

31 October 2020

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 kind attention towards an incident of brutal torture and threat by the Border Security Force personnel that once again victimized two marginalized villagers from Indo-Bangladesh bordering areas of West Bengal, namely Mr. Juju Rahman, aged 35 years and Tojammel Rahman, aged about 30 years of Paikmari-Nirmalchar village under Ranitala Police Station in the district of Murshidabad. In this incident without any understandable reason the victims were mercilessly assaulted by the perpetrator on duty Border Security Force personnel attached with 'B' company; 35 number Battalion of Nirmalchar Border Security Force camp and afterwards continuous threaten the victims for not lodging any complaint of this heinous crime.

After brutal torture upon the victims they were illegally taken to Nirmalchar BSF camp and threaten them to kill if they lodge complaint to anyone about this incident of torture. Now this is a case of torture by BSF and illegal detention and continuous threat by BSF. BSF of Nirmalchar BSF camp always try to hold their whimsical attitude towards the villagers and even without any reason they torture upon them just on suspicion of Bangladeshi cattle smugglers.

On 28.10.2020 one of the victim Mr. Juju Rahman lodged a written complaint against the perpetrator Border Security Force personnel to the Officer-in-Charge of Ranitala Police Station for taking proper legal action but the police did not register the complaint as First Information Report though a cognizable crime was reported and thereby violated the provision of Section 154 of the Code of Criminal Procedure and the apex court judgment in the case of Lalita Kumari vs. State of U.P. & others [WP (Crl. No. 68 of 2008)]. Till date the perpetrators are roaming freely enjoying impunity as no action has been taken against them. Next day, 29.10.2020, at about 4 pm, village police asked Kulsum Bibi to attend Raninagar police station, where she was asked to sign a complaint. Such act of Raninagar Police is also violates sec. 160 of Criminal Procedure Code of India. Raninagar Police also failed to receive the complaint properly.

It is also to be mentioned that during the time of checkup the Medical Officers of Nashipur Block Primary Health Centre and Berhampur Medical College & Hospital did not mention the clinical findings and therefore, it violates the guidelines set by the Indian Medical Association, Tokyo Declaration by the World Medical Association and Istanbul Protocol 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 injuries
- Clinical findings
- Notes after clinical examination
- Diagnosis

The perpetrator Border Security Force personnel not only violated the rights guaranteed in 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 the Goal number 16 of Sustainable Development Goals 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. This is an open insert case how Border Security Force personnel try to spread an atmosphere of fear in the society and how they treated with the bordering populace. Here I request your urgent intervention in this matter with the following demands –

- Border Security Force should be posted in the actual border and not inside the villages.
- The whole incident must be investigated by an impartial investigation authority preferably by the investigation wing of the Commission
- The complaint lodged on 28.10.2020 to the Officer-in-Charge of Ranitala Police Station, Murshidabad should be registered as First Information Report and must be investigated with due process of law.
- Stern action should be taken against the perpetrator police officials who did not register the complaint of the victim as First Information Report.
- Departmental action should be taken against the doctors who without mentioning the clinical findings checked the victims and prescribed medicines.
- The guilty Border Security Force personnel involved in committing such torture must be booked and prosecuted.
- The victims must be duly compensated and security and safety of the victims, witnesses and the family members of the victims.
- The concerned district 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.

Thanking you,
Yours sincerely

Kirity Roy
Secretary, MASUM
&
National Convener, PACTI

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Name of the primary victim: (1) Mr. Juju Rahman aged about 35 years; (2) Mr. Tojammel Rahman, aged about 30 years; both are son of Mr. Aiyub Rahman, residing at Village Paikmai-Nirmalchar; P.O.- Kharinda under Ranitala Police Station in the district of Murshidabad

Name of the Secondary victims: (1) Mrs. Kulsum Bibi, wife of Mr. Juju Rahman, aged about 30 years; (2) Master Habiba Khatun, daughter of Mr. Juju Rahman, aged about 10 years; (3) Master Chotki Khatun, daughter of Mr. Juju Rahman, aged about 7 years.

Date and time of the incident: On 28.10.2020 at about 3 pm and afterwards.

Place of the incident: Giridhari Border Out Post under Nirmalchar BSF camp, Battalion-35 at Nirmalchar; P.O. Kharinda under the jurisdiction of Ranitala Police Station, Murshidabad.

Name of the perpetrators: Company Commander of Nirmalchar BSF camp namely Mr. Mina babu and two others BSF personnel attached with 'B' company; 35 Battalion of Nirmal Char BSF camp.

Area – Distance from Bangladesh border: 10 Kilometers from village and 5 Kilometers from place of incident

Details of the incident: Mr. Juju Rahman and Mr. Tojammel Rahman both are sons of Mr. Aiyub Rahman and they are from marginalized community residing in bordering areas of Indo Bangladesh border in the district of Murshidabad. They are also victims of river erosion of the Padma. Their agricultural land and house have been swallowed by the devastating Padma river erosion but till date they did not get any governmental help to lose everything for river erosion. As they lose everything, they earn their livelihood by fishing in the river Padma.

The fishermen of that locality everyday go to the river Padma by their boat which is in Indian side for fishing. Every time the fishermen of that locality have been harassed and subjected to mental and physical torture without any reason. Sometimes they have to work for BSF personnel of Nirmalchar BSF camp without paying any sum of money.

