



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

18.12.2020

The Chairman

National Human Rights Commission

Manav Adhikar Bhawan

Block-C, G.P.O. complex, INA

New Delhi – 110023

Respected Sir,

I want to draw your attention to the conspiracy, brutal torture and physical assault done on a marginalized person residing at 2 no. Khitaber Kuti under Dinhata II Block and under the jurisdiction of Sahebganj Police Station. The victim, Mr. Hasan Miyan, age 38 lives with his family beyond the barbed wire fencing but before the International Border Pillars. He was conspired against and physically tortured by the Border Security Force Company Commander and his constables attached with the Jhikri Border Outpost, "Alfa" Company, 192 Battalion.

The victim was beaten senseless in front of his aged mother first, then at the BSF camp and was kept under police custody under a false and fabricated case lodged by the BSF. Presently, the victim was given bail by the Coochbehar court and is residing in his home. The victim had not only faced critical injuries and faced near death health conditions, but also had to face false accusations. The mother of the victim, Johora Bewa, an eye witness to the torture, had also filed a complaint to the Officer-in-Charge of the Sahebganj Police Station but no actions had been taken regarding the same.

It is known that the BSF engages in such atrocities frequently in these border areas. Such cases of false accusations and conspiracies are high where the BSF plants evidences to accuse and torture civilians who speak against their atrocities, and also place them under custody. In most places, the BSF camps are about 5 to 10 kilometers from the International Border Point and inside the Indian Territory in the middle of the villages. Moreover, BSF torture upon the civilians if they remotely suspect anything, without any evidential proof.

This incident is in clear violation of Articles 15, 19 (e) and 21 of the Indian Constitution. It is also in violation of Articles 2, 6, 7, 9 and 17 of the International Covenant on Civil and Political Rights (ICCPR). It is in clear violation of the Sustainable Development Goals numbered 10 and 16 earmarked by the UN. India being a party to both these international instruments needs to

adhere with these goals and Articles. 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. This is an open insert case how Border Security Force personnel try to spread an atmosphere of fear in the society and how they treated with the bordering populace. After getting information that a cognizable crime was committed against the victim by the perpetrator BSF personnel, the police officials of Sahebganj Police Station did not registered the complaint of the victim's mother as First Information Report and this violates section 154 of the Code of Criminal Procedure and the Apex Court judgement in Lalita Kumari vs. State of U.P. [WP (Cr.) 68 of 2008]

Under the circumstances we demand:

- BSF should be posted in actual borders and not inside the villages.
- The whole incident must be investigated by a neutral agency appointed by the Commission.
- Immediately register the complaint of the victim's mother as FIR and started investigation.
- The guilty Border Security Force Company Commander and the other BSF personnel attached with Jhikri Border Outpost, "Alfa" Company, 192 Battalion involved in this crime must be booked and prosecuted.
- Action should be taken against the police officials of Sahebganj Police Station who did not register the complaint of the victim's mother as First Information Report.
- Security and safety of the victim must be protected.
- The victim must be given proper compensation for any loss incurred and treatment expenses.
- The victim must be cleared of all false charges against him.

Thanking You,
Yours Sincerely

Dipyaman Adhikary
Assistant Secretary
Banglar Manabadhikar Suraksha Mancha (MASUM)

Details of the Victim: Mr. Hasan Miyan, son of late Mojibar Miyan; Age: 38; Village: Khitaber Kuthi; Block: Dinhat II ; P.S. : Sahebganj, Cooch Behar, West Bengal, Pin: 736176

Details of Perpetrator: (1) Mr. Rajendra Joshi. Company Commander of Jhikri BSF Camp. (2) Mr. Jagbeer, Inspector of unit 'G' BSF of Jhikri BSF camp under the jurisdiction of Sahebganj Police Station, Coochbehar and other BSF personnel attached with Jhikri BSF camp, Alfa Company, Battalion 192.

List of Eye Witnesses: (1) Mrs. Johora Bewa, mother of victim; Age: 60; Address: 2 NO. Mitaber Kuthi; (2) Mrs. Safiya Bibi, wife of the victim; Age: 30; Address: 2 NO. Mitaber Kuthi; (3) Mrs. Halima Bibi, daughter of the victim; Address: 2 No. Mitaber Kuthi

Date, Time and Place of the Incident: 21.08.2020, started at around 10 AM to 11 AM at the house of Mrs. Johora Bewa, mother of the victim.

