

ITEM NO.17+23

COURT NO.2

SECTION PIL-W

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)(Civil) No(s).859/2013

JAFFAR ULLAH & ANR.

Petitioner(s)

VERSUS

U.O.I & ORS.

Respondent(s)

IA No. 69132/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 123931/2018 - CLARIFICATION/DIRECTION
IA No. 69134/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 2/2016 - EXEMPTION FROM FILING O.T.
IA No. 118501/2018 - INTERVENTION/IMPLEADMENT
IA No. 1/2015 - PERMISSION TO FILE ANNEXURES

WITH

W.P.(C) No. 793/2017 (X)

IA No. 60248/2018 - APPLICATION FOR IMPLEADMENT
IA No. 44982/2021 - APPLICATION FOR PERMISSION
IA No. 44249/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 120367/2018 - CLARIFICATION/DIRECTION
IA No. 14970/2018 - CLARIFICATION/DIRECTION
IA No. 44984/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 130783/2017 - INTERVENTION APPLICATION
IA No. 112813/2019 - INTERVENTION APPLICATION
IA No. 90627/2017 - INTERVENTION APPLICATION
IA No. 107402/2017 - INTERVENTION APPLICATION
IA No. 87282/2017 - INTERVENTION APPLICATION
IA No. 97090/2017 - INTERVENTION APPLICATION
IA No. 132156/2017 - INTERVENTION APPLICATION
IA No. 93032/2017 - INTERVENTION/IMPLEADMENT
IA No. 89100/2017 - INTERVENTION/IMPLEADMENT
IA No. 107396/2017 - INTERVENTION/IMPLEADMENT
IA No. 120322/2018 - INTERVENTION/IMPLEADMENT
IA No. 46251/2021 - INTERVENTION/IMPLEADMENT
IA No. 89024/2017 - INTERVENTION/IMPLEADMENT
IA No. 88305/2017 - INTERVENTION/IMPLEADMENT
IA No. 94489/2017 - INTERVENTION/IMPLEADMENT
IA No. 93270/2017 - INTERVENTION/IMPLEADMENT
IA No. 44245/2021 - INTERVENTION/IMPLEADMENT
IA No. 60250/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA No. 97091/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA No. 100563/2017 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

W.P.(C) No. 870/2017 (PIL-W)

