



Banglar

Manabdhikar Suraksha Mancha (masum)

40A, Barabagan Lane, Serempore,  
Hooghly - 712 203 West Bengal, India

Phone : +91-33-2622-0843/45  
Tele Fax : +91-33-2622-0843  
E-mail : masumindia@gmail.com  
Web : www.masum.org.in

**25.08.2020**

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

Respected Sir,

I am writing this complaint regarding detention of Bangladeshi persons in West Bengal and accusing and treating them as criminals under Foreigners Act, 1946. Since long MASUM is trying to bring the on-going malpractice into light by making numerous complaints to the NHRC and other relevant departments. The authorities including police and Border Security Force are not at all concerned to enquire into whether the persons including women and children crossed the border from Bangladesh to India were the victims of human trafficking or not. Here I am appending two case details for your perusal.

**Case 1:** In connection with Swarupnagar Police Station **Case no. 394/20** dated 17.08.2020 under section 14/14C of Foreigners Act, a Bangladeshi national, Ms. Laiju Sheikh, daughter of Chand Miya Sheikh, age-24 years, residential address: - village-Hijaldi, Police station - Kalarua, District-Gayabanda, Bangladesh was arrested. Swarupnagar police also arrested Mr. Tariqul Gazi and alleged that he was a tout who was helping Ms. Laiju cross the international border illegally. However, it has been revealed from our fact finding that Mr. Tariqul Gazi was working in his field, when he was called to visit the BSF Border Outpost by one R.C. Yadav, who told Tariqul that BSF has apprehended a lady but is not accustomed with her language. Therefore, Tariqul was called in the BOP to interpret her statement. However, when he reached the BOP to help the BSF, he was arrested with the allegation of being a tout. In the same FIR copy, the BSF has mentioned the names of another seven persons from different villages of the area who are not related to this case in anyway.

The victims were arrested at 9:15 pm on 17.08.20 and produced in the Basirhat ACJM court on 18.08.20, where their bail was rejected. They were again called for hearing on 19.08.20 but denied bail and are sent to the Dum Dum Correctional Home.

**Case 2:** In connection with Basirhat Police Station **Case no. 959/20** dated 18.08.2020 under section 14 of Foreigners Act the following Bangladeshi women and children were arrested:-

1) Ms. Janu Begum, wife of Mohammad Hossain, age - 35 years of Vill- Nandanpur, PS- Jagannathpur, Dist- Sunamganj, Bangladesh along with her 3 lap babies:

- i. Nur Kaios (6 years)
- ii. Nur Kalima (5 years), and
- iii. Mohammad Arman (4 years)

2) Modina Begum, wife of Imam Hossain, age - 50 years of Vill - Nandanpur, PS- Jagannathpur, Dist- Sunamganj, Bangladesh

Basirhat Police produced all of them before the Court of Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas district. The court sent them to Dum Dum Central Correctional Home, for 14-day jail custody.

Our fact finding reveals that the arrested Bangladeshi persons entered India for the purpose of working in India as they are terribly poverty-stricken people with no jobs in Bangladesh. Most of them work as domestic help,

construction worker and hotel workers in various locations of India. The victims are either trying to enter India through the border or return to their home in Bangladesh with the help of local touts, involved in cross border illegal movements (both side of the border), when they are being arrested by the Border Security Force (BSF) personnel. These touts / middlemen / *DHURS* are operating in connivance with border guards of both sides, India and Bangladesh. The Bangladeshi persons arrested were treated as accused under the Foreigners Act and no attempt has been taken up by the police or the concerned court to ascertain whether they were the victims of human trafficking or not. Such approach of the criminal justice system is against 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 clearly states as *“(IV) it is seen that in general, the foreign victims of human trafficking are found without valid passport or visa. If, after investigation, the woman or child is found to be a victim, she should not be prosecuted under the Foreigners Act. If the investigation reveals that she did not come to India or did not indulge in crime out of her own free will, the State Government / UT Administration may not file a charge sheet against the victim. If the charge sheet has already been filed under the Foreigners Act and other relevant laws of the land, steps may be taken to withdraw the case from prosecution so far as the victim is concerned. Immediate action may be taken to furnish the details of such victims to the Ministry of External Affairs (Consular Division), Patiala House, New Delhi so as to ensure that the person concerned is repatriated to the country of her origin through diplomatic channels” and (v) During the interim period, pending repatriation, the victim may be taken care of in an appropriate children’s home, or “Ujjawala” home or appropriate shelter home either of the State Government concerned or of any NGO aided by the Government of India / State Government.’*

I hereby want to recall the Memorandum of Understanding signed by India and Bangladesh on bilateral cooperation to prevent human trafficking in women and children; signed by both countries on 30 May 2015.

