**IN THE SUPREME COURT OF INDIA**

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO OF 2021

**IN THE MATTER OF:**

Sangita Chakraborty

d/o Sh. Late Sh. Somnath Chakraborty

Belgram, Barddhaman, West Bengal-713141 ...Petitioner

Verses

1. Union of India

Through the Secretary,

Ministry of Home Affairs,

North Block, New Delhi-110001

1. Union of India

Through the Secretary,

Ministry of Law & Justice,

North Block, New Delhi-110001

1. Government of West Bengal

Through the Chief Secretary

Secretariat, Writers Building Kolkata-700001

1. National Human Rights Commission

Manav Adhikar Bhawan, Block-C,

GPO Complex, INA, New Delhi – 110023 …Respondents

PIL UNDER ARTICLE 32 TO DETECT, DETAIN, DEPORT ILLEGAL ROHINGYA & BANGLADESHI INFILTRATORS FROM WEST BENGAL WITHIN ONE YEAR

To,

THE HON’BLE CHIEF JUSTICE

AND LORDSHIP’S COMPANION JUSTICES

OF THE HON’BLE SUPREME COURT OF INDIA

HUMBLE PETITION OF ABOVE-NAMED PETITIONER

THE MOST RESPECTFULLY SHOWETH AS THE UNDER:

