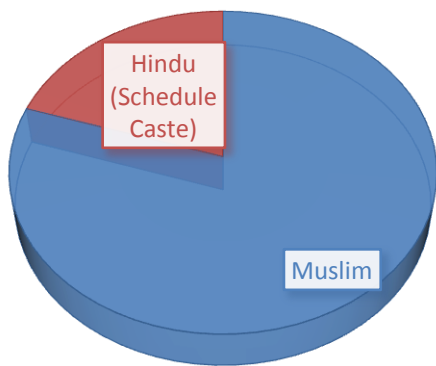


Miles to go.....

Monthly Activity Report
January 2018

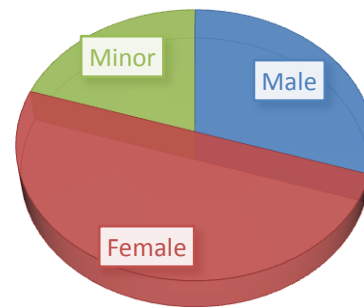
Banglar Manabadhikar Surakksha Mancha (MASUM) conducted 11 fact findings during January 2018 and made complaints before the relevant authorities and human rights institutions. During the month 6 replies and one update have been made to National Human Rights Commission. Out of 11 fact findings and subsequent complaints; four about torture committed by Police, two about torture committed by Border Security Force personnel, one about marginalization of bordering people, one about illegal detentions of Bangladeshi women and children at Indian prison and three about overall marginalization of enclave dwellers. In four complaints regarding marginalization of enclave and bordering populace, the affect was collective and numbers of victims in numbers. In complaints regarding individual violations, the numbers of affected in were 10; out of that 8 were Muslims and 2 belong to Schedule Castes community. 3 were male and 5 women and 2 minors.

SOCIAL CLASSIFICATION



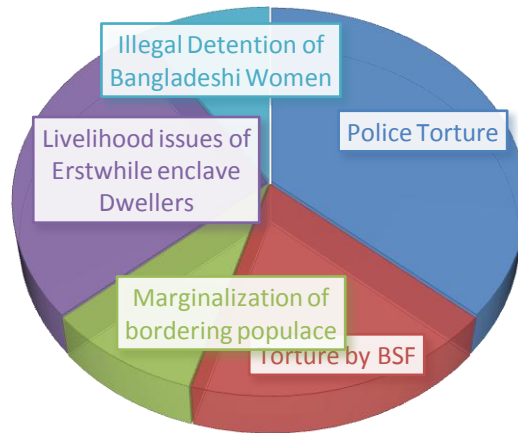
Muslim	8
Hindu (Schedule Caste)	2

DEMOGRAPHIC CLASSIFICATION



Male	3
Female	5
Minor	2

CLASSIFICATION OF VIOLENCE/MARGINALIZATION



Police Torture	4
Torture by BSF	2
Marginalization of bordering populace	1
Livelihood issues of Erstwhile enclave Dwellers	3
Illegal Detention of Bangladeshi Women	1

Brief on major replies sent by MASUM to NHRC on the reports of the state agencies

Report on reply/comments sent by MASUM to NHRC on the reports of the state agencies

During January, 2018 MASUM sent six comments/replies to the National Human Rights 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 reports from the state agencies. All the replies/comments were sent within the time.

1. NHRC Case no.470/25/10/2017

The National Human Rights Commission vide its letter dated 15.12.2017 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. Rajaram Nag from **District-Japaiguri**. In its comments on the police report, MASUM submitted the inquiring officer did not examine the victim during the course of the enquiry and also did not examine his medical report and written complaint to the Superintendent of Police, Jalpaiguri. It was also submitted that the victim was arrested at 21.40 hours on 23.10.2016 by the police personnel of Kotwali Police Station and he was released on the same day at about 22.25 hours. Then he was immediately hospitalized at Jalpaiguri Sadar Hospital at the same night on 23.10.2016 after being released from Kotwali Police Station and he was then and

there admitted in the said hospital. On 24.10.2016 he was discharged from the hospital with the final diagnosis written in his medical discharge paper recording **blunt trauma on left forearm and left buttock on his body due to assault**. After discharge from the hospital, he submitted written complaint on 24.10.2016 before the Superintendent of Police, Jalpaiguri stating the incident of custodial torture committed upon him by the perpetrator police personnel of Kotwali Police Station. The medical record of the victim proves that he sustained those above injuries during the custody at Kotwali Police Station due to assault by the perpetrator police personnel. In absence of any contrary proof, it should be presumed that the police personnel of Kotwali Police Station were responsible for causing those injuries to the victim.

2. NHRC Case no. 1624/25/13/2016

The National Human Rights Commission vide its letter dated 13.12.2017 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. Mantu Mondal from **District-Murshidabad**. Mr. Mantu Mondal and his family members are the victims of police torture. The police report denied the incident of torture upon the victim Mr. Mantu Mondal and his family members.

MASUM in its comments on the police report stated that the enquiring officer failed to explain in his report why the written complaint lodged before the Superintendent of Police, Murshidabad was not registered as FIR in spite of the fact that the written complaint disclosed information of commission of cognizable offences by the perpetrator police personnel upon the victims. It was further submitted that the report of the enquiring officer is an example which shows that he made his best effort to negate the incident of physical torture upon the victims by the perpetrator police personnel. To fulfil such intention the enquiring officer deliberately ignored to mention in his report that the medical report of Ganoda Mondal recorded "H/O-beaten by hands", the medical report of Archana Mondal recorded "physical assault" and the medical report of Mantu Mondal recorded "H/o-Beaten by hands". Rather the enquiring officer mentioned something about the medical reports of the victims only to show off that their medical reports are nothing to give any importance. Such willful attempt to invalidate the medical reports of the victims proves the intention of the enquiring officer that he acted to shield the perpetrator police personnel.

3. NHRC Case no. 1670/25/15/2016-pf

The National Human Rights Commission vide its letter dated 13.12.2017 sent copy of the BSF report to MASUM to furnish comments on the BSF report. The said case was registered on the complaint filed by MASUM for the victim Ms. Jahanara Bibi from **District-North 24 Parganas**. She is a victim of torture in the hands of the perpetrator BSF personnel. The BSF report denied any incident of torture upon her and alleged that she is involved in cross border smuggling activities, however failed to place any proof against the allegation.

