

NOTE SHEET

The West Bengal Human Rights Commission consisting of Justice G.C. Gupta, Chairman, Shri M.S. Dwivedi, Member and Shri N. Mukherjee, Member held a meeting on December 22, 2017 to ascertain the status of Rohingyas who have taken shelter in the State of West Bengal following crossing over from Bangladesh through various check points of Indo-Bangladesh border.

The following questions were raised :

- a. How many Rohingyas are lodged in various Correctional Homes in West Bengal and since which date?
 - b. What cases have been started against them and what is the status?
 - c. Which agency is responsible for their arrest and detention and on what grounds?
 - d. What action is being taken by the government authorities for their release?
 - e. Whether they are transferred to refugee camps established by Govt. of India or they are sent back to Bangladesh?
2. The matter was duly discussed and the Addl. D.G. in-Charge of Investigating Wing of West Bengal Human Rights Commission was given task to investigate on the issues raised above.
3. Subsequently, the Investigating Wing submitted a detailed report on the subject which is enclosed for ready reference. According to this report 40 Rohingyas are detained in the Dum Dum Correctional Home out of which there are 11 males (UTP), 10 females (UTP), 3 male (CT) and 15 male (RP) and 2 female (RP). Four Rohingyas are detained in Berhampore Correctional Home under 14, Foreigners' Act and the trial is going on. The arresting authority was Malda GRPS. The detained Rohingyas in the Dum Dum Correction Home were arrested under 14, Foreigners' Act. It was also ascertained that 30 Rohingyas were under the Women & Child Welfare Department, Govt. of West Bengal. The

list of which is enclosed along with the report of Investigating Wing of West Bengal Human Rights Commission. Regarding the other two questions raised i.e. action taken by the government and regarding transfer to refugee camp by Govt. of India no suitable information could be gathered by the Investigating Wing.

4. The matter was taken with the United Nations High Commissioner for Refugees and team consisting of Smt. Ragini Trakroo Zutshi, Associate Protection Officer, U.N. High Commissioner for Refugees (UNHRC), Smt. Charu Makkar, Senior Protection Officer, UNHRC and Ms. Vatsala Khandelwal, Consultant, Commonwealth Human Rights Initiative appeared before the Commission and held a meeting in this regard on June 10, 2022. The Minutes of the meeting is enclosed for ready reference and the same has also been transmitted to Add. Chief Secretary, Home and Hill Affairs Department, Govt. of West Bengal vide Memo No.176/107/WBHRC/Gen/18 dt.30/6/2022. According to UNHRC representatives, the Rohingyas have been granted status of refugees by the UNHRC. Therefore, their continued detention in various Correctional Homes across India on account of their having entered India without valid papers may not be correct. She also emphasized that Rights of Rohingyas should be considered sympathetically as in Myanmar due to grave Human Rights violations committed on them, they left their country of residence and had taken shelter in India. Further, they informed that minor children are languishing in Correctional Homes and Child Care Institutes, separated from their families and culture, though, various Courts in India have taken liberal view in this matter. Furthermore, these children are not being conflict with law as they have come to India along with their parents (the children not being adults). Further reply was obtained from D.G., Correctional Services who stated that no Rohingya persons have been repatriated till now. List of released persons and under trial being Myanmar nationals are enclosed

in the report. Repatriation process has been initiated in respect of one released person lodged in Berhampore Central Correctional Home as per Ld. Court's order. 13 number of children are languishing in various Correctional Homes with their parents. The Superintendent has approached the Chairperson, Child Welfare Committee on 27/4/2022 for one child, namely, Md. Hasan for sending him to Child Care Home. The Women and Child Welfare Deptt. has also responded to the queries of West Bengal Human Rights Commission and stated that no Rohingyas have so far been repatriated to Myanmar in absence of clear guidelines. Nine (9) inmates had initially ^{been} admitted as (Rohingya) but later gave addresses of Bangladesh. Following verification by Bangladesh Deputy High Commission they have been repatriated to Bangladesh on orders of Home Department. Non-repatriated Roghingya children are staying in Child Care Institution. Currently, 23 of them are staying in Child Care Institution out of which 18 have attained adulthood. The report W.C.D. Deptt. is also enclosed along with this note.

5. The Commission examined the above information and concluded that the detentions have been effected by B.S.F., G.R.P as well as Airport Police Station. A large number of Rohingya nationals as well as children are currently detained in various Correctional Institutions / Child Care Centers, although, some of them have been repatriated. Cases u/s 14, Foreigners' Act are pending trial in various Courts.

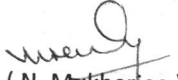
6. It is, therefore, recommended that (a) the Government may consider speeding up the trial /taking such measures so that process could be completed early.

(b) The matter regarding children detained in Child Care Homes should be examined in right earnest since these children are not in conflict with law which has also been confirmed by U.N.H.R.C.

(c) The U.N.H.R.C. has given the Rohingyas status of refugees.

7. Therefore, the Government may consider seeking a clarification from Government of India regarding the procedure for their stay in India as well as their repatriation.

Special Secretary, West Bengal Human Rights Commission is directed to send this note to Chief Secretary, Govt. of West Bengal. The Chief Secretary, Govt. of West Bengal is requested to send action taken report within 4 (four) months from the date of receipt of this communication


(N. Mukherjee)
Member
9/9/2022

Encl :-

1. Report of Investigating Wing of W.B.H.R.C.
2. Report of D.G., Correctional Services.
3. Report of Directorate of Child Rights & Trafficking, Govt. West Bengal,
4. Minutes of meeting of WBHRC and representatives of UNHRC.
5. Orders of Home and Hill Affairs Deptt., Govt. of West Bengal.