



Banglar

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10.06.2020

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

Respected Sir,

Here I want to draw your attention towards the incident of brutal torture and physical assault on a marginalised person from Dayarampur village of D. Parashpur under Jalangi police station area of Murshidabad district in West Bengal. The victim, Mr. Sushanta Sarkar, aged about 53 years was severely beaten up by the Border Security Force personnel attached with Dayarampur Border Outpost of the Border Security Force, 141 Battalion, 'A' Company.

The victim suffered a fractured limb and other critical injuries from the brutal beating of the BSF personnel. He is the only bread-earner in a family of five but unable to work after the incident of torture inflicted upon him. The victim's wife lodged a written complaint to the Officer-in-Charge of Jalangi police station against the perpetrators but no actions were taken against them. The Jalangi police registered the complaint as a general diary and not FIR.

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:

- The whole incident must be investigated by a neutral agency appointed by the commission
- The guilty Border Security Force personnel and police personnel involved must be booked and prosecuted
- BSF should be posted in actual borders and not inside villages
- 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, MASUM



Details of the victim –

1. Mr. Sushanta Sarkar, son of Late Sadanand Sarkar, Age - 53 Years, Village – Dayarampur, P.S. – Jalangi, Murshidabad, West Bengal

Details of secondary victims –

1. Ms. Anurupa Sarkar, Wife of Sushanta Sarkar, Age - 38 Years, Village – Dayarampur, P.S. – Jalangi, Murshidabad, West Bengal
2. Ms. Konika Sarkar, Daughter of Sushanta Sarkar, Age - 19 Years, Village – Dayarampur, P.S. – Jalangi, Murshidabad, West Bengal
3. Sukanta Sarkar, son of Sushanta Sarkar, Age - 17 Years, Village – Dayarampur, P.S. – Jalangi, Murshidabad, West Bengal
4. Ms. Radharani Sarkar, mother of Sushanta Sarkar, Age - 74 Years, Village – Dayarampur, P.S. – Jalangi, Murshidabad, West Bengal

Details of the perpetrators –

1. Border Security Forces (BSF) Jawans on duty at Dayarampur Outpost No. 1 from Batallion No. 141, A- Company, Singpara PO, Under Jalangi Police Station, Murshidabad District.
2. Officer-in-Charge of Jalangi Police Station.

Date, time and place of the incident – 4.3.2020, around 7 a.m, near Dayarampur Outpost - 1

Details of the incident – Susanta Sarkar, S/O Sadananda Sarkar, is a resident of Dayarampur village, of D Parashpur, under the jurisdiction of Jalangi Police Station in Murshidabad district of West Bengal. The village is near Indo-Bangladesh border and as a result, the BSF restricts movements of the residents of the area to a scale that can only be described as draconian. There have been reports of regular violence that the villagers face at the hands of the BSF. Like most of the villagers, Susanta Sarkar had to carry his Voter Identity Card to gain access to his agricultural land situated on the other side of the international fencing. The villagers had to queue up from as early as 6 a.m. to have their IDs checked and only then were they allowed to go and farm their own lands.

On the morning of 4.4.2020, around 6:30 a.m., Susanta Sarkar set off from his home to queue up with his fellow villagers so that he could have his identity checked and be granted permission to travel to his fields. On the night of 3.4.2020, there had been a case of cow smuggling across the Indo-Bangladesh border. The BSF made it clear that if the villagers didn't inform them of the names and addresses of the people involved, they would not be allowed to go to their fields, thereby shifting the burden of the investigation onto the villagers. When Susanta Sarkar protested, the BSF authorities proceeded to beat him violently. After beating him mercilessly, the BSF left him by the outpost.

