



Banglar

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20.08.2020

To

The Chairperson

National Human Rights Commission

Manav Adhikar Bhawan

Block- C, GPO Complex, INA

New Delhi- 110023

Respected Sir,

I want to draw your kind attention towards an incident of inhuman and brutal torture by the Border Security force (BSF) personnel attached with 'F' Company under 112 Battalion of Gobra Border Outpost, on a poor marginalized Muslim peasant family of Gobra village under Swarupnagar police station area of North 24 Parganas in West Bengal.

The perpetrators severely beat up Mr. Saddam Fakir without any cause and verbally abused him and restricted him to go the agricultural land and also when the neighbors came to rescue him they were also verbally abused. The victim was taken to the Sarapul Rural Hospital for treatment. Doctor in the Sarapul Rural Hospital clearly mentioned in the prescription that the victim was injured by BSF. On 28.07.2020 the victim lodged one written complaint through email to the Superintendent of Police of Basirhat Police District but no action against the perpetrators has been taken yet.

From the incident it appears that the perpetrator BSF personnel not only violated the rights guaranteed in Article 19 and 21 of Indian Constitution but also violated the premise of Article 7 of International Covenant on Civil and Political Rights as well as the Goal No. 8 and 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 incident and subsequent impunity legitimize our long standing demand

for immediate ratification of United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment.

Under this circumstance we demand:

- The guilty Border Security Force personnel including the Post Commander of Gobra Border Out Post involved in committing the offence must be booked and prosecuted
- BSF should be posted at the actual border and not inside villages.
- BSF should stop implementing illegitimate restriction on the cultivation process of the villagers of West Bengal-Bangladesh border and ensure their free movement
- The whole incident must be investigated by a neutral agency appointed by the commission.
 - The victim must be duly compensated and all the expenses for treatment of the victim should be duly reimbursed.
- Security and safety of the victims and their family members must be protected.

Thanking you,

Yours truly

Dipyaman Adhikary

Assistant Secretary

Banglar Manabadhikar Suraksha Mancha (MASUM)

Details of the victim: Mr. Saddam Fakir, son of Mr. Jakir Hossain Fakir, aged about 29 years, residing at village Gobra, post- Gobindapur under jurisdiction of Swarupnagar Police Station in the district of North 24 Pargana, West Bengal.

Details of the secondary victims: (i) Mr, Jakir Hossain Fakir, aged about 60 years, father of the victim; (ii) Mrs. Ajmira Fakir, aged about 24 years, wife of the victim; (iii) Master Taniza Fakir, aged about one and half years, daughter of the victim.

Details of the perpetrators: (i) BSF Post Commander of Gobra Border Out Post under 'F' company named Mr. Sunil; (ii) BSF constable namely Mr. Ghosh babu and (iii) one other BSF constable – all are attached with Gobra Border Out Post, 'F' company, 112 Battalion.

Date and Time & place of the incident: (i) 1st incident – On 27.07.2020 at about 9.00 am in IBBR Road in front of Gate number 18 under the jurisdiction of Gobra Mouza and Swarupnagar Police Station; (ii) 2nd incident – On 28.07.2020 at about 7.30 am in Gobra Border Out Post, Gate number 18.

Details of the incident: Gobra is a bordering village which is situated on the edge of the border fencing and Indo Bangladesh Border Road. In the North-eastern direction of the village is Bangladesh and border fencing and in the western side Ichamati river is situated. Minority Muslims live on one side of the village and on the other side in the bank of river Ichamati Hindu Rajbangsi families are living. This village is situated under Gobra mouza, J.L number 18 and under the jurisdiction of Swarupnagar Police Station

Mr. Saddam Fakir is a marginal farmer. He has about 10 bigha of farming lands which is located outside the fencing to the Bangladesh border. He used to submit his voter identity card every day when he goes to his agricultural field by crossing border fencing gate number 18. In the time of July, Aman paddy is being cultivated by the local farmers. Mr. Saddam Fakir also decided to cultivate Aman paddy.

