



Banglar

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**Date- 11.12.2020**

The Chairperson

National Human Rights Commission

Manav Adhikar Bhawan

Block-C, GPO complex, INA

New Delhi - 110023

I want to attract your attention to the illegitimate restriction being imposed on the village farmers of Chongakhata and Bhogramguri under the Mathabhanga Police Station of the Cooch Behar of West Bengal by the Border Security Force (BSF) personnel serving in Chongakhata Border Out Post, 'C' Company under 140 Battalion of the BSF. On a formal complaint sent to the Block Development Office on 20.10.2020, the villagers had stated their plight due to the restrictions imposed by the BSF on the farmers. The village has a population of 2000 villagers out of which there are 1130 males, 970 female, 23 children under the age of 5, 44 children under the age of 14 and 56 children under the age of 18. The entire village consists of Hindu Schedule Caste community and their main occupation is farming. The average income of each household is approximately INR 36000 per year. The land that they farm in is bound between the wired fence constructed by the government and the political border that separates the two countries. The total land owned by the 60 families residing in this village is more than 200 acres, where they do their cultivation. Out of that, approximately 100 acres of farmland fall between the wired fence and the border pillar. Their main point of entry for the purpose of farming is through the gates at the wired fencing.

As per our fact finding, it has come to our attention that:

1. Problems have occurred between the BSF personnel and the farmers while entering the farming fields from Gate no. 3 and 5 near the main pillar 868(2)S.
2. It has been reported that the BSF personnel harasses the farmers and forces them to work in the Border Out Posts and carry bamboo sticks for the personnel. In order to have easy passage, they need to do many odd jobs at the BOP else the BSF make it difficult by imposing many restrictions on them unnecessarily.
3. Moreover, the BSF do not allow the farmers to bring in any organic fertilizers or pesticides for their crops.

4. Farmers are not allowed to farm high crops like Jute and Corn (which are high yielding crops) in the agriculture fields. At present, these lands have *Amon Dhan*(winter rice) planted on them. It is seen that due to the encroachment by the people of Bangladesh along with their cattle on these farms, these crops are getting destroyed and or taken.
5. On the other hand, the Indian farmers are also not allowed to take in cattle to feed them beyond the wired fences while they have seen cattle from Bngladesh come and roam in these Indian farmlands.
6. There are specific timings set up by the BSF to open the gates to allow passage but they do not maintain the timings and that affects the farmers a lot. They have complained about how the BSF opens and closes the gates as per their wish and have petitioned that the gates should be opened at least for a span of 12 hours every day.
7. Whenever the farmers bring in food to eat while working at the fields, at times the BSF do not allow them to bring in food. At times they use their wooden stick to poke the food before they allow them to be taken in. These wooden stick are usually dirty and used as walking sticks and the farmers are left with eating food that has been stirred with these dirty sticks.
8. In case the villagers complain about this harassment to the BSF personnel, they will close all gates and not allow anyone. Keeping this in mind, they do not enrage the BSF and tolerate these harassments.

Other than these issues, there is no irrigation facility at the farmland which creates a problem for cultivation. Moreover, there is no supply of drinking water at the fields. Gate no. 3 is at a distance of 300 meters from the International border Pillar 862(2)S. in some areas, it is at a distance of 700 or 800 meters. Similarly, gate no. 5 is at a distance of 300-400 meters from the International Border Pillar 868(2)S. due to this distance, the farmers have to take make many trips to bring their crops out of the farm and need to make 2-3 stops before they can finally bring all of the crop out. The plight of the villagers is that even when there are no reported cases of smuggling in these villages, still why the BSF impose these harassments on them. The villagers also state that due to these harassments their work has hampered and they have incurred loosed of about INR 8000 to 10000 for all the 60 families in the village.

On 20.10.2020, about 50 village farmers of Chongarkhata and Bhogramguri had come together and sent a formal complaint to the BDO at Mathabhanga regarding this unethical restrictions being imposed on them by the BSF personnels on their livelihood and agriculture. The complaint mentions the irregularity of gate opening and closing by the BSF and the loss of crops due to the encroachment of Bangladeshi citizens and cattle on these fields.

Details of the farmers the Chongarkhata and Bhogramguri under the Mathabhanga gram Panchayat facing these restrictions from the BSF at Chongakhata Border Out Post, 'C' Company under 140 Battalion are:

Name	Age	Dagh No.	Khatiyan No.
Ananta Barman	50	1689	168
Samari Barman	55	1293	35
Lalit Barman	60	1153	153
Jitendranarayan	62	1116	327

Chandra			
Makhan Barman	60	1120	90/2
Dilip Barman	42	1280	35
Ajit Barman	36	1688	168
Prinath Barman	62	1136	153

These arbitrary restrictions imposed by the Border Security Force (BSF) personnel serving in Chongarkhata Border Out Post, 'C' Company under 140 Battalion is regularly challenging the livelihood of these farmers and adding on to the loses they are facing daily. This is in clear violation of Article 21 and Article 19 of the Indian Constitution which reads "No person shall be deprived of his life and liberty except according to procedure established by law" and "All citizens shall have the rights to move freely throughout the territory of India". It is also in violation to Article 12 of the International Covenant on Civil and Political Rights and the goal number 16 of the United Nations Sustainable Development Goals, which Government of India has taken pledge to adhere with.

In these regards, I urge your office to fulfill the demands of these villagers which are as follows:

- The BSF post should be stationed at the zero point. Rather than 300-400 meters inside the village by cutting off about 100 acres of farmland from the farmers.
- Immediately opening the gates no 3 and 5 attached to the Chongarkhata Border Outpost for a minimum of 12 hours.
- The BSF have no authority to restrict the livelihood of the farmers of these villages.
- BSF should follow the order of Ministry of Home Affairs, Government of India, Memorandum number 40-3/2020-DM-I (A) dated 15.04.2020
- The villagers should be allowed to produce whichever crop they want in their farmlands and should be provided with proper agricultural support like drinking water and irrigation facilities.
- The farmers should receive compensation for the losses they have incurred due to these illegal restrictions imposed by the BSF.

Thanking You,

Yours Sincerely

Dipyaman Adhikary

Assistant Secretary

Banglar Manabadhikar Suraksha Mancha







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