



Banglar

Manab Adhikar Suraksha Mancha (masum)

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01.09.2020

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

Respected Sir,

I want to draw your kind attention towards the incident of firing pellets by the Border Security force (BSF) personnel attached with 'D' Company under 98 Battalion of Jhaljhal Border Outpost, on a villager of Konamukta village under Dinhata police station area of Cooch Behar district in West Bengal. The victim was severely injured and became complete blind in the sudden pellet firing by the BSF.

From our fact finding it is revealed that the victim is associated with smuggling activities but the on duty BSF personnel without any warning to the victim during the time of cattle smuggling fired pellet which caused complete blindness to the victim.

According to Ministry of Home Affairs of Govt. of India, using of pump guns (Pellets) to "Control the crowd". Present case shows BSF are using pellet guns at their whims. There was no incident reported by BSF before local police. About dozen of foreign metal bodies / pellets are within the victim's eye and face that was fired by BSF.

The poor family of the victim has no resource for his proper treatment by themselves. They lodged a complaint to the Officer in Charge of Tufanganj Police Station and Superintendent of Police of Cooch Behar district but no action has been taken yet.

From the incident it appears that the perpetrator BSF personnel not only violated the rights guaranteed in Article 21 of Indian Constitution but also violated the premise of Article 7 of International Covenant on Civil and Political Rights as well as the Goal No. 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. Tufanganj Police Station and Cooch Behar District Police administration 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 incident and subsequent impunity legitimize our long standing demand for immediate ratification of United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment.

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

- The whole incident must be investigated by its own investigating agency of the commission.
- Complete ban and stoppage of using pellet guns by the BSF.
- The guilty Border Security Force personnel involved in committing the offence must be booked and prosecuted.
- Proper treatment of the victims should be borne by the state.
- The victims must be duly compensated and all the expenses for treatment of the victims should be duly reimbursed.
- Security and safety of the victims and their family members must be protected.

Thanking You,

Yours sincerely

Dipyaman Adhikary

Assistant Secretary

Banglar Manabadhikar Suraksha Mancha (MASUM)

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Details of the victim- Mr. Safikul Mia, aged about 34 years residing at village Konamukta under Dinhata I Block and Dinhata Police Station in the district of Cooch Behar.

Details of the secondary victims- (i) Ms. Motaja Bibi, aged about 30 years, wife of the victim; (ii) Master Rahim Ali, aged about 7 years, son of the victim; (iii) Master Laini Khatun, aged about 10 years, daughter of the victim. All are residing at village Konamukta under Dinhata I Block and Dinhata Police Station in the district of Cooch Behar.

Date and Time of the incident - On 21.12.2019 at around 4.00 am.

Place of the incident – Kaljani river of Jhaljhali Border areas.

Details of the perpetrators- Border Security Force personnel of 'D' company Battalion Number- 98 posted at Jhaljhali Border Out Post.

Details of the incident – On 21.12.2019 at about 2 am Mr. Safikul Mia and others with a group of cattle reached at Jhaljhali border from Najirhat to cross the border. At about 4 am Safikul and other smugglers went down in the Kaljani river with those cattle. At that time the whole area was covered with fog as it was winter season. All of a sudden without any warning the perpetrator BSF personnel attached with Jhaljhali Border Out Post started firing pellets on them. Mr. Safikul

