

## Cattle illegally seized by BSF and left to die

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

25 November 2020 at 18:09

To: NHRC <chairnhrc@nic.in>, hrd-nhrc@nic.in, Nodal Officer WBP NHRC <igpa@policewb.gov.in>

Cc: "District Magistrate, Murshidabad" <dm.murshidabad@gmail.com>, Superintendent of Police Murshidabad <spmurshidabad@gmail.com>, DG BSF <edpde@bsf.nic.in>, DG Eastern Command BSF <hqspldgeast@bsf.nic.in>, IG South Bengal BSF <sbftr@bsf.nic.in>, MHA JS Border Management <jsbm@nic.in>



*Banglar*

**Manabdhikar Suraksha Mancha (masum)**

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The Chairman  
National Human Rights Commission  
Manav Adhikar Bhawan  
Block – C, G.P.O. complex, INA  
New Delhi – 110023

25.11.2020

Respected Sir,

Through this complaint I want to lodge another incident of atrocities of the Border Security Force personnel upon the innocent villagers of the Indo-Bangladesh bordering areas. Mr. Ganapati Mondal, a resident of Char Rajanagar village under Raninagar Police station and who is a herdsman and also have possession of 32 cows. BSF personnel attached with Rajanagar BSF camp, Battalion number 117 by force took away all those cows which were in possession of Mr. Ganapati Mondal and even they did not prepare any seizure list in this respect. It is alleged that perpetrator BSF personnel handed over those cattle to the smugglers in exchange of money. He lodged complaint to the Block Development Officer, Raninagar II Block and the Raninagar police Station but till date no action has been taken in this respect. Even the police officials of Raninagar police Station did not acknowledge the complaint of the victim and after knowing the fact that a cognizable crime was committed upon the victim by the BSF personnel, police did not register the complaint as First Information Report. This is a violation of Section 154 of the Code of Criminal Procedure and the apex court judgment in Lalita Kumari vs. State of U.P. & others [WP (Crl. No. 68 of 2008)]. Cattle rearing is the only source of income of the victim and as the BSF illegally took away all cows in their possession, it strikes great financial loss upon the family of the victim.

The BSF in these border areas of West Bengal often inflicts such types of atrocities on the civilians under the strength of their uniform and gun power. The BSF camps in these areas are situated about 5 to 10 kilometres from the actual Indo-Bangladesh border inside Indian Territory, which makes the lives of these villagers insufferable.

The incident violates the rights guaranteed in Article 21 and 19 (1) (g) of the Constitution of India which provides the 'right to life' and 'freedom to practice any profession, occupation, trade or business in any part of the territory of the India' accordingly. Without issuing any seizure the Border Security Force personnel took away 32 cows which were in possession of the victim and this violates section 102 of the Code of Criminal Procedure. More so, the above stated incident also violates Article 2(3) and Article 6 of the International Covenant on Civil and Political Rights and also Article 6 of the International Covenant of the Economic Social and Cultural Rights and in both these international instruments; the Government of India is a party and have agreement. It is to be remembered that Article 51 (c) of the Indian Constitution clearly mentioned that the Indian State shall endeavor to foster respect for International Law and Treaty Obligations in the dealings of organized peoples with one another. The act of the Border Security Force personnel also violates section 5 of the Prevention of Cruelty to Animals Act, 1979

Under this circumstance we demand –

- Border Security Force should be posted in the actual border and not inside the village.
- The whole incident must be investigated by one neutral agency appointed by the Commission
- The guilty Border Security Force personnel involved in this crime must be booked and prosecuted.
- Perpetrator Border Security Force personnel should be punished under the provision of the Prevention of Cruelty to Animals Act, 1979.
- Dig out the truth of cross border smuggling activities with the nexus of the perpetrator Border Security Force personnel and local administrations and political leaders.

- Departmental action should be taken against those BSF personnel who arbitrarily took away all cattle of the victim without issuing any seizure memo.
- Enquiry should be started for viewing the present position of those 32 cows which was taken by the BSF from the victim by force.
- Proper compensation must be provided to the victim as the arbitrary action of the BSF strikes a great financial loss of the victim and his family.
- Security and safety of the victim and his family members must be provided.

