

Bangladesh-India Border Killing, Its Causes and Recommendations for Permanent Settlement

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ABSTRACT

At present, the issue of India-Bangladesh border killing has turned into an intriguing issue. The Bangladesh-India border killing is quite possibly the most unmistakable bilateral issue for both countries. Around here, without the assistance of its neighbor's nation can appropriate monetarily. In any case, it is clear from the surface that the situation on the Bangladesh-India line is becoming more and more obscure day by day. From the beginning of Bangladesh India, there have been some bilateral problems between them. There are so many bilateral issues between these two countries, such as smuggling, human trafficking, and border killing by the Indian Border Security Force (BSF), cattle trading, etc. However, border killing has become the most talked-about issue among these problems. This current paper attempts to view at the contemporary issues as to border killing on India-Bangladesh land borderline with its causes, contributing factors, and identifying the negative impacts of border killing in relationships of two countries. In addition, a number of recommendations have been made in the paper to prevent the problem of border killings within the India-Bangladesh land borderline. The paper utilizes secondary information, for example, books, journals, online articles, different national and international law reports, Acts, and so forth.

Keywords: *Bangladesh, India, BSF, border killing, countries, human rights*

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INTRODUCTION

We know that Bangladesh-India is one of the two most important states in South Asia along with other countries. India-Bangladesh friendly relations have developed since the beginning of Bangladesh. The Bangladesh-India border issue become the most important issue between these two countries, and the reasons behind this issue are happening due to the smuggling, trafficking, and border killing by the Indian Border Security Force (BSF). "There are a couple of principal issues among Bangladesh-India, like land and sea boundary boundaries, the sharing of waters from 54 normal streams, casual trade, international crime, and impedance in internal affairs that have unfavorably influenced their relationship"[1]. "Anyway, none of these issues can dominate the overall issue thinking about India-Bangladesh Border killings. Notwithstanding professing to be a cordial neighbor, India has as of now fenced 2500 k.m of the complete border of 4096 k.m, an occasion which isn't found in the borders of the most threatening of the neighbors"[2]. On the Indian side, they are claiming that they have fenced off the border to stop illegal movement and illegal activities. They also said that the number of border killings is increasing for other reasons. "In the course of recent years, Indian security forces have killed just about 1,000 people, for the most part, Bangladeshi"[3]. The people of Bangladesh are shocked to see the strict measures of the Indian government and the killing of Bangladeshi citizens, this is creating a negative reaction of the common people of Bangladesh towards the Indian people[4]. Accordingly, border killing has turned into an incredible impediment in the method of India-Bangladesh Cooperation.

"In the year 2013, The United States-based news office "Worldwide Post," thinks that the borderline among Bangladesh and India is the most noticeably terrible borderline in the world. They are showing uncontrolled conduct in the borderline by killing, kidnapping Bangladeshi people, violating human privileges and offense identifying with push-in and so forth"[5].

An individual from the BSF similarly illegally enter the Bangladesh area and attack individuals staying along the line, shoot and holding onto Bangladeshi. BSF is endlessly shooting, killing, torturing, and grabbing unarmed Bangladeshi ordinary individuals in the line districts furious overall guidelines and settlements. Bangladesh-India line is possibly the weakest and bloodiest boundary on the planet. As shown by Articles 3, 4, and 5 of the United Nations Universal Declaration of Human Rights-1948, all of these are treated as cruel treatment. As shown by the token of Understanding and related plans supported among India and Bangladesh, if residents of the two nations unlawfully cross the line, it would be seen as Trespass, and as per law, and those individuals should be given over to the non-military

faculty authority. All through the latest several years, the two nations have assented to a movement of courses of action to ease the strain on the line. The neighbors inked a shown understanding clarifying the division of the land limit. In any case, India has been disregarding rules, going after anyone seen near the boundary or anyone to cross the line, which is an obvious encroachment of international law and human advantages.

