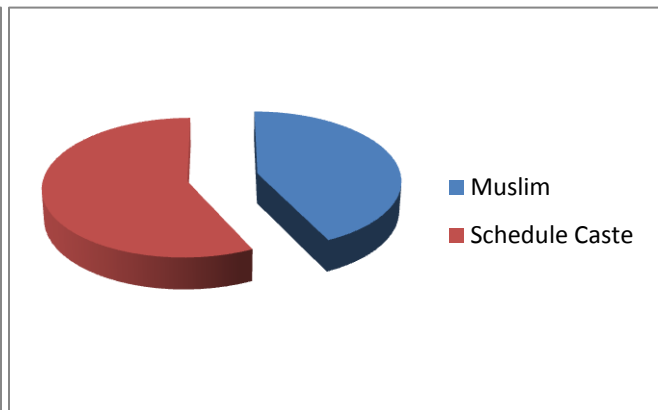
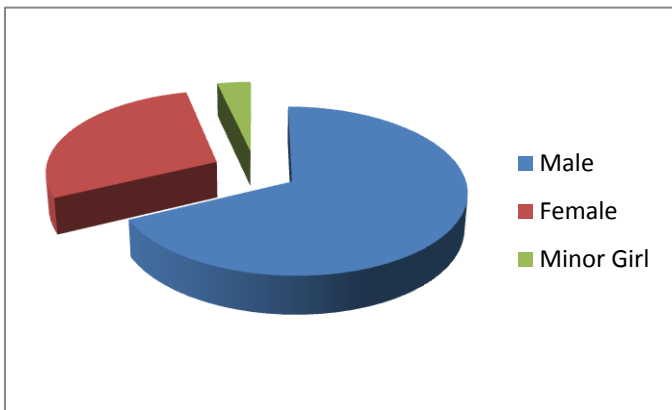


Banglar Manabadhikar Surakksha Mancha (MASUM) made 13 complaints before the National Human Rights Commission during November 2017. During the month 8 replies and one update have been made to National Human Rights Commission. Out of 13 regular fact findings and subsequent complaints; one was about extra judicial killing, four about torture committed by Border Security Force personnel, two about illegal detentions of Bangladeshi women and children at Indian prison, one about torture committed by police, three about the livelihood issues of erstwhile enclave dwellers, one about trafficking of a minor girl and acquiescence of police and one about attack on human rights defender. Total numbers of affected in regular fact findings were 28; out of that 12 were Muslims, 16 belong to Schedule Castes community. 19 were male and 8 women and 1 minor girl. In three of the complaints, the marginalization was collective so number of victims has not been calculated.

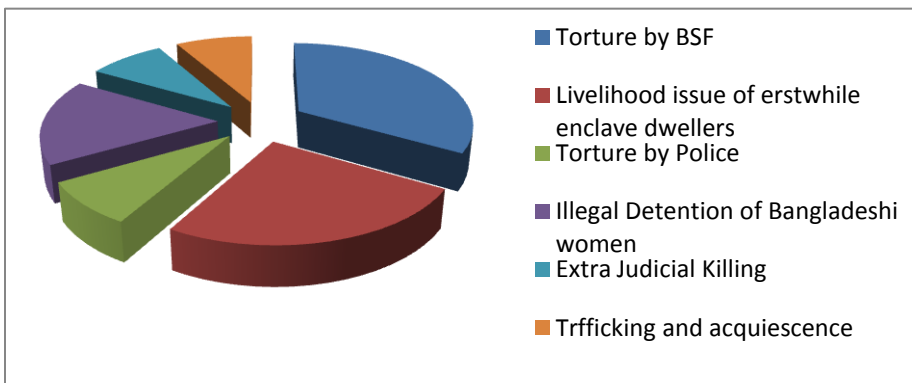
Demographic and Social Classification of affected



Male	19
Female	8
Minor Girl	1

Muslim	12
Schedule Caste	16

Classification of violence



Torture by BSF	4
Livelihood issue of erstwhile enclave dwellers	3
Torture by Police	1
Illegal Detention of Bangladeshi women	2
Extra Judicial Killing	1
Trfficking and acquiescence	1

MASUM filed an RTI application on 17th August 2017, seeking detail information on Narcotic Drugs and Psychotropic Substances Act; number of cases, number of accused, number of arrests and so on in districts of 24 Parganas (North) and Murshidabad. As no reply has been made by the SPIO, we approached the appellate authorities on 18th October 2017. On 17th November 2017, the Additional Superintendent of Police; Murshidabad made a reply and furnish the information but till date no information has been made by the 24 Parganas (north) district police authority.

Brief on major replies sent by MASUM to NHRC

It is a regular activity of MASUM to send comments/reply on the reports of the state authorities in connection with the cases pending before the National Human Rights Commission on the complaints filed by MASUM on human rights violations.

In the month of November, 2017 MASUM sent eight comments/replies to the National Human Rights Commission in connection with the following cases registered by the Commission in connection with the following cases registered by the Commission on the complaints filed by MASUM. The comments were sent in compliance of the direction by the Commission to submit comments on the report from the state agencies. All the replies/comments were sent within the time.

1. NHRC Case no.546/25/6/2017

The said case was registered by the Commission on the complaint filed by MASUM on 13.04.2017 on the subject of open defecation and no adequate sanitation mechanism in Shibaprasad Mustafi, Dakhin Mashaldanga and Madhya Masaldanga enclave areas, District-Cooch Behar. The Commission directed to submit comments on the report of the Executive Officer, Dinhata-II Panchayat Samity, Sahebganj, Cooch Behar. In its comments on the report, MASUM highlighted two major points from the report such as **In** the enquiry report it is stated that the households are not in BLS i.e. Baseline Survey. Therefore the enquiry report itself admits that the households in the aforesaid three enclave areas are not included in BLS i.e. Baseline Survey and MoDWS has allotted no fund for construction outside Baseline survey. From those points it was clear that the people residing in the said three enclaves are still deprived of proper sanitation and they are the victims of bureaucratic approach of the government officials.

2. NHRC Case no.1595/25/15/2014

MASUM sent its comments on the police report in connection with the said case for the victim Sahara Khatun (name changed), a victim of trafficking from **District-North 24 Parganas**. MASUM challenged the police being biased report as it was not in compliance of the earlier direction issued by the Commission where the Commission directed to the Additional Director General of Police (Hqrs.), West Bengal to get investigation of the case reviewed at his end and to get the allegation of police inaction enquired into by an officer other than from District-North 24 Parganas and submit the action taken report together with status of the case within eight weeks. The Commission issued such direction upon considering the allegations that the victim was constantly intimidated by the police to favour the accused.

3. NHRC Case no.763/25/13/2017

The National Human Rights Commission vide its letter dated 02.11.2017 sent police report to MASUM to furnish comments on the police report. The said case was registered on the complaint filed by MASUM for the victim Mr. Rabi Mondal from **District-Murshidabad**. In its comments on the police report, MASUM submitted that from the enquiry report prepared by the Sub-Divisional Police Officer, Domkal, Murshidabad it came to light that the victim was assaulted by the perpetrator BSF personnel on the date of the incident. It also came to light during the enquiry that on the date of the incident the victim was brought to Harudanga Camp and was administered electric shocks on his left hand and left leg and then he was left to go home. The enquiring police officer met with the victim who affirmed the incident of torture and custodial violence committed upon him by the perpetrator BSF personnel before the enquiring officer.

4. NHRC Case no.1243/25/15/2016

The National Human Rights Commission vide its letter dated 31.10.2017 sent copy of the police report to MASUM to furnish comments on the police report. The said case was registered on the complaint filed by MASUM for the victim Mr. Alamgir Gazi from **District-North 24 Parganas**. Mr. Alamgir Gazi is a victim of illegal arrest and custodial torture in police lock up in the hands of the perpetrator police personnel. The police report denied the incident of torture upon the victim.

MASUM in its comments on the police report stated that the police report was biased and the statement of the victim and his witnesses were not recorded during the police enquiry. MASUM also submitted that the police report is silent on the point that the victim by his several complaints such as the written complaint dated 11.07.2016 submitted before the Superintendent of Police, North 24 Parganas; the written complaint dated 11.07.2016 submitted before the District Magistrate, North 24 Parganas; the written complaint dated 04.01.2017 submitted before the Superintendent of Police, North 24 Parganas; the written complaint dated 23.02.2017 submitted before the Superintendent of Police, North 24 Parganas; written complaint dated 25.08.2017 stated the incident of torture committed upon him by the perpetrator police, illegal extortion of money from him and subsequent incidents of threats upon him to withdraw of his complaint against the perpetrator police personnel. But the Superintendent of Police, North 24 Parganas as well as the District Magistrate, North 24 Parganas did not make any response on those complaints. To negate the allegations of the victim, the police report referred to some police records but intentionally did not enquire to ascertain whether such police records were manipulated or not by the perpetrator police personnel to suppress the truth.

