

Border Security Force personnel criminally trespassed into the house of Muslim woman, vandalized and theft buffaloes. Women family members are molested. Police is inactive

MASUM <masumindia@gmail.com>

15 February 2020 at 04:45

To: NHRC1 <cr.nhrc@nic.in>, NHRC <chairnhrc@nic.in>, Surajit Dey <registrar-nhrc@nic.in>

Cc: Chief Secretary Gov of WB <cs-westbengal@nic.in>, "Home Secretary Govt of W.B." <wb.secyhome@gmail.com>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, "District Magistrate, Murshidabad" <dm.murshidabad@gmail.com>, SP MSD Mukesh Kumar <mukeships@gmail.com>, DG BSF <edpdt@bsf.nic.in>, Nodal Officer WBP NHRC <igpa@policewb.gov.in>, UN SR On Torture <Sr-torture@ohchr.org>, vaw@ohchr.org, SDO DOMKAL <sdodomkal@gmail.com>



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

14.02.2020

Respected Sir,

Through this complaint, I would like to bring your attention to another case of brutal torture by the Border Security Force that once again victimized poor marginalized villagers from Indo-Bangladesh bordering areas of West Bengal namely Mrs. Maleka Bewa of Char Parashpur Village, District - Jalangi, and Jalangi Police station in the district of Murshidabad. In this incident, the victim was a prey of BSF's autocratic action over the villagers, forcefully taking away their cattle and on protesting the BSF personnel, brutally tortured her and her daughter-in-law, Mrs. Kulsom Bibi by the perpetrator Border Security Force Person namely Mr. Gurmit Mehra, Mess-in-Charge of "A" Charly Company- Char Vadra, Faraji Para BSF Camp, Batallion no. - 141, BOP- 3 at Char Parashpur - P.O. - D.Parashpur.

On 2/2/2020, at around 12 pm, Mr. Nuhur Mondal, victim's son went to the Police station to lodge a complaint which was refused initially but at 5 pm when Mr. Nuhur Mondal again lodged a complaint which was then treated as an FIR with the case no.- 56/2020 under sections 448/323/325/354/435/34 of Indian Penal Code. This delay in lodging a complaint also shows the latent nexus between the Police and the BSF personnel. It is also proved that after lodging the FIR, Jalangi Police did not take any action against the perpetrator Border Security Force personnel.

This inconsistency should raise a question regarding the violation of a basic Human Rights. On 3/2/2020, Gram Panchayat Pradhan (Head of the local self government) along with other members and villagers confronted the BSF personnel about the incident. They completely denied that the physical torture as well as firing was not done by them. Mrs. Maleka Bewa belongs to a poor economic background. She suffered massive loss as her property was destroyed, the cowshed caught fire and was found burning as witnessed by the villagers. Therefore, to bear all the medical expenses and expenses pertaining to the destruction of property are extremely difficult to them. The only way they support their livelihood is by selling the cattle, so huge economic loss along with torture and trauma was faced by the victims.

The perpetrators not only violated the rights guaranteed in Article 21 and Article 19(1) (d) of the Constitution but also the premises of Article 7,9,12 of the International Covenant of Civil and Political Rights as well as the Goal number 8 and 16 of Sustainable Development Goal earmarked by the United Nations and in both these international instruments; the Government of India is a party and have an agreement. The perpetrator Border Security Force personnel must be booked under criminal trespass and destruction of the private property of the victim and also theft of cattle. They even outraged the modesty of the women villagers.

Here I request your urgent intervention in this matter with following demands-

- Border Security Force must be posted at the border and not inside the villages.
- The whole investigation must be investigated by the investigation wing of the commission.
- There has been immense destruction and loss of property by the BSF which should be taken into notice, so appropriate compensation for that must be provided.
- The victim requires medical treatment and psychological assistance but as they are under weak pecuniary condition, medical and psychological assistance should be provided to them.
- Compensation of about Rs.60,000 for the destruction of property must be provided.

