

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION (CRIMINAL) NO. OF 2025
[UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA]

IN THE MATTER OF:

RITA MANCHANDA

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR THE PETITIONER: J JOE ANTON BENO

RECORD OF PROCEEDINGS

<u>S.NO.</u>	<u>RECORD OF PROCEEDINGS</u>	<u>PAGE</u>
<u>NO.</u>		

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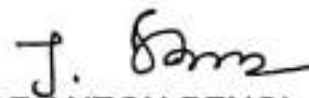
15.

DECLARATION

All defects have been duly cured. Whatever has been added/deleted/modified in the petition is the result of curing of defects and nothing else. Except curing the defects, nothing has been done. Paper books are complete in all respects.

Signature: -

Date: 27.10.2025


(J JOE ANTON BENO)
Advocate-on-Record
Code No. 3041

Mani, Clerk
ID No. 4400
MOB.9971390361


ANNEXURE 'D'**PROPOSED ADVOCATE'S CHECK LIST (TO BE CERTIFIED BY
ADVOCATE-ON-RECORD)**

1.	SLP (C) has been filed in Form No. 28 with certificate	Yes
2.	The Petition is as per the provisions of Order XV Rule 1	Yes
3.	The papers of SLP have been arranged as per Order XXI, Rule (3)(1)(f).	Yes
4.	Brief list of dates/events has been filed.	Yes
5.	Paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index.	Yes
6.	Proper and required number of paper books (1+1) have been filed.	Yes
7.	The particulars of the impugned judgment passed by the court(s) below are uniformly written in all the documents.	Yes
8.	In case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate.	NA
9.	The Annexures referred to in the petition are true copies of the documents before the court(s) below and are filed in chronological order as per List of Dates.	Yes
10.	The annexures referred to in the petition are filed and indexed separately and not marked collectively.	Yes
11.	In SLP against the order passed in Second Appeal, copies of the orders passed by the Trial Court and First Appellate Court have been filed.	N/A
12.	The complete listing proforma has been filled in, signed and included in the paper books.	Yes
13.	In a petition (PIL) filed under clause (d) of Rule 12(1) Order XXXVIII, the petitioner has disclosed: (a) his full name, complete postal address, e-mail address, phone number, proof regarding personal identification, occupation and annual income, PAN	N/A

	number and National Unique Identity Card number, if any; (b) the facts constituting the cause of action; (c) the nature of injury caused or likely to be caused to the public; (d) the nature and extent of personal interest, if any, of the petitioner(s); (e) details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation.	
14.	In case of appeals under Armed Forces Tribunal Act, 2007, the petitioner/ appellant has moved before the Armed Forces Tribunal for granting certificate for leave to appeal to the Supreme Court.	N/A
15.	All the paper-books to be filed after curing the defects shall be in order.	Yes

I hereby declare that | have personally verified the petition and its contents and it is in conformity with the Supreme Court Rules, 2013. | certify that the above requirements of this Check List have been complied with. | further certify that all the documents necessary for the purpose of hearing of the matter have been filed.

Filed By


 (J JOE ANTON BENO)
 Advocate-on-Record
 Code No. 3041

Mani, Clerk
 ID No. 4400
 MOB.9971390361

Place: New Delhi
 Dated: 27/11/2025

INDEX

S. No.	Particulars of Documents	Page No. of part to which it belongs		Remarks
		Part I [Contents of Paper Book]	Part-II [Contents of file alone]	
[i]	[ii]	[iii]	[iv]	[v]
	E-Court Fee			
1	Listing Performa.	'A1-A3'	'A1-A3'	
2	Cover page of Paper Book		A-4	
3	Index of Record of Proceedings		A-5	
4	Defect List		A-5	
5	Note Sheet		A-6	
6	Synopsis & List of Dates	B-Q		
7	Writ Petition with Affidavit.	1-48		
8	<u>ANNEXURE P-1</u> A true copy of the order dated 30.10.2025 Passed by the Hon'ble High Court of Delhi at New Delhi in W.P. (Crl.) No. 3221 of 2025, 3222 of 2025, 3223 of 2025, 3224 of 2025, and 3225 of 2025	49-53		
9	<u>ANNEXURE P-2</u> A true copy of the aadhaar card of the petitioner	54		
10	<u>ANNEXURE P-3</u> A true copy of the FRRO Form C of the 5 missing refugees who were living in New Delhi as per records.)	55-59		

11	<u>ANNEXURE P-4</u> A true copy of the Standard Operating Procedure dated 19.03.2021 in bearing No.25022/34/2001-F.IV	60-63		
12	<u>ANNEXURE P-5</u> A true copy of the Unhcr Id Cards Of The 5 Missing Rohingya From Delhi IV	64-68		
13	<u>ANNEXURE P-6</u> A true copy of the last available photographs of Mohammad Sharif at the Inderlok detention centre on 7 May 2025.	69-74		
14	<u>ANNEXURE P-7</u> A true copy of the statement of the Special Rapporteur of the United Nations dated 15.05.2025	75-78		
15	<u>ANNEXURE P-8</u> A true copy of the interim Order passed by this Hon'ble Court in W.P.(C) 793 of 2017 dated 08.04.2021 case of Md. Salimullah v. Union of India and Ors.	79-84		
16.	<u>ANNEXURE P-9</u> A true copy of the Office Memorandum bearing No. 25022/28/2025-F.I (Part. III) dated 02.05.2025	85-98		
17.	<u>ANNEXURE P-10</u> A true copy of the Status Report filed by Respondent No. 3 dated 14.10.2025 in W.P.(Crl) No.3221to3225 of 2025 filed before Hon'ble High court of Delhi at New Delhi	99-109		

	<i>along with Annexure.</i>			
18.	<u>ANNEXURE P-11</u> A true copy of the Reply to the Status Report on behalf of the petitioner dated 27.10.2025 in W.P.(Crl) No.3221 of 2025 filed before Hon'ble High court of Delhi at New Delhi.	110-137		
19.	Filing Index		138	
20	Vakalatnama		139-140	
21				
22				

A

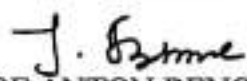
PROFORMA FOR FIRST LISTING

		SECTION	
The case pertains to (Please tick / check the correct box):			
<input type="checkbox"/>	Central Act: (Title)	Constitution of India	
<input type="checkbox"/>	Section:	Under Article 32 of Constitution of India	
<input type="checkbox"/>	Central Rule: (Title)	N.A.	
<input type="checkbox"/>	Rule No(s)	N.A.	
<input type="checkbox"/>	State Act: (Title)	N.A.	
<input type="checkbox"/>	Section:	N.A.	
<input type="checkbox"/>	State Rule: (Title)	N.A.	
<input type="checkbox"/>	Rule No(s)	N.A.	
<input type="checkbox"/>	Impugned Interim Order: (Date)	N.A.	
<input type="checkbox"/>	Impugned Final Order / Decree: (Date)	N.A.	
<input type="checkbox"/>	High Court: (Name)	N.A.	
<input type="checkbox"/>	Names of Judges:	N.A.	
<input type="checkbox"/>	Tribunal / Authority: (Name)	N.A.	
1.	Nature of Matter	<input type="checkbox"/> Civil	<input type="checkbox"/> Criminal
2.	(a) Petitioner	RITA MANCHANDA	
	(b) E-Mail Id:	N.A.	
	(c) Mobile Phone Number:	N.A.	

A)

3.	(a) Respondent	UNION OF INDIA & ORS.	
	(b) E-Mail Id:	N. A.	
	(c) Mobile Phone Number:	N. A.	
4.	(a) Main Category Classification.	1800 Ordinary Criminal Matters	
	(b) Sub Classification:	1807 & Others	
5.	Not to be listed before:	N.A.	
6.	(a) Similar disposed of matter with citation, if any, & case details: No similar matter is disposed of by this Hon'ble Court.		
	(b) Similar pending matter with case details: No similar matter is pending before this Hon'ble Court.		
7.	Criminal Matters:	No	
	(a) Whether accused / convict has surrendered: Yes <input type="checkbox"/> <input type="checkbox"/>		
	(b) FIR No.	N.A.	Date: N.A.
	(c) Police Station:	N.A.	
	(d) Sentence Awarded:	N.A.	
	(e) Period of sentence undergone including period of detention / custody undergone:	NA.	
	(f) Whether any earlier case between the same parties is filed:	N.A.	
	(g) Particulars of the FIR and Case:	N.A.	
	(h) Whether any bail application was preferred earlier and decision	N.A.	

A2

	thereupon:	
8.	Land Acquisition Matters:	
	(a) Date of Section 4 Notification:	N.A.
	(b) Date of Section 6 Notification:	N.A.
	(c) Date of Section 17 Notification:	N.A.
9.	Tax Matters: Sate the tax effect:	N.A.
10.	Special Category (First Petitioner / Appellant Only):	
	<input type="checkbox"/> Senior Citizen > 65 Years <input type="checkbox"/> C / ST <input type="checkbox"/> Woman /Child Disabled Legal Aid Case <input type="checkbox"/> In Custody <input type="checkbox"/>	
11.	Vehicle Number (in case of Motor Accident Claim Matters):	N.A.
12.	Whether there was is litigation on the same point of law, if yes, details thereof.	No
Place: New Delhi Dated: 27.11.2025		 J JOE ANTON BENO ADVOCATE ON RECORD MOB. NO. 9971390361 CODE NO. 3041

SYNOPSIS

B

The present Writ Petition is filed under Article 32 of the Constitution of India read with 528 of the Bharatiya Nagrik Suraksha Sanhita, seeking issuance of a writ of habeas corpus in respect of five missing Rohingya refugees, namely, Mohammad Sharif, Laila Begam, Syedul Kareem, Kairul Amin and Ms S, who were clandestinely taken in custody by the Respondents in New Delhi on 6 May May 2025 under the pretext of "biometric correction" with a promise that they shall be returned back home after such biometric details were collected. However, all of these 5 Rohingya persons have gone missing from custody and there is no trace of them in the absence of any official communication or documentation regarding their whereabouts despite the passage of over six months. All of these missing Rohingyas, namely Mohammad Sharif and Laila Begam along with their sons Syedul Kareem and Kairul Amin had fled persecution, sexual violence, brutal torture and targeted violence against the Rohingya community in Rakhine State, Myanmar, and reached India in 2008. Thereafter, they registered themselves as asylum seekers with the United Nations High Commission for Refugees (UNHCR) in New Delhi, India and after a rigorous process of "refugee status determination", they received their refugee ID cards. Ms. S (a minor girl) reached India in 2012 fleeing similar circumstances and was recognised as a refugee and provided a refugee ID card by the UNHCR.

The Petitioner is a well-recognised scholar and human rights activist with longstanding engagement with issues concerning displacement, migration and marginalised communities. In the course of her work with Rohingya refugee communities in Delhi, she has collected details including the names, addresses, and UNHCR refugee identification card numbers of the missing persons. Despite these efforts, she has not been

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able to access any official record of their detention, deportation or judicial production. As the missing persons were last known to be in the custody of the Respondents, their custodial disappearance and apparent lack of procedural compliances have raised serious apprehensions regarding the legality of whatever has been done to the 5 missing Rohingyas from New Delhi. Therefore, since the missing persons cannot themselves reach this Hon'ble Court and their community members and relatives remain equally vulnerable, the Petitioner has preferred the present habeas corpus writ petition to enquire into the official records of the last known location and whereabouts of the 5 missing Rohingya persons.

According to various community accounts, officials, believed to be from Respondents, arrived at Kanchan Kunj, Madanpur Khadar on 03.05.2025 and 04.05.2025 to carry out their routine fortnightly exercise of inspection and noting down details for the purposes of identification and compliances. Later, in the proceeding days the said five Rohingya Refugees continued their routine life tending to their medical conditions, looking after their family members and making ends meet. However, on the day of the said clandestine arrest by officials from the Respondents in New Delhi in May 2025, the men of these 5 missing Rohingyas received repeated calls from the Respondents stating that there is a "biometric error" requiring urgent rectification and therefore, they, along with their family members must immediately visit Badarpur police station. They were reassured that this is a minor issue and that once biometrics are redone, they shall return home the same day. Mohammad Sharif was returning from Safdarjung Hospital when he was intercepted near his house and taken in custody by officials citing the same biometric error. The officials then arrested Laila Begam separately as she was in Vikaspuri looking after her daughter in law and her children.

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Kairul Amin and Ms S were also picked up from their Madanpur Khadar residence under the same pretext of biometric correction. All of them were clandestinely taken in custody, detained and reportedly shifted to a detention facility in Inderlok late in the night. There, they were compelled to change out of their personal clothes, given identical uniforms, and deprived of phones and belongings. They were falsely reassured that the detainees would return the same day, post the correction in biometrics. However, none of them were released from custody and the detained persons never returned home. From the afternoon of 7 May, 2025, all communications from detainees with their relatives in India ceased. To date, no detention or deportation order, embassy communication, information regarding exit permits from India or intimation regarding deportation or show cause notice has been shared with the families or made available to the Petitioner. Considering secondary reports, including international commentary, it is being dangerously presumed by the family members and others in the Rohingya community that all five refugees have been thrown in the international waters near Myanmar through the Andaman islands. With that presumption, a petition titled Mohammad Ismail & Anr. v. Union of India (W.P.(Crl.) 204/2025) has also been filed in the Hon'ble Supreme Court of India with a long list of allegedly deported Rohingyas which include the names of these 5 detainees with a prayer that they be repatriated to India and be paid a compensation worth of Rs 50 lakhs. However, this petition also did not provide any official orders of arrest, detention or deportation or notice or intimation regarding deportation, embassy communications, reports from the nodal officers of border authorities including border guarding forces and coastguards, that is a mandatory requirement to carry out any kind of deportation whatsoever. In the interim order in Salimullah v. Union of India (793 of 2017), the

①

Hon'ble Supreme Court of India clearly described the lawful process of deportation and stated that Union of India generally follows the procedure of notifying the Government of the country of origin of the foreigners and order their deportation only when confirmed by the Government of the country of origin that the persons concerned are citizens/nationals of that country and that they are entitled to come back. Therefore, in the absence of a transparent process with clear notice of deportation along with deportation orders and confirmation of citizenship by the country of deportation, such custodial disappearance amounts to extra procedural human trafficking and an enormous breach of judicial and executive orders including the standard operating protocols that are in consonance with the Constitution of India.

Thereafter, the Petitioner filed five connected writ petitions with regard, in the nature of *habeas corpus* before the Hon'ble High Court of Delhi, challenging the custodial disappearance of the 5 missing Rohingyas each. These petitions were heard together by the Hon'ble High Court of Delhi, who called in a status report from the Respondents. Subsequently, the Respondents produced a status report stating that forty individuals described as "illegal immigrants," including the aforesaid five missing persons, have already been "escorted" by the Delhi police to a "designated destination for repatriation as per procedure". However, the report did not even reveal clearly where the 5 Rohingyas have been sent and what documentary reports have been submitted in the context of such "repatriation". The statements in the status report submitted by the Respondents before the Hon'ble High Court of Delhi were vague, unsubstantiated and also out of context. Therefore, the Petitioner filed a detailed response to the status report submitted by the Respondents before the Hon'ble High Court of Delhi. Upon the matter being taken up on 30.10.2025, after some arguments, the Hon'ble High Court was

F

pleased to grant liberty to the Petitioner to approach the Hon'ble Supreme Court of India for appropriate reliefs in view of the pendency of *Mohammad Ismail & Anr. v. Union of India (W.P. (Crl.) No. 204/2025)* before this Hon'ble Court. The present writ petition is thus being filed pursuant to the liberty so granted.

Through the present petition, the Petitioner prays for a writ of habeas corpus directing the Respondent Authority to produce and disclose the last known location and whereabouts of the 5 missing Rohingyas, namely Mohammad Sharif, Laila Begam, Kairul Amin, Syedul Kareem and Ms S. Further, the Petitioner also prays for a writ of mandamus directing the Respondent Authority to disclose the complete files maintained by them which include any deportation orders, reports from border guarding forces/ coast guards, official communications with the relevant Embassy and other officials regarding such deportation and receipt in the Country of origin, criminal records, medical records, records of entry and exit to India and all other available executive and judicial orders and information of like nature of the 5 missing Rohingyas, namely Mohammad Sharif, Laila Begam, Kairul Amin, Syedul Kareem and Ms. S.

LIST OF DATES

<u>DATE</u>	<u>PARTICULARS OF THE EVENT</u>
1982	The new citizenship laws of Myanmar require individuals to prove that their ancestors lived in Myanmar prior to 1823 and the laws also exclude the Rohingya community from the list of recognised ethnic groups or identified national language. The isolation of the

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	Rohingya community aggravates with time.
1990 onwards	Escalating persecution, arbitrary arrests, forced labour, and targeted violence including sexual and gender based torture, use of rape as instruments of fear to displace and murder Rohingyas including children and infants, force successive groups of Rohingya families to flee across the border into neighbouring countries, including India.
2008	Mohammad Sharif and Laila Begam along with their sons Syedul Kareem and Kairul Amin, flee persecution and escape the targeted violence against the Rohingya community in Rakhine State, Myanmar, and reach India. They subsequently register themselves as asylum seekers with the United Nations High Commission for Refugees (UNHCR) in India in New Delhi and after a rigorous process of "refugee status determination", they receive their refugee ID cards.
2012	Ms S, a minor girl, reaches India, fleeing persecution, and is also after a rigorous process of "refugee status determination", recognised as a refugee and provided a refugee ID card by the UNHCR.
2016-present	The political situation in Myanmar has been tumultuous and the Rohingya population has been historically discriminated against and marginalised. The Rohingya community in Myanmar are not allowed to travel beyond Rakhine state where they are forced to live under bondage and are systemically abused, tortured and raped. They are not recognised as citizens and are also denied passports.

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	<p>The persecution of the Rohingya refugee community has been noted as a “textbook example of ethnic cleansing” by the United Nations Organisation in 2017.</p> <p>Thousands of Rohingyas have fled the Rakhine state and taken refuge in various South Asian countries, including India. Several Rohingya women have been trafficked into India with promises of safety and even marriage.</p>
20.03.2019	<p>The Respondent No. 1 circulated their Standard Operating Procedure (SOP) No. 25022/34/2001-F.IV that must be followed while dealing with cases of “Foreigners Claiming to be Refugees”. It stated that foreigners claiming to be refugees cannot be detained until their claim of being a refugee is found to be untrue and they are declared unfit for the grant of a Long Term Visa (LTV) which shall make them an “illegal migrant.”</p> <p>The SOP stated that assessment must be completed within 3 months of such a claim by the foreigner and defined a refugee as someone with a well-founded fear of persecution on account of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion.</p>

08.04.2021	<p>The Hon'ble Supreme Court in the interim order in Mohammad Salimullah & Anr. v. Union of India & Ors., 2021 SCC OnLine SC 296, held that the Rohingya petitioners in Jammu shall not be deported unless the procedure prescribed for such deportation is duly followed. The lawful process of any deportation are the following steps:</p> <ul style="list-style-type: none"> a. The Union of India Notifies the Government of the country of origin of the foreigners through their Embassies and other diplomatic channels. b. Confirmation of nationality/citizenship by the Government of the Country of Origin through diplomatic channels. c. Confirmation and arrangement of travel documents, tickets and other necessary arrangements by the government of the Country of Origin and their confirmation that the foreigner is entitled to come back and that the government of the country of origin shall receive them in the country of origin. d. Arrangement of deportation by the Union of India by confirming their documents and fulfilling the paperwork regarding their country of nationality as provided by the Country of origin and to escort the foreigners to safely handover the foreigner to the Government officials of the Country of Origin.
12.08.2024	<p>The Hon'ble Supreme Court of India was pleased to issue notice in the case filed by the Petitioner in the case "Rita Manchanda v. Union of India & Ors." which is a petition against the indefinite</p>

5

	detention of Rohingya refugees across India and for their right to health in detention. The case is presently tagged with a batch of other matters regarding Rohingya refugees in the Supreme Court of India.
02.05.2025	<p>The 'Procedure for deportation of Illegal Bangladeshi nationals/Rohingyas - regarding' issued to:</p> <ol style="list-style-type: none"> 1. The Chief Secretaries of All States/UT Administrations 2. DGPs/IGPs of all States/UTs 3. DG, BSF 4. DG, Assam Rifles 5. DG, Coast Guards <p>by the Undersecretary to the Government on behalf of the Ministry of Home Affairs (Foreigners Division), Government of India wide letter No. 25022/28/2020-F.I (Part. III). The letter highlights actions to be undertaken by the State Government and Union Territory Administrations per the legal framework in force. It further lays down guidelines for the action of deportation/ sending back of illegal Bangladeshi nationals and Rohingyas to be ascertained into four sub categories: illegally entering Bangladeshis/ Rohingyas (Myanmar nationals) intercepted at the border (land or maritime), inadvertent border crossers, and illegally staying Bangladeshis/Rohingyas (Myanmar nationals) apprehended in the country.</p>
03.05.2025 - 04.05.2025	Officials, believed to be from Respondents No. 2 and 3, arrive at Kanchan Kunj, Madanpur Khadar. They go door-to-door, inspecting refugee cards and taking down family details which is a fortnightly

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	exercise ordinarily done by the Respondents for the purposes of identification and compliances.
06.05.2025 (Morning)	<i>Mohammad Sharif</i> proceeds to Safdarjung Hospital for his appointment concerning diabetes. <i>Laila Begam</i> is in Vikaspuri, attending to her newborn grandchildren. <i>Syedul Kareem</i> leaves for work. At home in Madanpur Khadar remains <i>Ms. S</i> and <i>Kairul Amin</i> .
06.05.2025	Mohammad Sharif, Syedul Kareem and Kairul Amin receive repeated calls from the Respondents stating that there is a "biometric error" requiring urgent rectification and therefore, they, along with their family members must immediately visit Badarpur police station. They are reassured that this is a minor issue and that once biometrics are redone, they shall return home the same day.
06.05.2025	<p>As <i>Mohammad Sharif</i> returns from Safdarjung Hospital after his medical examination, he is intercepted near his house and taken in custody by officials who call him by name, telling him there is a biometric problem. At the same time, <i>Syedul Kareem</i> is pressured by repeated calls to come to Shaheen Bagh "to meet an official". He is taken into custody from his place of work.</p> <p>Officials inquire after <i>Laila Begam</i>. Learning she is at Vikaspuri, they go there directly, separate her from her family including her sons, daughter in law and grandchildren, and state she must come "only for biometric correction." Distraught children ask where their mother is being taken but are told she will return "with her father</p>

2

	<p>after biometrics.”</p> <p><i>Kairul Amin</i> and <i>Ms.S</i> are also picked up from Madanpur Khadar refugee camp under the same pretext of biometric correction. All of them are taken in custody and detained.</p> <p>The detained persons, <i>Mohammad Sharif</i>, <i>Laila Begam</i>, <i>Syedul Kareem</i>, <i>Kairul Amin</i> and <i>Ms.S</i> are reportedly shifted to a detention facility in Inderlok. There, they are compelled to change out of their personal clothes, given identical uniforms, and deprived of phones and belongings. Family members waiting outside are misled that a medical examination is going on. All are assured to be released post the correct biometrics of the detainees. However, none of them were released and the detained persons never returned home.</p>
07.05.2025	<p>In the morning, <i>Mohammad Sharif</i>, <i>Laila Begam</i>, <i>Syedul Kareem</i>, <i>Kairul Amin</i> and <i>Ms S</i> are last known to be in the Inderlok detention centre from where a vehicle from the Respondents took them to an undisclosed location. There is no trace of these 5 Rohingyas ever since. Families of <i>Mohammad Sharif</i>, <i>Laila Begam</i>, <i>Syedul Kareem</i>, <i>Kairul Amin</i> and <i>Ms.S</i> attempt to contact their relatives by phone but receive no response. Some relatives hear second-hand accounts that detainees were transported in buses under escort, with no disclosure of destination. Since then, the family of 5 has remained missing, with no lawful explanation of their whereabouts provided. Secondary sources including media reports and oral testimonies confirm deportation of the five</p>

