

**Male BSF personnel outraged the modesty of a Young lady in the name of search - Nexus with BSF and Police is again revealed.**

**MASUM** <masumindia@gmail.com>

15 April 2020 at 19:02

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>, Home Secy W B Govt <wb.secyhome@gmail.com>, Nodal Officer WBP NHRC <igpa@policewb.gov.in>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, vaw@ohchr.org, UN SR Torture <sr-torture@ohchr.org>, DM North 24 Pgs <dmn24parganas@gmail.com>, SP Noth 24 Parganas <spnorth24parganas@gmail.com>



*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

15.04.2020

Respected Sir,

Through this complaint I would like to draw your kind attention towards a case of restriction, harassment on a woman and afterwards falsely implicate her in a case. The victim, Ms. Tina Biswas (Name Changed), is a student and belongs to a poor marginalized Muslim Community, residing at the bordering village of Tarali. She was unnecessarily harassed and threatened by the BSF authority of the 112 Battalion, 'D' COY Naga, Tarali Border Out Post and by Company Commander, Mr. Sanjay Kumar and a constable Mr. Tushar Ghosh. The victim was restricted on her way to her cultivable land which falls in the middle of 22 and 23 number Border Out Post. She was touched inappropriately, detained unnecessarily which continued for 3 days and ultimately implicated her in false case. This must be noted that there was no female BSF and she was touched in the name of checking which is extremely insulting and shameful for any woman.

On 13.02.2020 the victim had made a written complaint against 112 Battalion, 'D' COY Naga, Tarali BOP, Company Commander Mr. Sanjay Kumar and Constable Mr. Tushar Ghosh to the Officer in Charge of Swarupnagar Police Station which was not accepted initially. On 14.02.2020 she submitted one written complaint before the Superintendent of Police, Basirhat Police District, North 24 Pargana. This complaint was further submitted before District Magistrate, North. 24 Pargana, BSF Commandant Kalyani, Sub Divisional Officer, Basirhat, through registered post and after that on 23.02.2020 this complaint was then treated as a First Information Report vide Swarupnagar Police Station FIR number 119 dated 23.02.2020 under section 341/354B/506/34 of Indian Penal Code but no action has been taken to arrest the perpetrators. The BSF authority also initiated a false case against her. A FIR vide no. 38/20 dated 21.02.2020 u/s 341/506 Indian Penal Code in relation with GR no. 279/2020 in Swarupnagar Police Station was started. On 06.02.2020 she surrendered before the Court and bail was granted by the Additional Chief Judicial Magistrate Court, Basirhat and issued next date for her appearance on 29.04.2020.

There were many latent motives to disregard the complaint of the victim and has given preference to the complaint made by the perpetrators. The victim was tormented emotionally as well as physically leading to the violations of many provisions under the Indian Penal Code as well the unnecessary detention and restriction enforced on her violated the rights enshrined under Article 19 and 21 of the Indian Constitution. The provision of ICCPR and the Sustainable Development Goals that ensures the freedom to live with dignity and respect of any individual has also been violated again in this case. Therefore, I request your urgent intervention in the case by fulfilling the following demands:

- Border Security Force should be posted in the actual zero border and not inside the villages

- Action must be taken against Swarupnagar PS for refusing the complaint made by the victim at first and afterwards when complaint was received, intentionally drove out the name of Company Commander and other BSF constable from the FIR.
- Action must be taken against the Border Security Force authority for unnecessarily detaining the victim for hours for 3 consecutive days.
- The perpetrators have falsely implicated her in a case which should be looked into by an independent investigation wing of your Commission.
- The perpetrators also had immodestly conducted a search on the victim in the absence of any female BSF official which must be acted upon.
- Disciplinary action should be taken against the Company Commander Mr. Sanjay Kumar and the BSF constable Mr. Tushar Ghosh for immodest attitude towards the victim.
- Action must be taken against the BSF authority by close looking on the workings of the Border Security Force authority who always in the name of checking used to place restriction to the life and livelihood of the bordering villagers.
- Adequate compensation and Protection should be given to the victim and the family members of the victim.

Thanking you,  
Yours truly

Dipyaman Adhikary  
Assistant Secretary

.....