MASUM in its comments on the BSF report stated that the BSF enquiring authority is not concerned to hear the victim Jahanara Bibi and the eye-witnesses of the incident of torture upon the victim lady. The BSF enquiring authority also did not take into account the medical injury report of the victim lady. The BSF enquiring authority also deliberately avoided to consider that the victim lady lodged written complaint to the Sub-Divisional Police Officer, Basirhat, North 24 Parganas stating the incident of torture committed upon her by the perpetrator BSF personnel on 15.10.2016. Such lodging of written complaint was mentioned in our complaint but it appears from the BSF report that BSF authority did not enquire from the Sub-Divisional Police Officer, Basirhat what action has been taken by the Sub-Divisional Police Officer, Basirhat on the victim's complaint. Therefore it is established that the BSF authority conducted a one sided enquiry which confined to their own version defending the perpetrator BSF personnel. In this regard I want to mention that the victim lady on 06.02.2017 submitted a written complaint before the Sub-Divisional Police Station stating ongoing threats upon her by the perpetrators BSF personnel.

4. NHRC Case no. 1713/25/6/2015-PF

The National Human Rights Commission vide its letter dated 03.01.2018 sent copy of the BSF report to MASUM to furnish comments on the BSF report.

The said case was registered on the complaint of MASUM on the issue of continuous attack by the Border Security Force personnel of Sangarbari Border outpost Battalion No.34 "D" Company under Shitalkhuchi Police Station, district – Cooch Behar over the livelihood activities of agrarian populace at the Indo-Bangladesh

bordering area of Sangarbari, Maheshmuri and Choto Madhun in Cooch Behar District. The BSF report denied any torture as alleged in the complaint. and also denied of receiving any complaint over the issue from any the villagers.

However, MASUM in its comments on the BSF report stated that the villagers of Sangarbari, Mohismuri and Choto Madhusudanpur submitted a written complaint before the District Magistrate, Cooch Behar on the ruthless behavior of the BSF personnel. The said written complaint was duly signed by the Prodhan of Khalisamari Gram Panchayat and 300 villagers. Again on 14.09.2015 the villagers submitted a written complaint before the Sub-Divisional Officer, Mathabhanga on the ruthless behavior of the BSF personnel. On 17.09.2015 the villagers also submitted written complaint before the Inspector General Frontier, BSF, Siliguri, Darjeeling on the ruthless behaviours of the BSF personnel. The written complaints were also submitted before the Block Development Officer, Sitalkuchi on 29.01.2015, before the District Magistrate, Cooch Behar on 30.01.2015 on the problems of the villagers due to arbitrary and whimsical behaviours of the BSF personnel. Those complaints enumerated in details on the problems faced by the villagers due to ongoing torturous and inhuman behavior of the BSF personnel which was also reflected in the complaint lodged by MASUM before NHRC. The denial of receiving any complaint from the villagers by BSF only proves that the BSF authority is hiding the truth. It was also mentioned in the comments that in the BSF report there was no account from the villagers to support the claim that BSF personnel are maintaining cordial and humane relations with the victim villagers. Even there was no account from the local Gram Panchayat authorities to support the claim of BSF of having cordial and humane relations with the victim villagers.

5. NHRC Case no. 276/25/6/2017-pf

The National Human Rights Commission closed the said case on the ground that the victim Master Obaidul Haque did not send his comments on the police report to the Commission. On getting information of such decision of the Commission, MASUM sent a strong protest letter. The protest letter is annexed herewith:-

To
The Chairman
National Human Rights Commission
Manav Adhikar Bhawan

Block-C, GPO Complex, INA, New Delhi – 110023

Ref.:- NHRC Case no. 276/25/6/2017-pf
The complaint dated 14.02.2017 filed by Mr. Kirty Roy, the complainant
Sub.:- A protest letter against the decision of the Commission

Respected Sir,

On 09.01.2018 I received the email communication from the Commission in connection with NHRC Case no.276/25/6/2017-pf. In the said communication it was mentioned that the Commission has issued direction in the said case. I searched about the case from the Commission's official website and found that the Commission closed the case on the ground that the victim did not submit comments on the police report within the stipulated time as fixed by the Commission.

I was the complainant on the above stated case and I filed the complaint for the victim Master Obaidul Haq and in the capacity of the then Secretary of our NGO namely Banglar Manabadhikar Suraksha Mancha (MASUM). But the Commission did not bother to send me a single official communication till date that my complaint for the victim Master Obaidul Haq was registered. In absence of my knowledge the Commission continued to proceed with the case and called for report from the police department of Cooch Behar district. Even such step was not communicated to me by the Commission. The Commission received police report which was also not disclosed

to me. The police report was prepared by holding a secret enquiry and also by pressurizing the victim to shift back from his previous complaint lodged before the Superintendent of Police, District-Cooch Behar.

Then the Commission on its own decided to send the copy of the police report to the victim and put him under an impossible burden to furnish comments on the police report. **Does the victim who is only a boy of 17 years old and recently appeared Secondary Examination competent to furnish comments on the police report which involved quasi-legal issues and contents?** Even such sending of police report to the victim directing him to furnish comments was not intimated to me by the Commission. The conduct of the Commission itself proved that I remained a name on the record of the case and the Commission intentionally and deliberately threw me away from the proceeding of the case.

The Commission never thought to intimate me the progress of the case at any point of time. The Commission only thought that it is enough to intimate me that ultimate decision of the case that it was closed. Is such kind of practice by the Commission is fair, just and reasonable? The kind of practice is surely in derogation of the provision of Section 12(e) of the Protection of Human Rights Act, 1993 which mandates one of the functions of the Commission to encourage the efforts of non-governmental organizations and institutions working in the field of human rights. It was/is always my efforts being a member of our organisation to lodge complaint before the Commission on behalf of the victims of human rights violations and convey their grievances, submission, evidences in proper manner for proper disposal of the case. If the Commission had given me an opportunity to furnish comments on the police report then I had the occasion to furnish the medical report of the victim boy showing that he remained hospitalized from 04.12.2016 to 07.12.2016 and the hospital record mentioned "physical assault" in his final diagnosis. Even I had the occasion to show to the Commission that the Public Grievance Cell of the Superintendent of Police, Cooch Behar did not take any action on the written complaint of the victim dated 19.12.2016 which disclosed information commission of cognizable offences by the perpetrator BSF personnel. But his complaint was not referred for registering as FIR which is a clear violation of the principles of laid down by the Apex Court in Lalita Kumari Vs State of U. P. & others (reported in AIR 2014 SC 187). But being the complainant I was deprived to place all those material facts before the Commission. The Commission failed to consider that it was not uncommon that the victim being a minor boy and his family members might have come under threats from the perpetrator BSF personnel to shift back from their previous statement.

