



Banglar

**Manabhadhikar Suraksha Mancha (masum)**

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**21.10.2020**

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 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 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 per Article 51 (c) of Indian Constitution.

Police, BSF and even the 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 are being treated as criminals and sent to prisons.

Here are the details of the incident where it is clearly stated Bangladeshi citizens including women and children crossed the border in the search for better livelihood.

Our fact-finding team revealed that one Bangladeshi woman with her male child, and two Bangladeshi men were arrested. They were arrested in connection with Hemnagar Coastal Police Station Case number 51/20 dated 25.09.2020 under Section 14/14C of Foreigners Act. They were spotted by the police personnel of Hemnagar Coastal Police Station around 8 am on the aforementioned date, while they were crossing the waterway to enter Indian territory. On the same day the Bangladeshi persons were made to appear before Basirhat Additional Chief Judicial Magistrate's court and sent to Dumdum Correctional Home for next 14 days. Till date, they are stuck in the mentioned correctional home.

The particulars of Bangladeshi Citizens

1. **Meherunnisha Bibi, 25 years old, wife of Endadul Sana, resident of Village-Garkumarpur situated under Shyamnagar Post Office and Police Station, Satkhira District, Bangladesh. Along with her male child Ebrahim Sana, 6 years old.**
2. Md. Nazrul Islam Kazi, 55 years old, son of Md. Ismile Kazi, resident of Village- Bansberia situated under Kalkebari Hat Post Office, Morolganj Police Station, Bagherhat District, Bangladesh.
3. Md. Maruf Sikdar, 18 years old, son of Md. Luftar Sikdar, resident of Village- Bansberia situated under Kalkebari Hat Post Office, Morolganj Police Station, Bagherhat District, Bangladesh.

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. This is what has happened in this occurrence as well. I hope that the victims in this case 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 one; 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 victims, especially women and children, 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)

## Attached Documents

Accused Challan submitted by Hemnagar Coastal Police Station



### Accused Challan

In the court of  
Ld Addl. Chief Judicial Magistrate  
Basirhat, North 24 Parganas.

(Through G.R.O, Basirhat Court)

Ref:- Hemnagar Coastal P.S. Case No. 51/20 Dated 25.09.2020 U/S -14/14C Foreigners Act.

### Named of accused person

namely (1) Md. Nazrul Islam Kazi (55Y) s/o- Md Ismile Kazi of Village- Bansberia Po-  
Kalkebari Hat , Ps- Morolganj, Dist- Bagherhat, Bangladesh 2) Md. Maruf Sikdar (18 yrs)  
S/o- Md. Lutfar Sikder of do 3) Meherunnisha Bibi ( 25Y) W/o- Endadul Sana of Vill-  
Garkumarpur Po+PS Shyamnagar Dist- Satkhira, Banladesh with a male child in her laps  
namely Ebrahim Sana (6yers)

Name of escort party :-

1. 1040 Amit Saha
2. CV61 Ramesh Halder
3. LCV57 Nirupama Mandal

Your faithfully

*Mohitosh Roy*  
(PSI Mahitosh Roy) P.S.I.  
Hemnagar Coastal PS  
Date-25/09/20

*G.R.*