**Victim details:** Tina Biswas (Name Changed) D/o Jahangir Biswas, aged about 26 years residing at Tarali village , Post Office- Hakimpur, PS- Swarupnagar, North 24 Parganas , 743273

**Date and time of incident:** 18.01.2020 at 10 am to 21.01.2020., 3 pm

**Place of incident:** In between Border Out Post Number 22 and 23, Tarali Field (cultivation land)

**Details of perpetrators:** Company Commander, Mr. Sanjay Kumar and BSF Constable Tushar Ghosh of 112 Battalion, 'D' COY Naga, Border Out Post Tarali, Police Station- Swarupnagar.

**Witnesses of the incident:** (1)Abdul Hossain Gazi s/o Raichhuddin Gazi, (2) Jiarul Gazi s/o Sukurali Gazi, (3) Mihar Banu bibi d/o Hamid Dalal, (4) Chittaranjan Sarkar s/o Haren Sarkar, all are residing in the village of Tarali.

**Complaint sent to:**

- 1) Swarupnagar PS (Complaint was refused) dated 13.02.2020
- 2) District Magistrate , North 24 Parganas dated 14.02.2020
- 3) Commandant BSF Kalyani dated 14.02.2020
- 4) Sub Divisional Officer, Basirhat dated 14.02.2020
- 5) Superintendent of Police, Basirhat Police District, North 24 Pargana dated 14.02.2020

Details of the incident:

The victim, Miss Tina Biswas (Name Changed), daughter of Jahangir Biswas of Tarali Village, PO- Hakimpur, PS- Swarupnagar, in the district of North 24 Parganas. This village is situated at the borders. Earlier the victim was a resident of Duttapara. She belongs to a minor Muslim population. She is a student and also owns a garment shop but due to obstruction posed by the BSF, the business is halted for the time being. Her father works in Mumbai currently.

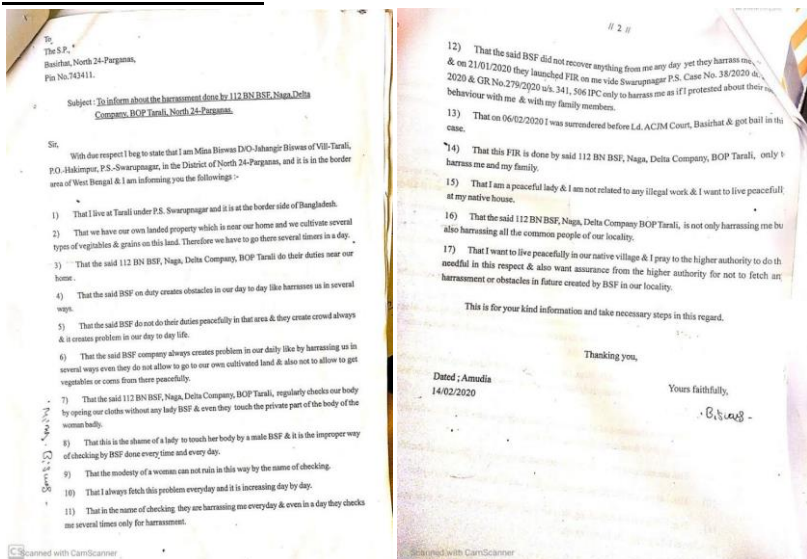
The Indo Bangladesh border of this region is the Sonai river. Sonai river falls on the West of Tarali village. The cultivable land lies about 1km to 1.5 km from the West of Indo -Bangladesh Border Road. The victim had their land under MoujaTarali and Dag no. 730. On 18/1/2020 at about 8am, victim's mother asked her to get vegetables from their field. Mina goes to get vegetables from their cultivation land being Dag number 730 which fell right in between the Border Out

