



Banglar

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

Respected Sir,

Today I lodge one complaint which shakes the picture of democracy in our country where the CISF (Central Industrial Security Force) jawans arbitrarily used lethal weapon and firing which cause the death of four innocent people who came to cast their vote in West Bengal Assembly Election 2021. The incident which I mention hereunder throws a pile of shame to the world's largest democracy and indicates the Central Government responsible for this brutal atrocity and arbitrary attitude of the forces.

The details of the incident was investigated through fact finding by our team.

The Election Commission of India declared eight phase elections for the Assembly Election in West Bengal. On 10.04.2021 in its fourth phase election schedule the election programme was started in the district of Cooch Behar, West Bengal. In Jorpatti village under Sitalkuchi Block and Mathabhanga Sub Division the polling station was created at Amtali Madhyamik Siksha Kendra. On the said day the villagers had been voting peacefully since the morning at poll booth number 126, Sitalkuchi (Amtali Madhyamik Siksha Kendra). While polling was underway, some BJP men got 50-60 voters and were on their way to the booth along with CISF personnel. The CISF was escorting them to the booth.

At about 9.35 am a 14 year old physical challenged boy namely Master Mrinal Haque son of Majid Mia in the village was hit by CISF personnel in the market place, which is far from polling booth. The on duty and uniformed CISF jawan mercilessly beaten the boy in the street, for which he fell down on the street. This incident make huge anger to the local villagers. After sometime some CISF jawans tried to shift him in a car. The boy's brother began recording the incident on his phone. The CISF personnel snatched the mobile phone and beat up his brother. To see the incident of torture by the CISF personnel upon the physically challenged boy and his brother, the villagers protested peacefully. At this point of time sector mobile officer informed QRT (Quick Reaction Team) and the QRT headed by CISF personnel came to the spot with a Bolero car. 4/5 CISF personnel got out from the car and instructed the people to look back and instantly two CISF jawans started firing arbitrarily. Before anyone understands anything, four villagers were shot in their chest and several people were injured. Some voters tried to capture this incident in their mobile phone but the perpetrator jawans snatched their mobile phone and beat them heavily and after some time state police and other voting agents posted in that polling booth left form the place. It should be noted that the CISF jawans who fired openly were brought in from outside; the security forces present on duty at the polling booth did not open fire and after the perpetrator CISF

jawans shot the four people, they got into their vehicle and left from the place. This incident of beating Master Mrinal Haque son of Majid Mia flares up the anger of the villagers.

Four persons namely Mr. Manirul Kaman (24), Mr. Nur Islam Mia (20), Mr. Chamiul Haque (20) and Mr. Hamidul Mia (25) were instantly shot dead during this open firing by the perpetrators CISF personnel and seven other people were injured heavily in this incident. Mr. Binoy Burman, aged about 50 years received right upper anterior aspect of thigh gunshot injury who has been now shifted to the Cooch Behar, M.J.N. Hospital. Mr. Alamgir Alam, aged about 38 years received multiple injuries admitted at Mathabhanga Sub Divisional Hospital. Mr. Mrinal Haque, a minor aged about 14 years, victim of physical assault admitted at Mathabhanga SD Hospital. Mr. Debendra Das aged about 32 received blunt injury on head who was admitted at Mathabhanga SD Hospital; Mr. Dilip Kumar Majumdar, 3rd Polling Officer and Mr. Avijit Burman, 1st Polling Officer and Ms. Minati Ray Burman an ASHA worker who were also injured in this incident (as per official statement).

On the other side CISF released one statement where they mentioned that on 10.04.2021 at around 09.35 hrs, near Booth No. 126, QRT of CISF 567/C headed by Coy Commander Insp/E Sunil Kumar was attacked by a mob of miscreants about 50 to 60 in numbers while they were taking round of area along with local police representative to clear public who was resisting voters from reaching polling booths. CISF Booth Commander tried to pacify the miscreants but the mob entered the polling booth and few miscreants tried to snatch the weapons of CISF personnel deployed there and when the mob started advancing aggressively towards CISF personnel and sensing imminent danger to their life, they fired 7 rounds towards the advancing mob of miscreants.

Unfortunately statement of district superintendent of police of Cooch Behar, who just joined under order of Election Commission seconded justification of firing by CISF without revealing the truth.

