



15TH AUGUST, 2017

**HIS EXCELLENCY NANA AKUFO-ADDO
THE PRESIDENT
REPUBLIC OF GHANA
JUBILEE/FLAGSTAFF HOUSE
ACCRA**

Dear His Excellency,

**HUMBLE PETITION AGAINST THE CONSTANT HARASSMENT AND ABUSE OF
POWER BY HON. AMBROSE DERY (MINISTER FOR THE INTERIOR), MR. KWAME
TAKYI (DIRECTOR/COMPTROLLER OF IMMIGRATION) AND MR. LAUD AFFRIFA
(DEPUTY COMPTROLLER GENERAL/OPERATIONS)**

Respectfully Mr. President, my name is Ashok Kumar Sivaram, an Indian National.

I am a 50% Shareholder/Director of a Telecom Company called Jai Mai Communications Limited. The Company has only two Directors/Shareholders and I am the only Resident Director/Shareholder in Ghana.

The other 50% Shareholder/Director is Mr. Sachin Nambear who resides in Dubai and occasionally visits Ghana on business visit. The Company employs one hundred and sixty workers and some of our clients are Vodafone Ghana, NITA, Google, MTN Ghana, etc.

I came into this country in the year 2000 and have been around on a Residence/Work Permit until the Respondents cancelled it and illegally deported me from Ghana on 1st June, 2017 to India.

Mr. President, I have lived in this country without blemish and carried out my lawful business activities including paying corporate taxes and other statutory payments to the Republic. I have never been convicted of any offence in this country nor any other jurisdiction. All that I have sought to do is to live peacefully in this country and help in putting food on the tables of one hundred and sixty workers that I have employed in my Company.

Respectfully Your Excellency, on 24th January, 2017, Mr. Sachin Nambeear, the other 50% Shareholder/Director of Jai Mai Communications Limited commenced an action in the **High Court, Commercial Division (7) to ostensibly pray the Honourable Court for the Company to be valued so that he is bought out of the Company (Relief 'e' refers).**

On 5th May, 2017, the High Court presided over by His Lordship Justice Kyei Baffour accordingly appointed Messrs Ernst & Young to audit the Company in order to pave way for the said buyout.

Mr. President, in what I thought was going to be a smooth buyout of Shares of Mr. Sachin Nambeear rather turned out to be the beginning of my nightmares in this country.

After the Court ordered for the valuation on 5th May, 2017, Mr. Sachin Nambeear threatened to ensure my deportation from Ghana and that according to him, the **"people who matter to decide on my fate are in his pocket."**

Mr. President, I did not take this threat serious. It took me by surprise when ten (10) clear days after the said threat of deportation, a Deportation Order was actually issued by the Minister for the Interior to be executed on the 19th of May,

2017 without any notice to me. I was never served with any Deportation Order, neither was I given a hearing on any allegation stated on the said Deportation Order.

Mr. President, on 1st June, 2017 at about 8:20am, Immigration Officers came to arrest me in my office and I was not allowed to pick anything. I was immediately deported from Ghana on the same morning to India.

Respectfully Mr. President, The Deputy Comptroller General/Operations, Mr. Laud Affrifa and Mr. Kwame Takyi (Director/Comptroller of Immigration) cancelled my valid Residence/Work Permit on the said 1st June, 2017 before deporting me from the jurisdiction. I was put on flight and removed from the jurisdiction as if I was a common criminal. The treatment meted out to me by the Respondents was extremely humiliating and this has left a permanent trauma on my mind.

Mr. President, it was when I boarded the flight that I was handed my passport, ticket and a Deportation Order signed by the Minister for the Interior. The contents of the said Order was as follows;

"DEPORTATION ORDER – ASHOK KUMAR SIVARAM

WHEREAS Ashok Kumar Sivaram acquired and submitted a forged Marriage Certificate in Support of his application for Citizenship by Registration as a Ghanaian in 2015.

