



Banglar

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03.02.2022

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

Respected Sir,

I am writing to you regarding a case of brutal torture on a poor migrant labour from the Muslim community by three constables of the Border Security Force and one G branch officer attached with Arshikari Border Out Post, 'E' Company, 112 Battalion. The victim and his family reside in Padmabila village, Swarupnagar Block and police station in the district of North 24 Parganas. They beat him repeatedly with bamboo sticks, gravely injuring him on head, back and leg and continuous bleeding from the injured part of his body. He was admitted in the Sarapul Rural Hospital. The victim filed a written complaint to the Superintendent of Police, Basirhat Police District but till date, no FIR has been lodged against the perpetrators. The details of the incident are provided in the fact finding report attached below.

This incident is among a spate of other incidents of torture, physical assault, illegal detention and extrajudicial killings specifically on the Muslim minority community. The arbitrariness of the violence committed on the victims is evidence that the violence is motivated by an intention to discriminate against and target a particular section of society on the basis on religion.

The incident entails a clear violation of Article 14, 19 and 21 of the Constitution of India. The Police have violated the Supreme Court Guidelines in the Lalita Kumari Judgment which makes it mandatory for them to lodge a FIR in cases of cognizable offences. The incident also violates the Universal Declaration of Human Rights and Article 7 and 12(1) International Covenant on Civil and Political Rights that India is party to. 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.

Therefore, I seek your urgent intervention in the case by fulfilling the following demands:

- An independent and non-partisan inquiry into the incident.
- Mr. Parimal Pal, 'G' branch officer and 3 other BSF constables who are accused of committing the crime should be immediately brought under trial and prosecuted.
- The local police station should be directed to lodge the FIR in this incident and start the investigation.
- The victim should be compensated for the grave injuries inflicted on him.
- The BSF should be stationed at the zero point and not inside villages.
- Security and safety of the victim and his family members must be ensured.

Thanking you.
Yours Sincerely

Kirity Roy
Secretary, MASUM
&
National Convener, PACTI

Details of the Victim: Mr. Faruk Sardar; son of Mr. Anowar Sardar; aged about 39 years; Religion- Islam, OBC community; Occupation – agricultural worker; residing at Padmabilla village; Swarupnagar Block and Police Station in the district of North 24 Parganas.

Details of Secondary victims: (1) Mrs. Muslima Bibi, aged about 35 years; wife of the victim; (2) Master Riyaj Sardar, aged about 16 years; son of the victim; both are residing at Padmabilla village; Swarupnagar Block and Police Station in the district of North 24 Parganas

Details of the perpetrators: Mr. Parimal Pal; 'G' branch officer and other 3 constables attached with Arshikari Border Out Post; 'E' Company; 112 Battalion

Date and Time of incident: On 02.01.2022 at around 7 pm

Place of Incident: On the Bithari Hakimpur village panchayat road near Khagen Saha's house at Arshikari village

Details of the incident: Mr. Faruk Sardar is an agricultural labour but at some point of the year he also worked as migrant labour. On 02.01.2022 in the evening he went to the house of Mr. Samsel Sardar placed at Arshikari village which is next to the Padmabilla village. Mr. Faruk Sardar has his own passport whose number is P7240835. He went to Samsel's house to work as a labourer abroad. Mr. Samsel has link with foreign countries and supplies workers for working in the foreign countries. When Mr. Faruk Sardar was returning from the house of Mr. Samsel Sardar, he was restricted by the four Border Security Force personnel attached with Arshikari Border Out Post, 'E' Company, 112 Battalion on the village path near the house of Mr. Khagen Saha. Mr. Parimal Pal, 'G' branch officer is along with the other 3 BSF constables who came in front of the victim by driving two motor bikes. They asked Mr. Faruk why he came to Arshikari village. Mr. Faruk told them the details about why he went to the house of Mr. Samsel Sardar which is placed at Arshikari village. After hearing all the facts, those BSF personnel started abusing the victim in Hindi language. The victim was brutally beaten with bamboo sticks. He was highly injured in his head, back and leg. Blood was oozing out from the injured part of the body. He was physically tortured for 45 minutes.

