

## Trafficked Bangladeshi woman is illegally detained in Indian prison - We demand immediate repatriation

MASUM <masumindia@gmail.com>

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To: Secretary General <sgnhrc@nic.in>, NHRC <chairnhrc@nic.in>, NHRC1 <cr.nhrc@nic.in>  
Cc: Chief Secretary Gov of WB <cs-westbengal@nic.in>, "Home Secretary Govt of W.B." <wb.secyhome@gmail.com>, Home Ministry <hm@nic.in>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, DG BSF <edpdte@bsf.nic.in>, DG Eastern Command BSF <hqspldgeast@bsf.nic.in>, Bangladesh High Commission <mission.kolkata@mofa.gov.bd>, DM Cooch Behar <dmcoochbehar@gmail.com>, SP Cooch Behar <spcbr@policewb.gov.in>



Banglar

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The Chairperson  
National Human Rights Commission  
Block- C, GPO Complex, INA  
New Delhi – 110023

04.02.2022

Respected Sir,

I would like to lodge another complaint on illegal arrest and subsequent detention of Bangladeshi women 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. With respect to our complaints, your Commission has asked for police report and the police in a heartless and routine procedure have shared the reports with us but these reports are inadequate and have not addressed the issue that we have been trying to raise. I want to ask whether the Home Department, Government of India has withdrawn the aforementioned guideline. If not, then it is the duty of criminal justice administration of West Bengal to show respect to that Memorandum. This decision emerged from an International treaty at SAARC meeting. So it is the duty of every citizen to obey the decision as per Article 51 (c) of Indian Constitution.

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

Here are the details of the incident where it is clearly stated that Bangladeshi women crossed the border for better medical treatment.

On 09.01.2022, two Bangladeshi people were arrested by the Border Security Force personnel attached with Arjun Border Out Post, 'A' company. One female person was there namely Ms. Jamila Begum. As per the complaint lodged by company commandant of Arjun Border Out Post, on 9<sup>th</sup> January 2022 at about 9.50 am those people tried to enter the Indian mainland. They are going to Mekhliganj with an E Rickshaw. The BSF personnel apprehended them in suspicion. After that these two persons were sent to Arjun BSF camp and after interrogation they confessed that they belonged from Bangladesh and tried to enter the Indian mainland. Our fact finding team came to know that those Bangladeshi persons entered India for medical needs. On 9<sup>th</sup> January after almost 9 hours of arrest, the BSF personnel handed over them to Kuchlibari police station. On the same day the duty officer of said police station lodged one complaint against them vide case number – 06/22 dated 09.01.2022 under sections 14(A) and 14(C) of Foreigners Act.

Next day on 10.01.2022 they appeared before Mekhliganj court and were sent to Cooch Behar Correctional Home for the next 14 days. Till date they were stuck in the mentioned correctional home. The particulars of the Bangladeshi woman is

Ms. Jomila Begum, aged about 35 years, Wife of Epi Mulla, resides in village- Madhovpsa situated under Kalia Police Station, Narail District, Bangladesh.

During Covid-19 many Bangladeshi people are compelled to come to India. For that reason they trapped in some lucrative offers of middlemen.

The prosecution case was registered against them merely on the allegation that they entered into India without any valid documents. But the fact is that a large section of Bangladeshi people, particularly women, are trapped by the traffickers. Poor Bangladeshis are promised better job opportunities in India by the traffickers. 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 charges against the victims should be withdrawn immediately considering the facts and circumstances of the victims.
- The victims 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.

Thank you.  
Yours truly

Dipyaman Adhikary  
Assistant Secretary  
Banglar Manabadhikar Suraksha Mancha (MASUM)

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## Attached documents

### Copy of complaint lodged in Kuchlibari Police Station by Company commandant of Arjun BOP

COY/6 BN/OPS/FIR/ 2022/ 31

OFFICE OF COY COMMANDANT  
"A" COY BOP - ARJUN  
DATED 07/JAN/2022

TO,  
THE SHO/OFFICER IN CHARGE  
POLICE STATION KUCHLIBARI  
COOCHBEHAR (WB)

SUB: LOGGING OF FIR

I No- 41837726 sh Ramdhan Yadav ,AC, ccy comdr A Coy , 06 Bn BSF Bop Arjun informing you that on dated 9<sup>th</sup> Jan 2022 at 0950 hrs , an specific information was received from "FGT" branch about movement of 02 BD nationals in E-ricksaw from Daprahat to Mekhliganj with help of Indian touts of the general area Kuchlibari. Accordingly, a Spl OPS party of Bop Arjun led by Sh Ramdhan Yadav ,AC, Company Commander , Bop Arjun along with No.183104476 SI/Mahila Nidhi Rath , No- 90001608 HC/G R P Tiwary, No- 11187064 CT- Mithun Mahato, No-17081291 M/CT Rakhi Karjee. Total 05 pers came in action and reached near B.P No. DAMP 1/6-S in general area of BOP Arjun. Special Ops party started to look thoroughly the vehicles which were passing through the road and at about 1010 Hrs they identified the suspected persons. They immediately stopped the E-rickshaw and started interrogating the suspected persons about their identity. During Spot questioning, 02 passengers could not properly revealed their identity hence on the basis of suspicion both the personnel brought in the BOP Arjun for confirming their identity. Initially they didn't revealed their real identity and pretend to be Indian national but on sustained questioning they revealed their identity as Bangladeshi Nationals. The details of apprehended BD nationals are as follows :

(i) Khokan Mulla , Age-45 Yrs, S/o Rabi Mulla  
R/o Vill Madhovpsa , P/o- Madhovpsa  
PS- Kalia ,  
Dist- Narail, Bangladesh

(ii) Jomila Begum Age-35 Yrs, W/o Epi Mulla  
R/o Vill Madhovpsa , P/o- Madhovpsa  
PS- Kalia ,  
Dist- Narail, Bangladesh

Following items were recovered from the apprehended BD nationals during search:-

Seized from Khokan Mulla:-

Indian currency -	01 Note of Rs.500	= 500X1	=500
	01 Note of Rs.20	= 20X1	=20
		Total	= 520

Received on 09.01.22 at 19.20 hrs 01 Note of Rs.200 = 20X1 = 200  
with 05.01.22 dated 09.01.22  
signature of the P.O. No. 01/22 dt. 09.01.22  
Sh. HUB (H/O) & substation to SI, Bopal chowdhury  
for the investigation.

07/01/22  
Officer-in-Charge  
KUCHLIBARI P.S  
Cooch Behar