Miles to go ……

Monthly Report
October – 2018
Banglar Manabadhikar Suraksha Mancha (MASUM)
Banglar Manabadhikar Surakksha Mancha (MASUM) made 13 complaints before the relevant authorities and human rights institutions; especially National Human Rights Commission during the month of October 2018, during the period 10 replies (we share our opinions and observations over the proceedings of NHRC) and 5 updates (subsequent happenings after the original complaint) have been made to the National Human Rights Commission. Out of 13 complaints; three on torture committed by Border Security Force personnel, two on torture committed by police, one on marginalization of bordering populace, one on extra judicial killing committed by BSF, one on enforced migration and unsafe work condition, and five on overall marginalization of erstwhile enclaves. In complaints on situation of erstwhile enclaves and marginalization of bordering populace, the victimization was collective and does not reflect in demographic and social classification of victims. Total numbers of victims in individual complaints were 22; out of that 17 were Muslims and 5 belongs to Schedule Caste Hindu community. 10 were males, 1 females and 11 minor.
Extra Judicial Killing

Ajgar Mondal; son of Mr. Amiruddin Mondal, aged about 30 years, resident of Village and Post Office Mama Bhagna (Nawda Para) Police Station- Bagdah, District- 24 Parganas (North) West Bengal belonged to a socio-economically marginalized family and enlisted under Below Poverty Line category. His family used to migrate to Mumbai and work as mason and helper of the mason to fend the family. It was reported that Ajgar Mondol had part time engagement in cross border smuggling a couple of years back as mere courier. He started to migrate to Mumbai as mason two years back and used to work along his father and cousins as mason at Mumbai. He returned back from Mumbai to his native 12-13 days before the fateful day after spending two years at Mumbai, when he was lifted by BSF personnel. On 07.09.2018 at around 9:30 PM, Mr. Sambhunath Baidya; Assistant Commandant, Mr. Bikram Rathore; BSF Officer and some other Border Security Force Jawans attached with Mama Bhagna BOP of Battalion No. 99 of Border Security Force, raided the house of the deceased; the raiding party was without any female personal. Ajgar Mondal was just returned from the market to his home just few moments prior to the raid of BSF. BSF personnel accused that he stocked Marijuana (Ganja) in his possession during the raid. BSF personnel searched every nook and corners of deceased’s house, even the surroundings of his home but did not find anything. The BSF personnel continued the search for more than an hour and then returned. After half an hour they returned back to his home with increasing the number of raiding party. This time the BSF personnel surrounded the home of the deceased and again searched every nook but did not find anything. All of a sudden, a BSF personal entered the home from outside and informed his superior by showing a plastic packet containing some white powder that he found the packet during search. The Assistant Commandant without examining the substance declared that the powder was an explosive required to make bombs and started beating the deceased. The BSF personnel started severely beating Ajjgar with their sticks inside his home. The BSF personnel accused and threaten Ajgar that he has connection with Bangladeshi terrorists and he himself is a terrorist and they will hang him to death. Then the BSF personnel brought Ajgar to the Mama Bhagna Camp of BSF, he was physically tortured throughout the journey. At BSF camp, the BSF personnel tied his hands on his back and fettered him with a long rope on his
waist. The long rope was then tied with a tree. The BSF personnel continued physical torture and threats to Ajgar with interrogation. The wife, brothers and other relatives of Ajgar ran to the BSF Camp on that night and requested the Assistant Commandant for his release and tried to convince him saying that Ajgar was not in his home for two long years but their requests went in vain as the Assistant Commandant even made threats to the wife of Ajgar and told her that she will be taken into BSF camp by women BSF personnel. The poor family left the BSF Camp and sat on the road at a distance of few yards from the camp and waited for his release till 3:00 AM on 08.09.2018. It was reported that one BSF personal from Mama Bhagna BSF Camp called Mr. Anarul Dafadar; a member elected of Bagdah Gram Panchayet from Nawdapara on 08.09.2018 morning and informed him that Ajgar consumed chemical substance kept in BSF Camp for weed control and BSF personnel took him to the hospital. Subsequently, Mr. Anarul Dafadar informed the family of Ajgar. Mr. Alam Mondal; brother of Ajgar rushed to the Bagdah Rural Hospital with other family members but not found Ajgar there, then they came to know that Ajgar was shifted to Bongaon Sub Divisional Hospital, they again rushed to Bongaon SD Hospital. At Bongaon Hospital, the attending doctor opined that as the outer portion of Ajgar’s face was burnt so severely that proves that his internal organs definitely got more damages and referred for R.G Kar Medical College and Hospital at Kolkata. The BSF personnel then took Ajgar on their vehicle and started for RG Kar Hospital, Mr. Sambhunath Baidya; the Assistant Commandant and Mr. Alam Mondal; brother of the deceased were in the vehicle with other BSF personnel. The attending doctors at RG Kar Hospital informed Mr. Alam Mondal that it was near impossible to save the life of Ajgar as internal organs were severely burnt and as par disposal order Ajgar died at 4:30 PM on 09.09.2018. On 09.09.2018 at around 12.30 PM, Ms. Morjina Mondal; wife of the deceased went to Bagdah PS to lodge her complaint. But no inquiry / investigation has started by any government authority, so far. But the perpetrator BSF officials are proposing the victim family not to proceed with any complaint to any authority, as they are ready to ‘solve’ the issue against some money.

