

Miles to Go....



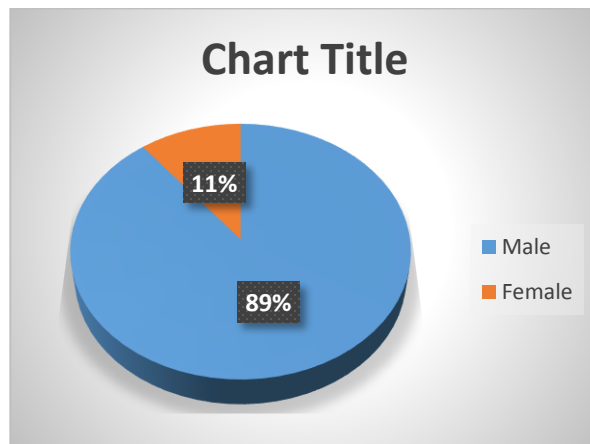
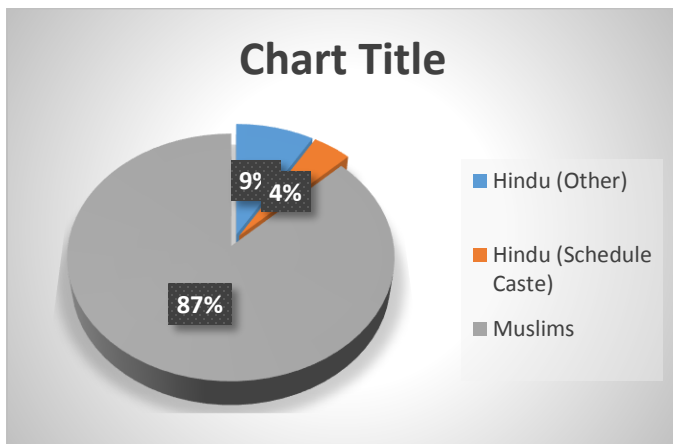
Monthly Report March- 2018

Banglar Manabadhikar Suraksha Mancha

Banglar Manabadhikar Surakksha Mancha (MASUM) made 17 complaints before the relevant authorities and human rights institutions; especially National Human Rights Commission during the month of March 2018, during the period 8 replies and 6 updates have been made to National Human Rights Commission. Out of 17 complaints; three about torture committed by police personnel, three about illegal detentions, one about torture by Border Security Force, one about custodial death, one about illegal roping and handcuffing of accused during production before the court, two about non- payment of compensation, one about attack upon human rights defenders, two about overall marginalization at bordering areas, two about marginalization of enclave dwellers and one about forcible land acquisition. Total numbers of victims in regular complaints were 47; out of that 41 were Muslims, 2 belong to Schedule Castes community and 4 from Hindu general castes. 42 were male and 5 women. In complaints regarding marginalization of bordering populace and enclave dwellers and forcible land acquisition; the numbers of affected was enormous and not calculated as number of victim.

Social Classification

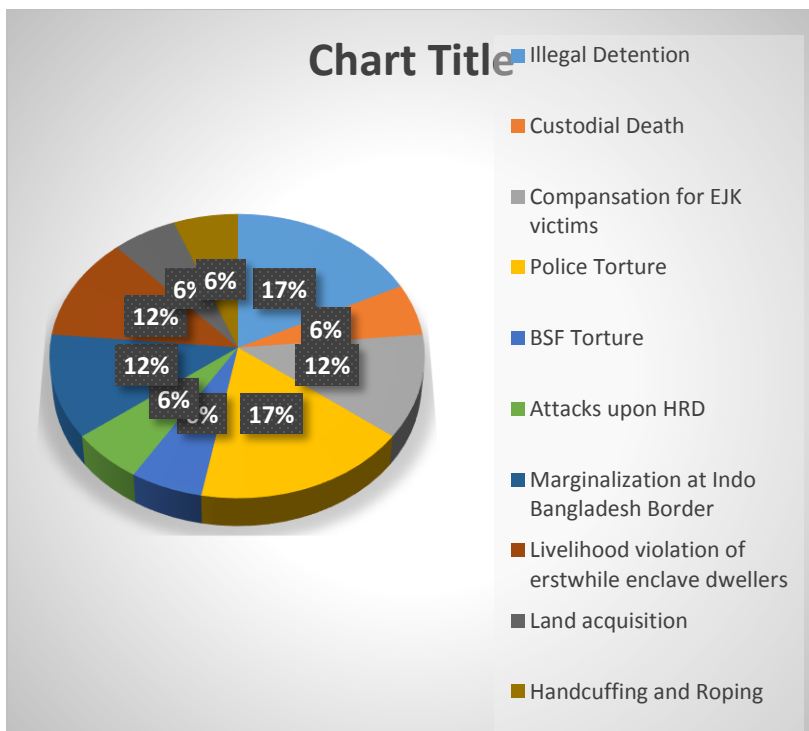
Demographic Classification



Hindu (Other)	4
Hindu (Schedule Caste)	2
Muslims	41

Male	42
Female	5

Classification of Violence and Marginalization



Illegal Detention	3
Custodial Death	1
Compansation for EJK victims	2
Police Torture	3
BSF Torture	1
Attacks upon HRD	1
Marginalization at Indo Bangladesh Border	2
Livelihood violation of erstwhile enclave dwellers	2
Land acquisition	1
Handcuffing and Roping	1

Brief on Update information provided to NHRC

On 30.11.2017 MASUM lodged one complaint before you for the victim girl, a victim of trafficking, from district-North 24 Parganas, West Bengal have been going through repeated threats from the persons involved in the trafficking. On several dates those persons came to the house of the victim girl and openly issued threats to the life and liberty of the victim girl including threats of acid attack on the victim girl. One of the perpetrators is a constable attached with Kolkata Police. Her father lodged complaints before local Swarupnagar Police Station over those incidents but the police discharged duty by only issuing GDEs but did not take any action till date. The victim girl also herself lodged written complaint before the Sub-Divisional Police Officer, Basirhat seeking protection but again no action has been taken till date. There is complete inaction and failure on the part of the police to protect the life of the victim girl as one of the persons involved in the trafficking of the victim girl is a police person working in Kolkata Police. The Commission accepted the complaint vide Case no.39/25/15/2018 and vide letter dated 16.01.2018 intimated me that the Commission issued direction upon the Superintendent of Police, North 24 Parganas to submit report within four weeks. However I have received no further communication from the Commission whether any report has been submitted or not by the Superintendent of Police, North 24 Parganas.

MASUM prayed for protection of the victim and her family members need urgent protection since they have been living under continuous threats from the culprits involved in the crime committed against the minor girl. The father of the victim girl is a poor agrarian labour and they are helpless in front of the mighty culprits who have been enjoying full protection from the perpetrator police personnel of Swarupnagar Police Station. The father of the victim girl since lodged complaints before the authorities came under threats to his life as well as to his daughter i.e. the victim girl. He by filing written representation dated 21.12.2017 before the Superintendent of Police, North 24 Parganas sought for protection but till date he has received no response on his said written representation.

On 07.12.2017, MASUM lodged complaint before the Commission for the victim Mr. Asanur Rahaman Gazi a Muslim youth who was subjected to brutal physical torture in custody by the perpetrator Border Security Force (BSF) personnel in North 24 Parganas district, West Bengal. The parents of the victim were also assaulted by the involved BSF personnel when they tried to set free their son i.e. the victim from the custody of Border Security Force. Subsequently the victim and his parents came under shocking harassment in getting proper medical treatment of the victim at hospital as well as lodging complaint at the local police station against the perpetrator BSF personnel. On 26.11.2017 Mr. Sirajul Gazi, the father of the victim, went to Swarupnagar Police Station with a written complaint describing the incident but the police officer on duty refused to take the complaint on the excuse that the contents of the complaint were defective. Then again on 27.11.2017 Mr. Sirajul Gazi went to the police station with a fresh complaint but again the police officer on duty refused to take the complaint on the same excuse. After several requests made by the father of the victim to register the complaint, the police officer on-duty asked one person to write down a complaint. Accordingly that person who introduced himself to be a retired police constable wrote a complaint and took the Left Thumb Impression (LTI) of Mr. Sirajul Gazi on the complaint. Then the police officer on duty took the written complaint and gave a piece of paper to Mr. Sirajul Gazi and only a case number was written in the said piece of paper. No copy of FIR was given to Mr. Sirajul Gazi till date.

Till date the police is not dutiful in taking legal action against the perpetrator BSF personnel. On 28.11.2017 he was threatened in open on Daharkanda Road in front of a shop by BSF personnel with dire consequences for lodging complaint against the perpetrator BSF personnel. They even threatened to implicate him falsely in criminal charges under N. D. P. S. Act. On subsequent occasions the victim was intimidated by the perpetrator to mount pressure upon him to withdraw his complaint against the perpetrator BSF personnel. He has lodged written complaint before the Sub-Divisional Police Officer, Basirhat seeking protection to his life and liberty under aegis of continuous threats from the perpetrator BSF personnel, but till date no action has been taken on his complaint.

On 25.08.2016 MASUM lodged one complaint before the Commission for the victim namely Mr. Alamgir Gazi residing at village-Daharkanda, Bithari, Police Station-Swarupnagar, District-North 24 Parganas, West Bengal. The said complaint disclosed the incident of torture faced by the victim in the hands of the perpetrator police personnel. The Commission registered the complaint as NHRC Case no.1243/25/15/2016 which is at present

sub-judice before the Commission. Be it mentioned that the victim had lodged written complaint before the Superintendent of Police, North 24 Parganas against the incident of torture committed upon him by the perpetrator police personnel. During the pendency of the proceeding before the Commission the victim was pressurized by the perpetrator police personnel to withdraw his complaint and such incidents of threats were duly reported to the Superintendent of Police of North 24 Parganas by the victim. MASUM also lodged update complaints before the Commission on 28.02.2017 and 23.03.2017 in this regard and sought for adequate protection for the victim. Meanwhile the complainant has also submitted his comments on the police report pointing out several reasons to hold that the police report was a biased report to save the perpetrator police personnel.

But it seems that the continuous happening of the incidents of threats upon the victim has no end. On 02.02.2018 at around 11:30 a.m. Mr. Alamfir Gazi went to Dafadar Para at Daharkanda village under Swarupnagar Police Station with his wife. When they were passing near the shop of one Mr. Bapi Gazi who is a Civic Police personnel of Swarupnagar Police Station abused the victim in filthy languages and also threatened him saying that he would be implicated in false charges under the N. D. P. S. Act and Arms Act. When Mr. Amalgir Gazi's wife raised protest, the said Mr. Bapi Gazi abused her verbally using filthy comments. The incident was witnessed by Mr. Chaddam Gazi, S/O Mr. Akbar Gazi of Daharkanda village. On 05.02.2018 Mr. Alamgir Gazi lodged written complaint before the Sub-Divisional Police Officer, Basirhat, North 24 Parganas narrating the above stated incident but till date no action has been taken on his complaint.

Mr. Jakirul Haque; son of Mr. Manchar Ali; aged about 25 years, resident of Village and Post Office- Taraikhana, Police Station- Dinhata, District- Coochbehar, West Bengal is a poor agrarian labour and fending his family by working as agrarian labour. Due to severe scarcity of job in agriculture at the area; he has to often indulge in cross border cattle smuggling as mere courier. On 10.03.2014 he was trying to smuggle out few cattle to Bangladesh. A Border Security Force personal was hiding at a maize field at around 200 meters away from the place of incident watching the movement. All of a sudden without making any alarm the BSF sentry fired on his back and which hit the shoulder joint of the victim. Though he lost his senses for few minutes but somehow left the place and reached his home. Scared by the event and with a sense of guilt he did not get admitted at Dinhata Sub Divisional Hospital but received treatment from Dr. Mir Nasir; who is attached with Dinhata Sub Divisional Hospital and the doctor performed surgery upon him. The victim spent more than Rs. 25,000 on his treatment. At first, out of guilt the victim did not make any complaint to the police but later he was convinced and he made a complaint to the Superintendent of Police; Coochbehar on 27.10.2014. On 30.01.2015 the then Secretary of Banglar Manabadhikar Suraksha Mancha (MASUM) lodged one complaint before the Commission. That complaint was registered vide case number - 227/25/6/2015/1489. On 17.07.2017 we received one letter from your side where you seek our comments. On 11.08.2017 we sent our comments by electronic mail.

In recent incident, on 15.01.2018 afternoon, police personnel of Sahebganj police station went to victim's residence. At that time he was in nearby Kurshahat market. Those police personnel went to the market and found him. They enquired about the incident which was happened more than 3 years ago. Victim narrated the incident from his memory and police took notes of the same. He returned back to this residence thereafter. After a while, one civic police came to his residence and told him that an Assistant Sub Inspector (ASI) of Sahebganj Police Station; Mr. Mrityunjay Chakraborty calling him at Sahebganj police station; the civic police was without any written notice. Victim was feeling unsafe and somehow avoided his visit to the police station. After sometime on the same day; Mr. Mrityunjay Chakraborty; the mentioned ASI called the victim over his mobile phone and threatened him and asked him to withdraw his present complaint and file a fresh complaint dictated by him. Victim told him that he is unlettered and unable to write any complaint. Then the mentioned ASI told him that they will draft his complaint and he has to put his signature under it. After this conversation victim felt more unsafe and he met with panchayat member of his village. He also suggested him to do withdraw his original complaint. The panchayet member also suggested him that that if he will deny the dictate of the police; the police personnel of said police station will implicate him falsely in stringent charges. On 31.01.2018 Mr. Jakrul Haq lodged complaint to the Superintendent of Police, Cooch Behar narrating about the present threats he received from the mentioned police personal.

