

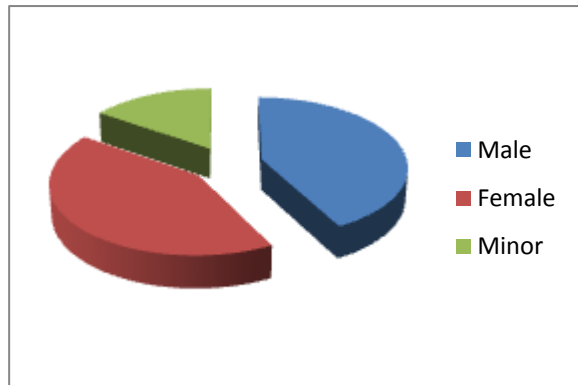
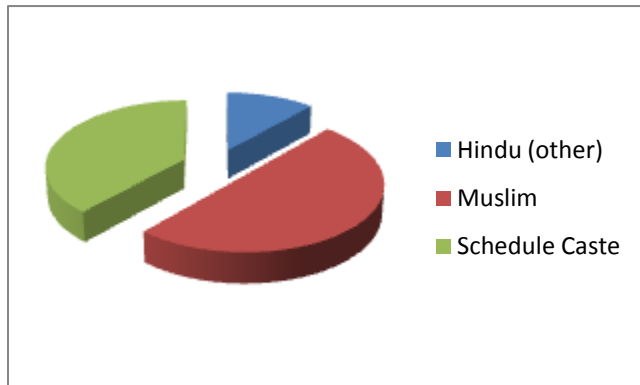
Miles to go.....

Monthly Report August-2017

Banglar Manabadhikar Surakksha Mancha (MASUM) conducted 11 regular fact findings during August 2017 and made complaints before the relevant authorities and human rights institutions and 3 complaints were made before the National Human Rights Commission where the victimization was collective from erstwhile enclaves and Dumdum Central Correctional Home; during the month 4 replies and two updates have been made to National Human Rights Commission. Out of 11 regular fact findings and subsequent complaints; four were about extra judicial killings, one about torture committed by Border Security Force personnel, three about illegal detentions of Bangladeshi women and children at Indian prison and three about police torture. Total numbers of affected in regular fact findings were 26; out of that 13 were Muslims, 10 belong to Schedule Castes community and 3 from other Hindu community. 11 were male and 11 women and 4 minors.

During this period, MASUM sent two RTI applications to the Superintendents of Police of Murshidabad and North 24 Parganas districts, where we sought detailed information about the number and status of the detainees who were being arrested under Narcotic Drugs and Psychotropic Substances Act during January 2014 to till date. The applications were reached to the destination on 21.08.2017. Till date we did not receive any reply.

Demographic and Social classification of affected



Hindu (other)	3	Male	11
Muslim	13	Female	11
Schedule Caste	10	Minor	4

Classification of violence



Complaint and Fact Findings

Details of an incident of Extra Judicial Killings by men in uniform

Ashish Tamang; son of Mr. Madan Tamang – age 36years (date of birth- 19.07.1982) of



Mangarjung Tea Garden (Nagri), Nagrispur under Sukhia Pokhri police outpost under Darjeeling Police Station was a daily wage earner and Carpenter by profession. He was survived by Ms. Maina Tamang; Wife (32), Master Dipesh Tamang; Son (14), Ms. Deepa Tamang; Daughter(14), Ms. Usha Tamang; Mother (64) and Mr. Madan Tamang; Father (61). On 17th July 2017 at around 12.30 - 1.00 PM, he went to Mirik (40 minutes walk from his place) to purchase grocery items as they did not have any food for that night. Ashish Tamang had information that the food was getting distributed at Mirik and was waiting for the same. The protest of the people demanding for the release of a resident of Mirik suddenly went haywire when a stone was thrown at the peaceful crowd around 3 pm. The witnesses informed us that after the stone pelting upon the procession as well as the police force by unidentified person in the crowd, the police fired tear gas shells and the mob got disassembled. Ashish Tamang with many others from the crowd sought refuge to a nearby house but unfortunately he was hit during the firing at around 8:30 PM. Along with Ashish Tamang, two others also received gunshots and they have been identified by the locales but they chose to remain anonymous for the fear of further police atrocities. Thus far CRPF and the police had started random and arbitrary firing towards the crowd in the Bypass area (Near Mirik Police Station) from 7.30 pm and went for about 2 hours. For an example during the firing one house was hit by almost 14





bullets and the family of 5 was miraculously unhurt as they hid under the cot; the house had a half concrete wall. According to the witnesses around 36 rounds of gunshots they heard. After the news of Ashish Tamang received gunshot injury was received by his family members and neighbors, the body was taken to Sukhiapokhari Hospital by the family members as in first instance Mirik Sub Divisional Hospital refused to perform the postmortem examination, stating that the hospital wasn't equipped for the purpose and the Sub Divisional Officer- Mirik directed the Mirik Hospital not to perform the PME. Later, Sukhiapokhari Hospital also refused to perform the PME and the body was taken to North Bengal Medical College and Hospital at Siliguri for PME and at NBMCH at Siliguri, the Post Mortem Examination was done. The brother of the deceased; Mr. Manoj Tamang lodged a complaint to the Mirik Police

Station on 18th July 2017 but they informed us that Mirik police station not registered their complaint.

Minarul Mollah(deceased), son of Mohsin Mollah, aged about 30 years, by faith-Muslim,



resident of village – Lalkup colony, Post Office – Bamnabad, Police Station- Jalangi, District – Murshidabad, West Bengal was the only earning member of his family. Reportedly he was involved with cross border smuggling activities. The victim was accused in a number of criminal cases under the Narcotic Drugs and Psychotropic Substances (NDPS) Act and reportedly warrant of arrest was pending against him. At around 00.20 hours on 26.07.2017 seven police vehicles arrived at Mr. Jalil Mollah's house where the deceased was sleeping on that night. The Officer-in-Charge of Jalangi Police Station, the Sub Divisional Police Officer, Domkal and number of police personnel from Raninagar, Jalangi, and Domkal Police Stations came in those police vehicles. After arriving there the armed police personnel surrounded Mr. Jalil Mollah's house. Then a group of police personnel forcibly entered into Mr. Jalil Mollah's residence and forcibly brought out the victim Minarul Mollah from the house. After that three

rounds of bullet were fired on him from close range by one of the police personnel. There are several reports on who fired at the victim, one say that the SDPO, Domkal himself fired at the victim, other say the Officer-in-Charge of Jalangi Police Station fired at him. There is another report that the body-guard of the SDPO, Domkal fired at the victim. The police personnel threatened the residents to keep their mouth shut. The victim sustained gunshot injury on the right side of neck and left side of chest. There was entry and exit wounds on his body. He fell on the ground after the firing. Then those police personnel washed the blood stains from the place of the incident and left the place by taking unmovable body of the victim with them. The family members of the victim were not given any information as to where the victim was taken to by the perpetrator police personnel. The post mortem examination of the victim was conducted at Murshidabad Medical College & Hospital vide P. M. No.799 dated 26.07.2017. The Police of Jalangi Police Station registered one unnatural death case on the death of the victim vide Jalangi Police Station Unnatural Death Case no.15/2017 dated 26.07.2017. The victim's family was not informed about the post mortem examination. None from the family of the victim was called up at the time of post mortem examination of the victim. On 26.07.2017 the family of the victim was informed by a civic police to bring the victim's body from Murshidabad Medical College & Hospital otherwise his body would be thrown into river. The family of the victim also