Police Torture

Ajijul Haque, son of Mr. Fajrul Haque, aged about-32 years, by faith-Muslim, by occupation- farmer, is a resident of Daribas-II village, Police Station-Dinhata, District-Cooch Behar, West Bengal. On 13.09.2018 at around 3 pm he was returning to his residence from the Dinhata police station on his motorbike. On the road and in front of the house of Mr. Manjjer Ali at village-Gukunda village under Okrabari area, his motorbike was stopped by a vehicle (small van and “GP-DP” was written on the said van). In the van, there were some police personnel and behind the van civic police personal was on a motorbike. The said police personnel assaulted the victim by rifle butts and forcibly put him into the van and brought him to Dinhata Police Station. It was reported that total 12 police personnel of Dinhata Police Station were present at the time of the arrest of the victim including police constables, civic police personnel and police officers namely Mr. Khagen Chandra Roy(Sub-Inspector of Police), Mr. Satyabrata babu(Sub-Inspector of Police), Mr. Swapan Mukherjee(Assistant Sub-Inspector of Police). The victim was detained in the office room and not inside lock-up hence his neighbours and friends from Gitaldaha area, who came to the police station for getting information of the arrest of the victim, couldn’t find him at first. But later he was spotted when one of them went to backyard of the police station and heard voice of the victim who was shouting in pain from getting beaten up. His family was informed consequently. On 14.09.2018 morning the victim’s mother Ms. Anjumara Bibi alone went to Dinhata Police Station and found that the victim was lying on the floor of the police lock-up. On the same day the victim was produced in the Court of Additional Chief Judicial Magistrate, Dinhata where he told his mother and nephew that he was tortured in police custody. Then from the court he was remanded to police custody on the prayer of police for ten days. On 16.09.2018 the mother and nephew of the victim again met with him at the police station when he informed them that he was being subjected to regular physical torture by the police personnel during night hours and being forced to take some medicines. On 16.09.2018 the family of the victim urgently informed the matter of custodial violence upon the victim to the Superintendent of Police, Cooch Behar through SMS from mobile number 8371845632 to 9083272904. Same copy of message was forwarded to Inspector-in-Charge, Dinhata, SDPO Dinhata and Assistant to CMOH But no action was taken against the perpetrator police personnel of Dinhata Police Station till date. On 17.09.2018 the victim was admitted in the hospital. The victim complained of pain on
his head and chest due to torture in police custody by the perpetrator police personnel of Dinhata Police Station but the police did not arrange any proper medical treatment of the victim. Till date Ajijul Haque is in jail, due to police report, and he did not get bail from court.

Ataul Seikh, aged 35 years, son of Late Idris Seikh, resident of Belia Shyampur village, Post Office – Diar Shyampur, Police Station-Bhagabangola, District – Murshidabad, West Bengal is a Muslim youth who lives with his wife and father. The family has 4 bighas of farming land and agriculture is the only way to earn livelihood for the family. On 08.09.2018 at around 10 a.m. Mr. Ataul Seikh was drinking tea at the tea shop of Mr. Mojammel situated at Shyampur Notun Para. In the meantime Mr. Santanu, Constable under Bhagabangola Police Station and three Civic Police Volunteers of the said police Station reached the place riding on motorbikes in civil dress and arrested Ataul without issuing any Memo of Arrest and other formalities of arrest. He was then taken to the Police Barrack of Bhagabangola Police Station at around 10:30 a.m. and tied his hand backside using handcuffs. Then Mr. Santanu and three Civic Police Volunteers forcefully laid him down on the floor and beat him up mercilessly using wooden stick. The victim received blood clot injuries due to that torture and became sick. Then those perpetrating police personnel put him into the lockup inside the said police station. There the victim told the incident of torture to Hare Krishnababu, Second Officer and the Officer In charge of the said police station and showed the injuries he received due to that torture the said personnel did not pay any attention to the victim. Around three hours locking the victim inside the said lock-up, Mr. Hare Krishnababu gave instruction to Mr. Santanu and three other Civic Police Volunteers to make arrangement for victim’s treatment at Kanapukur Primary Health Centre. Doctor on duty treated the victim and handed over the medical document to Mr. Santanu. Mr. Ataul Seikh lodged complaint to the Superintendent of Police, Baharampur, Murshidabad on 12.09.2018 stating all the incident and plead for the legal action against the perpetrator Police Personnel but till date the authority did not take any action against them.

Torture by BSF

Master Tahamil Hasan, a standard X student, son of Mr. Najrul Islam, aged about 16 years resident of Par Baiddyanathpur village, Post Office- Deonapur, Police Station- Baishnab Nagar, District- Malda, West Bengal, was having tea at a village tea stall at around 8: 20 PM on 20.08.2018, just next to his home. All of a sudden, he found 15-16 armed BSF personnel were marching towards him. The frightened boy ran towards his home and entered to his home, but the BSF personnel also entered the house following him. The BSF personnel started beating the boy mercilessly with their sticks. Ms. Serina Bibi; mother of Tahamil tried to rescue her son but the BSF personnel basher her brutally and dragged Tahamil outside his home. After hearing the screams of mother- son duo, the villagers gathered in front of Tahamil’s house and protested the misdeed of BSF personnel. The BSF personnel got furious after seeing the gathering and as reported fired from their pellet guns and Master Samir Seikh, Master Masum Seikh and Master Ali Hossein received pellets on their body parts. Pellets hit Samir’s left eye, chest and both legs; Masum received pellet injuries beside his left ear and Ali Hossein on left side of face and hands. Thereafter, the involved BSF personnel dragged Tahamil to the bordering road (Indo Bangladesh border road) and beat him again, then they left Tahamil. While Tahamil returned to his home, the villagers took all above mentioned victims to Bedrabad Rural Hospital. Ali Hossein, Tahamil Hasan and Ms. Serina Bibi got admitted at the mentioned hospital by the attending doctor, meanwhile Samir Seikh and Masum Seikh referred to Malda Medical College and Hospital. Though, Masum Seikh got admitted at Malda Medical College and Hospital but the attending doctor referred Samir Seikh for better medical facilities at Kolkata as his eyes were grievously injured. Samir’s family took him to Biratnagar Eye Hospital in Nepal; which is comparatively near from Malda than Kolkata. Samir was admitted at the said eye hospital for more than a month and just returned to his village and he was advised for routine checkups in every second month. Doctors are not sure about restoring his eyesight on left eye. The family spent all their savings for the treatment. On 21.08.2018, Mr. Najrul Islam; father of Master Tahamil Hasan submitted a written complaint to the Baishnab Nagar Police Station. The complaint was registered as Baishnab
Nagar PS Case No. 432/18 dated 21.08.18. The complainant was not provided with the copy of an FIR rather the police only made a stamp over the photocopy of the complaint and scribbled the case number and handed over to the complainant. This denied the complainant to know about the sections of penal provisions charged and the name of the investigating officer and many other details.