suffered multiple pellet injury in his eyes, face and cheeks. As the metal particle of pellets entered in the two eyes of Mr. Safikul, he became completely blind and he could not see anything at that time. Other smugglers fled in such a situation. The victim was in severe pain and unable to move as he could see nothing. Groaning in pain and unable to understand anything, he somehow came to the bank of the river. The victim came and sat up the land areas of Kasiabari. He sat there for a long time because he could not see anything. After a while two stranger women saw the injured and blind victim sitting there. Those two women informed the people of the area and admitted him to the Dinhata Hospital for his treatment. Those people also informed the family members of the Safikul that he was admitted to the Dinhata Hospital. Ms. Motaja Bibi, wife of Mr. Safikul went to Dinhata Hospital and from there she could know that his husband has been blinded with the pellets firing by BSF. On 25.12.2019 Dinhata Hospital referred the victim to the Cooch Behar Hospital. At that time when the wife of the victim requested to the on duty sister to give her any written documents for referring the victim to the Cooch Behar hospital, they showed her the fear of police case. Out of fear the Motaja Bibi took her husband to the Siliguri Medical College and Hospital instead of taking him to Cooch Behar Hospital. Doctor of Siliguri Medical College and Hospital advised Ms. Motaja Bibi to take the victim to Kakarvita Eye Care Centre situated at Nepal. Ms. Motaja Bibi took to her husband to Kakarvita Eye Care Centre and there his treatment lasted for one month. But as no positive result had been found, they came back home. Wife of the victim collecting some cash by borrowing and again took her husband to Mechi Hospital in Nepal. There he underwent eye surgery two times but still he cannot see completely with his eyes and doctors said that one of his eyes is completely damaged. Now the victim somehow sees blurred with one of his eyes.

On 14.03.2020 wife of the victim lodged one written complaint about this incident to the Tufanganj Police Station, but the police did not register the case as First Information Report which is a clear cut violation of section 154 of the Code of Criminal Procedure. On 29.06.2019 she again sent another written complaint to the Superintendent of Police, Cooch Behar through the medium of registered post but till date no action has been taken by the district police administration till date.

Safikul was the only earning member of the family and the whole family, including his two kids and wife are dependent on his income. Since the incident, Safikul is unable to work and earn for the family, moreover, the expense on his treatment is huge, which is almost impossible for the family to bear.

Attached Documents

Picture of the victim



Victim's Statement

<https://youtu.be/MGvLq7BJ7JE>

[illegible]

[illegible][illegible]

Medical Documents of victim

WEST BENGAL HEALTH SECTOR DEVELOPMENT
PROGRAMME
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF WEST BENGAL

INSTRUCTIONS

1. Provisional diagnosis and conditions of the patients to be referred with remarks whether referred for investigation, further consultancy at O.P.D., Surgery or Emergency.
2. Critically ill patients are to be transported by means of ambulance that may be made available at the hospital, referring the patient, Actual POL expenditure to be charged from the patient except in acute emergency.
3. There will be no need for purchase of a fresh OPD ticket by the referred patient at the referred hospital. The Referred Card provided will serve the purpose.
4. The patient will report directly to the Department / Unit of the referred hospital without going through out Patients Department thereby minimising loss of time and physical inconvenience.

No. OPD ticket will be required to be purchased by the patient on return from referred hospital. The original Referred Card & Feed Back Card will serve the purpose.

WBHSDPH & FW DEPT. GOWALPURA
REFERRAL CARD

Regd. No. রেজিঃ নং 52885

Date / তারিখ 25/12/17 Time / সময়

Referring Hospital / পেরিক হাসপাতাল

Patient's Name / রোগীর নাম Saktiul Miah

Age / বয়স 80yrs Sex / লিঙ্গ/পুরুষ m

Address / ঠিকানা

Village / গ্রাম Khamakha P.O. / ডাকঘর R.K. Poyangy

P.S. / থানা DMT Dist. / জেলা DB

Clinical Diagnosis (Provisional) / অনুমিত রোগের নাম
Referred Card with bottle of eye drops

Referred Hospital / গ্রহণকারী হাসপাতাল
G.M.H.

Purpose of Referral / হানিকরকরণের উদ্দেশ্য
urgent surgical management

Investigation/Consultation/Surgery/Emergency
/ অনুসন্ধান/ পরামর্শ/ অস্ত্রোপচার/ জরুরী বিভাগ

KAKARVATHA EYE CARE CENTRE PVT. LTD.

(Branch of Birat Eye Hospital, Biratnagar)

DAY CARE CENTRE

Purnanandhansar, Kakarvatha, Mechinagar-10, Jhapa, Nepal

Ph: 031-4356332, 43563323, Website: www.kakarvathayecare.com.np

DISCHARGE CARD

सुदृढीकरण सामग्री
सुदृढ ३.०० से ५.०० मीटर सम्म
सुदृढ ३.०० से ५.०० मीटर सम्म

MR No. : 12733

Date : 31/12/19

Name : Sofikul Haque

Age/Sex : 26m

Occupation :

Address : Dinata

District : CB

Country : Nepal

Diagnosis : R.E.