5. NHRC Case no. 238/25/13/2015-pf

The said case was registered on the complaint filed by MASUM for the victim Mr. Kajimuddin Sardar from **District-Murshidabad**. Mr. Kajimuddin Mondal was shot dead by BGB(Border Guard Bangladesh). The Commission only intimated through an email communication to MASUM that the Commission registered the complaint. Since then the Commission held blind proceeding as the Commission did not send any information regarding the progress of the case to the complainant. Even the Commission did not bother to send the reports of the state agencies received by the Commission from time to time in order to give the complainant an opportunity to place his comments on those reports of the state agencies. After carrying such secrete proceeding for last two years, the Commission decided to close the case by replying on the reports of the state agencies.

MASUM sent a strong protest letter against the decision of the Commission mentioning that the practice adopted by the Commission in this case is a deliberate act of denial of a just, fair and reasonable proceeding and also against the principles of natural justice.

6. NHRC Case no.273/5/15/2014

The said case was registered on the complaint filed by MASUM for the victim Mr. Paran Gain from **District-North 24 Parganas**. Mr. Paran Gain is a victim of torture and custodial violence in the hands of the perpetrator BSF personnel. MASUM in its comments on the police report submitted that the police report prepared by the Sub-Divisional Police Officer, Basirhat, North 24 Parganas affirmed that the victim Mr. Paran Gain corroborated his allegation of torture against the perpetrator BSF personnel through his statement to the enquiring officer.

7. NHRC Case no.879/25/6/2015

The National Human Rights Commission closed the said case on the ground that MASUM did not furnish any comments on the report of the state agencies. MASUM in its reply against the decision of the Commission stated that the decision of the Commission was wrong and misconceived because MASUM duly sent its comments on the report of the state authority within the stipulated period as fixed by the Commission. MASUM urged for reopening of the said case.

Be it mentioned that the said case on the complaint of MASUM for the victim **Mr. Mominul Haque from District-Cooch Behar** who is a victim of torture in the hands of the perpetrator police personnel.

8. NHRC Case no. 79/25/8/2017-AD

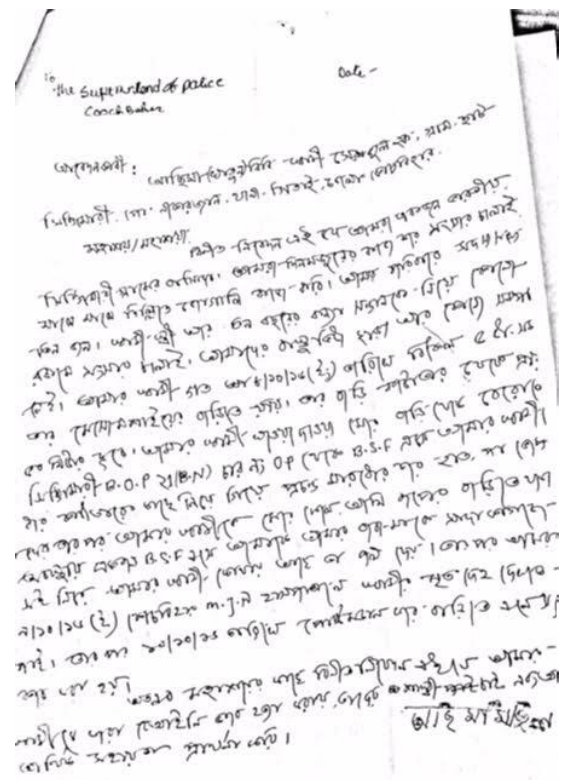
The National Human Rights Commission closed the said case on the ground that MASUM did not furnish any comments on the report of the state agencies i.e. police and BSF. MASUM in its reply against the decision of the Commission stated that the decision of the Commission was wrong and misconceived because MASUM duly sent its comments on the police report within the stipulated period as fixed by the Commission and also mentioned that as the Commission did not supply the copy of the BSF to MASUM, it was not possible to furnish comments on the BSF report. MASUM urged for reopening of the said case.

Be it mentioned that the said case on the complaint of MASUM for the victim **Mr. Manikul Sk. from District-Murshidabad** who is a victim of extra-judicial killing in the hands of the perpetrator BSF personnel.

Complaint and Fact Findings

Details of an incident of Extra Judicial Killing by BSF

Serajul Haque(deceased), son of Late Bacha Mia, aged about-26 years, by religion-Muslim, resided at village- Chat Singimari, Police Station-Sitai, District- Cooch Behar, West Bengal, India. Ms. Achima Khatun @ Bibi, wife of the victim Serajul Haque submitted a written complaint by registered post on 22.10.2016 before the Superintendent of Police, Cooch Behar stating that on 08.10.2016 at about 5pm in the evening her husband went to his uncle's house at Singimari village. His uncle's name was Mr. Bachaddin Miah. He stayed there and after finishing his dinner he went out of the house to attend nature call. Thereafter he was apprehended by the BSF personnel of BSF Out-Post no.4 under Singimari BSF BOP Camp, Battalion no.21. Then he was taken to a place near border fencing far from the house of his uncle and he was killed by the BSF personnel in their custody by beating him to death. In the said complaint Ms. Achima Khatun@ Bibi further stated that on the next day of the incident, one BSF personal came to her parental house and took signatures of her parents on a blank paper and told them that her husband's body was lying at Cooch Behar M. J. N. Hospital. At that time she was present at her parental house. She and her family members went to Cooch Behar M. J. N. Hospital and after completion of post mortem examination on 10.10.2016 the victim's body was handed over to his family members. In the complaint she prayed for a neutral investigation of her complaint so that the BSF personnel involved in the incident get proper punishment for committing murder of her husband in custody. But till date no action has been taken by the Superintendent of Police, Cooch Behar on the complaint lodged by Ms. Achima Khatun@Bibi over the incident. Kotwali Police Station had registered a unnatural death case on death of the victim Serajul Haque vide U. D. Case no.401/2016 dated 09.10.2016. His body was recovered by the police personnel of Sitai Police Station about 15 meters away from border fencing near border pillar no.925 which is close to BSF Out-Post no.4. It is revealed during the fact finding that the victim left behind his wife who is a housewife and one daughter who is aged about three and half years. He was the only earning member in the family.



Details of Torture perpetrated by BSF



Mr. Abu Azad son of Mr. Abdul Haq is a resident of village – Dakkhin Balabhut under Block and Police Station- Tufanganj, District – Cooch Behar, State – West Bengal. Victim is a daily labour and sustains his family with his meager income. Victim has part time engagement in cross border activity as mere courier to increase his income.

On 10.09.2017 victim came out from his residence to smuggle out few items and reached at the bank of Torsha River. Torsha river is flowing between India and Bangladesh and Kaljani of Bangladesh is the just opposite bank of Torsha from the place of incident. The river is being used by the smugglers for cross border smuggling. The victim reached the river bank with a motive to smuggle cattle and he was transporting the cattle by swimming the said river with those cattle. Suddenly 6 Border Security Force personnel, who were monitoring the river, captured him and taken him on their boat, and beat him with bamboo sticks. Due to enormous use of those bamboo sticks on victim's body those sticks got broken. After that one BSF personal attacked him with a knife. Due to this inhuman torture victim lost his consciousness. Then the victim was roped by the BSF personnel with banana stem and was thrown at the river. In the mean time the other companion of victim started searching him at Kaljani bank of Torsha river in Bangladesh side. After some time they found him at the river and they rescued his unconscious body from river and taken him to a quack for his treatment. Next Day on 11.09.2017 victim returned back to Indian side with the help of his companions. On that day he was admitted at Ritari Health Care PVT. Ltd. at Cooch Behar. After treatment he was released from the said hospital on 17.09.2017. On 18.09.2017 his wife made a written complaint before the Superintendent of Police of Cooch Behar. Till date her complaint not even acknowledged and no investigation over the incident has been initiated.



Mr. Anjur Hosain Sahaji from District-North 24 Parganas; a teenager of 18 years old was brutally assaulted by the perpetrator BSF personnel on two consecutive dates during this year, first on 17.03.2017 and then on 21.10.2017. Both the incidents took place at a public place, in broad daylight and in presence of many eye-witnesses. Over the first incident our organisation lodged a complaint before the Commission; which was registered as NHRC Case no. 496/25/15/2017-pf. Mr. Anjur Hossain Sahaji, aged about-18 years, son of Mr. Nur Islam Sahaji, residing at village-Hakimpur, Police Station-Swarupnagar, District-North 24 Parganas, West Bengal, India. On 21.10.2017 during afternoon the victim left his home and was on the way to Swarupdaha Market. There is only one road from Hakimpur village to Swarupdaha and said road i.e. Indo-Bangladesh Border Road (IBBR) used by the villagers as their only road to commute.

