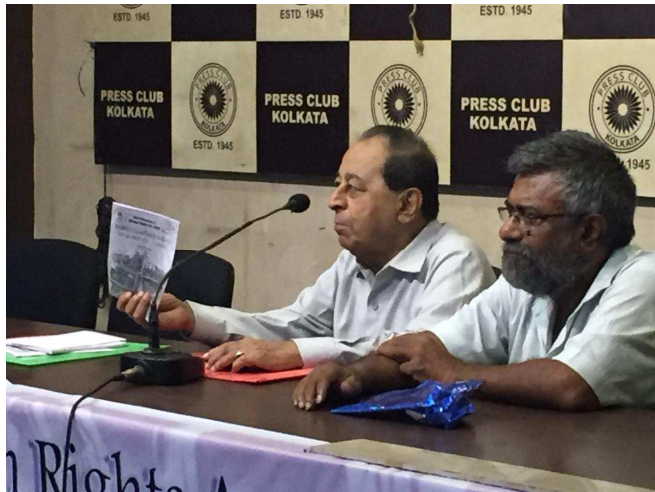


Miles to go



Monthly Report September - 2018

Banglar Manabadhikar Suraksha Mancha (MASUM)

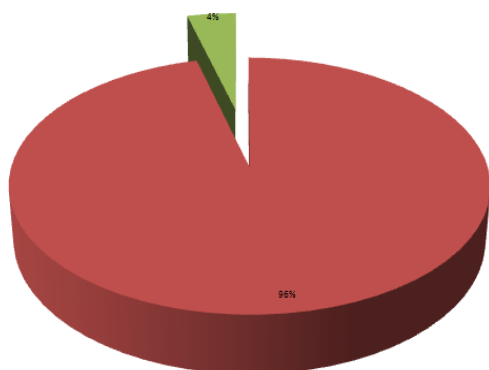


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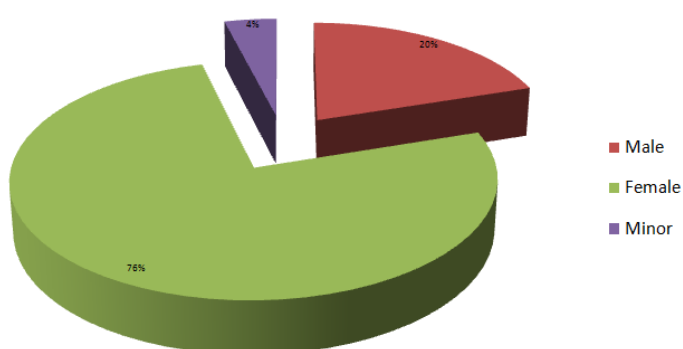
Banglar Manabadhikar Surakksha Mancha (MASUM) made 19 complaints before the relevant authorities and human rights institutions; especially National Human Rights Commission during the month of September 2018, during the period 10 replies (we share our opinions and observations over the proceedings of NHRC) and 2 updates (subsequent happenings after the original complaint) (NHRC Case no.332/25/15/2016-PF & Illiyas Seikh Case, the original complaint has not been accepted by NHRC) have been made to the National Human Rights Commission. Out of 19 complaints; one complaint was on enforced disappearance, two on torture committed by Border Security Force personnel, one on torture committed by police, two on illegal detention of Bangladeshi women, four on illegitimate restrictions by BSF, two on illegal roping and handcuffing during production, one on seeking compensation against extra judicial execution committed by BSF, one on enforced migration and death due to unsafe work condition, three on violation against women and subsequent police inaction and two on overall marginalization of erstwhile enclaves. In complaints on BSF restrictions, situation of erstwhile enclaves and illegal handcuffing, the victimization was collective and does not reflect in demographic and social classification of victims. Total numbers of victims in individual complaints were 25; out of that 24 were Muslims and 1 belongs to Schedule Caste Hindu community. 5 were males, 19 females and 1 minor.

Social Classification

■ Muslim ■ Scheduled Caste



Demographic Classification

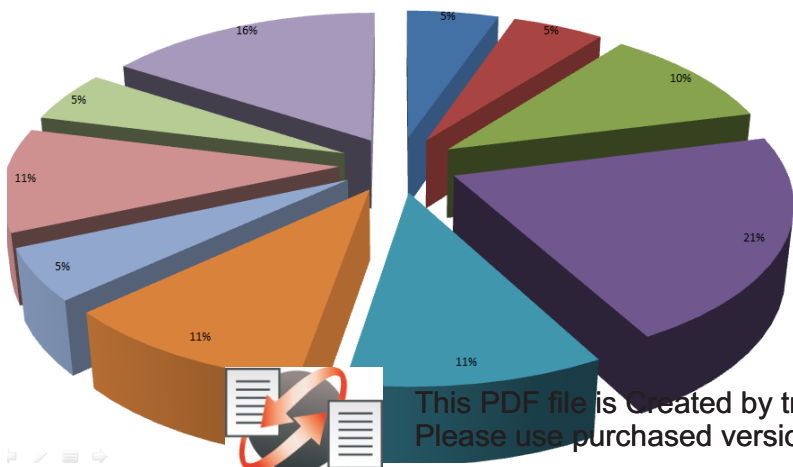


Social Classification	
Muslim	24
Scheduled Caste	1

Demographic Classification	
Male	5
Female	19
Minor	1

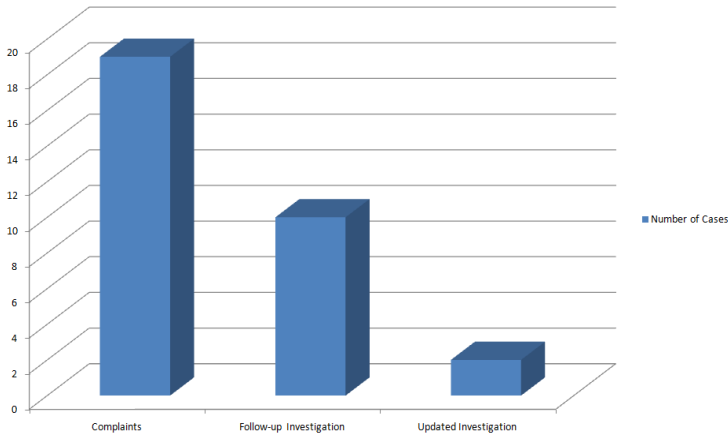
Type of cases

■ Enforced Disappearance ■ Extra Judicial Killing
 ■ Illegal Detention of Bangladeshi Women and children ■ Illegal restriction by Border Security Force personnel
 ■ Illegal roping and handcuffing ■ Overall marginalization at erstwhile Enclave
 ■ Police Torture ■ Torture by Border Security Force personnel
 ■ Unsafe Migration, hazardous work condition, claiming life and injury ■ Violence against women and police acquiescence



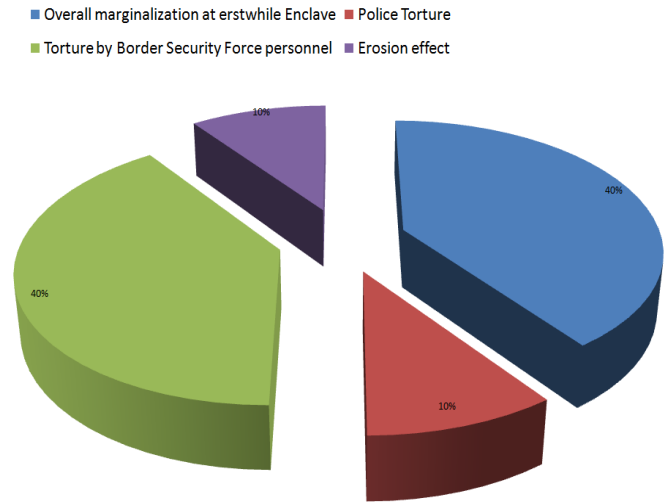
Type of Cases	Number of Cases
Enforced Disappearance	1
Extra Judicial Killing	1
Illegal Detention of Bangladeshi Women and children	2
Illegal restriction by Border Security Force personnel	4
Illegal roping and handcuffing	2
Overall marginalization at erstwhile Enclave	2
Police Torture	1
Torture by Border Security Force personnel	2
Unsafe Migration, hazardous work condition, claiming life and injury	1
Violence against women and police acquiescence	3

Communicative Interactions with HRIs



Communicative Interactions with HRIs	Number of Cases
Complaints	19
Follow-up Investigation	10
Updated Investigation	2

Type of Follow-up on Proceedings



Type of Follow-up Investigation	Number of Cases
Overall marginalization at erstwhile Enclave	4
Police Torture	1
Torture by Border Security Force personnel	4
Erosion effect	1

Torture, Enforced Disappearance, Extra Judicial Killings and other flaws in Criminal Justice System

Enforced Disappearance

Mr. Obaidul Seikh, son of Mr. Jakir Hosein, aged 28 years, illiterate, agrarian labour, belongs to Muslim community, a resident of village- Char Gopalpur, post office- Maricha under Islampur Police Station of Murshidabad district, West Bengal and **Mr. Manoar Hosein**, son of Mr. Rajjak Seikh. Aged 19 years, primary school passed, agrarian labour, belongs to Muslim community, a resident of village- Char

Gopalpur, post office- Maricha under Islampur Police Station of Murshidabad district, West Bengal were belonging to socio- economically deprived section. Both were agrarian labours and without any piece of land to cultivate. Both the families own only dwellings on their own and the families received governmental assistance to built concrete buildings as dwelling. The families belong to Bellow Poverty Line category and enlisted under Food Security Scheme. Both the victims posses Adhar Cards and EPIC cards on their name with other family members. On 30.08.2018 at around 5.00 A.M, both of them went to the agrarian field at the mentioned area to cut and collect grass as fodder for their domestic cattle. It was reported that on previous night, a huge number of buffaloes were transported and smuggled out to Bangladesh from Indian side. At around 5.30 A.M nearly 20-25 BSF personnel came to the spot through a black coloured motorized BSF boat. Here it should be mentioned that the place of occurrence is just at the bank of the river Padma. The BSF personnel suddenly tied the hands and feet of the victims and

started beating them with fists and sticks carried by them. Then the victims were dragged to the stationed boat by the BSF personnel. The BSF personnel lifted the victims on their parked boat and next BSF personnel left the place in their motorized boat. After an hour, the BSF personnel returned to the place but the victims were not with them. Mr. Firoz Seikh; son of Mr. Alap Seikh, a 19 year old youth of Char Gopalpur post office- Maricha under Islampur Police Station of Murshidabad district, West Bengal, the co- villa victims, witnessed the whole incident; the capturing of the victims by the BSF



personnel, physical torture upon them, and tying and lifting of them to the BSF boat. He further informed that he heard screaming of the victims while they were dragged to the stationed BSF boat. Further, he added that he heard gunshots after the victims were lifted to the BSF boat. It should be mentioned here that the BSF not asking for voter or any other identity documents to visit the place of incident. The families and villagers reported their apprehension that the victims were subsequently shot by the involved BSF personnel and the bodies were thrown to the river Padma to destroy the evidence. Father of Mr. Obaidul Seikh and mother of Mr. Manoar Hosein sent written complaints to the Superintendent of Police; Murshidabad on 06.092018 through registered posts and requested him to recover their sons but till date no adequate action has been taken by the district police.

