

ITEM NO.50

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No. 1045/2018

SUPREME COURT LEGAL SERVICES COMMITTEE

Petitioner

VERSUS

UNION OF INDIA & ANR.

Respondents

Date : 10-05-2019 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SANJIV KHANNA

Mr. Gourab Banerji, Sr. Adv./A.C. (N/P)

Mr. Prashant Bhushan, Adv./A.C.

For Petitioner

For Respondents

Mr. Tushar Mehta, SG  
Ms. Aishwarya Bhati, Sr. Adv.  
Ms. Binu Tamta, Adv.  
Mr. B.V. Balaram Das, AOR

Mr. Tushar Mehta, SG  
Mr. Shuvodeep Roy, AOR  
Ms. Diksha Rai, Adv. (AOR)  
Ms. Palak Mahajan, Adv.  
Mr. Rajat Nair, Adv.  
Mr. Ankit Roy, Adv.  
Mr. Rijuk Sarkar, Adv.  
Ms. Manreet Kaur, Adv.

Ms. Uttara Babbar, AOR  
Mr. Manan Bansal, Adv.

Mr. Debojit Borkakati, Adv. (AOR)  
Mr. Vivek Sonkar, Adv.

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

We have heard learned counsels for the parties.

Insofar as the larger issue, namely, deportation

of declared foreigners and setting up of additional Foreigners Tribunals in the State of Assam is concerned, upon hearing Mr. Tushar Mehta, learned Solicitor General, appearing for the State of Assam, we are of the view that the State should be given some further time to indicate the progress made on the diplomatic level etc.. Further, we would require the State to place on record a detailed scheme, in consultation with the Gauhati High Court (on the administrative side), with regard to the constitution of Foreigners Tribunals including appointment of Members, staff etc. The said details shall be placed on record as soon as possible and if required, the State will be at liberty to make a mention of the matter before the Vacation Bench.

Insofar as the release of detenués who have served long period of detention in the detention centres awaiting their deportation is concerned, we are of the view that detenués who have completed more than three years may be released, subject to the following conditions:-

- (a) Execution of bond with two sureties of Rs.1,00,000/- (Rupees one lakh only) each of Indian citizens;
- (b) He or she specifies verifiable address of stay after release;
- (c) Biometric of his/her iris (if possible) and all ten fingerprints and photos shall be captured and stored in a secured database before release from the detention centres. He or she shall report once every week to the Police Station specified by the Foreigners Tribunal;
- (d) He or she shall notify any change of his

or her address to the specified Police Station on the same day, and

(e) A quarterly report to be submitted by the Superintendent of Police (Border) to the Foreigners Tribunal regarding appearance of such released declared foreigner to concerned Police Station and in case of violation of condition, the DFN will be apprehended and produced before Foreigners Tribunal.

Matter be listed in the month of July, 2019 unless otherwise mentioned by the learned counsel for the State.

(Deepak Guglani)  
Court Master

(Anand Prakash)  
Court Master