In 2020 it was seen that in the last 10 years, the number of Bangladeshi nationals killed at the Indian border was the highest. If we look from January 1 to December 16 this year, No less than 45 Bangladeshi nationals have been killed by the Indian Border Security Force (BSF) in the Bangladesh-India borderline. In the meanwhile, though its percentage decreased then started to increase again. According to data collected by various human rights defenders, the number of killings at the border has started to come down near 2016, before it started to increase once again in 2019, with 43 people being killed annually by the BSF [6].

Border line:

Bangladesh and India are two countries side by side and they share a 4,096-kilometer-long (2,545 mi) global border, the fifth-longest land border in the world, including 262 km (163 mi) in Assam, 856 km (532 mi) in Tripura, 318 km (198 mi) in Mizoram, 443 km (275 mi) in Meghalaya, and 2,217 km (1,378 mi) in West Bengal. The Bangladeshi topographical Divisions of Dhaka, Khulna, Rajshahi, Rangpur, Sylhet, and Chittagong, alongside Indian provinces of West Bengal, Assam, Meghalaya, Tripura, and Mizoram are arranged along the border. India has built the Indo-Bangladeshi boundary, a 3,406-kilometer (2,116 miles) fence of spiked metal and cement just shy of 3 meters high, to forestall trespass and the smuggling of weapons and opiates.

Background:

The Bangladesh–India border, referred to locally as the International Border (IB), is an international border running between Bangladesh and India that divides the eight divisions of Bangladesh and the Indian states. The Bangladeshi divisions of Mymensingh, Khulna, Rajshahi, Rangpur, Sylhet, and Chittagong are arranged along the border. Various columns mark the border between the two states. Little divided segments of the border are fenced on the two sides[7]. Passing along with Bangladesh–India border occur frequently as a consequence of people endeavoring to wrongfully cross into India from Bangladesh, cross border terminating, and steers smuggling[8] Bangladesh and India share a 4,096 kilometers (2,545 miles) border[9]. To keep smuggling and illicit movement from Bangladesh, the Indian Border Security Force exercises its dubious "Shoot immediately" strategy. Under this approach, the BSF can shoot any individual on location with or without cause[10]. A huge part of the casualties is dairy cattle traders and ranchers with land close to the border[11]. Regarding border killings, Brad Adams, Executive Director of the Asia Department of Human Rights Watch express that, regularly shooting poor, unarmed residents isn't the manner by which the world's biggest majority rules system ought to act[12].

As per a report distributed by Human privileges associations, around 1,000 Bangladeshi regular citizens have been killed by the Indian Border Security Force (BSF) in a time of a long time (from 2001 to 2010)[13] The report likewise expresses that Indian paramilitary forces regularly compromise, abuse arbitrarily detain and torment nearby Bangladeshi regular citizens living along with the border and Bangladeshi border monitors normally don't help the Bangladeshi regular citizens. Odhikar, a Bangladesh-based human right association, assert that demonstrations of assault and plundering have likewise been executed by BSF at the border regions. In the initial eight months of this current year, a sum of 35 people was killed by border viciousness in the Indo-Bangla border - including 29 people shot to death and five passings from actual torment. In 2019, 43 people were killed.

In the initial eight months of this current year, an aggregate of 35 people was killed by border viciousness in the Indo-Bangla border - including 29 people shot to death and five passings from actual torment. In 2019, 43 people were killed. The quantity of people killed last year is 150% higher than whatever it was in 2019 - 14 passings. Eighteen people were killed in 2017, 31 out of 2016, 46 of every 2015, 33 out of 2014, and 26 out of 2013 show the information gathered by human freedoms campaigner Ain O Salish Kendra[14].