has no idea whether any inquest was done or not. The villagers in protest to such brutal action of police gathered the National Highway at Dhanirampur on 27.07.2017 and conducted a roadblock in protest. The police personnel along with the Sub Divisional Police Officer, Domkal came to the place and reportedly the Sub Divisional Police Officer; Domkal fired one round of bullet and also five rounds of tear gas to end the protest. The family of the victim informed that on 27.07.2017 several police personnel including one Additional Superintendent of Police, Murshidabad and the Officer-in-Charge of Jalangi Police Station visited the place of incident and took some photographs. But they did not talk with the family of the victim. On the same day the body of the victim was handed over to his family. On 31.07.2017 the victim's wife Ms. Jharna Khatun Bibi lodged one written complaint before Superintendent of Police of Murshidabad alleging that her husband was brutally murdered by the perpetrator police personnel by firing three rounds of bullet on him. In the said complaint she prayed for neutral investigation against the perpetrator police personnel and also their punishment under the law. However till date the Superintendent of Police, Murshidabad did not take any action on her complaint. The family members of the victim apprehended that the higher ups of the police would not take any action on the complaint of the victim's wife and would lend a hand on the perpetrator police personnel to go scot free by justifying the killing of the victim as encounter death in self defense, so they demanded for a neutral enquiry into the matter by registering FIR against the perpetrator police personnel. The family members also alleged that the victim was falsely implicated in the criminal cases such as NDPS Case no.208/2014, NDPS Case no.70/2015 and NDPS Case no.76/2015 under the Narcotic Drugs and Psychotropic Substances (NDPS) Act. They stated that the victim was out on bail in two cases out those three cases. The family also demanded a neutral enquiry on such false implication of the victim on those criminal cases.



Samir Gurung alias Jango; son of Late Prem Kumar Gurung; 42 years of age (date of birth-



27.10.1975) and resident of Ropeway, Singmari Darjeeling (Ward No. 23) under Sadar Police Station was an innocent young man living with two sisters and widow mother. He was a hotel waiter by profession. He was practicing Buddhist by faith. On 8th July 2017 at around 2.30 pm, he went out to purchase medicines as he was suffering from allergy. While he reached near to Fair View Girl's Hostel in West Jawahar Road, he found a group of armed personnel attached with Indian Reserve Battalion (IRB) pointing guns towards him. All of a sudden, the personnel started firing from their guns without any alarm and no provocation was there. A

bullet entered through his cheek, near his nostrils and exited from back of the head. He fell down in the ground. Family members and neighbors brought him to Singmari, where the Gorkha Jana Mukti Morcha office is situated. The injured Samir was taken into a vehicle and rushed for Darjeeling District Hospital by a hired ambulance. On the way near to District Court, the ambulance was stopped by the Superintendent of Police; Darjeeling; Mr. Akhilesh Chaturvedi and the Officer in Charge of the Darjeeling Sadar Police Station. The mentioned police personnel restricted Mr. Kavindra; the driver to move his ambulance. Another vehicle was following the ambulance with Samir's relative was also restricted. The police personnel led by the Superintendent of Police unnecessary but purposefully delayed their movement for

arranging medical attention to grievously injured Samir. The police harassed the accompanying relatives and neighbors during their illegal act. It was reported that Samir was died at this point in the ambulance. Somehow they reached at the Darjeeling District Hospital where Dr. Kishan Rai declared Samir brought dead at 4:15 PM. A radiological examination was done over the body and then the body of Samir was sent for post mortem examination. A group of doctors have done the post mortem examination and the doctors were Dr. Burman roy; surgeon, Dr. Dawa; anesthetist, Dr. Kalyan Ghosh; dermatologist, Dr. Kumar; District Medical Officer and Dr. Shaikat Pradhan; Superintendent; District Hospital- Darjeeling. Later, the body was handed over to family for last rites. On 11.07.2017, Ms. Pramila Tamang; the sister of the deceased made a written complaint to the Officer in Charge- Sadar Police Station; Darjeeling, but the said police station violating the set procedure only entered the information as a General Dairy entry vide Sadar PS GDE No. 464 dated 11.07.2017 instead of proper registration as an First Information Report (FIR).

Najbul Haque @ Makbul Haque(deceased), son of Mr. Atar Ali, age-30 years at the time of his



death, residential address at village-Mohanpur, Post Office-Gopinathpur, Police Station-Islampur, District-Murshidabad, West Bengal was living with his wife; Ms. Nagora Bewa and two children i.e. one daughter and one son. Her son is aged about-3 years and daughter is aged about 5 years. She resides in a mud built one room house. She has no land by ownership. Ms. Nagora Bewa stated before our fact finding team that on 23.02.2017, her husband Najbul Haque went to Indo-Bangladesh border with two buffalos at night. Before he could cross the border with the buffalos, he was caught at 9pm by the Border Security Force personnel of BSF Out-Post no.4 under Nirmalchar BSF Mini Camp, Battalion-4, BSF. He was physically tortured in the custody of Border Security Force. He neither returned home nor was he handed over to police. The family members and local people searched for his whereabouts, but he was not found. On 26.02.2017 his body was found on a pond which was located within a few distances from the BSF Out-Post no.4 under Nirmalchar BSF Mini Camp, Battalion-4, BSF. The police of Islampur Police Station recovered the body from the said pond and registered one unnatural death case vide

Islampur Police Station Case no.04/2017 dated 26.02.2017. The post mortem examination of the victim was held at Lalbagh Sub-Divisional Hospital on 26.02.2017. Ms. Nagora Bewa further disclosed that the family members of the victim and many other local people found numerous marks of torture on the body of the victim. They saw that the front teeth of the victim were pulled up. Ms. Nagora Bewa waited long for post mortem examination report of her husband, but till date she did not get the report. The police of Islampur Police Station also did not make any effort to meet her and record her statement. When the victim's body was recovered by the police, the family members of the victim told their allegation that he was murdered by the perpetrator BSF personnel, but police was not inclined to note down any complaint against BSF. She hopelessly waited for suitable action from the police which never happened. Ultimately on 26.07.2017 she sent a written complaint to the Superintendent of Police, Murshidabad through registered post wherein she alleged that the perpetrator BSF personnel murdered her husband after apprehending him. In the complaint she prayed that registration of FIR against the perpetrator BSF personnel.