Mr. Bachchan Mondal, son of late Sonaram Mondal, a Scheduled Caste youth, aged about 33 years, residing at Village & Post Office- Border Para, Police Station- Raninagar, District- Murshidabad, West Bengal, on 31.08.2018 along with his wife Ms. Saraswati Mondal attended an invitation in the house of Mr. Paresh Mondal. After the dinner, he and his wife left the house of Mr. Paresh Mondal at about 11 pm and was walking back home. When they came near the Radha-Govinda Temple, they were abused in filthy languages by five armed and in uniform Border Security Force personnel. On protest by them, one of those BSF personnel suddenly fired from his pellet gun and the victim Mr. Bachan Mondal sustained pellet gun shot injuries on the right side of his face and he was bleeding on the place of the incident. Ms. Saraswati Mondal started to shout for help. One Mr. Ananda Mondal came there. One of the BSF personnel fired from his pellet gun aiming at him. Mr. Ananda Mondal also sustained pellet gun shot injuries on his body. Soon the local villagers arrived there hearing the sound of gun firing. The BSF personnel left the place throwing abusive languages and threats to the villagers. The victim received medical treatment at Apollo Nursing Home, Berhampore and then he received medical treatment at S.S.K.M. Hospital, Kolkata. On 01.09.2018 Ms. Saraswati Mondal submitted a written complaint before the Officer-in-Charge of Raninagar Police Station stating the incident in detail. The complaint was registered as FIR vide Raninagar Police Station Case no.423/2018 dated 01.09.2018 under sections 326/34 of Indian Penal Code and under section 25/27 of the Arms Act. The victim and his wife stated that the police did not take any action against the accused BSF personnel nor police visited the place of occurrence nor taken the statements of victims or eyewitnesses. The victim is still under medical treatment.

Mr. Sarifuddin Seikh aged 33 years, son of Mr. Ahesanullah Seikh, residing at Village- Uttar Gopalpur, Post Office- Maricha, Police Station- Islampur, District- Murshidabad, West Bengal, India is from a landless Muslim family. On 20.08.2018, he went to cut grass near Madanghat BSF Border outpost for feeding his domestic livestock. He was engaged in cutting grass and did not crossed the border outpost at any point of time till the dusk. At around 6 p.m. on that day some people tried to cross the border near the said outpost from Bangladesh side to India. Observing the incident, around 7 on duty BSF Personnel of Madanghat Border outpost chased them but failed to catch them up. Inability to catch the illegal trespassers made BSF personnel furious and while they were returning to their camp, they found the victim while he was on his way back to his home and started verbally abusing him with filthy words in Hindi. Suddenly those BSF personnel started beating him mercilessly accusing him that he was facilitating the cross border movements of the aforesaid illegal trespassers. Those perpetrator BSF personnel then asked the victim to show his identity card but the victim pleaded that as he has no intention to cross the border outpost so he was not carrying any identity proof. The victim tried to convince those BSF personnel that he has no involvement with cross border movements and he was only cutting grass for his domestic livestock. BSF Personnel not paid any attention on his pleas and continued beating him black and blue using wooden sticks, wooden part of the rifles, fists and boot clad feet. Mr. Sarifudding Seikh got severe injuries almost all over the body. Then those BSF personnel picked him up with his long grown beard and thrashed on the ground and later BSF personnel lifted him and threw on the river Padma with an intention to kill him and left the place. Somehow the victim managed to swim and got out of the river. Then some local people rescued him from the bank of the river and brought him to his home. On 21.08.2018 he went to a quack near his house for treatment but did not get cured. On 28.08.2018 he went to Dr. T. K. Das for better treatment over his injuries which he received on his head and nose. On 05.09.2018, Mr. Sarifuddin Seikh got treatment at Lalbagh Sub-Divisional Hospital, Murshidabad for the injuries he received due to the brutal torture by perpetrator BSF personnel. On 07.09.2018 Mr. Sarifuddin Seikh lodged a written complaint before the Superintendent of Police, Murshidabad stating the incidents...
Illegal Restrictions, Erosion and Marginalization at Indo-Bangladesh bordering areas