Details of Incident: Mr. Hasan Miyan, aged about 38 years is a farmer by profession. His house is located between the barbed wire fence of the BSF Outpost and the borer pillar at 2 no. Mitaber Kuthi, Dinhat-II Block. It falls under the jurisdiction of Sahebganj Police Station. Mr. Hasan Miyan lives with his wife Mrs. Safiya Bibi. His mother lives in a separate house where the incident took place. On the day of the incident, there were some Bangladeshi laborers had come into Indian Territory to work as laborers in the fields. During this time, the Company Commander of Jhikri BOP came in through the BOP gate No. 2 and saw these laborers. Along with two constables, the Commander, Mr. Rajendra Joshi, pursued the Bangladeshi laborers, who ran away into their own territory. Frustrating, the Company Commander stood in front of Hasan Miyan's house and started to abuse in filthy language. As the Commander was not stopping, Mr. Hasan Miyan came out of his house and told the Commander, "Please do not abuse, I have my mother and sister in my home." To this, the Commander got more enraged and now started verbal abusing towards Mr. Hasan Miyan and his family members. When the wife of Mr. Hasan Miyan came out, the Company Commander directly abused his wife too. This further enraged Mr. Hasan and he protested to which the Commander threatened to beat Hasan with his stick. The enraged Hasan said that, "We also have sticks with us." As soon as Hasan stated this, the Company Commander took a video of the enraged Hasan. On observing this uncouth behavior of the Commander, Mr. Rajendra Joshi, the neighbors immediately came out and tried to calm the situation down. In some time, everyone was able to calm down both parties and the Commander left through the barbed wire gate and Mr. Hasan went back to his home.

Allegedly after conspiring with his fellow colleagues, the said Company Commander returned back and said he wanted to search Mr. Hasan and his house. To this Hasan responded that he has no problem in letting the BSF search in his house but he will be searching the BSF personnel first. To this, the constables offered him to be searched. While Mr. Hasan was searching the others, the Company Commander slipped into Hasan's mother's room and placed 2175 Bangladeshi Taka and 100 pills of narcotics in the rice sacks in her room. As if on cue, the Inspector of 'G' branch arrived and Mr. Rajendra Joshi, Company Commander immediately asked him to search Mr. Hasan's mother's house. Naturally, the Inspector found the Bangladeshi money and the narcotic pills which were placed by the Company Commander and instantly they pulled Mr. Hasan out and started beating him recklessly. They kept beating him

and dragged him off to the camp. Even when the local representative went, they did not stop beating Hasan. The torture went on till the victim lost his consciousness. Even after that, the Company Commander and his people brought him back to sense by sprinkling water on his face and again continued to beat him recklessly.

This went on till about 8 PM at night. After this, the victim was taken to the Bamanhat Hospital for medical checkup and then later to Sahebganj Police station to hand over the victim. Meanwhile, due to the extreme torture upon him, Mr. Hasan was in near to death condition. Sahebganj Police Station did not accept the victim and told the BSF to take care of the victim first and if the health condition of the victim will better, then they will take him under custody. Mr. Hasan was then taken to Dinhata Hospital and admitted there. His admission number was ST no. 21071 at around 10.25 PM, dated 21.08.2020. On the next day Dr. S.S. Roy checked the health condition of the victim and after that at about 12 released the victim from the Dinhata hospital. . It was reported by our District Human Rights Monitor that the victim was continuously pressurized by the BSF to tell the doctor that he was fine. A false and fabricated case was registered against him under NDPS Act vide Sahebganj Police Station case number 71/2020. From Dinhata hospital the victim was taken to the Sahebganj Police Station from there he was taken to Dinhata Court. Judicial Magistrate ordered the victim to police custody. On 23.09.2020 the victim was received bail from Cooch Behar Court.

On 22.08.2020 Mrs. Johra Bibi lodged one complaint to the Officer in Charge of the Sahebganj Police Station but the on duty police official did not receive the complaint. Even the complaint was not registered as First Information Report. After eleven days on 01.09.2020 the complaint of victim's mother was received by the Sahebganj Police Station but till date no FIR has been instituted based on the complaint of Mrs. Johra Bibi. This is a clear cut violation of section 154 of the Code of Criminal Procedure. We want to know why the police officials of Sahebganj Police Station are partial for receiving any complaint. In this particular case when BSF lodged any false complaint against any innocent man that was received an urgent basis and when a common man informed them any cognizable offence was committed upon him that was not accepted by them. Stringent punitive action should be taken against those police officer who refuse to register complaint of cognizable offence.

Attached Documents

Picture of victim



