

One Muslim woman brutally tortured by Border Security Force personnel at her own agricultural field for no reason - On duty police personnel at Sitalkuchi Police Station did not receive her complaint

MASUM <masumindia@gmail.com>

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To: Secretary General <sgnhrc@nic.in>, NHRC <chairnhrc@nic.in>, NHRC1 <cr.nhrc@nic.in>
Cc: Chief Secretary Gov of WB <cs-westbengal@nic.in>, "Home Secretary Govt of W.B." <wb.secyhome@gmail.com>, Home Ministry <hm@nic.in>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, DG BSF <edpdt@bsf.nic.in>, DG Eastern Command BSF <hqspldgeast@bsf.nic.in>, DM Cooch Behar <dmcoochbehargovt@gmail.com>, SP Cooch Behar <spcbr@policewb.gov.in>, "UN SR VAW Ms. Rashida Manjoo" <vaw@ohchr.org>



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To
The Chairman
National Human Rights Commission
Manav Adhikar Bhawan
Block – C, G.P.O. Complex, INA
New Delhi – 110023

14.02.2022

Respected Sir,

I want to draw your attention towards a case of brutal and unethical torture of a Muslim woman of Other Backward Caste and a resident of Gitaldaha Maricha village under the Lalbazar Gram Panchayat of Sitalkuchi block and police station in Cooch Behar district in West Bengal. The victim, Mohitan Bibi, wife of Enchar Ali, age 45 was harassed and brutally beaten by Rajnath Sing, Constable attached to Lalbazar Border Out Post, 75 Battalion.

Mohitan Bibi was working in the agricultural field when she was called by Mr. Rajnath Sing, a constable attached with Lalbazar Border Out Post and went on to question her regarding one goat entering in the agricultural field. When Ms. Mohitan said that was not her goat and she did not know about how it was entered in the field, the BSF person verbally abused her, started pulling her hands and clothes and finally threw her to the ground and beat her with the sticks. She was brutally tortured and then left her unconscious body in that spot. Later she was taken to the Sitalkuchi Block Hospital. On 20.01.2022 she went to Sitalkuchi Police Station and submitted written complaint against the BSF person who brutally tortured upon her. The then on duty police officer did not acknowledge her written complaint and also threatened by saying that if she complained against BSF, they will come and break into her house and set in fire. He also told her that Pradhan of the Lalbazar Gram Panchayat has settled the matter. But the victim has no knowledge about it.

The actions of the BSF are also in clear violation of Sections 325 and 355 of the Indian Penal code. The incident violates the rights guaranteed in Article 21 of Indian Constitution and also the premise of Article 6 and 7 of International Covenant on Civil and Political Rights as well as the Goal No. 16 of Sustainable Development Goals earmarked by United Nations and in both these international instruments; the government of India is a party. The inaction of the police by not registering the written complaint of the victim attracts section 154 of the Code of Criminal Procedure and also violates apex court guidelines in Lalita Kumari judgment which makes it mandatory for them to lodge a FIR in cases of cognizable offences. The incident again proves how BSF-Police nexus deprived the victim to get proper justice. 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.

In relation to the case, we demand:

- The 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 person Mr. Rajnath Sing involved in this incident must be prosecuted.

- The then on duty police officer at Sitalkuchi police station who is responsible for practicing wrong unlawful procedures and subsequent inaction regarding the case must be prosecuted.
- Directed to the concerned police official to register the written complaint of the woman victim dated 20.01.2022 and start proper investigation in this respect.
- The victim must be duly compensated and all the expenses for proper treatment of the victim should be reimbursed.
- Security and safety of the woman victim and her family must be ensured.

Thanking you,
Yours truly

Dipyaman Adhikary
Assistant Secretary
Banglar Manabadhikar Suraksha Mancha (MASUM)

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Details of victim: Mrs. Mohitan Bibi, wife of Mr. Enchar Ali, aged about 45 years, residing at Gitaldaha Maricha village under Sitalkuchi block & police station in the district of Cooch Behar.

Details of Secondary Victims: (1) Mr. Enchar Ali, aged about 57 years, husband of the victim; (2) Mr. Majidul Haque, aged about 28 years, son of the victim; (3) Chumki Bibi, aged about 23 years, daughter in law of the victim; (4) Master Habib Haque, aged about 8 months, grandson of the victim; (5) Mr. Inuch Ali, aged about 22 years, son of the victim; (6) Mrs. Hachina Bibi, aged about 18 years, daughter in law of the victim; (7) Master Sohel Rana, aged about 9 months, grandson of the victim; (8) Mr. Idriz Ali, aged about 20 years, son of the victim. All are residing at Gitaldaha Maricha village under Sitalkuchi block & police station in the district of Cooch Behar.

Details of Perpetrator: Mr. Rajnath Sing, Constable attached with Lalbazar (Sarayardanga) Border Out Post, 75 Battalion.

Date and Time of the incident: On 15.01.2022 at about 12 noon.

Place of the incident: In the tobacco field situated 30 meter distance from 6 no. fencing gate under Lalbazar Border Out Post.