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	<p>detainees in the coming months though no official confirmation or documents are received.</p>
16.05.2025	<p>A petition titled Mohammad Ismail & Anr. v. Union of India (W.P.(Crl.) 204/2025) is filed before the Supreme Court of India with a longer list of Rohingyas who have been allegedly deported from India. The petition seeks compensation for the deportees and their repatriation back to India. However, even this petition does not reveal any official documents regarding the detention/deportation orders or the files of the refugees that are maintained by the Respondents. Yet, the list of deportees named in the Petition include the names of Mohammad Sharif, Laila Begam, Syedul Kareem, Kairul Amin and Ms.S. Secondary sources including media reports and even a statement from the Special Rapporteur of the United Nations Organisation confirm the deportation of the detainees in the coming months though no official confirmation or documents are received till date and the whereabouts of Mohammad Sharif, Laila Begam, Syedul Kareem, Kairul Amin and Ms.S remain unknown and unconfirmed although they were last known to be in custody of the Respondents.</p>
31.07.2025	<p>The Hon'ble Supreme Court of India was pleased to outline the broad issues in the batch petitions in the Rohingya refugee related cases which includes the case of "Rita Manchanda v. Union of India and Ors." and "Mohammad Ismail & Anr. v. Union of India". These issues were :</p> <p><i>(i) Whether the 'Rohingyas' are entitled to be declared as "refugees"? If so, what protection, privileges or rights are they entitled to?</i></p>

N

	<p><i>(ii) If the 'Rohingyas' are not "refugees" and are "illegal entrants", whether the action of the Union/States in deporting them is justified?</i></p> <p><i>(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?</i></p> <p><i>(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?</i></p> <p><i>(v) If the 'Rohingyas' are illegal entrants, whether the Government of India and the States are obligated to deport them in accordance with law?</i></p>
23.09.2025	<p>The Petitioner filed a Writ Petition (Criminal) under Article 226 of the Constitution of India read with section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 before the Hon'ble High Court of Delhi seeking the issuance of a writ of habeas corpus directing the Respondent Authority to produce and disclose the last known location and whereabouts of the five missing Rohingya refugees, namely Mohammad Sharif, Laila Begam, Kairul Amin, Syedul Kareem and Ms S, who were clandestinely taken into custody and have since remained missing.</p>
26.09.2025	<p>Initially, a single writ petition in the nature of habeas corpus was filed before the Hon'ble High Court of Delhi seeking information regarding the 5 missing Rohingyas; thereafter in accordance with and upon the instructions received from the Hon'ble Division Bench-1 of the Hon'ble Delhi High Court, the Petitioner filed five</p>

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	<p>separate habeas corpus petitions, which were tagged as connected matters, seeking the production and disclosure of the last known locations and whereabouts of Mohammad Sharif, Laila Begam, Kairul Amin and Syedul Kareem, and Ms. S.</p> <p>Thereby, The Hon'ble High Court directed the Respondents to obtain complete instructions from the concerned Police Station as well as from the Foreigners Regional Registration Office (FRRO) and to file a Status Report with respect to the missing five Rohingyas, before the next date of hearing.</p>
06.10.2025	<p>The Standing Counsel for the Respondents sought additional time to file the Status Report as directed in the previous hearing. The Hon'ble Court granted three days' further time to place the report on record.</p>
14.10.2025	<p>The Petitioner filed an application for interim relief under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking directions for immediate filing of the Status Report. The Standing Counsel submitted that the Status Report had already been submitted before the Registry. The same was placed on record, and time was granted to the Petitioner to file a reply before the next date of hearing.</p>
27.10.2025	<p>The Petitioner filed their reply to the Status Report mentioning that at the very outset, the said Status Report is not only evasive, incomplete and inconclusive, but also wholly misconceived and out of context. The Status Report fails to specifically address the case</p>

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	<p>of the five missing Rohingya persons forming the subject matter of the present petitions, and to acknowledge the sole and limited purpose of the present petitions seeking the production of documentary evidence establishing compliance with the procedure prescribed for detention and deportation of all detainees and deportees, in accordance with law and as enunciated in the interim order passed in Md. Salimullah & Anr. v. Union of India & Ors., W.P. (C) No. 793 of 2017. The status report does not take a single step forward from what the Petitioner already notes in her writ petitions. The Status report mentions that the 5 missing Rohingya persons were escorted by the officials of Delhi Police who from the Restriction Centre, Sewa Sadan, Shehzada Bagh, Sarai Rohilla, Delhi to the “designated destination for their repatriation as per procedure”, but stands far from explaining this procedure and substantiating it with official documentation as necessary in law, and does not even reveal which was this “designated destination” for their repatriation.</p>
30.10.2025	<p>The Respondents argued that the 40 “illegal immigrants” were produced by different districts of Delhi Police with request to repatriate them to their country of origin i.e. Myanmar and all such persons have already been deported back in accordance with law. It was also argued by the Respondents that a writ petition i.e. W.P. (Crl) 204 of 2025, titled as ‘Mohd. Ismail & Anr vs. Union of India & Others’ had been preferred before the Hon’ble Supreme Court regarding similar cause of action whereby the repatriation of 40 Rohingya, including the five persons in the present petitions, had been challenged and such petition has already been admitted by</p>

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	Hon'ble Supreme Court and is pending adjudication. In view thereof after some arguments, the petitioner withdrew the writ petitions with liberty to file appropriate petition or application before the Hon'ble Supreme Court for appropriate reliefs, and the same were accordingly dismissed as withdrawn.
27.11.2025	Hence, the present petition.

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION (CRIMINAL) NO. OF 2025

[UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA]

IN THE MATTER OF:

RITA MANCHANDA
DAUGHTER OF BRIJ MOHAN
PRIVATE OCCUPATION
RESIDENT OF H-31A GROUND FLOOR
JANGPURA EXTENSION, OPPOSITE AMARNATH
SEHGAL PRIVATE MUSEUM
NEW DELHI 110092
PETITIONER

VERSUS

1. THE UNION OF INDIA,
THROUGH THE SECRETARY,
MINISTRY OF HOME AFFAIRS,
ROOM NO.: 124, NORTH BLOCK,
NEW DELHI - 110001 RESPONDENT NO. 1
2. THE MINISTRY OF EXTERNAL AFFAIRS,
THROUGH THE SECRETARY,
OFFICE OF MINISTRY OF EXTERNAL AFFAIRS,
E BLOCK, CENTRAL SECRETARIAT,
NEW DELHI, 110001 RESPONDENT NO. 2
3. FOREIGN REGIONAL REGISTRATION OFFICE,
THROUGH COMMISSIONER,
BUREAU OF IMMIGRATION, 2, EAST BLOCK-VIII,
LEVEL-V,
SECTOR 1, RAMA KRISHNA PURAM,
NEW DELHI, DELHI 110066. RESPONDENT NO. 3
4. DELHI POLICE
THROUGH STATION HOUSE OFFICER (SHO)
BADARPUR POLICE STATION
MAIN MATHURA ROAD, BADARPUR,
(NEAR TOLL TAX,
OPPOSITE BADARPUR METRO STATION)
DELHI - 110044 RESPONDENT NO. 4

**WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA**

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA READ WITH 528 OF THE BHARATIYA NAGRIK SURAKSHA SANHITA SEEKING ISSUANCE OF A WRIT OF HABEAS CORPUS, OR ANY OTHER WRIT, ORDER OR DIRECTION OF LIKE NATURE, DIRECTING THE RESPONDENT AUTHORITY TO PRODUCE AND DISCLOSE THE LAST KNOWN LOCATION AND WHEREABOUTS OF THE FIVE MISSING ROHINGYA REFUGEES, NAMELY MOHAMMAD SHARIF, LAILA BEGAM, KAIRUL AMIN, SYEDUL KAREEM AND MS. S; AND FURTHER SEEKING ISSUANCE OF A WRIT OF MANDAMUS, OR ANY OTHER WRIT, ORDER OR DIRECTION OF LIKE NATURE, DIRECTING THE RESPONDENT AUTHORITY TO PLACE BEFORE THIS HON'BLE COURT THE COMPLETE FILES MAINTAINED BY THEM IN RESPECT OF THE SAID ROHINGYAS, INCLUDING ANY DETENTION/DEPORTATION ORDER, REPORT FROM BORDER GUARDING FORCES/ COAST GUARDS, OFFICIAL COMMUNICATIONS WITH THE RELEVANT EMBASSY AND OTHER OFFICIALS INCLUDING REPORTS FROM BORDER GUARDING FORCES OR COASTAL GUARDS REGARDING SUCH DEPORTATION AND RECEIPT IN THE COUNTRY OF ORIGIN, CRIMINAL RECORDS, MEDICAL RECORDS, RECORDS OF ENTRY AND EXIT TO INDIA, AS WELL AS ALL OTHER AVAILABLE EXECUTIVE AND JUDICIAL ORDERS AND INFORMATION OF LIKE NATURE.

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TO,
HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS LORDSHIP'S COMPANION JUDGES
OF THE SUPREME COURT OF INDIA

THE HUMBLE PETITION
OF PETITIONER
ABOVENAMED

MOST RESPECTFULLY SHOWETH:

1. That the present Writ Petition is being filed under Article 32 of the Constitution of India read with Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 pursuant to the liberty granted by the Hon'ble High Court of Delhi dated 30.10.2025 in batch matters of W.P. (Crl.) No. 3221 of 2025, 3222 of 2025, 3223 of 2025, 3224 of 2025, and 3225 of 2025 (Rita Manchanda v. Union of India & Ors.), to file appropriate petition or application before the Hon'ble Supreme Court.

2. BACKGROUND OF THE PARTIES

1. That the present Writ Petition is being filed pursuant to the liberty granted by the Hon'ble High Court of Delhi dated 30.10.2025 in batch matters of W.P. (Crl.) No. 3221 of 2025, 3222 of 2025, 3223 of 2025, 3224 of 2025, and 3225 of 2025 (Rita Manchanda v. Union of India & Ors.), to file appropriate petition or application before the Hon'ble Supreme Court. A true copy of the order dated 30.10.2025 Passed by the Hon'ble High Court of Delhi at New Delhi in W.P. (Crl.) No. 3221 of 2025, 3222 of 2025, 3223 of 2025, 3224 of 2025, and 3225 of 2025 is annexed herewith and marked as **ANNEXURE P-1**
Pgs.(49-53)

2. THAT the Petitioner is concerned with the clandestine and untransparent circumstances in which at least 5 Rohingya refugees were picked up from the respective refugee camps in Madanpur Khadar, New Delhi and were custodially disappeared without any prior communication with either the deportees or their family members or legal representatives and without any disclosure of official detention/deportation orders, reports from border guarding forces and/or coastal guards, embassy communications and other documentation in accordance with law. Therefore, the Petitioner has preferred to approach this Hon'ble Court under Article 32 of the Constitution of India of the issuance of a writ of habeas corpus directing the Respondents to provide the complete files maintained by them which include any deportation orders, reports from border guarding forces/ coast guards, official communications with the relevant Embassy and other officials regarding such deportation and receipt in the Country of origin, criminal records, medical records, records of entry and exit to India and all other available executive and judicial orders and information of like nature and the last known location of the 5 Rohingya refugees who were picked up from Delhi in May 2025. The Petitioner is a researcher and author who has been in continuous contact with the Rohingyas living in Delhi, and she has collected and compiled available information regarding the details of the Rohingyas who were picked up in May 2025. This information includes the names, residential addresses, UNHCR refugee identity card details, and some medical records. However, the Petitioner has not been able to collect or access any complete files maintained by the Respondents which include any deportation orders, reports from

5

border guarding forces/ coast guards, official communications with the relevant Embassy and other officials regarding such deportation and receipt in the Country of origin, criminal records, medical records, records of entry and exit to India and all other available executive and judicial orders and information of like nature and other official records maintained by the Respondents that reveal the whereabouts of the 5 detained Rohingyas since May 2025.

3. THAT the Petitioner is an established writer, scholar, researcher, and human rights activist specialising in conflicts and peace-building in South Asia with particular attention to vulnerable and marginalised groups, that is, women, minorities, indigenous peoples, and forcibly displaced persons. Professor Manchanda has over 15 years of experience as a Senior Executive and Research Director with the regional NGO "South Asia Forum for Human Rights" (SAFHR), directing and coordinating a diverse portfolio of programs, including "Human Rights Audits of Peace Processes", "Women, Conflict, and Peace", "Media In Conflict", and "Rights-based Approaches to Poverty Reduction". Also, during the last decade and a half, she had been the gender advisor, Commonwealth Technical Fund, (2004-05), and consultant in projects with UN Women (2010-11, 2012-13, 2014), United Nations Development Programme (UNDP 2014-15), Centre for Humanitarian Dialogues (2011, 2012), and SAFERWORLD (2015, 2016). She has lectured on conflict resolution at Rotary Centre for International Studies in Peace and Conflict Resolution, Chulalongkorn University (2014), Welthungerhilfe (WHH; 2014), Lady Shri Ram College (2008-16), and SAFHR: Human Rights and Peace Orientation Course

(2000-08). Her more recent publication SAGE Series in Human Rights Audits of Peace Processes undertaken by SAFHR and published by SAGE (2015), is a field-based audit study of peace-making in Northeast (India), Balochistan (Pakistan), Madhesh (Nepal), and Chittagong Hill Tracts (Bangladesh). Among her many books and articles are Women War and Peace in South Asia: Beyond Victimhood to Agency, a pioneering study on feminist theorising and praxis on conflict and peace-building (SAGE 2001), and Naga Women in the Peace Process (SAGE 2004), Women and the Politics of Peace (Sage 2017), and multiple writings on migration and refugees including "Gender Conflict and Forced Migration in India" (Elgar Publishing 2023) and in the media, articles such as "A humanitarian plea for empathy- to see refugees as humans 'like us' (Outlook July 2023). She teaches at the Jamia Millia Islamia University, Ambedkar University and NALSAR, Hyderabad. The Petitioner is also the Petitioner in a Supreme Court petition in public interest litigation at the Supreme Court of India that challenges the indefinite detention of Rohingya refugees across India and seeks accountability on the provision of their right to health and hygiene while being detained within the country. A true copy of the aadhaar card of the petitioner is annexed herewith and marked as **ANNEXURE P-2 Pgs.(54)**

- 4.
5. THAT the Respondent No. 1 is the Union of India who is the executive that looks into the entry and exit of persons within the territory of India, Respondent No. 2 is the Ministry of External Affairs that controls diplomatic engagements including deportation of individuals from the territory of India and

Respondent No. 3 is the Foreign Regional Registrations Officer, Delhi who are incharge of collection of biometrics, assessment and detention of foreigners including asylum seekers and refugees living in India. Respondent No. 4 is the Delhi Police through Badarpur police station House Officer, as the 5 missing Rohingya persons were detained in the Badarpur police station before being taken to the Inderlok detention centre from where the Rohingyas were custodially disappeared.

6. THAT the Petitioner has done extensive research and spoken to several stakeholders and collected oral testimony to compile information regarding the happenings in May 2025, when the 5 Rohingya refugees living in Delhi were taken in custody by the Respondents and their whereabouts ever since 7 May, 2025, remain unknown and unconfirmed. It is believed by the Rohingya people that they were allegedly custodially disappeared from India. There are several national and international reports that claim that the 5 Rohingyas were unlawfully trafficked out of India in an extrajudicial manner. Yet, none of these claims have been addressed by the Respondents and no statements were made even to the Rohingya people who are related to these missing persons and remain in New Delhi. The Petitioner has not been able to access any complete files maintained by them which include any deportation orders, reports from border guarding forces/ coast guards, official communications with the relevant Embassy and other officials regarding such deportation and receipt in the Country of origin, criminal records, medical records, records of entry and exit to India and all other available executive and judicial orders and information of like nature of the 5 missing Rohingya refugees. In her own fact finding and

research, the Petitioner has not found any official documentation from the Respondents regarding the clandestine treatment of the 5 missing Rohingyas that occurred in May 2025 and continue till date.

7. THAT the name, age, gender, identity details, relationship with each other have been collected by the Petitioner and they are represented in the following table. A true copy of the FRRO Form C of the 5 missing refugees who were living in New Delhi as per records.) is annexed herewith and marked as **ANNEXURE P-3 Pgs.(55-59)**
8. THAT on 3rd and 4th of May 2025, officials believed to be the Respondents reportedly visited refugee households in Kanchan Kunj, Madanpur Khadar, South-East Delhi. These visits were presented and perceived as routine inspections of identity documents. During these visits, the officials went door-to-door, examined refugee cards, retained copies, interrogated residents, conducted headcounts, and tallied family details already present in the records of the Respondents. It is noted that the Respondents routinely conduct fortnightly headcounts of the Rohingya community and reverify their UNHCR ID cards and other details. A true copy of the Standard Operating Procedure dated 19.03.2021 in bearing No.25022/34/2001-F.IV is annexed herewith and marked as **ANNEXURE P-4 Pgs.(60-63)**
9. That Are Copies Of The Unhcr Id Cards Of The 5 Missing Rohingyas From Delhi. A true copy of the Unhcr Id Cards Of

9

The 5 Missing Rohingyas From Delhi IV is annexed herewith and marked as **ANNEXURE P-5** Pgs. (44-48)

Name	Age	Gender	UNHCR Individual No.	Relation to other members of the Family	Date of Arrival in India (As per FRRO Form 'C')	Medical Condition
Mohammad Sh	50	M	305-00077665	Self	01.01.2008	Diabetes
Laila Begam	43	F	305-00077666	Wife	01.01.2008	Old age and infirmity
Kairul Amin	26	M	305-00077667	Son	01.01.2008	-
Sydul Kareem	22	M	305-00077669	Son	01.01.2008	-
Ms. S.	16	F	305-00086481	Daughter-in	01.09.2012	Fragile health conditions requiring continuous medical intervention

10. THAT as per the data collected by the Petitioner, Mohammad Sharif, aged about 50 years, holding UNHCR Card No. 30510C01321 has been living in New Delhi, India since 2008. He escaped the violent persecution against the Rohingya refugee community in Buthidaung, Myanmar, where several villages were burnt down in the ongoing political and civil unrest in Myanmar and many of his relatives and neighbours were murdered and tortured in cold blood. He reached India, helpless and displaced from his country of origin in which he was also denied any citizenship or even identity documents. Over the years, his health deteriorated and he was undergoing continuous medical treatment in New Delhi.

11. THAT on 06.05.2025, Mohammad Sharif was summoned by the Respondents over a phone call when he had stepped out after lunch for his regular medical consultation at Safdarjung hospital. Mohammad Sharif was informed that his biometric information that was collected earlier was not done accurately and therefore he, along with members of his family, were required to redo this process. He was then taken in custody by the Respondents on his way back from the hospital. He was assured that after the biometric collection was completed, he, along with his family members shall be allowed to go home. Though this was unusual and rather worrying, Mohammad Sharif trusted the Respondents and cooperated with them. Mohammad Sharif did not receive any formal notice or communication to present himself before any authority or show cause notice regarding any legal issues whatsoever. Yet, he did not return home after 06.05.2025. Until

the night of 06.05.2025, he was reportedly taken in custody and detained by the Respondents at Badarpur police station where his medical examination was done and later taken to a detention centre in Inderlok where he, along with his family members were made to change their clothes and get into uniforms. On 7 May, 2025 morning, Mohammad Sharif along with his family including Laila Begam, Kairul Amin, Ms.S and Syedul Kareem were transported from the detention centre to an undisclosed location in a car of the Respondents. All communication of Mohammad Sharif with the other Rohingyas living in New Delhi and also his legal representatives ceased after this point. His present whereabouts are unknown and he is believed to have been trafficked from India in an extraprocedural manner without any documentation whatsoever. A true copy of the last available photographs of Mohammad Sharif at the Inderlok detention centre on 7 May 2025. is annexed herewith and marked as **ANNEXURE P-6Pgs.** (67-74)

12. THAT Laila Begam, aged 43 years is the wife of Mohammad Sharif. On the day of her detention and custodial disappearance in context, i.e., on 06.05.2025, she was with her daughter in law who lives in Delhi and is mother to three babies and was going through certain gynaecological complications. Laila Begam was the main caregiver to both the babies and her daughter in law. On 06.05.2025, she was with her daughter in law in Vikaspuri and taking care of the babies. The Respondents also took her in custody on the same pretext of redoing her biometric information and with a promise that she shall be returned home after the process was completed. However, Laila Begam, on the night of 06.05.2025, was reportedly taken in custody and detained by the

12

Respondents at Badarpur police station where her medical check up was done and later taken to a detention centre in Inderlok where she, along with her family members were made to change their clothes and get into uniforms. On 7 May, 2025 morning, Laila Begam along with her family including Mohammad Sharif, Kairul Amin, Ms.S and Syedul Kareem were transported from the detention centre to an undisclosed location in a car of the Respondents. All communication of Laila Begam with the other Rohingyas living in New Delhi and also her legal representatives ceased after this point. She has not returned home since 06.05.2025 and it is believed that she has also been trafficked from India in an extraprocedural manner without any documentation whatsoever.

13. THAT Kairul Amin, aged about 26 years, son of Mohammad Sharif, though a young and able-bodied man, suffered from anxiety and other mental health difficulties. He was earlier taken in custody and detained by the Respondents and kept in the Shehzadabagh detention centre. However, he was later released from detention and allowed to live in Delhi subject to certain restrictions as per law. Being the eldest son, he bore responsibility for supporting his family and undertook numerous odd jobs in the unorganised daily wage sector in Delhi to sustain his elderly parents and ensure their survival. On 06.05.2025, he was also taken in custody along with his parents and younger brother by the Respondents. Until sometime into the evening, Kairul Amin was apparently sharing his last known locations through his phone, until, abruptly, all communication channels with his family members and even legal representatives were cut off. Kairul Amin was also reportedly taken in custody and

detained by the Respondents at Badarpur police station where his medical check up was done and later taken to a detention centre in Inderlok where he, along with his family members were made to change their clothes and get into uniforms. On 7 May, 2025 morning, Kairul Amin along with his family including Laila Begam, Mohammad Sharif, Ms.S and Syedul Kareem were transported from the detention centre to an undisclosed location in a car of the Respondents. All communication of Kairul Amin with the other Rohingyas living in New Delhi and also his legal representatives ceased after this point. It is believed that Kairul Amin was trafficked from India in an extraprocedural manner without any documentation whatsoever.

14. THAT Syedul Kareem, aged 22 years, and younger son of Mohammad Sharif, had been pursuing his education locally while also contributing to the family's upkeep by working as a daily wager in the unorganised sector of Delhi. He was well regarded in the community as a bright, responsible young man, known for his leadership qualities and warm nature. He was also taken in custody from his workplace under the pretext of biometric correction. Until the night of 06.05.2025, he was also reportedly taken in custody and detained by the Respondents at Badarpur police station for a medical check up and later taken to a detention centre in Inderlok where he, along with his family members were made to change their clothes and get into uniforms. On 7 May, 2025 morning, Syedul Kareem along with his family including Mohammad Sharif, Laila Begam, Kairul Amin and Ms.S were transported from the detention centre to an undisclosed location in a car of the Respondents. All communication of Syedul Kareem with the other Rohingyas

living in New Delhi and also his legal representatives ceased after this point and is thereafter believed to have been trafficked from India in an extrajudicial manner without any documentation whatsoever.