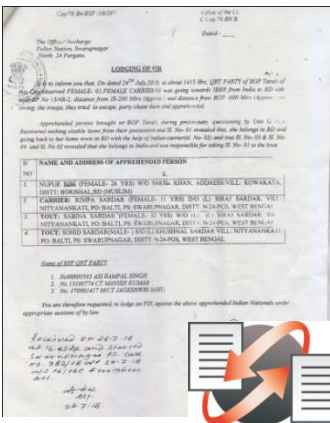
Torture by BSF

Mr. Firoj Sk, son of Mr. Alep Sk, aged about 19 years, by religion- Islam, by occupation-agricultural labourer, residential address at village- Uttar char Gopalpur, Post Office- Moricha, Police Station- Islampur, District: Murshidabad, West Bengal lives with his father Mr. Alep Sk. and mother Ms. Asanur Bibi. The family is a poor Muslim family and they of their own except the dwelling land. The victim is whose monthly income is not more than Rs. at about 8.30am, the victim Mr. Firoj Sk went to a grazing land near BSF Out-Post no.10 under Madanghat BSF Camp to collect grass for the domestic cattle in his house. He went that area for collecting the grass as major part of the locality submerged under water due to rain. In the meantime the on-duty BSF personnel of the BSF Out-Post no.10 under Madanghat BSF Camp were chasing after some Bangladeshi miscreants but they escaped and the BSF personnel could not catch them. Being frustrated and out of suspicion they came before the victim and without asking anything they abused him in filthy languages in Hindi. After that those BSF personnel brutally assaulted him with sticks, rifle butts and shoes. He sustained severe injury on his head, chest, back, hands, legs and other parts of body. He fell down on the ground screaming in pain. After the BSF personnel left the place the local people rescued him and admitted him at Berhampore Medical College & Hospital. But as his condition deteriorated he was referred for admission in hospital in Kolkata. Accordingly he was admitted at SSKM Hospital, Kolkata. He also received medical treatment at Bangur Institute of Neurosciences, Kolkata. During the medical treatment CT Scan of his brain was done and the report revealed “resolving EDH with fracture in left frontal region with scalp haematoma”. The victim is still under medical treatment and yet to gain normal life. The family is facing extreme financial crisis in arranging proper medical treatment of the victim. On 07.09.2018 Mr. Alep Sk father of the victim send a written complaint through registered post disclosing the entire incident to the Superintendent of Police, Murshidabad but till date neither his complaint was acknowledged nor registered as FIR however the complaint disclosed information on commission cognizable offences by the perpetrator BSF personnel.

Handwritten complaint in Bengali script addressed to the Superintendent of Police, Murshidabad, dated 07/09/18. The text describes an incident involving the victim's father and the BSF personnel.

Handwritten note in Bengali script, dated 07/09/18, mentioning a copy forwarded to the Superintendent of Police, Murshidabad, and signed by Shree Ranjan H. Sanyal.

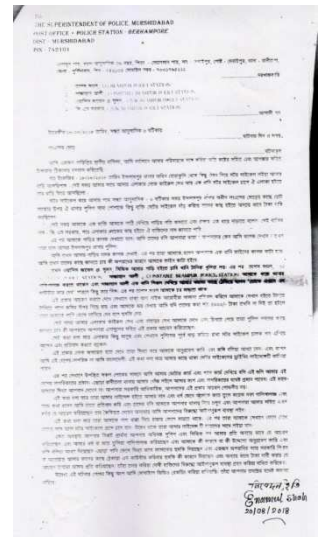
This complaint was regarding an incident of brutal torture upon an 11-year old minor Muslim girl from Nityanandakati village of Swarupnagar police station area in North 24 Parganas district, by the perpetrator Border Security Force personnel of 76 Battalion at Tarali BOP. Ms. Rimpa Sardar, Daughter of Late Siraj Sardar was falsely accused of being a carrier and facilitating cross border movement by the posted Border Security Force personnel and was handed over to Swarupnagar Police Station, where she was charged under Foreigners Act, 1946. The BSF personnel forcibly took her from her house to the Tarali BOP when her mother was not at home and intimidated her by tying her with iron chains. BSF file is closed even trial has initiated. Quick PDF Converter and probably Please use purchased version to remove this message.



scarred Rimpa for her whole life. On the contrary, the BSF on their complaint falsely claimed that the girl was arrested from the place of occurrence; near Border Pillar No.13/4R-2 while she was going towards Bangladesh side with an illegally entered Bangladeshi woman. According to BSF complaint; on 24.07.2018, at around 14:15 hours Border Security Force personnel from Tarali BOP, 76 Battalion, Swarupnagar, arrested Bangladeshi national Ms. Nupur Bibi, wife of Shakil Khan, age- 26 years, residential address:- village-Kowakata, District- Barishal of Bangladesh along with Mr. Sohid Sardar, Son of Khusnal Sardar, age- 35 years, residential address:- village-Nityanandakati, P.O. – Balti, P.S. – Swarupnagar, District- north 24 Parganas, West Bengal, with the allegations that Nupur was illegally crossing the Indo-Bangladesh border and Sohid being a tout was facilitating the cross-border movement. The incident was as follows; at around 10:30 am few BSF personnel from Tarali BOP came into the house of 11-year old Ms. Rimpa Sardar. At that time the victim, Rimpa, was only with her sisters, Sarifa (17) and Arifa (15) in her house with no elder member of the family present. Their mother, Sabina Sardar (also an accused of the same case) was at a bank in Duttapara during the time of incident. The perpetrator BSF personnel reportedly took Rimpa from her house forcibly to Tarali BOP. When her sisters tried to stop the BSF personnel from taking Rimpa, they were beaten up as well. It has to be noted that during this incident no lady BSF personnel were present with the force and the minor girl was taken by male BSF personnel. After being taken to the Tarali BOP, Rimpa Sardar was tied with iron shackles by her feet. The minor victim girl is still in trauma from the incident as she was conducted with most brutal treatment from the perpetrator BSF personnel of Tarali BOP. Later at around 4:45 pm she was handed over to Swarupnagar police station by the BSF, who in their complaint stated that Rimpa was arrested at around 2:00 pm for being involved in illegal cross border movement along with the other victims, Nupur Bibi and Sohid Sardar (SwarupNagar PS Case No. 382/18 dated 24.07.2018) . She was held inside Swarupnagar police lock-up for the night and sent to the Juvenile Court in Salt Lake, Kolkata on the next day, where she was released by the Court the next day. Later when her mother, Sabina Sardar went to the Swarupnagar Police Station to ask about her daughter, the Swarupnagar police threatened to arrest her by saying that she is one of the accused in the case as well, as the BSF has charged her of being a tout. Sabina got bail from the Bashirhat ACJM court on 27.08.2018.

Police Torture

Mr. Enamul Shah son of Mr. Soleman Shah aged about 38 years, Muslim, a graduate and working as labour, resident of village- Debaipur under Rantala Police Station, District- Murshidabad, West Bengal belongs to a landless Muslim family. His family does not own any piece of land and lives in a mud house. He belongs to Bellow Poverty Line category and possesses the card for the same along with Epic card and ADHAR card. On 18.08.2018, he was returning through his motor cycle, having registration number WB58- T3231, from Borakuli under Islampur Police Station to his home after purchasing few medicines for his family. At around 6.00 PM, Mr. Tapas Mondal; Assistant Sub Inspector, Mr. Sajahan Ali; Police Constable, Mr. Wasim Javed @ Suman; Civic Police and Mr. G.M Sarkar; Civic police, all attached with Islampur Police Station, District- Murshidabad, West Bengal obstructed his movement at Layeser More under Islampur Police Station. All the police personnel were in civil attire and not in their uniform. The victim found that the police personnel were stopping the motorcycles at the spot and illegally extracting money from the riders. The lathi yielding police person who obstruct the movement was later identified by the victim from other locales as Mr. G.M Sarkar; Civic Police from Islampur Police Station. The police personnel in civil attire asked the victim to show his documents for motorcycle and other credentials. Enamul questioned their credential as they were not in their uniform by saying ‘why I would show the documents to you’? At that time only the present police personnel introduced them as they are police personnel from Islampur Police Station. The victim then showed all the relevant documents to above mentioned police personnel. Just after scrutinizing the documents, the police personnel asked him to pay the fine. Enamul refused to pay the fine; the police personnel threatened to arrest him if he does not pay the fine. Enamul was forced to pay the fine; the police personnel threatened to arrest him if he does not pay the fine. Enamul was forced to pay the fine; the police personnel threatened to arrest him if he does not pay the fine.



shocked Enamul told them why I would pay fine as I possess all the relevant vehicle documents with me and I have already showed it to you. This statement made the police personnel furious and Mr. Wasim Javed @ Suman then and there snatched the key of Enamul's motorcycle. Subsequently, Mr. Tapas Mondal; the Assistant Sub Inspector and Mr. Sajahan Ali; the Constable started abusing him verbally with sexual connotation referring his parents and Mr. Sajahan Ali had put a pistol on his ear and said 'do whatever you can do but I will encounter you'. Thereafter, Mr. Tapas Mondal started kicking and slapping him with filthiest verbal abuses. The other stranded motorcycle riders gathered around the police personnel and the victim after observing this extreme highhandedness by police and they started protesting the police actions. Then the victim was whisked away a few yards by the police personnel and then the police personnel demanded Rs. 5000 and warned the victim if he does not pay the same amount; he will be falsely implicated in criminal cases related to Narcotics and Psychotropic Substances Act. At that moment, Mr. Kairul Seikh and Mr. Bahadur Seikh, both co-villagers of the victim were present at the spot and started protesting illegal activities of police and their protest drew the attention of other passerby and they also questioned the police action. The protest by the passersby's forced to change the stance of the involved police personnel and then they started blaming Enamul as Bangladeshi intruder having involvement with terrorism. Enamul reacted and told the police personnel that he is an Indian citizen, after hearing the same, the police personnel snatched and confiscated Enamul's driving license. The involved police personnel then started verbally abusing him referring his religious identity after identified him as Muslim through his driving license. Enamul also showed his PAN Card and EPIC card in full public view. The involved police personnel were enraged after Enamul protested their action and in vengeance pinned him down to the ground and indiscriminately slapped, punched and kicked him. The police personnel then left the place by their motorcycles. On 20.08.2018, Mr. Enamul Shah submitted a written complaint before the Superintendent of Police; Murshidabad district through registered post but till date no action have been taken.