- The guilty Border Security Force personnel involved in committing such torture must be booked and prosecuted.
- The complaint lodged on 2/2/2020 at 5 pm by the victim's son at Jalangi Police station registered as an FIR, which should be investigated under appropriate penal provision.
- The victim and her family members and witnesses must be provided with security and safety.

Thanking you,
Yours Sincerely,

Dipyaman Adhikary,
Assistant Secretary, MASUM.

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Name of Victims: 1) Maleka Bewa w/o Late Tajim Mondal, 60 years 2)Kulson Bibi w/o Tanjil Mondal- 5 yrs.3) Hanu bibi w/o Rakibul Mondal , 25 yrs. 4) Beku Khatan, 22 yrs. 5) Nuhur Mondal s/o late Tajim Mondal, 26 yrs, and other 4/5 Persons all are residing at village Char Parashpur P.O - D. Parashpur P.S - Jalangi in the Dist of Murshidabad. Pin- 742305
Place of occurrence: House of Maleka Bewa w/o Late Tajim Mondal - village - at Char Parash Pur . P.S Jalangi Dist- Murshidabad.

Date and time of Occurrence –On 02.02.2020, at about 8:30 am

Name of the Perpetrators : "A" Charly Company - Char VADRA, 15/16 BSF jawana, Faraji Para BSF Camp BN NO.- 141 BOP - NO.3 , Char Land - BSF Camp, Charly Company- Char VADRA at Char Parashpur P.O- D.Parashpur P.S- Jalangi Dist- Murshidabad- 742305

Details of Incident: The abovementioned victims are the resident of Char Parashpur under Jalangi Police Station. The residents of this area are completely rely on cattle to continue their livelihood as during the monsoons, it becomes difficult to work on land as the Padma river takes destructive shape eventually and keep the villagers in acute peril. The villagers need to submit their identity cards and documents of the cattle every time before the Border Security Force when they take their cattle to graze. This is a continuous problem faced by them while taking the cattle to graze. They are treated badly, verbally abused, barring no men or women and make their lives a living hell. They are often beaten up without any reason and have always created a hindrance every time when they went to graze the animals. On 02.02.2020, at 8:30 am, few BSF jawans in their uniform and their trucks, carrying guns and bamboo sticks raided Maleka Bewa's house without any previous intimation.

Maleka Bewa has 3 buffalos and 16 cows and all the identity documents in respect of those cattle are submitted to the Ghoshpara Panchayat and Faraji Para BSF camps. Even the Police station is aware of their possessions and has complete knowledge of their particulars. In Spite of that about 15-16 BSF jawans without any intimation entered her house and untied two buffalos from their poles. The rest of buffalos were also hit by them in the hustle by the jawans. The jawans pushed them into the trucks, even hit the buffaloes if they resisted. To this, when the women members of the house tried to protest against this act of criminal trespass by the BSF and stop the jawans from taking the buffalos away, one jawan thrashed Maleka Bewa for protesting and hit her with all his might. She was thrashed to the ground and kicked with his boots and beat with their sticks and guns. Kulsom Bibi tried to protest and stop the BSF jawans from inhumanly beating up Maleka Bewa, but she was also attacked by the jawans, they tore her clothes and abused her in filthy languages. The BSF jawans got furious and in that ruckus, they fired a few rounds and set on fire to the cowshed of Maleka Bewa's house. The sound of the firing alerted the neighbors and people started gathering around. The villagers saw the cowshed was being burnt. The bullet cap was found by the villagers on the ground which was submitted to the Jalangi Police station. All the gathered villagers started protesting against this brutal work of BSF jawans and tried to resist them from taking the buffaloes away. At that time BSF jawans got furious and the villagers were thrashed and beaten up. Following that, the BSF jawans threatened the villagers that they will see the same fate as the victim, arrest them or even kill them if they protest against them any further. Both, Kulsom bibi and Maleka Bewa were in terrible condition and at that time they were severely injured that they needed medical treatment but the BSF jawans did not allow any medical help and restricted every cars to enter the spot. When the BSF fled from the scene, at about 12 p.m the victim's son, Mr.Nuhur Mondal along with other villagers went to lodge a complaint at the Jalangi police station which was not accepted. The victims required immediate medical assistance and they were taken to the Sadikhan's Dearth Rural Hospital, Murshidabad and one of the victims namely Mrs. Maleka Bewa was transferred to the Domkol Sub Divisional Hospital and she was admitted there. In the emergency ticket issued by Domkol Sub Divisional Hospital there is clearly written that the victim was assaulted by BSF and she need to be admitted in the said hospital. At 5 pm, Mr. Nuhur Mondal again lodged a written complaint which was registered as General Diary Entry vide number 95/2020 and then treated as an First Information Report bearing Jalangi Police Station number FIR number 56/2020 under Section 448/323/325/354/435/and 34 of Indian Penal Code. For obvious reason police personnel from Jalangi Police Station just left blank the point number 8 of FIR document which is mentioned as "Reasons for delay in reporting by the complainant/ Informant". This delay for treating a written complaint as First Information Report also shows the latent nexus between the Police and the BSF.

