

House trespassed at night of a Muslim woman by BSF, cut tin walls with ill motive; police inaction. IMPUNITY prevails.

Kirity Roy <kirityroy@gmail.com>

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To: "Justice Shri H. L. Dattu" <chairnhrc@nic.in>, NHRC Complaint <cr.nhrc@nic.in>
Cc: DG BSF <edpde@bsf.nic.in>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, SP Cooch Behar <spcbr@policewb.gov.in>, DM Cooch Behar Kaushik Saha <dmcoochbehargmail.com>, SDO Mathabhanga <sdomtbddeo@gmail.com>, UN SR On Torture <Sr-torture@ohchr.org>, UN SR on Minority Issues <minorityissues@ohchr.org>, "UN SR VAW Ms. Rashida Manjoo" <vaw@ohchr.org>

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

12 March 2022

I would like to draw your kind attention over an incident of violence against a Muslim woman at Cooch Behar district, West Bengal by the Border Security Force personnel. On 21st January 2022, the perpetrator BSF personnel forcefully criminally trespassed the house of the victim and tried to outrage the modesty of the victim. Even the victim was verbally abused by the perpetrators. Notably, there were no woman BSF official with the raiding group, which is gross violation of domestic procedure. The victim already lodged complaint before the Superintendent of Police, Cooch Behar against the perpetrator BSF personnel. Unfortunately she did not get any response from the authorities till now.

This act of offence by Border Security Force personnel and subsequent inactive role of police was against the pledge which the Government of India has taken during the Fourth World Conference on Women, known as Beijing Declaration; where the government said that they are determined to prevent and eliminate all forms of violence against women and girls. The perpetrator BSF personnel violated several sections of Criminal Procedure Code of India and Penal Code of India, Articles 2,5 and 8 of the UN Code of Conduct for law Enforcement Officials. They also violated the Article 21 of the Constitution of India and Articles 7 and 17 of ICCPR (International Covenant on Civil and Political rights), also violated Section 47 of Criminal Procedure Code and house breaking at night and justifies our long-standing demands for immediate ratification of the United Nation Convention Against Torture and other cruel, inhuman or degrading treatment and punishment. Our attached fact finding report gives details of the incident.

Therefore we seek urgent intervention of the Commission in the following manners

1. The whole matter must be investigated by a neutral investigation agency recommended by the Commission.
2. The perpetrator BSF personnel should be booked and prosecuted under appropriate penal provisions in open court of law based on the complaint of the victim to the Superintendent of Police, Cooch Behar.
3. Recommend the authorities to take all necessary measures to guarantee the physical and psychological security and integrity of the victim and provide adequate financial compensation for her loss.

Thanking you,
Yours truly

Kirity Roy
Secretary
Banglar Manabadhikar Suraksha Mancha (MASUM)
&
National Convenor,
Program Against Custodial Torture & Impunity (PACTI)

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Particulars of the victim: Mrs. Lipi Khatun wife of Mr. Jahangir Mia, aged about 33 years, resident of Gachhtala village of Golenahat Panchayat under Sitalkuchi block, Coochbehar.

Particulars of secondary victims:

1. Mr. Jahangir Mia husband of Mrs. Lipi Khatun, aged about 45 years, resident of Gachhtala village of Golenahat Panchayat under Sitalkuchi block, Coochbehar.
2. Mr. Rasel Miason of Mr. Jahangir Mia, aged about 19 years, resident of Gachhtala village of Golenahat Panchayat under Sitalkuchi block, Coochbehar.

3. Ms. Marufa Khatun, daughter of Mr. Jahangir Mia, aged about 6 years, resident of Gachhtala village of Golenahat Panchayat under Sitalkuchi block, Coochbehar.

Date and time of the incident: On 21.01.2022 at around 3:30 A.M

Place of the incident: Victim's own house

Particulars of the perpetrators: 1) Mr. Subhas Ghosh, of intelligence branch attached with 47 Bn of Gachhtala BOP and 7 to 8 others BSF personnel attached with 47 Bn of Gachhtala BOP; 2) Officer – in – Charge of Sitalkuchi police station; and 3) Superintendent of Police Cooch Behar

Particulars of witness: Ms. Sultana Parvin, daughter of Mr. Serajul Mia, resident of Gachhtala village of Golenahat Panchayat under Sitalkuchi Block, Coochbehar.

Case details:

Ms. Lipi Bibi is a resident of Gachhtala village, situated near the Indo- Bangladesh border in Cooch Behar district. Her husband Mr. Jahangir Mia and her son Rasel Mia are migrant laborers and works in different states as brick field workers. She stays with her daughter named Marufa Khatun in their village. The victim belongs from minority Muslim community and lives on a meager monthly income of rupees 3500 only.

Our fact finding reveals that on 20-21.01.2022 Ms. Lipi Bibi along with her minor daughter and her niece Sultana Parvin were sleeping at their place. At around 3:30 A.M she noticed that someone was cutting wall through the tin walls of her house and putting lights on them. She was terribly shocked and started screaming. Soon she figured out that 7 to 8 BSF personnel led by Mr. Subhas Ghosh of intelligence department of BSF attached with 47 Bn of Gachhtala Border Out Post were the culprits. The perpetrators raided her house with service rifles, daggers and sticks in their hands. The BSF personnel started using offensive language when she screamed. They threatened her by saying that they would shoot and kill her. They also made a hole in the tin walls of her room and inserted the rifle muzzle through the hole to intimidate her. Notably, at that time no male members were present in their house. The BSF personnel not only verbally abused her but also broke open the boundary walls of her house made of tin with their knives and sticks and illegally trespassed into her house. Meanwhile they pushed her forcefully and pulled the cloth of the victim, in an attempt to outrage the modesty of the victim. She shouted for help. The BSF personnel fled the scene as soon as the villagers reached the spot. In the morning (21.01.2022) she went to Mr. Pabitro Roy, the member of the local Panchayat. He suggested the victim to lodge a complaint but as a member of the local Panchayat he did not take any initiative to give her justice. On 21.01.2022 at 2:00 P.M she went to Sitalkuchi police station to lodge a complaint against the perpetrator BSF personnel. Initially the officer-in- charge refused to take the complaint. Later, he (officer in- charge) took the written complaint of the victim after some arguments but did not provide any receipt copy of the same. When the victim asked for the receipt copy, the officer in-charge told her that they will provide the receipt copy only after their enquiry. On 27.01.2022, witnessing no progression in the investigation of the Sitalkuchi police, she sent a written complaint to the Superintendent of Police, Cooch Behar through registered Post. However, no proper actions were taken from the end of SP, Cooch Behar and Sitalkuchi police station. Meanwhile, the perpetrators are enjoying impunity and victim woman praying for justice.

The testimony of victim woman is provided in the video link below:

<https://youtu.be/ufTEj7DyNo0>

