

Monthly Report

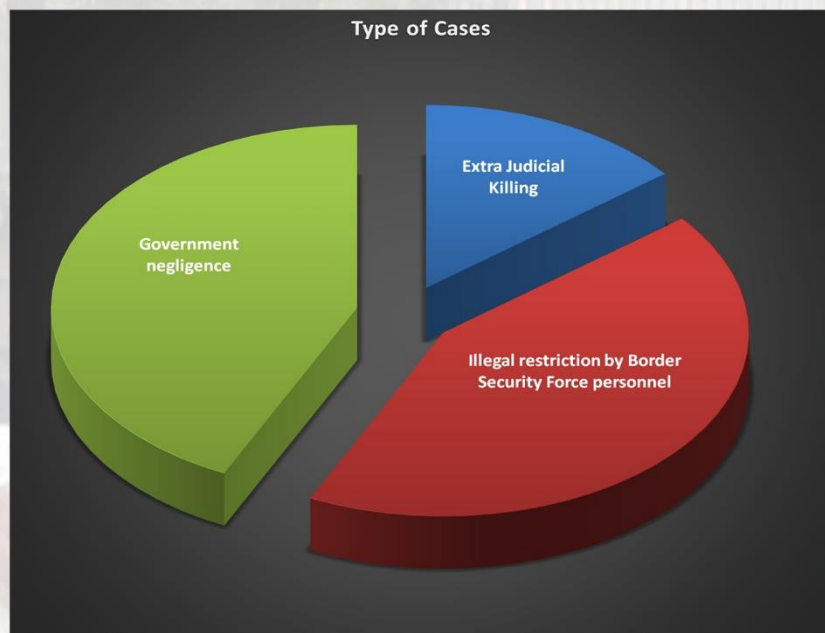
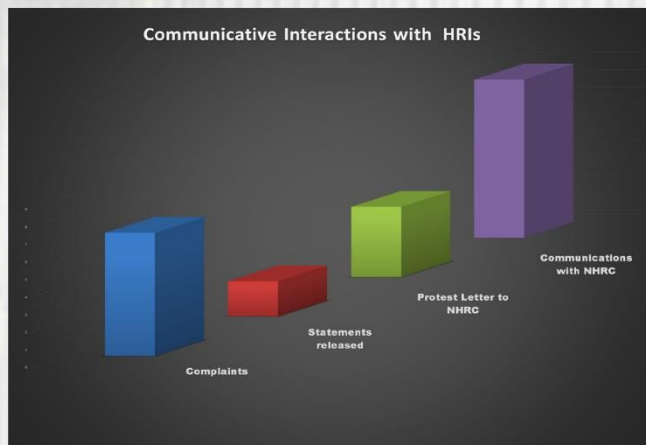
September 2023

Miles to go...

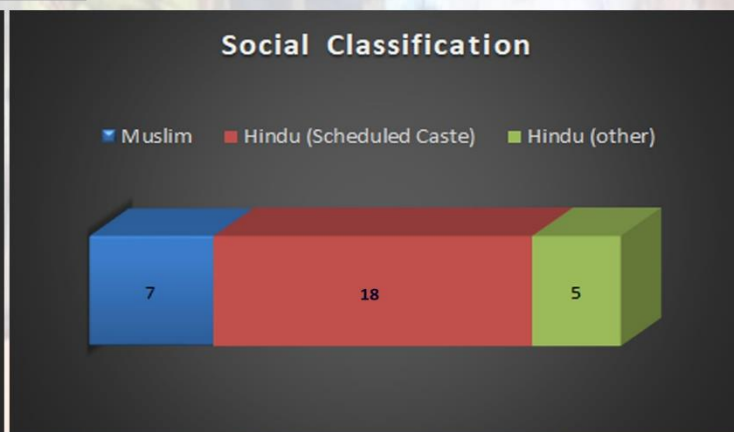
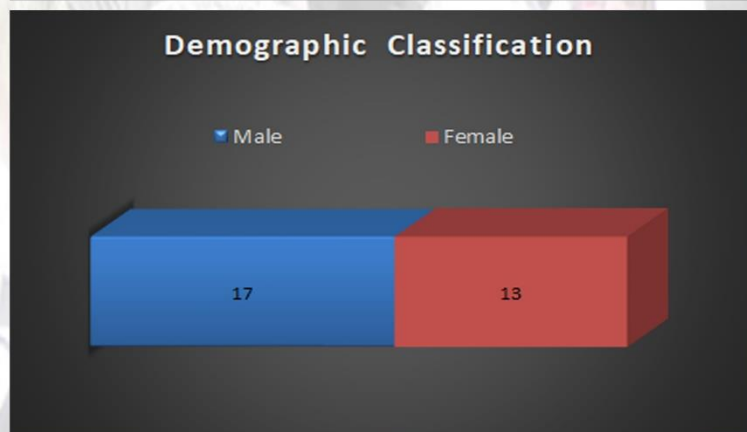