National Human Rights Commission recommended to the Government of India through the Secretary, Ministry of Home Affairs to pay a sum of Rs.5 Lakhs to the NOK of the deceased Sohag Sahjee in NHRC Case no.666/25/15/2014-PF. The Commission also directed to submit action taken report on the recommendation issued by the Commission within three months. The Commission had intimated the above stated

recommendation issued by the Commission to the complainant Kirty Roy on 31.10.2017. Accordingly the complainant intimated the same to Mr. Nur Islam Sahjee who is the father as well as the NOK of the deceased Sohag Sahjee. On 08.11.2017 he submitted a letter before the District Magistrate, North 24 Parganas intimating the recommendation issued by the Commission and prayed for suitable action. In response the District Magistrate, North 24 Parganas issued a letter on 03.01.2018 to the Superintendent of Police, North 24 Parganas for arrangement of necessary enquiry into the matter. However, no enquiry was held and Mr. Nur Islam Sahjee did not receive the compensation amount till date in spite of the fact that already four months have passed since the Commission has issued its recommendation. On 22.02.2018 Mr. Nur Islam Sahjee again submitted a letter before the District Magistrate, North 24 Parganas stating that till date he did not receive the compensation amount as recommended by the Commission.

On 11.9.2014 MASUM lodged complaint before the Commission in the matter of the victim Mr. Abdur Rashid Sk. who is a victim of torture perpetrated by the perpetrator police personnel of Raninagar Police Station. The Commission accepted the complaint and it was registered vide NHRC Case no. 1394/25/13/2014. The proceeding in connection with the case is pending before the Commission and the complainant has also submitted comments on the police report.

The recent incident happened on 30.01.2018 at around 12.30 p.m. when Mr. Swapan Barman, Sub Inspector, Raninagar Police Station including three Home Guards and 5-6 Civic Police personnel of the said police station went to the victim's house at Village-Dakshin Char Majhardiar, Police Station - Raninagar with a white colour police car. Not having any female officer, the said team illegally trespassed into the victim's house and asked his wife about him several times. In the reply his wife namely Ms. Samima Jasmine Bibi said that her husband was in farming but those officers did not listen to her words and started searching for the victim inside the house but failed. Not been able to find the victim those police officers threatened his wife saying that the victim would be arrested under false charges under NDPS Act and he would breathe his last in jail. Since then Mr. Abdur Rashid Sekih and his family have been living under constant fear and mental trauma. On 03.02.2018 Mr. Abdur Rashid Sekih lodged a written complaint before the Superintendent of Police, Murshidabad describing all the facts but the authority did not take any legal step against the perpetrator police personnel of Raninagar Police Station as stated above.

Complaint and Fact Findings

Details of Custodial Death

Biplab Barai (deceased), son of Anil Kumar Barai, aged 28 years, by faith-Hindu, residential address:- Subhas Palli, Purba Para, Ramchandrapur, Police Station-Naihati, District-North 24 Parganas, West Bengal, was arrested from his residence by the police of Naihati Police Station in the month of October, 2017 as an accused person in connection with a criminal case registered on the alleged murder of his sister. On the next day of his arrest he was produced in the court of the Additional Chief Judicial Magistrate, Barrackpore and sent to the

Barrackpore Spl Correctional Home, Barrackpore. On 15.01.2018 he died an unnatural death. The inquest on the body of the victim was done in presence of one executive magistrate namely Mr. Anirban Chatterjee from Barrackpore Sub-Division and one police officer from Barrackpore Police Station. One unnatural death case was registered at Barrackpore Police Station vide U.D. Case no.02/2018 dated 15.01.2018 and post-mortem examination on the body of the victim was done at Police Civil Morgue, Barrackpore. Reportedly no inquiry by any judicial magistrate was done till date in compliance of Section 176(1-A) of Criminal Procedure Code. The parents of the victim stated before our fact finding team that the victim was a psychiatric patient and before his arrest he was under medical treatment from Dr. Goutam Saha, a psychiatrist. He used to take medicine as prescribed by the said psychiatrist. They further stated they were able to see the body of the victim only after his post-mortem examination was done i.e. on 16.01.2018 but before that they were not allowed to see his body. However Mr. Monoj Barai being the cousin of the victim was allowed to see the body of the victim on

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ফোন: ০০০-২৫৮১-২০৮৮

নেহাটী পৌরসভা

বেদ্যুতিক চুল্লি সেনপাড়া শবদাহ ঘাট

সামগ্র্য: পরিষা • উত্তর ২৪ পরগণা • পিন-৭৪৩১৬৬

মৃত ব্যক্তির নাম: BIPLAB BARAI (M) বয়স ২৪

পিতা বা পিতার নাম: ANIL KR. BARAI

ঠিকানা: Subhas Pally, Naihati

বাস: Naihati (সং: ২৫, ৪৪(১))

মৃত্যুকালী বা করিশীর নাম: Anil Kumar Barai (Father)

মৃত্যুর তারিখ	তারিখ	পল্লি
১৫/০১/১৮	১৫/০১/১৮	১৫/০১/১৮

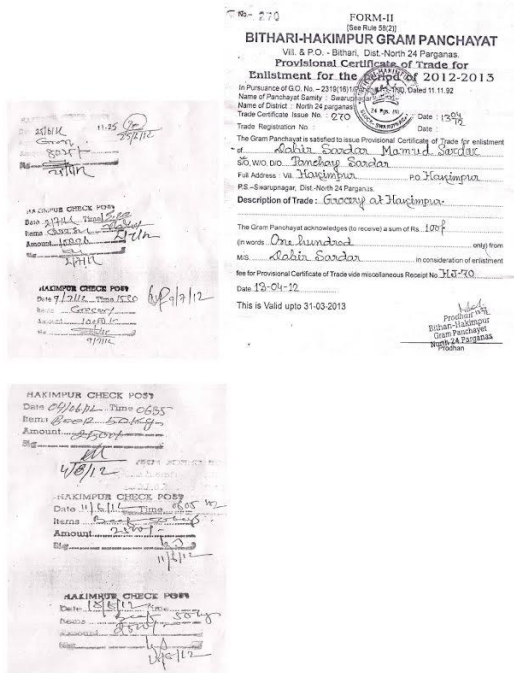
মোটা - ১৫/০১/১৮

১) মৃত ব্যক্তির সঠিক নামে মেডিকেল সার্টিফিকেট অর্জন করা হয়েছে।
২) মৃত্যু পরিলক্ষিত এবং পরিষ্কার করা হয়েছে।

০০/০০/০০ তারিখের নাম -
১০০০ টাকার নাম -

15.01.2018 and Mr. Monoj Barai stated before our fact finding that he saw the victim's body in complete naked position. The parents of the victim further stated before our fact finding that on 15.01.2018 at about 11 am the police from Naihati Police Station came and informed that the condition of victim was serious and they had to go to the aforesaid correctional home. They along with Mr. Monoj Barai being the cousin of the victim arrived at the said correctional home and they were told by the authorities of the said correctional home that the victim committed suicide by hanging himself inside a toilet. But the parents and Mr. Monoj Barai doubted the said version. Our fact-finding team met with Mr. Bidyut Kanti Dutta being the Superintendent of the aforesaid correctional home on 16.01.2018 and wanted to know from him about the victim but he refused to disclose any thing. He was also asked whether the victim was under medical treatment while in detention in the correctional home, but again he did not disclose anything. On 27.01.2018 Mr. Anil Barai, father of the victim submitted a written complaint before the Commissionerate of Police, Barrackpore Police Commissionerate, North 24 Paraganas on 27.01.2018 urging neutral investigation to ascertain the actual cause of death of the victim and adequate compensation. But till date no action has been taken on his complaint as stated by him.

Details of Torture perpetrated by BSF



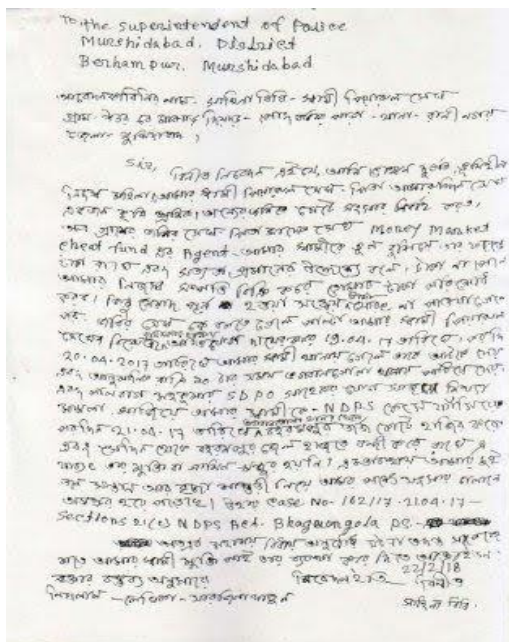
Mr. Rabiul Sardar son of Late Rahim Sardar, aged about-50 years, by faith-Muslim, residing at Village-Tarali, Post Office-Hakimpur, Police Station-Swarupnagar, District-North 24 Parganas, West Bengal is a van puller. He is the owner of an engine fitted rickshaw van. He carries different goods throughout the village area of Tarali, Hakimpur villages on his engine fitted rickshaw van on hire by people in the locality. On 18.02.2018 during morning one **Mr. Kalam Gazi** of Tarali village hired the engine fitted rickshaw van of Mr. Rabiul Sardar for bringing some raw meat (beef) from Ramchandrapur Market. Accordingly Mr. Rabiul Sardar loaded 170 kilogram of raw meat (beef) from Ramchandrapur Market on his engine fitted rickshaw van and started from the said market with **Mr. Mamud Sardar** and Mr. Kalam Gazi and reached Hakimpur BSF Check Post under Swarupnagar Police Station. They submitted the relating documents in support of purchase and transporting of the raw meat (beef). After taking necessary permission from the said Check Post they started towards Tarali and on the way to Tarali one BSF Jawan stopped them. Mr. Mamud Sardar and Mr. Kalam Gazi submitted the relating documents in support of the goods loaded on the van but the said BSF officer did not pay any heed to those documents and forcibly took the engine fitted van along with the loaded raw meat (beef) to the BSF Camp

at Tarali. The BSF personnel also took Mr. Mamud Sardar, Mr. Kalam Gazi and Mr. Rabiul Sardar to the BSF Camp. **Mr. Mostafa Sardar** being the father of Mr. Mamud Sardar came to know about the incident and went to the BSF camp at Tarali with the Upapradhan and another member of local Gram Panchayat and showed all the valid documents in support of trading beef and requested BSF Officials to release seized van and the goods but the BSF Officials refused to pay any heed to their request. Thereafter the BSF persons of the said BSF Camp handed over the custody of Mr. Mostafa Sardar, Mr. Mamud Sardar, Mr. Kalam Gazi and Mr. Rabiul Sardar to Tentulia Customs Office. There the officers of the customs office interrogated them and Mr. Mostafa Sardar in writing explained the true account of the incident.

Mr. Mostafa Sardar in his writing stated that on 18.02.2018 at about 10am his son Mr. Mamud Sardar and Mr. Kalam Gazi bought 170 Kgs. of raw meat (beef) from Ramchandrapur Market and with the said goods they were going to Tarali village for the purpose of selling the goods in the village. On the way to Tarali, BSF persons detained them and seized the goods along with the van. They along with the seized items were taken to Tarali

BSF Camp. On getting information he along with the local Gram Panchayat members went to the camp. He met with the BSF Company Commander of the camp and submitted all valid papers showing that the goods belonged to three persons Mr. Dabir Sardar, Mr. Kamal Gazi and Mr. Tabibar Molla who under valid license sell raw meat (beef) in Tarali village as the BSF authority has issued objection in killing cattle for the purpose of getting meat. They sell raw meat (beef) in the locality of Tarali village to meet the demands of food requirement of the area which is densely populated by Muslim community people. He further stated that he went to the camp with papers only to show that there was no illegality committed in carrying on the said goods and he requested for release of the goods. But the BSF Company Commander of Tarali BSF camp did not give any value to the documents and asked the Upaprodhan and the member of the Gram Panchayat who accompanied him to leave the camp. After they left the camp, the Company Commander detained Mr. Mostafa Sardar, Mr. Mamud Sardar and Mr. Kalam Gazi and Mr. Rabiul Sardar in the camp. At about 4pm in the evening the BSF persons of the said BSF Camp handed over the custody of Mr. Mamud Sardar and Mr. Kalam Gazi and Mr. Rabiul Sardar to Tentulia Customs Office along with the seized van and raw meat (beef) of 170kgs. Thereafter they were released from the customs office upon executing bonds, but the customs office retained the custody of the seized van and the raw meat (beef) of 170 kgs. in its custody. On 19.02.2018, Mr. Rabiul Sardar submitted a written complaint before the Inspector of Customs, Tentulia Customs Prev. Unit stating the incident and he prayed for release of his engine fitted rickshaw van which is the only source of his income. But till date he did not get back his van for which he has been unable to earn his livelihood causing tremendous financial hardship to his family members.