Post number 22 and 23. As she proceeded to go, the BSF person asked for her voter card. She was then detained for about 1 hour without the presence of any female BSF official. Then the male BSF officials conduct a search by touching her body and her belongings. As it was dishonoring act by the BSF when she protested, they tried to shut her down. They further abuse and threatened to shoot her. She was suspected of gold smuggling and hence touched her body without her consent. A BSF person comes from the Tarali BOP, of the CSM post. The victim informed him about the situation but no luck, no one did anything for her. Post this incident, continuously from 18.01.2020 to 21.01.2020, the BSF personnel harassed her on her way to the field. They insulted her and detained her without constructive reason. In the afternoon of 21.02.2020, when she was again went the field, the BSF personnel of the abovementioned Out Post had detained her. They continuously asked for gold which the victim had no idea of and informed that she was not attached with gold smuggling. Again, the male BSF person kept touching her body in the name of conducting a search in the absence of any female official. As she protested, they further threatened her that they would accuse her of carrying Phensydil. The Company Commander, Mr. Sanjay Kumar also touched Mina and conducted a search but no female BSF officials were present there. After this situation, 2 women constables came to the spot. The Company Commander, Mr. Sanjay Kumar even threatened to shoot her if she protested. This whole incident tormented her not only physically but also mentally.

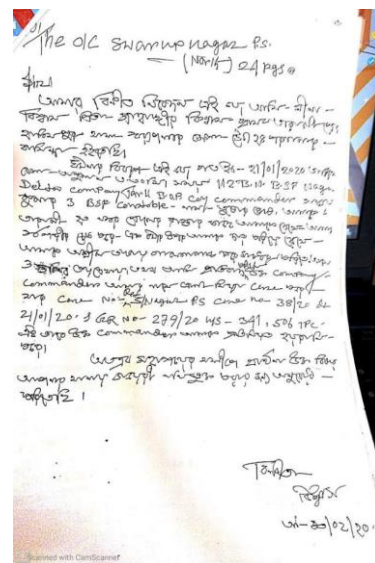
On 21.01.2020 BSF lodged a false complaint against the victim to Swarupnagar Police Station and the same was treated as First Information Report being Swarupnagar Police Station Company case number 38/2020 under section 341/506 of Indian Penal Code in relation with GR number 279/2020. The victim applied for bail and on 06.02.2020 she was surrendered before the Court and received the bail by Additional Chief Judicial Magistrate, Basirhat Court.

On 13.02.2020 victim wrote a written complaint to the Officer in Charge of Swarupnagar Police Station but the complaint of the victim was not received. Next day on 14.02.2020 the victim sent another written complaint to the Superintendent of Police, Basirhat Police District, North 24 Pargana. The same complaint was sent to District Magistrate, North 24 Pargana, Sub Divisional Officer, Basirhat, North 24 Pargana; Commandant BSF, Kalyani; and after that on the direction of the Sub Divisional Officer, Basirhat, North 24 Pargana, Sub Divisional Police Officer, Basirhat, North 24 Pargana ordered to the Officer in Charge of Swarupnagar Police Station to take appropriate action in relation to the complaint of the victim Ms. Tina Biswas (Name Changed) and on 23.02.2020 Swarupnagar Police informed the victim that her written complaint to the Sub Divisional Officer, Basirhat was treated as First Information Report vide Swarupnagar Police Station FIR number 119 dated 23.02.2020 under section 341/354B/506 and 34 of Indian Penal Code but in the First Information Report police did not mention specific name or designation of the perpetrators but just only mentioned on duty BSF party of Hakimpur Post, 112 Battalion BSF, Naga Delta Company, BOP Tarali. Till date no action has been taken to arrest the perpetrators for this type of heinous crime.

**Attached Documents**



Complaint to Superintendent of Police of North 24 Parganas



Complaint to Officer in Charge of Swarupnagar Police Station

भारतीय निर्वाचन आयोग  
ELECTION COMMISSION OF INDIA  
IDENTITY CARD

YDY000851

Electoral roll : 14/14  
Electoral's Name : Bhanu  
Pratyak : 14/14  
Father's Name : Bhanu  
Religion : BUJ  
Date of Birth : 18/02/1994

Date of 1994

YDY000851

Name: **शशी कश्यप, शशी, शशी, शशी, शशी, शशी**  
as per 14/14

Address:  
TARALI MAZER PARA,  
TARALI/KANAKPUR, BHARUPHAGAN,  
NORTH SI PARDHANAB-743273

Date: 14/07/2016

05-संख्या (संश्लेष) सहित प्रेषित करने के लिए  
Some information more useful  
Facsimile Signature of the Electoral  
Registration Officer for  
SI-Pardhanabhar (SC) Constituency

Some information more useful  
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 name number

Scanned with CamScanner

(Edited) Photo ID of victim



(Edited) Picture of victim