

To
The Acting Chairman
National Human Rights Commission
Faridkot House
Copernicus Marg
New Delhi-110001

12 October 2009

Respected Sir,

We conducted a fact finding upon information received that the victim Mr. Shibajit Mondal was gun shot by BSF of Rajanagar on 14-15/3/2009 at about 00.00 hours. He received bullet injury on his abdomen. He was under treatment at Nil Ratan Sarkar (NRS) Medical College and Hospital, Kolkata under Entally Police Station where he succumbed to his injuries on 30/03/2009.

Entally Police Station registered a case of unnatural death in the matter of the death of the victim and Raninagar Police Station sent a report over the incident to Entally Police Station. In the report prepared by Raninagar Police Station it is stated that the victim was gun shot by BSF jawans of Rajanagar BSF Camp in an encounter with the smugglers.

Ms. Kavita Mondal, widow of the victim tried to lodge complaint at Raninagar Police Station against involved BSF jawans for arbitrarily killing her husband. After repeated persuasion the police only took a written complaint but still did not register any case on the basis of the said complaint.

The right to life of the victim has been grossly violated by the perpetrator BSF jawans and the police of Raninagar Police Station. Our attached fact finding report gives details of this incident

Hence we seek your urgent intervention regarding this matter in the following manner:-

- Action must be taken in compliance of the guidelines issued by NHRC in case of encounter death as the victim allegedly died in an incident of encounter.
- The allegations of the killing of the victim by the Border Security Force (B.S.F.) must be investigated by an independent body, neither by BSF nor Raninagar Police Station.
- The criminal case under section 302 (murder) /34 (common intention) of Indian Penal Code for murder must be initiated against the accused BSF jawans at local police station and must be investigated impartially in absence of any undue interference and influence by the accused persons and they must be arrested forthwith.
- The victim's family members must be given adequate compensation and protection.

Thanking you,

Yours truly,

Kirity Roy
Secretary, Masum
&
National Convener
Programme Against Custodial Torture & Impunity (PACTI)

Name of the victim: Shibajit Mondal (deceased), son of Mr. Durga Charan Mondal, aged about-28 years, by faith-Hindu, by Caste-Schedule Caste, address village-Char Rajanagar, Post Office: Char Rajanagar, Police Station: Raninagar, District: Murshidabad, West Bengal, India.

Name of the perpetrators: (1) The involved BSF jawans of Rajanagar BSF Camp, 90 Battalion, BSF; (2) The Officer-in-Charge of Raninagar Police Station, District - Murshidabad.

Place of Incident: At Dadur Ghat at Rajanagar, Raninagar Police Station, District - Murshidabad.

Date and time of incident: On 14-15/03/2009 at about 00.00 hours.

Case Details:

It is revealed during our fact finding effort that the victim's family lost most of their land due to erosion of river Padma. They were enlisted in Below Poverty Line (BPL) list.

On 14/03/2009 at midnight the victim Mr. Shibajit Mondal reportedly with some of his companions was involved in smuggling cattle through Dadur Ghat at Rajanagar, under Raninagar Police Station. In the mean time four BSF jawans of Rajanagar BSF Camp reached there and reportedly without giving any warning they fired on them. The victim was hit by one bullet on his abdomen and he instantly fell down on the ground. Immediately his companions hired a car (Maruti van) and took him to Raninagar Police station for lodging information. But the on-duty police officer instead of lodging any information over the incident advised them to take the victim to a hospital for immediate treatment and they took him to Behrampore New General Hospital, Murshidabad. But as his condition was continuously deteriorating, he was referred to 'Nil Ratan Sarkar Medical College and Hospital' (NRS Medical College & Hospital) at Kolkata for better treatment on 15/03/2009. The said hospital falls under the jurisdiction of Entally Police Station, Kolkata.

On 30/03/2009 he died at 'Nil Ratan Sarkar Medical College and Hospital' (NRS Medical College Hospital). The police of Entally Police station started a case of unnatural death upon the death of the victim vide-Entally Police Station AS no. 7060 dated 30/03/2009. On 02/04/2009 the post mortem examination of the victim was done at the morgue of Nil Ratan Sarkar Medical College and Hospital' (NRS Medical College & Hospital) at Kolkata vide PM no.645 dated 02/04/2009 and the body of the victim was handed over to his family members.