Reasons behind the India-Bangladesh border killing:

There are some explanations for India Bangladesh Border Killing. The border region between Bangladesh-India is intensely populated together with along with intensely poor. Various homesteads on the two sides of the line have lost their homes and positions due to water logging. Illicit boundary rehearses, for instance, cows sneaking, and dealing with individuals and opium, have flourished. In a portion of the cases recorded in this report, losses happened while cows were being snuck across the boundary in the evening. A great number were tormented neither deadened only on doubt of being associated with cows stirring. Kids, purportedly utilized by bootleggers to lessen the danger of identification, are among the casualties whose cases are archived beneath[15]. While determining the Bangladesh-India border, a number of problems have emerged. Of these, trade is arranged in the seas of South Asia and Southeast Asia. Probably the most unmistakable of them are border outline, trade of territories; sea boundary and so on again being arranged in the center of

South Asia and Southeast Asia. The border of Bangladesh has been identified as one of the smuggling areas. Including illegal goods, drug trafficking, various types of cattle including children and women are smuggled across the Indo-Bangladesh border. Indians allege that militants are using Bangladeshi land to attack India. In addition, Bangladesh border watchmen and BSF forces are always active in controlling various types of crime and if necessary, they take various steps to control crimes. Besides, in the case of transients, illegal methods can be noticed in Bangladesh. The forces of the two countries jointly take various steps to solve these problems. In this case, it is difficult for both parties to resolve these issues. The child and female traffickers, illegal drug dealers, and gold smugglers work in enormous partnership, but they cannot be traced.

However, there are claims that high-ranking officials and lawmakers are directly and indirectly involved in the crimes. As a result, criminals can escape from punishment through various loopholes in the law and in exchange for money. And most of that opportunity is enjoyed by the border guards. One of the reasons for border killings is the lack of proper and street law for the border forces. Strict laws should be enacted on the border guards. Due to the lack of strict laws, the border guards can shoot at innocent people and they don't have to be held accountable. If we look at Felani's case, it is clear that even after so many years, Felani's family has not received a fair trial. The landscapes of Bangladesh and India are relatively exceptionally adjustable, extending from the highlands to the lowlands in the west. There are also many waterways and river banks, while the southeast has the largest mangrove forest in the world, with individual boycotts. So it is difficult to see the border as the landscape of the two countries is relatively different. The border dwellers are so poor financially that they are willing to do anything illegal for a small amount of cash. As a result, the perpetrators of the crimes get the work done by others behind their backs and it becomes very difficult to catch the big criminals[16]. Thus the crimes are increasing day by day, innocent people are losing their lives from the middle. Reviewing the data of the authorities and various fields, it can be said that border killings are a gross violation of human rights. In India, some border guards have been violating the human rights of the people of the two countries for years. Doubts and hatred between the two countries are building day by day due to the killing of Bangladeshi border guards by Indian border guards.

A calculated system is proposed to give a more profound comprehension of border killings. The discoveries uncover the nature and reasons for the killings of Bangladeshi people by India's BSF. Cross-border relocations, illegal financial exercises, the Indian fence conspire, border questions and the BSF's 'shoot-to-kill strategies are, among different components, chief purposes behind border killings [17].

Impact on Bangladesh-India Bilateral Relations:

Although Bangladesh had good relations with India from the very beginning. But the brutal killings of Bangladeshi nationals on the India-Bangladesh border have unexpectedly caused a rift in relations between the two countries. Since India is on all three sides of Bangladesh, there are disputes between India and Bangladesh on various issues. Notable among these conflicts are the reasons why the two countries have so many problems, from water to borders, and from hydraulic construction to islands. However, the border dispute is one of the main problems among so many problems. Notable problems include borders, contours, territorial differences, maritime boundaries, and border killings.

