

One minor boy is brutally tortured by BSF personnel without any reason - No FIR lodged till date

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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>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, Commissioner of Police Kolkata <cp@kolkatapolice.gov.in>, DM North 24 Pgs <dm-bar-wb@nic.in>, "Home Secretary Govt of W.B." <wb.secyhome@gmail.com>, Nodal Officer WBP NHRC <igpa@policewb.gov.in>, SDO Basirhat <sdobasirhat@gmail.com>, SP North 24 Parganas <spnorth24parganas@gmail.com>, UN SR on Minority Issues <minorityissues@ohchr.org>



Banglar

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The Chairman
National Human Rights Commission
Manav Adhikar Bhawan
Block-C, G.P.O Complex, INA
New Delhi-110023

06.03.2020

Respected Sir,

This complaint is lodged in the matter of the minor victim Tuhin Gazi, from District: North 24 Pargana who faced severe physical assault and torture in the hands of the perpetrator BSF personnel on 14.01.2020. The victim received medical treatment at Sarapul Rural Hospital. Till now he is under mental trauma.

On 20.01.2020 victim's mother Ms. Meherun Necha Gazi sent a written complaint stating the incident to the Sub Divisional Police Officer, Basirhat Sub Division, North 24 Pargana through registered post. Our fact finding revealed that complaint was delivered at the office Sub Divisional Police Officer, Basirhat Sub Division, North 24 Pargana on 22.01.2020. But the Sub Divisional Police Officer, Basirhat did not bother to issue any direction for registering the complaint as First Information Report. Such inaction is a blatant violation of the guidelines issued by the Supreme Court of India in the case of Lalita Kumari vs State of U.P. & others (reported in AIR2014SC187).

The incident shows the gross violation of the human rights of the victim as defined in the Protection of Human Rights Act, 1993 by the perpetrator BSF personnel. It is also violation of the right to life, security of a person and the safeguard from torture or cruelty. The brutal act of torturing by the perpetrator BSF personnel was in violation of Article 21 of the Indian Constitution and also Article 2, 5, 6 and 8 of the United Nations Code of Conduct by the Law Enforcement Officials. The perpetrator also violated United Nations Convention on the Rights of Child and also guilty under section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

Hence, I demand your urgent intervention in this matter regarding the following points:-

- The whole incident must be investigated by the Commission's own investigating wing.
- The accused BSF personal must be booked under the law and be charged with appropriate penal charges for their offence.
- The perpetrator should be booked under the Juvenile Justice (Care and Protection of Children) Act, 2000
- The complaint lodged by the mother of the victim to the Sub Divisional Police Officer, Basirhat Sub Division, North 24 Pargana must be treated as an FIR.
- The victim and family members must be provided with adequate security and protection.
- The victim must be duly compensated.

Thanking you,

Yours truly

Dipyaman Adhikary

Assistant Secretary

Banglar Manabadhikar Suraksha Mancha (MASUM)

Particulars of the victim: - Master Tuhin Gazi, son of Mr. Jahangir Gazi, aged about 12 years, by religion- Islam, read in class VI of Hakimpur High School, residential address at village- Tarali, Block- Swarupnagar, Panchayat- Bithari-Hakimpur, Post Office- Hakimpur, Police Station- Swarupnagar, District: North 24 Pargana, West Bengal, India

Date and time of the incident: - On 14.01.2020 at about 4.30 am and subsequent thereafter

Place of the Incident: - On the road of Tarali Majher Para near the house of the victim, when he was going to the field looking for his grandfather.

Particulars of the perpetrators: - Mr. Sioji Singh (Sebji) who is the Assistant Sub Inspector under 112 Battalion of D Company of Tarali Mini Border Out Post with sticks and rifle in his hand.

Fact finding details: - It is revealed during the fact finding that the victim Tuhin Gazi who is a minor lives with his father Mr. Jahangir Gazi and mother Ms. Meherun Necha Bibi. The family is a poor Muslim family having their own dwelling house with brick made wall and Tali made roof. The victim is a school student read in class VI of Hakimpur High School.

On the date of incident i.e. on 14.01.2020 at about 4.30 pm, the minor victim Tuhin Gazi went to the agricultural land looking for his grandfather by riding bi-cycle. At that time on duty Border Security Force personal namely Mr. Sioji Singh (Sebji) who is the Assistant Sub Inspector under 112 Battalion of D Company of Tarali Mini Border Out Post came in front of him and started to beat the minor victim with stick made of bamboo. He hit the minor boy at his chest and back and even slapped on his mouth. BSF started to beat the victim as because Master Tuhin went into the agricultural field two times.

This incident happened on the road of Tarli Majher para near the house of the victim. When the mother of the victim Ms. Meherun Necha Bibi heard the crying of her son she came out from her house and saw that the BSF tortured brutally upon his son. She rushed to the spot and protested against this barbaric attitude of the said BSF personal. The perpetrator BSF threatened the mother of the victim by saying, "Call your any father to save your child."

After some time he released the victim but as his health condition was worrisome at that time, his mother took him to the Sarapul Rural Hospital and he was received treatment there. In the Emergency Ticket which was issued by the Sarapul Rural Hospital, there the doctor clearly wrote that the victim was physically assaulted.

On 20.01.2020 the mother of the victim Ms. Meherun Necha Bibi sent a written complaint to the Sub Divisional Police Officer, Basirhat Sub Division, North 24 Pargana through a registered post but till date neither any action has been taken by the Police nor registered the written complaint as First Information Report, however the complaint disclosed information on commission of cognizable offence by the perpetrator BSF personal and till now the perpetrator is enjoying complete impunity. Till now the victim is under a mental trauma.

1. Attached Documents
2. Picture of victim
3. Complaint to Sub Divisional Officer of Basirhat
4. Birth Certificate of victim
5. Emergency ticket of rural hospital



