

DEPORTATION OF BANGLADESHI PRISONERS FROM INDIA: ISSUES AND CHALLENGES

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I. INTRODUCTION

Bangladeshi prisoners comprise the highest number of foreign national prisoners in India. According to the data furnished by the National Crime Records Bureau (NCRB), it has been found that at the end of 2018, out of the 5,168 foreign national prisoners, 68.8% were Bangladeshis.¹ The high percentage of Bangladeshi prisoners in India must be taken note of in the context of the shared history between India and Bangladesh and the everyday mobilities and socialities across their porous borders.² A large influx of migrants from Bangladesh to India occurred broadly in two phases - once after India's partition in 1947 and another during the Bangladesh Liberation War in 1971. The major outrage with the influx of Bangladeshi migrants began in Assam that resulted in the signing of the Assam Accord in 1985.³ The Illegal Migrants (Determination of Tribunal) Act, 1983, which laid down the procedures for detecting illegal migrants and expelling them from Assam, was struck down by the Supreme Court of India in 2005 in the case of *Sarbananda Sonowal v. Union of India*⁴ for being violative of Articles 14 and 355 of the Indian Constitution. The issue of detention and deportation of illegal migrants has come under public discussion in a big way again in the wake of the publication of the National Register of Citizens (NRC) in Assam on August 31, 2019, which excluded 1.9 million people as citizens of India.⁵ It generated anxieties amongst various stakeholders across the population

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¹ Ministry of Home Affairs, National Crime Records Bureau, *Prison Statistics in India- 2018*.

² Malini Sur, *Through Metal Fences: Material Mobility and the Politics of Transnationality at Borders*, 8 *Mobilities* 70-89 (2013).

³ Accord between AASU, AAGSP and the Central Government on the Foreign National issue, Assam Accord, 1985 (The Assam Accord was a Memorandum of Settlement (MoS) signed between the representatives of the Government of India and the leaders of the Assam Movement on August 15, 1985, as a result of a six-year agitation led by the All Assam Students' Union in 1979 demanding the identification and expulsion of illegal immigrants).

⁴ AIR 2005 SC 2920.

⁵ The Straits Times, *India excludes around 1.9 million individuals from the registry of citizens in Assam*, August 31, 2019, available at India excludes around 1.9 million individuals from the registry of citizens in Assam (Last visited on February 3, 2020).

over questions of citizenship and belonging. These anxieties have been further exacerbated by the Citizenship Amendment Act, 2019 (CAA),⁶ which seeks to provide citizenship to only select persecuted religious minorities from Pakistan, Afghanistan and Bangladesh.⁷ The political manoeuvres have made the issue of illegal migrants a topic of household discussion across the country generating emotions of 'othering' those who have been classified as not belonging to India. Either through episodic measures such as the publication of NRC or the everyday functioning of the criminal justice system and its treatment of those allegedly foreigners without documents, a group of people sans national identity are continuously being created. While there have been several discussions about 'illegal' migrants in India and the need to detain them or 'send them back'⁸, there has been little focus on the question of their safety and security in the processes deployed in sending them back to their country of origin.

This article draws on Mehta's experience of working with Bangladeshi women as a student social worker in a prison for female under trials in Mumbai in 2008-09, then as a doctoral researcher in two prisons in Kolkata in 2010-11 and engagement with various stakeholders on the issue over the last decade to highlight the ways in which lives are impacted when specific procedures are not followed for repatriating an individual back to their country of origin or when the identification of country of origin itself is a contentious issue. In addition, through the analysis of about 18 judgments between 2014-19, from the states of West Bengal, Tripura, Maharashtra and Karnataka, this paper seeks to showcase

⁶ Citizenship Amendment Act, 2019, Proviso to S. 2(1)(b).

⁷ The Indian Express, *Citizenship Amendment Act: 'Principle of discrimination based on faith will be difficult to limit'*, December 24, 2019, available at <https://indianexpress.com/article/explained/indian-constitution-citizenship-amendment-act-modi-govt-6181761/> (Last visited on February 14, 2020); Economic & Political Weekly, *CAA-NRC-NPR and its Discontents*, February 15, 2020, available at <https://www.epw.in/journal/2020/7/perspectives/caa-nrc-npr-and-its-discontents.html> (Last visited on February 17, 2020).

⁸ There may be three ways of sending the individuals back to their country of origin-push back, deportation and repatriation. These processes are different from each other and have been used in the paper in the way it was observed in the field or legal documentation. Repatriation refers to the legal process of sending/bringing people back to their place/country of origin, in a time-bound and humane manner. It follows a due process and ensures the safety and security of the persons being repatriated. Deportation may refer to the forced displacement of persons by expulsion or other coercive acts for reasons not permitted under international law from an area under the control of another in which they are unlawfully present. Deportation, as will be discussed in the subsequent sections, may follow a formal process and it is accepted by international law with certain limitations. Push-back refers to the process of expelling a person from a foreign country where they do not possess any legal documents for their stay. Push-backs do not follow any due process and usually involve people being pushed back into their country across a shared border. Push-backs are illegal and prohibited under international human rights law. These definitions are merely indicative as these are not clearly defined within the Indian legal system. They are often used interchangeably leaving room for mismanagement and harassment of individuals who are sent back to their countries of origin. (See United Nations Office on Drugs and Crime [UNODC], *Strengthening service provision for protection and assistance to victims of cross-border trafficking between Bangladesh, India and Nepal* (September, 2017)).

the ways in which deportation orders are issued by the judiciary and the ways in which it may be violative of the human rights of the deportees.

