

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 : 04-02-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

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

For Respondent(s) : Mr. Tushar Mehta, Solicitor General
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. Chinmoy Pradip Sharma, Sr. Adv.
Mr. Devajit Saikia, Advocate General Of Govt. Of
Assam, Sr. Adv.
Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.
Mr. Vijay Deora, Adv.
Mr. Krishnajyoti Deka, Adv.
Mr. Deepayan Dutta, Adv.

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

Mr. Talha Abdul Rahman, AOR

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

Perused our earlier orders and in particular the order dated 22nd January, 2025. Under the said order, we had directed the Chief Secretary of the State of Assam to remain present through video conference and explain non-compliance.

Today, one more affidavit dated 3rd February, 2025 is filed which is as vague as earlier affidavits. We have perused the Annexure 'II'. When we asked a question to the Chief Secretary of Assam who is present through video conference, whether the nationality of the persons listed at serial nos. 1 to 63 is known, he answered affirmatively. As it is known that persons at serial nos.1 to 63 are citizens of a particular country, there is no reason why State of Assam cannot start procedure for their deportation. Even if address of these persons in the foreign country is not available as the State is aware that they are citizens of a particular country, we direct the State to immediately start process of deportation in respect of persons at serial nos.1 to 63.

In majority of cases, a vague remark is offered by the State Government "Nationality Status Verification Formats is sent to the Ministry of External Affairs, Government of India". Even basic

details such as the dates on which the Nationality Status Verification Formats have been sent are not mentioned. The idea of directing the State to file a better affidavit was that these basic details will be disclosed. In case of four persons, it is mentioned that Nationality Status Verification Format will be sent soon. There is no reason disclosed why it is not being sent so far. We direct the State to file a detailed affidavit reporting compliance with the directions which were issued in this order. If the State Government finds that Nationality Status Verification Formats have been sent more than two months back, the State will immediately issue a reminder to the Ministry of External Affairs, Government of India. As soon as such reminder is received by the Ministry of External Affairs, effective action shall be taken by the Ministry of External Affairs on the basis of nationality status verification.

We direct the State of Assam to initiate the process of deportation in case of persons at Sl. Nos.1 to 63 within two weeks from today. We direct the State of Assam to submit NSV format in respect of persons at Sl. Nos.267 to 270.

Broadly, there are two categories of foreigners. One category is where the persons are declared as not Indian nationals and their nationality is known. The other category is where the Tribunal has declared that the persons are not Indian Nationals but their nationality is not known. As far as first category is concerned, it poses no difficulty. As far as second category is concerned, Union of India will have to tell the Court in what manner their cases will be dealt with because they are neither Indian Nationals

nor their citizenship status is known. We grant time of one month to Union of India to file an affidavit dealing with this issue. While filing an affidavit, Union of India shall also place on record the details of the declared persons who are not Indian Nationals and the details of the persons who have been so far deported. Details about manner of deporting shall also be stated and the figures shall also be disclosed.

Though we are granting longer time to Union of India, we direct the State of Assam to file a detailed affidavit as indicated above within two weeks from today. As far as I.A. No.284865/2024 is concerned, the same will be considered when stand of Union of India is considered by this Court.

For considering the fresh affidavit which may be filed by the State of Assam, the petition shall be listed on 25th February, 2025 on the top of the list.

As regards the detention centre/camp, the present affidavit deals with status of the detention camp as on 30th January, 2025. It is the responsibility of the State Government to ensure that all facilities in the detention centre/camp are properly maintained. We direct the State Government to constitute a Committee of Officers who will make visit to the transit camp/Detention Centre once in a fortnight and will ensure that proper facilities are available in the detention camp.

We direct the State Government to produce the copy of order of the Tribunal as regards the applicant in I.A. No.284865/2024.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)