Details of Torture perpetrated by BSF

Mr. Gopal Sarkar, Ms. Bhabani Mondal and Mr. Sudhangshu Mondal, all residing at village-



Char Rajapur, Police Station-Raninagar, District-Murshidabad were tortured by BSF personnel on 22.03.2017. The Commission registered the complaint as NHRC Case no.444/25/13/2017. The case is pending for reports from the state authorities as per the information available on the Commission's website against the said case. In a recent development, on 11.07.2017 at about 7pm at the residence of the victim Ms. Bhabani Mondal when Mr. Shibnath Mondal, husband of Ms. Bhabani Mondal, and his two sons with their wives were sitting on the courtyard of the house, Mr. K. K. Das, Company Commander of Rajanagar BSF Camp, Battalion-83 entered with another BSF officer in civil dress. The said Company Commander tortured them physically and verbally using slap and filthy languages accusing them as they were cattle smuggler. When Mr. Shibnath Mondal went on protest, the said Company Commander took out his revolver and gave threat to kill Mr. Shibnath Mondal. Even he fired one

round in the air and threatened Mr. Shibnath Mondal saying that he and his family members will be implicated in false criminal case and left the house. On 19.07.2017 at about 6pm in the evening the police personnel of Raninagar Police Station came to the house of Ms. Bhabani Mondal in search of her husband Mr. Shibnath Mondal and three sons namely Mr. Sarajit Mondal(age-22years), Mr. Abhijit Mondal(age-19 years) and Master Biswajit Mondal(age-17 years). Later, Ms. Bhabani Mondal and her family came to know that Raninagar Police Station registered one criminal case on 18.07.2017 being FIR no.431/2017 under section 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act on the complaint of BSF. In the said case Ms. Bhabani Mondal's husband and the aforesaid three sons were implicated as accused persons. Mr. Shibnath Mondal lodged written complaints before the Superintendent of Police, Murshidabad on 21.07.2017 and 01.08.2017 describing the incident but till date no action took place on the complaint.

Details of Torture perpetrated by Police

Mr. Govindo Bagdi son of –Gopal Bagdi address:- Durgakona, Police Station.- Silchar, District-Cachar, Assam, **Mr. Gopal Bagdi**, son of-Not known address:- Durgakona, Police Station- Silchar, District-Cachar, Assam, **Ms. Mongola Bagdi** wife of Mr. Gopal Bagdi address:- Durgakona, Police Station- Silchar, District-Cachar, Assam, **Ms. Anita Bagdi**, age-17 years daughter of- Gopal Bagdi address:- Durgakona, Police Station- Silchar, District-Cachar, Assam; **Ms. Kanchani Bagdi**, age-10 years, daughter of- Gopal Bagdi address:- Durgakona, Police Station- Silchar, District-Cachar, Assam **Mr. Ram Babu Goala**; son of- Subechan Goala address- Dugru Basti, Palonghat, Police Station-Dholai, Assam and **Mr. Ajoy Bora** son of- Akon Bora address:- P.O- Dhormikhal Grant, Assam were faced severe custodial torture at Ghungoor Police Out-Post, Assam University Out-Post and Silchar Sadar Police Station From 05.06.2017 to 12.06.2017. One criminal case was registered at Silchar Police Station on 08.06.2017 at 17.14 hours vide Silchar Police Station Case no.1247/2017 under sections 364-A/120B IPC. The said FIR was registered on the basis of the information received at the said police station on 06.06.2017 at 14.45 hours. The information was lodged by Dr. Satabhisha Roy Choudhury who alleged that on 05.06.2017 while she was on duty at Health centre, the accused

Neha Bagdi (FIR named) kidnapped her daughter Trisha from her quarter at Assam University Campus, Silchar. On 27.07.2017 the victim Mr. Ram Babu Goala sent a written complaint to the Director General of Police, Assam by registered post stating inter-alia that on 06.06.2017 at around 11.30am he was called at Assam University Police Outpost. There one on duty police person (with mustache) in civil dress asked him whether he knew Neha Bagdi and also inquired about one phone number. He slapped him several times. Then at around 1.30pm on the same day he was taken to Ghungoor Police Out-Post, from there he was taken Silchar Medical College Hospital under handcuffed. There he was again asked the same question by one police officer. He was asked to sit in a room where there were several other persons namely Ajoy Bora, Dilip Goala, Sebul Laskar, Rakesh Bagdi, Mongola Bagdi, Gopal Bagdi and Kanchani Bagdi(the victim no.3). On the next day at around 1.30pm he was first taken to Sadar Police Station where he was taken to the 1st floor. There two police officers asked him about Neha Bagdi and about a phone number. After that he was brought to one room on the ground floor. One lady IPS officer along with Kalita and other 5-6 police personnel some in uniform and some in civil dress were present there. The said lady IPS officer started interrogating him. When he said that he did not know about the phone number and whereabouts of Neha Bagdi and Trisha the she asked other police personnel to make me lie on the ground floor. They started beating him with stick, kicked him and hit him on his foot. They asked him to stand up and tied his eyes with a black cloth. Then they had beaten him with a stick. He could not bear the pain and sat down on the floor. The said lady IPS officer also threatened to push one injection filled with some red colour liquid into his body for which he would die within one month. Kalita also pointed one pistol on the right side of his head. At around 6.30pm he was taken to Palonghat by the police personnel. On 08.06.2017 at around 1.30pm he was taken to Dagbanga Hospital as his physical condition was serious. He was bleeding from different parts of his body, swelling and blood clotting on his buttock. After that the police personnel took him to Assam University Out-Post and from there to Ghoongur Police Out-Post and kept him in police lock-up. On 09.06.2017 he was released with instruction to attend the said police out-post by 9am on the next morning. Thereafter he attended the said police out-post on 09.06.2017, 10.06.2017 and 11.06.2017. Ms. Mongola Bagdi, mother of Anita Bagdi (aged about-17 years) stated that she along with her husband Mr. Gopal Bagdi and daughter Kanchani Bagdi were also at Ghungoor Police Out-Post on 6th June, 2017. Her son Govinda was with the police from 5th June, 2017. She heard the cry of her son Govinda at Ghungoor Police Outpost when he was tortured by police. She also stated that Anita was dragged from her house by police personnel on 07.06.2017 around 10pm and she became senseless. She came to her senses inside the police vehicle. She was taken to Ghungoor Police Out-Post. There she was beaten up with a roll stick and slapped by a lady police as well as four male police personnel while asking about the whereabouts of Neha Bagdi and Trish. She got hurt at her legs, thigh, back ears and face, there was swelling due to the beatings and slapping. There was bleeding from her ears. Later she was taken by the on duty lady police to her house and on the next morning on 08.06.2017 she was again brought back to Ghungoor Police Out-Post. From there she was taken to Silchar Medical College & Hospital. She was given medicines. She was again brought back to the said police out-post. She was denied food. On that day she was made to stay in a room with other male persons detained for interrogation in connection with the alleged incident of kidnapping of the daughter of Dr. Satabhisha Roy Choudhury. On

Office of the Principal
DURGAKONA PUBLIC HIGH SCHOOL
 Durgakona, M.D. Assam University
 SILCHAR, GARO (ASSAM)

TRANSFER CERTIFICATE

No. 03 Date 08/06/2017

Certified that Anita Bagdi
 Son/Daughter of Gopal Bagdi
 an inhabitant of M.D. Durgakona, M.D. Assam University
 is absent from school in the date of 07/06/2017 to 11/06/2017 No./for date of birth according to the Admission
 Register is 27/02/1997 No./for marking is 10
 and had/had not passed the examination and presented to detained in
 date 08/06/2017

No./for character is Good

Reasons for being :-
 1. Unavoidable change of residence.
 2. Ill health.
 3. Completion of school course.
 Minor reason.

