



Banglar

Manabhadhikar 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

09.07.2020

The Chairman

National Human Rights Commission

Manav Adhikar Bhawan

Block-C, G.P.O. Complex, INA

New Delhi-110023

Respected Sir,

I would like to attract your kind attention over an incident of Murshidabad district where a helpless man namely Mr. Kalam Sk and his family members who were several times pressurized by his own brother namely Mr. Abdul Salam Sk who is under the shed of running political party in power and with the strong nexus of the local police tried to get possession over the land of Mr. Kalam Sk. On 21.04.2020 at about 11 am police personnel of Lalgola Police station without giving him any notice by force took him to the Lalgola Police station where he was bitterly tortured and threatened to implicate in false cases if he would not transfer the ownership of his land in the name of his brother Mr. Abdul Salam Sk. The victim informed the above stated incident to the Superintendent of Police, Murshidabad but till date no action has been taken and even the police did not register FIR of this torturing incident upon the victim by the perpetrator police personnel of Lalgola Police station. This clearly violates the provision of section 154 of the Code of Criminal Procedure and also violates the guidelines of the Apex court in the case of Lalita Kumari vs. State of U.P [WP (CrI no.68 of 2008)].

More so, due to his severe pain in the body for the effect of torturing incident upon him by the Lalgola police personnel when the victim went to Lalbag Sub Divisional Hospital for his check up, the hospital authority made a printing mistake in the prescription where they mentioned the name 'Salam Sk' instead of 'Kalam Sk'. During the time of check up the doctor did not mention the clinical findings and therefore, it violates the guidelines set by the Indian Medical Association and Tokyo Declaration by the World Medical Association adhered by India as the on duty doctor lined up with the perpetrators did not mention the following, which is supposed to be mentioned in the injury report by the doctor-

- The cause of ailment
- Age of ailment

- Clinical findings
- Notes after clinical examination
- Diagnosis

The above mentioned incident not only violated Article 21 of the Constitution of India but also the premise of Article 7 of International Covenant on Civil and Political Rights as well as section 154 of the Code of Criminal Procedure Code and the guidelines of Indian Medical Association and Tokyo Declaration for medical practitioners.

Hence, I seek your urgent intervention in the present case with the following demands of justice for the victim and his family members –

- This case should be acknowledge and registered in your commission.
- The whole matter should be enquired into by one independent inquiring agency preferably by the Commission's own investigation wing.
- Immediately register the complaint of the victim as First Information Report and proper investigation should be required.
- The concerned police authorities must be directed to take immediate action so that the victim and his family members residing in his house peacefully and without any harm from the side of the perpetrators.
- Strong penal action should be taken against Mr. Imran Sk, Sub Inspector of Lalgola Police Station and the civic volunteer who tortured upon the victim mercilessly.
- Departmental action should be taken against that doctor who without mentioning the clinical findings, checked the victim and prescribed medicines.
- The victim should be provided with the adequate compensation for violation of his human rights.

Thanking you,

Yours truly

Dipyaman Adhikary

Assistant Secretary

Banglar Manabdhikar Suraksha Mancha (MASUM)



Details of the victim: Mr. Kalam Sk, son of Late Entaj Sk, aged about 63 years, residing at village Brahmottorpur, Sub division - Lalgola, Post Office –K.D. Para, Police Station – Lalgola, District – Murshidabad.

Details of the perpetrators: (1) Mr. Imran Sk, Sub Inspector of Lalgola Police Station; (2) One Civic Volunteer of Lalgola Police Station; (3) Abdul Salam Sk, son of Late Entaj Sk, residing at village Brahmottorpur, Sub Division- Lalgola, P.O. K.D.Para, P.S. Lalgola, District- Murshidabad.

Place of the Occurrence: The victim was taken by force to the Lalgola Police station from own house of the victim and in the Lalgola Police Station he was bitterly tortured by the police personnel.

Time of Occurrence: At about 11 am the victim was taken to the Lalgola Police Station and between 12 to 1.00 pm he was severely tortured.

Details of the Case:- Mr. Kalam Sk is a poor agricultural labourer. He earns his living by day labourer in agricultural field. He has a plot of land where he is living and it is his only resource. But his brother namely Mr. Abdul Salam Sk is trying to capture the only resource of the victim and under the shed of political influence and local police influence, he always threatens the victim to register and transfer his property to his name. But the victim was not agreed to that proposal of Mr. Abdul Salam Sk. It is to be mentioned that a partition suit was filed before the Court of the Lalgola Civil Judge (Senior Division) bearing Partition Suit number 100/2020 between Mr. Abdul Salam Sk (Plaintiff of the case) and Mr. Ajijul Sk, Mr. Baijul Sk, Kalam Sk, Rahaman Sk, Jiarul Sk, Jahangir Sk, Mosaraf Sk (all are defendants). The case is not disposed off till date. In the meantime an application under Order 39, Rule 1,2 & 3 with under section 151 of the Code of Civil Procedure was moved against the defendants in respect of the plot number RS 275 LR 666, RS 286 LR 667, RS 277 LR 666, RS 281LR 663 of Mouza number 94Brahmottor Manikchak within Lalgola Police Station was moved. In the said application Ld. Civil Judge (Senior Division), Lalgola ordered to maintain status quo in respect of the said land by both of plaintiff and defendants. From that time the victim never tried to transform the character of the property which will harm the status quo situation of the property.

The local police of Lalgola Police Station and Mr. Abdul Salam Sk several times threatened the victim to register and transfer the amount of land of the victim to the name of Mr. Abdul Salam Sk but as the victim was not agreed to their proposal on 21.04.2020 at about 11 am some police personnel from Lalgola Police Station came to the house of Mr. Kalam Sk. The victim at that time was in his house. The police personnel told him that the Officer in Charge of Lalgola Police Station had called him and therefore he had to go with them to the police station. At first the victim was not agreed to go with them but they threatened the victim and compelled him to go to the police station with them. One police person took the victim in his bike. When the victim reached at the Lalgola Police Station Mr. Imran Sk, Sub inspector of Lalgola Police Station and one Civic Volunteer continuously pressurized him to register his plot of land in the name of Mr. Abdul Salam Sk. When the victim protested against the illegal attitude of the police officials, that time Mr. Imran Sk, Sub Inspector of Lalgola police station became very much angry and beat the victim with stick. When the victim fell to the ground, Mr. Imram Sk mercilessly tortured upon her with stick in his hand and boot in his feet. After few hours the victim was released when he

agreed to register his plot of land in the name of Mr. Abdul Salem Sk. The said police officials threatened the victim by saying if he will not register and transfer his plot of land to the name of Mr. Abdul Salam Sk, he will be implicated in several false cases and bring him back to their custody.

On 22.04.2020 the victim sent one written complaint to the Superintendent of Police, Murshidabad through the medium of courier where he stated the above mentioned incident but till date no action has been taken in respect of this matter. More so, in spite of knowing that a cognizable offence had been occurred against the victim by Mr. Imran Sk, Sub Inspector of Lalgola Police Station and one Civic Volunteer of Lalgola Police Station, the written complaint of the victim was not registered as First Information Report. This is a clear violation of section 154 of Code of Criminal Procedure.

On 23.04.2020 when the victim went to Lalbag Sub Divisional Hospital for his check up, the hospital authority made a printing mistake in the prescription where they mentioned the name 'Salam Sk' instead of 'Kalam Sk'. During the time of check up the doctor did not mention the clinical findings and therefore, it violates the guidelines set by the Indian Medical Association and Tokyo Declaration by the World Medical Association adhered by India as the on duty doctor lined up with the perpetrators did not mention the the cause of ailment in the victim's body, age of ailment, clinical findings, notes after clinical examination and diagnosis, which are supposed to be mentioned in the injury report by the doctor. On 25.04.2020 when the victim again went to Lalbag sub Divisional Hospital for another time check up, that time the hospital authority wrote his correct name that is 'Kalam Sk'.

Till date the victim and his family is under fear as the perpetrators are roaming freely and no action has been taken by the district police administration and also feel insecure as the perpetrators threatened to implicate him in false cases if he will not transfer his plot of land to the name of Mr. Abdul Salam Sk.

Attached Documents

Picture of victim



Medical Document

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF HEALTH & FAMILY WELFARE
Lalbagh Sub Divisional Hospital
6
(PH: 03482279247)
OPD Patient Card

GENERAL 121		2		Paid Register	
Name : SALAM SK		[LSDHOR2000040258]		Day : Thursday	
Sex : Male		Age : 38 Yrs. 0 Months 0 Days		Reg No : LSDHERG2000040602	
Ref From				Reg. Date : 23-04-2020	
				Card No : LSDHOR2000040258	
Visit No. : 1		Department : GENERAL		Visit Date : 23-04-2020	
				Time : 12:15PM	
Doctor/Unit Name(DOW) : Dr.MUKUL ROY CHOWDHURY					
Room No. : 10					
Visit No. 2	Tm.	Visit No. 3	Tm.	Visit No. 4	Tm.
Visit Date		Visit Date		Visit Date	
Department		Department		Department	
Doctor/Unit		Doctor/Unit		Doctor/Unit	
Entry No		Entry No		Entry No	

Chills Notes	ADVICE
<i>BT & yach</i>	<i>Don't smoke</i> <i>20/9</i>