

Arbitrary pellet firing on Muslims by BSF personnel- Police inaction

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16 March 2020 at 18:16

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Banglar

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

16.03.2020

Respected Sir,

I am writing this complaint regarding a case of arbitrary pellet firing by the personnel of the Border Security Force at three people from the Muslim, OBC community. The incident happened in Krishnapur village under Tufanganj Block and Police Station in Cooch Behar District. Krishnapur is very close to the Indo-Bangladesh border and many acres of cultivable land lie on the other side of the border fence. While the victims were working on these lands, a personnel from the BSF opened fire from a pellet gun, targeting the victims and gravely injuring them. The Tufanganj Police investigated the incident on the same day but refused to file a FIR alleging that the incident is BSF's internal matter.

The incident reflects gross violation of justice and entrenched impunity in the criminal justice system. The incident violated Article 19 and Article 21 of the Constitution of India. It also violates the International Covenant on Civil and Political Rights and the UN Basic principles on the Use of Force and Firearms by Law Enforcement Officials.

Therefore, I seek your urgent intervention in the case by fulfilling the following demands:

- The BSF should be stationed at the zero point and not inside villages.
- An independent investigation should be initiated in the case.
- The perpetrators of the incident should be prosecuted for the arbitrary violence targeted at a minority community.
- Adequate compensation should be granted to each victim for the injuries suffered by them.

Thank you.

Yours Sincerely

Dipyaman Adhikary
Assistant Secretary

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Details of the victims: 1. Johar Ali Sheikh, son of Late Mohu Sheikh; 40 years; Occupation: Daily wage laborer; Monthly income: 2000-3000 rupees; Address: Krishnapur village, Tufanganj Block, Krishnapur Post Office, Cooch Behar

2. Aliman Bibi; wife of Johar Ali Sheikh; 36 years; Occupation: Housewife

3. Jalil Mian; son of Abdul Sheikh

Details of secondary victims: 1. Aminur Sheikh, son of Johar Ali Sheikh; 22 years

2. Arjal Sheikh, son of Johar Ali Sheikh; 20 years

Details of perpetrators: 1. BSF personnel from Krishnapur BOP, Battalion 62

2. Officer-in-Charge of Tufanganj Police Station

Details of eye-witnesses: 1. Sufu Sheikh

2. Aminur Sheikh

Date and Time of Incident: 20.02.2020 between 12:10-12:20 pm

Place of Incident: Land close to Pillar no. 990, Gate no. 4 on the other side of border fence in Krishnapur village.

Details of the incident: Johar Ali Sheikh is a daily wage laborer in Krishnapur village and works on lands that are located on the other side of the border fence. The gates open thrice a day for villagers to go to the other side of the fence—from 8 am – 9 am, 12 am- 1 pm and 4 pm- 5pm. On 20.02.2020, he went to work on a piece of land near Pillar no. 990, gate no. 4, around 8 am. At 12 pm, when the gates open next, Aliman Bibi went to give lunch to her husband. They were eating the food when another laborer called Jalil Mian came next to them and they started talking. At 12:10 pm, a personnel from the BSF Battalion 62, fired pellets targeting the three people. All of them were gravely injured and fell unconscious on the ground. They were taken to the Tufanganj Subdivision Hospital by the villagers where Jalil Mian was treated. Johar Ali Sheikh and Aliman Bibi were referred by the doctors to the Cooch Behar MJN Hospital.

The police personnel from Tufanganj Police Station reached the place of incident an hour later and took testimonies of witnesses. However, instead of filing a FIR against the BSF personnel, they dropped the investigation on the grounds that the incident is an internal matter of the BSF. On 21.02.2020, the family members of Johar Ali Sheikh sent a written complaint to the Superintendent of Police of Cooch Behar through post.

On 22.02.2020, Johar Ali Sheikh was discharged from the hospital while Aliman Bibi was discharged three days later, on 25.02.2020. Their health conditions are still not good enough to work on the fields and therefore, they are suffering immense financial difficulties.

Attached Documents:



Complaint to Superintendent of Police of Cooch Beha