I also want to mention that State agencies should pay respect to Constitution of India, in Article 51(c).

The present complaint reflects that the law enforcing agency by arresting the above stated persons and implicating them under the Foreigners Act as accused persons acted mechanically without giving any importance to legitimate entitlements of those arrested persons.

The incidents are not only violating the advisory of Government of India but in violation of Goal Number 16 of Sustainable Development Goals of UN, Government of India is a party to set the goals and obliged to adhere the same.

Under the circumstances I would request your authority to intervene in this present complaint and consider the following demands of justice for the victims:-

- The whole matter 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 and children must not be treated as accused. .
- The victim persons including children should be immediately repatriated to their own country and prosecution launched against them should be withdrawn at the earliest.
- The local villager illegally arrested by the BSF should be released and disciplinary action should be taken against the guilty BSF officials for implicating him in fabricated case
- The constant flouting of advisory of Ministry of Home Affairs (Foreigners Division) Government of India by various components of criminal justice administration should be dealt with concern and offenders must be punished accordingly

Thanking you  
Yours truly

DipyamanAdhikary  
Assistant Secretary, MASUM

Attached Documents

FIR registered in Swarupnagar Police Station in connection of Laju Sheikh case.

**SR NO-3424/20** 4344

**FIRST INFORMATION REPORT**

No. 27  
Date of a cognizable crime reported under section 154 Cr. P.C. at P.S. 17/08/2020 FIR No. 391/2020 Date 17/08/2020

(i) Act Section 14/14C Foreigners Act  
Sub-Divn Bithari P.S. Swarupnagar Year 2020 Sections 14/14C Foreigners Act  
(ii) Act \_\_\_\_\_ Other Acts & Sections 598 Time at 21.35 hrs.

(a) General Diary Reference : Entry No. \_\_\_\_\_ Date 17/08/2020 Time at about 12.05 hrs.  
(b) Occurrence of Offence : Day \_\_\_\_\_ Time at 21.35 hrs.  
(c) Information Received Date 17/08/2020 at the Police Station. Swarupnagar P.S.

G.D. No. 598

4. Type of Information : Written / Oral \_\_\_\_\_  
5. Place of Occurrence : (a) Direction and Distance from P.S. East north, 19 km (Approx)  
(a) Address In alignment of BP No. 33/42-11, BOP- Bithari, P.S. Swarupnagar  
Dist - North 24 Parganas.  
(b) In case outside limit of this Police Station, then the name of P.S. \_\_\_\_\_  
District \_\_\_\_\_

6. Complaint / Informant :  
(a) Name Sanjit Narayan  
(b) Father's / Husband's Name \_\_\_\_\_  
(c) Date / Year of Birth \_\_\_\_\_  
(d) Nationality Indian  
(e) Address C/O Coy, 122 BN BSF, BOP- Bithari, P.S. Swarupnagar, (N) 24 Pgs

7. Details of Known / Suspected / Unknown / Accused with full particulars Chand Miya Sheikh, Vill + P.O - Hitaldi, P.S. Kalamna  
Dist - Gayabanda (BD) @ Tamizul Gazi, Vill - Dhankhanda,  
Sardul Gazi, Vill - Dhankhanda,  
Dist - Swarupnagar, (N) 24 Pgs. (WB) and SL No-03 to 09 attached

8. Reasons for delay in reporting by the Complainant / Informant separate sheet  
P.O - Haldimpur, P.S - Swarupnagar, (N) 24 Pgs.

9. Particulars of properties stolen / Involved. (Attach separate sheet, if required): One Mobile Phone  
(RSVO-1906), One pair ear Jhumka (Gold), One pair Ring  
(Gold)

10. Total value of Properties stolen / Involved : \_\_\_\_\_  
11. Inquest report / U.D. : Case No., if any : \_\_\_\_\_  
12. FIR Contents : (Attach separate sheets, if required) The original computer typed complaint  
of the complainant which is treated as FIR is  
attached herewith / reproduce overleaf.

13. Action taken : Since the above report reveals commission of offence(s) u/s 14/14C Foreigners Act  
\_\_\_\_\_ registered the case and took up the investigation / directed A.S. Ram Ch. Roy with A.S.  
\_\_\_\_\_ to take up the investigation  
transferred to P.S. \_\_\_\_\_ on point of jurisdiction. FIR read over to the Complainant / Informant  
admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

17-08-20  
In-Charge



/112 BN /OPS/FIR /2020/14



OFFICE OF THE COY COMM  
'C' COY, 112 BN BSF  
BOP - BITHARI  
DTD-17 AUGUST- 2020

TO,  
THE STATION HOUSE OFFICER  
POLICE STATION  
SWARUPNAGAR (W.B)

