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Eventually, the policeman who filed the complaint admitted that he had investigated a different man, a labourer, but the policeman who served the summons had issued it to the ex-serviceman. The officer that it had been a mistake, as the two men had the same last name. Three witnesses named in the complaint have sued the policeman, claiming that he had never met them. The high court allowed Sanaullah out on bail in June.

In an interview, Sanaullah's son said that if this could happen to a retired Army service member, what about others with fewer resources? "I appeal to PM Modi," he said, who "should see the reality of what is happening" in the NRC process.

If Sanaullah had seen the original complaint against him, the mistake could have been caught. But the border police and tribunals, unlike other Indian courts, don't share complaints with the accused. Some tribunal members do allow advocates to petition for a copy of the police report, but lawyers said most don't.

Assam border police chief Bhaskar Mahanta said, "Police has been doing

enquiries as per law." He acknowledged that there are cases where "they ought to have established it a little more properly," but he added, "This is not the rule. These are exceptions."

### AN UNCERTAIN FUTURE

The chief justice of India, Ranjan Gogoi, said that foreigners "had mingled with locals" and were part of electoral lists. The Commonwealth Human Rights Initiative, whose members include a retired Supreme Court judge and former Assam police chief, said in a statement that Gogoi's "unfortunate" comments "fly in the face of India's constitutional and international obligations."

Of the nearly 59,000 people who have been declared foreigners in the tribunals since 2009, the government of Assam said it had only 823 in detention at the end of January. Only four have been deported; illegal immigrants can be deported only if Bangladesh confirms their nationality. Since the chief justice's comments, the border police have detained about 125 more.

Some of the dozens of people we spoke to who had been declared foreigners in Kamrup's Foreigners Tribunals were challenging the order in the High Court. But

most were simply living in fear, hoping the police wouldn't come for them. A few were not even aware that they had been declared foreigners.

Most advocates advise their clients to stay home on the day a tribunal is to deliver its judgement. "If they come to the tribunal and are declared foreigner, from that moment they lose all their rights as Indians," said a policeman stationed in one of the tribunals. "We are under orders to immediately detain them."

Even those who have won their cases could still be targeted. The Assam Home Ministry plans to go to the high court to challenge 430 tribunal orders declaring people Indian. An official said they would also file 551 new complaints against people already declared Indian. Their legal division was re-examining another 1,178 cases.

Several senior Assam state officials speaking anonymously admitted in interviews that the foreigner detection system suffered from inefficiency, lack of transparency and inconsistent databases. They have now devised what they call the Electronic Foreigners Tribunal, which the Assam home secretary says will integrate the police, Foreigners Tribunals, NRC and

the state's immigration office so "there is consistency of information."

Border police chief Mahanta said, "This will make the border police functions more efficient and accountable."

It's unclear what the future holds for the millions of people who may soon be sent to the tribunals. The proposal of additional detention centres suggests many will spend long years imprisoned.

In May, Ashrab Ali, an elderly farmer in Assam, killed himself by ingesting pesticide a day after an NRC official indicated that he might not make the list. Ali's son said the old man had "felt shame and guilt" about the future of his children and grandchildren.

As villagers joined the candlelit funeral, Ali's wife showed them all the documents her husband had submitted to the NRC.

"See, we are Indian," she said.

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## ENVIRONMENT

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The court stated as an observation on the verdict, "It is shocking that the government changed its position by allowing LPG plants by declaring them as green category industry, which was earlier in the red category of industry to favour some people."

Meanwhile, construction work of the 1,320 megawatt coal-fired Rampal Power Plant is in full swing despite repeated appeals from environmental activists in the country and abroad. The government has also rejected former UN Special Rapporteur on Human Rights and the Environment John H Knox's appeal to stop such construction. On July 31, 2018, Knox said in a statement, "The Sundarbans mangrove forest, the habitat of Bengal tigers, is threatened by heedless industrialisation, which must be halted by Bangladesh. Despite objections from UNESCO's World Heritage Committee (WHC) and the International Union for the Conservation of Nature (IUCN), Bangladesh has approved more than 320 industrial projects in the area, including the massive Rampal coal-fired power plant, bypassing requirements for public participation and environmental impact assessment."

The Bangladesh government's indifference to these appeals almost resulted in the loss of the Sundarbans' World Heritage Site status. In June this year, UNESCO expressed its dissatisfaction about the Bangladesh government's role in saving the Sundarbans and labelled it as a "World Heritage Site in danger". According to UNESCO, the Bangladesh government did not take enough measures to conduct the strategic environmental assessment (SEA) in southwest parts of Bangladesh and, instead, installed two more power plants on the Pyra river and numerous industries on the periphery of the Sundarbans. Ultimately, the decision was postponed until next year, and

the government pledged to enact the following three measures: expedite the work of the SEA, formulate the National Oil Spill and Chemical Contingency Plan, and invite the reactive monitoring mission from the IUCN and WHC to monitor the progress. However, the works for the SEA is still in the procurement phase and the contingency plan has not been formulated yet.

Nevertheless, the Bangladesh-India Friendship Power Company Limited hopes that the power plant will also start operations by February 2021. The Bangladesh government's turning a blind eye to all the appeals to save the Sundarbans has already had a fatal impact on the precarious mangrove ecosystem. In 2015, a tiger census revealed that only 106 tigers were living in the Bangladeshi part of the Sundarbans whereas in 2004 the number was 440. At present, the number of tigers in the Sundarbans is only 114, according to the last tiger census of 2018. In the



**Greenhouse gases and concrete dust produced by the cement factories severely pollutes air, water and topsoil of nearby areas.**

fragmented and shrinking forest, tigers often invade human villages and are killed by frightened villagers, further reducing their population.

Md Bashirul Al Mamun, divisional forest officer of the West Sundarbans Zone, Khulna, explained this situation



**1320-megawatt Rampal coal-fired power plant project site near the Sundarbans**

PHOTOS: ANISUR RAHMAN

to *Star Weekend*. "When a tiger leaves its mother, it has to establish new territory. But the Pashur River and its channels are so frequently navigated by cargo vessels and the forests are so fragmented by industrialisation that tigers don't dare cross. This creates food shortages and territorial crises for tigers. As a result, they are forced to use villages for their movement and humans and cattle become their prey," he said.

Tigers act as forest guards, prevent human encroachment, and keep the herbivore population in check. It is essential to increase the tiger population to conserve the forest, he adds. Various other types of wildlife, not just tigers, are dependent on the mangrove ecosystem, and are also becoming extinct due to rapid, unplanned industrialisation. A census conducted in 2019 revealed that only 198 Irrawaddy dolphins are left in the waters of the Sundarbans, whereas in 2006, the number was 451. An average of nine dolphins are killed in the Sundarbans every year by tangled in

fishing nets or hit by cargo vessels. Besides these species, around 65 lakh people, including fisherfolk and all types of local forest gatherers, who have been living in harmony with the forest for centuries, will also lose their livelihoods with the loss of forest by industrialisation.

There is no doubt that if the industrialisation of the Sundarbans goes on like this, the world's largest mangrove forest will soon disappear off of the face of the earth. The government must take note of the High Court directives and international appeals to save the "lung of our country" by stopping all forms of industrialisation near the Sundarbans. By building industries in this ecologically critical area, we might secure some short-term economic gains, but in the long run, these gains will prove futile if we cannot ensure a healthy, liveable environment in our country.

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