

Overview: Human Rights Situation 2016

Human rights are inherent, inalienable, interdependent, and indivisible, meaning they cannot be granted or taken away by none; the rights include civil, political, economic, social and cultural rights. Human rights protagonist group like MASUM is constantly monitoring the attacks and infringement over these rights. Like any other years, the previous one; 2016 was also witnessed blatant attacks on rights of the people, dissents and general ethos of human rights. The year was marred by curbing of democratic space of the society by state and non- state actors; the year experienced the diminishing legroom for protests and differences. However, only governments are in a position to put in place the laws and policies necessary for protection of human rights and democracy and in position to regulate private and public practices that impact individuals' enjoyment of human and democratic rights. Therefore, the governments are the guarantors or violators, of human rights in domestic parlance. When States ratify human rights treaties, they agree to both refrain from violating specific rights and to guarantee enjoyment of those rights by individuals and groups within their jurisdictions. And yet Governments pay lip service to the importance of protecting civilians. The world's politicians have miserably failed to protect those in greatest need. They do have legislation for ensure the laws, of course, but as evident this domestic protections are not enough to stop the human rights abuses.

All of this affect enormously on the trust between the minorities and excluded groups communities and the police. Muslims, for example, perceive the police to be communal, biased, and insensitive in part because of the misconduct of some police personnel, especially during communal tensions.

In Kashmir the armed forces committed thousands of human rights violations, and very few men in uniform involved have faced justice. The survivors of these atrocities and the families of the enforced disappearance victims' protest ask for justice and demanding the whereabouts of their relatives. Human rights groups claim around 10,000 people have been forcefully disappeared by Indian authorities. Recently, the valley faced blatant use of pellet gun use by security forces and a large section of populace including minors became grievously injured and killed by pellets. Here it must be mentioned that in Indo- Bangladesh bordering areas of West Bengal, the Border Security Force personnel using pellet guns for years together and MASUM made dozens such complaints to National Human Rights Commission in this regard.

While legal provisions protect members of the security forces from prosecution, ordinary criminal law also fails to specifically criminalize crimes under international law such as torture and enforced disappearance. And the justice system has failed to establish firm roots for protecting the human rights of Indian citizens, especially women, the poor and oppressed, and minority groups. The year experienced a series of attacks on dalits and minority; Una and suicide of Rohith Vehmulla proved the continuity of attacks on dalits and cold blooded killing of eight suspected operatives of SIMI in Bhopal only establish that the present regime waged a war against the Muslim minority in this country.

Abuses by the government forces like extrajudicial killings, torture and rape, particular marginalization and vulnerability of groups as women, Dalits, Adivasis, Muslims and persons with disabilities, who are highly excluded groups suffer an

acute denial of multiple public goods and basic rights, as well financial regulations by demonetization during the end of the year caused severe hardship across all levels and are one of the huge infringement on the rights of the citizenry.

The world's largest democracy is also dogged by separatist violence, life-threatening prison conditions, sex trafficking and a huge impunity resulting from the judicial system, the "India 2013 Human Rights Report" said.

All of that describes a global overview of the situation of human right violation in India. But also should make us realize that this violations are going on all around the world, with different contexts and characteristics yet perpetrated by the States and their forces, that are there to ensure the security and wellness and not to take advantage of their power, given to them by the people.

Everyone have to be conscious and sensitized about their rights as individuals and stand together in community and communion against the injustice.

The whole South Asia become a land of religious fanaticism and intolerance, and in majority of the cases, attacks are being perpetrated upon the rationalists and democratic forces, either by the state actors or state sponsored non- state actors. In other instances, the lackadaisical and non- responsive attitude of the governments only encouraged the fundamentalists.

The writing on the wall is clear. Rioting, as well as less intense forms of communal polarization, has long been a prized weapon of politicking in India; even the so-called secular parties have employed them time and again. However, no party has ever dared to bring the associated rioters in the mainstream until now; they have been accommodated and rewarded by different means.

The government has stressed protection of women from violence and other abuses, and access to healthcare and sanitation and called for a decade-long moratorium on communal divisions and discrimination. The government has expressed a commitment to freedom of speech but has not ended state censorship or taken decisive action against ultranationalist and other religious militant groups that respond to views they do not like with threats of violence; the arrests, suspensions and expulsions of students with dissent in various prime universities and institutions of the country is only an expression of attacks on freedom of expressions and democratic functioning. Authorities tightened restrictions on nongovernmental organizations (NGOs). One reason for this has been that civil society groups have been highly critical of big development projects that they say will have a negative impact on the environment, and on the health and livelihoods of affected populations.

Torture, Extra Judicial Killing and Impunity

The impunity enjoyed by state officials, police and security forces remain one of the main impediments to realisation of human rights in India. Public servants, state officials and security forces enjoy legal immunity for actions undertaken in discharging their official duties. In Indian legal system, public servants cannot be prosecuted in the courts without sanction from the government as envisaged under section 197 of Code of Criminal Procedure. As stated in the Section 6 of the Armed

Forces Special Powers Act (AFSPA) no legal action can be brought against any member of the armed forces acting under the AFSPA, without the permission of the Central Government. The government of India has ignored the concerns by international community at the widespread reports violations by and impunity of police and security forces acting under AFSPA. During the first cycle of UPR, the United Kingdom, Canada and Germany raised concern regarding AFSPA. India did not accept any of the three recommendations it received in the second cycle of the UPR to review or repeal the AFSPA. It is, however, noteworthy that in May 2015 Indian state of Tripura has decided to repeal AFSPA. The Paramilitary forces the country also enjoys similar immunity through their own legal systems and judicial mechanisms, where civilians have no access, where judges and prosecutors are appointed by perpetrators. Torture remains widespread in India. The National Human Rights Commission of India has repeatedly recommended to the Government of India to ratify the Convention against Torture and to criminalize the act of torture in the country. The Commission said "daily the Commission receives petitions alleging the use of torture, and even of deaths in custody as a result of the acts of those who are sworn to uphold the laws and the Constitution and to ensure the security of its citizens. Such a situation must end, through the united efforts of the Government..." The UN Human Rights Committee as early as 1997 expressed its concern about the widespread use of torture by the law enforcement agencies in India. Similar concerns were expressed by the Committee on Elimination of Racial Discrimination in 2007 and the Committee on Economic Social and Cultural Rights in 2008. India has made no significant efforts towards the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), despite accepting 17 recommendations to do so in the second cycle of the UPR. India signed the Convention on 14 October 1997. A draft bill on torture has been under consideration by the government since 2010. It was tabled before the upper house of parliament but has not been tabled in Lok Sabha (lower house) for discussion and subsequent legislation; Indian and international human rights groups have observed that the anti-torture bill as inadequate and without any intention to end torture. The Prevention of Torture Bill, 2008 also fails to comply with the CAT. The Bill fails to address compliance with the following obligations under the UNCATⁱ. This raises serious questions about the government's commitment to end torture. Absence of a law on witness protection also remains a serious obstacle to ensuring accountability in cases of torture filed against security forces. Increasing reports of extrajudicial killings by police and security forces continue to be a source of serious concern. In December 2012, the National Human Rights Commission submitted affidavit before the Supreme Court "it had received 1,671 complaints of extrajudicial killings in the last five years", the latest reports on extra judicial killings are unavailable in public domain. But situation of reparation in cases of EJK became worse now. Archaic Police Act, 1861 has been one of the main barriers to ending extrajudicial killings. Police Act of 1861 has not changed in 156 years. In a clear violation of the Article 141 of the Indian Constitution, the Indian government has failed to heed the apex court order to reform the police and Police Act. The Supreme Court of India in Writ Petition (civil) 310 of 1996Prakash Singh & Others vs. Union of India and Others on 22 September, 2006 the government to "enact a new Police Act wholly insulating the police from any pressure whatsoever thereby placing in position an important measure for securing the rights of the citizens under the Constitution for the Rule of Law". The National Human Rights Commission of India also issued guidelines to be followed in case of encounter deaths. However, these guidelines are

remains ineffective and unimplemented. The NHRC has failed to ensure accountability in cases of authorities blatantly disregarding its guidelines and recommendations.

Death Penalty

Between 2001 and 2013, Session Courts in India sentenced 6,174 persons to death, i.e. 475 convicts were sentenced to death every year. Out of these, death sentence on 1,677 convicts was confirmed by the higher courts while death sentence on 4,497 convicts were commuted to life imprisonment. Majority of those on death row in India are from marginalised, particularly religious minorities, scheduled castes, tribes and indigenous people. The prosecution and judiciary are insensitive. Prosecution is often accused of bias against minorities and disregarding scientific and forensic evidence. The apex court often cited judicial and prosecutorial misconduct in several death sentences it had overturned.

Prison Conditions

The depiction of prisons in our reel world is that of a four walled, impossible to exit station. It is often a description of two contrasting facets: one showing that the convict is a dreaded criminal who is just too reluctant to change, and the other demonstrating lots of innocent masses caught in a crime pack situation by an archaic criminal justice system. All the prisons in Eastern states of India, West Bengal, Bihar, Odisha and Jharkhand are overcrowded. Beds, latrines, kitchens, wash rooms are unhygienic and dirty. Muslims, dalits and tribals — three of the most vulnerable sections of Indian society — make up more than half of India's prison population, according to few confirmed sources. Although the proportion of these three communities in India adds up to about 39%, they make up to 53% of India's prison population. India had 4.2 lakh people in prison in 2013. Nearly 20% of them were Muslims although the share of Muslims in India's population is about 14.2% according to Census 2011. Dalits make up 22% of prisoners, almost one in four. Their proportion in population is about 17% according to Census 2011. While Tribal's makes up 11% of prisoners, their share in the general population is 9%. According to experts; this disturbing trend is not because these people from these communities commit more crimes. Rather, it arises because they are economically and socially under-privileged, unable to fight costly cases or often even pay for bail. Some of these communities are targeted with trumped up cases. Nearly 60% of the arrests were either unnecessary or unjustified and that such unjustified police action accounted for 43.2% of the expenditure of the jails. Two of every three persons incarcerated in India have not yet been convicted of any crime, and Muslims make up the majority of those awaiting trial. Currently, there are more than 20 million cases pending in the Indian districts courts; two-thirds are criminal cases and one in 10 have been pending for more than 10 years. There is only one judge for every 73,000 people in India.

Jaankhalash

Number of prisoners, especially foreign nationals booked under the Foreigners Act 1946 are perishing in different jails and/ correctional homes for years in West Bengal and other Eastern states. Many of them either had been acquitted or served their sentences but still they are under detention. Those persons are under detention or in

custody unlawfully as *Jan Khalas* and there is no bona fide effort from any corner towards the release and/or repatriation of those persons till date.

Scheduled Tribes in India

Tribals (Indigenous Peoples of India) have historically rejected the caste-based *Varna* system of Hindu religion. They created a socio-cultural system contradictory and antidote to the rigidly stratified and *Varna*/caste system. However, since with the inevitably increasing interaction between Tribals and non-Tribals, the former have forcefully been incorporated into the caste-based Hindu society by aggressive actives of India's cultural nationalist forces along the line of a majoritarian fascist ideology under the insidious garb of propaganda like, "inclusive growth," "development with and for all." These propagandists displace and dispossess Tribals of their land and livelihood resources protected under the Fifth Schedule of the Indian Constitution and several other legislations. Moreover, while land-grabbing remains one of the most crucial issues, Tribal children have been denied of their Constitutional rights to learn primary school lessons in their own mother-language and their (local) history has been erased and denied to them.

Dalits in India

Caste-based oppression and exploitation needs to be reconceptualised as the worst form of slavery. Dalits, formerly "untouchables" in India, all over the country are forced to do menial jobs such as manual scavenging despite the practice being abolished by law. But, in practice, Governmental bodies are still continuing to exploit Dalit people for manual scavenging In Indian Railways Dalit scavengers were employed to manage 43,000 passenger coaches, more than 8,000 stations, 172,000 toilets. With a dense network of tracks, Indian Railways is the biggest violator of the dignity of people condemned by caste to manual scavenging. Furthermore, Dalit students in India face discrimination at most educational institutions in India. Caste-based discrimination, oppression and exploitation violate basic Human Rights. Systemic efforts to suppress, persecute and kill Dalits continue to be tolerated by the state in India.

Food Security and Hunger

About three-fourth of India's population living in the rural area are subject to abject poverty, illiteracy, ill-health, unemployment, low quality of life and so on. Poverty and food insecurity are intrinsically linked. Poverty is currently the principle root cause of food insecurity in several households. Women and girl children often tend to be relatively more undernourished. Gender constitutes the most profound differentiating division. The International Food Policy Research Institute (IFPRI)'s 2008 Global Hunger Index says that with over 200 million people insecure about their daily bread, Indian scenario is 'alarming' in terms of hunger and malnutrition. The first ever Indian Hunger Index, released along with the Global Hunger Index, found that not a single state in India fell in the 'low hunger' or 'moderate hunger' categories. Madhya Pradesh had the most severe level of hunger in the country, followed by Jharkhand and Bihar. Punjab and Kerala scored the best on the Index. India ranks 66 among 88 countries in the hunger index.

Environment

Indigenous peoples in India are in a constant struggle for their rights to water, land and forests. The forest is an important source of food and livelihood for indigenous and tribal populations. However, indigenous peoples are increasingly being evicted from their traditional lands by national corporations and multinational corporations with the support of police and state administrations in the name of development and industrialization. The Forest Rights Act 2006, that guarantees certain rights of indigenous peoples common land and homestead land have become virtually ineffective. The rapid growth of cities, expansion of industry and transportations has worsened pollution. India has ratified global environment conventions such as Convention on Biological Diversity (CBD) and the International Framework Convention on Climate Change (IFCCC). India has enacted environmental laws. However, the implementation of environmental laws is very weak due to poor enforcement mechanism and inadequate opportunities accountability and redress. Environmental legislation has now been relegated to a mere administrative formality.

Disability

Human rights violations in the context of disability are prominent in Indian society. An estimated 70 million disabled Indians are treated as second-class citizens and are forced to confront segregation, discrimination, barriers and stereotypes. An entire range of disability issues -- such as the causes of disability, care, rehabilitation, empowerment, mainstreaming through education, employment, health care, and transportation – wait to be practically resolved. “The Rights of Persons with Disabilities Act, 2012” has come into force to safeguard the right of persons with disabilities. The Act addresses a certain portion of the society instead of guaranteeing civil and political rights to wider section of the disabled people. To the delight of disability groups, India ratified the UN Convention on the Rights of Persons with Disabilities (Disability Convention) in October 2007. The Convention recognizes that persons with disability are right-holders instead of passive recipients of government schemes. There is a definite need to review the existing legislative framework in India to examine whether it adequately promotes the rights contained in the Convention.

Women

Physical, mental, emotional, and sexual violence against women is commonplace in Indian society. Women in the Northeast are affected by armed-conflict. Tribal and Dalit women face increased risk of violence and discrimination. Lack of legal protection and awareness continue to be main causes of rampant violence against women. Existing laws are either inadequate to ensure protection of women from violence and discrimination or are not properly implemented. Rights of women to ancestral property under the amendment of Hindu Succession Act in 2005 have not been properly implemented and women are deprived of their fair share in ancestral property. Reports of violence against women increased by 58.2% between 2010 and 2013, and 9.6 % in between 2014 and 2015. Indian families still prefer boys over girls as their first child. The Pre-Natal Diagnostic Technique (Prohibition of sex selection) Act, 1994 is weak in incentivizing the birth of girl child and encouraging families to educate them like boys. As a result, declining of sex ratio emerged as a matter of concern. The 2011 Census, indicated that only 914.23 girls were born for

every 1,000 boys, compared with 927.31 for every 1,000 boys in the 2001 Census. The sense of security at the workplace will improve women's participation in work, reducing in their economic dependence and overall growth. But, ratio of male to female labour force participation rate in between 1990 to 2014 has reduced from 41% to 34% respectively.

Child and Child Labour

Article 21(A) of the Indian Constitution guarantees, the right to education. Sarva Shiksha Abhiyan (SSA) 2001, Right of Children to Free and Compulsory Education (RTE) Act, 2009 came into force and ensure access to primary education and provides special focus on education of girls. But in reality 60 million children (6-14 years of age) in India are not in school. Of those in schools, only 47 out of 100 children enrolled in class I reach class VIII. Children have no option but to stay away from schools due to poor socio-economic condition of their families, perpetuating the cycle of poverty. It is obvious that poverty compels many parents to put all focus on meeting basic survival priorities and education is not considered a priority. Children are forced to work to support their families. Child labour is common in brick kilns, slaughterhouses, carpet weaving, zari and bidi units, mica or diamond cutting, handling e-waste, scavenging or as domestic help. UNICEF estimates that India has the highest number of child (children below the age of 14 years) labourers in the world. Notably, Constitution of India prohibits child labour in hazardous industries (but not in non-hazardous industries) as a fundamental right under Article 24. Similarly Child Labour (Prohibition and Regulation) Act, 1986 prohibits use of child labour. However, these legal provisions remain inadequate to eradicate child labour.

Human Rights Defenders

Human rights defenders and members of their families are facing increasing threats, harassment, intimidation and other forms of physical and psychological attacks both online and offline by state and non-state actors. They are arbitrarily arrested or detained on fabricated cases or trumped up charges. Their offices are raided, and files and documents related to their work are stolen or confiscated. In extreme cases, they are tortured, disappeared or even killed. Despite the increasing number of complaints and cases of attacks filed with authorities, there has been very little or no action on the ground to formally charge, try and convict those responsible or to prevent future attacks. Domestic protection mechanisms are inadequate. The Protection of Human Rights Act 1993 that mandates Human Rights Courts in every province has not been implemented. The National Human Rights Commission has one focal point, appointed from lower administrative staff, on human rights defenders.

Enclave: Citizenry Rights

India and Bangladesh have signed pact to operationalise the historic Land Boundary Agreement (LBA). In this regard, two sides swapped instruments of ratification regarding the LBA. The operationalisation of LBA paves the way for exchange of 162 enclaves under the control of either country. The Constitution (119th Amendment)

Bill has been passed by the Parliament of India on 7th May 2015. We observed the situation at the enclaves was euphoric after the passing of 119 Constitutional Amendment Bill in Rajya Sabha and after the signing of protocol between the Bangladeshi and Indian prime ministers at Dhaka- Bangladesh, the ecstasy reached its epitome. But as MASUM already voiced its concerns that this act in haste by the governments and their attitude to exclude the populace from decision making would open up a Pandora's Box of distress and conflict; became a reality. Now, after this signing, thousands living in a foreign land and an intention to migrate to a country of their choice or in another situation, willing to stay back at their native; which has received new geo political identity of separate country facing equal uncertainty and became victims of attacks from religio- political fundamentalists and various forms of vested interests with narrow political agenda. The issuance of citizenship is a major task in resolving the problem, and that too without any partisan attitude and whims. This is now amply evident there were procedural flaws as well as large scale irregularities in joint headcounts completed by India and Bangladesh in 2011 and 2015. The citizens are yet to receive their voter identity cards and have been facing an identity crisis even after the land swapping between the countries. Few families from erstwhile Indian enclaves at Bangladesh has reached Indian camps and forced to live a sub- human life and as reported many are waiting, stranded and as well restricted by the Bangladeshi political gentry at the opposite side of the border. The situation of erstwhile Bangladeshi enclave dwellers is no better.

In this situation, all of a sudden, we confronted with a news item that, the District Magistrate of Coochbehar district of West Bengal had a meeting with Election Commission of India and announced that 15786 names are going to be enrolled in electoral roll; amongst this number 11000 have been already being enrolled. This announcement itself made us apprehensive and we smell gross irregularity from politically managed administration. This announcement is evident with the flaw as a section of the populace has reportedly given permission to vote but a large section has been denied. No guidelines have been issued in account of rejection and acceptance and most ironically the population has not been provided with other citizenry rights and not included in citizenry list. We strongly advocates for citizenship for all the enclave dwellers, who are willing to get Indian citizenship. We apprehend that this segregation has been done to meet political agenda and in this process district administration is trying to appease their political masters. In this process, the administration is denouncing eligibility of voting for many and providing the same according to their political affiliations and demand for immediate nullification of the process and immediate initiation of a proper and adequate process to extend citizenry to every enclave dwellers without any type of prejudices and discrimination.

Livelihood of Erosion affected at Murshidabad

Everyone in India is guaranteed the right to earn a livelihood, but even though programs are in place, the implementations are a failure because of inadequacies in the system or corruption, and that failure is against Article 21 of the Constitution, the article that guarantees the right to life. The right to life is not simply to be alive, but it includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing, and expressing oneself in diverse forms,

freely moving about and mixing and commingling with fellow human beings. All people must therefore be given a social net, and an actual chance to advance in society. If they are not, people are not actually living with dignity, but instead are actually dying without the necessities one needs in order to live thus breaking the law.

The situation of erosion affect further grieved with constant soil erosion by river Padma and resulted homelessness, loss of employment (livelihood), enforced migration in search of two square meals, involvement in illegal activities, malnutrition, starvation like situation and few actual hunger deaths. There are millions of wretched countrymen in this part who have either being rotted with their poverty or dying in starvation, being devoid of any food, nutrition or medical treatment.

The problem of the wretched lies with the eternal one – their poverty, but the causes are manifold. Sometimes it happens to be topographical, natural disasters or changes in their earning status. In some places it is liable for eviction in places without rehabilitation and apathy of the vested interests towards them. But in most cases they are being victimized by the Government and administrative inaction, callousness of the government officials and a general apathy to do rightful duties towards the ill-fated people.

The situation constantly getting worse, incidents of malnutrition, hunger and starvation in the gangetic basins of West Bengal has been attracting our attention since long. And the continuous and systematic denial, apathy and indifferent attitude of the government towards these natural disasters and its victims have forced us to think twice, whether we are really living in a country having an aim for welfare of its disadvantaged section of populace. Such cases appear to be epidemic and mainly caused by some geographical disadvantages. The encroachment of river Padma, a subsidiary of the Ganges, the longest river in India, on the embankment resulted in erosion and reduction of land and compelled uncountable number of people of the numerous villages under Jalangi and Raninagar police stations areas in the district of Murshidabad. Moreover, to live in a land fast encroaching by river Padma and above all the all out hostility of administrative machineries has made it more complicated and pathetic.

Submission during 3rd cycle of Universal Periodic Review of India.

MASUM made its individual submission as stakeholders report to 3rd Cycle UPR of India. The submission was mainly based on its day to day experience in Indo-Bangladesh bordering areas of West Bengal. The submission dealt with violence by bordering guards, overall marginalization of bordering populace and citizenry rights of enclave dwellers. Apart from this, MASUM being part of three joint submissions by networks. MASUM being part of the submission made by Working Group on Human Rights; the submission broadly discussed all major human rights issues of the country. Another submission was the outcome of a civil society consultation convened by Banglar Manabadhikar Suraksha Mancha (MASUM) on 7-8 May 2016 for civil society organisations working in Eastern states of India to prepare the joint stakeholder's report to third cycle of Universal Periodic Review of India. Over 20 civil society organisations, community based organisations and grassroots movements from Bihar, Jharkhand, West Bengal and Odisha attended the consultation, and contributed to the report. Banglar Manabadhikar Suraksha Mancha (MASUM)

selected to facilitate the submission. The third joint submission was on female foeticide in India with Asian Committee on Human Rights and others.

Joint Initiative Challenging Shrinking Democratic Space

The political climate in India, as has emerged over the past few years presents a serious challenge in that it clearly fosters an aggressive and intolerant public sphere wherein existing civil society space is fast shrinking, akin to what was experienced and witnessed during the time of emergency. A dangerous discourse legitimised by both State and several non-State actors has gained credence, a discourse that alleges that human rights defenders, who are working to ensure justice and dignity for victims of past and ongoing violations and abuses, for already-marginalised, discriminated and struggling populations and communities, constitute a serious threat to the 'national interest.' As a direct consequence, these defenders are now subjected to a growing number of overt and covert acts of intimidation and violence all across India, preventing them from carrying on with their activities. In the past too, several initiatives have addressed this serious issue. A number of organisations have developed expertise in key areas such as documentation, urgent-action alerts, counseling for the defenders and their associates, legal aid and helped them access the United Nations' system including its Special Procedures system and the focal point for the defenders at India's National Human Rights Commission (NHRC). Several of the cases thus highlighted remain pending with the NHRC and need continuous monitoring. Nevertheless, the current context calls for an initiative which needs to be more than reactive and short- or medium-term. A new initiative needs to be inclusive taking on a range of concerns and issues of discrimination; it needs to be pro-active, self-monitoring, long-term and permanent. There is a felt need for the setting up, at the national level, a permanent, credible and inclusive body comprising of eminent persons of civil society and human rights experts to address this issue. A body which can be effective at the national, regional and local mechanisms to defend the defenders themselves. Such an effort can help ensure that these defenders carry on, without fear or insecurity, with their work of ensuring justice for the marginalised populations or communities whose rights are being violated. It can help halt the shrinking of civil society space. In the backdrop of India's changing political climate fostering an intolerant public sphere, and the rapidly shrinking civil society space and increasing harassment and criminalisation of human rights defenders, an initial meeting of individuals and civil society organisations was held in New Delhi on August 17, 2015. Following the decision of this meeting to seek larger participation and mandate on the issue, a '*National Consultation on Shrinking Democratic Spaces in India*' was held on October 11, 2015, where, after day-long due deliberations, it was collectively agreed to take forward the discussions at regional level. Subsequently; a regional consultation has been held in Kolkata on 29th September 2016. MASUM is a convening partner of this initiative in eastern India.

Annual Report on Legal Activity of MASUM, 2016

While reporting the legal activity part conducted by MASUM, it is first of all reported on the ongoing legal battle against false persecution initiated by police of

Murshidabad district against MASUM's DHRM in Murshidabad district, Mr. Ajimuddin Sarkar.

He has been implicated in several false and concocted criminal charges by Murshidabad district police and arrested. Since his arrest on 22.9.2015 he continued to remain behind the bars for 70 days.

At present five criminal cases are pending against him. The criminal cases are- (i) Islampur Police Station Case no.266/2015 (Special Case no.171/2015) dated 22.9.2015 under Sections 376/511/323/506/400 IPC read with Section 8/12 of Protection of Children from Sexual Offences Act; (ii) Islampur Police Station Case no. 273/2015 dated 29.9.2015 under sections 376/506 of Indian Penal Code; (iii) Raninagar Police Station Case no.263/2015 dated 09.07.2015 under the NDPS Act; (iv) Raninagar Police Station Case no.364/2013 dated 05.06.2013 under section 12 of Passport Act; (v) Domkal Police Station Case no.1243/2014 dated 05.11.2014 under section 308 of IPC.

In connection with the first mentioned criminal case, he was arrested on 22.9.2015 by the police of Islampur Police Station. He was tortured and abused by the arresting police personnel. At the time of no memo of arrest was issued and no reason of the arrest was shown. On 27.11.2015 the concerned court allowed bail to him.

On 20.11.2015 Mr. Ajimuddin Sarkar was shown arrest in the second mentioned criminal case i.e. Islampur Police Station Case no. 273/2015. The de-facto complainant in Islampur Police Station Case no. 273/2015 filed one affidavit in inter alia stating that she did not herself brought any allegation of rape against Mr. Ajimuddin Sarkar and she has no knowledge on the institution of the said criminal case against him. This fact was considered by the court and Mr. Ajimuddin Sarkar was granted bail on 7.12.2015. Ultimately on 8.12.2015 Mr. Ajimuddin Sarkar was released from jail.

In the month of February, 2016, an application under section 482 of Criminal Procedure Code was filed in the High Court, Calcutta by Mr. Ajimuddin Sarkar being the petitioner for quashing the proceeding in connection with Islampur Police Station Case no. 273/2015. The said application being CRR no. 404/2016 was disposed of on 24.2.2016 with positive direction.

Mr. Ajimuddin Sarkar and Mr. Kirty Roy also filed an application under section 482 of Criminal Procedure Code in the High Court, Calcutta for quashing the criminal proceeding registered against them by the police of Raninagar Police Station in connection with Raninagar Police Station case no. 354/2013 dated 5.6.2013 under section 12 of the Passport Act. The said application being CRR no. 2671/2015 was disposed of on 3.3.2016 with positive directions. Be it mentioned here that Mr. Ajimuddin Sarkar was arrested on 22.11.2014 from his residence at the wee hours at night by the police personnel of Raninagar Police Station in connection with the said case.

Mr. Ajimuddin Sarkar filed a writ petition in the High Court, Calcutta seeking relief and protection against the ongoing attacks upon him by the state agencies. The case being W.P. no.7742 (W) of 2016 is at present sub-judice in the court.

Mr. Ajimuddin Sarkar's son Mr. Faruk Kamran Sarkar filed a complaint case against the accused police personnel of Raninagar Police Station who committed torture upon Mr. Ajimuddin Sarkar at the time of his arrest on 21.11.2014 at night from his residence. In the said complaint case being CR Case no.7408 of 2014, the Judicial Magistrate, Lalbagh Court issued summons upon the accused police personnel to face trial under sections 324/506/34 of IPC.

MASUM all along has been rendering its full support to Mr. Ajimuddin Sarkar by arranging proper medical treatments and legal support to him. He has been out of his residence for last several months because there is strong apprehension that he will again be arrested in false criminal charges. He is still in full swing carrying his HR activities.

Mockery of Justice delivery system in protecting the rights of the tea garden workers- A Fact Finding by MASUM

MASUM conducted an extensive survey and fact finding in the closed tea gardens in North Bengal. Most of the tea gardens in West Bengal are located in Jalpaiguri and Alipurduar districts. Officially there are 120 tea gardens in Jalpaiguri district and 62 tea gardens within district Alipurduar. Besides the officially recognized tea gardens, there are hundreds of tea gardens operate in the said two districts. MASUM already lodged several complaints before the National Human Rights Commission and other authorities bringing to their notice on the inhuman condition of life and livelihood of the tea gardens workers and on the recent incidents of starvation deaths of few tea garden workers.

However the tea garden workers have legal protection for their welfare and fare payment of wages under the Plantation Labour Act, 1951, Minimum Wages Act, 1948 and Payment of Wages Act, 1936 but it came up during our fact finding that tea garden workers does not get benefit under those legal provisions.

One Inspector is appointed under the Plantation Labour Act, 1951, Minimum Wages Act, 1948 and Payment of Wages Act, 1936. The Inspector is responsible for holding inspection in tea gardens for enquiring into any violation of the provisions of those Acts meant for the welfare of the tea garden workers and file complaints in courts in case of any violation and/or lack of adequate measures for implementations of the provisions by the management/owners of the tea gardens.

In our fact finding it came up that hundreds of cases/complaints have filed in courts by the Inspectors against the management/owners of tea gardens for violations of the provisions of those Acts and the accused tea garden owners/management are freed such cases and the prosecution comes to end upon depositing a paltry fine which is maximum of Rs.500/-. However no further legal action takes place if the violation for which the complaint was lodged continues to remain in existence. Even no initiative is taken from any corner till date to raise the fine amount so sufficiently to deter the tea garden owners/management from violating the laws meant for the welfare of the tea garden workers. Eventually, the deprived are the helpless tea garden workers who are entitled to get benefit under the laws but no true benefit goes to them and they are as a result deprived of fair wages and other benefits with regard to their health, accommodation, basic amenities of life. The deteriorating condition of life and livelihood of the tea garden workers are in existence since long and deaths due to starvation of few tea garden workers happened in recent times.

Some Important Legal Awareness Camps organized by MASUM

Legal Awareness Camp organized by MASUM jointly with District Legal Services Authority, Hooghly at District Correctional Home on 07.04.2016

A joint legal awareness camp was organized by MASUM in association with the District Legal Services Authority, District-Hooghly on prisoners' rights inside the compound of the District Correctional Home. Hooghly in presence of about 350 UTP and convicted prisoners. The programme was attended by Mr. Kirity Roy, Secretary of MASUM and other members of MASUM; the Secretary of the District Legal Services Authority, Hooghly; the Chief Judicial Magistrate, Hooghly; the Additional District Judges of District Judges Court, Hooghly and other representatives from the district and police administration. The programme was presided by the Ex-Chief Justice of Sikkim High Court Mr. Malay Sengupta. The programme was successful

Legal Awareness Camp organised by MASUM jointly with the SDLSC, Mathabhanga, District-Cooch Behar

One Legal Awareness Camp organized by MASUM jointly with the Sub-Divisional Legal Services Authority, Mathabhanga, District-Cooch Behar. The camp was held on 09.11.2016 on the occasion of International Legal Services Day. The place of the camp was at village-Falnapur under Sitalkuchi Police Station, District-Cooch Behar. The village is close to Indo-Bangladesh border and it was a Bangladeshi enclave. After the execution of Land Boundary Agreement between the Government of India and the Government of Bangladesh, the said enclave became a part of India. But the people of the said enclave who preferred to become citizens of India are yet to benefit from basic citizenry rights. Under such scenario, MASUM felt it essential for holding a legal awareness camp with the populace of the aforesaid village to make them aware of their legal rights and access to legal service.

The purpose of the meeting was achieved with the presence of Mr. Ajay Kumar Singh being the Additional District & Sessions Judge, Mathabhanga Court and also holding the post of the Chairman of the Sub-Divisional Legal Services Authority, Mathabhanga, Mr. Md. Raushan Ali being the Secretary of Sub-Divisional Legal Services Authority, Mathabhanga, the Circle Inspector of Police, Mathabhanga Sub-Division, one police officer from Sitalkuchi Police Station and of the representatives of MASUM. They were greeted with a warm welcome by the villagers. Mr. Ajay Kumar Singh and Mr. Md. Raushan Ali from speech imparted valuable information on legal rights and access to legal services in front of about 200 people from Falnapur village and also from surrounding villages. The Circle Inspector of Police, Mathabhanga Sub-Division also gave his valuable speech. Among the erstwhile enclave dwellers Mr. Brindeswar Barman and Mr. Bijendranath Barman explained their problems before them. The volunteers of MASUM also shared their experiences during work in those areas.

Legal Awareness Camp organized by MASUM at Karala Chit (an erstwhile enclave), District-Cooch Behar

On 20.09.2016 a Legal Awareness Camp was organized by MASUM at Karala Chit, District-Cooch Behar. Karala Chit was a Bangladeshi Chit (enclave) and now a part of India after the execution of Land Boundary Agreement (LBA) between the Government of India and the Government of Bangladesh. The people at present

residing in the said Karala Chit till date did not get Indian citizenship. They are living under inhuman condition and deprived of basic amenities of life such as electricity, water, employment etc. Initially the Sub-Divisional Legal Services Authority, Dinahata agreed to participate in the programme but finally did not attend the programme for untold reason.

However, Mr. Kirity Roy, Secretary of MASUM, Mr. Ajjul Haque(DHRM of MASUM), Ms. Tilak Barman(DHRM of MASUM) and Mr. Subhasis Dutta, advocate interacted with the residents of the said chit throughout the programme and tried to make them aware of their rights. Also the leaflets on rights of children, rights of women, rights of people on arrest by police were distributed among the people. The programme did well with the significant presence of the people and many of them conveyed their problems of deprivation of basic amenities of life with the audience.

Some important legal interventions made by MASUM in the High Court, Calcutta----

MASUM's successful legal intervention in the High Court, Calcutta for Ms. Nur Kaida, a Rohingya Muslim from Myanmar

On 26.01.2014 the victim Ms. Nur Kaida was rescued by a ship operated by Bengal Tiger Lines (India) Pvt. Ltd. from Bay of Bengal. She bears nationality of Myanmar and belongs to the marginalized community namely Rohingya Muslim. She along with many Rohingya Muslims are under threats of persecution in Myanmar. She fled from Myanmar with her two minor children to avoid persecution owing to her ethnic identity and to be re-united with her husband in Malaysia. It is most unfortunate that Ms. Nur Kaida lost both her children who died of drowning. She was sheltered at Marine Club, Kolkata under the safe custody of Bengal Tiger Lines (India) Pvt. Ltd.

MASUM being the petitioner filed the writ application being WP no.19382(W)/2014 in the High Court, Calcutta for her to bring to the notice of the court the plight of the stateless woman and appropriate relief to her so that she can have access and approach the United Nations High Commissioner for Refugees(UNHCR) for seeking refugee status.

The writ petition came up for hearing on several times in this year in the Division Bench of the Chief Justice of the High Court, Calcutta and the Court already recorded that the matter involved is a sensitive issue. After a long legal battle, the Foreigner Regional Registration Officer, Kolkata and Bengal Tiger Line (India) Pvt. Ltd informed MASUM that they have no objection if she travels to Delhi for meeting with UNHCR to seek refugee status and accordingly the FRRO, Kolkata issued no objection certificate in this regard.

On 21.07.2016 Mr. Kirity Roy-Secretary, MASUM took Ms. Nur Kaida to UNHCR office, Delhi where she was handed over to UNHCR.

MASUM took endeavor for Ms. Nur Kaida for her proper rehabilitation as MASUM is committed to continue its work in providing legal support for proper rehabilitation to the foreign nationals detained in India particularly the women and children who are victims of being persons in exile or victims of human trafficking.

Legal Assistance provided in the High Court, Calcutta to the family of Prasanta Das, victim of extra-judicial killing by police

Writ Petition no. 405(W) /2016

With the assistance of MASUM, this writ petition under Article 226 of the Constitution was filed in the High Court, Calcutta by the petitioner Mr. Narayan Das from District-North 24 Parganas against the State of West of Bengal and other 9 respondents. The petitioner's son was killed on 15.5.2015 in an incident of firing by police of Titagarh Police Station. The petitioner had approached before the authorities with written complaints that his son was killed in a fake encounter, but no response was made on his complaints. However the police of Titagarh Police Station suo-moto registered one criminal case under section 304/34 of IPC on 16.5.2015 against the accused police personnel but no investigation was carried out. By filing the writ petition the petitioner prayed for proper investigation and adding of section 302 of IPC against the accused police personnel. The matter is sub-judice before the court and the accused police personnel are about to be charge sheeted.

Writ Petition filed in the High Court, Calcutta by MASUM seeking citizenship for the erstwhile enclave dwellers now residing in India

On 28.3.2016 one writ petition under Article 226 of the Constitution of India was filed in the High Court, Calcutta by MASUM. MASUM and Mr. Kirity Roy being the secretary of MASUM were the petitioners in the writ petition. The writ petition focused on a thematic issue where the governmental(both central and state) decision to give voting rights to the erstwhile enclave dwellers in the ensuing assembly election in West Bengal without giving them any identity of citizenship has been challenged. In the said writ petition the Government of India, the Government of West Bengal and other respective authorities were the respondents. It was/is the statement by MASUM that what is the demand of the time is that the enclave dwellers should be first given citizenship of India and such basic human rights as are necessary to live with dignity and thereafter they may become voters as well. To establish this righteous position MASUM filed the Writ Petition as Public Interested Litigation.

In disposing the writ application being WP No. 5859 (W) of 2016, the Division of Bench of Calcutta High Court comprising Mrs. Manjula Chellur, the Chief Justice and Justice Arijit Banerjee made the following judicial observation:-

"We fail to understand how a person could be registered for the purpose of issuance of a voter card before he could become a citizen of this country".

The judgment was duly reported in the West Bengal Law Reporter in the month of June, 2016.

Legal Assistance provided in the High Court, Calcutta to the victim who was suffering from police inaction

Writ Petition no.1844/2016

Mr. Nirmal Kumar Mondal and his wife Sunita Mondal from District-Murshidabad are victims of torture in the hands of the perpetrator police personnel of Raninagar Police Station. They made repeated complaint before the Superintendent of Police,

Murshidabad seeking appropriate relief, but no response was made. MASUM made fact finding in the incidents of torture perpetrated upon them and sent complaint to the HRIs.

Mr. Nirmal Kumar Mondal with the legal assistance from MASUM filed the aforesaid writ application before the High court, Calcutta seeking appropriate relief for protection to their life and liberty and legal action against the violators of law.

The writ petition was heard on 18.2.2016 and on hearing the petitioner and the state, the petition was disposed on the same day with positive directions and observations.

Legal Assistance provided in the High Court, Calcutta to Ms. Manoara Bibi, widow of Ali Ahmed Mia (victim of extra-judicial killing by BSF)

On 04.06.2016 MASUM lodged complaint before the National Human Rights Commission and other authorities on the incident where on 04.11.2012 in the morning the victims Mr. Ali Ahmed Mia and his brother Mr. Entaj Mia who resided in district-Cooch Behar were killed by one bullet fired by one of the perpetrator BSF jawans. On the same day i.e. on 04.11.2012 the police of Sitalkuchi Police Station registered one criminal case against the perpetrator BSF jawans under section 302 of IPC on the written complaint of Ms. Manoara Bibi, widow of Mr. Ali Ahmed Mia but the investigation has been pending till date since last three years. Instead of issuance of repeated reminders by the concerned court, the Investigation Officer did not complete investigation till date. The incident of killing of the victims is a clear case of murder under broad daylight, but the accused BSF personnel are still at large due to a callous and inordinately prolonged delay of investigation for last three years and still counting.

The National Human Rights Commission refused to intervene into the matter as the complaint filed by MASUM is barred by limitation under section 36(2) of the Protection of Human Rights Act, 1993.

MASUM decided to provide legal assistance to Ms. Manoara Bibi, widow of Ali Ahmed Mia. Consequently on 29.08.2016 a writ application under Article 226 of the Constitution of India was filed by Ms. Manoara Bibi in the High Court at Calcutta against the State of West Bengal, the Superintendent of Police, Cooch Behar and others being the respondents. In the said writ application, she prayed for relief against delayed police investigation and compensation.

Besides that MASUM continued its legal support to Ms. Reba Bewa, widow of Rajib Molla, a victim of custodial death in police custody. The legal intervention done both in High Court and in lower court and the hurdles faced are described herein below:-

Ms. Reba Bewa is the widow of Rajib Molla who died in the custody of Raninagar Police Station on 15.2.2014 after he was being arrested in connection with a petty criminal case. He was not provided bail from the police station. The police of Raninagar Police Station claimed that he hanged himself inside the police lock-up by one rope of a mattress. Ms. Reba Bibi being the wife of Rajib Molla states that there was no occasion for Rajib Molla to commit suicide and she stated that her husband was beaten to death by the then Officer-in-Charge of Raninagar Police Station namely Mr. Biplab Karmakar and the then three other police personnel of the said

police station. She had lodged a written complaint in this regard before the Sub-Divisional Police Officer, Domkal and the complaint was noted as GDE no.749 dated 16.2.2014 but no criminal case was registered against the accused police personnel on her complaint. However there was a departmental inquiry only against the duty officer of Raninagar Police Station at the time of the incident. But there was no departmental inquiry against Mr. Biplab Karmakar being the then Officer-in-Charge of Raninagar Police Station though Section 55A of Criminal Procedure Code clearly states that it shall be the duty of the person having the custody of an accused to take reasonable care of the health and safety of the accused.

MASUM in its mandate to support the victims of torture and their family members conducted a fact finding into the alleged incident of custodial death of Rajib Molla. MASUM accordingly lodged complaint before the National Human Rights Commission and other functionaries of the State to intervene into the matter for neutral enquiry and related actions. But none made any response on the complaint. However, MASUM again moved before the National Human Rights Commission by sending complaint on 14.7.2015 on the ongoing threats upon the widowed wife of Rajib Molla to withdraw her complaint against the accused police personnel. The Commission registered the complaint vide NHRC Case no.1541/25/13/2015-AD and also promptly closed the case by transferring the matter to the West Bengal Human Rights Commission. The West Bengal Human Rights Commission being defunct authority at present had taken no action in this matter till date.

Ms. Reba Bibi moved before the High Court, Calcutta with the legal assistance of MASUM by filing an application being WP no. 16457(W) of 2015 under Article 226 of the Constitution of India praying for an investigation in respect of custodial death of her husband, adequate compensation due to loss suffered by her on custodial death of her husband. The matter is still sub-judice before the High Court, Calcutta.

With the legal assistance of MASUM, Ms. Reba Bibi filed one criminal case vide CR Case no.801/2014 against the perpetrator police personnel of Raninagar Police Station namely Mr. Biplab Karmakar, the then Officer-in-Charge of Raninagar Police Station, Mr. Swarup Biswas, the then SI of Raninagar Police Station, Mr. Sirajul Salehin, the then SI of Raninagar Police Station, Mr. Anil Biswas, the then ASI of Raninagar Police Station bringing allegation against them of committing murder of her husband in police custody. The case was taken up for hearing by the Ld. Judicial Magistrate, Lalbagh, Murshidabad and upon recording the statement of Ms. Reba Bibi and other witnesses the Court issued summons against the accused police personnel to face prosecution under section 304/34 IPC. But all the accused police personnel filed one criminal revision (Criminal Revision no. 131/2015) before the Additional District & Sessions Judge, Lalbagh challenging the order of issuance of process against them. In the said revision application, the Public Prosecutor Mr. Shaukat Ali stood for them. The said application came up for hearing on 28.1.2016 and at the time of hearing, the pro-bono advocate engaged by MASUM appeared for Reba Bibi and eventually the accused police personnel did not proceed with the case. On the next day, the said accused police personnel again filed one revision application (Criminal Revision no.5/2016) before the aforesaid court on the self same matter and again the above named Public Prosecutor Mr. Shaukat Ali stood for them. The matter was heard on 1.2.2016 and the court sent back the matter to the

lower court below for reconsideration of the order of issuance of process against the accused personnel afresh.

The whole state of affairs shows that the accused police personnel are backed by their official powers and supported by the government machinery. It is the principle of law that the duty of a Public Prosecutor is to represent not the police but the state and the ideal Public Prosecutor is not concerned with satisfying departments of the State Government with which he has to be in contact. He must consider himself as an agent of justice. But all such judicial norms and ethics are being gored to death and it seems Ms. Reba Bibi has more struggle in stock to face under the red eyes of the accused police personnel to fetch justice for her deceased husband.

MASUM is committed to continue its support Ms. Reba Bibi in her struggle for justice for her deceased husband by providing her necessary assistance. However we expect intervention from righteous bodies in this matter so that the victim's family be protected, compensated and the impunity enjoyed by the perpetrators to pervert the truth can be curbed down.

*****MASUM is deeply aggrieved with the long pendency of its cases in the Supreme Court of India. MASUM being the petitioner filed the following cases on the issues of human rights violations, but it seems that our present judicial system has no respite to the victims in connection with the following cases which are still pending *****

- Writ Petition filed on BSF atrocities upon the populace in border in West Bengal- WP [civil] no. 218 of 2012
- SLP (Criminal) No. 6123/2014 MASUM moved before the Supreme Court of India by filing SLP (Criminal) No. 6123/2014 challenging the order dated 10.3.2014 passed in FMA 1317/2010 by the High Court, Calcutta wherein the High Court rejected the petition of MASUM to quash the criminal case vide Taltala Police Station Case no. 134 dated 9.6.2008 which was initiated against Mr. Kirity Roy & others for organizing Peoples' Tribunal in the year 2008. The case is awaited for hearing.
- Writ Petition filed in Supreme Court of India in Felani Khatun's killing by Border Security Force- WP (Criminal) no. 141 of 2015---- The writ Petition was filed under Article 32 of the Constitution of India before the Supreme Court of India with respect to the killing of a Bangladeshi 15 year old girl named Felani Khatun who was shot by a constable of Border Security Force as she was attempting to cross over the Indo-Bangladesh Border on 7.1.2015 and she died in short succession. The shot that was fired not only ended the life of an innocent and unarmed 15 year old girl but also put paid to the whole concept of due process incorporated into Article 21 of the Constitution of India. The body of the victim girl was left hanging on the border fence for a couple of hours after the shooting. The incident was widely reported in both Indian and Bangladeshi media and resulted in a great deal of unrest and agitation in Bangladesh. Despite there being no ambiguity about the fact that the deceased died of a bullet injury, with the accused constable admitting to the firing, he was still acquitted by both the Security Force Court and the Review Court where all investigation and prosecution has been done by the

BSF. The family members of Felani were kept in the dark by the BSF with respect to the proceedings during the trial and the review and were not provided a copy of the proceedings, the record of evidence and the order. The writ filed praying for constitution of a SIT/CBI team consisting of officers from outside the State of West Bengal to take over the investigation and to prosecute the offenders in accordance with the law and also prayer for awarding compensation was made. The petitioners in the said writ petition are Mohammad Nur Islam, the father of Felani Khatun and Banglar Manabadhikar Suraksha Mancha (MASUM). The writ is filed against the respondents namely i) Union of India; ii) State of West Bengal; iii) Border Security Force and iv) Central Bureau of Investigation.

- Writ Petition (Civil) no.679/2015- In the matter of Enclave--- The Writ Petition filed on behalf of the dwellers in these enclaves on both sides of the border seeks to raise important issues of concern regarding the inhabitants of these enclaves which, if unresolved, would lead to the violation of their fundamental right to life. MASUM is one of the petitioners in the writ petition.

In this regard it is worthy to mention that MASUM has been still waiting for any outcome of the case where MASUM challenged the decision dated 4.10.2013 by which the Ministry of Home Affairs, Government of India has declined the grant of registration under Foreign Contribution Regulation Act, 2010 to MASUM, by filing a Writ Petition (Civil) no.4696/2014 before the Hon'ble Delhi High Court, New Delhi. The matter is still sub-judice in the court.

Criminal cases filed in different districts in West Bengal in this year by the victims of torture against the accused perpetrators with the support from MASUM

1. Legal support to Ms. Rama Bibi, North 24 Parganas district

Ms. Rama Bibi with the legal support of MASUM filed a petition (Being no. C309/2016) under section 156(3) of Criminal Procedure Code in the Court of Additional Chief Judicial Magistrate, Basirhat, District-North 24 Parganas stating that she was brutally tortured by the accused BSF personnel on 02.03.2016. The court on hearing the submission of the pro bono advocate appointed for Ms. Rama Bibi and upon perusal of the documents accepted the petition and sent the same to the Officer-in-Charge of Swarupnagar Police Station with direction to treat the petition of complaint as FIR and initiate investigation.

2. Legal support to Mr. Abdul Ajj Mia, Cooch Behar district

Mr. Abdul Ajj Mia filed a petition under section 156(3) of Criminal Procedure Code in the Court of Additional Chief Judicial Magistrate, Dinhata, Cooch Behar district stating on 24.12.2015 he was brutally assaulted and tortured by the accused BSF personnel. In the petition he prayed for treating the complaint as FIR against the accused BSF personnel and proper investigation. MASUM provided legal assistance to the victim in the said case.

3. Legal support to Mr. Gopal Mondal, Murshidabad district

Mr. Gopal Mondal with the legal support of MASUM filed a petition under section 156(3) of Criminal Procedure Code in the Court of Additional Chief Judicial

Magistrate, Lalbagh, Murshidabad stating that he was brutally tortured by the accused BSF personnel on 06.06.2016. He belongs to Scheduled Caste community. The Superintendent of Police; Murshidabad did not take any action in spite of receiving a written complaint from him in compliance of section 154 of Criminal Procedure Code. The court on hearing the submission of the pro bono advocate appointed for Mr. Gopal Mondal and upon perusal of the documents accepted the petition under section 200 of Criminal Procedure Code.

4. Legal support to Mr. Nijam Sk, Murshidabad district

Mr. Nijam Sk with the legal support of MASUM filed a petition under section 156(3) of Criminal Procedure Code in the Court of Additional Chief Judicial Magistrate, Lalbagh, Murshidabad stating on 11.07.2016 he was brutally tortured by the accused BSF personnel. The Superintendent of Police; Murshidabad did not take any action in spite of receiving a written complaint from him in compliance of section 154 of Criminal Procedure Code. The court on hearing the submission of the pro bono advocate appointed for Mr. Nijam Sk and upon perusal of the documents accepted the petition under section 200 of Criminal Procedure Code.

5. Legal support to the victim Mr. Badiyar Ali, Cooch Behar district

Mr. Badiyar Ali residing in a bordering village in Cooch Behar district is victim arbitrary firing by BSF personnel. He sustained gun hot injury on his right hand on 24.07.2014 and after prolonged medical treatment his right hand was amputated below the knee. He had lodged written complaint before the Superintendent of Police, Cooch Behar and sought for legal action against the accused BSF personnel, but no action was taken on his complaint. MASUM had conducted a fact finding into the incident and sent complaint to the National Human Rights Commission and other human rights institution for proper intervention.

On 20.09.2016 MASUM's pro-bono advocate filed a petition under section 156(3) of Criminal Procedure Code before the Court of Additional Chief Judicial Magistrate, Dinhata stating the incident of arbitrary firing by BSF upon the victim and subsequent events. In the petition the victim prayed for sending the petition to the Officer-in-Charge of Dinhata Police Station for registration of FIR against the accused BSF personnel. The court upon examining the victim in open court and upon perusal of the documents sent the petition(Case no.34/2016) to the Officer-in-Charge of Dinhata Police Station and directed him to submit a report in the court by 04.10.2016.

6. Legal support to Ms. Asia Bibi, Murshidabad district

Ms. Ashia Bibi with the legal support of MASUM filed a petition under section 156(3) of Criminal Procedure Code in the Court of Additional Chief Judicial Magistrate, Lalbagh, Murshidabad stating that her son Master Al Amin who is only aged about 17 years was brutally tortured on 15.07.2016 by the accused BSF personnel. Her son sustained severe injuries on his body and still under medical treatment. Initially, Raninagar Police Station refused to accept any complaint from the family of the victim Master Al Amin and the Superintendent of Police; Murshidabad did not take any action in spite of receiving a written complaint.

The court on hearing the submission of the pro bono advocate appointed for Ms. Ashia Bibi and upon perusal of the documents sent the petition to the Officer-in-Charge of Raninagar Police Station with direction to register the same as FIR against the accused BSF personnel and conduct investigation.

7. Legal support to Mr. Kajirul Molla, Murshidabad district

Mr. Kajirul Molla with the legal support of MASUM filed a petition under section 156(3) of Criminal Procedure Code in the Court of Additional Chief Judicial Magistrate, Lalbagh, Murshidabad stating that his son Master Murshid Alam who is only aged about 17 years was brutally tortured on 21.06.2016 by the accused BSF personnel. Initially, Raninagar Police Station refused to accept any complaint from the family of the victim Master Murshid Alam and the Superintendent of Police; Murshidabad did not take any action in spite of receiving a written complaint.

The court on hearing the submission of the pro bono advocate appointed for Mr. Kajirul Molla and upon perusal of the documents accepted the petition under section 200 of Criminal Procedure Code.

8. Legal support to Ms. Dukhi Dolui, widow of Nimai Dolui, Murshidabad district

The victim Nimai Dolui was arrested by the police of Berhampore Police Station, Murshidabad in a criminal case on 17.05.2014. He was subjected to torture by the involved police personnel in police custody and later he was shifted to Berhampore Central Correctional Home. On 23.05.2014 he met an unnatural death in the said correctional home. No enquiry was made by the authorities to ascertain the actual his cause of death. In this regard Ms. Dukhi Dolui, widow of deceased Nimai Dolui filed one written complaint under section 156(3) of Criminal Procedure Code in the court of Additional Chief Judicial Magistrate, Lalbagh against the accused persons namely the Inspector-in-Charge of Berhampore Police Station and the Superintendent of Berhampore Central Correctional Home.

9. Legal support to Ms. Anupama Mondal, mother of Sumanta Mondal(victim of extra-judicial killing by BSF)-Murshidabad district

The victim Sumanta Mondal was allegedly killed by Border Security Force on 16.06.2010. The police refused to register complaint from his family against the perpetrator BSF personnel. The Superintendent of Police, Murshidabad also did not make any response on the complaint lodged by the victim's family. The mother of the victim namely Ms. Anupama Mondal filed one written complaint under section 156(3) of Criminal Procedure Code in the court of Additional Chief Judicial Magistrate, Lalbagh against the accused BSF persons.

10. Legal support to Mr. Pratap Mondal (victim of torture in the hands of perpetrator BSF personnel)-Murshidabad district

The victim Mr. Pratap Mondal was physically assaulted and verbally abused by the perpetrator BSF personnel on 03/06/2016 at about 6pm. The police did not take any action in spite of lodging written complaint before the Superintendent of Police, Murshidabad. On 20.12.2016 he filed one petition of complaint under section 156(3) of Criminal Procedure Code against the accused BSF personnel in the Court of the Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

11. Legal support to Mr. Arjun Mondal (victim of torture in the hands of the perpetrator BSF personnel)-Murshidabad district

The victim Mr. Arjun Mondal from district Murshidabad was brutally tortured by the perpetrator BSF personnel on 02.01.2016. He submitted written complaint before the Superintendent of Police, Murshidabad seeking legal action against the perpetrator BSF personnel, but no action was taken on his complaint. He filed one written complaint under section 156(3) of Criminal Procedure Code in the court of Additional Chief Judicial Magistrate, Lalbagh against the accused BSF persons seeking justice.

12. Legal support to the victim Indrajit Mondal (victim of torture in the hands of the perpetrator BSF personnel)-Murshidabad district

The victim Indrajit Mondal is victim of atrocities in the hands of the perpetrator BSF personnel. He He filed one written complaint under section 156(3) of Criminal Procedure Code in the court of Additional Chief Judicial Magistrate, Lalbagh against the accused BSF persons seeking justice as he did not get any legal action from the police in spite of lodging written complaint before the Superintendent of Police, Murshidabad.

13. Legal support to Master Bikram Mondal (aged about-16 years), a minor boy victim of torture in the hands of the perpetrator BSF personnel-Murshidabad district

On 12/02/2016 at about 7 am in the morning the victim boy Master Bikram Mondal was brutally tortured by the perpetrator BSF personnel. The police did not take any action in spite of lodging written complaint before the Superintendent of Police, Murshidabad. On 11/11/2016 his father Mr. Sukumar Mondal filed one petition of complaint under section 156(3) of Criminal Procedure Code against the accused BSF personnel in the Court of the Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

14. Legal support to Mr. Monojit Mondal (victim of torture in the hands of the perpetrator BSF personnel)

The victim Mr. Monojit Mondal was brutally tortured by the perpetrator BSF personnel on 07.04.2016 at about 11 am by the perpetrator BSF personnel. The police did not take any action in spite of lodging written complaint before the Superintendent of Police, Murshidabad. On 11/11/2016 his father Mr. Sukumar Mondal filed one petition of complaint under section 156(3) of Criminal Procedure Code against the accused BSF personnel in the Court of the Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

15. Legal support to Ms. Joydeb Mondal, brother of Rajkumar Mondal (victim of enforced disappearance)-Murshidabad district

The victim Mr. Rajkumar Mondal, son of late Bishu Mondal, aged 32 years, is a poor village dweller and a resident of village Char Saheb Nagar, under the jurisdiction of Raninagar Police Station and Borderpara Post Office in Murshidabad district. On 21st August, 2016 he was soaking his harvested jute stems into a pond along with other farmers just like any other day. But at around 11:30 am in the morning, two Border

Security Force jawans from Border Outpost No: 4, affiliated to Battalion No: 83 appeared from nowhere and started beating him without any prior intimidation. Then they took him to the said Border Outpost. There he was again brutally tortured and beaten. After that he was taken to Harudanga Camp in a BSF Gypsy van. Meanwhile, family members of the victims, his neighbours along with respective Panchayat members reached the said BSF Camp to meet him. But there they received outright denial from BSF personnel that no one was tortured or has been taken into custody. The family and others had no option but to return home empty handed. Raninagar Police station officials denied to register any complaint against BSF jawans. Currently the family has no idea on Mr. Rajkumar Mondal's whereabouts. Both BSF personnel and officials of Raninagar Police Station are denying about the whereabouts of Mr. Rajkumar Mondal.