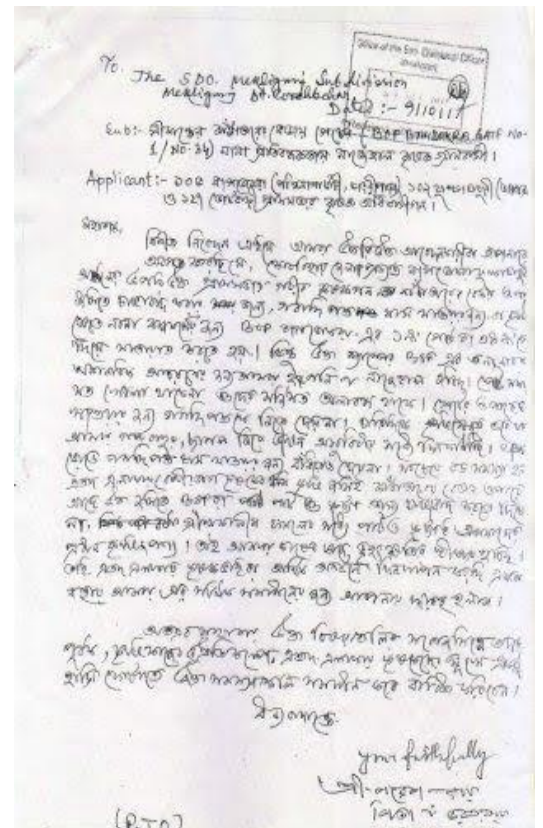
At about 3.30pm when the victim was travelling through the said road and came to Doharkanda Idgah, the perpetrator BSF personnel restrained him on the road and asked him to show his voter identity card. The victim replied that he has no voter identity card though he has already applied for the same as he just completed his 18 years of age. Hearing his reply, the perpetrator BSF personnel started to assault him without any reason. They used stick to hit him. They also kicked and punched him mercilessly. They used filthy languages on him. He shouted for help and hearing his voice, the local people rushed to the spot and rescued him. He was taken to Sarapul Rural Hospital by his relative namely Mr. Rakesh Mondal. He received medical treatment at the emergency ward of the said hospital. He disclosed the entire incident to the doctor who examined him and his statement was duly recorded in the medical treatment slip. In the medical treatment record, it was written that on examination the doctor found abrasion marks in middle of lower throat and left forehead.

On the same day of the incident, the victim himself submitted a written complaint before the Officer-in-Charge of Swarupnagar Police Station narrating the incident of torture committed upon him by the perpetrator BSF personnel. The police Station issued one slip wherein only the case number 819 was written but no date was

mentioned and also no penal provisions were mentioned. Even the victim was not served with a copy of the FIR till date. The victim stated that the police till date did not take any action against the accused BSF personnel and did not bother to record his statement as well as the other available witnesses who saw the incident. The victim strongly apprehended that the police would show no interest to carry out a proper investigation.

It is revealed during the fact finding that the victim himself and his family is not unknown to posted Border Security Force in Hakimpur village as previously the victim was physically assaulted by the perpetrator BSF personnel on 17.03.2017. At that time the victim received medical treatment at Sarapul Rural Hospital. The incident was duly reported to local Swarupnagar Police Station by his father by filing a written complaint. The police registered a First Information Report on the said written complaint vide Swarupnagar Police Station Case no.209/2017 dated 17.03.2017 against the accused BSF personnel. In connection with the said incident, MASUM lodged one complaint before the National Human Rights Commission and other authorities on 29.03.2017. The Commission registered the complaint as Case no.496/25/15/2017-pf. The case is still subjudice before the Commission. MASUM vide letter dated 06.10.2017 submitted a strong objection through its comments on the BSF report stating the BSF report was prepared without examining the victim and his family members and also without considering medical treatment record.

Villagers of Bagdogra village submitted a written petition before the Sub Divisional Officer of Mekhliganj on 9th October 2017. The complaint contained the problems faced by them in their day to day life while residing at border area. About 152 farmers signed representing about 150 families residing in village-Bagdogra and their homesteads are located near, Gate no.1 and 34 under Bagdogra BSF BOP of Battalion-45. They stated that their farming lands are located on the other side of the border fence and such farming lands are about 100 Acres in area. They stated that they have been facing various problems under such division between their homesteads and farming lands by border fencing. The villagers can move to their farming lands only through the Gate no.1 and 34, but the said gates opens irregularly at the whims of posted BSF personnel. The gate opens from 7am to 8 am in the morning, 12 pm to 1 pm at noon and 4 pm to 5 pm. The BSF personnel purposefully waste about 10/15 minutes in the name of opening the gate. Then the BSF personnel would allow entry through the gate after verification, entry in registrar and deposit of photo identity proof. This process continues at snail's pace and as a result only few persons can enter into their farming lands through the gate. The rest of the persons return in utter despair as not being able to carry out their farming activities for the day even standing in queue. Then on the next day they had to take permission from the BOP and again have to wait for hours to get the permission. Sometimes the gate remains closed for the whole day. If the farmers ask the reason for not opening the gate, they are threatened by the BSF of adverse consequences. They added that the BSF does not allow them to carry plough to their farming lands. They are also not allowed to cultivate rice, jute and corn in their farming lands. The BSF verbally issued order that the farmers cannot cultivate any crop which grows more than three feet of height. The farmers are not allowed to install any machine for irrigation purpose on their lands. So, due to insufficient and irregular supply of water, the farmers face loss. The farmers are not allowed by BSF to take fertilizers, tractors and power tillers to their farming lands. They alleged that the BSF by imposing the above stated hindrances in their farming in the name of rules and norms cause harm on their life and livelihood.



Mr. Jugol Mandal, son of late Khoka Mondal, village-Rajapur Mathpara, Post Office-Jojira, Police Station-Ranitala, District-Murshidabad is a poor person and lives in a mud house. He is an agrarian labour and animal husbandry is an alternative source of income for him. Needless to mention that river erosion jeopardized the life and livelihood condition of the people who live near Indo-Bangladesh border area of Murshidabad District. A lot of cultivable land was lost and once an agriculturally affluent society now turned into a landless migratory community. Mr. Jugol Mondal is one of them who stays in the village and engaged with different type of labour works such as working in other's land, animal husbandry particularly cow, goat. On 28.08.2017 at 2 pm his little goat being only two months old entered into the western side of Madanghat Border Security Force Camp, Battalion-4 and it faced cruel attack there. The Sentry of the said BSF camp brutally hit it with a stick and threw it on the nearby barbed wire. As soon as he was informed, Mr. Jugol Mondal rushed to the said camp and returned home with the injured goat but it expired after a while.

To
THE SUPERINTENDENT OF POLICE (S/P)
BERHEMPUR, MURSHIDABAD
Date-4/09/17

শ্রীজগল মন্ডল মিলন-কুচুড়া-খোকা মন্ডল গ্রাম-রাজপুর মথপাড়া
(পো-জোজিরা থানা-রানিতলা পোস্ট-মুর্শিদাবাদ)

স্বাক্ষর
আজ্ঞার বিনীত নিবেদন এই যে গত ২৮/০৮/১৭ তারিখে
হুপের দুটোর প্রায়শ কাছাকাছি দুইমাসের একটি ছোটগল ময়নাকে কাছাকাছি
04:00-ক্যাটনিয়েন। দুইমাসের কাছাকাছি দুইমাসের মাস্টার জগল মুন্ডল
পাশে যে কাছাকাছি সেন্ট্রাল ক্যাম্পের বাইরে ছাগলটি গর কারাগার
ভাঙে ফেলে দেয়।

আমি এবং পেপ্পে কামাল ময়নাকে ছাগলটি বাইরে নিয়ে গাভী
জন দুইটা গাভী করি কিন্তু দুই গর হারা যায় গাভী।
আমি ক্যাম্পের ময়নাকে কে ডিজিটায় করি আমার গাভী
গাভী গাভী হলে ফেলানোর লেট কথা বলা ময়নাকে গাভীকার
করে দেয় আমাকে ময়নাকে হাতে গাভীয়া দেয়।

এত দর ময়নাকে গাভী ময়নাকে গাভী B-S-F ক্যাম্পের গর
আমি গাভী গাভী ময়নাকে গাভী ময়নাকে গাভী ময়নাকে গাভী

বিনীত
শ্রীজগল মন্ডল

This incident shows that the BSF deployed for security of border became a threat to the life and livelihood to the marginal people living in the border area. For this people, animal husbandry is one of the nominal options to maintain their family expenditure. Urging for proper legal, compensatory step and punishment for the perpetrator BSF personal for the aforesaid incident of killing of the little goat, Mr. Jugol Mondal submitted written complaint before the Block Development Office, Block-Bhagabangola-II on 18.09.2017. He also sent a written complaint to the Superintendent of Police, Murshidabad on 04.09.2017 through registered post. But till date no action has been taken on his written complaint.

