

**Why bordering populace are being illegally restricted in their daily working by BSF personnel ? -
Violation of Basic principle of Constitution**

From: **MASUM** <masumindia@gmail.com>

Date: Wed, 15 Jan 2020 at 10:45

Subject: Why bordering populace are being illegally restricted in their daily working by BSF personnel ? -
Violation of Basic principle of Constitution

To: NHRC1 <cr.nhrc@nic.in>, NHRC <chairnhrc@nic.in>, <registrar-nhrc@nic.in>

Cc: SP Cooch Behar <spcbr@policewb.gov.in>, <dm-cbr@nic.in>, Chief Secretary Gov of WB <cs-westbengal@nic.in>, DG & IGP, West Bengal Police. <dgpwestbengal@gmail.com>, DG BSF <edpdte@bsf.nic.in>, GABIOUD Maria Victoria <mgabioud@ohchr.org>, Home Ministry <hm@nic.in>, Home Secy W B Govt <wb.secyhome@gmail.com>, MHA JS Human Rights <jshr-mha@nic.in>, Nodal Officer WBP NHRC <igpa@policewb.gov.in>, SDO Mathabhanga <sdomtbdeo@gmail.com>, SP Cooch Behar <spdibcbr@gmail.com>, UN SR Health <srhealth@ohchr.org>, UN SR Housing <srhousing@ohchr.org>, UN SR on Minority Issues <minorityissues@ohchr.org>, UN SR Poverty <srextremepoverty@ohchr.org>, SDO Dinhata <sdodinhata@gmail.com>



Banglar

Manabadhikar Suraksha Mancha (masum)

40A, Barabagan Lane, Serempore,
Hooghly - 712 203 West Bengal, India

Phone : +91-33-2622-0843 /45,
Tele Fax : +91-33-2622-0843
E-mail : masumindia@gmail.com
Web : www.masum.org.in

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

15.01.2020

Respected Sir,

Through this complaint, I seek to draw your kind attention to the plight of the villagers of Madarganj under Dinhata II Block and Sahebganj Police Station of Cooch Behar district. The village has a population of 480, out of which 20 families are Hindu and 60 families belong to Islam. The village is located near the Indo-Bangladesh border and there is no fencing in between 2 number gate to 5 number gate of Kalmati 1 number Border Out Post and a vast area of cultivable land remains there. Out of the village population, 80 families, i.e. 480 people are gravely affected by the restrictions placed by the Border Security Forces (BSF) of Kalmati 1 number Border Out Post.

As Central Public Works Department did not make any fencing in between gate number 2 to 5 of Kalmati 1 number Border Out Post, the Border Security Forces placed illegal restriction upon the life and livelihood of the villagers. Villagers are not allowed to move freely within their own country. The restriction upon the agricultural activities of the villagers by the posted Border Security Force personnel is tremendous at this area. Not only movement but every aspects of daily life and related activities of villagers are being forcibly influenced and being restricted by posted Border Security Force personnel. The villagers are not allowed to carry regular essential commodities and adequate fertilizers. Even no villagers can sell their self-produced crops without the permission of Border Security Force. The villagers are also restricted to bring their crops in their houses. Those villagers are also restricted to invite their neighbours who reside other villages. At first permission should be taken from the Border Security Force personnel and if they do not give permission, those guest have to return. Even school children and their books, bags, shoes, clothes are checked by the Border Security Force personnel. Due to restrictions at the mentioned area, brides and grooms are not getting suitable marriage proposals from other parts in the district. You have to take prior permission from the Company Commander of Border Security Force for arranging a marriage ceremony and if one cannot take prior permission, BSF troop restricts to carry fish, meat, oil, spices and other goods for marriage purpose even they placed restriction upon the movement of guests.