But the reason for the border killings is not the people crossing the border, because the people of the two countries have been crossing the border for many years. There were not so many border killings then, so why is the number of border killings increasing day by day? And all in all, it is understood that the main reason for crossing the border is not only cattle smuggling. And whatever it is, why would the BSF crossfire directly for such crimes without checking and sorting? Such acts fall under the category of activities against human rights. If we look at the India-Bangladesh relations, in this case, the answer is that the percentage of border killings is increasing day by day due to the bilateral relations between the two countries [18]. Bangladesh is bounded by India on three sides, that is, Bangladesh is bounded on the east, west, and north by India. However, waterways have been identified as one of the means of illegal movement between the two countries. But the biggest thing is that the killing of this border is deteriorating the relations between the two countries day by day, and which is affecting the religious, social, economic, and political system of the two countries. Bangladesh has always strived to work and maintain good relations with India on bilateral issues, but on the other hand, the percentage of unarmed innocent people of Bangladesh killing on the border is increasing day by day. Although issues related to the Indo-Bangladesh border have been identified, no effective steps have been taken accordingly yet. As a result, the number of border killings is increasing day by day and new obstacles are being created in the bilateral relations between the two countries [19].

However, the killing of the border between the two countries has caused unintended effects and stir in the whole world. Bangladesh Prime Minister Sheikh Hasina has said that crossing the Bangladesh-India border and border killings have become a matter of serious concern day by day [20]

Violation of international laws and principles on the India-Bangladesh Land Border Line:

For years, the Indian Border Security Force (BSF) has been killing unarmed Bangladeshi civilians and violating human rights on the Bangladesh-India border. The BSF has been firing, killing, and torturing unarmed Bangladeshi nationals on the border between the two countries in violation of global standards. In many cases, the BSF has illegally entered the borders of Bangladesh and attacked, shot, and detained unarmed Bangladeshi civilians living on the border with no law of the world has given its legitimacy. If we look at Articles 3, 4, and 5 of the United Nations Universal Declaration of Human Rights, the issue of border killings is considered to be completely inhumane. According to the treaty and agreement between India and Bangladesh, if a citizen of the two countries is caught crossing the border illegally, it will be considered as trespass and according to the relevant law, the person should be handed over to the authorities of his country, but not killed at the border. On the India-Bangladesh border, the Indian Border Security Force (BSF) is violating the International Principles. The Latin maxims "Melius est ut decem nocent quam unus innocens", this maxim means that it is better to acquit ten offenders than to hang an innocent. But on the India-Bangladesh border, the opposite is happening. They are going to kill 10 innocents to kill one criminal. So here it is clear that the Border Security Force (BSF) of India is also violating the International Principle.

In the course of the most recent couple of years, the two countries have consented to a progression of arrangements to ease pressure on the border. The neighbors inked a convention arrangement explaining the outline of the land limit. Anyway, India has been abusing settlements, taking shots at anybody seen close to the border or anybody to cross the border, which is a reasonable infringement of international law and human rights [21]. Even after so many things, the same thing is happening again and again on the border of India and Bangladesh. The Indian border guards are doing injustice to the citizens living on the border of Bangladesh. If a person living on the border of Bangladesh crosses the border, he is immediately shot dead by the BSF, which is a complete violation of international law and human rights. The recent news and reports of border killings show that the border killing problem is growing day by day. For an outline of all News and Reports, see the Site guide or utilize the Super Search. [22]. In a recent global post, America's World News site described that India-Bangladesh is one of the border areas in the world where the number of border killings between the two countries is much higher. The Border Security Force (BSF) of India is carrying out such killing tactics to stop illegal border crossings, cattle smuggling, women and child trafficking, drug trafficking. But, is shooting the real solution for this problem? Also, the lives of ordinary Bangladeshi people are coming to an end due to their neglected strategy. According to the BSF, they use this method only against radicals, drug dealers and arms dealers. But if that is the case, then why so many Bangladeshi people are killed in border killings? In recent years, many Bangladeshis living on the border have lost their lives in border killings. A New York-based human rights Association, Human Rights Watch, described a report on page 81. The name of the report is 'Combative: Excessive Use of Force by Indian Troops at the Bangladesh Border, it said that the Indian Border Security Force (IBSF) shot dead Bangladeshi nationals while crossing the border without any evidence of wrongdoing. But the BSF easily avoids saying that they carry out such killings in self-defense or to prevent illegal activities. The HRW said they discovered no proof of any passing it archived that the individual was occupied with any movement that would legitimize a particularly outrageous reaction [23]. Needless to say, the Indian Border Security Force (BSF) considers itself to have special powers over the India-Bangladesh border. The BSF takes any serious decision alone without any punishment and they act as they please. It is clear that the lack of proper and precise legislation is the reason why they are able to do such things. Because of them (BSF), the inhumane death rate and chaos on the India-Bangladesh border are increasing day by day and they have been thinking of themselves as judges there. In the last 27 years, 291 innocent Bangladeshi nationals have been killed and 163 injured at the India-Bangladesh border by the Indian Border Security Force (BSF). Whereas killed number expanded to 967 people and harmed 761 Bangladeshi people in 11 years. In terms of executing judgment, the BSF kills Bangladeshi residents in the borderline and they transformed the border region into the bloodiest borderline however utilization of deadly force or deadly weapons that ought not to be utilized in the border region aside from where stringently important to secure life [24]. Indian border guards are not only involved in killing innocent civilians, but they are also involved in various other misdeeds, such as detaining Bangladeshis, beating them to death, physically torturing them, suffocating them, and so on. Through these misdeeds, they are going in front of the whole world day by day with the identity of their inhumanity and low humanity.