II. STATE SOVEREIGNTY AND DEPORTATION

International Law on the issue of deportation has been evolving since the nineteenth century. This continued evolution has resulted in the codification of provisions for expulsion of foreigners from a country to whose nationality such foreigner does not belong. The Draft Articles on the Expulsion of Aliens was adopted by the International Law Commission at its sixty-sixth session in 2014.⁹ It lays down the general rules for the right to expulsion of a state as well as the rights of the alien being expelled. Article 2(b) of the Draft Articles on the Expulsion of Aliens defines an alien, that is, either a foreign national or a stateless person, as one who does not possess the nationality of the expelling state in whose territory he/she is found.¹⁰ The Draft Article states that expulsion refers to the formal act of a state compelling an alien to leave the territory of that state.¹¹ Article 3 of the Draft Article recognizes the uncontested right of a state to expel an alien from its territory.¹² The concept of deportation is, therefore, rooted in the idea of state sovereignty. Any individual who is not a national of a country is considered an 'alien' and therefore, a threat to that country in terms of national security, public order and the like, thus establishing and reinforcing the binary of 'friend' and 'enemy', 'own' and 'other'. To protect one's state from any such threat, expulsion of aliens has been internationally accepted as a sovereign right of a state.¹³ The recognition of such right can be traced as far back as 1893 when the United States Supreme Court while deciding upon the constitutionality of the Chinese Exclusion Act, 1892, described the right of a state to deport aliens as "absolute" and "unfettered".¹⁴ Similarly, in his book, 'Introduction to International Law', J.G. Starke observes that any sovereign government views the right to deport aliens as an "unqualified right".¹⁵ While the Draft Articles recognize the sovereign right of a state to expel an alien, it mentions that such decision on expulsion must be reached in accordance with law¹⁶ and in good faith.¹⁷

⁹ International Law Commission, Draft Articles on the Expulsion of Aliens, 2014.

¹⁰ *Id.*, Article 2(b).

¹¹ *Supra* note 9., Article 2(a).

¹² *Supra* note 9., Article 3.

¹³ *Id.*

¹⁴ *Fong Yue Ting v. United States*, 149 U.S. 698 (1893); Milton R. Konvitz, *Civil Rights in Immigration*, Cornell Univ. Press 97-98 (1953).

¹⁵ J.G. Starke, *Introduction to International Law* 348 (10th ed., 1989).

¹⁶ *Supra* note 9., Article 4.

¹⁷ *Supra* note 9., Article 5.

Carl Schmitt believed that national sovereignty must always be treated as the top-most priority of any state.¹⁸ The United States has consistently been following this theory of sovereignty since the tragedy of 9/11 with its treatment of the 'other' through immigration policies drawing vast criticism. In India as well, territorial sovereignty has been given utmost priority, particularly after the catastrophic events of 26/11, where terrorists had gained easy access to the Indian land resulting from the largely porous borders that India shares with its neighbouring countries. Moreover, for India, territorial sovereignty has been the 'elephant in the room' since Independence, given its shared history with the neighbouring countries, and this has reflected in the attitude adopted towards so-called 'aliens' in its law books.

III. LEGISLATIONS AND PRACTICES AROUND DEPORTATION OF FOREIGN NATIONALS IN INDIA

Several legislations have been enacted by the Indian government over the years on the issue of deportation of foreign nationals from India. The Passport (Entry into India) Act, 1920 is perhaps the first legislation regulating the entry, stay and removal of foreigners from India. While Article 3 of the Act granted power to the Central Government of India to make rules requiring a passport to enter India, Article 4 gave power to the police to arrest any person found to be in contravention of Article 3 and Article 5 allowed the government to direct the deportation of any such person.¹⁹ The Foreigners Act was enacted in 1946 and has been amended several times since. Referring to the object of the Act in *Bawalkhan Zelanikhan v. B.C. Shah*, the Court stated,

*"...the object of the Act appears to be to provide for prescribing, regulating and restricting amongst other things the presence and continued presence of a foreigner in India. What appears to have been intended is to confer power on the executive authority to prescribe and specify conditions for the continuance of a foreigner in India."*²⁰

Section 2(a) of the Foreigners Act describes a foreigner as a "*person who is not a citizen of India*".²¹ The category of 'citizen' defines the framework for exclusion of a person who is 'not citizen'. Every foreigner is 'not a citizen'. Such categorization, however, often proves to be very complex in the everyday lives of both the citizens and 'not citizens', because for both it is a continuous process of proving citizenship of one country or the other. Foreigners (non-citizen,

¹⁸ Carl Schmitt & Tracy B. Strong, *Political Theology: Four Chapters on the Concept of Sovereignty* (2006).

¹⁹ Passport (Entry into India) Act, 1920.

²⁰ AIR 1960 BOM 27.

²¹ Foreigners Act, 1946, Section 2(a).

except people from Nepal²² and Bhutan²³) who enter India in contravention of the Foreigners Act are in the ambit of criminal law just as the offenders who break the criminal laws of the land by committing crimes like murder, theft, or kidnapping, though the terms of imprisonment and penalties are different.

Perhaps the most important provision in the Act is Section 3 that empowers the Central Government to make any provision regarding the prohibition, regulation or restriction of the entry or departure or continued presence of either all foreigners or a class of foreigners or a particular description of foreigners in the territory of India.²⁴ In *Kham and Mang v. India and Foreign Regional Registration Officer*, the Delhi High Court stated: “Section 3(2)(c) of the Foreigners Act, 1946 authorised the government to deport any foreigner who was considered a threat to national interests. The power of expulsion under the Foreigners Act was absolute and unfettered and no interference could be made with respect to the subjective satisfaction of the Union regarding their decision to deport a foreign national.”²⁵ The Central Government is vested with powers to deport a foreign national under section 3 (2) (c) of the Foreigners Act, 1946.²⁶ The power to identify and deport illegal foreign nationals has also been delegated to the State Governments/Union Territory Administrations.²⁷ Detection and deportation of ‘illegal’ immigrants is a continuous process. Section 8 of the Act provides for the manner to determine the nationality of a foreigner while Section 9, much like the archaic Chinese Exclusion Act, 1892²⁸, puts the burden to prove that one is not a foreigner on that individual.²⁹ Section 14 of the Act imposes penalties comprising imprisonment ranging from 2 to 8 years and a fine.³⁰ The Foreigners Order, 1948 gives effect to the powers conferred by the Foreigners Act, 1946. The Act essentially provides for the grant and refusal of permission to enter, stay and depart from the territory of India as well as imposes restrictions on the movement of foreigners. The Citizenship Act, 1955³¹ provides for the acquisition and termination of

²² The Treaty of Peace and Friendship, 1950, Article 7 (“The Governments of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature.”).

²³ India-Bhutan Friendship Treaty, 1949, Article 5 (“The Government of Bhutan and the Government of India agree that Bhutanese subjects residing in Indian territories shall have equal justice with Indian subjects, and that Indian subjects residing in Bhutan shall have equal justice with the subjects of the Government of Bhutan.”).

²⁴ *Supra* note 21., Section 3.

²⁵ 2015 SCC OnLine Del 14338.

²⁶ *Supra* note 21., Section 3 (2) (c) & 2 (cc).