Details of Incident: Mrs. Mohitan Bibi belongs to very poor family. His two sons are working as migrant labour in different states. Mrs. Mohitan Bibi is an agricultural labour who works in the tobacco field which is situated beyond the border fencing. On 15.01.2022 at about 7 am she went to the agricultural field by depositing his voter identity card to the on duty Border Security Force person. At 12 noon the then on duty BSF constable Mr. Rajnath Sing called Mrs. Mohitan and asked about one goat which was roaming in the agricultural field. Mrs. Mohitan told that was not her property and she did not know about it. Out of rage that BSF constable verbally abused her and started pulling her hand and beat her tremendously with sticks. The BSF jawan broke two sticks while he hitting the woman victim. When the victim lost her consciousness as a result of brutal torture upon her, the BSF jawan fled from the spot. The rest of the farmers who were going to work on the field rescued the victim and took her to fencing gate number 6. At that time some BSF personnel came from the Lalbazar Border Out Post and took the victim to the Sitalkuchi Block Hospital in their jeep. The on duty doctor in the Sitalkuchi Block Hospital gave the victim first aid and referred to the Sub Divisional Hospital. The BSF personnel who took the victim in their jeep now left the victim and fled from the Sitalkuchi Block Hospital. From there she had to return home alone.

The victim was beaten in such a way that the finger of her right hand was broken and both hands were swollen. Bruise was stained upon her injured part of the body. On 18.01.2022 the victim received treatment from a private doctor's chamber at Dinhat. On 20.01.2022 at about 1.30 pm the victim went to Sitalkuchi Police Station and submitted her written complaint against Mr. Rajnath Sing, a BSF constable attached with Lalbazar Border Out Post who was committed brutal torture upon her. The then on duty police officer of Sitalkuchi Police Station did not acknowledge the written complaint of the victim. He also threatened the victim by saying that if she complained against the BSF, they would come and break into her house and set in fire. He also told her that Pradhan of the Lalbazar Gram Panchayat has settled the matter. The police officer did not register the case against the BSF. This violates section 154 of the Code of Criminal Procedure and the Supreme Court guidelines in Lalita Kumari judgment which makes it mandatory for them to lodge a FIR in cases of cognizable offences.

On 16.01.2022 a newspaper report was published in Uttarbanga Sangbad where it was reported that Pradhan of the Lalbazar Gram Panchayat Ms.Lipika Khatun Bibi settled the matter. But the victim Mrs. Mohitan Bibi told our fact finding member that she never settled this matter. No one came to her house and she demanded justice and prayed for proper punishment of the perpetrator BSF person.

As the local Sitalkuchi police station did not take any steps regarding this incident, on 21.01.2022 Mrs. Mohitan Bibi sent one written complaint to the Superintendent of Police, Cooch Behar but till date no positive action has been taken by the concerned police department.

The villagers also reported that one Mrs. Rejina Bibi tried to bring goats from Bangladesh side while she was captured by the BSF personnel and BSF committed severe torture upon her.

Torture upon an accused is a criminal philosophy. The rule of law has rightly been accorded space in the Basic structure doctrine by the Constitution of India. Rule of law is the fundamental principle of governance of any civilized liberal democracy. The fundamental premise of rule of law is that every human being, including smugglers and the worst criminals, are entitled to basic human rights and due process. The bulwarks of democracy, Police, BSF and other administrative officials do not have any interest to understand this and therefore, they use the sticks or bullet to address a smuggler. If anyone smuggles and apprehended by the BSF, then and there the apprehended smuggler should be handed over to the police and ultimately produced before the judicial magistrate. BSF Act does not empower any BSF to torture anyone or any offender. Even a smuggler has a right to life and personal liberty enshrined in our Constitution. But the perpetrators are powerful enough and they did not show minimum respect to the Constitution of our country.

Here the case is related to Ms. Mohitan Bibi who is an innocent woman working in the tobacco field but BSF brutally tortured her out of suspicion. This activity of the BSF must be condemnable.

Therefore, I request to your Commission to look upon the whole incidents kindly take stern legal action on the human rights issue of an innocent woman citizen in this country.

Attached Documents

- 1. Picture of Mohitan Bibi and her injuries**
- 2. Medical Documents**
- 3. Copy of Adhaar Card and Voter identity card**
- 4. Copy of complaint to Superintendent of Police , Cooch Behar**

(1)





(2)

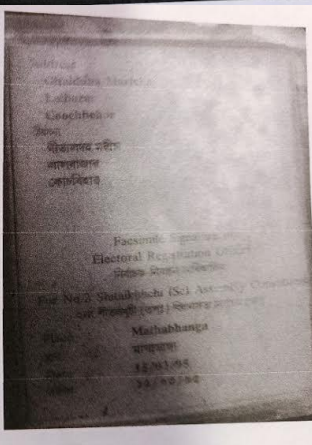
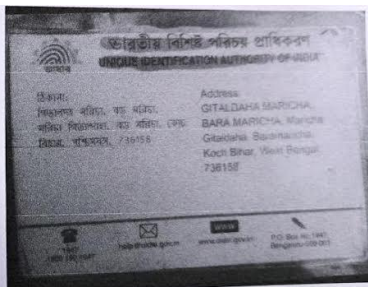
DEPARTMENT OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF WEST BENGAL
 OPD patient Shaluchi BPHC, Cooch Behar
 Date 15/01/2022 T-2-300A
 Name Mahitan Bibi Slc- Enchbari
 Age 15 Sex Female
 Address Gitaldaha Baricha, P.O. Malhabhanga, P.S. Cooch Behar, C.B.

