



Banglar

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28.12.2020

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 illegal harassment and torture of a poor farmer from the Muslim community and a resident of North Balabhut village under Tufanganj Block in the district of Cooch Behar. The victim is a 35 year old poor farmer by the name of Mr. Sahijuddin Sheikh, son of Mr. Golam Rahman, who simply bought and carried a cot for his family members. The perpetrator in this case is BSF personnel who had harassed the victim and the Company Commander of the North Balabhut BSF camp, Battalion 62 who had tortured and physically assaulted the victim.

Due to torture, the victim had suffered critical injuries which he had immediately catered to at the nearby Tufanganj hospital. After checkup, he immediately went to the Tufanganj Police Station to lodge a complaint but the Officer in Charge did not accept the complaint after knowing the incident that a cognizable crime was happened against the victim by the BSF. Moreover, he threatened the victim and sent him away. Later, the victim again went and lodged a complaint to the Superintendent of Police on 17.10.2020, which was finally received but till date no action has been taken by the police.

The residents of the Indo-Bangladesh borders often face such harassments from the BSF personnels where they impose illegal restrictions on the villagers. And as in this case, they physically assault and torture the poor villagers. They often face such harassments where they are made to run around unnecessarily for permissions from various personnels which has no legal basis. Many of these BSF camps are located in the middle of villages. They face the most problems due to these illegal restrictions as seen in this case. All in all, these atrocities by the BSF make life unbearable in these Indo-Bangladesh Borders.

The incident violates the rights guaranteed in Article 19 and Article 21 of Indian Constitution and also Article 7 of International Covenant on Civil and Political Rights and Articles 11 of International Covenant on Economic, Social and Cultural Rights 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 Tufanganj 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 Company Commander of North Balabhut BSF camp. 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 (CrI.) 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.

Under the circumstances, we demand:

- BSF should be posted in actual borders and not inside villages.
- The whole incident must be investigated by a neutral agency appointed by the commission.
- Immediately registered the complaint of the victim dated 17.10.2020 as First Information Report and the proper investigation should be started.
- The guilty Border Security Force personnel and the Company Commander of the North Balabhut BSF camp involved in this crime must be booked and prosecuted.
- Departmental action must be taken against the Company Commander of the North Balabhut BSF camp for brutal torture upon an innocent villager.
- The BSF needs to be ordered not to impose illegal restrictions on the lives of people.
- Stern action should be taken against the Officer-in Charge of the Tufanganj Police Station as the complaint of the victim was not registered as FIR.
- The victim must be duly compensated and all the expenses for treatment of the victim should be reimbursed.
- Security and safety of the victim must be protected.

Thanking you,
Yours truly

Dipyaman Adhikary
Assistant Secretary
Banglar Manabadhikar Suraksha Mancha (MASUM)

Details of the Victim: Mr. Sahijuddin Sheikh, son of Mr. Golam Rahman; Age: 35; Village: North Balabhut; Block: Tufanganj; P.S.: Tufanganj, Cooch Behar, West Bengal, Pin: 736159

Details of Perpetrator: Company Commander of North Balabhut BSF Camp, Battalion 62

Date, Time and Place of the Incident: On 24.09.2020, around 11.30 AM when the victim went inside the North Balabhut BSF camp to receive permission for taking one cot to his house.

Details of Incident: The victim Mr. Sahijuddin Sheikh, son of Mr. Golam Rahman live in the North Balabhut village in Tufanganj, Coochbehar. He lives with his wife and children. They had no bed in their house and had to sleep on the ground. Thus his wife asked him to get a cot from the market. So, Sahijuddin went to the Tufanganj market on 21.09.2020 and purchased a wooden cot for INR 2300. While returning, he had to cross the no. 5 out post where the on duty BSF person stopped him and asked for a written permission from the local panchayat to take the cot with him. It is to be mentioned here that BSF personnel are posted 5 kilometers inside from the International Border Pillar. The next day on 22.09.2020, Sahijuddin went back to the same place with a permission letter from the Balabhut Panchayat. But this time on duty BSF personnel said that he will not allow Mr. Sahijuddin to pass with the cot without the permission from the Company Commander of the North Balabhut BSF camp. Helplessly, the victim again went back. All this while, the wooden cot was kept outside the BSF outpost.

The next day, Mr. Sahijuddin sent his son with the Panchayat permission letter. The Company Commander had rudely abused the child verbally and had sent him back. On 24.09.2020, Mr. Sahijuddin again went to the North Balabhut BSF camp to get the permission. He ordered the victim again to click a picture of the cot and bring it back to get the permission. This was nothing but harassment. To this order, Sahijuddin responded that he had not any camera phone and if he hires a camera man, he will take INR 500 to click the picture. Being a poor man, he does not have much money to pay for just a picture. Subsequently he said that the cot was at the gate and the BSF personnel posted at the gate can click a picture and send it to the Commander.