Illegal Handcuffing & Roping

Our fact findings show the continuance of illegal practice of handcuffing of the detainees and roping or chaining them. On 06.07.2018, some trial prisoners were produced at the compound of Berhampore District Judges Court, District- Murshidabad, West Bengal by police personnel and those prisoners were tied up with rope on their waist. The evidence attached with this present complaint confirms the incident. Again on 03.09.2018 at about 11.28 am some under trial prisoners were tied up with rope on their waist

and produced at Berhampore Murshidabad. As a matter of produce such Undertrial under handcuffed or tied with entering into the court room rope. Then again such handcuff and rope when they Our organization has already the Commission with that handcuffing and tying up prevail in routine manner in observation of the Apex Court



District Judges Court, District-practice the police personnel Prisoners in the court compound rope on their waist but before they remove such handcuff and Undertrial prisoners are tied with come outside of the court room. submitted several complaints before documentary evidences to show the detainees with rope continues to West Bengal in spite of the that the violations of directives on

handcuffing by any rank of police officer or member of the jail establishment to be punishable under the Contempt of Court Act 1971 in addition to other provisions of the law. It has been specifically emphasized that the use of handcuffs or leg chains should be avoided and if at all, it should be resorted to strictly in accordance with the law repeatedly explained and mandated in judgment of the Apex Court in Prem Shanker Shukla –Versus- Delhi Administration as reported in (1980) 3 SCC 526 and Citizen for Democracy –Versus- State of Assam as reported in (1995) 3 SCC 743. But it appears that the law enforcement agencies are not paying any heed to comply the guidelines issued by the Apex Court and they have been routinely putting handcuffs and ropes on the detainees. Under the Goal 16 of SDG by United Nations it is directed to all states to promote peaceful and inclusive societies for sustainable



development and provide access to justice for all and the same is applicable even for an under trial prisoners.

On August 24, 2018 at around 4:45 pm it has been noticed that many prisoners, who were taken to the court through prison van from the Government Record Office of Malda District court, were tied with rope by their hands and waist. The accused were escorted by the police to the prison van stationed in front of the Government Record Office. It is a pitiful sight to witness the process of dragging the under trial prisoners in front of their family, relatives and children inside court premises. As stated by our fact finding team the under trial prisoners of various cases are being treated with utter humiliation inside the Malda District and Session Judge's court campus. These prisoners are taken to the trial room with handcuffs on. The practice is not limited to this court but rather common in majority of the courts of West Bengal.

Illegal detention of Bangladeshi women

This was a complaint in continuance regarding detention of Bangladeshi women and children in West Bengal and accusing them under Foreigners Act, 1946. They treated as criminals and arrested under the Foreigners Act. Though, MASUM by making numerous complaints to the NHRC and other relevant departments tried to bring to fore the on-going malpractice that the authorities including police and Border Security Force do not bother to enquire into whether the women and children crossed the border from Bangladesh to India were the victims of human trafficking or not.

In connection with Swarupnagar Police Station Case no. 382/18 dated 24.07.2018 under section 14 of Foreigners Act the following Bangladeshi woman was arrested:-

(1) Ms. Nupur Bibi, wife of Shakil Khan, age- 26 years, residential address: - village-Kowakata, District-Barishal, Bangladesh.

In connection with Swarupnagar Police Station Case no. 402/18 dated 10.08.2018 under section 14/14C of Foreigners Act the following Bangladeshi women and children were arrested:-

(1) Ms. Pinki Sheikh, wife of Nahid Sheikh, age - 21 years, residential address - village-Habibpur, Police Station - Jagannathpur, District - Sunamganj, Bangladesh

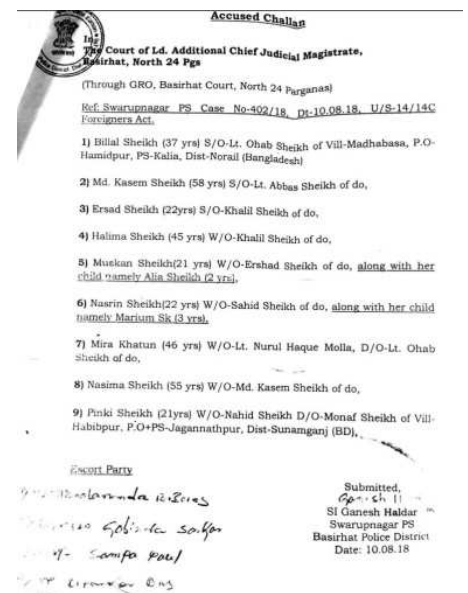
(2) Ms. Nasima Sheikh, wife of Md. Kasem Sheikh, age-55 years, Village - Madhabasa, P.O. – Hamidpur, Police Station-Kalia, District-Norail, Bangladesh

(3) Ms. Mira Khatun, wife of Late Nurul Haque Mollah age-46 years, Village - Madhabasa, P.O. – Hamidpur, Police Station-Kalia, District-Norail, Bangladesh

(4) Ms. Nasrin Sheikh, wife of Sahid Sheikh, age-22 years, Village - Madhabasa, P.O. – Hamidpur, Police Station-Kalia, District-Norail, Bangladesh along with her child Marium Sheikh (3 years)

(5) Ms. Muskan Sheikh, wife of Ershad Sheikh, age-21 years, Village - Madhabasa, P.O. – Hamidpur, Police Station-Kalia, District-Norail, Bangladesh along with her child Alia Sheikh (2 years)

(6) Ms. Halima Sheikh, wife of Md. Khalil Sheikh, age-45 years, Village - Madhabasa, P.O. – Hamidpur, Police Station-Kalia, District-Norail, Bangladesh



The police of Swarupnagar Police Station produced all of them before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas district. The court sent them to Dum Dum Central Correctional Home, for detention.

Our fact finding reveals that the arrested Bangladeshi women and children entered India for the purpose of working in the IT sector. These people are mostly poor and uneducated people with no jobs in Bangladesh. Please use purchased version to remove this message.

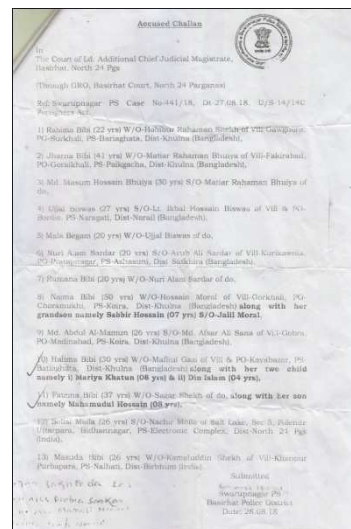


worked as domestic help, construction worker and hotel workers in various locations of India. The victims were trying to return to their home in Bangladesh before Eid festival with the help of local touts, involved in cross border illegal movements (both side of the border), when they were arrested by the Border Security Force (BSF) personnel. Those touts / middlemen / *DHURS* are operating in connivance with border guards of both sides, India and Bangladesh. The Bangladeshi persons arrested were treated as accused under the Foreigners Act and no attempt has been taken up by 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 complaint was for the following Bangladeshi women who were arrested and arrayed as accused persons under section 14 of Foreigners Act.

In connection with Swarupnagar Police Station Case no. 441/2018 dated 27.08.2018 under section 14/14C of Foreigners Act the following Bangladeshi women were arrested:-

- (1) Ms. Rahima Bibi, wife of Habibur Rahman Shekh, age-22 years, residential address:- village-Gawghora, Police Station-Bariaghata, District-Khulna, Bangladesh
- (2) Ms. Jharna Bibi, wife of Matiar Rahman Bhuiya, age-41 years, residential address:- village-Fakirabad, Police Station-Paikgacha, District-Khulna, Bangladesh
- (3) Ms. Mala Begum, wife of Mr. Ujjal Biswas, age-20 years, residential address:- village-Bordia, Police Station-Naragati, District-Narail, Bangladesh
- (4) Ms. Rumana Bibi, wife of Mr. Nuri Alam Sardar, age-20 years, residential address:- village-Kurikawnia, Police Station-Ashasuni, District-Satkhira, Bangladesh
- (5) Ms. Najma Bibi, wife of Mr. Hossain Morol, age-50 years, residential address:- village-Gorkhali, Police Station-Koira, District-Khulna, Bangladesh along with her grandson Sabbir Hossain(age-07 years)
- (6) Halima Bibi, wife of Mafijul Gazi, age-30 years, residential address:- village-Kayabazar, Police Station-Batiaghata, District-Khulna, Bangladesh along with her two children Mariya Khatun(age-08 years) and Din Islam(age-04 years).
- (7) Ms. Fatema Bibi, wife of Mr. Sagar Shekh, age-30 years, residential address:- village-Kayabazar, Police Station-Batiaghata, District-Khulna, Bangladesh along with her son namely Mahamadul Hossain(age-08 years).



In connection with Swarupnagar Police Station Case no. 468/2018 dated 13.09.2018 under section 14 of Foreigners Act the following Bangladeshi woman was arrested:-

- (1) Ms. Murshida Akhter, wife of Mr. Sohel Rana, age-25 years, residential address:- village-Shankarpur, Police Station-Kotwali, District-Jessore, Bangladesh

The police of Swarupnagar Police Station produced all of them and others male persons arrested in connection with the above stated criminal cases before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas. The court sent them to Correctional Home for detention.