Details of Torture perpetrated by Police



Mr. Jahangir Alam, son of Mr. Abdul Jabbar Sk., aged about-26 years, by faith-Muslim, runs a cycle repairing shop and residing at village-Malipara, Post Office-Seikhpara, Police Station-Raninagar, District-Murshidabad, West Bengal. On 07.10.2017 at noon he was going to Seikhpara to bring medicine for his child from a doctor. He was travelling on his motorbike. When he came at Seikhpara crossing some civic police personnel stooped and demanded Rs.500/- from him on an excuse of that he was not wearing helmet properly. The victim refused to pay the money. Then the said civic police personnel started abusing him in filthy languages and tried to forcibly take him to police station by holding the collar of his shirt. The victim raised protest against such illegal acts of those civic police personnel. The local people gather at the spot and one of the civic police personnel called up Raninagar Police Station. Then within a short time the Officer-in-Charge of Raninagar Police Station namely Mr. Arup Kumar Roy (Sub-Inspector of Police) came at the spot with other police personnel of the said police

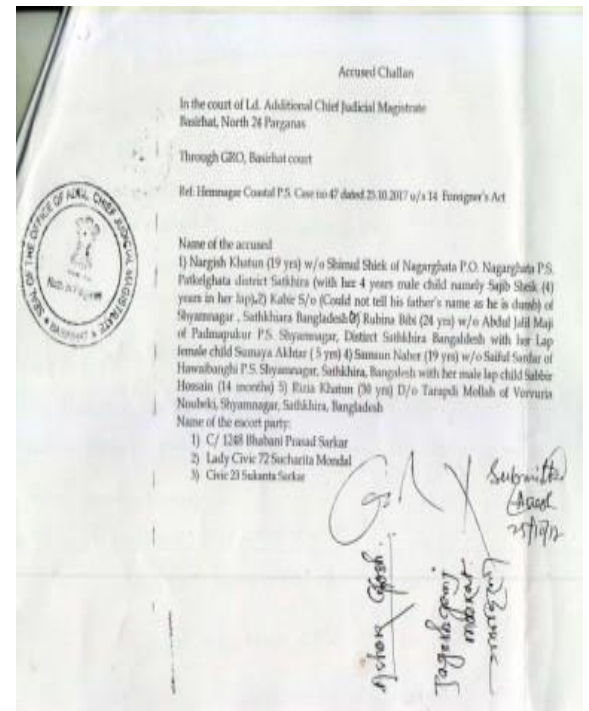
station. Among the police personnel Mr. Asit Pramanik and Mr. Debasish Ghosh being police officers of Raninagar Police Station were also present. Arriving there the police personnel started lathicharge to disperse the mob; the mob was assembled at the spot and witnessed the highhandedness of the civic police personnel. The police personnel also mercilessly assaulted the victim by kicks, fists and blows and by rifle butts. The victim sustained injuries on his body and fell down on the ground. Under such injurious condition the police personnel brought the victim to Raninagar Police Station. Again in the police station he was physically tortured by the police personnel in active participation of the perpetrator police officers of Raninagar Police Station. His wife went to the police station to get him released, but in vain and on the next day(08.10.2017) he was sent to court of Additional Chief Judicial Magistrate, Labagh by implicating him in a false and concocted criminal case i.e. Raninagar Police Station Case no.592/2017 dated 07.10.2017 under sections 25/27 of Arms Act. He was sent to judicial custody at Lalbagh Sub-Correctional Home. The victim, sent a written complaint to the

Superintendent of Police, Murshidabad as well as to the Officer-in-Charge of Raninagar Police Station on 21.10.2017 through registered post but till date no action has been taken on those complaints against the perpetrator police personnel of Raninagar Police Station. The victim was released on bail on 07.11.2017 and he also stated the aforesaid incident of torture committed upon him to our fact finding team.

Details of illegal detention of Bangladeshi women and children in Indian Prisons

These two complaints were regarding the illegal detention of women and children from Bangladesh in West Bengal and accusing them under Foreigners Act, 1946 and treated as criminals whereas they should be identified and treated as victims of human trafficking under the present legal instruments in India. When someone crosses the border from Bangladesh they are usually arrested under the Foreigners Act. Though, MASUM is making subsequent complaints to the NHRC and other relevant departments; the scenario still remains the same as the state authorities do not bother to enquire into whether the women and children crossed the border from Bangladesh to India were the victims of human trafficking or not.

Such approach of the state authorities including the police and other law enforcing agencies is against 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 clearly states as *“(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.*



First Complaint

It is revealed from our fact finding report that on 25.10.17 Bangladeshi woman; names and details mentioned below have crossed Indo – Bangladesh border and entered into India in search of job. On that day police personnel of Hemnagar Coastal Police Station nabbed 4 Bangladeshi women and 3 Children at Jogeshganj Market. Police personnel of said police station lodged one complaint against them vide case number – 47 dated 25.10.2017 under sections 14 Foreigners Act of Indian penal code. On that day they were submitted before Basirhat ACJM court where they were instructed to stay in jail custody for next 14 days. Now they are staying at Dumdum Central Correctional Home.

Names and other details of the women among the 13 accused in the mentioned cases are: –

1. Ms.Nargish Khatun wife of Shimal Seikh – Age- 19 years, Address – Village – Nagarghata , Post Office-Nagarghata, Police Station – Patkelghata , Bangladesh with her 4 years lap male child namely Sajib Sajib Sheikh.
2. Ms. Rubina Bibi wife of Abdul Jalil Maji - Age- 24 years, Address – Village – Padmapukur , Police Station – Shyamnagar, District – Satkhira, Bangladesh with her lap daughter Sumaya Akhtar (5 years)
3. Ms. Samsun Naher wife of Saiful Sardar Age – 19 years, Address- Village - Hawaibanghi, Police Station – Shyamnagar, District – Satkhira, Bangladesh with her male lap child Sabbir Hussain (14 months)
4. Ms. Riza Khatun daughter of Tarapdi Mollah Age – 30 years, Address- Village – Vorvuria Noubeki, Police Station – Shyamnagar, District – Satkhira, Bangladesh

Second Complaint

Following Bangladeshi women along with their minor children were arrested under the Foreigners Act and they are presently detained in Basirhat Sub-Correctional Home in connection with Swarupnagar Police Station Case no.675/2017 dated 01.09.2017 under section 14/14C of Foreigners Act. No investigation took place in pursuance of the National Advisory mentioned above. Their names are follows:-

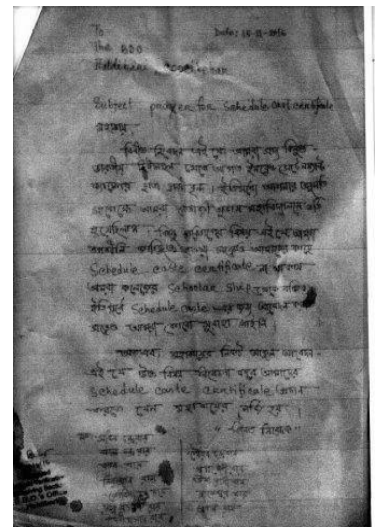
1. Ms. Taniya Molla, age- 25 years, wife of Mr. Sabir Molla of village-Baupur, Post Office-Madabpasa, Police Station-Kalia, District-Narail, Bangladesh along with her male child namely Aryan Molla, age-07 years.
2. Ms. Ashama Bibi, age-27 years, wife of Md. Mansoor Ali of village-Nalta, Post Office-Nalta, Police Station-Kaliganj, District-Satkhira, Bangladesh along with her male child namely Ashraful Rahaman, age-04 years.

Besides the above, the following Bangladeshi women are also arrested and detained in correctional home under section 14 of Foreigners Act in connection with Swarupnagar Police Station Case no.624/2017 dated 10.08.2017. Their names are as follows:-

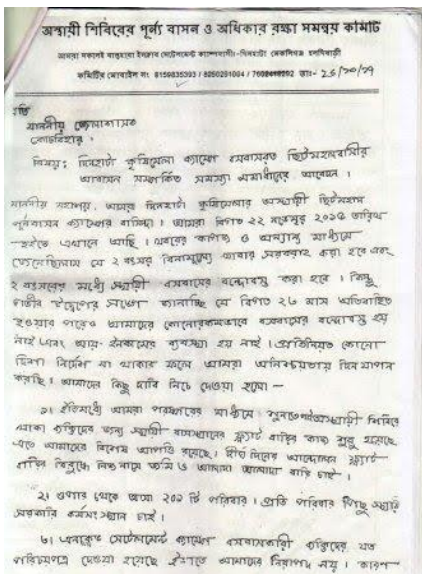
1. Ms. Achiya Begum, age-60 years, wife of Soroyad of Village & Post Office-Sarankhola, Police Station-Sarankhola, District-Bagerhat, Bangladesh
2. Ms. Monira Begum, age-40 years, husband's name-Late Rejaul Moral of village-Panchberia, Post Office-Noyapara, Police Station-Kotwali, District-Jossor, Bangladesh.

