

BSF personnel arbitrarily tortured upon one Muslim villager - Police refused to lodge FIR

MASUM <masumindia@gmail.com>

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



Banglar

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

10.04.2020

Respected Sir,

Here I want to draw your attention towards the incident of brutal torture and physical assault on a marginalised Muslim person from Chamta village under Sitai police station area of Coochbehar district in West Bengal. The victim, Mr. Tota Mian, aged about 45 years was severely beaten up by the Border Security Force personnel attached with West Chamta Border Outpost of the Border Security Force, 100 Battalion, 'F' Company.

The victim was severely injured and was admitted to a private nursing home in Coochbehar for four days. Even after his discharge, he is bed-ridden from the torture inflicted upon him. The victim's wife went to lodge a written complaint to the Inspector-in-Charge against the perpetrators but they denied to accept the complaint. Later the victim lodged a written complaint to the Superintendent of Police, Coochbehar district on 12.03.20 but no actions against the perpetrators has been 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 subsequent police inaction also violates the Supreme Court's guidelines in Lalita Kumari vs. State of U.P. [W.P.(CrI) No; 68/2008] case, which clearly states that registration of First Information Report is mandatory under Section 154 of the Code of Criminal Procedure if the information discloses commission of a cognizable offence.

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 police officer 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. Tota Mian, son of Late Majibar Mian, Age - 45 Years, Village – Chamta, P.S. – Sitai, Coochbehar, West Bengal

Details of secondary victims –

1. Ms. Anima Bibi, Wife of Tota Mian, Age - 42 Years, Village – Chamta, P.S. – Sitai, Coochbehar, West Bengal
2. Mr. Aminur Rahman, Son of Tota Mian, Age - 22 Years, Village – Chamta, P.S. – Sitai, Coochbehar, West Bengal
3. Ms. Pinki Bibi, Daughter-in-law of Tota Mian, Age - 18 Years, Village – Chamta, P.S. – Sitai, Coochbehar, West Bengal
4. Mr. Hasidul Mian, son of Tota Mian, Age - 19 Years, Village – Chamta, P.S. – Sitai, Coochbehar, West Bengal
5. Hamida Khatun, Daughter of Tota Mian Gazi, Age - 16 Years, Village – Chamta, P.S. – Sitai, Coochbehar, West Bengal
6. Masuda Khatun, Daughter of Tota Mian, Age - 14 Years, Village – Chamta, P.S. – Sitai, Coochbehar, West Bengal
7. Rokeya Bewa, Mother of Tota Mian, Age - 70 Years, Village – Chamta, P.S. – Sitai, Coochbehar, West Bengal

Details of the perpetrators –

1. BSF constable named Ramu alias Pankiraj, attached with West Chamta Border Outpost of the Border Security Force, 100 Battalion, 'F' Company
2. BSF 'G' Branch officer named Barman
3. 7 other BSF personnel attached with West Chamta Border Outpost of the Border Security Force, 100 Battalion, 'F' Company
4. Inspector-in-Charge of Sitai police station, Coochbehar

Details of the witnesses –

1. Santosh Barman, Panchayet member of Chamta panchayet, P.S. – Sitai, Coochbehar, West Bengal
2. Madhabi Barman, wife of Hakim Barman, Village – Chamta, P.S. – Sitai, Coochbehar, West Bengal
3. Jonaki barman, wife of Taranath Barman, Village – Chamta, P.S. – Sitai, Coochbehar, West Bengal

Date, time and place of the incident – 05.03.2020 at around 07:00 pm on the PMGSY road and the field beside Gunjari Chara Primary School near West Chamta BSF BOP.

