

## BSF tortured one marginalized Muslim man in false allegation - Police protects the perpetrators

MASUM <masumindia@gmail.com>

8 April 2020 at 13:31

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 <dmcocochbehar@gmail.com>, UN SR Torture <sr-torture@ohchr.org>, SP Cooch Behar <spcbr@policewb.gov.in>



Banglar

Manabdhikar 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

**08.04.2020**

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

Respected Sir,

I am writing to you regarding a case of torture and illegal detention of a marginalized Muslim man called Surjamal Ali, resident of Assam, by the personnel of the Border Security Force. The incident also includes physical assault, harassment and false accusations of smuggling on Ashraful Alam, who is Ali's friend and a resident of Cooch Behar. Both the victims were questioned by BSF personnel of 'G' Company, 62 Battalion including the Assistant Commandant. They were physically assaulted and verbally abused after which Surjamal Ali was taken by the personnel to the BSF camp in Madhya Balabhut BOP. He was tortured in the custody of the BSF and illegally detained for over 19 hours. Ashraful Alam continued to face harassment from the BSF when he and some panchayat members requested the release of Surjamal from their custody. Even the Tufanganj Police Station refused to register Alam's complaint against the BSF personnel. The Assistant Commandant of the BSF has alleged in his complaint to the Tufanganj Police that Surjamal Ali was apprehended by him while smuggling cattle across Bangladesh. He has also alleged that Ashraful Alam is the "kingpin" of the smuggling trade. These allegations have led to the implication of Surjamal Ali in criminal charges under several sections of the Indian Penal Code. Ali received medical treatment in the Tufanganj Jail Hospital and the BSF personnel allegedly threatened to shoot him if he revealed that he had been tortured in their custody. He is now out on bail. The BSF personnel have no evidence to substantiate their allegations and the testimonies of victims and eye-witnesses state that both Surjamal Ali and Ashraful Alam are innocent. Moreover, they have faced torture, illegal detention, false implication in criminal cases, physical assault and severe harassment by the BSF and Tufanganj Police. The details of incident are included in the fact finding report below.

The incident entails a clear violation of Article 14, 19, 21 and 22 of the Constitution of India. It also violates the procedure and guidelines of arrest provided by the Criminal Procedure Code, Supreme Court of India and the Honorable Commission. 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 personnel who are accused of committing the crime should be immediately brought under trial and prosecuted.
- The Officer-in-Charge of Tufanganj police station should be prosecuted for not lodging a complaint against the perpetrators and should be immediately directed to do so.
- The victims should be compensated for the grave injuries and severe harassment inflicted on them.
- The BSF should be stationed at the zero point and not inside villages.

Thank you.

Yours Sincerely

Dipyaman Adhikary

Assistant Secretary

.....

**Details of the victims:** 1. Surjamal Ali; son of Late Aher Ali; 25 years; Muslim; Address: Bhassnir Char village, Dhubri Police station and Dhubri District, Assam  
2. Ashraful Alam; son of Ajijul Rahman; 25 years; Muslim; Address: Madhya Balabhut village, Tufanganj-I Block, Tufanganj Police Station, Cooch Behar District.

**Details of the Secondary victims:** 1. Kohinoor Bibi, wife of Surjamal Ali  
2. Sohan, 4 years, son of Surjamal Ali  
3. Sojan, 3 years, son of Surjamal Ali

**Details of perpetrators:** 1. Gulab Chand Singh, Assistant Company Commandant, BSF 'G' company, 62 Battalion, Madhya Balabhut BOP  
2. 4 BSF constables of 'G' Company, 62 Battalion  
3. Officer-in-charge of Tufanganj Police Station

**Details of Eye-witnesses:** 1. Rejaul Haque, son of Abdul Rahimar Roy, Madhya Balabhut  
2. Jaminul Haque, son of Hussain Ali, Madhya Balabhut  
3. Labloo Haque Sarkar, son of Hanif Ali Sarkar, Madhya Balabhut