²⁷ Press Releases, Ministry of Home Affairs, Government of India, March 20, 2018, <https://pib.gov.in/newsite/PrintRelease.aspx?relid=177727> (Last visited on April 7, 2020).

²⁸ An act to execute certain treaty stipulations relating to the Chinese, May 6, 1882; Enrolled Acts and Resolutions of Congress, 1789-1996; General Records of the United States Government; Record Group 11; National Archives.

²⁹ *Supra* note 21, Section 8 & 9.

³⁰ *Supra* note 21, Section 14.

³¹ The Citizenship Amendment Act, 2019 (although provides opportunities to ‘illegal migrants’ to seek citizenship, it is limited to select religious groups from specific countries. It has been

citizenship of any person in accordance with Article 11 of the Constitution of India. It defines an illegal migrant as a foreigner who has entered India without a valid passport or other required documents or had entered India validly but has continued to stay beyond the permitted time period.³² It mentions five ways for the acquisition of citizenship namely, birth, descent, registration, naturalization and incorporation of territory.³³ It is through this Act that a citizen is defined.

In addition to the legislations around definitions of ‘citizen’ and ‘foreigner’ and the deportation of undocumented foreigners, there have been some case laws which have defined the way the legal discourse addresses the issue of foreign nationals without documents in India. In 1955, in *Hans Muller v. Superintendent, Presidency Jail*,³⁴ the Supreme Court held that the Foreigners Act gives an unfettered right to the Union Government to expel. Almost four decades later, in *Louis De Raedt v. Union of India*,³⁵ the Supreme Court held that the power of the Government of India to expel foreigners is absolute and unlimited and there is no provision in the Constitution fettering its discretion and the executive government has unrestricted right to expel a foreigner. In the case of *State of Arunachal Pradesh v. Khudi Ram Chakma*,³⁶ following *Louis De Raedt*³⁷, it was held that the fundamental right of a foreigner is confined to Article 21 for life and liberty and does not include the right to reside and stay in this country. Article 19(1) (d) and (e) of the Constitution, which guarantee the right to reside and settle in any part of the territory of India applies only to the citizens of the country.³⁸ In August 2008, the Delhi High Court rejected a petition by a young woman against a deportation order, stating that an illegal immigrant “is a threat to internal security of India”.³⁹ In addition to these, in 2009, the Foreigners Division, Ministry of Home Affairs, Government of India issued an important Standard Operating Procedure (SOP) for the deportation of Bangladeshi nationals.⁴⁰ It details out the steps to be followed when a Bangladeshi national is caught under different circumstances within the Indian territory.

With the various legislations regulating and restricting the arrival, stay and departure of foreigners, it is also important to recognize and emphasise the constitutional rights of foreign nationals. Article 14 of the Indian Constitution states that no person i.e., citizens and non-citizens of India shall be denied equality

challenged in court, but with no stay on it, it is in force at present).

³² The Citizenship Act, 1955, Section 2(b).

³³ *Id.*, Sections 3, 4, 5, 6, 7.

³⁴ AIR 1955 SC 367.

³⁵ [1991] 3SCR149.

³⁶ AIR 1994, SC 1461.

³⁷ *Supra* note 35.

³⁸ Prabodh Saxena, *Creating Legal Space for Refugees in India: The Milestones Crossed and the Roadmap for the Future*, 19(2) International Journal of Refugee Law 253-254 (2007).

³⁹ Chandni Basu, *Criminals in Our Land! Border Movement and Apprehension of Children from Bangladesh within the Juvenile Justice System in India* in Children and Borders (2014).

⁴⁰ F.14011/55/09 – F.VI dated 25 November 2009 – Procedure of Deportation of Bangladeshi Nationals – Revised Instructions Regarding.

before law or the equal protection under the law.⁴¹ Article 21 ensures the citizens and foreign nationals that their right to life and personal liberty will not be deprived of except according to procedure established by law.⁴² Thus, in India, foreign nationals are provided with certain fundamental rights that they cannot be deprived of. However, in practice, it has been observed that foreign national prisoners are often denied these basic rights.

In 2017, CHRI reported that the NCRB data relating to imprisonment of foreign national prisoners does not take into account those who have completed their sentences but remain illegally incarcerated in prisons beyond the official date of release.⁴³ This essentially points towards the fact that if such prisoners who have completed their sentences, yet have not been deported are taken into account, the numbers of foreign national prisoners, including Bangladeshis, would run extremely high. As of 2017, 275 Bangladeshi prisoners were in prison beyond their official time for release.⁴⁴ The 2019 'Strangers to Justice' Report on Foreigners in Indian Prisons by the Commonwealth Human Rights Initiative (CHRI) highlights that 22 per cent of the foreign national prisoners lodged in different prisons in the country await repatriation.⁴⁵ The report further details the barriers to be overcome before a foreign national prisoner can be deported to their country of nationality. The trend has been that overcoming such barriers often takes a good amount of time before such prisoners are deported, during which such prisoners have had to remain in prison beyond the completion of their sentences. This is particularly true for the Bangladeshi prisoners in India.⁴⁶ Article 19 of the Draft Articles must be taken note of, particularly in case of the deportation of Bangladeshi nationals from India, as it prohibits the excessive detention of an alien awaiting expulsion.⁴⁷

The Universal Declaration of Human Rights (UDHR) among its thirty principles prohibits the arbitrary detention of any person.⁴⁸ A Bangladesh-based NGO, Bangladesh Legal Aid and Services Trust (BLAST) views the detention of Bangladeshi prisoners well beyond the completion of sentence as a human rights violation under the principles of UDHR.

⁴¹ The Constitution of India, 1950, Art. 14.

⁴² *Id.*, Art. 21.

⁴³ Press Trust of India, *Joint effort of police, civil society & judiciary ensures repatriation of Bangla woman*, January 23, 2017, available at https://www.business-standard.com/article/pti-stories/joint-effort-of-police-civil-society-judiciary-ensures-117012301106_1.html (Last visited on September 20, 2019).

⁴⁴ *Supra* note 1.

⁴⁵ Commonwealth Human Rights Initiative, *Strangers to Justice: A Report on Foreigners in Indian Prisons*, 20 (January 11, 2019).

⁴⁶ Some of these barriers have been discussed in the subsequent section; *See also* Letter Petition No. WP 8105(W) of 2011 (Calcutta High Court) (495 Bangladeshi nationals were awaiting deportation at the time even though they had completed their respective sentences).