**Banglar Manabadhikar
Suraksha Mancha**

Banglar Manabadhikar Suraksha Mancha (MASUM) made 7 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 September 2023. We have sent 4 protest letters to the concerned authorities, where they have closed a case or sent overdated summons to our victims. We have released 2 statements on different issues related to our field that occurred during this month. During this month we have received 9 directions from the NHRC in various cases.



Out of the 7 complaints, three are on illegal restriction by the BSF and three are on government negligence. Another complaint was made on extra-judicial execution. Through these complaints we addressed the issues of 30 individual victims; out of them 7 belong to minority Muslim community, 5 from Hindu (General) community and 18 others from Hindu Scheduled Caste community. Among the victims 17 were males and 13 were females. Among these victims three were minors. In cases of restriction by the BSF and government negligence, the victimization was collective and didn't reflect on the charts below.



ACHIEVEMENTS:

Due to our long-standing demands, and the determined protest activities of the 'Amra Simantabasi' committee of Barnaberia village under Gaighata block in North 24 Parganas district, the BSF personnel attached with Battalion no. 05 have agreed to move their post towards the actual International Border Pillar (IBP) at the banks of Ichamati River. The villagers have been protesting since long against the temporary fencing that the BSF put in the middle of the village. Finally in September, the BSF sat with the villagers and the Panchayat to discuss about the shifting of the Naka check posts. Hence it is expected that after completion of a few legal steps, the BSF will be posted at the actual borders instead of inside the village.

Case Briefs: September, 2023

This month we have encountered a total of 7 cases from the districts of Cooch Behar and North 24 Parganas. Out of those cases 5 cases were from Cooch Behar district and 2 cases were from North 24 Parganas district. Among these cases, 3 cases were of government negligence, 3 cases were of BSF restriction and one case was of extra judicial execution.

• **Extra-judicial execution:** Mr. Tapan Roy was an agricultural worker. He earns a meager income and sustains his family consisting of three members. On 17.08.2023 in the afternoon he went to the water body which is situated near the fencing gate number 17 and beside the CPWD road for jute retting. In the meantime, at about 5.30 pm when the victim was still working in the water body, the on duty BSF person attached with Sagarmatha and Samila Bosh Border Out Post switched on the electricity line of the Flood lights along the fence. One of the electric wires was cut off and laid down in the water body which resulted in the electrocution of the victim. Seeing that the victim was electrocuted, other farmers



who were working in the field shouted but the on duty BSF personnel did not take any action. The on duty BSF person who was in charge at fencing gate number 17 contacted the BSF personnel attached with Sagarmatha Border Out Post and the BSF personnel of Sagarmatha Border Out Post contacted the BSF personnel attached with Samila Bosh Border Out Post. Even after about half an hour the electric connection was not disconnected by the concerned BSF officials. When the concerned BSF switched off the electric line, the villagers and farmers recovered the body of the victim and took him to the Haldibari Block Hospital. The on-duty doctor in the Haldibari Block Hospital declared the victim as brought dead. In Haldibari Block Hospital, the inquest of the



dead body of the victim was done by Mr. Sanjay Das, Assistant Sub Inspector of Police in Haldibari Police Station. At about 10.45 pm the post mortem examination was done at Haldibari Rural Hospital vide Post Mortem Examination number 37/23 dated 17.08.2023. These negligent acts of the BSF lead to the death of the victim Mr. Tapan Roy. We have complained about the incident to the NHRC.