Like every day on 27.07.2020 Mr. Saddam Fakir went to his agricultural land at about 6 am by depositing his voter identity card to the posted Border Security Force personnel at Border fencing gate number 18. At about 9 am when he was working in the field, one BSF jawan namely Ghosh babu along with two other jawans came in front of him and he was told that the Post Commander had called him to border fencing gate number 18 and they took Mr. Saddam Fakir with them.

When the victim reached in front of border fencing gate number 18, the Post Commander without any cause started to beat him mercilessly with a stick and after that he was slapped and punched. Other BSF personnel who were standing there kicked him brutally when he fell on the IBBR road. The Border Security Force personnel told him if NRC will be started here, he will be kicked out of Bengal? From this fact it is proved that the armed forces official always maintain malicious behavior towards the non-Hindus mainly Muslim community.

- Are Border Security Force Officials forgetting the Preamble of Constitution of India and Fundamental Rights enshrined there?
- Is BSF authority thinking that they are superior to the Constitution of India?
- Why in the name of religion a portion of people in our country are being treated maliciously?
- Who gives the power to the BSF to kick out people of this country who born and brought up in the land of India?

Ms. Hasina Sardar, wife of Mr. Jalil Sardar and Mr. Kabir Sardar, son of Jalil Sardar and other villagers witnessed the incident of BSF torture upon the victim Mr. Saddam Fakir. They rushed to come the spot and rescued the victim. While they were rescuing the victim, BSF personnel verbally abused them and their parents in Hindi language. On the same day the victim was taken to Sarapul Rural Hospital. The doctor who had attended the victim clearly wrote in the prescription that the injury of the victim was caused by BSF.

Mr. Saddam Fakir told to our District Human Rights Monitor that the Border Security Force personnel restricted him to cultivate Aman paddy. If he cannot cultivate the land, he and his family will have to die without eating. He is very much affected due to nationwide lockdown for spreading of Covid 19 virus and the natural calamity of 'Amphan'. His financial condition is completely struck down. Now the Border Security Force personnel try to restrict the cultivation process.

On 28.07.2020 at about 7.30 am Mr. Saddam Fakir and one of his neighbor Mr. Alok Dey went to Gobra Border Out Post to meet with the Post Commander and requested him not to put any restriction on Aman paddy cultivation. Post Commander did not give permission and told them, "Do what you want. I am not afraid of anyone. Lodge complaint against me in the Human Rights Commission, they will do nothing." He also told that he was previously posted at Tetul Road Garjala Border Out Post and residents of that area are afraid, when they hear his name. Mr. Saddam and Mr. Alok were driven out from the Gobra Border Out Post. From this incident it is revealed that –

- Now BSF directly threatening the authority of the Human Rights Commission
- There is no importance of people's human rights to them
- BSF want to create a 'reign of terror' throughout the bordering areas of West Bengal
- They never show any respect to the human rights institutions.

It is the time of the National Human Rights Commission to recheck their powers and duties to the Indian citizens and to establish the superiority and hoisting the flag of human rights.

BSF's version is that as Mr. Saddam appointed Bangladeshi people and used Bangladeshi cows for cultivation in his land, they will not allow him to cultivate the land further. But it is not true. People whose land is next to his land and who hire Bangladeshi men in their land are not being told anything by the BSF personnel, but they place illegal restriction upon an innocent, helpless, marginalized farmer just for his identity as a Muslim. The victim has become terrified to go to his agricultural field. There is much possibility of implicating him in false cases.

On 28.07.2020 at 10.24 am victim sent one written complaint to the Superintendent of Police of Basirhat Police District through the medium of email (from raufsardar743273@gmail.com to SPbasirhatoffice@gmail.com) but till date no action has been taken by the district police officials.

On 19.08.2020 victim lodged one complaint before Officer in charge of Swarupnagar police station. The complaint was registered as General Diary Number – 397/20 dated 19.08.2020.