**SUB: - LODGING OF FIR AGAINST APPREHENDED 01 BD NATIONAL OUTGOING AND  
IN AOR OF BOP BITHARI**

- 1.Date and Time : 17.08.2020 at About 1205 Hrs.  
2.Name of BOP : BITHARI  
3.Place of Incident : In alignment of BP.No.13/4R-11  
4.Distance from BOP : Approx-300 Mtrs  
5.Distance from IB : Approx- 200 Mtrs  
6. Type of Seizure : APPREHENSION OF 01 BD NATIONAL / OUTGOING  
TOUT INDIAN  
7.Detail of Apprehended BD National :

SL NO	NAME & FATHER / HUSBAND NAME	AGE	REGION & SEX	ADD
1	LAIJU SHAIKH D/O-LT. CHAND MIYA SEAIKH	APPX-24 YRS	MUSLIM/FEMALE	VPO-HIJALDI, PS-K. GAYABANDA (BD).

8.Detail of Apprehended TOUT INDIAN:-

Complaint of BSF personnel to Basirhat Police Station regarding the case of Janu Seikh and others

			APPROX VALUE RS.8000/-	IMEI 2 - 866048042579500
2.	EAR JHUMKA	02	TOTAL OF BOTH GOLD ITEMS:	-
3.	RING	02	APPX VALUE-RS.61665.80/-	

10. NAME OF BSF PARTY : OP PARTY

SL/NO	REGT NO	RANK	NAME	UNIT
1.	130600734	CT	TARVENDRA SWAMI	112

11. BRIEF NOTE: -

ON 17/08/2020 AT ABOUT 1205HRS , ON SPECIFIC INFORMATION PROVIDED BY SL/ C CHAMAN YADAV OF UNIT 'G' CELL, OP NO 04 OF BOP BITHARI C COY CONSISTING NO 130600734 TARVENNDRA SWAMI SAW A SUSPECTED MOVEMENT OF 02 PERSON MOVING TOWARDS IBBR ROADS WHEN HE CHALLENGED THEM TO STOP ,THEY RAN AWAY FROM THE SPOT BUT OP PARTY RUSHED TOWARDS THEM AND CAUGHT THE 02 SUSPECTED PERSONS . WHEN ASKED FOR ID PRE THEY FAILED TO PRODUCE ANY LEGAL DOCUMENTS TO PROVE THEIR IDENTITY. ON INITIAL QUESTIONING, SUSPECTED APPREHENDED LADY REVEALED THAT SHE IS A BD NATIONAL THE APPREHENDED PERSON REVEALED THAT HE IS AN INDIAN NATIONAL (TOUT). THE OP PARTY IMMEDIATELY APPREHENDED THE BD NATIONAL AND INDIAN TOUT ,INFORMED THE MATTER TO COY CMDR AND THEM NEAR OP POINT 04 OF BOP BITHARI FOR PQR.

DETAILS OF APPREHENDED LADY-

1) LAJU SHAIKH ,24 AGE APPX MUSLIM D/O LATE. CHAND MIYA SHAIKH.ADDRESS:-VILL-HIJALDI HIJALDI,PS- KALARUA,DISST- GAYABANDA ( BD).

ITEMS OBSERVED WITH THE SUSPECT-

1. VIVO 1906 COST RS 8000/- IMEI 866048042579518 , IMEI 866048042579500
2. 02 NOS EAR JHUMKA
3. 02 NOS RING

DETAILS OF INDIAN TOUT-

1) TARIQUAL GAZI, MALE, AGE 31APPX ,MUSLIM S/O LATE. SADDIUAL GAZI , ADD:-VILL -DHARKH PO:-HAKIMPUR M,PS:- SWARUPNAGAR,DISST:-24 NORTH PGS. POO- DURING PQR HE REVEALED THAT ,HE IS AN INDIAN NATIONAL .HE DOES PETTY SMUGGLING WORK AS A TOUT TO FACILATE ILLEGAL MIGRATION OF BD NATIONAL FOR HIS LIVELIHOOD. HE



...LED THAT LALU S/O SADIQUE ( RESIDENCE OF VILL HAKIMPUR UTTARPARA ) AND ALAMGIR GAZI  
AFSAR GAZI RESIDENCE OF VILL- DAHARKHANDA ,HANDED OVER THIS LADY TO HIM AND ASKED  
TO CROSS THIS LADY THROUGH THE IB AND AFTER REACHING THE DESTINATION THEY WILL PAID  
RS 1000 /- FOR HIS WORK.

