

INDIA-BANGLADESH BORDER KILLING: IMPLICATION ON BILATERAL RELATION

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ABSTRACT

Indiscriminate activities of Indian Border Security Force (BSF) have turned Indo-Bangla border line as one of the dangerous and bloodiest border lines. Every state of the civilized world is very serious about maintaining the standard of human rights. But BSF has been violating human rights with immunity in the border area by killing, torturing, abducting, beating, stoning etc.; By doing so they gradually are degrading the friendly relation between Bangladesh and India. BSF disregards human rights in the border area and they have shown utmost cruelty in this regard. This is a descriptive study based on secondary data. Analytical method has been used in the interest of this study. This study recommends that the local people should not be killed by any means.

Keywords: *Indo-Bangla Border, Border Killing, Bilateral Relation, Human rights violation, BGB, BSF.*

1. INTRODUCCION

Bangladesh and India, historically and geographically, two neighboring countries located in the South Asia. The total length of border is about 5138 kilometer with 4427 kilometer land border and 711 kilometer water border. Bangladesh has 4156 kilometer common border with India and 271 kilometer with Myanmar. On the other hand, Bangladesh has 32 border districts whilst India has five border provinces. Bangladesh and India both the countries have bilateral issues from the emergence of them. Cultural cooperation between these two countries is very strong while both the countries have various cultural fests together that is the celebration of 150th birth anniversary of Bissho Kobi Rabindranath Tagore, sports activities etc. The economic, in particularly, trade issues between the

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two countries have been growing rapidly since the early 1990s. Amongst various issues between these two countries, border issue has come in the front line, because of the smuggling, trafficking and border killing by the Indian Border Security Force (BSF). In the year 2013, The United States based news agency “Global Post” opines that the border line between Bangladesh and India is the worst border line in the world. They are showing uncontrolled behavior in the border line by killing, abducting Bangladeshi people, violating human rights and offence relating to push-in etc.

However, Bangladesh and India, being the closest neighboring countries, it is felt, hoped and desired that the cultural, economic and other bilateral cooperation to be maintained on a long-term sustainable basis for the maximum common interest. A sound relation between Bangladesh and India may render a good opportunity for establishing peace and security as well as a hunger free, stable and developed South Asia.

1.1 Settlement of the Problem

Bangladesh and India share a border of 2429 miles. The border between Bangladesh and India, popularly known as Radcliffe Line, first come into being when India and Pakistan became independent from British. They were divided among Muslim and Non-Muslim majority areas, on the basis of two nation’s theory. The Radcliffe Line was named after its architect, Sir Cyril Radcliffe, who as chairman of the Border Commissions was charged with equitably dividing 175,000 square miles (450,000 km²) of territory with 22 million people. A number of pillars are built in order to form the border between the two States. Small demarcated portions of the border are fenced on both sides. The border line of present day of Bangladesh divides the Ganges delta region and world’s largest mangrove forest Sundarban. It is crisscrossed by a large number of rivers. The area is mostly flat with slight hilly terrain in Meghalaya, Assam, Tripura and Mizoram sections. The border area is densely populated. The land is extremely fertile and is cultivated right up to the border pillars.

The Indo-Bangla border line is used for lawful as well as unlawful or illegal transaction. Lawful and legal transactions are caused through different land ports across the border. But the other parts of lawful or legal transactions are not like that. The border line is being used as a route of smuggling cattle and livestock, food items, medicine and drugs from India to Bangladesh by unauthorized people. On the other hand, fertilizer, diesel, fish, insect killer etc., are being smuggled from Bangladesh to India. Moreover, illegal immigrants from both sides cross the border line in search of improving their lives are often found. But the matter to be noted that the BSF, in the name of maintaining border line or checking illegal immigrants of preventing cross border terrorism or preventing smuggling, shoot Bangladeshi to kill indiscriminately. Even Bangladeshi farmers are tortured, abducted and shot by the BSF while working their own land that are adjacent to Indo-Bangla land border line. The BSF does not only shoot farmers but even innocent people those who were seen near or across the border line. In Indo-Bangla border area, the BSF quite often attacks and opens fire onto Bangladeshi people and Border Guard Bangladesh without any provocation that causes border unrest.

In July 2009, *Channel 4 News* reported that hundreds of Bangladeshi were killed by the Indian Border Security Force (BSF) along the Indo-Bangla barriers. But the BSF claims that the barrier's main purpose is to check illegal immigration and to prevent cross-border terrorism. According to the report of *Human Rights Watch* in 2010, over 900 Bangladeshi citizens were killed during the first decade of the 21st century.