• **Illegal restriction by the BSF personnel:** In this month we have encountered three cases of BSF restriction. All of these three cases came from the district of Cooch Behar. In the village of Krishnapur Palpara village BSF personnel attached with Krishnapur Border Out Post, 'A' Company, Battalion number- 49 imposed severe restrictions while undertaking agricultural activities in their own fields. The villagers are not allowed to enter their own fields whenever required. Two months ago, the farmers in this area cultivate jute crops on the land situated between fencing gate number 3 under Krishnapur Border Out Post and International Border Pillar and for this reason BSF personnel restricted to cut the jute crops and if anyone cut the jute crops, they were not allowed to come out through fencing gate number 3. Even the farmers who cultivated the seasonal paddy in their land, were not allowed to enter with their agricultural equipment. The villagers and farmers asked the BSF officials the reason for such restriction to enter their own agricultural field. The BSF officials told them that they will not be allowed to enter the land for jute cultivation. As the farmers could not enter their agricultural field, they were unable to harvest jute and due to lack of proper watering and other procedures, the crops were damaged. The second case is from the village of Madhya Jhaokuthi. In the village of Madhya Jhaokuthi, the villagers are restricted from practicing agricultural activities in their own agricultural field using proper infrastructure like irrigation and drinking water. In the third case, in the village of Char Jhaokuthi, the BSF attached with Talai Border Out Post have imposed whimsical restrictions on the movement of the villagers. The fencing gates are only opened as per the whims of the BSF. They have also imposed an embargo on the construction of ferry ghats for the boats, due to which, the villagers are facing difficulty in availing proper mode of transport to connect with the Indian mainland. In order to avail the benefits of the ICDS centres, the new mothers along with their minor kids and pregnant women of the village have to cross the Kaliyani River in boats. Even then they are not provided with the benefits at times. The ICDS authorities state that since they are detached from the Indian mainland, their benefits will not be provided from the said centre. Under the circumstances, the villagers have repeatedly asked the ICDS authorities to enlist their names or direct them towards their specified ICDS centre, but to no avail. We have complained these issues to the respective district administrations.

• **Government negligence:** This month we have encountered three cases of government negligence. One of these cases was from Cooch Behar district and two were from North 24 Parganas district. The case which was from Cooch Behar district was a case of bad road situation in the village of Kushamari in Mathabhanga I block. The villagers of the said village have submitted deputation to the district administration but to no avail. To resolve the issue, we have lodged a complaint to the district magistrate of Cooch Behar district. The other cases of the government negligence were from North 24 Parganas district. The case of Jhawdanga Colony was of arsenic infested water in the ICDS center of the village. The district and the local administration were negligent even after petitions from the villagers thus we took it up and lodged a complaint to the district magistrate of the district. The other case was from Pipli village, where the villagers were denied of old age pension. We complained to the authorities about the issue.

Our Activities

Cooch Behar district

In this month total 24 village level meetings were conducted in Cooch Behar district. The members of Amra Simantabasi and Pramila Bahini spoke about the issues of the areas. Inside the border fence there is no facilities of shed. More over cattle from Bangladesh destroy the Indian agricultural field. It was also decided in the meeting that to resolve the issue they will lodge a written complaint to the local authorities.

In the morning of 15th September 2023, A lady named Mrs. Dipti Roy was harassed by the on-duty BSF attached to Arjun BOP in Mekhliganj block of Cooch Behar district as she was taking a cow and a calf along with her. The BSF personnel also harassed the local panchayat member Mr. Shibu Barman. In protest, the villagers, under the leadership of the "Amra Simantabasi" committee formed a road blockade and submitted a deputation to the local police station.