It is revealed during the fact finding that those women were arrested while they were trying to go to Bangladesh from India by illegally crossing Indo-Bangladesh border. It is further revealed during the fact finding that they used to do daily labour work in Mumbai. They had come to India with the help of tout for earning living. The Bangladeshi women arrested were treated as accused persons 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. Instead of treating them as the victim of circumstances, the law enforcement officials put them behind the bar by treating them as accused persons. 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.

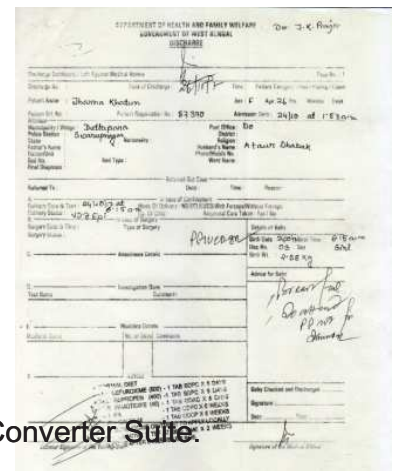


Violence against Women and subsequent police inaction

The complaint was over an incident of trafficking of a minor girl, keeping her in captivity and she was trafficked to Mumbai with false promise of marriage by the trafficker and forcefully engaged her in sex trade. Somehow the girl was able to return back her home and the trafficker was arrested and now in custody. Ms. Khatun (name withheld) (age 17 years 7 months at the time of her abduction), daughter of Mr. Murtuja Sekh, Village Hosen Nagar Polashbati, Post- Kolan Radhakantapur, Police Station- Bhagabangola, District-Murshidabad, West Bengal was trafficked by Mr. Jabbar Absar Mondal, son of Absar Mondal of village Lalnagar Dakhinpara , Post office Fajilnagar under Police Station Thanarpara of Nadia District of West Bengal on the pretext of marrying her. The victim was a minor girl from a poor family believed on his false promise. On 20.5.2018, Ms. Khatun was brought to Mumbai by Mr. Jabbar Absar Mondal and she was stayed put in a hotel. The trafficker and the owner of that hotel came into an agreement and Jabbar forcefully engaged the victim girl in sex work. Jabbar stayed in different rented house during his stay at Mumbai and left her for sex work at the hotel. The girl repeatedly requested Jabbar to start a decent life and told him that, 'it is a bad job, let's start our new life'. But Jabbar refused her proposal and told her, 'you are here for this job only, I am not going to marry you. Betrayed by Jabbar, the girl planned differently and mapped a different escape route from the dragnet of sex trade. After few days she told Jabbar that if she will let to visit her native then she would convince two of her friends to come to Mumbai and get involved in flesh trade and it would increase his income. Convinced by this offer Jabbar planned to get back to her native but threatened her by saying if she tries to escape or settle into her family, he will kill her and her other family members. On 15.6.2018 the girl returned to her home and started living with her parents but after few days, Jabbar repeatedly asked her to return to Mumbai and while she refused, he started pressurizing and intimidating her. Her mother Ms. Parula Bibi made a complaint to the Bhagabangola Police Station and Mr. Jabbar Absar Mondal was arrested; in connection with Bhagabangola PS Case No. 240/2018 dated 19.6.18. He is now in judicial custody. Furious over the arrest and detention, family members of Jabbar Absar Mondal and few unknown persons are continuously intimidating the girl and her family members that they would kill them if the complaint against Jabbar Absar Mondal has not been withdrawn. On 23.7.2018, Ms. Parula Bibi sent letters to the District Protection Officer, Murshidabad and the Superintendent of Police, Murshidabad urging for protection of the girl and her family and punishment for the offenders. But till date no adequate actions have been taken.



Ms. Jharna Khatun from district-North 24 Parganas, West Bengal has been passing her days with her newly born girl child in extreme destitute condition in her mother's house. Her husband refused to take any responsibility of the victim lady and her girl child. He also does not pay any maintenance to them. She was subjected to torture and cruelty by her husband. Her husband works as home guard at Bowbazar Police Station, Kolkata. The victim lady lodged complaint before the local Swarupnagar Police Station stating the entire incident of torture and cruelty committed upon her by her husband, her complaint disclosed information about commission of cognizable offences but the police only issued one GDE number without registering any FIR which is a sheer violation of the guidelines issued by the Apex Court in the judgment passed in the case of *Vijaya v. State of Karnataka*.



Lalita Kumari vs State of U.P. & others (reported in AIR2014SC187). The police did not take any action till date against her husband. The victim suspects that the local police station is reluctant to take any action against her husband as he works in police department. She also lodged complaint before the Commissioner of Police, Kolkata mentioning the entire indents, but again till date no action has been taken on her complaint. Due to prominent police inaction in this present matter the victim lady has been denied of her right to take legal recourse against her husband and this establishes the impunity of the police department in gross violation of human rights of the victim lady. Moreover the concerned Basirhat Municipal Authority refused to issue birth certificate of her daughter. The situation of the victim lady still remains the same. She till date did not get the birth certificate of her daughter from Basirhat Municipality as the authority refused to issue the same in spite of her repeated requests. Moreover, the police department is also inactive to take any legal action against her husband on her complaints. Lastly she lodged a written complaint before the Sub-Divisional Officer, Basirhat but as usual she did not get any response on her complaint till date.

Ms. Archana Mondol, wife of – Mr. Palash Mondol, Village – Harishpur, P.O. – Tentulia, Swarupnagar Police Station, District-North 24 Parganas, West Bengal was married to the accused Mr. Palash Mondol in 2004. Consequently Archana became the mother of two daughters, Nandita and Aradhya. But a while after her marriage, the perpetrator Mr. Palash Mondol and other members of his family started to torture the victim, Ms. Archana Mondol. She was often beaten up severely by Palash inside closed doors and barred from eating. Palash's family members even tried to pour kerosene on her with the purpose of

burning her down. On 10.10.2016, the perpetrator, Mr. Palash Mondol assaulted Archana brutally and drove her out of the house. She was not even allowed to take her daughters with her. When Archana tried to go back to her in-laws house and meet her daughters, she was verbally abused and restricted to enter. Hence, the victim Mrs. Archana Mondol resorted to legal action as she lodged a complaint of torture against her husband and in-laws in Swarupnagar Police Station on 29.12.2016 (Swarupnagar PS Case No.-987 dated 29.12.2016) . Following their usual stance, the Swarupnagar Police Station only issued a slip with the case number instead of proper format with other details. Apart from that, she also filed a petition for maintenance (No. M13/2017) under section 125 of Criminal Procedure Code at Additional Chief Judicial Magistrate Court, Bashirhat praying for maintenance against her husband. Both the cases are still sub-judice before the respective courts. After the cases were lodged, the victim, Ms. Archana Mondol and her paternal family get continuous threats with dire consequences from her husband and in laws. Whenever Archana tried to meet her daughters, she faced severe verbal abuse from Mr. Palash Mondol

and his family. At that time Archana was staying at her aunt's place in Harishpur village. On 24.09.2017, Mr. Alo Mondol, a co-worker of the perpetrator, Mr. Palash Mondol asked the victim, Archana to accompany him as he can make arrangements to meet her daughters. Archana agreed and at around 4:00 pm she went to his in-law's house at Harishpur on Mr. Alo Mondol's bicycle. That was the last time Ms. Archana Mondol was seen in public. As there was no information about Archana; Mr. Subrata Mondol; brother of the victim searched for her everywhere for few days but couldn't find any trace of her. On 19.10.2017, Subrata went to Swarupnagar police station and lodged a missing diary (G.D. No. – 687). Later Subrata along with his parents and few villagers went to the perpetrator, Mr. Palash Mondol's house to try out information about her missing sister but they couldn't provide any satisfactory answer. Subrata and her parents started suspecting that Palash and his family members have conspired and either killed or trafficked out Archana. They lodged a complaint in the Swarupnagar police station against the perpetrators, which was registered as Swarupnagar PS Case no. 844/17 dated: 01/11/17 under section 363 and 365 of the Indian Penal Code. But Swarupnagar police didn't take any action to investigate the matter or to arrest the perpetrators. Subrata went to the police station about five times and asked about the case to the investigating officer of the case, Mr. Chandan Dutta. He said that he is deliberate

To
The Superintendent of Police,
Bashirhat Police District,
North 24-Parganas.

বিষয়ঃ সন্দেহিত মুক্ত পাতকায় বিচারে সুনির্দিষ্ট সিদ্ধান্তের প্রতিকাশ।

Sir,
আমি, তৃপ্ত মঙ্গল মিত্র, বিবেকানন্দ বাস এলাকা, হরিশপুর, পোঃ হরিশপুর, থানা হরিশপুর, কোলা-২৪
২৪ পর্গনার মুক্তি বন্দিনী হইতেছি।

অসহায় আমার বিচারে আবেদন। আমার স্ত্রী ও দুই কন্যা সন্তান, হরিশপুর, পোঃ হরিশপুর, থানা, স্বরূপনগর, কোলা-২৪ ২৪ পর্গনার মুক্তি বন্দিনী। আমার স্ত্রীকে বারম্বার মারাত্মক আঘাত করে এবং আমার দুই কন্যা সন্তানকেও মারাত্মক আঘাত করে। আমার স্ত্রীকে বারম্বার মারাত্মক আঘাত করে এবং আমার দুই কন্যা সন্তানকেও মারাত্মক আঘাত করে। আমার স্ত্রীকে বারম্বার মারাত্মক আঘাত করে এবং আমার দুই কন্যা সন্তানকেও মারাত্মক আঘাত করে।

উক্ত স্ত্রীকে স্বরূপনগর থানায় ডায়েরি করে এবং, আই, চন্দন বাবু। আমার স্ত্রীকে বিচারে চন্দন বাবু সত্ত্বে হিন্দুস্তান বাস দেখা করেছি। সেনা পালশ চন্দন বা। অভিযুক্তদের কারাগারে প্রেরণা করেন নি। প্রেরণা করলে বেটা থেকে মুক্ত হইতাম।

