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W.P. 33910 (W) of 2013

Johura Begum @ Jahira Bibi

Vs.

The Union of India & Ors.

Mr. Debashis Banerjee  
..for the Petitioner

Mr. K. M. Hossain  
..for the State

Mr. Sanjay Bardhan  
..for the Union of India

The petition is by a Myanmar national who has been convicted under Section 14 of the Foreigners Act and is now lodged in the Dum Dum Central Correctional Home.

The petitioner's husband and their seven children have been granted asylum-seeker status and appear at present to be at a refugee camp in Jammu. The petition is for the purpose of stalling the petitioner being repatriated to Myanmar and for the petitioner to be considered to be accorded the same status as the petitioner's husband and their seven children so that the family is not broken. Pursuant to the direction issued on November 21, 2013, the Ministry of Home

Affairs (Foreigners Division), has indicated by way of written instructions to Advocate representing the Union of India that the Ministry of Home Affairs would have no objection to the transfer of the petitioner to Tihar in Delhi on humanitarian grounds. The Ministry has also indicated that there is a prescribed procedure for claiming refugee status. The report indicates that in view of Rohingya Muslims facing persecution in the native country of Myanmar, the petitioner's case would be considered sympathetically by the Ministry.

In view of the humanitarian stand taken by the Ministry of Home Affairs, W.P. 33910 (W) of 2013 is disposed of by requiring the Registrar (Administration) to forward a copy of this order to the State Home Secretary for appropriate steps to be taken to remove the petitioner from the Dum Dum Central Correctional Home to Tihar Correctional Home in Delhi as expeditiously as possible so that it may be more convenient for the petitioner's family members to meet the petitioner there.

A copy of the detailed procedure for applying for refugee status is made over to Advocate for the petitioner to make an application in accordance

therewith for grant of refugee status to the petitioner.

The exercise of removing the petitioner from Dum Dum to Delhi should be completed within a period of four weeks from date.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Sanjib Banerjee, J.)



07.05.2014  
Item No.53  
SB

W.P. 14050 (W) of 2014

Johura Begum @ Jahira Bibi  
Vs.  
The Union of India & Ors.

Mr. D. Banerjee,  
Ms. P. Banerjee,  
Mr. S. Bardhan.....for the petitioner.

Mr. A. Banerjee,  
Ms. M. Tewari.....for the State.

Having heard learned advocates appearing for the respective parties, I direct the Secretary, Ministry of Home Affairs (Foreigners Division) to submit a report before this Court on the feasibility of keeping the petitioner in Lampur Detention Home, Delhi till she is granted refugee status.

Such report may be filed on 09.06.2014 when the writ petition shall be listed once again under the heading 'To Be Mentioned'.

(DIPANKAR DATTA, J.)

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**W.P.14050(W) of 2014  
(Johura Begum @ Jahira Bibi vs. The Union of  
India & Ors.)**

Mr. Debashis Banerjee.....for the petitioner

Mr. Sanjay Bardhan.....for the Union of India

Mr. Amitesh Banerjee

Ms. Munmun Tewary.....for the State

Documents produced by Mr. Bardhan, learned advocate appearing for the Union of India reveal that the Ministry of Home Affairs/Foreigners Division has no objection if the petitioner, a Myanmar national, is transferred to Mahila Sadan, Nirmal Chhaya Complex, Jail Road, New Delhi.

In view of the above, this writ petition stands disposed of with a direction upon the Registrar (Administration) of this Court to forward a copy of this order to the Secretary (Home), Government of West Bengal for taking appropriate steps to shift the petitioner from Dum Dum Central Correctional Home to Mahila Sadan, Nirmal Chhaya Complex, Jail Road, New Delhi within two weeks from date of receipt of a copy of this order.

REGISTRAR  
ADMIN.

Since the Deputy Director, Department of Social Welfare, Government of NCT of Delhi has further informed the section officer that the department has been providing clothing, bedding, lodging and dietary articles to the foreign nationals, I hope and trust that the petitioner shall also be entitled to the same. If the

petitioner has been suffering from any disease, I further hope and trust that the department shall take a humane approach and ensure that she receives proper medical advice and treatment.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously.

(DIPANKAR DATTA, J.)