⁴⁷ *Supra* note 9., Article 19.

⁴⁸ Universal Declaration of Human Rights, G.A. Res 217A (III), Art. 9, U.N. Doc A/810 (December 12, 1948).

“The persons serving terms exceeding their sentence may be regarded as a gross violation of their human rights. The Universal Declaration of Human Rights (UDHR) ensures that no one is subject to unfair detainment and right to fair trial. The prisoners must be sent home to in order to establish human rights and so that they can reunite with their families and start afresh.”⁴⁹

International law, as discussed, has required the process of deportation to be carried out with due process of law. While the International Covenant on Civil and Political Rights does require a state to expel aliens in accordance with law, it refers to those foreigners who are in the territory “lawfully”⁵⁰ (India is a state party to ICCPR).⁵¹ Similarly, Article 4 of the Draft Articles on the Expulsion of Aliens requires states to reach a decision relating to expulsion of an alien in accordance with law.⁵² However, in India, particularly in regard to Bangladeshis, it has been seen that they are more often than not ‘pushed back’ to their country without undergoing any due process of law. In 1992, under the unofficial campaign labelled by international press as ‘Operation Push-Back’,⁵³ many Bangladeshis, around 132, were taken away from their homes by policemen and possibly, literally pushed back to Bangladesh from the border, never to see their families back in India again.

The idea of a foreigner in the Indian context is a complex one. With overlapping linguistic, cultural and ethnic identities, definitive determination of citizenship of individuals in a region where documents are not the norm, can be a defeating task. This results in large groups of people who cannot be classified definitively as ‘foreigners’ or ‘citizens’, but for purposes of the law, they get categorised into either of these groups. This categorisation is located within the socio-economic and political hierarchies of class, caste, gender and religion prevalent in the South Asian context.

India enacted the Repatriation of Prisoners Act, 2003 which provides for the transfer of Indian nationals imprisoned abroad as well as foreign nationals imprisoned in India. Based on this Act, India and Bangladesh signed an Agreement on Transfer of Sentenced Prisoners⁵⁴. This is of immense significance for India, because as discussed, in 2018, about 69 per cent of the foreign national

⁴⁹ The Future Law Initiative, ‘Homebound’: Repatriating Bangladeshi Prisoners in India, March 25, 2017, available at <https://futrlaw.org/homebound-repatriating-bangladeshi-prisoners-india/> (Last visited on September 20, 2019).

⁵⁰ By law, ICCPR refers to those foreigners who entered the country by lawful means but their presence became unlawful consequently.

⁵¹ International Covenant on Civil and Political Rights, December 16, 1966, United Nations, Treaty Series, Vol. 999, Article 13.

⁵² *Supra* note 16.

⁵³ Sujata Ramachandran, ‘Operation Pushback’: Sangh Parivar, State, Slums, and Surreptitious Bangladeshis in New Delhi, 38 Economic & Political Weekly 637-47 (2003).

⁵⁴ Agreement between the Government of the People’s Republic of Bangladesh and the Government of the Republic of India on Transfer of Sentenced Persons, January 11, 2010 (available at <https://>

prisoners were Bangladeshis.⁵⁵ The appropriate use of this Act can ensure the human rights of the prisoners by way of their safe return home. Since verification of citizenship is the primary requisite to initiate the transfers, the repatriation of foreign national prisoners, especially Bangladeshi prisoners in India, becomes challenging since most of those accused do not have documents for either country.

If one follows the trajectory of the Acts formulated in India, one can see that the Foreigners Act, 1946,⁵⁶ still in use at present, was passed even before Independence and much before the Citizenship Act, 1955, implying that it was first important to establish who was not a citizen, was a foreigner, and then establish the rules of citizenship. In the process of providing justice to Indian citizens in post-Independence India, 'foreigners' without valid documents are viewed as threats to citizens and the sovereignty of India. These two Acts were, therefore, partially supplemented by the Armed Forces Special Powers Act, 1958 (AFSPA) which was imposed on the so-called disturbed areas which were primarily the border areas in the north-east of India, the Defence of India Act, 1971, the Disturbed Area Act, 1976, the National Security Act, 1980, or the Public Safety Act and the Terrorist Affected Area Ordinance, 1984. All of these Acts directly or indirectly focused on the maintenance of sovereignty of the Indian state. The anxiety of the Indian state is evident from the various state security related Acts which were put in place in less than thirty years after Independence.

While history may explain this anxiety, one has to focus on the socio-logical impact that the implementation of these Acts in quick succession has had on the people who had both familial and kin ties with persons on both sides of the border. Some of the reasons for undocumented migration of Bangladeshis to India include the search for economic opportunities and a better life, maintaining kinship ties, trade and for medical purposes.⁵⁷ Trafficking of poor Bangladeshi women for commercial sex and situations of forced labour in India is not uncommon. Men and women from Bangladesh are lured into the big cities of India with the promise of a job and better life and then, forced into exploitative work situations. In a recent order by the Karnataka High Court, a 21-year-old Bangladeshi woman was ordered to be deported back to Bangladesh after it was found out that she was lured into Bengaluru for a job in the IT sector and

hcidhaka.gov.in/pdf/bi_doc/Agreement%20on%20the%20Transfer%20of%20Sentenced%20Persons.pdf).

⁵⁵ *Supra* note 1.

⁵⁶ *Supra* note 21., Section 14 (which discusses the 'Penalty for contravention of provisions of the Act', was amended in 2004).

⁵⁷ Willem Van Schendel, *The Bengal Borderland: Beyond State and Nation in South Asia* 119 (2005); Sahana Ghosh, *Cross- border activities in everyday life: the Bengal borderland*, 49-60 *Contemporary South Asia* (2011); Madhumita Sarma, *A Study of Migration from Bangladesh to Assam, India and its Impact* 17 (Doctoral Dissertation, University of Adelaide) (2015).

finally, forced into commercial sex.⁵⁸ Though people crossing borders without documents are, within the legal framework, offenders under the Foreigners Act or the Passports Act, they also need to be seen as survivors of structural violence and gender-based violence in their own country and hence seeking an escape to another country. India has no law to accommodate such persons.

