



Banglar

Manabhadhikar Suraksha Mancha (masum)

40A, Barabagan Lane, Serempore,
Hooghly - 712 203 West Bengal, India

Phone : +91-33-2622-0843/45
Tele Fax : +91-33-2622-0843
E-mail : masumindia@gmail.com
Web : www.masum.org.in

17.010.2020

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

Respected Sir,

Here I want to draw your attention towards another incident of extra-judicial execution of a poor Muslim youth belonging from Other Backward Caste of Madhya Balabhut village under Tufanganj police station area of Coochbehar district in West Bengal. The victim, Sahinur Haque, aged about 23 years was shot on his chest from point blank range by Mr. Ballam Ram, Company Commander of Uttar Balabhut Border Out Post, 'F' Company, 62 Battalion, Border Security Force.

Sahinur Haque is younger son of Mr. Echa Haque and Mohona Bibi. On 09.08.2020 at about 7 pm some BSF personnel attached with Uttar Balabhut Border Out Post, 'F' Company, 62 Battalion fired pellet without any reason which caused injury to Sahinur and after that they came in front of him and Mr. Ballam Ram, Company Commander of Uttar Balabhut Border Out Post fired two round bullets from the point blank range on the chest of Sahinur and this lead to his death.

Fact finding of MASUM reveals some valuable points on this killing. Those are:-

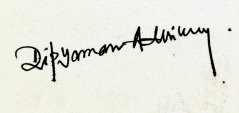
- Despite lodging specific written complaint by the victim's family, why did the Tufanganj police treat the complaint as a General Diary (Tufanganj Police station GDE no. – 041 dated 10.08.20) instead of FIR?
- Who declared Sahinur dead and when?
- Who did the inquest on Sahinur's body? Was sections 174, 176 and 176(1)A of CrPC followed during the inquest?
- Why did the on duty BSF personnel with the help of local police wash away the blood stain from the place of occurrence?
- Since the incident is a case of custodial death, why were National Human Rights Commission's guidelines on custodial death not followed?
- If Sahinur was attached with smuggling activities, the on duty BSF easily can apprehend him and brought before court of law. Which they didn't.
- BSF fired Sahinur in front of his house, which is 3-4 kilometers inside from the zero point.

The incident violates the rights guaranteed in Article 21 of Indian Constitution and also the premise of Article 6 and 7 of International Covenant on Civil and Political Rights as well as the Goal No. 8, 9 and 16 of Sustainable Development Goal earmarked by United Nations and in both these international instruments; the government of India is a party and have agreement. The perpetrators also violated the article 2,3,5,6 and 8 of Code of Conduct for Law Enforcement Officials; Adopted by General Assembly resolution 34/169 of 17 December 1979 and basic tenets of Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It is also to be noted that Tufanganj Police did not register the written complaint of the victim's family as First Information Report and this violates the provision of Section 154 of the Code of Criminal Procedure and the Apex Court judgement in the case of Lalita Kumari vs. State of U.P. [WP(Criminal) number 68/2008]

Under the circumstances we demand:

- Sahinur was shot pellets first after which, the BSF Company Commander, Mr. Ram apprehended him, which indicates that Sahinur was in the custody of BSF when he was shot in the chest from Mr. Ram's servicer revolver. Therefore we demand to treat the incident as a case of custodial death.
- Murder case under section 302 IPC should be initiated against the perpetrator BSF officer, Mr. Ballam Ram and his associates.
- Prosecution of the involved police officials of Tufanganj police station, who violated Section 154 of the CrPC and Supreme Court's guidelines laid down in Lalita Kumari vs. State of U.P. [W.P.(Crl) No; 68/2008] case by registering the case as a general diary and not as FIR.
- The whole incident must be investigated by a neutral agency appointed by the National Human Rights Commission instead of Tufanganj police.
- The BSF must be posted in actual border area and not inside villages.
- The written complaint submitted to the Officer in Charge of Tufanganj Police Station regarding the killing of Sahinur by the BSF should be immediately registered as First Information Report.
- The family of the victim must be compensated
- Security and safety of the witnesses and the family of victim must be protected.

Thanking You,
Yours sincerely



Dipyaman Adhikary
Assistant Secretary
Banglar Manabadhikar Suraksha Mancha (MASUM)



Details of the victims – Mr. Sahinur Haque, son of Mr. Echa Haque, age – 23 years, Village – Madhya Balabhut, Block – Tufanganj I, Police Station – Tufanganj, District- Cooch Behar, West Bengal.

Details of the Secondary victims – .(1) Mr. Echa Haque, aged about 47 years, father of the victim; (2) Mrs. Mohona Bibi, aged about 43 years, mother of the victim; (3) Mr. Mijanur Haque, aged about 26 years, brother of the victim.

Details of the perpetrators – BSF personnel attached with Uttar Balabhut Border Out Post, 62 Battalion, 'F' Company and Mr. Ballam Ram, Company Commander of Uttar Balabhut Border Out Post.

Date and time of the incident – 09.08.2020 at around 7 pm and subsequent thereafter.

Place of incident – In front of the victim's house.

