

Current Deportation Issues in West Bengal: “Detect, Delete and Deport” Legal Framework, and Human Rights Concerns

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ABSTRACT

Deportation from West Bengal to Bangladesh has become one of the most debated issues in South Asia, involving questions of national security, illegal migration, citizenship, constitutional rights, and international human rights. Sharing a border of over 2,200 kilometres with Bangladesh, West Bengal has historically experienced continuous cross-border migration due to geographical proximity, economic opportunities, family ties, political disturbances, and environmental factors. In recent years, the Government of India has intensified efforts to identify and deport foreign nationals residing illegally in Border States, including West Bengal. These actions have generated political debate and legal challenges regarding the identification of undocumented migrants, due process, and protection against arbitrary detention. This article examines the historical background, legal framework, and present deportation issues, challenges faced by authorities, humanitarian concerns, and policy recommendations for improving migration governance.

Keywords: Deportation, Bangladesh, West Bengal, Illegal Migration, Citizenship, Border Security, Human Rights.

INTRODUCTION

West Bengal occupies a strategic geographical position along India's eastern frontier. The state shares an international border of approximately 2,216 kilometres with Bangladesh, making it one of India's most sensitive border regions. Since the partition of British India in 1947 and the creation of Bangladesh in 1971, migration across this border has remained a significant political, social, and economic issue.

Migration occurs for numerous reasons including poverty, employment opportunities, family reunification, natural disasters, religious persecution, and environmental displacement. While many migrants enter India legally through valid travel documents, others cross the border without authorization.

The Government of India considers undocumented migration a matter of national security and has periodically undertaken measures to identify foreign nationals and deport them to Bangladesh after following legal procedures. However, deportation raises complex legal and humanitarian questions concerning citizenship verification, constitutional protections, detention conditions, and bilateral cooperation between India and Bangladesh.

Historical Background

Migration between Bengal and present-day Bangladesh has deep historical roots. Before 1947, the region formed a single administrative unit under British India.

The Partition of India led to large-scale migration based on religious identity. Millions crossed the newly created border between India and East Pakistan. Another major migration occurred during the Bangladesh Liberation War of 1971 when millions of refugees entered India seeking protection from armed conflict.

Although many refugees returned after Bangladesh's independence, migration continued because of:

Economic disparities

Employment opportunities

Agricultural livelihoods

Family connections

Environmental disasters such as floods and river erosion

Over time, migration became an important political issue in several Indian states, especially West Bengal and Assam.

Objectives of the Study

The main objective of the study is to critically examine the legal framework and human-rights implications of the “Detect, Delete and deport” policy in West Bengal.

Specific objectives can be:

1. To examine the legal and constitutional framework governing deportation and illegal immigration in West Bengal, including the Citizenship Act, 1955, the Citizenship (Amendment) Act, 2019, the Immigration and Foreigners Act, 2025, and relevant governmental orders and procedures.
2. To analyse the “Detect, Delete and Deport” mechanism and examine the respective roles of the West Bengal Police, Border Security Force (BSF), Foreigners Regional Registration Office (FRRO), and other authorities in detection, detention, verification and deportation.
3. To examine the procedure for determining whether a person is an Indian citizen or a foreign national, particularly where citizenship or nationality is disputed.
4. To assess the legality of detention and deportation procedures, including the availability of notice, hearing, judicial review, legal representation and other procedural safeguards.
5. To examine the impact of the deportation policy on fundamental rights, particularly equality before law, personal liberty, life and dignity under Articles 14 and 21 of the Constitution.
6. To analyse human-rights concerns arising from detention and deportation, including the risks of arbitrary detention, wrongful identification, family separation, statelessness and discrimination.
7. To examine whether the present framework complies with India's international human-rights obligations, particularly in relation to due process and protection against arbitrary deprivation of rights. Human Rights Watch, for example, has raised concerns about alleged expulsions from West Bengal without adequate due process. Human Rights Watch
8. To identify gaps and ambiguities in the existing legal framework and suggest safeguards that can balance national security and immigration control with constitutional and human-rights protections.

Hypothesis

H1: The implementation of the “Detect, Delete and Deport” framework in West Bengal, although aimed at addressing illegal immigration and protecting national security, may create significant risks of arbitrary detention, wrongful identification and deportation, particularly where adequate procedural safeguards and independent judicial oversight are absent.

H2: The “Detect, Delete and deport” framework, when implemented in accordance with the applicable statutory provisions, constitutional safeguards and established deportation procedures, does not necessarily violate the fundamental rights or human rights of persons identified as illegal foreign nationals.

Legal Framework Governing Deportation

India does not have a comprehensive refugee law. Instead, the deportation of foreign nationals is regulated through several statutes. The Foreigners Act, 1946 The Foreigners Act empowers the Central Government to regulate the entry, residence, and departure of foreigners.

Authorities may:

1. Verify nationality
2. Restrict movement
3. Detain unauthorized foreign nationals
4. Order deportation

The burden of proving Indian citizenship may fall on the individual in proceedings under applicable law. Passport (Entry into India) Act, 1920 this law requires foreign nationals entering India to possess valid travel documents.