The Global Compact for Safe, Orderly and Regular Migration,⁵⁹ though not binding legally, has presented a cooperative framework based on the commitments of the New York Declaration for Refugees and Migrants.⁶⁰ Recognising the negative implications attached with irregular migration, it calls upon the member states to reduce irregular migration and provides actions that can be undertaken to meet the objectives that it has laid down for the safe, orderly and regular migration.⁶¹ It is incumbent on India, a signatory to the Compact, to pay particular attention to certain objectives mentioned therein in light of its poor management of migration,⁶² the lack of a detailed and comprehensive immigration policy⁶³ as well as the recent amendment to the Citizenship Act, 1955.⁶⁴ Some of the objectives that can be essential to India's strive for better migration policies are that states should improve availability and flexibility of ways to enter and exit the country to regularise migration,⁶⁵ address the concerns of all, legal and illegal, migrants and take actions to reduce their vulnerabilities, ensure sufficient and affordable legal representation for migrants such that justice delivered is impartial,⁶⁶ take suitable actions to prevent the missing and death of migrants,⁶⁷ as well as manage the borders with its neighbouring countries to ensure safe and regulated cross-border movement of people.⁶⁸

IV. BANGLADESHI WOMEN PRISONERS IN INDIA AND THE ISSUE OF JAANKHALASH

In some states in India, Bangladeshis without valid documents are arrested under the Foreigners Act, 1946 and in others under the Passports Act, 1967.

⁵⁸ The New Indian Express, *Karnataka HC orders Bangladeshi woman's deportation*, May 29, 2019, available at <http://www.newindianexpress.com/cities/bengaluru/2019/may/29/hc-orders-bangladeshi-womans-deportation-1983170.html> (Last visited on September 21, 2019).

⁵⁹ Global Compact for Safe, Orderly and Regular Migration, December 19, 2018, A/Res/73/195.

⁶⁰ New York Declaration for Refugees and Migrants, October 3, 2016, A/Res/71/1.

⁶¹ Global Compact for Safe, Orderly and Regular Migration, December 19, 2018, A/Res/73/195, p.3.

⁶² S. Krishna Kumar & S. Irudaya Rajan, *Emigration in 21st Century India: Governance, Legislations, Institutions* (2015).

⁶³ C.S. Akhil, *India and the Global Compact for Migration*, 54 *Economic & Political Weekly* (2019).

⁶⁴ *Supra* note 31.

⁶⁵ *Supra* note 59., Objective 5.

⁶⁶ *Supra* note 59., Objective 7.

⁶⁷ *Supra* note 59., Objective 8.

⁶⁸ *Supra* note 59., Objective 11.

This section draws largely from Mehta's research⁶⁹ in prisons in Kolkata, work in prisons in Mumbai and engagement with various stakeholders over the last decade. Different states use different Acts and practices based on their orientation and training. For instance, in the case of West Bengal, it was observed that the Foreigners Act was used most frequently, on the other hand, in Maharashtra, the use of Passports Act was common along with Foreigners Act. It was observed that there is a lack of clarity on the documents checked by the police at the time of arresting those who are allegedly Bangladeshi. Once in prison, it was reportedly difficult for the Bangladeshi women to access legal aid as the District Legal Services Authority (DLSA) lawyers are usually unwilling to take up their case and the Bangladeshi prisoners did not have money to hire a private lawyer. They did not have visitors, either because their relatives feared they would also be arrested or because their relatives were in Bangladesh. The overall situation of Bangladeshi prisoners in general and those of Bangladeshi women prisoners, in particular, is grim. Several Bangladeshi women who have been victims of trafficking are arrested by the police as 'illegal' migrants; often at times when they are fleeing brothels or exploitative work situations.⁷⁰ It is also important to mention here that there are instances where Muslim women from West Bengal are arrested in other States when they are unable to produce documents — which makes them "Bangladeshi" in the eyes of the criminal justice system.

Furthermore, it was observed that the Bangladeshi women continued to be in prisons in West Bengal beyond the end of their prison term and were known as *jaankhalash*.⁷¹ *Jaankhalash* literally means 'end of life'; in this case, it implied that the women were no longer 'prisoners' as they had finished their term. The Bangladeshi women prisoners said that it meant 'free public' that they were roaming around in the prison as someone who is free and not as a prisoner. Ironically, there was no freedom for the women, apart from their imagination. This time as *jaankhalash* was the hardest to deal with for the prisoners because it entailed an uncertainty to which prison staff had no answers. No one seemed to know when they would be sent back to Bangladesh. Each officer waited for orders till they could process the papers for their release and more often than not information remained in limbo for everyone.

The orders for deportation involved many agencies; one of them was the Deputy High Commission of Bangladesh in Kolkata. The delay in orders for deportation often took place because of the tussle between the unwillingness (and sometimes inability) of the Deputy High Commission of Bangladesh to identify these women as citizens of their country and the insistence of the Indian state that their identity was Bangladeshi. This often happened because the women gave

⁶⁹ This section is based on the research experience of Rimple Mehta.

⁷⁰ Rimple Mehta, *Two steps forward, one step backward: A step ahead?*, Migration, Gender & Care Economy 161-177 (2018).

⁷¹ Rimple Mehta, *Women, Mobility and Incarceration: Love and Recasting of Self Across the Bangladesh- India Border* 86-89 (2018).

incorrect names and addresses at the time of their case registration. They did this because they feared that if their family members were contacted they (the family) would find out that they were in prison or that before being in prison, they were involved in commercial sex. Some of them had not told their families that they had come to India. In the process of trying to protect their honour and that of their families, it seems that they often gave an incorrect address without realising the impact it would have on their release and the process of being sent back.⁷² It is not to suggest that the delay in being sent back was entirely due to the fault of these women. One cannot deny the politics between the two countries concerning migration/illegal immigration, which has peppered their relations from 1947.

The Bangladeshi women prisoners would come together in large numbers to protest this delay, which they viewed as laxity and unwillingness to work on the part of the prison staff. Some of the women who had entered the prison before 2009 said that there was a time when more than 500 women used to stay in a space created for about 100 of them, many among these being *jaankhhalash*.⁷³ It was only after an instance when they jumped the walls of their ward and threatened to harm the prison staff with stones and bricks that immediate steps were taken that hastened their deportation. They often went on hunger strikes demanding their release once they had served their respective prison terms. The Bangladeshi women had observed that a show of aggression on their part could bring about a change in the situation. This probably gave them an incentive to continue their acts of resistance to finally achieve the 'freedom' for which they had initially decided to leave their 'homes'.