সার, আমার স্ত্রীকে এক বছরে বেশি সময় ধরে কারাগারে রাখা হয়েছে। স্বরূপনগর থানায় ডায়েরি করে এবং, চন্দন বাবু সেনা পালশ চন্দন বা। আমার পতির মৃত্যু বিচারে প্রমাণিত হলে মুক্ত পাতকায় হইতাম।

সার, আপনার স্ত্রীকে আবেদন আমার সন্দেহিত মুক্তি বা মুক্ত হইলে আমার বিচারে বন্দী হইতাম। উক্ত স্ত্রীকে মুক্ত করুন।

তারিখঃ ১ ইংল্যান্ড, ১৭.০৮.১৭

স্বাক্ষর-
সুভ্রত মঙ্গল

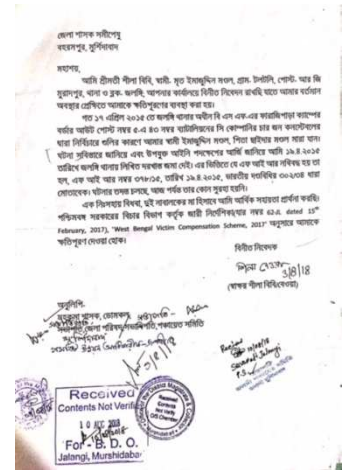
Received by Content not verified
17.08.19
Office of the Superintendent of Police
Bashirhat Police District
North 24 Parganas



the court and there will be no way to find out Archana. Under the circumstances it is evident that the Sub-inspector, Mr. Chandan Dutta is trying to help the accused by not investigating the case properly and suppressing their crime. Subrata therefore lodged a written complaint against the perpetrator Sub-inspector, Mr. Chandan Dutta, to the Superintendent of Police, District of North 24 Parganas on 17.08.2018 informing him regarding the disappearance of his sister, Ms. Archana Mondol and requesting to take necessary action against the perpetrators.

Seeking compensation against extra judicial execution committed by BSF

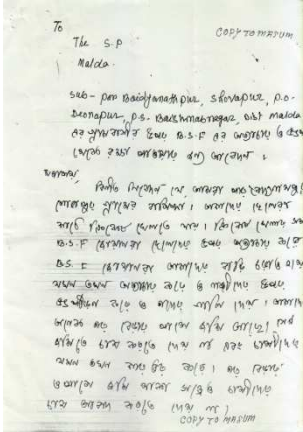
On 29.12.2017 our organisation lodged a complaint before NHRC on the incident of of extra judicial killing of the victim Imajuddin Mandal (deceased) by Border Security Force personnel. The incident took place in Murshidabad district, West Bengal on 17.04.2015. The perpetrator BSF personnel fired on him from close proximity, the deceased victim sustained several gunshot injuries on his body having entry and exit wounds. Ms. Shila Khatun Bibi being the wife of the deceased lodged a complaint to local police station, which was duly registered as an FIR vide Jalangi PS case no 378/15 dated 19/4/2015 under sections 302/34 of Indian Penal Code. The police reportedly did nothing in the matter of investigation and the accused BSF constables are still at large. As a matter of fact the investigation of the criminal case against the accused BSF personnel has been kept in pending state till date now. In this regard Ms. Shila Khatun Bibi on 21.12.2015 as well as on 20.09.2017 lodged written petition before the Superintendent of Police, Murshidabad mentioning the ongoing inaction of the police of Jalangi Police Station in connection with the investigation of the criminal case initiated on the incident of the killing of her husband. But she did not get any response from the Superintendent of Police, Murshidabad on her complaint. The Commission took cognizance of the complaint dated 29.12.2017 and registered the complaint as NHRC Case no. 991/25/13/2018-AF. So far, our organisation has been informed by the Commission that the Commission was pleased to call for an action taken report from the concerned authorities. Imajuddin Mandal was a day labour and the sole earning member in the family. The victim had lost his landed property in the erosion of river Padma. He used to reside with his wife Ms. Shila Khatun Bibi and two minor sons in a thatched one room house on a small plot of land given to him by his relatives. After the killing of the victim, Ms. Shila Khatun Bibi with her two minor sons has been suffering from acute poverty. She still lives in the thatched one room house with her two minor sons as she has no financial capacity to construct a house of respectable quality. She is compelled to live there as she has no other alternative shelter and has no money to repair the house. She has been under hand to mouth condition with her children who are deprived of proper maintenance and education since they are deprived of facilities under the social security schemes run by the government. The local administration till date did not take any action to provide her a permanent pucca residential house under the Housing Schemes initiated by the government. 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. Shila Khatun Bibi lodged written application before the District Magistrate, Murshidabad for appropriate relief under the problems as stated above. In the written application she also prayed for compensation under the West Bengal Victim Compensation Scheme, 2017 for the loss of life of her husband. The copy of the said application was also deposited before the Block Development Officer, Jalangi Block; the Office of the Murshidabad Zilla Parishad and the President of Jalangi Panchayat Samity, but till date no action has been taken on her written application.



Illegal Restrictions, Erosion and Marginalization at Indo- Bangladesh bordering areas

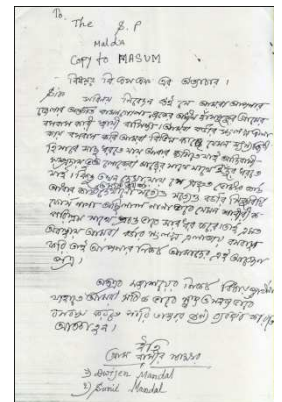
Illegal Restriction by BSF

The complaint was on continued harassment on the poor villagers of Par Baidyanathpur village under Baishnabnagar Police Station in Malda district, West Bengal; caused by the Border Security Force personnel by manhandling the villagers and restricting their movement. Several villagers have agricultural lands on the other side of the border fence which is not constructed in the actual border between India and Bangladesh rather well inside the Indian territory and bifurcating the villages and habitation of the bordering populace in Malda District. This phenomenon of erratic fencing is very normal throughout the Indo- Bangladesh bordering areas of West Bengal and causing immense infringement to the rights and freedoms of bordering populace. It is revealed that the 36 Battalion of Border Security Force under 'C' Company is posted at the Par Baidyanathpur village. Villagers are often restricted to enter their own agricultural lands, which is situated beyond the barbed fencing by the BSF personnel posted there. On few occasions the perpetrator BSF personnel forced the villagers to do menial jobs at their camp and outposts for the BSF in turn to let them into their own agricultural fields. Some of the villagers were even beaten up by the BSF personnel for no particular reason. The villagers lodged a written complain to the Superintendent of Police of Malda, signed by more than 30 villagers, against the perpetrator BSF personnel of

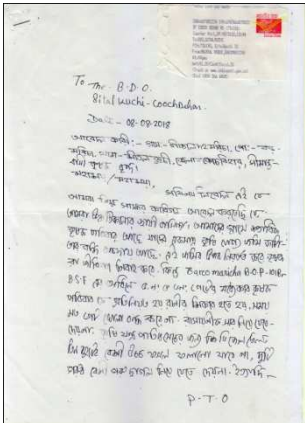


Chuanpur Border Outpost but no actions have been taken yet. The poor villagers, mainly agricultural labourers stated that BSF often restricts them from entering their own land. They were also beaten up when they requested to enter their land for the purpose of agriculture. In some instances, they were asked to cut bushes and clean the BOP for getting permission to move beyond the barbed fence. The villagers also alleged that the BSF personnel often beat them up even when they are not near the border fencing. Sometimes they come to the dwellings and torture them. Even the minors are not safe as the perpetrator BSF personnel don't exempt them. A short while ago few kids of the village were playing football, when the ball went near a BSF constable, who was passing by the gate number 4. The perpetrator BSF constable called a kid near him to give back the ball but slapped him twice once he came to take back the ball. Several other incidents like this for a long time have set the villagers of Par Baidyanathpur to their edge of tolerance.

The complaint was regarding the harassment on the poor villagers of Hanspukur Village under Bamangola Police Station in Malda district, West Bengal; caused by the Border Security Force personnel by manhandling the villagers and restricting their movement. The mentioned village has overwhelming population of Schedule Tribes (aborigines) who used to fend their families through fishing at the water bodies adjoining the Indo-Bangladesh border. Further, they used to consume the flesh of field rats as a food. They used to hunt the rats at fields. For the purpose of their occupation and food habit everyday several villagers of Hanspukur have to visit water bodies and fields which are adjoining to the border, the fishermen have valid documents issued by Fishery Department and attested by the local self government; Panchayet. But the posted BSF restricting their movements, harassing them in every pretext, bullying them and in many a occasions physically tortured them. It has been reported that the personnel of 60 Battalion of Border Security Force is posted at the Hanspukur village. The villagers lodged a written complain to the Superintendent of Police of Malda, signed by about 25 villagers, against the perpetrator BSF personnel of the 60 Battalion, but no actions have been taken yet. In some instances, the Border Security Force personnel forcibly took away the fishes caught by the villagers after hours of effort. The villagers also alleged that the BSF personnel often beat them up even when they are not near the actual border. Several other incidents like this for a long time have



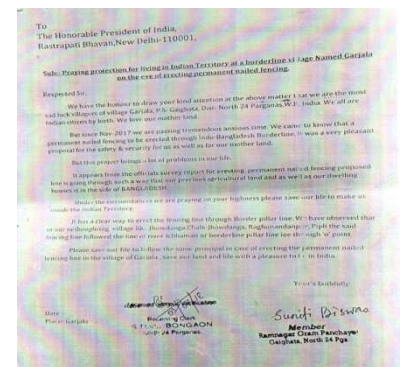
The complaint was on the continued harassment on the poor villagers of Gitaldaha Maricha village under Shitalkuchi block of Cooch Behar district, West Bengal; caused by the Border Security Force personnel by manhandling the villagers and restricting their movement. Several villagers have agricultural lands on the other side of the border fence which is not erected in the actual border between