North 24 Parganas district



15 meetings were organized by respective volunteers independently of each village committee and 5 meetings jointly with the volunteers and village committees with the DHRM & DC. In the meetings we discussed the changes brought in the functioning of the volunteers' and their involvement with the committee members for the developmental work for their respective villages. In the September month 3 new volunteers (Hakimpur, Gobra and Gobindapur) started functioning. In September volunteers did miking at the respective area are Horihorpur, Jalalpur, Dakshin Bagundi, Sakchura, Pipli, Kolapata, Itinda, Barnaberia and Jhaudanga, canvassing on child labour and their rights & migration of people as a labour. Postering on child labour and their rights did by Boyaldaha, Daharkanda, Horihorpur, Jalalpur, Dakshin Bagundi, Sakchura, Pipli, Kolapata, Itinda, Barnaberia and Jhaudanga.

Apart from this DHRM independently conducted 7 meetings at Gobra, Gobindapur, Barnaberia, Chourigachi, Pipli, Pipli and Dakshin Bagundi. In September the volunteers of North 24 Parganas underwent training on Migration of Labour at Gobordanga Gobesona Porishod at Gobordanga. The training was exhaustive and volunteers enjoyed the training program which enriched their knowledge to work well on the issue.

Press meeting

On 19th September, 2023, Banglar Manabadhikar Suraksha Mancha (MASUM) organised a press meet at Press Club Kolkata, protesting the hosting of APF Conference in New Delhi and the apathy of HRIs in India. In the said press meet Mr. Amlan, PUCL, Mr. Dibakar Bhattacharya, AILAJ, Justice Ashoke Kr. Ganguly, former Judge, Supreme Court and former Chairperson, WBHRC and Mr. Kirity Roy, secretary of MASUM were among the main speakers. The meeting began with Kirity Roy's address on how NHRC and other HRIs have remained indifferent on the issues of human rights violations in the India-Bangladesh border area. 6 victims from the region spoke about their endurance and called out the inactions of NHRC. Mr. Dibakar thanked MASUM for organizing the meeting and urged to organise more campaign programmes. Mr. Amlan from PUCL spoke about the destruction of the HRIs and democratic environment of the country. Justice Ashoke Ganguly spoke in detail about the deep connection between the constitution of India and the Universal Declaration of Human Rights-1948. He also highlighted the inactions of the HRIs, and urged for popular protest.

After the press meet, a small rally was held which culminated as a street corner near the Gandhi Statue of Esplanade. Mr. Amal Bhushan Chowdhury spoke in the street corner. Mr. Binayak Sen and many other social activists were present in the program.



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 26.09.2023, a medical camp was held at Swarupnagar, North 24 Parganas, where 33 survivors and family members availed the treatment under the supervision of Dr. Anasuyak Roy and psychiatrist, Dr. Nilanjan Basu. On 30.09.2023, another medical camp was held at Dinhata of Cooch Behar where 43 victims availed the treatment under the supervision of Dr. Saokat Ali and psychiatrist Dr. Banhiman Sarkar. The prescribed medicines were provided to the beneficiaries along with the cost of pathological tests. At the end of the medical camps two separate meetings were held where the legal case status of individuals were discussed.



Legal Activities Report: September 2023

Activities in High Court at Calcutta

In the High Court at Calcutta total nine 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 26.05.2023 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. On 06.07.2023 again our pro-bono lawyer mentioned all pending cases for their listing up in the cause list. After that on 07.07.2023 two long pending mandamus writ petition cases were listed up for hearing before the single bench of Justice Rai Chattaopadhaya. In connection with the cases Najrul Islam Dafadar vs. State of West Bengal & others [WPA 1971/2019] and Ranjit Das vs. State of West Bengal & others [WPA 1970/2019] it was directed the Superintendent of Police, Basirhat Police District to file the report for execution of warrant in connection with the above stated case. In connection with the case of Najrul Islam Dafadar vs. State of West Bengal & others [WPA 1971/2019] on 28.07.2023 affidavit in opposition was submitted by the respondent BSF authorities. It appears that the respondent BSF authority had requisitioned the entire case record from the court of Additional Chief Judicial Magistrate, Basirhat and had already conducted trial in terms of the provision under the BSF Act, 1968 and the result of the trial is acquittal of the accused person. On 03.08.2023 the court directed to the Special Director General, Eastern Command, BSF and any officer deputed for this purpose be personally present before the court with the case record of the entire proceedings of the BSF court in connection with this case on the next date of hearing. The matter was listed up on 15.09.2023 but on the said date hearing was not conducted.



