

Innocent fisherman tortured - Illegally detained by BSF and took photograph by placing a cow in front of the victim - Till date no police action - Systematic impunity.

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The Chairperson
National Human Rights Commission
Manav Adhikar Bhawan
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New Delhi- 110023

02.03.2020

Respected Sir,

Here I want to draw your kind attention towards an incident of illegal detention and brutal torture by the Border Security Force personnel that once again victimized one marginalized villagers from Indo-Bangladesh bordering areas of West Bengal, namely Mr. Rampada Palash, aged 50 years of Sashadanga village under Gaighata Police Station in the district of North 24 Pargana. In this incident without any cause the victim was illegally detained and tortured whole day by the perpetrator Border Security Force personnel attached with 158 number Battalion of Khermath Border Out Post under Jhawdanga Head Border Out Post.

It is to be mentioned that on the same day i.e., on 08.01.2020 in the early morning BSF personnel of this BSF camp without any reason illegally fired and caused to death of one cattle smuggler namely Mr. Tapan Mondal.

Now this is a case of Illegal detention, torture in custody, false charges by BSF and police. Victim was in incommunicado condition for about 12 hours. BSF of Khermath Border Out Post under Jhawdanga Head Border Out Post always try to hold their whimsical attitude towards the villagers and even without any reason they torture upon them just on suspicion of Bangladeshi cattle smugglers.

On 09.01.2020 the victim Mr. Rampada Palash lodged a written complaint against the perpetrator Border Security Force personnel to the Sub Divisional Police Officer, Bangaon Sub Division, North 24 Pargana for taking proper legal action but the police did not register the complaint as First Information Report and thereby violated the provision of Section 154 of the Code of Criminal Procedure. Till date the perpetrators are roaming freely enjoying impunity as no action has been taken against them.

The perpetrator Border Security Force personnel not only violated the rights guaranteed in Article 21 of the Constitution of India but also the premise of Article 7 of International Covenant on Civil and Political Rights as well as the Goal number 8 and 16 of Sustainable Development Goal earmarked by United Nations and in both these international instruments; the Government of India is a party and have agreement. 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. Perpetrator Border Security Force personnel also violated the provision of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989. 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. Here I request your urgent intervention in this matter with 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 an impartial investigation authority preferably by the investigation wing of the Commission
- The complaint lodged on 09.01.2020 to the Sub Divisional Police Officer, Bongaon Sub Division, North 24 Pargana should be registered as First Information Report and must be investigated with due process of law.
- Stern action should be taken against the perpetrator police officials who did not register the complaint of the victim as First Information Report.
- The guilty Border Security Force personnel involved in committing such torture must be booked and prosecuted. The perpetrator Border Security Force personnel must be booked under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- The victims must be duly compensated and security and safety of the victims, witnesses and the family members of the victims.

XX

Name of the primary victim: Mr. Rampada Palash, son of Late Shibpada Palash, aged about 50 years, residing at Village & P.O. Sashadanga under Gaighata Police Station in the district of North 24 Pargana

Name of the Secondary victims: (i) Mrs. Sumari Palash, wife of Mr. Rampada Palash, aged about 45 years; (ii) Mr. Swapan Palash, son of Mr. Rampada Palash, aged about 21 years; (iii) Mr. Tapan Palash, son of Mr. Rampada Palash, aged about 23 years; Ms. Sumpa Palash, daughter of Rampada Palash, aged about 21 years all are residing at Village & P.O. Sashadanga under Gaighata Police Station in the district of North 24 Pargana

Date and time of the incident: On 08.01.2020 at about 6 am in the morning.

Place of the incident: Sashadanga Baur, near the house of Mr. Sushil Barui. (A ‘Baur’ is a deep water lake)

Name of the perpetrators: 8/9 BSF personnel attached with 158 Battalion of Khermath Border Out Post under Jhawdanga Head Border Outpost

Details of the incident: Rampada Palash is an illiterate, landless fisherman. His wife Mrs. Sumari Palash is a physical disabled person and have problem in her eyes. His family belongs to Scheduled caste community. Mr. Rampada is the only earning member in his family and he earns their livelihood by catching fish from the Sashadanga Baur and selling those fishes. Sashadanga Baur is situated 3 kilometers from the Indo-Bangladesh International Border Point, inside the territory of India. Mr. Rampada is a member of Sashadanga Matshya Samabay Samity Limited, a registered institution bearing Government registration number D.F/41 date 07.02.2006.

On 08.01.2020 at about 6 am in the morning when Mr. Rampada was catching fish in the Sashadanga Baur, fog was all around there and nothing was visible in that environment. At that time 8/9 BSF personnel attached with 158 Battalion of Khermath Border Out Post under Jhawdanga Head Border Outpost came in front of him and without asking any question started inhuman torture with sticks in their hands.

In this connection it is to be mentioned that cattle smugglers use this Sashadanga Baur as a root to smuggle their cattle to Bangladesh. Border Security Forces never placed themselves in the zero point of the International Border, rather they stayed 3 kilometers back from the international border line and inside the villages and thereby they placed illegal restriction upon the life and livelihood of the villagers.

Without any evidence Border Security Force jawans illegally detained Mr. Rampada, an innocent fisherman and committed brutal physical torture upon him. They brought to beat the victim in front of the house of Mr. Sushil Barui and there they started to kick the victim with their boots and beat him with sticks in their hands. They used abusive language towards the victim and ultimately at about 7 am they took the victim to the Khermath Border Out Post.

In the camp they continued physical and mental torture upon Mr. Rampada. Despite knowing the fact that the victim never drinks alcohol, BSF forced him to drink alcohol and ultimately they succeeded. Again they used abusive language towards him and started beating with sticks and kicking with their boots. When the victim was inflicted several injury upon his body, the perpetrator Border Security Force personnel brought one cow in front of the victim and took a photograph in such a way that they can later establish this victim as a cattle smuggler.

At about 9.30 am the victim was taken to Jhawdanga BSF camp. In the camp he was asked several questions. To see the condition of the victim, Company Commander instructed to bath the victim with hot water. BSF of Jhawdanga BSF camp did their work according to the direction of the Company Commander and tried to cure the victim. At about 2 pm the victim was taken to Chand Para Rural Hospital with the help of 4/5 BSF jawans, but the hospital authority referred the victim to Bangaon Sub Divisional Hospital. To hear this, BSF jawans took the victim to Gaighata Police Station but Gaighata Police Station refused to take charge of the victim and informed those BSF to cure the victim at first. The victim was taken to Bangaon Sub Divisional Hospital. After primary check up hospital authority advised to admit the victim in the Hospital but BSF refused to admit the victim there. It is alleged that BSF jawans intimidated the hospital authority to write down that the victim is completely fit and cure.

In the evening Mr. Rampada was again taken to Gaighata Police Station by the BSF and at about 7.30 pm Gaighata Police informed the family members of the victim and handed over the victim to them.

Next day on 09.01.2020 the victim Mr. Rampada Palash lodged a written complaint against the perpetrator Border Security Force personnel to the Sub Divisional Police Officer, Bangaon Sub Division, North 24 Pargana for taking proper legal action but the police did not register the complaint as First Information Report and thereby violated the provision of Section 154 of the Code of Criminal Procedure. Till date the perpetrators are roaming freely enjoying impunity as no action has been taken against them.

Your sincerely

Dipyaman Adhkary
Assistant secretary

- Attached Documents
- Picture of Victim
- Complaint to Sub Division Police Officer by victim
- Identity Card of victim
- Map of Place of incident