WHEREAS this act is fraudulent and criminal.

WHEREAS in the opinion of the Minister for the Interior, the continued presence in Ghana of Ashok Kumar Sivaram is not conducive to the public good.

AND THEREFORE in exercise of the power conferred on the Minister for the Interior by Section 36(1) of the Immigration Act, 2000 (Act 573), this order is made this 15th May, 2017.

ASHOK KUMAR SIVARAM is hereby ordered to leave Ghana by Friday 19th May, 2017 and thereafter remain out of Ghana.

DATED AT ACCRA 15TH DAY OF MAY, 2017.

SIGNED

AMBROSE DERY

MINISTER FOR THE INTERIOR"

In a letter dated 1st June, 2017 under the authorship of

For: Comptroller - General

Laud O. Affrifah

Also reads as follows;

"RE: DEPORTATION ORDER - ASHOK KUMAR SIVARAM

I make reference to the Ministry of the Interior letter number SCR/XA9/51/01B dated 17/05/2017 on the above subject.

I am directed to inform you that the Hon. Minister of Interior has issued a Deportation Order in accordance with Section 36(1) of Act 2000 (Act 573) for your removal from the country.

Consequently, you are to be deported on 1st June, 2017 to your country.

Please find attached the Deportation Order for your attention.

Best regards.

SIGNED

FOR: Comptroller-General

Laud O. Affrifah

(Dep. Comp. GEN/OPERATIONS)"

Mr. President, I wish to respectfully submit that I deny the allegation of forgery of any marriage certificate leveled against me. **I find it surprising that all the Respondents are lawyers yet they failed to afford me the opportunity to be heard on the allegation of forgery of marriage certificate as required by law.**

Mr. President, **the Respondents defied the Court Order for the valuation of the Company dated 5th May, 2017** and hurriedly deported me from the jurisdiction on 1st June, 2017. I believe that the purpose of the entire operation was to defeat the purpose of the Court Order and allow my business partner to take complete control of a company I have built over the past years of my stay in Ghana.

Mr. President, immediately after my deportation, my business partner entered the jurisdiction and the following events occurred (from 1st June 2017 to 2nd August, 2017); and although these activities were communicated to the Respondents they showed no interest in it.

1. **The first was that my business partner, Sachin Nambeear declared my position as a Director of Jai Mai Communications Limited casually vacant on account of the said deportation from the jurisdiction.**
2. **The said Sachin Nambeear appointed Mr. Robert Quartey, a lawyer as a Company Secretary and Director of Jai Mai Communications Limited without my consent, knowledge or approval.**
3. **My office locks were immediately changed by Mr. Sachin Nambeear.**

4. Mr. Sachin Nambear assembled workers of the Company and they signed what they termed as a "Directors Resolution" to make Sachin Nambear the Sole Signatory to the Bank Accounts of Jai Mai Communications Limited so he can draw funds of the company without recourse to me.
5. The said Resolution was sent to Prudential Bank Ghana Limited and Zenith Bank (GH) Limited for the purpose of amending the mandate on the bank account.
6. Mr. Robert Quartey entered the Company's premises and took away my official vehicle for his personal use and only returned the vehicle when the High Court quashed the Deportation Order.
7. Mr. Robert Quartey still has his name as the Company Secretary and Director at the Registrar General's Department though the manner in which my position was declared casually vacant to pave way for his appointment by the other Director was unlawful.
8. That to my surprise and amazement, Robert Quartey who claims to have been appointed a Director and Company Secretary by Sachin Nambear has not stepped foot on the premises of the Company since I returned into the jurisdiction. This however was not the case during the period of the deportation when he was present on the Company premises.
9. That the said Robert Quartey has been introduced to the Company's clients such as NITA, Vodafone, etc as the new Director of Jai Mai Communications Limited.