Dated, Durgakona
 The 08th Aug 2017

Principal
 Durgakona Public High School

09.06.2017 at around 3am she was released and dropped at her residence by a police vehicle. Ms. Anita Bagdi was medically treated at Silchar Medical College & Hospital on 08.06.2017 and in the medical treatment record it was recorded that as per statement of the Anita Bagdi, she was physically assaulted on 07.06.2017 at Ghungoor Police Out-Post. Another victim Mr. Govindo Bagdi stated that on 05.06.2017 at around 8pm he was picked from Assam University Police Out-Post by police personnel and throughout his journey in police vehicle from Assam University Police Out-Post to Haldia then to Chandua, the police personnel kept on beating him with stick, slapping and kicking. On 06.06.2017 morning he was taken to Ghoongur Police Out-Post. The whole day he was inside the police lock-up. Around 3pm a lady IPS officer and other police officer came and he was taken out from lock-up and taken to a room. Inside the room those police personnel made him to lie down on the floor with his hands spread. One police person kept pressing with his boots from side of his chest and two police personnel pressed on his hand with their boots and few police personnel kept beating him on his back. They hit him on his foot with stick. They made him kneel down and started beating him at his finger joints and elbow joints, knee joint. He was made to remove all his clothes leaving only the under pant. Then they took him to toilet and made him lie down, his hands were tied from the backside, his face was covered with black cloth and started pouring water on him and kept beating him. The ordeal lasted for around 30 minutes and they sent me back to lockup. He was in police custody from 06.06.2017 evening to 12.06.2017. Throughout his detention at Ghoongur Police Out-Post the on duty police personnel interrogated him by torturing him by slapping, punching, kicking etc. Mr. Gobindo Bagdi sent written complaint to the Director General of Police, Assam by registered post on 27.07.2017 stating the incident of torture committed upon him by the police personnel as stated above. Mr. Ajoy Bora stated that he was working as a security guard at Assam University Campus, Silchar. On 05.06.2017 he was doing duty at the main gate. In the evening on that day he was interrogated at Assam University police outpost. He was slapped several times. On 06.06.2017 he was again called to Assam University police outpost. There he saw Mr. Dilip Goala(security guard) and Mr. Sebul Iascar(driver of Dr. Satabhisha Roy Choudhury). They were taken to Ghoongur Police Out-Post for interrogation. at arrival there he saw Mr. Bijoy Bagdi and Gobindo Bagdi were coming out from a room and they were severing with fear and wet. Bijoy was only wearing his jeans long pant and Gobindo was without cloth except a black colour cloth covered on his waist. They were sent inside the lock-up. The police personnel slapped him during interrogation. He was released on the noex day. But again at evening on the next day he was called to Assam University police outpost. There he saw Mr. Ram Babu Goala in very bad physical condition. On 08.06.2017 at around 9am he went to Ghoongur Police Out-Post as per order of police. On that day he spent whole day there. He was subsequently suspended from his job.

Mr. Madhurjya Saikia, son of-Jajneswar Saikia, age-41 years, is a permanent resident of village-Dihingia Kalita Gaon, Police Station-Teok, District-Jorhat, Assam. It is revealed during the fact finding that on 25.07.2017 Ms. Rekha Saikia, wife of Mr. Madhurjya Saikia (the victim) lodged a complaint at Teok Police Station against her husband of committing cruelty upon her. The complaint was registered as Teok Police Station Case no.323/2017 dated 25.07.2017 under section 498A of Indian Penal Code.

On 26.07.2017 of Mr. Madhurjya Saikia (the victim) with his father Mr. Jajneswar Saikia went to Teok Police Station and he surrendered himself before the police at around 7pm and arrested by police. The victim's brother Mr. Dijyoti Saikia was already at the police station at that time as he was called there by police for interrogation. The police asked the victim to sit with his brother at around 9pm, the victim was called to another room where he was badly beaten by Mr. Sanjiv Saikia, the Assistant Sub-Inspector of Police of Teok Police Station. At first the said police



Scanned by CamScanner

officer slapped him several times and after that he used a stick to beat him. The victim's brother and father witnessed the incident of torture upon him. On 27.07.2017, the victim was taken to Teok FRU (Under National Health Mission, Assam) by Mr. Sanjiv Saikia, the Assistant Sub-Inspector of Police of Teok Police Station along with two other police constables. There he was prescribed with some medicines and a anti- tetanus injection. After that at around 3pm he was produced in the court of Chief Judicial Magistrate, Jorhat and he was sent to judicial custody at Jorhat Central Jail. On 27.07.2017 Ms. Rekha Saikia(wife of the victim) and Ms. Deepa Saikia(a social activist) went to Teok Police Station. Ms. Deepa Saikia met with the victim inside the police station and she saw number of injury marks on the body of the victim. The victim informed her that he was badly beaten by Mr. Sanjiv Saikia, the Assistant Sub-Inspector of Police of Teok Police Station. On 28.07.2017

Ms. Deepa Saikia went to meet with the victim at the Central Jail, Jorhat and came to know from him that he was not given proper medical treatment. On 29.07.2017 Ms. Deepa Saikia filed a petition before the Chief Judicial Magistrate, Jorhat stating that the victim was tortured badly at Teok Police Station on 26.07.2017. She also stated that the victim was in judicial custody and better medical treatment was needed during his detention which was refused. But no order passed on the said petition by the aforesaid judicial magistrate. However the victim is now on bail.

Mr. Lutal Mandal, son of Late Piyari Mandal, aged about-71 years and **Mr. Chittaranjan Mandal**, son of Late-Nagendranath Mondal both residing at Mallikpara, Post Office-J. B. Mallikpara, Police Station-



Kaliachak, District-Malda, West Bengal, India are made accused under sections 18(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985. It is revealed during the fact finding that on the complaint of Mr. Bijan Kumar Karmakar, Sub-Inspector of Excise, English Bazar Circle, Malda a case (Special Case no.66/2016) was registered against 76 persons under sections 18(C) of the Narcotic Drugs and Psychotropic

Substances Act, 1985. In the said case it was alleged that those 76 persons being owners of the respective plot of lands illegally cultivated poppy plants. Mr. Lutal Mandal is aged about 71 years and has a good reputation in the locality. He was also implicated in the aforesaid criminal case as one of the accused persons though he stated before our fact finding team that he was never involved with poppy cultivation. On 24.07.2017 he submitted a written complaint before

the Superintendent of Police, Malda stating that he is the owner of a land situated at Dag nos. 383 and 557, Khatian no.742, J. L. no.152 under Mouza-Mallikpara. The nature of the said land was “*Nama*” (in Bangla language) which means wet low land. He stated it was not possible to cultivate poppy on such land. Instead of that he was falsely implicated in the said case alleging that he cultivated poppy plants illegally in the said land. But till date no action has been taken on his complaint by the Superintendent of Police, Malda. Mr. Lital Mandal was called up by notice to the office of the Excise Department and there he filed a written declaration on oath that he never cultivated poppy in the aforesaid land and also informed that it was not possible to cultivate poppy on the said land due to its nature. But till date he did not get any relief from harassment by the Excise Department personnel. It is revealed during the fact finding that another victim Chittaranjan Mandal stated that his father Nagendranath Mandal was the owner of two plots of land i.e. one at Dag no.566 and the other at Dag no.635 under Khatian no.390, JL No.152, Mallikpara Mouza, Police Station-Kaliachak, District-Malda. After demise of Nagendranath Mandal, his sons being the legal heirs namely Mr. Niranjan Mandal, Mr. Monoranjan Mandal, Mr. Chittaranjan Mandal (the victim) and Mr. Dipak Mandal sold out the said plot of land at Dag no.566 in the year 2011 by a registered deed of sale to Mr. Kartik Chandra Mandal and Mr. Naba Kumar Mandal. In spite of the fact that Nagendranath Mandal is already dead, his name was mentioned as one of the accused persons in the aforesaid Special Case no.66/2016. Moreover in connection with the said case, Mr. Utpal Dey, O. C. of Excise, English Bazar Circle, Malda issued a notice dated 05.11.2016 in the name of Nagendranath Mandal to appear before him on 18.11.2016 at 10.00 hours. The victim Mr. Chittaranjan Mandal stated that he and his siblings became the co-sharers in respect of the plot of land at Dag no.635 after demise of his father, but only he has been harassed by the Excise Department personnel. Moreover he further stated that the nature of the said land was “*Nama*” (in Bangla language) which means wet low land. He stated that it was not possible to cultivate poppy on such land. He in this regard submitted a written complaint before the Superintendent of Police, Malda on stating the above mentioned facts and circumstances and prayed for proper inquiry into the matter and relief from harassment by the Excise Department personnel. But till date no legal action has been taken by the Superintendent of Police, Malda.