FOR impleading party ON IA 119630/2019

FOR INTERVENTION/IMPLEADMENT ON IA 119630/2019
 IA No. 119630/2019 - INTERVENTION/IMPLEADMENT
W.P.(C) No. 886/2017 (PIL-W)
 FOR ON IA 94633/2017
W.P.(C) No. 919/2017 (PIL-W)
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 97138/2017
 IA No. 97138/2017 - APPROPRIATE ORDERS/DIRECTIONS
W.P.(C) No. 916/2017 (PIL-W)
 FOR STAY APPLICATION ON IA 96406/2017
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 51046/2018
 IA No. 51046/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 96406/2017 - STAY APPLICATION
W.P.(C) No. 924/2017 (PIL-W)
 IA No. 140823/2021 - APPLICATION FOR WITHDRAWAL OF COUNTER
 AFFIDAVIT
 IA No. 144494/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 164380/2021 - EXEMPTION FROM FILING O.T.
 IA No. 104654/2017 - INTERVENTION/IMPLEADMENT
 IA No. 104649/2017 - INTERVENTION/IMPLEADMENT
W.P.(C) No. 955/2017 (PIL-W)
 FOR CLARIFICATION/DIRECTION ON IA 101081/2017
 IA No. 101081/2017 - CLARIFICATION/DIRECTION
Diary No(s). 32692/2017 (PIL-W)
W.P.(C) No. 1111/2017 (PIL-W)
 FOR PERMISSION TO FILE APPLICATION FOR DIRECTION ON IA 119939/2017
 FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 119942/2017
 IA No. 119942/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 119939/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION
W.P.(C) No. 262/2018 (PIL-W)
 FOR EXEMPTION FROM FILING O.T. ON IA 33187/2018
 FOR GRANT OF INTERIM RELIEF ON IA 33189/2018
 IA No. 33187/2018 - EXEMPTION FROM FILING O.T.
 IA No. 33189/2018 - GRANT OF INTERIM RELIEF
W.P.(C) No. 442/2018 (PIL-W)
 FOR CLARIFICATION/DIRECTION ON IA 66802/2018
 IA No. 66802/2018 - CLARIFICATION/DIRECTION
W.P.(C) No. 1045/2018 (PIL-W)
 FOR INTERVENTION APPLICATION ON IA 6495/2019
 FOR CLARIFICATION/DIRECTION ON IA 6500/2019
 FOR impleading party ON IA 92992/2019
 FOR INTERVENTION/IMPLEADMENT ON IA 92992/2019
 FOR impleading party ON IA 93003/2019
 FOR INTERVENTION/IMPLEADMENT ON IA 93003/2019
 FOR INTERVENTION APPLICATION ON IA 98696/2019
 FOR INTERVENTION APPLICATION ON IA 43244/2025
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 43249/2025
 IA No. 43249/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 6500/2019 - CLARIFICATION/DIRECTION
 IA No. 43244/2025 - INTERVENTION APPLICATION
 IA No. 98696/2019 - INTERVENTION APPLICATION
 IA No. 6495/2019 - INTERVENTION APPLICATION
 IA No. 93003/2019 - INTERVENTION/IMPLEADMENT
 IA No. 92992/2019 - INTERVENTION/IMPLEADMENT

W.P.(C) No. 660/2021 (PIL-W)

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 69238/2021

FOR EXEMPTION FROM FILING O.T. ON IA 139822/2022

FOR EXEMPTION FROM FILING O.T. ON IA 188841/2023

IA No. 69238/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 188841/2023 - EXEMPTION FROM FILING O.T.

IA No. 139822/2022 - EXEMPTION FROM FILING O.T.

W.P.(C) No. 495/2024 (PIL-W)

IA No. 173116/2024 - AD-INTERIM WRIT

IA No. 180791/2024 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 180790/2024 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

MA 221/2025 in W.P.(C) No. 274/2009 (PIL-W)

[TO GO BEFORE THREE HON'BLE JUDGES]

W.P.(C) No. 1060/2023 (PIL-W)

IA No. 197484/2023 - CLARIFICATION/DIRECTION

IA No. 99163/2024 - INTERVENTION/IMPLEADMENT

W.P.(CrI.) No. 139/2018 (PIL-W)

IA No. 92475/2018 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 29727-29731/2011 (XIV)

IA No. 73289/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 63777/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 103033/2023 - INTERVENTION APPLICATION

IA No. 73290/2025 - INTERVENTION/IMPLEADMENT

IA No. 63775/2025 - INTERVENTION/IMPLEADMENT

W.P.(C) No. 85/2021 (X)

IA No. 4427/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 8938/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 8937/2021 - EX-PARTE AD-INTERIM RELIEF

IA No. 4430/2022 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 4429/2022 - EXEMPTION FROM FILING O.T.

IA No. 8939/2021 - EXEMPTION FROM FILING O.T.

W.P.(CrI.) No. 204/2025 (PIL-W)

IA No. 126678/2025 - GRANT OF INTERIM RELIEF

IA No. 126679/2025 - PERMISSION TO FILE LENGTHY LIST OF DATES

T.C.(CrI.) No. 1/2013 (II-B)

IA No. 35148/2025 - INTERVENTION/IMPLEADMENT

W.P.(CrI.) No.234/2020(X)

IA No. 160105/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 49686/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 49678/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 202498/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 70950/2021 - CLARIFICATION/DIRECTION

IA No. 288053/2024 - CLARIFICATION/DIRECTION

IA No. 49610/2025 - EXEMPTION FROM FILING O.T.