Illegal Restriction by BSF

Mr. Hasibur Rahman, son of Mr. Minachuddin Seikh, aged about 29 years, was living with his wife Ms. Manoara Bewa, 3 months old son and his parents at village- Maheshpur, Post Office- Jhunka Police Station- Beldanga, District- Murshidabad, West Bengal. He was from a landless family and fend his family by working as an agrarian labour and used to migrate other places in search of job. On the morning of 31/07/2018 at about 5 am, he was on his way to the next village in his bicycle as he had engagement as land labour to cut jute sticks. At around one kilometer away from his house, in a sheer negligent manner, unprotected electric wires were hanging and laying in the ground. Minarul failed to notice the live wire and ran his bicycle over it and tangled with the wire. It was reported that Minarul was instantly electrocuted and died on the spot. The local residents blamed the electric supply authority for their unrelenting negligence. It was the duty of the electric supply authority to maintain the safety and security of the common people during their construction work but their negligence cost the life of a poor youth and exposed a marginalized family before tremendous financial hardships. On 23.08.2018, the wife of the deceased, Ms. Manoara Bewa, sent a complaint to the Superintendent of police, Murshidabad through registered post. She narrated the negligent attitude of West Bengal State Electricity Distribution Company Limited (WBSEDCL) and demanded for punitive measures against the involved officials of WBSEDCL and adequate compensation for her loss, but no reply is received till date. Even the complaint to the Superintendent of Police, Murshidabad, alleging the electric supply authority for their negligence, no FIR has been lodged in respect of the complaint and thereby the authority violated the guidelines issued by the Supreme Court in Lalita Kumari vs. Govt. of U.P.,(2014) 2 SCC1. After getting information, the police came and initiated an unnatural death case being no. U.D. case no. 30/18 dated 31.07.2018 under Beldanga Police Station and the post mortem was done at the Murshidabad Medical College and Hospital, Berhampur on 31/07/2018 vides Annual Post Mortem Serial No. 900 dated 31.07.2018. The Police Officer conducting investigation did not visit the place of occurrence nor took the statement of widow.

The complaint was on the continued harassment on the poor villagers of Tharaikhana village under Dinhata-II block, Sahebganj Police Station, Cooch Behar district, West Bengal; caused by the Border Security Force personnel by manhandling the villagers and restricting their movement. Several villagers have their residence on the other side of the border fence which is not constructed in the actual border or maintaining the international norms at border between India and Bangladesh rather well inside the Indian territory and bifurcating the villages and habitation of the bordering populace in Cooch Behar District like other bordering districts of West Bengal. It is revealed that the 38 Battalion of Border Security Force of Kurshahat Border Outpost is posted at that area. Villagers are regularly being restricted from free movement by the posted BSF personnel at the said area. On 18.07.2018 the villagers lodged a written complaint to the District Magistrate of Cooch Behar against the restriction imposed by the perpetrator BSF personnel of Kurshahat Border Outpost. On that complaint they mentioned that total 4 families are residing at the other side of the fence. From these four families, total 7 minors are school going students namely 1. Mr. Rabiul Islam son of Mr. Abdul Jalil Mian (Class-XI) 2. Ms. Priya Khatun daughter of Mr. Hasen Mian (Class- XI) 3. Ms. Fajina Khatun daughter of Mr. Abdul Jalil Mian (class- IV) 4. Ms. Mekhla Khatun, daughter of Mr. Hasen Mian (Class- II) 5. Ms. Jannati Khatun daughter of Mr. Jaydul Haq (Class-V), 6. Ms. Jyoti Khatun and 7. Ms. Jui Khatun daughters of Mr. Jaydul Haq (class-I). Previously the families were using gate number 14 which is only 10 meters away from their residences but on 26.04.2018, the Company Commandant of Kurshahat Mr. Bachhan Singh and another Border Security Force personal namely Mr. Ranbir came to that village and announced that the villagers will not be able to use the gate number 14 further from that very date and they have to use the gate number 13 instead of gate number 14. Gate number 13 is 2 kilometers away from their residences and the road was full of thorny bushes. In rainy season the villagers cannot commute through the road. The students are not able to attend their respective schools for days together. The complaint was endorsed by the Principal of the Kurshahat High School and he was also a signatory of the said complaint.
**Overall Marginalization of Erstwhile Enclaves**

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 devoid with the developmental work. Chit Kuchlibari is one of the Bangladeshi enclave situated under Block – Mekhliganj, Sub Division- Mekhliganj, Police Station – Kuchlibari and District- Cooch Behar. Total population of this erstwhile enclave is 300. This erstwhile enclave is situated in 373 acres of land. After 3 years of Land Boundary Agreement still they are neglected from medical amenities, education, safe drinking water and proper sanitation. After around 2 years of execution of LBA, the developmental work was started for water supply. Construction for water tank and spreading of pipeline and have been started. At the time of survey for water supply, the officials from Public Health Engineering (PHE) department came to the said erstwhile enclave and assured the residents that water tank and pump will be built at their enclave and also guaranteed to provide a job of pump operator to someone from the erstwhile enclave dwellers. In the month of April in 2017 the residents found that the constructional work was started at Indian main land which is outside of mentioned erstwhile enclave and the job offered for them was also withdrawn. Though, there are scores of persons from erstwhile enclave dwellers, who are suitable for the job. On 9th April 2017 the residents lodged one written complaint before the Sub Divisional Officer of Mekhliganj and District Magistrate of Cooch Behar. On 10.04.2017 they lodged written complaint before The Executive Engineer of Public Health and Engineering, Cooch Behar and on 11.04.2017 they lodged the written complaint before Assistant Engineer of Public Health and Engineering and Block Development Officer of Mekhliganj, Cooch Behar. After this series of complaints making, till date not a single administrative authority did take any step on this matter and the constructional work is in progress outside the erstwhile enclave.

After execution of Land Boundary Agreement (LBA) on 31st July 2015 almost 3 years have passed but most of the erstwhile enclaves are still devoid with the developmental work. The recent construction of metal roads in Chit Kuchlibari enclave of Changrabanda gram panchayat area in Mekhliganj block and subdivision of Cooch Behar district, have caused enormous trouble for the inhabitants as private lands from many villagers were acquired by the government for the purpose of constructing roads but they were not compensated for the acquisition. The set procedure and rule for land acquisition has been violated. Following are few instances where private lands were acquired from villagers but not compensated:

1. Mr. Anukul Roy, by caste Scheduled Caste, holding number 30, had 10 kathas of land acquired for road construction but not compensated yet. The approximate value of that piece of land is around rupees three lakhs.
2. Mr. Gobinda Adhikary, by caste Scheduled Caste, holding number 37, was evicted from his house and his house demolished for road construction. Two trees were also cut down for the same purpose by which, the amount of loss suffered by Mr. Adhikary was around rupees ninety thousand.
3. Mr. Bablu Roy, by caste Scheduled Caste, holding number 31, suffered a loss of rupees 1.5 lakh as 5 kathas of his land was acquired for road construction.
4. Mr. Pulin Bihari Roy, by caste Scheduled Caste, holding number 29, also suffered huge loss as his land was acquired for road construction.