Evidence from stakeholders suggests that over the last few years there have been efforts to adopt a more formalised approach for deportation through regular meetings between the border security forces in India and Bangladesh and transfers through designated Immigration Check Posts (ICP).⁷⁴ However, there needs to be further research to understand to what extent such processes have replaced the practice of push backs and their effectiveness in ensuring the safety and security of the individuals. This is particularly important as there is

⁷² *Supra* note 70.

⁷³ On September 02, 2011, Commonwealth Human Rights Initiative filed a petition in the High Court of Judicature at Calcutta [Special Original Jurisdiction] Letter Petition No. WP 8105(W) of 2011 under Article 226 of the Constitution of India, against the illegal and continued detention of Bangladeshi nationals in detention/correctional facilities throughout West Bengal, India. The petition is pending for hearing in the Supreme Court.

⁷⁴ There are about 86 ICPs that are functioning in India of which 37 are functioning under the Bureau of Immigration and the rest are being managed by the concerned state governments. See <https://boi.gov.in/>. See also Business Standard, 21 *Bangladeshi nationals deported*, January 19, 2019, available at https://www.business-standard.com/article/pti-stories/21-bangladeshi-nationals-deported-119011900713_1.html (Last visited on April 7, 2020) (For instances of Bangladeshi nationals being deported from ICPs).

data which suggests that between 1985 and 2017, around 2,528 Bangladeshis were ‘pushed back’ after having been declared foreigners.⁷⁵

V. ANALYSIS OF DEPORTATION ORDERS

This section contains the analysis of the judgments containing deportation orders given to allegedly Bangladeshi nationals convicted under either Foreigners Act or Passports Act or both and ordered to be ‘pushed- back’ to their ‘native land’ in four states namely, West Bengal, Maharashtra, Tripura and Karnataka. In common parlance, deportation refers to the constitutional or legal process of sending illegal immigrants back to their country of origin and ‘push back’ refers to an extra-legal or unlawful process of sending them back.⁷⁶ The process itself is a great threat to their life and personal security. The authors collected a total of 18 judgments delivered between 2014 to 2019 from the states of West Bengal, Maharashtra, Tripura, Uttar Pradesh and Karnataka out of which, excerpts from two judgments each from four states have been discussed below. It was found that in all of the 18 judgments, the Bangladeshi foreign nationals were convicted under the appropriate statutes and were ordered to be ‘pushed back’ in 3 cases, ‘deported’ in 10 cases, ‘repatriated’ in four cases and one case ‘sent back’ to their homeland after completion of sentence. For instance, in a case from West Bengal namely *Belayet and others v. State of West Bengal*⁷⁷, the Bangladeshi convicts were ordered to suffer “rigorous imprisonment” for five years along with the payment of a fine amounting to Rs. 10,000, in default of which the convicts would have to suffer simple imprisonment of further six months. After completion of the period of sentence, they were ordered to be “pushed- back” to Bangladesh “in accordance with law”.⁷⁸ This is one instance of the nature of judgments that are pronounced in cases dealing with Bangladeshi prisoners.

A. WEST BENGAL

In *Government of West Bengal v. Yaar Ali* (2019)⁷⁹, the accused, Yaar Ali, was charged under Section 14A of Foreigners Act and he pleaded guilty. On being told of his charges, he said “Ami Doshi”. It appeared to the judge that he must have pleaded guilty without any inducement, therefore, he ordered for

⁷⁵ The Economic Times, *Dhaka to take back migrants*, May 30, 2018, available at <https://economictimes.indiatimes.com/news/politics-and-nation/policy-change-dhaka-to-take-back-migrants/articleshow/64380489.cms> (Last visited on September 23, 2019).

⁷⁶ See the UN Convention on the Status of Refugees, 1954 (which disallows refoulement, forced return of people, who have the right to be recognized as refugees, to their country of origin. But India is not a signatory to the Convention and has no laws making ‘push back’ illegal. What is being referred to here is the inhumane and illegal practices involved in the process of ‘push back’. The status of the migrants, whether they are refugees (of whatever kind) or not, is not the subject of discussion here).

⁷⁷ C.R.A. 64/ 2017 (Calcutta High Court).

⁷⁸ *Id.*

⁷⁹ S.C. 28/ 2019 (Assistant Sessions Judge, Dinhat) (Unreported).

conviction of the accused under Section 229, Code of Criminal Procedure as well as ordered for his push back to Bangladesh.

In *Government of West Bengal v. Paresh Biswas (2019)*⁸⁰, yet again, the accused was found to plead guilty by uttering the words, “Ami Doshi” (“I am guilty”). He was charged under Section 14 of the Foreigners Act for entering India without any valid document despite being a Bangladeshi citizen. The Court accepted his plea of guilt and sentenced him under Section 252, Code of Criminal Procedure and ordered him to be ‘repatriated’ back to Bangladesh. The Court requested for a copy of the order to be sent to the District Magistrate of Nadia such that necessary action could be taken for the repatriation of the convict to Bangladesh.

B. TRIPURA

In *State of Tripura v. Rasel Miah*⁸¹ (2014), accused pleaded guilty stating that he is repenting the crime he has happened to have committed. Thus, the court convicted him for criminal trespass,⁸² criminal intimidation⁸³ as well as under Rule 6 of the Passport (Entry into India) Rules 1950 and ordered him to be “pushed back” to his country by the Mobile Task Force (MTF) Department with the assistance of O/C of Sonamura Police Station.

In *State of Tripura v. Jahangir Miah (2016)*⁸⁴, at the stage of framing of charges, the accused by way of a petition pleaded guilty. The court, accepting his plea of guilt, convicted him under Section 3 of the Passport (Entry into India) Act, 1920 and Section 14 of the Foreigners Act, 1946. The Court also requested the State Government to make necessary arrangements including contacting the appropriate authorities for “sending the convict back to Bangladesh”.

C. MAHARASHTRA

In *State of Maharashtra v. Kabir Noorali Gazhi*(2016)⁸⁵, the accused pleaded guilty after he was made aware of the charge against him, the contents of which were explained to him in the Hindi language. Thereafter, he was convicted under Section 14(c) of the Foreigners Act, 1946 and ordered to be deported to Bangladesh by the P.I. of the concerned police station.