On 31.08.2016 the elder brother of the victim namely Mr. Joydeb Mondal filed one application before the Additional Chief Judicial Magistrate, Lalbagh stating the above stated incident and sought for legal action. The court called for report from the Company Commander of Harudanga BSF Camp and the Officer-in-Charge of Raninagar Police Station.

16. Legal support to the victim Mr. Jiarul Sk, Murshidabad district

The victim Mr. Jiarul Sk filed complaint under section 156(3) of Criminal Procedure Code against the perpetrator police personnel and others in the Court of Additional Chief Judicial Magistrate, Lalbagh, Murshidabad. The complaint was filed by the complainant bringing allegations against the accused persons under sections 326/307/34 of Indian Penal Code. The Court took cognizance of the complaint being CR no. 28/2016. The case was filed on 6.1.2016.

17. Legal support to the victim Mr. Biman Mondal, Murshidabad district

The victim Mr. Biman Mondal filed complaint under section 156(3) of Criminal Procedure Code against the perpetrator police personnel and others in the Court of Additional Chief Judicial Magistrate, Lalbagh, Murshidabad. The complaint was filed by the complainant bringing allegations against the accused persons under sections 325/326/307/34 of Indian Penal Code. The Court took cognizance of the complaint being CR no. 97/2016. The case was filed on 27.1.2016.

18. Legal support to Ms. Archana Mondal, victim of police torture, District-Murshidabad.

Ms. Archana Mondal with the legal assistance of MASUM filed a petition of complaint in court against the perpetrator police personnel of Jiaganj Police Station on the incident of police atrocities committed upon her and her family members. The court complaint was filed in the month of December, 2016.

19. Legal support to Kazi Ummar Ali, District-Murshidabad

Mr. Kazi Ummar Ali is a victim of police atrocities in the hands of the perpetrator police personnel of Raninagar Police Station. He did not get any respite in spite of lodging repeated complaints before the higher authorities of police. With the legal assistance of MASUM he filed a petition of complaint before the Additional Chief

Judicial Magistrate, Lalbagh against the perpetrator police personnel in the month of December, 2016.

Besides the above referred cases, MASUM continued to provide legal support to the victims of human rights violations in the hands of the perpetrators in the following cases filed against them by the victims

Sl. No.	victim	Complainant	court	Case
1	Ajit Sk	Ajit Sk	Lalbagh ACJM	CR 292/2015
2	Anarul Sk	Anera Bewa	“	CR 6849/2014
3	Haider Ali	Saraban Tohra	“	Memo no.1973/2014
4	Haider Ali	Babu Mondal	“	Misc Case 78/2014
5	Sariful Islam	Sariful Islam	“	CR 356/2013
6	Saheb Sk.	Saheb Sk.	“	CR 732/2013(772/2013)
7	Alamgir Sk	Rubina Bewa	“	CR 865/2015
8	Kajla Bibi	Kajla Bibi	“	CR 176/2015
9	Sunita Miondal	Sunita Mondal	“	CR 216/2015
10	Sunita Mondal	Sunita Mondal	“	CR 7361/2014
11	Ripon Sk	Ripon Sk	“	CR 519/2014
12	Askan Sk	Mejarul Sk	“	CR 442/2014
13	Nasimuddin Sk	Nusaidul Sk	“	CR 316/2014
14	Mafidul Islam	Mafidul Islam	“	CR 411/2014
15	Biman Mondal	Biman Mondal	“	CR 97/2016

16	Purnima Mondal	Dilip Mondal	“	CR 300/2014
17	Sushi Mondal	Sushil Mondal	“	CR 309/2014
18	Najera Bewa	Najera Bewa	“	CR 317/2014
19	Tanu Mondal	Tanu Mondal	“	CR 319/2014
20	Najrul Sk	Najrul Sk	“	CR 482/2015
21	Murshida Bibi	Murshida Bibi @ Nasrin	“	CR 697/2015
22	Jahiruddin Sk	Jahiruddin Sk	“	CR 328/2014
23	Srikrishna Kabiraj	Srikrishna Kabiraj	“	CR15455/2015
24	Manu Bhowmick	Manu Bhowmick	“	CR 700/2014
25	Rima Bibi	Rima Bibi	“	CR 526/2014
26	Sadhu Mondal	Sadhana Mondal	“	Misc Case 742/2013
27	Ramadin Dubey	Ramadin Dubey	“	CR 153/2012
28	Maidur Rahman	Maidur Rahman	“	CR 231/2014
29	Maina Bibi	Maina Bibi	“	CR 11317/2014
30	Namaji Sk	Namaji Sk	“	CR 6847/2014
31	Boltu Molla	Boltu Molla	“	CR540/2014
32	Babu Mondal & others	Firdousa Bewa	“	CR 294/2015
33	Jairul Sk	Jairul Sk	“	CR 469/2013

34	Dilip Mondal	Dilip Mondal	“	CR 354/2013
35	Mohiruddin Sk	Mohiruddin Sk	“	CR 92/2013
36	Besarat Sk	Besarat Sk	“	CR91/2013
37	Tazel Sk	Tazel Sk	“	CR 539/2014
38	Rajkumar Mahanto	Rajkumar Mahanto	“	CR154/2012
39	Jiarul Sk	Jiarul Sk	“	CR 291/2015
40	Jiarul Sk	Jiarul Sk	“	CR 93/2016
41	Sujoy Kr. Chowdhury	Sujoy Kr. Chowdhury	“	CR699/2015
42	Yadul Sk	Rahima Bibi	“	CR 125/2015
43	Tipu Sk	Amjad Sk	“	CR 288/2015
44	Kajla Bibi	Kajla Bibi	“	CR 176/2015
45	Kajla Bibi	Kajla Bibi	“	CR 290/2015
46	Kajla Bibi	Imaj Mondal	“	CR 6695/2014
47	Merina Bibi	Merina Bibi	“	CR 15493/2015
48	Toyeb Ali	Md. Abdul Alim	“	CR 015347/2015
49	Abdul Khalek Mondal	Ambewa Bewa	“	CR124/2015
50	Bhabani Mondal	Bhabani Mondal	“	CR126/2015
51	Bimal Mondal	Bimal Mondal	“	CR 481/2015
52	Ajimuddin Sarkar	Ajimuddin Sarkar	“	CR14366/2015

53	Ajimuddin Sarkar	Faruk Kamran Sarkar	“	CR 7408/2014
54	Ajimuddin Sarkar	Faruk Kamran Sarkar	“	Misc Case no.233/2015
55	Sudarshan Mondal	Sonali Mondal	“	CR 115/2012
56	Majim Sardar	Majim Sardar	“	CR 116/2012
57	Piyarul Islam	Piyarul Islam	“	CR 3/2014
58	Dhananjoy Mondal	Panchanan Mondal	“	CR 114/2012
59	Shirina Bibi	Shirina Bibi	“	Misc. Petition 234/2015
60	Rajib Molla	Reba Bewa	“	CR299/2014
61	Rajib Molla	Reba Bewa	“	CR 801/2014
62	Saddam Hossain	Abdul Rashid Sk	Lalbagh ACJM	CR 6848/2014
63	Arup Tikadar	Basudeb Tikadar	ACJM, Basirhat	
64	Saibuddin Gazi	Jiad Ali Gazi	ACJM, Basirhat	C-1267/2013
65	Abhijit Sarkar	Amarnath Sarkar	ACJM, Basirhat	C-1007/2013
66	Prasanta Mistry	Prasant Mistry	ACJM, Basirhat	C-1213/2013
67	Sahabuddin Biswas	Sahabuddin Biswas	ACJM, Basirhat	C-1006/2013
68	Ashma Bibi	Ashma Bibi	ACJM(Addl.), Lalbagh	CR438/2013
69	Nirmal Kr.	Nirmal Kr.	JM, Lalbagh	CR 819/2014

	Mondal	Mondal		
70	Khadimul Islam	Khadimul Islam	JM(Addl.), Lalbagh	CR 474/2013

----AND----

List of Legal Assistance provided by MASUM to Victims of Torture in the cases initiated against them (As defence support)

Sl no.	Name	Case no.	District
1	Safukul Islam @ Patan	Gr 1150/2014	Murshidabad
2	Palash Mondal	NDPS-283/2014	Murshidabad
3	Palash Mondal	Gr 2926/2014	Murshidabad
4	Kajola Bibi	Gr 2949/2014	Murshidabad
5	Palash Mondal	Gr 3846/2014	Murshidabad
6	Palash Mondal	Gr 3646/2014	Murshidabad
7	Palash Mondal	NDPS 34/2014	Murshidabad
8	Murshid Jahan	Gr 334/2014	Murshidabad
9	Rajiul Sk	Gr 1227/2014	Murshidabad
10	Rabiyul Islam	Gr 127/2013	Murshidabad
11	Biswajit Mondal	JJB 261/2013	Murshidabad
12	Ranjan Mondal	Gr 2708/2012	Murshidabad
13	Safukul Islam @ Patan	Gr 3566/2013	Murshidabad
14	Safukul Islam @ Patan	Gr 3932/2013	Murshidabad
15	Saheb Sk	Gr 2512/2013	Murshidabad
16	Sadhu Mondal	Gr 2694/2012	Murshidabad
17	Palash Mondal	Gr 873/2014	Murshidabad
18	Malati Orao	Gr 1163/2012	Murshidabad
19	Haider Ali	Gr 1506/2014	Murshidabad
20	Humayun Sarkar	NGR 2950/2013	Murshidabad
21	Palash Mondal	NDPS 223/2013	Murshidabad
22	Merina Bibi	Gr 3963/2014	Murshidabad
23	Ajimuddin Sarkar Kirity Roy	Gr 5151/2014	Murshidabad
24	Ajimuddin Sarkar Kirity Roy	Gr 1738/2013	Murshidabad
25	Mafidul Islam	Gr 4230/2014	Murshidabad
26	SAFIKUL ISLAM @ TAPAN	Gr 1150/2014	Murshidabad
27	Safikul Islam	Gr 954/2013	Murshidabad
28	Jakerulla Sarkar	NGr 1810/2014	Murshidabad
29	Jakerulla Sarkar	Gr 220/2014	Murshidabad
30	Rajaul Sk	Gr 441/2013	Murshidabad
31	Intajul Haque	Gr 1045/2012	Murshidabad

32	Sentu Sk	Gr 1383/2013	Murshidabad
33	Sukumar Mondal	NDPS 240/ 2014	Murshidabad
34	Safikul Islam @ Tapan	NGr 562/2014	Murshidabad
35	Prabir Mondal	NGr 3251/2014	Murshidabad
36	Jairul Islam	NGr 3361/2014	Murshidabad
37	Sabina Bibi @ Bewa	Gr 86/2011	Murshidabad
38	Banuware Bibi	Gr 679/2012	Murshidabad
39	Banuware Bibi	Gr 680/2012	Murshidabad
40	Noorjahan Bibi	Gr 3197/2012	Murshidabad
41	Ajimuddin Sarkar	Islampur Police Station Case no. 273/2015 dated 29.9.2015	Murshidabad
42	Ajimuddin Sarkar	Islampur Police Station Case no.266/2015 (Special Case no.171/2015) dated 22.9.2015	Murshidabad
43	Abdulla Gazi	GR 3929/2014	North 24 Parganas
44	Ajanur Gayen	GR no.4372/2014	North 24 Parganas
45	Jiad Ali Gazi	GR 5034/2014	North 24 Parganas
46	Reba Bewa	Criminal Revision 131/2015	Murshidabad
47	Reba Bewa	Criminal Revision 5/2016	Murshidabad

Our Fact Findings and Complaint making

During the year 2016, MASUM made 121 fact findings and made complaints to appropriate authorities, Human Rights Institutions and UN mechanisms. In all these complaints; 64 were for torture committed by BSF personnel, 15 of police torture, 7 for extra judicial killings, 3 for custodial death, 52 for trafficking of persons, rape or sexual offence committed to woman and subsequent police acquiescence, 2 on attack on human rights defenders and 20 on livelihood issues.

The classification of victims is as follows; 84 male, 24 female and 13 minors. Out of the 121 victims; 68 were Muslims and 29 were Schedule Castes.

Fact Findings and Complaints by MASUM

2015

2016

District	Number	District	Number
Cooch Behar	22	Cooch Behar	37
Jalpaiguri	1	Jalpaiguri	8

Murshidabad	40	Murshidabad	41
Nadia	2	North 24 Parganas	30
North 24 Parganas	26	South Dinajpur	2
South Dinajpur	11	Bardhaman	1
Total	102	Birbhum	1
		Out of West Bengal (Jharkhand)	1
		Total	121

Classification of Torture

Torture by Border Security Force	64
Extra Judicial Killing	7
Livelihood Violation	20
Custodial Death	3
Police Torture	15
Jaan Khalash	3
Torture by Border Guard Bangladesh	2
Trafficking / Sexual Harassment/ Rape and Police Acquiescence	5
Attack on Human Rights Defender	2

Victim's Classification

Gender

Male	84
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Female	24
Minor	13

Religion

Hindu	36
Muslim	68
Community	17

Caste

General	36
Scheduled Caste	29
Scheduled Tribe	1
OBC	31
Community	30

Regular medical assistance to victims of torture and families of extra judicially killed persons

23 Regular medical camps for the year 2016 for victims of torture and families of extra judicially killed persons were organized by MASUM at Murshidabad, 24 Parganas and Coochbehar districts. 1290 units of medical assistance were delivered to torture victims and family members of extra judicially killed persons in 23 numbers of medical camps. The beneficiaries were from different places of the districts. Medicines were provided and pathological tests have been arranged by MASUM. Apart from this 5 torture victims received specialized medical treatments at in- house facility in MASUM office.

Case narratives

Extra judicial killings by Border Security Force personnel

Imajuddin Mondal @ Imaj Mondal son of Mr. Chaidar Mondal @ Hider Mondal, aged 27 years, by faith- Muslim, by caste- Other Backward Classes (OBC) lived at village- Toltoli, post office- R. G. MuradpurDiyar, block- Jalangi, police station- Jalangi, district- Murshidabad, West Bengal had lost all their movable and

immovable property due to subsequent river erosion. He built a thatched house on 2 centinal land given by his relatives and lived with his wife and two infant sons until his death. He was a landless agricultural labourer and possessed Below Poverty Line (BPL) certificate. He used to migrate at Kerala and other places to sustain his living.

On 17/04/2015 during the early hours of morning at 4 a.m. Imajuddin Mondal headed towards low land at river bank (locally called 'Gang') adjacent to his house beside Padma River for defecation. In this regard, there was no latrine at Mondal's house and they used to go out in nearby fields for open defecation. As soon as he sat down on the field, 4 to 5 on duty BSF constables of Border Outpost no- 5 in their uniform and with service rifles and sticks in hand of which two constables having nametags bearing the name "R. Nagraj" and "Ram Awtar Singh" respectively rushed toward Imajuddin. In the twinkling of eye, they opened indiscriminate fire without set off any kind of alarm. As the firing was at random, Imajuddin was hit by four bullets in which two entered into his chest and abdomen and exited from back and other two bullets reportedly stuck inside Imajuddin body till death. The firing took place while Imajuddin was within close range with the perpetrator BSF constable. He was throbbled with pain. It was reported that his body was ravaged by bullet injury. Ms. Sila Khatun Bibi, wife of the deceased, Ms. Monoara Bibi of Toltali village and Mr. Rentu Mondal (brother of Ms. Sila Khatun Bibi) son of Mr. Lalchand Mondal of Parashpur village were present at the time of firing and being eyewitnesses of the incident.

After viewing the apoplectic attitude of BSF constables, local villagers became panic-stricken and could not protest against the BSF constables' horrific act. After BSF left the place leaving Imajuddin, at first, local villagers decided to take Imajuddin Mondal to Jalangi police station but on the way they changed their decision and brought Imajuddin to Sadhikandiar Block Primary Hospital. On duty medical practitioner of the hospital opined that he was brought dead. One unnatural death case was registered vide Jalangi Police Station U.D. Case no.10/2015 dated 17/4/2015. On the same day at about 4 p.m., the inquest was conducted at the mortuary of Bahrapur State General Hospital in presence of Mr. Rentu Mondal (brother-in-law of deceased) and Md. Hafiz Alam, second officer of Jalangi PS by an executive magistrate. Body of the deceased was brought to Bahrapur Medical College Hospital for post mortem examination by O.C. of Jalangi PS Md. Hafiz Alam and one constable Mr. Ajit Kumar Biswas (being no- C/1307). The autopsy was performed on the same day at 5.05 p.m. under P.M. no. - 371 dated 17 April, 2015 at Bahrapur Medical College Hospital. The post mortem examination was videographed by the police.

On 19/4/2015 the wife of the deceased Ms. Sila Khatun Bibi made a written complaint at Jalangi PS disclosing the entire incident of her husband's demise by the perpetrator BSF constables' indiscriminate firing and in the written complaint she demanded for appropriate legal action against the perpetrator BSF constables. One First Information Report was registered based on the complaint vide Jalangi PS case no 378/15 dated 19/4/2015 under sections 302/34 of Indian Penal Code. Md. Hafiz Alam, was the investigating officer of the case. But except initiation of the said criminal case, the police reportedly did nothing in the matter of investigation and the

accused BSF constables are still at large. The Fact Finding team tried to contact his mobile number (being no- 9474762235) but failed to connect. On 21.12.2015 the wife of the deceased submitted written complaints before the Superintendent of Police, Murshidabad along with one copy of complaint was forwarded to the District Magistrate, Murshidabad, State Human Rights Commission, S.D.P.O Domkol etc. in which she described the death of his husband due to indiscriminate firing by the perpetrator BSF constables with all documents enclosed and she also prayed for appropriate legal action against the perpetrator BSF constables. But no action was initiated either by Jalangi PS or their higher ups.

MASUM visited the Toltoli village and got information of the incident from locals that the area is ill-famous for cattle smuggling and BSF is actively involved with this trade. On 17/04/2015 in the dead of night, a gang of cattle smugglers gathered opposite side of Padma River nearly 2 km far from the place of the incident in order to smuggle cattle to Bangladesh. While they were on their way to the border for accomplishment of their purpose, BSF personnel tried to intercept them with their cattle due to sharing of money, as a result a commotion broke out. Both BSF and smugglers opened fire against each other at the time of skirmish. Subsequently, 4 to 5 BSF constable entered inside the village in order to chase the smuggler and suspected that they might be attacked by the villagers. At that moment, the deceased went for defecation adjacent to his house and was seen by the BSF constables. BSF guards possibly considered him as one of the attacker and opened firing on him from closed proximity. Deceased used to migrate to Kerala for livelihood and he returned just couple of days before his gruesome killing. He had no connection with cattle smuggling and any illegal activity in the area.

It was another jarring note that the BSF personnel of said BOP tried to make monetary inducement to Ms. Sela Khatun Bibi against withdrawal of her complaint. Even, the BSF party continuously threats her with dire consequences. They further threatened that she would be implicated in false and fabricated cases if she did not follow their instructions. Now, she is spending her days in utter panic due to the recent threat and oppression by the Border Security Forces (BSF) personnel. Ms. Sila Khatun Bibi repeatedly met with panchyat members for the sake of financial support but she could not get any help from local panchyat except verbal promise.



DISPOSAL CERTIFICATE

Annual Post Mortem Serial No. 371 Dated 17.4.15

This is to certify that Post Mortem Examination over the body of the
deceased gma J Mandappa gomasale in marital
Religion M Sex M Age 22 Years
Bio. Data, V/O. Co. Faltaji Chaldia Mandal
Village Jal Falji P.O. Braji Mandal Pur
P.S. Faltaji District MSD State WB
which was sent to the Medical Superintendent Cum Vice Principal, Msd. Medical College & Hospital
Berhampore, Murshidabad by Faltaji Police Station vide U/D/P.S.
Case No. 10/15 dated 17.4.15 was done at
Berhampore Police Morgue on this day.

The dead body was handed over to the party through attending Constable or Home Guard of the sender Police Station.

Medical Officer
Murshidabad Medical College & Hospital
Berhampore, Murshidabad
Murshidabad Medical College & Hospital
Berhampore, Murshidabad.

Jalangi Ps Old case no. 168 dt 17/02/15.

MODEL POST MORTEM REPORT FORM

ANNEXURE-1

(Read carefully the instructions at Appendix "A")

52

NAME OF THE INSTITUTION Murshidabad District College and Hospital.

Post Mortem Report No. 271 Date 14/04/15 Conducted by Dr. R. Anjan Dasgupta

Date & Time of receipt of the body & inquest papers for Autopsy 14/04/15 at 5:00pm

Date & Time of Commencement of Autopsy 14/04/15 at 5:30pm Time of completion of Autopsy 17/04/15 at 6:00pm

Date & Time of examination of the dead body at Inquest (as per inquest Report) 17/04/15 at 9:35 am

Name & Address of the person Mr. Mr. Hafiz Alam, St. Jalangi, PS.

Video recording the Autopsy _____

Note: The tape should be duly sealed, signed and dated and sent to the National Human Rights Commission, Sadar Patel Bhawan, Sarisad Marg, New Delhi.

CASE PARTICULARS: On 17/04/15 at about 6:30 am while out of home and returning by rickshaw, the deceased was assaulted by an unknown person. The deceased was taken to the hospital and died on 14/04/15. The incident took place near the Baidyabati police station.

1. a) Name of deceased and entered in the Jail or Police record Mr. Hafiz Alam @ 11/11/14

b) S/O, BHD, W/O Chief of Hospital.

c) Address VIII - Taltale, P.O. - Haji Murshidabad PS - Jalangi, Dist. Murshidabad.

2. Age (Approx) 27 years Yrs. Sex Male Male / Female

3. Body brought by (Name and rank of Police Officials) (i) Mr. Mr. Hafiz Alam

(ii) C/1307 Ajit Kr Biswas of Police Station Jalangi

4. Identified by (Names & address of relatives / persons Acquainted) (i) C/1307 Ajit Kr Biswas

(ii) _____

IF HOSPITAL DEAD BODIES - (Particulars as per hospital records)

Date & Time of Admission in Hospital _____ Date & Time of Death in Hospital _____

Central Registration No. of Hospital _____

SCHEDULE OF OBSERVATIONS

a) General (i) Height 5' 3" Cm. (ii) Weight _____ Kgs. (Physique (a) Lean / Medium / obese

b) Well Built / Average built / Poor built / Emaciated (4) Identification features (if body is unidentified)

i) _____ ii) _____

iii) Finger prints be taken on separate sheet and attached by the doctor. (5) Description of clothes worn- important features,

1 blue half pant, 1 blue white long key with the words 'TVS' written over the plastic holding area.

6. Post Mortem Charges At the time of autopsy signs and marks present all due

(a) As seen during inquest the body

Whether post mortis present _____

Temperature (Rectal) _____

(b) As seen at Autopsy _____

7. (a) External general appearance _____ (b) State of eyes Red.

(c) Natural orifices Bleeding from nose.

EXTERNAL INJURIES: Mention Type, shape, Length & Depth of each injury and its relation to important body landmark.

Indicate which injuries are fresh and which are old and their duration.

(1) Entry wound of firearm 0.6" x 0.3" on the right side back of the abdomen collar noted in the margin. On dissection the track of bullet was seen and musculo-fascial direction towards the bullet was secured from the subcutaneous tissue in the upper spine. On dissection the track of bullet was seen in the back of the spine, left hand and...

certified to be a true copy
OIC, Jalangi
Murshidabad

Kupendra Barman, son of Mr. Dipeswar Barman, aged about 55 years, was residing at village- 133 Panishala, post office- Changrabandha, block- Makhliganj, district- Coochbehar, West Bengal, belonged to a schedule caste family with several dependants having minimum options for sustenance as agriculture, the village of his resident was near the Dora Dabri border BSF outpost, close to the international border checkpoint of Changrabandh and ½ kilometer away from Indo-Bangladesh border barbed fence.

On the fateful night i.e. on 25.12.2015 at about 8.00 p.m., Kupendra Barman supposedly was at Chowrangee market for purchasing essential commodities. At that time, he heard shouting and screaming from the house of his nephew, Mr. Gobinda Barman. Incidentally, Mr. Gobinda Barman's house is very near to the market. After realizing the impending danger of his nephew, Kupendra rushed to his nephew's house to take stock of his situation. There he found out that, Mr. Tapas Barman; nephew of Mr. Gobinda Barman and his friend, Mr. Bijoy Barman sustained palate injuries fired by posted BSF personnel. The duo was senseless and needed immediate treatment for their recuperation. Mr. Tapas Barman (21 years) and his friend Mr. Bijoy Barman (22 years) were strolling and chatting in front of Mr. Gobinda Barman house beside eggplant field in between 7.00 p.m. to 8 p.m. They are college (2nd year BA) student. At that time, two BSF jawans in their uniform and with service rifle and sticks in hand from 161 Dora Dabri Border Outpost, 35 BSF Battalion came to the spot from Chowrangee market. The BSF jawans were in an inebriated state. The BSF jawans immediately opened fire a few rounds from their guns on them without any provocation. Local villagers gathered at the spot and got hold of one of the BSF jawan. However, the other jawan somehow managed to escape and reached at the mentioned border outpost. Meanwhile, 50 to 60 Jawans from the 35 Battalion of BSF then reached the spot from the lane opposite to Mr. Gobinda Barman's house to rescue their colleague from the villagers. This resulted in a skirmish between the villagers and the jawans. When the villagers' resisted, errant BSF jawans allegedly attacked the villagers, ransacking their houses, following which BSF fired a few rounds from their guns. The villagers became panic stricken and running helter-skelter. The enraged BSF party entered at the Gobinda Barman's house and saw Kupendra Barman was standing there. The BSF party resorted to lathicharge on Kupendra Barman without any provocation. Inhumane torture committed upon him for 20 to 30 minutes. Subsequently, the BSF party fired on him from close proximity. He sustained gunshot injury and possibly died on the spot. It was also revealed that after the incident the involved BSF party fled from the spot and left the victim to die on the floor of Gobinda Barman's house. Mr. Dinesh Barman and Mr. Kamal Barman of Panishala village were the eyewitnesses of the incident.

In the meantime, Officer-in-Charge of Mekhliganj police station came to the house of Mr. Gobinda Barman and saw Kupendra Barman was lying in a pool of blood. Then, the Officer-in-Charge immediately took Kupendra in his service van and brought him to Jalpaiguri Sadar Hospital but the on duty medical officer of the hospital opined that Kupendra was brought dead. One unnatural death case was registered vide Kotwali Police Station U.D. Case no.607/2015 dated 26/12/2015. The Officer-in-Charge of Mekhliganj police station shirked off his responsibility and left the Jalpaiguri Sadar hospital. On 26/12/2015 in between 7 to 8 p.m. the inquest was conducted at the mortuary of Jalpaiguri Sadar Hospital in presence of deceased relatives i.e. Mr. Ananta Barman (nephew of the deceased) and Mr. Naresh Barman (brother of the deceased). The inquest was done by an executive magistrate. The post mortem examination was performed on the same day, in between 8 to 9 p.m. under postmortem SL no. – 1334/15 dated 26 December, 2015 at mortuary of the same hospital. The post mortem examination was videographed by the police. After PME the body was handed over to the family members of Kupendu Barman on 27/12/2016 in between 11to 12 a.m. after observing identification and other formalities. Then the family members performed the last rites for the deceased as per their custom.

On 26/12/2015 the elder son of the deceased Mr. Manik Barman filed one written complaint at Mekhliganj Police Station which was registered vide Mekhliganj Police Station case no 340/15 dated 26/12/2015 under sections 325/326/307/427/354/302/34 of Indian Pinal Code. In his complaint; the son of the deceased has demanded action against the involved BSF personnel. But the police of said PS did not initiate any sort of investigation into the matter till date. It was reported from the residents of Panishala village that the BSF party fired indiscriminately on the innocent villagers, as one drunken BSF was hold hostage by the local people when he fired from his gun on two college students without any provocation, the excuse made by the BSF that the firing was in self defence, is false. Other villagers were also injured in the melee and they were undergoing treatment at Jalpaiguri Sadar Hospital.



Aktarul Sardar (deceased), son of Golak Mondal, aged about-20 years, by faith-Muslim, residence at village-Doharkanda, Post Office-Hakimpur, Police Station-Swarupnagar, District-North 24 Parganas, West Bengal, India had involvement in cattle smuggling. On 19.10.2015 at about 4 hours the victim was trying to smuggle cattle to Bangladesh from Padmabila No.12 Gate under the jurisdiction of Swarupnagar Police Station. At that time he was shot by Border Security Force personnel. Subsequently hearing the incident, his family members rescued him and took him to Basirhat Seba Nursing Home, Basirhat and from there he was admitted at Swasti Nursing Home, Baguihati, Kolkata-59 under the jurisdiction of Baguihati Police Station. On 20.10.2015 at about 9 hours he passed away at the said nursing home. The police of Baguihati Police Station registered one Unnatural Death Case vide Baguihati Police Station U.D. Case no.144/2015 dated 20.10.2015 on the death of the victim. The post mortem examination on the body of the victim was held on 20.10.2015 at the Department of FMT Police Morgue under R. G. Kar Medical College and Hospital. In the medical records the cause of death of the victim was recorded as 'Gunshot Injury'.

On 21.10.2015, Mr. Hafijul Sardar, elder brother of the victim lodged a written complaint before the Officer-in-Charge of Swarupnagar Police Station stating that the victim sustained gunshot injury due to firing by BSF while he was trying to smuggle cattle Padmabila No.12 Gate. The complaint was registered as First Information Report vide Swarupnagar Police Station case no. 988/2015 dated 21.10.2015 under section 302 of Indian Penal Code. The said FIR was registered against unknown BSF personnel being accused persons. It is revealed during the fact finding that the investigation of the case is pending but the Investigation Officer did not achieve any breakthrough to arrest the accused BSF personnel. It is further revealed during the fact finding that the police of Swarupnagar Police Station did not receive any complaint from the side of Border Security Force over the incident. Enquiry report has been sent by SI Ganesh Halder of Swarupnagar Police Station to the Officer-in-Charge of Baguihati Police Station over the death of the victim. During police enquiry it was revealed that the victim was gunshot by Border Security Force on 19.10.2015 at 4 hours while he was trying to smuggle cattle to Bangladesh. In the report the police officer also submitted for preservation of foreign articles if traced inside the body of the victim, video grapy of PM examination and Magisterial Inquest. The deceased was gunshot by a BSF jawan namely Jogandar Singh who was with the patrolling party of BSF under Bithari BOP, Company-A, Battalion-76 at Padmabila No.12 Gate on 19.10.2015 at about 4 hours.

The deceased died leaving behind his aged parents, wife and a minor son. The police of Swarupnagar Police Station though registered a criminal case against BSF but the Investigation Officer is still not inclined to apprehend the accused BSF personnel. The family stated that they are under abject poverty due to sudden demise of the breadwinner of the family.



W.P. Form No. 27
FIRST INFORMATION REPORT
 6R No- 4708/15

1. First Information of a cognizable offence reported under section 154 of P. C. at P. S.
 (i) Date, Time, Day, Month, Year: 04.11.2012, 06:00 AM, 2012, P.M. No. _____
 (ii) At: _____ Sections: 447, 302, 506, 34
 (iii) At: _____ (Other Acts & Sections): _____
 (iv) Name of Complainant: _____ Date: 11/11/12 Time: 11:00 AM
 (v) Address of Complainant: _____ Date: 11/11/12 Time: 11:00 AM
 (vi) Name of Station: _____ at the Police Station: _____

2. Type of Information: Written / Oral _____
 3. Place of Occurrence: (a) Direction and Distance from P.S. Mathabhang, Dist. Bardhaman - 20.0 K.M.
 (b) Address: Near P.S. at Mathabhang

4. Name of Complainant: _____
 (a) Name: Rajul Kundu
 (b) Father's / Husband's Name: Sri Goni Kundu
 (c) State / Year of Birth: _____
 (d) Nationality: Indian

5. Address: P.O. Mathabhang, P.S. Mathabhang, Dist. Bardhaman - 713101, West Bengal, India.
 (If known, specify class, if necessary): 13th Floor, B.C.C.

6. Reasons for delay in reporting by the Complainant / Informant: _____

7. Particulars of Proprietary items / involved: (Attach separate sheet, if required)

8. Total value of Proprietary items / involved: _____

9. Special report(s) / Case No., if any: _____

10. FIR Serials: (Attach separate sheet, if required) The original copies of copies of complaint are to be provided to P.S. for attached case no. 11/11/12

11. Action taken: Since it is above report received at office of P.S. _____

Registered the case and took up the investigation / action: J. A. J. Chatterjee, I.C. P.S. Mathabhang
 Date: 11/11/12
 or in case of publication, P.S. shall give to the Complainant / Informant admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost. Date: 11/11/12
 Signature of the Officer-in-Charge, Police Station: J. A. J. Chatterjee, I.C. P.S. Mathabhang
 Signature of the Station Officer: J. A. J. Chatterjee, I.C. P.S. Mathabhang

Ali Ahammad Mia, son of Mr. Goni Mia, aged about 38 years, by faith- Muslim, by occupation- agriculture and **Entaj Mia**; son of Mr. Nabiruddin Mia, aged about-25 years, by faith-Muslim, by occupation-agriculture were killed on 04.11.2012 by the BSF jawans belonged to Paglimari BSF BOP Camp of 21 Battalion of BSF. The police registered a First Information Report on the complaint vide Sitalkuchi Police Station Case no.260/2012 dated 04.11.2012 under sections 447/302/506/34 of Indian Penal Code. The Investigation Officer of the above stated criminal case till did not submit his investigation report before the concerned Additional Chief Judicial Magistrate, Mathabhang. The court issued reminders to the Investigation Officer several dates i.e. on 28.02.2013, 14.05.2013, 27.01.2014, 24.06.2014, 18.09.2014, 13.01.2015, 01.04.2015, 22.06.2015, 24.07.2015 but the Investigation Officer failed to submit the investigation report. On 13.10.2015 the court directed the Officer-in-Charge of Sitalkuchi Police Station to look into the matter personally, but again no investigation report was submitted. On 07.01.2016 the court issued reminder to the Investigation Officer to submit investigation report, but till date no investigation report was submitted in the court.

On 04.11.2012 at about 6am to 7am the victims were killed in brought daylight. On that day in the morning, the involved BSF personnel entered into the house of Mr. Nabiruddin Mia and started hurling abusive languages. The family members of Mr. Nabiruddin Mia and the victims protested against such unruly behavior of the BSF personnel. But one of the perpetrator BSF personnel fired one round from his service rifle and the bullet first hit on the head of Entaj Mia and then pierced into the chest of Ali Ahmed Mia who was standing behind Entaj Mia at the time of the incident. Both

the victims succumbed to the injuries on the spot. The neighbors of Mr. Nabiruddin Mia were eyewitnesses of the incident. The post mortem examination was conducted at Mathabhanga Sub-Divisional Hospital and it revealed that Entaj Mia sustained entry wound of bullet over left side of facial region and exit wound of bullet over right side of scalp. On the other hand the victim Ali Ahmed Mia sustained entry wound of bullet on chest and exit wound of bullet on the back side. In the post mortem examination report of Entaj Mia it was recorded as "Bullet might have been fired from nearer distance".

On 29.11.2012 Mr. Nabiruddin Mia submitted a written complaint before the District Magistrate, Cooch Behar and in the written complaint he alleged about inaction on the part of police of Sitalkuchi Police Station in the matter of investigation of the above stated criminal case. Mr. Nabiruddin Mia did not receive any response against the complaint. The family of the victims alleged of deliberate police inaction because the investigation of the criminal case has been pending for for about 1260 days, none was arrested, no witness was examined.



G.R. 26/12.

FIRST INFORMATION REPORT
First information of a cognizable offence reported under section 154 Cr. P.C. at P.S. 661

1. District: COOCH BEHAR Sub-Division: MATHABHANGA P.S. No: 322 Date: 29/11/12
2. (i) Act: I.P.C. Section: 302/304/304A (ii) FIR No.: 661 Date: 29/11/12
(iii) Act: Sections: (iv) Other Act & Sections: 302/304

3. (a) General Diary Reference Entry No.: 1357 Time at receipt: 6:20 PM
(b) Commencement of Offence: Day: 29/11/12 Date: 29/11/12 Time: 6:20 PM/20/12/12
(c) Information received Date: 29/11/12 Time at receipt: 6:20 PM/20/12/12
G.D. No.: 1357 at the Police Station

4. Type of information: Written/Dial

5. Place of Occurrence: (a) Direction and Distance from P.S. 3 km from Sitalkuchi P.S.
(b) Address: Sitai, Purba Chamta, Post Office - Chorkhana, Block - Sitai, District - Cooch Behar
(c) In case outside limit of this Police Station, then the name of P.S. Sitai

6. Complainant Informant:
(a) Name: Masrura Begum
(b) Father's/Husband's Name: Ali Ahmed
(c) Date/Year of Birth: 1991
(d) Nationality: Indian
(e) Address: Sitai, Purba Chamta, Post Office - Chorkhana, Block - Sitai, District - Cooch Behar

7. Details of known/suspected/unknown/accused with full particulars (Attach separate sheet, if necessary) 2/10 of D.P. Khanna vs. Entaj Mia & Ali Ahmed Mia

8. Reasons for delay in reporting by the Complainant Informant: Dist. Court Order

9. Particulars of properties stolen/involved: (Attach separate sheet, if required)

10. Total value of properties stolen/involved:

11. Inquest report/ELI Case No. if any: 29/11/12 29/11/12 29/11/12

12. FIR numbers: (Attach separate sheet, if required) 661

13. Action taken: Since the above report reveals commission of offence under 302/304/304A

14. I have received the case and look up the investigation SI, MATHABHANGA

15. I take up the investigation SI, MATHABHANGA

16. Informed to P.S. SI, MATHABHANGA on point of jurisdiction FIR read over to the Complainant Informant admitted to be correctly recorded and a copy given to the Complainant Informant free of cost.

Signature of the Complainant Informant: Masrura Begum
Signature of the Officer in Charge: SI, MATHABHANGA
Name: SI, MATHABHANGA, Sitalkuchi
Rank: SI, MATHABHANGA, Cooch Behar
Number of copy: 2

Signature of the District Magistrate: SI, MATHABHANGA
Name: SI, MATHABHANGA, District Magistrate
Date: 05-11-12

Majid Mia son of Late Akbar Mia, aged around 21 years, Muslim by faith, was residing at village – Purba(East) Chamta, Post Office – Chorkhana, Block – Sitai, Police Station – Sitai, District – Cooch Behar, West Bengal, with his 18 years old wife Ms. Rejina Parveen, 3 months old son Master Masoom Rana; along with his 23

years old brother Mr. Ajit Mia, his 19 years old wife Ms. Elicha Bibi and their 6 months old daughter Ms. Adari Khatun and mother Ms. Hachna Bewa, who is 60 years old. Majid's father passed away prior to his birth and hitherto Majid lived his life in an impoverished family. They have a small grocery shop adjacent to their home which helped them to struggle their way to make their ends meet. Majid Mia also occasionally worked as a migrant construction labor in Delhi, halting their primary family occupation, cultivation.

On 26.04.2016 around 8:30 in the evening, after shutting his shop down for the day, Majid Mia went to his neighbor; Mr. Sahajahan Mia's house to watch a cricket match just like any other day around 6 pm. Sahajahan Mia's house is 200 meters away from Indo-Bangladesh border. After couple of hours, they suddenly heard sounds of screaming coming from the border side as B.S.F. jawans allegedly fired rounds of rubber bullets. The commotion broke out immediately and Mr. Sahajahan Mia and his family member Mr. Sikandar asked Majid Mia to return home immediately. Majid Mia left for his home at around 8:20 pm. But he never returned home. Being worried about her husband's whereabouts, Ms. Rejina Parveen informed her brother-in-law Mr. Ajit Mia and mother-in-law Ms. Hachna Bewa. Ajit Mia then started looking for his brother around but the effort was futile. The entire family was left with anxiety and dismay for the sleepless night. The tragic news came around 12 to 12:30am via a civic volunteer from Sitai Police Station informing that the body of Majid Mia has been found near pillar no. 910 and beside the gate no. 32 of Indo-Bangladesh border under Kaimari Border Outpost surveilled by Alfa Company of 21 BSF Battalion. The family got traumatized by the news and stayed at home till the end of the night. In the morning on 27.04.2016 they were taken to Sitai Police Station by the police and there they identified the dead body of Majid Mia. The deceased body was then taken to Cooch Behar M.J.N. Hospital for the necessary post mortem examination (P.M. No – 260/16) after Sitai Police Station registered an unnatural death case vide Sitai PS/UD Case No – 8/2016, and later Sitai police handed over the body to the mourning family for the last rituals. The family and the villagers has no information about the official; who conducted inquest over the body.

On 29.04.2016, Mr. Ajit Mia filed a written complaint in Sitai Police Station holding B.S.F. jawans responsible who are affiliated to 'Alfa' Company of Kaimari Border Outpost, 21, BSF Battalion for killing his brother brutally. Sitai Police Station registered the complaint as Sitai P.S. Case No: 44/16 dated 29.04.2016 under section 302 of Indian Penal Code. In his complaint, Ajit Mia alleged that in order to please their higher rank officials, deputed jawans caught and dragged Majid Mia down and beat him up with sticks and then eventually shot him to death. He also stated that after lodging the complaint, BSF officials lodged a counter complaint (Sitai PS Case No: 41/16 GR No: 440/16 dated 27.04.2016 under sections 147, 148, 149, 186, 353, 332, 307 of Indian Penal Code, the complainant for this case was an inspector of BSF Mr. Ingole Srikanta) and asked them to come to BSF camp and after their refusal to do so, the Company Commander threatened them for life. The officials threatened some other villagers as well.

Mr. Alam Mia, s/o Japir Mia and Aynal Mia, s/o Abbas Mia, both of them reside at East Chamta village. During these interactions, the said co-villagers of the deceased informed that; Majid Mia was never involved with any kinds of mischievous acts. He

lived a simple and mundane life and worked hard to support his family by running a small grocery shop adjacent to his house. The family is currently in dire straits as the bread earner of the family is no more. Officials said that the enquiry is still going on but no action has been taken against the perpetrators till date.



GOVERNMENT OF WEST BENGAL
POST MORTEM SECTION
OFFICE OF THE DEPARTMENTAL ANATOMICAL SOCIETY

250 POST-MORTEM EXAMINATION CERTIFICATE
Date: 27.6.2016
Certified that the Post-Mortem Examination was done on the deceased

Name: Mojib Riaz Age: 22 years Sex: Male Nationality: Indian

Place of Birth: Char Nabinagar

Address: Char Nabinagar

Place of Death: Char Nabinagar Date: 27.6.2016

Place of Examination: Char Nabinagar

The body has been handed over to concerned police personnel after autopsy.

Place: Char Nabinagar, Murshidabad
Date: 27.6.2016

Signature of Autopsy Surgeon: Habibul Karim
M.S. Hospital, Char Nabinagar.

Samul Seikh, son of Mr. Sattar Ali, aged about 23 years, lived at village- Char MajharDiar, post office- Rajsahi, police station- Rajpara, district- Rajsahi, Bangladesh and **Rony Seikh**, son of Mr. Habul Khalashi, aged about 25 years, lived at village- Char Nabinagar, post office- Rajsahi, police station- Rajpara, District- Rajsahi, Bangladesh were killed by the Border Security Force personnel on 6-7 June 2016.

On 06.06.2016 in between 11pm to 12 at night one Bangladeshi national was trying to smuggle cattle from India to Bangladesh near BSF outpost no 4 under Harudanga BSF Camp and under jurisdiction of Raninagar police station, Murshidabad district. At the time while he approached beside outpost no 4, he was gunshot by on duty BSF guard of 83 Battalion BSF, 'E' company posted at outpost no 4 under Harudanga BSF Camp. Reportedly, one bullet entered in his abdomen. As reported he fell on the spot and died. Reportedly; the BSF guards fled leaving dead body on the spot.

On the same day and probably at the same time another Bangladeshi national was killed by the guards of the BSF while he tried to smuggle out cattle from India to Bangladesh near BSF outpost no 4 under Kaharpara BSF Camp and under jurisdiction of Raninagar police station, Murshidabad district. Reportedly, he was shot from close proximity by on duty BSF guards of BSF Battalion no- 83 attached with BSF outpost no 4 under Kaharpara BSF Camp HQ. One bullet hit on his back and he breathed his last on the spot. BSF left his body there and fled from the spot. The locale reported that Mr. Jai Singh of DIB made the firing.

Local people reside near aforementioned two BOPs confirmed that the BSF guards of respective BOPs opened fire on some Bangladeshi nationals when they went to the bordering area for bringing cattle from India to the Bangladesh at about 11.00 pm.

It was revealed during the fact finding that the dead bodies were lying there for long time. On hearing the news of their death, relatives of the two deceased visited the place of incident and took away the dead bodies with them to their respective places

in Bangladesh. We came to know that the autopsy has been done at Bangladesh but the family members refused to share the post mortem examination report out of fear. It was come out that the deceased were economically marginalized at Bangladesh and both the deceased were only bread earner of their respective family.

Sunil Barman, son of late Bhupen Barman, aged about 30 years, religion- Hindu, resided at village- Baromaricha, post office- Baromaricha, block- Sitalkuchi, police station- Sitalkuchi, district- Cooch Behar, West Bengal, Indiab belongs to Schedule Caste community. He resided in a village which was near to the Indo-Bangladesh border under jurisdiction of Sitalkuchi police station of Cooch Behar district. His family consisted of his wife Ms. Swapna Barman, two minor daughters namely Ms. Ashmi Barman (10 years old) and Ms. Aparna Barman (9 years old) and one minor boy; Master Sridam Barman (6 years old) and all of his children attain school. He used to work as an agrarian labourer. But since the money he made was not enough to support his wife, two minor daughters and one minor son. Sunil Barman often took up job of courier of cattle at night in exchange for some extra income. He lived in his father-in-law; Mr. Khitish Barman's house with his family after his marriage.

On 9.07.2016 in the afternoon at about 4 pm Sunil Barman told his wife, Swapna that he planned to go to market bring vegetables. He left his house by saying that he would be back by dinner. It was reported that he headed towards Nagar Singimari Madhya Kuthibari village, near Sri Lanka Border Outpost under Sitai Police Station which was adjacent to Indo-Bangladesh border. Reportedly, this area of the border has no barbed wire fence and easily accessible to Bangladesh without any hindrance and cattle smugglers used this path to smuggle out the cows from India to Bangladesh. On the same day at around 9.30 pm villagers of Sri Lanka heard gunshots being fired near the border. On the next day, when Sunil was still not returned back to his home, his family was very anxious and made frantic calls on his mobile phone but the calls were not answered. The anxious father-in-law made thorough search to entire village for his son-in-law but could not find him. The family members became restless and anxious. Meanwhile, the family members were informed that a body was found in the Singamari River near "Kasem Ghat" at Daribas village, post office- Gitaldaha, village panchyat- Gitaldaha II under Dinhata police station.

On 10.07.2016 at about 4 pm, the body was fished out from the river by Dinhata police and sent to Dinhata Sub-divisional Hospital. On duty medical practitioner of said hospital pronounced him brought dead and the police of Dinhata PS took the dead body to their PS. One Unnatural Death Case was registered vides UD Case no 88/16 of Dinhata PS. In the meantime, the family of Sunil Barman received information that one unclaimed dead body was lying at Dinhata police station for identification. After hearing the information, the father-in-law of Sunil Barman; Mr. Khitish Barman and 3 other villagers namely Mr. Akhil Barman son of Mr. Ganesh Barman, Mr. Swapan Barman and Mr. Kasem Mia rushed to the police station at around 10 pm and requested the duty officer to show the dead body. The duty officer denied their request and captured one picture of the dead body in his mobile and

showed the picture to them and asked them to come next day at 10 am in the morning to identify the dead body. According to police officer instruction, the next morning (11.07.2016) at 10 am the aforementioned people along with Ms. Swapna Barman again visited the said Police Station. Ms. Swapna Barman identified her husband's body and submitted one written application to the Inspector in Charge of Dinhata Police Station, Cooch Behar in which she request to hand over her husband's body to her. She became horrified and burst into tears after seeing a hollow wound mark

at his right cheek. It could be assumed that one bullet was fired on his mouth and it was exited through the right cheek. The police personnel of said PS assured to hand over the dead body to her after finishing their routine investigation procedure. The inquest was done by one chubby and fair looked Assistant Sub Inspector being nicknamed 'Menna' in presence of deceased's wife Ms. Swapna Barman and deceased's brother Mr. Swapan Barman. Then the dead body was sent on 11.07.2016 at around 3 pm to M.J.N (D) Hospital, Cooch Behar for an autopsy. The family of deceased bore the cost for movement of the body from the police station to the mentioned hospital. The wife of the deceased informed that one cleaner of the vehicle demanded Rs. 800 from her and she paid the same. An autopsy was conducted thereafter at the hospital. The hospital authority did not mention the name of the deceased in the Post-Mortem Examination Certificate. The post-mortem was video-graphed by police. Then, the body was handed over to the family of the deceased for last rites. On the same day at 5 pm the dead body was cremated at Cooch Behar Municipality electric furnace. One death certificate (being Serial no. 382) was issued by Cooch Behar Municipality where at name of the deceased column it was written as 'Unclaimed Dead Body'.

On 11.09.2016 in the evening one police personal from Dinhata PS visited deceased's house and met his widow Ms. Swpna Barman and father-in-law Mr. Khitish Borman. He took them to Dinhata PS and forcibly obtained their signatures on an application written by the said police personal where he falsely wrote that the dead body was identified at the Cooch Behar hospital instead of the Dinhata police station.

It was revealed during interaction with villagers of Sri Lanka and Baromaricha that Sunil probably had offered to bring a cow from India to Bangladesh that night as he used to cross the border few times a month to smuggle cattle. He had apparently gone that evening as well, but had been spotted by the BSF and shot. One of the villagers, did not wish to be named, confirmed shortly afterwards that Sunil Barman was hit with one bullet fired by posted BSF personnel of 135 Battalion BSF of Sri Lanka Border Outpost and one mobile, one towel (gamcha) and one half pant was recovered near the BOP.

Mr. Khitish Barman, being father-in-law of the deceased submitted one written complaint before the Superintendent of M.J.N. district hospital, Cooch Behar on 13.07.2016 in which he prayed to issue a death certificate of his son-in-law mentioning his full details. On 25.07.2016 Ms. Swapna Barman, being widow of Sunil Barman, sent one written complaint through registered post to the Superintendent of Police, Cooch Behar where she described the whole incident and sought justice. But

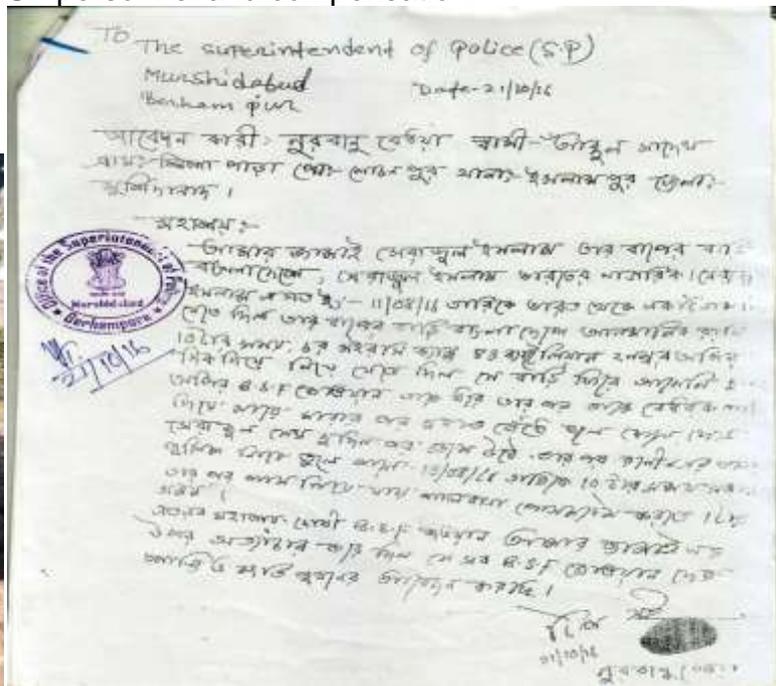
till date no appropriate action has been taken and deceased family living under abject poverty.



Serajul Islam; son of Mr. Afsaruddin, aged about 40 years, religion- Islam was a resident of Sishapara village, post office- Lochanpur, block- Goas, police station- Islampur, district- Murshidabad, West Bengal and was sustaining his family by working as carpenter at a furniture shop at Seikhpara under jurisdiction of Raninagar Police Station of Murshidabad district. Serajul's wife, three sons and two daughters reside in Bangladesh at his ancestral house. He had Indian EPIC card and Adhar card in his possession. On 11.08.2016 at about 10 pm, he started for his ancestral house at Bangladesh with one cow and reached near No. II Outpost of Char Mairashi BSF- BOP under the jurisdiction of Raninagar Police Station. Posted BSF personnel of II no Outpost (OP) attached with Char Mairashi BSF Border Outpost (BOP) of Battalion BSF- 83 spotted him with cattle and suspecting him a cattle smuggler. All the BSF guards were in their service uniform and sticks and service rifles in their hands at the time. They immediately chased him wielding their sticks and service rifles. On seeing BSF personnel, Serajul started running to evade arrest. But he could not escape and apprehended by the BSF party. The BSF guards encircled him from all around and started beating him inhumanly all over his body with their sticks, rifle butts, and boot clad feet. The degree of oppression had reached its vilest form within few minutes. Serajul could not bear the torture and fell down on the ground numb. He sustained grievous hurt on different parts of his body (head, shoulder, chest, arms, back, hips, legs and insteps) but perhaps he was alive at that time. However, the BSF guards tied his hands at his back with rope and the thrown him into the river. His body sank in the river water.

The neighbours of the deceased thought he had gone to his ancestral house, as he did quite often. When they could not trace him for two days, the neighbours of Serajul Islam contacted the family members at Bangladesh and got information that he was not at his ancestral house. The family member of Serajul Islam became panic stricken and searched him at the Sishapara and nearby villages. But they could not find him. On 13.08.2016 morning at about 10 am, villagers saw one body was floating into the river; the hands trussed up. They informed it to the Raninagar police station. The body was fished out from the river by Raninagar police and sent

to Lalbagh Sub-divisional Hospital. On duty medical practitioner of said hospital pronounced the body brought dead and police taken the body back to the police station. One Unnatural Death Case was registered vides UD Case no 16/16 dated 13.08.2016 of Raninagar PS. In the meantime, the family of Serajul Islam received information that one unclaimed dead body was lying at Raninagar PS for identification. The family member of the deceased went to Raninagar PS and identified the dead body. On the same day at about 1 pm the dead body was sent by Raninagar police to Lalbagh Sub-divisional Hospital for post mortem examination. Thereafter, the police personnel of Raninagar police station shirked off their responsibility and left the hospital. The post mortem was performed on the same day at the mortuary of Lalbagh Sub-Divisional Hospital being P.M. number 130. After PME the body was handed over to the family members of Serajul Islam at Indian side. Then the family members performed the last rites. On 21.10.2016 the mother-in-law of the deceased made a written complaint to the Superintendent of Police, Murshidabad, which was duly received by his office. In her complaint; she demanded action against the involved BSF personnel and compensation.



Md. Moslem Sardar, son of Md. Johar Ali, aged about-31 years, of village-Panchroki, Police Station-Satkhira, District-Satkhira, Bangladesh reportedly engaged with cross border smuggling as a carrier. On the fateful day i.e.15.11.2016 at about 4.30 am the victim along with other smugglers gathered at Amudia-Khalsi border to smuggle cattle from India to Bangladesh but he succumbed to gunshot injury by BSF. It is revealed that the Amudia-Khalsi border area is liked by the smugglers due to location of nearest Hatatganj market where cattle are stocked and from there the cattle are being taken to Amudia-Khalsi border through Bilballi wetland. On the opposite side of Amudia-Khalsi border, there is Kulmali village in Bangladesh. Over the incident, the Company Commander of Company-A, 79 BN BSF, BOP Amudia submitted a written complaint before the Officer-in-Charge of Swarupnagar Police Station stating that an encounter took place on 15.11.2016 at about 4.30 hours with BSF personnel and cattle smugglers. On self defence BSF fired one round from PAG gun which hit one smuggler on his head. It was also stated in the said complaint that

one unknown dead body along with other articles were recovered by BSF from the place of occurrence. According to BSF complaint, the place of occurrence was inside Indian territory and the incident took place when the smugglers were trying to cross over IBBR near BP No.11/6-S between BFL No.7 and 8 in AOR of BOP Amudia, 76 BN BSF. On the BSF complaint, the police registered one U/D Case no.38/2016 dated 15.11.2016 and a criminal case vide Swarupnagar Police Station Case no.900/2016 dated 15.11.2016 under sections 147/148/149/186/188/353/333/326/307/427 of IPC. Subsequently, the identity of the unknown dead body was established as of the deceased. The post mortem examination was held on 15.11.2016 at Basirhat Hospital. Reportedly the victim sustained gunshot injury on the back side of his head which is clear that the victim was shot while he was leaving the place of occurrence; not in a position that he was attacking the BSF posted. On 18.11.2016 the dead body of the victim was handed over to Border Guard Bangladesh (BGB).



No. CP/19/A/76 BN BSF/2016
Office of the city comdr

A. City 76 BN BSF BOP Amudia
Date: 15.11.2016
To
The Officer in charge
PS-Swarupnagar
Dist N 24 PGS (AB)

SUB: SEIZURE MEMO

1. DATE AND TIME : 15.11.16 about 0430 hrs
2. NAME OF BOP : AMUDIA
3. DISTANCE OF IB : APPROX. - 250MTRS
4. DISTANCE FROM BOP : APPROX. - 3.5 km
5. PLACE OF OPERATION : BP NO 11/NS MP
6. TYPE OF SEIZURE : OUT-GOING CLAIMED
7. DETAILS OF SEIZURE : A) 10 NOS OF CATTLE HEAD
B) ONE UNKNOWN DEAD BODY WITH GUNSHOT INJURY.
C) DAW OL
D) WOODEN CAP OL
E) MOBILE OL WITH SIM

BRIEF DETAILS : On 15th Nov 2016 at about 0430 hrs ACP Party consisting of No.8020027 ASI Multivider Pat. No.06189288 CI BhojRashikLal and No.1142145 CI Asit Kumar observed movement of about 25 to 30 cattle carters/smugglers with 20 to 25 cattle heads trying to cross over IBBR near BP No.11/6-S between BFL No.7 and 8 in AOR of BOP Amudia, 76 BN BSF. Distance from IBBR 250 Mtrs and distance from BOP Amudia 3.5 Km.