Some major problems or issues are to be pointed out. These are:

- Killing innocent Bangladeshi citizens by Indian Border Security force (BSF) without any warning as well as justifications;
- Use of lethal weapons by the Indian Border Security force (BSF);
- Torturing or fatal beating of captured innocent Bangladeshi citizens;
- Trying to push Bengali speaking Indian citizens in Bangladesh by Indian Border Security force (BSF);
- Making barbed wire fence with high powered floodlights;
- “India’s shoot to kill policy” on Indo-Bangla border line;
- Unsettled enclaves problem between Bangladesh and India;
- Terrorist activities carried out by outfits based on both countries;¹²
- Lack of mutual faith and friendly relation between Border Guard Bangladesh (BGB) and Indian Border Security force (BSF).

1.2 Objective of the Research

Every work has its own objectives. Objectives of any work lead it to the desired goal. It is one of the keys to succeed in any work. Likewise, this study has certain objectives that are placed here with:

- to find out the present circumstances in the Indo-Bangla land border line;
- to evaluate the human rights situation in the Indo-Bangla land border line;
- to identify border issue as national concern of Bangladesh;
- To draw certain suggestions for Bangladesh and to find out direction of diplomatic solution on these issues.

2. METHODOLOGY

The present study is a descriptive work based on qualitative data. Secondary sources of data have been used in this study. In this study historical method is resorted to bring out reliable materials, information and data about the origin and background of the Radcliffe Line and the creation of Republic of India, Islamic Republic of Pakistan and The People’s Republic of Bangladesh. The true origin and background explored by historical method. In the present study analytical method is adopted for analyzing the different facts and issues relating to the Indo-Bangla border line. The violation of human rights and its effects as well as the present stories of Indo-Bangla border line has

been identified through a critical analysis of the same. In order to find out defective issues and area of contention, a comparative study and criticism has been carried out on the facts, circumstances, data and information. Case study method has also been applied in the present study to point out the victims of Indo-Bangla border line.

3. ANALYSIS AND FINDINGS

3.1. Violation of Human Rights on Indo-Bangla Land Border Line

The Global Post, America's World News site, rightly stated that Indo-Bangla land border line is the wall of death between the two neighboring countries Bangladesh and India. Indian Border Security Force (BSF) are exercising brutal shoot to kill policy to stop cattle smugglers and other civilians crossing the border. As per the BSF source, they only use this policy against extremists, drugs and weapon smugglers. But the Human Rights Watch (HRW), a New York based human rights organization disclosed its 81 page report titled 'Trigger Happy: Excessive Use of Force by Indian Troops at the Bangladesh Border', said that Indian Border Security Force (BSF) personnel routinely gun down cattle smugglers and other civilians crossing the border with Bangladesh despite negligible evidence of any crime. While BSF just says that suspects were killed in self-defense or for evading arrest, the HRW said they found no evidence of any death it documented that the person was engaged in any activity that would justify such an extreme response.

It is to be said that they (BSF) may think themselves as a unique and uncontrollable one in the Indo-Bangla border line. They can do anything with impunity. They place themselves as judge in the Indo-Bangla border area by executing death or other punishment in inhuman manner. 291 innocent Bangladeshi were killed and 163 others were injured as a result of violation of human rights on the part of Indian Border Security Force (BSF) in 27 years. Whereas slain number increased 967 people and injured 761 Bangladeshi people in 11 years. According to Article 3, 4 and 5 of the United Nations Universal Declaration of Human Rights-1948, all these are treated as inhuman treatment.

In term of executing judgment, the BSF kills Bangladeshi citizens in the border line and they turned border area into a bloodiest border line though use of lethal force or lethal weapons that should not be used in the border area except where strictly necessary to protect life. The Indian Border Security Force (BSF) is not only engaged in killing innocent Bangladeshi, but also they are engaged to detain, torture, fatal beating, abducting strangling and stoning the Bangladeshis.

3.2. Case Study Report

The following case studies are enough to show the human rights situation in the Indo-Bangla border line. For example:

3.2.1. Case Study-1

In the Village of Banarvita, Upazila Nageswari, Union Ramkahna, Kurigram, on Jan. 7, 2011, Felani Khatun and her father arrived at the barbed wire a little after the early morning to call to prayer at a nearby mosque. Dressed up in traditional bridal wear and wedding jewelry, the drowsy 15 years old

Felani fell asleep several times during their overnight journey from India to the border and could barely keep her eyes open. It means, she was in deep sleep.