Attached Documents

Victim's statement

<https://youtu.be/kkjEJSI6JdE>

Picture of victim and victim's family



Medical Document

To
The Superintendent of Police.
Basirhat Police District.
Sub:-

Sub:- ଅଭିଯୁକ୍ତ B.S.F (ହଟ) ସହାୟତା ଗ୍ରହଣ
ଭାବେ ଆବେଦନ ।

અન્ય નીચે અનુસર,

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অসিদ্ধ দুইজন ছাত্রেরাও সাথে ২৬ নং গোর্খা অফিসের
 কোনো কিছু না ঘটানোর লক্ষ্যে দিয়ার (৩) দিনের দুই অফিসের
 সেক্ষেত্র ওই অফিসে থাকেন। অসিদ্ধ প্রতিবাদকারী অফিসের
 অফিসের কোন ২ সেক্ষেত্র নাও থাকে তখন অফিসের লক্ষ্য
 থাকেন। অফিসের লক্ষ্য ৩য় সেক্ষেত্রের ছাত্র অফিসের
 ওয়া B. S. N. এর অফিসের ২৬ নং গোর্খা অফিসের
 দুইজন ছাত্রেরাও থাকেন। হিন্দি ওয়া সার্বজনীনভাবে
 থাকেন। ওয়া ৩ Post Commanders যখন

N.R.C. 24-ତାରିଖ ସାହସାମେଳନ ଚାଲିବ ନୁହେଁ । ଆମେ
ସୁସମ୍ପନ୍ନ ରାଜ୍ୟ ଆକାଶରେ ଚିଲିକା ଉପର ଅଞ୍ଚଳରେ
ହେବ ।

ଆମେ ଡିଏଫ୍ ଅଞ୍ଚଳରେ ଘଟଣା ସଂଘଟିତ ୧୩.୫.୧୯୮୦
୨୫ (୧୯୮୦) ଆମେ ଡିଏଫ୍ ଇଞ୍ଚିଲିମେଣ୍ଟ ଆମିନ ମହାନ୍
ସ୍ୱାମୀ- ଜାମିନ ମହାନ୍, ୨) ଉପର ମହାନ୍ ବିତ୍ତ ଜାମିନ
ମହାନ୍ ଶାମ ଗୋଷ୍ଠୀ, ସାମ ସଂଗଠନର ଯେଉଁ ଆମେ
ଘଟଣା ଘଟଣା ଘଟଣା ।

ଉପର, ମହାନ୍, ଆମେ ଚିଲିକା ଆମେ
ସାହାଜ ଅଞ୍ଚଳରେ ୧୩.୫.୧୯୮୦ ମହାନ୍ ଓ ଚିଲିକା ୨୫.୧୯୮୦
୨୫ (୧୯୮୦) ଆମେ ସଂଗଠନର ୨୫୫ ।

ତା - ୨୯/୯/୨୦୨୦
ମହା - ଗୋଷ୍ଠୀ

ଚିଲିକା -

ଆମେ/ଆମେ ସଂଗଠନ

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୧୫୭) ଆମର ଆଦେଶ ଦେଖ, ଶ୍ରୀମନ୍ତ୍ରୀ
 ଆମର ମହାରାଜା - ଶ୍ରୀମନ୍ତ୍ରୀ - ଆମର ମହାରାଜା
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1328

20/11/2020

GDE Number

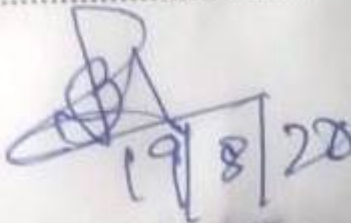
SWARUPNAGAR P.S

Ph. No.- 03217 - 253419

DIST : BASIRHAT POLICE DISTRICT

Ref. GDE / CASE No. 397/20 dt. 19/08/20

U/S.....


19/8/20

Signature of Duty Officer

Map of the place of occurrence