1. Petitioneris filing this writ petition as a PIL under Article 32 seeking direction to the Centre and State to detect, detain and deport illegal Rohingya and Bangladeshi infiltrators from West Bengal within one year.Petitioneralso seeks direction to Centre and State to identify and invoke NSA against government employees, police personals and security forces, who have links with Infiltration Mafias and help Rohingyas-Bangladeshis to infiltrate in West Bengal; and confiscate their cent percent disproportionate assets.
2. Petitioner also seeks direction to Centre and State to identify and invoke NSA against government employees, travel agents and other such people, who provides PAN, AADHAAR, Passport, Ration Card, Voter Card, Driving License to Rohingya and Bangladeshi infiltrators; and confiscate their 100% dipropionate assets.Petitioner also seeks declaration that sentence for making forged and fabricated PAN, AADHAAR, Passport, Ration Card, Voter Card, Driving License and such other documents, shall run Consecutive not Concurrent. Petitioner also seeks direction to the Centre to add a Chapter in the IPC to make illegal infiltration, a cognizable non-bailable and non-compoundable offence.
3. Petitioner’s name is Sangita Chakraborty. Residence at: Belgram, Barddhaman, West Bengal-713141, 9007568664, PAN:AFRPC3477K, AADHAAR-552585002673, singita.chakraborty1980@gmail.com, Income is 5 LPA. Petitioner is human and civil right activist and striving for welfare of socially economically down trodden people and BPL families particularly in the West Bengal.
4. The facts constituting the cause of action accrued on 2.5.2021 and subsequent dates when Election Result of Bengal Assembly election was declared and Rohingya-Bangladeshi infiltrators started beating, killing, heckling, looting, kidnapping, raping, burning the Houses of Hindus who voted to BJP. For example: Ms. Vijay Lakshmi Rao and her two sons could not return home and petitioner filed complaint in NHRC by email on 8.5.2021. Mr. Falendranath Singha was rendered homeless and petitioner filed complaint in NHRC on 9.5.2021. Ranjit Saha was rendered homeless and the petitioner filed a complaint on 9.5.2021 in NHRC. Sumitra Pyne and three others were rendered homeless and their homes were vandalized. The petitioners filed a complaint in NHRC through mail, dated 9th May, 2021. Ranjit Briksha was rendered homeless and the petitioner filed a complaint dated 9th May, 2021 in NHRC. Jayanta Saha was rendered homeless and petitioner filed complaint 10th May, 2021 in NHRC. Pratik Pariary was rendered homeless and the petitioner filed a complaint on 10th May, 2021 in NHRC. Dipak Das and 48 others were rendered homeless and petitioners informed the NHRC on 10th May, 2021. Somnath Sil was rendered homeless and petitioner filed a complaint on 13th May, 2021 in NHRC.
5. Ganesh Santra and 22 others were rendered homeless & false cases were filed against them. One of them was arrested. The petitioner filed a complaint on 13th May, 2021 in NHRC. Sahanaj Begum Molla was rendered homeless and petitioner filed a complaint on 13th May in NHRC. Niranjan Mondal and 23 others were rendered homeless and petitioners filed a complaint on 13th May in NHRC. Bubai Das and his father were beaten up. They filed a complaint in NHRC on 16th May, 2021. Sankar Sil was rendered homeless and petitioner filed a complaint through mail on 21st May in NHRC. Biplab Chakraborty was rendered homeless and a false case was filed against him. Thereafter he, through mail, filed a complaint on 22nd May in NHRC. Arup Pakhira was rendered homeless and the petitioner filed a complaint on 21st May in NHRC. Amit Poddar was rendered homeless and he filed a complaint on 22nd May, 2021, through mail, in NHRC. Jagannath Kar is the father of the member of Human Right Organization. He was brutally attacked by Infiltrators which clearly showed that Human Rights defender are not spared. A complaint in this regard was filed by the petitioner on 23rd May in the NHRC. Subrata Malik was rendered homeless and petitioner filed a complaint on 27th May in NHRC.
6. Satarup Bhattacharjee was rendered homeless and petitioner filed a complaint on 29th May in NHRC. False FIR was filed against Manik Sarkar and he filed a complaint on 29th May in NHRC. A false NDPS case was filed against Suvajit Das and the petitioner filed a complaint on 30th May. Uma Sutradhar Debnath was rendered homeless and petitioner filed a complaint on 31st May. Manju Barman was rendered homeless and she filed a complaint on 31st May in NHRC. Sanchay Dutta and his son were rendered homeless due to which his son could not prepare for examination and he filed a complaint on 2nd June. Rabi Hari’s house was vandalized and he rendered homeless and petitioner filed a complaint dated 5th June, 2021 in NHRC.. Rina Ghosh was rendered homeless and petitioner filed a complaint dated 6th June, 2021 in NHRC. Parimal Bakli’s house was vandalized and he was rendered homeless and petitioner filed complaint on 8th June in NHRC. Bablu Mondal was threatened and he filed a complaint against Rohingya-Bangladeshi infiltrators but Police took no action and therefore petitioner filed a complaint on 8th June, 2021 in NHRC. Infiltrators attacked Tushar Kanti Das and a female member of his family suffered cut injuries in her left breast and petitioner filed a complaint on 9th June in NHRC.
7. Mithu Singha was rendered homeless and petitioner filed complaint on 10th June in NHRC. Sukanta Saha was rendered homeless and petitioner filed complaint on 10th June in NHRC. Infiltrators raped two sisters in Maldaha and petitioner filed complaint on 10th June. In Gangarampur, a gold medal winning cyclist was brutally attacked by Infiltrators and a complaint was filed by the petitioner. In Bongaon, 5 innocent people were hacked to death by Rohigya Bangladeshi infiltrators and petitioner filed complaint on 11th June. A false case was filed against two ISF workers and a complaint was filed on 12th June, 2021. A false case was registered against Bindu Bag and she was rendered homeless and a complaint was filed on 12th June. In Farakka, District Murshidabad, a young girl was raped by two Rohingya Bangladeshi infiltrators and complaint was filed on 12th June, 2021. A class 12 boy, Madan Rajak, was brutally lathi charged, based upon irrelevant grounds due to which the boy tried to burn himself and therefore receiving severe burn injuries and complaint was filed on 13th June, 2021. Rohingya Bangladeshi miscreants destroyed the shop of Anita Rana and even threatened her to give the ownership of the shop to him, failing which she would be murdered. A complaint was filed on 13th June, 2021.
8. Infiltrators cut off electricity supply of Manaranjan Majhi and 11 Others and thereafter petitioner filed a complaint on 16th June. False cases were filed against Anandamoy Roy and his father and complaint was filed on 16th June to NHRC. A woman was forced to roam around naked as per an order of "Kangaroo Court". Petitioner filed complaint on 16 June. In Diamond Harbor Subsidiary Correctional Home, Swapan Mondal was murdered. In this regard a complaint was filed on 11th May. Jyotsna Malik’s son was beaten up by infiltrators and she could not bear the sight which forced her to administer poison and commit suicide. On 16th May, complaint filed. Dhiren Barman was murdered and his dead body was found in a jungle and therefore a complaint was filed on 27th May, 2021. A person was murdered but Police did not allow post-mortem and when local villagers protested against such act, false cases were filed and therefore a complaint was filed on 4th June. A bomb was thrown at Jayprakash Jadhav by Infiltrators and his head was blown off and complaint was filed on 8th June. Mithun Bagdi was framed in a false case and was arrested and after his return to his house he was hacked to death by Rohingya Bangladeshi infiltrators and a complaint was filed on 14th June, 2021.
9. The injury caused to people is extremely large because Two Crore Rohingya-Bangladeshi infiltrators have not only changed demography of Bengal but are the biggest threat to rule of law and internal security, particularly after assembly election. The need for expeditious identification of infiltrators is more pressing now than ever. It is not a matter of dealing with a religious group but the matter of identifying those who illegally crossed the border and continue to live in Bengal, contrary to law and the Constitution.
10. During talks with the then Prime Ministers of India in 1972, the then Prime Minister of Bangladesh assured return of all Bangladesh nationals who took shelter after 25.03.1971. Accordingly, a circular was issued by Centre on 30.09.1972, setting out guidelines for action to be taken in respect of persons who had come from Bangladesh. According to this circular, those Bangladeshi nationals who had come before 25.03.1971 were not to be sent back and those who entered on or after the said date were to be repatriated.