IA No. 49688/2025 - EXEMPTION FROM FILING O.T.

IA No. 49677/2025 - INTERVENTION/IMPLEADMENT

IA No. 49611/2025 - INTERVENTION/IMPLEADMENT

IA No. 160122/2024 - INTERVENTION/IMPLEADMENT

Date : 31-07-2025 These matters were called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH**

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

1. This is a batch of 22 matters starting from Item No.17 [W.P.(C) No.859/2023] to Item No.17.21 [T.P.(Cr1.) No.1/2013]. Item No.23 [W.P. (Cr1.) No.234/2020], which has been listed separately, also seems to be, if not fully, a partly related matter. We, accordingly, include that case also in this batch of matters.
2. Out of these matters, cases at Item Nos. 17.12 [W.P.(C) No.1045/2018], 17.15 [MA 221/2025 in W.P.(C) No.274/2009], 17.18 [SLP(C) Nos.29727-29731/2011], 17.19 [W.P.(C) No.85/2021] and 17.21 [T.C. (Cr1.) No. 1/2013] do not pertain to the issues of the 'Rohingyas'. For the sake of convenience, these matters are, accordingly, de-tagged from this batch of matters and are captioned as "Group-II cases".
3. 'Group I cases' relate to the 'Rohingyas' and broadly the following issues have been raised in these matters:

(i) Whether the 'Rohingyas' are entitled to be declared as "refugees"? If so, what protection, privileges or rights are they entitled to?

(ii) If the 'Rohingyas' are not "refugees" and are "illegal entrants", whether the action of the Union/States in deporting them is justified?

(iii) Even if the 'Rohingyas' have been held to be illegal entrants, can they be detained indefinitely or are they entitled to be released on bail subject to such terms and conditions as the Court may deem fit to impose?

(iv) Whether the 'Rohingyas', who have not been deported or detained but living in Refugee Camps have been provided the basic amenities like sanitation, drinking water, education and other living conditions in conformity with Article 21 of the Constitution?

(v) If the 'Rohingyas' are illegal entrants, whether the Government of India and the States are

obligated to deport them in accordance with law?

4. The issues that arise for consideration in the cases categorized as "Group II" cases will also be determined separately.

5. Item No.23 [W.P.(CrI.) No.234/2020] will be captioned as "Group III" case.

6. "Group I" comprises of W.P.(C) No.859/2013, W.P.(C) No.793/2017, W.P.(C) No.870/2017, W.P.(C) No.886/2017, W.P.(C) No.919/2017, W.P.(C) No.916/2017, W.P.(C) No.924/2017, W.P.(C) No.955/2017, D.No.32692/2017, W.P.(C) No.1111/2017, W.P.(C) No.262/2018, W.P.(C) No.442/2018, W.P.(C) No.660/2021, W.P.(C) No.495/2024, W.P.(C) No.1060/2023, W.P.(CrI.) No. 139/2018 and W.P.(CrI.) No.204/2025.

7. "Group II" comprises of W.P.(C) No.1045/2018, MA 221/2025 in W.P.(C) No.274/2009, SLP(C) Nos.29727-29731/2011, W.P.(C) No.85/2021 and T.C. (CrI.)No. 1/2013.

8. "Group III" comprises of W.P.(CrI.) No.234/2020 only.

9. In Group I and II cases, Mr. Cheryl D'Souza, Advocate (M.No. 9958010850) will be the Nodal Counsel on behalf of the petitioner(s) to exchange the pleadings. Mr. Madhav Sinhal, Advocate, will be the Nodal Counsel on behalf of the respondents. They shall ensure that the pleadings, complete in all respects, are exchanged between the parties before the next date of hearing. Similarly, the Written Submissions along with convenience compilations may also be circulated one week before the next date of hearing.

10. Let all the above-mentioned matters be listed consecutively on 23.09.2025, 24.09.2025 and 25.09.2025.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR