



Banglar

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13.08.2020

To
The Chairperson
National Human Rights Commission
ManavAdhikarBhawan
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.Ohab Mondal aged about 60 years and his family was severely beaten up by the Border Security Force personnel attached with Dayarampur Border Outpost of the Border Security Force, 141 Battalion.

The victim's wife suffered critical injuries including a fracture from the brutal beating of the BSF personnel and is still admitted in the Sadhikhan's Dearh Rural Hospital. She 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 FIR but didn't take any action on the perpetrators. The perpetrator BSF personnel confiscated 6 buffaloes that belonged to the victim as an act of vengeance of registering complaint in the police station. Later, when the elected panchayet members went to the BSF and asked the reason for this illegal seizure, the BSF official became furious and verbally abused the elected members threatening to put narcotic charges against them.

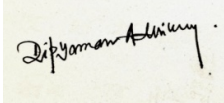
The BSF in these border areas of West Bengal often inflicts such brutal torture on the civilians on the basis of their suspicions and without any proper evidence. The BSF camps in these areas are situated about 5 to 10 kilometres from the actual Indo-Bangladesh border inside Indian territory, which makes the lives of these villagers insufferable. Furthermore, the BSF randomly implicates the villagers in false and fabricated cases and threatens them with dire consequences if legal complaints are lodged against them.

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 on duty medical officer, attached with Sadhikhan's Dearh Rural Hospital, who attended the victims, 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 as the injury report didn't mention the cause of ailment.

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 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

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Details of the victim –

1. Mr. Ohab Mondal, son of Late Kalimuddin Mondal, Age - 65 Years, Village – Parashpur, P.S. – Jalangi, Murshidabad, West Bengal, PIN – 742305
2. Mr. Jamrul Mondal, son of Mr. Ohab Mondal, Age - 27 Years, Village – Parashpur, P.S. – Jalangi, Murshidabad, West Bengal, PIN - 742305
3. Mrs. Tahajan Bibi, wife of Mr. Ohab Mondal, Age - 60 Years, Village – Parashpur, P.S. – Jalangi, Murshidabad, West Bengal, PIN – 742305
4. Mr. Sanjay Kumar Mondal, son of Mr. Nagen Mondal, Age - 33 Years, Village – Parashpur, P.S. – Jalangi, Murshidabad, West Bengal, PIN – 742305
5. Mr. Bablu Mondal, son of Mr. Niyatulla Mondal, Age - 40 Years, Village – Parashpur, P.S. – Jalangi, Murshidabad, West Bengal, PIN – 742305

Details of the perpetrators –

1. Mr. Mehera, the Post Commander of Dayarpur Outpost
2. 6/7 Border Security Forces (BSF) personnel on duty at Dayarpur Outpost No. 1 from Battalion No. 141, 'A' Company, Singpara PO, Under Jalangi Police Station, Murshidabad District.
3. Theon duty medical officer, attached with Sadhikhan's Dearh Rural Hospital, who attended the victims on 23.07.20 and 24.07.20

Date, time and place of the incident – 22.7.2020, around 11p.m, at the house of Mr. Ohab Mondal

Details of the incident – Mr. Ohab Mondal, an agricultural labourer by profession, lives with his wife, Mrs. Tahajan Bibi (52) and son Mr. Jamrul Mondal (27), at Parashpur village under Jalangi police station area. At around 11:00 pm on 22.07.20, all three of them were sleeping in their house when around 6/7 BSF personnel barged into their house and forcibly tried to take Ohab and his son Jamrul along with them. Allegedly, when the party of BSF was passing by Ohab's house for their routine patrolling at night, some unidentified person pelted stones at the party. According to our fact-finding, soon after that the BSF personnel entered Ohab's house and started beating him and his son Jamrul, who were lying in their beds. They also threatened the family with dire consequences. When Mrs. Tahajan Bibi came to stop them, she was also severely beaten up with fists and rifle butts and forcefully pushed aside by which she received severe injury in her forehead and waist. She laid there for the night and couldn't move due to acute pain. The next day with the help of some neighbors she went to the Sadhikhan's Dear rural hospital for treatment, where the doctor on duty did an x-ray on her and found out that she had suffered a fracture on her waist. However the doctor didn't mention the cause of injury and the nature of ailment in his injury report.

The BSF personnel used filthy cuss words on them and threatened to kill them and make their dead bodies disappear. Mr. Ohab and Mr. Jamrul was taken by the BSF and on 23.07.20, handed over to the Jalangi police and charged with sections 188/186/353/34 of the Indian Penal Code. Both of them were sent to jail custody by the Baharampore court. On 24.07.20, they were released on bail.

On 23.07.20, Mrs. Tahajan Bibi also lodged a written complaint to the Jalangi police station on the atrocities committed by the BSF personnel on her family vide Jalangi P.S. **FIR no. 313/20** under section 448/323/34. However, the Jalangi police didn't take any action on the FIR yet.

As an act of vengeance on the victims for lodging complaint against the BSF, on 3.08.20, when Ohab Mondal was grazing 6 of his buffaloes in a field nearby the river at around 11:00 A.M, 6/7 BSF personnel attached with Dayarpur Outpost came to the field and confiscated the buffaloes. The buffaloes were then taken to the Dayarpur BSF camp despite Ohab Mondal's rigorous pleading, that the buffaloes legally belong to him and requested the BSF personnel not to seize his cattle. When the BSF personnel didn't listen to his plea, Ohab Mondal went to Mr. Sanjay Kumar Mondal, elected member of Parashpur Gram Sansad under

Ghoshpara gram panchayet and Mr.BabluMondal, the gram sansad leader of Trinamool Congress party of GhoshparaPanchayet and informed them of the illegal seizure of his cattle by the BSF. That day at around 1:00 P.M, Mr. Sanjay Mondal and Mr.Bablu Mondal went to the Dayarpur BSF camp and talked to Mr.Mehera, the Post Commander of Dayarpur Outpost. But as soon as Mr. Sanjay Mondal asked the Post Commander that why was OhabMondal's cattle seized, Mr.Mehera became furious and started verbally abusing them with filthy slangs. The BSF Post Commander also threatened them to implicate in narcotic cases and sent to jail. He added that the cattle will not be released and OhabMondal will be charged with cattle smuggling case. Mr. Sanjay Mondal and Mr.BabluMondal verbally informed the incident of threatening and abusing to the Jalangi police station and later on 6.08.20 lodged written complaint to the Superintendent of Police of Murshidabad district via whatsapp from number **800133433** to whatsapp number **9083269244**. However, police didn't take any action against the perpetrator BSF personnel on either complaint yet.

Attached Documents

Picture of victims



Medical reports of victims

TREATMENT SHEET
Sadikhan's Dearh Rural Hospital, Msd.

Name :- Jannoul Monda / 24/10/10
Age :- 27yrs Sex :- m Caste :-
Regd. No. :- 9619 Date of admission :-
Address :- Ward :-

Disease :- Under :-

Date	Treatment
Physical assault on 23/10/20 d/e, Contusion over back.	Asst Tab. Zorbet - 80 Propocashy Cap. Pantocid - 400 Propocashy Tab. Chymoral Forte Tosa sh.

Medical Officer
Sadikhan's Dearh Rural Hospital
Sadikhan's Dearh, Munshidabad

TREATMENT SHEET
Sadikhan's Dearh Rural Hospital, Msd.

Name :- Tahajan Bibi
Age :- 64y Sex :- F Caste :-
Regd. No. :- 9694 Date of admission :- 23/10/20
Address :- Ward :-

Disease :- Under :-

Date	Treatment
elo - P/A	Im Dk 10 Im Rinn / 10 / 10 B 14 pnt 10

Medical Officer
Sadikhan's Dearh Rural Hospital
Sadikhan's Dearh, Munshidabad





FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)

6165

I.I.F-1

1. Dist. Murshidabad P.S. Jalangi Year 2020 FIR No. 317/2020 Date 23/07/2020

2. (i) Act IPC Sections 124B/186/353/411 Act 1 Sections 1

(iii) Act 1 Sections 1 (iv) Other Acts & Sections 1

3. a) Occurrence of Offence Day Wednesday Date From 22/07/2020 Date to 22/07/2020

Time Period 22:15 hrs Time from 22:15 hrs Time to 22:15 hrs

(b) Information received at P.S. Date 23/07/2020 Time 06:05 hrs

(c) General Diary Reference: Entry No. (s) 1211 Time 06:05 hrs

4. Type of information: Typed complaint Written / Oral Arrehal No-2

5. Place of Occurrence: (a) Direction and Distance from P.S. North East 7 1/2 Beat No. 76 No-28

(b) Address Matlabhanga river opposite BP No-84/75, distance from J.B. 250m, distance from B.P. 800m, P.S. Jalangi, Md.

(c) In case outside limit of the Police Station, then the Name of the P.S. 1 District 1

6. Complainant / Informant:

(a) Name ST. B. K. Saha, No-86003041

(b) Father's / Husband's Name F. Coy. 141 Bn BSF, BOP Dayanampur

(c) Date / Year of Birth 1 (d) Nationality Indian

(e) Passport No. 1 Date of Issue 1 Place of Issue 1

(f) Occupation Services

(g) Address F Coy 141 Bn BSF, BOP Dayanampur, P.S. Jalangi, Md.

7. Details of known / suspected / unknown accused with full particulars (Attach separate sheet, if necessary)

1) Wabaha Mondal, c/o Kalim Mondal 2) Jamsai Mondal
STI Wabaha Mondal both Paraachapur P.O. Dakshin Paraachapur, P.S. Jalangi, Murshidabad and others

8. Reasons for delay in reporting by the Complainant / informant:

9. Particulars of properties stolen / involved (attach separate sheet, if necessary):

10. Total Value of properties stolen / involved 1

11. Inquest Report / U.D. Case No. if any 1

12. FIR Contents (Attach separate sheets, if required): The original typed complaint which is treated as FIR is reproduced verbatim.

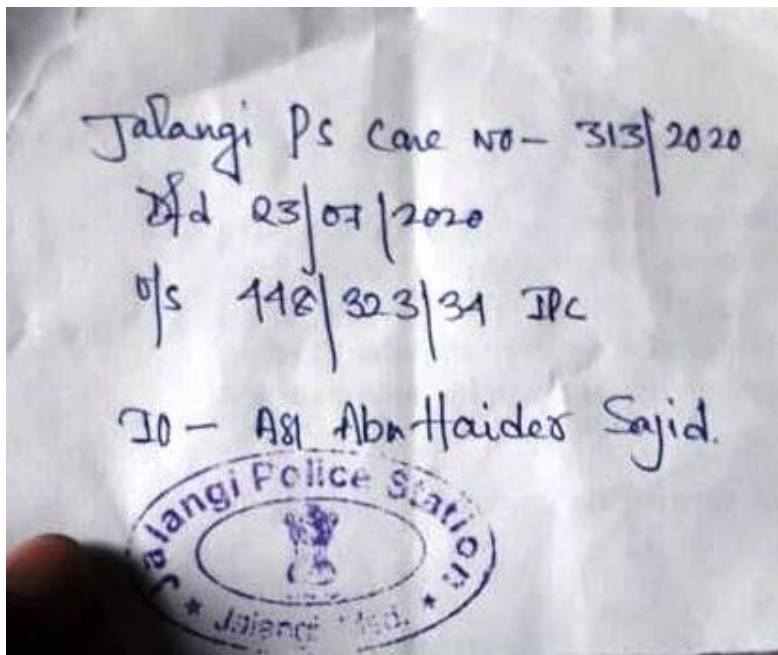
13. Action taken: Since the above reported reveals commission of offence (s) as mentioned at item No. 2, registered the case and took up the investigation / directed ASI Samant Islam to take up investigation / refused investigation / transferred to P.S. with pt. investigate this case on point of jurisdiction, FIR read over to the Complainant / informant, admitted to be correctly recorded and a copy given to the Complainant / informant free of cost.

14. Signature / Thumb Impression of the Complainant / informant As per order of ofc Jalangi P.S. 23/07/2020

15. Date & Time of dispatch to the Court 23/07/2020 Name JAYENDU DEBNATH Rank STP Police, O/o Jalangi P.S.

Murshidabad
Jalangi Police Station
Dist. Murshidabad, W.B.

General Diary Entry by Jalangi Police Station



FIR lodged against perpetrator BSF personnel

Jalangi Police Station
West Bengal Form No. 27
Jalangi, Msd.

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)

I.I.F-1
6166

1. District West Bengal, P.S. Jalangi, Year 2020, FIR No. 13/2020, Date 23.7.2020

2. (i) Act IPC Sections 147/323/31 (ii) Act _____ Sections _____
(iii) Act _____ Sections _____ (iv) Other Acts & Sections _____

3. a) Occurrence of Offence Day Wednesday Date From 23.7.2020 Date to _____
Time Period _____ Time From 2.00 PM Time to _____
(b) Information received at P.S. Date on 23.7.2020 Time 12.50 PM
(c) General Diary Reference: Entry No. (s) 1248 Time 2.50 PM

4. Type of information: _____ Written / Oral Oral

5. Place of Occurrence: (a) Direction and Distance from P.S. 1500 Feet from P.S. Beat No. 15/19
(b) Address at Barak Das P.S. Jalangi Dist. Murshidabad.

(c) In case outside limit of the Police Station, then the Name of the P.S. _____ District _____

6. Complainant / Informant:
(a) Name Tahazombi
(b) Father's / Husband's Name Wahab Ahmad
(c) Date / Year of Birth _____ (d) Nationality Indian
(e) Passport No. _____ Date of Issue _____ Place of Issue _____
(f) Occupation _____
(g) Address at Barak Das P.S. Jalangi Dist. Murshidabad.

7. Details of known / suspected / unknown accused with full particulars (Attach separate sheet, if necessary)
unknown BSF personnel of Dayashree BOP
141 BN BSF

8. Reasons for delay in reporting by the Complainant / Informant: _____

9. Particulars of properties stolen / involved (attach separate sheet, if necessary): _____

10. Total Value of properties stolen / involved _____

11. Inquest Report / U.D. Case No. if any _____

12. FIR Contents (Attach separate sheets, if required) the accused with their complaint file
concerned which is present as FIR
is given below.

13. Action taken: Since the above reported reveals commission of offence (s) as mentioned at item No. 2, registered the case and took up the investigation / directed Asst. Insp. Manoj Kumar Das to take up investigation / refused investigation / transferred to P.S. _____ on point of jurisdiction, FIR read over to the Complainant / informant / referred to be correctly recorded and a copy given to the Complainant / informant free of cost.

14. Signature of the Complainant / Informant Tahazombi recorded by 2020
Asst. Insp. Manoj Kumar Das
23.7.20 Signature of the Officer-In-Charge, Police Station
Name UTPAUL KUMAR DAS
Rank 10 of Police
Dist - Murshidabad
23.7.20 Officer-In-Charge
Jalangi Police Station
Dist. Murshidabad, W.B.

15. Date & Time of dispatch to the Court: _____

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