

**NATIONAL HUMAN RIGHTS COMMISSION**  
**(L A W D I V I S I O N )**  
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,  
INA, NEW DELHI- 110023

Dated : 11/11/2013

Case No. 606/25/15/09-10-AD/DB-II

To

10 DEC 2013

✓  
SHIR SUHAS CHAKMA, DIRECTOR  
ASIAN CENTRE FOR HUMAN RIGHTS,  
C-3/441-C,  
2<sup>nd</sup> FLOOR, JANAKPURI,  
DELHI.

Sir/Madam,

With reference to your complaint dated 26/11/2009, I am directed to say that the matter was considered by the Commission on 31/10/2013. The Commission has made the following directions.

*"Pursuant to the recommendations of the Commission, a sum of Rs.5.00 lakhs has been paid to the NOK of the deceased Sajahan Gazi and the proof of payment has also been communicated to the Commission vide letter dated 4<sup>th</sup> July, 2013 of the Under Secretary, Ministry of Home Affairs, Government of India, New Delhi.*

*Since the recommendation of the Commission has been complied with, the case is closed."*

This is for your information.

Yours faithfully,

  
DEPUTY REGISTRAR(LAW)

Copy to:

Shri Afsar Gazi F/o late Sajahan Gazi  
Village/PO - Banglani  
PS - Swarupnagar,  
District North 24 Parganas (N)  
West Bengal.

# National Human Rights Commission

New Delhi, India

## Case Details of File Number: 606/25/15/09-10-AD

**Diary Number** 132836  
**Name of the Complainant** SUHAS CHAKMA, DIRECTOR  
**Address** ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, 2ND FLOOR, JANAKPURI, WEST DELHI , DELHI  
**Name of the Victim** SAJAHAN GAZI S/O AFSAR GAZI  
**Address** R/O BANGLANI, PS- SWARUPNAGAR, NORTH 24-PARGANA , WEST BENGAL  
**Place of Incident** CUST. OF 126 BALLALION OF BSF NORTH 24-PARGANA , WEST BENGAL  
**Date of Incident** 11/11/2009

The Commission received a complaint dated 26.11.2009 from Asian Centre for Human Rights, New Delhi, inter alia alleging the killing of Sajahan Gazi by BSF personnel. The complainant has made the allegation that Sajahan Gazi was tortured while in custody at Dabila Camp in 24 Parganas North District of West Bengal. Looking to the nature of the complaint, the Commission called upon the Director General (I) to call for the requisite reports. In response, Commandant (Ops) C, BSF has submitted that on 11.11.2009, at about 6.30 hours an unidentified man in semi conscious state was spotted by the villagers in village Dublia at the primary school at about 2.00 meters from the border. Villagers did not accompany for removal of the person and ultimately he was removed in a commercial vehicle at BOP Dublia. It is further claimed that food was given to him but later on he was not found well and hence was taken to Sub Divisional Hospital, Bashirhat for treatment where he was declared brought dead. An FIR was filed in this behalf. It is also clear that FIR was also lodged against the BSF. The Commission has received autopsy report. Reading the report it is clear that there were injuries on left forearm, multiple injuries on the right and left side of the chest, multiple small abrasion on back aspect, haematoma in his right buttock, haematoma in his left buttock and one small abrasion on the chin. The Medical Officer opined that the cause of death was due to the effect of injuries noted in the autopsy report. However, for final opinion he was waiting for the report of the forensic and chemical analysis. Later on, nothing was found in these reports. The Commission has also received the MER which is in detail. The Magistrate who conducted the inquiry has pointed out that the person was apprehended by the BSF personnel and thereafter the victim was mercilessly beaten and threw his body at Dabila 'O' point. However, on 11.11.2009 he collected all his strength and reached the house of a local resident named Mr.Panchanan Sarkar and narrated the incident to him. The villagers arranged a vehicle for taking the victim to the Hospital for Medical treatment. However, the BSF personnel of Dabila Camp resisted them and took Sajahan in their custody again after persuading the villagers by telling them that the BSF would provide medical treatment to the victim. At about 1.30 P.M. on 11.11.2009, the BSF personnel took the victim at Basirhat SD Hospital in an unconscious state where the Physician in-charge declared him brought dead. A complaint was filed in this behalf which was registered for an offence punishable u/s 302 of IPC at Swarupnagar Police Station. The Magistrate who conducted the inquiry has, after considering the evidence has recorded his findings. He has categorically held that the victim was beaten up with Rifle butt mercilessly and has held the BSF personnel responsible for the act. He has also found that the local police acted in connivance with the BSF and not followed the proper procedure for inquiry and they were reluctant to investigate the incident. We need not repeat everything whatever the officer has noted. Suffice it to say that it is very clear that the act of BSF personnel and the act of local police was nothing but for shielding of the perpetrators of crime. The report of BSF categorically states that the victim was taken to BSF post Dabila for treatment and as the victim asked for food, on humanitarian grounds at about 08.15 hours, he was given food, water and tea. This is found false in view of the autopsy report which is placed on the record. If food was given at 8.15 hours, the autopsy report would have indicated the presence of food in the stomach or even in the intestine, but, no food either digested or semi-digested was found by the Medical Officer. That falsifies the version of the BSF that they gave food on humanitarian ground to the victim. In

### Direction issued by the Commission

view of the report submitted by the Magistrate, it is clear that the police as well as the BSF are responsible for the heinous crime, one in committing the crime and the other in shielding those who committed the crime. Therefore, there is a serious violation of human rights by both the BSF and the local police. Under the circumstances, a recommendation is made to the Ministry of Home Affairs, Government of India to pay a sum of Rs.5.00 lakhs to the NOK of Sajahan Gazi within a period of eight weeks. Secretary, Ministry of Home Affairs, Government of India is required to submit compliance report along with the proof of payment on or before 19th June, 2013. The Chief Secretary, Government of West Bengal to submit an action taken report in the matter against the police personnel who were in charge of Swarupnagar Police Station at the relevant time on or before 19.6.2013.

**Action Taken****Status on 7/6/2013****Additional Information Called for (Dated 4/4/2013 )**

Response from concerned authority is awaited.

**Note:** For further details kindly contact National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: covdnhrc@hub.nic.in

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