

Trafficked Bangladeshi women with children are in Indian jail - Need immediate repatriation

Kirity Roy <kirityroy@gmail.com>

23 April 2022 at 15:25

To: NHRC Complaint <cr.nhrc@nic.in>

Cc: DG BSF <edpdte@bsf.nic.in>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, SP Cooch Behar <spcbr@policewb.gov.in>, SDO Mekhliganj <sdomkg@gmail.com>, MHA JS Border Management <jsbm@nic.in>, DM Cooch Behar Kaushik Saha <dmcoochbehar@gmail.com>, "Bangladesh High Commission, New Delhi" <bdhcdelhi@gmail.com>, Bangladesh Dy High Commission <mission.kolkata@mofa.gov.bd>, "Home Secretary Govt of W.B." <wb.secyhome@gmail.com>, UN SR on Trafficking <OHCHR-srtrafficking@un.org>, "UN SR VAW Ms. Rashida Manjoo" <vaw@ohchr.org>

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

23 April 2022

Respected Sir,

I am writing this complaint regarding detention of Bangladeshi woman and child 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 Mekhliganj Police Station **Case no. 58/2022** dated 21.02.2022 under section 14 of Foreigners Act, the following Bangladeshi women and children were arrested:

- 1) Ms. Mumtaz Begum, daughter of Mainuddin, Aged - 55 years, residential address:- Village – Baluabhata, Post Office and P.S – Badarganj, District - Ranipur, Bangladesh.
- 2) Ms. Rima Akhtar, wife of Saddam Hussain, aged - 26 years, residential address: - Village – Uttarlakhpur, Post Office and P.S – Lalpur, District - Natori, Bangladesh **along with her male child namely Rifat Hussain, Aged – 7 years.**
- 3) Ms. Salma Khatun, wife of Eyarul Pramanik, Aged – 35 years, residential address: - Village – Chargor Gori, Post Office – Washir Badha, P.S – Ishwardi, District – Pavna, Bangladesh **along with her minor children: a. Sajib Pramanik, Aged – 10 years b. Aiysha Pramanik, Aged – 2 years**

The victims are the Bangladeshi nationals, who were trying to enter India from Bangladesh on 21.02.2022 at around 7:50 A.M when they were apprehended by BSF personnel attached with 148 Battalion, Changrabandha BSF BOP and handed over to the Mekhliganj Police Station. The victims were produced before the Mekhliganj ACJM court on 21.02.2022 by the Mekhliganj Police and court sent to the Jalpaiguri Central Correctional Home for 14-day jail custody.

Our fact finding reveals that the arrested Bangladeshi women and children entered India for the purpose of working in India as they are terribly poverty-stricken people with no jobs in Bangladesh. In several other instances they also enter India for the purpose of medical treatment as there are limited facilities in Bangladesh. Most of them work as domestic helper, 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 is being 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.’

This approach is also violating the Article 6, 7, 8, 11 and 12 of the MOU between The Government of the Republic of India and The Government of the People’s Republic of Bangladesh on Bilateral Cooperation for Preventing of Human Trafficking especially trafficking in Women and Children; signed by both countries on 30th 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 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

Kirity Roy
Secretary, MASUM
&
National Convener, PACTI

To
The Officer in-charge
Police Station, Mekhliganj
Cooch Behar (WB)

SUB- LODGING OF F.I.R

On dated 21 Feb 2022 at 0750 hrs, a specific information, regarding movement of BD national by a civil bus in general area Changrabandha was received. Accordingly on the basis of information a spl qrt party led by Sh K S Mahato, DC a/w No- 100099603 Insp Shee Kumar Mahato, No- 871029825 ASI/GD- Tulsi Dharan Pillai, No- 133312566 CT/GD- Dular Marandi, No- 171001856 M/CT- Samridhi Kumari, No- 20100047 CT/GD- Minakshi Paul, No- 123202914 CT/DVR- Brajmohan Singh of SHQ Jalpaiguri, Total 08 pers of BOP Changrabandha of 148 BN reached near Panishala More. At about 0805 hrs Spl Qrt Party intercepted a Civil Bus near Panishala more. On spot questioning to the passengers traveling in the bus Spl QRT party identify suspected 07 BD Nationals who could not able to established their identity. On the basis of suspicion all the seven BD national (Male- 01, Female- 03 and child - 03 total- 07 Pers) were brought to BOP Changrabandha to ascertain their identity.

