

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s). 234/2020

RAJUBALA DAS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 160105/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 70950/2021 - CLARIFICATION/DIRECTION
IA No. 160122/2024 - INTERVENTION/IMPLEADMENT)

Date : 22-01-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Colin Gonsalves, Sr. Adv.
Mr. Kamran Khwaja, Adv.
M/S. Kings And Alliance LLP, AOR

For Respondent(s) :Mr. K M Nataraj, A.S.G.
Mr. R Bala, Sr. Adv.
Mr. Kanu Agrawal, Adv.
Mr. Vatsal Joshi, Adv.
Mrs. Swati Ghirdiyal, Adv.
Mr. Balaji Srinivasan, Adv.
Mr. Akshay Amritanshu, Adv.
Ms. Sweksha, Adv.
Mr. Aaditya Shankar Dixit, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Shuvodeep Roy, AOR

Mr. Shadan Farasat, Sr. Adv.
Ms. Rupali Samuel, Adv.
Ms. Mreganka Kukreja, Adv.
Mr. Yash S. Vijay, AOR
Mr. Dipesha Agarwala, Adv.
Mr. Mohammed Afeef, Adv.

Dr. Aditya Sondhi, Sr. Adv.
Mr. Talha Abdul Rahman, AOR
Mr. Rupali Samuel, Adv.

Mr. M Shaz Khan, Adv.
Mr. Faizan Ahmad, Adv.
Mr. Sudhanshu Tewari, Adv.
Mr. Rafid Akhter, Adv.
Mr. Anubhav Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Perused our order dated 9th December, 2024. Following is the relevant part of our order:

"We direct the State of Assam to file a comprehensive affidavit to bring on record the following aspects/documents:

- i. The names of the persons who are detained in the detention camp;
- ii. Documents justifying the detention in the detention camp; and
- iii. The steps taken by the State Government for deporting the detainees in the detention camp."

Time of six weeks was granted to the State to file compliance affidavit. We expected the State to put on record reasons for detaining 270 foreign nationals in the transit camp and details of the steps taken by the State Government for deporting the detainees in the detention camp. We find from the annexure to the affidavit that some of the foreigners are languishing in the camps for about 10 years and more. The affidavit does not give any justification for detaining 270 persons and moreover, steps taken to deport them are not set out. This is a gross violation of the order of this Court.

List on 4th February, 2025 on the top of the list.

We direct the Chief Secretary of the State of Assam to remain present through Video Conference and explain the non-compliance.

Before the next date, we direct compliance with the first part of the direction issued in our order dated 9th December, 2024 by submitting a report after Additional Chief Secretary visits the transit camp.

List I.A. No.288053 of 2024 on the next date of hearing.

Learned counsel appearing for the State of Assam states that affidavit filed should be kept in sealed envelope as the contents thereof are confidential. Though we are directing that the affidavit should be kept in sealed envelope, *prima facie*, we disagree with the learned counsel that there is something *confidential about the* contents of the affidavit. We direct the Chief Secretary of the State to file an affidavit before the next date justifying the stand taken about confidentiality.

(KAVITA PAHUJA)
AR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)