DETAILS OF SUSPECTED PERSON-

1. LALU ,MALE ,AGE APPX 35,MUSLIM S/O SADIQUE,ADD:- VILL:- HAKIMPUR ( UTTARPARA)  
PO:- HAKIMPUR,PS:- SWARUPNAGAR, DISTT:- 24 NORTH PGS
2. ALAMGIR GAZI, MALE , AGE 40 APPX S/O AFSAR GAZI .ADD:-VILL:- DAHARKHANDA,PO:- HAKIMPUR  
PS:- SWARUPNAGAR, DISTT:-24 NORTH PGS.
3. KIRTI ( TOUT) CAB DRIVER , BEARING NO WB 26K 0984( SILVER WAGNOR CAR)  
PH NO. 07557835838
4. SINOUR DALI,MALE , MUSLIM S/O HAKIM DALI, ADD:-VILL :- HAKIMPUR, PO:- HAKIMPUR  
PS:- SWARUPNAGAR, DISTT:- 24 NORTH PGS
5. JAINAL GAZI S/O LATE. MAKSAD GAZI, ADD:,VILL :- SWARUPDA,PO:- HAKIMPUR,PS:- SWARUPNAGAR  
DISTT:- 24 NORTH PGS
6. ASARAF GAZI S/O AKBAR GAZI,ADD:-VILL:-TARALI,PO:- HAKIMPUR,PS:- SWARUPNAGAR,DISTT:- 24  
NORTH PGS
7. RAIZUL S/O SAHAJAN ,ADD:-VILL:- HAKIMPUR,PO:- HAKIMPUR,PS:- SWARUPNAGAR,DISTT:- 24 NORTH  
PGS

PQR - DURING PQR SHE REVEALED THAT SHE IS A BD NATIONAL. 01 YEAR AGO SHE CAME IN INDIA  
WITH HER FRIEND NAMELY RUPA (RESIDENCE OF BANGLADESH) THROUGH BENAPOI ,AFTER THAT SHE  
WENT TO BANGAO AND STAYED FOR 01 MONTH AND REST ELEVEN MONTHS WORKS AS A SWELLING  
LABOUR AT KOLKATA. DUE TO HER MOTHER ILLNESS SHE DECIDED TO GO TO BANGLADESH ,SHE  
REVEALED THAT A PERSON NAMELY KIRTI ,CAB DRIVER (TOUTH) ( BEARING NO WB 26 K 0984 SILVER  
COLOUR WAGNOR CAR ) WHO PICKED HER FROM KOLKATA AIRPORT TO BITHARI AND HANDED OVER  
TO TARIQUA GAZI (INDIAN TOUTH) RESIDENCE OF VILL- DHARKHANDA ,PO- HAKIMPUR, PS-  
SWARUPNAGAR DISTT 24 NORTH PGS (WB). SHE ALSO REVEALED THAT SHE WILL PAY RS 10000/- TO  
THE KIRTI ( TOUTH) CAB DRIVER FOR ILLEGALLY CROSSING OF THE IB.TODAY SHE WAS TRYING TO  
CROSS THE BORDER ILLEGALLY WITH THE HELP OF TARIQUAL GAZI,INDIAN TOUTH (ADD MENTION  
ABOVE ) BUT ENROUTE BSF PERSONNEL DETAINED THEM.

IN VIEW OF THE ABOVE THEREFORE REQUEST TO LODGE AN FIR AGAINST APPREHENDED BD PERSON  
LALU SHAIKH ,24 AGE APPX MUSLIM,FEMALE D/O LATE. CHAND MIYA SHAIKH , APPREHENDED TOUT  
INDIAN - TARIQUAL GAZI, MALE, AGE 31APPX ,MUSLIM S/O LATE. SADDIUAL GAZI AND SUSPECTED  
PERSONS- LALU ,MALE ,AGE APPX 35,MUSLIM S/O SADIQUE , ALAMGIR GAZI, MALE , AGE 40 APPX S/O  
AFSAR GAZI , KIRTI ( TOUT) CAB DRIVER, SINOUR DALI,MALE ,MUSLIM S/O HAKIM DALI, JAINAL GAZI S/O  
LATE. MAKSAD GAZI, ASARAF GAZI S/O AKBAR GAZI, RAIZUL S/O SAHAJAN UNDER APPROPRIATE  
SECTION OF LAW AND COPY OF SAME MAY KINDLY BE PROVIDE TO OFFICE FOR OUR RECORD PLEASE.

Received on 17/08/2020 at 21:15 hrs  
at Swarupnagar P.S. Case  
no. 394/2020 dt. 17/08/2020  
v/s- 14/19C Foreigners Act

NO.101560132  
RANK- INSP  
NAME -ADIT NARAIN  
'C' COY, 112 BN BSF  
BOP BITHARI  
DTD- 17 AUGUST- 2020



17/08/2020