

## 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\_bsrt@wbhealth.gov.in



Banglar

Manabadhikar Suraksha Mancha (masum)

40A, Barabagan Lane, Serempore,  
Hooghly - 712 203 West Bengal, India

Phone : +91-33-2622-0843/45  
Tele Fax : +91-33-2622-0843  
E-mail : masumindia@gmail.com  
Web : www.masum.org.in

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

18.03.2020

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 above  
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 Awaas Yojana, 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 Bibhuti Bhushan 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

S.D.P.O  
KONGKAN SUBDIVISION  
NORTH 24 PARGANAS

**বিষয়:-অভিযুক্ত B.S.F.দের সাজা ও বিচারের জন্য আবেদন।**  
মহাশয়,

আমি রহমাতুল্লা মজল পিতা অহেরে মজল গ্রাম হবিবের পুর পো+পুলিশ স্টেশন কাগল, উত্তর 24 পরগণা স্থায়ী বাসিন্দা।

মহাশয়, আমার বিনিমিত আবেদন 16.02.2020 তারিখ হাতি আনু৪ টার সময় পশ্চিম প্রান্ত বিকরা বিদ্যাপী মনু ঘোষের বাড়িতে (পিএম-সেপাল ভেদ্যপিনে ফিলম) মনু ঘোষ আমায়ের ধর্ম্য বান্ধীত হন।আমরা P.M.A.Y প্রকল্পের যে খর দেখিয়ে তার কাছ করবে মনু ঘোষের বাড়িতে বাসভাে বাড়ি রাখার ধাে এবং IB(International Border)থেকে 2 কি.মি দেশের ভিতরে অবস্থিত।

আমি যখন মনু ঘোষের উতানে সাজিতে কথা কহি তখন 99B.N.F- COY Madhupur B.O.P, হালায় বানার অঙ্কত G.Branah এর সহাবে মনু ও বিহাপ সফন আর একজন B.S.F সোয়ান মনু ঘোষের বাড়িতে এসে দেশের সাজি ও সোহাের হাড নিসে আমাে, বেধের ভাবে মনুে ধাক্কা ও স্থিপি ভাধের পালি পালক করতে থাকে।আমার মনু ঘোষে মনু ঘে নিসের বাড়ি ছেড়ে ছাে পালিয়ে যাে।B.S.F.এর অজাচারে তান পা ছেড়ে সূনি বিদূর্ন হতে য।তখন B.S.F রা আমায়ের সেনে সোে জিপপালী নিসে পালিয়ে যাে।আমি কাতহাতে থাকি।B.S. এর ধাে সোেই আমায়ের তাইসে না।আমি বাড়িতে সেনে করি।আমায়ের বাবা আত্মীক ছখন উকাের ক বালার ধুক গ্রামীন হাসপাতালে নিসে আসে। 16.02.2020 তারিখে বাপা হাসপাতাল আমাকে বন মনুঘুর হাসপাতালে স্থানান্তরে করে।তঃ অশ্বখন মনু জানন পায়ে অপসনে করতে হতে য এবং হতে না।তখন আমাকে নিসে আমায়ের বাবা বনগী বিকৃতি ভূম হাসপাতালে 17/02/2020 তারি ভর্তি করে।আজ ২০/০২/২০২০ তারিখ সাজা 7 টার সময় বনগী বিকৃতিভূম হাসপাতাে তান পায়ে হাডের অপারেশন হতে।

মহাশয়, আমি যাহাতে বিচার ও ক্ষতি পূরণ পাই এবং সেনী B.S.F. দের সাজা হব তার জন্য আপনার স্দরপান্নু হলান।

স্বাক্ষর - রহমাতুল্লা মজল  
তারিখ - 20/02/2020

Postage stamp and address details:

৳100 246 9403

৳4021304321N TW:82874021304  
R. BANSHATI HO (743411)  
Counter No:3,21/02/2020,13412  
To:SDPO,KONGKAN  
PIN:743235, Bangan 60 North 24 Parganas  
From:RAHAMATULLA MENDAL,BAGDAH  
Wt:30gms  
Amt:27.00(Cash)  
(Track on www.indiapost.gov.in)  
৳-3 ৳00 714 1020