T. Paracetamol 500mg 1 tab TDS qd T. Ibuprofen 200/400 1 tab bid x 5d T. Paracetamol/Paracetamol 1 tab qd x 5d T. Azithromycin 500 1 tab oqd x 5d T. Atorvastatin/Atorvastatin 20mg/375mg 1 tab OD x 5d T. B. Complex/Atorvastatin 1 tab OD x 5d T. Celestine 10mg/Levodopa/Levodopa 5mg 5mg OD x 5 days	T. Folic acid 5mg OD qd T. Folic acid 5mg OD x 10 days T. Erythromycin 250mg OD x 10 d Syr. Salicylic acid 1% x 10 d Syr. Calcium 100mg x 5 days Syr. Levodopa 25mg x 10 d Syr. Levodopa 25mg x 10 d
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no physical assault outside at about 12-13 near clo. pain in both lower limbs in both hands. O/E: - vitals stable. Tenderness w swelling in Rt hand. Tenderness w swelling in left elbow left wrist. small abrasion in left wrist.

1. cur T.T. 0.5ml 2. cur 1105 capros
 2. cur Dico 9.0ml
 3. cur Ramfac 9.0ml
 4. to pen 600mg 1 tab x 5d
 5. to par 40 mg 1 tab x 5d
 6. to amoxiclav 625 1 tab x 5d
 Xray on Left Elbow both hand L.A.P.
 CXR P/A view.
 CT SCAN OF BRAIN.
 To attend ERI (OPD) higher centre
 15/1/2022

(3)



(4)

To
The Superintendent of Police
Coach Belga
West Bengal

শ্রীমতী/শ্রী - অতিরিক্ত ডি. এম. অফিস
পদ - অতিরিক্ত ডি. এম. অফিস
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পদ - অতিরিক্ত ডি. এম. অফিস

সংক্রান্ত,
আমি অতিরিক্ত ডি. এম. ২০.০২.২০২২ তারিখে
আমার অতিরিক্ত ডি. এম. অফিসে কাজ করে যাচ্ছি। আমার ১৫
বছর ৬ম বছরগুলোর জন্য পেনশন আবেদন করে
দিয়েছি। আমার পেনশন আবেদন করে দুই ২২ টাকা ২৫
২৫০ টাকা হিসেবে পাঠানো হয়েছে। আমার পেনশন আবেদন
৬০ টাকা করে ১০ বছর অতিরিক্ত অফিসে কাজ করে
করার জন্য আমি আমার অফিসে গিয়ে আবেদন করেছি।
কিন্তু আমি পেনশন পাচ্ছি না। প্রকৃতপক্ষে আমি অতিরিক্ত ডি. এম.
আমি। আমার পেনশন আবেদন করেছি। আমার পেনশন আবেদন
৩ অফিসে ৬ম পেনশন আবেদন করেছি। আমার পেনশন আবেদন
আমার পেনশন আবেদন করেছি। আমার পেনশন আবেদন
২০.০২.২০২২ তারিখে ৫৩ টাকা ২৫ পেনশন আবেদন করেছি।
২৫ টাকা পেনশন।

২০ ২০.০২.২০২২ তারিখে পেন ৩:৩০ আমার
অতিরিক্ত ডি. এম. অফিসে অতিরিক্ত ডি. এম. অফিস
আমার ২৫ টাকা পেনশন আবেদন করেছি। আমার পেনশন
আবেদন করেছি। আমার পেনশন আবেদন করেছি। আমার
পেনশন আবেদন করেছি। আমার পেনশন আবেদন করেছি।
আমার পেনশন আবেদন করেছি। আমার পেনশন আবেদন
করেছি। আমার পেনশন আবেদন করেছি। আমার পেনশন
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পেনশন আবেদন করেছি। আমার পেনশন আবেদন করেছি।

আমার নামে আমার অফিসে আমার ৫০০ টাকা
নির্ধারিত। অতিরিক্ত ডি. এম. অফিসে অতিরিক্ত ডি. এম. অফিস
১০ নং অতিরিক্ত ডি. এম. অফিসে অতিরিক্ত ডি. এম. অফিস
আমি অতিরিক্ত ডি. এম. অফিসে অতিরিক্ত ডি. এম. অফিসে

আমি অতিরিক্ত ডি. এম. অফিসে অতিরিক্ত ডি. এম. অফিসে
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তারিখ: ২০.০২.২০২২

অতিরিক্ত ডি. এম.