The practice adopted by the Commission is wholly against the principles of the Human Rights Act, 1993, against the principles of the Juvenile Justice (Care & Protection of Children) Act, 2000, against the UN Convention on the Rights of the Child adopted on 20th November, 1989 and also against Clauses (e) and (f) of Article 39 of the Constitution of India.

Therefore I put my strong objection against the decision of the Commission and also put my strong protest against the manner in which the Commission proceeded with the case. The Commission did not render any justice to the proceeding of the case. The principles of natural justice have been clearly violated by the Commission just to further raise the number of disposal in its credit.

I hope that the Commission would consider my above mentioned comments in fair way and I request the Commission to reopen the case and give me an opportunity to place my comments on the police to uphold the truth and render justice to the victim by way of a fair, just and reasonable procedure.

Thanking you,
Yours truly

Kirity Roy
The complainant

6. NHRC Case no.735/25/13/2017-we

On 24.05.2017 MASUM lodged complaint before the National Human Rights Commission and other authorities on the incident of abduction of a minor girl, keeping her in captivity and forcibly marrying her by an abductor and raping her, later while the family members and neighbours of the girl went to police station and requested the police to rescue her; police in first instance refused to register their complain but after many persuasion the police brought the girl to the police station but as one of the abductor engaged with the police station as civic police, the girl was physically assaulted at the police station and mentally tortured. The police even permitted the perpetrators to take the victim girl to their house. Later, the perpetrators demanded and Rs. 10,000 from the family of the girl. The girl was driven out from the house of the perpetrator on very next day. She returned to her parental family and committed suicide on same night; as reported. The agitated neighborhood protested the role of the police while the police came to the village of the girl to collect the body of the girl for post mortem examination. The police ransacked nearly 30 motorcycles and cycles, indiscriminately whipped their batons and registered a false criminal case against the villagers and now majority of the villagers fled from the village. Police succumbed to the protest and pressure of the villagers and lodged a criminal case against the perpetrators.

In the complaint MASUM demanded that the incident must be investigated by an independent agency, the police in acquiescence with the perpetrators must be booked under the law and the false and fabricated case against the neighbours of the victim girl must be withdrawn. The Commission registered the complaint and called for report from police department of Murshidabad district.

The Commission vide its letter dated 05.12.2017 sent the copy of the police report to MASUM with direction to furnish comments on the police report.

In response MASUM in its comments on the police report stated that the enquiring police officer restricted his report only on the information available in police record and he did not care to go beyond the police report to ascertain the truth on the allegations of police atrocities upon the villagers and also on the family of the victim girl. Therefore the report is a mere table work and no neutral enquiry has been done by the enquiring police officer. MASUM demanded for rejection of the police report and a neutral inquiry should be initiated in this case preferably by the Commission's own investigating wing.

Complaint and Fact Findings

Details of Torture perpetrated by Police



Mr. Dhananjoy Mondal residing at village-Char Rajanagar, Block-Raninagar-II, Post Office-Char Munshipara, Police Station-Raninagar, District-Murshidabad. In the name of investigation in connection with a criminal case, the personnel of Raninagar Police Station, District-Murshidabad, West Bengal committed vandalism and mischief on 29.10.2017 and 1.11.2017 in house of Mr. Dhananjoy Mondal. His family members are afraid to reside in their house till date under such terror of the perpetrator police personnel. Master Utpal Mondal, a deaf and dumb boy of 15 years old and son of Mr. Dhananjoy Mondal resides in the house to look after the domestic cattle. The incidents of hooliganism were reported to the Superintendent of Police, Murshidabad by lodging written complaint on 12.11.2017 by Ms. Fulkumari Mondal, a relative of Mr. Dhananjoy Mondal, but no action was taken on the said complaint. The perpetrator police personnel of Raninagar Police Station raided the house of Mr. Dhananjoy Mondal on 29.10.2017 and 01.11.2017. On the first spree they committed mischief inside the house

occasion they released the cows and goats kept inside the house. Later it was detected that one goat was killed and its meat was cooked and eaten by some police personnel of Raninagar Police Station and two civic police personnel namely Mr. Parimal Mondal and Srimon Sarkar attached with Raninagar Police Station in active participation of some local persons namely Mr. Pritam Mondal and Mr. Joydeb Mondal. Moreover a share of the meat of the goat killed was sent to Raninagar Police Station. In recent spate of atrocities; 09.01.2018 at about 3pm the Officer-in-Charge of Raninagar Police Station namely Mr. Arup Roy with other police personnel and civic police personnel came to the house of Mr. Dhananjoy Mondal in three police vehicles. At that time only Master Utpal Mondal was present inside the house. They forcibly took away the three cows from the house without issuing any seizure list and without disclosing any reason for such illegal confiscation of the cows. On protest by Master Utpal Mondal, the police personnel abused him and also threatened to implicate him and his family in false criminal cases. Immediately on the next day, Master Utpal Mondal submitted a written complaint before the Superintendent of Police, Murshidabad urging for immediate legal action against the guilty police personnel of Raninagar Police Station.



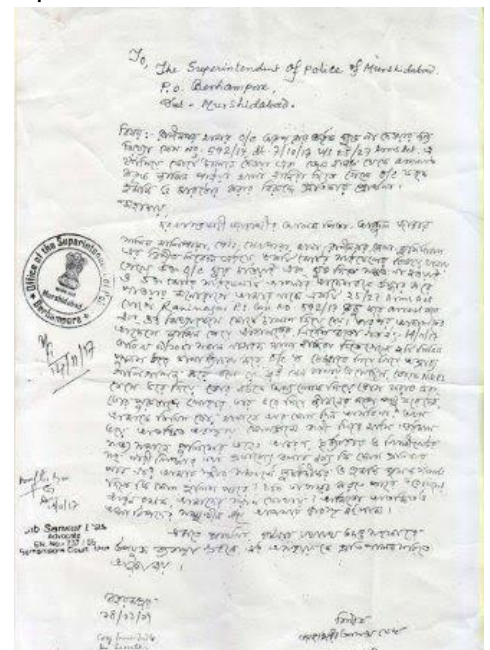
Mr. Yasin Sk, aged about-32 years, son of Late Rabban Sk, occupation- Land labour, residence at village-Nakhiraj, Police Station- Domkal, District- Murshidabad belongs to religious minority Muslim community. The victim has been in jail custody on and from 23.10.2016. Mr. Yasin Sk was the only earning member in the family. He used to earn by working as day labour. But now they have under hand to mouth condition with two minor children since he has been in detention in jail. On 14.10.2016 at 1.30hours at night, some persons came to their house when they were sleeping. Those persons forcibly entered into the house and dragged Mr. Yasin Sk out of the house. He was taken in a police vehicle. They family searched for his whereabouts at several places. They went to local Domkal Police Station and also to Raninagar Police Station in search of Mr. Yasin Sk. But they did not find him. They later came to know that Mr. Yasin Sk was detained at Islampur Police Station. They went to Islampur Police Station and found that he was in detention at the said police station but they were not