On being challenged by ACP Party the cattle carters/smugglers started getting stone and tried to blind the eyes with torch light and did not stop. CI BhojRashikLal seeing that lobbed one tear gas grenade towards smugglers, but still they continued and came closer to CI BhojRashikLal and tried to overpower him. They attacked him with bamboo sticks, dew and flit. They also tried to snatch away his weapon i.e. P.A.G. No-16. CI BhojRashikLal having no options left in his self defence to save his life and personal weapon fired 05 rounds from his P.A.G. No.16. CI BhojRashikLal sustained injuries on his chest, head and stick mark on his thigh. Individual after first aid being evacuated to Dak Bangla hospital. Individual shirt was also torn and front left pocket of shirt was torn away by the smugglers. Front hand guard of P.A.G. No.16 was also broken with the Dahi-due 50 rat mark.

On searching the area 10 cattle head were seized and 01 unknown dead body was found and Daw OL, Wooden cap OL and Mobile phone with sim OL

Police was immediately informed and on arrival of Police on further checking the area, following items were seized from the spot

10/11/16
CITY COMMANDER
A' COY 76 BN BSF
ASI DAYAMAY MANDAL

CENTRAL FACT FINDING ON POLICE FIRING AND EXTRA JUDICIAL KILLING AT BADKAGAON- HAJARIBAGH- JHARKHAND

Days after the Jharkhand police opened fire on farmers protesting land acquisition for coal mines by the National Thermal Power Corporation in Badkagaon, Hazaribagh, on 1st October 2016 resulting in several deaths, the demonstrators are still shocked at what they claim was the excessive use of force by the administration.

The farmers have been opposing land acquisition of their multi-crop farmland for coal mines allotted to National Thermal Power Corporation since 2004. They had been on

a sit-in protest near a mining site in Chiru Barwadih village for two weeks when the police tried to break their protest at 5 am on October 1. When the farmers, including several women, tried to stop the police from detaining Nirmala Devi, the member of legislative assembly from Badkagaon who was supporting the protest, the police fired 60 rounds of bullets into the crowd as reported by the villagers. The whole area has been turned into a military camp. Women farmers said they too were not spared. "The circle officer started dragging Nirmala Devi by her hair and clothes, when we tried to stop him, the police abused us..." said a village woman. "They chased us in the fields and broke all our utensils and material lying at the dharna site." One farmer asked "we were on a peaceful protest and were not obstructing any officials for two weeks and were even talking to officials. Why did the circle officer try to attack us at 4 am? Why did he attack and abduct Nirmala Devi in early hours of morning? What sudden pressure were they under?" He added that police force had occupied Chirudih school building for the last three months, interrupting classes there. Here it should be mentioned that Ms. Nirmala Devi; the local Member of Assembly is still missing, her husband Mr. Yogendar Shau; an ex minister of Jharkhand government alleged that she was abducted by the police and in their captivity; later Mr. Shau has been arrested. On the other hand the district police in a media session claimed that Ms. Nirmala Devi is absconding as two FIRs have been registered against Ms. Nirmala Devi, Mr. Yogendar Shau and 500 and 200 others, respectively.

By 3rd October evening, hundreds of families had fled their homes after the police and paramilitary forces carried out a door-to-door search of houses in six villages in the mining area, in Chapakala, Chipakhurd, Sonbarsa, Churchur, Aarahar and Nagri.

The Superintendent of Police; Hazaribagh, Mr. Bhimsen Tuti said the police had detained 10 residents on suspicion of having attacked the police but had allowed nine of them to go by 4th October evening. "We have video evidence of protestors attacking the Circle Officer and the Additional Superintendent of Police, and are looking for residents who we suspect to have attacked the police on 1st October," said Tuti. But while the fact finding team asked medical details of the injured police officers the Hazaribagh Sadar Hospital failed to furnish the same and even the team visited the Hazaribagh Sadar Police Station and requested for the details; the then Officer in Charge of the PS; Mr. Sadre Alam told that the details are with the Badkagaon Police Station only and the Badkagaon is not accessible till 5th October.

On 4th October, former Chief Minister Mr. Babulal Marandi, former Member of Parliament from Hazaribagh Mr. Bhuneshwar Mehta of the Communist Party of India, Rashtriya Janata Dal state president Mr. Gautam Sagar Rana and Janata Dal (United) district president Mr. Bateshwar Mehta were stopped by the district administration from visiting the area. "The administration does not want out the stories of police atrocity to emerge, thus they have made a situation worse than emergency in Badkagaon," said the political team. "We managed to meet some villagers who say all bullet injuries are above the waist. The intention was intimidation of farmers, not dispersal of crowd."

Residents say five persons have died in police firing, including three students in their late teens, and more than 40 have been injured. On 4th October evening, the district

administration put the number of deaths at four. It was the third time since 2013 that the police have fired on farmers in Badkagaon. The fact finding team collected the names of the deceased in official record at Hazaribagh Sadar Hospital. The deceased were:-

1. Md. Mahtab; son of Mr. Majim Ansari, 30 years aged of village Chepakhurd under Badkagaon police station
2. Ranjan Kumar Das; son of Mr. Kashinath Ram, 19 years aged of village Sindbari under Badkagaon police station
3. Pawan Kumar Saw; son of Mr. Makharan Shaw. 19 years aged of village Sonbarsha under Badkagaon police station
4. Abhishek Kumar Rai; son of Mr. Pawan Kumar Rai, 19 years aged of village Sonbarsha under Badkagaon police station

Post Mortem Register at Hazaribagh Sadar Hospital

All three 19 years' aged boys were going to attend their private tuition while received bullets and died. The bodies brought to the hospital by police in two consecutive terms on 01.10.2016. A medical board was constituted, comprised by Dr. P. Choudhury, Dr. Major P.K Sinha and Dr. Tapas Kumar Rajak. Post Mortem Examination was done on 02.10.2016 and PME No. was 031. Shockingly the police brought the bodies straight to the morgue instead of the emergency of the hospital and no medical opinion has been taken that the bodies were dead or not. In PME register it was mentioned that died due to receiving bullets. It was reported that after gunshot, the policemen dragged the bodies to the Panchayat Bhawan and kept it in a vehicle there and not arranging medical attention and the villages heard screams for three-four hours before they succumbed to death.

The fact finding team met 5 grievously injured persons at Ranchi; 3 in RIMS and 2 at Health Point; a private facility. Mr. Bikash Kumar; son of Mr. Shibdeo Mahato, aged about 24 years of Sindwari village under Badkagaon police station has received bullet injury on his right thigh. He has been admitted to Trauma Center of RIMS. He was brought by the police. Till date no surgery has been done. Master Amit Kumar; son of Mr. Ramdhani Das; a 15 year school dropout also admitted at Trauma Center of RIMS. He is from Sonbarsha village. In his case bullet entered through right hand and stuck in his stomach. Mr. Kailash Kumar Shaw; son of Mr. Bhubenswar Shaw, 28 years old of Churchu village received bullet on his head. His father was also brutally beaten on 17th of May 2016 at protest site. Mr. Jibral Ansari and Md. Nizam admitted to Health Point; a private and expensive facility by police itself. Both of them received bullets on their backs. In Jibran's case bullet exited through left shoulder. Dr. OP Srivastava; an anesthetist met the fact finding team just after attending the surgery on Jibran, told that he was stable. In both these cases the family members paid the ambulance hiring and medical expenses. Ms. Nazma Khatun narrated that while her husband Jibran was brought to Hazaribagh Sadar Hospital, the attending doctors referred for better facility and police brought them to this private hospital. The family spent Rs. 60000 till 4th of October 2016. Mr. Nizam was at Intensive Care Unit of the same hospital. It was also reported that one Mr. Rajesh Shaw of Sonbarsha village has been admitted to another private hospital called Medica. Police took grievously injured Rajesh to their captivity and on 3rd of October 2016, the brought him to Medica and left the scene. His family charged Rs.

1, 24, 000 by the private hospital, out of which Rs. 46,000 has been paid by the family. All of the injured and their family members informed in unison that the injured were either on their way to river for bath, on their way to attend nature's call or heading towards the *Dharna Sthal* (protest site) after hearing that the local Member of Assembly; Ms. Nirmala Devi was being arrested by the police from the spot and in this course police brutally charged baton over the women protesters. Another major finding was; all the injured received bullets which were fired from a long distance; approximately 100- 300 meters; confirming that none were in a position to attack the police party.

Background

Badkagaon in Hazaribagh district, 150 kilometers from the state capital Ranchi, has been the epicenter of a dogged protest for the last 12 years by farmers who do not want to sell their land to the National Thermal Power Corporation (NTPC). Their farms lie over the Rs 33,000 crore- Pakri Barwadih coal block. With a 1.6 billion-tons reserve, it is one of the largest coal blocks in the country. According to NTPC data, seven years into the process, by 2015 it had been able to acquire 4,043 acres of the total 8,055 acres needed for the project. This includes forest and government-owned land. Of 8,745 affected families, only 2,614 have accepted compensation. The farmers' opposition has forced NTPC to revise the rate of compensation four times, more than doubling it from its initial offer of Rs 8 lakh per acre in 2007 to Rs 20 lakh per acre now. The affected families say this is inadequate compensation for their land and the norms should be four times the market value of land as per the Land Acquisition, Rehabilitation Act, 2013. Several hundred families in 36 villages say they do not wish to sell their farmland at all. "We grow crops here all 12 months," said a farmer. "We grow vegetables, pulses, wheat, we are self-sufficient and every morning five to seven trucks loaded with vegetables go from Badkagaon to Ranchi, Hazaribagh, Patratu. What will we eat if you deprive us of our livelihood?" The farmers complained that they had met Chief Minister Raghuvar Das in August, and he had assured them of an enquiry into the issue within ten days but they had not heard back a word since August. The NTPC in 2014 cancelled its 27-year contract with its contractor, Thiess Mines. The mining contractor said that while the NTPC was inexplicably willing to spend Rs 7,000 crore on imported coal, it was unwilling to spend Rs 36 crore annually on a better compensation package for the affected villagers. The NTPC floated a new tender where the mining contractor would have the responsibility for land acquisition and rehabilitation. A consortium of two companies, Thriveni Earthmovers and Sainik Mining, won the new tender last year and promised to start mining by the end of 2016. Thriveni has been accused of illegal mining in Odisha by the Shah Commission. Showing utter disregard to both public anger and law and order, the NTPC added fuel to fire by starting mining operations in Chirudih Barwadih Village in mid-May 2016. The people protested at the site and also started a Chita Satyagrah (Funeral Pyre Protest) in May this year. The political cost of the protests had forced even Chief Minister Raghubar Das to take note. He had intervened in the issue himself on 16 August 2016, expressing his wish to visit the area in 10 days and offer a new land compensation package to break the deadlock. People with their lands at stake, facing improper compensation, started a Kafan Satyagrah (Shroud Protest) demanding the local administration investigate whether the NTPC had obtained the approval of the Gram Sabha, as

required by law under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act).

However, the acquisitions in the area have actually been carried out under the Coal Bearing Areas (Acquisition and Development) Act, 1957, and not the RFCTLARR Act. Areas acquired under this Coal Act, and 13 other Acts specified in the 4th Schedule of the RFCTLARR Act, are exempt, as per Section 105, from having to follow the more democratic acquisition procedures and benefits of the RFCTLARR Act. The Union government had actually extended the benefits of the RFCTLARR Act to all these 14 exempt Acts through an **Executive Order** dated 28 August 2015. This Executive Order is however just Executive Order. It has not made it clear whether the nullification of the exemption would be applicable to acquisitions by the public sector NTPC in the area. The complexities in the regulations have made it unclear. What has been crystal clear throughout is that villagers' demands have been legitimate, legal, and democratic and until the police firing, completely peaceful and nonviolent. The demands make even more sense on economic grounds, as the area is highly fertile and produces three crops a year. It is also known as the vegetable basket of the Jharkhand state, with earnings reported to be as high as Rupees 200,000 a year from an acre of land!

Chronology of event

7th November, 2006, when NTPC planned to have the opening of their local office for PakriBarwadih project, there was an eight hour road block by dozens of tractors band several thousand people from five to eleven in the morning. Representatives from about 85 villages participated, and had taken out a procession from early in the morning. Cases were made, and several have been arrested. Badkagaon PS Case 139/06 u/s 147, 148, 340, 452, 353, 379, 427, 434 was registered against 550 persons.

7th December 2006, NTPC began the repair of their damaged Badkagaon office. A protest led by Mr. Mitallesh Dangi, with large numbers of people present, was held, but failed to stop the repair work.

6th January 2007 a Public Hearing was scheduled for the Pakri-Barwadi Project. The day before NTPC brought a party of about 100 village people to town, and in the middle of the previous night, at about midnight they assembled with them at the Hall, which was decorated with the appropriate Public Hearing banners and microphones. Their purpose is not clear, it seems they were going to make a video showing the people agreeing to their project, and send this to the MOEF, New Delhi, as evidence of public agreement, no matter what happened in the Hearing the next day. About 500 Agitation people had also come to the town the evening before. (This was because their leader Rafique Ansari had been arrested the day before, and they feared police would prevent them on the day by stopping the buses from running, a common tactic is to pull in the buses and hold them up for inspection etc.) The next day, by this time more people arriving from the villages, about 5000 people assembled at the Hall. By 1 pm neither NTPC nor SPCB people turned up, so the people then went to block the main town crossroads and highway for over an hour.

There was a traffic jam for about one hour. By mid afternoon they dispersed. Police subsequently made criminal cases against about 400 people.

16 April 2007 there was another attempted Public Hearing for Pakri Barwadih project. The DC herself agreed that these PHs should be in the locality, hence this time it was held in the locality, at Badkagaon. Large numbers of public turned up, from the public and from the administration (Newspaper reports said that approximately ten thousand assembled), and very large numbers of police. The assembled public took over the venue, and didn't allow the officers to speak, but they spoke. They got the officers to sign that the project would not take place. The public insisted that the criminal cases against several agitating people be withdrawn. The NTPC and Pollution Board officials sat for 4 hours were not able to get a word in. However, the police remained inactive throughout as physical violence was not resorted to.

23rd July 2013 A major incident in the form of a police firing on protestors resulting in the death of one and injuries to five others has occurred on July 23rd. This happened at the NTPC's Chatti Bariatu proposed coal mining block. (This particular block is one of the three NTPC is undertaking to mine in the Karanpura valley, and is just a few kilometers away from its Pakri-Barwadih block).

14th August 2015 NTPC Pakri Barwadih at Dangi housing colony construction Police led a lathi charge against a procession of villagers protesting against the construction, , and eventually resorted to police firing. Injured in the incident were dozens of villagers, the government CO, Police Inspector and several police persons. The villagers set on fire the BDO's vehicle, Badkagaon police vehicle, Block vehicle and a motor cycle.

17 May 2016: Under heavy police protection, Pakri Barwadih coal mine was opened. The police claimed that on the way back villagers stoned police vehicles, and police did lathi charge.

17- 18 May 2016 : on night of 17- 18 May, police conducted night time raids in villages Churchu, Sonbarsa, Darhi, and Chirudih. They forcibly entered houses broke open doors, and beat the village people, press photos show the extent of these beatings with several personal testimonies. Women and children were also victims.

19 May 2016: Barakgaon bandhi, total shut down of the bazaar, the whole area was closed down.

19 May 2016: a meeting of intellectuals at Badkagaon temple have decided to conduct fast from 25th May. Police action they alleged was at the behest of Triveni Sainik Co. and NTPC.

25 May 2016: 3 leaders, Mr. Loknath Mahato, Mr. MithaleshDangi, and Mr. Awad began 'funeral pyre' sit in protest at Badkagaon Durga Sthan.

29 May 2016: those on protest taken to Hospital, Mr. MithaleshDangi sent to jail. Their places taken up by other protestors.

25 July 2016: Opposition political party leaders did a sit in protest at this village.

28 July 2016: NTPC Triveni-Sainik Co. claim that 20 women, 17 youth have been sent for training to Bangalore, and 200-300 have been given temporary jobs, they are running a medical center etc.

30 July, 2016: at the complaint of NTPC Manager; Mr. MP Prasad, Police cases have been registered against the party leaders who entered the mining area on July 25, together with 450 unknown persons. Badkagaon PS Case no. 178/16, u/s 143, 109, 186, 447, 34 of CRRP, Coal mines Regulation Act, u/s 57(3), and Mines Act u/s 46(8).

2 August, 2016: Opposition leaders of most parties are coming together to lead a state wise agitation against the warrants of arrest against significant leaders for their support for the people displaced by Pakri Barwadih project. Arrest warrants have been issued against them for staging a dharna on July 25 without the permission of the Hazaribag district administration.

4 August, 2016: opposition leaders of the state led a march of several hundreds to NTPC mining site to court arrest. With no police reaction, they went to Badkagaon police station to court arrest, where the police said there were not enough grounds to arrest them.

6 August, 2016: Hazaribag MP Mr. Jayant Sinha, chaired a meeting aimed at resolving the issue, arguing that it wasn't anyone's power to stop NTPC work.

11 August, 2016: the prominent political leaders again courted arrest by entering the mines area, were detained, taken to distant Padma, and released in the evening.

12 August, 2016: government persons who came to measure the land were opposed by local land owners who would not let them. The later gave a written request of objection to the CO.

16 August, 2016 : Mr. Mithalesh Dangi of Aazadi Bachao Agitation cited Supreme Court verdict of July 8, 2013, case no 4549/2000 saying that land owners were real owners of the minerals below their land. He claimed that the 12,000 acres acquired by NTPC had approximately 1,600 MT coal. At market rate of Rs 3,000 per tonne, one acre holds coal worth Rs 40 crore.

30 August, 2016. A two day fast was held by political parties JVK, RJD, and JD(U) under leadership of Mr. Babulal Maranadi at Hazaribag Zila School. Several hundreds of people present.

31 August 2016 NTPC chairman-cum MD Mr. Gurdeep Singh flew in from Delhi to discuss the Pakri Barwadih issues with Jharkhand CM.

15 September 2016: "Kafan Dharana" started at Chiruadih mine site, led by MLA Ms. Nirmala Devi.

1 October, 2016: early morning paramilitary attacked women on dharna at Churadih, much beating with lathis and many wounded, Nirmala taken in police vehicle, stopped by people who pulled her out and also the ASP and CO whom they beat up. ASP ordered firing killing 4 as reported by the administration.

In this context, we believe that the consecutive attacks and intimidation by the State agencies upon the agitating peasantry of the said area are in infringement of the Constitutional guarantees under Articles 21 and 19 of Indian Constitution. The forcible attitude to grab their land is in contravening to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The recent police action is against the NHRC guidelines on Death during the Police Action.

It seems that the government of Chhattisgarh, in particular, the District Magistrate of Hazaribagh failed to maintain law and order of the area (AIR 1988 SC 93). The government have had an unholy nexus with some moneyed people did not care to protect its people and tried to grab the land illegally.

The police action was against international obligations stated in Article 6 and 7 of ICCPR, Articles 2,3,5,6 and 8 of Code of Conduct for Law Enforcement Officials; Adopted by General Assembly resolution No. 34/169 of 17 December 1979 and Articles 4 and 5 of Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime

Police and administration of Hazaribagh did not follow the set procedures set by the NHRC regarding police firing.

More importantly, the Member of Legislative Assembly of that area, being a woman, was forcefully abducted by police and not produced before any court of law.





Enforced Disappearance

Mr. Rajkumar Mondal, son of late Bishu Mondal, aged 32 years, is a poor village dweller and a resident of village Char Saheb Nagar, under the jurisdiction of Raninagar Police Station and Borderpara Post Office in Murshidabad district in West Bengal. He is a small time farmer who cultivates jute to make his ends meet. His family comprises of his wife and two children, a son and a daughter. On the fateful day of 21st August, 2016 he was soaking his harvested jute stems into a pond along with other farmers just like any other day. But at around 11:30 am in the morning, two Border Security Force jawans from Border Outpost No: 4, affiliated to Battalion No: 83 appeared from nowhere and started beating Mr. Rajkumar Mondal without any prior intimidation. Then they took Mr. Rajkumar Mondal to the said Border Outpost. There the victim was again brutally tortured and beaten. After that he was taken to Harudanga Camp in a BSF Gypsy van. On their way, they put heavy boulder on victim's torso. Meanwhile, family members of the victims, his neighbours along with respective Panchayat members reached the said BSF Camp to meet Mr. Rajkumar Mondal. But there they received outright denial from BSF personnel that no one was tortured or has been taken into custody. The family and others had no option but to return home empty handed.

On the next day, 22nd August 2016, family members of Mr. Rajkumar Mondal visited Raninagar Police Station to file a complaint against BSF personnel from illegally abducting and detaining Mr. Rajkumar Mondal. But the farcical nature of our legal system was exposed once again as Raninagar Police officials denied to register any complaint against BSF jawans. After failing to make their voices heard in both the cases, Mr. Chittaranjan Mondal, brother of Mr. Rajkumar Mondal sent a text message to District Magistrate of Murshidabad (Mobile No: 9434777000), Sub-Divisional Officer, Domkal (Mobile No: 9434770009), Block Development Officer, Raninagar II Block (Mobile No: 9434770036), Officer in-charge of Raninagar Police Station (Mobile No: 9434135225), Superintendent of Police, Murshidabad (Mobile No: 9434222000) from his mobile phone (8016958023) describing the entire event and the ordeal that they had to go through. The same text message was sent by another person named Sattar (Mobile No: 9735519244).

Currently the family has no idea regarding Mr. Rajkumar Mondal's whereabouts. Both BSF personnel and officials of Raninagar Police Station are denying about the whereabouts of Mr. Rajkumar Mondal . Although there are number of eye-witnesses; 1) Mr. Rajkumar Mondal, s/o Raicharan Mondal, village-Char Durgapur, 2) Ajay Mondal, s/o Nagendranath Mondal, village-Char Durgapur, 3) Sanjay Mondal, s/o Ledu Mondal, village-Char Saheb Nagar and 4) Iyar Mohammed, s/o Saber Ali, village-Uttar Char Majhardiar are a few among many people who were present at the time of taking him in custody.



Mr. Rahul Mallik son of Mr. Kusad Mallik, aged about 27 years, religion- Islam, used to live at Ramnagar Sarkarpara village under Raninagar police station with his parents, wife and minor son. Mr. Kusad Mallik; father of Rahul is a daily wage labourer and the family solely depends upon his income. Reportedly, Rahul had no proper source of income and he sometimes helped his father in agrarian job or helped his brother as mechanic at his store. The family is very poor and could not make ends meet. Subsequently, Rahul Mallik recently tried his luck in cross border cattle smuggling as it was reported that the vigil in border has relaxed now.

On the date of incident i.e. on 18.08.2016 in the wee hours at 3 am Mr. Rahul Mallik left his home with cattle and met other cattle smugglers of the area. Then, they went northwards of Katlamari Palpara at Kargil ground which adjoins the Indo-Bangladesh border. At that time, one Assistant Commander and 2 to 3 BSF personnel of Kaharpara Border Outpost of "E" Company of 83 Battalion BSF were patrolling the area. They were in their service uniform and equipped with rifles and batons in their hands. The BSF guards spotted the smugglers and chased them brandishing their service rifles and sticks. The companions of Rahul ran away to save their life and able to escape except Rahul as the area was little-known to him and he was a greenhorn for this activity. The BSF guards took him to their outpost and started beating him mercilessly. Some of his companions returned back to the village and informed Rahul's family about his detention. They also added that they saw him being brutally tortured by BSF guards. After hearing this news, family members of the victim, neighbours and relatives reached to the said BSF Camp to find Rahul Mallik. However, the BSF personnel denied that no one was tortured or had been taken into their custody. Meanwhile, the family became anxious and made thorough search in the village and other possible places throughout the day but failed to trace him out. He has been gone missing since then. But the father of the victim did not stop searching his son and had reportedly gone one and half kilometer eastward at Kaharpara 'Iron Bridge' on the bank of a rivulet (one of the branch of main stream). He spotted four or five totally distorted dead bodies cuddled with each other and floated in the river. The faces of dead bodies were totally distorted so no one could identify the body.

On 19.09.2016 Mr. Kusad Mallik; father of the victim sent written complaints to the District Magistrate, Murshidabad and Superintendent of Police, Murshidabad respectively through registered post but the respective authorities do not take any initiative to rescue the victim till date. The fact finding team of MASUM visited the village and interacted with the family members of the victim and other villagers; all of them suspected that Rahul was allegedly being tortured, killed and his dead body was thrown into the river.

The family has no information on Rahul's whereabouts till date. Although, there are number of witnesses i.e. Mr. Sonarul Islam son of Mr. Muntaj Seikh aged about 18 years, Mr. Soheil Rana, son of Mr. Siddique Hossain aged about 18 years both are from Krishnanagar village under Raninagar PS and Mr. Abu Sahin, son of Mr. Munirujjaman aged about 18 years of Khastaluk village under Raninagar PS who were present at the time of detention of Rahul by the BSF guards.



Custodial Death

Shyamal Roy was expired on 3.11.2015 at 8.45am at Central Correctional Home, Jalpaiguri. He was a life convict in connection with Moynaguri Police Station Case no.339/2007 dated 21.11.2007 under sections 498A/302/309 of Indian Penal Code(GR no.3155/2007). The attending medical officer of the said correctional home declared him dead. One unnatural case was registered at Kotwali Police Station vide U/D Case no.531/2015 dated 3.11.2015 and Sub-Inspector of Police Rinchen Lama Bhutia of Kotwali Police Station was endorsed for its investigation. The post mortem examination of the victim was held at Jalpaiguri Hospital. Reportedly, the inquest was conducted by one police officer namely Mr. Ramkrishna Das. Reportedly, there was no inquiry by any judicial magistrate in compliance of the provisions under section 176(1-A) of Criminal Procedure Code.

On 3.11.2015, Mr. Santeswar Roy was informed about the unnatural death of his son i.e. the victim and reportedly he was told that his son committed suicide in the correctional home. On 2.12.2015 Mr. Santeswar Roy, being the father of the victim submitted one written complaint before the Superintendent of Police, Jalpaiguri. In the complaint he alleged that his son can not commit suicide and he suspected foul play in the unnatural death of his son in the correctional home. In the complaint he requested for proper investigation. However till date he did not receive any response against his complaint.

To
The Superintendent of Police,
Jalpaiguri,
P.O. & Dist. Jalpaiguri.

Dated :- 02/12/15

বিষয় :- জলপাইগুড়ি কেন্দ্রীয় মহশোধনাপারে যদি থাকাকালীন আমার
পুত্রের অস্বাভাবিক মৃত্যুর তদন্তের আর্জি আনিবে আবেদন।

মাননীয় মহাশয়,

বিনীত নিবেদন এই যে, আমি সন্তোষুর রায়, পিতা- প্রয়াত
তৃফানু রায়, মাকিন- মাযবত্ৰাসী, খানা- ময়নাগুড়ি, জেলা- জলপাইগুড়ি এর বাসিন্দা।

আমি অদ্য আপনাকে জানাইতেছি যে, আমার একমাত্র পুত্র
শ্যামল রায় (বর্তমানে মৃত) মাননীয় Addl. Sessions Judge F.T.C. 2nd Court,
Jalpaiguri, Sessions Case No. 69/09, Sessions Trial No. 41/09, Judgement
Passed on- 10/10/12, আদালত হইতে যাবত জীবন কারাদণ্ডে দণ্ডিত হইয়া আপনার
অধিনস্ত কেন্দ্রীয় মহশোধনাপার, জলপাইগুড়িতে সাজা কাটাইতেছিল। এমতাবস্থায় বিগত
ইংরাজী 03/11/2015 তারিখে আমি আনিতে পারিলাম যে, আমার উক্ত পুত্র
মহশোধনাপারের ভেতরে আত্মহত্যা করেছে।

মহাশয়, আমার পুত্রের আত্মহত্যা সংক্রান্ত বিষয়ে আমার মনে
রহিয়াছে। আমার পুত্রের আত্মহত্যার কোনরূপ মানসিকতা আমি কোনদিন অনুভব করি
নাই।

আমি পুত্র শোকে প্রতদিন বিহ্বল থাকায় তদন্তের আর্জি জানাতে
বিলম্ব হইল। মহাশয়, মহশোধনাপারে এত নিরাপত্তা থাকা সত্ত্বেও আমার পুত্র কেন আত্মহত্যা
করল তাহার মঠিক কারণ তদন্ত করিয়া সুবিচার করিতে আশা হয়।

নিবেদন হুতি -

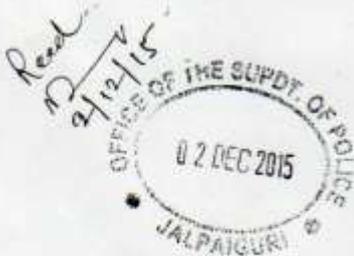
সন্তোষুর রায়

(শ্রীমন্তেশ্বর রায়)

পিতা- প্রয়াত তৃফানু রায়,

খানা- ময়নাগুড়ি,

জেলা- জলপাইগুড়ি ॥



Sachin Barman (deceased), son of Late Jaladhar Barman, aged about 49 years, Scheduled Caste, residence at village-Parmananda, Post Office-Gitaldah, Block-Dinhata-I, Police Station-Dinhata, District-Cooch Behar, West Bengal, ran a small snacks shop in the local market. From the income earned from the shop he used to run the family. He had his wife, one son and one daughter in the family. His son is student of class-XII and his daughter is a student of graduation. The victim's shop is located beside a road at Gitaldah Harirhat market.

On 4.4.2016 at about 6 pm in the evening the victim was selling snacks in his shop. At that time suddenly a four wheeler car (number- WB 63A1740) stood in front of the shop. From the car four male and two female police personnel from excise department got down and they forcibly put the victim and another person namely Mr. Fanindranath Barman into the car. At the time of their apprehension no memo of arrest was issued. The victim and Mr. Fanindranath Barman were assaulted during the apprehension and they were pushed into the car by thrashing their necks. The said police personnel with the victim and Mr. Fanindranath Barman moved towards Dinhata.

The eyewitness Mr. Fanindranath Barman stated that the victim was beaten black and blue inside the car and soon he lost his sense. Sensing his critical physical condition the police personnel tried to flee by leaving the victim at Atiya Barir Chara. But they could not succeed in their plan due to gathering of some local people. They took the victim with them. Thereafter they left the victim at the emergency gate of Dinhata Sub-Divisional Hospital and fled from the spot. It is reported that the doctor present there at that time noted down the number of the car (WB 63A 1740) in which the victim was brought at the hospital. The victim was declared 'brought dead' at the said hospital. Mr. Banikanta Barman, son of late Umananda Barman of village-Paramanand and Mr. Majirul Rahman, son of Joynal Mia of village-Gitaldah are eye-witnesses of the incident when the victim and Mr. Mr. Fanindranath Barman were forcibly taken away in a car by the police personnel of excise department. It is revealed that Mr. Upendranath Roy being the Sub-Inspector of Excise Department, Cooch Behar was present among the police personnel who forcibly abducted the victim and Mr. Mr. Fanindranath Barman in a car as stated above.

On the unnatural death of the victim, the police of Dinhata Police Station registered U. D. 46/2016 dated 4.4.2016. The post mortem examination of the victim was held on 5.4.2016 at the post mortem section at M. J. N. Hospital, Cooch Behar. On 4.4.2016 Mr. Nanigopal Barman, the nephew of the victim submitted one written complaint before the Inspector-in-Charge of Dinhata Police Station stating the entire circumstances leading to the death of the victim as stated above. The police registered one criminal case vide Dinhata Police Station Case no. 334/2016 dated 4.4.2016. The family members of the victim alleged that the police did not make any progress in the investigation.

Raju Thanda was 28 years old, from Dalit community and lived at his in-laws house at Muchipara/ Darjipara of Municipality Ward No. 2 under Bolpur Police Station of Birbhum district; West Bengal. He was a native of Durgapur of Burdwan district. He

settled with his in-laws for last ten years and engaged with various menial jobs; as cleaner of trucks or rickshaw pulling.

On 11th August 2016, at around 1.30 pm, a police vehicle came to Raju Thanda's place and picked him up to their vehicle with a suspicion of his involvement in a theft. His wife; Ms. Anna Thanda made statement before a section of media that he was again brought to his home by police on 13-14 August night. He was handcuffed and fettered at that time. Police conducted searches at the house. Ms. Anna Thanda made statement that she found marks of injuries on his elbow and Raju Thanda was unable to walk properly and move his hands, Raju told her that police made severe torture upon him for last two days. During the said search the police found nothing at the place and returned back with the deceased. She further stated that on 14th August morning she came to know that her husband's body was lying in front of the emergency ward of the Bolpur Sub Divisional Hospital and she with her parents and neighbours rushed for the spot. It was reported that a civic volunteer was present at the spot during that time. On the other hand, the hospital register showed that one Mr. Prashanta Das brought body of one 'Raju Seikh' son of Unknown of Mokrapur, Bolpur to the hospital at 9:56 am on 14th August 2016 and he was declared brought dead by the doctor of Emergency Ward. Dr. Moloy Mishra, MBBS, MD conducted the autopsy. We tried to contact him but failed. The eyewitnesses confirmed that there were marks of injuries on lower portion of the legs and hemorrhage of brain was noticed.

It was revealed during our fact finding that Raju Thanda was brought back to Bolpur police station after conducting a 'search' in his home on 13- 14 August midnight. He was then severely tortured and succumbed to death. The nervous police then called one Mr. Arun Sarkar, a law clerk of Bolpur ACJM Court to the police station. Mr. Sarkar is known for his substance addiction. The police forced Mr. Sarkar to sign in a forged document of bail bond and obtain his signature on that. The document (bail bond) stated that Raju Thanda was arrested in connection with one NGR (bailable) case and released on bail on 11th August 2016 itself. The statements of other inmates present in Bolpur police custody during 11th August to 13-14th August 2016 and closed circuit television footage (CCTV footage) of Bolpur police station during the time are vital clues and evidence.

On the first instance police refused to confirm his arrest and detention but later while we contacted Bolpur Police Station; one Mr. Pradip Sarkar; Sub Inspector of Police, told the fact finding team that the deceased was arrested in a NGR case and later released by obtaining bail but he refused to provide the details of the said case, in

contrary he suggested to contact the Officer in Charge of the Bolpur Police Station; Mr. Prabir Kumar Dutta for the details but he ignored our phone calls. While the body of Raju Thanda reached his locality after post mortem examination on 14th August 2016, the neighbours and relatives got furious. The infuriated mob made demonstration on 15th August 2016 before the police station with the body. It was reported that the mob pelted stones at the police station and ransacked the furniture, in retaliation police resorted to lathicharge and fired rubber bullets in which five relatives including two women got injured and received treatment at Bolpur Sub Divisional Hospital. It was also reported that two police personnel received injuries due to stone pelting.

Police initiated an unnatural death case vide Bolpur PS UD Case No. 172/16 dated 14th August 2016 and Mr. Arindam Chakroborty; Sub Inspector was appointed as Investigating Officer. Mr. Ritam Jha; Executive Magistrate conducted the inquest over the body instead of a judicial magistrate (Section 176 (1A) of Criminal procedure Code and the inquest was done in presence of Mr. Arindam Chakroborty; the IO. The post mortem examination was not videographed. This entire milieu was then culminated in a shameless conspiracy by the involved police and ruling political dispensation. They put all their efforts to hush up the issue and put their sin under the carpet. They made inducement to the family and intimidated the family and neighbours for not to proceed with complaint. As a result, the family and neighbours who vehemently protested this inhuman killing just two days back, now not willing to lodge a complaint with unjust excuse that any such action would not bring back their near one. During the visit of the locality, the fact finding team found the neighbourhood under deafening silence out of fear and frustration.





Bhim Bahadur Chettri (the deceased), son of Late Laxman Chettri, aged about 66 years, of Khairbari, Police Station- Nagrakata of Jalpaiguri district of West Bengal was tortured to death in police custody. The death of this aged and peace loving person agitated the neighborhood. Police did not issue Memo of Arrest. After death in police custody, no case was registered, though formal complaint was received by police. The deceased had 2 bigha of land and agriculture was his only source of living. On 18.09.2016 at around 2.00 pm, he left his home and reached at Sulka para market, while he found few of locales were playing cards at the vicinity of market, he stopped and started watching them playing. All of a sudden, Mr. D. B Barman, a police personal with a posse of civic police came at the spot and he was taken into custody along with six others from the spot. It was revealed that, the deceased was dragged into the police vehicle and during this punched, slapped and kicked. The deceased cried for his release and with folded hand tried to prove his innocence but the police personnel refused to budge. During his custody at Nagrakata police station, he was gasping for life and brought to Sulka para Block Primary Health Center by the police personnel at around 7.00 pm. The attending doctor declared him brought dead. Apprehensively, his name was not registered in emergency register or any other hospital document. The son of the deceased reached at the hospital and found his father dead. He then and there made a written complaint to the Officer in Charge of Nagrakata police station at 7.36 pm. The Officer in Charge received the complaint and sent it to the then Duty Officer of Nagrakata police station through a constable with a note for 'taking necessary actions', but till now the complaint has not be registered at police station.

The Nagrakata police initiated a criminal case against the deceased vide P.R No. 482/16 of 18.09.16 of Gambling Act and shown his arrest at 1.45 pm on 18.09.2016. While fact finding team asked an Assistant Sub Inspector; Mr. Subhasis Chakroborty of Nagrakata Police Station about the reason for not registering the complaint made by the son of the deceased, he replied that the Superintendent of Police; Jalpaiguri could answer. The fact finding team also talked to the Super of Sulka para BPHC; Mr. Subhojit Haoladar and enquired why the name of the deceased is missing from their register; he only replied that there was a mistake.

In first instance the inquest over the body was done by Mr. Murari Mohan Saha; Sub Inspector- Nagrakata PS and then by Mr. Jyotirmoy Tati; Sub Divisional Officer- Malbajar. The body was sent for Post Mortem Examination to Sadar Hospital; Jalpaiguri at around 10.00 pm on 18.09.2016 and from where the body was transferred to North Bengal Medical College and Hospital; Siliguri for PME; where the body reached on 19.09.2016 morning. An unnatural death case has been initiated by Nagrakata police station vide Nagrakata PS UD Case No. 31/16 of 18.09.2016.



Radhakanta Mondal (the deceased) son of Mr. Nirapada Mondal, aged about 35 years was belonged to schedule caste (Namosudra) community and resident of 10/2, Kantadanga village More (Road), post office- Fingapara, police station- Jagaddal, district- 24Parganas (North), West Bengal. He was a vehicle driver by profession. The family is enlisted in bellow poverty line category. His family is consisted of his aged parents and one unmarried brother. Ms. Soma Halder, daughter of Mr. Jagai Halder, aged about 17 years and few months, permanent resident of 13 no. Kantadanga Village Road, post office-Fingapara, police station- Jagaddal, pin- 743120, filed a written complaint against Radhakanta Mondal on 13.02.2016 in which she stated that she had an affair with Radhakanta Mondal for last couple of years. Radhakanta wanted some time to settle down in his career before they could marry. In her complaint, she alleged that Radhakanta had several intercourses with her for last 2 years under false promise of marriage. As stated, on 11.02.2015 in the

afternoon Radhakanta called Ms. Soma and they met. It was alleged that Radhakanta promised to marry her on the next day. On 12.02.2016 Ms. Soma Halder accompanied Radhakanta to Jubeli Park, Gayaspur and allegedly Radhakanta refused to marry her in first instance. On the basis of Ms. Soma Haldar's complaint one police case was registered against Radhakanta vide Jagaddal PS case no 162/2016 dated 13.02.2016 under sections 417/376 of Indian Penal Code and sections 3/4 of Protection of Children from Sexual Offence Act (POCSO) act. Under the circumstances, Radhakanta Mondal surrendered to the Barrackpore court on 19.02.2016. He was taken into police custody and produced before Additional Chief Judicial Magistrate's court, Barrackpore. He was remanded to Barrackpore Special Correctional Home. He was detained at first floor of the correctional home with other 22 to 23 inmates. It was reported that the police informed the family that on 28.05.2016 probably at midnight he made a noose by using lace of his pajama (lower uniform of male at custody) and hanged himself from the ventilator of toilet ceiling. While his body hanging from the ceiling, his feet distance was just one and half inches from the toilet floor. As reported, there was no inmate or prison official present at the room at the time of incident (early morning) – which generated suspicion of the role of prison official.

On the same day at around 8 am in the morning one police officer and three police constables of Jagaddal police station visited Nirapada Mondal's house and forcibly picked him to their police van without providing him any reason. Mr. Mondal was put into a Barrackpore bound bus near Bhatpara by the mentioned police personnel. The police officer instructed the bus driver and conductor that they must get him down to Barrackpore police station. One Mr. Adhar Chandra Das, son of Late Gauranga Chandra Das, aged about 68 years of Rathtala village under Jagaddal police station accompanied him. Police made them stand for almost two and half hours inside Barrackpore police station. Later, at about 11.00 am he was taken to Barrackpore Correctional Home from Barrackpore police station to identify his elder son's body.

At the time, while Mr. Nirapada Mondal was at police station; Police Officer obtained his signature in a written paper. But he did not know what was written in the paper. Notably, Mr. Mondal can only sign his name but cannot read or write. As reported, he initially wanted to put thumb impression on the paper but, later, he signed on the paper by force.

The police personnel of the said police station registered one unnatural death case vide Barrackpore Police Station Unnatural Death Case No. 12/2016 dated 28.05.2016. The inquest on the body of the deceased was done by Mr. P. Y. Lepcha, ACJM. The deceased father remained present at the time of inquest. It was

revealed during interaction with deceased father that the inquest by the judicial magistrate was concluded just for eyewash as the A.C.J.M did not follow the inquest procedure in accordance with the provision of Section 176(1-A) of the Criminal Procedure Code. In order to cause of his death, the Magistrate did not visited the place of occurrence, did not examine the witnesses and family members never communicate with deceased relatives for magisterial inquiry. The inquest and post mortem examination was video-recorded by police. The subsequent scenario proved that the ACJM had been relegated the procedure as a mere administrative task as done by police.

On the same day at about 3 pm the dead body was taken to Barrackpore police morgue for autopsy. The police of Barrackpore police station wanted to complete post-mortem examination in a hurry. But the relatives of the deceased tried to prevent the police to do this and informed local media and narrated their suspicion of foul play. Relatives wanted to see the dead body but police did not pay any heed of their request and denied them access to the police morgue. Subsequently, altercation was started between relatives of the deceased and police. Meanwhile, tension had been simmering in bigger shape. Under the circumstances, police informed Rapid Action Force. They also called local anti-socials to come to the Morgue and control the situation. After a while, a gang of 18 to 20 anti-socials led by one Mr. Pappu Yadav arrived there by riding 10-15 motorcycles. Then, they picked up Mr. Sankar Mondal son of Mr. Kalipada Mondal (relative of the deceased) to one Motorcycle and took him to another place. Mr. Yadav threatened him by saying, "police do their duty as per their rule, do not obstruct their work, do not create unnecessary hitch which indirectly hurt your family; settle the matter with the police and follow their instruction." He further added, "When problem cannot solve by police, we intervene the matter by active connivance of police and solve it." It was to be noted that the police did not allow the relatives to see the body of the deceased before autopsy.

The Post Mortem examination of the deceased was done at Barrackpore police Morgue on the same day at 5.00 pm vides P.M. examination no. 441. Later, the body of the deceased was handed over to his family members for last rites. The dead body was cremated at Bhatpara Muktapur Ghat.

During interaction, it was alleged by parents of the deceased that Radhakanta had been suffering of exhaustion after his detention. They told that the allegation made upon their elder son was baseless. They alleged that the complainant and her family members constantly threatened them at the time of hearing. They further added that the family members of the complainant went to the jail and repeatedly threatened

their son inside jail. Mr. Nirapada Mondal told he identified his elder son at jail custody, where his elder son was seen hanging from ventilator at jail toilet. His feet were just one and half inches apart from the toilet floor. There were blood stains on his left leg. Mr. Nirapada strongly believed that Radhakanta was brutally beaten during judicial remand and it lead to his death.

On 13.06.2016 Office of the Municipal Councilors, Bhatpara (Department of Family and Health Welfare, Govt. of West Bengal) issued the death certificate of the deceased wherein they mentioned place of death was deceased's home instead of Barrackpore Correctional Home. By observing the death certificate, it cannot be ruled out that the Department of Health and Family Welfare of the state connived with the police of said police station trying to hush up the matter.

On 16.06.2016 father of the deceased made a written complaint and sent it to the Barrackpore police Commissionerate through private courier service in which he sought justice over the custodial death of his son. But no action has been taken till date.



POST-MORTEM REPORT		Station: Barrackpore Police Station	
S.O. No. 56 - 1416		Date: 13/06/16	
1. Name of the deceased	2. Age	3. Sex	4. Religion
5. Address	6. Occupation	7. Cause of death	8. Date of death
9. Name of the doctor	10. Name of the hospital	11. Name of the place	12. Name of the person
13. Name of the family	14. Name of the father	15. Name of the mother	16. Name of the wife
17. Name of the children	18. Name of the siblings	19. Name of the relatives	20. Name of the friends
21. Name of the neighbors	22. Name of the witnesses	23. Name of the police	24. Name of the doctor
25. Name of the family	26. Name of the father	27. Name of the mother	28. Name of the wife
29. Name of the children	30. Name of the siblings	31. Name of the relatives	32. Name of the friends
33. Name of the neighbors	34. Name of the witnesses	35. Name of the police	36. Name of the doctor
OPINION OF THE MEDICAL OFFICER AS TO THE CAUSE OF DEATH		REMARKS BY D.O., SURGON	
<p>Opinion: ...</p> <p>Signature: ...</p>		<p>Signature: ...</p> <p>Date: ...</p>	

Biswanath Guha, son of Mr. Kartik Guha, aged about 46 years, religion- Hindu, resided at Ballighata village, 14 Number ward, post office- Raghunathganj, police station- Raghunathganj, district- Murshidabad, West Bengal, India was beaten to death by Government Railway Police personnel. On 6.08.2016; Biswanath Guha boarded a train with a group from Azimganj City Station and got down to Sheoraphuli railway station at about 10 pm with the purpose of reaching at the Tarakeswar Temple. Biswanath with the group went to nearest Ganga Ghat locally called “Nimai Chitti Ghat” to fill the plastic pots with sacred water of Ganga River like other devotees who came from far away at Sheoraphuli. Then he walked barefoot and reached the shrine in group. After reaching at the temple compound on 8.08.2016, he took a holy dip at Dudhpukur (the holy pond) in group next to the Shiva Temple and poured water on the head of *Shiva Linga* with other devotees. But unfortunately his money and other belongings were stolen at the time of bathing. He stayed at a hotel near the shrine with this group. On the next day; 09.08.2016, he started returning from the shrine with the group and came to Sheoraphuli station. But, he could not buy railway ticket as he had no money left.

Having no other course left open for him, he got into a sleeper class coach of an Azimgunj City Railway Station bound train without ticket. But he was rather lucky during his journey that there was no TTE boarded the train and he got down with the group at Azimgunj City Railway Station at around 4.30 pm on 09.08.2016 without any trouble. The train had started slipping off the platform and he was just walking with his companions as part of group, all of whom had their tickets except him. But few on duty armed Government Railway Police (GRP) personnel suddenly rushed toward the group from nowhere and stopped them for the ticket. Biswanath stood there panicky out of fear. All of the group members showed their tickets and left the platform one by one except Biswanath. One GRP guard shouted – “Ticket” indicated him but he stood there head down with extreme fear and could not speak a single word and began to shake like a reed. The worst had come to the worst; the guards nabbed him and dragged near station manager’s room. Then GRP personnel surrounded him from all around and started beating him mercilessly with sticks, boot clad feet and fists without giving him any chance to explain his misfortune. Mr. M.S. Paswan, the Station Manager of the Azimgunj Station protested and requested the GRP personnel to stop beating him otherwise he would die any moment. To which one GRP guard told him rudely, “Why not you perform your own duty? There is no need to interfere in our work.” Meanwhile, Biswanath could not bear the torture and fainted on the station platform. On seeing his physical stat, all the GRP personnel escaped the place hastily, left Biswanath to die. Most of the passengers were assembled there as mute spectators and they thought if they dare to protest against GRP personnel over the incident then GRP would torture them alike Biswanath. However, he was taken to Jiagunj Hospital by few passengers when all the GRP

personnel left. On 10.08.2016 at about 9 am he was pronounced dead by the on duty medical practitioner.

It was reported that inquest and autopsy of the dead body was held at Jiagunj Hospital in presence of Jiagunj police. Mr. Najrul Islam, the District Human Rights Monitor of MASUM of Murshidabad district was present at the time at the said hospital's mortuary. He observed severe bruises all over the body of the deceased and took the pictures of the dead body. A group of 7 to 8 people led by one Mr. Koushik Ghosh were also present at that time at hospital. Noticeably, they introduced themselves as member of NHRC. Mr. Ghosh noticed Mr. Najrul of taking the picture of the dead body with his mobile phone. Without wasting single moment, Mr. Ghosh rushed towards Mr. Najrul and snatched his mobile phone and run away from the vicinity of the mortuary. Later the said person deleted all the photographs of the deceased and handed over the mobile phone to the Jiagunj police station. Mr. Najrul visited the Jiagunj police station and collected his mobile phone from the on duty police officer. But before giving him back the mobile phone the duty officer deleted all the pictures other relevant documents (evidences) and few pictures of certificates of the deceased without disclosing any reason.

Biswanath's death sparked widespread protest in his village. Regular passengers and local people showed their discontent over growing torture by GRP personnel in and around Azimganj Railway Station compound.

Torture perpetuated by police

Mr. Rejaul Islam son of Mr. Tayab Islam is a resident of village- Bardhanpur, Block- Raninagar-II, Police Station- Raninagar, District- Murshidabad has small time engagement with anti- social activities. On 08.09.2015 at around 10 am victim went to "Chuapara Mor" at Bardhanpur village and was sitting at sweet shop of Mr. Eblu Seikh. At that time above mentioned police personnel in civil attire came to that place by a white colored vehicle and dragged him to that car by pointing gun on his forehead. The persons told the victim that they are police personnel and if he make any noise; they would pump bullets on him. He was brought to Ramnagar Club and

from there to Islampur police station. The said police personnel did not issue any memo of his arrest. After some time he was placed before the on duty Officer in Charge and Sub Inspector of Islampur Police Station; Mr. Biplab Karmakar Mr. Biplab Karmakar with other police personnel asked to submit one signed petition to him stating that Mr. Ajimuddin Sarkar, a neighbor of him and human rights activist tried to rape his wife. But Rejaul denied. Then Mr. Biplab Karmakar started beating Mr. Rejaul Islam with bamboo sticks and rifle butts. He was verbally abused with chickest slangs. He was continuously kicked, punched, and beaten by riffle's butt. He lost his sense due to severe physical assault. Mr. Safikul Islam; son of Mr. Aajit Seikh and Mr. Asiful Seikh; son of Mr. Eblu Seikh, both residents of village- Chuapara- Bardhanpur under Raninagar Police Station witnessed the capture of the victim by the said police personnel.

In the evening, the victim regained his sense. In the mid night two constables pulled his legs in two opposite directions and then wrapped his face with cloth and poured hot water in his face. Till late night he faced subsequent spree of torture. Lastly he was fainted and left unattended at the damp floor. This orgy of torture continued for next three days and at last the said Sub Inspector; Mr. Biplab Karmakar demanded Rs. 1 Lac from the victim against his release. Mr. Rejaul Islam and his family showed their inability to give them the amount of money as bribe. When Mr. Biplab Karmkar was failed to squeeze the money from the victim family, he was falsely implicated in a criminal case vide Islampur PS Case No. 249/15 dated 10.09.2015 under sections 489 B/489 C/34/379/411/413/414 of Indian Penal Code. On 11.09.2015 he was produced before the Lalbagh Additional Chief Judicial Magistrate's Court. On 07.11.2015, he was released on bail. He sent a written complaint to the Superintendent of Police; Murshidabad on 26.03.2016 but no action has been taken.



Sk. Md. Ummar Ali, s/o Late Ajitulla Sarkar @ Mondal, age about 53 years, Religion-Muslim, Caste-OBC, Residing at Vill- Chandibati, Block-Raninagar, Police Station-Raninagar, Post Office-Mridadpur, District-Murshidabad, West Bengal is a

marginalized person who was living a peaceful life. He inherited 3 decimal of land (Dag no-295/4112, Khatian No—4606, Mouja Malibari) after the death of his father. Later he bought the other shares of lands from the sister of Late Ajitulla Sarkar. The victim built his house in one part of the land and planted different fruit plants and bamboo in the other part.

Some of his neighbors namely Kaosar Ali, s/o Ansar Ali, Ansar Ali, s/o late Khorsed Sk, Abdur Rajjak, s/o Khorsed Sk. trying to occupy victim's landed property illegally since the year 2010. All the perpetrators have strong local influence as they have association with Communist Party of India (Marxist), the main opposition party in West Bengal. Abdur Rajjak is working with police force, and has strong connection in local police station. Since few years back the accused persons frequently trespassed in to the victim's landed property and stole fruits and took away bamboos forcefully. Whenever Sk. Md. Ummar Ali went to protest their illegal act, they resorted with physical and verbal abuses on him.

Sk. Md. Ummar Ali lodged several complaints at Raninagar Police Station against the accused persons but officers of Raninagar police station restricted their duty only by making general diary entries and nothing else. Never the complaints have been registered as FIRs in respect of his complaint. He lodged complaint on 20.04.2010, 25.05.2010, 10.09.2011, 09.10.2011, 15.03.2012, 09.04.2012 and 16.05.2012 and all have been entered as General Diary Entries vide GDE No 1056, GDE No 1148, GDE No 447/11, GDE No 395/11, GDE No 785/12, GDE No 447/12 and GDE No 847/12 respectively.

Sk. Md. Ummar Ali went to Amjad Hossain, s/o late Nesaruddin Sarkar; Panchayat Pradhan, Malibari-1 Gram Panchayat and described the incident to him. The said Panchayat Pradhan called a '*Salisi Sabha*'(negotiation meeting) on 15.11.2012 in this regard. At the said Salisi Sabha It was decided in the said '*Salisi Sabha* that victim would sell all the trees and bamboos and get Rs. 1,43,000/- against trees and additional Rs. 45,000/- he would get against bamboos. Amjad Hossain depute one panchayat member of the said gram panchayat named Nur Islam, s/o late Abdul Kader to look after the matter but till date neither Amjad Hossain nor Nur Islam give a single penny against selling all his trees and bamboos. The victim repeatedly asked for the money from Amjad Hossain and Nur Islam but came back disappointed. They didn't give him the money and used filthy languages every time. Victim lodged complaint before the Officer-in-Charge of Raninagar Police Station on 22.07.2014 describing all the facts but police only record the case as General Diary Entry vide GDE No 1060 dated 22.07.2016 and did not take any farther action by which he can get the money. Sk. Md. Ummar Ali also lodged complaint before The Superintendent of Police, Murshidabad on 17.08.2015 but no favourable action had been taken by the authority.

One the accused persons Kaosar Ali now tried to build his house in the victim's premises forcefully and Sk. Md. Ummar Ali went Raninagar Police Station on 30.01.2016 to lodge complaint but police did not take his complaint first. After detained him long time inside the police station police took the complaint and washed their hands only make a General Diary Entry vide GDE No 1352/15 dated 30.01.16. After observing that police of Raninagar police station is involved with miscreants, Mr. Sk. Md. Ummar Ali approached to SDO (Executive

Magistrate) Court, Domkol on 03.02,2016 under 144 Cr.PC. The said court in case no. 215 of 2016 passed specific order, The petitioner “apprehending danger from the Opposite party namely Kowsar Ali & other who is / are threatening the petitioner to dispossess him from the suit land and so are apprehending for commitment breach of peace in the locality..” “The O/C, Raninagar P.S. is directed to cause an enquiry in the matter and send a report by 11.03.16 & to maintain status quo on the suit plot by the both parties.” But Mr. Kaosar Ali ignored the court order and continued his illegal construction under umbrella of local police. Sk. Md. Ummar Ali is now living his life in danger facing threat from the accused person after being evicted from his land. He lodged complaint once again before the Officer-in-Charge, Raninagar Police Station on 24.02.2016 describing all the facts but once again police only take his complaint lightly and book a General Diary Entry vide GDE No. 1032 dated 24/02/2016.





Mr. Joydip Banerjee, son of Mr. Ashok Kumar Banerjee, residing at 268, A.C. Road (North), Police Station-Berhampore, District-Murshidabad, West Bengal alleged violation of his human rights by the Inspector-in-Charge of Berhampore Police Station and the Judicial Magistrate, 3rd Court, Serampore, District-Hooghly. He made several complaints before the authorities for justice and ventilation of his grievances but he did not get any relief till date. One Mr. Tapas Kumar Chakraborty, son of Late Jitendra Nath Chakraborty, residing at Flat no.501, 60, New G.T. Road, Police Station-Uttarpara, District-Hooghly, West Bengal filed a complaint petition against him in the Court of the Additional Chief Judicial Magistrate, Serampore, Hooghly wherein allegations under section 500 of Indian Penal Code and section 66A of the Information Technology Act, 2000 were brought against him. The said complaint being CR Case no. 241/2014 was transferred to the Judicial Magistrate, 3rd Court, Serampore, Hooghly for disposal. Subsequently the Judicial Magistrate, 3rd Court, Serampore, Hooghly taking cognizance of the complaint issued summons upon the victim to appear in the court to face trial under section 500 of Indian Penal Code and section 66A of the Information Technology Act, 2000. Thereafter the said judicial magistrate issued a warrant of arrest against the victim on 18.11.2014 and in the warrant of arrest the offence against the victim was stated as section 500 of Indian Penal Code and section 66A of the Information Technology Act, 2000 though the case reference number was not mentioned. The Inspector-in-Charge of Berhampore Police Station was directed to execute the warrant of arrest. On 02.06.2016 at about 11 am the Inspector-in-Charge of Berhampore Police Station with other police personnel conducted raid in the residence of the victim and arrested him. The victim alleged that at the time of arrest the Inspector-in-Charge of Berhampore Police Station physically assaulted him and used obnoxious languages upon his parents. The victim was produced in the Chief Judicial Magistrate Court, Berhampore and he was released on bail.