Respectfully Mr. President, during the period of my deportation from Ghana (1st June, 2017 - 2nd August, 2017) my Counsel sought to engage the Respondents for seven weeks to amicably reverse the deportation Order on the basis that it was illegal. I kept calling my Counsel on a daily basis to get an update as to whether a decision has been taken to overturn the Order. When it became manifestly clear that the Respondents were not prepared to reverse the illegal deportation, I instructed my Counsel to file an application

for judicial review in the nature of certiorari on my behalf for the purpose of quashing the Deportation Order.

Your Excellency, prior to commencing the application for Judicial Review in Court, my business partner, **Sachin Nambear had called a staff durbar to inform them that the decision to deport me was carried out at the Highest Government level and that there was no way that I would ever come back into the jurisdiction.**

Mr. President, the High Court ruled on the application for judicial review and quashed the Deportation Order of the Honourable Minister for the Interior on 31st July, 2017.

Mr. President, I am informed that on 31st July, 2017 when the Court delivered its ruling, Mr. Kwame Takyi, the Director/Comptroller of Immigration was in Court. **I am informed that after the ruling, my Counsel inquired from the Court the effect of the ruling and whether I can come back to Ghana in view of the ruling to which the Court answered in the affirmative. I am also informed that Counsel further enquired from the Court "what happens if I am stopped at the Airport when entering the jurisdiction" and the Court intimated that such an action "may amount to contempt of Court." I am further informed that though Mr. Kwame Takyi was in Court he did not indicate to the Court that I cannot come or required a visa on arrival to enter the jurisdiction. After the Court proceedings, Counsel further inquired from Mr. Kwame Takyi whether I was on the "stop list" of the Respondents at the Airport in view of the Deportation to which Mr. Kwame Takyi denied same.**

Mr. President, on the basis of the Court Ruling dated 31st July, 2017, I arrived in the jurisdiction on 2nd August, 2017 but was detained for two days by the officers of the

Respondents at the Kotoka International Airport. I was released when Counsel filed a Habeas Corpus application on my behalf and when the Respondents could not show cause for my detention the Court Ordered my release from detention.

The Ruling of the Court that released me from Immigration detention dated 4th August, 2017 held thus;

"This Court yesterday made an Order that the Respondents produce the Applicant in Court today to justify the basis for detention of the Applicant.

Counsel for the Respondent who says he is holding brief for the DPP informs the Court that he is detained because he arrived in the country without visa. Counsel cannot, however answer the question whether he was given the opportunity to apply for a visa upon arrival.

Further, Mr. Nantuo says the Applicant is under detention but cannot tell the Court if he is charged with any offence and the basis for the detention.

Counsel is also, unable to confirm to the Court the information provided to the Court yesterday that the 2nd Respondent, the Comptroller of Immigration ordered the 3rd Respondent to deport the Applicant before 12noon yesterday.

I have reviewed the entire file and appraised myself of all the processes filed before this Court including this Court's decision of July 31, 2017. I am of the candid view that there is no valid reason for the continuous detention of the Applicant at this time. The detention in my view is a transparent ruse to undermine the Court's earlier ruling and same ought not to be entertained.

The history of this case indicates that the Applicant has a valid business interest in this Country and is an employer of labour in this country, therefore his rights ought to be protected like everyone with legitimate business.

Consequently, pursuant to Order 56 Rule 4, I hereby order that the Applicant be released from the custody of the 3rd Respondent forthwith. The Immigration is to retain his passport and he shall appear with his Counsel before any designated officer on Tuesday, August 8, 2017. If at the time, there is no ground for his continuous reporting to Immigration his passport should be released to him and he be allowed to apply for regularization of his stay. He shall then be examined as any other individual applying for status in this country.
Accordingly ordered."

Mr. President, pursuant to the terms of the Ruling of the Court, on 8th August, 2017, Counsel and myself appeared before Mr. Kwame Takyi, Mr. Laud Affrifa and Head of Legal at the Immigration Headquarters to hold discussions in respect of the restoration of my Residence/Work Permit which was cancelled by them by virtue of the Deportation Order.