(L.E) Traumatic Cornea perforation

Treatment/Surgery : RLE - OHT Repair & LG

Surgeon's Name : Dr. B.K.C

Date of Surgery : 30/12/19

Pre Op Vn < NPL

Pre IOP <

Post Op Vn < NPL

Remarks :

१. मोतीबिन्दु उपचारको लागि कलान्द्रा सुदृढ

Op Eye RE

LE

२. ललाटेको टाउको

१. 1st Mexipoloxan 7x 8mm - O/E

पहिला हल्ला एक एक मूँर दिने
दुसरा हल्ला एक एक मूँर दिने
तीसरा हल्ला एक एक मूँर दिने
चौथा हल्ला एक एक मूँर दिने
पाँचवा हल्ला एक एक मूँर दिने
छठवा हल्ला एक एक मूँर दिने

१ वा
२ वा
३ वा
४ वा
५ वा
६ वा

२.

एक हल्ला एक एक मूँर दिने
दुसरा हल्ला १ हल्ला जस एक एक मूँर दिने १ वा

१ वा
२ वा
३ वा
४ वा
५ वा
६ वा

३. Cap. Mispapen 7x 8mm x 5 days

४. 1st Cap. 7x 8mm x 7 days

५. 1st p-H 7 drop 2 my (O/E)

६. 1st Cap. 7x 8mm x 7 days

H Tah. Dioxan 7x 8mm x 7 days

आपको को लागी ध्यान

- आँखाको को बल मूँर दिने द्रव अर्थात् मूँर दिने, हल्ला र्थ र पानी, मूँर दिने सामग्री को हो ।
- आँखाको पुनः पुनः, मूँर दिने को बलको बलको हो ।
- आँखाको को बलको बलको हो ।
- आँखाको को बलको बलको हो ।
- आँखाको को बलको बलको हो ।
- आँखाको को बलको बलको हो ।

FIA 1 month

Signature

KAKARVITTA EYE CARE CENTRE Pvt. Ltd.
Puranobhansar, Kakarvitta, Mechinagar-6, Jhapa, Nepal
Ph. No. +977-23-563523, 9852663523, Website: www.kakarvittaeeyehospital.com
Email: kakarvittaeeyehospital@gmail.com

Lab No. 99 Patient's Name: Sofikul Haque Date: 30/12/2019
Age/Sex: 26/M

LAB INVESTIGATION REPORT

HEMATOLOGY REPORT

ANALYST	RESULT	REF. RANGE
WBC	/mm ³ (4-11) Thousand	
RBC	/mm ³ (4-5) million	
Hb	Gm% (12-16) (11-15) Gm%	
Differential Count		
Neutrophils	% (40-70)	
Lymphocytes	% (20-40)	
Eosinophils	% (1-4)	
Monocytes	% (0-8)	
Basophils	% (0-2)	
A.E.C	/mm ³ (40-440)	
Platelets	/mm ³ (150000-450000)	
ESR	Wintrobe (0-15) mm/hr	
Westergren	(0-20) mm/hr	
Mantoux Test		
RBC Morphology		
Malaria Parasite		
Bleeding Time	Min. Sec (1-5 min)	
Clotting Time	Min. Sec (5-15 min)	
Blood Group	A B AB O	
Rhesus (Rh) Type	Positive Negative	
P.C.V	Men 40-45% Women 36-47%	
MCV	fL (82-92) fL	
MCH	Pg (27-32) Pg	
MCHC	% 32-36%	
HbA1c	% (4-7)%	
Others		

BIOCHEMISTRY REPORT

ANALYST	RESULT	REF. RANGE
Blood Sugar F	mg% (70-110) mg%	
Blood Sugar P.P	mg% (up to 140) mg%	
Blood Sugar R	mg% (70-140) mg%	
Blood Urea	mg% (15-40) mg%	
S. Uric Acid	mg% (2-7) mg%	
S. Creatinine	mg% (0.5-1.4) mg%	
S. Amylase	mg% (25-125) mg%	
C.P.K	mg%	
Calcium	mg% (8.8-10.2) mg%	
Phosphorus	mg% Adult (2.5-4.8) mg%	
Sodium (Na+)	mol	
Potassium (K+)	mol	