Border Security Force personnel of that area without any cause torture and harass upon the innocent villagers. They use abusive and derogatory language upon them, even they do not show any respect to any women and their family members. On 12.09.2019 a meeting was conducted in the Bamnahat II Gram Panchayat where it was unanimously decided that the Pradhan of the Panchayat (Head of the Local self government) will take action regarding this and contact with higher authority for constructing bordering fence from gate number 2 to 5 of Kalmati 1 number Border Out Post within 150 yard from the international Border Pillar. On 08.11.2019 Pradhan of Bamnahat II Gram Panchayat sent one letter to the Block Development Officer, Dinhata II Block and praying for erecting IBB fencing at Kalmati 1 Border Out Post within 150 yards distance from International Border. The said letter was received by the Office of the Block Development Officer of Dinhata II Block but till date no action has been taken.

On 07.11.2019 the villagers of Madarganj lodged one mass petition to the Head of the Local Bamnahat II Gram Panchayat (Pradhan of the local self government) and the Block Development Officer of Dinhata II Block, Cooch Behar but till date not a single step has been taken.

The arbitrary actions and whimsical restrictions imposed by the Border Security Force personnel of Kalmati 1 number of Border Out Post not only challenging their rights of life and livelihood but also violating the Article 21 and Article 19 of the Constitution of India which reads as “ No person shall be deprived of his life or personal liberty except according to procedure established by law” and “ All citizens shall have the rights to move freely throughout the territory of India” respectively and Article 12 of International Covenant on Civil and Political Rights and Article 28 of United Nations Convention on the Rights of Child which the government of India ratified and the Goal numbers 4,6 and 16 of United Nations Sustainable Development Goals, which Government of India has taken pledge to adhere with.

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

- Immediately IBB fencing should be erected at Kalmati 1 Border Out Post within 150 yards distance from International Border
- The Border Security Force personnel should be posted within 150 yards from the international boundary, not to be posted in the village
- The Border Security Force authority must be directed to protect the interest of the villagers living at the border nearing villages.
- Unrestricted movements for the villagers within the Indian Territory must be ensured.
- Villagers should be allowed to carry and sell their own agricultural crops freely and without any unreasonable restriction.
- Protect the life and livelihood and freedom of movement of the poor villagers of Madarganj village from whimsical and outrageous rules framed by Border Security Force.
- Border Security Force should follow the decisions taken in the meeting with Border Security Force and National Human Rights Commission on 16-17 February, 2012.
- The Commission must initiate an independent investigation over the continuance of illegal restriction upon the innocent villagers by Border Security Force.

Thanking you,

Yours truly

Dipyaman Adhikary

Assistant Secretary

Banglar Manabadhikar Suraksha Mancha (MASUM)

Attached Documents

Letter to respective panchayet by the villagers

Letter to Dinhata -2 Block Development Officer by the villagers

Resolution of respective Gram Panchayet

Letter to Dinhata -2 Block Development Officer by respective Gram Panchayet

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Dinkhata - (ii) Block (Bamonbat Gp).
Cooch Behar.
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**OFFICE OF THE
BAMANHAT-II GRAM PANCHAYAT**
DINHATA - II PANCHAYAT SAMATI
VILL+P.O. - KALMATI, COOCH BEHAR

Ref.No. BHT-0/311/2019

Date: 07/11/2019

To
The B.D.O., Dinhata-II, Dev.Bhng., Sahab Ganj.

Sub: Prayer for erecting 100 fencing at Mother
Ganj(Kalmati)within 150 yards distance.

Sir,

I beg to inform you that as per the petition received from the inhabitants of Mother Ganj (Kalmati village)near Gae no.37, the 100 fencing was erected beyond 150 yards distance from the border-line. For this reason the people of a larger area have to feel great inconvenience at every step of life.

A resolution was taken in our G.P. meeting regarding this matter, the copy of which is sent herewith for your information.

Please make an arrangement to pursue the matter & transmit it to the appropriate authority so, that the people may avail the suitable support in this regard.

Yours faithfully,
BAMANHAT-II G.P.
Bamanhat II G.P.

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