

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 16/08/2011

Case No. 180/25/18/07-08-PT

17 AUG 2011

To

TEJANG CHAKMA (RESEARCH ASSOCIATE)
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURINRE
WEST DELHI, DELHI.

Sir/Madam,

With reference to your complaint dated 20/03/2007, I am directed to say that the matter was considered by the Commission on 11/08/2011. The Commission has made the following directions.

"The complainant in his complaint dated 20.03.2007 alleged the torture of family members of Latifur Rahman Sarkar by personnel of 72nd Battalion Border Security Force at Dudapur village under Kumarganj Police Station in South Dinajpur District of West Bengal on 04.03.2007 which resulted in the death of Latifur's son Mausad Rana Sarkar(19) on 05.03.2007. It is alleged that on 04.03.2007 a group of 15-20 BSF personnel, who were drunk, raided the house of Latifur Rahman at Daudur village and beat up and tortured family members without any cause. Four members of the family were admitted to the hospital with injuries on 05.03.2007. The son of Latifur Rahman along with Latifur was shifted to North Bengal Medical College where Masud died in the night of 05.03.2007.

The Commission vide its proceedings dated 26.11.2009 recommended to pay a sum of Rs. 5 Lakhs to the next of kin of the deceased and Rs. 50,000/- each to the injured persons.

Pursuant to the communications of the Commission, Under Secretary, Ministry of Home Affairs, Govt. of India vide his letter dated 09.06.2011 informed that the recommended amount has been sanctioned by the government. DIG (OPS) C, Ministry of Home Affairs, Govt. of India has informed vide letter dated 15.07.2011 that an amount of Rs. 5 Lakh has been paid to Latifur Rahman Sarkar, NOK of Late Masud Rana Sarkar and an amount of Rs. 50,000/- each to Latifur Rahman Sarkar, Mazeda Bibi and Fensiyara Begam. A copy of each of the proof of payment has also been claimed to be enclosed with the letter, but the Commission received only copy of proof of payment of Rs. 5 Lakh paid to Latifur Rahman Sarkar. However, the Commission assumes that the recommended amount has been paid to the payees and therefore closes the file.

A copy of these proceedings shall be sent to the Information Officer of the Commission and to the recipients of the relief."



This is for your information.

Yours faithfully,

A handwritten signature in black ink, appearing to be a stylized 'A' or similar character, positioned above a horizontal line.

ASSISTANT REGISTRAR(LAW)

Assistant Registrar(LAW)
Tel. No.: 011-2338 5368
Fax No.: 011-2338 6521
Telegraphic Add.: "HUMANRIGHTS"
Home Page : http://nhrc.nic.in

Case No. 180/25/18/07-08-PF / M-4
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

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FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 01/12/2009

To
THE SECRETARY
MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA,
NORTH BLOCK, NEW DELHI

- 2 DEC 2009

Sub : Complaint from

TEJANG CHAKMA (RESEARCH ASSOCIATE)
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C ,JANAKPURINRE
WEST DELHI DELHI

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 26/11/2009 and the Commission has directed as follows.

These proceedings shall be read in continuation of the earlier proceedings of the Commission dated 17.4.2008 when it directed as under: -

"Thus in the light of above, a show cause notice to be issued to the Union Secretary, Home, Government of India as to why the compensation u/s 18 (a) (i) be not recommended to be awarded to the next of the kin of the deceased and injured persons."

Pursuant to the directions of the Commission, DIG (Ops.), Directorate General, BSF vide communication dated 19.2.2009 has sent the report which is reproduced below:-

"In this connection, I am directed to intimate that the General Security Force Court (GSFC) was conducted from 10.12.2008 to 13.1.2009 to try the five accused persons in the above human rights violation case. The accused personnel were tried for committing offences u/s 45 of BSF Act and rules, i.e., 'Committing a Civil Offence' read with Section 302 and 323 IPC, i.e., 'Culpable Homicide Amounting to Murder' and 'Voluntarily Causing Hurt'. The Hon'ble Court found all the five accused personnel not guilty of the above charges. This is for information of NHRC with a request to close the case."

The Commission has considered the matter. The Commission is not aware of the grounds on which the General Security Force Court (GSFC) has exonerated the BSF personnel. The Magisterial Enquiry Report received from the District Magistrate, Dakshin Dinjapur, Balurghat, West Bengal vide communication dated 21.3.2007 clearly establishes that a group of BSF personnel caused grievous injuries to a family, including, two women; one of those assaulted died from his injuries. If the BSF denies that its personnel were involved, it calls the credibility of the Magisterial Enquiry Report into question. The Commission on its part finds the Magisterial Enquiry Report convincing.

The Commission, therefore, recommends that a sum of Rs.Five Lakhs be paid to the next of kin of the deceased and Rs.50,000/- each to those injured in the assault by the BSF personnel. Proof of payment

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and compliance report be submitted within a period of six weeks.

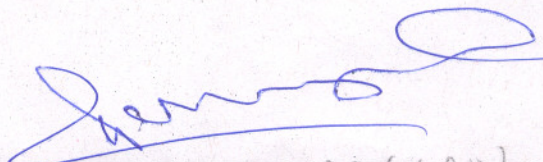
It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 15/01/2010, so that the same could be placed before the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

CC To.

TEJANG CHAKMA (RESEARCH
ASSOCIATE)
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURINRE
WEST DELHI, DELHI.


ASSISTANT REGISTRAR (LAW)