



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

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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 marginalized Muslim person from Nowda para village under Bagdah police station area of North 24 Pargana district in West Bengal. The victim, Mr. Hassan Ali Mondal, aged about 30 years was severely beaten up by the Border Security Force personnel attached with Nowda para Border Outpost of the Border Security Force, 99 Battalion, 'F' Company. This case again proves that after 73 years of Independence in India the people in bordering villages have been submissive under the gun power of the BSF. It is shame to our democracy and independence of our nation.

The victim was severely injured and was taken to Bagdah Block Rural Hospital on that night but no doctors attend the victim. On duty nurse admitted the victim in male ward. Without proper treatment by the doctor he spent the whole night in the hospital. In the morning at about 10 am one doctor checked him and discharged him from the hospital after issuing an Out Patient Department card despite the victim was admitted in the hospital at night and spent more than ten hours there.

The guidelines laid down in the Istanbul Protocol, Tokyo Declaration, Indian Medical Association and the World Medical Association has been disregarded. It is shameful that the doctors are under oath to provide due care to patients in need who rely on them blindly but unfortunately doctors are not really at the disposal of people but only people with money.

On 18.08.2020 the victim lodged written complaint to the Superintendent of Police, Bangaon Police District through the medium of register post but no actions against the perpetrators has

been taken yet. Even no FIR has been registered till date on the basis of the complaint send by the victim.

The incident violates the rights guaranteed in Article 19 and 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.(Crl) 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.
- BSF should be posted in actual borders and not inside villages.
- The guilty Border Security Force personnel involved must be booked and prosecuted.
- The doctor who did negligence in his duty and try to save the perpetrators should be punished according to the provisions of law.
- The written complaint which was send by the victim to the Superintendent of Police, Bangaon Police District through the medium of registered post must be treated as First Information Report
- The victim must be duly compensated and all the expenses for treatment of the victim should be reimbursed
- Security and safety of the victim and his family must be protected.

Thanking you,

Yours truly

Dipyaman Adhikary

Assistant Secretary

Banglar Manabadhikar Suraksha Mancha (MASUM)

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Details of the victim: Mr. Hassan Ali Mondal, son of Mr. Hydul Mondal, aged about 30 years, residing at village Nowda para under Ranghat Gram Panchayat, P.O. Mama Vagina, P.S. Bagdah in the district of North 24 Pargana.

Details of the secondary victims: (1) Mr. Hydul Mondal, aged about 55 years, father of the victim; (2) Ms. Mariaum Mondal, aged about 52 years, mother of the victim; (3) Ms. Rijiya Mondal, aged about 22 years, wife of the victim; (4) Master Sahanur Mondal, aged about 04 years, son of the victim; all are residing at village Nowda para under Ranghat Gram Panchayat, P.O. Mama Vagina, P.S. Bagdah in the district of North 24 Pargana

Date and time of the incident: On 14.08.2020 at about 10 pm and subsequent thereafter.

Place of the incident: At Nowda para village road near the house of Mr. Kayum Khandakar's house beside Indo-Bangladesh Border Road. 50-60 meter distance from the house of the victim

Details of the perpetrators: (i) Border Security Force personnel attached with Nowda para Border Out Post under 99 Battalion, 'F' company; Mr. Mariyel, one BSF constable along with other two constables (ii) Mr. Uddesh Kumar, officer from G branch.

Details of the incident: Mr. Hassan Ali Mondal belongs from a poor marginalized Muslim family from the Indo-Bangladesh bordering village of Nowda para in the district of North 24 Pargana. He could not study far due to financial constrains. He had to stop his studies after finishing fourth grade in the local school. Due to economic hardship in the family, he had to migrate to other states repeatedly for work. Presently he is working in a saloon as barber in Hyderabad and makes a living for himself and his family. Since the spreading of corona virus infection across the country and the nationwide lockdown caused all the shops and markets closed, he had to return home in this situation. After returning home from Hyderabad, he discussed with his family members and decided that he would not go back to Hyderabad again. Since he knows the work as barber, from now on, he will work in any local saloon in the area. Their house is not in good condition. Their house is made of tin shade canopy and tin wall.

Kurulia market is about 2 kilometer from his house. Kurulia market is located in the midst of Bangaon-Barra road. Before five or six days from the incident date, a new saloon shop has been opened in Kurulia market and Mr. Hassan Ali Mondal works in that saloon. Work continues till night in the saloon and everyday at about 10 pm the shop is closed.

Like every day on 14.08.2020 Mr. Hassan Ali Mondal after finishing his work in the saloon at 10 pm, left for his home. He was going through the village road and when he reached near the house of Mr. Kayum Khandakar, the on duty Border Security Force personnel attached with Nowda para Border Out Post, 99 Battalion, 'F' company stopped him and asking for his name and address. Those BSF personnel started interrogating him in different ways in Hindi language. Since Mr. Hassan Ali Mondal can understand and speak Hindi language, he explained everything to them in Hindi that he came from saloon shop at Kurulia market after completing his work there. But the on duty Border Security Force personnel did not care to listen him. They took him from the village road to the Indo-Bangladesh Border Road (IBBR). Those BSF personnel called Nowda para Border Out Post and from there one BSF officer came to the

spot. That BSF officer started to physical torture upon Mr. Hassan Ali Mondal for one hour. BSF personnel continued to hit him with sticks on his hands, feet and back. His hands and feet were bruised as a result of such brutal torture. There were sore spots all over his body and flesh were cracked in some parts of his body. When that BSF official finally hit the victim in his head with a stick, he fainted and fell down the IBBR road.