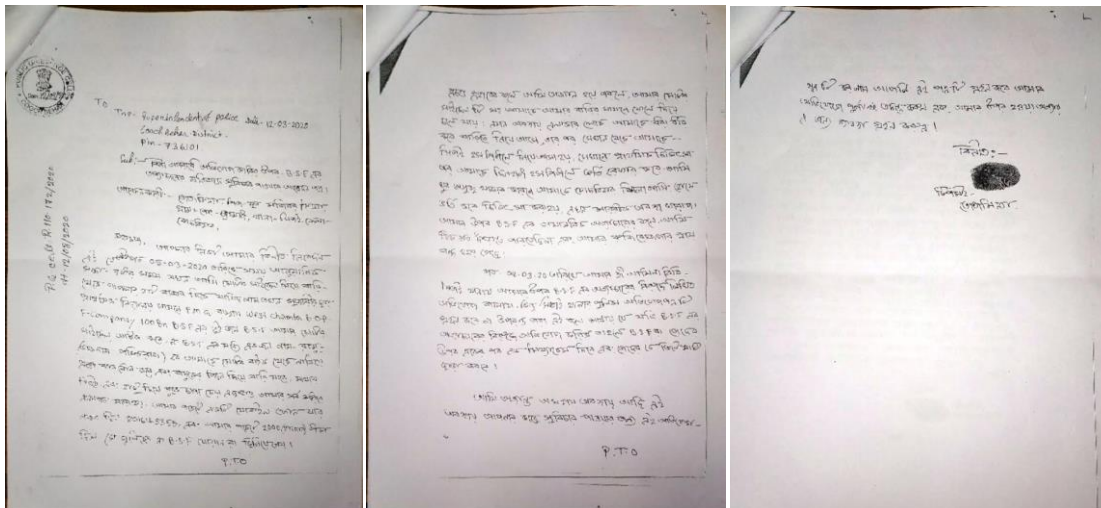
Details of the incident – Mr. Tota Mian is an agricultural worker with a meager income. His two sons are migrant labourers who works in other states of India most of the time and contributes to the family income. On 05.03.2020 Tota Mian went to the Sitai hospital for his wife's check up. On returning home he found out that few guests have arrived in his home. He decided to go to the market and shop for the guests at Paglar hat market. Accordingly, he was going to the market in his motorbike when he was stopped by a BSF constable named Ramu alias pankiraj near West Chamta BSF BOP. The BSF constable asked Tota Mian's name and called a 'G' Branch BSF officer named Barman from his phone. The officer came to the spot and ordered the constable, Ramu to beat up Tota Mian for reasons unknown to the victim. Subsequently, both of them started to beat the victim and took him towards the BOP. An officer from the BOP asked them to not enter the BOP. The perpetrators then took the victim to the field adjacent to Gunjari Chara Primary School along with 6 other BSF personnel and inflicted brutal torture upon Tota Mian. The perpetrators at first whipped him with bamboo sticks and rifle butts. Then four BSF personnel stomped him to the ground and inserted a bamboo stick inside his rectum. Tota Mian was staggered in pain and cried for help but the BSF personnel continued torturing him. A BSF personnel then came running from the BOP and stopped the others from torturing the victim. Tota Mian was then given his motorbike back and asked to return home. He somehow managed to ride back home but fainted and fell from his bike as he reached the courtyard of his house. He was immediately taken to the Sitai hospital for primary treatment by few neighbours including the panchayet member, Mr. Santosh Barman. He was referred to the Dinjata Hospital as his condition was critical. The family members of the victim decided to admit him in a private nursing home for better treatment. He was discharged after four days on 09.03.2020 with an expenditure of rupees 40 thousand but is still bed-ridden.

On 08.03.2020, Ms. Amina Bibi went to the Sitai police station to lodge a complaint against the perpetrators but the duty officer after taking the complaint from the victim's wife asked her to come on the next day evening and take the receipt copy of the complaint. The next day Inspector-in-Charge (IC) of Sitai police station met with a neighbour of the victim, Mr. Sablu Mian and asked him to put pressure on Mr. Tota Mian through political leaders so that he doesn't lodge the complaint. But on 09.03.20, Amina Bibi and his son again went to the police station to get the receipt copy of the complaint. The IC of Sitai police station said that their complaint will not be accepted there and they may go to the court to lodge complaint. He also intimidated the victim's family members by saying that if they lodge complaint against the BSF, the BSF will also lodge several cases against them and make their lives very difficult. Ms. Amina Bibi and his son returned from the police station without lodging any complaint. The victim, Mr. Tota Mian then lodged a written complaint to the Superintendent of Police, Coochbehar district on 12.03.2020 but no action was taken yet.

Attached Documents



Marks of inhuman torture by BSF personnel



Complaint to Superintendent of Police of Cooch Behar

DR. P. K. SAHA HOSPITAL PVT. LTD.
 (FORMERLY SHILA NURSING HOME)
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Medical Documents