



## WEST BENGAL HUMAN RIGHTS COMMISSION

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Memo. No. 12 /WBHRC/ADG/Misc./2020

Date: 09/04/2020.

From: Shri Shashikant Pujari, IPS  
ADG, WBHRC and Holding  
Addl. Charge of Secretary & CEO  
WBHRC.

To: The Chief Secretary  
Govt. of West Bengal  
NABANNA  
325, Sarat Chatterjee Road,  
Mandirtala, P.O: Shibpore,  
Howrah.

Sir,

I am directed to send herewith an authenticated copy of the recommendations dated: 09/04/2020 made by the West Bengal human Rights Commission along with enclosures for taking necessary action. The recommendations are self-explanatory.

Action taken or proposed to be taken by the Government on the recommendations may please be intimated to the Commission within 3(three) months.

Yours faithfully,

(Shashikant Pujari, IPS)  
ADG & IGP, WBHRC

&  
Holding the Addl. Charge  
of Secretary & CEO  
WBHRC

## WEST BENGAL HUMAN RIGHTS COMMISSION

### Present

Mr. Justice G.C. Gupta - Chairperson  
Shri Naparajit Mukherjee - Member

A complaint was received by WBHRC from one Subimal Sengupta, Nadia District Secretary of CPI(ML)LIBERATION dated 29-03-2020 to the effect that the BSF authorities at village Hatkhola, PS Chapra on March 27, 2020 at about 04 PM., undertook search on one lady namely Selima Mondal (25) and conducted strip search. The local villagers protested, on which the BSF resorted to lathi charge and also firing in the air. One Mianjan Sha (55), a local villager sustained injury and was admitted to local hospital at Shaktinagar, Nadia.

ii) On receipt of such complaint the commission took cognizance of the matter and directed ADG, IW, of WBHRC to enquire and submit report to the commission forthwith.

iii) The ADG IW conducted a spot enquiry with his team of officers and submitted his enquiry report. According to the report, on 27-03-2020 at about 13:00 hrs., Selina Mondal, W/o Nabiul Mondal of village Hatkhola, Dakshinpara, PS Chapra learnt that one of her daughters, Rexona Mondal sustained injury on her leg and needed immediate treatment which was available only on Indian side. Herein it is to be mentioned that following fencing of Indo-Bangladesh border in 2003 the alignment of the fence in that area has been made in such a manner that it is 200-400 meters inside the Zero line. In the process a large number of huts of Indian villagers are across the fencing although they are in the Indian Territory. Unfortunately, these villagers are at mercy of BSF authority for crossing the fence to come to the city proper for attending various chores. On 27-

03-20 Selina Mondal was allowed to go to India Side with her daughter through gate No. 8. Around 15:30 hrs. when Selina Mondal again came to gate no. 8 for going back to her village residence she was submitted to strip search in presence of lady constable. She complained indecent behaviour of BSF authority to the villagers which led to a tense situation and brick batting by local villagers. BSF resorted to lathi charge and one Mianjan sustained injury and was admitted to hospital. Two cases namely Chapra PS case no. 101/2020 dated 28-03-2020 U/s 188/332/353/34 IPC was registered by BSF authorities against the villagers while a counter case 102/2020 dated 28-03-2020 U/s 448/325/34 IPC was registered by villagers against BSF authorities.

iv) WBHRC considered the report of ADG, IW and came to the conclusion there has been serious violation of Human Rights of Smt Salina Mondal by BSF authority as she had to undergo strip search on mere suspicion thereby causing insult and outraging of modesty. In view of above WBHRC make following recommendations to Government of West Bengal.....

a) The State Government and Nadia District authority should hold meeting with senior BSF authorities in West Bengal so that such searches / strip searches are not undertaken routinely specially in border areas by BSF authorities.

b) The alignment of border fencing had been done in an unplanned and irregular manner. As a result of which many Indian villages are situated outside the fenced area. This is causing serious inconvenience and problems to the villagers and one of the major causes of BSF highhandedness as mentioned in this report. Therefore, Government of West Bengal may take up this matter with Ministry of Home Affairs so that the border fencing could be realigned to include the villages within the fencing which are currently outside.

c) State Government is recommended to pay Rs. 50,000/- to Selina Mondal strip search and Rs.50,000/- to Miajan Sha who sustained injury due to BSF lathi charge.

v) Secretary and CEO of WBHRC is directed to send a copy of this recommendation to Chief Secretary, Government of West Bengal immediately. The Chief Secretary is directed to send an action taken report to commission within three months of receipt of recommendation. Ld Registrar is directed to upload a copy in the website.



(Justice G. C. Gupta )

Chairperson

09-04-2020



( N. Mukherjee )

Member

09-04-2020

Enclosures:

- 1) Complaint of Shri Subimal Sengupta.
- 2) Report of ADG, IW, WBHRC.