11. Failure to get Assam and entire Bengal included in Pakistan in 1947 remained a source of abiding resentment. Mr. Zulfikar Ali Bhutto in his book “Myths of Independence” wrote: *“It would be wrong that Kashmir is the only dispute that divides India and Pakistan, though undoubtedly the most significant. One at least is nearly as important as Kashmir dispute, that of Assam and some districts of India adjacent to Pakistan. To these Pakistan has very good claims”.* Even Sheikh Mujibur Rahman in his book “Eastern Pakistan; its population & economics” wrote: “Because Pakistan must have sufficient land for its expansion and because Assam has abundant forests and mineral resources, coal, petroleum etc., Pakistan must include Assam to be financially & economically strong”.
12. There are other contributory factors facilitating infiltration from Bangladesh-Myanmar. Ethnic, linguistic and religious commonality between illegal migrants and people on our side of border enables them to find shelter. It makes their detection difficult. Some political parties have been encouraging and even helping illegal infiltrations with a view to build vote banks. Infiltrators work for lower remuneration than local people. This makes them acceptable. With corruption being all pervasive, corrupt officials are bribed to provide help. Many such rackets have been busted. Recently many individuals were found providing forged citizenship certificates and other documents to Rohingya Bangladeshi infiltrators.We have chosen to remain virtually oblivious to the grave danger to national security arising from this unabated influx of infiltrators. The prophecy that except the Sibsagar district, the Assamese people will not find themselves at home in Assam, is well on its way to becoming true as reflected by demographic pattern in other States.
13. On 06.05.1997, the then Home Minister Mr. Inderjit Gupta stated in Parliament that there were 10 million illegal immigrants residing in India. Quoting Home Ministry, India Today on 10.08.1998 has given the details of infiltrators by States as: West Bengal- 5.4 million, Assam- 4 million, Tripura- 0.8 million, Bihar- 0.5 million, Maharashtra- 0.5 million, Rajasthan- 0.5 million, Delhi- 0.3 million, Making a total of - 10.83 million. In the case of Muslims, the growth rate was much higher than All-India rate. This suggests continued large scale infiltrations. Muslim population in Assam has shown a rise of 77.42 per cent in 1991 from what it was in 1971. Hindu population has risen by nearly 41.89 per cent in this period. Muslim population in Assam has risen from 24.68 % in 1951 to 28.42 % in 1991. The growth of Muslim population had been emphasized in the previous paragraph to indicate the extent of infiltrations in India because as stated earlier, the illegal migrants coming into India after 1971 have been almost exclusively Muslims.
14. Pakistan’s ISI is active in Bangladesh and Myanmar and supporting militant movement. Militant organizations have mushroomed and there are reports of Muslim youths having gone for training to Afghanistan-Pakistan. The dangerous consequences of large-scale infiltrations from Bangladesh-Myanmar for Nation as whole, need to be emphatically stressed. No misconceived notions should be allowed to come in the way of doing so. As a result of Infiltration from Bangladesh-Myanmar, indigenous people of Assam-Bengal are reduced to a minority in their home State. Cultural survival is in jeopardy, political control is weakened & employment opportunities are undermined. The silent and invidious demographic invasion resulted in loss of geo-strategically vital districts of Assam-Bengal. Influx of infiltrator has turned many districts as a Muslim majority region. It will then only be a matter of time when a demand for their merger with Bangladesh will be made. Fundamentalists will prove a driving force for demand. In this context, it is pertinent that Bangladesh has long discarded secularism and has chosen to become Islamic State. Loss of Assam-Bengal will severe the entire land mass of the North East, from the rest of India and the rich natural resources of that region will be lost to the Nation.
15. There are good reasons for placing the burden of proof upon person concerned who asserts to be a citizen of India. In order to establish one’s citizenship, normally he may be required to give evidence of (i) his date of birth (ii) place of birth (iii) name of his parents. Sometimes the place of birth of his grandparents may also be relevant like under Section 6-A(1)(d) of the Citizenship Act. All these facts would necessarily be within the personal knowledge of the person concerned and not of the authorities of the State. After he has given evidence on these points, the State authorities can verify the facts and can then lead evidence in rebuttal, if necessary. If the State authorities dispute the claim of citizenship by a person and assert that he is a foreigner, it will be difficult for him to first lead evidence on the aforesaid points. This is in accordance with S. 106 of Evidence Act, which says, when fact is within knowledge of person, burden of proof is upon him.
16. The influx of infiltrators poses serious threat to the unity, integrity & security of country. Total 5 crore infiltrators by taking advantage of their ethnic similarities and other connections with the people of India illegally residing in India unlawfully. According to Foreigners (Report to the police) Order, 2001, made under the Foreigners Act 1946, where any person who has reason to believe that a foreigner has entered India without valid documents or is staying in India beyond the authorized period of stay accommodates such foreigner in a premise occupied owned or controlled by him, for whatever purpose, it shall be the duty of such person to inform the nearest police station, within 24 hours, of the presence of such foreigner. Foreigners Act empowers the Indian administration to detain a person until he/she is deported back to his/her own country.
17. Trip to India from Bangladesh is one of the cheapest in the world, with a trip costing Rs.2000, which includes fee for Tour Operator. As Bangladeshi are cultural similar to the Bengalis, they are able to pass off as Indian citizens and settle down in any part to establish a far better future than they could in Bangladesh for a small price. False identity is bolstered with false documentation available for as little as 1000 and make them a part of vote bank. During Bangladesh Liberation War at least 20 million Bangladeshis came illegally to India to seek refuge from widespread rape and genocide.
18. Most of Bangladesh nationals migrated to West Bengal and Assam. Due to persecution during genocide, illegal migrants have been defined in Assam Accord as those who infiltrated illegally after 1971. This issue became more visible after the 1991 census when patterns of abnormally high growth rate of Muslims were observed in the border States Assam and West Bengal. In 1991 census Muslim population growth rates in these States were found to be much higher than the growth rates of the local Hindu population even after adjusting usual higher growth rate of Muslims observed throughout the country.Kerala Intelligence officials said they found large sections of Migrant labourers in Kerala claiming to be from West Bengal or Assam but were actually from Bangladesh. Anti national activities have been reported; the latest in August 2020. A native of west Bengal was arrested for insulting the national flag and was later found to be an illegal immigrant from Bangladesh. There is major racket at the borders of West Bengal and Assam with Bangladesh, which provides illegal migrants with identity cards. 23.
19. In 2005, the Hon’ble Court ruled IMDT Act as unconstitutional while with reference to Sinha Report and maintained that impact of aggression represented by large-scale infiltrations from Bangladesh had made the life of people of Assam especially one of seven sisters, which is Tripura the land of tiprasa “wholly insecure and the panic generated thereby had created fear psychosis” in other north-eastern States. In August 2008, the Delhi High Court dismissed a petition by a Bangladeshi national against her deportation. The Delhi High Court ruled those illegal Bangladeshi immigrants pose a danger to India's internal security and sovereignty.
20. Smugglers regularly cross the porous border along West Bengal into India. They mainly engage in smuggling goods and livestock from India into Bangladesh to avoid high tariff imposed on some goods by Bangladesh government. Bangladeshi women-girls are trafficked to Middle East via India for forced labor and commercial sexual exploitation. Centre for Women and Children Studies estimated in 1998 that 27000 Bangladeshis have been forced into prostitution in India. According to a report, 1% of foreign prostitutes in India & 2.7% of prostitutes in Bengal are Bangladeshi.
