

In the name of raiding BSF personnel molested women and vandalized personal property of the villagers

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14 January 2020 at 12:31

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Banglar

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To
The Chairman
National Human Rights Commission
Manav Adhikar Bhawan
Bloc -C, GPO complex, INA
New Delhi - 110023

14 January 2020

Respected Sir,

I am writing this present complaint on the incidents of severe threat, whimsical intimidation and rampant harassment on the villagers of Sebar kuti Dhadhial village under Tufanganj police station area of Cooch Behar district in West Bengal by the Border Security Force personnel attached with Battalion number 62 of Gholapara BSF Border Out Post. The BSF has not only harassed the poor marginalized villagers but also criminal trespassed into their house and offended the modesty of women publicly in the village.

The village is situated inside Indian Territory, about 3 to 4 kilometers from the West Bengal - Bangladesh border. Cattle smuggling from this side of the border is frequent. On 08.11.2019 at night 18 to 25 Border Security Force personnel without any Lady BSF personnel criminally trespassed into the house of Ms. Fatema Bibi and her neighbor Ms. Hamida Bibi and vandalized their house in the name of raiding. Border Security Force personnel also misbehaved with the family members of the house and threaten to implicate false charges of smuggling against them; even the women members were physically assaulted. After one hour rampage, those BSF people went away from there. Ms. Fatima Bibi, lodged a written complaint to the Superintendent of Police of Cooch Behar district through registered post on 09.12.2019 with request to investigate and stop such incidents from happening in the future. But no action in this regard has been taken yet.

The above stated facts and circumstances established that the perpetrator BSF personnel committed abuse of powers by encroaching upon the personal liberty, dignity, honour, criminal trespass and privacy of individual citizens. The incidents also established the degrading behavior of the perpetrator BSF personnel. It is also an instance that the Border Security Force personnel do not maintain minimum basic responsibility and therefore they raided the house of women without any female Border Security Force personnel in their group. The tyranny and oppression committed by the perpetrator BSF personnel is violation of fundamental rights and human rights as enshrined in national and international laws and covenants.

Needless to remind that the Commission had held the two-day human rights sensitization programme for BSF personnel posted at Indo-Bangladesh Border at Kolkata on 16-17 February, 2012. Already about eight years elapsed since the programme, but still it appears that the perpetrator BSF personnel is not inclined to respect the human rights of its own citizens thereby violating the caution given by the Supreme Court of India in D.K. Basu VS State of West Bengal case where it observed that "the State must ensure that the various agencies deployed by it act within the bounds of the law and not become law unto themselves".

The illegitimate raiding and subsequent harassment imposed by the BSF upon the victims of Sebar Kutu Dhadhial village are not only challenging their life and livelihood but also violating the Articles 19 & 21 of the Constitution of India. Several incidents perpetrated by the Border Security Force in other bordering villages of Cooch Behar and the present incident is against the premises of Article 7 of International Covenant on Civil and Political Rights; the Government of India ratified the said UN instrument. The perpetrator BSF personnel also violated the code of conduct for law enforcement officials adopted by UN General Assembly in 1979 which mandates that these officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Hence I request your urgent intervention in this matter with the following demands:-

- The BSF should be posted in the actual border and not inside villages.
- The complaint lodged by the victim must be acknowledged and registered and legal action must be initiated against the perpetrator BSF personnel invoking the appropriate provisions and procedure of law.
- The BSF authority must be directed to protect the interest of the villagers.
- BSF personnel engaged in whimsical raiding, threatening and harassing villagers should be show caused.
- Take necessary steps to eradicate cattle smuggling in the border
- Perpetrator Border Security Force personnel should be held liable under the provision of Criminal trespass into the household of the victims.
- Protect the life and livelihood and freedom of movement of the poor villagers of Sebar kuti Dhadhial village.
- The victims must be compensated for violation of his human rights.
- Any other suitable direction as the Commission may deem fit and appropriate.

Thanking you,
Yours truly

Dipyaman Adhikary
Assistant Secretary
Banglar Manabadhikar Suraksha Mancha (MASUM)

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Name of the victim: (i) Ms. Fatema Bibi, wife of Jahar Ali, aged about 40 years, religion Islam, (ii) Ms. Hamida Bibi, neighbor of Ms. Fatema Bibi, both are residing at village Sebar kuti Dhadhial, Post Office Dipar Par, Police Station Tufanganj, District Cooch Behar;

Name of the family members of Fatema Bibi: (i) Mr. Jahar Ali, husband of Ms. Fatema Bibi, aged about 45 years; (ii) Master Hafijul Haque, son of Ms. Fatema Bibi, aged about 10 years; (iii) Master Najma Khatun, daughter of Ms. Fatema Bibi, aged about 5 years.

Name of the perpetrators: 18 to 25 male Border Security Force personnel from 62 Battalion of Gholapara Border Out Post

Date & Time of incident: On 08.11.2019 at about 8.00 to 8.30 pm

Place of incident: Village Sebar kuti Dhadhial, Post Office Dipar Par, Police Station Tufanganj, District Cooch Behar;

Name of the witnesses: (i) Mr. Abul Kalam, son of Mr. Entaj; (ii) Marjina Bibi, wife of Anoar Hossain both are residing of village Sebar kuti Dhadhial, Post Office Dipar Par, Police Station Tufanganj, District Cooch Behar.

Details of the incident: On 8.11.19 around 8.00 to 8.30 pm, villagers of Sebar kuti Dhadhial were startled with the sudden rampage of the BSF personnel. Around 18 to 25 armed BSF personnel in uniform stormed into the house of the Fatema Bibi and instigated a chaos by hitting the tin-made fences of the house with their sticks. There was no female BSF in their group. Perpetrator Border Security Force personnel claimed that they came to find the smuggling goods. Fatema Bibi said, "We are very poor and working in the brick field and they do not have posses any smuggling goods in their home." But Border Security personnel did not listen to her. One BSF jawans pushed her and threatened that if she would say a single word they start a false case of cattle smuggling against the husband of Fatema Bibi. She was verbally abused with sexual connotations. In the meantime 2/3 cows were taken by Border Security Force personnel which were found from the bamboo trees jungle next to the house of the Fatema Bibi. Ms. Hamida Bibi, neighbour of Fatema Bibi who was cooking at that time witnessed the whole incident of BSF atrocities. After searching Fatima Bibi's house, BSF again illegally entered into the house of Ms. Hamida Bibi. Father of Ms. Hamida Bibi, aged about 70 years who was present at that time in her daughter's in laws house was apprehended by Border Security Force personnel. They pushed the old aged man and tried to get him into their jeep. At that time his daughter Ms. Hamida Bibi tried to intercept the Border Security Force personnel and requested not to take her father as he is innocent but one Border Security Force person stroke in the hands of Ms. Hamida Bibi and pushed her back. When the other neighbours came out of their houses and started screaming, those perpetrators went away. This rampage by the BSF personnel continued for almost one hour during which they completely terrorised the family members of Ms. Fatema Bibi and Ms. Hamida Bibi on their gunpoint. Little child of

Ms. Hamida Bibi who was already asleep, woke up by the sudden charging of the BSF and was left severely traumatized.

Terribly shocked by the incident, Ms. Fatima Bibi, lodged a written complaint to the Superintendent of Police of Cooch Behar district through registered post on 09.12.2019 with request to investigate and stop such incidents from happening in the future. But no action in this regard has been taken yet.

Attached Documents

Pictures of victim and her loss

Complaint to Superintendent of Police Cooch Behar