Details of marginalization of erstwhile enclave dwellers

The complaint was regarding non issuance of Schedule Caste certificates to erstwhile enclave dwellers. At Haldibari rehabilitation camp many residents belong to Schedule Caste community of Rajbansi; which is mentioned in the list of West Bengal for Schedule Castes. For getting the caste certificate initially they approached the government representatives at mentioned camp but the officials did not pay any heed. On 01.03.2016 they submitted an application to the Block Development Officer of Haldibari. But no appropriate actions have been taken. Meanwhile the students from the said camp admitted at the government school of that area. But they were denied from many facilities earmarked for the Schedule Castes due to non issuance of caste certificate. Many students were denied from scholarship from the respective schools and colleges, they failed to apply for any job as Schedule Caste candidate, and they were compelled to get admission in colleges as general student. So in brief they can not avail a single facility for being a person from schedule caste community. The persons from the Scheduled Caste community made subsequent applications to the authority. After 8 months of their first application they made it fresh again on 15.11.2016 to the Block Development



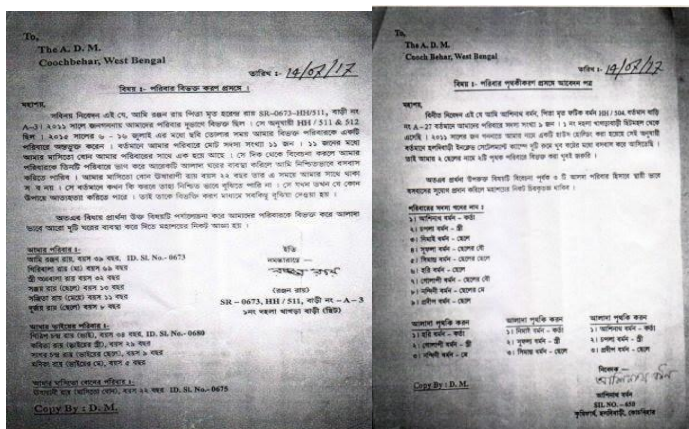
Officer of Haldibari. But till date they the request not even acknowledged.



The complaint was on the non-fulfillment of promise from the administration to the erstwhile Indian Enclave dwellers residing in Temporary Camp in District-Cooch Behar, West Bengal, India after the execution of Land Boundary Agreement between the Government of India and the Government of Bangladesh. The erstwhile Indian enclave dwellers were given temporary shelter in three Settlement Camps at Dinhatata, Mekhliganj and Haldibari. They have been living in great disappointment and hopelessness in those camps since 22.11.2015. Almost two years passed but they are still denied to get basic rights like permanent shelter, sufficient facilities for decent sustenance of life and permanent job as the State is bound to give them after Land Boundary Agreement. With this present complaint one letter was attached which was issued on 24.11.2015 by the District Magistrate, Cooch Behar to one Mr. Kachua Barman which reveals that the said person being an erstwhile Indian enclave dweller was allocated one Temporary Room no.12 at Dinhatata Settlement Camp for his residing with his family members till any permanent house is being allocated in his name. But till date no permanent house has been allocated to him. The

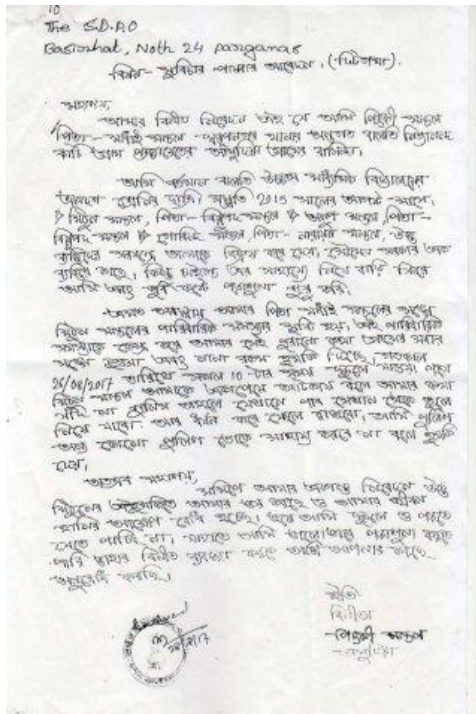
situation is similar to all the dwellers who have been residing in the settlement camps. There was an inherent assurance from the said letter that the government will provide them permanent houses which is not fulfilled till date. Our organisation has made an application under the Right to Information Act, 2005 seeking information on the facilities being provided to the dwellers in the settlement camps from the administration. The responses reveal that the facilities provided to them are not sufficient to live a decent life and the question of their livelihood was not dealt with properly till date. One of the responses also informs about the deaths occurred in the settlement camps. As a result of such deliberate negligence from the administration to address the life and livelihood condition of the dwellers in the settlement camps for last more than two years, the people residing there started to demand permanent jobs and permanent house. Mentioning the above stated concerns in details the dwellers of the Dinhatata Camp submitted a mass petition before the District Magistrate, Cooch Behar with all the demands mentioned in above paragraph on 26.10.2017 but the authority did nothing till date. In the complaint they also raised concern about the validity of the identity cards issued in their names by stating that the identity cards distributed to them are not sufficient proof of the identity as Indian Nationals because one Mr. Rashidul Islam lived in the house No. 4 inside the camp went to Delhi in search of job and got arrested by the police. He was pushed back to Bangladesh after two months of imprisonment though he showed the identity card that he was given by the Government itself.

The complaint was about the unjustified distribution of space and ration to erstwhile Indian enclave dwellers. After a long wait, on 31st July 2015 both the governments of India and Bangladesh signed Land Boundary Agreement and the government of India welcomed the residents of Indian enclave dwellers, who opted for Indian citizenship. Believing all promises of Indian Government total 956 Indian enclave dwellers came from Bangladesh on 22.11.2015. After coming here they were settled at 3 different rehabilitation camps situated at Dinhatata, Mekhliganj and Haldibari as temporary settlement but till date not rehabilitated or relocated permanently. The families came from Bangladesh (erstwhile Indian enclaves) were flabbergasted to see the arrangements at Haldibari Settlement Camp while they found only 2 rooms of corrugated sheets have been allotted for a family of 12 persons. Moreover they found that the facilities were allocated to a single name of family head; whether the family was divided well before and their names were enlisted as different families during the headcount at Bangladesh. The quantity of allocated rations also has been curtailed by



including a total clan in a family umbrella as Government of India fixed the amount of ration per family; irrespective of its size and number of members of the family. On 14.07.2017; the families with higher number of members submitted one written application to Haldibari Block Development Officer mentioning the issues but till date no recourse measures have been taken.

Details of an incident of trafficking of a minor girl and acquiescence of police



Ms. Tusi Mondal (name changed), age-16 years, residing at village-Amudia, Police Station-Swarupnagar, District- North 24 Paraganas, West Bengal. It is revealed during the fact finding that in the month of August, 2015 the victim girl was sold to one Soumen Sarkar by Mr. Mithun Mondal, son of Bishnupada Mondal, Mr. Anup Mondal son of Bishnupada Mondal and Mr. Gobinda Mondal son of Narayan Mondal, all residing at village-Amudia, Police Station-Swarupnagar, District-North 24 Parganas out of their conspiracy. However the victim girl was rescued with the help of the Child Line. She returned to her home and resumed her studies. She is at present a student of class-XI. On 12.07.2017 at about 9am in the morning the aforesaid three persons Mr. Mithun Mondal, son of Bishnupada Mondal, Mr. Anup Mondal son of Bishnupada Mondal and Mr. Gobinda Mondal son of Narayan Mondal came to the house of the victim girl and threatened to kill the victim girl and her family members. On 14.07.2017 the father of the victim girl in writing stated aforesaid the incident to the Officer-in-Charge of Swarupnagar Police Station. The police only issued one G. D. E. (General Diary Entry) No.638 dated 14.07.2017. But no protection was given to the family of the victim girl by the police. Then again on 31.07.2017 at about 10am the aforesaid three persons came to the house of the victim girl and again threatened to throw acid on the face of

the victim and they in threatening voice told the victim girl not to attend school if she wished to live peacefully. On the same day the father of the victim girl went to local Swarupnagar Police Station with a written complaint stating the incident. But again the police issued one G. D. E. (General Diary Entry) No.1434 dated 31.07.2017 without taking any legal action against the aforesaid three persons.