On Preliminary questioning they revealed their identity as follows:-

1. Mumtaz Begum, Female/55 Years, D/O Mainuddin, Village- Baluabhatta, P/S + PO - Badarganj , Dist Ranipur, Bangladesh.
2. Rima Akhtar, Female/26 Years W/O Saddam Hussain, Village Uttarlakhpur, P/S + PO - Lalpur, Dist - Natori, Bangladesh alongwith her minor son namely Rifat Hussain S/O- Rima Akhtar, Male/07 year.
3. Eyarul Pramanik, Male/35 Years, S/O Lt. Nurail Pramanik, Village Chargor Gori, P/S Ishwardi, PO- Washir Badha, Dist Panna, Bangladesh alongwith his minor child namely Sajib Pramanik, Male/10 years, and lap child Aiysha Pramanik, Female/ 02 Years, D/O- Eyarul Pramanik.
4. Salma Khatun, Female/30 Years, W/O Eyarul Pramanik, Village Chargor Gori, P/S Ishwardi, PO- Washir Badha, Dist Panna, Bangladesh.

Further during questioning it was also revealed by apprehended BD Nationals that they crossed IB illegally from general area of 05 mile in the AOR of Bop Karan of 06 BN BSF with the help of tout operating from both side of IB Than after they were dropped at Panishala More by Indian tout for moving to Siliguri by bus for seeking job in India. Mumtaz Begum and Rima Akhtar revealed that they had earlier visited Jaipur (India) Nov 1992 and April 2014 respectively. After that they returned back to Bangladesh in 2016. Mumtaz Begum and Rima Akhtar are suspected tout who

Received on 21-02-2022 at 21:55 hrs with a copy of 07 nos of Indian nationals from Mekhliganj P.S.
Case No- 55/2022 dt-21-02-2022. 14 B/148 Foreigners (Immigration) Act, 1947
Ledhen to Reg for the above persons

facilitate settlement of illegal BD national in India. Mumtaz Begum revealed name of Indian tout and also identified from the photograph of one suspected Indian tout namely Kanchan Roy, Age- 45 Year, S/O- Sudeep Roy, Vill- 104 Fulkadabri, PS- Kuchlibari, Dist- Coochbehar (Individual photographs enclosed) who helped all 07 BD national in crossing IB illegally to enter India above. Photograph of Kanchan Roy is enclosed.

During searching of personnel belongings of apprehended persons, following items were recovered :

From:-

Mumtaz Begum (Female)

i) Indian Currency:- 2770/- and recovered 01 mobile of value 500/-

From :-

Rima Akhtar (Female)

ii) BD Taka = 01 Taka.

From :-

Salma Begum (Female)

ii) Indian Currency :- 1500/-

From :-

Yiarul (Male)

ii) 01 Nos Mobile Phone Value of 1000/-

(Recovered items are being handed over to you with FIR on seizure memo)
Grand Total - 5770/- 01 BD Taka and personal belongings,

DETAILS OF POO:-

BP REF : 843/3S (Unfenced GIN NO 280)

POO : AT Panishala More, Changrabandha

DIST FM IB

: Appx. 1000 MTRS

DIST FM Own BOP Changrabandha

: Appx 2000 MTRS

DIST FM BGB BOP Burimari

: Appx 2400 MTRS

DIST FM BD Village Burimari

: Appx 3000 MTRS

DIST FM IND Vill Vivekanand Para

: Appx 850 MTRS

QR 835514, LAT 262524, LONG 885523,

Therefore, keeping in view the sensitivity of the issue and involvement of suspected Indian touts (Kanchan Roy) as revealed by apprehended BD Nationals, lodged an FIR under appropriate sections of IPC and take necessary action against culprit. A Copy of FIR may be provided to us for our record please.

Encl;

Seizure memo with all recovered items

Photographs of apprehended persons

Name of BSF Party

1. Sh. Kunwar Singh Mahto, DC (Mob. 7477734301)
2. Insp- Sheo Kumar Mahato (Mob 9563597725)
3. ASI- Tulsi Dharan Pillai (Mob-8281628193)
4. CT/DVR- Brijmohan (Mob. 9425752214)
5. CT - Arobindu Barik (Mob. 9733018887)
6. CT- Dular Marandi (Mob. 8969226903)
7. CT - Samridhi Kumari (Mob. 7294931318)
8. CT- Minakshi Paul (Mob. 8436363049)

INSP SHEO KUMAR MAHATO
BOP CHANGRABANDHA
MOB NO- 9563597725