15. THAT Ms S, a minor aged about 16 years, was also undergoing medical treatment and growing up amidst various sexual and gender based struggles in her refugee camp in Madanpur Khadar. She is the Partner of Syedul Kareem. She was also picked up by the Respondents in order to redo her biometric collection and was subsequently taken in custody and detained. Until the night of 06.05.2025, she was also reportedly detained by the Respondents at Badarpur police station for her medical check up and later taken to a detention centre in Inderlok where she, along with her family members were made to change their clothes and get into uniforms. On 7 May, 2025 morning, Ms S, along with her family including Mohammad Sharif, Laila Begam, Kairul Amin, and Syedul Kareem were transported from the detention centre to an undisclosed location in a car of the Respondents. All communication of Shahida with the other Rohingyas living in New Delhi and also his legal representatives ceased after this point. Her whereabouts after the fateful night of 06.05.2025 is not known and it is believed that she was also trafficked from India in an extraprocedural manner without any documentation whatsoever.

16. THAT by the night of 06.05.2025, the situation escalated as there was no available information regarding the location of the 5 Rohingya persons which caused tremendous panic and fear amongst the Rohingya community. That next morning, Mohammad Sharif was due for a follow-up consultation at

Safdarjung Hospital for his longstanding ailment of diabetes. He was carrying his medical papers, expecting to return after completing his biometric verifications as he had on various previous occasions. Yet, Mohammad Sharif, Laila Begam, Kairul Amin, Syedul Kareem and Ms S did not return home that night and no information regarding their whereabouts are available ever since.

17. THAT on 16.05.2025, a petition titled - Mohammad Ismail & Anr. v. Union of India (W.P.(Crl.) 204/2025) was filed before the Supreme Court of India with a longer list of Rohingyas who have been allegedly trafficked from India. The petition prays for compensation for the deportees and their repatriation back to India. However, even this petition does not reveal any official documents regarding the detention/deportation orders or the files of the refugees that are maintained by the Respondents and neither does the petition pray for these documents. The Petition does not raise any alarm regarding the possible trafficking and extra procedural custodial disappearance without any adherence to the process of law. Yet, the list of deportees named in the Petition include the names of Mohammad Sharif, Laila Begam, Syedul Kareem, Kairul Amin and Ms.S. The petition has been tagged with the batch of various other Rohingya matters that are being heard in the Supreme Court of India.

18. THAT Secondary sources including media reports and even a statement from the Special Rapporteur of the United Nations Organisation confirm the deportation of the detainees in the coming months though no official confirmation or documents are received till date and the whereabouts of Mohammad Sharif, Laila Begam, Syedul Kareem, Kairul Amin and Ms S remain

unknown and unconfirmed although they were last known to be in custody of the Respondents. Most of these national and international reports and also the petition filed in the Supreme Court of India claim that the Respondents picked up the missing Rohingyas, flew them to the Andaman islands and threw them with life jackets in the international borders. However, there is absolutely no existence of any official documents to verify these ominous allegations and yet the silence of the Respondents and non disclosure of detention and deportation orders create enormous fears in the minds of the Rohingya community and migrants in general. A true copy of the statement of the Special Rapporteur of the United Nations dated 15.05.2025 is annexed herewith and marked as **ANNEXURE P-7 Pgs. (75-78)**

19. That the Hon'ble Supreme Court of India has framed the issues for determination in the batch of all the tagged Rohingya matters which also includes the case filed by the Petitioner challenging indefinite detention and the provision of the right to health and dignity in detention centres. Yet, none of the issues pertain to the question of disclosure of whereabouts and official deportation orders from the Respondents. The broad issues as outlined are as following :

(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?

20. That the Hon'ble Supreme Court of India, in an interim order in Mohammad Salimullah & Anr. v. Union of India & Ors., 2021 SCC OnLine SC 296, held that the Rohingyas shall not be deported unless the procedure prescribed for such deportation is duly followed. The Hon'ble Court reiterated that although non-citizens do not possess a right against deportation per se, the rights guaranteed under Articles 14 and 21 of the Constitution of India extend to all persons, irrespective of their citizenship. Therefore, to summarise, in accordance with the Orders and observations of the Hon'ble Supreme Court of India, the lawful process of any deportation are the following steps

- a. The Union of India Notifies the Government of the country of origin of the foreigners through their Embassies and other diplomatic channels.
- b. Confirmation of nationality/citizenship by the Government of the Country of Origin through diplomatic channels.
- c. Confirmation and arrangement of travel documents, tickets and other necessary arrangements by the government of the Country of Origin and their confirmation that the foreigner is entitled to come back and that the government of the country of origin shall receive them in the country of origin.

d. Arrangement of deportation by the Union of India by confirming their documents and fulfilling the paperwork regarding their country of nationality as provided by the Country of origin and to escort the foreigners to safely handover the foreigner to the Government officials of the Country of Origin. A true copy of the interim Order passed by this Hon'ble Court in W.P.(C) 793 of 2017 dated 08.04.2021 case of Md. Salimullah v. Union of India and Ors. is annexed herewith and marked as **ANNEXURE P-8Pgs. (79-84)**

21. THAT on 26.09.2025 the Petitioner filed a Writ Petition (Criminal) under Article 226 of the Constitution of India read with section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 before the Hon'ble High Court of Delhi seeking the issuance of a writ of habeas corpus directing the Respondent Authority to produce and disclose the last known location and whereabouts of the five missing Rohingya refugees, namely Mohammad Sharif, Laila Begam, Kairul Amin, Syedul Kareem and Ms.S, who were clandestinely taken into custody and have since remained missing. Additionally also seeking issuance of direction through a writ of mandamus or any other writ, direction, or order, to the respondents, directing them to disclose the complete files maintained by them which include any deportation orders, official communications with the relevant Embassy and other officials regarding such deportation and receipt in the Country of origin, criminal records, medical records, records of entry and exit to India and all other available executive and judicial orders and information of like nature of the five missing Rohingya refugees.

22. THAT on 26.09.2025 initially, a single writ petition in the nature of habeas corpus was filed before the Hon'ble High Court of Delhi seeking information regarding the 5 missing Rohingyas; thereafter in accordance with and upon the instructions received from the Hon'ble Division Bench-1 of the Hon'ble Delhi High Court, the Petitioner filed five separate habeas corpus petitions, which were tagged as connected matters, seeking the production and disclosure of the last known locations and whereabouts of Mohammad Sharif, Laila Begam, Kairul Amin and Syedul Kareem, and Ms. S.

Thereby, The Hon'ble High Court directed the Respondents to obtain complete instructions from the concerned Police Station as well as from the Foreigners Regional Registration Office (FRRO) and to file a Status Report with respect to the missing five Rohingyas, before the next date of hearing. The matter was accordingly adjourned and listed for 06.10.2025.

23. THAT the Status Report placed on record by Respondent No. 3 mentions that on the intervening night of 06.05.2025 - 07.05.2025, 40 illegal migrants of Myanmar (Rohingya Community) which included the five persons missing persons forming the subject matter of the present petitions, were produced by the different districts of Delhi Police with the request to repatriate them to their origin country Myanmar as they were illegal migrants in India. Accordingly, their movements were restricted at Sewa Sadan, Shahzada Bagh, Sarai Rohilla, Delhi for repatriation/deportation purposes until travel arrangements for their repatriation/deportation were made. All these illegal migrants were provided with a copy of the restriction order under

due acknowledgement. Further, in compliance with the **Office Memorandum bearing No. 25022/28/2025-F.I (Part. III) dated 02.05.2025**, issued by Ministry of Home Affairs and enquiry report of the concerned District DCP of Delhi Police, on 07.05.2025, Leave India Notices were issued for their repatriation, the content of the same was informed to them under proper acknowledgement. And on 07.05.2025, all 40 illegal migrants alongwith Leave India Notice were handed over to the officials of Delhi Police who escorted them from Restriction Centre, Sewa Sadan, Shahzada Bagh, Sarai Rohilla, Delhi to the designated destination for their repatriation as per procedure. A true copy of the Office Memorandum bearing No. 25022/28/2025-F.I (Part. III) dated 02.05.2025 is annexed herewith and marked as **ANNEXURE P-9Pgs.**(85-98)

24. THAT on 06.10.2025 the learned Standing Counsel for the Respondents sought additional time to file the Status Report as directed in the previous hearing. The Hon'ble Court granted three days' further time to place the report on record. The matter was then listed for 30.10.2025.

25. THAT on 14.10.2025 the Petitioner herein filed an application for interim relief under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking directions for immediate filing of the Status Report. The Respondent No.3 submitted that the Status Report had already been submitted before the Registry. The same was placed on record, and time was granted to the Petitioner to file a reply before the next date of hearing. The matter was directed to be listed for 30.10.2025. A true copy of the Status Report filed by Respondent No. 3 dated

14.10.2025 in W.P.(Crl) No.3221to3225 of 2025 filed before Hon'ble High court of Delhi at New Delhi. is annexed herewith and marked as **ANNEXURE P-10 Pgs. 99-109**

26. THAT the Petitioner in their reply to the Status Report filed on 27.10.2025 mentioned that at the very outset, the said Status Report is not only evasive, incomplete and inconclusive, but also wholly misconceived and out of context. It gives the impression that it has been filed in response to an entirely different petition bearing no relation to the subject matter or prayers of the present habeas corpus petition. The Status Report failed to specifically address the case of the five missing Rohingya persons forming the subject matter of the present petitions, and to acknowledge the sole and limited purpose of the present petitions seeking the production of documentary evidence establishing compliance with the procedure prescribed for detention and deportation of all detainees and deportees, in accordance with law and as enunciated in the interim order passed in Md. Salimullah & Anr. v. Union of India & Ors., W.P. (C) No. 793 of 2017. The status report does not take a single step forward from what the Petitioner already stated in her petition, which also remains unsubstantiated without any official documentation being provided in the status report. The Status report abruptly stops the narration of facts after what was already stated in the habeas corpus petition filed by the Petitioner. It mentions that the 5 missing Rohingya persons were escorted by the officials of Delhi Police who from the Restriction Centre, Sewa Sadan, Shehzada Bagh, Sarai Rohilla, Delhi to the designated destination for their repatriation as per procedure, but stands far from explaining this procedure and substantiating it with official documentation, and

does not even reveal which was this "designated destination" for their repatriation. A true copy of the Reply to the Status Report on behalf of the petitioner dated 27.10.2025 in W.P.(Crl) No.3221 of 2025 filed before Hon'ble High court of Delhi at New Delhi, is annexed herewith and marked as **ANNEXURE P-11 Pgs.(110-137)**

27. THAT on 30.10.2025 the Respondents submitted before the Delhi High Court that the 40 "illegal immigrants" were produced by different districts of Delhi Police with request to repatriate them to their original country i.e. Myanmar and all such persons have already been deported back in accordance with law. It was also argued that a writ petition i.e. W.P. (Crl) 204 of 2025, titled as 'Mohd. Ismail & Anr vs. Union of India & Others' had been preferred before the Hon'ble Supreme Court regarding similar cause of action whereby the repatriation of 40 Rohingya, including the five persons in the present petitions, had been challenged and such petition has already been admitted by Hon'ble Supreme Court and is pending adjudication. In view thereof after some arguments, the petitioner withdrew the writ petitions with liberty to file appropriate petition or application before the Hon'ble Supreme Court for appropriate reliefs, and the same were accordingly dismissed as withdrawn vide Order dated 30.10.2025.

28. THAT even though the Hon'ble Supreme Court has framed the issues for determination in the Rohingya batch matters, none of the issues or indeed prayers in any of the tagged petitions in the batch matters in Hon'ble Supreme Court of India have any issues or prayers that seek to address the necessary

documentations and case files of the abovementioned 5 Rohingyas. It is therefore not a case of the Petitioner to challenge any deportation or any established law or procedure in the country. The sole intention of this petition is to seek the following documents from the Respondents:

- a. Communication with the relevant Embassy notifying their Government of the country of origin of the foreigners
- b. Confirmation by the Government of the country of origin that Mohammad Sharif, Laila Begum, Syedul Kareem, Kairul Amin, and Ms. S. are citizens/nationals of that country and that they are entitled to come back in case they have been successfully deported already.
- c. Nationality documents of Mohammad Sharif, Laila Begum, Syedul Kareem, Kairul Amin, and Ms. S along with their travel documents such as passports, travel tickets arranged by the country of origin for the purpose of deportation/repatriation as per procedure.
- d. Detention and deportation orders of Mohammad Sharif, Laila Begum, Syedul Kareem, Kairul Amin, and Ms. S with a record of acceptance of these people through diplomatic channels by the country of their origin.
- e. Last known locations and whereabouts of Mohammad Sharif, Laila Begum, Syedul Kareem, Kairul Amin, and Ms. S.
- f. Monthly reports that pertain to the 5 missing Rohingyas furnished by the Border guarding Forces/Coast Guards to

the Ministry of Home Affairs through FROs/FRROs as per procedure laid down in the Office Memorandum.

GROUND

- I. The non-compliance of the elaborate procedural outline highlighting the necessary actions to be undertaken by the State Governments/UT Administration, Civil Authorities (FROs/FRROs), and Border Guarding Forces/ Coast Guards referred to in the Office Memorandum bearing No. 25022/28/2025-F.I (Part. III) dated 02.05.2025 for the deportation/repatriation of "illegal Rohingya migrants" annexed with the Status Report of the Respondents submitted before the Hon'ble High Court of Delhi

A. BECAUSE the Office Memorandum referred to in the Status Report titled 'Procedure for deportation of Illegal Bangladeshi nationals/Rohingyas - regarding' issued to:

1. The Chief Secretaries of All States/UT Administrations
2. DGPs/IGPs of all States/UTs
3. DG, BSF
4. DG, Assam Rifles
5. DG, Coast Guards

by the Undersecretary to the Government on behalf of the Ministry of Home Affairs (Foreigners Division), Government of India vide letter No. 25022/28/2020-F.I (Part. III) highlights the guidelines that have been carefully charted out for due compliance regarding actions undertaken by the State Government/ UT Administration/FROs/FRROs/Border Guarding

Forces/Coast Guards per the legal framework in force:

"3. The expression 'illegal migrant' has been defined in clause (b) of sub-section (1) of section 2 of the Citizenship Act, 1955 to mean a foreigner who has entered into India—

(i) without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or

(ii) with a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time.

4. The Central Government has laid down the aforementioned legal framework wherein all State Governments, and Union Territory Administrations are fully empowered to take action regarding detection, imposing restrictions on the movement of illegally staying foreign nationals and their deportation/ removal/ expulsion as per the provisions in the Passport (Entry into India) Act, 1920, the Foreigners Act, 1946 and the Foreigners Order, 1948. Since the Central Government does not maintain a separate federal police force exclusively dedicated to the

task of detection, imposing restrictions on movement and deportation of illegally staying foreigners, action in this regard has been entrusted to the State/ UT police. Therefore, State Governments/ UT Administrations are primarily responsible for identifying the illegally and overstaying foreign nationals, their restriction in identified places and their deportation.

5. Functions of the Central Government in making orders of the nature specified in sections 3(2) (e) and 3(2)(c) of the Foreigners Act, 1946 for detention and deportation of foreign nationals, section 5 of the Passport (Entry into India) Act, 1920 and under the Foreigners Order, 1948 have been entrusted under article 258(1) of the Constitution of India to the State Governments vide Notification S.O. No.590 [F.No.4/3/56-(I)F.I] dated 19 April, 1958. Further, UT Administrations have been directed under article 239 of the Constitution of India to execute these powers of the Central Government vide Notification S.O.no. 591[F.No.4/3/56-(I)F.I] dated 19th April, 1958. Similarly, the Joint Director, Bureau of Immigration has also been authorized to exercise these powers and functions vide Notification G.S.R. 605(E) [F. No. 25022/96/99-F.I] dated 13th July, 2000.

6. The Foreigners Regional Registration Officers

(FRROs) and Foreigners Registration Officers (FROs) [who are generally the District SPs or DCPs] are the Civil Authorities under the Foreigners Order, 1948 and they also are Registering Authorities under the Registration of Foreigners Rules, 1992. As a Civil Authority District SPs or DCPs who are designated as FROs are responsible for implementing various provisions of the Foreigners Act, 1946 and the Foreigners Order, 1948. Where an FRO is not available, the FRRO concerned may undertake these functions. Thus, adequate powers are vested with the State Governments/UT Administrations/FRROs/District SPs or DCPs who are designated as FROs for taking appropriate action against foreign nationals who are found violating the visa conditions.” (emphasis supplied)

- B. BECAUSE it further lays down guidelines for the deportation/ sending back of illegal Bangladeshi nationals and Rohingyas to be ascertained into four sub categories: illegally entering Bangladeshis/ Rohingyas (Myanmar nationals) intercepted at the border (land or maritime), inadvertent border crossers, and illegally staying Bangladeshis/ Rohingyas (Myanmar nationals) apprehended in the country. The memorandum lays out an elaborate procedure for the record of biometrics (fingerprints and facial photographs) and demographic details on the Foreigners Identification Portal (FIP) of all persons who have been either intercepted on the Indian

border (land or maritime), or apprehended in the country, or have been identified to be illegally staying in the country.

- C. BECAUSE the guidelines require mandatory maintenance of biometric records of all persons who are either intercepted, or apprehended for illegally entering, inadvertently crossing the Indian (land or maritime) border, or for illegally staying, when such persons detained in holding centres, being deported, or being handed over to the concerned Border Management Division of Bangladesh or Myanmar by the Border Guarding Forces/ Coast Guards either on the direction of the State Government/UT Administration or on their own accord; blacklisting of such persons whose details have been recorded; and preparation of a monthly report in this regard to be furnished by the 15th of every month through the FRO/FRRO to the Ministry of Home Affairs.
- D. BECAUSE the Memorandum mandatorily duty binds the State Governments/UT Authorities, Civil Authorities (FROs/FRROs), and Border Guarding Forces/ Coast Guards to comply with the procedure laid down. It highlights that such actions cannot be arbitrarily carried out.
- E. BECAUSE per Para 9, sub para (ix) to (xiii) of the Memorandum mandates official and advance communication between the Border Guarding Forces/ Coast Guards and the State Government/UT Administration regarding the movement, detention in holding centres, and/or deportation of the illegal

Bangladeshi or Rohingya refugees. Per procedure there exists a record of such official communication and monthly reports furnished by the nodal person in the designated Border Guarding Forces/ Coast Guards. Yet, no such information or report ascertaining compliance of due procedure has been placed on record.

F. BECAUSE sub para (xiii) of Para 9 of the Memorandum binds the Bureau of Immigration to publish the list of all such Bangladeshi nationals/Rohingyas who have been deported/ sent back on a public portal for the purpose of verification. However, the said guideline has been breached as no public record has been furnished, except for the record supplemented with the Status Report.

G. BECAUSE the Petitioner seeks this very detailed record of actions and advanced communications about the movement of the five missing Rohingya persons, being maintained by the concerned authorities and officers as per procedure.

II. The suspicious nature of verification carried out overnight which ordinarily and as per procedure laid down in the the 'Standard Operating Procedure dated 19 March, 2019, to be followed to deal with Foreign Nationals who claim to be refugees' read with the Office Memorandum requires a window of minimum 30 days from the date of claim by the foreigner for ascertaining the status.

A. BECAUSE as per Standard Operating Procedure (SOP), upon prima facie verification of claim on the grounds of a well-founded fear of persecution on account of race,

religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion, the matter will be recommended by the FRRO concerned to the Ministry of Home Affairs for grant of Long Term Visa (LTV) to the foreigner within 30 days from the date of claim by the foreigner.

- B. BECAUSE as per Office Memorandum, the State Government/UT/Collector/District Magistrate of the State/UT, where such residence on account of refuge is claimed by the foreigners, within a period of 30 days, shall verify the details including the name, parentage, residential address, details of near relatives, etc. and furnish a report for the same.
- C. BECAUSE the details to be verified of the foreigners, claiming refugee status, as per the Personal Data Form shall mandatorily include: name, gender, parentage, date and place of birth, Nationality, Religion, National ID Card or any other identity card, address in country of origin, current address in India, ordinary passport no./issue date, etc. and the same shall reflect in the report furnished within 30 days by the State Government/UT Administration.
- D. BECAUSE the verification as per the Office Memorandum and the SOP has a verification window of 30 days allowing screening of all available information to build a prima facie case. And until such duration of time lapses, or such report is furnished, whichever may be earlier, the foreigners shall be kept in detention/Holding centres before deportation/repatriation order or leave India

notice is handed over and due process for such deportation is carried out.

- E. BECAUSE in the case of the 5 missing Rohingya persons in the context of this petition, such verification process was carried out overnight in less than half a day between 06.05.2025 and 07.05.2025 which raises suspicion on the nature and manner of the verification process carried out, especially in the absence of any official documentation whatsoever.

III. The clandestine detention and custodial disappearance of five Rohingyas in the absence of any notice and documentation disclosure in accordance with law and due procedures amounts to human trafficking and extrajudicial disappearance which is a clear violation of Article 21 of the Constitution of India.

- A. BECAUSE the five missing Rohingyas were picked up from various locations in Delhi without any formal notice or intimation regarding their detention or probable deportation. Even upon being detained no official documents have either been shared with the abovementioned five Rohingyas or their community leaders or relatives who remain in New Delhi. The entire process was conducted in a clandestine manner without any semblance or procedure whatsoever. Despite the passage of over six months, no official documents have been disclosed by the Respondents regarding the detention orders, reports from Border Guarding Forces/ Coast

Guards, last known locations, deportation orders and other official communications.

B. BECAUSE, by definition, human trafficking is an act of transporting or transferring human beings without following procedure established by law, through means of fraud, force or coercion which exposes them to the risk of exploitation of various kinds including sexual exploitation, forced labour or slavery. Therefore, such custodial disappearances to unknown locations which can particularly endanger the safety, integrity and dignity of the disappeared persons, clearly amount to human trafficking that is a punishable offence as per the section 143 of the Bharatiya Nyaya Sanhita which is equally applicable to the Respondents.

C. BECAUSE the interim order dated in **Mohammad Salimullah & Anr. v. Union of India & Ors., 2021 SCC OnLine SC 296** clearly states the obvious facts that Rohingyas cannot be deported from India without the due process of law being followed. The order further elaborates that in such cases of deportations, the Union of India generally follows the procedure of notifying the Government of the country of origin of the foreigners and order their deportation only when confirmed by the Government of the country of origin that the persons concerned are citizens/nationals of that country and that they are entitled to come back. Therefore, if indeed the 5 missing Rohingya persons have been deported, detention orders, communication trails with the foreign country of origin of the deportees and a deportation order must be in

the records of the Respondents, failing which they have acted out of procedure in violation of the procedure established by law.

- D. BECAUSE The sovereign power of the Indian government to ban, refuse or obstruct a foreigner from entering India in the interest of national security, peace and harmony is not just a right of the Respondents but also an obligation entrusted upon them by the Constitution of India, which is neither being questioned nor challenged by the Petitioner in her petition. However, the premise of this petition is the very question of procedural compliance and documentation with clear adherence to procedures established by law, in the activities undertaken by the Respondents which is absolutely imperative and non negotiable for the safety and security of India and also for accountability and transparency in executive functions which are the pillars of constitutionalism in India.
- E. BECAUSE the continuous reportage of such grave violations and allegations of transporting Rohingyas out of the territory of India in the absence of legitimate deportation orders, documentation and transparency raises serious skepticism and speculations regarding the bonafide of the Respondents which can only be laid to rest upon the disclosure of the official documentation pertaining to the entry of the 5 missing Rohingya persons from New Delhi, their orders of detention and deportation along with any other necessary documentation that is being maintained by the Respondents.