Complaint to SDPO Bangaon

**Dr. Anjan De**  
MBBS, D.Ortho, Dip. Spine, Dip. Sports & Injury Replacement Surgeon  
MCh Ortho Certificate (USA)  
Regd No. 50480 (WB) (MCI)

Mobile: +91 98311 33171  
E-mail: anjan@anjanortho.com  
Date: 14/02/20

Patient Name: Rahmatullah Mendal  
Age: 27 Sex: M

Ref: 14/02/20 Ad:  
# Back Pain (L5)  
# Right leg  
# Right leg  
# Right leg

Examination: Right leg foot on Road  
Right leg  
Right leg

Investigation: TR, MR, CT Scan of Lumbar Spine  
TR, MR of Lumbar Spine  
TR, MR of Lumbar Spine

Diagnosis: L5/S1 Disc Herniation  
L5/S1 Disc Herniation  
L5/S1 Disc Herniation

Plan: Physiotherapy  
Physiotherapy  
Physiotherapy

Signature: Anjan De

**BIBHUTI BHUSHAN HOSPITAL**  
1138

Reg No: 04588 DISCHARGE CERTIFICATE Date: 20/02/2020  
Name: Mr. Mrs. Mendal  
Sex: M Age: 27  
City: BANGAON Address: RAHAMATULLA MENDAL, BAGDAH  
Admission Date & Time: 14/02/2020 Discharge Date & Time: 20/02/2020  
Attending Physician / Surgeon: Dr. Anjan De  
Diagnosis: L5/S1 Disc Herniation  
Operation Note: None  
Discharge Summary: Follow up in 2 weeks

ADVICE ON DISCHARGE:  
- Rest for 2 weeks  
- Avoid heavy lifting & long distance travel  
- Take painkillers as per doctor's advice  
- Take physiotherapy as per doctor's advice  
- Avoid smoking & alcohol  
- Avoid sitting for long hours  
- Avoid bending & twisting of the back  
- Avoid carrying heavy bags  
- Avoid driving a vehicle  
- Contact doctor if symptoms worsen

Date: 20/02/2020 Doctor's Signature: Anjan De

Medical Documents

ভাৰতৰ নিৰ্বাচন কমিশ্যন  
भारतीय चयन  
ELECTION COMMISSION OF INDIA  
IDENTITY CARD  
WKM1881226



নিৰ্বাচকৰ নাম : হাম্মাতুল্লা মন্ডল  
Elector's Name : Rahamatulla Mondal  
পিতাৰ নাম : আচহৰ মন্ডল  
Father's Name : Achher Mondal  
লিঙ্গ/Sex : পু/ M  
জন্ম তাৰিখ  
Date of Birth : 01/11/1997

WKM1881226  
ঠিকনা:  
216, হৰিহৰপুৰ ডিনো ভিষুৱাৰ বৰী হাটত অতিথি  
হাটত হাটী পাৰ্শ্ব হাটৰ উত্তৰে উত্তৰে উত্তৰে উত্তৰে  
ও পাৰ্শ্ব হাটৰ অধীনত, হৰিহৰপুৰ(পাৰা), মুন্সীগঞ্জ  
১৪ পিন-742332  
Address:  
216, HARIHARPUR DINO BISWASER BARI  
HAITE ATTYAR MONGDALER BARI  
PARYANTAR PASTER UTAR ANGSHA  
(MUSLIMPARA & PARUI PARA R

Date: 24/11/2016  
04-বগদা (সংসদী) বৰী) বিধান সভাৰ বিধান  
অধিকাৰ সংখ্যা ১২২৬  
Facsimile Signature of the Electoral  
Registration Officer for  
04-Bagda (SC) Constituency  
বিধান সভাৰ অধিকাৰ সংখ্যা ১২২৬  
In case of change in address mention this Card No.  
in the relevant Form for including your name in the  
roll at the changed address and to obtain the card  
with same number. 0400665

ID card of victim