Details of the incident – On 09.08.2020 at about 7 pm Mr. Sahinur Haque and his two brothers Mr. Khaibar Ali and Mr. Mijanur Haque were playing mobile games by affixing headphone on their ears. Mr. Khaibar Ali is the cousin of Sahinur and Mijanur. They were sitting in front of their house. At that time BSF personnel attached with Uttar Balabhut Border Out Post, 62 Battalion, 'F' Company fired one round pellet which wounded the upper portion of Sahinur's right hand. Within a few minutes 6/7 BSF personnel rushed to come in front of them and they caught Mr. Sahinur. At that time Sahinur was seriously wounded with pellet injury but the BSF personnel started to beat him mercilessly and used abusive language. Other two brothers Mr. Mijanur and Mr. Kaibar Ali requested to release their brother. They grabbed the legs of those BSF personnel and told them not to beat their brother. At this moment Mr. Ballam Ram, Company Commander of Uttar Balabhut Border Out Post came to the spot. Mr. Ram grabbed the neck of the victim with his legs. The victim was throbbing with pain. Again two brothers of Sahinur requested them to release their brother but they did not care to listen them. Mr. Ram fired two rounds bullet from the point blank range in the chest of Mr. Sahinur. Mr. Mijanur, brother of the victim and one witness of the incident told to our District Human Rights Monitor that the Company Commander himself fired two bullets upon Mr. Sahinur from a small type pistol and he fired from very close range.

To hear the sound of firing villagers and neighbors came to the spot. Seeing the gathering of people, perpetrator BSF personnel were fleeing from the spot. Some villagers tried to stop them but BSF personnel burst the tear gas cell and fled from the spot.

People informed the Out Post police station of Tufanganj PS. At about 9 pm police personnel along with Officer in Charge of Tufanganj Police Station and about 40-50 BSF personnel came to the house of house of the victim to pick up the body of Mr. Sahinur. Local people suspected that as BSF has cordial relation with local police, they might disappear the body of the victim to hide the crime of the perpetrators. Local people restricted them to take the body of the victim. At about 11 pm Joint Block Development Officer of Tufanganj and Sub Divisional Police Officer of Tufanganj came to the house of the victim but the local people did not agree to take the body of the victim at that night.

On next day at about 10 am Tufanganj Police came to the house of the victim and took the body of Sahinur to Tufanganj Hospital. An Unnatural Death case was started by Tufanganj Police bearing Tufanganj PS U/D case number 85/2020 dated 10.08.2020. At about 1 pm the body of the victim was taken to Tufanganj Police Station and police told to sign Mr. Habibur Ali, Mr. Kasem Sk and Mr. Mohiruddin on some documents and they signed. At about 2 pm the body of the deceased was taken to the Cooch Behar Morgue. Post mortem examination of the body was done by Dr. Soukat Saha bearing Post Mortem Examination number 736/2020 dated 10.08.2020. Mr. Habibur Ali and brother of the victim were present in the morgue. Dr. Soukat Saha told them that the bullet went out through the back side of the victim but the bullet did not come out the way it was supposed to. He also informed that inside of the right chest of the deceased one small rubber like object was found. That article and some other things of Sahinur were packed and delivered to Tufanganj Police. When Mr. Habibur told them what will they do with that packet, they answered that the packet will deliver to Kolkata.

On 10.08.2020 Mr. Kasem Sk, uncle of the deceased victim submitted one written complaint to the Officer in Charge of Tufanganj Police Station. Despite knowing the fact that one cognizable offence had been committed by BSF official, Tufanganj police did not register the written complaint of the victim as First Information Report. They just entered the incident in the General Diary of the Police station. This incident again proves that the police and BSF are in good nexus and they try to hide each other criminal activities by violating the human rights in the bordering areas of West Bengal.

Attached Documents

Video link

<https://youtu.be/12S4qb43sa0>

Photograph of the deceased



Unnatural Death case details

PM. NO. - 736/20 PS. Pufanganj
U.D. CASE NO. - 85/20 DATE 10-08-20
ARRIVAL TIME - 2:30PM DATE 10-08-20
AUTOPSY TIME - DATE 12-09-20


10/08


Dr. SRIKAT SAHA
Assistant Professor
Dept. of FMT
CGMC&H


Dr. Nandan Raj
T. S. Saha
P. P. S. Pufanganj

Adhaar Card of the deceased

ভারতীয় বিশিষ্ট পরিচয় প্রাধিকরণ
ভারত সরকার
Unique Identification Authority of India
Government of India

তালিকাভুক্তির আই ডি / Enrollment No. : 1215/40190/14592

To
SAHINUR HAQUE
সহিনুর হক
MADHYA BALABHUT
UTTAR BALABHUT
Balabhut
Balabhut, Koch Bihar
West Bengal - 736159

09/07/2014


KL945300945FT
94530094



আপনার আধার সংখ্যা / Your Aadhaar No. :
4147 3019 4444

আধার - সাধারণ মানুষের অধিকার

সহিনুর হক
SAHINUR HAQUE
পিতা : এছা হক
Father : ECHHA HAQUE



জন্মতারিখ / DOB: 25/01/1997
পুরুষ / Male


4147 3019 4444

আধার - সাধারণ মানুষের অধিকার