F. BECAUSE the Rohingya community has been found to be one of the most persecuted communities in the entire world and given the tumultuous political situation, it is a matter of international record that the Rohingyas have not been provided with any recognition whatsoever and they have been denied citizenship and identity documents. Under such circumstances and given their vulnerabilities, Rohingyas are far more susceptible to being sexually brutalised, enslaved, traded and even killed. Therefore, given their particular protection needs, it is of paramount importance that the directions regarding due process of law as prescribed by the Hon'ble Supreme Court of India in the interim order of *Salimullah v. Union of India and Ors.* is followed and adhered to while deporting Rohingyas from India. Such custodial disappearance is a clear violation of the right to life and personal liberty which includes human dignity and wellbeing as guaranteed to even non citizens under Article 21 of the Constitution of India as also outlined in the interim order of *Salimullah v Union of India and Ors.*

IV. There is a complete absence of official information regarding the five missing persons, which aggravates the apprehension of danger.

A. BECAUSE, though the Petitioner has heard consistent accounts from family members, neighbours, and others in the refugee community, there has been no official intimation of the 5 missing Rohingya persons' whereabouts. This, per se, has created a panic and anxiety

amongst people of India, particularly those who are and belong to a migrant community.

B. BECAUSE this vacuum of information raises the risk of further unlawful detention, custodial disappearances, human trafficking, or other dangers, and risks the very reputation of the democratic and constitutional morality of India.

C. BECAUSE the families, community members, relatives, friends, and even the legal representatives of the five missing Rohingya refugees remain entirely in the dark as to whether these individuals are lodged in official detention centres, held in police custody, or have already been deported and if deported, to which country? The truth of their present condition cannot be ascertained. In the absence of official disclosure, it is impossible to verify or rely upon the various secondary reports circulating about their disappearance. Such opacity not only strikes at the very core of Article 21 of the Constitution of India, which guarantees the right to life and personal liberty through fair and transparent procedure, but also creates a grave doubt about the legality of the actions by the Respondents taken against the five missing Rohingya persons.

V. Article 21 of the Constitution of India guarantees that no person within India may be deprived of liberty save by procedure established by law, and disappearance without record is in contravention of this right to life and personal liberty which includes the right to have transparency and accountability of procedure

- A. BECAUSE Article 21 of the Constitution of India guarantees that no person within the territory of India shall be deprived of life or personal liberty except according to procedure established by law. A disappearance from custody without any record or disclosure is in direct contravention of this fundamental right. The right to life and personal liberty under Article 21 has been expansively interpreted by the Hon'ble Supreme Court to encompass not only freedom from arbitrary detention but also the right to transparency, fairness, and accountability in the procedure by which liberty is curtailed.
- B. BECAUSE the disappearance of the detainees without any arrest memos, detention records, medical reports, or production before a Magistrate amounts to a gross violation of the safeguards laid down in *DK Basu v. State of West Bengal (1997) 1 SCC 416*. The mandatory requirements of recording arrest and detention, informing relatives, maintaining movement and case diaries, ensuring periodic medical examination, and producing the detainees before a Magistrate within 24 hours have not been complied with. Such non-compliance not only erodes accountability of the custodial authorities but also renders the detention unlawful and in direct contravention of Article 21 of the Constitution of India, which guarantees liberty only through fair, transparent and lawful procedure.
- C. BECAUSE the Petitioner seeks information of the whereabouts of the five missing persons only to ensure that due process is being followed, and that the fundamental rights guaranteed under Articles 14 and 21 of

the Constitution of India are not rendered illusory. The untransparent and clandestine detention and custodial disappearance of the 5 missing Rohingya persons sets a horrible precedent and leaves every person within the territory of India to be vulnerable to such extra procedural actions in the absence of transparency and accountability.

- D. BECAUSE while deportation may and should be a matter of sovereign prerogative, *custodial disappearance is not*. No person can be picked up and rendered incommunicado without orders, paperwork, or official and judicial oversight. To vanish persons without disclosure and in contravention of procedure established by law strikes at the heart of Article 21 of the Constitution of India.

VI. The outlined facts and circumstances make a clear and classic case of habeas corpus which requires urgent attention and remedy in the interest of justice and equity

- A. BECAUSE the Hon'ble Supreme Court of India has consistently held that where the person whose liberty is at stake is unable to approach the Court, any other person having knowledge of the facts may do so. Therefore, as in these grave circumstances, since the whereabouts of the 5 Rohingya persons is not known and they cannot at this stage reach this Hon'ble Court, the Petitioner has approached this Hon'ble Court by way of this petition.
- B. The jurisdiction of this Hon'ble Court in habeas corpus is invoked not merely to secure release, but more fundamentally to ensure that no person is held incommunicado or without lawful authority. The Hon'ble Supreme Court of India has adopted a liberal and

purposive approach to locus standi in habeas corpus and public interest petitions. The landmark judgment in *Sheela Barse v. State of Maharashtra, 1983 (2) SCC 96*, stands as a precedent where the Supreme Court relaxed the traditional doctrine of locus standi in the interest of justice and protection of fundamental rights, by allowing a journalist to file a writ petition under Article 32 on behalf of prisoners who were unable to approach the Court themselves.

- C. In the case of *Parmanand Katara v. Union of India, 1989 (4) SCC 286*, the Hon'ble Supreme Court recognized the relaxation of locus standi by entertaining a writ petition filed by a public-spirited individual on behalf of victims who were unable to seek judicial redress themselves. The Court emphasized the paramount importance of safeguarding the right to life under Article 21 of the Constitution, holding that procedural technicalities must yield to substantive justice. This principle squarely supports the maintainability of the present petition filed for Rohingya detainees, who are unable to approach the Hon'ble Supreme Court by themselves, thereby justifying the petitioner's locus standi and the invocation of this writ in the interest of justice and protection of fundamental rights.
- D. BECAUSE the constitutional scheme recognises that where personal liberty is in jeopardy, courts must ensure production or at least disclosure. In the present case, the Petitioner has obtained credible secondary information from family, witnesses and community sources, whereas

the missing persons are evidently unable to approach this Court; hence the Petitioner has acquired the locus standi and good faith to act in the interest of justice in the given circumstances.

- E. BECAUSE in the present case, the missing persons, being in undisclosed custody or custodial disappearance, are unable to move this Hon'ble Court. The Petitioner, therefore, has the locus to move this Hon'ble Court in the interest of justice, having received credible accounts and documentary material relating to their disappearance.

VII. The Petitioner does not oppose deportation or even detention of the 5 missing Rohingya persons but only seeks that it be carried out in accordance with the law.

- A. BECAUSE the Petitioner expressly submits that deportation is a matter of sovereign policy and executive prerogative and does not challenge it per se. The Petitioner fully recognises that India's borders must be protected and safeguarded against anti-social elements, particularly to prevent human trafficking. However, it is precisely for this reason that the present petition is moved: an opaque process leading to custodial disappearance poses not only a grave violation of Article 21 of the Constitution but also a serious threat to the national security of India. The absence of transparency raises the alarming possibility that the five missing Rohingyas may have been removed from the country extra-procedurally, amounting in effect to trafficking rather than lawful deportation.
- B. BECAUSE However, lawful deportation requires due process: issuance of formal deportation orders,

communication with the relevant embassy, and provision of humane treatment pending removal. There is no executive or judicial order or legislation in India that allows a custodial disappearance of any person in circumvention of these processes. Therefore, until such procedures are disclosed, the process remains opaque and arbitrary, warranting the intervention of this Hon'ble Court.

- C. BECAUSE till date, every report, testimony, and statement has proceeded with the caveat 'if it has happened' while speaking of the trafficking of the missing Rohingyas. This Petition, however, rests on the prior question of whether it has happened at all, and if not, the simple disclosure of deportation documents and case files would suffice to lay every speculation to rest
- D. BECAUSE The Petitioner does not seek to challenge any law or executive order that has been lawfully enacted or issued, whether relating to the detention or deportation of foreigners. It is in this respect that the present Petition is clearly distinguishable from the proceedings pending before the Hon'ble Supreme Court of India, wherein compensation and repatriation of certain allegedly deported Rohingyas including the five missing Rohingya refugees from Delhi has been sought. That petition is founded primarily upon secondary reportage and unofficial documents suggesting that deportations to Myanmar have taken place. Crucially, however, it does not contain any prayer for disclosure of official files or for a direction to the Respondents to provide a basic status

report regarding the whereabouts of the missing individuals. The present Petition, by contrast, is limited to seeking transparency and accountability through disclosure of records and confirmation of the present status of the five missing Rohingyas, and is therefore entirely distinct in scope and relief from any other petitions filed before the Hon'ble Supreme Court of India.

VIII. Custodial disappearance of such nature is not only a violation of the Constitution of India but also the international law commitments of India

- A. BECAUSE Article 51(c) of the Constitution of India, it is a Directive Principle of State Policy that India must endeavor to foster respect for international law and treaty obligations in the dealings of organized peoples with one another. Thus, India must also secure and protect the interest of all refugees present within the Indian territory.
- B. BECAUSE such arbitrary custodial disappearance of the 5 Rohingya persons runs contrary to various international human rights and humanitarian law instruments that India is obligated to follow. These instruments and their relevant provisions are represented in the table below.

Convention	Signatory	Ratification	Particulars
International Covenant on Civil and Political Rights:1753	NA	1979	Article 12 (4) provides that no one shall be arbitrarily deprived of the right to enter one's own country. [Thus implicitly

			<p><i>allows expulsions of nationals provided that they are not arbitrary, i.e. can be based on objective and serious reasons.]</i></p> <p>Article 13:</p> <p>An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.</p>
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or	1997		<p>Article 3:</p> <p>(1) No State Party shall expel, return ("refouler") or extradite a person to another State where</p>

Punishment: 1753			<p>there are substantial grounds for believing that he would be in danger of being subjected to torture.</p> <p>(II) For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the</p> <p>State concerned of a consistent pattern of gross, flagrant or mass violations of human rights</p>
Convention on the Rights of the Child, United Nations, 1989.	1989	1992	<p>Preamble:</p> <p>Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",</p>

International Convention for the Protection of all Persons from Enforced Disappearance: 1953	2007		<p>The convention places an obligation on states to investigate acts of enforced disappearance and to bring those responsible to justice. In order to reduce the likelihood that people will go missing, it contains other obligations of a preventive measure: people deprived of their liberty have a right to be kept in an official place, to be registered and to communicate with their family and counsel. The convention also recognizes the right of families to know the truth regarding the circumstances and fate of the disappeared person, as well as the right of victims to reparation for the wrong that was done to them.</p>
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23. THAT the Petitioner has not filed any other Writ Petition or other further proceedings claiming similar relief in this Hon'ble Court or any other Court asking for similar relief as claimed herein.

45

24. THAT the Petitioner submits that this Hon'ble Court has territorial jurisdiction to entertain and decide this petition since all the Respondents are located wholly at Delhi within the jurisdiction of this Hon'ble Court.

PRAYER

It is therefore most respectfully prayed that in view of the facts and circumstances of the case and in the interest of justice, this Hon'ble Court may be pleased to:

- A. Issue a writ of habeas corpus, or any other writ, direction, or order of like nature directing the Respondent Authority to produce and disclose the last known location and whereabouts of the 5 missing Rohingyas, namely Mohammad Sharif, Laila Begam, Kairul Amin, Syedul Kareem and Ms.S.
- B. Issue a writ of mandamus, or any other writ, direction, or order of like nature directing the Respondent Authority to disclose the complete files maintained by them which include any deportation orders, official communications with the relevant Embassy and other officials regarding such verification, deportation, report from border guarding forces/ coast guards, official communications with the relevant embassy and other officials including reports from border guarding forces or coastal guards regarding such deportation and receipt in the country of origin, criminal records, medical records, records of entry and exit to India and all other available executive and judicial orders and information of like nature of the 5 missing Rohingyas, namely

46

Mohammad Sharif, Laila Begam, Kairul Amin, Syedul Kareem
and Ms.S.

C. Pass any other order that this Hon'ble Court may deem fit.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN
DUTY OUND SHALL EVER PRAY.**

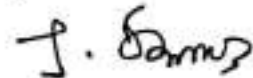
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T. MAYURAPRIYAN,
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MS. ALICE ALPANA LAKRA, LAW INTERN
MS. BISMAN KAUR, LAW INTERN

Filed by



**J JOE ANTON BENO
ADVOCATE FOR THE PETITIONER**

Drawn on: 27.11.2025

Filed on: 27.11.2025

Place: New Delhi

47

IN THE HON'BLE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (Crl) NO. OF 2025

IN THE MATTER OF:

RITA MANCHANDA

...PETITIONER

Versus

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Rita Manchanda, aged about 76 years, D/o Brij Mohan Manchanda, resident of H-31A Ground Floor Jangpura Extension, Opposite Amarnath Sehgal Private Museum, New Delhi 110014, do hereby solemnly affirm and state as under:-

1. **THAT**, I am the petitioner in the above noted Writ Petition and I am well conversant with the facts and circumstances of the present case, and I am competent to swear and depose in the present affidavit.
2. **THAT**, I have read and understood the contents of the accompanying Writ Petition, Synopsis, List of Dates & Application. I state that the contents of the said Writ Petition consisting of 1-5 paras in pages 1 to 48 Synopsis and List



48

of Dates in pages B to Q and I.A(s). are true and correct to my knowledge and belief.

3. **THAT**, annexures filed herewith are true copies of their originals.

PLACE: New Delhi
DATED:

R. G. Menon
DEPONENT

Ujjwal Chatterji
I identify The Deponent who has signed & thumb in my presence.

VERIFICATION:

Verified that the facts contained in my above affidavit are correct to the best of my knowledge & belief. No part of it is false and nothing has been concealed therefrom.

PLACE: New Delhi 27 NOV 2025
DATED:

R. G. Menon
DEPONENT



CERTIFIED by the DEPONENT
Shri/Smt./Km. *R. G. Menon*
S/o W/o D/o *137/138*
R/o *Ujjwal Chatterji*
identified by *Ujjwal Chatterji*
has solemnly sworn on
Jelhi on *27 NOV 2025*
that the contents of the affidavit which have been filed by him are true and correct.
Son
Oath Commissioner, Delhi



49

Anneure P/1

\$-9 to 13

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3221/2025 & CRL.M.A. 30685/2025**

RITA MANCHANDA

.....Petitioner

Through: Mr. Ujjaini Chatterji, Mr. T. Mayurapriyan, Ms. Mahvish Fatima, & Ms. Sitwat Nabi, Advs.

versus

THE UNION OF INDIA THROUGH THE SECRETARY & ORS.

.....Respondents

Through: Mr. Sanjay Lao, SC (CRL.), APP with Insp. Satish Kumar with SI Setinmang, from FRRO, Delhi & SI Parveen, PS Kalindi Kunj. Mr. Amit Tiwari, CGSC, with Mr. Ayush Tanwar, Ms. Ayushi Srivastava, Mr. Arpan, Mr. Kushagra Malik, Advs. with Insp. Satish, FRRO.

10

+ **W.P.(CRL) 3222/2025**

RITA MANCHANDA

.....Petitioner

Through: Mr. Ujjaini Chatterji, Mr. T. Mayurapriyan, Ms. Mahvish Fatima, & Ms. Sitwat Nabi, Advs.

versus

THE UNION OF INDIA THROUGH THE SECRETARY & ORS.

.....Respondents

Through: Mr. Sanjay Lao, SC (CRL.), APP with Insp. Satish Kumar with SI Setinmang, from FRRO, Delhi & SI Parveen, PS Kalindi Kunj. Mr. Amit Tiwari, CGSC, with Mr. Ayush Tanwar, Ms. Ayushi Srivastava, Mr. Arpan, Mr. Kushagra Malik, Advs. with Insp. Satish,



50

FRRO.

11

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W.P.(CRL) 3223/2025

RITA MANCHANDA

.....Petitioner

Through: Mr. Ujjaini Chatterji, Mr. T. Mayurapriyan, Ms. Mahvish Fatima, & Ms. Sitwat Nabi, Advs.

versus

THE UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Sanjay Lao, SC (CRL.), APP with Insp. Satish Kumar with SI Setinmang, from FRRO, Delhi & SI Parveen, PS Kalindi Kunj. Mr. Amit Tiwari, CGSC, with Mr. Ayush Tanwar, Ms. Ayushi Srivastava, Mr. Arpan, Mr. Kushagra Malik, Advs. with Insp. Satish, FRRO.

12

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W.P.(CRL) 3224/2025

RITA MANCHANDA

.....Petitioner

Through: Mr. Ujjaini Chatterji, Mr. T. Mayurapriyan, Ms. Mahvish Fatima, & Ms. Sitwat Nabi, Advs.

versus

THE UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Sanjay Lao, SC (CRL.), APP with Insp. Satish Kumar with SI Setinmang, from FRRO, Delhi & SI Parveen, PS Kalindi Kunj. Mr. Amit Tiwari, CGSC, with Mr. Ayush Tanwar, Ms. Ayushi Srivastava, Mr. Arpan, Mr. Kushagra Malik, Advs. with Insp. Satish, FRRO.



51

13

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W.P.(CRL) 3225/2025

RITA MANCHANDA

.....Petitioner

Through: Mr. Ujjaini Chatterji, Mr. T. Mayurapriyan, Ms. Mahvish Fatima, & Ms. Sitwat Nabi, Advs.

versus

THE UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Sanjay Lao, SC (CRL.), APP with Insp. Satish Kumar with SI Setinmang, from FRRO, Delhi & SI Parveen, PS Kalindi Kunj.
Mr. Amit Tiwari, CGSC, with Mr. Ayush Tanwar, Ms. Ayushi Srivastava, Mr. Arpan, Mr. Kushagra Malik, Advs. with Insp. Satish, FRRO.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

30.10.2025

%

1. All these writ petitions have been filed under Article 226 of the Constitution India read with Section 528 of *Bharatiya Nagarik Suraksha Sanhhita*, 2023 and the prayer made in W.P.(CRL) No.3221/2025 is as under:-

- 1) *Issuance of Writ in the nature of Habeas Corpus, or any other writ, direction, or order of like nature directing the Respondent Authority to produce and disclose the last known location and whereabouts of Ms. 'S'.*
- 2) *Issuance of Writ of Mandamus, or any other writ, direction, or order of like nature directing the respondent authority to disclose the complete files maintained by them which include any deportation orders, official*



52

communications with the relevant Embassy and other officials regarding such deportation and receipt in the Country of origin, criminal records, medical records, records of entry and exit to India and all other available executive and judicial orders and information of like nature of Ms. 'S'.

2. The reliefs sought in all the abovesaid five petitions is similar in nature and as per the averments, Mohammad Sharif, Laila Begam, Syedul Kareem, Kairul Amin and Ms. S, stated to be *Rohingya* refugees, were clandestinely taken in custody by the Respondents on 06.05.2025.
3. As per respondents whereas, 40 "illegal immigrants" were produced by different districts of Delhi Police with request to repatriate them to their original country i.e. Myanmar and all such persons have already been deported back in accordance with law.
4. It is also brought to our knowledge that a writ petition i.e. *W.P. (Crl) 204 of 2025*, titled as '*Mohd. Ismail & Anr vs. Union of India & Others*' has been preferred before the Hon'ble Supreme Court regarding similar cause of action whereby the repatriation of 40 *Rohingya*, including the abovesaid 05 persons, has been challenged and such petition has already been admitted by Hon'ble Supreme Court and is pending adjudication. Respondents claim that no stay had been granted by the Supreme Court on deportation and in view of the above, the present petition does not call for any interference.
5. After hearing arguments for some time, learned counsel for the petitioner seeks permission to withdraw the present writ petitions with liberty to file appropriate petition or application before the Hon'ble Supreme Court.
6. All the aforesaid writ petitions are accordingly dismissed as withdrawn.