India and Bangladesh or according to the international norms rather well inside the Indian territory which bifurcating the villages and habitation of the bordering populace in Cooch Behar District. This phenomenon of erratic fencing is very normal throughout the Indo- Bangladesh bordering areas of West Bengal and causing immense infringement to the rights and freedoms of bordering populace. It is revealed that the 101 Battalion of Border Security Force of Baromoricha Border Outpost is posted at Gitaldaha village and the posted BSF personnel often restricts the villagers to enter their own agricultural lands, which is situated beyond the barbed fencing. On few occasions the perpetrator BSF personnel forced the villagers to do menial jobs at their camp and outposts and in return let them enter into their own agricultural lands. The BSF personnel even beat the villagers without any particular reason. The villagers lodged a written complaint to

the Block Development Officer of Sitalkuchi Block of District Cooch Behar, signed by 170 villagers, against the regular infringement and restriction by the BSF personnel of Baromoricha Border Outpost but no actions have been taken yet. The poor villagers, mainly agricultural laborers stated that BSF often restricts them from entering their own land. They were also beaten up when they requested to enter their land for agricultural purposes. In some instances, they were forced to cut and clean bushes around the BOP and clean the inside of BOP in return permitted to cross the fence and reach their lands. The BSF personnel restrict them to carry agricultural items to their lands like pesticides, chemical fertilizer, plough, diesel oil etc. The villagers are not allowed to grow any crops or plants which are more than 3 feet of height. The BSF personnel spoil the foods of the farmers by stirring their food with dirty stick on a pretext of searching contrabands inside the containers of food items. The major concern of the villagers is purposeful obstruction created by the BSF personnel while they put stones on a culvert adjoining the fence which is meant for easy flow of water from one side to another. Due to this manmade obstruction of water flow the agricultural lands and nearby households submerged for months together and the standing crops are getting rotten. BSF personnel allow the villagers only when they can show the cards issued by the Block Development Officer of Sitalkuchi with details about the land holding but this cards are not issued to all; so other villagers cannot enter to their own field after showing their other identity cards like EPIC or Adhaar card etc. 90% residents of the mentioned village is Muslim. Most of the residents are devoid by proper sanitation and not possess dry latrines inside their homes and living in acute scarcity of safe drinking water. More than 60% of populace of the area forced to migrate at different places for better pasture.

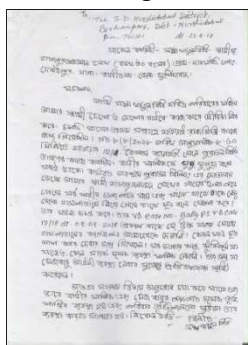
The complaint was over the imminent despair of the villagers of Garjala village of Gaighata Block in North 24 Parganas district, West Bengal in terms of their life and livelihood; caused by the decision of BSF to erect new barbed wire fencing through the Indo-Bangladesh border across the mentioned village. With the new plan of erection of new fence, a majority of the villagers will lose their uninterrupted access to their own agrarian land and many others will have to abandon their ancestral home and migrate elsewhere in order to survive. Garjala is a small village of North 24 Parganas district on the Indo-Bangladesh border inhabited mainly by minority Muslims and Scheduled Caste communities. Agriculture and agrarian daily labour are the main occupation of the residents of Garjala. The village also has an adequate amount of agricultural land that produces up to three crops every year. Hence, the villagers are worried that erection of barbed wire fencing across the village, bifurcating dwellings and land and in few cases, even the dwellings from the



actual village, will lead to a huge predicament in the occupation of the villagers. The process of setting up fencing through the Indo-Bangladesh border at Garjala village initiated during November, 2017, when few government officials came for an evaluation and survey of *Mouja* Number 107, Garjala. The villagers were happy with the news that government is setting up the fencing, which will ultimately secure their life and livelihood from Bangladeshi felons, who often raids and steals property from Indian villagers residing at the unprotected border area. But after a recent survey conducted by the government officials, it was comprehended that the new barbed fencing on the border will lead to unfortunate consequences to the villagers as most of the agricultural land and several village households will go on to the other side of the fencing. The villagers realize that this will create dreadful effect on their agriculture and livelihood as they will have limited freedom to access their houses and fields. Under the circumstances the villagers appealed to all the concerned departments of the administration and governance and stated that they are not at all against setting up border fencing but they are against the whimsical way in which the officials are planning to erect the border fence. They requested various government departments to take required steps, so that the border fencing is erected at the vicinity of actual border near the International Border Pillar; adhering the international norms as it has been erected in the neighbouring villages like Jhowdanga, Chak-Jhowdanga, Raghunandanpur, Pipli etc. More than one hundred villagers signed the appeal and sent it to the President of India, the Prime Minister's Office, the Home Minister's Office, the Governor and Chief Minister of West Bengal, District Magistrate, North 24 Parganas, Sub-Divisional Officer, Bongaon, Block development Officer, Gaighata, Sabhapati, Gaighata Panchayat Samity, Block Land and land Revenue Officer, Gaighata and Proadhan of Ramnagar Gram Panchayat on 3rd July, 2018. The phenomenon of erratic fencing is very normal through the Indo- Bangladesh bordering areas of West Bengal and causing immense encroachment to the rights and freedoms of bordering populace.

Enforced migration and death due to unsafe work condition

Hasanur Jamal Sk. @ Hasanujjaman Sk. (deceased), son of Mr. Ajlem Seikh, residential address at village-Dadmati, Post Office-Debaipur, Police Station-Ranitala, District-Murshidabad, West Bengal was a landless and poverty ridden person. He was the only earning member in the family. His wife and aged parents were his dependants. He used to migrate as day labour in other districts. Lastly before his death he was working as construction labour under a contractor in Howrah district in West Bengal. On 08.08.2018 he was working with others for demolition of an old and dilapidated building at 12/A, Kailash Banerjee Lane under the jurisdiction of Bally Police Station, District-Howrah. On that fateful day he was working on the roof of the building but suddenly the roof of the building collapsed and he sustained



grievous injuries. He was taken to Belur State General Hospital where he was declared dead. Over the incident of death of the victim, the police of Bally Police Station registered one unnatural death case vide Bally Police Station U. D. Case no.17/2018 dated 08.08.2018 and after the post mortem examination his body was handed over to his family members. The post mortem examination of the victim was done on 08.08.2018 at Howrah District Hospital. One body disposal order was handed over to the family of the victim wherein cause of the death of the victim was recorded as "Falling from the roof". With the incident of the death of the victim, his family members came under acute poverty. The contractor or owner of the building felt no obligation till date to pay any compensation amount to the family of the victim though he died in the course of

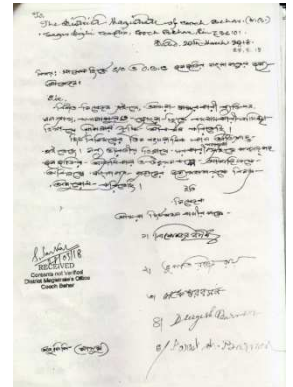
his employment. Moreover was alleged by the family of the victim that the second officer of Bally Police Station in connivance of the owner of the building at 12/A, Kailash Banerjee Lane under the jurisdiction of Bally Police Station, District-Howrah did not take any legal action till date and he did not make any enquiry and the said police officer forcibly took original post mortem report and other documents from the brother of the victim. Ms. Sampa Khatun Bibi being the wife of the deceased victim submitted a written application before the Superintendent of Police, Murshidabad on 27.08.2018 through registered post seeking proper legal action and compensation by stating the above mentioned facts and circumstances. However, till date no action has been taken on her application showing that the state has failed to stand beside the poverty ridden family. The family is in need urgent financial support from



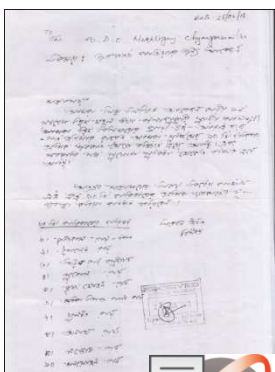
the government schemes for their maintenance and survival. It is an established notion that extreme poverty is denial of human rights.

Overall Marginalization of Erstwhile Enclaves

After execution of the Land Boundary Agreement (LBA) on 31st July 2015 almost 3 years have passed but still most of the enclaves are devoid of the developmental work at their respective enclaves and the dwellers are still deprived from citizenry guarantees, social securities and developmental measures. The inhabitants of Jongra, Nalgram and Falnapur enclaves under Shitalkuchi Block of Mathabhanga Sub Division of Cooch Behar district are deprived from government jobs despite having proper educational qualifications. In these 3 erstwhile enclaves, there are more than 300 residents who passed the secondary board exam, more than 100 Higher Secondary pass-outs and at least 100 people who passed and obtained Graduate and Post Graduate degrees. But despite having proper educational qualifications, the residents of these respective erstwhile enclaves are not provided with any job opportunity from the government. Hence a large section of people are neglected and denied proper economic and social growth in these erstwhile enclaves. Further, the youths of these erstwhile enclaves are being denied from issuance of Schedule Caste certificate which restricted them from applying for jobs earmarked for Scheduled Caste category. The youths from these erstwhile enclaves are denied government jobs on the ground that they don't have proper documents in order to claim or apply for jobs. In this regard it may be noted that the residential address of these enclave dwellers have changed on paper after the execution of the Land Boundary Agreement (LBA) on 31st July 2015. Hence, addresses in the educational certificates and other relevant documents prior to the LBA was different than it is now, which is causing an impediment in the path of these enclave dwellers while applying for government jobs and the state agencies have not taken any rectifying measures for the same. Government has undertaken developmental works in these enclaves including construction of two primary schools and one ICDS centre. But the government didn't recruit a single erstwhile enclave dweller as primary school teacher or ICDS worker till date though the residents of these enclaves made subsequent requests for the same. Candidates from outside would get appointment for jobs in these government initiatives, whereas the local educated youths would left unemployed. On 28.03.2018 the unemployed youths of this enclave and their family members, submitted one written application before the District Magistrate of Cooch Behar on the aegis of Pramila Bahini; the conglomeration of women from erstwhile enclaves. On that application they requested the District Magistrate to treat the unemployed youths of enclave with preference in regards to government jobs on the ground that they are erstwhile Bangladeshi enclave dwellers who are socially and economically lagging behind for decades. But the district administration not even replies to their request or for that matter take any measures yet to support these enclave dwellers.