Case study:

The following case studies will show how the human rights of the people of Bangladesh are being violated in the India-Bangladesh borderline.

☆Felani Khatun: If we look at the case of Felani in 2011, Felani is a 15-year-old girl from Bangladesh and she used to work in India. Felani's father arranged the marriage for Felani and for that he went to bring her from India. Felani's father was able to cross the wire fence, but Felani could no longer cross the barbed wire fence. Because Felani was brutally killed by the Indian BSF while crossing the barbed wire fence and in that situation, Felani's body was hanging on the barbed wire for four hours. Indian BSF forces tried to call it an untimely death. Later, a human rights case was filed

against him but the killer Amir Ghosh was acquitted. Although the case has since resumed, Felani's family has not received any justice.

But how many more Bangladeshi Felanis will die in this way on this India-Bangladesh border? None of us know the exact answer.

☆ Some people who survived the BSF firing and attack from the Indo-Bangladesh border said that the Indian border guards suddenly started firing. Shyamal Karmakar, a citizen of Bangladesh, migrated to India in 2010 to visit his family. On January 26, 2010, when the Shyamal cattle returned to Bangladesh, the BSF forces began making changes to capture them. Shyamal was killed in those shots [25].

☆ However, the border killings are becoming a tragic story day by day. Shahinur Haque, a 29-year-old boy, was allegedly shot dead by a BSF soldier on August 9 last year. It is learned that this incident took place in Kochbihar district. At around 7 pm, Shahinur was playing mobile games with his brothers in front of the house, just then, a rubber pallet fired by BSF personnel hit Shahinur, and then a BSF soldier beat and shot Shahinur. An unnatural death case has been registered at the police station in this incident [26].

☆ On July 4 last year, BSF forces killed a 50-year-old Bangladeshi national. The incident took place in Chapai Nawabganj District. A local lawyer said the man went to the border to cut grass for cattle and accidentally crossed the border. BSF personnel immediately shot him dead and left his body on Bangladeshi soil. If the BSF wanted to return, they could have returned the living person. Did he have to lose his life as a punishment for crossing the border by mistake? The answer to this question should be considered by the governments of the two countries [27]

Recommendations

We realize how significant foreign affairs are to a country, yet we need to escape this problem. As well as keeping up with the balance, keep up with great relations between countries. We know that Bangladesh and India are the two nearest countries, even India's position on three sides of Bangladesh. But despite being side by side, the relationship between them is not so good and the main reason is the border killing issues on the Bangladesh-India land border. According to a recent global post, the Indo-Bangla border is a tense border between the two countries. Even the Indo-Bengal border has been called the bloodiest border in the world. Apart from bloodbath relations, there are various problems between Bangladesh and India. Below I am suggesting some recommendations through which perhaps India-Bangladesh problems can be solved.