53

7. Needless to say, the petitioner is always at liberty to take recourse to any judicial remedy, as available under law.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

OCTOBER 30, 2025/pk/yk/tr



Anneane P/2

54

भारत सरकार

Unique Identification Authority of India

Government of India

नामांकन क्रम / Enrollment No.: 1335/32118/00450

To

रीता मनचंदा

Rita Manchanda

W/O: Tapan Kumar Bose

H-31 GROUND FLOOR

JANGPURA EXTENSION

Jangpura

Jangpura

Defence Colony South Delhi

Delhi 110014

9810478833

04/08/2017

57707439



MD577074391FH



आपका आधार क्रमांक / Your Aadhaar No. :

3523 0702 1358

मेरा आधार, मेरी पहचान



भारत सरकार

Government of India



रीता मनचंदा

Rita Manchanda

जन्म तिथि / DOB : 24/02/1949

महिला / Female



3523 0702 1358

मेरा आधार, मेरी पहचान

S
M/c

Form 'C'
Arrival Report of Foreigner in Individual House

Annexure P/3

Applicant ID : 110325X8L5EA



110325X8L5EA

Accommodation Details

Name	Mohd Javed
Address	A-18, Kanchan kunj, madanpur khadar, extn part II, south east delhi, kalindi
City/District	DELHI
State	DELHI
Star Rating	
Phone no.	
Mobile no.	9818502057



Personal Details

Surname			
Given name	MOHAMMAD SHARIF		
Sex	Male		
Date of birth	01/01/1975	Special Category	Refugee
Nationality	MYANMAR (BURMA)		

Address in country where residing permanently

Address	BUTHIDAUNG
City	BUTHIDAUNG
Country	MYANMAR (BURMA)

Address/Reference in India

Address	A-18, KANCHAN KUNJ, MADANPUR KHADAR, EXTN PART II, SOUTH EAST DELHI, KALINDI KUNJ, SOUTH EAST
City/District	DELHI
State	DELHI
Pincode	110076

Passport Details

Passport No.	30500077665
Place of issue	UNHCR NEW DELHI, INDIA
Date of issue	07/04/2023
Expiry Date	06/04/2025

Visa Details

Visa Number		Date of Issue	
Valid Till		Visa Type	
Place of Issue		Visa Subtype	

Arrival Details

Arrived From	BUTHIDAUNG, BUTHIDAUNG, MYANMAR (BURMA)		
Date of arrival in India	01/01/2008		
Date of Arrival in Individual House	15/04/2024		
Time of Arrival in Individual House	16:00	Intended Duration of Stay in Individual House	999

Whether Employed in India

N

Other Details

Purpose of Visit		Others
Next Destination	Place	MADANPUR KHADAR
	City/District	DELHI
	State	DELHI
Contact No.(in India)		
Mobile No.(in India)		9818153988
Contact No.(Permanently residing country)		
Mobile No.(Permanently residing country)		0000000000

Remarks(if any)

Remark	UNHCR REFUGEE CARD NO.30510c01321
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Form 'C'
Arrival Report of Foreigner in Individual House

Applicant ID : 110325QKSB84



110325QKSB84

Accommodation Details

Name	Mohd Javed
Address	A-18, Kanchan kunj, madanpur khadar, extn part II, south east delhi, kalindi
City/District	DELHI
State	DELHI
Star Rating	
Phone no.	
Mobile no.	9818502057



Personal Details

Surname			
Given name	LAILA BEGUM		
Sex	Female		
Date of birth	10/01/1982	Special Category	Refugee
Nationality	MYANMAR (BURMA)		

Address in country where residing permanently

Address	BUTHIDAUNG
City	BUTHIDAUNG
Country	MYANMAR (BURMA)

Address/Reference in India

Address	A-18, KANCHAN KUNJ, MADANPUR KHADAR, EXTN PART II, SOUTH EAST DELHI, KALINDI KUNJ, SOUTH EAST
City/District	DELHI
State	DELHI
Pincode	110075

Passport Details

Passport No.	30500077666
Place of Issue	UNHCR NEW DELHI, INDIA
Date of Issue	07/04/2023
Expiry Date	06/04/2025

Visa Details

Visa Number		Date of Issue	
Valid Till		Visa Type	
Place of Issue		Visa Subtype	

Arrival Details

Arrived From	BUTHIDAUNG, BUTHIDAUNG, MYANMAR (BURMA)		
Date of arrival in India	01/01/2008		
Date of Arrival in Individual House	15/04/2024		
Time of Arrival in Individual House	16:00	Intended Duration of Stay in Individual House	999

Whether Employed in India

N

Other Details

Purpose of Visit	Others	
Next Destination	Place	MADANPUR KHADAR
	City/District	DELHI
	State	DELHI
Contact No.(in India)		
Mobile No.(in India)	9818153986	
Contact No.(Permanently residing country)		
Mobile No.(Permanently residing country)	0000000000	

Remarks(If any)

Remark	UNHCR REFUGEE CARD NO:3051001321
--------	----------------------------------

Form 'C'
Arrival Report of Foreigner in Individual House

Applicant ID : 110325FUPQ2Z

57



110325FUPQ2Z

Accommodation Details

Name	Mohd Javed
Address	A-18, Kanchan kunj, madanpur khadar, extn part II, south east delhi, kalindi
City/District	DELHI
State	DELHI
Star Rating	
Phone no.	
Mobile no.	9818502057



Personal Details

Surname			
Given name	KAIRUL AMIN		
Sex	Male		
Date of birth	01/01/1998	Special Category	Refugee
Nationality	MYANMAR (BURMA)		

Address in country where residing permanently

Address	BUTHIDAUNG
City	BUTHIDAUNG
Country	MYANMAR (BURMA)

Address/Reference in India

Address	A-18, KANCHAN KUNJ, MADANPUR KHADAR, EXTN PART II, SOUTH EAST DELHI, KALINDI KUNJ, SOUTH EAST
City/District	DELHI
State	DELHI
Pincode	110076

Passport Details

Passport No.	30500077667
Place of issue	UNHCR NEW DELHI, INDIA
Date of issue	07/04/2023
Expiry Date	06/04/2025

Visa Details

Visa Number		Date of issue	
Valid Till		Visa Type	
Place of issue		Visa Subtype	

Arrival Details

Arrived From	BUTHIDAUNG, BUTHIDAUNG, MYANMAR (BURMA)		
Date of arrival in India	01/01/2008		
Date of Arrival in Individual House	15/04/2024		
Time of Arrival in Individual House	16:00	Intended Duration of Stay in Individual House	999

Whether Employed in India

N

Other Details

Purpose of Visit	Others		
Next	Place	MADANPUR KHADAR	
Destination	City/District	DELHI	
	State	DELHI	
Contact No. (in India)			
Mobile No. (in India)	9818153986		
Contact No. (Permanently residing country)			
Mobile No. (Permanently residing country)	0000000000		

Remarks (if any)

Remark	UNHCR REFUGEE CARD NO:30510c01321
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Form 'C'

Arrival Report of Foreigner in Individual House

Applicant ID : 1103255HE8MI

58



1103255HE8MI

Accommodation Details

Name	Mohd Javed
Address	A-18, Kanchan kunj, madanpur khadar, extn part II, south east delhi, kalindi
City/District	DELHI
State	DELHI
Star Rating	
Phone no.	
Mobile no.	9818502057



Personal Details

Surname			
Given name	SEYDUL KAREEM		
Sex	Male		
Date of birth	01/01/2003	Special Category	Refugee
Nationality	MYANMAR (BURMA)		

Address in country where residing permanently

Address	BUTHIDAUNG
City	BUTHIDAUNG
Country	MYANMAR (BURMA)

Address/Reference in India

Address	A-18, KANCHAN KUNJ, MADANPUR KHADAR, EXTN PART II, SOUTH EAST DELHI, KALINDI KUNJ, SOUTH EAST
City/District	DELHI
State	DELHI
Pincode	110076

Passport Details

Passport No.	30500077889
Place of Issue	UNHCR NEW DELHI, INDIA
Date of Issue	07/04/2023
Expiry Date	06/04/2025

Visa Details

Visa Number		Date of Issue	
Valid Till		Visa Type	
Place of Issue		Visa Subtype	

Arrival Details

Arrived From	BUTHIDAUNG , BUTHIDAUNG , MYANMAR (BURMA)		
Date of arrival in India	01/01/2005		
Date of Arrival in Individual House	15/04/2024		
Time of Arrival in Individual House	16:00	Intended Duration of Stay in Individual House	999

Whether Employed in India

N

Other Details

Purpose of Visit	Others		
Next	Place	MADANPUR KHADAR	
Destination	City/District	DELHI	
	State	DELHI	
Contact No.(in India)			
Mobile No.(in India)	9818153986		
Contact No.(Permanently residing country)			
Mobile No.(Permanently residing country)	0000000000		

Remarks(If any)

Remark	UNHCR REFUGEE CARD NO:30510:01321
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Form 'C'
Arrival Report of Foreigner in Individual House

Applicant ID : 110325U7J461

59



110325U7J461

Accommodation Details

Name	Mohd Javed
Address	A-18, Kanchan kunj, madanpur khadar, extn part II, south east delhi, kalindi
City/District	DELHI
State	DELHI
Star Rating	
Phone no.	
Mobile no.	9818502057



Personal Details

Surname			
Given name	SAHID		
Sex	Female		
Date of birth	01/01/2008	Special Category	Refugee
Nationality	MYANMAR (BURMA)		

Address in country where residing permanently

Address	MAUNGDAW
City	MAUNGDAW
Country	MYANMAR (BURMA)

Address/Reference in India

Address	A-18, KANCHAN KUNJ, MADANPUR KHADAR, EXTN PART II, SOUTH EAST DELHI, KALINDI KUNJ, SOUTH EAST
City/District	DELHI
State	DELHI
Pincode	110076

Passport Details

Passport No.	3050085481
Place of Issue	UNHCR NEW DELHI, INDIA
Date of Issue	21/07/2023
Expiry Date	20/07/2025

Visa Details

Visa Number		Date of Issue	
Valid Till		Visa Type	
Place of Issue		Visa Subtype	

Arrival Details

Arrived From	MAUNGDAW , MAUNGDAW , MYANMAR (BURMA)		
Date of arrival in India	01/08/2012		
Date of Arrival in Individual House	15/04/2024		
Time of Arrival in Individual House	16:00	Intended Duration of Stay in Individual House	999

Whether Employed in India

N

Other Details

Purpose of Visit	Others	
Next	Place	MADANPUR KHADAR
Destination	City/District	DELHI
	State	DELHI
Contact No.(in India)		
Mobile No.(in India)	9818153886	
Contact No.(Permanently residing country)		
Mobile No.(Permanently residing country)	0000000000	

Remarks(if any)

Remark	UNHCR REFUGEE CARD NO:305-13c00251
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HC

Annexure/4.

SECRET

v/c

60
No. 25022/34/2001-F.IV
Government of India
Ministry of Home Affairs
(Foreigners Division)

Major Dhyan Chand National Stadium, India Gate
New Delhi -110002, dated the 20th March, 2019

To

1. Chief Secretaries of all State Governments & Union Territory Administrations
2. DGPs of all State Governments & Union Territory Administrations

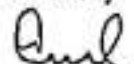
Subject : Standard Operating Procedure (SOP) to be followed to deal with foreign nationals who claim to be refugees

Sir,

I am directed to refer to this Ministry's letter of even number dated 29th December, 2011 forwarding a Standard Operating Procedure (SOP) to be followed to deal with foreign nationals who claim to be refugees and to say that the matter has been re-examined by the Government. Accordingly, it has been decided, with the approval of the competent authority, that all authorities concerned shall follow the enclosed revised Standard Operating Procedure (SOP) in such cases with immediate effect.

2. This may please be brought to the notice of all concerned for strict compliance.
3. This issues in supersession of this Ministry's letter of even number dated 29th December, 2011.

Yours faithfully



(Pramod Kumar)
Director (Foreigners)
Tel. no. 23077508

61

Copy, with a copy of the SOP, forwarded to:-

1. Ministry of External Affairs [Shri Amit Narang, Joint Secretary (CPV)], Patiala House Annexe, New Delhi
2. Bureau of Immigration [Shri Rajeev Ranjan Verma, Joint Director]
3. Cabinet Secretariat [Shri Anshul Sharma, Director]
4. FRROs - Delhi, Mumbai, Chennai, Kolkata, Amritsar, Bangalore, Hyderabad, Kochi, Thiruvananthapuram, Calicut, Goa, Lucknow and Ahmedabad.


(Pramod Kumar)
Director (Foreigners)

STANDARD OPERATING PROCEDURE TO BE FOLLOWED TO DEAL WITH
FOREIGN NATIONALS WHO CLAIM TO BE REFUGEES

The following Standard Operating Procedure (SOP) will be followed whenever an FRRO/ FRO comes across foreign nationals who claim to be refugees:-

(i) The version of the foreign national making such a claim will be carefully examined. Details of the reasons for leaving the originating country and the manner in which he/ she has entered India would be elicited from the foreigner.

✓ (ii) The documents available with the foreigner, issued by anybody either in India or abroad, will also be taken as inputs in arriving at a conclusion by the FRRO concerned. In case, it is found that prima facie the claim is justified, (on the grounds of a well-founded fear of persecution on account of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion), the matter will be recommended by the FRRO concerned to the Ministry of Home Affairs for grant of Long Term Visa (LTV) to the foreigner within thirty days from the date of claim by the foreigner. One of the factors to be seen is the general perceived condition in the home country, of the people belonging to the community of the foreigner in question. Bio-metrics of such persons shall be captured by the FRRO concerned before forwarding the request to MHA.

In cases where prima facie the claim of the foreigner was found not justified, legal consequences arising out of the Passport (Entry into India) Act, 1920 and the Foreigners Act, 1946 shall be applicable and FRRO concerned may take necessary action in terms of the provisions of these Acts. }

(iii) The matter will then be examined by the Ministry of Home Affairs in consultation with Security Agencies and the Ministry of External Affairs.

(iv) Ministry of Home Affairs will consider all the inputs including the report of the FRRO concerned as well as inputs of Security Agencies and the Ministry of External Affairs and arrive at a decision on grant of LTV.

(v) In such cases, LTV will be granted initially for a period of one year from the date of issue. Details of cases in which LTV is granted will be shared by MHA with MEA, State Governments & UT Administrations and security agencies.

✓ (vi) All such refugees should preferably be housed in designated camps/ shelters at least until decision on grant of LTV is made. Their activities

63

should also be closely monitored by involving local law enforcement officers.

- (vii) The LTV for such foreigners will be renewed every year, for a maximum of five years at the level of FRRO concerned based on assessment of the conduct of the foreigner and security implications. In case of any adverse report, Ministry of Home Affairs will be intimated immediately for taking a suitable decision.
- (viii) If renewal is justified beyond the fifth year, the FRRO concerned will furnish a proposal to MHA for extension of LTV for the first year of every block of five years with his/ her views for a decision. Subsequent extensions of LTV within the block of five years will be granted by the FRRO concerned on year to year basis.
- (ix) During such period of stay in India, a foreigner to whom LTV is permitted by MHA will be allowed to take up any employment in the private sector or undertake studies in any academic institution.
- (x) It may be noted that economic immigrants i.e. foreigners who have arrived in India in search of economic opportunities, without any fear of persecution, WILL NOT be eligible for LTV. If such people are detected, they shall be deported by the competent authority by invoking the Foreigners Act.
- (xi) In cases where the foreign national is considered not fit for grant of LTV, a decision to this effect will be conveyed by the Ministry of Home Affairs to the FRRO concerned within a period of three months from the date of claim of the foreigner. The foreigner will be confined to a detention centre under the provisions of the Foreigners Act. Steps will be initiated in such cases for deportation of the foreigner through diplomatic channels.
- (xii) In case it is decided that the case is not fit to warrant LTV or that LTV cannot be renewed, Ministry of Home Affairs will consider all possible alternatives including deportation to the home country or to a third country after suitable consultations.
- (xiii) A central database along with biometric details of all foreign refugees (country-wise) should be maintained and record of children born in India to such refugees should also be reflected in the database. This central database will be maintained by the Bureau of Immigration.

....

Qq

64

Annexure P/5



UNHCR No.:

305-10C01321

Name:

Mohammad SHARIF

Alias:

Father's Name:

KABIR Sayed

Date of Birth:

01-Jan-1975

Country of Origin:

Myanmar

Date of Issue:

06-Apr-2025



305-00077665



Sex:

Male

Date of Expiry:

05-Apr-2028



UNHCR

The UN Refugee Agency



2024BAP219997



UNHCR No.: 65
305-10C01321



Name:
Laila BEGAM
Alias:

Father's Name:
AHMED Zakir

Date of Birth:
01-Jan-1982

Sex:
Female

Country of Origin:
Myanmar

Date of Issue:
06-Apr-2025

Date of Expiry:
05-Apr-2028



305-00077666



UNHCR
The UN Refugee Agency



2024BAP219998

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UNHCR No.:

66

305-10C01321

Name:

Kairul AMIN

Alias:

Father's Name:

SHARIF Mohammad

Date of Birth:

01-Jan-1999

Country of Origin:

Myanmar

Date of Issue:

06-Apr-2025



305-00077667



Sex:

Male

Date of Expiry:

05-Apr-2028



UNHCR
The UN Refugee Agency



2024BAP212706



UNHCR No.:

305-10C01321

Name:

Syedul KAREEM

Alias:

Father's Name:

SHARIF Mohammad

Date of Birth:

01-Jan-2003

Country of Origin:

Myanmar

Date of Issue:

06-Apr-2025

Sex:

Male

Date of Expiry:

05-Apr-2028

305-00077669



UNHCR
The UN Refugee Agency



2024BAP219751

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UNHCR No.: 68
305-13C00251



Name:
SAHIDA
Alias:

Father's Name:
ISLAM Mohammad

Date of Birth:
01-Jan-2009

Sex:
Female

Country of Origin:
Myanmar

Date of Issue:
21-Jul-2023

Date of Expiry:
20-Jul-2025



305-00086481



UNHCR
The UN Refugee Agency



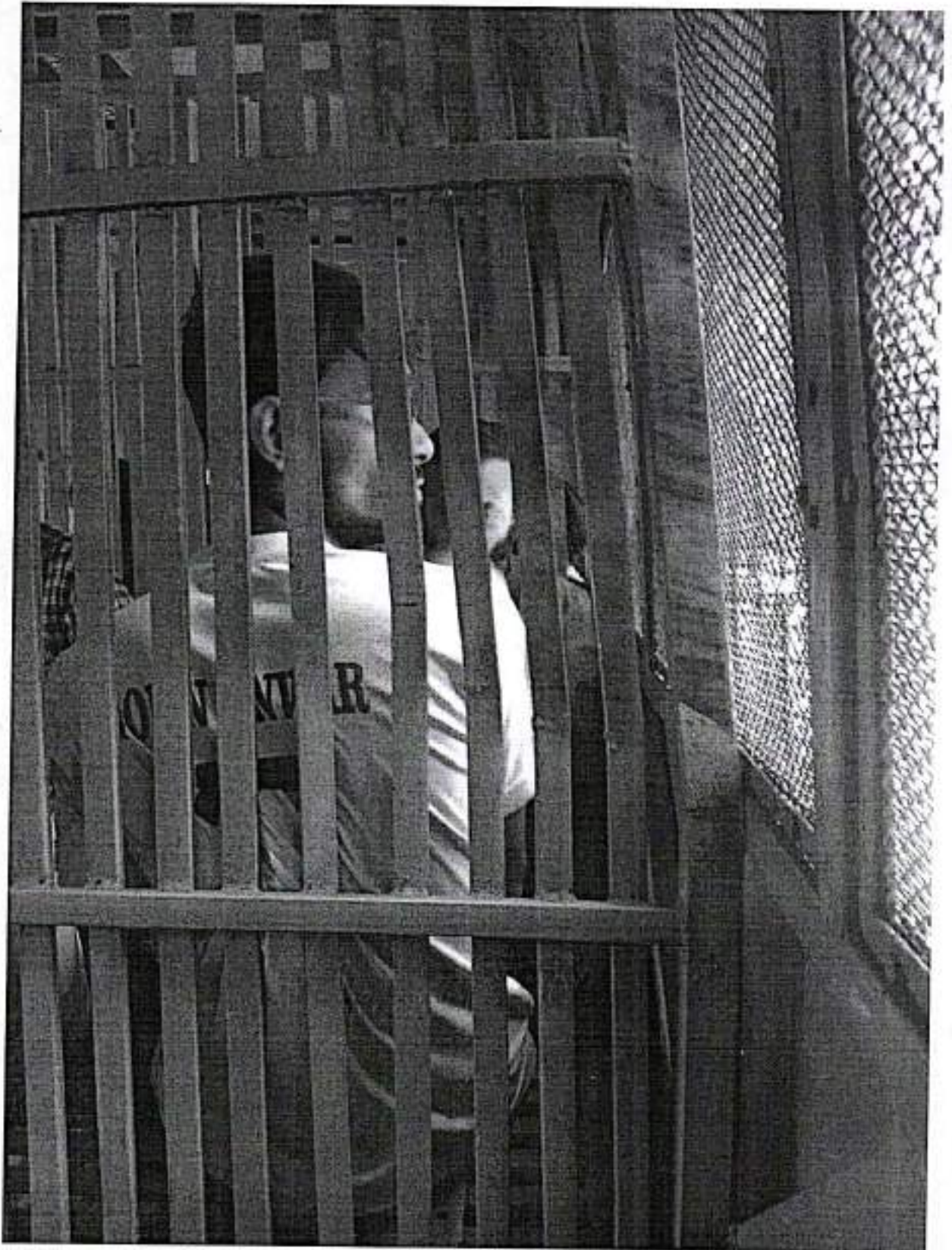
2023BAP217911

69

Anneure P/6



70



71



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05/06/2025, 21:50

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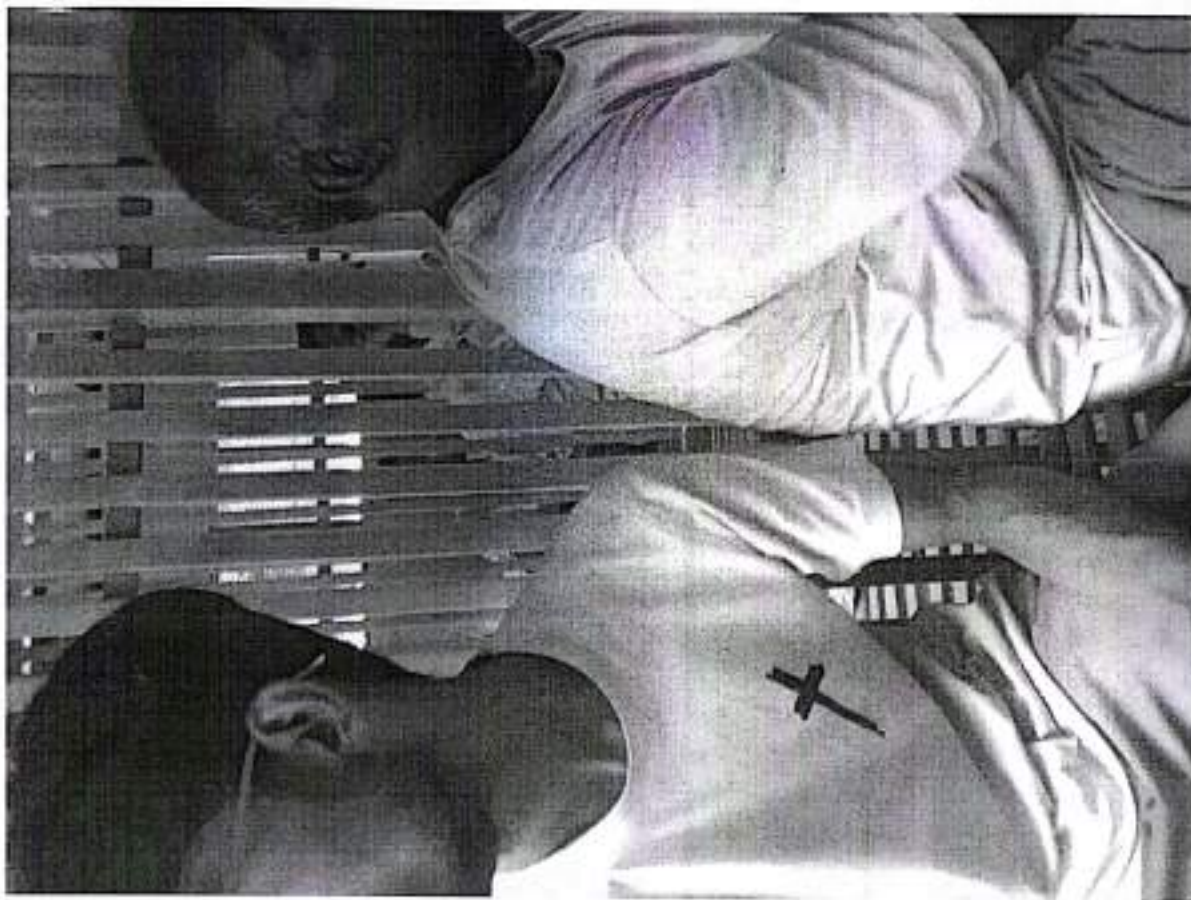


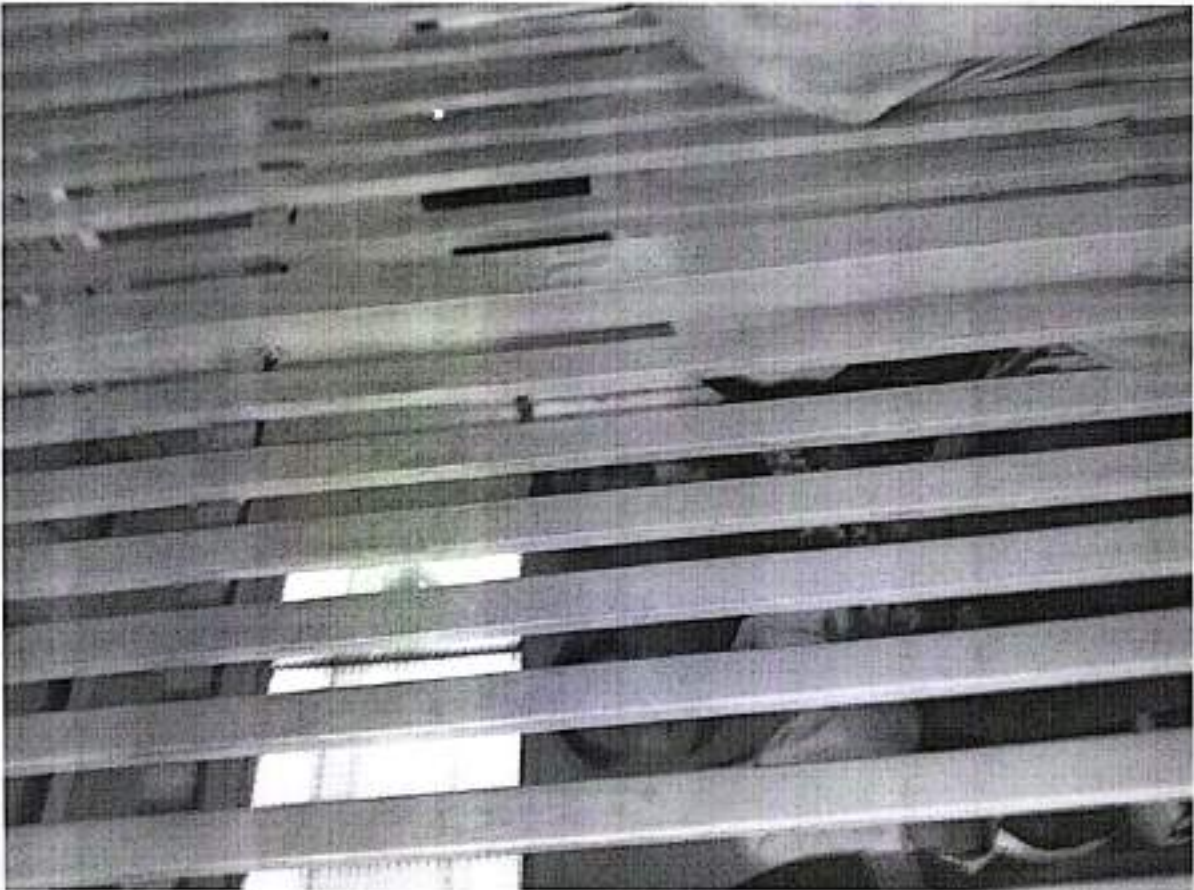
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75

Annexure P/7.