allowed to meet with him by the police. He was detained illegally in the said police station for nine days, he was tortured in police custody and on 23.10.2016 he was produced in court by implicating him in a criminal case vide Islampur Police Station Case no.370/2016 dated 23.10.2016 under section 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act. Since then Mr. Yasin sk has been languishing in jail custody. His family members stated that he was falsely implicated in the said criminal case. They stated that the victim had no such record of drug peddling and never indulged in any criminal activity. The FIR of Islampur Police Station Case no.370/2016 dated 23.10.2016 states that Mr. Yasin Sk was arrested on 23.10.2016 at night from pacca road near culvert at village-Bakultala under Islampur Police Station for illegally possessing liquid Codeine Phosphate Mixture of 5000 ml. The search was made in presence of the Inspector-in-Charge of Domkal Police Station who was acted as Gazetted Officer in the search operation as per the FIR. However, the Circle Inspector of Police, Domkal Circle signed in the seizure list stating that the search was made in his presence. Ms. Poli Bibi, wife of the victim Mr. Yasin Sk submitted a written complaint before the District magistrate, Murshidabad stating that illegal arrest, illegal detention, custodial torture and false implication in criminal case under Narcotic Drugs and Psychotropic Substances Act.

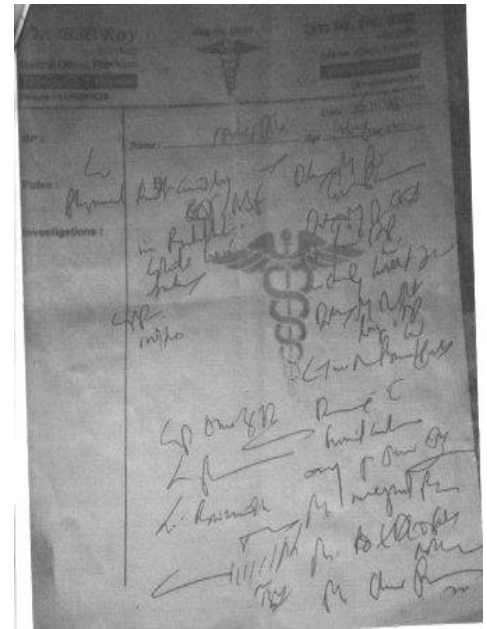
Master Sushanta Barman son of Mr. Shailen Barman is aged about 13 years, studying in Mahishmuri High School in VI standard. He lives with his parents at village- Sangarbari under block- Sitalkuchi, Police Station – Shitalkuchi, District – Cooch Behar. His family sustains by his father's meager income who is working as migrated daily labour in New Delhi. On 16.10.2017 a religious unrest was happened at Sangarbari under block- Sitalkuchi, Police Station – Shitalkuchi. People of different religious groups were attacked each other on an issue. To handle the situation police personnel from Mathabhanga Police Station deployed Rapid Action force (RAF) at that area. They also promulgated restrictions in accordance to section 144 of Criminal Procedure Code at that area. On that day at around 2 pm Master Sushanta Barman was returning back to his home from his private tutorial by his bicycle. Suddenly some police personnel from police station and personnel from Rapid Action Force stopped him and forcefully took him into a police vehicle. They did not enquire anything from the boy and took him in to Mathabhanga police Station. After reaching there they put

him in police lock up at the police station. Victim pleaded for his release and informed the police about his minor age. He categorically told the police that he did not have any connection with that riot. But the police personnel of Mathabhanga Police Station did not pay any attention on his plea. The police personnel did not inform his family members about his detention. Victim's mother got the information of his detention from her neighbors. At that time victim's father was in Delhi. Due to promulgation of section 144 Cr.P.C, victim's mother was unable to come out from her residence. After 72 hours when section 144 restrictions was called off, the victim's mother reached to said police station for his release. After reaching there she found her son in police lock up. Sushanta said to her mother that he was in police lock up for last 72 hours. He was served only two square meals per day and one blanket after his long request. Many times he tried to prove his innocence but those perpetrator police personnel did not give any heed. Then victim's mother requested police personnel to release her son but involved police personnel instructed her to deposit 1500 rupees for his release. She did not have that amount of money to deposit. She requested the police for waiver of that unjustified amount but the police were undeterred. Then the mother somehow borrowed 1500 rupees in high interest rate and get released her son from police lock up. After depositing the money those police personnel took her signature in a blank paper. After releasing her son on the same day on 19.10.2017 she lodged one complaint to the Superintendent of Police of Cooch Behar. Sushanta is living under extreme trauma and fail to concentrate in his studies.

Mr. Jahangir Alam from District-Murshidabad, West Bengal faced severe custodial torture by the perpetrator police personnel of Raninagar Police Station and we made subsequent complaint over the incident to National Human Rights Commission. The Commission registered the complaint vide registration no.1694/25/13/2017. Victim was implicated 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 subsequently released on bail by the court imposing condition on him to give 'Thana Hajira' (appearance before the Investigation Officer). In compliance of the condition of bail, he went to Raninagar Police Station on 14.11.2017 at about 10am. Inside the police station he was forcibly dragged inside the Chamber of the Officer-in-Charge of Raninagar Police Station by two civic police personnel. Inside the chamber the police personnel abused him in filthy languages and threatened him to implicate in false case under the N. D. P. S. Act. The police personnel also threatened him saying that they would hire people to outrage the modesty of his wife and he would again be subjected to severe torture to make unable to stand on leg in future. He was warned not to come to the police station again in future. He came to his house suffering deep mental trauma and agony. He is afraid of facing torture and serious mischief to his life and also of his family members. The victim Mr. Jahangir Alam on the same day i.e. on 14.11.2017 submitted a written complaint before the Superintendent of Police, Murshidabad stating the aforesaid incident and he prayed for proper protection to his life as well as his family members.