Unauthorized entry may result in detention, prosecution, and eventual deportation. Citizenship Act, 1955 The Citizenship Act defines who is an Indian citizen and provides mechanisms for acquiring or losing citizenship.

Determining whether an individual is an Indian citizen or a foreign national is central to deportation proceedings. Constitutional Protections Even foreign nationals are entitled to certain constitutional protections, including:

Equality before the law (Article 14)

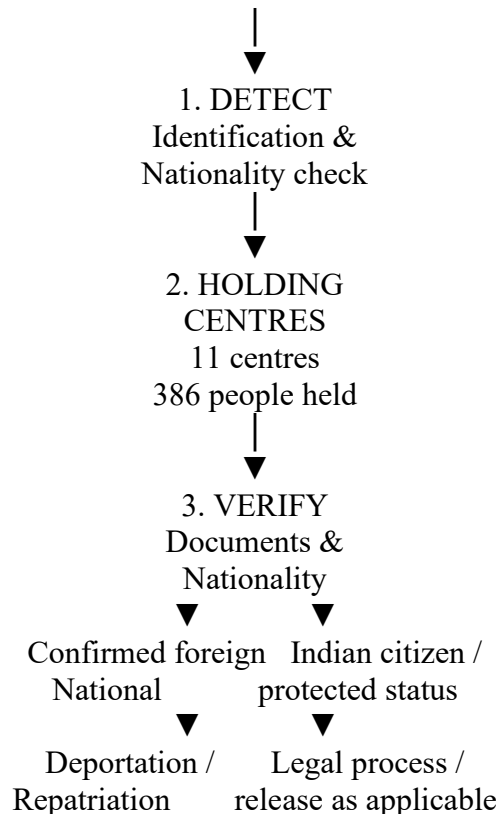
Protection of life and personal liberty (Article 21) accordingly, deportation actions are expected to comply with due process and judicial oversight where applicable.

Current Deportation Issues in West Bengal

Recent years have seen renewed attention to the identification and removal of individuals found to be residing in India without valid authorization. Authorities have reported efforts involving border surveillance, identity verification, and coordination with Bangladesh for confirmed foreign nationals.

The development comes days after Chief Minister Suwendu Adhikari said that his government would follow a new policy of “detect, delete and deport” while dealing with “illegal infiltrators”. Last year in May, Union Ministry of Home Affairs (MHA) directed all States and Union Territories to identify and verify illegal immigrants from Bangladesh and Myanmar (Rohingyas) within 30 days

WEST BENGAL: "DETECT → DELETE → DEPORT"



The West Bengal Government has directed District Magistrates across the State to set up holding centres for detained illegal foreigners and released foreign prisoners awaiting deportation.

A notification by the Home and Hill Affairs Department of the State government cited guidelines issued by the Ministry of Home Affairs. “Enclosed please find the letter under reference regarding the procedure to be followed for deportation of Bangladeshi/Rohingyas apprehended for staying illegally in this country. In this connection, it is requested to take initiative/appropriate action for setting up of Holding Centres in the district for apprehended foreigners as well as for the released foreign prisoners awaiting deportation/repatriation in accordance with the MHA guideline under reference,” the notification issued on Saturday (May 23, 2026) stated

Then after seven day Bengal Detention:

Basirhat -335

Murshidabad- 19

Malda-09

Dakshindinaj pur 08

Barupur-05

Barasat-03

Coochbehar-02

Sundarban-01

Bangan-01

Krisnanagar 01

Total Detained 386

West Bengal. In the first seven days after opening holding centres across the state, the West Bengal administration has so far apprehended around 400 alleged Bangladeshi citizens for deportation. According to the state administration,

The highest number of detentions are from the Basirhat police district, where 335 alleged undocumented immigrants have been detained. The detainees here have been kept in Tentulghati, Pathorshati, Charghat and Subhashnagar flood centres. Apart from Basirhat,

Alleged Bangladeshi immigrants have also been detained in Malda, Murshidabad and South Dinajpur districts. It has also been learnt that the detainees are being kept in police districts such as Baruipur, Barasat, Cooch Behar, Jangipur, Krishnanagar and Bongaon. The state administration has further tightened security and surveillance at all the holding centres here. According to sources, the district administrations concerned have also been given special instructions to ensure that the detention and deportation process is completed swiftly and smoothly.

The development comes days after Chief Minister Suwendu Adhikari said that his government would follow a new policy of “detect, delete and deport” while dealing with “illegal infiltrators”.

11 holding centres set up in WB, 335 suspected infiltrators lodged

Kolkata, May 29 (PTI) As part of its “detect, delete and deport” policy, the West Bengal government has so far set up 11 holding centres for suspected illegal immigrants, and 335 detainees are currently being housed in such facilities, officials said on Friday.