Felani, born in India whose parents were undocumented migrants there, was returning to Bangladesh to get married. But it was daylight now, and Felani's father Nurul Islam was afraid. The local smugglers he had paid Rs 3000 (\$70) to help him and his daughter across. They insisted that, everything was fine, and father and daughter began to climb up the ladder that had been arranged for them. Nurul Islam made it over successfully. Moments later, as Felani reached the top of the 2.5m high fence, Indian border guards who had spotted them, came running out and shot her dead from close range. The Indian Border Security Force (BSF) shot her without any warning. Nurul Islam, father of Felani, who has been relocated with the rest of his family to the Bangladeshi village of Ramkhana, "I wish they would said 'stop.' If they would just say 'stop' she would have been saved."

Felani's lifeless body hung on the fence for five hours, it was held in full view of Bangladeshi and Indian farmers living nearby. Eventually, the BSF slung her hands and feet onto a bamboo pole and took her away. It was over 30 hours before her body was handed over to Bangladeshi authorities and returned to her father and they took her jewelry. A photo, first published in Indian newspaper *Anandabazaar*, of Felani's corpse hanging from the fence sparked a huge uproar in Bangladeshi media.

At last a special court formed by India's BSF on 09/09/2013 acquitted BSF constable Amiya Ghosh of the charge of killing 15 year old Bangladeshi girl Felani at the Cooch Behar frontier. A five-man BSF General Security Forces court headed by DIG (Communication) SP Trivedi, conducted the hearings from August 13 at Sonari BSF camp, near the North Bengal town of Cooch Behar. BSF's 181 Battalion constable Amiya Ghosh, the prime accused in the case, could not be found guilty due to 'inconclusive and insufficient' evidence against him, the court viewed. BSF officials said that the verdict was given on Thursday night and the proceedings of the GSF court were forwarded to the Director General for final approval. "The judgment has made a mockery of justice. It has not only cheated the family of Felani but also the whole nation"-Said most of the international Human Rights Organization & Activists.

3.2.2. Case Study-2

Alauddin Biswas described the killing of his 24 years old nephew who was suspected of cattle rustling (in March 2010). "The Indian Border Security Force (BSF) had shot him while he was lying on his back. They shot him on the forehead. If he was running away, he would have been shot in the back. They just killed him." The BSF claimed self-defense, but no weapons were recovered.

3.2.3. Case Study-3

One father recounted how his sons were beaten by Indian Border Security Force (BSF) officers. The Indian Border Security Force (BSF) personnel surrounded the boys and without giving any reason started beating them with rifle butts, kicking and slapping them. There were nine soldiers,

and they beat him mercilessly. Even as the boys fell down, the BSF men continued to kick them ruthlessly on their chest and other sensitive organs.

The facts of the aforesaid case studies show the aggressive, destructive, severe and ill mind as well as behavior of the BSF while acting under color of his office. These case studies are only indicating the facts of the Indo-Bangla border line. But the ground realities said border line are more severe and worst at certain extent. In other word, these case studies lead a specimen form of human rights violation in the Indo-Bangla border line. A human rights group “Odhikar” released their survey report that indicates a clear message regarding the human rights violation in Indo-Bangla border area over the last decade. Apart from last year, “Odhikar” accused the Indian Border Security Force (BSF) of killing over 1,000 of Bangladeshi in the past decade while the BSF themselves admit the responsibility for the deaths of 364 Bangladeshi and 164 Indians since 2006. That indicates the entire violation of human rights by the Indian Border Security Force (BSF) in the Indo-Bangla border line.

3.3. Expression of the writers

System of demarcation of territorial boundary or territorial border has been introduced in modern civilization to give a territorial figure of a state that ensures the peaceful coexistence of the States. It may be very simple and easy one and border between two states may be the symbol of friendship and bilateral relation.