After execution of Land Boundary Agreement (LBA) on 31st July 2015 almost 3 years have been passed but still most of the erstwhile enclaves are still devoid with the developmental work. The circumstance that it's been 3 years since the erstwhile Bangladeshi enclave named Balapukuri under Mekhliganj Block and Sub Division of Cooch Behar district has come under Indian jurisdiction, but many residents of the said enclave were not provided with a job card under MGNREGA scheme yet. More than 30 residents belonging from 10 families of Balapukuri erstwhile enclave are devoid of job cards even they have other legal documents like AADHAR card and EPIC. These erstwhile enclave dwellers are mostly daily labourers, who spend almost 6 months of the year working in other states of India for better pasture. Hence a job card which might ensure regular income to them at their native is much needed for these residents and would certainly minimize the forced migration from the area. They have visited the respective Panchayat, Block and other administrative offices several times since the execution of LBA in order to appeal for their job cards, but no actions were taken to provide them with job cards. On 25.06.2018 the inhabitants of this enclave, who are still without job cards, submitted a written application before the District Magistrate of Cooch Behar on the aegis of Pramila Bahini; the conglomeration of women from erstwhile enclaves. On that application they requested the District Magistrate to treat the unemployed youths of enclave with preference in regards to government jobs on the ground that they are erstwhile Bangladeshi enclave dwellers who are socially and economically lagging behind for decades. But the district administration not even replies to their request or for that matter take any measures yet to support these enclave dwellers.



cards, submitted one written application before the Block Development Officer of Mekhliganj. On that application they stated that they belong from a poor economic background and they don't have job cards. Hence they require job cards urgently in order to avail government support. Their appeal to the government was to provide these 10 families with job cards. But the block administration didn't take any measures yet on this righteous demand of the erstwhile enclave dwellers.

SOCIAL Mobilization

SOUTH DINAJPUR

In the month of September, volunteers of Banglar Manabadhikar Suraksha Mancha (MASUM) organized total 5 village level meetings in South Dinajpur district. Mainly the meetings were organized in the villages near to Indo- Bangladesh border. On 09.09.2018 two village level meetings were organized



at the villages namely Berali and Lakkhinarayanpur situated under Block and Police Station- Tapan, District- South Dinajpur. On 10.09.2018 one village level meeting was organized at Bakhorpur village situated under Block and Police Station- Tapan, District- South Dinajpur. On 11.09.2018 the village level meeting was organized at village- Chatrahati situated under Block and Police Station- Tapan, District- South Dinajpur. On 14.09.2018 total 3 village level meetings were organized at the villages namely Kamdebbati, Gorenda, and Katrail under Block and Police Station – Tapan , District- South Dinajpur.

In all 7 village level meetings the villagers complained on restriction and torture by Border Security Force personnel of Lakkhinarayanpur Border Out Post. The villagers informed that the BSF personnel of said BOP restricted them to visit their own agricultural field which is situated on the other side of fence. The villagers decided to form “Amra Simantabasi” and start movement for their right to life.

COOCH BEHAR

In the month of September volunteers of Banglar Manabadhikar Suraksha Mancha organized total 12 interactive meetings with erstwhile enclave dwellers and 3 interactive meetings with villagers residing in border nearing villages. From 3rd to 9th September the meetings with erstwhile enclave dwellers were held at 13,14, 15 Dhabalsuti Mrigipur, Nolgram, Jagatber, Panbari, Chit Kuchlibari, Dakkhin Moshaldanga, 8 Dighaltari, Puatur Kuthi, Poschim Moshaldanga and Modhya Moshaldanga. On these meetings the erstwhile enclave dwellers discussed about the future course of action of “Amra Chitmoholbasi” and “Pramila Bahini”. Besides that they also discussed the modalities to form new community based committee named “Amra Simantabasi” with an intention to mobilize villagers to protest BSF restriction and torture. Not only restrictions by BSF, bordering villages are without minimum guarantees for life and livelihood. MASUM suggested them to form a community based community named “Amra Simantabasi” and they primarily agreed to do so.



Besides the above mentioned programmes, a series of village level meetings in erstwhile enclaves and border nearing villages from 25th September to 1st October. Details of those meetings are given below-

25th September, 2018



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MASUM conducted a village level meeting in the Balabhut village to organise the villagers, in order to motivate them to create Amra Simantabashi. The meeting was attended by around 35 villagers who talked about their sufferings in the hands of BSF personnel. Few residents from Telai enclave were also present in today's meeting. They questioned regarding their citizenry rights and land rights. MASUM assured to help them in their initiatives to organise and fight for their rights.

26th September, 2018

MASUM conducted a village level meeting at haldibari shibir with 46 erstwhile Enclave dwellers. The Enclave dwellers have decided to form Amra Chitmahalbasi in order to organise themselves to fight for their rights. They are yet to receive any government compensation and have no idea when they will be provided with the compensation money that was guaranteed by the Indian government. They are concerned about their citizenry rights. We motivated them to organise a movement involving all the victim Enclave dwellers and fight for their rights.



In another village level meeting we met with 68 erstwhile Enclave dwellers from 13 Dhabalsuti Monglibari enclave. These villagers have already formed Amra Chitmahalbasi last month and willing to take forward their movement for getting their rights. They were provided with 4 solar irrigation panels by the government among which 3 are not working at present. In this regard the villagers after discussing with us have decided to lodge a complaint with the district officials as their first step. We promised to support them with every available means.

27th September, 2018

MASUM conducted 4 village level meetings in Mekhliganj block with the villagers who were either affected by erratic demarcation or are regularly subjected to restriction by the BSF. Following are the details of the four meetings mentioned above.

1. 56 Hemkumari Bholapara - around 55 villagers from this village attended the village level meeting. There are around 100 families residing in this village among which 90% of The villagers have to cross the border fencing for agricultural purposes. Restrictions from BSF are a regular impediment to this villagers. Hence they decided to form Amra Simantabasi and fight for their rights.



2. 128 Bhotbari - around 350 villagers reside in this village among which 50% of the villagers have agricultural land across the border fencing. Restrictions from the BSF are regular issue from which the villagers suffer on a daily basis. These villagers also decided to form Amra Simantabasi soon and fight for their rights.

3. 105 Bagdogra - around 1000 families reside in this village and are subjected to restriction by the BSF on a regular basis. villagers are allowed to cross the fencing 4 Times a day for a stipulated time to carry out agriculture. We motivated them to form Amra Simantabasi and fight for their rights, which they agreed to organise as soon as possible.



4. 127 Bhotbari - the village is inhabited by around 500 families. Almost every family have their agricultural lands across the border fencing. Similar restrictions from the BSF were also seen in this village, where The villagers are allowed to enter their own lands for a stipulated time. After talking to us the villagers decided to form Amra Simantabasi and fight for their rights.

28th September, 2018

MASUM conducted two village level meetings in Mathabhanga area. Inhabitants from these two erstwhile enclaves are suffering from different enclave related issues. The details of these meetings are discussed as follows.

1. Jagatbere Chit 1, 2, 3 - The villagers from this erstwhile enclave have already formed Amra Chitmahalbasu committee in this enclave. They have also decided to fight in the issues of proper documents, fixing solar irrigation panels and shallow irrigation pumps provided by the government that was later found erratic. We motivated and guided them to lodge complaints in near future.



2. Nalgram, Falnapur, Jongra - villagers from these erstwhile enclaves have already formed Amra Chitmahalbasu and Promilabahini committees in this area. Promilabahini though already formed was in a dormant situation. We motivated them to organise themselves and participate equally with the Amra Chitmahalbasu committee to fight for their rights. Members of Promilabahini promised to actively take part in the fight for their rights. Apart from particular documents required for their citizenry rights, Promila Bahini decided to demand roads and bridges in their respective Enclave as their first step.

30th September, 2018

MASUM organized three village level meetings in Mashaldanga area of Dinhat with the erstwhile Enclave dwellers. Following are the details of these meetings -



1. Madhya Mashaldanga - Enclave dwellers from this Enclave decided to form Amra Chitmahalbasu committee soon and fight for their rights. We motivated them and promised to support them with every means through their movement.

2. Purba Mashaldanga - Inhabitants of this enclave have already formed the Amra Chitmahalbasu committee in the area. We encouraged the women of this enclave to form Promilabahini and participate actively in the movement, which they agreed. The Amra Chitmahalbasu committee has decided to distribute hand bills and organise Street corners in nearest public places during Durga puja.

MURSHIDABAD

5-6 September 2018



During 5th and 6th September 2018, MASUM activists visited new areas of Shamsargunj block. On 5th September, the team visited various erosion affected municipal wards under Dhuliyon Municipality. The affected populace did not receive any governmental compensation till date. A large section of erosion affected is engaged as bonded labour in bidi making industry. The This PDF file is Created by trial version of Quick PDF Converter Suite. Please use purchased version to remove this message.

team visited different villages of Nimtita Gram Panchayet (GP) under Shamsergunj Block. There are 23 Gram Sabhas under Nimtita GP, and out of this 23 Gram Sabhas, 7 are erosion affected. Gram Sabhas like Kamalpur, Durgapur I & II, Shibnagar, Ghusripura, Dhangora, Hiranandapur are still facing erosion. The team interacted with the victims of erosion. In Kamalpur village the team saw that the river Padma eroding the grazing lands. Team also visited Raghunathgunj –II; another eroded block of Murshidabad District. GPs like Giria, Sekendra, Mithipur, Borshimul, Sommotinagar, Teghori, Sekhalipur are largely affected by erosion of river Padma. Till date the erosion affected not received any compensation, in all these places, village level meetings have been planned.

7th September 2018

A meeting with erosion affected was held at 38 Number Char Bin Para of Hanumanto Nagar GP under Shamsergunj block. Meeting was presided over by Haji Amjad Ali, a respected person of the area and donor of land for Char Binpara Primary School. The school was established in the year 1942 but shifted three consecutive times for erosion. Villagers opined that the torturous acts of Border Security Force (BSF) and restrictions to cultivate their own land are major day to day problems. Meeting taken resolution for a drive to submit mass application over the issues during the coming month

9th September

'AAMRA SIMANTOBASI, JALANGI' arranged meetings at Toltoli and Jamalpur villages respectively at 2 pm and 5 pm. Toltoli meeting was with low attendance but at Jamalpur attendance was encouraging, villagers discussed on different issues like PHE, Primary Health Centre, and Toilet etc. Decision was taken at the meeting that a household wise petition will be made to the authorities; and expense will be borne by the villagers themselves.



