

Trafficked Bangladeshi Women and Children are detained in Indian correctional home - Systematic violation of GOI Home Ministry's guideline in West Bengal

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To: NHRC1 <cr.nhrc@nic.in>, NHRC <chairnhrc@nic.in>

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Banglar

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To

The Chairperson

National Human Rights Commission

Block- C, GPO Complex, INA

New Delhi – 110023

Respected Sir,

I would like to lodge another complaint on illegal arrest and subsequent detention of Bangladeshi nationals under Section 14 of The Foreigners Act, 1946, which was in total violation of advisory issued by the Government of India vide office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India dated 1st May, 2012. This complaint is similar in nature and in continuation with my several previous complaints before the Commission but till date no proper action has been taken by the Commission on my earlier complaints. In miniscule of our complaints, your Commission has asked for police report and police in a heartless and routine procedure copying us the reports, those reports are inadequate and not addressing the issue which we tried to raise. I want to raise this question, whether the Home Department, Government of India withdrew the aforesaid guideline? If not, then it is the duty of criminal justice administration of West Bengal to show respect to that Memorandum. The decision took birth from International treaty at SAARC meeting. So it is the duty of every citizen to obey the decision as Article 51 (c) of Indian Constitution.

Police, BSF, even judiciary are violating UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime, 2000. Indian state signed this Protocol. Through governmental action trafficked women and children were treated as criminal and sent to prison.

Here are the details of two incidents where it is clearly stated Bangladeshi women and children crossed the border in searching for better livelihood.

Our fact-finding team revealed that in the first incident, total 87 Bangladeshi people were arrested and out of them there were 45 women and 20 minors. The detained people also include two Indian women with 2 female children from the District of North 24 Parganas. They were arrested by Border Security Force personnel from Ghoner Math Border Out Post vide battalion number 64 and 'F' company on 08.11.2019 at 12:30 hours as they were returning to Bangladesh. They were arrested near Border Pillar 17/177, at a distance of 1800 meters from the International Border Pillar under the jurisdiction of Bongaon Police Station. The BSF personnel complained to the Bongaon Police Station and on 09.11.2019, an FIR vide 862/19 was lodged against the people under the 14/14 (C) Foreigners Act on the same date. On 09.11.2019, they were produced at the ACJM Court at Bongaon and remanded to jail custody until 19.11.2019 for production of Inspector-in-Charge's report. Our fact finding team informed that those people came to India in searching of better livelihood.

The particulars of Women and Minors among the Bangladeshi Nationals

Women

	Name	Age	Wife of	Daughter of	Address
1	Anna Khatun	32	Lt. Bahadur Sheer		Village: Sahkarpur, PS: Kotwali, District: Jessor(BD)
2	RasnaKhatun	45	MofishHalder		Village: MadhyamKhauta, PS: Rainda, District: Khulna (BD)
3	Hafiza Begum	20	Babu Khan		Village: Khunt Kata, PS: Randha, District: Khulna (BD)
4	Rasida Begum	44	Muntiyaz Khan		Village: Kathamara, PS: Moralganj, District: Bagherhat (BD)
5	Monira	22	Safikul Islam		Village: Bandariya, PS: Kotwali, District: Jessore (BD)
6	Ashima	28		Isarat Ali Sardar	Village: Norendrapur, PS: Kotwali, District: Jessore (BD)
7	Fahima Begum	35	ManikHaldar		Village: Nutan Bazar, PS: Khulna, District: Khulna (BD)
8	Rami Ron	48	Sheikh		Village: Madhyampara, PS: Kasin, District: Faridpur (BD)
9	Parbin Begum	30		Safikul	Village: Randa, PS: Bagherhat, District: Bagherhat (BD)
10	Fatima Begum	35		Hafiz Howldar	Village: Barisal, PS: Moralganj (BD)
11	AfsanaKhatun	25		Fatima Begum	Village: Barisal, PS: Moralganj (BD)
12	Salma Khatun	30		IlishMadban	Village: BairoliKheli, PS: Moralganj (BD)
13	Rashida Sheikh	40	Irup Sheikh		Village: JamrilDanga, PS: Padoli, District: Narail (BD)
14	Moyna	25	Md Rabi-ul		Village: Uttar Bhawanipur, PS: Ghasirhat, District: Firoshpur (BD)
15	Masima Began	25	MdSamin		Village: Randah, PS: Bmgha Bazar, District: Bagrat (BD)
16	SahajadaKhatun	40	Abdul Hamid		Village: Benapole, PS: Benapole, District: Jessore (BD)
17	Seema Shaikh	30	Massom Shaikh		Village: PhoolTala, PS: Jessore, District: Jessore (BD)
18	RukhsanaKhatun	35	MdNanya Maya		Village: Manikjor, PS: Morulganj, District: Khulna (BD)
19	Iti Begum	30	SubaharAlladar		Village: Guleskhali, PS: Moralganj, District: Bagarhat(BD)
20	Hazara Begum	30	Raql Amin		Village: Basbonia, PS: Molbaria, District: Prishpur (BD)
21	Indu Begum	34	Jashin Amin		Village: Basbonia, PS: Molbaria, District: Prishpur (BD)
22	Shirin	19		Joshin	Village: Basbonia, PS: Molbaria, District: Prishpur (BD)
23	Helena Begum	36	RobiulMulla		Village: Badalbazar, PS: Kosiva, District: Khulna (BD)
24	Sirin Begum	22	Swagir		Village: Johar Bazar, PS: Moralganj, District: Khulna (BD)