21. As evident from Constitutional guarantee flowing from Article 19, right to reside and settle in any part of India as well as right to move freely throughout the territory of India is available only to the citizens of India as evident from Article 19(1) of the Constitution. However, this right of Indian citizen is being violated due to Rohingya Bangladeshi infiltrators. Right to life include right to food, right to shelter, right to good environment and right to livelihood.
22. The Constitution makes it imperative for the State to follow the Directive Principles while discharging its executive functions of governance. Some of the relevant Articles contained in Part IV are Article 38, 39 and 41. The State, in exercise of its executive functions should take administrative policy decisions keeping the aforesaid Directives in mind so as to ensure that first and the foremost, obligations towards its citizens are discharged within available national resources and while ensuring their safety and security. But, Centre and State is not performing their obligation.
23. India as a sovereign nation, has the first and the foremost constitutional duty and obligation towards its citizens to ensure that demographic and social structure of the country is not changed to their detriment, the resulting socio-economic problems do not occur to the prejudice of its citizens and most importantly resources of the nation are utilized to fulfill the basic rights of its own citizens and are not diverted to detriment of the citizens due to influx of illegal immigrants into territory of India.Whenever country faces problem of infiltration, the Centre, in exercise of its executive functions, takes policy decision depending upon several facts, parameters, diplomatic and other considerations, potential dangers to nation etc.
24. The provisions of Convention Relating to Status of Refugees, 1951 and Protocol Relating to Status of Refugees, 1967 cannot be relied upon India since it is not a signatory of either of them. Since India is not a party to the Convention, or Protocol, the obligations contained therein are not applicable to India. While India is a party to the International Covenant on Civil and Political Rights, the scope of the said Covenant does not extend to the principles of non-refoulement.So far as the International Convention on Protection of All Persons against Enforced Disappearances and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is concerned, India is yet to ratify these Conventions and therefore, do not bind India. As evident from the express and conscious use of expressions in Section 3 of the Foreigner Act 1946, the legislative intent is clear, which is to confer an administrative and executive discretion upon the Centre to take steps with regard to either “all foreigners” or “with respect to particular foreigner” or “any specified class or description of foreigners”. This discretion is necessary since parameters, circumstances and other considerations will vary in each case as explained above. But Central Government is not taking steps in spirit of the Foreigner Act 1946.
25. Central Government in exercise of its power under the Foreigner Act made the Foreigners Order, 1948. The provisions of the Act of 1946 in general and that of Section 3(2)(c) in particular not only empowers but casts an obligation upon Centre Government to deport a person who is an illegal immigrant.The national security considerations should be ranked the highest on country’s list of priorities given its geopolitical influence in the region and its vulnerability to cross border infiltrations due to the porous nature of its borders which our country shares with many countries. India has porous borders with Nepal, Bhutan, Bangladesh, Pakistan, Myanmar etc. and has an easily navigable sea route with Pakistan as well as Sri Lanka making it vulnerable to a continuous threat of an influx of illegal immigration and resultant problems arising therefrom.India is already saddled with very serious problem of infiltration and is attempting to address this situation in the larger interest of nation and keeping the national resources of country, requirements of India’s own population, the national security concerns of India and several other facts in consideration which are based upon objective facts derived from empirical data which are in the knowledge and contemporaneous record of Centre.
26. Due to large influx of infiltrators, demographic profile of bordering States has already undergone a serious change which is causing complications in various contexts and is taking its toll and has a detrimental effect on fundamental human rights of citizens. So far as Rohingyas-Bangladeshis are concerned, they have entered illegally using porous border. Continuance of illegal immigration into India and their continued stay in India, apart from being absolutely illegal, is found to be having serious national security ramifications and has serious security threats. Illegal influx of Rohingyas have started into the territory of India since 2012-13 and the Centre has contemporaneous from security agencies inputs and other authentic material indicating linkages of some unauthorized Rohingya immigrants with Pakistan based terror organizations and similar organizations operating in other countries. Over and above the said serious security concern which is already in existence, more disturbing part is that there is an organized influx of illegal immigrants from Myanmar through agents and touts facilitating illegal immigrants Rohingyas via Benapole-Haridaspur & Hilli (West Bengal), Sonamora (Tripura), Kolkata and Guwahati. This situation is seriously harming the national security of the country.
27. Rohingyas are indulging in illegal and anti-national activities i.e. mobilization of funds through hundi/hawala channels, procuring fake /fabricated Indian identity documents for other Rohingyas and also indulging in human trafficking. They are also using their illegal network for illegal entry of others in the India. Many of them have managed to acquire fake/fraudulently obtained Indian identity documents i.e., PAN Card and voter cards.Many of Rohingyas figure in the suspected sinister designs of ISI/ISIS and other extremist groups who want to achieve their ulterior motives in India including that of flaring up communal and sectarian violence in sensitive areas. The fragile north-eastern corridor may become further destabilized in case of stridency of Rohingya militancy, which the Centre has found to be growing, if permitted to continue. There is also serious potential and possibility of eruption of violence against Buddhists, who are Indian citizens who stay on Indian soil, by the radicalized Rohingyas infiltrators**.** Moreover,Rohingyas with militant background are also found to be very active in Jammu, Delhi, Hyderabad, Mewat, and have been identified as having a very serious and potential threat to the internal and national security of India. But Centre is not taking appropriate steps.
28. India with large population, surplus labour force, and has complex social/cultural/economical infrastructure. So, Providing facilities/privileges to illegal immigrants out of the existing national resources, apart from above referred direct threat to national security, would also have a adverse impact upon Indian citizens as it would deprive citizens of their legitimate share in the employment sector, subsidized housing, medical and educational facilities and would thereby culminate in hostility towards immigrants resulting into an inevitable social tension and law and order problems. The rights of citizens would, therefore, be seriously violated.Under the Foreigners Act, 1946 and in exercise of the powers contained therein, the Centre and State must take concrete steps to detect detain deport illegal immigrants. However, the Centre issued instructions regarding the procedure to be followed for deportation, repatriation etc. of foreigner national/illegal immigrants but did nothing seriously to detect, detain and deport illegal migrants.
29. In Introduction to International Law by J.G. Starke (1st Indian re-print 1994) in Chapter 12 (page 348), the law on the points has been stated thus: - *“Most states claim in legal theory to exclude all aliens at will, affirming that such unqualified right is an essential attribute of sovereign government. The courts of Great Britain and the United States have laid it down that the right to exclude aliens at will is an incident of territorial sovereignty. Unless bound by an international treaty to the contrary, states are not subject to a duty under international law to admit aliens or any duty thereunder not to expel them. Nor does international law impose any duty as to the period of stay of an admitted alien.”* Like the power to refuse admission this is regarded as an incident of the State’s territorial sovereignty. International law does not prohibit the expulsion enmasse of aliens. (page 351). That reference has also been made to Article 13 of the International Covenant of 1966 on Civil and Political Rights, which provides that an alien lawfully in the territory of a State party to the Covenant may be expelled only pursuant to a decision reached by law, and except where compelling reasons of national security otherwise required is to be allowed to submit the reasons against his expulsion and to have his case reviewed by and to be represented for the purpose before the competent authority. This Covenant would apply provided an alien is lawfully in India, namely, with valid passport, visa etc. and not to those who have entered illegally or unlawfully.