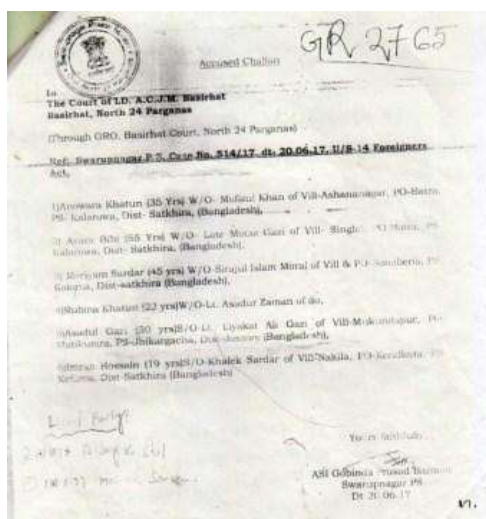
Details of illegal detention of Bangladeshi women and children in Indian Prisons



Master Marub Khan @ Mahafijur Rahman son of Mr. Jahangir Khan, residential address at village-Kalma, Post Office-Charkhar, Police Station-Tanor, District-Rajsahi, Bangladesh, is at present aged-12 years only was arrested on 24.06.2017 and implicated in a criminal case for illegally entering into India. The victim was produced before the concerned Juvenile Justice Board and since then he has been detained in a shelter home. He was treated like an Under-Trial Prisoner and prosecution was taken up against him. He is yet to be repatriated to Bangladesh. His fate is hanging in the bureaucratic approach of the concerned governmental departments who are not sensitive to take immediate action for his repatriation. In this case the right to life of the

victim which is also guaranteed to non-citizen under the Constitution has been grossly violated. It is unfortunate that the criminal prosecution was continued against the victim who is only 12 years old in spite of the fact that such prosecution is barred under section 83 of Indian Penal Code. Further, such approach of the state authorities including the police and other component of 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

On 24.06.2017 the Border Security Force, Battalion-24, Company-B arrested Mr. Sahadad Seikh and the victim Master Marub Khan @ Mahafijur Rahman from village- Milik Sultanpur, Post Office-Umakantatala, Police Station-Kaliachak, District-Malda. They were handed over to the police of Golapganj Police Out-Post under Kaliachak Police Station. The police registered one criminal case vide Kaliachak Police Station Case no.467/2017 dated 25.06.2017 under section 14 of Foreigners Act against them. Later Mr. Sahadad Sk. was released as he had documents of Indian nationality. The victim Marub Khan @ Mahafijur Rahman was sent to an observation home namely 'Juvenile Home for Boys-Ananda Ashram' at Berhampore, District-Murshidabad after he was produced before the Juvenile Justice Board, Malda. At present he is undergoing detention in the said observation home. Marub Khan is a student of class-VIII at Kalma High School under Police Station-Tanor, District-Rajsahi, Bangladesh. His roll number in the said class is 30. For the detention he had already faced interruption in his studies. As a minor boy he had also faced psychological pressure for detachment from home and parents. It is also revealed during the fact finding that the victim's uncle; Humayun Sk. from village-Milik Sultanpur, Post Office-Umakantatala, Police Station-Kaliachak, District-Malda passed away in the month of June, 2017. The victim entered into India to attend the funeral program of Humayun Sk. The Kabarstan of Milk Sultanpur is on other side of border demarcating fence near 24 Battalion of BSF. A large section of Indian and Bangladeshi relatives gathered near said Kabarstan to pay homage and to perform last rituals for Humayn Sk. Along with his guardians the victim also came there from adjoining Bangladesh part and mistakenly crossed Indian Territory with the Indian crowd. He came to the house of his aunt Rabina Bibi (wife of late Humayun Sk.) and brother in law Mr. Sahadad Sk (son of late Humayun Sk). In this part of the country border became a mark of partition among keen relatives, became division between mother and child and so long. The victim on 24.07.2017 sent a letter by his own handwriting to the Principal Magistrate of Juvenile Justice Board, Malda praying for sending him to his home in Bangladesh. But till date no action has been taken for his repatriation.



This was an effort to draw attention of National Human Rights Commission on subsequent flouting of governmental advisory regarding arrest and detention of Bangladeshi women and children. As you know trafficked women and children from Bangladesh are being arrested and detained in regular prisons in West Bengal and charged as illegal entrants under India's Foreigners Act, 1946 and treated as criminals whereas they should be identified and treated as victims of human trafficking under the present legal instruments in India. When someone crosses the border from Bangladesh they are usually arrested under the Foreigners Act. Thus being securitized as illegal migrants, the trafficked persons lose their voice. The scenario still remains the same as the state authorities do not bother to enquire into whether

the women and children crossed the border from Bangladesh to India were the victims of human trafficking or not.

Such approach of the state authorities including the police and other law enforcing agencies is against the advisory issued by the Government of India vide office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012.

The under mentioned Bangladeshi nationals crossed the Indo- Bangladesh border with the help of middleman through Hakimpur – Amudia border situated at North 24 Parganas district. They were staying at village Dattapara under Swarupnagar Police Station and waiting for their transfer and relocation to different parts of India, mainly at metropolises as domestic helps. These women are used to come to India in search of livelihood through cross border middlemen and get job as maid servant. On 20.06.2017 at around 8 pm Police personnel of Swarupnagar Police Station arrested the women and next day they were produced before Basirhat Additional Chief Judicial Magistrate's Court. The male accompanies were sent in Basirhat Sub Divisional Correctional Home and female were sent to Dumdum Central Correctional Home for 14 days. They are still languishing in Dumdum Central Correctional Home.

The names and details of female detainees are follows:-

1. Ms. Anowara Khatun (35 years), wife of Mofijul Khan, resident of Village – Ashananagar, Post Office- Batra, Police Station – Kalarowa, District – Satkhira, (Bangladesh)
2. Ayara Bibi (55 years), wife of Late Motaz Gaji, resident of Village – Singlal, Post Office – Batra, Police Station – Kalarowa, District – Satkhira, (Bangladesh)
3. Meriyam Sardar (45 years), wife of Sirajul Islam Moral, resident of Village + Post Office – Sonaberia, Police Station – Kalarowa, District – Satkhira, (Bangladesh)
4. Rubina Khatun (22 Years) wife of late Asadur jaman resident of Village – Ashananagar, Post Office- Batra, Police Station – Kalarowa, District – Satkhira, (Bangladesh)

It is revealed from our another fact finding that on 28.07.2017 Bangladeshi women; names and details mentioned bellow, have crossed Indo – Bangladesh border and entered into India in search of job. On that day, the Border Security Force personnel of Kalyani Border Outpost under BSF Battalion Number 64 under the limit of Bongaon Police Station nabbed 13 Bangladeshi nationals near the mentioned Border Outpost and handed over them to the Bongaon Police Station. Police personnel of Bongaon Police Station initiated a criminal case vide Bongaon PS Case No. 761/17 dated 28.07.2017 under section -14 of Foreigners Act. Next day on 29.07.2017 those Bangladeshi nationals produced before the Bongaon Additional Chief Judicial Magistrate's Court and they were sent to Bongaon Sub Correctional Home for 14 days judicial custody. The persons are still languishing in prison.