25	Salma Begum	25	RasselHowalder		Village: Sannsee, PS: Moralganj, District: Khulna (BD)
26	Suriya Begum	30	Massom Sheikh		Village: KismalJamua, PS: Moralganj, District: Khulna (BD)
27	Rshma Begum	28	SwatinBasumutari		Village: Sanki, PS: Moralganj, District: Bagerhat (BD)
28	Halima Begum	40	Nrul Amin		Village: Gunbunia, PS: Randah, District: Bagerhat (BD)
29	Saphiya Begum	32	MdMonir		Village: MishanBadiya, PS: Moralganj, District: Bagerhat (BD)
30	JharanaMulla	45	ShajahanMulla		Village: Pedoli, PS: Narial, District: Kalia (BD)
31	AngoorMulla	19		ShajahanMulla	Village: Pedoli, PS: Narial, District: Kalia (BD)
32	RahidaBegam	19	Ismal		Village: Shahrakit, PS: Najirpur, District: Firizpur (BD)
33	Hasina Begum	28	Rajan Sheikh		Village: Ichamati, PS: Jessore, District: Jessore (BD)
34	JharnaKhatun	35	Jaju Sheikh		Village: Polirhat, PS: Kotalie, District: Jessore (BD)
35	Loveuy Begum	30	Alamin Sheikh		Village: PaschimKhawaliya, District: Bagerhat (BD)
36	Nargish Begum	32	Abbas Ali		Village: PaschimKhawaliya, District: Bagerhat (BD)
37	Kurshiya Begum	20	MdManir		Village: ChotunAlbunya, PS: Raine, District: Bagerhat (BD)
38	Kajol Begum	20	MdNajrul Islam		Village: Sahirkant, PS: Nazirpur, District: Phirispur (BD)
39	Sabana Begum	46	Anwar Howalder		Village: Rajpur, PS: Rainda, District: Bagherhat (BD)
40	MoruimNishat	45	Sukur Ali		Village: Goga, PS: Goga, District: Jessore (BD)
41	RabiyaBegam	25	MdRafik		Village: ChingirBitberiya, District: Jessore (BD)
42	MafuzaBibi	37	S K Alongi		Village: Doltala, PS: Madhyam Gram, District: North 24 Parganas (IND)
43	RshmaBibi	23		S K Sheekh	Village: Poltala, PS: Madhyam Gram, District: North 24 Parganas (IND)
44	Rukiya	30	MdSahil		Village: Nutan Bazar, PS: Khulna, District: Khulna (BD)
45	Yasmin	37	Tarikul		Village: Guabonya, PS: Moralganj, District: Bagerhat (BD)
	Minors	Age/Sex	Found With	Address	
1	Sajit	Male, 12	MdSahil		Village: Nutan Bazar, PS: Khulna, District: Khulna (BD)
2	Isha	Male	Parbin Begum		Village: Randa, PS: Bagherhat, District: Bagherhat (BD)
3	Munsha	Male	Parbin Begum		Village: Randa, PS: Bagherhat, District: Bagherhat (BD)