30. Similar view has been expressed in Oppenheim’s International Law (Ninth Edition. 1992, Paras 400, 401&413). The author has said that the reception of aliens is a matter of discretion, and every State is by reason of its territorial supremacy, competent to exclude aliens from the whole or any part of its territory. In paragraph 413 it is said that the right of States to expel aliens is generally recognized. It matters not whether the alien is only on a temporary visit, or has settled down for professional business or any other purposes on its territory, having established his domicile there. A belligerent may consider it convenient to expel all hostile nationals residing or temporarily staying within its territory; although such a measure may be very harsh on individual aliens, it is generally accepted that such expulsion is justifiable. Having regard to Article 13 of the International Covenant on Civil-Political Rights, 1966, an alien lawfully in a State’s territory may be expelled only in pursuance of a decision reached in accordance with law.
31. In Rex vs. Bottrill [(1947) 1 K.B. 41], it was said that the King under the Constitution of United Kingdom is under no obligation to admit into the country or to retain there when admitted, any alien. Every alien in the United Kingdom is there only because his presence has been licensed by the King. It follows that at common law the King can at will withdraw his license and cause the Executive to expel the alien, whether enemy or friend. Reliance was placed on Attorney-General for Canada vs. Cain [(1906) AC 542], where Lord Atkinson said: *“One of the rights possessed by the Supreme power in every state is the right to refuse to permit an alien to enter that state, to annex what conditions it pleases to the permission to enter it, and to expel or deport from the state, at pleasure, even a friendly alien, especially if it considers his presence in state opposed to its peace, order, and good government, or to its social or material interests.”*
32. In Chae Chan Ping vs. United States [1930 U.S. 581], the US Supreme Court held : *“The power of exclusion of foreigners being an incident of sovereignty belonging to the Government of the United States, as a part of those sovereign powers delegated by the Constitution, the right to its exercise at any time when, in the judgment of the Government, the interests of the country require it, cannot be granted away or restrained on behalf of any one. The powers of Government are delegated in trust to United States, and are incapable of transfer to other parties. They cannot be abandoned or surrendered. Nor can their exercise be hampered, when needed for the public good, by any considerations of private interest. The exercise of public trusts is not the subject of barter or contract.” This principle was reiterated in Fong Yue Ting vs. United States [149 U.S. 698], where the court ruled: - “The government of each state has always the right to compel foreigners who are found within its territory to go away, by having them taken to the frontier. This right is based on the fact that, the foreigner not making part of the nation, his individual reception into territory is matter of pure permission, of simple tolerance, and creates no obligation. The exercise of this right may be subjected, doubtless, to certain forms by the domestic laws of each country; but the right exists none the less, universally recognized and put in force.”* The Court further held: *“The order of deportation is not a punishment for crime. It is not a banishment, in the sense in which that word is often applied to the expulsion of a citizen from his country by way of punishment. It is but a method of enforcing the return to his own country of an alien who has not complied with the conditions upon the performance of which the government of the nation, acting within its constitutional authority and through the proper departments, has determined that his continuing to reside here shall depend. He has not, therefore, been deprived of life, liberty or property, without due process of law; and the provisions of the Constitution, securing right of trial by jury, prohibiting unreasonable searches and seizures, and cruel unusual punishments, have no application.”*
33. In Nishimura Ekiu v. United States [142 US 652], it was adjudged that, though Congress might, if it saw fit, authorize courts to investigate and ascertain the facts upon which the alien’s right to land was made by statutes to depend, yet Congress might entrust final determination of those facts to an executive officer, and that, if it did so, his order was due process of law and no other tribunal, unless expressly authorized by law to do so, was at liberty to re-examine evidence on which he acted, or to controvert its sufficiency. Thus according to US Supreme Court the determination of rights of an alien by Executive will be in compliance of due process of law.
34. In Louis De Raedt vs. UOI [(1991) 3 SCC 554] the two foreign nationals engaged in missionary work had come to India in 1937 and 1948 respectively with proper documents like passport etc. and were continuously living here but by the order dated 8.7.1987 their prayer for further extension of the period of stay was rejected and they were asked to leave the country by 31.71987. When then challenged the order by filing a writ petition, this Hon’ble Court held that the power of Government to expel foreigners is absolute and there is no provision in Constitution fettering its discretion and government has unrestricted right to expel a foreigner.
35. In State of Arunachal Pradesh v. Khudi Ram Chakma [1994 (Supp.) SCC 615], following Louis De Raedt (supra), it was held that fundamental right of a foreigner is confined to Article 21 and does not include right to reside and stay in this country. It was observed that persons who reside in the territories of countries, of which they are not nationals, possess a special status under International Law. States reserve right to expel them from their territory and to refuse to grant them certain rights, which are enjoyed by their nationals like right to vote, hold public office or engage in political activities. Aliens may be debarred from joining civil services, certain profession or from owning properties and State may place them under restrictions in the interest of national security or public order. Nevertheless, once lawfully admitted to a territory, they are entitled to certain rights necessary to the enjoyment of ordinary life. Thus, infiltrators who have illegally crossed border have no legal right to remain in India and they are liable to be deported.
36. The power conferred by Article 32 of the Constitution of India is in the widest terms and is not confined to issuing the high prerogative writs specified therein, but includes within its ambit the power to issue any directions or orders or writs which may be appropriate for enforcement of fundamental rights. Therefore, even when the conditions for issue of any of these writs are not fulfilled, the Supreme Court would not be constraint to fold its hand in despair and plead inability to help the citizen who has come before it for judicial redress. The Court is not helpless to grant relief in a case of violation of right to life and liberty and it should be prepared to *“forge new tools and device new remedies”.*
37. For purpose of vindicating these precious fundamental rights, in so far as the Supreme Court is concerned, apart from Articles 32 and 142, which empower the Court to issue such directions as may be necessary for doing complete justice in any matter, Article 144 also mandates all authorities civil or judicial in the territory of India, to act in aid of the order passed by Supreme Court. Being protector of civil liberties of citizens, the Supreme Court has not only the power and jurisdiction, but also an obligation to protect the fundamental rights, guaranteed by part-III in general and under Article 21 in particular, zealously and vigilantly. The Supreme Court and High Courts are the sentinels of justice and have been vested with extra ordinary powers of judicial review to ensure that rights of citizens are duly protected. **[M.L. SHARMA (2014) 2 SCC 532]**