On 03.02.2020, when The Gram Pradhan (head of the local self government) of Ghoshpara Gram Panchayat along with a few Panchayat members and villagers confronted the BSF at Farajipara BSF camp but they denied the fact that they had fired their guns and set fire to the cowshed of Mrs. Maleka Bewa. After that Deputy Commander of Farajipara BSF camp Mr. Balbir Sing promised to compensate the loss due to destruction of Maleka Bewa's property. But the villagers raised their voice that "BSF, go to Zero Polint" and showed protest against the brutal activity of the Border Security Force. It is also alleged that BSF continuously pressurized upon Mr. Nuhur Ali to withdraw his complaint unless he will be falsely implicated and arrested. The whole incident has caused mental and physical trauma to the victims along with massive economic loss.

- Attached Documents
- Complaint to Officer in Charge of Jalangi Police Station
- Medical Documents
- Discharge Certificate
- FIR prepared by police personnel from Jalangi Police Station
- Pictures of victims and incident

The first document is a handwritten complaint in Hindi, dated 03/02/2020, addressed to the Officer in Charge of Jalangi Police Station. It describes the incident at Farajipara BSF camp and the subsequent actions of the villagers.

The second document is a typed version of the complaint in Hindi, dated 03/02/2020, with the name 'Nuhur Ali' and address 'Farajipara, Jalangi, Murshidabad'. It details the confrontation with the BSF and the damage to the cowshed.

The third document is an 'Emergency Ticket' from Donkal S.D. Hospital, dated 03/02/2020. It lists the patient's name as 'Maleka Bewa', age as 60, and sex as female. It includes a section for 'Alleged info' and 'admitted by' with signatures and initials.

The first treatment sheet is for 'Maleka Bewa', age 60, sex female, admitted on 02/02/2020. The disease is 'Photo physical assault' and the treatment includes 'Rif. 1500 + RL x chls'. The medical officer is 'Sudip Kumar'. There is a handwritten note 'Refer to small spth'.

The second treatment sheet is for 'Kalan Bhat', age 35, sex male, admitted on 02/02/2020. The disease is 'Photo physical assault' and the treatment includes 'Rif. 1500 + RL x chls', 'T. Muropat 2x 2x 2', 'T. Relina 2x 2x 2', 'T. Calvero 1x 1x 1', and 'Sp. Dext x 2p x 20'. The medical officer is 'Sudip Kumar'.

The third treatment sheet is for 'Maleka Bewa', age 60, sex female, admitted on 02/02/2020. The disease is 'Photo physical assault' and the treatment includes 'Rif. 1500 + RL x chls'. The medical officer is 'Sudip Kumar'. There is a handwritten note 'Refer to small spth'.



