

A Schedule Caste person was brutally tortured by BSF- Police did not lodge any FIR

MASUM <masumindia@gmail.com>

28 November 2020 at 16:47

To: NHRC <chairnhrc@nic.in>, HRD NHRC <hrd-nhrc@nic.in>, Nodal Officer WBP NHRC <igpa@policewb.gov.in>
Cc: Superintendent of Police Murshidabad <spmurshidabad@gmail.com>, "District Magistrate, Murshidabad"
<dm.murshidabad@gmail.com>, DG BSF <edpdte@bsf.nic.in>, DG Eastern Command BSF <hqspldgeast@bsf.nic.in>, IG
South Bengal BSF <sbftr@bsf.nic.in>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, MHA JS Border
Management <jsbm@nic.in>, UN SR Torture <sr-torture@ohchr.org>



Banglar

Manabdhikar Suraksha Mancha (masum)

40A, Barabagan Lane, Serempore,
Hooghly - 712 203 West Bengal, India

Phone : +91-33-2622-0843/45
Tele Fax : +91-33-2622-0843
E-mail : masumindia@gmail.com
Web : www.masum.org.in

The Chairman
National Human Rights Commission
Manav Adhikar Bhawan
Block-C, GPO complex, INA
New Delhi- 110023

28.11.2020

Respected Sir,

I want to draw your kind attention towards the illegitimate and unconstitutional restrictions imposed by the Border Security Force personnel in village- Toltoli, situated under Domkol Sub Division and Jalangi police station. One of the residents of the village, Mr. Protap Sarkar, who lost almost his everything in erosion of Padma River, is now facing illegitimate restrictions in his life and livelihood by the BSF personnel of Farajipara BSF camp, Battalion Number- 141.

Mr. Sarkar is very poor and his agricultural land is destroyed for the river erosion of the Padma. As he lost everything, now he earns his living by cattle rearing. He bought cows in this respect. After a few days he faced a huge problem when the price of cow fodder was doubled. Therefore, he tried to collect grass from the field as cow fodder but the BSF personnel attached with Farajipara BSF camp of 141 Battalion restricted him to collect the grass from the field and therefore the cows are under starvation for long and become unhealthy.

More so, the perpetrator BSF personnel also threatened Mr. Protap to implicate him in false cases if he will try to collect grass from the field as fodder

This attitude of the BSF personnel of Farajipara BSF camp violates Articles 19 (d) and 21 of the Constitution of India and Article 7 of International Covenant on Civil and Political Rights and Articles 11 of International Covenant on Economic, Social and Cultural Rights and Goals number 2, 8, 15 and 16 of Sustainable Development Goals and for both these international instruments Government of India is a party. The incident and subsequent impunity legitimize our long standing demand for immediate ratification of United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment. In this case police officials of Jalangi Police station also did not register the complaint of the victim after knowing the fact that a cognizable crime was happened against the victim by the BSF jawans. This violated the provision of section 154 of the Code of Criminal Procedure and the Apex court judgment in the case of Lalita Kumari vs. State of U.P. [WP (Crl.) 68 of 2008]. Till date district police administration did not take any steps before this and the perpetrators are roaming freely and enjoying full impunity.

I request your urgent intervention in this case by fulfilling these demands of the villagers:

- The Border Security Force should be posted at the zero point instead of in the middle of the village.
- An independent enquiry should be started by your own investigating agency in respect of this case.
- BSF should not illegally restrict the life and livelihood of the victim.
- Complaint of the victim to the Officer-in-Charge of Jalangi Police Station must be treated as First Information Report and proper investigation should be started immediately.

- Stern action must be taken against those BSF jawans who beat the victim with sticks and used abusive language to him.
- Victim should be allowed to collect the grass for his cattle as fodder from the field.
- The victim and family members must be provided with security and safety of the victim.
- The concerned authority should take necessary steps to solve the issue.

Thank you.

Yours sincerely

Dipyaman Adhikary
Assistant Secretary
BanglarManabadhikar Suraksha Mancha

XXXXXXXXXXXXXXXXXXXXXXX

Name of the victim – Mr. Protap Sarkar, son of Mr. Krishna Gopal Sarkar aged about 26 years, lives in village- Toltoli, situated under Domkol Sub Division and Jalangi police station.

Name of the perpetrator – Three male BSF jawans and two female BSF staff under Battalion number 141 of Farajipara BSF camp

Place of Occurrence – Parashpur Land Fieldat Char Parashpur, P.O.- D. Parashpur in the district of Murshidabad.

Date & Time of the incident – On 16.08.2020 at 11 am

Details of the Incident – Mr. Protap Sarkar is resident of village- Toltoli, situated under Jalangi Police Station. His family lost almost everything in erosion of Padma River. To meet his daily needs, he gathered all his meagre savings and purchased cows and by rearing cattle he earns his livelihood. Nowadays the price of cow fodder is abnormally hiked. So Mr. Sarkar is not being able to feed his cows. Therefore, he collected the grass from the char land as fodder for his cows.

On 16.08.2020 at about 11 am when Mr. Protap came back from the char land with a bundle of grass on his head, the on duty Border Security Force personnel posted at Out Post number 5 of Faraji para BSF camp restricted him and by force snatched the bundle of grass which he was collected from the char land as fodder for his cattle and gave it to the cows and buffaloes standing on the Out Post number 5. Mr. Protap Sarkar requested several times to those BSF personnel to return his collected grass for feeding his cows. At that time one male BSF jawan beat him with stick on his back and other BSF jawans threatened him to implicate him in false cases. They also threatened the victim if he will ask about the bundle of grass; they would arrest him in a false case under the Narcotics Drugs Psychotropic Substances (NDPS) act. When Mr. Sarkar was obtrusive to get back his cattle food, those BSF personnel chased him away from the Out Post.

On 18.08.2020 the victim lodged one written complaint to the Officer-in-charge of the Jalangi Police Station but no First Information Report was registered by the police. On 09.09.2020 Mr. Sarakr submitted another written complaint to the Superintendent of Police, Murshidabad through registered post but till date no action has been taken.

It is a fact that the local people are under fear for this type of illegal activities of the Border Security Force personnel. BSF torture and restriction upon the life and livelihood of the villagers are rampant in this area. Some local people witnessed the incident, but they are not agreeing to testify before any authority for tremendous fear for BSF.

Ms. Shila Bewa, one resident of that area told to our District Hman Rights Monitor, “Protap Sakar is an innocent man. They collected grass from the char land to feed his cattle. But BSF restricted him and beat him. This is illegal and now they want to implicate Protap in false case as he informed police about this incident. An action needs to be taken in this regard. The victim and his family members are also in serious condition. As they cannot able to buy fodder for economic constraint, their cows are without food for many days and they are about to die. More so, the family members of the victim are under panic stricken condition as the victim lodged written complaint against the BSF, they presume that the BSF will implicate Mr. Protap in false case and arrest him.

