

**Attack upon religious minority - BSF tortured and illegally detained one Muslim person - Nexus with Police for sustaining Impunity**

**MASUM** <masumindia@gmail.com>

8 February 2020 at 06:13

To: NHRC <chairnhrc@nic.in>, NHRC1 <cr.nhrc@nic.in>, Surajit Dey <registrar-nhrc@nic.in>  
Cc: Chief Secretary Gov of WB <cs-westbengal@nic.in>, Home Ministry <hm@nic.in>, "Home Secretary Govt of W.B." <wb.secyhome@gmail.com>, DG BSF <edpde@bsf.nic.in>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, DM Cooch Behar <dmcoochbehar@gmail.com>, SP Cooch Behar <spdibcbr@gmail.com>, UN SR On Torture <Sr-torture@ohchr.org>, "UN WG on Arbitrary Detention Mr. Vladimir Tochilovsky" <wgad@ohchr.org>, SDO Tufanganj <sdotufanganj@gmail.com>



*Banglar*

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

7 February 2020

Respected Sir,

Through this complaint, I want to draw your attention towards a case of torture and illegal detention of a poor, Muslim migrant labourer at the hands of the personnel of the Border Security Forces (BSF). The victim is the sole earning member of a family of four including a 13-year old son. He often migrates to Delhi along with his wife to work in brick fields. The personnel of the BSF brutally tortured the victim, illegally detained him for several hours and lodged a complaint against the victim for smuggling. The police officials of the Tufanganj Police station took no account of the visible injuries on the victim's body and lodged the FIR against him without any mention of torture. Moreover, the medical practitioners of the Tufanganj Hospital refused to mention the cause of injuries in the medical report even after the victim's repeated insistence. This case reflects a collapse of the criminal justice system and the entrenched impunity that shrouds the perpetrators of violence from any accountability. The details of the incident are mentioned in the fact finding report below.

I request your urgent intervention in the case by fulfilling the following demands:

- Border Security Force should be posted in the actual border and not inside the villages
- The whole incident must be investigated by the investigation wing of the Commission
- The perpetrators of the BSF should be held accountable for the torture and illegal detention of the victim.
- The complaint lodged on 09.12.2019 to the Superintendent of Police of Cooch Behar should be registered as First Information Report and must be investigated other than Tufanganj Police Station.
- The victim and his family should be offered compensation for the injuries sustained by him

Thank you.  
Yours Sincerely

DipyamanAdhikary  
Assistant Secretary, MASUM

**Details of the Victim:** Fajar Sheikh; 34; son of Mohiruddin Sheikh; Muslim, OBC; Migrant Worker; Monthly income-3000 INR; Address: Krishnapur village, Tufanganj Police Station, Cooch Behar District.

**Details of Secondary Victims:** 1. Sharmala Bibi; 30; Wife of the victim  
2. Farijal Sheikh; 13; son of the victim  
3. Shukitan Bewa; mother of the victim

**Details of the Perpetrators:** 1. Inspector Veekal Biswakarma, Coy Commander, 'C' company, 62 Battalion, Chengmari BOP

2. 10 BSF constables of 'C' company, 62 Battalion, Chengmari BOP
3. Rahul Talukdar, `Officer in Charge of Tufanganj Police Station
4. Dr. S.C. Sen, General Physician, Ex-maternity & Child Health Officer, Department of

Health, West Bengal

**Date and Time of Incident:** The intervening night of 29.11.19 and 30.11.19; 12:00-2:00am

**Place of Incident:** 1 kilometer from Krishnapur Bazaar

**Details of Incident:** On the intervening night of 29.11.19 and 30.11.19, around 12 am, Fajar Sheikh was illegally smuggling some cattle across the Indo-Bangladesh border along with some friends. While coming back, about 1 kilometer away from the local market, some BSF personnel apprehended him. They asked his name and as soon as he mentioned his name, they started beating the victim. They took off his shirt, shoved him to the ground and walked over him with their boot-clad feet. They hit him with lathis on his waist and when he screamed in pain, they hit him on his head with rifles. His forehead started bleeding and he fell unconscious. At around 2 am, his senses were restored and he found himself inside the Chengmari BSF camp. His shirt, which was bloody and torn, had been put back on him. According to the complaint submitted to the SHO of Tufanganj Police Station by the Coy Commander Veekal Biswakarma, the victim was apprehended by the BSF at 2:15am on 30.11.19. But the FIR was lodged by the police on 04:05pm on 30.11.19. This means that the BSF illegally detained the victim for 14 hours before handing him over to the police.

The victim was treated at the Tufanganj Police Hospital and received four stitches on his forehead. Inspector Veekal Biswakarma lodged a written complaint against the victim, alleging that the victim and his friends tried to attack the BSF personnel by throwing stones. Subsequently, the police lodged a FIR against the victim and three others who were found with him under sections 186, 188, 332, 353, 506 and 34 of the IPC. The FIR no. is 737, dated 30.11.19. He was kept in the police station until the next day, i.e. 1.12.19, when the Tufanganj ACJM Court granted him bail.

On 4.12.19, he went to the hospital again and got treated in the Outpatient department; even then, his report did not mention the cause of injuries.

On 9.12.19, Sharmala Bibi, the victim's wife, wrote to the Superintendent of Police of Cooch Behar narrating the details of the incident and pleading for justice. She also mentioned in her complaint that her husband is the sole earning member of the family and now they have no means of livelihood to sustain their family. However, no action has been taken against the perpetrators as of now.

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#### **Attached Documents**

1. Picture of victim and his injury
2. Complaint to Superintendent of Police of Cooch Behar by victim's wife.
3. Medical document
4. Complaint to Tufanganj Police station by company commandant of Changmari Border Out Post
5. First Information Report made from Tufanganj Police Station