Details of Torture perpetrated by Police

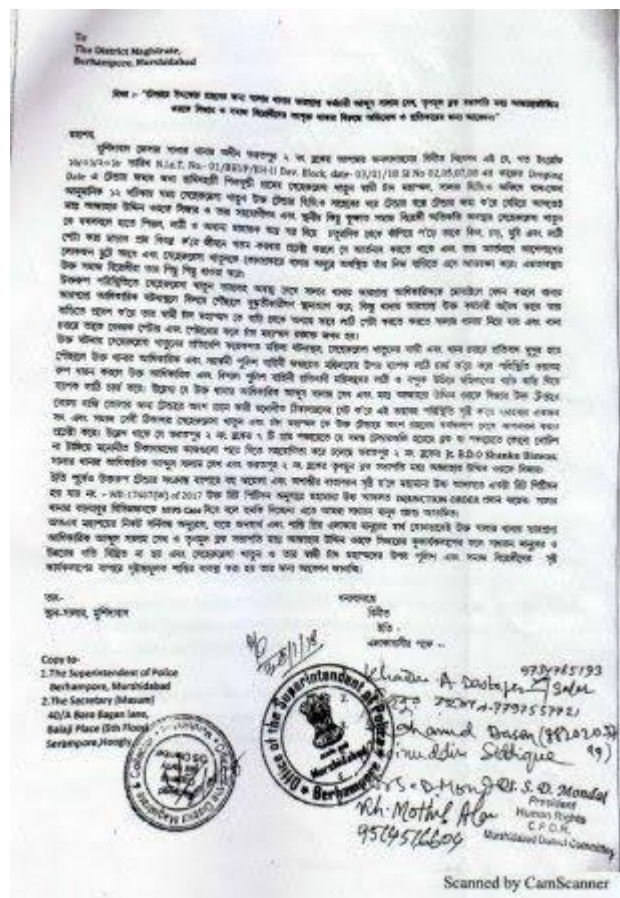


Mr. Baidul Seikh @ Islam, son of Mr. Muntaj Seikh, aged about-33 years, by faith-Islam and **Mr. Piarul Seikh**, son of Late Asaruddin Seikh, by faith-Islam, aged about-48 years were illegally arrested on 20.04.2017 by the police of Raninagar Police Station and handed over to Bhagwangola Police Station. The police of Bhagwangola Police Station implicated them in a criminal case under the N.D.P.S. Act on false allegation and manufactured documents. The police of Raninagar Police Station did not disclose any reason for arrest of the victims to their family members and no memo of arrest was issued by the police at the time of their arrest. Even the police of Bhagwangola Police Station also did not inform about the arrest of the victims to their respective family members. In this regard Ms. Sahina Bibi wife of Mr. Piarul Seikh and Ms. Rojina Bibi, wife of Mr. Baidul Seikh @ Islam submitted written complaints before the Superintendent of Police, Murshidabad stating the illegal acts of arrest of the victims by violating the set mandate of law regarding the arrest and subsequent false criminal case against them by the police of Raninagar Police Station and Bhagwangola Police Station. But according to the family of the victims, the Superintendent of Police, Murshidabad did not make any response to the complaints. Our attached fact finding report gives details of the incident. This present complaint is another example of framing of innocent persons under the N.D.P.S. Act at the instance of a section of corrupt police officials in complete violation of legal mandates and procedures. Ms. Sahina Bibi being the wife of the victim Mr. Piarul Seikh submitted a written complaint before the Superintendent of Police, Murshidabad that her husband earns his livelihood by working as a daily wage labour. In her complaint she also stated that one Mr. Jabir Seikh, son of Mr. Sadek Seikh residing in village-Uttar Char Majherdiar who is agent of a chit fund company insisted her husband to deposit money with assurance to refund money. But Mr. Jabir Seikh did not refund her husband's money even after maturity period. Her husband Mr. Piarul Seikh asked Mr. Jabir Seikh to refund money but he did not pay any heed and the said Mr. Jabir Seikh lodged a false complaint at Raninagar Police Station against Mr. Piarul Seikh on 19.04.2017. Over the matter Mr. Piarul Seikh attended Raninagar Police



insisted her husband to deposit money with assurance to refund money. But Mr. Jabir Seikh did not refund her husband's money even after maturity period. Her husband Mr. Piarul Seikh asked Mr. Jabir Seikh to refund money but he did not pay any heed and the said Mr. Jabir Seikh lodged a false complaint at Raninagar Police Station against Mr. Piarul Seikh on 19.04.2017. Over the matter Mr. Piarul Seikh attended Raninagar Police

Station on 20.04.2017 but he was illegally detained at the said police station. At about 10pm at night the police of Raninagar Police Station took Mr. Piarul Seikh to Bhagwangola Police Station and he was handed over to the police of Bhagwangola Police Station. He was implicated in a criminal case vide Bhagwangola Police Station Case no.162/2017 dated 21.04.2017 under the N.D.P.S. Act under false allegation. In connection with the said case he was produced before the Special Court under the N.D.P.S. Act at Berhampore. He was sent to prison by the court. On 22.02.2018 Ms. Rojina Bibi, wife of the victim Mr. Baidul Seikh @ Islam submitted a written complaint before the Superintendent of Police, Murshidabad stating that her husband has a business of selling filtered water. From the income of the said business he runs the family. On 20.04.2017 the police personnel of Raninagar Police Station arrested him and took him to Raninagar Police Station. At about 10pm at night the police of Raninagar Police Station took Mr. Baidul Seikh to Bhagwangola Police Station and he was handed over to the police of Bhagwangola Police Station. He was also implicated in the criminal case vide Bhagwangola Police Station Case no.162/2017 dated 21.04.2017 under the N.D.P.S. Act under false allegation. In connection with the said case he was produced before the Special Court under the N.D.P.S. Act at Berhampore. He was sent to prison by the court. In both the complaints as stated above Ms. Sahina Bibi and Ms. Rojina Bibi prayed for an independent enquiry against the false implication of their husbands in the criminal case. But till date they did not receive any response on their complaints.



Mr. Chand Mohammad, son of Late Babul Sk of Hamidhati Pilkhundi, **Mr. Newton Sk.**, son of Mr. Abul Hossain of Kandra, **Mr. Kewsar Khan**, son of Mr. Aimader Khan, **Ms. Nasrin Begum**, daughter of Kazi Bhulu Mia of Gulhatia, **Mr. Khadem Dastagir**, son of Mr. Siraj Sk of Salar Kajipara, **Mr. Arif Dastagir**, son of Mr. Khandehar Anarul Hoque of Salar Kajipara, **Mr. Mur Selim**, son of Golam Mehbub of Gulhatia, **Mr. Khandekar A Dastgir**, son of Late Sahidul Hossain of Salar, **Mr. Majibur Rahman**, son of Mr. Musa Karim of Hamidhati, Pilkhundi, **Md. Hossain**, son of Late Md. Sufi of Hamidhati, Pilkhundi, **Mr. Mainuddin Siddique**, son of Kaliluddin Siddique of Hamidhati, Pilkhundi, **Dr. S. D. Mondal**, son of Late Balamond Mondal, **Mr. Abdul Hossain @ Newton**, son of Abdul Hasen of Kandra, **Mr. Rafikul Alam**, son of Hasib Seikh of village-Kandra, **Mr. Asit Das**, son of Ms. Pusparani Das of village-Kandra, **Mr. Manik Seikh**, son of Mutalab Seikh of Kandra, **Mr. Azad Seikh**, son of Laltu Seikh of village-Kandra, **Mr. Uday Chandra Ghosal**, son of Binoy Chandra Ghosal of Kandra, **Mr. Shyamal Chandra Ghosal**, son of Nunra Chandra Ghosal of Kandra, **Mr. Bablu Seikh**, son of Lukman Seikh of village-Kandra, **Mr. Rahel Seikh**, son of Bahar Seikh of village-Purbagram, **Md. Hassan**, son of Nur Alam of village-Purbagram, **Mr. Rana Seikh**, son of Bengu Seikh of village-Purbagram, **Mr. Jimi Seikh**, son of Mehebub of village-Purbagram, **Mr. Seeraj Seikh**, son of Israil Seikh of village-Purbagram and **Mr. Alam Seikh**, son of Ageer Seikh of village-Purbagram, all of them reside under Salar Police Station, District-Murshidabad, West Bengal, were faced wrath of the Salar Police Station just after Mr. Chand Mohammad was illegally taken to Salar Police Station by the perpetrator police personnel of Salar police station while beating him brutally and in the police station he was again subjected to custodial violence. He sustained severe injuries and his medical reports are proof of the brutal nature of the custodial violence committed upon him. His wife had immediately lodged written complaint before the Superintendent of Police, Murshidabad against the perpetrator police personnel of Salar Police Station, but no action has been taken till date on the complaint.

It has also come to fore during the fact finding that two mass petitions have been received by the Superintendent of Police, Murshidabad wherein it was affirmed by the numerous signatories being local people that Mr. Chand Mohammad was subjected to illegal arrest and torture by the Officer-in-Charge of Salar Police Station and other involved police personnel of the same Police Station. In those mass petitions it was also alleged the Officer-in-Charge of Salar Police Station in nexus with local anti-social elements and corrupt public servants involved in

carrying out a row of arranging government tenders of seven Gram Panchayats under Bharatput Block-II in favour to their nominated persons by adopting illegal practice in government functionary by misusing their powers to have immoral monetary gains. They also stated their concern that the Officer-in-Charge issued threats to implicate local innocent people in false criminal cases under the N.D.P.S. Act if anybody dared to go against him. The Superintendent of Police, Murshidabad in spite of receiving such serious allegations from the local people did not take any action.

Moreover about 612 local people with signatures submitted a mass petition before the District Magistrate, Murshidabad stating the incident of police torture and highhandedness upon Ms. Seherunnesha Khatun and her Mr. Chand Mohamad. In the mass petition they specifically alleged that Mr. Abdus Salam Seikh being the police officer of Salar Police Station in connivance with Md. Azaharuddin @ Sijar who is holding the post of the block president of the ruling party in Bharatput Block-II and Mr. Shanku Biswas holding the post Joint Block Development Officer of Bharatput Block-II carry out a racket of arranging government tenders of seven Gram Panchayats under Bharatput Block-II to their nominated persons by adopting illegal practice in government functionary by misusing their powers to have immoral monetary gains. In the mass petition they also stated Mr. Chand Mohammad has good reputation in the locality being a peace loving and respectable person. They also stated that the police also issued threats to implicate the local people in false cases under the N.D.P.S. Act. They demanded proper legal action against the guilty police personnel of Salar Police Station for perpetrating torture upon Mr. Chand Mohammad and his wife.

On 02.02.2018 the local people residing under the jurisdiction of Salar Police Station submitted a mass petition before the Superintendent of Police, Murshidabad stating that the local people are afraid to live peacefully because of the unholy nexus between the present Officer-in-Charge of Salar Police Station and the local notorious anti social elements. In this regard they referred example by stating that on 18.01.2018 a programme on "Save Drive Save live" was organized by the police of Salar Police Station where the Officer-in-Charge of the said police station was present in the programme with a notorious anti-social person Mr. Rabi Seikh and his henchmen. They referred that Mr. Rabi Seikh is an accused person in several criminal cases such as Salar Police Station Case no.3/2018 dated 17.01.2018 under sections 341/323/354/34 of Indian Penal Code registered on the incident of physical assault and outrage of modesty Ms. Seherunnesha Khatun, Salar Police Station Case no.210/2017 dated 16.12.2017 and Salar Police Station Case no.214/2017 dated 22.12.2017. They stated the Officer-in-Charge of Salar Police Station is not inclined to arrest the said anti-social persons in spite of the fact they are accused in non-bailable cognizable offences and not only that the Officer-in-Charge of Salar Police Station have been threatening the innocent local people to implicate them in false cases under the N.D.P.S. Act if they dared to protest.

The local people stated that no action has been taken by the District Magistrate, Murshidabad and the Superintendent of Police, Murshidabad on the above stated mass petitions.

On 15.02.2018 Mr. Abdus Salam Seikh being the Officer-in-Charge of registered one FIR vide Salar Police Station Case no.17/2018 dated 15.02.2018 under sections 341/324/325/307/354/379/34 of IPC against the accused persons namely Mr. Chand Mohammad, Mr. Newton Sk., Mr. Kewsar Khan, Ms. Nasrin Begum, Mr. Khadem Dastagir and Mr. Arif Dastagir. The said FIR was registered on the complaint of one lady who is reportedly a supporter of the ruling political party. The local people and Mr. Chand Mohammad stated that the said criminal case is a counterblast of the written complaints lodged against the Officer-in-Charge of Salar Police Station as mentioned above. They further stated that those accused persons put their signatures on the mass petitions lodged against the Officer-in-Charge of Salar Police Station and to gauge their voice the Officer-in-Charge started the said false and concocted criminal case against them. They further apprehended that the Officer-in-Charge of Salar Police Station may start such type of false criminal cases against the local innocent people to diminish their valid protest against him by misusing his power.