38. It is not merely right of individual to move the Supreme Court, but also responsibility of the Court to enforce fundamental rights. Therefore, if the petitioner satisfies the Supreme Court that his fundamental right has been violated, it is not only the ‘right’ and ‘power’, but the ‘duty’ and ‘obligation’ of the Court to ensure that the petitioners fundamental right is protected and safeguarded. **[Ramchandran, Law of Writs, 6th Edition, 2006, Pg. 131, Vol-1]**
39. The power of the Supreme Court is not confined to issuing prerogative writs only. By using expression “in the nature of”, the jurisdiction has been enlarged. The expression “in the nature of” is not the same thing as the other phrase “of the nature of”. The former emphasis as essential in nature, latter is content with mere similarity. **[M. NAGRAJ V. UOI, (2006) 8 SCC 212]**
40. The Supreme Court cannot refuse an application under Article 32, merely on the grounds: **(i)** that such application has been made to Supreme Court in the first instance without resort to the High Court under Article 226 **(ii)** that there is some adequate alternative remedy available to petitioner **(iii)** that the application involves an inquiry into disputed questions of fact / taking of evidence. **(iv)** that declaratory relief i.e., declaration as to unconstitutionality of impugned statute together with consequential relief, has been prayed for **(v)** that the proper writ or direction has not been paid for in the application **(vi)** that the common writ law has to be modified in order to give proper relief to the applicant. **[KOCHUNNI V. STATE OF MADRAS, AIR 1959 SC 725 (729)] (vii)** that the Article in part three of the Constitution, which is alleged to have been infringed, has not been specifically mentioned in petition, if the facts stated therein, entitle the petitioner to invoke particular article. **[PTI v. UOI, AIR 1974, SC 1044]**
41. Article 32 of the Constitution provides important safeguard for the protection of the fundamental rights. It provides guaranteed quick and summary remedy for enforcing the fundamental right because a person complaining of breach of any of his fundamental rights by an administrative action can go straight to the Court for vindication of his right without having to undergo directory processes of proceeding from lower to the higher court as he has to do in other ordinary litigation. The Court is the protector defender & guarantor of fundamental rights of the people. It was held: *“the fundamental rights are intended not only to protect individual rights but they are based on high public. Liberty of the individual and protection of fundamental rights are very essence of democratic way of life adopted by the Constitution and it is the privilege and duty of this Court to uphold those rights. This Court would naturally refuse to circumscribe them or to curtail them except as provided by Constitution itself.”* **[DARYAO v. STATE OF UP, AIR 1961 SC 1457]**
42. In another case, the Supreme Court held: *“the fundamental right to move this Court can therefore be described as the corner stone of the democratic edifice raised by Constitution. That is why it is natural that the Court should regard itself as the protector and guarantor of fundamental rights and should declare that it cannot consistently with the responsibility led upon it, refuse to entertain application seeking protection against infringement of such right. In discharging the duties assigned to it, the Court has to play the role of a “sentinel on the qui vive” and it must always regard it as its solemn duty to protect the said fundamental right zealously and vigilantly.”* **[PREM CHAND GARG, AIR 1963 SC 996].**
43. Language used in Articles 32 and Article 226 is very wide and the powers of the Supreme Court as well as of the High Court’s extends to issuing orders, writs or directions including writs in the nature of habeas corpus, mandamus, quo warranto, prohibition and certiorari as may be considered necessary for enforcement of the fundamental rights and in the case of the High Courts, for other purposes as well. In view of the express provision of the Constitution, there is no need to look back to procedural technicalities of the writs in English Law. The Court can make and order in the nature of these prerogative writs in appropriate cases in appropriate manner so long as the fundamental principles that regulate the exercise of jurisdiction in matter of granting such writ are observed **[T.C. BASAPPA v. T. NAGAPPA, AIR 1954 SC 440]**
44. An application under Article 32 cannot be thrown out simply because the proper direction or writ has not been prayed for. Thus, where an order in the nature of mandamus is sought in a particular form, nothing bars the Court from granting it in a different form. Article 32 gives a very wide discretion in the matter of framing the writ to suit the exigencies of particular cases. **[CHARANJIT LAL CHOWDHURY, AIR 1951 SC 41]** Even if petitioner has asked for wider relief which cannot be granted by Court, it can grant such relief to which the petitioner is entitled to **[RAMBHADRIAH, AIR 1981 SC 1653]**.The Supreme Court has power to grant consequential relief to do full and complete justice even in favour of those persons who may not be before the Court or have not moved the Supreme Court. **[PRABODH VERMA AIR 1985 SC 167]**
45. For the protection of fundamental right and rule of law, the Court under this article can confer jurisdiction on a body or authority to act beyond the purview of statutory jurisdiction or function, irrespective of the question of limitation prescribed by the statute. Exercising such power, Supreme Court entrusted the NHRC to deal with certain matters with a direction that the Commission would function pursuant to its direction and all the authorities are bound by the same. NHRC was declared not circumscribed by any condition and given free hand and thus act *sui generis* conferring jurisdiction of special nature **[PARAMJIT KAUR, AIR 1999 SC 340]**
46. Simply because a remedy exists in the form of Article 226 for filing a writ in High Court, it does not prevent or bar an aggrieved person from directly approaching Supreme Court under Article 32. It is true that Court has imposed a self-restraint in its own wisdom on exercise of jurisdiction where aggrieved person has an effective alternative remedy in the form of Article 226. However, this rule which requires the exhaustion of alternative remedy is a rule of convenience and a matter of discretion rather than rule of law. It does not oust the jurisdiction of the Court to exercise its jurisdiction under Article 32. **[MOHAMMED ISHAQ (2009) 12 SCC 748]**
47. The Supreme Court is entitled to evolve new principle of liability to make the guaranteed remedy to enforce fundamental rights real and effective, to do complete justice to aggrieved person. It was held that the court was not helpless and the wide powers given to the Court by Article 32 of the Constitution, which is fundamental right imposes a constitutional obligation on the Supreme Court to forge such new tools, which may be necessary for doing complete justice and enforcing the fundamental rights guaranteed in the Constitution, which enables reward of monetary compensation in appropriate cases, where that is the only redress available. The remedy in public law has to be more readily available when invoked by have-nots who are not possessed of the where withal for enforcement of their right in private law, even though its exercise is to be tempted by judicial restraint to avoid circumvention of private law remedies, which more appropriate. Under Article 32, the Court can pass appropriate orders to do complete justice between parties even if it is found that petition filed is not maintainable in law. **[Saihba Ali, (2003) 7 SCC 250]**
48. Petitioner has not filed any other petition either in this Court or in any other Court seeking same or similar directions as prayed.
49. Petitioner has no personal interests in filing this PIL.
50. There is no civil, criminal or revenue litigation, involving petitioner, which has or could have legal nexus with the issues involved in this writ petition as PIL. Petitioner has serious threat of right to life, liberty, dignity therefore not approached the Calcutta High Court.
51. Petitioner has not filed complaint to police because police is working on the directions of ruling political party leaders. Police is not taking action against Rohingya-Bangladeshi Infiltrators. Therefore, Petitioner filed various complaints to the NHRC through email.
52. There is no requirement to move the authority for relief sought. There is no other remedy available except approaching this Court.
53. There is no personal gain, private motive or oblique reasons in filing this PIL. It is to secure Rights guaranteed Articles 14, 19 and 21.
54. SC Order in WP(C)924/2017, 31.1.2018 is **Annex P-1.(**pg.38)