On 1.4.2009 the Officer-in-Charge of Entally Police Station called for a report from Raninagar Police Station on the matter of the victim. Accordingly Mr. Purnendu Bikash Chakraborty, Police Officer of Raninagar Police Station prepared a report and sent the same to Entally Police Station.

In gist the said report stated that the victim received bullet injury fired by BSF on 14-15/3/2009 at about 00.00 hours while an encounter took place between the smugglers and the involved BSF jawans of Rajanagar BSF Camp. The report also stated that no case has been recorded over this incident. Mr. Purnendu Bikash Chakraborty, Police Officer of Raninagar Police Station further claimed in the said report that the report was prepared on a local inquiry in presence of local people and the relatives of the victim. So surprisingly the version of the BSF of Rajanagar BSF Camp over the incident is absent in the report.

After a long persuasion by the family members of the victim, Raninagar Police Station only took a written complaint from them on 15/5.2009 but still did not register any case against the involved BSF jawans of Rajanagar BSF Camp. The police verbally told the family members of the victim that Entally Police Station, Kolkata would do the needful.

At present victim's family members of the victim are leading a miserable life. Ms. Kavita Mondal, widow of the victim told our fact finding team that they spent a total of Rs.62, 000/-(Sixty two thousand) for his treatment and they had to keep their land under mortgage to collect the money.

109- 20 028- 00-10361 dt- 10-2-09

I. P. C. SERIAL NO. 670

N. R. S. Medical College Hospital, Kolkata (Emergency Room)

1. Name (in block letters) of the Patient Shibajit Mandal

2. Full address and Police Station (in block letters)
 C/o No- Durgachera Mandal (P.O)
Utt- cher Rajnagar
 P.O 20
 Police Station Rajnagar, Puruliya

3. Age 28 Years 4. Sex Male 5. Religion Hindu

6. Brought by (Address) Rajan Mandal (field work)
same as 2

7. Date, time and place of receipt of injury:
 (Date) 14/03/09 (Time) 07.40 PM (approx)
 (Place) near home, Rajnagar

8. Date and time of Examination 15/03/09 at 09.30 pm

9. Name of the Police Station of the place where the incidence occurred:
 Police Station Rajnagar

10. Short History of the Case as stated by the patient: that h/o bullet injury over lower abdomen by someone maliciously, referred from Burdwan

11. On Examination (use overleaf if necessary) new 9x. lump can be seen by S.M. at lower abdominal area

12. Admitted under Dr. U. II In M.M.S. Ward
 Details to be obtained from H.P. / Sr. H.S. to Dr. / Prof. Dr. J. K. II

13. Prognosis Unstabilized by bandage & referred

14. Valuable with patient (Admitted and Brought dead cases):
no M.S. etc.

Counter Signature of Sr. O.D. (in Block Letters) DR. PRASANTA CH. SAHU
 Full name and designation of E.M.O. / H.S. / H.P. (in Block Letters)
 Date 15/03/09

According to hospital & Entally PS record victim was fired on 14 March 2009

During evening on 14/15-3-09 night in Ambush 20.00 of BOP Rajnagar corresponding BOP no 199/s distance for 1.0 1.5 km and BOP 3.0 km at about 00.30 hrs Ambush Party observed some suspicious movement of 25-30 Cattle smuggler along with 15-20 Cattle while crossing rd 95533/09 Kandan Gyer managed to 06 nos traps the Smuggler Party attacked the Ambush Party and rd 95533/09 of Kandan Gyer fired one round for his own wife. He also received bullet injury on his body. Then he shifted to Burdwan S.S. Hospital there he transferred to N.R.S. Medical College and Hospital for his treatment and on 20/3/09 at 12.10 hrs he expired on those.

1) NO case has been recorded over the incident

2) Post Mortem Examination is necessary

According to Raninagar PS, victim was fired on 14-15 March 2009 at 00.30

Forwarded
01/04/09
Officer-in-charge
Rajnagar P.S.