Mr. Abdul Hanif, member of Akheriganj Gram Panchayat told to our fact finding team, "BSF jawans of Nirmalchar BSF camp are illegally placing restriction upon the life and livelihood of the villagers and even sometimes they strike torture upon the innocent villagers physically or mentally without any reason but these innocent villagers till date find no remedy against this daily ill custom run by BSF."

On 28.10.2020 at about 2.30 pm Mr. Juju Rahman and his brother Mr. Tojammel Rahman went to river Padma by their boat which is in Indian side for fishing. At that time they submitted their voter identity cards in the BSF out post of Tilli Char and got permission to catch fish from the river Padma. After sometime at about 3 pm few BSF

jawans called them from the bank of the river. Having responded the call of the BSF jawans, Mr. Juju Rahman and Mr. Tojammel Rahman brought their boat ashore. When they came in front of BSF personnel, without showing any reason they were brutally tortured by them with slangs. BSF personnel used sticks, rifle butt and boot clad feet for heavy striking upon them. As the effect of this brutal torture, they fell into the ground and became unconscious. At that time BSF personnel took the victims to the Nirmalchar BSF camp. In the BSF camp when their senses return, they realize that they have lost their ability to walk. They asked to BSF personnel why did those BSF jawans torture upon them and why they were taken to the BSF camp? BSF personnel threaten to kill them and disappear their bodies if they lodge any complaint of this crime to any authority. They somehow escaped from there and inform their condition to the family members through local people. After sometime family members and neighbors rescued the victims and took them to Nashipur Block Primary Health Centre. The on duty doctor did not mention any clinical notes in the medical slip of the victims after their check up. He just only told that Juju Rahman's left hand was fractured and transferred him to Berhampur Medical College & Hospital. On 29.10.2020 Mr. Juju Rahman was taken to Berhampur Medical College & Hospital where in the same process the on duty doctors did not mention any clinical notes for the fracture injury of the victim. The on duty doctors in Nashipur Block Primary Health Centre and in orthopedic department of Berhampur Medical College & Hospital violates the guidelines set by the Indian Medical Association, Tokyo Declaration by the World Medical Association and principles laid down in Istanbul Protocol as the on duty doctor lined up with the perpetrators did not mention the clinical notes.

On 28.10.2020 Mr. Juju Rahman lodged one written complaint to the officer in charge of Ranitala Police Station about this heinous crime occurred upon him and his brother by BSF personnel, but the police of Ranitala Police Station did not register his complaint as First Information Report which is a clear cut violation of section 154 of the Code of Criminal Procedure. More so, police and BSF personnel jointly pressurize upon the victims to withdraw his complaint and compromise the matter. Later, next day, 29.10.2020, at about 4 pm, village police asked Kulsum Bibi to attend Raninagar police station, where she was asked to sign a complaint. Such act of Raninagar Police is also violates sec. 160 of Criminal Procedure Code of India. Raninagar Police also failed to receive the complaint properly.

Till date the perpetrators are roaming freely enjoying impunity as no action has been taken against them. The victims and their family are under tremendous pressure and in mental trauma.

Govt. of West Bengal
DEPT: Health & F.W
Nashipur B.P.H.C, Bhagwangola-II
Murshidabad, W.B

Emergency Ticket

Name Jadunath ^{Rachon} M / 34 Yr Regd. No. 16833
Age 34 Sex M
Address Dikhal, P.

Alleged
(1) Trauma over
(2) Forearm

Carrying loads
& restriction
of movement.

R
+ Bonifon 400 1-0-1
+ Cortisone 100 1-0-1
Ref to medinat = 1m Diclofenac / Sit
= 1m Paracetamol / Sit

22/10/50

Murshidabad Medical College & Hospital
 Station Road, Berhampore, Murshidabad
 (PH:03482-252332)



GOVERNMENT OF WEST BENGAL
 DEPARTMENT OF HEALTH & FAMILY WELFARE
 Murshidabad Medical College & Hospital
 Station Road, Berhampore, Murshidabad
 (PH:03482-252332)

MSDM/RG2000671201

OPD Patient Card
 ORTHOPAEDIC 195
 Paid Rupees : 2

Name : JIJUR RAHAMAN	[MSDM/OR2000564978]	Day : Thursday
Sex : Male	Age : 40 Yrs. 0 Months 0 Days	Reg No. : MSDM/RG2000671201
Ref. From :		Reg. Date : 29-10-2020
		Card No : MSDM/OR2000564978
Visit No. : 1	Department : ORTHOPAEDIC	Visit Date : 29-10-2020
		Time : 10:52AM
Doctor/Unit Name(DOW) : Dr. Amiya Kumar Bera/Dr. Wasim Bari/Dr. Ujjal Bhakat/Dr. Karim Nawaz/Dr. Ravi Shankar Kumar		
Room No. 7		

Visit No : 2	Visit No : 3	Visit No : 4
Visit Date :	Visit Date :	Visit Date :
Department :	Department :	Department :
Doctor/Unit :	Doctor/Unit :	Doctor/Unit :
Entry No :	Entry No :	Entry No :

Clinical Notes

ADVICE
 T Brufen (400mg) EDPC 5 days
 T Paracetamol (250mg) EDPC 5 days
 T Paracetamol (250mg) EDPC 10 days
 T Paracetamol (250mg) EDPC 5 days
 T Paracetamol (250mg) EDPC 5 days
 T Paracetamol (250mg) EDPC 7 days

Prasad
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* Serology
 * ECG
 * CXR (PA)
 * Ur. Cr.

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The Old Ranitala P.S.
Dist. Murshidabad

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