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

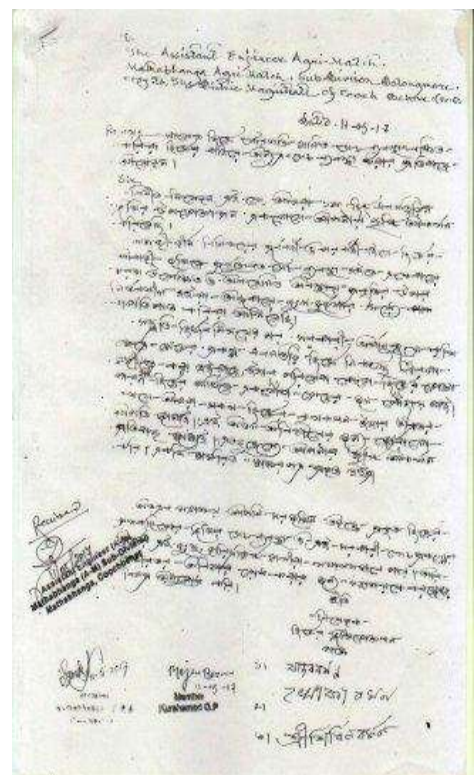


1. Ms. Lili Begum wife of Ekbal Mollah – Age- 35years, Address – Village – Laxmipur, Post Office- Chanchuli, Police Station – Kalia, Bangladesh
2. Ms. Rikta Khatun wife of Mahasin Ali- Age- 23 years, Address – Village – Chandpur, Post Office – Singhasulpur, Police Station – Kalia, District – Narail, Bangladesh
3. Ms. Laboni Mollah wife of Sifar Mollah Age – 26 years, Address- Village - Chandpur, Post Office – Singhasulpur, Police Station – Kalia, District – Narail, Bangladesh
4. Ms. Mariyam Begum wife of Rakib Seikh Age – 18 years, Address- Village - Chandpur, Post Office – Singhasulpur, Police Station – Kalia, District – Narail, Bangladesh
5. Ms. Masammad Siren wife of Hafiz Biswas Age – 25 years, Address- Village – Sandepur, Post Office - Singhasulpur, Police station – Sandepur, Bangladesh
6. Ms. Sonia Sardar wife of Laltu Sardar Village - Chandpur, Post Office – Singhasulpur, Police Station – Kalia, District – Narail, Bangladesh

Complaints on Collective Victimization of erstwhile enclave dwellers

This was a complaint regarding continuous infringement on livelihood and citizenry rights of erstwhile enclave dwellers. Here, the sufferers are people from one erstwhile Bangladeshi enclave; Dhabalguri No-1 under Cooch Behar district of West Bengal. The dwellers of erstwhile Bangladeshi enclave; Dhabalguri- No-1 are living in great disappointment. After more than a year of execution of Land Boundary Agreement, some developmental works have been started in snail pace in that area but that too is confined for few families, who were not erstwhile enclave dwellers but from mainland India and associated with ruling political party of the province.

Most of the erstwhile enclave dwellers of the mentioned erstwhile enclave are living their life by cultivating their own lands. After Land Boundary Agreement (LBA) the administrative officials visited to the said village and measured the land which is greater than 80 *bigha* (*more than 32 acres*). When the developmental work has been initiated, residents of the erstwhile enclave sent an application to different administrative officials; the District Magistrate of Cooch Behar, the Sub Divisional Officer of Mathabhanga and the Block Development Officer of Mathabhanga-I block on 18th April 2017, requesting them for irrigation facilities. But no steps have been taken till date. After few days those erstwhile enclave dwellers made a mass deputation to District Assistant Engineer of Irrigation Division in Cooch Behar. Few days later some officials from the irrigation division came to Dhabalguri-No-I and facilitated river irrigation through solar pumps. But the erstwhile enclave dwellers of Dhabalguri- No-I found it in dismay that water from adjacent river is flowing to the lands belong to the mainland Indian citizens not to the land of erstwhile dwellers. So this arrangement and facility was not meant for the erstwhile enclave dwellers, rather they were restricted from uses of water on their lands.



On 11.05.2017, affected dwellers sent a mass petition to the Assistant Engineer Agri mech of Mathabhanga sub division where they explained their problems. After few days one solar pump has been provided from Mathabhanga-II irrigation department but with a condition that the dwellers have to place it on their own cost and top place that solar pump 50000 Rupees is required. Poor villagers failed to arrange the money. So the solar pump is not fulfilling the purpose and the dwellers still depending upon rain water for irrigation.

This was another complaint regarding continuing infringement on livelihood and citizenry rights of erstwhile enclave dwellers. Here the sufferers are people from one erstwhile Bangladeshi enclave; Purba Mashaldanga under Cooch Behar district of West Bengal. Dwellers of erstwhile Bangladeshi enclave; Purba Mashaldanga are living in great disappointment and hopelessness. After more than two years of execution of Land Boundary Agreement, though few developmental works have been started in snail pace on that areas but that too is confined for few families, who were not bonafide enclave dwellers before but from mainland India and associated with ruling political party of the province.

The residents of this erstwhile enclave are still deprived from their basic livelihood rights. In the month of April in 2016 they applied for ration cards at local panchayet office as per government notification. But till February 2016 not a single ration card was distributed at any enclave and we made a complaint regarding this issue to your good office. In April 2017, the administration started to distribute ration cards in few of the enclaves. But till date the people of erstwhile Bangladeshi enclave; Purba Mashaldanga did not receive a single ration card though they have applied

Form BIA (Application form for inclusion in PDS/RAST/Agri. Family List)

To: The Inspector Food & Supplies, Cooch Behar, West Bengal.

Block Division: Cooch Behar

Block: Salsabari (C)

Enclave: Purba Mashaldanga

Group: Ration Card - II

Sub-Group: Ration Card - II

Registration No: 201605004

Sl. No. of the person held at present (Household members)	ALL TYPES	Name of the Member of the Family	Family Status	Member's Name	Gender	DOB or Age	Address of the Family (in case of the family, please mention the locality)	Religion	Sex	Age	Remarks (if any)
		JAHANGIR MAHALLA	HEAD	JAHANGIR MAHALLA SARHOLA BISI	M	1962/01/25	THAND	58			
		CHANDAN BISI	WIFE	CHANDAN BISI	F	1964/08/15	THAND	52			
		JAHANGIR MAHALLA	SON	JAHANGIR MAHALLA SARHOLA BISI	M	1984/01/15	THAND	32			
		KUNAL BISI	SON	JAHANGIR MAHALLA SARHOLA BISI	M	1998/01/15	THAND	18			

I/We declare that the name of the Ration Card and Member in the first column is/are of the members of the family mentioned in the second column of the Ration Card and the name of the Ration Card and the name of the Member in the first column is/are of the members of the family mentioned in the second column of the Ration Card.

