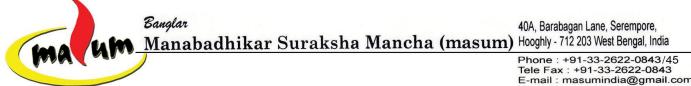
# Arbitrary torture by BSF personnel to religious minority

## MASUM < masumindia@gmail.com>

18 March 2020 at 12:42

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>, CID WB <occomp.cid-wb@gov.in>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, "Home Secretary Govt of W.B." <wb.secyhome@gmail.com>, Nodal Officer WBP NHRC <igpa@policewb.gov.in>, DM Cooch Behar <dmcoochbehar@gmail.com>, SP Noth 24 Parganas <spnorth24parganas@gmail.com>, UN SR Torture <sr-torture@ohchr.org>, cmoh\_bsrht@wbhealth.gov.in



E-mail : masumindia@gmail.com Web : www.masum.org.in

18.03.2020

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

Respected Sir,

I am writing to you regarding a case of brutal torture on a poor migrant laborer from the Muslim community by three constables of the Border Security Force. The victim and his family reside in Hariharpur village, Bagdah Block in North 24 Parganas District and have been recognized under the Below Poverty Line (BPL) category by the state. On the day of the incident, the perpetrators from BSF 'F' Company, Battalion 99, Madhupur BOP inflicted arbitrary torture on the victim. They beat him repeatedly with an iron rod and a bamboo stick, gravely injuring him and fracturing his right leg. The victim had to undergo surgery in a private hospital for his treatment on the recommendation of a doctor who exploits patients for his benefit. This has incurred immense financial expenses for the victim's family. The victim filed a written complaint to the SDPO of Bongaon Subdivision but till date, no FIR has been lodged against the perpetrators. The details of the incident are provided in the fact finding report attached below.

This incident is among a spate of other incidents of torture, physical assault, illegal detention and extrajudicial killings specifically on the Muslim minority community. The arbitrariness of the violence committed on the victims is evidence that the violence is motivated by an intention to discriminate against and target a particular section of society on the basis on religion.

The incident entails a clear violation of Article 14, 19 and 21 of the Constitution of India. The Police have violated the Supreme Court Guidelines in the Lalita Kumari Judgment which makes it mandatory for them to lodge a FIR in cases of cognizable offences. The incident also violates the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights that India is party to.

Therefore, I seek your urgent intervention in the case by fulfilling the following demands:

- An independent and non-partisan inquiry into the incident.
- The BSF constables who are accused of committing the crime should be immediately brought under trial and prosecuted.
- The local police station should be directed to lodge a written complaint against the perpetrators.
- The victim should be compensated for the grave injuries inflicted on him.
- The BSF should be stationed at the zero point and not inside villages.

Thank you.

Yours Sincerely

Dipyaman Adhikary Assistant Secretary Banglar Manabadhikar Suraksha Mancha (MASUM) **Details of the Victim:** Rahamatulla Mondal; son of Acher Mondal; 21 years; Muslim OBC; Occupation: Migrant labourer; Address: Hariharpur village, Bagdah Block and Police Station, North 24 Parganas District -743232

Details of Secondary victims: 1. Samewa Mondal; grandmother of the victim; 65 years

- 2. Acher Mondal; father of the victim; 48 years
- 3. Rahima Mondal; mother of the victim; 42 years
- 4. Jasmina Parveen; wife of the victim; 19 years
- 5. Jasheem Mondal; brother of the victim; 19 years
- 6. Rabbani Mondal; brother of the victim; 13 years

Details of the perpetrators: 1. Sahodeb Das; Constable; BSF 'F' Company, Battalion 99, Madhupur BOP.

- 2. Dhiran Swan; Constable; Same as above
- 3. Unknown; Constable; Same as abov
- 4. Dr. Amlan De, medical practitioner at Bibhuti Bhushan hospital

Details of eye-witnesses: 1. Madhu Ghosh, son of Gopal Ghosh; Jhikra, North 24 Parganas 2. Gopal Ghosh

Date and Time of incident: 16.02.2020 around 8 pm

Place of Incident: Madhu Ghosh's residence, Jhikra village

Details of the incident: Rahamatulla Mondal is a migrant laborer and works as a mason. His family belongs to a financially vulnerable community and has been recognized under the BPL category by the state. Under the Pradhan Mantri AwaasYojana, his grandmother, Samewa Mondal received some remuneration to build a house. His friend, Madhu Ghosh, son of Gopal Ghosh, stays in an adjacent village Jhikra and is a daily wage laborer. On 16.02.2020, Rahamatulla Mondal went to the Ghosh's house to discuss about the construction of their house. They were standing outside the house, which is two kilometers away from the International Border Pillar. At 8 pm, 3 BSF constables from 'F' Company, Battalion 99, Madhupur BOP were passing Ghosh's house in a jeep. They stopped in front of the house and Constables Sahodeb Das and Dhiran Swan came up to the two men armed with an iron rod and a bamboo stick. They started questioning Rahamatulla Mondal and verbally abusing him. Without any intimation, they started ruthlessly beating him, especially targeting his right leg. Upon witnessing the incident, Madhu Ghosh and his father Gopal Ghosh ran away from the place of incident out of fear. After severely torturing the victim and noticing that he could not stand, the BSF constables fled the scene. Rahamatulla Mondal telephoned his family for help and he was taken to Bagdah Rural Hospital around 10:30 pm. The doctor referred him to the Bongaon Subdivision hospital where Dr. Amlan De attended the victim. Dr. Amlan De has a private nursing home in BibhutiBhushan Hospital. He intentionally refers patients to the private hospital so that he can charge them substantially more than what is required for treatment at a government hospital. In this case too, he said that the fracture in the victim's leg would have to be operated upon and therefore he should be admitted to Bibhuti Bhushan Hospital, which has better medical facilities. On 17.02.2020, the victim was admitted in Bibhuti Bhushan Hospital, underwent a surgery in his right leg and was discharged on 22.02.2020. This has created immense financial burden on the victim's poor family.