On 28.08.2017 the victim girl herself submitted a written complaint before the Sub-Divisional Police Officer, Basirhat stating that she was going through the repeated threats by aforesaid Mr. Mithun Mondal. He was trying to diminish her character by telling different types of humiliating words in her name to people in the locality. She further stated in her complaint that on 26.08.2017 at about 10am when she was going to her school she was caught hold by Mr. Mithun Mondal on the road and he threatened her saying that he would forcibly lift her up and commit rape on her. The victim disclosed the incident to her family members as well as the administration by lodging the aforesaid complaint sensing imminent danger to her life. But the Sub-Divisional Police Officer, Basirhat instead of receiving the said complaint did not take any action. It is also revealed during the fact finding from the statements of the family members of the victim girl that she is at present aged about 16 years and reads at Balti Higher Secondary School. Her father maintains the family by working as an agrarian labour. The family members of the victim girl further stated that the aforesaid Mr. Mithun Mondal is an employee of Kolkata Police, so the police of Swarupnagar Police Station are not inclined to take any legal action against Mr. Mithun Mondal and his associates as named above. The father of the victim several times knocked the door of Swarupnagar Police Station urging for proper legal action against those persons but the police of the said police station insulted her refusing to take any action. The victim girl is at present afraid to go out of her house.

Details of subsequent attacks on HRDs belong to MASUM

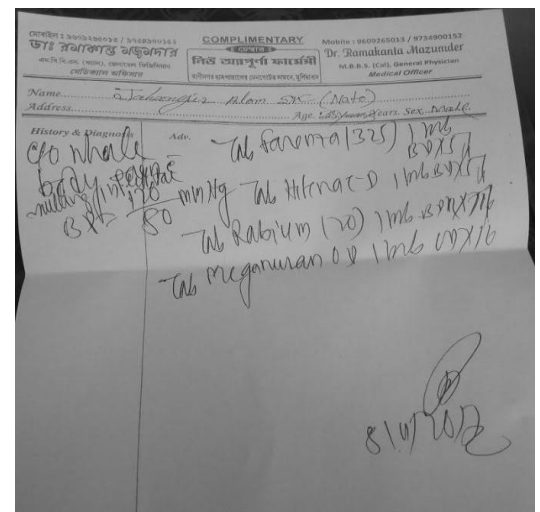


This complaint was on continuity of attacks and intimidation over our activists in Murshidabad district. Our activists were being falsely implicated in criminal charges, their houses being raided by the police; they were arrested and illegally detained. This time the wrath came down on Mr. Sanjit Mondal, youth from Scheduled Caste community. Mr. Sanjit Mondal is our District Human Rights Monitor (DHRM) for Murshidabad district. Mr. Sanjit Mondal; son of Mr. Krishna Chandra Mondal, resident of village- Char Durgapur, Post Office- Harudanga, Police Station- Raninagar under Murshidabad district, himself a torture survivor and received pellet injuries fired by Border Security Force personnel in 2011; when he was a minor boy (NHRC Case No. 670/25/13/2012-PF/UC).

At Murshidabad district, where we have visible presence, the district police conniving with BSF and miscreants having involvement with cross border smuggling and trafficking has initiated an all out hostility against MASUM. Victimization by Border Security Force is only challenging the rule of law. The unresponsive attitude of your Commission is not only reprehensible but making the human rights propagation initiatives exigent at the area. We have made series of complaints over the incidents of attacks and harassments and made updates available to the Commission over the incidents but the Commission is still in deep somber and kept mum. Mr. Ajimuddin Sarkar and Mr. Najrul Islam; two other District Human Rights Monitors for Murshidabad already faced the wraths of the local police, while frivolous charges have been framed against them, Mr. Ajimuddin Sarkar was threatened by the stooges of the police, his home was attacked, ransacked and looted and he was tortured in custody and sent to judicial remand for months. The incidents of torture and intimidation on Mr. Ajimuddin Sarkar require separate mentioning and our number of pleas before the Commission on the issue being unheard and unresolved at Commission's end.

A huge posse of police personnel from Raninagar police station came to Sanjit's house at midnight of 14th and 15th June 2017. They used two police four wheel vehicles and two motorcycles and surrounded his home. Sanjit lives with his parents, elder brother, spouse and children in a joint family set up. At that time, Sanjit was sleeping in mud built portion of his home. The police personnel entered at the room, where his elder brother was sleeping. The police party was without any lady police personnel though the family consist many women. Somehow, Sanjit smelt the danger and left his home to evade his imminent arrest. We apprehended his arrested and being slapped with grievous but fictitious criminal charges to restrict his human rights activism at the area and in that way the atrocious BSF- Police- Customs- Politicians- Smuggler nexus trying to maim the voice of MASUM at the area; the organization challenging the continuance of torture, killings and subsequent impunity at the area. Sanjit submitted a written complaint to the Superintendent of Police; Murshidabad district on 15th June 2016 and we made a complaint before the Commission on 19th June 2017. On 15th June 2017 afternoon The S. P. Murshidabad was contacted over phone from MASUM office. He asked MASUM to send all the details of the attacks upon MASUM. Same day we sent all the information. Later after several attempts, we failed to contact him. Somehow, his imminent arrest was avoided at that time. On 12th September 2017, we made a categorical reply to NHRC on NHRC Case No. 670/25/13/2012-PF/UC, related to Sanjit Mondal, while it was sought.

In recent spate of terrorization, Sanjit was again intimidated and threatened. On 08.11.2017 at around 9.00 AM, Sanjit Mondal accompanied Mr. Jahangir Alam, a 26 year old youth from village Malipara under Raninagar Police Station; who was a victim of custodial torture, to a medical practitioner; Dr. Ramakanta Majumdar at his chamber in Raninagar (the complaint to NHRC on custodial torture of Jahangir Alam will follow). The said doctor



recorded the details of the incident and enquired about the involved police personnel as well as the details of torture perpetrated upon him, later he took photographs of Sanjit and Jahangir on his mobile. Sanjit requested Dr. Majumdar to furnish an injury report and told him that it is required for making complaint against the police personnel. At around 2.00 PM on 8th November, Sanjit returned to his shop after having his meal at his home; which is near to his residence and found Mr. Dipak Mondal; a civic police from Raninagar police station loitering around his shop; Mr. Dipak Mondal is a neighbor of Sanjit. While he saw Sanjit at his shop, he walked few yards and sat at the ground of Durgapur High School; which is just opposite of Sanjit's shop. Sanjit went near to Mr. Dipak Mondal and found that he is trying to send a 'whatsapp' message to somewhere. Mr. Dipak Mondal left the place when he saw Sanjit near to him. It was learnt from the sources that Mr. Dipak Mondal left the spot in excuse of urinating and called his superior at Raninagar police station. After few minutes, a large number of police personnel from Raninagar police station came to the spot on a white coloured police vehicle, they crossed Durgapur High School and after covering one kilometer of road get down from the vehicle and walked back near to Sanjit's shop. They assembled at a tea stall in front of Sanjit's shop and made surveillance to his shop. In between Sanjit smelt foul and escaped from the spot. It was reported that the persons present at the tea shop heard Mr. Dipak Mondal was telling that 'Sanjit must be taken into custody tonight as he is trying to make complaint against police personnel and the Officer in Charge is pressurizing for his arrest'. Mr. Dipak Mondal also shared his concern by saying that 'Sanjit could flee to Kolkata to evade his capture'. The police personnel from Raninagar police station waited at the spot for more than 3 hours to get hold of Sanjit. On 9th November 2017; Mr. Dipak Mondal; the civic police made constant vigil throughout the day on his shop and at around 2.00 PM, a white coloured police vehicle came near to his shop; though police officers were on the vehicle but the persons present at the spot failed to identify them. Sanjit is now at a secreted shelter to evade his arrest and his wife in advance pregnancy living unattended at their residence.

Monthly Legal Activity Report- November, 2017

In the month of November, 2017 two important Writ Petitions filed in the High Court, Calcutta in matter of the victims of torture and extra-judicial killing with the legal assistance provided by MASUM.

On 30.11.2017 with the legal assistance provided by MASUM, the victim Mr. Alamgir Gazi from District-North 24 Parganas filed a Writ Petition under Article 226 of the Constitution of India seeking justice against the non responsive attitudes of the police department in the district on his complaints and for adequate compensation. Mr. Alamgir Gazi is a victim of illegal arrest, false implication in criminal case and custodial torture in the hands of the perpetrator police personnel of Swarupnagar Police Station and the Sub-Divisional Police Officer, Basirhat.