Mr. Nimai Adhikary, son of Late Nishikanta Adhikary, aged about-50 years, by faith-Hindu, residing at village-Sanekpur, Stationpara, Police Station-Gopalnagar, District-North 24 Parganas, West Bengal is blind and physically handicapped person. He has been residing in village-Sanekpur, Stationpara, Police Station-Gopalnagar, District-North 24 Parganas. His residence is located in all that piece and parcel of the landed property under Dag no.227 and Mouja-101 in the said village. He got that that landed property about 15 years ago from one Rathin Kar and Ram Kar in exchange of Rs.80,000/-. Both of them handed over the possession of

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স্বত্বার আবেদন

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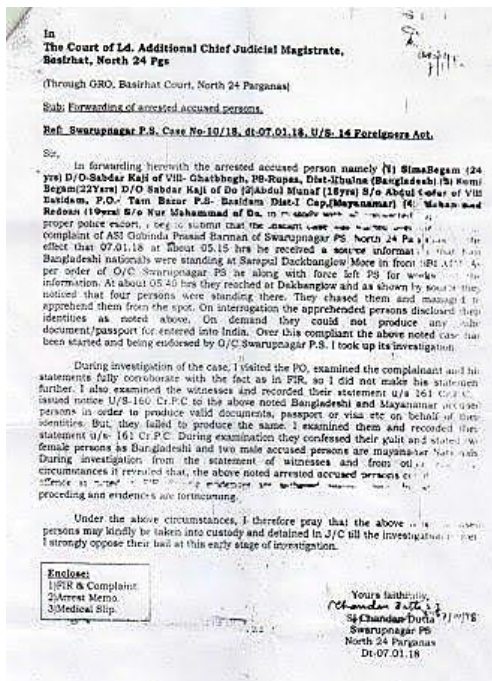
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the said landed property to the victim in exchange of the money and left the property with assurance that they would come and make formal registry of the transfer of the property in the name of the victim. But they did not return for last 15 years and during these long years the victim has been in possession and residing in the said property. His name was duly recorded in the record of the Block Land & Land Revenue Officer in respect of the said landed property as depositor of tax. The neighbours of the victim know him well and also know the fact that he has been in possession of the aforesaid landed property since long. The victim heard that the aforesaid Rathin Kar and Ram Kar are no longer in this world. About six months ago one person namely Mr. Sunil Kar came to the residence of the victim and he disclosed that he came from Bangladesh and claimed to be the son of Rathin Kar. Then, one day Mr. Sunil Kar called for a *Salisisabha* by influencing the local influential persons having political affinity. In the said *Salisisabha* Mr. Sunil Kar was present and some local influential persons namely Mr. Haider Mondal, Mr. debabrata Majumdar, Mr. Tarun Mallick, Mr. Apu Kundu, Mr. Liton Sikdar, Mr. Rajib Basak and Ms. Subhra Majumdar Datta were also present. In the said meeting the victim was forced to pay Rs.30, 000/- to Mr. Baren Adhikary and Mr. Bishnu Biswas. Then after three months of the said meeting the victim was called to

attend local party office of the ruling party where the victim was threatened and he was forced to put his signature on a blank white paper. He came under severe threats of being forcibly disposed from his residence. After being released from there he went to local police station and disclosed the entire incident but the police refused to record his complaint. Then when he returned to village, he received threats that his house would be burnt down. The victim took shelter before the court of law by filing an application under section 144 of Criminal Procedure Code to seeking a protection order so that he can live peacefully in his residence. But the police did not take any action and on 06.12.2017 some hooligans in the captaincy and direct involvement of the aforesaid persons ruined down the residential house of the victim. The victim went to the local police station but the police did not take any action. The incident was duly published in a local Bangla Newspaper "Jugosankha". Then again on 08.12.2017 in the captaincy and direct involvement of Mr. Haider Mondal, some hooligans came to the residence of the victim and they committed arson in the household articles and also took away several household articles. The relatives and family members of the victim had come to visit him but they were abused, assaulted and implicated in a criminal case on false allegations. The victim even thereafter came under threats of being murdered. He complained the whole incident to the local police station but the police till date did not take any action. The victim has been under severe mental trauma under the apprehension of being dispossessed from his residence forcibly in the hands of the aforesaid influential persons and he has been feeling helpless for being denied and refused of proper legal action from the police. The victim stating the aforesaid entire incident submitted written complaints before the District Magistrate, North 24 Parganas; the Superintendent of Police, North 24 Parganas; the Sub-Divisional Police Officer, Bongaon and other authorities but till date no action has been taken on his complaints. The victim stated before our fact finding that he is a supporter of B.J.P. i.e. a political party for which he has been suffering such kind of incidents one after another and at any time he would be forcibly evicted from his residential house along with his family members such as his wife and daughter.

Details of illegal detention

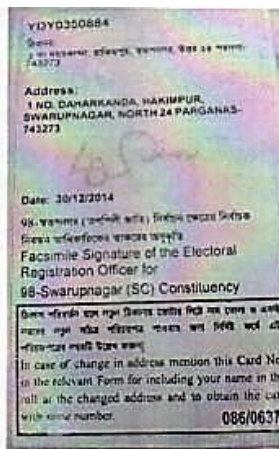
The complaint was for the victims who were arrested on 07.01.2018 in connection with Swarupnagar Police Station Case No-10/18, dated 07.01.2018 by the police of Swarupnagar Police Station, District-North 24 Parganas, West Bengal. The particulars of those arrested persons two are women namely Ms. Sima Begam, age-24 years and Ms. Sumi Begam, age-22 years, both daughter of Sabdar Kaji from Village-Ghatbogh, Police Station-Rupsa, District-Khulna, Bangladesh. The other two arrested persons are Mr. Abdul Munaf, age-18 years, son of Abdul Gofar, Village-Basidam, Post Office-Tam Bazar, Police Station Masidam, District-I Cap, Mayanmar and Md. Redoaji (age-19 years), S/O Nur Mohammad, Village-Basidam, Post Office-Tam Bazar, Police Station Masidam, District-I Cap, Mayanmar. On 07.01.2018 at around 5:15 a.m. Officers of Swarupnagar Police Station, North 24 Parganas, West Bengal was informed by their source that the above mentioned persons were standing



before ATM Counter of State Bank of India at Sarapul Dakbanglow Crossing, under the said police station. On the orders of the Officer-in-Charge of the said police station a team of Mr. Gobinda Prasad Barman, Assistant Sub-Inspector and some other officers reached at the place at around 5:40 a.m. and arrested them and lodged FIR vide Swarupnagar Police Station Case No-10/18, dated 07.01.18 Under Section 14 Foreigners Act. On that very day police produced them before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas. The court sent them to Dum Dum Central Correctional Home, Kolkata for detention. It was revealed that those persons entered into India through the border fence in Hakimpur with the help of local touts involved in human trafficking. The place where police arrested them is located 10 kilometers inside from the Indo-Bangladesh border. They entered into India in search of job in Mumbai. The victims Mr. Abdul Munaf and Md. Redoaji are Rohingya Muslims refugee of Myanmar. The law enforcement agency ignored that they are stateless persons who shall suffer death, bodily injury or other grave human rights violations in Myanmar. They had no option but to flee from their own country.

On the other hand the two Bangladeshi women arrested are treated as accused under the Foreigners Act and no attempt has been taken up by

any 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.



This was to draw attention on prevailing situation where the police department in Mumbai unleashed terror and panic upon the migrant labours from West Bengal especially against the Muslim minority group by misusing their powers conferred under the law.

The following persons went to Mumbai for work as migrant labour. Their names are:-

- (1) Mr. Abdul Alim Mondal (30 years), son of Mr. Golam Mondal;
 - (2) Mr. Saheb Ali Gazi (21 years), son of Mr. Akbar Ali Gazi;
 - (3) Mr. Atiar Molla (23 years), son of Mr. Majid Molla;
 - (4) Mr. Sirajul Sardar (39 years), son of Mr. Harun Sardar
- all are Muslim by faith and residential address of all at village – Daharkanda, Gram Panchayat – Bithari-Hakimpur, Police Station-

Swarupnagar, District – North 24 Parganas, West Bengal, India

All of them belong to Muslim Community and they went Bhanka Dhappa, Mumbai to work at a wholesale fish market few months back. On 25.12.2017 they were arrested and detained by the officers of Foreigners Registration Office & Deputy Commissioner of Police, Special Branch (I), CID, Mumbai on the allegation of being Bangladeshi nationals having entered India through unauthorized route without any valid documents and illegally stayed in Mumbai. On 26.12.2017 the Foreigners Registration Officer & Deputy Commissioner of Police, Special Branch (I), CID, Mumbai issued show cause notice upon them to file the following documents within seven days. The officer directed them to submit the following documents collectively:-

- i) Family's origin related documents from the beginning
- ii) Occupational i.e. service related documents
- iii) Birth Certificate, Identity Proof and also the Birth Certificate of parents
- iv) Income Tax Returns, Bank Pass Book etc.
- v) Residential Proof

In the notice it was also mentioned that if the above stated documents were not furnished within seven days, then there will be a presumption that they have nothing to say regarding national status and it would be held that they were full-fledged Bangladeshi nationals and would be liable for deportation from India.

The circumstances further revealed that they were produced before the Court of the Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai in connection with case no. LAC 94/17 of SBICID I Branch. The Court considering the Voter Card and Aadhar Card of the above stated persons passed an order for their release on bail. The above stated persons were released on bail on 02.01.2018 after depositing Cash Surety of Rs.30, 000/- each as directed by the court in the order passed for their release on bail.

Gr. 529/17

FIRST INFORMATION REPORT 21420

Section 154 Cr. P.C. or P.S.

At: BONGAON Station: BONGAON Police Station

On: 23/09/17 Date: 23/09/17 Time: 11:00 AM

1. Name of Complainant: ASST. COM. ASST. INSPECTION CHIEF

2. Name of Offender: ASST. INSPECTION CHIEF

3. Nature of Offence: Under Section 14 of Foreigners Act

4. Date of Offence: Saturday 23/09/17

5. Place of Offence: At the Police Station

6. Name of Complainant: ASST. INSPECTION CHIEF

7. Name of Offender: ASST. INSPECTION CHIEF

8. Address of Offender: ASST. INSPECTION CHIEF

9. Details of Known Persons: ASST. INSPECTION CHIEF

10. Particulars of Property stolen / involved: None

11. Total value of Property stolen / involved: None

12. Particulars of Property: None

13. Action taken: ASST. INSPECTION CHIEF

Signature of Complainant: ASST. INSPECTION CHIEF

Signature of Officer in Charge: ASST. INSPECTION CHIEF

Mr. Nizam Akamoutali Sardar, son of Mr. Akamout Ali Sardar, aged about- 32 years of Village – Neelkantapur, Post Office – Batra, Police Station – Kalarawa, District – Satkhira, a citizen of Bangladesh was arrested by the personnel of Border Security Force on 23.09.2017 on the allegation that he was trying to cross the International Border (IB) illegally with the help of border population and on being challenged by the BSF personnel he started running towards Bangladesh side, however, the BSF party chased and apprehended him. On the basis of such allegation BSF submitted a written complaint against him at Gaighata Police Station and handed him over to the police of Gaighata Police Station. On the basis of the said complaint, Gaighata Police Station registered one FIR vide Gaighata Police Station Case no.917/2017 dated 23.09.2017 under section 14 of Foreigners Act. On the next day he was produced before the Additional Chief Judicial Magistrate, Bongaon, District-North 24 Parganas and from there he was sent to Dum Dum Central Correctional Home, Kolkata. On 15.11.2017 victim Mr. Nizam Akamoutali Sardar was convicted and sentenced by the Judicial Magistrate Court, Bongaon, District-North 24 Parganas convicting him to undergo Simple Imprisonment for three months and a fine of Rs.2000/- in default to suffer Simple Imprisonment for another 30 days (one month). It was also ordered that the period of detention already undergone be set off under section 428 of the Code of Criminal Procedure. The victim deposited the fine amount of Rs.2000/- on 15.11.2017 at Court Treasury. According to section 428 of the Code of Criminal Procedure

the period of detention from 23.09.2017(date of his arrest) should be taken into account while calculating the period of detention. So, according to the sentence passed by the court the period of conviction of the victim has already expired in as much as the fine amount was paid and information of payment of fine was forwarded to jail authority. It was informed that the victim had not been released and repatriated to Bangladesh till date and therefore his detention is illegal and without jurisdiction. Such ongoing illegal detention of the victim in prison as Jan Khalash even after expiry of his sentence period amounts gross violation of human rights.

