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### 03.12.2020

The Chairperson

National Human Rights Commission

Manav Adhikar Bhawan

Block-C, GPO Complex, INA

New Delhi-110023

## Respected Sir,

I want to draw your attention towards an incident of brutal torture and physical assault on a person belonging to the Scheduled Tribe community from Boaldaha village under Bangaon police station area of North 24 Pargana district in West Bengal. The victim, Mr. Shibu Tarafdar, aged about 40 years was severely beaten up by the Border Security Force personnel attached with Churuigachi Border Outpost of the Border Security Force. This case again proves that even after 73 years of Independence in India the people in bordering villages are facing oppression by the personnel BSF. It is a shame for our democracy and the independence of our nation.

The victim was seriously injured and is still unable to work. On 02.10.2020 the victim lodged a written complaint to the Superintendent of Police, Bangaon Police District through the medium of register post but no actions against the perpetrators has been taken yet. Even an FIR has not been registered till date on the basis of the complaint sent by the victim.

The incident violates the rights guaranteed in Article 19 and 21 of Indian Constitution and also the premise of Article 6, 7 and 12 of International Covenant on Civil and Political Rights as well as the Goal No. 16 of Sustainable Development Goals earmarked by United Nations and in both these international instruments; the government of India is a party. The subsequent police inaction also violates the Supreme Court's guidelines in Lalita Kumari vs. State of U.P. [W.P.(Crl) No; 68/2008] case, which clearly states that registration of First Information Report is mandatory under Section 154 of the Code of Criminal Procedure if the information discloses commission of a cognizable offence.

#### Under the circumstances we demand:

- The incident must be investigated by a neutral agency appointed by the commission.
- BSF should be posted in actual borders and not inside villages.
- The guilty Border Security Force personnel involved must be prosecuted.
- The written complaint which was sent by the victim to the Superintendent of Police,
   Bangaon Police District through the medium of registered post must be treated as First
   Information Report

- The victim must be duly compensated and all the expenses for treatment of the victim should be reimbursed
- Security and safety of the victim and his family must be ensured.

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**Details of the victim-** Shibu Tarafdar, son of late Hari Tarafdar, aged about 40 years. He resides at village- Boaldah situated under Police Station – Bangaon, District- North 24 Parganas, 743235.

Details of Secondary Victims- 1. Sumita Tarafdar (Wife of victim), age- 38 years

- 2. Ratna Tarafdar (Daughter of victim), age 20 years
- 3. Swapna Tarafdar (Daughter of victim), age- 18 years
- 4. Shakti Tarafdar (Son of victim), age- 15 years

**Details of perpetrators** - 3 Border Security Force constables from Churuigachi Border Out Post.

**Date and Time of the incident** – On 7<sup>th</sup> September 2020 at around 3 am.

Place of the incident -At Boaldah Bridge situated under Bongaon Police Station.

**Details of the incident** – From the report of our fact finding team it is revealed that Shibu Tarafdar belongs to a Schedule Tribe community namely "Bagdi". About 150 families reside in the mentioned village. They do not have any land to cultivate. Fishing is the main occupation for them. Apart from this, some people work as land laborers. Due to Covid-19 pandemic and "Amphan" cyclone these people are unable to find work. They requested the local panchayat to provide them with 100 days of work under the MNREGA scheme but nothing has been done so far.

On 07.09.2020, at around 3 am, Shibu Tarafdar with his neighbor Arun Tarafdar went to Gajali water body for fishing. They carried two jute sticks with fishing hooks. When they crossed Boaldaha Bridge, Border Security Force personnel from Charuigachi Border Out Post restricted their movement. Due to the presence of BSF personnel, Arun Tarafdar escaped from that place in fear. The BSF personnel took Shibu Tarafdar to Charuigachi BSF camp. After reaching the

camp three BSF personnel from the said camp severely tortured him, suspecting him to be a smuggler. Shibu Tarafdar continuously said that he came out only for fishing but the BSF personnel did not pay any heed to his explanations. They tortured him brutally for about one hour. Due to this barbaric behavior, the victim's hands were swollen and covered with bruises. One of the BSF personnel recorded the torture using his mobile phone. At around 5 am, the BSF personnel released the victim.

Subsequently, Shibu Tarafdar went to a local doctor called Mr. Suresh Babu, for first aid. After a few weeks, the pain was not cured completely therefore, on 02.10.2020 he went to Bangaon for treatment by Dr. Chaitanya Haldar. On the same day, Shibu Tarafdar lodged one complaint to Superintendent of Police of Bangaon Police district.

#### **Attached Documents**



Picture of victim

# Dr. C. Halder

M.S. Orthopaedics Consultant Orthopaedic Surgeon Reg. No. WBMC-66745 E-mail : drfractures@gmail.com ঃঃ- চেন্দ্রার ঃঃ আমলাপাড়া চৌমাথা বনগাঁ, উত্তর ২৪ প্রগণা। Mob.: 9332218255

# Aditya Orthopaedic Clinic

Champadali, Jessore Road, Barasat, Kolkata - 124 M.: 8641877277 / 8274098389

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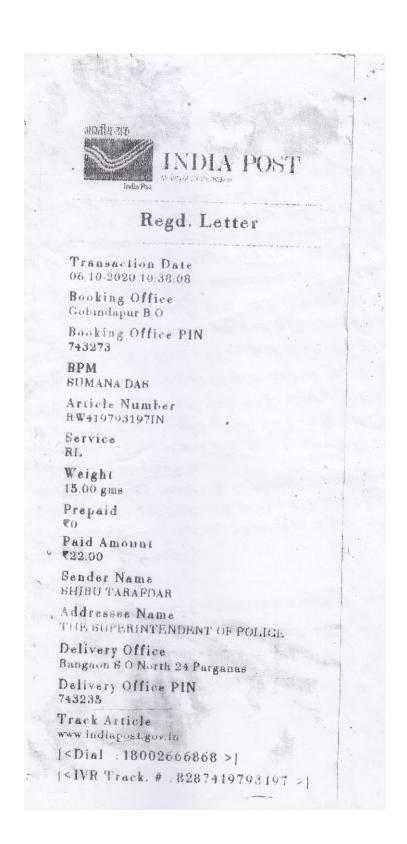
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Copy of the complaint to the superintendent of Police of Bangaon Police District