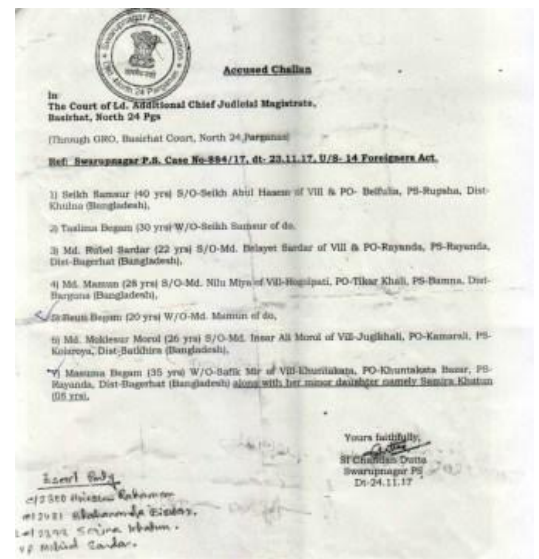
and continued inhuman torture upon him. Then the BSF personnel forced him to confess that he has connection with some smugglers. Victim even failed to recognize them but the BSF personnel repeatedly said that victim has strong connection with those smugglers. Later at around 1 PM on the same day they brought him to Tufanganj Police Station and lodged one complaint. Later, the complaint was processed vide General Record Number – 626/A under sections 141/186/188/355/506/34 of Indian Penal Code. Tufanganj police brought him to the Tufanganj SD Hospital on the same date and he received medical treatment. Next Day on 22.11.2017 victim was produced before the Tufanganj ACJM court and on 28.11.2017, he was released on bail. On 03.12.2017 victim went to private chamber of Dr. B.P Roy and he treated himself properly. He had a bone fracture on his left arm and severe wounds on his ankle. On 27.12.2017 victim's wife Mrs. Rahena Bibi lodged one complaint before Superintendent of Police of Cooch Behar.



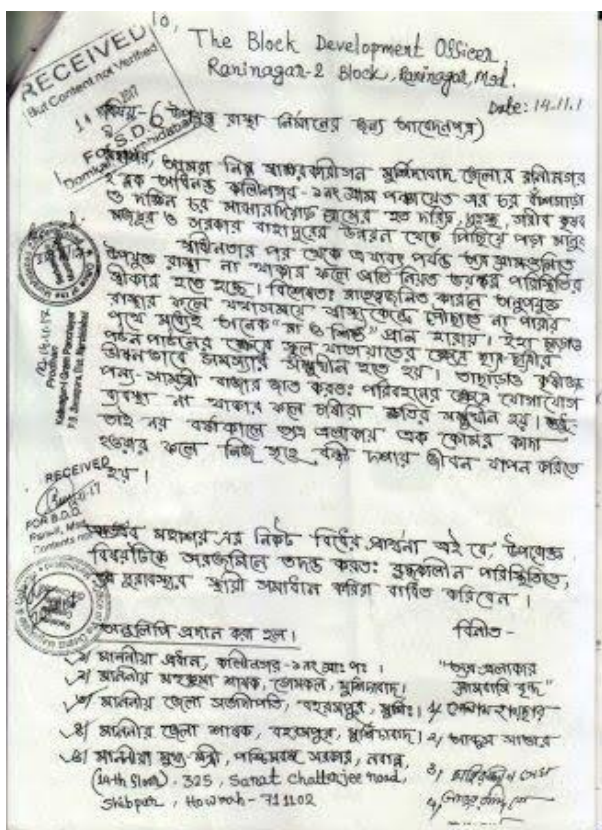
Details of illegal detention of Bangladeshi women and children in Indian Prisons

The complaint was regarding continuance of detention of Bangladeshi women and children in West Bengal and accusing them under Foreigners Act, 1946. They treated as criminals and arrested under the Foreigners Act. (i) Ms. Reena Akhtar, wife of Salam Mirda, Age-30 years, Address: Village- Dakshin Kurupehar, Police Station-Shibehar, District- Madaripur; (ii) Ms. Taslima Begum, wife of Seikh Samsur, Age-30 years, Address: Village & Post- Belfulia, Police Station- Rupsha, District- Khulna; (iii) Ms. Beuti Begum, wife of Md. Mamun, Age-20 years, Address: Village- Hogolpati, Post- Tikar Khali, Police Station-Bamna, District- Barguna; (iv) Ms. Masuma Begum, wife of Safik Mir, Age- 35 years, Address: Village- Khuntakata, Post-Khuntakata Bazar, Police Station-Rayanda, District-Bagerhat have been rotting in prison and they do not know when they will be freed from indefinite period of detention. Ms. Reena Akhtar was arrested on 17.11.2017 by the police of Swarupnagar Police Station and she was implicated under section 14 of Foreigners Act, 1946 vide Swarupnagar Police Station Case no.874/2017. Likewise Ms. Taslima Begum, Ms. Beuti Begum and Ms. Masuma Begum with her 8 year old daughter were arrested on 23.11.2017 by the police of Swarupnagar Police Station and implicated under section 14 of Foreigners Act, 1946 vide Swarupnagar Police Station Case no.884/2017. They all were produced before the Additional Chief Judicial magistrate Court, Basirhat, District-North 24 Parganas on the next day of the arrest and the court sent them to undergo detention in correctional home as under-trial prisoners. The chain of circumstances starting from arrest, production in court and subsequent detention in prison of those Bangladeshi women reveal that no attempt has been taken up by any authority such as the police or the concerned court to ascertain whether they were the victims of human trafficking or not.

Such approach of the criminal justice system 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.

