

**Case Details of File Number: 1464/25/10/2014**

<b>Diary Number</b>	9173/JR
<b>Name of the Complainant</b>	KIRITY ROY, SECRETARY (MASUM) & NATIONAL CONVENOR (PACTI)
<b>Address</b>	BANGLAR MANABADHIKAR SURAKSHA MANCHA, 40A, BARABAGAN LANE (4TH FLOOR), BALAJI PLACE, SHIBTALA, SRIRAMPUR, HOOGHLY , WEST BENGAL
<b>Name of the Victim</b>	MOHAMMAD GULAM RABBANI S/O LATE. MOHAMMAD BILLAL
<b>Address</b>	VILLAGE. GANGADESH, KHOLAHATI, PO. HARIDE, PS. KOTWALI, DISTRICT. RANGPUR, BANGLADESH, FOREIGN COUNTRIES , FOREIGN COUNTRIES
<b>Place of Incident</b>	NR JALPAIGURI RAILWAY STATION JALPAIGURI , WEST BENGAL
<b>Date of Incident</b>	5/25/2012
<b>Direction issued by the Commission</b>	<p>The Commission has received a complaint from an NGO, MASUM, regarding alleged human rights violation of one Master Md. Gulam Rabbani, aged 16 years. As per complaint, the proceedings against him are already complete but he is not being repatriated to his country i.e. Bangladesh. Taking cognizance of the complaint vide its proceedings dated 28.10.14 the Commission called for a report from the Chief Secretary, Govt. of West Bengal and the Secretary, Ministry of Home Affairs, Govt. of India, New Delhi. In response the report received from the Ministry of Home Affairs, New Delhi vide a communication dated June, 2015 received on 04.07.15 reveals that Master Gulam Rabbani, a Bangladeshi national has already been repatriated on 09.05.15, through competent authorities under SOP. Pursuant to the directions of the Commission dated 16.03.16 a copy of the report was forwarded to the complainant calling for their comments which have been received on 30.05.16, in which the complainant has stated that the boy has been repatriated but the proceedings against him are not conducted as per provisions of law. It took one year to repatriate the victim boy to his motherland since issuance of the repatriation order dated 13.05.13. The Commission has perused and considered the report as well as comments of the complainant. The complainant has expressed dis-satisfaction over violation of norms and delayed repatriation of the victim to his motherland. The Chief Secretary, Govt. of West Bengal as well as Ministry of Home Affairs, Govt. of India, New Delhi are advised to sensitize the concerned officers to deal with such matters in a sensible manner so that the human rights of the victims are not violated. With these observations, the Commission takes the report as well as comments of the complainant on record and directs to close the case.</p>
<b>Action Taken</b>	<b>Concluded and No Further Action Required (Dated 2/15/2017 )</b>
<b>Status on 5/23/2017</b>	The Case is Closed.

The victim boy Md. Golam Rabbani, a boy from Bangladesh was arrested on 25.05.2012 by Bhaktinagar Police Station. A criminal case was slapped on him by the police vide Bhaktinagar Police Station Case no.625/2012 under section 14(A) of Foreigners Act. the Juvenile Justice Board continued proceeding against the victim boy under the criminal case lodged against him. Later the repatriation order of the victim boy was issued on 13.5.2013. The proceeding continued against the victim boy for one year which is against the mandate of section 14 of the

Juvenile Justice (Care & Protection of Children) Act, 2000. The victim boy was repatriated on 09.05.2015. Therefore, it took one year to repatriate the victim boy to his motherland since the issuance of the repatriation order on 13.05.2013.

The case of the victim boy is only a tip of the iceberg, there are hundreds of such foreign children who are still illegally detained and no one is duty bound to repatriate them at the earliest.

We hope that the recommendations of the Commission would shake the administration and make them duty bound to such helpless children.