On 31.12.2021 at about 9 am when Mr. Faruk went to the house of Mr. Samel at Arshikari village, Mr. Parimal Pal, 'G' Branch officer without any reason suspected that Mr. Faruk is involved with smuggling activities. That day there was a quarrel between them when Mr. Pal restricted the movement of Mr. Faruk and after that on 03.01.2022 the above mentioned incident was occurred.

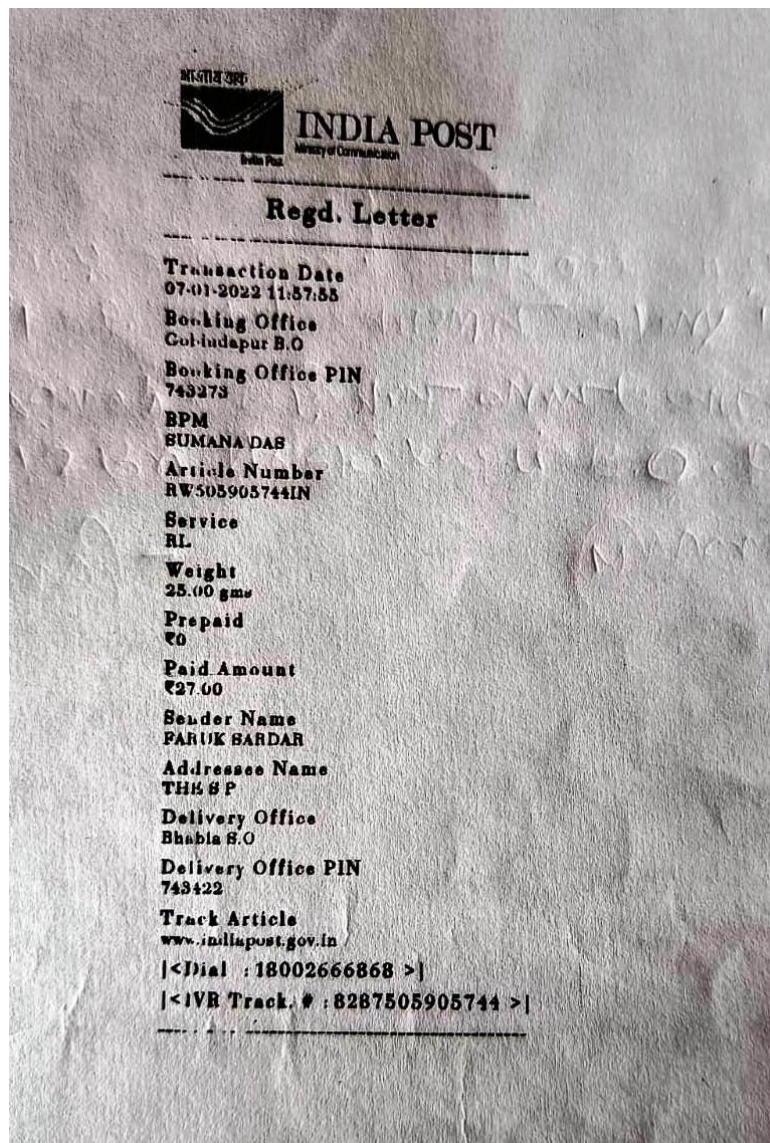
On 03.01.2022 the victim was received treatment from the Sarapul Rural Hospital. In the medical documents issued by the Sarapul Rural Hospital authority, it is clearly written that the ailment of the victim is caused due to physical assault upon him. On 07.01.2022 the victim sent one written complaint about the above stated incident to the Superintendent of Police, Basirhat Police District but till date no action has been taken by the concerned authority; no FIR has been lodged against the perpetrators and till date the accused person are roaming freely and enjoying full impunity.

Attached Documents

Picture of victim



Copy of complaint lodged to Superintendent of Police of Basirhat Police district



30,

The S.P.

Basirhat Police District,

Basirhat, North 24 Parganas.

Respected Sir,

ভাৰতীয়-ভাৰতীয় মতামত পিতা গোলাপচাঁদ মতামত-
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112 BN, E-Company, G. Branch Officer Porimal

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ତାରିଖ - 05/01/2022

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05/01/2022