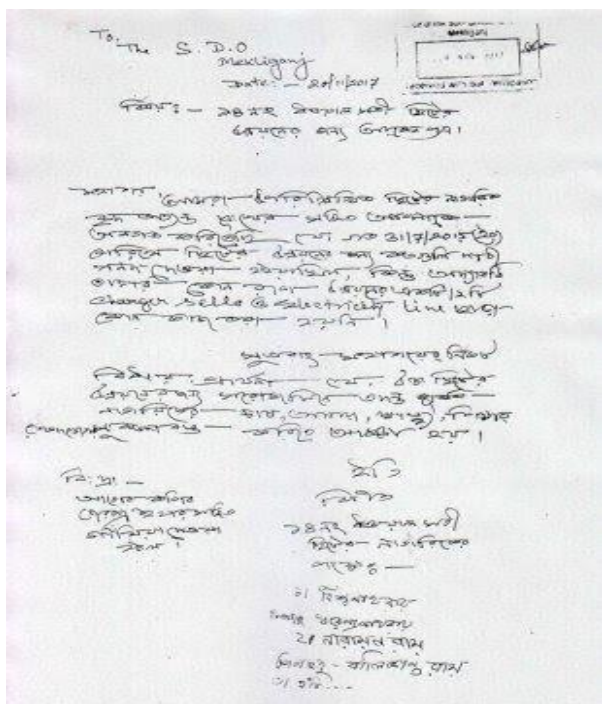


Complaint on Collective Victimization of bordering people



The complaint was on the pathetic condition of the families residing in villages namely Char Banshgara, Harudanga to Durgapur, Char Borderpara, Shibnagar Dakhin Char Majhardiar under Kalinagar-I Gram Panchayat, Block-Raninagar, District-Murshidabad, West Bengal are deprived of proper road connectivity. These villages are bordering villages of Indo-Bangladesh border but not benefited till date from the fund of BADP (Border Area Development Programme) which is a Central Government Project. All development works such as establishment of government quarters, panchayat office, construction of roads were carried out about 15/20 kilometres inside from the Indo-Bangladesh border, but those villagers which are nearest (located within the 0-10 Km of the International Border) to Indo-Bangladesh border are deprived of development for years together. Still the villagers have to use narrow rough soil paths within those villages for their movements. In rainy season such soil paths remain waist deep under water compelling them to confine themselves inside house. The farmers also face severe problems to carry crops to market to sell the farm produce and daily commuters such as school and college students everyday face difficulties in attending schools/colleges. Carrying patients as well as pregnant women to nearby hospital is arduous task due to the present poor road connectivity. The villagers reported deaths occurred many times on the way to hospital. The villagers

several times pleaded before the local administration to revitalize the rural economy and improve the quality of rural life by constructing all-weather roads and upgrade important rural link roads so that basic necessities would become easier to access and markets are within reach for the farmers, but the local administration paid no heed to them. They further stated that till date they are not clear which local admin would hear their problems. Finding no other way on 14.11.2017 they submitted a mass complaint before the District Magistrate, Murshidabad,; the Prodhan of Kalinagar-I Gram Panchayat; the Block Development Officer-Raninagar-II Block; the Sub-Divisional Officer, Domkal and Murshidabad Zilla Parishad stating the entire situation as stated above, but till date no action has been taken on the complaint.

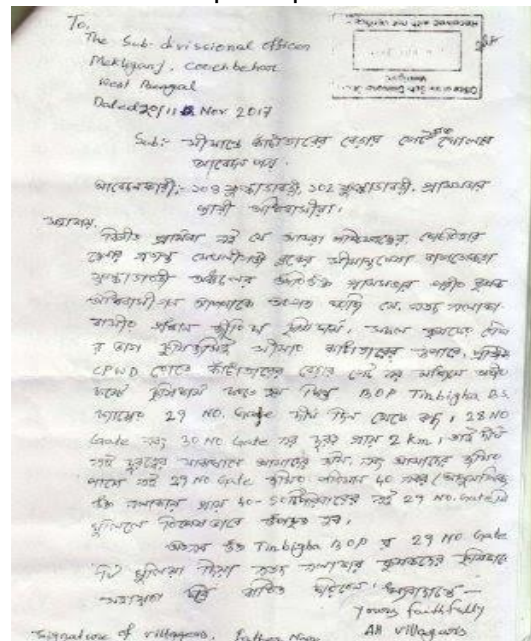
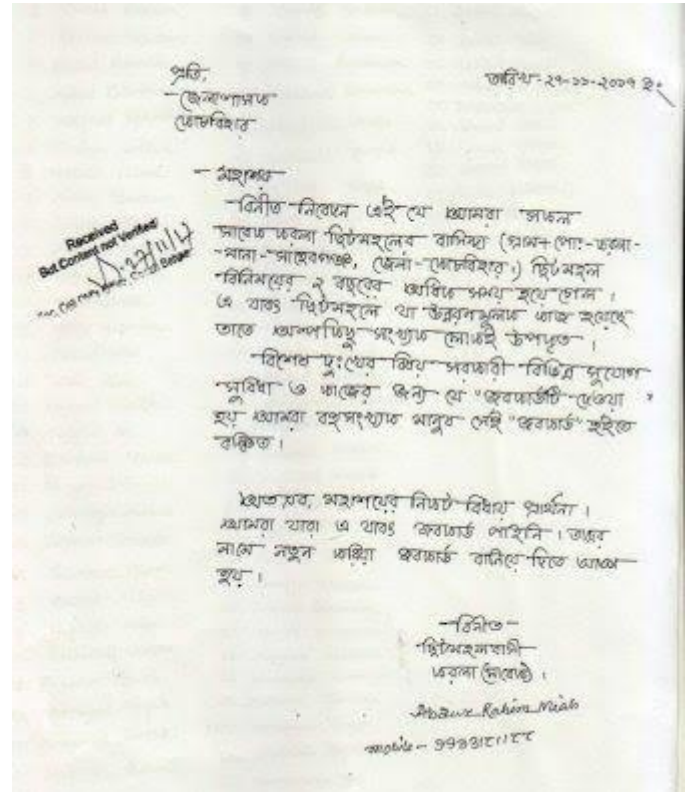


Complaint on Collective Victimization of erstwhile enclave dwellers

The complaint was regarding long standing demand of 14 no Dhaoalsati enclave for basic facilities from the administration. The 14 no. Dhaoalsati enclave was a Bangladeshi chit but after the execution of the Land Boundary Agreement (LBA) the said enclave became a land within the territory of India and its residents opted to take Indian citizenship. The said enclave is at present within the jurisdiction of Dinhata Police Station, District-Cooch Behar, West Bengal. The enclave is around 66 Acre of land and mostly cultivates different crops such as rice, jute, tobacco. To carry on cultivation of such huge land, the farmers require necessary facilities such as roads, pumps for irrigation, electricity and sanitation. However the farmers cum residents of the said enclave said that even after making written representation for last two years to the

administration they are deprived of adequate roads, pumps for irrigation, electricity and sanitation. They also complained that there is also no facility on education, health and other basic community services from the administration. No work has been done for agricultural development there, the farmers complained except two solar pump with electric connection which nowhere near to their requirements. On 20th November, 2017, the residents of 14 no. Dhaoalsati enclave submitted a mass-petition before the Sub-Divisional Officer, Mekhligunj urging materialization of their demands. In the last rainy season they faced tremendous problem for the soil road they use. For the schooling and health services they have to go outside of enclave. Till date no administrative step is noticed. The present complaint reflects that the both the Union and State government failed to ensure basic services like roads, bridge, adequate electricity, sanitation, education, health, to the residents of the aforesaid enclave which is against the commitments made at the time of execution of the Land Boundary Agreement.