In view of some representations made, I instructed my Solicitors to apply for visa on arrival on my behalf. However, on 10th August, 2017 at about 8:00am, the Respondents sent their officers to my residence whilst I was on a trip to Kumasi to arrest me again and remove me from the jurisdiction. I find this action by the Respondents very curious because they are fully aware that there is a pending civil case in the High Court, Commercial Division (7) and the Court's Order for valuation of the Company by Ernst & Young is yet to be complied with. As a matter of fact, because of the assurances my business partner received from the Respondents to which same were communicated to my staff, Mr. Sachin

Nambeer has refused to sign the engagement letter to enable Ernst & Young commence with the valuation process. What became clear was that after my deportation, all the actions taken by my business partner was no longer a buyout of his 50% Shares in the Company but a complete takeover of the business which I have suffered to build in this country.

Mr. President, I have been informed about the Respondents' position that I ought to have applied for a visa on arrival before entering the jurisdiction. In answer thereto, I wish to respectfully submit that visa on arrival is issued at the port of entry. **That if I required same, the Director of Immigration who was in Court ought to have disclosed same to the Court that I required one to return or in any event, he ought to have allowed me the opportunity to apply for a visa on arrival when I arrived at the Kotoka International Airport on 2nd August, 2017. The interest of the Respondents was just to repatriate me again and not be afforded any opportunity as is done to many foreign nationals in this country.**

Mr. President, respectfully the Respondents are fully aware that a lot of foreigners apply for visa on arrival and same is processed and issued when they arrive at the Airport or any designated port of entry. In any event, I instructed my Solicitors to submit an application for visa on arrival on the 10th of August, 2017 and even though the Director of Immigration acknowledged the forms, **he refused to accept the statutory fees to process same.**

Mr. President, whilst the Respondents are failing to conduct their statutory work, they keep sending Immigration Officials after me ostensibly to arrest and repatriate me so as to lock **my huge investments in Ghana in order to aid my business partner to take over my business interest.**

Mr. President, the Respondents are refusing to restore my Residence/Work permit even though the Deportation Order based on which my Residence/Work permit was cancelled by them has been quashed by the High Court in a ruling delivered on 31st July, 2017.

Respectfully Mr. President, I hold the firm view that the High Court having quashed the Deportation Order of the Minister for the Interior, they ought to restore my Residence/Work Permit for me to live in the country legally in order to carry out my lawful business.

Mr. President, the actions of the Respondents is a deliberate ploy to render my status in the country without a valid permit in order to easily facilitate my removal from the jurisdiction. This action by the Respondents is also a clear attempt to undermine the Order for valuation of the Company by the High Court dated 5th May, 2017.

Mr. President, I have read a lot about you in terms of your quest for justice, fairness and desire to create an enabling business environment for foreign direct investment in Ghana so as to boost the economy and create employment for Ghanaians. It appears without a doubt that the activities of the Respondents and their direct defiance to the Orders/Ruling of the Courts in Ghana is in contravention to principles you hold so dear to your heart.

Mr. President, I implore you as the father of the nation to graciously step in to resolve the matters raised in my petition. I shall forever be grateful to you for your prompt action on this matter.