Detail about illegal roping and handcuffing



In this complaint we tried to bring to the notice of Commission, the plight of persons who are falling victims of a system wherein handcuffing of detainees and prisoners remains widely prevalent despite judicial interpretation clearly establishing that it is against the protection of right to life guaranteed under Article 21 of the Constitution and is thus seeking appropriate directions upon the concerned authorities being part of our criminal justice system to ensure that they refrain from curtailing in any manner the liberty of people in the landmark judgment of Prem Shankar Shukla –Versus- Delhi Administration, and in many other judgments, the Hon'ble Apex Court held that handcuffs are prima facie inhuman, unreasonable, and at first blush arbitrary without fair procedure and objective monitoring. The Hon'ble Court recognized the need to secure the prisoner from fleeing but asserted that this does not compulsorily require handcuffing. The National Human Rights Commission has also issued several guidelines to regulate exercise of police powers. Needless to mention that it is principles like these that form

the bedrock of democratic societies based on rule of law which treats even a person who has committed a crime with a degree of dignity.

It has been the experience of our organisation In the course of its activities that handcuffing and tying of the detainees with rope or chain, is rampant in almost all parts and corners of the State. Handcuffing is all the more prevalent and prominent in Court compounds wherein the persons upon being arrested and/or from custody are being produced. Our organisation has already submitted several complaints before the Commission with documentary evidences to show that handcuffing and tying of the detainees with rope or chain continues to be prevalent in parts of the State. In this regard our fact finding revealed that on 15.02.2018 one prisoner was handcuffed and produced at Lalbagh Sub-Divisional Court at around 11:39 a.m. On the same day some other prisoners were tied up with rope on their waist and taken to the Police Van after producing them before the same court at around 11:58 a.m. Our fact finding also revealed another incident of roping inside the court compound of District & Sessions Judge, Berhampore where some prisoners were tied up with rope on their waist and taken for production before the Special Court under NDPS Act on the same date at around 2:33 p.m. The captured pictures on 15.02.2018 are proof of the ongoing practice of tying the prisoners with ropes and handcuffing in the excuse of securing their custody. Our fact finding shows the continuing prevalent practice of handcuffing the detainees and/or roping and and/or chaining them, in clear and flagrant violation of the principles and/or guidelines of the Apex Court and the National Human Rights Commission and our organisation firmly believes that until and unless the practice is strictly curbed by passing necessary orders and directives upon the concerned authorities by the Commission, the same would continue till time without end.

Details of non- payment of compensation to families of extra judicially killed

Our organisation lodged one complaint before NHRC on 20.05.2009 on the incident of brutal murder of Abdus Samad @ Kalu Sk. from District-Murshidabad by the perpetrator Border Security Force personnel on 05.05.2009. The Commission accepted the complaint and registered the same vide Case no.157/25/13/09-10-AD. The wife of the deceased; Ms. Rima Bewa lodged FIR against the perpetrator BSF officers at Lalgola Police Station on 07.05.2009 which was registered as Lalgola Police Station Case No.236/09 dated 07.05.09. At that time Ms. Rima Bewa was only 29 years of age. The Commission passed final order wherein it was observed by the Commission that police submitted charge sheet against two BSF constables who were found involved in the crime committed against the victim in connection with the FIR lodged by the wife of the deceased. The Commission directed the Ministry of Home Affairs, Government of India to pay an amount of Rs.5 Lakh as monetary compensation to the next kin of the deceased upon considering the materials placed before the Commission. However, the Commission received one response from the Ministry of Home Affairs, Government



of India where it was disclosed that it was not possible to consider the payment of monetary compensation to the next kin of the deceased since the matter is sub-judice before the Court and until final order is passed by the court. Considering such response, the Commission closed the case leaving it upon the next kin of the deceased to take legal measures to implement the recommendations passed by the Commission.

Ms. Rima Bewa being the widow is the next kin of the deceased. She has five children born within the wedlock with her husband i.e. the deceased. She has no source of income of her own. She till date did not get any financial aid under the government schemes. She has no financial capacity to take legal measures to implement the recommendations passed by the Commission. She was partially blind due to vitamin deficiency. She was being admitted to Calcutta Medical College Hospital on 26th October 2016 for cornea replacement and surgery was done on 6th November 2016. Banglar Manabadhikar Suraksha Mancha (MASUM) facilitated cornea grafting of Ms. Rima Bewa. She has submitted a written application before the Superintendent of Police, Murshidabad for proper disposal of the criminal case against the accused BSF personnel and she

also prayed for taking appropriate measures for survival of herself as well as her children. She submitted her application on 29.12.2017 but till date she did not get any response.

Ms. Reba Bewa, wife of Rajib Molla (deceased) from village-Ghoshpara, Post Office-Rajapur, Police Station-Raninagar, District-Murshidabad, West Bengal. Her husband was the only earning member in the family but on



15.02.2014 he was tortured to death in police custody of Raninagar Police Station. In the matter of custodial death of her husband, she moved to the High Court, Calcutta for appropriate relief and in the final order the Court directed the state government to pay Rs.3 Lakh as compensation to her being the next kin of her deceased husband within six weeks from the order. The order was passed on 06.09.2017 in connection with W.P. No.16457/2015 but till date she did not get the compensation amount from the state government as directed by the Court. She has submitted two written representations before the District Magistrate, Murshidabad on 13.11.2017 and on 07.12.2017 seeking appropriate action from his end so that the compensation amount as directed by the Court is disbursed to her at the

earliest, but the District Magistrate, Murshidabad till date maintained a complete silence on her prayer. Due to her continuous fight for justice in the matter of custodial death of her husband she became an eyesore to the local police and administration. For long she has been a victim of deprivation from all facilities under the social and economical benefit schemes run by the government. She and her two minor children are being deprived from enlistment under the BPL Category. She has no landed property in her name. She with her children lives in a thatched tiny room which suffered heavy damage during the last monsoon. The house is now in complete dilapidated and not in habitable condition. But she is compelled to live there as she has no other alternative shelter and has no money to repair the house. Moreover, being a widow she did not get any pension, job card under the MGNREGA or other financial aid till date to make her independent both socially and economically. Ms. Reba Bewa for long moved to Rajapur Gram Panchyat for appropriate relief under the problems as stated above. But the Prodhan of the said gram panchayat did not incline to take any action for her relief. Being distressed she lodged a written application on 08.01.2018 before the Prodhan of Rajapur Gram Panchyat again seeking appropriate relief. The Prodhan of Rajapur Gram Panchyat even after receipt of the application asked her to meet with the Block Development Officer, Block-Raninagar-II and file application before him. Ms. Reba Bewa accordingly went to the Office of the Block Development Officer, Block-Raninagar-II for consecutive dates, but the authorities there refused to accept her application after putting her under severe harassment. Just now we

received an information that Ms. Reba Bewa received a cheque amounting Rs. 3 lakh on 30th March 2018 as per direction of Calcutta High Court.

Details on attack on human rights defenders

MASUM since in creation in the year 1997 has been actively working for the protection and promotion of human rights in different districts in West Bengal particularly in the bordering districts of West Bengal such as Murshidabad, North 24 Parganas, Cooch Behar. The organisation conducts regular fact findings in the incidents of human rights violations particularly torture perpetrated by state agencies. It also provides medical, legal and psychological support to the victims subjected to human rights violations. The violations of human rights are rampant in West Bengal and a pre-planned attack has been unleashed upon the human rights activists who dared to raise voice against such violations. There is a systematic attack by vested interests to prevent human rights defenders working with the organisation from taking up people centric issues. This attack needs to be seen in the context that several members of MASUM have been facing false charges for documenting and denouncing grave human rights violations by the members of the police forces and the BSF.

Our organisation has already made several appeals that the police authorities in district Murshidabad have come loggerheads with Mr. Ajimuddin Sarkar, our district human right monitor in Murshidabad district to gauge his voice for human rights activities and in more than one occasion they have been out for his blood by implicating him one after another false and concocted criminal cases under POCSO Act, NDPS Act and other grave charges. We tried to attract time and again your attention over the attacks on Mr. Ajimuddin Sarkar.

In granting anticipatory bail (CRM no.8620/2017) to Mr. Ajimuddin Sarkar, the Hon'ble Calcutta High Court observed the following:-

“...there are reason to believe that the petitioner having lodged a previous complaint alleging overt acts on the part of some police officers to harm and his family members implication of the petitioner in the alleged offence could be an act of wreaking vengeance...”

But the police of Murshidabad district did not take a lesson from the aforesaid observation of the High Court, Calcutta taken in Ajimuddin Sarkar's Case and the act of wreaking vengeance has been still in existence because Mr. Sanjit Mondal, working as District Human Rights Monitor for MASUM and Mr. Najrum Islam, a human rights activist and working for MASUM in Murshidabad district was implicated in a false criminal case; Raninagar Police Station Case no. 338/2017 dated 07.06.2017 under the N. D. P. S. Act. The said criminal case was registered on the complaint of Border Security Force. It is further reported that Mr. Sanjit Mondal has been tagged as an accused person into other two criminal cases under the NDPS Act.



Mr. Sanjit Mondal, a 22 year old young man from Scheduled Caste community has been working as a District Human Rights Monitor with MASUM since January 2016. In this period he has conducted more than 50 fact findings on violations of human rights by BSF and police. **Before he turned to DHRM working with MASUM** Sanjit Mondal himself was a victim of brutalities and torture committed by the BSF. He faced such brutalities twice, **once in September 24, 2009** and **the second on April 15, 2011**. In the **second incident** while working at his family's agrarian land, he had received pellet injuries and he was beaten mercilessly by BSF personnel with the back of rifles and their boot clad feet. In 2009 incident too, when he was just seventeen years old, he and his siblings

had similar fate when they were severely tortured by posted BSF personnel. Being a victim of torture in the hands of the perpetrator BSF personnel, he filed two criminal cases being CR Case no.550/2017 and CR Case no.05/2018 against the perpetrator BSF personnel before the Additional Chief Judicial Magistrate, Lalbagh with legal support from our organisation.



Mr. Najrul Islam 58 years old, living in the district of Murshidabad with his family including his wife and a son. He became DHRM with MASUM in January 2016 and since then he has conducted numerous fact finding of human rights violations by state agencies.

Like other DHRMs of MASUM in Mrshidabad district they works in cases of human rights violations such as torture by police, torture and extra-judicial killings by Border Security Force, trafficking, violence against women and children, custodial deaths and livelihood issues of the people as a result of the erosion of river Padma in Murshidabad

district. They also played an important role in organising protest meets by the victims of torture, medical camps for the victims of torture, awareness camps at different parts of the districts and meetings with the lawyers. They provide necessary assistance to the victims in filing complaints in the court of law against the perpetrators in uniform.

It is relevant here to mention that Mr. Golam Mujtuba, being the son of Mr. Najrul Islam was physically tortured and verbally abused in the hands of the perpetrator BSF personnel on 27.01.2017. Mr. Golam Mujtuba reported the incident in writing to the Officer-in-Charge of Raninagar Police Station but it was not registered as FIR till date.

By way of a natural conclusion this active role as played by Mr. Sanjit Mondal and Mr. Najrul Islam in the Murshidabad district did not go down well with the state authorities. They soon became a threat to the impunity and domination enjoyed by the state agencies in the district, particularly the police authorities for the human rights activism as being carried out by them in the district. They courted displeasure of the police authorities in the district and soon became an eye-sore for them. It is needless to mention that the consequences have been dire and they have been particularly targeted by the police administration in the district and as a result they are entangled in an array of false cases.

Mr. Sanjit Mondal and Mr. Najrul Islam are out of their house for last several months suspecting possible police and judicial harassment. Mr. Sanjit Mondal has a newly born baby, wife and aged parents. On and often the police personnel visit their residences and ask for their whereabouts. Their family members are also under threats from police.

