

Illegal restriction of BSF - villagers denied of livelihood

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1 April 2022 at 14:17

To: NHRC Complaint <cr.nhrc@nic.in>

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

28.03.2022

Respected Sir,

I am writing this to draw your kind attention towards the illegitimate restrictions upon the life and livelihood of the villagers of Dighaltari village under Sahebganj police station area of Dinhata 2 block in Cooch Behar district by the BSF personnel attached with Dighaltari BSF BOP, 'D' Company, 129 battalion. The border villagers of Dighaltari are all dependent on farming as their single source of income. The villagers belong to the marginalized section of the society and their monthly income is less than 3000. The primary healthcare center of the area is almost 3km away from the village and the block healthcare centre is almost 20 km away. There is only one primary school in the village and for enrolling in a secondary school one has to travel for 4 km. The college is located 24 km away from the main village area. Although there are metal roads and government water facilities available, the village lack governmental irrigation facilities.

There are no barbed-wire fences in this border area. This border is under Dighaltari BSF BOP, 'D' Company, 129 battalion. From pillar number 974-6-S till pillar 974-2-S the total amount of cultivable land is 300 bigha, which belong to the villagers. The farmers are not allowed to cultivate in this plot of land, neither are the cattle able to graze in the field. The BSF have created Out Posts in the middle of these plots to guard that area. whenever a farmer tries to cultivate their own land, they are being thoroughly searched by the respective BSF personnel posted in these outposts. Although this plot of land is specifically for cultivating 'Amon' and 'Boro' crops, the villagers couldn't cultivate these crops suitably due to lack of proper irrigation facilities and the high soaring prices of diesel. Alternatively, when they tried to cultivate jute and corn in their lands, the BSF, for the last 3 years have issued an embargo on that as well. Therefore, many villagers, finding no other means of livelihood, have migrated to other cities and states. Many of the villagers have also resorted to smuggling activities for earning their means of livelihood. Following are the names and details of some of the victim villagers:

Sl. No.	Name of land owner	Mouza	Khatian
1	Tapas Kumar Barman	Dighaltari	287
2	Sachin Barman	Dighaltari	903
3	Abdul Kuddus Sarkar	Dighaltari	928
4	Ansar Ali	Dighaltari	55
5	Atoar Hossain	Dighaltari	64

The company commander of Dighaltari has stated that if high-rise crops, like jute and corn are sown in the field, the smuggling activities cannot be stopped therefore they are not allowing the cultivation of these crops in the fields. There is a hefty amount of income that is associated with the cultivation of corn and jute, and the villagers want compensation if they are not allowed to cultivate those crops in their land.

On 25.02.22, the villagers of Dighaltari have lodged a mass petition regarding the issue to the District Magistrate and urged for immediate resolution. However, no action has been taken on behalf of the Cooch Behar DM yet.

The illegal restrictions issued by the BSF is a gross violation of Article 21 and 19 of the Indian Constitution which reads as "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" respectively and Article 12 of the International Covenant on Civil and Political Rights and the goal number 8 and 16 of the United Nations Sustainable Development Goals, which Government of India has taken pledge to adhere with.