On 12/6/2016 at around 3 a.m. before dawn, while the victim and his family members were fast asleep in their home, Swarupnagar police officials assembled in front of his house and started calling him by his name and requested him to come out and help them look for one Kurban Mondal's house. Hearing such request He came out of his house and immediately the police officials caught hold of him, handcuffed him and took him away to the Swarupnagar police station without citing any reason for such arrest. On the same day he was produced before the Additional Chief Judicial Magistrate Court, Basirhat and the police personnel prayed for 4 days police remand of the victim in order to interrogate him in Swrupnagar Police Station Case no.454/2016(G. R. no.2223/2016) dated 08.06.2016 under sections 147/148/149/186/188/332/326/307/353 IPC read with Sections 25/ 27 of the Arms Act in which he was falsely implicated. From 12/6/2016 to 16/6/2016 he was mercilessly beaten, harassed and mostly kept without any food and water by the perpetrator police personnel in the lock-up and they also demanded Rs. 3, 00, 000/- for his release.

The victim's family members handed over Rs. 2, 30, 000/- to Advocate Biswajit Mondal as instructed by the perpetrator police personnel, he was finally granted bail on 16/6/2016. They had to arrange the money with great difficulty.

The victim by his several complaints i.e. written complaint dated 11.07.2016 submitted before the Superintendent of Police, North 24 Parganas; the written complaint dated 11.07.2016 submitted before the

District Magistrate, North 24 Parganas; the written complaint dated 04.01.2017 submitted before the Superintendent of Police, North 24 Parganas; the written complaint dated 23.02.2017 submitted before the Superintendent of Police, North 24 Parganas; written complaint dated 25.08.2017 stated the incident of torture committed upon him by the perpetrator police, illegal extortion of money from him and subsequent incidents of threats upon him to withdraw of his complaint against the perpetrator police personnel. But the Superintendent of Police, North 24 Parganas as well as the District Magistrate, North 24 Parganas did not make any response on those complaints till date. MASUM also lodged complaint before the National Human Rights Commission and other authorities.

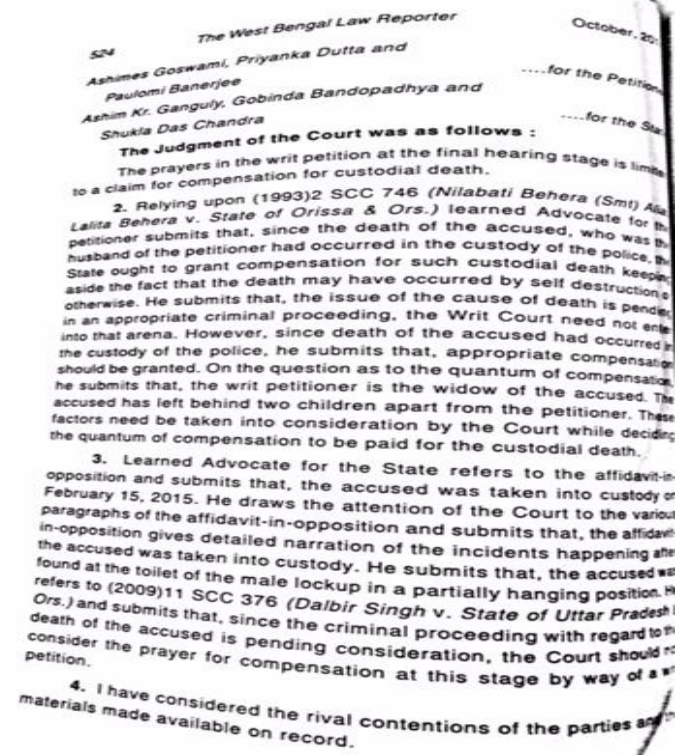
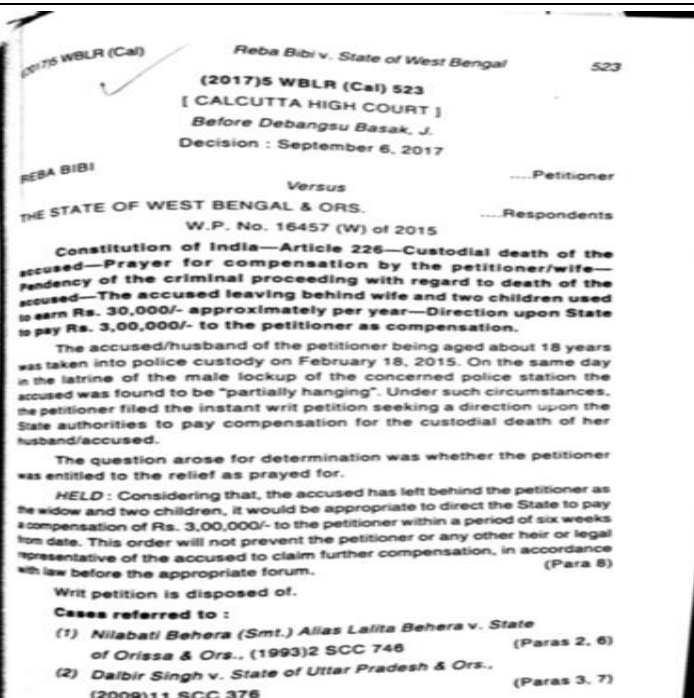
Another Writ Petition was also filed on 30.11.2017 by Ms. Jharna Khatun Bibi, wife Late Minarul Molla from District-Murshidabad. Her husband Minarul Molla is a victim of extra-judicial killing in the hands involved police personnel of Murshidabad district. On the fateful night of 26.07.2017, the victim Minarul Molla was killed by police firing and the killing was later on plotted as an encounter by the involved police personnel. Ms. Jharna Khatun Bibi made a written complaint on 31.07.2017 to the Superintendent of Police, Murshidabad stating about the killing of her husband by the involved police personnel and requested him to take immediate action against the police officials, who were a part of such heinous murder. But no action has been taken on her complaint till date.

MASUM also lodged complaint before the National Human Rights Commission and other authorities in the matter of the victim Minarul Molla (deceased). In its complaint MASUM demanded for taking necessary action under the guidelines issued by the National Human Rights Commission in case of encounter death on 12th May, 2010. But till date NHRC did not make any response on the complaint lodged by MASUM.

With the legal assistance provided by MASUM, Ms. Jharna Khatun Bibi filed the Writ Petition under Article 226 of the Constitution of India seeking justice against the non responsive attitudes of the police department in the district on her complaint, a neutral enquiry and for adequate compensation.

Ms. Reba Bibi moved before the Hon'ble High Court, Calcutta with the legal assistance of MASUM by filing the Writ Petition no.16457(W) of 2015 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 court disposed of the writ petition on 06.09.2017 directing the state to pay compensation of Rs.3, 00,000/- to the petitioner Ms. Reba Bewa within a period of six weeks.

The judgment was duly reported in the West Bengal Law Reporter. The scanned copy of the reported judgment is attached.



5. As noted above, the claim in the writ petition is limited to compensation for custodial death. The affidavit-in-opposition establishes that, the accused was taken into custody on February 15, 2014. The death occurred at the time when the accused was admittedly in the custody of the police on such date. The explanation and justification of the cause of death are issues, which are to be considered in the appropriate criminal proceeding. The fact that one of the police officers has been proceeded against also will not denude the right of the petitioner to receive compensation for custodial death of her husband.

6. *Nilabati Behera* (supra) is of the view that, in the event, the State violating any fundamental right of a citizen, the Court can direct the State to pay compensation to the victim or his heir by way of money. It goes on to say that where custodial death is established, the Court should take into consideration the age of the deceased and the monthly income of the deceased and direct suitable compensation to be paid by the State. This compensation would be besides the right of the petitioner to claim compensation in other proceedings where the quantum of compensation that may be awarded can be looked at.

7. *Dalbir Singh* (supra) is a case where the Supreme Court in the facts finds that, the question whether the accused was in custody or not at the material point of time of the death was an issue, which was required to be looked at and which was being looked at in a pending criminal proceeding. Since such fact was yet to be conclusively established, their Lordships had refused to grant any compensation for the death. In the facts of the present case, the custody of the accused at the time of death is established. In fact, the death is claimed to have occurred on February 15, 2014 at about 19.40 hrs. while the accused was taken into custody on 15.15 hrs. on February 15, 2014. The averments in the affidavit-in-opposition does not demonstrate that, the accused had gone out of the concerned police station at any point of time. In fact, it is the case in the affidavit-in-opposition that, after the accused was taken into custody and brought to the police station, he was processed under the appropriate law, offered a bail, which he was not in a position to accept and then put into the male lockup. It is in the latrine of the male lockup of the concerned police station that the petitioner was found to be "partially hanging".

8. The custody of the accused at the point of time of the death of such accused being established, the question now comes up is the

quantum of compensation to be payable. There is nothing placed on record to suggest the monthly income of the accused at the material point. The age of the accused appearing from the post-mortem report is 18 years. It is claimed that, the accused was an agricultural labourer. A citizen of India is guaranteed 100 days of work at a government fixed daily rate. Taking such rate to be Rs.150/- and assuming that the petitioner as an agricultural labourer and daily wage earner would have obtained 200 days of work, the yearly income of the accused would have been Rs.30,000/-. Considering that, the accused has left behind the petitioner as the widow and two children, it would be appropriate to direct the State to pay a compensation of Rs.3,00,000/- to the petitioner within a period of six weeks from date. This order will not prevent the petitioner or any other heir or legal representative of the accused to claim further compensation, in accordance with law before the appropriate forum.