DOCUMENTS ATTACHED

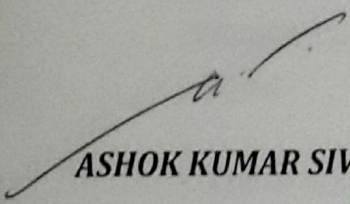
1. Writ of Summons and Statement of Claim issued by Mr. Tony Lithur of Lithur Brew & Company on behalf of Sachin Nambeear.
2. Notice of Entry of Appearance filed by Gary Nimako Marfo of SAFO & MARFO @ LAW on behalf of Ashok Kumar Sivaram and Jai Mai Communications Ltd.
3. Statement of Defence and Counterclaim.
4. Order for the Appointment of an Auditor to go into Accounts of the 2nd Defendant by His Lordship Justice Kyei Baffour dated 5th May, 2017.
5. A letter under the heading: VALUATION OF JAI MAI COMMUNICATIONS LIMITED dated 11th May, 2017 under the authorship of Mr. Tony Lithur confirming to Ernst & Young that it has been appointed as auditors in accordance with the orders of His Lordship Justice Eric Kyei Baffour.
6. Motion on Notice: Application for Preservation of Status Quo on mandate on Bank Account of Jai Mai Communications Limited.
7. Supplementary affidavit of George Otimpong Dankwa in Support of Application to Preserve the Status Quo dated 7th July, 2017.
8. Further Supplementary affidavit of George Otimpong Dankwa in Support of Application to Preserve the Status Quo dated 24th July, 2017.
9. Affidavit of Sachin Nambeear in opposition to Application for Preservation of Status Quo.
10. Affidavit of George Otimpong Dankwa in opposition to application to comply with the change of mandate in accordance with illegal Directors Resolution of 2nd Defendant.
11. Written submission filed on behalf of the Plaintiff dated 28th July, 2017.

12. Written submission filed on behalf of the Defendants dated 31st July, 2017.
13. Ruling dated 31st July, 2017 quashing the Deportation Order of the Minister for the Interior by His Lordship Justice Kweku T. Ackaah Boafo.
14. Order for Habeas Corpus and subjiciendum.
15. Ruling on Habeas Corpus application dated 4th August, 2017.
16. Notice of pending suit in the High Court, Commercial Division (7) and application for restoration of Residence/Work Permit of Ashok Kumar Sivaram sent to the Minister for the Interior.
17. Notice of pending suit in the High Court, Commercial Division (7) and application for Residence/Work Permit of Ashok Kumar Sivaram sent to the Director/Comptroller of Immigration.
18. Application for visa on arrival sent to Director/Comptroller of Immigration.
19. Application for visa on arrival sent to Minister for the Interior.
20. Notice to demand acceptance of statutory fees to process visa on arrival.
21. Notice to demand acceptance of statutory fees copied to Minister for the Interior and the Attorney General and Minister of Justice.
22. Letter of Engagement of Ernst & Young signed by Mr. Ashok Kumar Sivaram which Mr. Sachin Nambear has refused to sign.
23. Letter signed by Sachin Nambear introducing Robert Quartey as Director of Jai Mai Communications Limited to Vodafone Ghana Limited.
24. Passport copy with Residence/Work Permit which was cancelled on 1st June, 2017.

25. Documents signed by Sachin Nambeear to illegally declare my Directorship casually vacant and appointment of Robert Quartey as Director/Company Secretary.
26. Form 17 and illegal amendment of Company Profile.

Your Excellency, I appreciate your kind assistance.

Yours sincerely,



ASHOK KUMAR SIVARAM

- Cc:**
1. **The Hon. Chief-of-Staff
Jubilee/Flagstaff House
Accra**
 2. **The Hon. Senior Minister
Jubilee/Flagstaff House
Accra**
 3. **The Hon. Chief Justice
The Republic of Ghana
Judicial Service
Accra**
 4. **The Hon. National Security Minister
National Security Ministry
Accra**
 5. **The Rt. Hon. Speaker of Parliament
Parliament House
Accra**

6. The Hon. Majority Leader
Parliament House
Accra

7. The Hon. Minority Leader
Parliament House
Accra

8. Hon. Attorney General
& Minister of Justice
Ministry of Justice
Accra

9. The Minister for the Interior
Ministry of Interior
Ministries, Accra

10. The Director/Comptroller
Ghana Immigration Service
Accra

11. Deputy Comptroller-General/Operations
Ghana Immigration Service
Accra