The complaint was to bring attention on continuity of apathy towards the erstwhile enclave dwellers by the Governments of India and West Bengal. Till date they are devoid with citizenry guarantees and deliverances. The dwellers of erstwhile Bangladeshi enclave of Karola under Dinhata 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. 84 numbers of persons 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 MASUM made an application before the District Magistrate of Coochbehar on 20th October 2016 but till date no appropriate action has been taken. After denial from local Panchayet and Block Development Office these helpless persons submitted one mass deputation on 27.11.2017 before the District Magistrate of



Coochbehar. Till date, the district administration has neither made any reply nor taken any corrective measures. Due to unavailability of work and livelihood, many of them are being victims of enforced and unsafe migration and forced to migrate at different parts of the country.

The complaint was on the problems of the villagers residing under 104 Fulkadabri and 102 Fulkadabri Gram-Sabhas, Block-Mekhliganj, Police Station- Kuchlibari, Cooch Behar district, West Bengal. The villages are adjacent to the Indo-Bangladesh border. On 20.11.2017 the villagers submitted a written petition before the Sub-Divisional Officer, Mekhliganj Sub-Division, District-Cooch Behar stating their problems which they are jointly facing in their daily life. The homesteads are located inside the border fence installed by Border Security Force (BSF). Their farming lands are located outside of the border fence. There are two gates being Gate no.28 and Gate no.30 which they can use for ingress and egress to their farming lands

located outside of the border fence. The distance between those gates is about two kilometres. Due to such long distance between those two gates they face severe difficulty in carrying out their farming works. Every day long time is being spent on reaching to the gates, then completing verification at the gates of their identity by BSF personnel and finally reaching to their farming lands and vice versa. BSF personnel allow entry through the gate only after verification such as entry in registrar and deposit of photo identity proof. This process continues at snail's pace and as a result only few persons can make to enter into their farming lands through the gate. The rest of the persons return in utter despair and mental trauma not being able to carry out the farming for the day even standing in queue. There is another gate being Gate no.29 installed between the Gate no.28 and Gate no.30, but Gate no.29 remained closed for last several months. The villagers pleaded before the local BSF authority i.e. BOP Tinbigha BSF Camp to open the Gate no.29 as it is convenient for them to enter into their farming lands through the Gate no.29 to save time and energy but the BSF authority did not pay any heed to their requests.

Monthly Legal Activity Report-MASUM, January 2018

During the month of January, 2018 the following cases came up for hearing in courts

1. C. R. Case no.519/2014- Ripon Sk vs. Biplab Karmakar

Mr. Ripon Sk(District-Murshidabad) filed the above stated criminal case in the court of Additional Chief Judicial Magistrate, Lalbagh, Murshidabad against the accused Mr. Biplab Karmakar(the then Officer-in-Charge of Islampur Police Station on the incident of torture committed upon the victim by the accused police officer.

2. C. R. Case no.128/2017- Mr. Ajirul Sk. vs. BSF personnel

Mr. Azerul Seikh(District-Murshidabad) was physically assaulted by the accused/perpetrator BSF jawans on 30.03.2016. He filed the above stated criminal case against the accused BSF personnel in the court of Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

3. C. R. Case no.246/2017- Rohidul Sarkar vs. BSF personnel

Mr. Rohidul Sarkar (District-Murshidabad) filed the criminal case (CR Case no.246/2017) before the Additional Chief Judicial Magistrate Court, Lalbagh against the accused BSF personnel of 83 Battalion on the incident of brutal physical assault committed upon him by the accused BSF personnel.

4. C. R. Case no.540/2014- Boltu Molla vs. BSF personnel

Mr. Boltu Molla (District-Murshidabad) filed the above stated criminal case before the Additional Chief Judicial Magistrate Court, Lalbagh against the accused BSF personnel of 130 Battalion on the incident of custodial torture committed upon him by the accused BSF personnel.

5. C.R. Case no.126/2015 Bhabani Mondal vs. BSF personnel

Ms. Bhabani Mondal (District-Murshidabad) filed the above stated criminal case before the Additional Chief Judicial Magistrate Court, Lalbagh against the accused BSF personnel of Harudanga Mini Camp at the time of incident under Kaharpara Camp of Border Security Force under Raninagar Police Station on the incident of physical torture committed upon her by the accused BSF personnel

6. C.R. Case no.354/2013- Mr. Dilip Mondal vs. Sandip Sen & others

Mr. Dilip Mondal(District-Murshidabad) filed the above stated criminal case in the court of Additional Chief Judicial Magistrate, Lalbagh, Murshidabad against the accused Mr. Sandip Sen(the then Officer-in-Charge of Islampur Police Station) and other two accused police personnel of Gopinathpur Police Out-Post on the incident of torture committed upon the victim by the accused police personnel.

7. C.R. Case no.291/2015 Mr. Jiarul Sk vs. Biplab Karmakar & others

Mr. Jiarul Sk(District-Murshidabad) filed the above stated criminal case against Mr. Biplab Karmakar, the then Officer-in-Charge of Islampur Police Station; Mr. Sujit Majumdar, the ASI of Islampur Police Station and 5/6 other involved police personnel of Islampur Police Station being accused persons on the incident committing torture upon him and his family members.

8. C.R. Case no.198/2017 Mainuddin Mondal vs. BSF personnel

Mr. Mainuddin Mondal(District-Murshidabad) from was physically assaulted by the perpetrator BSF jawans on 29.11.2016 Since the police did not take any action against the accused BSF personnel on his written complaint, he filed the criminal case (CR no.198/2017) against the accused BSF personnel in the court of Chief Judicial Magistrate, Berhampore, Murshidabad.

9. C.R. Case no.755/2016 Kajirul Molla vs. BSF personnel

Mr. Kajirul Molla(District-Murshidabad) 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 therein stating that his son Master Murshid Alam (who was only aged about 17 years at the time of the incident) 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.

10. C.R. Case no.801/2014 Reba Bibi vs. Biplab Karmakar

Rajib Molla (District-Murshidabad), husband of Reba Bib was tortured to death in police custody of Raninagar Police Station. The then Officer-in-Charge of Raninagar Police Station namely Mr. Biplab Karmakar and other police personnel were involved in the crime. Ms. Reba Bibi filed the said criminal case against the accused police personnel in the court of Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

11. C.R. Case no.13493/2015- Ms. Merina Bibi vs. Surajit Thakur & others

Ms. Merina Bibi filed the said criminal case in the court of Additional Chief Judicial Magistrate, Lalbagh, Murshidabad against the accused police personnel of Raninagar Police Station involved perpetrating torture upon her

Besides the above cases, the following writ petition also came up for hearing in the Supreme Court of India

WP (Criminal) no. 141 of 2015- The Writ Petition filed in Supreme Court of India in the alleged killing of a Bangladeshi minor girl Felani Khatun by Border Security Force. The case was filed against the respondents namely i) Union of India; ii) State of West Bengal; iii) Border Security Force and iv) Central Bureau of Investigation 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 case came for hearing lastly on 16.01.2018.