4	Afsana	Female, 11	Fatima Begum	Village: Barisal, PS: Moralganj (BD)
5	Sahil	Male, 7	Rasida Begum	Village: Kathamara, PS: Moralganj, District: Bagherhat (BD)
6	Alameen	Male, 1.5	Seema Shaikh	Village: PhoolTala, PS: Jessore, District: Jessore (BD)
7	Rakib	Male, 10	RukhsanaKhatun	Village: Manikjor, PS: Morulganj, District: Khulna (BD)
8	Abdullah Haldar	Male, 12	Iti Begum	Village: Guleskhali, PS: Moralganj, District: Bagarhat (BD)
9	Hasan	Male, 4	Hazara Begum	Village: Basbonia, PS: Molbaria, District: Prishpur (BD)
10	Shamim	Male, 4	MdMizanul	Village: Rajour, PS: Sarnkarnala, District: Baerhat (BD)
11	Abu Chale	Male, 7	Suriya Begum	Village: KismalJamua, PS: Moralganj, District: Khulna (BD)
12	PawanBasumutari	Male, 3	Rshma Begum	Village: Sanki, PS: Moralganj, District: Bagerhat (BD)
13	Shahina	Female, 6	Ripon	Village: Milkidera, PS: Rupsa, District: Khulna (BD)
14	Rabbi Shah	Male, 12	Halima Begum	Village: Gunbunia, PS: Randah, District: Bagerhat (BD)
15	Abdullah	Male, 5	Saphiya Begum	Village: MishanBadiya, PS: Moralganj, District: Bagerhat (BD)
16	RukshanaMulla	Female, 8	JharanaMulla	Village: Pedoli, PS: Narial, District: Kalia (BD)
17	Md Sami	Male, 2	MdSadir	Village: Baroikheli, PS: Moralganj, District: Bagerhat (BD)
18	Faizal	Male, 2.5	MdAlamin	Village: Chalta Bunya, PS: Moralganj, District: Bagerhat (BD)
19	SumiyaKhatun	Female	MafuzaBibi	Village: Doltala, PS: Madhyam Gram, District: North 24 Parganas (IND)
20	MariyamKhatun	Female	MafuzaBibi	Village: Doltala, PS: Madhyam Gram, District: North 24 Parganas (IND)
21	Omar	Male, 4	Indu Begum	Village: Basbonia, PS: Molbaria, District: Prishpur (BD)
22	AbirHussain	Male, 4	MdDewlorHussain	Village: Nutan Bazar, PS: Khulna, District: Khulna (BD)

In another incident in the same district of North 24 Parganas, 1 Bangladeshi woman and 3 men were arrested by the Basirhat Police Station on 20.11.2019 at 4:30pm. They had come to India in search of work and mostly work as construction workers and domestic helpers. Basirhat Police Station registered the complaint vide Basirhat PS Case

No. 1297/19 dated 20.11.2019 under section 14 of Foreigners Act. Next Day on 21.11.2019 the Bangladeshi nationals were produced before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas. The said court sent the victims for fourteen days judicial custody at the Dum Dum Correctional Home and till date they are detained there.

The particulars of Bangladeshi Nationals-

SI No	Name	Age	Sex	Address	Wife of/Son Of
1	Sommaya Bibi	20	Female	Vill - Laskarpur, PO - Mokampur, PS - Telukhata, Dist - Khulna, Bangladesh	Suban Muolla
2	Md. Kaus Khan	24	Male	Vill + Dist - kushtiya, PO - Siloyda, PS - Umarkhali, Bangladesh	Md. Manan Khan
3	Md. Nazrul Sardara	26	Male	Vill - Chaluahati, PO - Nenguda Bazaar, PS - Monirampur, Dist - Jessore, Bangladesh	Sattar Sardar
4	Mohan Pasa	33	Male	Vill - Uttar Baraikhali Kasmir Tulatola, PO + PS - Moranganj, Dist - Bagerhat, Bangladesh	Saleem

The prosecution was registered against them merely on the allegation that they entered into India without any valid document. But the fact is that a large section of Bangladeshi people, particularly women are trapped by the traffickers. Poor Bangladeshis are enticed for better job in India. I hope that the victims in these two cases will be provided with adequate legal support and the Commission shall consider the following demands of justice for the victims:-

- Police, BSF, Judiciary and administration must obey Advisory issued by the Government of India vide office memorandum No. 14051/14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India dated 1st May, 2012.
- The prosecution against the victims should be withdrawn immediately considering the facts and circumstances of the victims.
- The victim women should be kept in a shelter home instead of the correctional home
- The series of incidents, including the current two; flouting the Government of India's advisory, must be investigated by one neutral investigating authority.
- The concerned authority must be directed to hold an inquiry in compliance with the advisory issued by the Government of India vide office memorandum No. 14051 /14/2011-F.VI of Ministry of Home Affairs (Foreigners Division) Government of India Dated 1st May, 2012 and pending the inquiry the victim women must not be treated as accused
- The victim persons should be repatriated to their own country and prosecution launched against them should be withdrawn at the earliest.

Sincerely Yours

Dipyaman Adhikary
Assistant Secretary
Banglar Manabadhikar Suraksha Mancha (MASUM)

Attached Documents

FIR prepared by Inspector in Charge of Bangaon Police Station

FIRST INFORMATION REPORT form with handwritten details, including names of accused persons and their addresses.

SUB-LOGGING OF FIRST INFORMATION REPORT form with handwritten details and a list of accused persons.

SUB-LOGGING OF FIRST INFORMATION REPORT form with handwritten details and a list of accused persons.

FIRST INFORMATION REPORT form with handwritten details and a list of accused persons.

FIRST INFORMATION REPORT form with handwritten details and a list of accused persons.

FIRST INFORMATION REPORT form with handwritten details and a list of accused persons.

Accused Challan prepared by Mr. Suvasish Pramanick, Sub Inspector of Basirhat Police Station

Accused Challan form with handwritten details, including names of accused persons and their addresses.

Accused Challan form with handwritten details, including names of accused persons and their addresses.