(1) The name mentioned in the second column is/are the name of the family mentioned in the first column of the Ration Card.

(2) The name mentioned in the second column is/are the name of the family mentioned in the first column of the Ration Card.

(3) The name mentioned in the second column is/are the name of the family mentioned in the first column of the Ration Card.

Signature of Applicant: Jahangir Mahalla

Handwritten petition in Bengali script. The text discusses the residents' struggle for ration cards in the Purba Mashaldanga enclave. It mentions their application in April 2016 and the lack of response until April 2017. The petition is addressed to the District Food Supply Officer, Cooch Behar. The date is 12/04/17. The signature is Jahangir Mahalla, dated 12/04/17.

for the ration cards during the stipulated time. On 17.04.2017 the residents of Purba Mashaldanga; erstwhile enclave visited to District Food Supply Officer Mr. Kalyan Ghosh and requested him to distribute the ration cards. Mr. Ghosh informed the residents that his office did not receive any application (form) for ration cards till then from the mentioned erstwhile enclave. But those enclave dwellers did the same more than one year before. Mr. Ghosh also said them to visit respective Block Development Office and fill up the form again and also suggested them to talk with Enclave Development Officer; Mr. Sougata Maiti. After one week they went to District Magistrate office at Cooch Behar and met with Mr. Sougata Maiti. He informed the residents that all the ration cards were being distributed in each erstwhile enclave. The helpless residents narrated how they were excluded for the entitlement without their fault. After hearing the problems, Mr. Maiti suggested them to fill up the

form again after obtaining the same from respective BDO office along with an application letter to the Officer of Food Control Office mentioning their house hold number. The residents followed his direction and did the same as he suggested but till date no appropriate actions have been taken. On 06.07.2017, affected residents went to the District Magistrate's office again but DM was not available at that time. Then they visited Additional District Magistrate's office and explained the whole matter to him. ADM assured them and said they will receive their ration cards very soon. 30 days have been passed thereafter but not a single ration card has been distributed. The whole incident was an example of lackadaisical and callous attitude of governmental/ administrative agencies and sheer neglect for marginalized section of the citizenry.

Complaints on Collective Victimization at Correctional Home



7/06/17 ৩০০০০, ০২২০০



১১/০৭/১৭ ২৪০০০

The complaint was on the incident of clash between two groups of prisoners happened inside the Dumdum Central Correctional Home on 12.06.2017. It is reported that more than 500 under trial prisoners begun hunger strike inside the said correctional home before the incident and to stop their agitation a group of convicted prisoners at the instigation of a section of officials and staffs of the said correctional home attacked upon them. As a result, a commotion took place between them. Reportedly on 13.06.2017 the correctional home authorities inhumanly tortured the under trial prisoners and about 14 of them were badly injured. Out of them two were seriously injured and transferred to R. G. Kar Medical College & Hospital, Kolkata. The rest of the injured prisoners were treated at the in-house hospital of the aforesaid correctional home.

The incident was reported in several local leading newspapers in West Bengal. Some of them are attached with this present complaint. According to the official information available (as on 01.05.2016) in the website of West Bengal Correctional Services the number inmates of the Dumdum Central Correctional Home is more than its capacity. The Correctional homes are crammed with prisoners. Even according to the information available in the website, there were 389 Jankhalash prisoners in the said correctional home waiting for their repatriation to their home country even after completion of their sentence.

According to a report dated 17.06.2017 published in a Bangla daily news paper Ananda Bazar Patrika there is at present 22500 detainees languishing in the correctional homes throughout West Bengal and out of them there are 16500 under trial prisoners. Therefore the under trial prisoners are the majority of the prison inmates in West Bengal.

According to the newspaper report, prison officials opined that the under trial prisoners are the trouble makers inside

the correctional homes. They have nothing to do inside the correctional home except spending their empty hours by causing various troubles inside the correctional homes. Some of the under trial prisoners are notorious criminals and they are jailbird. Such under trial prisoners pose a big market for illegal trade of various goods to them inside the correctional homes. Such under trial prisoners carry out such illegal activities with help of a section of convicted prisoners and staffs of the correctional homes.

Such situation has been getting worse because of the fact that such under trial prisoners suffer prolonged detention. There are various reasons for such prolonged detention such as vacancy of judges and magistrate in courts, infrastructural deficiencies, delayed proceedings, non appearances of advocates in courts, non-adherence to procedural timeframes. It is also reported that the sizeable section of the Under Trial Prisoners at Dumdum Central Correctional Home are accused in N. D. P. S. Act and they have been rotting in jail without being released on bail for several months as court denied their release on bail. The prolonged detention makes the under trial prisoners vulnerable, restless and express their anxiety in various forms and they even go on agitation inside the correctional home.

It was found that there are major problems in Dumdum Central Correctional Home which afflict the system of prison administration. Such problems are more or less same to the other correctional homes also. The West Bengal Jail Code and the West Bengal Correctional Services Act are there for effective superintendence and management of the correctional homes but it looks like that the authorities are not concerned to implement the provisions of those two legislations successfully. The prison vices are in still existence causing violation of the right to life of the prisoners under Article 21 of the Constitution of India. Justice Krishna Iyer stated that “prisons are built with the stones of law” and in the judgment (reported in AIR1980SC1579) the Supreme Court of India called upon to deal with prison vices and the judgment protected the prisoners from these vices with the shield of Article 21 of the Constitution of India.

Monthly Legal Activity Report by MASUM **August, 2017**

Joint Legal Awareness Camp organized by MASUM with Sub-Divisional Legal Services Committee, Bongaon, District-North 24 Parganas

On 04.08.2017 a legal awareness camp was organized jointly by Sub-Divisional Legal Services Committee (SDLSC), Bongaon, District-North 24 Parganas, MASUM and the Bongaon Criminal Court Bar Association at Conference Hall of the Bar Association. The programme was held in eminent presence of the Chairman of the SDLSC, Bongaon who is also the Ld. Additional District & Sessions Judge (Fast Track Court-II), Bongaon; the Secretary, SDLSC, Bongaon; the Chairman, the Secretary and the members of the Bongaon Criminal Court Bar Association



Mr. Kurity Roy (the Vide-President of MASUM), Mr. Biplab Mukherjee (the Secretary of MASUM), Mr. Mohar Ali Mondal (District Human Rights Monitor of MASUM in district-North 24 Parganas) and Mr. Bikash Banik (the Executive Committee Member of MASUM) were present in the programme. The programme was attended by about 60 advocates from Bongaon Court.

The subject of the programme was on the Prisoners' Rights which was discussed and addressed by oration of the participants and through an effective interaction with the participants attended the programme by giving focus on awareness to obtain benefit from legal services provided by Legal Services Authority to ensure rights of the prisoners.

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In this month MASUM provided legal support to the three victims of torture in filing criminal cases in subordinate court against the perpetrators.

Mr. Sanjit Mondal is a victim of torture in the hands of the perpetrator BSF personnel. MASUM lodged complaint for him before the National Human Rights Commission and other authorities. The NHRC had registered the complaint and now the matter is sub-judice before the Commission. He filed a criminal case against the perpetrator BSF personnel before the Additional Chief Judicial Magistrate, Lalbagh with legal support from MASUM.