When the government decided to construct metal road in Chit Kuchlibari, they planned an expansion of the said road to double of its previous width (from 7’ feet to 12’ feet). The villagers opposed this plan and stated that a metal road might be useful but there was no need for expansion. But the government officials didn’t listen to the villagers and constructed the road, compensation of which is yet to be provided to the poor erstwhile enclave dwellers of Kuchlibari erstwhile enclave. On 04.10.2018 the victims affected by
land acquisition of Kuchlibari enclave went to the Sub-Divisional Officer and the Block Development Officer of Mekhliganj subdivision and block respectively in order to appeal the government authorities to look into the matter. In their application they also mentioned that the government has not yet provided them with legal ownership of the land, though it was promised to them during the Land Boundary Agreement, 2015 by Indian government. The settled procedures while acquiring of private land by the government were not followed. No notice were served to the land owners. Hence they are now deprived of any sort of compensation from the government on the grounds that they are not the legal owners of these lands. No action has been taken on the part of the administrative officers to ensure that the enclave dwellers may get ownership of these lands.

After execution of Land Boundary Agreement (LBA) on 31st July 2015 almost 3 years have passed but most of the erstwhile enclaves are still devoid with the developmental work. The government pledged to rehabilitate and compensate the erstwhile enclave dwellers and extend all citizenry guarantees to them. But after three years from the historical bilateral initiative; the erstwhile dwellers are still living a life of destitution. Their ownership over their own land has been denounced, no proper institutional development is in place, no livelihood opportunity has been earmarked, and even the documentary evidence of their inclusion as Indian citizen has been challenged here and there by the criminal justice administration of their own country. The development initiatives have been limited only in construction of few patches of concrete roads, electrification of few erstwhile enclaves and erratic distribution of solar pumps here and there. The demand for title deeds and ownership over their own land has been surfaced as primary demand for the erstwhile enclave dwellers but Government and its administrative agencies shown complete apathy and not settling the issue. In this given situation, 600 landowners from Nalgram, Falnapur and Jongra erstwhile enclaves under Mathabhanga sub-division of Cooch Behar district submitted a written memorandum before the District Magistrate of Cooch Behar on 31.08.2018 and demanded for immediate survey of their lands and transfer of ownership documents at earliest. But till date no appropriate action has been taken by the district administration.

More than 3 years passed from the execution of Land Boundary Agreement (LBA) but in every erstwhile Bangladeshi enclave, not a single social security scheme is functioning or implemented properly. The present scenario of safe drinking water and education at Paschim Bakalirchara, an erstwhile Bangladeshi enclave situated under Dinhata- II block, Sahebganj Police Station area of Cooch Behar District is in a very poor state. Total 215 families are residing in this erstwhile enclave with around 1200 dwellers, and most of them belonging to Schedule Caste, Schedule Tribe and Other Backward Classes. The situation of safe drinking water and education after 3 years of LBA execution has been mentioned below.

**Safe Drinking water**

After more than a year of LBA execution on August 2016; 15 tube wells were dug from Public Health & Engineering department and at different places of Paschim Bakalirchara; erstwhile enclave. Just after installation of the tube wells, 7 tube wells out of 15 were become non-functional. The dwellers made several verbal complaints to respective offices. On 15.09.2017 they lodged one written complaint before the office of Public Health and Engineering Departments. From the date of this complaint, one year has been passed out not a single person from that department visited the enclave. During this time another 3 more tube wells stopped functioning and no corrective measures has been taken.
Education

The dwellers of this erstwhile enclave are still deprived from free, compulsory, quality and equitable education; which is a constitutional guarantee under Article 21 A. After a year from execution of Land Boundary Agreement, one National Child Labour Project (NCLP) school was constructed at that area with the decision of District Magistrate of Cooch Behar. Local NGO namely Gitaldaha Bikash Samiti has been appointed to run the school. Mid day meal has been provided to the students of the school. 50 children from that erstwhile enclave and other children from the vicinity were admitted there. In February 2017, District Inspector of Schools, Chairperson of Board of Primary education visited the said erstwhile enclave and identified a piece of 56 Acres of land for building a primary school. Almost seven months passed after the declaration and as constructional work has not been started by the concerned departments; the dwellers of the said erstwhile enclave made one written application on 15.09.2017 to the District Magistrate of Cooch Behar. On that application they requested him for permission to convert the NCLP School to a Primary School and informed him that a resident of the erstwhile enclave was willing to donate a piece of .33 Acres of land for this purpose. Till date the District Magistrate of Cooch Behar did not made any reply to this application. Here it should be mentioned that the nearest primary school is 3 kilometers away from the said erstwhile enclave and the condition of the roads in the vicinity are deplorable and movements for children are very risky through these roads. In rainy season the situation become more hazardous for small children.