» The Border Security Force should be alerted by the United Nations so that they do not commit any act that violates human rights. And if they do such a thing by neglecting their responsibilities, then they have to go to the International Perspective and be held accountable.

» The Bangladesh-India border should be completely separated by the two countries sitting together. And to form a border commission jointly for the borderlines of the two countries.

» People living on the border are suffering more and losing their lives on the Indo-Bangla border. A Human Rights Watch Dogs should be established there to ensure that the human rights of the people in the border areas are not violated and their human rights are not violated.

» Investigate and indict all claims of grave human privileges infringement by the Border Security Force (BSF) and Border Guard Bangladesh (BGB) through a free body under the sponsorship of the United Nations.

» The Government should challenge human freedoms infringement on Bangladeshi residents by the Indian Border Security Force (BSF), and explore all brutality and request from the Indian Government satisfactory remuneration for the groups of the people in question and preliminary and discipline for the culprits.

» The Government ought to likewise guarantee the wellbeing and security of the Bangladeshi residents dwelling at the border regions; ought to be included the new law border region by its own Parliament.

» Indian Police should enroll grievances against the BSF in instances of maltreatment against Bangladeshi nationals. It is the obligation of the BSF inside courts to manage maltreatments by the BSF that the Indian police ought not to decline on the grounds.

» Human privileges upsides of border forces ought to be improved through investment in various human freedoms meetings.

» Soft border discretion ought to be presented among Bangladesh and India, and a few changes ought to be made in the laws of Bangladesh-India Border Line;

» Other questioned issues ought to be settled strategically through bilateral, territorial, and global standards and standards;

» Altogether amicable political connection is to be set up between these two countries that drive the connection to another measurement and wonders.

» The BSF needs to formulate a policy from the United Nations on their use of force and weapons. BSF personnel should adopt any other peaceful tactics, excluding the use of force and firing tactics at the border. All security forces around the world follow this policy for gun use.

» BSF should cling to rules that are somewhere near the National Human Rights Commission to explore all instances of passing during security tasks.

» Finally Establishing a free and fair commission of investigation into genuine infringement of global human privileges law is an unquestionable requirement need. This request should welcome both Indian and Bangladeshi nationals to submit confirm and bring grievances. The request ought to be time-bound and straightforward, and ought to can give assurance to witnesses.

CONCLUSION

The value of a person's life is so great that once it is gone, it can never be found again. But people's lives on the Indo-Bangladesh border seem like a game nowadays. The biggest thing is that India is not a state without courts, of course, India has a judiciary and courts. India should, if a Bangladeshi citizen crosses the India-Bangladesh border and violates any law or enters Indian Territory illegally, be handed over to the government authorities in Bangladesh without being shot. Or they can bring the accused under the law and send them to court, but the BSF cannot shoot them on the spot. And for the implementation of these, it is necessary to formulate correct and precise laws in India. However, senior Indian officials have condemned the killing on the Bangladesh-India border and they also promised to request the BSF to stop this shooting tactically. They also promised to use peaceful tactics to provide security for illegal border crossings and dealers, and to ensure that the lives of ordinary people are not endangered. But the point here is to see if their promises are fulfilled. Comparative guarantees of zero capacity to bear manhandles have been made in Kashmir as well and somewhere else by India yet have not been satisfied their own words at this point. Bangladesh and India are two of the most important countries in Asia, whose role is very important in Asia. We all need to keep in mind that we can build a successful, happy, hunger-free Asia through bilateral good relations and mutual assistance. But no legal system can do this unless there is morality and justice between the people of the two countries. However, if the two countries do not have friendly relations, then the survival of those countries becomes challenging. And there is a possibility of being attacked very easily by another country at any time. Therefore, in order to protect our own country, we should all maintain good relations with other countries as well.

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