In *SIB CID ‘T’ Branch v. Babu Siddik Khan and others*(2017)⁸⁶, the ‘T’ Branch of Mumbai received information regarding the first accused, who was a

⁸⁰ G.R. 04/19 (Judicial Magistrate, Nadia) (Unreported).

⁸¹ PRC 519/13 (Sub- Divisional Judicial Magistrate, West Tripura) (Unreported).

⁸² Indian Penal Code, 1860, S. 447.

⁸³ *Id.*, S. 506.

⁸⁴ PRC 208/2015 (Sub- Divisional Judicial Magistrate, West Tripura) (Unreported).

⁸⁵ R.C.C. 815/2015 (Chief Judicial Magistrate, Ahmednagar) (Unreported).

⁸⁶ C.C. 0800050/PW/2016 (Addl. Chief Metropolitan Magistrate, Mumbai) (Unreported).

labourer, and subsequently, arrested him along with two other accused females, all of whom revealed that they were Bangladeshi nationals and entered India illegally without any valid documents. Thus, they were charged under Rule 6 of the Passport (Entry into India) Rules, 1950 and Section 14(1) of the Foreigners Act, 1946 to which the accused pleaded not guilty. Since Section 9 of the Foreigners Act imposes the burden to prove that the accused is of Indian nationality on the accused himself/ herself and the three accused in the present scenario failed to discharge that burden of proof, they were held to be guilty of the charges levelled against them. Thus, the magistrate directed the SIB 'T' Branch to take action for the deportation of all the accused.

D. KARNATAKA

In *Subramanya P.S. v. Mohammed Sagar (2018)*⁸⁷, the two accused persons were charged under Section 397, IPC for robbing and causing grievous hurt to the victims as well as under Section 14 of the Foreigners Act, 1946. After having languished as under-trial prisoners for approximately five years, the two accused entered for plea-bargaining and their sentence for imprisonment was set off against their prison time of five years. Consequently, the City Civil and Sessions Judge directed the Superintendent of Prison to intimate the Ministry of External Affairs and Bangladesh Embassy for the repatriation of the accused to Bangladesh.

In *State of Karnataka v. Smt. Khadija (2019)*⁸⁸, the accused was charged for being a citizen of Bangladesh who had illegally entered India through West Bengal. During her arrest by the Bengaluru police, she was staying in Bengaluru for nine months without a passport or visa. She was charged under Section 14 of the Foreigners Act, 1946. The accused denied such charges. All the prosecution witnesses testified that she was an unauthorised resident in Bengaluru for a prolonged period, without visa or passport and that she had illegally immigrated from Bangladesh. The court said that the prosecution had proven beyond reasonable doubt that the accused was an illegal immigrant from Bangladesh, who had entered through West Bengal and was staying illegally in Bengaluru without visa or passport. The court convicted the accused under Section 14 of Foreigners Act, 1946 and Section 12(1)(C) of the Passports Act, 1967 and thus, ordered her to be deported to Bangladesh.

First, in the above judgments from the four states it is disconcerting to note that in all of them, the accused pled guilty to the offence under Section 14 of Foreigners Act in roughly the same manner and even uttering the same words. While the court assures in the judgments that only after taking into account all 'facts surrounding the case' and hearing both parties does it accept the plea of guilt, there is no specific mention of such facts that are taken into account by

⁸⁷ S.C. 72/ 2015 (Addl. City Civil & Sessions Judge, Bangalore City) (Unreported).

⁸⁸ S.C. 1380/2016 (Addl. City Civil & Sessions Judge, Bengaluru City) (Unreported).

the magistrate in the judgment itself. These ‘facts’ are important and should be mentioned, considering the vulnerable position and condition of foreign national prisoners. In its 2019 report, CHRI has recommended mandatory in-camera hearing of the prisoners by the judicial officers who were adjudicating such matters to record the accused’s narration of facts.⁸⁹ This can go a long way in ensuring that the accused are not coerced into pleading guilty. Often, it may also happen that due to the inability to understand the language in which the judgment is pronounced or the inability to follow legal discourse, the accused may not have been able to fully understand the nature of the charge against him/her and the consequences of pleading guilty. For instance, CHRI gives an account of such an incident in its report:

*“In one case, an Indian national, who was mentally ill at the time of arrest, was convicted on a plead guilty application for being a non-national. After receiving treatment for her mental ailments in prison, when she was cured of her ailment, she informed that she was a resident of Assam. The prison authorities made contact with her family and filed a petition in the Calcutta High Court. However, the court refused to intervene as her original conviction was by pleading guilty.”*⁹⁰

Instances such as above also indicate the vulnerabilities of those with mental illnesses, who may be convicted even though they are citizens of India. It also directs us to the fluidity in terms of identity that people across the India-Bangladesh may share and the inability of the state to determine their identity in any definitive manner.

Second, while the Bangladeshis convicted of ‘illegally’ entering and staying in India can be reasonably expected to understand the language of the proceedings in states like West Bengal and Tripura, it must be taken note of that language becomes a huge barrier for such Bangladeshi prisoners in states where Bengali is not the spoken language. In the above judgments, it is observed that the content of charges and consequences of pleading guilty are explained to a Bangladeshi prisoner in the Hindi language. Such a lacuna must be rectified as a language barrier, coupled with the fear and intimidation of a foreign national prisoner in a courtroom, can cause injustice.

Third, the nature of the investigation also demands some warrant. It is to be noted that in certain cases, officials rely on ‘secret information’ from unknown individuals and thereafter, carry out an investigation. For instance, in the case of *SIB CID T Branch v. Aalima Jakir Khan*⁹¹, the accused were charged under

⁸⁹ *Supra* note 45.

⁹⁰ *Id.*

⁹¹ C.C. No. 0800096/ PW/ 2014 (Additional Chief Metropolitan Magistrate, Mumbai) (Unreported).

Passport (Entry into India) Act, 1956⁹² and the Foreigners Order, 1948⁹³, after they were taken into custody based on “secret information” received from an unknown “reliable informer”. The grounds for such reliability of informers are not known. The motivations and political affiliation of the ‘informers’ are also suspect. Moreover, there are certain points to ponder over particularly in this case. While the accused admitted that the police had put a raid on her husband and herself, that at the time when she was taken into custody, she did not have any document to prove that she was an Indian national as well as that she indeed spoke in Bengali, she did depose that she was, in fact, an Indian national and that she was not given an opportunity to furnish any document to prove her stance. However, she was able to produce on record, “original” PAN Card, “original” birth certificate as well as “original” Aadhar card receipt. However, such documentary proof was found to be unreliable as there were discrepancies. Consequently, the accused was found to have failed to discharge the heavy burden of proof that she was an Indian national under Section 9 of the Foreigners Act, 1948 and was thereby, convicted and ordered to be deported after completion of her sentence. The lack of documents and discrepancy in information in different documents belonging to the same person is a common feature in the South Asian context and need not be a ‘full-proof’ way to determine nationality.⁹⁴ This leaves us with the question- what, then, is a ‘full-proof’ way to determine nationality in India? How do we tackle this issue in the South Asian context?