After more than 3 years from the execution of Land Boundary Agreement, still the erstwhile enclave dwellers are deprived from their rights due to some irresponsible government officials and their callous and unresponsive attitude. Till date not in a single erstwhile enclave the social security schemes have been fully implemented, though the media is making euphoria out of nothing. Puaturkuthi is one of the Bangladeshi erstwhile enclaves out of 51 erstwhile Bangladeshi enclaves situated inside Indian territory and in this erstwhile enclave also the social security measures and developmental initiatives were marred by lackadaisical attitude of governmental agencies. The developmental work in this erstwhile enclave stalled in half-way. From our fact finding team it was revealed that local media spread the news that constructional work for roadways has been completed at that area but we found the situation totally different from the media reports. We came to know that the road is not totally constructed and a patch of 1300 meters is remained in previous condition and no construction works has been done at the said portion of the road. Most shockingly, the situation remained same for 2 long years. At the vicinity nearly 100 families are living facing immense difficulties without any commutable road facility. Except electrification of the area, no other social development measures have been taken by the governmental agencies. During rainy season the area became waterlogged and dwellers are not in a position to commute. On 16.08.2017 the dwellers from the mentioned erstwhile enclave lodged one written complaint before Block Development Officer of Sahebganj and on 16.01.2018 they lodged another written complaint before the District Magistrate, Cooch Behar and on 15.03.2018 they made application before Sub Divisional Officer of Dinhata and demanded for proper and complete construction of road at their area. Around 4 months ago, the local Member of Legislative Assembly from Dinhata Mr. Udayan Guha and Block Development Officer of Sahebganj –II, Mr. Amartya Debnath visited the place and promised the local erstwhile enclave dwellers that all social security schemes would be initiated and extended to the populace but till date, not a single such step has been taken from administration and governmental agencies.
**SOCIAL Mobilization**

**AAMRA SIMANTABASI : North 24 Parganas**

5/6th October - Two days workshop

A two-day workshop regarding issues of Indo-Bangladesh bordering area was organised on 5th and 6th October, 2018 respectively at Tentulia in North 24 Parganas. Nearly 30 persons participated in the workshop that was felicitated by MASUM. After the workshop a district committee of Aamra Simantabasi has been nominated comprising of 14 members. The said committee has endorsed a list of objectives and action plan for the coming months.

6th October - Street corner

The Aamra Simantabasi district committee, in order to observe it's foundation, organised a street corner meeting at Tentulia bus stand where the newly appointed committee members and MASUM activists addressed a large number of locals and passerbys. Mass songs were also sung by a local singer.

**AAMRA CHHITMAHALBASI & AAMRA CHHITMAHALBASI**

**COOCH BEHAR**

26.10.2018

Masum organised total 5 meetings in Mekhligunj, Coochbihar. Out of them two meetings were held at erstwhile enclaves namely Chit Balapukuri and 22 kuchlibari and 3 meetings were held at border nearing villages namely 104 Fulkadabri, 99 Fulkadabri and 115 Upanchowki Kuchlibari. At chit Balapukuri the meeting was conducted by Amra Chitmoholbasi where they conveyed the issues on erratically implemented social welfare schemes and they committed to lodge one written deputations on entire problems before DM in coming month. This will be done by Amra Chitimoholbasi.

At 22 kuchlibari 16 families out of 56 are residing opposite part of Sati River. Not a single Government welfare scheme has been initiated in this village yet. After the meeting they committed to join Amra Chitmoholbasi committee which was created at the other part of the erstwhile enclave, to make their protest stronger.

At 3 mentioned bordering villages the problems are almost same. Their life and livelihoods is obstructed by BSF every now and then. Most of the villagers have their lands at the other side of fence which were not accessible due to whimsical behaviour of BSF personnel. First time Masum visit at those villages and after the meetings they committed to form Amra Simantabasi within 15 days to shape their protest.

27.10.2018

Masum organised 4 village level meetings at erstwhile Bangladeshi enclaves namely Jagatber 3, Jagatber 1+2, Jor Nijam and Nolgram+Falnapur+ Jongra. Among these enclaves Masum for the first time visited at Jagatber 1+2 and Jor Nijam. The dwellers of these enclaves too are complaining about the erratically implementation of social welfare schemes. After the meetings they committed to form “Amra Chitmoholbasi “ at their respective erstwhile enclaves and will participate in the movement for their rights.
In Jagatber 3 and Nolgram, Falnapur Jongra meetings were organised by Amra Chitmoholbasi committee. In the respective meetings they planned to lodge one mass deputation to address their problems in coming month.

28.10.2018
Masum organised one meeting with bordering villagers at Dighaltari village and Amra Chitmoholbasi organised another meeting at Uttar Bansjani erstwhile enclave.

Masum first time enter at Dighaltari village and observe their severe problems for living at Indo Bangladesh bordering areas. Still this place is not covered by fence but BSF personnel announced that they will cover the bordering areas by fence in near future. If this will be happened then most of the houses will be placed at the other side of fence. So the villagers demanded to place the fence at zero point. After the meeting they agreed to form Amra Simantabasi to form their protest.

At Uttar Bansjani erstwhile enclave, Amra Chitmoholbasi Committee first narrated their present situation and then MASUM proposed to start the protest program on entire problems at their respective enclave. They all agreed to do so.

29.10.2018
MASUM organised two village level meetings at Badalgir and Jagat balabari villages which are under Sahebganj PS, Bamanhat -2 GP. From these meetings MASUM clearly understands the real picture of BSF restrictions at respective villages. More than 30 families at each villages are situated at the opposite side of Indo Bangladesh border due to erratic fencing. Those villages are living a prison a like life due to high handedness of Border Security Force personnel posted there. Only 3 times of a day for one hour they can access the gates to come other side of the fence. Besides that BSF personnel are violating right to life, freedom of movement etc every now and then. These people are all agreed to form Amra Simantabasi committee to shape their protest for justice.