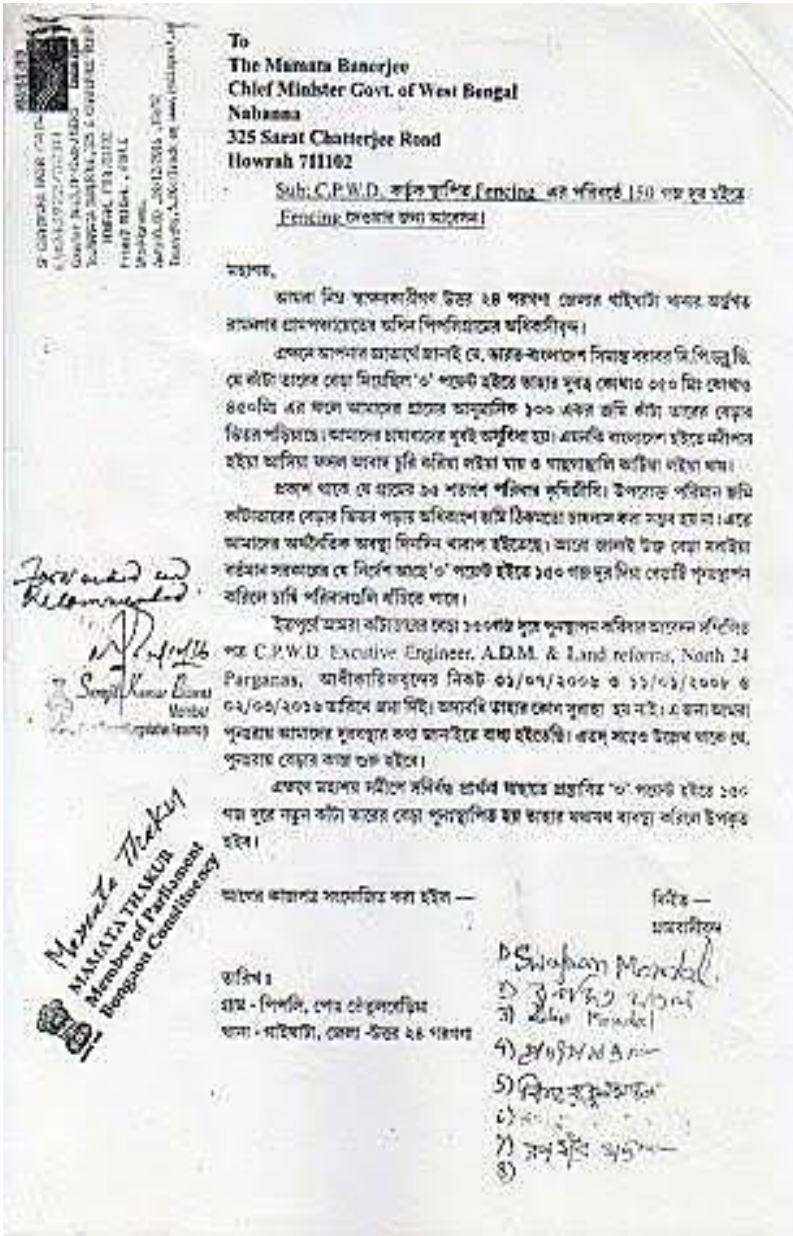
There should be deep concern among the larger sections of civil society including the Human Rights Institution like NHRC, who believe in upholding the human rights and the freedom of human rights defenders to function without intimidation, about the ongoing harassment and the recurring attacks perpetrated by the police against MASUM activists, including judicial harassment, arbitrary detention, ill-treatment and threats. It is need of the hour to call upon the Indian authorities to put an end to all attempts to intimidate and criminalize members of MASUM and to ensure the security, physical and psychological integrity and dignity of the human rights defenders working with MASUM. To gauge the voice of human rights activism, the police authorities has adopted unfair means to corner the human rights activists of MASUM by falsely implicate them in criminal cases under the N. D. P. S. Act. The launching of one after another criminal cases under the N. D. P. S. Act against the members of MASUM at the instance of BSF and police discloses the sordid reality. The police administration is not inclined to adhere to the recommendations issued by the National Human Rights Commission for protection of human rights defenders.

I hope that the Commission would take notice of the present letter and issue appropriate directions for the protection of the human rights defenders as stated above working with MASUM. Particularly we demand that an investigating team of the Commission should visit Murshidabad district and make an enquiry in this matter giving us an opportunity to place the whole facts, circumstances, testimony of the human rights defenders and record it before the Commission. We also request before the Commission to issue appropriate directions upon the concerned authorities so that our district human rights monitors mentioned above could carry out their legitimate work of human rights activism without being harassed and implicated into false and concocted criminal charges. Lastly, the Commission should direct the concerned authorities to take immediate and adequate actions against the involved police personnel who are instrumental to implicate Mr. Ajimuddin Sarkar, Mr. Najrul Islam and Mr. Sanjit Mondal in false criminal cases.



Details on marginalization of bordering population

The complaint was over the harassment caused by the Border Security Force personnel in the bordering villages of district North 24 Parganas in West Bengal situated under Bagdah, Bongaon, Basirhat, Hasnabad and Hingalganj Blocks by constructing border fence not in the actual border line but through the villages and habitation of the bordering populace. The Central Public Works Department (CPWD) constructed Border Road in the bordering area under the above stated blocks in the year 1998 but considering the fact of the habitation of populace including presence of vast agricultural lands, schools, primary health centers, markets, panchayat offices in between the actual border of Indo-Bangladesh border and the Border Road, CPWD did not construct border fence in so many areas. In North 24 Parganas district there are several rivers namely Ichamati, Kotalia, Sonai and so many canals which run in the bordering area and considered as the natural border between India and Bangladesh. In some areas there are land borders. The Border Road was constructed somewhere 500 meters, somewhere 1 kilometer even 2 kilometers from the actual border. Now BSF started to install Border Fence and Gate in some of those areas with barbed wire and somewhere even with bamboo sticks. They started to do such works of border fencing without considering the problems and opinion and consent of the local people. Moreover, BSF personnel maintain opening and closing of the gates at their whims. 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 due to such whimsical installation of fencing. Carrying patients as well as pregnant women to nearby hospital has also become arduous task. There are several battalions of BSF posted in North 24 Parganas district such as Battalion No 99 in Bagdah, Battalion No 64 in Bongaon, Battalion No 76 and 64 in Gaighata, Battalion No 76 and 144 in Swarupnagar. In those areas BSF dominate the area and put unreasonable restriction in movement and daily affairs of the villagers. From Bagdah to Hemnagar there are eight Blocks and nine Police Stations. The villagers in those thickly populated stretches of the border demand that the border fencing should be constructed at the actual border instead of inside vilages. But the BSF authority did not pay any heed to their requests. The villagers have been waiting for proper redressal of their problems which is unheard till date.



MASUM want to draw attention through this complaint over the continuous infringement on the livelihood activities of villagers of Pipli village by the Border Security Force (BSF) personnel of Pipli BSF -Border Outpost of BSF Battalion No.64, under Gaighata Police Station in North 24 Parganas District; West Bengal. It was revealed that the indiscriminate torture and harassment took place over innocent villagers' who are mostly religious minority Muslims at Pipli village. On 22.02.2018 the villagers submitted a written and signed petition to the District Magistrate of North 24 Parganas, but till date no response and corrective measure has been taken; which prompted me to attract your kind attention over the issue. I am attaching herewith the list of signatories of the memorandum with details. The livelihood option is shrinking in the border areas of North 24 Parganas, West Bengal as the majority of the population depend on agriculture for their living whereas a few number of villagers earn their livelihood by fishing on the river Ichamati. The day to day lives of the people are with fear and deprivation with minimum guarantee for livelihood. In Indian part of the border majority of the people are living in penury without or minimum administrative or governmental deliverance. In this circumstances the posted BSF personnel creating hazards and hindrances for regular agrarian activities. The problem related with demarcation of border is one of the major issue to reckon with, so far no consolidated border has been demarcated and people has to cross over the fence or border out post to reach their agrarian fields for harvesting and cultivation. The fence is open for one hour

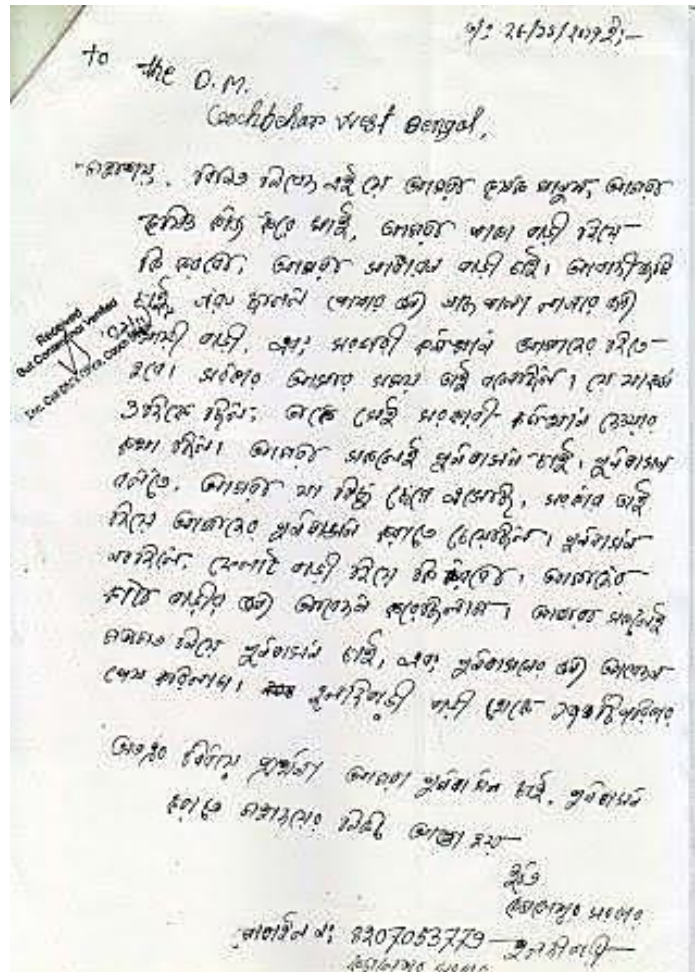
twice or thrice a day and the villagers have to mortgage their citizenship identities to posted personnel of BSF during this time only. The administration or BSF are deciding the timings for entry and exit from their own land. BSF officials misbehave with women passing lewd comments with sexual content for fun and they cross the gate for cultivation. Farmers engage to cultivate, use pesticide and fertilizer to protect the crop but BSF officials obstruct them carrying any kind of fertilizer or pesticide. Farmers owning the land being harassed and restricted to visit their own land and even threatened and abused. BSF of the camp are deciding the timings for entry and exit from farmland according their whims and fancies. The agrarian populace has to submit their citizenship identities to posted personnel of BSF when they go to their own agrarian fields for harvesting and cultivation. Due to this unjustified restriction, the poor farmers only cultivate the land as per B.S.F. prescribed timing and meeting financial loss. If any of the farmers reach the outpost late, then their identity document has taken off and damaged. There are sizeable amount of land without proper guard at night. Even the Bangladeshi miscreants illegally enter the farm land and theft and damage their crop; therefore, the farmers incur financial loss. The weather in the area between the months of April and July is perfect to cultivate jute banana, sesame etc. but BSF obstruct farmers to cultivate these crops.

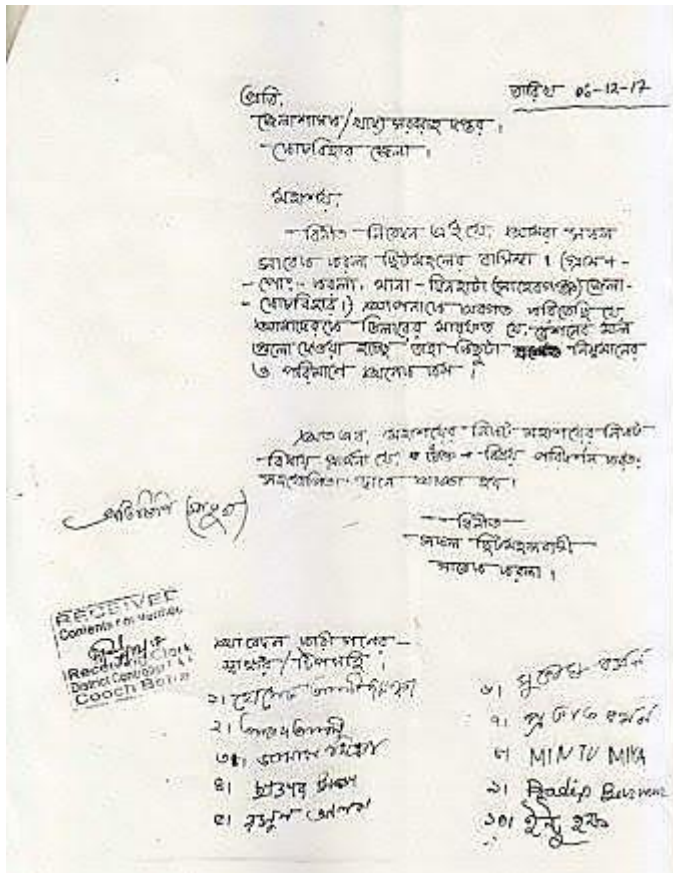
B.S.F. never planned to shift their outpost from village to actual border which is the main demand of the local populace. Central Public Works Department (CPWD) constructed the fence 400-500 meters inside the Indian territory from actual border. Local people made demand that the fence must be constructed within 150 meters

from the actual border line (zero point). Villagers of Pipli submitted their petitions to the Chief Minister on 19.12.2016, Local Member of Parliament on 12.04.2016, The Additional District Magistrate and Land Reforms Office on 02.03.2016, the BSF Company Commander, Tentulberia Border Out Post on 04.03.2016, The Block Development Officer, Gaighata and local Panchayat Pradhan on 02.03.2016 but in vain.