Finally, the practice of ‘push back’ of Bangladeshi prisoners is extra-legal. The wording of judgments is essential in this regard. One may notice that a number of the above judgments ordered for the convicted Bangladeshi prisoners to be ‘pushed back’ once their period of punishment is over. Push-backs not only threaten the safety and security of the individuals being sent back to Bangladesh, but they are also extra-legal. India needs to have a clear legal understanding of what constitutes repatriation and what constitutes deportation and the practice of push-backs should be proscribed. Following a clear legal understanding, processes should be put in place for each.

Having discussed the lacunae above, it requires mention that the Indian courts do not follow the ‘one stick fits all’ rule while deciding upon a case and pronouncing judgments. Take, for instance, the case of *State of Maharashtra v. Hajara Khatoon*⁹⁵ in which a pregnant woman, of about 20 years of age,⁹⁶ was found in a railway station as she claimed that she came to India with her

⁹² Rule 3.

⁹³ S. 3(1).

⁹⁴ Sahana Ghosh, “Everything Must Match”: Detection, Deception and Migrant Illegality in the India-Bangladesh borderlands, 121(4) *American Anthropologist* 876(2019).

⁹⁵ R.C.C. No. 30/ 2015 (Judicial Magistrate First Class (Railways), Aurangabad (Unreported)).

⁹⁶ It is important to note here that the age of the girl was determined to be between 20 to 24 years by “prima facie perusal of her personality”, and on this basis, the court stated that “it is difficult to consider her age for the purposes of benefits under Probation of Offenders Act 1958”. Such assessments can be counterproductive to the laws instituted for juvenile justice.

husband who ultimately could not be found. Though the prosecution demanded stricter action to be taken against her as entering India illegally amounts to an “offence against the state”, the Court, after taking all facts into account such as her pregnant condition and young age, decided to deliver a lenient judgment whereby she was ordered to be deported through executive action by the Nagpur Superintendent of Police (Railways) following such requisite procedure as is required for deporting a pregnant woman. This order may also serve as a reference point for other deportation orders as it details the steps to be followed to ensure the safe deportation of a foreign national prisoner.

VI. CONCLUSION

The practice of pushing back Bangladeshi prisoners cannot be assumed to be the long-run solution, most importantly because it is violative of their human rights. The ‘UN Model Agreement on the Transfer of Foreign Prisoners’, which was adopted by the Seventh UN Congress on the Prevention of Crime and Treatment of Offenders in 1985, prepared a model for countries to form bilateral and multilateral agreements with each other for the international transfer of sentenced prisoners.⁹⁷ Based on this model, India has an operational agreement on the Transfer of Sentenced Persons negotiated and drafted under the careful guidelines of the Repatriation of the Prisoners Act, 2003.⁹⁸ There is a dire need for better implementation of the Repatriation of Prisoners Act, 2003.

Also, long delays in deportation or push back processes impose great danger to the future of Bangladeshi prisoners who have been convicted under the Foreigners Act or the Passports Act. To address this injustice, it is essential to reform the operation of the judiciary and the administration working on such matters, particularly when it concerns foreign national prisoners from socio-economically marginal positions. As discussed, verification of nationality is a major barrier before a prisoner can be sent back to their country. In its 2019 Report, CHRI has suggested that special provisions should be made to ensure effective representation to foreign national prisoners such as special training courses for lawyers defending foreign national prisoners.⁹⁹

In addition, to ensure that Bangladeshi prisoners know their rights to apply for transfer to complete their sentence in their homeland (under the Repatriation of Prisoners Act, 2003), apart from ensuring consular access to them,

⁹⁷ Model Agreement on the Transfer of Foreign Prisoners and Recommendations on the Treatment of Foreign Prisoners, 1985 (available at https://www.unodc.org/pdf/compendium/compendium_2006_part_02_01.pdf)

⁹⁸ Agreement between the Government of the People’s Republic of Bangladesh and the Government of the Republic of India on Transfer of Sentenced Persons, January 11, 2010 (available at https://hcidhaka.gov.in/pdf/bi_doc/Agreement%20on%20the%20Transfer%20of%20Sentenced%20Persons.pdf).

⁹⁹ *Supra* note 45., 42.

there should be attempts for greater access to information for such prisoners, perhaps in the form of a brochure which lays down their rights in the Bengali language. Alternatively, there should be a mandatory translator to ensure that the Bangladeshi prisoners are aware of their rights in case they do not understand the language otherwise spoken. The prisoners must be made aware of their right to back out of the application for transfer to their homeland as well along with the consequences that might follow such backing out. Also, to ensure that children are not separated from their parents at the time of repatriation,¹⁰⁰ there should be a coordination between the protective homes where the children of the Bangladeshi prisoners are kept and the prison.

While state sovereignty and security of citizens is an important question, it is also crucial to understand who gets defined as a citizen and who gets the label of a foreigner. In the South Asian context, these identities often have areas of overlap and it is difficult to extract one from the other. Those occupying marginal locations within the class, caste, religion and gender hierarchies are the first to be excluded and rendered stateless. It is important that the judiciary takes care in determining the status of citizenship of individuals and lays down concrete procedures for the safe repatriation of foreign national prisoners. In this regard, India must draft a sound refugee and migration policy, which takes into consideration the lived experience of trafficking, violence, persecution, of those who cross the borders of India in the hope of a better and safe life. This will ensure that India does not exclude foreigners merely based on their legality or illegality in terms of owning citizenship documents.

¹⁰⁰ The repatriation of Bangladeshi children lodged in shelter homes in West Bengal is facilitated and monitored by the West Bengal Task Force formed under the Operational Guidelines on Rescue-Recovery -Safe Return and Integration of Bangladeshi Children. See http://wbcdwdsw.gov.in/User/wings_tfrwc