AAMRA CHHITMAHALBASI
MURSHIDABAD

Village Street Corner: CHAR KRISHNAPUR: 5th October, 2018

MASUM arranged a village level street corner at Char Krishnapur, GP-Akherigunj, Murshidabad on 5th October. An initiative was already taken in this locality on mass-electrification, though the response from the grassroot level was not stirring. The street corner was arranged to give them an idea on human rights activities, role of MASUM and mainly on the process and activities required for electrification. 28 persons participated in the discussion. Veteran Toyeb Ali emphasized need of movement for fulfillment of demand.

Village level meeting: CHAR BINPARA , NOTUNPARA:6th October, 2018

On 6th October, 2018, MASUM organised two meetings at Binpara and Natunpara villages of Murshidabad district respectively. The first meeting was near Char Binpara Primary School-1 since 11 am. This was the first time for MASUM arranging a meeting in order to discuss the circumstances at border area and the daily human rights violation. Villagers here raised the issue of restriction on livelihood they faced from BSF. They also demanded that ‘BSF should go back to the actual border’, which is 7 kilometers from their village. Meeting was ended with a decision to make a drive for mass petition demanding for removal of BSF from their village.
The second meeting was held in the adjoining village Notunpara at 1 pm. Here the numbers of attendees were less due to the death of a local villager. We discussed the border related problems. Villagers shared their bitter experience from BSF. Meeting concluded with a hope to arrange a street corner at the middle of November, 2018.

Workshop on 9th and 10th OCTOBER, 2018, Berhampore, Murshidabad

Representatives from different villages of Indo Bangladesh bordering areas of Murshidabad district took part in the two days residential workshop in Berhampore, Murshidabad on 9th and 10th October, 2018. Representatives came from villages under Shamsergunj, Lalgola, Bhagabangola I, Bhagabangola-II, Raninagar-II and Jalangi Block. In the opening session they opined their views on erosion, torture, presence of social security schemes, trafficking and inform about some basic in sequence on demography, position of international border, BSF atrocities, restriction on livelihood etc. A closer look at actual human tragedies which litter our national boundaries (with Bangladesh) was illuminated by their views. It has been critically recognized that the spectrum of everyday quandary for the people who were displaced three and more times due to river erosion and facing torture and different types of violence from Border guards. Incidents of state repression at the Murshidabad part of India-Bangladesh border was disclosed by the delegates and in particular they opined on restriction on jute, maize cultivation, opening and shutting of border gates, barricading their entry in PWD roads. In a rare presentation one activist unveil the name of trafficking kingpins in his locality. Enthusiasm they showed in presentation, interaction and also in cultural performance demonstrates their collective conscience and activism.

In the second and concluding day the demands set by delegates were discussed in detail. A district level committee of ‘AAMRA SHIMANTOBASI’ (WE THE BORDERING PEOPLE) was formed. The newly formed committee took some decisions on the activities for upcoming months. At the mid of November (after festive season) newly elected committee members will meet to discuss on planning that was made in this residential workshop.

Civil Society Interaction in Delhi

Mr. Kirity Roy, Secretary, MASUM attended an Academic Conference on 'Strengthening legal protection against torture in India', on 26 & 27 October, New Delhi. The Conference was jointly organised by National Law University Delhi, World Organisation Against Torture (OMCT), Working Group on Human Rights (WGHR), Commonwealth Human Rights Initiative (CHRI), People’s Watch, Quill Foundation, and the International Commission of Jurists (ICJ). He also attended a two day session on Multi stakeholders dialogue on UPR III organized by Working Group on Human Rights on 30th and 31st October 2018 at New Delhi where various line departments of Government of India narrated about recommendations of UPR 3rd cycle and implementation thereof.
High Court at Calcutta:

Ms. Suchitra Mondal, wife of Sukumar Mondal (a victim of enforced disappearance by BSF) of Lakkhinarayanpur under Kalinagar Gram Panchayat, Raininagar Police Station, District- Murshidabad, moved before the High Court at Calcutta on 25.09.2018 for filing writ petition under Article 226 for Habeas Corpus matter. Sukumar Mondal left his home on 03.07.2018 at about 4 am for some work at their agricultural land. BSF personnel from Harudanga BSF camp of battalion no. 36 thought them as smugglers and without raising any caution fired few round bullets. After that the family members of the victim alleged that they did not find the victim or his body till date. It is seemed that the perpetrator BSF personnel threw the body of the victim into the river Padma to conceal the crime. On 04.07.2018 the wife of the victim lodged a complaint before the Superintendent of Police, Murshidabad. But no steps have been taken. Aggrieved with the inaction of the police, with the legal assistance of MASUM on 27.09.2018 she filed the said writ petition being no.19791 (W)/2018 before the High Court at Calcutta. The matter came up for hearing on 01.10.2018. Similarly Mr. Rajjak Seikh, son of Jullu Seikh (a victim of enforced disappearance by BSF personnel) of Char Uttar Gopalpur, P.O Maricha, P.S. Islampur, Dist. Murshidabad, went to the High Court at Calcutta on 25.09.2018 for filing Habeus Corpus writ petition under Article 226 of Indian Constitution. On 03.08.2018 at about 7 pm the victim left his home for some work but he did not return home. The family members started to search him in the locality and during the time of searching they came to hear from the local persons that the victim was shot by the perpetrator BSF personnel of Harudanga BSF camp. The family members of the victim alleged that they did not find the body of the victim till date as the perpetrators BSF personnel disappeared his body to conceal their crime. Islampur police station refused to take any complaint against BSF and the son of the victim asked to submit simple missing information of his father. On 07.08.2018 the missing diary was diarized vide Islampur Police Station Missing Diary no. 293 of 2018. Being aggrieved with the inaction of the police, the son of the victim Mr. Rajjak Seikh lodged a complaint before the Superintendent of Police and the District Magistrate, Murshidabad, through his mobile phone message mentioning the alleged incident and disappearance of the body by the alleged BSF. As no action has been taken by the authority, Mr. Rajjak seikh, with the legal assistance of MASUM on 27.09.2018 filed the said writ petition before the Calcutta High Court being no. WP 19785 (W)/ 2018 and the matter came up for hearing on 01.10.2018. After hearing the Division Bench accepted the petition and ordered to submit fresh complaint of the victim’s family members to their respective police stations.