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PRESS RELEASES | SPECIAL PROCEDURES

Alarmed by reports of Rohingya cast into the sea from Indian navy vessels, UN expert launches inquiry of "unconscionable, unacceptable acts"

15 May 2025

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76

GENEVA – Alarmed by credible reports that Rohingya refugees were forced off an Indian navy vessel and into the Andaman Sea last week, a UN expert has begun an inquiry into such "unconscionable, unacceptable acts" while urging the Indian government to refrain from inhumane and life-threatening treatment of Rohingya refugees, including their repatriation into perilous conditions in Myanmar.

"The idea that Rohingya refugees have been cast into the sea from naval vessels is nothing short of outrageous. I am seeking further information and testimony regarding these developments and implore the Indian government to provide a full accounting of what happened," said Tom Andrews, UN Special Rapporteur on the situation of human rights in Myanmar.

"I am deeply concerned by what appears to be a blatant disregard for the lives and safety of those who require international protection. Such cruel actions would be an affront to human decency and represent a serious violation of the principle of non-refoulment, a fundamental tenet of international law that prohibits states from returning individuals to a territory where they face threats to their lives or freedom," Andrews said.

"Any forced repatriation of Rohingya refugees, who face the threat of violence, persecution and other grave human rights violations in Myanmar, must end," he said.

Late last week Indian authorities reportedly detained dozens of Rohingya refugees living in Delhi, many or all of whom held refugee identification documents. Approximately 40 members of this group were reportedly blindfolded and flown to the Andaman and Nicobar Islands and then transferred to an Indian naval ship. After the boat crossed the Andaman Sea, the refugees were reportedly given life jackets, forced into the sea, and made to swim to an island in Myanmar territory. The refugees are reported to have survived the swim to shore, but their current whereabouts and condition are unknown.

Indian authorities have also reportedly removed a group of approximately 100 Rohingya refugees from a detention center in Assam State and

77

transferred them to an area along the border with Bangladesh. The current whereabouts and condition of this group are also unknown.

On 3 March 2025, Special Rapporteur Andrews sent a **communication** to the Government of India raising concerns about the widespread, arbitrary and indefinite detention of refugees and asylum seekers, including Rohingya refugees, from Myanmar, as well as allegations of the refoulement of refugees to Myanmar. It called on the Government of India to end the arbitrary detention of refugees from Myanmar and provide access to places of detention.

"The Government of India must immediately and unequivocally repudiate unconscionable acts against Rohingya refugees, stop all deportations to Myanmar, and ensure that those responsible for these blatant violations of India's international obligations are held responsible," Andrews said.

The expert: Mr. Thomas Andrews (United States of America) is the Special Rapporteur on the situation of human rights in Myanmar.

Special Rapporteurs/Independent Experts/Working Groups are independent human rights experts appointed by the United Nations Human Rights Council. Together, these experts are referred to as the **Special Procedures** of the Human Rights Council. Special Procedures experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. While the UN Human Rights office acts as the secretariat for Special Procedures, the experts serve in their individual capacity and are independent from any government or organization, including OHCHR and the UN. Any views or opinions presented are solely those of the author and do not necessarily represent those of the UN or OHCHR.

Country-specific observations and recommendations by the UN human rights mechanisms, including the special procedures, the

78

treaty bodies and the Universal Periodic Review, can be found on the Universal Human Rights Index <https://uhri.ohchr.org/en/>

UN Human Rights, country page – Myanmar

For more information and **media requests** please contact: Sara Brandao sara.brandao@un.org

For **media inquiries** related to other UN independent experts please contact Maya Derouaz (maya.derouaz@un.org) or Dharisha Indraguptha (धारिशा.इन्द्रगुप्ता@un.org)

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79

79 Annex P/8.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

INTERLOCUTORY APPLICATION NO.38048 OF 2021

IN

WRIT PETITION (CIVIL) NO.793 OF 2017

MOHAMMAD SALIMULLAH AND ANR.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

ORDER

1. Pending disposal of their main writ petition praying for the issue of an appropriate writ directing the respondents to provide basic human amenities to the members of the Rohingya Community, who have taken refuge in India, the petitioners who claim to have registered themselves as refugees with the United Nations High Commission for refugees, have come up with the present interlocutory application seeking (i) the release of the detained Rohingya refugees; and (ii) a direction to the Union of India not to deport the Rohingya refugees who have been detained in the sub-jail in Jammu.

2. We have heard Sh. Prashant Bhushan, learned counsel and Sh. Colin Salves, learned senior counsel appearing for the applicants/writ petitioners, Sh. Tushar Mehta, learned Solicitor General appearing for the

Signature Not Verified
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Ashwini Kumar
Date: 2024.04.08
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Reason:

Union of India, Sh. Harish Salve, learned senior counsel appearing for the Union Territory of Jammu & Kashmir, Sh. Vikas Singh and Sh. Mahesh Jethmalani, learned senior counsel appearing for persons who seek to implead/intervene in the matter.

3. Sh. Chandra Uday Singh, learned senior counsel representing the Special Rapporteur appointed by the United Nations Human Rights Council also attempted to make submissions, but serious objections were raised to his intervention.

4. According to the petitioners, both of them are Rohingya refugees from Myanmar and they are housed in a refugee's camp. They claim to have fled Myanmar in December-2011 when ethnic violence broke out.

5. It appears that persons similarly placed like the petitioners are housed in refugee camps in New Delhi, Haryana, Allahabad, Jammu and various other places in India.

6. On 8.08.2017 the Ministry of Home Affairs, Government of India issued a letter to the Chief Secretaries of all the State Governments/UT Administrations, advising them to sensitize all the law enforcement and intelligence agencies for taking prompt steps and initiating deportation processes. It is this circular which prompted the petitioners to approach this Court with the above writ petition.

7. According to the petitioners, new circumstances have now arisen, as revealed by newspaper reports appearing in the first/second week of March,

2021, to the effect that about 150-170 Rohingya refugees detained in a sub-jail in Jammu face deportation back to Myanmar. The reports that appeared in The Wire, The Hindu, The Indian Express and The Guardian are relied upon to show that there are more than about 6500 Rohingyas in Jammu and that they have been illegally detained and jailed in a sub-jail now converted into a holding centre.

8. The contention of the petitioners is (i) that the principle of non-refoulement is part of the right guaranteed under Article 21 of the Constitution; (ii) that the rights guaranteed under Articles 14 and 21 are available even to non-citizens; and (iii) that though India is not a signatory to the United Nations Convention on the Status of Refugees 1951, it is a party to the Universal Declaration of Human Rights 1948, International Covenant on Civil and Political Rights, 1966 and the Convention on the Rights of the Child 1992 and that therefore non-refoulement is a binding obligation. The petitioners also contend that India is a signatory to the Protection of All Persons against Enforced Disappearances, Convention against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment.

9. Heavy reliance is placed upon a recent Judgment of International Court of Justice in **The Gambia vs. Myanmar** dated 23.01.2020 to show that even the International Court has taken note of the genocide of Rohingyas in Myanmar and that the lives of these refugees are in serious

danger, if they are deported. According to the petitioners, Rohingyas were persecuted in Myanmar even when an elected Government was in power and that now the elected Government has been over thrown by a military coup and that therefore the danger is imminent.

10. The Union of India has filed a reply contending *inter alia* (i) that a similar application in I.A. No.142725 of 2018 challenging the deportation of Rohingyas from the State of Assam was dismissed by this Court on 4.10.2018; (ii) that persons for whose protection against deportation, the present application has been filed, are foreigners within the meaning of Section 2(a) of the Foreigners Act, 1946; (iii) that India is not a signatory either to the United Nations Convention on the Status of Refugees 1951 or to the Protocol of the year 1967; (iv) that the principle of non-refoulement is applicable only to "contracting States"; (v) that since India has open/porous land borders with many countries, there is a continuous threat of influx of illegal immigrants; (vi) that such influx has posed serious national security ramifications; (vii) that there is organized and well-orchestrated influx of illegal immigrants through various agents and touts for monetary considerations; (viii) that Section 3 of the Foreigners Act empowers the Central Government to issue orders for prohibiting, regulating or restricting the entries of foreigners into India or their departure therefrom; (ix) that though the rights guaranteed under Articles 14 and 21 may be available to

non-citizens, the fundamental right to reside and settle in this country guaranteed under Article 19(1)(e) is available only to the citizens; (x) that the right of the Government to expel a foreigner is unlimited and absolute; and (xi) that intelligence agencies have raised serious concerns about the threat to the internal security of the country.

11. It is also contended on behalf of the Union of India that the decision of the International Court of Justice has no relevance to the present application and that the Union of India generally follows the procedure of notifying the Government of the country of origin of the foreigners and order their deportation only when confirmed by the Government of the country of origin that the persons concerned are citizens/nationals of that country and that they are entitled to come back.

12. We have carefully considered the rival contentions. There is no denial of the fact that India is not a signatory to the Refugee Convention. Therefore, serious objections are raised, whether Article 51(c) of the Constitution can be pressed into service, unless India is a party to or ratified a convention. But there is no doubt that the National Courts can draw inspiration from International Conventions/Treaties, so long as they are not in conflict with the municipal law. Regarding the contention raised on behalf of the petitioners about the present state of affairs in Myanmar, we have to state that we cannot comment upon something happening in another country.

84

13. It is also true that the rights guaranteed under Articles 14 and 21 are available to all persons who may or may not be citizens. But the right not to be deported, is ancillary or concomitant to the right to reside or settle in any part of the territory of India guaranteed under Article 19(1)(e).

14. Two serious allegations have been made in reply of the Union of India. They relate to (i) the threat to internal security of the country; and (ii) the agents and touts providing a safe passage into India for illegal immigrants, due to the porous nature of the landed borders. Moreover, this court has already dismissed I.A.No. 142725 of 2018 filed for similar relief, in respect of those detained in Assam.

15. Therefore, it is not possible to grant the interim relief prayed for. However, it is made clear that the Rohingyas in Jammu, on whose behalf the present application is filed, shall not be deported unless the procedure prescribed for such deportation is followed. Interlocutory Application is disposed of accordingly.

.....CJI
(S.A. BOBDE)

.....J.
(A.S. BOPANNA)

.....J.
(V. RAMASUBRAMANIAN)

New Delhi
April 08, 2021



85

Annexure P/9

SECRET

No.25022/28/2020-F.I (Part. III)
Government of India
Ministry of Home Affairs
(Foreigners Division)

Major Dhyan Chand National Stadium,
India Gate Circle, New Delhi - 110002,

Dated May 02, 2025

To,

1. The Chief Secretaries of All States/UT Administrations
2. DGPs/ IGPs of all States/ UTs
3. DG, BSF
4. DG, Assam Rifles
5. DG, Coast Guards

Sub: Procedure for deportation of Illegal Bangladeshi
nationals/Rohingyas - regarding

I am directed to refer to this Ministry's letters No. 14011/55/09-F .VI (Vol.II) dated 23 November 2009, 22 February 2011 and 1 February, 2013 regarding the procedure for deportation of Bangladeshi nationals, and this Ministry's letter No. 25022/28/2020-F.I dated 30 March 2021 regarding issues of overstay and illegal migration of foreign nationals. In this context, the issue of deportation of Bangladeshis and Rohingyas has been further reviewed by the Government and it has been decided to issue revised instructions regarding deportation of illegally staying Bangladeshis/Rohingyas (Myanmar

nationals) as detailed in the following paragraphs for strict compliance by all concerned.

2. India, as a matter of policy, does not support any kind of illegal migration or overstay either into its own territory or illegal migration of its citizens to foreign territories. To facilitate orderly migration and timely exit, India has a robust visa & immigration regime in place to enable lawful inward movement of persons including professionals and skilled work force, business persons, students and foreign tourists. However, illegal migration has security and socio-economic ramifications which are often well beyond law enforcement. These guidelines have been put in place to deal with this situation.

Legal framework:

3. The expression 'illegal migrant' has been defined in clause (b) of sub-section (1) of section 2 of the Citizenship Act, 1955 to mean a foreigner who has entered into India-

- (i) without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or
- (ii) with a valid passport or other travel documents and such other document or authority as may be prescribed by or

under any law in that behalf but remains therein beyond the permitted period of time.

4. The Central Government has laid down the aforementioned legal framework wherein all State Governments and Union Territory Administrations are fully_ empowered to take action regarding detection, imposing restrictions on the movement of illegally staying foreign nationals and their deportation/removal/ expulsion as per the provisions in the Passport (Entry into India) Act, 1920, the Foreigners Act, 1946 and the Foreigners Order, 1948. Since the Central Government does not maintain a separate federal police force exclusively dedicated to the task of detection, imposing restrictions on movement and deportation of illegally staying foreigners, action in this regard has been entrusted to the State/ UT police. Therefore, State Governments/ UT Administrations are primarily responsible for identifying the illegally and overstaying foreign nationals, their restriction in identified places and their deportation.

5. Functions of the Central Government in making orders of the nature specified in sections 3(2) (e) and 3(2)(c) of the Foreigners Act, 1946 for detention and deportation of foreign nationals, section 5 of the Passport (Entry into India) Act, 1920 and under the

Foreigners Order, 1948 have been entrusted under article 258(1) of the Constitution of India to the State Governments vide Notification S.O. No.590 [F.No.4/3/56-(I)F.I] dated 19th April, 1958. Further, UT Administrations have been directed under article 239 of the Constitution of India to execute these powers of the Central Government vide Notification S.O.no. 591[F.No.4/3/56-(I)F.I] dated 19th April, 1958. Similarly, the Joint Director, Bureau of Immigration has also been authorized to exercise these powers and functions vide Notification G.S.R. 605(E) [F. No. 25022/96/99-F.I] dated 13th July, 2000.

6. The Foreigners Regional Registration Officers (FRROs) and Foreigners Registration Officers (FROs) (who are generally the District SPs or DCPs) are the Civil Authorities under the Foreigners Order, 1948 and they also are Registering Authorities under the Registration of Foreigners Rules, 1992. As a Civil Authority District SPs or DCPs who are designated as FROs are responsible for implementing various provisions of the Foreigners Act, 1946 and the Foreigners Order, 1948. Where an FRO is not available, the FRRO concerned may undertake these functions. Thus, adequate powers are vested with the State Governments/UT Administrations/FRROs/ District SPs or DCPs who are designated as FROs for

89

taking appropriate action against foreign nationals who are found violating the visa conditions.

Guidelines for deportation of illegal Bangladesh nationals and Rohingyas:

7. The guidelines given in following paras shall be used for deportation/sending back of illegal Bangladeshi nationals and Rohingyas:

Illegally entering Bangladeshis/Rohingyas (Myanmar nationals) intercepted at the border (land or maritime).

7.1 Bangladeshis/Rohingyas (Myanmar nationals) who are intercepted at the India's border, land border or maritime border, while crossing into India unauthorizedly shall immediately be sent back by the designated Border Guarding Forces/Coast Guards, then and there, after capturing their biometrics (fingerprints and facial photographs) and demographic details on the Foreigners Identification Portal (FIP) <https://dentification.mha.gov.in> of the MHA. Where connectivity is not available these shall be captured offline and then shall then be uploaded on the FIP as soon as possible from a place where connectivity is available. For capturing biometrics, scanners will be provided by the MHA.

7.2 The designated Border Guarding Force/Coast Guard shall keep a record of all such Bangladeshis/Rohingyas (Myanmar nationals) sent back and a monthly report containing the details in this regard shall be furnished by them mandatorily to the Ministry of Home Affairs (Foreigners Division) by 15th day of the following month through the Bureau of Immigration.

Inadvertent border crossers:

8.1 In case of inadvertent border crossers who are apprehended near the land border within the country, the designated Border Guarding Force shall take them into custody and interrogate them. In case of such crossers of the maritime border, the Coast Guards shall take necessary action. After interrogation, if found innocent, they may be handed over to the Border guarding force of Bangladesh or Myanmar, as the case may be. However, before handing over the person, the designated Border Guarding Force shall mandatorily capture the biometrics and demographic details and upload the same on the FIP portal. Records of such Bangladeshis/Rohingyas (Myanmar nationals) handed over to the border guarding force of Bangladesh or Myanmar should be maintained by the designated Border Guarding Forces. A monthly report in this regard containing the details of such Bangladeshis/Rohingyas (Myanmar nationals) handed over to the border guarding force of

Bangladesh or Myanmar shall be furnished by them mandatorily to the Bureau of Immigration and the Ministry of Home Affairs (Foreigners Division) by 15th day of the following month.

8.2 In case the person is not found innocent after interrogation, he/she shall be handed over by the designated Border Guarding Force/Coast Guards to the State/UT Police concerned for further appropriate action.

Illegally staying Bangladeshis/Rohingyas (Myanmar nationals) apprehended in the country:

9. The following protocols shall be followed in dealing with cases of illegally staying Bangladeshis/Rohingyas (Myanmar nationals) --apprehended in the country.

- (i) All State Governments/UT Administrations shall set up a Special Task Force in each District under the police of the State/UT to detect, identify and deport/send-back illegal immigrants from Bangladesh/Myanmar settled in the State/UT concerned.
- (ii) All State Governments/UT Administrations shall set up adequate Holding Centers in each District under the Police of the State/UT to

detain illegal immigrants from Bangladesh/ Myanmar.

- (iii) In respect of Bangladesh/Myanmar nationals identified to be staying unauthorizedly in any particular State/UT, an inquiry shall be conducted by the State Government/UT concerned.
- (iii) If the suspected Bangladesh/Myanmar national claims Indian citizenship and residence of a place in any other Indian State/UT, the concerned State Government/UT would send to the Home Secretary of the State/UT and District Collector/District Magistrate of the District from where the suspected person claims to hail, the details including name, parentage, residential address, details of near relatives etc. The State Government/UT/Collector/District Magistrate concerned in turn will ensure that appropriate report is sent to the deporting State Government/UT after proper verification within a period of 30 day□ All the States/UTs shall issue appropriate instructions to the District Collectors/District Magistrates for ensuring verification of claim of such suspected persons well in time. During the period of 30 days, the suspected person shall be kept in the Holding Center to ensure physical availability at the time of deportation/send-back. If no report is

received within the period of 30 days, the Foreigners Registration Officer may take necessary, action to deport/ send-back the suspected Bangladesh / Myanmar national.

- (v) If a person is identified as an illegal Bangladesh national/Rohingya after the enquiry, the State/UT shall immediately capture their biometrics (fingerprints and facial photographs) and demographic details on the Foreigners Identification Portal (FIP) <https://identification.mha.gov.in> of the MHA. Where connectivity is not available, these shall be captured offline and then shall then be uploaded on the Foreigners Identification Portal (FIP) <https://identification.mha.gov.in> of the MHA as soon as possible. For this purpose, the State/ UT shall use the biometric equipment available at the Districts under the District Police Module for capturing the biometric data on FIP. In case biometric equipment is available at the Police Station in the State/UT, the same may be used to upload data on the FIP. The use of NAFIS to capture biometrics will stand to be discontinued.
- (vi) After completion of the enquiry and capturing of biometric and demographic details as above the illegal immigrants from Bangladesh/Myanmar detected in States/UTs other than the border

States with Bangladesh/Myanmar shall be taken by the concerned State/UT Police under proper escort, in groups as far as possible, and handed over to the designated Border Guarding Forces/Coast Guards at the places designated by the Central Government. The State/UT Police who is escorting the illegal immigrants from Bangladesh/Myanmar should carry the appropriate order issued by the competent authority of the State Government/UT Administration under section 3(2)(c) of the Foreigners Act, 1946 after proper enquiry. Thereafter, the designated Border Guarding Forces Coast Guards shall facilitate their exit from India to Bangladesh or Myanmar, as the case may be. Such illegal immigrants from Bangladesh/Myanmar shall also be Blacklisted.

(vii) Those State Governments having borders contiguous with Bangladesh or Myanmar shall also hand over the illegal Bangladeshi or Rohingya migrants to the officer of designated Border Guarding Forces/Coast Guards at the designated place after completion of the enquiry and capturing of biometric and demographic details as above. Such illegal immigrants from Bangladesh/Myanmar shall also be blacklisted.

(viii) In emergent situations, after enquiry is complete, the designated Border Guarding

Force/ Coast Guards can also pick up the illegal Bangladesh nationals/Rohingyas from the Holding Centers in the State/ UT and take them directly to India's border for deportation/send-back.

- (ix) Advance information about the movement of deportees under police escort would be given by the State/UT from which deportees are being sent to such State/UT through which the movement is done. Advance information about the movement of deportee would also be sent to the Home Secretary and Director General of Police of the border State through which deportation/send-back is to be effected. The Nodal officer in designated Border Guarding Forces/Coast Guards shall also be informed of the same by the State Government/UT Administration, from which deportees are being sent, in advance.
- (x) Designated Border Guarding Forces/Coast Guards shall furnish to the State/UT police authorities proper acknowledgment of the illegal Bangladeshi or Rohingya migrants handed over to them for deportation/send-back by the State/UT Police authorities. The designated Border Guarding Forces/Coast Guards shall also furnish a report to the State Government/UT Administration concerned after

the deportation of the illegal Bangladeshi or Rohingya migrant.

- (xi) The details, i.e. the name, designation, telephone numbers and e-mail address, of the nodal person in the designated Border Guarding Forces/Coast Guards to whom the illegal immigrants are to be handed over for deportation/send-back shall be informed to all the State Governments/UTs.
- (xii) All State Governments/UT Administrations should maintain a record of illegal Bangladesh national or Rohingya handed over to designated Border Guarding Forces/Coast Guards for deportation and send a report in this regard to the Ministry of Home Affairs by the 15th day of every month through the FRRO. This report is mandatory.
- (xiii) The Bureau of Immigration shall publish a list of illegal Bangladesh nationals/Rohingyas who have been deported/sent-back on a public portal so that the same can be used for verification. This data shall also be shared with the UIDAI, Election Commission of India, Ministry of External Affairs (Passports Division), and any other Government, agencies who grant Government Identity cards/offer social benefits under Government schemes to enable

97

deactivation/suspension of Identity cards/
social benefits connected with the illegal
Bangladesh national/Rohingya.

