

17 March 2022

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

Respected Sir,

I am writing this to inform you about a case of harassment and damage of property of a marginalized Muslim agricultural labourer from Korola village under Dinhat-II block of Cooch Behar district. Mr. Abdul Azit, the victim along with his wife and other family members, relies on agriculture as their main source of occupation. The family members of the victim consist of his wife and his 3 minor daughters.

Their house is located outside the barbed-wire fences of the Indo-Bangladesh borders, which is under the jurisdiction of the Narayanganj BSF Border Outpost, 'A' Company, Battalion no. 90. On the wee hours of 1.02.2022, under the leadership of Mr. N.R. Prajopal, the Company Commander of Narayanganj BSF BOP, the BSF dug a wide hole of 15 feet using JCB car, beside the barbed-wire fences, on the roads built by the C.P.W.D., near fencing gate no. 929, at around 4 am. The company commander was himself present and under his direction operation was conducted; the hole was being dug beside the main pillar of the CPWD road.

This has led to the breakage of a part of the yard in the victim's household, as the hole was dug adjacent to his house. When the victim approached the company commander, he did not listen to the victim's pleas and continued their work. After digging the hole, they went away. Mr. Abdul Azit has three minor daughters who are at a risk of falling into this hole any time. Therefore, a huge risk is looming over their heads.

Mr. Azit's house is located at a place (Plot no. 589, khatyan No. 3888, Korola Mouza) where there is border fencing almost all around his house. Since the BSF have dug 15 feet hole within all the directions of the barbed wire fences, the property of the victim has suffered immense loss. Like this, holes have been dug along the 3km road beside the fence. The farmers of the village are not able to pass through the fencing gates into their land for cultivation and agricultural purposes as the way that leads to the barbed-wire fence from the village has been broken by the BSF with their JCB car. Thereafter the residents of the village on 1.02.22 lodged a mass petition to the B.L.R.O. of Dinhat-II block. As a consequence of this, on 3.02.2022 the B.L.R.O. conducted an investigation and said that the BSF should have constructed 3 feet hole but instead they have constructed a 15 feet hole. The BLRO also mentioned how the BSF should have dug the hole 10 feet away from the cultivation land of the farmers. The BLRO advised the farmers to take recourse to legal measures. However, he didn't take any measures against the BSF's actions.

The whole incident perpetrated by the BSF is a violation of Article 19 and Article 21 of the Indian Constitution. The incident also violates the Govt. of India's obligation to adhere with Goal numbers 8 and 16 of the United Nations Sustainable Development Goal and also the Article 9 and 12 of the ICESCR.

Therefore, we seek your urgent intervention in the following matters:

The BSF should be posted at the zero point outside the village area.

The whole incident must be investigated by a neutral agency

The BSF should provide monetary compensation for the loss that the victim has incurred

The illegal actions of the BSF should be investigated and tried in open court of law

The BSF should immediately repair or make such provisions so that the villagers are able to pass through the fencing gates for the purpose of practicing agriculture

Safety and security of the victims should be ensured

Video link: <https://youtu.be/DhnAwLpW3BQ>

Yours faithfully

(KIRITY ROY)

Secretary, MASUM

&

National Convener, PACTI