District: North 24 Parganas

1) A minor boy namely Shamim Dafadar from North 24 Parganas was a victim of brutal torture and assault by one BSF person namely Mr. Kamalesh Yadav, constable, Battalion 152, Bithari BOP under Doharkanda BSF camp under Swarupnagar PolicePS, North 24 Parganas. One criminal case was registered vide Swarupnagar police station case no. 352/2013 dated 9.06.2013 under section 325 of IPC against the accused BSF person. On 10th October, 2018 in the case of State (Nazrul Dafader) vs. B.S.F (Kamalesh Yadav) GR 2378/13 u/s 325 Indian Penal Code, as per prayer of de facto complainant, Ld. ACJM, Basirhat has sent the summon to the company commander of B.O.P for appearance of the accused through O.C Swarupnagar police station.

2) Mr. Alamgir Gazi was a victim of illegal arrest, detention in police station and brutal physical torture by the perpetrator police personnel of Swarupnagar police station. A false and fabricated case was registered by Mr. Kharadi Kalpesh, constable no. 14070513CT of C Company of 144 BSF Battalion of Khalsi BOP in Swarupnagar PS vide Swarupnagar PS case no. 454/16. On 11.10.2018 in the case of State vs. Alamgir Gazi GR 2223/16 u/s 323/353/333 of IPC, Ld. Court of Basirhat confirm the interim bail of the said victim person and issue warrant against absentee accused person.

3) On the same day an application for obtaining post mortem report for deceased Aktarul Sardar has filed through Sarina Khatun Bibi wife of deceased before the Sub Divisional Magistrate Court at Basirhat and Magistrate has fixed next date for hearing.

District: Murshidabad

Mr. Enamul Shah, son of Mr. Soleman Shah, aged about 38 years, by caste Muslim, a graduate and working as labour, is a resident of village Debaipur under Ranitala police station, District Murshidabad, West Bengal. His family does not own any piece of land and lives in a mud house. He belongs to BPL category and possesses the card for the same along with EPIC and Adhar card. On 18.08.2018, he was returning through his motor cycle,
having registration no. WB58-T323, from Borakuli under Islampur PS to his home after purchasing few medicines for his family. At around 6 p.m, Mr. Tapas Mondal ASI, Mr. Sajahan Ali, police constable, Mr. Wasim Javed civic police and Mr. G.M. Sarkar civic police, all attached with Islampur police station obstructed his movement. All the police personnel were in civil attire and not in their uniform. The victim found that the police personnel were stopping the motor cycles at the spot and illegally extorting money from the riders. The lathi yielding police people who obstructed the movement was later identified by the victim from other locals 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 over their credential as they were not in their uniform. Though showed all the relevant documents to above mentioned police personnel but just after scrutinizing the documents, the police personnel told the victim to pay the fine. Enamul denied to pay the fine as he possessed all the relevant vehicle documents. Denial to pay the fine 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 threatened to encounter him. 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. 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. On 3rd October, 2018 a complaint case was registered in Lalbagh Court under section 156(3) of Criminal Procedure Code, 1973 with a petition stating the above stated fact and the judicial Magistrate took cognizance of the case under Section 200 of Cr.P.C.

District: Cooch Behar

In Criminal Misc. Case No. 1434/2018 filed under section 438 of Criminal Procedure Code, before District & Sessions Judge, Cooch Behar in connection with Dinhata P.S. Case No. 259/2018 dated 19/7/2018 (GR 251/2018) under sections 341/ 186/ 353/ 42/ 506/ 34 of Indian Penal Code against accused Kirity Roy; The District Judge granted bail to the accused person Kirity Roy. Background fact is this that on 19/7/18 MASUM organized a protest rally and submission of demands of victims of torture and family members of extra judicial killings where they did not get justice or any type of compensation. Though government set procedure to provide interim compensation which falls under the jurisdiction of local civil administration, like SDO or DM; unfortunately administration for years kept pending those petitions filed by the victims and/or the family members. Confidential Assistant of SDO Dinhata after receiving the memorandum and sign and stamp over the receipt copy, tried to torn the memorandum. The act of Confidential Assistant of SDO Dinhata was protested by Kirity Roy. After the deputation was over, in the night of same day one written complaint from Dinhata SDO office was received by Dinhata PS. Hence abovementioned police case was started against Kirity Roy.

Medical Assistance & Victim’s Meeting

27.10.2018
Monthly medical camp was organised by MASUM with the help of UNVFVT at Tentulia Pather Sathi in North 24 Parganas. Medical and psychological support to 42 participants who were victims of torture were provided in the camp. The victims were treated by Dr. Priyabrata Biswas and Psychiatric counselor Mohit Ranadip. A torture victim meeting was also organised with the victims after the medical camp.

12.10.2018
Monthly medical camp was organised by MASUM with the help of UNVFVT at Islampur in Murshidabad. Medical support to 43 participants who were victims of torture were provided in the camp. The victims were treated by Dr. Priyabrata Biswas. A torture victim meeting was also organised with the victims after the medical camp.
30.10.2018

MASUM have organised medical camp for victim of torture on the aegis of UNVFVT. Dr. Champak Banerjee treated 26 victims of torture by police or Border Security Force personnel. Mr. Mahendra Roy assisted to distribute free medicines to the deprived victims. This camp is held at tutorial home near Dinhata rail station, Cooch Behar. After the camp volunteers of MASUM sit with victims to understand the present situation of their sufferings.