11th September

A meeting at Akherigunj, convened by Nazrul Islam at 3 pm has been organised. Members of women self-help group attended the meeting and presence was low. Affects of erosion and mobilization of villagers were the issues for discussion.

Under the banner of 'AMRA SIMANTOBASI' two meetings were organized in two new locations in Murshidabad district. Shamsergunj and Lalgola are two major blocks among ten eroded blocks of the district, where we arranged two meetings in the under-mentioned villages.

Kamalpur, Gram Panchayet -Nimtita, Block-Shamsergunj:

At 4 pm, 29th September, 2018 meeting was held at Durgapur Madhyamik Shikkha Kendra. 46 villagers from four Gram Sabhas (Durgapur, Kamalpur, Shibnagar, Dhanghora) under Nimtita Gram Panchayet attended and took part in the interaction. Meeting was presided over by Ex Teacher, Mr. Anwar Hussain Siddiqui of said school and largely participated by local activists. Md. Sahabuddin Khan newly elected GP member voiced for 'permanent solution' for erosion affects, like concrete structure beside the river coast. While Mr. Siraj Sekh advocates for resettlement of eroded populace, like flat allotment, distribution of lands etc.



Mr. Delwar Hussain, ex member of Panchayet Samiti emphasized on people's participation and mass movement to achieve the righteous demands. Mr. Alope Das, local activist urged for removal of Padma sediments and sustainable river embankment and stressed for corruption free civil works. Meeting ended by formation of a Amra Simantabasi committee.

Taranagar, a Kopro, Block-Lalgola:



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At 8.30 am on 30th September, 2018 a meeting was held beside a Mosque. Meeting was presided over by ex teacher Mr. Khairul Alam. Participants of this meeting are from adjoining two Gram Sabhas of Taranagar. Cauliflower is one of the main crops here, due to restriction (by BSF) to cultivate jute, maize, villagers have no other option. 'Send back BSF to Zero point' was their primary demand. Meeting ended with a resolution to submit a mass petition regarding the demand. A committee was also formed. To sum up, people's enthusiasm in said two locations was encouraging and our (MASUM) presence in Murshidabad district's erosion affected blocks is improving.

Press Conference and Book Release

Banglar Manabdhikar Suraksha Mancha (MASUM) organised a press conference on September 14, 2018 at the Kolkata Press Club to commemorate the Silver Jubilee of The Protection of Human Rights Act, 1993 (TPHRA) along with 25 years of the National Human Rights Commission (NHRC) and other Human Rights Institutions of India. During the event MASUM published a book on status and role of NHRC and the pending cases before the Commission.



Residential Staff Training

MASUM organised a three days in- house training for its staffs; which was held on 17-19 September 2018. The training was focussed on various issues of organisational initiatives and to strategies the upcoming activities.



Monthly Legal Activity Report-MASUM, August 2018

Cases filed before the High Court at Calcutta

Ms. Suchitra Mondal, wife of Sukumar Mondal, who was a victim of enforced disappearance by BSF of Lakkhinarayanpur under Kalinagar Gram Panchayat, Raninagar Police Station, District: Murshidabad, moved before the High Court at Calcutta on 25.09.2018 by filing writ petition under Article 226 of the Constitution of India over the incident where on 03.07.2018 at about 4 a.m. in the early morning Sukumar Mondal alias Bablu Mondal that is the husband of Ms. Suchitra Mondal along with his neighbour Paritosh Mondal, were shot at by the patrolling Border Security Force personnel of the Harudanga BSF Camp being Battalion Number-36. She had approached the local Raninagar Police Station on the same date of the incident that is on 03.07.2018 and informed the police authorities about the entire incident and sought to submit a written complaint and requested the Police for their assistance to trace out the bodies of the victims who are presumed to be dead, but the officers of the Raninagar Police station blatantly refused to take any complaint against the Border Security Force personnel. Then she submitted a written complaint before the Superintendent of Police, Murshidabad thereby narrating the incident and further stating therein that Raninagar Police station refused to register any complaint. Her complaint was duly received by the Superintendent of Police, Murshidabad on 04.07.2018 no action was taken on the basis of the complaint against the perpetrators thereby denying her right to be informed about the whereabouts of her husband, especially whether her husband is dead or alive.



Under the circumstances, the Writ Petition no. 19791 (W)/2018 in the nature of Habeas Corpus was filed by Ms. Suchitra Mondal for direction upon the state authorities, their men, agents, employees and subordinates to trace and recover her husband Sukumar Mondal. The matter came up for hearing on 01.10.2018 and the state respondents filed their reports and the court passed a verbal direction upon the petitioner to submit a detailed complaint before the investigating police authority. .

Mr. Rajjak Seikh, son of Jullu Seikh, who was a victim of enforced disappearance by BSF personnel of Char Uttar Gopalpur, P.O Maricha, P.S. Islampur, Dist. Murshidabad, moved before the High Court at Calcutta on 25.09.2018 by filing a writ petition under Article 226 of the Indian Constitution over the incident where his father namely Jullu Seikh, since deceased was shot dead by Border Security Force personnel of Out-Post No. 8 Harudanga Camp, Battalion-117 on 03.08.2018 and the perpetrators have willfully and deliberately made the dead body disappear in order to conceal evidences of such cold blooded murder. Rajjak Seikh, immediately on 04.08.2018 visited the local Islampur Police Station and sought to lodge a complaint against the perpetrators Border Security Force personnel, but the officers of the Islampur Police Station blatantly refused to entertain any complaint against Border Security Force personnel. The two other persons who were shot dead along with the victim Jullu Seikh on 03.08.2018 by the perpetrating Border Security Force personnel are two minors, one named Jibon Seikhhk, Son of Mr. Ruhul Seikh and the other one is named Johir Seikh, son of Togor Seikh both being from the same locality, however due to sheer apprehension and fear the families of the said two deceased minors have refrained from approaching the authorities, though their bodies have not yet been recovered as akin to the victim Jullu Seikh. The instant case is a case of extrajudicial killing by armed forces personnel of innocent persons followed by disposing of their corpses, deliberately to eliminate evidences and despite of bringing such heinous acts to the notice of the concerned police authorities, the Police authorities have not yet initiated any investigation or criminal proceeding and have refused to even trace out the victim.

Under the circumstances, the Writ Petition no. 19785 (W)/ 2018 in the nature of Habeas Corpus was filed by Mr. Rajjak Seikh, for direction upon the state authorities, their men, agents, employees and subordinates to trace and recover his father namely Jullu Seikh and two others namely Jibon Seikhhk and Johir Seikh or their dead bodies.

The matter came up for hearing on 01.10.2018 and the state respondents filed their reports and the court passed a verbal direction upon the petitioner to submit a detailed complaint before the investigating police authority.

District: North 24 Parganas

Mr. Ranjit Das is a victim of torture in the hands of the perpetrator BSF personnel. One criminal case was registered vide Swarupnagar PS case no. 01/16 dated 02.01.2016 u/s 341/323/325/308/34 IPC against the perpetrator BSF personnel and the police after completion of investigation filed charge sheet vide C. S. no. 638/16 dated 28.08.2016 against BSF CT J. Bhaduri and BSF CT Salil Kumar showing them as absconder. After perusing the record the Additional Chief Judicial Magistrate, Basirhat court issued warrant of arrest against above stated persons. The accused persons did never appear before the Court and therefore on 18.09.2018 the advocate for the victim prayed before the court to send warrant of arrest for execution to the Company Commander of concerned BOP and fixed for E/R and the court directed the same to GRO to the effect.

On 14.01.2013 the victim Ziad Ali Gazi of Doharkanda, P.O. Hakimpur, P.S. Swarupnagar, Dist. North 24 Parganas was subjected to torture by the perpetrator BSF personnel. The victim was implicated in a criminal case-C1243/2014 under section 104 of the Customs Act. The case was fixed on 11.09.2018 before the Additional Chief Judicial Magistrate, Basirhat, District-North 24 Parganas and the victim was present before the Court in the case but no report from Customs Authority has come till date.

The victim Mr. Nazrul Dafadar from District-North 24 Parganas was subjected to torture by the accused Border Security Force jawan namely Kamlesh Yadav in the year 2013. On complaint of the victim a criminal case Swarupnagar Police Station Case no.352/2013 (GR no.2378/2013) was registered against the accused BSF personal. After completion of investigation, police submitted charge sheet against the



accused BSF personal. The case is now pending before the Additional Chief Judicial Magistrate Court, Basirhat. The court issued summons upon the accused to face trial in the said criminal case. On the other hand the victim was facing trial in SC no. 21(12)/2017 which was initiated against the victim on the complaint of the BSF. On 03.09.2018 the victim being above named accused person was present in the Court of Additional District Judge (FTC II) in connection with the said case and the Court issued tagid for appointment of P.P in charge.

District: Cooch Behar

A false and fabricated case Dinhata Police Case no. 259/2018(GR case no. 251/2018) dated 19.07.2018 u/s 341/186/353/427/506/34 of Indian Penal Code was lodged against Mr. Kirity Roy, the secretary of MASUM for organizing a peaceful rally and deputation before the Sub-Divisional Officer, Dinhata, District-Cooch Behar on 19.07.2018 for the victims of human rights violations in the hands of the perpetrator police and bSF personnel. On 29.09.2018 Mr. Kirity Roy filed an application for bail u/s 438 of Cr. P. C. in the Court of the District and Sessions Judge, Cooch Behar in connection with the said criminal case. The application was registered as the Criminal Miscellaneous Case no.1434/2018 and the application is fixed on 10.10.2018 for hearing.

Medical Assistance & Victim's Meeting

MASUM organized three regular medical camps during September 2018 for victims of torture and family members of extra judicially killed persons. The medical camps were organized to provide medical assistances to victims and their families and on the aegis of United Nations Voluntary Fund for Victims of Torture (UNVFVT). For Murshidabad district the camp was held at Islampur on 11.09.2018, where 58 persons were treated by Dr. Priyabrata Biswas. On 15.09.2018 the medical camp for 24 Parganas (North) district was held at Tentulia; Swarupnagar where 43 persons received medical attention and Dr. Priyabrata Biswas was the attending doctor. On 29.09.2018 medical camp for Cooch Behar district was organized at Dinhata; where 28 persons received treatment and Dr. Champak Bannerjee was the attending doctor.

In all three places victim meetings were organised just after the medical camps.



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