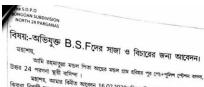
On 20.02.2020, Rahamatulla Mondal sent a written complaint to the SDPO of Bongaon Subdivision but till date no FIR has been lodged against the perpetrators.

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## **Attached Documents**



#### **Picture of victim**



মন্দ্ৰণাৰ, আমি রহমাতুলা মন্ডল পিতা আহম মন্ড দেশা প্ৰথমে পাৰে বিবাহনা উন্তৰ 24 পাৰণা স্থায়ী বালিন্দা, মহাপয়, আমন্ত কিন্তি আহলে 16.02.2020ৱৰিখ ৱাৰি মানু8 জি সভা পালেৰ প্ৰায় বিপৰা নিৰ্বাপী ক্ষু থেকেৰে বাভিতে পিতি-চাপাল দেশ্যপিকে জিলা মন্ত্ৰ যোজ আমন্তৰ বজ ৰাজ্য বিগৰা নিৰ্বাপী ক্ষু থেকেৰে বাভিতে পিতি-চাপাল দেশ্যপিকে জিলা মন্ত্ৰ যোজ আমন্তৰ বজ ৰাজ্য বাভি লাৱৰ বাবে এবং IB(International Border)ক্ষে 2 কিন্তু দেশৰ কিন্তুত জৰা কৰা বাভি লাৱৰ বাবে এবং IB(International Border)ক্ষে 2 কিন্তু দেশৰ কিন্তুত জৰান্দ্ৰ কৰা আমি কণা কৰু তেমেৰ উঠাক পাছিলে কৰা কৰাছি তদন 998 N.F. COY Madhupur B.O.P. বাগাণ ধানৰ জ্বলাত CB(সাৱন) এব সন্তাসক লাভ কিলাপ সূজ আৱ একজনা B.S.F লোমন মন্ত্ৰ সেন্দেৰ লাহিতে কান্দ্ৰ কৰা আৰু মন্তৰ ক্ষেত্ৰ হোৱা পি পাছৰ কান্দ্ৰত বহে বিগলি কান্দ্ৰ কলেৰে বাছে ক্ষেত্ৰ মোৰ বাছি হেয়া ভয়ত পাছিলে যা IB.S.F.ai জ্যোচাৰে চাপা লোম আৰী কাতন্দ্ৰতে ধান্দ্ৰ হোৱা আমে বিজ্ঞ আহে প্ৰত্যকে পাছিলে যায় IB.S.F.ai জ্যোচাৰ কে পাৰ কিন্তু পাছৰ পি বিজ বিজ্ঞান হোৱা হেলে হেৰে জিলাক নি পাছৰ ক্ষেত্ৰত হোৱা হোৱা বাৰি জনান্দ্ৰ হয় নাগুৰু আগীৰ অসংচাৰ হোৱে নাজৰ কৰা বিজয়াহাৰ বাণা লোম আৰীৰ কাতন্দ্ৰত বান্দ্ৰ হোৱা বাজ্য কয়ে কে বান্দ্ৰ বান্দ্ৰ বান্দেৰ কৰা কৰা বিজয়াহাৰ বাণা নাগোৰ নাজ্যৰ কান্দ্ৰ হোৱা হান্দ্ৰ বাজ্য বান্দ্ৰ প্ৰাৰ্থীৰ হালাগতলৈ দিয়ে আনা 16.02.2020 তালিখে বাণাা হালাগালা আয়াক কৰা হালা বাণ্দা বাজ্য নামীৰ হালাগতকে নি আৰা বান্দ্ৰৰ বান্দ্ৰ কৰা নাল বান্দ্ৰ বান্দা বান্দ্ৰ বান ভর্তি করে। আজ ২০/০২/২০২০ তারিখ সন্ধ্যা 7 টার সময় বনগা বিভূতিভূষণ হাসপাতাং ডান পায়ে হাড়ের অপারেশন হবে।

মহাশয়, আমি যাহাতে বিচার ও ক্ষতি পুরন পাই এবং দোষী B.S.F দের সাজা হয় তার জন্য আপনার স্মরণাপন হলাম।

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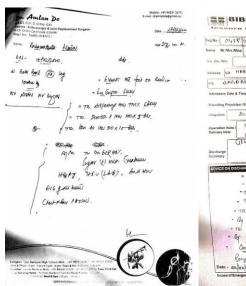
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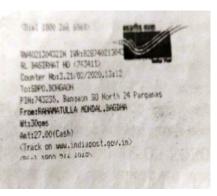
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## **Complaint to SDPO Bangaon**



**Medical Documents** 





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Father's Name	:	Achher Mondal	12	
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জন্থ তানিখ Date of Birth	:	01/11/1997		
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# ID card of victim