**PRAYERS**

It is respectfully prayed that the Hon’ble Court may be pleased to issue a writ, order or direction or a writ in nature of mandamus to:

1. direct Centre and State to detect, detain and deport illegal Rohingya and Bangladeshi infiltrators from West Bengal within one year;
2. direct Centre-State to identify and invoke NSA against government employees, police personals and armed forces, who have links with Infiltration Mafias and help Rohingyas-Bangladeshis to infiltrate in West Bengal; and seize their cent percent disproportionate assets;
3. direct Centre-State to identify and invoke NSA against government employees, travel agents and such other people, who provide PAN, AADHAAR, Passport, Ration Card, Voter Cards etc., to Rohingya and Bangladeshi infiltrators; and seize their 100% dipropionate assets;
4. direct and declare that sentence for making forged/fabricated PAN, AADHAAR, Passport, Ration Card, Voter Card, Driving License and such other documents, shall run Consecutive not Concurrent;
5. direct the Centre to add a Chapter in IPC to make illegal infiltration, a cognizable non-bailable and non-compoundable offence; and,
6. take such other steps as this Hon’ble Court deems fit and proper.

NEW DELHI (ASHWANI KUMAR DUBEY)

26.06.2021 ADVOCATE FOR PETITIONER

**IN THE SUPREME COURT OF INDIA**

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO …… OF 2021

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

**IN THE MATTER OF:**

SANGITA CHAKRABORTY …PETITIONER

VERSES

UNION OF INDIA & OTHERS ...RESPONDENTS

PAPER BOOK

[FOR INDEX KINDLY SEE INSIDE]

**(ADVOCATE FOR PETITIONER: ASHWANI KUMAR DUBEY)**

**DIARY NO ………… OF 2021**

**DECLARATION**

All defects have been duly cured. Whatever has been added/deleted/modified in this petition, is the result of curing of defects and nothing else. Except curing the defects, nothing has been changed. Paper books are complete in all respects.

**ADVOCATE FOR PETITIONER**

(**ASHWANI KUMAR DUBEY**)

Advocate-on-Record

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**PERFORMA FOR FIRST LISTING**

**Section:** **PIL**

The case pertains to (Please tick / check the correct box):

* Central Act: Constitution of India
* Section: Articles 14, 19, 21 of the Constitution
* Central Rule: N/A
* Rule No: N/A
* State Act: N/A
* Section: N/A
* State Rule: N/A
* Rule No: N/A
* Impugned Interim Order: N/A
* Impugned Final Order / Decree: N/A
* High Court: N/A
* Name of Judges: N/A
* Tribunal / Authority Name : N/A

1. Nature of Matter: Civil
2. (a) Petitioner / Appellant : Sangita Chakraborty

(b) Email ID: sangita.chakraborty1980@gmail.com,

(c) Phone No: 9007568664

3. (a) Respondent: Union of India and others

(b) Email ID: N/A

(c) Phone No: N/A

4. (a) Main Category: 08 PIL Matters

(b) Sub Category: 0812, others

5. Not to be listed before: N/A

6(a). Similar disposed of matter: No similar matter disposed of

6(b). Similar pending matter: WP(C)924/2017 (Annexure P-1)

7. Criminal Matters: N/A

(a) Whether accused / convicted has surrendered: N/A

(b) FIR / Complaint No: N/A

(c) Police Station: N/A

(d) Sentence Awarded: N/A

(e) Period of Sentence Undergone including period of detention / custody under gone: N/A

8. Land Acquisition Matters:

(a) Date of Section 4 Notification: N/A

(b) Date of Section 6 Notification: N/A

(c) Date of Section 17 Notification

9. Tax Matters: State the Tax Effect: N/A

10. Special Category: N/A

11. Vehicle No in case of motor accident claim matters: N/A

Date: 26.06.2021

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**SYNOPSIS & LIST OF DATES**

Petitioneris filing this writ petition as a PIL under Article 32 seeking direction to the Centre and State to detect, detain and deport illegal Rohingya and Bangladeshi infiltrators from West Bengal within one year.Petitioneralso seeks direction to Centre and State to identify and invoke the NSA against government employees, police personals and security forces, who have links with Infiltration Mafias and help Rohingyas-Bangladeshis to infiltrate in West Bengal; and confiscate their cent percent disproportionate assets.

Petitioner also seeks direction to Centre and State to identify and invoke NSA against government employees, travel agents and other such people, who provides PAN, AADHAAR, Passport, Ration Card, Voter Card, Driving License to Rohingya and Bangladeshi infiltrators; and confiscate their 100% dipropionate assets.

Petitioner also seeks declaration that sentence for making forged and fabricated PAN, AADHAAR, Passport, Ration Card, Voter Card, Driving License and such other documents, shall run Consecutive not Concurrent. Petitioner also seeks direction to the Centre to add a Chapter in the IPC to make illegal infiltration, a cognizable non-bailable and non-compoundable offence.

The facts constituting the cause of action accrued on 2.5.2021 and subsequent dates when Election Result of Bengal Assembly election was declared and Rohingya-Bangladeshi infiltrators started beating, killing, heckling, looting, kidnapping, raping, burning the Houses of Hindus who voted to BJP. For example: Ms. Vijay Lakshmi Rao and her two sons could not return home and petitioner filed complaint in NHRC by email on 8.5.2021. Mr. Falendranath Singha was rendered homeless and petitioner filed complaint in NHRC on 9.5.2021. Ranjit Saha was rendered homeless and the petitioner filed a complaint on 9.5.2021 in NHRC. Sumitra Pyne and three others were rendered homeless and their homes were vandalized. The petitioners filed a complaint in NHRC through mail, dated 9th May, 2021. Ranjit Briksha was rendered homeless and the petitioner filed a complaint dated 9th May, 2021 in NHRC. Jayanta Saha was rendered homeless and petitioner filed complaint 10th May, 2021 in NHRC. Pratik Pariary was rendered homeless and the petitioner filed a complaint on 10th May, 2021 in NHRC. Dipak Das and 48 others were rendered homeless and petitioners informed the NHRC on 10th May, 2021. Somnath Sil was rendered homeless and petitioner filed a complaint on 13th May, 2021 in NHRC.