The concerned judicial magistrate acted illegally by issuing warrant of arrest against him under section 66A of Information Technology Act, 2000 because the Supreme

Court of India struck down Section 66A of the Information Technology Act, 2008 being violative of Article 19(1) (a) of the Constitution of India in the judgment passed on 24.03.2015 in the Writ Petition (Criminal) no. 167 of 2012. Concerned judicial magistrate issued summon which boldly misspelled as 'Summoss' and used a damaged National Emblem seal without containing the inscription "Satyameva Jayate". The case reference number was not mentioned in the warrant of arrest issued against him by the Judicial Magistrate, 3rd Court, Serampore, Hooghly. The victim filed a petition under the Right to Information Act, 2005 seeking information "Whether a court warrant is valid without the original case reference number, illegible signature of a judicial magistrate and damaged official seal?" He got the answer "No" in the reply dated 05.03.2016 from the Deputy Registrar (Administration) & Public Information Officer, Hon'ble High Court, Appellate Side, Calcutta.

Mr. Alamgir Gazi son of Mr. Apchhar Gazi, aged about 35 years of village- Daharkanda, Bithari, post office- Hakimpur, block- Swarupnagar, police station- Swarupnagar, district- North 24 Parganas, West Bengal is a daily wage earner and belongs to Other Backward Class Muslim community. His family comprises with his aged parents, wife and two daughters. Though, the family is very needy and solely depends upon his earning but Mr. Gazi has never linked with any illegal activity in the area to supplement his meager income. On 12.06.2016, while Mr. Alamgir Gazi and his family were asleep in their house, at about 3 am (wee hours) the Office-in-Charge of Swarupnagar police station Mr. Debdulal Mondal and Assistant Sub Inspector of Swarupnagar police station; Mr. Gautam Laskar with posse of 4 other police constables of same police station, all in civil attire and sticks in their hand arrived at his house by riding police van. There was no woman police with the team. Both the OC and ASI from outside called Mr. Alamgir Gazi by name and requested him to open the main gate and come out for helping them to find Mr. Kurban Mondal's house as they could not find his house in darkness. As a result of repeated calling all the family members wake and getting out of the room in a hurry at "Varanda" (outer portion of a house) to see what was going on in front of their house. The family was shocked by the sudden presence of police. The police officers made a false pretext for search of Mr. Kurban Mondal and for that asked the victim to help them. The police officers assured him that he can return back his house after they found Mr. Kurban Mondal's house. At that time, he did not realize the ploy which was made to detain him; he innocently opened the door. But as soon as he stepped out of main door, police personnel forcefully grabbed him and handcuffed him without disclosing any reason. He was shell-shocked while being apprehended by Police personnel. Without saying any word, they assaulted him and began dragging him by pulling his hair towards their parked vehicle at some distance. With hands tied, he was thrown on the floor of the vehicle and driven to the Swarupnagar Police station. No memo of arrest was prepared at the time of his arrest by any police officer and no female police personal was with the party.

Mr. Gazi was put in the Swarupnagar police lockup and deprived of water and food. In the meantime, the Officer in Charge of the police station and ASI Mr. Gautam Laskar came to the lock-up and interrogated him and asked, "Disclose the names of kingpins who are linked with the shipment of illegal gold in your area." They further accused him with ulterior motive that he was one of the gang members

of Ramchandrapur robbery case which was perpetrated under Baduria police station under the same district. But the victim refuted their allegation and showed his inability to disclose the name of gold smuggler in his area as he was not aware of those persons and their identity. This infuriated the police personnel and they started beating him mercilessly and thereafter for the whole night he was kept under detention in police lock-up. On 12.06.2016 he was produced before the Basirhat Additional Chief Judicial Magistrate's Court and the said ACJM ordered for 4 days police remand. On the same day at about 7 pm he was brought to the Officer in Charge's room. He was again interrogated by the OC and the ASI. They again accused him that he was involved in Ramchandrapur robbery case and also knew the name of gold smugglers in his area. During his interrogation he was slapped, kicked and punched on the whole body as well as verbally abused. He was again denied having any involvement in said robbery case. Following his protest, he came under wrath of the perpetrator police personnel. The OC and ASI demanded Rs. 3, 00,000/- as bribe for his release and threaten him that otherwise he would be rotten to death in police lock up with false cases.

On 13.06.2016 at about 1.30 am Sub-Divisional Police Officer of Basirhat Mr. Saymal Samanta visited Swarupnagar police station and the victim was brought before the SDPO at the OC's room. Then, SDPO shut down windows and doors of the room and asked the victim to stand at the middle of the room. The SDPO started showering baton blows on his hips. Due to this physical aggression, the victim received marks of hematoma on his hip and his hip get swelled. He was then forced to sit on the floor and ASI Gopal Laskar forcefully holds Mr. Gazi's legs by his own boot clad feet and the errant SDPO started hitting him on his foot with stick. Mr. Gazi continuously prayed before SDPO not to assault him physically anymore or else he would die any point of time. But, the torture was not stopped. During this period, the said OC and ASI abused him with filthy language and threatened him by saying that if he did not provide them the said amount when he was imprisoned for long and he has to spend his youth in prison.

The victim was falsely implicated in Swarupnagar Police Station case No. 454/16 (G.R. no- 2223/16) dated 08.06.2016 under sections 147/148/149/186/188/332/326/307/353 of Indian Penal Code and sections 25/27 of Arms Act. The aforesaid FIR was lodged by Mr. Kharadi Kalpesh (Constable No-14070513CT) of 'C' company of 144 BSF Battalion of Khalsi BOP. Here it should be mentioned that in the complaint and the FIR, the victim is not a named accused. Mr. Sushil Mallick, Sub-Inspector, Swarupnagar police station took up its investigation.

In police custody, the ASI Mr. Goutam Laskar asked Mr. Gazi to hire Mr. Biswajit Mondal as his lawyer; otherwise he could not get bail from the court. While Mr. Kabir Gazi (brother of the victim) visited the police lock-up to meet Mr. Alamgir Gazi; he told his brother to hire Mr. Biswajit Mondal as his lawyer. Mr. Kabir Gazi hired advocate Mr. Biswajit Mondal. Mr. Mondal, having nexus with Swarupnagar police station asked for Rs. 3, 00,000/- (4476 USD) for his brother's bail. Mr. Kabir Gazi repeatedly requested him to compromise the huge amount as they could not afford the huge money by any means. After considering his several request, Mr. Mondal reduced the amount to Rs. 2, 30,000/- for final settlement.

On 15.06.2016 at around 8 pm, Mr. Kabir Gazi, Ms. Achia Bibi (wife of Almgir Gazi) both met with Mr Mondal and handed over Rs. 2,00,000/- (2984 USD) in cash of which all were 500/- rupee notes. On 16.06.2016 the victim family provided remaining Rs. 30,000/- (448 USD) to Mr. Biswajit Mondal at the said court and Mr. Alamgir Gazi released on bail. Victim family arranged the said money by mortgaging their properties. The hapless family borrowed money with high interest from money lenders of the village and by selling out the household belongings. On 17.6.2016 he was treated at Saraful Rural Hospital. On 11.07.2016 the victim lodged written complaints before the Superintendent of Police and the District Magistrate, of North 24Parganas. But till date no action has been taken. Now, the victim is under acute depression.



Master Eshrad Sahuji son of Mr. Mokshed Sahuji of Village – Jagneswarpur, Post Office- Ukhura Sarangpur, Police Station –Purbasthali, District – Bardhaman, West Bengal is a 15 year minor boy (D.O.B. 5th June 2001) and studying at seventh standard in Ukhura Narendranath High School. His father Mr. Morshed Sahuji is an agrarian labour and only bread earner for his family.

Every year on 9th August Mr. Tapan Chaterjee (Ex- MLA and leader of ruling TNC party) arranges one blood donation camp at that area and forced the locales to participate on it. Every year more than 400 bottles of blood are being collected and 3000-4000 villagers are being provided with food. The whole extravaganza is to prove his political clout. Every year he collects huge money from the villagers by compelling them for donations using his local dominance and his associate rowdies.

On 8th August 2016 at around 10 am, Mr. Chatterjee came to the victim's house and asked for 100 rupees as donation. At that time the father of the minor victim was out for his daily work. Ershad refused to give the amount of money and also alleged that their area is underdeveloped for years and political leaders are reluctant over the same. Hearing this from a minor boy Mr. Chatterjee became furious and warned him for dire consequences.

After few hours of this incident, one of the associate of Mr. Chatterjee and local Trinamul Congress cadre; Mr. Eijabul Seikh, son of Mr. Niyakat Seikh, aged about 35 years came to victim's house and blamed that the minor victim stole his mobile phone and on reply Ershad said that he has no idea about Niyakat's mobile phone. But it was reported that, Mr. Eijabul Seikh filed one complaint to Purbosthali Police Station held responsible for the alleged mobile phone theft.

At 6 pm on 8th August 2016, one white colored Tata Sumo make vehicle carrying 4 police personnel in civil attire (not in uniform) arrived at victim's house and took Ershad and 4 other boys from the locality on their vehicle and drove to Purbasthali police station. After reaching there one tall, fair complexion, 30-35 year aged police personal (name unknown) singled out the victim and rampantly beat him with stick. The perpetrator police personal beat on his forearm, feet and back. After 2 hours of continuous physical aggression, Ershad failed to bear the pain and confessed that he has taken the mobile phone and dropped it in a pond. Then those police personnel took him on the said pond and pushed him on that pond. After that they took him on the adjoining road and tied his hands and then tied him with a tree and beat him ceaselessly. Victim cried in intolerable pain. The other villagers mutely saw the tragic incident but not dared to protest. Some of them gathered courage and tried to save the boy but restricted by the police. At around 10.30 pm the police took Ershad again to the police station and beaten. At that time Ershad's father visited police station and pleaded for release of his son but the father was also beaten black and blue.

At around 12.30 am on 9th August 2016, the victim lost his consciousness at police station and then police personnel brought him to his village and dropped his unconscious body to his house. After some time the police force came with a doctor named Dr. Jayanta. He checked Ershad and parroted what police asked him to by saying that the health condition of Ershad was well.

On 9th August 2016 at around 9 am, family members of Ershad admitted him at Katwa Sub- Divisional Hospital. Dr. Anar Chowdhury checked him and found some serious injuries on his forearm, palm, toe and back. Though in X-Ray report there is no fracture was found but his left arm was swelled and he is unable to move his left hand. On the same day victim's father lodged one complaint to Sub Divisional Officer of Kalna. On 11th October 2016 at 7 am all on a sudden victim was discharged from the hospital. After his discharge we found that he is still under intolerable pain. The entire episode was reflected in major daily newspapers and electronic media.http://www.telegraphindia.com/1160810/jsp/bengal/story_101646.jsp#.V68C_5h97IU

Mr. Tapan Chatterjee has a criminal background. From Election Commission we also get criminal cases where he is the prime accused. Some of the cases are more than 10 years old and he managed the criminal justice system not to conclude those cases.

Ms. Malati Sarkar (name changed), wife of Mr. Bimal Sarkar is 20 years old and a resident of Char Rajanagar village, under jurisdiction of Raninagar Police Station in Murshidabad district. On 25/05/2016, Ms. Malati Sarkar went to collect *gahama*, i.e. food for her cattle from Gopal Mondal's land at noon. After collecting some *gahama*, she got tired and decided to take some rest beneath a tree just beside the land. Suddenly the sky turned overcast and everything started to become gloomy. Foreseeing a probable thundershower, she hurried to collect some more *gahama*. After a short while as she was wrapping them in a cloth, Mr. Bijay Mondal, son of late Bholanath Mondal, aged around 27 years, a resident of Char Rajanagar village, appeared. He took her sickle and offered his help to cut some more *gahama* for her. She turned the offer down and replied that she had already collected enough *gahama* and she won't be able to carry anymore. Then she started walking towards her home. After a while Mr. Bijoy Mondal came back and threw the bundle of *gahama* from her head, put sickle on her throat and dragged her into the *gahama* field. He pushed and threw her onto the ground and took her attire off while putting the sickle on her throat. She cried for help but all her effort went in vain. Nobody came to rescue. Mr. Bijoy Mondal physically assaulted her for one hour and had a forced intercourse with her. It was raining heavily all along. She was throwing her hands and legs as he tried to snatch her gold earrings. Then Mr. Bijoy Mondal retreated and threatened Ms. Malati Sarkar that she along with her son will be killed if she dared to open her mouth and tell anybody regarding the incident. Then she came back home and informed his family and neighbours about the incident of rape committed upon her. Then the victim and her family members went to Raninagar Police Station and informed the incident accusing Mr. Bijoy Mondal for committing rape on Ms. Malati Sarkar. The Officials of Raninagar Police Station only entered a G.D.E. No. 1301 dated 25/05/2016 to the victim without disclosing the contents of the GDE. Moreover, same officials asked the victim not to have a medical treatment until the police enquired the matter with the accused. But police personnel of Raninagar Police Station did not take a single step whatsoever till date and the perpetrator is roaming free. She had her medical treatment at Lalbagh Sub-Divisional Hospital on 30/05/2016. She has also submitted a written complaint before the office of Superintendent of Police, Murshidabad on 31/05/2016. She wrote a detail account of the incident and subsequent police inaction in her letter. But till date the Superintendent of Police, Murshidabad did not take any action on her complaint and even her complaint was referred to the concerned police station for registration of a First Information Report in compliance of section 154(3) of Criminal Procedure Code.

Mr. Mantu Mondal, son of Mr. Binod Mondal, Mr. Sudan Mondal, son of Mr. Binod Mondal, Ms. Archana Mondal, wife of Mr. Mantu Mondal, Ms. Ganoda Mondal (aged about-90 years), all are residing at Boranagar-Mahantapara, Post Office-Ajimganj, Police Station-Jiaganj, District-Murshidabad, West Bengal and belongs to Scheduled Caste (DALIT) community. On 02.10.2016 at midnight about 6/7 police personnel with some civic police personnel from Jiaganj Police Station raided the house of the victims. They entered into the house by breaking open the front gate and hurled abusive languages. Hearing the shouting, Mr. Mantu Mondal wake from sleep and

asked the police personnel about the reason of the sudden raid. Immediately one of the police personnel caught hold of his hand and asked about the other members in the house. Mr. Mantu Mondal told them that in one room his uncle was sleeping and in another room his brother Mr. Sudan Mondal was sleeping. The police personnel then forcibly entered into the room of Mr. Sudan Mondal and dragged him out of the room. Mr. Mantu Mondal and his wife Ms. Archana Mondal asked the police personnel the reason of arrest of Mr. Sudan Mondal. But without disclosing any reason the police personnel abuse them in filthy languages. The police personnel started to assault Mr. Mantu Mondal. Ms. Archana Mondal and her mother-in-law Ms. Ganoda Mondal(aged about-90 years). The police personnel also committed mischief by breaking the tiles and other household articles in the house. The police personnel took away Mr. Sudan Mondal with them without showing any reason of the arrest and no memo of arrest was prepared at the time of his arrest. On 3.10.2016 Ms. Ganoda Mondal, Ms. Archana Mondal and Mr. Mantu Mondal were medically treated at Azimganj A. G. Hospital. On 03.10.2016 Ms. Archana Mondal sent a written complaint to the Superintendent of Police, Murshidabad stating the above stated incident. But the victims alleged that till date there is no response on the complaint.



Sexual assault and trafficking and police acquiescence

Mr. Saidul Haque, son of Sirajul Islam is a 36 year old poor agricultural labour who resides at Sarakpara-Badalmati village, in Bhagwangola block, under the jurisdiction of Ranitala Police Station, Nasipur Post Office, in Murshidabad district. His family comprises of his 24 year old wife Ms. Nayema Bibi, 6 year old daughter Ms. Kalpana Khatun (name changed) and two and a half year old son Master Naim Haque. Mr. Saidul Haque does not own any agricultural land, so being the sole bread earner of his family, he work as an agricultural labour. He is not covered under governmental

security programs like BPL Card scheme or Job Card. He earns Rs. 2000/- per month.

Nasipur market area near Mr. Haque's residence is a place where local anti-socials gather and reportedly carry on illegal activities on regular basis. Due to illegal activities of such miscreants, incidents of snatching, theft, eve-teasing, sexual assaults on women are rampant in the locality. Girl students of two nearby schools are also subjected to harassments daily, but in spite of several complaints from the locals, police officials took no action as these outlaws has support of some influential people in the locality.

Mr. Saidul Haque became victim of one of such incident where his minor daughter was sexually assaulted, he and his family were brutally tortured and beaten which was followed by police inaction.

On 13th August 2016, Mr. Saidul Haque's daughter Kalpana Khatun(name changed) was playing near a computer press owned by Mr. Israil Sheikh, son of Abdul Malik, at Nasipur market area. At around 12:30 am, Mr. Loton Ghosh, son of Mr. Raju Ghosh, resident of Sarakpara-Badalmati village, in Bhagwangola block, under the jurisdiction of Ranitala Police Station, Nasipur Post Office, in Murshidabad district, an employee of the said press lured Kalpana Khatun with a candy to the backside of the press. There he took off her cloth and inserted his fingers into her genital with attempt to commit rape on her. Being terrified, she cried out. Mr. Loton Ghosh retreated and threatened her not to tell about the incident to anybody. She fled to her home and informed her mother everything regarding the incident. Ms. Nayema Bibi felt terrified when she learned about the ordeal that her daughter had gone through. She initially hesitated to make the revelation to her husband Mr. Saidul Haque, but later she gathered courage and told him about the incident at night on same day. On 13th August 2016, Mr. Saidul Haque took his wife Ms. Nayema Bibi and daughter Kalpana Khatun along with his neighbour Mr. Sahjahan Ali to Ranitala Police Station to lodge a complaint against Mr. Loton Ghosh. But Mr. Soumen Kumar Nath, the Assistant Sub-Inspector of Ranitala Police Station did not acknowledge the graveness of the matter and allegedly showed reluctance to register complaint against Mr. Loton Ghosh. In spite of several ardent requests, Mr. Saidul Haque and his family had to return home without being able to lodge a complaint.

Two days later, on 15th August 2016, Kalpana Khatun along with her friends were playing at same location like the other day, i.e. the location near the computer press owned by Mr. Israil Sheikh, son of Abdul Malik. At around 2:30 pm at afternoon, Mr. Loton Ghosh, the same person who allegedly perpetrated sexual assault on Kalpana Khatun two days back, lured Kalpana Khatun again, and took her to the backside of the said press. There he undressed her and shoved his finger into her genitals and tried to penetrate. He put his palm on her mouth as Kalpana Khatun started bleeding and tried to yell out. Then he moved away and threatened her not to inform anybody regarding the act. She ran away to her house and told her mother Ms. Nayema Bibi everything regarding the torment she had to face.

As Ms. Nayema Bibi learned about the recurrence of the same incident, she took no time to inform her husband Mr. Saidul Haque. Mr. Saidul Haque informed his father Mr. Sirajul Islam and his brother Mr. Maidul Islam and went to the aforesaid press

with them along with his wife Ms. Nayema Bibi at around 3:30 pm to seek an answer from the owner of the press Mr. Israil Sheikh and Loton Ghosh for the vicious crime that the later perpetrated. But when he encountered Mr. Israil Sheikh, he along with his accomplices allegedly abused Mr. Saidul Haque and his family using filthy language and threatened them. While this ruckus was going on, Mr. Israil Sheikh called on local goons. Within a short interval, a group of people armed with guns and sticks appeared from nowhere and attacked Mr. Saidul Haque and people who came along with him. They fired 8/9 rounds of bullets in the air to disperse people around, and then they violently started beating Mr. Saidul Haque and his wife. They also allegedly tore off clothes of Ms. Nayema Bibi. Mr. Saidul Haque was badly hit on his head with some kind of firearm and started bleeding.

Meanwhile someone called Ranitala Police Station and asked to intervene immediately. So around this time, the Assistant Sub-Inspector Soumen Kumar Nath turned up along with 6/7 civic volunteers. But in spite seeing Mr. Saidul Haque lying on road and blood spilling all around, he didn't take any action to seize the arms of the perpetrators or detain them. Instead, he took Mr. Saidul Haque and his wife Ms. Nayema Bibi into custody and took them to Ranitala Police Station. Inside the Police Station, Mr. Haque and his wife was allegedly tortured and threatened and police officials used abusive language as they insisted to lodge a complaint against Mr. Israil Sheikh and his accomplices. Mr. Saidul Haque was allegedly forced to change his testimony thrice. Eventually police officials of Ranitala Police Station lodged an FIR against Mr. Loton Ghosh, son of Raju Ghosh for sexually assaulting Kalpana Khatun i.e. Ranitala PS Case No: 278/16 dated 15.08.2016 booked under sections 354(B)/ 509 of IPC and under section 12 of POCSO Act. Both of them were detained in Police Station till 7 pm, as Mr. Haque's health was deteriorating due to heavy bleeding. Eventually Mr. Haque was taken to Nasipur Primary Health Centre where Mr. Haque got one stitch for his injury by Dr. A Sarkar. But according to the testimony of the victim, they did not receive required treatment at Nasipur Primary Health Centre.

The next day, i.e. 16th August 2016, Mr. Israil Sheikh, son of Abdus Malek lodged a counter complaint against Mr. Saidul Haque, son of Mr. Sirajul Islam; Mr. Maidul Islam, son of Mr. Sirajul Islam and Mr. Sirajul Islam, son of late Tomej Sheikh, all resident of Sakarpara Badalmati village in Bhagwangola block for ransacking his press and burgling 5000 rupees and the complaint was registered vide Ranitala PS Case No: 281/16 dated 16.08.2016 under sections 448/427/379 IPC.

On 18th August 2016, one lady police official named Priya Chakraborty and a lady Home Guard came to Mr. Saidul Haque's residence at around 11 am in the morning and took Kalpana Khatun to Lalbagh Sub-Divisional Hospital for her medical checkup and treatment.

Saidul Haque submitted a written complaint describing the violence perpetrated on him by both Mr. Israil Sheikh and his accomplices and the officials of Ranitala Police Station to the District Magistrate of Murshidabad on 20th August 2016. But till date no action was taken on his complaint.



Ms. Sima Khatun (name withheld); daughter of Mr. Rashijul Dhali, aged about 16 years; student, resident of village- Tarali, Police Station- Swarupnagar, District- 24 Parganas (North), West Bengal passed her matriculation examination and gets admitted in standard XI. Her parents are financially impoverished and sustain their family by working on other's agrarian lands. Both of them engaged as daily wage earner and do not possess own land. Their dwelling; a makeshift shanty also erected in other's land. Tarali village is situated at the bank of Sonai River and at the border between India and Bangladesh. The village is spread in north and south and at the eastern side Bangladesh. Trafficking and child marriage is rampant in the area. The area is being used by the cross border trafficker as transit. The women and girls are being carried from Bangladesh by Indian made vehicles and sheltered to villages and later in opportune moment being shifted to metropolises. It was revealed that on 09.08.2016 at around 4:30 pm, the victim girl was abducted from the mentioned spot by the above-mentioned accused by a green coloured Maruti make vehicle. She was not recovered till date and the miscreants are also not seen at the locality from that very date. The father of the girl made a written complaint on 10.08.2016 over the incident and the complaint was duly registered as Swarupnagar PS Case No. 660/16 dated 10.08.16 under sections 363/ 366 A/ 120B of Indian Penal Code. The father of the girl in his complaint provided the mobile number of one miscreant but though two and half month passed; police failed to arrest the accused and recover the victim girl.



Torture perpetrated by Border Security Force

Mr. Sukumar Mondal is a farmer and sole bread winners of his family. He belongs to Schedule caste community and lives with his wife and three children. On 18.09.2015 in evening Mr. Mondal visited to Rajapur Giri Mondalpara in order to appoint agricultural labour for washing jute in his agricultural land. After completing the job, he started to return to home. But on the way he felt nature call. He rushed to his friend's (Mr. Subhas Mondal) house to attend nature call. But his friend told him that there was no latrine in his house and he can move to nearby field to attend nature call. Finding no other alternative Mr. Sukumar Mondal hurriedly headed towards the nearby field which about 150 to 200 meters away from the house of Mr. Subhas Mondal with a pot full of water. As soon as he sat down on the field, a team of 7 to 8 BSF personnel of Madanghat Border outpost in service attire and also with service rifle and stick in hand encircled him and started hurling filthy languages at him. Mr. Sukumar Mondal being scared washed himself promptly by using water. The team then forcibly dragged him to an open area near the bank of Padma River. Then, they started beating him from all around with fists and kicks. The victim Mr. Sukumar Mondal was beaten black and blue with sticks, rifle butt, and boot clad foot by the BSF team there. One BSF jawan of the team even tried to throttle him by holding his neck. Subsequently, the victim fainted on the spot being unable to bear the pain. The BSF team then carried his unconscious body to Madanghat BOP. After 3 to 4 hours he became conscious and sensed his whole body was soaked with water. Then at about 11 pm; one Assistant Commandant namely 'Mr. Arbind', one SHG namely 'Mr. Sharma', one DIB personal namely 'Mr. Thakur' and one BSF constable namely 'Mr. Ramesh' hit the victim with stick as if to awake him and again started to strike him mercilessly with rifle butts and sticks on his hands, hips, abdomen, chest and leg joints. After that, they forcibly laid him with face opposite the

ground and kicked him with their boot clad foots. He was subjected to unprovoked inhumane torture for whole night. Due to this intense beating, he became senseless again. For this reason, his whole body was reddened with torture marks.

On 19.09.2015 at around 10 am he was sent to Ranitala police station. Mr. Mondel was incarcerated at the police lock up whole day. On 20.09.2015 he was produced before Additional Chief Judicial Magistrate (ACJM) Court Lalbagh, Murshidabad implicating him in a criminal case and he was released on bail on the same day. On 16.12.2015 he sent one written complaint through registered post (no- A RW 785539424IN) to the Superintendent of Police, Murshidabad in which he described the humiliating incident of torture committed upon him by the perpetrators BSF team. In the written complaint he demanded for appropriate action against the perpetrators but till date there is no response against his complaint.



Mr. Hakim Ali, son of Mr. Kafiruddin Mia, aged about 45 years, Ms. Saherabanu Bibi, wife of Mr. Hakim Ali, aged about 35 years, belong to religious minority Muslim community and lives at Gitaldaha Maricha village of Sitalkuchi police station with his family. He was making his living by agriculture and only bread earner of the family. His residence is nearly half kilometer from the barbed fence.

On 03.01.2016 at early morning at around 6 a.m. a team of 5 to 6 BSF jawans led by Assistant Commander; Mr. Satya Prakesh attached with 'G' company of Lalbazar Border Outpost of 21 BSF Battalion, in uniform and with their service rifles, daggers and sticks arrived at Mr. Ali's house and hit the gate of the house with their sticks repetitively. Subsequently, they started kicking the gate over and over

again by venting their ire. The enraged BSF party then broke the gate and entered victims house and shouted filth at Mr. Ali in their vernacular language (Hindi). At the time of attack, Mr. Ali's family was in deep sleep and could not hear the sound. The BSF party started to strike on the door of their bedroom repeatedly to open. Mr. Ali awaked by shouting of BSF jawans and sleepily opened the gate. Noticeably, there were no woman BSF personnel in the group. The family of the victim became frightened by sudden entry of BSF jawans. What followed was a nightmare for the family. Meanwhile, one BSF jawan brandished his service rifle towards Mr. Ali and hurling choicest filths. The BSF jawans said, "If you protest, then we enter our service rifle in your anus, also strip your wife naked. The BSF team further insulted him by asking him, "Why you are a Muslim? We will forcefully cut your beard and compel you and your family to consume pork meat (pork consumption is forbidden in Islam)." The boorish BSF party continuously yelled obscene verbal abuses without any respect to his wife and minors. They made obscene gestures to the victim's wife thereby infringe the modesty of his wife by saying. Being feared of the atrocious attitude of BSF jawans, the younger daughter of Mr. Ali, Ms. Munmun Khatun want to escape from the room and started running but she unfortunately felled down to the ground and sustained swelling injury on her right eye. Meanwhile, one BSF jawan brandished his service rifle at Mr. Ali's chest. Another jawan threatened him to lift all women of the family to the road near the barbed fence and rape and shot them accordingly. After realizing the imminent trouble, Ms. Saherabanu Bibi, wife of the victim prayed for mercy by holding the jawan's legs. But the jawan kicked her with boot clad feet, she was thrashed to the ground, her clothes were torn off. Thereafter, furious jawans ordered Mr. Ali to open the door of cowshed. Mr. Ali opened the door. BSF jawans unfastened the rope of cows and tried to bring the cows with them. At the moment, Ms. Saherabanu Bibi shouted for help. After hearing her scream, villagers encircled the house in order to rescue them from the clutches of perpetrator BSF personnel. Finding no other means, BSF group left the place. Before leaving the place, they again threatened the victim and his neighbors by saying, "Any of you can do nothing against us as law and order are our property. Your government including Chief Minister Ms. Mamata Banerjee does nothing against us as we are appointed by Central Government headed by Mr. Modi. We will do as per our desires, do what you want to do ,no one stop us." Now, the victim family is spending their days in utter panic and was feared of again being harassed in the hands of BSF. Mr. Habibur Rahaman son of Mr. Bhasru Mia, Mr. Mahammad Ali son of Mr. Bhasru Mia, Mr. Aminur Mia son of Mr. Sairuddin were the eyewitnesses of the incident.

On 13.01.2016 Mr. Ali submitted written complaints before the District Magistrate, and the Superintendent of Police, of Coochbehar district, disclosing the entire incident of harassment with religious intimation and prayed to stop BSF's atrocious act on the bordering people. But still there is no action from the concerned authority.

made a report before the Custom Officer; Sitai; District – Coochbehar on 20.12.2015 and requested the mentioned Custom Officer to help the aggrieved. But the said Custom Officer said that his office is helpless as the BSF send the bullocks with seizure list, so, first Mr. Barman has to buy the bullocks through auction and later he will see whether it is possible to return the money to Mr. Barman. Later, on 22.12.2015, Mr. Barman bought his own pair of bullocks through a public auction by paying Rs. 19500 and the ' G' Company of Mahismuri BOP of 34 BSF Battalion issued a road challan for this effect on 21.12.2015. Mr. Ukil Barman and Mr. Sepia Barman; sons of Mr. Kamla Kant Barman of the above mentioned village witnessed the whole incident. The civil organization of farmers of the area made complaints to two Inspectors General of BSF, Ministry of Home Affairs, Union of India, District Magistrate- Coochbehar and corroborated the facts and statement by the aggrieved. The Khalismari Gram Panchayet under Sitalkuchi Panchayet Samity confirmed the statement of Mr. Barman. Co- Villagers of Mr. Barman also confirmed the fact and demanded for financial respite for Mr. Barman.



Mr. Ranjit Das son of late Hazupada Das, belongs to Schedule Caste Community (Rishi Das Community), resident of village- Swarupdaha, block- Swarupnagar, post office- Hakimpur, police station- Swarupnagar, district- 24 parganas (North) is a senior citizen aged about 63 years, living with his wife Ms. Ranju Das, and younger son Mr. Indrajit Das. They are landless and belong to Below Poverty Line (BPL) category. He was a former homeopath practitioner. Now, he has a tea shop at Swarupdaha market. The said market is nearly 2 or 2^{1/2} Kilometer away from Indo-Bangladesh border. As the victim has got no land, his elder son Mr. Biswajit has no option to earn his living at the village and he migrates to Kolkata to earn for his living. Mr. Indrajit Das is an auto-rickshaw puller. The victim is innocent civilian and has no connection with any illegal activity in the said area. Mr. Ranjit Das is a blood sugar patient and uses to walk through DN-13 (bus) route at early morning everyday as a part of regular exercise.

On the fateful day at early morning i.e. 02.01.2016 at about 5.00 a.m. Mr. Das went out for morning walk through same route as usual. At about 5.30 a.m. when he was near Mr. Babu Mondal house; suddenly, 4 to 5 Border Security Force personnel in uniform, who were on night patrolling duty at that area, rushed toward Mr. Das and impeded his walk. Then, the errant BSF jawans started to assault him with bamboo sticks, fists, boot clad feet and rifle butt without any query or even without considering his age. Inhumane torture went on him for a while. Noticeably, they were in an inebriated state at the time of incident. Due to intense beating, Mr. Das could not bear the pain and fainted on the spot. Thereafter, realizing the imminent danger as the BSF jawans thought Mr. Das was dead and they hastily shifted victim's unconscious body beside the concrete road and fled from the spot. During this heartless beating, Mr. Das was also abused with obscene languages by the BSF jawans. Mr. Ranjit Das's body bore signs of multiple injuries with reddened hematoma marks. One deep cut mark was seen on the right side of his upper lip. He was suffering hematoma to his right thigh also. His right foot throbbed with pain. As a result of intense beating, his 4 teeth were loosened. On the very day, Mr. Das was admitted to Sarapul Rural Hospital by the help of local people. Attending Medical practitioners of the hospital performed three stitches on the cut mark of his face and advised him to carry out X-ray of the right side of his waist and back. On 3.01.2016 Mr. Das was discharged from Sarapul Rural Hospital. He is still under treatment. Mr. Das made one written complaint to Swarupnagar PS on 2.01.2016 wherein he described the terrible incident of torture committed upon him and urged proper action against the perpetrators. One case was registered based on this complaint vide Swarupnagar PS Case no 01/16 dated 02.01.2016 under sections 341/323/325/308/34 of Indian Penal Code. Meanwhile, police personnel of Swarupnagar PS visited the hospital as well as the place of occurrence to take stock of the situation; The Circle Inspector came to Mr. Ranjit Das house and interacted with him and his family. It was further revealed during the fact finding that the victim was assaulted on account of mere suspicion of cattle smuggler. The local anti-socials, who are engaged in cattle smuggling, are trying to influence the victim to withdraw the criminal case against the BSF perpetrator on behalf of BSF personnel. Reportedly, there is an 'understanding' between the cattle smugglers and the BSF goes for long in the said area. However, company commander of Hakimpur Border Outpost visited Mr. Das's house and apologized for the atrocious act committed by the BSF personnel and offered him Rs 2000/- for his further treatment but the victim family refused to accept the money and demanded proper action against the involved BSF personnel. Members of local panchyat and locales also supported the stand taken by the victim and his family.



Mr. Selim Molla; son of Mr. Yunus Molla; aged about 25 years and Mr. Abu Rahan Dafadar; son of Mr. Kalam Dafadar, by profession- engine mechanic , belong to Muslim Backward community, residents of village- Daharkanda, , post office- Hakimpur, police station- Swarupnagar, District- 24 Parganas (North), West Bengal is a poor villager and possesses a power tiller; which he lends to villagers for agricultural purposes. On the fateful day and mentioned time, the victim went to agrarian fields of his co- villagers for tilling and preparing lands. While he finished tilling two sets of lands; his power tiller got mechanical snag. He called the mechanic at 2.30 pm, and after reaching there the mechanic started to repair the snag. This repairing activity continued till 5.10 pm and it got dark and Mr. Selim Molla and the mechanic; Mr. Abu Rahan Dafadar started for their village. While they were returning to their homes with their power tiller, six BSF personnel reached at the mentioned place and obstructed their movement. At the time; two co villagers; Mr. Bajlur Dafadar and Ahmad Gazi were present at the place. All of a sudden the BSF personnel started bashing the two by using their bamboo sticks, the victims fell down at the ground and then the BSF personnel kicked them with their boot clad feet. Then few of the BSF personnel dragged them towards the Bithari Border Outpost and others continuously kicked them on their hips and legs. Mr. Selim Molla's back was injured with bruises and cuts and Mr. Abu Rahan injured his left hand due to the shameful and torturous acts of BSF personnel. Both of the victim was brought into at Bithari outpost and detained till 6.30 pm, meanwhile the father of Mr. Selim Molla, Mr. Yunus Molla reached the said outpost and protested the incident. Mr. Yunus Molla found that 15-16 BSF personnel were making physical aggression when he reached the outpost. The company Commander of the BSF came at the said outpost and victims were released.

The victim received medical attention on 6th December and 10th December 2015 respectively at Sarapul Rural Hospital under Swarupnagar Police Station; 24

Parganas District. The victims made a written complaint to the Swarupnagar Police Station which was registered vide Swarupnagar PS Case No. 1141/15 dated 07.12.2015 under sections 341/325/323 and 34 of Indian penal Code.



Ms. Achma Bibi is a resident of Gitaldaha Maricha village under Sitalkuchi police station of Coochbehar district; West Bengal, barely ½ kilometer away from Indo-Bangladesh border barbed fence. There is an open space in between their house and barbed fence. She lives there with her husband; Mr. Majrul Haque (aged 39 years) and one daughter Ms. Sagarika Khatun (aged 10 years) and one son Mr. Arif Hossian (aged 6 years). Mr. Majrul makes his living by working as a driver, but he sometime engages as an agricultural labourer to maintain his family. On 18.01.2016 at about 8.10 am, one Assistant Company Commander and two other BSF jawans attached with 'C' company of Baramaricha Border Outpost, 21 Battalion of BSF in their service uniform and also with service rifle and baton in hand barged into Ms. Achma Bibi's house from the back side without giving any kind of knock. At that time, there were only the female members present in the house and doing regular household chores. The male members of the house went to field for their regular agricultural work. The women were shell-shocked by sudden entry of the armed BSF personnel inside their house. After recovery from preliminary shock, Ms. Achma Bibi asked one BSF person, "Why did you enter into from the rear of the house without informing anyone?" On hearing her opposition, the BSF persommel being outrageous and replied "we can enter into anyone's house any time; no one can raise any protest." They further shouted filth in Hindi that if anyone had taken any hostile action against BSF personnel, then their house would be torched anytime. The rude BSF personnel further added "If you further protest, then we enter bamboo stick in your anus and rape all women in the village."The BSF party stayed there for 5 minutes and before came out from the back of the house, at the moment they halted after seeing a cow tied with small bamboo poles at the west side of the house

near a pond. Noticeably, the cow was 8 months pregnant. The BSF party rushed towards the cow; then unfastened the tied rope and tried to bring the cow with them. Meanwhile, Ms. Achma Bibi requested the BSF personnel with due respect that the cow was owned by her family and it was pregnant and she also asked, "Why are you taking away the cow?"

After facing verbal protest from Ms. Achma Bibi, the Assistant Company Commander of said BOP who was tall and dark complexion in nature and has small mustache, bearing a burnt mark on his cheek shoved Ms. Achma Bibi by the neck and the push was so strong that she soon fell down on the ground being unable to bear the push and her body was started rolling towards the nearby pond due to sloping of the ground and soon stopped at the edge of the pond. But the enraged BSF jawans did not stop their torture and suddenly, one of the BSF jawans aimed his service rifle on her chest and threatened to shot her. Another BSF jawan threatened her with the gunpoint saying "if you were being adamant, we would take out your clothes and rape you". The BSF personnel of said BOP were so barbarous that they forgot how to behave with the victim lady. Immediately hearing the screaming of the victim lady, Mr. Majrul Haque, being her husband along with other villagers reached to the spot to rescue her from the fury of BSF personnel. Ms. Achma Bibi made the allegation of physical torture and verbal abuse on her by the three BSF personnel. Then tension gripped among the local people regarding this incident and later, the other BSF jawans of aforesaid BSF BOP visited the village and they repeatedly stated the three BSF personnel mistakenly entered into Ms. Achma Bibi's house without any intention. The villagers are now vexed with BSF personnel at their misconduct. Ms. Mahamuda Bibi, wife of Mr. Hafijul Mia, Mr. Mahammad Mia, son of Mr. Vesru Mia and Ms. Hanu Bibi wife of Mr. Altaf Mia were the eyewitnesses of the incident. When the fact finding team met with the villagers to enquiry about the incident; one eyewitness namely Mr. Mahammad Mia, son of Mr. Vesru Mia and another eyewitness namely Ms. Hanu Bibi wife of Mr. Altaf Mia expressed their dismay that the BSF personnel of the said BOP are voyeur and enter into their house anytime with lame excuse of performing their duty. They hurl slang words in Hindi towards women and make obscene gestures to them. Even, BSF jawans shamelessly try to touch private parts of village women on getting slightest opportunity.

On 5.02.2016 Ms. Achma Bibi made a written complaint before Superintendent of Police, Cooch Behar wherein she narrated the entire incident with demand of legal action against the perpetrator BSF personnel. But no action has been initiated on the basis of the complaint till date. It was another jarring note uttered by the villagers that the police official of the nearest police station harassed those who tried to lodge

complaint against the BSF atrocities. So, the hapless victims directly submitted their complaints to higher authority, instead of local police station after few days.



Ms. Anju Bibi, wife of Mr. Bajla Mia, aged about 38 years, by faith- Muslim lives at Gitaldaha Maricha village, barely half kilometer away from the barbed fence of Indo-Bangladesh border, under Sitalkuchi police station of Cooch Behar district. She is living with her husband Mr. Bajle Mia (aged 45 years) and two sons namely Mr. Ajibul Mia (aged 20 years) and Mr. Manikul Mia (aged 17 years). The family is surviving on agriculture.

On 06.01.2016, at evening at about 6 pm, 10 to 12 BSF personnel led by Assistant Commander (bearing three stars) Mr. Satya Prakash attached with 'G' company of Lalbazar Border Outpost under 21 BSF Battalion, all in their uniform and service rifles, daggers and sticks in their hand arrived at Ms. Anju Bibi's house. There were no woman BSF personnel with the team. The BSF personnel from outside shouted to the member of the house to open the door and allegedly kicked on the door. At that time, there was no male member present at the house; Ms. Anju Bibi was alone at home and was about to perform her Namaj. No way out, she answered in her vernacular language (Bengali) with a pleading tone that she could not open the door as there was no male member at home. It made the BSF personnel furious; they started abusing her with filthiest language, and this is the filth, which they uttered "If you are not open the door, we will enter the pipe of our service rifles and sticks in your anus and will rape you." They further added, "There are 40 cows in your cowshed, untie the cows immediately." Ms. Anju Bibi protested and said, "We have

no cow, I cannot open the door until any male member come.” It was reported that husband and elder son of the victim went to the Maricha bazaar for selling rice at the time of the incident. But the BSF party did not listen to her and forcibly broke open the boundary wall made by corrugated tin and wire with their dagger. Thereafter, they barged into her house through the broken portion of the wall and could not find any cow. Ms. Anju Bibi against protested their act by saying, “Who gave you permission to enter our house by breaking boundary wall?” BSF allegedly outraged modesty of the victim by using obscene and filthiest language at the spot. Even, they tried to touch her, but she held jawans’ hands not allowing him to slide her saree (apparel). Then, one BSF jawan aimed his service rifle on her and said, “You can do nothing against the BSF personnel and if you are being adamant, you will be lifted from the house and carry to Indo-Bangladesh border barbed fence and we will rape and shoot you accordingly.” After realizing own helplessness, she screamed for help. Local villagers reached there after hearing her screaming and rescued her form the grip of BSF perpetrators. Before living the place, BSF personnel again threatened the villagers by saying, “Any of you can do nothing against us as we are the law. We are Modi’s (referring the name of the Prime Minister) men, we will do as per our will, do whatever you want to do, no one can stop us.”

The victim submitted one written complaint before the District Magistrate and Superintendent of Police, Cooch Behar district; wherein victim narrated the entire incident of harassment. The authorities duly received the written complaint of the victim. The victim is at present awaiting police action against the perpetrator BSF personnel, but to no good. The villagers raised the issue with the local panchayat member. But no action has been taken from any quarter till date; rather the perpetration of the BSF was increased following the complaints at the village panchayet.

Mr. Iliyas Mia, son of Mr. Aziitulla Mia, aged about 28 years, religion – Muslim, occupation- agricultural labour, of village-Pathantoli, Post Office- Baramaricha, Block- Sitalkuchi, Police Station- Sitalkuchi, Pin Code- 736158 District- Cooch Behar, West Bengal, is living a peaceful life with his wife Ms. Rabbena Bibi and two minor sons namely Mr. Khairul Haque and Mr. Mehabub Mia. Mr. Iliyas Mia ekes out his living as an agricultural labour. One of his brothers also lives with him. The house of the victim is barely 800 meter away from Indo-Bangladesh border barbed fence.

On 30.01.2016 at night, one Assistant Company Commander; Mr. Naveen Kumar along with other 4 to 5 BSF personnel of Baramaricha Border outpost 21 BSF Battalion, 'C' company in their uniform and with service rifles and sticks in hand reached Pathantoli village by riding a Maruti Gypsy van bearing registration number WB74N 4607. The BSF personnel got down from the van and were roaming at the village and at that time the victim family was preparing to go to their bed. In the mean time the BSF personnel tiptoed near Mr. Iliyas's house and wait there. Incidentally, the house of the victim is situated at the entrance of the village. At about 2 a.m., victim and his wife Ms. Rabben Bibi came out of their house to attend nature's calls. Suddenly, the BSF party caught the victim without providing any reason. The BSF party was hiding to trap him near bathroom as if to catch him. Then, the errant BSF jawans started to assault him with bamboo sticks, fists and blow and rifle butts without any query. The force of the blow was so severe that the victim instantly fell down on the ground. Inhumane torture went on him for a while. Thereafter, the errant BSF party dragged Mr. Iliyas Mia near Indo-Bangladesh border barbed fence in between Border Post No. 901/6-S to 901/15-S. Reportedly Mr. Iliyas was continuously being beaten black and blue with boot clad feet, wooden sticks and rifle butts while he was brought to the bordering road. When Mr. Iliyas tried to resist, BSF guards thrashed him forcefully on the ground and beat him indiscriminately with their boots. The errant BSF personnel pounced on his chest and trampled him under their feet. The BSF forcibly laid him with face on the ground of the road and again trampled him under their feet. Mr. Naveen Kumar mounted on his back with boots while the others kept beating him from all sides. The enraged BSF party stripped off his lungi (lower wear) and restrained him near barbed wire fence. His lungi was hung on barbed wire by the BSF personnel. Fearing for his life, he became hysterical and began shouting incessantly due to excessive chest pain. On seeing his shouting, the BSF personnel were forcefully gagged clothes into his mouth in order to stop his scream and started beating him on his insteps. Most of the villagers were assembled there as mute spectator and they thought if they dare to protest against BSF guards over the incident then BSF would torture them alike Mr. Iliyas Mia. Mr. Iliyas Mia was soon being unable to bear the continuous physical assault and lost his consciousness. The BSF party brought his unconscious body at Baromaricha BOP and puts his body in a pond, incidentally, there was a hackneyed pond chopped with water hyacinth inside the camp. In the meantime, Mr. Iliyas regained his sense by feeling chilly sensation of water of the pond. His body quivered with extreme pain. He could not stand in the pond for long and fell down numb. Later, His body was fished out from the pond and the BSF party allegedly hung Iliyas upside down by his legs. His whole body was soaked with water. He was stripped naked. The BSF party gave four consecutive electric shocks on his penis. The BSF party did this intentionally in order to increase the effect of the shocks in a drenched condition. The victim received black spots on all over his body and he also bled from his penis. Some of the villagers of the victim's village getting information of the incident went to the said camp to bring back the victim. But the BSF personnel forced them to

stop outside the camp. One village woman, who was standing outside the camp with other villagers, became senseless after seeing the physical condition of the victim. In fact, BSF torture did not stop but it reached in vilest form. Mr. Iliyas was still hung unconscious and the BSF team battered his whole body one by one with baton. BSF guards tugged him by his ears; as a result profuse bleeding started from his ear. He was forced to hang there in that condition till blood running down from his ears started clotting. Meanwhile, BSF party became tired due to continuous beating to the victim. Thereafter, BSF party lowered him to the ground and bound him with four poles with legs spread and arms either above the head. The straps were tightened to prevent movement. He was forced to remain in this position neither able to sit nor sleep properly for few hours. After a while, Mr. Iliyas was instantly dashed down by a fatal kick on him delivered by one BSF jawan by his boot clad leg. The kick was so fatal that he instantly lost his sense. Being witness of the barbaric torture on the victim, one panchyat member Mr. Azizar could not bear the horrific scene and requested BSF personnel to kill him instead of further torture on him. BSF howling in their vernacular "Sala (in Hindi), we catch the Muslim and will beat them in this way." When Iliyas recovered sense he was coaxed that if he brought his wife for BSF personnel at the camp; he would be released from the camp; or else, they will kill him. It was reported that Mr. Iliyas was subjected to razor attack inside the camp. His chest and feet sole was slashed with blade with an intension to kill him by slow bleeding. Mr. Iliyas received numerous bleeding injuries on his whole body. He received severe injuries including swelling injuries, pain and marks of hematoma all over his body and his whole body became stiff. Gruesome torture continued throughout the day till 8 o'clock at night on 31.01.2016.

Later, he was taken to Sitalkuchi police station but the police did not take him in their custody as the victim was brought there in a critical condition. Therefore, BSF personnel carried him at Sitai custom office and obtained his fingerprints of ten fingers in a blank paper before being handed him over to his relatives at about 9 pm on 31.01.2016. On the same night, Mr. Iliyas was taken to Sitalkuchi Block Primary Health Center for immediate treatment. But the hospital did not admit him after noticing his serious condition and referred him for Mathabhanga Sub-Divisional Hospital. He was admitted to Cooch Behar Mission Hospital (p) Ltd on 1.02.2016 (Male Ward- M/W-20) after his condition deteriorated. He was battling for his life in the hospital till 3.02.2016. But his treatment was forced to stop in the middle as no money was left with the family for further treatment. Now he is bed-ridden and more medical treatment is required for his total cure.

Reportedly, Mr. Iliyas Mia has been facing deformity due to torture. The attending doctor prescribed him for continuous medication but he is not in a position to buy

them. Mr. Alimuiddin (aged about 30 years) son of Mr. Amatulla, Mr. Ajjul Mia (aged about 28 years) son of Mr. Alep Mia and Ms. Meherbani Bibi (aged about 28 years) wife of Mr. Hapijul Mia, all co residents of the victim were the eye witnesses of the said incident. Meanwhile, Naveen Kumar (bearing mobile no 9002181844), Assistant Company Commander lodged one written complaint against the victim vide Sitalkuchi police station case no. 26/16 dated 31.01.2016 under sections 143/186/353/427/326/379/411 of Indian Pinal Code and under R/W 4 of P.D.P.P Act. The BSF party alleged in their complaint that Mr. Iliyas Mia was caught red handed while smuggling cattle. In the complaint it was mentioned that villagers of the Pathantoli village assaulted a BSF vehicle driver Mr. Dinesh Kumar and ransacked that vehicle. We met the victim family and local people to enquire about the incident. Villagers confirmed that victim is innocent civilian and have no connection with cattle smuggling. According to the villagers', Mr. Dinesh Kumar was standing alone near Mr. Iliyas Mia's house when other BSF personnel took victim in their camp. Meanwhile, some villagers were assembled near victim's house after getting information of Iliyas Mia's detention by BSF guards. On seeing villagers, Mr. Dinesh Kumar became frightened and broke the glasses of BSF vehicle on his own by bamboo stick and fled the place hastily. On 15.02.2016, Ms. Rabbena Bibi submitted one written complaint before the Superintendent of Police, Cooch Behar in which she narrated the whole incident and demanded actions against the perpetrator BSF personnel. Reportedly there is no progress in the investigation and perpetrator BSF personnel are roaming freely.



Mr. Abdul Ajj Miah, son of Mr. Faijuddin Miah, aged about 27 years, resides with his five family members at Karola (Dakshin) village under Dinhata police station of Coochbehar district. They have small piece of land for dwelling. He is a farmer by occupation and earns his livelihood by cultivating crops in other's farmland as a daily labourer. Though, Mr. Abdul is the main bread winner of his family; but his aged father, Mr. Faijuddin Miah also helps him by working as a daily agricultural labourer. Due to financial hardship of the family, he often migrate Delhi to work as daily wage labourer. On 23.12.2015 Mr. Abdul Ajj Miah went to Gitaldaha-Harirhat to visit Ras

Mela (village fair of Hindu God - Krishna). Being late at fair, he could not return his house. Therefore, he spent the night at his sister's house as it was near to the fair. Md. Ajudul Haque son of Md. Afjal Haque of Konamukta village, post office- R.K. Poesthi, under Dinhata police station, Coochbehar is his brother in law. On the next day at 5 am, he started for his house through concrete road between Natakbari and Konamukta villages. When he reached near Border pillar no- 931, gate no 4, on duty BSF guards attached with 124 BSF Battalion, Narayanganj Border Outpost allegedly opened fire on him without communicating any caution of word in which he received pellets injury on his lower abdomen. He groaned of anguish and fell down on the road. Gush of blood came out from the wound. However, the unruly BSF guards did not rescue him from the spot rather fled from the spot. The place of occurrence was nearly 500 yards away from barbed fence of Indo-Bangladesh Border.

In the meantime, locals rushed to the spot and immediately brought Mr. Abdul Ajj Miah to Dinhata Sub-Divisional Hospital but the bleeding of the victim could not controlled. After observing severity of the injury, on-duty medical practitioner of the hospital immediately referred him for any specialized hospital at Siliguri for proper treatment. Due to short of time, relatives admitted Mr. Abdul Ajj Miah to a private hospital i.e. Paramount Hospital Private Limited, Siliguri. Mr. Abdul was treated there from 24.12.2015 to 03.01.2016. About Rs. 3,75,000/- was spent in the medical treatment of the victim. Total expenses of the treatment were borne by the family of the victim. It was really becoming hard for the family of the victim to accumulate this amount of money for the treatment as well as to manage the family expenses. Mr. Abdul Miah came back to his house after being discharged from the hospital. But the condition of the victim was not improving. Due to lack of blood in his body, he was again admitted to Marina Nursing Home, Dinhata, Coochbehar on 17.01.2016 where blood has been transfused on him. Reportedly, about Rs. 20,000/- was spent for blood transfusions. In this way, the hapless family had already spent a lot of money for treatment. Now the victim has been facing deformity due to injury and continuous medical treatment is required for complete cure. The victim family left with no money and could not bear further expenses of treatment. He sustained deep cut injury on his lower abdomen due to entry of pellets in his abdomen and stationed inside his body. According to the victim and eyewitnesses, Mr. Abdul Ajj Miah received near fatal gun-shot injury for no reason. Mr. Saidul Miah, son of Mr. Kapiuddin (Haridas Khamar village), Mr. Nur Islam, son of Chapat Ali (Karola village), Mr. Amjat Miah, son of Mr. Aja Seikh (Karola village) was the eyewitnesses of the incident. According to the medical report, Suprapubic abdominal wall was damaged. There were multiple pellets set in the parietus, urinary bladder, ileum, mesocolon. There was a laceration on the supra-pubic region. There was laceration of the shaft of penis also.

On 14.03.2016, the wife of the victim Ms. Nurina Bibi made a written complaint before Superintendent of Police, Coochbehar in which she requested financial support for medical treatment of his husband and justice for his husband. The complaint was duly received at S.P. office but the S.P office of Coochbehar, till date has not taken any appropriate action on the complaint lodged by the wife of the victim against the perpetrator BSF guards.

Mr. Arjun Mondal, son of Late Hariprasanna Mondal, aged about 47 years, belongs to Schedule Caste community and resident of village- Char Daulatpur- Nichu Shalbona, under Islampur Police Station of Murshidabad district; is an affected of perennial erosion of the area. He lost his dwelling and agricultural land due to constant erosion of river Padma and maintain his family by working on other's land as well as he used to take lease of tractors, winnowing devices and carriers for agricultural purposes and provide the service of movement of crops and segregation of yield with husk.

On 02.01.2016 at around 8 pm, the victim was engaged in winnowing of pulses at Nirmal Char area; adjacent to Mahismari village, for this purpose he brought tractor, carrier and device for winnowing from Mr. Taijul Seikh in lease. Throughout the day he was involved in winnowing pulses at a field which was 110-150 meters from the Mr. Basanta Mondal's house. The victim shifted first lot of pulses to Nichu Shalbona and reached at the said field for second trip. At around 8.00 pm, he was collected pulses on sack and about to start for another trip but all of a sudden 5-6 BSF personnel of Special Patrol Team from Madanghat BOP led by Mr. Arindam Ram; Assistant Commandant of Border Security Force (BSF) surrounded his carrier and started beating the victim with bamboo sticks. The BSF personnel were in their uniform and not made any enquiry. The driver of the carrier; Mr. Ripon Seikh was able to flee from the scene after receiving few blows but Mr. Arjun Mondal failed. The BSF personnel thrashed him constantly and in a result of severe beating his ankle of left foot fractured and he lost consciousness. The BSF personnel then left the unconscious victim in the field. Later, he was brought to village by the relatives and villagers and provided with first aid. His poor financial condition restricted him to access better medical care. On 27th January 2016, he visited the Out Patient Department of Lalbagh Sub Divisional Hospital and received medical attention. The victim failed to lodge any complaint just after the incident. Later he gathered enough courage and sent a written complaint to the Superintendent of Police; Murshidabad

on 30.03.2016. But till date no action has been taken by the police against the errant.

Mr. Prashanata Mondal; son of Mr. Suren Mondal, Ms. Suchitra Mondal; wife of Mr. Jiten Mondal and Mr. Ram Pada Mondal; son of Mr. Balaram Mondal, all residents of village- Char Mahishmari under Ranitala police station witnessed the incident.



Mr. Bachcha Mia is a permanent resident of Pathantuli village under Sitalkuchi police station of Coochbehar district. He is an agricultural labourer. They are large family of 20 members including Mr. Mia, his wife, 5 sons and daughters-in-law, grandsons and granddaughters. All the family members reside in same house but their rooms, kitchens and cowsheds are separate. Mr. Bachcha Mia has one married daughter namely Ms. Ranu Bibi and she lives at her in-laws house at Sitai area. Reportedly, she tried to commit suicide by consuming poison following a family dispute with her husband. Due to deterioration of her health, she was shifted to Coochbehar Sadar Hospital (MJN Hospital). On hearing the news of her daughter being sick after consuming poison, the whole family rushed to the said hospital on 30.01.2016 at about 8 a.m.

On 30.01.2016 at 3 am, during the wee hours of morning at 3 am, 25 to 30 BSF personnel led by Assistant Company Commander Mr. Naveen Kumar attached with 'C' company of Baramoricha Border Outpost under 21 BSF Battalion, all in their uniform and with service rifles, daggers and sticks in their hands arrived at Mr. Bachcha Mia's house. At that time, all the family members were at the MJN Hospital and their house was locked. The BSF guards forcibly broke open the boundary wall made of tin and wire with their dagger. Thereafter, they trespassed into their house through the broken portion of the wall and directly went to their five separate cowsheds. The BSF guards found 9 cows and one calf in their cowshed. The BSF guards immediately stole all 9 cows and brought to their outpost, before they left the place, the BSF guards ruthlessly beat the calf inside the cowshed and due to the

beating; back bone of the calf was broken. One Mr. Azizar Mia, member of Golenowhati gram panchyat witnessed the incident and asked the BSF guards not to take the cows with them. However, the errant BSF guard did not pay any heed of his request. The victim family came to know about the theft on 31.01.2016 in the morning. Meanwhile, BSF guards submitted all cows to Sitai custom office. Reportedly, the said custom office already sold all the 9 cows to another person.