In this regard I want to mention while force used by a state in self defense it must meet the demands of proportionality. I am very much suspicious about the truthfulness of the statement of CISF. The following questions which are very much relevant in this case –

- Why CISF jawan beaten Master Mrinal Haque son of Majid Mia in the market area?
- Whether the firing upon the innocent people was in legitimate exercise of right of self-defense or not?
- Whether the use of force was proportional or not to the resistance offered?
- How much dangerous situation was there for firing seven rounds of lethal bullet upon innocent villagers
- There were no arms in the hands of the villagers, then why the CISF personnel fired bullet towards them?
- If the CISF thought that there was a dangerous situation, then why at first they did not start lathi charge upon the mob?
- Why firing to the voter was not consulted with the Presiding Officer, who is in charge of polling activity of that area?
- Why Tear gas cells were not burst to resist the mob?
- Who was the commanding officer and ordered to fire and which direction?
- Why the CISF jawans did not shot bullets below the belt of the people?
- If a dangerous situation was happened at that point of time by the hooligans, then why any CISF personnel were not injured?

Originally it is case of arbitrary use of power by the trigger happy CISF where without any cause CISF personnel killed four young persons and after that made a fabricated story of self defense to cover their own crime.

In a leading newspaper report Master Mrinal Haque , a 14 year physically challenged boy told that he was in the local market when CISF jawans grabbed him by the neck and hit him several times with sticks and when he was fell into the ground, some villagers protested verbally of that incident and helped him to release from the hand of CISF.

Our District Human Rights Monitor talked with the family members of the deceased victims from where it is revealed that Mr. Nur Islam was only earning member of the family consisting of 5 members. He was a migrant laborer. On 08.04.2020 he came to his native place to cast his vote. After sticking bullet in his chest he was taken to Mathabhanga Sub Divisional Hospital where he was declared dead. Inquest was done by one executive magistrate and post mortem was done by Dr. N. Das. An Unnatural Death case was registered vide Mathabhanga PS UD case number 26/2021.

Mr. Manirul Jamal also was the main earning member of the family consisting of 7 members. He was also a migrant worker. On 09.04.2021 he came to his village from Gangtok to cast his vote. Mr. Chamiul was also the main earning member of the family consisting of 5 members. Mr. Hamidul Mia was the earning member of the family consisting of 4 members. His wife is pregnant now.

The cousin brother of one deceased victim Mr. Manirul Jamal said that his brother had returned from Gangtok, Sikkim, where he worked as a migrant labourer, to take part in the voting process. He also stated that as per the instruction of BJP leaders, the CISF personnel intentionally fired towards the Muslim people. It was a pre-planned incident.

The perpetrator CISF personnel not only violated the rights guaranteed in Article 21 of Indian Constitution but also the premise of Article 7 of International Covenant on Civil and Political Rights as well as the Goal number 8 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 perpetrator CISF personnel also violated Article 2, 3, 5, 6 and 8 of the Code of Conduct for Law Enforcement Officials; adopted by General Assembly Resolution 34/169 of 17 December 1979 and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth United Nation Congress on the Prevention of Crime and the Treatment of Offenders.

This incident where four innocent people were shot dead for attending the festival of democracy made responsible of the central government and its forces.

It must be mentioned here after one day of this fatal incident, BJP West Bengal state president Mr. Dilip Ghosh told in a public rally that this incident of firing and killing will again occur in the subsequent phases of campaign of West Bengal Assembly Elections but till date the Central Election Commission did not take any steps against him.

In this regard we demand:

- The whole incident must be investigated impartially by the own investigating wing of the Commission
- The guilty CISF jawans must be booked and prosecuted in the open court of law.

- Proper compensation must be provided to the family members of the deceased victims.
- Proper security and safety of the family members of the victims must be ensured.
- Immediately booked and prosecute under law BJP West Bengal State President for his hate speech and direct Central Election Commission to ban him from next phases West Bengal Assembly Election.
- Guidelines of NHRC India on Encounter Death should be followed.
- A judicial inquiry must be initiated as soon as possible.

- Immediate suspension of perpetrator CISF personnel, including SP Cooch Behar till investigation is over.

Thanking you,
Yours truly

Kirity Roy
Secretary, MASUM
&
National Convener, PACTI