Details on marginalization of enclave dwellers

The complaint was on overall marginalization of a group of people who are still being neglected and deprived from their basic rights. The populace is either erstwhile Bangladeshi enclave dwellers or the persons shifted from Indian erstwhile enclaves to rehabilitation camps at Indian territory. After the Land Boundary Agreement 2015 a large number of populace who lived in erstwhile Indian enclaves situated in Bangladesh decided to come to India. In the month of November 2015 Government of India arranged their living at the three rehabilitation camps at Dinhat, Mekhliganj and Haldibari in Cooch Behar district of West Bengal. At that time Government of India promised plenty to them like their permanent rehabilitation, full compensation of their property and fulfillment of their livelihood requirements etc. More than 2 years have been passed but the situations for them worsened. Still they are struggling to meet their basic livelihood requirements. The situation gets aggravated when they were being deprived off their fundamental identity of oppressed and marginalized. Few months ago the habitats of the Haldibari rehabilitation camp came to know that the district administration finalized the place of their permanent rehabilitation. After knowing that when they visited at that place they found that the construction work already been started. They also came to know that the district administration planned to give them flats for their permanent rehabilitation. These people are mainly villagers. Most of them worked as farmer before their migration. The populace is predominantly agrarian rural gentry and used to live in villages not in urban surroundings in non- spacious apartments. All they want a hut and piece of land for agrarian activities. They shown their reluctance to settle in place earmarked by the administration for their living. Further, the district administration never initiated any dialogue with the erstwhile enclave dwellers for their rehabilitation and compensation. After almost 2 years of their arrival Government took some steps about their permanent rehabilitation but never discussed the issue with the migrated enclave dwellers; which is mandatory according the rehabilitation and resettlement policy of the Indian government. Till date the provincial and central governments kept mum on compensation issue. Now these residents of the said camp feeling frustrated. Out of severe depression some of them want to return back to their places in Bangladesh. On 28.11.2017 these erstwhile enclave dwellers submitted a petition before the District Magistrate of Cooch Behar, mentioning their concerns but like previous pleas, they did not even receive a reply from the administration.





The complaint was 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-I under Dinhat II Block of Cooch Behar district, are living with great disappointment and hopelessness as rights and social security entitlements are still not delivered to them. The enclave dwellers were always being denied of ration cards under Public Delivery System, due to their non- citizenship status before 2015. After the Land Boundary Agreement (LBA 2015) between India and Bangladesh, the villagers (Karola-I enclave) made subsequent written petitions before the Block Development Officer and Sub Divisional Officer for immediate issuance of ration cards. After ignored by the administrative officer at block and sub divisional level, they lodged a complaint before the office of the District Magistrate of Cooch Behar on 20.10.2016. But that too not responded. Then after almost 3 months from that date the ration cards were distributed and after another 3 months of the ration card distribution, they received ration through the ration cards. From administrative level it was decided that total 35 kilogram of food grains will be distributed to every family of erstwhile Bangladeshi enclave dwellers. In the beginning 15 kilogram of Rice and 20 packets of flour were

distributed where each packet containing 1 kilogram. From our fact finding it was revealed that the wheat's packet containing 750 gram of flour instead of 1 kilogram. After few days the dealers distributed 16 packets of flour instead of 20. Erstwhile enclave dwellers questioned about this unfair distribution. But involved ration dealers replied by saying that they should be thankful for what they were getting. After getting less rations in every month those helpless people decided to inform it to the District Magistrate, Cooch Behar. On 06.12.2017 they lodged a petition before the District Magistrate, Cooch Behar. But till date they did not receive even response from the district administration and the mischief and irregularities on ration distribution continued.

Details on forcible land acquisition

This present complaint was in the matter of forcible dispossession of the farmers from their respective lands without due process of law and it is revealed during the fact finding that the victim farmers have their landed property under Mouja-Akalpur, JL no.17, Block-Gazole, Police Station-Gazole, District-Maldah, West Bengal. They have their respective lands under different Dag (Plot) numbers under Akalpur Mouja. They are owners and occupiers of their respective lands under the said Mouja and total area of land measures about 60 Acres. They have been dependent upon those lands for their livelihood by cultivation from generation to generation. The victims claimed that they have primary documents such as title deeds, Parcha(Mutation papers), Khajna



receipts(Tax receipts) and other documents to show their record of rights as owners as well as possessors in respect to their lands. In the month of January, 2016 the victims became land losers when one private concern namely Cab Engineering Company Pvt. Ltd. forcibly grabbed their lands without any prior notice. The men and agents of the said private company started digging on the lands of the victims. The victims asked them about the reason for such illegal activity, but they were told that the lands belong to government and the victims have been illegally occupying those lands. The victims were also forbidden from doing any cultivation works and they were threatened of police action against them if they dared to do any cultivation. On 08.02.2016 the victims submitted a

written complaint stating the above stated incident to the Block Land & Land Revenue Officer, Gazole and on the same day a similar written complaint was also submitted before the Officer-in-Charge of Gazole Police Station. The victims stated that in spite of receipt of those complaints, the authorities did not take any action for protecting their interest, rights, title over their lands. They stated that the authorities even did not bother to initiate an enquiry into the matter. Copy of the complaint attached Again on 29.02.2016, the victims submitted a written complaint before the Block Development Officer, Gazole stating the above stated incident. But again the authority did not take any action to resolve their problems. The victims stated that their lands submerged into water due to indiscriminate digging. They started to raise fish and fish siddlings in the said lands by buying necessary resources. Later in the month of October, 2017 they were not allowed to catch fish by the Inspector-in-Charge of Gazole Police Station. When they found that some outsiders started to catch fish, they informed the incident to the Officer-in-Charge of Gazole Police Station, but he showed his ignorance and took no step. The victims have at present no source of their income as they cannot cultivate on their lands and the administration is apathetic to resolve their problems for last two years and still to continue. The circumstanced forced them to work as day labour for their bare survival. Mr. Chandrakanta Das, being the Secretary of "Krishi Jomi Bachao", Maldah District Committee several times submitted written complaints before the district administration seeking proper action to save the interest of the victims on their lands. On 21.03.2016 he submitted a written complaint before the District Magistrate, Malda district stating the plight of the victims. He also submitted a similar written complaint on 04.05.2017 as well as on 02.01.2018 before the Block Development Officer, Gazole. He stated before our fact finding team that the authorities have not taken any just action for resolving the problems of the victims/farmers in spite of having received several complaints and the situation still remained unchanged.

Monthly Legal Activity Report-MASUM, March 2018

On 15.2.2014 Rajib Molla (deceased) from District-Murshidabad died in the custody of Raninagar Police Station. His wife Reba Bibi complained that her husband Rajib Molla was tortured to death by the perpetrator police personnel of Raninagar Police Station. In this matter, she moved before the Hon'ble High Court, Calcutta with the legal assistance provided by MASUM by filing writ petition under Article 226 of the Constitution of India and prayed 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 writ petition was disposed of 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. But the compensation amount was not paid within the period of six weeks. In the is regard Ms. Reba Bewa submitted two consecutive petitions before the District Magistrate, Murshidabad urging for disbursement of the compensation amount at the earliest.

Ultimately on 30.03.2018 the compensation amount of Rs.3, 00,000/- through a cheque was given to Ms. Reba Bewa at Raninagar Police Station.

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MASUM made numerous complaints to the National Human Rights Commission and other governmental authorities on the erstwhile enclave dwellers who are still denied of proper rehabilitation, compensation and other basic citizenry rights. The National Human Rights Commission has already taken cognizance of such complaints of MASUM.

In the Month of March, 2018, the representatives of MASUM have visited the areas of erstwhile enclaves in Cooch Behar district and two persons namely Mr. Kachua Barman and Mr. Md. Umar Faruk from Dinhata Settlement Camp in writing sought for legal assistance from MASUM stating their appalling condition of living in settlement camp for last two years where they including others erstwhile enclave dwellers residing in three settlement camps have denied permanent rehabilitation and compensation. In this regard they have expressed to move before the court of law with the legal assistance from MASUM and our organization has also expressed consent to provide them legal assistance in this regard.

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In the month of November, 2017 the following two Writ Petitions were 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 being no.29457/2017** 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. He 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.

Another Writ Petition no.29456/2017 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.

The conducting advocate of the above stated two writ petitions withdrew the writ petitions without giving any information to the petitioners as well as to our organisation. Our organisation conveyed its strong objection to the conducting advocate for such clandestine move to withdraw the writ petitions without taking any consent from the petitioners. The petitioners Mr. Alamgir Gazi and Ms. Jharna Khatun Bibi sent written communication to the conducting advocate raising their protest of withdrawing the writ petitioners without their consent and in absence to their knowledge. In response through letter dated 15.03.2018 the conducting advocate inter alia informed that under overwhelming circumstances at the time of hearing the writ petitions were withdrawn but fresh writ petitions can be filed on the self same subject once again and the conducting advocate expressed to render necessary assistance in this regard. Our organisation is planning to render legal assistance to the petitioners Mr. Alamgir Gazi and Ms. Jharna Khatun Bibi afresh.

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Ms. Malati Tikadar, Mr. Ranjit Das, Ms. Roma Bibi, Mr. Omar Ali Gazi and Momena Bibi from district North 24 Parganas are all victims of torture in the hands of the perpetrator BSF personnel.

In the matter of Ms. Momena Bibi, an FIR vide Swarupnagar Police Station Case no.325/2016 was registered against the accused BSF personnel.

In the matter of Ms. Malati Tikadar, an FIR vide Swarupnagar Police Station Case no.622/2015 was registered against the accused BSF personnel.

In the matter of Ms. Roma Bibi, an FIR vide GR Case no.1115/2016 was registered against the accused BSF personnel at Swarupnagar Police Station.

In the matter of Mr. Ranjit Das, an FIR vide Swarupnagar Police Station Case no.01/2016 was registered against the accused BSF personnel.

In the matter of Mr. Omar Ali Gazi, an FIR vide Swarupnagar Police Station Case no.314/2016 was registered against the accused BSF personnel.

It is relevant here to mention that the police of Swarupnagar Police Station submitted charge sheet against the accused BSF personnel in Swarupnagar Police Station Case no.01/2016 and Swarupnagar Police Station Case no.314/2016.

The judicial record in connection with the above stated cases went missing from the G.R.O. which functions under the charge of the Chief Judicial Magistrate in the district court and Additional Chief Judicial Magistrate in Sub-Divisional Court. It is a matter of grave concern and painful to note here the apathy and breakdown of our judicial system where due to lack of proper vigilance from the concerned magistrates the case records went missing from the G.R.O. (Government Record Office) under the respective court which sets another example for delayed judicial process and lack of accountability.

Under the circumstances, MASUM decided to render necessary legal assistance to the above stated victims being the de-facto complainants of the above stated criminal cases. According the pro-bono advocate from our organisation filed respective application in writing before concerned Additional Judicial Magistrate Court, Basirhat having jurisdiction on the said cases, stating that in spite of several attempts the case records remained untraced for long period. The Advocate made prayer before the Court for tracing out the case records. Accordingly the prayer was allowed and ultimately on the direction of the Court the case records were traced out. There are other numerous cases of the victims of torture whose case records have been still remained untraced. Our organisation decided to lodge definite complaint before the higher administrative authority under the Court of Law in this regard by compiling information of such case records.

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During the month of March, 2018, MASUM provided Legal support to the following respective victims of torture who filed criminal cases against the perpetrators

In district Murshidabad Ms. Rima Bewa filed a criminal case against the accused BSF personnel on the alleged killing of her husband Abdus Samad by the accused BSF personnel. The case was filed on 29.03.2018 in the Court of Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

Ms. Saifora Bewa also filed a criminal case against the accused BSF personnel on the alleged killing of her husband Ainul Sk. by the accused BSF personnel. The criminal case was filed on 29.03.2018 before the Additional Chief Judicial Magistrate Court, Lalbagh, Murshidabad.

Mr. Jaharlal Seikh is victim of torture and custodial violence in the hands of the perpetrator BSF personnel which happened on 01.06.2017. The incident amounts to commission of cognizable offences by the accused BSF personnel, but the Superintendent of Police, Murshidabad did not take any legal action in spite of receiving written complaint from Mr. Jaharlal Seikh. He therefore filed one criminal case before the Additional Chief Judicial Magistrate Court, Lalbagh against the accused BSF personnel on 29.03.2018.

Mr. Babar Ali is also a victim of torture and custodial violence in the hands of the perpetrator/accused BSF personnel. The incident happened on 31.12.2017. The Superintendent of Police, Murshidabad did not take any action in spite receiving written complaint from Mr. Babr Ali. He therefore filed one criminal case before the Additional Chief Judicial Magistrate Court, Lalbagh against the accused BSF personnel on 27.03.2018.

Besides the above stated important legal activities, MASUM through its pro-bono advocates provided legal assistance in the pending criminal case against the victims and also in the criminal cases lodged by the victims against the perpetrators accused of committing torture and custodial violence upon them.

ADVOCACY, SENSITISATION AND CAMPAIGN

Four consecutive meetings on Early Marriage of Girl Child were held on 3rd, 7th, 14th and 31st March 2018 at Begampur, Mohongunj, Bhagirath and Lochonpur respectively. The meetings were attended by Gram Panchayet members, ASHA workers, local health workers, students and village womenfolk. Ms. Safinaz Nasreen from MASUM was the speaker on these meetings.



