



Banglar

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**18.11.2020**

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

Respected Sir,

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

In the first incident, our fact-finding team revealed that one Bangladeshi woman with her two female children, and two Bangladeshi men were arrested. They were arrested in connection with Swarupnagar Police Station Case number 526/20 dated 18.10.2020 under Section 14 of Foreigners Act. They were spotted by the BSF personnel of Battalion 112, Hakimpur BOP around 7:30 am on the aforementioned date, while they were trying to cross the border to enter Indian territory. The BSF personnel handed over the Bangladeshi persons to Swarupnagar Police Station. 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. Minara Khatun, 30 years old, wife of Sahadat @ Md. Sahadat, resident of Village-Bukchara situated under Rusulpur Post Office, Kularuwa Police Station, Satkhira District, Bangladesh.**

**Along with her children, Ajmera Khatun, 9 years old and Tajmera Khatun, 3 years old**

2. Sahadat @ Md. Sahadat, 32 years old, son of Md. Nadir @ Habibar Rahaman, resident of Village- Bukchara situated under Rusulpur Post Office, Kularuwa Police Station, Satkhira District, Bangladesh.
3. Samiran Mondal, 25 years old, son of Late Satish Mondal, resident of Village- Hatghar situated under Khuriyan Post Office, Swarup Kathi Police Station, Perispur District, Bangladesh.

In the second incident, our fact-finding team revealed that one Bangladeshi woman with her female child, and two Bangladeshi men were arrested. They were arrested in connection with Swarupnagar Police Station Case number 527/20 dated 18.10.2020 under Section 14 of Foreigners Act. They were spotted by the BSF personnel of Battalion 112, Bithari BOP on the aforementioned date, while they were crossing the border to enter Indian territory. The BSF personnel handed over the Bangladeshi persons to Swarupnagar Police Station. 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 the Bangladeshi citizens:

1. **Haseena Khatun, 21 years old, wife of Redoi Molla @ Hridoy Molla, resident of Village Patpara situated under Patpara Post Office and Police Station, Jessore District, Bangladesh.**  
**Along with her female child, Lamiya, 2 years old**
2. Tobi Sardar, 28 years old, son of Fazlu Sardar, resident of Village- Madra situated under Sonabari Post Office, Kularuwa Police Station, Satkhira District, Bangladesh.
3. Nehar Haolader @ Hawlader, 25 years old, son of Nirmal Haolader @ Hawlader, resident of Village- Surjomoni situated under Mathariya Post Office, Matbariya Police Station, Perispur 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. These people were convinced by local touts in Bangladesh to go to India in search of better livelihood. 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 Manabdhikar Suraksha Mancha (MASUM)

Attached Documents

Accused Challan submitted from Swarupnagar Police Station, North 24 Parganas



**ACCUSED CHALLAN**

Court of Ld. Additional Chief Judicial Magistrate  
Basirhat, North 24 Parganas

(Through GRO Basirhat Court, North 24 Parganas)

Ref: Ref: Swarupnagar PS case No-527/20 Dt-18.10.20 U/S-14F Act.

Sub: Accused Challan

- 1) Tobi Sardar (28 Yrs) S/O-Fazlu Sardar of Vill-Madra, PO-Sonabari, PS-Kularuwa, Dist-Satkhira (Bangladesh)
- 2) Haseena Khatun (21 Yrs) W/O-Redoi Molla @ Hridoy Molla of Vill+PO+PS-Patpara, Dist-Jessore (Bangladesh) @ Vill+PO+PS+Dist-Jessore (Bangladesh) along with lap baby namely Lamiva (02 Yrs) D/O- Redoi Molla @ Hridoy Molla of Do
- 3) Nehar Haolader @ Hawlader S/O-Nirmal Haolader @ Hawlader (25 Yrs) of Vill-Surjomoni, PO-Matbariya, PS-Matbariya, Dist-Perispur (Bangladesh)

**Escort party:**

- 1) 21998 Bijoy Ghosh.
- 2) 21437 Kati Kinkar Kar
- 3) 1017 0106 Sebali Das.

Submitted  
Lakshman Soren  
Asst of Police,  
Swarupnagar PS  
Basirhat Police District  
Dt-18.10.20



**ACCUSED CHALLAN**

In the Court of Ld. Additional Chief Judicial Magistrate  
Basirhat, North 24 Parganas

(Through GRO Basirhat Court, North 24 Parganas)

Ref: Ref: Swarnapour PS case No-526/20 Dt-18.10.20 U/S-14F Act.

Sub: Accused Challan

- 1) Sahadat @ Md. Sahadat (32 Yrs) S/O-Md. Nadir @ Habibar Rahaman
- 2) Minara Khatun (30 Yrs) W/O-Sahadat @ Md. Sahadat both of Vill-Bukchara, PO-Rusulpur, PS-Kularuwa, Dist- Satkhira (Bangladesh) along with lap baby namely i) Ajmera Khatun (09 Yrs) & ii) Tajmera Khatun (03 Yrs) both of D/O Sahadat @ Md. Sahadat of do
- 3) Samiran Mondal (25 Yrs) S/O-Lt. Satish Mondal of Vill-Hatghar, PO-Khuriyan, PS-Swarup Kathi, Dist-Perispur (Bangladesh)

**Escort party:**

- 1) ef 998 Bijoy Ghosh.
- 2) ef 437 Kalikinkar Kar
- 3) ef NVF 8106 Sabali Das.

Submitted

*Bartha Sankar*  
Offr of Police

Swarupnagar PS  
Basirhat Police District  
Dt-18.10.20