Thanking you,  
Yours sincerely

Dipyaman Adhikary  
Assistant Secretary  
Banglar Manabdhikar Suraksha Mancha (MASUM)

**Name of the victims:** (1) Mr. Ganapati Mondal; son of Late Ajit Kumar Mondal, residing at village Char Rajanagar; P.O. Char Munshipara; Police Station – Raninagar, District – Murshidabad; (2) Mrs. Barnali Mondal, wife of Mr. Ganesh Mondal, residing at village & Post Office Char Munshipara, Police Station – Raninagar, District - Murshidabad

**Place of the incident:** Mouza – Rajanagar, Plot number – 674, under Raninagar Police Station; P.O. Munshipara, district – Murshidabad.

**Date & Time of the incident:** (1) First incednt - On 11.10.2020 at 3.30 pm and onwards; (2) Second incident – On 11.10.2020 at about 6 pm and onwards

**Name of the perpetrators:** (1) Company Commander and other BSF personnel attached with ‘G’ company and 117 Battalion of Rajanagar BSF Camp.

**Name of the witnesses:** (1) Mr. Arjun Mondal son of Mr. Kanai Mondal; (2) Mr. Sridam Mondal son of Mr. Jiten Mondal; (3) Mr. Subrata Sarkar son of Mr. Gour Chandra Sarkar all are residing at village Char Rajanagar; P.O. Char Munshipara; Police Station – Raninagar, District – Murshidabad.

**Details of the incident:** Mr. Ganapati Mondal and his family is a victim of river erosion of the Padma. Now he earns his living by rearing cattle. In the ‘char’ land he has some area of agricultural land. In that land he had made one ‘bathan’ to keep all cattle. Mr. Ajit Kumar Mondal who is the father of the victim Mr. Ganapati Mondal purchased this area of land from Mr. Purna Chandra Mondal and Mrs. Nokoswari Mondal under registered sell deed on 01.02.1984, Panchayat Prodhan (head of the local government) of Rajapur Gram Panchayat permitted Mr. Ganapati Mondal to carry on cattle rearing on the said plot of land. It is to be mentioned here that though the local government gave permission to carry on his cattle rearing trade, but in every month he has to take permission from the Company Commander of the Rajanagar BSF Camp. The Company Commander of ‘G’ Company 117 BN BSF of Rajanagar BSF Camp also permitted Mr. Ganapati Mondal to make ‘Bathan’ on his agricultural land for cattle rearing purposes. The last copy of the permission issued by the Company Commander, ‘G’ Company 117 Battalion which I annexed herewith clearly provides that the permission is valid from 28.09.2020 upto 28.10.2020.

On 11.10.2020 at about 3.30 pm Company Commander of Rajanagar BSF camp along with 17 other BSF personnel unexpectedly came in front of the ‘bathan’ of Mr. Ganapati Mondal and without any questioning by force took away all cows which were in possession of Mr. Ganapati Mondal. The victim told to our District Human Rights Monitor that BSF personnel chased away 32 cows through the river and open field. He also told that during the time of chasing in the river, some cows were floated in the river and therefore died. That time BSF personnel did not make any seizure list for these cows and even they did not deposit them to the local police station.

On the other hand on the same day at about 6 pm these BSF personnel illegally captured total 52 cows which was in possession of Mr Ganesh Mondal and Mr. Nabakumar Mondal and took away those cows without any reason and without making any seizure list. Family members of the victim lodged one written complaint to the officer in Charge of the Raninagar Police Station but till date no action has been taken in respect of these both two cases.

The families of the victims are under critical financial condition and this incident also strikes a huge financial loss of them.

Name of the victims	Father’s name	Total cattle number	Financial loss (INR)
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		taken by BSF	
Ganapati Mondal	Late Ajit Kumar Mondal	32	About 10 Lakh
Ganesh Mondal and Nabakumar Mondal	Late Shrikanta Mondal	52	About 22 Lakh

The legislation confers the power to the police and the other law enforcement agencies to seize any property under the rule laid down in section 102 of the Code of Criminal Procedure which provides that any police officer or other law enforcement agencies can seize any property that may be known or suspected to have been stolen or found in circumstances that raise suspicion of any crime being committed. That official has to report the seizure to the police officials of the local police station and the police officials shall immediately report the seizure to the Magistrate with jurisdiction. Where the confiscated property is such that it cannot be conveniently transported to the Court, he may give custody to any person on his execution of a bond undertaking to deliver the property before the Court as and when appropriate and to give effect to the Court's further orders as to the disposition of the property. But here this rule is violated by the Border Security force personnel.

