

**Threat to HRD - posters torn, family was threatened by BSF - acquiescence of police - violation of rights guaranteed by our Constitution**

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To: Chief Secretary Gov of WB <cs-westbengal@nic.in>

Cc: DG BSF <edpdte@bsf.nic.in>, SP Cooch Behar <spcbr@policewb.gov.in>, DM Cooch Behar Kaushik Saha <dmcoochbehar@gmail.com>, Asstt to UN SR HRD <jgaziye@ohchr.org>, hrd-nhrc@nic.in, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>

To

11 March 2022

The Chairman

National Human Rights Commission

Manav Adhikar Bhawan

Block- C, GPO Complex, INA,

New Delhi – 110023

Respected Sir,

I would like to draw your kind attention over an incident of threat and violence against a marginalized Muslim man at Cooch Behar district, West Bengal by the Border Security Force personnel. On 30<sup>th</sup> January, 2022 the BSF company commandant and two 'G' branch personnel attached with 90 Bn of Notkobari B.O.P. threatened the victim, Mr. Monnaf Ali, who is also a human rights defender in the area, for pasting a poster on a public place. The victim already lodged two separate complaints before the Superintendent of Police, Cooch Behar and the Officer-in-charge of Sahebganj police station against the perpetrator BSF personnel, which is against the Supreme Court's direction in Lalita Kumari judgement. Unfortunately, Sahebganj police didn't take any action in this regard.

This incident shows that BSF violated the constitutional rights of the victims, guaranteed in the section 19 of the Constitution of India. The inaction of Sahebganj police station in this matter is in turn supporting the perpetrator BSF personnel, while the victims are not getting justice. This is also an instance of misusing of power by the government officials. The on-duty police officer of the Sahebganj police station didn't provide any receipt against the complaint submitted by the victim, which is another procedural violation by the police.

Hence, I am asking for your intervention upon the said incident. I request you to consider the following demands to get justice.

1. The whole matter must be looked into by the HRD Focal Point of 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. The on-duty police officer at Sahebganj police station who is responsible for practicing wrong unlawful procedures regarding the case must be prosecuted
4. The freedom enshrined in Article 19 (1) (a) of the Indian Constitution should be ensured for all Indian citizen
5. Recommend the authorities to take all necessary measures to guarantee the physical and psychological security and integrity of the victim.

Thanking you,

Yours truly

Kirity Roy

Secretary

Banglar Manabadhikar Suraksha Mancha (MASUM)

**Particulars of the victim:** Mr. Monnaf Ali, son of Late Jaynal Abedin, aged about 62 years, resident of Korala village of Nayarhat Panchayat under Dinhata II block, Coochbehar.

**Particulars of secondary victims:**

1. Mrs. Afruja Bibi wife of Mr. Monnaf Ali, aged about 45 years, resident of Korala village of Nayarhat Panchayat under Dinhata II block, Coochbehar
2. Mr. Fhiroj Ali son of Mr. Monnaf Ali, aged about 28 years, resident Korala village of Nayarhat Panchayat under Dinhata II block, Coochbehar
3. Mr. Fraruk Ali, son of Mr. Monnaf Ali, aged about 28 years, resident Korala village of Nayarhat Panchayat under Dinhata II block, Coochbehar

**Date and time of the incident:** 30.01.2022 at around 11 A.M

**Place of the incident:** Victim's own house

**Particulars of the perpetrators:**

1. The Company Commandant along with two I.N.T BSF personnel attached with 90Bn of Notkobari B.O.P.
2. The on-duty police personnel attached with Sahebganj police station during the incident

**Particulars of witness:**

1. Mr. Chayed Ali, son of Mr. Bohar Sekh, aged about 38 years, resident of Korala village of Nayarhat Panchayat under Dinhata II block, Coochbehar
2. Mr. Sijahar Ali, son of Mr. Jaynal Abedar, aged about 55 years, resident of Korala village of Nayarhat Panchayat under Dinhata II block, Coochbehar
3. Mrs. Rojina Bibi, wife of Aminul, aged about 32 years, resident of Korala village of Nayarhat Panchayat under Dinhata II block, Coochbehar

**Case details:**

Mr. Monnaf Ali is an agricultural labourer by profession and lives on a meager monthly income of rupees 3500 only. He became a Human Rights Defender and took part in different programs against state atrocities on border villagers. On 1<sup>st</sup> December 2021 he pasted a temporary poster beside the road near his house. The Posters conveyed messages against the increased jurisdiction of the BSF in border areas and other issues of the border villagers. When the poster caught the eyes of some BSF personnel, on 30<sup>th</sup> January, 2022 at around 11 A.M the Company commandant along with two I.N.T BSF personnel attached with 90Bn of Notokobari B.O.P illegally trespassed the house of Mr. Ali. At that time he was not present in his home as he went to his agricultural land. The BSF asked the other family members to take down the posters and threatened them with dire consequences, saying, "If the poster is not removed then we will arrest him (Mr. Ali) from anywhere at any time and fabricate a case against him. Moreover, we will not allow him to enter his agricultural land which is located in between the border fence and International Border Pillar". On 30.01.2022 Mr. Ali went to Sahebganj police station to lodge a complaint against the perpetrator BSF personnel, who illegally trespassed his house and threatened his family. The officer-in- charge of Sahebganj police station took the written complaint of the victim but did not provide any receipt copy for the same. When the victim asked for the receipt copy, the officer in-charge told him that they will provide the receipt copy only after their enquiry. However, on the same day at around 6:00 P.M police personnel reached the spot for enquiry. They called Mr. Ali and instructed him to remove and hand over the poster to them, as it was the root of all problems. They assured him to talk with the BSF personnel for not creating further issues in this regard. A resident of Korola village removed the poster and handed over it to the police personnel. The police personnel also threatened the villagers not to paste this kind of poster in future. On 02.02.2022 the victim sent a written complaint to the Superintendent of Police, Cooch Behar through registered Post. However, no proper actions were taken from his end as well.

