



Banglar

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06.11.2020

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

Respected Sir,

I would like to lodge another complaint on the 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 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 two incidents where it is clearly stated Bangladeshi women crossed the border in the search for better livelihood.

Our fact-finding team revealed that in the first incident, one Bangladeshi woman, along with her two-year old son was arrested. She was arrested in connection with Swarupnagar Police Station Case number 531/20 dated 19.10.2020 under Section 14 of Foreigners Act. She had come to India in search of livelihood before the nationwide

lockdown was imposed in March. She had been working as a domestic help in Mumbai. On the day of her arrest, she was crossing the border with her son to return to Bangladesh when she was apprehended by the BSF personnel at Hakimpur BOP, 112 Battalion and taken to the Swarupnagar Police Station. On the same day the Bangladeshi woman was made to appear before Basirhat Additional Chief Judicial Magistrate's court and sent to Dumdum Correctional Home for next 14 days. Till date she is stuck in the mentioned correctional home.

The particulars of Bangladeshi Woman and her child:

1. Ms. Jorana, aged about 31 years, wife of Mr. Arsad Ansari, resident of village-Moralganj situated under Moralganj Post Office and Police Station, Bagerhat District, Bangladesh. Along with-  
Master Aryon, aged about 2 years, son of Mr. Arsad Ansari and Ms. Jorana

In another incident in the same district of North 24 Parganas, two other Bangladeshi women were arrested along with their two sons. They were arrested in connection with swarupnagar police personnel Swarupnagar PS Case No. 533/20 dated 19.10.2020 under section 14 of Foreigners Act. The arrested Bangladeshi women entered in Indian territory in search of better livelihood before the nationwide lockdown was imposed in March. They had been working as domestic helpers in Mumbai. On the day of their arrest, they were crossing the border with their children to return to Bangladesh when they were apprehended by the police personnel of Swarupnagar Police Station and taken to the Swarupnagar Police Station. On the same day the Bangladeshi women appeared before Basirhat Additional Chief Judicial Magistrate's court and were sent to Dumdum Correctional Home for next 14 days. Till date they are stuck in the same correctional home.

The particulars of Bangladeshi Women and Children:

1. Ms. Rabina Danu, aged about 31 years, wife of Nondu Danu, resident of village-Nutan Bazar dawadagram, situated under Khodev Post Office and Police Station, Satkhira district, Bangladesh. Along with-  
Master Sorabh Danu, son of Ms. Rabina Danu and Mr. Nondu Danu
2. Ms. Sweeti Bukta, aged about 22 years, wife of Abhijit Bukta, resident of village-Balakam, situated under Balar Bata Post Office, Sukipur Police Station, Saritpur District, Bangladesh. Along with-  
Master Rahul Bukta, aged about 2 years, son of Ms. Sweeti Bukta and Mr. Abhijit Bukta

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)

Attached Documents

1. Accused Challan submitted by Swarupnagar Police Station for Ms. Jorana

Accused challan

 The Ld Acjrn  
Basirhat court  
North 24 Parganas  
Through G.R.O. B/hat  
Ref: Swarupnagar case no 531/20  
dt. 19-10-20 U/S- 14 Foreign Act  
Accused name & address:  
Jorana (31 year)  
W/o. Asad Ansari  
Vill + P.O. Moralganj  
Dist - Beghal (G.O)  
along with her son naming  
E. O. Aayon (12 year)  
S/o. Asad Ansari  
Escort party  
40 620 Fulon Bishui  
C/159 Prabir Sarkar  
C 240 Biswajit Paul.  
Submitted by  
Partha San Kar  
Asst. of Police  
Swarupnagar  
dt 19.10.20

2. Accused Challan submitted by Swarupnagar Police Station for Ms. Rabina Danu and Ms. Sweeti Bukta



Accused challan

To  
The Ld Acjm  
Basirhat court  
North 24 Parganas  
Through G.R.O Basirhat court

Ref: Swarupnagar ps case no- 533/20  
dt - 19-10-20 U/s- 14 Foreigners Act

Accused name & Address:

① Rabina Danu (31y)

w/o- Nandu Danu

Vin-Nutan Bazar dawadagram

PO+PS - Khodey

Dist - Sakhirhat (B.D)

along with her son namny

(i) Sobabh Danu o.

② Sweeti Bukta (22y)

w/o- Abhijit Bukta

of DO NP PS - Sukipon Post - Sakirhat Pw (B.D),  
Batakameli ps - Balur Bazar

along with her son namny

(i) Rahul Bukta 102y

Escort party  
4/0 620 Fulon Biswas  
4/459 Probir Sarkar  
4/940 Bismajit Paul.

Submitted by

Arjun Rai Ganshi

S/hafou P.S.  
dt - 19.10.20