

09.12.2025

DISPARAGEMENT OF THE SUPREME COURT IS UNACCEPTABLE

We the undersigned retired Judges express our strong objection to the motivated campaign targeting the Hon'ble Chief Justice of India in the wake of his remarks in proceedings concerning Rohingya migrants, including the open letter dated 5 December 2025.

Judicial proceedings can and should be subject to fair, reasoned criticism. What we are witnessing, however, is not principled disagreement but an attempt to delegitimize the Judiciary by mischaracterizing a routine courtroom proceedings as an act of prejudice. The Chief Justice is being attacked for asking the most basic legal question: **who, in law, has granted the status that is being claimed before the Court? No adjudication on rights or entitlements can proceed unless this threshold is first addressed.**

Equally, the campaign conveniently omits the Bench's clear affirmation that no human being on Indian soil, citizen or foreigner, can be subjected to torture, disappearance or inhuman treatment, and that every person's dignity must be respected. To suppress this and then accuse the Court of "dehumanisation" is a serious distortion of what was actually said.

In this context, we consider it necessary to clearly restate certain basic facts and legal positions:

1. **Rohingya have not come to India as refugees under Indian law.** They have not been admitted through any statutory refugee-protection framework. Their entry, in most cases, is irregular or illegal, and they cannot unilaterally convert that position into a legally recognised "refugee" status merely by assertion.
2. **India is neither a signatory to the UN Refugee Convention of 1951 nor its 1967 Protocol.** Bharat's obligations towards those who enter its territory arise from its own Constitution, its domestic laws on foreigners and immigration, and general human rights norms, not from a treaty regime we have consciously chosen not to join.
3. **There is a serious and legitimate concern as to how persons who entered India illegally have obtained Aadhaar cards, ration cards and other Indian documentation.** These instruments are meant for citizens or lawfully resident persons. Their misuse corrodes the integrity of our identification and welfare systems and raises grave questions about collusion, document fraud and organised networks.
4. **In these circumstances, it is both necessary and appropriate that a Court-monitored Special Investigation Team (SIT) be considered.** Such an SIT should inquire into the manner in which illegal entrants obtained Aadhaar,

ration cards and other identity/welfare documents, identify the officials and intermediaries involved, and expose any trafficking or security-linked networks that may be exploiting humanitarian concerns.

5. **The situation of the Rohingya in Myanmar itself is complex and cannot be brushed aside.** There, too, they have long been treated as illegal migrants originating from Bangladesh, with contested or denied citizenship. This background only reinforces the need for Indian courts to proceed on clear legal categories, not slogans or political labels.

Against this backdrop, the judiciary's intervention has been firmly within constitutional bounds and directed towards protecting the country's integrity while upholding basic human dignity. The judgment and observations under attack reflect this balance with insistence on legality and national security on the one hand, and unequivocal rejection of torture, disappearance and inhuman treatment on the other.

To convert such a constitutionally compliant approach into a charge of inhumanity is unfair to the Chief Justice and damaging to the institution. If every searching judicial question on nationality, migration, documentation or border security is met with accusations of hate or prejudice, judicial independence itself will be at risk.

We therefore:

- Affirm our full confidence in the Supreme Court of India and in the Hon'ble Chief Justice of India in their discharge of constitutional duties without fear or favour;
- Condemn motivated attempts to distort the Court's remarks and personalise disagreement into attacks on individual judges; and
- Support consideration of a Court-monitored SIT into the illegal procurement of Indian identity and welfare documents by foreign nationals who have entered Bharat in violation of law.

Bharat's constitutional order demands both humanity and vigilance. In upholding human dignity while safeguarding national integrity, the judiciary has acted in accordance with its oath. It merits principled support, not vilification.

**With highest regards
Yours Faithfully**

**Justice Permod Kohli
Mobile No. 8826131111**

-----List of Signatories Attached-----