The website link of the order is provided-

http://supremecourtindia.nic.in/supremecourt/2013/31074/31074_2013_Order_16-Jan-2018.pdf

ADVOCACY, SENSITISATION AND CAMPAIGN

On 9th January 2018, MASUM organized its regular medical camp on the aegis of UNVFVT at Dakbunglow Crossing; Swarupnagar. 21 torture victims received assistance for medical treatments with medicines and required pathological examinations. Dr. Dipak Moitra was the attending doctor.



On 21st January 2018, MASUM organized an interface to discuss the prevailing social malice of child marriage at GD College; Seikhpara with the Imams and Qazis from bordering areas of Murshidabad district. The interface was attended by nearly 200 Imams and Qazis. Mr. Nizamuddin; Secretary of Murshidabad District Imam Association, Mr. Golam Haider, Mr. Safikul Islam; Secretary of Raninagar Block Imam Association and Mr. Alamgir made deliberations. Mr. Biplab Mukherjee, Mr. Ajmuddin Sarkar and Ms. Safinaj Nasreen representing MASUM spoke during the event.



On 15th January 2018, the National Working Committee of People's Commission on Shrinking Democratic Space met at USO House in Delhi. Mr. Kirity Roy representing MASUM attended the meeting. The network met to strategize the future course of actions. It was decided to initiate a countrywide membership drive in coming months and hold a “People’s Tribunal on Attack on Educational Institutions”.

On 21st January, 2018 a state level meeting was organized at Chunakhali Co-operative Office at Chunakhali, Murshaidabad by joint committee of different science and environmental groups. More than 30 participants attended. The participants discussed their achievements and failures regarding environmental protection activities. Mr. Subhapatim Roychoudhury represented MASUM spoke on organizational experiences related to its activities in erosion affected areas of Murshidabad and requested for solidarity from environment activists.



COMMUNITY MEETINGS

During January 2018, volunteers of MASUM organized numbers of community level meetings in MASUM's area of activities. Brief reports of the meetings are given below.

Murshidabad

On 25th and 26th January two village level meetings were held at Char Munsipur and Natunrajapur villages respectively under Ranitala Police Station, District- Murshidabad. In both the meetings around 40 participants were present. Torture by Border Security Force personnel & Police personnel, erosion, child marriage issues were discussed. At the end of the meetings participants took pledge to mobilise villagers and take activities on their livelihood issues.

24 Parganas (North)

3 village level meetings were held at 24 Parganas (North) district. On 12.01.2018 a meeting was held at Hakimpur under Swarupdaha block. Around 40 participants were present. Different problems of Indo-Bangladesh bordering areas were discussed. On 15.01.2018 another meeting was held at Ramghat panchayat under Bagdha Block. 70 participants were present. Pradhan and member of panchayat along with supervisor of NREGA attended that meeting. Different border related issues were discussed. On 25.01.2018 one meeting was held at Ramnagar Gram Panchayet. The said panchayat was under Gaighata Block. Pradhan and member of panchayat along with supervisor of NREGA were present and they discussed different border related issues.

Cooch Behar

During this month at Cooch Behar district number of village level meetings was organized by MASUM. In our previous monthly reports we stated that at erstwhile enclaves, two Community Based Organizations (CBO) were formed namely "Amra Chitmahalbasi" and "Pramila Bahini".

On 7th, 9th and 14th January, three meetings were organized at Karola, Karola-II, and Modhya Moshaldanga erstwhile enclaves. On 16th, 19th, 21st and 29th four meetings were organized at Kachua, Batrigach, Purbo Moshaldanga and Shiboprosad Mustafi erstwhile enclaves. The major agenda of these meetings were to strategize future course of actions to achieve citizenry and livelihood entitlements.

On 10th, 13th and 27th four village level meetings were organized by MASUM's volunteer at village – Satgram Manabari, PO – Chenakata, Police Station- Mathabhanga, village – Hemkumari, PO- Mekhliganj, PS- Mekhliganj and Village – Bhoram Poyosti, PO- Gitaldaha, respectively. Villagers discussed various problems related to Indo- Bangladesh border.

On 10th January, the erstwhile enclave dwellers from Nalgram- Falnapur met the officials of Public Health Department (PHD) to discuss the issue of water supply to the erstwhile enclaves.



Secondary Documentation

Brief report on number of News documentation, some important news, January, 2018

1. Sexual Violation against Minor Girl - 8 (Rape and murder in Jantanagar, Siliguri-ABP; Sexual abuse by CRPF Jawan at North Bengal Medical College campus, Siliguri-ABP; Jainab- A minor girl raped and murdered in Pakistan results riot in Pak Punjab-The Dawn; Eight months aged girl child raped at Delhi-Prothom Alo)
2. Early Marriage- 3 (Priest stopped marriage between boy and girl at Gobordanga, North 24 Paraganas-ABP; BDO stopped early marriage at Bagda-ABP;
3. Right to Health- 20 (No winter blanket in Sub-divisional Hospital in Kandi and District Hospital in Krishnanagar-ABP; Office of the ruling party at Primary Health Center at Parulia, Murshidabad-ABP)
4. Right to Education- 4 (School will be closed due to lack of students at Tamluk-ABP; No teacher so who will teach science subject? Karimpur, Nadia-ABP)
5. Rohingya- 6 (Philippine president Rodrigo Duterte said he pities Myanmar leader Aung San Suu Kyi for being in the storm of international criticism over her handling of the Rohingya refugee crisis-First Post; 'There is no peace': traumatized Rohingya vow they won't go back to Myanmar-The Guardian)
6. Custodial Death- 1 (Barrackpore Sub-Correctional Home)
7. Communal Riot- 8 (Kasganj: In a video from Kasganj, UP, where communal clashes broke out on Republic Day, a group of men are seen on a road, armed with guns, clubs and sticks-NDTV; Shops gutted down in Kasganj-Amar Ujala)
8. Lynching- 1 (Supreme Court dubs Rajasthan lynching video horrendous-The Economic Times)

*Source of News- Ananda Bazar Patrika, Ei Somoy, The Dawn, First Post, Amar Ujala, NDTV, The Economic Times and The Guardian.