In connection with Ranjit Das vs. State of West Bengal & others [WPA 1970/2019] on 28.07.2023 respondent BSF authorities submitted before the court that after preliminary enquiry it appears that on the relevant date and time of occurrence, there was no person deployed in 76 BSF Battalion, namely J.F.Baduria (Respondent no. 6) and Salil Kumar (Respondent no. 7). State party also submitted that in spite of making several requisitions for furnishing details regarding deployment of personnel at the concerned point of time but the respondent BSF authorities have never cared to comply with the same, during investigation. In this regard, the court ordered to submit detailed deployment list of BSF 76 Battalion during the period from 1st December, 2015 to 31st March, 2016 on the next date of hearing. The matter was listed up on 15.09.2023 but on the said date hearing was not conducted.

New case filing at Calcutta High Court

On 22.09.2023 one Writ petition was filed before the High Court at Calcutta against the non-functioning of the West Bengal Human Rights Commission. There are many cases of MASUM where National Human Rights Commission transferred to West Bengal Human Rights Commission but till date no action has been taken by the concerned state human rights commission. A writ in the nature of Mandamus has been filed directing the West Bengal Human Rights Commission to take forthwith steps in accordance with law in respect of the complaints of MASUM where no action has been taken by the concerned state human rights commission. The case number is WPA (P) 520/2023 and the title of the case is Banglar Manabadhikar Suraksha Mancha vs. West Bengal Human Rights Commission & others. The matter was first listed on 03.10.2023 before the double bench of Hon'ble Chief Justice of the Calcutta High Court and Justice Hiranmoy Bhattacharya.

Sub-divisional Courts



This month we provide legal support in 06 prosecution cases in the Basirhat court among which in two cases the Additional Chief Judicial Magistrate, Basirhat court directed to the concerned police to submit status report in the court, in two cases Magistrate directed to the complainant to appear and filed 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 05 victims in the Basirhat Court where the false case against them was started.

In the court of Bangaon, we provide legal support to two victims of one was inflicted physical torture by the BSF personnel and another was the victim of custodial death.

New Case filing under section 144 of the Code of Criminal Procedure

In the court of the Sub Divisional Executive Magistrate, Tufanganj one case has been filed under section 144 and 107 of the Code of Criminal Procedure. Border Security Force personnel attached with Ghonapara Border Out Post restricted the villagers and farmers to enter their agricultural field. In this regard, on 26.09.2023 one case has been filed under section 144 and 107 of the Code of Criminal Procedure before the Sub Divisional Executive Magistrate, Tufanganj. Till date the hearing date is not fixed in this regard.



1. [The Conveyor News](#) – 20.09.2023
2. [Puber Kolom](#) – 20.09.2023

Legal Activities Report: September, 2023

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. On 29.05.2023 the office of CPIO, FCRA section Mr. Rama Kant Singh issued one letter from where it is revealed that the information which we sought is in the nature of grievance redressal instead of information as defined under section 2 (f) of the RTI Act, 2005 and therefore, the CPIO cannot furnish the information in this regard. On 12 June, 2023 an objection and appeal under Section 19 of the Right to Information Act 2005, against the information received from the CPIO in respect of our RTI dated 25.03.2023 was submitted where we pointed out that the information which we sought is not in the grievance redressal and it is purely for information purpose. As after submission of our objection against the decision of the CPIO, the Appellate authority did not send any response within stipulated time period of 30 days, on 31.07.2023 an application was submitted before the Chief Information Commissioner under section 18 (1) (e) of the Right to information Act and expressing grievance regarding the rejection of our RTI application. On 26.08.2023 Central information Commission replied that the Commission is not an appropriate forum for the seeking redressal of the grievance of the petitioner informant. Therefore, on 18.09.2023 we submitted one written application to Shri Binod Kumar, Under Secretary, FCRA section, Ministry of Home Affairs, Government of India and requested him to inform about the status of our FCRA application. But till date no reply was received from his end.