Designated Border Guarding Forces

10. For the purposes of these Guidelines, the designated Border Guarding Forces are as below:

- (a) Bangladesh border - BSF
- (b) Myanmar border - Assam Rifles

Reimbursement of expenditure to State/UTs

11. The State Government/UT Administration concerned would initially incur expenditure for transportation of the Bangladesh nationals/Rohingyas till the designated points before being handed' over to designated Border Guarding Forces/Coast Guards and subsequently get this amount reimbursed alongwith the amounts incurred by them for performing the agency functions on behalf of the Central Government. However, the entire expenditure involved in the setting up and running of detention centers shall be borne by the State Government/UT Administration concerned.

12. All State Governments/UT Administrations and the designated Border Guarding Forces/Coast Guards are requested to strictly follow the above instructions and take pro-active action according to the abovementioned revised instructions for

deportation of illegal Bangladesh nationals/Rohingyas staying unauthorizedly in the country. It is also requested that the State Governments/UT Administrations concerned should take measures to avoid unnecessary publicity on the issue of deportation of illegal Bangladesh nationals/Rohingyas.

13. Where an illegal Bangladesh national/Rohingya is arrested, his/her complete details may be furnished by the State Governments/UT Administrations to the Ministry of External Affairs (BM Division) so that the same can be taken up by the Ministry of External Affairs with the Bangladesh High Commission/Myanmar High Embassy, which would enable them to process the case for nationality verification immediately.

14. This issues with the approval of the competent authority.

Yours faithfully

Sd/-

(Pratap Singh Rawat)

Under Secretary to the Government of India

Ph: 23077506

Copy to:

1. The Commissioner, Bureau of immigration, New Delhi



//TRUE COPY//

99 Annex P/10
IN THE HON'BLE HIGH COURT OF DELHI Dt. 14.10.25
WRIT PETITION (CRL) N O. 3221 to 3225 OF 2025

IN THE MATTER OF:

RITA MANCHANA

...PETITIONER

VERSUS

UNION OF INDIA

...RESPONDENTS

STATUS REPORT ON BEHALF OF RESPONDENT NO. 3
FOREIGNERS REGIONAL REGISTRATION OFFICE

MOST RESPECTFULLY SHOWETH:

1. That the Foreigners Regional Registration Office, Delhi is a Civil Authority for the Union Territory of Delhi and this office is headed by a Foreigners Regional Registration Officer (FRRO). Further, FRRO, Delhi discharges its functions as part of the Bureau of Immigration vide powers conferred under the Immigration and Foreigners Act 2025, The Immigration and Foreigners Order, 2025 and The Immigration and Foreigners Rules, 2025 which have superseded the erstwhile The Foreigners Act, 1946, The Foreigners Order 1948, The Registration of Foreigners Rules, 1992 and the Passport (Entry into India) Act, 1920.
2. That the brief facts of the instant case are that on the intervening night of 06.05.2025 - 07.05.2025, 40 illegal migrants of Myanmar (Rohingya Community) were produced by the different districts of Delhi Police with the request to repatriate them to their origin country Myanmar as they were illegal migrants in India. Accordingly, their movements were restricted at Sewa Sadan, Shahzada Bagh,

Sarai Rohilla, Delhi u/s 3(2)(e) Foreigners Act, 1946 read with 11(2) of the Foreigners Order, 1948 (Now u/s 7 sub section (2) clause (f) sub clause (ii) & (iii) of the Immigration and Foreigners Act 2025 read with Paragraph 8 of the Immigration and Foreigners Order, 2025) for repatriation/deportation purposes until travel arrangements for their repatriation/deportation are made. All these illegal migrants were provided with a copy of the restriction order under due acknowledgement.

3. That on the perusal of petition, it was found that the 05 Myanmar nationals mentioned therein, were produced by South-East District and are listed as below:-

S. N.	Name	G	Age	Address
1	Mohd. Sharif	M	50	Vill – Buthidaung, Distt – Satway, Myanmar
2	Laila Begum	F	43	
3	Kairul Ameen	M	26	
4	Saydul Kareem	M	22	
5	Sahida	F	19	Vill – Rammabill, Township Mando, District – Satway, Myanmar

4. That during the enquiry, all the above foreign nationals informed that they had entered India through porous border of Myanmar/Bangladesh and they were Myanmar nationals belonging to the Rohingya community which is also the admitted position in the Petition. Further, they also informed that their relatives were residing in Bangladesh and Myanmar. As per record of FRRO, their

arrival in India was not traceable. It is submitted that this clearly shows that they had entered in India illegally and are illegal migrants as per the Citizenship Act, 1955.

5. That the Ministry of Home Affairs vide Office Memorandum bearing No. 25022/28/2025-F.I (Part. III) Dated 02.05.2025 had issued procedure regarding deportation of illegal Bangladeshi nationals/Rohingyas. In the said Office Memorandum, it is mentioned that the powers for deportation/repatriation of a foreigner are vested in the Central Govt. as per Section 3(2)(c) of the Foreigners Act, 1946 (Now u/s 7 sub section (2) clause (C) of the Immigration and Foreigners Act 2025). Orders made under section 3(2)(c) [Now 7(2)(c)] may provide that the foreigner shall not remain in India or in any prescribed area therein. Further, in terms of section 3 (2)(e) of the Foreigners Act, 1946 read with para 11(2) of the Foreigners Order, 1948 (Now u/s 7 sub section (2) clause (f) sub clause (ii) & (iii) of the Immigration and Foreigners Act 2025 read with Paragraph 8 of the Immigration and Foreigners Order, 2025), Central Govt. has the powers to issue orders requiring the foreigner to reside in a particular place and imposing restrictions on his/her movements.
6. That in compliance of above notifications issued by Ministry of Home Affairs and enquiry report of the concerned District DCsP of Delhi Police, on 07.05.2025, Leave India Notices u/s 3(2)(c) Foreigners Act, 1946 (Now u/s 7 sub section (2) clause (C) of the

Immigration and Foreigners Act 2025) were issued against the 40 illegal migrants of Myanmar nationals including above mentioned 05 inmates (Rohingya Community) for their repatriation. All the above illegal migrants were informed of the content of the notice under proper acknowledgement. Copy of Repatriation order dated 07.05.2025 is attached at **Annexure R3-1**.

7. That, on 07.05.2025, above mentioned 40 illegal migrants alongwith Leave India Notice were handed over to the officials of Delhi Police who escorted the illegal immigrants from Restriction Centre, Sewa Sadan, Shahzada Bagh, Sarai Rohilla, Delhi to the designated destination for their repatriation as per procedure.

8. That it is further submitted that India is not a signatory to the United Nations Convention on Refugees of 1951 and the UN Refugee Convention Protocol of 1967 and therefore it does not recognize refugee status granted by United Nations High Commissioner for Refugees (UNHCR). Further, the obligation concerning the prohibition of return/non-refoulement which is a codified provision under the provisions of 1951 Convention is binding only in respect of the States which are parties to the Convention. Since India is not a party to the said Convention, or of the said Protocol, the obligations constrained therein, are not applicable to India

9. That in view of the above, conferment of "Refugee status" by UNHCR to a foreign national who is not having valid

travel documents, is of no consequence in India meaning thereby the UNHCR refugee card does not become an alternative to a valid Indian visa and the foreign national would still be treated as an "illegal migrant". The said illegal migrant is liable to be deported to his/her native country.

10. That all issues related to entry, stay and exit of foreign nationals are dealt under the provisions of The Immigration and Foreigners Act 2025 and The Citizenship Act, 1955.

11. That India, as a matter of policy, does not support any kind of illegal migration or overstay either into its own territory or illegal migration of its citizens to foreign territories. To facilitate orderly migration and timely exit, India has a robust visa & immigration regime in place to enable lawful inward movement of persons.

12. That the expression 'illegal immigrant' has been defined in sub-clause (1) (b) of section 2 of The Citizenship Act, 1955 to mean a foreigner who entered into India:

(i) *Without a valid passport or other travel documents and such other documents or authority as may be prescribed by or under any law in that behalf; or*

(ii) *With a valid passport or other travel documents and such other documents and such other documents or authority as may be prescribed by*

or under any law in that behalf, but remains therein beyond the permitted period of time.

13. That the Division Bench of this Hon'ble Court in LPA No. 219/2019 titled as *UOI vs Savitha Kumar* has held that it is the sovereign power of the government to ban, refuse or obstruct the foreigner from entering India in the interest of national security, peace and harmony.

14. That further, the Hon'ble Supreme Court in *Md. Samimullah and Anr. vs. UOI and Ors.* (Writ Petition (Civil) 793 of 2017) has already directed that the Rohingyas may be deported after following due procedure prescribed for such deportation. In the instant matter as well, this office has followed the procedure laid out for deportation of illegal migrants of Bangladesh/Rohingya (Myanmar Nationals).

15. That Writ Petition No. 793/2017 was filed praying for, *inter-alia*, not to deport illegal rohingya migrants from India. It is submitted that the matter is pending before the Hon'ble Supreme Court. It is submitted that an Interlocutory Application bearing IA No. 38048/2021 was filed in the WP(C) No. 793/2017 with the prayer to release the detained illegal Rohingya migrants and not to deport such Rohingyas detained in sub-jail in Jammu. The matter was heard by the Hon'ble Supreme Court on 26.03.2021. The Hon'ble Supreme Court, vide its order dated 08.04.2021 had, *inter-alia*, observed as under:-

".....Regarding the contention raised on behalf of the petitioners about the present state of affairs in Myanmar, we have to state that we cannot comment upon something happening in another country.....
Therefore, it is not possible to grant the interim relief prayed for. However, it is made clear that the Rohingyas in Jammu, on whose behalf the present application is filed, shall not be deported unless the procedure prescribed for such deportation is followed. Interlocutory Application is disposed accordingly."

16. That moreover, a Writ Petition Criminal bearing WP (CRL.) No. 204 of 2025, titled as *Mohd. Ismail & Anr v. Union of India & Others* has been preferred before the Hon'ble Supreme Court regarding similar cause of action whereby the repatriation of 40 Rohingya, including 05 inmates mentioned in the instant petition, has been challenged. It is submitted that the petition was admitted by the Hon'ble Supreme Court and listed along with WP(C) No. 793/2017 and related batch matters on 31-07-2025. The next date of hearing is 15-10-2025.

17. That in view of the above-mentioned facts and circumstances, it is respectfully submitted that the action taken by FRRO is *bona-fide* and as per procedure. It is submitted that the Petitioner is not entitled to any relief. Additionally, the Hon'ble Supreme Court has also not put any stay on repatriation/deportation of illegal Rohingya migrants. Therefore, the foreign national concerned can be

106

deported to their origin country as per the procedure issued
by Ministry of Home Affairs.

For FOREIGNERS REGIONAL REGISTRATION OFFICER,
DELHI

ACP/HQ
UNDER SINGH BALLAGAN
AF/HQ

Date. 14.10.2025

107 (K5-1)

OFFICE OF THE FOREIGNERS REGIONAL REGISTRATION OFFICER:
EAST BLOCK NO.VIII, LEVEL-II SECTOR-1, R.K.PURAM, NEW DELHI-110066

No. 2212 / For (I.M. Cell) dated New Delhi, the

07/05/2025

ORDER

Annex R3/1

In exercise of the powers conferred by sub-Section (2) (c) of Section 3 of the Foreigners Act, 1946 (XXXI of 1946), I, **Deepak Yadav**, Foreigners Regional Registration Officer/Civil Authority, Union Territory of Delhi in pursuance of MHA's/Govt. of India's Notification No. 381 issued from File No.25022/96/99F-1 dated 13.07.2000 r/w Joint Director/Immigration, New Delhi order No.1/Imm./99 (32)-3388/IB/MHA dated 18.07.2000 order and MHA's/Govt. of India's Notification No. 2983 issued from MHA Ref. No. 25022/92/2015 F.I dated 25.06.2018, MHA Circular No. 513 (ref. No. 25022/46/2018-F.I) dated 10.08.2018, MHA Ref. NO. 25022/64/2018-F.I dated 10.08.2018, MHA Ref. No. 25022/92/2015-F.I dated 27.08.2018, MHA Ref. No. 25022/64/2018-F.I dated 30.08.2018 r/w Joint Director/Immigration, New Delhi order No. 02/IT/2019(01)-III-790 dated 29.07.2019 order that the following foreigner(s): -

1. KAFIYET ULLAH S/O ABDUL HUSSAIN
2. HASSAN JOHAR S/O ABU TAYAAB
3. MOHAMMAD REDAUN S/O NEZAMUDDIN
4. HAMID ULLAH S/O ALI MANSOOR
5. MOHAMMAD ANOWAR S/O MOHD ULLAH
6. AHMED RASHID S/O NABI HUSSAIN
7. NOOR BAHAR W/O AHMED RASHID
8. SALIMULLAH S/O AHMED RASHID
9. KARIM ULLAH S/O AHMED RASHID
10. MOHAMMAD IBRAHIM S/O HAIBADUL
11. MOHAMMAD ALI S/O SAYED KARIM
12. MOHAMMAD RAFIQ S/O RAHAMATULLAH
13. ABDUL JALIL S/O LAL MIA
14. MD SAJJAD S/O ZAWKARIYA MOHAMMAD



Foreigners Regional Registration Officer
DELHI

15. HALIMA KHATUN

108

16. JAMAL HUSSAIN S/O SEBAL HUSSAIN

17. NAJUMA W/O JAMAL HUSSAIN

18. NOOR JAHAN D/O MUSA ALI

19. MOHAMMAD KOFIL S/O IBRAHIM

20. IMAM HUSSAIN S/O ABDUL HASHIM

21. SUFAIRA BEGUM W/O IMAN HUSSAIN

22. NAZIR AHMED S/O ABDUL KASIM

23. HAZARA KHATOON W/O NAZIR AHMED

24. SAYED NOOR S/O ABU BAKKAR SIDDIQUE

25. LAL MOTI W/O SAYED NOOR

26. ANWAR S/O SHONA MIA

27. GUL BAHAR W/O ANWAR

28. MOHAMMAD SHARIF S/O KABIR SAYED

29. LAILA BEGUM D/O AHMED ZAKIR

30. KAIRUL AMEEN S/O MOHAMMAD SHARIF

31. SAYEDUL KAREEM S/O MOHAMMAD SHARIF

32. SAHIDA D/O MOHAMMED ISLAM

33. ANUWARA BEGUM D/O ULLAH OLI

34. ASMA AKHTAR D/O ILIYAS MOHAMMED

35. HUSNA BEGUM D/O SHAKOOR ABDUL



Foreigners Regional Registration Officer
DELHI

36. ABDL HUSSAIN S/O MIA LAL

30305

109

37. HIDAYATULLAH S/O ABUKALAM

14B

38. FOYEZ ULLAH S/O ABDUL RAHMAN

BP

39. AZIMULLAH S/O SHARIF MOHAMMAD

Amly

40. RASHID ULLAH S/O SAYED AKBAR

100B

All Myanmar nationals,

- (i) Shall not remain in India and
- (ii) Shall depart from India as soon as possible.



(DEEPAK YADAV)
FOREIGNERS' REGIONAL REGN. OFFICER/
CIVIL AUTHORITY : DELHI.

Foreigners Regional Registration Officer
DELHI

T/c

110 Annexure P/111

**IN THE HON'BLE HIGH COURT OF DELHI AT NEW
DELHI**

WRIT PETITION (CRIMINAL) NO. 3221 OF 2025

IN THE MATTER OF:

RITA MANCHANDA

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

INDEX

S. NO.	PARTICULARS	PAGE NO.
1.	Reply to status report on behalf of Respondent No. 3 along with affidavit	1-27
2.	Proof of service	28



THROUGH

**(UJJAINI CHATTERJI), (T. MAYURAPRIYAN)
ADVOCATES FOR THE
PETITIONER**

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Place: New Delhi

Date : 27.10.2025

IN THE HON'BLE HIGH COURT OF DELHI AT NEW
DELHI

WRIT PETITION (CRIMINAL) NO. 3221 OF 2025

IN THE MATTER OF:

RITA MANCHANDA

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

**REPLY TO STATUS REPORT ON BEHALF OF
RESPONDENT NO. 3**

I. Preliminary observations

1. It is submitted at the very outset that the status report filed by Respondent No. 3 is not only incomplete and inconclusive, but also wholly misconceived and out of context. A plain reading of the specific prayers sought in the present habeas corpus petition makes it evident that the Petitioner has neither challenged the detention of the five missing Rohingya persons nor questioned any executive order of deportation, if indeed such an order has been passed. The limited and precise purpose of this Petition is to seek production of documentary evidence demonstrating compliance with the settled legal procedure governing detention and deportation, as mandated under law.
2. The sole and limited purpose of the present habeas corpus petition is to seek the production of documentary evidence

establishing compliance with the procedure prescribed for detention and deportation of all detainees and deportees, in accordance with law and as enunciated in the interim order passed in *Md. Salimullah & Anr. v. Union of India & Ors.*, W.P. (C) No. 793 of 2017. It is, therefore, submitted that far from challenging either the detention or deportation of the five missing Rohingya persons, the Petitioner merely seeks transparency through the production of documentary proof to demonstrate that the said individuals were dealt with strictly in accordance with law during the course of their detention or deportation.

3. The law of deportation as set in the Standard Operating Procedures and as outlined in the case of *Md. Salimullah & Anr. v. Union of India & Ors.*, W.P. (C) No. 793 of 2017, the Hon'ble Supreme Court of India clearly described the lawful process of deportation and stated that Union of India generally follows the procedure of notifying the Government of the country of origin of the foreigners and order their deportation only when confirmed by the Government of the country of origin that the persons concerned are citizens/nationals of that country and that they are entitled to come back. Therefore, this is a settled point of law regarding the process of deportation that is accepted by the Union of India and a matter of declared policy. Therefore, to summarise, in accordance with the Orders and observations of the Hon'ble Supreme Court of India, the lawful process of any deportation are the following steps.

- 113
- a. The Union of India Notifies the Government of the country of origin of the foreigners through their Embassies and other diplomatic channels.
 - b. Confirmation of nationality/citizenship by the Government of the Country of Origin through diplomatic channels.
 - c. Confirmation and arrangement of travel documents, tickets and other necessary arrangements by the government of the Country of Origin and their confirmation that the foreigner is entitled to come back and that the government of the country of origin shall receive them in the country of origin.
 - d. Arrangement of deportation by the Union of India by confirming their documents and fulfilling the paperwork regarding their country of nationality as provided by the Country of origin and to escort the foreigners to safely handover the foreigner to the Government officials of the Country of Origin.
4. Therefore, the sole purpose of this petition is to seek the following documents from the Respondents :
- a. **Communication with the relevant Embassy notifying their Government of the country of origin of the foreigners**
 - b. **Confirmation by the Government of the country of origin that Mohammad Sharif, Laila Begum, Syedul Kareem, Kairul Amin, and Ms. S. are citizens/nationals of that country and that they**

are entitled to come back in case they have been successfully deported already.

- c. Nationality documents of Mohammad Sharif, Laila Begum, Syedul Kareem, Kairul Amin, and Ms. S along with their travel documents such as passports, travel tickets arranged by the country of origin for the purpose of deportation/repatriation as per procedure.
- d. Detention and deportation orders of Mohammad Sharif, Laila Begum, Syedul Kareem, Kairul Amin, and Ms. S with a record of acceptance of these people through diplomatic channels by the country of their origin.
- e. Last known locations and whereabouts of Mohammad Sharif, Laila Begum, Syedul Kareem, Kairul Amin, and Ms. S.

5. A bare perusal of the Status Report submitted by Respondent No. 3 gives the impression that it has been filed in response to an entirely different petition bearing no relation to the subject matter or prayers of the present habeas corpus petition. The Status Report fails to specifically address the case of the five missing Rohingya persons namely, *Mohammad Sharif, Laila Begum, Syedul Kareem, Kairul Amin, and Ms. S*, whose cases have been brought before this Hon'ble Court through *W.P. (C) 1311/2025, W.P. (CRL) 3224/2025, W.P. (CRL) 3223/2025, W.P. (CRL) 3225/2025, and W.P. (CRL) 3222/2025*.

6. It is particularly imperative that clarity be provided not only with respect to *Mohammad Sharif, Laila Begum, Syedul Kareem, and Kairul Amin* but most crucially with respect to *Ms. S*, who is an unattended minor entitled to heightened protection under both the set procedures of detention and deportation alongside the Constitution of India, especially against the grave risks of human trafficking, custodial disappearance, and other forms of exploitation.

7. Accordingly, it becomes indispensable that the Respondents place on record the official orders of detention and deportation, as well as the confirmation received from the Embassy of Myanmar regarding the nationality of *Mohammad Sharif, Laila Begum, Syedul Kareem, Kairul Amin, and Ms. S*, together with their nationality verification documents, identification papers, and travel records whether by bus, train, flight, or otherwise. Only such documentation can establish that the process of detention and deportation was conducted not merely in accordance with law but also with due care to safeguard these individuals from the perils of trafficking, sexual slavery, child abuse, or rape. India, as a Constitutional democracy founded upon the Rule of Law, cannot afford even an iota of doubt regarding the adherence to due process and procedural transparency in such grave matters.

8. The Status report submitted by the Respondents is particularly strange as it abruptly stops their narration of what actually was done with the 5 missing Rohingya

persons after the Respondent No.3 admits to having detained them at the Shehzadabagh detention which is already stated in the habeas corpus petition filed by the Petitioner. However, the key premise of the present habeas corpus petition is that of the custodial disappearance of the 5 missing Rohingya persons. The question that arises is whether these Rohingyas are still in detention at the Sewa Sadan in Shehzadabagh? Then where is the copy of their detention/deportation order u/s 3(2)(e) of the Foreigners's Act, 1946 read with 11(2) of the Foreigners Order 1948? Have these 5 Rohingyas been deported back to Myanmar or any other country? If yes, where is the confirmation from the country of their origin regarding their nationality? Where are the copies of the travel documents and tickets arranged by the country of origin to facilitate the deportation of the 5 Rohingya persons. And if they have not yet been deported, what is their current location as they were admittedly last in the custody of the Respondents.

9. It is therefore extremely worrying that the status report is not just evasive regarding what happened to the 5 Rohingya persons on 07.05.2025 but it is derivative of its facts from the submissions of the Petitioner in her habeas corpus petition that she gathered from various secondary sources. The status report does not take a single step forward from what the Petitioner already stated in her petition, which also remains unsubstantiated without any official documentation being provided in the status report. The Status report stops at the point that on 07.05.2025, the 5 missing Rohingya persons were escorted by the officials of Delhi Police who escorted them from the Restriction

Centre, Sewa Sadan, Shehzada Bagh, Sarai Rohilla, Delhi to the designated destination for their repatriation as per procedure. Yet far from explaining this procedure and substantiating it with official documentation, the Status report does not even reveal which was this "designated destination" for their repatriation.

10. It is further vehemently reasserted that the present petition does not, in any manner, challenge the arrest, detention, or deportation of the five missing Rohingya persons or of any other individual. The present habeas corpus petition is confined solely to ascertaining the whereabouts of the said five missing persons and to seeking production of the documentary evidence pertaining to their detention and deportation, in order to establish that the process was conducted strictly in accordance with law and without any procedural or substantive dereliction. The objective of the Petition is, therefore, to ensure transparency, accountability, and adherence to the rule of law principles that lie at the very core of the constitutional remedy of habeas corpus.