On 1.02.2016 Ms. Halima Bibi made written complaints to the Sitai custom office and Sitalkuchi Police Station successively, wherein she requested the respected authorities to return their 9 cows (estimated market value nearly Rs. 90,000) and also want a neutral enquiry upon the incident. But, both the agencies did not take any cognizance on the basis of the complaint. Meanwhile, Naveen Kumar, Assistant Company Commander lodged one written complaint against Mr. Bachcha Mia and his five sons namely Mr. Hakim Mia (aged 38 years), Mr. Karim Mia (aged 38 years), Mr. Jainal Mia alias Mithun (aged 27 years), Mr. Mainal Mia alias Bullu (aged 24 years) and Mr. Abu Box Mia (aged 27 years) with many others which was registered vide Sitalkuchi police station case no. 26/16 dated 31.01.2016 under sections 143/186/353/427/326/379/411 of Indian Pinal Code and under R/W 4 of P.D.P.P Act. Mr. Naveen Kumar alleged them as a cattle smuggler. In this complaint the BSF assistant company commander blamed that Mr. Jainal Mia attacked their vehicle driver Mr. Dinesh Kumar with bamboo stick and Mr. Kumar received cut injury mark on his head due to this attack. Mr. Naveen Kumar further added that the cattle smuggler group ransacked their service vehicle (bearing registration no WB74 N 4607) while they were performing their official duty. The BSF guards demanded that they seized 6 numbers of cattle from the outskirts of village Pathantuli.

It was come up during the enquiry by MASUM that the BSF guards illegally detained one Mr. Iliyas Mia from his house and took him to the camp; the incident was reported to the Commission through our complaint dated 30th March 2016. In retaliation to that incident and subsequent protests by the villagers, the BSF made concocted story and initiated a reign of terror. While stealing cows, panchyat members pleaded for not to bring the cows to their BOP fell on deaf ears of the BSF guards. Mr. Bachcha Mia and his sons were not involved with cattle smuggling. One villager, who did not wish to be named, told before our fact finding team that BSF personnel intentionally lodged the complaint to Sitalkuchi PS by misleading report of attack on BSF personnel and destruction of their vehicle.



Mr. Rafikul Haque, son of Mr. Makbul Mia, aged about 26 years is a Muslim youth living with his family at Daribash village under Dihata police station of Coochbehar district and only bread earner of the family. He is an agrarian labour and has a small piece of land for cultivation. He often migrates to Delhi as daily labourer to supplement his income. The family of the victim lives in severe financial crisis and lost their land in river erosion. He has small time involvement in cow smuggling as courier to mitigate his hardship. All his younger brothers are students.

On 05.11.2015, Mr. Rafikul visited his uncle house at Bhorumpaichi (Baraibari) village and stayed there. On the next day, at about 5 a.m. he intended to go to nearby Mosque for performing the Nemaj of Fazar (early morning). When he was on the road and in front of Baraibari primary school at Bhorumpaichi (Baraibari) village, under Dinhat police station; 3 to 4 BSF personnel attached with Gitaldaha Border Outpost, 124 BSF Battalion, on their uniform, shot at him from their service rifles. Several rounds of pellets were fired from close proximity without alerting him a single word. Instantly his whole body smeared with blood. He uttered a groan of anguish and fell down on the middle of the road. Reportedly, Mr. Rafikul sustained pellet injuries on his whole body. But the BSF personnel did not stop their inhumane act there and two BSF personnel rushed toward Rafikul and dragged him at the side of the road. Then, he was pinned to the ground by one BSF personnel and another repeatedly battered by rifle butt on his right knee by which his right knee was smashed. Due to continuous torture, he became senseless. However, BSF personnel did not rescue him and fled from the spot. In the meantime, he regained his senses and shouted for help. Later, he was rescued by the local villagers and brought to his uncle's house. At that point of time, blood was oozed out from his injuries. Mr. Enamul Haque, son of Mr. Enraj Ali, Mr. Hakimul Haque son of Mr.

Faizar Ali and Mr. Ketaru Mia of Bhorumpaichi (Baraibari) village were the eyewitness of the incident.

Due to his critical condition, he was immediately admitted to a private hospital i.e. Subham Hospital & Diagnostic Centre Pvt. Ltd, Cooch Behar for medical treatment. On duty doctor opined for immediate knee operation and the doctor performed the operation on the same day. On having no other remedy, doctor installed "still plate" on his knee. Mr. Rafikul was treated there for 9 days. The place of occurrence is nearly 1 kilometer inside India from Indo-Bangladesh border. Rs. 1, 60,000/- were spent in the medical treatment of the victim and total expenses were borne by the victim's family. At present, the victim has been facing physical deformity and more medical / surgical / physiotherapeutic treatment is needed for recuperation. The doctor informed the victim and his family that a sizeable number of pallets are still inside his body. He was asked to visit 3 to 4 days every month to doctor's chamber. Nearly Rs 30,000/- is spent every month for medical treatment. Now, no money was left with the family for further treatment. He has been suffering tremendous pain due to pallets inside his body. His family including his old parents, brothers, wife and children are dependent on him but he has no earning options. He has been reeling under extreme financial crisis with his family members. The Assistant Commandant of BSF Gitadaha B.O.P.; Mr. "Raja Saheb" getting information of the incident, sent Rs 7000/- through one INT man, who took Rs. 5000/- as his commission and handed over Rs. 2000/- to victim. The victim himself lodged one written complaint on 17.03.2016 before the Superintendent of Police, Cooch Behar against the arbitrary firing by perpetrator BSF and prayed for justice. But till date there has been no action on his complaint by the Superintendent of Police, Cooch Behar.



Ms. Ranu Sardar (Name changed), aged about-35 years, Religion- Muslim, residing at village-Swarupdaha, Block-Swarupnagar, Police Station-Swarupnagar, Post

Office-Gobindapur, District-North 24 Parganas, West Bengal, is a widow. Her husband died four years back. Her two children i.e. one son and one daughter are still minors. Her children are school students. She and her children are living under abject poverty. Her home is located under Swarupdah village which is close to Indo-Bangladesh border.

On 2.3.2016 at about 8 am the victim lady was passing by BSF post no.10 near Eid Gah, Daharkanda, she saw that two lady BSF constables were beating two women on the allegation that they were involved in smuggling of beef to Bangladesh. She stopped there and protested against assaulting the women. On hearing her protest, the said two lady BSF constables and other 5/6 BSF constables (male) pounced upon her and started to beat her jointly by wooden sticks and by fists and blows. They also abused her verbally by using filthy languages. During the assault she was also molested by the BSF male personnel. After a while the local people rushed to the spot and rescued the victim. She was medically treated at Sarapul Rural Hospital. Her medical report issued from the hospital recorded as "Physical assault, pain all over the body". On the next day i.e. on 3.3.2016, the victim lady went to Swarupnagar Police Station with a written complaint narrating the whole incident of physical assault and molestation committed upon her by the perpetrator BSF personnel. But the police station did not register any First Information Report on her written complaint. The victim was innocent. She was arbitrarily and illegally tortured in the hands of the perpetrator BSF personnel. On 30.3.2016, the victim lady submitted one written complaint before the Superintendent of Police, North 24 Parganas again narrating the above stated incident of torture and refusal of the police of Swarupnagar Police Station to register her complaint against the perpetrator BSF personnel. But till date the Superintendent of Police, North 24 Parganas did not take any action on her complaint.

It is also revealed during fact finding that smuggling is the most lucrative business in the said area and it is easy to earn Rs. 150/- to 200/- only to cross 5/10 kg beef to Bangladesh through Sonai River which is the natural border between India and Bangladesh. Local village women are engaged in the smuggling of beef, betel nut, cumin and garlic to earn easy money.



Ms. Tanjila Bibi lives at her husband's native house in Swarupdah village under Swarupnagar police station along with her in laws family. Few years back, Mr. Ashraf Ali Sardar; aged 52 years; son of Mr. Hafejuddin Sardar; elder brother in law of Ms. Tanjila shifted to Hakimpur village. There is only one kilometer distance between Hakimpur and Swarupdah villages. There was a family get-together at the residence of Mr. Ashraf Sardar at Hakimpur on 14th April 2016 to celebrate Bengali New Year. Ms. Tanjila Bibi along with her above mentioned family members went to Hakimpur to attend the event. There were women and children among the members of the family.

While they were returning from Hakimpur to Swarupdah village after their dinner at around 11.00 pm; BSF personnel restricted their movement at Hakimpur Mathpara. All the BSF personnel were in inebriated stat. Company Commander of Bithari Border Outpost of 76 Border Security Force Battalion was in total influence of alcohol and was creating nuisance at the place. First, they were asked to show their voter identification cards (epic card). The victims told the BSF party that they were at a family gathering and belong to the village only and can brought the voter cards by calling other family members. Ms. Tanjila Bibi and others tried to call their family members through mobile phone but the BSF personnel tried to restrict them to make call. Then the BSF personnel started indiscriminate battering to all the members of the family with rifle butts and boot clad feet. They used filthiest language with sexual connotation. BSF personnel shoved them to the ground and pulled the clothes of the women. BSF personnel tried to make physical advance and molestation to womenfolk in an inebriated state. While Mr. Ashraf Ali Sardar heard about the inhuman attack on his family, including the women and children, he rushed toward the spot but he was also beaten black and blue. Mr. Ashique Sardar; son of Mr. Ashraf Ali Sardar tried to save his father but the BSF personnel pinned him down on the earth and severely beaten with rifle butts and as a result lost his sense.

Ms. Evana Sardar, a little girl of the family was frightened by seeing this brutal attack on her family and severity of this mental scar still continuing on her memory and doctor advised for psychological counseling, which was provided by MASUM. Mr. Ashique Sardar was brought to the Sarapul Rural Hospital and provided with medical assistance.

A panchayet member of Hakimpur village panchayet; Mr. Pintu Kandar witnessed the whole incident but not tried to save the family, whom he knows well. The villagers reported that the said panchayet member has connivance with BSF personnel in illegal cross border smuggling. The indifference of panchayet member made the

villagers furious and frustrated and they tried to physically manhandle the panchayet member. It was also revealed that the incident was observed by the police personnel of Swarupnagar police station, who were present there in Radio Traffic Van (RT Van). They did not take any action till the BSF made severe violence upon the family but swung into action while the villagers protested indifference of the panchayet member and even manhandled the villagers to save the said panchayet member.

The BSF tried to bring the persons to the BSF camp but the villagers foiled this misdemeanor of BSF. Later, Ms. Tanjila Bibi made a written complaint at Swarupnagar police station at 3.45 am on 15. 04.2016, which was registered as Swarupnagar PS Case No. 313/16 dated 15.04.2016 under sections 341/323/354/506/34 of Indian Penal Code against the Company Commander and other BSF personnel. But till date no appropriate action has been taken and the family is living under threat. The psychological scar upon the mentioned girl is so deep that she failed to start her normal chores.

Mr. Asadul Haque @ Habibur Sk, son of Mr. Chobahan Ali, aged about-29 years, by faith-Muslim, by occupation-daily wage earner, residing at village-Bhoram, Payasti (Boraibari), Post Office-Gitaldaha, Police Station-Dinhata, District-Cooch Behar, West Bengal has no land for cultivation. Due to massive river erosion his family lost all their lands and came to village- Bhoram Payasti (Boraibari) and has been residing there for last 10 years. He is the only earning member in the family which consists of his aged parents, his wife and one minor child.

On 14.11.2015 the victim along with his three friends went to the house of Mr. Ali Mia at village-Andharan Singimari to attend a function. The victim and his friends stayed in the house of Mr. Ali Mia at night on that day. At about 1.30 hours at night he went to the nearby field to attend nature call. But immediately seeing him, one of the BSF jawan of Singimari BOP BSF Camp fired at him. The victim sustained gunshot injury on his left leg below the knee. The victim was rescued from the spot and was taken to a local doctor for medical treatment as but his condition deteriorated and he was taken to Subham Hospital on 17.11.2015 but he was not allowed for admission. Then on the same day his family members admitted him at Mediview Clinic, Siliguri. He was discharged from the said nursing home on 22.11.2015. Even after discharge he was under continuous medical treatment and checkup. The victim incurred huge expense for his medical treatment.

Due to fear of harassment from police and BSF, he received medical treatment from a nursing home instead of government hospital impersonating as Habibur Seikh. His involvement in ongoing medical treatment restricted him to lodge any complaint against the perpetrator BSF personnel, but on 11.04.2016 he submitted a written complaint before the Superintendent of Police, Cooch Behar. stating the entire incident of arbitrary firing on him by the perpetrator BSF jawans. However he is aggrieved by the fact that no action has been taken on his complaint till date.



Mr. Hasanur Molla was a poor agricultural labourer living with his family consisted of his parents, wife and only son. His family is enlisted in Below Poverty Line (BPL) category. Apart from his earning as an agricultural labourer, he often cultivates other's land as a sharecropper. Dharkanda village, where Mr. Hasanur lives, is near to Indo-Bangladesh border's barbed fence. They possess 10 cottas of jute land on the other side of barbed fence. In order to cultivate this land, he uses to go through the gate no. 12 of Indo-Bangladesh border barbed fence under Bithari Border outpost and Swarupnagar police station.

On 10.04.2016 at about 7.00 a.m., Mr. Hasanur was going to his jute field for cultivation like any other day and reached near gate no 12. He entered his name to the register of B.S.F. of 76 Battalion under Bithari B.S.F- B.O.P. Camp. When he was about to cross the gate, the BSF guards impeded his movement and asked to produce his identity proof. Unfortunately, he was not with his voter identity card. Therefore, Mr. Molla tried to call his home through his mobile phone. One of the BSF guard, snatched his mobile phone and broke it instantly. Then, the BSF personnel pounced on him with bamboo sticks. Mr. Molla was beaten black and blue by the guards with their bamboo sticks. The BSF guards punched him several times and

kicked him on his back with their boot clad feet. During this savage beating, Mr. Molla was also verbally abused with obscene languages by the BSF personnel. He could not bear the pain and cried in anguish. Mr. Hasanur Molla bore signs of multiple injuries. After their outrages reduced, BSF guards let him go.

On the same day, he was taken to Sarapul Rural Hospital for medical treatment. He was thoroughly checked by the on duty medical practitioners, and the attending doctor opined for X-ray of his neck and a CT-scan of his brain for further treatment. He has been suffering pain on his neck and head due to this inhumane torture.

A written complaint was filed to the Office-in-Charge, Swarupnagar Police Station, 24 Parganas (North) against the perpetrator BSF personnel on 10.04.2016. On 15.04.2016 Mr. Molla visited the said police station to collect the case number but the police of the said PS did not provide the case number. Later, we gathered information that one criminal case was registered based on his complaint vide Swarupnagar PS Case no 290/16 dated 10.04.2016 under sections 341/325/427/34 of Indian Penal Code. Like other cases, Swarupnagar police completed its duty by only registering the complaint, without starting investigation and without providing a copy of registered complaint as mandated in Section 154 (2) of the Criminal Procedure Code of India.



Mr. Manojit Mondal, son of Mr. Balai Mondal, aged about 21 years belongs to Schedule Caste community and a migrant labour by profession. He has a small piece of land at Dag no.132 under Shibnagar Mouza of Raninagar Police Station.

The said land is located close to Indo-Bangladesh border. On 07.04.2016 the victim went to the said land to watering the land by pump. Before entering into his land, he deposited his voter identity card at Char Rajanagar BSF Border Out-Post (BOP) no.5. His name was also entered at serial no.75 in the record book at Char Rajanagar BSF Border Out-Post (BOP) no.5. When he was working in his land in between 11 hours to 12 hours, two BGB (Border Guard Bangladesh) personnel entered into the land and forcibly took him away to Bangladesh. Several persons present there and witnessed the incident. Mr. Biswanath Mondal being one of the witnesses of the incident informed the matter to Mr. Balai Mondal, the father of the victim. Mr. Balai Mondal immediately went out and informed the incident to the Assistant Commandant of BSF and the on-duty BSF personnel at Char Rajanagar BSF Border Out-Post no.5 and begged for their immediate intervention to rescue his son. But the BSF personnel did not make any attempt to rescue the victim.

Mr. Balai Mondal waited for few days in expectation of proper action from BSF. But he got no help from BSF to rescue his son. Then on 12.04.2016 he submitted a written complaint before the Officer-in-Charge of Raninagar Police Station informing the incident of forcible abduction of his son by the BGB personnel. His complaint was received and recorded in the GDE book vide Raninagar Police Station GDE no.492 dated 12.04.2016. Though the complaint contained information of cognizable offence, but the police did not treat the complaint as First Information Report. Mr. Balai Mondal also submitted a written complaint before the Block Development Officer, Raninagar-II Block informing the incident in detail in expectation of suitable action from the administration. It is stated by the father of the victim that both the police and the administration did not make any kind of enquiry on his complaint till date. He even did not get response against the complaints submitted by him. It is further stated by him that he heard that his son i.e. the victim is currently detained in jail in Bangladesh.



Ms. Renubala Barman, wife of Mr. Paresh Barman; aged about 35 years, resident of village- Dewanbas- Bhabbandha, under Dinhat police station of Coochbehar district, West Bengal is a destitute Schedule Caste woman; estranged by her husband and living with her minor son and aged mother in great difficulties. She used to work on other's fields and often ferry cumin seeds from one side of river to another. During every other day, she collects cow dung on her bamboo basket from adjoining villages and dries it in cake to use it as fuel. The Border Security Force personnel are stationed at the bank of the river at the side of the village where the victim lives, and the border from this point is nearly 3.5- 4 kilometers away. At the other side of the river, there are three Indian villages; Daribas, Jari Dhorola and Badurchuti with 5-6 thousand population.

On 10th April 2016, at around 1.20 pm, Ms. Renubala Barman reached at the Kasem Ghat with her basket full of cow dung which she collected from adjoining villages at the other side of the river. At that time four BSF personnel were on duty at the BOP of Kasem Ghat; two of them were male another two were women. While she reached at the spot, the four BSF personnel in first instance dropped the basket from her head and littered the cow dung on the earth. The victim asked why they littered cow dung which she collected in scorching sun. The victim and BSF personnel were arguing over the issue and all of a sudden, four BSF personnel shoved her to earth by holding her neck and started beating her with their bamboo sticks. Due to one of the blow, upper portion of her left hand swelled and marks of the blows were apparent on her neck and back. The BSF personnel kicked her with their boot clad feet. The physical aggression made the victim sick and the BSF personnel left the scene. Local Panchayet member rescued her and she was brought to Dinhat Sub Divisional Hospital at 2.30 pm on the same day by our activists. At the emergency ward of the said hospital, on duty Medical Officer, Dr. Saswati Naskar examined her and she was being admitted to the hospital till 12.04.2016. It was reported that while the victim was admitted at the hospital, BSF officials in plain cloth reached at indoor

and pressurized to bring her to BSF Camp but it was not possible due to her illness. On 19th April 2016, the victim made a written complaint to the Superintendent of Police; Coochbehar but till date no action has been initiated. The victim is living under severe physical illness and mental agony.



DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF WEST BENGAL
DISCHARGE

91c

Legal Certificate/Left Against Medical Advice Page No. : 1

Patient No. : _____ Date of Discharge : 19/4/16 Time : _____ Patient Category : Free / Paying / Cabin

Name : Ranu Bala Basman Sex : F Age : 45 Months Days

Adm. No. : 10135 Patient Registration No. : _____ Admission Date : 10/4/16

Locality / Village : _____ Post Office : _____

Station : _____ District : _____

Religion : _____

Physician's Name : Dr. S. Das Husband's Name : _____

Diagnosis : Myocardial infarction Phys. Exam. Summary : _____

Ref. To : _____ Date : _____ Time : _____ Reason : _____

Any Date & Time : _____ In case of Confinement : _____

City / State : _____ Mode of Delivery : NATURAL / With Force / Without Force

Any Date & Time : _____ No. of Child : _____ Artificial Care Taken : Yes / No

Any Date & Time : _____ Type of Surgery : _____

Anesthesia Details : _____

Details of Baby

Birth Date : _____ Birth Time : _____

Disc No. : _____ Sex : _____

Birth Wt. : _____

Advice for Baby

Name : _____ Investigation Done : _____

Comments : _____

Medicine : _____

No. of Days : _____

Details : _____

Comments : _____

ADVICE

Baby Checked and Discharged : u = ppachy - 51

Signature : _____ Date : _____ Time : _____

Signature of the Medical Officer : _____

19/4/16

Mr. Azerul Seikh , son of late Rustam Seikh, aged about 42 years is living with his wife Ms. Sakhina Bibi, three sons namely Mr. Mizarul Seikh, Mr. Sezarul Seikh, Mr. Kabirul Seikh, daughter-in-law Ms. Fashma Bibi and two grand children namely Mr. Minarul Seikh and Ms. Runa Khatun. He sustains his livelihood as an agricultural labourer and also cultivates lands as a sharecropper. Mr. Azerul's elder son Mr. Mezarul is also an agricultural labourer. Two younger sons of the victim were not at home at the time of the incident as they moved out of the village to different state in search of employment.

On 30th March, 2016, Mr. Azerul Seikh went to Char Bangsara Mouja, Dag no. 56 to cultivate jute; he has taken the land in lease as sharecropper. He was spraying water at the jute field. He was so involved in his work that he failed to calculate the time and it became night. The Char Bangsara Mouja, Dag no. 56 is near 7 no border outpost. At about 8 pm, on duty BSF personnel who were posted at 7 no outpost and attached with Harudanga BOP, 'D' Company of 130 BSF Battalion, came to the spot in uniform by riding a tractor and suddenly started hurling filthy languages at the victim in this course they made sexual suggestions of victim's mother and sister. When the victim protested, they repeatedly hit him on his hands, back, thigh and feet

with the pipe of their rifle. He was subjected to inhuman torture for quite some time and he eventually fainted on the spot. In view of Mr. Seikh's condition, the perpetrator BSF personnel left the spot. After hearing news of the incident, elder son of the victim Mr. Mizarul rushed to the field and spotted unconscious body of his father. On 1st April, 2016 the victim was taken to Nashipur Block Primary Health Centre (BPHC) where doctors treated him. Later, as his condition deteriorated, he was admitted to the Lalbagh Sub-Divisional Hospital. The family of the victim bore all medical expenses instead of their poor financial condition. He was now released from the hospital but still very weak to work. On 8.04.2016 Mr. Mizarul Seikh visited Ranitala police station to submit a written complaint against the involved BSF personnel in which he narrated the whole incident, but he was rebuffed by the duty officer of the police station. On 14.04.2016 the victim sent a written complaint through post before the Superintendent of Police, Murshidabad informing him the whole situation. But till date neither his complaint was acknowledged nor his complaint was registered.

Our fact finding team met with other farmers of the said area, they opined that, "on duty BSF personnel intervened in our day to day agricultural works in whimsical way. And we have to stop work within stipulated time because BSF harassing us after dark. The BSF does not understand the required activities for cultivation. We cannot water our fields at noon. Sometimes we only get water at night, but they will not let us remain in the field. If we disobey, we get beatings or they file false cases against us."



Mr. Omar Ali Gazi, aged about 30 Years; son of Mr. Shaukat Ali Gazi, **Mr. Mohsin Mistri**; son of Mr. Mosnu Mistri and **Mr. Asadujjaman Khan**; son of Mr. Liyakat Ali Khan; all residents of village and post- Bithari, Police Station- Swarupnagar under 24 Parganas (North) are close relatives. Mr. Omar Ali Gazi is a cloth merchant and uses to sell his items at different village markets. On 14.04.2016, he went to Swarupdah market at 4.30 pm with his saleable items by riding his motor van. He was busy at the market till 9.30 pm and then arranged his unsold garments and started for his home by his motor van. While he was riding through DN- 13 bus route, at Jamtala, the Company Commander of Bithari BOP of BSF and other BSF personnel restricted his movement at around 1045-11,00 pm. He was enquired by BSF men, which he convincingly answered but the inebriated Company Commander started to beat him with boot clad feet and fist. He received blows on his back and chest. The Company Commander asked him to show his trade license. Mr. Omar Gazi called his home through his mobile phone and requested his family members to bring the license. The village of Mr. Gazi was around 2 kilometer away from the spot. Mr. Mohsin Mistri; a neighbor of Mr. Omar reached at the spot with the license, the said Company Commander snatched it from Mr. Mohsin and started to beat him also with boot and rifle butt. The Company Commander then snatched the mobile phone of Mr. Omar and Rs. 5430; which he collected from the sale of his goods. Mr. Omar Ali was asked to reach at Hakimpur BSF Check Post by his motor van and Mr. Mohsin was forced to sit in a motorcycle as pillion. One BSF personal was riding the motorcycle while Mohsin was in middle and the Company Commander after him. Mohsin was brought to Bithari BOP. Throughout the journey the Company Commander punched on Mohsin's back and tried to bite on his face. Mohsin received punches on his abdomen where surgery was done few days back. As the Company Commander failed to bite on his face, he bitten Mohsin's rights side of back and hand, which causes injuries. Apparently, the said Company Commander was inebriated state and acted berserk and savage. Mr. Asadujjaman Khan, a cousin of Mr. Omar Gazi while reached at Hakimpur BSF Check Post to facilitate their release was severely beaten. The Company Commander taken photographs of Mr. Asadujjaman Khan and threatened him to implicate in false case of gold smuggling. Later, all of them released from the Hakimpur BSF Check post while village headmen intervened. On 15.04.2016, all of them received medical assistance at Sarapul Rural Hospital at Swarupnagar Block. Mr. Omar Ali Gazi made a written complaint to Swarupnagar Police Station which was registered Swarupnagar PS Case No. 314/16 dated 15.04.2016 under sections 341/323/506 and 34 of Indian Penal Code. In first instance, Swarupnagar police station refused to provide the copy of the FIR to the defacto complainant Mr. Omar Ali Gazi but after 4-5 days they handed over the copy of FIR after protests by local villagers.



Ms. Rupjan Bewa, wife of late Samsuddin Seikh, aged about-75 years resides at village-Char Parashpur under Jalangi Police Station. The said village is actually an island called *Char* created due to the erosion by river Padma and located near Indo-Bangladesh Border. The victims have no farming land and her family mainly depends on grazing of cattle. The victim Ms. Rupjan Bewa alleged of continuous harassment and threats to her life and livelihood by the perpetrator BSF personnel. She even alleged that the BSF implicated her and her grandson Mr. Hasibul Sk in a false criminal case and her grandson Mr. Hasibul Sk was subjected to severe physical assault by the perpetrator BSF personnel.

The victim Ms. Rupjan Bewa stated that recently her grandson Mr. Hasibul Sk was arrested on 1.1.2016 by the police of Jalangi Police Station in connection with Jalangi Police Station Case no. 174/2015 dated 16.2.2015 which was registered on the complaint of BSF. At the time of arrest he was subjected to physical assault by the arresting police personnel. Over the said incident she submitted a submitted a written complaint before the Superintendent of Police, Murshidabad on 21.03.2016. But till date she did not get any response against her complaint wherein she prayed for relief against the ongoing harassment upon her and her grandson Mr. Hasibul Sk by the perpetrator BSF personnel. She cannot live peacefully due to continuous harassment by the BSF personnel of Dayarampur BSF Camp. She stated that on several times she knocked the door of the local police station and the Superintendent of Police, Murshidabad by submitted written complaints against the perpetrator BSF personnel but till date the police did not take any action. In this regard she submitted written complaint on 15.2.2015 before the Officer-in-Charge of Jalangi Police Station stating the entire incident of torture committed upon her grandson Mr. Hasibul Sk on 13.02.2015 by the perpetrator BSF personnel of

Dayarampur BSF Camp. But the police instead of registering a First Information Report, recorded a GDE vide Jalangi Police Station GDE no.939 dated 15.02.2015 on her written complaint. Again getting no response from the police of Jalangi Police Station, she submitted a written complaint before the Superintendent of Police, Murshidabad on 19.02.2015 stating the entire incident and also the inaction of Jalangi Police Station on her complaint. Again she did not get any response from the Superintendent of Police, Murshidabad till date. Even the Company Commander of Dayarampur BSF Camp initiated a false criminal case i.e. Jalangi Police Station Case no.174/2015 dated 16.2.2015 against her alleging that she works as a tout who facilitate to bring Bangladeshi nationals to India on payment of money and her grandson Mr. Hasibul Sk smuggles phensedyl to Bangladesh.

Ms. Rupjan Bewa submitted a written application before the Company Commander (BSF) of Charvadra BSF BOP Camp stating that a female buffalo owned by her died on 20.05.2015 in her residence, so she prayed for permission to own another buffalo in her residence. The said application was duly recommended by the Proadhan of Ghoshpara Gram Panchayat and also by the Sabhapati of Jalangi Panchayat Samity, Jalangi. But till date her application was not allowed by the BSF authority.



Mr. Jiarul Sk(aged about-25 years), son of Mr. Nazimuddin Sk, **Mr. Monaranjan Mondal**(aged about-27 years), son of Late Prasanta Mondal, **Mr. Sridam Mondal**(aged about-60 years), son of Late Nilratan Mondal, **Ms. Chayarani Mondal**(aged about-40years), wife of Mr. Dinesh Mondal, **Ms. Sefali Mondal**(aged about-19 years), wife of Mr. Sanjit Mondal, **Mr. Kartick Mondal**(aged about-46years), son of Mr. Ratikanta Mondal, **Mr. Laltu Sk.**(aged about-27years), son of Mr. Akbar Sk, **Mr. Tapash Mondal**(aged about-22years), son of Mr. Ram Chandra Mondal, **Mr. Kushai Mondal**(aged about-32years), son of Late Ratikanta Mondal, **Mr. Lobai Mondal**(aged about-35years), son of Late Dhananjay Mondal, **Mr. Joy Kumar Mondal**(aged about-35years), son of Mr. Binoy Mondal, all residents of village-Uttar Char Majherdiar, Police Station-Raninagar, District- Murshidabad, West Bengal, India. On 24.05.2016 at morning, the victims recorded their names at the entry book maintained by BSF at Harudanga BSF camp and then they entered into their respective farming lands located about 700/800 meters away towards north

from Harudanga BSF Camp with the permissible cattle. In the farming lands they got into with farming work with other farmers present there at that time. At noon the weather became tense and a massive storm started. The victims along with other farmers took shelter at a safe place beside a pond. They were standing and draining under heavy shower. Under such situation, about 20/25 BSF jawans from Harudanga BSF camp reached in front of them and begun to abuse them in filthy languages. The BSF personnel then suddenly started to assault them by wooden sticks, rifle butts and kicks. The BSF jawans did not pay any heed to their plea not to assault them and continued to assault them indiscriminately. Soon the local villagers came to know of the incident and they assembled in front of Harudanga BSF Camp. The villagers requested the Assistant Company Commander not to assault the victims, but the Assistant Company Commander did not pay any heed and on his instruction the BSF jawans assaulted the villagers and allegedly hurled bombs to disperse the villagers. The BSF jawans even physically molested some female villagers during the incident.

The police of Raninagar Police Station referred the following injured persons/victims to Godhanpara Block Primary Health Centre (B.P.H.C.) for medical treatment namely:-

- i) Mr. Jiarul Sk, son of Mr. Nazimuddin Sk
- ii) Mr. Monaranjan Mondal, son of Late Prasanta Mondal
- iii) Mr. Sridam Mondal, son of Late Nilratan Mondal
- iv) Ms. Chayarani Mondal, wife of Mr. Dinesh Mondal
- v) Ms. Sefali Mondal, wife of Mr. Sanjit Mondal
- vi) Mr. Kartick Mondal, son of Mr. Ratikanta Mondal
- vii) Mr. Laltu Sk., son of Mr. Akbar Sk
- viii) Mr. Tapash Mondal, son of Mr. Ram Chandra Mondal
- ix) Mr. Kushai Mondal, son of Late Ratikanta Mondal
- x) Mr. Lobai Mondal, son of Late Dhananjoy Mondal
- xi) Mr. Joy Kumar Mondal, son of Mr. Binoy Mondal, all of village-Uttar Char Majherdiar, Police Station-Raninagar, District- Murshidabad.

Later the victims Mr. Kartick Mondal and Mr. Kushai Mondal were also medically treated at N.R.S. Medical College & Hospital, Kolkata.

The nature of injuries sustained by the following victims is given herein below:-

- i) Ms. Chayarani Mondal sustained bruise and pain on her body.
- ii) Mr. Labai Mondal sustained swelling over left arm.
- iii) Ms. Sefali Mondal sustained laceration over occipital region.
- iv) Mr. Tapash Mondal sustained laceration and swelling over left arm and laceration over back
- v) Mr. Kushai Mondal sustained bone fracture on left rib and blunt injury over back chest.
- vi) Mr. Kartick Mondal sustained pain, tenderness and swelling on left elbow and right shoulder joint and bruise over left forearm.
- vii) Mr. Laltu Sk sustained bone fracture on left palm.
- viii) Mr. Sridam Mondal sustained bruise and pain on his body

On 24.05.2016 the victim Mr. Kushai Mondal submitted one written complaint before the Officer-in-Charge of Raninagar Police Station narrating the incident in detail

which disclosed the commission of cognizable offence by the accused BSF personnel. The complaint was duly received and the receipt was duly acknowledged by affixing the official stamp of the police station on the photocopy of the complaint, but the police did not register any First Information Report till date against the accused BSF personnel. On 01.06.2016 the victims jointly sent one written complaint to the Superintendent of Police, Murshidabad through registered post again narrating the incident and also mentioning the inaction of Raninagar Police Station on the earlier complaint on the self same incident. Again till date the Superintendent of Police, Murshidabad did not take any action on the complaint dated 01.06.2016.

Rahima Bibi (name changed), residing at village- Daharkanda, Post Office- Hakimpur, Police Station-Swarupnagar, District-North 24 Parganas, West Bengal, resides in her matrimonial house with her husband and other family members. The victim is a housewife and look after the household duties.

On 15.04.2016 at night the victim was sleeping beside a window in her room. At about 2 am to 2.30 am two BSF jawans namely Mr. Bibekananda Misra and Mr. Harpal trespassed into the house of the victim. Then Mr. Harpal put his hand through the window and started to pull the saree and blouse of the victim. She was awaked from the sleep and started to shout. Then the aforesaid BSF personnel started to pull the victim to the window by touching her private parts. Due to the forcible pulling, the victim was thrashed on the window, she sustained injury on her chest and the perpetrator BSF personnel also tore her saree and blouse. Hearing shouting of the victim, the family members and some neighbours rushed to the spot. Then the aforesaid BSF personnel left the place hurling abusive languages and issuing threats to murder them if the incident was reported to police. On the same night the incident was reported to the local BSF authority but no action was taken against the perpetrator BSF personnel.

The victim was medically treated at Sarapul Rural Hospital on 15.04.2016. On the same day i.e. on 15.04.2016 the victim submitted a written complaint starting the incident before the Officer-in-Charge of Swarupnagar Police Station. The complaint was registered vide Swarupnagar Police Station Case no.315 dated 15.04.2016 under sections 447(criminal trespass)/323(voluntarily causing hurt)/354B (Assault or use of criminal force to woman with intent to disrobe)/506(criminal intimidation)/34(common intention) of Indian Penal Code. In the written complaint she also mentioned that she and her family members have been facing continuous threats of being implicated in false criminal case by BSF. She also mentioned that she and her family members were insecurity under the threats issued by BSF. Swarupnagar police station using a common practice has registered the complaint against BSF but not to submit any investigation report before court even within 4-5 years. We are apprehending this case will also face same future.

Ms. Sahar Banu Sardar, w/o Mr. Kuddus Sardar, age 40 years, Religion- Muslim, Caste-OBC, lives at village-Padmabila, Block and Police Station-Swarupnagar, Post Office-Bithari, District-North 24 Parganas, West Bengal. Padmabila is a small village adjacent to the Indo-Bangladesh border and situated on the other side of the border fence; the village is surrounded by river Sonai and Bangladesh at the eastern and northern sides. The approaching road to Bithari market was made with the Border Area Development Programme's fund; a central government scheme. The road is popularly known as 'Border Road' like many other such roads situating throughout the Indo- Bangladesh border. This mentioned road is the only way to approach rest of Indian Territory from the village. People of the said village are bound to show their identity cards and submit it to B.S.F personnel to use the road. B.S.F and visit their own country. In this process, the BSF personnel allow and disallow the movements according to their whims and fancies. Ms. Sahar Banu Sardar is a 35 year old Muslim lady, lives with her husband and two sons. Farming is the one and only source to earn livelihood of her family, they harvest their own land as well as sharecropper at other's land. Though Ms. Sahar Banu Sardar is a housewife, she also helps her husband and sons in farming and selling agricultural products in the market.

On 20.01.2016 at about 10 a.m., victim gathered 280 kilograms of green onion (onion plants) in a paddle van and went to sell them to the Bithari Market with her son. Bithari market is 7 kilometres away from their village. When they reached near to the Bithari Border Out Post, Mr. Sunil Kumar, The Assistant Commandant of BSF, the Satellite Operator and some other B.S.F personnel of Bithari Outpost of Battalion No 76, blocked their way without any valid reason. The said AC, told the lady that the road is meant for BSF's movement and they will seize the green onions. The victim told the BSF that if the produce not reaches the market in stipulated time, it would perish and not be sold. The BSF personnel refused to budge and started shoving and pushing Ms. Sahar Banu up with filthiest verbal abuses. They slapped on her face and hit on her hip with wooden stick. They even pushed Ms. Sahar Banu Sardar so hard that she fell on the ground. Finally the BSF personnel seized the van and pushed Ms. Sahar Banu Sardar and her son out of their camp. Seriously injured Ms. Sahar Banu Sardar went to Sarapul Rural Hospital for medical treatment on that day and lodged a written complaint at Swarupnagar Police Station against the aforesaid B.S.F. personnel and police registered one FIR vide Swarupnagar PS Case No 43/16 dated 20.01.16 under section 341/323/506/34 Indian Penal Code. Police did not take any action against the perpetrator B.S.F. officials till date. The incident was witnessed by Mr. Siddique Sardar; son of Mr. Abul Hasan and Mr. Habibar Mandal; son of Mr. Ajimuddin, both residents of village- Padmabila, Post Office- Bithari, Police Station- Swarupnagar, District- 24 Parganas (North), West Bengal.



Mr. Abdul Motalep Sarkar, is a resident of village- Shitarerkuchi, Post office – Chowdhuryhat, Police Station – Dinhata, District – Cooch Behar. He owns a small piece of agrarian land where he cultivates and often visits Delhi as helping hand for mason. It was also reported that he has some connections with cross border smuggling as mere courier. On 18th may 2016 victim returned back from Delhi and was with his family. After some days he visited his aunt's house on 29.05.2016 at Jaygir Balabari No. II village, which is adjacent to Indo Bangladesh border fence near to gate number 3 under Choudhuryhat Camp. He spent nearly 2-3 hours at her aunt's place and then started to return from there at around 1.30 pm. At that time one BSF personal; Mr. Dubey attached with DIB- BSF Battalion number 142 under Alpha Company of Chowdhuryhat Border Out Post captured him and tied his hands on his back with ropes. Then Mr. Dubey took the victim at border outpost. After hearing about the incident, victim's aunt and his cousin rushed to the camp. Reaching at the camp, the relatives found Motalep was severely tortured. Four Border Security Force Constables first undressed him and then blindfolded his eyes by a black cloth, tied both of his hands and grounded him on his face. After that all four BSF constables rigorously beat on his toe, palm, thigh and his back. He screamed on intolerable pain. To suppress his voice they had put a bundle of cloth on his mouth. After that they put him on a water tank and poured water from the top. After 30 minutes of this inhuman torture victim lost his sense. At that time the relatives of Mr. Abdul Motalep Sarkar reached at the camp and requested the BSF personnel to stop their barbaric torture. They produce the return ticket of the victim from Delhi to the BSF personnel to prove his innocence. Then at around 6.30 pm Border Security Force personnel freed him after taking signature on blank paper of his relatives and member of local Panchayet. The health condition of victim was not good at that time. So the relatives admitted him at Dinhata sub- divisional hospital at around 7.30 pm. He was admitted there for next two days. His MRI and CT scan was done over there. After two days he was discharged from hospital. On 21.07.2016 the victim lodged one written complaint before Superintendent of Police of Cooch Behar. Till now he is not able to do his regular jobs.

Master Al Amin Seikh @ Master Alamin Sk., son of Mr. Dulal Sk., aged about-17 years, by faith-Muslim, resides at village-Ramnagarpara, Post Office-Katlamari, Police Station-Raninagar, District-Murshidabad, West Bengal. On 15.07.2016 at morning Master Al Amin Sk went to farming land located towards north of Kaharpara village to work as day labourer in the farming lands of others. After getting leave from

his work he was returning to house at noon and when he reached near BSF Out-Post no.3 at about 1pm he was attacked by two BSF jawans of the BSF Out-Post no.3 under Kaharpara BOP Camp. BSF jawans assaulted him by fists, blows and kicks. In addition he was also assaulted by bamboo sticks by those BSF jawans and abused in filthy languages. He sustained fracture on his right arm and other injuries on his person. The Superintendent of Police, Murshidabad in spite of receiving complaint did not act in compliance of section 154(3) of Criminal Procedure Code by directing the said complaint to be registered as First Information Report. The victim was rescued by some local people and taken to Godhanpara Primary Health Centre and from there he was referred to Murshidabad Medical College & Hospital. Mr. Saminur Sk and Mr. Roni Sk were the eye-witnesses the incident of physical assault and torture.



Master Bikram Mondal, son of Mr. Shrimonta Mondal, aged about -16 years, Scheduled Caste, of village-Borderpara-51, Post Office-Borderpara, under Police Station-Raninagar, Block-Raninagar- II and District-Murshidabad belongs to a poor and marginalized family consisted of seven members. The victim boy works as a labour in farming lands like other members of his poverty stricken family.

On 12.2.2016 at about 7am the victim boy was picking up paddy plants at Uttar char Majherdiar located between Harudanga BSF Camp and BSF Out-Post no.1. Suddenly, BSF personnel namely the Company Commander of Harudanga BSF Camp, Mr. Dinesh Singh from DIB of Harudanga BSF Camp and other BSF constables in their uniform appeared there and started to beat him at random by sticks and rifle butts. During the assault his hands were tied behind his back and he was subjected to severe physical assault by the BSF personnel. He was beaten black and blue on his hands, chest, back, buttock and under the feet. He was abused with filthy languages. The boy soon lost his sense. Then the perpetrator BSF personnel left the place leaving the victim boy in unconscious condition without caring to provide him medical treatment. The eyewitnesses, Mr. Phani Mondal, Mr. Swapan Mondal and other rescued the victim boy. On the same day the victim boy was taken to local quack for his medical treatment. As his physical condition deteriorated for the next five days; on 18.2.2016 he was taken to Godhanpara Block Primary Health Centre (BPHC). The Emergency Medical treatment slip issued by the said health centre recorded-'whole body pain due to physical assault'. The victim boy is still under medical treatment and he is yet to restore normal physical wellness.

On 15.2.2016 the family of the victim boy went to Raninagar Police Station to lodge complaint, but the police refused to register the complaint.

On 12.3.2016 Mr. Shyampodo Mondal; uncle of the victim sent a written complaint to the Superintendent of Police, Murshidabad by registered post stating the whole incident to torture and custodial violence upon the victim boy committed by the perpetrator BSF personnel. The complaint was received on 14.3.2016 in the office of the Superintendent of Police, Murshidabad but till date no action by the Superintendent of Police is noticed on the basis of the complaint.

Mr. Bulbul Rahaman son of Mr. Muklesur Rahaman, aged about 12 years, of Char Parashpur village, Taltoli, post office- Dayarampur, police station- Jalangi, district- Murshidabad, West Bengal lives with his parents and two sisters. His village is near Indo-Bangladesh border. The family is erosion affected and lost their lands, dwelling, crops into the riverbed. Mr. Muklesur Rahaman, father of Bulbul runs a grocery and tea shop in the vicinity of their residence. Mr. Muklesur spends throughout the day at the shop, but the earnings are not enough to survive their livelihood. So, he often takes up daily labour job for fending his family. Mr. Bulbul assists his father on his spare time to run their grocery and tea shop. He uses to go to either Jalangi market or Narsinghpur market for last one year to bring goods and accessories for their grocery shop. On 9.05.2016 at about 11.30 am Mr. Bulbul Rahaman set off for Jalangi market to bring grocery goods. The Jalangi market was two and half kilometer far from their residence. When he was passing Char Parashpur Taltoli (Char Bhadra) outpost no 2, two constables, one of them; Mr. Ankit Sharma, attached with Taltoli (Char Bhadra) outpost no 2 of 43 BSF Battalion, impeded him forcefully on the grounds that he tried to go other side of river without their consent. Reportedly, they were clad in their uniform. They started flinging abusive languages on the minor without apparent reason. Reportedly, they threatened the minor to kill if he protests their sinful act. Thereafter, he was beaten arbitrarily with baton by the perpetrator BSF constables as a result he slumped to the ground unconscious and the BSF personnel fled from the spot. He was lying there senseless for a while. One eyewitness of the incident, Mr. Jahangir Seikh son of Mr. Setabuddin Seikh, resident of Char Parashpur, informed the incident to Mr. Muklesur Rahaman; father of the victim. When he heard about the savage beating of Bulbul at the hands of BSF constables, he rushed to the spot and found his unconscious body. There were bruise marks all over his body. He was immediately taken to Sadikhan Dear Rural Hospital. Bulbul got treatment at the hospital (being registration no- 2470). Mr. Muklesur Rahaman, father of the deceased submitted one written complaint at Jalangi police station against the perpetrator BSF constables; but police only entered a general dairy entry vide GDE No. - 475/16 dated 9.05.2016 instead of an FIR.



Master Murshid Alam @ Sweet Sk, son of Mr. Kajirul Molla, aged about-17 years (Date of Birth-19.07.1999), by faith-Muslim, resides at village-Ramnagarpara, Post Office-Katlamari, Police Station-Raninagar, District-Murshidabad, West Bengal. On 21.06.2016 at about 7.30 am in the morning Master Murshid Alam was moving towards his farming land within Char Sarandjpur Mouza. On the way he was attacked by 7/8 BSF jawans posted at Kaharpara BSF Border Out-Post (BOP), Battalion-43. Those BSF jawans jointly assaulted his son by fists, blows and kicks. In addition he was also assaulted by bamboo sticks and iron rods by those BSF jawans. His son was abused in filthy languages and he was threatened to be killed by putting the nozzle of a rifle into his mouth. BSF personnel pierced iron pins on his body. As a result of the brutal physical assault and torture the boy sustained severe injuries on his person and multiple fractures on both of his legs as well as fracture on his right elbow. Being unable to bear such torture he lost his sense and then the BSF jawans left the place by throwing his senseless body into a nearby jute field.

The Superintendent of Police, Murshidabad in spite of receiving complaint on 27.06.2016 did not act in compliance of section 154(3) of Criminal Procedure Code by directing the said complaint to be registered as First Information Report.

His father informed that some farmers rescued the victim after the incident and admitted him at Godhanpara Primary Health Centre and from there he was referred to Murshidabad Medical College & Hospital. Later he received medical treatment at N.R.S. Medical College & Hospital, Kolkata till 16.07.2016 and operation for placing shaft on the fracture portion has been done.



Mr. Pratap Mondal, son of Mr. Binay Mondal, aged about- 20 years, from-Scheduled Caste community is a poor villager and a resident of Harudanga village under Raninagar police station of Murshidabad district of West Bengal. He lives with his parents, two brothers, one sister in-law, one nephew and niece. He, along with his two brothers, work as migrant worker and as seasonal agrarian labour in their village.

On 3rd June 2016 evening, the victim was returning to his home on a bicycle from Sheikhpara market. When he reached in front of *kancha bandh*, near BSF Outpost no.2 under Kaharpara BSF Camp between 6 to 7 pm, one shot was fired from pellet gun by one on duty BSF personal of BSF Out-Post no.2. He sustained pellet injuries on the right side of his chest and also on his face and he fell down from his bicycle. Then two BSF jawans of the aforesaid BSF Out-Post rushed to him and accused him of being a lineman for cross border smuggling of cattle. They also threatened him of dire consequences for moving on the border road after sunset. The BSF jawans abused him with filthy language and assaulted him by slaps and blows by sticks. The victim stated that he somehow left the place by pleading mercy before the perpetrator BSF personnel. After being released from the custody of the perpetrator BSF personnel he went to his home and out of fear of further harassment by BSF he could not attend medical treatment immediately. But when his physical condition deteriorated he went to Godhanpara Block Primary Health Centre on 6th June, 2016 for medical treatment. One pellet is still remains inside his body.

Mr. Pratap Mondal submitted a written complaint to the Superintendent of Police, Murshidabad on 12th July 2016 giving a detailed account of the events and appealed for compensation to pursue his medical treatment.



Mr. Ebadul Haque a 40 years old resides at Nirmalchar Ghoshpara village under jurisdiction of Ranitala Police Station of Murshidabad district. His family consists of five members. Mr. Ebadul Haque works as an agrarian labour.

On 05.04.2016 in the morning, the victim was heading towards the land he was assigned to work and in between 8 to 9 AM, while he was on his way, four BSF jawans crossed his path. After a little while, another four BSF jawans joined them and started beating him black and blue. They were armed with rifles and sticks and belonged to Nirmalchar BSF Camp. They thrashed him with fist and heavy blows of rifle butts as he fell onto the ground. Beating didn't end there and he was beaten severely on his joints with sticks and was kicked on his chest. After that, he was allegedly taken to Nirmalchar BSF BOP Camp. Then the BSF jawans again started beating him again under direct intervention of the Company Commander and Mr. Madan of DIB, BSF. He soon became senseless under inhuman physical assault.

Meanwhile, the news of his abduction by BSF jawans reached his house. His neighbours and respective Panchayat members reacted swiftly and rushed to the BSF Camp around 1 PM and requested the Camp officials to release Mr. Ebadul Haque. Then he was released but only after signing him on a paper forcibly under threats not to disclose the incident to any authority. The victim stated that he was entirely unaware of the content written in that paper. He was afraid to attend medical treatment fearing further harassment in the hands of the perpetrator BSF personnel,

however when his condition did not improve he attended Godhanpara Block Primary Health Centre (BPHC) on 18.04.2016 and received medical treatment. Besides that he also submitted a written complaint before the Superintendent of Police, Murshidabad narrating the incident but till date no action has been taken on his complaint.



Mr. Golam Mustafa, son of Mr. Ahsan Ali Mondal, aged about-33 years, by faith-Muslim residing at village-Char Parashpur from district-Murshidabad, West Bengal. On 13.06.2016 the victim was subjected to physical assault and verbal abuse by the Border Security Force personnel. On 13.06.2016 he went to market in his bicycle. On the path, he came across BSF Out-Post no.2 under Farajpara BSF BOP camp under Jalangi Police Station and the BSF personnel recorded his name in the register of the said BSF Out-Post. In the evening on the same day he returned from market and again on the way to his home he came across the BSF Out-Post no.2 at about 5pm. He halted at the said Out-Post to report and to note in the register of the said BSF Out-Post that he returned from the market, but while doing so, the on-duty two BSF personnel became furious upon him and started to abuse him in filthy languages on the plea that his bicycle was not entered in the register. The victim tried to convince them that it was not his fault. But the BSF personnel paid no heed and put blame on him that he was supposed to smuggle the bicycle to Bangladesh. On such allegation which was absolutely false according to the victim, the BSF personnel started to assault the victim by fists, blows and sticks. Falling into the random beating, he fell down on the ground and those BSF personnel then beat him with sticks on his hands and legs joints. The victim was detained there without any medical attention and lying on the ground screaming in pain. After two hours of detention in the said BSF Out-Post he was released on the request of the local people. He was treated at Sagarpara Primary Health Centre, Sagarpara, Murshidabad on 14.06.2015. The victim himself submitted a written complaint before the Superintendent of Police, Murshidabad through registered post on 29.06.2016. But till date no legal action has been taken on his complaint.

In the year 2013, the victim was subjected to torture and custodial violence by the then perpetrator BSF personnel of the same BSF Out-Post no.2 under Farajipara BSF BOP camp under Jalangi Police Station. Over the incident the police of Jalangi Police Station registered FIR vide Jalangi Police Station Case no.11/2013 dated 28.01.2013 and after completion of investigation, Investigation Officer submitted charge sheet against the accused BSF personnel. But the accused BSF personnel are still absconding and Investigation Officer prayed for issuance of Warrant of Arrest against them.

Mr. Gopal Mondal, son of Mr. Jaganath Mondal, aged about-42 years, from Scheduled Caste community, singer of religious songs, residing at village-Lakhinarayanpur, Post Office-Jinnatpara, Police Station-Raninagar, District-Murshidabad, West Bengal. Mr. Gopal Mondal was subjected to physical assault and verbal abuse by the involved BSF personnel on 06.06.2016 at about 6.30 pm in the evening. Narrating the incident he stated that he is a Hindu by religion and a singer. He sings religious songs and performs on invitation at different Hindu religious festivals/occasions in the locality and nearby areas. He stated that he is well known in the locality and he earns his livelihood from the donations he earns by singing. His residence is located at Lakhinarayanpur village which is close to Indo-Bangladesh border and Border Security Force is deployed there.

The victim stated that on 06.06.2016 in the evening he was returning home in a motorbike after singing the oration of "Maa Manashamangal" in a religious occasion at Ramnagar village. On the way at about 6.30 pm when he was passing near BSF Out-Post no.4 under Kaharpara BSF Camp, he was stopped by four BSF jawans of the said BSF Out-Post and one Mr. Joy Singh from DIB, BSF. The said BSF personnel detained the victim and one of them without sounding any reason started to beat him by an iron rod. The other BSF personnel also assaulted him by fists and blows and humiliated him using filthy languages. Due to the heavy and arbitrary blows, Mr. Gopal Mondal suffered injuries on his chest, back, below his waist, on both of his hands and knees. Even after such brutal assault on the victim, the BSF jawans were unable to find solace, hence they broke the victim's Hero Honda Glamour motorcycle (Vehicle No: WB 58L 0713) right in front of him. The BSF personnel left the place by leaving him withering in pain and injured with swelling, body pain and hematoma on his person. Later he was rescued by Mr. Swapan Mondal and Mr. Asit Mondal, both residents of Char Durgapur village and brought to him to his home. He received medical treatment from a quack doctor in the village. But as physical condition did not improve, he went to Godhanpara Block Primary Health Centre 02.07.2016. But the attending doctor namely Dr. Mainul Islam refused to examine him upon seeing his injuries and asked him to inform the local police station as to how he got the injuries. The victim fearing harassment in the hands of police did not attend police station and received medical treatment from Dr. Joydeb Chowdhury on the same day i.e. on 02.07.2016. On 12.07.2016, the victim himself

sent a written complaint by registered post to the Superintendent of Police, Murshidabad disclosing the entire incident but till date he did not receive any response from the Superintendent of Police, Murshidabad.



Mr. Jony Seikh, son of Mr. Alauddin Seikh, aged about 21 years, religion- Muslim, educational qualification- class IX passed, profession- Migrant labour, lives at Sibnagar village, block- Raninagar II, post office- Harudanga, police station- Raninagar, district- Murshidabad, West Bengal, India. Mr. Jony Seikh belongs to a poor Muslim family. The family is living in financial hardship. Therefore, most of the time in a year, he is out of the state as migrating labourer to support his family. His other two brothers namely Mr. Atikul Seikh (30 years) and Mr. Alamgir Seikh (27 years) have been working outside the state for years. Reportedly, the victim came home for few days back and got tempted by few of his neighbours to make easy money by smuggling cattle to Bangladesh as currier. It has been reported that Mr. Seikh, prior to this, was never involved with cattle smuggling. On 21.05.2016 at about 12 o'clock midnight he went towards Indo-Bangladesh border with two buffalos with an intention of smuggling out the buffalos to Bangladesh. As soon as he reached at international border, approximately 2 kilometers east of Outpost no-7 under Harudanga Camp HQ, a team of 30 BSF personnel attached with Harudanga Camp, all in their uniform and holding service rifles and sticks suddenly encircled the victim and restricted his movement. The BSF party compelled the victim to stand there and forcibly tied Mr. Seikh's hands behind his back with his towel (*Gamchha*). Mr. Jony Seikh was beaten black and blue with sticks, rifle butt, and boot clad feet by

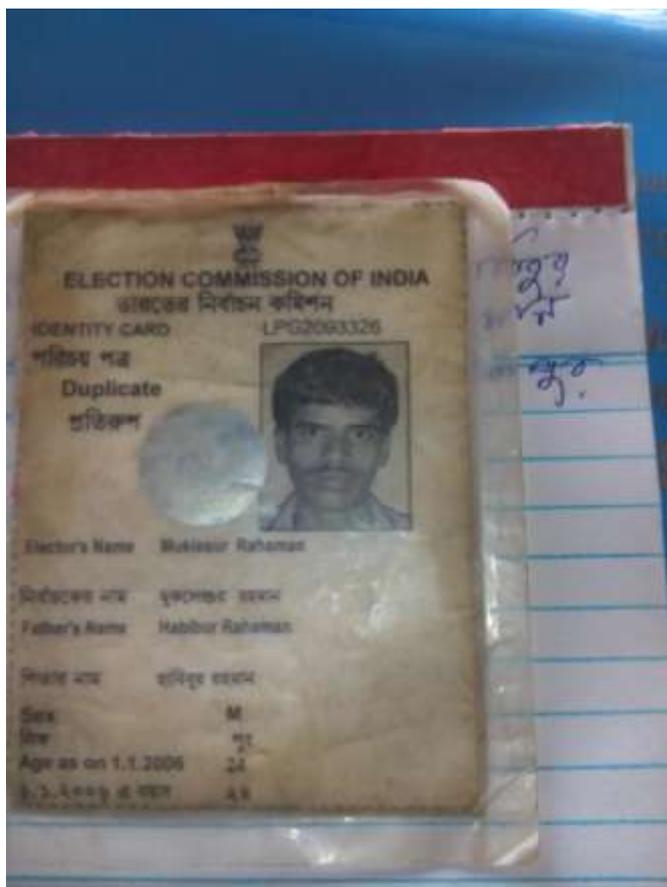
the BSF personnel. He was beaten unconscious by errant BSF personnel. On seeing his condition being critical, the BSF personnel left him there to die and fled from the spot. Mr. Seikh sustained multiple injuries with marks all over his body. Though he lost his senses for a while but somehow managed to reach his home in injured condition. Scared by the event and with a sense of guilt he did not visit any hospital but received treatment from village quack. As his health condition was deteriorating over the time, he had to visit the government health center for medical treatment on 29.05.2016.