On 8th March 2018, MASUM observed International Women's Day with other social, civil and women rights groups. At Kolkata, a sit-in, mass meeting followed by procession was organized at Sealdah Railway Station premises by 'Dus Theke Dus Hazar' (ten to ten thousand), a conglomeration of women's rights activists and groups. From MASUM, Mr. Kirity Roy and Ms. Sonali Das and Mr. Mohor Mondal along with women victims of torture by Police and Border Security Force personnel from 24 Parganas (North) participated. Mr. Roy and Mr. Mondal addressed the gathering. At Cooch Behar district, MASUM observed International Women's Day at erstwhile enclave Karola with Pramila Bahini; an association of women from erstwhile enclaves. Around 100 women were present at the meeting. Secretary and Chief Coordinator of Alipurduar Social Awareness Institute (ASAI); Mr Sushanta Talukdar and Mrs Mala Dev made deliberation. From MASUM, Ms. Tilak Burman, Mr. Ramendra Nath Moitra and Mr. Dippyaman Adhikary made their speeches on women rights and torture by State agencies upon women at India – Bangladesh bordering areas. A street corner meeting was organized by MASUM at Sekhpara of Murshidabad district where a bordering population attended in numbers. Mr. Biplab Mukherjee from MASUM addressed the meeting and discussed about the wraths and apathies of law enforcing agencies; police and BSF with special reference to marginalization and subjugation of women at Indo-Bangladesh border.



On 9th March 2018, MASUM organized an interaction with erosion affected populace of Shibnagar, Akherigunj in Murshidabad district. The interactive session was attended by more than 70 villagers including a large number of women. Mr. Biplab Mukherjee, Mr. Najrul Islam, Mr. Sanjit Mondal and Mr. Soubhik Chakroborty spoke on the occasion. The interaction took a stock of the situation related to erosion and plan for future course of action.



On 18th March 2018, a workshop on 'Custodial Torture & Flaws in Criminal Justice System' was organized at Domkal Law College in Murshidabad district. More than 200 students including retired District Judge, Magistrate, faculties of the Law College and civil society members participated. Mr. Kirty Roy from MASUM was the resource person on the workshop.



On 19th March 2018, Jana Sanhati Kendra, Paschimbanga Khet Majur Samity and Sharmajibi Mahila Samity organized an interactive training on 'fact finding modules for human rights violation incidents' at Badu; Madhyamgram, district- 24 Parganas (North). Mr. Kirity Roy from MASUM was the resource person during the training



On 21st of March 2018, MASUM and BAPU organized a workshop on Child Marriage and other atrocities upon minor girls at the premises of BAPU at Khagra; Murshidabad. The workshop was attended by more than 70 local NGO activists, local media persons, lawyers and District Social Welfare Officer, Superintendent of Silayan Governmental Home for Girls and Anti Trafficking Department of District Police. The workshop discussed the malice with specific reference to Indo- Bangladesh border. Mr. Biplab Mukherjee, Ms, Safinaz Nasreen and Mr. Ramenendra Nath Moitra spoke on the occasion and Mr. Nazrul Islam, Mr. Sanjit Mondal and Mr. Soubhik Chakroborty from MASUM attended the workshop.

On 25th March 2018, MASUM organized an orientation cum planning meeting at Baharampur; Murshidabad on affects of erosion at Murshidabad district's bordering areas. Mr. Kirity Roy, Mr. Ajimuddin Sarkar, Mr. Najrul Islam, Mr. Sanjit Mondal and Mr. Soubhik Chakroborty from MASUM attended the planning meeting. New strategy and work plan with individual responsibility has been discussed and formulated. More than 50 persons came from Bhagabangola, Suti, Raninagar & Jalangi blocks of Murshidabad.



Report of street corner meetings at Cooch Behar on citizenry rights of erstwhile enclave dwellers

In our previous monthly reports we have mentioned that at erstwhile Bangladeshi enclaves, dwellers formed two groups namely "Amra Chitmolobasi" and "Pramila Bahini". These groups are working mainly to press their citizenry rights which were assured by Government of India during Land Boundary Agreement in 2015. In March, 2018 these groups organized a series of street corner meetings at different parts of Cooch Behar to vent out their frustration before the fellow citizenry of neighboring mainland areas. The details of the meeting report are given below:-

Date	Organizers	venue
03.03.2018	Amra Chitmoholbasi and Pramila Bahini of Batrigach erstwhile enclave	Batrigach Market- Dinhata, Coochbehar
04.03.2018	Amra Chitmoholbasi and Pramila Bahini of Karola-1,2 and Shibaprosad Mustafi erstwhile enclave	Natkobari Chowpothi - Dinhata, Coochbehar
	Amra Chitmoholbasi and Pramila Bahini of Karola-1,2 and Shibaprosad Mustafi erstwhile enclave	Debibari Control Hat - Dinhata, Coochbehar
05.03.2018	Amra Chitmoholbasi and Pramila Bahini of Karola-1,2 and Shibaprosad Mustafi erstwhile enclave	Dinhata Chowpothi- Dinhata, Coochbehar
	Amra Chitmoholbasi and Pramila Bahini of Karola-1,2 and Shibaprosad Mustafi erstwhile enclave	Basontir Hat- Dinhata, Coochbehar
	Amra Chitmoholbasi and Pramila Bahini of Karola-1,2 and Shibaprosad Mustafi erstwhile enclave	Burir Hat- Dinhata, Coochbehar
06.03.2018	Amra Chitmoholbasi and Pramila Bahini of Nolgram, Falnapur, Jongra erstwhile enclave	Sitalkuchi Market- Sitalkuchi, Coochbehar
	Amra Chitmoholbasi and Pramila Bahini of Nolgram, Falnapur, Jongra erstwhile enclave	Mathabhanga Chowpothi- Mathabhanga, Coochbehar
	Amra Chitmoholbasi and Pramila Bahini of Kokoyabari and Bhandardaha erstwhile enclave	Chenakata More, Mathabhanga, Coochbehar
07.03.2018	Amra Chitmoholbasi and Pramila Bahini of Balapukuri erstwhile enclave	Mekhliganj chowpothi- Mekhliganj, Coochbehar
	Amra Chitmoholbasi and Pramila Bahini of Dhabalsuti and Panbari erstwhile enclave	Dhapra Market - Mekhliganj, Coochbehar



Street Corner Meetings and Gram Panchayet level Meeting at North 24 Paraganas on various issues of Marginalization and Subjugation at Indo- Bangladesh bordering areas with special reference to construction of Bharatmala Road and related forcible Land Acquisition, Unjust Restriction of Movement of Villagers by BSF and hardships related to border fencing.

2.3.2018

Street Corner Meeting at Sarapul

At Sarapul Bazar a Street corner meeting was held at afternoon. Briefing the work done by MASUM in the field of torture, here speakers emphasized on Governmental attempt for land grabbing t for Bharatmala project. Villagers, traders in this street junction took part and also opined their views on this project.

4.3.2018

Street Corner Meeting at Bithari:

In Bithari, North 24 Paraganas a street corner meeting was organized to focus the recent issues on border. Local people and victims of state torture participated and interacted with ongoing border related disputes. People resisted on recent land grabbing instigation by administration on Bharat Mala project. Gathering was noticeable.

9.3.2018

Street Corner Meeting at Tarali:

This time Taralipur rural market experienced with the Bharatmala project and land grabbing motive for it. Local populace interacted and also shares their experiences.

10.3.2018

Street Corner Meeting at Gopalpur and Panchpota:

Two village level meetings were held at Gopalpur and Panchpota under Gaighata Police Station respectively on morning and evening. At Panchpota crossing people showed their interest on torture and ongoing Bharatmala project.

11.3.2018

Street Corner at Jhaodanga:

Jhaodanga another populated locality under Gaighata Police Station, MASUM arranged a street corner meeting. Villagers experienced land survey for Bharatmala. They protested the survey work and due to that the survey

was not completed. We fixed another date of meeting in another locality in association with the committee of land movement.

21.3.2018

Panchayat Level Meeting at Bispur Gram Panchayet:

Panchayat level meeting was held at Bispur Gram Panchayat under Hingalganj Block on 21.03.2018. Panchayat Pradhan, Panchayat Secretary, Panchayat Members, ICDS Workers, Sikshabandhus took part in the meeting. Ms. Nibedita Das, Panchayat Pradhan expressed her views on border violence whereas Mr. Anarul Haque, Panchayat Secretary spoke about BSF Torture and Smuggling. Mr. Mrinal Kanti Panda, Sikshabandhu discussed on the nexus between smugglers, BSF, Police and Political Leaders in his speech. Ms. Manorama Baidya, ICDS Worker discussed on Child Marriage and School Dropout. Mr. Mohor Ali Mondal, District Human Rights Monitor of North 24 Parganas spoke on how the government brings down oppression upon people living the bordering areas. He also called the house to fight jointly. Mr. Subhrangsu Bhaduri discussed on BSF Torture and how the local villagers suffer due to newly constructed border fence. Border Grid or Bharatmala Project of Central Government was the issue during the interactive session and the participants expressed their views.

23.3.2018

Street Corner at Angrail:

A street corner meeting was organized by MASUM at Ramnagar Road, Angrail, Gaighata, District-North 24 Paraganas on 23.3.18. Here people formed 'Jhaodanga Anchol Krishi Jomi Rokkha Committee' to protest forced occupation of their cultivable land which was said to be demarcated for Bharat Mala project. Despite some local religio-cultural events people gathered here in numbers and took part in interactive session.

24.3.2018-

Meeting with Hingalgunj Gram Panchayet

MASUM arranged a Panchayet level meeting with Hingalgunj Gram Panchayet where members of Gram Panchayet were present. The discussion was focused on minimal deliverances and shrinking livelihood option in bordering villages. MASUM discusses on Bharatmala project and its probable demerits.



COMMUNITY MEETINGS

During this month volunteers of Banglar Manabadhikar Suraksha Mancha organized a number of village level meetings at Cooch Behar. The details of those meetings are given below:-

On 22.03.2018 and 24.03.2018 two village level meetings were held at Karola and Tharaikhana villages respectively. Both these villages were situated under Sahebganj police station, District Cooch Behar. Violation on livelihood rights by the Border Security Force personnel is discussed as the main issue of those meetings. Besides that torture by police and Border Security Force personnel, adverse effect of early marriage, child labor issues were discussed. In both meetings a good number of villagers were present.

From 13.03.2018 to 24.03.2018 total 6 village level meetings were held at different erstwhile Bangladeshi enclaves situated at Cooch Behar. On those meetings erstwhile enclave dwellers narrated the problems regarding faulty developmental activities and plans in erstwhile enclaves. They also planned for pressing their demands. The dates and the venues are as follows:-

13.03.2018 – Kachua

16.03.2018 – Shibaprasad Mustafi

18.03.2018 – Dighaltari

20.03.2018- Paschim Bakalir Chara and Purba Mashaldanga

24.03.2018 – Kachua

Secondary Documentation

Brief report on number of News documentation (on internet version), some important news, March, 2018

1. Communalism in India- 6 News (Uttar Pradesh is top in communal violence-Ei Somoy; 3 Persons killed in West Bengal on Ramnavami festival-ABP)
2. Early Marriage- 4 News (Between Secondary marriage was stopped-ABP; Girl trafficking on the name of marriage at Kharibari-ABP)
3. Custodial Death-1 (Death of an old prisoner of Maldah Jail at Kolkata-Uttar Banga Sangbad)
4. Fundamental rights-2 news (Data breach by Face Book-Observer; Pension is a right, not subsidy, how can you link Adhar to it, asks Supreme Court of India- Times of India)
5. Gorkhaland Movement- 2 (Existence of Bimal Gurung will eliminate says Binoy Tamang-ABP)
6. HRD-1 (Journalist killed in Madya Pradesh who was vocal against Police-Mafia nexus-Ei Somoy)
7. Environmental Pollution-5 (Arsenic Contamination: Despite different projects Arsenic continues at Gaighata-ABP)
8. Mass Movement-8 (Farmers rally at Mumbai-TOI, The Hindu; CM again threatened people of Bhabadighi-ABP)
9. Religious terror- 8 (Ramnavami terror in Bihar, West Bengal- UNI, Indians killed in Masul was disclosed by Foreign Minister-Business Standard)
10. Right to Education- 4 (Half buses booked for TMC meeting, examinees are in trouble-ABP)
11. Right to Health- 6 (No Psychologist, IQ test is stopped in North Bengal Medical College-ABP; After Chief Ministers order Morgue was cleaned at Bankura-ABP)
12. Violence against Women- 2 (Women were beaten at Kaharpara, Matia for protesting against wine shop-ABP)

MASUM documented important media reports related to human rights abuses published in 11 regional as well as national newspapers during the month of March 2018. During this period 2 incidents of police torture from West Bengal have been documented. 5 media reports on violence against women have been documented for the month, 9 incidents of child rights violations recorded during this timeframe. 6 media reports on Gorkhaland movement have been documented and 1 report on trafficking, 1 on border issue, 1 on Rohingya Refugees and 7 on delinquencies of Criminal Justice System have been documented.