PARAWISE REPLY

11. The contents of the paragraph 1 of the status report on behalf of Respondent No. 3 does not necessitate any particular response from the Petitioner.

12. With reference to the Contents of paragraph 2, the admission by the Respondent No.3 and confirmation that they had indeed arrested and detained them Sewa Sadan, Shahazadabagh, is not sufficient to establish that this was

done in accordance with the due process of law. The fact that the 5 missing Rohingya persons were detained on the said dates at the Sewa Sadan at Shehzadabagh was mentioned in the petition filed by the Petitioner herself. However, what remains to be submitted before this Hon'ble Court to establish that this detention and deportation were in accordance with law are the detention and deportation order u/s 3(2) (c) of the Foreigners Act, 1946 read with 11(2) of the Foreigners Order, 1948.

13. Further, with reference to the contents of Paragraph 3 of the Status Report, it is submitted that the facts stated therein by Respondent No. 3 are wholly unclear and devoid of essential particulars. The Respondent vaguely refers to a "perusal of petition" without specifying which petition is being referred to, the date thereof, or the context in which such perusal was made. It is further not disclosed how the alleged addresses in Myanmar were obtained and verified.

14. In this regard, it is imperative to clarify whether the Embassy of Myanmar in India being the competent authority of the country of origin of the five missing Rohingya persons, has officially confirmed these addresses, verified their identities, and prepared the requisite travel and nationality documents in accordance with law for the purpose of deportation. The Respondent must also disclose whether any travel tickets or deportation-related paperwork were issued to facilitate the process of deportation through proper coordination between the Governments of India and Myanmar.

15. Furthermore, it is essential to clarify how the ages of the five missing Rohingya persons, particularly *Ms. S*, were verified, as her only available identity document, i.e, the UNHCR Refugee Card clearly records her as a minor. In view of these serious gaps and inconsistencies, it is imperative that the complete files pertaining to all five Rohingya persons, as maintained by Respondent No. 3, be placed on record before this Hon'ble Court to ensure full transparency regarding their present whereabouts and the legality of the actions taken by the Respondents subsequent to their arrest.

16. With reference to the contents of Paragraph 4 of the Status Report, it is submitted that while the Petitioner is aware that the five missing persons belong to the Rohingya community and that their country of origin is Myanmar, she has no knowledge whatsoever as to whether they possess any citizenship or nationality documents issued by the Government of Myanmar. Such information lies exclusively within the knowledge of the Respondents and can only be ascertained through due consultation and verification with the Embassy of Myanmar. It is respectfully submitted that verification of nationality constitutes the most fundamental and indispensable step prior to the deportation of any individual from India, and any deportation undertaken without such verification would be contrary to settled legal and constitutional principles.

17. With reference to the contents of para 5 of the status report, it is stated that the Respondents must disclose,

annex and share this apparently crucial document from the Ministry of Home Affairs vide Office Memorandum bearing No. 25022/28/2025-F.I (Part III) dated 02.05.2025. It is particularly relevant to note herein that reference is being made to the deportation of Bangladeshi nationals and Rohingyas. However, the nationality of Rohingyas are not confirmed in this paragraph which creates further confusion in the circumstances. It is also a matter of fact that powers for deportation/repatriation of any foreigner is vested in the Central Government as per the provisions of the Foreigners Act, 1946. It is indeed correct that the Central government in India has the powers to issue orders requiring the foreigner to reside in a particular place and imposing restrictions on his/her movements. These are crucial executive functions and are not subject to any challenge or question by the Petitioner in the context of this particular habeas corpus petition. This petition is limited to the following questions :

- a. Have the five missing Rohingya persons been deported? If so, the Respondents must provide the executive orders of deportation, along with verification and confirmation of nationality by the relevant Embassy, and copies of their nationality/citizenship and travel documents, including tickets and verified addresses in Myanmar. Until what point did the Delhi Police escort these five missing Rohingya persons for their repatriation, and at what point were they received by officials of their country? When did this transfer take place, and

what is the diplomatic and documentary trail of this deportation?

- b. Are these five Rohingya refugees being detained in India pending their deportation? If yes, what is their present location? The Respondents ought to share such detention orders and confirm their present location and that they are being held in accordance with law as per the provisions of the Foreigners Act, 1946 and other relevant laws as stated in the status report by the Respondent No.3

18. With reference to the contents of paragraph 6 of the Status report, it is submitted that the Repatriation Order dated 07.05.2025 as annexed by the Respondents is limited to making an observation that the five missing Rohingyas are Myanmar nationals, that they shall not remain in India and that they shall depart from India "as soon as possible". Now, this is very confusing on three counts namely :

- a. Firstly, when the Respondent No.3 is certain of the nationality of the five missing Rohingyas, they must have received some kind of communication, verification and confirmation from the Embassy of Myanmar, who are the competent authority to arrange the deportation of the Rohingyas back to Myanmar through diplomatic channels. Yet, neither the order nor paragraph 6 of the status report have even an utterance regarding the nationality verification and diplomatic confirmation regarding the nationalities of the five missing Rohingya persons.

- b. Secondly, while the order clearly states that the five missing Rohingya persons "shall not remain in India", neither the Order nor the paragraph provides any clarity as to where they must go and whether the Respondents are ready to deport them in accordance with law, i.e., through diplomatic channels, verification and confirmation of their addresses in Myanmar and a confirmation from the government of Myanmar that they are "entitled to come back". This is particularly relevant because otherwise, removing the five missing Rohingya persons shall not be possible at least as per the set laws of India, the Foreigner's Acts and the policy outlined by the Respondents themselves.
- c. Thirdly, the expression that they shall depart from India "as soon as possible" is very confusing. The order does not say that they shall be "deported from India", it says that they shall "depart" from India "as soon as possible". This is not just vague but also without a timeline. What does "depart" in this context imply, especially when the 5 missing Rohingya persons were last known to be in the custody of the Respondents. How can they "depart" without the Myanmar officials verifying and confirming their nationality and travel documents? And without a timeline being set, the deportation process cannot even be expedited. Yet, the entire order does not even mention the word "deportation". Does this mean that the five missing Rohingya persons are still in the custody of the Respondents?

If yes, where are they and what is being done to them?

19. With reference to the contents of paragraph 7, it is stated that it conceals more information than it reveals. The Respondent No.3 admits that on 07.05.2025 the five Rohingya persons were handed over to the officials of Delhi police who escorted them from the Restriction Centre, Sewa Sadan, Shahzada bagh, Sarai Rohilla, Delhi to the designated destination for their repatriation. Mere stating that the Repatriation was "as per procedure" is not sufficient. Rule of Law and the need for transparency mandates that relevant information through documentary evidence and record be shared to establish that indeed the process established by law was adhered to at all stages. The status report practically ends at this point. The following questions remain to be answered :

- a. Till what point did the Delhi police escort the five missing Rohingya persons? Where are these five Rohingya persons now? At what point did the Repatriation process conclude and what is the documentation regarding the same? What was the transportation means of repatriation of the five Rohingyas?
- b. Who received these five Rohingya persons and at what point did the custody of these five Rohingya persons get transferred to any other and what role did the Government of Myanmar through their Embassy in India play in this entire process?

20. With reference to the contents of Paragraph 8 of the Status Report, it is submitted that the said paragraph is not only out of context of the present petition but also entirely academic in nature. It is not understood why, in a status report concerning the domestic legal framework governing detention and deportation and a habeas corpus petition seeking clarity on the custodial disappearance of five missing Rohingya persons, founded squarely upon the provisions of the **Constitution of India, the Foreigners Act, 1946, and its corresponding Rules read with the Immigration and Foreigners Act, 2025**, the Respondents have abruptly chosen to invoke and discuss certain irrelevant United Nations laws.

21. The premise of the present habeas corpus petition is limited to seeking transparency and documentary evidence to ensure that any detention or deportation, if undertaken, has been carried out strictly in accordance with Indian law. It does not, at any point, raise or argue the principle of *non-refoulement*, nor does it challenge any deportation per se, so long as it has been effected lawfully and in conformity with the ruling of the Hon'ble Supreme Court in *Md. Salimullah & Anr. v. Union of India & Ors.* The Respondents, therefore, appear either not to have read the prayers and pleadings of the Petitioner with due care, or are deliberately attempting to divert the focus of the present proceedings toward issues that are wholly extraneous to the matter at hand.

22. With reference to the contents of paragraph 9 and 10 of the Status Report, it is stated, reiterated and vehemently

asserted that under no circumstances, does the Petitioner assert that the five missing Rohingyas are entitled to any special benefits or rights because of their UNHCR refugee cards. The sole reason for attaching the refugee cards of the five missing Rohingya persons with her habeas corpus petition, was because UNHCR cards are the only available identity documents of the five missing Rohingyas. It is precisely for this reason of unavailability of any further nationality documents, travel documents or address proof of the five missing Rohingya persons that the Petitioner preferred the present habeas corpus petition in order to seek that detention/deportation, address verification and other embassy confirmation documents be provided. The Petitioner is in no way challenging the right of the Respondent No.2 to pass an executive order to deport any foreigner from India. However, the sole premise of her petition is to determine that such detention or deportation is being done in accordance with the laws of India including The Immigration and Foreigners Act, 2025 and The Citizenship Act, 1955, that govern the detention and deportation of foreigners.

23. The contents of paragraph 11 of the status report is a mere statement of policy which is absolutely of no relevance to the present petition and the immigration policies of India is neither in question nor in challenge in the petition. It is rather expected that when the Respondents are so methodical in following procedure established by law, they shall have clear document trail and official records of the five missing Rohingya persons who appear to have been custodially disappeared by them.

Their tendency to not answer to the point, attach no official documents and intentionally digress from the subject raises further suspicion about whether the procedure established by law was followed by them in the case of the five custodially disappeared Rohingya persons.

24. With reference to the contents of paragraph 12, the Petitioner does not understand the relevance of reproducing a section of the Citizenship Act, 1955 to explain the definition of an "illegal migrant". The Respondents, at this point appear to convert their Status Report into an academic brief with "reporting the status" and presenting official records of the five missing Rohingya persons who seem to have been custodially disappeared by the Respondents.

25. With reference to the contents of paragraph 13 of the Status Report, it is stated that at this point, the Status report has lost its direction entirely and the Respondent No.3 appears to fight a shadow of their own creation. The sovereign power of the Indian government to ban, refuse or obstruct a foreigner from entering India in the interest of national security, peace and harmony is not just a right of the Respondents but also an obligation entrusted upon them by the Constitution of India, which is neither being questioned nor challenged by the Petitioner in her petition.

26. With reference to the contents of paragraph 14 and 15, it is stated that the mere statement that the Respondent office followed the procedure laid out for deportation of illegal migrants of Bangladesh/Rohingya (Myanmar Nationals) as per the directions in the interim order passed

in the case of Salimullah and Anr. v Union of India and Ors. (Writ Petition (Civil) 793 of 2017), is not adequate. The Respondents ought to substantiate their statement with the relevant documentation including detention/deportation orders, communication, verification and confirmation by the Embassy of Myanmar regarding the nationality of the five missing Rohingyas, information regarding repatriation and confirmation from the Embassy of Myanmar that the five Rohingya persons are entitled to be repatriated to Myanmar. In that context, the contents of paragraph 4 are reiterated herein. It must also be noted that the very habeas corpus petition of the Petitioner has been premised and filed with strong reliance upon the interim directions and holdings of the Salimullah and Anr. v Union of India and Ors. A copy of the Order passed by the Hon'ble Supreme Court of India in Mohammad Salimullah & Anr. v. Union of India & Ors., have been attached with the petition and marked as Annexure P7.

27. With reference to the contents of Paragraph 16 of the Status Report, the Petitioner vehemently denies that the cause of action in *Mohd. Ismail & Anr. v. Union of India & Ors.* bears any similarity to that of the present petition. The comparison drawn by Respondent No. 3 is wholly misplaced and appears to be a mischievous attempt to divert attention from the narrow and limited subject matter of the instant petition which is a critical and time-sensitive writ of habeas corpus that seeks clarity on compliance with the Rule of Law and with the directions of the Hon'ble Supreme Court of India — and to instead open a floodgate of issues that are entirely distinct and, in fact, contradictory

to the scope of the present matter. The present habeas corpus petition is fundamentally different from *Mohd. Ismail & Anr. v. Union of India & Ors.* It does not challenge any lawful order of detention or deportation, nor does it seek repatriation of deported persons, compensation, or any omnibus relief of such nature. The scope of the present petition is narrowly confined to seeking official documentation substantiating the Respondent No. 3's own assertion that all actions undertaken in respect of the five missing Rohingya persons have been carried out strictly in accordance with the process established by law.

28. For the sake of further clarity, the table below lists all the prayers in the case of *Mohd. Ismail & Anr. v. Union of India & Ors.* and the prayers sought in the present habeas corpus case. A bare perusal of the table confirms that the present habeas corpus petition is entirely distinct in character, assertion and prayers from the case of *Mohd. Ismail & Anr. v. Union of India & Ors.*

S no.	Prayer in Mohd. Ismail & Anr. v. Union of India & Ors.	Prayer in Rita Manchanda v. Union of India & Ors. (present case)
1.	For a Writ Order or Direction, declaring that the forced and clandestine deportation of the Rohingya refugees listed in this petition as described in the petition is unconstitutional and unjust and for an order to the Union of India to	Issue a writ of habeas corpus, or any other writ, direction, or order of like nature directing the Respondent Authority to produce

	forthwith take steps to fly the said Rohingyas back to New Delhi India from wherever they are and to release them from custody.	and disclose the last known location and whereabouts of the five missing Rohingya refugees, namely: (a) Mohammad Sharif, (b) Laila Begam, (c) Kairul Amin, (d) Syedul Kareem and (e) Ms S.
2.	For a Writ Order or Direction to the Union of India to hereinafter not arrest or take into custody and Rohingya with an UNHCR card, and to treat them with respect and dignity and to ensure that their human rights are not violated in any manner.	Issue a writ of mandamus, or any other writ, direction, or order of like nature directing the Respondent Authority to disclose the complete files maintained by them which include any deportation orders, official communications with the relevant Embassy and other officials regarding such deportation and receipt in the Country of origin, criminal records, medical records, records of entry and exit to India and all other available executive and judicial orders and information of like nature of: (a) Mohammad Sharif, (b) Laila Begam, (c) Kairul Amin,

		(d)Syedul Kareem and (e)Ms S.
3.	For an order directing for the Union of India to abide by the Supreme Court decision in the case of <i>NHRC vs State of Arunachal Pradesh (1996(1) SCC 742)</i> as well as all the other judgements of the courts in India as set out in this petition and to not deport any Rohingya residing in India to any other country.	
4.	For an order directing the Union of India to restart issuing residency permits to UNHCR card holders as per Domestic Refugee Policy.	
5.	For an order for Union of India to pay a compensation of Rs 50 lakhs to each to the Rohingya Deportee as listed in this Writ Petition.	
6.	For an order directing the Union of India to abide by the International law.	
INTERIM RELIEF		
7.	For an Writ, Order or Direction for an immediate stay on the detention, custodial torture and ill treatment and deportation of Rohingya Refugees/ or refugees registered with the UNHCR India having UNHCR Cards.	
8.	For an Order or Direction for setting up of an SIT to enquire into the detention, custodial torture, ill treatment and Subsequent Deportation as mentioned in the Writ Petition.	

29. For the purposes of further clarity, it is further asserted that the Hon'ble Supreme Court of India was pleased to tag the case of *Mohd. Ismail & Anr. v. Union of India & Ors.* with the batch petitions of *Salimullah and Anr. v Union of India and Ors. (Writ Petition (Civil) 793 of 2017)*. The Hon'ble Supreme Court of India, vide order dated 31.07.2025, was pleased to frame the following issues in the batch matters, none of which are remotely similar to that of the prayers in the present petition :

(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 are 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?*

30. It is further submitted that the assertion that the mere pendency of certain matters before the Hon'ble Supreme Court of India, which broadly challenge laws relating to a particular community or subject, renders the present case a "similar cause of action," is an entirely misplaced and legally untenable position. For instance, several petitions are pending before the Hon'ble Supreme Court challenging the *National Register of Citizens (NRC)* in Assam. However, this does not imply that every proceeding before the *Foreigners' Tribunals* concerning the NRC automatically constitutes a similar cause of action as those pending constitutional challenges before the Supreme Court. Likewise, there are numerous pending petitions challenging specific provisions of various special legislations in India, including the recently enacted criminal law codes. Yet, it cannot be contended that every individual criminal case instituted under those statutes raises a similar cause of action as the broad constitutional issues being adjudicated by the Hon'ble Supreme Court in such challenges. By the same analogy, not every case involving members of the Rohingya community can be deemed to raise the same cause of action as *Mohd. Ismail & Anr. v. Union of India & Ors.* or *Md. Salimullah & Anr. v. Union of India & Ors.* This position stands squarely affirmed by the Hon'ble Supreme Court in *Sabera Khatoon v. Union of India & Ors.*, W.P. (Crl.) No. 318 of 2023, wherein the Hon'ble Court expressly revived a

habeas corpus petition before this Hon'ble Court instead of tagging it with the *Salimullah* batch of matters, observing that the issues involved were distinct and, this Hon'ble Court was the appropriate forum to adjudicate the matter.

31. With reference to the contents of paragraph 17 of the status report, all assertions of the Petitioner are vehemently reasserted and reiterated. It is further stated that the fact that Respondent No. 3 has not only refused to provide any official confirmation regarding either the detention or deportation of the five missing Rohingyas, but has also failed to share even a shred of documentary evidence regarding the confirmation of their nationality by the relevant Embassy, verification of their address, or any official record confirming that the Embassy of Myanmar has indeed certified that these five missing Rohingyas are entitled to be repatriated to Myanmar in accordance with law, only strengthens the apprehensions and suspicions that the Respondents are attempting to conceal material facts.

32. This concern is further aggravated by the Respondent No. 3's repeated attempt, even in the last paragraph of the status report, to mislead the issue by asserting that the Hon'ble Supreme Court of India has not stayed the deportation or repatriation of "illegal Rohingya migrants." It is unclear why such a statement is being advanced as a defence in the present proceedings, as the Petitioner has nowhere challenged the deportation of either the five missing Rohingyas or any other foreign national, provided the same is carried out strictly in accordance with due

process of law and the directions of the Hon'ble Supreme Court of India and the Ministry of Home Affairs. Yet, the Respondents have failed to produce any document whatsoever indicating the current status or whereabouts of the said five missing Rohingyas. They have been unable to answer even the most fundamental question of whether these individuals are still in India or have been deported, and if so, when and to where. The continued absence of such information renders the conduct of the Respondents highly questionable and lends strong credence to the apprehension that there is an attempt at concealment and cover-up. It is therefore stated that the status report submitted on behalf of the Respondent No.3 must be returned/rejected for being incomplete, inconclusive and absolutely evasive of the issues raised by the Petitioner in her habeas corpus petition.

33. The prayers in the present habeas corpus petition preferred by the Petitioner are reasserted and reiterated herein. The Respondents ought to produce and disclose the last known location and whereabouts of the five missing Rohingya refugees, namely: (a) Mohammad Sharif, (b) Laila Begam, (c) Kairul Amin, (d) Syedul Kareem and (e) Ms S. Further, the Respondents must disclose the complete files maintained by them which include any deportation orders, official communications with the relevant Embassy and other officials regarding such deportation and receipt in the Country of origin, criminal records, medical records, records of entry and exit to India and all other available executive and judicial orders and information of like nature of: (a) Mohammad Sharif,

135
(b) Laila Begam, (c) Kairul Amin, (d) Syedul Kareem and
(e) Ms S.

Drafted by :

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T. Mayurapriyan, Adv.

Mahvish Fatim, Adv.

Assisted by :

Rishika Verma

Bisman Kaur, Law researcher

Ujjaini Chatterji

THROUGH

(UJJAINI CHATTERJI), (T. MAYURAPRIYAN)

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Place: New Delhi

Date : 27.10.2025

T/C

IN THE HON'BLE HIGH COURT OF DELHI AT NEW
DELHI

W.P. (CrI) NO. 3221 OF 2025

IN THE MATTER OF:

RITA MANCHANDA

...PETITIONER

Versus

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Rita Manchanda, aged about 76 years, D/o Brij Mohan Manchanda, resident of H-31A Ground Floor Jangpura Extension, Opposite Amarnath Sehgal Private Museum, New Delhi 110014, do hereby solemnly affirm and state as under:

1. That I am the Petitioner in the accompanying Writ Petition under Article 226 of the Constitution of India and as such am well versed with the facts of the case.



That the contents of the accompanying Reply have been drafted by my counsel under my instructions and contents of the same are true and correct to the best of my knowledge.

137

Rib Plancha
DEPONENT

VERIFICATION:

Verified at New Delhi on this 16 OCT 2025 day of 2025, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and nothing material has been concealed herein.

Nigam Chatterjee
I identified the deponent who
has signed in my presence.



Identified
by

Nigam Chatterjee

Rib Plancha
DEPONENT

16 OCT 2025

CERTIFIED THAT THE DEPONENT
Srl/Sm. Km. *Dr. P. M. Chatterjee*
S/o, W/o, D/o. *Chatterjee*
R/o. *Chatterjee*
Identified by *Dr. P. M. Chatterjee*
has signed as shown before me at
New Delhi on *16 OCT 2025* as *Dr. P. M. Chatterjee*
That the contents of the affidavit which have
been read & explained to him are true and
correct to this knowledge

138

SECTION

J JOE ANTON BENO

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2025

[UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA]

IN THE MATTER OF:

RITA MANCHANDA

...PETITIONER

VERSUS

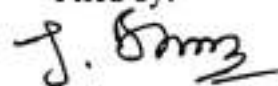
UNION OF INDIA & ORS.

...RESPONDENTS

INDEX

Sl. No.	Description	Copies	C. Fee
1	Listing Proforma		
2	Synopsis		
3	Writ Petition with affidavit		
4	Annexure P-I to P-11		
6	Vakalatnama & Memo of appearance		
	Total		

Filed by:



J JOE ANTON BENO

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PLACE: NEW DELHI

Dated: 27.11.2025

139

IN THE HON'BLE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (Crl) NO. OF 2025

IN THE MATTER OF:

RITA MANCHANDA

...PETITIONER

Versus

UNION OF INDIA & ORS.

...RESPONDENTS

VAKALATNAMA

I, Rita Manchanda, aged about 76 years, D/o Brij Mohan Manchanda, resident of H-31A Ground Floor Jangpura Extension, Opposite Amarnath Sehgal Private Museum, New Delhi 110014 Petitioner / Respondent in the above petition / Appeal / Reference do hereby appoint and retain Mg. Joe Antonio Bengo, Advocate to act and appear for me / us in the above suit / Appeal / Reference and on my / our behalf to conduct and prosecute or (Defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Suit Petition/Reference and in application of Review and to represent me / is and to take all necessary steps on my behalf in the above matter. I/We agree to ratify all acts done by the aforesaid advocate in pursuance of his authority.

Sudi Dated this the 27th day of

November 2025

Accepted/Identified: gopal kishor

J. Joe Antonio Bengo
Advocate

Rita Manchanda
(RITA MANCHANDA)
Petitioner / Respondent / Appellants

MEMO OF APPEARANCE

The Registrar
Supreme Court of India
New Delhi - 110 001

140

Sir,

Please enter appearance on behalf of the Petitioner(s) / Appellant(s)

/ Respondent (s) in the above mentioned matter. Dated this the

____ Day of

2025.

J. Samz

(J. Joe Anton Beno)

Advocate

For the Appellants(s) Petitioner(s) Respondent(s)

CODE NO. 3041