cases. In the district of Cooch Behar we supported 3 victims in prosecution cases and 3 victims in defense cases.

**Achievement:** A minor trafficked victim, Piyali Khatun (name changed), aged 16 years was rescued from Bangladesh through our intervention and handed over to her family in 147 Bhotbari village under Mekhliganj block and police station area of Cooch Behar district earlier this month. The victim was abducted and trafficked to Bangladesh on 10.08.2020.



## Statements issued by MASUM

**MASUM issued a statement on November 19, 2021 condemning the legal notice sent to Aparna Sen for her views against BSF atrocities at the Indo-Bangladesh border**



Banglar

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**Date: 19<sup>th</sup> November, 2021**

**Statement condemning the legal notice sent to Aparna Sen for her views against BSF atrocities at the Indo-Bangladesh border**

MASUM condemns the act of sending one legal notice to filmmaker and intellectual, Ms. Aparna Sen in an attempt to suppress the voice of civil society by BJP leader, Mr. Anirban Ganguly. On 15.11.2021 Ms. Sen attended a press meeting, organized by Banglar Manabadhikar Suraksha Mancha (MASUM) along with other civil society organizations and political parties at the Kolkata Press Club. In the said press meet, she was quite vocal about the issues of the border populace and the atrocities perpetrated by the BSF at the border areas of West Bengal. The issues raised by her in the press meet got huge publicity and wide circulation in local and national media as well.

On 17.11.2021, Mr. Anirban Ganguly, a leader of Bhartiya Janata Party sent a legal notice to Ms. Sen through Adv. Prithvijoy Das seeking unconditional apology for her speech at the said press meeting against the atrocities of the BSF in border areas. In his notice he alleged that Ms. Sen stimulated hatred against the entire Border Security Force which would surely excite dissatisfaction against the Union of India and its recruited BSF.

It is to be mentioned here that Ms. Sen has visited different bordering areas of West Bengal and listened to the painful experience from the torture victims and family members of the extrajudicially killed and enforced disappeared victims. We from MASUM have registered several cases of BSF torture, killing, sexual harassment and enforced disappearance perpetrated by the BSF at the Indo-Bangladesh border areas and intimidated different government offices as well as various legal, Human Rights Institutions (HRIs) and quasi-judicial bodies. But in most of these cases no punitive actions were taken against the perpetrators by the government of India resulting into impunity. Few data on these cases are provided below –

<u>Sl. No</u>	<u>Type of Incident</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
1.	Torture by the BSF	26	27	18
2.	Extra-judicial Killings	11	5	4
3.	Enforced Disappearance	2	1	1

Apart from these there are several instances at the Indo-Bangladesh border, where the BSF personnel have sexually harassed the women of the village. For instance, Ms. Joli Bibi (name changed), resident of Char Parashpur village in Murshidabad district was tortured and sexually harassed by the BSF officials attached with Faraji Para BSF camp. The victim was stripped, beaten and tortured, degrading her completely. The despotic act of the BSF was to spread a sense of fear among the villagers and keep them under control. No steps were taken to address this act of the BSF officials yet. In another instance, Rahima Bibi (name changed), a resident of Daharkanda village in North 24 Parganas district, was physically molested and sexually abused while she was sleeping in her room by the two BSF personnel attached with Bithari BSF Camp under Swarupnagar Police Station area. The BSF personnel trespassed into the house of the victim, put his hand through the window and pulled the clothes of the victim by touching her private parts. The NHRC investigated the matter and directed to pay the victim a compensation of rupees 50 thousand. But the amount was not delivered to her yet. There are several such cases registered by us along with documents.

We respect the constitution of India and also appreciate the actual duties performed by the BSF. However, we demand that the BSF should act according to the constitution of India as well. However, the BSF in the name of guarding the border are being posted inside villages located inside 5 to 15 kilometers from the International Border Pillar (IBP) within Indian territory and imposing their 'Trigger Happy' stand over the villagers residing at the Indo-Bangladesh border. Ms. Sen rightly referred to the factual scenario in her speech during the press meet keeping in view her constitutional boundaries. Hence, sending legal notice for her speech is to be seen as an attempt to curb her constitutional right to freedom speech and expression as well as supporting the unethical atrocities of the BSF.

Through this statement, we put forward our protest against these attempts to suppress the voice of the decent and intimidating innocent civilians and members of civil society organizations by using legal proceedings. We demand that these intimidating legal actions against Ms. Aparna Sen should be revoked immediately. We also request the respective correspondent of the said legal notice, to visit the villages of Indo-Bangladesh border areas in person and see for himself the actual situation of the border villagers there.

Kirity Roy  
Secretary, MASUM  
Serempore, Hooghly, West Bengal



## Activities at a glance



**A village level meeting at Tentulerchara village of Mathabhanga-I block in Cooch Behar district**



**Meeting with members of different CSOs and political parties on border issues at 'Boi-Chitra' in Kolkata**



**Mental health worker, Mr. Mohit Ranadip attending a counselling session at a medical camp in Cooch Behar**



**Meeting with the PRI members of Changrabanda gram panchayat of Cooch Behar district**



**Torture victims being provided free medical treatment in a medical camp at North 24 Parganas district**



**Meeting with the ICDS workers of Nijtaraf gram panchayat under Mekhliganj block in Cooch Behar district**