Basirhat in North 24 Parganas district, bordering Bangladesh, accounts for the largest number of detainees suspected to be either Bangladeshis or Rohingyas, they said. “Till now, 11 holding centres have been opened in different parts of the state. Some of these are functioning under police districts, while others are operating at the district level,” a senior official told PTI. Eight such facilities are in Baruipur, Sundarbans, Basirhat, Bongaon, Barasat, Murshidabad, Jangipur and Krishnanagar police districts, while three centres have been opened in Malda, Cooch Behar and Dakshin Dinajpur districts. “A total of 335 people are currently being housed in these holding centres across the state. Of them, 148 are men, 99 are women, and 88 are children,” another official said. An order, issued by the state Home and Hill Affairs Department’s Foreigners’ Branch on May 23, asked district magistrates to create the infrastructure required to house “apprehended foreigners” and “released foreign prisoners” until deportation formalities are completed.

Though framed as a procedural exercise aligned with central guidelines, the directive comes days after Chief Minister Suvendu Adhikari publicly rolled out a tougher anti-infiltration framework. He declared that his government had adopted the “detect, delete and deport” policy, a phrase long embedded in the BJP’s Bengal vocabulary on infiltration and border politics. PTI SCH BDC

Kolkata: The number of holding centres set up across Bengal

Several issues contribute to the complexity of current deportation efforts.

Identification Difficulties One of the greatest challenges is establishing nationality.

Many individuals:

Lack identity documents.

Possess disputed or forged documents.

Have lived in India for decades.

Were born in India but face documentation disputes.

Without clear evidence, deportation becomes legally and administratively difficult.

Verification by Bangladesh

Bangladesh generally accepts individuals only after nationality is verified through diplomatic channels. If nationality cannot be confirmed, deportation may be delayed, resulting in prolonged detention or other legal complications.

Border Security

The international border includes:

Rivers

Agricultural land

Forests

Densely populated villages

These geographical features make border management challenging despite fencing and patrols.

Political Debate

Migration remains a contentious political issue in West Bengal. Different political parties have taken differing positions regarding:

Illegal immigration

Citizenship verification

Humanitarian obligations

Electoral implications

These debates often influence public discourse and policy discussions.

Human Rights Concerns

Human rights organizations have raised several concerns regarding deportation practices.

Risk of Wrongful Identification

Errors in documentation or administrative processes may lead to disputes over nationality. Safeguards are therefore important to reduce the risk of wrongful detention or deportation.

Detention Conditions

Individuals awaiting deportation may spend extended periods in detention if nationality verification is delayed. Human rights advocates emphasize the need for humane treatment, legal access, and timely review of detention.

Family Separation

Deportation may separate families where some members are Indian citizens while others are not, creating social and humanitarian challenges.

Children

Cases involving children require particular care, especially where questions arise regarding citizenship, education, and family unity.

India–Bangladesh Cooperation

Effective deportation depends on cooperation between India and Bangladesh.

Areas of cooperation include:

1. Verification of nationality
2. Information sharing
3. Border management
4. Preventions of human trafficking
5. Combating cross-border crime

Both countries have strengthened diplomatic engagement over border management in recent years, although nationality verification can remain time-consuming.

Challenges Faced by Law Enforcement

Authorities encounter several operational difficulties.

Document Fraud

Forged identity documents complicate nationality verification.

Porous Border

The long international boundary contains difficult terrain that is challenging to monitor continuously.

Administrative Delays

Verification through diplomatic channels often requires considerable time.

Judicial Review

Courts may examine whether deportation procedures comply with statutory and constitutional requirements, which can extend proceedings but also serve as an important safeguard.

Socio-Economic Dimensions

Migration is influenced by broader structural factors.

Poverty

Economic inequality motivates cross-border movement in search of employment.

Climate Change

Flooding, riverbank erosion, and other environmental pressures contribute to displacement in parts of the region.

Labour Demand

Some migrants seek work in agriculture, construction, and informal sectors.

These factors indicate that migration is not solely a law enforcement issue but also has economic and environmental dimensions.

POLICY RECOMMENDATIONS

Several measures may improve migration governance while respecting legal protections.

1. Strengthen border infrastructure using technology and coordinated patrols.
2. Improve identity verification through secure documentation and digital records.
3. Ensure transparent legal procedures before deportation decisions.
4. Provide timely judicial review where required.
5. Enhance bilateral cooperation with Bangladesh for faster nationality verification.
6. Improve detention standards in accordance with applicable legal and human rights norms.
7. Address root causes of irregular migration through regional development and cooperation.
8. Increase public awareness regarding lawful migration procedures and the risks of irregular migration.

CONCLUSION

Deportation from West Bengal to Bangladesh is a multifaceted issue involving immigration control, border security, citizenship determination, and human rights. While every sovereign state has the authority to regulate the presence of foreign nationals within its territory, deportation processes should be carried out in accordance with domestic law, constitutional safeguards, and international human rights principles. The long and complex India–Bangladesh border, historical migration patterns, documentation challenges, and humanitarian considerations make this issue particularly sensitive.

A balanced approach requires effective border management, accurate nationality verification, transparent legal procedures, and continued cooperation between India and Bangladesh. Such an approach can help address unauthorized migration while protecting the rights and dignity of individuals affected by deportation proceedings.

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