Master Dipesh Mondal is also a victim of torture in the hands of the perpetrator BSF personnel. He is aged about 14 years only. On 15.07.2017 at about 11am he was brutally assaulted by the perpetrator BSF personnel of 83Bn. BSF. Due to the assault he received deep cut injuries on his left hand and left leg. MASUM lodged complaint for him before the National Human Rights Commission and other authorities on 25.07.2017. The NHRC has registered the complaint vide Case no. 1130/25/13/2017.

His mother Bharati Mondal filed a criminal case against the perpetrator BSF personnel before the Additional Chief Judicial Magistrate, Lalbagh with legal support from MASUM.

Mr. Gopal Sarkar was inhumanly assaulted inside his residence at night on 08.01.2017 by the perpetrator BSF personnel of 83Bn. BSF. He sustained severe injuries on his body. Over the incident he lodged a written complaint before the Superintendent of Police, Murshidabad, but no action was taken. On the complaint of MASUM, the National Human Rights Commission registered a case vide NHRC Case no. 444/25/13/2017 and already issued direction. He filed a criminal case against the perpetrator BSF personnel before the Additional Chief Judicial Magistrate, Lalbagh with legal support from MASUM.

All those three cases were filed on 24.08.2017

On 04.08.2017 the Writ Petition (Civil) no.679/2015 came up for hearing in the Divisional Bench of the Chief Justice of the Supreme Court of India and the Hon'ble Dr. Justice D. Y. Chandrachud.

MASUM was one of the petitioners in the said case which was filed on behalf of the dwellers in these enclaves on both sides of the border seeks to raise important issues of concern regarding the inhabitants of these enclaves which, if unresolved, would lead to the violation of their fundamental right to life. MASUM is one of the petitioners in the writ petition.

The first concern, relates to a so called survey conducted in 2011 and another exercise supposedly conducted in 2015 where those who were residing in the enclave were found to be eligible according to the authorities. The people in the enclaves, however, have a different story to tell. They say that no formal survey was conducted. On the basis of ad hoc intelligence reports certain lists were drawn up. The people were never consulted and have no idea at all as to when the so called survey was conducted. The survey lists are kept top secret. Most important, they have now learnt when certain officials visited their areas recently from 6th July 2015 onwards that many of their names are not included in the lists even though they are bonafide residents of the enclave who have lived there continuously for long periods of time.

The second grievance is in respect of land grabbers, gangsters and anti social elements; some of them with political backing who have come into the enclaves and are threatening the inhabitants, asking them to leave, attempting to grab their lands and houses, burning their houses and generally taking advantage of the vulnerable position of minorities and marginalized families in order to push them out. Though the agreement between the two countries specifically provides for security for persons living in the enclaves, the minorities and the marginalized are not being adequately protected on both sides of the border leading to a situation of force being used against the poor and the marginalized.

The third set of grievances are of persons in the enclaves who are residing in the enclaves but their lands have been forcibly taken possession of by land grabbers illegally and no official is willing to listen to these marginalized families. The fact that since the families in the enclaves were "stateless" and neither India nor Bangladesh were willing to admit such persons as their citizens and, moreover, the land records were never updated and they were kept in a situation of complete disrepair, it was possible for land sharks to collude with officials to grab the lands and the properties of the inhabitants of the enclaves.

The other major difficulty faced by the inhabitants is that the government authorities have nowhere indicated what compensation would be paid to the families opting to stay on the Indian side of the border or those opting to shift to the Indian side of the border. There has been no clear statement by the authorities also in respect of land, housing and other benefits and facilities that would be provided by the respondents.

The Hon'ble Court disposed of the matter by giving liberty to individuals, if any, to seek relief, as may be available to them, in consonance with law, before an appropriate court of competent jurisdiction.

MASUM is planning further course of legal action in view of the order passed by the Supreme Court of India.

ADVOCACY, SENSITISATION AND CAMPAIGN

Medical Camps

MASUM organized two medical camps at Swarupnagar and Islampur for the districts of 24



Parganas (North) and Murshidabad districts respectively on 6th and 20th August 2017 respectively. At Swarupnagar 23 and at Islampur 59 torture victims and family members of extra judicially killed persons were treated. Dr. Dipak Moitra was the attending doctor at both the places. Patients were

provided with medicines and expenses incurred for their pathological and other medical examinations. The initiative was on the aegis of United Nations Voluntary Fund for Victims of Torture (UNVFVT).

Network Meeting

MASUM was invited in a 2 days' workshop on strategy planning for India government's UPR adoption. The meeting was organised by WGHR (Working Group on Human Rights) on 12- 13th August 2017. All 250 recommendations made by the different countries during India's UPR III were divided into thematic clusters. The participants were also divided into 8 groups for specific thematic issues. Representative of MASUM was in group for access to justice, torture ratification, and abolition of death penalty. In 2 days the group planned strategies to compel the government for adoption of maximum recommendations.



MASUM representative attended a meeting conveyed by Dakshinbanga Matsyajibi Forum (DMF) and Sundarban Matsyajibi Joutha Sangram Committee at Canning on 13th August 2017 to plan future course of action on the issues of fishing communities in Sundarban. The issues involve fishers' rights, forest dwellers' rights and regular human rights violations of fishermen by coastal guards and forest department officials. It was decided that MASUM will arrange

interactive training sessions for fishing community at Sunderban to capacitate them on their rights and handle the issue of torture.

On 21st August 2017, MASUM representatives sat with bordering populace at village Char Sibnagar in Murshidabad district to understand their problems & attacks upon their livelihoods options. The meeting discussed on affects of erosion, unsafe migration, availability and contamination of water and future course of action to address these issues in participatory manner.



MASUM organized village level meetings at Malda and Cooch Behar districts

North 24 Parganas

On 23.08.2017, volunteer of MASUM organized a victim meeting at village – Doharkanda, Block –Swarupnagar, District- North 24 Parganas. A sizable number of victims were present at that meeting. The gathering discussed about the legal helps which have been provided by MASUM and strategized the future course of legal actions. The participants showed their concern about the increased numbers of torture incidents by civic police (appointed by the state government). The house acknowledged that BSF torture has been minimized due to rigorous intervention of MASUM.



Cooch Behar

On 22.08.2017 and 23.08.2017 “Amra Chitmoholbasi” and “Promila Bahini” (committees of enclave dwellers and women of enclaves) organized two meetings at erstwhile Bangladeshi enclaves of Batrigach and Karola- II respectively.

In Karola –II, the villagers raised the issue of fencing and its resulting problems. It was reported that many villagers were physically restricted and hacked by the Border Security Force personnel while they went to cultivate their own lands.

In Batrigach the erstwhile enclave dwellers were still deprived from various livelihood schemes of government. On that meeting they planned their future course of action of their movement.

Secondary Documentation

MASUM documented important media reports related to human rights abuses published in 11 regional as well as national media during the month of August 2017. During this period three incidents of extra judicial killings and custodial deaths have been documented, 3 incidents of police torture from West Bengal have been documented. 19 media reports on violence against women have been documented for the month, 22 incidents of child rights violations recorded during this timeframe. 27 media reports on Gorkhaland movement have been documented and 22 incidents of communal violence have been recorded during this month. 2 reports of mass lynching and 6 on atrocities upon Dalits and minorities by cow vigilant were recorded.