At first, out of guilt the victim did not make any complaint to the police but later he made a written complaint to the Superintendent of Police; Murshidabad on 27.06.2016. But no recourse measures have been taken.



Mr. Mukuleswar Rahaman, son of Mr. Habibur Rahaman, permanent resident of village- Char Paraspur, post office- D. Paraspur, police station- Jalangi, district- Murshidabad, West Bengal has been running grocery shop to earn his livelihood at Char Paraspur village with valid license from local panchyat. He regularly pays tax to the panchyat office. He uses to visit Domkal and Jalangi wholesale markets in order to buy goods for his shop. He has to take permission from Farajipara 2 no. Border Outpost of 43 BSF Battalion to go to the market as the camp is situated inside the village and it is an unwritten rule imposed on villagers by the BSF personnel at Indo-Bangladesh border. Mr. Rahaman has to show them the list of goods with mentioning its quantities for check before being go to market. BSF personnel thoroughly check the quantity of the goods and then reduce the quantity or even deduct the items from the list as per their whims and fancies. Sometimes the quantity is so reduced that in such case, he does not garner any profit after transport

expenditure. After coming back from the market with purchasing goods, he is again subjected to harassment by the company commander of BSF and his personnel. The BSF personnel again sort out all the items one by one and compare quantities with the list, where they previously mention the quantities, for the reasons best known to them. They intentionally try to find out any misappropriation of the quantity of the goods for harassment. Therefore, the company commander and other personnel of the camp purposefully remain him at the camp for hours at the time of checking his goods. Meanwhile, they fling obscene languages on the victim during this course. However, for a tiniest mistake, he is subjected to physical abuse by the errant BSF officers. Even the officers threaten him to close down his shop if he does not follow their instructions. At present the victim cannot run his shop facing shortage of goods as the situation has arises due to whimsical order of the perpetrator personnel of BSF. Mr. Rahaman sent two written complaints to the DIG (Deputy Inspector General of Police), Roshanbagh; Berhampore Sector and Superintendent of Police, Murshidabad respectively on 17.06.2016 through registered post in which he sought their interventions in this issue.



Mr. Nijam Seikh, aged 20 years, is a resident of Najrana Bairaghi Ashan village under Raninagar police station of Murshidabad district. The village is just few kilometers from Indo-Bangladesh border. He was a poor agrarian labourer and residing with his wife and aged parents. He often took up the job of a courier for the cattle smugglers to Bangladesh to add-on his meager income. On 11.07.2016 in the evening at about 6 pm he left his home with an intention to smuggle a pair of cattle to

Bangladesh. He was spotted and chased by five on-duty BSF jawans of the Mairashi Border Outpost of 83 Battalion of the BSF, while he was heading towards the westward of 3rd Outpost under Mairashi Border Outpost. All the BSF personnel were in their service attire and rifles and sticks in their hands. Soon after, Mr. Seikh was caught hold by five BSF jawans with cattle. Thereupon, the five jawans bind his hands towards his back with rope and started to beat him by their sticks indiscriminately on his whole body. The enraged BSF jawans smote on his left hand and left leg repeatedly as a result of which the bones of his left hand and left leg were broken. He also sustained injuries on his chest, back, hips, thighs, hands and chins. The five BSF jawans also verbally abused him with filthy languages. The stick blows was so severe that skin was ripped apart at his upper portion of ankle and flesh was visibly seen. Blood was rushed out from his wounds. He cried in pain. On seeing his deteriorating physical stat, the BSF personnel fled, left him dying on the spot. In this condition, Mr. Seikh could not stand but crawled for little distance with his gammy leg and reached near a pond. He drank water and took rest there for a while. One Mr. Sukchan Mondal, son of Mr. Sultan Mondal, of same village of the victim was passing and found injured Nijam. Mr. Mondal took him to his home. At first, he was treated by village quack. Thereafter, he was taken to Baharampur and admitted to Murshidabad Medical College & Hospital. He was treated there from 17.07.2016 to 05.09.2016, and a lot of money has been spent for his medical treatment. It was revealed during the fact finding that the family of the victim arranged blood from the Government Blood Book requisitioned for his treatment. Attending doctor diagnosed that victim is a patient of gangrene. But without taking any proper step, victim was released from the Murshidabad Medical College & Hospital with one prescription; patient cannot purchase the medicine / ointment. His condition is day by day deteriorating.

His father sent a written complaint to the Superintendent of Police, Murshidabad on 30.08.2016 through registered post informing the whole incident of physical torture committed upon his son by the perpetrator BSF personnel. But till date no action has been taken by the authority.



Mr. Aktarul Seikh , son of Mr. Dhulu Seikh is a resident of village- Baro Kankmari, Police Station – Suti II, Post Office – Suti II , District- Murshidabad. He is about 22 years of age and has the educational qualification of 9th standard. Victim's family owns some agrarian lands and their family survives cultivating the same. On 17.09.2016 at around 9 pm victim along with eight friends were chatting at a tea stall at their village. At that time 6 Border Security Force (BSF) personnel from Chandni Chawk BSF Camp came to that place. While the youths saw BSF coming, out of sheer fear they started running from the spot; though his other friends were able to run away, BSF personnel chased the victim and captured him. After that the perpetrator BSF personnel started inhuman physical torture upon victim. He received serious injury on his hand. Observing this inhuman incident; around 30 villagers surrounded the involved BSF personnel and after a long argument they released the victim. After that the villagers admitted him at Jangipur Sub Divisional. Hospital on that day. The attended doctor of the said hospital suggested for x-ray on his left elbow. On 20.09.2016 victim visited to an orthopedic doctor; Dr. Shubhendu Das with his X-Ray report. Doctor said that his *left elbow is dislocated*. On 21.10.2016 victim lodged one written complaint to Superintendent of Police of Murshidabad. Now victim is under treatment.



Mr. Billal Seikh is a poor agrarian daily labourer and main bread winners of his family. He cultivates a small piece of land as sharecropper. Mr. Seikh has to face all odds to sustain his family due to impoverished financial condition. On 12.07.2016 Mr. Billal Seikh, like any other day, went to northward of Katlamari village at Char Khandaspur mouja to cultivate a small piece of jute field as sharecropper. His return was delayed for few hours for the day due to long stay at jute field. While he was returning back to his home at about 6 pm after accomplishing his jobs and reached eastward of No. III Outpost under Kaharpara Border Outpost; nearly 1 kilometer inside from Indo-Bangladesh international border, 7 to 8 armed BSF personnel along with one Assistant Commander, all were in their service uniforms, attached with 83 no Battalion of 'E' Company of Kaharpara BOP, suddenly encircled him from all sides. Mr. Seikh was beaten black and blue from all around with their sticks without giving him any opportunity to speak. The errant BSF personnel arbitrarily battered him for a while with their fists, boot clad feet and bamboo sticks. Due to inhuman physical aggression by BSF personnel, two tarsus (ankle) bones were severely injured and one deep wound at upper portion of his left insteps. He sustained deep cut injury on his head too. Even one BSF jawan tried to throttle him by pressing his neck. Mr. Seikh received severe injuries which were manifested by swelling, pain and marks of hematoma all over his body. The BSF team then dragged his senseless body towards jute field and tossed him inside the jute field and left the place in a hurry. Mr. Billal Seikh was lying there in this condition for long. Somehow he managed to return to his village after regained his consciousness. Mr. Billal Seikh was admitted to one private nursing home; "Diya Nursing Home" at Domkal, Murshidabad on the same day by his relatives. The on duty medical practitioner of the nursing home administered 4 stitches on his head. The doctor opined for immediate ankle operation and the doctor performed the operation on the same day. On having no other remedy, doctor installed "still bar" on his ankles. Mr. Billal Seikh bore all expenses of his medical treatment. On 9.08.2016 he visited Domkal Sub Divisional Hospital's orthopedic ward for medical opinion over his ankles injury. Now he is bed-ridden and not in a position to run the family. On 16.08.2016 Mr. Billal Seikh submitted a written complaint to the office of the Superintendent of Police, Murshidabad describing the whole incident and sought justice. But there are no action based on his complaint and the perpetrators are roaming freely.



Mr. Mijanul Haque; son of Mr. Saifulla Seikh, aged about 30 years, by faith- Islam, caste- Other Backward Classes (OBC), is an agricultural labourer. He lives with his wife; Ms. Sanjila Bibi aged about 22 years and one minor daughter namely Ms. Jannatunesa aged about 2 years at Budhurpara village under Raninagar police station. On 9.06.2016 at about 8 pm, Mr. Haque was returning to his home at Budhurpur village from Harudanga through Kaharpara village after finishing his daily job. He was walking through Harudanga Kharpara road. Three armed BSF personnel along with one Assistant Commander, all were in their service attire, attached with Kaharpara BOP, 83 Battalion BSF, 'E' Company under Raninagar police station were patrolling near 4 no Outpost of Kaharpara BOP. While Mr. Haque was near 'Bara bridge' eastern side of Iron Mast (Tower), these three on duty BSF personnel noticed him walking toward the Budhurpara village. Just he was about to cross the tower, suddenly, one out of the three BSF personnel aimed his pellet gun on him and opened indiscriminate pellet firing without making a warning. Mr. Mijanul got shocked by sudden pellet shot and collapsed to the ground with pellet wounds all over his chest, arms and legs. But other two BSF personnel rushed toward him in the nick of time and caught him holding his hands from back side before collapsing. They began hitting him with their sticks all over his body. While beating up, the police also unleashed verbal abuses on him by saying, " You are a cattle smuggler. You are returning from Bangladesh after accomplishing cross border cattle smuggling. Mr. Haque gradually fell down on the ground after being unable to bear the blow of sticks. He was smeared with blood and became unconscious. Mr. Mijanul was dragged to nearest jute field by the BSF personnel in senseless condition and the BSF personnel fled from the spot. While he gained his sense after few hours, he somehow managed to reach his village in injured condition. Some villagers saw him in injured stat and helped him to reach his house. When he got back to his home, at first, he could not go to Godhanpara Block Primary Hospital for medical treatment owing to paucity of money. Even, due to fear of further harassment by BSF, he did not visit the local police station as well for

lodging any complaint against BSF personnel as he thought that he would be harassed by police of local police station and BSF. On 4.08.2016 Mr. Haque sent a written complaint to Superintendent of Police, Murshidabad through registered post in which he demanded compensation and appropriate action against the perpetrator BSF personnel but no initiative has been taken from his end so far.



Master Afzal Seikh son of Mr. Saidar Ali (mobile no.- 7076690192), aged about 15 years, faith- Islam, education- Class VIII student, is resident of village- Ramnagarpara, P.O.-Katlamari-II, Block-Raninagar-II, Police Station- Raninagar, District- Murshidabad, West Bengal. His father Mr. Saidar Ali ekes out his living by working as mason and regularly migrated to distant places. Master Afzal's two elder siblings are already left their study and started working as agricultural labourers but his younger sister is class VI student.

On 15.07.2016 at around 10 am, Master Afzal urged persistently to his mother that he wanted to bring breakfast for his grandfather at their agricultural field for that day only. It has to be mentioned that the family possesses some agricultural land at Char Kharandajpur *mauja* near mango orchard. His grandfather, Mr. Rabejauddin cultivates the land. His mother tried to deter him as the village roads, which were heading to their agricultural land was unknown to him. Due to Afzal's repeated requests, his mother agreed but warned him to be careful to go to the field through bordering roads of the agricultural field. Some of his friends, who knew the area well,

accompanied him to their agricultural land. He and his grandfather sat near their land under a mango tree for breakfast and took rest there for a while. After that, Mr. Rabejauddin went to plow the field and Master Afzal was helping his grandfather to his agricultural work for few hours. Meanwhile, his grandfather said, "I will return back home after 4'o clock in the afternoon after accomplishing my daily work; no need to wait for me. You must start for home through the road through the field without delay." Even Master Afzal became worried by thinking that he had to leave early otherwise his mother would scold him for late coming.

While he was returning through fields at about 2 pm, he could not find the right direction for his home. He became confused and chose the wrong path and went toward western direction of their agricultural field. When he reached near 3 No. Kaharpara BOP by mistake; 3 to 4 BSF guards all in their uniforms and rifles, white colour sticks in hands led by one Assistant Commander, all were attached with 83 Battalion BSF, 'E' company of Kaharpara BOP, spotted him. They rushed toward him in no time. To see them running towards him, he tried to hide himself at nearest jute field but he could not escape from their clasp. The BSF guards started beating him from all around having suspicion of a cattle smuggler. Then they pinioned him to the ground and started hitting on his back side of legs, insteps alternatively as a result of which Master Afzal sustained deep cut marks on the upper side of his left legs and blood was oozing out from the injuries. Even, one BSF guard kicked on his chest by his boot clad feet as he cried for mercy. Due to this physical aggression, his right wrist bone was fractured. Then the BSF personnel tried to strangulate the boy by a towel. Master Afzal could not bear the torture and became senseless on the spot. The BSF guards dragged his unconscious body towards jute field and threw his body inside jute field. Master Afzal was senseless and laid there for few hours. Few farmers, who were working at the jute field, noticed him in this condition at about 4 pm and brought him to Godhanpara Nursing Home; basic treatment was administered. The then on duty medical practitioner of the said Nursing Home advised the relatives of the victim to shift him at Berhampore for better treatment as his health condition was serious. Later, Master Afzal was treated by one orthopedic surgeon Dr. Swapan Roy of Berhampore. At present the victim is staying in his residence under medical care of said doctor and he still cannot walk properly. Even he cannot attain his classes at school. It has to be noted that the family of the victim bore all expenses of his medical treatment.

On 4.08.2016 Mr. Saidar Ali being father of the victim sent one complaint through registered post to the Superintendent of Police, Murshidabad describing the whole incident of torture by BSF personnel and seeking justice. But, no action has been taken till date.



Mr. Basanta Mondal son of Mr. Dhiren Mondal, aged about 26 years, belongs to Scheduled Caste community, profession- agricultural labourer, lives at village- Lakshminarayanpur, post office- Jinnatpara, block- Raninagar II, police station- Raninagar, district- Murshidabad, West Bengal. He is poor agricultural labourer from Scheduled Caste community reside under jurisdiction of Raninagar Police Station. Though he is an agricultural labourer, but like many other of his community often catches fish at night from local ponds. He is married and has two minor children aged about 4 and 2 years respectively.

On 7.06.2016 at about 1 a.m. Mr. Basnato Mondal with his brother Mr. Sadhin Mondal went to 'Harighat', nearly 1 kilometer from his residence and on the southern side of Kaharpara 4 no Outpost under Raninagar PS for fishing. Approximately 6 BSF personnel in their official uniform and sticks, pellet guns in hand of Kaharpara 4 no Outpost, Battalion BSF-83 were patrolling at that time in the area. They saw few smugglers approached towards Bangladesh borders with bags. The BSF patrolling team immediately chased them in order to catch the smugglers. Smugglers became alert and started running in different directions to evade arrest. Subsequently, the smugglers were successful to hide themselves in darkness. Meanwhile, the BSF patrolling party reached near 'Harighat' and spotted two men were catching fish there. Soon they started flinging abusive languages on two men; the victim and his brother out of frustration and then the BSF personnel pointed pellet guns at the brothers. The BSF personnel started to fire on them from backside, place of occurrence - the edge of the ghat. While fired from short range, innumerable pellets pierced on victim's hands, back side of the head and back. After being hit, Mr. Basanto put his hands on his head, as blood was oozing out from the wounds made by the pellets. He started shouting out of pain and waited for his brother's help. His brother Mr. Sadhin Mondal ran to rescue him and carried him to their house.

At first, he was treated by local quack doctor. But, his health condition gradually became worse and his family members brought him to Godhanpara Block Primary Hospital for further treatment. But the on duty medical practitioner Dr. Mainul Islam did not admit the victim and told the family members that he could not admit the

victim without GDE at police station as it was a police case. On 27.07.2016 the victim Mr. Basanto Mondal sent a written complaint through registered post to Superintendent of Police, Murshidabad district seeking action against the perpetrator BSF personnel. But there is no action based on his complaint and the perpetrator BSF personnel are roaming freely.

Mr. Firoj Mondal son of Mr. Gaffar Mondal, aged about 28 years, faith- Islam, caste- Other Backward Classes (OBC), lives at village- Tarali, post office- Hakimpur, block- Swarupnagar, police station- Swarupnagar, district- North 24 Parganas, West Bengal. He has a small piece of land at the village where he cultivates rice, jute and various types of seasonal vegetables. His family consists of his aged parents, his wife Ms. Sumona Bibi, and two daughters namely Ms. Afsana Mondal (aged 9 years) and Ms. Ruksana Mondal (aged 2 years). Tarali village is adjacent to Indo-Bangladesh border. One rivulet call 'Sonai' is flowing eastern side of the village and is the natural boundary between India and Bangladesh. There is no barbed wire fencing in this part of the border.

On 02.07.2016 at about 2.00 am, Mr Firoj Mondal was returning home from Bitheri Bazar on his brown colour 'Honda' made 'Shine' brand motorcycle (being registration No- WB-26AD 9286) after selling vegetables like any other day. When he was near Hakimpur Bazar, two BSF personnel namely Mr. G. Vaduria and Mr. P.K. Bera of Tarali Border Outpost (BOP) -'G' Branch of 76 Battalion BSF blocked his way. The above said two BSF officers forced him to get off from his motor cycle and dragged him to Tarali BOP, his motor cycle was also brought by them to the camp. In the BOP, he was asked to produce documents of his motor cycle. While he showed his documents to the officers, the BSF officials suddenly snatched his documents and the key of the motorcycle from his possession and locked the motorcycle. The officers allegedly abused him verbally at the outpost by saying "you are an agent of Indo-Bangladesh infiltration racket and involved with border smuggling. " Even he was slapped, punched and kicked by the two above mentioned BSF officers at the spot. They started beating him mercilessly with sticks. After that, he was confined in a room at the Tarali BOP and he was again subjected to torture in the BOP at the time of detention. Mr Firoj Mondal received injuries to his back and screamed with pain.

On the same day, at about 8 pm he was taken to Swarupnagar Police Station. On the way to the police station, he was indiscriminately beaten by the undeterred BSF personnel. The BSF personnel again laid blame on him as an agent of infiltration racket in the police station. Then, he was detained in the police lock up at Swarupnagar police station whole night. Meanwhile one case was filed by BSF of the said BOP against Mr. Firoj Mondal at Swarupnagar Police Station vide Swarupnagar PS case no- 526/16 dated 02.07.2016 under sections 14/14C of Foreigner's Act being G.R. no- 2669/16 at Basirhat Court. On 3.07.2016 at afternoon he was produced at Basirhat Additional Chief Judicial Magistrate Court (ACJM) and released on bail on the same day. On 04.07.2016 he was treated at Sarapul Rural Hospital (being Reg. no 12599 dated 04.07.2016) He has been suffering from intense pain on

his whole body and under regular medical care. It was revealed during the fact finding that the seized motor cycle of the victim was sent to Swarupnagar custom office from the Tarali BOP few days ago and it was laying there at the custom office with broken registration number plate.

On 15.07.2016 Mr. Mondal submitted one written compliant before Sub-Divisional Police Officer, Basirhat, North 24Parganas stating whole incident of torture, intimidation by BSF and mentioning the false police case implicated on him and urging to get back his motorcycle with documents from Swarunagar custom office. But, till date, the SDPO, Basirhat did not take any action.



Ms. Jahanara Bibi; wife of Mr. Kuddus Sardar, aged about 26 years, resident of village- Daharkanda, Police Station- Swarupnagar, District- 24 Parganas (North) homemaker and her family belong to marginalized section and enlisted in BPL category. The family has no connection in cross border smuggling. The family owns a milking cow and two she calves for domestic use. The local BSF personnel had eye on the cattle and frequently made visits to their house to take away those cattle but every time the neighbours protested and forced the BSF personnel to retreat. As the neighbours knew that the cattle are for their domestic uses and cattle rearing are very popular financial activity in bordering areas. In previous occasion than this recent one, on 17th July 2016 at evening, BSF personal Mr. Surjit Singh and 4-5 other BSF personnel tried to take away the cattle from the victim's house and created fuss but the locales thwarted the BSF's ploy.

On 15.10.2016 at around 8.00 PM, the mentioned BSF personnel went to victim's house. At that time the BSF party was without any female BSF personnel. The victim was busy in teaching her only son; Ashraful; who is a student of standard VI. She heard noises at their cowshed; she peeped and found that the BSF personnel were trying to untied the cattle. She came out from her room and protested. The husband of the victim; Mr. Kuddus Sardar was not present at the home at that time. The neighbours assembled at her home. The BSF personnel then started beating her with fists, feet, rifle butts and sticks. BSF personnel made several blows with sticks on her torso and she fell on the ground. Then the BSF personnel left the cattle there

and returned. Ms. Jahanar Bibi received medical treatment at Sarapul Rural Hospital on 16.10.2016 and on 08.11.2016 she made a complaint to the Sub Divisional Police Officer; Basirhat.

Ms. Morjina Bibi; wife of Mr. Nauser, Ms. Rahima Bibi; wife of Mr. Baki Sardar, Ms. Taslima Bibi; wife of Mr. Abbas Sardar and Mr. Surat Sardar; son of Mr. Ismail Sardar; all residents of village- Daharkanda, Police Station- Swarupnagar, District-24 Parganas (North) were the eyewitnesses of this barbaric attack upon a woman by BSF personnel.

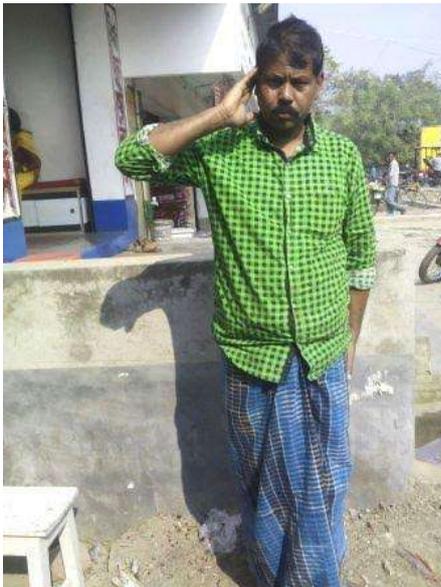


Mr. Mainuddin Mandal, son of Late Sekendar Mandal, aged about-44 years, by faith-Muslim, by occupation-cultivation, residing at village-Taltali, Police Station-Jalangi, District-Murshidabad is a poor farmer and affected with river erosion of Padma river in Jalangi Block. He has monthly income of Rs.3000/-. In his family he has three minor daughters and one minor son. His son is only aged about two years and the daughters are school children. Earlier his land was engulfed into river Padma due to erosion. Now a small amount of his land emerged where he carries on his cultivation and from the income from cultivation he and his family members survive.

On 28/11/2016 at about 9 am he went to his farming land by depositing his voter identity card (No.LPG0508945) at BSF Out-Post no.2 under Farajipara BSF Camp, Police Station-Jalangi. He has cultivated 'Kalai' (one type of pulses) in his land and the crop was fully grown. He stayed in his field for the night to pick up the produce from the field. Next day (29/11/2016) at about 4.45 pm he came at BSF Out-Post no.2 under Farajipara BSF Camp, Police Station-Jalangi with the produce from his farming land for the purpose going to his home. But the perpetrators BSF personnel posted there at that time started to assault him brutally by fists, kicks and sticks. They gave no reason to assault him but abused him in filthy languages. The victim bearing the inhuman assault fell on the ground almost losing his sense. After the perpetrator BSF personnel left place leaving him injured and screaming in pain, the eye-witnesses and other present on the spot took him to Jalangi Police Station. But the police of the said police station refused to accept any complaint. Then he was taken to Sadikhan's dear Rural Hospital and admitted for medical treatment. As his physical condition did not improve he was referred to Domkal Sub-Divisional Hospital

on 07/12/2016 for 'better management'. On 14/12/2016 he was discharged from Domkal Sub-Divisional Hospital.

On 30/11/2016 Ms. Nargis Bibi (the victim's wife) made a written complaint to the Officer-in-Charge of Jalangi Police Station stating the incident of torture and physical assault upon her husband by the accused BSF personnel. In the written complaint duly mentioned the names of Mr. Rabikul Mondal, son of late Ajit Mondal and (2) Mijanur Rahaman, son of late Israfil Mondal being the eye-witnesses. The police of the said police station instead of accepting and registering First Information Report (FIR) on the complaint, simply issued GDE no.1617 dated 30/11/2016.



Mr. Monnaf Ali, son of Mr. Joinal Abedin, aged about-56 years, residing at village-Karala, Police Station-Dinhata, District-Cooch Behar is a farmer. He has five members in his family. His village is close to Indo-Bangladesh border and border fencing is within one meter reach from his residence. On 02.09.2016 at about 9 pm was sitting on the open courtyard in front of his house after completing dinner with his family members. At that time one BSF-INT personal namely Mr. Beer Singh along with other three BSF jawans from Natkobari BSF BOP Camp entered into the residence of the victim and started to abuse him in filthy languages. They snatched one mobile phone set (Brand-Samsung worth of Rs.1600/-) from him and left the place by putting him into life threats. The family members of the victim were the eye-witnesses of the incident. On the next day he verbally informed the incident to members of local gram panchayat. He consecutively for three days went to Natkobari BSF BOP Camp and requested for return of his mobile phone but it was not returned to him. Having no other way out he submitted one written complaint (being reference no. P.G. Cell R. no.480/2016 dated 17/10/2016) describing the whole incident before the Superintendent of Police, Cooch Behar but till date no action has been taken on his complaint. The incident only unequivocally proves the highhandedness and continuity of torturous and whimsical acts upon Indian citizenry by the Border Security Force personnel in bordering district of West Bengal.



Mr. Montu Mondol, aged about 23 years lives with his parents; Mr. Baidyanath Mondol (50 Years), Mrs. Sabita Mondol (40 Years), his brother Mr. Jhantu Mondol (15 years) and his sister Ms. Baisakhi Mondol (11 years), belongs to Schedule Caste community and resides at village- Tiktikipara, Post Office- Shibnagar, Police Station – Jalangi, District – Murshidabad. They do not possess any piece of agrarian land of their own. Victim's father works as agrarian labor. Victim was a school dropout due to their financial hardship. Due to their miserable economical status victim used to migrate occasionally to Kerala. Rest of the time he supports his father as a land labor. Victim also takes part in cattle smuggling for little more income. On 28.08.2016 at around 6 am victim went at the vicinity of 4 No. Out Post of Bamnabad Border Security Force Camp to smuggle out a pair of cattle. At that time 4 Border Security Force personnel from Bamnabad BSF Camp captured him. Seeing BSF personnel, the victim got scared and begged for his life. Those BSF personnel beat him brutally on the spot. One of them fired from his pallet gun and victim received pellet injuries on his hands. After that at around 6.30 am those BSF personnel brought him to said BSF camp and started inhuman torture upon him with iron rods. On the same day, at around 2 pm, BSF personnel handed over the victim to Raninagar Police Station and police registered one criminal case vide Raninagar PS Case No. 434/16. On the next day on 26.08.2016 at around 10.00 am, victim was produced before the Lalbagh Additional Chief Judicial Magistrate's Court. He got bail on the same day. The police and the BSF personnel not cared for victim's injuries after his arrest. The victim received medical attention just after his release on 3rd, 5th, 6th and 10th September 2016. But till date he is not cured. After that on 30.09.2016, he visited to Sir Nil Ratan Sircar Medical Collage and Hospital, Kolkata for treatment. On 23.10.2016 victim got treatment at medical camp organized by Banglar Manabadhikar Suraksha Mancha (MASUM) supported by UNVFVT. Still he is suffering for his injuries. On 16.10.2016 victim lodged one written complaint to Superintendent of Police of Murshidabad but no action has been taken.

Perpetual infringement on freedom of movement of villagers for agricultural purposes by BSF

This complaint was lodged in the matter of the villagers of Garjala village whose life and livelihood are at peril. The Border Security Force personnel of Tentulberia Border Outpost of BSF Battalion No.40 and Kalanchhi Border Outpost of BSF Battalion No. 76 are constantly perpetuating atrocious acts upon the villagers living along the Indo-Bangladesh border at Garjala village under 24 Parganas (North) district of West Bengal. The villagers are mainly belong to Schedule Caste; "Namasudra" and 'fishermen' community and religious minority; Muslims.

Garjala village is located inside Gaighata block of Bongaon sub-division, post office Tetulberia, under the jurisdiction of Gaighata police station of 24 Parganas (North), West Bengal, India. Garjala village is close to the Indo-Bangladesh border. River Ichamati is flowing northern, southern and eastern side of the village. Garjala is home to schedule caste and backward class Muslim communities. The majority of the populace is poor agrarian labour or small land holder and fishermen. In 2015 the Garjala village was heavily damaged due to incessant rain resulted flood in several areas, severely disrupting day to day livelihood of the area. Paddy, Jute and other vegetables were completely washed away. After changing leadership in New Delhi, tension has been simmering along the Indo-Bangladesh border as BSF trying to prove their active vigil through Indo-Bangladesh bordering area. Indian villagers residing in the border areas also accuse the BSF of not just unprovoked beatings, but unjustified shooting. The situation worsen after the statement made by the Union Home Minister during his visit to this area.

Winter season is the season for Rabi crops. The season is considered for Mustard seed, Pumpkin, Coriander and *Boro* (one variety of paddies) cultivation. Farmers use to visit Panchpota (local market) to bring fertilizer, seeds and pesticides for cultivate their crops. Free movement of farmers is being controlled by BSF personnel. Even, farmers being harassed and restricted to visit their own land for agricultural purposes and further threatened and abused by the BSF personnel of aforementioned BOPs. After flood water subsided, the posted BSF personnel creating hazards and hindrances for regular agrarian activities. BSF personnel do not allow bringing cattle in farmers own farmland for sowing and other cultivation activities. If any farmers visit any said Border outpost for seeking permission to bring cattle to their farmland with Panchyat pradhan's permission letter, they are being harassed and are being attacked with sticks by BSF guards. BSF personnel do not pay any heed of their request or give any importance of Panchyat pradhan's letter. Reportedly, if any farmer enter Border outpost for granting assurance from BSF to buy cattle, BSF guards allegedly start using obscene language and push them out from BOPs. When any farmer objects, the guards allegedly use more objectionable words and

brandished a stick to chase them. In case, the farmer is belong to Muslim community; BSF accuse them as a cross-border cattle smuggler and shouting filth against them.

It is revealed during the fact finding that the border remains unguarded due to Tentulberia Border Outpost and Kalanchhi Border Outpost is about 1 to 2 kilometers inside from the actual border line. Those BSF camps are situated near the vicinity of the aforesaid village and the villagers do not get any protection and help from BSF. In many occasions, BSF guards allegedly enter the house of villagers at any time be it is day or night in the name of searching and harass them. Most of the women of the village are being scared by mischievous act of BSF guards. Even, they are frightened to go outside their house as to protect their modesty intact.

Even the father, who is yet to marry off his daughter, is scared from BSF because the BSF guards are not exempt them from searching while relatives have been staying their home for marriage purpose. Such grim stories of BSF torture abound. Following these incidents, resentment brews up among the villagers and has determined to report the issue to the higher authority for taking necessary action.

On 27.11.2015 the villagers submitted a written application which was signed by both male and female members of the village to the District Magistrate of 24 Parganas (North) so that they can move freely; but in vain, no suitable measure has been taken and situation unchanged and the citizenry still under the unjustified restriction of posted BSF personnel. The action is not only challenging the personal liberty of the villagers but also violate 'right to life', freedom to opt for occupation of choice and right to free movements of those persons as conferred by Article 21 and Article 19 respectively in Indian Constitution.

Further, this act was against the premises of Article 6 and 9 of International Covenant on Civil and Political Rights and Article 6(1) of International Covenant on Economic Social and Cultural Rights; government of India ratified both the UN instruments.

I want to mention here that in our previous selfsame matter (NHRC Case No. 44/25/13/08-09-PF/OC) under direction of NHRC, Mr. R.R.Jha, IAS, Joint Secreatay (HR Division), Ministry of Home Affairs, Government of India personally visited the bordering villages and after that he submitted his report, No. 15011 / 20 / 2011 – HR

– II dated 20 April 2011. I want to recall the said report which was circulated to all stations of BSF to follow the instructions laid down in the report.

This complaint on 18th December 2016 was about unbridled misery of village populace at Indo-Bangladesh bordering area. Bitterness, fear and uncertainty plagued Putia Baromasia villagers whose livelihood opportunity has been shrinking day by day. Most of the villagers earn their living by working as agricultural labourers and by cultivating small plots of land. The border fence was erected inside Indian side from the actual international border leaving about 500 Bighas of agricultural lands of the villagers under the Indian Territory at the other side of the fencing. Around 200 families of the border village of post office- Lalbazar under Sitalkuchi police station of Coochbehar district in West Bengal are living in utter anxiety, especially at night. Since there is no access at night, the standing crop of those 500 bighas of land is open to theft and protection of their yield from the damages by the criminals from Bangladesh is herculean task for the villagers. Their agricultural land is located in between pillars no 904 and pillars no 906. To visit their agricultural lands, the villagers have to cross either 8 or 9 number barbed-wire gate. The said area is under Paglimari Border Outpost, Company-E of BSF Battalion no-17. The farmers who own agricultural land on the other side of the fence are allowed to visit their fields is under whims and fancies of the posted BSF and villagers have to submit their EPIC cards during the same. They villagers most of the time not permitted to bring tractors, fertilizers, plow, oxen for agricultural purposes. Going by BSF guard's instruction, they have to visit BOP to meet senior officers for permission. But, as expected, they are not allowed to bring farming equipment beyond the fencing. In this way, BSF preventing them from farming on those lands.

The border gates are opened for one hour thrice a day. The farmers complain that, the gate is not open in time and BSF guards of the said BOP open and close the gate impromptu. BSF guards are obstructing villagers from going to or back from their farmland if they do not follow their unjustified instruction. However, if the gate is open in time, then farmers have got direct access to their lands. If they return from the field late, then they have to wait near the gate for hours till a senior officer gives them permission to enter. Farmland in between the India-Bangladesh border and barbed-wire fence remains uncultivated as Border Security Force has been obstructing the villagers from entering their ancestral land. Due to closer of the gate from 06.06.2016 for an indefinite period, farmers have not been able to go for farming on their firm land from that day. Reportedly, they are cultivating nuts this season in their farmland. In the absence of guard and since the farmers are unable to go to the farm land due to the BSF restriction, most of the time goats and cattle of Bangladeshis enter their agricultural field and destroy their nuts field.

During interaction villagers tells MASUM fact-finding team that BSF guards have cut them off from their own farm land. The BSF guards refuse to open the gates for them even if there is an emergency at night. Villagers accuse that the BSF guards beat them up if they unknowingly break their instruction. Even, guards treat them worse than animals. Mr. Abed Ali Mia, a resident of the village, is one among those who have not been able to cultivate their own land due to the BSF obstruction. 'It's my

own land but I can't cultivate anything there because of restriction from the BSF. Now, I have no other way but to work as a labourer on someone else's land but my own land is lying unused beyond the fencing,' he said 'This is very frustrating,' Abed Ali Mia bemoaned. On 28.06.2016 the villagers submitted a written memorandum before the District Magistrate, Coochbehar wherein they mentioned their particulars of agrarian land; *dag* no. and *khatiyān* no. along with signatures and urged him to open the border gates (gates no 8 and 9) for agriculture. However, there has been no move from the higher ups of the government regarding the illegal obstruction of entry of villagers into their farmland allegedly by BSF guards. The action is not only challenging the personal liberty of the villagers but also violate 'right to life', freedom to opt for occupation of choice and right to free movements of those persons as conferred by Article 21 and Article 19 respectively in Indian Constitution.

BSF forcefully grabbed lands of the farmers and obstructed passage to cultivate their own land

This is an incident of Kismat Korola-I village, Post Office- Notkobari, Police Station- Dinhata, Cooch Behar district, West Bengal, India. The said village is adjacent to the Indo-Bangladesh border. The villagers have agricultural lands at both sides of the barbed fence and they cultivate these lands generation after generation. They inherited those agricultural lands from their forefathers. They have registered deed of the agricultural land with *dag* no, mouza no. and other relevant land documents. The Border Security Force personnel of Notkobari Border Outpost of BSF Battalion No.124 under Dinhata police station constructed new outpost beside gate no 8 and pillar no 934 -18 (3). After constructing the new outpost, they started erecting boundary wall surrounding the outpost. In order to erect the high wall, the BSF personnel dig pits inside the farm lands of the villagers without asking for affirmation from the land owners. Even, they did not feel the need to ask the land owners before started digging their lands for construction purposes of permanent nature. In this way, they were almost encroaching upon portions of the agricultural lands of the villagers. The details of the incident are given below. It had been reported that on 10.08.2016 at about 9.30 am, BSF personnel of mentioned BOP hired one Gipsy make car having registration No. WB-73C 6749 and the name of the driver of the vehicle was 'Chiranjeet' for digging pit on the farmland of villagers. The work was progressed in presence of BSF personnel. By the time land owners were informed they reached to their farmland to stop BSF performing the illegal act. On seeing villagers, the BSF personnel rushed toward them brandishing their sticks and rifles in order to prevent the owners entering their own farmlands. Meanwhile, three arrogant BSF constables, one of them Mr. Bimal Roy, repeatedly threatened to kill the villagers if they tried to stop them. Realizing ferocious attitude of BSF personnel, the land owners fled from the spot and met BSF engineers, contactors and Ms. Santi Bala Barman, the member of Kismat Karola Gram Panchyat accordingly and requested them to intervene in this matter. In order to settle the dispute, one negotiation meeting was called at said panchyat member's house on 24.08.2016. Thus, the BSF personnel of the outpost and the land owners attended the meeting to settle the dispute. It was decided at the time of the discussion that two surveyors will be called on 26.08.2016 from Sukaru Kuthi Gram Panchayet Revenue Inspector Office and Block Land and Revenue Officer (B.L.R.O) Dinhata II Block Office for

measuring the lands. On the said date, two surveyors arrived there; the land owners also arranged another surveyor on their behalf. Three surveyors started measuring the disputed land in presence of both the parties. After surveying the land for two days, they concluded and advised BSF personnel of said outpost to erect boundary wall on their own land instead of villagers' agricultural lands. However, the BSF personnel were not happy with the survey and suddenly told the surveyors to survey the land again in presence of their engineer. As per BSF wish, the survey work was started again, but this time BSF personnel did not allow land owners to be present at the spot during the survey, and to deter them to present, they chased them brandishing their sticks and rifles. They howled by saying that if the villagers were not left the place at once then they would kill all of them. By seeing their apoplectic stance, the land owners escaped the place to save their life. After this incident, the land owners cannot go to their agricultural land out of fear.

The BSF of said BOP become more oppressive after this incident, and in an act of vengeance; not opening the barbed wire gate for the villagers to visit their agricultural lands for agricultural purposes. As a result, most of the times their agricultural lands remain unprotected and their crops (rice) is ruined by cattle and goats. During interaction, most villagers who spoke on the issue blamed all the concerned officials of BSF as being responsible for their plight. In this way, the BSF personnel impinged in the lands of the villagers; violating the right to life of the villagers and creating unlawful hindrances in their peaceful living. Mr. Mintu Haque, on behalf of the land owners, submitted two written complaints on 1.09.2016 mentioning mouza, dag no and block name etc before the Sub-Divisional Officer, Dinahata, Cooch Behar and the District Magistrate, Cooch Behar respectively. In this complaint, he urged before the respective authorities to facilitate the return of their agricultural lands from the possession of BSF of Notkobari BOP. But the respective authorities have not taken any initiative to solve the matter.

The list of villagers below who's e portion of agricultural lands is occupied by BSF: 1- Mr. Mintu Haque (aged 30 years), 2- Mr. Sekender Ali (aged 65 years), 3- Mr. Mandur Ali (aged 63 years), 4- Mr. Makbul Hossen (aged 61 years), 5- Mr. Serajul Haque (aged 59 years), 6- Mr. Kuduch Mia (aged 38 years), 7- Mr. Firdous Ali (aged 36 years), 8- Mr. Nantu Mia (aged 33 years), 9- Mr. Atarul Mia (aged 28 years), 10- Mr. Asadul Haque (aged 22 years), 11- Mr. Jakir Hossen (aged 35 years), 12- Mr. Mijanur Rahaman (aged 23 years), 13- Mr. Alam Haque (aged 25 years).

Sexual abuse of minor and abetment to commit suicide by BSF

This is an incident of molestation of a 12 year old school going girl by Border Security Force guard while she was returning from her private tuition. She was a class VII student. The insulted and humiliated girl failed to bear the psychological distress and later hanged herself to death at her home. The involved BSF guard stopped her forcefully, seized her bi-cycle and insulted her by saying as a smuggler. It was reported that on pretext of conducting a search the accused BSF guard stationed at the check-post, fondled her private parts. When the girl protested, she

was illegally detained at the check post for more than half an hour. Her mother came to know about the incident while she was searching her daughter and a portion of this inhumane act was witnessed by her.

The deceased was a student of class VII at a village school and her father Mr. Anowar Mondal, is a daily wage earner. Gosaipur village is located on the Indo-Bangladesh border and there is no fencing in the area. The house of the deceased is near to 7 no check post. On 07.05.2016 morning, the deceased went for private tuition at Trimoohini, near her home. The place was close to Sidai BSF camp. While the deceased was returning at about 11.00 am from private tuition, it was cloudy. People came back from the field to escape from storms and rains. None was present at the field. Darkness covered the area and all of a sudden rains with thunderstorm started. She was hurriedly returning as she was nervous about the climate by riding her bicycle. As she approached 7 no. check post crossing, she was stopped by few BSF personnel. Reportedly, the girl was asked to produce document proving that the bicycle belongs to her. This act of offence was perpetrated by one BSF personal; Mr. Chandrakant. The BSF guard told her that it was a new bicycle, for which she was being questioned. At that time, she had no document or paper to prove that it was her bi-cycle. So, obviously she failed to give proper answers or show any paper. Thereafter, the BSF guard snatched the key of the bicycle from her possession and locked the bicycle. She repeatedly requested the guard that it was her old bicycle; she used to ride the bicycle while going to private tuition. She again requested him to let her go but the errant BSF guards did not pay any heed of her request and said he wanted to check her belongings to know if she was carrying anything illegal. In pretext of conducting a search the BSF guard had allegedly molested her by touching her private parts. The guard allegedly outraged her modesty by using obscene language at the check post by saying "you are involved with smuggling and this is a smuggled bicycle, so I am seizing the bi-cycle in my possession". When she protested against the incident the BSF guard had made her stand there for more than half an hour. The guard threatened her with dire consequences that if she disclosed the matter to anyone, then he would detain her again. When the victim's family members found that she was not returning from the private tuition they started looking for her in the nearby areas. The victim's mother finally found her at the check post. She was on tears and narrated the whole incident to her mother. When the guard was asked as why he had indulged in such immoral activities, he had behaved rudely and an altercation broke out between the accused BSF guard and Rina Bibi (deceased's mother). The guard again laid blame on them as a smuggler and touched her body in front of her mother. Later, the guard let them go, but kept the bicycle at the check post. Noticeably, there was no female BSF guard at the check post.

The girl and her mother reached home and girl narrated the story to her father. Ms. Rina Bibi spread paddy on open land adjacent to their home for drying. After realizing rain was coming any time as darkness covered the area, Ms. Rina Bibi went hurriedly there to bring paddy at home. She called her daughter to come there and helped her to carry paddy but she did not answer. Ms. Rina Bibi, herself brought paddy at home. Meanwhile, the girl failed bear the humiliation and decided to end her life at around 12.30 pm she bolted the door silently of her room and committed suicide by hanging herself from the ceiling. After returning home, Rina Bibi repeatedly called her daughter but nobody answered and suddenly she found that the room of the deceased locked from inside. Ms. Rina Bibi rushed toward the room and knocked the door repeatedly. As the girl did not open the door despite repeated knocks, the family members broke the door only to find their child had tied a duppatta around her neck and hanged herself from the ceiling. The mother; Ms. Rina Bibi's screamed for help and neighbours reached their home.

The girl was brought down and taken to the Hilli Health Centre in a serious condition. After an hour, her condition worsened and she was referred to the Balurghat district hospital. At about 11.00 p.m. at night Dr. Prasanta Majumdar of said hospital declared her dead. Asked about the cause of the death, the doctor said: "The girl had deep injuries on her neck. Everything will be clear after post-mortem report comes."

Then, the deceased body was transferred to the Balurghat Police Station, where the police registered an unnatural death (UD) case of Balurghat PS Case no. 167/16 date 08.05.2016. The body of the deceased was sent to Balurghat District Morgue. The inquest was done on the same day at 2.30 pm in presence of uncle of the deceased; Mr. Mahirul Mondal; not been videographed. On 08.05.16 at about 2.45 pm postmortem examination was done at the said Morgue by Dr. Aniruddha Mridha; autopsy surgeon. On 08.05.2016, Mr. Anowar Mondal father of the deceased lodged a complaint to the Hili police station which was registered as Hili Police Station Case No. 141/16 dated 08.05.2016 under sections 341/354/305 of Indian Penal Code section 10 of Protection of Children from Sexual Offences Act, 2012. It was reported that the police of said police station dillydallying to start the investigation. So, on 27.05.2016 Mr. Anowar Mondal sent a written complaint by fax to the Superintendent of Police, Balurghat, South Dinajpur in which he demanded stringent legal action against accused BSF guard.

Narrative report on continuous infringement on Livelihood and Free Movement by BSF

This is another sordid tale of continuous infringement upon right to life and livelihood activities of innocent villagers residing at Indo- Bangladesh bordering areas of

Kasipur village, Block, Post Office and Police Station- Bagdah, District North 24 Parganas in West Bengal, India. Border Security Force created havoc on the minds of the villagers residing there. Their fundamental right to live with human dignity and livelihood; secured under Article 21 of the Constitution of India has been violated by the BSF personnel at a regular basis. The villagers forced to abide by the whimsical 'rules' of Border Security Force and slightest violation resulted into brutal physical assault and harassment of the villagers. Regular torture becomes day to day issue. Article 19 of the Constitution of India grants every citizen the right to move freely across the country but 35 families of Kashipur village are unable to do so and their only fault is that their houses are located near the Indo-Bangladesh border and during the construction of the border roads and fencing, their houses unfortunately fell across the fencing (other side of the fence), which has been erected 230 meter inside the Indian territory.

By fencing of 150-yard inside actual Indo-Bangladesh border line, India has practically divide Kashipur village in two parts leaving 35 families beyond the fencing, under Bagdha PS as half of the village is now situated in between Indo-Bangladesh border and I.B.B.R (Indo- Bangladesh Border Road) Construction work of fence was permanently halted as CPWD issued suspension of work as the area is densely populated and at places fencing has divided the homesteads, fishponds, temple, mosque and the village markets rendering villagers life miserable. BSF, by force, violated suspension of work notice imposed by CPWD and constructed bamboo and barbed made fence along the side of the I.B.B. Road 230 meter inside and divided their residence. There is bamboo made gate at certain location on the fencing at the village. Due to this 35 families with a population of about 200 have fallen outside of the fencing, they have been facing irrational restriction from Border Security Forces to enter or exit through the fencing gate.

The BSF personnel of the Ronghat and Jeetpur Border outpost, 'C' company, battalion 01 , who guards the Indo-Bangladesh border at the area, opens the gates at around 6 am and the farmers reside beyond the fencing who cross over the fencing to their daily jobs are supposed to return before 8 pm when the gate closes for the day. They are locked away from their own village for 10 hours a day and it seems that they are in a prison. Some of the villagers come out from their village in the morning to go far away in search of job as daily wage labourers but they have to return home before 8 pm. These villagers have to show their identity cards issued by the BSF and get their names registered to work on the field inside the border fence. During this period, the people need to cross over to the Indian mainland in order to eke out a living. While for some, their farms lie in the mainland; for others, walking across the gate is necessary to go to markets or schools, colleges or workplaces. The daily life of these people comprise carrying their voter I-cards along, since it is that crucial piece of paper that will ensure them access to their own country. However, in order to come back they have to wait for the gates to open at scheduled time. The villager's ingress to Indian mainland has been restricted by the BSF for flimsy reason.

Many a time, cases of harassment by the BSF guards have reached the deaf ears. For example, if a pregnant woman on that side of the fence happens to have her labour pains at 9 pm, a time when the gates are shut, she would not be allowed entry

into the Indian mainland. And as far as the no man's land is concerned, not only are there no hospital in the area, there aren't even basic health facilities. The BSF, it has been alleged, doesn't allow any festivities, occasions and celebrations in the no man's land. Marriages in the area are a completely silent affair, as are other occasions. There is always fear of harassment or theft particularly at night by the Bangladeshi hooligans as the area is unprotected. The villagers complained that BSF never guards this part of the village because of their patrolling comes to an end near the gate.

It is revealed during the fact finding that fencing at the border to check infiltration from Bangladesh into India is supposed to be done 150 yards (137 meter) away from the zero line, which is not followed at many places and is done about 230 meter or more away from it, thus leaving precious Indian land on the Bangladesh side. India has been constructing the composite type fencing without taking any care for the populace living there. However from our fact finding team noticed that the B.S.F. personnel of the Ronghat and Jeetpur Border outpost, 'C' company, battalion 01 entered Kashipur village, 6 no Ronghat, police station- Bagdah, district- 24 Parganas (North) in the name of patrolling the border. After entering inside the village, they start the inhuman practice banning the farmers of the village to harvest crops without showing the voter Identity card. The BSF guards stay at inside the village and make the life of the villagers miserable and always under threat.

Most of the villagers live by cultivating vegetables in and around fence. They mainly cultivate ivy gourd and to cultivate ivy gourd at their agricultural land they have to cross border gate at about 5 am in the morning; but border gate is closed at that time resulting losses of farmers. "I have agricultural land other side of barbed fence. I cultivate ivy gourd. It is difficult here as we have to strictly follow the rules set up by the BSF. I am a free Indian but I cannot go to my paddy field at my will," said Abdul Khalek Seikh while talking to the MASUM team from other side of the fencing during his lunch break.

The barbed wire fence was erected by the BSF to prevent infiltration from Bangladesh cuts through the village. The border road passes through the part of the village which falls beside the fence. The whole bordering roads is generally propagated as the property of the BSF; while in actuality the roads were constructed by Central Public Works Department (CPWD) for common use, the guards restricting movements of bonafide citizenry.

"The BSF has told us not to step on this road. But it passes through my courtyard and we can't step out of the house unless we step onto the road. How can we live like this?" asked Kartik Mondal, a village elder. There is no road except the one along the fencing. The BSF often prevents the villagers from using the road after dusk. Even if there is a medical emergency, they cannot go out at night. Villagers have been urging the local administration for a long time to construct a road for civilians but nothing has been done. It is found that majority of the children do not go to school. To go to a school, the children will have to cross the gate in the border fencing by showing their identity to the BSF guards and the nearest school is far off from the village.

Torture perpetrated by Border Guard Bangladesh

Mr. Indrajit Mondal aged about-19 years, son of Mr. Krishna Chandra Mondal, Scheduled Caste, by occupation-cultivation, residential address at village-Char Durgapur, Post Office- Harudanga, Police Station-Raninagar, District- Murshidabad, West Bengal, on 27th August, 2016 went to Harudanga BSF Camp and deposited their voter identity cards to get entry permission for catching fish near border area. After getting entry permission vide entry no.34 they moved towards northern side from BSF Out-Post no.2 near Indo-Bangladesh border rivulet of river Padma. Then they started to catch fish by fishing net within the Indian Territory. Later at about 4 pm three BGB (Border Guard Bangladesh) trespassed into Indian Territory and without any hint they started to beat Mr. Indrajit Mondal at random by baton and rifle. There was no BSF person though the place of occurrence was in Indian Territory. Even the BGB tried to abduct him to Bangladesh territory by force but failed. Those perpetrator BGB personnel told him that “we are not assaulting like your BSF”. Due to the assault he sustained chest pain and also pain in leg and back.

On 28 August, 2016, 11 am, Mr. Indrajit Mondal went to Harudanga BSF Camp to submit written complaint on the incident but BSF refused to receive his complaint. On 1st September, 2016 he went to Godhanpara Block Primary Health Centre for medical treatment. But the attending doctor refused to provide any medical treatment to him until lodging of information before the police as to how he sustained injuries. As he was urgently required medical treatment, he attended Dr. S. Kabir in his chamber on the same day and received medical treatment.

On 1st September, 2016 Mr. Indrajit Mondal sent written complaints to the Superintendent of Police (SP), Murshidabad as well as to the DIG, BSF, Roshanbagh, Murshidabad by registered post informing the whole incident with prayer to initiate appropriate legal action on his complaints but till date he did not receive any response against his complaints.

Torture perpetrated by Forest Guards

Ms. Bina Biswas; wife of Mr. Indrajit Biswas, aged about 38 years, a resident of village- Meghnad Saha Nagar, North Madarihat, Post Office- Madarihat, Block- Madarihat, Police Station- Madarihat ,District- Alipurduar belonging from Schedule Caste community. Her family consists with her husband; Mr. Indrajit Biswas (Age-49), two sons Mr. Kamal Biswas (Age- 22), Master Arpan Biswas (Age- 3months) and one daughter Ms. Purnima Biswas (Age- 15 years). Victim was a daily labor.

The victim lives with her family at the vicinity of Jaldapara National Park and like any other dwellers assist and help the forest department to upkeep and check smuggling of timber. The family somehow manages their living by meager income of her and

her husband; they used to work as daily wage earner. The forest dwellers are normally collect wood and leaves as fuel from the forest for their household requirement and this has sanction in Joint Forest Management as these woods are categories as non timber forest product. On 13.05.2016 at around 3-4pm victim entered to Jaldapara National Park at mentioned fringe for collecting some woods. At that time Mr. Hari Joshi with 3-4 forest guards riding on an forerst department's elephant spotted her and aimed their pellet gun over her. Victim got frightened and surrendered before them. She also requested them to arrest her but not to fire. But those perpetrator forest guards fired upon her. Due to the firing victim received 45-50 pellets on her body and fell on the ground. She received pellets on her front, back, arms and at lower portion of her body, even on her toes.

Those forest guards left her in injured condition. The victim's husband was informed about this incident and rushed at the spot with co villagers. He found her in senseless state and smeared with blood. He took his wife to Madarihat Block Primary Health Center at Madarihat. Later, she was referred to Alipurduar District Hospital. On 17.05.2016, victim's husband; Mr. Indrajit Biswas lodged one complaint before the Madarihat Police Station which was duly registered as Madarihat PS Case No. 74/16 dated 17.05.2016 under sections 326/109 of Indian Penal Code and 25(1) and 27 of Arms Act. Mr. Dipak Chakroborty; Sub Inspector; Madarihat Police Station appointed as Investigating Officer. While we called him on 20.10.2016 and enquired about any arrest of accused made; he informed that no such arrest has been made, further he informed us that a criminal case vide Madarihat PS Case No. 67/16 dated 13.05.16 under sections 447/427/353/186/332/506 of Indian Penal code and 26 (1) (b) has been initiated over the complaint made by the involved forest guards against unknown 15-20 accused; later the victim has been drawn into the case as an accused. On 18.05.2016 the husband of the victim lodged similar complaint before the District Magistrate of Alipurduar district.

The victim is still unable to walk and confined to bed. Her husband is not in a financial position to admit her in a better medical facility for her early recovery. It is learnt that a good numbers of pellets are still stationed inside her body.



Attacks on Human Rights Defender

Report to the United Nations Special Rapporture on Human Rights Defenders regarding continuous attack on our activists and lawyer at Murshidabad district

MASUM provide medical, legal and psychological support to the victims subjected to human rights violations. MASUM are also working with enclave dwellers and filed a writ petition before the Supreme Court of India bringing the empathic situation of the enclave dwellers. MAASUM also filed a writ petition before the Supreme Court of India in the matter of torture, extra-judicial killing by Border Security Force. MASUM also took the fight for justice for Felani Khatun who was killed by Border Security Force by filing petition before the Supreme Court of India. MASUM has been providing legal assistance to the victims of torture who filed court complaints against the perpetrators in uniform. MASUM also took up the livelihood issue of the vast number of people living near Indo-Bangladesh border in Murshidabad district, affected by erosion of river Padma. All those could not be possible without the assistance of our members, our District Human Rights Monitors. But for our works we including the victims are under continuous threats from the state agencies.

Our present District Human Rights Monitor in Murshidabad district Mr. Ajimuddin Sarkar has been implicated in several false and concocted criminal charges by

Murshidabad district police. He was behind the bars for 70 days in this year. He was particularly targeted by Mr. Biplab Karmakar being the Officer-in-Charge of Islampur Police Station as a widowed lady Ms. Reba Bewa moved before the High Court in the matter of custodial death of her husband at Raninagar Police Station. Mr. Biplab Karmakar was the then Officer-in-Charge of Raninagar Police Station when the custodial death took place. MASUM and Mr. Ajimuddin Sarkar have been helping the lady to fight the legal battle in court. MASUM lodged complaint before the National Human Rights Commission in the matter of custodial death of the victim Rajib Molla but the Commission transferred the complaint to West Bengal Human Rights Commission which till date did not take any action. It is a reality as day light that the State Human Rights Commission in West Bengal is at present inactive.

Mr. Ajimuddin Sarkar in the month of September, 2015 was implicated in two criminal cases by Islampur Police Station in the captaincy of Mr. Biplab Karmakar. Mr. Kirity Roy is accused of two criminal cases initiated by the police in Murshidabad district. It seems that the police and administration in Murshidabad district lost their sleep to gauge our activity in the said district. Our District Human Rights Monitors in other districts are also facing the wrath of the state agencies.

The National Human Rights Commission failed to take suitable measures in spite of our repeated complaints filed by MASUM in the matter of Mr. Ajimuddin Sarkar and other district human rights monitors of MASUM under threats through its focal point on HRD (Human Rights defenders).

Even MASUM's pro-bono advocate Mr. Rana Mahanta who has been defending the case of Reba Bewa, widow of Rajib Molla and also the cases of other victims came under repeated threats from unknown police personnel to withdraw the complaint filed by Reba Bewa in the matter of custodial death of her husband Rajib Molla against the accused police personnel.

The victims of torture in the hands state agencies are also not safe. They are under continuous threats to withdraw the complaints filed against the perpetrators. At regular intervals MASUM receives information that the victims for whom complaints lodged by MASUM before the Human Rights Institution came under threats. Either police or Border Security Force personnel visit their homes and put them under pressure at the point of threats to withdraw complaint or compromise. There is no protection to the victims and witnesses as the National Human Rights Commission

and the State Commission is under deep sleep to protect the victims and the witnesses whenever complaints filed against the state agencies.