9. W.P. No.16457 (W) of 2015 is disposed of.

10. There shall be no order as to costs.

ADVOCACY, SENSITISATION AND CAMPAIGN

UN SR on Safe Drinking Water and Sanitation's Visit- Full report

Mr. Léo Heller, United Nations Special Rapporteur on the Human rights to Safe Drinking Water and Sanitation; during his visit at Kolkata on 5 th November 2017. A good number of civil society representatives attended the interface. Mr. Heller was with his associates from UN Human Rights Council. Mr. Binayak Sen, Mr. Samar Bagchi, Mr. Meher Engineer and Mr. Sujit Choudhury were the prominent among the participants. MASUM along with other six representatives from CSOs and concerned individuals made submission before the UN SR. Mr. Kirity Roy; Vice President of MASUM presided over the session. Mr. Biplab Mukherjee for MASUM, Mr. Arun Kanti Biswas, Mr. Bibarton Bhattacharya, and Mr. M.N Mukherjee from Nagarik Mancha and Mr. Sasanka Sekhar Dev from DISHA made submissions. Affected persons from 24 Parganas (North) and Cooch Behar made testimonies and Ms. Samata Biswas facilitated their testimonies and translated the same for the UN SR. The meeting was inaugurated by Mr. Kirity Roy of MASUM who asked the gathering to introduce themselves, and also extended his welcome to the representatives from UNHCR (names). He also explained that although MASUM is not a specialist in issues of water and sanitation, in the areas where it has been working for decades, it has noticed how closely human rights violations are also connected with right to water and clean sanitation. It is from this perspective that MASUM sought to organise this meeting.

Mr. Leo Heller- United Nations' Special Rapporteur on the Human rights to Safe Drinking Water and Sanitation was the next to speak. He wanted to explain his role in the proceedings, as well as the kind of meetings he has been participating in, All over the world, in enquiring about sanitation, the perspective of the government always differs from that of the civil society organisations, however, nowhere is the disparity as stark as in India. He also informed the gathering of his future plans in India and stressed that they would like to collate and collect all available information.

Mr. Biplab Mukherjee - Secretary, Banglar Manabadhikar Suraksha Mancha, submitted a written presentation to the UNSR, based on MASUM's work in Chhitmahal (erstwhile enclaves) and in the case of river erosion in Murshidabad. He pointed at the lack of access to sanitation caused by displacement.

Mr. TilakBala Barman - District Human Rights Monitor, MASUM, spoke about the situation of erstwhile Indian enclave dwellers who are now in camps. She spoke about the lack of toilets in the camps, the lack of drinking water (since there is a high iron content in the water procured from deep tube wells) and how the benefits to be accrued from the national and state level missions always get appropriated by the local level bodies.

Mr. Mohar Ali Mondal - District Human Rights Monitor, MASUM spoke on behalf of arsenic affected Mr. Pradip Paul. He informed the UNSR about the prevalence of arsenic contamination in North 24 Parganas . Mr. Pradip Paul's brother and mother both died from complications arising from long exposure from arsenic contamination; Mr. Paul himself had to have extensive, expensive medical treatment, and his body continues to be marked with sores. People of the area continue to drink arsenic contaminated water since there is simply no alternative. The government has been apprised of this situation, but to no avail.

Ms. Sumi Barman, MASUM volunteer from the Mathabhanga area of Coochbehar district spoke on behalf of two former enclave dwellers, Ms. Sishubala Barman and Ms. Marjina Bibi (residents of Nalgram and Falnapur erstwhile enclaves) at Cooch Bihar. They provided concrete examples of toilets and water reservoirs meant for the enclave/ camps being constructed on mainland India territory; not in the area of erstwhile enclaves (since the allotment for enclaves and camps are routed through local gram panchayats) and then the camp dwellers being denied access to them.

Mr. M.N Mukherjee of Nagarik Mancha informed the gathering about the reasons behind ground water pollution, the different kinds of pollution (arsenic, fluoride, nitrate, iron, chloride) and the need to tackle it urgently.

Mr. Naren Ghatak of Jalmitra (Friend of water), submitted a written document to the UNSR about the work that they had conducted in the Sermapore municipal area, and they pointed at the misuse of water, even in conditions where water supply wasn't inadequate. Taps, especially municipal taps are always left open, homes had illegal deep tube wells, here were several illegal water leaking jet plants etc. sanitary waste and cow dung gets dumped very close to water sources, there by leading to contamination in water.



Mr. Sasanka Dey of DISHA, spoke about the condition of solid waste workers (unorganised), their abysmal living and working conditions, in spite of the crucial task of segregation and recycling that they carry out.

Mr. Sujit Chowdhury spoke of the work that they had done in the western part of West Bengal, where the water level is not at all deep, due to the undulating nature of the plains. In the areas where they carried out their study, there are only pit toilets (constructed after 2010), and no running water supply. He also pointed at the fact that construction of toilets is not wholly subsidised by the government schemes, and that there is no coherent drinking water policy of the government of India.

Mr. Binayak Sen; Vice President of PUCL spoke about the State and multinational sponsored initiatives whereby local resources (such as water) gets taken away from indigenous communities and given away to corporate. A case in point would be the large Jindal steel plant in Chhatisgarh, where even after being allotted huge quantities of water by the government, the factories use ground water as well, thereby removing access to common property resources of indigenous people and further endangering their lives.

Mr. Samar Bagchi recounted their work at Malda, where each family has had to shift from one bank of the river to the other, at least 5 or 6 times, due to large scale erosion. This constant erosion and resultant movement makes people lose access to drinking water and to sanitation.

Ms. Samata Biswas pointed at the lack of access to sanitation in urban spaces, for trans-people and the limited periods of time during which pavement dwellers can access sanitation, through public utilities.

For his ending remarks, Mr. Leo Heller; UN SR thanked the gathering and commented on some of the salient topics that emerged from the discussion: a) the quality of drinking water, b) access to clean sanitation, c) patterns of discrimination that are exacerbated by the local bodies, and according to gender, location and privilege, c) the failure of national missions to deliver on their promises.

On 21st November 2017, a procession of erstwhile enclave dwellers marched towards the District Magistrate; Coochbehar chanting slogan for their justifiable demands. Later an eight member delegation met the Enclave Development Officer and handed over the memorandum regarding the most important demands. The said officer assured that the district administration will make a categorical request to central and state governments to develop a timeframe related to transfer and entitlement of land ownership on the name of actual owner of those lands; though he informed the delegation that an initiative has already taken for the same but no timeline derived.

Mr. Biplob Mukherjee from MASUM addressed the procession before its commencement.



A Reader's Meet for MASUM's bimonthly Magazine on Human Rights (MANABADHIKAR) was held at Boi-Chitro, College Street, Kolkata on 25th November, 2017. Mr. Subha Protim; the member of editorial board elaborated the obstacles, success and present status of the magazine. Mr. Kallol Das Gupta suggested to keep separate rack for our magazines and other publications in the stalls we deliver for sale. He also appreciated the efforts by MASUM to regularize the magazine.



MASUM organized village level meetings at 24 Parganas (North) and Cooch Behar districts

In November 2017, volunteers of MASUM organized numbers of village level meetings in North 24 Parganas and Cooch Behar districts. Details of those meetings are given below.

North 24 Parganas

On 23rd and 24th November 2017 volunteers of MASUM at North 24 Parganas organized two village level meetings at Swarupdaha and Dattapara Mathpara. On those meetings residents of bordering villages attended. Problems regarding forcible land grabbing by BSF and day to day torture by BSF personnel apart from the issues of medical treatment of victims and status of legal cases were also discussed.

Cooch Behar

On 13.11.2017 volunteer of MASUM organized one village level meeting at village Fulkadabri, under Mekhliganj block. A good number of villagers were present. Rights of people, legal awareness, child marriage, torture by Border Security Force personnel were the issues for discussion.

Volunteers of Banglar Manabdhikar Suraksha Mancha and “Amra Chitmahalbasi” organized 6 village level meetings on 10th, 11th, 12th, 14th, 15th and 16th November 2017 at Karola, Nalgram and Falnapur, Poschim Bakalir Chara, Karola-II, Kismat Batrigach and Dakkhin Moshaldanga erstwhile Bangladeshi enclaves respectively. The issue of discussion was complete marginalization and neglect by the Government of India. The villagers planned on future course of actions to register their protest.



SECONDARY DOCUMENTATION

We are sorry that this regular event is not included due to mechanical snags. MASUM team is sorry for the unexpected limitations; from next month onward you will get the information regarding secondary documentation.