

News Update

The issue of foreign nationals in Indian prisons and illegal detainees is acquiring uncomfortable proportions. While the recent discovery of a video showing Indian BSF guards torturing an alleged Bangladeshi cattle smuggler has created spirals of tension at the [India-Bangladesh border](#) http://www.asiasentinel.com/index.php?option=com_content&task=view&id=4165&Itemid=211 , many Bangladesh prisoners, referred to as *Jaan Khalash* prisoners, continue to be illegally detained in the prisons of West Bengal in spite of having served their sentence.

Addressing repatriation and the right of detainees and prisoners to go back home have been issues mired with distrust, suspicion and adhocism in the subcontinent. One of the problems associated with long overstays by foreign national prisoners is the lack of systematic process for identification of nationality and making available the related consular and legal aid services for them at all stages of their trial. They are often booked under violation of the Foreigners Act, visa violation and inadvertent border crossing. The condemnable act of the BSF guards caught on video mercilessly stripping and beating the alleged cattle rustler highlights how coercive and arbitrary the regulation of border movements is becoming.

Ensuring the legal repatriation of illegally detained Bangladeshi nationals in Indian prisons has been the concern of CHRI ever since September 2009 when the prisons team came to know about the high number of Bangladeshi Nationals detained in the Correctional Homes of West Bengal. CHRI filed a Public Interest Litigation (PIL) in the Calcutta High Court which was taken up on 13 May 2011 and since, the state has reported they have speeded up the process and deported 339 Bangladeshi Nationals back to their home country as they have a right to go back home. The issue has now been taken up by the Supreme Court along with a case dealing with Pakistani nationals in J&K prisons. The next hearing, which is scheduled for the 28th of Feb 2012, would seek a reply from the Union of India as well as the State Government on the steps taken so far on speeding up the repatriation of these nationals.

Though joint judicial committees involving India and Pakistan have been formed since 2007 to take a humanitarian approach to such prisoners, mainly fishermen on both sides, and which in its recent meeting on January 28th has decided to look into the full implementation of the Consular Services Agreement of May 2008, no such committee exists in the case of India and Bangladesh which can take up these cases. [CHRI urges the formation](#) <http://news.webindia123.com/news/Articles/India/20120127/1916376.html> of such a judicial committee between India and Bangladesh that would ensure that consular services agreed upon are provided on arrest without undue delay and repatriation is quickly expedited with confirmation of national status and completion of sentences.