Recently on 4.1.2016 at 10.30 am, five BSF personnel reportedly named as Mr. Japal Babu, Mr. Sonvir Singh, Mr. SL Saia and Mr. Jaswant Singh with the driver of the BSF vehicle(No. RJ19IC-8618) visited the house of Mr. Panchanan Mondal at his residence at village-Char Borderpara, Police Station-Raninagar, District-Murshidabad. His two sons namely Susanta Mondal and Dhananjoy Mondal had been allegedly killed by the perpetrator Border Security Force personnel. The complaints filed by Mr. Panchanan Mondal and MASUM in the matter of alleged killing of Dhananjoy Mondal by Border Security Force are still pending before the National Human Rights Commission(NHRC Case no.1533/25/13/2012-PF). Under such backdrop, the said BSF personnel came and threatened Mr. Panchanan Mondal to withdraw his complaint against BSF.

We, members of MASUM, the victims for whom MASUM took initiative for their support in seeking justice are not safe; all are under constant threats from the state agencies. The above is only a glimpse of the ongoing situation. We need strong supports from all corners of the society so that we can carry out our works in the field of human rights activity and the victims could be protected.

Incident of constant attacks and intimidation upon a human rights defender and his family

Mr. Ajimuddin Sarkar's family is facing constant intimidation and attacks by the local miscreants having patronage from police and section of Panchayet (local self government). Mr. Ajimuddin Sarkar is a renowned human rights defender of Murshidabad district in West Bengal, India. He is working as a District Human Rights Monitor of Banglar Manabadhikar Suraksha Mancha (MASUM) in Murshidabad district.

Previous incidents

Mr. Ajimuddin Sarkar and his family were attacked on 24.5.2013 by police, so a complaint was lodged to National Human Rights Commission and other HR organisations on 25.5.2013 by MASUM. Much before that on 14.11.2012 some known miscreants from Raninagar Police Station (Murshidabad district) area raided the house of Mr. Najibur Rahman; the elder brother of Mr. Azimuddin Sarkar, with lethal weapons and firearms. The co- villagers with many others confirmed that the miscreants aided by few political leaders and police of the area and local police trying to subjugate Mr. Azimuddin Sarkar for his untiring involvement against tortures by police and BSF personnel. After the incident of 25.5.2013, on 5 June 2013 the police initiated a criminal case with Case No. 364/2013 against him under section 12 of the Passport Act of 1967 (GR 1738/2013). He was not aware of the criminal charges against him. The criminal case was initiated after an accused detained by the Border Security Force and later handed over to Raninagar Police Station, made a statement in which he claimed that Mr. Azimuddin Sarkar and Mr. Kirty Roy, the secretary of MASUM, told him to smuggle goods to Bangladesh. On May 20, 2014, Mr. Ajimuddin Sarkar filed an application before the Additional Chief Judicial Magistrate Court; Lalbagh, expressing his concern that he had been falsely implicated in an unknown criminal case by the police and the BSF, and requesting more details about that case.

On 21 November 2014, Mr Azimuddin Sarkar was arrested at wee hours of night by local police from his home in the village of Bardhanpur, Murshidabad district, West Bengal; and detained at Raninagar police station. Following his detention, he was beaten in custody. On 22 November 2014, he was brought to the Additional Chief Judicial Magistrate Court; Lalbagh; Murshidabad district. He was given bail and the court also directed to carry out a medical examination of Mr. Azimuddin Sarkar under the supervision of the Court Inspector of General Record Office. Following the directive, the medical officer of Lalbagh Sub Divisional Hospital examined Mr. Azimuddin Sarkar and advised hospitalisation. Mr. Ajimuddin Sarkar was discharged on 27.11.2014 from Lalbagh Sub Divisional Hospital and on 28.11.2014 was taken to Kolkata for further treatment. On 29.11.2014 he went through Psychiatric counselling, the report says that he is traumatised, frustrated and there is a continuous feeling of insecurity, helplessness and emotional arousal. Mr. Sarkar further went to SSKM medical College and Hospital for treatment. He had to go through several tests including Xray of knee, spine and CT-Scan.

Recently, on 23.03.2016, local anti-social backed by the Raninagar police station and Mr. Amzad Hossian son of Mr. Nasiruddin Sarkar, Pradhan of Malibari I Gram Panchayet, attacked Mr. Ripon Seikh son of Mr. Abdul Majid Seikh, Mr. Kabil Seikh and Mr. Habil Seikh; sons of Mr. Lal Mohammad Seikh. While Mr. Ripon Seikh is

nephew and Mr. Kabil Seikh and Mr. Habil Seikh are cousins of Mr. Sarkar. The prime objective is to harass Mr. Sarkar's family by any means as he continuously obstructs their illegal activities in this area. Now the victims are battling with life at Baharampur New General Hospital. But the police of Raninagar PS are continuously pestering his family in periodic manner to restrain him from his duty as human right defender. Raninagar police registered one case vide Raninagar PS case no 123/16 under sections 323/341/326/506 and 34 of Indian Penal Code, based on a complaint submitted by Ms. Janera Bibi; she is the aunty of Mr. Ajimuddin Sarkar. Now, the family has been spending distressful life with utter anxiety. Our fact finding report attached herewith for your easy reference. In this regard, I therefore, request your good office to protect the family.

The perpetrators are residing at the same village where the victims are also permanent residents. Rafikul Islam and his clique is dreaded criminals of the area and they are engaged with different illegal activities such as extortion, theft, violence against women, clash with another group, smugglings etc. They are roaming freely as they are politically patronized by a major political party of the area. Noticeably, they have a tacit support from government agencies (local police stations) also and broke the laws as per their wills. Local people are vexed with their activities and submitted written complaints to different government offices i.e. District Magistrate, Superintendent of Police, Sub-Divisional Police Officer etc. But the hapless villagers are still under the clasp of the criminals. Mr. Amzad Hossian son of Mr. Nasiruddin Sarkar, Pradhan of Malibari I Gram Panchayet is knee-deep involvement in financial irregularities and MASUM made complaints about his misappropriation of public money in cases of Ms. Sarathi Mondal; a destitute aged widow and Mr. Upendra Nath Mondal an aged RTI protagonist and out of that grudge he masterminded the attack.

On 23.03.2016 at midnight 12 o'clock Mr. Rafikul Islam and his allies, attacked Mr. Abul Majid Seikh house with sharp weapons and firearms when they were in deep sleep. The perpetrators shouted on the name of Mr. Ripon Seikh, Mr. Masudul Hossain and Mr. Sahidul Islam and threatened with dire consequences. The anti-social group was continuously flung filthiest words against the womenfolk. Incidentally, the goons were in inebriated state and their heinous acts were protested by the family members. The information was passed to Raninagar Police Station through phone on that night. But they have hand in glove with the goons and did not take any actions against them.

On 24.03.2016 at 6 a.m. Mr. Ripon Sheikh strolled outside his house unintentionally. Suddenly, Mr. Rafikul Sheikh and his allies lashed out at him with daggers, pistols and bombs and hit him on his back with sharp dagger. Mr. Ripon Sheikh fell down numb. At that moment, Mr. Kabil Sheikh and Mr. Habil Sheikh also present there and witnessed the gruesome incident. They were also attacked by the goons while they tried to rescue Mr. Ripon Sheikh. Blood was gushed out profusely from the back of the Mr. Ripon Sheikh. Mr. Habil and Mr. Kabil received fatal injuries. Thereafter, the goons fled from the spot and left the victims to die on the spot. Mr. Sahid Hossian son of late Kasimuddin Mondal, Mr. Kazju Sheikh son of Mr. Mozahar Rahaman, Mr. Firoz Sheikh son of Mr. Abdul Soham Sheikh, Ms. Janera Bibi, wife of Mr. Lal Mohammad, Mr. Anarul Islam son of late Bainuddin, Mr. Babu Sheikh son of Lal Mohammad, who were from same village, were eyewitnesses of the incident and brought the injured to Godhanpara Block Primary Center for immediate treatment. After noticing serious condition of the victims, the then on duty medical practitioner of the said BPC advised to shift the victims at Baharampur New General Hospital for proper treatment. Now, the victims are battling with life at the said hospital. Ms. Janera Bibi, being grandmother of Mr. Ripon Sheikh visited Raninagar Police Station on the same day to register her complaint but not provided with the case number, while MASUM contacted the Raninagar Police Station on 24th afternoon, they provided with the case number but refused to impart the sections framed. The copy of the FIR only provided on 25.03.2016 evening to the family after several requests made.

Mr. Abdul Majid, the elder brother of Mr. Ajimuddin Sarkar; District Human Rights Monitor of MASUM for Murshidabad district and his family are being constantly intimidated, threatened and attacked by the local hooligans having patronage from police. On 23.03.2016, local anti-social backed by the Raninagar police station and Mr. Amzad Hossian son of Mr. Nasiruddin Sarkar, Pradhan of Malibari I Gram Panchayet, attacked. Ripon Sheikh, Mr. Kabil Sheikh and Mr. Habil Sheikh. While Mr. Ripon Sheikh is nephew and Mr. Kabil Sheikh and Mr. Habil Sheikh are cousins of Mr. Sarkar. The prime objective is to harass Mr. Sarkar's family by any means as he continuously obstructs their illegal activities in this area. Further, on 28.03.2016, at around 7 pm, 1) Mr. Rafikul Islam son of Mr. Abul Bakkar Sheikh, 2) Mr. Mejarul Sheikh son of Mr. Abul Bakkar Sheikh, 3) Mr. Panjaton Sheikh son of Mr. Abul Bakkar Sheikh, 4) Piarul Islam son of late Tayab Mondal, 5) Ms. Hema Bibi wife of Mr. Rafikul Islam, 6) Mr. Nasiruddin Sheikh son of Mr. Entajuddin Sheikh, 7) Mr. Santu Sheikh son of Mr. Abdul Samad, 8) Mr. Amzad Hossian son of Mr. Nasiruddin Sarkar, Pradhan of Malibari I Gram Panchayet (all were involved in previous attack on 23.03.2016 and 24.03.2016) gathered in front of Mr. Abdul Majid's house. All of them were carrying firearms and sharp weapons. The gathered miscreants roared hoarse and threatened the family with dire consequences. The miscreants specifically threatened Ms. Janera Bibi; wife of Mr. Lal Mohammad who was the de facto

complainant of Raninagar PS case no 123/16. The miscreants warned the family that if the case would not be withdrawn, they will put fire on the house and burn them alive. The incident was informed the Superintendent of Police; Murshidabad by a complaint dated 30.03.2016. Similar incident of bullying and intimidation was happened again on 02.04.2016. The family again informed the same to the Raninagar police station and seeing their reluctance made complaint before the Superintendent of Police; Murshidabad.

The continuity of terror, intimidation and attacks by the miscreants, the shameless patronization of hooligans by local police and the permanence of impunity for errant police force has only questioning our legitimate existence at the said area. Sometime the continuity of silence from the H.R. Institution which is bound to protect and extend human rights for all making us unnerved. Hope, you will feel the gravity of the situation and take immediate steps to protect life and liberty of Mr. Ajimuddin Sarkar and his family.

Ms. Tilak Barman; aged about 35 years, wife of Mr. Prafulla Barman is a human rights activist working for Banglar Manabadhikar Suraksha Mancha (MASUM) as District Human Rights Monitor at District Coochbehar. She is deputed to working for the deprived erstwhile enclave dwellers of Coochbehar district. For this engagement, she frequently visits at erstwhile enclaves and rehabilitation camps, where the erstwhile enclave dwellers from Indian enclaves at Bangladesh were settled by the government. On 01/05/2016 Ms. Barman was invited from "Amra Chitmahalbasi" at Mekhliganj Camp . To keep her promise she visited at Mekhliganj camp at around 12.30 pm. The meeting was related to recently held assembly elections in West Bengal. The activists were obtaining signatures on memorandum related to their demands to political parties before the election. Some resident of said camp having affiliation with different political parties tried to stop this initiative. On that day when signatures were obtained, some 5-6 residents came to that place and threatened to stop that process. Ms. Swapna Rani Roy (Barman) wife of Mr. Balaram Barman, resident of erstwhile Indian Enclave named Banskatha came and destroyed the papers where the signatures of enclave dwellers were obtained. Those people threatened and misbehaved with Ms. Tilak Barman and told her to leave the place. Ms. Swapna Rani Roy (Barman) is local leader of BJP party, ruling party of India. The other residents came forward in support of Ms. Tilak Barman and went another place to avoid them.

At around 10.20pm, some police personnel from Mekhliganj Police Station came to said camp to searching for Ms. Barman. Two Inspectors in Charge (One Male and one female) of the said police station came in civil dress. They said that some people

of that camp filed complaint against her. After that they picked her in a TATA Sumo vehicle and went straight to Mekhliganj Police Station without showing any memo of arrest and citing reasons for her arrest. Mr. Hemanta Sharma (Baro Babu) interrogated her from 11.15 pm at Mekhliganj police station. The perpetrator police personnel asked for her mobile phone but she denied confiscating the same. Mr. Sharma ordered the constables to lock her in a women cell of the said police station.

Then Secretary of MASUM informed about the situation and talked with Mr. Sharma and reminded him that he was taking some illegal steps to harass Ms. Barman. Mr. Sharma replied him that Ms. Barman was brought to the police station for some interrogation they have no intention to arrest her. Subsequently, after the phone call Ms. Barman was taken out from the cell. Then the police personnel said that if someone came here to take her out then they will release her nevertheless she has to be spent all the night at police custody. The representatives of Banglar Manabadhikar Suraksha Mancha came to police station at around 2 am of 2nd May 2016, and after half an hour Ms. Barman was released after signing a paper (supposedly personal release bond - PR Bond) by Mr. Ajijul Haq; colleague of Ms. Barman.



Incidents of illegal arrest and detention of Bangladeshi women and children

On 30.09.2015 at around 7.00 p.m. posted guards of Border Security Force of Hakimpur Border Outpost of Battalion no-152 apprehended 13 Bangladeshi nationals (including 9 adult persons and 4 infants) from Hakimpur village at the time these groups were trying to get into Indian mainland through the said outpost without valid document. Thereafter they were handed over to Swarupnagar Police Station,

24 Parganas (North) district. On 1.10.2015 the following mentioned persons were produced before Additional Chief Judicial Magistrate,(ACJM) Basirhat and the concerned Magistrate ordered to detain women with their children to Dumdum Central Correctional Home and men were detained at Basirhat Sub-Divisional Correctional Home in connection with their respective charges instead of sending them to their home. Again, they were produced before concerned court at 18.11.2015. Mr. Farukh and Mr. Sayad were released on bail but remaining all was still reminded in jail custody for nearly 62 days.

These Bangladeshi nationals have been staying at Chotto Bauria in Guma area within the limits of Swarupnagar Police Station for last three years. They built shack and have been staying there. Most of the women of the group took up jobs as a domestic help in and around Duttapukur area to earn their living. They occasionally visit Bangladesh to meet their relatives with the help of travel agents. The Border Security Force and these agents work hand in glove. Posted guard of BSF allegedly takes bribe from the Bangladeshi infiltrators and allows them to move in Indian mainland. An 'underhand understanding' between the agents and the BSF goes for long. After spending 28 days in Bangladesh, again these aforementioned Bangladeshi came back to the place of their work. This time, they tried to snake into India to evade bribe, but were caught by posted BSF guards. It was revealed that these people keep coming from Bangladesh to earn their living as daily labourer, mason and domestic help. Most importantly I want to mentioned that the under mentioned all women having no connection and involvement with any illegal activities. Noticeably, these people had no voter identity cards or any other proof.

This was fourth subsequent complaint before the National Human Rights Commission over this continuous procedural flaw and non acceptance of legalities by the police, BSF and lower judiciary. In this context, the BSF, police and judiciary violated the stricture stated in memorandum No. 14051/14/ 2011-F.V of Ministry of Home Affairs (Foreigners Division) Government of India dated 1st May, 2012.

Name and other details of the victims with date:

- 1) Ms. Nunar Bibi, wife of Lt. Rafikul Gazi, aged 38 years, along with two infants, namely, i) Mr. Jakir Gazi, aged 10 years and ii) Kodhera, (02 months) of village- Chinbgra Sagardari, post Office- Chingra Bazar, Police Station- Keshavpur, District- Jaisore, Bangladesh was implicated vide Swarupnagar Police Station Case No- 890/2015 dated 30.09.2015 under sections 14 of Foreigners Act.

2) Ms. Niru Das, wife of Ms. Jeevan Das, aged 43 years, along with infant Ms. Susmita Das, aged 10 years, of village- Sandip Gacha, P.O.-Kaska Bazaar, P.S.- Mostabis, Dist- Choto Gram, Bangladesh was implicated vide Swarupnagar Police Station Case No- 890/2015 dated 30.09.2015 under sections 14 of Foreigners Act.

3) Ms. Shilpi Begam, wife of Lt. Mintu Dafadar, along with two infants, i) Ms. Marupa Khatun aged 8 years and ii) Mr. Yasin Dafadar, aged 3 years was implicated vide Swarupnagar Police Station Case No- 890/2015 dated 30.09.2015 under sections 14 of Foreigners Act.

Organisation filed another complaint over the prosecution against the Bangladeshi women with minor children on their lap, violating the standing advisory of the office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012. In this memorandum it has been clearly stated that “(IV) it is seen that in general, the foreign victims of human trafficking are found without valid passport or visa. If, after investigation, the woman or child is found to be a victim, she should not be prosecuted under the Foreigners Act. If the investigation reveals that she did not come to India or did not indulge in crime out of her own free will, the State Government / UT Administration may not file a charge sheet against the victim. If the charge sheet has already been filed under the Foreigners Act and other relevant laws of the land, steps may be taken to withdraw the case from prosecution so far as the victim is concerned. Immediate action may be taken to furnish the details of such victims to the Ministry of External Affairs (Consular Division), Patiala House, New Delhi so as to ensure that the person concerned is repatriated to the country of her origin through diplomatic channels” and (v) During the interim period, pending repatriation, the victim may be taken care of in an appropriate children’s home, or “Ujjawala” home or appropriate shelter home either of the State Government concerned or of any NGO aided by the Government of India / State Government.’

The following mentioned women were primarily apprehended by Border Security Force personnel and thereafter they were handed over to Police of Swarupnagar Police Station under North 24 Parganas. Neither the BSF authority nor the police made any preliminary enquiry in compliance with the abovementioned advisory issued by the Government of India. The police of Swarupnagar Police Station also did not send any report to the concerned magistrate in this regard. A thorough enquiry into the circumstances of the arrest, prosecution and detention of the victim women is called for. The following mentioned women were produced before the concerned court (Additional Chief Judicial Magistrate, Basirhat) and the concerned Magistrate ordered to send them to Dumdum Central Correctional Home in connection with their respective charges. Neither ACJM Basirhat court, nor the police

/ prosecution preferred to follow the directives of Home Ministry, Government of India.

Name and other details of the women with their case numbers:-

1. Ms. Sabran Bibi @ Saburan Bibi, wife of Mr. Mustafa Sheikh, aged about-50 years of village-Shilampur, Post Office-Gazirhat, Police Station-Kaliya, District-Noryal, Bangladesh **along with her two minors in lap namely Yalid Sheik(male and aged about-10 years) and Sonali Sheikh(female and aged about-9years)**. She was implicated in Swarupnagar Police Station Case no.1149/2015 dated 8.12.2015 under section 14/14C of Foreigners Act.
2. Ms. Nepa Bibi, wife of Mr. Misur Khan, aged about-18 years of village-Shilampur, Post Office-Gazirhat, Police Station-Kaliya, District-Noryal, Bangladesh **along with her one minor in lap namely Payel Khan (female and aged about 2 years)**. She was implicated in Swarupnagar Police Station Case no.1149/2015 dated 8.12.2015 under section 14/14C of Foreigners Act.
3. Ms. Adhuri Molla, wife of Mr. Palash Sheikh, aged about-25 years of village-Shilampur, Post Office-Gazirhat, Police Station-Kaliya, District-Noryal, Bangladesh alongwith her two laps namely Sabna Sheikh(female and aged about-9 years) and Hussain Ali Sheikh(male and aged about-6years). She was implicated in Swarupnagar Police Station Case no.1149/2015 dated 8.12.2015 under section 14/14C of Foreigners Act.
4. Basanti Sardar, wife of Kali Sardar, aged about-40 years of village-Bordola, Post Office-Bordola, Police Station-Ashasuni, District-Satkhira, Bangladesh. She was implicated in Swarupnagar Police Station Case no. 498/2015 dated 6.6.2015 under section 14 of Foreigners Act.
5. Priya Sheikh, daughter of Baharul Sheikh, aged about-18 years of village-Baliadanga, Post Office-Rasulpur, District-Satkhira, Bangladesh. She was implicated in Swarupnagar Police Station Case no. 498/2015 dated 6.6.2015 under section 14 of Foreigners Act.
6. Ms. Nasima Begum, wife of Mr. Bahrul Sheikh, aged about-35 years of village-Baliadanga, Post Office-Rasulpur, District-Satkhira, Bangladesh. She was implicated in Swarupnagar Police Station Case no. 498/2015 dated 6.6.2015 under section 14 of Foreigners Act.
7. Ms. Lipi Sardar, wife of Mifujul Sardar, aged about-20 years of village-Chandpur, Post Office-Singhasulpur, Police Station-Kalia, District-Narail, Bangladesh. She was implicated in Swarupnagar Police Station Case no. 498/2015 dated 6.6.2015 under section 14 of Foreigners Act.
8. Ms. Fatema Begum, wife of Hafijul Sardaqr, aged about-25 years of village-Keralkata, Post Office-Chandrabbattala, Police Station-Kalrowa, District-Satkhira, Bangladesh. She was implicated in Swarupnagar Police Station Case no. 498/2015 dated 6.6.2015 under section 14 of Foreigners Act.

This was another complaint on incident of illegal arrest of Bangladeshi women by the police personnel of Swarupnagar Police Station and fake prosecution by the Additional Chief Judicial Magistrate Court, Basirhat by violating standing instruction of the office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012.

The following women were primarily apprehended by Border Security Force personnel and thereafter they were handed over to Police of Swarupnagar Police Station under North 24 Parganas. Neither the BSF authority nor the police made any preliminary enquiry in compliance with the abovementioned advisory issued by the Government of India. The police of Swarupnagar Police Station also did not send any report to the concerned magistrate in this regard. A thorough enquiry into the circumstances of the arrest, prosecution and detention of the victim women is called for. The following mentioned women were produced before the concerned court (Additional Chief Judicial Magistrate, Basirhat) and the concerned Magistrate ordered to detain them to Dumdum Central Correctional Home in connection with their respective charges denying to send them to their homelands. In this regard, I want to mention that the three women listed as No. 1, 2 are languishing detention with their babies in lap.

Name and other detail of the women with date:-

1. **Ms. Munjila Begam**, wife of Mr. Jainal Khan, aged 40 years, of village- Bisakuri, post office- Damuda, police station- Saraiat, district- Damuda, Bangladesh was implicated in Swarupnagar Police Station Case No- 1174/2015 dated 18.12.2015 under sections 14/14C of Foreigners Act.
2. **Ms. Esmatara**, of Jainal Khan, aged 18 years, of village- Bisakuri, post office- Damuda, police station- Saraiat, district- Damuda, Bangladesh was implicated in Swarupnagar Police Station Case No- 1174/2015 dated 18.12.2015 under sections 14/14C of Foreigners Act.

Another incident of illegal arrest and detention of Bangladeshi women by the police personnel of Swarupnagar police station of West Bengal and prosecution by the Additional Chief Judicial Magistrate Court, Basirhat by violating standing instruction of the office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012 has been brought into the notice of the National Human Rights Commission.

- 1) Ms. Mushamad Sahinur, daughter of Md. Yeakub, aged about 28 years of village- Badinavarán, post office- Jadavpur, police station- Gekorgachha, District- Jashor, Bangladesh was implicated vide Swarupnagar Police Station Case No- 110/2016 dated 13.02.2016 under sections 14 of Foreigners Act.
- 2) Ms. Mushamad Sarina Khatun, daughter of Md. Sultan Biswas, aged about 26 years of village- Islampur, post office- Jadavpur, police station- Gekorgachha, District- Jashor, Bangladesh was implicated vide Swarupnagar Police Station Case No- 110/2016 dated 13.02.2016 under sections 14 of Foreigners Act and
- 3) Ms. Mushamad Amina Begum, daughter of Md. Jaynal Biswas aged about 25 years of village- Badinavarán, post office- Jadavpur, police station- Gekorgachha, District- Jashor, Bangladesh was implicated vide Swarupnagar Police Station Case No- 110/2016 dated 13.02.2016

under sections 14 of Foreigners Act were primarily apprehended by Border Security Force personnel of 76 BSF Battalion, Tarali Border Outpost, Tarali village on 13.02.2016 at about 3.30 pm and thereafter they were handed over to the Police of Swarupnagar Police Station under North 24 Parganas District. Neither the BSF authority nor the police made any preliminary arrangements in compliance with the abovementioned advisory issued by the Government of India. A thorough enquiry into the circumstances of the arrest and detention of the victim women is called for. The following mentioned women were produced before the Additional Chief Judicial Magistrate, Basirhat on 14.02.2016 and the concerned Magistrate ordered their judicial remand to Dumdum Central Correctional Home for 14 days. It was revealed that these Bangladeshi national keep coming from their country to earn their living as daily labourer, mason and domestic help and no relation to trafficking or any other illegal activities.

Further, Master Asadul Sana, son of Khudabaksh Sana, residence at village-Sutarkhala, Police Station-Dhayab, District-Khulna, Bangladesh was arrested by Border Security Force on 13.2.2016 and handed over to the police of Swarupnagar Police Station. The police of the said police station booked him in Swarupnagar Police Station Case no.109/2016 dated 13.2.2016 under section 14/14C of Foreigners Act. On 14.2.2016 he was produced before the Additional Chief Judicial Magistrate Court, Basirhat, District-North 24 Parganas and the magistrate sent him to regular prison. In the police record he was shown as 18 years old. However it is revealed during our fact finding that the victim is below 18 years and his age was wrongly recorded as 18 years in the police record by the Investigating Officer without any verification. The victim had no valid document to prove his age and without making any verification under the set procedure of law the police recorded his age as 18 years in police record. Even the court concerned did not make any age determination inquiry either by the victim's physical appearance or adopting the other methods. The judicial magistrate concerned acted on the determination of the age by the Investigating Officer of the aforesaid criminal case alone and sent the victim (who is according to our fact finding is below 18 years) to regular prison. Our fact finding revealed gross human rights violation of the victim. Swarupnagar Police Station Case no.109/2016 dated 13.2.2016 the following two women and one boy who were Bangladeshi nationals were arrested:-

- i) Ms. Nasima, wife of Abu Hanib Hazi, aged about-27 years, from village-Kishoreganj, Post Office-Amirgang, District-Koshoreganj, Bangladesh.
- ii) Ms. Baharan Mulla, wife of Mr. Humaun Kabir Mulla, aged about 27 years, from village-Rajapur, Post Office-Bodonai, Police Station-Kalia, District-Narail, Bangladesh with one lap female baby aged about 2 years.
- iii) Mr. Asadul Sana – son of Mr. Khudabaksh Sana Male 18 years of village – Sutarkhali, Police Station – Dakop, District – Khulna, Bangladesh

The above mentioned women were primarily apprehended by Border Security Force personnel and thereafter they were handed over to Police of Swarupnagar Police Station, District-North 24 Parganas. It is revealed during our fact finding that neither the BSF authority nor the police made any preliminary enquiry in compliance with the advisory issued by the Government of India to ascertain whether they are the victims of human trafficking or not. They are at present detained at Dumdum Central Correctional Home in charge of Section 14/14C of Foreigners Act.

Md. Mominur Islam, son of Md. Mohar Ali, residence at village-Bantala, Post Office-Satkhira, Police Station-Samnagar, District-Khulna, Bangladesh was arrested by Border Security Force on 1.4.2016 and handed over to the police of Swarupnagar Police Station. The police of the said police station booked him in Swarupnagar Police Station Case no.260/2016 dated 1.4.2016 under section 14 of Foreigners Act. He was produced before the Additional Chief Judicial Magistrate Court, Basirhat, District-North 24 Parganas and the magistrate sent him to regular prison. In the police record he was shown as 18 years old. However it is revealed during our fact finding that the victim is below 18 years and his age was wrongly recorded as 18 years in the police record by the Investigating Officer without any verification. The victim had no valid document to prove his age and without making any verification under the set procedure of law the police recorded his age as 18 years in police record. Even the court concerned did not make any age determination inquiry either by the victim's physical appearance or adopting the other methods. The judicial magistrate concerned acted on the determination of the age by the Investigating Officer of the aforesaid criminal case alone and sent the victim (who is according to our fact finding is below 18 years) to regular prison. Our fact finding revealed gross human rights violation of the victim. It is further revealed that in the above mentioned criminal case i.e. Swarupnagar Police Station Case no.260/2016 dated 1.4.2016 **Ms. Shila Begum**, daughter of Kabir Hossain, aged about-20 years, from village-Chaumani, Post Office-Bhola, Police Station-Bhola, District-Bhola, Bangladesh and **Ms. Mukta Akhtar**, daughter of Md. Khalik Hawladar, aged about-19 years, from village-Nayapara, Post Office-Banati Bazar, Police Station-Kolapara, District-Barishal, Bangladesh were also arrested and sent to regular prison. . The women were primarily apprehended by Border Security Force personnel and thereafter they were handed over to Police of Swarupnagar Police Station, District-North 24 Parganas. It is revealed during our fact finding that neither the BSF authority nor the police made any preliminary enquiry in compliance with the advisory issued by the Government of India to ascertain whether they are the victims of human trafficking or not. They are at present detained at Dumdum Central Correctional Home in charge of Section 14 of Foreigners Act.

This was another incident of illegal arrest and detention of Bangladeshi women by the police personnel of Swarupnagar police station of West Bengal and prosecution by the Additional Chief Judicial Magistrate Court, Basirhat by violating standing instruction of the office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012 has been brought into the notice of the National Human Rights Commission. Government of

India has rightly decided and circulated its abovementioned decision on 1st May 2012, it seems that the circular is not in operation in the state of West Bengal; even judiciary is not complying the advisory. By this way the lower judiciary are also in violation of Article 2 of Basic Principles on the Independence of Judiciary, which was endorsed by UN General Assembly on 13 December 1985.

Mr. Ayubnabi Seikh, son of Mr. Bichad Seikh, aged about-26 years, by faith-Muslim, nationality-Indian(voter identity card no.RVD1102599) , **Mr. Sanaul Seikh @ Chanaruddin Mondal**, son of Mr. Johimuddin @ Johim Mondal, aged about 26 years, by faith-Muslim, nationality-Indian (voter identity card no.RVD0966739) and **Mr. Babu @ Bablu Seikh**, son of Hakim Seikh, aged about 20 years, by faith-Muslim, nationality-Indian (Aadhar card no. 850158306745); three Indian nationals are being detained in Rajshahi jail in Bangladesh. It is revealed that on 25.8.2015 at about 8 am in the morning the victims went to catch fish in the river Padma near Indo-Bangladesh border. They entered into the territory of Bangladesh by mistake and reached near Alaipur Ghat. The patrolling party of Bangladesh Border Guard (BGB) caught them and through interrogation they came to know their identities as Indian nationals. Then the victims were arrested by the patrolling party of BGB and took them to Mirganj BOP Camp, Bangladesh. They were detained and subjected to custodial torture in the camp. At about 8 pm they were handed over to police of Bagha Police Station alleging that they were accused of smuggling of phensedyl (cough syrup) from India to Bangladesh. On the next day they were produced at Rajshahi Court. At present they are being detained at Rajshahi Central Jail. They were implicated in a criminal case under the Control of Entry Act, 1952 in Bangladesh. The family members of the victims made separate written representations before the District Magistrate, Murshidabad pleading for proper action so that the victims can return to their homeland as early as possible. But the District Magistrate, Murshidabad is yet to response to the representations made by the family members of the victims. Therefore it is apparent that the victims have been facing indefinite stay in a jail of foreign land.

This is again two incidents of detention of six women with three minors at Dum Dum Central Correctional Home charged under section 14/14(C) Foreigners Act. They were apprehended by BSF on 21.04.2016 and later were handed over to Swarupnagar PS. These Bangladeshi nationals are yet to be provided with any kind of legal assistance. There were two more men who were detained along with women and minors and they are currently detained at Basirhat Correctional Home. While conversing with Fatema Bibi and Tohamina Begum, two of the six detainees, it has been revealed that all of them crossed the border in search of better livelihood seeking household works in big cities like Mumbai or Delhi. The authority is yet to start a probe in compliance with the advisory issued by the Government of India vide office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners

Division) Government of India Dated 1st May, 2012 to ascertain whether they are the victims of human trafficking or not. Victims are detained charged under Section 14/14C of Foreigners Act in connection with Swarupnagar Police Station Case no. 330/16 dt. 21.04.16.

Particulars of the Victims:

- i. Ms. Fatema Bibi, wife of-Kalu Aladar, aged about-26 years, residence at village-Raripara, Post Office-Chutila, Police Station, Munshiganj, District - Munshiganj, Bangladesh.
- ii. Ms. Tohamina Begum, wife of- Late Simul Munsu, aged about -24 years, residence at village-Mushra, Post Office-Lohagara, Police Station-Lohagara, District -Norail, Bangladesh
- iii. Ms. Sarina Begum, wife of-Late Mahamood Saikh, aged about-36 years, residence at village-Ratol, Post Office-Kasyani, District -Gopalganj, Bangladesh
- iv. Ms. Sathi Bibi, wife of -Md. Jahangir, aged about-35 years, residence at village-Mongla, Post Office-Mongla, Police Station-Mongla, District- Bagerhat, Bangladesh
- v. Ms. Rozi Bibi, wife of - Md. Alamin, aged about-24 years, residence at village-Rajapur, Post Office-Rajapur, Police Station-Sorankhola, District -Bagerhat, Bangladesh along with one child named Ruman, son of Md. Alamin, aged about-5 years
- vi. Ms. Nayan, wife of -Monir, aged about-32 years, residence at village-Faridpur, Post Office-Ragdi, Police Station- Makshidpur, District-Gopalganj, Bangladesh along with two children named (i) Mizenoor, son of-Monir, aged about-9 years (ii) Noorzamal, son of -Monir, aged about-7 years

Swarupnagar Police Station Case No- 398/2016 dated 17.05.2016 under section 14 of Foreigners Act.

1. Ms. Nazma Begam, wife of Mr. Nizam Malik, aged about 35 years of Village – Barandi, Post Office and Police Station – Khulna, District –Khulna, Bangladesh.
2. Ms. Rahila Begam, wife of Mr. Rahim Bawati, aged about 30 years of Village – Modhyam Barisal, Post Office – Sanyasi Bazar, Police Station – Moral Ganj, District – Bagerhat, Bangladesh.
3. Ms. Hazra Begam, wife of Late Kalam Saikh, aged about 35 years of Village – Parkumarkhali, Post Office – Moralganj, Police Station and District – Bagerhat, Bangladesh.
4. Md. Kamrul Islam, son of Md. Abdul Haq Saikh aged about 25 years of Village – Natun Bazar Launch Ghat, Post Office and Police Station – Khulna, District – Khulna, Bangladesh.
5. Ms. Musammad kajal Begam, wife of Md. Kamrul Islam, aged about 18 years of Village – Natun Bazar Launch Ghat, Post Office and Police Station – Khulna, District – Khulna, Bangladesh.
6. Ms. Ratna Begam, wife of Md. Jamal Hossain, aged about 30 years of Village – 04 No Ghat Colony, Post office – Khulna, Police Station and District – Khulna, Bangladesh.

7. Ms. Kohinur Begam, wife of Md. Jamal Hossain, aged about 28 years of Village – 04 No Ghat Colony, Post office – Khulna, Police Station and District – Khulna, Bangladesh

Another complaint was made over the issue of illegal detention of 36 Bangladeshi in “Subhayan”: Balurghat Observation Home, District-South Dinajpur, West Bengal. These children are Bangladeshi nationals and they are not repatriated to their home country though the criminal cases against them under the Indian Law are already disposed of. The names of such children are as follows:-

i) Swapan Roy; ii) Md. Rubel; iii) Nurul Islam; iv) Md. Elias; v) Goutam Roy; vi) Amrita Roy; vii) Ajjul Islam; viii) Md. Sohel Rana; ix) Mijanur Rahman; x) Sujan Ali; xi) Ariful Islam; xii) Md. Alamin and xiii) Badsa Haque.

Besides that four Bangladeshi children are also detained in the said home under the category “Undertrial”. Their names are Md. Atikul, Md. Sarif. Mokidul Islam and Md. Sujan. According to the report available, those children are victims of human trafficking. But instead of repatriating them to their home country, they were tagged into criminal case for coming to India without any valid papers. This act of the concerned authorities in launching prosecution against them is against the standing instruction of the office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012.

Few Bangladeshi children are also detained in the “Subhayan”: Balurghat Observation Home for last several years and their status in the home are “children in need of care and protection (CNCP). Among those children one is **Ramjan Haque@ Ramjan**. He is only aged about 6 years. His date of admission in the said home is 9.11.2009. Since then he has been staying in the said home without being sending to his home in Bangladesh. **Enamul Haque**, aged about-10 years has been staying in the said home on and from 21.07.2014 without being repatriated to his home in Bangladesh.

Likewise the following Bangladeshi children with the status “CNCP” are detained in the said home for last several months without being repatriated to their home land till date. Their names are as follows:-

i) Md. Momen; ii) Md. Ashim; iii) Md. Janarul Islam; iv) Md. Sohel Rana; v) Golam Mustafa; vi) Md. Jubayar; vii) Md. Sohan Sekh; viii) Md. Dulal Ali; ix) Md. Raju Islam; x) Srikrishna Nath Toppo; xi) Krishna Toppo; xii) Sadin Hossain; xiii) Rabi Alam; xiv) Md. Juned Pathan; xv) Elias Ali Badsa; xvi) Rafi Seikh and xvii) Najmul Haque.

In another complaint MASUM brought into light that two Bangladeshi Hindu women namely Ms. Kabita Baroi, wife of Mr. Prakash Baroi, aged about-30 years, resident of village-Jhilna, Post Office-Jhilna, Police Station-Gopalganj, District-Gopalganj, Bangladesh and Ms. Kalpana Mondal, wife of Mr. Joydeb Mondal, aged about-28

years, resident of village-Lakhipur, Police Station-Rajor, District-Madaripur, Bangladesh were arrested by Border Security Force on 10.07.2016 and those two women were handed over to the police of Swarupnagar Police Station under District-North 24 Parganas, West Bengal with a formal complaint that those two women illegally entered into India without any valid documents. The police of the said police station registered a criminal case vide Swarupnagar Police Station Case no.540/2016 dated 10.07.2016 under section 14A (b) of Foreigners Act. Those two Bangladeshi Hindu women were produced in the court of Additional Chief Judicial Magistrate, Basirhat on the next day and they are currently detained at Dum Dum Central Correctional home. Ms. Kalpana Mondal has two babies with her namely Akash Mondal, aged about-10 years and Jit Mondal aged about-7 years only. Those are also staying with their mother Ms. Kalpana Mondal in the aforesaid correctional home.

On 16.06.2016 at about 5.10 pm, three Bangladeshi women namely Ms. Parul Sarkar wife of Mr. Paritosh Sarkar aged about 35 years resident of village-Mahadev Nagar, P.O.-Varukhali, P.S.-Satkhira, District-Satkhira, Bangladesh, Ms. Bina Rani Sarkar wife of Mr. Ruidas Sarkar resident of village + P.O.- Mamotkati, P.S.-Paikgacha, District-Khulna, Bangladesh and Ms. Latifa Begum, wife of Mr. Saifull Gain, aged about 24 years, resident of village-Borokupot, P.O.-Nayaboki, P.S.-Shyamnagar, District-Satkhira, Bangladesh were apprehended by Border Security Force personnel of Tarali Border Outpost of 76 Battalion, 'D' Company while they tried to enter Indian territory near the said BOP without valid documents. Those three women were subsequently handed over to Swarupnagar police station under North 24Parganas district by the BSF. The police of the said police station registered a criminal case vide Swarupnagar Police Station Case no.479/16 dated 16.06.2016 under section 14 of Foreigners Act. The above mentioned women were produced in the court of Additional Chief Judicial Magistrate, (ACJM) Basirhat on the next day and they are currently detained at Dum Dum Central Correctional home. Ms. Bina Rani Sarkar has two babies namely Master Abhijeet Sarkar aged about 8 years, Master Jaideep Sarkar aged about 5 years and Ms. Latifa Begum has one baby namely Sabinoor aged about 2 years with her. Those babies are also staying with their mothers in the aforesaid correctional home. These Bangladeshi women are hailing from poor and needy family of Bangladesh. In this context, instead of repatriating them to their home country, they were implicated into criminal case for coming to India without any valid papers. This act of the concerned authorities by initiating prosecution against the women is against the standing instruction of the office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012.

This was another incident of illegal arrest, illegal detention and subsequent judicial remand of Bangladeshi women. In this context, I want to bring into your notice regarding the office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012.

The following women were initially apprehended by Border Security Force personnel while they tried to cross Indo-Bangladesh Border without holding the valid documents and the BSF personnel subsequently handed over them to Swarupagar police station under North 24 Parganas district. The women were arrested in connection with Swarupnagar PS Case No. 569/16 dated 17.07.2016 and Swarupnagar PS Case No. 570/16 dated 17.07.2016 under sections 14/14C of Foreigners Act in both the instances. In first case Tarali BOP; BSF Battalion 76 apprehended them and in second Bithari BOP of BSF Battalion apprehended the accused. All of them were produced before the Additional Chief Judicial Magistrate; Basirhat's court. The women were sent to Dumdum Central Correctional Home. It was revealed during the fact finding that the Swarupnagar police station has no separate lock up for women and women are being kept in separate room with lady constable. All the women are visiting India in regular interval in search of job in small sectors and as domestic helps. They used to travel to metropolitan cities of Mumbai, Delhi, Pune and Kolkata through middlemen and after working for 5-6 months, they return back to Bangladesh for couple of months.

Name and other detail of the women with date:-

1. Mrs. Kajal Shaikh, wife of- Mr. Akash Shaikh, **aged about- 20 years**, Village-Khalispur, Police Station- Khulna, District- Norail, Bangladesh was implicated vide Swarupnagar Police Station Case No.569/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.
2. Mrs. Sathi Shaikh, wife of- Mr. Sahin Shaikh, **aged about- 19 years**, Village-Doyjhudi, Police Station- Jinada, District- Jinada, Bangladesh was implicated vide Swarupnagar Police Station Case No.569/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.
3. Mrs. Neela Bibi, wife of- Mr. Liton Chauhaddi, **aged about- 20 years**, Village-lashkarpur, Police Station- Mulampur, District- Khulna, Bangladesh was implicated vide Swarupnagar Police Station Case No.569/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.
4. Ms. Raushna Shaikh, Daughter of- Mr. Yusuf Shaikh, **aged about- 20 years**, Village- Musamdia, Police Station- Kerakhada, District- Khulna, Bangladesh was implicated vide Swarupnagar Police Station Case No.569/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.
5. Mrs. Jasmin Shaikh, wife of- Mr. Siddique Shaikh, aged about- 35 years, Village-Sukitopobakdanga Police Station- Kalia, District- Norail, Bangladesh was implicated vide Swarupnagar Police Station Case No.569/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.
6. Mrs. Rehana Banu, wife of- Mr. Khokhan Shaikh, aged about- 50 years, Village-Babupur, Police Station- Kalia, District- Norail, Bangladesh was implicated vide Swarupnagar Police Station Case No.569/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.
7. Mrs. Musmmad Saathi Begam, Daughter of- Mr. Samiya Shaikh, aged about- 25 years, Village- Kalna, Police Station- Lohagarh, District- Norail, Bangladesh was implicated vide Swarupnagar Police Station Case No.570/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.
8. Ms.Reshma Mirja, wife of- Mr. Atabul Mirja, **aged about- 22 years**, Village-Rosulpur, Police Station- Monirampur, District- Jassor, Bangladesh was implicated

vide Swarupnagar Police Station Case No.570/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.

9. Ms.Musammad Parul Khatun daughter of- Mr. Abul Basar, aged about- 30 years, Village- Laotora, Police Station- Sarsa, Jassor- Norail, Bangladesh was implicated vide Swarupnagar Police Station Case No.570/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.

10. Mrs. Malida Bibi, wife of- Mr.Sirajul Sardar, aged about- 32 years, along with 1 child namely Sujan Sardar (4 Years) Village- Mominpur, Police Station- Kessawpur, District- Jassor, Bangladesh was implicated vide Swarupnagar Police Station Case No.570/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.

11. Mrs. Sampi Biswas, wife of- Mr.Apurba Biswas, aged about- 27 years, along with 1 child namely Dhikhanto Biswas (4 years)Village- Satpur-Madhyapara, Police Station- Gopalganj, District- Gopalganj, Bangladesh was implicated vide Swarupnagar Police Station Case No.570/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.

12. Mrs. Sapna Gangwar, Daughter of- Mr.Nikhil Gangwar, **aged about- 18 years**, Village- Jalilpur, Police Station- Muksidpur, District- Gopalganj, Bangladesh was implicated vide Swarupnagar Police Station Case No.570/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act.

13. Mrs. Sabika Mistri, wife of- Mr.Ripon Mistri, aged about- 27years, along with one child namely Soykat Mistri (8 Years) Village- Dakkhin Tara Bunia, Police Station- Rajapur, District- Jalokadi, Bangladesh was implicated vide Swarupnagar Police Station Case No.570/16 dated 17.07.2016 under sections 14A/14C of Foreigners Act. It was also suspected that out of 13 victim women, there are about 6 minor and police / BSF fabricated their age while producing before the court. Their names are being marked.

Another complaint made on 15th December 2016 on the matter of continuous arrest, detention and subsequent judicial remand of Bangladeshi women and children. The detention of those women with children discloses a shocking state of affairs which is in total disregard of basic human rights and governments' own directive. Several complaints to the National Human Rights Commission have been made over the issue but the Commission failed to take requisite action over the issue.

On 05.08.2016 at afternoon, eight Bangladeshi women and some of them with their children were apprehended by Border Security Force personnel of Bithari Border Outpost of 76 Battalion, 'G' Company while they tried to enter Indian territory near the said BOP without valid documents. Those women along with 13 male counterparts were subsequently handed over to Swarupagar police station under North 24Parganas district by the BSF. The police of the said police station registered a criminal case vide Swarupnagar Police Station Case no.647/16 dated 05.08.2016 under section 14/ 14C of Foreigners Act. The women were produced in the court of Additional Chief Judicial Magistrate, (ACJM) Basirhat on the next day and they are currently detained at Dum Dum Central Correctional home. They were still languishing in Dumdum Correctional Home.

The detainees were:-

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1. Ms. Parmeen Akhtar; wife of Mr. Sadiq Akhtar; aged about 20 years, resident of village & post- Kutupalan; police station- Ukia, district- Kox Bazar; Bangladesh. She is with her three years old daughter.
 2. Ms. Bedana Khatun; wife of Mr. Amzad Molla; aged about 30 years, resident of village and post- Aam Bariya; police station- Degoliya, district- Khulna; Bangladesh. She is with her six years old son.
 3. Ms. Asma Akhtar; wife of Mr. Hafiz Md. Kamal; aged about 20 years, resident of village and post- Kutupalan, police station- Ukia, district- Kox Bazar; Bangladesh.
 4. Ms. Runa Begum; wife of Mr. Repon Sardar; aged about 20 years, resident of village- Bhadra Villa, post- Hartbairya, police station- Narurail, district- Narurail; Bangladesh. She is with her four year old son.
 5. Ms. Sarfina Molla; wife of Mr. Rashid Molla; aged about 30 years, resident of village- Bendasar, post- Benda; police station- Kaliya, district- Naurail, Bangladesh. She is with her four years old son.
 6. Ms. Ameli Molla; wife of Mr. Lepen Faquir; aged about 25 years, resident of village- Bendasar, post- Benda; police station- Kaliya, district- Naurail, Bangladesh.
 7. Ms. Hira Bibi; wife of Mr. Rahman Shaikh; aged about 28 years, resident of village and post- Khoraliya, police station- Kaliya, district- Naurail, Bangladesh
 8. Ms. Asma Bibi; wife of Kazi Mostafizur Rahman; aged about 29 years, resident of village- Jhikra, post- Chingra Bazar, district- Keshavpur, district- Jessore, Bangladesh

It was revealed during the fact finding that aforementioned Bangladeshi women are hailing from poor and needy family of Bangladesh. They have no occupation to earn their living in their country. Without any means of livelihood, they came to India with the help of agents in search of job; the agents have tacit liaison with the BSF to facilitate cross border movement. It was revealed that men and women from Bangladesh keep coming from Bangladesh and go to Mumbai, Delhi and other metropolitans to earn their living as daily labourer, mason and domestic help. Most importantly I want to mention that the above mentioned women having no connection and involvement with any illegal activities; specially trafficking. But it seems that the officials of the Government of India as well as the Government of West Bengal have no concern over the decision taken by the government.

In this context, instead of repatriating them to their home country, they were implicated into criminal case for coming to India without any valid papers. This act of the concerned authorities by initiating prosecution against the women is against the standing instruction of the office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012.

Enclave; Nonfulfillment of citizenry rights to erstwhile enclave dwellers

Iswar Narayan Roy came to stay at temporary camps established by the administration at Haldibari Krishi Farm under Haldibari Police Station, district-Cooch Behar in the month of November, 2015 with his family members such as his wife (aged about 60 years, his two sons, one daughter-in-law and four minor grand children. They were all allocated to stay in one room at the camp i.e. room no- A-14. Only two blankets were provided to them. All of them shared the two blankets by putting one on the floor and another on their bodies in wintry nights. The victim soon became sick under such inhuman condition of living. He was suffering from cold and cough and also from anemia. He had to be hospitalized on 28.11.2015 at Jalpaiguri Sadar Hospital and on 2.12.2015 he was discharged from the said hospital. But his physical condition deteriorated further and he was again medically treated at Haldibari Rural Hospital on 2.12.2015 and 5.12.2015. It is pertinent here to mention that both the aforesaid government hospitals prescribed medicines by brand names instead of generic names and the victim had no financial capacity to buy such medicines. In absence of proper diet and medicines, his physical condition deteriorated day after day and on 23.12.2015 he expired at Haldibari Rural Hospital. The authorities concerned did not take any suitable step for his treatment and care.

The unfortunate death of Iswar Chandra Roy has brought to fore the inhuman condition of living of the hundreds of people in temporary camps including aged persons, women and children. The heart broken people reported that they are deprived of bare necessities of life in the camps. There is no adequate arrangement of stay as several members of one family are being compelled to stay in one room; also there is no adequate supply of basic requirements of life such as food, clothing, medicines, etc. Still the authorities did not take any step for their permanent settlement and rehabilitation.

The Report of the Standing Committee on External Affairs on the Constitution 119th Amendment) Bill, 2013 explicitly states with regard to compensation and rehabilitation measures that the Indian citizens who return from Indian enclaves in Bangladesh should be provided compensation and rehabilitation by the central government and that the Central Government and the State Government of West Bengal should arrive at a consensus on the issue related to rehabilitation package in advance. On May 7th 2015, the Central government agreed to give a package of Rs. 3008 Crores to the West Bengal government for the rehabilitation of Indians wishing to return to India from the Bangladeshi enclaves. However, both the central and state government nowhere indicated what compensation would be paid to the families opting to stay on the Indian side of the border or those opting to shift from Bangladesh to the Indian side of the border. There has been no clear statement by the authorities also in respect of land, housing and other benefits and facilities that would be provided to them.



Mr. Sailen Burman, son of late Sachin Chandra Barman aged about 30 years was a permanent resident of erstwhile 119 no Banskatha enclave with his younger brother Mr. Krishna Barman aged 28 years and elderly mother Ms. Sindhubala Barman aged 55 years. Mr. Barman's family possessed 16 bighas (more than 5 acres) of agricultural land there. The victim since his birth used to live in the said enclave with his family members. They earned their livelihood by doing agriculture. They have valid land title record of this farmland since the era of the Cooch Behar king. The victim and his family members with the passage of time came under several tortures and coercion from land mafias backed by Bangladeshi political party at different time creating turbulences in their peaceful living. The Bangladeshi miscreants used to loot their property as all enclaves were out of the judicial purview of any government. The two brothers jointly protested against these unlawful activities of the miscreants. Mr. Sailen Barman and his brother actively attached with one local political party to protect their life, agricultural land and property. Meanwhile, a joint headcount was conducted by the Government of India and Bangladesh in 2011 after the Land Boundary Agreement was signed between two countries. Mr. Sailen Barman and his family were get enlisted their names during this headcount. This inclusion of their names in 2011 survey might bring some ray of hope in their life, but it brought more trouble in their life.

At that time, the victim family possessed voter identity card of Bangladesh. It was revealed that members of one political party of Bangladesh helped them to obtain voter identity proof at the condition of casting their vote of the party's concern as bonafide voters at the time of election. As a consequence, leaders of rival political party of Bangladesh flew into a rage and threatened to kill them if they still reside in the enclave. One day, at midnight, Bangladeshi miscreants influenced by rival political party attacked Mr. Barman's house with sticks and knives. Somehow, Mr. Barman, his younger brother and elderly mother narrowly saved their life and took shelter at erstwhile 120 no Banskata enclave. Thereafter, miscreants from Bangladesh forcibly grabbed their landed property. They had been staying at 120 no

Banskata for 10 to 15 days. Meanwhile, Mr. Sailen Barman got information that if they could not flee from the said enclave as early as possible they would be burnt alive by the miscreants of rival political parties.

On 22 July 2014, Tuesday at about 4 pm the victim entered inside Indian Territory with his brother and mother crossing the border illegally through Dahagram (near Tinbigha Corridor providing bribe 5000 Taka to BGB and BSF through one *lineman* due to fear of life. They have been staying Coochbehar still then. For this reason, the victim could not enlist his name and the names of his family members in the list prepared by joint headcount of 2015. To take advantage absence of victim family, local Bangladeshi political dispensation, enlisted another Bangladeshi family against a bribe of Rs. 5000/- to the survey officer at the time of joint survey of 2015. Notably, local Bangladeshi leadership did not hand over the survey paper to survey officer. Even, local leaders of Bangladesh threatened to kill them if they were further pursue to include their name in joint survey list. Mr. Sailen Barman submitted a written application before the District Magistrate of Coochbehar on 5.10 .2015, appealing for enlistment of his name along with his family members in the list prepared during 2015 joint headcount and compensation for the land, he has left behind in Bangladesh.



Mr. Biswajit Barman son of Mr. Bijendranath Barman is a resident of erstwhile enclave, Falnapur under Sub Division- Mathabhanga, Police Station – Mathabhanga, District – Cooch Behar. Mr. Biswajit Barman is a daily labor and somehow manages the living of his family with his meager income. His family consists of his wife and only child. His dwelling was a semi- permanent construction with tin shade.

On 20th March 2016 at around 9 pm a big tree fell down on his dwelling due to heavy storm. His dwelling was completely ravaged and grounded. He was unable to make another home for his family due to impoverished financial situation and now they are homeless in all practical sense. After 31st July 2015, the enclave dwellers have perception that from the day onward they will be taken care of by Indian Government and its agencies. So after consulting with other villagers Mr. Barman made an application on 22nd March 2016 before the Block Development Officer, Sitalkuchi. But no step has been taken to rehabilitate the poor person according to the justifiable schemes. More than three months passed, the victim and his family are still homeless and forced to live in open.

Mr. Abdar Ali's family consists with 5 members namely Ms. Rahima Bibi (aged about-36 years- Wife), Master Sahjahan (aged about-10 years- son), Ms. Arfa Khatun (aged about-8 years, daughter), Ms. Aibhi Khatun (aged about-6years, daughter), Ms. Reshmi Khatun (aged about-3 years, daughter) and sister of Abdar Ali namely Ms. Saheba Bibi and Mr. Bholia Mia's family consists with 4 members – namely Ms. Majila Bibi (aged about-23 years, Wife), Ms. Babita Khatun (aged about-3 years- Daughter), Ms. Beauty Khatun (aged about-2years-Daughter) lives in a Bangladeshi Chit (enclave) namely Korola Chit surrounded by Indian Territory. Both of them had own residential house and very small portion of land covering the house in the said enclave under Dag no.144. Besides that the victims had no other landed property and no source of income. To avoid hunger, the victims went Delhi in search of livelihood about 10 years ago with their family members and started to reside there by concealing their actual identity and they used to work in brickfields. Recently they came to know that Korola Chit became part of Indian Territory but they could not enlist their names and the names of their family members in the list prepared by joint headcount of 2015.

The victims submitted written petitions before the District Magistrate, Cooch Behar on 23.05.2016 stating their pathetic condition as mentioned above and they prayed for proper rehabilitation, identity as Indian national for themselves and their family members. However, the victims did not receive any response till date.

On first week of November 2015, 918 people from Bangladesh came to India and settled at 3 temporary rehabilitation camp situated at Dinhatra, Mekhliganj and Haldibari in district Cooch Behar. But apart from this many erstwhile enclave dwellers from different erstwhile Indian enclaves situated in Bangladesh opined to settle in India and made requisite application to the Indian High Commission at Bangladesh and District Magistrate of Cooch Behar but till not permitted to come. Their only fault was that, they failed to make their application during stipulated time due to various reasons. Here are the details of 4 families from erstwhile enclave No. Dasiarchhara -150, who failed to make the application in due time but shown their

intention to get Indian citizenship. Hence they are being deprived to get their citizenship by own choice.



Mr. Ranjit Barman is a 48 years old farmer, who is a resident of erstwhile enclave namely Kisamat Batrigach chit no.82 since his birth. Kisamat Batrigach used to be a Bangladeshi enclave under Indian Territory. The said enclave was under the jurisdiction of Kaliganj Police Station, Rangpur district, Bangladesh. Mr. Ranjit Barman used to live there with his family members. In the said enclave his family had four Bighas of agricultural land under Dag no. 48 and Khatian No. 145. His residence in the said property had holding no. HC/11/103 given in the year 2011 during the procedure of official head count and they had pasted the holding number on the front door of their residence. The names of the victim and his family members were recorded during the said head count in the year 2011.

Being a small time farmer, Mr. Ranjit Barman had to migrate to Delhi in search of better livelihood with his family back in 2012. In 2015, he returned home with his family and felt deserted as his home was completely demolished due to heavy rain. So he had no option but to take refuge in one of his neighbour's house. After a week of his return in the year 2015, the official head count took place. But after the head count was over, he discovered several inaccuracies in the documentation process. Except him, none of his family members was included in the head count list prepared by the administration in the year 2015.