Later on, with the help of his wife and relatives, when Susanta Sarkar was rushed to the Jalangi Police Station, the police asked him to go to Sadikan's Dearth Rural Hospital to get treated. The doctor who saw him at Sadikan's Dearth Rural Hospital noted that his right hand might be broken, in addition to other injuries on his body. The doctor advised him to go to the Domkal Subdivisional Hospital to get treated as his injuries were extensive. At the Domkal Subdivisional Hospital, the doctor conducted an X-ray on Susanta Sarkar's right hand and found that it had been broken.

On 07.03.2020, Susanta Sarkar filed a complaint against the BSF forces, however, despite the assault on him having all the hallmarks of a cognizable offence, the complaint was treated as a general diary and not an F.I.R.

Since the complaint has been lodged, it has been reported that the BSF has terrorized the village folk to try and pressure them into silence. The BSF have also accosted and harassed Susanta Sarkar to try and intimidate him into recanting his statements and have the case dismissed. The Assistant Commander from Sinpara BSF BOP along with 3 other BSF constables visited Sushanta Sarkar's house twice and asked him to come to the camp without any legal notice. But Sushanta denied to visit the camp.

Attached Documents

Picture of victim



Medical Document

Advice
of

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF HEALTH & FAMILY WELFARE

OPD / EMERGENCY TREATMENT TICKET

Name of the Health Facility : Sadikhan's Dearh Rural Hospital, Msd.
Address : P.O.-Jalangi, Dist. Murshidabad, Telephone No.-

| | |
|---|--|
| PATIENT DETAILS Registration Number.....1296..... Date.....4.03.2020 | |
| Name.....Sushanta Sarker..... Age.....53..... Sex.....M | |
| Address..... Vill.....Banyachampna..... | |
| P.O..... PS..... | |
| Visiting Date..... | |
| Doctor's Name..... | |
| Clinical Notes <u>History/Complaints</u> <u>Signs & Symptoms</u> <u>Clinical Examination</u> <u>Injury Note</u> Physical Asur OK Simple Abdomen <u>Provisional diagnosis</u> | ADVICE / Investigations Date..... Rx Paracet (100) / 1121 PDR 100 50 TA RI (40) CA 9/13 |
| <div style="border: 1px solid black; padding: 5px; text-align: center;"> Medical Officer Sadikhan's Dearh Rural Hospital Sadikhan's Dearh, Murshidabad Signature Name of the Doctor/Stamp </div> | |

Follow Standard Treatment Guidelines and ensure Rational use of Medicine

(5)

135
5/05

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF HEALTH & FAMILY WELFARE
Dankal Super Speciality Hospital
DANKAL, MURSHIDABAD
(PH-03481-230003)
OPD Patient Card

ORTHOPAEDIC 68

Name: MUSHANTA SARKAR

Sex: Male

Ref From:

DSSH/HC/2000056404

Age: 50 Yrs 0 Month 0 Days

Day: Thursday

Reg No: DSSH/RC/2000062171

Reg. Date: 05-03-2020

Card No: DSSH/OIL/2000056404

Visit Date: 05-03-2020

Time: 11:15AM

Paid Rupees: 2

Visit No: 1 Department: ORTHOPAEDIC
Physician Name(DOW): Dr. SAMRAT BANERJEE

Visit No: 12

| | |
|-------------|-------------|
| Visit No: 1 | Visit No: 4 |
| Visit Date | Visit Date |
| Department | Department |
| Doctor/Unit | Doctor/Unit |
| Entry No | Entry No |

Handwritten signature and scribbles

X-RAY *As free* *Antibiotic*

- ✓ PCM (650) BDPC x 10 days
- ✓ FM (40) BDAC x 10 days
- ✓ BRUFEN (400) BDPC x 10 days
- ✓ EZOLID (600) BDPC x 10 days
- ✓ AMOXICLAV (625) BDPC x 10 days
- ✓ CAL + VITD3-ODHS x Cont
- ✓ BC-ODHS x Cont
- ✓ MC-ODHS x Cont

Handwritten mark resembling a '9'

Handwritten signature

05 MAR 2020

U.S. Nagar - 194

Picture of perpetrator BSF personnel