Likewise, indiscriminate activities of Indian Border Security Force (BSF) have turned Indo-Bangla border line one of the dangerous and bloodiest border lines of the modern world. Since every state of the civilized world is very serious about the standard of human rights. And there is an existing treaty between Bangladesh and India called Indra-Mujib Accord on Land Boundary Agreement, 1974 that come into force on 16th May of 1974. It is said that the treaty was meant to mend defect in the geographical dissections by Radclif during the partition of the subcontinent at the end of British rule, which cut down middle of some provinces districts villages and homesteads. But the BSF violates human rights with impunity in the border area by means of killing, torturing, abducting, beating, stoning and what not. Sometimes the BSF helps or allows Indian local people to take away crops from the Bangladeshi agricultural land. In fact they are responsible for guarding against extremists, drug and medicine smuggling, human trafficking and other relating issues. Do they do it so?

Of course, India has every right to impose strict controls over boundary, particularly Indian side. But India does not have the very right to use lethal force or lethal weapons in the border line except where there is the strict necessity to protect life. Under international border norms lethal weapons should not be used at border area but there is no effective accountability mechanism on India for the abuse of lethal force and lethal weapons in the Indo-Bangla border line. Some officials openly admit that unarmed civilians are being killed on border area. The chief of the Indian Border Security Force (BSF), Raman Srivastava, says that, people should not feel sorry for the victims, claiming that since these individuals were illegally entering Indian Territory, often at night, they were not innocent and therefore were a legitimate target. Even they are using lethal weapons if

any Bangladeshi goes close to the border line for example. Abdur Rakib, who broke no law and was killed simply because he was near the fence, It seems the members of the BSF became happy by exercising brutal and debated shoot to kill policy on unarmed, defenseless and innocent Bangladeshi people in the Indo-Bangla border line. The attitudes of BSF as well as Indians people deserve special thanks for introducing and exercising famous shoot to kill policy. Under no law the members of Indian Border Security Force (BSF) cannot place themselves as judge, jury and executor.

It is true that, India is not a state without functional Courts. If any Bangladeshi breaks laws by crossing Indian border and enter into Indian Territory unlawfully should not be the subject to shoot to kill policy. Victims should have the right to be charged before functional competent Courts. But there are some reasons for hope. Under pressure, senior Indian officials have expressed revulsion at the behavior of the BSF and have promised to send new orders to end the shoot kill policy. They have committed to use non-violent means to apprehend illegal border crossers or smugglers where they pose no risk to life. The question is whether this will be translated into action on the ground. Similar promises of zero tolerance for abuses have been made in Kashmir too and elsewhere by India but have not been fulfilled their own words yet.

4. RECOMMENDATIONS

Bangladesh and India are the very closest neighboring countries. Both the countries share a border of 2,429 mile. Where, *Global Post* rightly says that Indo-Bangla border is a tense border. Indo-Bangla border line also termed as the longest bloodiest border line of the world. Apart from the stories regarding bloodbath there are different problems and issues in the Indo-Bangla border line. In order to improve border relation between Bangladesh and India following paces should be implemented and measures to be taken.

- i. It is felt that first of all, it needs to demarcate absolutely and properly entire border line between Bangladesh and India. In order to demarcate the entire border line Joint Border Commission ought to be established;
- ii. A Joint Human Rights Commission should be established to act as human rights watch dog in Indo-Bangla border area for the protection of human rights of border area people;
- iii. The Government should protest strongly against human rights violations on Bangladeshi citizens by the Indian Border Security Force (BSF); and investigate all violence and demand from the Indian Government adequate compensation for the families of the victims and trial and punishment for the perpetrators;
- iv. The Government should also ensure the safety and security of the Bangladeshi citizens residing at the border areas; should be added the recent law on border area by its own Parliament.
- v. Human rights values of border forces should be improved by means of participation in different human rights sessions;

- vi. Soft border diplomacy should be introduced between Bangladesh and India;
- vii. Other disputed issues should be settled diplomatically through bilateral, regional and international norms and principles;
- viii. Altogether friendly diplomatic relation is to be established between these two countries that leads the relation to a new dimension and phenomena.

5. CONCLUSION

Bangladesh and India are the countries of South Asia and both of them play crucial role in the economic and cultural aspects of the region. India is one of the world largest economic and democratic powers. During last decades, India's economy has grown up. As one of the world's largest democratic countries India should behave accordingly in all respects. And, of course, routinely shooting poor and unarmed villagers is not desired in the modern era of democracy and human rights. The Government of Bangladesh (GoB) should strongly establish neighbor's rights with India under the patronization of international community. It is important to keep in mind for all that bilateral and regional multilateral cooperation, respect and sound relation can make a happy, prosper, hunger free South Asia that we dreamt. In fact no law could have solution unless the people of both countries are morally and ethically found upright.

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