On 18.09.2021 we submitted one RTI application to the State Publication Information Officer (SPIO), Office of the District Magistrate & Collector, Cooch Behar and seek the information concerning the erstwhile enclaves and its dwellers. SPIO in the office of the District Magistrate & Collector, Cooch Behar did not provide any information within stipulated time frame. Therefore, on 03.12.2021 another application was filed before the RTI Appellate authority in the office of the District Magistrate & Collector, Cooch Behar under section 19 (1) of the Right to Information Act and requested him to provide the information on the issue of enclave dwellers. But the RTI Appellate authority in the office of the District Magistrate & Collector, Cooch Behar did not provide any information in this regard. Therefore, on 25.01.2022 we submitted one written application to the State Information Commissioner of West Bengal and provided detailed description of the above stated incident. After about one and half year the State information Commissioner of West Bengal listed one hearing on the above stated matter dated 05.09.2023. Mr. Kirity Roy presented in the hearing. After the hearing, the concerned State Information Commissioner directed to the concerned officials of the District Magistrate, Cooch Behar to submit the answer of RTI submitted by MASUM within 30 days from the hearing date.

OBITUARY

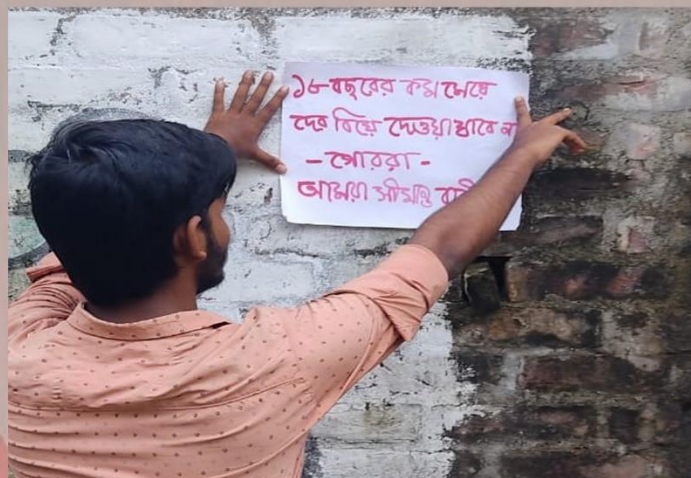


Dr. Sthabir Dasgupta, an oncologist by profession and a voice among progressive doctors, breathed his last on 5th September, 2023. Born on 14th January, 1949, Dr. Dasgupta came under the influence of the Naxalbari movement in the 70s. He was a relentless writer against the dehumanizing face of techno-medicine controlled by corporations, a strong upholder of public health programs and always endeavoured to put people at the centre stage of health policy. He authored several books such as "*Sottor Doshok: Maya Rohiya Gelo*", "*Cancer: Purono Bhoy, Notun Bhabna*" etc. He has been a great advocate of the human rights movement. During his lifetime he has been a great friend of MASUM and has always stood by the cause we are fighting for. His death is an enormous loss to the human rights fraternity and the progressive movement in West Bengal and India.

Activities at a glance



Formation of Pramila Bahini committee at Kalmati Begunbari village in Cooch Behar



A volunteer putting up posters against child marriage in Gobra village of North 24 Parganas district



A training session for volunteers of North 24 Parganas on issues of migrant labourers



Road blockade by the villagers of 101 Fulkadabri in Cooch Behar against the harassment of BSF on the villagers



Treatment of a survivor in our medical camp aided by UNVFVT in North 24 Parganas district



Awareness campaign by a volunteer from North 24 Parganas district on child labour and issues of migrant labourers