L.F.T. (LIVER FUNCTION TEST)

ANALYST	RESULT	REF. RANGE
S. Bilirubin Total	mg% (0.4-1.0) mg%	
S. Bilirubin Direct	mg% (0-0.4) mg%	
Alt. Phosphatase Ka Unit	Adult (3-11) mg% Ka Unit	
S.G.P.T	I.U/L (5-35) I.U/L	
S.G.O.T	I.U/L (8-140) I.U/L	
Total Protein	gm% (6-8) gm%	
Albumin	gm% (3.5-5.5) gm%	
A/G Ratio		
Others		

SEROLOGY REPORT

ANALYST	RESULT	REF. RANGE
ASO	200 IU/ml	
Rheumatoid (RA) Factor		
C.R.P		
S. Aldehyde Test		
Prothrombin Time	Control	
INR		
HIV Test	Negative	
Hepatitis	Positive	
HCV		
VDRL (R.P.R)		

LIPID PROFILE

ANALYST	RESULT	REF. RANGE
Total Cholesterol	mg% (150-250) mg%	
HDL Cholesterol	mg% (33-55) mg%	
LDL Cholesterol	mg% <150 mg%	
Triglyceride	mg% (33-165) mg%	
Other		

Lab Technician

Kakarvitta Eye Care Centre
Puranobhansar, Mechinagar-6 - Kakarvitta, Jhapa - Nepal
Phone: +977-9852663523 Nepal, +91-8967730324 India - Fax: - Email: kakarvittaeeyehospital@gmail.com

Patient: Haque Sofikul Id Number: _____
Address: _____
Phone: _____ Gender: _____ Date of birth: 01 Jan 1990

Exam Date: 31 Jan 2020

Eye: OS OS

GM Compact Touch 8.00 - 13 Jan 20
Gain=95dB Dyn=50dB Tgc=15dB

Quantel Medical - Compact Touch V.4.00

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Email: kakarvittaeeyehospital@gmail.com

M.R. No.: 12733 Name: Sofikul Haque Date: 31/12/2019
Address: Dharu Age/Sex: 26/M Occupation: _____
District: C.B Country: Nepal

DISCHARGE CARD

Diagnosis: R.E. Treatment/Surgery: R.L. - O/GI Repair & LA (L.E.) Traumatic Corneal Perforation
Surgeon's Name: Dr. B.K.C. Date of Surgery: 30/12/2019
Pre Op Vn < NPL Post Op Vn < NPL
Remarks: Pre IOP < -

परीक्षणको लागि आदेशहरू दिइएको छ।
परीक्षणको लागि आदेशहरू दिइएको छ।

1. Uti. ploxifloxacin 7x 20mg - 2/6
पल्लो हल्ला एक एक बूँद दिन ६ बार
दुधमा हल्ला एक एक बूँद दिन ४ बार
दीपमा हल्ला एक एक बूँद दिन ४ बार
बीपमा हल्ला एक एक बूँद दिन ४ बार
पोपमा हल्ला एक एक बूँद दिन २ बार
बुटमा हल्ला एक एक बूँद दिन १ बार

2. H Tox Diaper & Soap 2x 200mg
एक हल्ला एक एक बूँद दिन ६ बार
दुधमा हल्ला १ हल्ला एक एक बूँद दिन ४ बार

3. Cap. Moxapen, 500mg 7x 810 x 5 days
4. Tob. Colopex 7x 70mg x 2 weeks
5. Uti. p-A 2 drop 2x 20mg (2/6)
6. U. Opreant 7x 20 (2/6)

आदेशहरूको लागि ध्यान दिनुहोस्।
आदेशहरूको लागि ध्यान दिनुहोस्।

• आदेशहरूको लागि ध्यान दिनुहोस्।
• आदेशहरूको लागि ध्यान दिनुहोस्।
• आदेशहरूको लागि ध्यान दिनुहोस्।
• आदेशहरूको लागि ध्यान दिनुहोस्।

RIA 1 month

Signature