Names were not included –

- 1) Ms. Jyotsna Barman – Wife – 38 years
- 2) Ms. Ranjana Barman – Daughter – 19 years
- 3) Mr. Ranjan Barman – Son – 18 years
- 4) Rabi Barman – Son – 12 years

Then after the execution of the Land Boundary Agreement between the Government of India and the Government of Bangladesh, the said enclave became a part of India. Now the victim and his family members has no recognition as erstwhile enclave dwellers as their names were not included in the official head count of 2015.

Mr. Ranjit Barman officially submitted a written complaint on 28th July 2016 before the District Magistrate of Cooch Behar describing his situation. His complaint was received at the Enclave Cell of the DM's Office, Cooch Behar but till date no action has been taken on his complaint.



Violation of Citizenry Rights of Enclave Dwellers

Erstwhile enclave dwellers still living without electricity, potable water and road connectivity, devoid of electricity, potable water and road connectivity from 1947. From the independence to till date they are devoid with citizenry guarantees and deliverance. The erstwhile Bangladeshi enclave of Karola are living with great disappointment and hopelessness as there has been no development works even after one year of Land Boundary Agreement was enacted. The residents of Karola in Dinhata block under Dinhata subdivision of Cooch Behar district in West Bengal are struggling for basic amenities like electricity, potable water and road connectivity. Roads, electricity and water supply are the lifeline of any village and town. Karola village have neither. In the absence of concrete roads, these villages are disconnected from the rest of the state. Further, absence of electricity is hampering the agricultural activities of the populace. The villagers live on agriculture and their economical condition is not well. All families at Karola village are deprived of electricity as they have not been given power connection yet and its people are forced to live life in the dark. So it is a difficult situation for them. The government must, should and can fulfill under government scheme, especially when families living in neighboring villages (not erstwhile enclaves) have electric connection.

Homes in this village are lit with smoky kerosene lamps that give faint light, in which the children have to study and other activities have to be carried out, a situation that harks back to the time of independence. There is a shortage of supply of Kerosene oil at the villages. Health care facilities are located several kilometers away from the village. While interacting with villagers, they confirmed that their villages neither have transport facility nor communication network. As a result, ambulance cannot reach the village. In case of emergencies, caregivers carry the patient on their shoulders in

a cot. Crossing strenuous paths to reach hospitals located at the town far from this village adds to the gravity of the medical crises.

Mr. Fajlu Haque has three members in his family namely Ms. Ramicha Bibi (wife), daughter Jannati Khatun (aged about-15years) and son Aiyan Haque (aged about-12 years). Mr. Fajlu Haque is a resident of erstwhile enclave namely Karala by birth. He has ancestral landed property and residential house in the said enclave. Due to acute poverty and want of proper job he along with his family members migrated to Delhi for better livelihood and sustenance of his family members about 9 years ago. Likewise another victim Mr. Fajle Haque (brother of Mr. Fajlu Haque) had also migrated to Delhi in search of better life with his wife Ms. Tahmina Bibi and at present he has three children; two sons namely Mr. Lablu Haque (aged about-22 years) and Rabiul Haque (aged about-15years) and one daughter namely Farjana Khatun (aged about 13 years). After the execution of the Land Boundary Agreement between the Government of India and the Government of Bangladesh, Karala enclave became a part of India located under Cooch Behar district, West Bengal. Now the victims and their family members has no recognition as erstwhile enclave dwellers as their names were not included in the official head count of 2015. The victims officially submitted written complaints on 27/10/2016 before the District Magistrate of Cooch Behar describing their situation. Their complaints were received at the Enclave Cell of the DM's Office, Cooch Behar but till date no action has been taken on his complaints and under such situation they have been living in a miserable condition.



Mr. Aminur Mia of Batrigach 81 no enclave (erstwhile Bangladeshi enclave now part of Indian mainland after Historic Land Boundary Agreement between India and Bangladesh), under Dinhat police station of district- Cooch Behar, West Bengal, India is a poor agricultural labourer and permanent resident of Batrigach 81 no village (erstwhile Bangladeshi enclave). On 27.06.2016 at about 1 am Mr. Aminur's family was in a deep sleep, while the fire broke out and razed all the belongings e.g. daily utensils, clothes, important documents, cot and almirah etc of the affected family. None, however, was hurt in the incident. It is estimated that house and assets worth Rs. 30,000 were gutted in the blaze, the cause of which is yet to be ascertained. The fire was so massive that smoke was seen blowing from inside the

house for hours after villagers put out the blaze by pouring bucket after bucket water. Most importantly, in the blaze, the victim lost all his land documents which prove his ownership title over his piece of land. Now he has been staying at neighbour house with his family and desperately trying to reconstruct his burnt house but due to paucity of money he cannot do that.

There are schemes and provisions for reconstruction of dwelling (house building grant) under disaster management department of state government. There are prescribed steps for the same. In this incident Mr. Aminur Mia contacted the local Gram Panchayet just after the incident; he made an application to Block Development Officer (BDO) on 28.06.2017 but the concerned authorities never enquired the incident. On 28.07.2016 Mr. Mia submitted one written complaint to your office, and narrated his tale of woes. But so far no action has been taken from your office. Mr. Aminur Mia, who lost all his belongings, lamented that he had been pleading for help to authorities concerned but none of the government authority including village panchyat came forward to help him. Due to this apathetic role of the local administration the affected dweller is living without a home and under abject destitution.

Collective Complaint

This was a complaint regarding total destitution of erstwhile enclave dwellers. The dwellers of erstwhile Bangladeshi enclave of Nalgram and Fallanapur villages are living with great disappointment and hopelessness as there has been no development works even after one year of Land Boundary Agreement was enacted. The residents of Fallanapur and Nalgram in Sitalkuchi block under Mathabhanga subdivision of Cooch Behar district in West Bengal are struggling for basic amenities like electricity, potable water and road connectivity. Roads, electricity and water supply are the lifeline of any village and town. Falanapur and Nalgram villages have neither. In the absence of concrete roads, these villages are disconnected from the rest of the state. Further, absence of electricity is hampering the agricultural activities of the populace.

The villagers live on agriculture and their economical condition is not well. All families at Nalgram and Falanapur villages are deprived of electricity as they have not been given power connection yet and its people are forced to live life in the dark. So it is a difficult situation for them. The government must, should and can fulfill under government scheme, especially when families living in neighboring villages (not erstwhile enclaves) have electric connection.

Homes in these villages are lit with smoky kerosene lamps that give faint light, in which the children have to study and other activities have to be carried out, a situation that harks back to the time of independence. The villagers complained during interaction with MASUM team that there is a shortage of supply of Kerosene oil at the villages. When the dwellers cannot get Kerosene oil for their household, then children cannot study at night. No electric poles have been set up. As a result, it is difficult to navigate through the roads at night. There is apprehension of some major accident taking place, because the traffic i.e. bullock cart, cycle, van rickshaw, motor cycle, motorized van etc passes over this earthen roads round the clock, in addition cases of thefts and robbery can also not be denied.

Health care facilities are located several kilometers away from the villages. While interacting with villagers, they confirmed that their villages neither have transport facility nor communication network. As a result, ambulance cannot reach the villages. In case of emergencies, caregivers carry the patient on their shoulders in a cot. Crossing strenuous paths to reach hospitals located at the town far from these two villages adds to the gravity of the medical crises. The situation gets worse when heavy downpour is on strike.

Drinking water scarcity is prominent of these two villages. The water of the ponds that they use for drinking and cooking is unfit for consumption. There is no tubewell has been installed for drinking water. In winter season, the villagers have to travel long for fetching water. This leaves the villagers with little option but to consume the dirty water from local ponds, which is also the root cause of water-borne diseases.

On 17.06.2016 and 11.08.2016, dwellers of these erstwhile enclaves made a written memorandum before your office stating their problems but the complaint has failed to evoke any response from higher ups and the villagers is still devoid of basic amenities. They made similar applications before the Sub Divisional Officer; Mathabhanga and West Bengal State Electricity Distribution Company Limited on 27.07.2016 and 12.08.2016 respectively. Even, despite repeated pleas to the district administration to provide them with basic amenities, pretended ignorance about their woes from government side is still persisted.

A complaint has been made on pathetic situation of the villagers of Karola village whose life and livelihood are at peril. The Border Security Force (BSF) personnel of Karola Border Outpost of 124 BSF Battalion are constantly perpetuating atrocious acts upon the villagers living along the Indo-Bangladesh border at Karola village under Dinhata police station, Coochbehar district of West Bengal. Erected fencing at border goes through the village. Reportedly in many places fencing was erected far inside the actual border line leaving vast agricultural lands of this area under the Indian territory at the other side of the fence.

Most of the lands are owned by the villagers and they are dependent upon the lands for cultivation which is the main source of their livelihood. There is one gate; Gate no-5, pillar no- 931(2) S through which the villagers normally pass for entry and exit into the lands situated beyond the fencing. The villagers of Karola alleged that they face illegitimate hindrance from posted BSF personnel for entry and exit of their farm lands beyond the fencing. It has been reported that the on duty BSF guards of said BOP deliberately stop the farmers near the gate and not allowing them to go to the other side of fencing with oxen and ploughs. The BSF guards say that they will not let the farmers go with oxen and ploughs to the other side of fencing if they do not obtain permission from the border camp. Compelled to follow their instruction, farmers go back to their houses, leave their oxen and visit the said BOP for permission. Several times the farmers made requests to the officers to permit them to bring the oxen at their agricultural lands for farming through the gate; but BSF refused subsequently. BSF officers are misbehaving with the farmers in most of the times. Even, the BSF guards prevent them to go to their farmland with tractors and power tillers. Because of all this hassle, tractor or power tiller owners do not lent their machines to the villagers of Karola. Farmers also complain that BSF guards impede them near the gate if they want to take more fertilizer for cultivation over the quantity

fixed by the BSF. Reportedly, for every step, they have to take permission from the BSF camp. Due to this unjustified restriction, their lands are not cultivated and they incur financial losses.

The Karola BSF- BOP opens the gates thrice a day — between 7 am to 8 am, 12 noon to 1 pm and 4 pm to 5 pm — and the farmers who cross over the fencing to their paddy fields are supposed to return before 5 pm when the gate closes for the day. Reportedly, they are harassed and keep standing outside the gate if they somehow come to the gate late. It is also alleged that the BSF do not open the gate at the right time, sometimes they open the gate 20 to 25 minutes late. As a result; the farmers have to bring their crops and other important goods beside the gate in very short period of time which is next to impossible for the villagers. Which can be better understood through an example, suppose a farmer cultivate paddy in 1 acre of land. After paddy is reaped, it is kept near the gate beyond the fencing and wait for opening of the gate. After the gate is opened, the paddy has to be carried and keep beside the gate for BSF checking. It is not possible to bring the entire paddy beside the gate in short time. So, he has to wait for the gate to open for the next time.

From dusk to dawn, these villagers are cut off from their farm land as the gates in the fencing are locked at 5 pm and open only at 7 next morning. There is thorough checking at the gates by the BSF who enroll their names on the basis of their voter identity cards. During this period, their farm land and crops are in the hands of Bangladeshi miscreants and they take this as opportunity to loot the crops. Nearly three hundred acres of farm land of villagers are beyond the fence.

There is no road at the village beside the gate. One road was constructed half kilometer far from the border gate. So, villagers have to reach the gate through agricultural lands. To add to the more woes, BSF guards extend barbed wire around the gate, as a result, farmers have to cover half kilometer more to reach the gate. Frequently those guards are entering into the village and terrorizing the villagers. Thus, cases of harassment by the BSF personnel increased but those only reach the deaf ears of district administration, but nothing really has been done to ease their lives. On 28.06.2016, the villagers submitted a written memorandum to the District Magistrate, Cooch Behar stating the above stated problems but there is no response till date. The action is not only challenging the personal liberty of the villagers but also violate 'right to life', freedom to opt for occupation of choice and right to free movements of those persons as conferred by Article 21 and Article 19 respectively in Indian Constitution. Further, this act against the premises of Article 6 and 9 of International Covenant on Civil and Political Rights and Article 6(1) of International Covenant on Economic Social and Cultural Rights; government of India ratified both the UN instruments.

On 12th December 2016 a complaint has been made to National Human Rights Commission regarding constant apathy upon the dwellers of erstwhile Bangladeshi enclave of Karola under Dinhatia II Block, are living with great disappointment and hopelessness as rights and social security entitlements are still not delivered to them. The villagers live on agriculture and their economical condition is not well. A number of populace till date not received the JOB CARDS which is required to get daily wage engagement under Mahatma Gandhi National Rural Employment

Guarantee Act (MGNREGA). The aggrieved made several visits to the Nayerhat Gram Panchayet but in vain. The aggrieved persons made applications for the job card with others; though a section of the population received the cards but a sizeable section till date not received the same. On 2nd August 2016, they made written applications to the Block Development Officer; Dinhata II Block and subsequently to your office on 20th October 2016 but till date no appropriate action has been taken. The enclave dwellers were always being refused while asking for issuance of ration cards under PDS, due to their non- citizenship status at that time before 2015. After the agreement (LBA 2015) between India and Bangladesh, the villagers (Karola enclave) made subsequent written complaints before the Block Development Officer and Sub Divisional Officer. After ignored by the administrative officer at block and sub divisional level, they lodged a complaint before your office on 20.10.2016. But that too not responded. This pathetic situation of section of populace is in violation of constitutional guarantee regarding “Right to Life” and its constant violation is due to apathetic attitude of the governmental administration.

Livelihood, Hunger and Despair

Incident of malnutrition of minors without any governmental assistance

Master Abhay Pal and Ms. Anita Pal; aged about 9 and 8 years respectively lives at Mohanta Para (Babupara panchyat) (18/250) Benacoba area, Chowrangee under Jalpaiguri police station of West Bengal. At present the two siblings are starving nearly to death and his father is unable to maintain them due to his mental illness. The main bread winner of the family and father of the children, Mr. Ashu Pal son of late Hagu Pal is mentally retarded. The brother-sister duo was pale and thin and stood in front of their house and staring out of despair. They wore torn clothes; Abhay was wearing scruffy jeans filled with thick layer of soil which was not washed for long time. They are now in the fourth grade at Mohantapara Primary school. When the school is open, they could manage their lunch under mid-day meal scheme. It seems that they not have fed properly for few months. Most of the days, they only afford ‘boiled rice steeped in cold water” and spinach or sometime cannot meet the expense of half day meal and become starved. They have no ration card in their possession to avail rationing facility. Most tragic incident of Abhay and Anita’s life was that their mother died in fire. Subsequently, their step-mother also deserted them and had left home few years back. Their house is made of bamboo fence with two slanting roofs and there are small holes all around the thatched wall. The thatched wall turned black due to decay by neglect. In the night of chilly winter season, they slept in the house without blanket as they cannot afford it. Lastly, one neighbour gave them a tore blanket to protect from chilling cold during winter. There is no electricity at the house. After dusk, they cannot study. Mr. Ashu Pal left his home in frequent interval and roam aimlessly and returned back to his home after few days. It is difficult to register his movement as he is not in sane and stable mental state. Teachers of Mohantapara Primary School also acknowledge the story of these ill-fated kids but narrated their helplessness to make their life better.

Incident on malnutrition and starvation like situation at closed tea garden



MASUM made a fact finding on the plight of the workers of Bagrakota tea garden at Jalpaiguri district of West Bengal. MASUM has taken an initiative to reveal the overall situation of mal-nourishment, lack of governmental deliverances and resulted diseases and deaths of marginalized populace due to hunger and the uncaring attitude of administration and owners of the garden.

The picturesque tea gardens in Dooars and Terai region of North Bengal produces the best quality of tea. The tea workers pluck to produce the finest and the most expensive teas in the world from this region. But, the tea workers of Bagrakota tea garden are not a happy, with low wages, poor quality rations and inadequate medical facilities. The tea garden is owned by Duncans Group, Kolkata. Things were never this bad. But few months ago this estate was closed when the owner packed up abruptly leaving unpaid salaries and left the workers with no alternative employment. Tea workers are left to rot in the darkness; death and disease have now become a part of the workers quarters. Workers claim that starvation and malnutrition have claimed lives in the last few months since the gardens closed down.

On 7th March 2016, in pending case (WP 1897 / 2016 & WP 2105 / 2016) Mr. Justice Sanjib Banerjee of Calcutta High Court while hearing the matters relating to closed tea gardens of Duncans Group passed remark that the Union and State governments are politicizing the issue but not intend to solve the issue of workers' due wages.

MASUM fact finding team visited at Bagrakote tea garden (nearly 35 km from Siliguri) of Malbazar sub-division in Jalpaiguri district, West Bengal to take stock of the alleged malnourishment led deaths of workers and conducted survey among the worker families of the said tea garden to unfold the present situation of the workers where a garden worker had died of suspected lack of treatment and malnutrition on 29th October, 2015.

Members of the team visited worker houses to collect information over the issue of malnutrition and health condition of the workers and the findings were shocking. Weeds are now infesting the tea bushes, buildings are abandoned, and tea workers (mostly Schedule Caste *Adivasis*) said “we have been slowly dying because we are not eating enough food”. Because of surviving on half-meals for the past few months, hundreds of them have been suffering from malnutrition and this is leading to diseases like tuberculosis, bronchitis, anemia, hepatitis, rickets, rheumatism and diabetes etc.

When team members visited at Purnima Oraon’s (aged 65 years) house it was obvious that she had to make an enormous effort just to get to the front door. A severe deficiency of iron has made her joints swell and she can hardly walk. She can solely stroll now with the assistance of a stick that towers over her frail 5-ft body. She is a tuberculosis patient. Her sons are regularly being sick, after the garden was closed. The doctor’s advice her to eat more green vegetables but she cannot afford to buy them. She said, “I have to rely on my younger son now, he try to earn money by any opportunity.”

The team again visited the tea garden on 28.01.2016 after getting information of starvation deaths at Bagrakota tea garden. The fact finding team met with relatives of the deceased to reveal the incident.

Case no-1

The team interacted with deceased’s wife, Ms. Rekha Oraon regarding death of her husband Kastoo Oraon. At the time of describing her gloomy experience with our team tears welled up in her eyes; her husband Kastoo Oraon son of late Manoo Oraon aged about 56 years died at North Bengal Medical College and Hospital on 24.01.2016 at 2. 40 AM, due to malnourishment. But district administration denied starvation or malnourishment as the cause of death. Kastoo Oraon lived with his wife and children at their quarter part no. 20/22/14 of Bagrakota tea garden. After said tea garden was declared closed and abandoned by the management in April, 2015, he forced to move to Kerala to earn his living as a labourer. Kastoo Oraon worked there more than 12 hours a day, alike other labourers but the earning was minimal to sustain. He became sick and forced to return back his home on 12th December, 2015. After his return, he had no source of income and there was no foodstuff available in their house to eat. The hapless family could not meet the expense of half day meal and forced to starve. He gradually became weak. On 23.01.2016 he went out his home to his elder brother’s house in order to borrow money. On his way, he felt sick and fainted on the road. On the same day, the relatives brought him immediately to local quack without any option for professional doctor, but, no medical treatment was administered. After primary check up the quack advised the relatives of the victim to admit him at any hospital having proper facilities for further treatment as his health condition was critical. Then, he was brought to Shanti Nursing Home at Siliguri. But the said nursing home demanded Rs. 5000/- for his treatment. But the

family had no money to fulfill the demand of nursing home authorities and shifted Kastoo Oraon to North Bengal Medical College and Hospital (being registration no-04322, Ward no.-MM1) on 24.01.2016. Kastoo Oraon allegedly died there without any treatment. In medical certificate issued by the said Government Hospital, they mentioned that he was died due to Intra Cerebral and Hemorrhage but his prime cause of death was hunger and malnourishment, as reported by the family. His widow, Rekha Oraon, is now taking care of three daughters; Ms. Asha Oraon, Ms. Usha Oraon and Ms. Dipa Oraon, granddaughter Ms. Stiphen Oraon and one son Mr. Kiran Oraon, one of whom is physically challenged. They now contribute in family expenses by crushing stones at a nearby quarry.

On 29/01/2016, Ms. Rekha Oraon, wife of the deceased made a written complaint to Sub-Divisional Officer, Malbazar, Jalpaiguri in which she described whole incident and requested to provide financial assistance so that she can foster her family.

Case no-2

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At about 2.25 am on January 26, 2015, Sushma Tigga, daughter of Mr. Nirmal Tigga, aged about 30 years passed away due to anemia with septicemia at North Bengal Medical College and Hospital (being registration no 03848, Ward no.-FMW). She died because she received no treatment from the garden's hospital for the continuous stomach pain she was suffering from 15-20 days before her death. She allegedly died due to malnutrition but the administration maintained that the deaths were caused by prolonged illness.

It is revealed during the fact finding that Mr. Nirmal Tigga is a clerical staff at Bagrakota tea garden which is closed since April, 2015. He has not received any wages and fringe benefits from the tea garden and administration over the past 11 months. Mr. Nirmal Tigga has a big family consist of his wife Ms. Binji Tigga, two daughters, namely Sushma Tigga (deceased) and Ms. Manjusha Tigga, three sons namely Mr. Kishore Tigga, Mr. Pranam Tigga, and Mr. Martin Tigga, his mother Ms. Basanti Tigga, daughter-in-law Ms. Manja Tigga, grandson Mr. Rayan Tigga. They are living with utter frustration as Mr. Kishore Tigga is only employed at Para-military forces but other two sons are unemployed. Mr. Nirmal Tigga has been suffering from Kidney failure (both) and is being undergone on routine dialysis for last eighteen months. He already spent his last penny for his dialysis; no money was left for further treatment. He completely stopped his treatment due to paucity of money. Moreover, his wife has a problem of loss of vision with acute pain. She was taken to

Ahmedabad for eye treatment but her treatment was forced to stop in the middle as the treatment incurred lots of money.

The hapless man has been knocking the door of the authorities but, he did not get any help due to unresponsive attitude of the authorities. On 12/02/2016 he submitted a written complaint to the Sub-Divisional Officer, Malbazar, Jalpaiguri and District Magistrate, Jalpaiguri for financial assistance.

According to survey, a prime cause of chronic starvation deaths in the garden is also linked closely with the sources of food and nutrition, which are seriously compromised in these communities due to non-availability of nutritious and diverse food products along with poor sanitation. None of them receive any benefits such as subsidised rations or have safe drinking water facilities or even toilets. As a result, limited intake of food along with poor hygiene has led to severe malnutrition, jeopardizing their health. Most of the workers have been spending their life in a moribund condition and do not have enough money to seek proper medical treatment.

One of the community leaders at Bagrakota tea garden, Mr. Lonentos Lakra, said that workers want to work, and they're desperate for administrative assistance. He further added, "Due to non-availability of food; workers started falling sick," He puts most of the blame on the owners who abandoned the tea estate and ignored the rights of the workers and their families. One senior worker, who wishes to hide his name, said "The owner of the tea estate shares a special rapport with ruling party." He also added "the garden owner is shutting down their unit showing false losses. And in doing so they are taking the help of the local ruling party leaders whose palms they are greasing."

While interacted with panchyat members, they said: "They helplessly saw the death of their close relatives, including their parents. The situation is so pathetic, but the state has not yet taken proper steps."

Further, the insensitive attitude of administration has had an adverse effect on the people whose livelihood revolves around this garden. The tea garden management has failed to run the operations and pay the workers their wages. Management of Bagrakota tea garden, some of whom occasionally visit the garden, refused to speak to this fact finding team over the starvation death despite repeated attempts.

In Bagrakota tea garden the management provides concessional foodstuff as part of the workers' wages. However, after the closure or abandoning of the tea plantations, there was absolutely no food available for the workers. Some workers survived by selling their household items and by crushing stones, but many of them are starving and consequently suffering from acute malnutrition. The condition of the aged,

women children and the ailing is the worst. In order to survive, some of the workers consumed any food that was available and cheap, resulting in chronic under nourishment or food poisoning and slow death.

As the electricity supply to the closed or abandoned tea estate has been disconnected, drinking water, which was supplied by the garden management to the worker households from common water tanks, has been completely stopped. Most of the workers fetched drinking water from the streams in the hilly areas. These streams are polluted because of the presence of dolomite. The same source of water is also being used by the workers to cremate their dead. A sample of water that was being consumed by the workers in Bagrakota Tea Garden was checked by the Fact Finding Team. The report found the water highly contaminated and unfit for drinking.

Workers do not have access to basic sanitation facilities; household wastewater has been stored unknowingly here and there inside quarter compound and has a chance to contaminate soil that may cause water-borne diseases. According to fact finding team, poor waste disposal facilities at the workers quarter may responsible for infectious diseases and that may outbreak any time at the tea garden. Latrines can be used to reduce the transmission of many diseases, but proper latrine is hardly available inside the quarter.

Health center inside the tea estate and Block Primary Health Center (BPHC) which are providing health services to the populace of the region, the services rendered is inadequate in terms of quantity and quality. The BPHC is lack of basic infrastructure, proper management, dedicated staff and many other things. The attitude of employees is also worst. No service is provided in time, no staff is available often times. Even the workers have not got medical facility from DOT Center as the BPHC do not equipped with any medicine. As stated before even for basic medical attention the villagers depend primarily on mobile health camps organised by urban NGOs functioning on a weekly basis, or travelling a long distance to the nearest Medical Health Centre. They largely depend on city hospitals at Siliguri nearly 35 km far from there. There are no ambulances available to take the seriously ill or injured workers for advanced medical care to the city hospitals. There are many cases of women workers dying during childbirth. There is hardly any medicine left at the estate hospital now and the inexperienced nurses are attending complicated delivery cases using kerosene lamps as the electricity connections have been cut off. In Bagrakota tea garden, there are ambulances, but are stationary, as there is no fuel available.

The permanent workers in the tea plantations of West Bengal are mostly women, because they usually do most of the plucking work. As the main wage earners, women workers are under tremendous pressure. They are not in a position to join other income earning activities due to an absence of alternate employment opportunities and unfavourable conditions for migrating long distances in search of alternate opportunities of work. The fact finding team came across many households

where only the woman worker was staying at the tea plantations. They could not leave the security of the line room, which was allotted to them and where they had been staying for generations. It was reported that many women workers had died due to pregnancy related complications. Some fortunate women had been shifted to the city hospital in good vehicles by the workers who pooled in money to help them out, but such cases were rare.

Most of the children in the tea plantations of the tea garden stopped going to school. Instead they were cooking food and carrying it for their parents who were crushing stones in the dry riverbeds. The fact finding team also witnessed many children crushing stones alongside their parents to augment the family income.

The wages of the tea garden are one of the lowest in the organised sector alike other tea gardens in Torai and Dooars region of West Bengal. The workers barely manage to survive with the paltry daily wages. After April 2015, wage payment and disbursement of bonus was completely stopped at Bagrakote.

Tea garden workers are deprived of getting benefit from different schemes of the Government such as National Rural Employment Guarantee Act (NREGA), FAWLOI (Financial Assistance to Workers of Locked out Industries) Scheme, National Old Age Pension (NOAP) Scheme, Rajiv Gandhi Shramik Kalyan Yojana, Rajib Gandhi Village Electrification Scheme, Rajib Gandhi Home Scheme, BPL cards, unemployment allowance etc. There is no implementation of the National Food Security Act in Bagrakota tea garden. The permanent workers are considered as industrial workers and, hence, most of them are listed in APL category and not eligible for Indira Awas Yojana.

A large number of adult men who worked the tea garden have been forced to look elsewhere, moving to different state and cities for work while leaving their families behind. A section of workers, particularly those who are old, is forced to stay back in the tea estates. But they are somehow managing to survive there and can save little or no money to send back home to their starving families. The remaining population is working for pittance wages in stone collection and stone breaking, mainly in the river beds.

According to fact finding team, young girls and boys are being trafficked to other state for home assist and exploited. The young women are handed over to the flesh trade in red light areas by traffickers.

Tea workers spend their entire lives among the tea bushes at Bagrakota Tea Garden that is now closed. In fact, tea is their life. Joblessness not only affects the person who loses the job, it affects the family as a whole, including kids. With no alternative jobs or income, it is a daily struggle to survive.

Workers are dying on closed and ailing tea garden as the relief or dole provided by administration and few civil society organizations are inadequate. Either state or central government has not embarked upon new proposal to resolve the issue and save the lives of the thousands of marginalized people facing starvation like

situation. The issue gets consistently politicized, but there haven't been much political efforts to mitigate the problem.

We made demand for:-

- Reopen the shutdown tea garden and pay the dues of the workers. Backlog of unpaid Provident fund and gratuity should be cleared without delay.
- Provide sufficient food grains for closed tea garden workers compulsorily as there is starvation or malnutrition death cases. It can be done under food security act also.
- Implementation of Minimum Wage Act, 1948 for Tea workers in the closed Tea Garden.
- Provide facilities according to the Tea Plantation Act 1951, including basic health care, ensure food security and education facilities.
- Bring Tea workers under BPL category and provide all social security benefits and other livelihood facilities.
- Most of the tea workers in the tea garden are Adivasis (Aborigines); recognize all Adivasis workers of said tea garden under Scheduled Tribes Act and provide all statutory benefits.
- Extend all medical facilities including mobile hospitals for tea garden workers and their families
- Supply of safe drinking water and electricity must be ensured for the tea garden workers
- Sanitation system must be improved at the workers quarter; the full health benefits will not be realized without proper use and maintenance of the sanitation
- Subsidy food grain should be provided as rationing facility is bare minimum there
- Old age pension and Widow Pension scheme to be applied and implemented for all tea garden workers.

Study on hunger situation at Birpara Tea Garden

The tea gardens of 'Terai and Dooars' whose scenic beauty and unparalleled flavour of tea have gained world reputation, whereas the suffering, perennial misery and insecurity of garden workers remain unheard and ignored by the State administration. Reportedly, more than 30 tea garden workers have died due to acute malnutrition and starvation in this garden since January 2015.

To gauge the situation, MASUM constituted a fact finding team and toured Birpara tea garden in the wake of a number of starvation deaths reported from the tea gardens owned by Dunkan Industries, Kolkata. The team met different trade union activists working in tea garden, met worker families belonging to closed Birpara tea garden. MASUM team visited different labour colonies, Block Primary Health Center (BPHC), public drinking water sources, etc. and gathered information.

Birpara tea garden was established in 1931 now at Alipurduar district of West Bengal and has affiliation with Dooars Branch of Indian Tea Association. Birpara, one of the largest tea estates in Duncans Industries Limited, has been closed down since March, 2015. While the 1,529.4 hectare Birpara tea garden once boasted nearly 2,025 permanent workers on its rolls besides over 1,100 temporary workers. The 1332 families are dependent on Birpara tea garden. The factory, which had strength of almost 250 factory staffs, now has no staff left, including clerks and accountants. There are 90% 'Adivasis'(aborigine) at Birpara tea garden. The Adivasi workers have been living in the tea garden for generations, tracing their lineage to their forefathers, whom the owners brought from Jharkhand region of Bihar, Jharkhand, Odisha, and Chhattisgarh states.

At the beginning of March-April 2015, the Duncan Industries unofficially closed down the garden alike other gardens (owned by Duncans) in the Dooars and Tarai region of North Bengal, throwing the lives of workers off-gear, with wages and salaries and statutory dues remaining unpaid. With tea garden owners leaving their workers to fend for themselves, creates a grim scenario of large-scale starvation deaths as there are no other means of income. It was revealed during the fact finding that the average age of bushes crossing 50 years and production was considerably going down. Garden owner know the fact but did not take any initiative to harvest new tea sapling. It was reported that, more than 30 workers had died owing to mal-nutrition related diseases.

A number of children have left school because their parents cannot afford the fees any more. A yellow bus that used to take children of the garden workers to the nearby schools has been left abandoned because of no money for fuel. In tea gardens, the management provides not just wages but also housing, electricity, water, ration and health care as per Plantation Labour Act, 1951. Most of the young men have joined the list of migratory workers in other States. It has been reported that, they are now seasonal labourer in Kerala. Many men of the estate have left for Delhi as construction workers. The old and the infirm, continue to live in their quarters without electricity, water or any wages, as owner have simply disappeared leaving them to their fate.

In Birpara, after the closure of the food distribution system, the families have been brought under the Antyodaya Anna Yojana (AAY) scheme but the amount of food grains reaching them is less than half of what they should be getting, the findings show. Reportedly, Block Development Officer, Madarihat-Birpara has taken initiative to provide 3 kg and 750 gram rice and 5 kg wheat at a rate of 2 rupees and 200 ml

kerosene per week per worker. The scheme has started recently by appointing G.R. Dealer at Birpara. But workers say they get less than half the amount of food they used to have, and it simply is not enough. The erratic supply of commodities in the ration shops force workers to go to the black marketers. Ironically, most permanent workers held APL (Above Poverty Line) ration card, deprived of subsidized food grains and other benefits that they can get if they have BPL card. Casual workers have not got any facility either under BPL or APL.

The estate hospital is poorly maintained. There is an abysmal situation in medical facility and deliverance. Only outdoor unit is open, which are still run by the two compounders, have no medicines. A section of people who were dying in the tea plantation could have been saved if the estate hospital were functioning normally. Worst sufferers are women, kids and old. It was reported, people have died due to lack of proper medicines at right time. There are many cases of women workers dying during childbirth. There are no ambulances available to take the seriously ill or injured workers for advanced medical care to the city hospitals. There is neither supervision nor punishments if compounder errs. In the estate, the hospital exists only for name sake. The ff team visited doctor's quarter with an intention to talk with him. But his quarter was locked and we could not contact him over phone also. Houses at the labour lines are in a deplorable condition. During monsoon the water would enter the house from the holes in the walls causing number of diseases and damaging their belonging. Now, workers have to incur repairing expenses but they have no money left to repair their houses. In the estate, workers have not been getting winter clothes, rain coats and shoes for years together. Even if supplied, it would be of a low quality one.

Latrine facility in the quarters is not up to the mark. There is a drain inside the quarter but not connecting with toilet or latrine causes contamination of used water with ground water. Poor access to sanitation and latrine; this has made them more susceptible to diseases fungal and respiratory infections and diarrhea. In Birpara tea garden workers face problem of fuel. Due to lack of forests and strict implementation of environmental laws lot of restrictions have been imposed on firewood cutting.

Power supply at the labour line is absolutely inadequate. Only factory staffs have managed electricity for their household. Earlier, bulk power was given to the management which in turn distributed it to workers' quarters. So the Electricity department is charging electricity bill on commercial rates not on domestic rates. The factory and factory staff office was completely shut down, most of the machinery was damaged. Office documents were lying scattered here and there.

Drinking water too is in short supply at labour quarters and water from non-drinking general supply, even when boiled, is not hygienic. The water gets reddish with iron rust content. Because of less supply of water there is a growing instance of disputes among workers. Management has failed to provide safe drinking water. The supply of water through pipe lines in labour line has been extremely inadequate for which the families have been suffering beyond description. During summer season in particular when requirement of water is more, sufferings of the people for want of water increases leaps and bound. Requirement of water which is passing through smaller diameter of water pipes for the last many years, in order to improve the situation it is of paramount necessity to replace the existing water pipes with bigger diameter immediately. There are few tube wells in the garden but most of them are working due to lack of maintenance. Most of the hand pumps need repairs. Due to lack of safe water this people are suffering from abdominal pain, rashes on skin, and other water born deceases.

Women do most of the plucking work at tea garden; ironically, they are the most sufferers. They are restricted by a lack of skills. Education, health is far of dream for them. The closure of tea garden, poverty, hunger and malnutrition has propelled women trafficking from Birpara tea garden like other tea gardens of Dooars and Tarai region.

Young girls in between 14 to 22 are being trafficked for flesh trade and the girls have willingly gone and having their place at brothel of Delhi and Mumbai. Even, the family members are allegedly being forced their young girls to take up prostitution for survival. Reportedly, women from the tea garden keep going to Delhi, Bangalore and other metros of the country and took up jobs as a domestic help; to earn their living. In the tea garden, sexual and reproductive right of young girls has been grossly violated. They are being married at an early age. Most of the parents of the girl child want to marry their daughter at early age due to extreme poverty and unable to fulfill their basic duties as parents. Motherhood in childhood is remaining an everyday occurrence in the tea garden.

Work under MGNREGA is scarcely available but the money is delayed by several months. People are ashamed to speak of their poverty. Children attend school as they get to eat under the ICDS scheme but they have no future. Very few permanent workers have got Rs 1,000 per month under the FAWLOI (Financial Assistance for Workers of Locked out Industrial Units) scheme. But larger part of workers have not benefited from the scheme. The trade unions are indifferent and the workers remain deprived. There is no implementation of National Old Age Pension (NOAP)

Scheme, Rajiv Gandhi Shramik Kalyan Yojana, Rajib Gabdhi Village Electrification Scheme, Rajib Gandhi Home Scheme, BPL cards, unemployment allowance etc.

Recently, trade union leaders, factory staffs (officials at the tea estate) and garden workers get together to form an operating managing committee (OMC)—a system that has flourished with state support. The leaf collected is either sold to other estates or factories that do not have plantations. Workers get paid a pittance. Reportedly, in this garden, lion's share is siphoned off by union leaders and politicians. However the OMC can at best be a stopgap arrangement. It is not a solution.

It was revealed that management's attitude is the main reason for the crisis. The state government is not effectively performing its responsibility. It denies starvation deaths, lack of basic facilities and making claims that the state government is providing all types of food materials. But at ground level nothing has been implemented properly. Many "Adivasis" at tea gardens are not yet recognised as Scheduled Tribes in West Bengal. Due to this, they are denied statutory benefits like education and employment. A case of alleged non-payment of wages in the tea garden has also been lodged by the Criminal Investigation Department against Duncan Industries in north Bengal. But it is sub-judice. One application was filed as writ petition (WP-4225W/2016) before the Calcutta High Court highlighting the problems of tea garden workers, arising from the present crisis in the industry as well as long term issues. In this regard, we urged the commission to take necessary step in providing justice to the tea garden workers and their families.

Report on closed Tea Garden

Dumchipara Tea Garden is located at Hantapara panchyat in Madarihat Block under Madarihat police station of Alipurduar district in West Bengal, India. Dumchipara gardens located close to the India-Bhutan border. The total geographical area of the tea garden is 1040.8 hectares. Dumchipara Tea Garden has a total population of 5,356 people. 1,111 families reside in Dumchipara Tea Garden. 1918 are permanent workers and 1100 are casual workers were engaged at the garden before its closure. About 60 per cent of the workers are female. There was no Labour Welfare Officer in the tea garden. Most of the managing staff vacated the gardens. Weeds are now infesting the tea bushes, buildings are abandoned and estate workers say that they have been slowly dying because no money is left to buy food.

The owner of the garden has neglected to develop a fair structure of wages mandated by the last Central Wage Board for Tea Plantation Industry in 1966. Sometimes they paid workers salary on installments. It was revealed that for

the past many years Duncans had cut various facilities provided to the tea garden workers. They have not paid workers daily wages for last 11 months. In earlier occasion they paid 40% of the dues to only 60% of workers in April, 2015. Reportedly, in last September, Duncan management provided 3 days payment of May, 2015 and 3 days payment of June, 2015. Since then the company has not paid a single penny to any workers. They even stopped providing ration to the workers. This has made famine like condition at the tea garden. Since garden is located in remote locations, alternative job opportunities are scarce. Large number of workers and their families are starving. Prolonged hunger has caused malnutrition, frail health and abnormal reduction of body weight. A considerable number of people are suffering from lack of appetite, tuberculosis, vomiting, swelling belly, nausea, jaundice, muscle weakening, vitamin deficiency, anemia, rashes and other diseases. The team found stunted children, anemic adults as many families reported eating once a day.

The bleak situation of these workers starkly highlights the absence of a social security measures. Majority of the labours are tribal migrants who have little or no other skills to help them to fend. During visit workers told that trouble has been brewing in the garden over nonpayment of daily wages and other dues like provident fund, gratuity and ration. Dumchipara tea garden workers have paid a measly wage of Rs. 112.50 per day alike other tea garden of Dooars and Terai region and the daily wage is much lesser than any other organized sectors in India; there is a growing clamour for the introduction of a minimum wage. "Although the owners have not declared lockout the workers are not getting any wages since April. Since then we have scant access to the basic amenities." Sumita Oraon, a women worker said.

The jobless workers and their family members have to walk a long path to attend stone crushing job on the riverbed and they get maximum of 40-45 rupees for a whole day work. Collection of stones from the rivers adjoining to Bhutan is another source of income for few workers. More workers go as daily wage workers in other gardens. Others cross the border to Bhutan, working for a pittance at local construction companies. Lot of young workers has migrated to Kerala, Delhi, Sikkim and Dubai in search of livelihood. The workers who do not have any alternate jobs and old are only staying at the garden.

Distribution of ration is the prime responsibility of the management as per Plantation Labour Act (PLA). Thus, right to food is being violated. In Dhumchipara, after 10 months closure of the food distribution system, the families were brought under Antyodaya Anna Yojana (AAY) scheme. Under this scheme, 30 kg rice is distributed as 2 rupees per kg per month and 5 kg wheat is provided as 3 rupees per kg per week. But food grains are substandard in quality. Reportedly, the way the food is distributed indicates rampant corruption. Records are not kept properly. This facility is only for permanent workers. It will not provide anything to contract workers or casual workers who are working since many years.

After the closure of the gardens, health services have almost broken down. Regarding the provision of medical facilities in the tea garden a dispensary is provided by the Tea Garden Authority. Certain health problems like malnutrition, diarrhea, worm infestations, tuberculosis etc. are common among the garden labours after the closer of the garden. The existing dispensary provided by the tea planter is

under- staffed and not fully equipped and do not store the required medicines for which during medical emergencies they have to rush to the Birpara Sub-Divisional Hospital. A weekly health camp under the aegis of NGOs is being held every Sunday. Children are immunized in the health camps. But the temporary workers aren't getting any benefit.

It was revealed during interaction with the labourer that water supply as well as electricity supply has been cut off by the management. However, since April 2015, each household has been paying their charges directly to the State Electricity board but has not got any supplementary benefit that was mentioned at Plantation Labour Act (PLA). The power supply is confined to some selected areas of the garden. So, most part of the labour line is under complete darkness. Even the street lights are no longer lit.

At the time garden was functioning, drinking water is provided by one big tank and taps in every house. Garden management constructed pipelines for drinking water supply to labour colonies. Reportedly, it was stolen. Scarcity of water was prominent after management suspended water supply. Workers of the Dumchipara tea garden have to travel few km daily to collect drinking water and for those who cannot go fetch drinking water from the streams in the hilly areas of Bhutan. Last month garden management provided 4000 rupees for pump repair in order to restore water supply for labour lines. But this meager contribution was not sufficient to restore the water supply system. Recently, new water tank has been installed by the worker. Workers with their own contributions are running the motor engine for water pumping. The water is released for one hour only. Within this short duration the entire population of labour line has to collect water.

Noticeably, sanitation facility along with latrine is in deplorable condition at the labour line. Most of the toilet has open roof. Latrine wall is made with wood or tin tie with iron cable, whose front portion is cover with jute curtain and use water discharge through open mud drain. Foul smell spread from open drain causes health hazard. Most of the family of casual workers resides at tin roofed thatched house in the vicinity of the labour line. They have practice to go for open defecation. As a result, cholera, diarrhea like disease can break out any time as an epidemic.

With the deterioration of the economic condition of the workers' families the drop-out rate at the primary and secondary level has increased significantly. By withdrawing children from schools parents save family expenses and engage children in odd jobs for some income; they are sent to the local markets to work in shops, hotels and in buses and small cars as helpers while the girls are being sent to work as domestic help in the middle class families. The workers we have interviewed have informed us that the incidence of child labour has substantially gone up despite the recent ban by the government. Workers' children, especially their daughters, are often vulnerable to traffickers who promise them jobs as maids in the city, but in reality exploit them as domestic slaves, exposing them to physical and sexual abuse.

Reportedly, most of the workers are not enlisted under Below Poverty Line (BPL) category. Thus most of the benefits of the central and state governments do not reach the really poor population in the tea gardens. MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Scheme) was introduced at the tea garden but few workers of the tea garden had got employment under this scheme but

payment is delayed by several months. The state government's scheme Financial Assistance to the Workers of Locked out Industrial Workers (FAWLOI) provides monthly financial assistance that they are below 58 years old. However, as the management of Dumchipara TG has only served a notice for suspension of work, and did not close the garden, the labourers are not getting any benefit under this scheme.

National Old Age Pensions have been started there and few individuals have been receiving from the local Gram Panchayat. There is no implementation of the National Food Security Act in tea estate. But it has been officially decided to bring both workers and non-workers under the Act. The workers are deprived of other central government scheme i.e. Rajiv Gandhi Shramik Kalyan Yojana, Rajib Gandhi Village Electrification Scheme, Rajib Gandhi Home Scheme, Swarnjayanti Gram Swarozgar Yojana (SGSY) etc. There is no maternity benefit scheme available for the female tea garden workers.

The Operating Managing Committee (OMC) was constituted at the tea garden with the initiative of the trade union and passive support of state. This is a process that workers pluck tea leaf and sell it to other estates or factories that do not have plantations. But it turns out that some influential leaders along with their close coterie can use terror tactics to virtually manipulate the functioning of the OMC, in connivance with the district administration and deprive workers of their dues. In Dhumchipara where young leaves exist women go for plucking leaves from the garden and sell them to "bought leaf" factories at the rate of Rs 4/ per kg which is much lower than market price. So, formation of OMC can't help the workers to survive their livelihood. Only reopening of the garden can bring bliss in their life.

The garden has been closed since April last year and there seems no specific indication as to when the garden will reopen. The future for labourers seems bleak, if this condition prevails. The deaths of the workers and their family members clearly reveal puppet character of the state machinery and the mainstream political parties serving only for the owner. Even, state government denied that the death of the workers were for starvation. So, I do request you to accept this grievance so that the authorities concerned realize the struggle of the workers and take positive measures to reopen the garden.

Another narrative report on closed Tea Garden

MASUM repeatedly brought the issues of starvation and lack of medical facility at different tea gardens in North Bengal to the attention of authorities concerned by submitting complaints, but there is of no appropriate response from any concerned authorities.

The death of the worker associated with the closed Dharanipur Tea Garden in Malbazar block prompted MASUM to visit the garden and interact with the jobless workers and their family members. The team checked with workers of two labour lines if any other worker needed medical attention. They had found children and adults suffering from malnutrition. MASUM team has seen anemia, jaundice and

tuberculosis patients waiting to die simply because they do not have money to reach hospitals and avail the treatment.

It was come up during the fact finding that break down of rationing coupled with the inadequate food intake, make the workers and their kin disease-prone and poor state of health services have compounded the miseries of the workers living in the area. Retired workers have not been paid their statutory dues like PF and Gratuity for years. The workers have not been paid their wages for several months. Electric supply has been snapped resulting in serious drinking water crisis in the area. The irony of this situation is lies in the presence of stark poverty, chronic hunger and exploitation.

The garden was formerly owned by New Red Bank Tea Co. Pvt. Ltd. The tea estate closed down in 2000 after the owner shut down the garden. The garden was reopened in 2002 but it was again shut in 2003. Then the tea garden was closed for many years. Dharanipur Tea Garden was opened again in 2011 under one Roshan Lal Agarwal. Robin Paul, the original lease holder allowed Agarwal to run the garden for a year. The garden reopened under Paul for few months in June 2013. Then, in October the management left with a promise of bringing cash to pay wages, but they did not return. It raises an apprehension: instead of paying the dues are they being planned on the way of sell the garden? Reportedly, they quit the business. Dharanipur have been closed since then and are yet to be reopened. The land lease to the Redbank Group was cancelled by the state government in September, 2014 and government taken over the garden and started to run it through cooperative. It was revealed during the fact finding that Dharanipur Tea Garden was 'disturbed' properties for over a decade. Reportedly, it was closed due to litigation. There is ownership conflict at the tea garden as well.

The plantation workers have been living in the tea garden for generations alike other tea gardens in North Bengal, tracing their lineage to their forefathers the owners brought them from what is now in Jharkhand, Odisha, Chattisgarh and also from Nepal. Now, they have tiniest link with their native land. After garden was closed, they were rendered jobless. But the workers at Dharanipur tea garden, some 500 male and female workers, almost all of them are Adivasis, did not leave. The garden is still green, but the shrubs look overgrown and unattended. Large number of workers has already migrated to other state as a daily labourer.

MASUM team has witnessed rampant flouting of labour laws (Plantation Labour Act, 1951) which has made a brazen mockery of worker's rights. According to PLA, 1951, each tea garden worker must receive, apart from their daily wages, provident fund payments, bonuses, pension (for retired workers), ration, umbrellas and aprons for working, firewood for cooking, housing, electricity, water, medical care and education facilities. But the owners did not provide most of the facilities during their tenure. Ironically, the casual workers did not get any jobs, now they are surviving to take up jobs as domestic help at Malbazar or migrated to other parts of India for seeking livelihood. Mining stones in the dry riverbed near Indo-Bhutan border is the other lifeline. Children have dropped out of school to assist their parents at the riverbed. Trafficking is on rife: agents from north India frequent the estate looking for young girls to work as domestic help or prostitutes.

It is propagated that ration will be provided through dole system; but the workers no longer want to subsist on the doles. Though at Dharanipur, Antyodaya Anna Yojna (AAY) scheme has not even been introduced after government acquired the garden. The government will provide seven kilograms of food grains among permanent workers, who have BPL card, per head as weekly basis. But most of the garden workers are APL card holder so that they are not getting the benefits.

STATEMENT ON ENFORCED DISAPPERANCE

The human rights fraternity world over is observing today; 30th August as International Day of the Victims of Enforced Disappearances. The legal term may be not specifically designed - "enforced disappearance" - but the human story is simple: People literally disappear, from their loved ones and their community, when state officials (or someone acting with state consent) grab them from the street or from their homes and then deny it, or refuse to say where they are. It is a crime under international law and Indian laws. Often people are never released and their fate remains unknown. Victims are frequently tortured and in constant fear of being killed. They know their families have no idea where they are and the chances are no one is coming to help. Even if they escape death and are eventually released, the physical and psychological scars stay with them.

This is not only happening in Indian provinces of Kashmir or Chattisgarh, where Indian state has waged a war against the population, but regularly happening at provinces with relative calm and West Bengal is not in isolation. West Bengal experienced the spate of enforced disappearances in 1970s, while a number of Naxalite activists were abducted by the police and their whereabouts never came before the families and community. Apart from the Naxalite activists having political and ideological commitment for changing the politico- economic system with armed resistances, the common people also had same fate. In the year 1993 on 31stOctober, a worker of Victoria Jute Mill; Bhikari Paswan, was allegedly abducted by the police led by the then Additional Superintendent of Police; Srirampore, Hooghly; Mr. Harman Preet Singh and other police personnel. He was never traced thereafter; the police refused having any knowledge over his disappearance. Ultimately the matter went up to High Court, Calcutta. Central Bureau of Investigation investigated the matter under the order of the High Court and reported that Bhikari was indeed picked up by the said police. Ultimately a case of abduction and criminal conspiracy was initiated at the court of Chief Judicial Magistrate at Alipore, against Mr. Harman Preet Singh and three police personnel in March 1998. The matter was finally committed to the Court of Sessions and after hearing, the principal accused; Harman Preet Singh was discharged, at the stage of charge hearing on 13.6.2006 and in the meantime, the matter was tossed to High Court on

the issue of requisite sanction, whereas the High Court upheld that no sanction was required as abducting someone could not be an act discharging of anyone's official duty. The main witness the father of Bhikari already died in the year 2004 with a hope to prosecute the perpetrators successfully. Now there is no chance of prosecuting the perpetrators in the court. Thus the perpetrators being police officers; enjoying impunity which is existing in social as well as in criminal justice system. One of the focal points of the entire matter was that none of the police officers was either suspended or arrested; they easily got bail from the court though the alleged offence was grave in nature.

Partha Mazumder, a resident of Barasat, North 24 Parganas, who was abducted by police and became untraced from the year 1997. The Calcutta High court was duly approached. West Bengal Human Rights Commission enquired the matter and finally, Central Investigation Department took charge of the investigation. The trial started in the year 2004 against 11 police personnel but none was arrested ever and they got bail easily from the court. In this matter also none was suspended. The matter is still pending for disposal as one of the offshoots of the matter is pending in the Supreme Court which reportedly stayed the trial giving definite advantage to the accused police personnel.

The Border Security Force personnel recently adopted this sinister design at Indo-Bangladesh bordering area; lifting common people, torturing them to death in BSF camps and then dumping the bodies at unknown places. Recently on 21st August 2016, Mr. Rajkumar Mondal, son of late Bishu Mondal, aged 32 years of village Char Sahebnagar, under the jurisdiction of Raninagar Police Station in Murshidabad district in West Bengal, a DALIT, was soaking his harvested jute stems into a pond along with other farmers just like any other day at around 11:30 am in the morning, two Border Security Force jawans from Border Outpost No: 4, affiliated to Battalion No: 83 appeared from nowhere and started beating Mr. Rajkumar Mondal. Then they took Mr. Rajkumar Mondal to the BSF-Border Outpost. There the victim was again brutally tortured and beaten. After that he was taken to Harudanga Camp in a BSF Gypsy van. On their way, they put heavy boulder on victim's torso. Meanwhile, family members of the victims, his neighbours along with respective Panchayat members reached the said BSF Camp to meet Mr. Rajkumar Mondal. But there they received outright denial from BSF personnel that no one was tortured or has been taken into custody. The family and others had no option but to return home empty handed. On the next day, 22nd August 2016, family members of Mr. Rajkumar Mondal visited Raninagar Police Station to file a complaint against BSF personnel from illegally abducting and detaining Mr. Rajkumar Mondal. But the farcical nature of our legal system was exposed once again as Raninagar Police officials denied to register any

complaint against BSF jawans. After failing to make their voices heard in both the cases, Mr. Chittaranjan Mondal, brother of Mr. Rajkumar Mondal sent a text message to District Magistrate of Murshidabad, Sub-Divisional Officer, Domkal, Block Development Officer, Raninagar II Block, Officer in-Charge of Raninagar Police Station, Superintendent of Police, Murshidabad narrating the entire event and the ordeal that they had to go through. Till date the family has no idea about Mr. Rajkumar Mondal's whereabouts. Both BSF personnel and officials of Raninagar Police Station are denying about the whereabouts of Mr. Rajkumar Mondal. Though, there are number of eye-witnesses of his abduction.

In this given context, Banglar Manabadhikar Suraksha Mancha (MASUM) demands for immediate ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and subsequent domestic legislation. The state actors must be punished with adequate legal provisions and no scope of immunity during the prosecution of such cases.

STATEMENT ON WAR MONGERING BY INDIA

All of a sudden country came to know that a 'surgical strike' has been made by Indian Army, advancing few kilometers inside the Pakistan territory (POK). Though, we are not sure about the genuineness of the hype created by the media and war monger Indian government with support from other political dispensations of various hues, but one thing is clear that the present regime has started an all-out drive to jeopardy the increasing peoples' movements for democracy and righteous demands. The current regime has severely failed to go by the aspirations of the citizenry in every fields of governance; economical, social or political. Only passage left for Mr. Modi and his political associates is to fan up war hysteria against neighboring country and Pakistan is the most suitable target. This war mongering could deviate the attention of citizens from State sponsored terror upon the agitating populace, increasing social movements by marginalized communities, ever increasing financial crisis of commoners and shrinking democratic space for free expression and opinion.

The peace-loving common people of both the countries do not appreciate and welcome any war. We strongly condemn this dangerous act of war propagation by the Indian ruling clique and call all democratic people and organization to come together against this sinister design of counterproductive politicking.

PRESS RELEASE

State Failing to Protect Human Rights Defenders Intervening in Human Rights Violation Cases by Security Forces in West Bengal

Kolkata, November 3, 2016: A national high level fact finding team comprising of members of superior judiciary, police and civil society undertook a mission during the period October 31 – November 3, 2016, in the wake of alarming instances with regard to attacks on human rights defenders (HRDs) intervening in the issues of torture, killings and disappearances by security forces along the Indo-Bangladesh border in the state of West Bengal. The fact finding mission was led by Justice (Retd.) H. Suresh – former judge of Bombay High Court, Dr. K.S. Subramanian – former Director General of Police and Prof. Miratun Nahar – academician and writer. During the mission, the fact finding team met a range of HRDs from the districts of North 24 Parganas, Murshidabad, Coochbehar and Jalpaiguri engaged in interventions in cases of human rights violations by security forces. These HRDs are associated with the organisation *Banglar Manabadhikar Suraksha Mancha* (MASUM). The team also met victims of human rights violations on whose behalf these HRDs initiated actions before commissions and courts. The team also met doctors, lawyers, social activists, Inspector General of Border Security Force (BSF), Director General of police of West Bengal Police, commissioners at West Bengal Human Rights Commission and West Bengal Commission for Women and other state officials. The fact finding mission was organised by Human Rights Defenders Alert – India (HRDA).

Based on meetings with a series of people concerned with the scope of the fact finding mission, the fact finding team has come to the following prima facie interim observations –

- HRDs in these districts along the India-Bangladesh border are coming under repeated attacks from security agencies due to their interventions in cases of torture, killings and disappearances. These HRDs are charged with fabricated cases, tortured, threatened and their family members also threatened because of HRDs' work. In the democratic framework where rule of law is guaranteed by the Constitution of India, the work of HRDs is crucial and of utmost importance. Testimonies of HRDs Mr. Ajimuddin Sarkar and Mr. Ajjul Haque testifies the extreme difficult circumstances they now face because of their quest for justice. Under the blanket of national security, human security is grossly compromised.
- In cases of human rights abuses by security forces, it is often found that the victims and HRDs are deliberately made the accused in these cases and the crime committed by security forces go unaccounted for and they enjoy impunity under Section 197 of CrPC. There seems a clear nexus between security forces, politicians and anti-social elements in the modus operandi of human rights abuses and illegal activities. It was shocking to see the use of pellet guns on people in these areas. IG BSF confirmed the use of pellet guns.

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- MASUM as an organisation is under risk with most of its workers facing some or the other criminal charges which appears vindictively imposed by the State because of their human rights work. In this era of technology, it appears that MASUM is under surveillance as their emails and mobile phones are being tapped to the extent that they are unable to or limitedly access them.
 - More than 600 complaints only in the last five years were brought to the notice of the National Human Rights Commission and West Bengal Human Rights Commission. In complete apathy, these human rights bodies have never undertaken independent investigations despite the nature of cases involving killings and torture. All the cases are referred to the same authorities who are accused of human rights violations thus denying the principles of natural justice. There are several cases pending before Calcutta High Court and Supreme Court for several years. West Bengal Human Rights Commission has no Chairperson and a human rights commission currently led by a retired police official holds no confidence for justice in such cases. Other human rights institutions including the women commission chose to remain silent and didn't initiate any proceedings into the gross human rights violation by security forces.

The fact finding team will be submitting to the concerned departments and officials the detailed interim report for comments before coming out with the final report. The final report will be brought to the notice of Supreme Court, Calcutta High Court, National Human Rights Commission and West Bengal Human Rights Commission.