It is also to be alleged that the perpetrator BSF personnel handed over those cows to the cattle smugglers. Few days ago we all were witnessing that Mr. Satish Kumar, one ex-BSF Commandant of 36 Battalion in Malda District of West Bengal, was arrested by the Central Bureau of Investigation for being involved in illegal trade and smuggling of cattle. According to the CBI enquiry, Kumar would sell the seized cattle at auctions to the smugglers in exchange of 2000 INR per cattle. He was also partner of an international cross border trafficking business with kingpin. For the past 20 years, MASUM has been claiming that the illegal cattle trade at the Indo-Bangladesh border is not possible without the aid of corrupt BSF personnel, Customs officials, a section of politicians and the police. This incident of Satish Kumar is revealing the truthness of our claim and this above stated incident of taking away by force all cows of the victim by the BSF is open the real picture to us that how the Force work in our country.

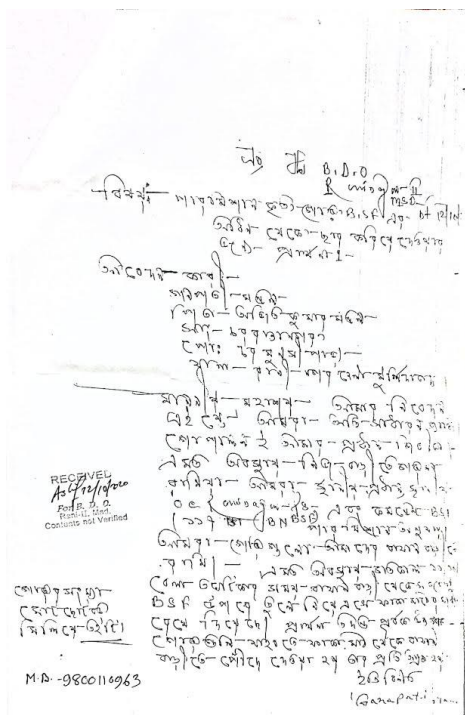
On 13.10.2020 Mr. Ganapati Mondal lodged complaint of this incident to the Block Development Officer of the Raninagar II Block and the Officer in Charge of the Raninagar Police Station but police of Raninagar Police Station did not treat the complaint as First Information Report after knowing the incident that a cognizable crime was happened by the BSF upon the innocent victim. This violates section 154 of the Code of Criminal Procedure. The victim again went to police station to know about any progress of finding his cattle, but till date no positive reply has been received by him.

Therefore, I request for independent and impartial investigation in this respect and dig out the truth behind this foul incident.

**Attached Documents**



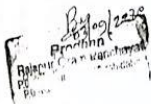
Picture of victim



Application letter to Block Development Officer of Raninagar- II



NAME: GANAPATI MANDAL  
 S/O : AJIT KUMAR MANDAL  
 VIII : CHAR RAJA NAGAR  
 P.O: CHAR MUNSHI PARA  
 P.S: RANI NAGAR  
 DIST: MURSHIBABAD  
 PIN: 742306. W.B



NAME: GANAPATI MANDAL  
 S/O : AJIT KUMAR MANDAL  
 VIII : CHAR RAJA NAGAR  
 P.O: CHAR MUNSHI PARA  
 P.S: RANI NAGAR  
 DIST: MURSHIBABAD  
 PIN: 742306

\* DETAILS OF CATTLE :-

COW :	Big	med	SMGU	TOTAL
	02	01	NIL	03

Pradhan  
 Rajapur Gram Panchayat  
 P.O. Rajapur, Dist. Murshibabad

Card issued by panchayat

28/09/2020

Permitted of Ganapati Mandal.  
 S/O Ajit Mandal for agriculture purpose  
 at bathan bari after proper checking.  
 valid upto - 28/09/2020  
 to  
 28/10/2020.

JOY COMMANDER  
 5<sup>th</sup> COY 117 BN.B.S.F.

Permission letter given by company commandant of 117 BN BSF of Rajanagar BSF camp