

Muslim man brutally assaulted by BSF, Police plays silent spectator

MASUM <masumindia@gmail.com> 9 April 2020 at 18:44
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The Chairperson
National Human Rights Commission
Manav Adhikar Bhawan
Block- C, GPO Complex, INA
New Delhi- 110023

09.04.2020

Respected Sir,

Here I want to draw your attention towards the incident of brutal torture and physical assault on a marginalised Muslim person belonging from Other Backward Class (OBC) in Hakimpur village under Swarupnagar police station area of North 24 Parganas district in West Bengal. The victim, Mr. Mintu Gazi, aged about 42 years was severely beaten up by the Border Security Force personnel attached with Hakimpur Border Outpost of the Border Security Force, 112 Battalion, 'B' Company.

When the victim, with fractured limbs and rigorous injuries, went to see a doctor in the Sarapul Rural Hospital, he was not examined and diagnosed properly after he revealed that he was beaten up by the BSF. The victim, who is the only bread-earner in a family of 7, is not being able to work after the incident as he is still under treatment. The victim lodged a written complaint to the Sub-divisional Police Officer of Basirhat subdivision on 21.02.20 but no actions against the perpetrators are taken yet.

The incident violates the rights guaranteed in Article 21 of Indian Constitution and also the premise of Article 6, 7 and 12 of International Covenant on Civil and Political Rights as well as the Goal No. 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 negligence of the outdoor doctor in Sarapul Rural Hospital, who attended the victim, violates the guidelines set by Indian Medical Association and Tokyo Declaration by the World Medical Association adhered by India as he lined up with the perpetrators and didn't mention the following, which is supposed to be mentioned in the injury report by the doctor:

- The cause of ailment
- Age of ailment
- Clinical finding
- Note after clinical examination
- Diagnosis

Under the circumstances we demand:

- BSF should be posted in actual borders and not inside villages
- The whole incident must be investigated by a neutral agency appointed by the commission
- The guilty Border Security Force personnel involved must be booked and prosecuted
- The guilty doctor should be booked and prosecuted
- The victim must be duly compensated and all the expenses for treatment of the victim should be reimbursed
- Security and safety of the victim must be protected.

Thanking You,
Yours sincerely

Dipyaman Adhikary
Assistant Secretary

Details of the victim –

1. Mr. Mintu Gazi, son of Islam Gazi, Age - 42 Years, Village – Hakimpur, P.S. – Swarupnagar, North 24 Parganas, West Bengal

Details of secondary victims –

1. Mr. Islam Gazi, Father of Mintu Gazi, Age - 65 Years, Village – Hakimpur, P.S. – Swarupnagar, North 24 Parganas, West Bengal

2. Ms. Jarina Gazi, Mother of Mintu Gazi, Age - 60 Years, Village – Hakimpur, P.S. – Swarupnagar, North 24 Parganas, West Bengal

3. Ms. Rowsanara Gazi, wife of Mintu Gazi, Age - 40 Years, Village – Hakimpur, P.S. – Swarupnagar, North 24 Parganas, West Bengal

4. Mr. Raj Gazi, son of Mintu Gazi, Age - 23 Years, Village – Hakimpur, P.S. – Swarupnagar, North 24 Parganas, West Bengal

5. Jhulik Gazi, Daughter of Mintu Gazi, Age - 13 Years, Village – Hakimpur, P.S. – Swarupnagar, North 24 Parganas, West Bengal

6. Riyaj Gazi, son of Mintu Gazi, Age - 16 Years, Village – Hakimpur, P.S. – Swarupnagar, North 24 Parganas, West Bengal

Details of the perpetrators –

1. An aged BSF officer from 'G' Branch attached with Hakimpur BSF BOP, 112 Battalion, 'B' Company

2. Post Commander, SI Malik

3. BSF constable named Gupta

4. The outdoor doctor from Department of Health, who was on duty at 10:30 - 11:00 am on 25.01.2020

Date, time and place of the incident – 24.01.2020 at around 10:00 am at Kamarpota Chamrakuri field near Hakimpur Kadamtola.

Details of the incident – Mintu Gazi, a marginalised resident of the bordering village of Hakimpur sustains his family of 7 by working in his own agricultural field situated about 1 kilometer inside the Indo-Bangladesh border. On 24.01.2020 at around 10:00 am, Mintu was carrying few kilograms of fertilizer along with farming accessories towards his agricultural field situated on the Dag no. 5274 and 5276 (Khatian No. 1863/, J.L. No.- 52, Mouza - Hakimpur. 0.78 acres of total land). On the way near Kadamtola he was suddenly stopped by an aged BSF officer from 'G' Branch attached with Hakimpur BSF BOP, 112 Battalion, 'B' Company. The BSF constable surprisingly asked him to provide information on the smugglers who are involved in cross border tea smuggling. Having no prior idea, Mintu stated that he is unaware of any such cross border illegal trade. The BSF constable then called few others from the Hakimpur camp over telephone. Immediately two BSF personnel came from the camp; one of them SI Malik, Camp Commander and the other was a constable named Gupta. All three of them threatened Mintu and intimidated him by putting on gunpoint. Mintu being terribly scared of the BSF personnel tried to run away from the situation. The Post Commander soon got hold of Mintu and started beating him brutally with a bamboo stick. With the severe beating the victim's both hands were fractured. The BSF personnel still continued beating him by which, both his calf muscles were ruptured. He was then taken to the Hakimpur BSF camp, while his whole body was bleeding. Mintu was again verbally abused by the BSF personnel in the camp as he was struggling from acute pain. The perpetrators then made him sign some papers by force and asked him to give false statements on audio-visual record. The papers that he signed stated that the victim was involved in cross border smuggling carrying Phensydil. He was also forced to say the same on audio-visual record. The BSF also made his younger son, Riyaz Gazi to sign some papers before releasing him at around 12:00 noon.

On 25.01.20, Mintu went to the OPD of Sarapul Rural Hospital for treatment but the on-duty doctor didn't see him properly after he stated that he was assaulted by the BSF. He also didn't mention the cause of ailment in the prescription. The victims then went to a private doctor in Bongaon, who said that a surgery needs to be done in both his hands. He was then admitted to a private hospital in Bongaon where the surgery was done by Dr. P.N. Sarkar. He was admitted there from 26.01.20 to 30.01.20 during which almost one lakh rupees was spent for his treatment. Since the incident, the victim is completely bed-ridden and is unable to work. Under the circumstances, the victim and his family is under acute economic crisis due to much expense on the treatment and also due to no income generation. Despite lodging written complaint to the SDPO, Basirhat sub-division, no steps against the perpetrators were taken yet.

