

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

18 February, 2022

Respected Sir,

I am writing to you to draw your attention towards a case of vandalism and destruction of property of a Muslim marginalized family by the perpetrators of the Border Security Force. With the intention of causing harm and endanger life of the victim and her family members, the perpetrator also threatened by touching a rifle barrel to the victim's daughter's body. This case highlights the extent of power that the BSF exercise upon poor, marginalized populations and how the lack of checks and balances in our criminal justice system fails in getting proper justice for the victims, time and again.

The family is a resident of village- Gachtala, situated at Sitalkuchi Block and Police Station in Cooch Behar District. Without any reason the accused BSF personnel from Gachtala Border Out Post, Battalion Number – 47 damaged the outside tin wall of the victim's house by hitting with sticks. When the daughter of the victim asked the reason, BSF personnel abused her and threatened her with a rifle barrel. The victim was continuously threatened by the BSF personnel for implicating him in false cases. When BSF tried to apprehend him and falsely made an accusation that the victim possesses a Bangladeshi SIM card, the plan was not executed by the BSF for the presence of the local people. The wife of the victim lodged written complaint to the Sitalkuchi Police Station but till time no positive action has been taken by the police personnel and the perpetrators is threatening continuously to the victim. At the Indo-Bangladesh border, the BSF assumes the power to physically assault, torture and even kill anyone remotely suspected to be a smuggler but in reality, these human rights violations serve only to isolate the already marginalized and extremely poor communities.

The incident is a violation of Article 21 of the Constitution of India and Article 2(1), 5, 6 and 7 of the International Covenant on Civil and Political Rights. The perpetrator BSF personnel also violated Article 6 and 16 of the United Nations Convention of the Rights of Child, 1989 to which India is a signatory. Police personnel of Sitalkuchi Police Station also violated the provision of section 154 of the Code of Criminal Procedure and the guidelines issued by the Supreme Court of India in the case of Lalita Kumari vs. State of U.P & others reported in AIR 2014 SC 187. The details of the incident are attached below.

I request your urgent intervention in this case to bring justice to the victim and her family by taking these necessary steps:

- There should be an independent inquiry into the case by the Commission.
- The BSF should be stationed at the zero point of the border and not inside villages.
- The perpetrators of the BSF should be tried and prosecuted for the illegal incidents committed by them in open court of law.
- The perpetrators must be booked under criminal trespass and destruction of the private property of the victim.
- Stern Departmental action must be taken against those perpetrator BSF personnel.
- The victim should be adequately compensated for destruction of his property.
- FIR should be lodged against the perpetrators immediately on the basis of complaint lodged before the Officer in Charge, Sitalkuchi Police Station and a copy of FIR should be made available to the victim.
- The victim and her family should be provided protection against the continuous threat and harassment of the BSF.

Thanking you,  
Yours truly

Kirity Roy  
Secretary, MASUM  
&  
National Convener, PACTI

**Details of the victim** – Mr. Serajul Mian son of Late Chakmal Mian aged about 40 years. He lives with his family at Gachtala village situated under Sitalkuchi Block and Police Station under Cooch Behar district, Pin- 736158.

**Details of the secondary victims** –

- 1) Mrs. Rekha Parvin, Age- 30 years, Relation with the victim – wife
- 2) Ms. Sultana Parvin, Age- 17 years, Relation with the victim – Daughter
- 3) Ms. Maroof Hussain, Age- 15 years, Relation with the victim – Son
- 4) Mr. Rohit, Age- 2 years, Relation with the victim – Son

**Details of eye witnesses-**

- 1) Ms. Arbina Bibi, wife of Mr. Rabbani Ahmed Age- 30 years
- 2) Ms. Rajina Bibi, wife of Mr. AbjalMian Age- 45 years,
- 3) Ms. Sahanara Bibi, wife of Mr. ChakmalMian Age- 50 years,

**Details of perpetrators** – Mr. Subhash Ghosh from intelligence branch along with 5-6 BSF personnel attached with Gachtala Border OutPost, Battalion Number- 47 and Officer – Charge of Sitalkuchi PS

**Date and time of the incident**–On 15.01.2022 at around 4 am.

**Place of the incident** - Victim's residence

**Details of the incident** – Mr. Serajul Mian is the resident of Gachtala village situated under Sitalkuchi Block and Police Station under Cooch Behar district, Pin- 736158. He lives there with his wife and 3 children. Mr. Serajul is working as a supervisor in a brick field placed in Nepal. Most of the times he stays in Nepal for work purpose. Only 2-3 times in a year he gets the chance to stay with his family members. From the local source our fact finding team came to know that Mr. Serajul Mian was involved with cross border smuggling at about 15-16 years ago. After that he quits this connection and starts a new beginning as migrant labour. After lot of hard work now he promotes as supervisor in the mentioned brick field.

On 15th January 2022 at about 4 am suddenly 5-6 Border Security Force personnel attached with Gachtala Border Out Post, Battalion Number- 47 came to his place. Mr. Subhash Ghosh from intelligence department leads them. At first they shouted in filthy language from the outside of Serajul's residence. Serajul got scared and stayed at his room. Then the BSF personnel vandalized Serajul's residence from outside. They hit with their sticks at the walls of Serajul's residence. At that time Serajul's only minor daughter Sultana Parvin came out from the residence and asked them the reason behind this vandalism. The perpetrator BSF personnel became more furious and one of them pointed his rifle at the minor girl's chest and threatened her to kill. At that time the other villagers came out from their residence hearing the noise. After seeing this situation the villagers came forward to rescue the minor girl. Ms. Arbina Bibi wife of Mr. Rabbani, Ms. Rajina Bibi wife of Mr. Ajal Mian, Ms. Sahanara Bibi wife of Mr. Chakmal Mian were present to rescue the girl. After seeing the villager's involvement the perpetrator BSF personnel left the place. The next day on 16th January Mr. Serajul Mian talked with Ms. Shashirani Barman, the member of Panchayet and he assured that he will talk to Company Commandant of Gachtala BOP of BSF about this matter. On that day Mr. Serajul also public the news with the help of a correspondent of local news media channel. After that every now and then the said BSF personnel threatening Mr. Serajul to charge in false Narcotics Drugs Psychotropic Substances (NDPS) cases. On 28.01.2022 at around 6 PM Mr. Serajul was returning back to his residence. At that time suddenly 5-7 BSF personnel including Mr. Subhash Ghosh blocked his way and snatched his mobile phone. After that they tried to insert one Bangladeshi SIM card to his mobile phone. Seeing this, Mr. Serajul shouted on them. Also some passerby villagers joins him and asked those BSF personnel about their mysterious activity. Seeing the crowd the BSF personnel left the place and threatened him again to implicate him in false charges.

Just after few days some villagers of Gachtala village came to Mr. Serajul's place and told him that the mentioned BSF personnel put restriction to go their own field for agriculture purpose. They also said those perpetrators put enormous pressure to them to sign at a petition where it was mentioned that Mr. Serajul is a smuggler and currently he has a good connection in cross border smuggling business. Hearing this Mr. Serajul became frightened and hopeless. On 01.02.2022 Mr. Serajul and his wife went to Sitalkuchi police station and lodged one written complaint. Till date no FIR has been booked against this complaint nor any action was taken by local police.

