

BSF personnel illegally detained and tied up in chain one Muslim veterinarian assistant for no reason - Police is irresponsible

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To: Secretary General <sgnhrc@nic.in>, NHRC <chairnhrc@nic.in>, NHRC1 <cr.nhrc@nic.in>
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Banglar

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

Respected Sir,

This is to inform you another incident of inhuman torture perpetrated by the Border Security force personnel attached with Bithari Border Out Post, 112 Battalion upon Mr. Rustam Ali Dafadar, a resident of Bitari village under Swarupnagar Police station and his two associates namely Mr. Ibahin Molla and Mr. Amir Mondal, residents of Dattapara village under Swarupnagar Police station. Without any cause BSF personnel restricted their movement, illegally detained them with iron chain for more than 30 minutes and also threatened them. The victim lodged written complaint to the Superintendent of Police, Basirhat Police District but till date no positive action has been taken by the concerned district police administration.

The above stated act of the perpetrator BSF personnel violated Article 19 (1) (d) and 21 of the Indian Constitution which reads as "All citizens shall have rights to move freely throughout the territory of India" and "No person shall be deprived of his life and liberty except according to procedure established by law" respectively. This also violates Article 6, 7, 9 and Article 12 (1) of the International Covenant on the Civil and Political Rights. In the words of the Supreme Court of India, what is guaranteed by the fundamental right is not mere animal existence nor vegetable survival but rightful opportunity to unfold the human potential and share in the joy of creative living. Public law liability of the State with respect to forces in uniform finds its sources in the Constitution of India and administrative law. For violation of Fundamental Rights stated in Part III of the Indian Constitution, such as Right to life and liberty, protection against arbitrary arrest and illegal roping etc, The Courts have repeatedly held the executive liable under public law in its various judgment like Sunil Batra and Prem Shankar Shukla Case. The Apex court further observed that violations of directives on illegal roping by the forces in uniform are punishable under the Contempt of Court Act, 1971 in addition to other provisions of law.

In this regard we demand –

- An impartial and independent inquiry must be started by the own investigating wing of the Commission in connection with this case.
- The BSF personnel who illegally detained the victim with iron chain for more than 30 minutes should be punished.

- Stern departmental action must be taken against the Company Commander of the Bithari Border Out Post for threatened the victim.
- Security and safety of the victim and his family members must be secured.
- Compensation must be awarded to the victim for unnecessary harassment and violation for his right to liberty and security by the perpetrator BSF personnel.
- Border Security Force should be posted at the zero point and not inside the village.

Thanking you,
Yours truly

Dipayaman Adhikary
Assistant Secretary
Banglar Manabdhikar Suraksha Mancha (MASUM)

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Name of the victim: (1) Mr. Rustam Ali Dafadar, son of Mr. Kasem ali Dafadar, aged about 36 years, residing at village – Bithari under Bithari-Hakimpur Gram Panchayat and under jurisdiction of Swarupnagar Police Station in the district of North 24 Pargana. (2) Mr. Ibahim Molla, son of Jahangir Molla and (3) Mr. Amir Mondal, son of Mr. Lutfar Rahman Mondal, residing at village – Datta Para under Swarupnagar Police Station in the district of North 24 Pargana.

Date and Time of the incident: On 27.01.2022 at about 1.20 p.m. and on 01.02.2022 at about 10 a.m.

Place of the incident: In the field of Hakimpur Kadamtala beside Gandhi road and in front of 14 number Out Post under Bithari Border Out Post.

Details of the perpetrators: (1) BSF constable Mr. Liyakat and other one BSF person attached with Bithari Border Out Post, 112 Battalion and (2) Mr. Santosh Yadav, Company Commander attached with Bithari Border Out Post, 112 Battalion.

Details of the incident: Mr. Rustam Ali Dafadar is a ‘Prani Sebee’ in the Bithari – Hakimpur Gram Panchayat. He has his own identity card as ‘Prani Sebee’ issued by the Block Livestock Development Officer, Swarupnagar Block. His identity card number R.G No. – 1100938021 of 2016-2017.

Actually, ‘Prani Sebee’ is a convergence scheme by the Government of West Bengal aimed at capitalizing the full potential of farming livestock. In every gram panchayat in rural area Block Livestock Development Officer in concerned block appointed special trained people as ‘Prani Sebee’ who mainly work for primary veterinary works and capitalizing the full potential of farming livestock.

Bithari – Hakimpur is a bordering Gram Panchayat area. About 35 thousand people live in this gram panchayat area. Most of the people in this area belong to the Muslim and Scheduled Caste community. They are also from the socially and economically backward classes. Under this gram panchayat there are many villages namely Arshikari, Padmabilla, Daharkanda, Hakimpur and Tarali situated at the bank of Sonai river. Animal husbandry is one of the main livelihoods of the people here. The Government of West Bengal has given more importance to animal husbandry in improving the quality of life of the people in the border areas. Therefore, in every gram panchayat special trained called ‘Prani Sebee’ has been appointed by the Block Livestock Development Officer to treat the animals.

On 27.01.2022 at about 1.20 pm Mr. Rustam Ali Dafadr and his two associates namely Mr. Ibahim Molla and Mr. Amir Mondal came from Hakimpur after treated some cattle in that area. They were on their way to home by riding two bikes. At that time two on duty BSF jawans posted at 14 number Out Post under Bithari Border Out Post restricted them on the Gandhi road which is situated beside the Kadamtala field. Mr. Rustam told them that they were government workers and showed their identity card issued by the Block Livestock Development Officer, Swarupnagar Block. But the on duty BSF personnel did not want to hear anything. Without any reason they started abusing Mr. Rustam and his two associates. Those BSF personnel went to beat them with sticks and at last apprehended them illegally. They were tied with iron chains for more than about 30 minutes. Mr. Rustam and his associates showed their valid identity cards and veterinary documents and

various equipments but BSF personnel did not let them go. After more than 30 minutes they were freed from the Out Post.

On the next day Mr. Rustam Ali Dafadar lodged one written complaint to the Superintendent of Police, Basirhat Police District in connection with the above referred incident but till date no positive action has been taken by the concerned district police administration.

After this inhuman incident took place, Company Commandant of Bithari Border Out post called Mr. Rustam Ali Dafadar in the BSF camp. On 01.02.2022 Mr. Rustam Ali Dafadar went to the Bithari Border Out Post and met with Mr. Santosh Yadav, Company Commandant. He threatened to Mr. Rustam not to lodge any complaint against the BSF personnel and if he complains against the BSF, he will see him later. Company Commandant also told him in contemptuous tone, "What kind of doctor are you? Do you work for Central Government? How much money do you get paid?"

Mr. Rustam did not speak a word in front of the Company Commandant and then he returned back to his home but till date he is terrified with the activities of the Border Security Force personnel.

Attached Documents

1. Photo of Mr. Rustam Ali Dafadar
2. Identity card of Mr. Rustam Ali Dafadar
3. Copy of Complaint lodged to Superintendent of Police, Basirhat Police District

(1)



(2)