Meanwhile, Mr. Sahijuddin saw the Commanding Officer (CO) coming into the camp. He quickly went there and stated his problem to the Commanding Officer. He stated that he has been trying to take the wooden cot to his house but the BSF personnel and Company Commander has been harassing him by sending him to different places and ordering him to do different things but finally not allowing him to take his cot. Hearing to this the Commanding Officer said that he will provide permission.

Unfortunately, the Company Commander witnessed this exchange and lured Mr. Sahijuddin inside the camp stating that he will give the permission letter. As soon as Mr. Sahijuddin entered the camp, the Company Commander started to beat him with stick in his hand. He first hit Sahijuddin on the head, then punched him and the assault continued. While beating him, the Company Commander said that how Sahijuddin dared to tell anything to the Commanding Officer and that it was a grave disrespect for him. The assault continued for about two hours and after that Company Commander let Sahijuddin go. As soon as he left the camp, around

1.30 PM, the victim went to the Tufanganj Hospital as he was received critical injury due to brutal torture upon him by the Company Commander of the North Balabhut BSF camp. After that the victim went to the Tufanganj Police station to lodge a complaint of the above stated incident. As he narrated his complaint, the Officer-in-charge of Tufanganj Police Station denied the entire incident and did not allow him to lodge the complaint. Moreover, he again threatened the victim and sent him away. Later, on 17.10.2020 he went to the Office of the Superintendent of Police, Cooch Behar. Receiving section of the SP, Cooch Behar office received the complaint bearing P.G. cell Received No. 720/2020 dated 17.10.2020 but till date no action has been taken in this respect.

Attached Documents

Picture of Victim and his family



Video link of victim's statement

<https://www.youtube.com/watch?v=L-CTbRfXxC8&feature=youtu.be>

Medical document of victim

TICKET FOR EMERGENCY PATIENTS

Reg. No.11.2.11.....

Date 24/9/20

TUFANGANJ S.D. HOSPITAL

Name Sahi Jatin Sr

Age 35 yrs Caste Sex M

Disease Various medical ailment

Pay of 400

100 - 30

Tanfana

100 - 30

[Signature]
24/9/20
2/8/20
End

Medical Officer
Tufanganj S.D. Hospital
Cooch Behar, Pin-736159

Complaint before Superintendent of Police of Cooch Behar by victim

To
 The Superintendent of Police
 Sadar Cooch Behar.
 Goalpara P.S
 Dated - 17th October 2020



প্রেতস্বপ্ন ধর্ষণ - আত্মহত্যা চেষ্টা, অভিযোগ: গোপাল চন্দ্র শাহ, শাহিন
 মিত্রের বান্ধবী, বাপু মিত্র, শাহিন স্ত্রীস্বামীসঙ্গে,
 (স্বামী: গোপাল চন্দ্র শাহ)

স্বামী, মিত্রের বান্ধবী, বাপু মিত্র, শাহিন স্ত্রীস্বামীসঙ্গে, আত্মহত্যা চেষ্টা, অভিযোগ: গোপাল চন্দ্র শাহ, শাহিন মিত্রের বান্ধবী, বাপু মিত্র, শাহিন স্ত্রীস্বামীসঙ্গে, (স্বামী: গোপাল চন্দ্র শাহ)।

P. G. CELL. R. NO - 700/20
 dt - 17/10/20

স্বামী, মিত্রের বান্ধবী, বাপু মিত্র, শাহিন স্ত্রীস্বামীসঙ্গে, আত্মহত্যা চেষ্টা, অভিযোগ: গোপাল চন্দ্র শাহ, শাহিন মিত্রের বান্ধবী, বাপু মিত্র, শাহিন স্ত্রীস্বামীসঙ্গে, (স্বামী: গোপাল চন্দ্র শাহ)।

আমি স্বামী, মিত্রের বান্ধবী, বাপু মিত্র, শাহিন স্ত্রীস্বামীসঙ্গে, আত্মহত্যা চেষ্টা, অভিযোগ: গোপাল চন্দ্র শাহ, শাহিন মিত্রের বান্ধবী, বাপু মিত্র, শাহিন স্ত্রীস্বামীসঙ্গে, (স্বামী: গোপাল চন্দ্র শাহ)।

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Saisuddin Sheikh
 গোপাল চন্দ্র শাহ