**Date and Time of Incident:** 26.11.2019 around 6:10 pm

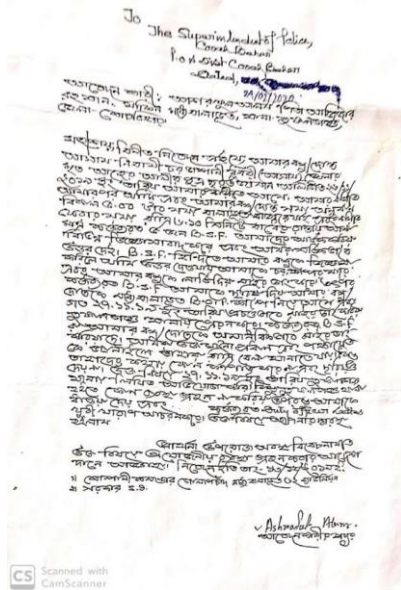
**Place of Incident:** Madhya Balabhut market

**Details of the incident:** On 26.11.2019, Surjamal Ali had gone to visit his friend Ashraful Alam around 12 pm. In the evening, both of them went to the Madhya Balabhut market on Ashraful's bike. At 6:10pm, Gulab Chand Singh, Assistant Commandant (AC) of G Company, BSF, along with 4 BSF constables, stopped them near a dam in the market. They questioned Surjamal Ali in Hindi but as he couldn't understand the language, Ashraful responded on his behalf. This made the AC angry and he slapped Ashraful and started beating both of them with lathis. Many witnesses of the incident started to gather because of the assault and tried to intervene, therefore, the BSF personnel took Surjamal Ali to the BSF camp at Madhya Balabhut BOP. Ashraful Alam informed the Panchayat Pradhan Minati Roy (wife of Pradip Roy), the vice-president of the Panchayat Ainal Haque Mian, and Panchayat member Meghna Bibi regarding the incident. All of them went to the Madhya Balabhut BOP to talk to the AC. But he did not pay any heed to their complaints and called them "dalaal" or sell-outs. After this, the panchayat advised Ashraful to file a police complaint where they would act as witnesses. On 27.11.2019, Ashraful went to submit a written complaint to the Tufanganj Police Station but the police reprimanded him because his complaint was against the BSF and did not accept his complaint.

Meanwhile, after illegally detaining Surjamal Ali for over 19 hours, the BSF brought him to the Tufanganj Subdivision hospital around 2:55pm on 27.11.2019. He had been severely tortured but the BSF personnel threatened him saying that they would shoot him at the BOP if he revealed that he had been tortured by them. While being diagnosed, Surjamal Ali said that he could not even stand from the pain but he was only given one tablet by the medical practitioner, after which he was brought back to the Tufanganj Police Station. A FIR vide 729/19 under Sections 186, 188, 332, 353, 506, and 34 of the IPC has been lodged against him on the basis of a written complaint submitted by AC Gulab Chand Singh. The complaint alleges that Surjamal Ali was apprehended by the BSF personnel while he was smuggling cattle across the border to Bangladesh. According to the complaint, Ali confessed to the BSF that Ashraful Alam had brought him for "cattle smuggling across Bangladesh". However, Surjamal Ali denies making any such statements to the BSF personnel in custody. The complaint also pleads for the arrest of Ashraful Alam, whom it identifies as the "kingpin" of cattle smuggling. Therefore, both Ashraful Alam and Surjamal Ali have been falsely accused of smuggling by the BSF even though the police has lodged FIR only against the latter.

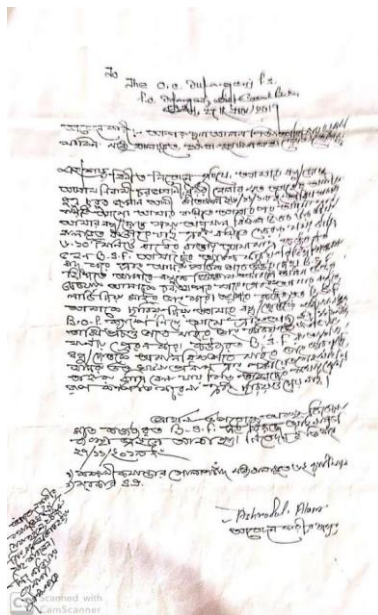
On 28.11.2019, Surjamal Ali was presented before ACJM Court but he did not get bail. He got bail seven days later after his next hearing. He is still accused of all the charges that the BSF personnel have falsely implicated him in. On 24.02.2020, Ashraful Alam sent a written complaint to the Superintendent of Police of Cooch Behar through post.

**Attached Documents**



Victim- Surjamal Ali

Complaint to Superintendent of Police of Cooch Behar



Complaint to Officer in Charge of Tufanganj Police Station