The victim several times requested to those BSF personnel that he is an innocent man and he was previously working in Hyderabad. Due to lockdown he returned back home and now starting work in a saloon shop at Kurulia market but the BSF personnel did not listen to him and continued to torture upon him mercilessly. They threatened the victim to implicate him in false charges if he will tell anyone about this incident.

After the victim returned home, family members saw the serious injuries in his body and took him to the Bagdah Block Rural Hospital for treatment. He was taken to the hospital after 12 of that night. At that night in emergency room of the hospital no doctor was present. One nurse of the said hospital attended the victim and pushed one injection in his body and admitted him in the male ward of the hospital. The victim told to our District Human Rights Monitor that even after calling by nurse through phone, no doctors came to see him that night. At about 10 am in the morning one doctor checked the victim and discharged him at about 12 on the same day.

The victim informed us that in the hospital three BSF personnel came in the morning and talked with the doctor and after that he was discharged from the hospital. It is an apprehension that the doctor has a nexus with the perpetrators as he showed that the victim had been treated in the Out Patient Department (OPD) but the original fact is that he was admitted in the hospital and spent the whole night without proper treatment of a doctor.

In the Out Patient Department (OPD) card the doctor mentioned that the victim was physically assaulted on 14.08.2020 at about 10.30 pm at Nowdapara but the doctor did not mention that the victim was badly tortured by BSF. In OPD card the doctor did not mention that the victim was admitted in the hospital at night. He suppressed the fact and with the nexus of the perpetrator Border Security Force personnel tried to save their crime by making this Out Patient Department card to the victim.

Perpetrators BSF personnel repeatedly threatened the victim not to lodge any complaint to anyone about the torturing incident upon him but the victim wants justice for what was happened to him. On 18.08.2020 Mr. Hassan Ali Mondal sent one written complaint to the Superintendent of Police, Bangaon Police District through registered post but till date no action has been taken by them. The perpetrators are roaming freely and enjoying full impunity.

Attached Documents

Picture of victim and his injuries



Complaint before superintendent of Police of Bangaon Police District, North 24 Parganas

To
The Superintendent of Police
Bangaon Police District
North 24 Parganas

Sub: অতিমুক্তি ৭৭ BN, F-coy, Nowdapatara B.O.P. B.S.F এর
শান্তি ও নিরাপত্তা অর্জন।

Sir,
আমি শ্রীমান আলি মমুন মিয়া-জায়েদ মমুন, আর-বঙ্গা
সো-রুহামালাগিয়া, থানা-বঙ্গা, জেলা-উত্তর ২৪ পরগণার বাসী
বহু-বিনি.৩ম. হুজুর।

কমিশন, আমার-স্বীকৃত জায়েদ ১৫ আগস্ট ২০২০ তারিখ অনুযায়ী
১০ তারিখ অর্থাৎ হুজুরিগে বাছাও থেকে অর্থাৎ মাওলার সঙ্গে কামাল ক
-কামার বাড়ির নিকট থেকে B.O.P. B.S.F Nowdapatara BN-৭৭, ১
coy, জায়েদেই নিকট B.S.F আমার বর্তে বিভিন্ন হাও জেতা
করতে গিয়ে ১২; ছাড়াই রাস্তা থেকে ১৩BR (Road) আমাকে
নির্ভে যায়। যেখানে আমায় ২ জন B.S.F ছিল। তারা কো
করে আর একজন B.S.F করতাকে ডাকে। পর জোয়ার্টন নং-
৭১৭/১০৪৭৩৪, B.S.F কর্তা অর্থাৎ আমার নিকটস্থ হাও, পা
-নির্ভে বেরিয়ে হাও করে। তারা-স্বীকৃত অত-স্বীকৃত হয়।
-বিভিন্ন গোয়েন্দা জানিগোয়েন্দা করে। সুস্থমনস্ক হলে আমার
হে-স্বীকৃত অত্যাচার হয়, ফেরসিক দিগ্গে কের দেব।
কোঠে লাগি-নির্ভে স্বাধাও-বিভিন্ন অর্থাৎ করাও পর
স্বীকৃত আমি স্বীকৃত হয়। ১ হাও এক হে-স্বীকৃত
অত্যাচার করে। অত্যাচারি B.S.F বলে "আমার চিহ্ন
এখনি FIR করবে হাও।" হুজুরিগে মাওলার হাও
কাঠকে কিছু বলাবিনা। আমি হুজুরিগে কামাল কামাল
মাওলার হাও। আমার স্বী ও জায়েদ মমুন বাঙ্গা
নিক জামিন হাওমাওলে বর্জ করে ১৫/৪/২০২০। আমার
স্বীকৃত হয়। ১৫/৪/২০২০ হুজুরিগে হাওমাওলে থেকে
হুজুরিগে হয়। B.S.F রা কের জন হাওমাওলে আমায় কের
না করবে অর্থাৎ আমার কাছে হাও করে।

আমি আগে মাথু দাবাটে ডেলুইব কাজ করতাম। লকডাউন
ক্যাডেট আছি তিন মাস। বাথরা মোট কুরুলিয়া বাজা
দুই মাস আগে একটি ডেলুইব প্রোগ্রাম করেছি।
আমার বাড়ি থেকে কুরুলিয়া বাজার ২ কিলোমিটার।

সুতরাং আমি অস্থায়ীকৃত B.S.F মেম্বার আঙ্গা ও কিলিটের
অনু উপহার প্রদান করছি।

-স্বাক্ষর-

Hasan Ali Mondal

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