Ganesh Santra and 22 others were rendered homeless & false cases were filed against them. One of them was arrested. The petitioner filed a complaint on 13th May, 2021 in NHRC. Sahanaj Begum Molla was rendered homeless and petitioner filed a complaint on 13th May in NHRC. Niranjan Mondal and 23 others were rendered homeless and petitioners filed a complaint on 13th May in NHRC. Bubai Das and his father were beaten up. They filed a complaint in NHRC on 16th May, 2021. Sankar Sil was rendered homeless and petitioner filed a complaint through mail on 21st May in NHRC. Biplab Chakraborty was rendered homeless and a false case was filed against him. Thereafter he, through mail, filed a complaint on 22nd May in NHRC. Arup Pakhira was rendered homeless and the petitioner filed a complaint on 21st May in NHRC. Amit Poddar was rendered homeless and he filed a complaint on 22nd May, 2021, through mail, in NHRC. Jagannath Kar is the father of the member of Human Right Organization. He was brutally attacked by Infiltrators which clearly showed that Human Rights defender are not spared. A complaint in this regard was filed by the petitioner on 23rd May in the NHRC. Subrata Malik was rendered homeless and petitioner filed a complaint on 27th May in NHRC.

Satarup Bhattacharjee was rendered homeless and petitioner filed a complaint on 29th May in NHRC. False FIR was filed against Manik Sarkar and he filed a complaint on 29th May in NHRC. A false NDPS case was filed against Suvajit Das and the petitioner filed a complaint on 30th May. Uma Sutradhar Debnath was rendered homeless and petitioner filed a complaint on 31st May. Manju Barman was rendered homeless and she filed a complaint on 31st May in NHRC. Sanchay Dutta and his son were rendered homeless due to which his son could not prepare for examination and he filed a complaint on 2nd June. Rabi Hari’s house was vandalized and he rendered homeless and petitioner filed a complaint dated 5th June, 2021 in NHRC.. Rina Ghosh was rendered homeless and petitioner filed a complaint dated 6th June, 2021 in NHRC. Parimal Bakli’s house was vandalized and he was rendered homeless and petitioner filed complaint on 8th June in NHRC. Bablu Mondal was threatened and he filed a complaint against Rohingya-Bangladeshi infiltrators but Police took no action and therefore petitioner filed a complaint on 8th June, 2021 in NHRC. Infiltrators attacked Tushar Kanti Das and a female member of his family suffered cut injuries in her left breast and petitioner filed a complaint on 9th June in NHRC.

Mithu Singha was rendered homeless and petitioner filed complaint on 10th June in NHRC. Sukanta Saha was rendered homeless and petitioner filed complaint on 10th June in NHRC. Infiltrators raped two sisters in Maldaha and petitioner filed complaint on 10th June. In Gangarampur, a gold medal winning cyclist was brutally attacked by Infiltrators and a complaint was filed by the petitioner. In Bongaon, 5 innocent people were hacked to death by Rohigya Bangladeshi infiltrators and petitioner filed complaint on 11th June. A false case was filed against two ISF workers and a complaint was filed on 12th June, 2021. A false case was registered against Bindu Bag and she was rendered homeless and a complaint was filed on 12th June. In Farakka, District Murshidabad, a young girl was raped by two Rohingya Bangladeshi infiltrators and complaint was filed on 12th June, 2021. A class 12 boy, Madan Rajak, was brutally lathi charged, based upon irrelevant grounds due to which the boy tried to burn himself and therefore receiving severe burn injuries and complaint was filed on 13th June, 2021. Rohingya Bangladeshi miscreants destroyed the shop of Anita Rana and even threatened her to give the ownership of the shop to him, failing which she would be murdered. A complaint was filed on 13th June, 2021.

Infiltrators cut off electricity supply of Manaranjan Majhi and 11 Others and thereafter petitioner filed a complaint on 16th June. False cases were filed against Anandamoy Roy and his father and complaint was filed on 16th June to NHRC. A woman was forced to roam around naked as per an order of "Kangaroo Court". Petitioner filed complaint on 16 June. In Diamond Harbor Subsidiary Correctional Home, Swapan Mondal was murdered. In this regard a complaint was filed on 11th May. Jyotsna Malik’s son was beaten up by infiltrators and she could not bear the sight which forced her to administer poison and commit suicide. On 16th May, complaint filed. Dhiren Barman was murdered and his dead body was found in a jungle and therefore a complaint was filed on 27th May, 2021. A person was murdered but Police did not allow post-mortem and when local villagers protested against such act, false cases were filed and therefore a complaint was filed on 4th June. A bomb was thrown at Jayprakash Jadhav by Infiltrators and his head was blown off and complaint was filed on 8th June. Mithun Bagdi was framed in a false case and was arrested and after his return to his house he was hacked to death by Rohingya Bangladeshi infiltrators and a complaint was filed on 14th June, 2021.

Two Crore Rohingya-Bangladeshi infiltrators have not only changed demography of Bengal but are the biggest threat to rule of law and internal security, particularly after assembly election. The need for expeditious identification of infiltrators is more pressing now than ever. It is not a matter of dealing with a religious group but the matter of identifying those who illegally crossed the borders and continue to live in Bengal, contrary to law and the Constitution.

Law Commission of India in 175th Report on the Foreigners (Amendment) Bill, 2000 has also dealt with infiltration. While noting that entry of illegal infiltrators and other undesirable aliens has posed a grave threat to our democracy and internal security, especially for eastern part of the country and Jammu and Kashmir, the Commission had observed that influx of infiltrators from Bangladesh has remained unabated and has acquired frightening proportions. The Commission had also referred to the Report of the Governor of Assam dated 8.11.1998, submitted to President of India highlighting dangerous dimensions of unprecedented migration of Bangladeshis and the security threats and strategic and economic consequences thereof. The Law Commission has proposed a draft Foreigners (Amendment) Bill, governing foreigners in India.

Petitioner states that neither Centre nor State is determined to detect detain and deport illegal infiltrators. Therefore, citizens are facing massive social-economic crisis. Rohingya-Bangladeshi Infiltration is not a simple problem but a planned silent invasion to make a Greater Bangladesh. Therefore, it is duty of the Centre and State to detect detain deport all infiltrators within one year.

23.11.1946: The Foreigners Act, 1946 was enacted to grant powers to government in matters of foreigners in India.

10.02.1948: Central Government passed the Foreigner Order 1948.

21.09.2000: Law Commission of India submitted its 170th Report namely The Foreigners (Amendment Bill) 2000.

26.06.2021: Rohingya-Bangladeshi infiltrators have changed the demographic composition of West Bengal. They are not only involved in theft dacoity chain snatching human trafficking drug smuggling and arm smuggling but also involved in extortion kidnapping rape and murder on the religious basis. Infiltrators are the biggest threat for rule of law and right to life liberty dignity of citizens. But due to vote ban politics Centre-State is not taking steps to detect detain and deport them. Hence, this PIL.